

Revised 6-2-20

Petition No. 2020-044

Petitioner: Charlotte Planning, Design and Development

**AN ORDINANCE AMENDING APPENDIX A OF
THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

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

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. TABLE OF CONTENTS

1. Amend the Table of Contents by (1) adding a new entry 15.1.2A titled, Development Compliance, (2) modifying the titles of Section 15.4.3 and Section 15.6.3, (3) adding a new Section 15.6.4 titled, Loading Area Screening”, and (4) renumbering subsections 15.6.4, 15.6.5, and 15.6.6. to 15.6.5, 15.6.6, and 15.6.7, The revised entries in the Table of Contents shall read as follows:

15.1.2A Development Compliance

15.4.3 ~~CDOT~~ Transportation Adjustments

15.6.3 Parking Lot and Loading Area Perimeter Landscape

15.6.4 Loading Area Screening

~~15.6.4~~ 15.6.5 Parking Lot Interior Landscape

~~15.6.5~~ 15.6.6 Buffer Yards

~~15.6.6~~ 15.6.7 Parking Structure Landscape Yard

2. Amend the Table of Contents by adjusting the page numbers after these text amendments.
3. Adjust page headers throughout Chapter 15 after these text amendments.

B. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: Definitions

- a. Amend Section 2.201, “Definitions” by deleting the definition for “Large Waste Container”. The deleted definition is as follows:

~~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.~~

C. CHAPTER 10: PEDESTRIAN OVERLAY DISTRICT

1. Amend Section 10.802, “Applicability” by adding Transit Oriented Development-Urban Center District (TOD-UC), the Transit Oriented Development-Neighborhood Center District (TOD-NC), the Transit Oriented Development District- Community Center (TOD-CC), and the Transit Oriented Development District -Transit Transition (TOD-TR) to the first sentence as districts where PED will not be applicable. The revised section shall read as follows:

Section 10.802. Applicability.

The PED will be applied to selected corridors as an overlay to existing zoning districts, but will not be applicable to the Mixed Use Development District (MUDD), Uptown Mixed Use District (UMUD), ~~and~~ the Neighborhood Services District (NS), the Transit Oriented Development-Urban Center District (TOD-UC), the Transit Oriented Development-Neighborhood Center District (TOD-NC), the Transit Oriented Development District- Community Center (TOD-CC), and the Transit Oriented Development District -Transit Transition (TOD-TR). If the regulations and standards of this Pedestrian Overlay District conflict with those of the underlying district, those of this overlay district shall apply, with one exception. If the regulations and standards of this Pedestrian Overlay District conflict with those of an Historic Overlay District, then Historic Overlay District regulations and standards for exterior features as described in Section 10.204 shall take precedence over the PED regulations and standards.

A PED is not established until a rezoning petition is approved designating the boundaries for the particular corridor and a streetscape plan is approved by the City Council. The designated PED shall be shown on the official zoning maps. The development and urban design standards for a PED are stated in Sections 10.812 and 10.813 respectively.

D. CHAPTER 15: TRANSIT ORIENTED DEVELOPMENT

1. Amend Section 15.1.2, “Required Presubmittal Meeting” by clarifying the first sentence. The revised Section 15.1.2 shall read as follows:

15.1.2 Required Presubmittal Meeting

Applicants planning any development or redevelopment in a TOD area are required to attend a pre-submittal meeting scheduled by meet with staff of the Charlotte Planning, ~~and Design & Development Department, Engineering and Property Management Department, and CDOT~~ prior to official submittal to ensure that plans meet the desired objectives and standards for the district. Building permits shall not be issued until the Planning staff approves the proposal as in conformance with this ordinance.

2. Amend Section 15.1, “Purpose and Applicability” by adding a new subsection 15.1.2A, that reads as follows:

15.1.2A Development Compliance.

In addition to the requirements of this chapter, all development and uses must comply with any applicable federal and state requirements, and any county and/or city codes and standards, including the requirements of the Charlotte Land Development Standards Manual and the Charlotte Water Design Manual. Unless otherwise specifically provided, this chapter controls over less restrictive statutes, ordinances, regulations, or standards, and more restrictive statutes, ordinances, regulations, or standards control over the provisions of this chapter.

3. Amend Section 15.1.3, “TOD-UC Transit Urban Center”, subsection B, “Applicability” by modifying the text to clarify the applicability of the TOD-UC zoning district. The revised Section 15.1.3.B shall read as follows:

B. Applicability. The TOD-UC district may be applied to parcels within ½ mile walking distance of an existing rapid transit station, or within ¼ mile walking distance of an existing streetcar stop, or 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, or within ½ mile walking distance of a funded and adopted an adopted and funded Metropolitan Transit Commission alignment station location on other rapid transit corridors, or within ¼ mile walking distance of an adopted and funded streetcar stop.

4. Amend Section 15.1.5, “TOD-CC Transit Community Center”, subsection A, “Purpose” to correct inaccuracies in the first paragraph. Other paragraphs within subsection A remain unchanged. The revised Section 15.1.5.A shall read as follows:

A. Purpose. The TOD-CC district is appropriate for parcels near moderate-intensity rapid transit stations and streetcar stops. Its lower maximum building heights, and less stringent design standards, ~~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.

5. Amend Section 15.1.7, “Applicability of Frontages”, by clarifying the first paragraph. The revised first paragraph shall read as follows:

15.1.7 Applicability of Frontages

~~Frontages are that part of the lot and/or building facade that faces a public or private street or public space, such as an open space, public path, or transit corridor.~~ Many of the regulations for the TOD Districts including, but not limited to, dimensional and design standards, are controlled by frontage type.

6. Amend Section 15.1.7. “Applicability of Frontages”, subsection A, “Application”, by clarifying the text in the entire section. The revised Section 15.1.7.A shall read as follows:

A. Application. Street classifications and Frontage types within the TOD Districts are as follows:

1. ~~For t~~That portion of a lot that abuts an Arterial street, Collector, or Main Street classified as a Main Street, 4+ Lane Avenue/ Boulevard, or Limited Access Road. ~~S~~street classifications and frontage types are determined as follows:
 - a. ~~If a Streets Map has been adopted, the Streets Map classifications designates the~~ street classification and frontage type.
 - b. ~~If a Streets Map has not been adopted, the street classifications in an adopted Station Area Plan designates the~~ street classification and frontage type.
2. ~~Where a Streets Map or adopted Station Area Plan does not provide adequate information to designate a frontage type~~ for an Arterial, Collector or Main Street, the frontage type shall be assigned the designation of other frontage, either other frontage - primary or other frontage - secondary. Reference sections 15.1.7.B.4 and 15.1.7.B.5 for criteria for these frontage types.

7. Amend Section 15.1.7, “Applicability of Frontages”, subsection B, “Street Classifications and Frontage Types” , subsection 1, “Main Street – Street Classification and Frontage Type” to clarify the requirements. The revised Section 15.1.7.B.1 shall read as follows:

1. **Main Street - Street Classification and Frontage Type.** Destination streets that provide access to and function as centers of civic, social, and commercial activity with the highest level of comfort, security, and access for pedestrians and development focused toward the pedestrian realm, as defined by ~~the~~ an adopted Streets Map. Until such time as a Streets Map is developed and adopted for the area in which a property is located, a street designated as a “Main Street” or a “Retail Street” by an Area Plan shall be considered a “Main Street”. or the adopted Station Area Plan. A street designated as a “Retail Street” by an Area Plan shall be considered a Main Street.

8. Amend Section 15.1.7, “Applicability of Frontages”, subsection B, “Street Classifications and Frontage Types”, subsection 3, “Limited Access Road – Street Classification and Frontage Type” to relocate text originally found in 15.1.7.B.6.b. into this subsection. All other subsections remain unchanged. The revised Section 15.1.7.B.3 shall read as follows:
 3. **Limited Access Road - Street Classification and Frontage Type.** A limited-access road is an interstate, parkway, or similar roadway designated for high-speed traffic which has limited or no access to adjacent property, and typically a degree of separation of opposing traffic flow. Any frontage abutting a freight rail corridor and/or a transit corridor that does not have pedestrian access is designated a limited access road frontage type.

9. Amend Section 15.1.7, “Applicability of Frontages”, subsection B, “Street Classifications and Frontage Types”, subsection 4, “Frontage Type – Other – Primary” to relocate text originally found in 15.1.7.B.6. Reletter subsections accordingly. All other subsections remain unchanged. The revised Section 15.1.7.B.4 shall read as follows:
 4. **Frontage Type – Other – Primary** Other frontage – primary applies to the TOD Districts as follows:
 - a. For the purposes of interpretation, a frontage designated as a Main Street or 4+ Lane Avenue/Boulevard frontage type is considered a primary frontage type if such designations are not called out specifically in the regulations.
 - b. Independence Boulevard is designated an other frontage - primary if there is no other opportunity for a primary frontage designation on the site.
 - b-c. If a frontage abuts any of the following, it is designated as frontage type, other - primary.
 - i. Two-lane avenues.
 - ii. Collector streets.

- iii. Transit stations and transit corridors that have pedestrian access.
- iv. Frontages within 100 feet of a rapid transit station.
- v. A street that is a direct connection to a transit station within 1/4 mile.
- vi. A street abutting a single-family district.
- vii. A public park, plaza, or other public open space, or a public path.

10. Amend Section 15.1.7, “Applicability of Frontages”, subsection B, “Street Classifications and Frontage Types”, subsection 6, “Specific Frontage Type Designation”, by deleting the entire subsection (to be relocated later in this text amendment). The deleted text is as follows:

~~6. **Specific Frontage Type Designation.** The following frontage designations are applied to the following specific circumstances within the TOD Districts:~~

- ~~a. Independence Boulevard is designated an other frontage – primary if there is no other opportunity for a primary frontage designation on the site.~~
- ~~b. Any frontage abutting a freight-only rail corridor and/or a transit corridor that does not have pedestrian access is designated a limited access road frontage type.~~

11. Amend Section 15.1.7, “Applicability of Frontages”, subsection C, “Application to Lots with Multiple Frontages”, by clarifying the requirements. The revised Section 15.1.7.C shall read as follows:

C. Application to 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 other frontage - primary, one frontage shall be designated as a primary frontage type. If both frontages meet the criteria for primary frontages, they shall both be designated as primary frontages.
- 2. 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 other frontage - primary, one frontage shall be designated as a primary frontage. All frontages that meet the criteria for primary frontages shall be designated as primary frontages.

3. When a lot has four frontages, at least two frontages shall be designated as primary frontage types. If less than two frontages meet the criteria for other frontage - primary, additional primary frontages shall be designated to meet this minimum. All frontages that meet the criteria for primary frontages shall be designated as primary frontages.

12. Amend Section 15.2, “Dimensional Standards”, subsection 1, “TOD District Dimensional Standards”, subsection B, “Building Siting” as follows:

- Amend Table A, “Required Setback Line by Frontage Type (From Future Back of Curb)” to clarify the requirements by adding a new double “**” asterisk after the first asterisk in the title, and also adding a new five star asterisk “*****” after the double asterisk. Add commas to separate the asterisks.
- Add an additional asterisk in Table A after “4+ Lane Ave/Blvd”, resulting in “***”.
- Amend Table B, “Build-to Zone (From Setback Line)” by adding an additional asterisk to the title, resulting in “*****”.
- Add an additional asterisk in Table B after “4+ Lane Ave/Blvd”, resulting in “***”.
- Amend Table C, “Minimum Build-to Percentage” by adding an additional asterisk to “4+ Lane Ave/Blvd”, resulting in “***”.
- Adjust the footnote asterisks, to reflect the above changes.

The revised Section 15.2.1.B, Tables A, B, and C shall read as follows, with no changes to Table D and E:

Building Siting

		TOD-UC	TOD-NC	TOD-CC	TOD-TR	
Required Setback Line by Frontage Type (From Future Back of Curb) *- **, *****						
A	Frontage Type	Main Street	18'			
		4+ Lane Ave/Blvd*** _	24' for 4-5 Lane, 30' for 6+ Lane			
		Other - Primary	Transit corridor - 20' Public path - 24' Other frontage type - 16'			
		Other - Secondary				
		Limited Access	10' measured from right-of-way			
Build-To Zone (From Setback Line) ****_ _						
B	Frontage Type	Main Street	0-10'	0-20'	0-10'	0-20'
		4+ Lane Ave/Blvd *** _				
		Other - Primary				
		Other - Secondary				
		Limited Access	N/A			
Minimum Build-To Percentage						
C	Frontage Type	Main Street	100%		80%	
		4+ Lane Ave/Blvd *** _	80%	60%	80%	60%
		Other - Primary	80%			
		Other - Secondary	60%	40%	60%	40%
		Limited Access	N/A			
D	Side Setback Line	None, unless abutting single-family residential zoning, then: 10' for TOD-UC & TOD-CC 15' for TOD-NC & TOD-TR				
E	Rear Setback Line	None, unless abutting single-family residential zoning, then 20'				

* In all cases, the required setback line and build-to-zone shall be at or behind the required pedestrian facilities and planting strip/amenity zone.

** For property fronting on a transit corridor or greenway that is a primary or secondary frontage, the building setback line shall be based on an adopted plan. If there is no adopted plan, the Planning Director, in consultation with the CATS Director and/or Mecklenburg County Park and Recreation, will determine the location of the building setback line. The required setback line may need to be increased in some cases to accommodate shared required streetscape elements.

*** With recessed parking, setback calculation begins at back of curb adjacent to travel lane.

***** The build-to zone begins at the required frontage type setback line. If no frontage type setback applies, a setback of 16' from the back of curb is applied and the build-to zone begins at such line.

***** Stoops and steps may encroach into the setback up to 8', but shall be behind the required sidewalk.

13. Amend Section 15.2.1, “TOD Districts Dimensional Standards”, subsection C, “Building Height” by revising the footnote asterisk to adjust the standards to address unintended consequences. The revised footnote asterisk shall read as follows:

* In the TOD-NC, TOD-CC, and TOD-TR districts, the maximum building height of any structure within 200’ of ~~a single-family residential zoning district parcel boundary~~ uses or vacant land in a single-family residential zoning district is limited to 65’. In the TOD-UC district, the maximum building height of any structure within 200’ of ~~a single-family residential zoning district parcel boundary~~ uses or vacant land in a single-family residential zoning district is limited to a maximum building height of 65’ within the first 100’ and a maximum building height of 75’ within the area greater than 100’ and up to 200’ of ~~a single-family residential zoning district parcel boundary~~ uses or vacant land in a single-family residential zoning district. These standards apply only to that part of a structure within the 200’ boundary. This limitation does not apply to public parks of 3 acres or greater within a single-family residential zoning district or a single-family residential zoning district of two or fewer parcels.

14. Amend Section 15.2.1, “TOD Districts Dimensional Standards”, subsection D, “Required Height Stepback” by the following:

- Add a new triple asterisk footnote (***) with text.
- Add a triple asterisk footnote (***) into the Table A, “Required Stepback”, in the 4th and 6th column for “Other Primary”.
- Modify the first asterisk (*) footnote text to clarify the requirements.

The revised Section 15.2.1.D Table shall read as follows:

Required Height Stepback

		TOD-UC	TOD-NC	TOD-CC	TOD-TR	
A	Required Stepback *	Main Street	Height above 65' requires a minimum stepback of 10' from the building facade line. Such stepback shall occur above the ground story, and no higher than the 4th story.			
		4+ Lane Ave/Blvd	N/A			
		Other - Primary	** *** ---	N/A	** *** ---	N/A
		Other -	N/A			
		Limited Access	N/A			
P	Permitted Corner Tower Element – Corner Lots Only	Limited in width and depth to a maximum 25% of the building frontage. May exceed height at which stepback is required, but may in no case exceed the overall building height				

- * The required stepback applies to each facade located along a frontage type. Where more than one frontage is present, the requirement for such frontage applies to that facade. The following are exempt from stepback requirements: 1) ~~stepback requirements do not apply to side or rear facades; and 2) any facades located along a frontage, where the lot width of such frontage is 50' or less; in length, are exempt from stepback requirements~~ and 2) any building or portion of a building located at least 50' behind the setback line.

- ** Height above 120' requires a minimum stepback of 10' from the building facade line. Such stepback shall occur above the ground story, and no higher than the 6th story.

- *** For a building line that is 100' or less in length along the frontage, a material change and/or architectural change, with a corresponding change in wall plane of at least 12" is allowed as an alternative to the required stepback. The material and/or architectural change shall occur above the ground story and no higher than the 6th story.

15. Amend Section 15.2.1, "Building Articulation", the Building Articulation Table, subsection E, "Ground Floor Transparency Area (Measured 3' to 10' From Grade)" to clarify the title by adding the term "Finished" . The revised subsection E title shall read as follows:

Ground Floor Transparency Area (Measured 3' to 10' From <u>Finished</u> Grade)*****			
E	Frontage Type	Main Street	60% Min./Residential: 25% Min.
		4+ Lane Ave/Blvd	60% Min./Residential: 25% Min. 40% Min./Residential: 20% Min.
		Other - Primary	60% Min./Residential: 25% Min. 40% Min./Residential: 20% Min.
		Other - Secondary	50% Min./Residential: 25% Min. 40% Min./Residential: 20% Min.
		Limited Access	N/A

16. Amend the first paragraph of Section 15.2.2, “Development Bonus”, and subsection 15.2.2.B.2.b. and 15.2.2.B.2.c to clarify other adjustments, and switch the order of subsection 15.2.2.B.2.b. and 15.2.2.B.2.c. All other subsections remain unchanged. The revised first paragraph and 15.2.2.B.2.b and 15.2.2.B.2.c shall read as follows:

15.2.2 Development Bonus

In order to exceed the base standards for maximum height or maximum building length, or deviate from the standards for required open space, a development shall meet the standards as described below and in Table 15.1: Bonus Menu. To exceed the base standards for maximum building length, an Administrative Adjustment per Section 15.11.1 or a Variance per Chapter 5 may also be pursued.

2. Open Space and Building Length Bonus

- b. ~~An increase in maximum building length (Section 15.2.1.A) may only be achieved through the provision of affordable housing, as indicated in Table 15.1 as a horizontal development bonus. The reduction of required on-site open space (Section 15.4.9) is applied to the lot of record as a whole.~~
- e. ~~The reduction of required on-site open space (Section 15.4.9) is applied to the lot of record as a whole. An increase in maximum building length (Section 15.2.1.A) may only be achieved through the provision of affordable housing, as indicated in Table 15.1 as a horizontal development bonus.~~

17. Amend Table 15.1, “Bonus Menu”, “Economic Mobility”, subsection 1, “Affordable Housing”, and subsection 2, “Affordable Housing On-Site” by revising the “Bonus Actions”

in column 2 and the “Bonus Awarded” in column 3. All other sections of Economic Mobility shall remain unchanged. The revised Table 15.1 shall read as follows:

Table 15.1: Bonus Menu

<p style="text-align: center;">Economic Mobility Affordable Housing and the Charlotte Business Inclusion program are designed to promote economic opportunity in the transit station areas.</p>		
Bonus Actions		Bonus Awarded
1.	<p>Affordable Housing. Devote 10% of Gross Floor Area of each floor having occupiable space above the maximum (without bonus) permitted building height (calculated to number of units) to affordable housing, using local unit size averages. *</p> <p>* Affordable housing must be set aside for affordable units or equivalent space for special purpose or supportive housing development. Options and administration requirements to provide housing include fees-in-lieu, off-site housing within ½ mile of an existing rapid transit station, and donation of land as outlined in the Charlotte Affordable Housing Bonus Administration Manual.</p>	<p>Height Bonus: All Districts: Additional Height per Floor up to Maximum Height Allowed by Ordinance</p>
2.	<p>Affordable Housing On-Site. Devote 5% of Gross Floor Area** (calculated to number of units) of total building(s) <u>receiving bonus</u> to affordable housing using local unit size averages.*</p> <p>* Affordable housing units must be set aside for households earning 80% AMI or less, with no more than 20% of the bonus units set aside for households earning between 110% and 81% AMI.</p> <p><u>** Gross Floor Area does not include floor area in parking structures.</u></p>	<p>Open Space/Height Bonus: 50% Reduction of Open Space Requirement and <u>15 feet of additional height.</u> One Floor of Additional Height.</p> <p>Open Space Requirement may be reduced by 75% if 80% of affordable units are set aside for households earning 60% AMI or less.</p> <p style="text-align: center;">OR</p> <p>Building Length/Height Bonus 500 ft. Maximum Building Length and One Floor of Additional Height <u>15 feet of additional height.*</u></p> <p>Maximum building length may be extended to 600’ if additional building mass standards are met (Section 15.2.2.B.e.ii).</p> <p><u>*This bonus is per building. However, for multiple building sites, the affordable housing does not have to be located in the building receiving the bonus.</u></p>

18. Amend Table 15.1, “Bonus Menu”, subsection “Environmental” by amending the Section reference in row 5. The revised Table 15.1 shall read as follows:

Environmental		
Charlotte’s Transit Oriented Development districts are intended to accommodate a development pattern that prioritizes the efficient use of space and the creation of a rich mixture of uses within a highly walkable, pedestrian oriented environment. Projects may not use more than 20 points in the Environmental category.		
Bonus Actions		Points Awarded
5.	5% in total lot area of Public Open Space in addition to that required by Section 15.4.9 and any other ordinance requirements. May only be used in TOD-UC, TOD-NC, and TOD-NC.	TOD-UC: 15 Points TOD-CC: 10 Points TOD-NC: 10 Points
6.	High Performance construction (certification under LEED silver or LEED equivalent standard).	TOD-UC: 15 Points TOD-CC, TOD-NC: 10 Points TOD-TR: 5 Points
7.	At least 25% of development’s energy needs generated on-site.	TOD-UC: 10 Points TOD-CC, TOD-NC, TOD-TR: 5 Points

19. Amend Table 15.1, “Bonus Menu”, subsection “Transportation Improvements” by deleting subsections 8, 9, and 11, and renumbering the remaining subsections. The revised Table 15.1 shall read as follows:

<p style="text-align: center;">Transportation Improvements</p> <p>A key principle of the TOD Districts is ensuring that Charlotte’s future growth be built around a multi-modal transportation system. Transportation bonuses are focused around the provision of facilities, amenities, and infrastructure improvements that will provide efficient mobility options for Charlotteans as the city continues to grow.</p>			
Bonus Actions		Points Awarded	
		TOD-UC, TOD-CC	TOD-NC, TOD-TR
8.	Capital Project: Developer will build or contribute to a project adjacent to property and/or within ¼ mile. Project must be identified on an adopted plan.	15 points	10 points
9.	Capital Projects over 15% of Tax Value of Land at time of permit: See standards above.	20-150 points*	15-40 points*
		*Points to be determined on a case by case basis by the Planning Director in consultation with the CDOT Director and other departments as deemed appropriate, not to exceed 150 points.	
10 <u>8.</u>	New Street Connection: New public or private (built to public standards), beyond those required by the TIS and/or the Zoning/Subdivision Ordinance, as approved by the CDOT Director.	120 points	40 points
11	New Street Connection Right of Way: New public or private Right of Way to be dedicated beyond those required by the TIS and/or Zoning/Subdivision Ordinance, as approved by the CDOT Director.	40 points	15 points
12 <u>9.</u>	Dedication of Future Transit Rights of Way along transit corridors (per 100 ft): See recommended alignment for dimension.	3 points	2 points

20. Amend Section 15.2.1, “TOD Districts Dimensional Standards, subsection E, “Building Articulation by clarifying the Building Articulation table as follows:

Building Articulation

		TOD-UC	TOD-NC	TOD-CC	TOD-TR
Ground Floor Height (Floor to Floor) *					
A	Frontage Type	Main Street	16' Min.		
		4+ Lane Ave/Blvd			
		Other - Primary	Min. 16', unless ground floor is non-convertible residential, then 12' Min. **	14' Min., unless ground floor is non-convertible residential, then 10' Min. **	
		Other - Secondary			
		Limited Access	N/A		
Blank Wall Area (Horizontal or Vertical)					
B	Frontage Type	Main Street	20' Max.		
		4+ Lane Ave/Blvd			
		Other - Primary	20' Max.		
		Other - Secondary	20' Max.		35' Max.
		Limited Access	50' Max.		
Prominent Entrance Spacing (Maximum Distance Between Entrances)					
C	Frontage Type	Main Street	75' ***		
		4+ Lane Ave/Blvd	150' ****		
		Other - Primary	75' ***		150' ****
		Other - Secondary	150' ****		N/A
		Limited Access	N/A		

21. Amend Section 15.3.1, “Non-residential, Mixed Use, and Multi-Family Stacked Design Standards”, subsection C, “Building Articulation”, subsection C, “Building Material Restrictions” by relocating it immediately under subsections A and B, instead of separating it with Table 15.2. The relocated section shall read as follows:

15.3 DESIGN STANDARDS

15.3.1. Non-residential, Mixed-Use, and Multi-Family Stacked Design Standards

- A. Table 15.2 dictates the design standards for non- residential, mixed-use, and multi-family stacked development within the TOD Districts.

B. Table 15.2 distinguishes requirements between building facades adjacent to different types of frontages for the TOD Districts. A “UC,” “NC,” “CC,” or “TR” in a column indicates the applicability of these standards to the four respective TOD Districts: TOD-UC, TOD-NC, TOD-CC, and TOD-TR. Standards are applicable to the frontage type indicated.

C. Building Material Restrictions

1. Vinyl may only be used for windows, trim, soffits, and railings, ~~and fencing~~.

22. Amend Table 15.2, “Non-Residential, Mixed-Use, and Multi-Family Stacked Design Standards”, section “Façade Articulation & Massing”, subsections 1 and 2 to clarify the requirements. Subsection 3 remains unchanged. The revised subsections shall read as follows:

Table 15.2: Non-Residential, Mixed-Use, and Multi-Family Stacked Design

Façade Articulation & Massing						
Frontage Type		Main Street	4+ Lane Ave / Blvd	Other - Primary	Other - Secondary	Limited Access
1	For buildings of 150' in length or longer, facades shall be divided into shorter segments by means of modulation. Such modulation shall occur at intervals of no more than 60' and shall be no less than 2' in depth, <u>and no less than 10' in width</u> .	UC, NC CC, TR	UC, NC CC, TR	UC, NC, CC	UC, NC	N/A
2	Arcades, galleries, colonnades, outdoor plazas, outdoor dining areas, or similar pedestrian-oriented ground-floor designs shall <u>may</u> 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.	UC, NC CC, TR	UC, NC CC, TR	UC, NC CC, TR	UC, NC CC, TR	UC, NC CC, TR
3	The first three For buildings over five stories, the first two floors above street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as cornices, corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting and other sculpturing of the base shall be provided to add special interest to the base.	UC, NC CC, TR	UC, NC, CC	UC, NC, CC	UC, NC	UC, NC

23. Amend Section 15.3.2, “Multi-Family Attached Unit and Single-Family Attached Design Standards”, subsection C, “Multi-Family Attached Unit and Single-Family Attached”, subsection 3.a, “Site Layout”, subsection i to adjust the standards to provide greater flexibility”. The revised Section 15.3.2.C.3.a.i shall read as follows:

a. Site Layout

- i. Vehicular entrances to garages, including areas used for vehicular access to attached or detached garages, shall be located to the rear of the building and shall not face a frontage or common open space. A residential alley shall not be considered a frontage. The Zoning Administrator may waive this requirement if it is determined that, due to site constraints, there is no alternative to vehicular entrances facing a frontage or common open space.

24. Amend Section 15.3.2, “Multi-Family Attached Unit and Single-Family Attached Design Standards”, subsection C, “Multi-Family Attached Unit and Single-Family Attached”, subsection b, “Building Design”, subsection i, “Façade Variation” by clarifying the requirements in Sections 15.3.2.C.b.i, 15.3.2.C.b.i.(A), (B), and (D) as follows. All other subsections remain unchanged.

- b. Building Design. The following design standards apply to multi-family attached unit developments. Single-family attached developments are exempt.
- i. Façade Variation. Structures shall incorporate elements of variation on any facade that abuts a frontage or common open space. Variation ~~may~~ shall be accomplished by using at least three of the following elements:
- (A) Variation in the ~~front~~ facade depth of adjoining dwelling units of at least three feet.
- (B) Stepbacks or projections of the ~~front~~ facade of at least two feet in depth, at intervals of no more than 30 feet.
- (D) Architectural features, such as balconies, bay windows, or other elements of encroachment, along the ~~front~~ facade of each dwelling unit, as per Section 15.4.10.
- ii. Building Material Restrictions. Vinyl may only be used for windows, trim, soffits, and railings, ~~and fencing~~.

25. Amend Section 15.3.3, “Parking Structure Design Standards”, subsection A, to clarify requirements. The revised Section 15.3.3.A shall read as follows:

- A. Ground Floor Activation.** The following applies to standalone and integrated structured parking. ~~Standalone parking structures may be the principal use of the site or a standalone structure that provides parking for another principal use on the site, or a second principal use of the site. Integrated parking structures are those integrated into another principal use, whether designed as podium structures or wrapped parking structures.~~ Only active use spaces or fully wrapped parking structures are required to meet all building articulation standards. Parking structures without active use spaces are exempt with the exception of the blank wall requirements of Section 15.2.1.E.B.

26. Amend Section 15.3.3, “Parking Structure Design Standards”, subsection B.3, to clarify requirements, and create a new subsection B.4. The revised Sections 15.3.3.B.3 and 15.3.3.B.4 shall read as follows:
3. 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 ~~48~~ 42 inches in height.
 4. ~~Screening~~ Along frontages, the facades of parking structures shall include both vertical and horizontal treatment that resembles patterns and architecture of the occupied portions of the building, including use of similar materials and a similar rhythm of window openings, ~~on frontages~~. The remaining openings shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment. For parking structures with rooftop open-air parking, a parapet wall of sufficient height to ensure vehicles are not visible from the nearest sidewalk is required. Any such parapet wall shall be a minimum of four feet in height.
27. Amend Table 15.3, “Parking Structure Frontage Standards”, by the following:
- Clarify the text in the first asterisk, (*).
 - Update the section reference in the second asterisk, (**).
 - Add a new triple asterisk (***) and text to the footnotes.
 - Add a triple asterisk (***) to the first column in the “ Limited Access” row.
 - Modify the captions under the graphics.

The revised table and graphic captions shall read as follows:

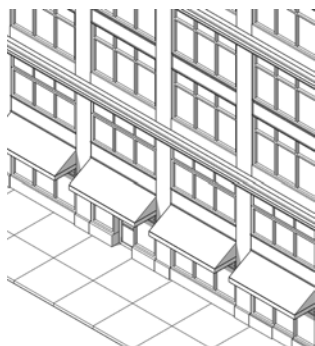
Table 15.3 Parking Structure Frontage Standards

Frontage / Subdistrict		All Floors Wrapped * + Ground Floor Active	Active Ground Floor + 10' Minimum Stepback for Parking Above	Ground Floor Only Active	Parking Structure at Min. 30' Setback Line with Landscaping **
Main Street	TOD-UC	P	X	X	X
	TOD-NC	P	X	X	X
	TOD-CC	P	P	X	X
	TOD-TR	P	P	P	X
4+ Lane Boulevard or Avenue	TOD-UC	P	P	P	X
	TOD-NC	P	P	P	X
	TOD-CC	P	P	P	X
	TOD-TR	P	P	P	P
Other Primary	TOD-UC	P	P	X	X
	TOD-NC	P	P	X	X
	TOD-CC	P	P	X	X
	TOD-TR	P	P	P	X
Other Secondary	TOD-UC	P	P	P	X
	TOD-NC	P	P	P	X
	TOD-CC	P	P	P	P
	TOD-TR	P	P	P	P
Limited Access ***	TOD-UC	P	P	P	P
	TOD-NC	P	P	P	P
	TOD-CC	P	P	P	P
	TOD-TR	P	P	P	P

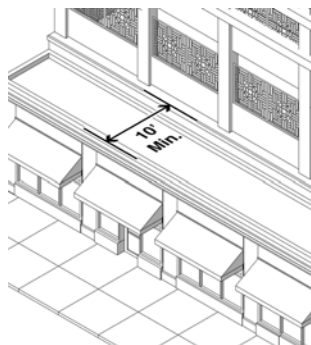
* All floors wrapped requires a minimum of 70% of the façade above ground floor along any primary frontage to be covered with occupiable building space a minimum of 20 feet in depth. This does not apply to where the façade is not viewable from any frontage or where the for the portion of the façade is beyond 6 stories, above the 6th floor.

** Landscaping shall run the full length of the setback zone, with the exception of areas of vehicular or pedestrian access. The landscaping area shall meet the requirements set forth in Section ~~15.6.6~~ 15.6.7. Such landscaping area shall count toward any required minimum build-to percentage.

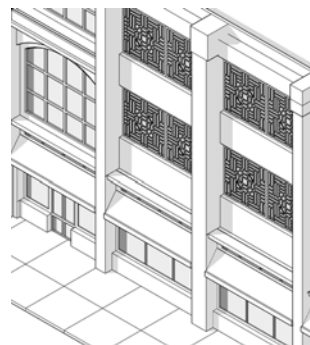
*** Freight rail corridors are exempt from this requirement.



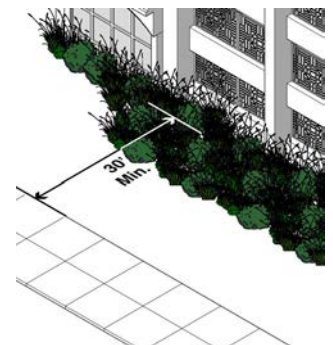
**Ground Floor Activation
+ Ground Floor Active +
All Floors Wrapped**



**Active Ground Floor Activation + 10'
Minimum Stepback for
Parking Above**



Ground Floor Active Activation Only



Parking Structure at Min. 30' Setback Line with Landscaping

28. Amend Section 15.4.2, "Future Curb Line", subsections A, B, C, D, and E, to clarify the requirements, and adjust the standards. Subsection 15.4.2.F remains unchanged. The revised Section 15.4.2.A, B, C, D, and E shall read as follows:
- A. The future curb line for non-local and Main Streets shall be determined by an adopted Streets Map. Until such time as a Streets Map is developed and adopted for the area in which a property is located, the future curb line will be determined by the applicable adopted Area Plan, ~~with the following exceptions which will measure the future curb line from the street center line:~~
 - ~~* South Boulevard (Clanton Road to Sweden Road): 46 feet~~
 - ~~* South Boulevard (Sweden Road to I 485): 41 feet~~
 - ~~* South Tryon Street (Clanton Road to I 77): 41 feet~~
 - ~~* North Tryon Street (Old Concord Road to Sugar Creek Road): 57 feet~~
 - ~~* Woodlawn Road (I 77 to Rockford Court): 46 feet~~
 - B. If the future curb line for a non-local or Main Street is not adequately defined by the adopted Streets Map or applicable adopted Area Plan, the curb line shall be determined jointly by CDOT and the Planning Department and will take into account adopted policy, including Transportation and Area Plans. The Streets Map shall also be referenced to determine if a ~~12-foot~~ shared-use path is required, ~~in lieu of a standard sidewalk.~~
 - C. For an existing or new collector, the future curb line shall be based on the Commercial Wide Street Cross Section found in the Charlotte Land Development Standards Manual. New collectors will be constructed to the Commercial Wide standard. For on-street parking on an existing collector to be allowed, the curb ~~line~~ must be relocated consistent with the Commercial Wide Street Cross Section. The curb ~~line~~ may be left in its current location; however, on-street parking will not be allowed until such time as the curb is relocated to the future curb line location. Where no curb exists, the curb shall be constructed at the future curb line location.
 - D. For an existing local street, the future curb line shall be based on the Commercial Wide Street Cross Section found in the Land Development Standards Manual, ~~if on-street parking is desired.~~ For on-street parking to be allowed, the curb ~~line~~ must be relocated consistent with the Commercial Wide street Cross Section. The curb ~~line~~ may be left in its current location; however, on-street parking will not be allowed until such time as the curb is relocated to the future curb line location. Where no curb exists, the curb shall be constructed at the future curb line location.
 - E. For a new local street, the future curb line and cross section shall be based on the Commercial Wide Street Cross Section found in the Charlotte Land Development Standards Manual.

29. Amend Section 15.4.3, “CDOT Adjustments” by revising the title of the section and clarifying the requirements by adding clarifying and explanatory text in the first paragraph. The revised section shall read as follows:

15.4.3 CDOT Transportation Adjustments

The CDOT Director, in consultation with the Planning Director, may adjust the streetscape standards of Sections 15.4.4, 15.4.5, and 15.4.8 when such improvements are not roughly proportional to the need created by the development. Upon request from the applicant, if the CDOT Director determines that any of the requirements in Sections 15.4.4 (excluding tree planting requirements) or 15.4.5 are unrelated to the proposed development’s anticipated transportation impacts or are not roughly proportional to those anticipated impacts, the CDOT Director may modify or waive one or more requirements in Sections 15.4.4 (excluding tree planting requirements) or 15.4.5 to the extent necessary to make those sections’ requirements related to the proposed development’s anticipated transportation impacts and roughly proportional to those anticipated impacts. The CDOT Director will make any determinations and decisions under this Section in consultation with the Planning Director, and the CDOT Director’s determinations and decisions under this Section may be appealed to the Board of Adjustment under Chapter 5 of the Zoning Ordinance.

30. Amend Section 15.4.4, “Pedestrian Facilities and Planting Strip/Amenity Zone Standards”, subsection A to clarify the requirements, delete the term, “perimeter” in the text, and add a new subsection 15.4.4.A.5. The revised Section 15.4.4.A subsections shall read as follows:

1. For property fronting on a street, required streetscape improvement shall be located behind the future curb line. The ~~perimeter~~ planting strip or amenity zone shall be located adjacent to the curb.
2. Trees shall be planted in the ~~perimeter~~ planting strip or amenity zone, as per the standards found in the Charlotte Tree Ordinance and the Charlotte Land Development Standards Manual. Where streets are maintained by another jurisdiction which precludes such planting, the Planning Director, in consultation with the Urban Forestry Supervisor and City Arborist, may approve alternate locations for such plantings. Where the Charlotte Tree Ordinance does not apply, a mix of shade and evergreen trees shall be planted at an average of one tree for every 50 linear feet of ~~perimeter~~ planting strip or amenity zone.
3. Sidewalks and shared use paths shall abut the ~~perimeter~~ planting strip and/or amenity zone, and shall be located on the side closest to the building to encourage pedestrian activity. Where a width is not specified in this Section, it shall be a minimum of eight feet in width.

4. If a sidewalk or public path is located on private property, a sidewalk utility easement is required.
5. No private improvements or structures of any kind shall be permitted in or encroach into the rapid transit corridor without prior written approval from CATS.

31. Amend Section 15.4.4, “Pedestrian Facilities and Planting Strip/Amenity Zone Standards”, subsection B, “Transit Trail” by deleting the term “perimeter” from the Transit Trail and Planting Strip Dimensions Table, located in the second column of row B. In addition, delete the term, “only” from the first footnote. The revised Table and footnotes shall read as follows:

Transit Trail and Planting Strip Dimensions

		Minimum Dimension
A	Transit Trail *	12'
B	Perimeter Planting Strip	4' on both sides **

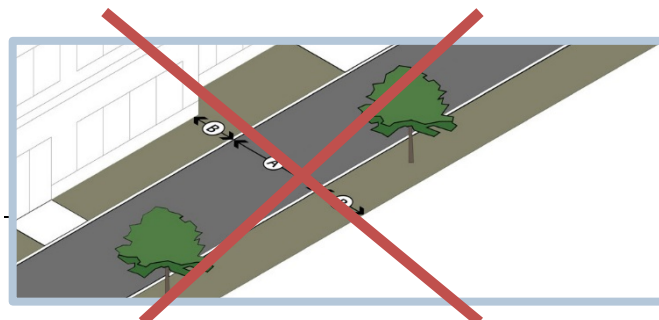
* A transit trail is ~~only~~ required when the trail is identified in a Council-adopted plan.

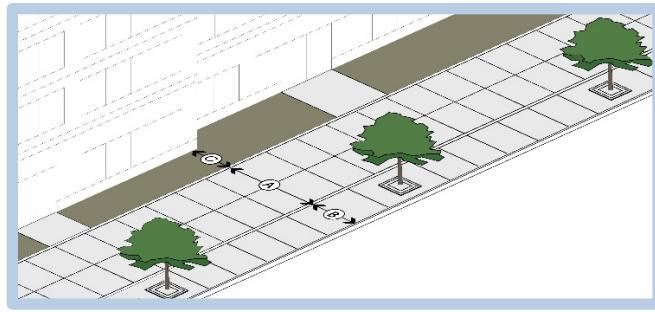
** No trees will be required in the planting strip.

32. Amend Section 15.4.4, “Pedestrian Facilities and Planting Strip/Amenity Zone Standards”, subsection C, “Shared Use Path” by the following:
 - Replace the graphic with a new version and update the caption.
 - Modify the table, row B by 1) adding a triple asterisk (***) in the second column, 2) deleting “or Perimeter Planting Strip” in the second column, and 3) deleting “on outer and 4’ on inner” in the third column.
 - Add a new row “C” to the table with new text.
 - Modify the first asterisk (*) by adding a reference to an Area Plan and a sentence at the end.
 - Add two new asterisks (***) and (****), to the footnotes with accompanying new text.

The revised graphic, caption, table, and new and revised footnotes shall read as follows:

C. Shared Use Path *





Shared Use Path and Amenity Zone ~~Planting Strip~~ Dimensions **

		Minimum Dimension
A	Shared Use Path	12'
B	Amenity Zone *** or Perimeter Planting Strip	8' on outer and 4' on inner
C	<u>Amenity Zone ****</u>	4'

* A shared use path is ~~only~~ required when the path is identified in a Council-adopted Streets Map or adopted Area Plan. When the Streets Map or Area Plan indicates that a shared use path is to be provided on a Limited Access frontage, the location of the shared use path will be determined by CDOT, and NCDOT if applicable. This section shall not apply to portions of the Cross Charlotte Trail (XCLT) which are identified on the adopted Streets Map. For Cross Charlotte Trail requirements, see Section 15.4.4.I.

** When abutting a public or private street, dimensions are measured from the future curb line.

*** Amenity zones are required on Local streets, Collectors, and Avenues with on-street parking. Planting strips are permitted on Avenues without on-street parking and Boulevards. Planting strips are permitted in lieu of an amenity zone in TOD-TR.

**** Either an amenity zone or planting strip is allowed.

33. Amend Section 15.4.4, “Pedestrian Facilities and Planting Strip/Amenity Zone Standards”, subsection D, “Greenway Trail”, by the following:
 - Modify the asterisk by deleting the second sentence in the first paragraph, and adding a new sentence at the end (content originally from the second paragraph)

- Delete the second paragraph.
- Modify the third paragraph by adding a last sentence for clarity.

The revised Section 15.4.4.D footnote shall read as follows:

- * The requirement for a greenway trail will be identified in an adopted Mecklenburg County Greenway Master Plan. ~~If the adopted plan does not adequately determine the trail requirement, the requirement will be determined by the Director of Mecklenburg County Park and Recreation, in consultation with the Planning Director and CDOT Director.~~ Greenway trails shall be a minimum of 12' in width and located no closer than 4' from any building.

~~Greenway dimensions are to be determined by the Director of Mecklenburg County Park and Recreation and/or the CDOT Director. Greenway dimensions are to be determined by the Director of Mecklenburg County Park and Recreation and/or the CDOT Director. However, the greenway trail shall be located no closer than 4' from any building.~~

The requirement for construction of a greenway trail may be waived by the Director of Mecklenburg County Park and Recreation and/or the City of Charlotte if either agency has plans for construction of the same trail. In such instances the development shall be required to provide an easement or dedication of land necessary to accommodate the trail in the location and with the typical dimensions specified in the latest design plans for that project.

34. Amend Section 15.4.4, "Pedestrian Facilities and Planting Strip/Amenity Zone Standards", subsection G by deleting "4+ Lane" in the title. The revised Section 15.4.4.G title shall read as follows:

G. ~~4+ Lane~~ Avenue or Boulevard (On-Street Parking)

35. Amend Section 15.4.4, "Pedestrian Facilities and Planting Strip/Amenity Zone Standards", Table, "Sidewalk and Amenity Zone Dimensions" by deleting the term, "perimeter" from the double asterisk (**) footnote. The other footnote remains unchanged. The revised double asterisk shall read as follows:

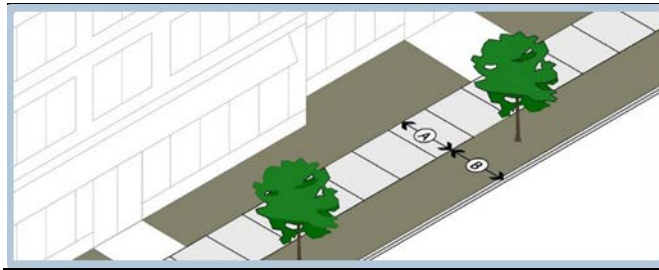
- ** In TOD-TR, a ~~perimeter~~ planting strip is permitted in lieu of an amenity zone.

36. Amend Section 15.4.4, "Pedestrian Facilities and Planting Strip/Amenity Zone Standards", subsection H as follows:
 - Delete the "4+ Lane" in the title of subsection H.

- Modify the caption under the graphic.
- Add a new asterisk (**) to clarify the table, with new text.
- Clarify the table, row B, second column by modifying the text, and adding a double asterisk (**).

The revised Section 15.4.4.H and table shall read as follows:

H. 4+ Lane Avenue or Boulevard (No On-Street Parking)



Sidewalk and ~~Amenity Zone~~ Planting Strip Dimensions

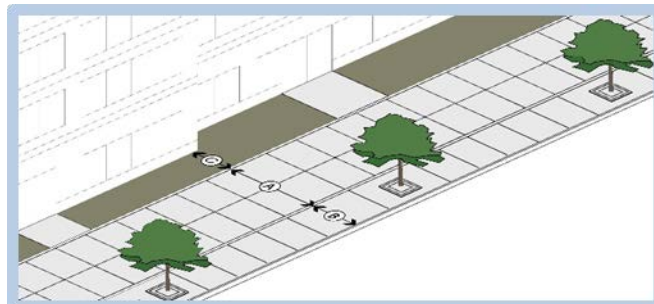
		Minimum Dimension*
A	Sidewalk	8'
B	Amenity Zone or Perimeter Planting Strip **	8' *

* Dimensions are measured from the future back of curb.

** Amenity zone is permitted in lieu of the planting strip.

37. Amend Section 15.4.4, “Pedestrian Facilities and Planting Strip/Amenity Zone Standards”, by adding a new subsection I, titled “Cross Charlotte Trail (XCLT)*” that includes a new graphic, text, table and asterisk footnotes. The new Section 15.4.4.I shall read as follows:

I. Cross Charlotte Trail (XCLT)*



Cross Charlotte Trail and Amenity Zone Dimensions**

		<u>Minimum Dimension*****</u>
<u>A</u>	<u>Shared Use Path</u>	<u>16'</u>
<u>B</u>	<u>Amenity Zone ***</u>	<u>8'</u>
<u>C</u>	<u>Amenity Zone ****</u>	<u>4'</u>

* The Cross Charlotte Trail is required when the trail is identified in a Council-adopted Streets Map or adopted Area Plan. When the Streets Map or Area Plan indicates that the Cross Charlotte Trail (XCLT) is to be provided on a Limited Access frontage, the location of the trail will be determined by CDOT, and NCDOT if applicable.

** When abutting a public or private street, dimensions are measured from the future curb line.

*** Amenity zones are required on Local streets, Collectors, and Avenues with on-street parking. Planting strips are permitted on Avenues without on-street parking and Boulevards. Planting strips are permitted in lieu of an amenity zone in TOD-TR.

**** Either an amenity zone or planting strip is allowed.

*****These minimum distances apply unless otherwise indicated on the Streets Map, whereupon Streets Map dimensions apply.

38. Amend Section 15.4.5, “Streetscape Standards”, subsection B.1, B.2, B.3, B.4, B.5, and B.6 by clarifying the requirements. Subsection 15.4.5.B.7 remains unchanged. The revised Section 15.4.5.B.1, 2, 3, 4, 5, and 6 shall read as follows:
- B.** The preferred sidewalk and amenity zone/planting strip design as defined in Section 15.4.4 applies as follows:
 - 1.** Any development that involves the construction of a new building shall install the required sidewalk and amenity zone/planting strip as indicated in Section 15.4.4.
 - 2.** Where the existing sidewalk is a minimum of six feet in width and the existing amenity zone/planting strip is a minimum of six feet in

width, such sidewalk and amenity zone/planting strip may be maintained until construction of a new building occurs on the site.

3. Where the existing sidewalk and the amenity zone/planting strip are not each a minimum of six feet in width, they shall be considered substandard and the required sidewalk and amenity zone/planting strip shall be installed when any of the following actions occur. The constrained space standards of Item 5 below may be used.
 - a. Change of use in a structure that is 4,000 square feet or more in gross floor area.
 - b. Expansion of an existing building by 1,000 square feet or 20%, whichever is smaller.
 - c. Addition of 4 or more parking spaces when such parking requires a new sidewalk in order to provide a complete pedestrian connection between the parking area and the principal use.
 - d. Expansion or installation of 1,000 or more square feet of outdoor dining.
 - e. The TOD-TR District is exempt from this section unless sidewalk and planting strip improvements are required by Chapter 19 of City Code.
4. Where there is no existing sidewalk, the required sidewalk and amenity zone/planting strip shall be provided when any of the following actions occur:
 - a. Change of use in a structure that is 1,500 square feet or more in gross floor area and that increases vehicular trips.
 - b. Expansion of an existing building.
 - c. Addition of parking when such parking requires a new sidewalk in order to provide a complete pedestrian connection between the parking area and the principal use.
 - d. Expansion or installation of 500 or more square feet of outdoor dining.
5. The following constrained space standards ~~may~~ shall be used where there is less than 16 feet between the face of the building

and the existing back of curb, and the curb line is not required to be moved:

- ~~a. The sidewalk shall be a minimum of eight feet in width.~~
- ~~b. If there is at least six feet in width remaining after the sidewalk is deducted, a planting strip with trees is required if on-street parking is not provided, or trees shall be planted in grates if on-street parking is provided.~~
- ~~c. If there is less than six feet remaining after the sidewalk is deducted and if on-street parking is provided, a sidewalk shall be provided across the full width.~~
- ~~d. If there is less than six feet remaining after the sidewalk is deducted and on-street parking is not provided, either the sidewalk may extend across full width or the remainder of the area may be planted with grass or live groundcover.~~
- a. Where there is at least 14 feet between the building face and back of curb, that space shall be evenly divided between sidewalk and amenity zone/planting strip space.
- b. Where there is less than 14 feet between the building face and back of curb, that space may be evenly divided, subject to the following conditions: the sidewalk shall be a minimum of seven feet wide where a planting strip is provided and a minimum of six feet wide where an amenity zone is provided.
- c. If the Urban Forestry Supervisor determines that there is not adequate room for tree planting after the required sidewalk is deducted and if on-street parking is not provided, either the sidewalk may extend across the full width or the remainder of the area may be planted with grass or live groundcover. Grass or groundcover cannot be used when less than two feet remain after the sidewalk is deducted.
- d. If the Urban Forestry Supervisor determines that there is not adequate room for tree planting after the required sidewalk is deducted and if on-street parking is provided, the sidewalk shall extend across the full width of the remainder of the area.
- e. If there is not enough space to provide the minimum sidewalk width, the space between the building face and the

back of curb shall be sidewalk.

6. The ~~CDOT~~ Planning Director, in consultation with the ~~Planning~~ CDOT Director, has the authority to modify the requirements of Sections 15.4.4 and 15.4.5 to preserve existing buildings and trees.
39. Amend Section 15.4.10, “Specific Architectural Features”, subsection A.5 by clarifying the requirements. The revised Section 15.4.10.A.5 shall read as follows:
 5. An architectural feature shall not result in an unobstructed horizontal sidewalk clearance of less than eight feet.
 40. Amend Section 15.4.10, “Specific Architectural Features”, subsection G, “Sills, Belt Courses, Eaves, Cornices, and Ornamental Features”, subsection 2 by clarifying the requirements. Subsection 1 remains unchanged. The revised Section 15.4.10.G shall read as follows:
 - G. Sills, Belt Courses, Eaves, Cornices, and Ornamental Features**
 1. Sills, belt courses, eaves, cornices, and ornamental features may project from the building facade no more than two feet and may extend over a public or private sidewalk, shared use path, amenity zone, or planting strip.
 2. Sills, belt courses, eaves, cornices, and similar ornamental features shall have a minimum vertical clearance of ten feet.
 41. Amend Table 15.5, “TOD District Maximum Vehicle Parking Limitations” to remove the maximum vehicle parking spaces in the third column of the table, “TOD-NC and TOD-TR” for hotels and motels, since hotels and motels are not permitted uses in the TOD-NC and TOD-TR districts. The revised Table 15.5 shall read as follows:

Table 15.5: TOD District Maximum Vehicle Parking Limitations

PRINCIPAL USE	TOD-UC & TOD-CC	TOD-NC & TOD-TR
	Maximum Vehicle Parking Spaces	Maximum Vehicle Parking Spaces
RESIDENTIAL USE <i>(Includes residential component of mixed-use building.)</i>		
Residential Use	TOD-UC: 0.9/bedroom TOD-CC: 1.0/bedroom	1.1/bedroom
Dormitory	1/dorm room	1/dorm room in parking lot 2/dorm room in parking structure
Residential Care Facility	.5/bed	1/bed
Single-Family Attached	No limit on enclosed/garage spaces 1 space unenclosed on site	No limit on enclosed/garage spaces 1 space unenclosed on site
COMMERCIAL USE <i>(Includes commercial component of mixed-use building.)</i>		
Commercial Use	TOD-UC: 3/1,000sf GFA TOD-CC: 4/1,000sf GFA	5/1,000sf GFA
Hotel/Motel	1/guest room	2/room in parking lot No maximum in parking structure. N/A
INSTITUTIONAL & GOVERNMENTAL USE <i>(Includes institutional and governmental component of mixed-use building.)</i>		
Institutional and Governmental Use	2/1,000sf GFA	3/1,000sf GFA
Educational Facility - Pre-School/Kindergarten	2 per classroom	2 per classroom
Educational Facility - Primary or Secondary	2 per classroom	3 per classroom
PUBLIC HEALTH & SOCIAL SERVICE USE <i>(Includes public health and social service component of mixed-use building.)</i>		
Public Health & Social Service Use <i>No Temporary Residential Component</i>	2/1,000sf GFA	3/1,000sf GFA
Public Health & Social Service Use <i>With Temporary Residential Component</i>	6 spaces	6 spaces
Healthcare Institution	5/patient room	5/patient room
TRANSPORTATION USE		
Transportation Use	None	None
OPEN SPACE USE		
Open Space Use	None	None
INFRASTRUCTURE USE		
Infrastructure Use	None	None

42. Amend Section 15.5.4, “Required Loading Spaces”, subsection A.1, by deleting the last part of the sentence beginning with “except as permitted...”. The revised Section 15.5.4.A.1 shall read as follows:
 1. Loading spaces cannot interfere with the normal movement of vehicles and pedestrians in the public right-of-way, ~~except as permitted by Section 20-29[14-25] of the City Code of Ordinances.~~
43. Amend Section 15.5.4, “Required Loading Spaces”, subsection A.6, by relocating the first sentence to a new section numbered 15.5.7 (later in this amendment). Add a new

sentence to subsection 15.5.4.A.6 to adjust the standards for greater flexibility. The revised Section 15.5.4.A.6 shall read as follows.

6. Loading areas shall be screened along all frontages, and along required side and rear setback lines with a solid wall or fence, a minimum of six feet and a maximum of eight feet in height. For a building requiring only one loading space, the loading space may be located in a surface parking lot.
44. Amend Section 15.5.5, “Parking Location and Access”, subsection C by replacing “maximum dimension of the build-to zone” with “setback line”. The revised Section 15.5.5.C shall read as follows:
 - C. All new surface parking along a primary frontage shall be located a minimum of 25 feet behind the setback line ~~maximum dimension of the build-to zone~~. On all other frontages, parking shall be located behind the building façade line.
45. Amend Section 15.5.5, “Parking Location and Access”, subsection F by clarifying the requirements. The revised Section 15.5.5.F shall read as follows:
 - F. Access to off-street surface and structured parking facilities, including driveways accessing internal structured parking within a development, shall be designed in accordance with the following:
 1. Access to surface parking lots shall be located ~~at~~ to the side or to the rear of a structure.
 2. Access shall be from the secondary frontage when available.
 3. No access shall be allowed from ~~street~~ frontages located across from single-family residential zoning districts. If all frontages are located across from single-family residential districts, the Planning Director will determine how access can be achieved with minimal intrusion into a single-family neighborhood.
46. Amend Section 15.5.5, “Parking Location and Access”, subsection G to adjust the text to allow greater flexibility. The revised Section 15.5.5.G shall read as follows:
 - G. New curb cuts for driveways are prohibited for existing development when alternative vehicular access is available or the driveway can be constructed to take access from an existing curb cut. 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 a planting strip and sidewalk are provided where the driveway was previously located.

47. Amend Section 15.5.6, “Valet Parking Standards”, subsection B by deleting the first, second, and third sentence. Add new text to clarify the valet parking standards. The revised Section 15.5.6.B shall read as follows:

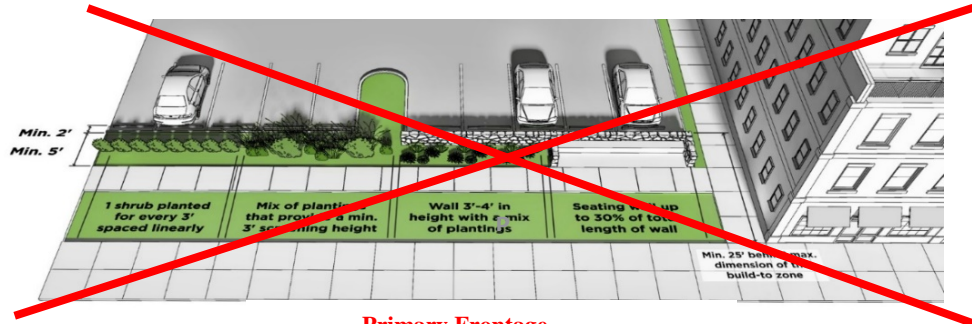
B. ~~A valet parking service may be located at the face of the existing curb on a public or private street. The existing curb line cannot be modified to provide an inset for the valet parking service. When located on a public or private street, such service may only be located on the vehicle way and cannot be located on the amenity zone, planting strip, or pedestrian way.~~ Drop-off/pickup locations for approved valet parking on a public or private street shall only be located on the vehicle way and not on the amenity zone, planting strip, or pedestrian way.

48. Amend Section 15.6.3, “Parking Lot and Loading Area Perimeter Landscape” by 1) modifying the title of subsection 15.6.3 by deleting the text, “and Loading Area”, and 2) adjusting the standards to address unintended consequences in the first paragraph. All subsections located under the first paragraph, remain unchanged. The revised paragraph shall read as follows:

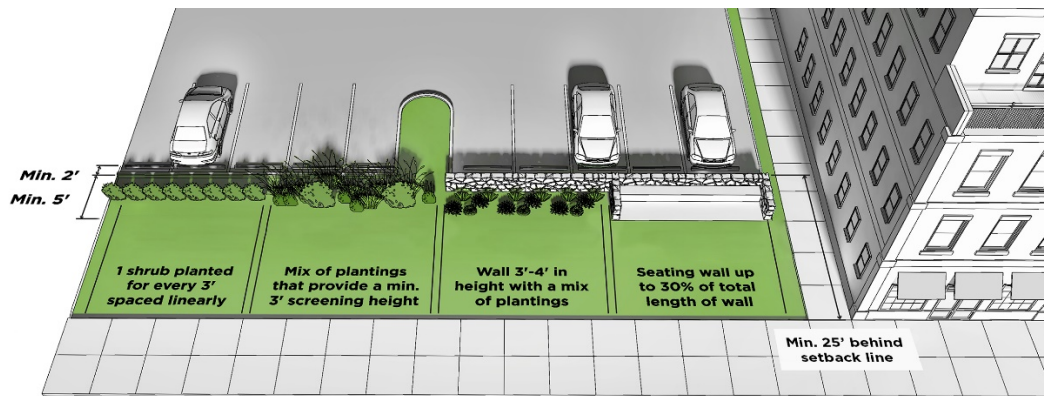
15.6.3 Parking Lot and Loading Area Perimeter Landscape

~~A perimeter landscape area is required for all surface parking lots and loading areas that abut a frontage~~ Surface parking lots shall be screened from all frontage types and abutting properties and shall be established along the edge(s) of the parking lot ~~or loading areas~~ to screen vehicles. The landscape treatment shall run the full length of the perimeter. The edge of a parking lot along a limited access frontage is exempt from this requirement. In addition, parking lot screening will not be required along the edge of the site abutting another property if the Zoning Administrator determines that adherence to this requirement would serve no meaningful purpose. The landscaped area shall be improved as follows:

49. Amend Section 15.6.3, “Parking Lot and Loading Area Perimeter Landscape” by replacing the existing graphic with a new graphic. The deleted and new graphic is as follows:



Primary Frontage



Primary Frontage

Parking Lot Perimeter Landscape

50. Create a new Section 15.6.4 titled, “Loading Area Screening” that reads as follows:

15.6.4 Loading Area Screening

Loading areas shall be screened along all frontages, and along required side and rear setback lines with a solid wall or fence, a minimum of 6 feet and a maximum of 8 feet in height. The wall or fence shall meet the requirements of Section 15.9.E.2.

51. Amend Section 15.6.4, titled “Parking Lot Interior Landscape” by renumbering the section from 15.6.4 to 15.6.5. The revised Section shall read as follows:

15.6.4-15.6.5 Parking Lot Interior Landscape

All interior parking lot landscaping is governed by the Charlotte Tree Ordinance.

52. Amend Section 15.6.5, “Buffer Yards” by renumbering the subsection from 15.6.5 to 15.6.6. Revise subsection A to address unintended consequences, and revise subsections B and H for clarity. All other subsections remain unchanged. The revised Section 15.6.6 and subsections A, B, and H shall read as follows:

~~15.6.5~~ 15.6.6 Buffer Yards

- A. Buffer yards are required in setback zones abutting residential uses or vacant land in a single-family residential zoning district. This also applies along an alley with a right-of-way width of 25 feet or less that separates a TOD District from residential uses or vacant land in a single-family residential zoning district. However, property boundaries abutting a public park of three acres or more or a single-family residential zoning district containing two or fewer adjacent parcels are exempt from buffer yard requirements.
- B. Buffer yards may be located within setback zones, but shall be reserved for the planting of material and installation of screening as required by this Section. No parking, stormwater facilities, accessory structures, or required on-site open space, shall be located in the buffer yard area. Stormwater and water/sewer facilities are permitted to cross a buffer yard perpendicularly.
- H. A solid fence or wall, constructed of wood ~~or vinyl~~ posts and planks, brick, finished masonry, or stone, and a minimum of six feet and a maximum of eight feet in height shall be erected within six inches of the lot line along 100% of the buffer 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.

53. Amend Section 15.6.6, “Parking Structure Landscape Yard” by renumbering the section from 15.6.6 to 15.6.7. All text and subsections under the old Section 15.6.6 shall be located in this new section. The revised Section header shall read as follows:

~~15.6.6~~ 15.6.7 Parking Structure Landscape Yard

54. Amend Table 15.8, “Use Matrix”, by 1) updating the use names, 2) removing “Public Works Facility as a use, and 3) of by removing the term “Public” from “Public Utility”. under the associated category heading.

Table 15.8: Use Matrix

PRINCIPAL USE CATEGORY	TOD-UC	TOD-NC	TOD-CC	TOD-TR	Prescribed Conditions
COMMERCIAL					
Open Air Fresh Food Outdoor Market	P	P	P	P	
Research and Development (R&D)	P	P	P	P	
INSTITUTIONAL & GOVERNMENTAL USES					
Educational Facility – Pre-School/ Kindergarten	P	P	P	P	15.8.4.A.4
Public Works Facility	P	P	P	P	
INFRASTRUCTURE					
Public-Utility (Includes Transmission & Distribution)	P	P	P	P	15.8.4.A.9

55. Amend Section 15.8.4, “Prescribed Conditions”, subsection A, “Principal Uses”, subsection 9, “Public Utility”, by removing all the terms “public” from the title and subsections 15.8.4.A.9.a, and 15.8.4.A.9.a.i. The revised subsection 15.8.4.A.9 shall read as follows:

9. ~~Public~~ Utility

a. ~~Public~~ Utility Buildings

- i. Minimum building height regulations do not apply to ~~public~~ utility buildings.
- ii. 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 Planning Director shall approve the exceptions to design standards.

56. Amend Section 15.8.4, “Prescribed Conditions”, subsection A, “Principal Uses”, subsection 10, “Public Utility Equipment”, by 1) removing the terms, “public” and “or vinyl”, and “located adjacent to a frontage” from Section 15.8.4.A.9.b, 2) capitalizing the term “Utility”, 3) add text to the title indicating this is a principal use, and 4) update section references. The revised Section 15.8.4.A.9.b shall read as follows:

b. ~~Public~~ Utility Equipment (as a principal use)

- i. ~~Public u~~Utility equipment shall be setback 20 feet from all required setback lines.
- ii. A buffer yard as per Section 15.6.56 is required within all side and rear setback zones.
- iii. ~~Public u~~Utility equipment ~~located adjacent to a frontage~~ shall be

screened with a solid fence or decorative wall, constructed of wood ~~or vinyl~~ posts and planks, brick, finished masonry, or stone, and a minimum of six feet and a maximum of eight feet in height. Such fence shall be set back seven feet from a required setback line. One evergreen shrub, at least two feet in height at installation and with a minimum spread of two feet, shall be planted for every five linear feet of perimeter area length, spaced linearly on-center, along the outside of the fence. Shrubs shall be listed on the approved plant list in the Approved Plant Species located in the Charlotte Land Development Standards Manual.

57. Amend Section 15.8.4.A.9.c, “Public Utility Transmission and Distribution Lines”, by deleting the term “public” from the title. The revised Section 15.8.4.A.9.c shall read as follows:

c. **Public Utility Transmission and Distribution Lines.** For new construction, service from utility distribution lines serving the site, which deliver service to the end user from a transmission line providing service to an area larger than the individual site, shall be installed underground unless terrain, subsurface, or surface obstructions inhibit installation.

58. Amend Section 15.8.4, “Prescribed Conditions”, subsection A, “Principal Uses”, subsection 10, “Single-room Occupancy (SRO) Residences”, subsection “g” to update section references. The revised subsection shall read as follows:

g. All buildings, outdoor active recreation facilities, and off-street parking and service areas will be separated by a buffer per section ~~15.6.5~~ 15.6.6 from any abutting property zoned or used for single-family residential use.

59. Amend Section 15.8.5, “Principal, Accessory, and Temporary Use Definitions”, by revising the definitions below, and deleting the definition for “Public Works Facility”. In addition, some of these definitions should be re-alphabetized. All other definitions remain unchanged. The revised and deleted definitions shall read as follows:

Alternative Correctional Facility. A residential facility for adults or minors that is court ordered as an alternative to incarceration, ~~also referred to as community correctional centers.~~

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. ~~Animal care facilities do not include animal breeding facilities or 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 gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.~~

Broadcasting Facility. Commercial and public communications facilities, including radio, internet, television broadcasting and receiving stations, and studios. Permissions for Broadcasting Facilities may be divided between those with antennas located outdoors and those without antennas.

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.

Educational Facility - Pre-School/Kindergarten. An educational establishment that offers early childhood education prior to the start of required education at the primary school level.

Food Pantry. A non-profit organization that provides food directly to individuals. ~~those in need.~~ 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. ~~A food pantry may be part of a place of worship, social service facility, and/or homeless shelter.~~

Group Home. ~~A group care facility, operated on a for-profit basis, in a residential dwelling for: 1) care of persons in need of personal services or assistance essential for activities of daily living; or 2) care of persons in transition or in need of supervision, including drug and alcohol rehabilitation (excluding medical detoxification).~~ Group Home means a "Family Care Home" as defined in Chapter 168, Article 3, of the North Carolina General Statutes. A Group Home means a home with support and supervisory personnel that provides room and board, personal care and habilitation service in a family environment for resident handicapped persons. A handicapped person means a person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in North Carolina General Statutes § 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 health institution.

Healthcare Institution. Facilities for primary health services and medical or surgical care to people, primarily in-patient overnight care, and including, ~~as part of the institution,~~ related facilities such as laboratories, outpatient facilities, dormitories, educational facilities, cafeterias, retail sales, and similar uses.

Homeless Shelter. A facility that provides overnight, temporary, or transitional shelter and services to the homeless in general. ~~Homeless shelters may distinguish populations served by age and/or gender.~~

Hotel/Motel. A commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related accessory uses 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.

Live Performance Venue. A facility for the presentation of live entertainment, including musical acts (including 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 is only open to the public when a live performance is scheduled. 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, establishments as defined in Section 2.201.~~

Medical/Dental Office. A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, ~~physiotherapists~~ physical therapists, acupuncturists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. ~~Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.~~

Mobile Food Vendors. ~~Mobile food vendor is a~~ 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.

Office. An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such 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. ~~An office does not include financial institution, government office/facility, or industrial design.~~

~~Open Air Fresh Food~~ Outdoor Market. A market located on private property which involves consisting of booths, tables, platforms, mobile units, or similar displays where producers and/or growers sell fresh food, flowers, and plants, produce and/or value-added products, and artisan wares at stalls or mobile units in ~~an open air~~ 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.

Parking - Structured Facility (Principal Use). A structure or portion of a structure used for the parking ~~or storage~~ of operable vehicles, whether for compensation or at no charge. ~~A roofed structure of one level of parking is also considered a Structured Parking Facility.~~

Personal Service Establishment. An establishment that provides frequent or recurrent needed 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.

Public Transit Facility. Facilities operated ~~by CATS~~ as part of the public transit system, which includes transit stations and park-and-ride lots.

~~Public~~ Utility (Includes Transmission and Distribution). Any facility and infrastructure used for the generation, transmission, storage, or distribution of electric energy, natural or manufactured gas, water, stormwater, cable television, internet, telephone services, or wastewater, refuse, or recycling between the point of generation and the end user. A ~~public~~ Utility does not include wireless telecommunications towers, antennas and/or facilities, satellite dish antennas, facilities for the handling of solid waste management facilities, (except for recycling collection facilities centers), or radio, television, or microwave transmission or relay towers.

~~Public Works Facility.~~ A facility operated ~~by the municipal public works department or other governmental agencies to provide municipal services, including dispatch, storage, and maintenance of municipal vehicles.~~

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.

Research and Development (R&D). A facility where research and development is conducted in industries that include, but are not limited to, biotechnology,

pharmaceuticals, medical instrumentation or supplies, communication, and 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 eCare fFacility~~ 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. ~~Residential care facility does not include a residential drug/alcohol treatment facility or group homes, which are regulated separately. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.~~

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, ~~and are rather delivered to the purchaser.~~

Single Room Occupancy (SRO). A residential ~~facility development~~ where single rooms are rented individually as a permanent and/or primary residence, without amenities, such as kitchens, or bathroom amenities in the rooms, are provided to tenants for a weekly or monthly period of time for occupancy for compensation. On-site management is provided on a 24-hour basis. An SRO may contain shared kitchens and bathrooms for all tenants, however, rooms may contain microwaves, mini-refrigerators and a sink.

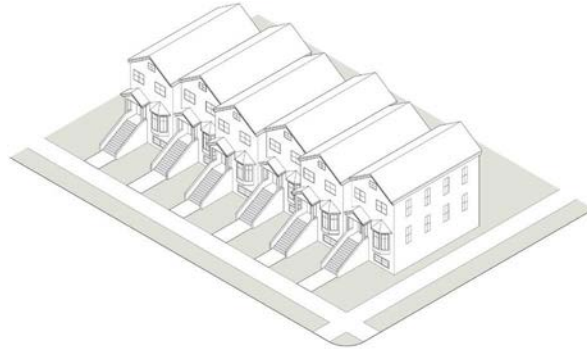
Vehicle Dealership - Enclosed. An establishment that sells or leases new or used automobiles, vans, pick-ups, motorcycles, and/or all-terrain vehicles (ATV), or other similar motorized transportation vehicles with no outdoor storage or display of such vehicles on-site. An enclosed motor vehicle dealership 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 Rental - Enclosed. An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles with no outdoor storage or display of such vehicles on-site. An enclosed motor ~~vVehicle fRental~~ establishment may maintain an inventory of the vehicles for rent. ~~sale or lease off-site.~~

60. Amend Section 15.8.5, "Principal, Accessory, and Temporary Use Definitions", by adding the following new definitions in alphabetical order. In addition, add definitions for "Multi-Family Attached Unit" (and the graphic illustration) and "Multi-Family Stacked Unit" (and the graphic illustration) to this section [These are existing definitions

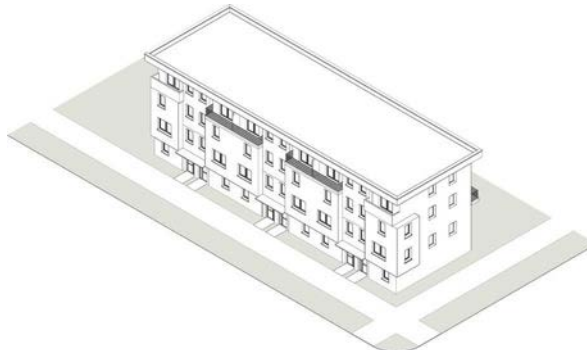
in Section 15.13.2, being moved into Section 15.8.5, the correct Section.]

Multi-Family Attached Unit. Attached unit design refers to multi-family residential designed as a structure with primary side-by-side units, each with an individual entry.



Multi-Family Attached Units

Multi-Family Stacked Unit. Stacked unit design refers to multi-family residential development designed as a structure with multiple dwelling units accessed by one or more common entryways. Units may have individual entrances for ground floor units.



Multi-Family Stacked Units

61. Amend Section 15.9, “Accessory Structures”, subsection E, “Fences and Walls”, subsections 1 and 3 to adjust the standards to provide greater flexibility, and update section references. The revised subsection shall read as follows:

E. Fences and Walls

1. Fences and walls in side and rear setback zones are limited to eight feet in height. Fences and walls along a frontage shall be a maximum of eight feet in height, however, the portion of the fence or wall above are limited to three feet shall be constructed to be at least 75% open. Fence or wall height is measured from the base of the fence or wall, except that decorative posts may exceed the

maximum height by nine inches.

3. Where a buffer yard with a fence is required by Section ~~15.6.5~~
15.6.6, the buffer yard regulations control.

62. Amend Section 15.9, “Accessory Structures”, subsection G, “Mechanical Equipment”, subsection 1, “Ground-Mounted Equipment”, subsection b, by adjusting the standard for consistency between ordinance sections. The revised subsection shall read as follows:

- b. If mechanical equipment is located in a required side or rear setback zone abutting a single-family residential district or is visible from an abutting frontage, it shall be screened from view by a solid fence or decorative wall constructed of wood ~~or vinyl~~ posts and planks, brick, finished masonry, or stone.
 - i. The wall or fence shall be equal to or up to a maximum of one foot greater than the height of the mechanical equipment being screened.
 - ii. The enclosure shall be gated. Gates shall visually conceal of the contents of the enclosure, and shall remain closed except when maintenance is needed.
 - iii. One evergreen shrub, at least two feet in height at installation and with a minimum spread of two feet, shall be planted for every five linear feet of perimeter area length, spaced linearly on-center, along the outside of the fence, excluding the area along the gate. Shrubs shall be listed on the approved plant list in the Approved Plant Species located in the Charlotte Land Development Standards Manual.

63. Amend Section 15.9, “Accessory Structures”, subsection H.2 by adjusting the standards for consistency between ordinance sections. Renumber subsection 2 to 3, and add a new text to a new subsection 2. The revised Section 15.9.H. shall read as follows:

H. Large Waste Containers and Recycling Stations

In addition to the requirements of Sections 12.303 and 12.403 of this Ordinance, the following additional standards apply to large waste containers and recycling stations in the TOD Districts that are permanently stored outside a building.

1. Large waste containers and recycling stations stored outside shall be located to the side or rear of the structure and cannot be located within the build-to zone of any frontage.

2. If a fence or wall is used to screen a large waste container or recycling station, the fence, gate and wall shall be constructed of the materials allowed in Section 15.9.E.2.
 23. Location and screening requirements of large waste containers and recycling stations are eligible for alternative compliance (Section 15.11.2)
64. Amend Section 15.9, “Accessory Structures”, subsection K, “Utilities (On-Site)”, by retitling the section to “Utilities, Above Ground Accessory Structures”. In addition, modify Sections 15.9.K.1, 2, and 3. Section 15.9.K.4 remains unchanged. The revised Section 15.9.K shall read as follows:

K. Utilities, (On-Site) Above Ground Accessory Structures

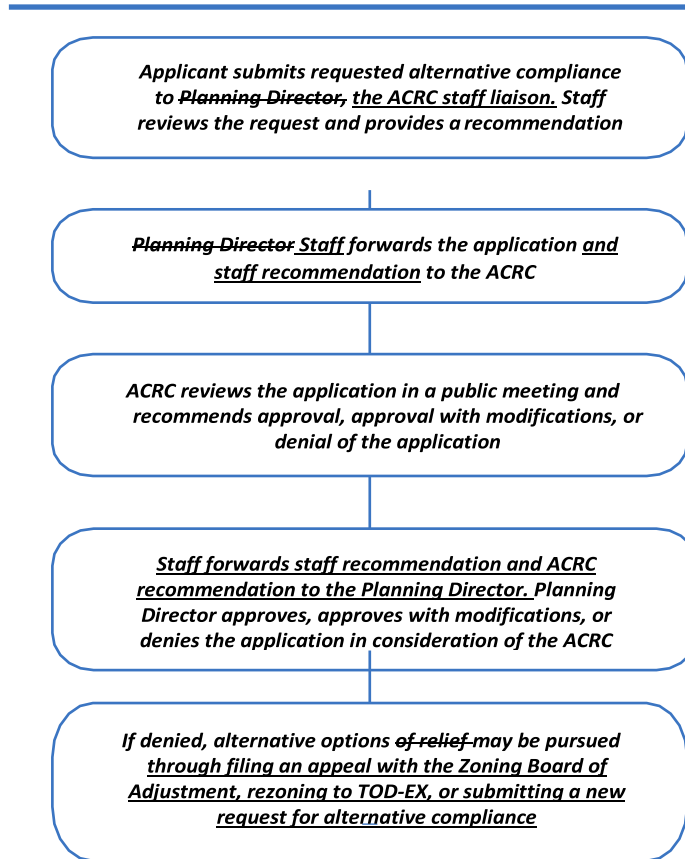
1. All above ground accessory utility structures ~~on-site utilities~~ shall be located to the side or rear of the structure, unless placed ~~underground or~~ within the structure.
 2. All above ground accessory utility structures associated with electric, natural gas, water, wastewater, stormwater, sewer, telecommunications, or cable television shall be located behind a required setback line, except as allowed by any City right-of way ordinances. This includes air vents, vaults, and backflow preventers.
 3. When visible from a frontage or from abutting property, a ~~All on-site utilities~~ above ground accessory utility structures shall be screened on three sides by a solid wood fence, wall, or wall extension of the principal building 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 hedge row may be used to screen on-site utilities. Such hedge row shall be planted to create a visual barrier and exceed the height of utilities by one foot within three years of planting.
65. Amend Section 15.11.2.D by adding a new subsection 1 with text, and renumbering subsequent subsections. In addition, clarify the steps in the graphic for Alternative Compliance. Section 15.11.2.D and the Alternative Compliance graphic shall read as follows.

D. Procedure

1. Prior to submitting an application for Alternative Compliance, applicants are required to attend a meeting scheduled by Charlotte Planning, Design & Development staff.

- ~~12.~~ The applicant shall submit an application to the ~~Planning Director~~ ACRC Staff Liaison for alternative compliance. Planning Department Staff will review the application and provide a recommendation. ~~The Planning Director will forward the application, with Staff's recommendation will be provided,~~ to the Alternative Compliance Review Committee (ACRC) prior to the ACRC meeting.
- ~~23.~~ The ACRC will review the application in a public meeting, hear public comments, and recommend approval, approval with modifications, or denial.
- ~~34.~~ ~~The ACRC Staff~~ will forward their recommendation and the recommendation of the ACRC to the Planning Director. The Planning Director may approve, approve with modifications, or deny the application, in consideration of the ACRC recommendation.
- ~~45.~~ If alternative compliance is denied by the Planning Director, nothing precludes the applicant from pursuing alternative options of relief through filing an appeal with the Zoning Board of Adjustment, rezoning to TOD-EX, or submitting a new request for alternative compliance.

ALTERNATIVE COMPLIANCE



66. Amend Section 15.13.2 “Definitions” by deleting the following definitions that are now located in Chapter 13, “Signs”:

~~**A-Frame Sign.** 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.~~

~~**Awning Sign.** A sign printed or displayed upon an awning, which is a roof-like cover designed for protection from the weather or as a decorative embellishment, which projects from a wall or roof of a structure over a window, walkway, or door, with no supports that extend to the ground.~~

~~**A. Awning Sign – Non-Structural.** An awning, as defined above, constructed of fabric or similar material mounted on a frame.~~

~~**B. Awning Sign – Structural.** An awning, as defined above, constructed of permanent materials, such as metal and or plastic.~~

Changeable Message Board Sign. A sign designed where a portion of the sign area allows for a message to be changed manually. A changeable message board sign does not include electronic message signs or portable reader board sign.

Electronic Message Sign. 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. Flashing signs, animated signs, and video display signs are not considered electronic message signs

Illumination, External (Signs). 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 (Signs). Lighting of a sign from internal sources, such as in 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.

Marquee Sign. 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 that includes a sign that is a part of the marquee. Where designed as a changeable message sign, the changeable message portion may be manually changed or electronically changed when permitted in the district.

Monument Sign. 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.

Projecting Sign. 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.

Roof Sign. A sign mounted on, and wholly supported by, the roof of a building.

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

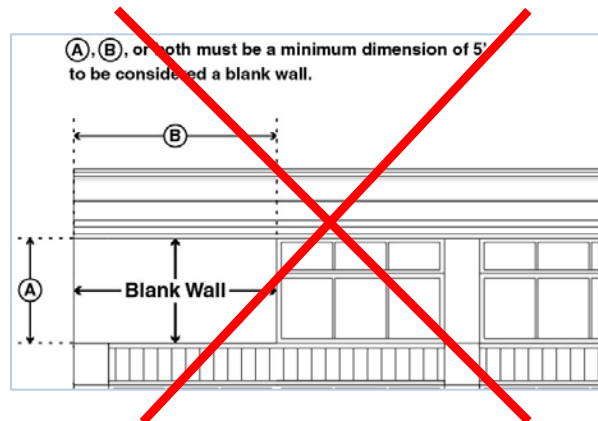
Wall Sign. A sign that is attached directly to an exterior wall of a building or dependent upon a building for support and projects 18 inches or less from the wall of a structure with the exposed face of the sign in a plane substantially parallel to the face of the wall. Window signs, roof signs, and skyline signs are not

~~considered wall signs.~~

~~**Window Sign.** 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.~~

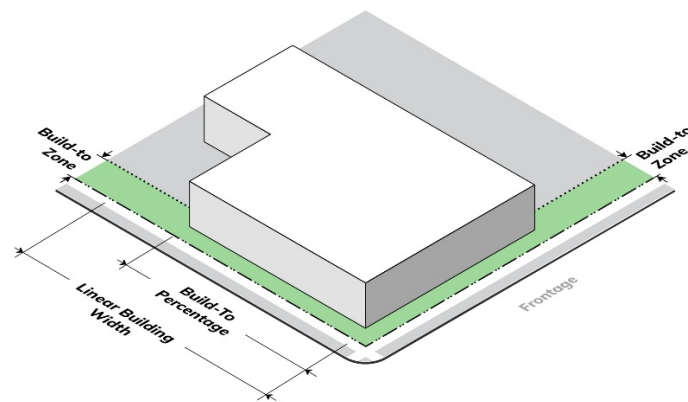
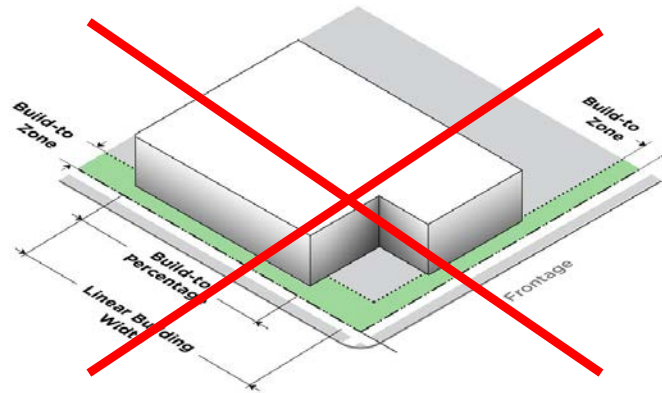
67. Amend Section 15.13.2 “Definitions” by modifying, deleting or adding new definitions and/or graphics shown below:

Blank Wall, Upper Floor. The horizontal or vertical linear dimension of contiguous building wall that does not contain fenestration, 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 with a minimum dimension of less than five feet (height or width) is not considered to be a blank wall. 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 dimension in Section 15.2.E.B.



Blank Wall, Upper Floor

Build-to Percentage. A build-to percentage specifies the percentage of the building façade that shall be located within the build-to zone. Façade articulation, such as window or wall recesses and projections, do not count against the required build-to percentage. Plazas, outdoor dining, and other public open space features that are also bounded by a building façade parallel to the frontage are counted as meeting the build-to percentage. Private residential courtyards that are no more than 18” above or below grade for residential uses may be counted for up to 40% of the build-to percentage in residential developments. Build-to percentage is calculated by building façade, not lot width.



Build-To Percentage

Building Façade. The exterior wall of a building.

Building Façade Line. The ~~vertical plane~~ horizontal line along a lot where the building's façade is located. Upper story building façade lines relate to that part of the façade that requires a setback.

Façade. The exterior wall or face of a building.

Finished Grade. The final ground elevation around a building after all earthwork has been completed.

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.

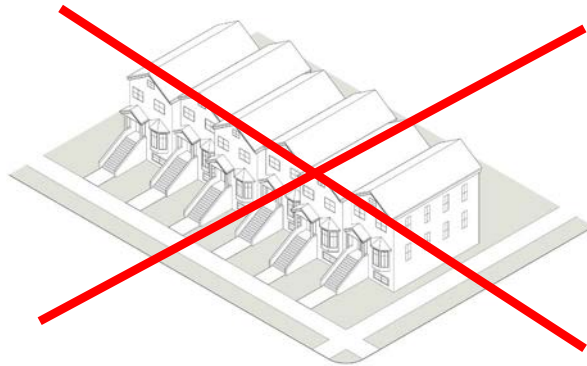
Frontage. A frontage is that part of the lot and/or building façade that faces: 1) an existing or ordinance required public or private street, 2) a street designated on an

adopted 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 an open space, public path, or transit corridor. A frontage does not include any building that is at least 100' behind the required setback line.

Greenway. A corridor of undeveloped 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.

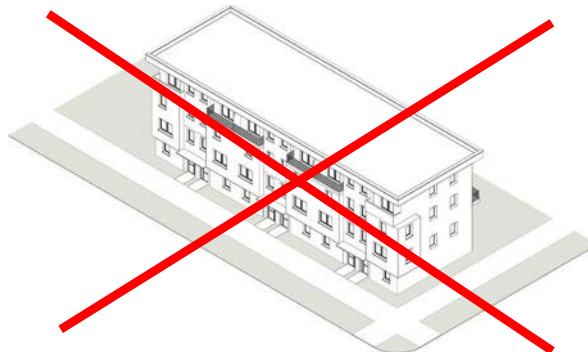
Loading, Off-Street. An unobstructed area, not located within the public right-of-way, provided and maintained for the temporary parking of trucks and other delivery vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise.

~~Multi-Family Attached Unit.~~ ~~Attached unit design refers to multi-family residential designed as a structure with primarily side by side dwelling units, each with an individual entry.~~



~~Multi-Family Attached Units~~

~~Multi-Family Stacked Unit.~~ ~~Stacked unit design refers to multi-family residential designed as a structure with multiple dwelling units accessed by one or more common entryways. Units may have individual entrances for ground floor units.~~



~~Multi-Family Stacked Units~~

~~On-Site Utility Distribution Line.~~ Electric, gas, communications, water, sewer, irrigation, and/or drainage lines that provide on-site local distribution or collection service.

~~Permanent Enclosed Area.~~ ~~An area contained by permanent walls, roof, and solid flooring.~~ An area that is structurally enclosed by a floor and foundation, ceiling, and solid walls, which may have partitions and/or windows.

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

Utilities, Above Ground Accessory Structures (On-Site). 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 refers specifically to above ground or underground utility structures, such as backflow preventers, pedestals for cable wire access, or other access points for infrastructure.

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

Vehicle Way. The portion of a street between curbs, including parking lanes and travel lanes for personal vehicles, commercial vehicles, transit vehicles, and bicycles. Medians, turn lanes, and exclusive transit lanes are included in the vehicle way.

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 20____, the reference having been made in Minute Book_____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this _____ day of _____, 20____.