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Article 1. Title, Purpose, & Applicability

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1.9 SEVERABILITY
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1.1 TITLE

The official title of this document is Unified Development Ordinance for the City of Charlotte, North Carolina and is known, cited, and referred to throughout this document as the "City of Charlotte Unified Development Ordinance," "Unified Development Ordinance," "Ordinance," or "UDO."

1.2 AUTHORITY

A. The development regulations contained in this Ordinance have been adopted pursuant to the authority conferred by the North Carolina General Statutes, and through special legislation enacted by the North Carolina General Assembly for the City of Charlotte.

B. Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statues (N.C.G.S.) and that section is later amended or superseded, this Ordinance shall be deemed to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.3 PURPOSE AND INTENT

The purpose and intent of this Unified Development Ordinance is to establish regulations to serve the City of Charlotte, North Carolina, and its extraterritorial jurisdiction to:

A. Promote the public health, safety, and general welfare of the community.

B. Promote orderly development in accordance with the Comprehensive Plan and other City Council adopted development related policies.

C. Assign zoning districts to land within the City and the extra-territorial jurisdiction according to use of land and structures, mass and height of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Ordinance.

D. Preserve and enhance the character of structures and communities that constitute the distinct places within the City.

E. Promote economic development that balances the needs of the current and future economy with a high quality of life standard.

F. Provide for preservation, protection, and conservation of natural resources and historic resources.

G. Promote principles of sustainability and resiliency to climate change.

H. Maintain, develop, and plan for public facilities and utilities in an economical and environmentally responsible manner.

I. Provide a diversity of housing choices for all income levels and groups with an emphasis on affordability.

J. Provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.

K. Focus growth to support the principles of the City Council adopted Comprehensive Plan by preserving open space and natural areas, reducing traffic congestion, utilizing existing infrastructure and resources, and preserving quality of life.

L. Plan, construct, and maintain an accessible, efficient, multi-modal transportation system that meets the needs of the public and commerce, and creates safe and equitable mobility.

M. Provide for procedures for the administration of the Ordinance and efficient review of development proposals.

1.4 JURISDICTION AND APPLICABILITY

A. Jurisdiction

All provisions of this Ordinance shall apply within the corporate limits of the City of Charlotte, North Carolina, and within the City's extraterritorial jurisdiction.

B. Applicability of Place Types

The Council adopted ~~Comprehensive Plan~~ Policy Map is structured by Place Types. Within this Ordinance, certain standards and requirements are based upon such Place Type designations at the time of plan submittal.

C. Applicability of Conditional Zoning Districts

1. A conditional zoning district in place prior to the effective date of June 1, 2023 of this UDO, with the exception of conditional zoning districts located in the special flood hazard area as specified below, shall meet the regulations of all development ordinances in effect on the date of such conditional zoning district approval as well as the conditional zoning site plan and site-specific conditions. Conditional Zoning Districts located within the special flood hazard area shall be subject to floodplain regulations standards and Flood Insurance Rate Maps (FIRMs) maps in effect at the time of the floodplain development permit application submission. These sites shall be subject to all other regulations of all other development ordinances in effect on the date of such conditional zoning district approval as well as the conditional zoning site plan and site-specific conditions.

2. A conditional zoning district approved after the effective date of June 1, 2023 of this UDO but under the regulations of the prior Zoning Ordinance shall meet the regulations of all development ordinances in effect prior to the effective date of June 1, 2023 of this UDO as well as the conditional zoning site plan and site-specific conditions.

3. A conditional zoning district approved after the effective date of June 1, 2023 of this UDO and under the regulations of this UDO shall meet the regulations of this UDO as well as the conditional zoning site plan and site-specific conditions.

4. The above shall include any optional and EX zoning districts.

1.5 TRANSITION RULES

The following transition rules shall apply to various development and use-related activities, actions, and other matters pending or occurring as of the effective date of June 1, 2023 of this Ordinance.

A. Violations Continue

Any violation of any development ordinances incorporated into this Ordinance shall continue to be a violation under this Ordinance and shall be subject to the penalties set forth at the time of the violation, unless the use, development, construction, or other activity is now in compliance with the standards and regulations of this Ordinance.

B. Previously Granted Approvals

Any project for which a permit was issued or development approval was granted pursuant to any development ordinance incorporated into this Ordinance, prior to the effective date of June 1, 2023 of this Ordinance or any amendment thereto, may be completed in conformance with the issued permit or development approval.

C. Existing Uses

Table 1-1: Use Transitions describes how existing uses shall be allowed if a use permission has changed. This does not apply to conditional zoning map amendments.

Table 1-1: Use Transitions		
Previous Use Category	**UDO Use Category**	**Functional Change**
Permitted use	Permitted use	No change
Permitted use with prescribed conditions	Permitted use with prescribed conditions	Any subsequent addition, enlargement, or expansion of that use shall comply with new prescribed conditions
Permitted use	Permitted use with prescribed conditions	Any subsequent addition, enlargement, or expansion of that use shall comply with new prescribed conditions
Permitted use with prescribed conditions	Permitted use	No longer subject to any prescribed conditions
Permitted use	Not allowed	Prohibited in the zoning district; existing use is a legal nonconforming use
Permitted use with prescribed conditions	Not allowed	Prohibited in the zoning district; existing use is a legal nonconforming use

D. Illegal Structures or Uses

Existing structures or uses that have been deemed illegal per any development ordinance incorporated into this Ordinance shall be subject to the following:

1. Any structure or use that was illegal prior to adoption of this Ordinance, but is subsequently made legal by this Ordinance, is deemed legal as of the effective date of June 1, 2023 of this Ordinance.

2. Any structure or use that was illegal prior to adoption of this Ordinance and does not conform to all requirements of this Ordinance, remains illegal. Illegal structures and uses are not considered nonconforming structures or uses.

1.6 RELATIONSHIP TO OTHER REGULATIONS

A. Where conditions, standards, or requirements imposed by any provision of this Ordinance are inconsistent with any standard imposed by any other federal, state, or local statute, law, ordinance, regulation, license, or permit, the most restrictive shall control, to the extent permitted by law.

B. Where multiple standards or requirements regulate an element of development within this Ordinance, the most restrictive standard or requirement shall control. However, where a more specific standard or requirement of an element of development conflicts with a general standard or requirement, the more specific standard or requirement shall apply.

C. This Ordinance does not nullify any private easements, covenants, or other agreements between parties. The City will not enforce any private agreement or covenant.

D. Notwithstanding the provisions of this Ordinance, the North Carolina State Building Code and the North Carolina State Fire Prevention Code~~North Carolina State Fire Code~~, and their accompanying appendices, are applicable and control at all times.

1.7 CURRENT VERSIONS AND CITATIONS

A. All references to other regulations, documents, maps, or manuals in this Ordinance refer to the most current version and citation for those regulations, documents, maps, or manuals, unless expressly indicated otherwise.

B. If the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, Ordinance requirements for compliance are no longer in effect.

C. Whenever a provision of this Ordinance refers to any other part of the City Code or to any other law, the reference applies to any subsequent amendment of that law.

1.8 STATE OF EMERGENCY

A. This Ordinance, in whole or in part, may be temporarily suspended during federal disaster "State of Emergency" declarations by the Executive Office of the President and/or Federal Emergency Management Administration (FEMA) and/or during "Imminent Threat Alert" declared by the U.S. Department of Homeland Security by resolution adopted by the City Council during a regular, continued, special, or emergency meeting of the City Council. The Planning Director may suspend the application of all or part of these rules during a state of emergency declared by the Governor of the State of North Carolina, resolution of the North Carolina General Assembly, or local governinged body or mayor.

B. Upon the conclusion, lifting, and/or rescinding of the declared "State of Emergency" by the authorized federal and/or state official, these rules are reinstated without further action by the City and shall be in full force and effect.

1.9 SEVERABILITY

If any article, section, or specific provision or regulation or any zoning district boundary in this Ordinance that now exists or may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other article, section, provision, regulation, standard, or zoning district boundary of these regulations, except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

1.10 EFFECTIVE DATE

This Ordinance shall become effective on June 1, 2023.

Article 2. Rules of Construction, Abbreviations, & Definitions

2.1 RULES OF CONSTRUCTION
2.2 GENERAL ABBREVIATIONS
2.3 GENERAL DEFINITIONS

2.1 RULES OF CONSTRUCTION

For the purposes of these regulations, the following rules of construction shall apply:

A. Illustrations, Diagrams, and Flowcharts

Illustrations, diagrams, and flowcharts are included in this Ordinance to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text shall control.

B. Tables and Matrices

Unless otherwise specifically indicated, a cell within a table or matrix that is blank and shaded denotes that the standard does not apply.

C. Days

Unless otherwise specifically indicated in this Ordinance, days are calculated as follows:

1. When a period of time is specified in days, such period of time shall be computed in calendar days.

2. In computing any specified period of time from a specified event, the day on which the event happens is deemed the day from which an act is authorized or required to be done.

3. If the period is of two days, Saturday, Sunday, or a public holiday is excluded if it is an intervening day between the day when an act is authorized or required to be done and the last day of the period.

D. Fractions

Any fraction of a half or more shall be rounded up to nearest whole number, and a fraction of less than a half will be rounded down to the nearest whole number, unless how such fraction is treated is specifically indicated in an Ordinance regulation.:

E. Mandatory, Permissive, and Prohibiting Terms

1. The terms “shall,” “must,” and “will” are mandatory, indicating an obligation to comply with the particular provision.

2. The terms “may,” “should,” “encouraged,” and “can” are permissive, indicating that compliance with a particular provision is not mandatory but allowed.

3. The terms “shall not,” “must not,” “will not,” “cannot,” and “may not” are prohibiting, indicating an action or other provision is prohibited.

F. Lists

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only and shall not be construed as being limited to the items or examples listed.

G. Conjunctions

1. “And” indicates that all connected words or provisions apply.

2. “Or” indicates that the connected words or provisions may apply singly or in any combination.

3. “Either [...] or” indicates that the connected words or provisions apply singly, but not in combination, referring to a choice between options.

H. General Construction

1. The present tense includes the past and future tenses, and the future tense includes the present.

2. The singular includes the plural and vice versa.

3. Words denoting one gender apply to all genders.

I. Terms Not Defined

Whenever a defined word or term appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition. Words not defined shall be interpreted in accordance with the definitions considered to be normal dictionary usage.

2.2 GENERAL ABBREVIATIONS

The following abbreviations may be used within this Ordinance. Additional abbreviations may be used throughout this Ordinance.

~~**BTL** is an abbreviation for "build-to line."~~

BTZ is an abbreviation for "build-to zone."

GFA is an abbreviation for "gross floor area."

ft is an abbreviation for "feet."

N/A is an abbreviation for "not applicable."

NR is an abbreviation for "nonresidential."

sf (lowercase) is an abbreviation for "square feet."

ETJ is an abbreviation for "extraterritorial jurisdiction."

SF (capitalized) is an abbreviation for "single-family."

~~**TH** is an abbreviation for "townhouse."~~

MF is an abbreviation for "multi-family."

MF-A is an abbreviation for "multi-family attached."

MF-S is an abbreviation for "multi-family stacked."

2.3 GENERAL DEFINITIONS

The terms used in this Ordinance are defined as follows, unless otherwise specifically indicated in this Ordinance. Article-specific definitions include: 1) definitions of uses listed within the Global Use Matrix in Article 15, found in Section 15.3; and 2) article-specific definitions are found within select articles in Part IX, Stormwater. In the case of a conflict between a term defined in this section, and that within ~~the~~ Article 15 or an article in Part IX, Stormwater, the definition within those specific articles controls.

Abutting. Having common property boundaries or lot lines which are not separated by a street.

Accelerated Erosion. Any increase over the rate of natural erosion as a result of land disturbing activity.

Access Management. Strategies associated with driveway plan approval that seek to link operational and access characteristics of each site to the public street system, by aligning access type, the number of driveways, and driveway spacing to land use, the site's geography, and street type.

Access Restrictions. Any restrictions to less than full vehicular movement at an access point, often as a condition of a driveway plan approval.

Accessibility Ramp. A ramp or similar structure that provides access to a building for wheelchairs and other mobility aids.

Accessory Structure. A structure located on the same lot as the principal building that is incidental and subordinate to the function of the principal building.

Active Use. A use listed in the Residential Uses category of the Use Matrix and nonresidential uses listed in the Commercial Uses category, the Industrial Uses category, and/or the Institutional and Governmental Uses category of the Use Matrix in Article 15.

Adequate Erosion Control Measures, Structures, or Devices. Measures, structures, or devices that control the soil material within the land area under responsible control of the person conducting the land disturbing activity.

Adjacent. Having common property boundaries or lot lines, or located directly across a street, alley, railroad, other transportation corridor, or body of water 100 feet or less in width.

Adjoining. See "Adjacent."

Administrative Decision. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in the development regulations.

~~**Administrative Hearing.** A proceeding to gather facts needed to make an administrative decision.~~

Affiliate. A person that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another person.

Alley. A private or public right-of-way or easement and runs between two or more lots or located on a single lot, affording primary or secondary vehicular access to the properties which abut it, but not including a street, utility easement, or railroad right-of-way.

Alteration (of a Structure). A change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

Alteration (of a Watercourse). A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification associated with development which may increase the FEMA or Community Base Flood Elevations.

Amateur (ham) Radio Equipment. An amateur (ham) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

Amenitized Tree Area. An area that serves to meet green area requirements and includes planted trees and amenities, such as irrigation, landscaping, grass, seating, pathways, lighting, or other items, as approved by the Chief Urban Forester.

Amenity Zone. Hardscaped area located between the back of curb and the sidewalk or shared use path. Amenity zones include, but are not limited to, perimeter trees, landscaping, and street furnishings.

Appeal. An appeal is a process where parties request a higher authority to review an administrative decision or quasi-judicial decision in order to modify or reverse the decision.

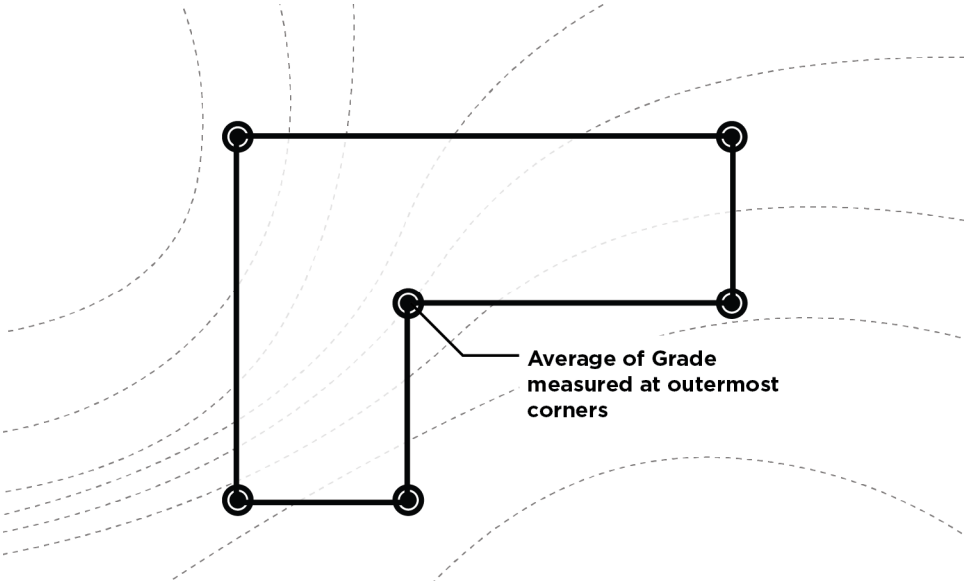
Arcade. A succession of contiguous arches, each supported by columns or piers, designed to provide a sheltered walkway for pedestrians.

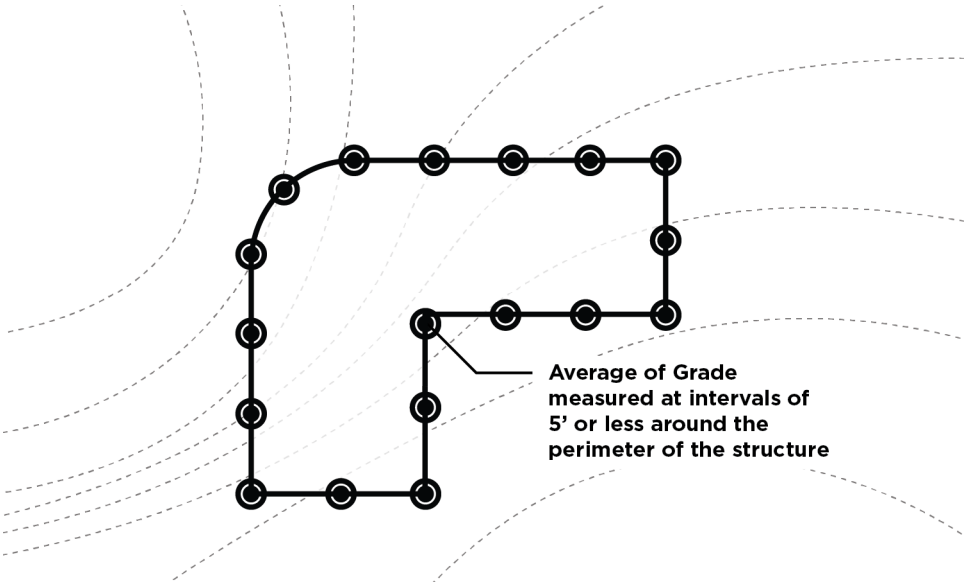
Architectural Feature. A part or projection of a structure that contributes to the overall aesthetics of the building, excluding signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

Area Median Income (AMI). The midpoint of a region's income distribution with half of the households earning more than the AMI and half earning less. Household income is calculated by its gross income.

Average Grade. The average grade is determined by measuring the grade at the outermost corners of each elevation of the structure and calculating the average. Alternatively, average grade may be determined by measuring the grade at intervals of five feet or less around the perimeter of the structure and calculating the average.~~See "Grade, Average."~~

AVERAGE GRADE





Awning. A roof like structure typically made of cloth, metal, or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway, or building front, and may be raised or retracted to a position adjacent to the building.

Balcony. A roofed or unroofed platform that projects from the exterior wall of a structure, above grade,~~,~~ which is exposed to the open air, has direct access to the interior of the building, is surrounded by a parapet, railing, or balustrade, and is not supported by posts or columns extending to the ground.

Banner. A temporary sign printed upon flexible material mounted with or without rigid frames.

Bay Window. A window that projects outward from the structure, which does not rest on the building foundation or on the ground.

Belt Course. A continuous row or layer of stones or brick set in a wall that makes the horizontal line of the sills visually more prominent. A belt course is also called a string course or sill course.

Berm. An earthen mound designed to provide visual interest on a site, fully or partially screen undesirable views, reduce noise, and/or fulfill other similar purposes.

Bicycle Facilities. Any infrastructure and/or physical provisions to accommodate or encourage bicycling, including, but not limited to, parking and storage facilities, on-street facilities such as bicycle lanes, variously configured buffered/separated bicycle lanes, shared-use paths along streets, and shared off-street public paths.

Bicycle Parking Space. An area occupied by a bicycle when using a bicycle parking device as designed.

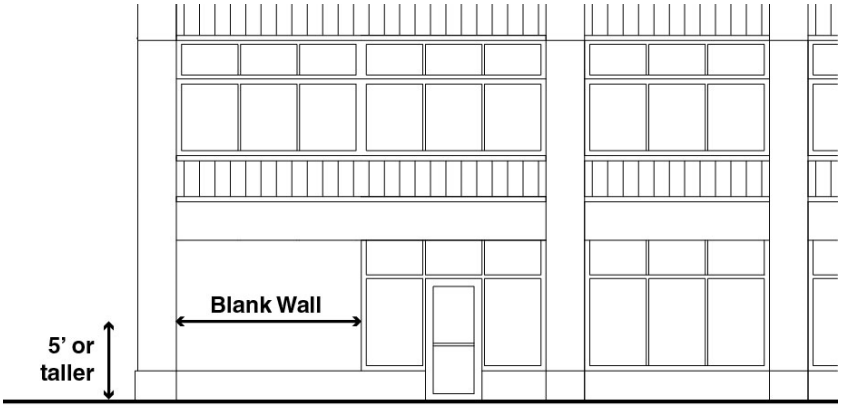
Bicycle Parking Spaces, Long-Term. Bicycle parking spaces where bicycles will be stored for longer periods of time within a weatherproof storage area.

Bicycle Parking Spaces, Short-Term. Bicycle parking spaces available to visitors to the site where bicycles are stored for short stops, requiring a high degree of convenient access.

Billboard. See “Outdoor Advertising Sign” under “Off-Premise Advertising.”

Blank Wall, Ground Floor. The horizontal linear dimension of contiguous building wall that does not contain windows, doors, or decorative elements such as banding, medallions, artwork such as murals and mosaics, change in wall plane of at least three inches, or other architectural or material embellishment. Any wall less than five feet in height is not considered to be a blank wall.

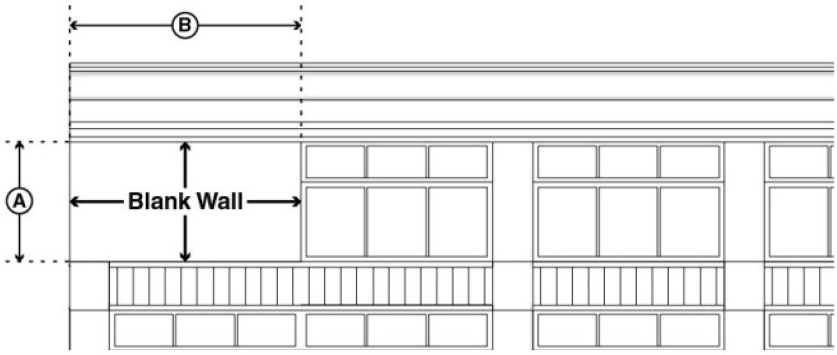
BLANK WALL, GROUND FLOOR



Blank Wall, Upper Floor. The horizontal or vertical linear dimension of contiguous building wall that does not contain windows, doors, or decorative elements such as banding, medallions, artwork such as murals and mosaics, change in wall plane of at least three inches, or other architectural or material embellishment. A wall does not count as a blank wall as long as one of the dimensions of the wall area is less than the maximum blank wall area standard of the district.

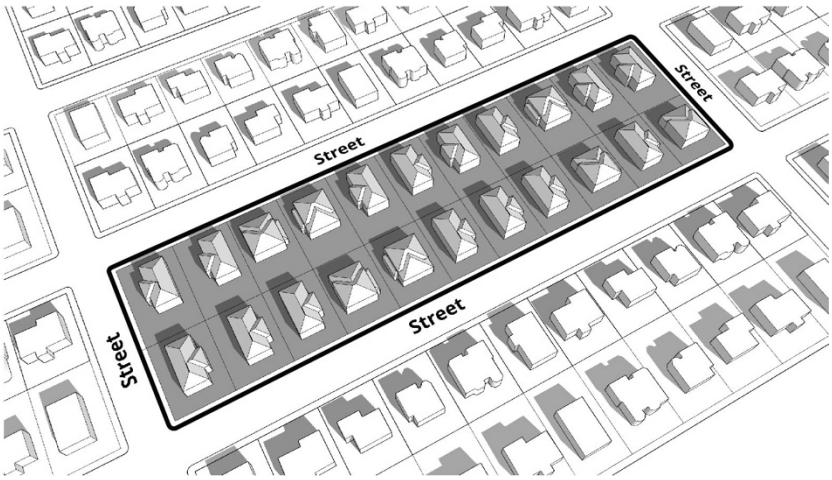
BLANK WALL, UPPER FLOOR

If A, B, or both are less than the maximum blank wall dimension of the district, such area is not considered a blank wall.



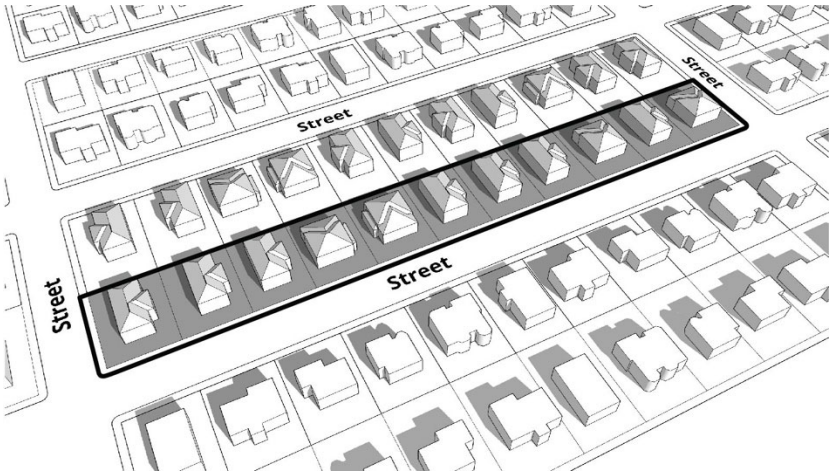
Block. A tract of land bounded by streets, or a combination of streets (network-required and public) and railroad rights-of-way or municipal boundary lines.

BLOCK



Blockface. Blockface is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets, railroad rights-of-way, or municipal boundary lines.

BLOCKFACE



Block Length. The distance along a block between two adjacent intersections, measured from centerline to centerline.

Board of Adjustment, UDO. The UDO Board of Adjustment is an appointed, quasi-judicial citizen board that primarily considers appeals, variances, and requests for interpretation of the Unified Development Ordinance.

Borrow. Fill material that is required for on-site construction and is obtained from other locations.

Breezeway. A roofed outdoor passage connecting two buildings, such as a dwelling and garage, or halves of a building.

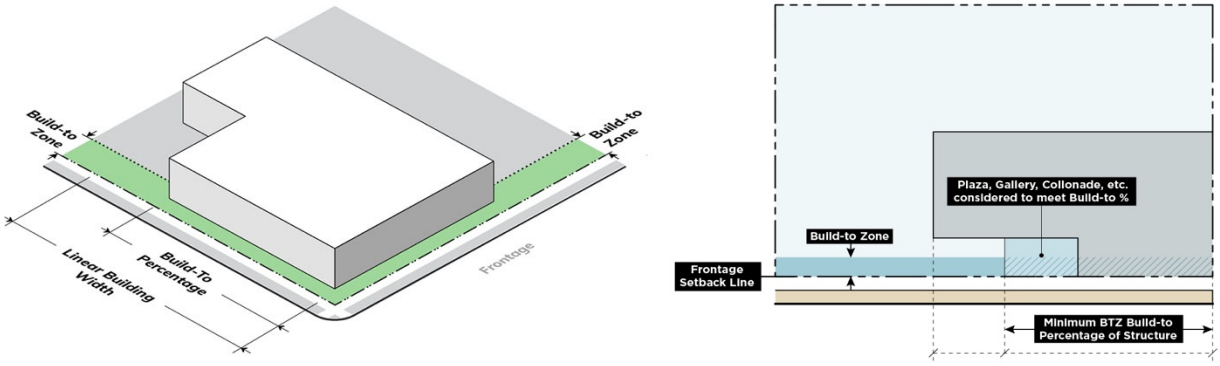
Build-To Percentage. The percentage of the building facade that shall be located within the build-to zone (BTZ), calculated by building facade, not lot width. Build-to percentage is further defined as:

1. Facade articulation elements, such as window or wall recesses and projections, shall be considered to meet any required build-to percentage.

2. Public open spaces and outdoor dining areas that are between ~~bounded by~~ a building facade and the street and are no more than an average of 24 inches above or below grade of adjacent sidewalk are counted as meeting the build-to percentage.

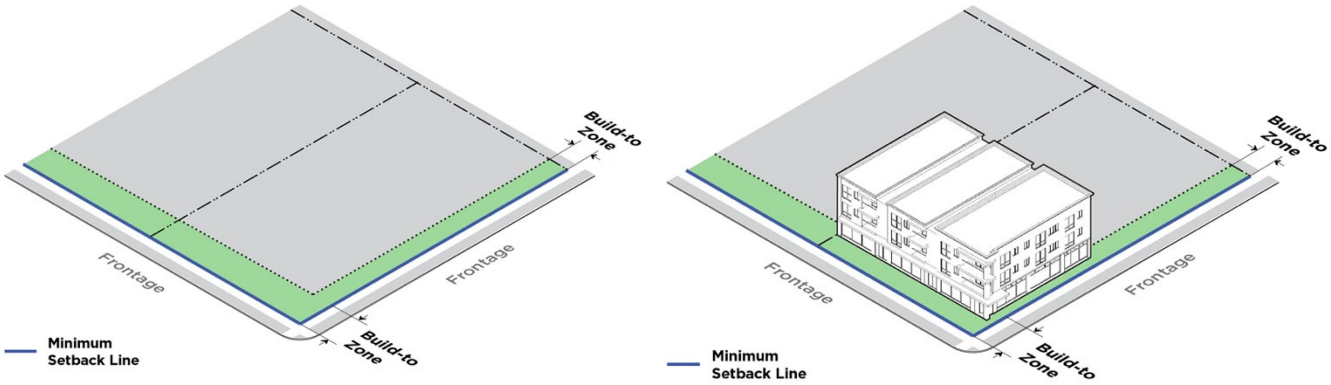
3. Common or private open spaces of residential development bounded on three sides by a building and no more than an average of 24 inches above or below grade of adjacent sidewalk are counted as meeting the build-to percentage.

BUILD-TO PERCENTAGE



Build-To Zone (BTZ). A build-to zone (BTZ) is the area on a lot, measured parallel from the required frontage setback line, where the minimum build-to percentage of a structure shall be located. A build-to zone sets a minimum and maximum dimension within which the building facade line shall be located per the requirements of the minimum build-to percentage.

BUILD-TO-ZONE (BTZ)



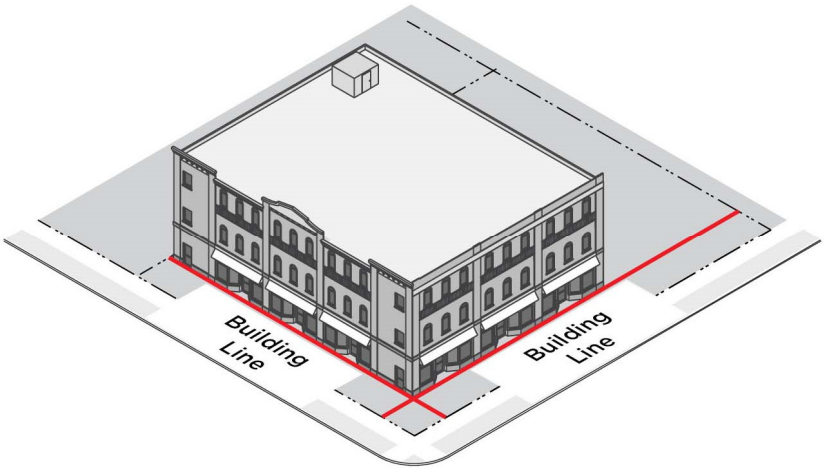
Building. Any structure having a roof supported by columns or walls used or intended for supporting or sheltering any use or occupancy.

Building Coverage. The portion(s) of a lot developed with principal buildings and accessory ~~structures~~buildings.

Building Façade. The exterior wall of a building

~~**Building Line.** A line that is tangent to the building's facade that is parallel to the front, side, and/or rear lot lines.~~

~~**BUILDING LINE**~~



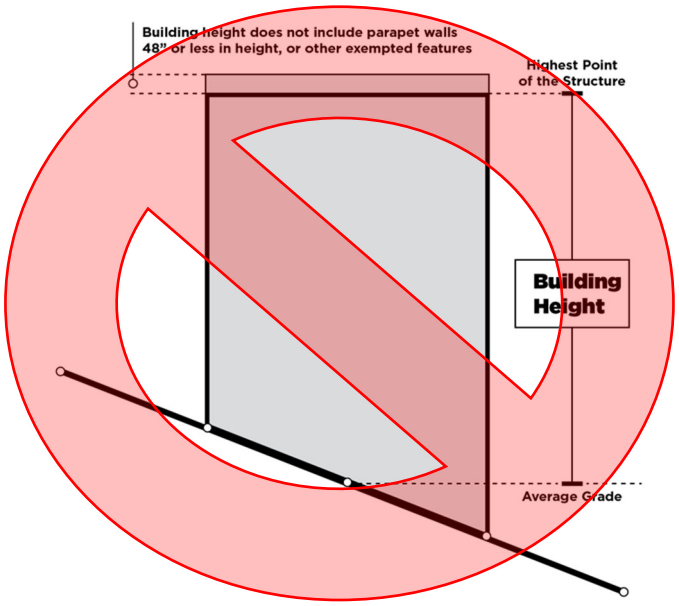
Building Height. Building~~Building~~ height is the vertical distance between the average grade at the base of the structure and the highest point of the structure. The following shall not be included in the measurement of building height:

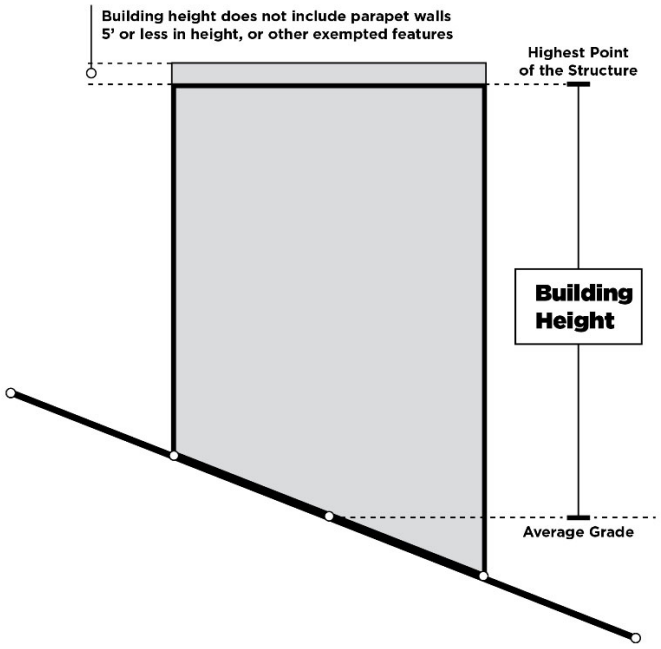
1. Any structures integral to the operation of the use, such as smokestacks, chimneys, cooling towers, water towers, elevator houses, mechanical stacks, and similar features.

2. Firewalls, chimneys, sky lights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building and any device no more than five feet in height used to screen around a roof top structure or equipment.

3. Parapet walls of ~~48 inches~~5 feet in height or less are not included in the maximum building height calculation. When parapet walls exceed ~~48 inches~~5 feet in height, the parapet wall is included in the maximum building height calculation.

BUILDING HEIGHT



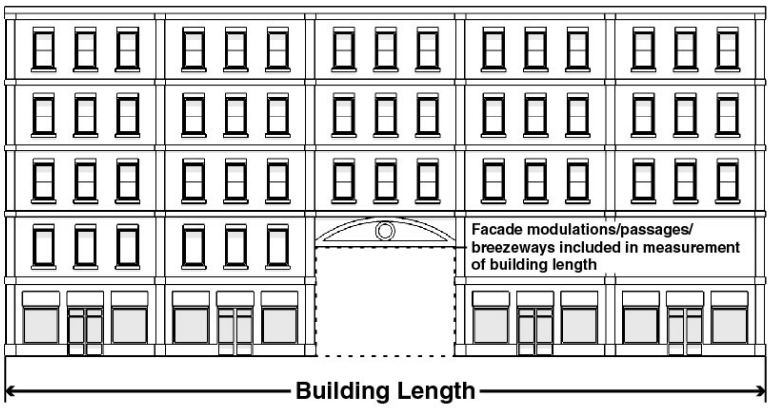


Building Length. Building length is measured as the length of the facade abutting a frontage. Passageways, breezeways, ground floor passages and similar building connections are included in the calculation of total building length.

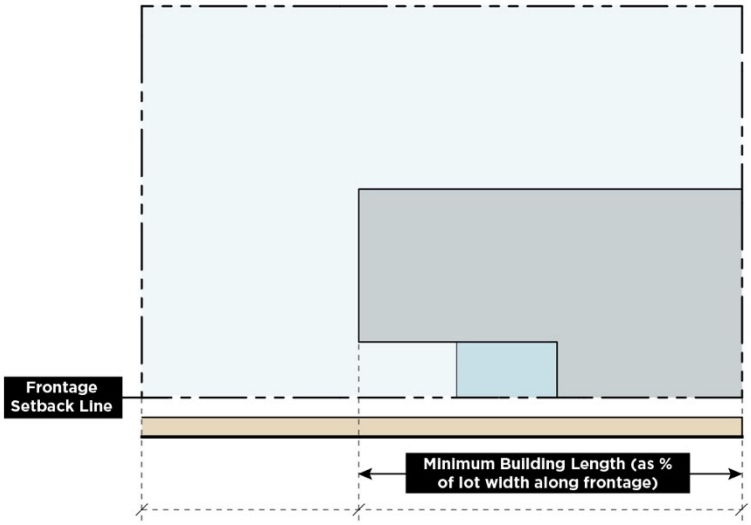
1. Building Length, Maximum. The maximum length of a building allowed along a frontage, established either by a set amount of linear feet or a percentage of lot width

2. Building Length, Minimum. The minimum length a building shall be along a frontage, established either by a set amount of linear feet or a percentage of lot width.

BUILDING LENGTH

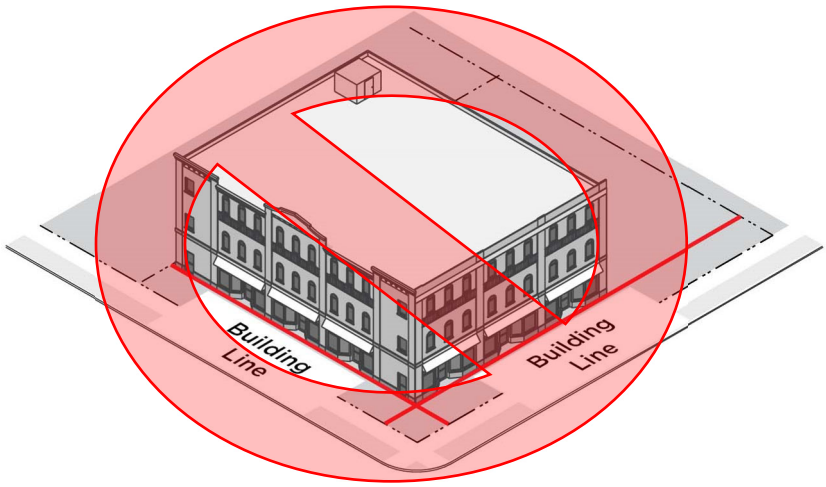


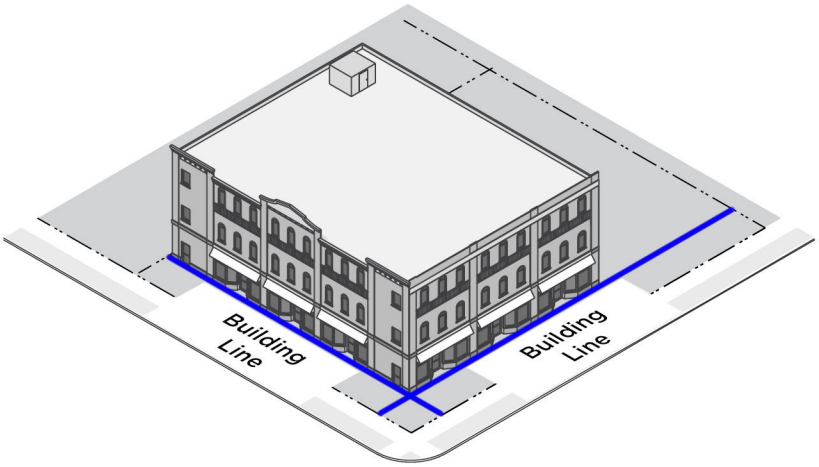
MINIMUM BUILDING LENGTH



Building Line. A line that is tangent to the building's facade that is parallel to the front, side, and/or rear lot lines.

BUILDING LINE





Building Site. An area of land or property where development is undertaken.

Built-Upon Area (BUA). That portion of a property that is covered by impervious or partially impervious surface including, but not limited to: buildings; pavement and gravel areas; and recreation facilities such as tennis courts (activity fields that have been designed to enhance displacement of runoff, such as compaction and grading or installation of sodded turf, and underground drainage systems for public parks and schools will be considered built-upon area.) Built-upon area does not include a wooden slatted deck or the water area of a swimming pool.

Built-Upon Area (BUA) Density. The total built-upon area divided by the total project area as further defined in the Stormwater Control Measure (SCM) Design Manual.

Bus Route/Bus Transit Route. Specifically labeled or numbered travel routes over which a Charlotte Area Transit Service (CATS) bus operates for the purpose of picking up or dropping off passengers at regularly scheduled stops and intervals.

Caliper. The diameter measurement of the trunk taken six inches above ground level for trees up to and including four-inch caliper size. Measurement shall be taken 12 inches above the ground level for larger trees.

Canopy. A canopy is a roof-like cover designed for protection from the weather or as a decorative embellishment affixed to a building or freestanding, with supports that extend to the ground.

Carport. An open-sided roofed vehicle shelter, typically formed by extension of the roof from the side of a building, but may also be freestanding.

Certificate of Occupancy. A document issued by Mecklenburg County Code Enforcement, a division of the Mecklenburg County Land Use and Environmental Services Agency, to provide official verification that the declared scope of work permitted is in compliance with current building and land development regulations, and the building is suitable for occupancy.

Certiorari. Certiorari is a form of judicial review where a superior court is asked to hear an appeal of a quasi-judicial decision of a decision-making board, such as the UDO Board of Adjustment.

Chamfered. Building design where the corner or right-angled edge is cut away to make a sloping symmetrical edge.

Change of Use. A change of use is the change of the use of a structure or lot from one major land use category to another, such as commercial to residential use. Major land use categories are established in the Use Matrix in Article 15.

Changeable Copy. That portion of a sign that allows for a message to be changed.

Charging Station. A parking space intended for electric vehicles and served by vehicle battery charging equipment.

Charlotte Area Transit System Director (CATS Director). The Charlotte Area Transit System (CATS) Director, which may include their designee, in administration of the Ordinance.

Charlotte Department of Transportation Director (CDOT Director). The Charlotte Department of Transportation (CDOT) Director, which may include their designee, in administration of the Ordinance.

Charlotte Streets Map. The Charlotte Streets Map shows Charlotte's collector and arterial street network, and limited access roads. It also shows any local streets that include the Cross Charlotte Trail (XCLT) or other Urban Trail. The Charlotte Streets Map describes the expected future cross-section for each arterial street in the network.

City Attorney. The City Attorney or their designee.

City Tree. All planted trees in the street right-of-way and any naturally occurring trees three inches diameter in breast height (DBH) or greater in street right-of-way as specified in Section 4.1 of the ~~Charlotte Tree~~UDO Zoning Administration Manual. For the purposes of this term, street right-of-way includes all segments of City-accepted and/or City Landscape Management-maintained public street rights-of-way (Charlotte Department of Transportation (CDOT) or North Carolina Department of Transportation (NCDOT)) in Charlotte's corporate city limits. Landscape Management maintains trees on NCDOT street right-of-way in the city limits except for road segments identified in Section 4.1 of the UDO ~~Charlotte Tree~~Zoning Administration Manual~~ – City Landscape Management Maintenance Areas~~.

Civil Judicial Remedies. The means with which a civil court of law imposes a penalty or makes another court order to address a specific case involving a violation.

Colonnade. A sequence of columns either freestanding or part of a building, typically as pairs or multiple pairs of columns, that frames a walkway or open space, which may be covered or open to the air.

Commercial Vehicles, Large. Any vehicle designed or used for business purposes that has a gross vehicle weight rating (GVWR) of 13,000 pounds or more. Large vehicles also include commercial vehicles with a GVWR of less than 13,000 pounds if the height of the vehicle exceeds 9.5 feet, including any installed accessories such as ladder racks, cranes, compressors, hose reels, welders, etc., or the length of the cargo area/work platform exceeds 14 feet, not to include step bumpers less than 18 inches in length.

Commercial Vehicles, Light. Any vehicle designed or used for business purposes that has a gross vehicle weight rating (GVWR) of less than 13,000 pounds and a cargo area/work platform, including any installed accessories such as ladder racks, cranes, compressors, hose reels, welders, etc., that does not exceed the height of the cab of the vehicle. Cargo area/work platforms separate from the cab shall not exceed nine feet in length not to include step bumpers less than 18 inches in length. A pickup truck, sport utility vehicle, van, or similar vehicle may be considered a passenger vehicle if it is less than 13,000 pounds GVWR and has only the original showroom stock body/bed. A camper shell, toolbox within the bed, or similar accessory equipment will not disqualify the vehicle as a passenger vehicle. However, ladder racks, cranes, compressors, hose reels, welders, and similar equipment make the vehicle a commercial vehicle.

Commercial Vehicles, Medium. Any vehicle designed or used for business purposes that has a gross vehicle weight rating (GVWR) of less than 13,000 pounds and does not exceed 9.5 feet in height, including any installed accessories such as ladder racks, cranes, compressors, hose reels, welders, etc. Cargo area/work platform shall not exceed 14 feet in length, not to include step bumpers less than 18 inches in length.

Completion of Construction or Development. No further land disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent groundcover.

Comprehensive Plan. The Comprehensive Plan that has been officially adopted by the City pursuant to N.C.G.S. § 160D-501.

Comprehensive Transportation Review (CTR). An analysis that measures the multimodal transportation impacts created by a development and proposes transportation mitigations necessary to support the proposed development.

~~**Congregate Living.** A type of housing where each individual or household has a private bedroom, which may also have additional living space, but shares a common dining room, recreational room, and/or other facility.~~

Connectivity. Street or subdivision design which provides for public access, ingress, and egress within a development and with adjoining developments by one or more of the following: interconnecting streets, bike paths, and walkways. Connectivity facilitates vehicular, bicycle, and pedestrian transportation.

Conservation Agreement Area. An area that is subject to a conservation agreement that places a restriction, reservation, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of Mecklenburg County, the City of Charlotte, or a conservation group as approved by the Chief Urban Forester, pursuant to the ~~Charlotte Tree~~Section 4.1 of the UDO Zoning Administration Manual. Such agreement shall be appropriate to retain land or water areas predominantly in their natural, scenic, or open condition. This term includes County designated nature preserves, Tree Canopy Preservation Program (TCPP) properties, or conservation easements held by approved land conservation groups.

Contractor Conducting the Land Disturbing Activity. Any person who participates in the land disturbing activity, including, but not limited to, the general contractor and subcontractors with the responsibility for supervising the work on the tract for the changing of the natural cover or topography of the tract or any part thereof

Cornice. A horizontal decorative molding that crowns a building.

Cottage Court Residential Development. Small lot residential development of various dwelling types organized around a common open space, designed as a cohesive whole and maintained in shared stewardship by residents.

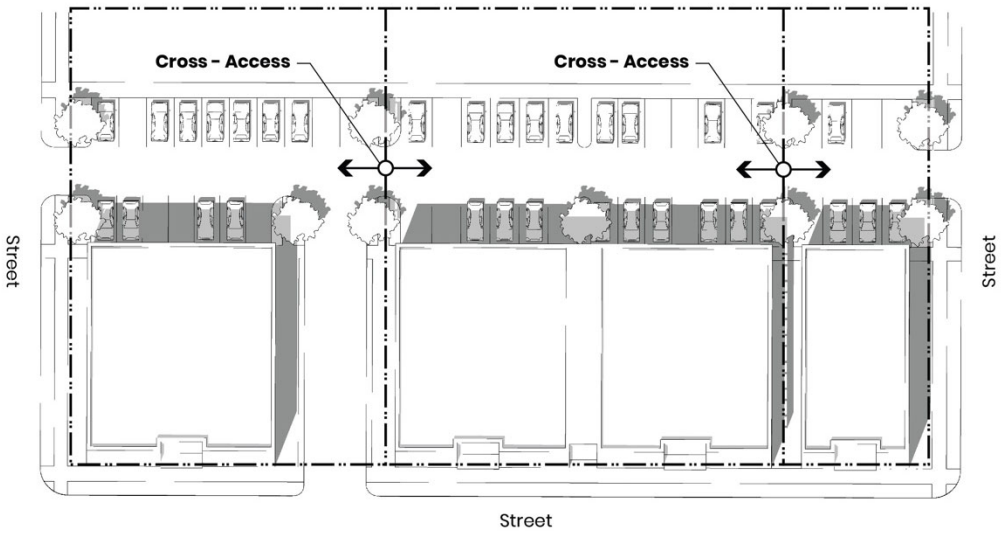
Courtyard. Open space, other than a required setback, unoccupied except by obstructions permitted in setbacks, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed.

Critical Root Zone. The area of soil around the tree where roots that provide stability and uptake of water and minerals are located, the main structural and functional part of the root system. It is a protected circular area around a tree with a radius equal to one foot per inch of tree diameter at breast height (DBH) with the tree trunk at the center of the circle.

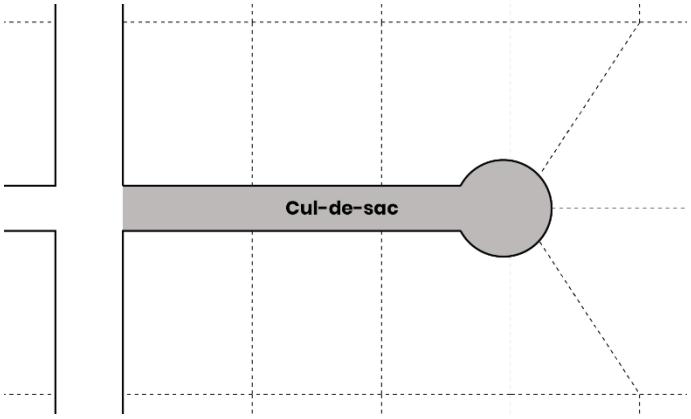
Cross-Access. A means of providing vehicular and pedestrian access between two or more properties, or between two or more sites located on one property. Cross-access may be provided by easement, drive aisle, alley, or service drive, and is separate from the public street system.

CROSS-ACCESS



Cul-De-Sac. A street designed with a turnaround~~.~~, such as but not limited to, a bulb or hammerhead design.

CUL-DE-SAC (BULB DESIGN) ~~New diagram~~



Daily Vehicular Trips. The total number of ingress and egress vehicle trips generated within a 24-hour weekday period by a land use or private development, per latest ITE Trip Generation Manual.

DBH (Diameter at Breast Height). The diameter of a tree 4.5 feet above the average ground level

Deck. A roofless outdoor space built as an above ground platform projecting from the wall of a structure and connected by structural supports at grade and/or by the structure.

Dedication. Dedication is the conveyance of private land, either in fee simple or as an easement, for public use.

Density. The number of dwelling units per gross acres.

Determination. A written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the property owner of land to be developed or who has been authorized by the property owner to undertake development on that property.

Development. Any of the following: a) the construction, erection, alteration, enlargement, renovation, substantial repair, or movement to another site, or demolition of any structure; b) the excavation, grading, filling, clearing, or alteration of land; or c) the subdivision of land as defined in N.C.G.S. § 160D-802.

1. **Development, Accessory.** Development as defined above of a land use listed in the Accessory Uses category of the Use Matrix in Article 15.

2. **Development, Campus.** Development as defined above of a land use listed in the Campus Uses category of the Use Matrix in Article 15.

3. **Development, Commercial.** Development as defined above of a land use listed in the Commercial Uses category of the Use Matrix in Article 15.

4. **Development, Industrial.** Development as defined above of a land use listed in the Industrial Uses category of the Use Matrix in Article 15.

5. **Development, Infrastructure.** Development as defined above of a land use listed in the Infrastructure category of the Use Matrix in Article 15.

6. **Development, Institutional and Governmental.** Development as defined above of a land use listed in the Institutional and Governmental Uses category of the Use Matrix in Article 15.

7. **Development, Mixed-Use.** Development as defined above of a project with a residential component listed in the Residential Uses category and a nonresidential component listed in ~~the Commercial Uses~~another principal use category ~~or the Industrial Uses category~~ of the Use Matrix in Article 15.

8. **Development, Open Space, Recreation, and Agricultural.** Development as defined above of a land use listed in the Open Space, Recreation, and Agricultural Uses category of the Use Matrix in Article 15.

9. **Development, Public Health and Social Service.** Development as defined above of a land use listed in the Public Health and Social Service Uses category of the Use Matrix in Article 15.

10. **Development, Residential.** Development as defined above of a land use listed in the Residential Uses category of the Use Matrix in Article 15.

11. **Development, Temporary.** Development as defined above of a land use listed in the Temporary Uses category of the Use Matrix in Article 15.

12. **Development, Transportation.** Development as defined above of a land use listed in the Transportation Uses category of the Use Matrix in Article 15.

Development Approval. An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations in the Ordinance, including subdivision plat approvals, permits issued, development agreements entered into, and building permits issued.

Development Regulation. A Unified Development Ordinance, zoning regulation, subdivision regulation, soil erosion and sedimentation control regulation, floodplain regulations, post-construction control regulation, water supply watershed regulation, drainage regulation, surface water improvement and management buffer regulations, tree regulations, historic district regulations, or any other regulation in the Ordinance that regulates land use and development.

Director of Stormwater Services. The Director of Stormwater Services or their duly authorized representatives.

Discharge. The addition of any man induced waste effluent either directly or indirectly to North Carolina surface waters.

Discharge Point. That point at which concentrated flow of discharge leaves a tract of land.

Disturbance. Any use of the land by any person or entity which results in a change in the natural cover or topography of the land.

~~**DNL (Day-Night Average Sound Level).** The noise metric is used to reflect a person's cumulative exposure to sound over a 24-hour period, expressed as the noise level for the average day of the year on the basis of annual aircraft operations.~~

~~**DNL Contour.** A line linking together a series of points of equal cumulative noise exposure based on the DNL. Such contours are developed based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway usage patterns.~~

Dock. A fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels.

Down-Zoning. To reclassify a parcel of land through a zoning map amendment process by decreasing the intensity of the development of the land to be less intense than was allowed under the previous zoning district category, or reducing the permitted uses of the land to fewer uses than were allowed under its previous usage.

Donation Box. An unmanned receptacle designed with a door, slot, or similar opening intended to accept and store donated clothes and household items.

Drainage Area. That area of land that drains to a common point on a project site.

Drainage Basin. The area of land which drains to a given point on a body of water.

Drip Line. A vertical line running through the outermost portions of the tree crown extending to the ground.

Drive-Through Lane. An on-site driveway approach to a building opening, including windows or mechanical devices, where customers initiate and complete their transaction.

Dwelling. A structure, or portion thereof, designed or used ~~exclusively~~ for human habitation.

Dwelling Unit. A single unit providing complete, independent living facilities for ~~a household~~no more than one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement. Authorization by an owner for the use, by others for a specific purpose, of a designated part of their property.

Eave. The projecting lower edges of a roof overhanging the wall of a structure.

Electric Vehicle (EV) Charging Stations. Electric vehicle (EV) charging stations are defined as follows:

1. **EV-Capable:** Reservation of space in the electrical room for a panel to serve the future EV chargers and continuous raceway from the reserved panel space to the future EV parking space.

2. **EV-Ready:** Installation of electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt outlet accessible to parking space.

3. **EVSE-Installed:** EV charging stations capable of providing a minimum of 32amp 7.2 kW.

~~**Endwall.** The wall of the end unit of a townhouse development that is not attached to another dwelling unit or party wall.~~

Energy Dissipater. A structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

Erosion. The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

Establishment. A place of business.

Evidentiary Hearing. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation.

Existing Tree Canopy. Tree canopy that has existed for at least two years prior to development as evidenced by City or County aerial photographs, or a tree survey of trees one-inch caliper and larger.

Expansion (of a Building). An increase in the floor area of a building. This may also be referred to as an addition to an existing building

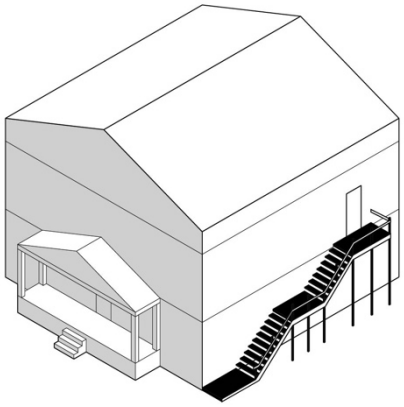
Expansion (of a Use). An increase in the area dedicated to the use.

Expansion (of a Structure). An increase in the size of a structure.

Exterior Lighting. The illumination of an outside area or object by any man-made device that produces light by any means.

Exterior Stairway. One or more flights of stairs, and the necessary landings and platforms connecting them, to an entryway on another floor or level in a structure located on the exterior of a principal building.

EXTERIOR STAIRWAY



Extraterritorial Jurisdiction (ETJ). The authority of the City to apply its zoning regulations outside of the City boundaries.

Façade. The exterior wall of a building.

Façade Modulation. Variations in the plane of a building facade that break up the mass and bulk of a building. The modulation is the recessed or projected portion, of the building facade and/or architectural feature as distinguished from the building facade line.

Familial Relationship. A close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

Family. An individual or two or more persons related by blood, marriage, domestic partnership, adoption, foster child relationship, or legal guardianship together as a single housekeeping unit. Family also includes a group of not more than six persons not related by blood, marriage, domestic partnership, adoption, foster child relationship, or legal guardianship, living together as a single housekeeping unit.

Feather Flag. A freestanding attention-getting device typically constructed of cloth held taut by a single post. Also known as a sail.

Fence. A structure used as a boundary, screen, separation, means of privacy, protection, or confinement.

1. **Fence, Solid.** A fence that has, over its entirety, no distributed openings. A shadowbox design fence is considered a solid fence. A chain link fence with slats is not considered a solid fence.

Flag. Fabric containing an emblem or message designed to be flown from a flagpole which may be either freestanding or a mast arm flagpole that extends at an angle from a building.

1. **Flag, Commercial.** Flags designed to direct attention to or promote a business, product, service, event, or activity occurring on the site, which are flown from a mast arm flagpole.

2. **Flag, Noncommercial**. Flags that do not function to direct attention to or promote a business, product, service, event, or activity.

Flag Lot. See "Lot."

Flashing Lighting. Lighting that changes from a static intensity of illumination, through fading, pulsing, and/or other method, at a frequency of more than once every thirty seconds.

Floodlight/Spotlight. A powerful light or a grouping of several lights used to illuminate the exterior of a building or sign.

Floodplain. The land subject to inundation by the community base flood and is encompassed by the community special flood hazard area.

Floor. See "Story."

Footcandle. A unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot.

Forest Practice Guidelines. The written directions related to water quality prepared by the North Carolina Department of Agriculture and Consumer Services Division of Forest Resources and the United States Forest Service, including, but not limited to, the Forestry Best Management Practices Manual prepared by the North Carolina Department of Agriculture and Consumer Services.

Frontage. A frontage is that part of the lot and/or building façade that faces either: 1) an existing or Ordinance required public or network-required private street; 2) a street designated on the Charlotte Streets Map; 3) a platted right-of-way offered for dedication and at least 30 feet in width; or 4) a public space, such as a~~n~~ publicly owned open space, public path, or transit corridor.

1. **Frontage, 2-3 Lane Avenue.** Frontage that includes the following street classifications: 2 lane avenue, 2+ ~~or more~~ lane avenue, or 3 lane avenue, as defined by the associated Avenue street classification definition.

2. **Frontage, 4-5 Lane Avenue/Boulevard.** Frontage that includes the following street classifications: 4 lane avenue, 4+ ~~or more~~ lane avenue, 5 lane avenue, 5+ ~~or more~~ lane avenue, 4+ ~~or more~~ lane boulevard, 5+ ~~or more~~ lane boulevard, as defined by the associated Avenue or Boulevard street classification definitions.

3. **Frontage, 6 Lane Avenue/Boulevard.** Frontage that includes the following street classifications: 6 lane avenue, 6+ ~~or more~~ lane avenue, 6+ ~~or more~~ lane boulevard, 6+ or more lane boulevard, as defined by the associated Avenue or Boulevard street classification definition.

4. **Frontage, Main Street.** Frontage for property fronting on a Main Street, as defined by the Main Street classification definition.

5. **Frontage, Other-Primary.** Frontage for property fronting on a collector street, a transit station, a public or network-required private local street abutting a Neighborhood 1 Place Type, or a public park or other publicly owned open space, or an off-street public path.

6. **Frontage, Secondary.** A frontage that is not designated in items 1 through 5 above or items 7 through 12 below, and includes public and network-required private local streets.

7. **Frontage, Parkway**. Frontage for property fronting on a Parkway, as defined by the Parkway street classification definition.

8. **Frontage, Limited Access.** Frontage for property fronting on a Limited Access Road, as defined by the Limited Access Road street classification definition.

9. **Frontage, Uptown Signature Street.** Frontage for a property fronting an Uptown Signature Street, as defined by the Uptown Signature Street classification definition.

10. **Frontage, Uptown Primary Street.** Frontage for a property fronting an Uptown Primary Street, as defined by the Uptown Primary Street classification definition.

11. **Frontage, Uptown Secondary Street.** Frontage for a property fronting an Uptown Secondary Street, as defined by the Uptown Secondary Street classification definition.

12. **Frontage, Linear Park.** Frontage for a property fronting Linear Park, as defined by the Linear Park Street classification definition.

Freight Rail. A railroad corridor or railroad right-of-way used to transport freight. Such corridor or right-of- way may also be used by intercity passenger railroad service. Freight rail does not include local, rapid transit rail service.

Full Pond Elevation. Elevation at which water begins to flow over the dam or spillway for the lake, referenced to mean sea level as determined by the United States Geological Survey (U.S.G.S.) Datum. The applicable full pond elevations are as follows: Mountain Island Lake at 647.5 feet and Lake Wylie and Lower Lake Wylie at 569.4.

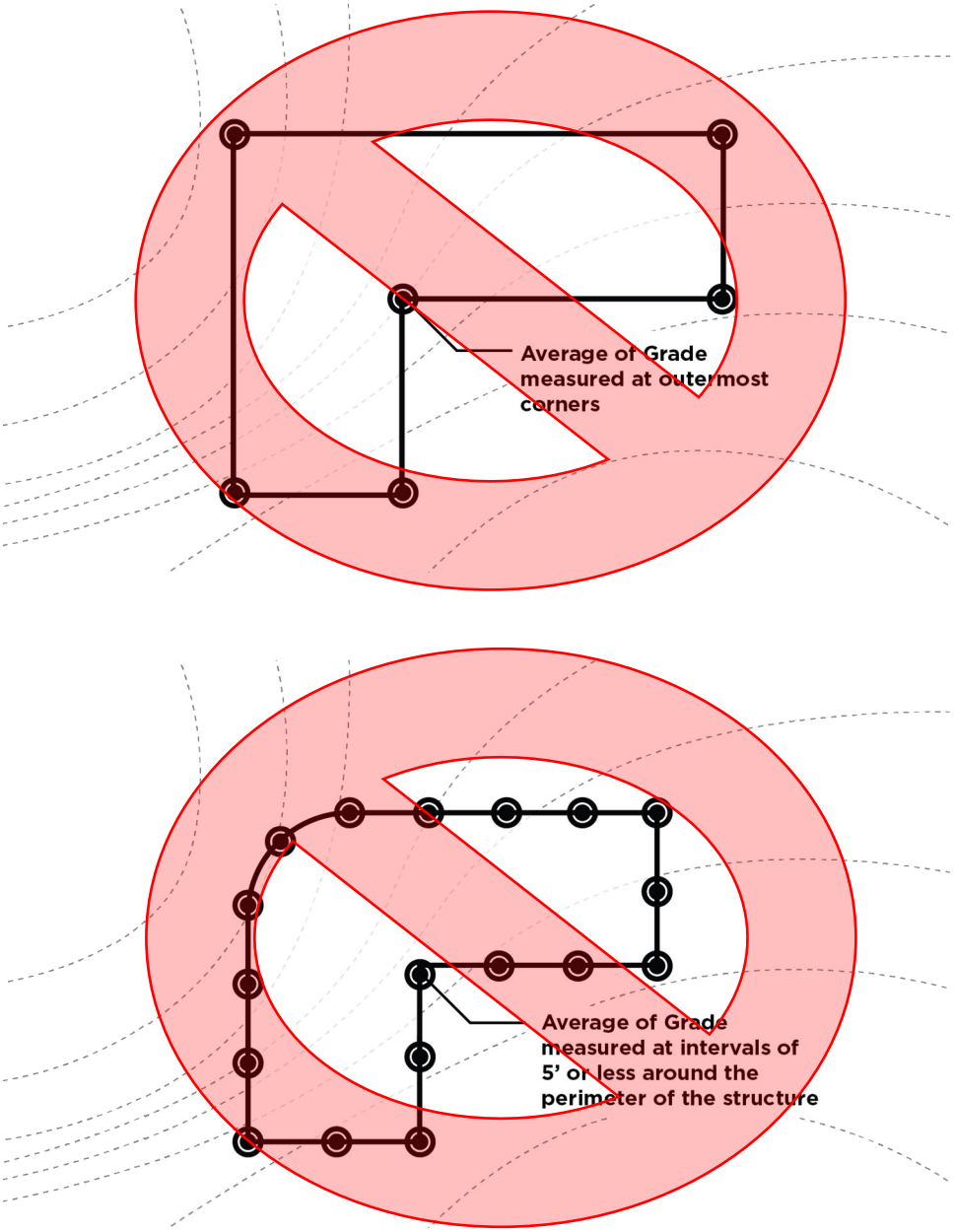
Future Back of Curb. The future back of curb shall be based on the Charlotte Streets Map for Main Streets, Avenues, ~~and~~ Boulevards, and Uptown streets as well as local and collector streets with shared-use paths. The future back of curb location for all other local and collector streets is the location of the existing back of curb, unless otherwise specified by this Ordinance. ~~If the street cross-section includes~~For streets not indicated on the Charlotte Streets Map that also have a ditch or swale instead of curb and gutter, ~~the setback is measured from the top of the backslope. For streets not indicated on the Charlotte Streets Map,~~ the top of backslope is considered future back of curb.

Garage. An accessory building or portion of a principal building designed to be used for the storage of motor vehicles and other household items of the occupants of the premises.

Gallery. A platform which projects from the exterior wall of a building, is exposed to the open air, and remains unenclosed, that has direct access to the interior of the building. A gallery is supported from the ground by columns or poles, and is surrounded by a parapet, railing, or balustrade.

~~**Grade, Average.** The average grade is determined by measuring the grade at the outermost corners of each elevation of the structure and calculating the average. Alternatively, average grade may be determined by measuring the grade at intervals of five feet or less around the perimeter of the structure and calculating the average.~~

~~**AVERAGE GRADE**~~



Grading. Excavation or fill of material, including the resulting conditions thereof.

Green Area. An area and all affiliated vegetation, whether on-site or off-site, which is set aside, conserved, or dedicated, pursuant to the requirements of Section 20.15.

Green Roof. A vegetated area of a roof of a structure that is designed and planted to be covered at maturity by plants. Green roofs shall be subject to the specifications and standards of specific articles of the Ordinance when it is proposed to meet the requirements of those articles.

Green Terrace. A vegetated area on a horizontal surface of a structure that is lower in elevation than the roof and is designed and planted to be covered at maturity by plants.

Green Wall. A wall covered with live plants, which includes a growing medium, such as soil, water, or a substrate. A green wall is also called a living wall or vertical garden.

Green Zone. The space lying between the sidewalk and back of curb, or edge of pavement where no curb-and-gutter is present (typically a planting strip or hardscaped amenity zone) which serves as a buffer between pedestrians and vehicles. The green zone typically includes street trees and landscaping, and often includes street furnishings and utilities.

Greenway. A corridor of predominantly vegetated land preserved for bicycle and pedestrian travel and recreational use, including multi-use trails, such as the Cross Charlotte Trail. A designated greenway is one that is designated in the Mecklenburg County Greenways and Trails Master Plan. Greenways are not considered a public park (as the use is defined in Article 15).

Gross Floor Area (GFA). The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. GFA does not include any areas used exclusively for ~~the~~ surface parking lots ~~and/~~or parking structures, or for building or equipment access, such as stairs, elevator shafts, and maintenance crawlspace. Active use space within a parking structure counts toward GFA.

Groundcover. Any low-growing plants that protect topsoil from erosion and drought conditions, and help to conceal bare earth and prevent weed growth.

Ground Floor. That floor of a building that is nearest the level of the ground. Where a change in elevation results in a new floor corresponding to the ground level along a frontage, such new portion of the building is also considered a ground floor.

Ground Floor Activation. A ground floor is considered activated when uses from the following use categories of the Use Matrix in Article 15 are located on the ground floor adjacent to pedestrian accessible pathways and vehicle roadways: Residential Uses category, Commercial Uses category, the Industrial Uses category, and/or the Institutional and Governmental Uses category.

Guard Station. A structure used to house personnel and security equipment, typically located at an entryway to a development.

Half Street. See “Partial Street”.

Hazardous Material. Any substance listed as such in: ~~SARA Section~~40 CFR 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Hazardous Tree. A tree that presents a situation or condition that may result in personal injury, property damage, or disruption of human activities. Also:

1. In tree management, a tree or tree part that has a high likelihood of failure and causing damage or injury; and

2. In tree care or forestry operations, the presence of a condition or situation that may cause harm or injury to workers or others.

Hedge Row. A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

Heritage Tree. Any tree native to North Carolina per the US Department of Agriculture Natural Resource Conservation Service Plants Database with a DBH of 30 inches or greater.

I-277 Loop. The area of the city situated inside the boundaries of interstate highways 277 and 77.

Illumination, External Sign. Lighting of a sign from a light source external to the body of the sign, so that light is directed on to the face of the sign or directed in a manner so as to create silhouettes of letters or symbols that are placed in front of the light.

Illumination, Internal Sign. Lighting of a sign from internal sources, such as a light source within the framework of a sign cabinet and behind the face of the sign so that light is transmitted through the face of the sign.

Impervious Surface. Any structure or material that prevents, impedes, or slows infiltration or absorption of water directly into the ground. This includes, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts (activity fields that have been designed to enhance displacement of runoff, such as compaction and grading or installation of sodded turf, and underground drainage systems for public parks and schools will be considered built-upon area). Impervious surface does not include a wooden slatted deck or the water area of a swimming pool.

Impervious Surface Coverage. Impervious surface coverage is a measure of intensity of land use that represents the portion of a site that is occupied by impervious surfaces. Maximum impervious surface of a lot is calculated as the percentage of all impervious surface area against the total area of the lot.

Inert Debris. Solid waste consisting solely of material that is virtually inert, that is likely to retain its physical and chemical structure under expected conditions of disposal, and that will not pose a threat to groundwater standards. Inert debris includes material such as concrete, brick, concrete block, uncontaminated soil, rock, and gravel.

Infill. The development of vacant or under-used parcels within areas that are already largely developed.

Internal Planting Area. A planting area located on private property outside the public right-of-way.

Invasive Plant Species. Any shall be any species listed in the North Carolina Invasive Plant Council list of invasive species.

Land Conservation Group. A nonprofit land trust or similar organization approved by the City as listed in ~~the Charlotte Tree~~Section 4.1 of the UDO Zoning Administration Manual that permanently protects land, water, trees and wildlife habitat to enhance quality of life in Charlotte and Mecklenburg County.

Land Development Approval. Final approval of development projects submitted to the City, including, but not limited to: 1) commercial, subdivision, and/or urban-zoned projects; or 2) plats, both singularly or related to the aforementioned projects.

Land Disturbing Activity. Any use of the land by any person in residential, governmental, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the groundcover or topography and that may cause or contribute to sedimentation.

Landscape Yard. Land area with landscape plantings and other components used to separate one use or development from another and/or to shield or block noise, lights, or other nuisances.

Large Maturing Shade Tree. Any tree the height of which is 35 feet or greater at maturity and has a limb spread of 30 feet or more at maturity.

Large Waste Container. A dumpster, compactor, open-top container, and detachable container that is used for collecting, storing, or transporting residential solid waste. A large waste container has a minimum capacity of two cubic yards and picked up by a specially equipped truck for transporting the waste materials to the disposal site.

Larger Common Plan of Development or Sale. Any contiguous area where multiple separate and distinct construction or land disturbing activities will occur under one plan. A plan is any announcement or piece of documentation including, but not limited to, public notice or hearing, drawing, permit application, zoning request, or site design or physical demarcation, including but not limited to, boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Legislative Decision. A decision by the City Council after a legislative hearing regarding the adoption, amendment, or repeal of an Ordinance regulation or a zoning map amendment.

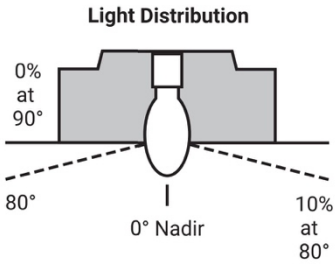
Legislative Hearing. A public hearing to solicit public comment on a proposed legislative decision.

Light Pole Banner. Banners mounted on and with arms installed perpendicular to a light pole.

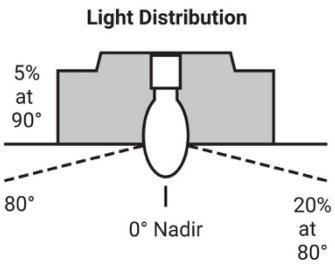
Lighting, Full Cut Off. A light distribution where the candela value is zero at or above horizontal (90°above nadir) and does not exceed 10% at or above a vertical angle of 80°above nadir.

Lighting, Semi Cut Off. A light distribution where the candela value does not exceed 5% of the maximum intensity at or above horizontal (90°above nadir) and 20% at or above a vertical angle of 80°above nadir.

LIGHTING, FULL CUT OFF



LIGHTING, SEMI CUT OFF



Loading Space. An unobstructed area, not located within the public right-of-way, maintained for the temporary parking of trucks and other delivery vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise.

Lot. Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries, which have been established through some legal instrument such as a recorded deed or map. A lot may be established as distinct from other lots which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit. Lots are also referred to as parcels. The following defines the types of lot configurations:

1. **Interior Lot.** A lot other than a corner or through lot, bounded by two interior side lot lines.

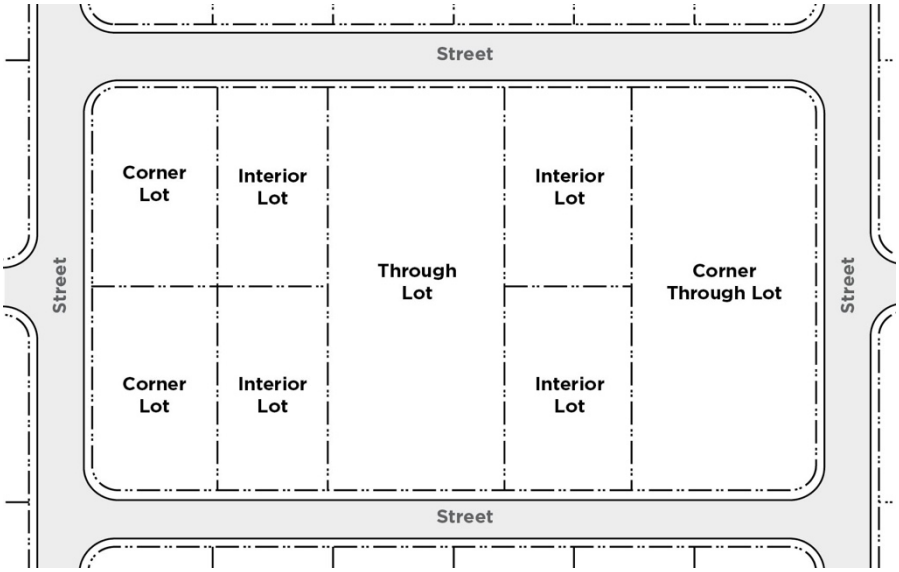
2. **Corner Lot.** A lot situated at the junction of, and abutting on, two or more intersecting streets.

3. **Through Lot.** A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A through lot is also called a double frontage lot or reverse frontage lot.

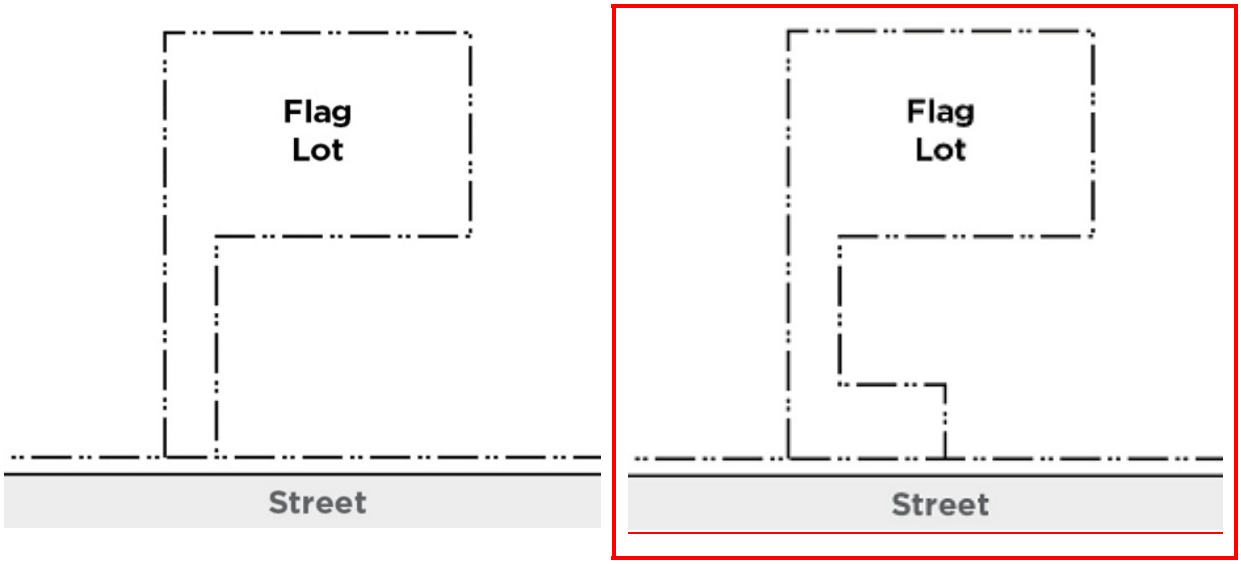
4. **Corner Through Lot.** A lot which fronts upon three streets of which two streets do not intersect at the boundaries of the lot.

5. **Flag Lot.** A lot ~~platted so that the~~which meets minimum lot width requirements, but which contains a main building site area (the "flag") ~~is set back~~separated from the ~~street~~ frontage ~~on which it fronts and includes~~ by an access strip (the "pole")~~ connecting the main building site with the street~~. Any lot which narrows to a dimension of less than 50% of the ~~established~~lot width at any point between a street and the front building line shall be considered a flag lot.

LOT TYPES



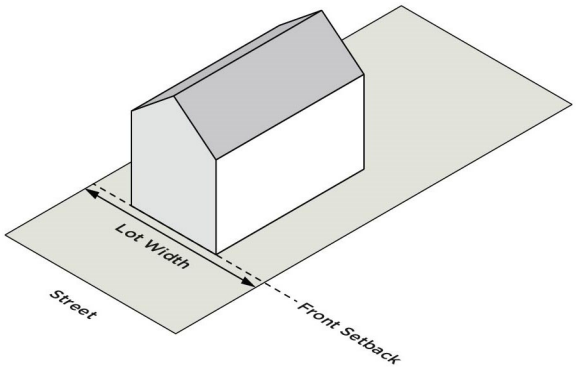
FLAG LOT



Lot Area. The total area within the boundaries of a lot, excluding any street or railroad right-of-way, usually defined in square footage. For lots located on an existing publicly maintained street that do not have any record of right-of-way dedication, the lot area is the total area within the boundaries of the lot minus the area within the maintained street.

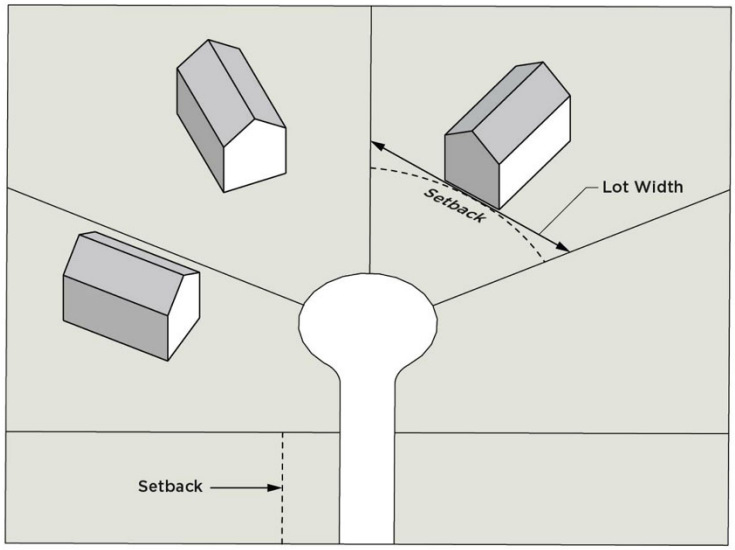
Lot Width. The distance between the side lot lines measured along the front setback line as established by this Ordinance, unless one of the following conditions apply:

LOT WIDTH



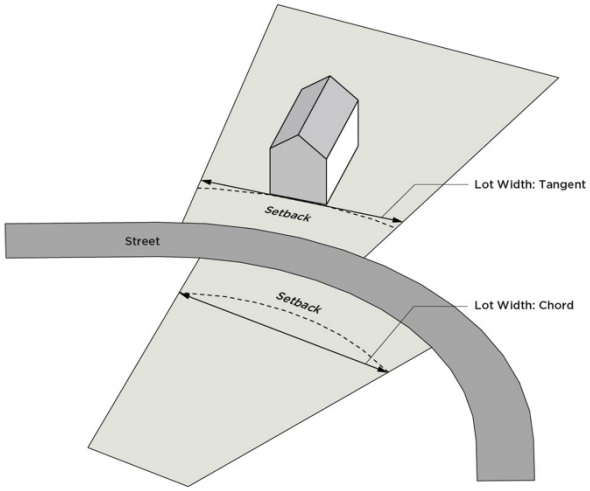
1. For cul-de-sac lots, along the turnaround portion of a cul-de-sac street, the distance between the side lot lines measured along a setback line shown on a duly recorded plat when the setback line on the plat is greater than the setback required by this Ordinance; or

LOT WIDTH ALTERNATIVE (ITEM 1)



2. On lots located on the outside curve of a street, the lot width shall be measured along a line tangent to the midpoint of the setback projected to the side lot lines. On lots located on the inside curve of a street, the lot width shall be measured along the chord of the setback arc where it intersects the side lot lines.

LOT WIDTH ALTERNATIVE (ITEM 2)



Lot Line. A line dividing one lot from another lot or from a street or alley.

Low Impact Development (LID). The integration of site ecology and environmental goals and requirements into all phases of urban planning and design from the individual residential lot level to the entire watershed.

Luminaire. A complete lighting unit for the purpose of generating usable and controllable light that is comprised of one or more lamps, parts designed to distribute the light, parts used to position and protect the light source, and a means to connect the light source(s) to an electrical supply.

Manufactured Home Stand. The area of a manufactured home site that has been reserved for the placement of a manufactured home.

Marquee. A permanent roof-like structure constructed of permanent building materials that extends from the wall of a structure with no supports extending to the ground providing protection from the elements.

Mass. The size or physical bulk of a building.

Master Plan. A long-term plan that provides a conceptual layout to guide future growth and development.

Mean Sea Level. The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Mecklenburg County are referenced.

Mechanical Equipment. Equipment related to the operation of a structure, such as, but not limited to, heating, ventilation, and air conditioning (HVAC) equipment, personal electrical generators, and swimming pool pumps and filters. Mechanical equipment does not include accessory utility equipment.

Mixed-Use Building. A building that contains both nonresidential and residential uses.

Modular Home. A method of construction for residential dwellings. Modular homes are built in multiple sections, called modules, at a facility and then delivered to the site where the modules are set onto the building's foundation and joined together to make a single building. Modular buildings and modular homes shall conform to all zoning requirements for the dwelling type and shall meet all local and state residential building code requirements.

Mullion. A vertical or horizontal element that forms a division between units of a window or screen or is used decoratively. When dividing adjacent window units, its primary purpose is a rigid support to the glazing of the window.

Multi-Tenant Nonresidential Development. A development under unified control that contains multiple separate businesses, offices, light manufacturing facilities, and research uses, and may include accessory and supporting uses, that is designed, planned, and constructed on an integrated and coordinated basis. Examples include, but are not limited to, research parks, office parks, industrial parks, or a combination of such uses.

Multi-Use Development. A development site of more than one building that contains a mix of nonresidential and residential buildings, some or all of which may be mixed-use buildings as well.

Multi-Use Path. A pathway serving both pedestrians and bicyclists located in an independent off-street alignment.

Nadir (Lighting). The angle pointing directly downward from the luminaire.

NCDOT. North Carolina Department of Transportation.

Nit. A unit of measurement of the intensity of visible light, where one nit is equal to one candela per square meter.

Noncommercial Message. Messages and emblems that do not function to direct attention to or promote a business, product, service, event, or activity, either on-site or off-site. Examples of noncommercial messages include, but are not limited to, signs advocating a public issue, recommending a candidate for office, and personal messages.

Nonconforming Lot. Any lawfully existing lot on the effective date (June 1, 2023) of these regulations, or any subsequent amendment thereto, which does not meet the minimum area or width requirements established by these regulations.

Nonconforming Sign. Any lawfully existing sign on the effective date (June 1, 2023) of these regulations, or any subsequent amendment thereto, which does not comply with the Ordinance regulations.

Nonconforming Structure. Any lawfully existing structure on the effective date (June 1, 2023) of these regulations, or any subsequent amendment thereto, which does not comply with the Ordinance regulations.

Nonconforming Use. Any lawfully existing use of a building, structure, or land on the effective date (June 1, 2023) of these regulations, or any subsequent amendment thereto, which does not comply with the Ordinance regulations.

Non-Point Source (NPS) Pollution. Forms of pollution caused by sediment, nutrients, organic and toxic substances originating from land use activities and carried to lakes and streams by surface runoff.

Nonresidential Development. All development other than residential development, agriculture, and silviculture.

Off-Street Public Path. A pathway typically shared by pedestrians and bicyclists which is located outside of the street right-of-way, but within a public right-of-way or easement, including, as applied in this Ordinance, greenways, transit trails, off-street trail connections, and bicycle and pedestrian connections.

Off-Street Trail Connections. A publicly accessible trail connection from a public or network-required private street to a park or off-street public path.

Open Space. Land and water areas designed and reserved for use as active or passive recreation areas. Pedestrian connections and passages are not considered open space unless they are an integral part of an open space area.

1. **Open Space, Common.** Open space maintained for the shared use of the residents and/or tenants of the development.

2. **Open Space, Public.** Open space maintained for the use of the general public. Public open space may include parks, plazas, and public seating areas.

3. **Open Space, Private.** Open space reserved for the sole use of the resident of the associated dwelling unit and/or tenant of the associated tenant space.

Paper Street. A right-of-way, no less than 30 feet in width, for a street offered for dedication on a final recorded plat which has not been constructed or accepted by the city for maintenance.

Parapet. The extension of the main wall or walls of a building above the roof level. Also called a parapet wall.

Parcel. See "Lot."

Parkway. Streets with the primary function of moving large volumes of motor vehicles efficiently from one part of the city to another. They are designed to serve high traffic volumes at relatively high speeds and typically have very limited direct access to land uses.

Partial Street. A street that lies along a property line between two properties and is partially improved on only one of the properties at a time.

Patio. A hard surface that adjoins a principal structure designed and intended for dining or recreation and not used as a parking space. Patios are constructed such that its finished walking surface is laid or poured directly on finished grade.

Pedestrian. Anyone who travels on foot as well as those with disabilities who require assistive devices.

Pedestrian and Bicycle Connection. A paved shared-use facility connecting a cul-de-sac to a street, off-street public path, or park.

Pedestrian Facilities. Sidewalks, shared use paths, and similar facilities intended for pedestrian mobility.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. Streamers are considered pennants.

Permanent Enclosed Area. An area that is structurally enclosed by a solid floor constructed of subfloor and foundation, ceiling, and solid walls, which may have partitions and/or windows.

Person(s). An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Phase of Grading. One of two types of grading: rough or fine.

Place Types. Place Types are a classification system that provides guidance on the land uses, transportation ~~amenities~~characteristics, and building form that is appropriate for an area, as set forth in the ~~Charlotte Future 2040~~ Comprehensive Plan. The ~~Charlotte Future 2040~~ Policy Map assigns a Place Type designation to each property in the City's jurisdiction.

Planning Commission. The Charlotte-Mecklenburg Planning Commission, including any duly appointed committee of that body provided for and authorized to act for the whole Planning Commission by the Interlocal Cooperation Agreement of July 2, 1984, as may be amended.

Planning Director. The Director of Charlotte Planning, Design, and Development Department, which may include their designee in administration of the Ordinance.

Planting Area. Ground surface free of built upon area and/or paved material which is reserved for required tree planting.

Planting Strip. Ground surface free of built upon area and/or paved material, located between the back of curb and the sidewalk or shared use path. Planting strips typically include perimeter trees and other plantings.

Policy Map. An adopted map that assigns a Place Type designation to each property in the City's jurisdiction.

Porch. An architectural feature that projects from the exterior wall of a structure and is covered by a roof or eaves.

1. **Porch, Enclosed.** A porch enclosed by walls, screens, lattice, or other material. A screened-in porch is an enclosed porch.

2. **Porch, Unenclosed.** A porch that is open on all sides excluding those sides ~~-~~that ~~do not~~ abut a principal building wall.

Portable Sign Structure. A sign structure that is intended, by design and construction, to rest upon and/or be supported by the ground and can be moved and reused. Portable sign structures include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or without wheels. Portable sign structures do not include A-frame or temporary off-premises advertising signs.

Porte Cochere. A permanent structure built over a driveway or entry drive that provides ~~temporary~~ shelter to persons exiting a vehicle.

Prescribed Conditions. Standards for a principal, accessory, or temporary use, typically used to mitigate impacts of such use on adjacent areas.

Principal Building or Structure. A building or structure containing the primary use of the lot.

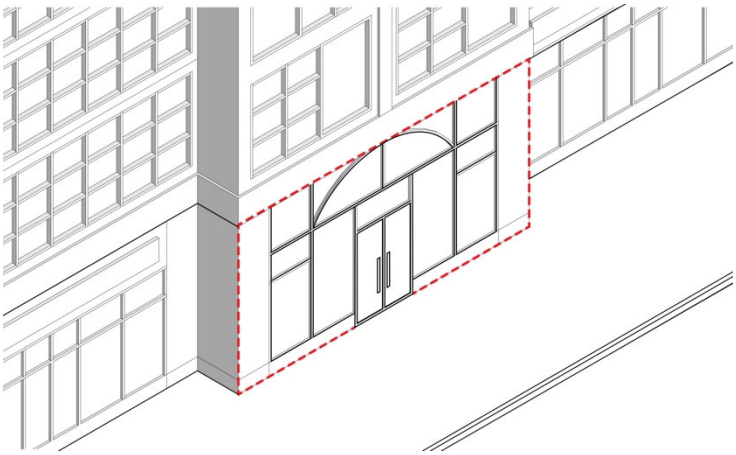
Primary Pedestrian Entrance. The main public entrance to a building for commercial, industrial, mixed-use, public, and institutional uses. For residential buildings, the primary pedestrian entrance is the front door. For multi-family buildings in which each unit does not have its own exterior entrance, the primary pedestrian entrance may be a lobby, courtyard, etc.

Prominent Entrance. A building entrance that is visually distinctive from the remaining portions of the facade where it is located and is parallel and directly connected to adjacent pedestrian facilities. A prominent entrance must be a pedestrian-only entrance. Emergency egress doors and doors to mechanical rooms or stairwells are not considered a prominent entrance.

1. For nonresidential, mixed-use, and multi-family stacked units, entrances that contain at least three of the following are considered a prominent entrance: decorative pedestrian lighting/sconces; architectural details carried through to upper stories; covered porches, canopies, awnings, or sunshades; archways; transom or sidelight windows; terraced or raised planters; common outdoor seating enhanced with specialty details, paving, landscaping, or water features; double doors; stoops or stairs.

2. For multi-family attached units, entrances that contain one or more of the following features are considered a prominent entrance: porches, raised steps and stoops with or without roof overhangs, decorative railings.

PROMINENT ENTRANCE



Property. All real property subject to land-use regulation by the City and County. The term includes any improvements or structures customarily regarded as a part of real property.

Property Owner, Landowner, or Owner. The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the Mecklenburg County tax abstract to determine who is a property owner.

Protected Area. The area adjoining and upstream of the Critical Areas of water supply watersheds where risk of water quality degradation from pollution, while still greater than non-watershed designated areas, is less than in the Critical Areas.

Public Path. A constructed pathway used for recreation and pedestrian and/or bicycle traffic. A public path includes a transit trail, a shared used path, and a greenway trail.

Pump Island. The elevated concrete platform on which fuel dispensing pumps are located.

Quasi-Judicial Decision. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation.

Rapid Transit Corridor. A typically linear area that is reserved for rapid transit infrastructure.

Rapid Transit Station. The designated stations where passengers embark and disembark along a rapid rail line or a bus rapid transit stop.

Recycling Station. The area designated for the collection and temporary storage of recyclables.

Reservation. The process of reserving land for the potential use by the City, County, or other agency for streets, transit lines, greenways, or other public facilities.

Retail and Shipping Service Lockers. A secure, self-service kiosk, not regulated by the USPS, for customers to receive packages.

Retail Center. A commercial development under unified control consisting of three or more separate retail goods establishments, personal service establishments, restaurants/bars, offices, and amusement facilities, that is designed, planned, and constructed on an integrated and coordinated basis. Also called a shopping center.

Reuse. The occupancy of a pre-existing structure for an active use. Reuse may include the rehabilitation or modification of an existing structure to serve the needs of a new use.

Right-of-Way. the area on, below, and above an existing or proposed public roadway, highway, street, bicycle lane, sidewalk, or similar facility, and associated adjacent land that is dedicated or otherwise legally established for public use.

Roofline. The highest point of a flat roof and mansard roof, and the lowest point of a pitched roof, excluding any cupolas, chimneys, or other minor projections.

~~**ROOFLINE**~~

Satellite Dish. A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites, or other services.

Screening. A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

Searchlight. An attention-getting device where an artificial light of high intensity is shined upward in a focused beam and can turn in any direction to attract attention to a location. Also known as sky-beams or sky spotlights

Security Gate(s). Gates located at the entry to a lot or development, where access is controlled by automatic gate openers, a manned guard station, or similar means.

Sediment. Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

Sedimentation. The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land disturbing activity or into a wetland, lake, or watercourse.

Separation. When principal uses are required to be measured a certain distance from another use or district, the distance measured, in a straight line, from the nearest point of the lot line on which such principal use is proposed to be located to the nearest point on the lot line where the other use or district is located, unless otherwise specifically required to be measured differently by this Ordinance.

Septic System. A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Setback. The minimum dimension a structure may be located as measured from a curb line, lot line, right-of-way line, or other point set by the Ordinance, along frontages and side and rear lot lines. ~~Principal buildings, parking and maneuvering areas, accessory structures, and other site elements are generally not allowed to locate unless specifically permitted by the Ordinance.~~ A setback shall be located at or behind the required pedestrian/bicycle facilities and planting strip/amenity zone.

~~3~~**1.** A front setback is a required setback located along the shortest lot line dividing the lot from the right-of-way. ~~On a corner lot, where required setbacks are not established by a frontage, the front setback is along the narrower frontage.~~

a. For flag lots, the front setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street.

~~1~~**2.** A rear setback is a required setback located opposite and/or farthest from a front setback along the rear lot line dividing the lot from another lot. ~~On a corner lot, the location of side and rear setbacks shall be determined by the property owner.~~

a. A rear setback may be measured as a radius from the furthest property corner from the frontage in either of the following conditions:

i. The lot is an interior lot that is triangular ~~in shape~~.

ii. One side of the lot has an interior angle of at least 135 degrees and acts as an extension of the side setback.

~~2~~**3.** A side setback is a required setback located along an interior side lot line(s) that divides the lot from another lot. ~~On a corner lot, the location of side and rear setbacks shall be determined by the property owner.~~

~~**3. A front setback is a required setback located along the lot line dividing the lot from the right-of-way. On a corner lot, where required setbacks are not established by a frontage, the front setback is along the narrower frontage.**~~

~~**a. For flag lots, the front setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street.**~~

4. A corner side setback is a required setback located along the longest lot line dividing the lot from the right-of-way. ~~for corner lots where required setbacks are not established by a frontage. A corner side setback is located along the lot line dividing the lot from the right-of-way along the longer frontage.~~

5. On a through lot, where required setbacks are not established by a frontage, both setbacks along a street shall be considered front setbacks.

6. On a corner through lot, where required setbacks are not established by a frontage, the front setback requirement for the district shall be applied to the two opposing street fronts and the third street front shall be considered a corner side setback.

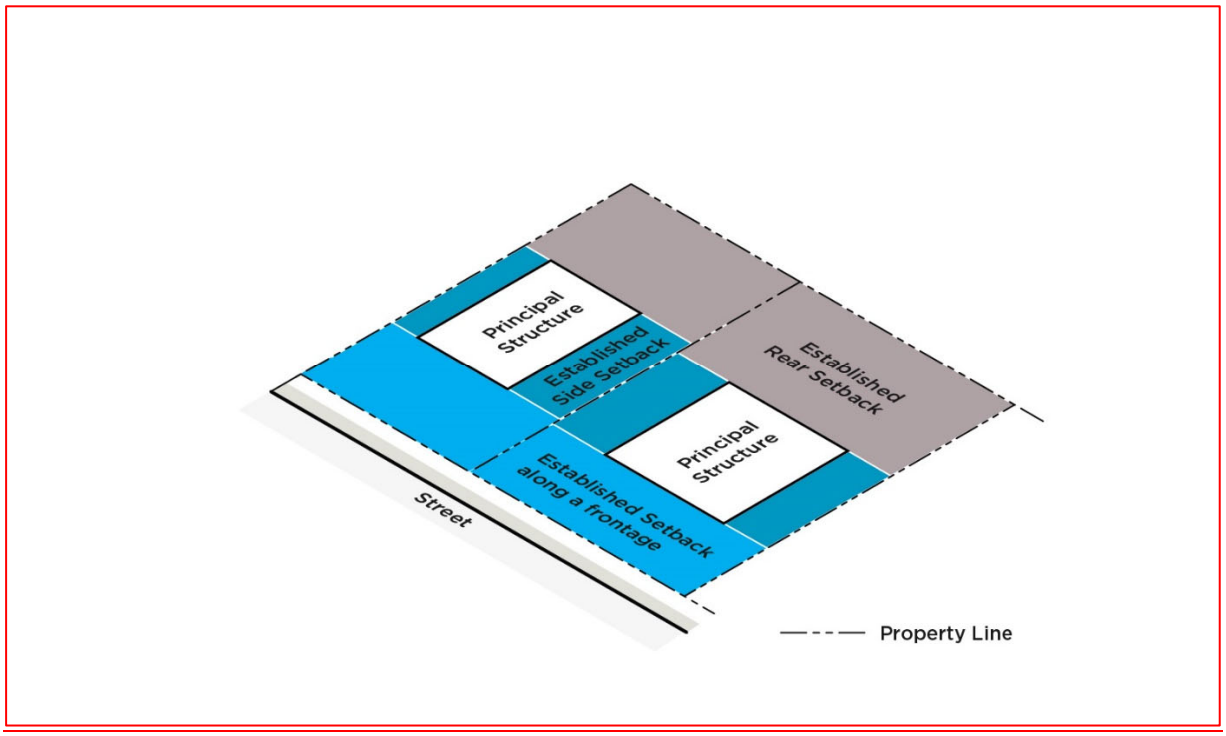
7. Measurement of setbacks shall be as follows:

a. The setback on frontages is measured from the future back of curb at the outermost point from the centerline, right-of-way line, or as ~~unless~~ otherwise specified by this Ordinance.

b. The setback on non-street frontages (transit stations, off-street public paths, public parks, and other publicly-owned open spaces) shall be measured from a property line or right-of-way line.

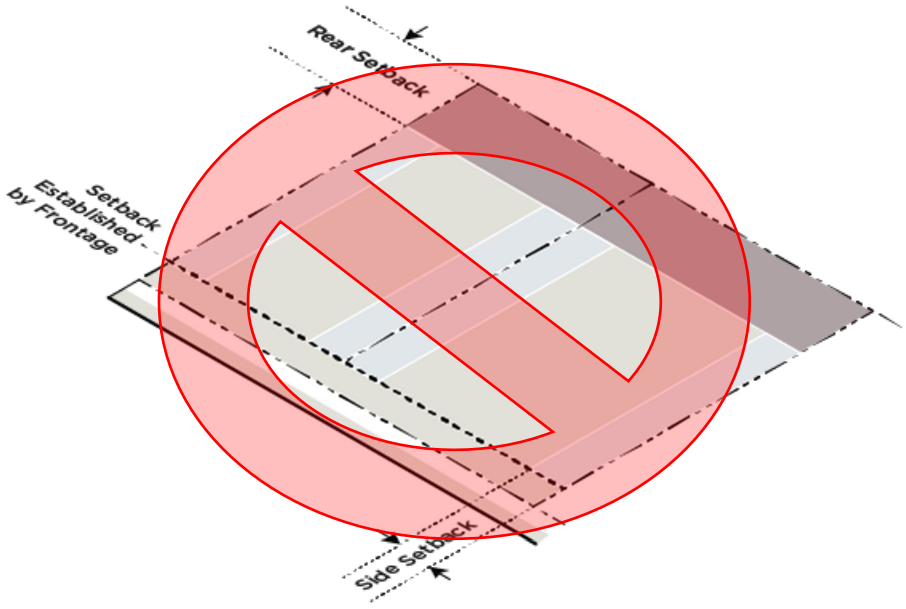
c. If the frontages on a corner lot are the same length, the Zoning Administrator may determine the front and corner side setback.

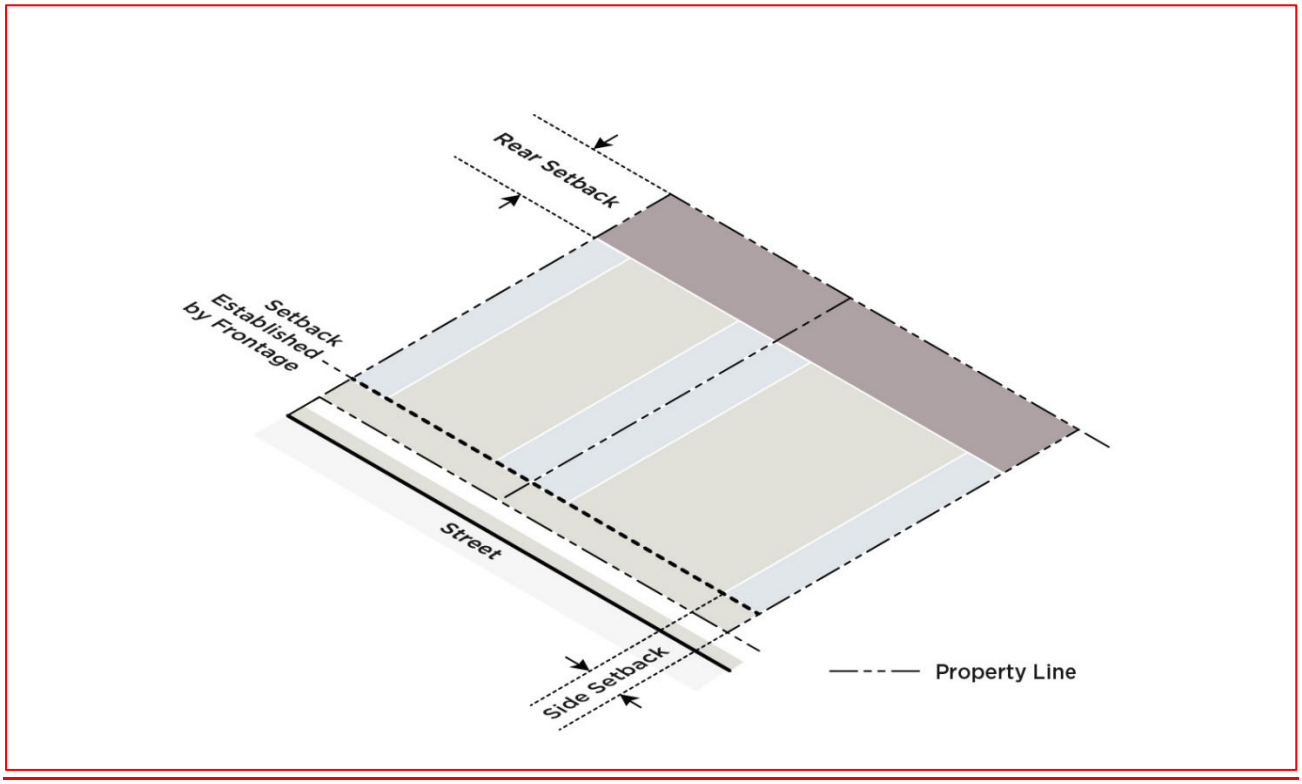
Setback, Established. An established setback is the area between the curb line, lot line, or other point set by the Ordinance and the building line of a principal building or structure.



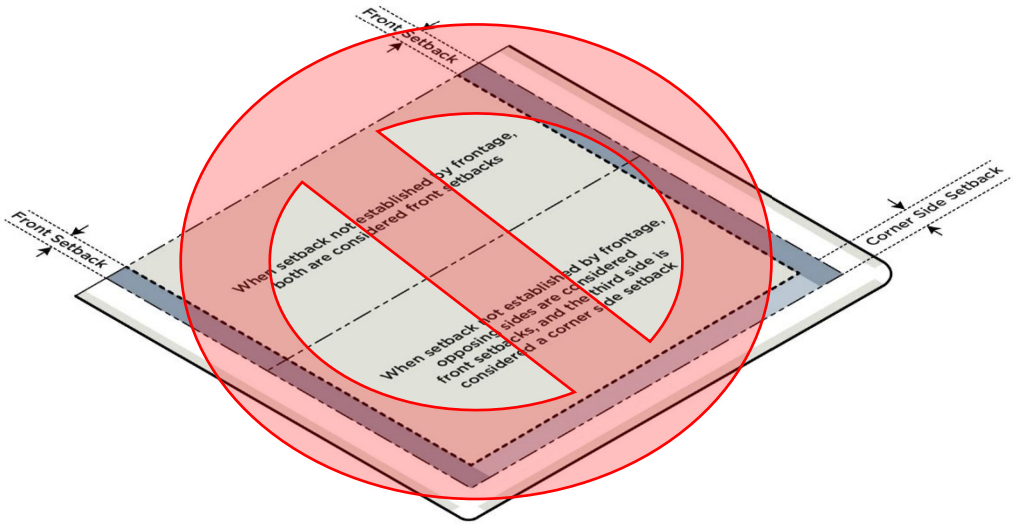
Setback, Required. See "Setback."

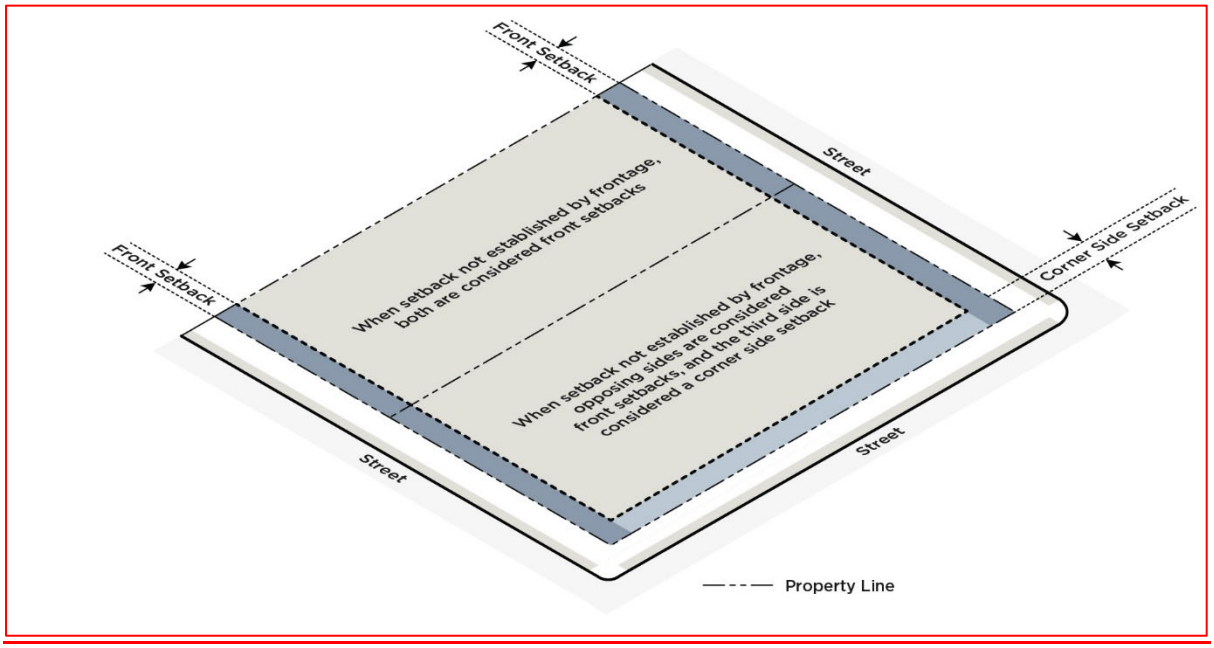
SETBACK


Rear Setback
Setback Established by Frontage
Side Setback

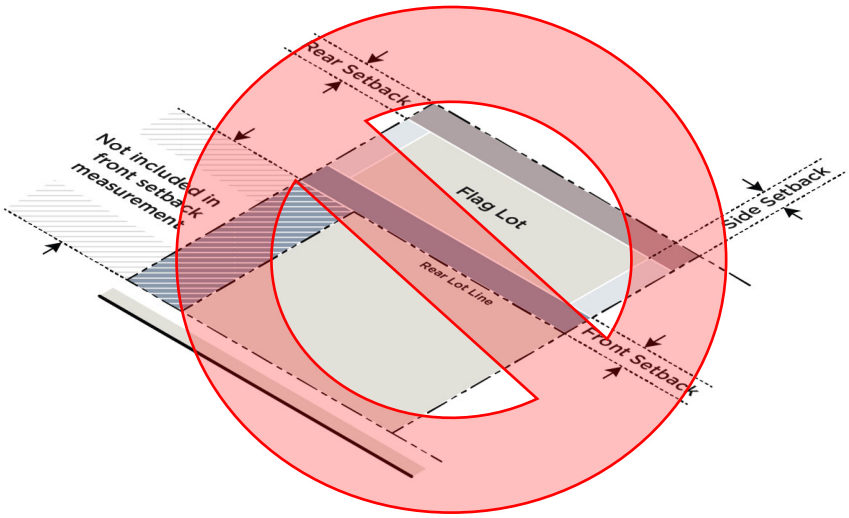

Rear Setback
Setback Established by Frontage
Street
Side Setback
Property Line

SETBACK - THROUGH LOT





~~SETBACK – FLAG LOT~~



Setback Line. See "Setback."

Service Area. Those areas on a site reserved for building services, such as solid waste and recycling storage and collection areas and loading docks.

Shadowbox. Shadowbox design within display windows, where the window display is designed with a background enclosure against which signs are mounted to block views into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.

Shared-Use Path. A pathway serving both pedestrians and bicyclists located along a street, between the curb and adjacent development.

Sidewall. A wall that forms the side of a structure. Sidewalls are measured from the finished floor elevation of the main floor to the eave or, if no eave is present on the structure, to the bottom of the finished roof plane.

Sidewalk. An improved pedestrian facility located within public right of way, an easement, or on private property. Public sidewalks located along a street are typically separated from the street by a planting strip or amenity zone.

Sight Distance. The length of street visible to the driver who is traveling along the street or waiting to enter or cross the street.

Sign. A structure, device, or object using words, letters, figures, designs, emblems, symbols, fixtures, colors, illumination, and/or projected images. The terms below are types of signs referenced in the sign regulations.

1. **Sign, A-Frame.** A temporary sign ordinarily in the shape of the letter "A" or some variation thereof, which is displayed on the ground, not permanently attached to the ground, and usually two-sided, generally connected at the top and separated at the bottom.

2. **Sign, Accessory Use.** A sign for a use which is customarily or typically subordinate to and serving a principal use.

3. **Sign, Animated.** A sign that uses moving or changing lights to depict action, movement, or the optical illusion of movement of part of the sign structure, sign, or pictorial segment, or including the movement of any illumination or the flashing or varying of light intensity to create a special effect or scene.

4. **Sign, Awning.** A sign printed or displayed upon an awning.

5. **Sign, Balloon.** A sign or advertising device designed to be airborne or inflated and tethered to the ground or other structure. This includes any air-inflated signs and any signs that inflate and move via air inflation.

6. Sign, Canopy. A sign printed or displayed upon a canopy.

7. Sign, Decorative. A pictorial representation, including illustrations, words, numbers, or decorations; emblem; flag; banner; pennant, that promotes or celebrates the city, its neighborhoods, civic institutions, or public activities or events in the city. Decorative signs may either be designed and displayed by the city directly or may be donated to the city on a permanent basis or for a limited period of time.

8. Sign, Drive-Through. A ground sign constructed along drive-through lanes for drive-through facilities. A drive-through sign does not include parking lot, parking structure, and site circulation signs.

9. Sign, Electronic. A sign designed where a portion of the sign area uses changing light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the electronic display panel to display a message or messages in text and/or image from where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs are not considered electronic message signs. Electronic outdoor advertising signs are not considered electronic signs and are regulated separately.

10. Sign, Flashing. A sign with an intermittent or sequential flashing light source used primarily to attract attention. Flashing signs do not include electronic signs or video display screens.

11. Sign, Government. Any temporary or permanent sign erected by and maintained for any governmental purposes.

12. Sign, Ground. A sign that is placed on and/or supported by the ground, independent of a structure on the lot.

13. Sign, Historic. A historically significant sign, as designated by the criteria and process of Section 22.11.D, that has been moved from its original location to be reused on another site to promote the protection of nonconforming signs that represent important aspects of the City's heritage, to enhance the character of the community by considering such signs during development, and to assist owner(s) in the preservation and restoration of their signs.

14. Sign, Landmark. A landmark sign is a historically significant sign, as designated by the criteria and process of Section 22.11.D, that is allowed to be restored and retained on-premise to promote the protection of nonconforming signs that represent important aspects of the City's heritage, to enhance the character of the community by considering such signs during development, and to assist owner(s) in the preservation and restoration of their signs.

15. Sign, Marquee. A sign printed or displayed upon a marquee.

16. Sign, Monument. A sign that is placed on or supported by the ground, independent of a structure on the lot, that has a greater width than height. Monument signs may be designed with a solid base or with two columns on either side supporting a sign face, where there is no more than 12 inches from the ground to the bottom of the suspended sign face.

17. Sign, Moving. A sign where all or a portion of the sign and/or sign structure rotates, revolves, moves, elevates, or in any way alters position or geometry. This includes any sign that gives the appearance of movement, including signs designed to be moved by wind or other natural elements.

18. Sign, Off-Premise Advertising. A sign directing attention to or promoting a business, product, service, event, or activity that is not sold, produced, manufactured, furnished, or conducted at the site upon which the sign is located.

a. Outdoor Advertising Sign. A permanent sign directing attention to or promoting a business, product, service, event, or activity that is not sold, produced, manufactured, furnished, or conducted at the site upon which the sign is located. Outdoor advertising signs may be static or electronic. Also known as a billboard or a permanent off-premise advertising sign.

b. Temporary Off-Premise Advertising Sign. A temporary sign directing attention to or promoting a business, product, service, event, or activity that is not sold, produced, manufactured, furnished, or conducted at the site upon which the sign is located. A temporary off-premise advertising sign is intended for display for a short period of time, is not permanently mounted or installed on-site, and typically cannot be reused. Temporary off-premise advertising signs are usually constructed of light materials such as cardboard or vinyl.

19. Sign, On-Premise Advertising. A sign directing attention to or promoting a business, service, or activity that is furnished, or conducted at the site upon which the sign is located.

20. Sign, Pole. A detached sign erected and maintained on a freestanding frame, mast, or pole and not attached to any building.

21. Sign, Projecting. A sign that is attached to a rigid structure that extends more than 18 inches beyond the surface of the structure to which it is attached.

22. Sign, Rider. A smaller additional temporary sign attached to the main temporary sign to provide limited additional information.

23. Sign, Roof. A sign that is installed on the roof structure of any building with the principal support attached to the roof structure.

24. Sign, Skyline. A sign attached to the topmost band or bands of the building facade.

25. Sign, Temporary Outdoor Sales. A sign for displays of temporary outdoor retail sales.

26. Sign, Vehicle. A sign that is attached to or painted on a vehicle. This definition does not include signs painted on or applied to vehicles, trucks, or buses that are being operated and stored in the normal course of business, such as signs located on delivery trucks, moving vans, trailers, and rental trucks, provided that they are parked or stored in areas related to their use as business vehicles and that all such vehicles are in operable condition.

27. Sign, Wall. A sign that is attached directly to an exterior wall of a building or dependent upon a building for support and projects 18 inches or less from the wall of a structure with the exposed face of the sign in a plane substantially parallel to the face of the wall. Window signs, roof signs, and skyline signs are not considered wall signs. Painted and projected wall signs are types of wall signs but regulated separately by Article 22.

a. Sign, Wall – Painted. A sign that is painted, applied, or affixed directly on the exterior wall of a building or structure. A painted wall sign is not limited to only the application of paint but includes other methods of application and/or material, including, but not limited to tiles or screen printing.

b. Sign, Wall – Projected. A sign that is projected by an optical device that projects an image directly onto the exterior wall of a building or structure by light or other technological means.

28. Sign, Window. A sign that is attached to, placed upon, or printed on the interior or exterior of a window or door of a building, or displayed on the interior within two feet of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary.

Sign Cabinet. A type of wall-mounted sign constructed as within a box where the flat sign face is not an integral part of the structure and is specifically constructed to allow the sign face to be changed without any alteration to the box structure.

Sign Face. The area of a sign on which copy is intended to be placed.

Sill. A shelf or slab of stone, wood, or metal at the base of a window on a building facade.

Site. All contiguous or adjacent land and bodies of water being disturbed, developed, or planned to be disturbed or developed as a unit, regardless of ownership. Site is also referred to as tract or development site.

Site Plan. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

Solar Panel. An energy system that uses the power of the sun to capture, store, and transmit energy.

Solid Waste. Any hazardous or non-hazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

1. Fowl and animal fecal waste.

2. Solid or dissolved material in any of the following:

a. Domestic sewage and sludge generated by the treatment thereof in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters.

b. Irrigation return flows.

c. Wastewater discharges and the sludge incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.) and permits granted under N.C.G.S. § 143-215.1 by the Environmental Management Commission.

3. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the N.C.G.S.

4. Any radioactive material as defined by the North Carolina Radiation Protection Act (N.C.G.S. § 104E-1 through 104E-23).

5. Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 through 74-68) and regulated by the North Carolina Mining Commission (as defined under N.C.G.S. § 143B-290).

Specimen Tree. A tree or group of trees considered to be an important community asset due to its unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance as determined by the City. Examples include large hardwoods (e.g., oaks, poplars, maples, etc.) and softwoods (e.g., pine species) in good or better condition with a DBH of 20 inches or greater, and smaller understory trees (e.g., dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of ten inches or greater.

State Watershed Standard. A quality standard for an applicable watershed classification as established by the North Carolina Environmental Management Commission.

Steep Slope. Areas that exceed a certain percent land inclination as specified within the article where the term is used.

Stoop. An exterior floor typically constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings but cannot be enclosed.

Storm Drainage. The natural and manmade network, of structures, channels, and underground pipes that convey stormwater to local creeks, streams, and rivers.

Storm Drainage Facility. The system of inlets, conduits, channels, ditches, and appurtenances that serve to collect and convey stormwater through and from a given drainage area.

Stormwater Control Measure (SCM). Also known as "Best Management Practice" or "BMP", a permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.

Stormwater Runoff. The direct runoff of water resulting from precipitation in any form.

Story. That portion of a building included between the upper surface of a floor and the upper structure of the floor or roof above.

Stream. A channel on the land surface for conveying water.

Stream, Perennial. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. Such streams are defined by a certified professional using U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology and shall be confirmed (as needed) by Charlotte-Mecklenburg Storm Water Services.

Street, ~~Network~~ Network-Required. Any public or private street intended to meet the connectivity standards as required by the Subdivision, Streets, and Other Infrastructure Articles of this Ordinance and constructed to the applicable standards of the Charlotte Land Development Standards Manual (CLDSM).

Street, Non-Network Required Private. An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to private buildings or land uses, to parking and service areas and which is not maintained by the public, as described in the Charlotte Land Development Standards Manual (CLDSM), and which is privately maintained. See 11.13 of the CLDSM.

Street, Public. A street accepted by or offered for maintenance to the City or North Carolina Department of Transportation (NCDOT). This may include a public right-of-way or fee simple tract of land not less than 30 feet in width, set aside for public travel, which has been established prior to the effective date of June 1, 2023 of this ordinance, or has been dedicated or offered for dedication to the City of Charlotte or the State of North Carolina for public travel by the recording of a subdivision plat.

Street Classifications. (See definitions below)

1. **Arterial Streets.** Streets that are moderate to high-volume surface streets (not including freeways or interstates) that provide for both short distance and city-wide travel. Arterials are shown on the Charlotte Streets Map as Main Streets, Avenues, Boulevards, or Parkways. They are shown on the Charlotte Region Transportation Planning Organization (CRTPO) Comprehensive Transportation Plan (CTP) as Minor Thoroughfares, Other Major Thoroughfares, and Boulevards.

2. **Avenue.** Arterial streets that serve a diverse set of functions in a wide variety of land use contexts and provide a balance of service for all modes of transportation. They provide access from neighborhoods to commercial areas, between areas of the city and, in some cases, through neighborhoods.

    a. **2 Lane Avenue.** Avenues with two travel lanes and no center space.

    b. **2+ ~~or more~~ Lane Avenue.** Avenues with two travel lanes and center space.

    c. **3 Lane Avenue.** Avenues with three travel lanes and no center space.

    d. **4 Lane Avenue.** Avenues with four travel lanes and no center space.

    e. **4+ ~~or more~~ Lane Avenue.** Avenues with four travel lanes and center space.

    f. **5 Lane Avenue.** Avenues with five travel lanes and no center space.

    g. **6+ ~~or more~~ Lane Avenue.** Avenues with six travel lanes and center space.

3. **Boulevard**. Streets that are intended to move large numbers of vehicles, often as “through traffic,” from one part of the city to another and to other lower level streets in the network. Modal priority on boulevards shifts somewhat towards motor vehicles while still accommodating pedestrians and cyclists as safely and

comfortably as possible. All boulevards include center space, typically designed as continuous planted medians.

a. 4+ ~~or more~~ Lane Boulevard. Boulevards with 4 travel lanes and center space.

b. 5+ ~~or more~~ Lane Boulevard. Boulevards with 5 travel lanes and center space.

c. 6+ ~~or more~~ Lane Boulevard. Boulevards with six travel lanes and center space.

d. 6+ ~~or more~~ or More Lane Boulevard. Boulevards with more than six travel lanes and center space.

4. Collector Street. Streets that collect traffic from local streets and other collectors and distribute the traffic to higher volume streets and roads.

5. Limited Access Roads. An interstate or freeway designed for high-speed traffic which has limited or no access to adjacent property, and typically includes a high degree of separation of opposing traffic flows.

6. Local Street. A street that provides access to residential, industrial, or commercial districts, as well as to mixed use areas and that is not designated as a collector, arterial, or limited access roadway.

a. Local Residential Medium Street. One of two local street cross-sections typically used for residential land uses, constructed to the width as prescribed by the Charlotte Land Development Standards Manual (CLDSM).

b. Local Residential Wide Street. One of two local street cross-sections typically used for residential land uses, constructed to the width as prescribed by the CLDSM, to include on-street parking.

c. Local Office Commercial Narrow Street. One of two local street cross-sections typically used for non-residential land uses, constructed to the width as prescribed by the CLDSM.

d. Local Office Commercial Wide Street. One of two local street cross-sections typically used for non-residential land uses, constructed to the width as prescribed by the CLDSM, to include on-street parking.

e. Local Industrial Street. A local street cross-section typically used for industrial land uses, constructed to the width as prescribed by the CLDSM.

7. Main Street. Destination streets that provide access to and function as centers of civic, social, and commercial activity. They are designed to provide the highest level of comfort, security, and access for pedestrians.

8. Parkway. Streets with the primary function of moving large volumes of motor vehicles efficiently from one part of the city to another. They are designed to serve high traffic volumes at relatively high speeds and typically have very limited direct access to land uses.

9. Uptown Streets. A subset of the City-wide Charlotte Streets Map, with classifications applied to streets inside I-277.

a. Uptown Signature Street. Streets that form the spine of the Uptown street network and support major activity corridors.

b. Uptown Primary Street. Streets that connect subareas, activity centers and transit stops to the Signature streets.

c. Uptown Secondary Street. All other non-local streets which serve the sub-areas of Uptown and link to the Primary and Signature streets.

d. Linear Park. Sub-category of Signature Streets with enhanced streetscape width.

Street Furnishings. Physical features included as part of the streetscape, e.g., benches, bike racks, lighting, trash receptacles, and banners.

Street Line. The boundary of a street right-of-way.

Streetcar. A rail vehicle which runs on tramway tracks along streets.

Streetcar Stop. The designated stops where passengers embark and disembark along the streetcar line.

Streetscape. The area within a public or network-required private street right-of-way that contains sidewalks, landscape or trees, street furniture, and similar features.

Strobe Light. A device used to produce flashes of light in regular intervals.

Structure. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. Structure also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and other accessory construction.

Stub Street. A street that is designed to extend to the property line with a temporary barricade and has the intent to be extended to provide for future access and connectivity.

Sublot. A platted parcel of land which is a divided unit of a lot for the development of a duplex, triplex, quadraplex, or ~~townhouse~~ multi-family attached dwelling and associated land.

Subdivision. Divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets. Exceptions to this definition of subdivision are specified in Section 30.3.B.

Subsidiary. An affiliate that is directly, or indirectly through one or more intermediaries, controlled by another person.

Sunshade. A projection extending from the sun-side facade of a building that reduces heat gain by deflecting sunlight.

Tasting Room. A designated area of a micro-brewery, micro-winery, or micro-distillery, located on the premises of the production facilities, where guests may sample the beer, wine, and spirits made on-site.

10-Year Storm. A rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration that will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

Thoroughfare Plan. The most recent Map approved by the Charlotte Regional Transportation Planning Organization (CRTPO) which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation.

Tolled. To postpone or suspend the running of a time period.

Top of Bank. The landward edge of the stream during high water or bank full conditions at the point where the water begins to overflow onto the floodplain.

Topping. Any pruning practices that result in more than one-third of the foliage and limbs being removed. This includes pruning that leads to the disfigurement of the normal shape of the tree.

Topsoil. Natural, fertile soil capable of sustaining vigorous plant growth that is of uniform composition throughout with an admixture of subsoil, has an acidity range of pH 5.5-7.0.

Total Phosphorus (TP). A nutrient that is essential to the growth of organisms but when it occurs in high enough concentrations it can negatively impact water quality conditions. Total phosphorus includes both dissolved and suspended forms of reactive phosphorus, acid hydrolysable phosphorus and organic phosphorus as measured by Standard Method 4500-P.

Total Suspended Solids (TSS). Total suspended matter in water which includes particles collected on a filter with a pore size of two microns as measured by Standard Method 2540-D, which is commonly expressed as a concentration in terms of milligrams per liter (mg/l) or parts per million (ppm).

Tract. See "Site."

Traffic Calming. A measure (or measures) that reduce(s) vehicle speeds.

Transit Corridor. A typically linear area that is defined by and accommodates one or more modes of fixed-guideway transit such as light rail, bus rapid transit, commuter rail, or streetcar.

Transit Trail. A multi-use trail located adjacent to a rapid transit line

Transparency. The required amount of window area as a percentage of the specified facade area. Doors are included in ground floor transparency when such doors are designed with glass or other transparent materials. Garage entrances shall not be included in ground floor transparency.

1. To qualify as transparent for the calculation, the glazing shall meet the following standards:

a. Glazing shall have a minimum of 40% VLT and no more than 15% VLR.

b. The following do not meet the ground floor or upper floor transparency requirements and do not count in meeting the standard:

i. Windows with shadowboxes on the interior

ii. Glass block

iii. Printed window film, regardless of whether it allows views into or out of the building.

2. Visible Light Transmittance (VLT) and Visible Light Reflectance (VLR) are defined as

a. Visible Light Reflectance (VLR): The amount of visible light that is reflected out by a glazing system. A high VLR percentage blocks more daylight from passing through the window.

b. Visible Light Transmission (VLT): The amount of light (daylight) that travels through a glazing system. A high VLT percentage allows more daylight to pass through.

TRANSPARENCY

Transportation Adjustments. The ability, upon demonstration to the City of eligibility, to modify certain select Subdivision, Streets, and Other Infrastructure (SSI) standards and/or requirements due topographical constraints, unusual site-specific conditions related to the land, and/or because the standards or requirements are not roughly proportional to a proposed development's anticipated impacts on the transportation network.

Transportation Demand Management (TDM). The application of strategies and physical improvements to reduce single-occupant vehicle travel demand, or to redistribute those trips to other modes of transportation.

Transportation-Intensive Uses. A subset of specific non-residential land uses falling within the major land use categories, per the Use Table. These uses are expected to generate higher levels of activity for multiple modes of transportation relative to other uses.

Tree Disturbing Activity. It shall be considered a disturbing activity when a person performs or contracts to perform any of the following activities:

1. Spray, fertilize, remove, destroy, cut, top, damage, trim, prune, remove, cut, or carve or otherwise severely prune any tree or its root system not in accordance with ~~the Charlotte Tree~~Section 4.1 of the UDO Zoning Administration Manual

2. Attach any object, including, but not limited to, rope, wire, nail, chain, or sign, to any such tree or shrub not in accordance with Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual

3. Alter the natural drainage, excavate, or lay any drive within the critical root zone.

4. Perform excavation or construction work, which shall include but not be limited to driveway installations, irrigation work, tree removal and/or grading of any kind, within the drip line of any tree without first installing a fence, frame, or box in a manner and of a type and size satisfactory to the City to protect the tree during the excavation or construction work.

Tree Evaluation Formula. A formula for determining the value of trees and shrubs as published by the International Society of Arboriculture.

Tree Protection Zone. A distance equal to the designated zoning district setback or 40 feet from the front property line, whichever is less, or from the side lot line on a corner lot. For Tier 1 and Tier 2 Place Types per Article 20, the tree protection zone shall be the same as the required planting strip. This definition does not apply to development in Tier 4 Place Types per Article 20.

Tree Save Area. An area measured in square feet containing existing or replanted healthy tree canopy preserved or planted in accordance with Article 20 and Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual.

Tree, Large Maturing. Any tree the height of which is 35 feet or greater at maturity.

Tree, Small Maturing. Any tree the height of which is less than 35 feet at maturity.

Turn Lanes. A traffic lane designed to separate turning vehicles from through vehicles traveling in the same direction.

25-Year Storm. A rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years and of a duration that will produce the maximum peak rate of runoff from the watershed of interest under average antecedent wetness conditions.

Use, Accessory. A use located on the same site as the principal use and is incidental and subordinate to the principal use.

Use, Principal. The main use of a structure or lot.

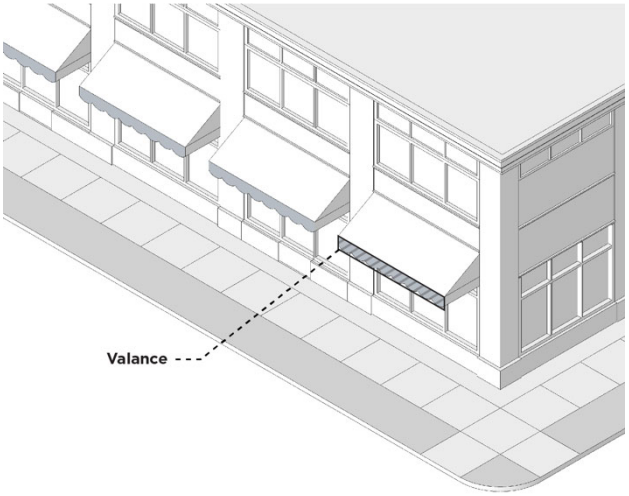
Use, Temporary. A use established for a fixed period of time.. Such use shall be discontinued upon the expiration of such time, that does not involve the construction or alteration of any permanent structure.

Utilities, Above Ground Accessory Structures. Above ground accessory structures for utilities include appurtenances and components for infrastructure: natural gas, water, sewer, stormwater, electricity, telephone (excluding wireless communications), cable television, fiber optic, and others.

Utilities, On-Site. Above ground or underground utility structures, such as backflow preventers and pedestals.

Valance. That portion of a non-structural awning that hangs generally perpendicular from the edge of an awning.

VALANCE



Value-Added Product. A change in the physical state or form of the product such as making raspberries into jam.

Variance. An exception to an ordinance that may be granted on a case-by-case basis by the UDO Board of Adjustment where practical difficulties unique to the property in question prevent full compliance with such provisions permitted in the UDO.

Velocity. The average velocity of flow through the cross-section of the main channel at the peak flow of the design storm. The cross-section of the main channel shall be that area defined by the geometry of the channel

plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

Video Display Screen. A sign, or portion of a sign, that displays an electronic video, whether pre-recorded or streaming.

Walking Distance. The distance by which a person can walk along a publicly accessible street and/or path system from a location to a set destination.

Wastewater Facilities. Facilities that treat water carrying wastes from homes, businesses, and industries that is a mixture of water and dissolved or suspended solids.

Water Facilities. Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, storage facilities, and transmission and distribution mains.

Water Dependent Structures. Those structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads, and similar structures. Ancillary facilities such as restaurants/bars, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

Water Quality Buffer. A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.

Water Quality Buffer Widths. Viewed aerially, the water quality buffer width is measured horizontally on a line perpendicular to the surface water, landward from the top of the bank on each side of the stream.

Watershed. The entire land area contributing surface drainage into a stream, creek, lake or other body of water.

Wetland. Land having the vegetative, soil and hydrologic characteristics to be regulated by Sections 401 and 404 of the Federal Clean Water Act as defined by the United States Army Corps of Engineers.

Wind Turbine. A wind energy conversion system typically consisting of a turbine apparatus and the associated control or conversion mechanisms A) Horizontal axis means the rotating axis of the wind turbine is horizontal or parallel with the ground B) Vertical axis means the rotating axis of the turbine stands vertical or perpendicular to the ground.

Working Day. Any day on which the offices of a City agency are officially open, not including Saturdays, Sundays, and other holidays designated by the City Council.

Zoning District. A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings. Zoning districts are divided into the following categories:

1. **Zoning Districts, Campus.** IC-1, IC-2, OFC, and RC~~-1~~ Zoning Districts
2. **Zoning Districts, Community Activity Centers.** CAC-1 and CAC-2 Zoning Districts
3. **Zoning Districts, Commercial.** CG and CR Zoning Districts
4. **Zoning Districts, Innovation Mixed-Use.** IMU Zoning District
5. **Zoning Districts, Manufactured Home Park.** MHP Zoning District
6. **Zoning Districts, Manufacturing and Logistics.** ML-1 and ML-2 Zoning District
7. **Zoning Districts, Neighborhood 1.** N1-A, N1-B, N1-C, N1-D, N1-E, and N1-F Zoning Districts
8. **Zoning Districts, Neighborhood 2.** N2-A, N2-B, and N2-C Zoning Districts
9. **Zoning Districts, Neighborhood Centers.** NC Zoning District

10. Zoning Districts, Regional Activity Centers. RAC, UE, and UC Zoning Districts

11. Zoning Districts, Transit-Oriented Development. TOD-UC, TOD-NC, TOD-CC, and TOD-TR Zoning Districts

Zoning Map Amendment. An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes: 1) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations; and 2) the application of an overlay zoning district or a conditional district. Zoning map amendment does not include: 1) the initial adoption of a Zoning Map by a local government; 2) the repeal of a Zoning Map and readoption of a new Zoning Map for the entire planning and development regulation jurisdiction; or 3) updating the Zoning Map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the zoning district.

Article 3. Zoning Districts, Official Zoning Map, & Frontages

3.1 PURPOSE AND APPLICABILITY
3.2 ZONING DISTRICT TRANSLATION
3.3 UDO ZONING DISTRICTS
3.4 OFFICIAL ZONING MAP
3.5 APPLICABILITY OF FRONTAGES

3.1 PURPOSE AND APPLICABILITY

Zoning regulations control the use, physical development, and placement of structures on land within the City of Charlotte and its extraterritorial jurisdiction (ETJ). Regulations are intended to protect the health, safety, and welfare of all Charlotte residents and those that provide vital services to the community, and to provide for the orderly development of land in alignment with the City's established land use policies as articulated within the adopted Comprehensive Plan and other development related policies adopted by the Charlotte City Council.

3.2 ZONING DISTRICT TRANSLATION

The conventional zoning district classifications in effect before the effective date of June 1, 2023 of this Ordinance are translated as shown in Table 3-1: Zoning Districts Translation to the zoning districts of this Ordinance. The new standards set forth in this Ordinance for these zoning districts shall apply to all properties within such zoning districts.

Table 3-1: Zoning Districts Translation

Previous Conventional Zoning District	UDO Zoning District	Exceptions/Notations
B-1	CG	
B-2	CG	
B-D	ML-1	
BP	OFC	
I-1	ML-1	
I-2	ML-2	
INST	IC-1	
MUDD	CAC-2	
O-1	OFC	
O-2	OFC	
O-3	OFC	
R-3	N1-A	
R-4	N1-B	
R-5	N1-C	
R-6	N1-D	
R-8	N1-D	
R-8MF	N2-A	
R-12MF	N2-B	
R-17MF	N2-B	
R-22MF	N2-B	
R-43MF	N2-B	
TOD-CC	TOD-CC	
TOD-NC	TOD-NC	
TOD-TR	TOD-TR	
TOD-UC	TOD-UC	
RE-1	RC~~-1~~	
RE-2	RC~~-1~~	
UMUD	UC	
UR-1	N1-E	
UR-2	N2-B	
UR-3	N2-C	
UR-C	N2-C	
R-MH	MHP	
U-I	ML-1	

Table 3-1: Zoning Districts Translation		
Previous Conventional Zoning District	**UDO Zoning District**	**Exceptions/Notations**
Overlay Districts		
HD	HDO	
Airport Zone	District eliminated	
AIR	ANDO	
MHO	MHO	
Mountain Island Lake Watershed Overlays	District eliminated	The regulations of Article 23 shall apply
Catawba River/Lake Wylie Watershed Overlays	District eliminated	The regulations of Article 23 shall apply
Lower Lake Wylie Watershed Overlays	District eliminated	The regulations of Article 23 shall apply
PED	All districts except R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, TOD-TR, TOD-NC, TOD-CC, TOD-UC, and MUDD Zoning Districts: NC R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF Zoning Districts: N2-C R-3, R-4, R-5, R-6, R-8, TOD-TR, TOD-NC, TOD-CC, TOD-UC, and MUDD Zoning Districts: The zoning translation for the district applies	Exception: Translation does not apply where PED Overlay is in conjunction with a conditional or optional district
TS	District eliminated	Exception: Translation does not apply where TS Overlay is in conjunction with a conditional or optional district

3.3 UDO ZONING DISTRICTS

To carry out the purpose and intent of this Ordinance, land within the City of Charlotte has been classified into zoning districts as established below. In most cases these zoning districts correspond to the City's adopted Place Types, and are intended to be applied in areas of the City designated as such on the City's most recently adopted ~~Place Type~~ Policy Map. Specific zoning district standards may also reference Place Types as shown on the most recently adopted ~~Place Type~~ Policy Map.

A. Neighborhood 1 Zoning Districts

N1-A Neighborhood 1 Zoning District
N1-B Neighborhood 1 Zoning District
N1-C Neighborhood 1 Zoning District
N1-D Neighborhood 1 Zoning District
N1-E Neighborhood 1 Zoning District
N1-F Neighborhood 1 Zoning District

B. Neighborhood 2 Zoning Districts

N2-A Neighborhood 2 Zoning District
N2-B Neighborhood 2 Zoning District
N2-C Neighborhood 2 Zoning District

C. Commercial Zoning Districts

CG General Commercial Zoning District
CR Regional Commercial Zoning District

D. Campus Zoning Districts

IC-1 Institutional Campus Zoning District
IC-2 Institutional Campus Zoning District
OFC Office Flex Campus Zoning District
RC~~-1~~ Research Campus Zoning District

E. Manufacturing and Logistics Zoning Districts

ML-1 Manufacturing and Logistics Zoning District
ML-2 Manufacturing and Logistics Zoning District

F. Innovation Mixed-Use Zoning Districts

IMU Innovation Mixed-Use Zoning District

G. Neighborhood Center Zoning Districts

NC Neighborhood Center Zoning District

H. Community Activity Center Zoning Districts

CAC-1 Community Activity Center Zoning District
CAC-2 Community Activity Center Zoning District

I. Regional Activity Center Zoning Districts

RAC Regional Activity Center Zoning District
UE Uptown Edge Zoning District
UC Uptown Core Zoning District

J. Transit-Oriented Development Zoning Districts

TOD-UC Transit Urban Center Zoning District
TOD-NC Transit Neighborhood Center Zoning District
TOD-CC Transit Community Center Zoning District
TOD-TR Transit Transition Zoning District

K. Special Purpose and Overlay Zoning Districts

HDO Historic District Overlay
HDO-S Streetside Historic District Overlay
NCO Neighborhood Character Overlay District
RIO Residential Infill Overlay District
CCO Cottage Court Overlay District
MHO Manufactured Home Overlay
MHP Manufactured Home Park District
ANDO Airport Noise Disclosure Overlay

3.4 OFFICIAL ZONING MAP

A. Location of Zoning Districts

The location and boundaries of the base and overlay zoning districts established by this Ordinance are set forth in the Official Zoning Map ("Zoning Map"), as periodically amended. The ~~Official~~ Zoning Map maintained by the Planning Department, and all the notations, references, and other information shown thereon are incorporated into, and made part of, this Ordinance.

B. Interpretation of Zoning Map

Where uncertainty exists with respect to the boundaries of the zoning districts shown on the Zoning Map, the following rules shall be used to interpret the ~~map~~Zoning Map:

1. Where the ~~map~~ Zoning Map shows a boundary line located within a street or alley right-of-way, railroad, or utility line right-of-way, easement, navigable or non-navigable waterway, or other planimetric feature, it shall be considered to be in the center of the right-of-way, easement, waterway, or other planimetric feature. If the actual location of such right-of-way, easement, waterway, or planimetric feature varies slightly from the location as shown on the Zoning Map, then the actual location shall control.

2. Where a map shows a boundary line as being located a specific distance from a street or alley right-of-way, railroad or utility line right-of-way, easement, navigable or non-navigable waterway, or other planimetric feature, this distance shall control.

3. Where a map shows a zoning district boundary to approximately coincide with a property line or city, town, county or state border, the property line or city, town, county, or state border shall be the zoning district boundary, unless otherwise indicated.

4. In instances when an approved rezoning petition included detailed information regarding a boundary line, such information shall be used as the correct boundary line location.

5. Where detailed information regarding a boundary line is not available, and where a map shows a zoning district boundary to not coincide or approximately coincide with any street or alley right-of-way, railroad or utility line right-of-way, easement, navigable or non-navigable waterway, other planimetric feature, or municipal border, and no dimensions are shown, the location of the boundary shall be determined by use of the scale appearing on the map.

6. If, because of error or omission in the Zoning Map, any property within the jurisdiction of this Ordinance is not shown as being in a zoning district, a zoning district classification of N1-A shall be established for the property.

7. In instances where none of the above methods are sufficient to resolve the boundary location, the Zoning Administrator may interpret the reasonable maintenance of a regular boundary to establish the boundary location.

8. Interpretation of information on the Zoning Map will be made by the Zoning Administrator. Appeals of the Zoning Administrator's interpretation may be made to the UDO Board of Adjustment. The Zoning Administrator will evaluate any alleged ~~map~~ Zoning Map error using all available materials and records for the subject and adjacent properties. These materials include, but are not limited to, the following:

a. The tax map, current or historic.

b. Legal descriptions of properties or boundaries.

c. Historical zoning maps.

d. Approved rezoning petition information.

e. Tax records, current or historic.

f. Zoning and special use permit case files.

g. Official maps from other jurisdictions.

h. Topographic and planimetric maps and aerial photos.

i. Other documentable information from sources whose accuracy cannot reasonably be questioned.

3.5 APPLICABILITY OF FRONTAGES

Dimensional regulations, design regulations, and other aspects of the zoning districts within this Ordinance are frequently controlled by frontages. Where regulations within this Ordinance contain frontage designations, the following rules of determination apply.

A. Frontages Established

The regulations of this Ordinance address a series of 13 frontage types. These frontage types apply whether shown on Charlotte Streets Map or established through the development process.

1. Uptown Signature

An Uptown Signature frontage includes those streets classified on the Charlotte Streets Map as Uptown Signature Streets. This frontage type applies only to Uptown Streets.

2. Main Street

A Main Street frontage includes those streets on the Charlotte Streets Map classified as Main Streets.

3. Linear Park

A Linear Park frontage includes those streets classified on the Charlotte Streets Map as Linear Parks. This frontage type applies only to Uptown Streets.

4. 4-5 Lane Avenue/Boulevard

A 4-5 Lane Avenue/Boulevard includes those streets on the Charlotte Streets Map classified as:

- **a.** 4 Lane Avenue
- **b.** 4+ ~~4 or more~~ Lane Avenue
- **c.** 5 Lane Avenue
- **d.** 5+ ~~5 or more~~ Lane Avenue
- **e.** 4+ ~~4 or more~~ Lane Boulevard
- **f.** 5+ ~~5 or more~~ Lane Boulevard

5. 6 or More Lane Avenue/Boulevard

A 6 or more Lane Avenue/Boulevard includes those streets on the Charlotte Streets Map classified as:

- **a.** 6 Lane Avenue
- **b.** 6+ ~~6 or more~~ Lane Avenue
- **c.** 6+ ~~6 or more~~ Lane Boulevard
- **d.** Greater than 6+ ~~6 or more~~ Lane Boulevard

6. 2-3 Lane Avenue

A 2-3 Lane Avenue includes those streets on the Charlotte Streets Map classified as:

- **a.** 2 Lane Avenue
- **b.** 2+ ~~or more~~ Lane Avenue
- **c.** 3 Lane Avenue

7. Parkway

A Parkway includes those streets on the Charlotte Streets Map classified as such.

8. Limited Access

Limited Access includes those streets on the Charlotte Streets Map classified as such.

9. Transit Station, Off-Street Public Path, Public Park
A transit station, off-street public path, or public park frontage includes the following:

a. A transit station (Including 100 linear feet to either side of a station platform) as shown on an adopted Metropolitan Transit Commission alignment station location.

b. An off-street public path as required by this Ordinance or shown on a publicly adopted plan.

c. A public park or other publicly owned open space.

10. Uptown Primary
An Uptown Primary frontage includes those streets classified on the Charlotte Streets Map as Uptown Primary Streets. This frontage type applies only to Uptown Streets.

11. Other – Primary
An Other – Primary frontage includes the following:

a. Collector streets, as shown on the Charlotte Streets Map or as designated through the development process.

b. ~~A~~ The segment of a public or network-required private local street abutting a Neighborhood 1 Place Type.

12. Uptown Secondary
An Uptown Secondary frontage includes those streets classified on the Charlotte Streets Map as Uptown Secondary Streets. This frontage type applies only to Uptown Streets.

13. Secondary
A Secondary frontage includes any public or network-required private local street not classified as a frontage as established in items 1 through 8 above.

B. Additional Frontage Determination
In addition to item A above, and in the case of a conflict, the following rules of determination shall apply.

1. Where a lot has only one street frontage, and such frontage is not a Main Street, 4-5 Lane Avenue/Boulevard, 6 or more Lane Avenue/Boulevard, 2-3 Lane Avenue, or Other – Primary as established per item A above, it shall be established as an Other-Primary frontage. This does not apply to Parkways or Limited Access roads.

2. Where a lot located in Uptown has only one street frontage, and such frontage is not an Uptown Signature or Linear Park, as established per item A above, it shall be established as an Uptown Primary frontage. This only applies to Uptown Streets.

3. Where a collector street is addressed specifically within a regulation, it shall not be considered an Other – Primary frontage for the purpose of such regulation.

4. Where regulations within this Ordinance reference a Primary Frontage, such designation includes the following categories:

a. Main Street

b. 4-5 Lane Avenue/Boulevard

c. 6 or more Lane Avenue/Boulevard

d. 2-3 Lane Avenue/Boulevard

e. Transit station, off-street public path, public park

f. Other – Primary

g. Uptown Signature

h. Uptown Primary

i. Linear Park

5. For the application of zoning district standards and zoning development standards (Articles 4 through 22), an Uptown Signature or Linear Park frontage shall be considered a Main Street frontage for all standards other than the frontage setback line.

6. For the application of zoning district standards and zoning development standards (Articles 4 through 22), an Uptown Primary frontage shall be considered an Other-Primary frontage for all standards other than the frontage setback line.

7. For the application of zoning district standards and zoning development standards (Articles 4 through 22), an Uptown Secondary frontage shall be considered a Secondary frontage for all standards other than the frontage setback line.

C. Lots with Multiple Frontages

1. When a lot has two frontages, at least one frontage shall be a primary frontage type. If neither frontage meets the criteria listed for a primary frontage type the longer of the two frontages shall be designated as an Other – Primary frontage type. If both frontages are of equal length, then either of the two shall be designated as an Other – Primary frontage type. Parkway and Limited Access frontages shall not be designated as Other - Primary. If both frontages are Parkway or Limited Access Frontages, neither shall be designed Other – Primary. If both frontages meet the criteria for primary frontages, they shall both be designated as primary frontages.

2. For Uptown Streets, when a lot has two frontages, at least one frontage shall be a primary frontage type. If neither frontage meets the criteria listed for a primary frontage type, the longer of the two frontages shall be designated as an Uptown Primary frontage type. If both frontages are of equal length, then either of the two shall be designated as an Uptown Primary frontage type. Parkway and Limited Access frontages shall not be designated as Uptown Primary. If both frontages meet the criteria for primary frontages, they shall both be designated as primary frontages.

3. When a lot has three frontages, at least one frontage shall be designated as a primary frontage type. If no frontage meets the criteria listed for a primary frontage type, the longest frontage shall be designated as an Other – Primary frontage. Parkway and Limited Access frontages shall not be designated as Other - Primary. If all frontages are Parkway or Limited Access frontages, none shall be designed Other – Primary. All frontages that meet the criteria for primary frontages shall be designated as primary frontages.

4. For Uptown Streets, when a lot has three frontages, at least one frontage shall be designated as a primary frontage type. If no frontage meets the criteria listed for a primary frontage type, the longest frontage shall be designated as an Uptown Primary frontage. Parkway and Limited Access frontages shall not be designated as Uptown Primary. All frontages that meet the criteria for primary frontages shall be designated as primary frontages.

5. When a lot has four or more frontages, at least two frontages shall be designated as primary frontage types. If less than two frontages meet the criteria for a primary frontage type, the longest of those not meeting the criteria shall be designated as an Other – Primary frontage to meet this minimum. Parkway and Limited Access frontages shall not be designated as Other - Primary. If all frontages are Parkway or Limited Access frontages, none shall be designed Other – Primary. All frontages that meet the criteria for primary frontages shall be designated as primary frontages.

6. For Uptown Streets, when a lot has four or more frontages, at least two frontages shall be designated as primary frontage types. If less than two frontages meet the criteria for a primary frontage type, the longest of those not meeting the criteria shall be designated as an Uptown Primary frontage to meet this minimum. Parkway and Limited Access frontages shall not be designated as Uptown Primary. All frontages that meet the criteria for primary frontages shall be designated as primary frontages.

D. Hierarchy of Frontage Types

Where regulations within this Ordinance refer to a hierarchy of frontages, the following rules apply.

1. The established hierarchy of frontages is as follows, listed from highest to lowest:

- **a.** Uptown Signature
- **b.** Main Street
- **c.** Linear Park
- **d.** 4-5 Lane Avenue/Boulevard
- **e.** 2-3 Lane Avenue
- **f.** Transit station, off-street public path, public park
- **g.** Uptown Primary
- **h.** Other – Primary
- **i.** 6 or more Lane Avenue/Boulevard
- **j.** Uptown Secondary
- **k.** Secondary
- **l.** Parkway
- **m.** Limited Access

Article 4. Neighborhood 1 Zoning Districts: N1-A, N1-B, N1-C, N1-D, N1-E, N1-F

4.1 PURPOSE
4.2 USES
4.3 DIMENSIONAL AND DESIGN STANDARDS
4.4 OPEN SPACE REQUIREMENTS
4.5 ALTERNATIVE RESIDENTIAL DEVELOPMENT OPTIONS
4.6 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS
4.7 GENERAL DEVELOPMENT STANDARDS

4.1 PURPOSE

The Neighborhood 1 Zoning Districts respect the character and development patterns of Charlotte's established residential neighborhoods and promote new residential neighborhood development in a manner that implements the City's vision for the future. The N1-A through N1-E Zoning Districts allow for the development of single-family, duplex, and triplex dwellings on all lots. Additionally, quadraplex dwellings are allowed on arterial streets in these zoning districts when an affordable housing unit is provided within the dwelling. The N1-F Zoning District allows all dwelling types allowed in N1-A through N1-E Zoning Districts, as well as small-scale ~~townhouse and~~ multi-family dwellings, and is intended for application typically on arterial streets within Neighborhood 1 Place Type.

Specific standards within each of the zoning districts address building form and promote context-sensitive, compatible neighborhood development. The Neighborhood 1 Zoning Districts also allow for select nonresidential uses, such as places of worship and educational facilities, and for the reuse of existing neighborhood commercial establishments under prescribed conditions.

A. N1-A Neighborhood 1 Zoning District

The N1-A Zoning District allows for the development of residential dwellings on lots of 10,000 square feet or greater. The N1-A Zoning District is typically applied to established neighborhoods.

B. N1-B Neighborhood 1 Zoning District

The N1-B Zoning District allows for the development of residential dwellings on lots of 8,000 square feet or greater. The N1-B Zoning District is typically applied to established neighborhoods.

C. N1-C Neighborhood 1 Zoning District

The N1-C Zoning District allows for the development of residential dwellings on lots of 6,000 square feet or greater. The N1-C Zoning District is typically applied to established neighborhoods.

D. N1-D Neighborhood 1 Zoning District

The N1-D Zoning District allows for the development of residential dwellings on lots of ~~4,000~~3,500 square feet or greater.

E. N1-E Neighborhood 1 Zoning District

The N1-E Zoning District allows for the development of residential dwellings on lots of 3,000 square feet or greater.

F. N1-F Neighborhood 1 Zoning District

The N1-F Zoning District allows for the development of residential dwellings on lots of 3,000 square feet or greater and is intended to be applied predominantly along arterials.

4.2 USES

Article 15 lists permitted, temporary, and accessory uses for the Neighborhood 1 Zoning Districts. Use definitions are found in Article 15.

4.3 DIMENSIONAL AND DESIGN STANDARDS

A. General

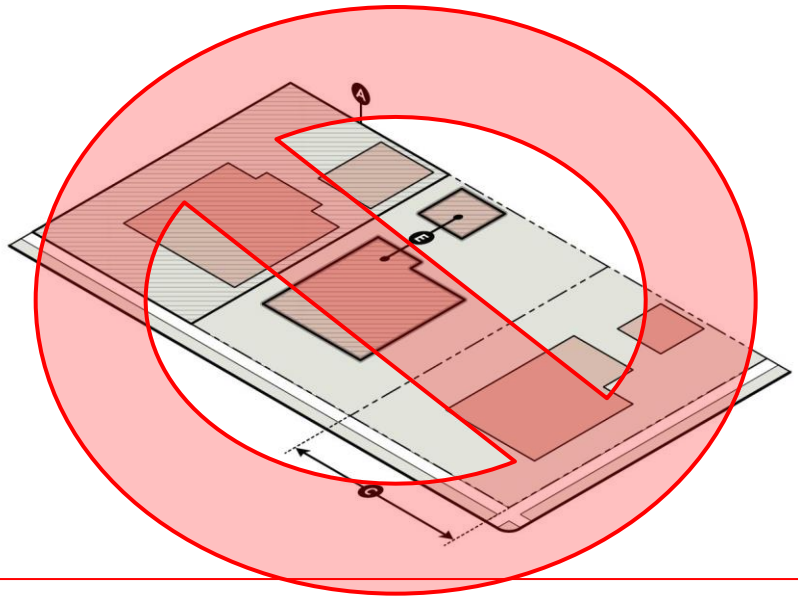
1. The tables below include the dimensional and design standards for the Neighborhood 1 Zoning Districts. Abbreviation~~s~~ included shall be interpreted as follows: ~~TH = Townhouse,~~ MF = Multi-Family. (Additional abbreviations are described in Section 2.2.)

2. Where this Ordinance refers to frontages in general, a transit station, off-street public path, or public park shall not be considered a frontage within the Neighborhood 1 Zoning Districts.

3. In the tables below, where a cell contains a standard or a "✓" the standard shall be applicable. Where a cell is blank and shaded, the standard shall not apply.

B. Lot

Lot standards govern the basic dimensions of lots, including but not limited to minimum area, width, and coverage as applicable. These standards are intended to provide a rational basis for the division, organization, and development of land within the City of Charlotte.



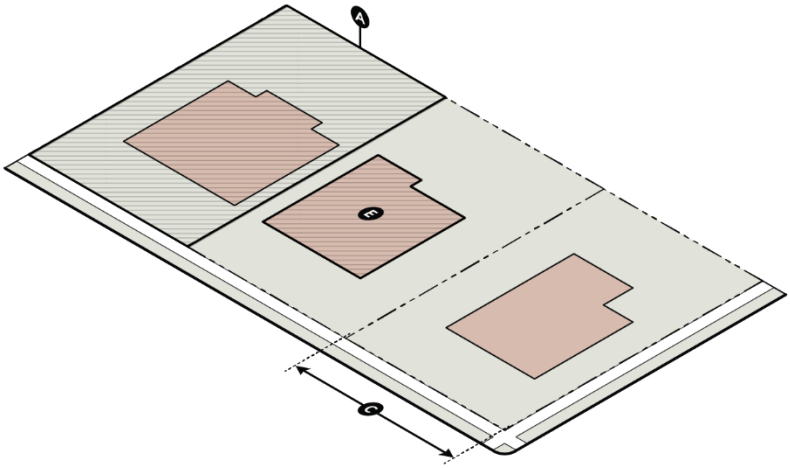
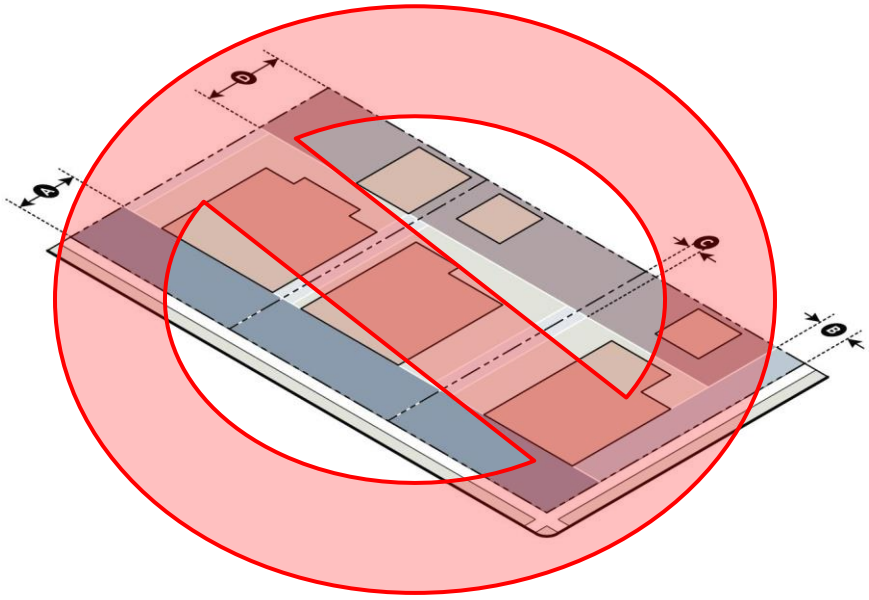


Table 4-1: Neighborhood 1 Zoning Districts Lot Standards							
		N1-A	N1-B	N1-C	N1-D	N1-E	N1-F
A	**Minimum Lot Area – Residential** (square feet)	10,000	8,000	6,000	3,500	3,000	3,000
B	**Minimum Lot Area – Nonresidential and Mixed-Use** (square feet)	12,000	12,000	12,000	12,000	12,000	12,000
C	**Minimum Lot Width – Residential** (feet)	70	60	50	40	30	30 ~~TH,~~ MF: 50
D	**Minimum Lot Width – Nonresidential and Mixed-Use** (feet)	70	70	70	70	70	70
E	**Maximum Building Coverage** (%)	Lots 10,000 square feet and greater: 40 Lots Less than 10,000 square feet: 50					

C. Building Siting

Building siting standards govern the placement of buildings on lots and are intended to ensure that development maintains compatibility with its surrounding context and the intent of the applicable zoning district.



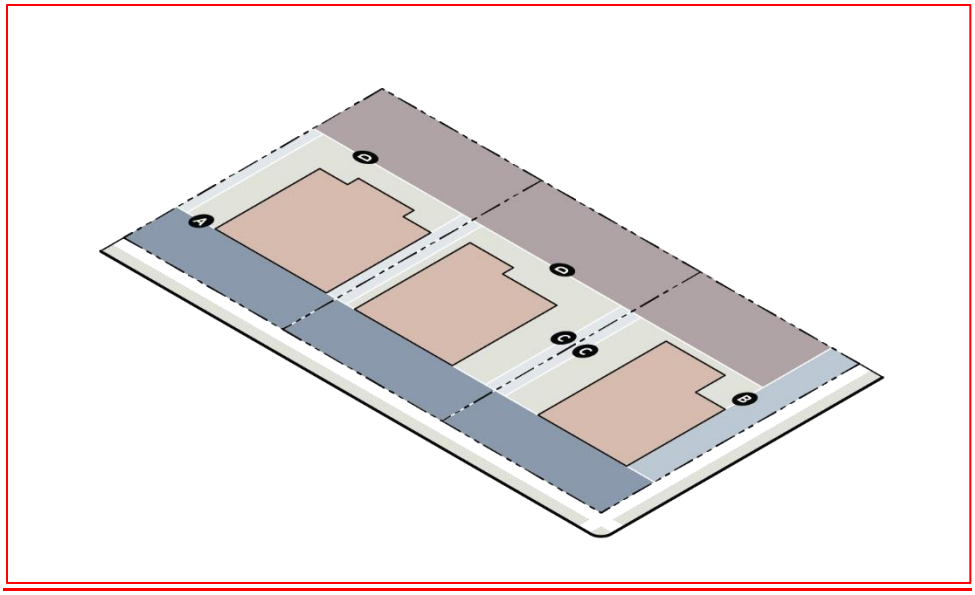


Table 4-2: Neighborhood 1 Zoning Districts Building Siting Standards							
		N1-A	N1-B	N1-C	N1-D	N1-E	N1-F
A	**Min. Front Setback from Street** (Measured from Right-of-Way) (feet) [1, 2, 3, 4, 6]	27	27	17	17	10	17
B	**Min. Corner Side Setback from Street** (Measured from Right-of-Way) (feet) [4, 5, 6]	13.5	13.5	10	10	10	10
C	**Minimum Side Setback** (feet)	5	5	5	5	5	5
D	**Minimum Rear Setback** (feet)	40	35	30	25	20	20

1 Front setbacks shown on a plat recorded at the Register of Deeds shall supersede required zoning district front setbacks.

2 The following alternative setback standards may be used for an established block~~-~~face that is at least 25% developed or has at least four existing dwellings:

1. A single-family, duplex, or triplex dwelling in an established blockface may be located no closer to the street than the two closest residential buildings ~~structures~~ on the same blockface.
2. In no case shall the minimum setback be less than ten feet or intrude into a required clear sight triangle at an intersection (Section 16.1).

3 In the case of a lot abutting both a local or collector street and a parallel arterial street (through lot), buildings shall orient toward the local or collector street.

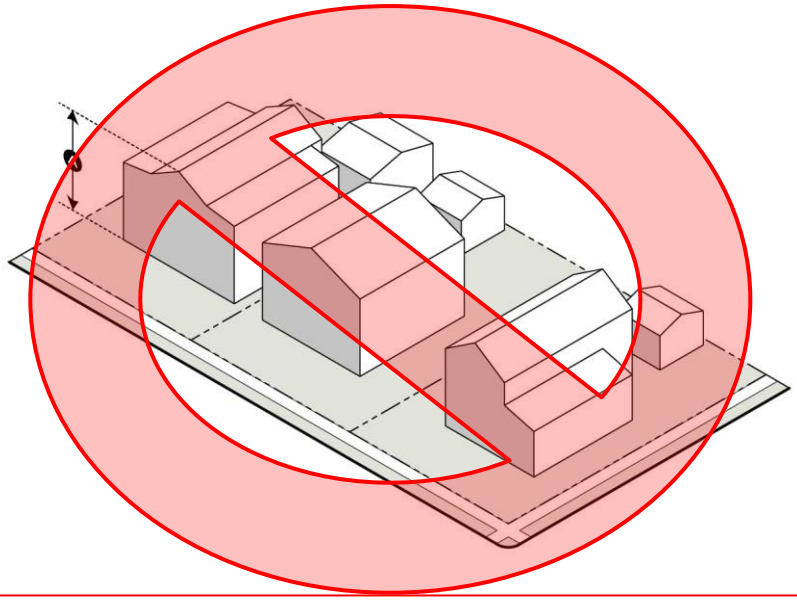
4 In no case shall any building entry be located closer than six feet to an existing or proposed off-street public path or shared use path.

5 When the corner side setback is located along an arterial street, the corner side setback shall be subject to the minimum front setback dimension for the zoning district.

6 Street includes public and network-required private streets. For network-required private streets, front setback is measured from the back of curb, and shall be as indicated for the zoning district, plus an additional 14 feet.

D. Building Height

Building height standards govern the maximum heights of buildings, as applicable, and are intended to provide flexibility while maintaining appropriate transitions to adjacent areas.



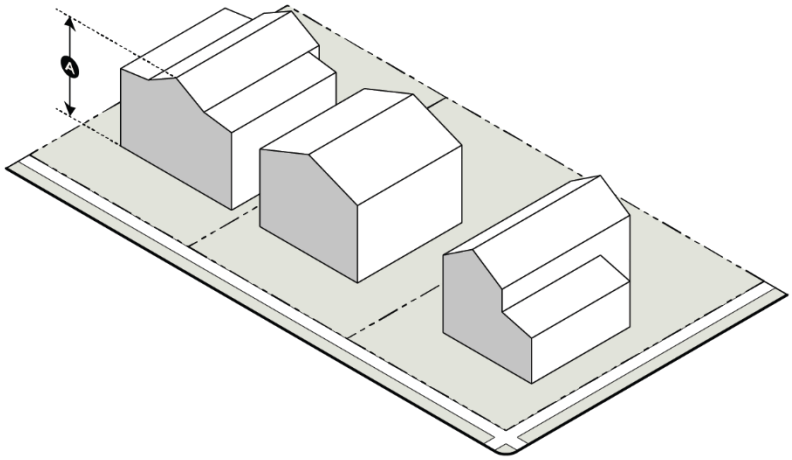
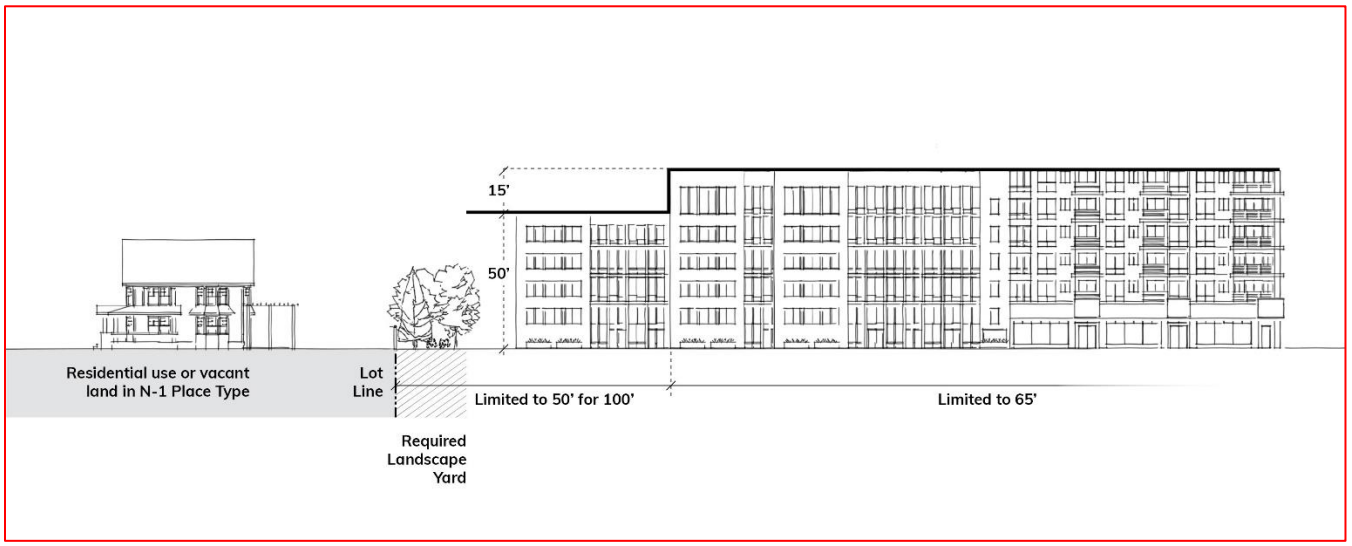


Table 4-3: Neighborhood 1 Zoning Districts Building Height Standards							
		N1-A	N1-B	N1-C	N1-D	N1-E	N1-F
A	**Maximum Building Height – Residential** (feet) [1]	48	48	40	40	40	48
B	**Maximum Building Height – Nonresidential and Mixed-Use** (feet) [1,2]	48	48	48	48	48	48

[1] The height and location of structures may be restricted by the limitations set forth in the Code of Federal Regulations (CFR) Title 14 Part 77: Safe, Efficient Use, and Preservation of the Navigable Airspace. A notice of proposed construction FAA Form 7460-1 must be filed with the FAA for construction or alteration that impacts any of the imaginary surfaces as defined in 14 CFR Part 77 or is more than 200 feet in height above the ground at its site at least 45 days prior to construction. The Aviation Department Planning Division may serve as a point of contact for information regarding building notification requirements and obstruction evaluation.

[2] Building height may be increased by one foot for each additional one foot of building setback from required side and rear setbacks to a maximum height of 65 feet. The maximum building height of any structure within 200 feet of residential uses or vacant land in a Neighborhood 1 Place Type is limited as follows: That portion of a structure within the first 100 feet is limited to a maximum of 50 feet in height, and each portion of the building may be measured independently, from the average grade of the portion being measured to the highest point of the same portion.



1. Building Height Setback Plane for Duplexes and Triplexes

In addition to the maximum building height requirement, all duplex and triplex ~~structures~~ buildings within the Neighborhood 1 Zoning Districts shall meet the building height setback plane regulations below.

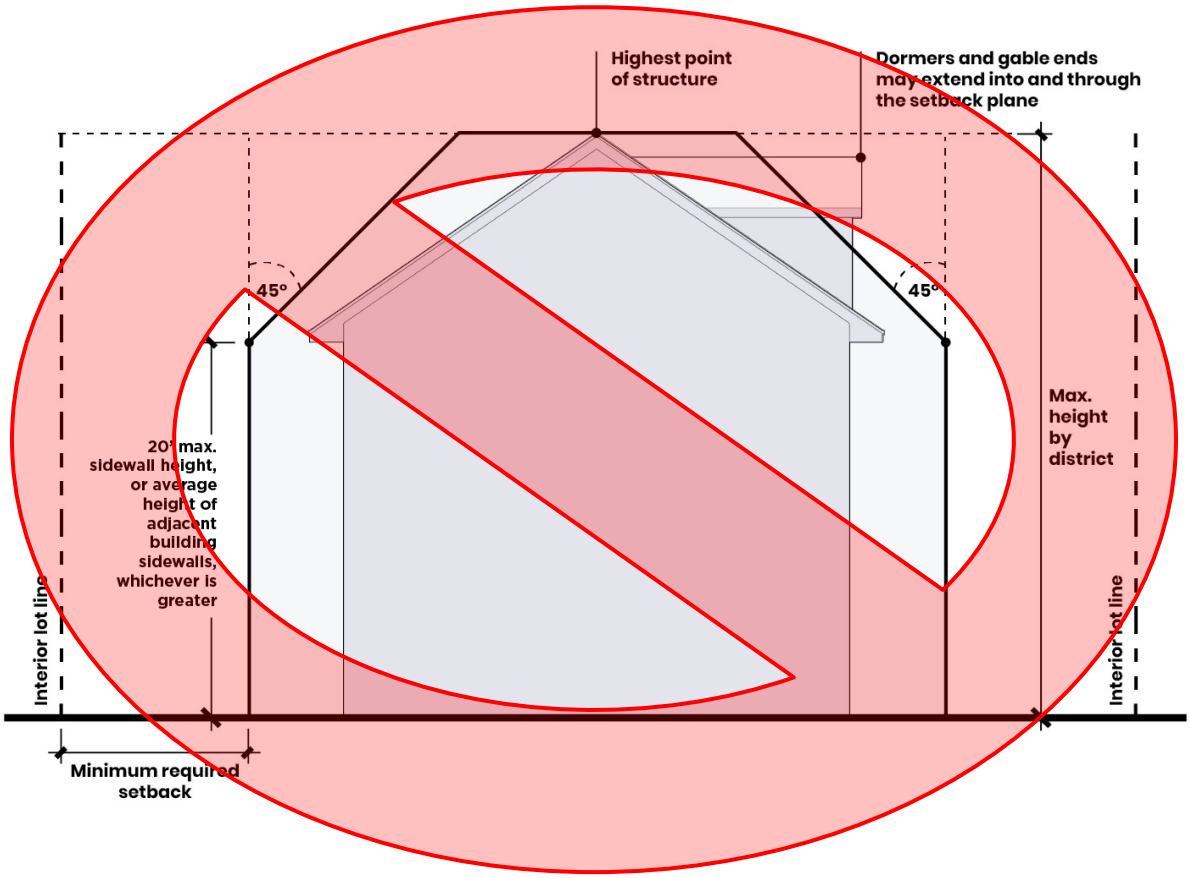
a. All duplex and triplex ~~structures~~ buildings are limited to a sidewall height at the required minimum side setback of 20 feet or the average height of the ~~adjacent~~ residential building sidewalls on both sides of the lot, whichever is greater. Sidewalls shall be measured from the finished floor elevation of the main floor to the eave or, if no eave is present on the residential building, to the bottom of the finished roof plane. For a corner lot, the ~~adjacent~~ closest ~~lot~~ residential building on the same blockface and the ~~lot~~ residential building ~~adjacent~~ closest to such ~~lot~~ are used for averaging. If a sidewall height of greater than 20 feet is proposed, a height survey of the ~~adjacent~~ closest residential building sidewalls is required at the time of permitting.

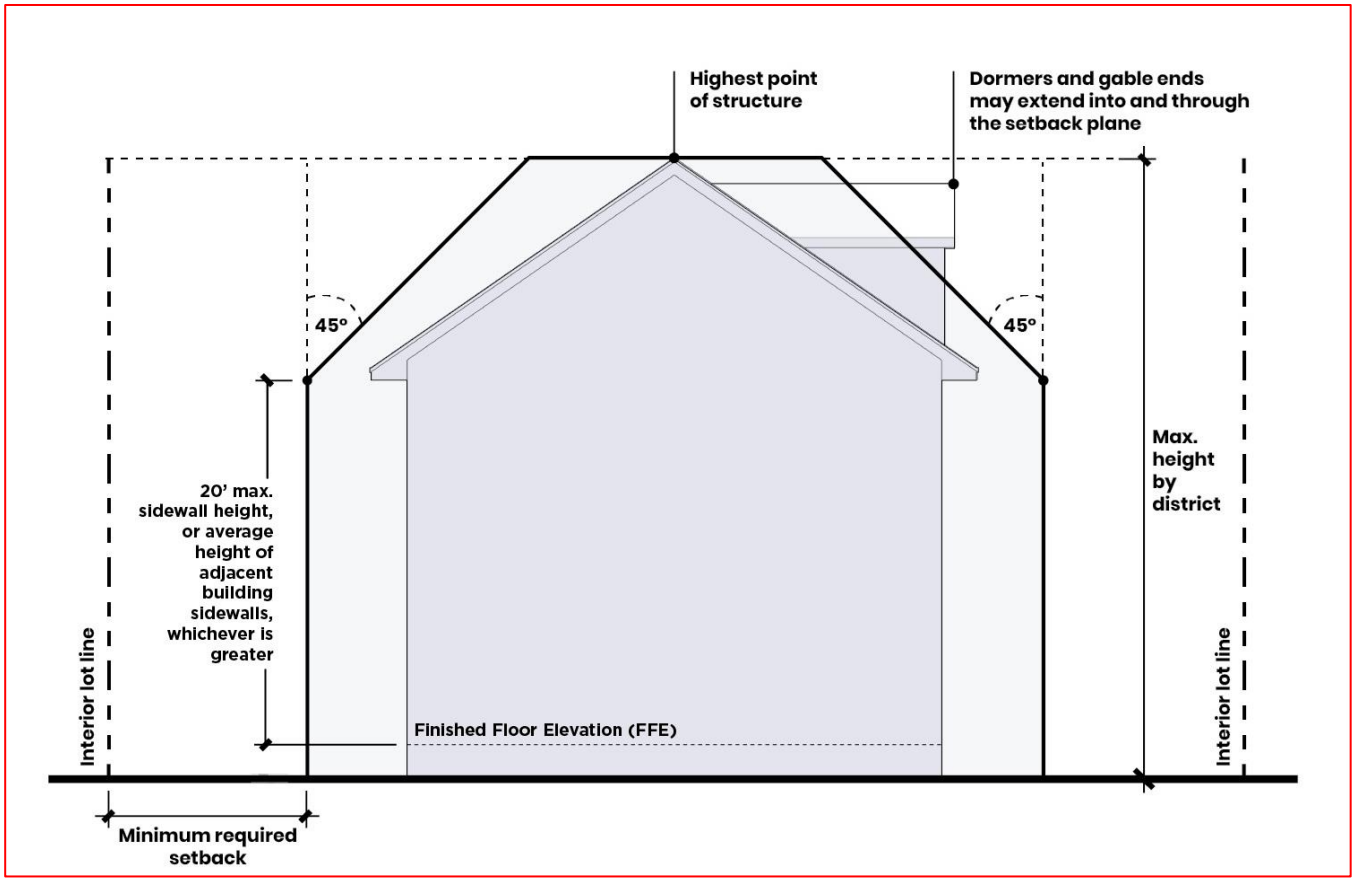
b. If no residential buildings exist on the same blockface as a new residential building under development, the maximum building height for the zoning district controls.

~~b~~**c.** Additional building height is granted at a ratio of one foot of additional side setback to one foot of height, establishing a building height setback plane at 45 degrees. Buildings may not exceed the maximum building heights of the zoning district.

~~c~~**d.** Dormers and gable ends may extend into and through the 45 degree building height setback plane but shall comply with the maximum building height.

BUILDING HEIGHT SETBACK PLANE (DUPLEX AND TRIPLEX)





E. Building Articulation

Building articulation standards govern the dimensions of building facade elements and entry features and are intended to facilitate the enhancement of a pedestrian-oriented environment. The following standards apply only to building façades facing a frontage, except for Limited Access. The standards below apply to all uses unless a use has a specific standard. When only specific uses are cited, then the standard applies only to those uses.

Table 4-4: Neighborhood 1 Zoning Districts Building Articulation Standards							
		N1-A	N1-B	N1-C	N1-D	N1-E	N1-F
A	**Maximum Building Length – Residential** (feet)						~~TH,~~ MF: 150
B	**Maximum Building Length – Nonresidential and Mixed-Use** (feet)	300	300	300	300	300	300
C	**Maximum Blank Wall Area – Residential** (Ground floor and upper floors; Horizontal or Vertical) (feet)						MF~~1~~[1]: 20
D	**Maximum Blank Wall Area – Nonresidential and Mixed-Use** (Ground floor and upper floors; Horizontal or Vertical) (feet)	20	20	20	20	20	20
E	**Maximum Prominent Entry Spacing - Residential** (feet)						MF~~1~~[1]: 250
F	**Maximum Prominent Entry Spacing – Nonresidential and Mixed-Use** (feet)	250	250	250	250	250	250

[1] Does not apply to Multi-Family Attached When Units on Sublots.

F. Transparency

Transparency standards govern the required amount of ground floor and upper ~~story~~ floor transparency and are intended to facilitate the enhancement of a pedestrian-oriented environment. The following standards apply only to building façades facing a frontage, except for Limited Access. These standards do not apply to ~~townhouse~~ multi-family attached development on sublots. The standards below apply to all uses unless a use has a specific standard. When only specific uses are cited, then the standard applies only to those uses.

Table 4-5: Neighborhood 1 Zoning Districts Transparency Standards							
		N1-A	N1-B	N1-C	N1-D	N1-E	N1-F
A	**Ground Floor Transparency – Residential** (% of wall area between 3' and 10' from grade)						MF: 25
B	**Ground Floor Transparency – Nonresidential and Mixed-Use** (% of wall area between 3' and 10' from grade)	30	30	30	30	30	30
C	**Upper ~~Story~~ Floor Transparency – Residential** (% of Wall Area ~~of~~ per Story)						MF: 15
D	**Upper ~~Story~~ Floor Transparency – Nonresidential and Mixed-Use** (% of Wall Area ~~of~~ per Story)	15	15	15	15	15	15

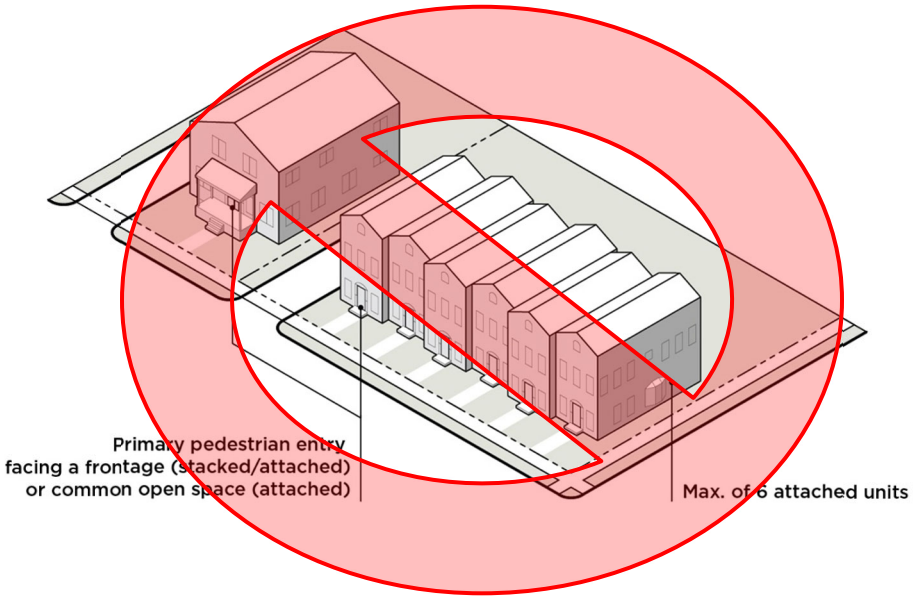
G. Site Layout Standards

1. Residential Site Layout Standards

a. In the N1-F Zoning District, ~~townhouse developments,~~ multi-family attached developments~~,~~ and multi-dwelling developments are limited to two principal structures on a lot. In the N1-F Zoning District, multi-family stacked developments are limited to one principal structure on a lot.

b. The table below establishes site layout standards for multi-family attached, multi-family stacked, ~~townhouse,~~ and triplex and quadraplex development both when located on and when not located on sublots. Multi-dwelling developments are also subject to the prescribed conditions in Article 15.

RESIDENTIAL SITE LAYOUT STANDARDS



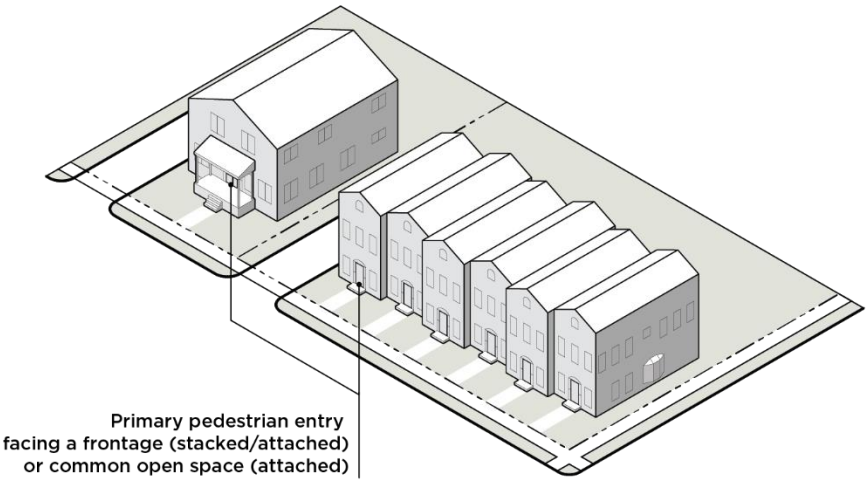


Table 4-6: Neighborhood 1 Zoning Districts Residential Site Layout Standards				
	Multi-Family Attached When Units Not On Sublots	Multi-Family Stacked	~~Townhouse~~Multi-Family Attached & Triplex / Quadraplex When Units On Sublots	Triplex / Quadraplex When Not On Sublots
The primary pedestrian entry to each principal structure shall face a frontage.		✓		✓
The primary pedestrian entry to each dwelling unit shall face a frontage or common open space.	✓			
Principal structures abutting a frontage shall be oriented with all building sidewalls perpendicular to the frontage. On corner lots, sidewalls may be oriented perpendicularly to either frontage.			✓	

H. Building Design Standards

1. Residential Building Design Standards

The table below establishes building design standards for ~~multi-family attached,~~ multi-family stacked, and multi-family attached, triplex and quadraplex development when not on sublots within the Neighborhood 1 Zoning Districts.

RESIDENTIAL BUILDING DESIGN STANDARDS
(~~MULTI-FAMILY ATTACHED,~~ MULTI-FAMILY STACKED, AND MULTI-FAMILY ATTACHED, TRIPLEX AND QUADRAPLEX DEVELOPMENT WHEN NOT ON SUBLOTS)

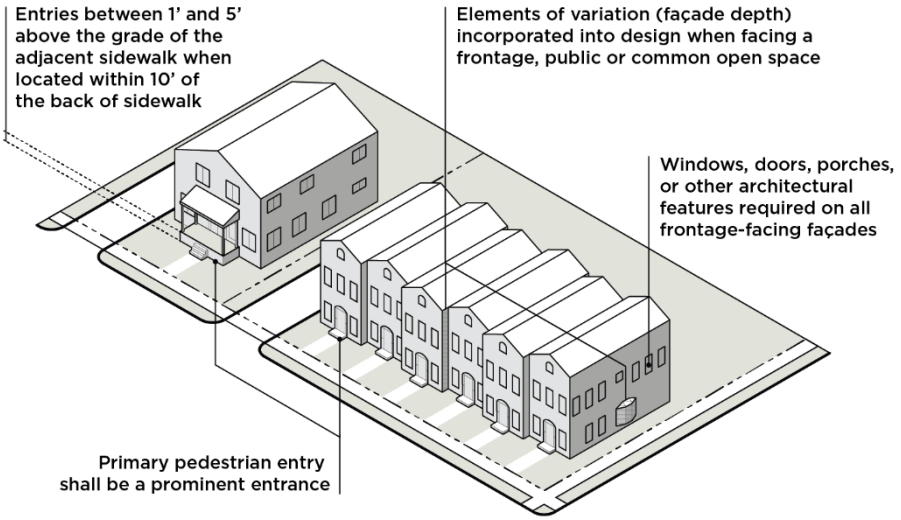


Table 4-7: Neighborhood 1 Zoning Districts Residential Building Design Standards			
	Multi-Family Attached When Not On Sublots	Multi-Family Stacked	Triplex / Quadraplex When Not On Sublots
The primary pedestrian entry shall be a prominent entrance along a frontage as defined by this Ordinance, except for a Limited Access frontage. In the case of a building with multiple exterior entrances to individual units within the structure, this requirement applies to all exterior entrances along a frontage.	✓	✓	✓
All ground floor entrances to individual units on a frontage with a sidewalk shall be between 1' and 5' above the grade of the adjacent sidewalk when located within 10' of the back of sidewalk. Residential units located below the grade of the adjacent sidewalk are permitted to have below-grade entrances, which shall be between 1' and 3' below the grade of the adjacent sidewalk. [1]	✓	✓	✓
Structures shall incorporate elements of variation on any façade facing a frontage, public open space, or common open space. Variation shall be achieved as follows: 1. For multi-family attached dwellings when not on sublots, one of the following shall be incorporated into the design of the structure: a. Variation in the façade depth of adjoining dwelling units of at least 3'. Such variation shall extend the entire height of the façade. b. Architectural features, such as balconies, bay windows, or other elements along the façade of each dwelling unit, subject to the standards of Article 18. 2. For multi-family stacked dwellings 150' or more in length, recesses or projections of the façade of at least 1' in depth, and no less than 10' in width are required at intervals of no more than 60'.	✓	✓	

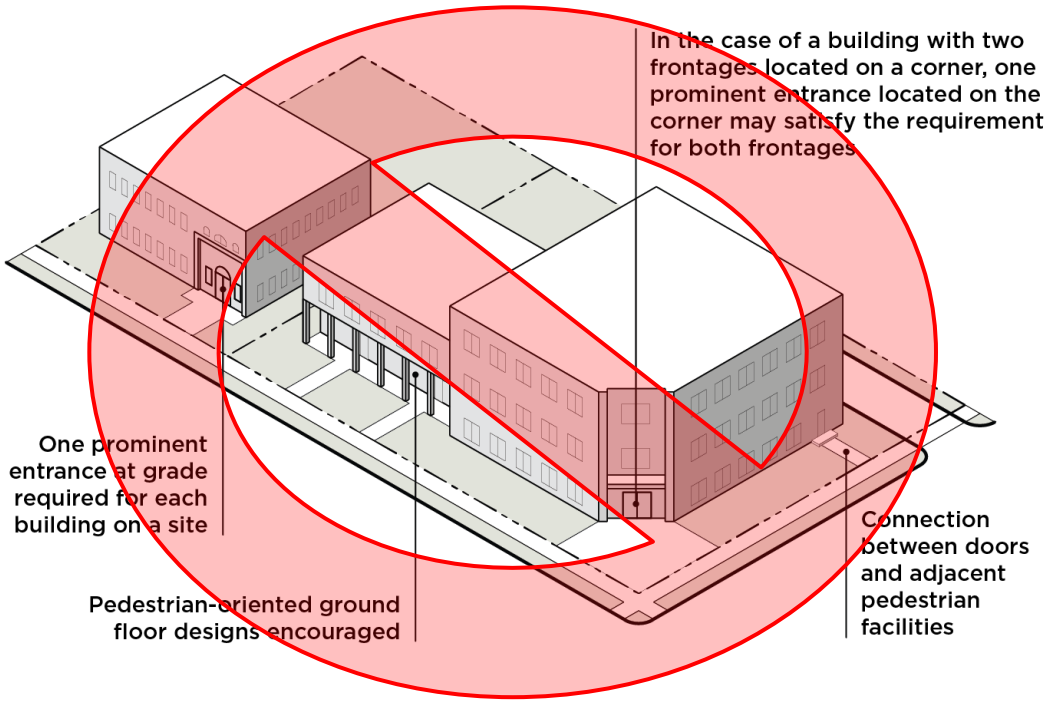
Table 4-7: Neighborhood 1 Zoning Districts Residential Building Design Standards			
	Multi-Family Attached When Not On Sublots	Multi-Family Stacked	Triplex / Quadraplex When Not On Sublots
Windows, doors, porches, or other architectural features are required on all frontage-facing facades to avoid the appearance of blank walls.	✓	✓	✓

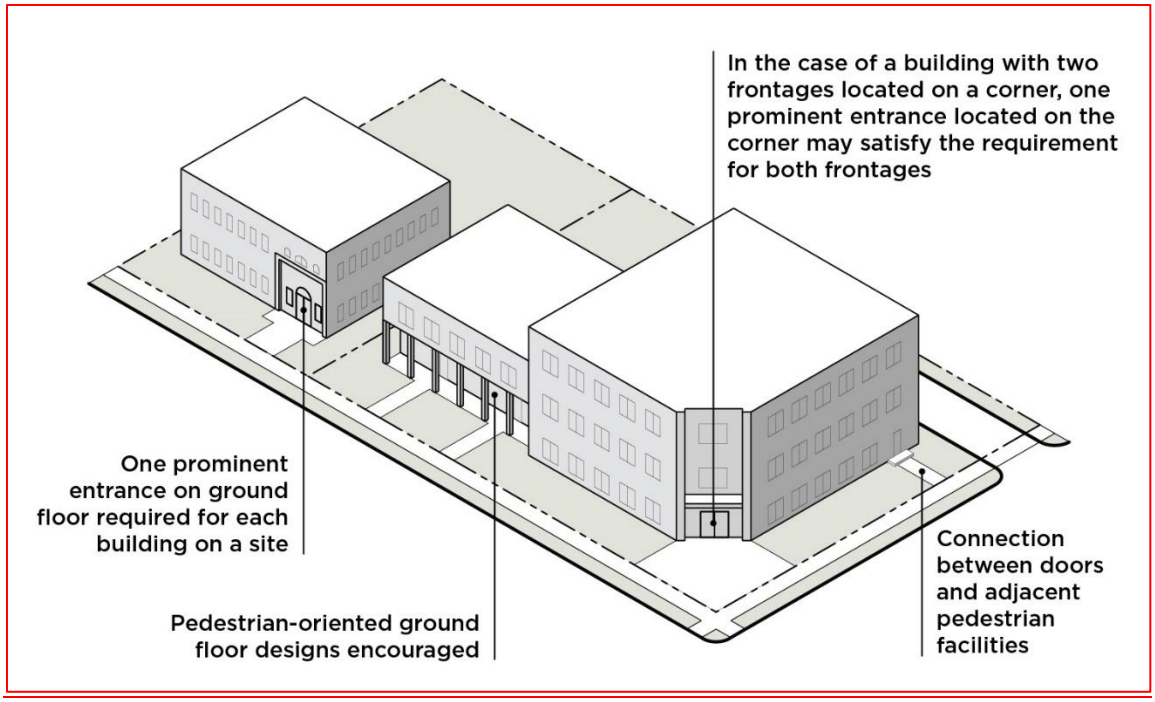
[1] Zoning Administrator may allow adjustments to standards if adjacent average sidewalk grade is greater than 10% or to comply with federal and state law.

2. Nonresidential and Mixed-Use Building Design Standards

The following design standards apply to nonresidential and mixed-use buildings in the Neighborhood 1 Zoning Districts.

NONRESIDENTIAL AND MIXED-USE BUILDING DESIGN STANDARDS





a. A frontage shall have a minimum of one prominent entrance, as defined in this Ordinance. This does not apply to Limited Access roads.

i. In the case of a building with two frontages located on a corner, one prominent entrance located on the corner may satisfy this requirement for both frontages, subject to the following:

(A) Each frontage shall not require more than one prominent entry.

(B) A prominent corner entry shall include design features that reinforce intersections as key locations for pedestrian activity. Two of the following shall be included:

(1) A chamfered or rounded corner design.

(2) Awnings, canopies, or other covered entry features.

(3) Special paving, landscape, or lighting features.

(4) Unique architectural detailing that emphasizes the corner entry.

b. One prominent entrance ~~at grade~~on the ground floor is required per building on a site.

c. A minimum of one ground floor entrance along each frontage facing façade, except for a Limited Access frontage, shall include a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. The Zoning Administrator may waive this requirement if they determine that the nature of the use does not require such pedestrian connections, for example warehouse and distribution centers, airports, truck and rail freight terminals, and other similar uses.

d. Pedestrian-oriented ground-floor designs are encouraged, including arcades, galleries, colonnades, outdoor dining areas, and outdoor plazas.

I. Building Material Restrictions

The ~~following~~ building material restrictions apply to the following development in the Neighborhood 1 Zoning Districts: nonresidential development, mixed-use buildings, multi-family stacked, and triplex, ~~and~~ quadraplex, and multi-family attached when not on sublots, ~~, and multi-family dwellings in the Neighborhood 1 Zoning Districts.~~

1. The following building materials are limited to 25% of each façade along a frontage. They may also be used as a component of construction when not a surface finish material without limitation.

a. Corrugated metal siding; however, the reuse of pre-fabricated shipping containers is permitted and is not subject to this limitation, subject to compliance with the building code and other applicable codes

b. Exterior insulation finishing systems (EIFS) is prohibited on the ground floor of a multi-family dwelling (the 25% permission in item 1 above does not apply)

c. Plain concrete masonry units (CMU)

d. Plastic

e. T-111 composite plywood siding

f. Vinyl

4.4 OPEN SPACE REQUIREMENTS

New development and expansion of buildings by 5,000 square feet or 20% of the building area, whichever is less, is required to provide open space as specified in this section.

A. Residential On-Site Open Space

On-site open space is required in the N1-F Zoning District for all multi-family ~~stacked unit, multi-family attached unit, and townhouse~~ development in accordance with the following:

1. For multi-family stacked developments, a minimum of 10% of the lot area shall be designed as on-site open space. Such open space may be private open space, common open space, public open space, or any combination thereof.

2. ~~Townhouse and m~~Multi-family attached development shall provide a minimum of 250 square feet of open space per dwelling unit. Such open space may be private open space, common open space, public open space, or any combination thereof.

3. Residential on-site open space shall meet the design requirements of Section 16.5.

4. Residential on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee~~-~~in~~-~~lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

B. Nonresidential and Mixed-Use On-Site Open Space

1. Nonresidential and mixed-use development in the Neighborhood 1 Zoning Districts is required to provide on-site open space, except for developments on sites of one-half acre or less in size.

2. Development shall provide a minimum of 10% of the total lot area in on-site open space. Such open space may be common open space, public open space, or any combination thereof.

3. Nonresidential and mixed-use on-site open space shall meet the design requirements of Section 16.5.

4. Nonresidential and mixed-use on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee~~-~~in~~-~~lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

4.5 ALTERNATIVE RESIDENTIAL DEVELOPMENT OPTIONS

A. Conservation Residential Development

A conservation residential development permits a reduction in lot size in exchange for the provision of open space beyond the requirements of this Ordinance, allowing for efficient use of land and preservation of natural resources.

1. Applicability

Conservation residential development is permitted in the N1-A, N1-B, N1-C, and N1-D Zoning Districts. A conservation residential development shall be a minimum of two acres in area.

2. Development Standards

a. Site Layout

i. All lots within a conservation residential development shall front on a street or a common open space.

ii. The maximum number of lots permitted within a conservation development is determined by the gross acreage of the site divided by the minimum lot area of the zoning district.

iii. Lots within the conservation development shall meet the requirements of the underlying zoning district with the exception of the following:

(A) Minimum lot area and minimum lot width may be reduced by 50%.

(B) Maximum building coverage does not apply to lots of 5,000 square feet or less in lot area.

iv. Minimum setbacks apply as follows:

(A) A minimum side setback of five feet applies to all lots within a conservation residential development.

(B) A minimum corner side setback of ten feet applies to all corner lots within a conservation residential development.

(C) Front and rear setbacks may be reduced by 50% for all lots within the conservation residential development, unless otherwise specified below.

(D) When a lot within a conservation residential development fronts on a common open space, the front setback shall be measured from the property line abutting the common open space.

(~~D~~E) Where a lot within the conservation residential development abuts adjacent property, minimum side and rear setbacks are required in accordance with zoning district standards.

(~~E~~F) Where a lot within the conservation residential development abuts a street at the perimeter of the conservation residential development, minimum front setback and minimum lot width is required in accordance with zoning district standards.

v. All buildings within a conservation residential development shall front on a street or a common open space. When a conservation residential development is developed as buildings on individual lots that front on a common open space, such frontage is considered to meet any requirement for frontage on a street. However, all applicable emergency access requirements must be met.

b. Common Open Space

i. In addition to any open space or tree save otherwise required by this Ordinance, 10% of the site area of a conservation residential development shall comprise common open space, and at least 50% of the common open space shall be tree save per the requirements and allowances of Article 20. Common open space shall be designed as follows:

(A) The required common open space, excluding any designated tree save area, shall have a minimum width of at least 30 feet in all dimensions. Dimensions of designated tree save area are subject to the requirements of Article 20.

(B) Common open space, excluding any tree save, may be improved for recreational use or left in a natural state. No more than 50% of common open space shall be covered by water. Areas of common open space designated as tree save shall not be covered by water.

(C) Structures located within any common open space shall be accessory to any recreational use of the space. Structures located in designated tree save areas are subject to the requirements of Article 20.

ii. Common open space may be conveyed as follows:

(A) To Mecklenburg County in support of the Mecklenburg County Park and Recreation Department, if accepted by the County.

(B) To a conservation organization approved by the City, if accepted by the designated organization.

(C) To one or more homeowner's associations.

iii. Common open space cannot be sold and has no future development rights.

B. Voluntary Mixed-Income Residential Development

A voluntary mixed-income residential development allows for an increase in development intensity in exchange for the provision of a mixture of affordable and market-rate housing units, expanding housing options and opportunities within the City.

1. Applicability

Voluntary mixed-income residential development is permitted in the N1-A, N1-B, N1-C, and N1-D Zoning Districts.

2. Development Bonus

In exchange for setting aside affordable housing units, voluntary mixed-income residential developments may receive a bonus allowing for the development of property in accordance with the standards of a zoning district of greater intensity as follows:

a. Property zoned the N1-A Zoning District may be developed in accordance with the standards of the N1-B Zoning District.

b. Property zoned the N1-B Zoning District may be developed in accordance with the standards of the N1-C Zoning District.

c. Property zoned the N1-C Zoning District may be developed in accordance with the standards of the N1-D Zoning District.

d. Property zoned the N1-D Zoning District may be developed in accordance with the standards of the N1-E Zoning District.

An example of a calculation of bonus lots is as follows: If the N1-A Zoning District allows 100 lots and the N1-B Zoning District allows 128 lots, then there are 28 bonus lots. (128 lots minus 100 lots).

3. Affordability Set-Aside

a. All units constructed on 50% of the bonus lots accommodated through the development bonus shall be developed as affordable units set aside for households earning 80% Area Median Income (AMI) or less. The period of affordability shall be 15 years for rental properties and the City or a nonprofit shall have first right of refusal for for-sale properties.

b. AMI averaging is permitted; however, no unit designated as affordable shall be set aside for households earning more than 100% AMI.

c. For lots on arterial streets, any affordable units required for a quadraplex dwelling are in addition to the required number of affordable units in item a above.

4. Development Standards

a. A minimum contiguous development site of one acre is required for a voluntary mixed-income residential development. No fewer than two affordable units may be developed as part of a voluntary mixed-income development receiving a development bonus.

b. Development standards applicable to a voluntary mixed-income development shall be those of the zoning district achieved through the development bonus.

c. Affordable housing units provided as a component of the voluntary mixed-income residential development shall be distributed throughout the development, not concentrated in any one structure or area of the site, unless the total affordable housing units in the development is five or fewer.

5. Compliance and Monitoring

Voluntary mixed-income residential developments are subject to monitoring to ensure continued compliance with the standards of this section, and in accordance with ~~the City's Affordable Housing~~Section 2.1 of the UDO Zoning Administration Manual.

4.6 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS

Standards for required on-site pedestrian connectivity are found in Section 16.6.

4.7 GENERAL DEVELOPMENT STANDARDS

A. General Development Standards

General development standards are found in Article 16.

B. Accessory Structures

Standards for accessory structures are found in Article 17.

C. Architectural Features

Standards for architectural features are found in Article 18.

D. Off-Street Parking

Standards for off-street parking and bicycle parking are found in Article 19.

E. Landscaping and Screening

Landscaping and screening standards are found in Article 20.

F. Loading and Service

Standards for loading spaces and service areas are found in Article 21.

G. Signs

Standards for signs are found in Article 22.

H. Drainage

Standards for drainage are found in Article 24.

Article 5. Neighborhood 2 Zoning Districts: N2-A, N2-B, N2-C

5.1 PURPOSE
5.2 USES
5.3 DIMENSIONAL AND DESIGN STANDARDS
5.4 OPEN SPACE REQUIREMENTS
5.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS
5.6 GENERAL DEVELOPMENT STANDARDS

5.1 PURPOSE

The Neighborhood 2 Zoning Districts are intended to accommodate a mixture of moderate to high-intensity residential development types and may also serve as a transition between less intense residential development and higher-intensity mixed-use centers. Dwelling types permitted within these zoning districts primarily include multi-family ~~and townhouse~~ dwellings, though lower-~~-~~intensity dwellings including single-family, duplex, ~~and~~ triplex, and quadraplex dwellings are also allowed within the N2-A or N2-B Zoning Districts, ~~or as components of a multi-dwelling development in the N2-B Zoning District~~subject to the standards of the N1-E Zoning District, or as components of a multi-dwelling development.

Specific standards within each of the zoning districts address building form, orientation, and design. The Neighborhood 2 Zoning Districts also allow for select nonresidential uses, such as religious institutions, educational facilities, neighborhood commercial establishments, and limited mixed-use development.

A. N2-A Neighborhood 2 Zoning District

The N2-A Zoning District is intended for the development of ~~townhouse and~~ multi-family attached dwellings. Lower-intensity residential dwellings, including single-family, duplex, ~~and~~ triplex, and quadraplex dwellings are also allowed in the zoning district, subject to the standards of the N1-E Zoning District, or as components of a multi-dwelling development.

B. N2-B Neighborhood 2 Zoning District

The N2-B Zoning District is intended for the development of multi-family dwellings, including multi-family attached and multi-family stacked units~~, and townhouse dwellings~~. Lower-intensity residential dwellings, including single-family, duplex, ~~and~~ triplex, and quadraplex dwellings~~,~~ are permitted ~~only as a component of a multi-dwelling development~~ within the zoning district, subject to the standards of the N1-E Zoning District, or as components of a multi-dwelling development.

C. N2-C Neighborhood 2 Zoning District

The N2-C Zoning District is intended for the development of multi-family ~~and townhouse~~ dwellings in an urban environment with smaller setbacks and incorporation of build-to zones.

5.2 USES

Article 15 lists permitted, temporary, and accessory uses for the Neighborhood 2 Zoning Districts. Use definitions are found in Article 15.

5.3 DIMENSIONAL AND DESIGN STANDARDS

A. General

1. The tables below include the dimensional and design standards for the Neighborhood 2 Zoning Districts. These standards apply to all nonresidential, mixed-use, ~~townhouse,~~ and multi-family development within the Neighborhood 2 Zoning Districts. Other allowed dwelling types, such as single-family, duplex, triplex, and quadraplex dwellings are subject to the dimensional and design standards for the N1-E Zoning District (Section 4.3) for such dwelling type, unless they are part of a multi-dwelling development. Standards within the tables below may contain specific regulations organized by frontage type (Section 3.5).

2. The tables below include abbreviations as follows: ~~TH = Townhouse,~~ MF-A = Multi-Family Attached, MF-S = Multi-Family Stacked. (Additional abbreviations are described in Section 2.2.)

3. Where this Ordinance refers to frontages in general, a transit station, off-street public path, or public park shall not be considered a frontage within the N2-A and N2-B Zoning Districts.

4. In the tables below, where a cell contains a standard or a "✓" the standard is applicable. Where a cell is blank and shaded, the standard does not apply.

B. Lot

Lot standards govern the basic dimensions of lots, including but not limited to minimum area, width, and coverage as applicable. These standards are intended to provide a rational basis for the division, organization, and development of land within the City of Charlotte.

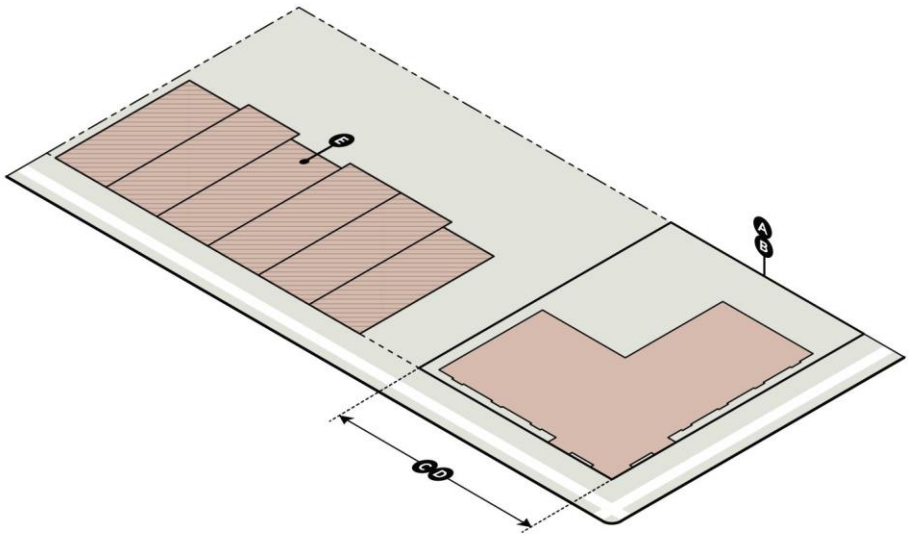
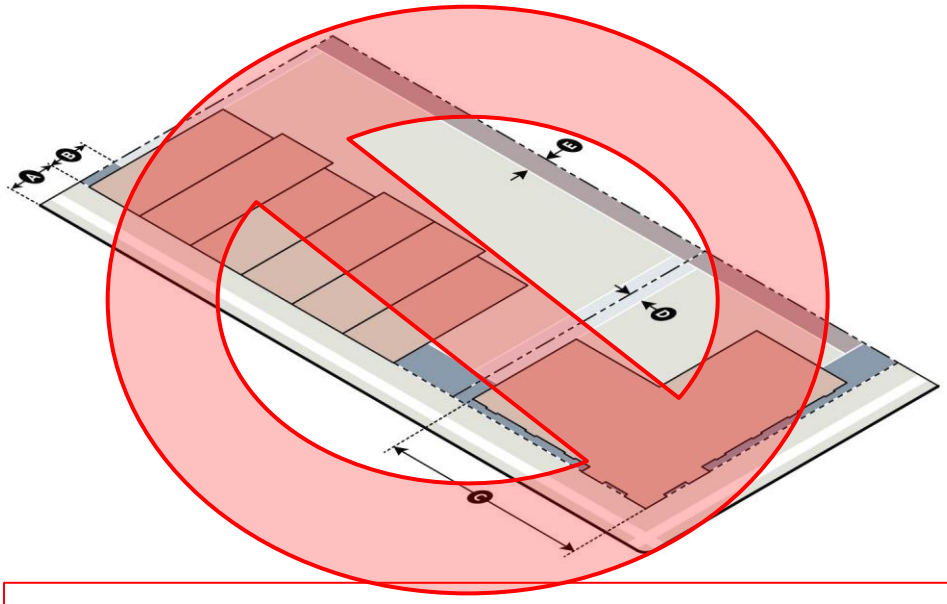


Table 5-1: Neighborhood 2 Zoning Districts Lot Standards				
		N2-A	N2-B	N2-C
A	**Minimum Lot Area – Residential** (square feet)	~~TH,~~ MF-A: 3,000	~~TH,~~ MF-A: 3,000 MF-S: 12,000	
B	**Minimum Lot Area – Nonresidential and Mixed-Use** (square feet)	12,000	12,000	
C	**Minimum Lot Width – Residential** (feet)	~~TH,~~ MF-A: 50	~~TH,~~ MF-A: 50 MF-S: 80	
D	**Minimum Lot Width – Nonresidential and Mixed-Use** (feet)	70	80	
E	**Maximum Building Coverage** (%)	50	60	

C. Building Siting

Building siting standards govern the placement of buildings on lots and are intended to ensure that development maintains compatibility with its surrounding context and the intent of the applicable zoning district.



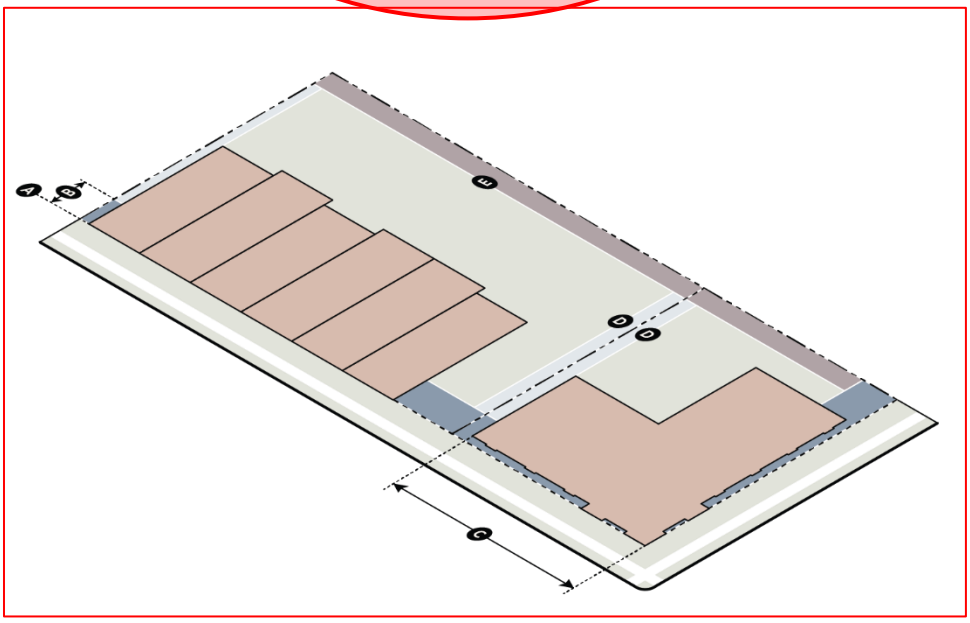


Table 5-2: Neighborhood 2 Zoning Districts Building Siting Standards				
		N2-A	N2-B	N2-C
A	**Frontage Setback Line** (from future back of curb) (feet) [1, 2]			
	Uptown Signature	24	24	24
	Main Street	24	24	24
	Linear Park	36	36	36
	4-5 Lane Avenue/Boulevard	24	24	20
	6 or more Lane Avenue/Boulevard	30	30	24
	2-3 Lane Avenue	24	20	20
	Transit Station, Off-Street Public Path, Public Park [3]	20	10	5

Table 5-2: Neighborhood 2 Zoning Districts Building Siting Standards				
		N2-A	N2-B	N2-C
	Uptown Primary	20	20	20
	Other - Primary	20	20	20
	Uptown Signature	16	16	16
	Secondary	20	20	16
	Parkway (Measured from ROW)	20	20	20
	Limited Access (Measured from ROW)	20	20	10
B	**Frontage Build-to Zone (BTZ)** (from frontage setback line) (feet) [4, 5]			
	Main Street			0-20
	4-5 Lane Avenue/Boulevard			0-20
	6 or more Lane Avenue/Boulevard			0-20
	2-3 Lane Avenue			0-20
	Transit Station, Off-Street Public Path, Public Park			0-20
	Other - Primary			0-20
	Secondary			0-20
	Parkway			
	Limited Access			
C	**Minimum BTZ Build-To Percentage for Structure (%)**			
	Main Street			80
	4-5 Lane Avenue/Boulevard			80
	6 or more Lane Avenue/Boulevard			80
	2-3 Lane Avenue			80
	Transit Station, Off-Street Public Path, Public Park			80
	Other - Primary			80
	Secondary			80
	Parkway			
	Limited Access			
D	**Minimum Side Setback** (feet)	5	5	5
E	**Minimum Rear Setback** (feet)			
	Not abutting Neighborhood 1 Place Type	20	10	10
	Abutting Neighborhood 1 Place Type	20	20	20

1 On local and collector streets in the N2-A and N2-B Zoning Districts, measured from the existing back of curb. If there is no curb, measured from the curb location for the Residential Medium Cross Section in CLDSM. On local and collector streets In the N2-C Zoning District, measured from the existing back of curb. If there is no curb, measured from the curb location for the Residential Wide Cross Section in CLDSM. If SSI standards require the relocation of the back of curb or the back of curb is voluntarily relocated, that shall be considered the existing back of curb location.

2 In no case shall any building entry be located closer than six feet to an existing or proposed off-street public path or shared use path.

3 For the transit station, off-street public path, public park frontage, shall be measured from a property line or right-of-way line. If there is an easement in place for any frontage, then the measurement shall be taken from such easement. For any frontage abutting a reservation for a future frontage, the frontage setback line shall be measured from the edge of the reservation area.

4 If there is an existing ~~CLT~~ Charlotte Water easement, ~~or~~ other utility easement, or overhead utility clearance requirement that conflicts with the build-to zone requirement, a build-to line shall be established at the edge of the easement or the edge of the overhead utility clearance requirement closest to the build-to zone.

5 Where a lot has more than two frontages that require a build-to zone, the build-to zone shall be increased by 100% for those frontages that exceed two. Such an increase should be applied to those frontages that are lowest in the established hierarchy of frontages (Section 3.5.D).

D. Building Height

Building height standards govern the maximum heights of buildings as applicable and are intended to provide flexibility while maintaining appropriate transitions to adjacent areas. The standards below apply to all uses unless a use has a specific standard. When only specific uses are cited, then the standard applies only to that use.

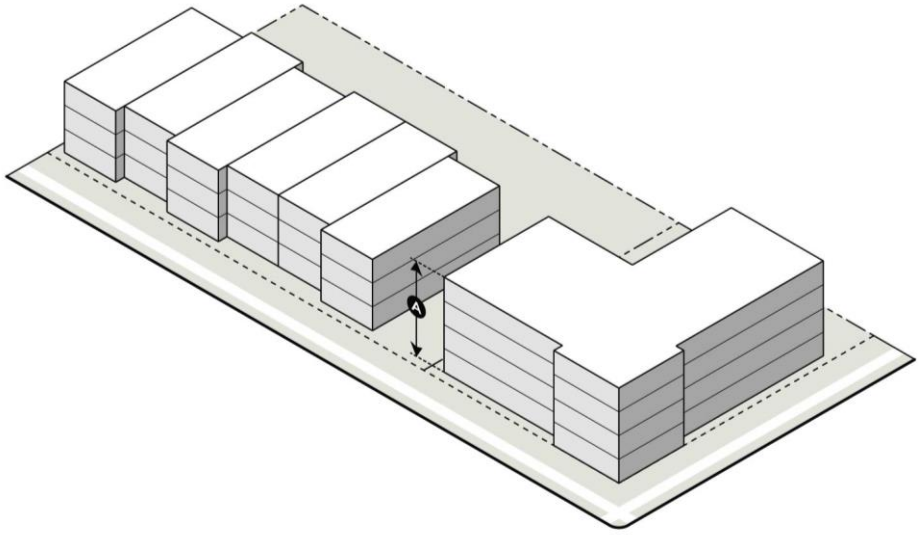
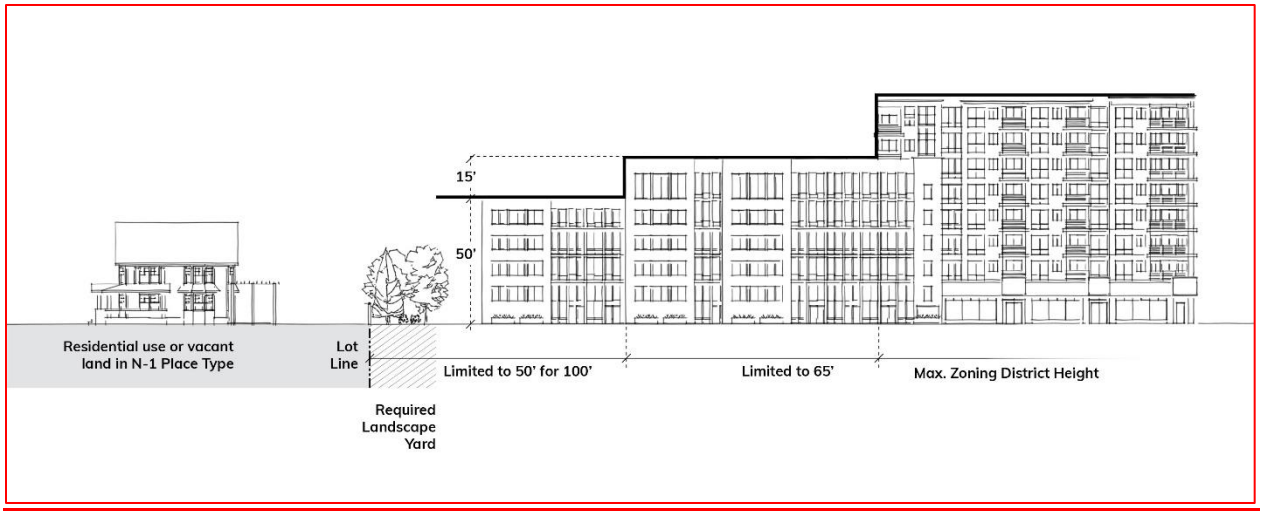


Table 5-3: Neighborhood 2 Zoning Districts Building Height Standards				
		N2-A	N2-B	N2-C
A	**Maximum Building Height – Residential** (feet) [1,2]	48	48 [3]	65
B	**Maximum Building Height – Nonresidential and Mixed-Use** (feet) [1,2]	48 [3]	48 [3]	65
C	**Maximum Building Height with Bonus** (feet) (Section 16.3) [1, 2]			100

1 The height and location of structures may be restricted by the limitations set forth in the Code of Federal Regulations (CFR) Title 14 Part 77: Safe, Efficient Use, and Preservation of the Navigable Airspace. A notice of proposed construction FAA Form 7460-1 must be filed with the FAA for construction or alteration that impacts any of the imaginary surfaces as defined in 14 CFR Part 77, or is more than 200 feet in height above the ground at its site at least 45 days prior to construction. The Aviation Department Planning Division may serve as a point of contact for information regarding building notification requirements and obstruction evaluation

2 The maximum building height of any structure within 200 feet of residential uses or vacant land in a Neighborhood 1 Place Type is limited as follows: That portion of a structure within the first 100 feet is limited to a maximum of 50 feet in height; that portion of a structure within 100 to 200 feet is limited to a maximum of 65 feet in height. These standards apply only to that part of a structure within the 200 foot distance, and each portion of the building may be measured independently, from the average grade of the portion being measured to the highest point of the same portion. This limitation does not apply to public parks of three acres or greater within a Neighborhood 1 Place Type, nor to an area of two or fewer ~~adjacent~~ parcels totaling no more than three acres within a Neighborhood 1 Place Type.

3 Building height may be increased by one foot for each additional one foot of building setback from required side and rear setbacks to a maximum height of 65 feet.



E. Building Articulation

Building articulation standards govern the dimensions of building facade elements and entry features and are intended to facilitate the enhancement of a pedestrian-oriented environment. The standards below apply to all uses unless a use has a specific standard. When only specific uses are cited, then the standard applies only to those uses.

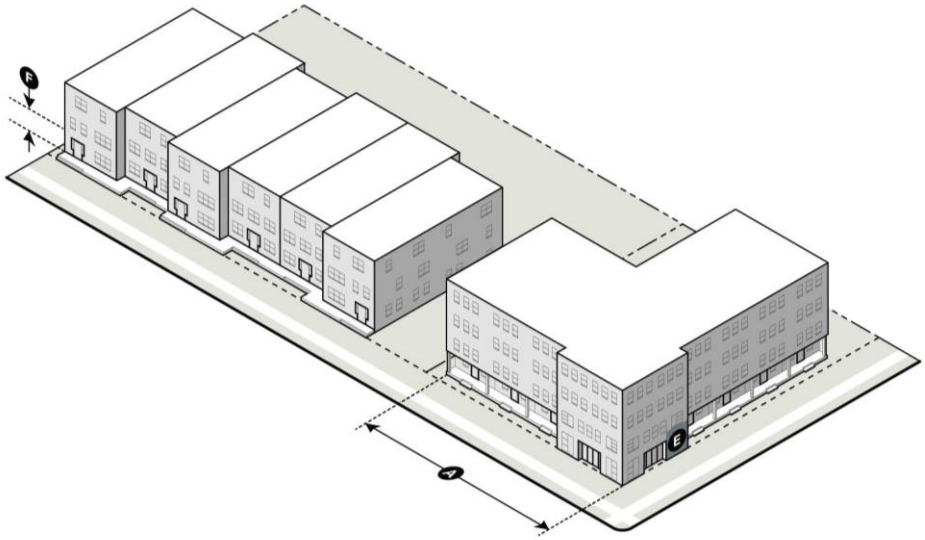


Table 5-4: Neighborhood 2 Zoning Districts Building Articulation Standards				
		N2-A	N2-B	N2-C
A	**Minimum Building Length as a Percentage of Lot Width Along Frontage** (Measured at Frontage Setback Line) (%) [1]			
	Main Street			60
	4-5 Lane Avenue/Boulevard			60
	6 or more Lane Avenue/Boulevard			60
	2-3 Lane Avenue			60
	Transit Station, Off-Street Public Path, Public Park			60
	Other - Primary			60
	Secondary			40

Table 5-4: Neighborhood 2 Zoning Districts Building Articulation Standards				
		N2-A	N2-B	N2-C
	Parkway			
	Limited Access			
B	**Maximum Building Length Along a Frontage – Residential** (feet) [2]	250	400	400
C	**Maximum Building Length Along a Frontage – Nonresidential and Mixed-Use** (feet) [2]	400	400	400
D	**Maximum Building Length Along a Frontage with Additional Design Elements** (feet) [2, 3]			600
E	**Maximum Blank Wall Area – Residential** (Ground floor and upper floors; Horizontal or Vertical) (feet) [4]	MF: 20	MF: 20	MF: 20
F	**Maximum Blank Wall Area – Nonresidential and Mixed-Use** (Ground floor and upper floors; Horizontal or Vertical) (feet)	20	20	20
G	**Minimum Ground Floor Height – Residential** (Finished Floor Elevation to Finished Floor Elevation) (feet) [4, 5, 6, 7]			
	Main Street			10
	4-5 Lane Avenue/Boulevard			10
	6 or more Lane Avenue/Boulevard			10
	2-3 Lane Avenue			10
	Transit Station, Off-Street Public Path, Public Park			10
	Other - Primary			10
	Secondary			10
	Parkway			
	Limited Access			
H	**Minimum Ground Floor Height – Nonresidential and Mixed-Use** (Finished Floor Elevation to Finished Floor Elevation) (feet) [4, 5, 6, 7]			
	Main Street			14
	4-5 Lane Avenue/Boulevard			14
	6 or more Lane Avenue/Boulevard			14
	2-3 Lane Avenue			14
	Transit Station, Off-Street Public Path, Public Park			14
	Other - Primary			14
	Secondary			14
	Parkway			
	Limited Access			
I	**Maximum Prominent Entry Spacing** (feet) [4]			
	Main Street	250	250	250
	4-5 Lane Avenue/Boulevard	250	250	250
	6 or more Lane Avenue/Boulevard	250	250	250
	2-3 Lane Avenue	250	250	250
	Transit Station, Off-Street Public Path, Public Park			250
	Other - Primary	250	250	250
	Secondary	250	250	250
	Parkway			
	Limited Access			

[1] Where a minimum building length as a percentage of lot width applies to multiple frontages, the highest frontage classification in the hierarchy (per Section 3.5.D) shall meet the established standard. In the case of a lot with two frontages, the second frontage shall only meet a standard of 40%. If there are more than two frontages subject to the standard, there is no minimum requirement for any frontage beyond the two highest frontages in the hierarchy. This requirement does not apply to Parkway or Limited Access frontages.

[2] Maximum building length along a frontage does not apply to any frontage located along a Limited Access road. If any applicable minimum building length exceeds a maximum building length requirement, the maximum building length shall control.

[3] To achieve maximum building length with additional design elements, the following is required:

A. Where a building abuts two parallel frontages with pedestrian facilities, or one frontage with pedestrian facilities and a parking lot, public park or other publicly owned open space on the side of the building opposite the frontage, a pedestrian passage is required. Such passage shall meet the following criteria:

1. General Requirements
   a. Passages shall be designed to accommodate pedestrians. Vehicular access and circulation shall not be allowed as a component of a passage.
   b. Passages shall be a minimum of 30 feet in width and 20 feet in height and shall be located within the middle third of the building, measured along the frontage.
   c. Passages shall be designed to maintain views from one end through to the other. ~~Such views shall not be obstructed by lighting or other design features.~~
   d. Inclusion of decorative elements such as lighting installations or public art within passages is encouraged.
   e. Passages shall align with the street grid or other points of access to sidewalks, public paths, parking lots, public parks or other publicly owned open space where feasible.
   f. For the purposes of any build-to zone requirement, a building passage is considered part of the building façade that meets such requirement.
2. Passages in nonresidential and mixed-use buildings.
   a. Ground floor uses shall be oriented toward the passage, including public entrances.
   b. Ground floor façades facing into building passages in nonresidential and mixed-use buildings shall maintain a minimum transparency of 35% of the wall area of the passage.
3. Passages in residential buildings.
   a. Passages in residential buildings may be closed off to the public with gates and/or fencing but shall be of open design to allow for a clear view through the passage.
   b. Passages in residential buildings shall be designed with elements for use by residents, such as seating areas.
   c. Ground floor façades facing into building passages in residential buildings shall maintain a minimum transparency of 25% of the wall area of the passage.

B. Where a building does not abut two parallel frontages with pedestrian facilities, a break in the building massing is required as follows:

1. Building mass shall be recessed a minimum of 20 feet in depth for no less than 30 linear feet along the façade. Such recess shall extend the full height of the building, and shall meet the following criteria:
   a. The recess shall be located within the middle third of the building, measured along the frontage.
   b. For nonresidential and mixed-use buildings, ground floor uses shall be oriented toward the recessed area, including public entrances.
   c. The recessed area is subject to all transparency requirements.
   d. The recessed area shall be designed as public or common space including amenities such as seating areas, landscaping, lighting, decorative elements, and public art.

[4] These standards do not apply to single-family and duplex dwellings on individual lots, duplex, triplex, and quadraplex dwellings when units are on sublots, and multi-family attached units when on sublots.

[~~4~~5] The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms associated with the development are located on the ground floor.

[~~5~~6] Applies only if non-convertible residential; for convertible residential, nonresidential standard applies.

[~~6~~7] At least 70% of the total ground floor for nonresidential uses and 30% for residential uses, measured as a percentage of the interior space, shall meet the minimum ground floor height requirement.

F. Transparency

Transparency standards govern the required amount of ground floor and upper ~~story~~ floor transparency and are intended to facilitate the enhancement of a pedestrian-oriented environment. These standards do not apply to single-family and duplex dwellings on individual lots, duplex, triplex, and quadraplex dwellings when units are on sublots, and ~~townhouse dwellings~~multi-family attached units when on sublots.

Table 5-5: Neighborhood 2 Zoning Districts Transparency Standards				
		N2-A	N2-B	N2-C
A	**Ground Floor Transparency – Residential** (% of wall area between 3' and 10' from grade) [1, 2]			
	Main Street	25	25	25
	4-5 Lane Avenue/Boulevard	25	25	25
	6 or more Lane Avenue/Boulevard	25	25	25
	2-3 Lane Avenue	25	25	25
	Transit Station, Off-Street Public Path, Public Park			25
	Other - Primary	25	25	25
	Secondary	25	25	25
	Parkway	20	20	20
	Limited Access			
B	**Ground Floor Transparency – Nonresidential and Mixed-Use** (% of wall area between 3' and 10' from grade) [1]			
	Main Street	50	50	50
	4-5 Lane Avenue/Boulevard	50	50	50
	6 or more Lane Avenue/Boulevard	50	50	50
	2-3 Lane Avenue	50	50	50
	Transit Station, Off-Street Public Path, Public Park			50
	Other - Primary	50	50	50
	Secondary	50	50	50
	Parkway	30	30	30
	Limited Access			
C	**Upper ~~Story~~ Floor Transparency – Residential, Nonresidential and Mixed-Use** (% of wall area ~~of~~ per story)			
	Main Street	15	15	15
	4-5 Lane Avenue/Boulevard	15	15	15
	6 or more Lane Avenue/Boulevard	15	15	15
	2-3 Lane Avenue	15	15	15
	Transit Station, Off-Street Public Path, Public Park			15
	Other - Primary	15	15	15
	Secondary	15	15	15
	Parkway	15	15	15
	Limited Access			

[1] The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms associated with the development are located on the ground floor.

[2] Applies only if non-convertible residential; for convertible residential, nonresidential standard applies.

G. Site Layout Standards

1. Residential Site Layout Standards

The standards below establish site layout requirements for multi-family attached and, multi-family stacked, and townhouse development within the Neighborhood 2 Zoning Districts. Multi-dwelling developments are also subject to the prescribed conditions of Article 15. Where standards below refer to a frontage, such standards do not apply to parkways or limited access roads.

Table 5-6: Neighborhood 2 Zoning Districts Residential Site Layout Standards			
	Multi-Family Attached When Units Not On Sublots	Multi-Family Stacked	Townhouse Multi-Family Attached When Units On Sublots
The primary pedestrian entry to each principal structure shall face a frontage.		✓	
The primary pedestrian entry to each dwelling unit shall face a frontage or common open space.	✓		
Principal structures abutting a frontage shall be oriented with all building sidewalls perpendicular to the frontage. On corner lots, sidewalls may be oriented perpendicularly to either frontage.			✓

H. Building Design Standards

1. Residential Building Design Standards in the N2-A and N2-B Zoning Districts

The table below establishes building design standards for multi-family attached when units not on sublots and multi-family stacked development within the N2-A and N2-B Zoning Districts.

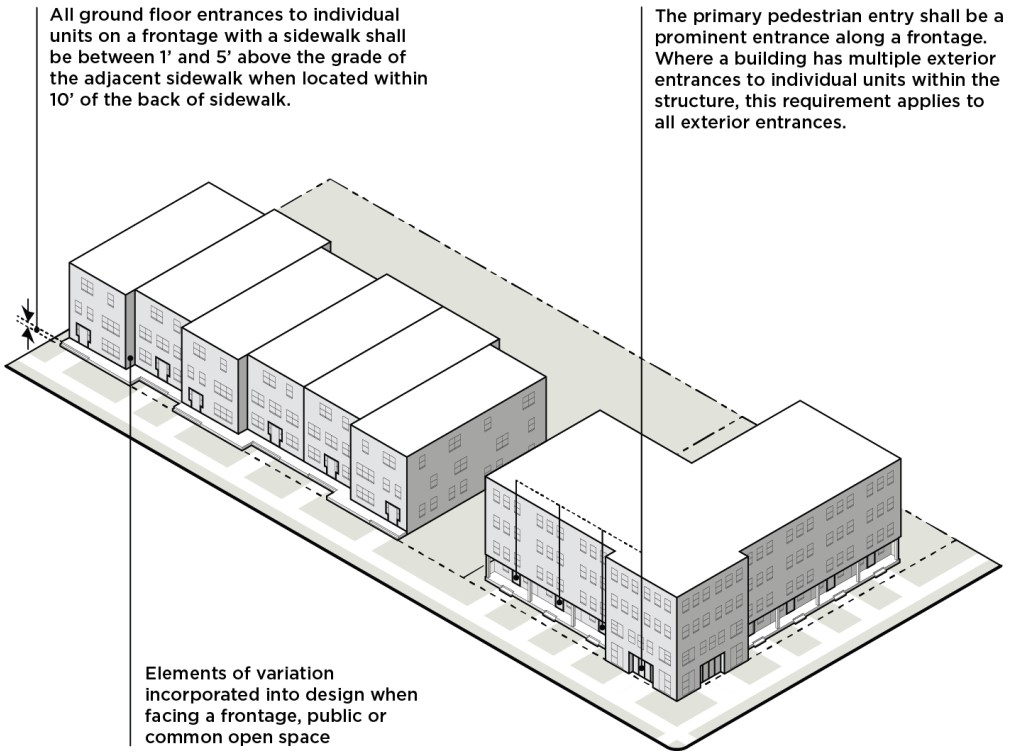


Table 5-7: N2-A and N2-B Zoning Districts Residential Building Design Standards		
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked
The primary pedestrian entry shall be a prominent entrance along a frontage as defined by this Ordinance, except for a Limited Access frontage. In the case of a building with multiple exterior entrances to individual units within the structure, this requirement applies to all exterior entrances along a frontage.	✓	✓
All ground floor entrances to individual units on a frontage with a sidewalk shall be between 1' and 5' above the grade of the adjacent sidewalk when located within 10' of the back of sidewalk. Residential units located below the grade of the adjacent sidewalk are permitted to have below-grade entrances, which shall be between 1' and 3' below the grade of the adjacent sidewalk. [1]	✓	✓

Table 5-7: N2-A and N2-B Zoning Districts Residential Building Design Standards		
	Multi-Family Attached When Units Not On Sublots	Multi-Family Stacked
Structures shall incorporate elements of variation on any façade facing a frontage, public open space, or common open space. Variation shall be achieved as follows: 1. For multi-family attached dwellings when units not on sublots, one of the following shall be incorporated into the design of the structure: a. Variation in the façade depth of adjoining dwelling units of at least 3'. Such variation shall extend the entire height of the façade. b. Architectural features, such as balconies, bay windows, or other elements along the façade of each dwelling unit, subject to the standards of Article 18. 2. For multi-family stacked dwellings 150' or more in length, recesses or projections of the façade of at least 1' in depth, and no less than 10' in width are required at intervals of no more than 60'.	✓	✓
Windows, doors, porches, or other architectural features are required on all frontage-facing facades to avoid the appearance of blank walls.	✓	✓

[1] Zoning Administrator may allow adjustments to standards if adjacent average sidewalk grade is greater than 10% or to comply with federal and state law.

2. Residential Building Design Standards in the N2-C Zoning District

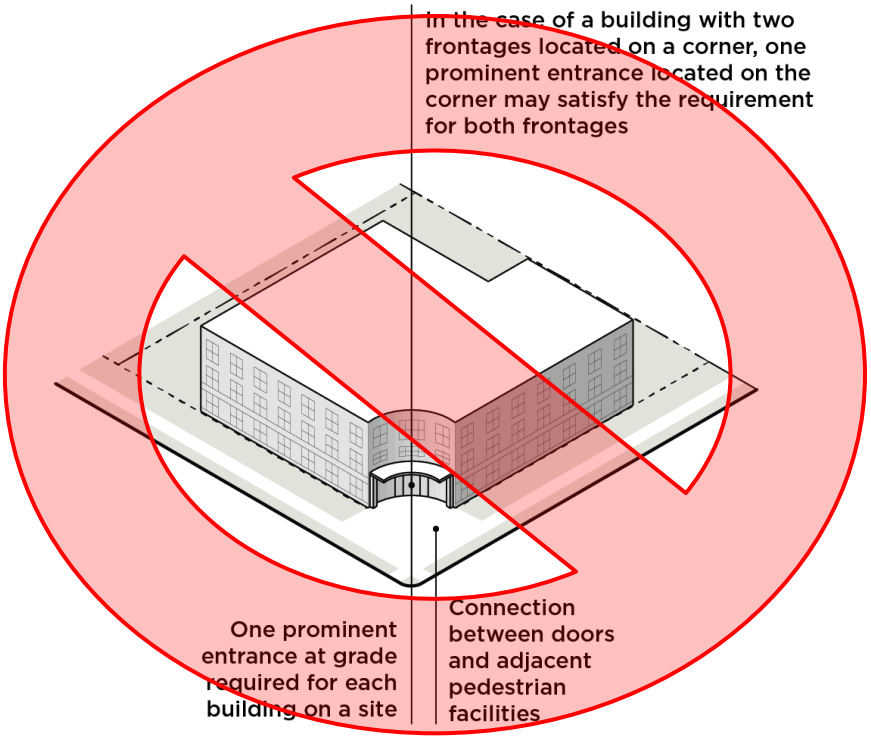
The table below establishes building design standards for multi-family attached when units not on sublots and multi-family stacked development within the N2-C Zoning District.

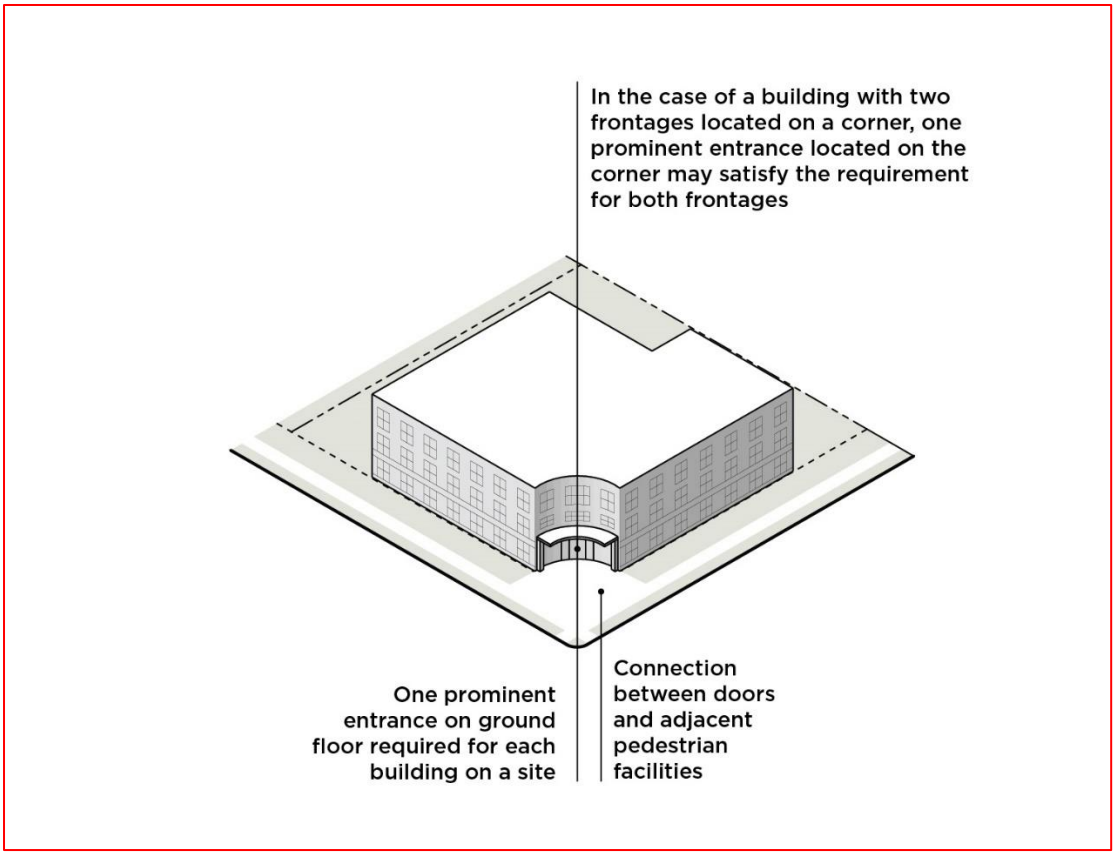
Table 5-8: N2-C Zoning District Residential Building Design Standards		
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked
The primary pedestrian entry shall be a prominent entrance along a frontage as defined by this Ordinance, except for a Limited Access frontage. In the case of a building with multiple exterior entrances to individual units within the structure, this requirement applies to all exterior entrances.	✓	✓
All ground floor entrances to individual units on a frontage with a sidewalk shall be between 1' and 5' above the grade of the adjacent sidewalk when located within 10' of the back of sidewalk. Residential units located below the grade of the adjacent sidewalk are permitted to have below-grade entrances, which shall be between 1' and 3' below the grade of the adjacent sidewalk. [1]	✓	✓
Structures shall incorporate elements of variation on any façade facing a frontage, public open space, or common open space. Variation shall be achieved as follows: 1. For multi-family attached dwellings when units not on sublots, one of the following shall be incorporated into the design of the structure: a. Variation in the façade depth of adjoining dwelling units of at least 3'. Such variation shall extend the entire height of the façade. b. Architectural features, such as balconies, bay windows, or other elements along the façade of each dwelling unit, subject to the standards of Article 18. 2. For multi-family stacked dwellings -150' or more in length, recesses or projections of the façade of at least -1' in depth, and no less than 10' in width are required at intervals of no more than 60'.	✓	✓
Arcades, galleries, colonnades, outdoor plazas, outdoor dining areas, or similar pedestrian-oriented ground floor designs may be incorporated into facades. When provided, such features that are in line with the building facade above the ground floor are considered to meet any required build-to percentage.		✓

[1] Zoning Administrator may allow adjustments to standards if adjacent average sidewalk grade is greater than 10% or to comply with federal and state law.

3. Nonresidential and Mixed-Use Building Design Standards

The following design standards apply to nonresidential and mixed-use buildings in the Neighborhood 2 Zoning Districts.





a. A frontage shall have a minimum of one prominent entrance, as defined in this Ordinance. This does not apply to Limited Access frontages.

i. In the case of a building located on a corner lot with two frontages, one prominent entrance located on the corner may satisfy this requirement for both frontages, subject to the following:

(A) Each frontage shall not require more than one prominent entry.

(B) A prominent corner entry shall include design features that reinforce intersections as key locations for pedestrian activity. Two of the following shall be included.

(1) A chamfered or rounded corner design.

(2) Awnings, canopies, or other covered entry features.

(3) Special paving, landscape, or lighting features.

(4) Unique architectural detailing that emphasizes the corner entry.

b. A minimum of one ground floor entrance along each frontage facing facade except for a Limited Access frontage shall include a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. The Zoning Administrator may waive this requirement if they determine that the nature of the use does not require such pedestrian connections~~, for example warehouse and distribution centers, airports, truck and rail freight terminals, and other similar uses~~.

c. Where a building contains multiple tenant spaces on the ground floor abutting a frontage, each tenant space shall have a prominent entrance including a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. The Zoning Administrator may waive this requirement if they determine that the nature of the use does not require such pedestrian connections~~, for example warehouse and distribution centers, airports, truck and rail freight terminals, and other similar uses~~.

d. One prominent entrance ~~at grade~~on the ground floor is required per building on a site.

e. Pedestrian-oriented ground-floor designs are encouraged, including arcades, galleries, colonnades, outdoor dining areas, and outdoor plazas. When integrated into the overall building design, such features are considered to meet any required build-to percentage.

I. Building Material Restrictions

The following building material restrictions apply to nonresidential~~, and~~ mixed-use ~~buildings~~, and multi-family stacked buildings, and triplex~~, and~~ quadraplex, and multi-family attached dwellings not on sublots, ~~and multi-family dwellings~~ in the Neighborhood 2 Zoning Districts.

1. The following building materials are limited to 25% of each façade along a frontage. They may also be used as a component of construction when not a surface finish material without limitation.

a. Corrugated metal siding; however, the reuse of pre-fabricated shipping containers is permitted and is not subject to this limitation, subject to compliance with the building code and other applicable codes

b. Exterior insulation finishing systems (EIFS) is prohibited on the ground floor of a multi-family stacked dwelling and multi-family attached dwelling when not on a sublot (the 25% permission in item 1 above does not apply)

c. Plain concrete masonry units (CMU)

d. Plastic

e. T-111 composite plywood siding

f. Vinyl

5.4 OPEN SPACE REQUIREMENTS

New construction of a principal building and expansion of a principal building by 5,000 square feet or 20% of the building area, whichever is less, is required to provide open space as specified in this section.

A. Residential On-Site Open Space

On-site open space is required in the Neighborhood 2 Zoning Districts for all multi-family stacked~~,~~ and multi-family attached~~, and townhouse~~ developments in accordance with the following:

1. For multi-family stacked developments, a minimum of 10% of the lot area shall be designed as on-site open space. Such open space may be private open space, common open space, public open space, or any combination thereof.

2. ~~Townhouse and m~~Multi-family attached development in the N2-A Zoning District shall provide a minimum of 250 square feet of open space per dwelling unit. Such open space may be private open space, common open space, public open space, or any combination thereof.

3. ~~Townhouse and m~~Multi-family attached development in the N2-B and N2-C Zoning Districts shall provide a minimum of 150 square feet of open space per dwelling unit. Such open space may be private open space, common open space, public open space, or any combination thereof.

4. Residential on-site open space shall meet the design requirements of Section 16.5.

5. Residential on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee~~-~~in~~-~~lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

B. Nonresidential and Mixed-Use On-Site Open Space

1. Nonresidential and mixed-use development in the Neighborhood 2 Zoning Districts is required to provide on-site open space, except for developments on sites of one-half acre or less in size.

2. Development shall provide a minimum of 10% of the total lot area in on-site open space. Such open space may be common open space, public open space, or any combination thereof.

3. Nonresidential and mixed-use on-site open space shall meet the design requirements of Section 16.5.

4. Nonresidential and mixed-use on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

5.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS

Standards for required on-site pedestrian connectivity are found in Section 16.6.

5.6 GENERAL DEVELOPMENT STANDARDS

A. General Development Standards

General development standards are found in Article 16.

B. Accessory Structures

Standards for accessory structures are found in Article 17.

C. Architectural Features

Standards for architectural features are found in Article 18.

D. Off-Street Parking

Standards for off-street parking and bicycle parking are found in Article 19.

E. Landscaping and Screening

Landscaping and screening standards are found in Article 20.

F. Loading and Service

Standards for loading spaces and service areas are found in Article 21.

G. Signs

Standards for signs are found in Article 22.

H. Drainage

Standards for drainage are found in Article 24.

Article 6. Commercial Zoning Districts: CG, CR

6.1 PURPOSE
6.2 USES
6.3 DIMENSIONAL AND DESIGN STANDARDS
6.4 OPEN SPACE REQUIREMENTS
6.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS
6.6 GENERAL DEVELOPMENT STANDARDS

6.1 PURPOSE

A. CG General Commercial Zoning District

The CG General Commercial Zoning District is intended to accommodate areas of general commercial development in the City, typically located at key intersections or organized along arterial streets. Commercial areas within the CG Zoning District accommodate automobile access and the standards for the zoning district acknowledge this auto-orientation while encouraging improvement of the pedestrian environment and accommodation of alternate modal choices within the zoning district.

B. CR Regional Commercial Zoning District

The CR Regional Commercial Zoning District is intended for areas of large-scale and/or regionally significant commercial uses. Such uses may constitute a coordinated cluster of commercial uses or a single large-scale commercial use of regional significance. The zoning district regulations ensure that proper controls are in place to create compatibility with neighboring uses and create safe circulation patterns.

6.2 USES

Article 15 lists permitted, temporary, and accessory uses for the Commercial Zoning Districts. Use definitions are found in Article 15.

6.3 DIMENSIONAL AND DESIGN STANDARDS

A. General

1. The tables below include the dimensional and design standards for the Commercial Zoning Districts. Standards within the tables below may contain specific regulations organized by frontage type (Section 3.5).

2. Where this Ordinance refers to frontages in general, transit station, off-street public path, public park shall not be considered a frontage within the Commercial Zoning Districts.

3. In the tables below, where a cell contains a standard or a "✓" the standard is applicable. Where a cell is blank and shaded, the standard does not apply.

B. Lot

Lot standards govern the basic dimensions of lots, including but not limited to minimum area, width, and coverage as applicable. These standards are intended to provide a rational basis for the division, organization, and development of land within the City of Charlotte.

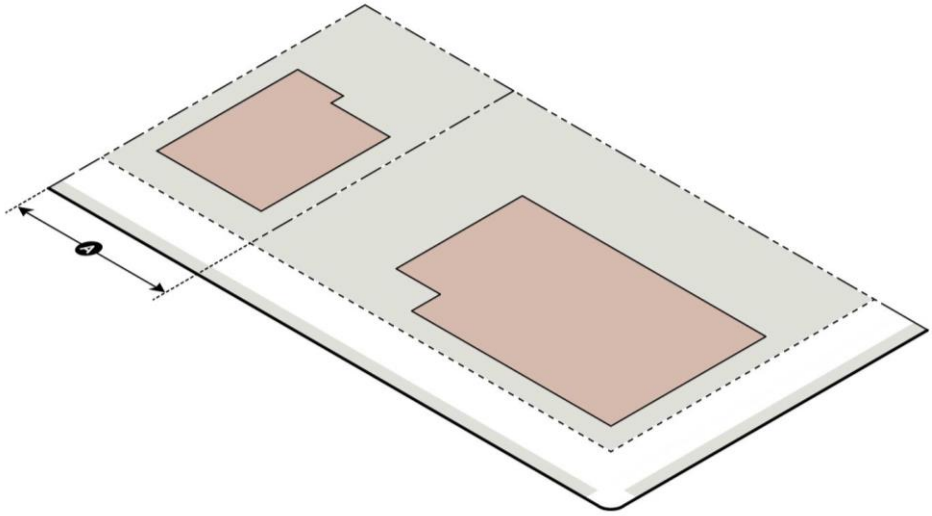
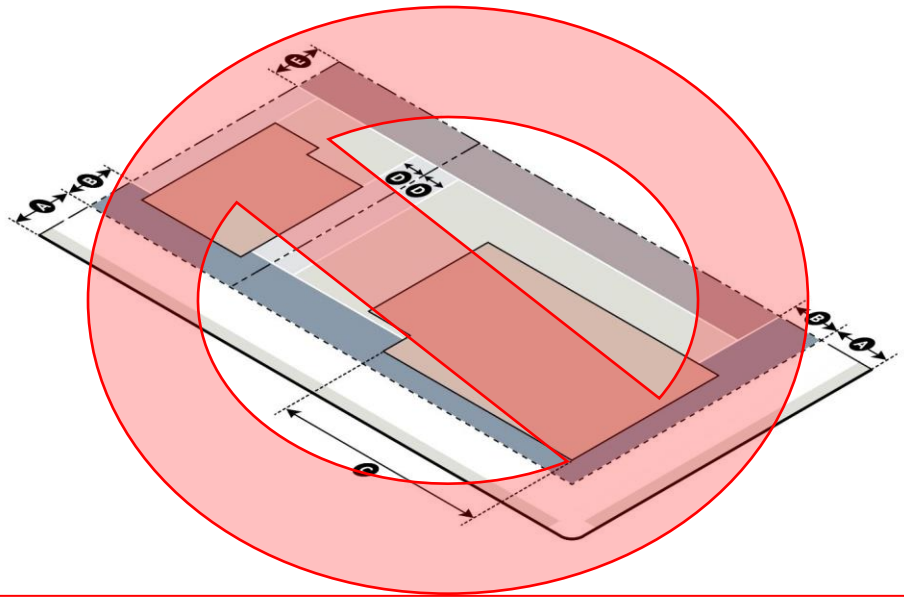


Table 6-1: Commercial Zoning Districts Lot Standards			
		CG	CR
A	**Minimum Lot Width** (feet)	50	50

C. Building Siting

Building siting standards govern the placement of buildings on lots, and are intended to ensure that development maintains compatibility with its surrounding context and the intent of the applicable zoning district.



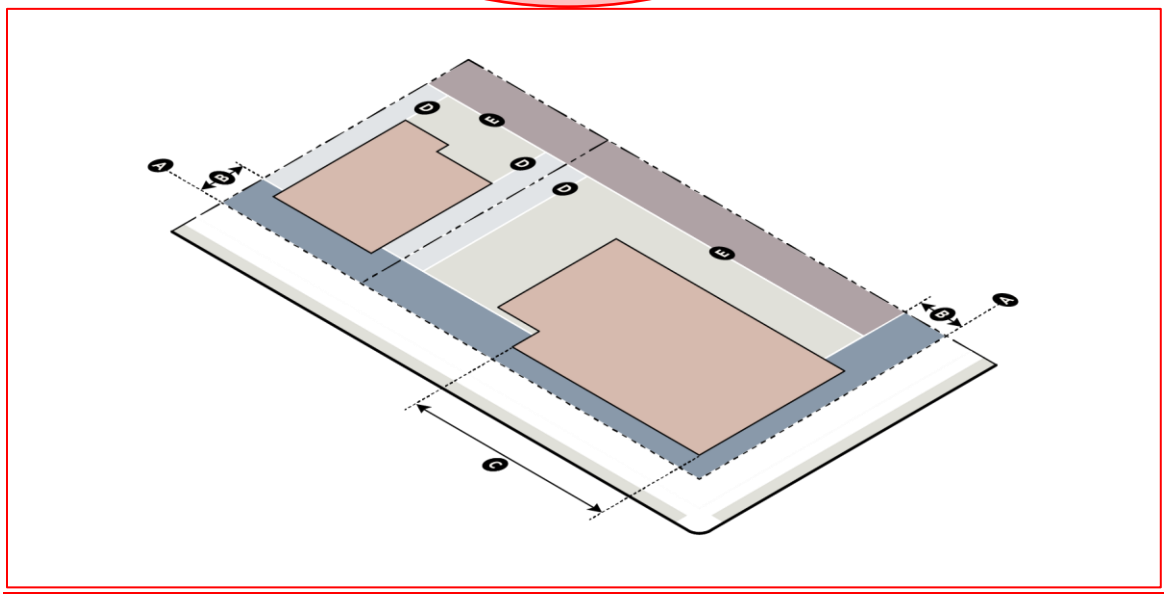


Table 6-2: Commercial Zoning Districts Building Siting Standards

		CG	CR
A	**Frontage Setback Line** (from future back of curb) (feet) [1, 2, 3]		
	Uptown Signature	24	24
	Main Street	24	24
	Linear Park	36	36
	4-5 Lane Avenue/Boulevard	36	36
	6 or more Lane Avenue/Boulevard	40	40
	2-3 Lane Avenue	36	36
	Transit Station, Off-Street Public Path, Public Park [4]	20	20
	Uptown Primary	20	20

Table 6-2: Commercial Zoning Districts Building Siting Standards			
		CG	CR
	Other - Primary	36	36
	Uptown Secondary	16	16
	Secondary	36	36
	Parkway (Measured from ROW)	20	20
	Limited Access (Measured from ROW)	20	20
B	**Frontage Build-To Zone (BTZ)** (from frontage setback line) (feet) [5, 6]		
	Main Street	0-20	0-20
	4-5 Lane Avenue/Boulevard		
	6 or more Lane Avenue/Boulevard		
	2-3 Lane Avenue		
	Transit Station, Off-Street Public Path, Public Park		
	Other - Primary		
	Secondary		
	Parkway		
	Limited Access		
C	**Minimum BTZ Build-To Percentage for Structure** (%)		
	Main Street	80	80
	4-5 Lane Avenue/Boulevard		
	6 or more Lane Avenue/Boulevard		
	2-3 Lane Avenue		
	Transit Station, Off-Street Public Path, Public Park		
	Other - Primary		
	Secondary		
	Parkway		
	Limited Access		
D	**Minimum Side Setback** (feet)	10	10
E	**Minimum Rear Setback** (feet)	20	20

1 On local and collector streets in the CG and CR Zoning Districts, measured from the curb location of Office/Commercial Narrow Local Street Cross Section in CLDSM or the existing back of curb, whichever is farthest from the centerline. If SSI standards require the relocation of the back of curb or the back of curb is voluntarily relocated, that shall be considered the existing back of curb location.

2 In no case shall any building entry be located closer than six feet to an existing or proposed off-street public path or shared use path.

3 In the CG and CR Zoning Districts, if no parking or maneuvering is located between a building and the frontage, then the frontage setback line may be reduced to match the standard required for the CAC-1 Zoning District.

4 For the transit station, off-street public path, public park frontage, shall be measured from a property line or right-of-way line. If there is an easement in place for any frontage, then the measurement shall be taken from such easement. For any frontage abutting a reservation for a future frontage, the frontage setback line shall be measured from the edge of the reservation area.

5 If there is an existing ~~CLT~~ Charlotte Water easement, ~~or~~ other utility easement, or overhead utility clearance requirement that conflicts with the build-to zone requirement, a build-to line shall be established at the edge of the easement or the edge of the overhead utility clearance requirement closest to the build-to zone.

6 Where a lot has more than two frontages that require a build-to zone, the build-to zone shall be increased by 100% for those frontages that exceed two. Such an increase should be applied to those frontages that are lowest in the established hierarchy of frontages (Section 3.5.D).

D. Building Height

Building height standards govern the maximum heights of buildings as applicable, and are intended to provide flexibility while maintaining appropriate transitions to adjacent areas.

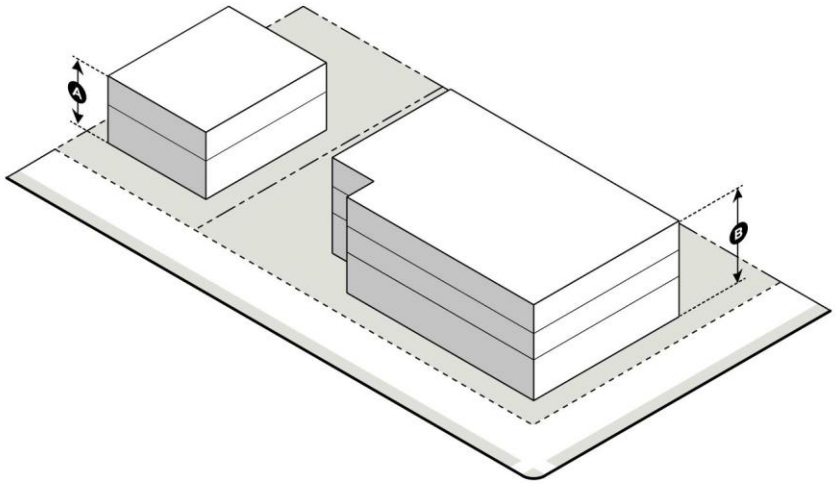
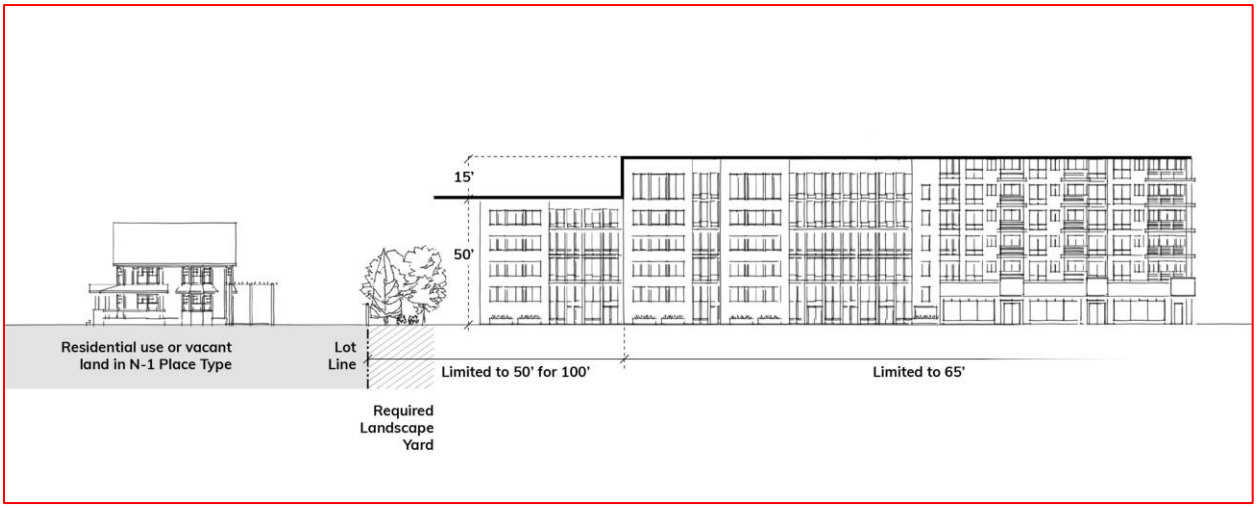


Table 6-3: Commercial Zoning Districts Building Height Standards			
		CG	CR
A	**Maximum Building Height** (feet) [1]	50	50
B	**Maximum Height with Bonus** (feet) (Section 16.3) [1,2]	65	65

[1] The height and location of structures may be restricted by the limitations set forth in the Code of Federal Regulations (CFR) Title 14 Part 77: Safe, Efficient Use, and Preservation of the Navigable Airspace. A notice of proposed construction FAA Form 7460-1 must be filed with the FAA for construction or alteration that impacts any of the imaginary surfaces as defined in 14 CFR Part 77, or is more than 200 feet in height above the ground at its site at least 45 days prior to construction. The Aviation Department Planning Division may serve as a point of contact for information regarding building notification requirements and obstruction evaluation

[2] The maximum building height of any structure within 200 feet of residential uses or vacant land in a Neighborhood 1 Place Type is limited as follows: That portion of a structure within the first 100 feet is limited to a maximum of 50 feet in height; that portion of a structure within 100 to 200 feet is limited to a maximum of 65 feet in height. These standards apply only to that part of a structure within the 200 foot distance, and each portion of the building may be measured independently, from the average grade of the portion being measured to the highest point of the same portion. This limitation does not apply to public parks of three acres or greater within a Neighborhood 1 Place Type, nor to an area of two or fewer parcels totaling no more than three acres within a Neighborhood 1 Place Type.



E. Building Articulation

Building articulation standards govern the dimensions of building facade elements and entry features and are intended to facilitate the enhancement of a pedestrian-oriented environment.

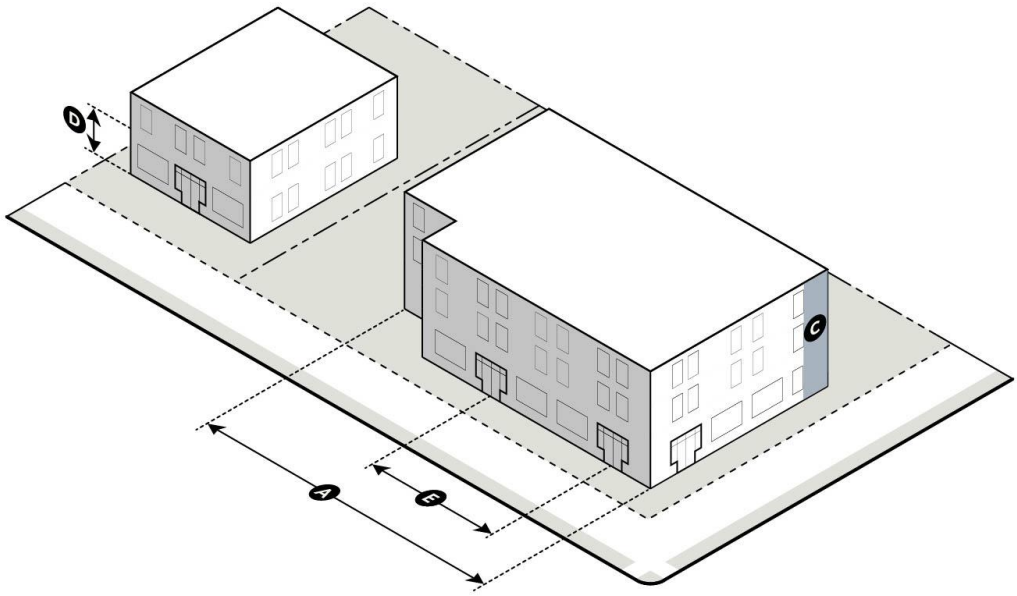


Table 6-4: Commercial Zoning Districts Building Articulation Standards			
		CG	CR
A	**Minimum Building Length as a Percentage of Lot Width Along Frontage** (measured at frontage setback line) (%) [1]		
	Main Street	60	60
	4-5 Lane Avenue/Boulevard		
	6 or more Lane Avenue/Boulevard		
	2-3 Lane Avenue		
	Transit Station, Off-Street Public Path, Public Park		
	Other - Primary		
	Secondary		
	Parkway		
	Limited Access		
B	**Maximum Building Length Along a Frontage** (feet) [2]	500	650
C	**Maximum Blank Wall Area - (Ground floor and upper floor; Horizontal or Vertical)** (feet)		
	Main Street	20	40
	4-5 Lane Avenue/Boulevard	20	40
	6 or more Lane Avenue/Boulevard	20	40
	2-3 Lane Avenue	20	40
	Transit Station, Off-Street Public Path, Public Park		
	Other - Primary	20	40
	Secondary	20	40
	Parkway	50	50
	Limited Access	50	50

Table 6-4: Commercial Zoning Districts Building Articulation Standards			
		CG	CR
D	**Minimum Ground Floor Height** (finished floor elevation to finished floor elevation) (feet) [3]		
	Main Street	16 [4]	16 [4]
	4-5 Lane Avenue/Boulevard		
	6 or more Lane Avenue/Boulevard		
	2-3 Lane Avenue		
	Transit Station, Off-Street Public Path, Public Park		
	Other - Primary		
	Secondary		
	Parkway		
	Limited Access		
E	**Maximum Prominent Entry Spacing** (feet)		
	Main Street	250	250
	4-5 Lane Avenue/Boulevard	250	250
	6 or more Lane Avenue/Boulevard	250	250
	2-3 Lane Avenue	250	250
	Transit Station, Off-Street Public Path, Public Park		
	Other - Primary	250	250
	Secondary		
	Parkway		
	Limited Access		

[1] Where a minimum building length as a percentage of lot width applies to multiple frontages, the highest frontage classification in the hierarchy shall meet the established standard. In the case of a lot with two frontages, the second frontage shall only meet a standard of 40%. If there are more than two frontages subject to the standard, there is no minimum requirement for any frontage beyond the two highest frontages in the hierarchy. This requirement does not apply to Parkway or Limited Access frontages.

[2] Maximum building length along a frontage does not apply to any frontage located along a Limited Access road. If any applicable minimum building length exceeds a maximum building length requirement, the maximum building length shall control.

[3] At least 70% of the total ground floor for nonresidential uses and 30% for residential uses, measured as a percentage of the interior space, shall meet the minimum ground floor height requirement.

[4] Minimum ground floor height may be reduced by the Zoning Administrator if there are site constraints that would cause practical difficulty.

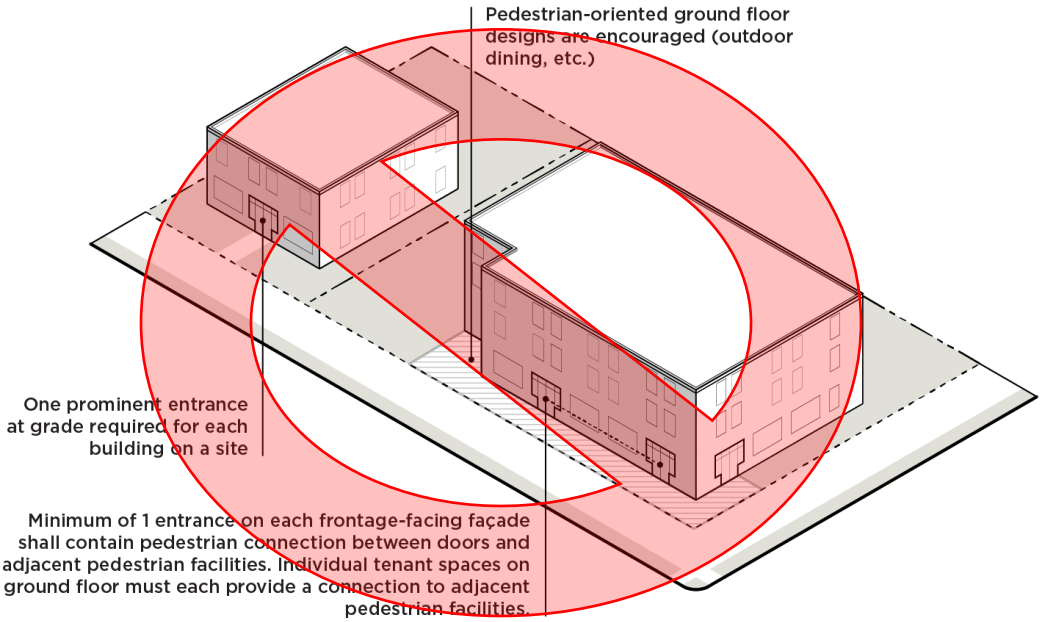
F. Transparency

Transparency standards govern the required amount of ground floor and upper ~~story~~ floor transparency, and are intended to facilitate the enhancement of a pedestrian-oriented environment.

Table 6-5: Commercial Zoning Districts Transparency Standards			
		CG	CR
A	**Ground Floor Transparency** (% of wall area between 3' and 10' from grade)		
	Main Street	60	60
	4-5 Lane Avenue/Boulevard	40	30
	6 or more Lane Avenue/Boulevard	40	30
	2-3 Lane Avenue	40	30
	Transit Station, Off-Street Public Path, Public Park		
	Other - Primary	40	30
	Secondary	30	30
	Parkway	30	30
	Limited Access		
B	**Upper ~~Story~~ Floor Transparency** (% of wall area ~~of~~ per story)		
	Main Street	15	15
	4-5 Lane Avenue/Boulevard	15	15
	6 or more Lane Avenue/Boulevard	15	15
	2-3 Lane Avenue	15	15
	Transit Station, Off-Street Public Path, Public Park	15	15
	Other - Primary	15	15
	Secondary	15	15
	Parkway	15	15
	Limited Access		

G. Building Design Standards

Design standards govern the fundamental elements of building design, and are intended to encourage the creation of a built environment that is aesthetically and functionally of a high-quality.



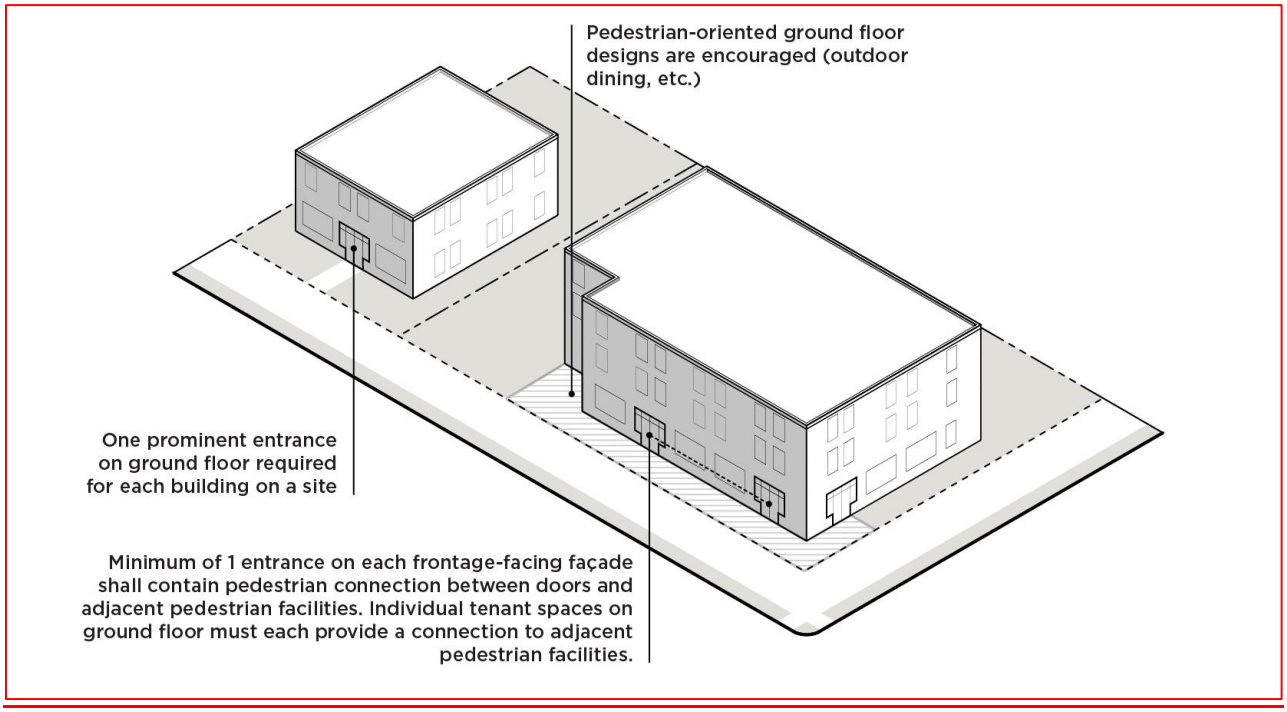


Table 6-6: Commercial Zoning Districts Building Design Standards		
	CG	CR
~~Facade Modulation~~		

Table 6-6: Commercial Zoning Districts Building Design Standards		
	CG	CR
~~For buildings over 90' in height, the base of the building shall be clearly differentiated from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment.~~ ~~1. This differentiation shall occur somewhere within the bottom third of the building, but no higher than 50' above grade.~~ ~~2. Elements such as, but not limited to, cornices, corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting, and other sculpturing of the base shall be provided to clearly differentiate the base from the remainder of the building.~~		
~~Main Street~~	~~✓~~	~~✓~~
~~4-5 Lane Avenue/Boulevard~~	~~✓~~	~~✓~~
~~6 or more Lane Avenue/Boulevard~~	~~✓~~	~~✓~~
~~2-3 Lane Avenue~~	~~✓~~	~~✓~~
~~Transit Station, Off-Street Public Path, Public Park~~		
~~Other - Primary~~	~~✓~~	~~✓~~
~~Secondary~~	~~✓~~	~~✓~~
~~Parkway – when only frontage or adjacent to shared-use path~~	~~✓~~	~~✓~~
~~Limited Access~~		
Building Base and Entrance Design		
One prominent entrance ~~at grade~~on the ground floor is required per building on a site.	✓	✓

Table 6-6: Commercial Zoning Districts Building Design Standards		
	CG	CR
A minimum of one ground floor entrance along each frontage facing façade, except for a Limited Access frontage or along a transit station, off-street public path, or public park frontage, shall include a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park		
Other - Primary	✓	✓
Secondary	✓	✓
Parkway – when only frontage or adjacent to shared-use path	✓	✓
Limited Access		
Where a building contains multiple tenant spaces on the ground floor abutting a frontage, each tenant space shall have a prominent entrance including a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [2]		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park		
Other - Primary	✓	✓
Secondary	✓	✓
Parkway – when only frontage or adjacent to shared-use path	✓	✓
Limited Access		
Pedestrian-oriented ground-floor designs are encouraged, including arcades, galleries, colonnades, outdoor dining areas, and outdoor plazas. When integrated into the overall building design, such features are considered to meet any required build-to percentage.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park		
Other - Primary	✓	✓
Secondary	✓	✓
Parkway – when only frontage or adjacent to shared-use path	✓	✓
Limited Access		

[1] The Zoning Administrator may waive this requirement if they determine that the nature of the use does not require such pedestrian connections, for example warehouse and distribution centers, airports, truck and rail freight terminals, and other similar uses.

H. Building Materials
The following building materials are limited to 25% of each façade along a frontage. They may also be used as a component of construction when not a surface finish material without limitation.

1. Corrugated metal siding; however, the reuse of pre-fabricated shipping containers is permitted and is not subject to this limitation, subject to compliance with the building code and other applicable codes

2. Plain concrete masonry units (CMU)

3. Plastic

4. T-111 composite plywood siding

5. Vinyl

6.4 OPEN SPACE REQUIREMENTS

A. New construction of a principal building and expansion of a principal building by 5,000 square feet or 20% of the building area, whichever is less, is required to provide on-site open space, except for development on sites of one-half acre or less in size.

B. The design of open space shall meet the design requirements of Section 16.5.

C. Development shall provide a minimum of on-site open space as follows:

~~Table 6.1: Required Open Space~~		
	~~CG~~	~~CR~~
~~Total On-Site Open Space~~	~~5%~~	~~5%~~
~~Public On-Site Open Space (% of Total On-Site Open Space)~~		
~~*Commercial Development*~~	~~*50*~~	~~*50*~~

Table 6-7: Required Open Space		
	CG	CR
Total On-Site Open Space	Development shall provide a minimum of 5% on-site open space.	
Public On-Site Open Space (% of Total On-Site Open Space)		
Commercial Development	A minimum of 50% of the on-site open space shall be public open space for commercial developments.	

D. Residential on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

E. Nonresidential and mixed-use on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

6.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS
Standards for required on-site pedestrian connectivity are found in Section 16.6.

6.6 GENERAL DEVELOPMENT STANDARDS

A. General Development Standards
General development standards are found in Article 16.

B. Accessory Structures
Standards for accessory structures are found in Article 17.

C. Architectural Features
Standards for architectural features are found in Article 18.

D. Off-Street Parking
Standards for off-street parking and bicycle parking are found in Article 19.

E. Landscaping and Screening
Landscaping and screening standards are found in Article 20.

F. Loading and Service
Standards for loading spaces and service areas are found in Article 21.

G. Signs
Standards for signs are found in Article 22.

H. Drainage
Standards for drainage are found in Article 24.

Article 7. Campus Zoning Districts: IC-1, IC-2, OFC, ~~RC-1~~RC

7.1 PURPOSE
7.2 USES
7.3 DIMENSIONAL AND DESIGN STANDARDS
7.4 OPEN SPACE REQUIREMENTS
7.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS
7.6 GENERAL DEVELOPMENT STANDARDS

7.1 PURPOSE

A. IC-1 Institutional Campus Zoning District

The IC-1 Institutional Campus Zoning District is intended to address the needs and impacts of large-scale institutional campuses, including governmental, educational, medical, social service, continuum of care residential developments, and religious campuses, which may include associated supportive uses primarily to provide for employees and visitors on-site, such as eating and drinking, retail, and personal service establishments. The IC-1 Zoning District is characterized by an open development form of predominantly low- to mid-rise structures and ample green space within a campus-like environment that prioritizes a cohesive pedestrian network.

B. IC-2 Institutional Campus Zoning District

The IC-2 Institutional Campus Zoning District is intended to address the needs and impacts of large-scale institutional campuses, including governmental, educational, medical, social service, continuum of care residential developments, and religious campuses, which may include associated supportive uses primarily to provide for employees and visitors on-site, such as eating and drinking, retail, and personal service establishments. The IC-2 Zoning District is characterized by a compact development form of taller structures within a densely developed, pedestrian-oriented urban environment.

C. OFC Office Flex Campus Zoning District

The OFC Office Flex Campus Zoning District is intended to address large-scale office, ~~and~~ research, and medical campuses that may include some light assembly uses, with supporting uses primarily designed to serve the everyday needs of employees and visitors, such as eating and drinking, retail, and personal service establishments. While OFC Zoning District developments are relatively low intensity, standards are included to foster internal and external walkability, providing connections both on-site and to the external pedestrian network.

D. ~~RC-1~~RC Research Campus Zoning District

The ~~RC-1~~RC Research Campus Zoning District is intended to address the needs and impacts of large-scale research campuses within a mixed-use environment, with supporting uses primarily designed to serve the everyday needs of employees, residents, and visitors, such as eating and drinking, retail, and personal service establishments. The ~~RC-1~~RC Zoning District is characterized by a development form of taller structures within a pedestrian-oriented urban environment.

7.2 USES

Article 15 lists permitted, temporary, and accessory uses for the Campus Zoning Districts. Use definitions are found in Article 15.

7.3 DIMENSIONAL AND DESIGN STANDARDS

The tables below include the dimensional and design standards for the Campus Zoning Districts. Standards within the tables below may contain specific regulations organized by frontage type (Section 3.5). In the tables below, where a cell contains a standard or a "✓" the standard is applicable. Where a cell is blank and shaded, the standard does not apply.

A. Lot

Lot standards govern the basic dimensions of lots, including but not limited to minimum area, width, and coverage as applicable. These standards are intended to provide a rational basis for the division, organization, and development of land within the City of Charlotte.

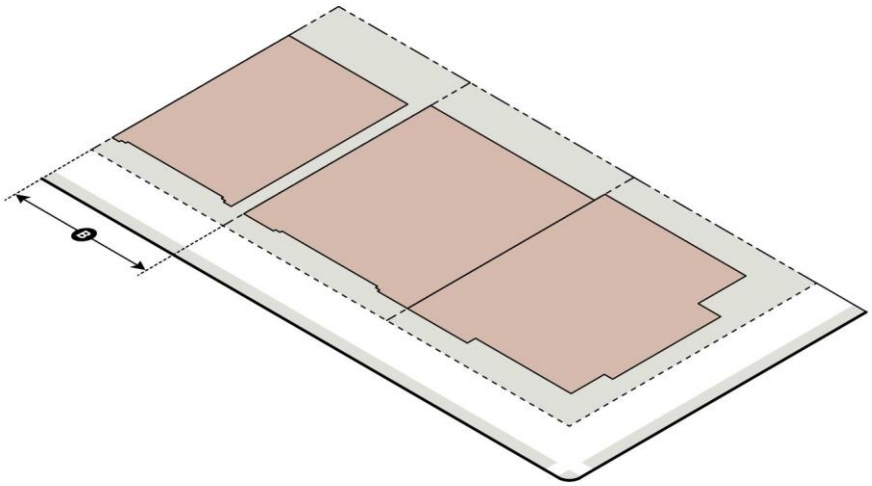


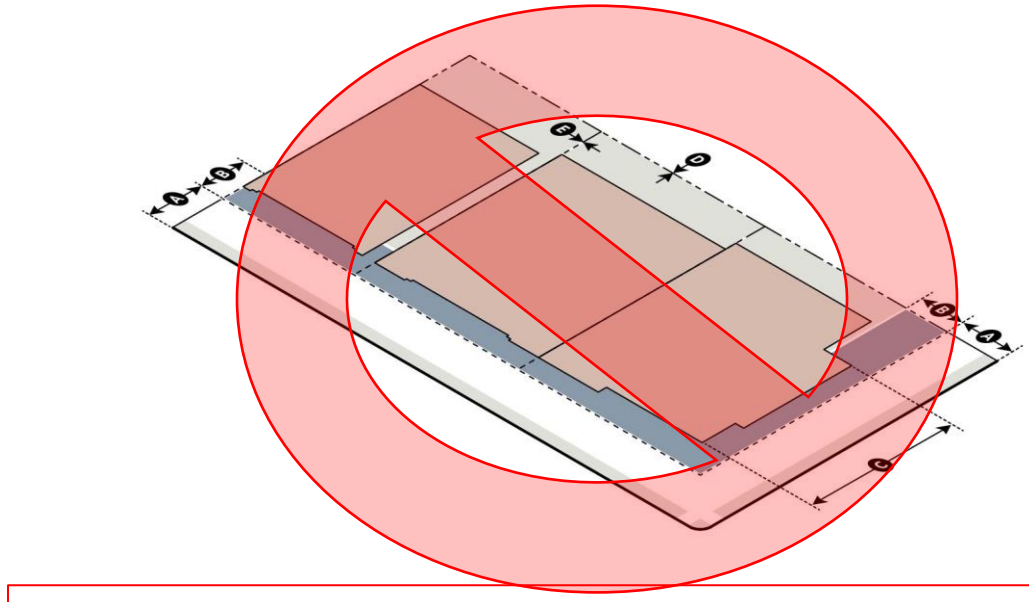
Table 7-1: Campus Zoning Districts Lot Standards					
		IC-1	IC-2	OFC	~~RC~~ RC
A	**Minimum District Size** (acres) [1]	10	5	10	5
B	**Minimum Lot Width** (feet)	50	25	50	25
C	**Maximum Building Coverage** (%)	60 [2]		60 [2]	

[1] Overall district size may not be reduced to less than that required within Section 7.3.A. Where a zoning map amendment would reduce the overall district size to less than the requirement, the entirety of the zoning district shall be amended.

[2] Structured parking up to 10% of lot area shall not count toward maximum building coverage. Any structured parking areas in excess of 10% of lot area shall be counted in maximum building coverage.

B. Building Siting

Building siting standards govern the placement of buildings on lots and are intended to ensure that development maintains compatibility with its surrounding context and the intent of the applicable zoning district.



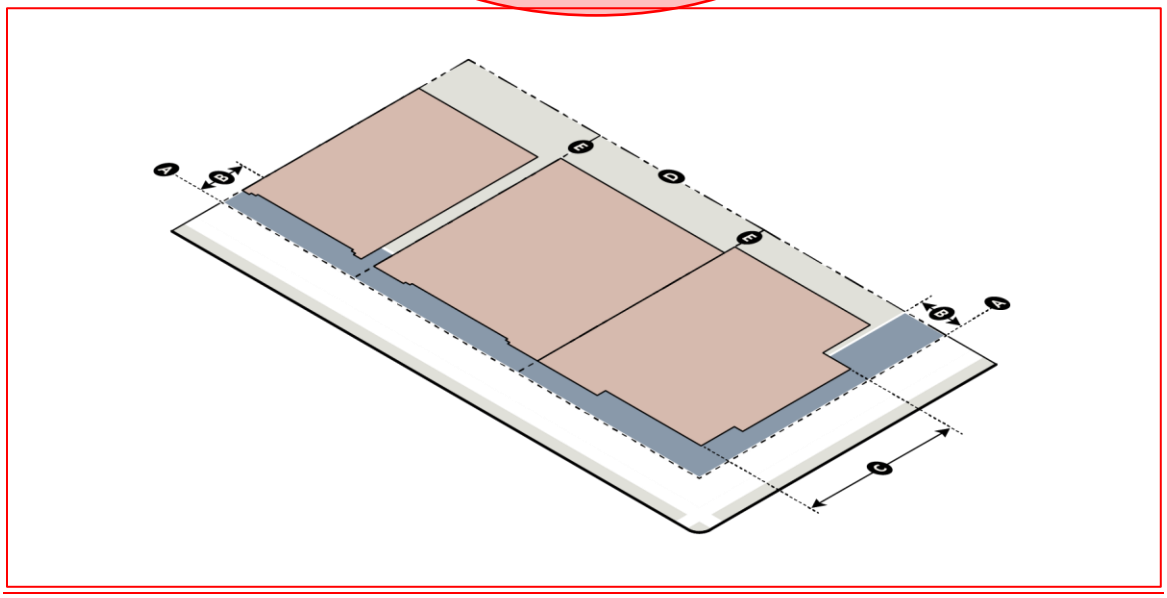


Table 7-2: Campus Zoning Districts Building Siting Standards					
		IC-1	IC-2	OFC	~~RC~~ RC
A	**Frontage Setback Line** (from future back of curb) (feet) [1, 2, 6]				
	Uptown Signature	24	24	24	24
	Main Street	24	24	24	24
	Linear Park	36	36	36	36
	4-5 Lane Avenue/Boulevard	36	20	36	20
	6 or more Lane Avenue/Boulevard	40	24	40	24
	2-3 Lane Avenue	36	20	36	20
	Transit Station, Off-Street Public Path, Public Park [3]	20	5	20	5
	Uptown Primary	20	20	20	20

Table 7-2: Campus Zoning Districts Building Siting Standards					
		IC-1	IC-2	OFC	~~RC~~ RC
	Other - Primary	36	20	36	20
	Uptown Secondary	16	16	16	16
	Secondary	36	16	36	16
	Parkway (Measured from ROW)	20	20	20	20
	Limited Access (Measured from ROW)	20	10	20	10
B	**Frontage Build-To Zone (BTZ)** (from frontage setback line) (feet) [4, 5]				
	Main Street	0-20	0-20	0-20	0-20
	4-5 Lane Avenue/Boulevard		0-20		0-20
	6 or more Lane Avenue/Boulevard		0-20		0-20
	2-3 Lane Avenue		0-20		0-20
	Transit Station, Off-Street Public Path, Public Park		0-20		0-20
	Other - Primary		0-20		0-20
	Secondary		0-20		0-20
	Parkway				
	Limited Access				
C	**Minimum BTZ Build-To Percentage for Structure** (%)				
	Main Street	80	80	80	80
	4-5 Lane Avenue/Boulevard		80		80
	6 or more Lane Avenue/Boulevard		80		80
	2-3 Lane Avenue		80		80
	Transit Station, Off-Street Public Path, Public Park		80		80
	Other - Primary		80		80
	Secondary		60		60
	Parkway				
	Limited Access				
D	**Minimum Side Setback** (feet)				
	Not abutting Neighborhood 1 Place Type	10	0	10	0
	Abutting Neighborhood 1 Place Type	10	10	10	10
E	**Minimum Rear Setback** (feet)				
	Not abutting Neighborhood 1 Place Type	20	0	20	0
	Abutting Neighborhood 1 Place Type	20	20	20	20

1 On local and collector streets in the IC-1, ~~and~~ IC-2, and RC Zoning Districts, measured from the curb location for Office/Commercial Wide Local Street Cross Section in CLDSM or the existing back of curb, whichever is farthest from the centerline. On local and collector streets in the OFC District, measured from the curb location of Office/Commercial Narrow Local Street Cross Section in CLDSM or the existing back of curb, whichever is farthest from the centerline. If SSI standards require the relocation of the back of curb or the back of curb is voluntarily relocated, that shall be considered the existing back of curb location.

2 In no case shall any building entry be located closer than six feet to an existing or proposed off-street public path or shared use path.

3 For the transit station, off-street public path, public park frontage, shall be measured from a property line or right-of-way line. If there is an easement in place for any frontage, then the measurement shall be taken from such easement. For any frontage abutting a reservation for a future frontage, the frontage setback line shall be measured from the edge of the reservation area.

4 If there is an existing ~~CLT~~ Charlotte Water easement, ~~or~~ other utility easement, or overhead utility clearance requirement that conflicts with the build-to zone requirement, a build-to line shall be established at the edge of the easement or edge of the overhead utility clearance requirement closest to the build-to zone.

5 Where a lot has more than two frontages that require a build-to zone, the build-to zone shall be increased by 100% for those frontages that exceed two. Such an increase should be applied to those frontages that are lowest in the established hierarchy of frontages (Section 3.5.D).

6 In the IC-1 and OFC Zoning Districts, if no parking or maneuvering is located between a building and the frontage, then the frontage setback line may be reduced to match the standard required for the CAC-1 Zoning District.

C. Building Height

Building height standards govern the minimum and maximum heights of buildings as applicable, and are intended to provide flexibility while maintaining appropriate transitions to adjacent areas

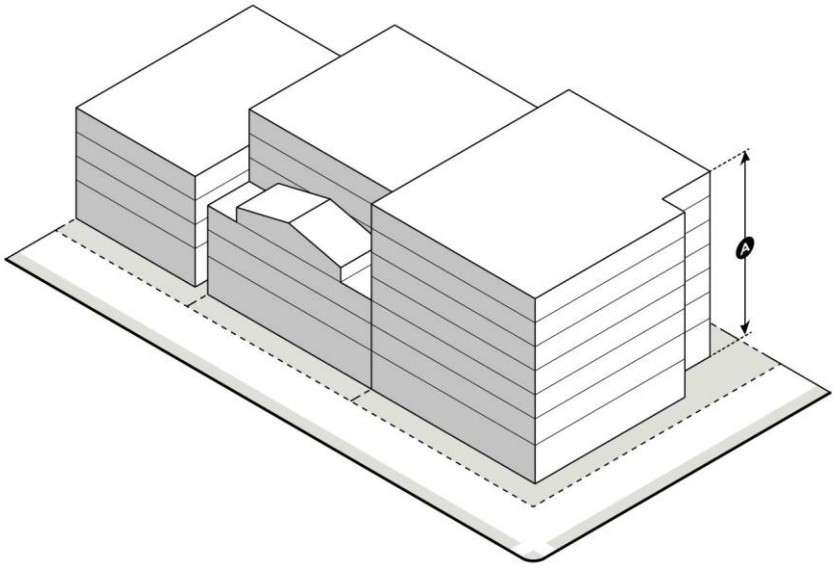
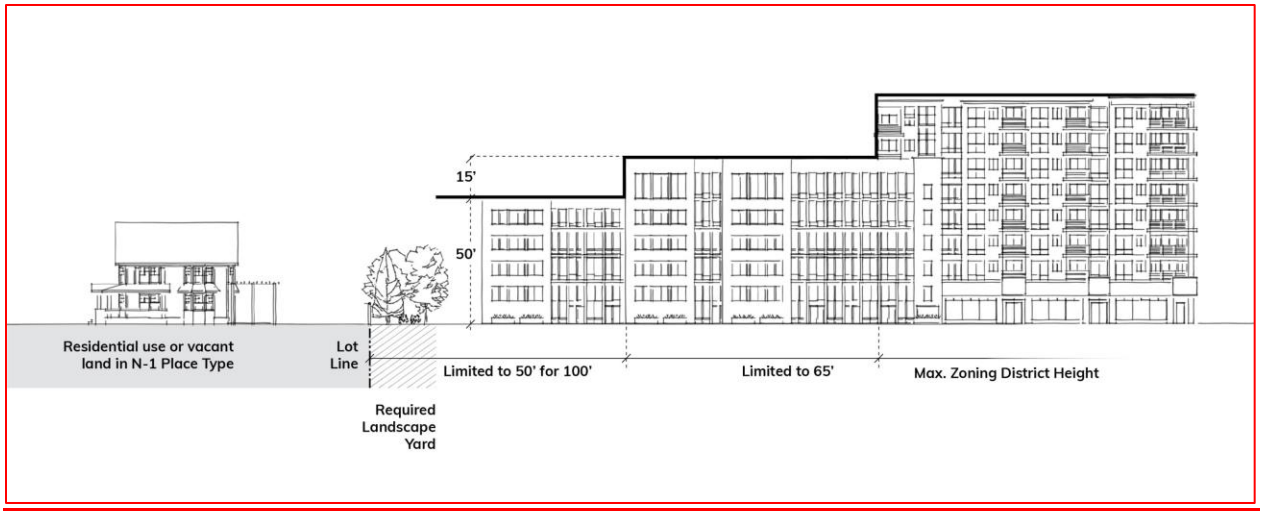


Table 7-3: Campus Zoning Districts Building Height Standards					
		IC-1	IC-2	OFC	~~RC~~ 1RC
A	**Maximum Building Height** (feet) [1, 2]	50	120	50	120
B	**Maximum Height with Bonus** (feet) (Section 16.3) [1, 2]	80	250	80	250

[1] The height and location of structures may be restricted by the limitations set forth in the Code of Federal Regulations (CFR) Title 14 Part 77: Safe, Efficient Use, and Preservation of the Navigable Airspace. A notice of proposed construction FAA Form 7460-1 must be filed with the FAA for construction or alteration that impacts any of the imaginary surfaces as defined in 14 CFR Part 77, or is more than 200 feet in height above the ground at its site at least 45 days prior to construction. The Aviation Department Planning Division may serve as a point of contact for information regarding building notification requirements and obstruction evaluation

[2] The maximum building height of any structure within 200 feet of residential uses or vacant land in a Neighborhood 1 Place Type is limited as follows: That portion of a structure within the first 100 feet is limited to a maximum of 50 feet in height; that portion of a structure within 100 to 200 feet is limited to a maximum of 65 feet in height. These standards apply only to that part of a structure within the 200 foot distance, and each portion of the building may be measured independently, from the average grade of the portion being measured to the highest point of the same portion. This limitation does not apply to public parks of three acres or greater within a Neighborhood 1 Place Type, nor to an area of two or fewer ~~adjacent~~ parcels totaling no more than three acres within a Neighborhood 1 Place Type.



D. Building Articulation

Building Articulation standards govern the dimensions of building facade elements and entry features and are intended to facilitate the enhancement of a pedestrian-oriented environment.

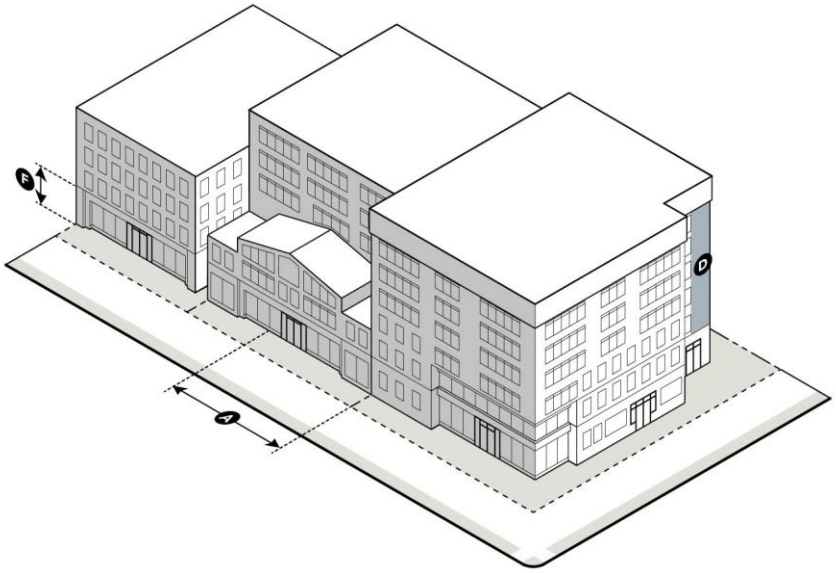


Table 7-4: Campus Zoning Districts Building Articulation Standards					
		IC-1	IC-2	OFC	~~RC-1~~RC
A	**Minimum Building Length as a Percentage of Lot Width Along Frontage** (Measured at Frontage Setback Line) (%)[1]				
	Main Street	60	60	60	60
	4-5 Lane Avenue/Boulevard		60		60
	6 or more Lane Avenue/Boulevard		60		60
	2-3 Lane Avenue		60		60
	Transit Station, Off-Street Public Path, Public Park		60		60
	Other - Primary		60		60
	Secondary		40		40
	Parkway				
	Limited Access				
B	**Maximum Building Length Along a Frontage** (feet) [2]	600	500	600	500

Table 7-4: Campus Zoning Districts Building Articulation Standards					
		IC-1	IC-2	OFC	RC-1RC
C	**Maximum Building Length Along a Frontage with Additional Design Elements** (feet) [2, 3]	800	700	800	700
D	**Maximum Blank Wall Area -- (Ground Floor and Upper Floor; Horizontal or Vertical)** (feet)[4]				
	Main Street	20	20	20	20
	4-5 Lane Avenue/Boulevard	20	20	20	20
	6 or more Lane Avenue/Boulevard	20	20	20	20
	2-3 Lane Avenue	20	20	20	20
	Transit Station, Off-Street Public Path, Public Park	20	20	20	20
	Other - Primary	20	20	20	20
	Secondary	40	20	40	20
	Parkway	60	50	60	50
	Limited Access	60	50	60	50
E	**Minimum Ground Floor Height – Residential** (Finished Floor Elevation to Finished Floor Elevation) (feet) [4, 5, 6, 7]				
	Main Street	16 [7, 8]	16 [7, 8]	16 [7, 8]	16 [7, 8]
	4-5 Lane Avenue/Boulevard		12		12
	6 or more Lane Avenue/Boulevard		12		12
	2-3 Lane Avenue		12		12
	Transit Station, Off-Street Public Path, Public Park		12		12
	Other - Primary		12		12
	Secondary		12		12
	Parkway (when only frontage or adjacent to shared-use path)		12		12
	Limited Access				
F	**Minimum Ground Floor Height – Nonresidential and Mixed-Use** (Finished Floor Elevation to Finished Floor Elevation) (feet) [4, 5, 6, 7, 8]				
	Main Street	16 [7]	16 [7]	16 [7]	16 [7]
	4-5 Lane Avenue/Boulevard		16 [7]		16 [7]
	6 or more Lane Avenue/Boulevard		16 [7]		16 [7]
	2-3 Lane Avenue		16 [7]		16 [7]
	Transit Station, Off-Street Public Path, Public Park		16 [7]		16 [7]
	Other - Primary		16 [7]		16 [7]
	Secondary		16 [7]		16 [7]
	Parkway (when only frontage or adjacent to shared-use path)		16 [7]		16 [7]
	Limited Access				
G	**Maximum Prominent Entry Spacing** (feet)[4]				
	Main Street	250	250	250	250
	4-5 Lane Avenue/Boulevard		250		250
	6 or more Lane Avenue/Boulevard		250		250
	2-3 Lane Avenue		250		250
	Transit Station, Off-Street Public Path, Public Park		250		250
	Other - Primary		250		250
	Secondary		250		250
	Parkway (when only frontage or adjacent to shared-use path)		250		250
	Limited Access				

[1] Where a minimum building length as a percentage of lot width applies to multiple frontages, the highest frontage classification in the hierarchy (per Section 3.5.D) shall meet the established standard. In the case of a lot with two frontages, the second frontage shall only

meet a standard of 40%. If there are more than two frontages subject to the standard, there is no minimum requirement for any frontage beyond the two highest frontages in the hierarchy. This requirement does not apply to Parkway or Limited Access frontages.

2 Maximum building length along a frontage does not apply to any frontage located along a Limited Access road. If any applicable minimum building length exceeds a maximum building length requirement, the maximum building length shall control.

3 To achieve maximum building length with additional design elements, the following is required:

A. Where a building abuts two parallel frontages with pedestrian facilities, or one frontage with pedestrian facilities and a parking lot, public park or other publicly owned open space on the side of the building opposite the frontage, a pedestrian passage is required. Such passage shall meet the following criteria:

1. General Requirements
   a. Passages shall be designed to accommodate pedestrians. Vehicular access and circulation shall not be allowed as a component of a passage.
   b. Passages shall be a minimum of 30 feet in width and 20 feet in height, and shall be located within the middle third of the building, measured along the frontage.
   c. Passages shall be designed to maintain views from one end through to the other. ~~Such views shall not be obstructed by lighting or other design features.~~
   d. Inclusion of decorative elements such as lighting installations or public art within passages is encouraged.
   e. Passages shall align with the street grid or other points of access to sidewalks, public paths, parking lots, public parks, or other publicly owned open space where feasible.
   f. For the purposes of any build-to zone requirement, a building passage is considered part of the building façade that meets such requirement.
2. Passages in nonresidential and mixed-use buildings.
   a. Ground floor uses shall be oriented toward the passage, including public entrances.
   b. Ground floor façades facing into building passages in nonresidential and mixed-use buildings shall maintain a minimum transparency of 35% of the wall area of the passage.
3. Passages in residential buildings.
   a. Passages in residential buildings may be closed off to the public with gates and/or fencing but shall be of open design to allow for a clear view through the passage.
   b. Passages in residential buildings shall be designed with elements for use by residents, such as seating areas.
   c. Ground floor façades facing into building passages in residential buildings shall maintain a minimum transparency of 25% of the wall area of the passage.

B. Where a building does not abut two parallel frontages with pedestrian facilities, a break in the building massing is required as follows:

1. Building mass shall be recessed a minimum of 20 feet in depth for no less than 30 linear feet along the façade. Such recess shall extend the full height of the building, and shall meet the following criteria:
   a. The recess shall be located within the middle third of the building, measured along the frontage.
   b. For nonresidential and mixed-use buildings, ground floor uses shall be oriented toward the recessed area, including public entrances.
   c. The recessed area is subject to all transparency requirements.
   d. The recessed area shall be designed as public or common space including amenities such as seating areas, landscaping, lighting, decorative elements, and public art.

~~4~~ Does not apply to multi-family attached units when on sublots.

~~4~~5 The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms associated with the development are located on the ground floor.

~~5~~6 Applies only if non-convertible residential; for convertible residential, nonresidential standard applies.

~~6~~7 At least 70% of the total ground floor for nonresidential uses and 30% for residential uses, measured as a percentage of the interior space, shall meet the minimum ground floor height requirement.

~~7~~8 Minimum ground floor height may be reduced by the Zoning Administrator if there are site constraints that would cause practical difficulty.

E. Transparency

Transparency standards govern the required amount of ground floor and upper ~~story~~ floor transparency and are intended to facilitate the enhancement of a pedestrian-oriented environment. These standards do not apply to ~~townhouse~~multi-family attached development when units are on sublots.

Table 7-5: Campus Zoning Districts Transparency Standards					
		IC-1	IC-2	OFC	~~RC-1~~RC
A	**Ground Floor Transparency – Residential** (% of wall area between 3' and 10' from grade) [1, 2]				
	Main Street	25	25	25	25
	4-5 Lane Avenue/Boulevard	25	25	25	25
	6 or more Lane Avenue/Boulevard	25	25	25	25
	2-3 Lane Avenue	25	25	25	25
	Transit Station, Off-Street Public Path, Public Park	25	25	25	25
	Other - Primary	25	25	25	25
	Secondary	25	25	25	25
	Parkway	20	20	20	20
	Limited Access				
B	**Ground Floor Transparency – Nonresidential and Mixed-Use** (% of wall area between 3' and 10' from grade) [1]				
	Main Street	50	50	50	50
	4-5 Lane Avenue/Boulevard	40	40	40	40
	6 or more Lane Avenue/Boulevard	40	40	40	40
	2-3 Lane Avenue	40	40	40	40
	Transit Station, Off-Street Public Path, Public Park	40	40	40	40
	Other - Primary	40	40	40	40
	Secondary	40	40	40	40
	Parkway	30	30	30	30
	Limited Access				
C	**Upper ~~Story~~ Floor Transparency – Residential, Nonresidential, and Mixed-Use** (% of Wall Area ~~of~~ per Story)				
	Main Street	15	15	15	15
	4-5 Lane Avenue/Boulevard	15	15	15	15
	6 or more Lane Avenue/Boulevard	15	15	15	15
	2-3 Lane Avenue	15	15	15	15
	Transit Station, Off-Street Public Path, Public Park	15	15	15	15
	Other - Primary	15	15	15	15
	Secondary	15	15	15	15
	Parkway	15	15	15	15
	Limited Access				

[1] The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms associated with the development are located on the ground floor.

[2] Applies only if non-convertible residential; for convertible residential, nonresidential standard applies.

F. Site Layout Standards

The standards below establish site layout requirements for nonresidential, mixed-use, multi-family attached, and multi-family stacked~~, and townhouse~~ development within the Campus Zoning Districts. Where standards below refer to a frontage, such standards apply to all frontages except parkways or limited access roads.

Table 7-6: Campus Zoning Districts Site Layout Standards				
	Nonres. + Mixed-Use	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked	Multi-Family Attached When Units on Sublots~~Town house~~
The primary pedestrian entry to each principal structure shall face a frontage.	✓		✓	
The primary pedestrian entry to each dwelling unit shall face a frontage or common open space.		✓		
Principal structures abutting a frontage shall be oriented with all building sidewalls perpendicular to the frontage. On corner lots, sidewalls may be oriented perpendicularly to either frontage.				✓

G. Building Design Standards

1. Nonresidential and Mixed-Use Building Design Standards

The following design standards apply to nonresidential and mixed-use buildings in the Campus Zoning Districts.

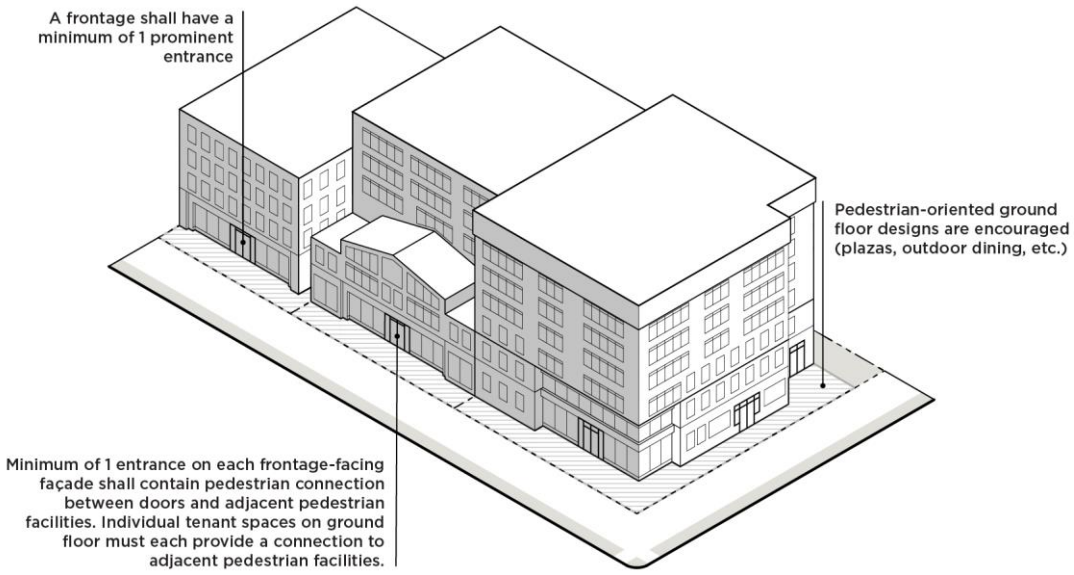


Table 7-7: Campus Zoning Districts Nonresidential and Mixed-Use Building Design Standards				
	IC-1	IC-2	OFC	~~RC-1~~RC
Building Base and Entrance Design				
For buildings over 90' in height, the base of the building shall be clearly differentiated from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. 1. This differentiation shall occur somewhere within the bottom third of the building, but no higher than 50' above grade. 2. Elements such as, but not limited to, cornices, corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting, and other sculpturing of the base shall be provided to clearly differentiate the base from the remainder of the building.				
Main Street	✓	✓	✓	✓

Table 7-7: Campus Zoning Districts Nonresidential and Mixed-Use Building Design Standards				
	IC-1	IC-2	OFC	~~RC~~-1RC
4-5 Lane Avenue/Boulevard	✓	✓	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓	✓	✓
2-3 Lane Avenue	✓	✓	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓	✓	✓
Other - Primary	✓	✓	✓	✓
Secondary	✓	✓	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓	✓	✓
Limited Access				
A frontage shall have a minimum of one prominent entrance, as defined in this Ordinance. In the case of a building located on a corner lot with two frontages, one prominent entrance located on the corner may satisfy this requirement for both frontages, subject to the following: 1. Each frontage shall not require more than one prominent entry. 2. A prominent corner entry shall include design features that reinforce intersections as key locations for pedestrian activity. Two of the following shall be included: a. A chamfered or rounded corner design. b. Awnings, canopies, or other covered entry features. c. Special paving, landscape, or lighting features. d. Unique architectural detailing that emphasizes the corner entry.				
Main Street		✓		✓
4-5 Lane Avenue/Boulevard		✓		✓
6 or more Lane Avenue/Boulevard		✓		✓
2-3 Lane Avenue		✓		✓
Transit Station, Off-Street Public Path, Public Park		✓		✓
Other - Primary		✓		✓
Secondary		✓		✓
Parkway (when only frontage or adjacent to shared-use path)		✓		✓
Limited Access				
A minimum of one ground floor entrance along each frontage facing façade, except for a Limited Access frontage, shall include a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]				
Main Street	✓	✓	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓	✓	✓
2-3 Lane Avenue	✓	✓	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓	✓	✓
Other - Primary	✓	✓	✓	✓
Secondary	✓	✓	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓	✓	✓
Limited Access				
Where a building contains multiple tenant spaces on the ground floor abutting a frontage, each tenant space shall have a prominent entrance including a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]				
Main Street	✓	✓	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓	✓	✓
2-3 Lane Avenue	✓	✓	✓	✓

Table 7-7: Campus Zoning Districts Nonresidential and Mixed-Use Building Design Standards				
	IC-1	IC-2	OFC	~~RC~~ 4RC
Transit Station, Off-Street Public Path, Public Park	✓	✓	✓	✓
Other - Primary	✓	✓	✓	✓
Secondary	✓	✓	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓	✓	✓
Limited Access				
One prominent entrance ~~at grade~~on the ground floor is required per building on a site.[2]	✓	✓	✓	✓
Pedestrian-oriented ground-floor designs are encouraged, including arcades, galleries, colonnades, outdoor dining areas, and outdoor plazas. When integrated into the overall building design, such features are considered to meet any required build-to percentage.				
Main Street	✓	✓	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓	✓	✓
2-3 Lane Avenue	✓	✓	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓	✓	✓
Other - Primary	✓	✓	✓	✓
Secondary	✓	✓	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓	✓	✓
Limited Access				

[1] The Zoning Administrator may waive this requirement if they determine that the nature of the use does not require such pedestrian connections, for example warehouse and distribution centers, airports, truck and rail freight terminals, and other similar uses.

[2] This standard does not apply to a Continuum Care Retirement Community.

2. Residential Building Design Standards

The following design standards apply to multi-family attached when units are not on sublots and multi-family stacked development in the Campus Zoning Districts.

Table 7-8: Campus Zoning Districts Residential Building Design Standards		
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked
Facade Modulation		
Structures shall incorporate elements of variation on any façade facing a frontage, public open space, or common open space. Variation shall be achieved as follows: 1. For multi-family attached dwellings when units are not on sublots, one of the following shall be incorporated into the design of the structure: a. Variation in the façade depth of adjoining dwelling units of at least 3'. Such variation shall extend the entire height of the façade. b. Architectural features, such as balconies, bay windows, or other elements along the façade of each dwelling unit, subject to the standards of Article 18. 2. For multi-family stacked dwellings 150' or more in length, recesses or projections of the façade of at least 1' in depth, and no less than 10' in width are required at intervals of no more than 60'.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓

Table 7-8: Campus Zoning Districts Residential Building Design Standards		
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
Building Base and Entrance Design		
The primary pedestrian entry shall be a prominent entrance along a frontage, except for a Limited Access frontage, as defined by this Ordinance. Pedestrian connections shall be provided between such entry and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. In the case of a building with multiple exterior entrances to individual units within the structure, this requirement applies to all exterior entrances along a frontage.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
All ground floor entrances to individual units on a frontage with a sidewalk shall be between 1' and 5' above the grade of the adjacent sidewalk when located within 10' of the back of sidewalk. Residential units located below the grade of the adjacent sidewalk are permitted to have below-grade entrances, which shall be between 1' and 3' below the grade of the adjacent sidewalk. [1]		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
Arcades, galleries, colonnades, outdoor plazas, outdoor dining areas, or similar pedestrian-oriented ground floor designs may be incorporated into facades. When provided, such features that are in line with the building facade above the ground floor are considered to meet any required build-to percentage.		
Main Street		✓
4-5 Lane Avenue/Boulevard		✓
6 or more Lane Avenue/Boulevard		✓
2-3 Lane Avenue		✓
Transit Station, Off-Street Public Path, Public Park		✓
Other - Primary		✓
Secondary		✓
Parkway (when only frontage or adjacent to shared-use path)		✓
Limited Access		

[1] Zoning Administrator may allow adjustments to standards if adjacent average sidewalk grade is greater than 10% or to comply with federal and state law.

H. Building Materials

The following building materials are limited to 25% of each façade along a frontage. They may also be used as a component of construction when not a surface finish material without limitation. These restrictions do not apply to multi-family attached dwellings when units on sublots.

1. Corrugated metal siding; however, the reuse of pre-fabricated shipping containers is permitted and is not subject to this limitation, subject to compliance with the building code and other applicable codes

2. Exterior insulation finishing systems (EIFS) is prohibited on the ground floor of a multi-family dwelling (the 25% permission in item 1 above does not apply). This does not apply to multi-family attached dwellings when units on sublots

3. Plain concrete masonry units (CMU)

4. Plastic

5. T-111 composite plywood siding

6. Vinyl

7.4 OPEN SPACE REQUIREMENTS

A. New construction of a principal building and expansion of a principal building by 5,000 square feet or 20% of the building area, whichever is less, is required to provide on-site open space, except for development on sites of one-half acre or less in size.

B. The design of open space shall meet the design requirements of Section 16.5.

C. Development shall provide a minimum of on-site open space as follows:

~~Table 7-1: Required Open Space~~				
	~~IC-1~~	~~IC-2~~	~~OFC~~	~~RC-1~~
~~Total On-Site Open Space~~	~~10%~~	~~10%~~	~~10%~~	~~10%~~
~~Public On-Site Open Space (% of Total On-Site Open Space)~~				
~~*Campus Development (Does not apply to CCRC)*~~	~~25~~	~~25~~	~~25~~	~~25~~

Table 7-9: Required Open Space				
	IC-1	IC-2	OFC	RC
Total On-Site Open Space	Development shall provide a minimum of 10% on-site open space.			
Public On-Site Open Space (% of Total On-Site Open Space)				
Campus Development (Does not apply to CCRC)	A minimum of 25% of the on-site open space shall be public open space for campus developments.			
Commercial Development	A minimum of 50% of the on-site open space shall be public open space for commercial developments.			
Mixed-Use Development[1]	A minimum of 25% of the on-site open space shall be public open space for mixed-use developments.			

[1] For the purposes of required public on-site open space a development shall be considered mixed-use when no more than 25% of the ground floor area is nonresidential.

D. Residential on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

E. Nonresidential and mixed-use on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

7.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS

Standards for required on-site pedestrian connectivity are found in Section 16.6.

7.6 GENERAL DEVELOPMENT STANDARDS

A. General Development Standards

General development standards are found in Article 16.

B. Accessory Structures

Standards for accessory structures are found in Article 17.

C. Architectural Features

Standards for architectural features are found in Article 18.

D. Off-Street Parking

Standards for off-street parking and bicycle parking are found in Article 19.

E. Landscaping and Screening

Landscaping and screening standards are found in Article 20.

F. Loading and Service

Standards for loading spaces and service areas are found in Article 21.

G. Signs

Standards for signs are found in Article 22.

H. Drainage

Standards for drainage are found in Article 24.

Article 8. Manufacturing & Logistics Zoning Districts: ML-1, ML-2

8.1 PURPOSE
8.2 USES
8.3 DIMENSIONAL AND DESIGN STANDARDS
8.4 GENERAL DEVELOPMENT STANDARDS

8.1 PURPOSE

A. ML-1 Manufacturing and Logistics Zoning District

The ML-1 Manufacturing and Logistics Zoning District is intended to accommodate a range of warehouse/distribution and light industrial uses, including a variety of light manufacturing and assembly. The ML-1 Zoning District includes significant screening and buffering requirements to ensure adequate separation and mitigation of potential impacts on surrounding areas. Limited restaurant, retail, and personal service uses to accommodate area workers are also allowed in the zoning district. The ML-1 Zoning District is generally located in areas readily accessible by arterials and interstates, as well as freight rail.

B. ML-2 Manufacturing and Logistics Zoning District

The ML-2 Manufacturing and Logistics Zoning District is intended to accommodate industrial uses, including those uses that may be hazardous or noxious. Such uses may have significant external impacts and may include large areas of outdoor storage or operation. The ML-2 Zoning District includes significant screening and buffering requirements to ensure adequate separation and mitigation of potential impacts on surrounding areas. The ML-2 Zoning District is generally located in areas readily accessible by arterials and interstates, as well as freight rail.

8.2 USES

Article 15 lists permitted, temporary, and accessory uses for the Manufacturing and Logistics Zoning Districts. Use definitions are found in Article 15.

8.3 DIMENSIONAL AND DESIGN STANDARDS

A. General

1. The tables below include the dimensional and design standards for the Manufacturing and Logistics Zoning Districts. Standards within the tables below may contain specific regulations organized by frontage type (Section 3.5).

2. Where this Ordinance refers to frontages in general, transit station, off-street public path, public park shall not be considered a frontage within the Manufacturing and Logistics Zoning Districts.

3. In the tables below, where a cell contains a standard or a "✓" the standard is applicable. Where a cell is blank and shaded, the standard does not apply.

B. Lot

Lot standards govern the basic dimensions of lots, including but not limited to minimum area, width, and coverage as applicable. These standards are intended to provide a rational basis for the division, organization, and development of land within the City of Charlotte.

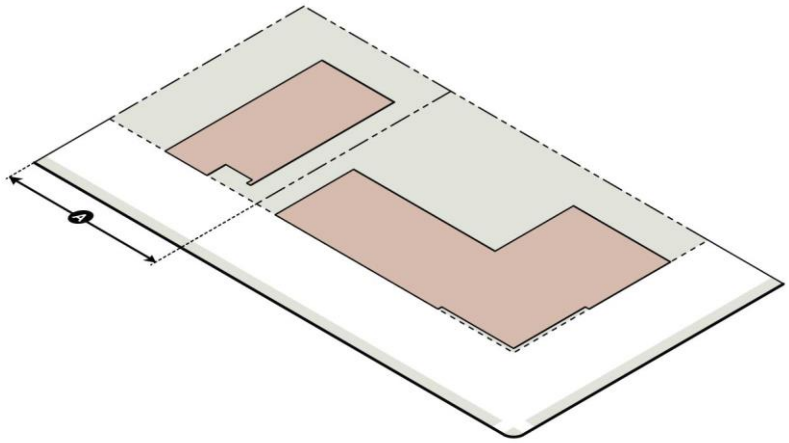


Table 8-1: Manufacturing and Logistics Zoning Districts Lot Standards			
		ML-1	ML-2
A	**Minimum Lot Width** (feet)	50	50

C. Building Siting

Building siting standards govern the placement of buildings on lots and are intended to ensure that development maintains compatibility with its surrounding context and the intent of the applicable zoning district.

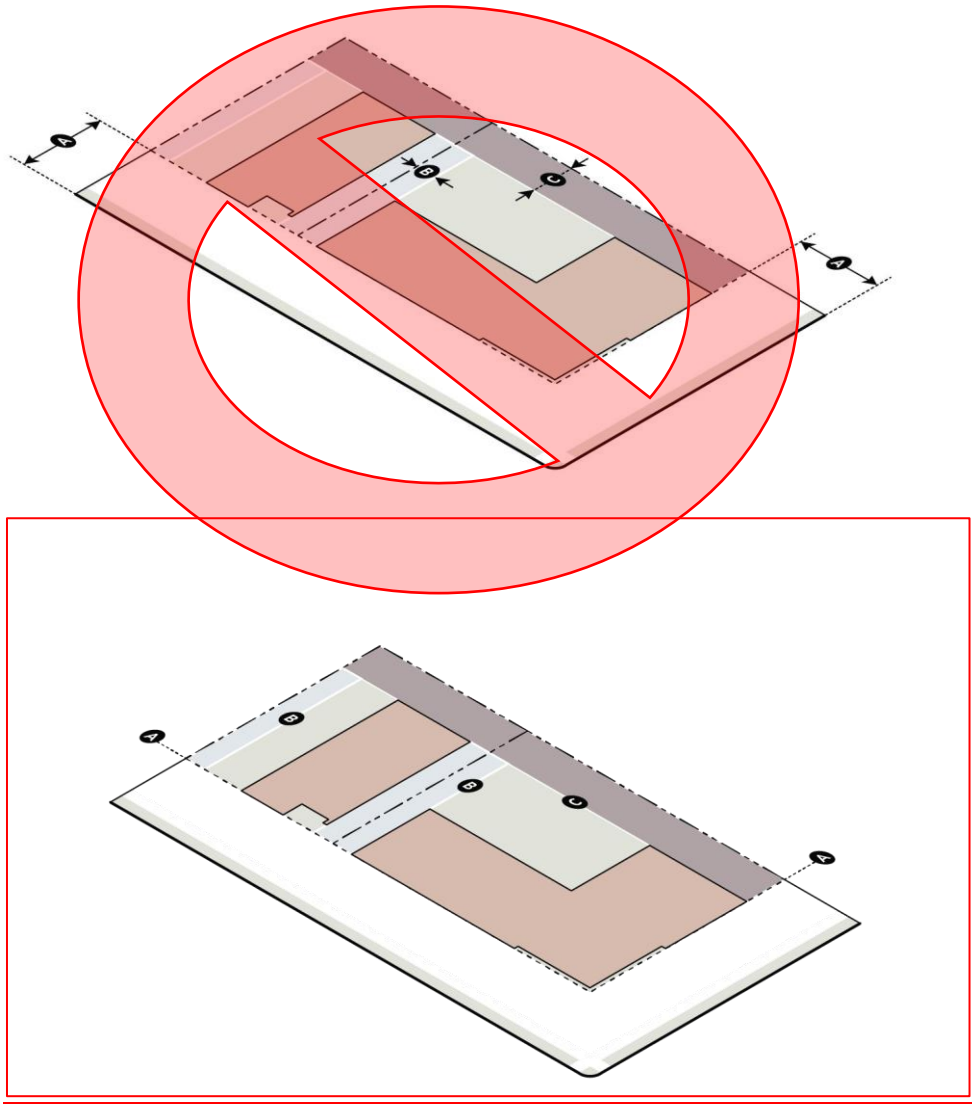


Table 8-2: Manufacturing and Logistics Zoning Districts Building Siting Standards			
		ML-1	ML-2
A	**Frontage Setback Line** (from future back of curb) (feet) [1, 2]		
	Uptown Signature		
	Main Street		
	Linear Park		
	4-5 Lane Avenue/Boulevard	36	36
	6 or more Lane Avenue/Boulevard	40	40
	2-3 Lane Avenue	36	36
	Transit Station, Off-Street Public Path, Public Park [3]	20	20
	Uptown Primary	20	20
	Primary – Other	36	36

Table 8-2: Manufacturing and Logistics Zoning Districts Building Siting Standards			
		ML-1	ML-2
	Uptown Secondary	16	16
	Secondary	36	36
	Parkway (Measured from ROW)	20	20
	Limited Access (Measured from ROW)	20	20
B	**Minimum Side Setback** (feet)	0	0
C	**Minimum Rear Setback** (feet) [4]	10	10

1 On local and collector streets, measured from the curb location for Industrial Local Street Cross Section in CLDSM or the existing back of curb, whichever is farthest from the centerline. If SSI standards require the relocation of the back of curb or the back of curb is voluntarily relocated, that shall be considered the existing back of curb location.

2 In no case shall any building entry be located closer than six feet to an existing or proposed off-street public path or shared use path.

3 For the Transit Station/ Off-Street Public Path, Public Park frontage, shall be measured from a property line or right-of-way line. If there is an easement in place for any frontage, then the measurement shall be taken from such easement. For any frontage abutting a reservation for a future frontage, the frontage setback line shall be measured from the edge of the reservation area.

4 Rear setbacks are not required for industrial uses when the rear setback is adjacent to railroad rights-of-way for freight rail.

D. Building Height

Building height standards govern the maximum heights of buildings as applicable and are intended to provide flexibility while maintaining appropriate transitions to adjacent areas.

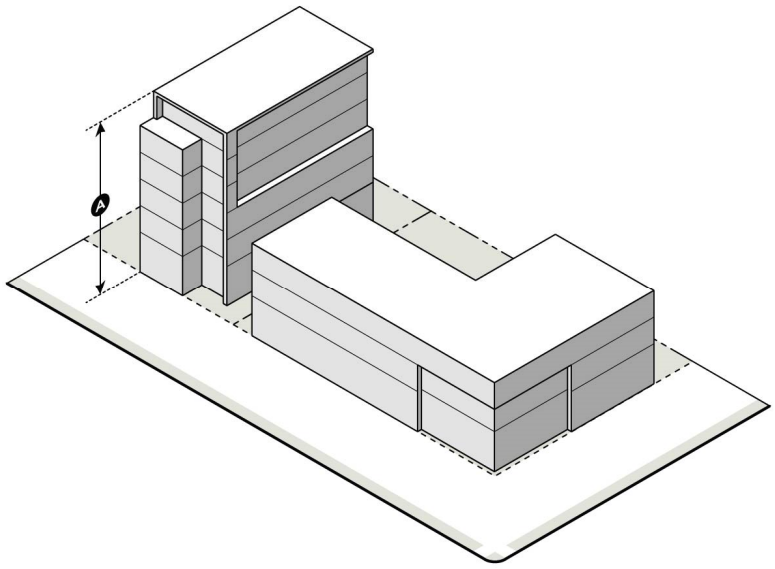
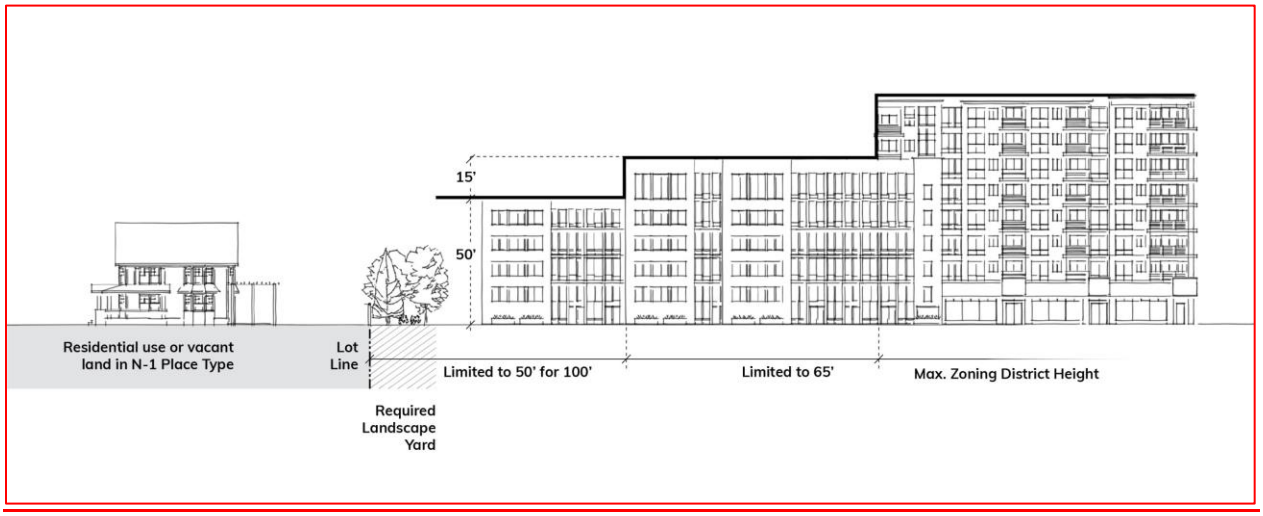


Table 8-3: Manufacturing and Logistics Zoning Districts Building Height Standards			
		ML-1	ML-2
A	**Maximum Building Height** (feet) [1,2]	80	80

1 The height and location of structures may be restricted by the limitations set forth in the Code of Federal Regulations (CFR) Title 14 Part 77: Safe, Efficient Use, and Preservation of the Navigable Airspace. A notice of proposed construction FAA Form 7460-1 must be filed with the FAA for construction or alteration that impacts any of the imaginary surfaces as defined in 14 CFR Part 77 or is more than 200 feet in height above the ground at its site at least 45 days prior to construction. The Aviation Department Planning Division may serve as a point of contact for information regarding building notification requirements and obstruction evaluation

2 The maximum building height of any structure within 200 feet of residential uses or vacant land in a Neighborhood 1 Place Type is limited as follows: That portion of a structure within the first 100 feet is limited to a maximum of 50 feet in height; that portion of a structure within 100 to 200 feet is limited to a maximum of 65 feet in height. These standards apply only to that part of a structure within the 200 foot distance, and each portion of the building may be measured independently, from the average grade of the portion being measured to the highest point of the same portion. This limitation does not apply to public parks of three acres or greater within a Neighborhood 1 Place Type, nor to an area of two or fewer parcels totaling no more than three acres within a Neighborhood 1 Place Type.



E. Building Design Standards

Design standards govern the fundamental elements of building design and are intended to encourage the creation of a built environment that is aesthetically and functionally of a high-quality.

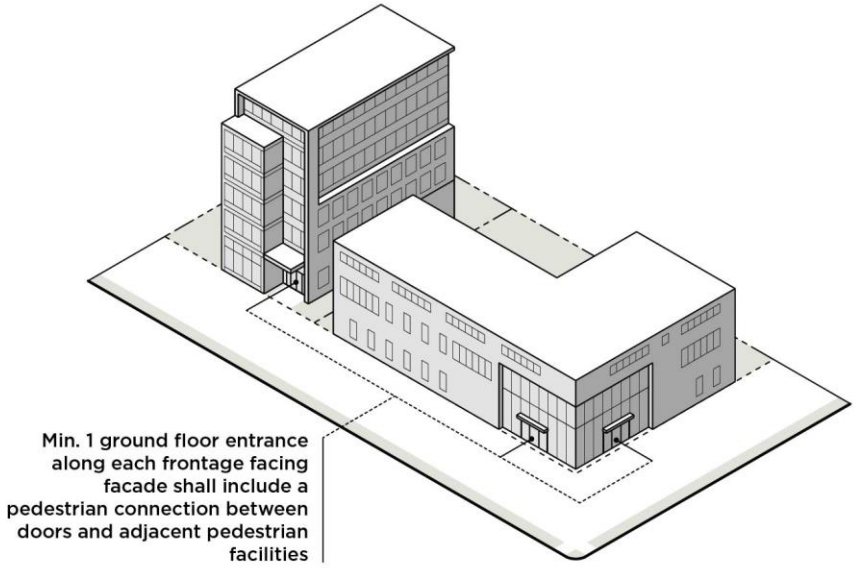


Table 8-4: Manufacturing and Logistics Zoning Districts Building Design Standards		
	ML-1	ML-2
Ground Floor and Entrance Design		
A minimum of one ground floor entrance along each frontage facing facade except for Limited Access frontage shall include a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]		
Main Street		
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park		
Primary – Other	✓	✓

Table 8-4: Manufacturing and Logistics Zoning Districts Building Design Standards		
	ML-1	ML-2
Secondary	✓	✓
Parkway	✓	✓
Limited Access (Measured from ROW)		

[1] The Zoning Administrator may waive this requirement if they determine that the nature of the use does not require such pedestrian connections, for example warehouse and distribution centers, airports, truck and rail freight terminals, and other similar uses.

F. Building Materials

The following building materials are limited to 50% of each façade along a frontage. They may also be used as a component of construction when not a surface finish material without limitation.

1. Corrugated metal siding; however, the reuse of pre-fabricated shipping containers is permitted and is not subject to this limitation, subject to compliance with the building code and other applicable codes

2. Plain concrete masonry units (CMU)

3. Plastic

4. T-111 composite plywood siding

5. Vinyl

8.4 GENERAL DEVELOPMENT STANDARDS

A. General Development Standards

General development standards are found in Article 16.

B. Accessory Structures

Standards for accessory structures are found in Article 17.

C. Architectural Features

Standards for architectural features are found in Article 18.

D. Off-Street Parking

Standards for off-street parking and bicycle parking are found in Article 19.

E. Landscaping and Screening

Landscaping and screening standards are found in Article 20.

F. Loading and Service

Standards for loading spaces and service areas are found in Article 21.

G. Signs

Standards for signs are found in Article 22.

H. Drainage

Standards for drainage are found in Article 24.

Article 9. Innovation Mixed-Use Zoning Districts: IMU

9.1 PURPOSE
9.2 USES
9.3 DIMENSIONAL AND DESIGN STANDARDS
9.4 OPEN SPACE REQUIREMENTS
9.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS
9.6 GENERAL DEVELOPMENT STANDARDS

9.1 PURPOSE

The IMU Innovation Mixed-Use Zoning District is intended to accommodate those areas that have typically developed as industrial areas, but are transitioning from an exclusively industrial orientation to a broader mix of light industrial, artisan industrial, commercial, and moderate density residential uses, within a more walkable environment. As such, IMU Zoning District standards encourage and accommodate the adaptive reuse of existing structures.

9.2 USES

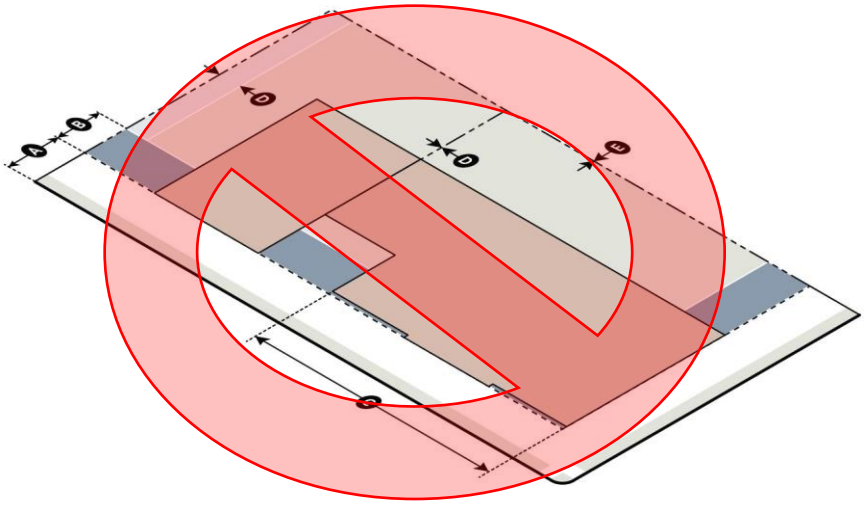
Article 15 lists permitted, temporary, and accessory uses for the Innovation Mixed-Use Zoning District. Use definitions are found in Article 15.

9.3 DIMENSIONAL AND DESIGN STANDARDS

The tables below include the dimensional and design standards for the Innovation Mixed-Use Zoning District. Standards within the tables below may contain specific regulations organized by frontage type (Section 3.5). In the tables below, where a cell contains a standard or a "✓" the standard is applicable. Where a cell is blank and shaded, the standard does not apply.

A. Building Siting

Building siting standards govern the placement of buildings on lots and are intended to ensure that development maintains compatibility with its surrounding context and the intent of the applicable zoning district.



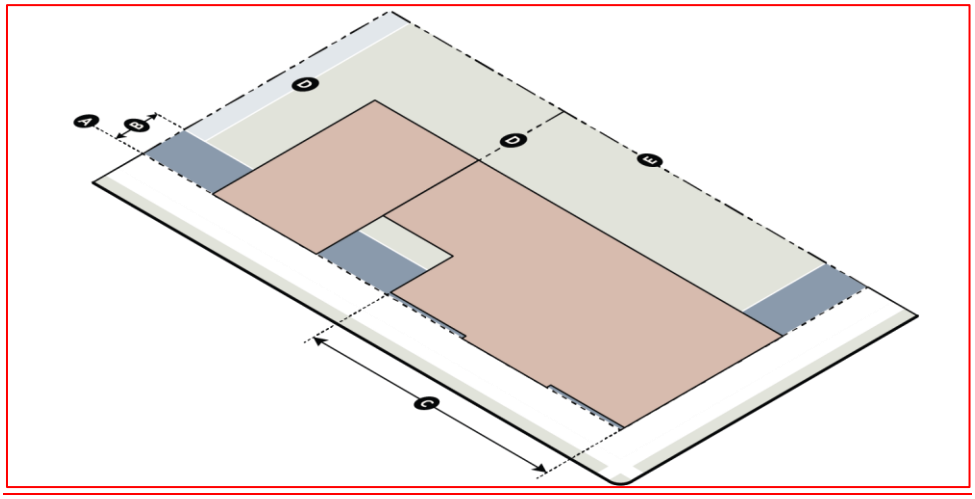


Table 9-1: Innovation Mixed-Use Zoning District Building Siting Standards		
		IMU
A	**Frontage Setback Line** (from future back of curb) (feet) [1, 2]	
	Uptown Signature	24
	Main Street	24
	Linear Park	36
	4-5 Lane Avenue/Boulevard	20
	6 or more Lane Avenue/Boulevard	24
	2-3 Lane Avenue	20
	Transit Station, Off-Street Public Path, Public Park [3]	5
	Uptown Primary	20
	Other - Primary	20
	Uptown Secondary	16
	Secondary	16

Table 9-1: Innovation Mixed-Use Zoning District Building Siting Standards		
		IMU
	Parkway (Measured from ROW)	20
	Limited Access (Measured from ROW)	10
B	**Frontage Build-To Zone (BTZ)** (from frontage setback line) (feet) [4, 5]	
	Main Street	0-20
	4-5 Lane Avenue/Boulevard	0-20
	6 or more Lane Avenue/Boulevard	0-20
	2-3 Lane Avenue	0-20
	Transit Station, Off-Street Public Path, Public Park	0-20
	Other - Primary	0-20
	Secondary	0-20
	Parkway	
	Limited Access	
C	**Minimum BTZ Build-To Percentage for Structure** (%)	
	Main Street	80
	4-5 Lane Avenue/Boulevard	80
	6 or more Lane Avenue/Boulevard	80
	2-3 Lane Avenue	80
	Transit Station, Off-Street Public Path, Public Park	80
	Other - Primary	80
	Secondary	60
	Parkway	
	Limited Access	
D	**Minimum Side Setback** (feet)	
	Not abutting Neighborhood 1 Place Type	0
	Abutting Neighborhood 1 Place Type	10
E	**Minimum Rear Setback** (feet)	
	Not abutting Neighborhood 1 Place Type	0
	Abutting Neighborhood 1 Place Type	20

1 On local and collector streets, measured from the curb location for Office/Commercial Wide Local Street Cross Section in CLDSM or the existing back of curb, whichever is farthest from the centerline. If SSI standards require the relocation of the back of curb or the back of curb is voluntarily relocated, that shall be considered the existing back of curb location.

2 In no case shall any building entry be located closer than six feet to an existing or proposed off-street public path or shared use path.

3 For the transit station, off-street public path, public park frontage, shall be measured from a property line or right-of-way line. If there is an easement in place for any frontage, then the measurement shall be taken from such easement. For any frontage abutting a reservation for a future frontage, the frontage setback line shall be measured from the edge of the reservation area.

4 If there is an existing ~~CLT~~ Charlotte Water easement, ~~or~~ other utility easement, or overhead utility clearance requirement that conflicts with the build-to zone requirement, a build-to line shall be established at the edge of the easement or edge of the overhead utility clearance requirement closest to the build-to zone.

5 Where a lot has more than two frontages that require a build-to zone, the build-to zone shall be increased by 100% for those frontages that exceed two. Such an increase should be applied to those frontages that are lowest in the established hierarchy of frontages (Section 3.5.D).

B. Building Height

Building height standards govern the minimum and maximum heights of buildings as applicable and are intended to provide flexibility while maintaining appropriate transitions to adjacent areas.

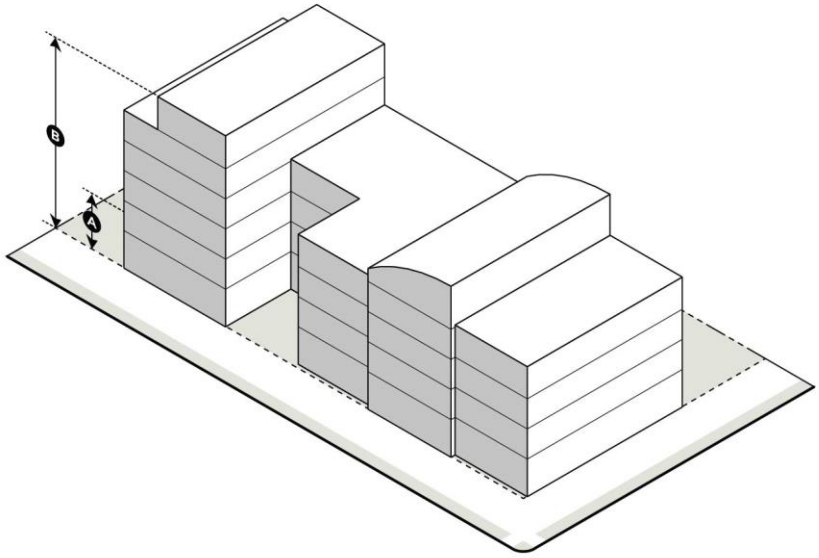
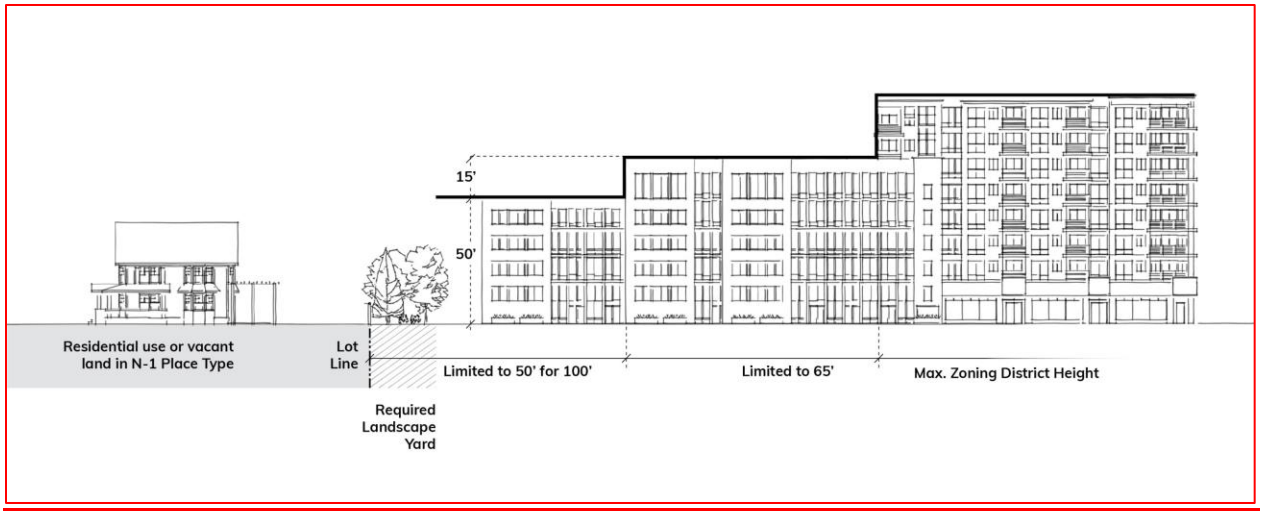


Table 9-2: Innovation Mixed-Use Zoning District Building Height Standards		
		IMU
A	**Minimum Building Height** (feet) [1]	24
B	**Maximum Building Height** (feet) [2, 3]	80
C	**Maximum Height with Bonus** (feet) (Section 16.3) [2, 3]	120

[1] Lots of one-half acre in area or less are exempt from any applicable minimum building height requirements. Buildings of 2,000sf or less of gross floor area are exempt from any applicable minimum building height requirements.

[2] The height and location of structures may be restricted by the limitations set forth in the Code of Federal Regulations (CFR) Title 14 Part 77: Safe, Efficient Use, and Preservation of the Navigable Airspace. A notice of proposed construction FAA Form 7460-1 must be filed with the FAA for construction or alteration that impacts any of the imaginary surfaces as defined in 14 CFR Part 77 or is more than 200 feet in height above the ground at its site at least 45 days prior to construction. The Aviation Department Planning Division may serve as a point of contact for information regarding building notification requirements and obstruction evaluation

[3] The maximum building height of any structure within 200 feet of residential uses or vacant land in a Neighborhood 1 Place Type is limited as follows: That portion of a structure within the first 100 feet is limited to a maximum of 50 feet in height; that portion of a structure within 100 to 200 feet is limited to a maximum of 65 feet in height. These standards apply only to that part of a structure within the 200 foot distance, and each portion of the building may be measured independently, from the average grade of the portion being measured to the highest point of the same portion. This limitation does not apply to public parks of three acres or greater within a Neighborhood 1 Place Type, nor to an area of two or fewer ~~adjacent~~ parcels totaling no more than three acres within a Neighborhood 1 Place Type.



C. Building Articulation

Building articulation standards govern the dimensions of building facade elements and entry features and are intended to facilitate the enhancement of a pedestrian-oriented environment.

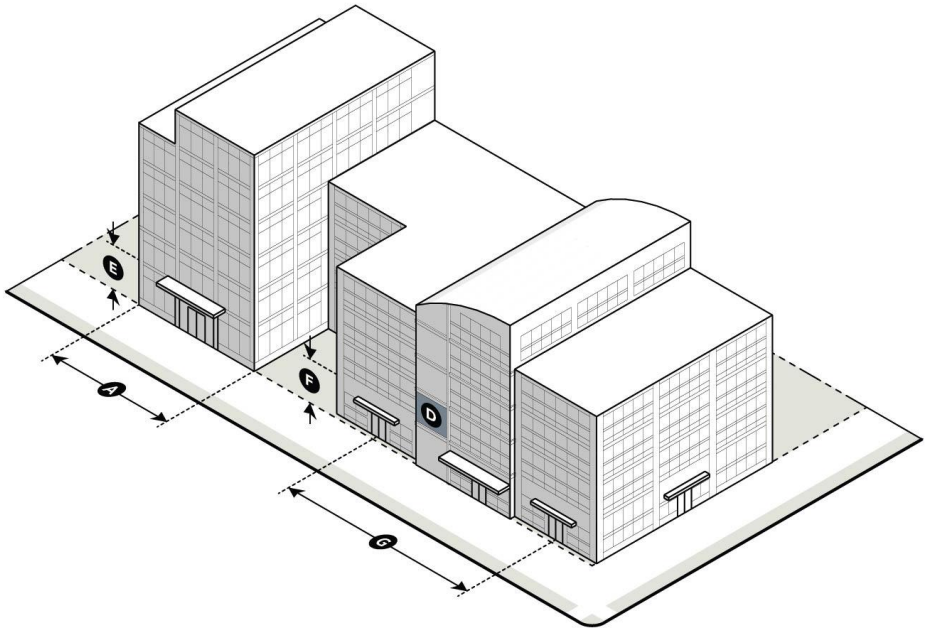


Table 9-3: Innovation Mixed-Use Zoning District Building Articulation Standards		
		IMU
A	**Minimum Building Length as a Percentage of Lot Width Along Frontage** (Measured at Frontage Setback Line) (%) [1]	
	Main Street	60
	4-5 Lane Avenue/Boulevard	60
	6 or more Lane Avenue/Boulevard	60
	2-3 Lane Avenue	60
	Transit Station, Off-Street Public Path, Public Park	60
	Other - Primary	60
	Secondary	40

Table 9-3: Innovation Mixed-Use Zoning District Building Articulation Standards		
		IMU
	Parkway	
	Limited Access	
B	**Maximum Building Length Along a Frontage** (feet) [2]	500
C	**Maximum Building Length Along a Frontage with Additional Design Elements** (feet) [2, 3]	700
D	**Maximum Blank Wall Area – (Ground floor and upper floor; Horizontal or Vertical)** (feet) [4]	
	Main Street	40
	4-5 Lane Avenue/Boulevard	40
	6 or more Lane Avenue/Boulevard	40
	2-3 Lane Avenue	40
	Transit Station, Off-Street Public Path, Public Park	40
	Other - Primary	40
	Secondary	40
	Parkway	50
	Limited Access	60
E	**Minimum Ground Floor Height – Residential** (Finished Floor Elevation to Finished Floor Elevation) (feet) [4, 5, 6, 7]	
	Main Street	16 [7,8]
	4-5 Lane Avenue/Boulevard	12
	6 or more Lane Avenue/Boulevard	12
	2-3 Lane Avenue	12
	Transit Station, Off-Street Public Path, Public Park	12
	Other - Primary	12
	Secondary	12
	Parkway (when only frontage or adjacent to shared-use path)	12
	Limited Access	
F	**Minimum Ground Floor Height – Nonresidential and Mixed-Use** (Finished Floor Elevation to Finished Floor Elevation) (feet) [4,5, 6,7]	
	Main Street	16 [7,8]
	4-5 Lane Avenue/Boulevard	16 [7,8]
	6 or more Lane Avenue/Boulevard	16 [7,8]
	2-3 Lane Avenue	16 [7,8]
	Transit Station, Off-Street Public Path, Public Park	16 [7,8]
	Other - Primary	16 [7,8]
	Secondary	16 [7,8]
	Parkway (when only frontage or adjacent to shared-use path)	16 [7,8]
	Limited Access	
G	**Maximum Prominent Entry Spacing** (feet) [4]	
	Main Street	250
	4-5 Lane Avenue/Boulevard	250
	6 or more Lane Avenue/Boulevard	250
	2-3 Lane Avenue	250
	Transit Station, Off-Street Public Path, Public Park	250
	Other - Primary	250
	Secondary	250
	Parkway (when only frontage or adjacent to shared-use path)	250

Table 9-3: Innovation Mixed-Use Zoning District Building Articulation Standards		
		IMU
	Limited Access	

1 Where a minimum building length as a percentage of lot width applies to multiple frontages, the highest frontage classification in the hierarchy (per Section 3.5.D) shall meet the established standard. In the case of a lot with two frontages, the second frontage shall only meet a standard of 40%. If there are more than two frottages subject to the standard, there is no minimum requirement for any frontage beyond the two highest frontages in the hierarchy. This requirement does not apply to Parkway or Limited Access frontages.

2 Maximum building length along a frontage does not apply to any frontage located along a Limited Access road. If any applicable minimum building length exceeds a maximum building length requirement, the maximum building length shall control.

3 To achieve maximum building length with additional design elements, the following is required:

A. Where a building abuts two parallel frontages with pedestrian facilities, or one frontage with pedestrian facilities and a parking lot, public park or other publicly owned open space on the side of the building opposite the frontage, a pedestrian passage is required. Such passage shall meet the following criteria:

1. General Requirements
   a. Passages shall be designed to accommodate pedestrians. Vehicular access and circulation shall not be allowed as a component of a passage.
   b. Passages shall be a minimum of 30 feet in width and 20 feet in height and shall be located within the middle third of the building, measured along the frontage.
   c. Passages shall be designed to maintain views from one end through to the other. ~~Such views shall not be obstructed by lighting or other design features.~~
   d. Inclusion of decorative elements such as lighting installations or public art within passages is encouraged.
   e. Passages shall align with the street grid or other points of access to sidewalks, public paths, parking lots, public parks or other publicly owned open space where feasible.
   f. For the purposes of any build-to zone requirement, a building passage is considered part of the building façade that meets such requirement.
2. Passages in nonresidential and mixed-use buildings.
   a. Ground floor uses shall be oriented toward the passage, including public entrances.
   b. Ground floor façades facing into building passages in nonresidential and mixed-use buildings shall maintain a minimum transparency of 35% of the wall area of the passage.
3. Passages in residential buildings.
   a. Passages in residential buildings may be closed off to the public with gates and/or fencing but shall be of open design to allow for a clear view through the passage.
   b. Passages in residential buildings shall be designed with elements for use by residents, such as seating areas.
   c. Ground floor façades facing into building passages in residential buildings shall maintain a minimum transparency of 25% of the wall area of the passage.

B. Where a building does not abut two parallel frontages with pedestrian facilities, a break in the building massing is required as follows:

1. Building mass shall be recessed a minimum of 20 feet in depth for no less than 30 linear feet along the façade. Such recess shall extend the full height of the building, and shall meet the following criteria:
   a. The recess shall be located within the middle third of the building, measured along the frontage.
   b. For nonresidential and mixed-use buildings, ground floor uses shall be oriented toward the recessed area, including public entrances.
   c. The recessed area is subject to all transparency requirements.
   d. The recessed area shall be designed as public or common space including amenities such as seating areas, landscaping, lighting, decorative elements, and public art.

~~4~~ Does not apply to multi-family attached units when on sublots.

~~4~~5 The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms associated with the development are located on the ground floor.

~~5~~6 Applies only if non-convertible residential; for convertible residential, nonresidential standard applies.

~~6~~7 At least 70% of the total ground floor for nonresidential uses and 30% for residential uses, measured as a percentage of the interior space, shall meet the minimum ground floor height requirement.

~~7~~8 Minimum ground floor heights can be reduced by the Zoning Administrator if there are site constraints that would cause practical difficulty.

D. Transparency

Transparency standards govern the required amount of ground floor and upper ~~story~~ floor transparency and are intended to facilitate the enhancement of a pedestrian-oriented environment. These standards do not apply to ~~townhouse development~~ multi-family attached development when units are on sublots.

Table 9-4: Innovation Mixed-Use Zoning District Transparency Standards		
		IMU
A	**Ground Floor Transparency – Residential** (% of wall area between 3' and 10' from grade) [1, 2]	
	Main Street	25
	4-5 Lane Avenue/Boulevard	25
	6 or more Lane Avenue/Boulevard	25
	2-3 Lane Avenue	25
	Transit Station, Off-Street Public Path, Public Park	25
	Other - Primary	25
	Secondary	25
	Parkway	20
	Limited Access	
B	**Ground Floor Transparency – Nonresidential and Mixed-Use** (% of wall area between 3' and 10' from grade) [1]	
	Main Street	60
	4-5 Lane Avenue/Boulevard	50
	6 or more Lane Avenue/Boulevard	50
	2-3 Lane Avenue	50
	Transit Station, Off-Street Public Path, Public Park	50
	Other - Primary	50
	Secondary	50
	Parkway	30
	Limited Access	
C	**Upper ~~Story~~ Floor Transparency – Residential, Nonresidential, and Mixed-Use** (% of Wall Area ~~of~~ per Story)	
	Main Street	15
	4-5 Lane Avenue/Boulevard	15
	6 or more Lane Avenue/Boulevard	15
	2-3 Lane Avenue	15
	Transit Station, Off-Street Public Path, Public Park	15
	Other - Primary	15
	Secondary	15
	Parkway	15
	Limited Access	

[1] The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms associated with the development are located on the ground floor.

[2] Applies only if non-convertible residential; for convertible residential, nonresidential standard applies.

E. Site Layout Standards

1. Residential Site Layout Standards

The standards below establish site layout requirements for multi-family attached~~,~~ and multi-family stacked~~, and townhouse~~ development within the IMU Zoning District. Where standards below refer to a frontage, such standards apply to all frontages except parkways or limited access roads.

Table 9-5: Innovation Mixed-Use Zoning District Residential Site Layout Standards			
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked	~~Townhouse~~ Multi-family Attached When Units on Sublots
The primary pedestrian entry to each principal structure shall face a frontage.		✓	
The primary pedestrian entry to each dwelling unit shall face a frontage or common open space.	✓		
Principal structures abutting a frontage shall be oriented with all building sidewalls perpendicular to the frontage. On corner lots, sidewalls may be oriented perpendicularly to either frontage.			✓

F. Building Design Standards

1. Nonresidential and Mixed-Use Building Design Standards

The following design standards apply to nonresidential and mixed-use buildings in the IMU Zoning District.

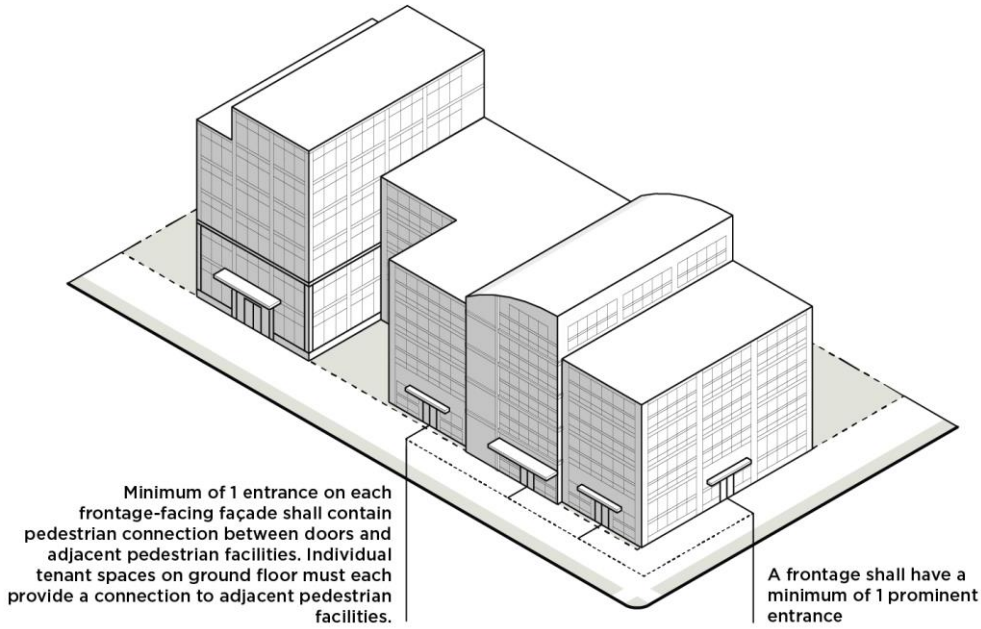


Table 9-6: Innovation Mixed-Use Zoning District Nonresidential and Mixed-Use Building Design Standards	
	IMU
Building Base and Entrance Design	
For buildings over 90' in height, the base of the building shall be clearly differentiated from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. 1. This differentiation shall occur somewhere within the bottom third of the building, but no higher than 50' above grade.	

Table 9-6: Innovation Mixed-Use Zoning District Nonresidential and Mixed-Use Building Design Standards	
	IMU
2. Elements such as, but not limited to, cornices, corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting, and other sculpturing of the base shall be provided to clearly differentiate the base from the remainder of the building.	
Main Street	✓
4-5 Lane Avenue/Boulevard	✓
6 or more Lane Avenue/Boulevard	✓
2-3 Lane Avenue	✓
Transit Station, Off-Street Public Path, Public Park	✓
Other - Primary	✓
Secondary	✓
Parkway (when only frontage or adjacent to shared-use path)	✓
Limited Access	
A frontage shall have a minimum of one prominent entrance, as defined in this Ordinance. In the case of a building located on a corner lot with two frontages, one prominent entrance located on the corner may satisfy this requirement for both frontages, subject to the following: 1. Each frontage shall not require more than one prominent entry. 2. A prominent corner entry shall include design features that reinforce intersections as key locations for pedestrian activity. Two of the following shall be included: a. A chamfered or rounded corner design. b. Awnings, canopies, or other covered entry features. c. Special paving, landscape, or lighting features. d. Unique architectural detailing that emphasizes the corner entry.	
Main Street	✓
4-5 Lane Avenue/Boulevard	✓
6 or more Lane Avenue/Boulevard	✓
2-3 Lane Avenue	✓
Transit Station, Off-Street Public Path, Public Park	✓
Other - Primary	✓
Secondary	✓
Parkway (when only frontage or adjacent to shared-use path)	✓
Limited Access	
A minimum of one ground floor entrance along each frontage facing façade, except for a Limited Access frontage, shall include a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]	
Main Street	✓
4-5 Lane Avenue/Boulevard	✓
6 or more Lane Avenue/Boulevard	✓
2-3 Lane Avenue	✓
Transit Station, Off-Street Public Path, Public Park	✓
Other - Primary	✓
Secondary	✓
Parkway (when only frontage or adjacent to shared-use path)	✓
Limited Access	
Where a building contains multiple tenant spaces on the ground floor abutting a frontage, each tenant space shall have a prominent entrance including a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]	

Table 9-6: Innovation Mixed-Use Zoning District Nonresidential and Mixed-Use Building Design Standards	
	IMU
Main Street	✓
4-5 Lane Avenue/Boulevard	✓
6 or more Lane Avenue/Boulevard	✓
2-3 Lane Avenue	✓
Transit Station, Off-Street Public Path, Public Park	✓
Other - Primary	✓
Secondary	✓
Parkway (when only frontage or adjacent to shared-use path)	✓
Limited Access	
One prominent entrance ~~at grade~~on the ground floor is required per building on a site.	✓
Pedestrian-oriented ground-floor designs are encouraged, including arcades, galleries, colonnades, outdoor dining areas, and outdoor plazas. When integrated into the overall building design, such features are considered to meet any required build-to percentage.	
Main Street	✓
4-5 Lane Avenue/Boulevard	✓
6 or more Lane Avenue/Boulevard	✓
2-3 Lane Avenue	✓
Transit Station, Off-Street Public Path, Public Park	✓
Other - Primary	✓
Secondary	✓
Parkway (when only frontage or adjacent to shared-use path)	✓
Limited Access	

[1] The Zoning Administrator may waive this requirement if they determine that the nature of the use does not require such pedestrian connections, for example warehouse and distribution centers, airports, truck and rail freight terminals, and other similar uses.

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2. Residential Building Design Standards

The following design standards apply to multi-family attached when units not on sublots and multi-family stacked development in the IMU Zoning District.

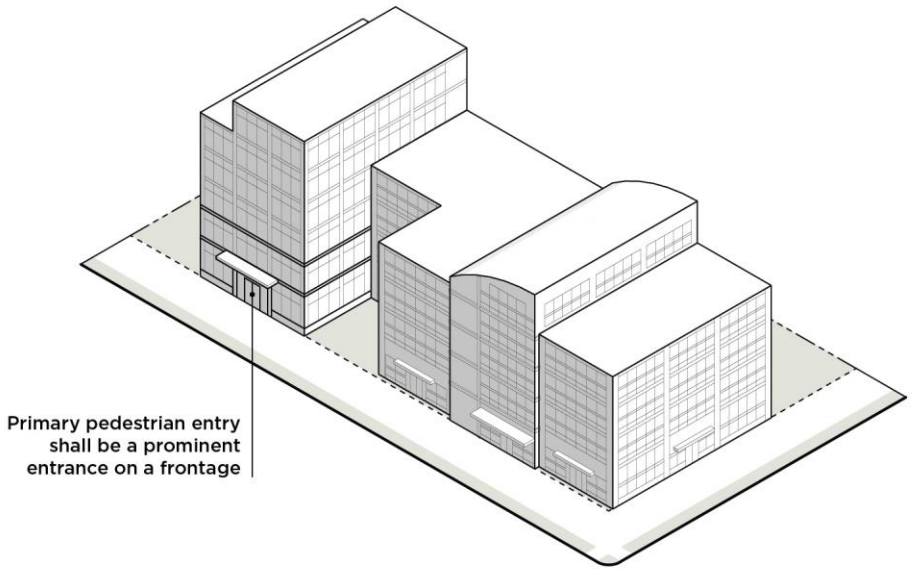


Table 9-7: Innovation Mixed-Use Zoning District Residential Building Design Standards		
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked
Facade Modulation		
Structures shall incorporate elements of variation on any façade facing a frontage, public open space, or common open space. Variation shall be achieved as follows: 1. For multi-family attached dwellings when units not on sublots, one of the following shall be incorporated into the design of the structure: a. Variation in the façade depth of adjoining dwelling units of at least 3'. Such variation shall extend the entire height of the façade. b. Architectural features, such as balconies, bay windows, or other elements along the façade of each dwelling unit, subject to the standards of Article 18. 2. For multi-family stacked dwellings 150' or more in length, recesses or projections of the façade of at least 1' in depth, and no less than 10' in width are required at intervals of no more than 60'.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
Building Base and Entrance Design		
The primary pedestrian entry shall be a prominent entrance along a frontage as defined by this Ordinance. In the case of a building with multiple exterior entrances to individual units within the structure, this requirement applies to all exterior entrances along a frontage.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
All ground floor entrances to individual units on a frontage with a sidewalk shall be between 1' and 5' above the grade of the adjacent sidewalk when located within 10' of the back of sidewalk. Residential units located below the grade of the adjacent sidewalk are permitted to have below-grade entrances, which shall be between 1' and 3' below the grade of the adjacent sidewalk. [1]		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓

Table 9-7: Innovation Mixed-Use Zoning District Residential Building Design Standards		
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
Arcades, galleries, colonnades, outdoor plazas, outdoor dining areas, or similar pedestrian-oriented ground floor designs may be incorporated into facades. When provided, such features that are in line with the building facade above the ground floor are considered to meet any required build-to percentage.		
Main Street		✓
4-5 Lane Avenue/Boulevard		✓
6 or more Lane Avenue/Boulevard		✓
2-3 Lane Avenue		✓
Transit Station, Off-Street Public Path, Public Park		✓
Other - Primary		✓
Secondary		✓
Parkway (when only frontage or adjacent to shared-use path)		✓
Limited Access		

[1] Zoning Administrator may allow adjustments to standards if adjacent average sidewalk grade is greater than 10% or to comply with federal and state law.

G. Building Materials

The following building materials are limited to 25% of each façade along a frontage. They may also be used as a component of construction when not a surface finish material without limitation. These restrictions do not apply to multi-family attached dwellings when units are on sublots.

1. Corrugated metal siding; however, the reuse of pre-fabricated shipping containers is permitted and is not subject to this limitation, subject to compliance with the building code and other applicable codes

2. Exterior insulation finishing systems (EIFS) is prohibited on the ground floor of a multi-family dwelling (the 25% permission in item 1 above does not apply). This does not apply to multi-family attached dwellings when units on sublots.

3. Plain concrete masonry units (CMU)

4. Plastic

5. T-111 composite plywood siding

6. Vinyl

9.4 OPEN SPACE REQUIREMENTS

A. New construction of a principal building and expansion of a principal building by 5,000 square feet or 20% of the building area, whichever is less, is required to provide on-site open space, except for development on sites of one-half acre or less in size.

B. The design of open space shall meet the design requirements of Section 16.5.

C. Development shall provide a minimum of on-site open space as follows:

~~Table 9-1: Required Open Space~~	
	~~IMU~~
~~Total On-Site Open Space~~	~~10%~~
~~Public On-Site Open Space (% of Total On-Site Open Space)~~	
~~*Commercial Development*~~	~~50~~
~~*Mixed-Use Development*~~	~~25~~

Table 9-8: Required Open Space	
	IMU
Total On-Site Open Space	Development shall provide a minimum of **10%** on-site open space.
Public On-Site Open Space (% of Total On-Site Open Space)	
Commercial Development	A minimum of 50% of the on-site open space shall be public open space for commercial developments.
Mixed-Use Development[1]	A minimum of 25% of the on-site open space shall be public open space for mixed-use developments.

[1] For the purposes of required public on-site open space a development shall be considered mixed-use when no more than 25% of the ground floor area is nonresidential.

D. Residential on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

E. Nonresidential and mixed-use on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

9.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS

Standards for required on-site pedestrian connectivity are found in Section 16.6.

9.6 GENERAL DEVELOPMENT STANDARDS

A. General Development Standards

General development standards are found in Article 16.

B. Accessory Structures

Standards for accessory structures are found in Article 17.

C. Architectural Features

Standards for architectural features are found in Article 18.

D. Off-Street Parking

Standards for off-street parking and bicycle parking are found in Article 19.

E. Landscaping and Screening

Landscaping and screening standards are found in Article 20.

F. Loading and Service

Standards for loading spaces and service areas are found in Article 21.

G. Signs

Standards for signs are found in Article 22.

H. Drainage

Standards for drainage are found in Article 24.

Article 10. Neighborhood Center Zoning Districts: NC

10.1 PURPOSE
10.2 USES
10.3 DIMENSIONAL AND DESIGN STANDARDS
10.4 OPEN SPACE REQUIREMENTS
10.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS
10.6 GENERAL DEVELOPMENT STANDARDS

10.1 PURPOSE

The NC Neighborhood Center Zoning District is intended to support a pedestrian-friendly, mixed-use neighborhood environment, allowing access to daily shopping needs and services within walking distance of nearby residential neighborhoods. The NC Zoning District provides for a mix of commercial and service uses, closely integrated within the surrounding residential neighborhood fabric to support the concept of a complete neighborhood. Both vertical and horizontal mixed-use development is encouraged.

10.2 USES

Article 15 lists permitted, temporary, and accessory uses for the Neighborhood Center Zoning Districts. Use definitions are found in Article 15.

10.3 DIMENSIONAL AND DESIGN STANDARDS

The tables below include the dimensional and design standards for the Neighborhood Center Zoning District. Standards within the tables below may contain specific regulations organized by frontage type (Section 3.5). In the tables below, where a cell contains a standard or a "✓" the standard is applicable. Where a cell is blank and shaded, the standard does not apply.

A. Building Siting

Building siting standards govern the placement of buildings on lots, and are intended to ensure that development maintains compatibility with its surrounding context and with the intent of the applicable zoning district.

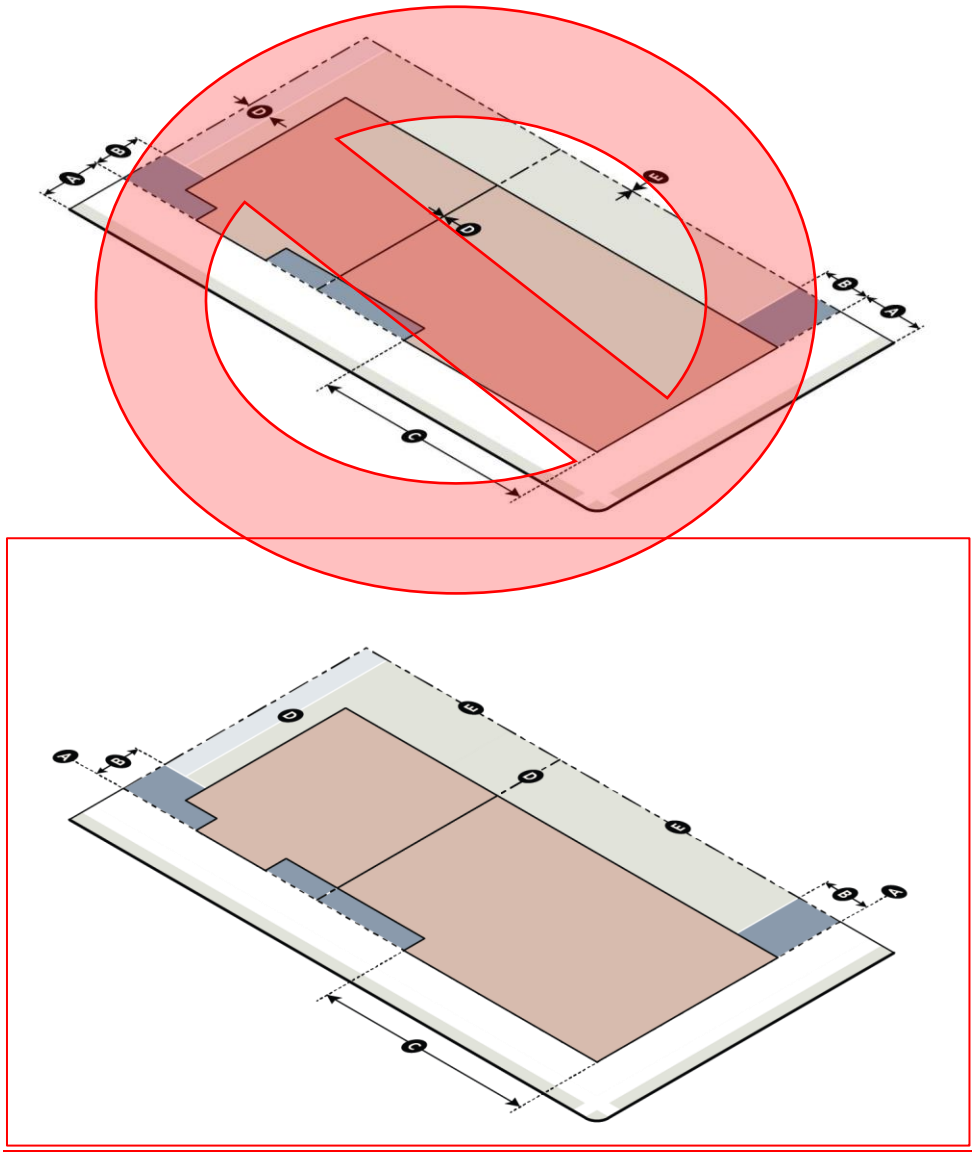


Table 10-1: Neighborhood Center Zoning District Lot Standards		
		NC
A	**Frontage Setback Line** (from future back of curb) (feet) [1, 2]	
	Uptown Signature	24
	Main Street	24
	Linear Park	36
	4-5 Lane Avenue/Boulevard	20
	6 or more Lane Avenue/Boulevard	24
	2-3 Lane Avenue	20
	Transit Station, Off-Street Public Path, Public Park [3]	5
	Uptown Primary	20

Table 10-1: Neighborhood Center Zoning District Lot Standards		
		NC
	Other - Primary	20
	Uptown Secondary	16
	Secondary	16
	Parkway (Measured from ROW)	20
	Limited Access (Measured from ROW)	10
B	**Frontage Build-To Zone (BTZ)** (from frontage setback line) (feet) [4, 5]	
	Main Street	0-20
	4-5 Lane Avenue/Boulevard	0-20
	6 or more Lane Avenue/Boulevard	0-20
	2-3 Lane Avenue	0-20
	Transit Station, Off-Street Public Path, Public Park	0-20
	Other - Primary	0-20
	Secondary	0-20
	Parkway	
	Limited Access	
C	**Minimum BTZ Build-To Percentage for Structure** (%)	
	Main Street	80
	4-5 Lane Avenue/Boulevard	80
	6 or more Lane Avenue/Boulevard	80
	2-3 Lane Avenue	80
	Transit Station, Off-Street Public Path, Public Park	80
	Other - Primary	80
	Secondary	60
	Parkway	
	Limited Access	
D	**Minimum Side Setback** (feet)	
	Not abutting Neighborhood 1 Place Type	0
	Abutting Neighborhood 1 Place Type	10
E	**Minimum Rear Setback** (feet)	
	Not abutting Neighborhood 1 Place Type	0
	Abutting Neighborhood 1 Place Type	20

1 On local and collector streets, measured from the curb location for Office/Commercial Wide Local Street Cross Section in CLDSM or the existing back of curb, whichever is farthest from the centerline. If SSI standards require the relocation of the back of curb or the back of curb is voluntarily relocated, that shall be considered the existing back of curb location.

2 In no case shall any building entry be located closer than six feet to an existing or proposed off-street public path or shared use path.

3 For the transit station, off-street public path, public park frontage, shall be measured from a property line or right-of-way line. If there is an easement in place for any frontage, then the measurement shall be taken from such easement. For any frontage abutting a reservation for a future frontage, the frontage setback line shall be measured from the edge of the reservation area.

4 If there is an existing ~~CLT~~ Charlotte Water easement, ~~or~~ other utility easement, or overhead utility clearance requirement that conflicts with the build-to zone requirement, a build-to line shall be established at the edge of the easement or edge of the overhead utility clearance requirement closest to the build-to zone.

5 Where a lot has more than two frontages that require a build-to zone, the build-to zone shall be increased by 100% for those frontages that exceed two. Such an increase should be applied to those frontages that are lowest in the established hierarchy of frontages (Section 3.5.D).

B. Building Height

Building height standards govern the minimum and maximum heights of buildings as applicable and are intended to provide flexibility while maintaining appropriate transitions to adjacent areas.

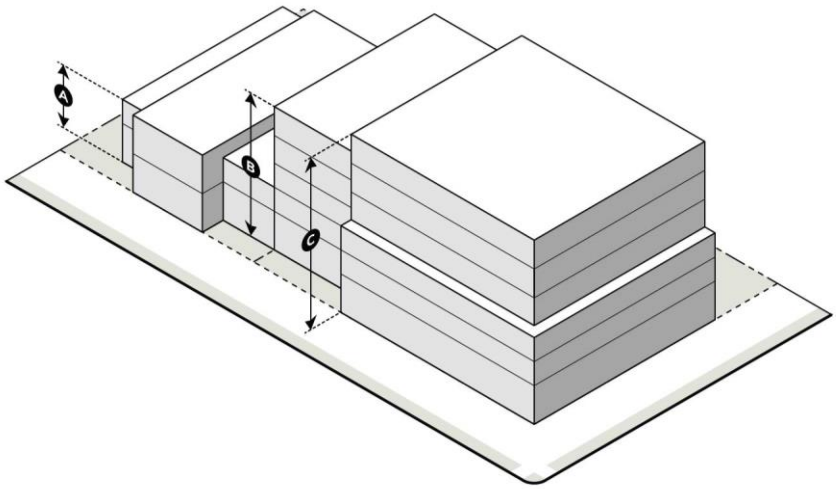
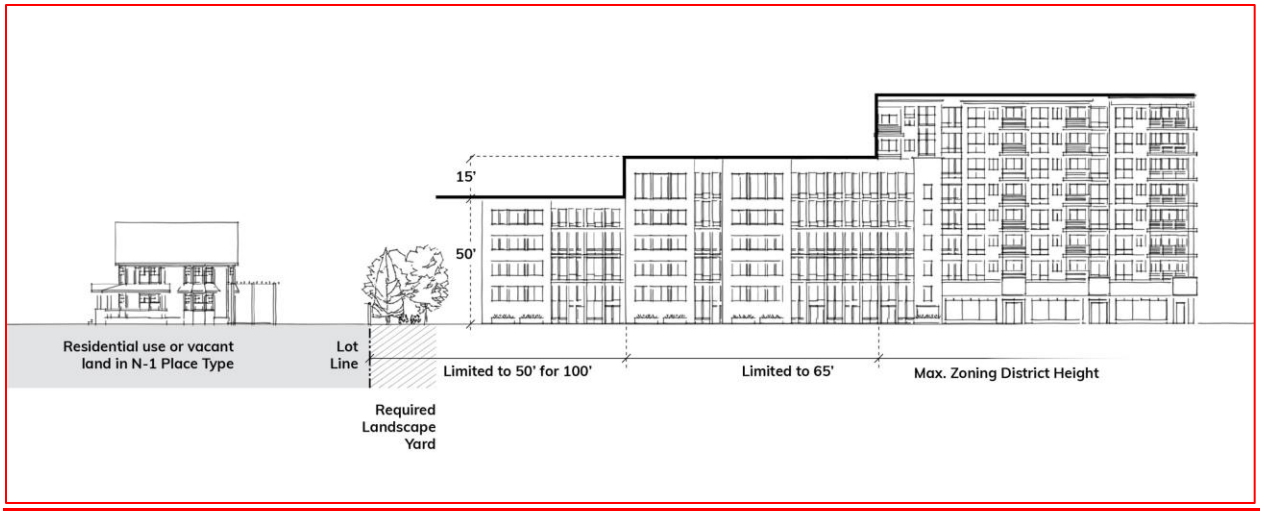


Table 10-2: Neighborhood Center Zoning District Building Height Standards		
		NC
A	**Minimum Building Height** (feet) [1]	16
B	**Maximum Building Height** (feet) [2]	65
C	**Maximum Height with Bonus** (feet) (Section 16.3) [2, 3]	80

[1] Lots of one-half acre in area or less are exempt from any applicable minimum building height requirements. Buildings of 2,000sf or less of gross floor area are exempt from any applicable minimum building height requirements.

[2] The height and location of structures may be restricted by the limitations set forth in the Code of Federal Regulations (CFR) Title 14 Part 77: Safe, Efficient Use, and Preservation of the Navigable Airspace. A notice of proposed construction FAA Form 7460-1 must be filed with the FAA for construction or alteration that impacts any of the imaginary surfaces as defined in 14 CFR Part 77, or is more than 200 feet in height above the ground at its site at least 45 days prior to construction. The Aviation Department Planning Division may serve as a point of contact for information regarding building notification requirements and obstruction evaluation.

[3] The maximum building height of any structure within 200~~'~~ feet of residential uses or vacant land in a Neighborhood 1 Place Type is limited as follows: That portion of a structure within the first 100 feet is limited to a maximum of 50 feet in height; that portion of a structure within 100 to 200 feet is limited to a maximum of 65 feet in height. These standards apply only to that part of a structure within the 200 foot~~'~~ distance, and each portion of the building may be measured independently, from the average grade of the portion being measured to the highest point of the same portion. This limitation does not apply to public parks of 3 acres or greater within a Neighborhood 1 Place Type, nor to an area of two or fewer ~~adjacent~~ parcels totaling no more than three acres within a Neighborhood 1 Place Type.



C. Building Articulation

Building articulation standards govern the dimensions of building facade elements and entry features, and are intended to facilitate the enhancement of a pedestrian-oriented environment.

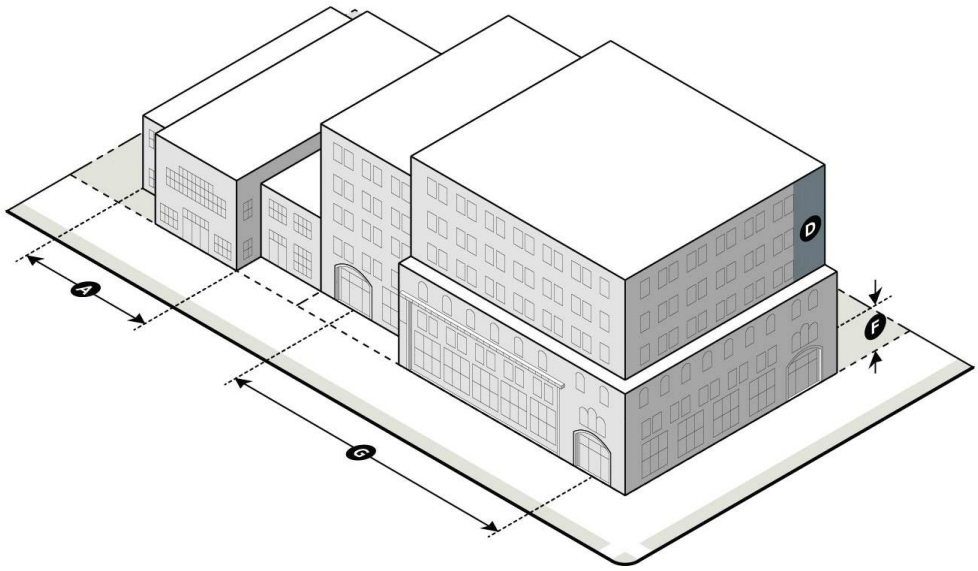


Table 10-3: Neighborhood Center Zoning District Building Articulation Standards		
		NC
A	**Minimum Building Length as a Percentage of Lot Width Along Frontage (Measured at Frontage Setback Line)** (%) [1]	
	Main Street	60
	4-5 Lane Avenue/Boulevard	60
	6 or more Lane Avenue/Boulevard	60
	2-3 Lane Avenue	60
	Transit Station, Off-Street Public Path, Public Park	60
	Other - Primary	60
	Secondary	40

Table 10-3: Neighborhood Center Zoning District Building Articulation Standards		
		NC
	Parkway	
	Limited Access	
B	**Maximum Building Length Along a Frontage** (feet) [2]	400
C	**Maximum Building Length Along a Frontage with Additional Design Elements** (feet) [2, 3]	600
D	**Maximum Blank Wall Area ~~–~~ (Ground floor and upper floor; Horizontal or Vertical)** (feet) [4]	
	Main Street	20
	4-5 Lane Avenue/Boulevard	20
	6 or more Lane Avenue/Boulevard	20
	2-3 Lane Avenue	20
	Transit Station, Off-Street Public Path, Public Park	20
	Other - Primary	20
	Secondary	20
	Parkway	50
	Limited Access	50
E	**Minimum Ground Floor Height – Residential** (Finished Floor Elevation to Finished Floor Elevation) (feet) [4, 5, 6, 7]	
	Main Street	16 [7, 8]
	4-5 Lane Avenue/Boulevard	10
	6 or more Lane Avenue/Boulevard	10
	2-3 Lane Avenue	10
	Transit Station, Off-Street Public Path, Public Park	10
	Other - Primary	10
	Secondary	10
	Parkway (when only frontage or adjacent to shared-use path)	10
	Limited Access	
F	**Minimum Ground Floor Height – Nonresidential and Mixed-Use** (Finished Floor Elevation to Finished Floor Elevation) (feet) [4, 5, 6, 7]	
	Main Street	16 [7, 8]
	4-5 Lane Avenue/Boulevard	14
	6 or more Lane Avenue/Boulevard	14
	2-3 Lane Avenue	14
	Transit Station, Off-Street Public Path, Public Park	14
	Other - Primary	14
	Secondary	14
	Parkway (when only frontage or adjacent to shared-use path)	14
	Limited Access	
G	**Maximum Prominent Entry Spacing** (feet) [4]	
	Main Street	250
	4-5 Lane Avenue/Boulevard	250
	6 or more Lane Avenue/Boulevard	250
	2-3 Lane Avenue	250
	Transit Station, Off-Street Public Path, Public Park	250
	Other - Primary	250
	Secondary	250
	Parkway (when only frontage or adjacent to shared-use path)	250

Table 10-3: Neighborhood Center Zoning District Building Articulation Standards		
		NC
	Limited Access	

1 Where a minimum building length as a percentage of lot width applies to multiple frontages, the highest frontage classification in the hierarchy (per Section 3.5.D) shall meet the established standard. In the case of a lot with two frontages, the second frontage shall only meet a standard of 40%. If there are more than two frontages subject to the standard, there is no minimum requirement for any frontage beyond the two highest frontages in the hierarchy. This requirement does not apply to Parkway or Limited Access frontages.

2 Maximum building length along a frontage does not apply to any frontage located along a Limited Access road. If any applicable minimum building length exceeds a maximum building length requirement, the maximum building length shall control.

3 To achieve maximum building length with additional design elements, the following is required:

A. Where a building abuts two parallel frontages with pedestrian facilities, or one frontage with pedestrian facilities and a parking lot, public park or other publicly owned open space on the side of the building opposite the frontage, a pedestrian passage is required. Such passage shall meet the following criteria:

1. General Requirements
   a. Passages shall be designed to accommodate pedestrians. Vehicular access and circulation shall not be allowed as a component of a passage.
   b. Passages shall be a minimum of 30 feet in width and 20 feet in height, and shall be located within the middle third of the building, measured along the frontage.
   c. Passages shall be designed to maintain views from one end through to the other. ~~Such views shall not be obstructed by lighting or other design features.~~
   d. Inclusion of decorative elements such as lighting installations or public art within passages is encouraged.
   e. Passages shall align with the street grid or other points of access to sidewalks, public paths, parking lots, public parks or other publicly owned open space where feasible.
   f. For the purposes of any build-to zone requirement, a building passage is considered part of the building façade that meets such requirement.
2. Passages in nonresidential and mixed-use buildings.
   a. Ground floor uses shall be oriented toward the passage, including public entrances.
   b. Ground floor façades facing into building passages in nonresidential and mixed-use buildings shall maintain a minimum transparency of 35% of the wall area of the passage.
3. Passages in residential buildings.
   a. Passages in residential buildings may be closed off to the public with gates and/or fencing but shall be of open design to allow for a clear view through the passage.
   b. Passages in residential buildings shall be designed with elements for use by residents, such as seating areas.
   c. Ground floor façades facing into building passages in residential buildings shall maintain a minimum transparency of 25% of the wall area of the passage.

B. Where a building does not abut two parallel frontages with pedestrian facilities, a break in the building massing is required as follows:

1. Building mass shall be recessed a minimum of 20 feet in depth for no less than 30 linear feet along the façade. Such recess shall extend the full height of the building, and shall meet the following criteria:
   a. The recess shall be located within the middle third of the building, measured along the frontage.
   b. For nonresidential and mixed-use buildings, ground floor uses shall be oriented toward the recessed area, including public entrances.
   c. The recessed area is subject to all transparency requirements.
   d. The recessed area shall be designed as public or common space including amenities such as seating areas, landscaping, lighting, decorative elements, and public art.

4 Does not apply to multi-family attached units when on sublots.

45 The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms associated with the development are located on the ground floor.

56 Applies only if non-convertible residential; for convertible residential, nonresidential standard applies.

67 At least 70% of the total ground floor for nonresidential uses and 30% for residential uses, measured as a percentage of the interior space, shall meet the minimum ground floor height requirement.

~~7~~8 Minimum ground floor heights can be reduced by the Zoning Administrator if there are site constraints that would cause practical difficulty.

D. Transparency

Transparency standards govern the required amount of ground floor and upper ~~story~~ floor transparency, and are intended to facilitate the enhancement of a pedestrian-oriented environment. These standards do not apply to multi-family attached development when units are on sublots~~townhouse development~~.

Table 10-4: Neighborhood Center Zoning District Transparency Standards		
		NC
A	**Ground Floor Transparency – Residential** (% of wall area between 3' and 10' from grade) [1, 2]	
	Main Street	25
	4-5 Lane Avenue/Boulevard	25
	6 or more Lane Avenue/Boulevard	25
	2-3 Lane Avenue	25
	Transit Station, Off-Street Public Path, Public Park	25
	Other - Primary	25
	Secondary	25
	Parkway	20
	Limited Access	
B	**Ground Floor Transparency – Nonresidential and Mixed-Use** (% of wall area between 3' and 10' from grade) [1]	
	Main Street	60
	4-5 Lane Avenue/Boulevard	50
	6 or more Lane Avenue/Boulevard	50
	2-3 Lane Avenue	50
	Transit Station, Off-Street Public Path, Public Park	50
	Other - Primary	50
	Secondary	50
	Parkway	30
	Limited Access	
C	**Upper ~~Story~~ Floor Transparency – Residential, Nonresidential, and Mixed-Use** (% of Wall Area ~~of~~ per Story)	
	Main Street	15
	4-5 Lane Avenue/Boulevard	15
	6 or more Lane Avenue/Boulevard	15
	2-3 Lane Avenue	15
	Transit Station, Off-Street Public Path, Public Park	15
	Other - Primary	15
	Secondary	15
	Parkway	15
	Limited Access	

[1] The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms associated with the development are located on the ground floor.

[2] Applies only if non-convertible residential; for convertible residential, nonresidential standard applies.

E. Site Layout Standards

1. Residential Site Layout Standards

The standards below establish site layout requirements for multi-family attached and, multi-family stacked, and townhouse development within the NC Zoning District. Where standards below refer to a frontage, such standards apply to all frontages except parkways or limited access roads.

Table 10-5: Neighborhood Center Zoning Residential Site Layout Standards			
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked	Multi-Family Attached When Units on SublotsTownhouse
The primary pedestrian entry to each principal structure shall face a frontage.		✓	
The primary pedestrian entry to each dwelling unit shall face a frontage or common open space.	✓		
Principal structures abutting a frontage shall be oriented with all building sidewalls perpendicular to the frontage. On corner lots, sidewalls may be oriented perpendicularly to either frontage.			✓

F. Building Design Standards

1. Nonresidential and Mixed-Use Building Design Standards

The following design standards apply to nonresidential and mixed-use buildings in the NC Zoning District.

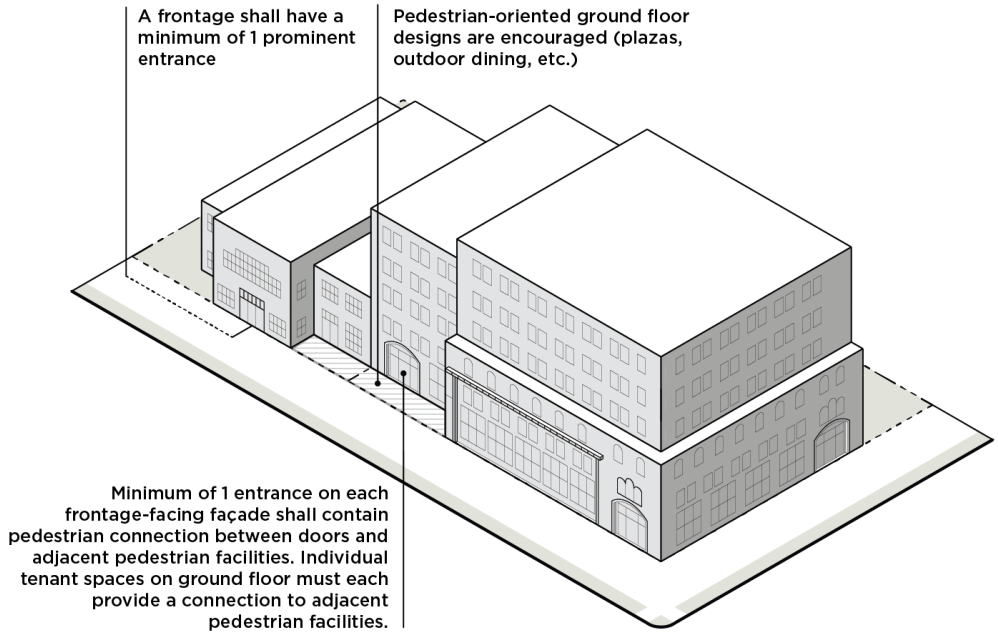


Table 10-6: Neighborhood Center Zoning District Nonresidential and Mixed-Use Building Design Standards	
	NC
~~Building Base and Entrance Design~~	
~~For buildings over 90' in height, the base of the building shall be clearly differentiated from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment.~~ ~~1. This differentiation shall occur somewhere within the bottom third of the building, but no higher than 50' above grade.~~	

Table 10-6: Neighborhood Center Zoning District Nonresidential and Mixed-Use Building Design Standards	
	NC
~~2. Elements such as, but not limited to, cornices, corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting, and other sculpturing of the base shall be provided to clearly differentiate the base from the remainder of the building.~~	
~~Main Street~~	~~✓~~
~~4-5 Lane Avenue/Boulevard~~	~~✓~~
~~6 or more Lane Avenue/Boulevard~~	~~✓~~
~~2-3 Lane Avenue~~	~~✓~~
~~Transit Station, Off-Street Public Path, Public Park~~	~~✓~~
~~Other - Primary~~	~~✓~~
~~Secondary~~	~~✓~~
~~Parkway (when only frontage or adjacent to shared-use path)~~	~~✓~~
~~Limited Access~~	
A frontage shall have a minimum of one prominent entrance, as defined in this Ordinance. In the case of a building located on a corner lot with two frontages, one prominent entrance located on the corner may satisfy this requirement for both frontages, subject to the following: 1. Each frontage shall not require more than one prominent entry. 2. A prominent corner entry shall include design features that reinforce intersections as key locations for pedestrian activity. Two of the following shall be included: a. A chamfered or rounded corner design. b. Awnings, canopies, or other covered entry features. c. Special paving, landscape, or lighting features. d. Unique architectural detailing that emphasizes the corner entry.	
Main Street	✓
4-5 Lane Avenue/Boulevard	✓
6 or more Lane Avenue/Boulevard	✓
2-3 Lane Avenue	✓
Transit Station, Off-Street Public Path, Public Park	✓
Other - Primary	✓
Secondary	✓
Parkway (when only frontage or adjacent to shared-use path)	✓
Limited Access	
A minimum of one ground floor entrance along each frontage facing facade, except for a Limited Access frontage, shall include a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]	
Main Street	✓
4-5 Lane Avenue/Boulevard	✓
6 or more Lane Avenue/Boulevard	✓
2-3 Lane Avenue	✓
Transit Station, Off-Street Public Path, Public Park	✓
Other - Primary	✓
Secondary	✓
Parkway (when only frontage or adjacent to shared-use path)	✓
Limited Access	
Where a building contains multiple tenant spaces on the ground floor abutting a frontage, each tenant space shall have a prominent entrance including a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]	

Table 10-6: Neighborhood Center Zoning District Nonresidential and Mixed-Use Building Design Standards	
	NC
Main Street	✓
4-5 Lane Avenue/Boulevard	✓
6 or more Lane Avenue/Boulevard	✓
2-3 Lane Avenue	✓
Transit Station, Off-Street Public Path, Public Park	✓
Other - Primary	✓
Secondary	✓
Parkway (when only frontage or adjacent to shared-use path)	✓
Limited Access	
One prominent entrance ~~at grade~~on the ground floor is required per building on a site.	✓
Pedestrian-oriented ground-floor designs are encouraged, including arcades, galleries, colonnades, outdoor dining areas, and outdoor plazas. When integrated into the overall building design, such features are considered to meet any required build-to percentage.	
Main Street	✓
4-5 Lane Avenue/Boulevard	✓
6 or more Lane Avenue/Boulevard	✓
2-3 Lane Avenue	✓
Transit Station, Off-Street Public Path, Public Park	✓
Other - Primary	✓
Secondary	✓
Parkway (when only frontage or adjacent to shared-use path)	✓
Limited Access	

[1] The Zoning Administrator may waive this requirement if they determine that the nature of the use does not require such pedestrian connections, for example warehouse and distribution centers, airports, truck and rail freight terminals, and other similar uses.

2. Residential Building Design Standards

The following design standards apply to multi-family attached when units not on sublots and multi-family stacked development in the NC Zoning District.

Table 10-7: Neighborhood Center Zoning District Residential Building Design Standards		
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked
Facade Modulation		
Structures shall incorporate elements of variation on any façade facing a frontage, public open space, or common open space. Variation shall be achieved as follows: 1. For multi-family attached dwellings when units are not on sublots, one of the following shall be incorporated into the design of the structure: a. Variation in the façade depth of adjoining dwelling units of at least 3'. Such variation shall extend the entire height of the façade. b. Architectural features, such as balconies, bay windows, or other elements along the façade of each dwelling unit, subject to the standards of Article 18. 2. For multi-family stacked dwellings 150' or more in length, recesses or projections of the façade of at least 1' in depth, and no less than 10' in width are required at intervals of no more than 60'.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
Building Base and Entrance Design		
The primary pedestrian entry shall be a prominent entrance along a frontage as defined by this Ordinance. In the case of a building with multiple exterior entrances to individual units within the structure, this requirement applies to all exterior entrances along a frontage.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		

Table 10-7: Neighborhood Center Zoning District Residential Building Design Standards		
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked
All ground floor entrances to individual units on a frontage with a sidewalk shall be between 1' and 5' above the grade of the adjacent sidewalk when located within 10' of the back of sidewalk. Residential units located below the grade of the adjacent sidewalk are permitted to have below-grade entrances, which shall be between 1' and 3' below the grade of the adjacent sidewalk. [1]		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
Arcades, galleries, colonnades, outdoor plazas, outdoor dining areas, or similar pedestrian-oriented ground floor designs may be incorporated into facades. When provided, such features that are in line with the building facade above the ground floor are considered to meet any required build-to percentage.		
Main Street		✓
4-5 Lane Avenue/Boulevard		✓
6 or more Lane Avenue/Boulevard		✓
2-3 Lane Avenue		✓
Transit Station, Off-Street Public Path, Public Park		✓
Other - Primary		✓
Secondary		✓
Parkway (when only frontage or adjacent to shared-use path)		✓
Limited Access		

[1] Zoning Administrator may allow adjustments to standards if adjacent average sidewalk grade is greater than 10% or to comply with federal and state law.

G. Building Materials

The following building materials are limited to 25% of each façade along a frontage. They may also be used as a component of construction when not a surface finish material without limitation. These restrictions do not apply to multi-family attached dwellings when units on sublots.

1. Corrugated metal siding; however, the reuse of pre-fabricated shipping containers is permitted and is not subject to this limitation, subject to compliance with the building code and other applicable codes

2. Exterior insulation finishing systems (EIFS) is prohibited on the ground floor of a multi-family dwelling (the 25% permission in item 1 above does not apply). This does not apply to multi-family attached dwellings when units on sublots.

3. Plain concrete masonry units (CMU)

4. Plastic

5. T-111 composite plywood siding

6. Vinyl

10.4 OPEN SPACE REQUIREMENTS

A. New construction of a principal building and expansion of a principal building by 5,000 square feet or 20% of the building area, whichever is less, is required to provide on-site open space, except for development on sites of one-half acre or less in size.

B. The design of open space shall meet the design requirements of Section 16.5.

C. Development shall provide a minimum of on-site open space as follows:

~~Table 10-1: Required Open Space~~	
	~~NC~~
~~Total On-Site Open Space~~	~~10%~~
~~Public On-Site Open Space (% of Total On-Site Open Space)~~	
~~*Commercial Development*~~	~~50~~
~~*Mixed-Use Development*~~	~~25~~

Table 10-8: Required Open Space	
	NC
Total On-Site Open Space	Development shall provide a minimum of **10%** on-site open space.
Public On-Site Open Space (% of Total On-Site Open Space)	
Commercial Development	A minimum of 50% of the on-site open space shall be public open space for commercial developments.
Mixed-Use Development[1]	A minimum of 25% of the on-site open space shall be public open space for mixed-use developments.

[1] For the purposes of required public on-site open space a development shall be considered mixed-use when no more than 25% of the ground floor area is nonresidential.

D. Residential on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

E. Nonresidential and mixed-use on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

10.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS

Standards for required on-site pedestrian connectivity are found in Section 16.6.

10.6 GENERAL DEVELOPMENT STANDARDS

A. General Development Standards

General development standards are found in Article 16.

B. Accessory Structures

Standards for accessory structures are found in Article 17.

C. Architectural Features

Standards for architectural features are found in Article 18.

D. Off-Street Parking

Standards for off-street parking and bicycle parking are found in Article 19.

E. Landscaping and Screening

Landscaping and screening standards are found in Article 20.

F. Loading and Service
Standards for loading spaces and service areas are found in Article 21.

G. Signs
Standards for signs are found in Article 22.

H. Drainage
Standards for drainage are found in Article 24.

Article 11. Community Activity Center Zoning Districts: CAC-1, CAC-2

11.1 PURPOSE
11.2 USES
11.3 DIMENSIONAL AND DESIGN STANDARDS
11.4 OPEN SPACE REQUIREMENTS
11.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS
11.6 GENERAL DEVELOPMENT STANDARDS

11.1 PURPOSE

A. CAC-1 Community Activity Center 1 Zoning District

The CAC-1 Community Activity Center 1 Zoning District is intended to accommodate those areas of the City that are transitioning from a more automobile-centric orientation toward a more walkable, well-connected, moderate intensity mix of retail, restaurant, entertainment, office, and personal service uses, including some residential uses. CAC-1 Zoning District standards allow for greater flexibility in design and site elements, such as parking amount and location, while accommodating multiple modes of transportation including walking, bicycling, and automobile.

B. CAC-2 Community Activity Center 2 Zoning District

The CAC-2 Community Activity Center 2 Zoning District is intended to accommodate a moderate intensity mix of retail, restaurant, entertainment, office, and personal service uses, as well as residential uses, in a comfortable pedestrian environment that is easily accessible and well-connected to surrounding neighborhoods. Such a mixture may serve the daily needs of nearby residents within walking distance, as well as surrounding neighborhoods via multiple modes of transportation. The CAC-2 Zoning District's multi-modal orientation accommodates all modes, and zoning district standards require high quality design and a walkable and bikeable mixed-use development form.

11.2 USES

Article 15 lists permitted, temporary, and accessory uses for the Community Activity Center Zoning Districts. Use definitions are found in Article 15.

11.3 DIMENSIONAL AND DESIGN STANDARDS

The tables below include the dimensional and design standards for the Community Activity Center Zoning Districts. Standards within the tables below may contain specific regulations organized by frontage type (Section 3.5). In the tables below, where a cell contains a standard or a "✓" the standard is applicable. Where a cell is blank and shaded, the standard does not apply.

A. Building Siting

Building siting standards govern the placement of buildings on lots, and are intended to ensure that development maintains compatibility with its surrounding context and the intent of the applicable zoning district.

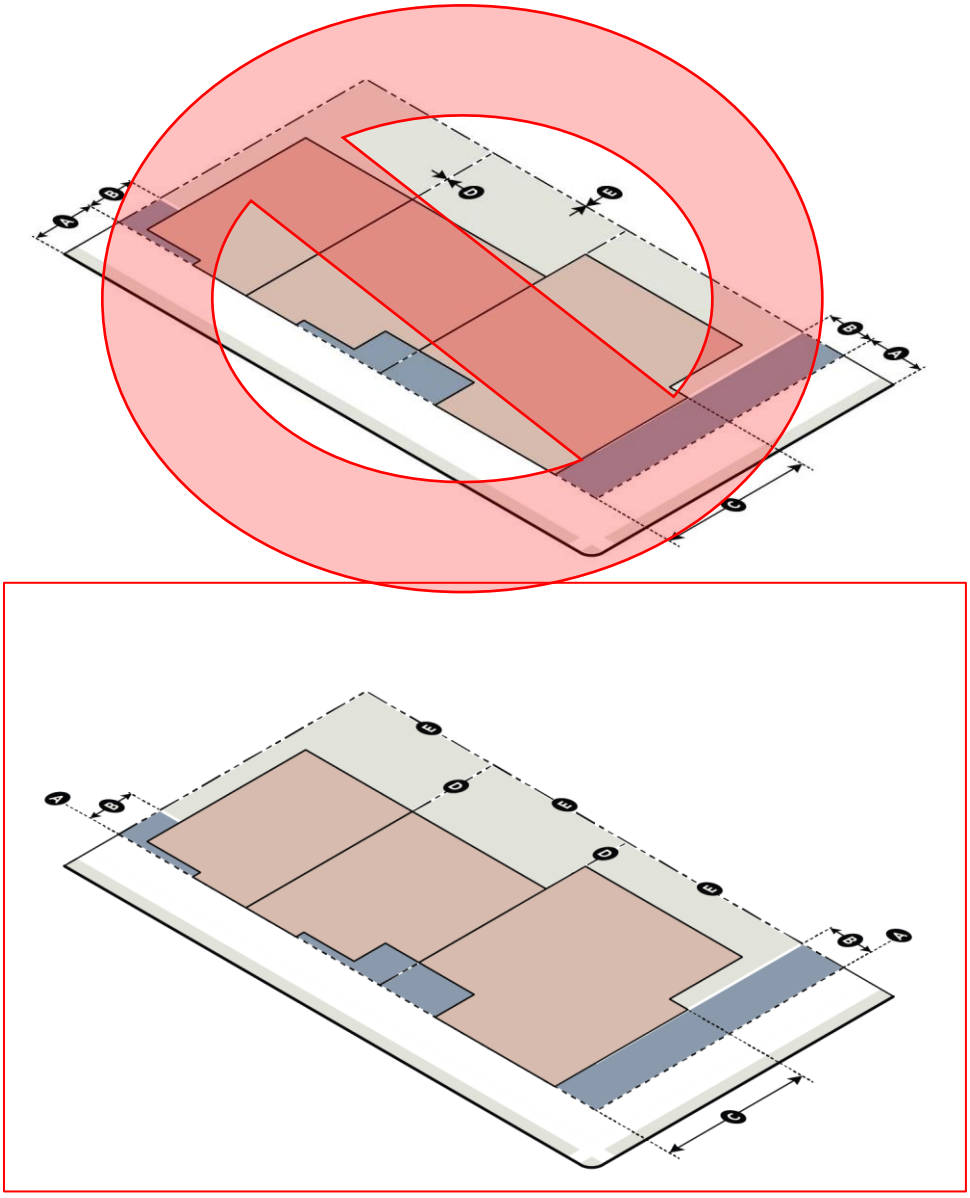


Table 11-1: Community Activity Center Zoning Districts Building Siting Standards			
		CAC-1	CAC-2
A	**Frontage Setback Line** (from future back of curb) (feet) [1, 2]		
	Uptown Signature	24	24
	Main Street	24	24
	Linear Park	36	36
	4-5 Lane Avenue/Boulevard	20	20
	6 or more Lane Avenue/Boulevard	24	24
	2-3 Lane Avenue	20	20
	Transit Station, Off-Street Public Path, Public Park [3]	5	5

Table 11-1: Community Activity Center Zoning Districts Building Siting Standards			
		CAC-1	CAC-2
	Uptown Primary	20	20
	Other - Primary	20	20
	Uptown Secondary	16	16
	Secondary	16	16
	Parkway (Measured from ROW)	20	20
	Limited Access (Measured from ROW)	10	10
B	**Frontage Build-To Zone (BTZ)** (from frontage setback line) (feet) [4, 5]		
	Main Street	0-20	0-20
	4-5 Lane Avenue/Boulevard	0-35	0-20
	6 or more Lane Avenue/Boulevard	0-35	0-20
	2-3 Lane Avenue	0-35	0-20
	Transit Station, Off-Street Public Path, Public Park	0-35	0-20
	Other - Primary	0-35	0-20
	Secondary	0-35	0-20
	Parkway		
	Limited Access		
C	**Minimum BTZ Build-To Percentage for Structure** (%)		
	Main Street	80	80
	4-5 Lane Avenue/Boulevard	60	80
	6 or more Lane Avenue/Boulevard	60	80
	2-3 Lane Avenue	60	80
	Transit Station, Off-Street Public Path, Public Park	60	80
	Other - Primary	60	80
	Secondary	60	60
	Parkway		
	Limited Access		
D	**Minimum Side Setback** (feet)		
	Not abutting Neighborhood 1 Place Type	0	0
	Abutting Neighborhood 1 Place Type	10	10
E	**Minimum Rear Setback** (feet)		
	Not abutting Neighborhood 1 Place Type	0	0
	Abutting Neighborhood 1 Place Type	20	20

[1] On local and collector streets, measured from the curb location for Office/Commercial Wide Local Street Cross Section in CLDSM or the existing back of curb, whichever is farthest from the centerline. If SSI standards require the relocation of the back of curb or the back of curb is voluntarily relocated, that shall be considered the existing back of curb location.

[2] In no case shall any building entry be located closer than six feet to an existing or proposed off-street public path or shared use path.

[3] For the transit station, off-street public path, public park frontage, shall be measured from a property line or right-of-way line. If there is an easement in place for any frontage, then the measurement shall be taken from such easement. For any frontage abutting a reservation for a future frontage, the frontage setback line shall be measured from the edge of the reservation area.

[4] If there is an existing ~~CLT~~ Charlotte Water easement, ~~or~~ other utility easement, or overhead utility clearance requirement that conflicts with the build-to zone requirement, a build-to line shall be established at the edge of the easement or edge of the overhead utility clearance requirement closest to the build-to zone.

[5] Where a lot has more than two frontages that require a build-to zone, the build-to zone shall be increased by 100% for those frontages that exceed two. Such an increase should be applied to those frontages that are lowest in the established hierarchy of frontages (Section 3.5.D).

B. Building Height

Building height standards govern the minimum and maximum heights of buildings as applicable and are intended to provide flexibility while maintaining appropriate transitions to adjacent areas.

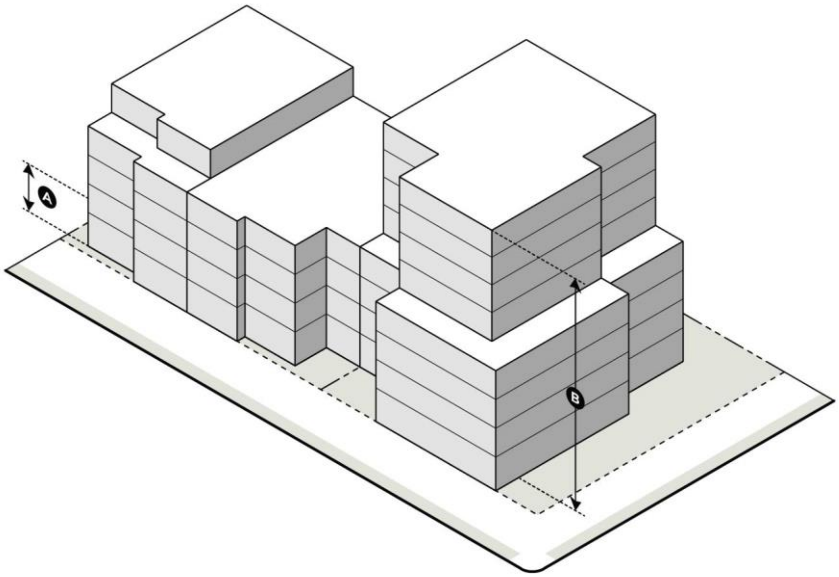
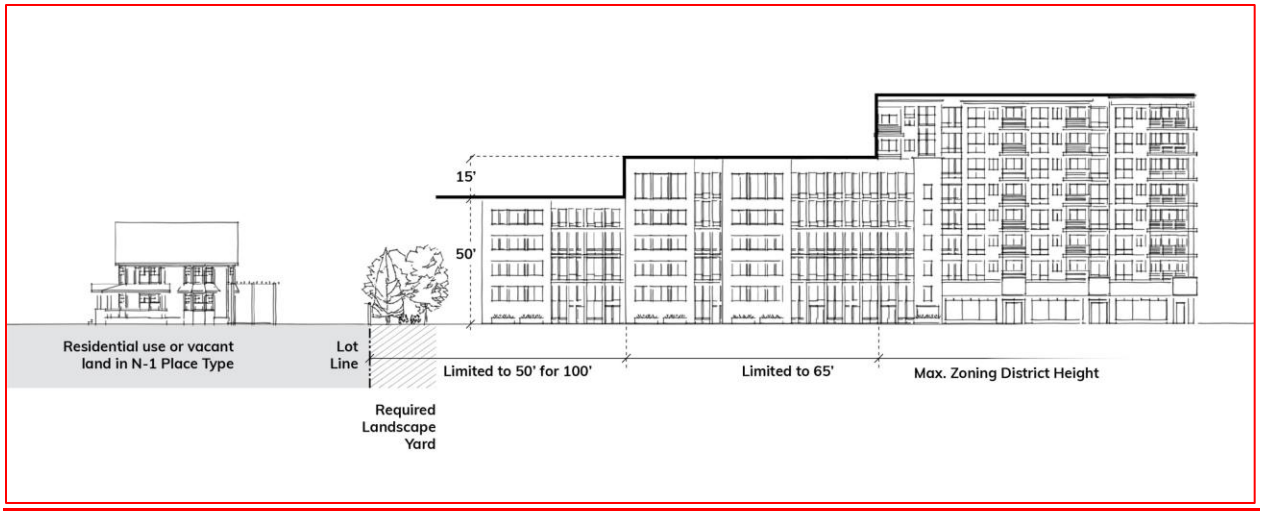


Table 11-2: Community Activity Center Zoning Districts Building Height Standards			
		CAC-1	CAC-2
A	**Minimum Building Height** (feet) [1]		24
B	**Maximum Building Height** (feet) [2, 3]	80	120
C	**Maximum Height with Bonus** (feet) (Section 16.3) [2, 3]	120	200

1 Lots of one-half acre in area or less are exempt from any applicable minimum building height requirements. Buildings of 2,000sf or less of gross floor area are exempt from any applicable minimum building height requirements.

2 The height and location of structures may be restricted by the limitations set forth in the Code of Federal Regulations (CFR) Title 14 Part 77: Safe, Efficient Use, and Preservation of the Navigable Airspace. A notice of proposed construction FAA Form 7460-1 must be filed with the FAA for construction or alteration that impacts any of the imaginary surfaces as defined in 14 CFR Part 77, or is more than 200 feet in height above the ground at its site at least 45 days prior to construction. The Aviation Department Planning Division may serve as a point of contact for information regarding building notification requirements and obstruction evaluation

3 The maximum building height of any structure within 200 feet of residential uses or vacant land in a Neighborhood 1 Place Type is limited as follows: That portion of a structure within the first 100 feet is limited to a maximum of 50 feet in height; that portion of a structure within 100 to 200 feet is limited to a maximum of 65 feet in height. These standards apply only to that part of a structure within the 200 foot distance, and each portion of the building may be measured independently, from the average grade of the portion being measured to the highest point of the same portion. This limitation does not apply to public parks of three acres or greater within a Neighborhood 1 Place Type, nor to an area of two or fewer ~~adjacent~~ parcels totaling no more than three acres within a Neighborhood 1 Place Type.



C. Building Articulation

Building articulation standards govern the dimensions of building facade elements and entry features, and are intended to facilitate the enhancement of a pedestrian-oriented environment.

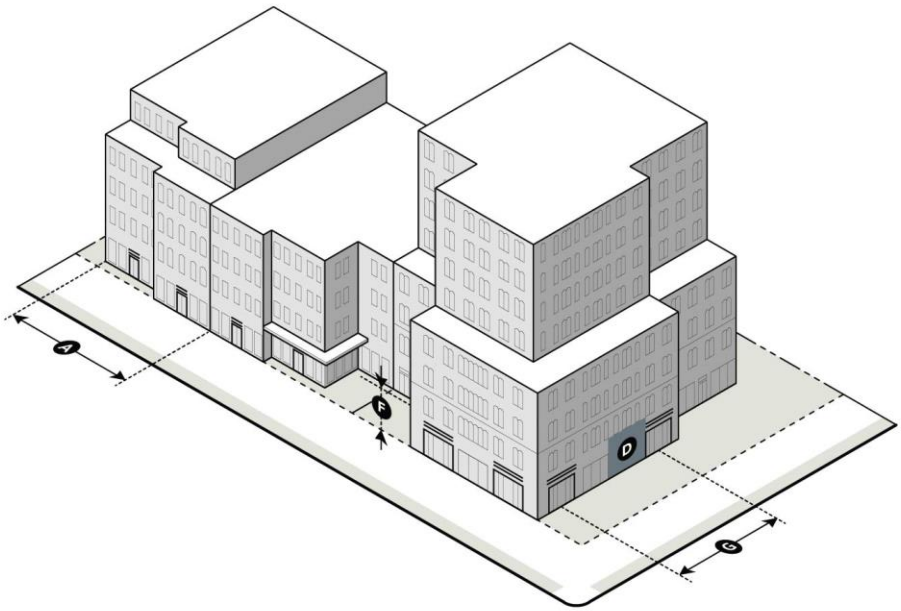


Table 11-3: Community Activity Center Zoning Districts Building Articulation Standards			
		CAC-1	CAC-2
A	**Minimum Building Length as a Percentage of Lot Width Along Frontage** (Measured at Frontage Setback Line) (%) [1]		
	Main Street	60	80
	4-5 Lane Avenue/Boulevard		60
	6 or more Lane Avenue/Boulevard		60
	2-3 Lane Avenue		60
	Transit Station, Off-Street Public Path, Public Park		60
	Other - Primary		60
	Secondary		40

Table 11-3: Community Activity Center Zoning Districts Building Articulation Standards			
		CAC-1	CAC-2
	Parkway		
	Limited Access		
B	**Maximum Building Length Along a Frontage** (feet) [2]	400	400
C	**Maximum Building Length Along a Frontage with Additional Design Elements** (feet) [2, 3]	600	600
D	**Maximum Blank Wall Area ~~–~~ (Ground floor and upper floor; Horizontal or Vertical)** (feet) [4]		
	Main Street	20	20
	4-5 Lane Avenue/Boulevard	20	20
	6 or more Lane Avenue/Boulevard	20	20
	2-3 Lane Avenue	20	20
	Transit Station, Off-Street Public Path, Public Park	20	20
	Other - Primary	20	20
	Secondary	20	20
	Parkway	50	50
	Limited Access	50	50
E	**Minimum Ground Floor Height – Residential** (Finished Floor Elevation to Finished Floor Elevation) (feet) [4, 5, 6, 7]		
	Main Street	16 [~~7~~8]	16 [~~7~~8]
	4-5 Lane Avenue/Boulevard	10	12
	6 or more Lane Avenue/Boulevard	10	12
	2-3 Lane Avenue	10	12
	Transit Station, Off-Street Public Path, Public Park	10	12
	Other - Primary	10	12
	Secondary	10	12
	Parkway (when only frontage or adjacent to shared-use path)	10	12
	Limited Access		
F	**Minimum Ground Floor Height – Nonresidential and Mixed-Use** (Finished Floor Elevation to Finished Floor Elevation) (feet) [~~4~~5, ~~6~~7]		
	Main Street	16 [~~7~~8]	16 [~~7~~8]
	4-5 Lane Avenue/Boulevard	14	16 [~~7~~8]
	6 or more Lane Avenue/Boulevard	14	16 [~~7~~8]
	2-3 Lane Avenue	14	16 [~~7~~8]
	Transit Station, Off-Street Public Path, Public Park	14	16 [~~7~~8]
	Other - Primary	14	16 [~~7~~8]
	Secondary	14	16 [~~7~~8]
	Parkway (when only frontage or adjacent to shared-use path)	14	16 [~~7~~8]
	Limited Access		
G	**Maximum Prominent Entry Spacing** (feet) [4]		
	Main Street	250	250
	4-5 Lane Avenue/Boulevard	250	250
	6 or more Lane Avenue/Boulevard	250	250
	2-3 Lane Avenue	250	250
	Transit Station, Off-Street Public Path, Public Park	250	250
	Other - Primary	250	250
	Secondary	250	250
	Parkway (when only frontage or adjacent to shared-use path)	250	250

Table 11-3: Community Activity Center Zoning Districts Building Articulation Standards			
		CAC-1	CAC-2
	Limited Access		

1 Where a minimum building length as a percentage of lot width applies to multiple frontages, the highest frontage classification in the hierarchy (per Section 3.5.D) shall meet the established standard. In the case of a lot with two frontages, the second frontage shall only meet a standard of 40%. If there are more than two frontages subject to the standard, there is no minimum requirement for any frontage beyond the two highest frontages in the hierarchy. This requirement does not apply to Parkway or Limited Access frontages.

2 Maximum building length along a frontage does not apply to any frontage located along a Limited Access road. If any applicable minimum building length exceeds a maximum building length requirement, the maximum building length shall control.

3 To achieve maximum building length with additional design elements, the following is required:

A. Where a building abuts two parallel frontages with pedestrian facilities, or one frontage with pedestrian facilities and a parking lot, public park or other publicly owned open space on the side of the building opposite the frontage, a pedestrian passage is required. Such passage shall meet the following criteria:

1. General Requirements
   a. Passages shall be designed to accommodate pedestrians. Vehicular access and circulation shall not be allowed as a component of a passage.
   b. Passages shall be a minimum of 30 feet in width and 20 feet in height, and shall be located within the middle third of the building, measured along the frontage.
   c. Passages shall be designed to maintain views from one end through to the other. ~~Such views shall not be obstructed by lighting or other design features.~~
   d. Inclusion of decorative elements such as lighting installations or public art within passages is encouraged.
   e. Passages shall align with the street grid or other points of access to sidewalks, public paths, parking lots, public parks or other publicly owned open space where feasible.
   f. For the purposes of any build-to zone requirement, a building passage is considered part of the building façade that meets such requirement.
2. Passages in nonresidential and mixed-use buildings.
   a. Ground floor uses shall be oriented toward the passage, including public entrances.
   b. Ground floor façades facing into building passages in nonresidential and mixed-use buildings shall maintain a minimum transparency of 35% of the wall area of the passage.
3. Passages in residential buildings.
   a. Passages in residential buildings may be closed off to the public with gates and/or fencing but shall be of open design to allow for a clear view through the passage.
   b. Passages in residential buildings shall be designed with elements for use by residents, such as seating areas.
   c. Ground floor façades facing into building passages in residential buildings shall maintain a minimum transparency of 25% of the wall area of the passage.

B. Where a building does not abut two parallel frontages with pedestrian facilities, a break in the building massing is required as follows:

1. Building mass shall be recessed a minimum of 20 feet in depth for no less than 30 linear feet along the façade. Such recess shall extend the full height of the building, and shall meet the following criteria:
   a. The recess shall be located within the middle third of the building, measured along the frontage.
   b. For nonresidential and mixed-use buildings, ground floor uses shall be oriented toward the recessed area, including public entrances.
   c. The recessed area is subject to all transparency requirements.
   d. The recessed area shall be designed as public or common space including amenities such as seating areas, landscaping, lighting, decorative elements, and public art.

~~4~~ Does not apply to multi-family attached units when on sublots.

~~4~~5 The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms associated with the development are located on the ground floor.

~~5~~6 Applies only if non-convertible residential; for convertible residential, nonresidential standard applies.

~~6~~7 At least 70% of the total ground floor for nonresidential uses and 30% for residential uses, measured as a percentage of the interior space, shall meet the minimum ground floor height requirement.

~~7~~8 Minimum ground floor heights can be reduced by the Zoning Administrator if there are site constraints that would cause practical difficulty.

D. Transparency

Transparency standards govern the required amount of ground floor and upper ~~story~~ floor transparency, and are intended to facilitate the enhancement of a pedestrian-oriented environment. These standards do not apply to multi-family attached~~townhouse~~ development when units are on sublots.

Table 11-4: Community Activity Center Zoning Districts Transparency Standards			
		CAC-1	CAC-2
A	**Ground Floor Transparency – Residential** (% of wall area between 3' and 10' from grade) [1, 2]		
	Main Street	25	25
	4-5 Lane Avenue/Boulevard	25	25
	6 or more Lane Avenue/Boulevard	25	25
	2-3 Lane Avenue	25	25
	Transit Station, Off-Street Public Path, Public Park	25	25
	Other - Primary	25	25
	Secondary	25	25
	Parkway	20	20
	Limited Access		
B	**Ground Floor Transparency – Nonresidential and Mixed-Use** (% of wall area between 3' and 10' from grade) [1]		
	Main Street	60	60
	4-5 Lane Avenue/Boulevard	50	50
	6 or more Lane Avenue/Boulevard	50	50
	2-3 Lane Avenue	50	50
	Transit Station, Off-Street Public Path, Public Park	50	50
	Other - Primary	50	50
	Secondary	50	50
	Parkway	30	30
	Limited Access		
C	**Upper ~~Story~~ Floor Transparency – Residential, Nonresidential, and Mixed-Use** (% of Wall Area ~~of~~ per Story)		
	Main Street	15	15
	4-5 Lane Avenue/Boulevard	15	15
	6 or more Lane Avenue/Boulevard	15	15
	2-3 Lane Avenue	15	15
	Transit Station, Off-Street Public Path, Public Park	15	15
	Other - Primary	15	15
	Secondary	15	15
	Parkway	15	15
	Limited Access		

[1] The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms associated with the development are located on the ground floor.

[2] Applies only if non-convertible residential; for convertible residential, nonresidential standard applies.

E. Site Layout Standards

1. Residential Site Layout Standards

The standards below establish site layout requirements for multi-family attached~~,~~ and multi-family stacked~~, and townhouse~~ development within the Community Activity Center Zoning Districts. Where standards below refer to a frontage, such standards apply to all frontages except parkways or limited access roads.

Table 11-5: Community Activity Center Zoning Districts Residential Site Layout Standards			
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked	~~Townhouse~~ Multi-Family Attached When Units on Sublots
The primary pedestrian entry to each principal structure shall face a frontage.		✓	
The primary pedestrian entry to each dwelling unit shall face a frontage or common open space.	✓		
Principal structures abutting a frontage shall be oriented with all building sidewalls perpendicular to the frontage. On corner lots, sidewalls may be oriented perpendicularly to either frontage.			✓

F. Building Design Standards

1. Nonresidential and Mixed-Use Building Design Standards

The following design standards apply to nonresidential and mixed-use buildings in the Community Activity Center Zoning Districts.

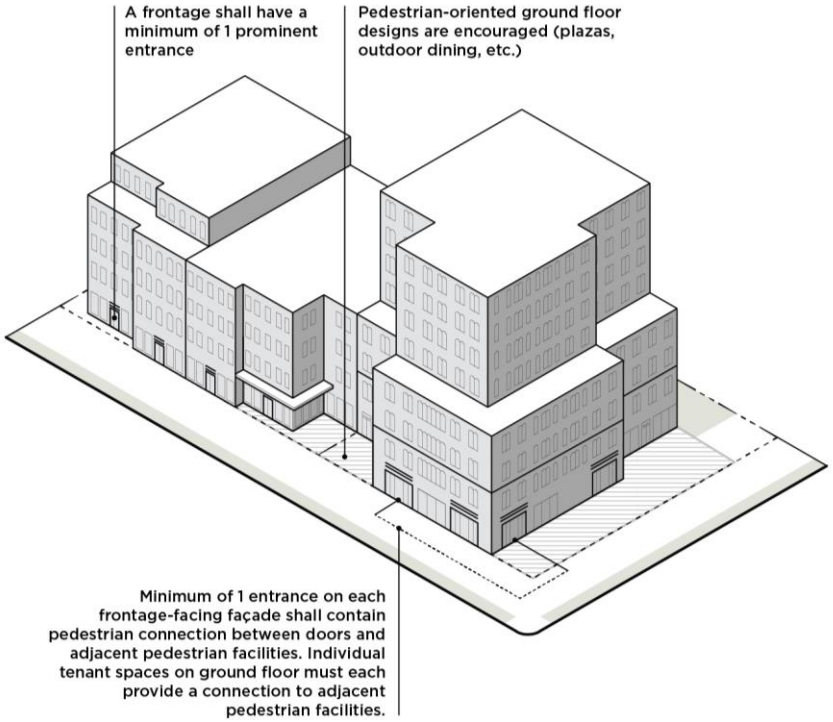


Table 11-6: Community Activity Center Zoning Districts Nonresidential and Mixed-Use Building Design Standards		
	CAC-1	CAC-2
Building Base and Entrance Design		
For buildings over 90' in height, the base of the building shall be clearly differentiated from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. 1. This differentiation shall occur somewhere within the bottom third of the building, but no higher than 50' above grade. 2. Elements such as, but not limited to, cornices, corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting, and other sculpturing of the base shall be provided to clearly differentiate the base from the remainder of the building.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
A frontage shall have a minimum of one prominent entrance, as defined in this Ordinance. In the case of a building located on a corner lot with two frontages, one prominent entrance located on the corner may satisfy this requirement for both frontages, subject to the following: 1. Each frontage shall not require more than one prominent entry. 2. A prominent corner entry shall include design features that reinforce intersections as key locations for pedestrian activity. Two of the following shall be included: a. A chamfered or rounded corner design. b. Awnings, canopies, or other covered entry features. c. Special paving, landscape, or lighting features. d. Unique architectural detailing that emphasizes the corner entry.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
A minimum of one ground floor entrance along each frontage facing façade, except for a Limited Access frontage, shall include a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓

Table 11-6: Community Activity Center Zoning Districts Nonresidential and Mixed-Use Building Design Standards		
	CAC-1	CAC-2
Limited Access		
Where a building contains multiple tenant spaces on the ground floor abutting a frontage, each tenant space shall have a prominent entrance including a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
One prominent entrance ~~at grade~~on the ground floor is required per building on a site.	✓	✓
Pedestrian-oriented ground-floor designs are encouraged, including arcades, galleries, colonnades, outdoor dining areas, and outdoor plazas. When integrated into the overall building design, such features are considered to meet any required build-to percentage.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		

[1] The Zoning Administrator may waive this requirement if they determine that the nature of the use does not require such pedestrian connections, for example warehouse and distribution centers, airports, truck and rail freight terminals, and other similar uses.

2. Residential Building Design Standards

The following design standards apply to multi-family attached when units not on sublots and multi-family stacked development in the Community Activity Center Zoning Districts.

Table 11.7: Community Activity Center Zoning Districts Residential Building Design Standards		
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked
Facade Modulation		
Structures shall incorporate elements of variation on any façade facing a frontage, public open space, or common open space. Variation shall be achieved as follows: 1. For multi-family attached dwellings when units are not on sublots, one of the following shall be incorporated into the design of the structure: a. Variation in the façade depth of adjoining dwelling units of at least 3'. Such variation shall extend the entire height of the façade. b. Architectural features, such as balconies, bay windows, or other elements along the façade of each dwelling unit, subject to the standards of Article 18. 2. For multi-family stacked dwellings longer than 150' in length, recesses or projections of the façade of at least 1' in depth, and no less than 10' in width are required at intervals of no more than 60'.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
Building Base and Entrance Design		
The primary pedestrian entry shall be a prominent entrance along a frontage as defined by this Ordinance. In the case of a building with multiple exterior entrances to individual units within the structure, this requirement applies to all exterior entrances along a frontage.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		

Table 11-7: Community Activity Center Zoning Districts Residential Building Design Standards		
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked
All ground floor entrances to individual units on a frontage with a sidewalk shall be between 1' and 5' above the grade of the adjacent sidewalk when located within 10' of the back of sidewalk. Residential units located below the grade of the adjacent sidewalk are permitted to have below-grade entrances, which shall be between 1' and 3' below the grade of the adjacent sidewalk. [1]		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
Arcades, galleries, colonnades, outdoor plazas, outdoor dining areas, or similar pedestrian-oriented ground floor designs may be incorporated into facades. When provided, such features that are in line with the building facade above the ground floor are considered to meet any required build-to percentage.		
Main Street		✓
4-5 Lane Avenue/Boulevard		✓
6 or more Lane Avenue/Boulevard		✓
2-3 Lane Avenue		✓
Transit Station, Off-Street Public Path, Public Park		✓
Other - Primary		✓
Secondary		✓
Parkway (when only frontage or adjacent to shared-use path)		✓
Limited Access		

[1] Zoning Administrator may allow adjustments to standards if adjacent average sidewalk grade is greater than 10% or to comply with federal and state law.

G. Building Materials

The following building materials are limited to 25% of each façade along a frontage. They may also be used as a component of construction when not a surface finish material without limitation. These restrictions do not apply to multi-family attached dwellings when units are on sublots.

1. Corrugated metal siding; however, the reuse of pre-fabricated shipping containers is permitted and is not subject to this limitation, subject to compliance with the building code and other applicable code

2. Exterior insulation finishing systems (EIFS) is prohibited on the ground floor of a multi-family dwelling (the 25% permission in item 1 above does not apply). This does not apply to multi-family attached dwellings when units on sublots.

3. Plain concrete masonry units (CMU)

4. Plastic

5. T-111 composite plywood siding

6. Vinyl

11.4 OPEN SPACE REQUIREMENTS

A. New construction of a principal building and expansion of a principal building by 5,000 square feet or 20% of the building area, whichever is less, is required to provide on-site open space, except for development on sites of one-half acre or less in size.

B. The design of open space shall meet the design requirements of Section 16.5.

C. Development shall provide a minimum of on-site open space as follows:

~~Table 11-1: Required Open Space~~		
	~~CAC-1~~	~~CAC-2~~
~~Total On-Site Open Space~~	~~10%~~	~~10%~~
~~Public On-Site Open Space (% of Total On-Site Open Space)~~		
~~*Commercial Development*~~	~~50~~	~~50~~
~~*Mixed-Use Development*~~	~~25~~	~~25~~

Table 11-8: Required Open Space		
	CAC-1	CAC-2
Total On-Site Open Space	Development shall provide a minimum of **10%** on-site open space.	
Public On-Site Open Space (% of Total On-Site Open Space)		
Commercial Development	A minimum of 50% of the on-site open space shall be public open space for commercial developments.	
Mixed-Use Development[1]	A minimum of 25% of the on-site open space shall be public open space for mixed-use developments.	

[1] For the purposes of required public on-site open space a development shall be considered mixed-use when no more than 25% of the ground floor area is nonresidential.

D. Residential on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

E. Nonresidential and Mixed-Use on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

11.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS

Standards for required on-site pedestrian connectivity are found in Section 16.6.

11.6 GENERAL DEVELOPMENT STANDARDS

A. General Development Standards
General development standards are found in Article 16.

B. Accessory Structures
Standards for accessory structures are found in Article 17.

C. Architectural Features
Standards for architectural features are found in Article 18.

D. Off-Street Parking
Standards for off-street parking and bicycle parking are found in Article 19.

E. Landscaping and Screening
Landscaping and screening standards are found in Article 20.

F. Loading and Service
Standards for loading spaces and service areas are found in Article 21.

G. Signs
Standards for signs are found in Article 22.

H. Drainage
Standards for drainage are found in Article 24.

Article 12. Regional Activity Center Districts: RAC, UE, UC

12.1 PURPOSE
12.2 USES
12.3 DIMENSIONAL AND DESIGN STANDARDS
12.4 OPEN SPACE REQUIREMENTS
12.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS
12.6 GENERAL DEVELOPMENT STANDARDS

12.1 PURPOSE

A. RAC Regional Activity Center Zoning District

The RAC Regional Activity Center Zoning District is intended to accommodate major employment locations, cultural destinations, and mixed-use development that serves both the local and regional markets. High-density residential uses are appropriate within the RAC Zoning District, to facilitate vertical mixed-use development. The standards of the RAC Zoning District create a vibrant, urban pedestrian-oriented environment that is characterized by high-quality design and ease of access via transit.

B. UE Uptown Edge Zoning District

The UE Uptown Edge Zoning District is intended to address areas of transition between the high-intensity environment of the Uptown core and adjacent smaller-scale mixed-use areas and urban neighborhoods. Standards encourage high-quality design and the continuation of a walkable pedestrian-orientation, while facilitating mixed-use development that focuses on compatibility with adjacent development.

C. UC Uptown Core Zoning District

The UC Uptown Core Zoning District is intended to accommodate the most intense mixed-use development within the City of Charlotte. Zoning district standards encourage a predominantly vertically mixed-use environment and are focused on supporting a vibrant, pedestrian-oriented, active City center. The UC Zoning District requires a high quality of design and encourages building forms that complement the area's existing urban fabric while maintaining a pedestrian orientation and true 24 hour mixed-use environment.

12.2 USES

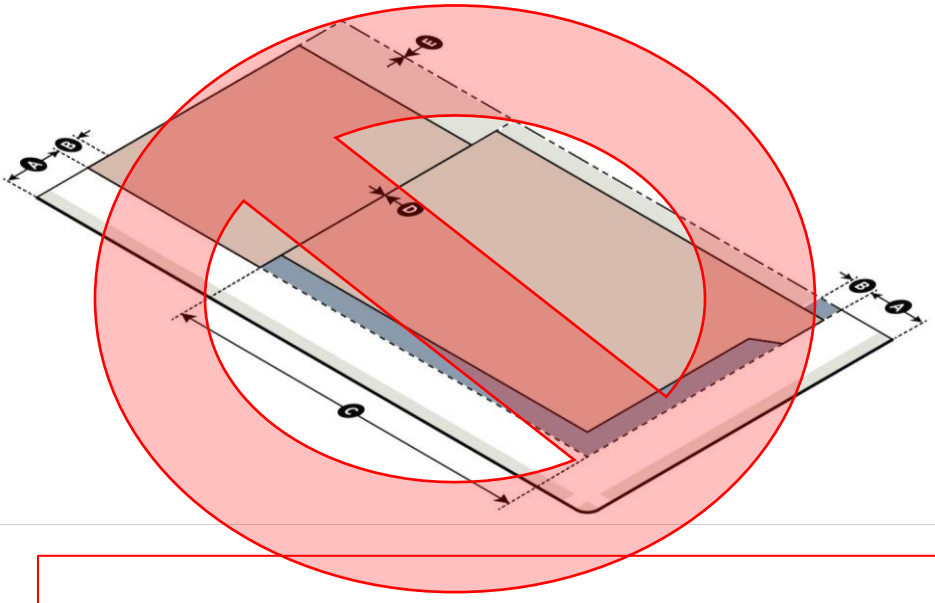
Article 15 lists permitted, temporary, and accessory uses for the Regional Activity Center Zoning Districts. Use definitions are found in Article 15.

12.3 DIMENSIONAL AND DESIGN STANDARDS

The tables below include the dimensional and design standards for the Regional Activity Center Zoning Districts. Standards within the tables below may contain specific regulations organized by frontage type (Section 3.5). In the tables below, where a cell contains a standard or a "✓" the standard is applicable. Where a cell is blank and shaded, the standard does not apply.

A. Building Siting

Building siting standards govern the placement of buildings on lots and are intended to ensure that development maintains compatibility with its surrounding context and the intent of the applicable zoning district.



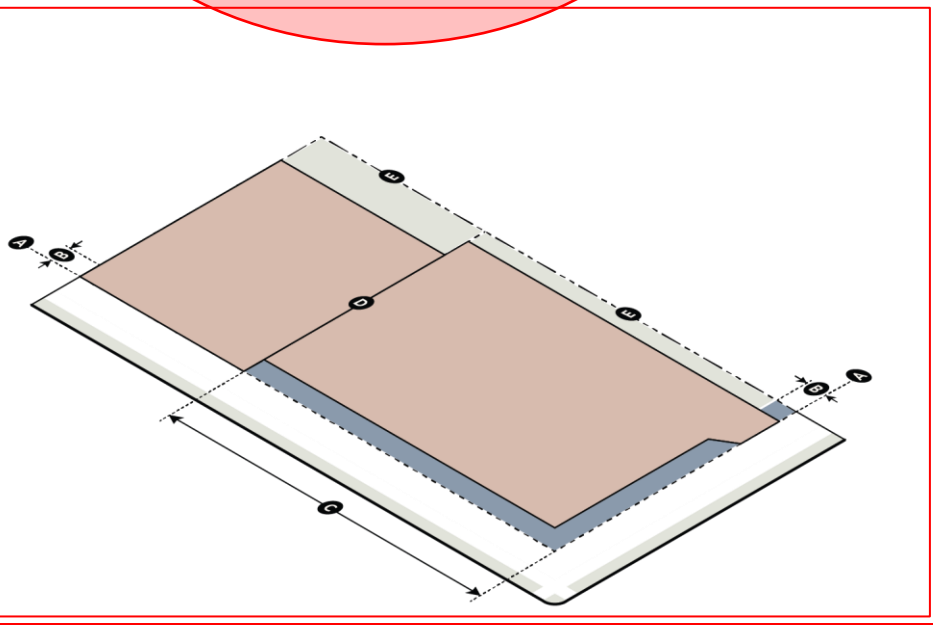


Table 12-1: Regional Activity Center Zoning Districts Building Siting Standards				
		RAC	UE	UC
A	**Frontage Setback Line** (from future back of curb) (feet) [1, 2]			
	Uptown Signature	24	24	24
	Main Street	24	24	24
	Linear Park	36	36	36
	4-5 Lane Avenue/Boulevard	20	20	20
	6 or more Lane Avenue/Boulevard	24	24	24
	2-3 Lane Avenue	20	20	20
	Transit Station, Off-Street Public Path, Public Park [3]	5	5	5
	Uptown Primary	20	20	20

Table 12-1: Regional Activity Center Zoning Districts Building Siting Standards				
		RAC	UE	UC
	Other - Primary	20	20	20
	Uptown Secondary	16	16	16
	Secondary	16	16	16
	Parkway (Measured from ROW)	20	20	20
	Limited Access (Measured from ROW)	10	10	10
B	**Frontage Build-To Zone (BTZ)** (from frontage setback line) (feet) [4, 5]			
	Main Street	0-20	0-20	0-10
	4-5 Lane Avenue/Boulevard	0-20	0-20	0-10
	6 or more Lane Avenue/Boulevard	0-20	0-20	0-10
	2-3 Lane Avenue	0-20	0-20	0-10
	Transit Station, Off-Street Public Path, Public Park	0-20	0-20	0-10
	Other - Primary	0-20	0-20	0-10
	Secondary	0-20	0-20	0-10
	Parkway			
	Limited Access			
C	**Minimum BTZ Build-To Percentage for Structure** (%)			
	Main Street	80	80	100
	4-5 Lane Avenue/Boulevard	80	80	80
	6 or more Lane Avenue/Boulevard	80	80	80
	2-3 Lane Avenue	80	80	80
	Transit Station, Off-Street Public Path, Public Park	80	80	80
	Other - Primary	80	80	80
	Secondary	60	60	60
	Parkway			
	Limited Access			
D	**Minimum Side Setback** (feet)			
	Not abutting Neighborhood 1 Place Type	0	0	0
	Abutting Neighborhood 1 Place Type	10	10	10
E	**Minimum Rear Setback** (feet)			
	Not abutting Neighborhood 1 Place Type	0	0	0
	Abutting Neighborhood 1 Place Type	20	20	20

1 On local and collector streets, measured from the curb location for Office/Commercial Wide Local Street Cross Section in CLDSM or the existing back of curb, whichever is farthest from the centerline. If SSI standards require the relocation of the back of curb or the back of curb is voluntarily relocated, that shall be considered the existing back of curb location.

2 In no case shall any building entry be located closer than six feet to an existing or proposed off-street public path or shared use path.

3 For the transit station, off-street public path, public park frontage, shall be measured from a property line or right-of-way line. If there is an easement in place for any frontage, then the measurement shall be taken from such easement. For any frontage abutting a reservation for a future frontage, the frontage setback line shall be measured from the edge of the reservation area.

4 If there is an existing ~~CLT~~ Charlotte Water easement, ~~or~~ other utility easement, or overhead utility clearance requirement that conflicts with the build-to zone requirement, a build-to line shall be established at the edge of the easement or edge of the overhead utility clearance requirement closest to the build-to zone.

5 Where a lot has more than two frontages that require a build-to zone, the build-to zone shall be increased by 100% for those frontages that exceed two. Such an increase should be applied to those frontages that are lowest in the established hierarchy of frontages (Section 3.5.D).

B. Building Height

Building height standards govern the minimum and maximum heights of buildings as applicable and are intended to provide flexibility while maintaining appropriate transitions to adjacent areas.

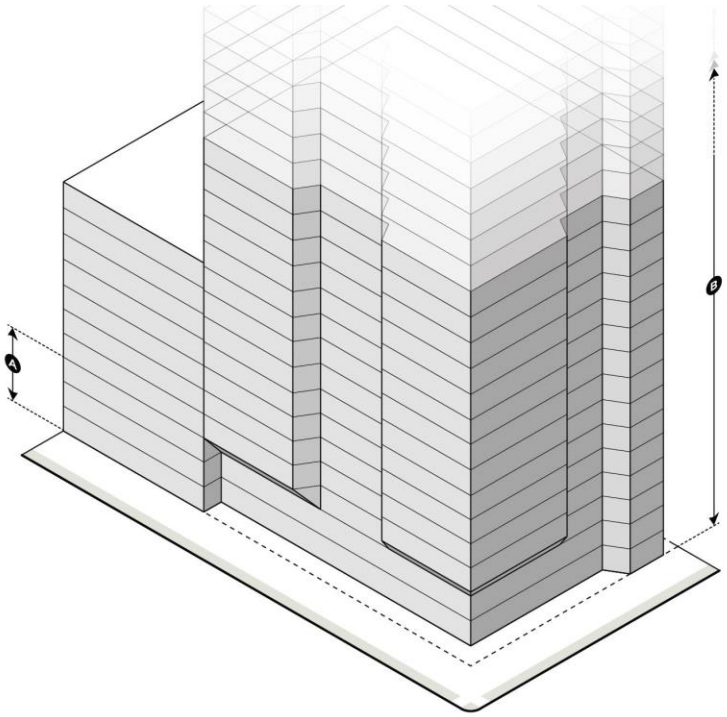
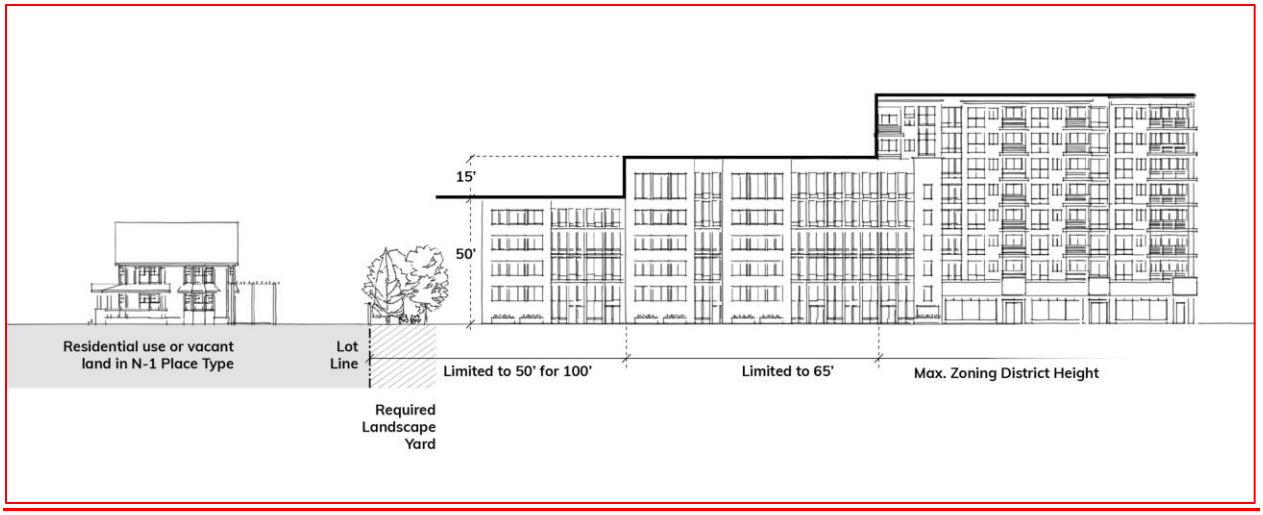


Table 12-2: Regional Activity Center Zoning Districts Building Height Standards				
		RAC	UE	UC
A	**Minimum Building Height** (feet) [1]	40	24	40
B	**Maximum Building Height** (feet) [2, 3]	150	150	Unlimited
C	**Maximum Height with Bonus** (feet) (Section 16.3) [2, 3]	275	300	

1 Lots of one-half acre in area or less are exempt from any applicable minimum building height requirements. Buildings of 2,000sf or less of gross floor area are exempt from any applicable minimum building height requirements.

2 The height and location of structures may be restricted by the limitations set forth in the Code of Federal Regulations (CFR) Title 14 Part 77: Safe, Efficient Use, and Preservation of the Navigable Airspace. A notice of proposed construction FAA Form 7460-1 must be filed with the FAA for construction or alteration that impacts any of the imaginary surfaces as defined in 14 CFR Part 77, or is more than 200 feet in height above the ground at its site at least 45 days prior to construction. The Aviation Department Planning Division may serve as a point of contact for information regarding building notification requirements and obstruction evaluation

3 The maximum building height of any structure within 200 feet of residential uses or vacant land in a Neighborhood 1 Place Type is limited as follows: That portion of a structure within the first 100 feet is limited to a maximum of 50 feet in height; that portion of a structure within 100 to 200 feet is limited to a maximum of 65 feet in height. These standards apply only to that part of a structure within the 200 foot distance, and each portion of the building may be measured independently, from the average grade of the portion being measured to the highest point of the same portion. This limitation does not apply to public parks of three acres or greater within a Neighborhood 1 Place Type, nor to an area of two or fewer ~~adjacent~~ parcels totaling no more than three acres within a Neighborhood 1 Place Type.



C. Building Articulation

Building Articulation standards govern the dimensions of building facade elements and entry features, and are intended to facilitate the enhancement of a pedestrian-oriented environment.

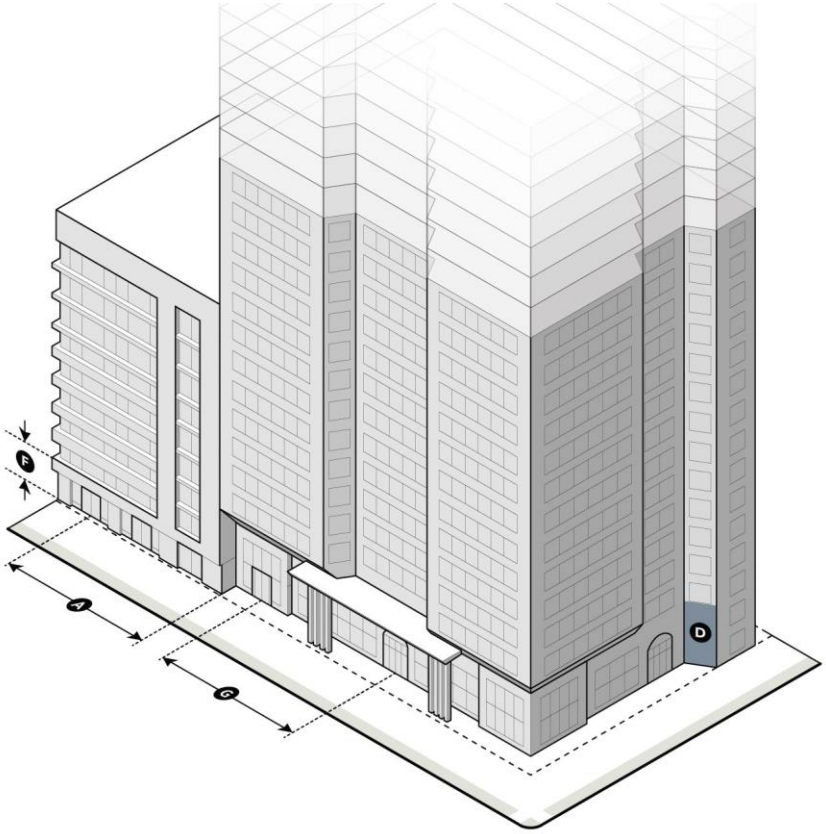


Table 12-3: Regional Activity Center Zoning Districts Building Articulation Standards				
		RAC	UE	UC
A	**Minimum Building Length as a Percentage of Lot Width Along Frontage** (Measured at Frontage Setback Line) (%) [1]			
	Main Street	80	80	80
	4-5 Lane Avenue/Boulevard	60	60	60
	6 or more Lane Avenue/Boulevard	60	60	60

Table 12-3: Regional Activity Center Zoning Districts Building Articulation Standards				
		RAC	UE	UC
	2-3 Lane Avenue	60	60	60
	Transit Station, Off-Street Public Path, Public Park	60	60	60
	Other - Primary	60	60	60
	Secondary	40	40	40
	Parkway			
	Limited Access			
B	**Maximum Building Length Along a Frontage** (feet) [2]	400	400	400
C	**Maximum Building Length Along a Frontage with Additional Design Elements** (feet) [2, 3]	600	600	600
D	**Maximum Blank Wall Area -- (Ground floor and upper floor; Horizontal or Vertical)** (feet) [4]			
	Main Street	20	20	20
	4-5 Lane Avenue/Boulevard	20	20	20
	6 or more Lane Avenue/Boulevard	20	20	20
	2-3 Lane Avenue	20	20	20
	Transit Station, Off-Street Public Path, Public Park	20	20	20
	Other - Primary	20	20	20
	Secondary	20	20	20
	Parkway	50	50	50
	Limited Access	50	50	50
E	**Minimum Ground Floor Height – Residential** (Finished Floor Elevation to Finished Floor Elevation) (feet) [4, 5, 6, 7]			
	Main Street	16 [7,8]	16 [7,8]	16 [7,8]
	4-5 Lane Avenue/Boulevard	12	12	16 [7,8]
	6 or more Lane Avenue/Boulevard	12	12	16 [7,8]
	2-3 Lane Avenue	12	12	16 [7,8]
	Transit Station, Off-Street Public Path, Public Park	12	12	16 [7,8]
	Other - Primary	12	12	16 [7,8]
	Secondary	12	12	16 [7,8]
	Parkway (when only frontage or adjacent to shared-use path)	12	12	16 [7,8]
	Limited Access			
F	**Minimum Ground Floor Height – Nonresidential and Mixed-Use** (Finished Floor Elevation to Finished Floor Elevation) (feet) [4,5, 6,7]			
	Main Street	16 [7,8]	16 [7,8]	16 [7,8]
	4-5 Lane Avenue/Boulevard	16 [7,8]	16 [7,8]	16 [7,8]
	6 or more Lane Avenue/Boulevard	16 [7,8]	16 [7,8]	16 [7,8]
	2-3 Lane Avenue	16 [7,8]	16 [7,8]	16 [7,8]
	Transit Station, Off-Street Public Path, Public Park	16 [7,8]	16 [7,8]	16 [7,8]
	Other - Primary	16 [7,8]	16 [7,8]	16 [7,8]
	Secondary	16 [7,8]	16 [7,8]	16 [7,8]
	Parkway (when only frontage or adjacent to shared-use path)	16 [7,8]	16 [7,8]	16 [7,8]
	Limited Access			
G	**Maximum Prominent Entry Spacing** (feet) [4]			
	Main Street	250	250	250
	4-5 Lane Avenue/Boulevard	250	250	250
	6 or more Lane Avenue/Boulevard	250	250	250

Table 12-3: Regional Activity Center Zoning Districts Building Articulation Standards				
		RAC	UE	UC
	2-3 Lane Avenue	250	250	250
	Transit Station, Off-Street Public Path, Public Park	250	250	250
	Other - Primary	250	250	250
	Secondary	250	250	250
	Parkway (when only frontage or adjacent to shared-use path)	250	250	250
	Limited Access			

1 Where a minimum building length as a percentage of lot width applies to multiple frontages, the highest frontage classification in the hierarchy (per Section 3.5.D) shall meet the established standard. In the case of a lot with two frontages, the second frontage shall only meet a standard of 40%. If there are more than two frontages subject to the standard, there is no minimum requirement for any frontage beyond the two highest frontages in the hierarchy. This requirement does not apply to Parkway or Limited Access frontages.

2 Maximum building length along a frontage does not apply to any frontage located along a Limited Access road. If any applicable minimum building length exceeds a maximum building length requirement, the maximum building length shall control.

3 To achieve maximum building length with additional design elements, the following is required:

A. Where a building abuts two parallel frontages with pedestrian facilities, or one frontage with pedestrian facilities and a parking lot, public park or other publicly owned open space on the side of the building opposite the frontage, a pedestrian passage is required. Such passage shall meet the following criteria:

1. General Requirements
   a. Passages shall be designed to accommodate pedestrians. Vehicular access and circulation shall not be allowed as a component of a passage.
   b. Passages shall be a minimum of 30 feet in width and 20 feet in height, and shall be located within the middle third of the building, measured along the frontage.
   c. Passages shall be designed to maintain views from one end through to the other. ~~Such views shall not be obstructed by lighting or other design features~~.
   d. Inclusion of decorative elements such as lighting installations or public art within passages is encouraged.
   e. Passages shall align with the street grid or other points of access to sidewalks, public paths, parking lots, public parks or other publicly owned open space where feasible.
   f. For the purposes of any build-to zone requirement, a building passage is considered part of the building façade that meets such requirement.
2. Passages in nonresidential and mixed-use buildings.
   a. Ground floor uses shall be oriented toward the passage, including public entrances.
   b. Ground floor façades facing into building passages in nonresidential and mixed-use buildings shall maintain a minimum transparency of 35% of the wall area of the passage.
3. Passages in residential buildings.
   a. Passages in residential buildings may be closed off to the public with gates and/or fencing but shall be of open design to allow for a clear view through the passage.
   b. Passages in residential buildings shall be designed with elements for use by residents, such as seating areas.
   c. Ground floor façades facing into building passages in residential buildings shall maintain a minimum transparency of 25% of the wall area of the passage.

B. Where a building does not abut two parallel frontages with pedestrian facilities, a break in the building massing is required as follows:

1. Building mass shall be recessed a minimum of 20 feet in depth for no less than 30 linear feet along the façade. Such recess shall extend the full height of the building, and shall meet the following criteria:
   a. The recess shall be located within the middle third of the building, measured along the frontage.
   b. For nonresidential and mixed-use buildings, ground floor uses shall be oriented toward the recessed area, including public entrances.
   c. The recessed area is subject to all transparency requirements.
   d. The recessed area shall be designed as public or common space including amenities such as seating areas, landscaping, lighting, decorative elements, and public art.

4 Does not apply to multi-family attached units when on sublots.

~~4~~5 The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms associated with the development are located on the ground floor.

~~5~~6 Applies only if non-convertible residential; for convertible residential, nonresidential standard applies.

~~6~~7 At least 70% of the total ground floor for nonresidential uses and 30% for residential uses, measured as a percentage of the interior space, shall meet the minimum ground floor height requirement.

~~7~~8 Minimum ground floor heights can be reduced by the Zoning Administrator if there are site constraints that would cause practical difficulty.

D. Transparency

Transparency standards govern the required amount of ground floor and upper ~~story~~ floor transparency, and are intended to facilitate the enhancement of a pedestrian-oriented environment. These standards do not apply to multi-family attached~~townhouse~~ development when units are on sublots.

Table 12-4: Regional Activity Center Zoning Districts Transparency Standards				
		RAC	UE	UC
A	**Ground Floor Transparency – Residential** (% of wall area between 3' and 10' from grade) [1, 2]			
	Main Street	25	25	25
	4-5 Lane Avenue/Boulevard	25	25	25
	6 or more Lane Avenue/Boulevard	25	25	25
	2-3 Lane Avenue	25	25	25
	Transit Station, Off-Street Public Path, Public Park	25	25	25
	Other - Primary	25	25	25
	Secondary	25	25	25
	Parkway	20	20	20
	Limited Access			
B	**Ground Floor Transparency – Nonresidential and Mixed-Use** (% of wall area between 3' and 10' from grade) [1]			
	Main Street	60	60	80
	4-5 Lane Avenue/Boulevard	50	50	80
	6 or more Lane Avenue/Boulevard	50	50	80
	2-3 Lane Avenue	50	50	60
	Transit Station, Off-Street Public Path, Public Park	50	50	60
	Other - Primary	50	50	60
	Secondary	50	50	60
	Parkway	30	30	30
	Limited Access			
C	**Upper ~~Story~~ Floor Transparency – Residential, Nonresidential, and Mixed-Use** (% of Wall Area ~~of~~ per Story)			
	Main Street	15	15	25
	4-5 Lane Avenue/Boulevard	15	15	25
	6 or more Lane Avenue/Boulevard	15	15	25
	2-3 Lane Avenue	15	15	15
	Transit Station, Off-Street Public Path, Public Park	15	15	15
	Other - Primary	15	15	15
	Secondary	15	15	15
	Parkway	15	15	15
	Limited Access			

[1] The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms associated with the development are located on the ground floor.

[2] Applies only if non-convertible residential; for convertible residential, nonresidential standard applies.

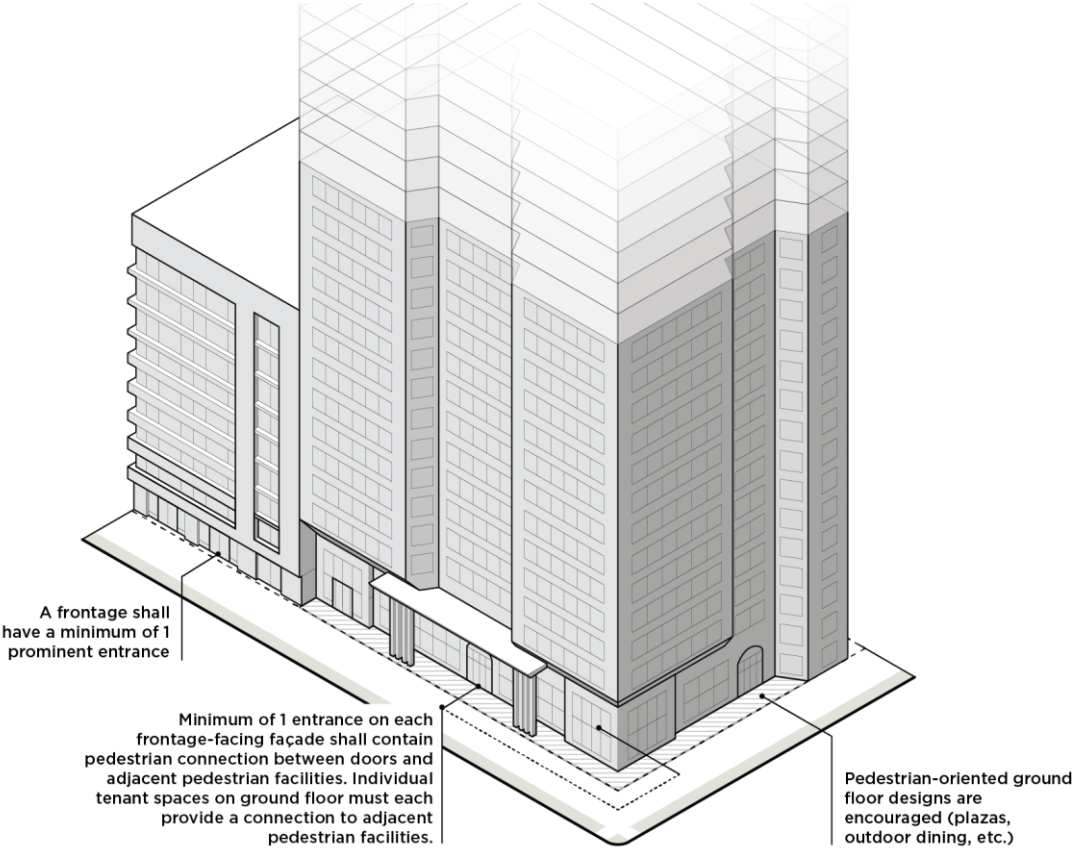
E. Site Layout Standards

1. Residential Site Layout Standards

The standards below establish site layout requirements for multi-family attached and, multi-family stacked, and townhouse development where allowed within the Regional Activity Center Zoning Districts. Where standards below refer to a frontage, such standards apply to all frontages except parkways or limited access roads.

Table 12-5: Regional Activity Center Zoning Districts Residential Site Layout Standards			
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked	Townhouse Multi-Family Attached When Units on Sublots
The primary pedestrian entry to each principal structure shall face a frontage.		✓	
The primary pedestrian entry to each dwelling unit shall face a frontage or common open space.	✓		
Principal structures abutting a frontage shall be oriented with all building sidewalls perpendicular to the frontage. On corner lots, sidewalls may be oriented perpendicularly to either frontage.			✓

F. Building Design Standards



1. Nonresidential and Mixed-Use Building Design Standards

The following design standards apply to nonresidential and mixed-use buildings in the Regional Activity Center Zoning Districts.

Table 12-6: Regional Activity Center Zoning Districts Nonresidential and Mixed-Use Building Design Standards			
	RAC	UE	UC
Building Base and Entrance Design			
For buildings over 90' in height, the base of the building shall be clearly differentiated from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. 1. This differentiation shall occur somewhere within the bottom third of the building, but no higher than 50' above grade. 2. Elements such as, but not limited to, cornices, corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting, and other sculpturing of the base shall be provided to clearly differentiate the base from the remainder of the building.			
Main Street	✓	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓	✓
2-3 Lane Avenue	✓	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓	✓
Other - Primary	✓	✓	✓
Secondary	✓	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓	✓
Limited Access			
A frontage shall have a minimum of one prominent entrance, as defined in this Ordinance. In the case of a building located on a corner lot with two frontages, one prominent entrance located on the corner may satisfy this requirement for both frontages, subject to the following: 1. Each frontage shall not require more than one prominent entry. 2. A prominent corner entry shall include design features that reinforce intersections as key locations for pedestrian activity. Two of the following shall be included: a. A chamfered or rounded corner design. b. Awnings, canopies, or other covered entry features. c. Special paving, landscape, or lighting features. d. Unique architectural detailing that emphasizes the corner entry.			
Main Street	✓	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓	✓
2-3 Lane Avenue	✓	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓	✓
Other - Primary	✓	✓	✓
Secondary	✓	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓	✓
Limited Access			
A minimum of one ground floor entrance along each frontage facing facade except for a Limited Access frontage shall include a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]			
Main Street	✓	✓	
4-5 Lane Avenue/Boulevard	✓	✓	
6 or more Lane Avenue/Boulevard	✓	✓	
2-3 Lane Avenue	✓	✓	
Transit Station, Off-Street Public Path, Public Park	✓	✓	
Other - Primary	✓	✓	
Secondary	✓	✓	

Table 12-6: Regional Activity Center Zoning Districts Nonresidential and Mixed-Use Building Design Standards			
	RAC	UE	UC
Parkway (when only frontage or adjacent to shared-use path)	✓	✓	
Limited Access			
All ground floor entrances along each frontage facing façade, except for a Limited Access frontage, shall include a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]			
Main Street			✓
4-5 Lane Avenue/Boulevard			✓
6 or more Lane Avenue/Boulevard			✓
2-3 Lane Avenue			✓
Transit Station, Off-Street Public Path, Public Park			✓
Other - Primary			✓
Secondary			✓
Parkway (when only frontage or adjacent to shared-use path)			✓
Limited Access			
Where a building contains multiple tenant spaces on the ground floor abutting a frontage, each tenant space shall have a prominent entrance including a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]			
Main Street	✓	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓	✓
2-3 Lane Avenue	✓	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓	✓
Other - Primary	✓	✓	✓
Secondary	✓	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓	✓
Limited Access			
One prominent entrance ~~at grade~~on the ground floor is required per building on a site.	✓	✓	✓
Pedestrian-oriented ground-floor designs are encouraged, including arcades, galleries, colonnades, outdoor dining areas, and outdoor plazas. When integrated into the overall building design, such features are considered to meet any required build-to percentage.			
Main Street	✓	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓	✓
2-3 Lane Avenue	✓	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓	✓
Other - Primary	✓	✓	✓
Secondary	✓	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓	✓
Limited Access			

[1] The Zoning Administrator may waive this requirement if they determine that the nature of the use does not require such pedestrian connections, for example warehouse and distribution centers, airports, truck and rail freight terminals, and other similar uses.

2. Residential Building Design Standards

The following design standards apply to multi-family attached when units not on sublots and multi-family stacked development in the Regional Activity Center Zoning Districts.

Table 12-7: Regional Activity Center Zoning Districts Residential Building Design Standards	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked
Facade Modulation		
Structures shall incorporate elements of variation on any façade facing a frontage, public open space, or common open space. Variation shall be achieved as follows: 1. For multi-family attached dwellings when units are not on sublots, one of the following shall be incorporated into the design of the structure: a. Variation in the façade depth of adjoining dwelling units of at least 3'. Such variation shall extend the entire height of the façade. b. Architectural features, such as balconies, bay windows, or other elements along the façade of each dwelling unit, subject to the standards of Article 18. 2. For multi-family stacked dwellings 150' or more in length, recesses or projections of the façade of at least 1' in depth, and no less than 10' in width are required at intervals of no more than 60 feet.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
Building Base and Entrance Design		
The primary pedestrian entry shall be a prominent entrance along a frontage as defined by this Ordinance. In the case of a building with multiple exterior entrances to individual units within the structure, this requirement applies to all exterior entrances along a frontage.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
All ground floor entrances to individual units on a frontage with a sidewalk shall be between 1' and 5' above the grade of the adjacent sidewalk when located within 10' of the back of sidewalk. Residential units located below the grade of the adjacent sidewalk are permitted to have below-grade entrances, which shall be between 1' and 3' below the grade of the adjacent sidewalk. [1]		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓

Table 12-7: Regional Activity Center Zoning Districts Residential Building Design Standards		
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
Arcades, galleries, colonnades, outdoor plazas, outdoor dining areas, or similar pedestrian-oriented ground floor designs may be incorporated into facades. When provided, such features that are in line with the building facade above the ground floor are considered to meet any required build-to percentage.		
Main Street		✓
4-5 Lane Avenue/Boulevard		✓
6 or more Lane Avenue/Boulevard		✓
2-3 Lane Avenue		✓
Transit Station, Off-Street Public Path, Public Park		✓
Other - Primary		✓
Secondary		✓
Parkway (when only frontage or adjacent to shared-use path)		✓
Limited Access		

[1] Zoning Administrator may allow adjustments to standards if adjacent average sidewalk grade is greater than 10% or to comply with federal and state law.

G. Building Materials

The following building materials are limited to ~~10~~25% of each façade along a frontage. They may also be used as a component of construction when not a surface finish material without limitation. These restrictions do not apply to multi-family attached dwellings when units are on sublots.

1. Corrugated metal siding; however, the reuse of pre-fabricated shipping containers is permitted and is not subject to this limitation, subject to compliance with the building code and other applicable codes

2. Exterior insulation finishing systems (EIFS) is prohibited on the ground floor of a multi-family dwelling (the 10% permission in item 1 above does not apply). This does not apply to multi-family attached dwellings when units on sublots.

3. Plain concrete masonry units (CMU)

4. Plastic

5. T-111 composite plywood siding

6. Vinyl

12.4 OPEN SPACE REQUIREMENTS

A. New construction of principal building and expansion of a principal building by 5,000 square feet or 20% of the building area, whichever is less, is required to provide on-site open space, except for development on sites of one-half acre or less in size.

B. The design of open space shall meet the design requirements of Section 16.5.

C. Development shall provide a minimum of on-site open space as follows:

~~Table 11-1: Required Open Space~~			
	~~RAC~~	~~UE~~	~~UC~~
~~Total On-Site Open Space~~	~~10%~~	~~10%~~	~~5%~~
~~Public On-Site Open Space (% of Total On-Site Open Space)~~			
~~*Commercial Development*~~	~~50~~	~~50~~	~~50~~
~~*Mixed-Use Development*~~	~~25~~	~~25~~	~~50~~

~~Table 12-8: Required Open Space~~			
	RAC	UE	UC
Total On-Site Open Space	Development shall provide a minimum of **10%** on-site open space.		
Public On-Site Open Space (% of Total On-Site Open Space)			
Commercial Development	A minimum of 50% of the on-site open space shall be public open space for commercial developments.		
Mixed-Use Development[1]	A minimum of 25% of the on-site open space shall be public open space for mixed-use developments.		

[1] For the purposes of required public on-site open space a development shall be considered mixed-use when no more than 25% of the ground floor area is nonresidential.

D. Residential on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

E. Nonresidential and mixed-use on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

12.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS

Standards for required on-site pedestrian connectivity are found in Section 16.6.

12.6 GENERAL DEVELOPMENT STANDARDS

A. General Development Standards

General development standards are found in Article 16.

B. Accessory Structures

Standards for accessory structures are found in Article 17.

C. Architectural Features

Standards for architectural features are found in Article 18.

D. Off-Street Parking

Standards for off-street parking and bicycle parking are found in Article 19.

E. Landscaping and Screening

Landscaping and screening standards are found in Article 20.

F. Loading and Service

Standards for loading spaces and service areas are found in Article 21.

G. Signs

Standards for signs are found in Article 22.

H. Drainage

Standards for drainage are found in Article 24.

Article 13. Transit Oriented Development Zoning Districts: TOD-TR, TOD-CC, TOD-NC, TOD-UC

13.1 PURPOSE AND APPLICABILITY
13.2 USES
13.3 DIMENSIONAL AND DESIGN STANDARDS
13.4 OPEN SPACE REQUIREMENTS
13.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS
13.6 GENERAL DEVELOPMENT STANDARDS

13.1 PURPOSE AND APPLICABILITY

A. TOD-TR Transit Transition Zoning District

1. Purpose

The TOD-TR Transit Transition Zoning District is appropriate for parcels near moderate-intensity rapid transit stations and streetcar stops to transition from higher intensity Transit Oriented Development Zoning Districts to adjacent existing neighborhoods, or in transit neighborhoods where the rehabilitation and reuse of buildings is important to preserving the existing character and scale.

The TOD-TR Zoning District's modest maximum building heights, more relaxed design standards, expanded menu of permitted uses, and higher maximum parking limits are intended to accommodate and encourage transit oriented and transit supportive development in transit station areas where there is not a current market demand for more intense development. These station areas are generally further from Uptown. This zoning district is also intended for use in areas where adopted policy encourages the adaptive reuse of existing building stock.

The TOD-TR Zoning District may be used in any transit station area or near a streetcar stop where moderate intensity development is appropriate, but should not be used in the Uptown area (inside Interstate Highways 277 and 77).

2. Applicability

The TOD-TR Zoning District may be applied in any of the following areas:

a. Within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop.

b. Within ½ mile walking distance of an adopted Metropolitan Transit Commission alignment rapid transit station location.

c. Within ¼ mile walking distance of an adopted and funded streetcar stop.

B. TOD-CC Transit Community Center Zoning District

1. Purpose

The TOD-CC Transit Community Center Zoning District is appropriate for parcels near moderate-intensity rapid transit stations and streetcar stops. Its lower maximum building heights, and less stringent design standards are intended to accommodate and encourage transit oriented and transit supportive development in transit station areas where there is not a current market demand for more intense development. These station areas are generally further from Uptown.

The TOD-CC Zoning District may be used in any transit station area or near a streetcar stop where moderate intensity development is appropriate, but should not be used in the Uptown area (inside Interstate Highways 277 and 77). It is not intended for sites adjacent to a Neighborhood 1 Place Type unless separated by a Limited Access Highway, Parkway, Boulevard, or Avenue of at least four lanes, or a rail corridor, or by a public amenity greater than three acres in size.

2. Applicability

The TOD-CC Zoning District may be applied in any of the following areas:

a. Within ½ mile walking distance of an existing rapid transit station, or within ¼ mile walking distance of an existing streetcar stop.

b. Within ½ mile walking distance of an adopted Metropolitan Transit Commission alignment station location, and as identified in a financially constrained Metropolitan Transportation Plan (MTP) on an existing rapid transit corridor.

c. Within ½ mile walking distance of an adopted and funded Metropolitan Transit Commission alignment station location on other rapid transit corridors.

d. Within ¼ mile walking distance of an adopted and funded streetcar stop.

C. TOD-NC Transit Neighborhood Center Zoning District

1. Purpose

The TOD-NC Transit Neighborhood Center Zoning District is intended for use in existing or future transit station areas and near streetcar stops as a transition from a higher intensity TOD-UC Zoning District to adjacent existing neighborhoods, or where the rehabilitation and reuse of existing structures is important to preserving the character of established neighborhoods.

The TOD-NC Zoning District generally maintains the high level of design standards associated with the TOD-UC Zoning District, but is preferred over the TOD-UC Zoning District where less intensity is more appropriate, such as adjacent to a Neighborhood 1 Place Type, or where adopted policy recommends a lower maximum building height.

The TOD-NC Zoning District may be used in any transit station area or near a streetcar stop where moderate to high intensity transit oriented development is appropriate, but should not be used in the Uptown area (inside Interstate highways 277 and 77).

2. Applicability

The TOD-NC Zoning District may be applied in any of the following areas:

a. Within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop.

b. Within ½ mile walking distance of an adopted Metropolitan Transit Commission alignment station location.

c. Within ¼ mile walking distance of an adopted and funded streetcar stop.

D. TOD-UC Transit Urban Center Zoning District

1. Purpose

The TOD-UC Transit Urban Center Zoning District is appropriate for parcels near high-intensity rapid transit stations and streetcar stops. Of the Transit Oriented Development Zoning Districts, the TOD-UC Zoning District will permit the greatest building heights, demand the uppermost level of site and architectural design, permit the least amount of vehicle parking, and require the most urban form of streetscape and public realm. This zoning district should be used on sites closest to transit stations and a limited number of streetcar stops where the highest density and most intense uses are envisioned.

The TOD-UC Zoning District may be used in any transit station area or near a streetcar stop where high intensity transit oriented development is appropriate. It is not intended for sites adjacent to a Neighborhood 1 Place Type unless separated by a limited-access highway, parkway, boulevard, or avenue of at least four lanes, or a rail corridor, or by a public amenity, greater than three acres in size.

2. Applicability

The TOD-UC Zoning District may be applied in any of the following areas:

a. Within ½ mile walking distance of an existing rapid transit station, or within ¼ mile walking distance of an existing streetcar stop.

b. Within ½ mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location, and as identified in a financially constrained Metropolitan Transportation Plan (MTP) on an existing rapid transit corridor.

c. Within ½ mile walking distance of an adopted and funded Metropolitan Transit Commission alignment station location on other rapid transit corridors.

d. Within ¼ mile walking distance of an adopted and funded streetcar stop.

13.2 USES

Article 15 lists permitted, temporary, and accessory uses for the Transit Oriented Development Zoning Districts. Use definitions are found in Article 15.

13.3 DIMENSIONAL AND DESIGN STANDARDS

The tables below include the dimensional and design standards for the Transit Oriented Development Zoning Districts. Standards within the tables below may contain specific regulations organized by frontage type (Section 3.5). In the tables below, where a cell contains a standard or a "✓" the standard is applicable. Where a cell is blank and shaded, the standard does not apply.

A. Building Siting

Building siting standards govern the placement of buildings on lots and are intended to ensure that development maintains compatibility with its surrounding context and the intent of the applicable zoning district.

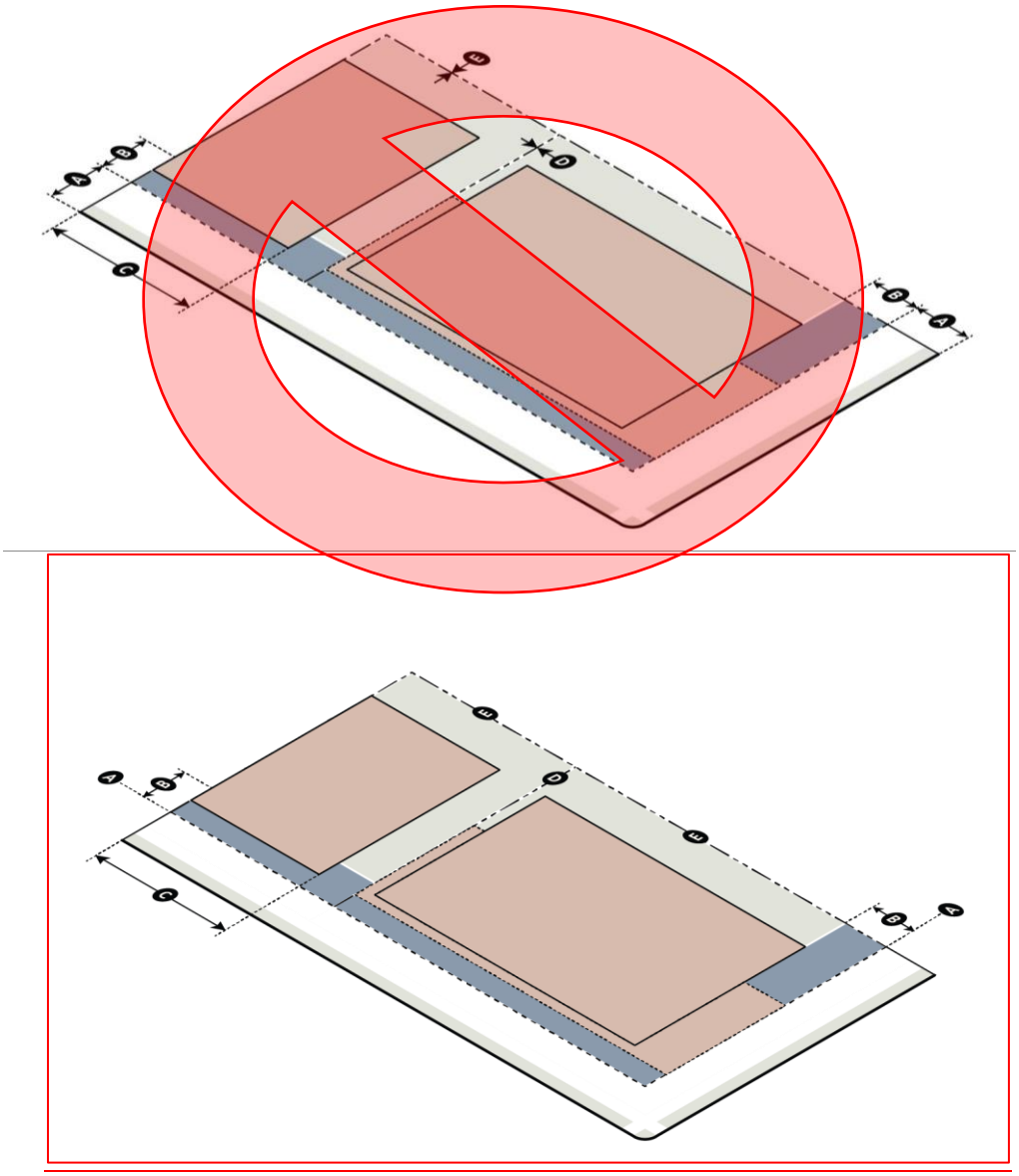


Table 13-1: Transit Oriented Development Zoning Districts Building Siting Standards					
		TOD-TR	TOD-CC	TOD-NC	TOD-UC
A	**Frontage Setback Line** (from future back of curb) (feet) [1, 2]				
	Uptown Signature	24	24	24	24
	Main Street	24	24	24	24
	Linear Park	36	36	36	36
	4-5 Lane Avenue/Boulevard	20	20	20	20
	6 or more Lane Avenue/Boulevard	24	24	24	24
	2-3 Lane Avenue	20	20	20	20
	Transit Station, Off-Street Public Path, Public Park [3]	5	5	5	5

Table 13-1: Transit Oriented Development Zoning Districts Building Siting Standards					
		TOD-TR	TOD-CC	TOD-NC	TOD-UC
	Uptown Primary	20	20	20	20
	Other - Primary	20	20	20	20
	Uptown Secondary	16	16	16	16
	Secondary	16	16	16	16
	Parkway (Measured from ROW)	20	20	20	20
	Limited Access (Measured from ROW)	10	10	10	10
B	**Frontage Build-To Zone (BTZ)** (from frontage setback line) (feet) [4, 5]				
	Main Street	0-20	0-10	0-20	0-10
	4-5 Lane Avenue/Boulevard	0-20	0-10	0-20	0-10
	6 or more Lane Avenue/Boulevard	0-20	0-10	0-20	0-10
	2-3 Lane Avenue	0-20	0-10	0-20	0-10
	Transit Station, Off-Street Public Path, Public Park	0-20	0-10	0-20	0-10
	Other - Primary	0-20	0-10	0-20	0-10
	Secondary	0-20	0-10	0-20	0-10
	Parkway				
	Limited Access				
C	**Minimum BTZ Build-To Percentage for Structure** (%)				
	Main Street	80	80	100	100
	4-5 Lane Avenue/Boulevard	80	80	80	80
	6 or more Lane Avenue/Boulevard	80	80	80	80
	2-3 Lane Avenue	40	60	40	60
	Transit Station, Off-Street Public Path, Public Park	80	80	80	80
	Other - Primary	80	80	80	80
	Secondary	40	60	40	60
	Parkway				
	Limited Access				
D	**Minimum Side Setback** (feet)				
	Not abutting Neighborhood 1 Place Type	0	0	0	0
	Abutting Neighborhood 1 Place Type	10	10	10	10
E	**Minimum Rear Setback** (feet)				
	Not abutting Neighborhood 1 Place Type	0	0	0	0
	Abutting Neighborhood 1 Place Type	20	20	20	20

1 On local and collector streets, measured from the curb location for Office/Commercial Wide Local Street Cross Section in CLDSM or the existing back of curb, whichever is farthest from the centerline. If SSI standards require the relocation of the back of curb or the back of curb is voluntarily relocated, that shall be considered the existing back of curb location.

2 In no case shall any building entry be located closer than six feet to an existing or proposed off-street public path or shared use path.

3 For the transit station, off-street public path, public park frontage, shall be measured from a property line or right-of-way line. If there is an easement in place for any frontage, then the measurement shall be taken from such easement. For any frontage abutting a reservation for a future frontage, the frontage setback line shall be measured from the edge of the reservation area.

4 If there is an existing ~~CLT~~ Charlotte Water easement, ~~or~~ other utility easement, or overhead utility clearance requirement that conflicts with the build-to zone requirement, a build-to line shall be established at the edge of the easement or edge of the overhead utility clearance requirement closest to the build-to zone.

5 Where a lot has more than two frontages that require a build-to zone, the build-to zone shall be increased by 100% for those frontages that exceed two. Such an increase should be applied to those frontages that are lowest in the established hierarchy of frontages (Section 3.5.D).

B. Building Height

Building height standards govern the minimum and maximum heights of buildings, as applicable, and are intended to provide flexibility while maintaining appropriate transitions to adjacent areas.

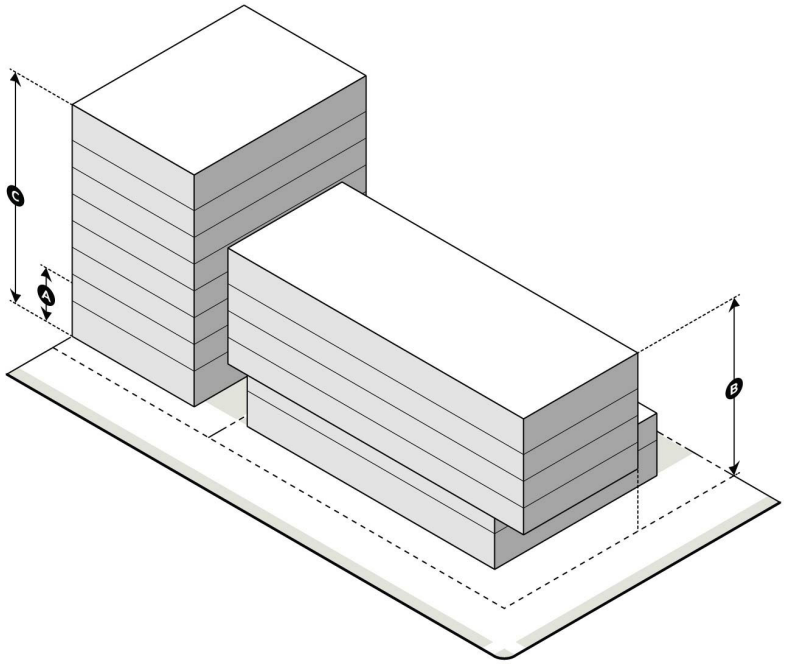


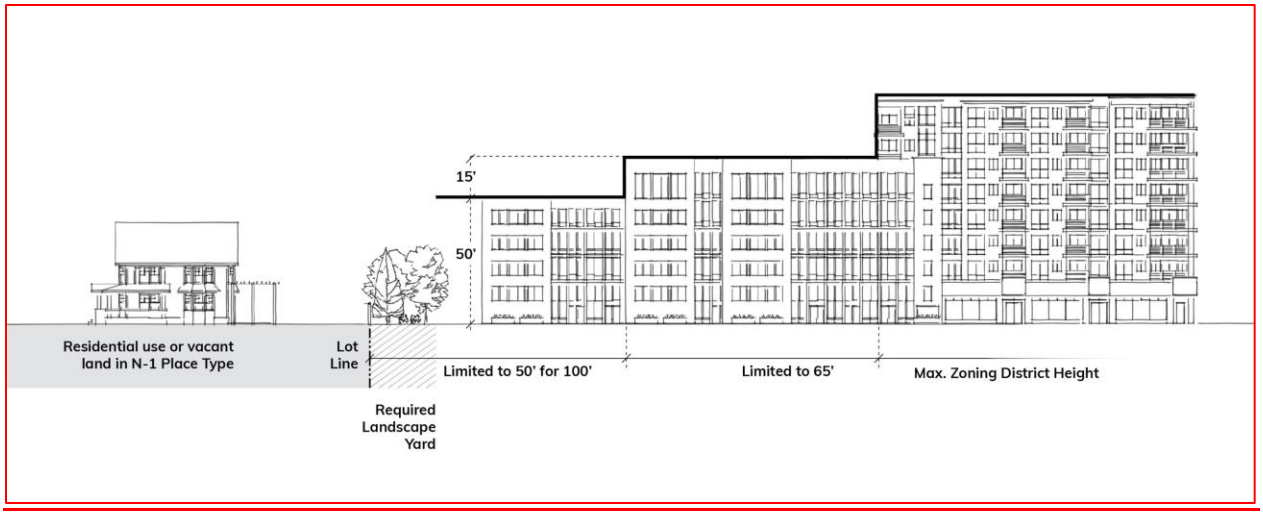
Table 13-2: Transit Oriented Development Zoning Districts Building Height Standards					
		TOD-TR	TOD-CC	TOD-NC	TOD-UC
A	**Minimum Building Height** (feet) [1]		24	24	40
B	**Maximum Building Height** (feet) [2, 3]	50	90	75	130
C	**Maximum Height with Bonus** (feet) (Section 16.3) [2, 3]	75	130	100	300 / Unlimited [4]

1 Lots of one-half acre in area or less are exempt from any applicable minimum building height requirements. Buildings of 2,000sf or less of gross floor area are exempt from any applicable minimum building height requirements.

2 The height and location of structures may be restricted by the limitations set forth in the Code of Federal Regulations (CFR) Title 14 Part 77: Safe, Efficient Use, and Preservation of the Navigable Airspace. A notice of proposed construction FAA Form 7460-1 must be filed with the FAA for construction or alteration that impacts any of the imaginary surfaces as defined in 14 CFR Part 77, or is more than 200 feet in height above the ground at its site at least 45 days prior to construction. The Aviation Department Planning Division may serve as a point of contact for information regarding building notification requirements and obstruction evaluation

3 The maximum building height of any structure within 200 ~~'~~feet of residential uses or vacant land in a Neighborhood 1 Place Type is limited as follows: That portion of a structure within the first 100 feet is limited to a maximum of 50 feet in height; that portion of a structure within 100 to 200 feet is limited to a maximum of 65 feet in height These standards apply only to that part of a structure within the 200 ~~-~~foot distance, and each portion of the building may be measured independently, from the average grade of the portion being measured to the highest point of the same portion. This limitation does not apply to public parks of three acres or greater within a Neighborhood 1 Place Type, nor to an area of two or fewer ~~adjacent~~ parcels totaling no more than three acres within a Neighborhood 1 Place Type.

4 The height limit is 300 feet~~;~~, ~~unless~~ If located within ¼ mile walking distance ~~from~~ of a rapid transit station, the maximum height with bonus is unlimited.



C. Building Articulation

Building Articulation standards govern the dimensions of building facade elements and entry features, and are intended to facilitate the enhancement of a pedestrian-oriented environment.

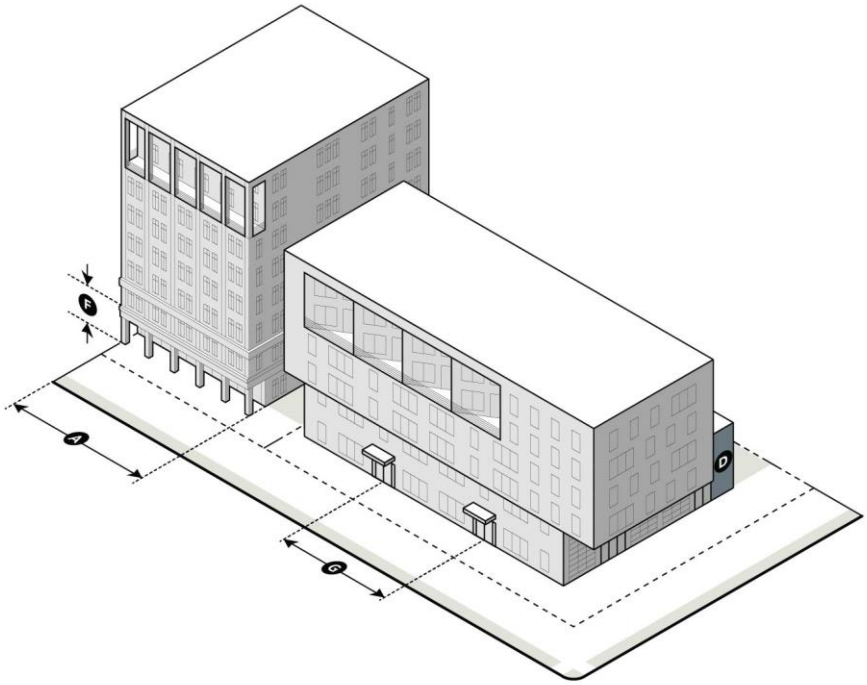


Table 13-3: Transit Oriented Development Zoning Districts Building Articulation Standards					
		TOD-TR	TOD-CC	TOD-NC	TOD-UC
A	**Minimum Building Length as a Percentage of Lot Width Along Frontage** (Measured at Frontage Setback Line) (%) [1]				
	Main Street	60	60	80	80
	4-5 Lane Avenue/Boulevard	60	60	60	60
	6 or more Lane Avenue/Boulevard	60	60	60	60
	2-3 Lane Avenue	60	60	60	60

Table 13-3: Transit Oriented Development Zoning Districts Building Articulation Standards					
		TOD-TR	TOD-CC	TOD-NC	TOD-UC
	Transit Station, Off-Street Public Path, Public Park	60	60	60	60
	Other - Primary	60	60	60	60
	Secondary	40	40	40	40
	Parkway				
	Limited Access				
B	**Maximum Building Length Along a Frontage** (feet) [2]	400	400	400	400
C	**Maximum Building Length Along a Frontage with Additional Design Elements** (feet) [2, 3]	600	600	600	600
D	**Maximum Blank Wall Area – (Ground floor and upper floor; Horizontal or Vertical)** (feet) [4]				
	Main Street	20	20	20	20
	4-5 Lane Avenue/Boulevard	20	20	20	20
	6 or more Lane Avenue/Boulevard	20	20	20	20
	2-3 Lane Avenue	20	20	20	20
	Transit Station, Off-Street Public Path, Public Park	20	20	20	20
	Other - Primary	20	20	20	20
	Secondary	35	20	20	20
	Parkway	50	50	50	50
	Limited Access	50	50	50	50
E	**Minimum Ground Floor Height – Residential** (Finished Floor Elevation to Finished Floor Elevation) (feet) [4, 5, 6, 7]				
	Main Street	16 [7,8]	16 [7,8]	16 [7,8]	16 [7,8]
	4-5 Lane Avenue/Boulevard	10	12	12	12
	6 or more Lane Avenue/Boulevard	10	10	12	12
	2-3 Lane Avenue	10	10	12	12
	Transit Station, Off-Street Public Path, Public Park	10	10	12	12
	Other - Primary	10	10	12	12
	Secondary	10	10	12	12
	Parkway (when only frontage or adjacent to shared-use path)	10	10	12	12
	Limited Access				
F	**Minimum Ground Floor Height – Nonresidential and Mixed-Use** (Finished Floor Elevation to Finished Floor Elevation) (feet) [4,5, 6,7]				
	Main Street	16 [7,8]	16 [7,8]	16 [7,8]	16 [7,8]
	4-5 Lane Avenue/Boulevard	14	16 [7,8]	16 [7,8]	16 [7,8]
	6 or more Lane Avenue/Boulevard	14	14	16 [7,8]	16 [7,8]
	2-3 Lane Avenue	14	14	16 [7,8]	16 [7,8]
	Transit Station, Off-Street Public Path, Public Park	14	14	16 [7,8]	16 [7,8]
	Other - Primary	14	14	16 [7,8]	16 [7,8]
	Secondary	14	14	16 [7,8]	16 [7,8]
	Parkway (when only frontage or adjacent to shared-use path)	14	14	16 [7,8]	16 [7,8]
	Limited Access				
G	**Maximum Prominent Entry Spacing** (feet) [4]				
	Main Street	250	250	250	250
	4-5 Lane Avenue/Boulevard	250	250	250	250
	6 or more Lane Avenue/Boulevard	250	250	250	250
	2-3 Lane Avenue	250	250	250	250
	Transit Station, Off-Street Public Path, Public Park	250	250	250	250

Table 13-3: Transit Oriented Development Zoning Districts Building Articulation Standards					
		TOD-TR	TOD-CC	TOD-NC	TOD-UC
	Other - Primary	250	250	250	250
	Secondary	250	250	250	250
	Parkway (when only frontage or adjacent to shared-use path)	250	250	250	250
	Limited Access				

1 Where a minimum building length as a percentage of lot width applies to multiple frontages, the highest frontage classification in the hierarchy (per Section 3.5.D) shall meet the established standard. In the case of a lot with two frontages, the second frontage shall only meet a standard of 40%. If there are more than two frontages subject to the standard, there is no minimum requirement for any frontage beyond the two highest frontages in the hierarchy. This requirement does not apply to Parkway or Limited Access frontages.

2 Maximum building length along a frontage does not apply to any frontage located along a Limited Access road. If any applicable minimum building length exceeds a maximum building length requirement, the maximum building length shall control.

3 To achieve maximum building length with additional design elements, the following is required:

A. Where a building abuts two parallel frontages with pedestrian facilities, or one frontage with pedestrian facilities and a parking lot, public park or other publicly owned open space on the side of the building opposite the frontage, a pedestrian passage is required. Such passage shall meet the following criteria:

1. General Requirements
   a. Passages shall be designed to accommodate pedestrians. Vehicular access and circulation shall not be allowed as a component of a passage.
   b. Passages shall be a minimum of 30 feet in width and 20 feet in height, and shall be located within the middle third of the building, measured along the frontage.
   c. Passages shall be designed to maintain views from one end through to the other. ~~Such views shall not be obstructed by lighting or other design features.~~
   d. Inclusion of decorative elements such as lighting installations or public art within passages is encouraged.
   e. Passages shall align with the street grid or other points of access to sidewalks, public paths, parking lots, public parks or other publicly owned open space where feasible.
   f. For the purposes of any build-to zone requirement, a building passage is considered part of the building façade that meets such requirement.
2. Passages in nonresidential and mixed-use buildings.
   a. Ground floor uses shall be oriented toward the passage, including public entrances.
   b. Ground floor façades facing into building passages in nonresidential and mixed-use buildings shall maintain a minimum transparency of 35% of the wall area of the passage.
3. Passages in residential buildings.
   a. Passages in residential buildings may be closed off to the public with gates and/or fencing but shall be of open design to allow for a clear view through the passage.
   b. Passages in residential buildings shall be designed with elements for use by residents, such as seating areas.
   c. Ground floor façades facing into building passages in residential buildings shall maintain a minimum transparency of 25% of the wall area of the passage.

B. Where a building does not abut two parallel frontages with pedestrian facilities, a break in the building massing is required as follows:

1. Building mass shall be recessed a minimum of 20 feet in depth for no less than 30 linear feet along the façade. Such recess shall extend the full height of the building, and shall meet the following criteria:
   a. The recess shall be located within the middle third of the building, measured along the frontage.
   b. For nonresidential and mixed-use buildings, ground floor uses shall be oriented toward the recessed area, including public entrances.
   c. The recessed area is subject to all transparency requirements.
   d. The recessed area shall be designed as public or common space including amenities such as seating areas, landscaping, lighting, decorative elements, and public art.

~~4~~ Does not apply to multi-family attached units when on sublots.

~~4~~5 The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms associated with the development are located on the ground floor.

~~5~~6 Applies only if non-convertible residential; for convertible residential, nonresidential standard applies.

~~6~~7 At least 70% of the total ground floor for nonresidential uses and 30% for residential uses, measured as a percentage of the interior space, shall meet the minimum ground floor height requirement.

~~7~~8 Minimum ground floor heights can be reduced by the Zoning Administrator if there are site constraints that would cause practical difficulty.

D. Transparency

Transparency standards govern the required amount of ground floor and upper ~~story~~ floor transparency, and are intended to facilitate the enhancement of a pedestrian-oriented environment. These standards do not apply to multi-family attached ~~townhouse~~ development when units are on sublots.

Table 13-4: Transit Oriented Development Zoning Districts Transparency Standards					
		TOD-TR	TOD-CC	TOD-NC	TOD-UC
A	**Ground Floor Transparency – Residential** (% of wall area between 3' and 10' from grade) [1, 2]				
	Main Street	25	25	25	25
	4-5 Lane Avenue/Boulevard	20	25	25	25
	6 or more Lane Avenue/Boulevard	20	25	25	25
	2-3 Lane Avenue	20	25	25	25
	Transit Station, Off-Street Public Path, Public Park	20	20	20	20
	Other - Primary	20	25	25	25
	Secondary	20	25	25	25
	Parkway	20	20	20	20
	Limited Access				
B	**Ground Floor Transparency – Nonresidential and Mixed-Use** (% of wall area between 3' and 10' from grade) [1]				
	Main Street	60	60	60	60
	4-5 Lane Avenue/Boulevard	40	50	60	60
	6 or more Lane Avenue/Boulevard	40	50	60	60
	2-3 Lane Avenue	40	50	60	60
	Transit Station, Off-Street Public Path, Public Park	40	50	60	60
	Other - Primary	40	50	60	60
	Secondary	40	50	50	50
	Parkway	30	30	30	30
	Limited Access				
C	**Upper ~~Story~~ Floor Transparency – Residential, Nonresidential, and Mixed-Use** (% of Wall Area ~~of~~ per Story)				
	Main Street	15	15	15	25
	4-5 Lane Avenue/Boulevard	15	15	15	25
	6 or more Lane Avenue/Boulevard	15	15	15	25
	2-3 Lane Avenue	15	15	15	25
	Transit Station, Off-Street Public Path, Public Park	15	15	15	25
	Other - Primary	15	15	15	25
	Secondary	15	15	15	15
	Parkway	15	15	15	15
	Limited Access				

[1] The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms associated with the development are located on the ground floor.

[2] Applies only if non-convertible residential; for convertible residential, nonresidential standard applies.

E. Site Layout Standards

1. Residential Site Layout Standards

The standards below establish site layout requirements for multi-family attached~~,~~ and multi-family stacked~~, and townhouse~~ development when allowed within the Transit Oriented Development Zoning Districts. Where standards below refer to a frontage, such standards apply to all frontages except parkways or limited access roads.

Table 13-5: Transit Oriented Development Zoning Districts Residential Site Layout Standards			
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked	~~Townhouse~~ Multi-Family Attached When Units on Sublots
The primary pedestrian entry to each principal structure shall face a frontage.		✓	
The primary pedestrian entry to each dwelling unit shall face a frontage or common open space.	✓		
Principal structures abutting a frontage shall be oriented with all building sidewalls perpendicular to the frontage. On corner lots, sidewalls may be oriented perpendicularly to either frontage.			✓

F. Building Design Standards

1. Nonresidential and Mixed-Use Building Design Standards

The following design standards apply to nonresidential and mixed-use buildings in the Transit Oriented Development Zoning Districts.

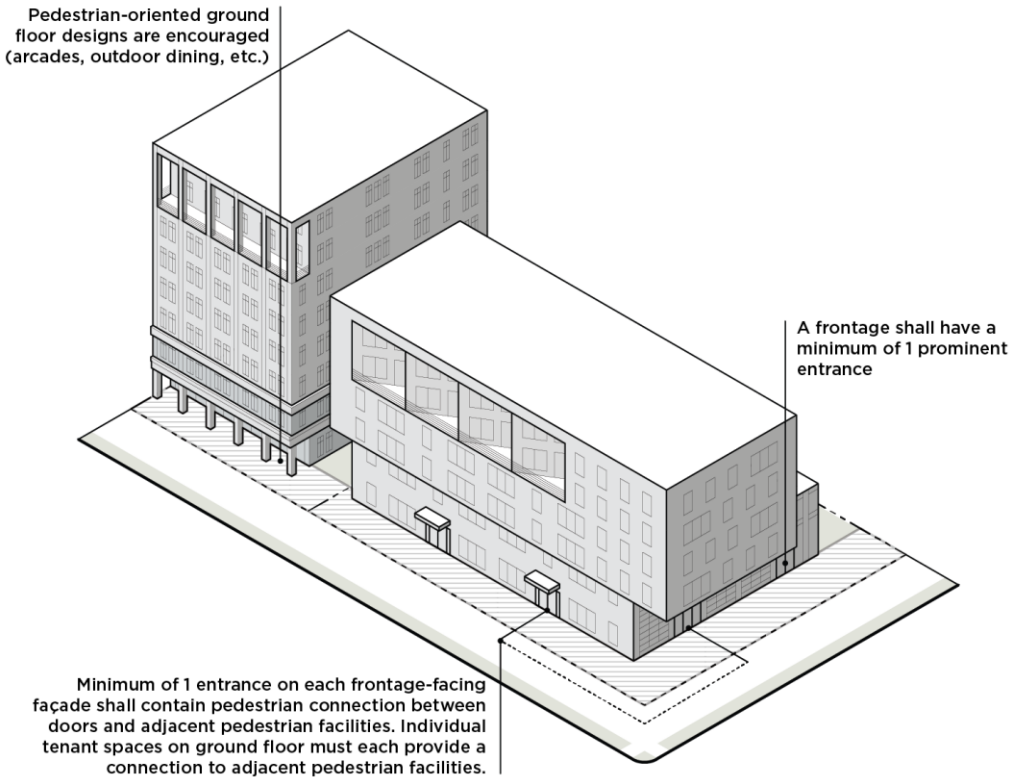


Table 13-6: Transit Oriented Development Zoning Districts Nonresidential and Mixed-Use Building Design Standards				
	TOD-TR	TOD-CC	TOD-NC	TOD-UC
Building Base and Entrance Design				
For buildings over 90' in height, the base of the building shall be clearly differentiated from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. 1. This differentiation shall occur somewhere within the bottom third of the building, but no higher than 50' above grade. 2. Elements such as, but not limited to, cornices, corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting, and other sculpturing of the base shall be provided to clearly differentiate the base from the remainder of the building.				
Main Street	✓	✓	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓	✓	✓
2-3 Lane Avenue	✓	✓	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓	✓	✓
Other - Primary	✓	✓	✓	✓
Secondary	✓	✓	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓	✓	✓
Limited Access				
A frontage shall have a minimum of one prominent entrance, as defined in this Ordinance. In the case of a building located on a corner lot with two frontages, one prominent entrance located on the corner may satisfy this requirement for both frontages, subject to the following: 1. Each frontage shall not require more than one prominent entry. 2. A prominent corner entry shall include design features that reinforce intersections as key locations for pedestrian activity. Two of the following shall be included: a. A chamfered or rounded corner design. b. Awnings, canopies, or other covered entry features. c. Special paving, landscape, or lighting features. d. Unique architectural detailing that emphasizes the corner entry.				
Main Street	✓	✓	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓	✓	✓
2-3 Lane Avenue	✓	✓	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓	✓	✓
Other - Primary	✓	✓	✓	✓
Secondary	✓	✓	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓	✓	✓
Limited Access				
A minimum of one ground floor entrance along each frontage facing facade, except for a Limited Access frontage, shall include a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]				
Main Street	✓	✓	✓	
4-5 Lane Avenue/Boulevard	✓	✓	✓	
6 or more Lane Avenue/Boulevard	✓	✓	✓	
2-3 Lane Avenue	✓	✓	✓	
Transit Station, Off-Street Public Path, Public Park	✓	✓	✓	
Other - Primary	✓	✓	✓	

Table 13-6: Transit Oriented Development Zoning Districts Nonresidential and Mixed-Use Building Design Standards				
	TOD-TR	TOD-CC	TOD-NC	TOD-UC
Secondary	✓	✓	✓	
Parkway (when only frontage or adjacent to shared-use path)	✓	✓	✓	
Limited Access				
All ground floor entrances along each frontage facing facade, except for a Limited Access frontage, shall include a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]				
Main Street				✓
4-5 Lane Avenue/Boulevard				✓
6 or more Lane Avenue/Boulevard				✓
2-3 Lane Avenue				✓
Transit Station, Off-Street Public Path, Public Park				✓
Other - Primary				✓
Secondary				✓
Parkway (when only frontage or adjacent to shared-use path)				✓
Limited Access				
Where a building contains multiple tenant spaces on the ground floor abutting a frontage, each tenant space shall have a prominent entrance including a pedestrian connection between doors and adjacent pedestrian facilities, where such facilities are present or are required by this Ordinance. [1]				
Main Street	✓	✓	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓	✓	✓
2-3 Lane Avenue	✓	✓	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓	✓	✓
Other - Primary	✓	✓	✓	✓
Secondary	✓	✓	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓	✓	✓
Limited Access				
One prominent entrance ~~at grade~~on the ground floor is required per building on a site.	✓	✓	✓	✓
Pedestrian-oriented ground-floor designs are encouraged, including arcades, galleries, colonnades, outdoor dining areas, and outdoor plazas. When integrated into the overall building design, such features are considered to meet any required build-to percentage.				
Main Street	✓	✓	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓	✓	✓
2-3 Lane Avenue	✓	✓	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓	✓	✓
Other - Primary	✓	✓	✓	✓
Secondary	✓	✓	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓	✓	✓
Limited Access				

[1] The Zoning Administrator may waive this requirement if they determine that the nature of the use does not require such pedestrian connections, for example warehouse and distribution centers, airports, truck and rail freight terminals, and other similar uses.

2. Residential Building Design Standards

The following design standards apply to multi-family attached when units not on sublots and multi-family stacked development in the Transit Oriented Development Zoning Districts.

Table 13-7: Transit Oriented Development Zoning Districts Residential Building Design Standards		
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked
Facade Modulation		
Structures shall incorporate elements of variation on any façade facing a frontage, public open space, or common open space. Variation shall be achieved as follows: 1. For multi-family attached dwellings when units are not on sublots, one of the following shall be incorporated into the design of the structure: a. Variation in the façade depth of adjoining dwelling units of at least 3'. Such variation shall extend the entire height of the façade. b. Architectural features, such as balconies, bay windows, or other elements along the façade of each dwelling unit, subject to the standards of Article 18. 2. For multi-family stacked dwellings 150' or more in length, recesses or projections of the façade of at least 1' in depth, and no less than 10' in width are required at intervals of no more than 60 feet.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
Building Base and Entrance Design		
The primary pedestrian entry shall be a prominent entrance along a frontage as defined by this Ordinance. In the case of a building with multiple exterior entrances to individual units within the structure, this requirement applies to all exterior entrances along a frontage.		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
All ground floor entrances to individual units on a frontage with a sidewalk shall be between 1' and 5' above the grade of the adjacent sidewalk when located within 10' of the back of sidewalk. Residential units located below the grade of the adjacent sidewalk are permitted to have below-grade entrances, which shall be between 1' and 3' below the grade of the adjacent sidewalk. [1]		
Main Street	✓	✓
4-5 Lane Avenue/Boulevard	✓	✓
6 or more Lane Avenue/Boulevard	✓	✓
2-3 Lane Avenue	✓	✓
Transit Station, Off-Street Public Path, Public Park	✓	✓

Table 13-7: Transit Oriented Development Zoning Districts Residential Building Design Standards		
	Multi-Family Attached When Units Not on Sublots	Multi-Family Stacked
Other - Primary	✓	✓
Secondary	✓	✓
Parkway (when only frontage or adjacent to shared-use path)	✓	✓
Limited Access		
Arcades, galleries, colonnades, outdoor plazas, outdoor dining areas, or similar pedestrian-oriented ground floor designs may be incorporated into facades. When provided, such features that are in line with the building facade above the ground floor are considered to meet any required build-to percentage.		
Main Street		✓
4-5 Lane Avenue/Boulevard		✓
6 or more Lane Avenue/Boulevard		✓
2-3 Lane Avenue		✓
Transit Station, Off-Street Public Path, Public Park		✓
Other - Primary		✓
Secondary		✓
Parkway (when only frontage or adjacent to shared-use path)		✓
Limited Access		

[1] Zoning Administrator may allow adjustments to standards if adjacent average sidewalk grade is greater than 10% or to comply with federal and state law.

G. Building Materials

The following building materials are limited to 25% of each façade along a frontage. They may also be used as a component of construction when not a surface finish material without limitation. These restrictions do not apply to multi-family attached dwellings when units are on sublots.

1. Corrugated metal siding; however, the reuse of pre-fabricated shipping containers is permitted and is not subject to this limitation, subject to compliance with the building code and other applicable codes

2. Exterior insulation finishing systems (EIFS) is prohibited on the ground floor of a multi-family dwelling (the 25% permission in item 1 above does not apply). This does not apply to multi-family attached dwellings when units on sublots.

3. Plain concrete masonry units (CMU)

4. Plastic

5. T-111 composite plywood siding

6. Vinyl

13.4 OPEN SPACE REQUIREMENTS

A. New construction of a principal building and expansion of a principal building by 5,000 square feet or 20% of the building area, whichever is less, is required to provide on-site open space, except for development on sites of one-half acre or less in size.

B. The design of open space shall meet the design requirements of Section 16.5.

C. Development shall provide a minimum of on-site open space as follows:

~~Table 11.1: Required Open Space~~				
	~~TOD-TR~~	~~TOD-CC~~	~~TOD-NC~~	~~TOD-UC~~
~~Total On-Site Open Space~~	~~10%~~	~~10%~~	~~10%~~	~~5%~~
~~Public On-Site Open Space (% of Total On-Site Open Space)~~				
~~*Commercial Development*~~	~~50~~	~~50~~	~~50~~	~~50~~
~~*Mixed-Use Development*~~	~~25~~	~~25~~	~~25~~	~~25~~

Table 13-8: Required Open Space				
	TOD-TR	TOD-CC	TOD-NC	TOD-UC
Total On-Site Open Space	Development shall provide a minimum of **10%** on-site open space.			Development shall provide a minimum of **5%** on-site open space.
Public On-Site Open Space (% of Total On-Site Open Space)				
Commercial Development	A minimum of 50% of the on-site open space shall be public open space for commercial developments.			
Mixed-Use Development[1]	A minimum of 25% of the on-site open space shall be public open space for mixed-use developments.			

[1] For the purposes of required public on-site open space a development shall be considered mixed-use when no more than 25% of the ground floor area is nonresidential.

D. Residential on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

E. Nonresidential and mixed-use on-site open space may be provided as land dedicated to Mecklenburg County Park and Recreation, a fee-in-lieu provided to Mecklenburg County Park and Recreation, or a combination thereof in accordance with the requirements of Section 16.5.

13.5 ON-SITE PEDESTRIAN CONNECTIVITY REQUIREMENTS

Standards for required on-site pedestrian connectivity are found in Section 16.6.

13.6 GENERAL DEVELOPMENT STANDARDS

A. General Development Standards
General development standards are found in Article 16.

B. Accessory Structures
Standards for accessory structures are found in Article 17.

C. Architectural Features
Standards for architectural features are found in Article 18.

D. Off-Street Parking
Standards for off-street parking and bicycle parking are found in Article 19.

E. Landscaping and Screening
Landscaping and screening standards are found in Article 20.

F. Loading and Service
Standards for loading spaces and service areas are found in Article 21.

G. Signs
Standards for signs are found in Article 22.

H. Drainage
Standards for drainage are found in Article 24.

Article 14. Special Purpose & Overlay Zoning Districts

14.1 HDO HISTORIC DISTRICT OVERLAY
14.2 HDO-S STREETSIDE HISTORIC DISTRICT OVERLAY
14.3 NCO NEIGHBORHOOD CHARACTER OVERLAY
14.4 RIO RESIDENTIAL INFILL OVERLAY
14.5 CCO COTTAGE COURT OVERLAY
14.6 MHO MANUFACTURED HOME OVERLAY
14.7 MHP MANUFACTURED HOME PARK ZONING DISTRICT
14.8 ANDO AIRPORT NOISE DISCLOSURE OVERLAY DISTRICT

14.1 HDO HISTORIC DISTRICT OVERLAY

A. Purpose

The purpose of the HDO Historic District Overlay is to establish local historic districts to encourage the restoration, preservation, rehabilitation, and conservation of historically, architecturally, and archaeologically significant areas, structures, buildings, sites, and objects and their surroundings from potentially adverse influences which may cause the decline, decay, or total destruction of important historical, architectural, and archaeological features, which are a part of the City's heritage, and to review new construction design to ensure compatibility with the character of the district.

B. Applicability

The HDO Historic District Overlay is applied as an overlay zoning district which will supersede other zoning districts with respect to compatibility, context, and appropriateness of exterior features as described in item E below within a designated local historic district. An HDO Historic District Overlay cannot be applied in combination with any of the following: HDO-S Streetside Historic District Overlay, NCO Neighborhood Character Overlay, and RIO Residential Infill Overlay.

C. Designation

1. Historic District Overlays shall consist of areas that are deemed to be of special significance in terms of their history, architecture and/or culture and to possess integrity of design, setting, materials, feeling and association. The area, buildings, structures, sites, or objects shall be significant elements of the cultural, social, economic, political, or architectural history of the City or of the archaeological history or prehistory of the City and the conservation of such a district will provide for the education, pleasure, and enhancement of the quality of life of all residents of the City.

2. The Historic District Commission (HDC) shall make an investigation and report on the historical, architectural, or archaeological significance of the buildings, structures, features, sites, objects, or surroundings included in a proposed district, and prepare a description of the boundaries of the district.

3. The North Carolina Department of Natural and Cultural Resources, or an agent or employee designated by its Secretary, shall make an analysis of, and recommendations concerning, this report and description of proposed boundaries in accordance with state law. Failure of the Department to submit its written analysis and recommendations to the City Council within 30 calendar days after a written request for such analysis has been mailed to the Department shall relieve the City of any responsibility for awaiting such an analysis, and the City Council may at any time thereafter take any necessary action.

4. With respect to any changes in the boundaries of such district subsequent to its initial establishment or the creation of additional districts within the City, the investigative studies and reports shall be prepared by the Historic District Commission. Changes in the boundaries of an initial district or proposals for additional districts shall also be submitted to the Department of Natural and Cultural Resources in accordance with the provisions stated above.

5. The City Council shall designate the boundaries of a new HDO or change in boundary to an HDO in accordance with procedures set forth in Section 37.2 for amending the Zoning Map.

D. Certificate of Appropriateness Required

1. No exterior portion of any building or other structure, including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features, above-ground utility structures, any type of outdoor advertising sign, or important landscape and natural features may be erected, altered, restored, moved, or demolished within an HDO until after the property owner, or his/her designated agent, has contacted the Historic District Commission staff to determine whether the project will require a Certificate of Appropriateness (COA).

2. When a Certificate of Appropriateness is required, an application for a Certificate of Appropriateness shall be submitted and work may not begin until the Certificate of Appropriateness has been issued. A Certificate of Appropriateness shall be issued by the Historic District Commission prior to the issuance of a building permit or other permit granted, for the purposes of constructing, altering, moving, or demolishing structures. A Certificate of Appropriateness is required whether or not a building permit is required.

E. Exterior Features

Exterior features include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, exterior features mean the style, material, size, and location of all such signs. Exterior features may also include color and important landscape and natural features of the area.

F. Minor Works

The Historic District Commission has the authority to delegate to their professional staff approval of certain types of minor works consistent with the detailed standards approved by the Historic District Commission. Minor works do not involve substantial alterations, additions, or removals that could impair the integrity of the property and/or the district as a whole or would be incongruous with the special character of the district. Staff shall not deny a request for a Certificate of Appropriateness. All applications where it cannot be determined that the action is a minor work or where the application may be incongruous with the special character of the district shall be submitted to the Historic District Commission.

G. Interior Arrangement

The Historic District Commission has no jurisdiction over interior spaces, unless the arrangement of interior features directly affects the integrity of the exterior of the property and, therefore, would be incongruous with the special character of the district as a whole.

H. Ordinary Maintenance and Emergency Repair

Nothing in these provisions shall be construed to prevent the ordinary maintenance, repair, or removal of any exterior feature in a historic district which does not involve a change in design, material, or outer appearance nor to prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature that a Building Inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition. In the event of an emergency, Historic District Commission staff may authorize the immediate restoration of any exterior feature to pre-disaster conditions. Historic District Commission staff shall be consulted and/or the feature shall be well documented photographically and such documentation shall be made available to the Historic District Commission for its files, if appropriate.

I. Restoration or Repair of Historic Features

The Zoning Administrator in consultation with the Historic District Commission Administrator may administratively approve the restoration or replacement of an historic feature necessitated in the Secretary of the Interior's Standards for the Treatment of Historic Properties as defined by the National Park Service (Secretary's Standards) if the feature would encroach into a required setback or required landscape yard that is not permitted by this Ordinance. Restoration or replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

J. Demolition or Removal

1. After the designation of a historic district, no building or structure located in that district shall be demolished or otherwise removed until the owner of the property has applied for a Certificate of Appropriateness for demolition or removal. If the Historic District Commission determines that the property does not have special significance and value toward maintaining the character of the historic district because of age, architectural style, associative history, designation as a local historic landmark, listed as a contributing building in ~~a~~ the National Register of Historic Places, or structural condition, the Historic District Commission may grant a Certificate of Appropriateness for the immediate demolition or removal of the property.

2. If the property is determined by the Historic District Commission to have special significance and value toward maintaining the character of the district, the Historic District Commission may delay demolition or removal for no more than 365 days from the date of the approval. During this 365 day period, the Historic District Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building.

3. An application for a Certificate of Appropriateness authorizing the demolition of a building, structure, or site within the district may not be denied. The maximum period of delay authorized by this section shall be reduced by the Historic District Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. If the Historic District Commission finds that the building has no particular significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

4. If the Commission has voted to recommend designation of an area as an Historic District and final designation has not been made by City Council, the demolition or destruction of any building, site, or structure located in the proposed district may be delayed by the HDC for a period of up to 180 days or until City Council takes final action on the designation, whichever occurs first. Should City Council approve the designation prior to the expiration of the 180 day delay period, an application for a Certificate of Appropriateness for demolition shall then be filed. The maximum period of delay for a Certificate of Appropriateness for demolition shall be reduced by the HDC by the period of delay while the designation was pending.

K. Compliance with Other Applicable Laws

If site plans have been submitted that are not in compliance with this Ordinance or other identified state or local laws, then the Certificate of Appropriateness or any permits or certificates issued by the City may be revoked.
An applicant shall submit site plans that are in compliance with this Ordinance and with any other state or local laws designated by the Historic District Commission. If the Historic District Commission staff or the Historic District Commission determines that submitted site plans are not in compliance with this Ordinance or other state or local laws designated by the Historic District Commission, then the Historic District Commission staff or Historic District Commission shall not be required to proceed to review the application for the Certificate of Appropriateness until site plans have been submitted that are in accordance with this Ordinance and applicable state or local laws. If site plans have been submitted that are not in compliance with this Ordinance or other identified state or local laws, then the Certificate of Appropriateness or any permits or certificates issued by the City may be revoked.

L. Certificate of Appropriateness

1. Jurisdiction

The Historic District Commission has jurisdiction over the review, approval, and issuance of Certificates of Appropriateness for the exterior features of all properties and for the demolition or removal of any building or structure within a historic district as per this Section 14.1.

2. Review Standards

a. In considering an application for a Certificate of Appropriateness, the Historic District Commission shall first determine that the project is congruous with the special character of the historic district in terms of size, scale, and massing, as well as maintaining a pedestrian scale and orientation.

b. The Historic District Commission shall apply the Secretary of Interior's Standards for Rehabilitation (See 36 Code of Federal Regulations Section 67.7). (Hereinafter: Secretary's Standards), and the Historic District Design Standards adopted by the Historic District Commission. Approval of a Certificate of Appropriateness by the Historic District Commission should not be interpreted as approval for any other process, such as state or federal tax incentives.

3. Application

The applicant has the responsibility to submit an application for a Certificate of Appropriateness that is accurate, complete, and accompanied by sufficient information to fully depict the proposed development, alteration, rehabilitation, relocation, restoration, or demolition. A fee, as applicable, shall be provided to the Historic District Commission staff. If the applicant fails to submit a complete application and any required fee, then the application shall not be submitted for review to the Historic District Commission until the deficient requirements have been met to the satisfaction of the Historic District Commission staff.

4. Submission of Site Plan Compliance

An applicant shall submit site plans that are in compliance with this Ordinance and with any other local or State laws designated by the Historic District Commission. If the Historic District Commission staff or the Historic District Commission determines that submitted site plans are not in compliance with this Ordinance or other State or local laws designated by the Historic District Commission, then the Historic District Commission staff or Historic District Commission shall not be required to proceed to review the application for the Certificate of Appropriateness until site plans have been submitted that are in accordance with this Ordinance and applicable state or local laws.

5. Evidentiary Hearing Notice

The Historic District Commission staff shall follow the requirements for evidentiary hearing notice in Section 37.8.A.9 to inform the applicant, property owner if different from the applicant, and abutting property owners prior to the hearing.

6. Procedure

a. Prior to Evidentiary Hearing

i. All properly filed applications for a Certificate of Appropriateness shall be reviewed and acted upon within a reasonable time, not to exceed 180 days from the date the application is filed. An application is considered filed when accepted by the HDC at the initial public hearing.

ii. Staff may transmit all applications, analyses, reports, and written materials prior to the hearing, in written or electronic form, at the same time to the Historic District Commission, the applicant, and the property owner, if the property owner is not the applicant.

b. Evidentiary Hearing

i. The Historic District Commission evidentiary hearing shall follow its adopted Rules of Procedure and the quasi-judicial procedures and decision requirements of Section 37.8.A.11 and 37.8.A.12.

ii. Prior to issuance or denial of the Certificate of Appropriateness by the Historic District Commission, the applicant and persons of standing shall have the right to participate as a party at the hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Commission.

iii. All meetings of the Historic District Commission shall be open to the public in accordance with the North Carolina open meetings law.

iv. In all proceedings or public hearings before the Historic District Commission with regard to an application for a Certificate of Appropriateness, the burden of providing competent, material, and substantial evidence is upon the applicant and if the applicant fails to do so, the Historic District Commission shall deny the Certificate of Appropriateness.

v. Notwithstanding other provisions of this Ordinance, the Historic District Commission may require additional evidence or memoranda of authority to be submitted and may take the matter under advisement until such evidence or memoranda has been submitted and considered up to the 180 day limit.

7. Duration of Certificate of Appropriateness

a. A Certificate of Appropriateness shall be valid for 12 months from the date of issuance.

b. If a building permit is required, failure to procure a building permit within 12 months from the date of issuance shall be considered a failure to comply with the Certificate of Appropriateness and the Certificate of Appropriateness shall expire. The Certificate of Appropriateness may be renewed for an additional 12 months by staff upon written request of the applicant, before the permit expires in order to procure a building permit.

c. If a building permit is not required, the approved work shall be completed within 12 months from the date of issuance. The Certificate of Appropriateness may be renewed for an additional 12 months by staff upon written request of the applicant before the Certificate of Appropriateness expires.

d. No work authorized by any Certificate of Appropriateness that has expired shall thereafter be performed until a new Certificate of Appropriateness has been secured. To secure a new Certificate of Appropriateness, a new application shall be submitted to the Historic District Commission.

M. Appeals

1. An appeal in the nature of certiorari may be taken by any aggrieved party to the Mecklenburg County Superior Court ~~t~~ from the Historic District Commission's action granting or denying the Certificate of Appropriateness pursuant to N.C.G.S. § 160D-1402, or as amended.

2. Pursuant to N.C.G.S. § 160D-406(~~bk~~) the decision of the Historic District Commission shall be provided by personal delivery, email, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. Appeals shall be in accordance with N.C.G.S. § 160D-1405(d), or as amended. The staff member required to provide notice shall certify to the City that proper notice has been made. When first-class mail is used to deliver the notice, three days shall be added to the time to file the petition.

3. If a petition for review pursuant to N.C.G.S. § 160D-406(k) is filed, then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the clerk of the Historic District Commission for the preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the City shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed. ~~If any party contemplates an appeal to a court of law, the party shall request and obtain, at that party's own costs, a transcript of the proceedings.~~

N. Violations and Enforcement

The Zoning Administrator enforces Section 14.1 in accordance with Section 39.2.L. Failure to comply with these provisions constitutes a violation subject to enforcement action. Violations include but are not limited to:

1. Performing any work (including erecting, altering, restoring, moving, and/or demolishing any building, structure, private street, private sidewalk, site area or object) that requires a Certificate of Appropriateness without first obtaining a Certificate of Appropriateness.

2. A Certificate of Appropriateness is denied and the project is carried out in defiance of the denial.

3. Work is approved and a Certificate of Appropriateness is issued and the work is carried out in a manner inconsistent with the approval.

O. Notices of Violation

The Zoning Administrator enforces Section 14.1, in accordance with Section 39.2.L.2.

1. Upon recognition of a violation, a notice of violation will be issued by the Zoning Administrator to the property owner. A notice of violation shall identify the nature of the violation, contain the address or other description of the site upon which the violation occurred or is occurring, and shall set forth the measures necessary to achieve compliance with this Ordinance. The notice shall inform the property owner whether a civil penalty shall be assessed or shall specify a date by which the property owner shall comply. If a violation

continues or is not corrected within the time specified in the notification, appropriate action may be taken to correct and abate the violation and will subject that property owner to civil penalties and other authorized enforcement action. Each day's continuing violation shall be a separate and distinct offense and may be subject to any one, all, or a combination of the remedies authorized and prescribed by this Ordinance in accordance with Section 39.2.C.

2. The notice of violation shall be delivered to the property owner or person in control of the land, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the City that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

3. The property owner will have 30 days to either correct the violation or appeal the citation to the UDO Board of Adjustment through the Board's appeal procedure. If the property owner corrects the violation, no further action will be taken. If the property owner, in the opinion the Historic District Commission staff, is making a good faith effort to bring the violation into compliance, further enforcement action can be held in abeyance as long as that effort is continuing.

4. A notice of violation may be appealed. An appeal stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal.

P. Citations and Penalties

The Zoning Administrator is authorized to issue citations and penalties, in accordance with Section 39.2.L.3.

Q. Civil Judicial Remedies

Civil judicial remedies are provided in accordance with Section 39.2.L.4.

R. Other Remedies.

1. Subject to the provisions of the development regulation, any development regulation may be enforced by any remedy provided by N.C.G.S. § 160A-175.

2. If any building, structure, site, area, or object designated as a historic landmark or located within a designated historic district is about to be demolished whether as the result of deliberate neglect or otherwise, materially altered, remodeled, removed, or destroyed, except in compliance with the development regulations in Section 14.1, or other provisions of this Ordinance, the City, the Historic District Commission, or other party aggrieved by such action may institute any appropriate action or proceedings to prevent such unlawful demolition, destruction, material alteration, remodeling, or removal, to restrain, correct, or abate such violation, or to prevent any illegal act or conduct with respect to such building, structure, site, area, or object. Such remedies shall be in addition to any others authorized by the City for a violation of the Ordinance.

S. Revocation of Building Permit

1. The Mecklenburg County Land Use and Environmental Services Agency, on its own authority or as directed by the Planning Director, shall revoke and require the return of any building permit by notifying the permit holder in writing stating the reason for the revocation. The revocation process shall follow the same review and approval process required for issuance of the permit. The revocation of a permit by administrative staff may be appealed in accordance with Section 37.8.B.

2. Building permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of a Certificate of Appropriateness, or any applicable State or local laws; or for false statements or misrepresentations made in securing the permit. Any building permit mistakenly issued in violation of an applicable State or local law may also be revoked.

3. If a Certificate of Appropriateness is required and has not been issued, then a building permit shall not be issued.

T. Denial or Revocation of Certificate of Compliance and Occupancy

1. Denial of Issuance

As stated in the Mecklenburg County Building Ordinance, Certificates of Compliance and Occupancy, the Mecklenburg County Land Use and Environmental Services Agency, on its own authority or as directed by the

Planning Director, shall not issue a Certificate of Occupancy or Certificate of Compliance unless there has been compliance with any Certificate of Appropriateness issued by the Historic District Commission. Compliance with a Certificate of Appropriateness shall include, but not be limited to, meeting all the requirements of the Certificate of Appropriateness, and in not doing any act that would have required a Certificate of Appropriateness.

2. Revocation

Further, pursuant to Mecklenburg County Building Ordinance, Revocation of Permits or Certificates, any permit for a Certificate of Occupancy or Certificate of Compliance issued by the Mecklenburg County Land Use and Environmental Services Agency, in violation of any of the Historic District provisions, stated herein, may be revoked by the Mecklenburg County Land Use and Environmental Services Agency, on its own authority or as directed by the Planning Director. Revocation requires written notification to the holder of the permit or certificate stating the reason for the revocation.

14.2 HDO-S STREETSIDE HISTORIC DISTRICT OVERLAY

A. Purpose

The purpose of the HDO-S Historic District Overlay Streetside is to provide for protection of the traditional development patterns of an area and to encourage the restoration, preservation, rehabilitation, and conservation of its historic structures, buildings, sites, and objects that are deemed to be of special significance. The focus is on maintaining an area's character and on preserving those key character-defining features of individual historic resources within the district, as viewed from the street right-of-way, excluding alleys. The HDO-S regulations are intended to:

1. To promote the preservation and continued use of areas that contain a number historic structures, buildings, sites, and objects of historic significance.

2. To preserve the integrity of historically significant resources found in the area by protecting against potentially adverse influences which may cause the decline, decay, or total destruction of important historical, architectural, and archaeological features, which are a part of the City's heritage.

3. To support sustainability by reusing existing built resources.

4. To ensure that new construction is compatible with the broader characteristics of the historic context of area, as viewed from the street.

B. Applicability

1. The HDO-S Historic District Overlay-Streetside is applied as an overlay zoning district which will supersede other zoning districts with respect to compatibility, context, and appropriateness of exterior features as described in Section 14.1.E within a designated local historic district.

2. The provisions of Sections 14.1.C through 14.1.L, the Historic District Overlay (HDO), govern the administration of a HDO-S. The violation and enforcement provisions of Sections 14.2.C through 14.2.J apply only to the following areas within the boundaries of each HDO-S:

a. The public right-of-way for primary and side streets, excluding alleys.

b. The first 50% of the depth, as measured from the heated thermal wall, of any existing principal building adjacent to a public right-of-way, excepting corner lots, which are subject to review of the entirety of the lot.

c. The lot area between the public right-of-way and the first 50% of the depth, as measured from the heated thermal wall, of any existing principal building.

d. 50% of the depth of the lot area adjacent to the public right-of-way for vacant lots excepting corner lots, which are subject to review of the entirety of the lot.

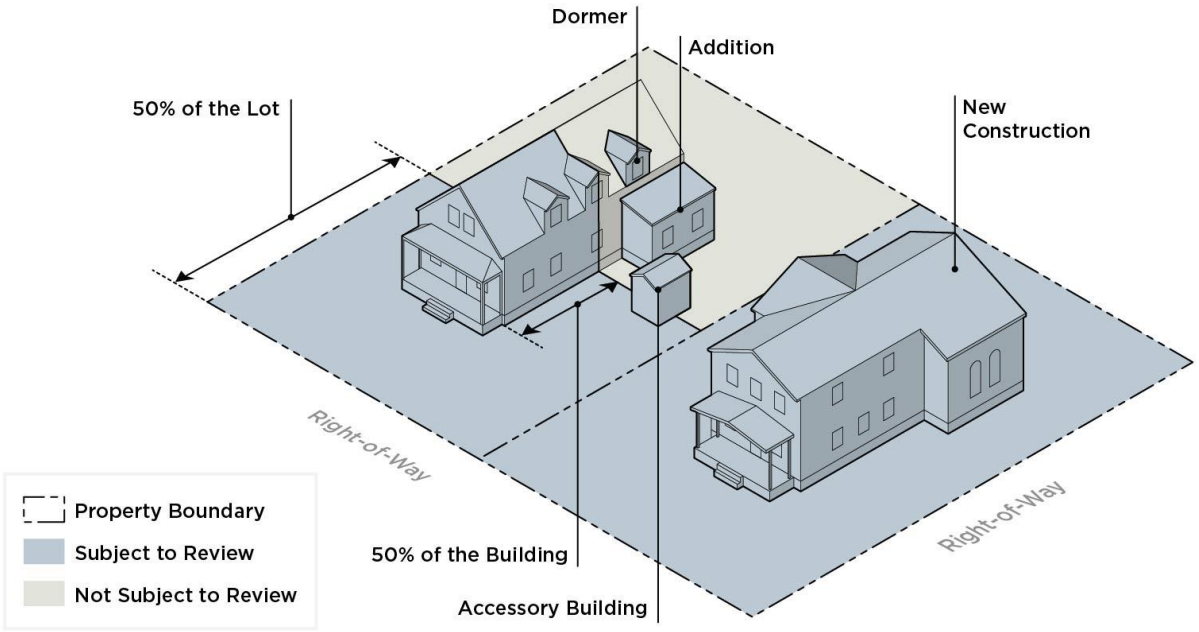
e. Any addition to a building or structure that projects beyond an existing building's maximum front and side wall or alters, above the existing eave line, the height or shape of the roof regardless of distance from the public right-of-way.

f. The entirety of any new principal accessory building construction on a vacant lot.

g. The entirety of any new accessory building construction located in whole or in part in areas outlined in items b through d above.

h. The entirety of any Historic Landmark and its designated boundary area that may be located within an HDO-S.

ILLUSTRATION OF APPLICABILITY (SECTION 14.2.B.2)



3. An HDO-S Streetside Historic District Overlay cannot be applied in combination with any of the following: HDO Historic District Overlay, NCO Neighborhood Character Overlay, and RIO Residential Infill Overlay.

C. Appeals
The appeal regulations in Section 14.1.M shall apply in the HDO-S Overlay District.

D. Violations and Enforcement
The Zoning Administrator enforces Section 14.2 in accordance with Section 39.2.L.

E. Notices of Violation
The Zoning Administrator enforces Section 14.2 in accordance with Section 39.2.L.2.

F. Citations and Penalties
The Zoning Administrator is authorized to issue citations and penalties, in accordance with Section 39.2.L.3.

G. Civil Judicial Remedies
Civil judicial remedies provided in Section 39.2.L.4 are available and shall apply in the HDO-S Overlay District.

H. Other Remedies
The other remedies provided in Section 14.1.R are available and shall apply in the HDO-S Overlay District.

I. Revocation of Building Permit
Building permits may be revoked in accordance with Section 14.1.S.

J. Denial or Revocation of Certificate of Compliance and Occupancy
A certificate of compliance and/or a certificate of occupancy may be denied or revoked in accordance with Section 14.1.T.

14.3 NCO NEIGHBORHOOD CHARACTER OVERLAY

A. Purpose

The NCO Neighborhood Character Overlay establishes regulations to preserve the existing character of a neighborhood and enhance its unique natural and architectural resources, while helping to foster compatible development within neighborhoods. The overlay district regulations are intended to:

1. Encourage development and redevelopment that is consistent with a neighborhood's character.

2. Provide a means to modify zoning district regulations and establish standards for specific neighborhoods of the City to manage growth and redevelopment, and to ensure compatible neighborhood development.

3. Create a transition between locally designated historic landmark properties and/or locally designated historic districts and residential areas.

B. Applicability

1. An NCO District may only be applied to a N1-A, N1-B, N1-C, N1-D, or N1-E Zoning District.

2. An NCO District cannot modify any standards located within existing declarations of covenants and restrictions.

3. Once the NCO District is established, the standards of the Neighborhood Character Plan apply to single-family, duplex, and triplex dwellings within the NCO District and control over those of the underlying zoning district.

4. All new construction, additions, changes, expansions, and alterations to existing single-family, duplex, and triplex dwellings shall comply with the standards of the Neighborhood Character Plan that has been adopted with the NCO District.

5. A NCO Neighborhood Character Overlay cannot be applied in combination with any of the following: HDO Historic District Overlay, HDO-S Streetside Historic District Overlay, and RIO Residential Infill Overlay.

C. Eligibility

1. A majority of properties in an NCO District shall share one or more of the following criteria, thereby creating a cohesive and distinctive setting, character, or association:

a. Consistency in scale, proportion, and rhythm. This includes similarities in features such as lot width, building height, and front façade width, as well as the relationship of building massing and spacing as established by setbacks and placement of structures on the lot.

b. Similarity in existing streetscape characteristics or tree canopy.

c. Similarity in arrangement of on-site elements such as vehicle parking and accessory structures.

2. In addition to item 1 above, an NCO District shall meet the following standards:

a. The designated area shall be a minimum of 15 contiguous acres.

b. Where a lot is included in an NCO District, all lots on the same blockface shall be included.

c. The general pattern of development, including streets, lots, and buildings, for the proposed overlay district was established at least 25 years prior to the date of consideration of the NCO District designation.

d. A minimum of 75% of the lots within the proposed NCO District are developed.

D. Standards for NCO Districts

1. Residential Development Standards: Single-Family, Duplex, and Triplex

The following standards may be included in an NCO District Neighborhood Character Plan. Where no standards are specified in the Neighborhood Character Plan, those of the underlying district apply.

a. Minimum and/or maximum lot width or lot frontage

b. Minimum and/or maximum setbacks

c. Maximum height for principal and accessory buildings

d. Maximum building coverage

e. Surface parking (total square footage and location)

f. Tree planting/protection standards that exceed the requirements in Article 20.

2. Residential Development Standards: All Other Dwellings

Residential dwellings allowed by the district outside of those in item 1 are exempt from NCO District standards and are subject to those of the underlying district.

3. Nonresidential Development Standards

Nonresidential development allowed by the district are exempt from NCO District standards and are subject to those of the underlying district.

4. Uses

The uses allowed in the underlying zoning district apply.

E. Initiation of Neighborhood Character Plan

1. Establishment

a. Request to Initiate Neighborhood Character Plan Process

A request may be initiated in one of the following ways:

i. By a petition provided to the Planning Department signed by property owner(s) representing at least 25% of the land area and at least 25% of the lots within the proposed district; or

ii. By a majority vote of the City Council.

2. Determination of Eligibility

a. If the Planning Director determines that the area is eligible for designation as an NCO District, the applicant(s) will be notified of this decision and a public informational meeting will be scheduled. An appeal of the Planning Director's decision is governed by Section 37.8.B of this Ordinance.

b. If, based on the criteria in item C above, the Planning Director determines the area is not eligible for an NCO District designation, the applicant(s) will be notified of this in writing, including stated reasons for the decision.

c. If demand for the NCO District results in multiple applications requesting initiation of the Neighborhood Character Plan process at a similar time are received, the Planning Director shall have the discretion to establish quantitative and/or locational criteria in order to prioritize those applications.

3. Public Information Meeting for Eligibility
If the area is determined to be eligible for an NCO District, the Planning Director shall schedule a public informational meeting for the purpose of informing property owners in the proposed district of the nature of the pending request. The Planning Director shall send notice of the date, time, and place of the meeting by mail to all property owners within the proposed district and adjacent property owners. After the meeting, the Planning Department shall initiate the preparation of a Neighborhood Character Plan.

4. Neighborhood Character Plan (NCP)
A Neighborhood Character Plan (NCP) shall be prepared by City staff with the assistance of representatives of the proposed district and include, at a minimum, the following information:

a. Statement of purpose and intent.

b. A map that indicates the boundaries of the proposed NCO District.

c. A description of how the area developed.

d. A description of the existing and common characteristics of the area as defined in item C.1 above.

e. The standards to be established for the proposed district as allowed by item D.1 above.

5. Public Information Meeting for Neighborhood Character Plan
Upon completion of the proposed Neighborhood Character Plan, the Planning Director shall schedule a public meeting for the purpose of informing property owners in the proposed overlay district of the nature of any pending requirements. The Planning Director shall send notice as provided in item 3 above.

F. Petition for NCO District Zoning Map Amendment

1. Initiation
A zoning map amendment for the NCO District may be initiated:

a. By a majority vote of City Council to initiate a zoning map amendment; or

b. By a petition provided to the Planning Department signed by property owner(s) representing at least 51% of the land area and at least 51% of the lots within the proposed district.

2. Zoning Map Amendment and NCP

a. The Planning Director will initiate the zoning map amendment upon the action required in item 1.a or 1.b above.

b. Adoption of an NCO District requires an amendment to the Zoning Map and shall follow the process for a zoning map amendment in Section 37.2.

c. An NCP shall be approved by the City Council prior to approval of the zoning map amendment.

3. Amendments to Adopted NCO Districts
Any proposal to amend, modify, or dissolve any district boundaries in an adopted NCO District or the standards of a Neighborhood Character Plan is subject to the following.

a. District Boundary Amendments

i. Any proposal to add lots to an adopted NCO District shall follow the same adoption procedures set forth in this section (items 1 through 7 above) except that a new NCP is not required. The original NCP for the district can be amended to incorporate the expansion concurrently with the zoning map amendment.

ii. Any proposal to subtract lots from an adopted NCO District shall follow the same adoption procedures set forth in this section (items 1 through 7 above) except that a new NCP is not required. The original NCP for the district can be amended to incorporate the subtraction concurrently with the zoning map amendment.

b. Neighborhood Character Plan Amendments

i. A new petition to amend an NCP shall be signed by property owner(s) representing at least 25% of the land area and at least 25% of the lots within the existing district, or by a majority vote of the City Council. Such petition shall include all specific proposed amendments to the development standards of the NCP.

ii. A public information meeting scheduled by the Planning Director for the purpose of informing property owners in the existing district of the nature of the pending request. The Planning Director shall send notice of the date, time, and place of the meeting by mail to all property owners within the proposed district and adjacent property owners.

iii. An amended draft of the updated Neighborhood Character Plan shall be prepared in accordance with item E above.

iv. A petition, indicating support for the City to amend the Neighborhood Character Plan, shall be filed with the Planning Director. The petition to proceed shall be signed by property owner(s) representing at least 51% of the land area and at least 51% of the lots within the proposed district or by a majority vote of City Council.

v. The Planning Commission shall hold a public meeting to hear comments on the amended NCP and make a recommendation to be forwarded to the City Council. The City Council shall hold a public hearing to consider the amendment to the NCP and render a decision.

vi. The amended Neighborhood Character Plan is effective upon Council adoption.

~~**G. Existing Structures**~~
~~All lots and structures within the proposed NCO District and existing at the time the overlay is first applied shall not be deemed a nonconformity solely because of the standards of the NCO District.~~

14.4 RIO RESIDENTIAL INFILL OVERLAY

A. Purpose

The RIO Residential Infill Overlay District is intended to facilitate residential infill development in the Neighborhood 1 Zoning Districts that maintains and complements existing neighborhood pattern and scale through specific controls addressing height and dwelling unit size.

B. Applicability

An RIO District may be applied as follows:

1. Initiation

The RIO District may be initiated:

a. By a majority vote of City Council to initiate a zoning map amendment; or

b. By a petition provided to the Planning Department signed by 51% of property owners within the geographic area as defined in item 2.b below.

2. Location and Minimum District Area

a. An RIO may be applied as an overlay to the N1-A, N1-B, N1-C, N1-D, and N1-E Zoning Districts only.

b. An RIO District shall be applied to an area consisting of a minimum of 50 contiguous lots. Where a lot is included in an RIO District, all lots on the same block shall also be included, encompassing all blockfaces. Arterial fronting lots are not allowed within an RIO District and are exempt from this requirement.

c. A RIO Residential Infill Overlay cannot be applied in combination with any of the following: HDO Historic District Overlay, HDO-S Streetside Historic District Overlay, and NCO Neighborhood Character Overlay.

3. Exemptions
The standards of the RIO District do not apply to:

a. Nonresidential development.

C. Standards

1. Development Standards
The development standards of the underlying zoning district apply except for the following:

a. Front Setback from Street
The required front setback from the street for a residential building ~~all~~ on a lot~~s~~ within the RIO District shall be the average of the two closest ~~lots~~ residential buildings on the same block face, ~~plus or minus five~~but no less than 10 feet. A survey of the setbacks of the two closest ~~lots~~ residential buildings on the same blockface will be required at the time of permitting.

b. Building Height Setback Plane
In addition to maximum building height requirement, all residential ~~structures~~ buildings on any lot within the RIO District shall meet the building height setback plane regulations below.

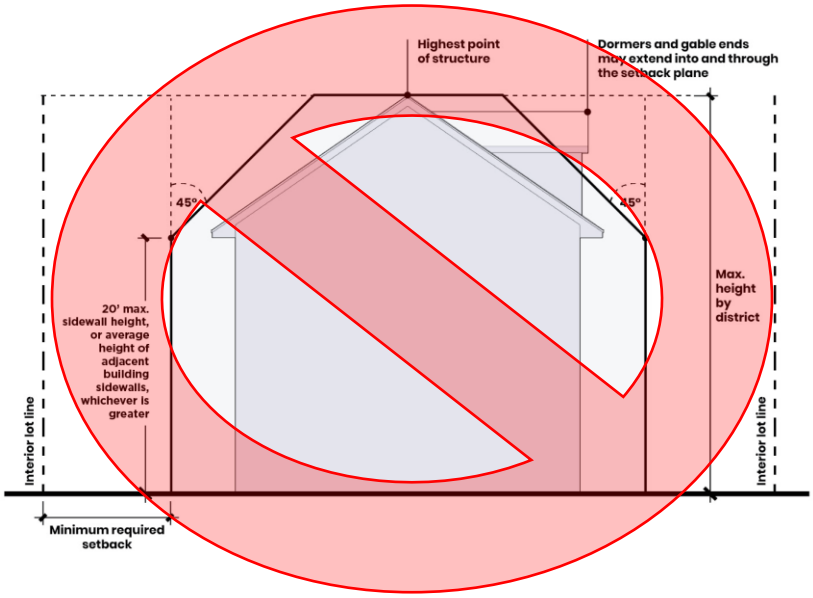
i. All residential ~~structures~~ buildings are limited to a sidewall height at the required minimum side setback of 20 feet or the average height of the ~~adjacent~~ residential building sidewalls on both sides of the lot, whichever is greater. Sidewalls shall be measured from the finished floor elevation of the main floor to the eave or, if no eave is present on the building, to the bottom of the finished roof plane. For a corner lot, the ~~adjacent~~ closest ~~lot~~ residential building on the same blockface and the ~~lot~~ residential building ~~adjacent~~ closest to such ~~lot~~ are used for averaging. If a sidewall height of greater than 20 feet is proposed, a height survey of the ~~adjacent~~ closest residential building sidewalls is required at the time of permitting.

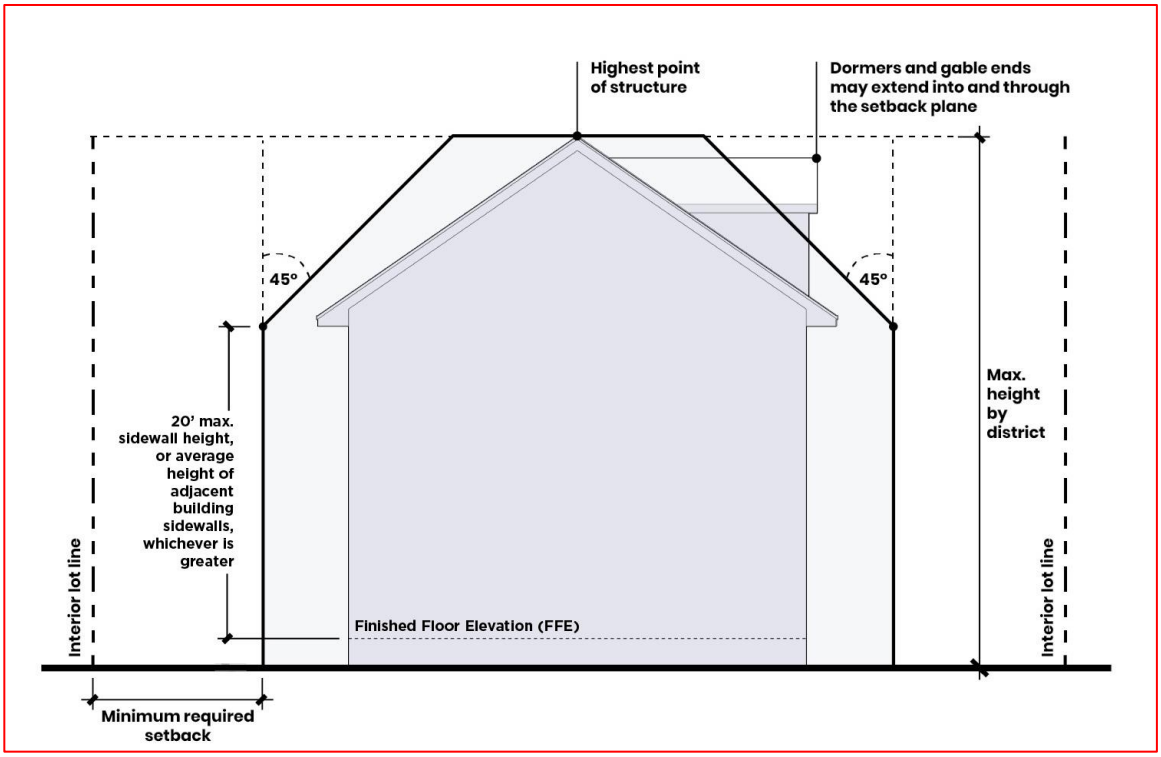
ii. If no residential buildings exist on the same blockface as a new residential building under development, the maximum building height for the zoning district controls.

ii~~i~~. Additional building height is granted at a ratio of one foot of additional side setback to one foot of height, establishing a building height setback plane at 45 degrees. Buildings may not exceed the maximum building heights of the district.

iv~~ii~~. Dormers and gable ends may extend into and through the 45 degree building height setback plane but shall comply with the maximum building height.

BUILDING HEIGHT SETBACK PLANE





c. Maximum Building Size

All principal residential buildings on any lot within the RIO District are limited to a maximum building size, calculated as total heated square footage, as follows:

i. The total heated square footage of single-family dwellings on the subject blockface will be averaged. The applicant will be required to furnish Mecklenburg County tax records documenting this average at the time of permitting.

ii. The maximum size of a single-family, duplex, or triplex building will be the greater of the following:

(A) The average single-family dwelling size based on total heated square footage; or

(B) The number of residential units to be constructed multiplied by 800 square feet per unit.

iii. Single-family dwellings are permitted to exceed the maximum dwelling unit size by an additional 25%.

2. Uses

The uses allowed in the underlying zoning district apply. No uses allowed within the underlying district may be prohibited as part of the RIO District.

D. Approval Process

The application of an RIO District shall follow the procedure for a zoning map amendment in Section 37.2.

14.5 CCO COTTAGE COURT OVERLAY DISTRICT

A. Purpose

A cottage court residential development allows for small lot residential development in a manner that organizes various dwelling types around a common open space, designed as a cohesive whole and maintained in shared stewardship by residents.

B. Applicability

1. Cottage court residential development is allowed in the N1-A, N1-B, N1-C, N1-D, and N1-E Zoning Districts.

2. Cottage court residential development may take one of two forms:

a. A development may be designed with individual lots.

b. A development may also be designed as a multi-dwelling development, subject to the use limitations in item C below.

C. Use Limitations

1. Only single-family, duplex, and triplex dwellings are permitted in a cottage court residential development.

2. Accessory dwelling units are prohibited within a cottage court development.

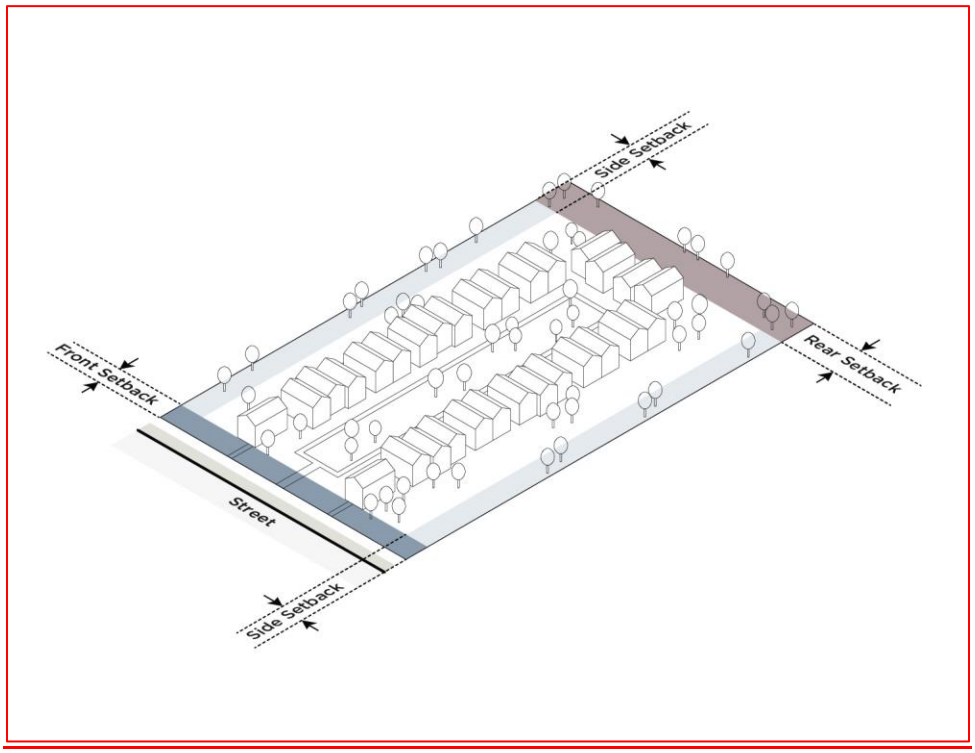
D. Development Standards

1. All standards of the base zoning district apply, with the following exceptions:

a. The minimum total lot area required for a cottage court is determined by calculating the cumulative lot area required by the base zoning district for the number of buildings to be constructed, and reducing the result by 50%.

b. Individual lots or building sites within the cottage court development are exempt from the base zoning district standards for lot area, lot width, setbacks, and building coverage. However, ~~all such standards~~lot area, lot width, and setbacks apply to the cottage court development ~~as a whole~~parcel.

SETBACKS FOR A COTTAGE COURT PARCEL



2. The minimum and maximum number of units allowed, based on the calculation of item 1 above, are as follows:

a. Cottage court residential development may be used for any development of four or more buildings and requires a minimum of four detached structures.

b. The maximum number of buildings within a cottage court development is 30. When a development site contains multiple cottage court developments, the maximum number of buildings within the development site in total is 30.

MAXIMUM NUMBER OF BUILDINGS WITHIN A COTTAGE COURT

3. All buildings within the cottage court shall front on a street or a common open space. When a cottage court is developed as buildings on individual lots that front on a common open space, such frontage is considered to meet any requirement for frontage on a street. However, all applicable emergency access requirements must be met.

4. Common open space areas shall meet the following standards:

a. The minimum size of the common open space area is 3,000 square feet or 500 square feet per dwelling unit, whichever is greater.

b. The common open space area shall maintain a minimum width of 30 feet, shall be contiguous and centrally located, and shall front on a public or network-required private street.

c. A maximum of 30% of the common open space area may be hardscape.

5. Dwellings oriented toward the common open space area shall provide a five foot minimum setback from the common area. Such setback does not count toward any required common area.

6. Vehicular access and parking for a cottage court shall meet the following standards:

a. Required off-street parking may be provided on individual development sites for each dwelling within the cottage court or in a shared parking area serving multiple dwellings on-site. Common parking areas shall contain no more than ten spaces each and shall be screened from adjacent ~~residential~~ properties~~y~~ in a Neighborhood 1 Place Type per the standards of Article 20. Parking shall not be located between principal structures and the street, or within any required common area.

E. Small Unit Bonus

Cottage court developments may be eligible for a development bonus as follows if constructed with small dwelling units, as described in this section.

1. Eligibility

To receive the small unit bonus, all residential dwelling units in the cottage court development, including any bonus residential buildings, shall meet the following standards:

a. All dwelling units within residential buildings shall be 800 square feet or less in gross floor area.

b. All residential buildings shall not exceed 24 feet in height.

2. Bonus

a. The number of residential buildings able to be developed as part of the overall cottage court residential development may be increased by 25%, not to exceed five bonus buildings.

b. Bonus residential buildings shall meet the development standards of the cottage court development as set forth in item D above.

c. Any bonus residential buildings are not included in the calculation of minimum total lot area required for the overall cottage court development.

F. Approval Process

A CCO District will be approved as a zoning map amendment per Section 37.2.

14.6 MHO MANUFACTURED HOME OVERLAY DISTRICT

A. Purpose

The purpose of the MHO Manufactured Home Overlay District is to provide for the development of manufactured housing in select Neighborhood 1 Zoning Districts. The intent of the MHO District standards is to ensure compatibility of manufactured housing with existing residential dwellings.

B. Applicability

1. The MHO District can be applied over the following districts: N1-A, N1-B, N1-C, and N1-D Districts.

2. A contiguous area of at least five acres in size is required for application of the overlay. This minimum area does not apply to expansions of an existing MHO District where such expansion is contiguous to the boundaries of an existing MHO District.

C. Uses

1. Manufactured home dwellings are permitted in the MHO District, subject to the prescribed conditions of Article 15.

2. All uses permitted in the underlying district are permitted in the MHO District, subject to any required prescribed conditions of the underlying district.

14.7 MHP MANUFACTURED HOME PARK ZONING DISTRICT

A. Purpose

The MHP Manufactured Home Park Zoning District is intended to accommodate manufactured home parks.

B. Uses

Article 15 lists permitted, temporary, and accessory uses for the MHP Zoning District.

C. Manufactured Home Park Standards

1. Table 14-1: Manufactured Home Park Dimensional Standards establishes the dimensional standards for manufactured home parks in the MHP Zoning District.

Table 14-1: Manufactured Home Park Dimensional Standards	
Bulk	
Minimum District Area	2 acres
Maximum District Area	40 acres
Minimum District Lot Width	250’
Perimeter Setbacks (Measured From Property Line)	
Minimum Front Perimeter Setback	30’
Minimum Side Perimeter Setback	30’
Minimum Rear Perimeter Setback	30’

2. At least 10% of the total area of a manufactured housing park shall be devoted to recreational facilities for use by the residents of the park. Examples of such recreational facilities may include community buildings, gardens, outdoor play areas, swimming pools, and ball courts.

3. A manufactured home park shall construct internal access drives of 20 feet or greater in width. Internal access drives and circulation patterns shall be adequate to handle the traffic to be generated by the development.

D. Manufactured Home Stand Standards

1. Table 14-2: Manufactured Home Stand Dimensional Standards establishes the dimensional standards for manufactured home stands in the MHP District.

Table 14-2: Manufactured Home Stand Dimensional Standards	
Bulk	
Minimum Stand Area	2,000sf
Minimum Stand Width	35’
Maximum Manufactured Home Height	24’
Minimum Separation Between Manufactured Homes	20’ as measured from the outermost portion of the eaves on all sides of each manufactured home
Setbacks	
Minimum Front Setback (Measured From Internal Access Drive Edge)	20’

2. Only one manufactured home is permitted per stand.

3. All manufactured home stands shall front upon an internal access drive.

4. A sidewalk is required connecting either the driveway or a detached garage or carport, to a door or attached porch of the home.

E. Manufactured Home Standards

1. The area beneath a home shall be fully enclosed with durable skirting within 60 days of placement in the park or subdivision. As a minimum, such skirting shall be a product designed and sold for use as skirting or as approved by the Zoning Administrator.

2. The manufactured home shall have all wheels, axles, transporting lights, and towing apparatus removed.

3. The manufactured home shall be at least 12 feet in width along the majority of its length.

14.8 ANDO AIRPORT NOISE DISCLOSURE OVERLAY DISTRICT

A. Purpose

The purpose of the ANDO Airport Noise Disclosure Overlay District (ANDO District) is to provide mechanisms for the disclosure to residential property owners in the Charlotte Douglas International Airport environs that the use and enjoyment of property located within the ANDO District is subject to over flights and noise consistent with airport operations.

~~**B. Boundaries**~~

~~The ANDO Airport Noise Disclosure Overlay District boundaries shall be consistent with the boundaries in Exhibit 1 below.~~

~~C~~B. Required Disclosure Notice

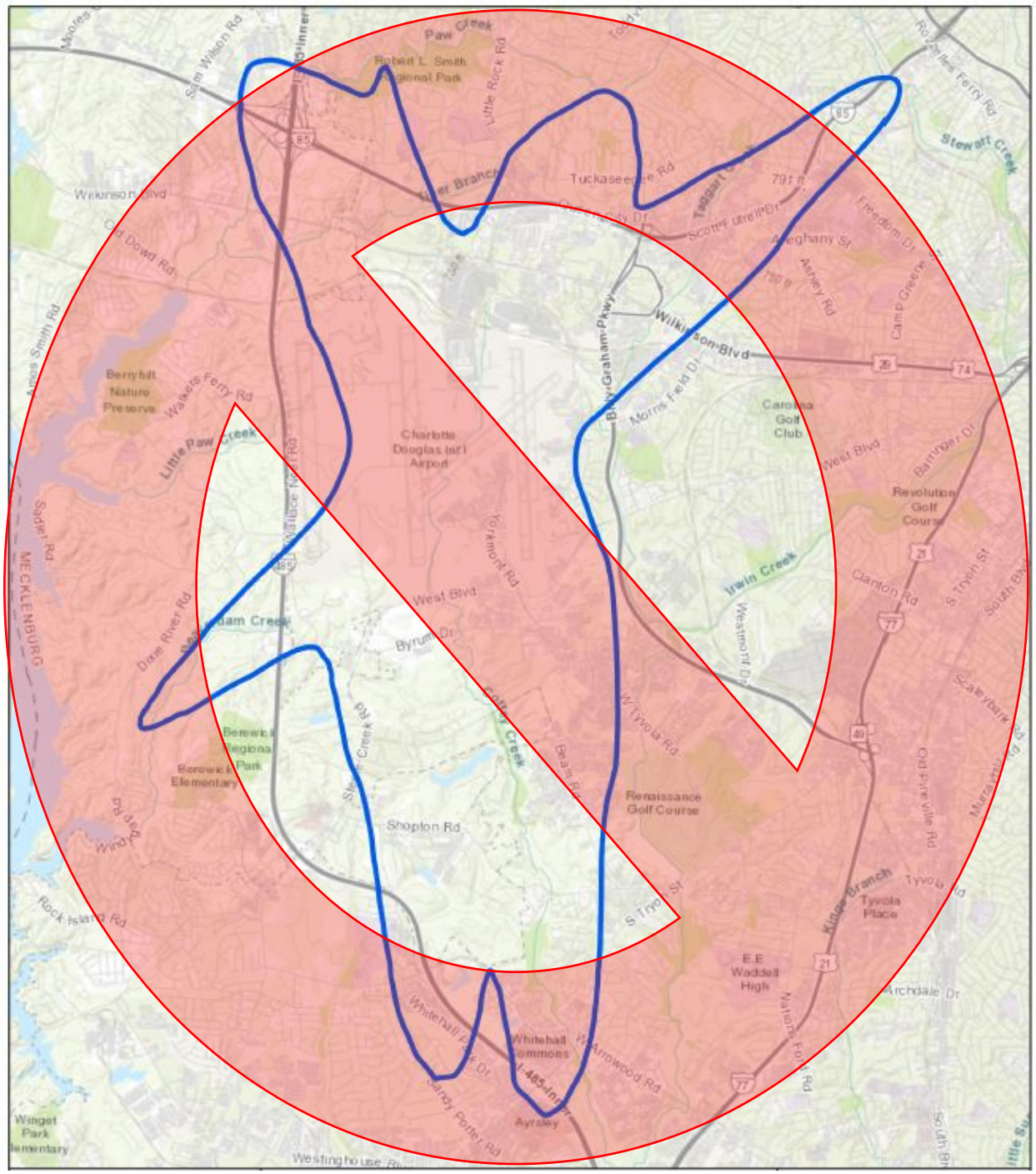
1. An ~~Airport Noise Disclosure Overlay~~ANDO District Notice is required for all residential development and mixed-use development with a residential component that is wholly or partially located within the boundaries of the ANDO ~~Airport Noise Disclosure Overlay~~ District.

2. All plats and site plans for residential development or mixed-use development that includes residential uses, submitted to the City for review and approval, shall include the ~~Airport Noise Disclosure Overlay~~ANDO District Notice.

3. The content of this notice is as follows:

Airport Noise Disclosure Overlay District Notice: "Noise Warning - This property, either partially or wholly, is zoned Airport Noise Disclosure Overlay District and lies within or near the noise exposure map areas of Charlotte Douglas International Airport and may be subject to noise that may be objectionable."

~~ANDO AIRPORT NOISE DISCLOSURE OVERLAY DISTRICT EXHIBIT 1~~



Article 15. Use Regulations

15.1 GENERAL USE REGULATIONS
15.2 GLOBAL USE MATRIX
15.3 USE DEFINITIONS
15.4 PRINCIPAL USES: PRESCRIBED CONDITIONS
15.5 TEMPORARY USES: PRESCRIBED CONDITIONS
15.6 ACCESSORY USES: PRESCRIBED CONDITIONS

15.1 GENERAL USE REGULATIONS

A. No structure or land may be used or occupied unless allowed as a permitted, temporary, or accessory use within the zoning district. These use regulations apply to the use of private property, including City-owned property, but exclude the right-of-way.

B. All uses shall comply with any applicable federal and state requirements, and any additional federal, state, county, and/or city ordinances.

C. Principal uses are defined to be inclusive of specific uses. The following regulations apply:

1. When a use meets a specific definition, it is regulated as such and cannot be regulated as part of a more inclusive use category.

2. A use that is not explicitly listed in the use matrix will be evaluated by the Zoning Administrator to determine if the use is part of a use listed.

3. A use that is not listed in the use matrix and cannot be interpreted as part of a use listed in the use matrix is prohibited.

D. All uses shall comply with any prescribed conditions as applicable. Prescribed conditions apply to certain uses within the use matrix to address additional impacts, apply specific design or siting standards, and/or link to additional regulations outside this Ordinance.

15.2 GLOBAL USE MATRIX

A. Table 15-1: Use Matrix identifies the permitted, temporary, and accessory uses allowed within each zoning district. Uses are defined in Section 15.3.

B. Table 15-1 shall be applied as follows:

1. An “X” indicates that the use is permitted by-right in the zoning district.

2. A “PC” indicates that the use is allowed in the zoning district and shall comply with the prescribed conditions of this Article (Sections 15.4 through 15.6).

3. A “C” indicates that the use shall require a conditional zoning (Section 37.2).

4. A “C/PC” indicates that the use shall comply with the prescribed conditions of this Article (Sections 15.4 through 15.6) and also shall require a conditional zoning (Section 37.2).

5. A shaded blank cell indicates the use is not allowed in the zoning district.

Table 15-1: Use Matrix *Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts*																
Uses	**Zoning Districts**															
	N1-A	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC-1~~RC**
Residential Uses	**N1-A**	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC-1~~RC**
~~Adult Care Home~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~								
~~Childcare Center in Residence~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~								
Dormitory								PC	PC							X
Dwelling - Live Work								X	X							X
Dwelling - Manufactured Home										X						
Dwelling – Duplex	X	X	X	X	X	X	~~X~~PC	PC								
Multi-Family Dwelling Attached Unit						PC	PC	PC	PC							PC
Multi-Family Dwelling Stacked Unit						X		X	X							X
Dwelling – Quadraplex	PC	PC	PC	PC	PC	X	~~X~~PC	PC								X
Dwelling – Single-Family	X	X	X	X	X	X	~~X~~PC	PC								
~~Dwelling – Townhouse~~						~~PC~~	~~PC~~	~~PC~~	~~PC~~							~~PC~~
Dwelling – Triplex	X	X	X	X	X	X	~~X~~PC	PC								
~~Family Childcare Home~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~								
Group Home	PC	PC	PC	PC	PC	PC	PC	PC	PC							PC
Manufactured Home Park										X						
Multi-Dwelling Development						PC	PC	PC	PC							PC
Residential Care Facility								PC	PC							X
~~Rooming House~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~								
Single Room Occupancy (SRO)							PC	PC	PC							PC
Commercial Uses	**N1-A**	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC-1~~RC**
Adult Electronic Gaming Establishment											PC	PC				
Adult Use											PC	PC				
Amusement Facility - Indoor											PC	PC				PC
Amusement Facility - Outdoor											PC	PC				
Animal Care Facility											PC	PC				
Animal Shelter											PC	PC				
Art Gallery											X	X				X
Arts or Fitness Studio											X	X				X
Bed and Breakfast	PC	PC	PC	PC	PC	PC	PC	PC								
Broadcasting Facility - No Antennae											X	X				X
Broadcasting Facility - With Antennae												PC				PC

Table 15-1: Use Matrix *Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts*																
Uses	**Zoning Districts**															
	N1-A	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC~~ ~~1~~RC**
Car Wash											PC	PC				
Commercial Kitchen											PC	PC				PC
Contractor Office with Outdoor Storage																
Convention Center												X				X
Drive-Through Establishment											PC	PC				
Employment/Labor Service Agency											PC	PC				
Financial Institution											X	X				X
Funeral Home											PC	PC				
Gas Station											C/PC	C/PC				
Greenhouse/Nursery - Retail											X	X				
Greenhouse/Nursery - Wholesale												X				
Heavy Rental and Service Establishment												X				
Heavy Retail Establishment												X				
Hotel/Motel											X	X				X
Industrial Design											X	X				X
Kennel																
Live Performance Venue - Indoor											X	X				X
Lodge/Meeting Hall											X	X				
Medical/Dental Office											X	X				X
Micro-Production of Alcohol											PC	PC				PC
Neighborhood Commercial Establishment	PC	PC	PC	PC	PC	PC	PC	PC	PC							
Nightclub											PC	PC				
Office											X	PC				X
Outdoor Market											~~PC~~X	~~PC~~X				PC
Personal Service Establishment											X	X				X
Raceway/Dragstrip																
Reception Facility											PC	PC				
Research and Development (R&D)											X	X				X
Restaurant/Bar											PC	PC				PC
Retail Goods Establishment											X	X				X
Retail Goods: Showroom											X	X				X
Self-Storage Facility: Climate-Controlled											PC	PC				
Self-Storage Facility: Outdoor												PC				
Shooting Range, Indoor												PC				
Specialty Food Service											X	X				X
Stadium												C				
Vehicle Auction Facility																
Vehicle Dealership: Enclosed											X	X				

Table 15-1: Use Matrix *Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts*																
Uses	**Zoning Districts**															
	N1-A	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC~~ 1RC**
Vehicle Dealership: Outdoor											PC	X				
Vehicle Rental: Enclosed											X	X				
Vehicle Rental: Outdoor											PC	X				
Vehicle Repair Facility: Major																
Vehicle Repair Facility: Minor											C/PC	C/PC				
Institutional and Governmental Uses	**N1-A**	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC~~ 1RC**
Adult Care Center	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC				
Childcare Center	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC				PC
Childcare Center, Large	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC				PC
Community Center	X	X	X	X	X	X	X	X	X		X	X				X
Correctional Facility																
Cultural Facility											X	X				X
Educational Facility - Pre-School	X	X	X	X	X	X	X	X	X		X	X				X
Educational Facility - Primary or Secondary	PC	PC	PC	PC	PC	PC	X	X	X		X	X				X
Educational Facility - University or College	PC	PC	PC	PC	PC	PC	X	X	X		X	X				X
Educational Facility - Vocational	PC	PC	PC	PC	PC	PC	X	X	X		X	X				X
Government Office/Facility	PC	PC	PC	PC	PC	PC	X	X	X		X	X	X	X	X	X
Place of Worship	X	X	X	X	X	X	X	X	X		X	X				X
Public Safety Facility	PC	PC	PC	PC	PC	PC	X	X	X		X	X	X	X	X	X
Public Works Facility																
Public Health and Social Service Uses	**N1-A**	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC~~ 1RC**
Addiction Treatment Facility, Residential																
Alternative Correction Facility																
Children's Home								X	X							
Domestic Violence Shelter	X	X	X	X	X	X	X	X	X							
Drug Treatment Clinic											PC	PC				
Food Bank																
Food Pantry	PC	PC	PC	PC	PC	PC	PC	PC	PC		X	X				
Halfway House																
Healthcare Institution											X	X				X
Homeless Shelter											PC	PC				
Social Service Facility											X	X				
Campus Uses	**N1-A**	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC~~ 1RC**
Continuum Care Retirement Community (CCRC)													PC	PC		
Educational Campus													X	X		

Table 15-1: Use Matrix *Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts*																
Uses	**Zoning Districts**															
	N1-A	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC-1~~RC**
Government Campus													X	X		
Medical Campus													PC	PC	PC	
Office Campus															PC	
Religious Campus													PC	PC		
Social Service Campus													X	X		
Industrial Uses	**N1-A**	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC-1~~RC**
Agriculture - Industrial Processes																
Airport																
Airstrip																
Beneficial Fill Site	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Crematorium																
Industrial, Craft											X	X				PC
Industrial, General																
Industrial, Light																PC
Landfill, Land Clearing & Inert Debris (LCID)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Light Assembly																PC
Movie Studio											C/PC	C/PC				C/PC
Outdoor Storage Yard																
Quarry																
Rail Freight Terminal																
Recycling Collection Center																
Salvage and/or Junk Yard																
Solar Farm											X	X				
Truck Terminal																
Warehouse and Distribution Center																
Waste Management Facility																
Wholesale Goods Establishment												X				
Wind Farm																
Transportation Uses	**N1-A**	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC-1~~RC**
Parking Lot (Principal Use)											X	X				
Parking Structure (Principal Use)											X	X				X
Passenger Terminal												X				
Public Transit Facility	PC	PC	PC	PC	PC	PC	X	X	X		X	X				X
Truck Stop																
Vehicle Operations Facility												X				

Table 15-1: Use Matrix *Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts*																
Uses	**Zoning Districts**															
	N1-A	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC-1~~RC**
Open Space, Recreation, and Agricultural Uses	**N1-A**	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC-1~~RC**
Boarding Stables, Commercial	PC	PC	PC	PC	PC	PC										
Campground	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC										
Cemetery	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC				
Conservation Area	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC
Community Garden	PC	PC	PC	PC	PC	PC	PC	PC	PC							PC
Driving Range											X	X				
Farm	PC	PC	PC	PC	PC	PC	PC	PC	PC							
Farm, Bona Fide - Charlotte ETJ Only	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Golf Course	X	X	X	X	X	X	X	X	X		X	X				
Marina	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC							
Private Recreation Club	X	X	X	X	X	X	X	X	X							
Public Park	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Infrastructure	**N1-A**	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC-1~~RC**
Utility (Includes Transmission & Distribution)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Wireless Telecommunications	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Uses	**N1-A**	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC-1~~RC**
Mobile Car Wash											PC	PC				
Mobile Food Vendor	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Mobile Retail Vendor	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Real Estate Project Sales Office	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Contractor's Office and Contractor's Yard	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Entertainment	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Sales	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Storage Container	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Accessory Uses	**N1-A**	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC-1~~RC**
Accessory Shelter	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC
Adult Care Home	PC	PC	PC	PC	PC	PC	PC	PC								
Childcare Center, Accessory to Employment											X	X				X
Childcare Center in Residence	PC	PC	PC	PC	PC	PC	PC	PC								
Childcare Home, Family	PC	PC	PC	PC	PC	PC	PC	PC								
Drive-Through Facility											PC	PC				
Dwelling - Accessory Unit (ADU)	PC	PC	PC	PC	PC	PC	PC	PC								
Helistop																PC

Table 15-1: Use Matrix *Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts*																
Uses	**Zoning Districts**															
	N1-A	**N1-B**	**N1-C**	**N1-D**	**N1-E**	**N1-F**	**N2-A**	**N2-B**	**N2-C**	**MHP**	**CG**	**CR**	**IC-1**	**IC-2**	**OFC**	**~~RC-1~~RC**
Home Occupation	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC						
Outdoor Entertainment											PC	PC				
Outdoor Sales and Display	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC				
Outdoor Seating/Activity Area											PC	PC				PC
Private Stables	PC	PC	PC	PC	PC	PC										
Rooming House	PC	PC	PC	PC	PC	PC	PC	PC								

Table 15-1: Use Matrix *Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts*													
Uses	**Zoning Districts**												
	ML-1	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Residential Uses	**ML-1**	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
~~Adult Care Home~~		-	-										-
~~Childcare Center in Residence~~		-	-										-
Dormitory			X	X	X	X	X	X	X	X	X	X	X
Dwelling - Live Work			X	X	X	X	X	X	X	X	X	X	X
Dwelling - Manufactured Home													
Dwelling – Duplex													
Multi-Family Dwelling Attached Unit			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Multi-Family Dwelling Stacked Unit			X	X	X	X	X	X	X	X	X	X	X
Dwelling – Quadraplex													
Dwelling – Single-Family													
~~Dwelling – Townhouse~~		-	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~		~~PC~~		~~PC~~	~~PC~~	~~PC~~
Dwelling – Triplex													
~~Family Childcare Home~~		-	-										-
Group Home			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Manufactured Home Park													
Multi-Dwelling Development			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Residential Care Facility			X	X	X	X	X			X	X	X	X
~~Rooming House~~		-											
Single Room Occupancy (SRO)			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Commercial Uses	**ML-1**	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Adult Electronic Gaming Establishment	PC	PC											
Adult Use	PC	PC											
Amusement Facility - Indoor			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Amusement Facility - Outdoor	PC												
Animal Care Facility			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Animal Shelter	PC		PC										
Art Gallery			X	X	X	X	X	X	X	X	X	X	X
Arts or Fitness Studio			X	X	X	X	X	X	X	X	X	X	X
Bed and Breakfast													
Broadcasting Facility - No Antennae			X		X	X	X	X	X	X	X	X	X
Broadcasting Facility - With Antennae	PC	PC											
Car Wash													
Commercial Kitchen	PC		PC										
Contractor Office with Outdoor Storage	PC	PC											
Convention Center							X	X		X		X	

Table 15-1: Use Matrix *Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts*													
Uses	**Zoning Districts**												
	ML-1	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Drive-Through Establishment	PC	PC											
Employment/Labor Service Agency	PC	PC											
Financial Institution			X	X	X	X	X	X	X	X	X	X	X
Funeral Home													
Gas Station	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC							C/PC
Greenhouse/Nursery - Retail													
Greenhouse/Nursery - Wholesale	X												
Heavy Rental and Service Establishment	X												
Heavy Retail Establishment	X												
Hotel/Motel			X		X	X	X	X	X	X		X	
Industrial Design	X	X	X	X	X	X	X	X	X	X	X	X	X
Kennel	PC												
Live Performance Venue - Indoor			X	X	X	X	X	X	X	X	X	X	X
Lodge/Meeting Hall			X	X	X	X	X	X	X	X	X	X	X
Medical/Dental Office			X	X	X	X	X	X	X	X	X	X	X
Micro-Production of Alcohol			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Neighborhood Commercial Establishment													
Nightclub			PC		PC	PC	PC	PC	PC	PC	PC	PC	PC
Office	PC	PC	X	X	X	X	X	X	X	X	X	X	X
Outdoor Market			~~PC~~X	~~PC~~X	~~PC~~X	~~PC~~X	~~PC~~X	~~PC~~X	~~PC~~X	~~PC~~X	~~PC~~X	~~PC~~X	~~PC~~X
Personal Service Establishment			X	X	X	X	X	X	X	X	X	X	X
Raceway/Dragstrip		C											
Reception Facility			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Research and Development (R&D)	X	X	X		X	X	X	X	X	X	X	X	X
Restaurant/Bar	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Retail Goods Establishment			X	X	X	X	X	X	X	X	X	X	X
Retail Goods: Showroom	X		X	X	X	X	X	X	X	X	X	X	X
Self-Storage Facility: Climate-Controlled	PC		PC		PC								PC
Self-Storage Facility: Outdoor	PC												
Shooting Range, Indoor	PC	PC	PC										
Specialty Food Service	X		X	X	X	X	X	X	X	X	X	X	X
Stadium	C						C	C	C				
Vehicle Auction Facility	X	X											
Vehicle Dealership: Enclosed			X		X	X	X	X	X				X
Vehicle Dealership: Outdoor	X												
Vehicle Rental: Enclosed			X	X	X	X	X	X	X	X	X	X	X
Vehicle Rental: Outdoor	X	X			PC	PC	PC						
Vehicle Repair Facility: Major	C/PC	C/PC											

Table 15-1: Use Matrix *Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts*													
Uses	**Zoning Districts**												
	ML-1	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Vehicle Repair Facility: Minor	C/PC		C/PC	C/PC	C/PC	C/PC							C/PC
Institutional and Governmental Uses	**ML-1**	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Adult Care Center			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Childcare Center			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Childcare Center, Large			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Community Center			X	X	X	X	X	X	X	X	X	X	X
Correctional Facility	C	C						C					
Cultural Facility			X	X	X	X	X	X	X	X	X	X	X
Educational Facility - Pre-School			X	X	X	X	X	X	X	X	X	X	X
Educational Facility - Primary or Secondary			X	X	X	X	X	X	X	X	X	X	X
Educational Facility - University or College			X	X	X	X	X	X	X	X	X	X	X
Educational Facility - Vocational	X	X	X	X	X	X	X	X	X	X	X	X	X
Government Office/Facility	X	X	X	X	X	X	X	X	X	X	X	X	X
Place of Worship			X	X	X	X	X	X	X	X	X	X	X
Public Safety Facility	X	X	X	X	X	X	X	X	X	X	X	X	X
Public Works Facility	X	X											
Public Health and Social Service Uses	**ML-1**	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Addiction Treatment Facility, Residential			X		X	X	X	X	X	X	X	X	X
Alternative Correction Facility			PC		PC	PC	PC	PC	PC	PC	PC	PC	PC
Children's Home			X	X	X	X	X	X	X	X	X	X	X
Domestic Violence Shelter			X	X	X	X	X	X	X	X	X	X	X
Drug Treatment Clinic					PC	PC	PC	PC	PC	PC		PC	
Food Bank	X	X											
Food Pantry	X		X	X	X	X	X	X	X	X	X	X	X
Halfway House			PC		PC	PC	PC	PC	PC	PC	PC	PC	PC
Healthcare Institution			X		X	X	X	X	X	X	X	X	X
Homeless Shelter	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Social Service Facility			X	X	X	X	X	X	X	X	X	X	X
Campus Uses	**ML-1**	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Continuum Care Retirement Community (CCRC)													
Educational Campus													
Government Campus													
Medical Campus													
Office Campus													
Religious Campus													
Social Service Campus													
Industrial Uses	**ML-1**	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Agriculture - Industrial Processes		PC											

Table 15-1: Use Matrix *Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts*													
Uses	**Zoning Districts**												
	ML-1	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Airport		X											
Airstrip	PC	PC											
Beneficial Fill Site	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Crematorium	PC	PC											
Industrial, Craft	X	X	PC		PC	PC	PC	PC	PC	PC	PC	PC	PC
Industrial, General		PC											
Industrial, Light	PC	PC	PC										
Landfill, Land Clearing & Inert Debris (LCID)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Light Assembly	X	X	PC										
Movie Studio	PC	PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC
Outdoor Storage Yard	PC	PC											
Quarry		C/PC											
Rail Freight Terminal		X											
Recycling Collection Center	PC	PC											
Salvage and/or Junk Yard		PC											
Solar Farm	X	X											
Truck Terminal		X											
Warehouse and Distribution Center	X	X											
Waste Management Facility		PC											
Wholesale Goods Establishment	X	X											
Wind Farm	X	X											
Transportation Uses	**ML-1**	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Parking Lot (Principal Use)	X	X	X	X	X						X		X
Parking Structure (Principal Use)	X	X	X		X	X	X	X	X	X	X	X	
Passenger Terminal			X			X	X	X	X	X		X	
Public Transit Facility	X	X	X	X	X	X	X	X	X	X	X	X	X
Truck Stop	X	X											
Vehicle Operations Facility	X	X											
Open Space, Recreation, and Agricultural Uses	**ML-1**	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Boarding Stables, Commercial													
Campground													
Cemetery	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Conservation Area	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Community Garden			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Driving Range	X												
Farm													
Farm, Bona Fide - Charlotte ETJ Only	X	X	X	X	X	X	X	X	X	X	X	X	X
Golf Course							X						

Table 15-1: Use Matrix *Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts*													
Uses	**Zoning Districts**												
	ML-1	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Marina													
Private Recreation Club			X	X	X	X	X	X	X	X	X	X	X
Public Park	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Infrastructure	**ML-1**	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Utility (Includes Transmission & Distribution)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Wireless Telecommunications	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Uses	**ML-1**	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Mobile Car Wash	PC												
Mobile Food Vendor	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Mobile Retail Vendor	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Real Estate Project Sales Office	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Contractor's Office and Contractor's Yard	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Entertainment			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Sales			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Storage Container	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Accessory Uses	**ML-1**	**ML-2**	**IMU**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**	**TOD-UC**	**TOD-NC**	**TOD-CC**	**TOD-TR**
Accessory Shelter	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Adult Care Home													
Childcare Center, Accessory to Employment	X	X	X	X	X	X	X	X	X	X	X	X	X
Childcare Center in Residence													
Childcare Home, Family													
Drive-Through Facility	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC
Dwelling - Accessory Unit (ADU)													
Helistop	PC	PC					PC	PC	PC	PC		PC	
Home Occupation			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Outdoor Entertainment			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Outdoor Sales and Display	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Outdoor Seating/Activity Area	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Private Stables													
Rooming House													

15.3 USE DEFINITIONS

The principal, temporary, and accessory uses in Table 15-1 are defined as follows:

~~**Accessory Drive-Through.** That portion of a business where transactions occur directly with customers via a service window, kiosk, or other configuration that allows customers to remain in their vehicle.~~

Accessory Shelter. A housing shelter in an accessory building located on the same site as a principal building, or located on a site owned, and operated by religious, civic, fraternal, social, institutional, or governmental agency providing free accessory lodging for indigent individuals and/or families with no regular home or residential address.

Addiction Treatment Facility, Residential. A licensed care facility that provides 24 hour medical and/or non-medical/therapeutic care of persons seeking rehabilitation and treatment of addiction. Such facilities may include medical detoxification.

Adult Care Center. A facility where an individual, agency, or organization provides supervision or care for more than six adults in a place other than their usual place of abode.

Adult Care Home. A facility run by an individual residing in a single-family dwelling where housing management provides 24 hour scheduled and unscheduled personal care services care for no more than six adults.

Adult Electronic Gaming Establishment. An establishment where patrons utilize electronic machines, including, but not limited to, computers, gaming tables, and gaming terminals to play games dependent on skill or dexterity in exchange, through redemption and/or other distribution, for cash, merchandise, or other items of value. This definition includes, but is not limited to, arcade, fish arcade, fish game(s), fish table(s), skill arcade, and skilled arcade. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or any electronic machines that test a patron's skill or dexterity but do not provide the patron an award of cash, merchandise, or other items of value based on their skill or dexterity.

Adult Use. Any businesses or enterprises that have as one of their principal business purposes or as a significant portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities as specified below and as may be further specified in North Carolina General Statute 14-202.10. An adult use may also be called an "adult establishment."

1. **Adult Bookstore.** A bookstore:

   a. Which receives a majority of its gross income during any calendar month from the sale or rental of publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section; or

   b. Having as a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section.

2. **Adult Live Entertainment.** Any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in this section.

3. **Adult Live Entertainment Business.** Any establishment or business wherein adult live entertainment is shown for observation by patrons.

4. **Adult Motion Picture Theatre.** An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein. Adult motion picture theatre does not include any adult mini motion picture theatre, as defined in this section.

5. Adult Mini Motion Picture Theatre. An enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.

6. Sex Club. An establishment that allows members to engage in specified sexual activities with other patrons, or the exposure of specified anatomical areas. Sex clubs may include, but are not limited to, rooms for the use of members, provision of sexually oriented devices, and organization of sex-related activities.

7. Sexually-Oriented Devices. Without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

8. Specified Anatomical Areas.

a. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; or 3) female breast below a point immediately above the top of the areola; or

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

9. Specified Sexual Activities.

a. Human genitals in a state of sexual stimulation or arousal.

b. Acts of human masturbation, sexual intercourse or sodomy.

c. Fondling or other erotic touchings of human genitals, pubic regions, buttocks, or female breasts.

Agriculture - Industrial Processes. A use that involves a variety of operations on crops and/or livestock which typically generate significant dust, noise, odors, pollutants, and/or visual impacts that can adversely affect adjacent properties. This includes, but is not limited to, concentrated animal feeding operations (CAFO), slaughterhouses, mills, dairy farms, and commercial composting.

Airport. Facilities for the takeoff and landing of aircraft, including but not limited to runways, aircraft storage buildings, cargo storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings, on airport parking products, and airport auxiliary facilities, including fueling, fences, lighting, and antennae systems, on-premise signs, driveways, and access roads. Airport includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility. Airport also includes facilities for the aid and comfort of the traveling public.

Airstrip. A runway or landing area designed, used, or intended to be used for the landing and taking off of aircraft.

Alternative Correctional Facility. A residential facility for adults or minors that is court ordered as an alternative to incarceration.

Amusement Facility - Indoor. A facility for spectator and participatory uses conducted within an enclosed building including, but not limited to, movie theaters, arcades, bowling alleys, skating centers, escape room/physical adventure game facilities, and pool halls. An indoor amusement facility may include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales. Indoor amusement facility does not include stadiums.

Amusement Facility - Outdoor. A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as amusement parks, fairgrounds, batting cages, and miniature golf courses. An outdoor amusement facility may include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales. Outdoor amusement facility does not include stadiums.

Animal Care Facility. An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, animal training centers and clubs, and pet boarding facilities, where animals are boarded during the day and/or for short-term stays by their owners.

Animal Shelter. A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals. Animal shelters do not include public facilities that shelter and train canine and/or equine units of public safety agencies.

Art Gallery. An establishment that sells, loans, and/or displays paintings, sculpture, photographs, video art, or other works of art.

Art or Fitness Studio. An establishment where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, pottery, jewelry-making, music, painting, gymnastics, pilates, or yoga. An art or fitness studio also includes private exercise studios for private sessions with trainers and/or private classes.

Bed and Breakfast. A single-family detached dwelling where a permanent resident/property owner provides lodging for a daily fee in guest rooms with no in-room cooking facilities (excluding microwaves and mini-refrigerators) and prepares meals for guests.

Beneficial Fill Site. A site operated to recontour land for the purpose of improving land use potential or for other beneficial reuse as defined by the North Carolina Solid Waste Management Rules, 15A NCAC 13B and by N.C.G.S. Chapter 130A. It involves no excavation and accepts only fill material consisting of inert debris or used asphalt or a combination of inert debris and used asphalt. Excavation, grading, and fill activity shall not be considered a beneficial fill site if such activity is confined within the boundaries of a parcel of property or development project and involves uncontaminated soil, gravel, or rock originating on such property or development project.

Boarding Stables, Commercial. A building, or multiple buildings, designed for the keeping and maintenance of horses for a fee or other compensation.

Broadcasting Facility - No Antennae. Communications facilities for radio, internet, television broadcasting and receiving stations, and studios. Broadcasting facility - no antennae does not include facilities with freestanding radio and television towers, but may include dish antennas.

Broadcasting Facility - With Antennae. Communications facilities, including radio, internet, television broadcasting and receiving stations, and studios, and including freestanding antenna towers located outdoors.

Campground. Land used for transient occupancy by camping in tents and recreational vehicles, such as camp trailers, travel trailers, motor homes, or similar movable temporary sleeping quarters.

Car Wash. An establishment for the washing, cleaning, and detailing of motor vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or other configurations.

Cemetery. Land and structures, such as columbaria, reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the internment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment. Cemeteries may also include crematoriums and embalming facilities.

Childcare Center. An individual, agency, or organization, licensed by the North Carolina Department of Health and Human Services, providing supervision or care on a regular basis to between 13 and 79 children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Childcare Center, Accessory to Employment. An individual, agency, or organization, licensed by the North Carolina Department of Health and Human Services, providing supervision or care on a regular basis to children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult. A childcare center, accessory to employment is a facility operated solely for the use of employees of a business or businesses, such as offices, industrial uses, or other employment uses, within the development.

Childcare Center in Residence. A facility run by an individual residing in a single family dwelling, that provides supervision or care on a regular basis in the individual's home for six to 12 pre-school children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult. A childcare center in residence shall be licensed by the North Carolina Department of Health and Human Services.

Childcare Center, Large. An individual, agency, or organization, licensed by the North Carolina Department of Health and Human Services, providing supervision or care on a regular basis to 80 or more children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Childcare Home, Family. A facility run by an individual that resides in single-family dwelling that provides supervision or care on a regular basis in the individual's home for eight or fewer children who are not related by blood or marriage to, and are not the legal wards or foster children of, the supervising adult. Family childcare homes shall be licensed by the North Carolina Department of Health and Human Services.

Children's Home. A residential facility that provides housing for and care to minors who are wards of the state, whose parents or guardians are deceased or otherwise unable or unwilling to care for them.

Commercial Kitchen. A shared commercial grade kitchen in which individuals or businesses prepare value-added food products and meals, usually paying an hourly, daily, weekly, or monthly rate to lease a space shared by others.

Community Center. A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities.

Community Garden. Land used to grow and harvest food and non-food crops for personal or group use, consumption, or donation, that is managed and maintained by a group of individuals or a nonprofit.

Conservation Area. Designated open space that preserves and protects natural features, wildlife, and critical environmental features, as well as undeveloped sites of historical or cultural significance. A conservation area may include opportunities for passive recreation, such as hiking trails and lookout structures, and environmental education facilities.

Continuum Care Retirement Community (CCRC). A large-scale residential development that provides continuum of care as residents age. Continuum care retirement community (CCRC) developments include a range of housing and care levels based on senior residents' needs and how those needs progress, from independent living to nursing care. A CCRC development may consist of a range of dwelling types and independent living facilities including single-family, duplex, ~~townhouse,~~ triplex, quadraplex, and multi-family dwellings, and may include both indoor and outdoor recreational facilities for the use of residents and their guests.

Contractor Office with Outdoor Storage. Offices for businesses in the conduct of any landscape or building trade or craft, together with land and/or structures used for the storage of equipment, vehicles, machinery, and/or materials related to and used by the trade or craft. A contractor office with no outdoor storage is considered an Office.

Convention Center. A facility designed and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with other operations such as, but not limited to, temporary outdoor displays and food and beverage preparation and service for on-premise consumption.

Correctional Facility. A facility established for the ~~temporary~~ detention of persons ~~while being processed for arrest or detention~~ by law enforcement.

Crematorium. A facility for the cremation of the deceased.

Cultural Facility. A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, noncommercial galleries, historical societies, and libraries. A cultural facility may include additional uses as part of the principal use such as, but not limited to, retail sales of related items and restaurants.

Domestic Violence Shelter. A facility that provides temporary shelter, protection, and support for those escaping domestic violence and intimate partner violence, including victims of human trafficking. A domestic

violence shelter also accommodates the minor children of such individuals. The facility may also offer a variety services to help individuals and their children including counseling and legal guidance. Domestic violence shelters may distinguish populations served by age and/or gender.

Dormitory. A building intended or used principally for sleeping accommodations that is part of an educational or public institution, including religious institutions. A common kitchen and common gathering rooms for social purposes may also be provided.

Drive-Through Establishment. A business where transactions only occur directly with customers via a service window, kiosk, or other configuration where customers remain in their vehicle.

Drive-Through Facility. That portion of a business where transactions occur directly with customers via a service window, kiosk, or other configuration that allows customers to remain in their vehicle.

Driving Range. A tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls.

Drug Treatment Clinic. A licensed facility authorized by the state to administer drugs including, but not limited to, methadone and suboxone, in the treatment, maintenance, or detoxification of persons. Drug treatment clinic also includes needle exchange facilities where injecting drug users (IDUs) may obtain hypodermic needles and associated paraphernalia at little or no cost.

Dwelling - Accessory Unit (ADU). An additional dwelling unit associated with and incidental to a principal dwelling. An accessory dwelling unit (ADU) shall include separate cooking and sanitary facilities and is a complete, separate dwelling unit. The ADU may be within or attached to the principal dwelling unit or within a detached accessory structure, such as a garage. ADUs are not permitted in recreational vehicles, travel trailers, campers, or any other type of motor vehicle.

Dwelling - Live/Work. A principal structure that combines a dwelling unit with a commercial use permitted in the zoning district that is used by one or more of the residents. A live/work dwelling may also include the combination of a dwelling unit with arts-related activities, such as painting, photography, sculpture, music, and film, used by one or more of the residents. Live/work dwellings are subject to the standards for the individual uses contained within this Ordinance. ~~Any area used for commercial space in a live/work dwelling cannot be converted to residential living space if the commercial component is no longer operating.~~

Dwelling - Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein. Manufactured home includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

1. For manufactured homes built before June 15, 1976, manufactured home means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. Manufactured home also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

2. Modular buildings and modular homes are not considered manufactured homes, and refer to a method of construction.

Dwelling – Duplex. A structure containing two dwelling units. Units may or may not be on sublots.

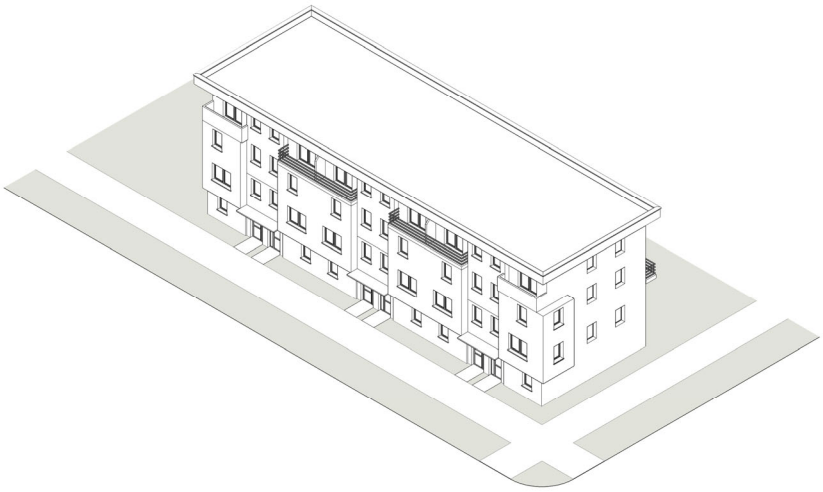
Dwelling – Multi-Family. A structure containing five or more dwelling units, with dwelling units either stacked or attached horizontally. A multi-family dwelling may be designated senior living when there are age restrictions in place to limit occupancy.

1. **Multi-Family Dwelling Attached Unit.** Attached unit design refers to multi-family residential structure designed with primarily side-by-side dwelling units, each with an individual entry. Units may or may not be on sublots.

MULTI-FAMILY DWELLING ATTACHED UNIT

2. **Multi-Family Dwelling Stacked Unit.** Stacked unit design refers to multi-family residential structure designed with multiple dwelling units accessed by one or more common entryways. Units may have individual entrances for ground floor units.

MULTI-FAMILY DWELLING STACKED UNIT



Dwelling - Quadraplex. A structure containing four dwelling units. Units may or may not be on sublots.

Dwelling – Single-Family. A structure containing only one dwelling unit.

~~**Dwelling – Townhouse.** A structure consisting of five or more dwelling units, the interior of which is configured in a manner such that the dwelling units are attached horizontally, separated by a party wall, and each is located on a separate sublot.~~

Dwelling - Triplex. A structure containing three dwelling units. Units may or may not be on sublots.

Educational Campus. The grounds and buildings of an educational facility, which includes academic buildings, research facilities, dormitories, and other student housing through the educational institution, faculty and staff housing, fraternities/sororities, dining halls and cafeterias for the use of students, teachers, and staff, as well as indoor and outdoor recreational facilities, stadiums, broadcast facility, cultural facilities, and auditoriums that may also accommodate the general public. An educational campus may be a primary or secondary school, a university or college, a vocational school, or a combination of such. For university or college campuses, supportive commercial uses, such as retail goods establishments, personal service establishments, financial institutions, childcare centers, and restaurants, are permitted for the primary use of students, teachers, and staff. Fraternities/sororities shall be a chartered fraternal or sororal membership organization or association, used as a residence and/or a dining and recreational facility for members of organizations or associations who are students at a university, which permits the organization or association to use its facilities because of the relationship of such organization or association to the body of students enrolled in such institution.

Educational Facility - Pre-School. An educational establishment that offers early childhood education prior to the start of required education at the primary school level.

Educational Facility - Primary or Secondary. A facility that offers instruction at the elementary, middle, junior, and/or high school levels, including associated indoor or outdoor recreational facilities.

Educational Facility - University or College. A facility for post-secondary higher learning that grants associate, bachelor, master, and/or doctoral degrees. Such facilities may include additional uses as part of the principal use such as such as research facilities, dormitories, cafeterias, restaurants, retail sales, childcare facilities, indoor or outdoor recreational facilities, stadiums, and similar uses.

Educational Facility - Vocational. A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility - vocational also applies to privately operated schools that do not offer a full educational curriculum.

Employment/Labor Service Agency. A business that provides employment services for temporary or transient employment of semi-skilled and unskilled workers, and operates as a labor pool where workers gather on-site for job placement.

~~**Family Childcare Home.** A facility run by an individual that resides in single-family dwelling that provides supervision or care on a regular basis in the individual's home for eight or fewer children who are not related by blood or marriage to, and are not the legal wards or foster children of, the supervising adult. Family childcare homes shall be licensed by the North Carolina Department of Health and Human Services.~~

Farm. Land used primarily for the growing of crops, produce, and/or flowers. Horses and/or other livestock may also be raised for personal use.

Farm, Bona Fide - Charlotte ETJ Only. A bona fide farm is a farm as defined within N.C.G.S. § 160D-903, or as may be amended, and is located within the Charlotte extraterritorial jurisdiction (ETJ).

Financial Institution. A bank, savings and loan, credit union, or mortgage office. Financial Institutions also include alternative financial service (AFS) that are provided outside a traditional banking institution, including check cashing establishments and currency exchanges.

Food Bank. A non-profit organization that collects and distributes food to hunger relief organizations. Food is not distributed to individuals from a food bank.

Food Pantry. A non-profit organization that provides food directly to individuals. Food pantries receive, buy, store, and distribute food. Food pantries may also prepare meals to be served at no cost to those who receive them.

Funeral Home. An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

Gas Station. An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include retail uses and an accessory car wash bay.

Golf Course. A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, snack-bar, and pro-shop as additional uses as part of the golf course. A driving range may be included as part of a golf course. A private recreation club may include a golf course as part of the principal use ~~of a private recreation club~~.

Government Office/Facility. Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as city offices and post offices. Government offices/facilities do not include public safety or public works facilities.

Government Campus. A development designed to accommodate government offices and facilities in one or more buildings, including public safety and defense facilities, such as police academies and armories, and correctional facilities. Supportive commercial uses for the primary use of government campus staff and visitors, such as retail goods establishments, personal service establishments, financial institutions, childcare centers, and restaurants, are permitted.

Greenhouse/Nursery - Retail. An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale. If all such activities are indoors with no outdoor component (growing, displays, storage, sales), then such use is considered a retail goods establishment.

Greenhouse/Nursery - Wholesale. An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold in bulk to retailers, other professional business users, and/or other wholesalers.

Group Home. Group home means a “Family Care Home” as defined in N.C.G.S § 160D-907. A group home is a home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities. Person with disabilities are defined as a person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to, an intellectual or other developmental disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments but not including persons with a mental illness who are dangerous to others as defined in G.S. 122C-3(11)b. In addition, a group home also means a residential use, even if it does not conform to the language above, that provides a residential environment which may require various services, living assistance, or supervision but does not include any facility that provides medical services requiring or comparable to on-site, nursing, physician, or medical care for the occupants which is only permitted in a dependent living facility or healthcare institution.

Halfway House. A residential facility for persons who have been institutionalized for criminal conduct and require a group setting to facilitate the transition to society.

Healthcare Institution. Facilities for primary health services and medical or surgical care to people, primarily in-patient overnight care, and including related facilities such as laboratories, outpatient facilities, dormitories, educational facilities, cafeterias, retail sales, and similar uses.

Heavy Rental and Service Establishment. Rental and/or service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service and storage areas and/or partially enclosed structures. Examples of heavy rental and service establishments include truck rental establishments, amusement equipment rental, and rental and repair of heavy equipment.

Heavy Retail Establishment. Retail centers of a heavier and/or larger-scale commercial character typically requiring permanent outdoor storage areas and/or partially enclosed structures. Examples of heavy retail establishments include large-scale home improvement centers with outdoor storage and display, lumberyards, recreational vehicle dealerships, and sales of heavy equipment. Wholesale establishments that sell to the general public, including those establishments where membership is required, are considered heavy retail establishments.

Helistop. Land or part of a structure used for the landing of helicopters.

Home Occupation. An activity carried out for economic gain by a resident, conducted as an accessory use in the resident's dwelling.

Homeless Shelter. A facility that provides overnight, temporary, or transitional shelter and services to the homeless in general.

Hotel/Motel. A commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related accessory uses may include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests. A hotel/motel has common facilities for reservations, cleaning services, combined utilities, and on-site management and reception.

Industrial Design. An establishment where the design, marketing, and/or brand development of various products are researched and developed typically integrating the fields of art, business, science, and/or engineering. An industrial design establishment may create prototypes and products, but cannot mass manufacture products on the premises.

Industrial, Craft. Artisan-related crafts and industrial processes that are more intensive uses, such as metalworking, glassblowing, woodworking, furniture making, and food production that includes preparation, processing, canning, or packaging of food products. Micro-production of alcohol is regulated separately from craft industrial.

Industrial, General. Within a wholly enclosed building or out-of-doors, ~~T~~the manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof, in such a manner as to change the form, character, and/or appearance. A ~~G~~general industrial use may produce noise, vibrations, illumination, odor, or particulate that is perceptible to adjacent land users.

Industrial, Light. Within a wholly enclosed building, the manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance. A light industrial use may also include a showroom, sales of products related to the items manufactured or stored on-site, and/or outdoor storage.

Kennel. A facility for the breeding and raising of domestic animals for sale.

Landfill, Land Clearing, and Inert Debris (LCID). A facility for the land disposal of inert debris, land clearing debris, yard waste, and untreated and unpainted wood.

Light Assembly. The assembly of previously manufactured parts within a fully enclosed structure that does not create noise, smoke, fumes, odors, glare, or health or safety hazards outside the building.

Live Performance Venue - Indoor. An indoor facility for the presentation of live entertainment, including musical acts and disc jockeys, theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue may include classroom and/or rehearsal space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. This does not include any adult use or stadium.

Lodge/Meeting Hall. A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

Manufactured Home Park. A parcel of land with single control or unified ownership that has been planned and improved for the placement of manufactured homes for residential use.

Marina. A facility with navigable water access for docking or storage of boats or providing services to boats and the occupants thereof. Services may include minor servicing and repair to boats while in the water, sale of fuel and supplies, food, beverages, and entertainment as accessory uses. A yacht club is considered a marina.

Medical Campus. The grounds and buildings of a healthcare institution, providing primary health services and medical or surgical care to people, including in-patient overnight care, as well as research and development facilities, ~~,~~ medical/dental educational facilities, and medical/dental offices. A medical campus may include dormitories and other housing through the medical institution, dining rooms, cafeterias, gift shops, and pharmacies for the use of staff, patients, and visitors. Supportive commercial uses for the primary use of medical campus staff and visitors, such as retail goods establishments, personal service establishments, financial institutions, childcare centers, and restaurants, are permitted.

Medical/Dental Office. A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physical therapists, acupuncturists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

Micro-Production of Alcohol. A facility for the production and packaging of alcoholic beverages, such as beer, wine, spirits, cider, and mead, for distribution and consumption on-premises. A tasting room is an area within the premises of the ~~brewery's~~ production facilities where guests may sample the ~~brewery's~~ products. When the production facilities exceed the maximum square footage allowed by any prescribed conditions, the facility is not considered micro-production of alcohol, but rather an industrial use.

Mobile Car Wash. A temporary service, and its associated equipment, for the washing, cleaning, and detailing of motor vehicles by hand. A mobile car wash operates from a fixed location to offer services to multiple cars on that site for a limited period of time.

Mobile Food Vendor. A motor vehicle or food trailer towed by another vehicle, designed and equipped to sell food and/or beverages directly to consumers. It does not include wholesale food distributors. The vendor physically reports to and operates from an off-site kitchen for servicing, restocking, and maintenance each operating day.

Mobile Retail Vendor. A motor vehicle, or trailer towed by another vehicle, designed and equipped to sell goods directly to consumers. It does not include wholesale distributors. The vendor physically reports to and operates from an off-site facility for servicing, restocking, and maintenance.

Movie Studio. Facilities for the production of motion pictures and film, including stages, exterior sets, film laboratories, sound recording facilities, construction, repair and storage facilities, caretaker and temporary housing, related commercial vehicles, and accessory fabrication activities.

Multi-Dwelling Development. A development consisting of two or more single-family, duplex, triplex, quadraplex, and/or multi-family principal buildings located on a lot or parcel of land under single ownership, and planned and developed with a unified design of buildings and coordinated open space and service areas. Only those dwelling types allowed within the zoning district are allowed within the multi-dwelling development.

Neighborhood Commercial Establishment. Select commercial uses located within a residential neighborhood to serve the surrounding residents.

Nightclub. An establishment that provides entertainment of a participatory nature, including disc jockeys, by providing a place for dancing designed with an area designated as a dance floor, including any stage area; however, portions of the floor area may be set up for alcohol service, including a bar counter, with or without stools, and other seating areas.

Office. An establishment that engages in the processing, manipulation, or application of business information or professional expertise. An office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair or sale of products for immediate purchase and removal from the premise by the purchaser.

Office Campus. A development of one or more buildings designed to accommodate offices, corporate headquarters, research and development, broadcast facilities, and/or fully enclosed light assembly with no outdoor storage. An office campus may also include hotels/motels, medical/dental offices, and a healthcare institution of 25,000 square feet or less in gross floor area. Supportive commercial uses for the primary use of office campus staff and visitors, such as of retail goods establishments, personal service establishments, financial institutions, childcare centers, and restaurants, are permitted.

Outdoor Entertainment. Outdoor entertainment as an accessory use means presentation of live entertainment, including musical acts and disc jockeys, theatrical plays, stand-up comedy, and similar live performances, or the presentation of a live or pre-recorded major sporting event, media event, movie, or similar. Outdoor entertainment occurs on the premises of, but outside of, a restaurant, bar, amusement facility, or similar uses. Entertainment occurs outdoors when it is outside a permanently enclosed area.

Outdoor Market. A market consisting of booths, tables, platforms, mobile units, or similar displays where producers and/or growers sell fresh food, flowers and plants, value-added products, and artisan wares at stalls or

mobile units in a permanent outdoor location. Individual vendors may operate one or more booths, under the supervision of a market proprietor, who rent or otherwise arrange for assigned space(s) for each vendor.

Outdoor Sales and Display. Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

Outdoor Seating/Activity Area. An outdoor seating/activity area as an accessory use is located outside the permanent enclosed area, and is used for seating, for food and/or beverage consumption, and/or participatory activities such as trivia or skill games like darts. This includes, but is not limited to, areas such as patios, decks, rooftops, and open areas.

Outdoor Storage Yard. The storage of materials, supplies, equipment, vehicles, and similar items outdoors as the principal use of land. Salvage and/or junk yard is a separate use from outdoor storage yard.

Parking Lot (Principal Use). A lot, which excludes any public or network-required private street, used for the parking of operable vehicles, whether for compensation or at no charge. A parking lot (principal use) is not accessory to or associated with any other use on the same or any other lot.

Parking Structure (Principal Use). A structure or portion of a structure used for the parking of operable vehicles, whether for compensation or at no charge. A parking structure (principal use) is not accessory to or associated with any other use on the same or any other lot.

Passenger Terminal. A facility for the assembly and dispersal of travelling passengers by means of intercity rail, bus, or other mode of transit, including offices for such services, and additional uses such as passenger waiting areas, restaurants, and retail establishments. Passenger terminal does not include airport or CATS public transit facilities.

Personal Service Establishment. An establishment that provides services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, body modification establishments (e.g., tattoos, piercing, etc.), tanning salons, electronics repair shops, bicycle repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors.

Place of Worship. A facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may include additional uses as part of the principal use such as childcare facilities, meeting rooms, food preparation and dining areas, auditoriums, and/or classrooms for religious instruction.

Private Recreation Club. An establishment open to members, their families, and invited guests organized and operated for social and recreation purposes and which may include recreation facilities, both indoor and outdoor, restaurants and bars, meeting rooms, and/or similar uses.

Private Stables. The keeping of equines for private use and not for remuneration, hire, or sale.

Public Park. A publicly-owned facility that serves the recreational needs of residents and visitors. Public park includes, but is not limited to, playgrounds, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Public parks may also include noncommercial indoor or outdoor facilities, including zoos, recreational centers, and amphitheaters, additional uses such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances. Greenways are not considered a public park (see Article 2 for greenway definition).

Public Safety Facility. A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles, and training exercises. Public safety facilities include shelter and training facilities for canine and equine units of public safety agencies.

Public Transit Facility. Facilities operated as part of the public transit system, which shall include park-and-ride lots, park-and-ride garages, station platforms, bus transfer stations, rideshare mobility hubs, and other transit appurtenances required for the operations and use of public transit service. For the purposes of this Ordinance, bus shelters and rapid transit shelters that are not fully enclosed are not considered buildings.

Public Works Facility. A facility operated by and for the use of the municipal public works departments or other governmental agency to provide municipal services, such as but not limited to, the treatment of waste water and potable water; the ~~including~~ dispatch, storage, and maintenance of municipal vehicles; and training exercises.

Quarry. A type of open pit mine in which dimension stone, rock, construction aggregate, riprap, sand, gravel, or slate is excavated from the ground.

Raceway/Dragstrip. A facility built for racing of vehicles that may include grandstands and/or concourses for viewing. A raceway/dragstrip may also include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales.

Rail Freight Terminal. A heavy rail facility for freight pick-up or distribution that may include intermodal distribution facilities for truck or shipping transport.

Real Estate Project Sales Office. A real estate project sales office is a residential unit, commercial space, or standalone structure within a development that is temporarily used as a sales or leasing office.

Reception Facility. A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, corporate events, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may occur as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

Recycling Collection Center. An area containing one or more recycling containers operated by a unit of local government, or its designee, which is set aside and used by members of the public, including business entities, to collect recyclable materials, such as paper, plastics, glass, and cardboard**.** A recycling collection center may also collect household chemicals and computer equipment, including, but not limited to, household cleaners, oil-based paints, solvents, cell phones, compact fluorescent light bulbs, and computers.

Religious Campus. The grounds and buildings of a place of worship where regular assembly of persons for religious purposes and related social events occurs and which is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. A religious campus may include supporting office uses, childcare centers, and classrooms for religious study. Supportive commercial uses for the primary use of religious campus staff and visitors, such as retail goods establishments, personal service establishments, and restaurants, are permitted.

Research and Development (R&D). A facility where research and development are conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, information technology, electronics and instrumentation, and computer hardware and software.

Residential Care Facility. A licensed care facility that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, assisted living, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum.

Restaurant/Bar. An establishment where food and/or alcoholic beverages are provided to the public for on-premises consumption and/or food may be sold for off-premise consumption through carry-out service.

Retail Goods Establishment. An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. A retail goods establishment does not include specialty food service.

Retail Goods Showroom. An establishment where products are displayed for sale, such as furniture, appliances, carpet, tile, or furnishings. Products are available for purchase but are typically not available for immediate removal from the premises.

Rooming House. A single-family detached dwelling where a permanent resident or the property owner~~, who resides on site~~, makes rooms available to tenants for compensation for a minimum of ~~a~~ seven consecutive days ~~lease~~, and a common kitchen and common areas are shared between the permanent resident/property owner and tenants.

Salvage and/or Junk Yard. A facility used for the abandonment, sale, storage, collection, or baling of scrap metal, other scrap or discarded materials, waste tire processing or collection area, and/or abandoned vehicles or machinery, or parts thereof.

Self-Storage Facility: Climate-Controlled. A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Sales of related items, such as moving supplies, and facility management offices may also be included.

Self-Storage Facility: Outdoor. A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors, and which may have areas available for accessory outdoor storage. Sales of related items, such as moving supplies, and facility management offices may also be included.

Shooting Range, Indoor. A facility designed or used for shooting at targets with firearms, and which is completely enclosed within a building or structure. Police facilities for the training and practice of officers is not considered an indoor shooting range but rather a public safety facility.

Single Room Occupancy (SRO). A residential development where single rooms are rented individually as a permanent and/or primary residence, without kitchen or bathroom amenities in the rooms, for a weekly or monthly period of time for compensation. On-site management is provided on a 24 hour basis. A single room occupancy (SRO) has shared bathroom facilities and may have kitchen facilities, where both types of facilities are freely accessed by all building tenants.

Social Service Campus. The grounds and buildings of social service facilities that provide assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. A social service campus includes supporting office uses, medical/dental offices, childcare centers, recreational and exercise facilities, food pantries, and community centers. A social service campus may also include supportive housing such as dormitories, multi-family housing through the social service institution, group homes, children's homes, halfway houses, single room occupancy developments, homeless shelters, and domestic violence shelters.

Social Service Facility. A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

Solar Farm. A ground-mounted solar array operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating. Solar panels as an accessory use, such as those serving a home or business on the same site, are not considered to be a solar farm.

Specialty Food Service. A facility that includes preparation, processing, canning, and/or packaging of food products where all processing is completely enclosed and there are no outside impacts or outdoor storage. Such business specializes in the sale of specific food products, such as a coffee roaster or candy maker, and offers areas for retail sales or restaurants that serve the products processed on-site.

Stadium. A commercial structure with tiers of seats and/or viewing areas around and/or adjacent to a field, court, or stage, intended to be used for the viewing of athletic events, entertainment, concerts, and other public gathering purposes. Stadiums may be indoor or outdoor.

Temporary Contractor's Office and Contractor's Yard. A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the construction of a new development. This may include a temporary contractor's yard where materials and equipment are stored in conjunction with a construction project.

Temporary Outdoor Entertainment. A temporary entertainment event within an outdoor space, such as but not limited to the performance of live music, festivals, competitions, fireworks shows, carnivals/ circuses, worship services, and others.

Temporary Outdoor Sales. Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, plant sales, farmers markets, flea markets, rummage sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

Temporary Outdoor Storage Container. Temporary self-storage containers that are delivered to a residence or business owner for the purpose of storing belongings, and then may be picked up and returned to a warehouse until called for again.

Truck Stop. A facility that provides services to the trucking industry including, but not limited to, dispensing of fuel, repair, truck washes, restaurants, shower facilities, and/or overnight parking, all as part of the facility.

Truck Terminal. A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

Utility (Includes Transmission and Distribution). Any facility,infrastructure, and/or equipment used for the generation, transmission, storage, or distribution of electric energy, natural or manufactured gas, water, stormwater, cable television, internet, telephone services, or wastewater, between the point of generation and the end user. A utility does not include wireless telecommunications towers, antennas and/or facilities, satellite dish antennas, waste management facilities, recycling collection facilities, or radio, television, or microwave transmission or relay towers. Utility also includes utility operation facilities where all activity occurs indoors.

Vehicle Auction Facility. A facility where vehicles are offered for sale to persons who bid on the vehicles in competition with each other. A vehicle auction facility includes outdoor storage of the vehicles to be sold.

Vehicle Dealership: Enclosed. An establishment that sells or leases new or used automobiles, vans, pick- ups, motorcycles, and/or all-terrain vehicles (ATV), or other similar motorized transportation vehicles with no outdoor storage or display of such vehicles on-site, including within a parking structure. An enclosed motor vehicle dealership may maintain an inventory of the vehicles for sale or lease off-site. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail establishments.

Vehicle Dealership: Outdoor. An establishment that sells or leases new or used automobiles, vans, pick- ups, motorcycles, and/or all-terrain vehicles (ATV), or other similar motorized transportation vehicles with outdoor storage or display of such vehicles on-site. An outdoor motor vehicle dealership may maintain an additional inventory of the vehicles for sale or lease off-site. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail establishments.

Vehicle Operations Facility. A facility for the dispatch, storage, and maintenance of vehicle fleets including, but not limited to, emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, delivery vehicles, and public transit vehicle operations and maintenance facilities. Vehicle operations facility does not include a public works or public safety facility.

Vehicle Rental: Enclosed. An establishment that rents motor vehicles and motorcycles, including incidental parking and servicing of vehicles with no outdoor storage and display of such vehicles on-site, including within a parking structure. An enclosed vehicle rental establishment may maintain an inventory of the vehicles for rent off-site.

Vehicle Rental: Outdoor. An establishment that rents motor vehicles and motorcycles, including incidental parking and servicing of vehicles with outdoor storage and display of such vehicles on-site. An outdoor vehicle rental establishment may maintain an additional inventory of the vehicles for rent.

Vehicle Repair Facility: Major. A business that provides services in major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame, or fender straightening or repair, painting of motor vehicles, interior (e.g., upholstery, dashboard, etc.) reconstruction and/or repairs, and restoration services. A major vehicle repair business may also include services considered minor vehicle repair.

Vehicle Repair Facility: Minor. A business that provides services in minor repairs to motor vehicles and motorcycles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, tire replacement, wheel servicing, alignment, and balancing, realignment, repair and replacement of shock

absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, and wheel bearings, and similar minor repairs.

Warehouse and Distribution Center. An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

Waste Management Facility. Facilities for the recovery, disposal, depositing, processing, or storage of solid waste, including waste that requires special handling, such as hazardous waste and medical waste. Waste management facilities include sanitary landfills, construction and demolition landfills, solid waste collection sites, and solid waste transfer stations.

Wholesale Goods Establishment. A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Wind Farm. An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

Wireless Telecommunications. Towers, antennas, and facilities used to transmit and receive signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure within the general definition for wireless telecommunications:

1. **Wireless Antenna.** A specific device, the surface of which is used to transmit and/or receive signals transmitted to or from other antennas. This does not include satellite dish antennae.

2. **Wireless Facility.** A structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators. Facility also includes any necessary equipment that facilitates wireless transmission.

3. **Wireless Tower.** A structure designed and constructed to support one or more wireless telecommunications antennae and including all appurtenant devices attached to it.

15.4 PRINCIPAL USES: PRESCRIBED CONDITIONS

A. Adult Care Center

1. An adult care center shall be licensed by the North Carolina Department of Health and Human Services.

B. RESERVED~~Adult Care Home~~

~~**1.** A zoning use permit is required.~~

~~**2.** An adult care home is subject to the standards for a single-family dwelling unless modified by this section.~~

~~**3.** An adult care home shall be licensed by the North Carolina Department of Health and Human Services.~~

~~**4.** New adult care homes in an Neighborhood 1 Zoning District shall be separated from any existing adult care homes by a distance of 800 feet. This standard does not apply when the sites are separated by an arterial, Limited Access road, Parkway, Boulevard, or Avenue or a major topographical feature such as a major stream floodway.~~

C. Adult Electronic Gaming Establishment

1. A zoning use permit is required.

2. Minimum spacing requirements for adult electronic gaming establishments are as follows:

a. All adult electronic gaming establishments shall be separated by a distance of at least 1,000 feet from any Neighborhood 1 or Neighborhood 2 Place Type, educational facility, place of worship, child care center, or public park. An adult electronic gaming establishment lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of any Neighborhood 1 or Neighborhood 2 Place Type, educational facility, place of worship, child care center, or public park within the 1,000 foot separation distance.

b. All adult electronic gaming establishments shall be separated by a distance of at least 1,000 feet from any other adult electronic gaming establishments.

c. No more than one adult electronic gaming establishments may be located within the same structure.

3. Adult electronic gaming establishments may operate from 8:00 a.m. to 10:00 p.m. (local time) each day, seven days per week.

4. The maximum number of machines/computers/tables/terminals for electronic gaming shall be limited to 20.

5. Along frontages, any windows of an adult electronic gaming establishment shall be clear glass allowing for visibility from the exterior through to the interior, with the exception of window signs as allowed by this Ordinance.

6. Adult electronic gaming establishments shall comply with all applicable federal, state, and local laws, including but not limited to, tax code, building code, fire code, and environmental health regulations.

7. The provisions of this section are not subject to variance by the UDO Board of Adjustment.

D. Adult Use

1. All adult uses shall be separated by a distance of at least 1,000 feet from any Neighborhood 1 or Neighborhood 2 Place Type, educational facility, place of worship, child care center, or public park. An adult use lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of any Neighborhood 1 or Neighborhood 2 Place Type, educational facility, place of worship, child care center, or public park within the 1,000 foot separation distance.

2. All adult uses shall be separated by a distance of at least 1,000 feet from any other adult use.

3. No more than one adult use may be located within the same structure.

E. Agriculture - Industrial Processes

1. The minimum area for agriculture - industrial processes shall be 20 acres.

2. All animal processing facilities shall be located 250 feet from any lot line.

3. This use is not permitted inside the ~~Charlotte-Douglas International Airport's~~ Airport Noise Disclosure Overlay District. ~~65 DNL contour (reference map in Section 14.8)~~

F. Airstrip

1. An airstrip and all associated structures shall be located 100 feet from any lot line.

2. No part of the airstrip and any associated structures may be located within a required setback.

G. Alternative Correctional Facility

1. A zoning use permit is required.

~~1~~**2.** An alternative correction facility is subject to the standards for a single-family dwelling unless modified by this section.

~~2~~**3.** New alternative correctional facilities shall be separated from existing alternative correctional facilities by a minimum of 800 feet.

~~3~~**4.** Alternative correction facilities shall be limited to six residents.

H. Amusement Facility - Indoor

1. All windows and doors shall remain closed between the hours of 11:00 p.m. and 8:00 a.m.

I. Amusement Facility - Outdoor

1. When abutting a~~n~~ Neighborhood 1 or Neighborhood 2 Place Type, the outdoor activity area, including outdoor dining areas and outdoor entertainment areas, shall be located a minimum of 200 feet from such lot line. This does not include parking facilities.

J. Animal Care Facility

1. When abutting a Neighborhood 1 or Neighborhood 2 Place Type, the exterior exercise area shall be located a minimum of ~~at least~~ 200 feet from such lot line.

2. Animal care facilities shall locate exterior pens, runs, training, and exercise areas to the side or rear of the building.

3. All exterior exercise areas shall be completely fenced.

4. Animal care facilities shall locate all overnight boarding indoors.

K. Animal Shelter

1. When abutting a Neighborhood 1 or Neighborhood 2 Place Type, the exterior exercise area shall be located a minimum of 200 feet from such lot line.

2. Animal shelters shall locate exterior exercise areas to the side or rear of the building.

3. All exterior pens, runs, training, and exercise areas shall be completely fenced.

4. Animal shelters shall locate all overnight boarding indoors.

L. Bed and Breakfast

1. A zoning use permit is required.

2. Bed and breakfasts are subject to the standards for a single-family dwelling unless modified by this section.

3. The maximum number of guest rooms permitted is as follows:

a. Neighborhood 1 Zoning District: Four guest rooms.

b. All other zoning districts when permitted: Eight guest rooms.

4. All guest rooms and the occupants of the premises shall be in the principal residential single-family structure. Separate structures, accessory buildings, and garages are not permitted to be used as living units or guest rooms.

5. All guest rooms shall be accessed from the interior of the building. Separate exterior access to guest rooms is prohibited.

6. Guests are limited to a length of stay of no more than seven consecutive days.

7. Bed and breakfasts may provide food service only to guests lodging in the facility.

8. A property may only be used for either a ~~short term whole dwelling rental,~~ bed and breakfast~~,~~ or rooming house at any one time.

M. Beneficial Fill Site

1. Beneficial fill sites 1/4 acre or greater on one parcel require a zoning use permit and site approval. Beneficial fill sites of less than 1/4 acre on one parcel do not require a zoning use permit or site approval and are exempt from this section, except for items 2, 3, and 4. In addition, item 5 shall be required if the beneficial fill site contains material such as concrete, concrete block, brick, or used asphalt.

2. The site shall be operated only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.

3. Final fill ~~elements~~ elevation shall match or compliment adjacent surrounding topography. The final contours and drainage patterns of the fill area shall not adversely affect adjacent properties.

4. No fill, which includes used asphalt, shall be placed in any portion of a regulatory floodplain, including both the floodway and flood fringe area.

5. No portion of a beneficial fill site shall be located within 15 feet of any lot line. This includes structures, equipment storage, parking areas, and fill areas. However, during closure of the site, the 15-foot separation area may be filled if necessary to match or compliment adjacent surrounding topography.

6. The location of a beneficial fill site shall be indicated on a recorded plat. A recorded survey of the site is required after completion and must be submitted to the Planning Department.

7. Any such site may not be operated for more than 12 months.

N. Boarding Stables, Commercial

1. The minimum area for a commercial boarding stable shall be two acres.

2. All structures for the keeping and maintenance of animals, equipment, or manure and all manure piles, pits, or bins shall be located a minimum of 50 feet from any lot line.

3. The following activities are permitted as part of the operation of a commercial horse stable:

a. Horse auctions.

b. Horse breeding.

c. Horse clinics.

d. Horse demonstrations and exhibitions (horse shows), which may be conducted without a temporary use permit. This excludes spectator sport horse racing, which is prohibited.

e. Boarding horses.

f. Equine therapy.

g. Renting horses for recreational riding.

h. Riding lessons.

O. Broadcasting Facility - With Antennae

1. Radio and television tower antennas may exceed the zoning district height limits but shall be separated from any abutting lot line by one foot for every two feet in height above the permitted height.

2. In addition, if a broadcasting facility - with antennae is located on a lot that abuts a Neighborhood 1 or Neighborhood 2 Place Type, the radio or television tower antennas shall be setback from all lot lines a minimum of 110% of the tower height as measured from the base of the antenna.

P. Campground

1. The minimum area for a campground is six acres.

2. Campgrounds shall provide a common recreational area consisting of 100 square feet per campsite or recreational vehicle parking site.

3. Management headquarters, recreational facilities, coin operated laundry facilities, cabins for staff, and other uses and structures customarily associated with the operation of a campground are permitted.

4. Storage of equipment shall be within enclosed structures.

5. Year-round residency is prohibited at any campground. Use of tents or recreational vehicles as a principal residence is prohibited. This excludes any structures erected for an on-site caretaker or manager, which may be a year-round residency.

6. Individual campsites or recreational vehicle parking sites shall be set back a minimum of 100 feet from all lot lines.

Q. Car Wash

1. A Class C landscape yard shall be required along the side and rear lot lines, unless Article 20 requires a higher class of landscape yard.

R. Cemetery

1. Tombstones, crypts, monuments, columbaria, and mausoleums shall be located a minimum of 25 feet from any side or rear lot line that abuts an Neighborhood 1 or Neighborhood 2 Place Type and a minimum of ten feet from any side or rear lot line that abuts any other lot. In addition, they shall be a minimum of 40 feet from any lot line abutting a public or network-required private street.

2. Crematoriums and funeral homes are only permitted within cemeteries of 100 acres or more.

3. All buildings shall be located a minimum of 100 feet from any lot line that abuts a Neighborhood 1 or Neighborhood 2 Place Type. In addition, cemeteries shall be exempt from the following zoning district standards:

a. Minimum build-to zones and build-to percentages

b. Building articulation requirements

c. Minimum transparency requirements

d. Building design standards (excluding building materials)

S. Childcare Center

1. Each facility shall comply with all applicable federal and state regulations. The operator shall be licensed and such license displayed publicly.

2. Outdoor play space and equipment shall be located to the rear or side of the principal building.

3. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

T. RESERVED~~Childcare Center in Residence~~

~~**1.** A zoning use permit is required.~~

~~**2.** Childcare centers in residence are subject to the standards for a single-family dwelling unless modified by this section.~~

~~**3.** A single-family dwelling containing a childcare center in residence shall be the primary residence of the operator/primary caregiver.~~

~~**4.** New childcare center in residence shall be separated from existing family childcare homes and existing childcare center in residence in an Neighborhood 1 Place Type by a distance of 400 feet. This does not include childcare centers operating as part of a place of worship.~~

~~**5.** Outdoor play space and play equipment shall be located to the rear of the principal structure.~~

~~**6.** A childcare center in residence shall be limited to a maximum of two employees that reside outside of the residence at any one time.~~

~~**7.** The operator's children are not included in the count of the number of children allowed.~~

U. Childcare Center, Large

1. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

~~**1**~~**2.** Each facility shall comply with all applicable federal and state regulations. The operator shall be licensed and such license displayed publicly.

~~**2**~~**3.** Outdoor play space and equipment shall be located to the rear or side of the principal building.

V. Commercial Kitchen

1. Outdoor overnight parking and storage of vehicles such as food trucks and trailers associated with a commercial kitchen is prohibited in the IMU and ~~RC-1~~RC Zoning Districts.

2. Overnight parking and storage of vehicles such as food trucks and trailers associated with a commercial kitchen are allowed in other zoning districts and require a Class C landscape yard along the side and rear lot lines, unless Article 20 requires a higher class of landscape yard.

W. Community Garden

1. Areas of cultivation and accessory structures shall be set back as follows:

a. A minimum of five feet from side and rear lot lines.

b. A minimum of ten feet from any lot line abutting a street.

2. Accessory structures shall be limited to 15 feet in height and 120 square feet in area.

3. The keeping of livestock is prohibited.

4. The sale of items grown on-site is prohibited.

X. Conservation Area

1. Conservation areas shall be exempt from the following zoning district standards:

a. Minimum lot width and/or area

b. Minimum build-to zones and build-to percentages

c. Building articulation requirements

d. Minimum transparency requirements

e. Building design standards (excluding building materials)

Y. Continuum Care Retirement Community (CCRC)

1. To qualify as a continuum care retirement community **(**CCRC), a development shall include residential care facilities with a minimum combination of at least two of the following uses: independent living, assisted living housing, nursing care facilities, and hospice care, where the average length of stay in these type facilities is more than 45 days.

2. Supportive commercial uses of retail goods establishments, personal service establishments, restaurants, and childcare centers are permitted but are limited to the use of staff, residents, and their guests.

Z. Contractor Office with Outdoor Storage

1. Any outdoor storage area shall be located a minimum of 20 feet from any lot line. However, when abutting an Neighborhood 1 or Neighborhood 2 Place Type, the outdoor storage area shall be located a minimum of 200 feet from a lot line that abuts a Neighborhood 1 or Neighborhood 2 Place Type. No storage is permitted within this setback.

2. A Class C landscape yard is required along all lot lines, unless Article 20 requires a higher class of landscape yard. However, if a higher class of landscape yard is required and does not require a fence or wall, a fence or wall shall still be required.

3. Storage of any kind is prohibited outside the required fence in item 2 above.

4. No items stored within 50 feet of the fence or wall may exceed the height of the fence or wall in the landscape yard.

AA. Crematorium

1. A crematorium shall be located a minimum of 400 feet from any lot line abutting a Neighborhood 1 or Neighborhood 2 Place Type.

BB. Dormitory

1. Dormitories in the Neighborhood 2 Zoning Districts shall be subject to the standards for multi-family dwellings within the zoning district.

CC. Drive-Through Establishment

1. All drive-through establishments, except restaurants, shall provide a minimum of four stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Ordinance. Restaurants shall provide a minimum of eight stacking spaces per lane or bay. The space at the service window is counted in this minimum number of stacking spaces.

2. A drive-through lane shall have bail out capability for all vehicles that enter the drive-through lane. The bail out lane shall be a minimum width of ten feet in width and run parallel to the drive-through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive-through lane.

3. Drive-through lanes and drive aisles located between the street and the facade of the building shall require parking lot screening per Section 20.5 .

4. A stacking space shall be a minimum of nine feet in width and 18 feet in length.

5. All components of a drive-through including, but not limited to, signs, stacking lanes, trash receptacles, ordering box, and drive up windows, shall be located to the rear or side of the building.

DD. Drug Treatment Clinic

1. All drug treatment clinics shall be separated by a distance of at least 800 feet from any Neighborhood 1 or Neighborhood 2 Place Type.

2. All drug treatment clinics shall be separated by a distance of at least 800 feet from any other drug treatment clinics.

EE. Dwelling – Duplex

1. In the N2-A and N2-B Zoning Districts, duplex dwellings are permitted ~~only as a component of a multi-dwelling development and~~ subject to the standards of the N1-E Zoning District, or as components of a multi-dwelling development.

FF. Dwelling – Multi-Family Attached

1. Multi-family attached dwellings are limited to a maximum building length of 150 feet. This maximum building length may be increased to 400 feet if vehicular entrances to garages, including areas used for vehicular access to attached or detached garages, are located to the side or rear of the building~~,~~.

2. If the zoning district limits maximum building length with a stricter standard, such stricter standard controls.

GG. Dwelling - Quadraplex

1. In the Neighborhood 1 Zoning Districts, quadraplex dwellings are permitted only as follows:

a. Quadraplex dwellings are permitted only on arterial streets and a minimum of one unit within the structure shall be set aside for households earning 80% AMI or less. This restriction does not apply to the N1-F Zoning District.

b. In the case of a through lot, a quadraplex is only permitted if both frontages abut arterial streets.

2. In the N2-A and N2-B Zoning Districts, quadraplex dwellings are permitted ~~only as a component of a multi-dwelling development and~~ subject to the standards of the N1-E Zoning District, or as components of a multi-dwelling development.

HH. Dwelling – Single-Family

1. In the N2-A and N2-B Zoning Districts, single-family dwellings are permitted ~~only as a component of a multi-dwelling development and~~ subject to the standards of the N1-E Zoning District, or as components of a multi-dwelling development.

II. RESERVED~~Dwelling – Townhouse~~

~~**1.** Townhouse dwelling developments are limited to a maximum building length of 150 feet. This maximum building length may be increased to 400 feet if vehicular entrances to garages, including areas used for vehicular access to attached or detached garages, are located to the side or rear of the building.~~

~~**2.** If the zoning district limits maximum building length with a stricter standard, such stricter standard controls.~~

JJ. Dwelling - Triplex

1. In the N2-A and N2-B Zoning Districts, triplex dwellings are permitted ~~only as a component of a multi-dwelling development and~~ subject to the standards of the N1-E Zoning District, or as components of a multi-dwelling development.

KK. Educational Facility - Primary or Secondary

1. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

LL. Educational Facility - University or College

1. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

MM. Educational Facility - Vocational

1. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

NN. Employment/Labor Service Agency

1. An employment/labor service agency shall be separated by a distance of at least 800 feet from any other employment/labor service agency.

2. On-site management shall be required during the hours of operation. The manager shall be accessible to clients, law enforcement personnel, and any other individuals who need to establish communication upon or about the premises.

3. The employment/labor service agency shall provide adequate seating for clients in an accessible waiting area. The waiting area shall allow for access to restrooms and water during the hours of operation.

OO. RESERVED~~Family Childcare Home~~

~~**1.** A zoning use permit is required.~~

~~**2.** A family childcare home is subject to the standards for a single-family dwelling unless modified by this section.~~

~~**3.** New family childcare homes shall be separated from existing family childcare homes and childcare center in residence in the Neighborhood 1 Place Type by a distance of 400 feet. This does not include childcare centers operating as an accessory use to a place of worship.~~

~~**4.** Outdoor play space and play equipment shall be located to the rear of the principal structure.~~

~~5. A family childcare home shall be limited to a maximum of one employee that resides outside of the residence at any one time.~~

~~6. The operator's children are not included in the count of the number of children allowed.~~

PP. Farm

1. Activities that are considered an agriculture - industrial process, as defined in this section, are prohibited.

2. All structures for the keeping of animals shall be located 100 feet from any lot line.

3. Farmstands for the sale of items grown on the farm are permitted.

4. All manure may only be stored in appropriate containers. The containers shall be located at least 250 feet from any from any lot line. A pile containing putrescible refuse and/or manure is prohibited. Spreading of manure is prohibited.

QQ. Food Pantry

1. A food pantry in the Neighborhood 1 and Neighborhood 2 Zoning Districts is permitted as an accessory use to an established nonresidential principal use.

RR. Funeral Home

1. Funeral homes shall have primary vehicular access from a collector or arterial street.

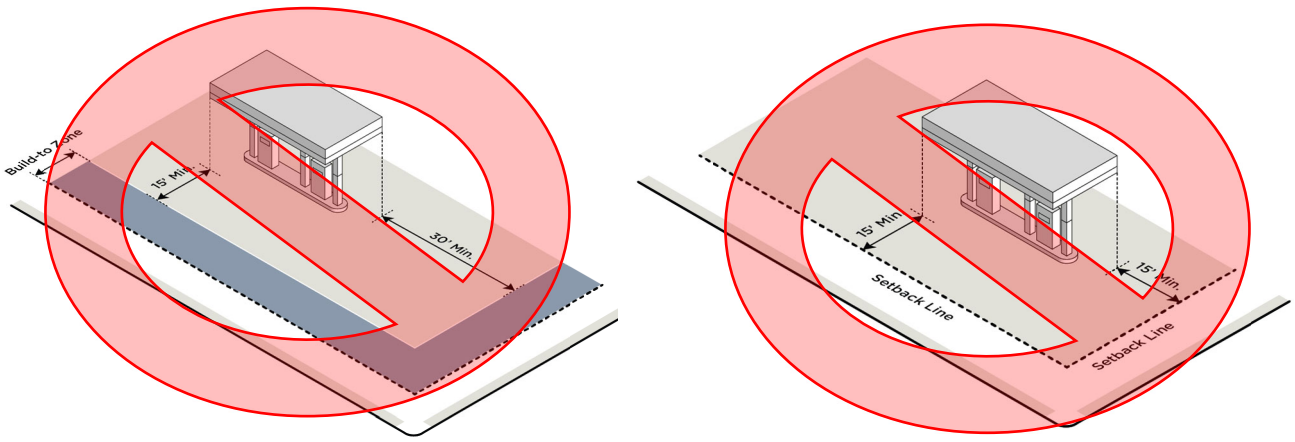
SS. Gas Station

~~1. Gasoline pump islands shall be located no closer than 15 feet from any frontage setback line. This includes any area of a pad upon which a gas pump is installed.~~

~~2~~**1.** Gas station canopies may be located in required build-to zones but shall be located a minimum of 15 feet from any required frontage setback line ~~abutting a street~~.

~~3~~**2.** Gas stations must meet the standards of the district with the exception of minimum building length as a percentage of lot width along a frontage, minimum ground floor height, and minimum building height.

~~**GAS STATION PUMP ISLAND SETBACKS**~~



TT. Government Office/Facility

1. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

UU. Group Home

1. A zoning use permit is required.

2. A group home is subject to the standards for a single-family dwelling unless modified by this section.

3. Group homes shall be licensed by the state.

4. Group homes in the Neighborhood 1 Zoning Districts shall be limited to a maximum of six residents. Group homes in all other zoning districts shall be limited to ten residents.

5. New group homes shall be separated from existing group homes in an Neighborhood 1 Place Type by a distance of 800 feet. This standard does not apply in circumstances when the sites are separated by a major thoroughfare, major topographical feature such as a major stream floodway, or by major nonresidential or public uses such as a public park, educational facility, place of worship, or commercial area.

VV. Halfway House

1. Each halfway house shall identify a manager to act as a 24 hour contact.

2. Halfway houses shall be limited to ten residents.

3. The manager contact information shall be printed legibly and posted in such a way as to be conspicuous and readable from the exterior of each building to a person at the front entrance of a building. The posting shall contain the address of the property, the name of the manager of the property, and the phone number of the manager.

WW. Homeless Shelter

1. New homeless shelters shall be separated from existing homeless shelters by a minimum of 800 feet. This separation requirement does not apply in the Commercial Zoning Districts and the Manufacturing and Logistics Zoning Districts.

2. Each homeless shelter shall identify a manager to act as a 24-hour contact.

3. The manager contact information shall be printed legibly and posted in such a way as to be conspicuous and readable from the exterior of each building to a person at the front entrance of a building. The posting shall contain the address of the property, the name of the manager of the property, and the phone number of the manager.

XX. Industrial, Craft

1. In the IMU and ~~RC-1~~RC Zoning Districts, the following apply:

a. Each craft industrial use is limited to a maximum gross square footage of 30,000 square feet.

b. To encourage the adaptive reuse of older or underutilized buildings, this maximum area is increased to 60,000 square feet if the use is located in a building constructed prior to 1980.

c. Outside storage is prohibited. All business, servicing, processing, and storage uses shall be fully enclosed.

YY. Industrial, General

1. All outdoor storage and activity areas shall be located a minimum of 30 feet from any lot line. However, when abutting a Neighborhood 1 or Neighborhood 2 Place Type, the outdoor storage and activity areas shall be located a minimum of 200 feet from the lot line that abuts a Neighborhood 1 or Neighborhood 2 Place Type. No storage is permitted within this setback.

2. All outdoor storage and activity areas require a Class C landscape yard along all lot lines, unless Article 20 requires a higher class of landscape yard. However, if a higher class of landscape yard is required and does not require a fence or wall, a fence or wall shall still be required. Storage of any kind is prohibited outside the fence.

3. No items stored within 30 feet of the fence or wall may exceed the height of the fence or wall.

ZZ. Industrial, Light

1. In the IMU and ~~RC 1~~RC Zoning Districts, the following apply:

a. Outside storage is prohibited. All business, servicing, processing, and storage uses shall be fully enclosed.

b. Light industrial uses are limited to a maximum gross square footage of 30,000 square feet.

c. To encourage the adaptive reuse of older or underutilized buildings, this maximum area is increased to 60,000 square feet if the use is located in a building constructed prior to 1980.

2. All outdoor storage and activity areas shall be located a minimum of 30 feet from any lot line. However, when abutting a Neighborhood 1 or Neighborhood 2 Place Type, the outdoor storage and activity areas shall be located a minimum of 200 feet from the lot line that abuts a Neighborhood 1 or Neighborhood 2 Place Type. No storage is permitted within this setback.

3. All outdoor storage areas require a Class C landscape yard along all lot lines, unless Article 20 requires a higher class of landscape yard. However, if a higher class of landscape yard is required and does not require a fence or wall, a fence or wall shall still be required. Storage of any kind is prohibited outside the fence.

4. No items stored within 30 feet of the fence or wall may exceed the height of the fence or wall.

AAA. Kennel

1. Any structure for the keeping of animals that is not completely enclosed shall be located between the principal structure and the side or rear lot line.

2. No more than 20% of the established rear setback shall be occupied by such structures. Such structures shall be located ten feet from any lot line.

3. When abutting a Neighborhood 1 or Neighborhood 2 Place Type, any exterior exercise area shall be located a minimum of 200 feet from such lot line.

4. Kennels shall locate exterior pens, runs, training, and exercise areas shall be located between the principal structure and the side or rear lot line.

5. All exterior exercise areas shall be completely fenced.

BBB. Landfill, Land Clearing, and Inert Debris (LCID)

1. A zoning use permit is required.

2. Any on-site LCID landfill shall obtain approval and comply with the size, siting, operational standards, and notice by recordation requirements of the State of North Carolina.

3. An on-site LCID landfill may not be operated for more than 12 months with exception of sites located in the Manufacturing and Logistics Zoning Districts where no portion of the landfill is located within 300 feet of any lot located in a Neighborhood 1 or Neighborhood 2 Zoning District.

a. Operation of an on-site LCID landfill in other zoning districts may be extended an additional six months if it remains in active use at the end of the 12 month period and such site is at least 300 feet from an occupied dwelling unit.

4. The location of any such site shall be indicated on any required final subdivision plat. Further, any lot that contains any part of any such site shall have notification of the existence and extent of the site recorded as part of the deed for the lot, even if no subdivision plan is required for development of the property.

5. No portion of the landfill site may be located within 15 feet of any lot lines. This includes structures, equipment storage, parking areas and fill areas; however, access drives may cross this area.

6. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

CCC. Light Assembly

1. In the IMU and ~~RC-1~~RC Zoning Districts, outside storage is prohibited, and all business, servicing, processing, and storage uses shall be fully enclosed.

DDD. Marina

1. Marinas may include caretaker's residences, docks, fueling and supply facilities, launching and storage facilities, boat servicing facilities, parking areas, maintenance areas, restaurants, boat lifts, launching ramps, boat charter services, and incidental retail sales associated with the principal use.

2. Along any lot line that abuts a use other than another marina, a Class B landscape yard is required, unless Article 20 requires a higher class of landscape yard.

3. Areas used for the drydock/outdoor storage of boats shall be screened along all lot lines by a Class B landscape yard unless Article 20 requires a higher class of landscape yard.

EEE. Medical Campus

1. A medical campus may include standalone medical/dental offices, drug treatment clinics, and similar health services.

2. A medical campus may include residential care facilities, residential addiction treatment facilities, and similar facilities. Long-term stay housing for patient families is permitted.

3. Supportive commercial uses primarily serving medical campus staff, patients, and visitors of the medical campus, such as retail goods establishments, personal service establishments, financial institutions, childcare centers, and restaurants, are permitted but shall be located to minimize attracting outside customers.

FFF. Micro-Production of Alcohol

1. The establishment shall include a restaurant, bar, and/or tasting room within the same building. The minimum size of the restaurant, bar, and/or tasting room shall be 20% of the total square footage of the use or 1,500 square feet, whichever is less.

2. Facilities may include retail areas for the purchase of beverages manufactured on-site and related items.

3. The maximum area that can be used for beverage production within a building is 30,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, this maximum area is increased to 60,000 square feet if the establishment is located in a building constructed prior to 1980.

GGG. Movie Studio

1. A movie studio is not subject to the design standards of a zoning district.

HHH. Multi-Dwelling Development

1. Each dwelling type in a multi-dwelling development shall meet zoning district dimensional and design standards unless modified by this section.

a. Every residential building on the site shall be separated on every side from any other building by at least ten feet.

b. All portions of every residential building shall be located within 400 feet of a public street, network-required private street, or non-network required private street that has direct access to the building.

c. Where a multi-dwelling development is served by non-network required private streets, angled parking areas directly adjoining the non-network required private streets will be permitted on one side of the street. Such parking areas may be alternated from one side of the street to the other. The combined length of such parking areas may not exceed 50% of the length of the adjoining roadway. All other angled parking areas shall be clearly separated from the non-network required private street by at least a barrier island. Any angled parking areas on network-required private streets shall be developed per the standards of the Charlotte Land Development Standards Manual (CLDSM) and with the approval of the Charlotte Department of Transportation (CDOT).

d. Non-network private streets, similar interior vehicular circulation streets, alleys, and surface parking areas on the site shall be no closer than 15 feet to any side of a residential building used for entry into the building and will be no closer than five feet to any other face of a building.

e. Architectural features such as stoops, stairs, chimneys, bay windows, balconies, and roof overhangs may extend into the 15 foot area of item d above, but in no case may they be closer than five feet to the non-network required private street, alley, and/or surface parking area. No structural support elements may be located in this area.

f. Parking pads and driveways shall have a minimum length of 20 feet, measured from the back of the sidewalk, back of curb, or edge of pavement, whichever is greater. Along non-network private streets without sidewalks, private drives, and alleys, the driveway apron may be reduced to no more than seven feet behind the back of curb or edge of pavement.

2. On development sites of 30 acres or more in the N2-A and N2-B Zoning Districts, a mix of dwelling types is required. No one dwelling type may constitute more than 90% of the total units in the development.

III. Neighborhood Commercial Establishment

1. In the Neighborhood 1 and Neighborhood 2 Zoning Districts, neighborhood commercial establishments are allowed within existing structures that are nonresidential in their original construction and/or current use as of the effective date of this Ordinance. Such structures cannot be expanded.

2. In the Neighborhood 2 Zoning Districts, new neighborhood commercial establishments are permitted on the ground floor of multi-family stacked dwellings.

3. In the Neighborhood 2 Zoning Districts, new neighborhood commercial establishments are permitted as freestanding structures subject to the following:

a. Shall be located on corner lots.

b. Shall be limited to a maximum gross square footage of 9,000 square feet.

c. Shall be limited to a maximum of 48 feet in height.

4. Neighborhood commercial establishments are not subject to the minimum lot sizes for nonresidential uses in Neighborhood 1 and Neighborhood 2 Zoning Districts. All other nonresidential zoning district standards apply.

5. The following commercial uses are permitted within a neighborhood commercial establishment.

a. Adult care center

b. Animal care facility with no outdoor component

c. Art gallery

d. Art or fitness studio

e. Childcare center; any separation requirements for childcare centers do not apply when allowed within a neighborhood commercial establishment

f. Medical/dental office

g. Office

h. Personal service establishment

i. Restaurant/bar; sale of alcohol is prohibited in the Neighborhood 1 Zoning Districts

j. Retail goods establishment; sale of alcohol is prohibited in the Neighborhood 1 Zoning Districts

k. Specialty food service

6 No off-street parking is required when the neighborhood commercial establishment is located within an existing building located in a Neighborhood 1 Zoning District. However, any off-street parking currently provided shall be retained.

7. Drive-through facilities are prohibited.

8. Outdoor seating/activity areas and outdoor sales and display are permitted as an accessory useto a neighborhood commercial establishment. Outside storage is prohibited.

JJJ. Nightclub

1. All windows and doors shall remain closed between the hours of 11:00 p.m. and 8:00 a.m.

2. All nightclubs shall be separated from any Neighborhood 1 Place Type by a distance of at least 200 feet.

KKK. Office

1. In the CR, ML-1, and ML-2 Zoning Districts, an office use is limited to 25% of gross floor area of a building.

LLL. Office Campus

1. Supportive commercial uses for the primary use of office campus staff and visitors, such as retail goods establishments, personal service establishments, financial institutions, childcare centers, and restaurants, are permitted but shall be located to minimize attracting outside customers.

MMM. RESERVED ~~Outdoor Market~~

~~**1.** A zoning use permit is required.~~

NNN. Outdoor Storage Yard

1. The outdoor storage yard shall be located a minimum of 15 feet from any lot line except where properties zoned the ML-1 or ML-2 Zoning District abut. However, when abutting a Neighborhood 1 and Neighborhood 2 Place Type, the outdoor storage yard shall be located a minimum of 200 feet from the lot line that abuts a Neighborhood 1 or Neighborhood 2 Place Type. No storage is permitted within this separation.

2. The outdoor area requires a Class C landscape yard along all lot lines, unless Article 20 requires a higher class of landscape yard. However, if a higher class of landscape yard is required and does not require a fence or wall, a fence or wall shall still be required. In addition, when abutting a Manufacturing and Logistics Place Type, a landscape yard is not required but a fence shall be required.

3. Storage of any kind is prohibited outside the required fence in item 2 above.

4. No items stored within 30 feet of the fence or wall may exceed the height of the fence or wall.

OOO. Public Park

1. Public parks shall be exempt from the following zoning district standards:

a. Minimum lot width and/or area

b. Minimum build-to zones and build-to percentages

c. Building articulation requirements

d. Minimum transparency requirements

e. Building design standards (excluding building materials)

PPP. Public Safety Facility

1. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

QQQ. Public Transit Facility

1. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

RRR. Quarry

1. The minimum area for a quarry shall be 100 acres.

2. A plan shall be submitted that specifies the anticipated future use of the property, upon the cessation of quarrying activities. ~~-~~The plan shall include provisions for the property owner to create a reserve fund in accordance with the applicable state statutes~~, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the quarry.~~

3. Required minimum setback from any lot line to:

a. Any building or extraction area, road, driveway or pit: 200 feet

b. Any crushing of rock, processing of stone, gravel, or other material: 300 feet

c. Any blasting: 500 feet

4. A Class A landscape yard is required along all lot lines.

5. During operation of the quarry, the following safety features shall be required:

a. Rock Quarries

i. From the edge of the pit, an area 20 feet wide shall be maintained free of any soil cover.

ii. From a point 20 feet from the edge of the pit, the soil cover, if less than 20 feet in depth, shall be graded back to a slope of one foot vertical or less, to one foot horizontal from the rock level to the top of the soil cover.

iii. If the soil cover to be stripped away exceeds 20 feet in depth, a ditch eight feet wide and three feet deep, at least ten feet back from the edge of the pit, may be substituted for the backsloping. If the pit has reached its maximum expansion in any direction, however, the permanent fence as described in item 9 below, in connection with termination of quarrying operations, will suffice instead of the backsloping or ditching in that particular area.

b. Gravel Quarries and Sand Quarries

When the pit exceeds a depth of 20 feet from the surface of the ground, all dense underbrush shall be removed from the soil cover for a distance of 20 feet from the edge of the pit.

6. Blasting is prohibited on Sunday, and may not occur earlier than 7:00 a.m. or later than 7:00 p.m. on any other day.

7. Vehicular access to the facility shall be provided from an arterial street.

8. A metal fence and gate shall be constructed at the entrance to the quarry site and be closed when the quarry is not in operation. All access driveways, which serve the site for ingress or egress, shall be wide enough to accommodate two lanes of traffic.

9. Upon termination of quarry operations at any pit that exceeds a depth of 20 feet from the surface of the ground, either the pit shall be backfilled to the slope of one foot vertical, or less, to one foot horizontal from the bottom of the pit to the surface of the ground, or a fence designed to prevent access shall be erected and maintained around the pit, or the site shall be otherwise reclaimed in accordance with the reuse plan for the property. If a fence is used, it shall be a minimum six feet high, and a maximum of eight feet high.

SSS. Reception Facility

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities.

2. All windows and doors shall remain closed between the hours of 11:00 p.m. and ~~6~~8:00 a.m.

TTT. Recycling Collection Center

1. All recycling collection containers that are not within an enclosed building shall be located a minimum of 30 feet from any lot line.

2. A Class B landscape yard is required along all lot lines. A solid fence a minimum of six feet to a maximum of eight feet in height is required with exceptions for ingress/egress, which shall be gated.

3. Storage of any kind is prohibited outside the required fence in item 2 above.

UUU. Religious Campus

1. A religious campus may include supportive housing, such as dormitories, group homes, children's homes, halfway houses, homeless shelters, and domestic violence shelters.

2. A religious campus may include community centers and food pantries.

3. Supportive nonresidential uses primarily serving religious campus staff and the congregation, such as retail goods establishments and restaurants, are permitted but shall be located to minimize attracting outside customers.

VVV. Residential Care Facility

1. Residential care facilities in the Neighborhood 2 Zoning Districts shall be subject to the standards for multi-family dwellings within the zoning district.

WWW. Restaurant/Bar

1. Incidental entertainment, which is defined as live or pre-recorded background music, is permitted within a permanent enclosed area.

2. A restaurant/bar may have areas that have been designed for live performances and/or dancing within permanent enclosed areas

3. All windows and doors shall remain closed between the hours of 11:00 p.m. and ~~6~~8:00 a.m.

XXX. RESERVED ~~Rooming House~~

~~**1.** A zoning use permit is required.~~

~~**2.** A rooming house is subject to the standards for a single family dwelling unless modified by this section.~~

~~**3.** The property owner shall reside within the dwelling.~~

~~**4.** All rooming units shall be in the principal residential structure. Separate structures, accessory structures, accessory dwelling units, and garages are not permitted to be used as rooming units.~~

~~**5.** There shall be no separate private entrance for any of the rooming units.~~

~~**6.** A maximum of five boarders is permitted.~~

~~**7.** No signs are permitted.~~

~~**8.** A property may only be used for a short-term whole-dwelling rental, bed and breakfast, or rooming house at any one time.~~

YYY. Salvage and/or Junk Yard

1. All outdoor storage and processing areas shall be located a minimum of 200 feet from any lot line except for a lot in a Manufacturing and Logistics Place Type.

2. A salvage and/or junk yard shall be located a minimum of 1,000 feet from any lot in a Neighborhood 1 or Neighborhood 2 Place Type.

3. Screening is required as follows:

a. A Class A landscape yard is required along all rear and side lot lines. In Zone 1 of the landscape yard, a solid fence a minimum of six feet to a maximum of eight feet in height is required.

b. A Class B landscape yard is required along all lot lines abutting a street. A solid fence a minimum of six feet to a maximum of eight feet in height is required with exceptions for ingress/egress, which shall be gated.

ZZZ. Self-Storage Facility: Climate-Controlled

1. Storage units cannot be used as a residence, office, or principal place of business.

2. No plumbing connections are permitted in self-storage units with the exception of those needed for fire safety.

3. All self-storage activities shall be conducted exclusively indoors. Individual storage units may be accessed

from inside the building only.

4. Any ground floor facade abutting a street shall be wrapped with active uses. Active use spaces shall be a minimum of 20 feet in width and 20 feet in depth. Individual spaces shall be furnished with water, sewer, and electrical service, or such services shall be stubbed into each individual active use bay for a future connection. This is not required in the Manufacturing and Logistics Zoning Districts or Commercial Zoning Districts.

5. Access to loading areas shall be located to the side or rear of the building.

AAAA. Self-Storage Facility: Outdoor

1. Storage units cannot be used as a residence, office, or principal place of business.

2. No plumbing connections are permitted in self-storage units with the exception of those needed for fire safety.

3. Outdoor self-storage facilities should be oriented so that storage unit access doors do not face the public right-of-way.

4. Outdoor self-storage facilities may include an area for storage of motor vehicles, recreational vehicles, and marine recreational vehicles. Storage areas shall be located to the side or rear of the facility and ~~in the established rear setback but~~ shall be a minimum of 30 feet from any lot line.

5. If storage areas for vehicles are provided as described in item 4 above, they shall be screened with a Class C landscape yard along all lot lines, unless Article 20 requires a higher class of landscape yard.

BBBB. Shooting Range, Indoor

1. The indoor training and shooting facilities shall be located in a building where it is the sole use within the structure.

CCCC. Single Room Occupancy (SRO)

1. Rooming units shall be a minimum of 80 square feet, not to exceed 450 square feet total.

2. Rooming units in single room occupancy residences shall be limited to one occupant per room.

3. The building shall contain common space such as recreation areas, lounges, living rooms, and dining rooms~~, or other congregate living spaces~~ at a rate of five square feet per rooming unit, but totaling not less than 250 square feet. Bathrooms, laundries, hallways, the main lobby, vending areas, and kitchens shall not be counted as common space.

4. Rooming units in each building shall be accessed through one primary location, unless the building is being rehabilitated or converted from an existing structure with multiple entrances, or from a campus with multiple buildings.

5. On-site management shall be provided on a 24 hour basis per building. Adequate on-site management includes having an employee on premises twenty-four hours a day. The employee shall be accessible to residents, law enforcement personnel, and any other individuals who need to establish communication upon or about the premises. Adequate on-site management also requires that the employee has the authority to exercise control over the premises to ensure that the use of the premises does not result in littering, nuisance activities, noise, or other activities that interfere with the peaceful enjoyment and use of surrounding properties.

6. Utilities shall be mass metered.

7. A maximum of 120 units are permitted, and a minimum of 11 units is required.

8. All buildings, outdoor active recreation facilities, and off-street parking and service areas require a Class C landscape yard along all lot lines that abut an Neighborhood 1 Place Type.

DDDD. Utility (Includes Transmission and Distribution)

1. Utility Buildings

a. Minimum building height regulations do not apply to utility buildings.

b. Building design standards for structures on a site apply, unless it can be shown that incorporating certain elements impacts operations and/ or creates a public safety issue. The Zoning Administrator shall approve the exceptions to design standards.

2. Utility Equipment (Principal Use of Site)

a. Utility equipment shall be set back 20 feet from all required setback lines.

b. Utility equipment shall be screened along all lot lines by a Class C landscape yard, unless Article 20 requires a higher class of landscape yard.

c. For electrical substations, a solid wall of a minimum of 12 feet and a maximum of 15 feet is required as part of the Class C landscape yard.

d. The Zoning Administrator has the authority to approve alternative methods for screening that meet the intent of the solid wall requirement.

EEEE. Vehicle Dealership: Outdoor

1. In the CG Zoning District, outdoor vehicle dealerships shall be less than two acres in lot area.

FFFF. Vehicle Rental: Outdoor

1. In the CG Zoning District, outdoor vehicle rental establishments shall be less than two acres in lot area.

GGGG. Vehicle Repair Facility: Major

1. Repair of vehicles is prohibited outdoors. Storage of all merchandise, auto parts, and supplies shall be within an enclosed structure.

2. Vehicle repair facilities shall be screened along interior side and rear lot lines with a Class C landscape yard, unless a higher class of landscape yard is required by Article 20. The landscape yard is not required where such side or rear lot abuts a Manufacturing and Logistics Place Type.

3. No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises. This standard does not apply to vehicles under repair.

4. No vehicles may be stored on site for more than 90 days.

5. The sale of new or used vehicles is prohibited unless it is a permitted use in the zoning district~~separately approved~~.

6. No motor vehicles may be stored and no repair work may be conducted in any public or ~~network~~ network-required private street.

HHHH. Vehicle Repair Facility: Minor

1. Repair of vehicles is prohibited outdoors. Storage of all merchandise, auto parts, and supplies shall be within an enclosed structure.

2. Vehicle repair facilities shall be screened along interior side and rear lot lines with a Class C landscape yard, unless a higher class of landscape yard is required by Article 20. The landscape yard is not required where such side or rear lot abuts a Manufacturing and Logistics Place Type.

3. No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises. This standard does not apply to vehicles under repair.

4. No vehicles may be stored on site for more than 90 days.

5. The sale of new or used vehicles is prohibited unless it is a permitted use in the zoning district~~separately approved~~.

6. No motor vehicles may be stored and no repair work may be conducted in any public or ~~network~~ network-required private street.

IIII. Waste Management Facility

1. All outdoor waste storage and processing areas shall be located a minimum of 200 feet from any lot line except for a lot in a Manufacturing and Logistics Place Type. For the purposes of this standard, the more restrictive conditions between the North Carolina Department of Environmental Quality (NC DEQ) or the City shall apply and control.

2. A waste management facility shall be located a minimum of 1,000 feet from any lot in a Neighborhood 1 or Neighborhood 2 Place Type. For the purposes of this standard, the more restrictive conditions between the NC DEQ or the City shall apply and control.

3. Screening is required as follows:

a. A Class A landscape yard is required along all rear and side lot lines. In Zone 1 of the landscape yard a solid fence a minimum of six feet to a maximum of eight feet in height is required.

b. A Class B landscape yard is required along all lot lines abutting a street. A solid fence a minimum of six feet to a maximum of eight feet in height is required with exceptions for ingress/egress, which shall be gated.

JJJJ. Wireless Telecommunications

1. General Standards for Wireless Telecommunications Systems

a. Wireless telecommunications systems shall not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

b. Commercial advertising is prohibited on all components. Only signs that are part of the equipment as manufactured or warning signs is permitted.

2. Standards for Wireless Telecommunications Towers

a. The maximum height of a wireless telecommunications tower is the minimum needed to function satisfactorily, evidence of which shall be provided to the Zoning Administrator.

b. All wireless communication towers located in a Neighborhood 1 or Neighborhood 2 Zoning District or within 400 feet of a lot within a Neighborhood 1 or Neighborhood 2 Place Type shall be required to meet concealment standards. Such concealment methods are encouraged in all zoning districts. Wireless communication towers are considered to meet concealment standards as follows:

i. Canister Design

All antennas on the tower shall be encased within canisters with the following provisions:

(A) The canisters shall be of a diameter no greater than 12 feet and all canisters shall be the same diameter.

(B) There shall be an under mount on the canisters that screens the view of the antennas from the ground.

(C) The tower and canisters shall be painted or constructed of the same color.

ii. Tree Design

The tower may be designed as a tree to blend with more natural surroundings. At a minimum the following standards shall be met:

(A) Branches of the tree design shall screen antennas and shall extend 12 inches beyond the edge of the antennas.

(B) Mounts and antennas shall be painted green to match the branches.

c. All wireless communication towers shall meet the following setback requirements:

i. When located in a Neighborhood 1 or Neighborhood 2 Zoning District or when abutting a lot within a Neighborhood 1 or Neighborhood 2 Place Type, towers shall be setback from all lot lines a minimum of 110% of the tower height.

ii. In all other locations, towers shall meet the setback of the zoning district.

d. Wireless communication towers are prohibited as a second principal use on any lot that contains a single-family, duplex, triplex, or quadraplex dwelling.

e. All towers shall be designed and equipped with the technological and structural capability to accommodate multiple wireless communications carriers for towers. At a minimum, colocation capability is required as follows:

i. For towers up to 150 in height: A minimum of two carriers

ii. For towers over 150 in height: A minimum of three carriers

f. All wireless telecommunication towers shall be monopole construction and be painted or constructed of a neutral color that blends in with the sky including, but not limited to, galvanized silver or gray finish.

g. The use of guyed towers is prohibited. Towers shall be monopoles, meaning self-supporting with no wires, cables, or beams.

3. Standards for Wireless Telecommunications Antennas

a. Wireless communication antennas are permitted atop any building or structure, with the exception of prohibited on single-family, duplex, triplex, or quadraplex dwellings.

b. No wireless communication antenna may extend more than 20 feet above the roof of the structure.

c. Wireless telecommunication antennas on a tower shall be mounted at least 30 feet above grade, as measured to the base of the antenna.

d. All wireless communication antennas located in a Neighborhood 1 or Neighborhood 2 Zoning District or within 400 feet of a lot within a Neighborhood 1 or Neighborhood 2 Place Type shall be required to meet concealment standards. Such concealment methods are encouraged in all zoning districts. Wireless communication antennas are considered to meet concealment standards as follows:

i. Stealth Design

(A) Wireless telecommunications antennas shall be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.

(B) Wireless telecommunication antennas shall be located on or in structures already permitted within zoning districts, such as water towers, clock towers, streetlights, penthouses, parapet walls (shall be behind the parapet wall), and steeples, and shall be designed to blend in with the structure.

ii. Colocation

(A) Antennas that colocate on existing wireless telecommunications towers are considered to meet the requirement of concealment. However, such antennas cannot increase the overall height of the existing wireless telecommunications tower.

(B) Antennas that colocate may be mounted in the same manner as other antennas on the tower. Where antennas are located within canisters on a tower, new antennas that colocate on the tower shall be within canisters (see item 2 above).

4. Standards for Wireless Telecommunications Facilities

a. Wireless telecommunication facilities shall be limited to 500 square feet in gross floor area and 15 feet in height. The building height limitation may be waived by the Zoning Administrator up to a maximum height of 25 feet in order to accommodate architectural design, screening, or similar special needs.

b. Wireless telecommunication facilities shall be screened by a Class C landscape yard along all street frontages and lot lines. The fence shall be designed so that it is not easily climbable.

c. Safety devices shall be installed and maintained as needed in order to make the facility inaccessible to the public.

5. Abandoned Wireless Telecommunication Systems

Any wireless telecommunication system component that is unused for a continuous period of 12 months shall be removed by the tower owner or the property owner.

6. Nonconforming Wireless Telecommunication Systems

a. A properly permitted wireless telecommunication systems may remain in its present location and design.

b. If a wireless telecommunication tower and/or facility is replaced, it shall meet all prescribed conditions. The changing of, additions to, or removal of antenna on an existing tower as well as the colocation of additional carriers on an existing tower shall be permitted and shall not require the tower to be brought into compliance.

15.5 TEMPORARY USES: PRESCRIBED CONDITIONS

A. Mobile Car Wash

1. A zoning use permit is required.

2. A zoning use permit is valid for 90 consecutive calendar days.

B. Mobile Food Vendor

1. A zoning use permit is required.

2. A zoning use permit is valid for 365 consecutive calendar days, and may be renewed on an annual basis.

3. A mobile food vendor in the Neighborhood 1 and Neighborhood 2 Zoning Districts shall be permitted as an accessory use to an established nonresidential principal use.

4. Mobile food vendors shall not be located in a required sight distance triangle, shall not block driveways or other access to buildings, and shall not be located within a required setback.

5. The property owner shall submit a site plan for zoning review by the Zoning Administrator, ~~Charlotte Department of Transportation (~~CDOT~~)~~, and the City of Charlotte Fire Department if four or more vendors locate on a site. Any site plan approval is valid for the duration of the use.

C. Mobile Retail Vendor

1. A zoning use permit is required.

2. A zoning use permit is valid for 365 consecutive calendar days, and may be renewed on an annual basis.

3. A mobile retail vendor in the Neighborhood 1 and Neighborhood 2 Zoning Districts is permitted as an accessory use to an established nonresidential principal use.

4. Mobile retail vendors shall not be located in a required sight distance triangle, shall not block driveways or other access to buildings, and shall not be located within a required setback.

5. The property owner shall submit a site plan for zoning review by the Zoning Administrator, CDOT, and the City of Charlotte Fire Department if four or more vendors locate on a site. Any site plan approval is valid for the duration of the use.

D. Real Estate Project Sales Office

1. A temporary standalone real estate sales office shall be subject to the following:

a. A development is limited to one temporary standalone real estate sales office, which shall not be located in any required setback.

b. All standalone temporary real estate sales offices shall be closed and removed within 30 days after the sale or lease of the last unit of the development.

2. Temporary real estate sales offices within the development shall be closed within 30 days after the sale or rental of the last unit of the development.

3. These standards do not apply to permanent leasing offices.

E. Temporary Contractor's Office and Contractor's Yard

1. A temporary contractor's office is allowed incidental to a construction project and requires a zoning use permit. The zoning use permit is valid for the life of the project.

2. A temporary contractor's office is allowed within required setbacks with Zoning Administrator approval if they determine there is no other feasible location, and placement in a setback shall not negatively impact circulation and abutting properties.

3. The temporary contractor's office and/or yard shall be removed within 30 days of completion of the construction project.

4. Temporary contractor yards shall be ~~screened~~ secured on all sides by a fence a minimum of six feet to a maximum of eight feet in height. Fencing is not required on shared lot lines if the abutting lot also has a fence or other barrier that prohibits entry onto the lot.

F. Temporary Outdoor Entertainment

1. A zoning use permit is required.

2. A temporary outdoor entertainment event in the Neighborhood 1 and Neighborhood 2 Zoning Districts is permitted as an accessory use to an established nonresidential principal use.

3. A temporary outdoor entertainment event, including all sale and display items, shall not be located in any required setback.

4. The operator of the temporary outdoor entertainment event shall receive a zoning use permit that describes the type of event involved, and the duration of the event. Depending on the type of entertainment event, additional City or County permits may be required.

5. No one event may be longer than 14 calendar days, including set-up and breakdown time. The Zoning Administrator is authorized to extend the duration of the temporary outdoor entertainment permit beyond 14 days if there is a unique situation that warrants a time extension.

6. The event cannot locate in any minimum required parking spaces for other businesses on the site when such businesses are open.

G. Temporary Outdoor Sales

1. A zoning use permit is required.

2. Temporary outdoor sales in the Neighborhood 1 and Neighborhood 2 Zoning Districts are permitted only when sponsored by an institutional use within the district, such as a place of worship or educational facility, and takes place on the lot of such use.

3. Temporary outdoor sales, including all sale and display items, shall not be located in any required build-to zone, required setback, or sight distance triangle.

4. Any operator of a temporary outdoor sales event shall receive a zoning use permit that describes the type of event involved and the duration of the event.

5. No one event may be longer than 14 calendar days, including set-up and breakdown time. The Zoning Administrator is authorized to extend the duration of the temporary outdoor sales permit beyond 14 days. Temporary seasonal sales, such as outdoor produce, farmer's markets, holiday and Christmas tree ~~lots~~ sales, or pumpkin patches, are allowed ~~60~~ 90 days per sale.

6. Hours of operation are limited to between 8:00 a.m. and 9:00 p.m.

7. The temporary outdoor sales event cannot locate in any minimum required parking spaces for other businesses on the site when such businesses are open.

H. Temporary Outdoor Storage Container

1. The use of an outdoor storage container is limited to no more than 90 calendar days.

2. The 90 day limit may be waived by the Zoning Administrator if there is a unique situation that warrants a time extension.

15.6 ACCESSORY USES: PRESCRIBED CONDITIONS

~~**A. Accessory Drive-Through**~~

~~**1.** All drive-through facilities, except restaurants shall provide a minimum of four stacking spaces per lane or bay. Restaurants shall provide a minimum of six stacking spaces per lane or bay. The space located at the service window shall be counted in this minimum number of stacking spaces.~~

~~**2.** A stacking space shall be a minimum of nine feet in width and 18 feet in length.~~

~~**3.** All components of a drive-through facility including, but not limited to, signs, stacking lanes, trash receptacles, ordering box, and drive up windows, shall be located to the rear or side of the building.~~

~~**4.** Drive-through lanes and circulation may not be placed between the street and the front façade of the building; however, this does not apply in the Commercial Zoning Districts and the Manufacturing and Logistics Zoning Districts. In the Commercial Zoning Districts and the Manufacturing and Logistics Zoning Districts drive-through lanes and drive aisles located between the street and the facade of the building shall require parking lot screening per Section 20.5.~~

~~**5.** A drive-through lane shall have bail out capability for all vehicles that enter the drive-through lane. The bail out lane shall be a minimum width of ten feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive-through lane.~~

~~**6.** For all zoning districts except the Commercial Zoning Districts and the Manufacturing and Logistics Zoning Districts, a drive-through facility will only be allowed if a drive-through facility was located on the site on June 1, 2023.~~

AB. Accessory Shelter

1. An accessory shelter shall be limited to no more than 15 individuals at any one time.

2. An accessory shelter shall only operate a maximum of two days/nights per week.

BC. Adult Care Home

1. A zoning use permit is required.

2. An adult care home is subject to the standards for a single-family dwelling unless modified by this section.

3. An adult care home shall be licensed by the North Carolina Department of Health and Human Services.

4. New adult care homes in an Neighborhood 1 Zoning District shall be separated from any existing adult care homes by a distance of 800 feet. This standard does not apply when the sites are separated by an arterial, Limited Access road, Parkway, Boulevard, or Avenue or a major topographical feature such as a major stream floodway.

CD. Childcare Center in Residence

1. A zoning use permit is required.

2. Childcare centers in residence are subject to the standards for a single-family dwelling unless modified by this section.

3. A single-family dwelling containing a childcare center in residence shall be the primary residence of the operator/primary caregiver.

4. New childcare center in residence shall be separated from existing family childcare homes and existing childcare center in residence in an Neighborhood 1 Place Type by a distance of 400 feet. This does not include childcare centers operating as part of a place of worship.

5. Outdoor play space and play equipment shall be located to the rear of the principal structure.

6. A childcare center in residence shall be limited to a maximum of two employees that reside outside of the residence at any one time.

7. The operator's children are not included in the count of the number of children allowed.

DE. Childcare Home, Family

1. A zoning use permit is required.

2. A family childcare home is subject to the standards for a single-family dwelling unless modified by this section. The family childcare home shall be operated by a permanent resident of the dwelling with the permission of the property owner or by the property owner.

3. New family childcare homes shall be separated from existing family childcare homes and childcare center in residence in the Neighborhood 1 Place Type by a distance of 400 feet. This does not include childcare centers operating as an accessory use to a place of worship.

4. Outdoor play space and play equipment shall be located to the rear of the principal structure.

5. A family childcare home shall be limited to a maximum of one employee that resides outside of the residence at any one time.

6. The operator's children are not included in the count of the number of children allowed.

EB. Drive-Through Facility

1. All drive-through facilities, except restaurants shall provide a minimum of four stacking spaces per lane or bay. Restaurants shall provide a minimum of six stacking spaces per lane or bay. The space located at the service window shall be counted in this minimum number of stacking spaces.

2. A stacking space shall be a minimum of nine feet in width and 18 feet in length.

3. All components of a drive-through facility including, but not limited to, signs, stacking lanes, trash receptacles, ordering box, and drive up windows, shall be located to the rear or side of the building.

4. Drive-through lanes and circulation may not be placed between the street and the front façade of the building; however, this does not apply in the Commercial Zoning Districts and the Manufacturing and Logistics Zoning Districts. In the Commercial Zoning Districts and the Manufacturing and Logistics Zoning Districts drive-through lanes and drive aisles located between the street and the facade of the building shall require parking lot screening per Section 20.5.

5. A drive-through lane shall have bail out capability for all vehicles that enter the drive-through lane. The bail out lane shall be a minimum width of ten feet in width and run parallel to the drive-through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive-through lane.

6. For all zoning districts except the Commercial Zoning Districts and the Manufacturing and Logistics Zoning Districts, a drive-through facility will only be allowed if a drive-through facility was located on the site on June 1, 2023.

~~C~~F. **Dwelling - Accessory Unit (ADU)**

1. The accessory dwelling unit (ADU) shall be clearly subordinate to the principal residential use.

2. An ADU is permitted as follows:

a. In conjunction with a single-family dwelling in any zoning district.

b. In conjunction with a duplex dwelling in any zoning district when each unit of the duplex is not located on a sublot.

3. Only one ADU shall be permitted on the lot.

4. The ADU and its associated principal dwelling shall be under the same ownership.

5. The ADU shall not be served by a driveway separate from that serving the principal dwelling. However, if the ADU is within an accessory structure and located on a corner lot or a lot that abuts an alley, a separate driveway may be provided from the side street or the alley, whichever applies.

6. An ADU located within the principal dwelling shall comply with the following additional requirements:

a. The ADU shall have a total floor area no greater than 40% of the total floor area of the principal residential use.

b. The ADU shall not be internally accessible from the principal residential use.

7. An ADU located within an accessory structure shall comply with the following additional requirements:

a. The ADU shall have a total floor area no greater than 50% of the total floor area of the principal residential use.

b. The structure shall not exceed the height of the principal dwelling.

c. The ADU may be in the established rear or side setback but shall not be any closer to any rear or side lot line than the dimension of the required side setback of the zoning district of the subject property.

d. Heating, ventilation, or air conditioning equipment serving an ADU within an accessory structure and architectural features such as cornices, eaves, steps, gutters, and fire escapes may encroach into the required

side and rear setbacks of the accessory dwelling unit by no more than 50% of the required side and rear setbacks.

~~D~~G. ~~—~~Helistop

1. A helistop shall be designed and constructed in accordance with all federal and state regulations.

2. A helistop shall be located at least 400 feet from a lot line of any property located in the Neighborhood 1 Place Type.

~~E~~H. Home Occupation

1. A zoning use permit is required.

2. A home occupation shall be incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.

3. No internal or external alterations inconsistent with the residential use of the building will be permitted. With the exception of a permitted sign, there shall be no evidence on the exterior of the premises or visible from the exterior of the premises that the property is used in any way other than for a dwelling. No display of products shall be visible from the street.

4. The home occupation and all related activity, including storage, equipment, and display, shall be conducted completely within a principal building or accessory structure.

5. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials may be used or stored on-site.

6. No home occupation may dispense medication from the dwelling. No home occupation may engage in any activity that uses, stores, and/or requires the disposal of biohazardous material.

7. There shall be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.

8. Only residents of the dwelling may be engaged in work activities at the residence. If the home occupation has other employees, those employees may not come to the residence for work purposes, including pick-up of materials, vehicles, assignments, and/or similar purposes.

9. The home occupation cannot create greater vehicular or pedestrian traffic than is average for a residential area. The home occupation and any related activity shall not create any traffic hazards or nuisances in public rights-of-way.

10. Signs are permitted in accordance with Article 22.

11. Clients or business-related visitors shall be by appointment and limited to the timeframe of 7:00 a.m. to 8:00 p.m.

12. The storage of tractor trailers, semi-trucks, or heavy equipment, such as construction equipment used in a commercial business, is prohibited.

13. Repair and service of any vehicles, any type of heavy machinery or any type of engine, is prohibited. Small electronic repair, such as computers, is allowed.

14. Rental services, where any materials for rent are stored on-site and customers visit the residence to pick-up and return the product, are prohibited.

15. Dispatching services, where workers report to the home for dispatching, are prohibited.

16. The number of vehicles used by clients or business-related visitors shall be limited to two at any given time.

~~F~~I. Outdoor Entertainment

1. If at any time between the hours of 11:00 p.m. and 8:00 a.m., any outdoor entertainment occurs, it shall meet the following:

a. The outdoor entertainment shall be separated by a distance of at least 100 feet from a lot line of any property located in the Neighborhood 1 Place Type.

b. Distances are measured from the closest edge of any outdoor entertainment to the nearest lot line of property located in an Neighborhood 1 Place Type.

~~G~~J. Outdoor Sales and Display

1. Retail goods establishments are permitted to have accessory outdoor sales and display of merchandise.

2. In the Neighborhood 1 and Neighborhood 2 Zoning Districts, outdoor sales and display is only permitted as an accessory use to a Neighborhood Commercial Establishment.

3. All outdoor display of merchandise shall be located adjacent to the storefront and not in drive aisles, loading zones, or fire lanes. It may be located in a parking lot so long as the minimum number of required parking spaces remain available for use.

4. No display may be placed within three feet of either side of an active door or within 15 feet directly in front of an active door.

5. A minimum clear width for pedestrian traffic of eight feet shall be provided and maintained along any interior private sidewalk.

6. Outdoor sales and display shall be prohibited in a required sidewalk or path.

~~H~~K. Outdoor Seating/Activity Area

1. At-grade outdoor seating areas may be located within a required frontage setback, but shall be located behind any sidewalk, path, ~~or~~ and planting strip. It may be allowed within an amenity zone with approval from CDOT when such amenity zone is on public property.

2. If at any time between the hours of 11:00 p.m. and 8:00 a.m., food and/or beverages are consumed in an outdoor seating/activity area, it shall meet the following:

a. The outdoor seating/activity area shall be separated by a distance of at least 100 feet from a lot line of any property located in the Neighborhood 1 Place Type.

b. Distances are measured from the closest edge of any outdoor seating/activity area to the nearest lot line of property located in a Neighborhood 1 Place Type.

~~I~~L. Private Stables

1. A minimum lot size of one acre is required.

2. All structures for the keeping and maintenance of animals, equipment, or manure, and all manure piles, pits, or bins shall be located at least 50 feet from any lot line.

M. Rooming House

1. A zoning use permit is required.

2. The rooming house shall be operated by a permanent resident of the dwelling with the permission of the property owner or by the property owner.

~~2~~3. A rooming house is subject to the standards for a single-family dwelling unless modified by this section.

~~3~~4. The property owner shall reside within the dwelling.

~~4~~5. All rooming units shall be in the principal residential structure. Separate structures, accessory structures, accessory dwelling units, and garages are not permitted to be used as rooming units.

~~5~~6. There shall be no separate private entrance for any of the rooming units.

~~6~~7. A maximum of five boarders is permitted.

~~7~~8. No signs are permitted.

~~8~~9. A property may only be used for a ~~short-term whole dwelling rental,~~ bed and breakfast~~,~~ or rooming house at any one time.

Article 16. General Development Regulations

16.1 LOT DEVELOPMENT RESTRICTIONS
16.2 EXTERIOR LIGHTING
16.3 DEVELOPMENT BONUS
16.4 AFFORDABLE HOUSING DEVELOPMENT ALLOWANCES
16.5 DESIGN OF ON-SITE OPEN SPACE
16.6 ON-SITE PEDESTRIAN CONNECTIVITY
16.7 PERFORMANCE STANDARDS

16.1 LOT DEVELOPMENT RESTRICTIONS

A. Number of Structures on a Lot

1. Lots used for single-family, duplex, triplex, and quadraplex dwellings are limited to one principal structure per lot unless specifically permitted as follows:

a. Such dwellings are part of a multi-dwelling development.

b. Such dwellings are part of a cottage court development in a~~the~~ Neighborhood 1 ~~Place Type~~Zoning District.

2. For all other uses, there may be more than one principal building on a lot, but all buildings shall comply with all standards of the zoning district.

B. Every Lot Shall Abut a Street

No building, structure, or use of land may be placed on a lot that does not abut a public street with the following exceptions:

1. Land that meets the use definition and any applicable prescribed conditions for a farm in Article 15.

2. A single-family detached dwelling may be constructed on a lot existing prior to June 1, 2023 that does not abut a street, provided that the lot is at least two acres in size, and that the lot is provided with access to a public street by a permanent recorded or platted easement at least 20 feet in width for the exclusive use of the dwelling. Such easement shall be maintained in a condition passable for emergency and service vehicles.

3. Buildings within a cottage court development.

4. Buildings within a multi-dwelling development may be placed on a lot that does not abut a street, provided that each building is within 400 feet of a public, ~~or~~ network ~~-~~required private ~~street~~, or non-network required private street that furnishes direct access to the property.

5. Lots within a nonresidential or mixed-use development site need not abut a street so long as the overall development site abuts a public, ~~or~~ network ~~-~~required private ~~street~~, or non-network required private street and is designed in such a manner that access is furnished to all interior lots or building sites. Vehicular ~~A~~access to interior lots or building~~s~~ sites shall only be across property zoned for ~~nonresidential~~ such development.

6. Driveways providing access to uses which are located on lots not abutting a street may cross through any zoning district, except for the following zoning districts: Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, and the MHP Zoning District.

7. For cul-de-sac lots, the minimum lot frontage at the right-of-way shall be no less than 15 feet.

C. Flag Lots Prohibited

The creation of new flag lots shall be prohibited.

D. Elevated Pedestrian Walkways

Elevated pedestrian walkways, including those over public rights-of-way and public access easements, may be located in a required setback provided they do not create a visual obstruction for motor vehicle traffic and have all other applicable government agency approvals for the location over the public right-of-way or public access easement. These walkways shall be as nearly perpendicular to the required setback as possible.

E. Interpretation of Irregular Lot Setbacks

The location of required setbacks on irregularly shaped lots will be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings on individual lots.

16.2 EXTERIOR LIGHTING

The following exterior lighting requirements apply to lighting for ~~townhouse dwelling,~~ multi-family dwellings, mixed-use development, and nonresidential uses on private property. These lighting regulations do not apply to lighting in the right-of-way or the illumination of signs.

A. Maximum Lighting Regulations

The maximum allowable foot-candle is as follows:

1. Any lot abutting a Neighborhood 1 or Neighborhood 2 Place Type: Zero foot-candle at the lot line.

2. Any lot abutting any other Place Type: One foot-candle at the lot line.

B. Lighting Design

1. All lighting shall be of full cut-off or semi cut-off luminaire design.

2. The maximum total height of a freestanding full cut off or semi cut off luminaire is 26~~2~~ feet. However, in the Commercial Place Type and Manufacturing and Logistics Place Type, a luminaire is limited to a maximum total height of 35~~0~~ feet.

3. Flashing lighting is prohibited.

4. All exterior lighting shall be located, screened, or shielded in a manner as not to cause glare or impair the vision of motorists.

C. Exceptions to Lighting Standards

1. When additional security lighting is required per federal, state, or local regulations that exceeds the standards of this section, the lighting is permitted to meet the requirements of such regulations.

2. All temporary emergency lighting required by public safety agencies, other emergency services, or construction are not subject to the requirements of this section.

3. Because of unique requirements for nighttime visibility and limited hours of operation, outdoor recreational fields such as, but not limited to, football fields, soccer fields, baseball fields, driving ranges, and other similar uses are subject to the following:

a. Recreational fields are permitted a total luminaire height of 65 feet in any zoning district. Luminaires greater than 65 feet in total height may only be approved by the Zoning Administrator when a taller height will result in less light trespass to adjacent lots.

b. All lighting shall be directed onto the field or range.

c. The recreational field lighting shall be extinguished one hour following the end of a scheduled event or the close of the business to the public, whichever is applicable.

d. Lighting outside the recreational field, such as for parking areas, shall comply with the requirements of items 16.2.A and 16.2.B above. Lighting outside the recreational field is not subject to the timeframe limitation of item c above.

4. Certain temporary uses may use lighting that does not meet the requirements of this section. When such temporary uses are allowed, approval of the lighting plan is required as part of the temporary use approval.

16.3 DEVELOPMENT BONUS

To achieve the "Maximum Height with Bonus" standard or to reduce the required open space within the UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, CG, CR, IC-1, IC-2, OFC, and RC~~-1~~ Zoning Districts, a development shall meet the standards as described below and in Table 16-1: Bonus Menu.

A. Bonus Menu

Additional building height or a reduction in required on-site open space shall be allowed through a voluntary bonus system. In order to obtain a development bonus, one or more actions in Table 16-1 are required.

B. Bonus Actions

1. Height Bonus

a. With the exception of certain affordable housing bonuses, bonuses for additional height correlate to the number of points acquired per Table 16-1. Points may be earned in one or more categories. A height bonus for affordable housing is applied as indicated in Table 16-1.

b. For the building height bonus, one point is required for one foot of additional building height. The final height of the building cannot exceed the "Maximum Height with Bonus" standard indicated in the zoning district standards. Unless specifically indicated otherwise, building height bonus points may be distributed to one or more buildings on the lot.

2. Open Space Reduction

a. Reduction of required on-site open space (Section 16.5) may only be achieved through the provision of affordable housing, as indicated in Table 16-1.

b. The reduction of required on-site open space (Section 16.5) is applied to the lot as a whole.

C. Administration

Administration requirements are found in the UDO Zoning Administration Manual~~ for the UDO Bonus Program~~.

Table 16-1: Bonus Menu		
Economic Mobility		
Qualifying Action		**Bonus Awarded**
1	**Affordable Housing Provided On-Site** Devote percentage of gross floor area* of building receiving bonus to affordable housing, using local unit size averages. Affordable housing units shall be set aside for households earning the averages of Area Median Income (AMI) shown in the "Bonus Awarded" column * Gross floor area does not include floor area in parking structures.	**UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, and RC~~-1~~ Zoning Districts:** **Open Space Bonus** For every 1% of gross floor area, receive a 10% reduction of open space requirement, up to a maximum of 50% reduction of open space requirement total **AND** **Height Bonus:** 3 points for every 1% of gross floor area, up to 15 points total - Where an average of 80% Area Median Income (AMI) or less, with up to 20% of the affordable units set aside for households earning above 80% up to 110% AMI 5 points for every 1% of gross floor area, up to 25 points total - Where an average of 60% Area Median Income (AMI) or less, with up to 20% of the affordable units set aside for households earning above 60% up to 110% AMI
2	**Affordable Housing (80% Area Median Income (AMI) or less) Provided On-Site with Fee-In-Lieu, Offsite Housing, and Land Donation Options** For onsite affordable housing, ~~D~~devote 10% of gross floor area* of each floor having occupiable space above the maximum (without bonus) permitted building height to affordable housing, using local unit size averages. Affordable housing units shall be set aside for households earning an average of 80% Area Median Income (AMI) or less. In calculating the average, up to 20% of these affordable units may be set aside for households earning above 80% up to 110% AMI. Options to providing on-site affordable housing through fees-in-lieu, offsite housing within one mile of the subject site, and donation of land are found in the ~~Affordable Housing~~UDO Zoning Administration Manual. Affordable housing provided through fee-in-lieu shall go to the Charlotte Affordable Housing Trust Fund. * Gross floor area does not include floor area in parking structures. The height of unoccupiable space above the top floor may be included in this bonus as follows: 1. Additional height above the top occupied floor may be achieved by calculating the gross floor area as if it were occupiable space and including additional affordable units accordingly. Such additional height shall be no greater than the average floor to floor height of occupiable floors below; or 2. Other bonus options of this table may be used.	**UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, RC~~-1~~, OFC, CG, and CR Zoning Districts:** Additional floors so long as each additional floor meets the 10% requirement up to the "Maximum Height with Bonus" standard indicated in the zoning district standards

Table 16-1: Bonus Menu		
3	**Affordable Housing (60% Area Median Income (AMI) or less) Provided On-Site with Fee-In-Lieu, Offsite Housing, and Land Donation Options** For onsite affordable housing, ~~D~~devote 5% of gross floor area* of each floor having occupiable space above the maximum (without bonus) permitted building height to affordable housing, using local unit size averages. Affordable housing units shall be set aside for households earning an average of 60% Area Median Income (AMI) or less. In calculating the average, up to 20% of these affordable units may be set aside for households earning above 60% up to 110% AMI. Options to providing on-site affordable housing through fees-in-lieu, offsite housing within one mile of the subject site, and donation of land are found in the ~~Affordable Housing~~UDO Zoning Administration Manual. Affordable housing provided through fee-in-lieu shall go to the Charlotte Affordable Housing Trust Fund. * Gross floor area does not include floor area in parking structures. The height of unoccupiable space above the top floor may be included in this bonus as follows: 1. Additional height above the top occupied floor may be achieved by calculating the gross floor area as if it were occupiable space and including additional affordable units accordingly. Such additional height shall be no greater than the average floor to floor height of occupiable floors below; or 2. Other bonus options of this table may be used.	**UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, OFC, RC-~~1~~, CG, and CR Zoning Districts:** Additional floors so long as each additional floor meets the 5% requirement up to the "Maximum Height with Bonus" standard indicated in the zoning district standards
4	**Affordable Housing Equitable Clean Energy Projects: Fee Program** (Affordable Housing Equitable Clean Energy Projects: Fees will go towards supporting clean energy projects in affordable housing, including energy efficiency work and other clean energy solutions. Funds will be managed alongside City of Charlotte Housing Programs in Department of Housing and Neighborhood Services.) The fee calculation is based on 10% of the gross floor area* of each floor having occupiable space above the maximum (without bonus) permitted building height. * Gross floor area does not include floor area in parking structures.	**UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, RC-~~1~~, OFC, CG, and CR Zoning Districts:** **Height Bonus:** Additional height per floor up to the "Maximum Height with Bonus" standard indicated in the zoning district standards
5	**Charlotte Business INClusion Targets Met** (Charlotte Business INClusion is a City Procurement program that seeks to enhance competition and participation of small, minority and women owned firms in City contracting and to promote economic growth and development in the City of Charlotte.)	**UE, RAC, IC-2, RC-~~1~~, and TOD-UC Zoning Districts:** 20 points **CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, CG, and CR Zoning Districts:** 12 points For every percentage point met above The Business INClusion target, 1 additional point will be given.

Table 16-1: Bonus Menu		
Environmental		
Qualifying Action		**Bonus Awarded**
6	**Additional Open Space** 5% in total lot area of public open space in addition to that required by Section 16.5 and any other Ordinance requirements.	**UE, RAC, IC-2, RC~~-1~~, and TOD-UC Zoning Districts:** 15 Points **CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, CG, and CR Zoning Districts:** 10 Points
7a	**Electric Vehicle (EV) Charging Stations** For parking facilities with more than 25 spaces, EV charging stations are provided as follows above the requirements of Article 19 (all three categories required): EV-Capable 20% EV-Ready 10% EVSE-Installed 2% or 1 space for development with 26-50 parking spaces	**UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, RC~~-1~~, OFC, CG, and CR Zoning Districts:** 10 points
7b	**Electric Vehicle (EV) Charging Stations** For parking facilities with more than 25 spaces, EV charging stations are provided as follows above the requirements of Article 19 (all three categories required): EV-Capable 30% EV-Ready 15% EVSE-Installed 6%	**UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, RC~~-1~~, OFC, CG, and CR Zoning Districts:** 20 points
High Performance Construction		
Qualifying Action		**Bonus Awarded**
8a	**High Performance Construction: Tier 1** Building is ~~designed to be~~ LEED Certified, Energy Star Certified, NGBS Bronze, or One Green Globe using the most recent version of certification. The bonus shall be applied per each qualifying building receiving the certification.	**UE, RAC, IC-2, RC~~-1~~, and TOD-UC Zoning Districts:** 15 points **CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, CG, and CR Zoning Districts:** 10 points
8b	**High Performance Construction: Tier 2** Building is ~~designed to be~~ LEED Silver, NGBS Silver, or Two Green Globes using the most recent version of certification. The bonus shall be applied per each qualifying building receiving the certification.	**UE, RAC, IC-2, RC~~-1~~, and TOD-UC Zoning Districts:** 20 points **CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, CG, and CR Zoning Districts:** 15 points
8c	**High Performance Construction: Tier 3** Building is ~~designed to be~~ LEED Gold, NGBS Gold, or Three Green Globes using the most recent version of certification. The bonus shall be applied per each qualifying building receiving the certification.	**UE, RAC, IC-2, RC~~-1~~, and TOD-UC Zoning Districts:** 25 points **CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, CG, and CR Zoning Districts:** 20 points
8d	**High Performance Construction: Tier 4** Building is ~~designed to be~~ LEED Platinum, NGBS Emerald, or Four Green Globes using the most recent version of certification. The bonus shall be applied per each qualifying building receiving the certification.	**UE, RAC, IC-2, RC~~-1~~, and TOD-UC Zoning Districts:** 30 points **CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, CG, and CR Zoning Districts:** 25 points

Table 16-1: Bonus Menu		
Transportation Improvements		
Qualifying Action		**Bonus Awarded**
9	**New Street Connection** New public or network-required private (built to public standards) street beyond those required by this Ordinance.	**UE, RAC, IC-2, RC~~-1~~, and TOD-UC Zoning Districts:** 120 points **CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, CG, and CR Zoning Districts:** 40 points
10	**Dedication of Future Transit Rights of Way Along Transit Corridors (Per 100 Linear Feet~~ft~~)**	**UE, RAC, CAC-2, IC-2, RC~~-1~~, IMU, TOD-UC, TOD-CC, and N2-C Zoning Districts:** 6 points **CAC-1, NC, CG, CR, IC-1, OFC, TOD-NC, and TOD-TR Zoning Districts:** 4 points
11	**Multimodal Mitigation** Provision of additional mitigation points (as defined in the Comprehensive Transportation Review) above required tier/points.	**UE, RAC, IC-2, RC~~-1~~, TOD-UC, CAC-1, CAC-2, NC, IMU, TOC-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, GC, and CR Zoning Districts:** 1 point for every 1 point of additional multimodal mitigation
12	**Transportation Demand Management (TDM) Mitigation** Provision of additional mitigation points (as defined in the Comprehensive Transportation Review) above required tier/points.	**UE, RAC, IC-2, RC~~-1~~, TOD-UC, CAC-1, CAC-2, NC, IMU, TOC-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, GC, and CR Zoning Districts:** 1 point for every 1 point of additional TDM mitigation
Enhanced Micromobility Facility		
Qualifying Action		**Bonus Awarded**
13	**Electronic Micromobility Lockers** All required short-term bicycle spaces are provided in secure lockers with a locking mechanism that are accessed by electronic card or other similar security feature.	**UE, RAC, IC-2, RC~~-1~~, and TOD-UC Zoning Districts:** 10 points **CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, IC-1, OFC, CG, CR, and N2-C Zoning Districts:** 5 points

16.4 AFFORDABLE HOUSING DEVELOPMENT ALLOWANCES

The purpose of the development allowances provided below is to encourage the development of affordable housing within the City and the ETJ.

A. Affordable housing developments that meet the following requirements shall be permitted the additional development allowances listed in item B below.

1. Affordability period: 30 years

2. Minimum units of affordable housing: Five units

3. Percentage of development (one of the following):

a. 15% at 60% AMI; or

b. 30% at 80% AMI; or

c. 20% at 80% AMI in areas of high housing cost per the ~~Affordable Housing~~UDO Zoning Administration Manual

B. Those affordable housing developments that meet the requirements of item A above shall be permitted the following development allowances:

1. If zoned the N2-A Zoning District, to build to the N2-B Zoning District standards.

2. If zoned the N2-C or NC Zoning District, to build to the N2-A or N2-B Zoning District standards.

3. A new street, in whole or in part, shall not be required, per Section 32.5, if that street or a portion of such street does not provide access to the affordable housing development, as determined by the SSI Administrator, and that street does not connect to an existing street on an abutting property. In lieu of construction the street or portion of such street, right-of-way shall be dedicated for future construction of the street or portion of such street.

4. Projects may use Tier 1 Green Area Credits per Section 20.15.

5. Where mitigation is required for removal of heritage trees, planting of twice the number of required mitigation trees shall be allowed in lieu of the mitigation fee per Article 20. The mitigation trees may also be counted towards perimeter tree plantings per Section 20.17.C when they meet all perimeter tree planting requirements.

C. Where 20% of units are provided at 60% AMI or below for 15 years, with a minimum of five units of affordable housing, costs related to construction of sidewalks required on public streets per Section 32.7.D shall be reimbursed by the City.

D. In the N1-A, N1-B, N1-C, and N1-D Zoning Districts, voluntary mixed-income residential developments per Section 4.5.B may receive a bonus allowing for the development of property in accordance with the standards of the next zoning district of greater intensity in exchange for setting aside affordable housing units.

16.5 DESIGN OF ON-SITE OPEN SPACE

A. Open Space Requirements

1. When required within the zoning district regulations, open space shall meet the design requirements of Table 16-2: Design of Open Space, organized by type of open space.

2. Driveways, ~~sidewalks,~~ parking areas, required bicycle parking areas, above ground utility areas, mailboxes, and landscape yards do not count toward on-site open space requirements. However, sidewalks that traverse a required open space area shall count towards the minimum required open space.

3. The following may be counted toward open space requirements when they meet the minimum requirements of this article and any applicable articles listed below:

a. Amenitized tree areas per Article 20.

b. 50% of the open space may be tree save areas per Article 20, so long as such tree save area abuts the remaining required open space and includes allowed amenities to provide passive recreation.

c. A green roof per Article 20 that is designed to allow passive recreation.

d. Internal trees per Article 20.

e. Water supply water quality buffer per Article 23.

f. Post-construction water quality buffer per Article 25.

g. SWIM water quality buffer per Article 26.

h. Floodplain per Article 27.

i. Areas for greenways or parks per Article 32 offered for dedication and accepted by Mecklenburg County Park and Recreation.

4. The area used to calculate the required open space does not include existing and dedicated street rights-of-ways, utility easements, existing ponds and lakes, and railroad easements and rights-of-way.

5. When located within a required on-site open space area, a commercial structure no greater than 500 square feet in gross floor area or 10% of the total open space area, whichever is less, is allowed and may be included in

the calculation of total on-site open space. The use of such commercial structure shall be a use allowed within the zoning district as per the Use Matrix in Article 15.

B. Exemptions from Required On-Site Open Space

1. Uses within the categories of Open Space, Recreation, and Agricultural Uses, Infrastructure Uses, or Transportation Uses in the Use Matrix in Article 15 are not required to provide on-site open space.

2. Single-family, duplex, triplex, and quadraplex dwellings are not required to provide on-site open space.

C. Open Space Dedication and Fee-in-Lieu Alternatives

When open space is required within the zoning district regulations, as an alternative to the required on-site open space, the property owner may select one of the following options, or a combination thereof, per the ~~Open Space Provision Alternatives~~UDO Zoning Administration Manual:

1. Dedicate land required for on-site open space to Mecklenburg County Park and Recreation, so long as the land meets Park and Recreation standards. If selecting this option, and dedicating all required on-site open space, the amount of open space dedicated may be reduced by 10%.

2. Provide a fee~~-~~-in~~-~~-lieu of the required on-site open space to Mecklenburg County Park and Recreation, so long as the fee is accepted by Park and Recreation. The payment of such funds shall be used to acquire or develop recreation areas in the surrounding area for which the fee~~-~~-in~~-~~-lieu is paid.

Table 16-2: Design of Open Space

Design Requirement	Public	Common	Private
Open space shall have a minimum width and a minimum length of 10 feet.	✓	✓	
Open space areas shall have a minimum width and a minimum length of ten feet, unless located on balconies, porches, or decks~~. Open space located on balconies, porches, or decks porches shall have~~, in which case a minimum dimension of ten feet on one side and seven feet on the other is required.			✓
Open space shall be located outdoors or in the open air but may be under a roof, canopy, or screened. Open space may be located on the ground, decks, galleries, porches, terraces, patios, or roofs~~. Open space shall have a minimum dimension of ten feet on each side.~~	✓	✓	✓
A minimum of 25% of total required open space area shall be contiguous.	✓	✓	
Open space shall abut a frontage on at least one side for a minimum width of ten feet.~~, excluding a~~ Parkway ~~or~~ and Limited Access frontages shall not be used to meet this requirement. In the case of a lot with only Parkway and/or Limited Access frontages, this requirement does not apply.	✓		
Open space may abut a parking lot on one side only.	✓	✓	✓
Open space shall be located a minimum of 15 feet from loading docks, loading spaces, or solid waste and recycling service areas.	✓	✓	✓
When located adjacent to a sidewalk or shared use path along a street, the surface area of the open space shall not be more than an average of 24 inches lower nor 24 inches higher than the elevation of such adjacent sidewalk or shared use path for a minimum of ten feet from the edge of such sidewalk or shared use path along a street. In cases of unusual topography, the Zoning Administrator may modify this provision.	✓		
When located at ground level, the required open space area shall be substantially covered in a combination of at least two of the following: 1) grass and groundcover; 2) shrubs and trees; or 3) usable outdoor hardscape features, such as courtyards, seating areas, patios, fountains/water features.	✓	✓	✓
Circulation within the open space area shall connect pedestrians to rights-of-ways that abut the open space, entrances to adjacent buildings, and any design features, such as seating areas. Such circulation paths are considered part of open space.	✓		
Outdoor amenities, such as grills, pools, tennis courts, or playgrounds, are permitted as part of the required open space.		✓	
Where possible, open space should be connected to abutting public parks and greenways in coordination with Mecklenburg County Park and Recreation.	✓	✓	

16.6 ON-SITE PEDESTRIAN CONNECTIVITY

A. Residential Developments

Residential dwellings require a pedestrian connection from the primary entry as follows:

1. Single-family, duplex, triplex, and quadraplex dwellings: ~~A~~ For new construction, a pedestrian connection~~,~~ that is a minimum of four feet in width~~,~~ is required from the primary entry to the adjacent public sidewalk or on-site driveway. This includes a connection to a required public sidewalk not yet constructed.

2. All other residential dwellings and developments: For new construction or a change of use from a nonresidential use to a residential use, a~~A~~ pedestrian connection~~,~~ that is a minimum of five feet in width~~,~~ is required to the adjacent public sidewalk, between buildings, and from buildings to all on-site facilities (parking areas, bicycle facilities, plazas, and open space, etc.). This includes a connection to a required public sidewalk not yet constructed. A connection from an individual residential dwelling to the common pedestrian connection to the public sidewalk shall be a minimum of four feet in width.

B. Nonresidential and Mixed-Use Developments

Pedestrian connections are required for new construction or a change of use as follows:

1. A pedestrian connection that is a minimum of five feet in width is required from the primary entry to the adjacent public sidewalk. This includes a connection to a required public sidewalk not yet constructed. An individual sidewalk connection will not be required for a nonresidential building if it would result in a sidewalk length of 1,320 feet or more.

2. Internal sidewalk connections are required between buildings and from buildings to all on-site facilities (parking areas, bicycle facilities, plazas, and open space, etc.). All internal sidewalks shall have a hard surface constructed of concrete, asphalt, or other similar material and shall be at least five feet in width. In the event that such connection would disturb or impair any significant environmental features of the site, this requirement may be modified by the Zoning Administrator.

16.7 PERFORMANCE STANDARDS

All uses shall comply with the performance standards established in this section unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

A. Noise

No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities. Within the City's boundaries, noise occurring activities shall also be in conformance with Chapter 15, Article III of the City Code. The standards of Chapter 15, Article III of the City Code shall apply in the City's ETJ.

B. Vibration

No use shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line which create a nuisance to any person of ordinary sensitivities on another property.

C. Dust

Dust, borne by the wind from sources such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, shall be mitigated by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

D. Odors and Fumes

No use shall emit fumes, gasses, or odors in concentrations or amounts that cause injury or create a nuisance to any person of ordinary sensitivities on another property.

Article 17. Accessory Structures

17.1 GENERAL STANDARDS FOR ACCESSORY STRUCTURES
17.2 STANDARDS FOR SPECIFIC ACCESSORY STRUCTURES

17.1 GENERAL STANDARDS FOR ACCESSORY STRUCTURES

All accessory structures are subject to the following regulations, unless otherwise permitted or restricted by specific regulations of this article and this Ordinance.

A. Accessory structures are permitted in all zoning districts, unless otherwise restricted by this article.

B. No accessory structure shall be constructed before the principal structure or use receives building permit or zoning use approval. A constructed accessory structure shall not be deemed to give authorization to a principal use not permitted in the zoning district. Construction of an accessory structure may be approved in conjunction with approval of construction of the principal use. Such accessory structure shall not be occupied or used until all permits for the principal structure are passed and closed, and a certificate of compliance or occupancy is obtained. Private docks and piers may be allowed prior to the principal structure in Neighborhood 1 Zoning Districts.

C. A zoning use permit is required for all permanent accessory structures, except for those permanent structures that require a building permit. In addition, certain accessory structures that do not qualify as permanent ~~may~~ also require a zoning use permit per this article unless otherwise noted.

D. Accessory structures are subject to the following locational requirements:

1. No accessory structure is permitted in the established setback along a frontage except as follows:

a. Mailboxes, utility poles, ~~and~~ light poles, and other similar accessory structures are allowed within an established setback along a frontage.

b. Specific accessory structures may only be allowed in an established setback along a frontage by specific provisions of this article. When permitted in an established setback, an accessory structure shall not locate in the required setback along a frontage unless it is also specifically allowed by this article.

c. Accessory structures may be located in an established front or corner side setback along a ~~frontage~~ street for a single-family detached dwelling if such dwelling is set back from the right-of-way a minimum of 150 feet and provided the accessory structure is set back a minimum of 50 feet from the right-of-way and is subject to the required side setback for the zoning district.

d. In the case of a through lot, one of the front setbacks, or setbacks along a frontage as applicable, shall be considered a rear setback for the purposes of the accessory structure regulations of this article only, and no accessory structure shall be allowed within this dimension.

2. Accessory structures in an established side or rear setback shall be located a minimum of three feet from a lot line except as follows:

a. Accessory structures with a height of 24 feet or more, or under 24 feet but with a height taller than the principal structure, shall be setback from any rear lot line a minimum of 15 feet and from any side lot line by the dimension of the required side setback for the zoning district.

b. If a specific accessory structure's location in the established side or rear setback is further restricted by the provisions of this article, the more stringent standard shall apply.

3. Except as otherwise permitted by these regulations, no accessory structure shall be permitted which obstructs or otherwise interferes with ~~public~~ use of a public or network-required private street ~~right-of-way or other public easement~~.

E. A detached accessory structure connected to a principal structure by a breezeway (see Article 18) is considered detached and subject to all applicable dimensional and locational requirements for detached accessory structures.

F. For lots in residential use, the cumulative square footage of all accessory structures on a lot shall not exceed the total square footage of the heated area located on the first floor of the principal structure. Accessory structures open to the sky such as, but not limited to, pools and tennis courts, do not count towards this square footage limitation.

17.2 STANDARDS FOR SPECIFIC ACCESSORY STRUCTURES

The standards of Section 17.1 shall apply unless otherwise permitted or restricted by this section.

A. Amateur (ham) Radio Equipment

1. Amateur (ham) radio equipment towers with antennas are limited to a maximum height of 90 feet, as measured to the top of the tower or attached antenna, whichever is greater.

2. Amateur (ham) radio equipment towers with antennas shall be set back as follows:

a. Up to 24 feet in height: Three feet from a side and rear lot line.

b. 24 feet or more in height up to the maximum principal building height of the zoning district: 15 feet from a side and rear lot line.

c. Above the maximum principal building height of the zoning district up to 90 feet: 15 feet from a side and rear lot line plus an additional one foot of setback from side and rear lot lines for every two feet in height above the maximum height of the zoning district.

3. Building-mounted antennas for amateur (ham) radio equipment are limited to a maximum height of 20 feet above the structure.

B. Carport, Detached

1. Detached carports shall not be located in an established front or corner side setback along a street or frontage. Detached carports shall be set back a minimum of 20 feet from the right-of-way or back of sidewalk, whichever is greater, to allow a driveway or parking pad with a minimum length of 20 feet.

2. A detached carport shall be constructed as a permanent structure. No tent structure shall be permitted as a carport.

C. Donation Boxes

1. Only one donation box is permitted per development site and a zoning use permit is required. Donation boxes are only permitted as accessory to the principal use of the site ~~and shall be owned and managed by the operator of the principal use~~.

2. Donation boxes shall be located to the rear of the principal building and entirely on private property. No donation box may be located within a required parking space, required on-site open space, on-site pedestrian pathway, tree save area, or area~~s~~ for stormwater control measures~~, or in any easements~~.

3. Donation boxes may be located in a parking structure.

4. Donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust.

5. The name and contact information of the operator shall be indicated on the front of each donation box.

6. Donation boxes shall not create nuisance conditions in violation of the City's Health and Sanitation Ordinance.

7. All items received by the donation box shall fit fully within in the box structure. Outdoor storage areas are prohibited.

D. Fences and Walls

1. General Requirements

The regulations of this section (item 1) apply to fences and walls in all zoning districts~~, with the exception of the Neighborhood 1 Zoning Districts~~. Where the requirements within the landscape regulations of Article 20 have specific standards for fencing that conflict with these regulations, the standards of Article 20 shall control.

a. No fence or wall shall be constructed within a storm drainage easement which will block or materially impede the flow of stormwater runoff.

b. No fence or wall shall obstruct sight distance triangles as defined in Section 31.3.D.

c. Permitted materials for the construction of a fence, gate, or wall are as follows. Fences, gates, or walls in Neighborhood 1 Zoning Districts are not limited to these permitted materials.

i. Treated wood or redwood

ii. Simulated wood

iii. Decorative brick

iv. Stone

v. Simulated stone

vi. Finished masonry

vii. Wrought iron

viii. Aluminum or steel designed to simulate wrought iron

ix. Vinyl

x. Chain link; fence slats are prohibited

The Zoning Administrator has the authority to approve alternative materials deemed to be similar to the materials in the approved materials list.

d. When located on top of a retaining wall, fence height is measured on the fill (high) side.

e. The capital of a fence post or column may extend up to two feet above the maximum height limit.

f. Where prescribed conditions, accessory structure standards, landscape requirements, and/or screening requirements contain fencing requirements that conflict with this section, those specific requirements control. Unless such requirements specifically state the type of fence or wall material required, item b above continues to apply to permitted fence materials.

g. Fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt from zoning regulation per N.C.G.S. § 160D-908.

2. Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, and MHP Zoning District Standards

The following standards apply, unless a different standard is required by the landscape regulations of Article 20.

a. A fence or wall located in the established front setback or setback along a frontage shall be limited to a maximum height of five feet above grade.

b. A fence or wall located in the established side setback between the established front setback and established rear setback shall be limited to a maximum height of six feet above grade.

c. A fence or wall located in the established rear setback shall be limited to a maximum height of eight feet above grade.

d. Sound barrier walls along the interstate are allowed to exceed the height limitations of this section.

3. Other Zoning District Standards

The following standards apply, unless a different standard is required by the landscape regulations of Article 20.

~~**a.** Fences and walls located in required side and rear setbacks are limited to eight feet in height.~~

~~b~~a. Fences and walls in an established setback along a frontage may be a maximum of eight feet in height; however, that portion of the fence or wall above three feet in height shall be constructed to be a minimum of 75% open.

E. Garage, Detached

Detached garages shall not be located in an established setback along a frontage. Detached garages shall be set back a minimum of 20 feet from the right-of-way or back of sidewalk, whichever is greater, to allow a driveway or parking pad with a minimum length of 20 feet.

F. Mechanical Equipment

The following standards apply to mechanical equipment related to the operation of the structure; mechanical equipment does not include accessory utility equipment, which is regulated separately by item K below. Examples of mechanical equipment include heating, ventilation, and air conditioning (HVAC) equipment, personal electrical generators, and swimming pool pumps and filters. These regulations do not apply to window-mounted or through-the-wall air conditioners.

1. Ground-Mounted Mechanical Equipment: Single-Family, Duplex, Triplex, and Quadraplex~~, and Townhouse~~ Dwellings

a. Ground-mounted mechanical equipment shall not be located in the established setback along a frontage.

b. Ground-mounted mechanical equipment may encroach into a required side or rear setback by no more than 50% of the width of that required setback.

2. Ground-Mounted Mechanical Equipment: All Other Uses

a. Ground-mounted mechanical equipment shall not be located in the established setback along a frontage.

b. If ground-mounted mechanical equipment is located in an established side or rear setback abutting a Neighborhood 1 Place Type or is visible from an abutting frontage, it shall be screened by a fence that is designed as 25% or less open or by a decorative wall.

c. The height of the wall or fence shall be at least the height of the mechanical equipment being screened and may exceed this height by no more than one foot.

3. Roof-Mounted Mechanical Equipment in All Zoning Districts

Roof-mounted mechanical equipment shall be screened by an architectural element so that it is not visible from an abutting frontage.

G. Private Docks and Piers

Private docks and piers, including any associated water-dependent accessory structures, may be located in any required setback that abuts a body of water.

H. Retail and Shipping Service Lockers

1. Retail and shipping service lockers not operated by a principal use on the site are permitted only on lots used for nonresidential uses, including nonresidential uses in a mixed-use development.

2. Retail and shipping service lockers may be placed against the exterior of the principal building ~~to the side or rear of the structure~~ and shall not be located in any required setback. A freestanding locker may be located within the associated parking lot or structure. All required on-site open space, on-site pedestrian pathways, and required parking spaces shall remain unobstructed.

3. A retail and shipping service locker shall be located on private property and cannot encroach into any required build-to zone or side or rear setback.

4. Retail or shipping service lockers shall not obstruct any door ~~and shall not be placed within 15 feet directly in front of the door~~. A minimum clear width for pedestrian traffic of eight feet shall be maintained at all doors and along any sidewalks.

5. A retail and shipping service locker structure cannot exceed seven feet in height, six feet in depth, and 20 feet in length.

I. Security Gate or Guard Station

1. A security gate may be located in an established setback along a frontage only with approval from the Charlotte Department of Transportation (CDOT), the North Carolina Department of Transportation (NCDOT), the Charlotte-Mecklenburg Police Department, the Charlotte Fire Department, and other applicable agencies. Such agencies may place additional requirements on the siting of the gate and any ancillary facilities for reasons of public safety.

2. A minimum of 40 feet shall be provided between any card reader and the street right-of-way~~, setback line,~~ or back-of-sidewalk, whichever is greater.

J. Satellite Dish (Large)

The following satellite dish regulations apply to large satellite dish antennas, which are those greater than one meter (3.28 feet) in diameter.

1. Satellite dishes shall be permanently installed on a building, on the ground, or on a permanent foundation, and shall not be mounted on a portable or movable structure.

2. Subject to operational requirements, the dish shall be of a neutral color, such as white or grey. No additional signs or advertising are permitted on the satellite dish itself, aside from the logos of the satellite dish service provider and/or dish manufacturer.

3. Satellite dishes no longer in use shall be immediately removed.

4. Satellite dishes are permitted only in the established rear setback and shall be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than ten feet from any lot line.

5. Roof-mounting is permitted and shall be screened by an architectural element so that it is not visible from an abutting frontage.

6. A ground-mounted satellite dish shall be screened so that it cannot be readily seen from public rights-of-way or abutting properties as follows:

a. A satellite dish shall be screened by a solid fence or wall.

b. The height of screening shall be at least the height of the satellite dish being screened and may exceed this height by no more than two feet.

K. Utilities, Above Ground and Wall-Mounted Accessory Structures

1. Above Ground Utility Accessory Structures

a. Above ground accessory utility structures may be located in the established side or rear setback. When visible from a frontage or from abutting property, all above ground accessory utility structures shall be screened on three sides by a fence that is designed as 25% or less open, wall, row of evergreen shrubs, or wall extension of the principal building, which is not required to be structural, equal to or a maximum of one foot greater than the height of the utilities. The enclosure shall be gated on the fourth side. Such gate shall be solid. Alternatively, a row of evergreen shrubs may be used to screen on-site utilities to meet this standard. Such row of shrubs shall be planted to create a visual barrier and exceed the height of utilities by one foot within three years of planting.

b. Above ground accessory utility structures may be located in an established setback along a frontage, but not within the required setback along a frontage, if fully enclosed on three sides using the principal building wall and an extension of the principal building wall, which is not required to be structural, equal to or a maximum of one foot greater than the height of the utilities. The enclosure shall be gated on the fourth side. Gates shall visually conceal the contents of the enclosure and shall remain closed except to gain access to the equipment as needed.

c. Screening as described in items a and b above is not required for above ground accessory utility structures if such structures do not exceed any of the following dimensions: three feet in height, three feet in length, or three feet in depth. If such structure exceeds any of these dimensions, it shall be subject to the screening requirements of item a or b above, as applicable.

d. Utility boxes may be wrapped or painted with artwork installed on all sides and covering the entire box as an alternative to screening, unless prohibited by the utility company. Such artwork may not function as a sign. Such wrapping or painting shall be maintained in good condition. If such artwork is removed, screening is required.

2. Wall-Mounted Utilities

Wall-mounted accessory utility structures, including gas and electric meters, shall not be installed on any façade located along a frontage. This restriction shall not apply to single-family dwellings. In the case of a building with all facades located along a frontage, wall-mounted utilities shall be located on a secondary frontage and screened by an opaque fence, or evergreen shrubs that exceed the height of the equipment by one foot within three years of planting.

L. Wind Turbines

1. Wind turbines may be designed as either vertical or horizontal axis turbines, with or without exposed blades, including designs that combine elements of the different types of turbines.

2. Wind turbines are subject to the following height restrictions:

a. The maximum height of a ground-mounted wind turbine is 24 feet.

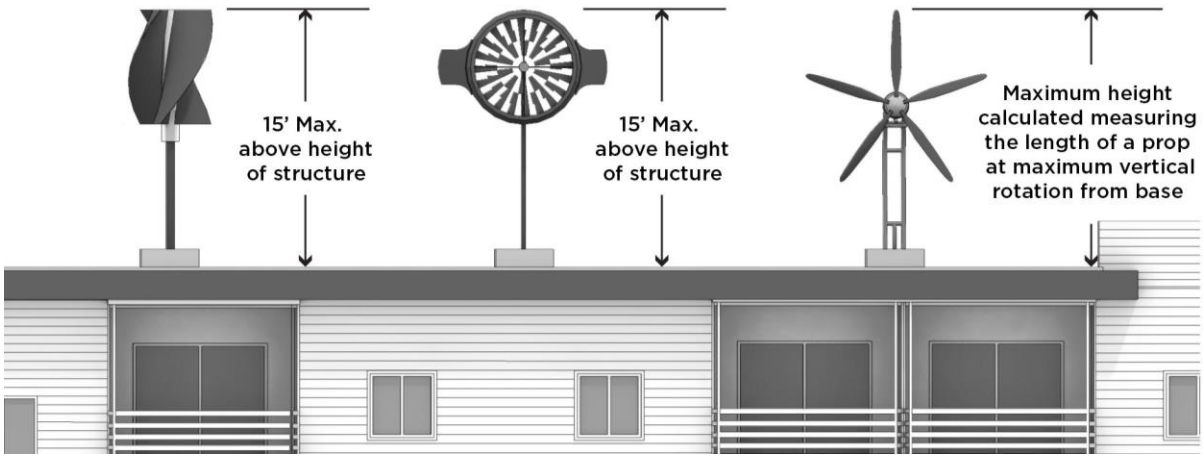
b. The maximum height of any wind turbine mounted upon a structure is 15 feet above the established height of such structure.

c. Maximum height is the total height of the turbine system, including the tower and the maximum vertical height of the turbine blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower. The maximum height of any ground-mounted wind turbine is measured from grade to the length of a prop at maximum vertical rotation.

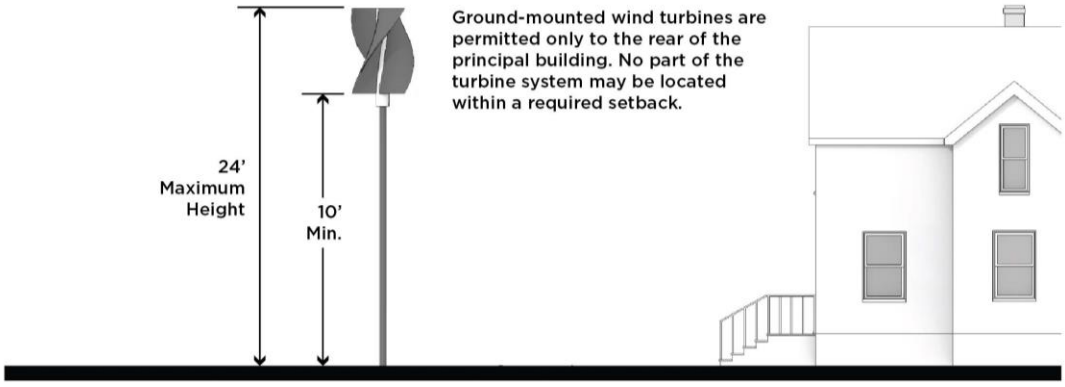
d. No portion of exposed turbine blades may be within ten feet of the ground. Unexposed/enclosed turbine blades may be within ten feet of the ground.

3. Ground-mounted wind turbines are permitted only to the rear of the principal building but may not be located within a required side or rear setback. No part of the wind turbine system structure, including guy wire anchors, may be located within a required setback.

STRUCTURE-MOUNTED WIND TURBINES



GROUND-MOUNTED WIND TURBINES



Article 18. Architectural Features

18.1 GENERAL REQUIREMENTS

18.2 ARCHITECTURAL FEATURES: ~~SPECIFIC DWELLING TYPES~~SINGLE-FAMILY, DUPLEX, TRIPLEX, QUADRAPLEX, AND MULTI-FAMILY ATTACHED

18.3 ARCHITECTURAL FEATURES: MULTI-FAMILY STACKED, MIXED-USE, AND NONRESIDENTIAL DEVELOPMENT

18.1 GENERAL REQUIREMENTS

A. The specific architectural features in this section are permitted but not required. All such features shall be constructed in accordance with the requirements of this section.

B. Where architectural features might extend into the right-of-way, prior review and approval by the Charlotte Department of Transportation (CDOT), the North Carolina Department of Transportation (NCDOT), or other relevant agencies is required. Adherence to the design requirements of this section does not imply approval through an encroachment agreement.

C. Architectural features shall not obstruct driveways that serve as access for service and emergency vehicles.

D. All trees shall be protected from encroachment of architectural features to the greatest extent practicable.

E. When in the fully opened position, any building doors shall maintain a minimum clearance of two feet from the back of any abutting sidewalk or path.

F. An architectural feature shall not obstruct any ~~required sidewalk or path~~pedestrian facilities.

18.2 ARCHITECTURAL FEATURES: SPECIFIC DWELLING TYPES

A. Applicability

The regulations of this section for architectural features apply only to the following dwelling types, including when such dwellings are part of a cottage court or multi-dwelling development:

1. Single-family

2. Duplex

3. Triplex

4. Quadraplex

~~**5.** Townhouse~~

~~**6**~~**5.** Multi-family attached

B. Architectural Features and Permitted Extension into Required Setback

1. Table 18-1: Permitted Architectural Features and Extensions for Specific Dwelling Types lists the permitted architectural features for the specific dwelling types in item A above.

2. An architectural feature may extend into a required frontage, side, or rear setback ~~and/or required side setback~~ in accordance with Table 18-1.

3. Certain portions of the required rear setback for a single-family, duplex, triplex, or quadraplex dwelling may be utilized for unheated spaces of the principal structure, such as attached garages, porches, decks, balconies, greenhouses, ~~at-grade and/or covered patios,~~ and utility room extensions, in accordance with the following restrictions:

a. No such extension shall encroach into the rear setback more than 25% of the depth of the required rear setback.

b. No such extension shall be more than 50% of the widest part of the dwelling.

4. Additional extensions into the required rear setback are regulated in Table 18-1.

5. For the dwelling types specified in this section, no architectural feature may encroach into the public right-of-way.

Table 18-1: Permitted Architectural Features and Extensions for ~~Specific Dwelling Types~~Single-Family, Duplex, Triplex, Quadraplex, and Multi-Family Attached Development				
Permitted Architectural Features	**Maximum Extension Allowed into Required Frontage Setback**	**Maximum Extension Allowed into Required Side Setback**	**Maximum Extension Allowed into Required Rear Setback**	**Additional Regulations**
Accessibility Ramp	No limit on extension but may not obstruct ~~a required sidewalk or path~~pedestrian facilities	No limit on extension but may not obstruct ~~a required sidewalk or path~~pedestrian facilities	No limit on extension but may not obstruct ~~a required sidewalk or path~~pedestrian facilities	
Awning or Sunshade	~~2~~3'	~~2~~3'	~~2~~3'	
Balcony	Not permitted	Not permitted	See Section 18.2.B.3	
Bay Window	2'	Not permitted	2'	
Breezeway	Not permitted	Not permitted	~~Not permitted~~No limit on extension but may not encroach within 3' of a side or rear property line	Section 18.2.C.1
Chimney	2'	~~Not permitted~~2'	2'	
Deck	8'	Not permitted	See Section 18.2.B.3	Section 18.2.C.2
Exterior Stairway	Not permitted	Not permitted	~~Not permitted~~3'	
~~**Patio**~~	~~8'~~	~~Not permitted~~	~~See Section 18.2.B.3~~	~~Section 18.2.C.3~~
Porch, Unenclosed	8'	Not permitted	See Section 18.2.B.3	Section 18.2.C.4
Sills, Belt Courses, Eaves, Cornices, and Ornamental Features	3'	3'	3'	Section 18.2.C.5
Steps and Stoops	4'	~~Not permitted~~2'	4'	Section 18.2.C.6

C. Architectural Feature Additional Regulations

Certain architectural features in this section shall be subject to the following additional regulations:

1. Breezeway

a. Breezeways shall be located to the rear or side of the principal structure.

b. The width of a breezeway shall not exceed eight feet between structural supports.

c. Breezeway height is limited to 12 feet.

2. Decks

If there is an off-street public path or shared use path along the frontage, the deck entry shall be set back at least six feet behind the path.

~~3. Patio~~

~~If there is an off-street public path or shared use path along the frontage, a patio shall be set back at least six feet behind the path.~~

~~4~~3. Porch, Unenclosed

If there is an off-street public path or shared use path along the frontage, the porch entry shall be set back at least six feet behind the path.

~~5~~4. Sills, Belt Courses, Eaves, Cornices, and Ornamental Features

Sills, belt courses, eaves, cornices, and ornamental features shall maintain a minimum vertical clearance of ~~12~~ 9 feet.

~~6~~5. Steps and Stoops

a. A stoop shall remain open on all sides except those along an exterior wall to which it is attached and may be roofed or uncovered.

b. The maximum width of a stoop landing shall be eight feet.

c. The maximum projection from the building wall of a stoop landing shall be eight feet.

d. If there is an off-street public path or shared use path along the frontage, steps shall be set back at least six feet behind the path.

18.3 ARCHITECTURAL FEATURES: MULTI-FAMILY STACKED, MIXED-USE, AND NONRESIDENTIAL DEVELOPMENT

A. Applicability

The following regulations for architectural features apply to multi-family stacked, mixed-use, and nonresidential developments.

B. Architectural Features and Permitted Extension into Required Setback

1. Table 18-2: Permitted Architectural Features and Extensions for Multi-Family Stacked, Mixed-Use, And Nonresidential Development lists the permitted architectural features for multi-family stacked, mixed-use, and nonresidential developments.

2. An architectural feature may extend into a required frontage setback, required rear setback, and/or required side setback in accordance with Table 18-2.

3. No architectural feature may encroach into the public right-of-way unless specifically allowed by Table 18-2.

Table 18-2: Permitted Architectural Features and Extensions for Multi-Family Stacked, Mixed-Use, And Nonresidential Development

Permitted Architectural Features	Maximum Extension Allowed into Required Frontage Setback	Maximum Extension Allowed into Required Side Setback	Maximum Extension Allowed into Required Rear Setback	Additional Regulations
Accessibility Ramp	No limit on extension but may not obstruct ~~a required sidewalk or path~~pedestrian facilities	No limit on extension but may not obstruct ~~a required sidewalk or path~~pedestrian facilities	No limit on extension but may not obstruct ~~a required sidewalk or path~~pedestrian facilities	
Arcade, Gallery, or Colonnade	Not permitted	Not permitted	Not permitted	Section 18.3.C.1
Awning or Sunshade	Up to a distance of 4' from the future back of curb along a street; cannot encroach along non-street frontages	Not permitted	Not permitted	Section 18.3.C.2
Balcony	4'; cannot encroach above any portion of ~~a required sidewalk or path~~pedestrian facilities	Not permitted	4'	Section 18.3.C.3
Bay Window	Located on upper floors: 4'; cannot encroach above ~~a sidewalk or path~~pedestrian facilities	Not permitted	4'	Section 18.3.C.4
Canopy	Up to a distance of 4' from the future back of curb; cannot encroach into any portion of a path	Not permitted	Not permitted	Section 18.3.C.5
Chimney	2'	2'	2'	
Deck	4'; cannot encroach into a sidewalk or path	Not permitted	4'	Section 18.3.C.6
Exterior Stairway	Not permitted	Not permitted	Not permitted	
Porch, Unenclosed	4'; cannot encroach into any portion of ~~a required sidewalk or path~~pedestrian facilities	Not permitted	4'	Section 18.3.C.7

Table 18-2: Permitted Architectural Features and Extensions for Multi-Family Stacked, Mixed-Use, And Nonresidential Development				
Sills, Belt Courses, Eaves, Cornices, and Ornamental Features	~~2'~~3'	~~2'~~3'	~~2'~~3'	Section 18.3.C.8
Steps and Stoops	4'; cannot encroach into any portion of ~~a required sidewalk or path~~pedestrian facilities	~~Not permitted~~2'	4'	Section 18.3.C.9

C. Architectural Feature Additional Regulations

Certain architectural features in this section shall be subject to the following additional regulations:

1. Arcade, Gallery, or Colonnade

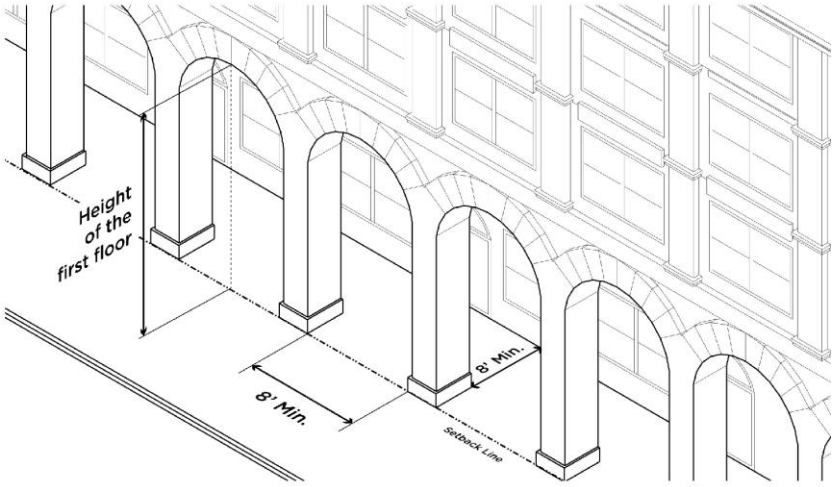
a. An arcade, gallery, or colonnade is considered to meet a required build-to zone

b. The vertical clearance of an arcade, gallery, or colonnade shall align with the height of the first floor.

c. A horizontal clearance of at least eight feet shall be maintained between columns/piers and between columns/piers and the building facade.

d. If there is a public path or shared use path along the frontage, the arcade, gallery, or colonnade shall be set back at least six feet behind the path and no encroachment into this six-foot width is permitted.

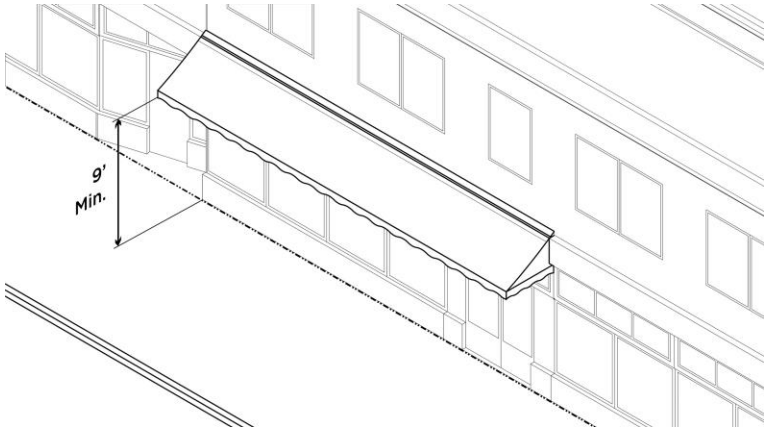
ARCADE, GALLERY, OR COLONNADE



2. Awning or Sunshade

Awnings and sunshades shall have a minimum vertical clearance of nine feet.

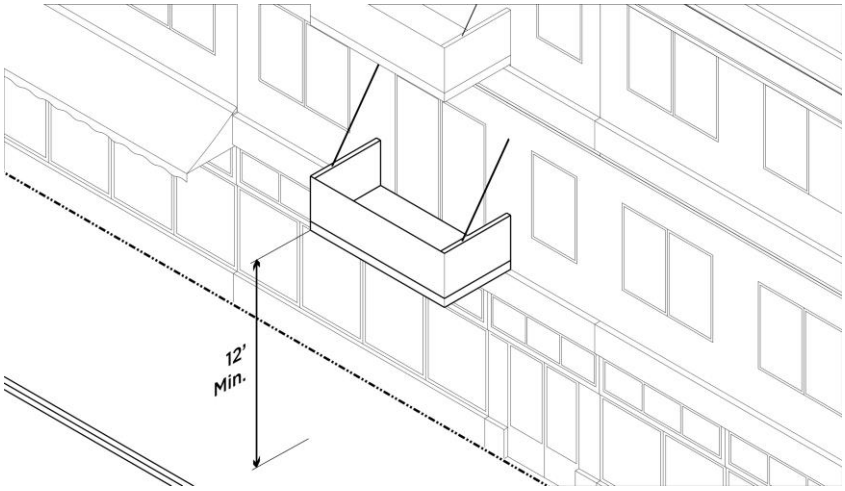
AWNING OR SUNSHADE



3. Balcony

Balconies shall maintain a minimum vertical clearance of 12 feet from grade.

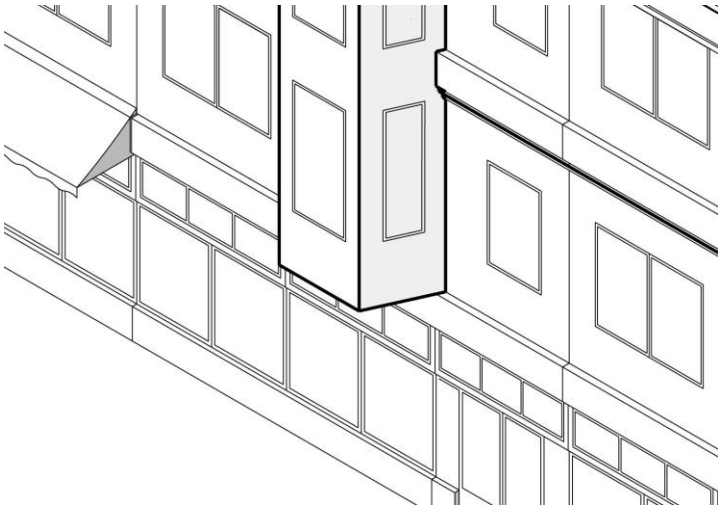
BALCONY



4. Bay Window

Bay windows are prohibited at the ground floor.

BAY WINDOW

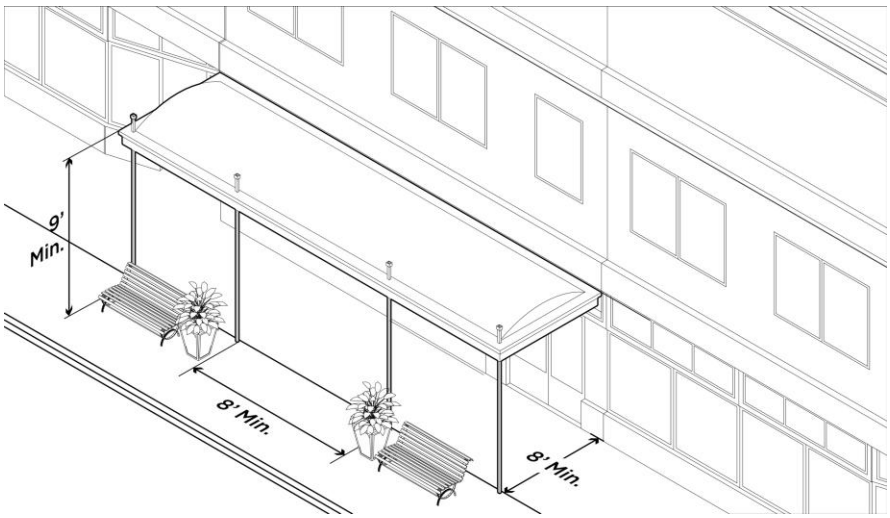


5. Canopy

a. Canopies shall have a minimum vertical clearance of nine feet.

b. A horizontal clearance of at least eight feet shall be maintained between canopy supports and between canopy supports and any building facade.

CANOPY



6. Deck

a. A deck is considered to meet a required build-to zone

b. If there is an off-street public path or shared use path along the frontage, the entry to the deck shall be set back at least six feet behind the path.

7. Porch, Unenclosed

a. A porch is considered to meet a required build-to zone

b. If there is an off-street public path or shared use path along the frontage, the entry to the porch shall be set back at least six feet behind the path.

8. Sills, Belt Courses, Eaves, Cornices, and Ornamental Features

a. Sills, belt courses, eaves, cornices, and ornamental features shall maintain a minimum vertical clearance of ~~12~~ 9 feet.

9. Steps and Stoops

a. A stoop shall remain open on all sides except those along an exterior wall to which it is attached and may be roofed or uncovered.

b. The maximum width of a stoop landing shall be eight feet.

c. The maximum projection from the building wall of a stoop landing shall be eight feet.

d. If there is an off-street public path or shared use path along the frontage, steps shall be set back at least six feet behind the path.

STEPS AND STOOPS

Article 19. Off-Street Vehicle & Bicycle Parking

19.1 PURPOSE
19.2 VEHICLE PARKING SPACE REQUIREMENTS
19.3 REQUIRED ELECTRIC VEHICLE CHARGING STATIONS
19.4 REQUIRED BICYCLE PARKING
19.5 DESIGN OF VEHICLE PARKING SPACES
19.6 DESIGN OF SURFACE PARKING AND PARKING LOTS
19.7 DESIGN OF PARKING STRUCTURES
19.8 DESIGN OF UNDERGROUND PARKING STRUCTURES
19.9 DESIGN OF BICYCLE PARKING
19.10 VALET PARKING REQUIREMENTS
19.11 COMMERCIAL VEHICLE STORAGE

19.1 PURPOSE

The purpose of the off-street vehicle and bicycle parking regulations is to:

A. Manage parking to meet the intent and context of the various Place Types, utilizing tools such as minimum vehicle parking requirements and limits on the maximum amount of vehicle parking to be provided on-site.

B. Ensure safe and efficient parking facility design.

C. Provide bicycle parking and electric vehicle infrastructure to implement the City's goals of increasing the use of zero carbon energy sources and alternative modes of transportation.

19.2 VEHICLE PARKING SPACE REQUIREMENTS

A. Vehicle Parking Space Tier System

1. Table 19-1: Vehicle Parking Requirements are structured in a three-tier system as follows:

a. Tier 1: A minimum number of off-street parking spaces are required. There are no off-street parking space maximums.

b. Tier 2: A minimum number of off-street parking spaces are required. There are also off-street parking space maximums.

c. Tier 3: A minimum number of off-street parking spaces are required for a limited number of uses and locations, but most uses do not have a minimum parking requirement. There are also off-street parking space maximums.

i. Tier 3 required parking minimums may be reduced or eliminated ~~with a local City parking permit program or parking study/strategy to reduce parking demand to be approved by the~~ upon Planning Director approval of a Parking Demand Management Assessment, as described in the Charlotte Streets Manual.

2. The tier that is applicable to each zoning district is identified in Table 19-1.

3. Where a cell is blank and shaded, no minimum and/or maximum parking is required.

B. Calculation of Vehicle Parking Spaces

Vehicle parking spaces are calculated by the principal use of the lot. When more than one principal use occupies the same lot, the number of spaces is the sum of the separate requirements for each principal use.

C. Minimum Off-Street Parking Space Requirements

1. When minimum off-street parking spaces are required by Table 19-1, the minimum vehicle parking requirements apply when any of the following occurs:

a. New construction of a principal building.

b. Expansion of an existing principal building resulting in a requirement of more than ten additional spaces.

c. Change of use or expansion of an existing use resulting in a requirement of more than ten additional spaces.

2. For existing parking facilities, the number of off-street vehicle spaces shall not be reduced below any minimum parking requirements of this Ordinance. If the number of such existing spaces is already less than the minimum required, it shall not be further reduced. However, if required streetscape improvements, curb relocation, or other requirements of this Ordinance cause the elimination of off-street parking spaces, these spaces need not be replaced.

D. Minimum Off-Street Parking Space Flexibilities

1. On-Street Parking Spaces

Existing on-street parking spaces abutting the property may be counted toward required minimum off-street parking spaces. New on-street parking spaces abutting the property may also count toward required minimum off-street parking.

a. Where on-street parking spaces are unmarked, the number of parking spaces is calculated by dividing the length of the on-street parking area abutting the property by the length required for a parallel parking space in the Charlotte Land Development Standards Manual (CLDSM).

b. Where on-street parking spaces are marked, each marked space counts as one required parking space, including any space where at least 50% of the length is abutting the property.

c. Spaces shall be accessible to the public 24 hours a day.

d. In the event that the city or state removes any such on-street parking that was allowed to count toward the minimum required, the existing use will not be required to make up the difference and the ~~use~~ parking will not be made nonconforming.

2. Public Parking ~~Credit~~Reduction

~~Public parking facilities~~Development sites located within 1,000 feet walking distance of ~~the development site~~public parking facilities may be ~~credited~~ granted a 20% reduction ~~toward~~ from the minimum parking requirement ~~at a rate of one space for every five public parking spaces~~. Public parking facilities shall be owned or operated by a government agency or municipal service district, or developed as a public-private partnership, but do not include "park and ride" facilities for public transit.

3. Existing Structures or Tree Preservation

In the event that the required minimum parking spaces cannot be placed on the lot without the demolition of an existing structure or causing damage to significant trees on the site or in the public right-of-way, the Zoning Administrator may authorize up to a 25% reduction in the total number of minimum parking spaces required on the lot. In the case of significant trees, the Zoning Administrator shall consult with the Chief Urban Forester prior to authorization of the reduction.

a. The Zoning Administrator may issue such an authorization only upon the request of the applicant and only upon determining that the reduction in the number of required parking spaces will not unreasonably increase parking congestion along public streets or in parking areas located on nearby lots.

b. If such authorization is granted, the applicant shall not demolish or remove the existing structure or trees unless the full required number of off-street parking spaces are provided on the lot.

c. The Zoning Administrator may request measures be taken to help mitigate the reduction in parking. These mitigations may include, but are not limited to, pedestrian connections to public sidewalks and additional bicycle parking accommodations.

E. Parking Maximum Limitations for Existing Facilities

In the Transit Oriented Development Zoning Districts and the UC Zoning District, when at least 50% of the parking lot area is reconstructed, such parking lot shall meet any required parking maximums. Resealing, repaving, resurfacing, and/or re-striping of an existing parking lot are not considered reconstruction.

F. Spaces Exempt from Parking Maximums

Spaces reserved for the following are not included in calculating parking maximums:

1. Required accessible parking spaces in compliance with City, state, and federal standards.

2. EVSE-Installed electric vehicle charging stations (Section 19.3).

3. The following pick-up/drop-off spaces, which shall be marked as reserved:

   a. Ride-hailing service vehicles.

   b. Quick-commerce delivery vehicles.

   c. Safe exchange zones, such as designated spaces in public areas for receipt of goods purchased online.

4. On-street parking spaces abutting the site.

5. On-site visitor spaces for ~~townhouse and~~ multi-family dwellings to a maximum exception of ten spaces or 10% of the total number of on-site dwelling units (in spaces), whichever is greater. All such spaces shall be marked as available for visitor use.

G. Permissions to Exceed Parking Maximums

1. A parking maximum may be exceeded by up to 25% if one or more of the following are met:

   a. 10% of the total number of spaces are provided for public use 24 hours a day and seven days a week.

   b. 20% of the total number of spaces are provided for public use as shared spaces available from 8:00 a.m. to 6:00 p.m., Monday through Friday.

   c. 20% of the total number of spaces are provided for public use as shared spaces available from 6:00 p.m. to 8:00 a.m., seven days a week.

2. When public use spaces are provided in order to exceed a parking maximum, the following apply:

   a. When located within a parking structure, public use spaces shall be located within the first two floors of the structure.

   b. Signage shall be provided that indicates the location of public use spaces.

   c. Shared spaces that are not available 24 hours a day and seven days a week shall be clearly marked with the hours of availability for public use.

   d. The facility may charge for the use of for public parking spaces.

3. Public transit facilities shall be exempt from parking maximums.

H. Alternative Parking Near Existing Transit Stations

Any property within one-half mile walking distance of an existing rapid transit station may use the Tier 3 parking standards, unless the property is located in a Neighborhood 1 Place Type. If Tier 3 parking standards are used, such standards shall be used in their entirety, including any applicable parking minimums and maximums.

I. Accessible Spaces

All parking facilities shall comply with City, state, and federal requirements for accessible parking spaces.

Table 19-1: Vehicle Parking Requirements						
Uses	**TIER 1** **Neighborhood 1 Zoning Districts, N2-A, MHP, ML-1, ML-2, IC-1, OFC Zoning Districts**		**TIER 2** **N2-B, N2-C, IMU, IC-2, RC~~-1~~, NC, CAC-1, CG, CR Zoning Districts**		**TIER 3** **CAC-2, TOD-UC, TOD-NC, TOD-CC, TOD-TR, RAC, UC, UE Zoning Districts**	
	Minimum	**Maximum** *Tier 1 does not have a parking maximum*	**Minimum**	**Maximum** *Applies to both parking lots and parking structures*	**Minimum** *Applies only when within 400' of a Neighborhood 1 Place Type*	**Maximum** *Applies to both parking lots and parking structures*
Residential Uses						
RESIDENTIAL USE unless listed below	**1/dwelling unit**		**1/dwelling unit**	**2 /dwelling unit**		**2/dwelling unit**
~~Adult Care Home~~	~~None~~	~~-~~	~~None~~	~~1 space~~	~~-~~	~~1 space~~
~~Childcare Center in Residence~~	~~None~~	~~-~~	~~None~~	~~1 space~~	~~-~~	~~1 space~~
Dormitory	1/2 dorm rooms		1/4 dorm rooms	1/dorm room		1/dorm room
Dwelling – Duplex	1.5/dwelling unit		1/dwelling unit	No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit		No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit
Dwelling - Live/Work	1/dwelling unit + 1/500sf GFA of commercial space		1/dwelling unit + 1/1,000sf GFA of commercial space	2/dwelling unit + 1/250sf GFA of commercial space		2/dwelling unit + 1/250sf GFA of commercial space
Dwelling - Manufactured Home	1/manufactured home		1/manufactured home	2/manufactured home		2/manufactured home
Dwelling – Multi-Family Attached When Units Not on Sublots *Also applies to residential component of mixed-use development*	1.5/dwelling unit; For senior living – 0.25/dwelling unit		1/dwelling unit; For senior living – 0.25/dwelling unit	1/bedroom/studio unit; For senior living – 0.75/dwelling unit	1/dwelling unit; For senior living – 0.25/dwelling unit	1/bedroom/studio unit; For senior living – 0.75/dwelling unit
Dwelling – Multi-Family Attached When Units on Sublots	1.5/dwelling unit		1/dwelling unit	No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit		No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit
Dwelling – Multi-Family Stacked *Also applies to residential component of mixed-use development*	1.5/dwelling unit; For senior living – 0.25/dwelling unit		1/dwelling unit; For senior living – 0.25/dwelling unit	1/bedroom/studio unit; For senior living – 0.75/dwelling unit	1/dwelling unit; For senior living – 0.25/dwelling unit	1/bedroom/studio unit; For senior living – 0.75/dwelling unit
Dwelling - Multi-Dwelling Development	*Based on dwelling types in development*		*Based on dwelling types in development*	*Based on dwelling types in development*		*Based on dwelling types in development*

Table 19-1: Vehicle Parking Requirements						
Uses	**TIER 1** **Neighborhood 1 Zoning Districts, N2-A, MHP, ML-1, ML-2, IC-1, OFC Zoning Districts**		**TIER 2** **N2-B, N2-C, IMU, IC-2, RC-~~1~~, NC, CAC-1, CG, CR Zoning Districts**		**TIER 3** **CAC-2, TOD-UC, TOD-NC, TOD-CC, TOD-TR, RAC, UC, UE Zoning Districts**	
	Minimum	**Maximum** *Tier 1 does not have a parking maximum*	**Minimum**	**Maximum** *Applies to both parking lots and parking structures*	**Minimum** *Applies only when within 400' of a Neighborhood 1 Place Type*	**Maximum** *Applies to both parking lots and parking structures*
Dwelling – Single-Family	2/dwelling unit		1/dwelling unit	No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit		No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit

Table 19-1: Vehicle Parking Requirements						
Uses	**TIER 1** **Neighborhood 1 Zoning Districts, N2-A, MHP, ML-1, ML-2, IC-1, OFC Zoning Districts**		**TIER 2** **N2-B, N2-C, IMU, IC-2, RC-1, NC, CAC-1, CG, CR Zoning Districts**		**TIER 3** **CAC-2, TOD-UC, TOD-NC, TOD-CC, TOD-TR, RAC, UC, UE Zoning Districts**	
	Minimum	**Maximum** *Tier 1 does not have a parking maximum*	**Minimum**	**Maximum** *Applies to both parking lots and parking structures*	**Minimum** *Applies only when within 400' of a Neighborhood 1 Place Type*	**Maximum** *Applies to both parking lots and parking structures*
~~Dwelling – Townhouse~~Multi-Family ~~Attached When Units on Sublots~~	~~1.5/dwelling unit~~		~~1/dwelling unit~~	~~No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit~~		~~No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit~~
Dwelling – Triplex	1.5/dwelling unit		1/dwelling unit	No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit		No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit
Dwelling – Quadraplex	1.5/dwelling unit		1/dwelling unit	No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit		No limit on enclosed/garage spaces; 2 unenclosed/dwelling unit
~~Family Childcare Home~~	~~None~~	~~-~~	~~None~~	~~1 space~~	~~-~~	~~1 space~~
Fraternity/Sorority Facility	1/bedroom		0.5/bedroom	2/bedroom		1/bedroom
Group Home	1/2 residents		1/4 residents	6 spaces		6 spaces
Manufactured Home Park	1/manufactured site		1/manufactured site	2/manufactured site		2/manufactured site
Residential Care Facility	1/bed		0.5/bed	1.5/bed		1/bed
~~Rooming House~~	~~1/2 rooming units~~	~~-~~	~~1/4 rooming units~~	~~1/rooming unit~~	~~-~~	~~1/rooming unit~~
Single Room Occupancy (SRO)	0.2/rooming unit		0.2/rooming unit	1/rooming unit		1/rooming unit
Commercial Uses						
COMMERCIAL USE unless listed below	**1/750sf GFA**		**1/1,000sf GFA**	**1/250sf GFA**		**1/250sf GFA**
Amusement Facility - Indoor	1/750sf GFA + 50% of outdoor area		1/1,000sf GFA + 50% of outdoor area	1/250sf GFA + 50% of outdoor area		1/250sf GFA + 50% of outdoor area

Table 19-1: Vehicle Parking Requirements						
Uses	**TIER 1** **Neighborhood 1 Zoning Districts, N2-A, MHP, ML-1, ML-2, IC-1, OFC Zoning Districts**		**TIER 2** **N2-B, N2-C, IMU, IC-2, RC-~~1~~, NC, CAC-1, CG, CR Zoning Districts**		**TIER 3** **CAC-2, TOD-UC, TOD-NC, TOD-CC, TOD-TR, RAC, UC, UE Zoning Districts**	
	Minimum	**Maximum** *Tier 1 does not have a parking maximum*	**Minimum**	**Maximum** *Applies to both parking lots and parking structures*	**Minimum** *Applies only when within 400' of a Neighborhood 1 Place Type*	**Maximum** *Applies to both parking lots and parking structures*
Amusement Facility - Outdoor	1/1,500sf GFA + outdoor area		1/2,000sf GFA + outdoor area	1/250sf GFA + outdoor area		1/250sf GFA + outdoor area
Bed and Breakfast	1 space + .5/room		1 space + .5/room	1 space + 1/room		1 space + 1/room
Car Wash	1/wash bay		0.5/wash bay	2/wash bay		2/wash bay
Drive-Through Establishment	1 space		1 space	2 spaces		2 spaces
Gas Station	1/pump island + 1/500sf GFA of retail		1/pump island + 1/1,000sf GFA of retail	1/250sf GFA of retail		1/250sf GFA of retail
Greenhouse/Nursery - Wholesale	1/750sf of office area + 1/10,000sf of growing area (indoor + outdoor)		1/1,000sf of office area + 1/10,000sf of growing area (indoor + outdoor)	1/250sf of office area + 1/10,000sf of growing area (indoor + outdoor)		1/250sf of office area + 1/10,000sf of growing area (indoor + outdoor)
Heavy Rental and Service Establishment	1/750sf GFA + 1/10,000sf of outdoor area		1/1,000sf GFA + 1/10,000sf of outdoor area	1/250sf GFA + 1/10,000sf of outdoor area		1/250sf GFA + 1/10,000sf of outdoor area
Heavy Retail Establishment	1/750sf GFA + 1/10,000sf of outdoor area		1/1,000sf GFA + 1/10,000sf of outdoor area	1/250sf GFA + 1/10,000sf of outdoor area		1/250sf GFA + 1/10,000sf of outdoor area
Hotel/Motel	1/guest room		0.5/guest room	1.5/guest room		1.5/guest room
Kennel	1 space		1 space	2 spaces		2 spaces
Live Performance Venue - Indoor	1/750sf GFA + 50% of outdoor area; Unless within 400' of a Neighborhood 1 Place Type, then 1/500sf GFA + 50% of outdoor area		1/1,000sf GFA + 50% of outdoor area; Unless within 400' of a Neighborhood 1 Place Type, then 1/500sf GFA + 50% of outdoor area	1/250sf GFA + 50% of outdoor area	1/500sf GFA + 50% of outdoor area	1/250sf GFA + 50% of outdoor area

Table 19-1: Vehicle Parking Requirements						
Uses	**TIER 1** **Neighborhood 1 Zoning Districts, N2-A, MHP, ML-1, ML-2, IC-1, OFC Zoning Districts**		**TIER 2** **N2-B, N2-C, IMU, IC-2, RC-~~1~~, NC, CAC-1, CG, CR Zoning Districts**		**TIER 3** **CAC-2, TOD-UC, TOD-NC, TOD-CC, TOD-TR, RAC, UC, UE Zoning Districts**	
	Minimum	**Maximum** *Tier 1 does not have a parking maximum*	**Minimum**	**Maximum** *Applies to both parking lots and parking structures*	**Minimum** *Applies only when within 400' of a Neighborhood 1 Place Type*	**Maximum** *Applies to both parking lots and parking structures*
Micro-Production of Alcohol	1/750sf GFA + 50% of outdoor area - excludes brewing facilities; Unless within 400' of a Neighborhood 1 Place Type, then 1/500sf GFA + 50% of outdoor area - excludes brewing facilities		1/1,000sf GFA + 50% of outdoor area - excludes brewing facilities; Unless within 400' of a Neighborhood 1 Place Type, then 1/500sf GFA + 50% of outdoor area - excludes brewing facilities	1/250sf GFA + 50% of outdoor area - excludes brewing facilities	1/500sf GFA + 50% of outdoor area - excludes brewing facilities	1/250sf GFA + 50% of outdoor area - excludes brewing facilities
Neighborhood Commercial Establishment *Applies to new construction only (See Article 15 for establishment in existing buildings)*	1/750sf GFA		1/1,000sf GFA	1/250sf GFA		1/250sf GFA
Nightclub	1/750sf GFA + 50% of outdoor area; Unless within 400' of a Neighborhood 1 Place Type, then 1/500sf GFA + 50% of outdoor area		1/1,000sf GFA + 50% of outdoor area; Unless within 400' of a Neighborhood 1 Place Type, then 1/500sf GFA + 50% of outdoor area	1/250sf GFA + 50% of outdoor area	1/500sf GFA + 50% of outdoor area	1/250sf GFA + 50% of outdoor area
Outdoor Market	1/750sf of lot area for market		1/1,000sf of lot area for market	1/250sf of lot area for market		1/250sf of lot area for market
Raceway/Dragstrip	1/5 persons at persons capacity		1/10 persons at persons capacity	*Per conditional zoning*		*Per conditional zoning*

Table 19-1: Vehicle Parking Requirements						
Uses	**TIER 1** **Neighborhood 1 Zoning Districts, N2-A, MHP, ML-1, ML-2, IC-1, OFC Zoning Districts**		**TIER 2** **N2-B, N2-C, IMU, IC-2, RC-~~1~~, NC, CAC-1, CG, CR Zoning Districts**		**TIER 3** **CAC-2, TOD-UC, TOD-NC, TOD-CC, TOD-TR, RAC, UC, UE Zoning Districts**	
	Minimum	**Maximum** *Tier 1 does not have a parking maximum*	**Minimum**	**Maximum** *Applies to both parking lots and parking structures*	**Minimum** *Applies only when within 400' of a Neighborhood 1 Place Type*	**Maximum** *Applies to both parking lots and parking structures*
Restaurant/Bar	1/750sf GFA + 50% of outdoor area; Unless within 400' of a Neighborhood 1 Place Type, then 1/500sf GFA + 50% of outdoor area		1/1,000sf GFA + 50% of outdoor area; Unless within 400' of a Neighborhood 1 Place Type, then 1/500sf GFA + 50% of outdoor area	1/250sf GFA + 50% of outdoor area	1/500sf GFA + 50% of outdoor area	1/250sf GFA + 50% of outdoor area
Self-Storage Facility: Climate-Controlled	1/25 storage units		1/40 storage units	1/10 storage units		1/10 storage units
Self-Storage Facility: Outdoor	1/25 storage units		1/40 storage units	1/10 storage units		1/10 storage units
Stadium	1/5 persons at persons capacity		1/10 persons at persons capacity	*Per conditional zoning*		*Per conditional zoning*
Vehicle Auction Facility	1/10,000sf of lot area		1/15,000sf of lot area	1/5,000sf of lot area		1/5,000sf of lot area
Vehicle Dealership: Enclosed	1/750sf GFA + 4 per service bay		1/1,000sf GFA + 4 per service bay	1/250sf GFA + 6 per service bay		1/250sf GFA + 6 per service bay
Vehicle Dealership: Outdoor	1/750sf GFA of indoor area + 4 per service bay		1/1,000sf GFA of indoor area + 4 per service bay	1/250sf GFA of indoor area + 6 per service bay		1/250sf GFA of indoor area + 6 per service bay
Vehicle Rental: Enclosed	1/750sf GFA of indoor area - excludes indoor storage of vehicles		1/1,000sf GFA of indoor area - excludes indoor storage of vehicles	1/250sf GFA of indoor area - excludes indoor storage of vehicles		1/250sf GFA of indoor area - excludes indoor storage of vehicles
Vehicle Rental: Outdoor	1/750sf GFA of indoor area		1/1,000sf GFA of indoor area	1/250sf GFA of indoor area		1/250sf GFA of indoor area
Vehicle Repair Facility: Major	4/service bay		2/service bay	6/service bay		6/service bay
Vehicle Repair Facility: Minor	4/service bay		2/service bay	6/service bay		6/service bay

Table 19-1: Vehicle Parking Requirements						
Uses	**TIER 1** **Neighborhood 1 Zoning Districts, N2-A, MHP, ML-1, ML-2, IC-1, OFC Zoning Districts**		**TIER 2** **N2-B, N2-C, IMU, IC-2, RC-~~1~~, NC, CAC-1, CG, CR Zoning Districts**		**TIER 3** **CAC-2, TOD-UC, TOD-NC, TOD-CC, TOD-TR, RAC, UC, UE Zoning Districts**	
	Minimum	**Maximum** *Tier 1 does not have a parking maximum*	**Minimum**	**Maximum** *Applies to both parking lots and parking structures*	**Minimum** *Applies only when within 400' of a Neighborhood 1 Place Type*	**Maximum** *Applies to both parking lots and parking structures*
Institutional and Government Uses						
INSTITUTIONAL AND GOVERNMENT USE unless listed below	**1/750sf GFA**		**1/1,000sf GFA**	**1/300sf GFA**		**1/300sf GFA**
Correctional Facility	1/10,000sf GFA		1/15,000sf GFA	*Per conditional zoning*		*Per conditional zoning*
Educational Facility - Pre-School	2/classroom		1/classroom	3/classroom		3/classroom
Educational Facility - Primary or Secondary	2/classroom		1/classroom	3/classroom		3/classroom
Educational Facility - University or College	1/1,000sf GFA		1/2,000sf GFA	1/300sf GFA		1/300sf GFA
Educational Facility - Vocational	1/1,000sf GFA		1/2,000sf GFA	1/300sf GFA		1/300sf GFA
Government Office/Facility	1/750sf GFA		1/1,000sf GFA	1/300sf GFA		1/300sf GFA
Place of Worship	1/4 seats of largest public assembly area		1/6 seats of largest public assembly area	1/8seats of largest public assembly area		1/8seats of largest public assembly area
Public Health and Social Service Uses						
PUBLIC HEALTH AND SOCIAL SERVICE USE unless listed below	**1/750sf GFA**		**1/1,000sf GFA**	**1/250sf GFA**		**1/250sf GFA**
Addiction Treatment Facility, Residential	1/bed		0.5/bed	1.5/bed		1/bed
Alternative Correction Facility	1/bedroom		0.5/bedroom	6 spaces		6 spaces
Children's Home	2 spaces		2 spaces	6 spaces		6 spaces
Domestic Violence Shelter	2 spaces		2 spaces	6 spaces		6 spaces
Food Bank	1/750sf of office area + 1/15,000sf GFA of warehouse		1/1,000sf of office area + 1/15,000sf GFA of warehouse	1/250sf of office area + 1/15,000sf GFA of warehouse		1/250sf of office area + 1/15,000sf GFA of warehouse
Halfway House	0.2/bedroom		0.2/bedroom	6 spaces		6 spaces
Healthcare Institution	2.5/patient room		2/patient room	5/patient room		5/patient room
Homeless Shelter	2 spaces		2 spaces	6 spaces		6 spaces

Table 19-1: Vehicle Parking Requirements						
Uses	**TIER 1** **Neighborhood 1 Zoning Districts, N2-A, MHP, ML-1, ML-2, IC-1, OFC Zoning Districts**		**TIER 2** **N2-B, N2-C, IMU, IC-2, RC-~~1~~, NC, CAC-1, CG, CR Zoning Districts**		**TIER 3** **CAC-2, TOD-UC, TOD-NC, TOD-CC, TOD-TR, RAC, UC, UE Zoning Districts**	
	Minimum	**Maximum** *Tier 1 does not have a parking maximum*	**Minimum**	**Maximum** *Applies to both parking lots and parking structures*	**Minimum** *Applies only when within 400' of a Neighborhood 1 Place Type*	**Maximum** *Applies to both parking lots and parking structures*
Campus Uses						
CAMPUS USE unless listed below	**1/1,500sf GFA of nonresidential area + .5/unit of residential component**		**1/2,000sf GFA of nonresidential area + .5/unit of residential component**	**1/500sf GFA of nonresidential area + 1/unit of residential component**		**1/500sf GFA of nonresidential area + 1/unit of residential component**
Government Campus	1/750sf GFA		1/1,000sf GFA	1/300sf GFA		1/300sf GFA
Office Campus	1/750sf GFA		1/1,000sf GFA	1/300sf GFA		1/300sf GFA
Industrial Uses						
INDUSTRIAL USE unless listed below	**1/1,000sf GFA up to 40,000sf, then 1/2,500sf for additional GFA above 40,000sf**		**1/2,0000sf GFA up to 40,000sf, then 1/4,000sf for additional GFA above 40,000sf**	**1/500sf GFA up to 40,000sf, then 1/1,250sf for additional GFA above 40,000sf**		**1/500sf GFA up to 40,000sf, then 1/1,250sf for additional GFA above 40,000sf**
Airport						
Airstrip	1 space		1 space	4 spaces		4 spaces
Beneficial Fill Site						
Crematorium	1/750sf GFA		1/1,000sf GFA	1/250sf GFA		1/250sf GFA
Industrial, Craft	1/1,000sf GFA		1/1,500sf GFA	1/250sf GFA		1/250sf GFA
Landfill, Land Clearing & Inert Debris (LCID)						
Movie Studio	1/1,000sf GFA up to 40,000sf, then 1/2,500sf for additional GFA above 40,000sf		1/2,000sf GFA up to 40,000sf, then 1/4,000sf for additional GFA above 40,000sf	*Per conditional zoning*		*Per conditional zoning*
Outdoor Storage Yard	1/20,000sf of lot area		1/20,000sf of lot area	1/10,000sf of lot area		1/10,000sf of lot area

Table 19-1: Vehicle Parking Requirements						
Uses	**TIER 1** **Neighborhood 1 Zoning Districts, N2-A, MHP, ML-1, ML-2, IC-1, OFC Zoning Districts**		**TIER 2** **N2-B, N2-C, IMU, IC-2, RC-~~1~~, NC, CAC-1, CG, CR Zoning Districts**		**TIER 3** **CAC-2, TOD-UC, TOD-NC, TOD-CC, TOD-TR, RAC, UC, UE Zoning Districts**	
	Minimum	**Maximum** *Tier 1 does not have a parking maximum*	**Minimum**	**Maximum** *Applies to both parking lots and parking structures*	**Minimum** *Applies only when within 400' of a Neighborhood 1 Place Type*	**Maximum** *Applies to both parking lots and parking structures*
Quarry						
Recycling Collection Center	1/750sf of office area		1/1,000sf of office area	1/250sf of office area		1/250sf of office area
Rail Freight Terminal	1/750sf of office area		1/1,000sf of office area	1/250sf of office area		1/1,000sf of office area
Salvage and/or Junk Yard	1/750sf of office area		1/1,000sf of office area	1/250sf of office area		1/250sf of office area
Solar Farm						
Truck Terminal	1/750sf of office area		1/1,000sf of office area	1/250sf of office area		1/250sf of office area
Warehouse and Distribution Center	1/750sf of office area + 1/15,000sf GFA of warehouse		1/1,000sf of office area + 1/15,000sf GFA of warehouse	1/250sf of office area + 1/7,500sf GFA of warehouse		1/250sf of office area + 1/7,500sf GFA of warehouse
Waste Management Facility	1/750sf of office area		1/1,000sf of office area	1/250sf of office area		1/250sf of office area
Wind Farm						

Table 19-1: Vehicle Parking Requirements						
Uses	**TIER 1** **Neighborhood 1 Zoning Districts, N2-A, MHP, ML-1, ML-2, IC-1, OFC Zoning Districts**		**TIER 2** **N2-B, N2-C, IMU, IC-2, RC-~~1~~, NC, CAC-1, CG, CR Zoning Districts**		**TIER 3** **CAC-2, TOD-UC, TOD-NC, TOD-CC, TOD-TR, RAC, UC, UE Zoning Districts**	
	Minimum	**Maximum** *Tier 1 does not have a parking maximum*	**Minimum**	**Maximum** *Applies to both parking lots and parking structures*	**Minimum** *Applies only when within 400' of a Neighborhood 1 Place Type*	**Maximum** *Applies to both parking lots and parking structures*
Transportation Uses						
TRANSPORTATION USES unless listed below	***(None)***		***(None)***	***(None)***		***(None)***
Passenger Terminal	1/2,000sf GFA		1/4,000sf GFA	1/2,000sf GFA		1/2,000sf GFA
Truck Stop	1/500sf GFA of structure +1 truck space/10,000sf of outdoor area					
Vehicle Operations Facility	1/1,000sf GFA up to 40,000sf, then 1/2,500sf for additional GFA above 40,000sf +1/10,000sf of outdoor area		1/2,0000sf GFA up to 40,000sf, then 1/4,000sf for additional GFA above 40,000sf +1/10,000sf of outdoor area	1/500sf GFA up to 40,000sf, then 1/1,250sf for additional GFA above 40,000sf +1/5,000sf of outdoor area		1/500sf GFA up to 40,000sf, then 1/1,250sf for additional GFA above 40,000sf +1/5,000sf of outdoor area
Open Space, Recreation, and Agricultural Uses						
OPEN SPACE, RECREATION, AND AGRICULTURAL USES unless listed below	***(None)***		***(None)***	***(None)***		***(None)***
Agriculture - Industrial Processes	1/1,000sf GFA up to 40,000sf, then 1/2,500sf for additional GFA above 40,000sf		1/2,0000sf GFA up to 40,000sf, then 1/4,000sf for additional GFA above 40,000sf	1/500sf GFA up to 40,000sf, then 1/1,250sf for additional GFA above 40,000sf		1/500sf GFA up to 40,000sf, then 1/1,250sf for additional GFA above 40,000sf
Boarding Stables, Commercial	1/4 stalls		1/6 stalls	1/stall		1/stall
Campground	1/4 campsites		1/6 campsites	1/campsite		1/campsite
Cemetery	1/750sf GFA of office, chapel/parlor, and facilities		1/1,000sf GFA of office, chapel/parlor, and facilities	1/250sf GFA of office, chapel/parlor, and facilities		1/250sf GFA of office, chapel/parlor, and facilities

Table 19-1: Vehicle Parking Requirements						
Uses	**TIER 1** **Neighborhood 1 Zoning Districts, N2-A, MHP, ML-1, ML-2, IC-1, OFC Zoning Districts**		**TIER 2** **N2-B, N2-C, IMU, IC-2, RC~~-1~~, NC, CAC-1, CG, CR Zoning Districts**		**TIER 3** **CAC-2, TOD-UC, TOD-NC, TOD-CC, TOD-TR, RAC, UC, UE Zoning Districts**	
	Minimum	**Maximum** *Tier 1 does not have a parking maximum*	**Minimum**	**Maximum** *Applies to both parking lots and parking structures*	**Minimum** *Applies only when within 400' of a Neighborhood 1 Place Type*	**Maximum** *Applies to both parking lots and parking structures*
Golf Course	2/hole		1/hole	4/hole		4/hole
Driving Range	1/tee		0.5/tee	2/tee		2/tee
Marina, Commercial	1/4 slips		1/6 slips	1/2 slips		1/2 slips
Private Recreation Club	1/750sf GFA		1/1,000sf GFA	1/250sf GFA		1/250sf GFA
Recreational Vehicle (RV) Park	4 spaces		4 spaces	8 spaces		8 spaces
Infrastructure Uses						
INFRASTRUCTURE USES ~~unless listed below~~	***(None)***		***(None)***	***(None)***		***(None)***
Temporary Uses						
TEMPORARY USES ~~unless listed below~~	***(None)***		***(None)***	***(None)***		***(None)***
Accessory Uses						
ACCESSORY USES unless listed below	***(None)***		***(None)***	***(None)***		***(None)***
Adult Care Home	None		None	1 space		1 space
Childcare Center in Residence	None		None	1 space		1 space
Family Childcare Home	None		None	1 space		1 space
Rooming House	1/2 rooming units		1/4 rooming units	1/rooming unit		1/rooming unit

19.3 REQUIRED ELECTRIC VEHICLE CHARGING STATIONS

A. Electric vehicle (EV) charging stations are required per Table 19-2: Required EV Charging Stations for:

1. Multi-family stacked dwellings

2. The residential component of mixed-use developments

3. Hotels

4. Parking lots and parking structures as a principal use

B. There are two types of electric vehicle (EV) charging stations required by this article: EV-Capable and EVSE-Installed. The types of electric vehicle (EV) charging stations are defined in Article 2.

Table 19-2: Required EV Charging Stations

Total Number of Provided Off-Street Parking Spaces	EV-Capable Spaces	EVSE-Installed Spaces
0-9 spaces	None	None
10-25 spaces	20% of spaces (rounded up)	None
26-50 spaces	20% of spaces (rounded up)	1 space
More than 50 spaces	20% of spaces (rounded up)	2% of spaces (rounded up)

C. In determining the number of required EV charging stations, when the result contains a fraction, any fraction is counted as one parking space.

D. For the residential component of mixed-use developments, the number of required EV charging stations shall be applied on a one-to-one ratio to the number of residential units in the development. However, where the number of parking spaces in a development is less than the number of residential units, the required EV spaces will be based on the total number of spaces provided.

E. EV charging stations shall only count toward a development's parking maximum if spaces are EV-Capable. EVSE-Installed stations do not count toward parking maximums.

F. Where a parking minimum is required, EVSE-Installed stations shall count as two spaces.

G. Any EVSE-Installed stations provided in addition to the required EVSE-Installed stations may be counted toward the EV-Capable requirement as two EV-Capable stations.

19.4 REQUIRED BICYCLE PARKING

A. When bicycle parking spaces are required by Table 19-3: Bicycle Parking Requirements, such bicycle parking shall be installed when any of the following occurs:

1. New construction of a principal building.

2. Expansion of an existing principal building resulting in a requirement of more than five additional bicycle spaces.

3. Change of use or expansion of an existing use resulting in a requirement of more than five additional bicycle spaces.

B. Of those uses required to provide bicycle spaces, Table 19-3 will indicate that some uses are required to provide long-term spaces. The required number of long-term spaces is a percentage of the required total bicycle spaces. All other required bicycle spaces shall be designed as short-term spaces. Where a cell is blank and shaded, no short-term and/or long-term bicycle parking is required.

C. For uses where bicycle parking is required, a minimum of two short-term bicycle spaces shall be provided. In no case are more than 30 short-term bicycle parking spaces required to be provided.

D. If short-term spaces are capped as per item C above, the number of long-term spaces required shall continue to be calculated based upon the required number of short-term spaces, disregarding the cap. In the case of nonresidential uses, no more than 50 long-term bicycle parking spaces are required to be provided.

E. Long-term bicycle parking is not required in either of the following conditions:

1. The entire nonresidential development has a gross floor area of 5,000 square feet or less. This does not apply to residential development.

2. Five or fewer bicycle spaces are required.

F. Bicycle parking located in the public right-of-way shall be subject to approval by the Charlotte Department of Transportation (CDOT) or the North Carolina Department of Transportation (NCDOT), as applicable. A requirement to provide bicycle parking does not imply that a right-of-way encroachment will be granted.

Table 19-3: Bicycle Parking Requirements

Uses	Required Bicycle Spaces	Required % Long-Term Bicycle Spaces
Residential Uses		
RESIDENTIAL USES unless listed below	***(None required)***	***(None required)***
Dormitory	1/4 dorm rooms	80%
Dwelling – Multi-Family Stacked and Multi-Family Attached When Units Not on Sublots *Also applies to residential component of mixed-use development*	1/5 dwelling units	80%
Fraternity/Sorority Facility	1/5 bedrooms	80%
Multi-Dwelling Development	*As required by dwelling type*	*As required by dwelling type*
Residential Care Facility	1/8 rooms	25%
Rooming House	1/5 rooming units	80%
Single Room Occupancy (SRO)	1/5 rooming units	80%
Commercial Uses		
COMMERCIAL USES unless listed below	**1/1,500sf GFA**	**25%**
Amusement Facility - Outdoor	1/3,000sf of lot area	25%
Bed and Breakfast		
Car Wash	1/bay	
Commercial Kitchen	1/3,000sf GFA	25%
Contractor Office with Outdoor Storage	1/1,500sf GFA of office area	
Convention Center	1/3,000sf GFA	25%
Drive-Through Establishment	2 spaces	
Gas Station	1/1,500sf GFA of retail area	25%
Greenhouse/Nursery - Wholesale	1/3,000sf of lot area	25%
Heavy Rental and Service Establishment	1/3,000sf of lot area	25%
Heavy Retail Establishment	1/3,000sf of lot area	25%
Hotel/Motel	1/20 rooms	25%
Kennel		
Neighborhood Commercial Establishment *Applies to new construction only (See Article 15 for establishment in existing buildings)*	1/1,500sf GFA	25%
Outdoor Market	1/3,000sf of lot area	
Raceway/Dragstrip	*Per conditional zoning*	*Per conditional zoning*
Retail Goods: Showroom	1/3,000sf of lot area	25%
Self-Storage Facility: Climate-Controlled	4 spaces	
Self-Storage Facility: Outdoor	4 spaces	
Stadium	*Per conditional zoning*	*Per conditional zoning*
Vehicle Auction Facility	4 spaces	
Vehicle Dealership: Enclosed	4 spaces with no service facilities; 8 spaces with service facilities	

Table 19-3: Bicycle Parking Requirements		
Uses	**Required Bicycle Spaces**	**Required % Long-Term Bicycle Spaces**
Vehicle Dealership: Outdoor	4 spaces with no service facilities; 8 spaces with service facilities	
Vehicle Rental: Enclosed	4 spaces	
Vehicle Rental: Outdoor	4 spaces	
Vehicle Repair Facility: Major	4 spaces	
Vehicle Repair Facility: Minor	4 spaces	
Institutional and Governmental Uses		
INSTITUTIONAL AND GOVERNMENTAL USES unless listed below	**1/1,500sf GFA**	**25%**
Correctional Facility	*Per conditional zoning*	*Per conditional zoning*
Educational Facility - Pre-School	1/8 classrooms	25%
Educational Facility - Primary or Secondary	1/4 classrooms	25%
Educational Facility - University or College	1/5,000sf GFA	25%
Educational Facility - Vocational	1/5,000sf GFA	25%
Public Safety Facility	1/5,000sf GFA	25%
Public Works Facility	1/5,000sf GFA	25%
Public Health and Social Service Uses		
PUBLIC HEALTH AND SOCIAL SERVICE USES unless listed below	**1/1,500sf GFA**	**25%**
Addiction Treatment Facility, Residential	1/8 rooms	25%
Alternative Correction Facility	1/2 rooming units	50%
Children's Home	1/8 rooms	25%
Domestic Violence Shelter		
Food Bank	1/5,000sf GFA	25%
Halfway House	1/2 rooming units	50%
Healthcare Institution	1/20 beds	25%
Homeless Shelter	1/4 beds	50%
Campus Uses		
CAMPUS USES unless listed below	**1/5,000sf GFA of nonresidential area**	**50%**
Continuum Care Retirement Community (CCRC)	1/5,000sf GFA of nonresidential area	50%
Educational Campus	1/5,000sf GFA of nonresidential area + residential use as required by "Residential Uses above"	Nonresidential: 50% Residential: As required by "Residential Uses above"
Government Campus	1/5,000sf GFA	25%
Medical Campus	1/5,000sf GFA of nonresidential area	50%
Office Campus	1/5,000sf GFA of nonresidential area	50%
Research Campus	1/5,000sf GFA of nonresidential area + residential use as required by "Residential Uses above"	Nonresidential: 50% Residential: As required by "Residential Uses above"
Religious Campus	1/5,000sf GFA of nonresidential area	25%
Social Service Campus	1/5,000sf GFA of nonresidential area	25%
Industrial Uses		
INDUSTRIAL USES unless listed below	***(None required)***	***(None required)***
Industrial, Craft	1/1,500sf GFA	25%
Industrial, Light	1/5,000sf GFA	25%
Light Assembly	1/5,000sf GFA	25%
Movie Studio	1/5,000sf GFA	25%
Warehouse and Distribution Center	1/5,000sf GFA	25%
Wholesale Goods Establishment	1/5,000sf GFA	25%
Transportation Uses		
TRANSPORTATION USES unless listed below	***(None required)***	***(None required)***
Parking Lot (Principal Use)	1/25 spaces	50%
Parking – Structured Facility (Principal Use)	1/25 spaces	50%
Passenger Terminal	1/5,000sf GFA of terminal building	25%
Open Space, Recreation, and Agricultural Uses		

Table 19-3: Bicycle Parking Requirements		
Uses	**Required Bicycle Spaces**	**Required % Long-Term Bicycle Spaces**
OPEN SPACE, RECREATION, AND AGRICULTURAL USES unless listed below	***(None required)***	***(None required)***
Agricultural - Industrial Processes	1/5,000sf GFA	25%
Boarding Stables, Commercial	1/4 stalls	
Cemetery	4 spaces	
Conservation Area	2 per acre	
Community Garden	2 per acre	
Golf Course	1/2 holes	25%
Driving Range	1/2 tees	25%
Marina, Commercial	1/15 slips	25%
Private Recreation Club	1/1,500sf GFA	25%
Public Park	4 per acre	
Infrastructure Uses		
INFRASTRUCTURE USES unless listed below	***(None required)***	***(None required)***
Temporary Uses		
TEMPORARY USES unless listed below	***(None required)***	***(None required)***
Accessory Uses		
ACCESSORY USES unless listed below	***(None required)***	***(None required)***

19.5 DESIGN OF VEHICLE PARKING SPACES

A. Each required vehicle parking space shall meet the minimum dimensional requirements of the Charlotte Land Development Standards Manual (CLDSM). Each required parking space shall have direct and unrestricted access to a drive aisle that meets the standards of the CLDSM.

B. For parking lots and parking structures of 20 spaces or more, up to 25% of required vehicle parking spaces may be designed and designated for compact vehicles per CLDSM standards.

C. The use of required off-street vehicle parking spaces for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies is prohibited. The sale and display of goods in required off-street vehicle parking spaces is also prohibited unless specifically permitted within the Use Matrix in Article 15.

D. For nonresidential uses and multi-family stacked dwellings, access configurations which require backing directly onto a street from a required off-street vehicle parking space are prohibited.

19.6 DESIGN OF SURFACE PARKING AND PARKING LOTS

A. Surface Parking and Parking Lot Location and Configuration

1. Neighborhood 1 Zoning Districts and Neighborhood 2 Zoning Districts

a. Residential Dwellings

~~**i. All Dwelling Types Except Single-Family**~~
~~In addition to item iii below, the following apply to all dwelling types except single-family:~~

~~**(A)** Maneuvering areas and parking pads/areas are prohibited within the established setback along a frontage. This does not apply to principal buildings fronting on Limited Access Roads; however, such maneuvering areas and parking pads/areas are prohibited in the required setback.~~

~~**(B)** Driveways shall only be installed across the established setback along a frontage for access to parking areas and shall be as nearly perpendicular to the street frontage as possible.~~

~~**(C)** All required parking spaces for residential uses shall be located on the same lot as the use. Townhouse and multi-family dwellings and cottage court and multi-dwelling developments may have a common parking area or areas located within the development site.~~

~~i~~i. Single-Family Dwellings on Individual Lots

~~In addition to item iii below, t~~The following apply to all single-family dwellings on individual lots:

(A) Required parking spaces for single-family dwellings shall be located either on a driveway, on an improved surface parking pad, or in a garage ~~on the same lot~~.

(B) All required parking spaces for residential uses shall be located on the same lot as the use.

ii. Duplex, Triplex, and Quadraplex Dwellings on Individual Lots

The following apply to all duplex, triplex, and quadraplex dwellings on individual lots:

(A) ~~Required p~~Parking spaces shall be located ~~either~~ on a driveway, ~~in a garage, or~~ on a parking pad, or in a garage~~outside the established front setback~~.

(B) All required parking spaces shall be located on the same lot as the use.

(C) ~~Shared d~~Driveways and parking pads shall have a maximum width of 40% of the lot width up to a maximum of 24 feet in width within the established setback along a frontage. This maximum ~~driveway~~ width may be split between driveways and parking pads, but the cumulative width of all driveways and parking pads may not exceed the maximum width permitted.

(D) Driveways and parking pads may exceed 24 feet in width when outside of the established front setback.

iii. All Dwellings

(A) All driveways and parking areas/pads shall be improved surfaces, such as concrete, asphalt, or other material commonly used for the parking of vehicles, but not including grass, dirt, or gravel. However, gravel is permitted for single-family dwellings. Alternative types of improved surfaces may be approved by the Zoning Administrator in coordination with the Stormwater Administrator for sites within the water supply watershed protection districts.

(B) All driveways shall have a minimum width of 10 feet.

(~~B~~C) Driveways and parking pad spaces shall be a minimum of 20 feet in length as measured from the right-of-way, back of sidewalk, or back of a shared use path, whichever is greater.

(~~C~~D) Garages for individual units shall be set back a minimum of 20 feet or the required zoning district setback, whichever is greater. The 20 foot distance shall be measured from the right-of-way, back of sidewalk, or back of a shared use path, whichever is greater. ~~Individual driveways or shared driveways shall have a maximum width of 40% of the lot width up to a maximum of 24 feet in width within the established setback along a frontage. This maximum driveway width may be split between driveways, but all driveways shall meet the minimum width required by the CLDSM and the cumulative width of all driveways may not exceed the maximum width permitted. This does not apply to townhouse and multi-family dwellings.~~

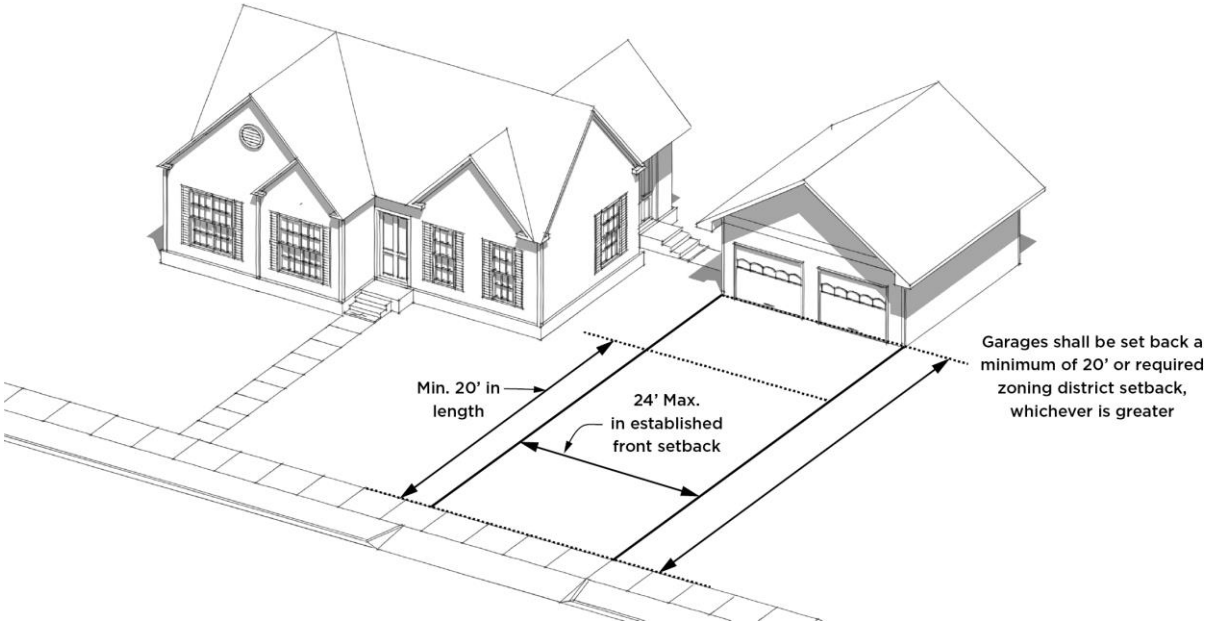
(~~D~~E) Parking areas other than individual driveways are prohibited within the established front and corner side setback. This does not apply to principal buildings fronting on Limited Access Roads or to single-family dwellings on individual lots. ~~Driveways and parking pads may exceed 20 feet width when outside of the established setback along a frontage.~~

(~~E~~F) Driveways shall be as nearly perpendicular to the street frontage as possible. This does not apply to single-family dwellings on individual lots. ~~Garages shall be set back a minimum of 20 feet or the required zoning district setback, whichever is greater, with this distance measured from the right-of-way, back of sidewalk, or shared use path, whichever is greater.~~

(G) Multi-family dwellings and multi-dwelling developments may have a common parking area or areas located within the development site.

(H) Along alleys, driveways and parking pads shall be designed per the CLDSM.

DRIVEWAYS



b. Nonresidential and Mixed-Use Developments

i. All surface parking lots are prohibited in an established setback along a primary frontage. However, the following exceptions apply:

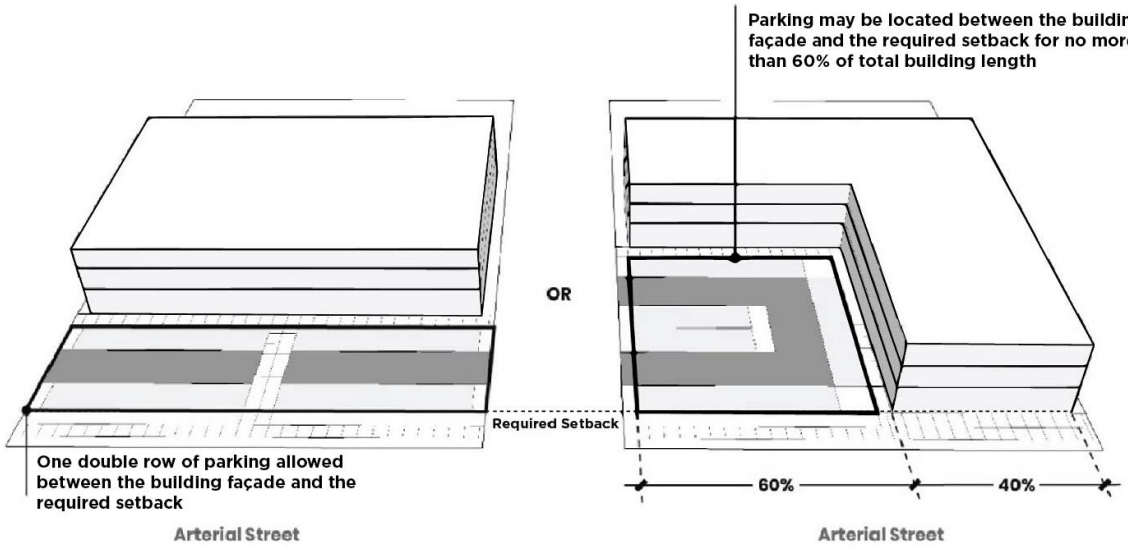
(A) Where there is no principal building, parking areas shall not be located in any required setback or build-to zone, as applicable. In addition, parking areas shall be located a minimum of 20 feet from a right-of-way, back of sidewalk, or back of a shared use path, whichever is greater.

(B) This does not apply to principal buildings fronting on Limited Access Roads; however, such areas are prohibited in the required setback.

(C) For nonresidential development on arterial streets and Parkways in the Neighborhood 1 Zoning Districts, and the N2-A and N2-B Zoning Districts, one double row of parking may be located between the building façade and the required setback.

(D) Alternatively, on arterial streets and Parkways in the Neighborhood 1 Zoning Districts, and the N2-A and N2-B Zoning Districts, parking may be located between the building façade and the required setback for up to 60% of the total building length. The remainder of the building length shall be located closer to the required setback line than the parking.

ARTERIAL STREET PARKING LOCATION



ii. Parking lots for nonresidential uses shall be located on the same lot as the principal building. Parking lots for nonresidential uses that are part of the development may also be located on a lot that is adjacent to the lot containing the principal building and is used exclusively for parking for that nonresidential use.

2. All Other Zoning Districts

a. Surface Parking Design

Surface parking design for all developments are subject to the standards of Table 19-4: Surface Parking Area Location and Access.

b. Additional Surface Parking and Parking Lot Location Standards

i. Residential Uses and Residential Component of Mixed-Use

All required parking spaces for residential uses shall be located on the same lot as the use. ~~Townhouse, m~~Multi-family~~,~~ and multi-dwelling developments may have a common parking area or areas located within the development site.

ii. Nonresidential Uses and Nonresidential Component of Mixed-Use

Parking areas for nonresidential uses and the nonresidential component of mixed-use may be located as follows:

(A) Where there is no principal building, parking areas are prohibited in any required setback or build-to zone, as applicable. In addition, parking areas shall be located a minimum of 20 feet from a right-of-way, back of sidewalk, or a shared use path, whichever is greater.

(B) Within a common parking area or areas of the development site.

(C) In an off-site parking lot or parking structure no more than 800 feet walking distance from the development where the use is located. Such off-site parking shall be approved by the Zoning Administrator. Any off-site parking shall be provided by lease of the off-site parking area for a minimum of five years. Such off-site parking shall be reserved for the exclusive use of the nonresidential use.

(D) For uses where events are held but that are not open for use when no events are occurring, such as stadiums and live performance venues, parking may be located off-site more than 800 feet from the event site. The Zoning Administrator, in conjunction with Charlotte Department of

Transportation (CDOT) staff, shall require verification of how the anticipated parking demand will be accommodated, such as by shuttle service. This provision does not apply to places of worship.

Table 19-4: Surface Parking Area Location and Access – Part 1

Standards	Zoning Districts								
	CG	CR	IC-1	IC-2	RC~~-1~~	OFC	ML-1	ML-2	IMU
No surface parking, driveways, circulation, or maneuvering areas shall be located in the established setback along a frontage. This does not apply to a Limited Access frontage; however, such areas are prohibited in the required setback. Driveways shall only be installed across the established setback along a frontage for access to parking areas and shall be as nearly perpendicular to the street frontage as possible.				✓	✓				✓
Surface parking may be located in the established setback along a street; however, such areas are prohibited in the required setback.	✓	✓	✓			✓	✓	✓	
No vehicle travel aisle, including drive aisles for on-site circulation, shall be located in the established setback along a frontage This does not apply to a Limited Access frontage; however, such areas are prohibited in the required setback.				✓	✓				✓
All surface parking along a primary frontage shall be located a minimum of 25 feet behind the setback line and shall also be located behind the established setback. On all other frontages, parking shall be located behind the established setback.				✓	✓				✓
Surface parking located in the established setback along a Main Street frontage shall be removed with any change of use, building addition that exceeds 25% of the gross floor area of the structure or 1,000 square feet, whichever is less, or the addition of 250 square feet or more of outdoor dining area.	✓	✓	✓	✓	✓	✓			✓
~~Driveway access to surface parking areas shall not be located in an established setback along a primary frontage.~~				~~✓~~	~~✓~~				~~✓~~
No driveways shall be allowed along local and collector streets located across from a Neighborhood 1 Place Type. If all streets are located across from a Neighborhood 1 Place Type, the Zoning Administrator shall approve a means of access that minimizes intrusion into the Neighborhood 1 Place Type.				✓	✓				✓

Table continues on next page

Table 19-4: Surface Parking Area Location and Access – Part 2										
Standards	**Zoning Districts**									
	TOD-UC	**TOD-NC**	**TOD-CC**	**TOD-TR**	**NC**	**CAC-1**	**CAC-2**	**RAC**	**UC**	**UE**
No surface parking, driveways, circulation, or maneuvering areas shall be located in the established setback along a frontage. This does not apply to a Limited Access frontage; however, such areas are prohibited in the required setback. Driveways shall only be installed across the established setback along a frontage for access to parking areas and shall be as nearly perpendicular to the street frontage as possible.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Surface parking may be located in the established setback along a street; however, such areas are prohibited in the required setback.										
No vehicle travel aisle, including drive aisles for on-site circulation, shall be located in the established setback along a frontage This does not apply to a Limited Access frontage; however, such areas are prohibited in the required setback.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
All surface parking along a primary frontage shall be located a minimum of 25 feet behind the setback line and shall also be located behind the established setback. On all other frontages, parking shall be located behind the established setback.	✓	✓	✓	✓			✓	✓	✓	✓
Surface parking located in the established setback along a Main Street frontage shall be removed with any change of use, building addition that exceeds 25% of the gross floor area of the structure or 1,000 square feet, whichever is less, or the addition of 250 square feet or more of outdoor dining area.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
~~Driveway access to surface parking areas shall not be located in an established setback along a primary frontage.~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~
No driveways shall be allowed along local and collector streets located across from a Neighborhood 1 Place Type. If all streets are located across from a Neighborhood 1 Place Type, the Zoning Administrator shall approve a means of access that minimizes intrusion into the Neighborhood 1 Place Type.	✓	✓	✓	✓		✓	✓	✓	✓	✓

B. Parking Lot Surfacing

1. All parking lots shall be improved with a hard surfaces, such as concrete, asphalt, or other material commonly used for the parking of vehicles, but not including grass or dirt; gravel is permitted in accordance with item 2 below. Pervious paving is encouraged where appropriate given weight-bearing and traffic requirements.

2. Gravel and other loose material shall be permitted for parking lots, with the exception of driveways that connect directly to a street. Driveways that connect the surface parking lot directly to a street shall meet the following:

a. Such driveways shall be improved surfaces, such as concrete, asphalt, or other material commonly used for the parking of vehicles, but not including grass, dirt, or gravel.

b. Improved surface driveways shall be a minimum of 20 feet in length as measured from the right-of-way or back of sidewalk or a shared use path, whichever is greater.

C. Striping

All parking lots improved with a hard surface, excluding those improved with gravel, of ten or more spaces shall delineate parking spaces with paint or other permanent materials, which shall be maintained in clearly visible condition.

D. Barriers

1. Barriers, such as wheel blocks, bollards, and curbs, shall be located along the perimeter of parking lots, internal sidewalks and pedestrian connections that abut parking spaces or driveways, and vehicle storage areas, except at ingress, egress, and circulation points. If there is parking on the perimeter of a bus or tractor-trailer lot, bollards, or wheel blocks are required.

2. Such barriers shall be designed and located to prevent parked vehicles from extending beyond designated parking areas.

3. All barriers shall be designed and located in accordance with the standards set out in the CLDSM.

E. Lighting
Parking lots shall be subject to the exterior lighting standards of Section 16.2.

F. Nonconforming Parking Lot and Surface Parking Design
When an existing parking lot of ten or more spaces does not conform to the design requirements of this article, it shall be brought into conformance when the parking lot is fully reconstructed or repaved, or the parking lot area is expanded by greater than 50%. Any expansion of an existing nonconforming parking lot shall be constructed to all applicable UDO standards. Resealing or re-striping of an existing parking lot, which does not entail paving, resurfacing, or replacement of the asphalt, concrete, or other surface paving material, is not considered reconstruction.

19.7 DESIGN OF PARKING STRUCTURES

A. Applicability of Parking Structure Design Standards

1. All parking structures are subject to the general regulations of item B below.

2. Select zoning districts are subject to the additional standards of item C below and Table 19-5: Parking Structure Design Options when located on the applicable frontage.

3. If there is a conflict between the general regulations in item B and the options outlined in item C, item C shall control.

B. General Parking Structure Design Standards
All parking structures are subject to the following standards:

1. On the ground floor of a facade abutting a frontage, where active uses, ingress/egress points, and/or mechanical equipment are not present, pedestrian-scale interest and activity shall be created through the inclusion of at least three architectural elements, such as awnings, overhangs, decorative screens, grills, louvers, pedestrian scale decorative lighting, decorative plantings, or other similar features. This does not apply to Limited Access frontages.

2. Along a frontage, the facades of parking structures shall include both vertical and horizontal treatment that resembles patterns and architecture of the buildings within the development, including use of similar materials and a similar rhythm of window openings. Any openings shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment. This standard shall also apply to a freestanding parking structure that is not part of a larger development, in which case it shall incorporate the patterns and architecture of the surrounding buildings.

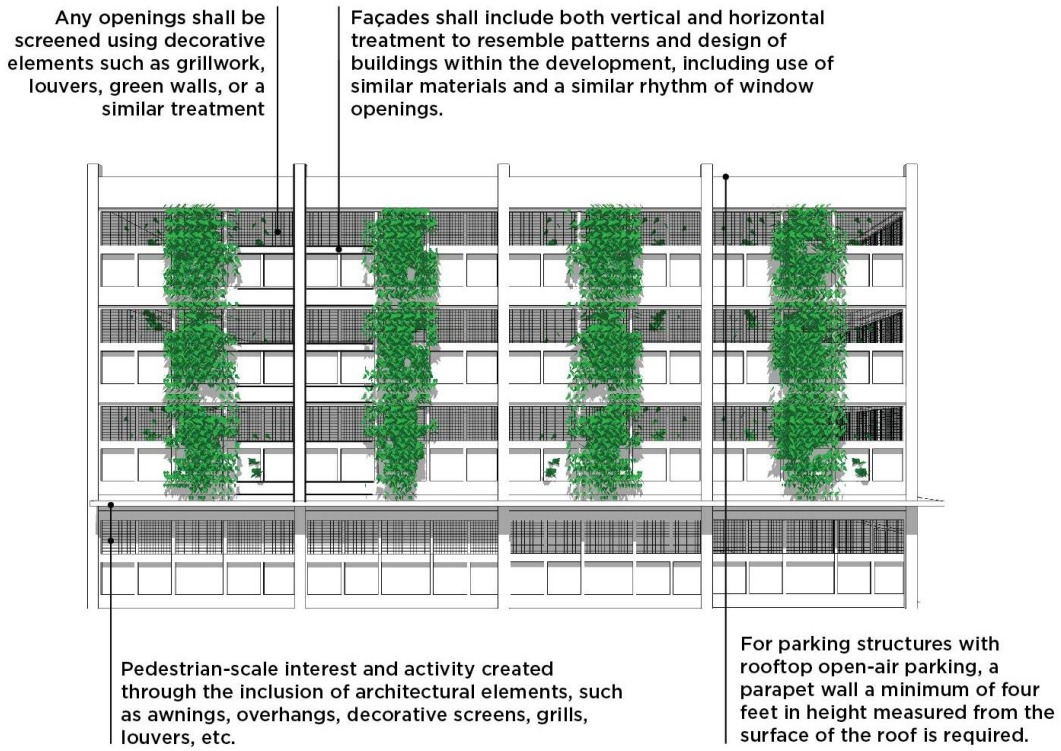
3. For parking structures with rooftop open-air parking, a parapet wall a minimum of four feet in height measured from the surface of the roof is required.

4. Facade openings that face any frontage shall be vertically and horizontally aligned, and all floors fronting on those facades shall be level, not inclined. This does not apply to Limited Access frontages.

5. Parking structures shall be designed so that vehicles parked on all levels of the structure and associated lighting are screened by a wall or panel measuring a minimum of 42 inches in height, as measured from the finished surface of the parking level. Along a frontage, the decorative elements indicated in item 2 above shall occupy a minimum of 25% of the area of the opening above the wall or panel.

6. Parking structures shall be subject to the exterior lighting standards of Section 16.2.

GENERAL PARKING STRUCTURE DESIGN



C. Additional Parking Structure Design Standards by Zoning District

1. Design

a. Parking structures in select zoning districts shall be designed in accordance with the additional design standards of Table 19-5: Parking Structure Design Options.

b. Where multiple options are indicated in Table 19-5, any of the indicated options are permitted.

c. Active use spaces and fully wrapped parking structures are required to meet building articulation and transparency standards of the zoning district.

d. Parking structures without active use spaces are exempt from the following zoning district standards:

i. Building articulation standards for minimum ground floor height and maximum prominent entry spacing.

ii. Transparency standards.

e. The Zoning Administrator may waive the requirement for ground floor activation for parking structures for public transit facilities in constrained conditions when Table 19-5 only allows options with ground floor activation. If such requirements are waived, the parking structure is subject to the general design standards of item B above.

2. Parking Structure Design Options

The options of Table 19-5: Parking Structure Design Options are as follows:

a. Option A - All Floors Wrapped and Ground Floor Activation

i. All floors wrapped requires a minimum of 70% of the façade above ground floor along any frontage be covered with occupiable building space a minimum of 20 feet in depth. This does not apply for the portion of the facade above the sixth floor.

ii. Ground floor activation shall meet the standards of Option C below.

b. Option B - Ground Floor Activation and Stepback

i. Ground floor activation shall meet the standards of Option C below.

ii. A minimum ten foot building stepback is required for any parking located above the ground floor.

c. Option C - Ground Floor Activation

i. Parking structures shall include residential or nonresidential active uses along 90% of the ground floor building length along any primary frontage and 60% of the ground floor building length along any secondary frontage, excluding areas of vehicular and pedestrian egress, fire stairs, and mechanical or electrical equipment rooms.

ii. Nonresidential active use bays shall be a minimum of 20 feet in width and 20 feet in depth. Individual spaces shall be furnished with water, sewer, and electrical service, or such services shall be stubbed into each individual active use bay for a future connection.

d. Option D - Additional Setback with Landscape Area

i. Foundation landscape is required along the entire façade area excluding areas of vehicular and pedestrian egress, and mechanical or electrical equipment rooms. The landscape yard shall count toward any required minimum build-to percentage.

ii. The width of the additional setback is indicated by the number associated with Option D in Table 19-5. This landscape area setback is in addition to the setback required by the zoning district.

iii. The landscape area shall be planted in accordance with the requirements of Section 20.8.

Table 19-5: Parking Structure Design Options

KEY:
Section 19.7.C.2 details the design options:
A = Option A (Section 19.7.C.2.a)
B = Option B (Section 19.7.C.2.b)
C = Option C (Section 19.7.C.2.c)
D = Option D (Section 19.7.C.2.d) and the number indicates the width of the additional setback

Frontage	Zoning Districts							
	N2-C	CG	CR	IC-1	IC-2	RC~~-1~~	OFC	IMU
Main Street	A B	A B C	A B C	A B C	A B	A B	A B C	A B
6 Lane Avenue/Boulevard	A B C D-15'	A B C D-15'	A B C D-15'	A B C D-15'	A B C	A B C	A B C D-15'	A B C
4-5 Lane Avenue/Boulevard	A B C D-15'	A B C D-15'	A B C D-15'	A B C D-15'	A B C	A B C	A B C D-15'	A B C
2-3 Lane Avenue/Boulevard	A B C D-15'	A B C D-15'	A B C D-15'	A B C D-15'	A B C	A B C	A B C D-15'	A B C
Other - Primary	A B C D-15'	A B C D-15'	A B C D-15'	A B C D-15'	A B C	A B C	A B C D-15'	A B C
Secondary	A B C D-15'	A B C D-15'	A B C D-15'	A B C D-15'	A B C D-30'	A B C D-30'	A B C D-15'	A B C D-30'
Parkway	A B C D-15'	A B C D-15'	A B C D-15'	A B C D-15'	A B C D-30'	A B C D-30'	A B C D-15'	A B C D-30'
Limited Access								

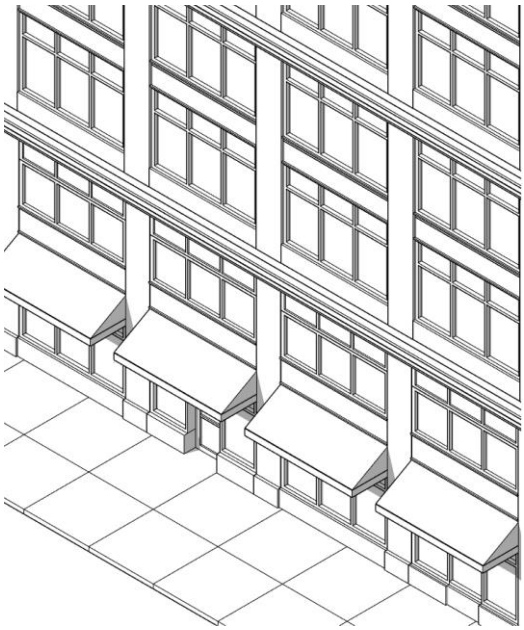
Table 19-5: Parking Structure Design Options

KEY:
Section 19.7.C.2 details the design options:
A = Option A (Section 19.7.C.2.a)
B = Option B (Section 19.7.C.2.b)
C = Option C (Section 19.7.C.2.c)
D = Option D (Section 19.7.C.2.d) and the number indicates the width of the additional setback

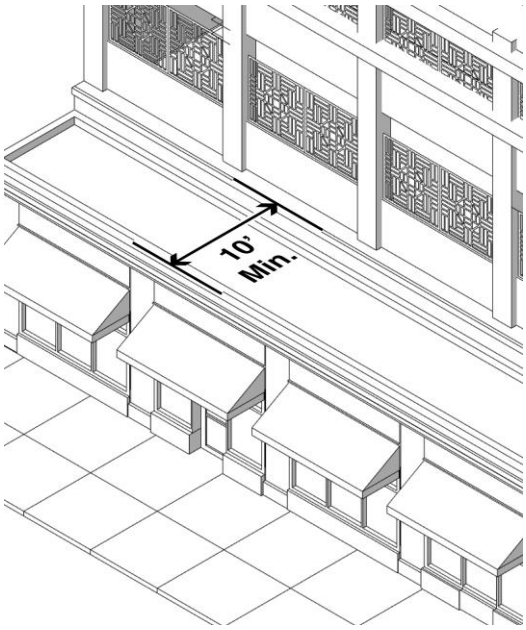
Frontage	Zoning Districts									
	TOD-UC	TOD-NC	TOD-CC	TOD-TR	NC	CAC-1	CAC-2	RAC	UC	UE
Main Street	A	A	A B	A B C	A B	A B	A	A	A	A
6 Lane Avenue/Boulevard	A B C	A B C	A B C	A B C D-30'	A B C D-15'	A B C D-30'	A B C	A B C	A B C	A B C
4-5 Lane Avenue/Boulevard	A B C	A B C	A B C	A B C D-30'	A B C D-15'	A B C D-30'	A B C	A B C	A B C	A B C
2-3 Lane Avenue/Boulevard	A B	A B	A B	A B C	A B C	A B C	A B	A B	A B	A B
Other - Primary	A B	A B	A B	A B C	A B C	A B C	A B	A B	A B	A B
Secondary	A B C	A B C	A B C D-30'	A B C D-30'	A B C D-15'	A B C D-30'	A B C	A B C	A B C	A B C
Parkway	A B C D-30'	A B C D-30'	A B C D-30'	A B C D-30'	A B C D-15'	A B C D-30'	A B C D-30'	A B C D-30'	A B C D-30'	A B C D-30'
Limited Access										

PARKING STRUCTURE DESIGN OPTIONS

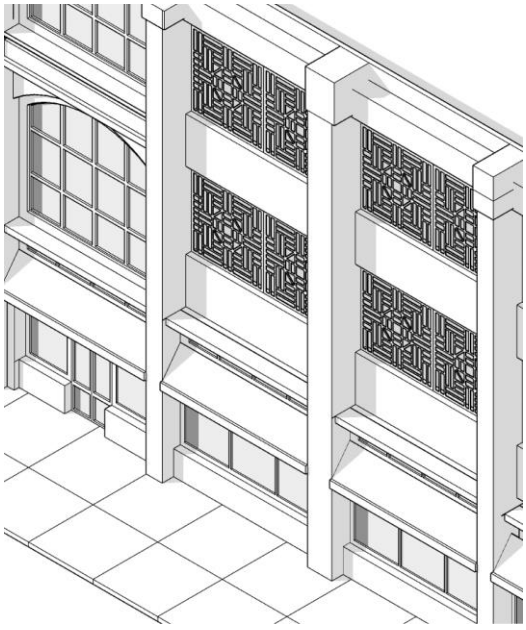
Option A



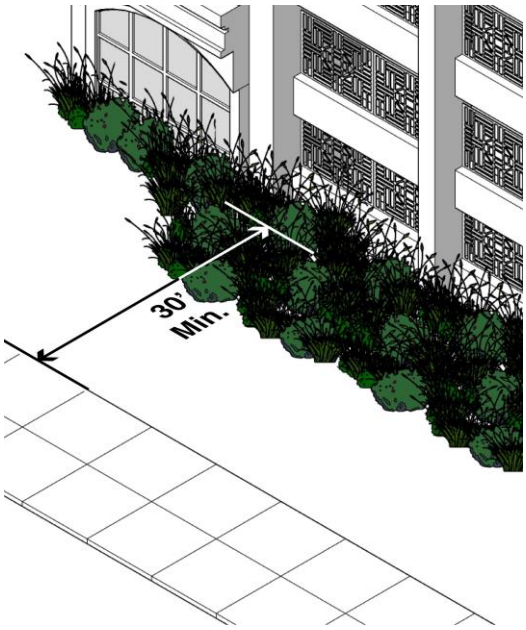
Option B



Option C



Option D



19.8 DESIGN OF UNDERGROUND PARKING STRUCTURES

A. All uses are permitted to have an underground parking structure(s). All portions of such structure(s) shall be fully underground, except for ingress/egress points.

B. An underground parking structure may encroach into a setback but shall ~~not~~ be no closer than five feet from the right-of-way line nor shall encroach into any area reserved for a utility easement, a landscape yard, or green area required by Article 20~~, or tree save required by Article 20~~.

19.9 DESIGN OF BICYCLE PARKING

A. General Standards

1. Bike lockers and racks shall be located on a hard surface and be securely anchored.

2. All bicycle lockers, bicycle racks, and bicycle parking spaces and areas shall be designed to meet the standards and design specifications of the CLDSM. Alternative bike locker and bike rack designs may be deemed acceptable by CDOT.

3. If required bicycle parking is not clearly visible from the entrance to the building, parking structure, transit station, or lot, a sign shall be posted at the primary entrances of these places indicating the location of the parking.

4. Bicycle parking facilities shall provide sufficient security from theft and damage. They shall be securely anchored to the ground, shall allow the bicycle to be securely locked, and shall be in a location with sufficient lighting and visibility.

B. Short-Term Bicycle Parking

1. Short-term bicycle parking shall be no more than 120 feet from an entrance to the building it is intended to serve.

2. Short-term bicycle parking may be located within the public right-of-way and/or within the required setback, subject to the following additional requirements:

a. The short-term bicycle parking shall not obstruct required sidewalks or paths or movement from on-street parking to the required sidewalks or paths, and shall not impact the minimum planting area or spacing requirements for street trees or required screening.

b. Bicycle parking located in the public right-of-way shall be subject to approval by the CDOT or the NCDOT, as applicable.

C. Long-Term Bicycle Parking

1. All long-term spaces shall be fully covered and offer protection from the elements. Long-term bicycle parking may consist of indoor parking, racks in garage structures, and/or bicycle lockers or other means which provide coverage of the bicycle.

2. Long-term bicycle parking shall be located either internal to the building or behind the building line along a frontage. Such parking may be restricted for the sole use of employees, tenants, residents, or others at the discretion of the property owner or management.

3. Spaces within dwelling units or on balconies do not count toward satisfying long-term bicycle parking requirements.

19.10 VALET PARKING REQUIREMENTS

A. On private property, all outdoor valet drop-off/pickup locations and maneuvering areas shall be located to the side or rear of the principal building. No maneuvering area shall be located in the established setback along a frontage in Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Innovation Mixed-Use Zoning Districts, Transit Oriented Development Zoning Districts, and Regional Activity Center Zoning Districts.

B. Drop-off/pickup locations and related elements such as kiosks and counters for approved valet parking on a public or network-required private street shall not be located in any amenity zone, planting strip, sidewalk, or shared use path.

C. The valet parking service and associated structures cannot disrupt pedestrian and vehicular traffic.

19.11 COMMERCIAL VEHICLE STORAGE

A. Residential Development

1. One light or medium commercial vehicle may be parked overnight at a residence.

2. A medium commercial vehicle may only be parked on a clearly delineated driveway or parking area of the residence. Medium commercial vehicles may not be parked overnight on public streets.

3. Parking of large commercial vehicles is prohibited, except as permitted in item D below.

B. Mixed-Use Development

Only light and medium commercial vehicle storage is permitted in mixed-use developments. The parking of large commercial vehicles is prohibited, except as permitted in item D below.

C. Nonresidential Development

Parking of light, medium, and large commercial vehicles operated in conjunction with the use established on the site may be stored on-site.

D. Temporary Parking

This section shall not prevent the temporary parking of emergency vehicles, delivery trucks, moving vans, and similar vehicles used for delivery of goods and services, or the parking of commercial vehicles at an active job site or staging area.

Article 20. Landscape, Screening, & Tree Preservation

20.1 LANDSCAPING AND SCREENING PURPOSE
20.2 SELECTION, INSTALLATION, AND MAINTENANCE
20.3 LANDSCAPE PLANTINGS
20.4 ALTERNATIVE LANDSCAPE REQUIREMENTS
20.5 REQUIRED SCREENING FOR PARKING LOTS
20.6 PARKING LOT INTERIOR LANDSCAPE
20.7 PARKING FACILITY DRIVEWAY AND MANEUVERING AREA LANDSCAPE
20.8 PARKING STRUCTURE LANDSCAPE AREA
20.9 LANDSCAPE YARD
20.10 LANDSCAPE YARD FOR RESIDENTIAL SUBDIVISIONS ABUTTING LIMITED ACCESS ROADS
20.11 LANDSCAPE YARD FOR RESIDENTIAL THROUGH LOTS AND COMMON OPEN SPACE ALONG AVENUES, BOULEVARDS, AND PARKWAYS
20.12 REQUIRED SCREENING FOR LOADING AND SERVICE AREAS
20.13 TREE PROTECTION PURPOSE AND EXEMPTION
20.14 HERITAGE TREES
20.15 GREEN AREA
20.16 FRONTAGE TREE PLANTING REQUIREMENT
20.17 TREE PLANTING REQUIREMENTS
20.18 TREE PROTECTION ADMINISTRATION AND PROCESS

20.1 LANDSCAPING AND SCREENING PURPOSE

The landscape and screening requirements established by this Article are intended to:

A. Preserve and enhance the appearance and character of the City.

B. Increase the compatibility of adjacent uses and minimize the potential negative impacts to neighboring uses.

C. Create transitional areas between uses or zoning districts of different intensities.

20.2 SELECTION, INSTALLATION, AND MAINTENANCE

The following standards apply to the landscape areas per Section 20.5 through 20.12 of this Article.

A. Selection

1. Only shrubs and trees listed on the Approved Plant Species list in the Charlotte Land Development Standards Manual (CLDSM) shall be used for any landscaping required by this Article.

2. All plants shall meet minimum quality requirements and be free of defects, and of normal health, height, leaf density, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1, latest available edition, American Horticulture Industry Association (AmericanHort).

B. Installation

All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth, and consistent with the CLDSM.

C. Species Diversity

Diversity among required plant material is required for visual interest and to reduce the risk of losing a large population of plants due to disease.

1. The species diversity requirements of this section apply as follows:

a. Species diversity applies to landscape plantings required by Section 20.2 through 20.12 of this Article.

b. Species diversity only applies to the installation of new plantings.

2. Table 20-1: Plant Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used. (*For example, if a development requires 45 shade trees, no more than 18 trees (40%) can be of any one species, and there shall be a minimum of five different species within the 45 trees.*)

Table 20-1: Plant Diversity Requirements		
Total Number of Plants per Plant Type	**Maximum Number of Any One Species**	**Minimum Number of Species**
1-4	100%	1
5-10	60%	2
11-15	45%	3
16-75	40%	5
76-500	25%	8
500-1,000	30%	10
1,000+	15%	15

D. Maintenance

1. Trees and vegetation, irrigation systems, fences, walls, and other similar items are considered landscape elements of a development.

2. All landscaping shall be free from disease, pests, weeds, and litter. All landscape elements shall be maintained in good repair or replaced periodically as needed to ensure their continued function, structural soundness, and aesthetically pleasing condition.

3. Any landscape element that dies or is seriously damaged, shall be removed and replaced within 30 days of the beginning of the subsequent growing season.

4. Any ornamental grasses or shrubs planted next to sidewalks shall be planted and maintained so that they do not encroach into sidewalks at maturity.

E. Existing Plantings

Existing plantings within the required landscape areas, such as the landscape yard, may be counted toward planting requirements of this Article, with the exception of trees planted pursuant to green area requirements per Section 20.15, frontage tree planting requirements per Section 20.16, and tree planting requirements per Section 20.17, with the approval of the Zoning Administrator in consultation with the Chief Urban Forester.

F. Additional Trees and Shrubs

Additional trees and shrubs may be installed in required landscape areas in excess of the requirements of this Article.

20.3 LANDSCAPE PLANTINGS

The following are the planting sizes required for each landscape area per Section 20.5 through 20.12 of this Article. All trees shall be allowed to grow to natural form and height.

A. Plantings Sizes for Parking Lot Screening

Shrubs shall be evergreen and shall be at least two feet in height when planted and an average height of three to four feet expected as normal growth within four years. A minimum spread of two feet shall be required at time of planting. However, such shrubs shall not exceed four feet in height at maturity.

B. Planting Sizes for Parking Structure Landscape Area

1. All trees, except for multiple stem small maturing trees, shall have a minimum trunk caliper of two inches and a minimum height of eight feet at planting.

2. Multiple stem small maturing trees shall be tree form, with three to a maximum of five trunks, and shall have a minimum height of ten feet at planting.

3. Shrubs shall be evergreen and shall be at least two feet in height when planted and an average height of five to six feet expected as normal growth within four years. A minimum spread of two feet shall be required at time of planting. Such shrubs shall be a minimum of six feet in height at maturity.

C. Planting Sizes for Landscape Yard

1. All trees, except for multiple stem small maturing trees, shall have a minimum trunk caliper of two inches and a minimum height of eight feet at planting.

2. Multiple stem small maturing trees shall be tree form, with three to a maximum of five trunks, and shall have a minimum height of ten feet at planting.

3. Shrubs shall be evergreen and shall be at least two feet in height when planted and an average height of five to six feet expected as normal growth within four years. A minimum spread of two feet shall be required at time of planting. Such shrubs shall be a minimum of six feet in height at maturity.

20.4 ALTERNATIVE LANDSCAPE REQUIREMENTS

A. The Zoning Administrator may alter the screening, landscape area, or landscape yards requirements of Section 20.1 through 20.12 of this Article in the event that one or more of the following conditions would make strict adherence to the requirements serve no meaningful purpose or would make it physically impossible to install and maintain the required landscape yard or screening:

1. The unusual topography or elevation of a development site.

2. The soil or other sub-surface conditions on the site.

B. Such an alteration may occur only at the request of the property owner, who shall submit:

1. A written request for modification describing the required and proposed landscape or screening.

2. A plan showing existing site features that would provide alternative landscaping or screening of the proposed use.

3. A plan showing the type and location of any additional landscape elements the property owner will plant or construct that would provide alternative landscaping or screening of the proposed use.

C. The Zoning Administrator shall not alter the screening, landscape area, or landscape yard requirements of Section 20.1 through 20.12 of this Article unless the developer demonstrates that the modified landscape yard or screening will comply with the spirit and intent of this Article and that the existing site features and any additional landscape yard materials will screen the proposed use as effectively as the required landscape yard or screening.

20.5 REQUIRED SCREENING FOR PARKING LOTS

A. General Requirements

Screening for parking lots and associated maneuvering areas is required for parking lots of ten or more vehicle spaces at the edge of the parking lot.

1. The following exceptions apply:

a. When parking areas are shared between properties, parking lot screening is not required along any shared lot line and/or cross-access connection area.

b. When parking lot screening is required between abutting properties and a landscape yard per Section 20.9 is also required, the requirements of the landscape yard control.

c. Vehicle dealerships are not required to install parking lot screening in those areas of the parking lot used to display vehicles for sale along a street frontage.

d. Parking lot screening is not required if the Zoning Administrator determines that adherence to this requirement would serve no meaningful purpose including, but not limited to, the grade on the site and the distance of the parking lot to adjacent properties.

2. Parking lot screening shall be installed when:

a. A new principal building is constructed.

b. A new parking lot of ten or more spaces is constructed.

c. Spaces are added to an existing parking lot where the total of existing and new spaces is ten or more spaces.

d. At least 50% of the parking lot area is reconstructed. Resealing, repaving, resurfacing, and/or re-striping of an existing parking lot are not considered reconstruction.

B. Design of Screening Areas

The screening area shall be improved as follows:

1. The screening area shall be at least five feet in width.

2. There shall be an additional minimum linear distance of two feet between the screening area and any wheel stops or bollards to accommodate vehicle bumper overhang. This is not included in the minimum five foot calculation.

3. The parking lot screening area shall be landscaped and designed as one or more of the following installations. Any required tree planting shall comply with the tree planting requirements of Sections 20.16 and 20.17 below, where applicable.

a. One shrub shall be planted for every five linear feet of screening area length. However, shrubs shall not be planted within four feet of a tree.

b. As an alternate to the shrub plantings in item a above, for screening along a frontage a low pedestrian wall a minimum of three feet and a maximum of four feet in height constructed of masonry, concrete, or similar permanent material may be installed. In this alternative, the parking lot screening area may be reduced to three feet in width. The requirements of item 2 above shall also apply to this alternative.

i. Shrubs, groundcover, perennials, ornamental grasses, and other planting types of species native or naturalized non-invasive to North Carolina shall be planted in front of such wall, facing toward frontages or adjacent properties, covering a minimum of 40% of the total screening area.

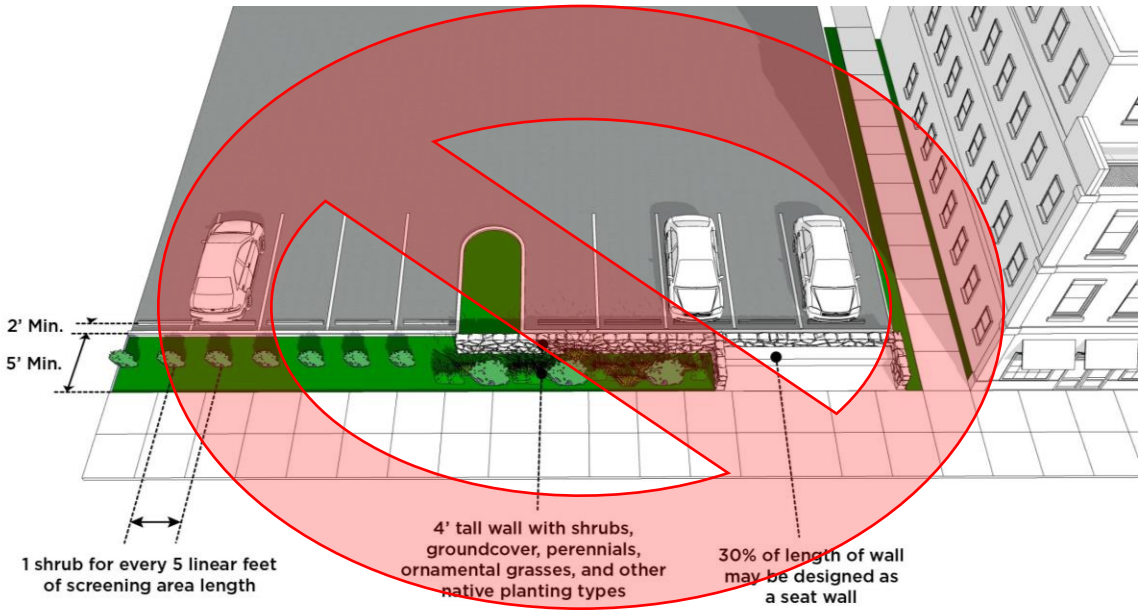
ii. Up to 30% of the total length of such wall may be designed as a seating wall. Where seating areas are included, the minimum wall height does not apply and plantings are not required in front of the seating wall. Seating areas shall be oriented towards the frontage.

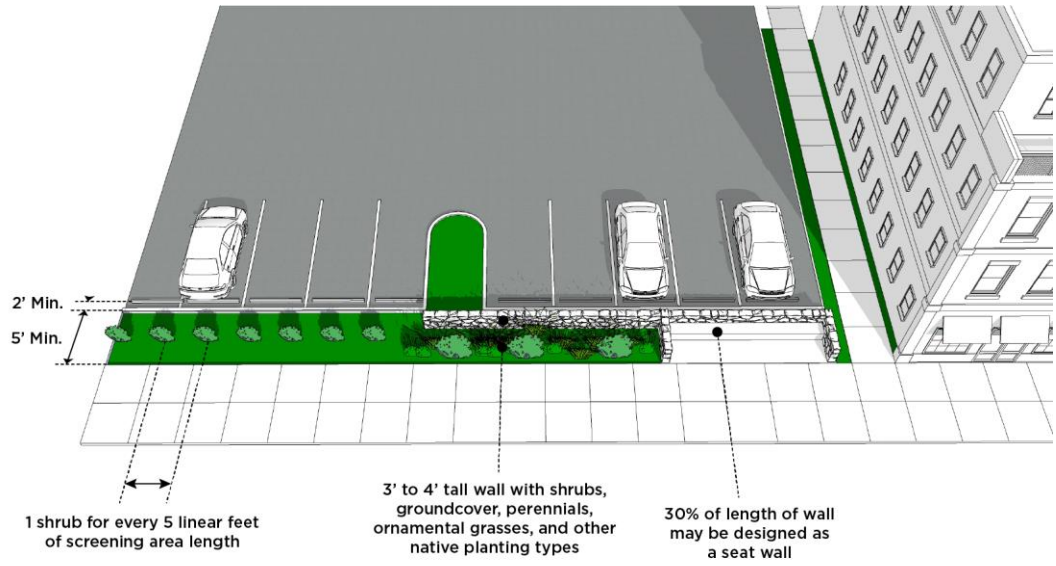
4. The following may cover any remaining unplanted area:

a. Shrubs, groundcover, perennials, ornamental grasses, and other planting types of species native or naturalized non-invasive to North Carolina-.

b. Stone, mulch, or other permeable landscape materials.

PARKING LOT SCREENING





20.6 PARKING LOT INTERIOR LANDSCAPE

Interior parking lot landscaping is governed by Section 20.17 below.

20.7 PARKING FACILITY DRIVEWAY AND MANEUVERING AREA LANDSCAPE

A. The parking lot screening requirements of Section 20.5 shall apply to all driveway and maneuvering areas that are not adjacent to parking spaces for parking lots of ten or more spaces and for all driveway and maneuvering areas of parking structures.

B. When such driveway and maneuvering areas described in item A above are located within an established side or rear setback along an adjacent property line, a fence or wall a minimum of six feet to a maximum of eight feet may be used in place of the screening area except within the established setback along a frontage.

20.8 PARKING STRUCTURE LANDSCAPE AREA

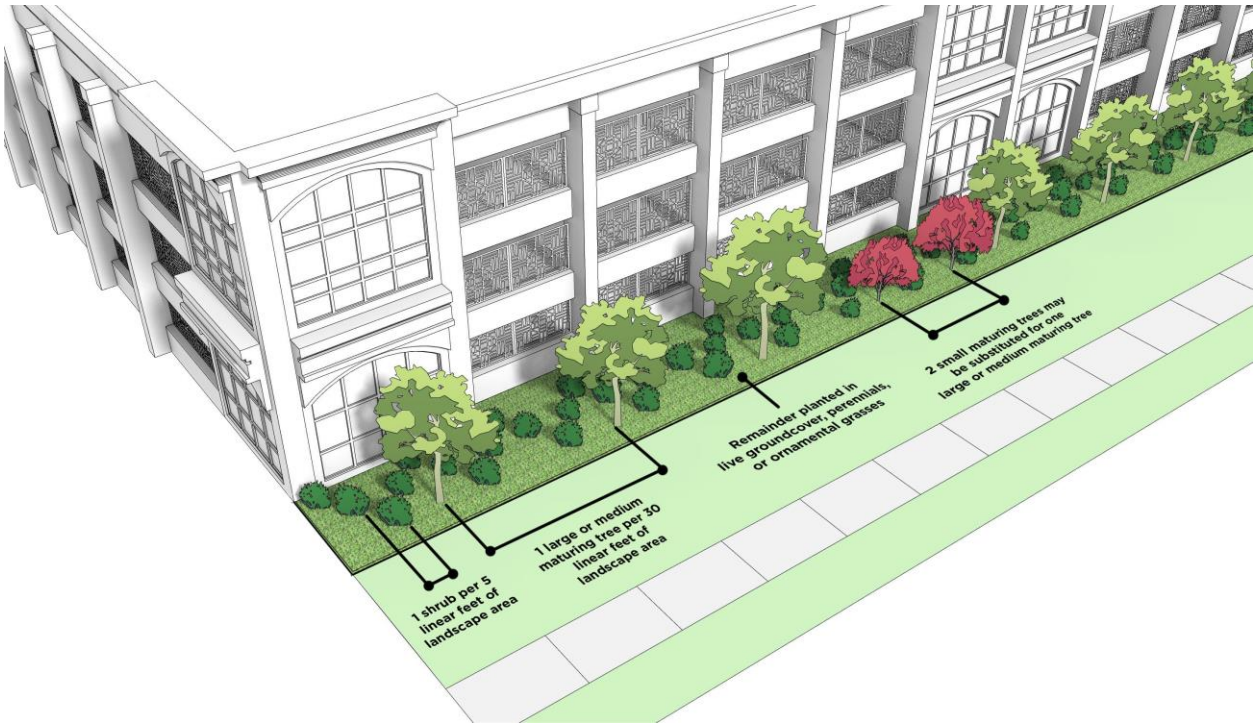
As required in Section 19.7 for the design of parking structures, when a landscape area is required, it shall be planted as follows:

A. One shrub shall be planted for every five linear feet of perimeter area. Shrubs may be varied in placement, rather than linearly spaced, but the total number of shrubs planted shall equal one shrub per five linear feet. However, shrubs shall not be planted within four feet of a tree.

B. A minimum of one large or medium maturing tree shall be provided for every 30 linear feet of the landscape area. Two small maturing trees may be substituted for one large or medium maturing tree. Trees may be spaced linearly on-center or grouped to complement an overall design concept.

C. The remainder of the required landscape area outside of shrub and tree masses shall be planted in groundcover, turf, perennials, ornamental grasses, and other planting types of species native or naturalized non-invasive to North Carolina.

PARKING STRUCTURE LANDSCAPE AREA



20.9 LANDSCAPE YARD

A. Certain uses or zoning districts, because of their character and/or intensity, may create adverse impacts when developed abutting other less intensive uses or zoning districts. A landscape yard provides a transition between these uses and/or zoning districts that minimizes adverse impacts.

B. When a landscape yard is required by this section, and a site does not have a landscape yard or the existing landscape yard on the site does not meet the standards of this section, a landscape yard shall be installed when any of the following actions occur:

1. New construction of a principal building.

2. An addition to an existing principal building.

3. An additional principal or accessory use that is conducted primarily outdoors is established on the site.

4. A change of use category within the Use Matrix found in Article 15 when abutting a Neighborhood 1 Place Type.

C. Upon an applicant's request, if the Zoning Administrator determines that the requirement for a landscape yard is unrelated to the proposed construction's anticipated impacts on adjacent properties, the Zoning Administrator may modify the landscape yard requirement to the extent necessary to relate to the proposed construction's anticipated impacts and to make the requirement roughly proportional to those anticipated impacts.

D. When a landscape yard is required by item B above and there is insufficient area on the site for the required landscape yard, such landscape yard may be modified to install only a portion of the required landscape. The applicant is required to show that the landscape yard cannot be accommodated on the site. The Zoning Administrator will make the determination that a portion of required landscape yard does not have to be installed.

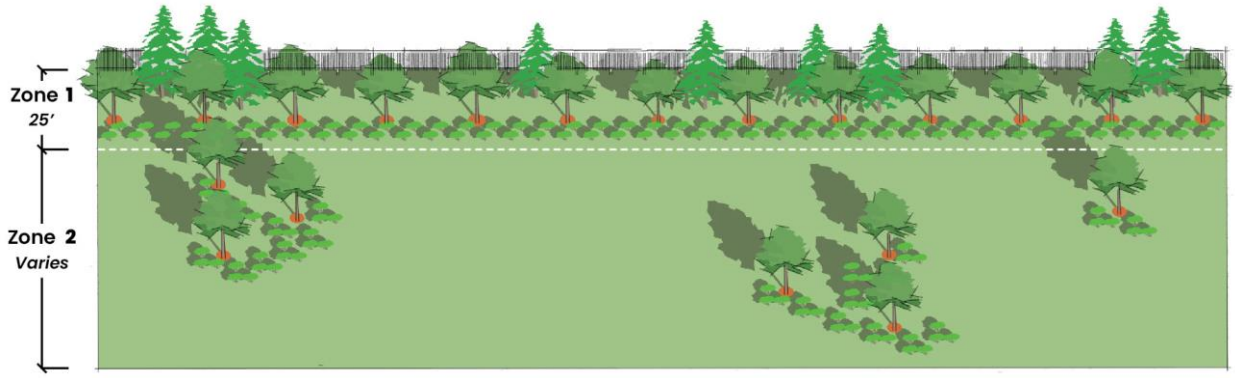
E. Table 20-2: Landscape Yard Class describes the width and design of each class of landscape yard. Table 20-3: Required Landscape Yards by Zoning District indicates when and which class of landscape yard is required. Where a use has prescribed conditions that require a specific class of landscape yard, those conditions control over the requirements of Table 20-3.

1. For the Class A landscape yard, the landscape yard is divided into Zone 1 and Zone 2 as follows:

a. Zone 1 comprises the first 25 feet of the landscape yard, measured perpendicularly from the rear or side lot line.

b. Zone 2 comprises the remainder of the required landscape yard outside of Zone 1. Within Zone 2, plantings may be grouped to complement an overall design concept. The remainder of the required landscape area in Zone 2 outside of required shrub and tree masses shall be planted in turf, groundcover, perennials, ornamental grasses, and other planting types of species native or naturalized non-invasive species to North Carolina.

CLASS A LANDSCAPE YARD: ZONE 1/ZONE 2

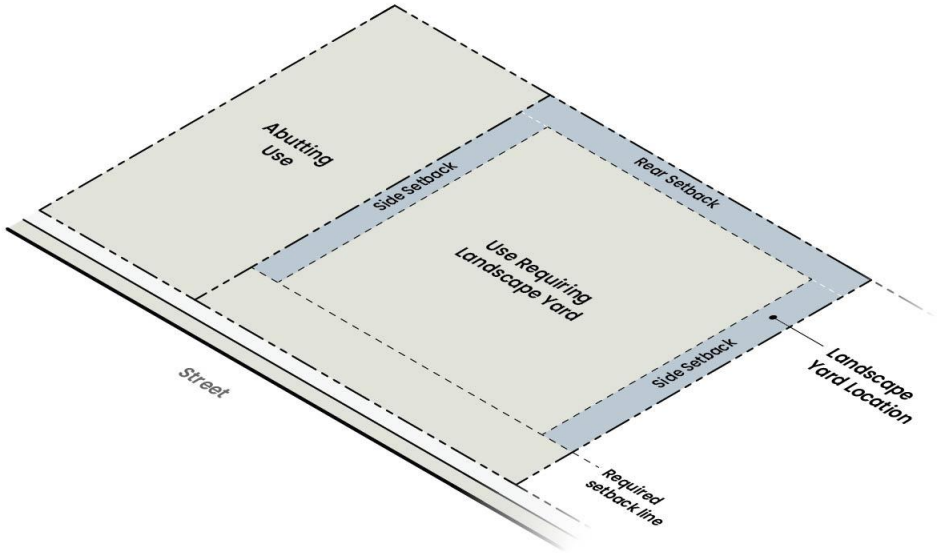


F. ~~Required l~~Landscape yards as required by Table 20-3 shall be located within the established ~~side and~~ rear setback~~s~~ and within the established side setback but behind the required front setback~~as required by Table 20-3~~. The following also apply:

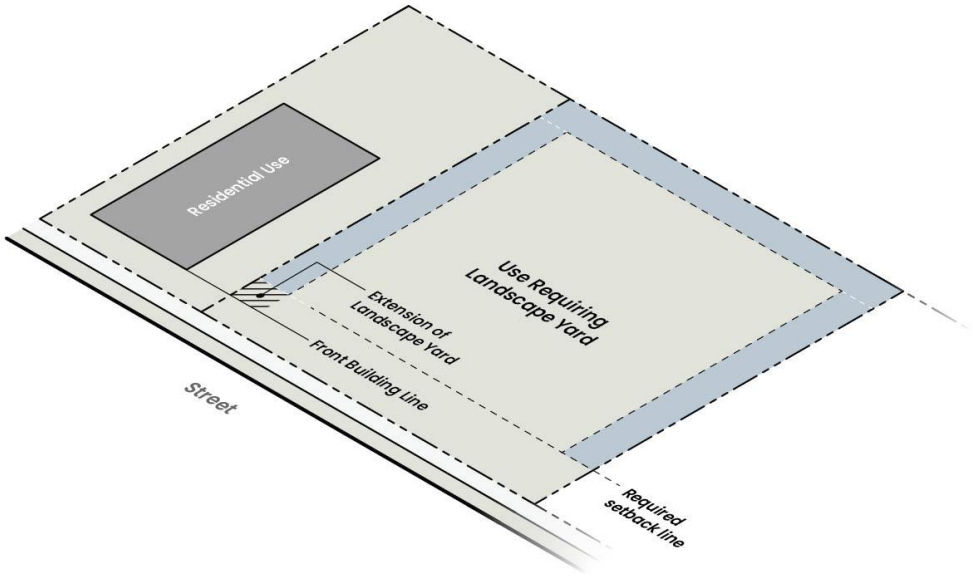
1. In certain circumstances in Table 20-3, landscape yards may be specifically required for other setback areas outside the side or rear setback.

2. For a nonresidential use that requires a landscape yard in a side setback because it abuts an existing residential use, and where the front building line of the residential use is located closer to the back of curb, the side setback landscape yard shall be extended to meet the front building line of the residential structure.

LOCATION OF LANDSCAPE YARDS



LANDSCAPE YARD WITH SIDE SETBACK EXTENSION



G. Landscape yards may be located within established setbacks and shall be reserved for the planting of material and installation of screening as required by this section unless other features are allowed by item I below. No parking, principal or accessory structures, outdoor storage, or required on-site open space, shall be located in the landscape yard area.

H. When a fence or wall is installed, it shall be a minimum of 75% opaque, constructed of wood posts and planks, brick, finished masonry, or stone, and erected within 18 inches of the lot line along 100% of the landscape yard length with the exception of ingress/egress points. The finished side of the fence, as opposed to the side with exposed structural supports, shall face the abutting property.

I. The following shall also be permitted within a landscape yard:

1. Sidewalks and paths no greater than six feet in width designed perpendicular (90 degrees) or to an angle no less than 75 degrees to the landscape yard. A required off-street trail connection shall be permitted to exceed this six-foot dimension but shall be no wider than the rest of the trail on the site.

2. Within Zone 2 of the Class A landscape yard, limited amenities, not associated with any required on-site open space on the site, such as seating areas, walking paths, and picnic tables for the use of the on-site users.

3. Utility lines per item J below.

4. Stormwater facilities per item K below.

5. Cross-access connections between adjacent parcels.

J. Utility lines, including stormwater and water/sewer, within a landscape yard shall meet the following requirements:

1. Utility easements are permitted to cross a landscape yard perpendicularly (90 degrees) or to an angle a no less than 75 degrees to the landscape yard.

2. The removal of any tree larger than eight inches in diameter to accommodate utility lines shall require the approval of the Zoning Administrator in consultation with the Chief Urban Forester.

3. If utility easements run at an angle between zero and up to 75 degrees within a landscape yard, the width of the landscape yard shall be increased by the width of the utility easement.

K. Certain elements of a required stormwater facility, designed in accordance with Part IX. Stormwater and other regulations of this Ordinance, may encroach into a required landscape yard for up to 25% of the required landscape yard width. These elements include, but are not limited to, the embankment, inlets, pipes, rip rap, and any stormwater related easement, or similar elements. Such encroachments shall be approved by the Zoning Administrator, in consultation with the Stormwater Administrator. Stormwater related easement, for the purposes of this article includes, but is not limited to, storm drainage easements (SDE), public storm drainage easements (PSDE), and conservation easements.

L. Any requirement to install a landscape yard abutting a park or greenway shall be waived in its entirety unless the property is located within the Commercial Place Type or Manufacturing and Logistics Place Type.

Table 20-2: Landscape Yard Class			
Requirements	**Landscape Yard Class**		
	A	**B**	**C**
Width of Landscape Yard	Development Site Size: Up to 3 acres: 40' 3+ acres up to 7 acres: 65' 7+ acres to 10 acres: 85' More than 10 acres: 100'	25'	10'
Shrubs	Zone 1: 1 evergreen shrub per 2 linear feet Zone 2: 1 evergreen shrub per 300sf	1 evergreen shrub per 3 linear feet	1 evergreen shrub per 5 linear feet
Large Maturing and Medium Maturing Trees	Zone 1: 1 tree per every 30 linear feet Zone 2: 1 tree per every 2,500sf of landscape yard area in Zone 2	1 tree per every 30 linear feet	1 tree per every 50 linear feet
Required % of Trees to be Evergreen Trees	Zone 1: 40% Zone 2: Not required	40%	40%
Small Maturing Tree Substitution (*Cannot substitute for required evergreen trees*)	Zone 1: Not permitted Zone 2: In lieu of planting 1 required tree, 2 small maturing trees may be planted	In lieu of planting 1 required tree, 2 small maturing trees may be planted	In lieu of planting 1 required tree, 2 small maturing trees may be planted
Fence/Wall ~~Required~~	Zone 1: Optional Zone 2: Not permitted The width of Zone 2 may be reduced by 25% if a ~~solid~~ fence/wall is provided in Zone 1	Optional	~~Solid f~~Fence/wall required
Fence/Wall Height [1]	6' min./~~8' max.~~	6' min./~~8' max.~~	6' min./~~10' max.~~

[1] The Charlotte Douglas International Airport is not subject to minimum or maximum fence height requirements.

Table 20-3: Required Landscape Yards by Zoning District			
Zoning District of Property Under Development	**Development Type Required to Install Landscape Yard Per Section 20.9.B**	**Landscape Yard Required for Development When:**	**Landscape Yard Class Required**
N1-A, N1-B, N1-C, N1-D, N1-E, N1-F	Nonresidential or mixed-use development	Abutting residential use	B
	~~Townhouse, m~~Multi-family, or multi-dwelling development	Abutting single-family, duplex, triplex, or quadraplex dwelling	C
N2-A, N2-B	Nonresidential or mixed-use development	Abutting residential use	B
	~~Townhouse, m~~Multi-family, or multi-dwelling development use	Abutting single-family, duplex, triplex, or quadraplex dwelling	C
N2-C	Nonresidential or mixed-use development	Abutting residential use	B
	~~Townhouse, m~~Multi-family, or multi-dwelling development use	Abutting single-family, duplex, triplex, or quadraplex dwelling	B
CG	Development in the zoning district	Abutting Neighborhood 1 or Neighborhood 2 Place Type	B
CR	Development in the zoning district	Abutting Neighborhood 1 or Neighborhood 2 Place Type	A
TOD-NC, TOD-TR	Development in the zoning district	Abutting Neighborhood 1 Place Type	B
	Development in the zoning district	Abutting Neighborhood 2 Place Type, unless zoned N2-C Zoning District	C
TOD-UC, TOD-CC	Development in the zoning district	Abutting Neighborhood 1 Place Type	B
	Development in the zoning district	Abutting Neighborhood 2 Place Type, unless zoned N2-C Zoning District	B
NC	Development in the zoning district	Abutting Neighborhood 1 Place Type	B
	Development in the zoning district	Abutting Neighborhood 2 Place Type, unless zoned N2-C Zoning District	C
CAC-1, CAC-2	Development in the zoning district	Abutting Neighborhood 1 Place Type	B
	Development in the zoning district	Abutting Neighborhood 2 Place Type, unless zoned N2-C Zoning District	B
RAC	Development in the zoning district	Abutting Neighborhood 1 Place Type	B
	Development in the zoning district	Abutting Neighborhood 2 Place Type, unless zoned N2-C Zoning District	B
UE	Development in the zoning district	Abutting Neighborhood 1 Place Type	B
	Development in the zoning district	Abutting Neighborhood 2 Place Type, unless zoned N2-C Zoning District	B
UC	None required	None required	
IC-1, IC-2, OFC, RC-~~1~~	Development in the zoning district	Abutting Neighborhood 1 Place Type	B
	Development in the zoning district	Abutting Neighborhood 2 Place Type, unless zoned N2-C Zoning District	B
IMU	Development of an industrial use in the zoning district	Abutting any other zoning district except ML-1, ML-2, I-1(CD), or I-2(CD) Zoning District	B
	Development in the zoning district	Abutting Neighborhood 1 or Neighborhood 2 Place Type	B
ML-1, ML-2	Development in the zoning district	Abutting any other zoning district except CR, ML-1, ML-2, I-1(CD), or I-2(CD) Zoning District	A
	Development in the zoning district	Abutting CR Zoning District	B
	Development in the zoning district - required for area along a street frontage	When located across the street from a Neighborhood 1 or Neighborhood 2 Place Type	B

M. Additional Landscape Yard Standards

The following may be located within landscape yards required by this article when they meet minimum requirements for this article and the articles listed below:

a. Open space per Article 16.

b. Tree save areas per Article 20 if any trees planted for tree save areas are in addition to any trees required for landscape areas per the requirements of this article.

c. Water supply water quality buffers per Article 23.

d. Post-construction water quality buffers per Article 25.

e. SWIM water quality buffers per Article 26.

f. Floodplains per Article 27.

g. Areas for greenways or parks per Article 32 offered for dedication and accepted by Mecklenburg County Park and Recreation.

20.10 LANDSCAPE YARD FOR RESIDENTIAL SUBDIVISIONS ABUTTING LIMITED ACCESS ROADS

The following landscape requirements apply to residential subdivisions developed with single-family, duplex, and/or triplex dwellings that abut a Limited Access Road, unless ~~NCDOT provides~~ a noise abatement or screening wall is provided.

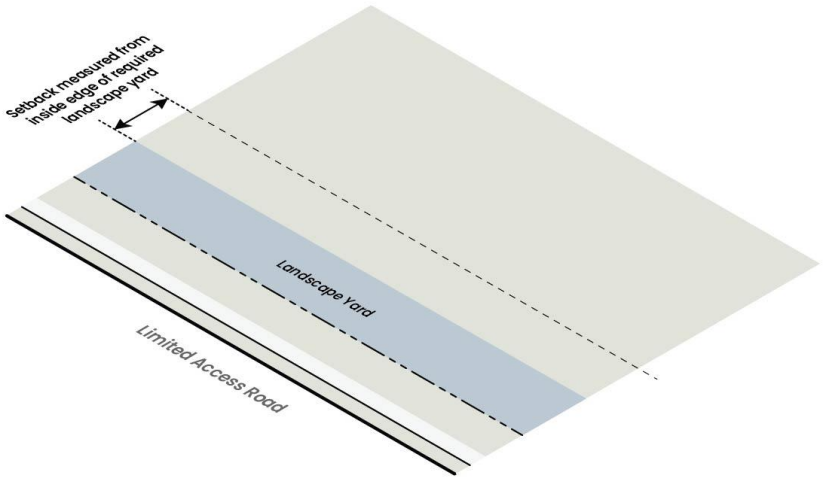
A. A Class B landscape yard per Table 20-2 is required along the lot line that abuts the Limited Access Road. The landscape yard shall be shown on the plat and may be located within common open space or as an easement within lots. The landscape yard shall not be used for any purpose except for plantings, except for the following:

1. Utility lines per Section 20.9.I.

2. Stormwater facilities per Section 20.9.J.

B. Any required setback~~s~~ that abuts the landscape yard shall be measured from the inside edge of the landscape yard.

SETBACK MEASUREMENT FOR RESIDENTIAL SUBDIVISIONS ABUTTING LIMITED ACCESS



20.11 LANDSCAPE YARD FOR RESIDENTIAL THROUGH LOTS AND COMMON OPEN SPACE ALONG AVENUES, BOULEVARDS, AND PARKWAYS

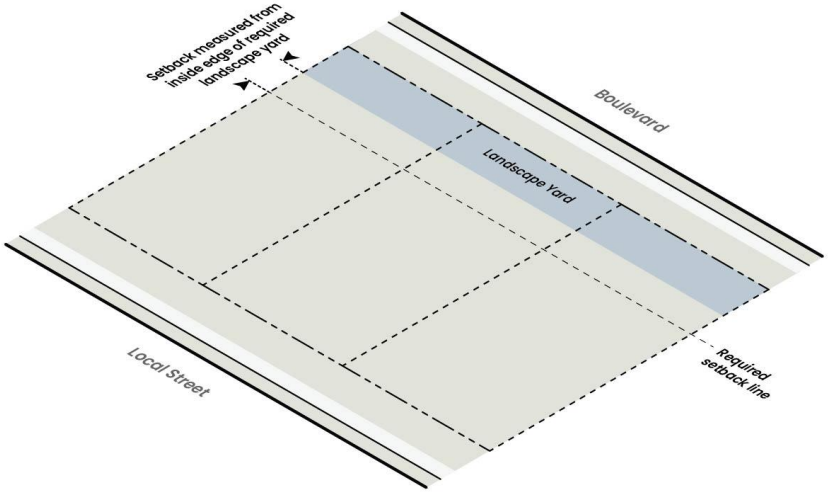
The following landscape requirements apply to residential subdivisions developed with through lots for single-family, duplex, and/or triplex dwellings, as well as common open space, unless ~~NCDOT or the City provides~~ a noise abatement or screening wall is provided. These requirements are applicable along Avenues, Boulevards, and Parkways.

A. A Class B landscape yard per Table 20-2 is required along the lot line that abuts the Avenue, Boulevard, or Parkway. The landscape yard shall not be used for any purpose except for plantings. The landscape yard shall be shown on the plat and may be located within common open space or as an easement within lots.

B. A berm shall be permitted in the landscape yard in addition to plantings. Berms shall be a minimum of four feet in height. Berms between four feet and six feet in height shall have a maximum slope of 2.5:1 as measured from the exterior property line. Berms over six feet in height shall have a maximum slope of 3.5:1 as measured from the exterior property line.

C. For residential through lots, the side or rear setback shall be measured from the inside edge of the landscape yard.

SIDE AND REAR SETBACK MEASUREMENT FOR RESIDENTIAL THROUGH LOTS



20.12 REQUIRED SCREENING FOR LOADING AND SERVICE AREAS

A. Certain principal uses, accessory uses, and accessory structures may require screening within their prescribed conditions and standards (Articles 15 and 17).

B. The following areas shall be screened from abutting lots and from view from a public or network-required private street:

1. Loading Areas
Screening of loading areas is not required if a landscape yard per Section 20.9 is provided along any frontage or along any setbacks where loading area screening would be required.

a. Screening - All Zoning Districts Except ML-1 and ML-2 Zoning Districts
Outdoor loading areas shall be screened along all frontages and along required side and rear setbacks with a minimum 75% opaque wall or fence that is a minimum of six feet and a maximum of eight feet in height. The wall or fence shall be constructed of wood posts and planks, brick, finished masonry, or stone and erected within 18 inches of the lot line. The finished side of the fence, as opposed to the side with exposed structural supports, shall face abutting properties or frontages. For uses that require only one loading space, and the loading space is located within a surface parking lot, the loading space may use the required screening for the parking lot per Section 20.5.

b. Screening - ML-1 and ML-2 Zoning Districts
Outdoor loading areas to the side or rear of buildings are not required to be screened. Any loading areas visible from a public or network-required street shall install parking lot screening per Section 20.5.

c. Internal Loading Areas
The doors for internal loading areas located along a frontage shall remain closed when not in use. This does not apply in the ML-1 and ML-2 Zoning Districts.

2. Large Waste Containers, Recycling Stations, and Solid Waste Service Areas

a. Screening
Large waste containers, recycling stations, and solid waste handling areas located outside of an enclosed structure are subject to the following standards. This does not apply to recycling collection centers as a principal use, which are addressed by Article 15.

i. Large waste containers, recycling stations, and solid waste handling areas shall be fully enclosed on three sides by a minimum 75% opaque fence or wall, which shall be constructed of wood posts and planks, brick, finished masonry, or stone, or a wall extension of the principal building, which does not have to be structural, a minimum of one foot above the height of the container to a maximum of two feet above the height of the container in height. A wall extension, which is not required to be structural, shall be constructed as an integral part of the building's architectural design.

(A) When below grade (deep well) refuse collection and recycling systems are used, they shall be screened by a decorative wall, solid fence, or year-round landscaping. The wall, fence, or plantings must be of a height equal to or greater than the above ground height of the refuse collection and recycling equipment being screened.

ii. The enclosure shall be gated. Such gate shall be a minimum 75% opaque and a minimum height to match the height required by item i above. The gate shall be maintained in good working order and shall remain closed except when pick-ups occur.

iii. When not being serviced, large waste containers and recycling stations shall remain in the enclosure with the gate closed.

b. Internal Service Areas
The doors for internal service areas located along a frontage shall remain closed when not in use. This does not apply in the ML-1 and ML-2 Zoning Districts.

20.13 TREE PROTECTION PURPOSE AND EXEMPTION

A. The purpose of the tree protection provisions of this Article are to preserve, protect and promote the health, safety, and welfare of the public by providing for the regulation of the planting, maintenance, and removal of trees located on property owned or controlled by the City and on new developments and alterations to previous developments on private property within the City and extraterritorial jurisdiction (ETJ).

B. The intent of the tree protection standards of this Article are to:

1. Protect, facilitate, and enhance the aesthetic qualities of the community to ensure that tree removal does not reduce property values.

2. Emphasize the importance of trees and vegetation as both visual and physical buffers.

3. Promote clean air quality by reducing air pollution and carbon dioxide levels in the atmosphere, returning pure oxygen to the atmosphere, and increasing dust filtration.

4. Reduce the harmful effects of wind and air turbulence, heat and noise, and the glare of motor vehicle lights.

5. Minimize increases in temperatures on lands with tree cover.

6. Maintain moisture levels in the air of lands with tree cover.

7. Emphasize the importance of safeguarding native ecosystems through native tree preservation.

8. Preserve underground water reservoirs and facilitate the return of precipitation to the groundwater strata.

9. Prevent soil erosion.

10. Provide shade and mitigate heat island effects.

11. Minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters by facilitating a natural drainage system and amelioration of stormwater drainage problems.

12. Conserve natural resources, including adequate air and water.

13. Maintain and enhance the tree canopy cover across the City.

C. Exemption for Forestry Operations

An activity undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality (Best Management Practices), as adopted by the North Carolina Department of Agriculture and Consumer Services shall be exempt from Sections 20.13 through 20.18 of this Article. If the activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality, the provisions of this Article shall apply to such activity and any related activity on the site.

20.14 HERITAGE TREES

A. Applicability

The requirements of this section shall apply to development activity, including grading in anticipation of such development, within the corporate limits of the City and the City's extraterritorial jurisdiction (ETJ), whenever development would result in any of the following:

1. New construction of a principal structure.

2. Cumulative increase in built-upon area (BUA) or building coverage equal to or greater than 5% or 1,000 square feet, whichever is less.

3. Approval of a subdivision as defined by Article 30.3.A.

B. Heritage trees shall be protected to the greatest extent possible, as specified below :

1. Heritage trees may be removed when a City-issued tree work permit is requested and approved, or the standards listed under item 2 below are met. No removal activities shall commence until such permit is issued, any applicable mitigation payments have been received, and a planting plan has been approved, unless removal is permitted per item 2 below. Owners and persons who remove a heritage tree or disturb the critical root zone of a heritage tree without a tree work permit are subject to the civil penalties set forth in ~~the~~ Section 4.1 of the UDO Zoning Administration Manual (Charlotte Tree Manual). The critical root zone of a heritage tree shall only include the root area located on the parcel or site where the trunk/main plant stem is rooted in the ground. For purposes of this subsection, a development plan approved by the City constitutes a tree work permit. Tree work permits for the removal of heritage trees shall only be granted in the following instances subject to specified mitigation requirements below:

a. The tree and/or critical root zone are located within an area where a structure or improvement may be placed and imposes a documented and confirmed conflict. A documented and confirmed conflict may include but not be limited to the location of structures, site design elements, and required streets as allowed or required by other articles of this Ordinance. ~~.~~ Mitigation, per item 3 below, shall be required.

b. Preservation of the tree would unreasonably restrict use of the property. An unreasonable restriction per this section shall mean, significant restriction or negative impact to public/private utility service, restriction of property access, restriction of the ability to remedy significant damage to an existing building or structure, or other restrictions of public infrastructure that reasonable maintenance cannot prevent. Mitigation, per item 3 below, shall be required.

c. The tree is sufficiently diseased, injured, dead, in danger of falling, creates an imminent and undue hazard to life and property that reasonable maintenance cannot mitigate, creates unsafe sight distance, or conflicts with other sections of this Ordinance or provisions of other ordinances or regulations. Mitigation shall not be required.

2. Heritage trees that are sufficiently diseased, injured, dead, or are in danger of falling shall not be required to obtain a City-issued tree work permit or mitigate the tree loss prior to removal. Trees removed without a permit due to health or hazard shall be either certified by an ISA-certified arborist or adequately documented through picture, video or other documentation prior to removal. Heritage trees that are in declining health may be removed without a City-issued tree work permit only when certified by an ISA-Certified arborist prior to removal. For the purpose of this section, a “tree in declining health” shall mean a tree that can be expected to fall within a 1-3 year time period per an assessment by an ISA-Certified arborist.

3. Mitigation

Owners and persons authorized by the City to remove a heritage tree, per the conditions stated in this section shall comply with the following mitigation actions:

a. Required Tree Replanting

One tree shall be planted on the property in mitigation pursuant to ~~the Charlotte Tree~~Section 4.1 of the UDO Zoning Administration Manual. Trees replanted to meet this mitigation requirement shall be in addition to other trees required by this article.

b. Heritage Tree Mitigation Payment

A heritage tree mitigation payment shall be required for every heritage tree removed per the fee set by the Charlotte Tree Manual. The required mitigation payment may be reduced or eliminated where trees are replanted on the property in addition to those required by item a above and other tree replanting required by this Article. The rate of reduction shall be subject to ~~the Charlotte Tree~~Section 4.1 of the UDO Zoning Administration Manual.

c. Specimen Tree Preservation
Specimen trees may be preserved to meet all Heritage Tree mitigation requirements specified above. Only large hardwoods and large softwoods, per the definition of this term in Article 2, shall be used to meet this mitigation option. One specimen tree preserved shall meet the mitigation requirements for the removal of one Heritage Tree approved for removal. The critical root zone of specimen trees preserved shall be identified and protected as a part of the required Tree Compliance Plan per Section 20.18 below, and pursuant to Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual.

i. Collected fees from mitigation per this item shall be deposited into the Canopy Care Fund as establish in Section 20.18.D.1.c.

4. No tree disturbing activity may impact any heritage tree prior to approval and issuance of applicable tree work permits by the City. Certain impacts to critical root zones shall be permitted subject to Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual and the CLDSM.

5. It shall be the duty of the property owner to maintain, plant, and/or replace mitigation and heritages trees on private property as required by this section. Trees shall be allowed to grow to their natural height and form. Pruning of these trees may be allowed where a tree work permit has been issued. Topping is prohibited. Property owners will not be held liable for any pruning conducted by utility providers.

20.15 GREEN AREA

A. Applicability and Exemptions

1. Applicability
The green area requirements of this section shall apply to all development activity, including grading in anticipation of such development, within the corporate limits of the City and the City's extraterritorial jurisdiction (ETJ), whenever development would result in any of the following:

a. New construction of a principal structure.

b. Cumulative increase in built-upon area (BUA) or building coverage equal to or greater than 5% or 1,000 square feet, whichever is less.

c. Approval of a subdivision as defined by Article 30.3.A.

2. Exemptions
The following are exempt from the requirements of this section as specified below:

a. Increases in built-upon area (BUA) or building coverage on lots where the existing principal structure is a single-family detached home, duplex, triplex or quadraplex.

b. Construction of a new single-family detached home, duplex, triplex, or quadraplex as a principal structure on a single lot, unless such construction is ~~part of an approval of a new subdivision as defined by Section 30.3.A or constructed on three or more contiguous/adjacent lots.~~any of the following:

i. Part of an approval of a new subdivision as defined by Section 30.3.A,

ii. Constructed on three or more contiguous/adjacent lots, or

iii. Part of a multi-dwelling development.

c. Public projects undertaken by public entities on public property, or public entities and owners of public property unless such projects do any of the following:

i. Increase building coverage.

ii. Impact existing trees required or protected by Section 20.14 through Section 20.17 or Chapter 21 of the City Code of Ordinances.

Where public projects are exempt from this section, such projects shall be subject to interdepartmental or interagency agreements and land development standards pursuant to Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual.

B. Standards by Tier

Green area, perimeter planting and internal planting requirements are differentiated by Place Type as designated within the four tiers established within Table 20-4 below:

Table 20-4: Tier Assignment of Place Types

Tier 1 Place Types	Tier 2 Place Types	Tier 3 Place Types	Tier 4 Place Types
Regional Activity Center Place Type Community Activity Center Place Type Campus Place Type - If zoned IC-2 or RC~~-1~~ Zoning District	Manufacturing and Logistics Place Type Neighborhood Activity Center Place Type Commercial Place Type Innovation Mixed-Use Place Type Neighborhood 2 Place Type - If zoned N2-C Zoning District	Neighborhood 2 Place Type - All zoning districts other than N2-C Zoning District Campus Place Type - All zoning districts other than IC-2 or RC~~-1~~ Zoning District	Neighborhood 1 Place Type Parks and Preserves Place Type

C. Required Green Area

15% or more of a development site that is subject to the applicability of this section shall be green area to be credited as provided for in Table 20-5 Green Area Credits.

D. Green Area Credits

The standards and methods for calculating required green area for sites shall be as follows:

1. Green area credits shall be used to achieve the required 15% green area pursuant to item B above. Green area credits are based on the corresponding multipliers for each credit and found in Table 20-5.

2. The process for calculating a property's green area credit shall be as follows:

a. The area of each green area credit is multiplied by its corresponding multiplier.

b. The resulting green area credits are added together.

c. The sum of these green area credits is then divided by the total land area of the development site to determine the green area percentage, which shall constitute at least 15% of the site per item B above.

3. All Green Area Credits shall comply with technical standards per Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual.

4. Green Area Method for Calculation

Square footage for existing and dedicated street rights-of-way, railroad rights-of-way and utility easements and for existing ponds and lakes shall be subtracted from the total site area before the required percent of the green area is calculated.

Table 20-5 Green Area Credits				
Green Area Credits	**Multipliers**			
	Tier 1	**Tier 2**	**Tier 3**	**Tier 4**
Tree save - Preservation of existing on-site contiguous tree canopy (See Section 20.15.D)	1	1	1	1
Replanted Tree Save- Planting trees at 36 trees per acre - where less than 15% of the site has existing trees	1	1	1	1
Replanted Tree Save Mitigation- Replanting trees at 36 trees per acre to replace trees that were removed	1	0.67	*See footnote 1*	*See footnote 1*
Land donation to the City's Tree Canopy Preservation Program (TCPP), both on-site or off-site, per site requirements in Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual	1.25	1.25	1.25	1.25
Land dedication to Mecklenburg County Park and Recreation (See Section 20.15.F) [2]				1
Green roof /terrace – planted over at least 2 inches but less than 4 inches of growth medium	0.5	0.25		
Green roof /terrace - planted over at least 4 inches but less than 8 inches of growth medium	0.75	0.5		
Green roof /terrace - planted over at least 8 inches of growth medium	1	0.75		
Green walls (not to exceed 50% of green area credits)	0.5	0.25		
Off-site mitigation (See Section 20.15.H) [3]	1	0.67		
Amenitized tree areas (See Section 20.15.I)	1	0.67		
Payment ~~-~~ in ~~-~~ Lieu (See Section 20.15.G) [3]	1	0.5		
High-Quality Tree Incentives				
Preservation of specimen or heritage trees (calculated by drip line)	2	2	2	2
Preservation of existing on-site tree canopy contiguous with existing tree save or conservation agreement areas on adjacent property	1.25	1.25	1.25	1.25
Preservation of existing on-site tree canopy contiguous with intermittent and perennial streams [4]	1.25	1.25	1.25	1.25
Preservation of existing on-site tree canopy on steep slope in excess of 33%	1.25	1.25	1.25	1.25

[1] In Tier 3 and Tier 4, as part of the required green area, the removal of existing trees may only be approved by the Chief Urban Forester pursuant to the Charlotte Tree Manual's Green Area Guideline when the tree and critical root zone are located within the buildable area where a City-required structure or improvement will be placed and there is no other reasonable location, and/or preservation would unreasonably restrict use of and/or access to the property. The area of existing trees removed shall be replanted with trees at 150% of the area removed at 36 trees per acre.

[2] Only permitted for residential development in N1-A, N1-B, N1-C, N1-D, and N1-E subject to the applicability of this section.

[3] Payment ~~-~~ in ~~-~~ Lieu and off-site mitigation may not be used in combination to meet the requirements of this section.

[4] Intermittent and perennial streams within the project boundary shall be delineated by a certified professional using U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology and shall be shown in the Tree Planting and Green Area Plan along with all areas where this green area option is to be used.

E. Tree Save Standards

The following standards shall apply to all tree save areas within the required green area.

1. Tree save areas shall be free of invasive plant species unless otherwise approved by the Chief Urban Forester. If an area proposed for tree save contains invasive plant species at the time of such proposal, such invasive plant species shall be removed prior to final plat approval for subdivisions. If there is no final plat for a project, the invasive plant species shall be removed prior to the issuance of the final certificate of occupancy. Invasive plant species are considered removed if they are no longer living in or under the tree canopy. Property owners are required to maintain this condition for compliance with this section.

2. Pursuant to Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual, any alterations to the tree save area in Tier 3 and Tier 4 Place Types shall be accomplished without mechanized tools and vehicular equipment and made of organic, environmentally friendly materials, unless otherwise approved by the Chief Urban Forester. For sites located in Tier 1 or Tier 2 Place Types, alterations to the tree save area do not have to meet the above standard. However, if alterations are made or amenities are added, these changes shall be made in a manner that is not detrimental to the saved trees or their critical root zone. Alterations and addition of any amenities shall be approved by the Chief Urban Forester.

3. Any tree save area less than 30 feet in width shall be delineated on site with boundary and property lines by a licensed surveyor prior to the first submittal of plans.

4. No structure shall be allowed within ten feet of the tree save area. A building restriction note shall be indicated on the record plat pursuant to Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual. For sites located in Tier 1 or Tier 2 Place Types, the ten foot building restriction may be counted toward the tree save area requirement as long as this area continuously and directly abuts a tree save area and remains pervious. However, regulatory trees may not be planted within this ten foot building restriction area.

5. Additional amenity elements including, but not limited to, benches, trails, gazebos, sheds, fences, may be permitted by the Chief Urban Forester pursuant to Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual.

6. Tree save areas may include areas dedicated to Mecklenburg County Park and Recreation for greenways or parks or the City of Charlotte for the Tree Canopy Preservation Program, Urban Arboretum Trail, or other City trail projects. Dedicated tree save areas may include passive use recreation areas and additional amenity elements per Section 20.15.E.5 and per special agreement between the City and Mecklenburg County Park and Recreation. Greenway placement, trail placement, park design, and final location of all amenity elements shall be coordinated with the Chief Urban Forester pursuant to Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual so that the effective tree save area required is achieved and maintained.

7. Tree save areas on sites in Tier 1, 2, and 3 Place Types or nonresidential sites in Tier 4 Place Types may include existing tree canopy which overhangs existing underground utility easements based upon adherence to Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual and approval by the Chief Urban Forester.

8. Tree save areas may include the planting of small maturing trees in accordance with Duke Energy's, or its successor's, approved planting list, within 25 feet of power distribution lines. This allowance shall only be granted where planting is in adherence with Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual and approved by the Chief Urban Forester.

9. In local historic districts designated by a Historic District Overlay (Section 14.1) and Neighborhood Character Overlay Districts as designated by a Neighborhood Character Overlay (Section 14.2), the requirements of overlay districts apply in addition to the regulations of this section.

10. Tree Save Standards Overlap
The following may be located within tree save areas when they meet minimum requirements for this article and the articles listed below:

a. 50% of the open space per Article 16 may be tree save areas per Article 20, so long as such tree save area abuts the remaining required open space and includes allowed amenities to provide passive recreation.

b. Landscape yards per Article 20 if trees planted or preserved are in addition to minimum tree save requirements.

c. Water supply water quality buffers per Article 23.

d. Post-construction water quality buffers per Article 25.

e. SWIM water quality buffers per Article 26

f. Floodplains per Article 27.

g. Areas for greenways or parks per Article 32 offered for dedication and accepted by Mecklenburg County Park and Recreation.

11. The following additional standards apply only to tree save areas for single-family, duplex, triplex, and quadraplex residential development subject to approval of a subdivision per Article 30.3.A.

a. Additional Trees- Canopy Voids
In instances where tree save is used to meet green area requirements, where groups of trees within a tree save area have gaps that are not expected to fill in with time, as determined by the Chief Urban Forester, additional trees shall be planted for the entire area to qualify as tree save area, pursuant to approval by the Chief Urban Forester. If root disturbance or construction activities occur within the drip line of any tree designated as protected in the tree protection plan, only the area being protected shall be included in the calculated tree save area.

b. Criteria for New Trees
New trees planted in common open spaces to satisfy the requisite tree save area requirement shall be at least 0.75 inch caliper shade trees. New trees planted within individual lots to satisfy the requirement shall be at least 1.50 inch caliper trees.

F. Land Dedication to Mecklenburg County Park and Recreation
As a green area credit option for required green area, the property owner may select one of the following options:

1. Dedicate 1/3 of land required for green area to Mecklenburg County Park and Recreation (Park and Recreation) for park development, so long as the land meets Park and Recreation standards and is accepted by Park and Recreation. If selecting this option, and dedicating 1/3 of the land required for green area, a reduction in minimum lot size by 5% would be allowed. This land shall be subject to special agreement between the City and Park and Recreation.

2. Dedicate all land required for green area to Mecklenburg County Park and Recreation (Park and Recreation) for park development, so long as the land meets Park and Recreation standards and is accepted by Park and Recreation. If selecting this option, and dedicating all of the land required for green area, a reduction in minimum lot size by 10% would be allowed. This land shall be subject to special agreement between the City and Park and Recreation, which shall preserve 2/3 of the land as on-site tree save. Park land and tree save shall be abutting.

G. Payment-In-Lieu
A payment may be made by a developer or a property owner to a City administered tree preservation fund, per item 1 below. The payment shall be a percentage of the tax value of the land being developed pursuant to Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual. The tax value of the land being developed shall not exceed 90% of the average tax value of land in the City limits and of the ETJ, excluding the land within the boundaries of I-77/I-277 and in accordance with the Charlotte Tree Manual. The City shall update the average tax value of the land for this formula with each County property revaluation. Payment-in-lieu may be used for a portion of the required 15% green area or the entire required green area in accordance with the requirements of this section.

1. Collected monies from the green area payment-in-lieu process per this item shall be deposited into the Tree Conservation Fund established in Section 20.18.D.1.a

H. Off-Site Mitigation
An applicant may convey or protect, at no cost to the City, an amount of land equal to the required green area acreage, or a portion thereof, within the City or ETJ, to a land conservation group or the City, for the purpose of preserving off-site tree canopy to meet the requirements of this section, per Table 20-5. Mitigation shall be:

1. Approved by the Chief Urban Forester.

2. In compliance with Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual.

I. Amenitized Tree Area
Amenitized tree areas shall be subject to the following requirements:

1. Trees shall be planted at 36 trees per acre on-site.

2. Planting areas shall be a minimum of ten feet wide.

3. No more than 25 percent of impervious paved areas will be allowed within amenitized tree areas. Gravel pathways in amenitized tree areas will be considered pervious.

4. Trees may be planted in alternative locations, such as but not limited to, rooftops, permanent planters, raised or at grade plazas, over parking decks, or other locations approved by the Chief Urban Forester. Greater than 25 percent impervious paved area may be allowed within alternative locations being used to meet the amenitized tree area requirement if minimum soil volume, amended soil, subdrainage, irrigation, planting area, and other applicable design standards per the CLDSM, Charlotte Tree Manual, or as approved by the Chief Urban Forester, are met.

5. Amenities may include, but are not limited to, irrigation, landscaping, grass, seating, pathways, and lighting or other items, as approved by the Chief Urban Forester.

6. Amenitized Tree Area Standards Overlap
The following may be located within amenitized tree areas when they meet minimum requirements for this article and the articles listed below:

a. Open Space per Article 16.

b. Landscape yards per Article 20.

c. Water supply water quality buffers per Article 23.

d. Post-construction water quality buffers per Article 25.

e. SWIM water quality buffers per Article 26.

f. Floodplains per Article 27.

g. Areas for greenways or parks per Article 32 offered for dedication and accepted by Mecklenburg County Park and Recreation.

J. Trees required by this section, or protected as a condition of a previously approved development plan, which die, are missing, or are otherwise deemed unhealthy by the City, shall be removed and replaced by the property owner, normally during the next planting season which is November through March pursuant to the Charlotte Tree Manual.

Parcels that are already in compliance shall maintain that compliance with these standards. Trees of the same approved species as those existing may be used to replace dead, missing, or unhealthy trees. The property owner is required to use large maturing shade trees as replacements whenever possible. Nothing in this section is intended to impose a requirement that the property owner maintain more trees than those required for the site even if they have voluntarily done so in the past.

K. It shall be the duty of the property owner to maintain, plant, and/or replace trees required by this section. Trees shall be allowed to grow to their natural height and form. Pruning of these trees may be allowed where a tree work permit has been issued. Topping is prohibited. Property owners will not be held liable for any pruning conducted by utility providers.

20.16 FRONTAGE TREE PLANTING REQUIREMENT

A. Construction of a new single-family, duplex, triplex or quadraplex structure within the ~~N1-A, N1-B, N1-C, N1-D, and N1-E~~Neighborhood 1 and Neighborhood 2 Zoning Districts, except as part of an approval of a new subdivision as defined by Section 30.3.A or as part of a multi-dwelling development, shall be required to plant a minimum of one large maturing tree for every 40 feet of lot width or one small maturing tree for every 30 feet of lot width between the residential building and the public street right-of-way, pursuant to Section 4.1 of the UDO Zoning Administration ~~the Charlotte Tree~~ Manual. Trees may be planted within the right-of-way to meet the requirements of this section unless the project is adjacent to NCDOT right-of-way. A minimum of one tree per lot shall be required.

1. Sites with demonstrated constraints including water meters, sewer lines, driveways, and sight triangles may meet this requirement through payment-in-lieu, or planting in alternate locations pursuant to the Charlotte Tree Manual.

B. Existing large maturing shade trees two-inch caliper or greater preserved between the building and the public street right-of-way may be counted towards this requirement if they are adequately protected during construction.

C. Trees planted in the public street right-of-way to meet this requirement shall be a minimum of two-inch caliper. Large maturing trees shall not be planted within 25 feet of overhead power distribution. Small maturing trees may be planted where overhead power distribution lines would interfere with normal growth of large maturing trees. Large and small maturing trees shall not be planted within any electric utility rights-of-way for overhead transmission lines, without documented and confirmed authorization of the corresponding utility provider.

D. Trees required by this section or protected as a condition of a previously approved development plan, which die, are missing, or are otherwise deemed unhealthy by the City, shall be removed and replaced by the property owner, normally during the next planting season which is November through March pursuant to the Charlotte Tree Manual.

Parcels that are already in compliance shall maintain that compliance with these standards. Trees of the same approved species as those existing may be used to replace dead, missing, or unhealthy trees. The property owner is required to use large maturing shade trees as replacements whenever possible. Nothing in this section is intended to impose a requirement that the property owner maintain more trees than those required for the site even if they have voluntarily done so in the past.

E. It shall be the duty of the property owner to maintain, plant, and/or replace trees required by this section. Trees shall be allowed to grow to their natural height and form. Pruning of these trees may be allowed where a tree work permit has been issued. Topping is prohibited. Property owners will not be held liable for any pruning conducted by utility providers.

20.17 TREE PLANTING REQUIREMENTS

A. Applicability and Exemptions

1. Applicability. The tree planting requirements of this section shall apply to all development activity, including grading in anticipation of such development, within the corporate limits of the City and the City's extraterritorial jurisdiction (ETJ), whenever development would result in any of the following:

a. New construction of a principal structure.

b. Cumulative increase in built-upon area (BUA) or building coverage equal to or greater than 5% or 1,000 square feet, whichever is less.

c. Approval of a subdivision as defined by Article 30.3.A.

2. Exemptions. The following are exempt from the requirements of this section as specified below:

a. Increases in built-upon area (BUA) or building coverage on lots where the existing principal structure is a single-family detached home, duplex, triplex or quadraplex.

b. Construction of a new single-family detached home, duplex, triplex, or quadraplex as a principal structure on a single lot, unless such construction is any of the following:

i. Part of an approval of a new subdivision as defined by Section 30.3.A,

ii. Constructed on three or more contiguous/adjacent lots, or

iii. Part of a multi-dwelling development.

~~part of an approval of a new subdivision as defined by Section 30.3.A or constructed on three or more contiguous/adjacent lots.~~

c. Public projects undertaken by public entities or on public property public entities and owners of public property unless such projects do any of the following:

i. Increase building coverage.

ii. Impact existing trees required or protected by Sections 20.14 through Section 20.17 or Chapter 21 of the City Code of Ordinances.

Where public projects are exempt from this section, such projects shall be subject to interdepartmental agreements and land development standards pursuant to the Charlotte Tree Manual.

B. General Requirements

1. All trees planted pursuant to this Article shall be planted in amended soils and shall be included as an approved plant species within the CLDSM. All trees shall comply with the ~~current~~ latest available edition of the American Standard for Nursery Stock, ANSI Z60.1, ~~published by the~~ American Horticulture Industry Association ~~of Nurserymen~~(AmericanHort).

a. Where two-inch minimum caliper trees are specified, the minimum height for single stem trees shall be eight feet and multi-stem trees shall have three to five stems and be a minimum height of eight feet.

b. Where three-inch minimum caliper trees are specified, the minimum height for single stem trees shall be ten feet, and multi-stem trees shall have three to five stems and be a minimum height of ten feet.

2. The entire planting area for all trees shall contain amended on-site soil or a soil mix and provide the minimum planting area as specified in the Charlotte Tree Manual.

3. At least 75% of new required trees shall be native species. Sites required to plant more than 20 trees shall plant multiple species pursuant to the Charlotte Tree Manual.

4. Large maturing trees shall not be planted within 25 feet of overhead power distribution. Small maturing trees may be planted where overhead power distribution lines would interfere with normal growth of large maturing trees. Large and small maturing trees shall not be planted within any electric utility rights-of-way for overhead transmission lines, without documented and confirmed authorization of the corresponding utility provider.

5. Required trees shall be located at least ten feet from buildings unless otherwise approved by the Chief Urban Forester.

6. Required trees shall be located at least ten feet from on-site underground utilities, where feasible, unless otherwise approved by the Chief Urban Forester. For the purposes of this standard, underground utilities mean primary service lines for water, sewer, City-maintained stormwater, electric, gas, cable TV, and data transmission lines.

7. The required separation between site lighting and trees on a site shall conform to the standards of Table 20-6: Site Lighting and Tree Separation Requirements below.

8. Trees required by this section or protected as a condition of a previously approved development plan, which die, are missing, or are otherwise deemed unhealthy by the City, shall be removed and replaced by the property owner, normally during the next planting season which is November through March pursuant to the Charlotte Tree Manual.

Parcels that are already in compliance shall maintain that compliance with these standards. Trees of the same approved species as those existing may be used to replace dead, missing, or unhealthy trees. The property owner is required to use large maturing shade trees as replacements whenever possible. Nothing in this section is intended to impose a requirement that the property owner maintain more trees than those required for the site even if they have voluntarily done so in the past.

9. It shall be the duty of the property owner to maintain, plant, and/or replace trees required by this section. Trees shall be allowed to grow to their natural height and form. Pruning of these trees may be allowed where a tree work permit has been issued. Topping is prohibited. Property owners will not be held liable for any pruning conducted by utility providers.

Table 20-6: Site Lighting and Tree Separation Requirements		
Tier (Per Table 20-4)	**Height of Site Lighting**	**Minimum Distance Required**
Tier 1 & Tier 2	15' or above	20'
	Less than 15'	10'
Tier 3 & Tier 4	15' or above	30'
	Less than 15'	15'

C. Perimeter Planting

Perimeter trees are located in planting strips, amenity zones, or planting areas along or otherwise adjacent to public streets and network-required private streets. These trees are intended to provide shade and other environmental benefits along streets for pedestrians and other users of public rights-of-way.

1. General Perimeter Planting Requirements

a. For all projects subject to the applicability of this Article, large maturing trees per the CLDSM shall comprise 75% of the required perimeter trees planted in locations without overhead power distribution lines that obstruct normal growth. Small maturing trees per the CLDSM shall be planted where overhead power distribution lines obstruct normal growth of large maturing trees.

b. Alternative to Perimeter Planting

Existing large maturing trees two-inch caliper or greater within 20 feet of the back of the curb may be counted towards the perimeter planting requirement if they are preserved and adequately protected during construction per the CLDSM, and the Charlotte Tree Manual.

c. Additional Perimeter Planting Standards

The following may be located within areas designated for perimeter planting when they meet minimum requirements for this article and the articles listed below:

i. Water supply water quality buffers per Article 23.

ii. Post-construction water quality buffers per Article 25.

iii. SWIM water quality buffers per Article 26

iv. Floodplains per Article 27.

v. Areas for greenways or parks per Article 32 offered for dedication and accepted by Mecklenburg County Park and Recreation.

2. Tier 1, 2, and 3 Perimeter Planting Requirements

a. The requirements of this section apply to development within the Place Types listed under Tier 1, 2, or 3 per Table 20-4 above. For development subject to this section, large maturing or small maturing trees shall be planted subject to the location and spacing standards below. Trees shall be of a minimum two-inch caliper for Tier 3 sites and a minimum three-inch caliper for Tier 1 and Tier 2 sites.

b. Perimeter Planting Location

Trees shall be planted in any planting strip or amenity zone established pursuant to Article 334 unless the project is subject to item 4.c below. Any trees in an established amenity zone may be planted using tree pits or curbed planters as detailed in CLDSM.

c. Perimeter Planting Quantity and Spacing

i. If large maturing trees are planted:

(A) One tree shall be planted for every 40 feet of frontage or fraction thereof.

(B) The minimum spacing shall be 40 feet.

ii. If small maturing trees are planted:

(A) One tree shall be planted for every 30 feet of frontage or fraction thereof.

(B) The minimum spacing shall be 30 feet.

3. Tier 4 Perimeter Planting Requirements

a. Applicability
The requirements of this section apply to development within the Place Types listed under Tier 4 per Table 20-4 above. For development subject to this section, large maturing or small maturing trees shall be planted subject to the location and spacing standards below and shall be of a minimum two-inch caliper.

b. Perimeter Planting Location
Trees shall be planted in the planting strip or amenity zone pursuant to Article 34 unless the project is subject to item 4.c below. If trees cannot be planted within the planting strip or amenity zone due to an insufficient planting area or soil volume, then trees shall be planted within 20 feet from the back of curb, subject to the requirements of this Article.

c. Perimeter Planting Quantity and Spacing

i. If large maturing trees are planted:

(A) One tree shall be planted for every 40 feet of frontage or fraction thereof.

(B) The minimum spacing shall be 40 feet.

ii. If small maturing trees are planted:

(A) One tree shall be planted for every 30 feet of frontage or fraction thereof.

(B) The minimum spacing shall be 30 feet.

4. Special Conditions
Modification to perimeter planting requirements for any tier may be granted for the following special circumstances:

a. Site Constraints
If the required number of trees cannot be planted as required above due to site constraints, the alternatives listed below, either individually or in combination, may be used. Site constraints include, but are not limited to, driveway locations, sight triangles, sight lines, and above ground utility locations, as determined by the Chief Urban Forester.

i. The minimum spacing between large maturing trees may be reduced from 40 feet to 30 feet. The minimum spacing between small maturing trees may be reduced from 30 feet to 20 feet. For any reduced spacing, only species listed in the Charlotte Tree Manual or approved by the Chief Urban Forester shall be planted.

ii. If tree planting in the planting strip or amenity zone is infeasible, alternative locations for tree planting shall be considered. However, in all instances, trees required by this section shall be planted within 20 feet of the back of curb.

Where these options are not feasible as determined by the Chief Urban Forester, a payment-in-lieu may be made to the City for perimeter trees that cannot be planted in the planting strip or amenity zone pursuant to the Charlotte Tree Manual. The site may not opt out of all required perimeter trees. Collected fees from City tree mitigation and payment-in-lieu processes per this item shall be deposited into the Street Tree Planting Fund as establish in Section 20.18.D.1.b

b. Railroad, Transit, or Utility Rights-of-Way
When a railroad, transit, or utility right-of-way separates the perimeter planting strip from a City right-of-way, the perimeter planting strip and tree planting requirements shall still be met.

c. NCDOT Maintained Street Rights-of-Way

When NCDOT planting guidelines or other standards prohibit perimeter tree planting within NCDOT-maintained street rights-of-way, the perimeter tree planting requirement shall still be met as specified below:

i. In Tier 1, 2, or 3 Place Types (per Table 20-4), trees shall be planted on-site in alternative locations within 20 feet of the right-of-way, or in locations otherwise approved by the Chief Urban Forester.

ii. In Tier 4 Place Types (per Table 20-4) located within Charlotte's ETJ, all required perimeter trees are allowed to be planted in the required frontage setback.

D. Internal Planting

Internal trees are located on private property outside of public rights-of-way. These trees are intended to provide shade and other environmental benefits in parking lots and other locations internal to sites. 75% of trees planted in parking areas shall be large maturing trees. The remainder of the trees may be either small or large maturing trees. Requirements for internal planting are as follows:

1. Tier 1 and 2 Internal Planting Requirements

The requirements of this section apply to development within the Place Types listed under Tier 1 and 2 per Table 20-4 above.

a. Internal Planting Area and Quantity

Whenever the built upon area exceeds 10,000 square feet, a planting area is required as follows:

i. A planting area equal to 10% of the total built upon area shall be provided. This planting area shall be located on private property and shall be in addition to any perimeter planting and green area requirements. This planting area requirement may be reduced in the following instances:

(A) In Regional Activity Centers, the planting area may be reduced to 5% of the total built upon area

(B) In Tier 1 sites, two trees may be planted for every 10,000 sq ft of built upon area subject to the allowances in item (A) below, subject to the Charlotte Tree Manual and CLDSM.

ii. One large maturing tree shall be planted per 10,000 square feet of built upon area or fraction thereof. Additional trees may also be required to satisfy the locational requirements of Section 20.17.D.1.b, below. A sufficient number of trees shall be planted to satisfy both requirements.

b. Internal Planting Location

i. Tree plantings required by this section may be located anywhere on the site, however, each internal surface parking space shall be no more than 40 feet from a tree trunk.

ii. In Tier 1 sites, trees required by this section may be located on rooftops, in permanent planters, on raised or at grade plazas, on the top open-air level of a parking structure, or other locations approved by the Chief Urban Forester.

2. Tier 3 and Tier 4 Internal Planting Requirements

The requirements of this section apply to development within the Place Types listed under Tier 3 and Tier 4 per Table 20-4 above. This requirement does not apply to residential subdivisions of single-family, duplex, triplex and quadraplex homes in an Neighborhood 1 Place Type.

a. Internal Planting Area and Quantity

Whenever the built upon area of a site exceeds 10,000 square feet, a planting area is required as follows:

i. A planting area equal to 10% of the total built upon area shall be provided. This planting area shall be located on private property and shall be in addition to any perimeter planting and green area requirements.

ii. One large maturing tree shall be planted per 10,000 square feet of built upon area or fraction thereof. Additional trees may also be required in addition to this quantity to satisfy the locational requirements of Section 20.17.D.1.b, below. A sufficient number of trees shall be planted to satisfy both of these requirements.

b. Internal Planting Location

Tree plantings required by this section may be located anywhere on the site, however, each internal surface parking space shall be no more than 40 feet from a tree trunk. Modifications of strict adherence to these requirements are granted for the following:

i. The distance requirement may increase to 60 feet from a tree trunk if continuous islands, running the length of the parking area, are provided at a minimum width of eight feet.

3. Special Conditions

Modification to internal planting requirements may be granted for the following special circumstances:

a. ~~Townhouse and~~ Multi-Family Planting

For parking spaces located in driveways for individual ~~townhouse dwellings or~~ multi-family attached dwellings, the required trees may be located elsewhere on the site as approved by the Chief Urban Forester. The number of trees shall equal the quantity required by Section 20.17.D.2.a, above.

b. Existing Trees

In meeting these internal planting requirements, credit may be given for existing trees subject to the following:

i. Credit shall only be granted if the following conditions are met:

(A) The applicant includes in the tree survey referenced in Section 20.18.A, all existing trees of two-inch DBH or greater which are proposed to satisfy the planting requirements of this section.

(B) The applicant provides for the protection of healthy trees identified and proposed to satisfy the planting requirements of this section, during the entire development period, beginning prior to the commencement of site work and continuing through to issuance of the certificate of occupancy pursuant to approved tree protection requirements per CLDSM, the Charlotte Tree Manual, and Section 20.14.

ii. The Chief Urban Forester may deem trees to be ineligible for this credit if the minimum protection standards are not met, or if trees are observed to be injured or threatened.

c. Bus and Tractor Trailer Lots

Bus and tractor-trailer lots are not required to meet the 40-foot distance requirement above when trees are planted 40 feet apart around the edge of the parking area in a minimum ten foot wide planting area. Trees planted pursuant to this requirement may count as trees required per Section 20.6.

4. Additional Internal Tree Standards

Internal trees may be located within the following areas when they meet minimum requirements for this article and the articles listed below:

a. Open Space per Article 16.

b. Landscape yards per Section 20.9 if internal trees planted or preserved are in addition to minimum landscape yard requirements.

c. Water supply water quality buffers per Article 23.

d. Post-construction water quality buffers per Article 25.

e. SWIM water quality buffers per Article 26.

f. Floodplains per Article 27.

g. Areas for greenways or parks per Article 33 offered for dedication and accepted by Mecklenburg County Park and Recreation.

20.18 TREE PROTECTION ADMINISTRATION AND PROCESS

A. Plan Submittal and Process

1. Tree Survey for Conditional Zoning Map Amendment

A tree survey shall be required for all ~~C~~conditional ~~Z~~zoning ~~M~~map ~~A~~amendments. A tree survey required by this section shall include identification of the following:

a. All City trees eight inches DBH or greater and all planted City trees.

b. All existing heritage trees on the property.

c. Any existing areas of the site used for credit toward meeting previously approved tree save or green area requirements.

2. Tree Compliance Plan

All applications for land development approval subject to the applicability of Section 20.15, Section 20.16, and Section 20.17 shall be required to submit to the Planning Department a tree compliance plan which shall include a tree survey, a tree and critical root zone protection plan, and tree planting and green area plan for all City trees, heritage trees, specimen trees, tree save areas, areas subject to green area requirements, and tree protection zones, as applicable.

a. Tree Survey for Land Development Approval

A tree survey required by this section shall include identification of the following:

i. All City trees of eight inches DBH or greater and all planted City trees.

ii. Any trees of two-inches caliper or larger being saved for credit toward planting requirements.

iii. All existing heritage trees and their critical root zones on the property within 50 feet of proposed land disturbing activity or that are being used for green area credit.

iv. All existing specimen trees that are used for tree save, green area credit, or heritage tree mitigation and their critical root zones.

v. Any existing areas of the site used for credit toward meeting previously approved tree save or green area requirements

vi. Any area of the site to be used for credit toward meeting new green area requirements per Section 20.15.B. Green roof and green wall area used for credit toward green area requirements shall be delineated by unique identifiers on the plan from other green area credits used to achieve required on-site green area.

b. Tree and Critical Root Zone Protection Plan

A tree and critical root zone protection plan pursuant to the Charlotte Tree Manual shall include identification of location and protection plan for the following trees and their critical root zones:

i. All City trees of eight inches DBH or greater and all planted City trees.

ii. Any areas of the site used to meet tree save or green area.

iii. Any trees of two-inch caliper or larger being saved for credit toward planting requirements per Section 20.16 and 20.17.

iv. Any existing heritage trees being saved per Section 20.14.

v. Any existing specimen trees that will be used for green area credit or heritage tree mitigation.

c. Tree Planting and Green Area Plan

All applications for land development approval subject to the applicability of Section 20.14, 20.15, 20.16 and Section 20.17, shall include a tree planting and green area plan, as applicable. The tree planting and green area plan shall include all trees, including the location of each, required to be planted or preserved pursuant to the requirements of Section 20.14, 20.15, 20.16 and Section 20.17 and shall be submitted to the Planning Department in written/design form and shall conform to the provisions of this Article and all specifications set out in the Charlotte Land Development Standards Manual (CLDSM) and Charlotte Tree Manual.

3. Spatial Tree Data Plan

To certify completion of a development project, applicants shall submit "spatial tree data" plans as specified in the CLDSM, and Charlotte Tree Manual for all required perimeter trees, internal trees, mitigation trees, and green area credits. Trees planted pursuant to Section 20.16 shall not require a "spatial tree data" plan. "Spatial tree data" plans shall be submitted to the Planning Department prior to release of permit holds.

4. Platting and Recording of Green Area

Prior to issuance of certificates of occupancy, boundaries for tree save, amenitized tree area, replanted tree save, and any off-site mitigation area used to meet green area requirements shall be required to be surveyed and be described in metes and bounds and be recorded on the final plat.

B. Tree Work Permits

1. Persons requesting to perform any tree disturbing activity to trees subject to Section 20.14, Section 20.15, Section 20.16, or Section 20.17 of this Article, or trees protected as a condition of a previously approved development plan, shall obtain a tree work permit from the General Services Department or the Planning Department before the activities commence, pursuant to the Charlotte Tree Manual. For purposes of this section, a development plan subject to the applicability of this Article that is approved by the City constitutes a tree work permit.

2. The City shall have the authority to review all requests for tree work permits and to grant, deny, or attach reasonable conditions to such permits.

3. Individual tree work permits shall not be required for Charlotte Department of Transportation (CDOT), Charlotte Area Transit System (CATS), and North Carolina Department of Transportation (NCDOT) projects so long as tree preservation and protection requirements are included in the project plans.

C. Tree Planting Delay Requests

Requests for a delay in complying with Section 20.14, Section 20.15, Section 20.16 or Section 20.17 of this Article due to poor weather conditions for planting shall be considered following a written request directed to the Planning Department. Permit holds shall be released upon approval of a planting delay. Denied tree planting delay requests shall not change the timeframe during which the planting shall be completed. Failure to comply shall be deemed a willful violation of this article and shall result in penalties as provided for in Article 39.

D. Tree Mitigation Funds

1. The City of Charlotte shall maintain the following funds for the purpose of collecting and spending mitigation fees pursuant to the requirements of this Article and the Charlotte Tree Manual. These funds shall include the following:

a. Tree Conservation Fund

The City of Charlotte shall establish a Tree Conservation Fund to support the acquisition, protection, management, and long-term conservation of land in the City of Charlotte and its ETJ solely for the purposes of tree canopy conservation. The Tree Conservation Fund shall directly and only fund the City's Tree Canopy Preservation Program (TCPP). Collected fees will be allocated as designated in Section 4.2 of the UDO Zoning Administration Manual ~~the~~ (Tree Canopy Preservation Program Manual). Collected fees and monies from the green area payment-in-lieu process, per Section 20.15.F.1, and any collected fees from mitigation processes specified to support TCPP, any grant funding specified to support TCPP, and all other monies collected with the intent and purpose of supporting TCPP shall be deposited into the Tree Conservation Fund. Fees collected shall only be spent on the following funding areas:

i. Acquisition of Property
The Tree Conservation Fund shall be used to purchase forested property and/or property that may be reforested following the guidance set forth in Section 4.2 of the UDO Zoning Administration ~~the TCPP~~ Manual. The purchase of property for inclusion into the TCPP shall be authorized by the City Council and explicitly protected and preserved in perpetuity as forested land. All TCPP and Urban Arboretum Trail sites shall be assigned an official conservation designation.

ii. Property Management
The Tree Conservation Fund shall be used to support TCPP property management needs to ensure properties are maintained adequately to align with the City's ~~c~~Comprehensive ~~p~~Plan, and as required by the Unified Development Ordinance, applicable conservation easements, management plans and Section 4.2 of the UDO Zoning Administration~~the TCPP~~ Manual.

iii. Program Management/Staff Support
The Tree Conservation Fund shall be used to support the salary, benefit costs, and general overhead costs for up to 3 full-time equivalent (FTE) staff positions and 1 intern position to assist in managing TCPP.

iv. Long-Term Stewardship
The Tree Conservation Fund shall support long-term property management needs in the event annual property management funding level is insufficient to adequately maintain TCPP sites.

v. Urban Arboretum Trail (UAT)
The Tree Conservation Fund shall be used to support procurement of plant material, design services, site preparation services, installation services and other tree canopy and/or tree-themed program development items for UAT.

b. Street Tree Planting Fund
The City of Charlotte shall establish a Street Tree Planting Fund to support City-managed public tree planting and public tree inventory initiatives in the City of Charlotte's corporate limits, and tree canopy assessment and policy initiatives. Collected fees and monies from City tree mitigation, planting strip payment-in-lieu processes, tree pit payment-in-lieu processes, and other monies collected specified to support the interests of public tree planting, public tree inventory, and tree canopy assessment and policy initiatives, shall be deposited into the Street Tree Planting Fund.

c. Canopy Care Fund
The City of Charlotte shall establish a canopy care fund to support the sustainable preservation, maintenance, and/or regeneration of Charlotte's tree canopy. Canopy Care Funds may also be used to increase awareness of the trees and other tree canopy resources in the City of Charlotte. Collected monies shall be allocated as designated pursuant to the Charlotte Tree Manual (Canopy Care Funding Framework). Collected monies from heritage tree mitigation and payment-in-lieu processes as specified above, and any other collected monies specified to support the fund shall be deposited into the Canopy Care Fund. Funds collected shall be spent in the following funding areas:

i. Large Tree Assistance Program
The Canopy Care Fund shall be used to support a City-managed assistance program to help residents maintain tree canopy on private property.

ii. Heritage Tree Mitigation Planting
The Canopy Care Fund shall be used to support a City-managed assistance program to help residents plant mitigation trees and support general tree planting on private property.

iii. Program Management/Staff Support
The Canopy Care Fund shall be used to support the salary, benefit costs, and general overhead costs for up to one full-time equivalent (FTE) staff position and one intern position to assist in managing Canopy Care Fund supported programs.

iv. Canopy Care Grant Program Establishment

The Canopy Care Fund shall be used to support a City-managed canopy care grant fund targeting tree planting or tree care on private property, cankerworm banding, and other tree canopy management needs pursuant to the Charlotte Tree Manual. All non-profit organizations, places of worship, organized community groups, and neighborhood and homeowners' associations within the City of Charlotte and its ETJ are eligible.

E. Administrative Adjustments and Emergencies

1. Administrative Adjustments

a. Administrative adjustments to quantitative standards may be requested in accordance with Section 37.4.A. Requests for administrative adjustments of quantitative standards shall only be considered for the following standards included within Table 20-7 Tree Protection Adjustments.

Table 20-7: Tree Protection Adjustments

Section Eligible for Adjustment	Standard to be Adjusted	Decision Maker
Section 20.14	Tree Protection Requirements	Chief Urban Forester
Section 20.15	Green Area	Chief Urban Forester
Section 20.16	Minimum Caliper Requirements	Chief Urban Forester
Section 20.17	Tree Planting, Spacing and Quantity	Chief Urban Forester
Section 20.17	Site Lighting and Tree Separation	Chief Urban Forester
Section 20.17	Alternative to Perimeter Planting	Chief Urban Forester

b. If strict compliance with the standards of Sections 20.13 through 20.18 conflict with existing federal or state statutory or regulatory requirements the developer may submit a specific alternate plan for planting to the Chief Urban Forester for consideration. This plan shall meet the purposes and standards of this Article but may suggest measures other than those in Section 20.15. In addition, if the developer seeks a modification of planting requirements based upon a contention that the planting required by Sections 20.13 through 20.18 would pose a threat to health and safety due to a conflict with existing federal or state statutory or regulatory requirements, a modification shall only be considered upon receipt of a written explanation of the alleged conflict created by the planting requirement and a copy of the statute or regulation that creates the conflict. The Chief Urban Forester shall review the alternate proposal and advise the applicant of the disposition of the request within 15 working days of submission by the applicant. Any appeals by the applicant shall be in accordance with Article 37.

2. Appeals

Any determinations and decisions pursuant to this section may be appealed to the UDO Board of Adjustment as per Article 37.

3. Emergencies

In an emergency such as a windstorm, ice storm, fire, or other disaster, the requirements of this Section 20.13 through 20.18 may be waived by the City during the emergency period so that the requirements of this Article shall in no way hamper private or public work to restore order in the City. This shall not be interpreted to be a general waiver of the intent of this Article.

F. Administration

1. Appeals and variances of this Article shall be subject to Article 37.

2. Inspections and enforcement actions of this Article shall be subject to Article 39.

G. Chief Urban Forester

The Chief Urban Forester shall be charged with the following duties:

1. To interpret, administer and enforce the provisions of Sections 20.13 through 20.18 of this Article.

2. To lead and supervise the work and activities of staff, and supervise the tree regulation review, enforcement, and compliance.

3. To lead City-wide and department urban forestry goals and initiatives.

4. To serve as a liaison for the Charlotte Tree Advisory Commission, and interdepartmental committees.

5. To interpret and translate information to the public on regulatory processes, planning initiatives, and land use policies related to urban forestry and tree canopy.

6. Prepare and make available to the public a Charlotte Tree Manual which includes guidelines for compliance with this Article.

7. To designate appropriate other person(s) who shall carry out the powers and duties of the Chief Urban Forester.

Article 21. Loading Spaces & Solid Waste and Recycling Service Areas

21.1 REQUIRED LOADING SPACES
21.2 DESIGN OF REQUIRED LOADING SPACES
21.3 REQUIRED SOLID WASTE AND RECYCLING SERVICE AREAS
21.4 DESIGN OF REQUIRED SOLID WASTE AND RECYCLING SERVICE AREAS

21.1 REQUIRED LOADING SPACES

A. The minimum number of off-street loading spaces shall be provided in accordance with the requirements of Table 21-1: Minimum Required Off-Street Loading Spaces. Nothing herein prevents the construction of additional loading spaces above the required minimums.

B. The minimum required number of off-street loading spaces may be part of a loading dock or may be freestanding.

C. No more than five loading spaces are required for any single building.

D. Loading spaces shall be required for new construction. Existing buildings without loading spaces or with fewer loading spaces than required by this section, as of the effective date of this Ordinance, are exempt from these loading space requirements.

Table 21-1: Minimum Required Off-Street Loading Spaces

Use	Minimum Number of Loading Spaces
Multi-Family Stacked Dwelling Development and Residential Component for Mixed-Use Development	
Total of 50 dwelling units or more - Calculated as the number of dwelling units total in all structures in the development	1 loading space
Nonresidential Development and Nonresidential Component for Mixed-Use Development - Excluding Industrial	
Less than 20,000sf total Gross Floor Area (GFA)	None
20,000 - 150,000sf total GFA	1
More than 150,000sf total GFA	1 + 1 additional space for each additional 100,000sf GFA above initial 150,000sf GFA
Industrial Development	
10,000sf and above total GFA of development	1

21.2 DESIGN OF REQUIRED LOADING SPACES

A. ~~All loading spaces, including the related maneuvering areas, shall be designed in accordance with the Charlotte Land Development Standards Manual (CLDSM).~~A loading space shall be located on the site ~~within 100 feet of the building~~ it serves, ~~and~~ shall not be located within any required setback, and shall be a minimum size of 10' by 25'.

B. ~~A loading space shall be located entirely on the same lot as the use it serves.~~ Any area required for maneuvering a vehicle ~~into and out of~~utilizing a loading space shall be of an adequate size and design to accommodate that maneuverability ~~located~~ entirely on the same ~~lot~~ site as the use it serves, not on any public right-of-way, network ~~-~~ required private street, or other ~~lot~~site, and shall not be located within any required setback.

C. If a parcel has multiple frontages, then exterior loading spaces or driveway access to loading spaces shall not be located on a primary frontage. If this requirement creates a public safety issue or impacts operations, the Zoning Administrator may modify this requirement or provide an alternative standard. If all frontages are primary frontages, the Zoning Administrator will determine the frontage where it shall be located with minimal disruption to vehicles and pedestrians in the right-of-way.

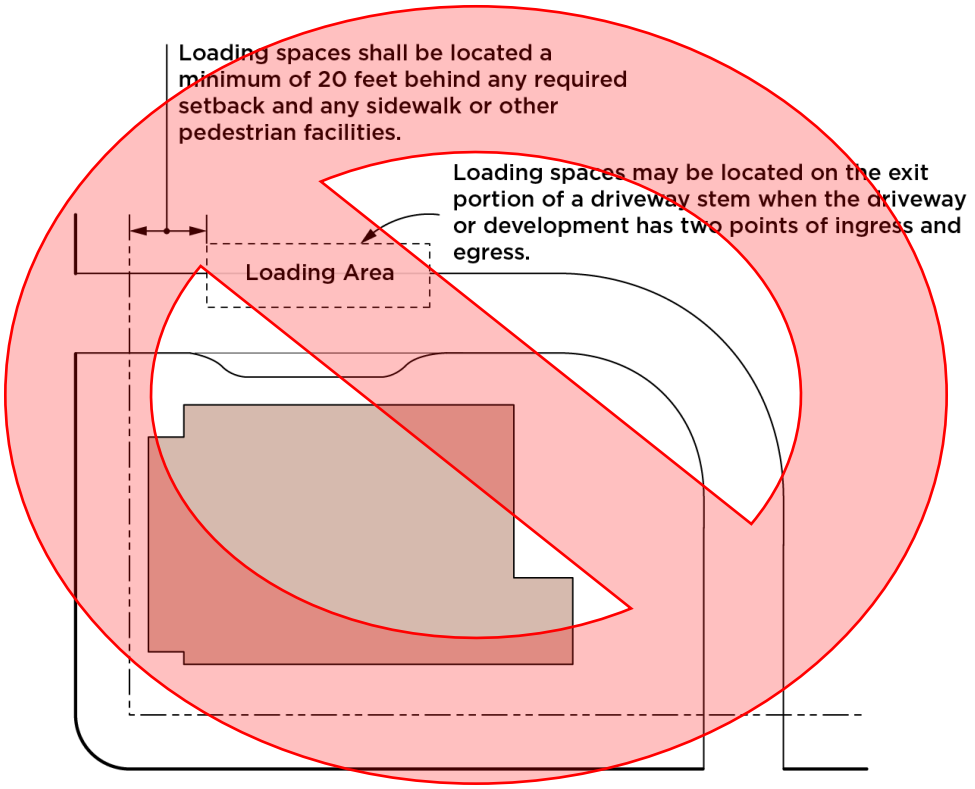
D. Loading spaces may be located in a surface parking lot.

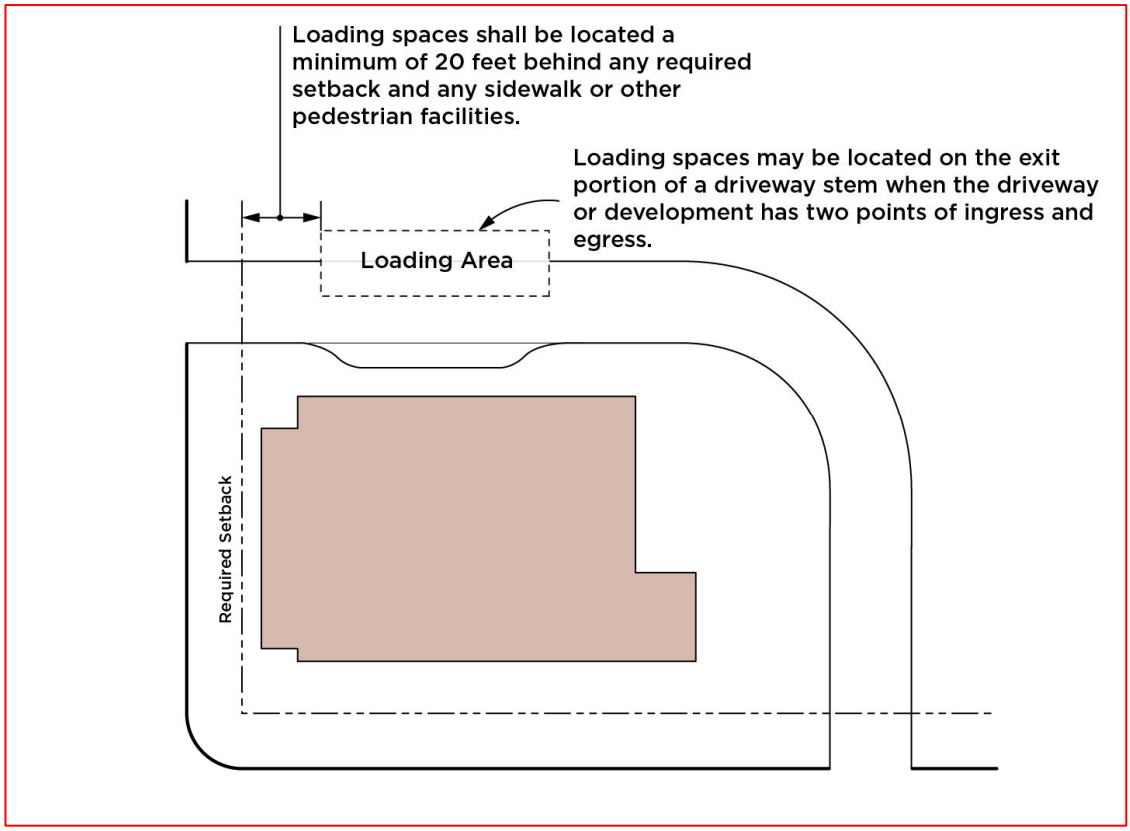
E. Loading spaces may be located on the exit portion of a driveway stem when the driveway has two points of ingress and egress. Loading spaces shall be located a minimum of 20 feet behind any required setback and any sidewalk or other pedestrian facilities. The requirement for two access points may be waived if the loading vehicle is able to turn around on the site.

F. Loading space design shall be shown on all site plans including, but not limited to, loading space location and dimension, clearance, driveway access to loading spaces, and maneuvering areas and access aisles.

G. Loading spaces shall not be utilized for placement or storage of any large waste or recycling containers.

LOADING SPACES ON DRIVEWAY STEM





21.3 REQUIRED SOLID WASTE AND RECYCLING SERVICE AREAS

The purpose of the solid waste and recycling service area standards is to provide safe and convenient access for users and service providers during the depositing and collection of solid waste and recyclable materials and to encourage waste reduction. Where the standards of this section for required solid waste and recycling service areas conflict with Chapter 10, Chapter 10 of the City Code shall control. In addition to the standards below, Mecklenburg County has a separate Commercial Source Separation Ordinance, which may also apply. Nothing herein prevents the construction of additional solid waste service areas above the required minimums.

A. Residential Development

1. Applicability

Multi-family dwellings, both stacked and attached, ~~and townhouse dwellings~~ are required to construct on-site space for each large waste container and each recycling station as required by this section.

2. Large Waste Containers

Spaces for large waste containers shall be required as follows:

a. Developments of 11 Dwelling Units or Less

No space is required to be constructed if a large waste container is not used for collection. Where any such development does use a large waste container for collection, the minimum space constructed shall be large enough to fit an eight cubic yard dumpster-type large waste container.

b. Developments of 12 Dwelling Units or More

The minimum space constructed shall be large enough to fit an eight cubic yard dumpster-type large waste container per every 30 units or an eight cubic yard compactor-type large waste container per every 90 units. Large waste containers may be distributed throughout the development. For developments eligible to utilize a compactor-type large waste container, nothing in this section shall preclude such development from utilizing a compactor-type large waste container larger than eight cubic yards by volume.

3. Recycling Stations

a. The number of residential recycling station spaces shall be provided in accordance with Table 21-2: Required Residential Recycling Station Spaces.

b. Each required residential recycling station represents space constructed for five 96 gallon carts and is approximately 144 square feet. Recycling stations may be distributed throughout the development. ~~h~~However, space constructed for each individual recycling station shall be a minimum of 144 square feet in area with a minimum width of 34 inches and accommodate five 96 gallon carts.

Table 21-2: Required Residential Recycling Station Spaces		
Number of Units	**Number of Recycling Spaces**	**Approximate Square Footage Required**
0-11	No space required	No space required
12-80	One recycling station	144sf
81-160	Two recycling stations	2 x 144sf (288sf total)
161-240	Three recycling stations	3 x 144sf (432sf total)
241-320	Four recycling stations	4 x 144sf (576sf total)
321-400	Five recycling stations	5 x 144sf (720sf total)
401-~~479~~480	Six recycling stations	6 x 144sf (864sf total)
481~~0~~+	Six recycling stations + one additional recycling station for each subsequent group of 80 units above 480 units	6 x 144sf (864sf total) + 144sf for each additional recycling station

B. Nonresidential Development

If large waste containers and recycling stations are provided within a nonresidential development, ~~space~~ service areas shall be constructed on-site for each large waste container and each recycling station as follows:

1. Any ~~space~~ service area in a nonresidential development constructed for a large waste container shall be large enough to fit an eight cubic yard dumpster-type large waste container or compactor-type large waste container. If more than one large waste container is provided per this standard (dumpster-type or compactor-type), then the minimum ~~space~~ service area constructed shall be large enough to accommodate all the large waste containers on the lot. Sufficient space to allow a collection vehicle to service the container shall be required as per Section 21.4.

2. The service area in a nonresidential development constructed for recycling shall be at least of equal size as the service area constructed for solid waste containers as required in item 1 above. Sufficient space to allow a collection vehicle to service the container shall be required as per Section 21.4.~~Mecklenburg County has mandatory recycling requirements for nonresidential properties that generate more than 16 cubic yards of waste each month. These requirements can be found in the Mecklenburg County Commercial Source Separation Ordinance. Recycling stations provided shall be adequate to meet the requirements of the Mecklenburg County Ordinance~~.

21.4 DESIGN OF REQUIRED SOLID WASTE AND RECYCLING SERVICE AREAS

Where the standards of this section for the design of required solid waste and recycling service areas conflict with ~~any other part of the City Code~~Chapter 10, Chapter 10 of the City Code shall control.

~~**A.** All solid waste service areas, including the related maneuvering areas, shall be designed in accordance with the Charlotte Land Development Standards Manual (CLDSM).~~

~~**B**~~**A.** All large waste container and recycling station spaces shall be located entirely on the same ~~lot~~ site as the use it serves and shall be located a minimum of 25 feet from: 1) any property in a Neighborhood 1 Place Type or Neighborhood 2 Place Type; 2) public streets; and 3) network ~~-~~required private streets.

1. Solid waste and recycling service areas may be located on the exit portion of a driveway stem when the driveway or the development has two points of ingress and egress. Container placement shall be located a minimum of 20 feet behind any required setback and any sidewalk or other pedestrian facilities. See illustration example in Section 21.2**.** The requirement for two access points may be waived if the loading vehicle is able to turn around on the site.

~~**C**~~**B.** If a parcel has multiple frontages, large waste container and recycling station spaces located outside shall not be located on a primary frontage. If this requirement creates a public safety issue or impacts operations, the Zoning

Administrator may modify this requirement or provide an alternative standard. If all frontages are primary frontages, the Zoning Administrator will determine the frontage where it shall be located with minimal disruption to vehicles and pedestrians in the right-of-way.

~~D~~C. Any area required for maneuvering a vehicle for the collection of waste containers and recycling stations shall be of an adequate size and design to accommodate that maneuverability ~~located~~ entirely on the same ~~lot~~ site as the use it serves, and not on any public right-of-way, network ~~-~~required private street, or other ~~lot~~site, and shall not be located within any required setback.

1. Solid waste service ~~trucks~~ vehicle maneuvering areas are allowed to back-up within the site when maneuvering, but shall not encroach into the setback, sidewalk, or public right-of-way.

~~E~~D. The CDOT Director, in consultation with the Solid Waste Director, may modify the requirement for providing required on-site maneuvering space for large waste containers and/or recycling stations and the containers may be located on-street for pick-up for multi-family ~~and townhouse dwellings~~ developments that either do not provide on-site parking or provide all parking within a parking structure, under the following scenarios:

1. Multi-family ~~and townhouse dwellings~~ developments of 50 units or less where all the following conditions are met:

a. The collection containers shall not obstruct vehicular and/or pedestrian traffic. Sidewalks shall remain unobstructed.

b. The collection containers shall be removed from their on-street collection location and returned to the building or structure on the same day of collection.

c. The collection containers are serviced from a collector or local street.

2. The site is located in an IC-2, ~~RC-1~~RC, IMU, NC, CAC-1, CAC-2, RAC, UE, UC, TOD-CC, TOD-NC, or TOD-UC Zoning District where all the following conditions are met:

a. The standards of items 1.a, 1.b, and 1.c above are met.

b. It shall be demonstrated that on-site collection cannot be provided due to site constraints or unusual circumstances.

c. It shall be demonstrated that Section 21.4.B.1 cannot be reasonably accommodated on the site.

d. If the street does not already include curb-to-curb dimensions of a collector or office/commercial wide street, the curb shall be moved to reflect the office/commercial wide cross-section along the affected frontage. If the exception listed in Section 32.7.C.3.b.iii applies and the curb-to-curb dimension cannot be provided, the exception shall not apply.

e. On-street collection spaces shall be clearly marked and designed to prevent intrusion into adjacent parking spaces.

~~F~~E. Solid waste service and maneuvering areas shall be shown on all site plans. Information to be provided shall include, but is not limited to, service area locations and dimensions, any required height clearance, driveway access to service areas, and maneuvering areas and access aisles.

Article 22. Signs

22.1 PURPOSE
22.2 APPLICABILITY
22.3 ALTERATION AND MAINTENANCE ACTIVITIES EXEMPT FROM A PERMIT
22.4 SIGN PERMIT
22.5 MEASUREMENT METHODOLOGIES
22.6 STANDARDS FOR SIGNS EXEMPT FROM A PERMIT
22.7 GENERAL SIGN STANDARDS
22.8 SIGN PERMISSIONS
22.9 SIGNS REQUIRING A PERMIT
22.10 OUTDOOR ADVERTISING SIGNS
22.11 SPECIAL SIGN REGULATIONS
22.12 PROHIBITED SIGNS
22.13 ADMINISTRATION

22.1 PURPOSE

The purpose of this article is intended to accomplish the following objectives:

A. To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised.

B. To minimize distractions and view obstructions that contribute to traffic hazards and endanger public safety.

C. To allow for adequate and effective signs while preventing visual clutter.

D. To ensure a high standard for the design and size of signs so that they enhance the aesthetic appearance and attractiveness of the community and create an aesthetic environment that has a positive impact on economic development.

22.2 APPLICABILITY

A. General Applicability

1. All signs constructed, erected, modified, or altered shall comply with the standards of this article, whether such signs do or do not require a sign permit.

2. Signs shall only be placed on private property with the permission of the property owner, whether such signs do or do not require a sign permit.

3. The sign regulations of this article apply to each lot or facade of a structure.

4. Signs located in the public right-of-way are not regulated by this article and this Ordinance, except for permissions for some encroachment of on-premise sign structures on City-maintained public rights-of-way.

5. Logos and labels located on mechanical equipment, recycling bins, trash containers, and similar equipment, which are part of the equipment as manufactured and/or installed, are not regulated by this article or this Ordinance.

6. Signs not regulated by this article or this Ordinance shall otherwise be regulated separately by applicable provisions of the City's Code of Ordinances.

B. Noncommercial Messages

Any sign permitted by these regulations may display or publish a noncommercial message. This includes signs that both require and do not require a sign permit.

22.3 ALTERATION AND MAINTENANCE ACTIVITIES EXEMPT FROM A PERMIT

The following activities do not require a sign permit:

A. Normal maintenance and repair of a sign, including painting and cleaning. The following activities are not considered normal maintenance or repair: structural changes, changes in the electrical components of the sign, any change in sign dimension or height, or changes in the location of a sign.

B. Changing or replacing the sign face within an existing sign structure so long as no structural changes are made to the sign structure and the size of the sign face is not increased.

C. Changing the copy of a changeable message component of a sign.

22.4 SIGN PERMIT

A. Authority

Unless specifically stated in this article or this Ordinance that a sign is exempt from permit requirements, the installation, construction, enlargement, movement, or replacement of any sign requires a sign permit from the Planning Department.

B. Approval Procedure

1. Upon the filing of an application for a sign permit, the Planning Department shall examine the plans and specifications within 15 business days. If deemed necessary, they may inspect the premises where the sign will be installed.

2. If an application for a proposed sign is complete and complies with all the requirements of these regulations and other applicable codes, including but not limited to Historic District Commission (HDC) Design Guidelines, a permit shall be issued.

3. A sign permit issued in accordance with this article automatically becomes null and void if work has not visibly started within six months of the date of issue, or if the work authorized by it has been suspended or abandoned for one year.

C. Fees

To obtain a sign permit, all fees, in accordance with the associated fee schedule, shall be paid.

D. Final Inspection

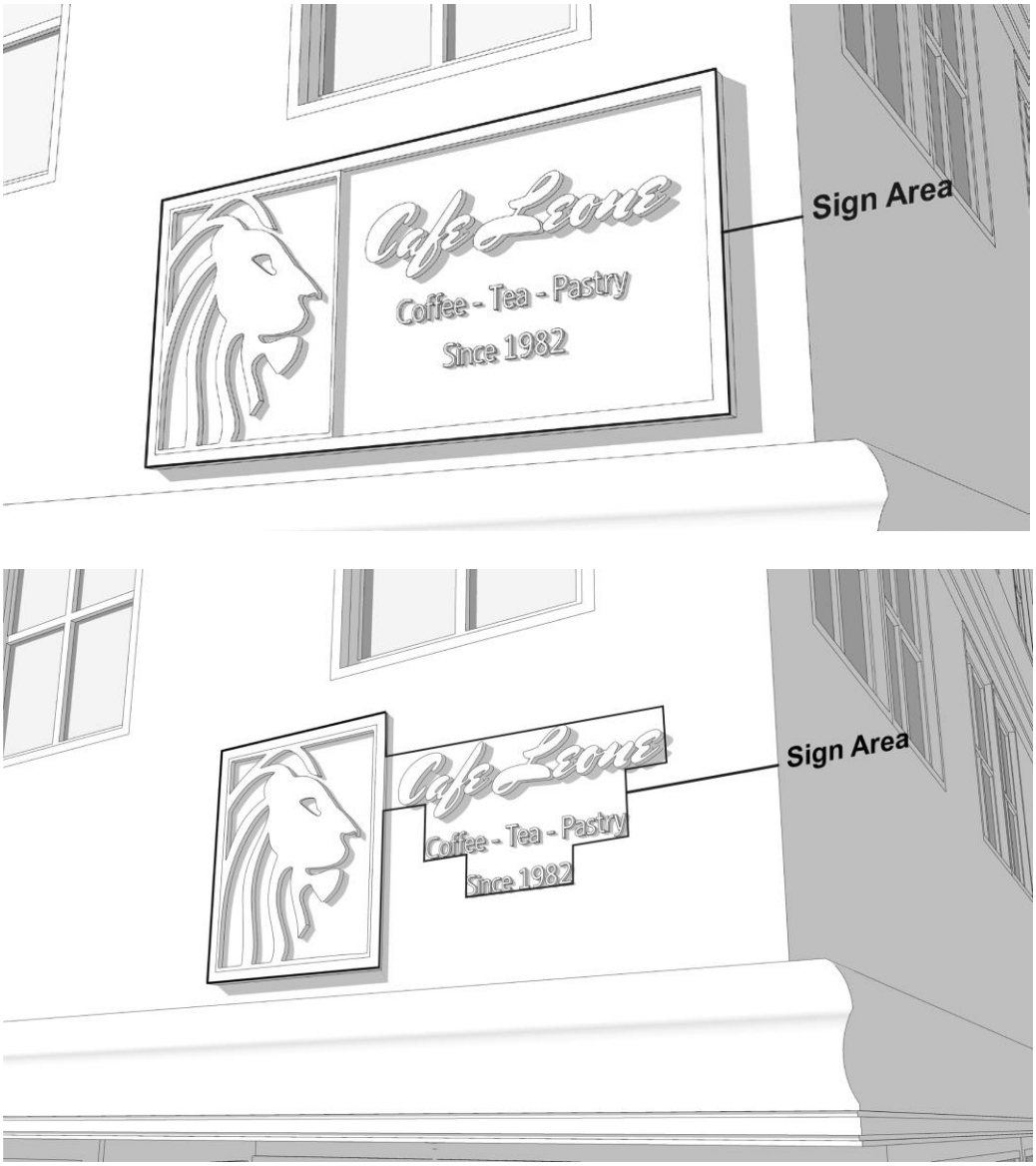
Upon notification of completion by the permit holder, the City and County shall make a final inspection of the sign to verify conformance with the permit and all applicable codes.

22.5 MEASUREMENT METHODOLOGIES

A. Calculation of Sign Area

1. The sign area includes the area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustration, or ornamentations, together with any material or color forming an integral part of the display or differentiating the sign from the background to which it is placed. Structural supports with no sign copy shall not be included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.

MEASUREMENT OF SIGN AREA



2. For calculating maximum area of window signs, the window area is calculated as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area. The area of a window sign is calculated by the same method as for other sign areas, per Item 1 above. The standards below further apply to the calculation of window sign areas.

a. Shadowbox design within display windows, where the window display is designed with a background enclosure within two feet of the window against which signs are mounted that block views into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.

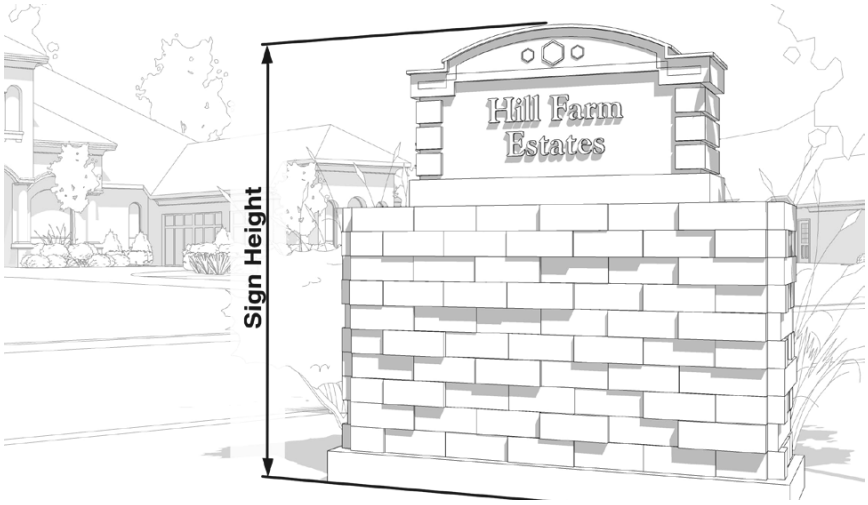
b. Perforated window graphics/window clings, which show an image to the outside but allow those on the interior to view outside, are not considered transparent and the entirety of the graphic is counted as a window sign.

MEASUREMENT OF WINDOW SIGN AREA

B. Measurement of Sign Height

Sign height is measured from the base of the sign at the ground to the highest point of the sign, including any attachments.

MEASUREMENT OF SIGN HEIGHT



C. Measurement of Vertical Clearance

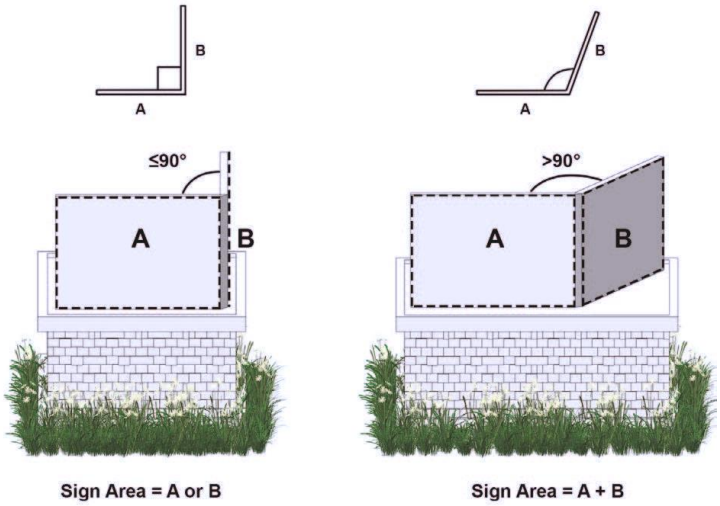
For building-mounted signs, vertical clearance is measured as the vertical distance measured from the ground directly below the sign to the lowest point of the sign.

MEASUREMENT OF VERTICAL CLEARANCE

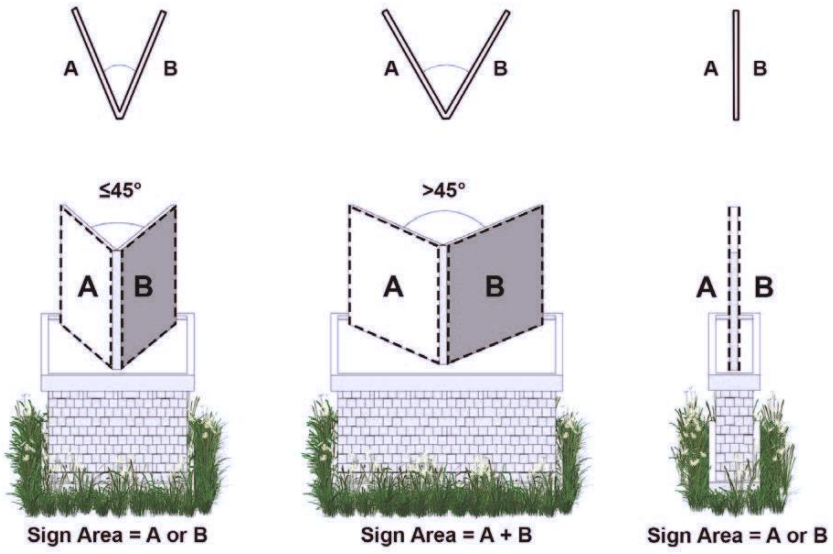
D. Determination of Number of Sign Faces

Signs are considered double-faced if the faces are positioned relative to one another at an internal angle not exceeding 45 degrees. The sign area for a double-faced sign is calculated as the measurement of one sign face. If the internal angle exceeds 45 degrees, sign area is calculated as the sum of both faces. This applies to all signs except those located on corner lots, in which case the internal angle for a double-faced sign may not exceed 90 degrees. In all cases, this measurement refers to the internal angle of sign faces on a single structure.

MEASUREMENT OF SIGN FACES (ANGLED SIGN) – CORNER LOT



MEASUREMENT OF SIGN FACES (ANGLED SIGN) – INTERIOR LOT



E. Sign Setback

A required sign setback is measured from the applicable lot line to the closest component of the sign or sign structure.

22.6 STANDARDS FOR SIGNS EXEMPT FROM A PERMIT

The following on-premise permanent and temporary signs are exempt from the sign permit requirement, but subject to all applicable standards of this article, including the general sign standards of Section 22.7.

A. A-Frame Sign

1. A-frame signs are permitted for all uses in the following zoning districts: Neighborhood 2 Zoning Districts; Neighborhood Commercial Zoning Districts; Community Activity Center Zoning Districts; Regional Activity Center Zoning Districts; Innovation Mixed-Use Zoning Districts; Commercial Zoning Districts; Manufacturing and Logistics Zoning Districts; Campus Zoning Districts; and Transit Oriented Development Zoning Districts.

2. One A-frame sign is permitted per establishment, including one for each tenant in a multi-tenant development.

3. An A-frame sign shall be placed within 15 feet of the primary entrance of the business and shall not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes.

4. A minimum unobstructed sidewalk clearance of six feet shall always be maintained. The requirements of Section 10-141 of the City Code apply to signs on public property or in the public right-of-way.

5. A-frame signs are limited to six square feet in area per side and four feet in height.

6. The placement of A-frame signs outdoors is limited to business hours only. A-frame signs shall be stored indoors at all other times.

7. Illumination of A-frame signs is prohibited.

8. A-frame signs shall not have any type of electronic component.

A-FRAME SIGN

B. Accessory Use Sign

Signs for accessory uses are permitted in all zoning districts as follows:

1. Signs shall be constructed as wall signs. Only one sign is permitted.

2. Signs are limited to four square feet in area.

3. Illumination of signs for accessory uses is prohibited.

C. Banner

1. Banners are permitted for nonresidential uses in all zoning districts.

2. In permitted zoning districts, except the UC Zoning District (see Item 3 below), one banner is permitted per establishment, including one for each tenant in a multi-tenant development, and banners are limited to a maximum area of 32 square feet. Such banners shall not extend above the second-floor level of a building or 45 feet above grade, whichever is less.

3. In the UC Zoning District, more than one banner is permitted, and the total area of all banners combined shall not exceed 1,000 square feet or 10% of the wall area, whichever is less, per building wall. Banners shall not extend past the roofline.

4. Banners shall be securely attached to a building wall, except for uses in the Institutional and Governmental Uses category of the Use Matrix in Article 15 or for temporary outdoor sales.

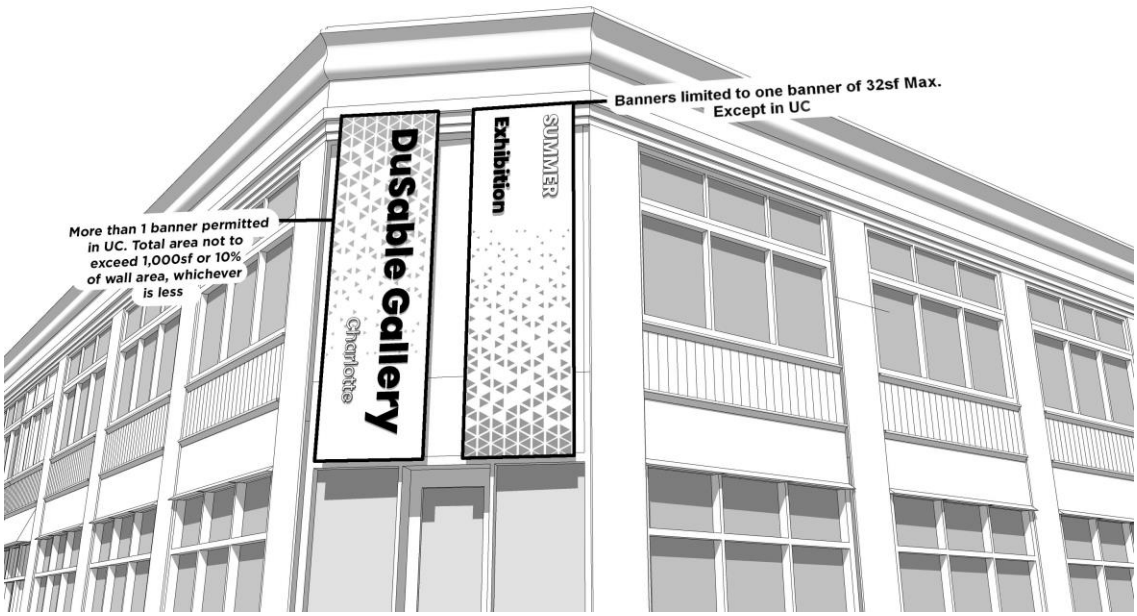
5. Banners for institutional or temporary outdoor sales uses in all zoning districts where allowed may also be ground-mounted between two or more posts, shall be limited to one sign per block per street front, and shall not be located closer than 11 feet from the edge of the pavement of any roadway or alley, or located within any public rights-of-way.

6. Banners shall be made of canvas, canvas-like material, nylon, vinyl-coated fabric, or similar weatherproof materials.

7. Banners are limited to a maximum display period of 14 consecutive days and there shall be a minimum of ten days between display periods, except for the following:

a. The Zoning Administrator is authorized to extend the display duration of a banner for a temporary outdoor sales use, including such sales that are seasonal in nature (includes, but is not limited to, farmer's markets, Christmas tree lots, pumpkin patches, etc.)

BANNER



D. Construction Activity

1. Temporary ground signs are permitted for lots currently under construction in all zoning districts.

2. Signs located on individual single-family detached, duplex, triplex, or quadraplex construction lots are limited to six square feet in area. An additional rider sign not exceeding a total of two square feet in sign area is allowed.

3. Signs for all other types of construction lots cannot exceed 64 square feet in sign area.

4. Signs shall be located on the construction lot.

5. One sign is permitted per street frontage.

6. Signs shall be removed within seven days after expiration of the building permit.

E. Flags

1. Commercial Flags

a. Commercial flags are permitted for nonresidential uses in the following zoning districts: Neighborhood Commercial Zoning Districts; Community Activity Center Zoning Districts; Regional Activity Center Zoning Districts; Innovation Mixed-Use Zoning Districts; Commercial Zoning Districts; Manufacturing and Logistics Zoning Districts; Campus Zoning Districts; and Transit Oriented Development Zoning Districts.

b. One commercial flag is permitted per establishment for each tenant on the first and second stories where such tenant's facade abuts a public or private right-of-way.

c. Commercial flags are limited to a maximum area of 12 square feet.

d. Commercial flags shall only be mounted by a mast arm flagpole that extends at an angle from a building. Such flags cannot extend into the right-of-way measured when the flag is fully extended perpendicular to the post.

e. Commercial flags cannot be illuminated.

2. Noncommercial Flags

Noncommercial flags are permitted in all zoning districts and shall be displayed as set forth below as long as the flag(s) do not affect visibility or create any safety hazards or concerns.

a. References to flagpole height in this section refers to vertical flagpoles. References to the number of noncommercial flags, flagpoles, and noncommercial flag dimensions refer to both vertical flagpoles and mast arm flagpoles that may extend at an angle from a building.

b. Unless otherwise permitted or restricted by this section, noncommercial flags shall be displayed on permanent flagpoles. Flagpole heights are limited as follows:

i. Maximum of 60 feet: Neighborhood 2 Zoning Districts; Neighborhood Commercial Zoning Districts; Community Activity Center Zoning Districts; Regional Activity Center Zoning Districts; Innovation Mixed-Use Zoning Districts; Commercial Zoning Districts; Manufacturing and Logistics Zoning Districts; Campus Zoning Districts; and Transit Oriented Development Zoning Districts

ii. Maximum of 39 feet: Neighborhood 1 Zoning Districts

c. The maximum dimensions of any noncommercial flag shall be proportional to the flagpole height. The side of the flag nearest to the flagpole shall not exceed 20% of the vertical height of the flagpole. In addition, noncommercial flags are subject to the dimensional limitations of Table 22-1: Noncommercial Flag Dimensions:

Table 22-1: Noncommercial Flag Dimensions

Flagpole Height	Maximum Flag Size	Maximum Combined Flag Area Per Flagpole
Up to 25'	24sf	48sf
25' up to 40'	40sf	80sf
40' up to 50'	60sf	120sf
50' up to 60'	96sf	192sf

d. There shall be no more than three noncommercial flags allowed per street frontage. These flags may be flown on one flagpole or flown on separate flagpoles.

e. Flagpoles along public streets and network-required private streets shall be located behind any required sidewalks.

f. Flagpoles shall be permanently mounted in the ground with necessary structural support features or below grade footings, installed in accordance with all required state and local regulations or applicable codes.

g. Noncommercial flags shall not be draped over the hood, top, sides, or back of a vehicle, nor flown from the antennae of any parked vehicle in the following zoning districts: Neighborhood 2 Zoning Districts; Neighborhood Commercial Zoning Districts; Community Activity Center Zoning Districts; Regional Activity Center Zoning Districts; Innovation Mixed-Use Zoning Districts; Commercial Zoning Districts; Manufacturing and Logistics Zoning Districts; Campus Zoning Districts; and Transit Oriented Development Zoning Districts.

F. Light Pole Banner

1. Light poles located entirely on private property are permitted to mount banners in all zoning districts. Light pole banners shall not be used as a temporary off-premise advertising sign.

2. A maximum of two light pole banners may be displayed per light pole.

3. Light pole banners are limited to a maximum area of 15 square feet.

4. Light pole banners shall maintain a minimum vertical clearance of 12 feet from grade to the bottom of the banner.

5. Light pole banners shall be mounted to project perpendicular from light poles.

LIGHT POLE BANNER

G. Noncommercial Message Sign

In addition to the conversion of any permitted sign to a noncommercial message per Section 22.2.B, additional signs for noncommercial messages are permitted as follows:

1. Noncommercial message signs are permitted in all zoning districts.

2. Noncommercial message signs are ground or wall signs. There is no limit on the number of noncommercial message signs permitted.

3. The sign area of a ground and wall-mounted sign is limited to 16 square feet in area. Ground signs are limited to four feet in height.

4. Ground-mounted signs shall not be located closer than 11 feet from the edge of the pavement of any roadway or alley, or within any public rights-of-way.

5. Noncommercial message signs shall not be illuminated.

6. Noncommercial message signs cannot be used for on-premise or off-premise advertising.

H. Parking Lot, Parking Structure, and Site Circulation and Wayfinding Signs

1. Parking lots and structures in all zoning districts are permitted permanent signs at parking lot or structure circulation points in accordance with this section, whether such parking lots or structures are a principal or ancillary use. Such signs shall not be used for off-premise advertising.

2. Permanent signs for site circulation and wayfinding are permitted in all zoning districts in accordance with this section. Site circulation points include, but are not limited to, entrances/exits, internal intersections, drive-through lanes, and parking lot drive aisles. Circulation points also include bicycle paths and bicycle parking areas, pedestrian paths and on-site pedestrian rest areas, and pathways to transit stops.

3. Signs for parking lot and structure circulation points may be internally or externally illuminated.

4. Signs are limited to six square feet in area.

5. Ground signs are limited to six feet in height.

6. A ground sign shall not be located so that it obstructs any pedestrian or vehicular traffic, or within any public rights-of-way.

I. Real Estate Activity

1. Temporary signs are permitted for lots or structures currently for sale, lease, or rent.

2. Signs located on individual single-family, duplex, triplex, and quadraplex lots under three acres in size, or individual units within attached housing are limited to six square feet. An additional rider sign not exceeding a total of two square feet in sign area is allowed.

3. Signs for other lots or structures for sale, lease, or rent cannot exceed 64 square feet in sign area.

4. Only one sign is permitted per street frontage of a property. However, properties having a continuous frontage of 850 linear feet or more shall be allowed an additional sign so long as such sign is no closer than 850 feet from another sign on the property.

5. Illumination is prohibited.

6. Signs shall be removed within seven days after the sale is closed or rent or lease transaction is finalized.

J. Temporary Off-Premise Advertising Sign

1. Temporary off-premise advertising signs are limited to four square feet in area.

2. Temporary off-premise advertising signs are limited to four feet in height.

3. Temporary off-premise advertising signs are limited to two per property.

4. Temporary off-premise advertising signs shall not be located closer than 11 feet from the edge of the pavement of any roadway or alley, or within any public rights-of-way.

5. Temporary off-premise advertising signs are limited to the following display period: Posted no earlier than 3:00 p.m. of a Friday, or before 8:00 a.m. of a holiday, and displayed until 6:00 p.m. on a Sunday or a designated holiday.

6. Temporary off-premise advertising signs are prohibited from being posted or mounted upon trees, utility poles, traffic control signs, lights, or devices in any place or manner prohibited by the provisions herein.

7. No temporary off-premise advertising sign shall be mounted upon a portable sign structure. Portable sign structures include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or without wheels.

K. Temporary Outdoor Sales Sign

1. The following standards apply to all temporary outdoor sales signs:

a. Temporary outdoor sales signs are limited to one per establishment, including one for each tenant in a multi-tenant development.

b. Temporary outdoor sales signs may either be of A-frame type, banner type, or attached to the sales display.

2. The following standards apply to temporary outdoor sales signs of A-frame type:

a. A-frame signs shall not interfere with or obstruct motor vehicle traffic.

b. A-frame signs shall not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes. The requirements of Section 10-141 of the City Code apply to all signs on public property or in the public right-of-way.

c. A-frame signs are limited to six square feet in area per side and four feet in height.

d. The placement of A-frame signs outdoors is limited to sales hours only. A-frame signs shall be stored indoors at all other times.

e. Illumination of A-frame signs is prohibited.

f. A-frame signs shall not have any type of electronic component.

3. The following standards apply to temporary outdoor sales signs of banner type:

a. Banners are limited to a maximum of 32 square feet.

b. Banners shall either be secured to a building wall or ground-mounted between two or more posts.

c. Banners are limited to one per street front.

d. Banners shall not be closer than 11 feet from the edge of pavement of any roadway or alley or located within a public right-of-way.

e. Banners shall be made of canvas, canvas-like material, nylon, vinyl-coated fabric, or similar weatherproof materials.

f. Banners are limited to a maximum display period of 14 consecutive days and there shall be a minimum of ten days between display periods, except for the following:

i. The Zoning Administrator is authorized to extend the display duration of a banner for a temporary outdoor sales use, including such sales that are seasonal in nature (including, but not limited to, farmer's markets, Christmas tree lots, pumpkin patches, etc.)

4. The following standards apply to temporary outdoor sales signs attached to sales displays:

a. Attached signs are limited to 16 square feet.

b. Illumination of attached signs is prohibited.

c. Attached signs shall not have any type of electronic component.

L. Vehicle Dealership Temporary Sign

1. Temporary signs are permitted for vehicle dealerships that front public or network-required private streets.

2. Signs are limited to nine square feet per each vehicle that front public or network-required private streets.

3. Signs shall be affixed to the exterior surface of the vehicle. Signs cannot project beyond the roof, hood, or trunk of the vehicle.

M. Window Sign

1. Window signs are permitted for all uses in the following zoning districts: Neighborhood 2 Zoning Districts; Neighborhood Commercial Zoning Districts; Community Activity Center Zoning Districts; Regional Activity Center Zoning Districts; Innovation Mixed-Use Zoning Districts; Commercial Zoning Districts; Manufacturing and Logistics Zoning Districts; Campus Zoning Districts; and Transit Oriented Development Zoning Districts.

a. For uses in the Neighborhood 2 Zoning Districts, window signs are permitted on the ground floor only.

b. For uses in all other zoning districts, window signs are permitted for window areas up to and including the third story.

2. The total window sign area, whether temporary or permanent, is limited to no more than 25% of the surface of each window area, including transparent areas of doors and entryways. Window area is counted as a continuous surface until divided by an architectural or structural element, such as door casings or facade treatments. Mullions are not considered an element that divides window area.

3. However, vacant ground floor nonresidential use spaces within the zoning districts in item 1 above are permitted to cover 65% of the surface of each window area, including transparent areas of doors and entryways. Once occupied, the requirements of item 2 above control.

4. Window signs may be internally or naturally illuminated. No external illumination is permitted.

WINDOW SIGN

22.7 GENERAL SIGN STANDARDS

A. Installation

1. All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.

2. All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and all detached signs shall be illuminated by an underground electrical source.

B. Location

Signs may be in a required setback. If a sign is in a required setback, it shall not be otherwise located so that it obstructs pedestrian or vehicular traffic.

C. Sight Triangle and Sight Distance Obstruction Prohibited

No sign shall obstruct a required sight triangle or a required sight distance, as described in Section 31.3.D.

D. Projection into City Right-of-Way

When a sign extends into a right-of-way, prior review and approval by the Charlotte Department of Transportation (CDOT) and/or other relevant agencies is required. The encroachment of signs into a right-of-way requires an encroachment agreement from CDOT, if applicable. Adherence to the design standards included in this article does not imply approval through an encroachment agreement.

E. Tree Protection

Sign placement, including projections from a building facade, shall protect all trees as required by Article 29 as well as any trees located in the public right-of-way.

F. Permitted Materials for Signs

1. Permanent sign structures shall be constructed of brick, wood or simulated wood, stone, concrete, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction.

2. Awning, canopy, projecting, light pole banner, banners, and wall signs may also be constructed of durable weather resistant material such as canvas, nylon, or vinyl-coated fabric.

3. Wall, awning, canopy, projecting, and light pole banners constructed of non-rigid material such as canvas, nylon, or vinyl-coated fabric shall be mounted within a frame so that they are held taut between all supports.

G. Audio Components

Audio components are prohibited as part of any sign, except for the following:

1. Drive-through sign: For drive-through signs, the audio component shall be designed, located, shielded, and directed to prevent detection from surrounding properties.

H. Changeable Message

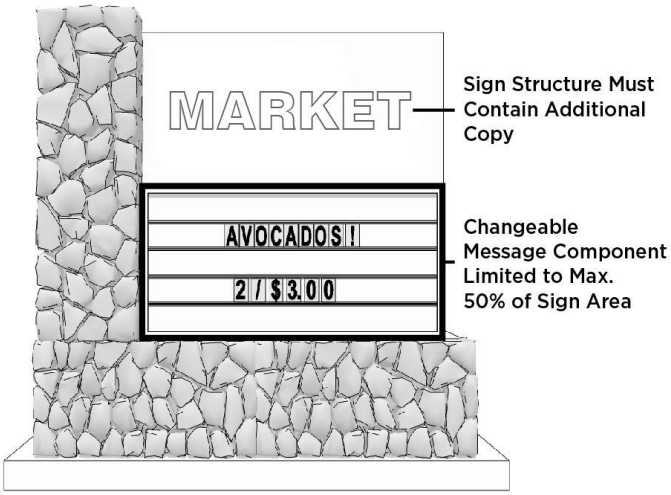
1. The following sign types, when allowed within a zoning district, may have a changeable message component: wall sign, projecting sign, ground sign, or marquee sign. Electronic signs are limited to the zoning districts listed in Section 22.9.C.

2. Where a sign has an electronic message or manual changeable copy component, it is limited to a maximum of 50% of the total area of the sign.

a. For properties located within the I-277 loop, an electronic message or manual changeable copy component may comprise 100% of the total area of a sign.

3. A sign structure with a changeable message component shall contain additional copy; it cannot be a blank sign structure once the changeable message component is discounted. This provision does not apply to signs located within the I-277 loop and comprised entirely of a changeable message component.

CHANGEABLE MESSAGE SIGN



I. Illumination Standards

1. All sign illumination, both external and internal, shall be designed, located, shielded, and directed to prevent the casting of glare or direct light upon rights-of-way and surrounding properties, and prevent the distraction of motor vehicle operators or pedestrians in the rights-of-way.

2. The sign face of internally illuminated signs shall function as a filter to diffuse illumination. The sign face shall cover all internal illumination components so that no exposed bulbs are visible.

3. All external illumination of a sign shall concentrate the illumination upon the printed area of the sign face.

4. Sign illumination shall not be combined with reflective materials, such as mirrors, polished metal, or highly-glazed tiles, which would increase glare.

5. Strobe lights, moving or fixed searchlights, and floodlights/spotlights are prohibited, except in the UC Zoning District, where such lighting is permitted.

6. No lighting, including neon or LED components of signs, may flash, except in the UC Zoning District, where such lighting may flash, chase, or blink.

7. Neon or LED lighting to outline doors, windows, architectural features, and building facades is permitted. Such lighting shall remain static (i.e., no chasing, blinking, or flashing) except in the UC Zoning District, where such lighting may chase, blink or flash.

8. The maximum allowable footcandle at the lot line is one footcandle unless a sign extends over the lot line, where the maximum of one footcandle is measured at the back of curb. This does not apply to electronic message signs, which are regulated by Item 9 below.

9. For electronic message signs, excluding electronic outdoor advertising signs, the maximum brightness is limited to 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn (i.e., the time of day between sunset and sunrise). The sign shall have an ambient light meter and automatic or manual dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise. Electronic outdoor advertising signs are regulated by Section 22.10 below.

J. Maintenance of Signs

1. All signs shall be maintained in good condition. Deficiencies such as chipped paint, broken plastic, missing letters, and exposed light bulbs are evidence of a lack of maintenance.

2. The City may remove any sign that is an immediate public peril to persons or property summarily and without notice.

3. Sign frames shall not remain unfilled and/or allow any internal part or element of the sign structure to be visible. Sign frames filled or replaced with a blank panel are considered to meet this standard.

22.8 SIGN PERMISSIONS

Table 22-2: Sign Permissions catalogs the types of permitted signs, both permanent and temporary, and indicates whether such sign requires a sign permit. This table is provided for reference purposes. In the case of any conflict with the regulations of this article or any other section of this Ordinance, the specific sign regulations control over this table. This table does not address outdoor advertising signs (Section 22.10) and areas of special sign regulation (Section 22.11).

Table 22-2: Sign Permissions

Sign Types	Permissions	
	By Use/Activity	By Zoning District
Standards for Signs Exempt from Permit (Section 22.6)		
A-Frame Sign	All uses	Neighborhood 2 Zoning Districts Neighborhood Commercial Zoning Districts Community Activity Center Zoning Districts Regional Activity Center Zoning Districts Innovation Mixed-Use Zoning Districts Commercial Zoning Districts Manufacturing and Logistics Zoning Districts Campus Zoning Districts Transit Oriented Development Zoning Districts
Accessory Use Signs		All zoning districts
Banners	Nonresidential uses	All zoning districts
Construction Activity	Construction site	All zoning districts
Flag – Commercial Flag	Nonresidential uses	Neighborhood Commercial Zoning Districts Community Activity Center Zoning Districts Regional Activity Center Zoning Districts Innovation Mixed-Use Zoning Districts Commercial Zoning Districts Manufacturing and Logistics Zoning Districts Campus Zoning Districts Transit Oriented Development Zoning Districts
Flag – Noncommercial Flag		All zoning districts
Light Pole Banner	Light poles on private property	All zoning districts
Noncommercial Message Sign		All zoning districts
Parking Lot, Parking Structure, and Site Circulation Signs	Parking lot and parking structure	All zoning districts
Real Estate Activity	Real estate activity	All zoning districts
Temporary Off-Premise Advertising Sign		All zoning districts
Temporary Outdoor Sales Sign	Nonresidential uses	All zoning districts
Vehicle Dealership Temporary Sign	Vehicle dealership	All zoning districts

Table 22-2: Sign Permissions		
Window Sign	All uses	Neighborhood 2 Zoning Districts Neighborhood Commercial Zoning Districts Community Activity Center Zoning Districts Regional Activity Center Zoning Districts Innovation Mixed-Use Zoning Districts Commercial Zoning Districts Manufacturing and Logistics Zoning Districts Campus Zoning Districts Transit Oriented Development Zoning Districts
Sign Types	**Permissions**	
	By Use/Activity	**By Zoning District**
Signs Requiring Permit (Section 22.9)		
Drive-Through Sign	Drive-through lanes	All zoning districts
Electronic Sign	Nonresidential uses	Neighborhood Commercial Zoning Districts Community Activity Center Zoning Districts Regional Activity Center Zoning Districts Innovation Mixed-Use Zoning Districts Commercial Zoning Districts Manufacturing and Logistics Zoning Districts Campus Zoning Districts Transit Oriented Development Zoning Districts
	Cultural facility; Educational facility – primary or secondary; Educational facility – university or college; Government office/facility; Public park/playground; Place of worship	All zoning districts
Ground Sign:		
Ground Sign	Nonresidential uses Multi-family dwellings	See Table 22-3
Retail Center Ground Sign	Retail Centers	All zoning districts except the TOD-UC or TOD-NC Zoning Districts
Multi-Tenant Nonresidential Development Ground Sign	Multi-Tenant Nonresidential Development	All zoning districts except the TOD-UC or TOD-NC Zoning Districts
Multi-Use Development Ground Sign	Multi-Use Development	All zoning districts except the TOD-UC or TOD-NC Zoning Districts
Residential Development Ground Sign	Residential Development	All zoning districts except the TOD-UC or TOD-NC Zoning Districts
Marquee	Nonresidential uses	Neighborhood Commercial Zoning Districts Community Activity Center Zoning Districts Regional Activity Center Zoning Districts Innovation Mixed-Use Zoning Districts Transit Oriented Development Zoning Districts
Roof Sign	Nonresidential uses Multi-family dwellings	CR Zoning District UC and UE Zoning Districts TOD-UC and TOD-CC Zoning Districts
Skyline Sign	Nonresidential uses Multi-family dwellings	Neighborhood Commercial Zoning Districts Community Activity Center Zoning Districts Regional Activity Center Zoning Districts Innovation Mixed-Use Zoning Districts Commercial Zoning Districts Manufacturing and Logistics Zoning Districts Campus Zoning Districts Transit Oriented Development Zoning Districts

Table 22-2: Sign Permissions		
Temporary Signs for Development Construction Lots	Development under construction	All zoning districts
Wall-Mounted Signs: Wall Signs, Awning and Canopy Signs, Projecting Signs	Nonresidential uses Multi-family dwellings	All zoning districts
Wall Sign, Painted	Nonresidential uses	All zoning districts
Wall Sign, Projected	Nonresidential uses	All zoning districts

22.9 SIGNS REQUIRING A PERMIT

The following on-premise signs require a sign permit and are subject to all applicable standards of this article. Additionally, the following sign types shall operate only as on-premise signs. Outdoor advertising signs are regulated separately in Section 22.10.

A. Awning and Canopy Signs

1. The following standards apply to awning and canopy signs:

a. One awning or canopy sign is permitted per tenant with a façade abutting a public or network-required private street, or public right- of-way. Tenants occupying spaces with façades abutting multiple public streets, network-required private streets, or public rights-of-way are permitted one awning or canopy sign per façade.

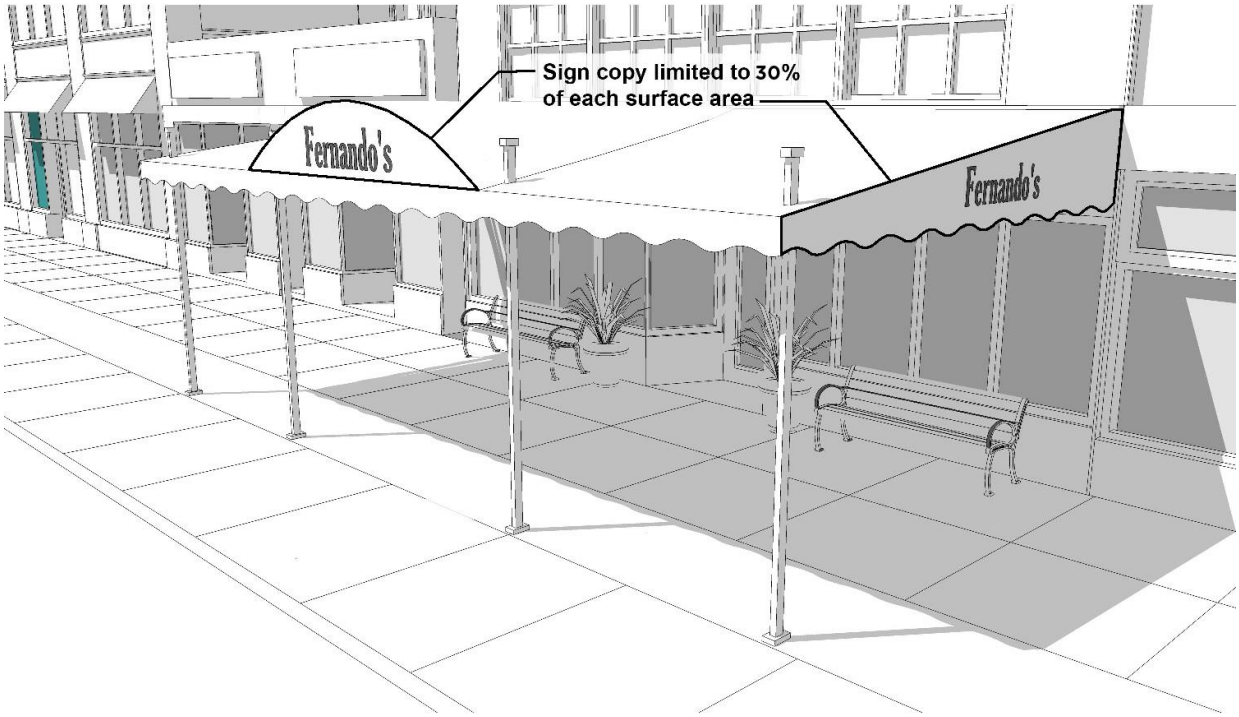
b. Sign copy on any awning or canopy sign surface is limited to 30% of each surface area. A valance is considered a separate surface area.

c. A canopy is permitted a sign face area attached to and located above the top of the canopy to a maximum height of 24 inches.

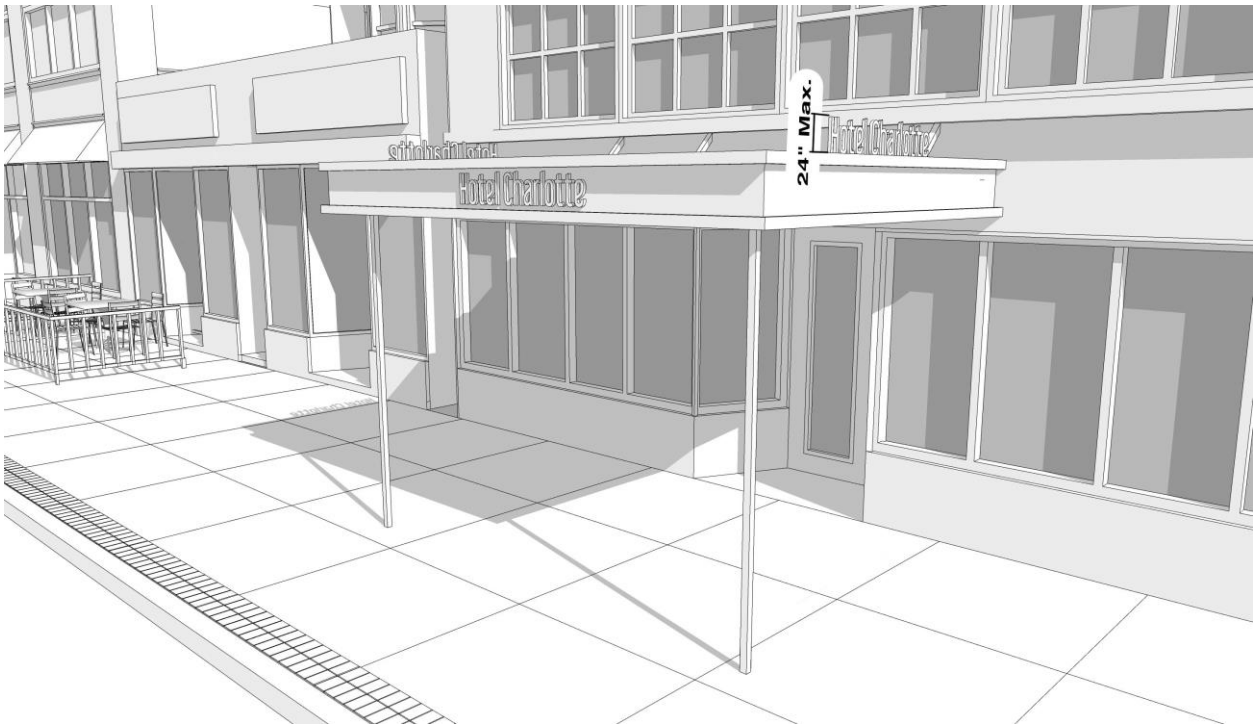
d. Awning and canopy signs may be illuminated.

AWNING SIGN

NONSTRUCTURAL CANOPY SIGN



STRUCTURAL CANOPY SIGN



B. Drive-Through Signs

1. The following standards apply to drive-through signs:

a. Drive-through signs are limited to one per drive-through lane.

b. Drive-through signs are limited to 64 square feet in sign area and eight feet in height. The drive-through sign may be designed as separate ground signs grouped together and may include the use of preview boards designed as separate ground signs installed at a distance earlier in the drive-through lane, however the total area of all signs shall not exceed 64 square feet.

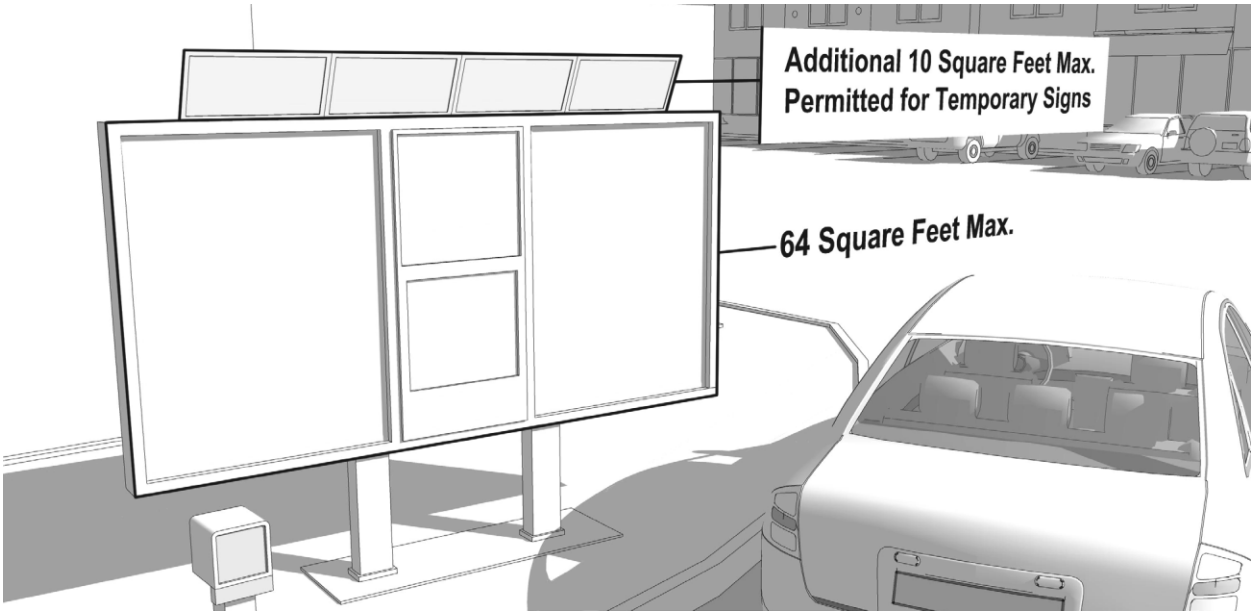
c. In addition, drive-through signs are permitted ten square feet of sign area for temporary signs attached to the top or sides of the drive-through sign.

d. Drive-through signs shall be located a minimum of 15 feet from any Neighborhood 1 Place Type. This shall be measured as the shortest straight line from the sign face to the nearest edge of any residential zoning district in the Neighborhood 1 Place Type.

e. Drive-through signs may be internally illuminated. Drive-through signs may also contain an electronic or video display screen and audio component for interaction with the customer. No external illumination of drive-through signs shall be permitted.

i. For any included audio component, the standards of Section 22.7.G shall apply.

DRIVE-THROUGH SIGN



C. Electronic Signs

1. Electronic signs are permitted for all uses within the following zoning districts: Neighborhood Commercial Zoning Districts; Community Activity Center Zoning Districts; Regional Activity Center Zoning Districts; Innovation Mixed-Use Zoning Districts; Commercial Zoning Districts; Manufacturing and Logistics Zoning Districts; Campus Zoning Districts; and Transit Oriented Development Zoning Districts.

2. In addition, electronic signs are also permitted for the following:

a. The following uses in any zoning district are permitted an electronic sign: cultural facility, educational facility - primary or secondary, educational facility - university or college, government office/facility, public park/playground, place of worship.

3. Only one electronic sign per lot is permitted.

4. Electronic outdoor advertising signs are controlled by Section 22.10.

5. Each message or image displayed on an electronic sign shall be static for a minimum of eight seconds. Electronic signs shall display static text messages only, with no animation or effects simulating animation or video. Scrolling, flashing, animation, or movement of the message or any component of the sign is prohibited. Any message change sequence shall be accomplished immediately by changing from one screen to another without transition effect. Such prohibition does not apply to the UC Zoning District.

D. Ground Signs

1. Ground Sign Types

Ground signs are regulated as five types in this article:

a. Ground signs are permitted for multi-family dwellings and nonresidential uses in the zoning districts indicated in Item 3 below.

b. Retail center ground signs are permitted for multi-tenant retail centers in any zoning district except the Regional Activity Center Zoning Districts and the TOD-UC and TOD-NC Zoning Districts.

c. Multi-tenant nonresidential development ground signs are permitted in any zoning district except the Regional Activity Center Zoning Districts and the TOD-UC and TOD-NC Zoning Districts.

d. Multi-use development ground signs are permitted in any zoning district except the Regional Activity Center Zoning Districts and the TOD-UC and TOD-NC Zoning Districts.

e. Ground signs are permitted for residential developments in any zoning district except the Regional Activity Center Zoning Districts and the TOD-UC and TOD-NC Zoning Districts.

2. General Regulations

The following regulations apply to all ground signs:

a. All ground signs shall be of monument type construction, except for ground signs in the Manufacturing and Logistics Zoning Districts and the CR Zoning District.

i. Ground signs for nonresidential uses in the Manufacturing and Logistics Zoning Districts and the CR Zoning District may be of pole sign type construction up to a maximum height of 30 feet.

ii. Pole signs are limited to one per lot and a maximum sign area of 84 square feet.

b. Ground signs may be in a required setback or along a zoning district-specific frontage with the following exceptions:

i. Ground signs along frontages shall be located out of the right-of-way, if it exists, or behind the required sidewalk or path, whichever is greater.

(A) In the Neighborhood Commercial Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, and Innovation Mixed-Use Zoning Districts, ground signs shall be located out of the right-of-way, if it exists, or setback, whichever is greater.

ii. Ground signs shall not project into, over, or otherwise encroach on a public right-of-way, or a sidewalk as part of a network required private street.

c. Ground signs may be internally or externally illuminated. If externally illuminated, all light shall be directed onto the sign face.

3. Ground Signs

Ground signs are subject to the following:

a. Ground signs are permitted for multi-family and nonresidential uses in the zoning districts listed in Table 22-3: Ground Signs. Table 22-3 also contains the maximum sign areas and maximum heights.

b. One ground sign is permitted along street frontage of a lot measuring less than 400 feet. Additional signs are allowed as follows:

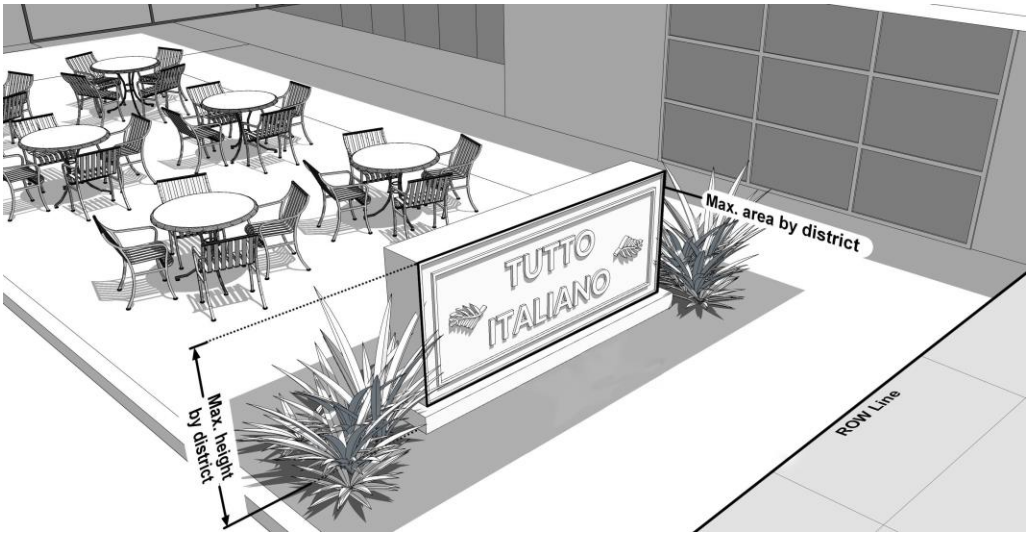
i. Each street frontage of a lot measuring 400 feet or more, is permitted one additional sign. However, a minimum distance of 200 feet shall be maintained between signs along the same frontage. This does not apply to a use from the Institutional and Government Uses category in the Use Matrix in Article 15, which is controlled by Item ii below.

ii. Uses from the Institutional and Government Uses category in the Use Matrix in Article 15 located in any zoning district are permitted one additional ground sign of 16 square feet and four feet in height.

Table 22-3: Ground Signs

Zoning District	Maximum Sign Area	Maximum Sign Height
Neighborhood 1 Zoning Districts	36sf	7’
Neighborhood 2 Zoning Districts	36sf	7’
Neighborhood Commercial Zoning Districts	36sf	7’
Community Activity Center Zoning Districts	36sf	7’
Regional Activity Zoning Districts	Prohibited	Prohibited
Transit Oriented Development Zoning Districts	*See below*	*See below*
TOD-UC Zoning District	Prohibited	Prohibited
TOD-NC Zoning District	Prohibited	Prohibited
TOD-CC Zoning District	36sf	7’
TOD-TR Zoning District	36sf	7’
Commercial Zoning Districts	*See below*	*See below*
CG Zoning District	42sf	7’
CR Zoning District	84sf	30’
Campus Zoning Districts	36sf	7’
Innovation Mixed-Use Zoning Districts	36sf	7’
Manufacturing and Logistics Zoning Districts	84sf	30’

GROUND SIGN – MONUMENT



4. Retail Center Ground Signs

Ground signs for retail centers are regulated separately from Item 3 above, and are subject to the following standards:

a. One retail center ground sign is permitted per street frontage. For lots of five acres or more, an additional ground sign is permitted for each entry point to the lot but a minimum separation of 200 feet is required between signs.

b. Retail center ground signs are limited to the following maximum sign areas and heights:

i. Development site area of less than 25,000sf: 48 square feet in area and eight feet in height

ii. Development site area of 25,000sf up to 50,000sf: 100 square feet in area and 10 feet in height

iii. Development site area more than 50,000sf up to 200,000sf: 128 square feet in area and 15 feet in height

iv. Development site area of more than 200,000sf: 150 square feet in area and 15 feet in height

c. Where a multi-tenant retail center includes outparcels, each outparcel is permitted one ground sign of a maximum of 36 square feet in sign area and a maximum of five feet in height.

d. Ground signs for retail centers located in Regional Activity Center Zoning Districts and the TOD-UC and TOD-NC Zoning Districts are prohibited.

5. Multi-Tenant Nonresidential Development Ground Signs

Ground signs for multi-tenant nonresidential developments are regulated separately from Item 3 above, and are subject to the following standards:

a. One ground sign of 50 square feet in area maximum and a maximum height of seven feet.

b. A second ground sign of 24 square feet in area maximum and a maximum height of four feet.

c. Outparcels on the site are each allowed one ground sign of 36 square feet in area maximum and a maximum height of five feet.

d. Ground signs for multi-tenant nonresidential developments located in Regional Activity Center Zoning Districts and the TOD-UC and TOD-NC Zoning Districts are prohibited.

6. Multi-Use Development Ground Signs

Ground signs for multi-use developments are regulated separately from Item 3 above, and are subject to the following standards:

a. One ground sign of 50 square feet in area maximum and a maximum height of seven feet.

b. A second ground sign of 24 square feet in area maximum and a maximum height of four feet.

c. Outparcels on the site are each allowed one ground sign of 36 square feet in area maximum and a maximum height of five feet.

d. Ground signs for multi-use developments located in Regional Activity Center Zoning Districts and the TOD-UC and TOD-NC Zoning Districts are prohibited.

7. Residential Development Ground Sign

Ground signs for residential developments are regulated separately from Item 3 above, and are subject to the following standards:

a. One residential development ground sign is permitted for each entry point to the development. A minimum separation of 200 feet is required between signs. Two separate sign faces may be used in conjunction with a wall, fence, or other architectural entrance feature.

b. Residential development ground signs are permitted a maximum sign area of 42 square feet per sign and a maximum sign height of five feet per sign.

c. Ground signs for residential developments located in Regional Activity Center Zoning Districts and the TOD-UC and TOD-NC Zoning Districts are prohibited.

E. Marquee Signs

1. Marquee signs are permitted for nonresidential uses only in the following zoning districts: Neighborhood Commercial Zoning Districts; Community Activity Center Zoning Districts; Regional Activity Center Zoning Districts; Innovation Mixed-Use Zoning Districts; and Transit Oriented Development Zoning Districts.

2. Marquee signs shall be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports.

3. The roof of a marquee sign shall not be used for any purpose other than to form and constitute a roof or to support a vertically-oriented extension of the sign extending upward and mounted perpendicular to the wall on which the marquee is mounted.

4. Marquee signs shall be erected over a building entrance. The width of a marquee sign is limited to the width of the building entrance with an additional five-foot extension of the marquee sign allowed on each side of the building entrance so long as such extension is part of the same structure.

5. All marquee signs shall maintain a minimum vertical clearance of nine feet, and the roof of the marquee structure shall be erected below any second-floor windowsill located above the marquee and cannot obstruct any other architectural features.

6. Marquee signs may encroach over a public or private sidewalk and/or amenity zone but shall not project from a building façade more than nine feet and shall be no closer than four feet from the future back of curb.

7. Marquee signs are permitted a vertically-oriented extension attached to and located above the roof of a marquee sign structure and perpendicular to the building wall. The height of the vertically oriented extension is limited to a maximum of 24 inches above the building parapet. Such vertically-oriented extension is limited to a maximum projection of 75% of the depth of the marquee, as measured perpendicularly from the building wall to the furthest point of the marquee structure.

8. Marquees may be internally or externally illuminated.

MARQUEE SIGN

F. Roof Signs

1. Roof signs are permitted only for nonresidential buildings and multi-family dwellings of 30 feet or more in height in the CR, UC, UE, TOD-UC, and TOD-CC Zoning Districts.

2. The size of the roof sign is limited to a height of 15 feet above the roof, including the support structure. The width of a roof sign is limited to 65% of the roof level width or 40 feet, whichever is less.

3. Roof signs shall be designed with channel letters/icons and the overall area shall be a minimum of 40% transparent.

4. A maximum of one roof sign is permitted per building. Roof signs shall only be installed on a flat roof.

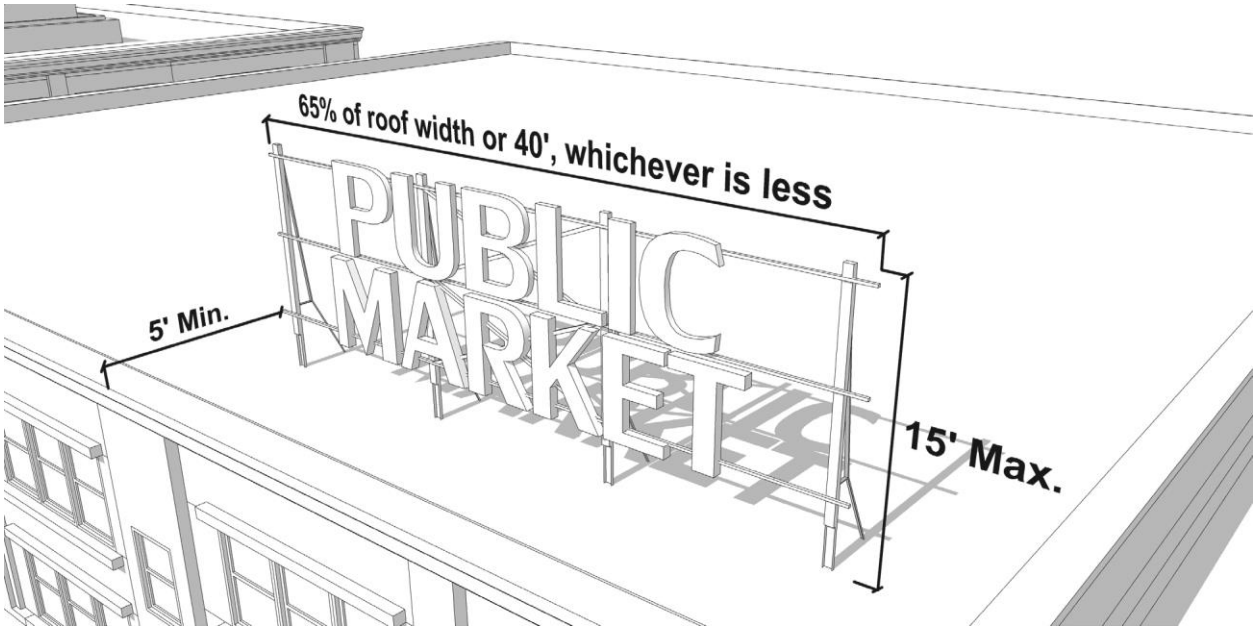
5. If a roof sign is erected on a building, a skyline sign (Item G below) is prohibited.

6. A roof sign shall be set back a minimum of five feet from the edge of a roof.

7. Roof signs shall be safely and securely attached to the roof structure and cannot interfere with any roof access points.

8. Roof signs shall only be internally illuminated.

ROOF SIGN



G. Skyline Signs

1. Skyline signs are permitted only for nonresidential buildings and multi-family dwellings of 50 feet or more in height in the following zoning districts: Neighborhood Commercial Zoning Districts; Community Activity Center Zoning Districts; Regional Activity Center Zoning Districts; Innovation Mixed-Use Zoning Districts; Commercial Zoning Districts; Manufacturing and Logistics Zoning Districts; Campus Zoning Districts; and Transit Oriented Development Zoning Districts.

2. The size of the skyline sign is limited as follows:

a. Building height of 50’ to 75’: 300sf

b. Building height of greater than 75’ to 100’: 480sf

c. Building height of greater than 100’ to 200’: 600sf

d. Building height of greater than 200’ to 500’: 720sf

e. Building height of greater than 500’: 850sf

3. One skyline sign is permitted per facade.

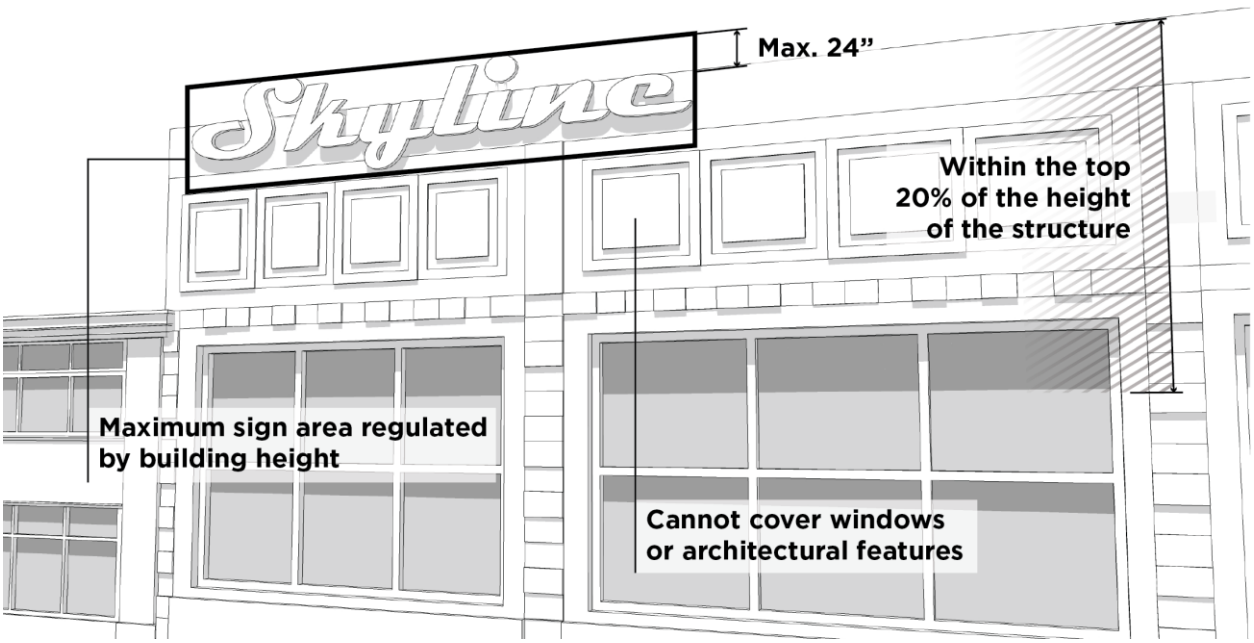
4. Skyline signs shall be placed within the top 20% of the height of the structure and cannot cover any windows or architectural features.

5. Skyline signs may project up to 24 inches above the roofline or parapet but shall be designed as a wall-mounted sign and cannot be primarily supported by structures installed on the roof.

6. If a skyline sign is erected on a building, a roof sign (Item F above) is prohibited.

7. Skyline signs shall only be internally illuminated.

SKYLINE SIGN ~~Updated diagram~~



H. Temporary Signs for Development Construction Lots

1. Developments under construction are permitted temporary ground signs.

2. One primary and two secondary temporary ground signs are allowed per street frontage of the development. In addition to these temporary signs, either one real estate activity or one construction activity sign may also be permitted per street frontage.

3. The maximum sign area of a primary sign is limited to 48 square feet in the Neighborhood 1 and Neighborhood 2 Zoning Districts, and 64 square feet in all other zoning districts. The maximum sign area of a secondary sign is limited to 12 square feet.

4. The maximum height of the primary sign is limited to ten feet, and six feet for a secondary sign.

5. Within 30 days after all final certificates of occupancy have been granted, all temporary signs installed per this section shall be removed.

I. Wall-Mounted Signs

1. General Regulations

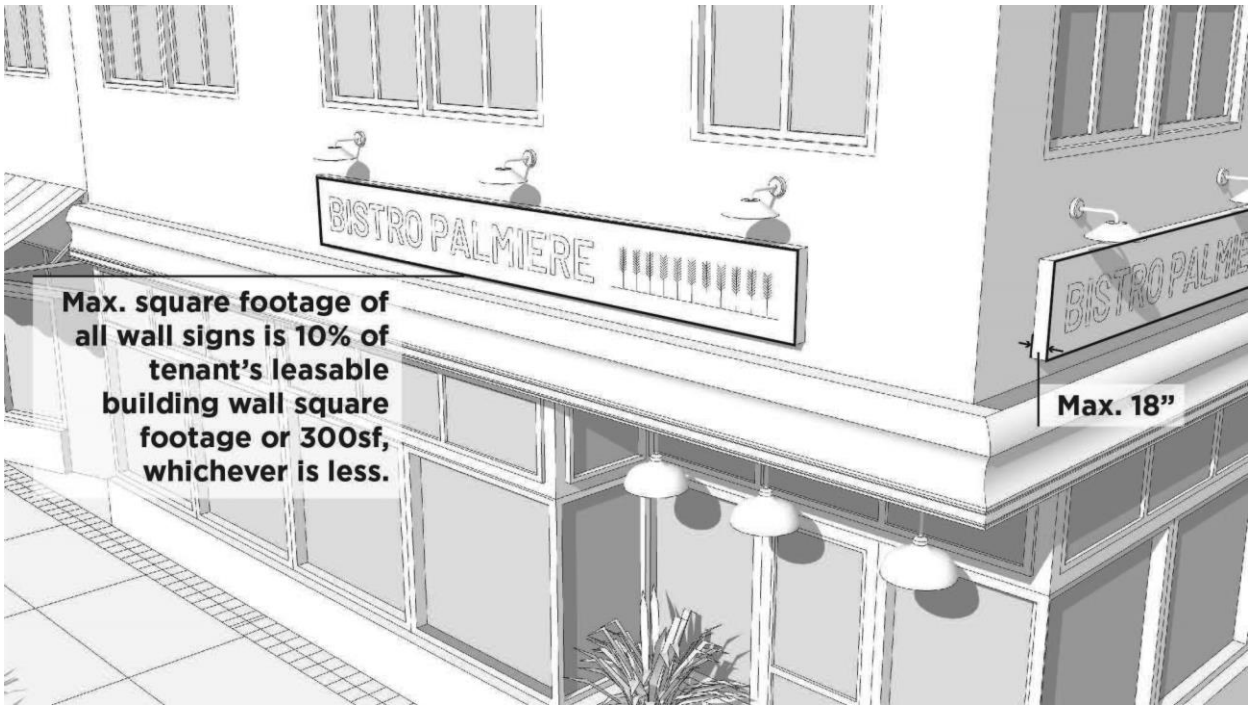
a. Wall-mounted signs are permitted for all multi-family and nonresidential uses in any zoning district.

b. Wall signs, projecting signs, and awning and canopy signs are considered wall-mounted signs. Other signs of this section that may be mounted on a wall, such as marquee, skyline, and roof signs, are regulated separately and do not count toward the maximum sign area of wall-mounted signs. Painted and projected wall signs (Item J and Item K, respectively) are also not considered wall-mounted signs and are regulated separately and do not count toward the maximum sign area of wall-mounted signs.

c. In a multi-tenant building, the maximum square footage of all wall-mounted signs is allocated by tenant with leasable building wall square footage along each building facade.

d. The maximum square footage of all wall-mounted signs is 10% of the tenant's leasable building wall square footage or 300 square feet, whichever is less. This limit applies to each tenant and square footage cannot be transferred from one tenant of a structure to another or from one facade of a structure to another.

WALL SIGN



2. Wall Sign

(Painted wall signs and projected wall signs are not regulated by this section and are regulated separately in Items J and K below.)

a. Wall signs are permitted on each facade of a structure. On a site consisting of multiple structures, each structure is permitted wall signs per the regulations of this section.

b. Wall signs may be internally or externally illuminated. If externally illuminated, all light shall be directed onto the sign face.

c. Wall signs shall be safely and securely attached to the building wall. Wall signs shall not project more than 18 inches from a building wall.

d. Wall signs with a background, such as cabinet-box or flat-panel style wall signs, and any associated sign support structure shall not project beyond the ends or top of the wall, or higher than the roofline of the structure to which they are attached. Signs without a background, such as pin-mounted or raceway-mounted channel letter signs, and any associated sign support structure may project a maximum of 24 inches above the roofline but may not project horizontally beyond the end of the wall to which they are attached.

e. Parapets added to existing buildings for the purpose of attaching signs shall match the architecture of the rest of the building, be of the same thickness, and on the same plane as the wall to which it is added, and no more than six feet above the roofline. Additions to a parapet for the purpose of signage cannot be braced back to the roof.

f. Wall signs cannot cover any window, windowsill, transom sill, or architectural feature, such as cornices, of the structure.

3. Projecting Signs

a. Projecting signs shall maintain a minimum vertical clearance of nine feet. No projecting sign affixed to a building shall project higher than the building height, including the sign support structure.

b. Projecting signs shall be mounted within the first four stories of the structure.

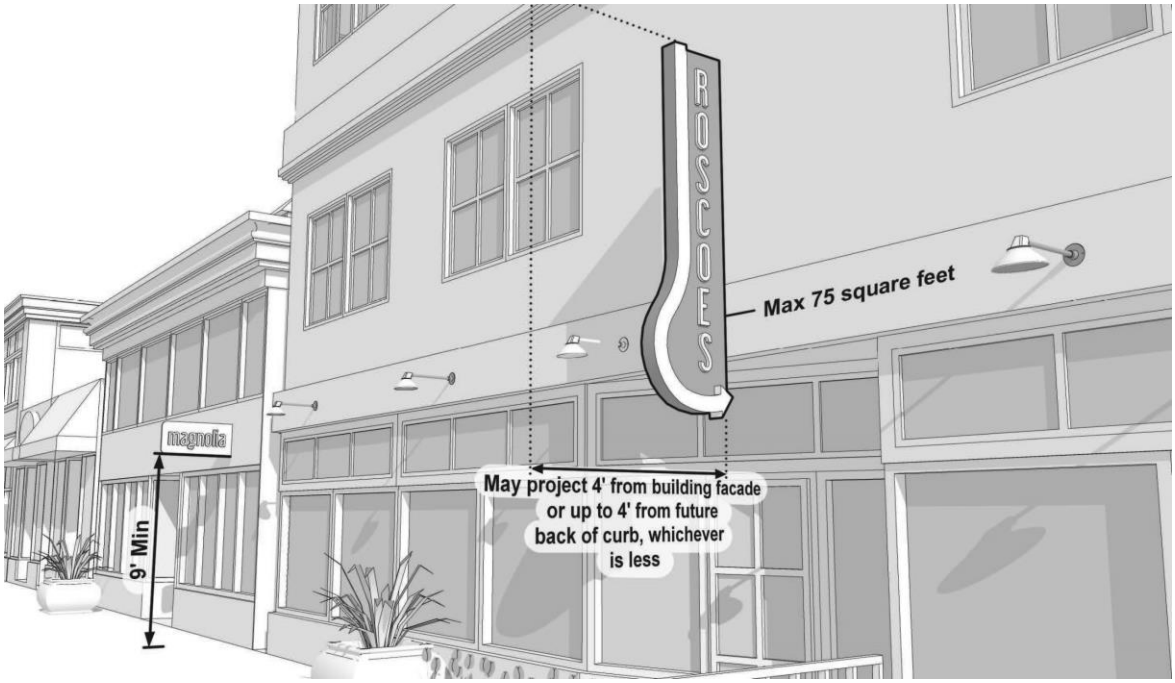
c. Projecting signs are limited to a maximum sign area of 75 square feet. Sign area is counted toward the maximum sign area of all wall-mounted signs.

d. One projecting sign is permitted per tenant with frontage on a street. For a corner lot, one projecting sign is permitted for each street frontage.

e. Projecting signs are limited to a projection of four feet from the building facade or up to four feet from the future back of curb, whichever is less.

f. Projecting signs may be internally or externally illuminated.

PROJECTING SIGN



J. Wall Signs, Painted

A painted wall sign is not limited to only the application of paint on the wall surface. Painted wall signs include other methods of application and/or materials, including but not limited to, tiles or screen printing.

1. Painted wall signs are permitted for all nonresidential uses in any zoning district. Painted wall signs are regulated separately and do not count toward the maximum sign area of wall-mounted signs of Item I above.

2. Painted wall signs are permitted on each facade of a structure. There is no size limit for a painted wall sign.

3. Painted wall signs shall not be painted on or obscure architectural features such as windows, doors, pilasters, or cornices.

4. Painted wall signs may be externally illuminated. If externally illuminated, all light shall be directed onto the sign face.

5. Painted wall signs shall not project more than 0.25 inches from a building wall.

6. Nothing in this section shall prevent an installer from incorporating their name or other identifying information as part of the painted wall sign.

7. The property owner, or their authorized agent/representative such as the business owner, are responsible for ensuring that a permitted painted wall sign is maintained in good condition and is repaired in the case of vandalism or accidental destruction.

K. Wall Signs, Projected

1. Projected wall signs are permitted for all nonresidential uses in any zoning district. Projected wall signs are regulated separately and do not count toward the maximum sign area of wall-mounted signs of Item I above.

2. Projected wall signs shall remain static and cannot flash, rotate, or move.

3. No projected wall sign can project an electronic video.

4. Projected wall signs shall not glare onto adjacent properties.

5. Projected wall signs shall not project past the wall onto which it is projected.

6. Projected wall signs shall not be projected over any other permanent or temporary sign, which includes painted wall signs.

22.10 OUTDOOR ADVERTISING SIGNS

A. Purpose

The purpose of this section is to establish regulations for outdoor advertising signs that contain off-premise advertising and noncommercial messages to reduce visual clutter, protect the view of the skyline, reduce distractions for motorists, and reduce conflicts with traffic control signs. These regulations are designed to:

1. Present and perpetuate uncluttered and natural views for the enjoyment and environmental enrichment of the citizens of Charlotte, as well as visitors.

2. Promote economic prosperity, civic pride, quality of life, and the general welfare of citizens.

3. Enhance the aesthetic values of the city and its economic vitality.

4. Protect property values.

5. Promote good urban design.

6. Promote safety of motorists.

B. Static Outdoor Advertising Signs

Permits for new static outdoor advertising signs are issued only in accordance with the standards and regulations listed Table 22-4: Static Outdoor Advertising Signs. This excludes electronic changeable face outdoor advertising signs, tri-vision outdoor advertising signs, and other similar technologies.

Table 22-4: Static Outdoor Advertising Signs	
Zoning Districts Permitted	Manufacturing and Logistics Zoning Districts located within 150' of the right-of-way of Limited Access Roads
Location	Cannot locate within required setbacks and yards
Maximum Sign Face Area	380sf
Maximum Height	The height of any portion of the sign structure, excluding cutouts or embellishments, as measured vertically from the adjacent edge of pavement of the main traveled way shall not exceed 50'
Maximum Number of Sign Faces	1 per side of sign
Sign Type/Anchoring	Freestanding of unipole construction only
Sign Permit Required	A sign permit application shall be submitted in accordance with Section 22.4
Limitations	Moving, rotating, fluttering, blinking, flashing elements prohibited Animation, video, audio, pyrotechnic components prohibited Automatic changeable face outdoor advertising signs prohibited Bluecasting technology prohibited
Message Duration	The message cannot change more than once within a 24-hour time period
Message Type	Off-premise advertising and noncommercial messages
Illumination	Any illumination devices shall be effectively shielded to prevent beams or rays of light from being directed at any portion of a street or highway Illumination intensity or brilliance cannot cause glare or impair the vision of motorists, and cannot interfere with any driver's operation of a motor vehicle
Spacing of Sign to Place Types	There shall be at least 400' between the outdoor advertising sign and any property located within a Neighborhood 1 Place Type and Neighborhood 2 Place Type The distance shall be the shortest measurable distance between the nearest point of the sign to the edge of the Place Type
Spacing to Outdoor Advertising Signs on the Same Side of the Street	There shall be at least 1,000' between outdoor advertising signs on the same side of the street The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street
Spacing to Outdoor Advertising Signs on the Opposite Side of the Street	There shall be at least 500' from any other outdoor advertising sign on the opposite side of the street The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street
Spacing to Outdoor Advertising Signs on Nearby Streets	In addition, no two outdoor advertising sign structures within 300' of any street right-of-way on the same side of the street shall be spaced less than 1,000 feet apart, regardless of the street from which the sign is intended to be viewed The distance shall be the shortest measured distance between the nearest point of the sign to the nearest point of the other sign
Spacing to Existing Buildings	There shall be a minimum of 20' distance required between an outdoor advertising sign structure and an existing building The distance shall be the shortest measured distance between the nearest point of the sign to the edge of the building
Tree-Cutting	Vegetation cutting on City-maintained streets for the purpose of clearing views for signs is prohibited unless approved by the City Arborist Cutting of any trees required by Article 20 that are in the setback on any property is prohibited
Historic District	No outdoor advertising sign shall be located directly across the street from, or within, an historic district

C. Electronic Changeable Face Outdoor Advertising Signs (Including Conversions)

Permits for new electronic changeable face outdoor advertising signs or a permit to convert a static outdoor advertising sign to an electronic changeable face outdoor sign are issued only in accordance with the standards and regulations listed Table 22-5: Electronic Changeable Face Outdoor Advertising Signs (Including Conversions). These regulations apply to all outdoor advertising signs, including those with North Carolina Permits.

Table 22-5: Electronic Changeable Face Outdoor Advertising Signs (Including Conversions)	
Zoning Districts Permitted	Manufacturing and Logistics Zoning Districts, located within 150' of the right-of-way of Limited Access Roads Within the CR Zoning District located within 150' of the right-of-way of Limited Access Roads for conversions of existing static outdoor advertising signs to electronic changeable face outdoor advertising signs
Location	Cannot locate within the required setbacks and yards
Maximum Sign Face Area	380sf
Maximum Height	The height of any portion of the sign structure, excluding cutouts or embellishments, as measured vertically from the adjacent edge of pavement of the main traveled way shall not exceed 50'
Maximum Number of Sign Faces	1 per side of sign
Sign Type/Anchoring	Freestanding of unipole construction only
Sign Permit Required	A sign permit application shall be submitted in accordance with Section 22.4
Limitations	Moving, rotating, fluttering, blinking, or flashing elements prohibited Animation, video, audio, pyrotechnic components prohibited Bluecasting components prohibited
Message Duration	Advertising messages or information shall remain in a fixed, static position for a minimum of 8 seconds The change sequence shall be accomplished within an interval of 2 seconds or less
Message Type	Off-premise advertising and noncommercial messages
Illumination	The outdoor advertising sign shall have an automatic dimmer (factory set to the illumination intensities set below) and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that it does not cause glare or impair the vision of motorists, and does not interfere with any driver's operation of a motor vehicle The sign cannot exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness Any external illumination devices shall be effectively shielded to prevent beams or rays of light from being directed at any portion of a street or highway, or any residential use
Spacing of Sign to Place Types	There shall be a minimum spacing of 400' between the electronic changeable face outdoor advertising sign and any property located within a Neighborhood 1 Place Type and Neighborhood 2 Place Type The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of the Place Type
Spacing to Outdoor Advertising Signs on the Same Side of the Street	There shall be a minimum spacing of 2,000' between an electronic changeable face outdoor advertising sign and any other electronic changeable face outdoor advertising sign on the same side of the street There shall also be a minimum of 1,000' between electronic changeable face outdoor advertising signs on the same side of the street and any other static outdoor advertising signs The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street

Table 22-5: Electronic Changeable Face Outdoor Advertising Signs (Including Conversions)	
Spacing to Outdoor Advertising Signs on the Opposite Side of the Street	There shall be a minimum spacing of 1,000' between electronic changeable face outdoor advertising signs on the opposite side of the street There shall also be a minimum of 500' spacing between electronic changeable face outdoor advertising signs and static outdoor advertising signs on the opposite side of the street The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street
Spacing to Outdoor Advertising Signs on Nearby Streets	No two electronic changeable face outdoor advertising signs within 300' of any street right-of-way on the same side of the street shall be spaced less than 2,000' apart, regardless of the street from which the sign is intended to be viewed In addition, no electronic changeable face outdoor advertising sign within 300' of any street right-of-way on the same side of the street shall be spaced less than 1,000' apart from any static outdoor advertising sign, regardless of the street from which the sign is intended to be viewed The distance shall be the shortest measured distance between the nearest point of the sign to the nearest point of the other sign
Spacing to Existing Buildings	20' minimum between an electronic changeable face outdoor advertising sign and any existing building The distance shall be the shortest measured distance between the nearest point of the electronic changeable face outdoor advertising sign to the edge of the building
Tree-Cutting	Vegetation cutting on City-maintained streets for the purpose of clearing views for signs is prohibited unless approved by the City Arborist Cutting of any trees required by Article 20 that are in the setback on any property is also prohibited
Historic District	No outdoor advertising sign shall be located within an historic district, or within 400' of an historic district boundary.
System Malfunction	Electronic changeable face outdoor advertising signs shall contain a default design that shall freeze the sign in one position with no more than a maximum illumination of 500 nits if a malfunction occurs

Table 22-6: Existing Outdoor Advertising Signs	
Zoning Districts Permitted	Manufacturing and Logistics Zoning Districts on Limited Access roads, Parkways, Arterials (except Main Streets), Collectors, and Local Streets CR Zoning District on Limited Access Roads, Parkways, Arterials (except Main Streets), Collectors, and Local Streets
Location	Cannot locate within the required setbacks and yards
Maximum Sign Face Area	380sf in Manufacturing and Logistics Zoning Districts 300sf in CR Zoning District
Maximum Height	Limited Access Roads in Manufacturing and Logistics Zoning Districts: The height of any portion of the sign structure, excluding cutouts or embellishments, as measured vertically from the adjacent edge of pavement of the main traveled way shall not exceed 50' Parkways, Arterials (except Main Streets), Collectors, and Local Streets in Manufacturing and Logistics Zoning Districts: The height of any portion of the sign structure, excluding cutouts or embellishments, as measured vertically from the adjacent edge of pavement of the main traveled way shall not exceed 40' Limited Access Roads, Parkways, Arterials (except Main Streets), Collectors, and Local Streets in CR Zoning District: The height of any portion of the sign structure, excluding cutouts or embellishments, as measured vertically from the adjacent edge of pavement of the main traveled way shall not exceed 30'
Maximum Number of Sign Faces	1 per side of sign
Sign Type/Anchoring	Freestanding of unipole construction only
Sign Permit Required	A sign permit application shall be submitted in accordance with Section 22.4
Limitations	Dimming, flashing, fading, or scrolling messages prohibited Moving, rotating, fluttering, blinking, flashing elements prohibited Animation, video, audio, pyrotechnic components prohibited Automatic changeable face outdoor advertising signs prohibited Bluecasting technology prohibited
Message Duration	The message cannot change more than once within a 24-hour period
Message Type	Off-premise advertising and noncommercial messages
Illumination	No outdoor advertising sign shall remain lighted between the hours of 12:00 a.m. and 5:00 a.m. except those signs located along Limited Access Roads and Parkways All illumination devices shall be effectively shielded to prevent beams or rays of light from being directed at any portion of a street or highway Illumination intensity or brilliance cannot cause glare or impair the vision of motorists, and cannot interfere with any driver's operation of a motor vehicle
Spacing of Sign to Place Types	There shall be at least 400' between the outdoor advertising sign and any property located within a Neighborhood 1 Place Type and Neighborhood 2 Place Type The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of the Place Type
Spacing to Outdoor Advertising Signs on the Same Side of the Street	There shall be at least 1,000' spacing distance between outdoor advertising signs on the same side of the street The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street
Spacing to Outdoor Advertising Signs on the Opposite Side of the Street	There shall be at least 500' from any other outdoor advertising sign on the opposite side of the street The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street

Table 22-6: Existing Outdoor Advertising Signs	
Spacing to Outdoor Advertising Signs on Nearby Streets	In addition, no two outdoor advertising sign structures within 300' of any street right-of-way on the same side of the street shall be spaced less than 1,000' apart, regardless of the street from which the sign is intended to be viewed The distance shall be the shortest measured distance between the nearest point of the sign to the nearest point of the other sign
Spacing to Existing Buildings	There shall be a minimum of 20' distance required between an outdoor advertising sign structure and an existing building The distance shall be the shortest measured distance between the nearest point of the sign to the edge of the building
Tree-Cutting	Vegetation cutting on City-maintained streets for the purpose of clearing views for signs is prohibited unless approved by the City Arborist Cutting of any trees required by Article 20 that are in the setback on any property is also prohibited

22.11 SPECIAL SIGN REGULATIONS

A. Passenger Rail Pathways and Platform Signs

1. The maximum sign area for a sign on passenger rail pathways and platforms is 30 square feet.

2. The maximum sign height for a sign on passenger rail pathways and platforms is 5 feet, as measured from existing grade to the top of sign.

3. A maximum of eight sign faces per passenger rail pathway and platform are permitted.

4. All signs shall be oriented to make the sign content not readily visible from any street or other zoning district-specific frontage.

5. Passenger rail pathway and platform signs may be freestanding if anchored to passenger rail platform or may be attached to a platform wall or fence.

6. Passenger rail pathway and platform signs shall not be electronic signs and illumination is prohibited.

B. Development Flexibility Option

For providing flexibility and incentives for coordinated, well-designed sign systems for large scale development, special provisions varying the standards of these regulations may be approved by the Planning Director subject to the following:

1. The development is a residential, nonresidential, or mixed-use development, 25 acres or greater in size, or 150 units for multi-family developments, or containing more than 325,000 square feet of nonresidential uses.

2. A master sign program that includes the following information is submitted:

a. Detailed designs of all proposed signs, including the size, height, and materials of such signs.

b. Proposed locations and number of proposed signs.

c. Sign illumination plan.

d. Plans for landscape or architectural features to be used in conjunction with such plans.

3. The Planning Director shall determine whether the proposed signs are coordinated in terms of design features.

4. The Planning Director shall allow the following flexibility if Items 1, 2, and 3 above are met:

a. The maximum size of individual detached signs may be varied by up to 25%.

b. The number of ground signs along a street frontage may be increased up to three signs.

c. The maximum height of a ground sign may be increased up to 12 feet except when located along a Limited Access Road, Parkway, or Arterial (except Main Street), where the height may be increased up to 16 feet.

d. Subject to the sign criteria set out below, a commercial or a mixed-use development containing over 500,000 square feet of gross building area may have additional ground signs at the pedestrian entrances into the building(s). Such signs are not considered to be ground signs along a street frontage and do not count towards the maximum of three ground signs along a street frontage. Such signs are subject to the following:

i. Each sign shall be located a minimum of 400 feet from any street or other zoning district-specific frontage.

ii. Each sign shall be located within 150 feet of a pedestrian entrance.

iii. The maximum height of each sign is 18 feet, and the maximum sign area is 70 square feet per side.

C. Detached Signs Impacted by Government-Sponsored Projects

When a government-sponsored project requires either the relocation of an existing ground sign or impairs the visibility of an existing ground sign from the lane of travel adjacent to the sign, adjustments to the ground sign location and standards may be requested in accordance with the following.

1. Relocation of a Sign Approved on a Conditional Site Plan

a. Relocation of a ground sign, whose location was originally approved on a conditional site plan, may be requested if the sign's visibility from the adjacent travel lane is impacted by a government-sponsored project, or if the project requires the relocation of the sign.

b. The requested new location is not required to be a location shown on the approved conditional site plan.

2. Converting a Monument Sign to a Pole Sign

a. Conversion of a monument sign may be requested if the sign's visibility from the adjacent travel lane is impacted by a government-sponsored project.

b. Conversion to a pole sign may be requested even if the zoning district or conditional site plan does not allow pole signs.

c. Conversion to a pole sign shall only be considered if the ground sign cannot be relocated to another location that allows visibility from the adjacent travel lane.

3. Modification to the Maximum Height of a Sign

a. Modification to the maximum allowed height of a detached sign may be requested if the sign's visibility from the adjacent travel lane is impacted by a government-sponsored project.

b. Modification to the maximum allowed height may be requested even if the height is greater than that allowed by a conditional site plan.

c. Modification to the maximum allowed height shall only be considered if the sign cannot be relocated to another location that allows visibility from the adjacent travel lane.

d. Modification to the maximum allowed height shall only be considered if the increase is ten feet or less above the maximum sign height permitted in the zoning district.

4. Approval and New Sign Permit Required

a. An application shall be submitted to the Planning Department requesting the detached sign modification. The Planning Director has the authority to approve or disapprove the application. Considerations in granting approval include, but are not limited to, the following:

i. Need for relocation due to the government-sponsored project.

ii. Loss of visibility from the adjacent lane of travel.

iii. Impact of relocated utility lines.

iv. Purpose and intent of sign restrictions on conditional site plan.

v. Topographical changes due to the government-sponsored project.

vi. Unusual or unique circumstances.

vii. If the sign is proposed to be moved, has the distance between the existing and proposed location been minimized.

viii. If converting to a pole sign, has the requested increase in the sign height been minimized.

ix. If increasing the maximum sign height, has the increase in the proposed sign height been minimized.

x. Consolidation of multiple individual signs.

xi. All other sign standards of this article and the zoning district in which the sign is located are met.

b. If the application is approved, a new sign permit is required for each sign.

D. Landmark and Historic Signs

1. Designation Procedure

a. The property owner of the parcel where a proposed landmark sign is located, or the owner of the site where a proposed historic sign is to be relocated, may apply for designation of an existing sign as a landmark or historic sign. Such application shall be submitted on a form determined by the Planning Department. The Zoning Administrator has the authority to approve or to disapprove the designation of landmark or historic signs based upon the criteria stated below. At the time of the filing of a landmark or historic sign designation application, the applicant shall file all necessary information for the Planning Department to determine if the sign meets the criteria for the requested designation. The Zoning Administrator has the authority to request whatever other information is necessary to make a decision. The burden of proof for meeting the criteria is upon the applicant.

b. In approving or disapproving a landmark or historic sign application, the Zoning Administrator shall state the reasons in writing. An appeal of the decision to the UDO Board of Adjustment shall be properly filed within 30 days of the date of the decision as shown on the face of the decision.

c. Once a sign has been designated as a landmark or historic sign, the Planning Department shall then issue a certificate to the applicant stating that the sign has been duly designated as a landmark or historic sign.

d. If the sign being considered for landmark or historic designation is associated with a designated local landmark or located in an established Historic District, the Planning Department shall receive a recommendation from the appropriate Charlotte-Mecklenburg Historic Landmark Commission or the Historic District Commission before deciding.

e. After a sign is designated as a landmark or historic sign it shall be maintained in its original condition, shape, and size, except for minor changes required for structural enhancements or changes required to comply with minimum Building or Electrical Codes, or to remove portions from a public right-of-way. Where original materials are unavailable, substitute materials shall be used that are as similar as possible to the original material.

f. While a designated landmark or historic sign is deemed conforming, this section is not intended to prevent the Planning Department from enforcing this Ordinance if it, or another City agency, determines that there is a violation of any provisions, or the intent and purposes of any provisions of this Ordinance.

g. Nothing in this section shall prohibit the owner(s) of a designated landmark or historic sign from removing such a sign.

2. Landmark Signs

The purpose of designating a sign as a landmark sign is to encourage the restoration and retention of on-premise, nonconforming signs that are historically significant. ~~Once designated as a landmark sign, the sign is deemed conforming.~~

a. Designation Criteria

The Planning Department may designate an existing on-premises sign as a landmark sign if it meets the following criteria:

i. The sign has been in continuous existence at the present location for at least 25 years.

ii. The sign is an on-premises sign, which meets at least four of the following criteria:

(A) It was expressly designed for the business, institution, or other establishments at that location.

(B) It bears a national or local emblem, logo, or other graphic that is unique to the property or the establishment.

(C) The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood.

(D) The sign is significant as evidence of the history of the product, business, or service advertised.

(E) The sign is characteristic of a specific historic period.

(F) The sign is integral to the building's design or physical fabric.

(G) The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials, or design.

iii. The sign complies with the appropriate provisions of the North Carolina State Building and Electrical Codes. Such signs are allowed structural and electrical repairs, with the approval of a sign permit, to meet the standards of such codes.

iv. If any portion of the sign is permitted to remain in or over a City right-of-way, a CDOT encroachment agreement is required.

v. The sign is structurally safe or is capable of being made so without substantially altering its historical significance.

b. Location

If a designated landmark sign is moved on-premise, it shall be subject to the location standards of this article.

3. Historic Signs

The restoration and retention of nonconforming, historically significant signs that have been removed from their original locations and are to be reused is encouraged. Allowing those signs to move to other locations within the community is necessary to ensure preservation. ~~Once designated as a historic sign, the sign is deemed conforming.~~

a. Designation Criteria

The Planning Department may designate an existing sign as a historic sign if it meets the following criteria:

i. The sign shall be at least 25 years old.

ii. The sign shall meet at least three of the following criteria:

(A) It bears a national or local emblem, logo, or other graphic that is unique to the community.

(B) The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood.

(C) The sign is significant as evidence of the history of the product, business, or service advertised.

(D) The sign is characteristic of a specific historic period.

(E) The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials, or design.

(F) The sign complies with the appropriate provisions of the North Carolina State Building and Electrical Codes. Such signs are allowed structural and electrical repairs, with the approval of a sign permit, to meet the standards of such codes.

(G) The sign is structurally safe or is capable of being made so without substantially altering its historical significance.

b. Location

The sign may be moved to another location on the site where it is currently located or to another property. It is encouraged that the sign be relocated to a site within the neighborhood from which it originated. The receiving site shall be located outside of a Neighborhood 1 Zoning District or Neighborhood 2 Zoning District for commercial signs.

c. Nonconforming Aspects of Relocated Signs

i. Relocated historic signs that are nonconforming based on their size, height, or lighting do not have to be brought into conformance. However, such signs shall not increase the degree of nonconformity by any physical alterations to the sign that previously rendered them nonconforming.

ii. Sign lighting of relocated historic signs shall be located, screened, or shielded so that abutting lots located in any Neighborhood 1 Place Type and Neighborhood 2 Place Type are not directly illuminated and do not cause glare or impair the vision of motorists.

iii. Projecting signs that extend beyond the maximum projecting dimension based upon the existing dimension of the sign require a CDOT encroachment agreement if they project into the city right-of-way.

iv. The relocation of historic signs that are considered prohibited by this article may maintain the prohibited characteristic, provided such features are considered part of the historic or cultural character of the sign and approved as part of the designation.

v. Relocated outdoor advertising signs shall comply with only the following sections of Table 22-6: zoning district, location, spacing, and tree-cutting regulations.

22.12 PROHIBITED SIGNS

The following signs and sign structures are specifically prohibited. Other signs that have not been expressly allowed by these regulations are also prohibited.

A. Balloon signs, including air-infused/air-inflated signs.

B. Feather flags. Also known as sails.

C. Except in the UC Zoning District, flashing, fluttering, swinging, or rotating signs other than time and/or temperature signs.

D. Pennants. Streamers are considered pennants.

E. Portable sign structures.

F. Signs that constitute a traffic hazard, including signs that:

1. Interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color, including signs illuminated in red, green, and/or amber color to resemble a traffic signal.

2. Make use of words, phrases, symbols, or characters in a manner that misleads, interferes with, or confuses traffic.

G. Signs painted, pasted, stapled, taped, or otherwise affixed to a tree, fence, utility pole, bench, trash receptacle, or similar non-sign structure.

H. Vehicle signs.

22.13 ADMINISTRATION

A. Appeals and variances of these sign regulations shall be subject to Article 37.

B. Inspections and enforcement actions of these sign regulations shall be subject to Article 39.

Article 23. Water Supply Watershed Protection

23.1 PURPOSE
23.2 APPLICABILITY
23.3 AREAS AND SUB-AREAS ESTABLISHED
23.4 USES AND ACTIVITIES
23.5 DEVELOPMENT STANDARDS
23.6 WATER QUALITY BUFFER REQUIREMENTS
23.7 HIGH-DENSITY OPTION
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23.9 STORMWATER ADMINISTRATOR
23.10 DEFINITIONS

23.1 PURPOSE

A. Mountain Island Lake Watershed

The purpose of the Mountain Island Lake Watershed standards is to provide for the protection of public water supplies as required by the North Carolina Water Supply Watershed Classification and Protection Act (N.C.G.S. §143-214.5) and regulations promulgated thereunder. The Mountain Island Lake Watershed standards apply in any zoning district. The Mountain Island Lake Watershed standards supplement the use permissions and development standards of the base zoning district within the Mountain Island Lake Watershed Protection Area to ensure protection of public water supplies. All other uses and regulations for the base zoning district remain in effect for properties within the Mountain Island Lake Watershed.

B. Lake Wylie Watershed

The purpose of the Lake Wylie Watershed standards is to provide for the protection of public water supplies as required by the North Carolina Water Supply Watershed Classification and Protection Act (N.C.G.S. §143-214.5) and regulations promulgated thereunder. The Lake Wylie Watershed standards apply in any base zoning district. The Lake Wylie Watershed standards supplement the use permissions and development standards of the base zoning district within the Lake Wylie Watershed Protection Area to ensure protection of public water supplies. All other uses and regulations for the base zoning district remain in effect for properties within the Lake Wylie Watershed.

C. Lower Lake Wylie Watershed

The purpose of the Lower Lake Wylie Watershed standards is to support the protection of Lake Wylie's water quality and to provide protection to public water supplies. The Lower Lake Wylie Watershed standards may apply in any base zoning district. The Lower Lake Wylie Watershed standards supplement the use permissions and development standards of the base zoning district within the Lower Lake Wylie Watershed Protection Area to ensure protection of public water supplies. All other uses and regulations for the base zoning district remain in effect for properties within the Lower Lake Wylie Watershed.

23.2 APPLICABILITY

A. Applicability

The requirements of this article apply to all development and redevelopment within the City of Charlotte and its extraterritorial jurisdiction (ETJ), unless exempted below.

B. Exemptions

1. Existing Development

Existing development is not subject to the requirements of this article. Redevelopment or expansions to structures classified as existing development shall meet the requirements of this article. However, the built-upon area (BUA) of existing development is not required to be included in impervious area density calculations. Existing development, as defined for the purposes of this article, means projects for which a certificate of compliance has been issued, projects for which a building permit has been issued, property which has been subdivided by a recorded instrument, or projects which have obtained vested rights as of the date of adoption of the applicable watershed regulations listed in item 2.c below.

2. Lots Previously Recorded

a. Any lot recorded prior to the dates specified below that has not been developed may be developed as a single-family dwelling subject only to the applicable water quality buffer requirements of this article, unless it is part of a larger common plan of development.

b. For the purposes of this section, a lot previously recorded is a lot that:

i. Is part of an approved subdivision; or

ii. Has a plat which has been recorded in the Office of the Register of Deeds; or

iii. Is described by metes and bounds, the description of which has been recorded in the Office of the Register of Deeds.

c. The effective dates of a lot's applicable watershed regulations are:

i. For Lower Lake Wylie Watershed: July 1, 2001 (approved by the Charlotte City Council).

ii. For Lake Wylie Watershed: June 21, 1993 (approved by the Charlotte City Council).

iii. For Mountain Island Watershed: June 21, 1993 (approved by the Mecklenburg Board of County Commissioners).

3. Existing Public Utilities

Existing public utilities may expand without being subject to the standards and regulations of this article provided that such expansions shall comply with all applicable laws and regulations of the State of North Carolina, including the minimum statewide water supply watershed management requirements adopted by the North Carolina Environmental Management Commission (EMC). For Mountain Island Lake and Lake Wylie (not including Lower Lake Wylie), discharges associated with the existing public utilities may be expanded. However, the pollutant load shall not be increased beyond presently permitted levels.

C. Definitions

The definitions of Section 23.10 only apply to this article. Unless specifically defined in Section 23.10, other words or phrases used in this article are as defined in Article 2 for general definitions or Article 15 for use definitions. In the case of a conflict between a term defined in Article 2 or Article 15 and this article, the definition in Section 23.10 controls.

23.3 AREAS AND SUB-AREAS ESTABLISHED

A. Water Supply Watershed Protection Districts

Standards for development and redevelopment vary depending on the watershed district in which a project is located as described below:

1. Mountain Island Lake

The Mountain Island Lake Watershed Protection Area is that area within Mecklenburg County that contributes surface drainage into Mountain Island Lake.

2. Lake Wylie

The Lake Wylie Watershed Protection Area is that area within Mecklenburg County that contributes surface drainage into that portion of the Catawba River known as Lake Wylie and its tributaries upstream of the Paw Creek watershed.

3. Lower Lake Wylie

The Lower Lake Wylie Watershed Protection Area is that area within Mecklenburg County that contributes surface drainage into that portion of the Catawba River known as Lake Wylie and its tributaries, including Paw Creek.

B. Mountain Island Lake Watershed

1. Critical Areas (CA)

a. CA1 Lower Gar Creek
CA1 is the area from the full pond elevation of Mountain Island Lake extending up Gar Creek to Beatties Ford Road and to approximately the ridgeline along the north side of Gar Creek and to Mt. Holly-Huntersville Road on the south side of Gar Creek.

b. CA4 Lake Front
CA4 is the area extending landward one-half mile from the full pond elevation along Mountain Island Lake and the Catawba River between the Cowan's Ford Dam and the Mountain Island Lake Dam.

2. Protected Areas (PA)

a. PA1
PA1 is the area beginning at the outer limits of the critical areas of five hydrologic miles from the full pond elevation of Mountain Island Lake

C. Lake Wylie Watershed

1. Critical Area
The Critical Area extends one-half mile inland from the full pond elevation of Lake Wylie from Mountain Island Dam to the upstream side of the Paw Creek Arm ("Paw Creek Cove").

2. Protected Area
The Protected Area extends from the outer boundaries of the Critical Area to approximately five miles from the Lake upstream in the Long Creek drainage basin.

D. Lower Lake Wylie Watershed

1. Critical Area
The Critical Area extends one-half mile inland from the full pond elevation of 569.4 feet above sea level of Lower Lake Wylie from the upstream side of the Paw Creek Arm ("Paw Creek Cove") to the South Carolina state line.

2. Protected Area
The Protected Area extends from the outer boundaries of the Critical Area to the extent of the watershed or approximately five miles from the Lake upstream in the Paw Creek drainage basin, whichever is less.

23.4 USES AND ACTIVITIES

A. Mountain Island Lake Watershed

1. Critical Areas
The intent of the Critical Area is to require higher standards because of the greater risk of water quality degradation from pollution. All principal and accessory uses and activities permitted in the base zoning district, are allowed except as specified below. This section applies to the CA1 and CA4 areas. Any allowed uses and activities in the Mountain Island Lake Watershed Critical Areas shall meet the standards of this article and all other requirements of this Ordinance.

a. Prohibited Uses and Activities

i. Waste including sewage, industrial and other wastes unless allowed per 15A NCAC 02B .0104

ii. Industrial process discharges, new or expanded, requiring National Pollutant Discharge Elimination System (NPDES) permits

iii. Land clearing and inert debris landfills (LCID): off-site

iv. Landfills, sanitary

v. Nonresidential development, new or expanded, unless allowed by item b below

vi. Treatment or disposal of petroleum contaminated soils (land farming)

vii. Sludge application

viii. Stormwater Control Measures (SCMs)

ix. New wastewater treatment facilities; privately owned, requiring NPDES permits

b. Allowed Uses and Activities Under Specific Conditions

i. Farms, subject to the provision of the Food Security Act of 1985 and the Food, Agricultural, Conservation, and Trade Act of 1990

ii. Places of worship

iii. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC IT.6101-.0209)

iv. Marinas, as an accessory use, provided that:

(A) There will be no fuel dispensing facilities.

(B) Pump-out facilities will be provided if it serves more than 50 dwelling units.

v. Land clearing and inert debris landfills (LCID): on site, as an accessory use, not within any floodplain or water quality buffer area

vi. Petroleum storage, accessory to the principal use, subject to the Fire Prevention Code of the National ~~Board of~~ Fire ~~Underwriters~~Protection Association.

vii. Wastewater treatment facilities, accessory to the principal use, provided that:

(A) No new industrial process discharges into any stream in the Mountain Island Lake Watershed Area.

(B) No new wastewater treatment systems requiring NPDES permits in the Mountain Island Lake Watershed that discharge directly into Mountain Island Lake or any of its tributaries.

(C) Expansion of existing privately-owned wastewater treatment systems shall not increase the pollutant load beyond their presently permitted limits.

2. Protected Areas

The intent of the Protected Areas is to allow development with fewer restrictions than in the Critical Areas because the risk of water quality degradation from pollution is less than in the Critical Areas. All principal and accessory uses and activities permitted in the base zoning district, are allowed except as specified below. This section applies to the PA1 area. Any allowed uses and activities in the Mountain Island Lake Watershed Protected Areas shall meet the standards of this article and all other requirements of this Ordinance.

a. Prohibited Uses and Activities

i. Industrial process discharges, new, requiring NPDES permits

ii. Land clearing and inert debris landfills (LCID): off-site (only in PA1)

iii. Landfills, sanitary (only in PA1)

iv. Treatment or disposal of petroleum contaminated soils (land farming)

v. Wastewater treatment facilities, new, privately owned, requiring NPDES permits (only in PA1)

b. Allowed Uses and Activities Under Specific Conditions

i. Storage of hazardous materials, subject to the filing of a spill/failure containment plan with Fire Marshal

ii. SCMs, where allowed under the High-Density Option, subject to regulations of this article

B. Lake Wylie Watershed

1. Critical Area

The intent of the Critical Area is to require higher standards because of the greater risk of water quality degradation from pollution. All principal and accessory uses and activities permitted in the base zoning district, are allowed except as specified below. This section applies to the Critical Area. Any allowed uses and activities in the Lake Wylie Watershed Critical Area shall meet the standards of this article and all other requirements of this Ordinance.

a. Prohibited Uses

i. Landfills, sanitary

ii. Treatment or disposal of petroleum contaminated soils (land farming)

iii. Sludge applications

iv. Wastewater treatment plants, new, privately owned or operated for domestic waste requiring NPDES permit

b. Allowed Uses and Activities Under Specific Conditions

i. Storage of hazardous materials, subject to the filing of a spill/failure containment plan with the Fire Marshal

ii. SCMs, where required by any article of this Ordinance. BUA credit will only be allowed for Low-Density sites.

2. Protected Area

The intent of the Protected Area is to allow development with fewer restrictions than in a Critical Area because the risk of water quality degradation from pollution is less than in a Critical Area. All principal and accessory uses and activities permitted in the base zoning district, are allowed except as specified below. This section applies to the Protected Area. Any allowed uses and activities in the Lake Wylie Watershed Protected Area shall meet the standards of this article and all other requirements of this Ordinance.

a. Prohibited Uses

i. Wastewater treatment plants, new, privately owned or operated for domestic waste requiring NPDES permit

b. Allowed Uses and Activities Under Specific Conditions

i. Storage of hazardous materials, subject to the filing of a spill/failure containment plan with the Fire Marshal

ii. SCMs, where required by any article of this Ordinance. BUA credit will only be allowed for Low-Density sites.

C. Lower Lake Wylie Watershed

1. Critical Area

The intent of the Critical Area is to require higher standards because of the greater risk of water quality degradation from pollution. All principal and accessory uses and activities permitted in the base zoning district, are allowed except as specified below. This section applies to the Critical Area. Any allowed uses and activities in the Lower Lake Wylie Watershed Critical Area shall meet the standards of this article and all other requirements of this Ordinance.

a. Prohibited Uses and Activities

i. Landfills, sanitary, construction and demolition, land clearing and inert debris

ii. Treatment or disposal of petroleum contaminated soils (land farming)

iii. Sludge applications

iv. Wastewater treatment plants, new, privately owned or operated for domestic or industrial waste requiring NPDES permit

v. Land application for treatment and disposal of domestic or industrial waste

b. Allowed Uses and Activities Under Specific Conditions

i. Storage of hazardous materials, subject to the filing and approval of a spill/failure containment plan with the Mecklenburg County Fire Marshal

ii. SCMs, where required by any article of this Ordinance. BUA credit will only be allowed for Low-Density sites.

iii. Irrigation with tertiary treated domestic wastewater effluent

iv. Publicly controlled wastewater treatment plants requiring an NPDES permit

2. Protected Area

The intent of the Protected Area is to allow development with fewer restrictions because the risk of water quality degradation from pollution is less than in a Critical Area. All principal and accessory uses and activities permitted in the base zoning district, are allowed except as specified below. This section applies to the Protected Area. Any allowed uses and activities in the Lower Lake Wylie Watershed Protected Area shall meet the standards of this article and all other requirements of this Ordinance.

a. Prohibited Uses and Activities

i. Landfills: sanitary, construction and demolition

ii. Treatment or disposal of petroleum contaminated soils (land farming)

iii. Sludge applications

iv. Wastewater treatment plants and associated discharges, new, privately owned or operated for domestic or industrial waste requiring NPDES permit

v. Land application for treatment and disposal of domestic or industrial waste

b. Allowed Uses and Activities Under Specific Conditions

i. Storage of hazardous materials, subject to the filing and approval of a spill/failure containment plan with the Fire Marshal

ii. SCMs, where required by any article of this Ordinance. BUA credit will only be allowed for Low-Density sites.

iii. Irrigation with tertiary treated domestic wastewater effluent

iv. Publicly controlled wastewater treatment plants requiring an NPDES permit

v. Land clearing and inert debris landfills requiring a state permit

23.5 DEVELOPMENT STANDARDS

A. Mountain Island Lake Watershed

All uses and activities allowed in the Mountain Island Lake Watershed Subareas shall meet the applicable development standards established in Table 23-1: Mountain Island Lake Watershed Development Standards. Unless otherwise provided in Table 23-1, the standards established by the base zoning district apply.

Table 23-1: Mountain Island Lake Watershed Development Standards

P = Prohibited
NR = No Additional Regulations

MAXIMUM % BUILT-UPON AREA - RESIDENTIAL			
	CA1	**CA4**	**PA1**
Low-Density Option	6%	24% [1]	24%
High-Density Option per Section 23.7	P	P	50%
MAXIMUM % BUILT-UPON AREA - NONRESIDENTIAL			
	CA1	**CA4**	**PA1**
Low-Density Option	P	P	24%
High-Density Option per Section 23.7	P	P	50%

[1] Projects that are subject to Article 25 (Post Construction Stormwater Regulations) are limited to a 12% maximum percentage built-upon area.

B. Lake Wylie Watershed

1. All uses permitted in the Lake Wylie Watershed Subareas shall meet the applicable development standards established in Table 23-2: Lake Wylie Watershed Development Standards. Unless otherwise provided in Table 23-2, the standards established by the base zoning district apply.

2. The maximum percentages for built-upon area apply on an individual lot basis for lots of record established on or before June 21, 1993. Lots of record established after this date will be subject to these percentages unless otherwise specified on a recorded plat or on a subdivision plan approved by the Planning Department.

Table 23-2: Lake Wylie Watershed Development Standards

MAXIMUM % ALLOWED TO BE BUILT UPON - RESIDENTIAL		
	CA	**PA**
Low-Density Option	24%	24%
High-Density Option per Section 23.7	50%	70%
MAXIMUM % BUILT UPON - NONRESIDENTIAL		
	CA	**PA**
Low-Density Option	24%	24%
High-Density Option per Section 23.7	50%	70%

C. Lower Lake Wylie Watershed

1. All uses permitted in the Lower Lake Wylie Watershed Subareas shall meet the applicable development standards established in Table 23-3: Lower Lake Wylie Watershed Development Standards. Unless otherwise provided in Table 23-3, the standards established by the base zoning district apply.

2. The maximum percentages for built-upon area apply on an individual lot basis for lots of record established on or before June 21, 1993. Lots of record established after this date will be subject to these percentages unless otherwise specified on a recorded plat or on a subdivision plan approved by the Planning Department.

Table 23-3: Lower Lake Wylie Watershed Development Standards		
MAXIMUM % ALLOWED TO BE BUILT UPON - RESIDENTIAL		
	CA	**PA**
Low-Density Option	20%	~~20~~24%
High-Density Option per Section 23.7	50%	~~50~~70%
MAXIMUM % BUILT UPON - NONRESIDENTIAL		
	CA	**PA**
Low-Density Option	20%	~~20~~24%
High-Density Option per Section 23.7	50%	~~50~~70%

23.6 WATER QUALITY BUFFER REQUIREMENTS

A. Mountain Island Lake Watershed

Vegetative buffers are required along the shoreline of Mountain Island Lake measured from the full pond elevation and along all perennial streams measured from the top of bank on each side of the stream. Required minimum buffer widths are indicated in Table 23-4.

Table 23-4: Mountain Island Lake Minimum Water Quality Buffer Requirements *NR = No Additional Regulations* *N/A = Not Applicable*		
	CA1 CA4	**PA1**
All areas adjacent to the full pond elevation of Mountain Island Lake	100’	N/A
All areas adjacent to perennial streams:		
Low-Density Option	100’ or FEMA Flood Fringe, whichever is greater	50’
High-Density Option per Section 23.7		100’

B. Lake Wylie Watershed

Vegetative buffers are required along the shoreline of the Lake Wylie measured from the full pond elevation and along all perennial streams measured from the top of bank on each side of the stream. Required minimum buffer widths are indicated in Table 23-5.

Table 23-5: Lake Wylie Watershed Minimum Water Quality Buffer Requirements		
	CA	**PA**
Low-Density Option	100’	40’
High-Density Option per Section 23.7	100’	100’

C. Lower Lake Wylie Watershed

1. Vegetative buffers are required along the shoreline of the Lower Lake Wylie measured from the full pond elevation and along all perennial streams measured from the top of bank on each side of the stream. Required minimum buffer widths are indicated in Table 23-6.

Table 23-6: Lower Lake Wylie Watershed Minimum Water Quality Buffer Requirements		
	CA	**PA**
Low-Density Option	50'	40'
High-Density Option per Section 23.7	100'	100'

2. Required Water Quality Buffer Width Increase
Required minimum buffer width shall be increased by 50% for new developments under the High-Density Option located along the lakeshore that have average slopes equal to or greater than 50% within the 100 foot buffer. The average slope is calculated by measuring the slope from the highest and lowest elevations at the 100 foot buffer to the 569.4 foot full pond elevation of Lake Wylie. The sum of the two measurements is divided by two to determine the average slope within the 100 foot buffer. The additional buffer area is applied in areas of the tract where slopes are greatest to obtain the maximum benefit from the increased buffer area.

3. Shoreline Stabilization Required
If a building permit is required for property improvement under the High-Density Option, which will result in an increase in built-upon area (BUA), shoreline stabilization is required as needed and allowed when unstable shorelines are present, and as approved on a plan submitted to Charlotte-Mecklenburg Storm Water Services (CMSWS) and as allowed by Duke Energy Lake Services.

4. Mitigation
Unless exempted below, water quality buffer impacts are allowed only with the approval of a site-specific mitigation plan by CMSWS and/or approval of a variance per Article 37, if a variance is required. The following techniques are available for mitigation. Specifications for these pre-approved mitigation techniques are provided in the Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines.

a. Installation of Stormwater Control Measures (SCMs)
If not required by another City ordinance or regulation of this Ordinance, the installation of an on-site SCM designed to achieve specified pollutant removal targets will allow for water quality buffer impacts on the specific site. The SCM should remain outside the Stream Side Zone if practical. A detailed SCM design plan shall be submitted to CMSWS for approval based on specifications and pollutant removal targets contained in the Charlotte-Mecklenburg Stormwater Control Measure Design Manual (SCM~~)~~ Design Manual). This plan shall also include a long-term maintenance strategy for the SCM complete with the establishment of adequate financing to support the proposed maintenance practices.

b. Water Quality Buffer Restoration
The owner may restore and preserve the buffer area on any stream of equivalent or greater drainage area, the condition of which is determined to be qualified for restoration by CMSWS. This restored buffer area shall be equal or greater in size than the buffer area to be mitigated.

c. Water Quality Buffer Preservation
The owner may purchase, fee simple, other stream segments at equivalent or greater drainage area on a 1:1 linear foot basis and convey fee simple and absolute title to the land to the City of Charlotte, Mecklenburg County, or approved conservation organization. Staff may consider other means for preserving these areas on a case-by-case basis.

d. Mitigation Credits
The purchase of mitigation credits on a 1:1 basis utilizing area of water quality buffer impacted and the prevailing rate of purchase as established by CMSWS shall allow for water quality buffer impacts on the specific site. Mitigation credits purchased under any other program (i.e., U.S. Army Corp of Engineers) shall not cover this requirement unless the issuing agency agrees to relinquish the funds to CMSWS.

D. Additional Water Quality Buffer Requirements (All Watersheds)

1. No permanent structures, built upon areas, septic systems, or any other disturbance of existing vegetation is allowed within the water quality buffer except as follows:

a. No trees larger than a two-inch caliper are to be removed except for dead or diseased trees. Trees less than a two-inch caliper and undergrowth may be removed to be replaced by an effective stabilization and filtering groundcover based upon the "Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines."

b. Stream bank or shoreline stabilization is allowed as approved on a plan submitted to CMSWS.

c. Water dependent structures and public projects, such as transportation crossings, public utilities, and greenway paths, are allowed where no practical alternative exists. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural BMPs and pervious materials.

d. Non-impervious recreational development and non-impervious pedestrian trails may be allowed in the required water quality buffer if located a minimum of 30 feet from the stream bank. This provision does not apply to the Mountain Island Lake Watershed Critical Areas.

2. The following may be located within water supply water quality buffers when they meet the minimum requirements of this article and the articles listed below:

a. Required open space per Article 16.

b. Landscape yard per Article 20.

c. Amenitized tree areas per Article 20.

d. Tree save per Article 20.

e. Internal trees per Article 20.

f. Perimeter trees per Article 20.

e. Water supply water quality buffer per Article 23.

h. Post-construction water quality buffer per Article 25.

g. SWIM water quality buffer per Article 26.

i. Floodplain per Article 27.

j. Areas for greenways or parks per Article 32 offered for dedication and accepted by Mecklenburg County Park and Recreation.

23.7 HIGH-DENSITY OPTION

The High-Density Option allows for a greater development density, provided SCMs are installed.

A. High-Density Development Permit Application

1. A High-Density Development Permit shall be required for new development exceeding the threshold of the Low-Density Option.

2. Application for a High-Density Development Permit shall be submitted as follows:

a. For development plans subject to subdivision (Article 30) and soil erosion and sedimentation control (Article 28) and reviewed by the Planning Department, the High-Density Development Permit shall be submitted to the Subdivision, Streets, and Infrastructure Administrator (SSI Administrator), as part of the subdivision review application process.

b. For development plans not subject to the subdivision (Article 30), the High-Density Development Permit shall be submitted to CMSWS as part of the sediment and erosion control requirements of the building permit application process.

c. Applications for the High-Density Option shall include the following information:

i. Required number of development plans and specifications of the SCMs.

ii. Submittal of a sediment and erosion control plan to the appropriate agency.

iii. Permit application fees.

B. Stormwater Control Measures (SCMs)

1. All Stormwater Control Measures (SCMs) shall be designed based on the ~~Stormwater Control Measure (~~SCM~~)~~ Design Manual. Stormwater controls shall only be required on redeveloped BUA as allowed by state law.

2. Surety for Completion of SCMs

a. Subdivisions - Performance Security for Installation
The City may require the submittal of a performance guarantee with surety, cash escrow, letter of credit, or other acceptable legal arrangement prior to approval and recordation of a plat in accordance with the provisions contained in the Stormwater Regulations Administrative Manual (Administrative Manual).

b. All Other Projects
Certificate(s) of Occupancy for buildings or other improvements constructed or being constructed on the site may be withheld until the City of Charlotte has approved the as-built for the SCM

3. Maintenance of SCMs

a. Maintenance of SCMs, other than those maintained by the City, shall be the responsibility of the property owner.

b. Single-Family Residential SCMs Accepted for Maintenance: The City shall accept maintenance responsibility (as specified in the Stormwater Regulations Administrative Manual) of SCMs that are installed pursuant to this article following a warranty period of two years from the date of as-built certification described in the Stormwater Management Permit, provided the SCM:

i. Only serves a single-family detached residential site or townhouses all of which have public street frontage.

ii. Is satisfactorily maintained during the two-year warranty period by the owner or designee.

iii. Meets all the requirements of this article and the ~~Stormwater Control Measure (~~SCM~~)~~ Design Manual.

iv. Includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection, maintenance, repair, or reconstruction.

The Stormwater Administrator shall receive an application for transfer of maintenance responsibilities for the SCM along with the Stormwater Management Permit application. The Stormwater Administrator will develop and distribute this application as a component of the Administrative Manual.

23.8 ADMINISTRATION

A. Appeals and variances of this article shall be subject to Article 37, however, administrative adjustments per Article 37.4 are not permitted for Water Supply Watershed Protection standards.

B. Inspections and enforcement actions of this article shall be subject to Article 39.

23.9 STORMWATER ADMINISTRATOR

A. Designation

The Director of the City of Charlotte department responsible for management of the City's NPDES MS4 Stormwater permit has been designated as the Stormwater Administrator. The Stormwater Administrator is authorized to administer and enforce Article 23.

B. Powers and Duties

In addition to the powers and duties that may be conferred by other provisions of this Ordinance and other laws, the Stormwater Administrator shall have the following powers and duties under this article:

1. To review and approve or disapprove applications submitted pursuant to Article 23.

2. To make determinations and render interpretations of Article 23**.**

3. To establish application requirements and schedules for submittal and review of applications and appeals.

4. To enforce Article 23 in accordance with its enforcement provisions in Article 39.

5. To maintain records, maps, and official materials as they relate to the adoption, amendment, enforcement, or administration of Article 23.

6. To provide expertise and technical assistance upon request to the City Council and the UDO Board of Adjustment.

7. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.

8. To provide information and recommendations relative to variances and information as requested by the UDO Board of Adjustment in response to appeals.

9. To prepare and make available to the public a Charlotte-Mecklenburg Storm Water Services Design Manual, an SCM Design Manual, and a Stormwater Regulations Administrative Manual.

10. To take any other action necessary to administer the provisions of Article 23.

23.10 DEFINITIONS

The definitions of this section apply only to this article. Unless specifically defined in this section, other words or phrases used in this article are as defined in Article 2 for general definitions or Article 15 for use definitions. In the case of a conflict between a term defined in Article 2 or Article 15 and this article, the definition in this section controls.

Development. Land-disturbing activity that creates built-upon area or that otherwise decreases the infiltration of precipitation into the soil.

Industrial Discharge. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

1. Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource.

2. Wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants/bars.

3. Stormwater will not be considered industrial wastewater unless it is contaminated with industrial wastewater.

4. Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Perennial Stream. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. Such streams are defined by a certified professional using U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology and shall be confirmed (as needed) by Charlotte-Mecklenburg Storm Water Services.

Redevelopment. Any land-disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control than the previous development.

Article 24. Drainage

24.1 PURPOSE
24.2 APPLICABILITY
24.3 STORM DRAINAGE STANDARDS
24.4 ADMINISTRATION
24.5 STORMWATER ADMINISTRATOR

24.1 PURPOSE

The regulations for storm drainage are intended, to the maximum extent practicable, to allow for the lawful and orderly development of lands within the City and extraterritorial jurisdiction (ETJ) while managing stormwater responsibly. Specifically, they are intended to:

A. Coordinate site drainage to protect existing and proposed buildings and structures.

B. Coordinate storm drainage infrastructure with existing or planned streets or public facilities.

C. Create a storm drainage network that facilitates development of an entire neighborhood or area of the City.

D. Preserve and enhance the quality of the City's natural features and natural resources.

E. Protect the public health, safety, and welfare with respect to stormwater drainage.

24.2 APPLICABILITY

All development, including any affiliated construction and/or installation of storm drainage, within the City and its ETJ shall provide adequate drainage controls and conveyance in accordance with this section. The following activities require a storm drainage plan and permit approved by Storm Water Services:

A. Construction or expansion of any building, structure, driveway, street, or parking lot.

B. Installation, modification, creation, or connection of any of the following items within a stormwater-related easement recorded with the Mecklenburg County Register of Deeds or within the right-of-way of a publicly maintained street. Stormwater related easement, for the purposes of this article includes, but is not limited to, storm drainage easements (SDE), public storm drainage easements (PSDE), and conservation easements:

1. Storm drainage pipes, catch basin, manhole structures, ditches, swales, curb and gutter, or other similar items.

2. New driveway aprons or modifications to existing driveway aprons with driveway pipes on existing ditch-type streets or with a catch basin located within ten feet of driveway.

3. Retaining walls or privacy/screening walls.

C. Installation, modification, creation, or connection of storm drainage pipes, catch basins, manhole structures, ditches, swales, curb and gutter, or similar items that convey runoff from a publicly maintained street.

D. Land disturbance to perform cut, fill, or recontouring of the land that will modify or impact existing surface drainage features or patterns.

24.3 STORM DRAINAGE STANDARDS

All land disturbing activities shall provide adequate storm drainage in accordance with this article sufficient to achieve purposes as outlined in Section 24.1 above. Persons conducting the land disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity and associated storm drainage.

A. Encroachments

1. Unless otherwise approved by the Stormwater Administrator, buildings, additions, accessory structures, other permanent structures, including but not limited to swimming pools, retaining walls, and brick walls, shall:

a. Not be allowed within a stormwater-related easement.

b. Not be allowed within 7.5 feet of the centerline of storm drainage pipes that convey runoff from a public street.

i. Additional requirements may apply to this minimum standard where there are conditions such as deep pipes, building foundation load plane influence above or into the side of a pipe, or other engineering or maintenance concerns. The City may require a cross-section plot that demonstrates that the building foundation load plane crosses below any adjacent existing or proposed storm pipes. If determined to be necessary, any of the following may be required as determined by the Stormwater Administrator:

(A) The minimum required distance of the structure from the piped underground storm drainage may be expanded.

(B) An extended (deep) footer may be required to ensure that the load plane is moved below the pipe.

c. Not be allowed within ten feet of the centerline of a storm drainage ditch, swale or channel that conveys runoff from a public street.

2. Unless otherwise approved by the Stormwater Administrator, it shall be unlawful to obstruct or in any way interfere or conflict with storm drainage located in a street right-of-way or within an SDE. The City may require the property owner or person responsible for the obstruction to remove it within a reasonable period. The City shall take into consideration the technology, quantity of work required, degree of risk or harm, and shall set reasonable and attainable time limits. The City may, at its option, remove an obstruction and charge the expense of the removal, restoration, and repair to the person who places or maintains the obstruction.

3. If any part of a proposed lot or development connects to an existing drainage system within a street right-of-way or within a stormwater-related easement, construction methods and materials within the street right-of-way or within a stormwater-related easement shall meet the City's requirements, which may be satisfied using details provided in the Charlotte Land Development Standards Manual (CLDSM) or other designs reviewed and approved by the Stormwater Administrator.~~.~~

B. Management of Stormwater Runoff and Conveyance

1. Storm drainage shall be provided to allow for the disposal of surface water runoff. To the maximum extent practicable, storm drainage shall function to protect streets, buildings and structures, and to provide positive drainage for all developed and graded areas.

2. Drainage of any surface on the property, whether pervious or impervious, shall not be discharged in a manner that creates flooding.

3. Land disturbing activities shall not restrict or block the storm drainage so as to obstruct or interrupt the natural flow of waters on the property, create standing water thereon, or cause flooding of neighboring properties. Grading activities shall not block the natural flow of drainage.

4. New or modified storm drainage that conveys runoff from a publicly-maintained street shall comply the City's requirements, which may be satisfied using designs contained in the current edition of the CLDSM and the Charlotte-Mecklenburg Storm Water Services Design Manual or other designs reviewed and approved by the Stormwater Administrator. Where existing public or private storm drainage is reasonably available, the new or modified storm drainage shall connect to the existing public or private storm drainage (including all grading and structures necessary to properly connect). When connecting to existing storm drainage systems on another property, good faith efforts shall be made to obtain permission for offsite work. If improving an existing drainage system to meet standards creates adverse hydraulic impacts on the upstream or downstream drainage system, the City may allow alternatives.

5. Storm drainage that meets the Charlotte-Mecklenburg Storm Water Services Design Manual shall be provided throughout a subdivision.

6. Storm drainage installed or modified that conveys runoff from a publicly maintained street shall provide an SDE. The widths for SDE's shall meet the City's requirements. The CLDSM shows acceptable minimum widths for easements. The SDE shall be shown on a plat for the property.

The purpose of the SDE is to provide stormwater conveyance. Buildings are not permitted in the SDE area. Any other objects that impede storm water flow or system maintenance are also prohibited. Maintenance of the storm drainage within the easement is the responsibility of the property owner unless conveyed to and accepted by the City of Charlotte or Mecklenburg County.

C. Properties Subject to Flooding

All streams in the City that drain one square mile or greater are regulated by the floodplain regulations of Article 27. However, flooding also occurs in areas that drain less than one square mile. This section applies to those areas not regulated by Article 27 that are expected to drain 50 cubic feet ($50ft^3$) per second or more for the 100-year storm (hereinafter referred to as "properties subject to flooding").

1. An applicant shall be required to determine the 100-year (1%) flood elevation where any part of an existing property or proposed lot is subject to flooding, and construction of any new habitable building or structure, or an expansion to an existing habitable building or structure is proposed. The 100-year (1%) flood elevation shall include all areas of the site where a flood has a 1% chance of being equaled or exceeded in any given year in accordance with generally accepted engineering practice, which is to be submitted with the seal and signature of a Licensed Professional Engineer as part of the storm drainage plan. The elevation one foot above the 100-year (1%) flood elevation shall be known and identified as the "100+1 Stormwater Elevation Line (SWEL)."

2. All habitable buildings or structures shall be located outside the SWEL or the lowest usable and functional part of the building or structure shall not be below the Stormwater Protection Elevation (SWPE). "Usable and functional part of the building or structure" shall be defined as being inclusive of, but not limited to, living areas, basements, sunken dens, basement utility rooms, crawlspaces, attached carports, attached garages and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring, but shall not include water lines or sanitary sewer traps, piping and clean-outs, provided openings serving the structure are above the SWPE.

3. No proposed property that is wholly or partly subject to flooding shall be approved unless the SWEL is established on the final plat by field survey. Such line shall be known and identified on the final plat as the "100+1 Stormwater Elevation Line (SWEL)." In addition, the SWPE for each property subject to flooding shall be noted on the plan and plat based on, either of the following, whichever is greater:

a. The SWEL; or

b. For properties upstream of street crossings, the low elevation of the street plus one foot.

Also, the plat for all properties subject to flooding shall include the following note:
"This property is subject to flooding during heavy rainfall, and the construction of buildings or structures below the stormwater protection elevation is prohibited."

4. The Stormwater Administrator may waive this requirement if all of the following conditions exist:

a. The SWEL does not exceed the required minimum front, side, or rear setback line.

b. The estimated runoff or proposed modifications to a storm water conveyance would not create a hazard for the adjacent properties or residents.

c. The flood limits would not be of such magnitude that adjacent property owners should be informed of these limits.

5. Subdivisions

For subdivisions, where only a portion of a proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 1,200 square feet. The usable lot area shall be determined by deducting from the total lot area the area of all setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the SWEL.

During the construction of a subdivision, the developer shall maintain the streambed of each stream, creek, or backwash channel contiguous to the subdivision in an unobstructed state and shall remove from the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized stormwater drains, culverts, bridges or erosion control devices will not be construed as obstructions in the stream.

24.4 ADMINISTRATION

A. Appeals and variances of this article shall be subject to Article 37.

B. Inspections and enforcement actions of this article shall be subject to Article 39.

24.5 STORMWATER ADMINISTRATOR

A. Designation

The Director of the City of Charlotte department responsible for management of the City's NPDES MS4 Stormwater permit has been designated as the Stormwater Administrator. The Stormwater Administrator, or their designee, is authorized to administer and enforce Article 24.

B. Powers and Duties

In addition to the powers and duties that may be conferred by other provisions of this Unified Development Ordinance and other laws, the Stormwater Administrator shall have the following powers and duties under this article:

1. To review and approve or disapprove applications submitted pursuant to Article 24.

2. To make determinations and render interpretations of Article 24**.**

3. To establish application requirements and schedules for submittal and review of applications and appeals.

4. To enforce Article 24 in accordance with its enforcement provisions in Article 39.

5. To maintain records, maps, and official materials as they relate to the adoption, amendment, enforcement, or administration of Article 24.

6. To provide expertise and technical assistance upon request to the City Council and the UDO Board of Adjustment.

7. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.

8. To provide information and recommendations relative to variances and information as requested by the UDO Board of Adjustment in response to appeals.

9. To prepare and make available to the public a Stormwater Regulations Administrative Manual.

10. To take any other action necessary to administer the provisions of Article 24.

Article 25. Post-Construction Stormwater Regulations

25.1 PURPOSE
25.2 APPLICABILITY
25.3 STORMWATER MANAGEMENT PERMIT STANDARDS
25.4 STORMWATER MANAGEMENT PERMIT APPROVAL PROCESS
25.5 MITIGATION OPTIONS
25.6 DEED RECORDATION AND PLAT SPECIFICATIONS
25.7 MAINTENANCE/LONG-TERM STEWARDSHIP
25.8 ADMINISTRATION
25.9 STORMWATER ADMINISTRATOR
25.10 DEFINITIONS

25.1 PURPOSE

This article is intended to protect, maintain, and enhance the public health, safety, environment, and welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and non-point source pollution associated with development and redevelopment. It has been determined that proper management of construction-related and post-construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, and welfare, and protect water and aquatic resources. These regulations meet these purposes through the following specific objectives and means:

A. Establishing decision-making processes for development and redevelopment that protect the integrity of all watersheds and preserve the health of water resources.

B. Minimizing changes to the pre-development hydrologic response for development and redevelopment in their post-construction state in accordance with the requirements of this article for the applicable design storm in order to reduce flooding, streambank erosion, and non-point and point source pollution, as well as to maintain the integrity of stream channels, aquatic habitats, and healthy stream temperatures.

C. Establishing minimum post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality.

D. Establishing design and review criteria for the construction, function, and use of structural stormwater control facilities that may be used to meet the minimum post-construction stormwater management standards.

E. Establishing criteria for the use of better management and site design practices, such as the preservation of green space and other conservation areas.

F. Establishing provisions for the long-term responsibility for, and maintenance of, structural and nonstructural stormwater control measures (SCMs) to ensure that they continue to function as designed, are maintained appropriately, and pose minimum risk to public safety.

G. Establishing administrative references and/or procedures for the submission, review, approval, and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance.

25.2 APPLICABILITY

A. General

The requirements of this article apply to all development and redevelopment within the City and its extraterritorial jurisdiction (ETJ). All development and redevelopment shall require a Stormwater Management Permit unless exempted below. Documentation to ensure exemption shall be approved by the Stormwater Administrator prior to any development or redevelopment:

1. The following are exempt, if approved prior to July 1, 2008 and unexpired:

a. Residential development: Preliminary subdivision plan or in the case of minor subdivisions, construction plan for required improvements.

b. Nonresidential development: Preliminary subdivision plan.

2. Common law vested right established (e.g., the substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid governmental approval to proceed with a project.

3. A conditional zoning district, including those districts which previously were described variously as conditional district, conditional use district, parallel conditional district, and parallel conditional use district, approved prior to July 1, 2008, provided a minimum of 22.5% of the area of the conditional district has been developed; or any phase of a project so long as such phase is part of a project that includes project-wide water quality requirements to achieve 85% total suspended solids (TSS) removal from developed areas.

4. Development and redevelopment that cumulatively disturbs less than one acre and cumulatively creates less than 5,000 square feet of new built-upon area (BUA).

5. Residential development and redevelopment on an individual lot recorded prior to July 1, 2008 and less than 20,000 square feet (lot shall have been described by metes and bounds and cannot be part of a larger common plan of development or redevelopment).

6. Activities exempt from permit requirements of Section 404 of the Federal Clean Water Act, as specified in 40 CFR Part 232, (primarily, ongoing farming and forestry activities).

B. Definitions

The definitions of Section 25.10 only apply to this article. Unless specifically defined in Section 25.10, other words or phrases used in this article are as defined in Article 2 for general definitions or Article 15 for use definitions. In the case of a conflict between a term defined in Article 2 or Article 15 and this article, the definition in Section 25.10 controls.

25.3 STORMWATER MANAGEMENT PERMIT STANDARDS

Standards for a Stormwater Management Permit are contained in this section.

A. Definition of Watershed Districts

Standards for development and the associated Stormwater Management Permit vary depending on the watershed district in which a project is located as described below:

1. Central Catawba
That area of land that drains to Sugar, Little Sugar, and McAlpine Creeks, including all tributaries, except Six Mile Creek.

2. Western Catawba
That area of land that drains to Lake Norman, Mountain Island Lake, and Lake Wylie, including all creeks and tributaries.

3. Yadkin-Southeast Catawba
That area of land that drains to the Yadkin River basin, including all creeks and tributaries and Six Mile Creek.

B. Standards for Stormwater Control Measures (SCMs)

1. Evaluation Per Design Manual
All SCM's required under this article shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications, standards and the specific design criteria for each stormwater best management practice (BMP) contained in the Charlotte-Mecklenburg Stormwater Control Measure ~~(SCM)~~ Design Manual (SCM Design Manual). The Stormwater Administrator shall determine whether these measures will be adequate to meet the requirements of this article.

2. Determination of Adequacy; Presumptions and Alternatives
SCMs that are designed, constructed, and maintained in accordance with the criteria and specifications in the SCM Design Manual will be presumed to meet the minimum water quality and quantity performance standards of this article. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the SCM Design Manual, the applicant shall have the burden of proof for demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this article before it can be approved for use. As described in the SCM Design Manual, the Stormwater Administrator shall require the applicant to provide monitoring, documentation, calculations, and examples as necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.

C. Standards for Water Quality Buffers

1. All water quality buffers required by this article shall be subject to standards contained in Table 25-1.

Table 25-1: Post-Construction Water Quality Buffers

	Central Catawba District	**Western Catawba District**	**Yadkin-Southeast Catawba District** *Additional regulations apply to Six Mile Creek Watershed per 25.3.F.1.b.iii*
All perennial and intermittent streams draining less than 50 acres	30' vegetated buffer	30' vegetated buffer	50' undisturbed buffer
All perennial and intermittent streams draining greater than or equal to 50 acres and less than 300 acres	35' buffer with two zones (stream side and upland)	35' buffer with two zones (stream side and upland)	100' undisturbed buffer, plus the area within the FEMA Flood Fringe Line
All perennial and intermittent streams draining greater than or equal to 300 acres and less than 640 acres	50' buffer with three zones (stream side, managed use and upland)	50' buffer with three zones (stream side, managed use and upland)	
All perennial and intermittent streams draining greater than or equal to 640 acres	100' buffer, plus 50% of the area of the FEMA Flood Fringe beyond 100', with three zones (stream side, managed use, and upland)	100' buffer, plus 50% of the area of the FEMA Flood Fringe beyond 100', with three zones (stream side, managed use, and upland)	

2. The following may be located within post-construction water quality buffers when they meet the minimum requirements of this article and the articles listed below:

a. Required open space per Article 16.

b. Landscape yard per Article 20.

c. Amenitized tree areas per Article 20.

d. Tree save per Article 20.

e. Internal trees per Article 20.

f. Perimeter trees per Article 20.

e. Water supply water quality buffer per Article 23.

h. Post-construction water quality buffer per Article 25.

g. SWIM water quality buffer per Article 26.

i. Floodplain per Article 27.

j. Areas for greenways or parks per Article 32 offered for dedication and accepted by Mecklenburg County Park and Recreation.

D. Central Catawba District Standards

1. Standards for Low-Density Projects

Any drainage area within a project boundary in the Central Catawba District is considered low-density when said drainage area has less than or equal to 24% BUA as determined by the methodology established in the SCM Design Manual. Such low-density projects shall comply with the following standards. Stormwater controls shall only be required on redeveloped BUA as allowed by state law (N.C.G.S § 143-214.7). Development and redevelopment projects shall not decrease existing on-site structural stormwater controls.

a. Vegetated Conveyances
Stormwater runoff shall be transported by vegetated conveyances to the maximum extent practicable.

b. Water Quality Buffers

i. The Surface Water Improvement and Management (SWIM) water quality buffer requirements apply in the Central Catawba as described in Article 26. Additionally, intermittent and perennial streams within the project boundary shall require a water quality buffer as specified in Table 25-1: Post-Construction Water Quality Buffers. Intermittent and perennial streams shall be delineated by a certified professional using U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology and shall be shown in the Stormwater Management Permit application along with all buffer areas.

ii. Standards for Post-Construction Water Quality Buffers are described within Table 25-1 above.

iii. All buffers shall be measured from the top of the bank on both sides of the stream. All provisions of the SWIM regulations shall apply except for water quality buffer widths in the Central Catawba District. Additionally, no BUA is allowed within 15 feet of the top of bank of the stream (or innermost 15 feet of buffer surrounding ponds) unless the BUA is associated with an exempt impact.

c. Stormwater Peak Control

i. For low-density development and redevelopment placing 20,000 square feet or more of BUA, peak control shall be provided for the 2-year, 6-hour storm and 10-year, 6-hour storm.

2. Standards for High-Density Projects
Any drainage area within a project boundary in the Central Catawba District is considered high-density when said drainage area has greater than 24% built upon area (BUA) as determined by the methodology established in the SCM Design Manual. Such high-density projects shall implement stormwater treatment systems that comply with following standards. Stormwater controls shall only be required on redeveloped BUA as allowed by state law (N.C.G.S § 143-214.7). Development and redevelopment projects shall not decrease existing on-site structural stormwater controls.

a. Stormwater Quality Treatment Volume
Stormwater quality treatment systems shall treat the runoff generated from the first inch of rainfall.

b. Stormwater Quality Treatment
All structural stormwater treatment systems used to meet these requirements shall be designed to have a minimum of 85% average annual removal for total suspended solids (TSS). Low impact development techniques as described in the SCM Design Manual can be used to meet this requirement.

c. Stormwater Treatment System Design
General engineering design criteria for all projects shall be in accordance with the North Carolina Administrative Code (NCAC) per 15A NCAC 2H.1008(c), as explained in the SCM Design Manual.

d. Water Quality Buffers

i. The SWIM water quality buffer requirements apply in the Central Catawba as described in Article 26. In addition, intermittent and perennial streams within the project boundary shall be delineated by a certified professional using U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology and shall be shown in the Stormwater Management Permit application along with all buffer areas.

ii. Standards for post-construction water quality buffers are described within Table 25-1 above.

iii. All buffers shall be measured from the top of the bank on both sides of the stream. All provisions of the SWIM regulations shall apply except for water quality buffer widths in the Central Catawba District. Additionally, no BUA is allowed within 15 feet of the top of bank of the stream (or innermost 15 feet of buffer surrounding ponds) unless the BUA is associated with an exempt impact.

e. Stormwater Volume Control

Stormwater treatment systems shall be installed to control the volume leaving the project site at post-development for the one-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.

f. Stormwater Peak Control

i. For residential land disturbing activities exceeding 24% built-upon area, peak control shall be installed for the appropriate storm frequency (i.e., 10-, 25-, 50- or 100-year, six-hour) as determined by the Stormwater Administrator based on a downstream flood analysis provided by the owner or designee using the criteria specified in the SCM Design Manual or, if a downstream analysis is not performed, the peak shall be controlled for the 10-year and 25-year, 6-hour storms.

ii. For commercial land disturbing activities exceeding 24% built-upon area, peak control shall be installed for the 10-year, 6-hour storm and additional peak control provided for the appropriate storm frequency (i.e., 25-, 50- or 100-year, 6-hour) as determined by the Stormwater Administrator based on a downstream flood analysis provided by the owner or designee using the criteria specified in the SCM Design Manual or, if a downstream analysis is not performed, the peak shall be controlled for the 10-year and 25-year, 6-hour storms. Controlling the one-year, 24-hour volume achieves peak control for the 2-year, 6-hour storm.

E. Western Catawba District Standards

1. Standards for Low-Density Projects

Any drainage area within a project boundary in the Western Catawba District is considered low-density when said drainage area has less than or equal to 12% built-upon area as determined by the methodology established in the SCM Design Manual. Such low-density projects shall comply with the following standards. Stormwater controls shall only be required on redeveloped BUA as allowed by state law (N.C.G.S § 143-214.7). Development and redevelopment projects shall not decrease existing on-site structural stormwater controls.

a. Vegetated Conveyances

Stormwater runoff shall be transported by vegetated conveyances to the maximum extent practicable.

b. Water Quality Buffers

i. The SWIM water quality buffer requirements apply in the Western Catawba as described in Article 26, as do the buffers described for the water supply watershed areas contained in Article 23. Additionally, intermittent and perennial streams within the project boundary shall be delineated by a certified professional using U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology and shall be shown in the Stormwater Management Permit application along with all buffer areas.

ii. Standards for post-construction water quality buffers are described within Table 25-1 above.

iii. All buffers shall be measured from the top of the bank on both sides of the stream. All provisions of the SWIM regulations shall apply except for water quality buffer widths in the Western Catawba District. Additionally, no BUA is allowed within 15 feet of the top of bank of the stream (or innermost 15 feet of buffer surrounding ponds) unless the BUA is associated with an exempt impact.

c. Stormwater Peak Control

i. For low-density development and redevelopment creating 20,000 square feet or more of BUA, peak control shall be provided for the 2-year, 6-hour storm and 10-year, 6-hour storm.

2. Development Standards for High-Density Projects

Any drainage area within a project boundary in the Western Catawba District is considered high-density when said drainage area has greater than 12% BUA as determined by the methodology established in the SCM Design Manual. The BUA maximums specified in the water supply watershed protection requirements contained in Article 23 shall apply. High-density projects shall implement stormwater controls that comply with the following standards. Stormwater controls shall only be required on redeveloped BUA as allowed by state law (N.C.G.S §

143-214.7). Development and redevelopment projects shall not decrease existing on-site structural stormwater controls.

a. Stormwater Quality Treatment Volume
Stormwater quality treatment systems shall treat the runoff generated from the first inch of rainfall.

b. Stormwater Quality Treatment
All structural stormwater treatment systems used to meet these requirements shall be designed to have a minimum of 85% average annual removal for TSS and 70% average annual removal for total phosphorus.

c. Stormwater Treatment System Design
General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H.1008(c), as explained in the SCM Design Manual.

d. Water Quality Buffers

i. The SWIM water quality buffer requirements apply in the Western Catawba District as described in Article 26, as do the water quality buffers described for the watershed areas contained in Article 23. When there is a conflict between buffer requirements, the more stringent shall apply. Additionally, intermittent and perennial streams within the project boundary shall be delineated by a certified professional using U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology and shall be shown in the Stormwater Management Permit application along with all buffer areas.

ii. Standards for post-construction water quality buffers are described within Table 25-1 above.

iii. All buffers shall be measured from the top of the bank on both sides of the stream. All provisions of the SWIM regulations shall apply except for water quality buffer widths in the Western Catawba District. Additionally, no BUA is allowed within 15 feet of the top of bank of the stream (or innermost 15 feet of buffer surrounding ponds) unless the BUA is associated with an exempt impact.

e. Stormwater Volume Control
Stormwater treatment systems shall be installed to control the volume leaving the project site at post-development for the 1-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.

f. Stormwater Peak Control

i. For residential land disturbing activities exceeding 12% built-upon area, peak control shall be installed for the appropriate storm frequency (i.e., 10-, 25-, 50- or 100-year, 6-hour) as determined by the Stormwater Administrator based on a downstream flood analysis provided by the owner or designee using the criteria specified in the SCM Design Manual, or if a downstream analysis is not performed, the peak shall be controlled for the 10-year and 25-year, 6-hour storms.

ii. For commercial land disturbing activities exceeding 12% built-upon area, peak control shall be installed for the 10-year, 6-hour storm and additional peak control provided for the appropriate storm frequency (i.e., 25-, 50- or 100-year, 6-hour) as determined by the Stormwater Administrator based on a downstream flood analysis provided by the owner or designee using the criteria specified in the SCM Design Manual or, if a downstream analysis is not performed, the peak shall be controlled for the 10-year and 25-year, 6-hour storms. Controlling the one-year, 24-hour volume achieves peak control for the 2-year, 6-hour storm.

F. Yadkin-Southeast Catawba District Standards

1. Standards for Low-Density Projects
Any drainage area within a project boundary in the Yadkin-Southeast Catawba District is considered low-density when said drainage area has less than or equal to 10% BUA as determined by the methodology established in the SCM Design Manual. Such low-density projects shall comply with the following standards. Stormwater controls shall only be required on redeveloped BUA as allowed by state law (N.C.G.S § 143-214.7). Development and redevelopment projects shall not decrease existing on-site structural stormwater controls.

a. Vegetated Conveyances
Stormwater runoff shall be transported by vegetated conveyances to the maximum extent practicable.

b. Water Quality Buffers

i. Intermittent and perennial streams within the project boundary shall be delineated by a certified professional using U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology and shall be shown in the Stormwater Management Permit application along with all buffer areas.

ii. Standards for Post-Construction Water Quality Buffers are described within Table 25-1 above.

iii. Six Mile Creek Watershed Only: In addition to the above information for streams in the Yadkin-Southeast Catawba Basin Watershed, all perennial streams in the Six Mile Creek Watershed shall require 200-foot undisturbed buffers, plus entire FEMA floodplain. All intermittent streams in the Six Mile Creek Watershed shall require 100-foot undisturbed buffers all measured on each side of the stream from top of bank. Additionally, no BUA is allowed within 15 feet of the top of bank of the stream (or innermost 15 feet of buffer surrounding ponds) unless the BUA is associated with an exempt impact specifically allowed within Six Mile Creek per the most recent version of the Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines.

iv. All buffers shall be measured from the top of the bank on both sides of the stream. All provisions of the stream side zone of the SWIM regulations shall apply except for water quality buffer widths in the Yadkin-Southeast Catawba District. Additionally, no BUA is allowed within 15 feet of the top of bank of the stream (or innermost 15 feet of buffer surrounding ponds) unless the BUA is associated with an exempt impact.

c. Stormwater Peak Control

For low-density development and redevelopment creating 20,000 square feet or more of BUA, peak control shall be provided for the 2-year, 6-hour storm and 10-year, 6-hour storm.

2. Standards for High-Density Projects

Any drainage area within a project boundary in the Yadkin-Southeast Catawba District is considered high-density when said drainage area has greater than 10% BUA as determined by the methodology established in the SCM Design Manual. Such high-density projects shall implement stormwater treatment systems that comply with the following standards. Stormwater controls shall only be required on redeveloped BUA as allowed by state law (N.C.G.S § 143-214.7). Development and redevelopment projects shall not decrease existing on-site structural stormwater controls.

a. Stormwater Quality Treatment Volume

Stormwater quality treatment systems shall treat the runoff generated from the first inch of rainfall.

b. Stormwater Quality Treatment

All structural stormwater treatment systems used to meet these requirements shall be designed to have a minimum of 85% average annual removal for TSS and 70% average annual removal for total phosphorus.

c. Stormwater Treatment System Design

General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H.1008(c), as explained in the SCM Design Manual.

d. Water Quality Buffers

i. Intermittent and perennial streams within the project boundary shall be delineated by a certified professional using U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology and shall be shown in the Stormwater Management Permit application along with all buffer areas.

ii. Standards for post-construction water quality buffers are described within Table 25-1 above.

iii. Six Mile Creek Watershed Only: In addition to the above information for streams in the Yadkin-Southeast Catawba Basin Watershed, all perennial streams in the Six Mile Creek Watershed shall have 200-foot undisturbed buffers, plus entire FEMA floodplain and all intermittent streams in the Six Mile Creek Watershed shall have 100-foot undisturbed buffers all measured on each side of the stream from top of bank. Additionally, no BUA is allowed within 15 feet of the top of bank of the stream (or innermost 15 feet of buffer surrounding ponds) unless the BUA is associated with an exempt impact specifically allowed within Six Mile Creek per the most recent version of the Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines.

iv. All buffers shall be measured from the top of the bank on both sides of the stream. All provisions of the stream side zone of the SWIM regulations shall apply except for water quality buffer widths in the Yadkin-Southeast Catawba District. Additionally, no BUA is allowed within 15 feet of the top of bank of the stream (or innermost 15 feet of buffer surrounding ponds) unless the BUA is associated with an exempt impact.

e. Stormwater Volume Control

Stormwater treatment systems shall be installed to control the volume leaving the project site at post-development for the 1-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.

f. Stormwater Peak Control

i. For residential land disturbing activities exceeding 10% built-upon area, peak control shall be installed for the appropriate storm frequency (i.e., 10-, 25-, 50- or 100-year, 6-hour) as determined by the Stormwater Administrator based on a downstream flood analysis provided by the owner or designee using the criteria specified in the SCM Design Manual or, if a downstream analysis is not performed, the peak shall be controlled for the ten-year and 25-year, 6-hour storms.

ii. For commercial land disturbing activities exceeding 10% built-upon area, peak control shall be installed for the 10-year, 6-hour storm and additional peak control provided for the appropriate storm frequency (i.e., 25-, 50- or 100-year, 6-hour) as determined by the Stormwater Administrator based on a downstream flood analysis provided by the owner or designee using the criteria specified in the SCM Design Manual or, if a downstream analysis is not performed, the peak shall be controlled for the ten-year and 25-year, 6-hour storms. Controlling the one-year, 24-hour volume achieves peak control for the 2-year, 6-hour storm.

G. Linear Projects

1. Linear roadway projects constructed within publicly maintained property (ROW, easement, etc.) shall follow the most recent Post Construction Stormwater Implementation Policy for Transportation Projects within City limits and ETJ, as applicable.

2. Greenway trails constructed within publicly maintained property (ROW, easement, etc.) shall follow the most recent Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines.

25.4 STORMWATER MANAGEMENT PERMIT APPROVAL PROCESS

A. Purpose

The Stormwater Management Permit is the development plan, as approved by the Stormwater Administrator, that details how stormwater runoff will be controlled through structural and/or nonstructural management features.

B. Submission of a Stormwater Management Plan

1. General

A Stormwater Management Permit developed in accordance with the specifications set forth in the Stormwater ~~Regualtions~~Regulations Administrative Manual (Administrative Manual) shall be submitted to the City as part of the plan for development or redevelopment and shall be reviewed in accordance with established procedures.

2. Stormwater Management Permit Contents and Form

The Stormwater Administrator shall establish requirements for the content and form of the Stormwater Management Permit. These general requirements shall be contained in the Administrative Manual, which may be amended from time to time.

3. Permit Review Fees

A fee, as established by City Council, shall accompany the submission of the preliminary Stormwater Management Permit.

4. Complete Submission

A Stormwater Management Permit will not be considered complete until it contains all elements required by the Stormwater Administrator, along with the appropriate fee. If the Stormwater Administrator finds that a Stormwater Management Permit is incomplete, the applicant shall be notified of the deficient elements and provided with an opportunity to correct the plan. No review of a Stormwater Management Permit shall commence until the Stormwater Administrator has determined the plan is complete.

C. Review and Approval of Stormwater Management Plan

1. Preparation by Professional Required

The preliminary Stormwater Management Permit shall be prepared by a licensed state professional engineer or registered landscape architect. The professional engineer or registered landscape architect shall certify that the design of all stormwater management facilities and practices meets the requirements of these regulations.

2. Final Approval of Stormwater Management Plan

If the Stormwater Administrator finds the Stormwater Management Permit complies with the requirements of these regulations, the Stormwater Administrator shall approve the Stormwater Management Permit, which approval shall constitute the issuance of the permit. The Stormwater Administrator may impose conditions of approval as needed to ensure compliance with this article. The conditions shall be included in the permit as part of the approval.

3. Effect of the Permit

The permit shall remain valid for a period of three years from the date of approval. If no work on the site in furtherance of the Stormwater Management Permit has commenced within the three year period, the permit and plan approval will become null and void and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced that involves any utility installations or street improvements except grading, the permit and plan shall remain valid and in force and the project may be completed in accordance with the approved plan.

4. Disapproval of Stormwater Management Plan

If the Stormwater Administrator disapproves the preliminary Stormwater Management Permit, the grounds for such disapproval shall be stated in writing to the applicant. After such disapproval, an appeal from that decision may be taken to Stormwater Advisory Committee (SWAC). SWAC may approve, disapprove, in whole or in part, or otherwise modify the action of the Stormwater Administrator. A final Stormwater Management Permit approved by SWAC, after appeal from the decision of the Stormwater Administrator, will qualify as the permit.

D. As-Built Plans and Final Approval

1. An applicant shall certify that the completed project is in accordance with the approved Stormwater Management Permit and designs and shall submit as-built plans for all stormwater management facilities or practices after final construction is completed. Failure to provide approved as-built plans within the timeframe specified by the Stormwater Administrator may result in assessment of penalties. At the discretion of the Stormwater Administrator, performance guarantees may be required for stormwater management facilities or practices until as-built plans are approved.

2. As-built plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved Stormwater Management Permit and designs and with the requirements of this article. As conditions of the as-built plan(s) approval, the designer shall submit a digital copy of the as-built plan(s) as described in the Administrative Manual to the Stormwater Administrator for the purpose of maintaining records, performing inspections, maintenance and other future needs as determined by the City.

3. Approved final as-built plans and a final inspection by the Stormwater Administrator are required before a project is determined to be in compliance with this article. At the discretion of the Stormwater Administrator, certificates of occupancy may be withheld pending receipt of as-built plans and the completion of a final inspection and approval of a project.

25.5 MITIGATION OPTIONS

A. Total Phosphorus Mitigation

1. Purpose

The purpose of this mitigation is to reduce the cost of complying with the 70% total phosphorus removal criteria for development with greater than or equal to 24% built-upon area while ensuring the reduction of pollution loads and achievement of the objectives of this article.

2. General Description

a. There are two total phosphorus mitigation options available to development greater than or equal to 24% built-upon area: 1) an off-site mitigation option; and 2) a buy-down option as described in this article. Both off-site and buy-down mitigation will result in the construction of retrofit SCMs in the same river basin (Catawba or Yadkin) as the mitigated site. In the Western Catawba District both forms of mitigation shall occur in the watershed of the same named creek system for the purpose of ensuring a balance of total phosphorus loads to lake cove areas where phosphorus is a limiting pollutant with the exception that up to 30% of the buy-down money can be spent outside the watershed. In addition, the buy-down option is available provided the City has projects and/or property available for mitigation. There is no total phosphorus requirement in the Central Catawba District so the mitigation option is not necessary.

b. The named creek (or drainage basin) systems referred to above include:

i. Western Catawba: Studman Branch, Porter Branch, Neal Branch, Stowe Branch, Beaverdam Creek, Little Paw Creek, Paw Creek, Long Creek, Gar Creek, and the Lower Mountain Island watershed.

ii. Yadkin-Southeast Catawba: Six Mile Creek, Twelve Mile Creek, Caldwell Creek, McKee Creek, Reedy Creek, Fuda Creek, Back Creek, Mallard Creek, and Lower Clarke Creek.

3. Criteria for Off-Site Mitigation

a. The owner or designee of a proposed construction site that will include greater than or equal to 24% BUA shall construct SCM retrofit project designed to achieve an equivalent or greater net mass removal of total phosphorus as would be achieved by removing 70% of the total phosphorus from the proposed site. Off-site mitigation is allowed only for total phosphorus removal above 50%. On-site SCMs shall be constructed to achieve 50% removal of total phosphorus from the project site.

b. The Stormwater Administrator shall receive and review the application for off-site mitigation. After reviewing the application the Stormwater Administrator shall approve, disapprove, or approve with conditions an “Application for Off-Site Total Phosphorus Mitigation.” This application shall be submitted with the Stormwater Management Permit application and shall at a minimum contain a description of the SCM(s) to be constructed, including their type and size as well as the pollutant removal efficiencies to be achieved. The location of the site where the SCM(s) are to be constructed shall be described, including the size of the drainage area to be treated and percentage and type of existing BUA. The application shall also include the pounds of total phosphorus being mitigated for and the pounds of total phosphorus reduced with the retrofit SCM(s). Documentation shall be submitted with the application to demonstrate that the applicant has land rights to perform the SCM retrofit on the property.

c. The criteria for approval of off-site total phosphorus mitigation by the Stormwater Administrator are as follows:

i. SCM(s) shall be constructed in accordance with 15A NCAC 2H.1008(c), as explained in the SCM Design Manual.

ii. SCM(s) shall be sized for the corresponding watershed area according to the SCM Design Manual.

iii. SCM(s) shall be inspected by the Stormwater Administrator and found to be in compliance with all approved plans and specifications prior to the issuance of certificate(s) of occupancy for the mitigated site.

d. Following approval from the Stormwater Administrator, SCM(s) may be installed and credits obtained for pounds of total phosphorus removed that can be applied to future projects. These credits can be accumulated or banked for a period of time as specified by the Stormwater Administrator in the Administrative Manual.

e. All off-site mitigation SCMs shall be subject to the maintenance requirements as well as installation and maintenance performance securities specified in Section 25.7.

4. Criteria for Total Phosphorus Buy-Down Option

a. The owner or designee of a proposed construction site that will include greater than or equal to 24% BUA may buy-down the 70% phosphorus removal requirement to no less than 50%. On-site SCMs shall be installed to remove the remaining total phosphorus load. The funds shall be used by the City to construct SCM retrofit projects designed to achieve an equivalent or greater net mass removal of total phosphorus as would be achieved by removing 70% of the total phosphorus from the proposed site.

b. The Stormwater Administrator shall receive and review the application for the buy-down option. After receiving the application the Stormwater Administrator shall approve, disapprove, or approve with conditions an application for total phosphorus buy-down. This application shall be submitted with the Stormwater Management Permit application and shall at a minimum contain calculations showing the total load buy-down and all cost calculations as described in the Administrative Manual.

c. The criteria for the buy-down option are as follows:

i. The buy-down option shall not be approved by the Stormwater Administrator unless projects and/or properties are available for mitigation, including SCM construction, SCM maintenance, SCM rehabilitation, and stream restoration.

ii. There is no time constraint for the City to spend mitigation funds. However, the City shall strive to spend funds collected in a timely and efficient manner such that a net improvement in water quality results.

iii. The City shall ensure that the function of all SCMs constructed by the City as part of this mitigation option shall be maintained in perpetuity. Individual maintenance responsibilities are further defined in project specific easement agreements.

d. The criteria for calculating the buy-down cost shall be provided in the Administrative Manual.

25.6 DEED RECORDATION AND PLAT SPECIFICATIONS

A. The approval of the Stormwater Management Permit shall require an enforceable restriction on property usage that runs with the land, such as a plat, recorded deed restrictions or protective covenants, to ensure that future development maintains the site in a manner consistent with the approved project plans.

B. Streams and buffer boundaries, including the delineation of each buffer zone, shall be specified on all surveys and record plats.

C. The applicable operations and maintenance agreement pertaining to every SCM shall be referenced on the final plat and shall be recorded with the Mecklenburg County Register of Deeds Office upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded with the Mecklenburg County Register of Deeds Office so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

D. A copy of the recorded operations and maintenance agreement shall be provided to the Stormwater Administrator within 14 days following receipt of the recorded document. A maintenance easement shall be recorded for every SCM to allow sufficient access for adequate maintenance. The specific recordation and deed restriction requirements, as well as notes to be displayed on final plats and deeds, shall be contained in the Administrative Manual.

25.7 MAINTENANCE/LONG-TERM STEWARDSHIP

A. Dedication of SCMs, Facilities and Improvements

1. Maintenance and Operation of SCMs

The owner of an SCM installed pursuant to this article shall maintain and operate the SCM so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the SCM was designed.

2. Annual Maintenance Inspection and Report

The person responsible for maintenance of any SCM installed pursuant to this article shall submit to the Stormwater Administrator an annual inspection report from a qualified professional as defined in the Administrative Manual. All inspection reports shall be on forms supplied by the Stormwater Administrator that are contained in the Administrative Manual. An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date of as-built certification and each year thereafter on or within 45 days before the anniversary date of the as-built certification.

3. Detectability

Notwithstanding any other applicable provision of any city or state law, any underground SCM constructed for the purposes of this chapter shall be detectable to utility location services.

B. Operation and Maintenance Agreement

1. General

a. At the time that as-built plans are provided to the Stormwater Administrator and prior to final approval of a project for compliance with this article, but in all cases prior to placing any SCMs in service, the applicant or owner of the site shall execute an operation and maintenance agreement that shall be binding on all current and subsequent owners of the site, portions of the site, and lots or parcels served by the SCMs.

b. Failure to execute an operation and maintenance agreement within the time frame specified by the Stormwater Administrator may result in assessment of penalties as specified in Section 25.8. Until the transference of all property, sites, or lots served by any SCM, the original owner or applicant shall have the primary responsibility for carrying out the provisions of the maintenance agreement.

c. At the discretion of the Stormwater Administrator, certificates of occupancy may be withheld pending receipt of an operation and maintenance agreement.

d. The operation and maintenance agreement shall require the owner or owners to maintain, repair, and, if necessary, reconstruct any SCM, and shall state the terms, conditions, and schedule of maintenance for the SCM. In addition, it shall grant to the City a right of entry in the event that the Stormwater Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the SCM. However, in no case shall the right of entry, of itself, confer an obligation on the City to assume responsibility for the SCM.

e. Standard operation and maintenance agreements for SCMs shall be developed by the Stormwater Administrator and made available in the Administrative Manual. The operation and maintenance agreement shall be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the recorded plat.

2. Special Requirement for Homeowners' and other Associations

For any SCMs required pursuant to this article that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity, the required operation and maintenance agreement shall include the provisions described in the SCM Design Manual.

C. Inspection Program

Inspections and inspection programs by the City may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in SCMs; and evaluating the condition of SCMs. If the owner or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an administrative search warrant pursuant to N.C.G.S. § 15-25.2 or its successor. No person shall obstruct, hamper, or interfere with the Stormwater Administrator while carrying out their official duties.

D. Performance Security for Installation and Maintenance

The City may require the submittal of a performance guarantee with surety, cash escrow, letter of credit, or other acceptable legal arrangement prior to issuance of a permit in accordance with the provisions contained in the Administrative Manual.

E. Records of Installation and Maintenance Activities

The owner of any SCM shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.

F. Maintenance Easement

Every SCM installed pursuant to this article shall be made accessible for adequate inspection, maintenance, reconstruction and repair by a maintenance easement, which shall be shown and labeled on all plans and plats. The easement shall be recorded to provided adequate and perpetual access and sufficient area, in favor of the City or otherwise, for inspection, maintenance, repair, or reconstruction. For all SCMs that are not located adjacent to a public right-of-way, the owner shall provide a 20 foot wide access easement in favor of the City that connects the SCM area to the public right-of-way. The easement shall be described on all plans and plats as defined in the Administrative Manual. The easement shall be recorded as described in Section 25.6 and its terms shall specify who may make use of the easement and for what purposes.

25.8 ADMINISTRATION

A. Appeals and variances of this article shall be subject to Article 37.

B. Inspections and enforcement actions of this article shall be subject to Article 39.

25.9 STORMWATER ADMINISTRATOR

A. Designation

The Director of the City of Charlotte department responsible for management of the City's NPDES MS4 Stormwater permit has been designated as the Stormwater Administrator. The Stormwater Administrator is authorized to administer and enforce Article 25.

B. Powers and Duties

In addition to the powers and duties that may be conferred by other provisions of this Ordinance and other laws, the Stormwater Administrator shall have the following powers and duties under this article:

1. To review and approve or disapprove applications submitted pursuant to Article 25.

2. To make determinations and render interpretations of Article 25**.**

3. To establish application requirements and schedules for submittal and review of applications and appeals.

4. To enforce Article 25 in accordance with its enforcement provisions.

5. To maintain records, maps, and official materials as they relate to the adoption, amendment, enforcement, or administration of Article 25.

6. To provide expertise and technical assistance upon request to the City Council and the Stormwater Advisory Committee (SWAC).

7. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.

8. To provide information and recommendations relative to variances and information as requested by the UDO Board of Adjustment in response to appeals.

9. To prepare and make available to the public a Stormwater Regulations Administrative Manual that includes the Stormwater Management Permit application, submittal checklist, fee schedule, maintenance agreements, and a reference to the SCM Design Manual.

10. To take any other action necessary to administer the provisions of Article 25.

25.10 DEFINITIONS

The definitions below only apply to this article. Unless specifically defined in this section, other words or phrases used in this article are as defined in Article 2 for general definitions or Article 15 for use definitions. In the case of a conflict between a term defined in Article 2 or Article 15 and this article, the definition in this section controls.

Stormwater Control Measure (**SCM) Design Manual (SCM Design Manual).** The SCM Design Manual includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. Stormwater treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of Article 25 and the NPDES Phase II laws. If the specifications or guidelines of the SCM Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the SCM Design Manual.

Commercial Development or Redevelopment. Any land disturbing activity that is not residential development or redevelopment as defined herein. (This includes all development not specifically included under residential development).

Development. Land-disturbing activity that creates built-upon area or that otherwise decreases the infiltration of precipitation into the soil.

Owner. The legal or beneficial owner of land, including but not limited to a fee owner, mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. Owner shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of owner under another description in this definition, such as a management entity.

Redevelopment. Any land-disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control than the previous development.

Residential Development or Redevelopment. A land-disturbing activity with land on at least two sides of each dwelling unit. This includes but is not limited to single-family residential, townhouses, and duplex/triplex/quadraplex with units located on sublots.

Article 26. Surface Water Improvement & Management (SWIM) Buffers

26.1 PURPOSE
26.2 APPLICABILITY
26.3 SWIM WATER QUALITY BUFFER STANDARDS
26.4 REQUIRED BUFFER DELINEATION
26.5 MITIGATION
26.6 MAINTENANCE RESPONSIBILITY FOR SCMs
26.7 ADMINISTRATION
26.8 STORMWATER ADMINISTRATOR
26.9 DEFINITIONS

26.1 PURPOSE

The purpose of the Surface Water Improvement and Management (SWIM) stream buffer network regulations are to ensure that streams draining 100 or more acres and adjacent lands fulfill their natural functions. Stream systems are comprised of the stream and their drainage basins. Streams have the primary natural functions of conveying stormwater and groundwater to downstream drinking water supplies, storing floodwater, and supporting aquatic and other life. Vegetated lands adjacent to the stream in the drainage basin serve as a buffer to protect the stream system's ability to fulfill its natural functions. Primary natural functions of the buffer are to:

A. Protect water quality by filtering pollutants.

B. Provide storage for floodwaters.

C. Allow streams to meander naturally.

D. Provide suitable habitats for wildlife.

26.2 APPLICABILITY

A. All properties on lots recorded after November 15, 1999, shall be subject to the requirements of this article, subject to the following categories:

1. Lots that have been subdivided by a recorded subdivision plat approved by the City.

2. Lots that have been described by metes and bounds in a recorded deed or shown on a recorded plat, which:

a. Are residential and one acre or less in size.

b. Are nonresidential, including mixed-use, and:

i. Four acres or less in size if located on a non-FEMA regulated floodway.

ii. Seven acres or less in size if located on a FEMA regulated floodway.

B. Properties on lots recorded prior to November 15, 1999 shall meet the requirements of this article if redevelopment or expansions to existing structures result in an increase in built-upon area in the SWIM stream buffer.

C. The definitions of Section 26.10 only apply to this article. Unless specifically defined in Section 26.10, other words or phrases used in this article are as defined in Article 2 for general definitions or Article 15 for use definitions. In the case of a conflict between a term defined in Article 2 or Article 15 and this article, the definition in Section 26.10 controls.

26.3 SWIM WATER QUALITY BUFFER STANDARDS

This article maintains standards for buffers along streams and waterways to fulfill the purposes of this article. Required SWIM stream buffer widths are based on the size of the upstream drainage basin. Charlotte-Mecklenburg Storm Water Services shall make all necessary determinations regarding applicability of SWIM stream buffer requirements, which are generally depicted by the SWIM Stream Buffer Map. The SWIM Stream Buffer Map maintained by Charlotte-Mecklenburg Stormwater Services shall generally depict which streams are subject to buffer requirements and the related buffer widths. SWIM stream buffer requirements begin at the point where the stream drains 100 acres or greater subject to review by field survey on a site-by-site basis.

A. Water Quality Buffer Widths for Streams Draining Equal to and Greater than 100 Acres

1. SWIM stream buffers are required for streams draining areas equal to or greater than 100 acres. SWIM stream buffers are comprised of up to three zones: the stream side zone, managed use zone, and upland zone. Table 26-1: SWIM Water Quality Buffer Width for Streams Draining Equal to and Greater than 100 Acres, provides the total buffer widths and width for each zone, based on the drainage area size. SWIM stream buffer widths for these streams are measured horizontally on a line perpendicular to the surface water, landward from the top of the bank on each side of the stream.

Table 26-1: SWIM Water Quality Buffer Width for Streams Draining Equal to and Greater than 100 Acres

Drainage Area Designation	Stream Side Zone	Managed Use Zone	Upland Zone	Total Width of Buffer on Each Side of Stream
≥ 100 acres	20’	None	15’	35’
≥ 300 acres	20’	20’	10’	50’
≥ 640 acres [1]	30’	45’	25’ PLUS 50% of the area of the FEMA Flood Fringe beyond 100 feet	100’ PLUS 50% of the area of the FEMA Flood Fringe beyond 100’ (*See image below*)[2]

[1] Additional buffer standards for drainage areas of ≥ 640 acres:

a. The FEMA Flood Fringe Line and Community Encroachment Line, per Article 27, are used for floodplain and buffer calculations.

b. If the floodplain, per Article 27, is less than 100 feet wide, the total width of the buffer on that side of the stream shall be 100 feet except as provided in item d below.

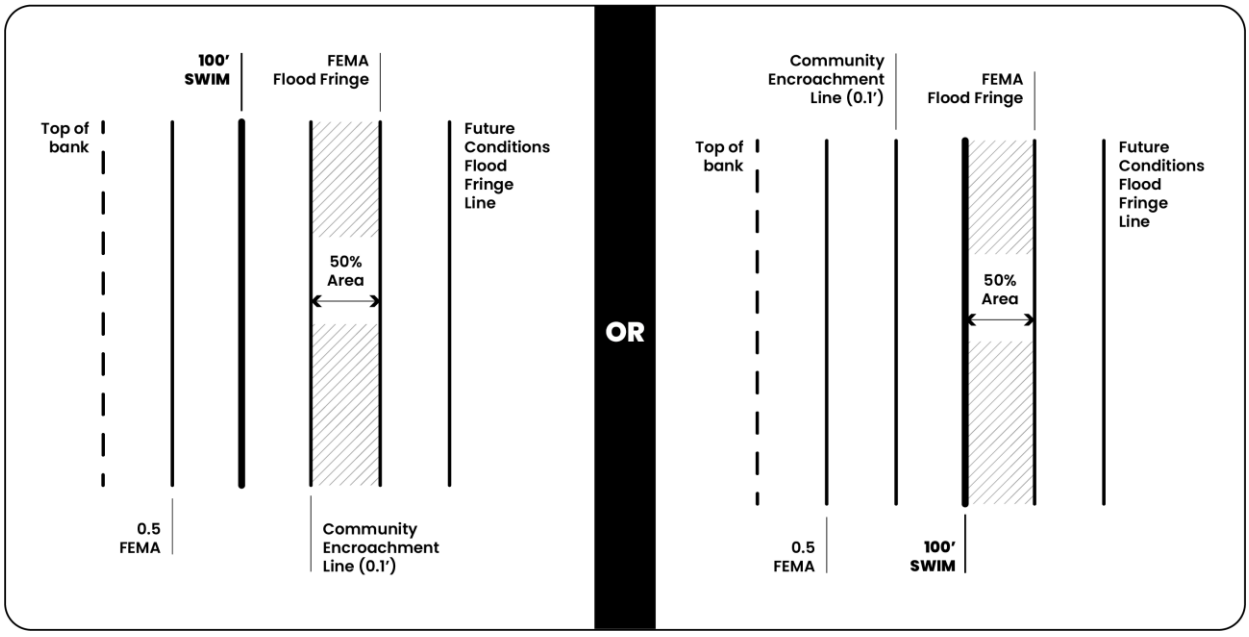
c. The additional buffer area beyond 100 feet shall be parallel to and contiguous with the required 100 foot buffer and be configured in such a manner as to benefit surface water quality.

d. So long as the total buffer width is maintained, the buffer may vary in width on either side of the stream based on individual stream side topography provided the owner(s) control both sides of the stream and the stream side zone is maintained on both sides of the stream.

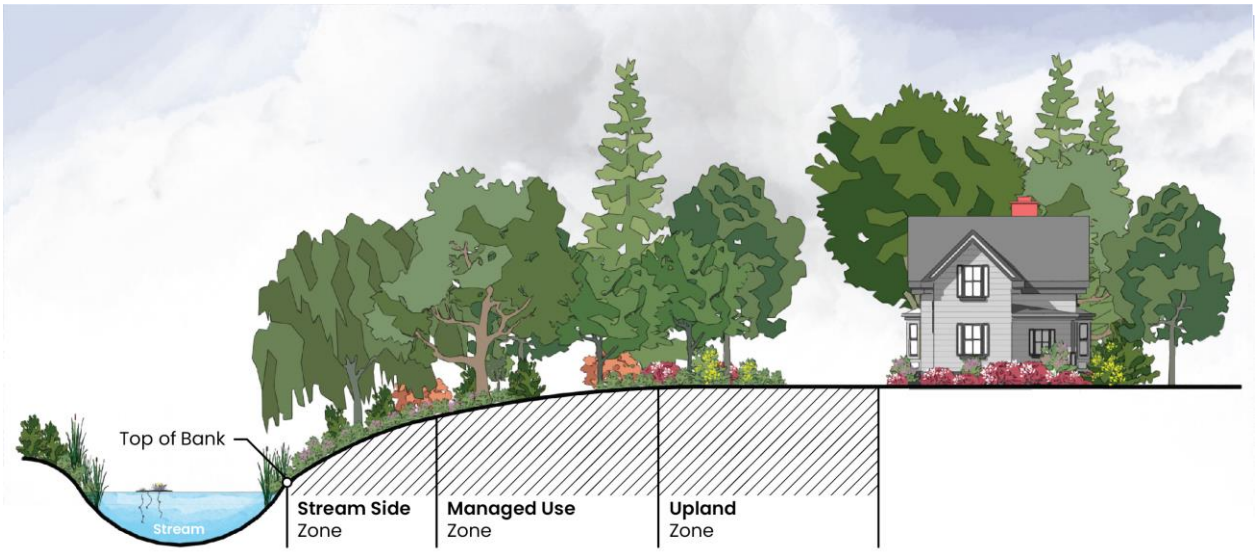
e. Buffer requirements within this section do not apply to the main channel of the Catawba River including Lake Norman, Mountain Island Lake, and Lake Wylie.

[2] Calculation of the additional 50% area requirement is based on the area between the FEMA Flood Fringe Line and the 100 foot SWIM Water Quality Buffer or to the Community Encroachment Line (0.1’), whichever is less.

CALCULATION OF ADDITIONAL 50% AREA



STREAM SIDE ZONE, MANAGED USE ZONE, AND UPLAND ZONE ILLUSTRATION



B. Buffer Description

Buffer function, vegetative targets, and allowed impacts vary according to the different buffer zones as described in Table 26-2: SWIM Stream Buffer Descriptions.

Table 26-2: SWIM Stream Buffer Descriptions

Characteristics	Stream Side Zone	Managed Use Zone	Upland Zone
Function	Protect the integrity of ecosystems	Provide distance between upland development and the stream side zone	Prevent encroachment and filter runoff
Vegetative Targets [1]	Undisturbed (no cutting or clearing allowed): If existing tree density is inadequate, reforestation is encouraged.	Limited clearing: Existing tree density shall be retained to a minimum of 8 healthy trees of a minimum 6 inch caliper per 1,000 square feet. If existing tree density is inadequate, reforestation is encouraged	Grass or other herbaceous groundcover allowed – tree cover is encouraged
Impacts [2]	Very restricted: Permitted impacts limited to: flood control structures and bank stabilization, as well as installation of utilities, transportation crossings with stabilization of disturbed areas as specified in Section 26.5.B.	Restricted: Permitted impacts limited to: all impacts allowed in the stream side zone, as well as stormwater control measures (SCMs), bike paths, and greenway trails (not to exceed 10 feet in width)	Restricted: Permitted impacts limited to: all impacts allowed in the stream side and managed use zones, as well as grading for lawns, gardens, and accessory structures not to exceed 150 square feet.

[1] When vegetative targets cannot be met, mitigation of disturbed buffers is required as specified in the Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines when such disturbances result in the failure of the buffer system to comply with the vegetative targets specified.

[2] Fill material cannot be brought into the buffer unless explicitly exempted. Grading is allowed only in the upland zone. Structures not explicitly exempted above are not allowed in the SWIM stream buffer. Permitted impacts within the buffer zones should be coordinated to ensure minimal disturbance of the buffer system. For example, if it is necessary to install utilities within the buffer, greenway trails should be constructed to follow the cleared areas to the maximum extent practicable.

C. Diffuse Flow Requirement
Diffuse flow of runoff shall be maintained in the buffer by dispersing concentrated flow and reestablishing vegetation.

1. Concentrated runoff from ditches or other manmade conveyances shall be converted to diffuse flow before the runoff enters the buffer.

2. Periodic corrective action to restore diffuse flow shall be taken by the property owner as necessary to prevent the formation of erosion gullies.

D. Ponds
Ponds, that intersect a stream, shall have the same buffers as the original stream measured from the top of the bank of the pond. Buffer requirements shall not apply to wet ponds used as Stormwater Control Measures (SCMs). Buffers shall only apply to ponds when the upstream and downstream stream are considered intermittent or perennial.

E. Additional SWIM Buffer Standards
The following may be located within SWIM water quality buffers when they meet the minimum requirements of this article and the articles listed below:

a. Required open space per Article 16.

b. Landscape yard per Article 20.

c. Amenitized tree areas per Article 20.

d. Tree save per Article 20.

e. Internal trees per Article 20.

f. Perimeter trees per Article 20.

g. Water supply water quality buffer per Article 23.

h. Post-construction water quality buffer per Article 25.

i. Floodplain per Article 27.

j. Areas for greenways or parks per Article 32 offered for dedication and accepted by Mecklenburg County Park and Recreation.

26.4 REQUIRED BUFFER DELINEATION

The following buffer delineations shall apply:

A. Streams and buffer boundaries, including all buffer zones, shall be clearly delineated on all construction plans, including grading and clearing plans, erosion, drainage and sediment control plans, and site plans.

B. Outside buffer boundaries shall be clearly marked on-site prior to any land-disturbing activities.

C. Streams and buffer boundaries, including the delineation of each buffer zone, shall be specified on all surveys and record plats.

D. Buffer requirements shall be referenced in homeowners association documents.

26.5 MITIGATION

A. Purpose
The purpose of this section is to set forth the basis on which mitigation is required for unavoidable or approved buffer impacts within any of the buffer zones unless otherwise exempted below. This mitigation basis shall allow the property owner or other entity the opportunity to disturb a buffer, provided steps are taken to offset the buffer loss. Prior to any buffer impact, any person or entity seeking approval of a buffer impact shall submit the requisite site and mitigation information for approval to Charlotte-Mecklenburg Storm Water Services as specified below, to the extent approval is required by this article.

B. Buffer Impacts Not Requiring Mitigation

The following buffer impacts do not require mitigation or specific plan approval but are required to comply with the City's requirements, which may be satisfied using designs contained in the current edition of the Charlotte Land Development Standards Manual (CLDSM) and the Charlotte-Mecklenburg Storm Water Services Design Manual for stabilization of disturbed areas to minimize negative water quality impacts.

1. Required transportation crossings for connectivity.

2. Utility crossings.

3. Parallel water and sewer utility installation as approved by Charlotte Water.

4. Public paths and trails parallel to the stream outside the stream side zone and stream crossings. Pathways shall use existing and proposed utility alignments or previously cleared areas and minimize tree cutting to the maximum extent practicable. Pathways shall preserve existing drainage patterns and avoid drainage structures that concentrate stormwater to the maximum extent practicable.

5. Incidental drainage improvements/repairs for maintenance.

6. Individual pedestrian paths connecting homeowners to the stream in the form of narrow, pervious footpaths with minimal tree disturbance.

7. New domesticated animal trails for farming where existing trails are lost as a result of action beyond the farmer's control. Stream crossings should be constructed and maintained to minimize impacts to the stream side zone with fencing perpendicular and through the buffer to direct animal movement.

8. Mitigation approved by a federal or state agency acting pursuant to Sections 401 or 404 of the Federal Clean Water Act.

9. Flood control structures.

10. Fences that comply with floodplain regulations (Article 27) and do not require tree removal.

C. Buffer Impacts Requiring Mitigation

Impacts to stream buffers not specified in item B above, proposing to allow development or other land use in a buffer, shall be required to mitigate or offset the proposed impact in accordance with this section. Buffer impacts requiring mitigation and plan approval include, but are not limited to:

1. Filling or piping of streams, regardless of 401 or 404 permitting issued by US Army Corps of Engineers (USACE) or NC Department of Environmental Quality (NCDEQ).

2. Clearing of land and/or removal of vegetation from the stream side or managed use zones other than as specified by Table 26-2 per the Vegetative Targets of the table.

3. Paths proposed within the stream side zone.

4. Stream relocations.

5. Fences and walls requiring tree removal in the stream side or managed use zones.

6. Other buffer impacts not permitted under item B above.

The landowner or other entity proposing any of the impacts specified above shall prepare and submit for approval a site-specific plan to Charlotte-Mecklenburg Storm Water Services. This site plan shall show the extent of the proposed impact and clearly specify the proposed mitigation technique.

D. Pre-Approved Mitigation Techniques

The following techniques are available to property owners for mitigation of buffer impacts upon review and approval of a site-specific mitigation plan by Charlotte-Mecklenburg Storm Water Services. Specifications for these pre-approved mitigation techniques are provided in the Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines.

1. Installation of Stormwater Control Measures (SCMs)

If not required by another city ordinance or article of this Ordinance, the installation of an on-site SCM designed to achieve specified pollutant removal targets will allow for stream buffer impacts on the specific site. The SCM should remain outside the stream side zone to the maximum extent practicable. A detailed SCM design plan shall be submitted to Charlotte-Mecklenburg Storm Water Services for approval based on specifications and pollutant removal targets contained in the Charlotte-Mecklenburg Stormwater Control Measure Design Manual (SCM~~)~~ Design Manual). This plan shall also include a long-term maintenance strategy for the SCM complete with the establishment of adequate financing to support the proposed maintenance practices.

2. Stream Buffer Restoration

The owner may restore and preserve the buffer area on any stream of equivalent or greater drainage area, the condition of which is determined to be qualified for restoration by Charlotte-Mecklenburg Storm Water Services. This restored buffer area shall be equal or greater in size than the buffer area to be mitigated.

3. Stream Buffer Preservation

The owner may purchase, fee simple, other stream segments at equivalent or greater drainage area on a 1:1 linear foot basis and convey fee simple and absolute title to the land to the City of Charlotte, Mecklenburg County, or other conservation organization. Staff may consider other means for preserving these areas on a case-by-case basis.

4. Wetlands Preservation

On a 2:1 acreage basis for disturbed buffer area (two acres of wetland for each acre of disturbed buffer area), the owner may provide a combination of the preservation and/or restoration of wetlands with protective easements.

5. Mitigation Credits

The purchase of mitigation credits on a 1:1 basis utilizing area of buffer impacted and the prevailing rate of purchase as established by Charlotte-Mecklenburg Storm Water Services shall allow for stream buffer impacts on the specific site. Mitigation credits purchased under any other program (i.e., USACE) shall not cover this requirement unless the issuing agency agrees to relinquish the funds to Charlotte-Mecklenburg Storm Water Services.

E. Other Mitigation Techniques

No provision of this article shall prevent the creative development of alternative mitigation plans. The owner shall submit such plan with proposed buffer impacts and detailed mitigation information to Charlotte-Mecklenburg Storm Water Services for approval. The criteria used to judge the acceptability of any alternative plan shall be the degree to which the plan addresses the preservation of the four primary natural functions of stream buffers as per Section 26.1. Such plans may be submitted in conjunction with a mitigation plan submission to the USACE and NCDEQ for proposed stream or wetland impacts.

F. Posting of Financial Security Required for Stormwater Control Measures (SCMs)

When SCMs are approved for mitigation of a buffer disturbance, the approval shall be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to Charlotte-Mecklenburg Storm Water Services, in a form which is satisfactory to the City Attorney, guaranteeing the installation and maintenance of the required SCMs until the issuance of certificates of occupancy for 75% of all construction which might reasonably be anticipated to be built within the area which drains into the SCMs, allowing credit for improvements completed prior to the submission of the final plat.

At such time that this level of occupancy is achieved, written notice thereof shall be given by the owner to Charlotte-Mecklenburg Storm Water Services. The owner shall also verify the adequacy of the maintenance plan for the SCMs including the necessary financing to support the proposed maintenance practices. Charlotte-Mecklenburg Storm Water Services will inspect the SCMs and verify the effectiveness of the maintenance plan and if found satisfactory, will notify the owner in writing within 30 days of the date of the notice.

26.6 MAINTENANCE RESPONSIBILITY FOR SCMs

Maintenance of all SCMs shall be the responsibility of the property owner or their designee.

26.7 ADMINISTRATION

A. Appeals and variances of this article shall be subject to Article 37.

B. Inspections and enforcement actions of this article shall be subject to Article 39.

26.8 STORMWATER ADMINISTRATOR

A. Designation

The Director of the City of Charlotte department responsible for management of the City's NPDES MS4 Stormwater permit has been designated as the Stormwater Administrator. The Stormwater Administrator is authorized to administer and enforce Article 26.

B. Powers and Duties

In addition to the powers and duties that may be conferred by other provisions of this Ordinance and other laws, the Stormwater Administrator shall have the following powers and duties under this article:

1. To review and approve or disapprove applications submitted pursuant to Article 26.

2. To make determinations and render interpretations of Article 26**.**

3. To establish application requirements and schedules for submittal and review of applications and appeals.

4. To enforce Article 26 in accordance with its enforcement provisions.

5. To maintain records, maps, and official materials as they relate to the adoption, amendment, enforcement, or administration of Article 26.

6. To provide expertise and technical assistance upon request to the City Council and the Stormwater Advisory Committee (SWAC).

7. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.

8. To provide information and recommendations relative to variances and information as requested by the UDO Board of Adjustment in response to appeals.

9. To prepare and make available to the public a Stormwater Regulations Administrative Manual that includes the Stormwater Management Permit application, submittal checklist, fee schedule, maintenance agreements, and ~~a~~ reference<u>s</u> to the <u>Charlotte-Mecklenburg Storm Water Services</u> Design Manual <u>and the SCM Design Manual</u>.

10. To take any other action necessary to administer the provisions of Article 26.

26.9 DEFINITIONS

The definitions below only apply to this article. Unless specifically defined in this section, other words or phrases used in this article are as defined in Article 2 for general definitions or Article 15 for use definitions. In the case of a conflict between a term defined in Article 2 or Article 15 and this article, the definition in this section controls.

Development. Land-disturbing activity that creates built-upon area or that otherwise decreases the infiltration of precipitation into the soil.

Redevelopment. Any land-disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control than the previous development.

Article 27. Floodplain Regulations

27.1 INTRODUCTION, PURPOSE, AND OBJECTIVES
27.2 APPLICABILITY
27.3 GENERAL FLOOD HAZARD REDUCTION STANDARDS
27.4 SPECIFIC FLOOD HAZARD REDUCTION STANDARDS
27.5 FLOODPLAIN DEVELOPMENT PERMITS AND CERTIFICATION REQUIREMENTS
27.6 ADMINISTRATION
27.7 FLOODPLAIN ADMINISTRATOR
27.8 DEFINITIONS

27.1 INTRODUCTION, PURPOSE, AND OBJECTIVES

A. Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Articles 7, 9, and 11 of Chapter 160D; Article 6 of Chapter 153A; and Article 8 of Chapter 160A of the North Carolina General Statutes (N.C.G.S.), delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

B. Purpose

1. The flood hazard areas of Charlotte and Charlotte's extraterritorial jurisdiction (ETJ) are periodically inundated by the cumulative effect of obstructions in floodplains. This not only results in increases in flood heights and velocities during flooding events but the loss of life, increased health and safety hazards, destruction of public and private property, and disruption of commerce and governmental services. This article promotes public health, safety, and general welfare and minimizes public and private losses due to flood conditions in specific areas by regulations designed to:

a. Restrict or prohibit uses which are dangerous to health, safety, welfare, and property due to water or erosion hazards and encourage the retention of open land uses located and designed to constitute a harmonious and appropriate part of the physical development of the City as provided in the Comprehensive Plan and subsequent area planning efforts.

b. Require that uses vulnerable to floods, including facilities, both public and private, which serve such uses, be protected against flood damage at the time of initial construction.

c. Control the alteration of, and encroachment upon, natural floodplains, stream channels, natural protective barriers, and drainage courses which are involved in the accommodation of flood waters, thus limiting the expenditure of public money for flood-control projects.

d. Control filling, grading, dredging, and other development activities which may increase erosion or flood damage.

e. Prevent or regulate the construction of flood barriers which shall unnaturally divert flood waters, or which may increase flood hazards to other lands.

f. Ensure uses permitted to be located within flood hazard areas are designed in a manner such that they do not impede the flow of flood waters or otherwise cause danger to life and/or property and to minimize the need for rescue and relief efforts associated with flooding.

g. Support sound development practice and a stable tax base by providing for accurate mapping of community flood fringe areas on the flood insurance rate maps (FIRM) and notice for existing and potential property owners of special flood hazard areas, associated flood risks and development restrictions.

h. To minimize future flood losses by depicting future flood fringe areas on the FIRM.

2. It is the intent that the regulations in this article are used in conjunction with the zoning district regulations for subject properties. Any use not permitted by the zoning district shall not be permitted in the special flood hazard area, and any use permitted by the zoning district shall be permitted only upon meeting conditions and requirements as prescribed in this article.

27.2 APPLICABILITY

A. General Applicability

This article shall apply to property within the City and the extraterritorial jurisdiction (ETJ) and also within the area shown on the FIRM or any Federal Emergency Management Agency (FEMA) and/or locally approved revisions to data shown on the FIRM, that is located within the community special flood hazard areas or land adjacent to the community special flood hazard areas if affected by work taking place.

B. Basis for Establishing the Special Flood Hazard Areas

1. All streams in Mecklenburg County with drainage areas of one square mile or greater have established community and FEMA base flood elevations and community encroachment areas and FEMA floodways.

2. The FEMA and community special flood hazard areas are those identified in the effective flood insurance study (FIS) for Mecklenburg County and the City of Charlotte, dated November 16, 2018, and its accompanying FIRM, and all local or FEMA-approved revisions to the FIRM and/or FIS.

3. In areas where a preliminary FIRM and preliminary FIS exist, community base flood elevations shown on the preliminary FIRM and preliminary FIS shall be used for local regulatory purposes, if they are higher than those shown on the effective FIRM and FIS.

4. The initial FIRM are as follows for the jurisdictional areas at the initial date:

a. City of Charlotte dated August 15, 1978.

b. Mecklenburg County Unincorporated Area, dated June 1, 1981.

C. Floodplain Development Permit Required

A floodplain development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities. The Floodplain Regulations Technical Guidance Document (Technical Guidance Document) may be used for illustrative purposes to assist in determining the applicable type of floodplain development permit required.

D. Compliance

No land shall be altered, or any structure shall be located, extended, constructed, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.

E. Legal Status

1. Effect on Rights and Liabilities under Existing Floodplain Regulations

a. This article in part reenacts some of the provisions of the floodplain regulations effective July 1, 2021, and it is not the intention to repeal but rather to reenact and continue to enforce without interruption such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this article shall not affect any action, suit or proceeding instituted or pending. All provisions of the floodplain regulations of Charlotte effective July 1, 2021, which are not reenacted herein, are repealed.

b. The date of the initial Flood Damage Prevention Ordinance for the City of Charlotte is November 27, 1972.

c. The date of the initial Flood Damage Prevention Ordinance for Mecklenburg County is December 4, 1972.

2. Effect upon Outstanding Floodplain Development Permits

a. Nothing contained within this article shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator before the effective date of this article, June 1, 2023. However, when construction has not commenced under such outstanding permit within a period of two years

subsequent to time of effective date of this article, June 1, 2023, or any subsequent revision to this article, such permit shall become null and void and construction or use shall conform with this article.

b. Any application(s) for a floodplain development permit received prior to the effective date, June 1, 2023, of this article may be reviewed under the regulations in effect at the time of the initial application or under the adopted regulations.

c. Any incomplete application(s) for a floodplain development permit shall be valid only for 90 days after the Floodplain Administrator has requested additional information from the applicant or their agent. If 90 days after the owner or their agent has received the request for additional information the applicant has failed to submit reasonably complete information that demonstrates a good faith effort to provide all the additional information requested, as determined by the Floodplain Administrator, the application shall become null and void. Any subsequent submittals shall be considered as new applications and reviewed under the regulations in effect on the date any such subsequent submittal is received by the Floodplain Administrator.

F. Abrogation and Greater Restrictions

This article does not impair or interfere with any existing provisions of laws or ordinances, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued, in conformity with law, relating to the use of buildings or premises; nor is it intended by this article to interfere with or abrogate or annul any easements, covenants or other agreements between parties. However, where this article imposes a greater restriction upon the use of buildings or premises or requires larger setbacks or other open spaces than are imposed or required by such existing provisions of laws or ordinances, or by such rules, regulations, or permits or by such easements, covenants, or agreements, the provisions of this article control.

G. Interpretation

In the interpretation and application of this article, all provisions shall be:

1. Considered minimum requirements.

2. Liberally construed to meet the purposes and objectives of this regulation as stated in Sections 27.1.B.

3. Deemed neither to limit nor repeal any other powers granted by the N.C.G.S.

H. Warning and Disclaimer of Liability

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and shall occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the special flood hazard areas or uses permitted within such areas shall be free from flooding or flood damages. This article shall not create liability on the part of the City, Mecklenburg County, or on any agent, officer, or employee, for any flood damages that result from reliance on this article or by any administrative decision lawfully made hereunder.

I. Definitions

The definitions of Section 27.8 only apply to this article. Unless specifically defined in Section 27.8, other words or phrases used in this article are as defined in Article 2 for general definitions or Article 15 for use definitions. In the case of a conflict between a term defined in Article 2 or Article 15 and this article, the definition in Section 27.8 controls.

27.3 GENERAL FLOOD HAZARD REDUCTION STANDARDS

In all special flood hazard areas, the following apply:

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

C. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

D. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

E. All new electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Flood Protection Elevation (FPE). These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (e.g., washers, dryers, refrigerator, etc.), hot water heaters, electric wiring, and outlets/switches.

1. Replacements that are part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.

2. Replacements that are for maintenance and not part of a substantial improvement may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the requirements of this article for the original structure.

3. The cost for replacements that are for maintenance, are not part of a substantial improvement, and that are installed at the original location are not included as substantial improvement costs if the replacements are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the FPE.

F. All new and replacement water supply systems shall be designed to minimize or eliminate the infiltration of floodwaters into the system.

G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate the infiltration of floodwaters into the system and discharges from the systems into floodwaters.

H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

I. Any alteration, repair, reconstruction, or improvements to a building or structure which is in compliance with the provisions of this article, shall meet the requirements of new construction per this article.

J. Construction of new solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted except by variance in special flood hazard area. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated above the community base flood elevation or designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

K. Any new critical facility shall be located outside of the 500-year (0.2%) flood fringe area and elevated at least one foot above the 500-year (0.2%) flood elevation or the community base flood elevation whichever is greater. The determination of this flood fringe area and elevation shall be provided by the Floodplain Administrator.

L. Subdivisions: All development proposals submitted for review and approval in accordance with Article 30 shall also comply with the following provisions:

1. Locate and construct public utilities and facilities, such as sewer, gas, electrical, and water systems, to minimize flood damage.

2. Construct all new public and network-required private streets located in a community special flood hazard area in accordance with the applicable provisions of this article.

3. Design and construct adequate drainage to reduce exposure to flood hazards.

4. Take such other appropriate measures needed to minimize flood damage.

M. When a structure is partially located in a community or FEMA special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

N. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions of the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

O. The following may be located within the floodplain when they meet the minimum requirements of this article and the articles listed below:

a. Required open space per Article 16.

b. Landscape yard per Article 20.

c. Amenitized tree areas per Article 20

d. Tree save per Article 20.

e. Internal trees per Article 20.

f. Perimeter trees per Article 20.

g. Water supply water quality buffer per Article 23.

h. Post-construction water quality buffer per Article 25.

i. SWIM water quality buffer per Article 26.

j. Areas for greenways or parks per Article 32 offered for dedication and accepted by Mecklenburg County Park and Recreation.

27.4 SPECIFIC FLOOD HAZARD REDUCTION STANDARDS

In all community and FEMA special flood hazard areas where community and FEMA base flood elevation data have been provided, as set forth above in Section 27.2.B, the following apply:

A. Residential and Mixed-Use with Residential Construction

1. Elevation

New construction or substantial improvement of any residential structure shall have the lowest floor elevated to or above the FPE. Where an area is impacted by FEMA and/or community base flood elevations from both the Catawba River and a stream flowing into the Catawba River, the higher of the FEMA and/or community base flood elevations shall apply.

2. Community Base Flood Elevation Exemption

Substantial improvement to existing buildings having the lowest floor located at least one foot above the FEMA base flood elevation, but less than the FPE, are exempt from the requirement to elevate the lowest floor to or above the FPE. However, the property owner shall record the applicable affidavit as provided by Charlotte-Mecklenburg Storm Water Services (hereinafter referred to as “affidavit”) with the Mecklenburg County Register of Deeds Office prior to the issuance of any building permit. The affidavit, provided in the Technical Guidance Document, shall acknowledge that the property owner elected to proceed with the substantial improvement, and was made aware of the community base flood elevations and that in the future there shall be:

a. Potential for flood losses.

b. Potential for mandatory purchase of flood insurance.

c. Potential for FEMA substantial improvement rules to apply.

d. No local funds available for flood mitigation assistance (e.g. buyouts, elevations, etc.).

3. Non-Substantial Improvements Notice

Renovations, rehabilitations, repair, reconstruction, or improvements costing between 10% and 50% of the market value of the existing building and said existing building having the lowest floor below the FPE shall require the property owner to record a notice of floodplain improvements, provided in the Technical Guidance Document, with the Mecklenburg County Register of Deeds Office prior to the issuance of any building permit.

B. Nonresidential Construction

1. Elevation

New construction or substantial improvement of any nonresidential structure shall meet the requirements for residential construction in item A.1 above, or the structure may be floodproofed in lieu of elevation of the lowest floor, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A North Carolina Professional Engineer or North Carolina Licensed Architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 27.5. Floodproofing requirements are provided in the Technical Guidance Document.

2. Community Base Flood Elevation Exemption

Substantial improvement to existing buildings having the lowest floor located at least one foot above the FEMA base flood elevation, but less than the FPE, are exempt from the requirement to elevate the lowest floor to or above the FPE. However, the property owner shall record an affidavit of floodplain construction below community base flood elevation ("affidavit") with the Mecklenburg County Register of Deeds Office prior to the issuance of any building permit. The affidavit, provided in the Technical Guidance Document, shall acknowledge that the property owner elected to proceed with the substantial improvement, and was made aware of the community base flood elevations and that in the future there shall be:

a. Potential for flood losses.

b. Potential for mandatory purchase of flood insurance.

c. Potential for FEMA substantial improvement rules to apply.

d. No local funds available for flood mitigation assistance (e.g. buyouts, elevations, etc.).

3. Non-Substantial Improvements Notice

Renovations, rehabilitations, repair, reconstruction, or improvements costing between 25% and 50% of the market value of an existing building having the lowest floor below the FPE shall require the property owner to record a notice of floodplain improvements, provided in the Technical Guidance Document, with the Mecklenburg County Register of Deeds Office prior to the issuance of a building permit.

C. Elevated Buildings

New construction or substantially improved structures with fully enclosed areas formed by foundation and other exterior walls below the community base flood elevation shall meet the following:

1. Enclosed areas shall not be designed for human habitation and shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. The walls shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

2. Designs for complying with this requirement shall either be certified by a North Carolina Professional Engineer or North Carolina Licensed Architect or meet the following minimum criteria:

a. Provide a minimum of two openings.

b. The total net area of all openings shall be at least one square inch for every square foot of enclosed area subject to flooding.

c. The bottom of all openings shall be no higher than one foot above adjacent grade at the opening.

d. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

e. Openings shall be on different sides of the enclosed area if possible.

f. If the building has more than one enclosed area, each shall have openings.

3. Foundation enclosures:

a. Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore, such skirting does not require hydrostatic openings as outlined above.

b. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this article.

4. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (e.g. garage door) or limited storage of maintenance equipment used in connection with the premises (e.g. standard exterior door) or enter to the living area (e.g. stairway or elevator).

5. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

6. The enclosed area shall be constructed entirely of flood resistant materials at least to the FPE.

7. The enclosed area shall not be temperature controlled.

D. Dryland Access

Access to habitable buildings during a flood event is extremely hazardous. Dryland access shall be provided to new or substantially improved habitable buildings according to the following:

1. Dryland access is required if any portion of either the habitable building or vehicular access route, connecting the habitable building to a public street, is within the floodplain.

2. Plans and details for the dryland access shall be submitted by a North Carolina Professional Engineer or North Carolina Professional Land Surveyor and approved by the Floodplain Administrator.

3. If dryland access cannot be obtained, a variance to the requirement for dryland access may be granted by the UDO Board of Adjustment per Section 27.6 below.

4. Exemptions from dryland access requirements are allowed for any of the following conditions:

a. Substantial improvement to an existing habitable building where the property does not have dryland access.

b. Construction of a new habitable building where both the habitable building and the access route connecting it to a public street, are located entirely outside the community encroachment area and where the property does not have any access to a dry public street. Under this exemption, access from the habitable building to the public street shall:

i. Connect at the highest point of the public street adjacent to the property.

ii. Be constructed of gravel, pavement, or concrete and be at least 12 feet wide.

iii. Be constructed entirely at or above the elevation of highest point of the public street adjacent to the property.

c. Replacement of an existing habitable building where the lowest floor is below the FPE with a new habitable building with the lowest floor above the FPE. Under this exemption, access from the new habitable building to the public street shall:

i. Connect at the highest point of the public street adjacent to the property.

ii. Be constructed of gravel, pavement or concrete and be at least 12 feet wide.

iii. Be constructed entirely at or above the elevation of highest point of the public street adjacent to the property.

E. FEMA Floodway and Community Encroachment Area

No encroachments requiring an individual floodplain development permit per Section 27.5, including fill, new construction, substantial improvements, and other development shall be permitted unless the following conditions are met.

1. FEMA Floodway

a. Either of the following conditions shall be met:

i. A floodway engineering analysis shall be provided by a North Carolina Professional Engineer and performed in accordance with standard engineering practice indicating that the encroachment would not result in any (0.00 feet) increase in the FEMA base flood elevations during the occurrence of a FEMA base flood and approved by the Floodplain Administrator; or

ii. A conditional letter of map revision (CLOMR) from FEMA shall be required prior to approval for any encroachment which would cause a rise in the FEMA base flood elevation during the occurrence of the FEMA base flood. A letter of map revision (LOMR) from FEMA shall be obtained within six months of completion of the project. Final approval, including certificates of occupancy, shall not be issued until a LOMR is issued.

b. Encroachments into the FEMA floodway shall also meet the requirements of item 2 below.

2. Community Encroachment Area

a. Either of the following conditions shall be met:

i. A floodway engineering analysis shall be provided by a North Carolina Professional Engineer and performed in accordance with standard engineering practice indicating that the encroachment would not result in increased flood heights of greater than 0.10 feet during the occurrence of a community base flood; or

ii. A community conditional letter of map revision (CoCLOMR) from the Floodplain Administrator is required for any change which would cause a rise of more than 0.10 foot in the community base flood elevation. Impacted property owners shall be notified prior to approval of a CoCLOMR. If approved and constructed, as-built plans shall be submitted and approved by the Floodplain Administrator and a CoLOMR issued within six months of completion of the project. Final approval, including certificates of occupancy shall not be issued until a CoLOMR has been issued.

b. Projects impacting existing habitable buildings that increase the community base flood elevation more than 0.00 feet shall not be allowed without a variance per Section 27.6.

3. Temporary Encroachments

Certain temporary encroachments into the community encroachment area and/or the FEMA floodway may be exempt from meeting the requirements of items 1 and 2 above. Examples of temporary encroachments include, but are not limited to, sediment control devices including basins, check dams, diversions, temporary stream crossings, temporary haul roads/construction entrances, storage of equipment, and soil stockpiling. The following conditions shall be met to qualify for exemption:

a. The proposed encroachment shall not be in place more than three months and is renewable for up to one year with written approval from the Floodplain Administrator. Temporary sediment control devices may be kept in place longer than one year if required by the appropriate regulatory agency.

b. Supporting documentation, including floodway engineering analyses (if required by the Floodplain Administrator) shall be submitted by a North Carolina Professional Engineer indicating that the proposed project shall not impact any existing habitable building or overtop any roadway surfaces.

c. The temporary encroachment shall require an individual floodplain development permit unless it is included in another individual floodplain development permit (IFDP).

4. Manufactured Homes

A manufactured home shall be permitted in a FEMA Floodway or community encroachment area only in an existing manufactured home park or subdivision. No new manufactured homes, except for a replacement manufactured home, shall be placed in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of item G below are met.

F. Additions/Improvements

1. Additions and/or improvements to noncompliant portions of pre-FIRM structures where the addition and/or improvements in combination with any interior modifications to the existing structure are:

a. Not a substantial improvement. The addition or improvement shall:

i. Be designed to minimize flood damages.

ii. Not have an enclosed area lower than that of the existing structure.

iii. Not add additional floodplain noncompliant area.

iv. Be constructed of flood resistant materials.

b. A substantial improvement. Both the existing structure and the addition and/or improvements shall comply with the standards of both items A and B above.

2. Additions and/or improvements to post-FIRM structures where the addition and/or improvements in combination with any interior modifications to the existing structure are:

a. Not a substantial improvement. The addition and/or improvements shall only comply with the standards for new construction.

b. A substantial improvement. Both the existing structure and the addition and/or improvements shall comply with the standards of both items A and B above.

3. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall require only the addition to comply with the standards of both items A and B above.

4. Customary maintenance and/or repair are not considered additions and/or improvements.

G. Manufactured Homes

1. New and replaced manufactured homes shall be elevated such that the lowest floor of the manufactured home is elevated at least to the FPE.

2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement either by certified engineered foundation system, or in accordance with the regulations for mobile homes and modular housing adopted by the North Carolina Commissioner of Insurance pursuant to N.C.G.S. § 143-143.15. Additionally, when the elevation would be met by raising the chassis at least 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

3. An evacuation plan shall be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within the special flood hazard area. This plan shall be filed with and approved by the Floodplain Administrator and the Charlotte-Mecklenburg Emergency Management Office Director.

4. All enclosures or skirting below the lowest floor shall meet the requirements of item C above.

H. Recreational Vehicles
Recreational vehicles shall either:

1. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions).

2. Meet all the requirements of this article for new construction.

I. Temporary Structures
Prior to issuance of a floodplain development permit for a temporary structure the following requirements shall be met.

1. All applicants shall submit to the Floodplain Administrator a plan for removal of such structure(s) in the event of a hurricane or flash flood notification. The plan shall include the following:

a. A specified time period for which the temporary structure shall be permitted. The time specified may not exceed three months and is renewable up to one year.

b. The name, address, and phone number of the individual responsible for the removal of the structure.

c. The timeframe prior to the storm event by which the structure shall be removed.

d. A copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed.

e. Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure shall be removed.

2. The above information shall be submitted in writing to the Floodplain Administrator for review and written approval.

J. Accessory Structures
When accessory structures (e.g. sheds, detached garages, etc.) are to be placed in the community and/or FEMA special flood hazard area the following criteria shall be met.

1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas).

2. Accessory structures shall be designed to have a low flood damage potential.

3. Accessory structures shall be firmly anchored in accordance with Section 27.3.A.

4. Service facilities, including but not limited to electrical and mechanical facilities, shall be elevated in accordance with Section 27.3.E.

5. Accessory structures shall have hydrostatic openings per item C above.

6. Accessory structures greater than or equal to 150 square feet shall require an elevation or floodproofing certificate.

7. Accessory structures shall not be temperature controlled.

K. Parking Spaces

The lowest level of any parking space for new or substantially improved habitable buildings, excluding a single-family detached house, duplex, triplex, or quadraplex on a single parcel, shall be no more than 0.5 feet below the community base flood elevation. Exemption from the parking requirement is allowed if all of the following are met:

1. Replacement of an existing habitable building where the lowest floor is below the FPE with a new habitable building with the lowest floor above the FPE.

2. The owner provides a flood warning system (including controls, flood warning sensors, visual/audio alarms, etc.) designed by a North Carolina Professional Engineer and approved by the Floodplain Administrator.

3. The owner provides a flood warning system maintenance plan that includes annual testing requirements approved by the Floodplain Administrator.

4. The owner provides a cabling system, or other restraint, designed by a North Carolina Professional Engineer to prevent off-site floatation of vehicles during a flood event that is approved by the Floodplain Administrator.

5. A flood warning sign is posted with wording approved by the Floodplain Administrator.

L. Tanks

When gas and liquid storage tanks are to be placed within a special flood hazard area, the following criteria shall be met:

1. Underground Tanks

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the community and/or FEMA base flood, including the effects of buoyancy assuming the tank is empty.

2. Above-Ground Tanks, Elevated

Above-ground tanks in flood hazard areas shall be elevated to or above the FPE on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the community and/or FEMA base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

3. Above-Ground Tanks, Not Elevated

Above-ground tanks that do not meet the elevation requirements of item B above shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the community and/or FEMA base flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

4. Tank Inlets and Vents

Tank inlets, fill openings, outlets and vents shall be:

a. At or above the FPE or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the community and/or FEMA base flood.

b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the community and/or FEMA base flood.

M. Levees

Levees shall be treated as development in the floodplain and are subject to all applicable sections of this article. Additionally, the following standards apply to levees:

1. Levees shall not be constructed solely to protect vacant property from flooding.

2. With the exception of a levee that protects a building or feature that has to be located in the vicinity of a stream to be functional such as a stream monitor, water/sewer facility, or other uses approved by the Floodplain Administrator, proposed levees require the approval of the Director of Mecklenburg County Storm Water Services (hereinafter referred to as “Director”) regardless of their location within the floodplain.

3. An open house forum shall be held prior to consideration of approval of a proposed levee. The open house forum shall initiate a 30-day comment period for the Director to receive comments from the public. The open house forum shall be conducted by the owner of the proposed levee and the Director of Mecklenburg County Storm Water Services.

4. Owners of land adjacent to a proposed levee shall be notified of the open house forum and be provided an opportunity to submit written comments during the 30 day comment period. Notification is to occur through regular mail, as well as a sign placed at a conspicuous place at the creek and along the public and private road(s) of the properties that would be protected by the proposed levee.

5. After the end of the 30 day comment period, but no more than 60 days from the end of the comment period, the Director shall approve or disapprove the application or request more information from the owner of the levee. If the Director determines that the additional information is sufficiently significant, the Director may offer an additional 30 day comment period to all parties involved. Consistent with Section 27.6, the decision may be appealed to the UDO Board of Adjustment.

6. Regardless of whether the proposed levee would meet FEMA certification requirements, floodplain lines and flood elevations shall not be modified on the landward side of the levee based on the location, performance and/or any other aspects of the levee.

7. An instrument shall be recorded in the chain of title for all parcels protected by a levee indicating the level of protection provided by the levee and the maintenance requirements as described in item 8.g below.

8. Levee permitting requirements: Prior to the issuance of a floodplain development permit for construction of a proposed levee, the applicant shall submit the following information in writing to the Floodplain Administrator for review and written approval:

a. Plans and/or specifications showing the location of the proposed levee is as far away from the adjacent creek as reasonably possible.

b. A copy of the written approval for the levee received from the Director.

c. Verification of notification to owners of land within 500 feet of the property lines of the parcel on which the proposed levee is to be located or within a distance equal to the length of the proposed levee, whichever is greater. Notification is also to include properties that are in the community special flood hazard area and within the hydraulic modeling limits as described by item e. below.

d. Copies of all written comments received from property owners referenced above.

e. If the levee is proposed to be located within the community encroachment area, a floodway engineering analysis shall be provided by a North Carolina Professional Engineer and performed in accordance with standard engineering practice. In addition to the requirements of item E above the analysis shall also:

i. Show no increase in water surface elevations on any existing habitable building using the current and future discharges for the 10-, 25-, 50-, and 100-year storm frequency flows.

ii. Account for all feasible future levees in the area as deemed appropriate by the Floodplain Administrator.

f. A copy of the contract with the entity responsible for construction of the proposed levee.

g. A copy of the maintenance plan for the levee which has been certified by a North Carolina Professional Engineer includes a description of the process by which the levee shall be inspected annually, and provides for updated plans to be provided annually to property owners and residents intended to benefit from the levee.

9. Levees constructed on a single parcel developed only with a single-family detached house are exempt from the requirements of items 2, 3, 4, 5, 7 and 8 above.

N. Fill
Proposed placement of fill within the special flood hazard area requires demonstration of compliance with Sections 9 and 10 of the Federal Endangered Species Act (ESA). The demonstration of compliance shall be provided to the Floodplain Administrator.

O. Non-Conversion Agreement
Property owners shall be required to execute and record a non-conversion agreement prior to issuance of any building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space. The Floodplain Administrator shall have the right to inspect the enclosed area. The Floodplain Administrator may conduct annual inspections. This agreement shall be recorded with the Mecklenburg County Register of Deeds and shall transfer with the property in perpetuity. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below the FEMA base flood elevation (BFE), then the owner may request release of the restrictive covenant after staff inspection and submittal of confirming documentation.

27.5 FLOODPLAIN DEVELOPMENT PERMITS AND CERTIFICATION REQUIREMENTS

A. Floodplain Regulations Technical Guidance Document
The Floodplain Administrator is authorized to create, and amend from time to time as necessary, a technical guidance document to help explain the application of the provisions of this article, specifically the floodplain development permit provisions, through the use of charts and related written materials. The Floodplain Regulations Technical Guidance Document (hereinafter referred to as "Technical Guidance Document") shall not be a part of this article and shall be solely for illustrative and educational purposes. If there is any discrepancy between the Technical Guidance Document and this article, the provisions of this article shall control.

B. Floodplain Development Permit Required
A floodplain development permit shall be required for any development within the community special flood hazard area and is subject to the conditions below.

C. Floodplain Development Permit Types
Floodplain development permits fall into one of two types: general floodplain development permits (GFDP), and individual floodplain development permits (IFDP). If the proposed development activities meet the requirements of the GFDP, an IFDP shall not be required.

1. General Floodplain Development Permit
The intent of the GFDP is to allow uses or activities in the community special flood hazard area, including the FEMA floodway and community encroachment area, which inherently shall not increase FEMA and/or community base flood elevations. The following uses and activities are permitted under a GFDP, without the need for an IFDP, Floodway Engineering Analysis, or variance, as long as they result in no technically measurable increases (as defined herein) in FEMA and/or Community Base Flood Elevations. A No-Rise Certification may be required by the Floodplain Administrator to demonstrate no technically measurable increases. Process for submittal are available in the Technical Guidance Document.

a. General farming, pasture, horticulture, forestry, wildlife sanctuaries, gardens, lawns, landscaping, mulch 12 inches or less in depth, and other similar activities.

b. Utility infrastructure (poles, sewer manholes, vent pipes, underground utilities, etc.), sign poles, non-solid fences, and other similar activities.

c. On-grade driveways, trails, sidewalks, bicycle infrastructure (including, but not limited to, bicycle lanes, bicycle paths, cycletracks, multi-use paths, greenways, bicycle parking/corrals, and bicycle share stations), boardwalks, roads and road maintenance, storm drainage system construction (including repairs and maintenance to either major or minor systems), and other similar activities. The Floodplain Administrator shall be notified in writing, including a project description and sketch plan, prior to commencement of these activities.

d. Interior renovations with a value of less than $10,000 to a structure with its lowest floor below the FPE. The renovations shall meet the requirements of Section 27.4.F.

e. Interior renovations of any value, to a structure with its lowest floor at or above the FPE. The renovations shall meet the requirements of Section 27.4.F.

2. Individual Floodplain Development Permits

IFDPs are required for all projects that do not meet the requirements of a GFDP. Application for an IFDP shall be made by a person with a property interest in the property or with a contract to purchase the property (or their agent) to the Floodplain Administrator on the necessary forms prior to any development activities proposed to be located within the community special flood hazard area. Requirements for submittal are available in the Technical Guidance Document.

D. Certification Requirements

1. A Final As-Built Elevation Certificate (FEMA Form 086-0-33), for both residential or nonresidential buildings, is required after construction is completed and prior to Certificate of Occupancy or Temporary Certificate of Occupancy (CO or TCO). It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. Said certification shall be prepared by or under the direct supervision of a North Carolina Professional Land Surveyor or North Carolina Professional Engineer and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to CO or TCO issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a CO or TCO.

2. A Floodproofing Certificate (FEMA Form 086-0-34) (for nonresidential buildings when utilized) with supporting data, an operational plan, and an inspection and maintenance plan is required after construction is completed and prior to the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy (CO or TCO). It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed elevation of the reference level and all attendant utilities. When floodproofing is utilized, said certification, operational plan, and inspection and maintenance plan shall be prepared by or under the direct supervision of a North Carolina Professional Engineer or North Carolina Licensed Architect and certified by same. The Floodplain Administrator shall review the certificate data, operational plan, and inspection and maintenance plan submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to the issuance of a CO or TCO. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make said corrections required shall be cause to withhold the issuance of a CO or TCO.

3. For proposed development in the community or FEMA special flood hazard area but outside of the community encroachment area and the FEMA floodway, a certification from a North Carolina Professional Land Surveyor or North Carolina Professional Engineer that states that no fill material or other development was placed within the FEMA floodway or community encroachment area of any watercourse shall be required prior to issuance of a CO or TCO.

4. For proposed development within the community encroachment area or the FEMA Floodway, an as-built topographic map prepared by a North Carolina Professional Land Surveyor or North Carolina Professional Engineer shall be required prior to issuance of a CO or TCO. This is in addition to a Floodway Engineering Analysis or CLOMR that may be required as specified in Section 27.4.E.

5. If a manufactured home is placed within the floodplain and the elevation of the chassis is 36 inches or higher above adjacent grade, an engineered foundation certification is required.

6. Certification exemptions: The following structures, if located within the floodplain, are exempt from the elevation/floodproofing certification requirements specified in items A and B above:

- **a.** Recreational vehicles meeting requirements of Section 27.4.H.
- **b.** Temporary structures meeting requirements of Section 27.4.I.
- **c.** Accessory structures less than 150 square feet meeting requirements of Section 27.4.J.

E. Permit Application Requirements

1. A plot plan drawn to scale which shall include, but is not limited to, the following specific details of the proposed floodplain development:

a. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development.

b. The location of the community flood fringe line, community encroachment line, FEMA flood fringe line and FEMA floodway line as shown on the FIRM or other flood map, or a statement that the entire lot is within the special flood hazard area.

c. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map.

d. The FEMA base flood elevation, community base flood elevation, and FPE.

e. The existing and proposed location of any watercourse that will be altered or relocated as a result of proposed development.

f. Certification of the plot plan by a North Carolina Professional Land Surveyor or North Carolina Professional Engineer as deemed necessary by the Floodplain Administrator.

2. Proposed elevations of all development within a community or FEMA special flood hazard area shall be submitted, including but not limited to:

a. Elevation in relation to North American Vertical Datum as Corrected in 1988 (NAVD ~~19~~88) of the proposed reference level, including basement, of all structures.

b. Elevation in relation to NAVD ~~19~~88 to which any nonresidential structure in Zone AE as shown on the FIRM, shall be floodproofed.

c. Elevation in relation to NAVD ~~19~~88 to which any proposed utility systems shall be elevated or floodproofed.

3. If floodproofing, a floodproofing certificate (FEMA Form 086-0-34) with supporting data and an inspection and operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

4. A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of Article 27 are met. These details include but are not limited to:

a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls).

b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls when solid foundation perimeter walls are used in community special flood hazard area per Section 27.4.C.

c. Usage details of any enclosed areas below the lowest floor.

d. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

e. Certification that all other federal, state, and local permits required prior to floodplain development permit issuance have been received.

f. Documentation for proper placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Sections 27.4.H and 27.4.I are met.

g. A description of proposed alteration of a watercourse, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map, if not shown on plot plan, showing the location of the proposed alteration of the watercourse.

5. If placing fill within the special flood hazard area, a demonstration of compliance with Sections 9 and 10 of the Federal Endangered Species Act (ESA) is required. The demonstration of compliance shall be provided to the Floodplain Administrator.

F. Permit Requirements
The IFDP shall include, but not be limited to:

1. A description of the development to be permitted under the floodplain development permit.

2. The special flood hazard area determination for the proposed development.

3. The FPE required for the reference level and all attendant utilities.

4. The FPE required for the protection of all public utilities.

5. All certification submittal requirements with timelines.

6. A statement that no fill material or other development shall encroach into the community encroachment area or FEMA floodway of any watercourse unless the requirements of Section 27.4.E are met.

7. The flood openings requirements per Section 27.4.C.

8. A statement that all construction materials below the FPE shall be constructed entirely of flood-resistant materials.

G. Expiration of Individual Floodplain Develop Permits
Individual floodplain development permits expire two years after the date of issuance unless:

1. The work has commenced within two years after the date of issuance, or

2. The issuance of the permit is legally challenged, in which case the permit is valid for two years after the challenge has been resolved, or

27.6 ADMINISTRATION

A. Appeals and variances of this article shall be subject to Article 37.

B. Inspections and enforcement actions of this article shall be subject to Article 39.

27.7 FLOODPLAIN ADMINISTRATOR

A. Designation
The Stormwater Administrator is hereby designated as the Floodplain Administrator. If designated to Mecklenburg County, the administration, implementation, and the enforcement of the provisions of this article shall be allocated through a properly executed, legally binding interlocal agreement.

B. Duties and Responsibilities
The Floodplain Administrator is authorized to and shall perform, but not be limited to, the following duties:

1. Reviewing, approving, and issuing all floodplain development permits in a timely manner to assure that the permit requirements of this article have been satisfied.

2. Reviewing, approving, and issuing all documents applicable to letters of map change.

3. Advising the permittee that additional federal or state permits may be required. If specific federal or state permits are known, requiring that copies of such permits be provided and maintained on file with the floodplain development permit.

4. Notifying adjacent communities and the State Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration of a watercourse and submitting evidence of such notification to the Federal Emergency Management Agency.

5. Assuring that within available resources, maintenance is provided within the altered or relocated portion of any altered watercourse so that the flood-carrying capacity is maintained.

6. Not issuing a floodplain development permit for encroachments within the community encroachment area and/or the FEMA floodway unless the certification and flood hazard reduction provisions of Sections 27.3 and 27.4 are met.

7. Reviewing and recording the actual elevation (in relation to NAVD ~~19~~88) of the reference level (including basement) of all new or substantially improved structures, in accordance with Section 27.5.

8. Reviewing and recording the actual elevation (in relation to NAVD ~~19~~88) to which the new or substantially improved nonresidential structures have been floodproofed, in accordance with Section 27.5.

9. Obtaining certifications from a North Carolina Professional Engineer or North Carolina Licensed Architect in accordance with Section 27.4.B when floodproofing is utilized for a particular nonresidential structure.

10. Making the interpretation of the exact location of boundaries within the FEMA special flood hazard area or the community special flood hazard area when, for example, where there appears to be conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Procedures for changing flood hazard area boundaries and lines depicted on the flood insurance rate maps are identified in the national flood insurance program regulations (44 CFR Parts 59-78).

11. Permanently maintaining all records that pertain to the administration of Article 27 and making these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

12. Making on-site inspections of projects and areas not open to the public within the territorial jurisdiction of the Storm Water Services Department pursuant to Article 39.

13. Serving notices of violation, issuing stop work orders, revoking permits, and taking corrective actions.

14. Maintaining a copy of the letter of map amendment issued from FEMA when a property owner has received a letter of map amendment (LOMA). A LOMA is typically applied for and approved when the exact location of boundaries of the FEMA special flood hazard area conflicts with the current, natural topography information at the site.

15. Determining the required information to be submitted with an application for approval of an IFDP.

16. Reviewing information provided by a property owner or their agent for the purpose of making a determination of the total cost of repairs as it relates to a substantial improvement, including a determination of whether a series of repairs, reconstructions or improvements constitute one single alteration such that the total cost of the repairs, reconstructions, or improvements shall be the cumulative cost from the first alteration.

17. Reviewing information provided by a property owner or their agent for the purpose of making a determination of whether the proposed construction activities constitute new construction for purposes of Article 27.

18. Reviewing and acknowledging FEMA conditional letters of map revision and FEMA letters of map revision.

19. Reviewing and approving community conditional letters of map revision and community letters of map revision.

20. Making on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the floodplain regulations and the terms of the permit.

21. Ordering work to be immediately stopped, pursuant to Article 39, whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this chapter. The stop-work orders shall be issued and enforced pursuant to Section 39.2.

22. Revoking and requiring the return of the floodplain development permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentation made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked. Revoked permits may be resubmitted for approval using the requirements of the floodplain regulations in effect at the time of the original submittal unless they were revoked because of the intentional submission of incorrect information by the permittee or their agent, or under other circumstances where allowing resubmittal using the requirement of this article in effect at the time of the original submittal would not be equitable or consistent with public policy. However, base flood elevations that govern the elevation to which the structure is built shall comply with the regulations and flood elevations in effect at the time of application for the building permit.

23. Providing owners of structures in the floodplain with information concerning their flood risk, and (for structures with the lowest floor below the FPE) inform potential buyers of substantial improvement restrictions through the recordation of a notice in the property chain of title filed with the Register of Deeds for Mecklenburg County or other similar notice including a notice of Substantial Damage. Should the conditions that gave rise to the recordation of a notice of substantial improvement restrictions or a notice of Substantial Damage cease to exist, the administrator shall have the right, and upon receipt of a written request from the property owner the duty, to record a notice to that effect.

24. Obtaining actual elevation (in relation to NAVD ~~19~~88) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section 27.5.

25. Obtaining actual elevation (in relation to NAVD ~~19~~88) of all public utilities in accordance with the provisions of Section 27.5.

26. Maintaining a current map repository to include, but not limited to, historical and effective FIS report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of this article, including any revisions thereto including Letters of Map Change, issued by FEMA.

27. Notify state and FEMA of mapping needs.

27.8 DEFINITIONS

The definitions of this section apply only to this article. Unless specifically defined in this section, other words or phrases used in this article are as defined in Article 2 for general definitions or Article 15 for use definitions. In the case of a conflict between a term defined in Article 2 or Article 15 and this article, the definition in this section controls.

Accessory Structure. A structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds, and similar qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an Existing Building). An extension or increase in the floor area or height of a building or structure.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides where the next higher floor is more than five feet above the subgrade floor or the subgrade floor is more than two feet below ground level.

Building. Any structure built for support, shelter, or enclosure for any occupancy or storage.

Chemical Storage Facility. A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Community Base Flood. The flood, determined using future land use conditions, having a 1% chance of being equaled or exceeded in any given year.

Community Base Flood Elevation. The water surface elevation shown on the flood insurance rate map and in the flood insurance study, having a 1% chance of being equaled or exceeded in any given year, determined using future land use conditions.

Community Conditional Letter of Map Revisions (CoCLOMR). A letter from the Floodplain Administrator that provides conditional approval of a study that proposes to change the location of the community encroachment lines, and/or the location of the community flood fringe line, and/or community base flood elevations.

Community Encroachment Area or Community Floodway. The channel of a stream or other watercourse and the adjacent land areas that shall be reserved in order to discharge the FEMA base flood without cumulatively increasing the water surface elevation more than 0.1 foot.

Community Encroachment Lines. The lateral limits of the community encroachment area, within which, in the direction of the stream or other body of water, no structure or fill may be added, unless specifically permitted by this article.

Community Flood Fringe Area. The land area located between the community encroachment line and the community flood fringe line.

Community Flood Fringe Line. The line that depicts the outer limits of the community flood fringe area (outer limits of the community special flood hazard area).

Community Letter of Map Revision (CoLOMR). A letter from the Floodplain Administrator that provides final approval of a study, based on as-built conditions, that changes the location of the community encroachment lines and/or the community flood fringe lines.

Community Special Flood Hazard Area or Community Floodplain. The land subject to a 1% or greater chance of flooding in any given year from a community base flood. It includes the FEMA floodway, community encroachment area, FEMA flood fringe area, and the community flood fringe area.

Conditional Letter of Map Revision (CLOMR). A formal review and comment as to whether a proposed project complies with the minimum National Flood Insurance Program (NFIP) requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Critical Facility. A building used to house a function that is vulnerable or essential to the community. Uses include, but are not limited to, child and adult daycare facilities, nursing homes, schools, hospitals, fire, police, and medic facilities, and other uses as deemed by the Floodplain Administrator.

Development. Any manmade change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

Disposal. As defined in N.C.G.S. § 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Dry Public Street. A public street at the intersection of an existing or proposed driveway where the surface of the pavement is at an elevation above the community base flood elevation.

Dryland Access. A gravel, paved, or concrete access route, at least 12 feet wide, which is above the community base flood elevation and connects a habitable building to a dry public street.

Effective Date. The date flood insurance rate maps and flood insurance studies for a community are officially approved by FEMA and are to be used for local regulation and for compliance with NFIP sanctions.

Elevated Building. A non-basement building built to have the lowest floor elevated above the ground level by solid foundation perimeter walls, pilings, columns (posts and piers), or shear walls.

Encroachment. The advance or infringement of uses, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain. Building renovations contained within the existing building footprint area are not considered an encroachment.

Existing Building and Existing Structure. Any building and/or structure for which the "start of construction" commenced before the effective date of the initial Flood Insurance Rate Map.

Existing Manufactured Home Park or Manufactured Home Subdivision. A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets, was completed before November 27, 1972.

FEMA. The Federal Emergency Management Agency.

FEMA Base Flood. The flood, determined using land use conditions at the time of the study, having a 1% chance of being equaled or exceeded in any given year.

FEMA Base Flood Elevation (BFE). The water surface elevation shown on the flood insurance rate map and in the flood insurance study. Having a 1% chance of being equaled or exceeded in any given year, determined using land use conditions present at the time of the study.

FEMA Flood Fringe Area. The land area located between the FEMA floodway lines and the line depicting the maximum elevation subject to inundation by the FEMA base flood as defined herein.

FEMA Flood Fringe Line. The line on a map that depicts the outer limits of the FEMA flood fringe area.

FEMA Floodway. The channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the FEMA base flood, without cumulatively increasing the water surface elevation more than 0.5 foot. On the Catawba River, the FEMA floodway means the channel of a stream or other watercourse and the adjacent land areas that shall be reserved in order to discharge the FEMA base flood, without cumulatively increasing the water surface elevation more than 1.0 feet.

FEMA Floodway Lines. The lateral limits of the FEMA floodway.

FEMA Special Flood Hazard Area or FEMA Floodplain. The land subject to a 1% or greater chance of flooding in any given year from a FEMA base flood. It includes the FEMA floodway, community encroachment area, and the FEMA flood fringe area.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or

2. The unusual and rapid accumulation of run-off of surface waters from any source.

Flood Insurance. The insurance coverage provided under the National Flood Insurance Program (NFIP).

Flood Insurance Rate Map (FIRM). An official map of a community, in both digital and printed format, on which the Federal Emergency Management Agency has delineated the special flood hazard area and the risk premium zones applicable to the community. The date of Charlotte's original FIRM is August 15, 1978 and this date should be used to determine whether a structure is pre-FIRM or post-FIRM.

Flood Insurance Study. An examination, evaluation, and determination of special flood hazard areas, corresponding water surface elevations, flood insurance risk zones, and other flood data in a community. The study includes a flood insurance study report, and/or flood insurance rate map (FIRM).

Flood-Resistant Material. Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodplain Development Permit. Either an individual floodplain development permit or a general floodplain development permit issued for development in the floodplain.

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain.

Floodplain Regulations Technical Guidance Document or Technical Guidance Document. A document developed by Charlotte-Mecklenburg Storm Water Services Staff to more clearly explain the application of the provisions of this article, specifically the floodplain development permit provisions, through the use of charts and related written materials. The technical guidance document shall not be a part of this article, and shall be solely for illustrative and educational purposes. If there is any discrepancy between the technical guidance document and this article, the provisions of this article control.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

Flood Protection Elevation or FPE. The elevation to which all structures located within the community special flood hazard area FEMA special flood hazard area shall be elevated or floodproofed if nonresidential. This elevation is the community base flood elevation plus two feet of freeboard until such time as the Community Special Flood Hazard Area is mapped using new future conditions criteria. When new maps are issued, the elevation shall be the Community Base Flood Elevation plus one foot, except along the Catawba River, including Lake Wylie and Mountain Island Lake where it is the FEMA base flood elevation plus two feet of freeboard.

Floodwall. A wall built along a shore or bank to protect an area from flooding.

Floodway. Either the FEMA floodway or the community encroachment area, including the area above a bridge or culvert when applicable.

Floodway Engineering Analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. This analysis shall include all proposed fill within the special flood hazard area. The evaluation shall be prepared by a North Carolina Professional Engineer using standard engineering methods and models.

Flood Zone. A geographical area shown on a flood insurance rate map that reflects the severity or type of flooding in the area.

Floor. See Lowest Floor.

Freeboard. The height added to the community base flood elevation (BFE) or FEMA BFE on the Catawba River to account for the many unknown factors that could contribute to flood heights greater that the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Facility. A facility that cannot be used for its intended purpose, unless it is located or carried out in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

General Floodplain Development Permit (GFDP). A permit issued for certain types of development in the floodplain.

Habitable Building. A structure designed primarily for, or used for, human habitation. This includes, but is not limited to, houses, condominiums, townhouses, restaurants, retail establishments, manufacturing buildings, commercial buildings, office buildings, manufactured homes, and similar uses. It does not include accessory structures, as defined in this section.

Hazardous Waste Management Facility. A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in N.C.G.S. Chapter 130A, Art. 9.

Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic Structure. Any structure that is one of the following:

1. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the secretary of interior as meeting the requirements for individual listing on the national register.

2. Certified or preliminarily determined by the secretary of interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district.

3. Individually listed on a local inventory of historic landmarks in communities with a certified local government (CLG) program.

4. Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program." Certified local government (CLG) programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the state Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Individual Floodplain Development Permit (IFDP). A permit for development in the floodplain that involves activities not listed in Section 27.5 and may not qualify for a GFDP.

Letter of Map Revision (LOMR). An official revision to the current effective FEMA FIRM based on as-built conditions and/or more accurate data. It is issued by FEMA and may change FEMA base flood elevations, the location of the FEMA floodway lines and/or the location of the FEMA flood fringe line.

Letter of Map Amendment (LOMA). A letter from FEMA that officially removes a property or building from the FEMA special flood hazard area (SFHA) that was inadvertently shown in the SFHA on the FIRM.

Letter of Map Revision Based on Fill (LOMR-F). A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill shall have been permitted and placed in accordance with the community's floodplain management regulations.

Levee. A manmade structure, usually an earthen embankment, floodwall, or a combination of both that is designed and constructed to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System. A flood protection system which consists of levee(s) and/or floodwall(s) and associated structures, such as closure and drainage devices.

Light Duty Truck. Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest Adjacent Grade (LAG). The elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor. The lowest floor of the lowest enclosed area, including the basement. An unfinished (no encapsulated walls or temperature-controlled areas) or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without permanent foundation when connected to the required utilities. Manufactured home does not include a recreational vehicle

Market Value. The value of a building, excluding land value, that is determined by an appraiser certified in North Carolina using the cost approach method. Use of the “income capitalization approach” is not acceptable. Market value shall be determined based on the building condition prior to “start of construction” for proposed improvements or before damage occurred for damage repair. The value of the land and site improvements (landscaping, driveways, detached accessory structures, etc.) is not included. The values of the use and occupancy (business income) are not included. The Floodplain Administrator may use the tax value of the building in lieu of other methods described herein.

Market value also means the actual cash value (ACV) of a building minus depreciation. Actual cash value is the cost to replace a building on the same parcel with a new building of like-kind quality, minus depreciation due to age, use, and neglect. ACV does not consider loss in value mainly due to outmoded design or location factors. Depreciation accounts for the physical condition of a structure. Depreciation does not take into account functional obsolescence or factors that are external to the structure.

National Flood Insurance Program (NFIP). A federal program that provides insurance coverage for flood damage to qualified buildings in communities that agree to adopt and enforce regulations that meet or exceed FEMA requirements to reduce the risk of flooding.

New Construction. Construction of a replacement structure commenced after total demolition, or renovation/rehabilitation of an existing structure that results in the partial or complete removal of two external walls and has a total cost equal to or exceeding 50% of the market value of the structure before the “start of construction” of the improvement.

For flood insurance purposes, new construction also means structures for which the “start of construction” commenced on or after August 15, 1978, and includes subsequent improvements to such structures. See Flood Insurance Rate Map as defined in this section.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slab, is completed on or after November 27, 1972.

NFIP. National Flood Insurance Program.

Noncompliant Building or Use. Any legally existing building or use which fails to comply with the provisions of this article.

Non-Conversion Agreement. An instrument stating that the owner shall not convert or alter what has been constructed and approved. Violation of the agreement is considered a willful violation of the floodplain regulations and, therefore, subject to the same enforcement procedures and penalties. The agreement shall be filed with the recorded deed for the property. The agreement shall show the clerk's or recorder's stamps and/or notations that the filing has been completed.

Non-Solid Fence. A fence with at least 75% open area and with vertical supports each no more than 25 square inches in cross-sectional area.

No-Rise Certification. A certification statement signed by a North Carolina Professional Engineer licensed to practice in the State of North Carolina certifying that a proposed Project shall not impact the FEMA Base Flood Elevations or the Community Base Flood Elevations at modeled cross-sections in the vicinity of the proposed Project.

North American Vertical Datum as Corrected in 1988 (~~NAVD or~~ NAVD ~~19~~88). A vertical control used as a reference for establishing varying elevations within the floodplain. If a datum other than NAVD ~~19~~88 is used then use the datum listed as the reference datum on the applicable FIRM panel for use on elevation certificate completion. See Flood Insurance Administration (FIA)-20 parts 1, 8.

Open House Forum. A public meeting held by the owner of the proposed levee and the Director of Mecklenburg County Storm Water Services. The purpose of the open house forum is to provide an opportunity for discussion between the owner that has submitted an application for the construction of a levee, nearby property owners, and other interested parties.

Plot Plan. A scaled drawing of a parcel of land showing the location of significant natural features and existing and proposed manmade features.

Post-FIRM. Construction or other development for which the "start of construction" occurred on or after the effective date of the initial flood insurance rate map.

Pre-FIRM. Construction or other development for which the "start of construction" occurred before the effective date of the initial flood insurance rate map.

Preliminary Flood Insurance Rate Map (PFIRM). A map(s) released by the Federal Emergency Management Agency (FEMA) for public comment prior to the effective date of the FIRM as established by FEMA. The map may be in both digital and printed format and shows the community and FEMA special flood hazard areas, community encroachment areas and FEMA floodways, FEMA and community base flood elevations, flood insurance risk premium zones, and other data. The data and maps are subject to change prior to the effective date.

Preliminary Flood Insurance Study (PFIS). A narrative report released by the Federal Emergency Management Agency for public comment prior to the effective date. Information contained in the PFIS includes a description of past flooding and studies, the study area, engineering methods, community, and FEMA base flood elevations, other community and FEMA flood data. The flood insurance rate maps are also included as part of the flood insurance study. The data and maps are subject to change prior to the effective date.

Principally Above Ground. At least 51% of the actual cash value (ACV) of the structure is above ground.

Project. A development activity that is physically separate, functionally independent, and not constructed at the same time as another development activity.

Public Safety and/or Nuisance. Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

Recreational Vehicle. A vehicle which is:

1. Built on a single chassis.

2. Four hundred square feet or less when measured at the largest horizontal projection.

3. Designed to be self-propelled or permanently towable by a car or light duty truck.

4. Designed primarily not for use as a permanent dwelling, but as temporarily living quarters for recreational, camping, travel, or seasonable use.

5. Fully licensed and ready for highway use.

Reference Level. The top of the lowest floor, for regulatory purposes, of structures in the FEMA and/or community special flood hazard area.

Remedy a Violation. To bring the structure or other development into compliance with this article or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this article or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Repetitive Loss. Flood-related damages sustained by a structure during any ten year period for which the total cost of repairs equals or exceeds 50% of the market value of the structure before the damage occurred. Repetitive loss damages include flood-related damages sustained prior to November 16, 2018 for which the cost of repairs equaled or exceeded 25% of the market value of the structure before the damage occurred if within the relevant ten year period.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage Yard. Any nonresidential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Solid Waste Disposal Facility. Any facility involved in the disposal of solid waste, as defined in N.C.G.S. § 130A-290(a)(35).

Solid Waste Disposal Site. As defined in N.C.G.S. § 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Flood Hazard Area. The FEMA special flood hazard area.

Start of Construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure, including a manufactured home, on a site, such as pouring a slab or footing, installation of piles, construction of columns, or any work beyond the state of excavation or the placement of a manufactured home on a foundation.

Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not parts of the main structure.

For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, a manufactured home, a gas or liquid storage tank, that are principally above ground.

Substantial Damage. Damage of any origin sustained by a structure over a ten-year period whereby the cost of restoring the structure to the condition before damage occurred would equal or exceed 50% of the market value of the structure before the damages occurred.

Substantial damage includes flood-related damages sustained by a structure prior to November 16, 2018 for which the cost of repairs at the time of the flood event equaled or exceeded 25% of the market value of the structure before the damage occurred if within the relevant ten year period. See substantial improvement as defined in this section.

Substantial Improvement. Any repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, or combination thereof, where the total cost over a ten-year period equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed.

Substantial improvement includes any repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, or combination thereof prior to November 16, 2018 for which the cost of repairs at the time of the flood event equaled or exceeded 25% of the market value of the structure before the damage occurred or the substantial improvement began if within the relevant ten year period. The term does not, however, include either:

1. Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a historic structure, provided that the alteration shall not preclude the structure's continued designation as a historic structure; or

3. Any replacement subject to the requirements of Section 27.3.E.

For the purposes of this definition, Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Substantially Improved Existing Manufactured Home Park or Subdivision. Where the repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads over a ten-year period equals or exceeds 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

Technically Measurable. An activity and/or condition that can be modeled within the stated or commonly known accuracy of a Floodway Engineering Analysis or other engineering computations and may have an impact on base flood elevations.

The Floodplain Administrator may require a No-Rise Certification by a North Carolina Professional Engineer to if a proposed activity and/or condition meets the technically measurable definition.

Temperature Controlled. Having the temperature regulated by a heating and/or cooling system built-in and/or by appliance.

Violation. The failure of a structure or other development to be fully compliant with this article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 27.5 and Section 27.6 is presumed to be in violation, until such time as the required documentation is provided.

Watercourse. A lake, river, creek, stream, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water Surface Elevation (WSE). The height, in relation to NAVD ~~19~~88, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Article 28. Soil Erosion & Sedimentation Control

28.1 PURPOSE
28.2 APPLICABILITY
28.3 REQUIREMENTS, OBJECTIVES, AND STANDARDS
28.4 PLANS AND PERMITS
28.5 ADMINISTRATION
28.6 STORMWATER ADMINISTRATOR
28.7 DEFINITIONS

28.1 PURPOSE

This article is adopted for the purposes of:

A. Regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent pollution of water and other damage to lakes, wetlands, watercourses, and other public and private property by sedimentation.

B. Permitting development of the City with the least detrimental effects from pollution by erosion and sedimentation.

C. Establishing procedures through which these purposes can be fulfilled.

28.2 APPLICABILITY

A. The requirements of this article apply to all land-disturbing activity within the corporate limits of the City and the extraterritorial jurisdiction (ETJ).

B. This article shall not apply to the following land-disturbing activities:

1. Activities including production and activities relating or incidental to the production of crops, grains, fruits, ornamental and flowering plants, dairy, livestock, poultry, and other forms of agriculture undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:

a. Forage and sod crops, grains and feed crops, tobacco, cotton, and peanuts.

b. Dairy animals and dairy products.

c. Poultry and poultry products.

d. Livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules, and goats.

e. Bees and apiary products.

f. Fur-producing animals.

g. Mulch, ornamental plants, and other horticultural products.

2. An activity undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality (Best Management Practices), as adopted by the North Carolina Department of Agriculture and Consumer Services. If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality, the provisions of this article shall apply to such activity and any related land-disturbing activity on the tract.

3. Activities for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the North Carolina General Statutes.

4. For the duration of an emergency, activities essential to protect human life.

5. Land-disturbing activity over which the state has exclusive regulatory jurisdiction as provided in N.C.G.S. § 113A-56(a).

6. Activities undertaken to restore the wetlands functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the Federal Clean Water Act.

7. Activities undertaken pursuant to Federal Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2.

C. The definitions of Section 28.7 only apply to this article. Unless specifically defined in Section 28.7, other words or phrases used in this article are as defined in Article 2 for general definitions or Article 15 for use definitions. In the case of a conflict between a term defined in Article 2 or Article 15 and this article, the definition in Section 28.7 controls.

28.3 REQUIREMENTS, OBJECTIVES, AND STANDARDS

A. General Requirements

1. Erosion and Sedimentation Control Measures

All land-disturbing activities, including those that disturb less than an acre, shall provide adequate erosion control measures, structures, or devices in accordance with this article sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of the tract.

2. Plan Required

No person shall initiate, direct, allow, or conduct any land-disturbing activity on a tract that meets any of the following criteria without having a copy of an erosion and sedimentation control plan (hereinafter referred to as "plan") on the job site approved by the City:

a. Uncovers one acre or more. In determining the size of the disturbed area, lands being developed as a unit shall be aggregated regardless of ownership.

b. In borrow and waste areas covered by item D.6 below, with a disturbed area one acre or greater.

3. Compliance

Plans submitted to the Stormwater Administrator shall comply with this section and Section 28.4 of this article.

4. Protection of Property

Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity and associated sedimentation.

5. Conflicts; Applicability of More Restrictive Rules

Whenever conflicts exist between the regulations in this article and federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

B. Basic Control Objectives

A plan shall include adequate erosion control measures, structures, or devices to address the following control objectives:

1. Identify Critical Areas

On-site areas that are subject to severe erosion and off-site areas that are especially vulnerable to damage from erosion and/or sedimentation are to be identified and receive special attention.

2. Limit Time of Exposure

All land-disturbing activity shall be planned and conducted to limit exposure to the shortest feasible time.

3. Limit Exposed Areas

All land-disturbing activity shall be planned and conducted to minimize the size of the area to be exposed at any one time.

4. Control Surface Water

Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.

5. Control Sedimentation
All land-disturbing activity shall be planned and conducted to prevent sedimentation damage.

6. Manage Stormwater Runoff
When the increase in the velocity of stormwater runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the discharge point so as to minimize accelerated erosion of the site and to decrease sedimentation to any lake or watercourse.

C. Mandatory Standards for Land-Disturbing Activity
No land-disturbing activity subject to the control of this article shall be undertaken except in accordance with the following:

1. Lake, Watercourse and Wetland Protection
Additional erosion control measures, structures, or devices as specified in the City and Mecklenburg County Soil Erosion and Sedimentation Control Policies and Procedures statement issued by the Stormwater Administrator shall be required to provide a higher level of protection to lakes, watercourses, and wetlands from sedimentation.

2. Graded Slopes and Fills
The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control measures, structures, or devices. In any event, slopes left exposed shall, within 21 calendar days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent groundcover, devices, or structures sufficient to restrain erosion. The angle for graded slopes and fills shall be demonstrated to be stable. Stable is the condition where the soil remains in its original configuration, with or without mechanical constraints.

3. Fill Material
Materials being used as fill shall be consistent with those described in the North Carolina Administrative Code (NCAC) per 15A NCAC 13B .0562 unless the site is permitted by the North Carolina Department of Environmental Quality (hereinafter referred to as NCDEQ) Division of Waste Management to operate as a landfill. Not all materials described in 15A NCAC 13B .0562 may be suitable to meet geotechnical considerations of the fill activity and should be evaluated accordingly.

4. Groundcover
Whenever land-disturbing activity is undertaken on a tract, the person conducting the land-disturbing activity shall install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent groundcover sufficient to restrain erosion after completion of construction or development. Provisions for a permanent groundcover sufficient to restrain erosion shall be accomplished within 21 calendar days following completion of construction or development. For an area of a site that is inactive for a period of 21 calendar days or longer, temporary groundcover shall be required

5. Prior Plan Approval
No person shall initiate any land-disturbing activity on a tract if one acre or more is to be disturbed unless a plan for that activity has been submitted and approved in accordance with Section 28.4.

6. Pre-Construction Conference
If one acre or more is to be uncovered, the person conducting land-disturbing activity, or an agent of that person shall contact the Stormwater Administrator at least 48 hours before commencement of the land-disturbing activity. The purpose is to arrange an on-site meeting with the Stormwater Administrator to review and discuss the approved plan and the proposed land-disturbing activity.

7. Monitoring
The landowner, financially responsible party, person conducting land-disturbing activity, or an agent of those persons, shall inspect all erosion and sedimentation control measures at least once a week and within 24 hours after any storm event of greater than one inch of rain per 24 hour period, or more frequently if required by federal or state law. The person performing this monitoring shall have certification or commensurate training and experience approved by the Stormwater Administrator.

a. If one acre or more is to be disturbed, a record of inspections shall be kept by the person conducting the land-disturbing activity, or an agent of that person, until six months after construction is completed and grading permit termination is approved by the Stormwater Administrator. The record shall include all monitoring and inspection elements as required by the North Carolina General Permit, NCG01 (NCG01). Additional record keeping may be required by federal or state law and as stated on the approved plans.

b. Corrective action for repairs and maintenance indicated on the record shall be initiated within 24 hours after a rain event or within 24 hours of the last inspection if a rain event did not prompt the inspection, unless additional time is allowed by the Stormwater Administrator. The date of the completion of such repairs shall be noted. The records of inspection shall be made available to the Stormwater Administrator upon request.

c. Persons who have had a notice of violation or repeated warning about off-site sedimentation or non-maintenance of adequate erosion control measures, structures, or devices may be required to provide the Stormwater Administrator with a self-inspection record for the particular tract.

8. Sedimentation Control Buffer

No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or watercourse unless a sedimentation control buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the 25% of the sedimentation control buffer zone nearest the land-disturbing activity.

a. Projects On, Over, or Under Water

This sedimentation control buffer requirement shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or watercourse.

b. Sedimentation Control Buffer Measurement

Unless otherwise provided, the width of a sedimentation control buffer zone is measured horizontally from the edge of the water to the nearest edge of the disturbed area, with the 25% of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

9. Adherence to Approved Plans

The land-disturbing activity shall be conducted in accordance with the approved erosion and sedimentation control plan.

D. Design and Performance Standards

1. Design Storm

Adequate erosion control measures, structures, and devices shall be planned, designed, constructed and maintained so as to provide protection from the calculated maximum peak of runoff from the 10-year storm. Runoff rates shall be calculated using the procedures in the USDA, Natural Resource Conservation Service's (formerly Soil Conservation Service's) National Engineering Field Manual for Conservation Practices, or other acceptable calculation procedures including, but not limited to, the Charlotte-Mecklenburg Storm Water Services Design Manual.

2. Innovative Measures

Erosion and sedimentation measures applied alone or in combination to satisfy the intent of this article are acceptable if they are sufficient to prevent adverse secondary consequences. Innovative techniques and ideas shall be considered and may be used following approval by the Stormwater Administrator if it can be demonstrated that such techniques and ideas are likely to produce successful results.

3. Responsibility for Maintenance

During the development of a tract, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any section of this article, The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it (referred to as "Act' within this article), or any order adopted pursuant to this article or the Act. After development, the landowner or person in possession or control of the land shall install and maintain all necessary permanent erosion and sediment control measures.

4. Additional Measures
Whenever the Stormwater Administrator determines that accelerated erosion and sedimentation continues or shall likely continue, despite installation and maintenance of protective practices, the person conducting the land-disturbing activity shall be required to take additional protective action necessary to achieve compliance with the conditions specified in this article.

5. Storm Drainage Facilities Protection
Persons shall design the plan and conduct land-disturbing activity so that the post-construction velocity of the 10-year storm does not exceed the maximum nonerosive velocity tolerated by the soil of the receiving watercourse or the soil of the receiving land.

6. Borrow and Waste Areas
If the same person conducts the land-disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land-disturbing activity, unless the borrow or waste activity is regulated under the Mining Act of 1971, N.C.G.S. 74, Article 7, or is a landfill regulated by the Division of Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered by the approving authority as separate land-disturbing activities.

7. Temporary Access and Haul Roads
Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

8. Operations in Lakes or Watercourses
Land-disturbing activity in connection with construction in, on, over, or under a lake or watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disruption of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics.

28.4 PLANS AND PERMITS

A. Erosion and Sedimentation Control Plans

1. Plan Requirements
All plans required for land-disturbing activities as identified in Section 28.3.A.2 shall meet the following:

a. Plans shall contain architectural or engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this article. Plan content may vary to meet the needs of site-specific requirements. Detailed guidelines for plan preparation may be obtained from the Stormwater Administrator.

b. Plans shall contain an authorized statement of financial responsibility and ownership signed by the person financially responsible for the land-disturbing activity or that person's attorney-in-fact. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agent(s). If the person financially responsible is not a resident of North Carolina, an agent in the state shall be designated in the statement for the purpose of receiving service of process and notice of compliance or noncompliance with the plan, the Act, this article, or rules or orders adopted or issued pursuant to this article.

c. Except as provided in item 4 below, if the person submitting the plan (hereinafter referred to as “the applicant”) is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan shall include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity.

d. The land-disturbing activity described in the plan shall comply with all federal, state, and local water quality laws, rules, and regulations, including, but not limited to, the Federal Clean Water Act. The Stormwater Administrator may require supporting documentation.

e. The land-disturbing activity described in the plan shall not result in a violation of rules adopted by the North Carolina Environmental Management Commission to protect riparian buffers along surface waters.

f. The land-disturbing activity described in the plan shall not result in a violation of any local ordinance, law, rule, or regulation.

g. If the plan is submitted for land-disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (N.C.G.S. §113A-1, et seq.), such as required on tracts involving public money or public land, a complete environmental document shall be presented for review. The Stormwater Administrator' time for reviewing the plan shall not commence until a complete environmental document is available for review.

h. The plan shall be filed digitally with the Stormwater Administrator. A copy of the stamped, approved plan shall be maintained on the job site.

i. Effort should be made not to uncover more than 20 acres at any one time. If more than 20 acres are proposed to be uncovered at any one time, the plan shall contain the following:

i. The method of limiting the time of exposure and amount of exposed area to achieve the objectives of this article.

ii. A cut/fill analysis that shows where soil shall be moved from one area of the tract to another as ground elevation is changed.

iii. Construction sequence and construction phasing to justify the time and amount of exposure.

iv. Techniques to be used to prevent sedimentation associated with larger disturbed areas.

v. Additional erosion control measures, structures, and devices to prevent sedimentation.

2. Plan Review Process

a. Timeline for Decisions on Plans

i. The Stormwater Administrator shall review each complete plan submitted and within 30 days of receipt thereof shall notify the applicant, that it has been approved, approved with modifications, or disapproved.

ii. Should the plan be filed and not reviewed within the specified timeframe, the land-disturbing activity may commence subject to Section 28.3.C.6 and item A.1.e, above, and the Stormwater Administrator shall endeavor to review the plan on an expedited schedule.

iii. If the plan is disapproved, the Stormwater Administrator shall notify the applicant and, if required, the Director of the Division of Energy, Mineral, and Land Resources (NCDEMLR) within the NCDEQ of such disapproval within ten days thereof. The Stormwater Administrator shall advise the applicant and the Director of NCDEMLR in writing as to the specific reasons that the plan was disapproved. The applicant shall have the right to appeal the Stormwater Administrator decision as provided in Section ~~28.6~~37.8.B.

iv. The Stormwater Administrator will review each revised Plan submitted and within 15 days shall notify the applicant, that it has been approved, approved with modifications, or disapproved. Failure to approve, approve with modifications, or disapprove a revised Plan within 15 days of receipt shall be deemed approval.

b. Approval

The Stormwater Administrator shall only approve a plan upon determining that it complies with all applicable state and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and state water quality laws, regulations and rules. The Stormwater Administrator shall condition approval of plans upon the applicant's compliance with federal and state water quality laws, regulations, and rules. Plans for which land-disturbing activity has not commenced within three years from the initial plan approval date are void.

c. Disapproval of Plans

i. Disapproval for Content
The Stormwater Administrator may disapprove a plan based on its content. A disapproval based upon a plan's content shall specifically state in writing the reasons for disapproval.

ii. Other Disapprovals
Any plan that is not in accordance with the requirements set forth in Section 28.4.A.1 above shall be disapproved. Additionally, a plan may be disapproved upon a finding that the financially responsible person or any parent or subsidiary thereof:

(A) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation or is not in compliance with the provisions of the notice; or

(B) Has failed to pay a civil penalty assessed pursuant to the Act, or a local ordinance adopted pursuant to the Act, by the time the payment is due; or

(C) Has been convicted of a misdemeanor pursuant to N.C.G.S. §113A-64(b) or any criminal provision of a local ordinance adopted pursuant to the Act; or

(D) Has failed to substantially comply with state rules or local ordinances and regulations adopted pursuant to the Act.

For purposes of this subsection, an applicant's record or the proposed transferee's record may be considered for only the two years prior to the application date.

3. Amendments to Plans

a. City-Required Revisions
If the Stormwater Administrator, either upon review of such plan or upon inspection of the job site, determines that the plan is inadequate to meet the requirements of this article or that a significant risk of accelerated erosion or off-site sedimentation exists, a revised plan may be required. Pending the preparation of the revised plan, work on the affected area shall cease unless approved to continue under conditions outlined by the Stormwater Administrator.

b. Submission of Revisions or Amendments
Amendments or revisions to a plan shall be made in written and/or graphic form and may be submitted at any time under the same requirements for submission of original plans. Until such time as the Stormwater Administrator approves any amendments or revisions, the land-disturbing activity shall not proceed, except in accordance with the plan as originally approved or under conditions outlined by the Stormwater Administrator per item a above.

4. Transfer of Plans
The Stormwater Administrator may transfer an erosion and sedimentation control plan approved pursuant to this article without the consent of the plan holder to a successor-owner of the property on which the permitted activity is occurring or shall occur as provided in this subsection.

a. The Stormwater Administrator may transfer a plan if the following conditions are met:

i. The successor-owner of the property submits to the City a written request for the transfer of the plan and an authorized statement of financial responsibility and ownership.

ii. The Stormwater Administrator finds the following:

(A) The plan holder is one of the following:

(1) A natural person who is deceased.

(2) A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.

(3) A person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or shall occur.

(4) A person who has sold the property on which the permitted activity is occurring or shall occur.

(B) The successor-owner holds title to the property on which the permitted activity is occurring or shall occur.

(C) The successor-owner is the sole claimant of the right to engage in the permitted activity.

(D) There shall be no substantial change in the permitted activity.

b. The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.

c. The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.

d. Notwithstanding changes to law made after the original issuance of the plan, the Stormwater Administrator may not impose new or different terms and conditions in the plan without the prior express consent of the successor-owner. Nothing in this subsection shall prevent the Stormwater Administrator from requiring a revised plan pursuant to N.C.G.S. §113A-54.1(b) or item A.3 above.

5. Display of Plan Approval

A plan approval issued under this section shall be prominently displayed on the site until all construction is complete, all temporary sedimentation and erosion control measures are removed, the site has been stabilized, and the grading permit has been terminated and approved by the Stormwater Administrator. A copy of the stamped plan may serve to satisfy this requirement.

6. Failure to File or Follow a Plan

Any person engaged in land-disturbing activity who fails to file a plan required by and in accordance with this article shall be deemed in willful violation of this article. Any person who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in willful violation of this article.

B. Permits

1. No person shall undertake any land-disturbing activity on a tract that disturbs one or more acres without obtaining the following:

a. An NCG01 permit by completing and submitting an electronic notice of intent (E-NOI) form requesting a certificate of coverage (COC) and obtaining the coverage certificate under the NCG01 Construction Site Stormwater General Permit. The letter of approval from the City shall contain a notice of the NCG01 permit requirement and the acreage approved for disturbance.

b. A stamped and approved soil erosion and sedimentation control plan subject to Section 28.4.A.

c. A land disturbance permit from the Stormwater Administrator. The only exceptions to the requirement for a land disturbance permit are land-disturbing activities that:

i. Have been preapproved by the Stormwater Administrator at a pre-construction conference for the purpose of installing erosion and sedimentation control measures indicated on the approved plan; or

ii. Are for the purpose of fighting fires; or

iii. Are for the stockpiling of raw or processed sand, stone, or gravel in existing material processing plants and existing storage yards, provided that sediment control measures are utilized to protect against off-site damage; or

iv. Do not equal or exceed one acre of disturbed area. In determining the size of the disturbed area, lands being developed as a unit shall be aggregated regardless of ownership. Although a plan and a permit may not be required for a land-disturbing activity comprising less than one acre, such activity is subject to all other requirements of this article.

28.5 ADMINISTRATION

A. Appeals and variances of this article shall be subject to Article 37.

B. Inspections and enforcement actions of this article shall be subject to Article 39.

28.6 STORMWATER ADMINISTRATOR

A. Designation

The Director of the City of Charlotte department responsible for management of the City's NPDES MS4 Stormwater permit has been designated as the Stormwater Administrator. The Stormwater Administrator is authorized to administer and enforce Article 28.

B. Powers and Duties

In addition to the powers and duties that may be conferred by other provisions of this Ordinance and other laws, the Stormwater Administrator shall have the following powers and duties under this article:

1. To review and approve or disapprove applications submitted pursuant to Article 28.

2. To make determinations and render interpretations of Article 28**.**

3. To establish application requirements and schedules for submittal and review of applications and appeals.

4. To enforce Article 28 in accordance with its enforcement provisions in Article 39.

5. To maintain records, maps, and official materials as they relate to the adoption, amendment, enforcement, or administration of Article 28.

6. To provide expertise and technical assistance upon request to the City Council and the UDO Board of Adjustment.

7. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.

8. To provide information and recommendations relative to variances and information as requested by the UDO Board of Adjustment in response to appeals.

9. To prepare and make available to the public a Stormwater Regulations Administrative Manual.

10. To take any other action necessary to administer the provisions of Article 28.

28.7 DEFINITIONS

The definitions of this section apply only to this article. Unless specifically defined in this section, other words or phrases used in this article are as defined in Article 2 for general definitions or Article 15 for use definitions. In the case of a conflict between a term defined in Article 2 or Article 15 and this article, the definition in this section controls.

Sedimentation Control Buffer. The strip of land adjacent to a lake or watercourse.

Day, Working. Days exclusive of Saturday, Sunday, and City government holidays during which weather conditions or soil conditions permit land disturbing activity to be undertaken.

Groundcover. Any vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Lake or Watercourse. Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension and which could be damaged by accumulation of sediment.

Natural Erosion. The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

Mulch. Horticultural products composed primarily of plant remains or mixtures of such substances.

Parent. An affiliate that directly, or indirectly through one or more intermediaries, controls another person.

Permit. The permit to conduct land-disturbing activities ~~(i.e., grading permit)~~ issued by the Stormwater Administrator.

Uncovered. The removal of groundcover from, on, or above the soil surface.

Undertaken. The initiating of any activity, or phase of activity, which results or will result in a change in the groundcover or topography of a tract of land.

Article 29. Introduction to Subdivision, Streets, & Other Infrastructure

29.1 PURPOSE
29.2 APPLICABILITY
29.3 ADMINISTRATION

29.1 PURPOSE

These regulations for subdivision, streets, and other infrastructure are intended to allow for the orderly development of the City and its extraterritorial jurisdiction (ETJ), including the dedication of land and required improvements for rights-of-way and other public purposes, and to support the City's goals for creating complete neighborhoods, safe and complete transportation networks, and a vibrant economy. Specifically, they are intended to:

A. Protect and promote public health, safety, and welfare of community residents, visitors, property and business owners, and those that provide vital services to the community.

B. Coordinate existing and future streets and infrastructure, including transit, pedestrian, and bicycle facilities, to ensure appropriate distribution of traffic, access to transportation choices, and safe and efficient access to land uses.

C. Create and improve a network of well-connected streets and transit services that:

1. Better serves all users by providing more and safer route and mode choices and, therefore, more equitable access to transit services and destinations.

2. Integrates land use and transportation by creating the combinations of land uses and transportation infrastructure to best implement Place Type goals and policies, including facilitating planned growth.

3. Supports sustainable quality of life and economic development by providing both increased transportation capacity for all modes and more user-friendly streets.

D. Secure rights-of-way or easements to accommodate necessary and complete streets and other infrastructure.

E. Promote the orderly division or consolidation of lots for development by implementing Subdivision regulations that incorporate the above, plus the following:

1. Secure land to accommodate the City's evolving needs for infrastructure and public facilities.

2. Preserve and enhance the quality of the City's natural features and natural resources.

29.2 APPLICABILITY

A. The regulations in these Subdivision, Streets, and Other Infrastructure Articles apply to development activity, including change of use, within the City and its ETJ.

B. North Carolina General Statutes (N.C.G.S.) limit what transportation improvements may be required for schools (see N.C.G.S. § 160A-307.1); therefore, some of the requirements, standards, and processes included within the Subdivision, Streets, and Other Infrastructure Articles may not be required for schools. Any reimbursements required by N.C.G.S. § 160A-307.1 shall be determined on a case-by-case basis by the Charlotte Department of Transportation (CDOT).

C. Where development abuts a street controlled by the North Carolina Department of Transportation (NCDOT), all requirements and standards in these Subdivision, Streets, and Other Infrastructure Articles apply, unless otherwise prohibited by NCDOT.

29.3 ADMINISTRATION

A. ~~Appeals and v~~Variances and appeals of these Subdivision, Streets, and Other Infrastructure Articles (Articles 29 through 34) shall be subject to Article 37.

B. Inspections and enforcement actions of these Subdivision, Streets, and Other Infrastructure Articles (Articles 29 through 34) shall be subject to Article 39.

Article 30. Subdivision

30.1 PURPOSE
30.2 COMPLIANCE
30.3 TYPES OF SUBDIVISIONS
30.4 GENERAL REQUIREMENTS
30.5 SKETCH PLAN
30.6 PRELIMINARY PLAN REQUIREMENTS
30.7 FINAL PLAT REQUIREMENTS
30.8 PROCEDURES FOR SUBDIVISION APPROVAL
30.9 PLATS ALREADY ESTABLISHED BY SURVEY
30.10 DRAINAGE
30.11 NO SERVICE UNLESS STREET ACCEPTED OR TENTATIVELY APPROVED
30.12 STANDARDS AND SPECIFICATIONS
30.13 PERFORMANCE GUARANTEES

30.1 PURPOSE

The purpose of this article is to:

A. Promote orderly development of the City and its extraterritorial jurisdiction (ETJ) through the coordinated division and development of lands.

B. Coordinate streets within subdivisions with existing or planned streets and/or with public facilities.

C. Secure adequate rights-of-way or easements for street or utility purposes.

D. Secure adequate spaces for recreation; to protect and enhance environmental quality.

E. Create conditions essential to public health, safety, and welfare.

30.2 COMPLIANCE

A. All plats for the subdivision of land shall conform to the requirements of this article and be submitted in accordance with the procedures and specifications established in this article. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from compliance with this article.

B. After the effective date of this Ordinance, no plat of a subdivision of land, subject to the jurisdiction of this article, shall be filed or recorded by the County Register of Deeds until it has been submitted to and approved by the Planning Department. This includes all divisions of land as defined in Section 30.3.

30.3 TYPES OF SUBDIVISIONS

A. Standard Subdivision

Standard subdivisions include:

1. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development whether residential or nonresidential.

2. Residential and nonresidential multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the County Register of Deeds.

3. All divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets.

B. Exceptions to Subdivision

The following shall not be included within the definition of standard subdivision nor be subject to the requirements of this article:

1. The combination or recombination of portions of parcels created and recorded where the total number of parcels or lots is not increased, and the resultant parcels are equal to the standards of Articles 4 through 14 and Section 16.1.

2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.

3. The creation of strips of land for the widening or opening of streets, for public transportation system corridors, or the location of public utility rights-of-way.

4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.

5. The division of land into plots or lots for use as a cemetery.

6. Creation of a separate lot or building site by a less than fee simple instrument, such as a ground lease, when the property interest created is divided from the original parcel for ten years or less, including options to renew.

7. The lease of space or other area within a building owned by the landlord.

8. Easements for the purposes of utilities, driveways, parking, footpaths, trails, or other similar purposes.

9. The division of a tract or parcel into separate tracts or parcels, or the creation of interests in lots or parcels, by means of:

a. A deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure).

b. Releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.

10. Proceedings to partition interests in lots or parcels pursuant to N.C.G.S. Chapter 46 (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this article.

11. Division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.

12. Transfers of tracts or parcels by inheritance, to settle an estate, or bona fide gift.

13. Condemnation or deed in lieu of condemnation, by either a public or private ~~condemnor~~condemner; provided, however, that the ~~condemnor~~condemner shall comply with the requirements of this article as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever date first occurs.

C. Limited Minor Subdivision

A limited minor subdivision means a subdivision that is not otherwise exempt from this article, and where the tract or parcel of land retained by the owner submitting the land for subdivision approval is either:

1. In excess of ten acres. For such subdivisions, the owner shall be required to plat only the parcel to be transferred or leased, and only that parcel shall be subject to the requirements of this article; or

2. A division of a tract or parcel of land in single ownership if all the following criteria are met. A division of a tract or parcel of land meeting all the criteria may only require a plat for recordation.

a. No part of the tract or parcel to be divided has been divided under the subdivision regulations of the City in the ten years prior to division.

b. The entire area of the tract or parcel to be divided is greater than five acres.

c. After division, no more than three lots result from the division.

d. After division, all resultant lots comply with all the following:

i. All lot dimension size requirements of the applicable zoning regulations.

ii. The use of the lots is in conformity with the applicable zoning requirements.

iii. A permanent means of ingress and egress is recorded for each lot.

D. Minor Subdivision
Minor subdivision means a subdivision that is not otherwise exempt from this article and that does not involve any of the following:

1. The creation of any new public street or street right-of-way.

2. The extension of any needed rights-of-way or easements for the water or sewer system operated by Charlotte Water.

3. The installation of drainage improvements through one or more lots to serve one or more other lots.

4. The installation of a private wastewater treatment plant or a private water supply system for more than one lot or building site.

30.4 GENERAL REQUIREMENTS

This section provides general requirements to be used in the design, review, and approval of any subdivision under the jurisdiction of this article.

A. Residential Street Design
Residential street design will ensure the creation of a network of low volume, low speed streets. All new development shall provide for more than one access for ingress and egress, where feasible. The proposed street system will extend existing streets on their proper projections. To the greatest extent practicable, cul-de-sacs and other permanently dead-end streets are to be avoided.

B. Relationship to Railroad Rights-of-Way
When a subdivision adjoins a railroad right-of-way, the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings, except where no such crossing will be allowed by the railroad.

C. Partial Streets
Whenever an existing partial street is adjacent to a tract of land to be subdivided, the remaining portion of the street shall be platted within such tract. New partial streets shall meet the standards of Tables 34-2 and 34-4.

D. Mature Trees and Natural Vegetation
Streets and development sites shall be designed to protect and preserve, to the greatest extent practicable, stands of mature trees and other areas of significant natural vegetation.

E. Access to Parks, Schools, Greenways
Streets shall be designed, or walkways dedicated, to ensure convenient access to parks, greenways, playgrounds, educational facilities, and other places of public assembly.

F. Parallel Streets Along Limited Access Roads and Arterial Streets
Where a tract of land to be subdivided adjoins a federal or state highway, limited access road, or arterial that is not a Main Street, the subdivider may be required to provide a street parallel to the highway or to utilize reverse frontage on an interior street for lots developed adjacent to the highway. Where reverse frontage is established, deed restrictions or other means should be provided to prevent driveways from having direct access to the highway or street at the rear lot line.

G. Public School and Public Park Sites
When a tract of land that appears in any adopted plan or policy document as a future public school, public park, or greenway falls within an area proposed to be subdivided, the Planning Department staff shall notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency shall decide within 30 days if it wishes to reserve the site for future acquisition.

1. If the site is not to be reserved, the subdivision shall be processed in the normal fashion.

2. If the agency does wish to reserve the site, the subdivision shall not be approved without such reservation.

   a. The appropriate agency shall have 18 months from the date of preliminary plan approval to acquire the site by purchase, by receipt of a dedication, or by initiating condemnation proceedings.

   b. If, at the end of the 18 month period, none of the actions listed above has commenced, the subdivider may consider the land free of any reservation.

   c. The subdivider may choose to dedicate the area to be reserved.

H. Public Facilities

When a tract of land that appears in any adopted plan or policy document as a future site for any community service facility including, but not limited to, police and fire stations, libraries, public housing, or other public use sites, falls within an area proposed to be subdivided, the Planning Department staff shall notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency shall decide within 30 days if it wishes to reserve the site for future acquisition.

1. If the site is not to be reserved, the subdivision shall be processed in the normal fashion.

2. If the agency does wish to reserve the site, the subdivision shall not be approved without such reservation.

   a. The appropriate agency shall have 18 months from the date of preliminary plan approval to acquire the site by purchase, by receipt of a dedication, or by initiating condemnation proceedings.

   b. If, at the end of the 18 month period, none of the actions listed above has commenced, the subdivider may consider the land free of any reservation.

   c. The subdivider may choose to dedicate the area to be reserved.

I. Street Names

Proposed street names shall not duplicate nor too closely approximate phonetically the name of any street within the County or City. Where proposed streets are extensions of existing streets, the existing street names should be used.

J. Easements

Easements established to the width and in the locations required by Charlotte Water and Stormwater Services as per the Charlotte-Mecklenburg Storm Water Services Design Manual, the Charlotte Water, Water and Sewer Design and Construction Standards, and/or the Charlotte Land Development Standards Manual (CLDSM), as applicable, should be provided for open or piped storm drainage, sanitary sewers, and water lines. This requirement applies to such lines installed at the time of the development of the subdivision and to easements for such lines which may reasonably be expected to be installed in the future. A sidewalk and utility easement (SUE) shall be shown two feet off the back of any sidewalk on a public street or shared-use path located partially or completely outside of the public right-of-way. If a building is two or more feet behind the required sidewalk or shared-use path, the two foot space shall be in the right-of-way, a SUE, or a combination of both.

K. Proposed Water and Sewer System

The preliminary subdivision plan should be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal as per the requirements of Sections 34.2 and 34.3.

L. Restrictions on Subdivision of Land Subject to Flooding

Lots that are subject to flooding should not be established in subdivisions, except as provided in Section 24.3.C.

M. Lots with Water Access

Where a subdivision which adjoins the Catawba River or its impounded waters contains interior lots, parcels or tracts of land which do not adjoin the water's edge, but any part of which is within 450 feet of the water's edge, one or more lots which adjoin the water's edge shall be reserved to provide water access for the owners of interior properties. Such lots shall be called water access lots. If property which is in the same ownership adjoins the subdivision, such property shall be construed as being part of the subdivision for purposes of determining requirements of water access lots.

Water access lots shall equal at least 10% of the area, exclusive of streets, of all the interior property which lies within 450 feet of the water's edge. However, where the 10% would equal less than 20,000 square feet, the subdivider shall not be required to provide any water access lots. All water access lots shall have a minimum frontage at the water's edge of 100 feet. The water access lots shall either be dedicated to Mecklenburg County Park and Recreation Department (only if the Mecklenburg County Board of County Commissioners agrees to accept such dedication) or be transferred in fee simple title to a homeowners association of the interior lot owners of the subdivision. Before approval of the final plat, the subdivider shall submit to the Planning Department a covenant stating either that:

1. They shall dedicate the required amount of water access lots to the County; or

2. They shall convey title of the water access lots to a homeowners association of the purchasers of each interior lot.

If the subdivider chooses to dedicate the water access lots to the County, the Board of County Commissioners shall have agreed to accept the final responsibility of maintaining the lots, and the preliminary plan and final plat shall show the dedication. If the title is transferred to a homeowners association of the interior lot owners, the preliminary plan and final plat shall designate the lots covered by the homeowners association for each water access lot.

30.5 SKETCH PLAN

Prior to the filing of an application for approval of a preliminary subdivision plan, it is strongly encouraged, but not required, that a sketch plan be submitted to the Planning Department for review and recommendation. When submitted, this sketch plan should be drawn to a scale no smaller than one inch equals 100 feet on a topographical survey and should show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. It should include the following information:

A. The boundary lines of the property being subdivided.

B. Watercourses on the land to be subdivided.

C. The location, names, and right-of-way widths of any existing streets, paper streets, or half streets on or within 300 feet of the land to be subdivided.

D. The location of all property lines which intersect the boundaries of the property being subdivided.

30.6 PRELIMINARY PLAN REQUIREMENTS

A. A preliminary subdivision plan shall be drawn to the following specifications and shall contain or be accompanied by the information listed. No processing or review of a preliminary plan shall proceed without all the information listed. Detailed standards and specifications for construction are contained in the CLDSM:

1. The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad lines, watercourses, easements, or other significant features of the tract.

2. The location, sizes, and elevations of existing sanitary sewers, storm drainage, culverts, and sight distance triangles (as applicable) within the tract and immediately adjacent thereto.

3. Original contours at intervals of not less than four feet for the entire area to be subdivided and extended into adjoining property for 300 feet at all points where streets connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the ~~U.S. Coastal and~~National Geodetic Survey and as extended by the City through its primary control system or to a benchmark that is within 2,000 feet of the subdivision. Proposed contours for the full width of all streets along open drainage channels and in all other portions of the subdivision where extensive grading is proposed shall be shown. These requirements shall not apply when the Subdivision, Streets, and Infrastructure (SSI) Administrator determines that the size of the subdivision and the topography make such information unnecessary.

4. The location of proposed streets, alleys, easements, lots, existing public parks or greenways, land reserved for public facilities or use, including off-street public paths, other property lines and building setback lines with street dimensions, tentative lot dimensions, other property lines and the location of any stormwater elevation line required by Section 24.3.C.3.

5. The location of all proposed storm drainage and appurtenances, with grades, inverts, and sizes indicated; a map of the drainage areas tributary to the proposed storm drainage; and a copy of the data used in determining the sizes of drainage pipes and structures. For each lot subject to flooding, as defined in Section 24.3.C, indicate the Stormwater Elevation Line (SWEL) and Stormwater Protection Elevation (SWPE).

6. The name of the subdivision; the name and signature of the owner or the owner's duly authorized agent; the name of the surveyor, engineer, or designer; the names of proposed streets; and the names of adjoining subdivisions or property owners. The name assigned to the subdivision and the names assigned to streets at this time shall be used throughout the review and approval process for preliminary and final plats and shall not be changed without approval of the Planning Department staff.

7. The scale of the plan, which shall not be smaller than 100 feet to the inch; north point; date.

8. Typical cross sections of proposed streets, showing widths and proposed construction of streets.

9. Proposed profiles of streets. Where a proposed street is an extension of an existing street, the profile shall be extended to include 300 feet of the existing streets and storm drains if present, and a cross section of the existing street shall be shown. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where the street is expected to extend into the adjoining tract of land, the profile shall be extended to include 300 feet of the adjoining tract.

10. The proposed method of water supply and sewage disposal.

11. All proposed land uses and number of dwelling units.

12. The use, approximate height, and location of all buildings and structures other than single-family and duplex dwellings.

13. A small-scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties.

14. Proposed off-street parking and circulation plan showing the location and arrangement of parking spaces and any driveways for ingress and egress to and from adjacent streets and highways.

15. The proposed location, use, improvements, ownership, and manner of maintenance of common open space areas.

16. The location of any existing demolition landfill on the site and the location of any proposed demolition landfill on the site(s) if such information is available.

17. A timetable for estimated project completion of the area covered by the preliminary plan. For plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the development are intended to be filed.

30.7 FINAL PLAT REQUIREMENTS

A. The final subdivision plat shall be prepared by a registered surveyor and shall be drawn to a scale of not smaller than 100 feet equal to one inch and shall contain the following information:

1. The exact boundary of the tract of land being subdivided, showing clearly the disposition of all portions of the tract.

2. The lines and names of all streets, alley lines, lot lines, lot and block numbers, building setback lines, easements, reservations, on-site demolition landfills, and areas dedicated to public purpose, with notes stating their purposes.

3. For all lots subject to flooding, the plat shall be inscribed with a statement declaring as such and any other applicable conditions governing the development of the subject lot. This statement shall be furnished by the City based on the current edition of the plat review checklist.

a. For plats with multiple lots subject to flooding, in addition to the statement above, the plat may have stormwater protection elevations in tabular form.

4. In areas where floodplain regulations apply, the plat shall be inscribed with a statement declaring as such and any other applicable conditions governing the development of the areas on the plat. This statement shall be furnished by the City based on the current edition of the plat review checklist.

5. Any amendment to a previously approved final plat shall note in writing on the amended plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.

6. Sufficient data to readily determine and accurately reproduce in the field, to include:

a. The location, bearing, and length of:

i. Every street line, alley line, lot line, and building line.

ii. Boundary lines of reserved or dedicated areas.

iii. Easements required by this article, of record in the County, otherwise committed, or ascertainable by physical inspection of the property.

All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1:10,000. In closed traverses, the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of 7.5 seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than 90 seconds, whichever is smaller.

7. As-built drawings and plans of all water system, sewer system, and storm drainage system facilities. Such plans should show all easements and/or rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but shall be submitted at the time of the request for final plat approval or release of any performance guarantee for required improvements, whichever comes later.

8. The name of the township in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and a north point oriented as per state statutes, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties.

9. The accurate location of monuments which shall be established along the rear property lines of lots with a minimum of two per phase including coordinates computed from the North Carolina State Plane Rectangular Coordinate System as extended there from. Design and materials shall be in accordance with the standard detail contained in the CLDSM.

10. A certificate signed by the surveyor meeting the requirements of N.C.G.S. § 47-30 for proof upon oath that the plat is in all respects correct, written as follows:

"*The undersigned surveyor, being duly sworn, deposes and says that the plat upon which this certificate appears was prepared in accordance with N.C.G.S. § 47-30 as amended, is in all respects correct according to the best of their knowledge and belief, and was prepared from an actual survey made by them on the __ day of _____, 20___, with maximum linear error of closure of _____, and a maximum field error of angular closure of _____****."***

11. If the subdivision is wholly or partially located in the ANDO Airport Noise Disclosure Overlay District, a disclosure notice as per the requirements of Section 14.8 shall be inscribed on the plat.

B. The final plat for a site with multiple residential buildings, including multi-dwelling developments, multi-use buildings with a residential component, and mixed-use developments shall be prepared in accordance with the above requirements and shall also contain the following additional information:

1. The use, minimum and maximum height, and location of all buildings and structures other than single-family and duplex dwellings.

2. All land uses and number of dwelling units.

3. The location, use, improvements, ownership, and manner of maintenance of all common areas.

30.8 PROCEDURES FOR SUBDIVISION APPROVAL

A. Preliminary Plan

1. A preliminary plan of a proposed subdivision, developed in accordance with the specifications set forth in Section 30.6, shall be submitted to the Planning Department.

2. Submission of a preliminary plan shall be via the method, mode, and number (as applicable) as prescribed by Planning Department staff to the applicant.

B. Time Limits

1. Time limits for reviewing complete applications are as follows in Table 30-1: Time Limits.

Table 30-1: Time Limits

Action	Time Limits
Initial review of preliminary plan	30 days
Review of resubmitted plans requiring corrections and/or changes	20 days
Approval of completed and correct plan	10 days

2. The time limits do not apply to plans for which no sketch plan has been prepared and submitted to the Planning Department staff or to plans which contain any proposed school, park, greenway, or other public facility for which reservation is required. The applicant may consent to an extension of any of the time limits in Table 30-1. Should the staff fail to respond within the time limits set out, the application shall be considered to be denied, and the applicant may appeal the denial to the UDO Board of Adjustment.

C. Waiver of Preliminary Plan Requirement

The required preliminary plan may be waived by the Planning Department for limited minor or minor subdivisions, including metes and bounds subdivisions. Such applications shall be designated "minor subdivisions," provided:

1. Such land abuts a street of required width and is so situated that no new streets are proposed, and no improvements are required to be installed by the subdivider according to this article.

2. A plat of the tract being subdivided, accompanied by an application signed by the owner/developer and/or their duly authorized agent, has been filed with the Planning Department staff.

3. The subdivider may be required to submit topographic information to determine flood elevations whenever the property proposed to be subdivided or re-subdivided is traversed by or adjacent to a known watercourse. If the preliminary plan requirement is waived, a final plat shall be prepared and recorded as provided in Section 30.7.

The required preliminary plan may also be waived by the Planning Department for limited minor subdivisions and/or those subdivisions which do not involve the dedication of a new street.

D. Final Plats

1. Upon approval of the preliminary subdivision plan by the Planning Department, the subdivider may proceed with the preparation of the final subdivision plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary plan, provided that all required improvements to any existing or new street shown on the preliminary plan within the boundaries of the final plat have been provided for or been assured by the posting of a performance guarantee as provided for in Section 30.13 prior to any final plat approval. The final plat shall be developed in accordance with the specifications set forth in Section 30.7.

2. Submission of an official final plat for approval, and for recordation purposes, shall be via the method, mode, and number (as applicable) as prescribed by Planning Department staff to the subdivider.

3. The Planning Department shall approve final plats which comply with the requirements of this article within 30 days after complete submission.

E. Decisions for Preliminary Subdivision Plan and Final Subdivision Plat Review

Preliminary plans and final plats will be reviewed by the Planning Department for compliance with the applicable standards of this article. In addition, the following agencies shall be given an opportunity to make recommendations concerning a subdivision plat prior to approval:

1. North Carolina Department of Transportation (NCDOT) District Engineer as to proposed state streets, state highways, and related drainage systems.

2. County health director or local public utility, as appropriate, as to proposed water or sewerage systems.

3. Any other agency or official designated by the Planning Department.

Any preliminary subdivision plan or final plat approval or denial shall be in writing and shall be issued in print or electronic form. Any approval issued exclusively in electronic form shall be protected from further editing once issued. The written notice shall be delivered to applicant and property owner, if the property owner is not the applicant, by personal delivery, electronic delivery, or first-class mail through the U.S. Postal Service. The notice shall be sent to the last address listed for the property owner or the affected property on the Mecklenburg County ~~T~~tax abstract, and to the address provided in the application if the owner is not the petitioner.

F. Appeals of Decisions for Preliminary Subdivision Plan and Final Subdivision Plat Review

1. The property owner or applicant shall have 30 days from receipt of the written notice of decision within which to file an appeal with the SSI Administrator. Any other person with standing to appeal has 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal. In the absence of evidence to the contrary, notice given by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the U.S. Postal Service. The appeals process is described in Article 37.

2. The UDO Board of Adjustment shall follow the appeal procedures specified in Article 37. The UDO Board of Adjustment may affirm, reverse, or modify the decision under appeal, making findings of fact and conclusions of law to support its decision.

3. Appeals of the UDO Board of Adjustment decision may be made to Mecklenburg County Superior Court.

G. Effect of Approval of Preliminary Plan

A preliminary plan approved under this article shall be valid for a period of three years from the date of approval. If no work on the site in furtherance of the plan has commenced within the three year period, the preliminary plan approval shall become null and void, and a new application shall be required to develop the site. If work on the site in furtherance of the plan has commenced that involves any utility installations included in the approval or street improvements except grading, the plan shall remain valid and in force, and the subdivision may be completed in accordance with the approved plan.

H. Release of Grading Permit

Preliminary plan approval is required for the issuance of a grading permit for any grading work on the site for the installation of any improvements in furtherance of the development. The release of the grading permit may be authorized by the Planning Department staff prior to the approval of the preliminary plan, if the matters staying the approval are not related to nor shall influence the need for grading on the site. Once the preliminary plan is approved, further approvals under this subsection are not required for granting permits for individual sites within the development.

30.9 PLATS ALREADY ESTABLISHED BY SURVEY

A. Plans for subdivisions of land previously approved by the City Planning Board or the Charlotte-Mecklenburg Planning Commission, but not recorded by the County Register of Deeds prior to February 29, 1956, shall be approved for recording without complying with the requirements of this article if the plat conforms to the previously approved plan.

B. Plats already established by survey and recorded in the office of the County Register of Deeds prior to the effective date of the Ordinance from which this article derives shall be eligible for development and other administrative permits without complying with the requirements of this article, but shall be developed in accordance with the provisions of the subdivision regulations and/or ordinance in effect at the time of its approval.

30.10 DRAINAGE

New subdivisions, as defined by this article, shall provide storm drainage per the requirements of Section 24.3.B.5.

30.11 NO SERVICE UNLESS STREET ACCEPTED OR TENTATIVELY APPROVED

No department, officer, or employee of the City shall accept for maintenance, lay out, open, improve, grade, pave, or light any streets or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street within the City unless:

1. Such street has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the effective date of the Ordinance from which this article derives; or

2. For any new street, such street corresponds in its location and lines with a street shown on a preliminary subdivision plat, tentatively approved by the Planning Department or Charlotte-Mecklenburg Planning Commission; or

3. Such street has been accepted as a public street by a vote of a majority of all the members of the City Council or by the state; or

4. Such street is an approved network-required private street built in conformance with the provisions of this Ordinance.

30.12 STANDARDS AND SPECIFICATIONS

A. Unless specifically noted, before any final plat of a subdivision is eligible for final approval, or before any street is accepted for maintenance by the City or by the NCDOT, minimum improvements, including drainage and soil erosion, shall have been completed by the developer and approved by the Planning Department in accordance with the standards and specifications of the CLDSM or subject to a performance guarantee in accordance with Section 30.13.C.

B. This Ordinance prescribes minimum requirements for storm drainage and street improvements to be undertaken by the developer. Satisfactory completion of these improvements, attested by approval of the Planning Department, shall qualify streets in the City to be accepted for maintenance by the City and streets in the extraterritorial jurisdiction (ETJ) to be considered for maintenance by the NCDOT.

30.13 PERFORMANCE GUARANTEES

A. In subdivisions adjoining already established streets that have been accepted for maintenance by the City or the NCDOT, the requirements of this section shall apply as follows:

1. Where the adjoining established street is a part of the City's or the NCDOT's street system, the adjoining street shall be improved in accordance with either the requirements of this Part and the requirements of the City or the NCDOT, whichever establishes the higher standard.

2. The requirements of this section are not applicable for the general removal and reconstruction of established permanent pavements.

B. Plats for new lots fronting on already dedicated or established streets that have not been accepted for maintenance by the City or the NCDOT, or which have been accepted for maintenance by the NCDOT but have not been improved with a paved roadway, shall be eligible for final approval when the improvement requirements of this Part have been complied with as closely as may reasonably be required considering the existing condition of the street, the extent of area to be platted and the cost of required improvements in relation to the comparative benefits to accrue to the subdivider and the other owners of property on both sides of the street.

C. Where the improvements required by this article have not been completed prior to the submission of the final subdivision plat for approval, the approval of the plat shall be subject to the owner filing a performance guarantee with the Planning Department. The amount of the performance guarantee shall not exceed 125% of the reasonably estimated cost of completion at the time the performance guarantee is issued.

D. The developer shall have the option to post one type of a performance guarantee, in lieu of multiple bonds, letters of credit, or other equivalent security, for all matters related to the same project requiring performance guarantees. Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section.

E. The City, in consultation with other affected agencies holding performance guarantees for the installation of required improvements, shall determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include 100% of the cost for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional 25% allowed under this section includes inflation and all costs of administration regardless of how such fees or charges are denominated. The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed 125% of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time.

F. Upon completion of the improvements and the submission of as-built drawings, as required by this section, written notice thereof shall be given by the subdivider to the appropriate department. The Planning Department shall arrange for an inspection of the improvements and, if found satisfactory, shall, within 30 days of the date of the notice, provide written acknowledgement to the developer that the required improvements have been completed and authorize in writing the release or return of the performance guarantees given.

Article 31. Network, Cross-Access, & Driveway Regulations

31.1 BLOCK AND NETWORK DESIGN STANDARDS
31.2 CROSS-ACCESS
31.3 DRIVEWAYS AND STREET ACCESS

31.1 BLOCK AND NETWORK DESIGN STANDARDS

This section contains specifications for street networks, external connectivity, internal connectivity, block length, cross-access, and driveway and street access.

A. Street Network

1. A network of interconnected public streets providing both external and internal connectivity is required for new development. The Subdivision, Streets, and Infrastructure Administrator (SSI Administrator), in consultation with the Charlotte Department of Transportation (CDOT), may allow network-required private streets for external and/or internal connectivity in consideration of the conditions below. Any such network--required private street shall have a recorded public access easement.

a. Site conditions require street geometry not allowed for a public street.

b. A public street is not needed to enhance the existing public street network.

c. The proposed street does not stub into an adjacent property.

d. The proposed street does not connect to an existing street on an adjacent property.

e. A Charlotte Water line that connects to an adjacent property is not located or proposed to be located within the street right-of-way.

2. Cemeteries, places of worship, and educational facilities are exempt from the street network requirements. However, if any of these uses are part of a mixed-use development, this exemption shall not apply.

B. External Connectivity

1. Existing Street Stubs

a. Existing adjacent street stubs shall be extended into the development on the stub street's proper projection.

b. Any existing and abutting paper street stubs shall be extended into the development on the stub street's proper projection.

2. Block Length

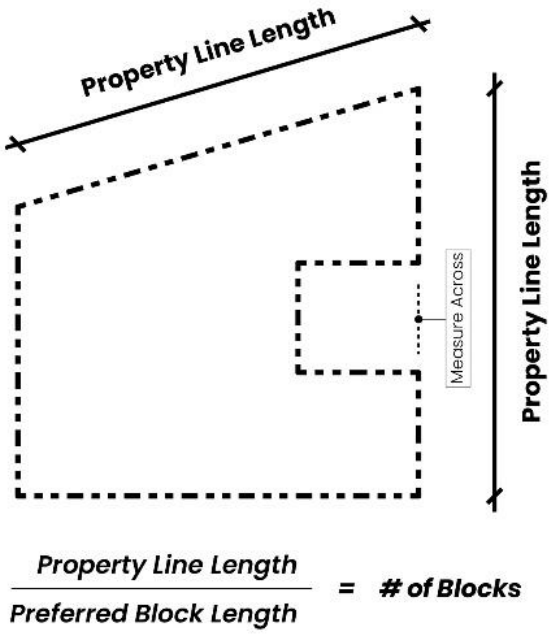
Requirements for additional new collector and local streets shall be determined as follows, using the preferred block length for the applicable Place Type.

a. The following process shall determine the required number of blocks along the boundary of the development:

Step 1. Identify the applicable Place Type in Table 31-1: Preferred Block Length.

Step 2. Measure the length of each property boundary and for each measurement divide by the preferred block length spacing from Table 31-1.

PROPERTY LINE LENGTH



Step 3. When a fractional number results, round the result down to the nearest whole number.

Step 4. When the result is less than two, but the boundary exceeds the maximum block length (Table 31-2: Maximum Block Length), one local street is required.

Table 31-1: Preferred Block Length	
Place Type	**Preferred Block Length Along Property Boundary**
Neighborhood 1	600’
Neighborhood 2	600’
Neighborhood Center	500’
Community Activity Center	500’
Regional Activity Center	400’
Innovation Mixed Use	500’
Manufacturing and Logistics	1,500’
Commercial	600’
Campus	500’
Parks and Preserves	1,000’

Table 31-2: Maximum Block Length	
Place Type	**Maximum Block Length**
Neighborhood 1	800’
Neighborhood 2	650’
Neighborhood Center	650’
Community Activity Center	650’
Regional Activity Center	600’
Innovation Mixed Use	650’
Manufacturing and Logistics	2,000’
Commercial	650’
Campus	650’
Parks and Preserves	1,500’

b. Where an odd-shaped parcel has a series of property line lengths shorter than the preferred block length, but separate blocks would be required if the site was measured across (as opposed to along the boundary segments), then a new street or streets shall be required.

c. Where the extension of non-local and adjacent local streets creates a street network that meets the required number of blocks, no additional new streets are required. However, if the distance from a parcel boundary to the nearest adjacent street exceeds the maximum block length in Table 31-2, then a new street or streets shall be required unless the SSI Administrator determines that a new street or streets are infeasible due to factors such as significant topographical constraints, unusual site-specific conditions related to the land, significant utility constraints, design of the existing street network, and location of existing driveways.

d. New collector and local streets, if required, shall be located to create the blocks calculated in this section, including any required street stubs.

i. Align where possible, with existing streets or existing driveways to create four-way intersections.

ii. All new development should provide for more than one access for ingress and egress at the time of development, if feasible.

iii. New street stubs shall be public and shall not be required to stub to existing lots if the SSI Administrator, in consultation with CDOT, determines that the size or shape of the lot makes a future street extension infeasible and/or of little functional value.

e. The average block length, when measured from centerline to centerline, for an entire site shall not exceed the maximum block length in Table 31-2. No individual block length created by the addition of a new street, except in the Parks and Preserves or Manufacturing and Logistics Place Types, shall exceed 1,000 feet. In the Parks and Preserves Place Type, no individual block length shall exceed 1,500 feet. In the Manufacturing and Logistics Place Type no individual block length shall exceed 2,000 feet.

C. Internal Connectivity

1. Once the external connectivity has been established, the external streets shall be connected to create an internal network.

2. The average block length, when measured from centerline to centerline, for an entire site shall not exceed the maximum block length in Table 31-2. No individual block length, except in the Parks and Preserves or Manufacturing and Logistics Place Types, shall exceed 1,000 feet. In the Parks and Preserves Place Type, no individual block length shall exceed 1,500 feet. In the Manufacturing and Logistics Place Type no individual block length shall exceed 2,000 feet. Exceptions to the maximum individual block length may be allowed as noted in item D below.

3. The average block length for an entire site, measured from street centerline to street centerline, shall not exceed the maximum block length shown in Table 31-2: Maximum Block Length.

a. The following streets are not included in the calculation for average block length:

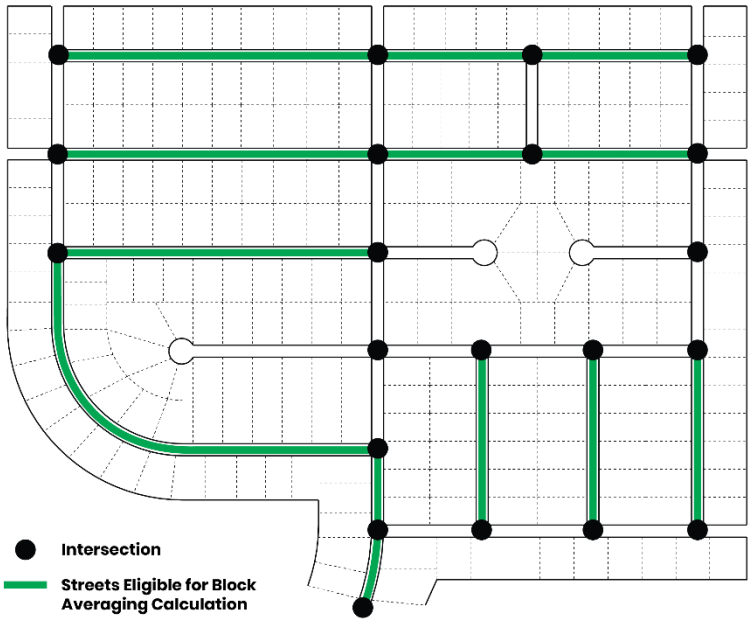
i. Cul-de-sac streets.

ii. Street stubs.

iii. Streets whose length is determined by the depth of an individual or back-to-back residential lots.

4. Exceptions to the maximum individual block length may be allowed as noted in Item D below. When an exception for the maximum individual block length has been granted in the Parks and Preserves Place Type, the length of the block will be included in the block averaging calculation based on its length or 1,500 feet, whichever is smaller. When an exception for the maximum individual block length has been granted in the Manufacturing and Logistics Place Type, the length of the block will be included in the block averaging calculation based on its length or 2,000 feet, whichever is smaller. For all other Place Types, when an exception has been granted for the maximum individual block length, the length of the block will be included in the block averaging calculation based on its length or 1,000 feet, whichever is less.

STREETS ELIGIBLE FOR BLOCK AVERAGING CALCULATION ~~Updated diagram~~



D. Exceptions to Block Lengths

1. The SSI Administrator, in consultation with CDOT, may modify the maximum individual block length, eliminating the need for a street stub or paper street when any of the following conditions exist:

a. A man-made physical barrier to a connection exists, such as a freeway, railroad line, rapid transit line, or gas pipeline.

b. A natural physical barrier exists, such as areas of steep slopes, wetlands, floodplain, creeks, or streams.

c. An industrial use is located adjacent to a proposed residential property, allowing future traffic to said industrial use to traverse the residential property to reach a non-local street.

d. The shape of the property does not allow the requirements to be met.

e. There are right-of-way, sight distance, or access constraints to providing the recommended spacing.

f Accessibility to the subject property or an adjacent property requires modification of the spacing requirements.

g. Manufacturing, distribution, warehousing, industrial, or security functions do not allow the spacing requirements to be met. Block lengths in the Manufacturing and Logistics Place Type may extend beyond a 2,000 feet individual block length to accommodate for the design of buildings exceeding that length.

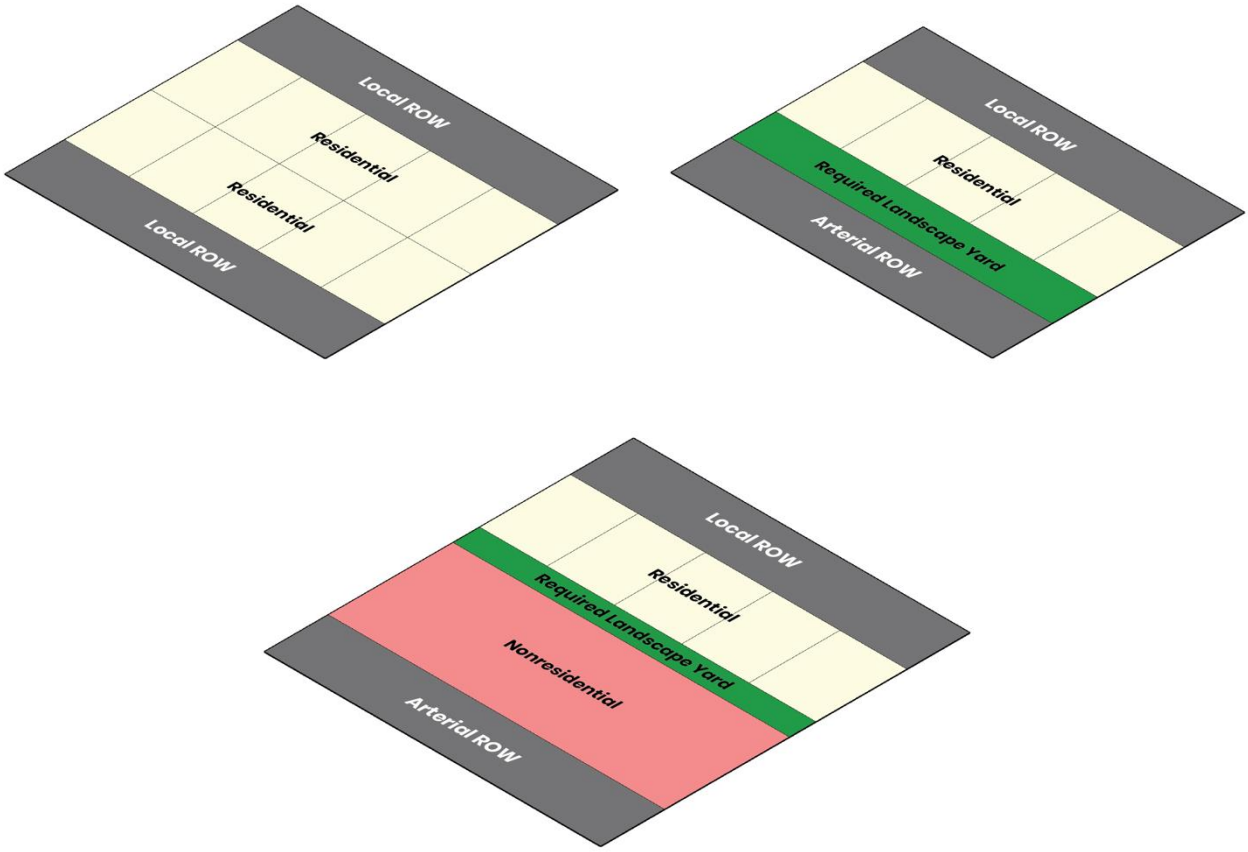
h. It is advantageous to the street network to align a new street with an existing street, major driveway, or traffic signal.

2. Public parks may, in lieu of providing new streets, provide off-street public paths. This exception does not apply for new arterials and limited access streets indicated on the City of Charlotte Streets Map.

E. Block Widths

Block widths shall be sufficient to allow two tiers of lots except where a single tier of lots will facilitate nonresidential development, the separation of nonresidential and residential developments, or the separation of residential development from arterials.

BLOCK WIDTHS



F. Street Offsets

Where there is an offset in the alignment of a street across an intersection, the offset of the centerlines shall conform to the standards of the Charlotte Land Development Standards Manual (CLDSM). The SSI Administrator, in consultation with CDOT, may modify this requirement based on analysis of safety and operational conditions.

G. Cul-De-Sacs and Dead-End Streets

1. Cul-de-sacs and other permanent dead-ends on public or network-required private streets are subject to SSI Administrator approval and shall only be allowed when supporting documentation shows either:

a. A natural or man-made barrier, such as a waterway, railroad, any portion of a Rapid Transit Corridor alignment that has been adopted by the Metropolitan Transit Commission (MTC), limited-access expressway, or unusual topography exists which prevents connection; or

b. When a connection is infeasible due to the site design or land use of abutting property.

2. Cul-de-sacs shall not be longer than the preferred street spacing in Table 31-1.

3. A pedestrian and bicycle connection through a cul-de-sac shall be required in the following instances:

a. When a vehicular connection is impractical, or when environmental conditions make a vehicular connection impractical; or

b. When a new pedestrian and bicycle connection through a cul-de-sac would connect to an existing pedestrian and bicycle pathway.

c. The requirement for a pedestrian and bicycle connection through a cul-de-sac, and the associated standards in Section 33.4.C, may be modified or eliminated if the developer/owner can document, and it can be confirmed by the Planning Department in consultation with CDOT, that there are significant topographical or unusual conditions related to the land.

4. No cul-de-sacs are permitted ~~in Transit Station Areas~~for properties that are within a ½ mile walk of an existing rapid transit station and zoned IMU, NC, CAC-1, CAC-2, RAC, TOD-TR, TOD-NC, TOD-CC, or TOD-UC. ~~and the Uptown/Center City Regional Activity Center~~In addition, no cul-de-sacs are permitted for any property zoned UC or UE.

5. Permanent dead-end streets shall provide for vehicular turn-around mobility consistent with CLDSM standards.

H. Partial Streets

On a lot that abuts an existing partial street with new construction of a principal building, the project shall construct the remainder of the partial street. New partial streets shall meet the standards of Tables 34-2 and 34-4.

I. Traffic Calming

Wherever a street exceeds the maximum block length provided in Table 31-2, the following conditions shall apply:

1. For residential wide or office/commercial wide, provide at least one pair of midblock curb extensions, as described in the CLDSM, or another approved slow point.

2. For all other street types, the developer shall consult with the SSI Administrator about the possible use of other traffic calming devices as available in the CLDSM, or as approved by the CDOT Director.

For traffic calming desired on streets not exceeding the maximum block length the developer shall receive approval from the SSI Administrator, in consultation with CDOT, for use of traffic calming devices as available in the CLDSM, or as approved by the CDOT Director.

31.2 CROSS-ACCESS

A. Purpose and Intent

1. Cross-access provides direct access between adjacent parcels in order to improve connectivity so that motorists and/or pedestrians do not need to reenter arterial streets in order to gain access to an adjacent site, or to provide safer multi-modal mobility, as determined by the CDOT Director.

2. Cross-access between adjacent properties reduces vehicular conflicts between motorists on public streets and motorists entering and leaving driveways. Reduced traffic conflicts result in fewer accidents and improved traffic flow on the public streets. The intent of this section is to provide for cross-access between adjacent parcels in order to reduce the number of vehicular trips from arterial streets and improve multi-modal mobility, thereby improving safety for all modes.

B. Parcels Requiring Cross-Access

1. Abutting parcels which each front on an arterial street shall provide cross-access between the parcels when the following conditions occur:

a. Subdivision as defined by Section 30.3.A; or

b. Construction of a new principal structure.

2. When a parcel fronting either a collector or a local street abuts a corner lot which has frontages on both the collector or local street and an arterial street, both parcels shall provide cross-access to each other when either actions listed in items B.1.a or B.1.b above occur.

3. If an abutting parcel is undeveloped or does not currently have cross-access, a cross-access stub connection shall be constructed in order to provide for a future cross-access connection.

4. Cross-access requirements, and the associated standards found in Section 33.5, may be modified or eliminated by the CDOT Director when it is determined that:

a. A significant obstruction exists due to a significant natural feature or existing infrastructure; or

b. Significant topographical differences between abutting parcels prevents potential cross-access connections; or

c. Existing site conditions make cross-access infeasible and/or present other safety and security factors that give little functional value to cross-access; or

d. All on-site parking is located within a parking structure and all vehicular access leads directly to the parking structure; or

e. As provided in Section 32.2.A, the required cross-access is not related to the proposed development's anticipated transportation impacts or is not roughly proportional to those anticipated impacts.

C. Exceptions

The following are excepted from cross-access requirements:

1. Residential development on properties in the N1-A, N1-B, N1-C, N1-D, or N1-E Zoning Districts.

2. Development activities in the Parks and Preserves Place Type, the Manufacturing and Logistics Place Type, the Regional Activity Center Place Type located within the I-277 loop, and the TOD-CC, TOD-NC, and TOD-UC Zoning Districts.

3. Connections between sites in the Manufacturing and Logistics Place Type and sites in the Neighborhood 1 Place Type or Neighborhood 2 Place Type.

D. Easements

1. A cross-access easement shall be recorded on the final plat for property involving a subdivision or recorded by separate instrument when no plat is proposed.

2. Property owners subject to cross-access requirements are responsible for maintaining safe and useable cross-access conditions for pedestrians and vehicles on their site.

3. Cross-access connections shall not be blocked or obstructed in such a way as to prevent intended pedestrian and vehicular traffic during agreed upon times of access.

4. Applicants are not required to seek cooperation or permission from the adjacent property owner(s).

31.3 DRIVEWAYS AND STREET ACCESS

A. Plan Approval Required

1. No driveway to a public street or network-required private street shall be constructed, relocated, or altered without a plan approval by CDOT. Access to a North Carolina Department of Transportation (NCDOT) maintained street or roadway shall also require an NCDOT Driveway Permit. Single-family uses are exempt from obtaining a driveway plan approval but shall comply with the Charlotte Streets Manual (Streets Manual) and CLDSM and item B.1.c. below.

2. All driveway design, placement, and construction shall comply with the Streets Manual and CLDSM.

3. Driveway plan approval shall be required for existing driveways when any of the below actions occur. Any approved driveway plan may also require associated improvements to the driveway itself, the site, and/or roadways.

a. Subdivision as defined per Section 30.3.A; or

b. Construction of a new principal structure; or

c. Change of use for a structure of 5,000 square feet or more in gross floor area or change of use that creates more than 20 additional daily trips; or

d. Expansion of an existing building by 1,000 square feet; or

e. Changes to on-site parking layout or on-site circulation.

B. Access Management

1. Driveway Location and Placement

a. An approved driveway location and access shall be determined based upon the Streets Manual.

b. Driveways shall be in a location with limited negative impact on the traffic flow and operations of the street.

c. Driveways shall be in a location that does not conflict with or negatively impact the storm drainage system. If other standards require driveway placement in a location such that the storm drainage system would be negatively impacted, the developer is responsible for making alterations to the storm drainage system to mitigate or eliminate the impact. See Section 24.3.A.2 for additional drainage requirements.

d. Driveways near an un-signalized intersection shall be located a minimum of 75 feet from the intersection. CDOT may reduce this requirement based on analysis of safety and operational conditions of the intersection.

e. Driveways near a signalized intersection shall be located a minimum of 200 feet from the intersection. If the property frontage is less than 200 feet, CDOT may reduce this requirement based on analysis of safety and operational conditions of the intersection.

f. CDOT may require existing driveway(s) to be relocated or closed in conjunction with any of the activities pursuant to item A.3 above. Required new curb, amenity zone/planting strip, and/or sidewalk/shared-use path shall be provided where the driveway(s) was previously located. Where sidewalk is added and new or relocated sidewalk is not required along an entire frontage, per Article 32, sidewalk shall be located according to the standards of Article 33 or shall match the adjacent sidewalk along the parcel frontage.

g. An existing curb cut may be relocated to a new location approved by CDOT if the existing curb cut is eliminated, new curb is constructed, and an amenity zone/planting strip and sidewalk/shared-use path is provided where the driveway was previously located.

h. A new driveway is prohibited for an existing development that already has access to a street from an existing driveway, unless CDOT determines there is a significant operational or circulation issue.

2. Access Restrictions

a. Plan approval may include imposing driveway access restrictions that limit vehicular movements to less than full-movement in order to provide safe and efficient street operations.

b. Driveway access shall be limited to less than full movement under any of the following conditions:

i. The proposed access location is within 200 feet of a signalized intersection.

ii. The proposed access location is within the physical limits of existing or future single or dual left-turn lanes.

iii. The proposed access is near an intersection or street section where a safety and/or street operations problem exists.

iv. The proposed access does not meet sight distance requirements of item D below.

v. Other circumstances where full movement at the proposed access location will negatively impact safe and efficient street operations, as determined by CDOT.

c. CDOT may reduce access restrictions based on analysis of safety and operational conditions.

C. Driveway Alignment and Internal Access

1. Channelization and design of internal access shall comply with the Streets Manual.

2. The angle of a driveway intersection with the public or network-required private street shall be 90 degrees. A reduced angle of no less than 75 degrees may be approved by CDOT if any of the following conditions exist:

a. Topographical challenges.

b. Natural features.

c. Existing right-of-way constraints.

d. Existing building(s) to remain.

3. New driveways shall align with existing streets and existing driveways where possible to create four-way intersections.

D. Sight Distance

1. General

a. All driveways shall provide sight distance as described in the Streets Manual.

b. All driveways shall meet American Association of State Highway and Transportation Officials (AASHTO) Intersection Sight Distance Requirements.

2. Required Sight Triangles at Public Street Intersections

The standards below regulate sight triangles for intersections of public streets, network-required private streets, and Type III driveways with connections to public streets.

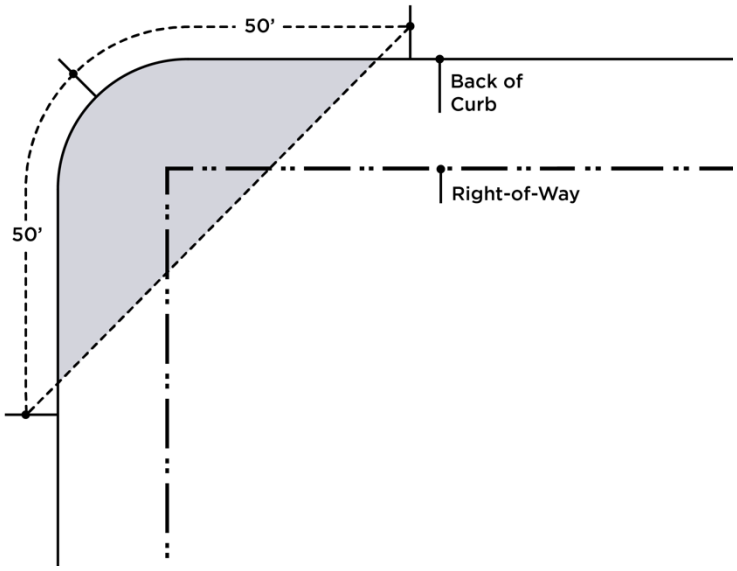
a. Dimension of Sight Triangles

A sight triangle applies to land abutting these intersections as follows:

i. A sight triangle bounded on two sides by curb, measured in each direction along the back of curb for 50 feet from the midpoint of the radius of the back of curb, and on the third side by a diagonal line connecting the ends of each measured 50 foot side. Where there is no curb, the pavement edge shall be used for these measurements.

ii. In addition to the above, in other than 90 degree intersections or where grades mandate, the Charlotte Department of Transportation (CDOT) may impose additional sight triangles under the standards adopted by the American Association of State Highway Transportation Officials (AASHTO).

SIGHT TRIANGLE AT PUBLIC STREET INTERSECTION



b. Restrictions for Sight Triangles at Public Street Intersections
Within established sight triangles, no structure, sign, parking space, landscaping, tree, berm, fence, wall, or other object of any kind shall be installed, constructed, set out, or maintained so as to obstruct visibility at a level between 30 and 72 inches above the level of the center of the intersection.

c. Exceptions to Restrictions for Sight Triangles at Public Street Intersections

i. The sight triangle restriction shall not apply to:

(A) Existing natural grades, which, by reason of natural topography, rise 30 or more inches above the level of the center of the adjacent intersection.

(B) Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the area between 30 and 72 inches above the level of the center of the abutting intersection.

(C) Fire hydrants, public utility poles, street markers, and traffic control devices.

(D) The sight triangles at street intersections shall not apply to structures located in the N2-C, NC, CAC-2, RAC, UC, UE, TOD-UC, TOD-NC, TOD-CC, IMU, IC-2, and RC~~-1~~ Zoning Districts.

d. Additional Sight Distance Requirements at Public Street Intersections
Additional sight distance requirements may apply per the CDOT Director or North Carolina Department of Transportation (NCDOT) standards, as applicable.

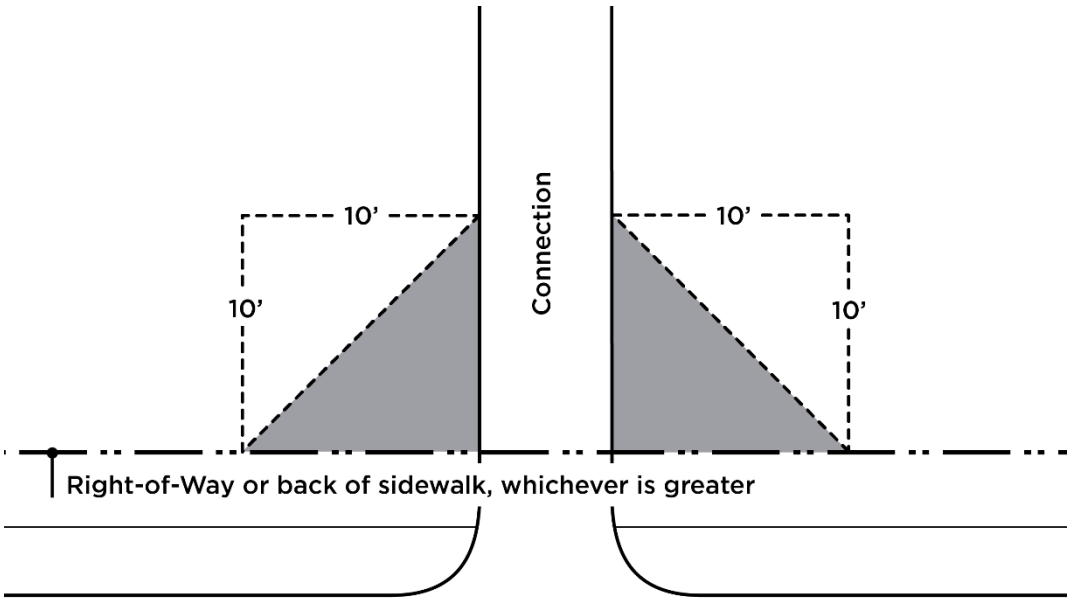
3. Required Sight Triangles for Other Connections
The standards below regulate sight triangles for driveway connections to public or network-required private streets.

a. Dimension of Sight Triangles at Other Connections
A sight triangle applies to land abutting these intersections as follows:

i. A ten foot by ten foot sight triangle shall be established on each side of a connection.

ii. The sight triangle shall be measured from the edge of the public right-of-way or the back of the sidewalk, whichever is greater, and the closest edge of a connection. Where public right-of-way does not exist, the sight triangle shall be measured from the back of the required sidewalk and the closest edge of the connection.

SIGHT TRIANGLE AT OTHER CONNECTIONS



b. Restrictions for Sight Triangles at Other Connections

Within established sight triangles, no structure, sign, parking space, landscaping, tree, berm, fence, wall, or other object of any kind shall be installed, constructed, set out, or maintained so as to obstruct visibility at a level between 30 and 72 inches.

i. Landscape and/or decorative walls may be in a sight triangle but shall not exceed 30 inches in combined overall height.

ii. The sight triangle restriction shall not apply to trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the area between 30 and 72 inches above the level of the center of the abutting intersection.

4. Authority

The Director of the Charlotte Department of Transportation may waive all or part of the requirements in items 2 and 3 above, where a waiver would not constitute a traffic hazard or a condition dangerous to public safety. ~~A decision by the Director of the Charlotte Department of Transportation may be appealed to the City Council.~~ The Director of the Charlotte Department of Transportation shall also investigate violations, issue notices and orders, and perform other required enforcement duties related to the requirements in items 2 and 3 above.

F. Turn Lanes

Turn lanes for driveways shall be required as described in the Streets Manual.

G. Payment for Traffic Signal Installation or Modifications

If a plan approval related to a driveway requires modifications to an existing traffic signal or installation of a new traffic signal, the property owner/developer shall pay for the traffic signal improvements. Additionally, the property owner/developer shall obtain, if necessary, and dedicate the associated right-of-way. Details shall be defined in a Signal Agreement, as described in the Streets Manual.

H. Restrictions on Residential Driveways

Driveway access to arterials shall be prohibited from single-family, duplex, triplex, or quadraplex lots that also front on a collector or local street.

Article 32. Required New Streets & Transportation Improvements

32.1 COMPREHENSIVE TRANSPORTATION REVIEW (CTR)
32.2 TRANSPORTATION ADJUSTMENTS
32.3 RAPID TRANSIT CORRIDOR RESERVATION
32.4 BUS STOP AND AMENITY REQUIREMENTS
32.5 REQUIRED NEW STREETS
32.6 REQUIRED OFF-STREET PUBLIC PATHS
32.7 IMPROVEMENTS TO EXISTING STREETS
32.8 EXISTING UNIMPROVED RIGHTS-OF-WAY

32.1 COMPREHENSIVE TRANSPORTATION REVIEW (CTR)

A. Purpose

The purpose of the Comprehensive Transportation Review (CTR) is to identify the transportation improvements necessary to: mitigate increased demand on transportation infrastructure by a proposed development, preserve public investment in the transportation system, and support the sustained growth and prosperity of an area. To appropriately address multimodal and context-based impacts and mitigations, the CTR includes three types of analyses, including Multimodal Assessments, Transportation Demand Management (TDM), and Traffic Impact Studies (TIS).

B. Requirement

The CTR, including specific thresholds and requirements, is included in the Charlotte Streets Manual (Streets Manual). A CTR is required for any development project that meets or exceeds any specified threshold. The developer shall procure the CTR at their own expense, and the CTR shall satisfy all applicable requirements.

C. Mitigation

Based on the results or recommendations of a CTR, the developer shall provide any required mitigation and shall also abide by all applicable CTR procedures and requirements in providing such mitigation. Any mitigation required by the CTR shall be included along with all other transportation requirements of the proposed development as required by this Ordinance and other applicable law.

32.2 TRANSPORTATION ADJUSTMENTS

A. Upon an applicant's request, if the City determines that one or more of the requirements identified in Table 32-1: Transportation Adjustments are unrelated to the proposed development's anticipated transportation impacts or are not roughly proportional to those anticipated impacts, the City may modify or waive one or more of those requirements to the extent necessary to make them related to the proposed development's anticipated transportation impacts and roughly proportional to those anticipated impacts.

B. Table 32-1: Transportation Adjustments states the sections for which adjustments can be requested, the standard that may be adjusted, the official with authority to determine any adjustments to be made, and any applicable provisions of the standards not eligible for adjustment.

C. Any determinations and decisions pursuant to this section may be appealed to the UDO Board of Adjustment as per Article 37.

Table 32-1: Transportation Adjustments		
Standard	**Eligible for Adjustment**	**Deciding Authority**
Cross-Access	Section 31.2	CDOT Director [1]
Rapid Transit Corridor Reservation	Section 32.3	CATS[2] Director [1]
Bus Stop and Amenity Installation Requirements	Section 32.4	CATS Director [3]
Requirements for New Streets	Section 32.5.A.2	Planning Director [3]
Required Off-Street Public Paths Installation	Section 32.6.A.2	Planning Director [3]
Installation of New Curb and Gutter	Section 32.7.A and Section 32.7.C.1	CDOT Director [1, 5]
Relocation of Existing Curb and Gutter	Section 32.7.A and Section 32.7.C.3	CDOT Director [1]
Sidewalk and Amenity Zone/Planting Strip Installation[4]	Section 32.7.A, Section 32.7.D.1, and Section 32.7.D.2	Planning Director [3]
Uptown Streetscape - Amenity Zone Elements, Pavers, and Pedestrian Lighting	Section 33.4	Planning Director [3]

[1] In consultation with the Planning Director
[2] Charlotte Area Transit System (CATS)
[3] In consultation with the CDOT Director
[4] The perimeter tree planting requirements of Article 20 shall apply and shall not be adjusted.
[5] Eligible adjustments for the installation of curb and gutter for Uptown Streets to be made in consultation with the Planning Director.

32.3 RAPID TRANSIT CORRIDOR RESERVATION

A. If any portion of a Rapid Transit Corridor alignment, including transit station locations, that has been adopted by the Metropolitan Transit Commission (MTC) is located within the boundaries of a development project, that portion of the Rapid Transit Corridor alignment, as applicable, shall be deemed a Transit Reservation Area for purposes of this section.

B. None of the following shall be developed or otherwise located or modified anywhere within a Transit Reservation Area:

1. Any part of a new building or structure; or

2. Anything that, if removed in whole or in part, would damage a pre-existing building or structure or would prevent full and effective utilization of that pre-existing building or structure.

C. Within a Transit Reservation Area, only the following uses are allowed on an interim basis, and only if they fully comply with this section: surface parking, open space, and recreational areas. These uses:

1. Shall not involve any development that would violate item B above.

2. Shall not place anything within the Transit Reservation Area that, if wholly or partially eliminated or removed, would cause the development project or the underlying property, or any portion of the development project or the underlying property, to violate this Ordinance or any other applicable ordinance, law, or regulation.

D. Any use allowed within a Transit Reservation Area shall be promptly discontinued and removed from the Transit Reservation Area at the expense of the property owner, and without damaging the underlying property, whenever title to all or a portion of the Transit Reservation Area is acquired by the City.

E. Before developing or locating an otherwise permissible interim use within a Transit Reservation Area, the property owner shall obtain the City's written approval of plans for that interim use. Such plans shall be sufficient to demonstrate that:

1. The interim use shall fully satisfy this section, including item C above.

2. The property owner has made sufficient plans and preparations and has demonstrated financial capability to discontinue and remove the interim use when required by this section.

F. Except where a Transit Reservation Area is located on property zoned a UC Zoning District or a Transit Oriented Development Zoning District, the Transit Reservation Area will automatically expire 18 months after the property owner obtains land development approval.

G. Where a Transit Reservation Area is located on property zoned a UC Zoning District or a Transit Oriented Development Zoning District, the Transit Reservation Area shall expire on the earlier of:

1. The City acquiring title to the Transit Reservation Area; or

2. A formal rescission by the MTC of the adoptions granted by the MTC for all Rapid Transit Corridor alignments, including any transit station locations, as applicable, that gave rise to that Transit Reservation Area.

H. The CATS Director, in consultation with the Planning Director, may reduce the size or duration (or both) of a Transit Reservation Area arising under this section if the CATS Director, in their discretion, determines that the reduction will not frustrate, delay, inhibit, or otherwise interfere with any City plans for a transit corridor or transit facility.

32.4 BUS STOP AND AMENITY REQUIREMENTS

A. Purpose

In order to maintain and improve access to the Charlotte Area Transit System (CATS), development, as specified below, located along bus routes is required to provide bus transit amenity infrastructure.

B. Existing CATS Bus Stops and Amenities

1. Applicability

Construction of a new principal structure on a site with existing CATS bus stop(s) and amenities, either on the subject development site or in the rights-of-way adjacent to the subject development site, except for construction of a new single-family, duplex, triplex, and quadraplex structure.

2. Existing CATS Bus Stops and Amenities Standards

a. Existing CATS bus stops and amenities shall be retained without relocation or modification and connected to an accessible pedestrian route via a bus loading zone pad consistent with the CATS Bus Stop Special Details, unless relocation, modification, or removal is approved by the CATS Director.

b. If the existing CATS bus stop location, or access to the existing CATS bus stop location, is not Americans with Disabilities Act (ADA) compliant, the stop and/or access route shall be constructed to meet ADA standards. No relocation, modification, or removal of existing CATS bus stop(s) and amenities shall occur unless approved by the CATS Director, and in consultation with the CDOT Director.

c. All CATS bus stop(s) and amenities relocated or modified with the approval of the CATS Director shall be ADA compliant upon their relocation or modification.

3. Adjustments to Existing CATS Bus Stops and Amenities

a. Relocation, modification, or removal of an existing CATS bus stop or amenities may be approved by the CATS Director in their discretion, and in consultation with the CDOT Director. In considering a request to relocate, modify, or remove an existing CATS bus stop or amenity, the CATS Director shall review:

i. The impact on the safety of pedestrian activity, and

ii. The impact on transit service and vehicular traffic.

C. New CATS Bus Stops and Amenities

1. Applicability

a. New nonresidential, mixed-use, or multi-family~~, or townhouse~~ development that meets all the following:

i. The development is located along a bus route as indicated on an MTC adopted Transit Service Plan, and

ii. The development will generate the minimum number of trips to trigger a Multimodal Assessment, per the CTR.

2. Thresholds for New CATS Bus Stops and Amenities

a. For development meeting the applicability of Section 32.4.C.1 above, a minimum of one CATS bus stop, and any associated amenities, is required. All new CATS bus stops and any associated amenities shall require, if necessary, an easement for such bus stops and any associated amenities, which shall be recorded.

b. Two CATS bus stops, and any associated amenities, are required for developments meeting the applicability of item 1 above and that also meet the following:

i. Generate the minimum number of trips to trigger a Traffic Impact Study, per the CTR.

ii. Have frontage on more than one public street with bus stops located on each street.

iii. Are served by more than one CATS bus route.

c. A new CATS bus stop shall not be required if an existing stop is within a walking distance of 1,320 feet of the site and located on the same side of the street with the same facilities that a new CATS bus stop would be required to provide. This exemption shall not be allowed for a childcare center, educational facility, healthcare institution, residential care facility, or continuum care retirement community (CCRC).

3. Location and Infrastructure Requirements for New CATS Bus Stops and Amenities

a. The location of required new CATS bus stops, and any associated amenities, shall be determined by the CATS Director, and shall be consistent with the following:

i. The CATS bus stop location shall allow for safe connectivity with the pedestrian network including access to sidewalks, the presence of crosswalks within 1,320 feet of the stop, and suitable visibility for pedestrian and vehicular traffic.

ii. The CATS bus stop location shall be designed to accommodate efficient bus operations, including but not limited to, bus stop spacing, curb clearance, placement in relation to streets, abutting property owner/tenant parking restrictions and regulations at and near the bus stop, vehicle turning radii, street lane widths and surfaces, and intersection design topography.

b. Sidewalks shall be constructed to connect the bus stop to the nearest sidewalk or public street intersection.

c. The CATS bus stop and access to the bus stop shall meet ADA standards.

d. A concrete pad is required for all installations. Additional amenities, if required, shall be determined by the CATS Director based on the MTC Transit Service Guidelines and the CATS Bus Stop Special Details.

4. Exceptions

a. A CATS bus stop and amenities will not be required when a feasible location cannot be provided due to physical site constraints such as:

i. Steep slopes in excess of 15%.

ii. Potential intersection or driveway sight distance conflicts.

iii. Unsafe condition for the transit vehicle, motor vehicles, or pedestrians.

b. The CATS Director will determine when physical site constraints make location and installation of a CATS bus stop and amenities infeasible or unsafe.

D. CATS Bus Stop and Amenity Design Standards
New CATS bus stops and amenities, and changes to existing CATS bus stops and amenities, are required to comply with the CATS Bus Stop Special Details.

E. Private Bus Stops and Amenities Served by CATS
Bus stops and amenities located on private property and served by CATS shall be reviewed and approved by CATS and shall be located so there are no negative impacts to public safety, and all sight distance requirements are met. Bus stops, and any of their accompanying amenities, located in the public rights-of-way will be regulated by CDOT and/or the North Carolina Department of Transportation (NCDOT), as applicable. These stops shall also comply with all other applicable requirements of this UDO.

F. Non-CATS Bus Stops and Amenities
Bus stops and amenities located on private property and that are not served by CATS shall be located so there are no negative impacts to public safety, and all sight distance requirements are met. Bus stops, and any of their accompanying amenities located in the public rights-of-way, will be regulated by CDOT and/or NCDOT, as applicable. These stops shall also comply with all other applicable requirements of this UDO.

32.5 REQUIRED NEW STREETS

A. Required New Streets
New streets are required when either of the following occur:

1. Subdivision as defined by Section 30.3.A.

2. Construction of a new principal structure.

B. Street Standards
All new streets shall comply with the requirements of Article 33 as well as with any other applicable provisions of this Ordinance, including but not limited to perimeter tree planting requirements in Article 20.

C. Limited Access Roads and Arterials

1. Right-of-way for new limited access roads and arterials shown on the Charlotte Streets Map (Streets Map) shall be reserved for 18 months beginning when land development approval is obtained. Right-of-way shall meet the requirements of the Streets Map.

a. The appropriate agency shall have 18 months from the date of land development approval to enter into a contract to purchase the reservation area or to initiate condemnation proceedings.

b. If, at the end of the 18 month period, neither of the actions listed above has commenced, the developer may consider the land free of any reservation.

c. The developer may choose to dedicate the area to be reserved at any time during the reservation period.

i. If right-of-way for the construction of new limited access roads and arterials is dedicated, rather than reserved, the developer may reduce minimum lot size required by the zoning standards of the Neighborhood 1 Place Type by 10%. The dedication of the right-of-way for construction of new limited access roads or arterials shall be to the City or to NCDOT, as may be appropriate.

2. A new collector or local street may be constructed within the right-of-way of a future limited access road or arterial. City staff shall approve the horizontal and vertical location of the collector or local street within the right-of-way to ensure that the location of the collector or local street will accommodate future construction of the

limited access road or arterial. The entire width of the future limited access road or arterial right-of-way shall be dedicated.

D. Main Streets

1. Main Streets are shown on the Streets Map. A developer may propose a new Main Street, based on the following conditions:

a. The street it is not located in a Neighborhood 1 Place Type, Manufacturing and Logistics Place Type, or within a N2-A Zoning District.

b. The street will connect directly to an arterial.

c. The street will be at least three blocks in length.

2. Where these conditions are met for the proposed street, the developer shall construct the Main Street and dedicate the right-of-way. The Streets Map will be amended to reflect new approved Main Streets.

E. Collectors

1. New collectors are required to be constructed, and the right-of-way dedicated, when the collector is shown on the Streets Map.

2. In addition, if a new street meets any of the criteria below, the street shall be designated as a collector, shall be constructed, and the right-of-way for the collector shall be dedicated.

a. The street directly intersects with an arterial and provides access to an area with:

i. An overall density of one residential lot per acre; or

ii. More than 125 residential lots; or

iii. More than 125 dwelling units.

b. The street, by its general configuration in relation to the existing development of the area, in effect serves a collector function.

F. Local Streets

1. A new local public street shall be constructed and dedicated as per the conditions below:

a. As required by Article 31.

b. When a developer provides a public street not required by Article 31.

2. A new local street shall be constructed as a public street unless allowed by Article 31 to be a network-required private ~~private~~ street.

3. When a developer is allowed per Article 31 to construct a network-required private street instead of a public street, a permanent public access easement shall be recorded.

G. Sight Distance

1. All streets shall meet sight distance requirements as described in the Streets Manual.

2. All streets shall meet current American Association of State Highway and Transportation Officials (AASHTO) standards.

H. Street Signs and Barricades

1. Standard street markers shall be installed at one corner of all street intersections in a subdivision, as defined by Section 30.3.A, as well as any other network-required private streets, before any certificates of occupancy may be issued for buildings or residences along those streets. The design, material, location, and installation of the signs shall be in accordance with standards specified in the Charlotte Land Development Standards Manual (CLDSM).

2. Barricades shall be installed at the end of all street stubs. Design, material, location, and installation of the barricades shall be in accordance with standards specified in the CLDSM.

32.6 REQUIRED OFF-STREET PUBLIC PATHS

A. Applicability

Off-street public paths are required when either of the following occur:

1. Subdivision as defined by Section 30.3.A.

2. Construction of a new principal structure, except for construction of a new single-family, duplex, triplex, or quadraplex structure.

B. Off-Street Public Path Standards

All new off-street public paths shall comply with the requirements of Article 33 as well as with any other applicable provisions of this Ordinance.

C. Transit Trail

1. A transit trail shall be built when such trail is identified in a Council or MTC adopted transit trail plan and located along an existing operating transit line.

2. When a transit trail is identified in a Council or MTC adopted transit trail plan but is not located along an existing operating transit line, an 18 month reservation of land for construction of a transit trail is required. The 18 month reservation shall begin when land development approval is obtained.

a. The City shall have 18 months from the date of land development approval to acquire the reservation area by purchase, by receipt of a dedication, or by initiating condemnation proceedings.

b. If, at the end of the 18 month period, none of the actions listed above has commenced, the developer may consider the land free of any reservation.

3. The developer may choose to dedicate the area to be reserved. If area for the construction of a transit trail is instead dedicated to CATS, rather than reserved, such area shall count toward the required minimum open space requirement of the site under development. See Section 16.5 for open space requirements.

D. Greenway Trail

An 18 month reservation of land for construction of a greenway trail is required when identified in the adopted Mecklenburg County Greenway Master Plan. The area reserved for construction of a greenway trail shall be the minimum area needed as identified by Mecklenburg County Park and Recreation. The 18 month reservation shall begin when land development approval is obtained.

1. Mecklenburg County shall have 18 months from the date of land development approval to acquire the reservation area by purchase, by receipt of a dedication, or by initiating condemnation proceedings.

2. If, at the end of the 18 month period, none of the actions listed above has commenced, the developer may consider the land free of any reservation.

3. The developer may choose to dedicate the area to be reserved. If area for the construction of a greenway trail is instead dedicated to Mecklenburg County Park and Recreation, rather than reserved, such area shall count toward the required minimum open space requirement of the site under development. See Section 16.5 for open space requirements.

E. Connections to Off-Street Public Paths or Parks

1. A connection from a public or network-required private street to a park or off-street public path shall be provided for parcels that meet both of the following conditions:

a. The parcel is located between a public or network-required private street and either a park or off-street public path; and

b. The parcel has boundaries along a public or network-required private street equal to or greater than the preferred block length in Table 32-1.

2. The connection shall include an easement for public access for the entity having jurisdiction over the facility being connected to and may be combined with other required access such as fire, loading, or service access, provided these connections to the park or off-street public path can adequately and safely provide for both purposes.

3. All new connections shall comply with the requirements of Article 33 as well as with any other applicable provisions of this Ordinance.

4. The developer shall consult with staff of the entity having jurisdiction over the facility being connected, to in order to determine the connection location, design, and/or width of the connection when combined with other transportation facilities.

5. The entity having jurisdiction over the park or off-street public path being connected to may modify the connection location, design, or width, or eliminate the connection, due to ADA considerations, topography, concerns for public health, safety, or welfare, or other site-specific conditions.

32.7 IMPROVEMENTS TO EXISTING STREETS

A. When improvements are required on existing streets per this section, the required right-of-way, per the Streets Map or the CLDSM, shall be dedicated on public streets and a permanent easement shall be recorded on network-required private streets.

B. Construction of sidewalks and drainage facilities required per this Article shall be accomplished along the entire length of the frontage of the property abutting each publicly maintained street except as otherwise specified in this Article.

C. Curb and Gutter

1. Installation of New Curb and Gutter
Installation of new curb and gutter and the associated storm drainage, where none currently exists, is required on public streets when any of the following conditions exist:

a. A CTR as defined by Section 32.1 requires installation.

b. Approval of a subdivision as defined by Section 30.3.A.

c. A new principal structure is constructed, except for residential development on properties zoned in an N1-A, N1-B, N1-C, N1-D, or N1-E Zoning District.

d. A principal structure is expanded by 10% or more, except for expansion of a residential structure on property an N1-A, N1-B, N1-C, N1-D, or N1-E Zoning District.

e. An existing structure that is 5,000 square feet or more in gross floor area has:

i. A change of use from one use category to another use category; or

ii. A change of use to a transportation-intensive use within the same use category. See Table 32-2: Transportation-Intensive Uses for Each Use Category.

Table 32-2: Transportation-Intensive Uses for Each Use Category	
Commercial	**Transportation**
Amusement Facility - Indoor Hotel/Motel Live Performance Venue - Indoor Micro-Production of Alcohol Nightclub Restaurant/Bar Retail Goods Establishment	Passenger Terminal Public Transit Facility
	Open Space & Recreation
	Private Recreation Club Public Park
	Institutional/Government
	Community Center Place of Worship

2. Exceptions for New Curb and Gutter Installation

a. When the cumulative built-upon area will be less than 25% of the total area of the parcel, new curb and gutter may not be required. However, the CDOT Director, in consultation with the Stormwater Manager, may require certain improvements if the improvements are determined to be needed for adequate drainage or to ensure public safety.

b. A fee may be required instead of installation of any of the improvements included in this section if a funded Community Investment Plan (CIP) project is in place that will construct the required improvements to an existing street. Right-of-way dedication shall still be required.

c. For streets maintained by NCDOT, CDOT will coordinate with NCDOT to determine whether curb and gutter is required.

3. Relocation of Existing Curb and Gutter

a. Where existing curb and gutter is not located at the required future back-of-curb location (see Table 34-1 as reference), for both public and network-required private streets, relocation to the future location is required when any of the following conditions exist:

i. A CTR as defined by Section 32.1 requires relocation.

ii. When land development approval requires turn lanes that cannot be constructed to the standard without moving the existing curb.

iii. When an exception for on-street waste collection has been approved per Section 21.4.E.

iv. Approval of a subdivision as defined by Section 30.3.A. (See exceptions in item b below.)

v. A new principal structure is constructed, except for residential development on properties in an N1-A, N1-B, N1-C, N1-D, or N1-E Zoning District. (See exceptions in item b below.)

vi. A principal structure is expanded by 50% or 5,000 square feet, whichever is greater, except for expansion of a residential structure on property in an N1-A, N1-B, N1-C, N1-D, or N1-E Zoning District. (See exceptions in item b below.)

b. The following exceptions apply to items a.iv, a.v, and a.vi above.

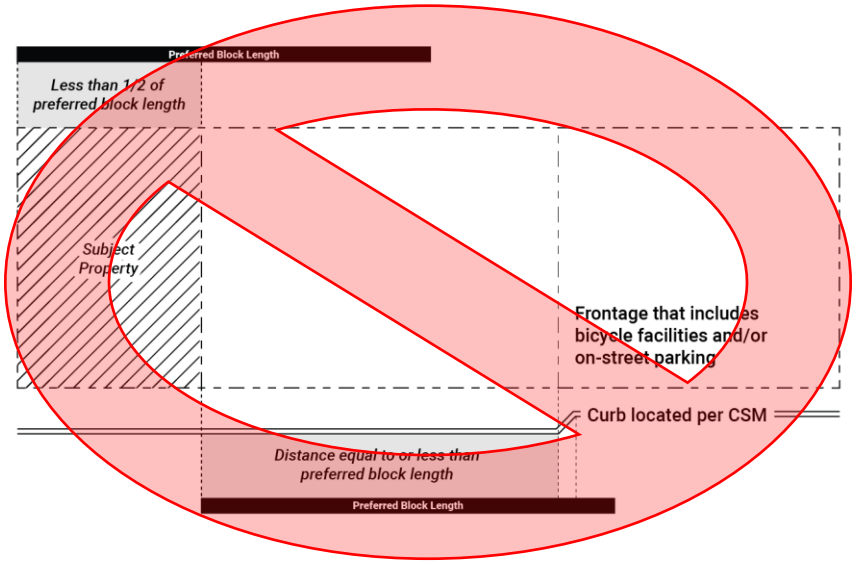
i. For parcels located in the Neighborhood 2 Place Type, Neighborhood Center Place Type, Community Activity Center Place Type, Regional Activity Center Place Type, or Innovation Mixed-Use Place Type, or zoned the IC-2 or RC~~-1~~ Zoning District, the following exceptions apply.

(A) Arterial Streets
If the property frontage is less than half the preferred block length (Table 31~~2~~-1), relocation of existing curb and gutter is not required unless:

(1) The property frontage is within a distance equal to or less than the preferred block length from a curb on the same side of the street located per the Streets Map; or

(2) The property frontage is within a distance equal to or less than the preferred block length from a frontage that includes existing bicycle facilities and/or on-street parking, if these facilities are required for the subject parcel.

~~RELOCATION OF EXISTING CURB AND GUTTER NOT REQUIRED~~



(B) Collector and Local Streets
All properties are exempt, but on-street parking shall be prohibited if there is not adequate space to accommodate it.

ii. For parcels located in the Neighborhood 1 Place Type, Commercial Place Type, Manufacturing and Logistics Place Type, or Parks and Preserves Place Type, or ~~-~~in the IC-1 or OFC Zoning District, the following exceptions apply.

(A) Arterial Streets
Relocation of existing curb and gutter is not required if any of the following apply:

(1) The property frontage is less than the full preferred block length (Table 3<u>1</u>~~2~~-1).

(2) The property frontage is located more than a full preferred block length (Table 3<u>1</u>~~2~~-1) from a curb on the same side of the street located per the Streets Map.

(3) The property frontage includes existing bicycle facilities and/or on-street parking, if these facilities are required for the subject parcel.

(B) Collector and Local Streets
All properties are exempt, but on-street parking shall be prohibited if there is not adequate space to accommodate it.

iii. Additional exceptions are listed below. However, any modifications granted from these exceptions shall not override the future curb line location as determined by the standards in Article 33.

(A) Curb and gutter relocation may be waived if it is determined by the CDOT Director that the required cross-section elements can be safely and functionally provided in the interim with the existing curb location.

(B) A fee may be required instead of relocation of any of the improvements included in this section if a funded CIP project will construct the required improvements to an existing street. Right-of-way dedication shall still be required.

(C) On local and collector streets, curb and gutter relocation may be waived if the required relocation will not accommodate the preservation of any heritage trees and/or any City trees meeting heritage tree criteria as defined by Article 20 that meet acceptable standards for tree health, structural integrity, and risk level as determined by the Chief Urban Forester. The CDOT Director, in consultation with the Chief Urban Forester, shall determine any required modifications.

(D) On arterials, the transportation facilities necessitating the movement of the curb and gutter may be modified to accommodate the preservation of heritage trees and/or any City trees meeting heritage tree criteria as defined by Article 20 that meet acceptable standards for tree health, structural integrity, and risk level as determined by the Chief Urban Forester. However, if the Planning Director, in consultation with the CDOT Director, determines the accommodation cannot be safely and functionally implemented for a critical transportation facility, the curb and gutter shall be moved.

(E) Where a required curb and gutter relocation will significantly impede the safe and effective conveyance of storm water or otherwise adversely affect storm drainage, the developer shall produce engineering design plans for a solution to make curb and gutter relocation feasible. If these plans demonstrate a construction scope that will cause an unusual and unnecessary hardship on the applicant or will otherwise be disproportional to the scale of the development, the CDOT Director, in consultation with the Director of Stormwater Services, may modify the requirement to relocate the curb and gutter.

(F) The requirement for relocation of curb and gutter, and the location of the curb and gutter, may be modified if it can be determined by CDOT in consultation with the Planning Department and Stormwater Services, that significant topographical constraints, unusual site-specific conditions related to the land, or significant utility constraints make such improvements infeasible. Significant utility constraints are limited to the presence of high voltage transmission structures.

c. Where existing curb and gutter is required to be relocated, the associated sidewalk shall be located and designed consistent with Article 33, street pavement shall be extended to the relocated curb and gutter per CLDSM standards, and the associated drainage per Section 34.1 shall be provided.

D. Sidewalk and Amenity Zone/Planting Strip

1. New Streetscape

a. All new streetscape installations shall comply with the requirements of Article 33 as well as with any other applicable provisions of this UDO. All new streetscape elements shall be located behind the future back of curb or, for Parkways, behind the right-of-way, the required amenity zone or planting strip shall be located between the future back of curb and the required sidewalk or shared-use path. All newly constructed streetscape shall also comply with any perimeter tree planting requirements as per the tree regulations in Article 20.

b. Where there is no existing sidewalk/shared-use path on public and network-required private streets, the required sidewalk/shared-use path and amenity zone/planting strip shall be provided when any of the below conditions exist:

i. A CTR as defined by Section 32.1 requires installation.

ii. Approval of a subdivision as defined by Section 30.3.A.

iii. Curb and gutter are required to be installed or relocated by Section 32.7.~~A~~C.

iv. A new principal structure is constructed.

v. For an existing structure that is 1,500 square feet or more in gross floor area when there is a change of use that:

(A) Is from one use category to another use category and that increases trips; or

(B) Is to a transportation-intensive use within the same use category (Table 32-2) and that increases trips.

vi. An existing building is expanded by 1,000 or more square feet.

vii. Additional parking is added that requires a new sidewalk in order to provide a complete pedestrian connection between the parking area and the principal use of the parcel.

viii. Outdoor dining of 1,000 or more square feet is installed or outdoor dining is expanded by 1,000 or more square feet.

c. The following exceptions to new streetscape requirements apply:

i. Residential uses in the Neighborhood 1 Place Type are exempt from items b.iv, b.vi, and b.vii above, except when part of an approval of a new subdivision as defined by Section 30.3.A.

ii. A fee may be required instead of installation of any of the improvements included in this section if a funded CIP project is in place that will construct the required improvements to an existing street. Right-of-way dedication shall still be required.

d. The requirement to construct new streetscape and the associated streetscape standards found in Article 33 may be modified if it can be determined by the Planning Department, in consultation with CDOT, that significant topographical constraints, unusual site-specific conditions related to the land, or significant utility constraints make such improvements infeasible. Significant utility constraints are limited to the presence of high voltage transmission structures.

2. Existing Streetscape

a. Existing sidewalks/shared-use paths and amenity zones/planting strips on public and network-required private streets shall be updated to meet current standards, including those of Article 33 and any other applicable provisions of this UDO, when any of the below conditions exist. All updated streetscape shall be located behind the future back of curb, and the required amenity zone or planting strip shall be located between the future back of curb and the required sidewalk or multi-use path. All updated streetscape shall also comply with any perimeter tree planting requirements as per the tree regulations in Article 20.

i. A CTR as defined by Section 32.1 requires streetscape updates.

ii. Approval of a subdivision as defined by Section 30.3.A.

iii. Curb and gutter are required to be installed or relocated by Section 32.7.~~A~~C.

iv. A new principal structure is constructed.

b. Sidewalks/shared-use paths are substandard when they are two feet or more less than the required minimum width. Amenity zones/planting strips are substandard if they are less than six feet in width. Substandard sidewalks/shared-use paths and amenity zone/planting strips shall be updated to meet current standards if any of the following conditions exist:

i. For an existing structure that is 5,000 square feet or more in gross floor area when there is a change of use that:

(A) Is from one use category to another use category and that increases trips, or

(B) Is to a transportation-intensive use within the same use category (Table 32-2) and that increases trips; or

ii. An existing building is expanded by 1,000 square feet or more.

iii. Four or more parking spaces are added and the additional parking requires a new sidewalk in order to provide a complete pedestrian connection between the parking area and the principal use of the property.

iv. Outdoor dining of 1,000 or more square feet is installed or outdoor dining is expanded by 1,000 or more square feet.

v. Any development which removes any portion or portions of substandard sidewalk along an arterial, greater than 30 linear feet, during construction shall be required to replace that removed sidewalk with a sidewalk and planting strip that meets the standards of Article 33.

vi. Any development which removes or damages any portion or portions of substandard sidewalk along an arterial street, which amounts to more than 50% of that property's frontage width along that arterial, shall be required to replace all substandard sidewalk along that property's arterial frontage with a sidewalk and planting strip that meets the standards of Article 33.

c. The following exceptions apply to the requirements to improve the existing streetscape:

i. Residential uses in the Neighborhood 1 Place Type are exempt from items a.iv and b.ii above for the following:

(A) Development on collector and local streets.

(B) Development of a single-family, duplex, triplex, or quadraplex dwelling on an arterial street.

ii. Nonresidential uses in the Neighborhood 1 Place Type are exempt from items b.i, b.ii, and b.iii above for collector and local frontages.

iii. A fee may be required instead of the required improvements included in this section if a funded CIP project is in place that will construct the required improvements to an existing street. Right-of-way dedication shall still be required.

iv. The requirement to update existing streetscape and the associated streetscape standards found in Article 33 may be modified if it can be determined by the Planning Department, in consultation with CDOT, that significant topographical constraints, unusual site-specific conditions related to the land, or significant utility constraints make such improvements infeasible. Significant utility constraints are limited to the presence of high voltage transmission structures.

3. Streetscape Modifications for Tree Preservation

The Chief Urban Forester, in consultation with the CDOT Director, may modify the streetscape requirements and the associated streetscape standards found in Article 33 to accommodate the preservation of trees meeting acceptable standards for tree health, structural integrity, and risk level as determined by the Chief Urban Forester. If a modification to the location of the required sidewalk is necessary, then the location of the required sidewalk shall be prioritized in descending order as follows:

a. Sidewalk located between trees and building.

b. Sidewalk located between curb and trees, with substandard planting strip permitted.

c. Sidewalk located at the back of curb, with an additional foot of width added.

Sidewalk widths may be modified to no less than five feet. On arterials with sidewalks located at back of curb, sidewalk widths may be modified to no less than six feet. Modification for sidewalk location or width shall be for the minimum length of sidewalk necessary to accommodate the preservation of trees meeting acceptable standards for tree health, structural integrity, and risk level as determined by the Chief Urban Forester.

4. Constrained Space

The following constrained space standards shall be used where there is less than the required space for a complete streetscape between the face of an existing building that will not be replaced and the back of curb.

a. Where a sidewalk is required and there is ten feet or more between the face of the building and the back of curb, the available space shall be evenly divided between sidewalk and amenity zone/planting strip. When less than ten feet is available between the face of the building and the back of curb, see Table 32-3: Constrained Space Division When Sidewalk Required to determine use of space.

Table 32-3: Constrained Space Division When Sidewalk Required		
Amount of Space Available	**Sidewalk**	**Remaining Space**
Less than 4'	Not required	Hardscape, or planted with grass or groundcover
Less than 8' but 4' or greater	Entire space required to be sidewalk	All sidewalk required
Less than 10' but 8' or greater	Minimum sidewalk width required per Table 34-4	Remaining space can be hardscape, or planted with grass or groundcover

b. Where a shared-use path is required, the available space shall be evenly divided between a shared use path and amenity zone/planting strip. If, after evenly dividing the constrained space there is more than eight feet available allocated to the amenity zone/planting strip, then such extra space shall then be allocated to the shared-use path.

c. When less than 16 feet is available between the face of the existing building that will not be replaced and the back of curb, see Table 32-4: Constrained Space Division When Shared-Use Path Required to determine use of space.

Table 32-4: Constrained Space Division When Shared-Use Path Required		
Amount of Space Available	**Shared-Use Path**	**Remaining Space**
Less than 4'	Not required	Hardscape, or planted with grass or groundcover
Less than 8' but 4' or greater	Entire space required to be sidewalk, instead of shared-use path	All sidewalk required
Less than 13' but 8' or greater	8' shared-use path required	Remaining space can be hardscape, or planted with grass or groundcover
Less than 16' but 13' or greater	8' shared-use path required	Remaining space to be amenity zone or planting strip.

d. If the Chief Urban Forester determines that there is not adequate room for tree planting between the building and the curb after the required sidewalk or shared-use path area is deducted and if on-street parking is not provided, the sidewalk/shared-use path may extend across the full width of the area, or the remainder of the area shall be planted with grass or groundcover. Grass or groundcover shall not be used when less than two feet remain after the sidewalk area is deducted.

e. If the Chief Urban Forester determines that there is not adequate room for tree planting between the building and the curb after the required sidewalk or shared-use path area is deducted and if on-street parking is provided, the sidewalk/shared-use path shall extend across the full width of the area.

32.8 EXISTING UNIMPROVED RIGHTS-OF-WAY

Where residential development occurs on an existing lot of record abutting unimproved right-of-way, and that right-of-way is the only access to the lot, the provisions below shall apply:

A. The right-of-way shall be graded only to the extent necessary to provide clear driveway access to the lot.

B. An access driveway shall be constructed of gravel, asphalt, or concrete.

C. Any existing utilities in the right-of-way shall be identified prior to construction and either left undisturbed or relocated, as determined in consultation with the appropriate utility provider.

D. Any new utilities required for service to the lot shall not block access for other lots adjoining the right-of-way.

E. If the unimproved access currently has a barricade, such barricade shall be removed subject to City approval.

F. If there is sufficient right-of-way, and the property owner agrees to construct a street with the appropriate cross-section as shown in the CLDSM, the street may be eligible to be maintained by the applicable agency (or agencies) with jurisdiction over such approval.

Article 33. Standards for Streets, Off-Street Public Paths, & Cross-Access

33.1 TECHNICAL STANDARDS
33.2 CHARLOTTE STREETS MAP
33.3 STREET DESIGN
33.4 UPTOWN STREETSCAPE DESIGN
33.5 OFF-STREET PUBLIC PATHS
33.6 CROSS-ACCESS

33.1 TECHNICAL STANDARDS

Construction and technical details for streets, including in-street drainage and water and sewer utilities, off-street public paths, and cross-access are available in one or more of the following:

A. Charlotte Land Development Standards Manual (CLDSM)

B. Charlotte-Mecklenburg Storm Water Services Design Manual

C. Charlotte Water, Water and Sewer Design and Construction Standards

D. CATS Bus Stops – Special Details

~~D~~**E.** Other city code, state, or federal regulations

33.2 CHARLOTTE STREETS MAP

The Charlotte Streets Map (Streets Map) shows the location of existing and planned future arterial and collector streets, and any shared-use paths located along local streets. Collector streets not indicated on the Streets Map shall be located per the standards of Section ~~33~~32.5.E.

33.3 STREET DESIGN

A. Table 33-1: Street Design provides a reference for the required location, dimensions, and standards for each street classification.

Table 33-1: Street Design

	Street Classification						
	Limited Access	Arterials			Collector	Local	Uptown Streets
		Parkway	Avenue/Blvd	Main Street			
New Street – Location and Classification	Streets Map	Streets Map	Streets Map	Streets Map or Sec. ~~33~~32.5.D	Streets Map or Sec. ~~33~~32.5.E	If not shown on Streets Map as Limited Access, Arterial, or Collector, or if not established as new Main Street or Collector, then classified as Local; Table 33-2 determines the required local street type	Streets Map
Existing Street – Classification	Streets Map	Streets Map	Streets Map	Streets Map	Streets Map		Streets Map
Future Back of Curb Location	N/A	N/A	Streets Map	Streets Map	CLDSM	CLDSM	Streets Map
Curb and Gutter	N/A	N/A	Standard curb and gutter per CLDSM	Standard curb and gutter per CLDSM	Standard curb and gutter per CLDSM; In the N1-A, N1-B, or N1-C Zoning Districts, may be standard or valley gutter	Standard curb and gutter per CLDSM; In the Neighborhood 1 Zoning Districts, may be standard or valley gutter	See Table 33-6

Table 33-1: Street Design							
	Street Classification						
	Limited Access	Arterials			Collector	Local	Uptown Streets
		Parkway	Avenue/Blvd	Main Street			
Right-of-Way Width Measurement	Streets Map	Streets Map	Streets Map[1]	Streets Map[1]	CLDSM[1]	CLDSM[1, 2]	Measured to the setback location per Streets Map classification and Table 33-6

[1] The minimum right-of-way is measured to the back of the required sidewalk/shared-use path. If building is two feet or more behind the required shared-use path, the right-of-way shall be increased by two feet or shall be put in a sidewalk utility easement (SUE).
[2] Or as reflected on a recorded public access easement for private local streets.

B. Table 33-2: Local Street Matrix describes the type of local street required within each Place Type.

Table 33-2: Local Street Matrix										
Local Street Types	**Place Type**									
	Neighborhood 1	**Neighborhood 2**	**Neighborhood Center**	**Community Activity Center**	**Regional Activity Center**	**Commercial**	**Campus**	**Innovation Mixed-Use**	**Manufacturing and Logistics**	**Parks and Preserves**
Residential Medium	Allowed for N1-A, N1-B, N1-C, and N1-D Zoning Districts	Allowed for Condition 1								
Residential Wide	Required unless zoned N1-A, N1-B, N1-C, or N1-D Zoning District	Required unless Condition 1	Allowed for Condition 3	Allowed for Condition 3	Allowed for Condition 3			Allowed for Condition 3		
Office/ Commercial Narrow						Allowed for Condition 2	Allowed for Condition 2 for OFC Zoning District			Allowed for Condition 2
Office/ Commercial Wide			Required unless Condition 3	Required unless Condition 3	Required unless Condition 3	Required unless Condition 2	Required unless Condition 2 and zoned OFC Zoning District	Required unless Condition 3		Required unless Condition 2
Industrial									Required	

CONDITIONS

Condition 1 – The developer can reasonably demonstrate to the Planning Department, in consultation with the Charlotte Department of Transportation (CDOT), that alternative provisions can be made to ensure adequate on-site parking.

Condition 2 – The developer can reasonably demonstrate to the Planning Department, in consultation with CDOT, that the anticipated long-term development will not create parking demand on the street.

Condition 3 – Allowed for a residential development that abuts N1 or N2 zoning districts along an existing local street, if the developer can reasonably demonstrate to the Planning Department, in consultation with CDOT, that the change will not affect the function of the street or the adjacent street network for parking, loading, maneuvering, and/or access.

NOTE: While a common design for parking and streetscape on both sides of a local street is preferred, there may be instances where opposite sides of a local street contain different Place Types. In such instances, the Planning Department, in consultation with CDOT, may approve the design of each side of the local street separately regarding the parking and streetscape so long as the resulting corridor operates in a functional and cohesive manner.

New partial streets shall be constructed to the standards of the required local street cross-section per this table, not including streetscape on the incomplete portion of the partial street.

C. Table 33-3: Streetscape Reference provides a reference for the required sidewalk/shared-use path and amenity zone or planting strip for each street classification.

Table 33-3: Streetscape Reference							
	Street Classification						
	Limited Access	Arterials			Collector	Local	Uptown Streets
		Parkway	Avenue/Blvd	Main Street			
Sidewalk/ Shared-Use Path Dimension	N/A; Unless indicated on Streets Map[1]	Streets Map[1]	Streets Map	Streets Map	See Table 33-4, unless a Shared-Use Path shown on Streets Map	See Table 33-4, unless a Shared-Use Path shown on Streets Map	See Table 33-6
Required Amenity Zone or Required Planting Strip[2]	Planting Strip[3]	Planting Strip[3]	Streets Map[4]	Streets Map	See Table 33-5	See Table 33-5	Amenity Zone
Required Amenity Zone or Required Planting Strip Dimension	8 feet [5]						See Table 33-6 [5]

[1] Any pedestrian facilities on Limited Access roads and Parkways will be in the form of a shared-use path located either in a sidewalk utility easement outside the right-of-way or, with NCDOT approval, at the back of the right-of-way.
[2] Where the area between the sidewalk and the back of curb is three feet or more than the required minimum width of an amenity zone, grass or groundcover is permitted in the area that exceeds the required minimum width. If the area between the sidewalk and the back of curb is three feet or less than the required minimum width of an amenity zone, the amenity zone shall extend to the back of curb.
[3] Location of trees may be required to be outside the clear zone for North Carolina Department of Transportation (NCDOT) facilities.
[4] If the Charlotte Streets Map requires an amenity zone, a planting strip is permitted instead of an amenity zone for the TOD-TR Zoning District.
[5] If the Chief Urban Forester determines that planting trees in the required planting strip or amenity zone is not feasible due to shallow depth of existing underground utilities, the required trees may be relocated behind the sidewalk. In that case, a minimum four foot planting strip, planted with grass or groundcover, shall be retained for collector and local streets. A minimum eight foot planting strip planted with grass or groundcover shall be retained for arterials.

D. Table 33-4: Sidewalk Dimensions – Collector and Local Streets contains the required dimensions for sidewalks on collector and local streets based on Place Type. For collector and local streets, a shared-use path shall be required instead of a sidewalk when shown on the Charlotte Streets Map.

Table 33-4: Sidewalk Dimensions – Collector and Local Streets		
Place Type	**Sidewalk - 6 feet**	**Sidewalk - 8 feet**
Neighborhood 1	Collector & Local	
Neighborhood 2		Collector & Local
Neighborhood Center		Collector & Local
Community Activity Center		Collector & Local
Regional Activity Center		Collector & Local
Commercial	Collector & Local	
Campus	Collector & Local, if zoned the OFC or IC-1 Zoning Districts	Collector & Local for all other zoning districts
Innovation Mixed-Use		Collector & Local
Manufacturing and Logistics	Collector & Local	
Parks and Preserves	Collector & Local, for all zoning districts not listed to the right	Collector & Local, if zoned a Neighborhood Commercial Zoning District, Community Activity Center Zoning District, Regional Activity Center Zoning District, Innovation Mixed-Use Zoning District, or IC-2 or RC~~-1~~ Zoning Districts

E. Table 33-5: Amenity Zone or Planting Strip – Collector and Local Streets indicates when amenity zones or planting strips are required and allowed based on Place Type.

Table 33-5: Amenity Zone or Planting Strip – Collector and Local Streets		
Place Type	**Amenity Zone**	**Planting Strip [3]**
Neighborhood 1[1]	Allowed instead of a planting strip	Required
Neighborhood 2 if zoned N2-A, N2-B[1] Zoning Districts	Allowed instead of a planting strip	Required
Neighborhood 2 if zoned N2-C Zoning District	Required when abutting on-street parking	Allowed when not abutting on-street parking
Neighborhood Center	Required when abutting on-street parking	Allowed when not abutting on-street parking
Community Activity Center[2]	Required when abutting on-street parking	Allowed when not abutting on-street parking
Regional Activity Center[2]	Required when abutting on-street parking	Allowed when not abutting on-street parking
Commercial	Required when abutting on-street parking	Allowed when not abutting on-street parking
Campus if zoned IC-1, OFC[1] Zoning Districts	Allowed instead of a planting strip	Required
Campus if zoned IC-2 or RC~~-1~~ Zoning District	Required when abutting on-street parking	Allowed when not abutting on-street parking
Innovation Mixed-Use	Required when abutting on-street parking	Allowed when not abutting on-street parking
Manufacturing and Logistics[1]	Allowed instead of a planting strip	Required
Parks and Preserves[1]	Allowed instead of a planting strip	Required

[1] Planting strips are the standard requirement for these Place Types. Amenity zones may be allowed if the Chief Urban Forester, in consultation with the CDOT Director and Planning Director, determines installation of an amenity zone supports the listed urban forest characteristics for the corresponding Place Type while also supporting other key interests (transportation, sidewalks, etc.)
[2] Planting strips are permitted instead of an amenity zone in the TOD-TR Zoning District.
[3] Planting strips are permitted for any zoning district located within the Water Supply Watershed Protection Areas per Article 23.

33.4 UPTOWN STREETSCAPE DESIGN

Table 33-6: Uptown Streetscape Design Elements contains the required dimensions for sidewalks and amenity zones and indicates streetscape requirements for amenity zone elements, pavers, lighting, and curb design for Uptown Streets.

Table 33-6: Uptown Streetscape Design Elements

	Uptown Street Classifications				
	Uptown Signature Street	**Linear Park**	**Uptown Primary**	**Uptown Secondary**	**Tryon Street [1]**
Sidewalk/ Shared-Use Path Dimension	12'	12'	10'	8'	12'
Required Amenity Zone Dimension	9.5'	9.5'	8'	8'	9.5'
Amenity Zone Elements	Tree Grates [2]	Planter no more than 16' in width	Tree Grates [2]	Tree Grates	Tree Grates [2]
Pavers	CLDSM [3]	CLDSM [3]	CLDSM [3]	CLDSM [3]	Tryon Street Mall Streetscape Guidelines
Pedestrian Lighting[4]	Required-Open Deluxe Acorn with 60'-80' spacing [4]	Required-Open Deluxe Acorn with 60'-80' spacing [4]	Required-Open Deluxe Acorn with 60'-80' spacing [4]	Required-Open Deluxe Acorn with 60'-80' spacing [4]	Required to match existing
Curb and Gutter	Granite Curb	Granite Curb	Standard per CLDSM	Standard per CLDSM	Required to match existing

[1] Tryon Street (within Uptown) shall follow existing Tryon Street Mall Streetscape Guidelines for amenity zone elements, pavers, lighting, and curb design but shall otherwise be classified as an Uptown Signature Street.
[2] Utilities are required in Tree Grates.
[3] Concrete paver blocks in herringbone are permitted under encroachment agreement from applicable agency.
[4] Pedestrian lighting spacing is based on proximity to trees and street lighting, as determined by CDOT. Typically, where trees are spaced 40' apart, provide lighting at 80' spacing, alternating between pedestrian lighting and street lighting. Where trees are spaced 30' apart, provide lighting at 60' spacing with one street light for every two pedestrian lights.

33.5 OFF-STREET PUBLIC PATHS

A. Transit Trail

1. The minimum width of a transit trail, and any required planting strip or other elements, are based on the applicable Council-adopted transit trail plan.

2. No tree planting associated with the construction of a transit trail is required unless indicated by a Council-adopted transit trail plan.

B. Connections to Off-Street Public Paths or Parks

The minimum width of a connection to an off-street public path or park is twelve feet. If combined with other required access such as fire, loading, or service access, then the connection shall meet the greater of the required dimensions. The developer shall consult with the staff of the entity having jurisdiction over the facility being connected to in order to determine if any design and/or width modifications are necessary to ensure that any intended purposes can be provided adequately and safely.

C. Pedestrian and Bicycle Connection

1. For parcels located in the Neighborhood 2 Place Type, Neighborhood Center Place Type, Community Activity Center Place Type, Regional Activity Center Place Type, or Innovation Mixed-Use Place Type, or zoned the IC-2 or RC~~-1~~ Zoning District, the minimum width of a pedestrian and bicycle connection shall be twelve feet, with five feet abutting each side of the path.

a. No buildings or structures shall be in the five foot area abutting each side of the path.

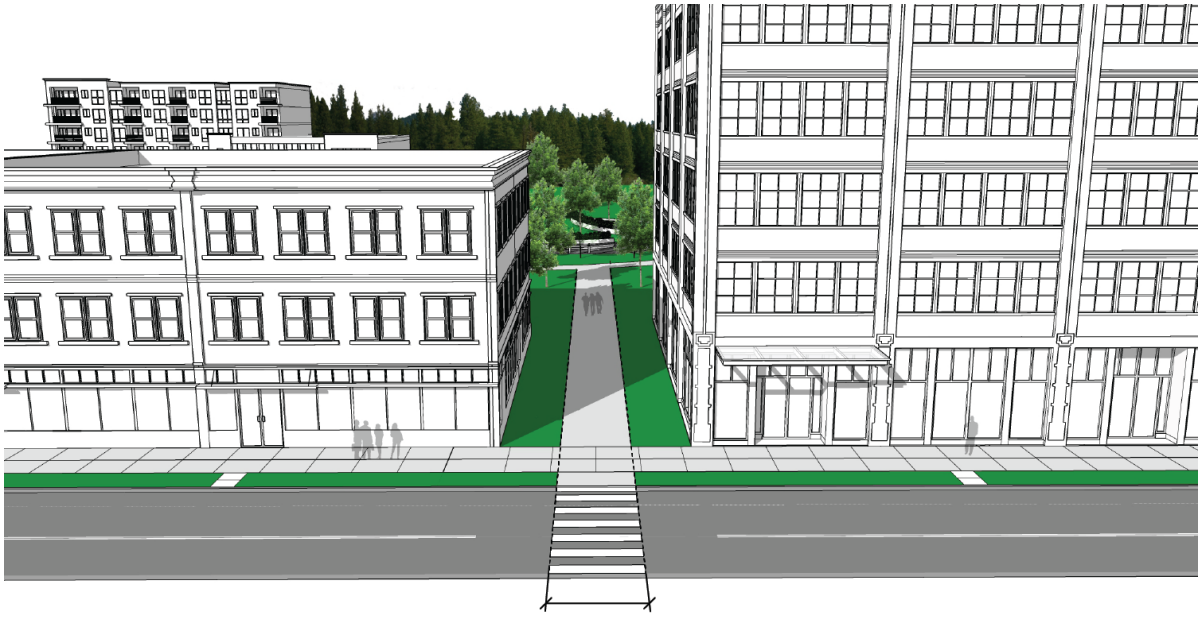
b. No fixed obstacles to pedestrian or bicycle traffic shall be within two feet of the path's edge.

2. For parcels located in the Neighborhood 1 Place Type, Commercial Place Type, or Manufacturing and Logistics Place Type, or zoned the IC-1 or OFC Zoning District, the minimum width of a pedestrian and bicycle connection shall be eight feet, with four feet abutting each side of the path.

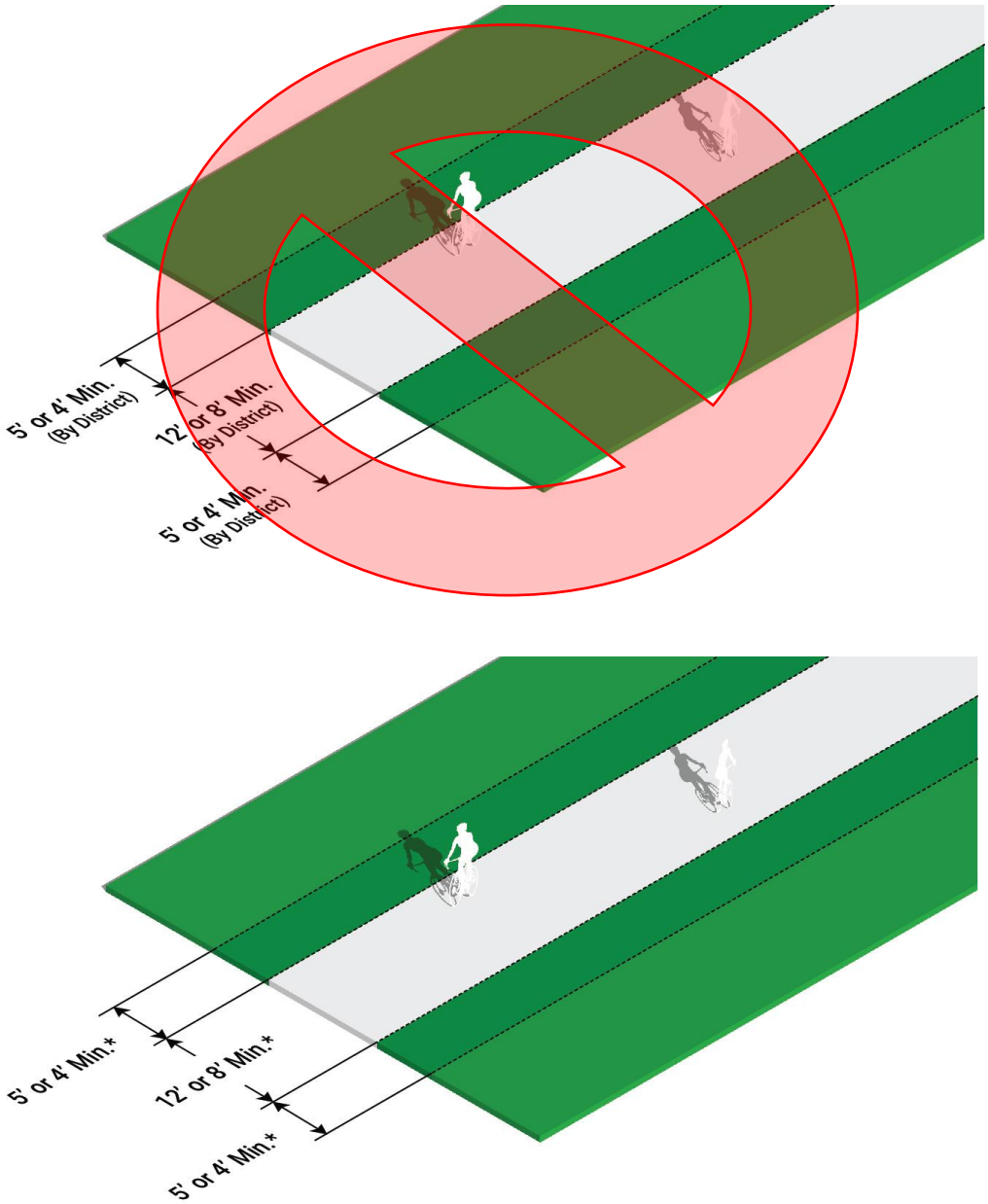
a. No buildings or structures shall be in the four foot area abutting each side of the path.

b. No fixed obstacles to pedestrian or bicycle traffic shall be within two feet of the path's edge.

CONNECTIONS TO OFF-STREET PUBLIC PATHS OR PARKS



PEDESTRIAN AND BICYCLE CONNECTION



* (By Place Type or Zoning District, as applicable)

33.6 CROSS-ACCESS

A cross-access connection shall have a minimum 20 foot wide two-way paved connection.

Article 34. Other Infrastructure

34.1 DRAINAGE
34.2 WATER SUPPLY
34.3 WASTEWATER SEWER
34.4 UNDERGROUND UTILITIES

34.1 DRAINAGE

Adequate storm drainage shall be provided, in the public interest, to allow the proper regulation and disposal of surface water runoff. Storm drainage shall be constructed in accordance with the Charlotte-Mecklenburg Storm Water Services Design Manual, the Charlotte Land Development Standards Manual (CLDSM), and Article 24.

34.2 WATER SUPPLY

Water supply facilities shall be installed in accordance with one of the following provisions:

A. Via a public water system owned and operated by Charlotte Water and meeting the requirements of Charlotte Water, including the standards and specifications of:

1. Charlotte Water, Water and Sewer Design and Construction Standards.

2. Mecklenburg County Groundwater Well Regulations

3. City code.

4. State regulations.

B. Via a water system owned and operated by a private entity. A private system providing water to any structure shall be reviewed and approved by the applicable agencies with jurisdiction over such approval.

1. Groundwater well systems shall meet the requirements of the Mecklenburg County Groundwater Well Regulations.

34.3 WASTEWATER SEWER

Wastewater sewer facilities shall be installed in accordance with one of the following provisions:

A. Via a public wastewater system owned and operated by Charlotte Water and meeting the requirements of Charlotte Water, including the standards and specifications of:

1. Charlotte Water, Water and Sewer Design and Construction Standards.

2. City code.

3. State regulations.

B. Via a wastewater system owned and operated by a private entity. A private system providing wastewater collection to any structure shall be reviewed and approved by the applicable agencies with jurisdiction over such approval.

34.4 UNDERGROUND UTILITIES

A. Required Underground Utility Lines

Any new utility lines required as part of a subdivision, as defined per Section 30.3.A, or development project, shall be buried in all zoning districts except the following:

1. ~~Commercial~~ CG and CR Zoning Districts

2. ~~Manufacturing and Logistics~~ML-1 and ML-2 Zoning Districts

3. MHP Zoning District

B. Exemptions

Electrical power lines shall not be required to be installed underground for subdivisions, as defined per Section 30.3.A, ~~or development projects,~~ if the following conditions exist:

1. The electrical power lines existed above ground at the time of first approval of a plat or development plan, whether or not the power lines are subsequently relocated during construction of the subdivision or development plan; and

2. The power lines are located outside the boundaries of the parcel of land that contains the subdivision, or the property covered by the development plan.

Article 35. Ordinance Bodies & Administrators

35.1 CITY COUNCIL
35.2 PLANNING COMMISSION
35.3 UDO BOARD OF ADJUSTMENT
35.4 HISTORIC DISTRICT COMMISSION
35.5 ADMINISTRATORS AND DIRECTORS
35.6 CONFLICTS OF INTEREST

35.1 CITY COUNCIL

A. Powers and Duties

The City Council shall have the following powers and duties to be carried out in accordance with this Ordinance that include, but are not limited to, the following:

1. To initiate and make amendments to the text of this Ordinance and to the Zoning Map.

2. To hear, review, and adopt or reject amendments to the text of this Ordinance and to the Zoning Map.

3. To take any such other action not delegated to the Planning Commission or the UDO Board of Adjustment as the City Council may deem desirable and necessary to implement the provisions of this Ordinance.

B. Conflicts of Interest

Each member shall comply with the conflicts of interest standards in Section 35.6.

35.2 PLANNING COMMISSION

A. Powers and Duties

The Planning Commission, or applicable committee of the Planning Commission, in accordance with this Ordinance, shall have the following powers and duties that include, but are not limited to, the following:

1. To initiate, review, and make recommendations to the City Council regarding UDO amendments and ~~Zoning~~ zoning map~~Map~~ amendments as per the applicable general statutes and the Interlocal Cooperation Agreement between the City of Charlotte and Mecklenburg County, as may be amended from time to time.

2. To adopt such rules of procedure necessary for the administration of its responsibilities consistent with these regulations.

B. Membership, Hearings, and Procedures

1. Members of the Planning Commission shall be appointed and removed in accordance with the Interlocal Cooperation Agreement and its adopted rules of procedure.

2. The Planning Commission membership shall meet the proportional extraterritorial representation requirements of N.C.G.S. § 160D-307.

3. The rules of procedure adopted by the Planning Commission will be kept on file at the Planning Department, at the City Clerk's office, and posted on the Planning Department website.

4. Each member shall comply with the conflicts of interest standards in Section 35.6.

C. Staff

1. The Planning Department staff shall provide support for the Planning Commission in accordance with the Interlocal Cooperation Agreement.

2. Planning Department staff shall comply with the conflicts of interest standards in Section 35.6.

35.3 UDO BOARD OF ADJUSTMENT

A. Powers and Duties

The UDO Board of Adjustment, having been established in accordance with Chapter 160D of the North Carolina General Statutes and any applicable legislation, shall have the following powers and duties that include, but are not limited to, the following:

1. To hear and decide appeals of administrative decisions by staff, administrators, directors, and designees in accordance with the appeal provisions of Section 37.8.B.

2. To hear and decide petitions for variances from these regulations in accordance with the provisions of Section 37.8.A.

3. To adopt such rules of procedure necessary for the administration of its responsibilities consistent with these regulations.

4. To recommend approval to the North Carolina Environmental Management Commission (NCEMC) for major watershed variances to the state required watershed regulations or to deny a major watershed variance from the state required watershed regulations per Section 37.8.A.12.

5. To assume any other duties assigned by the City Council.

6. Each member shall comply with the conflicts of interest standards in Section 35.6.

B. Membership, Hearings, and Procedures

1. Members of the UDO Board of Adjustment shall be appointed and removed in accordance with the City Council procedures. Each member shall take an oath of office prior to assuming their duties.

2. The UDO Board of Adjustment membership shall meet the proportional extraterritorial representation requirements of N.C.G.S. § 160D-307.

3. Rules of procedure adopted by the UDO Board of Adjustment will be available to the public at the Planning Department and at the City Clerk's office, and posted on the Planning Department website.

4. The UDO Board of Adjustment shall follow the statutory procedures for evidentiary hearings, procedures, and quasi-judicial decisions in Sections 37.8.A. for variances and 37.8.B. for appeals.

5. The UDO Board of Adjustment does not have the jurisdiction to address or rule upon constitutional and federal and state statutory issues or any other legal issues beyond its statutory authority.

C. Staff

1. Staffing for the UDO Board of Adjustment shall be provided by the UDO Administrator.

2. Staff shall comply with the conflicts of interest standards in Section 35.6.

35.4 HISTORIC DISTRICT COMMISSION

A. Powers and Duties

The Historic District Commission, in accordance with these regulations, shall have the following powers and duties that include, but are not limited to the following:

1. To hear, review, and decide on applications for certificates of appropriateness.

2. To develop and adopt design standards for development within designated historic districts.

3. To adopt rules of procedure necessary for the administration of its responsibilities not inconsistent with these regulations.

B. Membership, Hearings, and Procedures

1. Members of the Historic District Commission shall be appointed and removed in accordance with the resolutions adopted by the Charlotte City Council and the Mecklenburg County Board of County Commissioners.

2. The officers of the Historic District Commission shall be a Chairperson, a Vice Chairperson, and a Second Vice Chairperson.

3. The Chairperson shall preside at all meetings, appoint all standing and temporary committees, make assignments to design review committee meetings, have the right to vote, and may call special or emergency meetings of the Historic District Commission. The Chairperson or their designee is authorized to sign certificates of appropriateness.

4. The Vice Chairperson shall preside at meetings in the absence of the Chairperson and may call special or emergency meetings of the Historic District Commission. In the absence of both the Chairperson and the Vice Chairperson, the Second Vice Chairperson shall preside and may call special or emergency meetings of the Historic District Commission.

5. At the first regular meeting in June, the Historic District Commission shall elect officers for a term of one year. Officers shall take office on the following July 1st. If an office becomes vacant during a term, the Historic District Commission shall elect one of its members to serve the remaining portion of the unexpired term. Officers shall be eligible for reelection.

6. New Historic District Commission members shall complete the Historic District Commission orientation before voting at a hearing and shall take an oath of office prior to assuming their duties.

7. A majority of the members of the Commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.

8. Rules of procedure adopted by the Historic District Commission shall be available to the public at the Planning Department and in the City Clerk's office, and posted on the Planning Department website.

9. Each member shall comply with the conflicts of interest standards in Section 35.6.

C. Staff

1. Staff shall be provided in accordance with the resolutions adopted by the Charlotte City Council and the Mecklenburg County Board of County Commissioners, and provided by the Planning Department.

2. Staff shall comply with the conflicts of interest standards in Section 35.6.

35.5 ADMINISTRATORS AND DIRECTORS

A. Administrators

The following individuals, including their designees, are responsible for the administration and enforcement of specific articles in this Ordinance:

1. The UDO Administrator is responsible for the overall administration of the Ordinance. In addition, the UDO Administrator has the following responsibilities:

a. In the case of conflicting regulations within this Ordinance, the UDO Administrator shall make the final determination of how the regulations are applicable.

b. Manage the operation of the UDO Board of Adjustment.

2. The Zoning Administrator is responsible for enforcing and administering the zoning regulations in Articles 3 through 22, including Section 14.1 (HDO Historic District Overlay) and Section 14.2 (HDO-S) Streetside Historic District Overlay. Additional responsibilities of the Zoning Administrator are found in Articles 37, 38, and 39.

3. The Historic District Administrator is responsible for administering the historic district regulations in Section 14.1 (HDO Historic District Overlay) and Section 14.2 (HDO-S) Streetside Historic District Overlay.

4. The Stormwater Administrator is responsible for enforcing and administering Articles 23 through 26 and Article 28. Additional responsibilities of the Stormwater Administrator are found in Sections 39.1.B, 39.1.D, 39.1.E, 39.2.D, 39.2.F, and 39.2.G.

5. The Floodplain Administrator is responsible for enforcing and administering Article 27. Additional responsibilities of the Floodplain Administrator are found in Section 39.2.B.

6. The Chief Urban Forester is responsible for enforcing and administering Sections 20.13 through 20.18 and Section 39.2.J.

7. The Subdivision, Streets and Infrastructure Administrator is responsible for enforcing and administering Articles 29 through 34. Additional responsibilities of the Subdivision, Streets, and Infrastructure Administrator are found in Sections 39.1.F and 39.2.H.

B. Directors

City of Charlotte and Mecklenburg County department directors, including their designees, are permitted to make certain determinations of requirements within this Ordinance, as described within the Articles.

35.6 CONFLICTS OF INTEREST

The North Carolina General Assembly has adopted rules in N.C.G.S. § 160D-109 regarding conflicts of interest for governing boards, appointed boards, and administrative staff:

A. City Council

A City Council member shall not vote on any legislative decision regarding a development regulation, adopted pursuant to this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A City Council member shall not vote on any zoning map amendment if the landowner of the property subject to a ~~rezoning~~ zoning map amendment or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

B. Appointed Boards

Members of appointed boards shall not vote on any advisory recommendation or quasi-judicial decision regarding a development regulation adopted pursuant to this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Members shall not vote on any zoning map amendment recommendation if the property owner subject to a zoning map amendment or an applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

C. Administrative Staff

No staff member shall make a recommendation to an elected or appointed board or final administrative decision required by this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the City to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the City, as determined by the City.

D. Quasi-Judicial Decisions

A member of any board exercising quasi-judicial functions pursuant to this Ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex-parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

E. Familial Relationship

For the purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term also includes the step, half, and in-law relationships.

Article 36. General Processes

36.1 APPLICATION REQUIREMENTS
36.2 WRITTEN INTERPRETATIONS

36.1 APPLICATION REQUIREMENTS

A. Initial Application Submittal

All applications for development approval shall be submitted to the City in accordance with the requirements of this Ordinance, and other established guidelines, and shall be filed according to the requirements of each department, review body, or respective administrator.

B. Application Deadlines

Complete applications shall be submitted in accordance with the City's filing deadline calendar for each type of application, as applicable.

C. Determination of Completeness

An application will not be considered properly filed until it is deemed complete and accurate by the designated administrator.

36.2 WRITTEN INTERPRETATIONS

A. Purpose

The purpose of the provisions for a written interpretation of this Ordinance is to ensure that review for conformance with this Ordinance is consistent and predictable.

B. Initiation of Interpretation

Any person may request a written interpretation of the intent, meaning, or application of the stated provisions of this Ordinance. Such requests shall be submitted to the applicable administrator.

C. Written Interpretation

1. The administrator(s) making the interpretation shall provide a written notice of the interpretation to the applicant and the property owner, if the property owner is not the applicant and the question of interpretation is related to a specific tract of land, and to any other relevant staff as necessary, within 30 days of receipt of the request.

2. The notice shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant and to the last address listed for the owner of the affected property on the county tax listing. In the absence of evidence to the contrary, notice given by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

3. An official record of written interpretations shall be kept on file in the office of the applicable administrator and shall be available for public inspection during normal business hours of the respective department.

D. Appeals

Any person with standing under N.C.G.S. § 160D-1402(c) may file an appeal of a written interpretation with the UDO Board of Adjustment as described in Section 37.8.B.

Article 37. Amendments & Development Approvals

37.1 AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
37.2 ZONING MAP AMENDMENTS
37.3 ADMINISTRATIVE MINOR AMENDMENTS
37.4 ADMINISTRATIVE ADJUSTMENTS
37.5 HISTORIC DISTRICT CERTIFICATE OF APPROPRIATENESS
37.6 VESTED RIGHTS
37.7 PERMIT CHOICE
37.8 VARIANCES AND APPEALS
37.9 DEVELOPMENT REVIEW AND APPROVAL PROCESSES

37.1 AMENDING THE UNIFIED DEVELOPMENT ORDINANCE

A. Purpose

The purpose of this section is to provide the process for amending the text of this Unified Development Ordinance. The purpose of an amendment to this Ordinance is to make adjustments to address changed conditions or updates to adopted policy, or to make changes intended to achieve the purposes of these regulations.

B. Authority

The City Council shall have the authority to amend this Ordinance.

C. Pre-Submittal Meeting

Before submitting a petition for an amendment to this Ordinance, the petitioner shall meet with the UDO Administrator and the designated administrator(s) and Planning Department staff related to the article(s) for which changes are being proposed. The purpose of the meeting is to share the nature of the proposed Ordinance amendment and any standards or requirements that are being proposed to be amended.

D. Petition Requirements

1. Initiation

An amendment to this Ordinance may be initiated by the City Council on its own motion, the Planning Commission on its own motion, City staff, or the public.

2. Petition Submittal

All petitions for an Ordinance amendment shall be in the form prescribed by the Planning Department, accompanied by the fee established by City Council, and submitted to the Planning Department. Petitions shall be submitted in accordance with the requirements of this Ordinance and other established guidelines, and shall include all required documents.

3. Petition Deadline

Complete petitions shall be submitted in accordance with the City's filing deadline calendar.

4. Determination of Completeness

Petitions will not be considered properly filed until deemed complete and accurate by the designated administrator.

E. Staff Review and Recommendation for Ordinance Amendments

1. The Planning Department staff shall provide copies of the proposed amendment to other appropriate City and County departments and agencies for review and comment.

2. The Planning Department staff shall provide to the City Council and Planning Commission, prior to the scheduled hearing, a prehearing staff analysis and recommendation setting forth whether the amendment is recommended for approval or denial and the reasons for such recommendation.

F. Scheduling of Public Hearing and Published Hearing Notice

1. The Planning Department staff shall schedule a public hearing for the amendment when all requirements have been met and after there has been adequate time for staff of the Planning Department and other City and County departments and agencies to review and provide comment on the proposed amendment.

2. Before amending this Ordinance, a legislative public hearing by the City Council is required. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

G. Legislative Public Hearing

The public hearing shall be conducted by the City Council and shall be in accordance with the rules and procedures adopted by the City Council.

H. Referral to Planning Commission and Recommendation from the Planning Commission

1. After the public hearing and prior to the adoption of an amendment, the proposed amendment shall be submitted to the Planning Commission, or applicable committee of the Planning Commission, for review and recommendation. Hereinafter, any reference to the Planning Commission shall include any applicable committee of the Planning Commission per the Interlocal Agreement between the City of Charlotte and Mecklenburg County.

2. The Planning Commission shall review the proposed Ordinance amendment. Upon completion of review, the Planning Commission shall make a written recommendation regarding adoption of the amendment to the City Council.

3. The recommendation from the Planning Commission shall include a written statement of plan consistency. The statement shall advise and comment on whether the proposed amendment is consistent with any Comprehensive Plan that has been adopted and any other officially adopted ~~land-use~~ plan~~s~~ ~~or policies~~ that ~~are~~ is applicable. A statement by the Planning Commission, or applicable committee of the Planning Commission, that a proposed amendment is inconsistent with the ~~C~~comprehensive ~~P~~plan and any other applicable adopted ~~land-use~~ plan~~s~~ ~~or policies~~ shall not preclude consideration or approval of the proposed amendment by City Council.

4. If no written recommendation and statement of plan consistency is received from the Planning Commission within 30 days of the public hearing, the City Council may act on the amendment without the Planning Commission recommendation.

5. The City Council is not bound by the recommendation, if any, of the Planning Commission.

I. City Council Decision

1. After the Planning Commission, or applicable committee of the Planning Commission, has taken action, the Planning Department staff shall place the proposed Ordinance amendment on the agenda for the next regularly scheduled City Council meeting for rezoning hearings and decisions.

2. Planning Department staff shall forward the Planning Commission's, or applicable committee of the Planning Commission's, written recommendation and statement of consistency to the City Council, along with an updated staff review and recommendation.

3. If any person submits a written statement regarding a proposed Ordinance amendment to the City Clerk at least two business days prior to the scheduled vote on the proposed amendment, the City Clerk shall deliver such written statement to the City Council members before action is taken.

4. When adopting or rejecting an Ordinance amendment, the City Council shall approve a plan consistency statement describing whether the action is consistent or inconsistent with the Comprehensive Plan and any other adopted land-use plans or policies that are applicable.

5. The City Council shall either reject the proposed amendment or adopt an Ordinance enacting the proposed amendment.

J. Withdrawal or Modification of a Pending Ordinance Amendment

1. Withdrawal

A request to withdraw a proposed amendment shall be made to the UDO Administrator. A petition can be withdrawn by the petitioner at any time prior to the day of the first publication of the public hearing notice. After that time, the City Council shall decide, on the date scheduled for the hearing, whether to allow the withdrawal.

2. Modification

a. A petitioner shall not be allowed to modify a proposed amendment after a public hearing has been scheduled unless such modification(s) are submitted to the UDO Administrator no later than four weeks prior to the scheduled public hearing. No modifications to the proposed text amendment shall be accepted in the intervening weeks prior to the public hearing. Also, no modifications to the Ordinance amendment shall be made at the public hearing; however, potential modifications proposed by the petitioner, Planning Commission, City Council, and other interested parties may be considered by the City Council at the time of the hearing, if offered.

b. If modification to the petition is proposed by the petitioner after the public hearing, and before the Planning Commission recommendation, the Planning Commission shall evaluate whether a modification is substantial enough to recommend another public hearing and make a recommendation to the City Council.

c. If the Planning Commission does not recommend another public hearing of a modified petition, it may defer action on the petition to a set date in order for staff and other interested parties to have the opportunity to review and comment on the amendment to the petition.

d. If the Planning Commission recommends that the modified petition move forward without recommending a deferral or new public hearing, the Planning Commission shall consider the revised petition and forward its recommendation to the City Council.

e. If a modification to the petition is proposed by the petitioner after the public hearing and the Planning Commission recommendation, the Planning staff shall evaluate whether the modification is substantial enough to recommend another public hearing and make a recommendation to the City Council.

f. If the Planning Commission or Planning staff recommends a new public hearing for a modified petition, this recommendation shall be provided to the City Council at the next scheduled City Council meeting for rezoning hearings and decisions.

g. Even if the Planning Commission or Planning staff does not recommend a new public hearing, the City Council may, at its discretion, schedule the modified petition for a new public hearing, preceded by the notice required in Section 37.2.I.

h. If the petitioner wishes to modify the proposed Ordinance amendment after the Planning Commission recommendation and prior to a vote by the City Council, then prior to the time of the vote, the City Council shall refer the modified petition to the Planning Commission for a new review and a potentially updated recommendation unless the City Council, by a three-fourths vote of all members present, except members properly excused from voting, determines that the nature of the modification is such that the Planning Commission review and potential updated recommendation is not necessary.

K. Expiration of Ordinance Amendment Petitions

If a decision on a proposed Ordinance amendment has not been reached within two years from the submittal date of the petition, the petition shall become null and void.

37.2 ZONING MAP AMENDMENTS

A. Purpose

The purpose of this section is to provide a means for amending the zoning district designation of any parcel of land identified on the Official Zoning Map.

B. Authority

The City Council shall have the authority to amend the district designation of any parcel of land, as indicated on the Official Zoning Map.

C. Types of Zoning Map Amendments

Applications for a zoning map amendment fall into three categories:

1. Conventional Zoning Map Amendment

A conventional zoning map amendment is a legislative process in which an applicant proposes changing the zoning district designation on a property or group of properties to a conventional zoning district, and the City Council considers whether to approve or deny the zoning map amendment. Conventional zoning districts allow a variety of uses permitted under the development standards of the zoning district.

2. Conditional Zoning Map Amendment

A conditional zoning map amendment is a legislative process in which a petitioner proposes, and the City Council considers, a zoning map amendment to a conditional zoning district that includes a site plan and individualized additional site-specific commitments. Site-specific conditions may also be proposed by the petitioner or the City, but only those site-specific conditions approved by the City and consented to by the petitioner in writing may be incorporated into the petition. Site-specific conditions shall be limited to those that address the conformance of the development and use of the site, per the Ordinance regulations, or the impacts reasonably expected to be generated by the development or use of the site.

3. Exception (EX) District Zoning Map Amendment

An exception (EX) district zoning map amendment is also considered a conditional zoning map amendment. An exception (EX) district zoning map amendment serves as a mechanism for altering or modifying the quantitative zoning and street cross-section standards for proposed development; however, the standards cannot be waived in their entirety. No modifications shall be made to the uses or maximum height regulations, with the exception of the height limitations when adjacent to the Neighborhood 1 Place Type. It provides a mechanism for City Council to review and consider new development concepts, innovative designs, special problems, and other unique proposals or circumstances that cannot be accommodated by the standards of a zoning district, while addressing the conformance of the development and use of the site to other applicable standards, the Comprehensive Plan, and/or the impacts reasonably expected to be generated by the development or use of the site.

a. Districts Allowed

The establishment of an exception (EX) district is allowed in the following districts:

i. In the following Transit Oriented Development Zoning Districts: TOD-UC, TOD-NC, TOC-CC, and TOD-TR. An exception (EX) district will be referred to as TOD-UC(EX), TOD-NC(EX), TOD-CC(EX) or TOD-TR(EX), depending on the base zoning district.

ii. In the following Regional Activity Center Zoning Districts: UC, UE, and RAC. An exception (EX) district will be referred to as UC(EX), UE(EX), or RAC-(EX), depending on the base zoning district.

iii. In the following Community Activity Center Zoning Districts: CAC-1, CAC-2. An exception (EX) district will be referred to as CAC-1(EX) or CAC-2(EX), depending on the base zoning district.

iv. In the following Neighborhood Center Zoning Districts: NC. An exception (EX) district will be referred to as NC(EX).

v. In the following Innovation Mixed-Use Zoning Districts: IMU. An exception (EX) district will be referred to as IMU(EX).

vi. In the following Campus Zoning Districts: IC-2 and RC-1. An exception (EX) district will be referred to as IC-2(EX) or RC-1(EX), depending on the base zoning district.

vii. In the following Neighborhood 2 Zoning Districts: N2-C. An exception (EX) district will be referred to as N2-C(EX).

b. Exception (EX) District Public Benefits Required

An exception (EX) district is required to provide public benefits. Public benefits shall include one or more actions from at least two of the following categories: 1) sustainability; 2) public amenity; and 3) city improvement. Where an exception (EX) district utilizes a bonus system, actions cannot apply to both the bonus action and the public benefit.

i. Sustainability

(A) The following qualify as sustainability actions. Such actions shall exceed the minimum requirements of this Ordinance and the City Code of Ordinances, if applicable.

(1) Use of sustainable design and architecture that meets established standards, such as Leadership in Energy and Environmental Design (LEED), Energy Star, Earthcraft, etc.

(2) Adaptive reuse of existing buildings.

(3) Preservation of on-site environmental features.

(4) On-site renewable energy generation.

(B) Additional actions that further sustainability of the development not listed above may be allowed during the review and approval of an exception (EX) district zoning map amendment.

ii. Public Amenity

(A) The following qualify as a public amenity action. Such actions shall exceed the minimum Ordinance requirements, if applicable.

(1) Creation of publicly accessible open space, including parks and playgrounds, dog parks, public plazas and festival spaces, and similar outdoor recreational features.

(2) Incorporation of an affordable housing set-aside.

(B) Additional public amenities not listed above may be allowed during the review and approval of the exception (EX) district zoning map amendment.

iii. City Improvements

The following qualify as city improvements actions:

(A) Public improvements above those required by this Ordinance, following consultation with staff and other applicable public entities, such as Mecklenburg County or state authorities.

(B) These improvements include, but are not limited to, new construction or improvements to existing streets, medians, pedestrian pathways, bike paths, pedestrian drop-off areas, and transit stops. Improvements shall not include driveway-related improvements in excess of those allowed in N.C.G.S. § 136-18(29) and N.C.G.S. § 160A-307, or other unauthorized limitations on the development or use of land.

D. Pre-Submittal Meeting

Before filing a petition for a zoning map amendment(s), the petitioner shall meet with the Planning Department staff to discuss the nature of the proposed zoning map amendment, the standards for development under the existing and proposed zoning district, and concerns that persons residing in the vicinity of the property may have regarding the proposed zoning map amendment, if known.

E. Petition Requirements

1. Initiation

Initiation of zoning map amendments shall be as follows:

a. Conventional Zoning Districts

Petition applications for a zoning map amendment may be initiated by City Council, any property owner with a legal interest in the property, anyone authorized in writing to act on the owner's behalf, any person having an interest in the property by reason of a written contract with the owner, or any non-owner, including City and County staff.

b. Conditional Zoning Districts and Exception (EX) Districts
Petition applications for a zoning map amendment to a conditional district, including an exception (EX) district, may only be initiated by the owner of a legal interest in the affected property, any person having an interest in the property by reason of a written contract with owner, or an agent authorized in writing to act on the owner's behalf.

c. Down-Zoning
Except for a City or County initiated zoning map amendment, no zoning map amendment that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment.

2. Petition Submittal

a. All petitions for a zoning map amendment shall be in the form prescribed by the Planning Department, accompanied by the fee established by City Council, and submitted to the Planning Department. Petitions shall be submitted in accordance with the requirements of this Ordinance and other established guidelines, and shall include all required documents.

b. Petitions for a conditional zoning map amendment shall be submitted and signed by the owners of all of the property to be included in the conditional district.

3. Petition Deadline
Complete petitions shall be submitted in accordance with the City's filing deadline calendar.

4. Additional Documents for Conditional District Zoning Map Amendments

a. A petition for conditional zoning shall include a site plan, drawn to scale, and supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all Ordinance requirements, will govern the development and use of the property. Conditions and site-specific standards shall be limited to those that address the conformance of the development and use of the site to City ordinances and the adopted Comprehensive Plan, or other adopted plans, and the impacts reasonably expected to be generated by the development or use of the site. Any such conditions should relate to items regulated by the Ordinance, as well as the type of development and other matters that the City Council may find appropriate or the petitioner may propose. The following information, including dimensions shall be provided and labeled, if applicable:

i. A tax parcel identification number for all whole parcel(s) and a boundary survey for any partial parcel(s).

ii. A vicinity map showing the property's total acreage, its zoning district designation(s), the general location in relation to major streets, railroads, and/or waterways, the date, and north arrow.

iii. All existing easements, reservations, and rights-of-way.

iv. Location of new public and network-required private streets.

v. Areas in which structures will be located and location of structures that will remain.

vi. Proposed use of all land and structures, including the number of residential units and the total square footage of any nonresidential development.

vii. All setbacks, landscape yards, screening, and other landscaping required by these regulations or proposed by the petitioner.

viii. All existing and proposed points of access to public streets and network-required private streets.

ix. Water quality buffers, pursuant to Article 26, and delineation of areas within the regulatory floodplain as shown on the Official Flood Hazard Boundary Maps for Mecklenburg County.

x. Proposed phasing, if any.

xi. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development.

xii. Generalized traffic, parking, and circulation plans.

xiii. Tree survey, if required by Section 20.18.

xiv. Tree requirements of Sections 20.13 through 20.18.

xv. Transportation improvements required in Articles 29 through 34.

b. The Planning Director has the authority to waive any requirement where the type of use or scale of proposal makes providing that information unnecessary or impractical.

c. In the course of evaluating the proposed use, the Planning Department and other departments reviewing the proposal, Planning Commission, or City Council may request additional information from the petitioner. This information may include the following:

i. Proposed number and general location of all structures.

ii. Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features.

iii. Existing and general proposed topography, if available, at five foot contour intervals or less.

iv. The location of significant trees on the subject property.

v. Scale of buildings relative to abutting property.

vi. Height of structures.

viii. Exterior features of proposed development.

ix. Any other information needed to demonstrate compliance with these regulations.

x. Proposed number and location of signs.

5. Additional Documents for Exception (EX) District Zoning Map Amendments

a. A petition for an exception (EX) district zoning map amendment shall include a site plan, drawn to scale, and supporting information and text that specifies the actual use or proposed use for the property and any rules, regulations, and conditions that, in addition to all Ordinance requirements, will govern the development and use of the property. The following information shall be provided:

i. A tax parcel identification number for all whole parcel(s) and a boundary survey for any partial parcel(s).

ii. A vicinity map showing the property's total acreage, its zoning district designation(s), the general location in relation to major streets, railroads, and/or waterways, the date, and north arrow.

iii. All existing easements, reservations, and rights-of-way.

iv. Location of new public and network-required private streets.

v. Public benefits associated with the proposal, per Section 37.2.C.3.b.

vi. Other information needed to assess the request as determined by the Planning Director.

6. Determination of Completeness

Petitions will not be considered properly filed until deemed complete, and accurate by the designated administrator.

F. Community Meeting

1. A community meeting shall be required for all zoning map amendment petitions, as outlined/determined by City policy.

2. Before a public hearing may be held on a petition, the petitioner shall file a written report with the City Clerk stating that at least one community meeting was held by the petitioner. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting.

3. If a public hearing has not been held within six months of a community meeting, then another community meeting shall be held.

G. Staff Review and Recommendation of Zoning Map Amendments

1. The Planning Department staff shall provide copies of the proposed amendment to other appropriate City and County departments and agencies for review and comment.

2. The Planning Department staff shall provide to the City Council and Planning Commission, or the applicable committee of the Planning Commission, prior to the scheduled hearing, a prehearing staff analysis and recommendation setting forth whether the amendment is recommended for approval or denial and the reasons for such recommendation.

H. Scheduling of Public Hearing

1. The Planning Department staff shall schedule a public hearing for the zoning map amendment when all requirements have been met and after there has been adequate time for staff of the Planning Department and other City and County departments and agencies to review and provide comment on the proposed amendment.

2. Before approving a zoning map amendment, a legislative public hearing by the City Council is required. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

I. Legislative Hearing Notice

The legislative hearing notices shall be in compliance with N.C.G.S. § 160D-602, as follows:

1. Mailed Notice

Property owners of parcels of land included in the zoning map amendment and the owners of land adjacent to the parcel(s) of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the Mecklenburg County tax abstract~~s~~. The notice shall be deposited in the mail at least ten but not more than 25 days prior to the date of the hearing.

2. Published Notice

a. Zoning Map Amendment Notice

A notice of the legislative hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

b. Optional Notice for Large-Scale Zoning Map Amendments

The first-class mail notice required under item 1 above is not required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the City elects to use the expanded published notice provided for in this section. The City may elect to make the mailed notice provided for in item 1 above or, as an alternative, elect to publish notice of the hearing as required by N.C.G.S. § 160D-602(b), provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement is effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who

reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of item a above.

3. Posted Notice

A notice of the hearing shall be prominently posted on the site proposed for the zoning map amendment or on an adjacent street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the City shall post sufficient notices to provide reasonable notice to interested persons.

J. Legislative Public Hearing

The legislative public hearing shall be conducted by the City Council and shall be in accordance with any rules and procedures adopted by the City Council.

K. Referral to Planning Commission and Recommendation from the Planning Commission

1. After the public hearing and prior to the adoption of a zoning map amendment, the proposed amendment shall be submitted to the Planning Commission for review and recommendation. Hereinafter, any reference to the Planning Committee shall include any applicable committee of the Planning Commission per the Interlocal Agreement between the City of Charlotte and Mecklenburg County.

2. The Planning Commission shall review the proposed zoning map amendment. The review shall consider the zoning evaluation criteria in Sections 37.2.L, 37.2.M, and 37.2.N, as applicable. Upon completion of the review, the Planning Commission shall make a written recommendation regarding adoption of the amendment to the City Council.

3. The recommendation from the Planning Commission shall include a written statement of plan consistency. The statement shall advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan and any other adopted plan or policies that are applicable. A statement by the Planning Commission that a proposed amendment is inconsistent with the Comprehensive Plan or other applicable plans or policies shall not preclude consideration or approval of the proposed amendment by City Council.

4. If no written recommendation and statement of plan consistency is received from the Planning Commission within 30 days of the public hearing, the City Council may act on the amendment without the Planning Commission recommendation. If the Planning Commission does not make a recommendation within 30 days after the petition has been referred to it, then the Planning Commission shall be considered to have made a favorable recommendation, unless action was taken to defer.

5. The City Council is not bound by the recommendation, if any, of the Planning Commission.

L. Zoning Evaluation Criteria – Conventional Zoning Map Amendments

1. When considering a petition for a zoning map amendment to a conventional zoning district, the City Council and Planning Commission shall not evaluate the petition based on any specific proposal for the use or development of the affected property and the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development except for those which would apply to any use permitted in the requested zoning district.

2. In considering any petition for a zoning map amendment to a conventional zoning district, the City Council and Planning Commission may consider the following:

a. Whether the proposed zoning map amendment is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and any other adopted plans or policies that are applicable.

b. Whether all the uses allowed by the proposed zoning district would be acceptable uses within the context of the area and ensure compatibility with the use and enjoyment of neighboring properties.

c. The adequacy of public facilities and services intended to serve the subject property.

d. Whether the proposed rezoning will adversely affect a known archaeological, environmental, historical, or cultural resource.

e. Whether the proposed rezoning will further City goals of sustainability and resiliency.

M. Zoning Evaluation Criteria - Conditional Zoning Map Amendment

1. In considering any petition for a zoning map amendment to a conditional zoning district, the City Council may consider the following:

a. Whether the proposed zoning map amendment is consistent with the purposes, goals, objectives, and policies of the adopted Comprehensive Plan and any other adopted plans or policies that are applicable.

b. Whether the proposed zoning map amendment is compatible with the overall character of existing development in the vicinity of the subject property, and the uses acceptable within the context of the area.

c. The adequacy of public facilities and services intended to serve the subject property.

d. Whether the proposed zoning map amendment will adversely affect a known archaeological, environmental, historical, or cultural resource.

e. Whether the proposed rezoning will further City goals of sustainability and resiliency.

2. When considering any petition for a zoning map amendment to a conditional district, the City Council and Planning Commission shall not discriminate against affordable housing units for families or individuals with incomes below 80% of area median income.~~income.~~ Rezoning of property by the City Council based on considerations of limiting high concentrations of affordable housing is permissible.

N. Zoning Evaluation Criteria - Exception (EX) District Zoning Map Amendment

1. In considering an exception (EX) district zoning map amendment, the City Council may consider the following:

a. The evaluation criteria for conditional zoning map amendments in Section 37.2.M.1 above.

b. The public purpose to be served by permitting the requested modifications.

c. Consistency with any applicable adopted City Council policies for the area.

d. Compatibility with surrounding development or protection of unique existing elements.

e. Whether the proposed rezoning will further City goals of sustainability and resiliency.

f. Whether the modification is the minimum necessary.

g. The quality of the design of the structures and the site, including innovative development techniques.

h. Whether the district allows for new forms of architecturally and/or environmentally innovative design.

i. Whether the district encourages the redevelopment, restoration, and/or adaptive reuse of existing structures, if applicable.

2. When considering any petition for a zoning map amendment to an exception (EX) district, the City Council and Planning Commission shall not discriminate against affordable housing units for families or individuals with incomes below 80% of area median income. Rezoning of property by the City Council based on considerations of limiting high concentrations of affordable housing is permissible.

O. City Council Decision

1. After the Planning Commission or the applicable committee of the Planning Commission has taken action, the Planning Department staff shall place the proposed zoning map amendment on the agenda for the next regularly scheduled City Council meeting for rezoning hearings and decisions.

2. Planning Department staff shall forward the Planning Commission, or the applicable committee of the Planning Commission, written recommendation and statement of consistency for the zoning map amendment to the City Council, along with an updated staff review and recommendation.

3. If any person submits a written statement regarding a proposed zoning map amendment to the City Clerk at least two business days prior to the scheduled vote on the proposed amendment, the City Clerk shall deliver such written statement to the City Council members before action is taken.

4. Prior to a City Council decision, the petitioner for any conditional, including an exception (EX) district, zoning map amendment, shall agree in writing to the conditions submitted for the proposed map amendment.

5. The City Council shall review the proposed zoning map amendment. City Council's review shall consider the zoning map amendment evaluation criteria of this section.

6. Only those conditions approved by the City Council and consented to by the petitioner in writing may be incorporated into a conditional or exception (EX) district zoning map amendment. Unless consented to by the petitioner in writing, the City may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by applicable law.

7. When adopting or rejecting any zoning map amendment, the City Council shall approve a statement of plan consistency and reasonableness.

a. Plan Consistency

i. The statement of plan consistency shall describe whether the City Council's action is consistent or inconsistent with an adopted Comprehensive Plan.

ii. If a zoning map amendment is adopted and the action was deemed inconsistent with the Comprehensive Plan, the zoning map amendment shall have the effect of also amending the adopted ~~Comprehensive Plan~~ Policy Map and any applicable area plans that have been adopted.

b. Statement of Reasonableness

i. A statement analyzing the reasonableness of the proposed rezoning shall be approved by the City Council. The statement of reasonableness may consider, among other factors:

(A) The size, physical conditions, and other attributes of the area proposed to be rezoned.

(B) The benefits and detriments to the landowners, the neighbors, and the surrounding community.

(C) The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment.

(D) The action taken is in the public interest.

(E) Any changed conditions warranting the amendment.

8. If the City Council approves the zoning map amendment, it shall adopt an ordinance enacting the proposed amendment.

9. In approving a zoning map amendment to a conventional district, or with the consent of the petitioner in the rezoning to a conditional zoning district, including an exception (EX) district, the City Council may change the existing zoning designation of the property, or any part of the property covered by the petition, to another zoning district. This action may occur without the withdrawal or modification of the petition or further public hearings.

P. Conditional Zoning Approval in a City General Election Year

The City Council may not vote on a zoning map amendment to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the City Council holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing.

Q. Withdrawal of Modification of Pending Zoning Map Amendment Petition

1. Withdrawal

A request to withdraw a proposed zoning map amendment shall be made to the Planning Department staff. A petition can be withdrawn by the petitioner at any time prior to the day of the first publication of the public hearing notice. After that time, the City Council shall decide, on the date scheduled for the hearing, whether to allow the withdrawal.

2. Modification

a. A petitioner shall not be allowed to modify a proposed zoning map amendment after a public hearing has been scheduled unless such modification(s) are submitted to the UDO Administrator no later than four weeks prior to the scheduled public hearing. No modifications to the proposed zoning map amendment shall be accepted in the intervening weeks prior to the hearing. Also, no modifications to the proposed zoning map amendment shall be made at the hearing; however, potential modifications proposed by the petitioner, Planning Commission, City Council, and other interested parties may be considered by the City Council at the time of the hearing, if offered.

b. If modification to the petition is proposed by the petitioner after the public hearing, and before the Planning Commission recommendation, the Planning Commission shall evaluate whether a modification is substantial enough to recommend another public hearing, and make a recommendation to the City Council.

c. If the Planning Commission does not recommend another public hearing of a modified petition, it may defer action on the petition to a set date in order for staff and other interested parties to have the opportunity to review and comment on the amendment to the petition.

d. If the Planning Commission recommends that the modified petition move forward without recommending a deferral or new public hearing, the Planning Commission shall consider the revised petition and forward its recommendation to the City Council.

e. If a modification to the petition is proposed by the petitioner after the public hearing and the Planning Commission recommendation, the planning staff shall evaluate whether the modification is substantial enough to recommend another public hearing and make a recommendation to the City Council.

f. If the Planning Commission or Planning staff recommends a new public hearing for a modified petition, this recommendation shall be provided to the City Council at the next scheduled City Council meeting for rezoning hearings and decisions.

g. Even if the Planning Commission or Planning staff does not recommend a new public hearing, the City Council may, at its discretion, schedule the modified petition for a new public hearing, preceded by the notice required in Section 37.2.I.

h. If the petitioner wishes to modify the proposed zoning map amendment after the Planning Commission's recommendation and prior to a vote by the City Council, then prior to the time of the vote, the City Council shall refer the modified petition to the Planning Commission for a new review and a potentially updated recommendation unless the City Council, by a three-fourths vote of all members present, except members properly excused from voting, determines that the nature of the modification is such that the Planning Commission review and potential updated recommendation is not necessary.

R. Effect of Approval and Denial of Zoning Map Amendment

1. Effect of Approval

If a petition for zoning map amendment to a conditional zoning, including an exception (EX) district, is approved, the development and use of the property shall be governed by the requirements of the zoning regulations in place at the time of the zoning map amendment approval, as well as the site plan and conditions of the approved conditional zoning district.

2. Effect of Denial

a. A petition for a zoning map amendment for a property that has been denied, in whole or in part, or approved to a zoning district other than the one originally requested, shall not be resubmitted within two years of the date of the City Council's action on the original petition, except as permitted in item b below. This section shall not apply to rezoning petitions initiated by someone other than the property owner or authorized agent.

b. The City Council may, by a majority vote, allow resubmission of a zoning map amendment petition within the two-year time frame if it determines that, since the date of action on the prior petition, one or more of the following guidelines have been met:

i. There has been a similar or more intensive change in the zoning district designation of an adjacent property.

ii. The City Council has adopted a public policy plan, an updated Comprehensive Plan, an area plan, or a transportation plan that changes public policy regarding how the property affected by the amendment should be developed.

iii. Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred to serve the property and which infrastructure can accommodate the intensity of development allowed under the proposed classification.

iv. There has been some other substantial change in conditions or circumstances which justifies waiver of the two-year restriction on a new petition. This shall not include a change in the ownership of the subject property or, in the case of a petition for a zoning map amendment to a conditional zoning district, a change in the scale or features of the development proposed in the prior petition.

c. Prior to voting on the resubmission, the City Council shall receive a report from the Planning Department containing its recommendations on resubmission of the petition.

S. Changes to an Approved Conditional and Exception (EX) District Rezoning Petitions

Changes to approved conditional and exception (EX) plans and conditions of development will require a new application for a zoning map amendment, with a new public hearing, unless an approved administrative amendment, administrative minor adjustment, or variance is approved to allow the change

T. Expiration of Zoning Map Amendment Petition

If a decision on a proposed zoning map amendment has not been reached within two years from the date the zoning map amendment petition is submitted and deemed complete, then the petition shall become null and void.

37.3 ADMINISTRATIVE MINOR AMENDMENTS

A. Purpose and Applicability

1. An administrative minor amendment is defined as an amendment to a conditional zoning district, which includes an exception (EX) district, that does not significantly alter a conditional or exception (EX) site plan or its conditions and the change does not have a significant impact upon adjacent properties.

2. All other modifications to the conditions of an approved conditional or exception (EX) district require a new zoning map amendment petition.

B. Administrative Minor Amendment Process

1. Application

a. Any petition for an administrative minor amendment shall include the details of the requested change and shall be on a form prescribed by the Planning Department, signed by the property owner(s), and submitted to the ~~Zoning Administrator~~Planning Director. Accompanying the petition shall be the applicable fee for administrative review. Upon request, the petitioner shall provide any additional information that is requested.

b. If multiple parcels of land are subject to an approved conditional or exception (EX) district, the owners of individual parcels may apply for an administrative minor amendment to modify the conditions on their parcels so long as the modification would not result in other properties failing to meet the approved site plan, conditions, and standards of the zoning district and other regulations in the UDO or remove entitlements from other individual parcels without the owner's consent. Any modifications approved through an administrative minor amendment shall apply only to those properties whose owners apply for the administrative minor amendment.

c. Any changes that increase the density (number of dwelling units per acre) of the development or change allowed uses are considered to be significant changes that cannot be considered through an administrative minor amendment and shall go through the zoning map approval process to amend the conditional or exception (EX) site plan and conditions. Other significant changes to an approved site plan that cannot be considered an administrative minor amendment include the following:

i. Increasing the number of buildings.

ii. Adding driveway connections to arterials or limited access roads.

iii. Reducing vehicular or bicycle parking spaces below the minimum number or above the maximum number in ~~conventional,~~ conditional and exception (EX) plans.

iv. Reducing landscape yards and setbacks.

v. Moving structures closer to abutting properties in a Neighborhood 1 Place Type or Neighborhood 2 Place Type or closer to a single family, duplex, triplex, or quadraplex dwelling.

vi. Reducing open space.

vii. Changing owner occupied units to rental if noted on the site plan.

viii. Increasing the mass of buildings.

2. Staff Authority and Decision

a. The ~~Zoning Administrator~~Planning Director shall have the authority to approve or deny an administrative minor amendment to an approved conditional or exception (EX) plan or conditions. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan or its conditions and the change does not have a significant impact upon abutting properties.

b. The ~~Zoning Administrator~~Planning Director shall also have the discretion to decline to exercise the authority due to uncertainty about approval of the change pursuant to the standard or because a rezoning petition for a public hearing and City Council consideration is deemed appropriate under the circumstances. If the ~~Zoning Administrator~~Planning Director declines to exercise this authority, then the applicant can only file a rezoning petition for a new public hearing and Council decision.

3. Notification of Decision

The ~~Zoning Administrator~~Planning Director making the decision on a request for an administrative minor amendment shall give written notice to the property owner and to the party who sought the decision, if different from the property owner. The notice may be issued in print or electronic form. Any decision issued exclusively in electronic form shall be protected from further editing once issued. The written notice of the decision shall be delivered by personal delivery, email, or first-class mail. If the notice is sent by first-class mail, the notice shall be sent to the last address listed for the property owner or the affected property on the Mecklenburg County ~~T~~tax abstract, and to the address provided in the application if the owner is not the petitioner.

4. Appeals of Administrative Minor Amendment Decisions

a. The property owner or petitioner shall have 30 days from receipt of the written notice of decision within which to file an appeal with the clerk to the UDO Board of Adjustment. Any other person with standing to appeal has 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal. In the absence of evidence to the contrary, notice given by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

b. The UDO Board of Adjustment shall hold an evidentiary hearing to hear the appeal. The UDO Board of Adjustment may affirm, reverse, or modify the decision under appeal, making findings of fact and conclusions of law to support its decision.

c. Appeals of the UDO Board of Adjustment decision may be made to Mecklenburg County Superior Court.

37.4 ADMINISTRATIVE ADJUSTMENTS

A. Administrative Adjustments for Quantitative Regulations

1. Purpose and Applicability

Administrative adjustments to quantitative regulations allow for adjustment of quantitative regulations in the zoning regulations (Articles 3 through 22), except where articles specifically state otherwise. For other articles, administrative adjustments fall under the jurisdiction of the corresponding administrator.

2. Authority

a. The designated administrator for each article has the authority to administratively adjust the quantitative standards in the articles listed in item 1 above.

i. Standards may be adjusted by up to 10% by the designated administrator.

ii. Any changes that exceed the 10% threshold are not eligible for an administrative adjustment.

b. The Zoning Administrator shall have the authority to approve a handicap ramp or other encroachment compliant with ADA standards, if the encroachment is required by law and there is no other reasonable location.

c. The Zoning Administrator shall have the authority to approve an administrative adjustment to allow an encroachment into the frontage, side setback, rear setback, or landscape yards for the restoration or replacement of historic features on an existing structure in accordance with Section 14.1.

3. Zoning Exceptions and Limitations

a. The Zoning Administrator may not adjust quantitative standards related to zoning bonus provisions, density (residential units per acre), or signs.

b. The Zoning Administrator may not adjust specific conditions of an approved conditional zoning or exception zoning.

c. The Zoning Administrator may grant up to a 10% administrative adjustment or a two-foot administrative adjustment, whichever is greater, for frontages, side setbacks, rear setbacks, and landscape yards.

4. Procedure

a. Any request for an administrative adjustment shall include the details of the requested change, including a scaled survey or site plan, and shall be on an application form prescribed by the Planning Department, signed by the property owner(s), and submitted to the designated Administrator. Accompanying the application shall be the applicable fee for administrative review. Upon request, the applicant shall provide any additional information that is requested.

b. The designated administrator shall take reasonable steps to inform the owners of property abutting on that side of the location of the requested administrative adjustment or on all sides if all sides would be affected. The designated administrator shall inform the relevant abutting owner(s) that the owner is entitled to object. The abutting owner(s) shall have ten working days from the date of the letter to make comments to the Administrator. The designated administrator shall take into consideration any comments received. If any person with standing objects to the administrative adjustment with a stated reason before the written decision, the administrative adjustment shall be denied and the applicant may file for a variance.

c. Any request for a zoning administrative adjustment shall be reviewed by the Zoning Administrator and shall meet any one of the following four conditions to be approved:

i. The physical contours of the street, the land, or some other topographical or geographical feature is the basis for the error.

ii. The physical layout of the land and the structures upon the land are such that the Ordinance requirement cannot be met.

iii. Because of the nature of the abutting property or intervening topographical or geographical features, the application of the Ordinance requirement would not serve a useful purpose.

iv. The applicant has agreed to measures that would ameliorate the deviation from complete compliance with the Ordinance requirement.

v. An inadvertent error occurred which warrants the administrative adjustment. An inadvertent error includes, but is not limited to, a surveying error, a misunderstanding of a property line, or an error on the part of City or County staff.

d. For other administrative adjustment requests, the designated administrator shall review the administrative adjustment request against the following standards and determine that the adjustment meets each standard:

i. Is consistent with the overall intent of the applicable regulation or zoning district.

ii. Relieves a minor practical difficulty or supports compliance with ADA standards.

iii. Does not have a negative impact on public health, safety, and welfare.

5. Decision and Notification

a. The designated administrator may approve or deny the administrative adjustment. The administrator may also determine that the proposed adjustment is outside of the general intent of an administrative adjustment and decline to review the administrative adjustment.

b. The designated administrator shall give written notice to the owner of the property and to the party that sought the decision, if different from the property owner. The decision may be issued in print or electronic form. Any decision issued exclusively in electronic form shall be protected from further editing once issued. The written notice of the decision shall be delivered by personal delivery, email, or first-class mail. If the notice is sent by first-class mail, the notice shall be sent to the last address listed for the property owner or the affected property on the Mecklenburg County ~~T~~tax abstract, and to the address provided in the application if the owner is not the applicant.

6. Appeals of Administrative Adjustment Decisions

The property owner or applicant shall have 30 days from receipt of the written notice of decision within which to file an appeal with the clerk of the UDO Board of Adjustment. In the absence of evidence to the contrary, notice given by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

37.5 HISTORIC DISTRICT CERTIFICATE OF APPROPRIATENESS

The regulations and requirements for a historic district certificate of appropriateness are located in Section 14.1.

37.6 VESTED RIGHTS

Pursuant to N.C.G.S. Chapter 160D-102, “Definitions, Chapter 160D-108, “Vested Rights and Permit Choice”, and Chapter 160D-108.1, “Vested-Rights – Site Specific Vesting Plans, “there are 5 types of vested rights outlined in this section, with different vested right time periods and provisions: site-specific vesting plans, multi-phased development plans, preliminary subdivision plans, development permit vesting, and common-law vesting.

A. Applicability

1. The establishment of a vested right in this section does not preclude vesting under one or more of the other types of vesting outlined in this section.

2. A vested right, once established, precludes any action by the City that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the applicable land development regulations(s), except where a change in State or federal law mandating City and County enforcement occurs after the development application is submitted that has a fundamental and retroactive effect on the development or use.

3. Vested rights run with the land, except for the use of land for outdoor advertising governed by N.C.G.S. Chapter 136-131.1 and 136-131.2 in which case the vested rights granted run with the owner of a permit issued by the North Carolina Department of Transportation.

B. Site-Specific Vesting Plans

A site-specific vesting plan is a development plan in which the applicant receives vesting approved by City Council. A site-specific plan provides a description of the type and intensity of use for a specific parcel(s) of property. The approval of such plans gives the owner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan, in accordance with N.C.G.S. Chapter 160D-108.1(a), (b), and (c), including any amendments.

1. Site-Specific Development Plans

Conditional district (CD) and exception (EX) ~~re~~zoning map amendments are identified as site-specific vesting plans in this Ordinance.

2. Approval

a. A site-specific vesting plan associated with a conditional (CD) or exception EX zoning map amendment is approved by City Council, after notice and a legislative public hearing in accordance with Section 37.2, "Zoning Map Amendments."

b. A vested right becomes effective upon the date of approval.

3. Duration

Conditional and exception (EX) zoning map amendments are vested for a period of two years. An extended five-year vesting may be requested by a petitioner and approved by City Council through a zoning map amendment, for development where such extended period is warranted in light of all relevant circumstances, including but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions, or other considerations.

4. Termination

A site-specific vested right terminates at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

C. Multi-Phased Development Vesting Plans

A multi-phase development is a development containing at least 25 acres or more, planned to be developed in more than one phase, and subject to a master plan. A multi-phased development plan provides a description of committed elements including the type and intensity of uses for each phase.

1. Approval

A multi-phased development plan including committed elements showing the type and intensity of use for each phase associated with a conditional (CD) or exception (EX) zoning map amendment is approved by City Council, after notice and a legislative public hearing in accordance with Section 37.2, "Zoning Map Amendments".

2. Duration

The entire multi-phase development is vested at the time of the site plan approval of a conditional (CD) or exception (EX) zoning map amendment. The vesting is valid for seven years and is for the development regulations in place at the time of the approval.

3. Termination
A vested right for a multi-phased development plan expires at the end of the applicable vesting period.

D. Other Provisions for Site-Specific and Multi-Phased Development Vesting Plans

1. If a variance is required for a site-specific plan, it shall be obtained prior to the approval of a site-specific vesting plan, per N.C.G.S. 160D-108.1(a).

2. Approval of site-specific vesting does not preclude the application of overlay zoning regulations which impose additional requirements, but do not affect the allowable type or intensity of use, or regulations which are general in nature and are applicable to all property subject to development regulation.

3. New zoning regulations that occur after the approval of site-specific and multi-phased development vesting plans do not override the specific conditions and zoning regulations in effect at the time of approval of the conditional (CD) or exception (EX) site-specific or multi-phased development plans.

4. Following approval of a site-specific or multi-phased development vesting plan, the City and/or County may make subsequent reviews and require subsequent approvals to ensure compliance with the terms and conditions of the original approval.

5. An approved site-specific or multi-phased development vesting plan and its conditions may be amended with the approval of the owner and the City through a zoning map amendment in accordance with Section 37.2, or through an administrative minor amendment in accordance with Section 37.3.

6. The establishment of a site-specific or multi-phased development vested right does not preclude, change, or impair the authority of the City to adopt and enforce development regulations governing nonconforming situations or uses.

7. The City may revoke the original site-specific or multi-phased development plan approval for failure to comply with applicable terms and conditions of the original approval or the applicable local development regulations in accordance with N.C.G.S. Chapter 160D-403(f).

E. Preliminary Subdivision Plan Vesting

1. Approval
A preliminary subdivision plan is approved by the Subdivision, Streets, and Infrastructure Administrator in accordance with Section 30.6.

2. Duration
A preliminary subdivision plan approval is vested for a period of three years, allowing the developer to begin construction, including installation of utilities associated with the plan approval. After the installation has occurred, the plan remains valid until construction is complete. If no construction is started within three years, the preliminary subdivision plan is no longer valid and a new plan submittal and approval are required.

F. Development Permit Vesting Provisions
Development permits are administrative and quasi-judicial approvals that are required prior to commencing development or undertaking a specific activity, project, or development proposal, including, but not limited to, zoning permits, sign permits, site plan approvals, variances, certificates of appropriateness, driveway permits, soil erosion and sedimentation control permits, stormwater and land disturbance permits.

1. Approval
Upon approval and issuance of a development permit, vesting becomes effective upon the date the application was filed, as long as the permit remains valid, in accordance with N.C.G.S. Chapter 143-755.

2. Duration
Development permit approvals are vested for 12 months from the date the application was filed, and expires at 12 months unless work authorized by the permit is substantially commenced, or a development regulation provides for a longer permit expiration period, or the development regulation allows for time extension beyond the original 12 months, or provides a renewal process.

3. Termination

The vested right for a development permit shall expire for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months.

G. Common Law Vested Right

A common law vested right establishes the right to undertake and complete the development and use of property where substantial expenditure of resources (which can include the expenditure of money, time, and/or labor) were made in good faith and the expenditures were made in reliance on a valid development permit or development approval. A person claiming a common law vested right shall submit information to substantiate that claim to the designated administrator that demonstrates that substantial expenditures were made relying in good faith on a valid development permit or development approval. The designated administrator shall make a determination as to the existence of the vested right, as provided in N.C.G.S. § 160D-108(h). Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in §160D-108, nothing in this section shall be construed to alter the existing common law.

37.7 PERMIT CHOICE

A. If an applicant submits an application for any type of development, and a development regulation or ordinance is amended between the time the application was submitted and the development approval is made, the applicant may choose which adopted version of the development regulation(s) will apply to the building, structure, or land indicated on the application. If the applicant chooses the version applicable at the time of the application, the applicant shall not be required to await the outcome of the amendment to the regulation.

1. For the purposes of this section, the following definitions shall apply:

a. Development

Any of the following: 1) the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; 2) the excavation, grading, filling, clearing, or alteration of land; 3) the subdivision of land as defined in N.C.G.S. Chapter 160D-802; or 4) the initiation of substantial change in the use of land or in the intensity of use of land.

b. Development Regulation

Includes this Ordinance, zoning regulations, subdivision regulations, soil erosion and sedimentation control regulations, floodplain regulations, stormwater regulations, wireless telecommunication facility regulations, historic district regulations, or any local act or charter that regulates development. (N.C.G.S. Chapter 160D-102(14)).

c. Development Approval

An administrative or quasi-judicial approval that is written and required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, variances, certificates of appropriateness, subdivision plat approvals, subdivision of land, driveway plan approval, erosion and sedimentation control permits, sign permits, and other permits issued.

B. Where multiple development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of approval of the initial permit. For purposes of this section, an erosion and sedimentation control permit or sign permit is not an initial development permit.

C. If a permit application is on hold for six consecutive months, then permit choice is waived. If an applicant resumes an application after six months of discontinuation, then the rules in effect at the time of resuming apply.

37.8 VARIANCES AND APPEALS

A. Variances

1. Authority

The UDO Board of Adjustment has authority to hear and decide variances from the requirements of the Ordinance regulations.

2. UDO Board of Adjustment Variance Limitations

The UDO Board of Adjustment has no jurisdiction with respect to the following variances:

a. The UDO Board of Adjustment has no jurisdiction with respect to a zoning variance which would allow the establishment of a use that is not otherwise permitted in the zoning district, would result in the extension or expansion of a nonconforming building, structure, or use, or would change the zoning district boundary or zoning district designation of the subject property.

b. The UDO Board of Adjustment has no jurisdiction for conditional zoning districts and exception (EX) districts except if the request pertains to a variance from specified minimum requirements of the zoning regulations that are not associated with specifically approved conditions of the plan.

c. The UDO Board of Adjustment has no jurisdiction regarding the bonus provisions of Section 16.3.

d. The UDO Board of Adjustment has no jurisdiction to address or rule upon constitutional and federal and state statutory issues or any other legal issues beyond its statutory authority.

3. Initiation

a. Only ~~a~~ the ~~property~~ owner of the affected property, ~~authorized~~ an agent authorized in writing to act on ~~of~~ the ~~property~~ owner's behalf, ~~lessee,~~ or a person~~/entity holding~~ having a~~n option or~~written contractual interest ~~to purchase~~in the affected property~~, or lease land,~~ can apply for a variance.

~~**b.** A variance request in response to a receipt of a notice of violation may be filed within 30 days of the receipt of a notice of violation (NOV), with a non-refundable filing fee, as established by City Council. In the absence of evidence to the contrary, a notice of violation provided pursuant to N.C.G.S. § 160D-404(a) by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service. If an applicant fails to request a variance within the time period provided, then the applicant shall forfeit the right to seek variances for the stated violation(s). Failure to timely and properly file such notice and the fee shall constitute a waiver of any rights to a variance and the UDO Board of Adjustment shall have no jurisdiction to hear the variance.~~

~~c~~**b**. A variance request filed with the UDO Board of Adjustment stays all proceedings and enforcement actions including fines until the UDO Board of Adjustment renders its decision.

4. Application Submittal

All applications for a variance shall be in a form prescribed by the UDO Board of Adjustment and accompanied by the fee established by City Council and submitted to the clerk to the UDO Board of Adjustment.

5. Application Deadline

Complete applications shall be submitted in accordance with the City's filing deadline calendar, if applicable.

6. Application Documents

a. Application documents required under this Ordinance shall be submitted as required by the UDO Board of Adjustment.

b. For minor and major watershed variances, the applicant shall provide a list of those local governments having jurisdiction in the watershed where the subject property is located and entities utilizing the receiving waters of the watershed as a water supply, as required by the North Carolina Environmental Management Commission per the North Carolina Administrative Code, Rules 15A N~~.~~C~~.~~A~~.~~C~~.~~ 02B.0623, (5) and 15A N~~.~~C~~.~~A~~.~~C 02B.0624.

c. For floodplain variances, the applicant shall provide a written report addressing each of the items listed in Section 37.8.A.13.b.

d. For zoning variances, the applicant shall provide a scaled survey or site plan for variance requests from quantitative standards and dimensional standards of this Ordinance**.**

7. Determination of Completeness

Variance applications will not be considered properly filed until deemed complete and accurate by the designated administrator.

8. Staff Review and Recommendation

The clerk to the UDO Board of Adjustment shall transmit copies of the variance application to the designated administrator(s) and staff for review and preparation of a staff report.

9. Scheduling of Hearing and Notice

a. The UDO Board of Adjustment staff shall schedule an evidentiary hearing for the variance application when all requirements have been met and there is adequate time for staff to review and prepare a staff report on the variance request.

b. A notice of the hearing shall be prepared by the UDO Board of Adjustment staff.

i. The notice of the evidentiary hearing, including the location of the property and a description of the variance being requested, shall be mailed to the applicant, to the property owner if different from the applicant, and to property owners of all parcels adjacent the parcel of land that is the subject of the hearing, and to any other persons entitled to mailed notice. In the absence of evidence to the contrary, the City may rely on the Mecklenburg County tax abstract~~s~~ to determine owners of property entitled to mailed notice. The notice shall be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing.

ii. Notice of the hearing shall be prominently posted on the site or on an adjacent street or highway right-of-way.

iii. Notice of a hearing for a major watershed variance shall be mailed to the list provided by the petitioner of local governments having jurisdiction in the watershed where the subject property is located and/or entities utilizing the receiving waters of the watershed as a water supply at least ten working days prior to the hearing.

c. For a minor or major watershed variance, in addition to the notification requirements in item b above, the UDO Board of Adjustment staff shall mail a written notice to each local government having jurisdiction in the watershed where the subject property is located and/or any entity utilizing the receiving waters of the watershed as a water supply at least ten working days prior to the public hearing.

i. The notice shall include a description of the variance being requested.

ii. Recipients of the notice of the variance request may submit comments at least three working days prior to the scheduled hearing date by the UDO Board of Adjustment. Such comments, properly filed, shall become part of the record of proceedings.

10. Transmittal of Administrative Materials

a. The UDO Board of Adjustment staff shall transmit all materials prepared for the quasi-judicial meeting including applications, reports, written materials, and any comments received relevant to the matter being considered to the UDO Board of Adjustment members, the applicant, and the property owner if not the applicant, at the same time. The administrative materials may be provided in written or electronic form.

b. Comments on the variance for a minor or major watershed variance received at least three working days prior to the scheduled hearing shall also be transmitted to the UDO Board of Adjustment members, the applicant, and to the property owner if not the applicant, at the same time.

11. Evidentiary Hearing

a. The evidentiary hearing shall be conducted in accordance with N.C.G.S. Chapter 160D-406 and the rules and procedures adopted by UDO Board of Adjustment.

b. The applicant and any representatives, City and County staff, and all persons with standing shall have the right to participate fully at the evidentiary hearing.

c. Oaths shall be administered to witnesses by the presiding officer.

d. Counsel for the UDO Board of Adjustment may advise the Board as to applicable law and the findings of fact that shall be made for variances.

12. Quasi-Judicial Decision

a. The UDO Board of Adjustment shall determine the contested facts and make a quasi-judicial decision based on competent, material, and substantial evidence in the record.

b. A variance requires a majority vote of the members to make a decision on a variance request. Vacant positions on the UDO Board of Adjustment and members disqualified from voting shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternatives available to assume the place of such members.

c. The UDO Board of Adjustment shall follow quasi-judicial procedures in reviewing and deciding variances, and in reviewing and recommending a major watershed variance to the North Carolina Environmental Management Commission (EMC) for their review of a major watershed variance.

d. Except for a major watershed variance, the UDO Board of Adjustment may grant or deny a variance application, and may impose reasonable and appropriate conditions and safeguards on variances that the Board judges to be reasonably related to the variance.

e. For major watershed variances, the UDO Board of Adjustment has the following authority:

i. The UDO Board of Adjustment only has authority to deny a major watershed variance from the state required watershed regulations or recommend approval to the North Carolina Environmental Management Commission (EMC) as per Rule 15A NCAC 02B .0623 (5).

ii. If the UDO Board of Adjustment recommends that the major watershed variance be granted, the City shall, within 30 working days, forward a preliminary record of the Board's hearing to the North Carolina Environmental Management Commission (EMC) for final decision in accordance with the state's rules and regulations. The preliminary record of the hearing shall include:

(A) The variance application.

(B) The hearing notices.

(C) The evidence presented.

(D) Motions, offers of proof, objections to evidence, and rulings on them.

(E) Proposed findings and exceptions.

(F) The proposed decision, including all conditions proposed to be added to the permit.

iii. When the EMC approves or denies the major variance, the EMC will prepare an EMC decision and send it to the UDO Board of Adjustment. The UDO Board of Adjustment shall then prepare a final decision granting or denying the proposed variance. If the EMC approves the variance with conditions and stipulations, the UDO Board of Adjustment shall prepare a final decision, including such conditions and stipulations, granting the proposed variance. The EMC decision shall constitute the final decision on the major variance request and the applicant shall be notified of the decision by the UDO Board of Adjustment.

iv. Any appeal of the EMC decision of a major watershed variance shall be made on judicial review to Superior Court.

v. If the UDO Board of Adjustment makes a decision to deny the major watershed variance, then the record of the Board's hearing, findings, and conclusions shall not be forwarded to the EMC. Any appeal of the Board's denial of a major watershed variance shall be pursuant to this section and N.C.G.S. § 160D-406(k).

vi. The clerk of the UDO Board of Adjustment shall keep a record, including a description of each project receiving a watershed variance and any reasons stated for granting the variance, of all approved major and minor watershed variances. The City shall submit a record of the variances granted during the previous calendar year to the North Carolina Division of Environmental Management on or before January 1 of the following year. This record shall provide a description of each project receiving a variance and the reasons for granting the variance.

~~**f.** Variances shall not be issued when the variance shall make the structure in violation of other federal, state, or local laws, regulations, or ordinances.~~

~~**g**~~**f.** Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation shall not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

~~**h**~~**g.** The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.

~~**i**~~**h.** Any person or entity who wishes to receive a copy of the written decision of the UDO Board of Adjustment, shall file a written request for a copy of the UDO Board of Adjustment decision with the clerk to the UDO Board of Adjustment prior to the date the decision becomes effective.

13. Standards for Granting a Variance

a. Standards Applicable to Variances

When unnecessary hardships would result from carrying out the strict letter of zoning and development regulations, the UDO Board of Adjustment shall vary any of the provisions upon a showing of all of the following:

i. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

ii. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

iii. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

iv. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

Additional factors for consideration in granting Floodplain Variances are provided in Section 37.8.A.13.b. Additional factors for consideration in granting Water Supply Watershed Protection Variances are provided in Section 37.8.A.13.c.

b. Floodplain Variance - Factors for Consideration

i. Floodplain variances shall only be issued prior to approval of a floodplain development permit. In acting upon variances, in addition to the standards for granting a variance in this section, the UDO Board of Adjustment shall consider all technical evaluations, all standards of Article 27, and the following in making their decision:

(A) Danger that materials allowed to be placed in the floodway as a result of the variance may be swept onto other lands to the injury of others during a community base flood.

(B) Danger to life and property due to flooding or erosion damage from a community base flood.

(C) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage during the community base flood.

(D) Importance of the services provided by the proposed facility to the community.

(E) Necessity to the facility of a waterfront location, where applicable.

(F) Availability of alternative locations, not subject to flooding or erosion damage during a community base flood, for the proposed use.

(G) Compatibility of the proposed use with existing and anticipated development.

(H) Relationship of the proposed use to the ~~Mecklenburg County~~ Floodplain ~~Management~~ Regulations Technical Guidance Document, Mecklenburg County Hazard Mitigation Plans, the Mecklenburg County Greenway Plan, and any other adopted land use plans for that area.

(I) Safety of access to the property in times of a community base flood for ordinary and emergency vehicles.

(J) Expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters during a community base flood expected at the site.

(K) Costs of providing governmental services during and after flood events, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, and water systems and streets and bridges.

ii. In addition to the other factors for consideration in this section, the following shall apply to floodplain variances:

(A) Floodplain variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

(B) Floodplain variances shall not be issued within any designated floodway if the variance would result in any increase in flood heights during the community and/or FEMA base flood discharge unless the requirements of Section 27.4.E are met.

(C) Floodplain variances shall not be issued that would result in additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.

(D) Floodplain variances shall be considered if the variance request is the minimum necessary, considering the flood hazard, to afford relief**.**

(E) Variances may be issued for functionally dependent facilities, if determined to meet the definition of Article 27, provided the provisions of Sections 27.3 and 27.4 have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(F) A floodplain variance to the requirement for dryland access may be granted by the UDO Board of Adjustment if dryland access cannot be obtained, upon consideration of the following conditions:

(1) A determination that all possible alternatives have been investigated in an attempt to provide the safest access from a proposed habitable building to a dry public street.

(2) The existence of a site plan prepared by a North Carolina Professional Land Surveyor or North Carolina Professional Engineer indicating that the proposed access to habitable buildings on the property poses the least risk from flooding.

(G) A floodplain variance may be issued by the UDO Board of Adjustment for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas provided that all of the following criteria are met:

(1) The use serves a critical need in the community.

(2) No feasible location exists for the use outside the special flood hazard areas.

(3) The lowest floor of any structure is elevated above the FPE or is designed and sealed by a North Carolina Professional Engineer or a North Carolina Licensed Architect to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(4) There shall be no storage of materials or tanks which could flood within the special flood hazard area unless they are contained in a structure as defined in item (3) above.

(5) The use complies with all other applicable laws and regulations.

(6) The City has notified the Secretary of the State Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

c. Water Supply Watershed Protection Variances (Article 23)

i. A watershed variance that would not result in a relaxation of the state watershed standards shall comply with the procedures and standards of Section 37.8.A.

ii. A major watershed variance is a variance that would result in the relaxation of a state watershed standard and any one or more of the following and shall comply with the procedures and standards of 37.8.A.13.c for major watershed variances:

(A) The relaxation, by a factor greater than 10%, of any management requirement under the Low-Density Option.

(B) The relaxation, by a factor greater than 5% of any water quality buffer, density, or built-upon area requirement under the High-Density Option.

(C) Any variation in the design, maintenance, or operation requirements of a wet detention pond or other approved storm water management system.

iii. A minor watershed variance is a variance that would result in the relaxation of a state watershed standard and any one or more of the following and shall comply with the procedures and standards of 37.8.A.13.c for minor watershed variances:

(A) The relaxation, by a factor less than 10%, of any management requirement under the Low-Density Option.

(B) The relaxation, by a factor less than 5% of any water quality buffer, density, or built-upon area requirement under the High-Density Option.

iv. The UDO Board of Adjustment and the North Carolina Environmental Management Commission (EMC), in granting a minor or major watershed variance, shall ensure that the project will provide equal or better protection of North Carolina waters than the requirements of Rules 15A NCAC 02B .0621-.0624 of the North Carolina Administrative Code and that the stormwater controls will function in perpetuity.

14. Written Decisions and Delivery

a. Each quasi-judicial decision shall be reduced to writing, reflect the UDO Board of Adjustment's determination of contested facts and their application to the applicable standards, and be approved by the UDO Board of Adjustment and signed by the Chairperson, or other duly authorized member.

b. The written decision shall be issued in print or electronic form. Any decision issued exclusively in electronic form shall be protected from editing, once issued. The written decision shall be delivered by personal delivery, email, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective.

c. The UDO Board of Adjustment staff member required to deliver the decision notice shall certify to the City that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

d. If a variance from the FEMA base flood elevation is granted, the following apply:

i. Any applicant to whom a variance from the FEMA base flood elevation is granted shall be given a written notice from the Floodplain Administrator specifying the difference between the FEMA base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance shall be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions by the UDO Board of Adjustment.

ii. The Floodplain Administrator shall report any variances regarding NFIP minimum standards to FEMA and the state upon request.

15. Effective Date of Decision

A quasi-judicial decision is effective upon filing the written decision with the clerk of UDO Board of Adjustment. Quasi-judicial decisions of the NCEMC shall become effective when received by the clerk of the UDO Board of Adjustment.

16. Effect of Granting a Variance

a. After the approval of a variance, the applicant will be required to follow the procedures to develop the subject property. All decisions made by administrative officers under those procedures will comply with the variation in these regulations granted to the applicant.

b. Variances attach to and run with the land.

17. Judicial Review

a. ~~If any party contemplates an appeal to a court of law, the party shall request and obtain, at that party's own cost, a transcript of the proceedings.~~If a petition for review pursuant to N.C.G.S. §160D-406(k) is filed, then the petitioner must order from the court recorder and pay for the original transcript of the hearing for delivery to the clerk of the UDO Board of Adjustment for the preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the City shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed.

b. Every quasi-judicial decision shall be subject to review by the Mecklenburg County Superior Court, in the nature of certiorari. Appeals shall be filed by the later of 30 days after the decision is effective or after a written copy of the decision is provided by personal delivery, email, or by first-class mail to the applicant, property owner and to any person who has submitted a written request for a copy prior to the date the

decision becomes effective. When first-class mail is used to deliver the decision, mail shall be deemed delivered on the third business day following deposit of the notice for mailing with the United States Postal Service.

B. Appeals

1. Appeals of Administrative and Quasi-Judicial Actions

a. Appeals to the UDO Board of Adjustment can be initiated for administrative decisions by staff, administrators, directors, and designees. Administrative decisions include, but are not limited to:

i. Orders, decisions, determinations, and interpretations of Ordinance regulations

ii. Subdivision preliminary plan

iii. Subdivision final plat

iv. Notices of violation (NOV)

v. Assessment of penalties and remedies

vi. Compliance orders

vii. Cease and desist order

viii. Stop work order

ix. Disapproval or modification of a proposed erosion and sedimentation control plan

x. Corrective Action

2. Time to Appeal

a. The owner or other party has 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal has 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal, except for the following:

i. Post Construction Stormwater Control Appeal
The UDO Board of Adjustment may waive or extend the 30 day deadline only upon determining that the person filing the notice of appeal received no actual or constructive form of notice of the order, decision, determination, or interpretation being appealed.

b. In the absence of evidence to the contrary, notice given pursuant to N.C.G.S. Chapter 160D-403(b) by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

3. Initiation

a. Persons possessing any of the following criteria have standing to appeal:

i. A person having an ownership interest in the property that is the subject of the decision being appealed; a leasehold interest in the property that is the subject of the decision being appealed; or an interest created by easement, restriction, or covenant in the property.

ii. A person with an option or contract to purchase the property that is the subject of the appeal.

iii. An applicant whose decision is being appealed.

iv. Any other person who will suffer special damages as the result of the decision being appealed.

v. An incorporated or unincorporated association to which owners or lessees of the property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of a particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.

4. Filing a Notice of Appeal

Appeals of an administrative decision (see Section 37.8.B.1) by a designated administrator, director of a department or agency, or their designees shall be filed with the clerk to the UDO Board of Adjustment, along with a filing fee set by the Planning Department.

5. Determination of Completeness

An appeal will not be placed on the UDO Board of Adjustment agenda until the application is deemed complete, and accurate by the designated administrator.

6. Supplementary Regulations

Specific articles of this Ordinance have supplementary regulations related to appeals. These articles are arranged in alphabetical order below.

a. Post Construction Stormwater Control Appeals (Article 25)

If an appeal is made regarding the amount of the civil penalties assessed, the UDO Board of Adjustment shall find that the violation has occurred, but that in setting the amount of a penalty the Stormwater Administrator has not considered or given appropriate weight to either mitigating or aggravating factors. In making their decision, the UDO Board of Adjustment shall either decrease or increase the per day civil penalty within the range allowed in Section 39.2.D.6. Any decision of the UDO Board of Adjustment which modifies the amount of the civil penalty shall include, as part of the findings of fact and conclusions of law, findings as to which mitigating or aggravating factors exist and the appropriate weight that should have been given to such factors by the Stormwater Administrator in setting the amount of the civil penalty levied against the petitioner.

b. Soil Erosion and Sedimentation Control Plan Appeals (Article 28)

i. Disapproval or Modification of Proposed Plan

Procedures for an appeal of the disapproval or modification of the proposed plan are as follows:

(A) The disapproval or modification of any proposed plan by the Stormwater Administrator shall entitle the person submitting the plan (petitioner) to file a written request for an appeal with the clerk of the UDO Board of Adjustment within 30 days after receipt of the notice of disapproval or modification. Notice of the disapproval or modification sent by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service. The request for a hearing filed with the clerk shall be accompanied by a filing fee as established by the UDO Board of Adjustment. Failure to timely file such demand and fee shall constitute a waiver of any rights to appeal under Article 28 and this article, and the UDO Board of Adjustment shall have no jurisdiction to hear the appeal.

(B) Within five days of receiving the request for an appeal, the clerk of the UDO Board of Adjustment shall notify the Stormwater Administrator. As soon as possible after the receipt of the notice, the ~~Stormwater Administrator~~clerk of the UDO Board of Adjustment shall set a time and place for the hearing and notify the petitioner by mail of the date, time, and place of the hearing. As per N.C.G.S. § 160D-406, notices of hearings shall be mailed to: 1) the person or entity whose appeal, is the subject of the hearing; 2) to the owner of the property that is the subject of the hearing, if the owner did not initiate the hearing; and 3) to the owners of all parcels of land adjacent to the parcel of land that is the subject of the hearing. The time specified for the hearing shall be either at the next regularly scheduled meeting of the UDO Board of Adjustment or as soon thereafter as practical, or at a special meeting. The hearing shall be conducted by the UDO Board of Adjustment in accordance with Sections 37.8.B.9 through 37.8.B.14.

(C) If the UDO Board of Adjustment upholds the disapproval or modification of a proposed plan following the public hearing, the petitioner shall have 30 days from the receipt of the decision to appeal the decision to the North Carolina State Sedimentation Control Commission pursuant to Title 15, Article 4B, Section .0018(b) of the North Carolina Administrative Code and N.C.G.S. § 113A-61(c). Notice given by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ii. Notice of Violation with Penalty Appeal

Procedures for an appeal of the issuance of a Notice of Violation with an assessment of a civil penalty are as follows:

(A) If the UDO Board of Adjustment finds that the violation has occurred, but that in setting the amount of the penalty, the Stormwater Administrator has not considered or given appropriate weight to either mitigating or aggravating factors, the UDO Board of Adjustment shall either decrease or increase the per day civil penalty within the range allowed by Section 39.2.F.2.d. Any decision of the UDO Board of Adjustment which modifies the amount of the civil penalty shall include, as part of the findings of fact and conclusions of law, findings as to which mitigating or aggravating factors exist and the appropriate weight that should have been given to such factors by the Stormwater Administrator in setting the amount of the civil penalty levied against the petitioner.

(B) Any person issued a notice of violation with penalty may file a request with the Sedimentation Control Commission for remission of the assessment within 30 days of receipt of the notice. A remission request shall be accompanied by a waiver of the right to a contested case hearing pursuant to N.C.G.S. § 150B-22 of the North Carolina General Statutes and stipulation of the facts on which the assessment was based.

c. Drainage Appeals (Article 24)

i. If an appeal is made regarding the amount of the civil penalties assessed, the UDO Board of Adjustment shall find that the violation has occurred, but that in setting the amount of a penalty the Stormwater Administrator has not considered or given appropriate weight to either mitigating or aggravating factors. In making their decision, the UDO Board of Adjustment shall either decrease or increase the per day civil penalty within the range allowed in Section 39.2.G.5. Any decision of the UDO Board of Adjustment which modifies the amount of the civil penalty shall include, as part of the findings of fact and conclusions of law, findings as to which mitigating or aggravating factors exist and the appropriate weight that should have been given to such factors by the Stormwater Administrator in setting the amount of the civil penalty levied against the petitioner.

7. Stay of Enforcement and Penalties

a. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any penalties/fines assessed while:

i. The appeal is pending to the UDO Board of Adjustment.

ii. Any subsequent appeal is pending to Mecklenburg County Superior Court.

iii. The appeal is pending from a civil proceeding.

iv. Any subsequent appeal that is authorized by law.

b. However, if the designated administrator who made the decision certifies to the board after the notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property, or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation, then enforcement proceedings are not stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the designated administrator a request for an expedited hearing of the appeal, and the UDO Board of Adjustment shall meet to hear the appeal within 15 days after the request is filed.

~~**c.** If enforcement proceedings are not stayed, the person filing the appeal may file a request with the designated administrator for an expedited hearing of the appeal, and the UDO Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed.~~

~~**d**~~**c.** The following stay of proceedings provisions apply to specific sections of this Ordinance. In the case of any conflicts, the standards below shall control:

i. Post Construction Stormwater Control (Article 25)
The filing of a notice to appeal shall stay any proceedings in furtherance of the contested action, except the Stormwater Administrator may certify in writing to the UDO Board of Adjustment that because of facts stated in the certificate, a stay imposes an imminent peril to life or property or would seriously interfere with the enforcement of this article. The UDO Board of Adjustment shall then review such certificate and may override the stay of further proceedings.

ii. Drainage (Article 24)
The filing of a notice to appeal shall stay any proceedings in furtherance of the contested action, except the Stormwater Administrator may certify in writing to the UDO Board of Adjustment that because of facts stated in the certificate, a stay imposes an imminent peril to life or property or would seriously interfere with the enforcement of this article. The UDO Board of Adjustment shall then review such certificate and may override the stay of further proceedings.

iii. Tree Appeals (Article 20, Sections 20.12 through 20.18)
The filing of a notice to appeal shall stay any proceedings and accrual of any fines during the pendency of the appeal to the UDO Board of Adjustment, unless the Chief Urban Forester who made the decision certifies to the UDO Board of Adjustment that because of the facts stated in the certificate, a stay would cause imminent peril to life or property or that because the violation charged is transitory in nature, a stay would seriously interfere with the enforcement of Article 20, Sections 20.12 through 20.18and this Ordinance. In that case, enforcement shall not be stayed except by a restraining order, which may be granted by a court.

8. Staff Review and Recommendation
The clerk to the UDO Board of Adjustment shall transmit the appeal to the designated administrator and staff for review ~~and preparation of a staff report,~~ and ~~to~~ schedule an evidentiary public hearing before the UDO Board of Adjustment.

9. Scheduling of Hearing and Notice

a. The clerk to the UDO Board of Adjustment shall schedule an evidentiary hearing for the appeal when the designated administrator confirms all requirements have been met and there is adequate time for staff to review ~~and prepare a staff report on~~ the appeal.

b. A notice of the hearing shall be prepared by the UDO Board of Adjustment staff.

i. The notice of the evidentiary hearing, including the information on the appeal being requested, shall be mailed to the person or entity whose appeal is the subject of the hearing, to the property owner of the property that is the subject of the hearing if the owner did not file the appeal, and to any other persons entitled to receive notice. In the absence of evidence to the contrary, the City may rely on the Mecklenburg County tax abstract~~s~~ to determine owners of property entitled to mailed notice. The notice shall be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing.

ii. Notice of the hearing shall be prominently posted on the site or on an adjacent street or highway right-of-way, within at least ten days, but not more than 25 days, prior to the date of the hearing.

10. Transmittal of Administrative Materials
The UDO Board of Adjustment staff shall transmit all materials prepared for the quasi-judicial hearing, including applications, reports, written materials, and any comments received relevant to the matter being considered to the UDO Board of Adjustment members, the applicant, and to the property owner if not the applicant, at the same time. The administrative materials may be provided in written or electronic form.

11. Evidentiary Hearing

a. The evidentiary hearing shall be conducted in accordance with the rules and procedures adopted by UDO Board of Adjustment and N.C.G.S. §~~Chapter~~ 160D-406.

b. The designated administrator, director of the department or agency, or their designee, who made the decision being appealed, or the person currently occupying that position, if the decision maker is no longer employed, shall be present at the evidentiary hearing as a witness.

c. The applicant and any representatives, City and County staff, ~~witnesses,~~ and all ~~parties~~ persons with standing shall have the right to fully participate at the evidentiary hearing.

d. Oaths shall be administered to witnesses by the presiding officer.

e. Counsel for the UDO Board of Adjustment may advise the Board as to applicable law and the findings of fact that shall be made for appeals.

f. ~~The applicant and any representatives, City and County staff, and all parties with standing~~Other witnesses may present competent, material, and substantial evidence that is not repetitive, as allowed by the UDO Board of Adjustment.

12. Quasi-Judicial Decision

a. The UDO Board of Adjustment shall follow quasi-judicial procedures in reviewing the appeal, determining the contested facts, and making a quasi-judicial decision, based on competent, material, and substantial evidence in the record.

b. The UDO Board of Adjustment may reverse or affirm, wholly or partly, or may modify the administrative or quasi-judicial decision appealed from and shall make any order, requirement, decision, determination, or interpretation that ought to be made only upon finding an error in the application of these regulations on the part of the officer rendering the order, requirement, decision, or determination. The Board shall have all the powers of the designated administrator or director or their designee who made the decision.

c. The UDO Board of Adjustment requires a majority vote of members to reverse any order, requirement, decision, determination, or interpretation of any administrative official under an appeal, per the City Charter. Vacant positions on the Board and members who are disqualified from voting on an appeal shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

d. ~~If either party contemplates an appeal to a court of law, the party shall request and obtain, at that party's own costs, a transcript of the proceedings.~~If a petition for review pursuant to N.C.G.S. §160D-406(k) is filed, then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the clerk of the UDO Board of Adjustment for the preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the City shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of a debt owed.

13. Written Decisions and Delivery

a. Each quasi-judicial decision shall be reduced to writing, reflect the UDO Board of Adjustment's determination of contested facts and their application to the applicable standards, and be approved by the UDO Board of Adjustment and signed by the Chairperson, or other duly authorized member.

b. The written decision may be issued in print or electronic form. Any decision issued exclusively in electronic form shall be protected from editing, once issued. The written decision shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, if not the applicant, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. If the notice is sent by first-class mail, the notice shall be sent to the last address listed for the property owner or the affected property on the Mecklenburg County ~~T~~tax abstract, and to the address provided in the application if the owner is not the applicant.

c. Any party or entity who wishes to receive a copy of the written decision of the UDO Board of Adjustment, shall file a written request for a copy of the UDO Board of Adjustment decision with the clerk to the UDO Board of Adjustment prior to the date the decision becomes effective.

d. The UDO Board of Adjustment staff member required to deliver the decision notice shall certify to the City that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

e. The UDO Administrator shall maintain the records of all appeal actions.

14. Effective Date of Decision

A quasi-judicial decision is effective upon filing the written decision with the clerk of UDO Board of Adjustment.

15. Judicial Review

a. Appeals of a quasi-judicial decision by the UDO Board of Adjustment, in the nature of certiorari, shall be made to the clerk of the Mecklenburg County Superior Court. Appeals shall be filed by the later of 30 days after the decision is effective or after a written copy of the decision is provided by personal delivery, email, or by first-class mail to the applicant, property owner and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. When first-class mail is used to deliver the decision, mail shall be deemed delivered on the third business day following deposit of the notice for mailing with the United States Postal Service.

b. ~~If either party contemplates an appeal to a court of law, the party shall request and obtain, at that party's own costs, a transcript of the proceedings.~~If a petition for review pursuant to N.C.G.S. § 160D-406(k) is filed, then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the clerk of the UDO Board of Adjustment for the preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the City shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owned.

37.9 DEVELOPMENT REVIEW AND APPROVAL PROCESSES

Development review and approval is intended to ensure that the development meets the requirements of this Ordinance. Development review and approval shall follow procedures and practices established by the City, this Ordinance, and other ordinances as applicable.

Article 38. Nonconformities

38.1 GENERAL PROVISIONS
38.2 NONCONFORMING USES
38.3 NONCONFORMING STRUCTURES
38.4 NONCONFORMING ACCESSORY USES AND ACCESSORY STRUCTURES
38.5 NONCONFORMING EXTERIOR LIGHTING
38.6 NONCONFORMING SIGNS
38.7 NONCONFORMING SITE ELEMENTS
38.8 NONCONFORMING LOTS

38.1 GENERAL PROVISIONS

A. Purpose

The purpose of this article is to regulate and limit the continued existence of structures, uses, lots, site elements, or signs that do not conform to these regulations but were lawfully established by Ordinance regulations prior to the effective date of this Ordinance, and any subsequent amendments.

B. Authority to Continue

1. Any structure, use, lot, site element, or sign that legally existed as of the effective date of this Ordinance and has been made nonconforming as of the effective date of this Ordinance may continue subject to the provisions of this article.

2. Any use, structure, lot, site element, or sign that legally existed after the effective date and has been made nonconforming due to a subsequent amendment of this Ordinance after that effective date may continue subject to the provisions of this article.

C. Burden on Property Owner

The burden of establishing a nonconformity under the provisions of this Ordinance is the responsibility of the property owner or operator of the nonconforming structure, use, lot, site element, or sign. Based upon the evidence presented, the Zoning Administrator will make a determination of the validity of the nonconforming status.

38.2 NONCONFORMING USES

Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses may continue only in accordance with the provisions of this section.

A. Normal repair and maintenance may be performed to allow the continuation of a nonconforming use.

B. A nonconforming use shall not be expanded, nor shall a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located or expansion into additional lot area.

C. A structure in which a nonconforming use is located and will be maintained shall not be moved unless the use thereafter shall conform to the standards of the zoning district(s) to which it is moved.

D. A nonconforming use of a structure or land may be changed to another nonconforming use within the same use category of the Use Matrix in Article 15 if the change to another nonconforming use does not generate any secondary effects such as more automobile or truck traffic, noise, vibration, smoke, dust, or fumes than the original nonconforming use as determined by the Zoning Administrator.

E. Once a nonconforming use is changed to a conforming use, the nonconforming use shall not be re-established.

F. Where a nonconforming use is visibly discontinued for 12 consecutive months, the use shall not be re-established or resumed, and any subsequent use of the land or structure shall conform to the requirements of this Ordinance

G. Where a structure in which a nonconforming use is located is destroyed or damaged by fire, flood, wind, or other act(s) of God, the structure may be repaired or restored to its original dimensions and conditions and the nonconforming use re-established as long as a building permit application for the repair or restoration is submitted within 18 months of the date of the damage.

38.3 NONCONFORMING STRUCTURES

A nonconforming structure may continue in accordance with the provisions of this section.

A. Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.

B. Except as provided in items C and D below, a nonconforming structure shall not undergo a change of use, renovation, or expansion.

C. Unless otherwise stated elsewhere in the Ordinance, a nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of this Ordinance, provided that:

1. The change of use is to a use allowed within the zoning district.

2. The number of parking spaces provided for the use is in conformity with the requirements of this Ordinance.

D. A nonconforming structure may be expanded, without bringing the remainder of the nonconforming structure into conformity, only if the expansion and the area of the lot into which the expansion is taking place are both in conformance with the requirements of this Ordinance.

1. Further, additions to legally nonconforming structures in the following zoning districts are subject to the following standards: Neighborhood Commercial Zoning Districts, Regional Activity Center Zoning Districts, Innovation Mixed-Use Zoning Districts, Transit Oriented Development Zoning Districts, and the IC-2, RC~~-1~~, and CAC-2 Zoning Districts.

a. When an addition does not exceed 25% of the gross floor area of the structure or 1,000 square feet, whichever is less, the addition shall meet only the following standards:

i. Building siting standards:

(A) Required setback line by frontage type.

(B) Build-to zone. The Zoning Administrator may waive this requirement, if it is determined the build-to zone is not practical.

(C) Minimum build-to percentage. The Zoning Administrator may waive this requirement, if it is determined the minimum build-to percentage is not practical.

(D) Side and rear setbacks.

ii. Maximum ~~B~~building height~~, including minimums and maximums~~.

b. When an addition equals or exceeds 25% of the gross floor area of the structure or 1,000 square feet, whichever is less, the addition shall comply with zoning district standards, with the exception of requirements for vertical distance between building entry and sidewalk.

2. If additions to the structure are incremental, the sum total of all expansions that occur after the effective date of this Ordinance shall be recorded to ensure the limitation of item 1 above is not exceeded.

E. Alterations to nonconforming structures shall not increase in the degree of nonconformity of any feature that previously rendered them nonconforming.

F. A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning district in which it is located.

G. Where a nonconforming structure is destroyed or damaged by fire, flood, wind, or other act(s) of God, the structure may be repaired or restored to its original dimensions and conditions as long as a building permit application for the repair or restoration is issued within 18 months of the date of the damage.

H. An existing manufactured home located in a nonconforming manufactured home park may be replaced with another manufactured home provided the number of manufactured home units may not be increased beyond the number available before replacement and the replacing manufactured home shall not create nonconforming setbacks, separation distances, or increase existing nonconforming setbacks or separation distances.

38.4 NONCONFORMING ACCESSORY USES AND ACCESSORY STRUCTURES

A. No nonconforming accessory use or accessory structure shall continue after the principal use or structure is discontinued, damaged, or destroyed unless such accessory use or accessory structure thereafter is made to conform to the standards ~~for~~ of the zoning district in which it is located.

B. An existing, nonconforming aboveground utility accessory structure or mechanical equipment may be replaced provided the replacement structure does not increase any existing nonconformity caused by an extension into a required side or rear setback. The replacement nonconforming aboveground utility accessory structure or mechanical equipment shall not exceed 42 inches in height if located in an established setback along a frontage.

C. A nonconforming accessory use or accessory structure may be expanded only if the nonconforming features of that use or structure are not expanded so as to increase the degree of nonconformity.

38.5 NONCONFORMING EXTERIOR LIGHTING

The Zoning Administrator may permit alterations to existing nonconforming lighting that brings such lighting into greater conformance but not entirely into conformance. (*For example, if the fixture is replaced so that the lighting meets cut-off standards but remains nonconforming in terms of height, such action may be permitted by the Zoning Administrator.*)

38.6 NONCONFORMING SIGNS

A. Nonconforming On-Premise Signs

Notwithstanding 39.2.E.4.b, nonconforming on-premise signs shall be subject to all applicable nonconforming provisions of this Ordinance and may remain until one of the following occurs:

1. The sign(s) is moved, removed, or replaced by voluntary action. Any such sign, or portion thereof, which is required to be relocated due to a governmental action, such as a roadway improvement, may be moved to another location on the same property.

2. Any change to the sign that is not one of the following:

a. Necessitated by routine maintenance or repairs.

b. Necessitated for compliance with minimum building or electrical codes.

c. A change to the existing sign face not involving the modification of the size or shape of the sign face.

3. Approval of a sign permit application to add new or additional signage to the site of a nonconforming sign.

B. Nonconforming Outdoor Advertising Signs

1. Existing outdoor advertising signs that do not meet the standards of Table 22-4 or Table 22-5 but conform to the standards of Table 22-6 may continue and are deemed nonconforming.

2. Existing outdoor advertising signs that do not meet the standards of Table 22-4, Table 22-5, or Table 22-6, but can be rebuilt or replaced to conform to the standards of Table 22-6, may be rebuilt or replaced so long as the sign height and sign area are not increased. A sign permit shall be obtained to rebuild or replace such sign and the sign permit obtained shall be valid and unexpired prior to the removal of the existing sign.

38.7 NONCONFORMING SITE ELEMENTS

A. Definition

A nonconforming site element is a physical characteristic of a site such as landscape, fences or walls, and parking and loading. This does not include nonconforming accessory uses and accessory structures, exterior lighting, and signs which are regulated by Sections 38.4, 38.5, and 38.6 respectively.

B. Applicability

A nonconforming site element may continue in accordance with the provisions of this section.

C. Maintenance

Normal maintenance and incidental repair to a nonconforming site element may be performed. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity. Resealing, resurfacing, or re-striping of an existing parking lot~~, which does not entail paving, resurfacing, or replacement of the asphalt, concrete, or other surface paving material,~~ is considered normal maintenance and incidental repair.

D. Required Conformance

Unless otherwise stated elsewhere in the Ordinance, all nonconforming site elements must be brought into conformance when there is construction of a new principal building.

38.8 NONCONFORMING LOTS

A. Except as provided in item B below, a nonconforming lot may be used for any of the uses permitted in the zoning district in which it is located, provided that the development on the lot meets all dimensional and design standards of that zoning district.

B. A vacant nonconforming lot shall not be used if it could be combined with another vacant adjoining lot(s) owned by the same person, or entity, in order to create one or more conforming lots. When a single property owner owns only two existing adjoining nonconforming lots, and the combination would result in the creation of a single lot that is more than 1.5 times the width and area required in the zoning district, the single lot may be divided into two lots of equal width and area without being further classified as nonconforming.

Article 39. Enforcement

39.1 INSPECTIONS
39.2 ENFORCEMENT

39.1 INSPECTIONS

Section 39.1.A provides regulations and procedures applicable to all inspections and investigations related to this Ordinance. Subsequent sections provide supplementary information that is specific to the various articles. Supplementary sections are arranged alphabetically by article title. The following articles do not have supplementary information related to inspections by the designated administrators: zoning (Articles 3 through 21), water supply watershed protection (Article 23), surface water improvement and management (SWIM) buffers (Article 26), floodplain regulations (Article 27), and tree protection (Article 20, Sections 20.12 through 20.18).

A. Applicable to All Inspections and Investigations

1. City and County administrative staff may enter and inspect any premises, including land, buildings, and structures, within the jurisdiction of the City to determine compliance with the terms of applicable development approvals, or rules or orders adopted or issued pursuant to this Ordinance, and applicable state and local laws. In exercising this power, staff may enter any premises within the jurisdiction of the City or County at all reasonable hours for the purposes of inspection, investigation, or other enforcement action, upon presentation of proper credentials, so long as the appropriate consent has been given for inspection of areas that are not open to the public or an appropriate inspection warrant has been secured.

2. If, through inspection, it is determined that a property owner or person in control of the land has failed to comply or is no longer in compliance with this Ordinance or rules or orders issued, a written notice of violation may be issued in accordance with Section 39.2.A.1.

3. No person shall willfully resist, delay, obstruct, hamper, or interfere with any authorized City or County representative, Director or agent while inspecting and/or investigating or attempting to inspect and/or investigate an activity regulated in this Ordinance.

4 The City or County may, upon completion of work or activity undertaken pursuant to a development approval, make final inspections and issue a certificate of compliance or occupancy if staff finds that the completed work complies with all applicable state and local laws and with the terms of the approval. No building, structure, or use of land that is subject to a building permit required by N.C.G.S. § 160D, Article 11, shall be occupied or used until a certificate of occupancy or temporary certificate pursuant to N.C.G.S. § 160D-1116 has been issued.

5. In an emergency issued by the state or County, such as a windstorm, ice storm, fire, or other disaster, the requirements of this article may be waived by the City during the emergency period so that the requirements of this article shall in no way hamper private or public work to restore order in the City. This shall not be interpreted to be a general waiver of the intent of this article.

B. Post Construction Stormwater Inspection - Additional Regulations (Article 25)

This section supplements Section 39.1.A.

1. The Stormwater Administrator may, in accordance with Section 39.1.A.1, upon presentation of proper credentials, or an appropriate inspection warrant if necessary, enter and inspect any land, building, structure, or premises at all reasonable hours to ensure compliance with Article 25, or rules or orders adopted or issued pursuant to Article 25, and to investigate to determine whether the activity is being conducted in accordance with Article 25 and the approved Stormwater Management Plan, the Charlotte-Mecklenburg Storm Water Services Design Manual, the Charlotte-Mecklenburg Stormwater Control Measure (SCM) Design Manual and Administrative Manual and whether the measures required in the plan are effective. The Stormwater Administrator shall also have the power to require written statements or the filing of reports under oath as part of an investigation.

2. No person shall willfully resist, delay, obstruct, hamper, or interfere with the Stormwater Administrator while inspecting and/or investigating or attempting to inspect and/or investigate an activity under Article 25.

3. Inspections and investigations may be conducted or established on any reasonable basis including, but not limited to: routine inspections and/or investigations; random inspections and/or investigations; inspections and/or investigations based upon complaints or other notice of possible violations; and joint inspections and/or investigations with other agencies inspecting and/or investigations under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in the SCMs; and evaluating the condition of SCM's.

C. Sign Inspection – Additional Regulations (Article 22)
This section supplements Section 39.1.A

1. The Zoning Administrator may periodically inspect signs in order to ensure compliance with Article 22.

2. The Zoning Administrator may require written statements or the filing of reports with respect to pertinent questions relating to signs.

D. Soil Erosion and Sedimentation Control Inspection - Additional Regulations (Article 28)
This section supplements Section 39.1.A.

1. The Stormwater Administrator may, in accordance with Section 39.1.A.1, upon presentation of proper credentials, or an appropriate inspection warrant if necessary, inspect the sites of land-disturbing activity at all reasonable hours to ensure compliance and determine whether the activity is being conducted in accordance with Article 28, rules or orders adopted or issued pursuant to Article 28, and the approved plan. The Stormwater Administrator may also inspect whether the measures required in the plan are effective in controlling erosion and sediment resulting from land-disturbing activity. Notice of the right to inspect shall be included in the notification of each plan approval or issuance of the permit. No person shall willfully resist, delay, obstruct, hamper, or interfere with the Stormwater Administrator while they are inspecting or attempting to inspect a land-disturbing activity for compliance with Article 28.

2. The Stormwater Administrator may conduct such investigation as is reasonably deemed necessary to carry out their duties as prescribed in Article 28and enter at all reasonable hours upon any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activity.

3. No person shall refuse entry or access to the Stormwater Administrator who requests entry for purpose of inspection or investigation.

4. The Stormwater Administrator shall also have the power to require written statements or the filing of reports under oath as a part of investigating land-disturbing activity.

E. Storm Drainage Inspection - Additional Regulations (Article 24)
This section supplements Section 39.1.A.

1. The Stormwater Administrator may, in accordance with Section 39.1.A.1, upon presentation of proper credentials, or an appropriate inspection warrant if necessary, enter and inspect any land, building, structure, or premises at all reasonable hours to ensure compliance with Article 24, rules or orders adopted or issued pursuant to Article 24, and investigate to determine whether the activity is being conducted in accordance with Article 24 and the approved Stormwater Management Plan, the Charlotte-Mecklenburg Storm Water Services Design Manual, the Charlotte-Mecklenburg Stormwater Control Measure (SCM) Design Manual and Administrative Manual, and whether the measures required in the plan are effective. The Stormwater Administrator shall also have the power to require written statements or the filing of reports under oath as part of an investigation.

2. No person shall willfully resist, delay, obstruct, hamper, or interfere with the Stormwater Administrator while they are inspecting and/or investigating or attempting to inspect and/or investigate an activity for compliance with Article 24. The Stormwater Administrator, to the extent permitted by law, may seek the issuance of a search warrant to determine compliance with Article 24.

3. The inspections and investigations outlined in this section may be conducted or established on any reasonable basis including, but not limited to, routine inspections and/or investigations; random inspections and/or investigations; inspections and/or investigations based upon complaints or other notice of possible violations; and joint inspections and/or investigations with other agencies under environmental or safety

laws. Inspections may include, but are not limited to, reviewing grading, surface water, construction methods and materials of storm drainage, and the location of permanent structures, walls, and fences.

4. The Stormwater Administrator shall also have the power to require written statements or the filing of reports under oath as part of an investigation.

F. Subdivision, Streets, and Other Infrastructure Inspection – Additional Regulations (Articles 29 through 34)

This section supplements Section 39.1.A.

1. The City shall be notified two days in advance of the work to be started in a subdivision so that an authorized representative of the City may be assigned to make any and all necessary inspections of the work performed.

2. Inspectors, may in accordance with Section 39.1.A.1, upon presentation of proper credentials, access to all parts of the work to ascertain whether or not the work as performed is in accordance with the specifications in Articles 29 through 34.

3. No material may be placed nor any work performed except in the presence of the inspector without special permission of the appropriate agency. Such inspection, however, does not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications in Articles 29 through 34.

~~3~~4. If any dispute arises as to the material furnished or the manner of performing the work, the inspector shall have authority to reject materials and/or suspend work until the question or issue can be referred to and decided by the appropriate agency. The contractor shall remove any work or material condemned as unsatisfactory by the inspector and shall rebuild and replace the work or material to the standard required by the specifications, all at their own expense.

39.2 ENFORCEMENT

Section 39.2.A provides enforcement regulations and procedures applicable to all enforcement actions for notices of violation, citations, penalties, criminal penalties, stop work orders, injunctions, orders of abatement, and other remedies. Subsequent sections provide supplementary regulations that are specific to the various articles. Supplementary sections are arranged in alphabetical order by article title.

A. Applicable to all Enforcement Actions

Any person who violates any of the sections of this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance, shall be subject to any one, all, or a combination of the civil penalties prescribed in this section. Penalties assessed under this article are in addition to and not in lieu of compliance with the requirements of this Ordinance. The person performing the work, the property owner, and the person contracting for the performance shall be jointly and severally liable for any penalty or other enforcement action imposed pursuant to this Ordinance or other applicable provision of law.

1. Notice of Violation

a. If, through inspection and/or investigation, it is determined that a property owner or person in control of the land has failed to comply or is no longer in compliance with this Ordinance or rules, orders, or approvals issued pursuant to this Ordinance, the designated administrator of each article may issue a written notice of violation.

b. A notice of violation shall identify the nature of the violation, contain the address or other description of the site upon which the violation occurred or is occurring, and shall set forth the measures necessary to achieve compliance with this Ordinance. The notice shall specify a date by which the person shall comply or remedy each violation and/or inform the person if a civil penalty will be assessed. If a violation continues or is not corrected within a reasonable period of time, as provided in the notification, appropriate action may be taken to correct and abate the violation, including civil and criminal penalties, as allowed by applicable law.

c. When applicable, the notice of violation shall state that, if not corrected, each day's continuing violation is a separate and distinct offense and is subject to additional civil penalties.

d. The notice of violation shall be delivered to the holder of the development approval, and to the

property owner, if the property owner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity.

e. The notice of violation may be posted on the property.

f. The person providing the notice of violation shall certify to the City that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

g. Except as provided by N.C.G.S. § 160D-1123 or otherwise provided by law, a notice of violation may be appealed in accordance with Section 37.8.B. An appeal stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal.

2. Citations and Penalties

Violation(s) of this Ordinance may subject the offender to a civil penalty that may be recovered by the City in a civil action in the nature of debt if the offender does not pay the penalty within the prescribed period of time in the notice of violation. Civil penalties associated with specific articles are described in the supplementary regulations located in Sections 39.2.B through 39.2.L and arranged in alphabetical order by article title.

3. Criminal Penalties

Criminal penalties may be imposed in specific articles or regulations of this UDO, when allowed under State law. Where misdemeanors may be imposed in this Ordinance, they are listed in the supplementary regulations and are located in the following sections of this article: Section 39.2.B, "Floodplain Violations and Enforcement", and Section 39.2.F, ~~and~~ "Soil Erosion and Sedimentation Control Violations and Enforcement."

4. Stop Work Orders

Whenever any work or activity subject to regulation pursuant to this Ordinance is undertaken in substantial violation of State or local law, or in a manner that endangers life or property, staff may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped.

a. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefore, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved, if that person is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail.

b. The staff person or persons delivering the stop work order shall certify to the City that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud. Except as provided by N.C.G.S. § 160D-1208, a stop work order may be appealed in accordance with Section 37.8.B. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order shall constitute a Class 1 misdemeanor.

5. Injunctions and Order of Abatement

a. When any person violates an Ordinance regulation that makes unlawful a condition existing upon or use made of real property or any rule or order adopted or issued, or any term, condition or provision of an approved development approval or permit, the Director of a Department or the Administrator responsible for administering the applicable Article may either before or after the institution of any other action or proceeding authorized by this Ordinance, authorize the City Attorney to institute a civil action in the name of the City for a mandatory or prohibitory injunction and order of abatement requiring correction of the unlawful condition upon or cessation of the unlawful use of the property, or threatened violation. When a violation of the Ordinance occurs, the City may apply to the Mecklenburg County Superior Court for a mandatory or prohibitory injunction and order of abatement requiring correction of the unlawful condition upon or cessation of the unlawful use of the property.

b. In addition to an injunction, the court may enter an order of abatement as a part of the judgment. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the Ordinance.

c. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, the defendant may be cited for contempt, and the City may execute the order of abatement. The City shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Mecklenburg County Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

d. An action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violation in specific articles of this Ordinance.

6. Other Remedies

Subject to the provisions of the development regulation, any development regulation may be enforced by any remedy provided by N.C.G.S. § 160A-175.

a. In addition to other remedies, professional staff may withhold approval for the issuance of a permit, or a certificate of occupancy to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving, maintenance, use of the land, building or structure or to prevent any illegal act, business, or use in or about the site or premises.

b. In addition to other remedies, professional staff may suspend or revoke a permit, development approval, or a certificate of occupancy issued under the provisions of this Ordinance if it is determined that the permit was issued in error, or on the basis of incorrect information. Revocation of a development approval is authorized for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable development regulations; or for false statements or misrepresentations made in securing the approval; or any State law delegated to the City or County for enforcement purposes in lieu of the State. Revocation of a permit, development approval, or certificate of occupancy is also authorized when the site, parcel, building or structure, or any portion thereof, is in violation of any applicable provision of the sign regulations that would create a public health and safety hazard.

i. Written notice of the suspension or revocation of a permit, development approval, or a certificate of occupancy shall be given in accordance with the same provisions for issuance of the permit, development approval, or certificate of occupancy, and by notifying the holder of the permit, development approval, or certificate of occupancy in writing, stating the reason for the revocation or suspension. The same development review and approval process required for issuance of the approval shall be followed.

c. Any party aggrieved by the suspension or revocation of a permit, development approval or a certificate of occupancy may appeal the decision in accordance with Section 37.8.B.

B. Floodplain Violations and Enforcement – Additional Regulations (Article 27)

This section supplements Section 39.2.A.

1. Penalties for Violation

a. Misdemeanor

Violation of the provisions of the floodplain regulations in Article 27 or failure to comply with any of its requirements including violation of conditions and safeguards established in connection with grants of floodplain development permits, variances, or conditions, shall constitute a Class 1 misdemeanor.

b. Fines and Imprisonment

Any person who violates Article 27 or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $500 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense.

c. Other Action
Nothing herein contained shall prevent the City or the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation, including but not limited to seeking injunctive relief, orders of abatement, or other similar equitable relief.

2. Corrective Procedures

a. Violation
If the Floodplain Administrator finds violations of Article 27 and notifies the property owner, building occupant, or permittee of the violation, the owner, occupant, or permittee shall immediately remedy each violation of law cited in the notice.

b. Notice of Violation and Order

i. If the property owner or occupant of a building or property fails to take prompt corrective action, the Floodplain Administrator may issue a written notice of violation, in accordance with Section 39.2.A.1

ii. If the Floodplain Administrator finds that the building or development is in violation of the floodplain regulations, they may issue an order in writing, to the property owner, or occupant. The order shall require the property owner or occupant to remedy the violation within a period, not less than 60 calendar days, nor more than 180 calendar days. If the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken within a lesser period as may be feasible. If no corrective action is taken as ordered, the Floodplain Administrator, with the written authorization of the City Manager, shall have the authority to enter upon the property to perform the work necessary to correct the condition and the owner or occupant shall be responsible for the actual costs incurred.

c. Appeal
Any property owner or occupant who has received a notice of violation or order to take corrective action may appeal the order to the UDO Board of Adjustment in accordance with Section 37.8.B.

d. Failure to Comply with Order
If the property owner or occupant of a building or property fails to comply with an order to take corrective action from which no appeal has been taken or fails to comply with an order of the UDO Board of Adjustment following an appeal, they shall be guilty of a Class 1 misdemeanor and shall be punished at the discretion of the court. In addition, the owner or occupant shall be subject to civil enforcement as described in this section.

e. Insurance Coverage
Issuance of an order to take corrective action may impact insurance coverage through the National Flood Insurance Program including, but not limited to, denying coverage. The Floodplain Administrator may notify the property owner and a lender with a security interest in the property that the order to take corrective action may impact flood insurance coverage until the violation is corrected and the order rescinded.

C. Historic District Overlay Enforcement –
The Zoning Administrator provides enforcement for Sections 14.1 and 14.2. The enforcement actions and requirements in Section 39.2.A are supplemented in the following sections:

1. Historic District Overlay (HDO):

a. Section 14.1.N, “Violations and Enforcement”;

b. Section 14.1.O, “Notices of Violation”;

c. Section 14.1.P, “Citations and Penalties”;

d. Section 14.1.Q, “Civil Judicial Penalties”;

e. Section 14.1.R, “Other Remedies”;

f. Section 14.1.S, “Revocation of Building Permit”; and

g. Section 14.1.T, “Denial or Revocation of Certificate of Compliance and Occupancy”.

2. Streetside Historic District Overlay (HDO-S):

a. Section 14.2.D, “Violations and Enforcement”;

b. Section 14.2.E, “Notices of Violation”;

c. Section 14.2.F, “Citations and Penalties”;

d. Section 14.2.G, “Civil Judicial Penalties”;

e. Section 14.2.H, “Other Remedies”;

f. Section 14.2.I, “Revocation of Building Permit”; and

g. Section 14.2.J, “Denial or Revocation of Certificate of Compliance and Occupancy”

D. Post Construction Storm Water Violations and Enforcement – Additional Regulations (Article 25)
This section supplements Section 39.2.A.

1. Violations

a. Failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by Article 25, or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to Article 25, is unlawful and shall constitute a violation of Article 25.

b. Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair, or maintain any structure, SCM, practice, or condition in violation of the Article 25 shall be subject to the remedies, penalties and/or enforcement actions in accordance with this section. For the purposes of Article 25, responsible person(s) shall include but not be limited to:

i. Any person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of Article 25, or fails to take appropriate action, so that a violation of Article 25 results or persists.

ii. The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, development, or redevelopment of the property.

2. Notice of Violation and Order to Correct
If, through inspection and/or investigation, it is found that any building, structure, or land is in violation of Article 25, the Stormwater Administrator may issue a written notice of violation to the responsible person/entity, in accordance with Section 39.2.A.1. The notice shall, if required, specify a date by which the responsible person/entity shall comply with Article 25, and advise that they are subject to remedies and/or penalties or that failure to correct the violation within the time specified will subject the responsible person/entity to remedies and/or penalties as described in this section. In determining the measures required and the time for achieving compliance, the Stormwater Administrator shall take into consideration the technology and quantity of work required, and shall set reasonable and attainable time limits. If a violation is not corrected within a reasonable period of time, as provided in the notification, the Stormwater Administrator may take appropriate action to correct and abate the violation to ensure compliance with Article 25.

3. Extension of Time
A responsible person/entity who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation. Upon determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the responsible person/entity requesting the extension, the Stormwater Administrator may extend the time limit as

is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 60 days. The Stormwater Administrator may grant 30-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the responsible person/entity violating Article 25. The Stormwater Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction shall be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.

4. Emergency Enforcement

If a violation seriously threatens the effective enforcement of Article 25 or poses an immediate danger to the public health, safety, or welfare or the environment, the Stormwater Administrator may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Stormwater Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty specified in this section.

5. Remedies and Penalties

a. Civil Penalties

Any person who violates any of the provisions of Article 25 or rules or other orders adopted or issued pursuant to Article 25 may be subject to a civil penalty. A civil penalty may be assessed from the date the violation occurs. The Stormwater Administrator shall determine the amount of the civil penalty and shall notify the violator of the amount of the penalty and the reason for assessing the penalty. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation except as provided in this section in which case the penalty is assessed concurrently with a notice of violation. Refusal to accept the notice or failure to notify the Stormwater Administrator of a change of address shall not relieve the violator's obligation to comply with Article 25 or to pay such a penalty.

b. Each Day a Separate Offense

Each day that a violation continues shall constitute a separate and distinct violation or offense.

c. Penalties Assessed Concurrent with Notice of Violation

Penalties may be assessed concurrently with a notice of violation for any of the following, in which case the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they shall be paid or be subject to collection in the nature of a debt. Notices of violations shall be provided in accordance with Section 39.2.A.1.

i. Failure to submit a Stormwater Management Plan.

ii. Performing activities regulated by Article 25 without an approved Stormwater Management Plan.

ii. Obstructing, hampering, or interfering with an authorized representative who is in the process of carrying out official duties.

iv. A repeated violation for which a notice was previously given on the same project and to the same responsible person/entity responsible for the violation.

v. Willful violation of Article 25.

vi. Failure to install or maintain an SCM per the approved plan.

d. Amount of Penalty

The civil penalty for each violation of Article 25 may be up to the maximum allowed by law, and in accordance with the Stormwater Regulations Administrative Manual. In determining the amount of the civil penalty, the Stormwater Administrator shall consider any relevant mitigating and aggravating factors including, but not limited to:

i. The effect, if any, of the violation.

ii. The degree and extent of harm caused by the violation.

iii. The cost of rectifying the damage.

iv. Whether the violator saved money through noncompliance.

v. Whether the violator took reasonable measures to comply with Article 25.

vi. Whether the violation was committed willfully.

vii. Whether the violator reported the violation to the Stormwater Administrator.

viii. The prior record of the violator in complying or failing to comply with Article 25 or any other erosion and sedimentation control regulations or law.

e. Failure to Pay Civil Penalty Assessment

If a violator does not pay a civil penalty assessed by the Stormwater Administrator within 30 days after it is due, or does not request an appeal hearing, in accordance with Section 37.8.B, the Stormwater Administrator shall request the City Attorney to initiate a civil action to recover the amount of the assessment. The civil action shall be brought in Mecklenburg County Superior Court or in any other court of competent jurisdiction. A civil action shall be filed within three years of the date the assessment was due. An assessment that is appealed is due at the conclusion of the administrative and judicial review of the assessment.

f. Appeal of Remedy or Penalty

The issuance of an order of restoration and/or notice of assessment of a civil penalty by the Stormwater Administrator shall entitle the responsible party or entity to an appeal before the UDO Board of Adjustment if such person submits written request for an appeal hearing to the clerk of the UDO Board of Adjustment within 30 days of the receipt of an order of restoration and/or notice of assessment of a civil penalty. The request for an appeal shall be accompanied by a filing fee as established by the City Council. The appeal of an order of restoration and/or notice of assessment of a civil penalty shall be conducted as described in Section 37.8.B.

g. Additional Remedies

i. Withholding of Certificate of Occupancy

The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

ii. Disapproval of Subsequent Permits and Plan Approvals

As long as a violation of Article 25 continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the Stormwater Administrator may disapprove, any request for permit or plan approval or authorization provided for by Article 25 or other regulations of the City, as appropriate for the land on which the violation occurs.

iii. Injunction, Abatements, Etc.

The Stormwater Administrator, with the written authorization of the City Manager, may authorize the City Attorney to institute a civil action in the name of the City in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement requiring the correction of a violation of Article 25. Any person violating Article 25 shall be subject to the full range of equitable remedies provided in the general statutes or at common law.

iv. Correction as Public Health Nuisance, Costs as Lien, Etc.

If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by N.C.G.S. § 160A-193, the Stormwater Administrator, with the written authorization of the City Manager, may request the City Council to cause the violation to be corrected upon a finding that the violation is dangerous or prejudicial to public health or safety, and the costs of the action shall be paid by the person in default. If the expense is not paid, it is a lien against the property.

v. Restoration of Areas Affected by Failure to Comply

By issuance of an order of restoration, the Stormwater Administrator may require a person who engaged in a land-disturbing activity and failed to comply with Article 25 to restore the waters and land affected by such failure so as to minimize the detrimental effects of the resulting pollution. This authority is in addition to any other civil penalty or injunctive relief authorized in this section.

E. Sign Violations and Enforcement – Additional Regulations (Article 22)

This section supplements Section 39.2.A

1. Enforcement

a. If, through inspection, it is determined that a person has failed to comply with the provisions of Article 22, the Zoning Administrator shall issue to the violator either: 1) a warning citation for violations associated with, but not limited to, temporary-type signs such as portable signs, banners, and feather flags; or 2) a notice of violation for violations associated with permanent-type signs.

b. Violators issued a warning citation shall correct the violation within ten days and violators issued a notice of violation shall correct the violation within 30 days. If the violation is not corrected within the specified time period, the violator is subject to further enforcement action.

c. If a person continues to fail to comply with a particular provision of the sign regulations after the imposition of any one type of penalty, the person shall continue to remain subject to the remedies prescribed in this section for the continued violation of the particular provision of these regulations. The sign regulations in Article 22 may be enforced by any one, all, or a combination of the penalties and remedies authorized and prescribed in Section 39.2.A and in this section.

2. Notice of Violations

Upon recognition of a zoning violation, the Zoning Administrator may issue a notice of violation, in accordance with Section 39.2.A.1.

3. Citations and Penalties

a. The Zoning Administrator may issue written citations to any person if there is a reasonable cause to believe that the person has violated any provision of the sign regulations in Article 22. A violator shall be deemed to be the owner of the premises, the agent of the owner authorized to be responsible for the premises, the occupant of the premises, or the holder of the development approval. Citations may be directly issued or delivered to the occupant, lessee, or person having immediate beneficial use of the property, or the holder of the development approval. If the violator cannot be readily found, then the citation may be mailed to the last known mailing address as shown in the Mecklenburg County tax abstract, or by making other reasonable efforts to communicate the existence of the violation to violator, in accordance with Section 39.2.A.1.

b. The initial citation for each violation shall be $50. The issuance of a second citation for any violation that has not been corrected shall be in an amount up to $200 for the first and second citation, up to $500 for the third citation, and up to $500 thereafter. Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt.

c. The citation shall direct the violator to make payment to the Planning Department within 15 days of the date of the citation, or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within 15 days of the issuance, a delinquency charge of $10 shall be added to the amount shown on the citation. The citation shall inform the violator that a civil complaint may be filed if the citation and delinquency charge is not paid within 15 days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.

4. Civil Judicial Remedies

a. The City may institute any appropriate action or proceedings to prevent any structure from being erected, constructed, reconstructed, altered, repaired, converted, maintained, or any structure or land from being used in violation of the sign regulations or other City regulations in order to restrain, correct, or abate the violation. The General Court of Justice shall have jurisdiction to issue such orders as may be appropriate.

b. If the sign regulations make unlawful a condition existing upon or use made of real property, then the sign regulations may be enforced by injunction and order of abatement and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of Article 22 occurs, the City may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. See also Section 38.6.

F. Soil Erosion and Sedimentation Control Violations and Enforcement – Additional Regulations (Article 28) This section supplements Section 39.2.A.

1. Notice of Violation

a. If it is determined that a person engaged in land-disturbing activity has failed to comply with the ~~Federal Clean Water~~North Carolina Sedimentation Pollution Control Act, the soil erosion and sedimentation control regulations in Article 28, or rules or orders adopted or issued, or has failed to comply with an approved plan, the Stormwater Administrator shall issue a written notice of violation to the property owner, the property owner's agent, or other person in possession or control of the land, in accordance with N.C.G.S. § 113A-61.1.

b. Notices of violations shall be provided to the property owner, the property owner's agent, or other person in possession or control of the land. The notice shall, if required, specify a date by which the person shall comply with Article 28 and shall advise that the person may be subject to civil penalties, and if the violation is not corrected within the time specified, may be subject to additional civil penalties, including those provided in any other authorized enforcement action.

c. If the person engaged in the land-disturbing activity has not received a previous notice of violation, under Article 28 or its predecessor, the City shall offer assistance in developing corrective measures. Information on how to obtain assistance in developing corrective measures shall be included in the notice of violation. Assistance may be provided by referral to a technical assistance program on behalf of the approving authority, referral to a cooperative extension program, or by the provision of written materials such as NCDEQ guidance documents.

d. The notice of violation may be served by any means authorized under N.C.G.S. Chapter 1A-1, Rule 4.

e. In determining the measures required and the time for achieving compliance, the Stormwater Administrator shall take into consideration the technology and quantity of work required and shall set reasonable and attainable time limits.

f. The Stormwater Administrator shall use local rainfall data approved by the Stormwater Administrator to determine whether the design storm identified in Article 28 has been exceeded.

2. Penalties

a. Any person who violates Article 28, or rules or orders adopted or issued pursuant to Article 28, or who initiates or continues a land-disturbing activity for which a plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, is subject to a civil penalty. A civil penalty may be assessed from the date the violation first occurs. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation through a notice of violation that complies with the notice requirements in Section 39.2.A.1, unless the penalty is assessed concurrently with the notice of violation. Refusal to accept the notice or failure to notify the Stormwater Administrator of a change of address shall not relieve the violator's obligation to comply with ~~this Ordinance~~Article 28 or to pay such a penalty.

b. The maximum civil penalty for each violation of ~~this Ordinance~~Article 28 is $5,000. Each day of continuing violation shall constitute a separate violation. When the person has not been assessed any civil penalty under this subsection for any previous violation, and that person abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this section for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is $25,000.

c. Civil penalties may be assessed concurrently with a notice of violation for any of the following:

i. Failure to submit a plan.

ii. Performing land-disturbing activities without an approved plan and pre-construction conference or permit.

iii. Obstructing, hampering, or interfering with an authorized representative who is in the process of carrying out official duties.

iv. A repeated violation for which a notice was previously given on the same tract or to the person responsible for the violation. For the purposes of this section (Section 39.2.F), person responsible shall mean:

(A) The developer or other person who has or holds himself out as having financial or operational control over the land-disturbing activity.

(B) The landowner or person in possession or control of the land who has directly or indirectly allowed the land-disturbing activity or has benefited from it or has failed to comply with any section of this Article, the North Carolina Sedimentation Pollution Control Act, or any order adopted pursuant to this Article or the North Carolina Sedimentation Pollution Control Act.

(C) The contractor with control over the tract or the contractor conducting the land-disturbing activity.

v. Willful violation of Article 28.

vi. Failure to install or adequately maintain erosion control measures, structures, or devices per the approved plan and additional measures per Section 28.3.D.4 such that it results in sedimentation in a wetland, lake, or watercourse, or other designated protected areas.

vii. Failure to install or adequately maintain erosion control measures, structures, or devices per the approved plan and additional measures per Section 28.3.D.4 such that it results in off-site sedimentation.

d. The amount of the civil penalty shall be assessed pursuant to the following:

i. Violations Involving Conducting a Land-Disturbing Activity Without an Approved Plan
Any person engaged in a land-disturbing activity without a required approved plan and preconstruction conference or permit in accordance with Article 28 or who initiates, directs, or allows a land-disturbing activity without a required, approved plan and preconstruction conference or permit shall be subject to a civil penalty of $5,000 per day, per violation. The penalty may be decreased based on mitigating circumstances located in Section 39.2.F.2.e.

ii. Violations Resulting in Sediment Entering a Wetland, Lake, or Watercourse
Violations resulting in sediment entering a wetland, lake, or watercourse subject the violator to a civil penalty of $3,000 per day, per violation. The penalty may be increased up to $5,000 per day or decreased, based on mitigating circumstances in Section 39.2.F.2.e.

iii. Violations Resulting in Off-Site Sedimentation
Violations that result in off-site sedimentation subject the violator to a civil penalty of $1,000 per day, per violation. The penalty may be increased up to $5,000 per day or decreased, based on mitigating circumstances in Section 39.2.F.2.e. Violations of this type may include, but are not limited to, the following:

(A) Conducting land-disturbing activities beyond the limits of an existing permit without approval of an amended plan and permit that result in off-site sedimentation.

(B) Failure to properly install or maintain erosion control measures in accordance with the approved plan or the Charlotte Land Development Standards Manual that results in off-site sedimentation.

(C) Failure to retain sediment from leaving a land-disturbing activity as required by Article 28.

(D) Failure to restore off-site areas affected by sedimentation during the time limitation established in a notice of violation and as prescribed in the City of Charlotte and Mecklenburg County Soil Erosion and Sedimentation Control Policies and Procedures.

(E) Any other violation of Article 28 that results in off-site sedimentation.

iv. Violations Not Resulting in Off-Site Sedimentation
Violations of Article 28 that do not result in off-site sedimentation subject the violator to a civil penalty of $500 per day, per violation. The penalty may be increased up to $5,000 per day or decreased, based on mitigating circumstances in Section 39.2.F.2.e. Violations of this type may include, but are not limited to, the following:

(A) Failure to comply with the mandatory standards for land-disturbing activity as specified in Section 28.3.C, except Sections 28.3.C.4 and 28.3.C.5.

(B) Failure to submit to the Stormwater Administrator for approval an acceptable revised erosion and sedimentation control plan after being notified by the Stormwater Administrator of the need to do so.

(C) Failure to maintain adequate erosion control measures, structures, or devices to confine sediment.

(D) Failure to follow the provisions on the approved plan.

(E) Any other action or inaction that constitutes a violation of Article 28 that did not result in off-site sedimentation.

v. The Stormwater Administrator is authorized to vary the amount of the per diem penalty set out in Section 39.2.F.2 to take into account any relevant mitigating and aggravating factors.

e. In determining the amount of the civil penalty, the Stormwater Administrator shall consider any relevant mitigating and aggravating factors, including, but not limited to:

i. The effect, if any, of the violation.

ii. The degree and extent of harm caused by the violation.

iii. The cost of rectifying the damage.

iv. Whether the violator saved money through noncompliance.

v. Whether the violator took reasonable measures to comply with Article 28.

vi. Whether the violation was committed willfully.
vii. Whether the violator reported the violation to the Stormwater Administrator.

viii. The prior record of the violator in complying or failing to comply with Article 28 or any other erosion and sedimentation control regulations or law.

f. Repeat violators may be charged by a multiple of the base penalty determined in Section 39.2.F.2. The penalty for a repeat violator may be doubled for each previous time the person responsible for the violation was notified of a violation of Article 28 or any other soil erosion and sediment control regulation or the ~~Federal Clean Water~~ North Carolina Sedimentation Pollution Control Act. In no case may the penalty exceed the maximum allowed in Section 39.2.F.2.b.

i. The Stormwater Administrator shall determine the amount of the civil penalty and notify the person responsible of the amount of the penalty and the reason for assessing the penalty. The notice of assessment shall be provided in accordance with 39.2.A.1 and shall direct the violator to either pay the assessment, contest the assessment through an appeal as specified in Section 37.8.B, or file with the

North Carolina Sedimentation Control Commission for remission. A remission request shall be accompanied by a waiver of the right to a contested case appeal hearing pursuant to N.C.G.S. Chapter 150B and stipulation of the facts on which the assessment was based. If a violator does not pay a civil penalty assessed by the Stormwater Administrator within 30 days after it is due or does not request an appeal hearing as provided in Section 37.8.B, the Stormwater Administrator, with authorization from the City Manager, shall request the City Attorney to institute a civil action in the name of the City to recover the amount of the assessment. The civil action shall be brought in the Mecklenburg County Superior Court.

ii. A civil action shall be filed within three years of the date the assessment was due. An assessment that is not appealed is due when the violator is served with a notice of assessment. An assessment that is appealed is due at the conclusion of the administrative and judicial review of the assessment.

iii. The clear proceeds of civil penalties collected by the City under this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with N.C.G.S. § 115C-457.2. Clear proceeds include the full amount of all civil penalties and fines collected, diminished only by the actual costs of the collection, not to exceed 20% of the amount collected. The collection cost percentage to be used shall be established and approved by the North Carolina Office of State Budget and Management on an annual basis.

3. Criminal Misdemeanors

Any person who knowingly or willfully violates any provision of Article 28, or rule or order adopted or issued by the City or the County, or who knowingly or willfully initiates or continues a land-disturbing activity for which a plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor and may be subject to a fine not to exceed $5,000. This is in addition to any civil penalties that may be charged. Each day of continuing violation shall constitute a separate violation.

4. Injunctive Relief

a. Whenever the Stormwater Administrator has reasonable cause to believe that any person is violating or threatening to violate Article 28 or any term, condition, or provision of an approved plan, the Stormwater Administrator, with the written authorization of the City Manager, may, either before or after the institution of any other action or proceeding authorized by Article 39.2.D, authorize the City Attorney to institute a civil action in the name of the City for injunctive relief to restrain the violation or threatened violation. See Section 39.2.A.5 on injunctions. The action shall be brought pursuant to N.C.G.S. § 160A-175 in the Mecklenburg County Superior Court.

b. Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. See Section 39.2.A.5 for injunctions and orders of abatement. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of Article 28.

5. Other Remedies

a. Restoration of Areas Affected by Failure to Comply

The ~~City~~ Stormwater Administrator may require a person who engaged in any land-disturbing activity and failed to retain sediment generated by the activity to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil penalty or injunctive relief authorized under Sections 39.2.F.2 and 39.3.F.4.

b. Withholding Approval of a Certificate of Occupancy

With regard to the development of any tract that is subject to Article 28, no certificate of occupancy shall be issued where any of the following conditions exist:

i. There is a violation of Article 28 with respect to the tract.

ii. If there remains, due and payable to the City, civil penalties that have been levied against the person conducting the land-disturbing activity for violations of Article 28. If a penalty is under appeal, the Stormwater Administrator may require that the amount of the fine, and any other amount that the

person would be required to pay under Article 28, if the person loses the appeal, be placed in a refundable account or surety prior to issuing the certificate of occupancy.

iii. The requirements of the plan have not been completed and the building for which a certificate of occupancy is requested is the only building then under construction.

iv. In the instance of multiple buildings on a single parcel, the requirements of the plan have not been completed and the building for which a certificate of occupancy is requested is the last building then under construction.

v. On a tract which includes multiple parcels created pursuant to the applicable subdivision regulations, the requirements of the plan have not been completed with respect to the parcel for which the certificate of occupancy is requested.

G. Storm Drainage Violations and Enforcement – Additional Regulations (Article 24)

This section supplements Section 39.2.A.

1. Violations

a. Failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by Article 24 or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to Article 24, is unlawful and shall constitute a violation of Article 24.

b. Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair, or maintain any structure, practice, or condition in violation of Article 24 shall be subject to the remedies, penalties, and/or enforcement actions in accordance in this section. For the purposes of Articles 24 and 39, responsible person(s) shall include but not be limited to:

i. Any person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of Article 24, or fails to take appropriate action, so that a violation of Article 24 results or persists.

ii. The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, development, or redevelopment of the property.

2. Notice of Violation and Order to Correct

If, through inspection and/or investigation, it is found that any building, structure, or land is in violation of Article 24, the Stormwater Administrator may issue a written notice of violation to the responsible person/entity, in accordance with Section 39.2.A.1. The notice shall, if required, specify a date by which the responsible person/entity shall comply with Article 24, and advise that they are subject to remedies and/or penalties or that failure to correct the violation within the time specified will subject the responsible person/entity to remedies and/or penalties as described in this section. In determining the measures required and the time for achieving compliance, the Stormwater Administrator shall take into consideration the technology and quantity of work required, and shall set reasonable and attainable time limits. If a violation is not corrected within a reasonable period of time, as provided in the notification, the Stormwater Administrator may take appropriate action to correct and abate the violation and to ensure compliance with Article 24.

3. Extension of Time

A responsible person/entity who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation. Upon determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the responsible person/entity requesting the extension, the Stormwater Administrator may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 60 days. The Stormwater Administrator may grant 30-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the responsible person/entity violating this Ordinance. The Stormwater Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction shall be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.

4. Emergency Enforcement

If a violation seriously threatens the effective enforcement of Article 24 or poses an immediate danger to the public health, safety, or welfare or the environment, the Stormwater Administrator may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Stormwater Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty specified in this section and Section 39.2.A.2 (Stop Work Orders) and Section 39.2.A.3 (Injunctions and Orders of Abatement).

5. Remedies and Penalties

a. Civil Penalties

Any person who violates any of the provisions of Article 24 or rules or other orders adopted or issued pursuant to Article 24 may be subject to a civil penalty. A civil penalty may be assessed from the date the violation occurs. The Stormwater Administrator shall determine the amount of the civil penalty and shall notify the violator of the amount of the penalty and the reason for assessing the penalty. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation except as provided in this section in which case the penalty is assessed concurrently with a notice of violation. Refusal to accept the notice or failure to notify the Stormwater Administrator of a change of address shall not relieve the violator's obligation to comply with Article 24 or to pay such a penalty.

b. Each Day a Separate Offense

Each day that a violation continues shall constitute a separate and distinct violation or offense.

c. Penalties Assessed Concurrent with Notice of Violation

Penalties may be assessed concurrently with a notice of violation for any of the following, in which case the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they shall be paid or be subject to collection in the nature of a debt:

i. Failure to submit a Storm Drainage Plan.

ii. Performing activities regulated by Article 24 without an approved Storm Drainage Plan.

iii. Obstructing, hampering, or interfering with an authorized representative who is in the process of carrying out official duties.

iv. A repeated violation for which a notice was previously given on the same project and to the same responsible person/entity responsible for the violation.

v. Willful violation of Article 24.

vi. Failure to install or maintain storm drainage per the approved plan.

d. Amount of Penalty

The civil penalty for each violation of Article 24 may be up to the maximum allowed by law, and in accordance with the Stormwater Regulations Administrative Manual. In determining the amount of the civil penalty, the Stormwater Administrator shall consider any relevant mitigating and aggravating factors including, but not limited to

i. The effect, if any, of the violation.

ii. The degree and extent of harm caused by the violation.

iii. The cost of rectifying the damage.

iv. Whether the violator saved money through noncompliance.

v. Whether the violator took reasonable measures to comply with Article 24.

vi. Whether the violation was committed willfully.

vii. Whether the violator reported the violation to the Stormwater Administrator.

viii. The prior record of the violator in complying or failing to comply with Article 24 or any other erosion and sedimentation control regulations or law.

e. Failure to Pay Civil Penalty Assessment

If a violator does not pay a civil penalty assessed by the Stormwater Administrator within 30 days after it is due or does not request an appeal hearing in accordance with Section 37.8.B, the Stormwater Administrator shall request the City Attorney to initiate a civil action to recover the amount of the assessment. The civil action shall be brought in Mecklenburg County Superior Court or in any other court of competent jurisdiction. A civil action shall be filed within three years of the date the assessment was due. An assessment that is appealed is due at the conclusion of the administrative and judicial review of the assessment.

f. Appeal of Remedy or Penalty

The issuance of an order of restoration and/or notice of assessment of a civil penalty by the Stormwater Administrator may be appealed by the responsible party or entity before the UDO Board of Adjustment if a written request for an appeal hearing is submitted to the clerk of the UDO Board of Adjustment within 30 days of the receipt of an order of restoration and/or notice of assessment of a civil penalty. The appeal of an order of restoration and/or notice of assessment of a civil penalty shall be initiated and conducted as described in Section 37.8.B.

g. Additional Remedies

i. Withholding of Certificate of Occupancy

The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

ii. Disapproval of Subsequent Permits and Plan Approvals

As long as a violation of Article 24 continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the Stormwater Administrator may disapprove, any request for permit or plan approval or authorization provided for by Article 24 or other regulations of the City, as appropriate for the site on which the violation occurs.

iii. Injunction, Abatements, Etc.

The Stormwater Administrator, with the written authorization of the City Manager, may authorize the City Attorney to institute a civil action in the name of the City in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement requiring the correction of a violation of Article 24. Any person violating Article 24 shall be subject to the full range of equitable remedies provided in the North Carolina General Statutes or common law.

iv. Correction as Public Health Nuisance, Costs as Lien, Etc.

If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by N.C.G.S. § 160A-193, the Stormwater Administrator, with the written authorization of the City Manager, may requesdt the City Council to cause the violation to be corrected upon a finding that the violation is dangerous or prejudicial to public health or safety, and the costs of the action shall be paid by the person in default. If the expense is not paid, it is a lien against the property.

v. Restoration of Areas Affected by Failure to Comply

By issuance of an order of restoration, the Stormwater Administrator may require a person who engaged in a land-disturbing activity and failed to comply with Article 24 to restore the waters and land affected by such failure so as to minimize the detrimental effects. This authority is in addition to any other civil penalty or injunctive relief authorized in Article 24.

H. Subdivision, Streets, and Other Infrastructure Violations and Enforcement – Additional Regulations (Articles 29 through 34)

This section supplements Section 39.2.A

1. Subdivision Plats - Violation

A plat of a subdivision filed or recorded in the Office of the Register of Deeds of the County without the approval of the Planning Department, will be considered null and void**.**

2. Subdivision Penalties

a. Injunction

The City, through the City Attorney, or Mecklenburg County, through the County Attorney, may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved. The court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulations. All administrative actions and activities relating to such land, including the issuance of any grading, construction, building or occupancy permit, shall be suspended. This section will not affect the sale or transfer of any land, a plat of which was recorded prior to January 1, 1966, for Mecklenburg County and February 29, 1956, for the City of Charlotte.

b. Civil Penalty

Any person who fails to install or maintain the required stormwater control measure (SCM) in accordance with this article shall be subject to a civil penalty of not more than $500. No penalties shall be assessed until the person alleged to be in violation has been provided a notice of violation in accordance with 39.2.A.1. The notice shall describe the violation with reasonable particularity, specify a reasonable time period within which the violation shall be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. Each day that the violation continues shall constitute a separate violation.

c. Other Remedies

In addition to other remedies, the City may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct. Building permits may be denied for lots that have been illegally subdivided. pursuant to N.C.G.S. 160D-1110.

3. Streets and Other Infrastructure Violations and Penalties

a. Enforcement

The streets and other infrastructure regulations in Articles 29 through 34 may be enforced by any one, all, or a combination of the penalties and remedies authorized and prescribed in Section 39.2.A.1 If a person continues to fail to comply with a particular provision of the regulations after the imposition of any one type of penalty, the person shall continue to remain subject to the remedies prescribed in this section for the continued violation of the particular provision of these regulations.

b. Citations and Penalties

i. The Subdivision, Streets, and Infrastructure Administrator may issue written citations to any person if there is a reasonable cause to believe that the person has violated any provision of the streets and other infrastructure regulations in Articles 30 through 34, in accordance with Section 39.2.A.1. A violator shall be deemed to be the owner of the premises, the agent of the owner authorized to be responsible for the premises, or the holder of the development approval. Citations may be directly issued or delivered to the occupant, lessee, or person having immediate beneficial use of the property, or the holder of the development approval. If the violator cannot be readily found, then the citation may be mailed to the last known mailing address as shown in the Mecklenburg County tax abstract, or by making other reasonable efforts to communicate the existence of the violation, in accordance with Section 39.2.A.1.

ii. The initial citation for each violation shall be $50. The issuance of a second citation for any violation that has not been corrected shall be in an amount up to $200 for the first and second citation, up to $500 for the third citation, and up to $500 thereafter. Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt.

iii. The citation shall direct the violator to make payment to the City of Charlotte within 15 days of the date of the citation, or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within 15 days of the issuance, a delinquency charge of $10 shall be added to the amount shown on the citation. The citation shall inform the violator that a civil complaint may be filed if the citation and delinquency charge is not paid within 15 days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.

I. Surface Water Improvement and Management (SWIM) Buffers Violations and Enforcement – Additional Regulations (Article 26)

This section supplements Section 39.2.A.

1. Notice of Violation and Civil Penalties

a. The civil penalty for each violation of Article 26 may be up to the maximum allowed by law, and in accordance with the Stormwater Regulations Administrative Manual. In determining the amount of the civil penalty, the Stormwater Administrator shall consider any relevant mitigating and aggravating factors including, but not limited to:

i. The effect, if any, of the violation.

ii. The degree and extent of harm caused by the violation.

iii. The cost of rectifying the damage.

iv. Whether the violator saved money through noncompliance.

v. Whether the violator took reasonable measures to comply with Article 26.

vi. Whether the violation was committed willfully.

vii. Whether the violator reported the violation to the Stormwater Administrator.

viii. The prior record of the violator in complying or failing to comply with Article 26 or any other erosion and sedimentation control regulations or law.

b. Each day that the violation continues shall constitute a separate violation. No penalties shall be assessed until the person alleged to be in violation has been issued a written notice of violation, in in accordance with Section 39.2.A.1.

J. Tree Protection Violations and Enforcement – Additional Regulations (Article 20, Sections 20.12 through 20.18)

This section supplements Section 39.2.A.

1. Notice of Violation

a. If, through inspection, it is determined that a property owner or person in control of the land has violated an applicable development approval, the tree regulations, rules or orders issued pursuant to Article 20, Sections 20.12 through 20.18 , the Chief Urban Forester may issue a written notice of violation in accordance with Section 39.2.A.1. The notice shall also inform the person whether a civil penalty shall be assessed and shall specify a date by which the person shall comply with this Ordinance. The notice shall advise that failure to correct the violation within the time specified will subject that person to the civil penalties as provided in Section 39.2.J.2 below or any other authorized enforcement action.

2. Civil Penalties

a. Civil penalties for violations of the tree regulations in Article 20, Sections 20.12 through 20.18, shall be assessed pursuant to the following:

i. Failure to provide approved tree as-built plans within the time frame specified may result in assessment of penalties not to exceed $1,000.

ii. Failure to plant original or replacement trees in accordance with Article 20 shall be $50 for each tree not planted. No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation as provided in Section 39.2.A.1. If the site is not brought into compliance within the time specified in the notice of violation, a civil penalty may be assessed from the date the notice of violation is received. The failure to plant each individual tree shall constitute a separate, daily, and continuing violation.

iii. Injury or damage to, or destruction of, trees and shrubs protected by Article 20, Sections 20.12 through 20.18, that result in the total loss of the tree or shrub shall be assessed in accordance with the tree evaluation formula or other generally accepted industry evaluation methods. However, the maximum civil penalty for each tree injured, damaged, or destroyed shall not exceed $20,000. No notice of violation is needed prior to the assessment of a civil penalty issued pursuant to this subsection

iv. Injury or damage to, or destruction of, trees and shrubs protected by Article 20, Sections 20.12 through 20.18, that do not result in the total loss of the trees shall be assessed for each tree or shrub in accordance with the tree evaluation formula or other generally accepted industry evaluation methods. However, the maximum amount of the penalty shall not exceed $1,000. No notice of violation is needed prior to the assessment of a civil penalty issued pursuant to this subsection.

v. Failure to install or maintain required tree protection measures in accordance with Article 20, Sections 20.12 through 20.18, shall be a penalty of $1,000. No civil penalty shall be assessed until the person has been issued a notice of violation by the Chief Urban Forester, as provided in Section 39.2.A.1. If the site is not brought into compliance within the time specified in the notice of violation, a civil penalty may be assessed from the date the notice of violation is received. The failure to install the required tree protection measures shall constitute a separate, daily, and continuing violation. Injury or damage to, or destruction of, trees in the tree protection zone and tree save area and/or green area resulting from inadequate or omitted tree protection measures constitutes a separate violation which may subject the violator to any other applicable penalty set forth in this section.

vi. Any other action that constitutes a violation of Article 20, Sections 20.12 through 20.18, may subject the violator to a civil penalty of $50, and each day of continuing violation shall constitute a separate violation. However, the maximum amount of the penalty shall not exceed $1,000.

b. Penalties assessed are in addition to, and not in lieu of, compliance with the requirements of Section Article 20, Sections 20.12 through 20.18.

c. A nonmonetary penalty, in the form of increased or additional planting requirements, may be assessed in addition to or in lieu of any monetary penalties prescribed under this section. Civil penalties collected pursuant to Sections 20.213 through 20.18 shall be credited to the general fund as a nontax revenue and shall be used to further the purposes, intent, enforcement and requirements of Sections 20.13 through 20.18. The Charlotte Tree Advisory Commission shall be consulted with regard to use of collected funds.

3. Notice

The City Chief Urban Forester shall determine the amount of the civil penalty, in accordance with Section 39.2.J.2 for any violations of Article 20, Sections 20.12 through 20.18, and shall notify the responsible person of the amount of the penalty and the reason for assessing the penalty. The notice of violation shall be provided in accordance with Section 39.2.A.1The notice of assessment shall direct the violator to either pay the assessment or file an appeal in accordance with Section 37.8.B. If payment of assessed penalties is not received within 30 days after it is due, or if no request for an appeal hearing has been made in accordance with Section 37.8.B, the assessment shall be considered a debt due and owed to the City, and the matter shall be referred to the City Attorney for institution of a civil action to recover the amount of the debt. The civil action may be brought in the Mecklenburg County Superior Court or in any other court of competent jurisdiction.

4. Civil Action for Unpaid Assessment

If payment of assessed penalties if not received within 30 days after it is due, or if no request for an appeal hearing has been made in accordance with Section 37.8.B, the assessment shall be considered a debt due and owned to the City, and the matter shall be referred to the City Attorney for institution of a civil action to recover the amount of the debt. A civil action shall be filed within three years of the date the assessment was due. An assessment that is not appealed is due when the violator is served with a notice of assessment. An assessment that is appealed is due at the conclusion of the administrative and judicial review of the assessment

5. Injunctive Relief

See Section 39.2.A.3 for procedures related to injunctive relief.

a. Upon determination of a court that an alleged violation is occurring or is threatened, the court shall enter such orders or judgments as are necessary to abate the violation. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil penalty prescribed for a violation of Article 20, Sections 20.12 through 20.18.

6. Order to Take Corrective Action

a. If the owner or occupant of a property does not perform the duties set out Sections 20.14, 20.15.J, 20.16.D, and 20.17.B.8 of this Ordinance and Chapter 21 of the Code of Ordinances, the City may order the pruning, removal, or treatment of trees on private property that cause obstructions, present insect, or disease problems, or otherwise present a danger to public health, safety, or welfare. The order shall be in writing and provided by personal delivery, email or first-class mail to the property owner or occupant responsible for such condition and shall be acted upon within 30 days from the time of the receipt of the order. Orders provided by first-class mail are deemed received on the third business day following deposit of the order for mailing with the U.S. Postal Service. The staff person, or person providing the order shall certify to the City that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud.

b. If, after 30 days, the owner or occupant has not responded or acted to prune, remove, or treat the trees, the City shall have the authority to enter upon the property to perform the work necessary to correct the condition and bill the owner or occupant for the actual costs incurred. In situations deemed critical to the public health, safety, or welfare, the City may act without prior notification to the property owner or occupant.

K. Water Supply Watersheds – Additional Regulations (Article 23)

1. Notice of Violation and Civil Penalties

a. If the Stormwater Administrator determines that a person/entity violated the water supply watershed regulations in Article 23, they may issue a written notice of violation to the person/entity in violation, in accordance with 39.2.A.1. The notice shall, if required, specify a date by which the violator shall comply with Article 23, and advise that they are subject to remedies and/or penalties or that failure to correct the violation within the time specified will subject them to remedies or penalties as described in Article 39.

b. Any person who fails to install or maintain the required stormwater control measure (SCM) in accordance with Article 23 shall be subject to a civil penalty of not more than $500. No penalties shall be assessed until the person alleged to be in violation has been provided a notice of violation in accordance with Section 39.2.A.1. The notice shall describe the violation with reasonable particularity, specify a reasonable time period within which the violation shall be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. Each day that the violation continues shall constitute a separate violation.

c. The civil penalty for other and each violation of Article 23 may be up the maximum allowed by law, and in accordance with the Stormwater Regulations Administrative Manual. In determining the amount of the civil penalty, the Stormwater Administrator shall consider any relevant mitigating and aggravating factors including, but not limited to;

i. The effect, if any, of the violation.

ii. The degree and extent of harm caused by the violation.

iii. The cost of rectifying the damage.

iv. Whether the violator saved money through noncompliance.

v. Whether the violator took reasonable measures to comply with Article 23.

vi. Whether the violation was committed willfully.

vii. Whether the violator reported the violation to the Stormwater Administrator.

viii. The prior record of the violator in complying or failing to comply with Article 23 or any other erosion and sedimentation control regulations or law.

d. Re-Vegetation of Disturbed Water Quality Buffers Required

Should existing vegetation within the water quality buffer in all watersheds be disturbed except as allowed by Article 23, or should vegetation, which was added to a water quality buffer pursuant to the requirement that existing vegetation in the water quality buffer be enhanced, be disturbed except as allowed by Article 23, Charlotte-Mecklenburg Storm Water Services shall require that any vegetation remaining in the water quality buffer be enhanced in accordance with the most recent version of the "Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines" so that the buffer can effectively perform its intended functions.

L. Zoning Violations and Enforcement – Additional Regulations (Articles 3 through 22)

This section supplements Section 39.2.A.

1. Enforcement

a. The zoning regulations in Articles 3 through 22 may be enforced by any one, all, or a combination of the penalties and remedies authorized and prescribed in Section 39.2.A. If a person continues to fail to comply with a particular provision of the zoning regulations after the imposition of any one type of penalty, the person shall continue to remain subject to the remedies prescribed in this section for the continued violation of the particular provision of these regulations.

b. The Zoning Administrator shall have the power to impose fines and penalties for violations of the zoning regulations, and may withhold approval for building permits, certificates of occupancy, and certificates of compliance and secure injunctions and abatement orders to further ensure compliance with the zoning regulations. Each day's continuing violation shall be a separate and distinct offense and may be subject to any one, all, or a combination of the remedies authorized and prescribed in Section 39.2.A and in this section.

2. Notices of Violations

Upon recognition of a zoning violation, the Zoning Administrator may issue a notice of violation of the zoning regulations, in accordance with Section 39.2.A.1.

3. Citations and Penalties

a. The Zoning Administrator is authorized to issue written citations to any person if there is a reasonable cause to believe that the person has violated any provision of the zoning regulations in Articles 3 through 22, A violator shall be deemed to be the owner of the premises, the agent of the owner authorized to be responsible for the premises, the occupant of the premises, or holder of the development approval. Citations may be directly issued or delivered to the occupant, lessee, or person having immediate beneficial use of the property, or the holder of the development approval. If the violator cannot be readily found, then the citation may be mailed. to the last known mailing address as shown in the Mecklenburg County tax abstract, or by making other reasonable efforts to communicate the existence of the violation to the owner, agent, or occupant, in accordance with Section 39.2.A.1.

b. The initial citation for each violation shall be $50. The issuance of a second citation for any violation that has not been corrected shall be in an amount up to $200 for the first and second citation, up to $500 for the third citation, and up to $500 thereafter. Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt.

c. The citation shall direct the violator to make payment to the City of Charlotte within 15 days of the date of the citation, or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within 15 days of the issuance, a delinquency charge of $10 shall be added to the amount shown on the citation. The citation shall inform the violator that a civil complaint may be filed if the citation and delinquency charge is not paid within 15 days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.

4. Civil Judicial Remedies

a. The City may institute any appropriate action or proceedings to prevent any erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, that is in violation of zoning and City regulations in order to restrain, correct or abate the violation, to prevent occupancy of the building, structure, or land, or to prevent any illegal act, conduct, business or use in or about the premises. The General Court of Justice shall have jurisdiction to issue such orders as may be appropriate.