

X.11 ADMINISTRATION

All administrative procedures of the Zoning Ordinance apply to the TOD Districts. The following applications in this Section are specific to the TOD Districts.

X.11.1 Administrative Adjustment

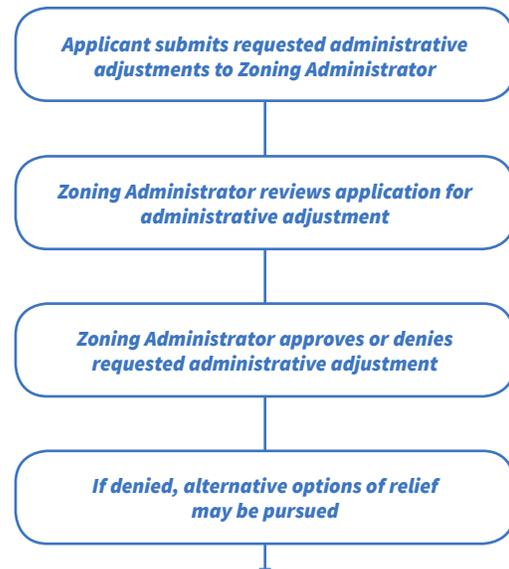
- A. Purpose.** The purpose of the administrative adjustment is to allow for adjustment of quantitative regulations of the TOD Districts that may cause a minor practical difficulty.
- B. Applicability.** The administrative adjustment permissions in this section are applicable only to the TOD Districts.
- C. Authority**
 - 1. The Zoning Administrator has the authority to administratively adjust the following standards in the TOD Districts. Any changes that exceed these thresholds are not eligible for an administrative adjustment.
 - a. Standards that may be adjusted are limited to quantitative regulations.
 - b. Standards may be adjusted by up to 10% by the Zoning Administrator.
 - 2. The Zoning Administrator cannot adjust quantitative standards related to height bonus provisions.

D. Procedure

- 1. The Zoning Administrator will review administrative adjustments against the following standards and must make a finding that the adjustment meets each standard:
 - a. Is consistent with the overall intent of the applicable TOD District.
 - b. Relieves a minor practical difficulty.
 - c. Enhances compatibility with surrounding development or protects other unique existing elements.

- d. Does not have a negative impact on public health, safety, and welfare
- 2. The Zoning Administrator may also determine that the proposed adjustment is outside of the general intent of relieving a minor practical difficulty and decline to review the administrative adjustment.
- 3. If an administrative adjustment is declined or denied by the Zoning Administrator, nothing precludes the applicant from pursuing alternative options of relief.

ADMINISTRATIVE ADJUSTMENT



X.11.2 Alternative Compliance

- A. Purpose.** The purpose of allowing for alternative compliance with the select standards of the TOD Districts is to encourage the implementation of alternative and innovative design practices that implement the intent of the TOD Districts and do not have a significant adverse impact on surrounding development.
- B. Authority**
 - 1. The Planning Director, upon recommendation of approval or denial from the Alternative Compliance Review Committee (ACRC), has the authority to approve or deny alternative compliance requests to select standards identified in this section in the TOD Districts.
 - 2. No standard may be waived in its entirety.
- C. Eligible Regulations and Review Standards.** The standards listed in this section may use alternative compliance. Each standard must be reviewed against its specific review criteria and a finding must be made that the alternative compliance meets each standard. All applications for alternative compliance must be consistent with the intent of the TOD District.
 - 1. District dimensional and design alternative compliance standards as follows. Alternative compliance to the bonus provisions is prohibited.

- a. Section X.2 Dimensional Standards.** Alternative compliance shall be allowed for the following Dimensional Standards: Minimum Building Height (Section X.2.1.C), Maximum Building Length (X.2.1.A), Stepback (X.2.1.D), and Building Articulation (X.2.1.E). Alternative compliance to the dimensional standards must meet the following.
 - i. The design maintains compatibility with adjacent developments and surrounding land uses.
 - ii. The design maintains pedestrian safety and walkability.

- iii. When alternative compliance is applied for maximum building length standards (Section X.2.1.A), the structure is designed so that additional building mass is broken up through the use of design features including, but not limited to, building passages, blank walls of lesser width than that required by the district, and/or the use of plazas and seating areas along street frontages.
- iv. When alternative compliance is applied for building stepback standards (Section X.2.1.D), the design maintains privacy for adjacent residential neighborhoods and is compatible with adjacent structures. New structures and additions to existing structures must not create substantial shadows on open spaces and public paths. In determining the impact of shadows, the following factors should be taken into account: the amount of area shaded, the duration of shading, and the importance of sunlight to the type of open space being shadowed.

ALTERNATIVE COMPLIANCE



- v. When alternative compliance is applied for building articulation standards (Section X.2.1.E), the design maintains an engaging pedestrian environment on the ground floor, which may be accomplished through, but not limited to, the use of plazas or outdoor seating/activity areas along street frontages and colonnades.

b. Section X.3 Design Standards.

Alternative compliance to the design standards must meet the following:

- i. The design maintains compatibility with adjacent developments and surrounding land uses.
- ii. The design maintains pedestrian safety and walkability.
- iii. The use of horizontal design elements, the palette of building materials, and other alternative methods continue to provide interest and break down the scale of the building façade.
- iv. Alternative building entry design connects public interior spaces along the ground floor, such as lobbies or commercial spaces, to the outdoor environment and visible from the street through the use of fenestration design and connections to outdoor seating or dining areas.
- v. In addition to the above standards, the alternative design of multi-family:
 - (A) Provides greater efficiency in layout and enhances on-site open space.
 - (B) Does not negatively impact the privacy of units within the development or adjacent residential developments.
 - (C) Avoids repetition and applies subtle variations between dwelling units in attached unit multi-family.

- vi. The alternative design of parking structures:

- (A) Meets the overall intent of the parking structure design regulations.
- (B) Maintains a ground floor design that engages the pedestrian environment.
- (C) Continues to screen the interior circulation components of the parking structure.
- (D) Maintains pedestrian safety at vehicle ingress/egress points.
- (E) In the case of alternative compliance with requirements to construct a convertible parking structure, an analysis is provided that clearly identifies the reason this requirement cannot be met, including engineering diagrams and/or other schematics.

c. Section X.6 Landscape and Screening

Requirements. Alternative compliance to the landscape and/or screening (Section X.7) standards must meet the following standards. Alternative compliance is not permitted for the requirements of Chapter 21, the Tree Ordinance.

- i. The design meets the spirit and intent of these requirements.
- ii. That proposed alternative will, upon maturity, provide landscaping that is equal to or better than the standard's requirements.
- iii. The proposed alternative is reasonably compatible with the natural and topographic features of the site.
- iv. Alternative screening minimizes the impact of the development on adjacent uses and screens incompatible uses and site elements, creating a logical transition to adjoining lots and developments.

D. Procedure

1. The applicant must submit an application to the Planning Director for alternative compliance. Planning Department Staff will review the application and provide a recommendation. The Planning Director will forward the application, with Staff recommendation, to the Alternative Compliance Review Committee (ACRC).
2. The ACRC will review the application in a public meeting, hear public comments, and recommend approval, approval with modifications, or denial.
3. The ACRC will forward their recommendation to the Planning Director. The Planning Director approve, approve with modifications, or deny the application, in consideration of the ACRC recommendation.
4. If alternative compliance is denied by the Planning Director, nothing precludes the applicant from pursuing alternative options of relief.

E. Organization of the Alternative Compliance

Review Committee. Members and officers of the Alternative Compliance Review Committee are appointed and removed in accordance with the resolutions adopted by the Charlotte City Council.