



CITY OF CHARLOTTE

## **CHAPTER 15. TRANSIT ORIENTED DEVELOPMENT DISTRICTS**

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**ADOPTED BY CHARLOTTE CITY COUNCIL APRIL 15, 2019**

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**CHAPTER 15. TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICTS**

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## 15.1 PURPOSE AND APPLICABILITY

### 15.1.1 TOD General Purpose

The purpose of the Transit Oriented Development (TOD) Districts is to encourage and enable the development of moderate to high-intensity, compact, mixed-use urban neighborhoods near transit stations where people can live, work, shop, dine, and pursue cultural and recreational opportunities while enjoying a range of mobility choices. TOD development standards, combined with limits on auto-centric uses, are designed to create vibrant neighborhoods with a robust network of streets, sidewalks, and bicycle paths, providing safe and convenient access to transit stations.

The TOD Districts are intended for use near rapid transit stations and streetcar stops and along transit corridors for sites that have been identified as appropriate for transit oriented, transit supportive, or mixed-use development, as identified in the City's adopted future land use plans. The goals of the Transit Oriented Development Districts include:

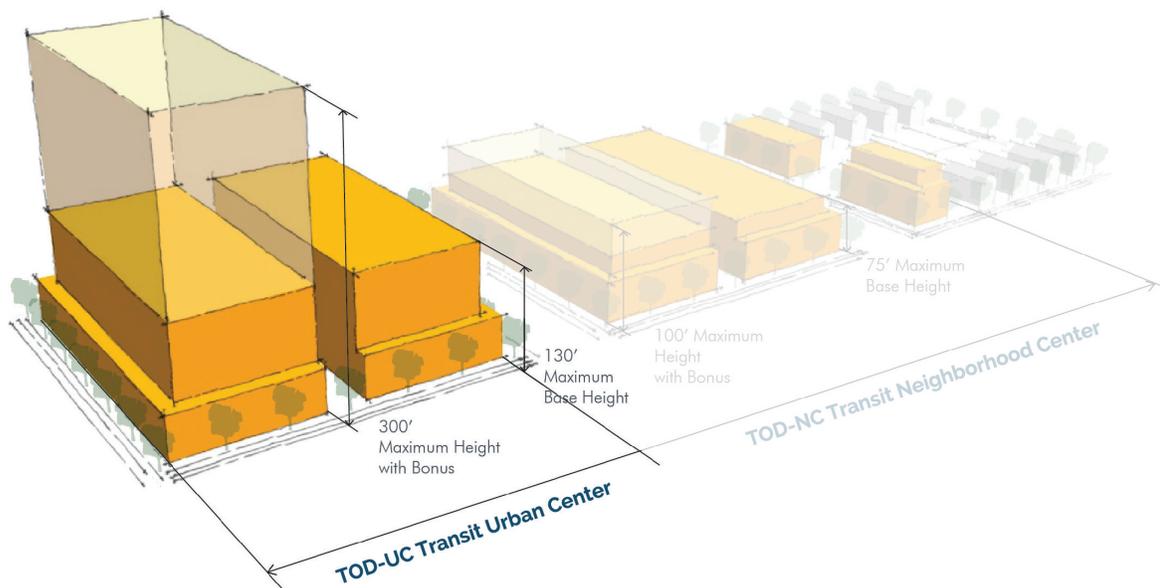
- A. Support the public investment in transit infrastructure by creating a dense, pedestrian-scale built environment and a range of uses that encourages walking, cycling, and transit use, and lessens the reliance on individual vehicles.
- B. Develop a high-quality, attractive public realm that supports a range of mobility choices by providing wide accessible sidewalks with street trees and lighting, pedestrian amenities, bicycle facilities, public art, parks, plazas, and open space.
- C. Encourage the rehabilitation and reuse of structures that contribute to the identity and character of the neighborhood.
- D. Respect existing established residential neighborhoods by limiting the height and intensity of adjacent new development.
- E. Support a diversity of housing choices with access to daily services, employment, and transit.

### 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 staff of the Charlotte Planning, Design & Development Department 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.

#### 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.



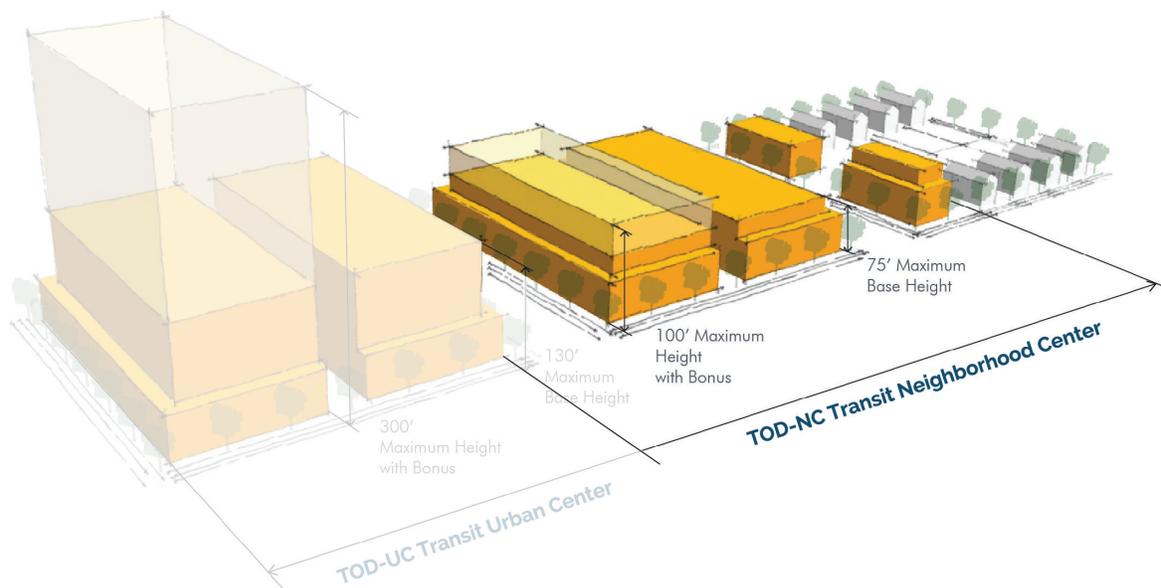
### 15.1.3 TOD-UC Transit Urban Center

- A. Purpose.** The TOD-UC district is appropriate for parcels near high-intensity rapid transit stations and streetcar stops. Of the four TOD zoning districts, TOD-UC will permit the greatest building heights, demand the uppermost level of site and architectural design, permit the least amount of vehicle parking, and require the most urban form of streetscape and public realm. This district should be used on sites closest to transit stations and a limited number of streetcar stops where the highest density and most intense uses are envisioned.

New development in the TOD-UC district should be multi-storied, with street frontages activated by commercial, residential, or institutional uses. Tall buildings up to 130 feet are permitted by-right, with taller buildings allowed through a height bonus. Vehicle parking should be in wrapped parking structures or located to the rear of buildings, and buildings should be built at the back of the sidewalk to provide a dense, urban street edge.

The TOD-UC district may be used in any transit station area or near a streetcar stop where high intensity transit oriented development is appropriate. It is not intended for sites adjacent to a single-family zoning district (including vacant structures with single family zoning) or a single-family use, unless separated by a limited-access highway, parkway, boulevard, or avenue of at least four lanes, or a rail corridor, or by a public amenity, greater than three acres in size.

- 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 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.



#### 15.1.4 TOD-NC Transit Neighborhood Center

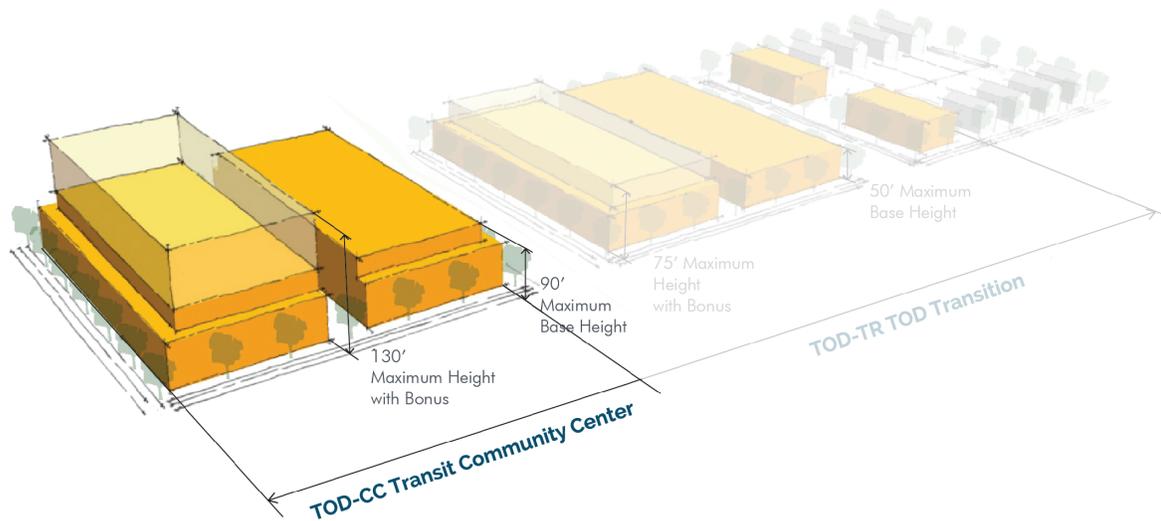
- A. Purpose.** The TOD-NC district is intended for use in existing or future transit station areas and near streetcar stops as a transition from a higher intensity TOD-UC district to adjacent existing neighborhoods, or where the rehabilitation and reuse of existing structures is important to preserving the character of established neighborhoods.

The TOD-NC district generally maintains the high level of design standards associated with the TOD-UC district, but is preferred over the TOD-UC district where less intensity is more appropriate, such as adjacent to single-family neighborhoods, or where adopted policy recommends a lower maximum building height.

New development in the TOD-NC district should be multi-storied, with street frontages activated by commercial, residential, or institutional uses. Mid-rise buildings up to 75 feet are permitted by-right, with taller buildings up to 100 feet allowed through a height bonus. Vehicle parking should be in wrapped parking structures or located to the rear of buildings, and buildings should be built at or near the back of the sidewalk to provide a dense, urban street edge.

The TOD-NC district may be used in any transit station area or near a streetcar stop where moderate to high intensity transit oriented development is appropriate, but should not be used in the Uptown area (inside Interstate highways 277 and 77).

- B. Applicability.** The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop. It may also be applied to parcels within ½ mile walking distance of an adopted Metropolitan Transit Commission alignment station location.



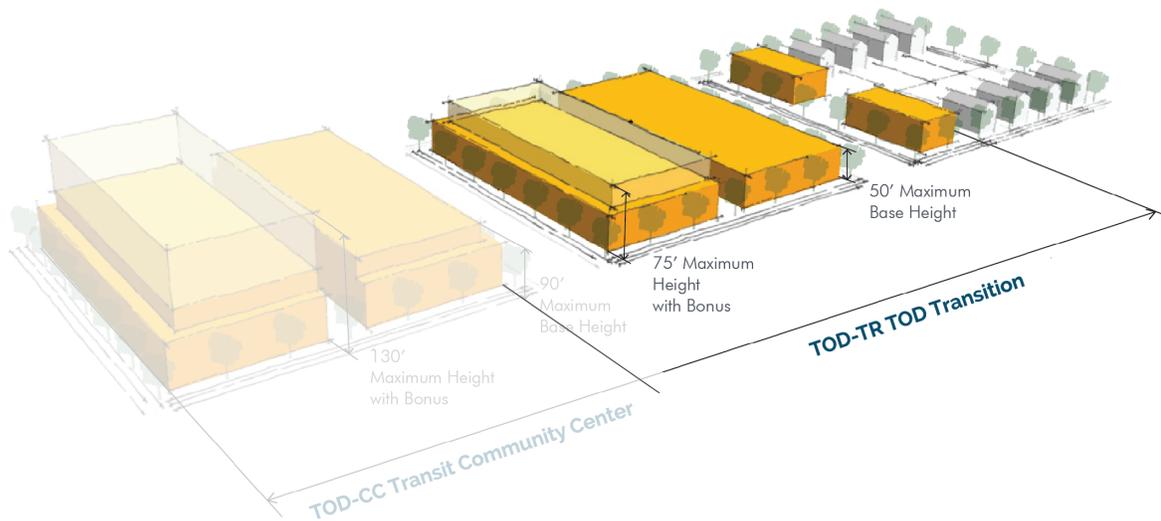
### 15.1.5 TOD-CC Transit Community Center

- 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 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.

New development in the TOD-CC district should be multi-storied, with street frontages activated by commercial, residential, or institutional uses. Mid-rise buildings up to 90 feet are permitted by-right, with taller buildings up to 130 feet allowed through a height bonus. Vehicle parking should be in wrapped parking structures or located to the rear of buildings, and buildings should be built at the back of the sidewalk to provide a dense, urban street edge.

The TOD-CC district may be used in any transit station area or near a streetcar stop where moderate intensity development is appropriate, but should not be used in the Uptown area (inside Interstate Highways 277 and 77). It is not intended for sites adjacent to a single-family zoning district (including vacant structures with single-family zoning) or a single-family use, unless separated by a limited-access highway, parkway, boulevard, or avenue of at least four lanes, or a rail corridor, or by a public amenity greater than three acres in size.

- B. Applicability.** The TOD-CC 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 alignment station location, or within ¼ mile walking distance of an adopted streetcar stop.



### 15.1.6 TOD-TR Transit Transition

- A. Purpose.** The TOD-TR district is appropriate for parcels near moderate-intensity rapid transit stations and streetcar stops to transition from higher intensity TOD Districts to adjacent existing neighborhoods, or in transit neighborhoods where the rehabilitation and reuse of buildings is important to preserving the existing character and scale.

The TOD-TR district's modest maximum building heights, more relaxed design standards, expanded menu of permitted uses (including attached single-family residential), and higher maximum parking limits are intended to accommodate and encourage transit oriented and transit supportive development in transit station areas where there is not a current market demand for more intense development. These station areas are generally further from Uptown. This district is also intended for use in areas where adopted policy encourages the adaptive reuse of existing building stock.

New development in the TOD-TR district may be single- or multi-storied, with street frontages activated by commercial, residential, or institutional uses. Low-rise buildings up to 50 feet are permitted by-right, with mid-rise buildings up to 75 feet allowed through a height bonus. Vehicle parking may be in wrapped parking structures or located to the rear of buildings, and buildings should be built at or near the back of the sidewalk to contribute to a walkable and interesting public realm.

The TOD-TR district may be used in any transit station area or near a streetcar stop where moderate intensity development is appropriate, but should not be used in the Uptown area (inside Interstate Highways 277 and 77).

- B. Applicability.** The TOD-TR district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop. It may also be applied to parcels within ½ mile walking distance of an adopted Metropolitan Transit Commission alignment station location.

### 15.1.7 Applicability of Frontages

Many of the regulations for the TOD Districts including, but not limited to, dimensional and design standards, are controlled by frontage type.

**A. Application.** Street Classifications and Frontage Types within the TOD Districts are as follows:

1. For that portion of a lot that abuts an Arterial, Collector, or Main Street street classifications and frontage types are determined as follows:
  - a. If a Streets Map has been adopted, the Streets Map designates the street classification and frontage type.
  - b. If a Streets Map has not been adopted, the street classification in an adopted Area Plan designates the street classification and the frontage type.
2. Where a Streets Map or adopted 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 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.

**B. Street Classifications and Frontage Types.** The frontages listed in item A above are defined as follows:

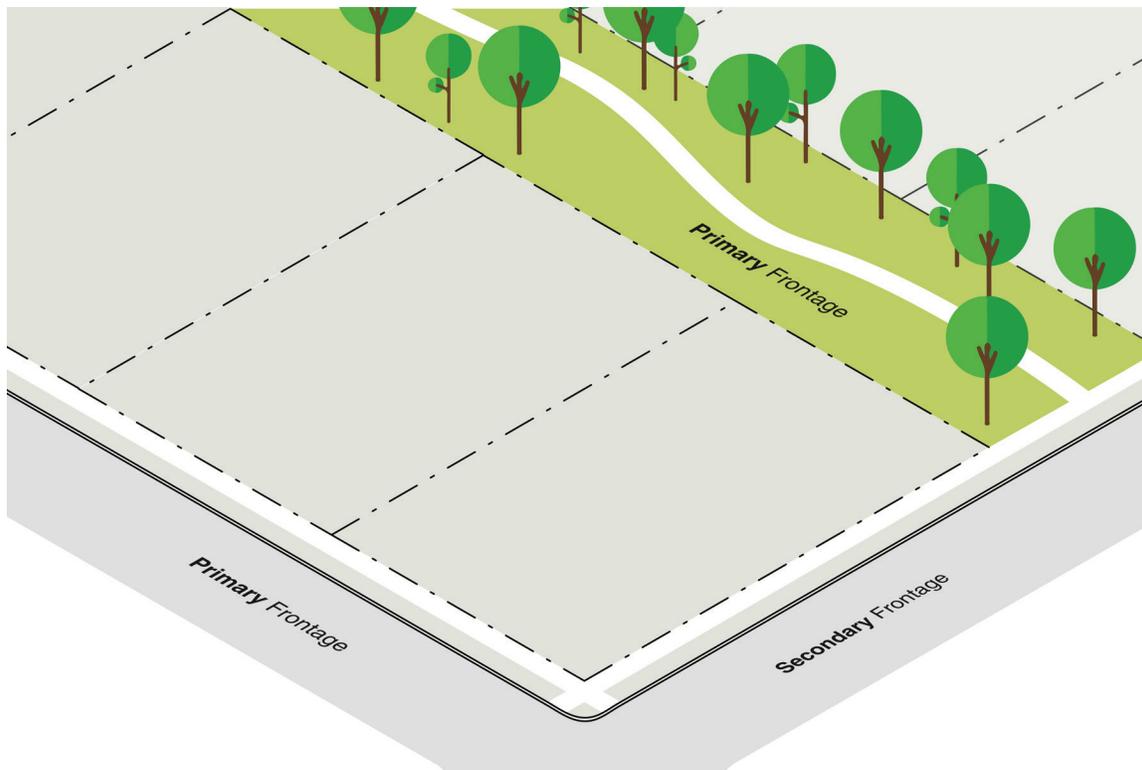
1. **Main Street - Street Classification and Frontage Type.** Destination streets that provide access to and function as centers of civic, social, and commercial activity with the highest level of comfort, security, and access for pedestrians and development focused toward the pedestrian realm, as defined by 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".

2. **Four Plus Lane (4+ Lane) Avenue/Boulevard - Street Classification and Frontage Type.** A right-of-way with a minimum of two lanes of travel for each direction and center space. Such rights-of-way may be existing, identified on an adopted transportation plan or map, or in an Area Plan.
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.
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.
  - 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.
5. **Frontage Type, Other - Secondary.** Frontages that meet the following will be designated as frontage type, other - secondary.
- a. The frontage type is not designated a Main Street, 4+ Lane Avenue/Boulevard, Limited Access Road, or a frontage type, other - primary.

**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.



*Example: Lots with multiple frontages*

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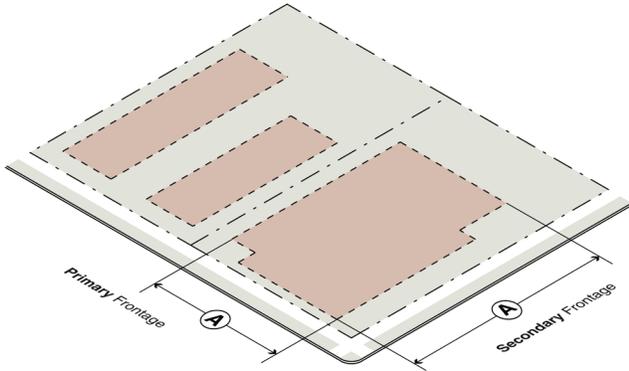
## 15.2 DIMENSIONAL STANDARDS

### 15.2.1 TOD Districts Dimensional Standards

Sections 15.2.1.A through 15.2.1.E establish the dimensional standards for the TOD Districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. Requirements are distinguished 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.

## A. Building Dimensions

Building dimension standards govern the size and separation of structures to ensure compatibility of buildings with each other and with the adjacent neighborhood context.



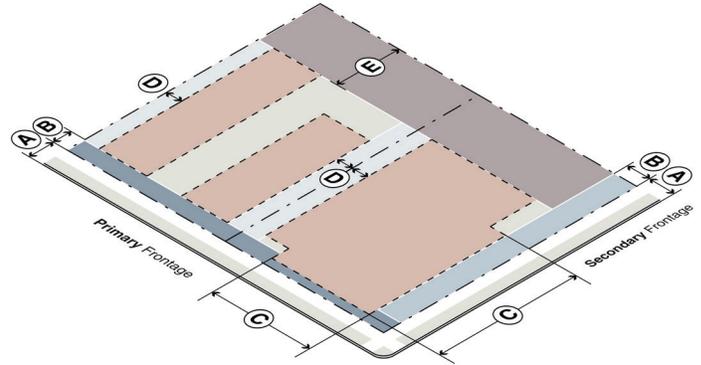
### Building Dimensions

		TOD-UC	TOD-NC	TOD-CC	TOD-TR
A	Maximum Building Length Along a Frontage *	400'			

\* Maximum building length along a frontage does not apply to any frontage located along freight only rail line or a Limited Access frontage.

## B. Building Siting

Building siting standards govern the placement of buildings on lots, and are intended to facilitate the creation of vibrant, pedestrian-oriented places within Charlotte's TOD Districts.



### Building Siting

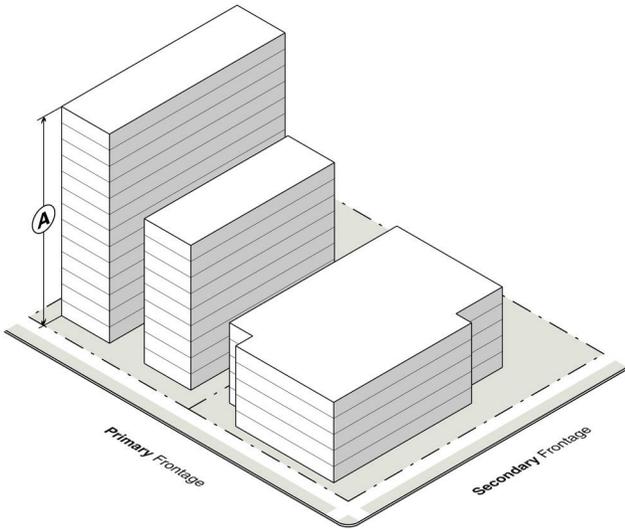
		TOD-UC	TOD-NC	TOD-CC	TOD-TR	
A	Required Setback Line by Frontage Type (From Future Back of Curb) * , ** , *****					
	Frontage Type	Main Street	18'			
		4+ Lane Ave/ Blvd***	24' for 4-5 Lane, 30' for 6+ Lane			
		Other - Primary	Transit corridor - 20' Public path - 24'			
		Other - Secondary	Other frontage type - 16'			
Limited Access	10' measured from right-of-way					
B	Build-To Zone (From Setback Line) *****					
	Frontage Type	Main Street				
		4+ Lane Ave/ Blvd***	0-10'	0-20'	0-10'	0-20'
		Other - Primary				
		Other - Secondary				
Limited Access	N/A					
C	Minimum Build-To Percentage					
	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.

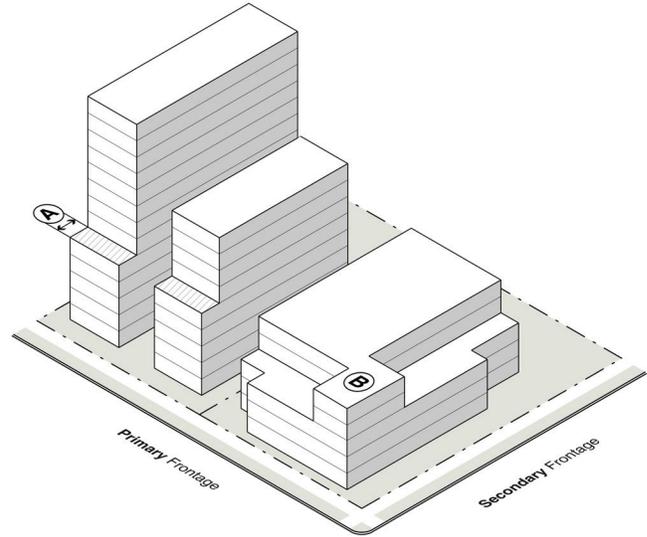
### C. Building Height

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



### D. Required Height Stepback

Required height stepback standards are intended to ensure the maintenance of light, air, and a comfortable pedestrian experience at ground level within Charlotte's TOD Districts.



#### Building Height

		TOD-UC	TOD-NC	TOD-CC	TOD-TR	
<b>A</b>	Building Height *	Min. **	24' for parcels less than 1/4 acres in area 40' for parcels greater than or equal to 1/4 acres in area	24'	24'	N/A
		Max.	130'	75'	90'	50'
		Max. (with Bonus)	300' unless located within 1/4 mile walking distance from a rapid transit station, then maximum height is unlimited	100'	130'	75'

\* In the TOD-NC, TOD-CC, and TOD-TR districts, the maximum building height of any structure within 200' of residential 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 residential 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 residential 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.

\*\* Lots within the TOD-UC, TOD-NC, and TOD-CC Districts with 30' or less in lot width are exempt from minimum building height requirements.

#### Required Height Stepback

		TOD-UC	TOD-NC	TOD-CC	TOD-TR	
<b>A</b>	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 - Secondary	N/A			
		Limited Access	N/A			
<b>B</b>	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.				

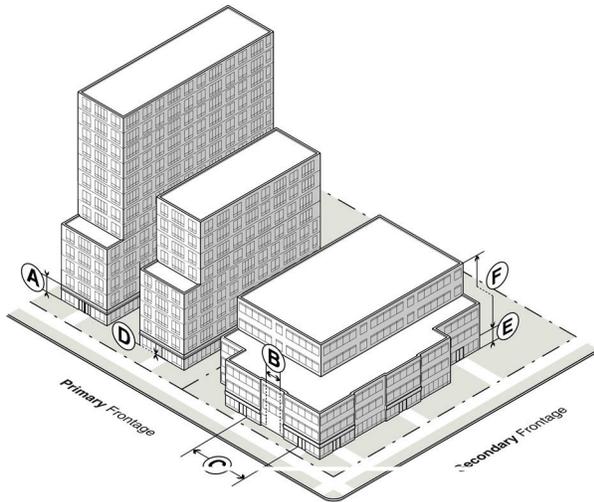
\* The required stepback applies to each facade located along a frontage type. Where more than one frontage is present, the requirement for such frontage applies to that facade. The following are exempt from stepback requirements: 1) any facades located along a frontage, where the lot width of such frontage is 50' or less; 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 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.

## E. Building Articulation

Building articulation standards govern the dimensions of building facade elements, transparency, and entry features, and are intended to facilitate the enhancement of a pedestrian-oriented environment in Charlotte's TOD Districts.



### Building Articulation

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

\* At least 70% of the total ground floor height shall meet the minimum ground floor height requirement.

\*\* The ground floor of residential developments is still considered residential when leasing or management offices and/or tenant facilities, such as gyms and community/party rooms, are located on the ground floor.

\*\*\* Applies to buildings 100' in length or more.

\*\*\*\* Applies to buildings 150' in length or more.

\*\*\*\*\* City Engineer may allow adjustments to standards if adjacent average sidewalk grade is greater than 10% or to comply with federal and state law.

\*\*\*\*\* Non-residential ground floor transparency area shall maintain a visibility zone to meet the standard.

† Residential units located below sidewalk grade are permitted to have below-grade entrances, which shall be between 1' and 3' below sidewalk grade.

TOD-UC	TOD-NC	TOD-CC	TOD-TR
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		TOD-UC	TOD-NC	TOD-CC	TOD-TR	
<b>D</b>	<b>Vertical Distance Between Building Entry and Sidewalk *****</b>					
	Frontage Type	Main Street	75% of required prominent entrances along the sidewalk/building exterior shall meet grade. Other entrances shall be between 0' and 4' above sidewalk grade.			
		4+ Lane Ave/Blvd	<b>Non-residential:</b> 50% of required prominent entrances along the sidewalk/building exterior shall meet grade. All other ground floor entrances shall be between 0' and 4' above sidewalk grade.  <b>Residential entrances to individual units:</b> All ground floor entrances along the sidewalk shall be between 1' and 7' above sidewalk grade.†	<b>Non-residential:</b> One prominent entrance at grade required. All other ground floor entrances shall be between 0' and 4' above sidewalk grade.		
	Frontage Type	Other - Primary	<b>Non-residential:</b> 50% of required prominent entrances along the sidewalk/building exterior shall meet grade. All other ground floor entrances shall be between 0' and 4' above sidewalk grade.  <b>Residential entrances to individual units:</b> All ground floor entrances along the sidewalk shall be between 1' and 7' above sidewalk grade.†	<b>Non-residential:</b> One prominent entrance at grade required. All other ground floor entrances shall be between 0' and 4' above sidewalk grade.		
		Other - Secondary	<b>Non-residential:</b> One prominent entrance at grade required. All other ground floor entrances shall be between 0' and 4' above sidewalk grade.  <b>Residential entrances to individual units:</b> All ground floor entrances along the sidewalk shall be between 1' and 7' above sidewalk grade.†	N/A		
	Limited Access	N/A			N/A	
<b>E</b>	<b>Ground Floor Transparency Area (Measured 3' to 10' From Finished Grade) *****</b>					
	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			
<b>F</b>	<b>Upper Floor Transparency (% Wall Area of Story)</b>					
	Frontage Type	Main Street	25% Min.			
		4+ Lane Ave/Blvd	15% Min.			
		Other - Primary	25% Min.	N/A		
		Other - Secondary	N/A			
		Limited Access	N/A			

### 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.

**A. Bonus Menu:** Additional building height, required on-site open space reduction, and an increase in the maximum building length is allowed through a voluntary bonus system. In order to obtain a development bonus, one or more actions in Table 15.1 are required.

#### B. Bonus Actions

##### 1. Height Bonus

- a. Bonuses for additional building height, except for those under affordable housing, correlate to the number of points acquired per Table 15.1: Bonus Menu. Points may be earned in one or more categories. A height bonus for affordable housing is applied as indicated in Table 15.1.
- b. For the building height bonus, one point is required for one foot of additional building height, not to exceed the maximum height with bonus indicated in Section 15.2.1.C. Unless specifically indicated otherwise, building height bonus points may be distributed to one or more buildings on the lot of record.

##### 2. Open Space and Building Length Bonus

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

- c. 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.
- d. An increase in maximum building length (Section 15.2.1.A) is applied only to the building where the affordable housing units are located.
- e. An increase in maximum building length (Section 15.2.1.A) is subject to the following conditions:
  - i. For an increase to 500 feet maximum building length, the affordable housing requirement of Table 15.1 shall be met.
  - ii. For an increase over 500 feet to a maximum of 600 feet in building length, the affordable housing requirement of Table 15.1 shall be met in addition to the following standards:
    - (A) The building mass shall be visually broken up or interrupted a minimum of every 200 linear feet of building length. Breaks shall be a minimum of 20 feet in width, and shall be set back a minimum of 20 feet from the primary building façade line.
    - (B) Such breaks in the building mass shall include landscaping, plazas, and seating areas along frontages.
    - (C) A pedestrian passage shall be allowed to fulfill this requirement. Such passage shall connect two frontages via a direct path, and shall be a minimum of 12 feet wide and 16 feet tall.

Table 15.1: Bonus Menu

<b>Economic Mobility</b>	
Affordable Housing and the Charlotte Business Inclusion program are designed to promote economic opportunity in the transit station areas.	
Bonus Actions	Bonus Awarded
<p>1.</p> <p><b>Affordable Housing.</b> 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>* 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><b>Height Bonus:</b> All Districts: Additional Height per Floor up to Maximum Height Allowed by Ordinance.</p>
<p>2.</p> <p><b>Affordable Housing On-Site.</b> Devote 5% of Gross Floor Area** (calculated to number of units) of building receiving bonus 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>** Gross Floor Area does not include floor area in parking structures.</p>	<p><b>Open Space/Height Bonus:</b> 50% Reduction of Open Space Requirement and 15 feet 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;"><b>OR</b></p> <p><b>Building Length/Height Bonus</b> 500 ft. Maximum Building Length and 15 feet of additional height. *</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>* 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.</p>
<p>3.</p> <p><b>Design Bonus.</b> Must be used in conjunction with 1 or 2 above.</p> <p>Devote 5% of Gross Floor Area (calculated to number of units) of total building(s) to affordable housing, using local unit size averages. *</p> <p>* Affordable housing units must be set aside for households earning 60% AMI or less, with no more than 20% of the bonus units set aside for households earning between 110% and 61% AMI.</p>	<p><b>Prominent Entrance Requirement Bonus:</b> Only 1 prominent entrance required *</p> <p>* This bonus is per building</p>
<p>4.</p> <p><b>Charlotte Business Inclusion targets met</b> (Minority Women Small Business Enterprise requirements).</p>	<p><b>TOD-UC:</b> 20 points</p> <p><b>TOD-NC, TOD-CC, TOD-TR:</b> 12 points</p> <p>For every percentage point above target met, 1 additional point will be given.</p>

<b>Environmental</b>			
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.			
<b>Bonus Actions</b>		<b>Points Awarded</b>	
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-CC, and TOD-NC.	<b>TOD-UC:</b> 15 Points <b>TOD-CC:</b> 10 Points <b>TOD-NC:</b> 10 Points	
6.	High Performance construction (certification under LEED silver or a LEED equivalent standard).	<b>TOD-UC:</b> 15 Points <b>TOD-CC, TOD-NC:</b> 10 Points <b>TOD-TR:</b> 5 Points	
7.	At least 25% of development's energy needs generated on-site.	<b>TOD-UC:</b> 10 Points <b>TOD-CC, TOD-NC, TOD-TR:</b> 5 Points	
<b>Transportation Improvements</b>			
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.			
<b>Bonus Actions</b>		<b>Points Awarded</b>	
		<b>TOD-UC, TOD-CC</b>	<b>TOD-NC, TOD-TR</b>
8.	<b>New Street Connection:</b> 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
9.	<b>Dedication of Future Transit Rights of Way along transit corridors (per 100 ft):</b> See recommended alignment for dimension.	3 points	2 points

## 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.

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

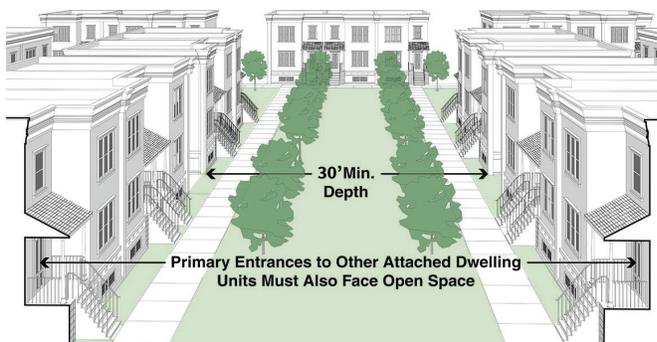
Facade Articulation & Massing						
Frontage Type		Main Street	4+ Lane Ave / Blvd	Other - Primary	Other - Secondary	Limited Access
1	For buildings of 150' in length or longer, facades shall be divided into shorter segments by means of modulation. Such modulation shall occur at intervals of no more than 60' and shall be no less than 2' in depth, and no less than 10' in width.	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 may be incorporated into facades. When provided, such features that are in line with the building facade above the ground floor are considered to meet any required build-to percentage.	UC, NC CC, TR	UC, NC CC, TR	UC, NC CC, TR	UC, NC CC, TR	UC, NC CC, TR
3	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
Building Entry						
Frontage Type		Main Street	4+ Lane Ave / Blvd	Other - Primary	Other - Secondary	Limited Access
4	A frontage shall have a minimum of one prominent entrance, as defined in this Ordinance.	UC, NC CC, TR	UC, NC CC, TR	UC, NC CC, TR	UC, NC, CC	N/A
5	All ground floor entrances shall include direct pedestrian connections between street facing doors and adjacent sidewalks.			UC, NC CC, TR		

### 15.3.2 Multi-Family Attached Unit and Single-Family Attached Design Standards

- A. Applicability.** The following standards apply to multi-family attached unit and single-family attached residential development. Single-family attached is exempt from Section 15.3.2.C.3.b (Building Design).
- B. Multi-Family Stacked Unit.** Multi-family stacked unit development is subject to the design standards of Section 15.3.1.
- C. Multi-Family Attached Unit and Single-Family Attached.**
1. Multi-family attached unit shall comply with the TOD District dimensional standards, with the exception of Sections 15.2.1.E items A, E, and F.
  2. Single-family attached shall comply with the TOD District dimensional standards, with the exception of Section 15.2.1.E.
  3. Both multi-family attached unit and single-family attached shall also comply with the following standards:

**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



**Multi-Family Attached Unit and Single-Family Attached Unit Common Open Space**

alternative to vehicular entrances facing a frontage or common open space.

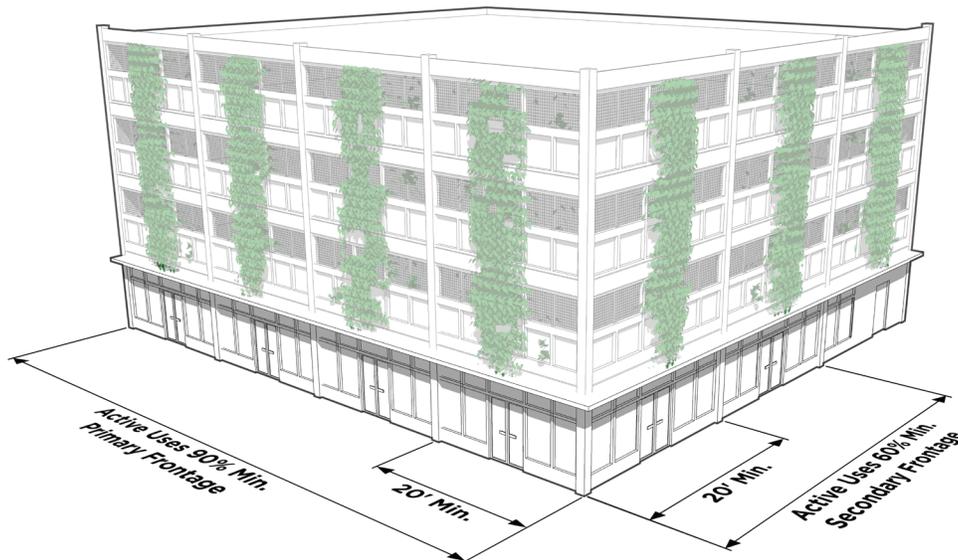
- ii. Surface parking spaces shall be located to the rear of buildings.
- iii. The primary pedestrian entry to each dwelling unit shall face a frontage. A primary entry may instead face a common open space if the following standards are met:
  - (A) The common open space shall be a minimum of 30 feet in depth, measured perpendicularly from the front building line of the dwelling unit. When abutting a single-family residential zoning district, any required buffer may be counted toward the common open space requirement.
  - (B) Primary entrances to other attached dwelling units, either adjacent or opposite, shall also face the common open space.
  - (C) A corner unit fronting on common open space and also a frontage shall have either an architectural feature, such as a bay window or porch that wraps the corner, on the ground floor facade adjacent to the frontage or a prominent entry with direct access from the frontage.
- iv. The maximum number of attached dwelling units for a multi-family attached unit or single-family attached development within a single structure is five when adjacent to a single-family zoning district.

## 15.3.2 - 15.3.3

- b. Building Design.** The following design standards apply to multi-family attached unit developments. Single-family attached developments are exempt.
- i. Facade Variation.** Structures shall incorporate elements of variation on any facade that abuts a frontage or common open space. Variation shall be accomplished by using at least three of the following elements:
- (A)** Variation in the facade depth of adjoining dwelling units of at least three feet.
  - (B)** Stepbacks or projections of the facade of at least two feet in depth, at intervals of no more than 30 feet.
  - (C)** Change in the roofline, such as variation in roof pitch, projections, or overhangs, at intervals of no more than 30 feet.
  - (D)** Architectural features, such as balconies, bay windows, or other elements of encroachment, along the facade of each dwelling unit, as per Section 15.4.10.
  - (E)** Raised entry of 18" or greater above grade.
  - (F)** Diminishing upper story floor area (i.e., gross floor area of upper stories is smaller than that of the ground floor).
  - (G)** Porch or stoop no less than 4 feet in width.
- ii. Building Material Restrictions.** Vinyl may only be used for windows, trim, soffits, and railings.
- iii. Entry Design.** The primary pedestrian entry shall be a prominent entrance on the front elevation and an integral part of the structure.

### 15.3.3 Parking Structure Design Standards

- A. Ground Floor Activation.** The following applies to standalone and integrated structured parking. 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.
1. When adjacent to a frontage, parking structures shall include residential or non-residential active uses along 90% of the ground floor building length along any primary frontage and 60% of the ground floor building length along any secondary frontage, excluding areas of required vehicular



Parking Structure Active Use Spaces

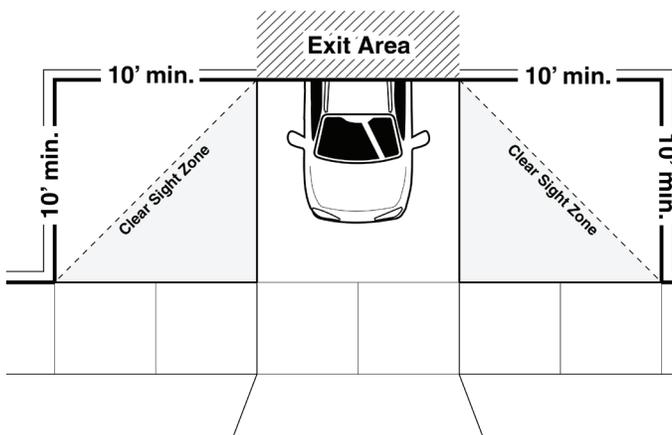
and pedestrian egress, and mechanical or electrical equipment rooms.

2. Active use space shall be designed to meet the requirements of 15.2.1.E Building Articulation. Non-residential uses shall be a minimum of 20 feet in width and 20 feet in depth, with utility stubs and the ability to accommodate equipment for restaurant uses. When the active use spaces are residential units, they are not required to accommodate equipment for restaurant uses.

### B. General Structured Parking Regulations

1. On portions of a facade abutting any frontage, where active uses, ingress/egress points, and/or mechanical equipment are not present, pedestrian-scale interest and activity shall be created through the inclusion of at least three architectural elements, such as awnings, overhangs, decorative screens, grills, louvers, or other similar features.
2. Facade openings that face any frontage shall be vertically and horizontally aligned, and all floors fronting on those facades shall be level, not inclined.
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 42 inches in height.

4. 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. The remaining opening 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.
5. A vehicular clear sight zone shall be included at vehicular exit areas as follows:
  - a. The facade of vehicular exit areas shall be set back a minimum of ten feet for the portion of the facade that includes the vehicle exit area and an additional ten feet on each side of the exit opening.
  - b. A vehicular clear sight zone is defined by drawing a line from the edge of the vehicular exit area to the main building facade line.
  - c. In the vehicular clear sight zone, landscape or a decorative wall shall be used to separate the exit aisle and the pedestrian walkway. Landscape and/or a decorative wall cannot exceed 30 inches in combined overall height in order to maintain driver sightlines.



15.3.3

- d. The upper story facade(s) of the parking structure may overhang the vehicular clear sight zone.
- C. Structured parking shall be designed in accordance with Table 15.3 when located on the applicable frontage. Where multiple options are indicated with a "P", any of the indicated options are permitted. An "X" marks where an option is not permitted.

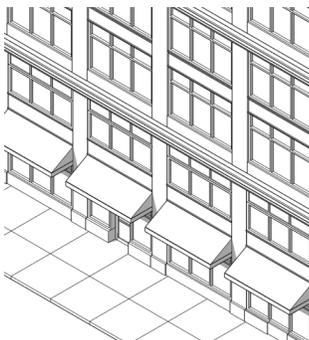
**Table 15.3 Parking Structure Frontage Standards**

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

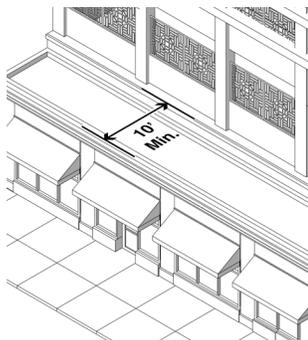
\* All floors wrapped requires a minimum of 70% of the facade above ground floor along any primary frontage to be covered with occupiable building space a minimum of 20 feet in depth. This does not apply to where the facade is not viewable from any frontage or for the portion of the facade above the 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 15.6.7. Such landscaping area shall count toward any required minimum build-to percentage.

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



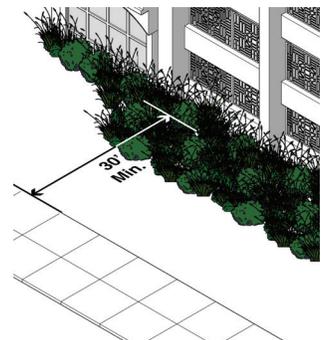
**Ground Floor Activation + All Floors Wrapped**



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



**Ground Floor Activation Only**



**Parking Structure at Min. 30' Setback Line with Landscaping**

## 15.4 PUBLIC REALM STANDARDS

### 15.4.1 Traffic Impact Study

A Traffic Impact Study (TIS) is required for any proposed development project which is expected to create 2,500 or more daily vehicle trips. A TIS will also be required for a change of use that would generate 2,500 or more daily vehicle trips. For redevelopment projects, including changes of use, trip generation thresholds shall be defined as the number of net new trips anticipated to be generated by the proposed development project over and above the number of trips generated by the current use of the site. Daily vehicle trips are based on the current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

- A. For projects that do not meet the thresholds established above, the CDOT Director may require a TIS if one or more of the following applies:
  1. The development will impact an area with a high vehicle crash history.
  2. The location is on a high injury corridor, as designated by CDOT.
  3. It creates the fourth leg of an existing signalized intersection.
  4. It modifies one or more legs of an existing signalized intersection.
  5. The development impacts an existing railroad crossing, emergency access, or school access.
- B. Procedures and guidelines for TIS are provided in CDOT Land Development, Rezoning, and Traffic Impact Study Review Process Guidelines. The guidelines assign intersection volume-to-capacity increases at which the development will have to mitigate. Mitigation alternatives are evaluated through the TIS. Final mitigations are decided jointly between the developer and CDOT staff, are not limited to vehicular improvements, and may include multi-modal transportation enhancements. The CDOT Director has the authority to decide mitigations in the event the developer and CDOT staff do not reach an agreement. The developer is required to construct the agreed upon mitigations or, if there is no agreement, the mitigations required by the CDOT Director. The CDOT Director has the authority to make amendments to the TIS Guidelines to better reflect Council-adopted transportation and land use policies.

### 15.4.2 Future Curb Line

- 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.
- 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 shared-use path is required.
- 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 must be relocated consistent with the Commercial Wide Street Cross Section. The curb 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. For on-street parking to be allowed, the curb must be relocated consistent with the Commercial Wide Street Cross Section. The curb 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.
- F. For property fronting on a transit corridor or greenway that is a primary or secondary frontage, the building setback line should be located according to the applicable adopted plan. If the setback line is not defined by an 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.

### 15.4.3 Transportation Adjustments

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.

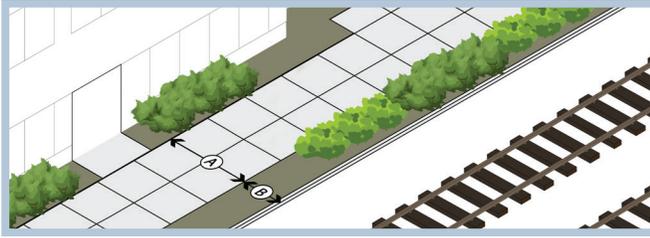
### 15.4.4 Pedestrian Facilities and Planting Strip/Amenity Zone Standards

- A. Sections 15.4.4.B through 15.4.4.H establish the minimum dimensional and design standards for pedestrian facilities, planting strips and amenity zones within the TOD Districts. Standards for pedestrian facilities, planting strips, and amenity zones, and the required setback lines by frontage type (Section 15.2.1.B) both apply. Where these standards differ, the more restrictive standard applies.
1. For property fronting on a street, required streetscape improvements shall be located behind the future curb line. The planting strip or amenity zone shall be located adjacent to the curb.
  2. Trees shall be planted in the 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 and the Charlotte Land

Development Standards Manual 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 planting strip or amenity zone.

3. Sidewalks and shared use paths shall abut the 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.

**B. Transit Trail \***

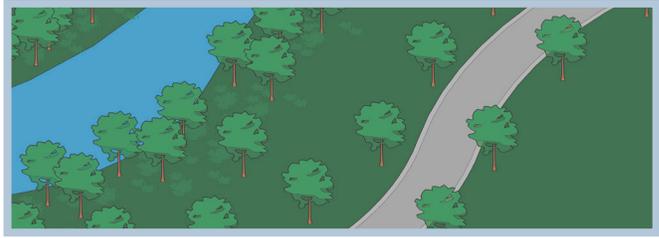


**Transit Trail and Planting Strip Dimensions**

	Minimum Dimension
<b>A</b> Transit Trail *	12'
<b>B</b> Planting Strip	4' on both sides **

- \* A transit trail is required when the trail is identified in a Council-adopted plan.
- \*\* No trees will be required in the planting strip.

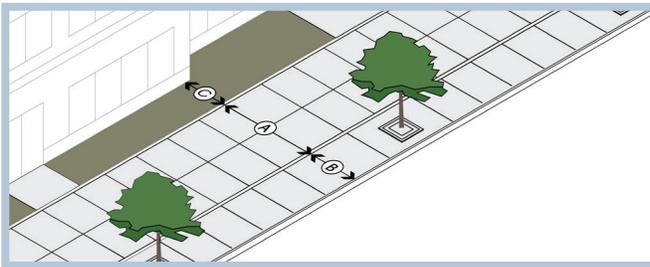
**D. Greenway Trail \***



- \* The requirement for a greenway trail will be identified in an adopted Mecklenburg County Greenway Master Plan. Greenway trails shall be a minimum of 12' in width and 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.

**C. Shared Use Path \***

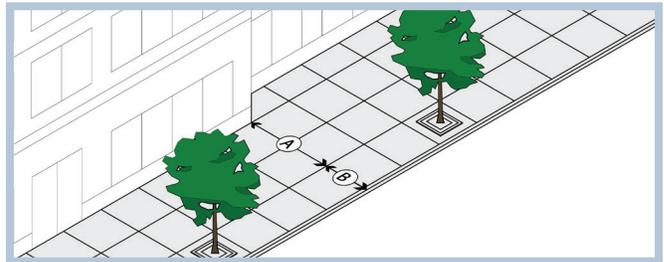


**Shared Use Path and Amenity Zone Dimensions \*\***

	Minimum Dimension
<b>A</b> Shared Use Path	12'
<b>B</b> Amenity Zone ***	8'
<b>C</b> Amenity Zone ****	4'

- \* A shared use path is 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.

**E. Main Street**



**Sidewalk and Amenity Zone Dimensions**

	Minimum Dimension
<b>A</b> Sidewalk	10'
<b>B</b> Amenity Zone	8' *

- \* Dimensions are measured from the future back of curb.

**F. Local or Collector Street**

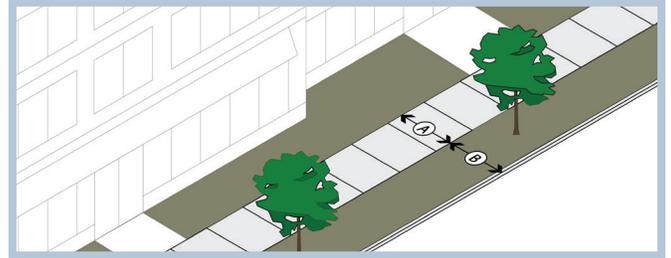


**Sidewalk and Amenity Zone Dimensions**

	Minimum Dimension*
<b>A</b> Sidewalk	8'
<b>B</b> Amenity Zone**	8' *

- \* Dimensions are measured from the future back of curb.
- \*\* In TOD-TR, a planting strip is permitted in lieu of the amenity zone.

**H. Avenue or Boulevard (No On-Street Parking)**

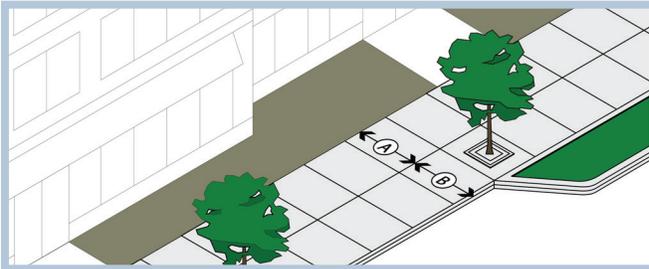


**Sidewalk and Planting Strip Dimensions**

	Minimum Dimension*
<b>A</b> Sidewalk	8'
<b>B</b> Planting Strip**	8' *

- \* Dimensions are measured from the future back of curb.
- \*\* Amenity zone is permitted in lieu of the planting strip.

**G. Avenue or Boulevard (On-Street Parking)**

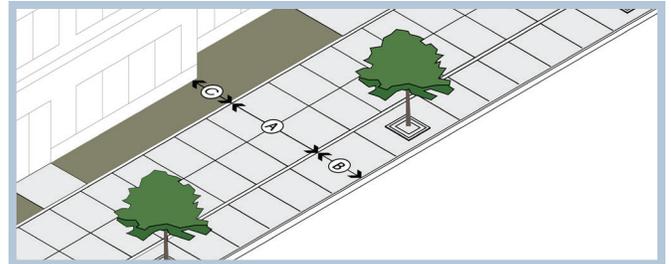


**Sidewalk and Amenity Zone Dimensions**

	Minimum Dimension*
<b>A</b> Sidewalk	8'
<b>B</b> Amenity Zone	8' *

- \* Dimensions are measured from the future back of curb abutting on-street parking.
- \*\* In TOD-TR, a planting strip is permitted in lieu of an amenity zone.

**I. Cross Charlotte Trail (XCLT) \***



**Cross Charlotte Trail and Amenity Zone Dimensions \*\***

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

- \* 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.

### 15.4.5 Streetscape Standards

Streetscape standards ensure a harmonious relationship between buildings and the public realm, which includes travel lanes, sidewalks and paths, transit, and bicycle facilities. These standards promote a cohesive and multi-modal design of the transportation network in order to activate the public realm, create a pedestrian-friendly environment, and expand opportunities for active transportation throughout the City.

- A.** All private and public streets shall meet the requirements of this Section, and comply with the City of Charlotte Land Development Standards Manual.
- 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 shall be used where there is less than 16 feet between the face of the building and the back of curb:
  - 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 Planning Director, in consultation with the CDOT Director, has the authority to modify the requirements of Sections 15.4.4 and 15.4.5 to preserve existing buildings and trees.
- 7. The Planning Director has the authority to modify the requirements of Section 15.4.5.B for new development along transit corridors, in consultation with the CATS Director, to be compatible with the design of the transit corridor and ensure safe and convenient circulation along the transit corridor.

#### 15.4.6 Rapid Transit Corridor Reservation

- A. If an adopted Rapid Transit Corridor alignment or station is located within the proposed development project, any development that involves the construction of a new building shall reserve the area required for the alignment and/or station. The developer shall coordinate with the CATS Director regarding the reservation requirements for the specific project location.
- B. No buildings or other structures are allowed within the reservation area. The following interim uses may be allowed in the area through an interim use

agreement: parking, open space, and recreational areas. The interim use agreement requires property owner to relocate or discontinue use at their expense when the land is acquired for the rapid transit facility.

- C. The CATS Director, in consultation with the Planning Director, has the authority to modify the requirements of this section if there is an anticipated change in the location of the adopted transit alignment or station location.

#### 15.4.7 Bus Amenity Requirements

For any new development or reuse of an existing building, existing bus stops shall be retained and connected to an accessible pedestrian route via a bus loading zone pad consistent with the CATS Bus Stop Details document. All amenities (bench, shelter, etc.) associated with an existing bus stop shall also be retained. Relocation of existing bus stops shall be approved by the CATS Director, in consultation with the Planning Director, and shall be located with due regard for safety as it pertains to traffic patterns, traffic conditions and pedestrian activity.

#### 15.4.8 Pedestrian Connectivity

- A. Internal sidewalk connections are required between buildings and from buildings to all on-site facilities (parking areas, bicycle facilities, plazas and open space, etc.). All internal sidewalks shall have a hard surface and shall be at least six feet in width. In the event that such connection would disturb or impair any significant environmental features of the site, this requirement may be modified or waived by the Planning Director.
- B. External sidewalk connections are required to provide direct connections from all buildings on-site to the existing and/or required sidewalk system and to abutting multi-use trails, parks, and greenways. Sidewalks shall have a hard surface and shall be at least six feet in width. In the event that such connection would disturb or impair any significant environmental features of the site, this requirement may be waived by the Planning Director.
- C. The on-site pedestrian circulation system shall be well-lit to ensure safe use of the system at night. All lighting shall be shielded with full cut-off or semi cut-off fixtures.

## 15.4.9 On-Site Open Space

Required on-site open space applies to new development.

### A. Minimum Open Space

1. All developments are required to provide on-site open space, with the following exception:
  - a. Developments on parcels of one-half acre or less in size.
2. Development shall provide a minimum of on-site open space in accordance with the following:
  - a. 5% of lot area in the TOD-UC District.
  - b. 10% of lot area in the TOD-NC, TOD-CC, and TOD-TR Districts.
  - c. In TOD-UC and TOD-CC Districts, half of the required open space area may be provided as a widened sidewalk, greater than eight feet or more in width (in addition to required streetscape). Outdoor dining may be included in this area.
3. Development shall provide a minimum of public on-site open space in accordance with the following:
  - a. 50% of required on-site open space for commercial development.
  - b. 25% of required open space for mixed-use development.
  - c. Residential development is not required to provide public on-site open space.
4. When located within a required on-site open space area, a non-residential structure no greater than 500 square feet in gross floor area is allowed within the on-site open space and may be included in the calculation of total on-site open space.

For additional tree area and planting requirements, see the Charlotte Tree Ordinance

### B. Design of Open Space.

1. Open space shall meet the design requirements of Table 15.4, organized by type of open space.
2. Driveways, parking areas, required bicycle parking areas, backflow preventer areas, above ground utility areas, mailboxes, and required buffers do not count toward on-site open space requirements.

Table 15.4: Design of Open Space

Design Element	Public	Common	Private
Open space designed for outdoor living and recreation.	•	•	•
Open space may be located on the ground, decks, galleries, porches, terraces, or roofs. Open space shall have a minimum dimension of twelve feet on each side.	•	•	•
Open space may be located on balconies for attached unit multi-family and single-family attached. Balconies shall have a minimum dimension of seven feet on each side.			•
Open space area need not be contiguous, but each open space area shall comply with minimum dimensional standards.		•	•
A minimum of 25% of total required Open Space area shall be contiguous.	•		
Required open space shall abut both a principal building and a frontage.	•		
The surface area of the open space shall not be more than 18 inches lower nor 18 inches higher than the elevation of any adjacent public or required sidewalk.	•		
When located at ground level, the required open space area shall be substantially covered with grass, live groundcover, shrubs, plants, trees, or usable outdoor hardscape features, such as courtyards, seating areas, patios, fountains/water features.	•	•	•
Circulation within the open space area shall follow the likely desire lines of its users, connecting pedestrians to rights-of-ways that abut the open space, entrances to adjacent buildings, and any design features, such as seating areas.	•		
Usable outdoor amenities, such as grills, pools, tennis courts, or playgrounds, are permitted as part of the required open space.		•	

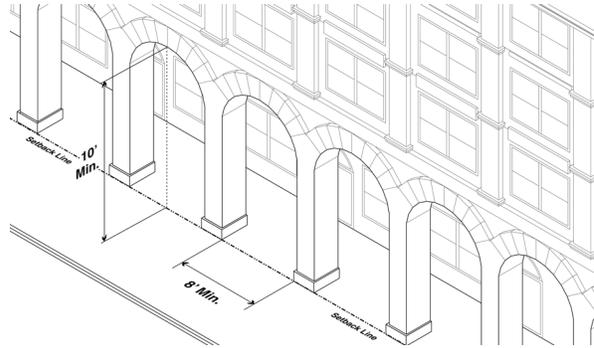
### 15.4.10 Specific Architectural Features

#### A. General Requirements.

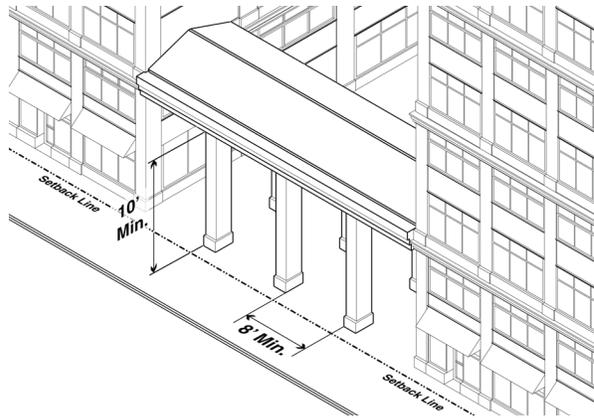
1. The following specific architectural features are permitted but not required. All such features shall be constructed in accordance with the requirements of this Section. Further, where such features might extend into the right-of-way, prior review and approval by CDOT and other relevant agencies is required. Adherence to the designs included in this section does not imply approval through an encroachment agreement.
2. When an architectural feature or building footing extends into a public right-of-way, an encroachment agreement from CDOT or NCDOT is required, if applicable.
3. Encroachments of architectural features shall protect all trees located in the right-of-way and comply with the Charlotte Tree Ordinance.
4. When in the fully opened position, building doors shall maintain a minimum clearance of two feet from the back of sidewalk.
5. An architectural feature shall not result in an unobstructed horizontal sidewalk clearance of less than eight feet.

#### B. Arcade, Gallery, or Colonnade

1. An arcade, gallery, or colonnade is considered to meet a required build-to zone.
2. The minimum vertical clearance of an arcade, gallery, or colonnade is ten feet.
3. A horizontal clearance of at least eight feet shall be maintained between columns or piers.
4. If enclosed, arcades, galleries, and colonnades shall meet minimum transparency requirements.
5. Arcades, galleries, and colonnades shall be located at or behind the required setback line.



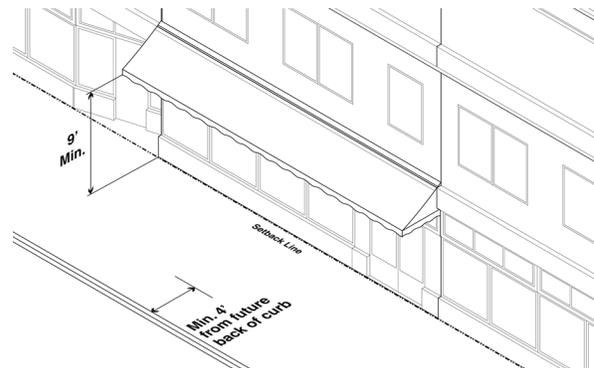
**Arcade or Gallery**



**Colonnade**

#### C. Awning or Sunshade

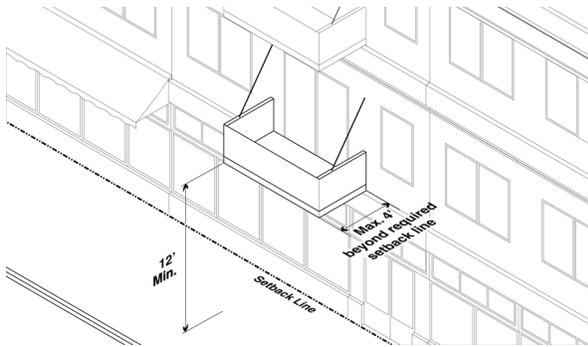
1. Awnings and sunshades may encroach over a public or private sidewalk, shared use path, amenity zone, or planting strip, but no more than four feet from the future back of curb.
2. Awnings and sunshades shall have a minimum vertical clearance of nine feet.
3. These standards do not apply to awnings used as awning signs, which are subject to the awning sign provisions of Section 13.10.H.3 Awning and Canopy Signs.



**Awning or Sunshade**

**D. Balcony**

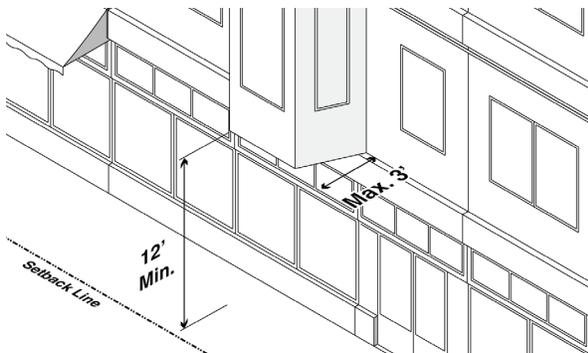
1. Balconies may project four feet beyond the required setback line but cannot encroach into any public right-of-way.
2. Balconies cannot encroach into any public right-of-way.
3. Balconies shall maintain a minimum vertical clearance of 12 feet.



**Balcony**

**E. Bay Window**

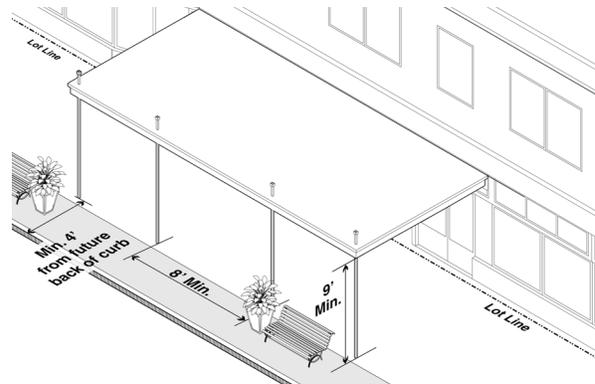
1. Bay windows may project up to a maximum of three feet from the building facade line.
2. Bay windows cannot encroach into any public right-of-way.
3. Bay windows shall maintain a minimum clearance of 12 feet above ground, with the exception of single-family and multi-family attached, which require a minimum clearance of two feet.



**Bay Window**

**F. Canopy**

1. Canopies may encroach over a public or private sidewalk, shared use path, amenity zone, or planting strip, but no more than four feet from the future back of curb.
2. Canopies shall have a minimum vertical clearance of nine feet.
3. A horizontal clearance of at least eight feet shall be maintained between canopy supports and between canopy supports and any building facade.
4. For buildings in existence prior to the adoption of these TOD Districts, canopy posts may be located within an amenity zone, a minimum of four feet from the back of curb. All other buildings require canopies and all support posts to be located on the property.
5. These standards do not apply to canopies used as canopy signs, which are subject to the canopy sign provisions of Section 13.10.H.3 Awning and Canopy Signs.



**Canopy**

**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.

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## 15.5 OFF-STREET VEHICLE AND BICYCLE PARKING, AND OFF-STREET LOADING

### 15.5.1 Applicability to Existing Structures

The off-street vehicle parking, bicycle parking, and loading requirements of this Ordinance apply unless specifically regulated by this Section. In the case of conflict between this Section and the Ordinance, this Section controls.

- A. When off-street parking spaces are required in the TOD Districts, the minimum off-street vehicle parking requirements apply when any of the following occurs:
  - 1. New construction of a second principal building on the site.
  - 2. An existing principal building is expanded which results in a requirement to add ten or more parking spaces.
  - 3. A change of use results in a requirement to add ten or more vehicle parking spaces in excess of the amount required for the immediate prior use.
- B. Limitations on the maximum number of parking spaces shall be met when either of the following occurs:
  - 1. A parking lot is fully reconstructed. Resealing, re-striping, repaving, or resurfacing of an existing parking lot is not considered reconstruction.
  - 2. The addition of five or more parking spaces.
- C. A change of use requires installation of all required bicycle parking.
- D. Vehicular parking requirements shall be met on-site or off-site no more than 800 feet from the lot on which the use is located. Off-site parking to meet the requirements of this Section may be provided through a lease approved by the Zoning Administrator.

### 15.5.2 Required Vehicle Parking

When calculating the number of required minimum or maximum parking or loading spaces results in a fractional space, said fraction is rounded up.

#### A. Minimum Parking Requirements

No vehicle parking is required for any use in any TOD District, except for the following:

- 1. Bars, restaurants, micro-breweries, micro-distilleries, micro-wineries, and live performance venues within 200 feet of a single-family residential zoning district shall provide a minimum of two spaces per 1,000 square feet of gross floor area plus 50% of the floor area of any outdoor dining area. This excludes carry-out only establishments and drive-thru only establishments, but includes any drive-thru establishments.

#### B. Calculation of Maximum Parking Limitations

- 1. Spaces reserved for the following are not included in calculating parking maximums:
  - a. Required accessible parking spaces in compliance with Americans with Disabilities Act (ADA) standards.
  - b. Electric vehicle charging stations (public or private).
  - c. Car share vehicles (public).
  - d. Spaces for transportation network company (ride-hailing service) vehicles for pick-up or drop-off.
  - e. On-street parking spaces abutting the site.
  - f. The greater of the following calculations for on-site visitor parking spaces within a multi-family development:
    - i. 10 spaces.
    - ii. 10% of the total number of on-site dwelling units (in spaces).

All such spaces shall be marked as available for visitor use.

- C. A parking maximum may be exceeded by 50% if one or more of the following are met:
  - 1. 10% of the total number of spaces are provided for public use 24 hours a day and seven days a week.

2. 20% of the total number of spaces are provided for public use as shared spaces available from 8:00 a.m. to 6:00 p.m., Monday through Friday.
3. 20% of the total number of spaces are provided for public use as shared spaces available from 6:00 p.m. to 8:00 a.m., seven days a week

Shared spaces shall be clearly marked with the hours of availability for public use. The receipt of compensation for public parking use is permitted.

**D. Maximum Vehicle Parking Limitations**

The maximum vehicle parking limitations for uses allowed in the TOD Districts are listed in Table 15.5: TOD District Maximum Vehicle Parking Limitations. When a specific use is listed within a general land use category, the parking limitation listed for that specific use applies.

**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
<b>RESIDENTIAL USE</b> <i>(Includes residential component of mixed-use building.)</i>		
<b>Residential Use</b>	<b>TOD-UC: 0.9/bedroom</b> <b>TOD-CC: 1.0/bedroom</b>	<b>1.1/bedroom</b>
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
<b>COMMERCIAL USE</b> <i>(Includes commercial component of mixed-use building.)</i>		
<b>Commercial Use</b>	<b>TOD-UC: 3/1,000sf GFA</b> <b>TOD-CC: 4/1,000sf GFA</b>	<b>5/1,000sf GFA</b>
Hotel/Motel	1/guest room	N/A
<b>INSTITUTIONAL &amp; GOVERNMENTAL USE</b> <i>(Includes institutional and governmental component of mixed-use building.)</i>		
<b>Institutional and Governmental Use</b>	<b>2/1,000sf GFA</b>	<b>3/1,000sf GFA</b>
Educational Facility - Pre-School/Kindergarten	2 per classroom	2 per classroom
Educational Facility - Primary or Secondary	2 per classroom	3 per classroom
<b>PUBLIC HEALTH &amp; SOCIAL SERVICE USE</b> <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
<b>TRANSPORTATION USE</b>		
Transportation Use	None	None
<b>OPEN SPACE USE</b>		
Open Space Use	None	None
<b>INFRASTRUCTURE USE</b>		
Infrastructure Use	None	None

### 15.5.3 Bicycle Parking

- A. The bicycle parking requirements for the uses within the TOD Districts are listed below in Table 15.6: TOD District Bicycle Parking Requirements.
- B. Bicycle parking shall be designed in accordance with the standards of Section 12.202.A.
- C. A minimum of two short-term bicycle spaces are required per use.
- D. No more than 30 short-term bicycle spaces are required for any individual use.
- E. Long-term bicycle spaces are required for the uses included in Table 15.6. The required number of long-term spaces is the percentage shown in Table 15.6 of total required bicycle spaces. Uses with three or fewer required bicycle spaces are exempt from the requirement for long-term bicycle parking spaces.

**Table 15.6: TOD District Bicycle Parking Requirements**

PRINCIPAL USE	MINIMUM NUMBER OF BICYCLE SPACES	REQUIRED LONG-TERM SPACES
Residential Use (Not required for single-family attached)	1/5 du or 1/4 rooms for congregate living	80% of required spaces
Commercial Use	1/1,500sf GFA	25% of required spaces
Institutional & Governmental Use	1/5,000sf GFA	
Educational Facility - Pre-School/Kindergarten	1/8 classrooms	
Educational Facility - Primary or Secondary	1/4 classrooms	
Public Health & Social Service Use	1/5 du or 1/4 rooms for congregate living	
Parking Lot or Structured Parking Facility (Principal Use)	1/25 spaces	50% of required spaces
Transit Station	8 minimum	8 minimum
Open Space Use	2 per acre	25% of required spaces

### 15.5.4 Required Loading Spaces

- A. Off-street loading spaces shall be provided for non-residential and multi-family uses in accordance with this Section. The loading space requirements for uses within the TOD Districts are listed in Table 15.7. In the case of mixed-use buildings, required loading spaces are calculated on the basis of each individual use.
  - 1. Loading spaces cannot interfere with the normal movement of vehicles and pedestrians in the public right-of-way.
  - 2. No more than five loading spaces shall be required for any single building.
  - 3. Existing buildings without loading areas or with fewer than required by this Section, as of the effective date of the TOD District, are exempt from these loading standards.
  - 4. If a parcel has multiple street frontages, loading areas or entrances shall not be located on a primary frontage. If this requirement creates a public safety issue or impacts operations, the Planning Director may waive this requirement or provide an alternative standard.
  - 5. Loading areas and service areas cannot abut or be located across a street from single-family zoning districts or uses.
  - 6. For a building requiring only one loading space, the loading space may be located in a surface parking lot.

**Table 15.7: Loading Space Requirements**

LOADING SPACE REQUIREMENTS	
NON-RESIDENTIAL USES	
Less than 50,000sf GFA	None required
50,000 - 150,000sf GFA	1
More than 150,000sf GFA	1 per additional 100,000sf GFA in excess of 150,000sf
MULTI-FAMILY RESIDENTIAL USES	
Fewer than 50 dwelling units	None required
50 or more dwelling units	1

### 15.5.5 Parking Location and Access

- A. No new surface parking may be located in front of a building facade along any frontage.
- B. No vehicle travel aisle, including driveways and travel aisles for on-site circulation (no connection to a public right-of-way), may be located in front of a building façade along any frontage.
- C. All new surface parking along a primary frontage shall be located a minimum of 25 feet behind the setback line. On all other frontages, parking shall be located behind the building facade line.
- D. Surface parking located in front of a building facade along a Main Street frontage shall be removed with any change of use, building addition, or outdoor dining expansion associated with the principal structure.
- E. If on-site streetscape improvements are required, conflicting surface parking shall be removed.
- 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 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 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.
- 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.

### 15.5.6 Valet Parking Standards

If provided, a valet parking service (including drop-off areas, servicing areas, and parking areas) shall meet the standards of Chapter 19 and the following requirements:

- A. On private property, the valet parking and maneuvering area shall be located to the side or rear of the principle building. No maneuvering area shall be located between the building and the curb.
- B. 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.
- C. Where valet parking services are located on a public street and/or where the public right-of-way is utilized by the service, a valet parking permit shall be obtained from CDOT.
- D. The valet parking service and associated structures cannot disrupt the flow of pedestrian and vehicular traffic.

## 15.6 LANDSCAPE AND SCREENING

### 15.6.1 Applicability of Charlotte Tree Ordinance

The Charlotte Tree Ordinance applies to all TOD Districts.

### 15.6.2 Site Landscape

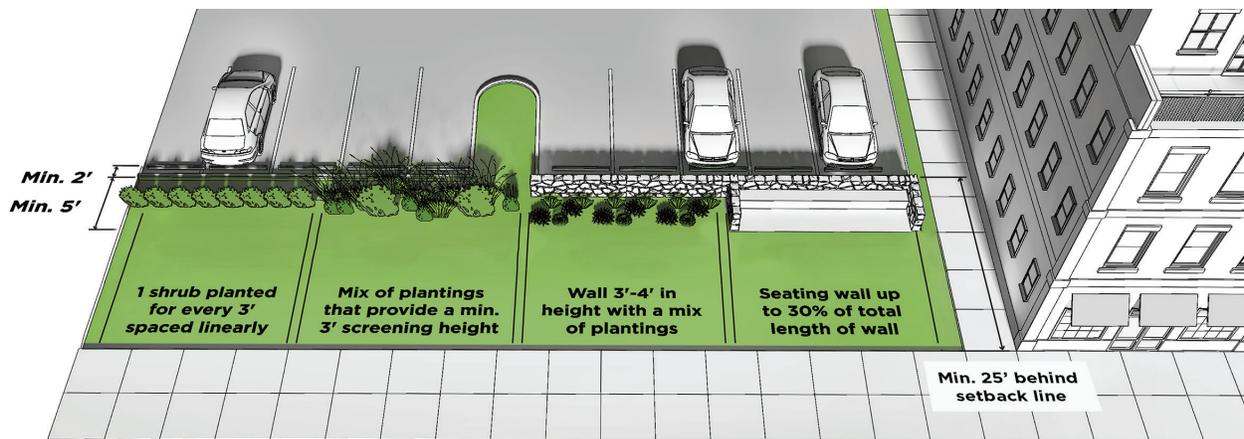
Areas of a development that are not covered by structures or hardscape and circulation systems shall be planted with live landscaping. For approved species reference the list in the Charlotte Land Development Standards Manual.

### 15.6.3 Parking Lot Perimeter Landscape

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 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:

- A. The perimeter landscape area shall be at least five feet in width. If trees are required to be planted in the landscape area, all requirements of the Tree Ordinance shall apply. There shall be a minimum linear distance of two feet between the landscape area and any wheel stops or curbs to accommodate vehicle bumper overhang, which is not included in the minimum five foot calculation.

- B. The perimeter parking lot landscape area shall be landscaped and designed as one or more of the following installations. Any required tree planting shall comply with the requirements of the Tree Ordinance.
1. One evergreen shrub shall be planted for every linear three feet of perimeter area length. Shrubs may be varied in placement, rather than linearly spaced, but the total number of shrubs planted shall equal one shrub per three linear feet. Shrubs shall be at least three feet in height at maturity, have a minimum spread of two feet, and be listed on the approved plant list in the Approved Plant Species located in the Charlotte Land Development Standards Manual. Shrubs are not required to be planted within four feet of a tree.
  2. A mix of shrubs, perennials, grasses, and other planting types that provide screening of a minimum of three feet in height at maturity shall be planted. The result shall be a semi-opaque screen that obscures a minimum of 75% of the view from the ground to a minimum height of three feet. Such plantings shall be listed on the approved plant list in the Approved Plant Species located in the Charlotte Land Development Standards Manual and should be species that are native or naturalized to the region.



Primary Frontage

Parking Lot Perimeter Landscape

- 3. A low pedestrian wall a minimum of three feet to a maximum of four feet in height may be installed. A mix of shrubs, perennials, grasses, and other native planting types is required in the area in front of such wall. Up to 30% of the total length of such wall may be designed as a seating wall. If seating areas are included, the minimum wall height does not apply and plantings are not required in front of seating wall.

- C. 60% of the landscape area outside of shrub and tree planting areas, including when a perimeter wall is used, shall be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials are allowed for any remaining area.

### 15.6.4 Loading Area Screening

Loading areas shall be screened from 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.

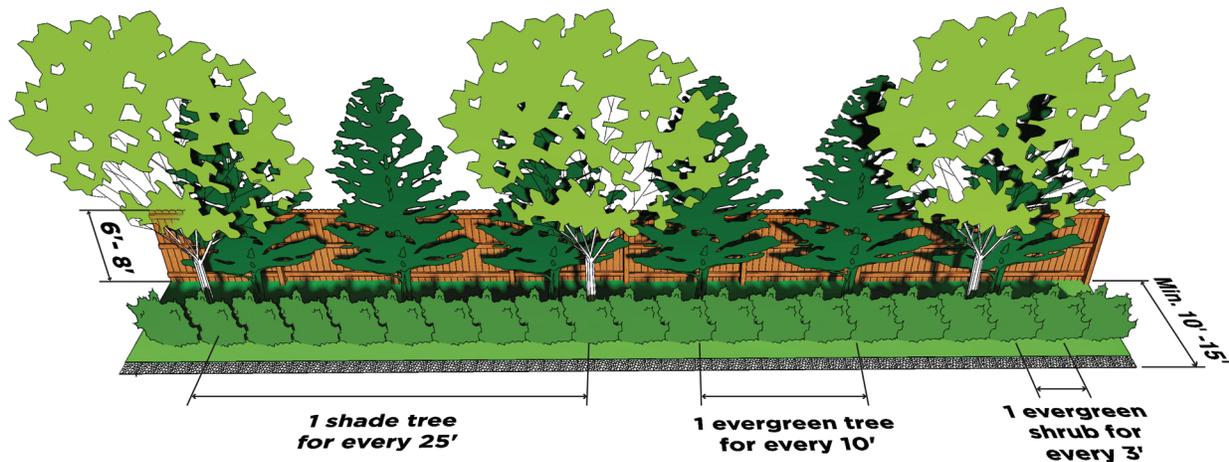
### 15.6.5 Parking Lot Interior Landscape

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

### 15.6.6 Buffer Yards

This Section establishes standards for the dimension and required landscape for buffer yards located within side or rear setback zones. Nothing in this Section prevents the applicant's voluntary installation of buffer yards where they are not required.

- 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.



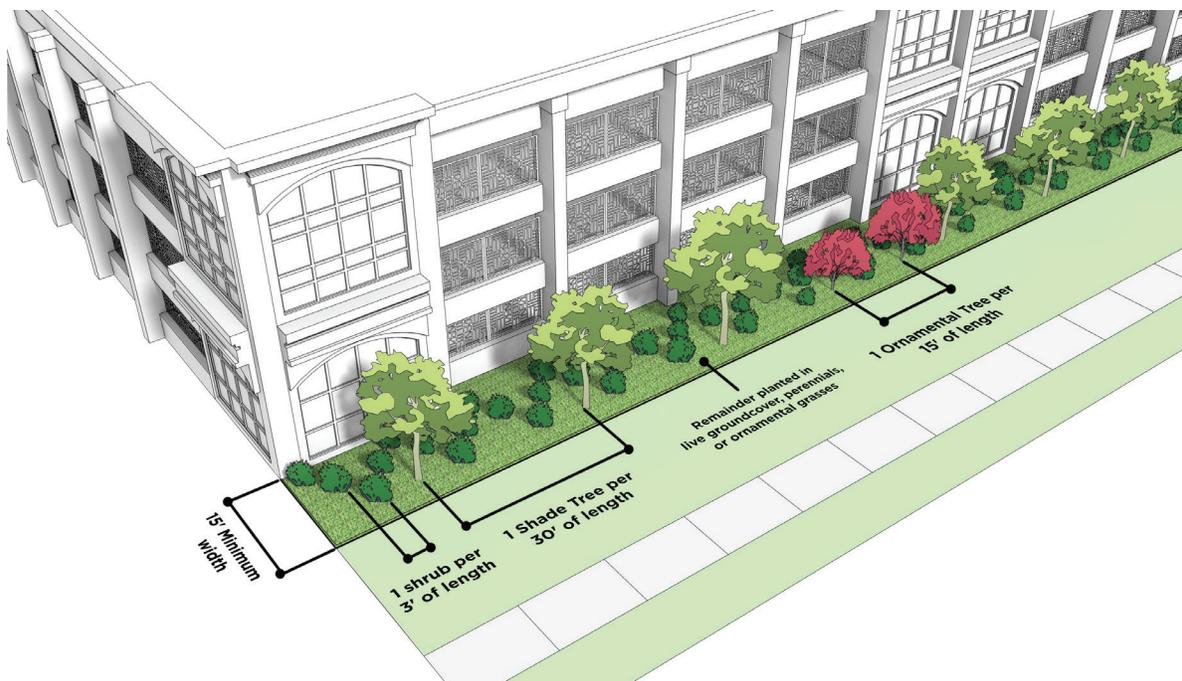
Buffer Yard

- C. Sidewalks are not permitted within the buffer yard area, except for sidewalks and paths no greater than five feet in width designed perpendicular to the buffer yard.
- D. A buffer yard shall be a minimum of ten feet in width in the TOD-UC and TOD-CC Districts, and a minimum of 15 feet in width in the TOD-NC and TOD-TR Districts.
- E. A minimum of one shade tree shall be planted for every 25 feet of buffer yard length. A minimum of one evergreen tree shall be planted for every ten linear feet of buffer yard length. Trees shall be on the approved plant list in the Approved Plant Species located in the Charlotte Land Development Standards Manual. The tree planting requirements of this paragraph do not apply to Public Utilities.
- F. One evergreen shrub, at least two feet in height at installation, with a minimum spread of two feet shall be planted for every three linear feet of buffer yard length. Shrubs may be varied in placement, rather than linearly spaced, but the total number of shrubs planted shall equal one shrub per three linear feet. At maturity, shrub height shall be at least four feet but shall not exceed ten feet. Shrubs shall be on the approved plant list in the Approved Plant Species located in the Charlotte Land Development Standards Manual.
- G. 60% of the landscape area outside of shrub and tree planting areas shall be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials are allowed for any remaining area.
- H. A solid fence or wall, constructed of wood 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.

### 15.6.7 Parking Structure Landscape Yard

Per Table 15.3, when a parking structure requires landscaping, the parking structure requires foundation landscape as described below. This planting area is required along the entire façade area with the exception of areas for ingress/egress and other building functional operations.

- A. The landscape area shall be at least 15 feet in width.
- B. One shrub shall be planted for every three feet of perimeter yard length. Shrubs may be spaced linearly on-center or grouped to complement an overall design concept.
- C. A minimum of one shade tree shall be provided for every 30 linear feet of the landscape area. Two ornamental trees may be substituted for one shade tree and shall be spaced one ornamental tree every 15 feet. Trees may be spaced linearly on-center, or grouped to complement an overall design concept.
- D. The remaining area of the required landscape area outside of shrub and tree masses shall be planted in live groundcover, perennials, or ornamental grasses.



*Parking Structure Landscape Yard*

## 15.7 RESERVED

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## 15.8 USES

### 15.8.1 Applicability

The use regulations of this Section apply to all TOD Districts. In the case of conflict with other sections of the Ordinance, these use regulations and definitions control.

### 15.8.2 General Use Regulations

- A. No structure or land may be used or occupied unless allowed as a permitted, temporary, or accessory use within the zoning district. These use regulations apply to the use of private property, including City-owned property, but excluding right-of-way.
- B. All uses shall comply with any applicable federal and state requirements, and any additional federal, state, county, and/or city ordinances. For select uses, specific federal, state, county, and/or city ordinances may be cross-referenced but this is not intended to indicate that only those ordinances apply to such uses or that other uses within this ordinance are not subject to additional ordinances not referenced.
- C. Principal uses are defined to be inclusive of specific uses. The following regulations apply:
  1. When a use meets a specific definition, it is regulated as such and cannot be regulated as part of a more inclusive use category.
  2. A use that is not explicitly listed in the use matrix will be evaluated by the Zoning Administrator to determine if the use is part of a use listed.
  3. A use that is not listed in the use matrix, and cannot be interpreted as part of a use listed in the use matrix, is prohibited.
  4. Adult establishments are prohibited in the TOD Districts. Adult establishments are defined in Section 2.201 and regulated by Sections 12.518 of this Ordinance.

- D. A site may contain more than one principal use, so long as each principal use is allowed in the district.
- E. All uses shall comply with the prescribed conditions of Section 15.8.4 as applicable. Prescribed conditions apply to certain uses within Table 15.8 to address additional impacts, apply specific design or siting standards, and/or link to additional regulations outside the Ordinance.

### 15.8.3 Use Matrix

Table 15.8 Use Matrix identifies the principal, temporary, and accessory uses allowed within each zoning district.

Table 15.8: Use Matrix

PRINCIPAL USE CATEGORY	TOD-UC	TOD-NC	TOD-CC	TOD-TR	PRESCRIBED CONDITIONS
<b>RESIDENTIAL USES</b>					
Dormitory	P	P	P	P	
Dwelling – Multi-Family	P	P	P	P	
Dwelling – Single-Family Attached		P	P	P	
Group Home		P		P	15.8.4.A.7
Residential Care Facility	P	P	P	P	
Single Room Occupancy (SRO)	P		P		15.8.4.A.10
<b>COMMERCIAL USES</b>					
Amusement Facility - Indoor	P	P	P	P	15.8.4.A.1
Animal Care Facility	P	P	P	P	15.8.4.A.2
Art Gallery	P	P	P	P	
Art or Fitness Studio	P	P	P	P	
Bar	P	P	P	P	15.8.4.A.1
Bicycle Sharing Station	P	P	P	P	
Body Modification Establishment	P	P	P	P	
Broadcasting Facility - No Antennae	P	P	P	P	
Convention Center	P		P		
Financial Institution	P	P	P	P	
Gas Station				P	15.8.4.A.6
Hotel/Motel	P		P		
Industrial Design	P	P	P	P	
Live Performance Venue	P	P	P	P	15.8.4.A.1
Lodge/Meeting Hall	P	P	P	P	
Medical/Dental Office	P	P	P	P	
Micro-Brewery/Micro-Distillery/Micro-Winery	P	P	P	P	15.8.4.A.8
Office	P	P	P	P	
Outdoor Market	P	P	P	P	
Personal Service Establishment	P	P	P	P	
Reception Facility	P	P	P	P	
Research and Development (R&D)	P	P	P	P	
Restaurant	P	P	P	P	15.8.4.A.1
Retail Goods Establishment	P	P	P	P	
Retail Goods: Showroom	P	P	P	P	
Self-Storage Facility: Enclosed				P	
Specialty Food Service	P	P	P	P	
Vehicle Dealership – Enclosed				P	
Vehicle Rental – Enclosed	P	P	P	P	
Vehicle Repair Facility – Minor				P	
<b>INSTITUTIONAL &amp; GOVERNMENTAL USES</b>					
Cultural Facility	P	P	P	P	
Community Center	P	P	P	P	
Day Care Center	P	P	P	P	15.8.4.A.4
Educational Facility - Pre-School	P	P	P	P	15.8.4.A.4
Educational Facility - Primary or Secondary	P	P	P	P	

**P** indicates that the use is a permitted principal use by-right in the district. **T** indicates that the temporary use is permitted in the district. **A** indicates that the accessory use is permitted in the district. If a cell is blank, that use is not allowed in the district. Uses shall comply with the prescribed conditions, as applicable.

Table 15.8: Use Matrix

PRINCIPAL USE CATEGORY	TOD-UC	TOD-NC	TOD-CC	TOD-TR	PRESCRIBED CONDITIONS
<b>INSTITUTIONAL &amp; GOVERNMENTAL USES (CONTINUED)</b>					
Educational Facility - University or College	P	P	P	P	
Educational Facility - Vocational	P	P	P	P	
Government Office/Facility	P	P	P	P	
Place of Worship	P	P	P	P	
Public Safety Facility	P	P	P	P	
<b>PUBLIC HEALTH &amp; SOCIAL SERVICE USES</b>					
Alternative Correction Facility	P	P	P	P	
Children's Home	P	P	P	P	
Domestic Violence Shelter	P	P	P	P	
Drug/Alcohol Treatment Facility, Residential	P	P	P	P	
Emergency Shelter	P	P	P	P	15.8.4.A.5
Food Pantry	P	P	P	P	
Halfway House	P	P	P	P	
Healthcare Institution	P	P	P	P	
Homeless Shelter	P	P	P	P	
Social Service Facility	P	P	P	P	
<b>TRANSPORTATION USES</b>					
Bicycle-Sharing Station	P	P	P	P	
Parking Lot (Principal Use)				P	
Parking – Structured Facility (Principal Use)	P		P		
Public Transit Facility	P	P	P	P	
<b>OPEN SPACE USES</b>					
Community Garden	P	P	P	P	15.8.4.A.3
Park	P	P	P	P	
<b>INFRASTRUCTURE</b>					
Utility (Includes Transmission & Distribution)	P	P	P	P	15.8.4.A.9
Wireless Telecommunications	P	P	P	P	12.108(8)
TEMPORARY USE CATEGORY	TOD-UC	TOD-NC	TOD-CC	TOD-TR	PRESCRIBED CONDITIONS
Mobile Food Vendor	T	T	T	T	15.8.4.B.1
Real Estate Project Sales Office/Model Unit	T	T	T	T	15.8.4.B.2
Temporary Contractor's Office and Contractor's Yard	T	T	T	T	15.8.4.B.3
Temporary Outdoor Entertainment	T	T	T	T	15.8.4.B.4
Temporary Outdoor Sales	T	T	T	T	15.8.4.B.5
Temporary Outdoor Storage Container	T	T	T	T	15.8.4.B.6
ACCESSORY USE CATEGORY	TOD-UC	TOD-NC	TOD-CC	TOD-TR	PRESCRIBED CONDITIONS
Drive-Through Facility				A	15.8.4.C.1
Helistop	A		A		15.8.4.C.2
Outdoor Entertainment	A	A	A	A	15.8.4.C.3
Outdoor Seating/Activity Area	A	A	A	A	15.8.4.C.3
Outdoor Sales and Display	A	A	A	A	15.8.4.C.4

**P** indicates that the use is a permitted principal use by-right in the district. **T** indicates that the temporary use is permitted in the district. **A** indicates that the accessory use is permitted in the district. If a cell is blank, that use is not allowed in the district. Uses shall comply with the prescribed conditions, as applicable.

### 15.8.4 Prescribed Conditions

Where applicable, principal uses are required to comply with all prescribed conditions of this Section in addition to all other regulations of this Ordinance.

#### A. Principal Uses

##### 1. Amusement Facility – Indoor, Bar, Live Performance Venue, Restaurant

- a. When such uses have indoor live performances between the hours of 11:00 p.m. and 8:00 a.m, the activity shall take place within a fully enclosed building and all windows and doors shall remain closed.
- b. Such uses that include outdoor seating/activity areas and/or outdoor entertainment are subject to the standards for such accessory uses of Section 15.8.4.C.3.

##### 2. Animal Care Facility

- a. All exterior areas shall be located at least 300 feet from any lot in a residential zoning district or developed with a residential use. This does not include residential uses in the UMUD, MUDD, or TOD Districts. Distances are measured from the closest edge of any exterior exercise area to the nearest property line of a lot in a residential zoning district or in residential use.
- b. Animal care facilities shall locate exterior exercise areas in the side or rear setback zones only.
- c. All exterior exercise areas shall be completely fenced.
- d. Animal care facilities shall locate all overnight boarding facilities indoors.

##### 3. Community Garden

- a. Community gardens are exempt from dimensional and design requirements of the applicable TOD District. They shall meet the following:
  - i. No areas of cultivation or accessory structures may be located in a required build-to zone. All areas of cultivation and accessory structures shall be set back a minimum of five feet from required side and rear setback lines.

- ii. Accessory structures are limited to 15 feet in height. Accessory structures are limited to 120 square feet in area, with the exception of greenhouses and farmstands that are limited to 300 square feet in area.

- b. Farmstands are permitted and are limited to sales of items grown at the site. Farmstands shall be removed from the premises during that time of the year when the use is not open to the public. Only one farmstand is permitted per community garden.

##### 4. Day Care Center and Educational Facility - Pre-School/Kindergarten

- a. Each facility shall comply with all applicable state and federal regulations. The operator shall be licensed and such license displayed publicly.
- b. Outdoor play space and equipment shall be located to the rear or side of the principal building and outside any required buffers.

##### 5. Emergency Shelter

- a. The facility operator shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during hours of operation.
- b. The shelter shall be accessed by a 4+ Lane Avenue/Boulevard.
- c. The shelter may only provide temporary housing to people and/or families during times of severe life-threatening weather conditions (including, but not limited to hurricanes, natural disasters, extreme temperatures) or other emergency conditions.

##### 6. Gas Station

- a. Gasoline pump islands shall be located as follows. This includes any area of a pad upon which a gas pump is installed.
  - i. Located no closer than 15 feet to any maximum dimension of a build-to zone when constructed parallel to the pavement edge.

- ii. Located no closer than 30 feet to any maximum dimension of a build-to zone when constructed perpendicular to the pavement edge.
  - iii. Set back 15 feet from any other required side and rear setback lines.
  - iv. Gas station canopies may be located in required build-to zones but shall be located a minimum of 15 feet from any required setback line abutting a street.
- e. Minimum building height regulations do not apply to gas station pump islands.
  - f. The accessory use of a retail goods establishment and one car wash bay are permitted in connection with the principal gas station use.
- 7. Group Home**
- a. Group homes must be licensed by the state.
  - b. When a group home is located within an existing residential structure, the location, design, and operation of such facility shall not alter the residential character of the structure.
- 8. Micro-Brewery/Micro-Distillery/Micro-Winery.** Micro-breweries, micro-distilleries, and micro-wineries are subject to the following:
- a. The establishment shall include a restaurant, bar, and/or tasting room within the same building. The minimum size of the restaurant, bar, and/or tasting room shall be 20% of the total square footage of the use or 1,500 square feet, whichever is less.
  - b. The maximum area that can be used for beverage production within a building is 30,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, this maximum area is increased to 50,000 square feet if the establishment is located in a building constructed prior to 1980.
- c. If the establishment is located on a frontage, the restaurant and/or bar shall have fenestration through vision glass, doors, or active outdoor spaces along 30% percent of the length of the building facade located along the frontage.
- 9. Utility**
- a. Utility Buildings**
    - i. Minimum building height regulations do not apply to 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.
  - b. Utility Equipment (as a principal use)**
    - i. Utility equipment shall be set back 20 feet from all required setback lines.
    - ii. A buffer yard as per Section 15.6.6 is required within all side and rear setback zones.
    - iii. Utility equipment shall be screened with a solid fence or decorative wall, constructed of wood 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.

- c. **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.

#### 10. Single Room Occupancy (SRO) Residences

- a. Rooming units shall be a minimum of 80 square feet, not to exceed 450 square feet total.
- b. Rooming units in single room occupancy residences shall be limited to one occupant per room.
- c. The building shall contain common space such as recreation areas, lounges, living rooms, dining rooms, or other congregate living spaces at a rate of five square feet per rooming unit, but totaling not less than 250 square feet. Bathrooms, laundries, hallways, the main lobby, vending areas, and kitchens shall not be counted as common space.
- d. Rooming units in each building shall be accessed through one primary location. On-site management shall be provided on a 24-hour basis per building. Adequate on-site management includes having an employee on premises twenty-four hours a day. The employee shall be accessible to residents, law enforcement personnel, and any other individuals who need to establish communication upon or about the premises. Adequate on-site management also requires that the employee has the authority to exercise control over the premises to ensure that the use of the premises does not result in littering, nuisance activities, noise, or other activities that interfere with the peaceful enjoyment and use of surrounding properties.
- e. Cleaning services shall be provided and utilities shall be mass metered.
- f. A maximum of 120 units are permitted, and a minimum of 11 units is required.

- g. All buildings, outdoor active recreation facilities, and off-street parking and service areas will be separated by a buffer per section 15.6.6 from any abutting property zoned or used for single-family residential use.
- h. Single room occupancy residence sites shall maintain a minimum separation distance of one-half mile from any other single room occupancy residence site, measured from the closest property line of each development.

**11. Wireless Communications.** All wireless communications infrastructure shall comply with Section 12.108(8) of this Ordinance.

**B. Temporary Uses.** The temporary uses listed in this Section are permitted on private property in the TOD Districts. All temporary uses require a zoning use permit unless specifically cited as exempt in the prescribed conditions. The permitted timeframe for the duration of a temporary use is established by the standards of this Chapter.

#### 1. Mobile Food Vendor

- a. A zoning use permit is valid for 365 consecutive calendar days, and may be renewed on an annual basis.
- b. Mobile food vendors shall not be located in a required sight distance triangle and shall not block driveways or other access to buildings.
- c. The property owner shall submit a site plan for zoning review by the Planning Director, CDOT, and the City of Charlotte Fire Department if four or more vendors locate on a site. The site plan approval is valid for the duration of the use.
- d. Mobile food vendors shall not be located within 50 feet of any restaurant and/or bar serving food, measured from the closest point of the entrance to the closest mobile food vehicle or trailer, with two exceptions:
  - i. The mobile food vendor is under the same ownership as the restaurant and/or bar serving food, and operated on the same lot; or

- ii. The vendor has written approval from all restaurants and/or bars establishment tenant(s) located within 50 feet of the mobile food vendor(s).

## 2. Real Estate Project Sales Office/Model Unit

- a. A development is limited to one temporary stand-alone real estate sales office, which shall not exceed 1,000 square feet in gross floor area and cannot be located in any required build-to zone or required side or rear setback zone. There is no limit to the number or size of temporary real estate offices within the development itself.
- b. All standalone temporary real estate sales offices shall be closed and removed within 30 days after the sale or lease of the last unit of the development. Temporary real estate sales offices within the development shall be closed within 30 days after the sale or rental of the last unit of the development. This does not apply to permanent leasing offices within a building.
- c. One or more units within the development may be used for model units for sale or lease within the development, whether residential units or commercial spaces as applicable.
- d. All model unit(s) shall be closed within 30 days after the sale or lease of the last unit and/or space of the development. In a mixed use development, the residential model unit shall be closed with the sale or lease of the last unit and a commercial model unit shall be closed with the sale or lease of the last commercial space.

## 3. Temporary Contractor's Office and Contractor's Yard

- a. A temporary contractor's office is allowed incidental to a construction project and the zoning use permit is valid for the life of the project.
- b. A construction site is limited to one temporary stand-alone contractor's office, which shall not exceed 1,000 square feet in gross floor area and cannot be located in any required build-to zone or required side or rear setback zone.

- c. The temporary contractor's office and/or yard shall be removed within 30 days of completion of the construction project.
- d. Temporary contractor yards shall be screened on all sides by a fence a minimum of six feet to a maximum of eight feet in height. Barbed wire fence is prohibited. Fencing is not required on shared lot lines if the abutting lot also has a fence or other barrier that prohibits entry onto the lot. In no instance will shrubbery be used to substitute for fencing.

## 4. Temporary Outdoor Entertainment

- a. A temporary outdoor entertainment event, including all sale and display items, cannot be located in any required build-to zone or required side or rear setback zone.
- b. The operator of the temporary outdoor entertainment event shall receive a City permit that describes the type of event involved, and the duration of the event.
- c. No one event may be longer than 14 days, including set-up and breakdown time. The Planning Director is authorized to extend the duration of the temporary outdoor entertainment permit beyond 14 days.
- d. No detached signs are permitted.
- e. The event cannot locate in any minimum required parking spaces for other businesses on the site when such businesses are open.

## 5. Temporary Outdoor Sales

- a. Temporary outdoor sales, including all sale and display items cannot be located in any required build-to zone, side or rear setback zone, sight distance triangle, or buffer.
- b. Any operator of a temporary outdoor sales event shall receive a City permit from that describes the type of event involved, and the duration of the event.

- c. No one event may be longer than 14 days, including set-up and breakdown time. The Planning Director is authorized to extend the duration of the temporary outdoor sales permit beyond 14 days. A temporary seasonal sale, such as Christmas tree lots or pumpkin patches, are allowed 60 days per sale.
- d. No detached signs are permitted.
- e. Hours of operation are limited to between 8:00 a.m. and 9:00 p.m.
- f. The temporary outdoor sales event cannot locate in any minimum required parking spaces for other businesses on the site when such businesses are open.

#### 6. Temporary Outdoor Storage Container

- a. The use of an outdoor storage container is limited to no more than 90 consecutive days. This does not apply when an outdoor storage container is part of an active construction site within a temporary contractor's yard.
- b. Outdoor storage containers cannot be placed in a required build-to zone. This requirement may be waived by the Zoning Administrator if there is a physical hardship or characteristic of the property that will not allow the placement of the container in any other location, and the waiver shall be approved as part of the temporary use permit.

**C. Accessory Uses.** The accessory uses listed in this Section are permitted as part of a principal use in the TOD Districts.

#### 1. Drive-Through Facility

- a. All drive-through facilities shall provide a minimum of four stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Ordinance. Restaurants shall provide a minimum of

five stacking spaces per lane or bay. The space at the service window is counted in this minimum number of spaces.

- b. A stacking space shall be a minimum of nine feet in width and 18 feet in length.
- c. All drive-through facilities, including but not limited to menuboards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-through facility, shall be located to the rear of the building. Drive-through windows and lanes may not be placed between the street and the associated building.

**2. Helistop.** A helistop shall be designed and constructed in accordance with all state and federal regulations.

**3. Outdoor Entertainment and Outdoor Seating/Activity Area.** If at any time between the hours of 11:00 p.m. and 8:00 a.m., food and/or beverages are consumed in an outdoor seating/activity area or outdoor entertainment occurs, it shall meet the following:

- a. The outdoor seating/activity area or outdoor entertainment shall be separated by a distance of at least 100 feet from the nearest property line of a vacant lot or a residential use when such vacant lot or residential use is located in a single-family zoning district.
- b. If the outdoor seating/activity area or outdoor entertainment is less than 100 feet from the nearest property line of a vacant lot or a residential use when such vacant lot or residential use is located in a single-family residential zoning district, then the area shall be separated by a Class A buffer, as described in Section 12.302 of this Ordinance, along all corresponding side and rear property lines.
- c. Distances are measured from the closest edge of any outdoor seating/activity area or outdoor entertainment to the

nearest property line of a vacant lot or a residential use when such vacant lot or residential use is located in a single-family residential zoning district.

#### 4. Outdoor Sales and Display

- a. Retail goods establishments are permitted accessory outdoor sales and display of merchandise.
- b. All outdoor display of merchandise shall be located adjacent to the storefront and not in drive aisles, loading zones, or fire lanes. It may be located in a parking lot so long as the minimum number of required parking spaces remain unobstructed.
- c. No display may be placed within three feet of either side of an active door, or within 15 feet directly in front of an active door.
- d. A minimum clear width for pedestrian traffic of eight feet shall be provided and maintained along any interior private sidewalk.
- e. Outdoor sales and display shall take place entirely within the lot.

### 15.8.5 Principal, Accessory, and Temporary Use Definitions

**Alternative Correctional Facility.** A residential facility for adults or minors that is court ordered as an alternative to incarceration.

**Amusement Facility - Indoor.** A facility for spectator and participatory uses conducted within an enclosed building including, but not limited to, movie theaters, indoor sports arenas, bowling alleys, skating centers, escape room/physical adventure game facilities, and pool halls. Indoor amusement facilities do not include live performance venues. An indoor amusement facility may include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales.

**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.

**Art Gallery.** An establishment that sells, loans and/or displays paintings, sculpture, photographs, video art, or other works of art.

**Art or Fitness Studio.** An establishment where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, pottery, metalsmithing, music, painting, gymnastics, pilates, or yoga. An art and fitness studio also includes private exercise studios for private sessions with trainers and/or private classes.

**Bar.** An establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises. A bar also includes establishments serving alcoholic beverages for consumption on the premises where areas have been designed for live performances and/or dancing within permanent enclosed areas.

**Bicycle-Sharing Station.** Facilities that store and offer bicycles for rental.

**Body Modification Establishment.** An establishment that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing service.

**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

**Children's Home.** An institutional residential facility that provides housing for and care to minors who are wards of the state, whose parents or guardians are deceased or otherwise unable or unwilling to care for them. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

**Community Center.** A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities.

**Community Garden.** Land used for the cultivation of fruits, flowers, vegetables, or ornamental plants by one or more persons, households, or organizations. Community gardens do not include the raising of any livestock or poultry or the use of heavy machinery.

**Convention Center.** A facility designed and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with other operations such as, but not limited to, temporary outdoor displays and food and beverage preparation and service for on-premise consumption.

**Cultural Facility.** A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include additional uses as part of the principal use such as, but not limited to, retail sales of related items and restaurants.

**Day Care Center.** A facility where, for a portion of a 24-hour day, care and supervision is provided for children or elderly and/or functionally-impaired adults in a protective setting that are not related to the owner or operator.

**Domestic Violence Shelter.** A facility that provides temporary shelter, protection, and support for those escaping domestic violence and intimate partner violence, including victims of human trafficking. A domestic violence shelter also accommodates the minor children of such individuals. The facility may also offer a variety services to help individuals and their children including counseling and legal guidance. Domestic violence shelters may distinguish populations served by age and/or gender.

**Dormitory.** A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions.

**Drug/Alcohol Treatment Facility, Residential.** A licensed care facility that provides 24-hour medical and/or non-medical/therapeutic care of persons seeking rehabilitation from a drug and/or alcohol addiction. Such facilities include medical detoxification. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

**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.

**Dwelling – Multi-Family.** A structure containing three or more dwelling units, with dwelling units either stacked or attached horizontally, located on a single lot.

**Dwelling – Single-Family Attached.** A structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are attached horizontally, separated by a party wall, and each is located on a separate lot.

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

**Educational Facility - Primary or Secondary.** A facility that offers instruction at the elementary, middle, and/or high school levels.

**Educational Facility - Vocational.** A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as

a commercial enterprise, such as a school for general educational development or driving school. Educational facility - vocational also applies to privately operated schools that do not offer a full educational curriculum.

**Emergency Shelter.** A shelter or facility that provides temporary housing to people and/or families during times of severe life-threatening weather conditions including, but not limited to, hurricanes, natural disasters, extreme temperatures, or other emergency conditions.

**Financial Institution.** A bank, savings and loan, credit union, or mortgage office. Financial institutions also include alternative financial service (AFS) that are provided outside a traditional banking institution, including check cashing establishments, and currency exchanges.

**Food Bank.** A non-profit organization that collects and distributes food to hunger relief organizations. Food is not distributed to those in need from a food bank.

**Food Pantry.** A non-profit organization that provides food directly to individuals. Food pantries receive, buy, store, and distribute food. Food pantries may also prepare meals to be served at no cost to those who receive them.

**Gas Station.** An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include retail uses and an accessory car wash bay.

**Government Office/Facility.** Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as city offices and post offices. Government offices do not include public safety or public works facilities.

**Group Home.** 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.

**Halfway House.** A residential facility for persons who have been institutionalized for criminal conduct and require a group setting to facilitate the transition to society. Residency at a halfway house may or may not be court ordered.

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

**Helistop.** Land or part of a structure used for the landing of helicopters.

**Homeless Shelter.** A facility that provides overnight, temporary, or transitional shelter and services to the homeless in general.

**Hotel/Motel.** A commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related accessory uses include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests. A Hotel/Motel has common facilities for reservations, cleaning services, combined utilities, and on-site management and reception.

**Industrial Design.** An establishment where the design, marketing, and/or brand development of various products are researched and developed typically integrating the fields of art, business, science, and/or engineering. An industrial design establishment may create prototypes and products, but cannot mass manufacture products on the premises.

## 15.8.5

**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.

**Lodge/Meeting Hall.** A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

**Medical/Dental Office.** A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physical therapists, acupuncturists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

**Micro-Brewery.** A facility for the production and packaging of malt beverages of alcoholic content for wholesale distribution and including a bar/tasting room and/or restaurant for consumption and tasting on-premises. It may also include retail to purchase beverages manufactured on-site and related items. A tasting room is an area within the premises of the brewery's production facilities where guests may sample the brewery's products. A micro-brewery may also offer sales of other alcoholic beverages for consumption off the premises. When the production facilities exceed the maximum square footage allowed by the prescribed conditions, and no special approval such as an administrative adjustment or variance is granted, the facility is not considered a micro-brewery, but rather an industrial use.

**Micro-Distillery.** A facility for the production and packaging of alcoholic spirits and including a bar/tasting room and/or restaurant for consumption and tasting

on-premises. It may also include retail to purchase beverages manufactured on-site and related items. A tasting room is an area within the premises of the distillery's production facilities where guests may sample the distillery's products. When the production facilities exceed the maximum square footage allowed by the prescribed conditions, and no special approval such as an administrative adjustment or variance is granted, the facility is not considered a micro-distillery, but rather an industrial use.

**Micro-Winery.** A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, and including a bar/tasting room and/or restaurant for consumption and tasting on-premises. It may also include retail to purchase beverages manufactured on-site and related items. A tasting room is an area within the premises of the winery's production facilities where guests may sample the winery's products. When the production facilities exceed the maximum square footage allowed by the prescribed conditions, and no special approval such as an administrative adjustment or variance is granted, the facility is not considered a micro-winery, but rather an industrial use.

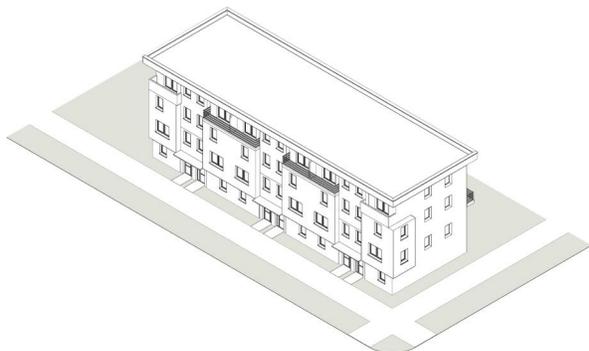
**Mobile Food Vendor.** A motor vehicle or food trailer towed by another vehicle, designed and equipped to sell food and/or beverages directly to consumers. It does not include wholesale food distributors. The vendor physically reports to and operates from an off-site kitchen for servicing, restocking, and maintenance each operating day.

**Multi-family Attached Unit.** Attached unit design refers to multi-family residential designed as a structure with primarily 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 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**

**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.

**Outdoor Market.** A market consisting of booths, tables, platforms, mobile units, or similar displays where producers and/or growers sell fresh food, flowers, and plants, value-added products, and artisan wares at stalls or mobile units in a permanent outdoor location. Individual vendors may operate one or more booths, under the supervision of a market proprietor, who rent or otherwise arrange for assigned space(s) for each vendor.

**Outdoor Entertainment.** Outdoor entertainment as an accessory use means presentation of live entertainment, including musical acts (including disc jockeys), theatrical plays, stand-up comedy, and similar live performances, or the presentation of a live or pre-recorded major sporting event, media event, movie, or similar. Outdoor entertainment occurs on the premises of, but outside a restaurant, bar, amusement facility, or similar uses. Entertainment occurs outdoors when it is outside a permanent enclosed area.

**Outdoor Sales and Display.** Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

**Outdoor Seating/Activity Area.** An outdoor seating/activity area as an accessory use is located outside the permanent enclosed area, and is used for seating, for food and/or beverage consumption, and/or participatory activities such as trivia or skill games like darts. This includes, but is not limited to, areas such as patios, decks, rooftops, and open areas.

**Parking Lot (Principal Use).** A lot, which excludes any public or private street, used for the storage of operable vehicles, whether for compensation or at no charge.

**Parking - Structured Facility (Principal Use).** A structure or portion of a structure used for the parking of operable vehicles, whether for compensation or at no charge.

**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.

**Place of Worship.** A facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may include additional uses as part of the principal use such as day care facilities, meeting rooms, food preparation and dining areas, auditoriums, and/or classrooms for religious instruction.

**Public Park.** A publicly-owned facility that serves the recreational needs of residents and visitors. Public park includes, but is not limited to, playgrounds, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Public parks may also include non-commercial indoor or outdoor facilities, including zoos, recreational centers, and amphitheaters, additional uses such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.

**Public Safety Facility.** A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety facilities include shelter and training facilities for canine and equine units of public safety agencies.

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

**Real Estate Project Sales Office/Model Unit.** A real estate project sales office is a residential unit, commercial space, or standalone structure within a development that is temporarily used as a sales or leasing office. A model unit is a residential unit or commercial space within the development used for display purposes as an example of dwelling units or commercial spaces available for sale or lease within the development.

**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 Care Facility includes nursing care, assisted living, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum.

**Restaurant.** An establishment where food and drinks are provided to the public for on-premises consumption by seated patrons or for carry-out service. Incidental entertainment, which is defined as live or pre-recorded background music, is permitted within a restaurant within the permanent enclosed area.

**Retail Goods Establishment.** An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. A retail goods establishment does not include specialty food service.

**Retail Goods Showroom.** An establishment where products are displayed for sale, such as furniture, appliances, carpet, tile, or furnishings. Products are available for purchase but are typically not available for immediate removal from the premises.

**Self-Storage Facility: Enclosed.** A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Accessory retail sales of related items, such as moving supplies, and facility offices may also be included.

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

**Social Service Facility.** A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, or medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

**Specialty Food Service.** Specialty food service includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts. Such business specializes in the sale of specific food products, such as a bakery, candy maker, meat market, catering business, cheesemonger, coffee roaster, or fishmonger, and offers areas for retail sales or restaurants that serve the products processed on-site.

**Temporary Contractor's Office and Contractor's Yard.** A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the construction of a new development. This may include a contractor's yard where materials and equipment are stored in conjunction with a construction project.

**Temporary Outdoor Entertainment.** A temporary entertainment event within an outdoor space, such as but not limited to the performance of live music, festivals, competitions, fireworks shows, carnivals/circuses, worship services, and others.

**Temporary Outdoor Sales.** Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, rummage sales, temporary vehicle sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

**Temporary Outdoor Storage Container.** Temporary self-storage containers delivered to a residence or business owner to store belongings, and then may be picked up and returned to a warehouse until called for.

**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, between the point of generation and the end user. A Utility does not include wireless telecommunications towers, antennas and/or facilities, satellite dish antennas, waste management facilities, recycling collection facilities, or radio, television, or microwave transmission or relay towers.

**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 Vehicle Rental establishment may maintain an inventory of the vehicles for rent.

**Vehicle Repair Facility – Minor.** A business that provides services in minor repairs to motor vehicles and motorcycles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, tire replacement, wheel servicing, alignment, and balancing, realignment, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, and wheel bearings, and similar minor repairs.

**Wireless Communications.** Wireless communications infrastructure is defined in Section 12.108.(8) of this Ordinance.

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## 15.9 ACCESSORY STRUCTURES

The accessory structure controls of the Ordinance apply unless specifically regulated by this Section. In the case of conflict between a specific provision in this Section and the Ordinance, this Section controls.

### A. Automated Teller Machine (ATM)

1. An automated teller machine (ATM) may be integrated into a structure's exterior wall or freestanding on the lot, with another principal use.
2. All ATMs designed to be accessed by a vehicle shall meet the drive-through standards of Section 15.8.4.C.1.

### B. Charging Station

Charging station equipment for electric vehicles is permitted.

### C. Donation Boxes

1. Only one donation box is permitted per lot.
2. Donation boxes can only be located to the rear of the principal building and shall be located on private property. No donation box may be located within a required parking space, required on-site open space, or on-site pedestrian pathway. Donation boxes may also be located in a parking structure.
3. Donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust.
4. Donation boxes shall contain the name and contact information of the operator on the front of each donation box.
5. Donation boxes shall not create nuisance conditions in violation of the City's Health and Sanitation Ordinance (Chapter 10).

### D. Exterior Lighting

The following exterior lighting requirements apply to lighting on private property. These lighting regulations do not apply to lighting in the right-of-way or the illumination of signs, which are regulated separately.

#### 1. Maximum Lighting Regulations

The maximum allowable footcandle at any required setback line is as follows:

- a. Any use abutting a residential use: Zero footcandles.
- b. Where a non-residential use or mixed-use development abuts a non-residential use or mixed-use development: One footcandle.
- c. Any frontage abutting a street, as measured at the required setback line: One footcandle.

#### 2. Lighting Design

- a. All lighting shall be of full cut off or semi cut off luminaire design.
- b. The maximum total height of a freestanding full cut off or semi cut off luminaire is 22 feet.
- c. Flashing lighting is prohibited.

#### 3. Exceptions to Lighting Standards

- a. When additional security lighting is required per federal, state, or local regulations that exceeds the standards of this Section, stronger lighting is permitted to meet the requirements of such regulations.
- b. All temporary emergency lighting required by public safety agencies, other emergency services, or construction are not subject to the requirements of this Section.

## 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 three feet in height 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.
2. Permitted fence, gate, and wall materials are:
  - a. Treated wood or redwood
  - b. Simulated wood
  - c. Decorative brick
  - d. Stone
  - e. Finished masonry
  - f. Wrought-iron or aluminum or steel designed to simulate wrought-iron

The Zoning Administrator has the authority to approve alternative materials deemed to be consistent with the approved materials list.

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

## F. Flat Roof Features

Accessory rooftop features of a flat roof, such as green roofs, rooftop decks, rooftop gardens, and stormwater management systems are permitted on any flat roof building.

## G. Mechanical Equipment

The following standards apply to mechanical equipment. Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, electric and gas meters, and similar equipment. This Section does not apply to window-mounted air conditioners.

1. **Ground-Mounted Equipment**
  - a. Ground-mounted mechanical equipment shall be located to the side or rear of the structure and cannot be located along any frontage. If location criteria cannot be

met, the Zoning Administrator may waive this requirement or provide an alternative standard.

- 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 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.

## 2. Roof-Mounted Equipment

Roof-mounted mechanical equipment shall be screened by an architectural element so that it is not visible from a point six feet above the ground level from the sidewalk across the street from the structure and from a point six feet above the ground level from any required setback line that abuts a single-family district or open space. Equipment shall be screened using a parapet wall, penthouse structure, or similar architectural treatment.

## 3. Wall-Mounted Equipment

Wall-mounted mechanical equipment, including gas and electric meters, is only permitted on the side or rear facades of the structure.

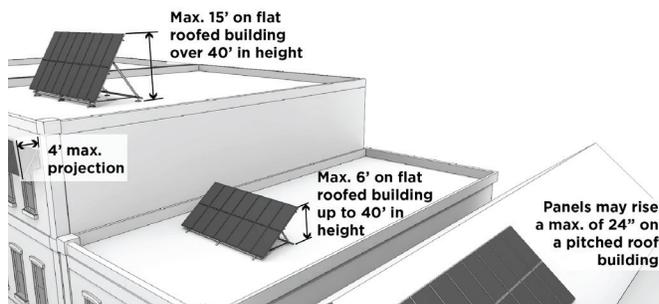
## H. Large Waste Containers and Recycling Stations

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.

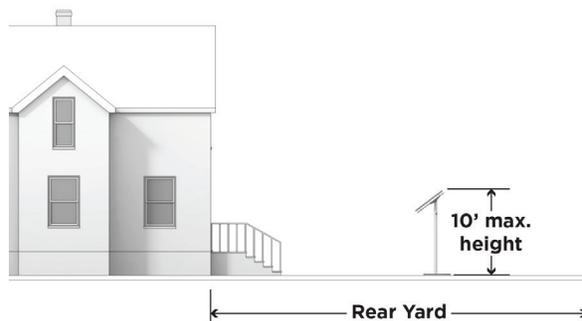
1. Large waste containers and recycling stations stored outside shall be located to the side or rear of the structure and cannot be located within the build-to zone of any frontage.
2. If a fence or wall is used to screen a large waste container or recycling station, the fence, gate and wall shall be constructed of the materials allowed in Section 15.9.E.2.
3. Location and screening requirements of large waste containers and recycling stations are eligible for alternative compliance (Section 15.11.2)

## I. Retail and Shipping Service Kiosks/Lockers

1. Retail and shipping service kiosks/lockers may be placed against the exterior of the principal building to the side or rear of the structure. A freestanding retail kiosk/locker may be located within the associated parking lot or structure. All required on-site open space, on-site pedestrian pathways, and required parking spaces shall remain unobstructed.
2. A retail and shipping service kiosk/locker shall be located on private property and cannot encroach into any required build-to zone or side or rear setback zone.



**Solar Panels, Building Mounted**



**Solar Panels, Freestanding**

3. No retail or shipping service kiosk/locker can obstruct any door or be located within 15 feet directly in front of an active door. A minimum clear width for pedestrian traffic of eight feet shall be maintained at all doors and along any sidewalks.
4. Each individual retail and shipping service kiosk/locker cannot exceed seven feet in height, six feet in width and ten feet in length.

## J. Solar Panels

1. Solar panels shall be placed so that glare is not directed onto nearby properties or roadways.
2. A building-mounted system may be mounted on the roof or wall of a principal building or accessory structure.
3. On flat roofed buildings up to 40 feet in height, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar panel system is limited to 15 feet above the height of such structure. Roof-mounted solar energy systems are excluded from the calculation of building height.
4. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 24 inches.
5. Solar panels mounted on a building wall may project up to four feet from the building facade, are permitted on the second story and above, and shall be integrated into the structure as an architectural feature. Solar panels may extend past the required setback line but shall not encroach into the public right-of-way.

6. The maximum height of a freestanding system is ten feet. Freestanding systems cannot be located in front of any facade that abuts a street or build-to zone.
7. Solar panels may be co-located on other on-site structures, such as light poles. Solar panels may project up to two feet above the height of such structures.

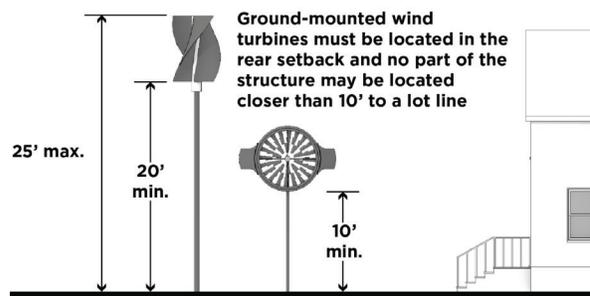
**K. Utilities, Above Ground Accessory Structures**

1. All above ground accessory utility structures shall be located to the side or rear of the structure, unless placed 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, all above ground accessory utility structures shall be screened on three sides by a solid 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.
4. Utility boxes may be wrapped or similarly designed with artwork installed on all sides as an alternative to screening. Such wrapping may not function as a sign. Such wrapping shall be maintained in good condition. If such artwork is removed, screening is required.

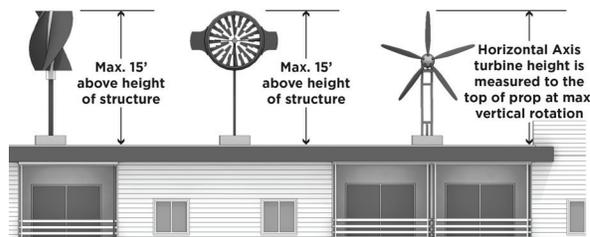
**L. Wind Turbines**

1. Wind turbines may be designed as either vertical or horizontal axis turbines, with or without exposed blades, including designs that combine elements of the different types of turbines.

2. Wind turbines are subject to the following height restrictions:
  - a. The maximum height of a ground-mounted wind turbine is 25 feet.
  - b. The maximum height of any wind turbine mounted upon a structure is 15 feet above the height of such structure.
  - c. Maximum height is the total height of the turbine system, including the tower and the maximum vertical height of the turbine blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower. The maximum height of any ground-mounted wind turbine is measured from grade to the length of a prop at maximum vertical rotation.
  - d. No portion of exposed turbine blades may be within 20 feet of the ground. Unexposed/ enclosed turbine blades may be within ten feet of the ground.
3. Ground-mounted wind turbines are permitted only to the rear of the principal building, but may not be located within a required side or rear setback zone. No part of the wind system structure, including guy wire anchors, may be located closer than ten feet to any required setback line.



**Wind Turbines, Ground-Mounted**



**Wind Turbines, Structure-Mounted**

## 15.10 NONCONFORMITIES

Chapter 7 of the Ordinance controls nonconformities in the TOD Districts unless specifically regulated by this Section. In the case of conflict between a specific provision in this Section and Chapter 7, this Section controls.

### 15.10.1 Nonconforming Principal Buildings and Parking Structures

- A. Legally Nonconforming.** As of the date a TOD map amendment is approved for the parcel or parcels, all existing principal structures and parking structures are considered legally nonconforming in regard to the dimensional and design standards of the TOD District that they may not comply with. Once the principal structure or parking structure is demolished, this legally nonconforming status is null and void.
- B. Additions.** Additions to legally nonconforming structures shall meet the following standards. If additions to the structure are incremental, this is calculated as the sum total of all expansions that occur after the effective date of the TOD Districts.
1. When an addition does not exceed 25% of the gross floor area of the structure or 1,000 square feet, whichever is less, the addition shall meet the standards of Sections 15.2.B (Building Siting), 15.2.C (Building Height), and 15.2.D (Building Stepback).
  2. When an addition exceeds 25% of the gross floor area of the structure or 1,000 square feet, whichever is less, the addition shall comply with the standards of the TOD Districts, with the exception of Section 15.2.1.E item D.
- C. Alterations.** Alterations to legally nonconforming structures cannot increase in the degree of nonconformity that previously rendered them.

### 15.10.2 Nonconforming Uses

Nonconforming uses are subject to the regulations for such in Chapter 7 of this Ordinance with the exception of the following:

- A.** A one-time expansion of a nonconforming use is permitted that increases the square footage devoted to such nonconforming use by no more than 10% of the area or 1,000 square feet, whichever is greater.

### 15.10.3 Nonconforming Site Landscaping and Screening

All nonconforming site landscaping and screening shall be brought into conformance when either of the actions described in 15.10.3.A or 15.10.3.B occurs. When an existing parking lot is required by this Section to provide landscape, which would result in creating a parking area that no longer conforms to the parking regulations, the existing parking lot shall not be required to install all or a portion of the required landscaping. The applicant shall be required to show that landscaping cannot be accommodated on the site. If only certain requirements are able to be accommodated on the site, those elements shall be required. The Zoning Administrator shall make the determination that all or a portion of required landscaping does not have to be installed.

- A.** A new principal structure is constructed on a site.
- B.** An entire parking lot is reconstructed. Resealing, repaving, resurfacing, and/or re-striping of an existing parking lot are not considered reconstruction.

### 15.10.4 Nonconforming Exterior Lighting

- A.** All new exterior lighting shall meet the standards of the TOD Districts.
- B.** The Zoning Administrator may permit alterations to existing nonconforming lighting that brings such lighting into greater conformance but not entirely into conformance. (For example, if the fixture is replaced so that the lighting meets cut-off standards but remains nonconforming in terms of height, such action may be permitted by the Zoning Administrator.)

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## 15.11 ADMINISTRATION

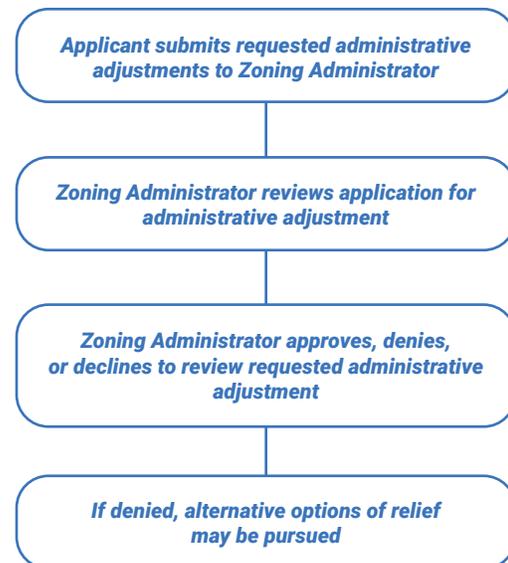
All administrative procedures of the Ordinance apply to the TOD Districts. The following applications in this Section are specific to the TOD Districts.

### 15.11.1 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 quantitative standards in the TOD Districts.
    - a. Standards may be adjusted by up to 10% by the Zoning Administrator.
    - b. Any changes that exceed these thresholds are not eligible for an administrative adjustment.
  2. The Zoning Administrator cannot adjust quantitative standards related to bonus provisions.
- D. Procedure**
1. The Zoning Administrator will review administrative adjustments against the following standards and determine 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. Does not have a negative impact on public health, safety, and welfare

2. The Zoning Administrator may approve or deny the administrative adjustment. 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



### 15.11.2 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 shall be reviewed against its specific review criteria to determine that the alternative compliance meets each standard. All applications for alternative compliance shall be consistent with the intent of the TOD District.
1. Alternative compliance standards are as follows. Alternative compliance to the bonus provisions is prohibited.
    - a. Section 15.2 Dimensional Standards.** Alternative compliance shall be allowed for the following Dimensional Standards: Minimum Building Height (Section 15.2.1.E), Stepback (15.2.1.F), and Building Articulation (15.2.1.G). Alternative compliance to the dimensional standards shall meet the following:
      - i. The design maintains compatibility with adjacent developments and surrounding land uses.
      - ii. The design maintains pedestrian safety and walkability.
    - b. Section 15.3 Design Standards.** Alternative compliance to the design standards (Section 15.3) shall meet the following standards:
      - 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 minimum building height standards (Section 15.2.1.E), the structure is designed with additional architectural elements such as a parapet wall, increased height of ground floor transparency, roofline shadowing elements such as cornices, and similar techniques to maintain compatibility with the height of surrounding structures.
  - iv. When alternative compliance is applied for building stepback standards (Section 15.2.1.F), the design maintains privacy for adjacent residential neighborhoods and is compatible with adjacent structures. New structures and additions to existing structures shall 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.
  - v. When alternative compliance is applied for building articulation standards (Section 15.2.1.G), 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.

- 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 facade.
  - iv. Alternative building entry design connects public interior spaces along the ground floor, such as lobbies or commercial spaces, to the outdoor environment and makes such interior spaces 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.
- c. **Section 15.6 Landscape and Screening Requirements.** Alternative compliance to the landscape and/or screening (Section 15.6) standards, and to location and required screening of Large Waste Containers (Section 15.9.H) shall meet the following standards. Alternative compliance is not permitted for the requirements of Chapter 21, the Tree Ordinance.
    - i. The proposed alternative will, upon maturity, provide landscaping that is equal to or better than the standard's requirements.
    - ii. The proposed alternative is reasonably compatible with the natural and topographic features of the site.
    - iii. 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. Prior to submitting an application for Alternative Compliance, applicants are required to attend a meeting scheduled by Charlotte Planning, Design & Development staff.
  2. The applicant shall submit an application to the ACRC Staff Liaison for alternative compliance. Planning Department Staff will review the application and provide a recommendation. Staff's recommendation will be provided to the Alternative Compliance Review Committee (ACRC) prior to the ACRC meeting.
  3. The ACRC will review the application in a public meeting, hear public comments, and recommend approval, approval with modifications, or denial.

- 4. 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.
- 5. If alternative compliance is denied by the Planning Director, nothing precludes the applicant from pursuing alternative options through filing an appeal with the Zoning Board of Adjustment, rezoning to the TOD-EX, or submitting a new request for alternative compliance.

**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.

### ALTERNATIVE COMPLIANCE

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## 15.12 TOD-EXCEPTION (TOD-EX) DISTRICT

### 15.12.1 Purpose

The TOD-Exception (TOD-EX) District is established to provide a mechanism to review and address new development concepts, innovative designs, special problems, and other unique proposals or circumstances that cannot be accommodated by the standards of the TOD Districts. It also serves as a mechanism for altering or modifying the minimum standards as they relate to a specific development.

### 15.12.2 Modification of TOD District Regulations

- A. A TOD-EX District shall be based upon one of the established TOD Districts: TOD-UC, TOD-NC, TOD-CC, or TOD-TR. An “EX” will be appended to these districts to indicate that such TOD District is a TOD-EX District (i.e., TOD-UC-EX, TOD-NC-EX, TOD-CC-EX, or TOD-TR-EX).
- B. The standards of the TOD Districts, with the exception of those listed in this Section, may be modified but cannot be waived in their entirety. Modifications specifically exclude the following:
  1. Uses.
  2. Maximum height regulations and bonus provisions.

### 15.12.3 Review Standards

- A. When considering modifications to the base TOD District standards used in conjunction with the TOD-EX District, the proposed modifications will be evaluated against the following standards.
  1. Impacts of the modifications on existing and future development in the area.
  2. The public purpose to be served by permitting the requested modifications.
  3. The modification is the minimum necessary.
  4. The quality of the design of the structures and the site, including innovative development techniques.
  5. Consistency with any applicable adopted City Council policies for the area.

6. Compatibility with surrounding development or protection of unique existing elements.
7. Impact on public health, safety, and welfare.

### 15.12.4 Approval Standards and Required Public Benefits

A. **Approval Standards.** The proposed TOD-EX District will be evaluated against the following approval standards, as applicable to the particular development:

1. The TOD-EX District is a creative approach to the use of land that results in more efficient development than might otherwise be accomplished under the strict application of this Ordinance.
2. The TOD-EX District promotes a strategy for long-term planning that allows for harmonious and compatible development with surrounding areas into the future.
3. The development and the combination of uses within the TOD-EX District is consistent with the goals and objectives of an adopted area plan and/or other plans adopted by the City, if applicable.
4. The TOD-EX District encourages the redevelopment, restoration, and/or adaptive reuse of existing structures, if applicable.
5. TOD-EX District allows for new forms of architecturally and/or environmentally innovative design.

B. **Required Public Benefits.** A TOD-EX District is required to provide public benefits. Public benefits shall include one or more actions from at least two of the following categories: 1) sustainability; 2) public amenity; and 3) city improvement. Where a TOD District utilizes a bonus system, actions cannot apply to both the bonus action and a TOD-EX public benefit.

1. **Sustainability.** The following qualify as sustainability actions. Such actions shall exceed the minimum requirements of this Ordinance and the City Code of Ordinances, if applicable.

- a. Use of sustainable design and architecture that meets established standards, such as Leadership in Energy and Environmental Design (LEED), Energy Star, Earthcraft, etc.
- b. Adaptive reuse of existing buildings.
- c. Preservation of on-site environmental features.
- d. On-site renewable energy generation.

Additional actions that further sustainability of the development not listed above may be allowed during the review and approval of the TOD-EX District application process.

2. **Public Benefit.** The following qualify as a public benefit. Such actions shall exceed the minimum Ordinance requirements, if applicable.

- a. Creation of publicly accessible open space, including parks and playgrounds, dog parks, public plazas and festival spaces, and similar outdoor recreational features.
- b. Incorporation of an affordable housing set-aside.

Additional public amenities not listed above may be allowed during the review and approval of the TOD-EX District application process.

3. **City Improvements**

- a. Public improvements above those required by the Ordinance, following consultation with Staff and other applicable public entities, such as County or State authorities.
- b. These improvements include, but are not limited to, new construction or improvements to existing roadways, alleys, medians, pedestrian pathways, bike paths, pedestrian drop-off areas, transit stops, bus pull outs, and/or other actions on the proposed development site that will promote the objectives of transit-oriented development.

### 15.12.5 TOD-EX Approval Process

- A. The establishment of the TOD-EX shall be in accordance with the procedures of Chapter 6, Part 2: Conditional Zoning Districts of this Ordinance.
- B. Changes to approved plans and conditions of development will be treated the same as changes to the Zoning Map, and shall be processed in accordance with the procedures of Section 6.207.

## 15.13 DEFINITIONS

### 15.13.1 Applicability

The definitions of this Ordinance apply unless specifically defined within this Section. In the case of conflict between a definition in this Section and the Ordinance, this Section controls.

### 15.13.2 Definitions

The following are definitions of general terms used within the TOD Districts. Definitions of uses as listed in Table 15.8 are defined in Section 15.8.5.

**Active Use.** Residential uses and non-residential uses. Non-residential include uses such as retail, restaurants, office, and other commercial uses as well as institutional uses.

**Amenity Zone.** The hardscaped portion of the streetscape used for street trees, street lights, site furnishings, and supplemental landscaping.

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

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

**Automated Teller Machine (ATM).** A computerized, self-service machine used by bank customers for financial transactions, including deposits, withdrawals, and fund transfers, without contact with financial institution personnel.

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

**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.

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

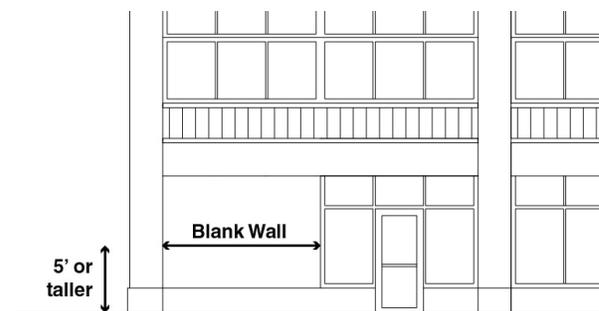
**Bay Window.** A window that projects outward from the structure, which does not rest on the building foundation or on the ground.

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

**Bicycle Spaces, Long-Term.** Bicycle parking spaces where bicycles will be stored for longer periods of time and require a safe and weatherproof storage area.

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

**Blank Wall, Ground Floor.** The horizontal 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 less than five feet in height is not considered to be a blank wall.

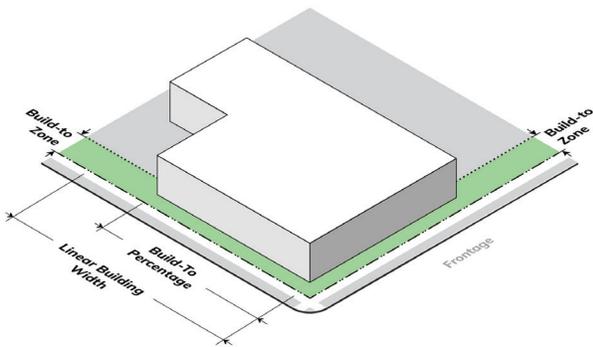


*Blank Wall, Ground Floor*

**Blank Wall, Upper Floor.** The horizontal or vertical linear dimension of contiguous building wall that does not contain 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. 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.

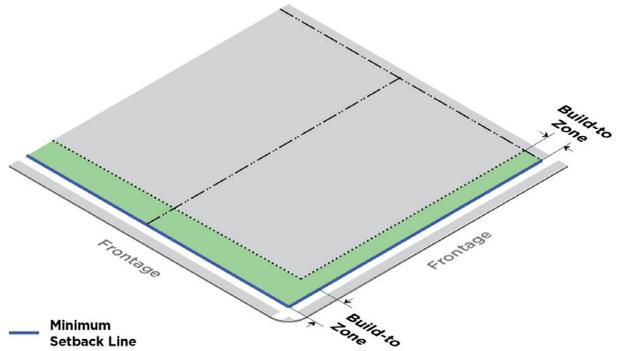
**Buffer Yard.** That portion of a site with landscape plantings, fences, and/or other components used to mitigate the impacts, such as light and noise, of a more intense use on an abutting use.

**Build-To Percentage.** A build-to percentage specifies the percentage of the building facade that shall be located within the build-to zone. Facade 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 facade 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 facade, not lot width.

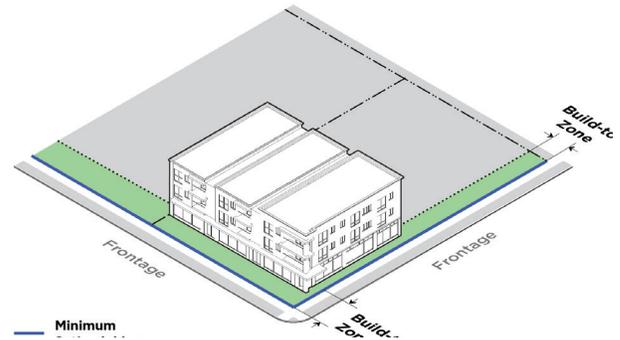


**Build-To Percentage**

**Build-To Zone (BTZ).** A build-to zone (BTZ) is the area on a lot, measured parallel from the required setback line, where a structure shall locate. A build-to zone sets a minimum and maximum distance in which the building facade line shall be located. A build-to zone minimum is calculated from the required frontage type setback line. Facade articulation, such as window or wall recesses and projections are not counted as the building facade line, which begins at the applicable facade wall.



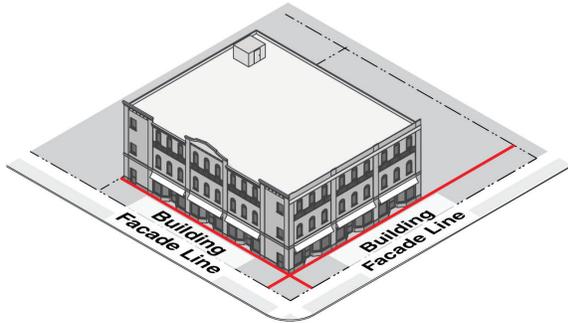
**Build-To Zone**



**Build-To Zone Example**

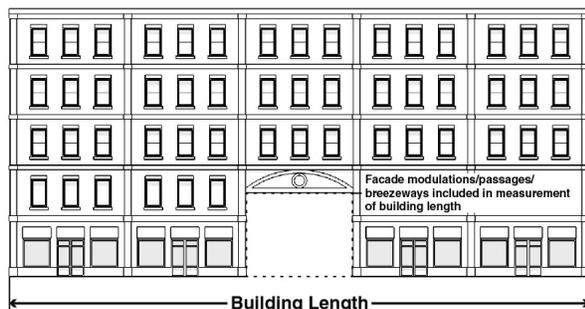
**Building Facade.** The exterior wall of a building

**Building Facade Line.** The horizontal line along a lot where the building's facade is located. Upper story building facade lines relate to that part of the facade that requires a setback.



**Building Facade Line**

**Building Length.** Building length is measured as the length of the facade abutting a frontage type. Passageways, breezeways, ground floor passages,



**Building Length**

and similar building connections are included in the calculation of total building length.

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

**CATS.** Charlotte Area Transit System.

**CDOT.** Charlotte Department of Transportation.

**Change of Use.** In the TOD Districts, a change of use is the change of the use of a structure or lot from one major land use category to another, such as commercial to residential. Major land use categories are established in Table 15.8 Use Matrix.

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

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

**Charlotte Department of Transportation Director (CDOT Director).** The Charlotte Department of Transportation (CDOT) Director, which may include his/her designee, in administration of the Ordinance.

**City Arborist.** City of Charlotte City Arborist, or his/her designee, that oversees the planting of trees on public property in addition to other duties as established by the City.

**City Engineer.** The Director of the City of Charlotte Engineering and Property Management Department, which may include his/her designee, in administration of the Ordinance.

**Collector.** Streets that collect traffic from local streets and other collectors and distribute the traffic to roadways with higher classifications.

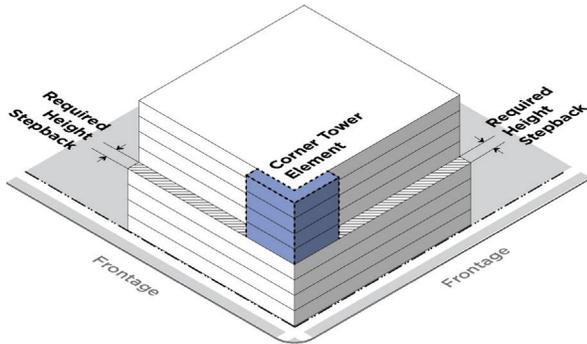
**Colonnade.** A sequence of columns either freestanding or part of a building, typically as pairs or multiple pairs of columns, that frames a walkway or open space, which may be covered or open to the air.

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

**Convertible Parking Structures.** Parking structures designed with horizontal, flat floors and high ceilings that allow for future conversion to office or retail space, or residential units.

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

**Corner Tower Element.** A corner tower element is an accentuated vertical element located on a building corner at a street intersection that can be located within a required setback. In no case may the corner tower element exceed the building's overall height.



#### **Corner Tower Element**

**Cornice.** A horizontal decorative molding that crowns a building.

**Desire Line.** The shortest or most easily navigated pedestrian route between an origin and destination. Also called a desire path.

**Donation Box.** A container used for the purpose of collecting donated items for resale or for use by an organization or institution.

**Drive-Through ATM.** A standalone automated teller machine(s) (ATM) where transactions occur from the vehicle with no personal attendants on-site.

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

**Establishment.** A place of business.

**Facade.** The exterior wall or face of a building.

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

**Farmstand.** A temporary structure for the sale of food or non-food crops grown on the premises.

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

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

**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.

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

**Gas Station Canopy.** A freestanding or attached to a building permanent structure that covers gasoline pump islands providing illumination and shelter from the weather to customers.

**Gasoline Pump Island.** Pumps within a gas station that draw gasoline to dispense to the consumer from underground storage tanks.

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

**Greenway.** A corridor of undeveloped land preserved for bicycle and pedestrian travel and recreational use, including multi-use trails. A designated greenway is one that is designated in the Mecklenburg County Greenways and Trails Master Plan.

**Groundcover.** Low growing, spreading plants that protect topsoil from erosion and drought conditions, and help to conceal bare earth and prevent weed growth. Turf grass or lawn species that require regular mowing or maintenance are not considered to be groundcover.

**Ground Floor.** That floor of a building that is nearest the level of the ground.

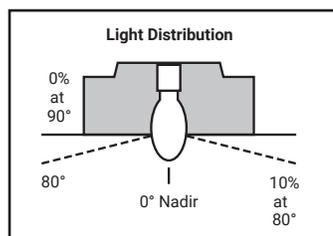
**Ground Floor Activation.** A ground floor is considered activated when residential, institutional, or nonresidential uses, such as retail, restaurants, office uses, and other commercial uses, are located on the ground floor adjacent to pedestrian accessible pathways and vehicle roadways. For parking structures, this includes liner commercial uses that conceal parking areas on the ground floor.

**Gross Floor Area (GFA).** The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

**Institutional Use.** Uses that serve the city's educational, religious, social, healthcare, public recreational, and cultural needs.

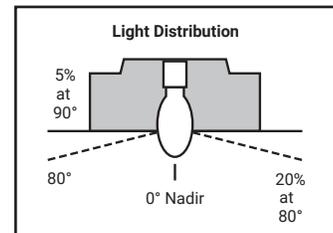
**Large Waste Container.** A dumpster, compactor, open-top container, and detachable container that is used for collecting, storing, or transporting residential solid waste. A large waste container has a minimum capacity of two cubic yards and picked up by a specially equipped truck for transporting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

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



**Lighting, Full Cut Off**

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



**Lighting, Semi Cut Off**

**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.

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

**Mechanical Equipment.** Equipment for the heating, cooling, ventilation, electric generators, and similar mechanical functions of a building.

**Mecklenburg County Park and Recreation Director.** The Mecklenburg County Park and Recreation Director, which may include his/her designee, in administration of the Ordinance.

**Mixed-Use.** A building that contains both non-residential and residential uses.

**Mullion.** A vertical and/or horizontal element that divides a window, typically used decoratively.

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

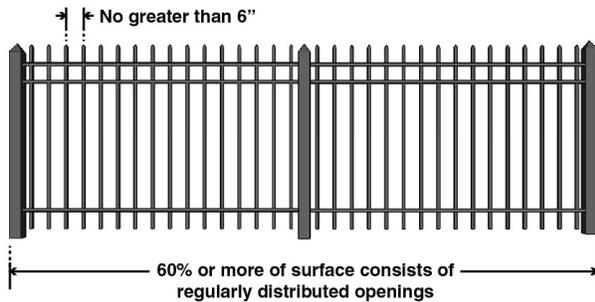
**Nadir (Lighting).** The angle pointing directly downward from the luminaire.

**NCDOT.** North Carolina Department of Transportation.

**Network Required Private Street.** Per the Subdivision Ordinance, a required street that is on private property but for which public access is allowed.

**North Carolina Department of Transportation Director.** The North Carolina Department of Transportation (NCDOT) Director, which may include his/her designee in administration of the Ordinance.

**Open Fence.** A fence that has, over its entirety, 75% or more of its surface consisting of regularly distributed openings with spaces between bars or slats no greater than six inches apart.



**Open Fence**

**Planting Strip.** The area located between the right-of-way and a sidewalk for the purpose of planting street trees and other vegetation.

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

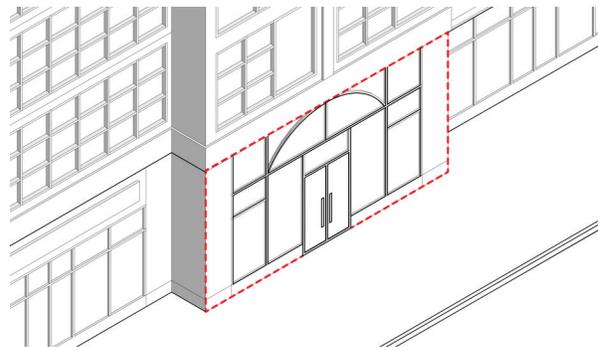
**Planning Director.** The Director of Charlotte Planning, Design, and Development Department, which may include his/her designee in administration of the Ordinance.

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

**Private Open Space.** Open space reserved for the sole use of the occupant of the associated dwelling unit or the tenant space.

**Prominent Entrance.** A building entrance that is visually distinctive from the remaining portions of the facade where it is located.

- A. For nonresidential, mixed-use, and multi-family stacked units, entrances that contain at least three of the following are considered a prominent entrance: decorative pedestrian lighting/sconces; architectural details carried through to upper stories; covered porches, canopies, awnings or sunshades; archways; transom or sidelight windows; terraced or raised planters; common outdoor seating enhanced with specialty details, paving, landscaping, or water features; double doors; stoops or stairs.
- B. For multi-family attached units, entrances that contain one or more of the following features are considered a prominent entrance: porches, raised steps and stoops with or without roof overhangs, decorative railings.



**Prominent Entrance**

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

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

**Public Sidewalk Easement.** An easement that grants a legal right to use property for the purpose of a sidewalk.

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

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

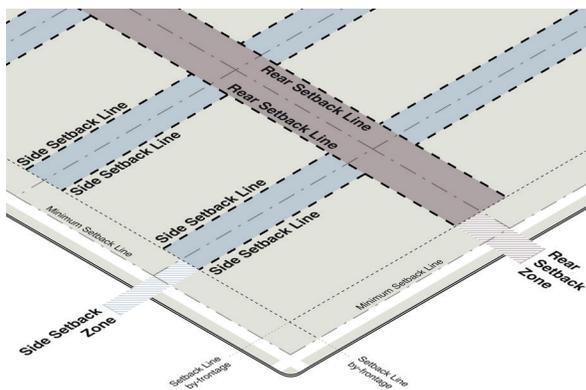
**Recycling Station.** The area designated for the collection and temporary storage of recyclables.

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

**Right-of-way.** Land that is publicly owned or over which there is an easement for public use, typically used as a thoroughfare for passage of pedestrians, vehicles, or utilities.

**Setback Line.** The minimum dimension a structure may be located measured from a curb line, lot line, or other point set by the Ordinance. Principal buildings and accessory structures may not locate past the setback line unless specifically permitted by the Ordinance. Setback line may also be called “setback.” A rear setback line is a required setback located along the rear lot line dividing the lot from another lot. A side setback line is located along a side lot line(s) that divides the lot from another lot.

**Setback Zone.** The area on a lot between a curb line, lot line, or other point set by the Ordinance and the required setback line. Principal buildings and accessory structures may not locate within the setback zone unless specifically permitted by the Ordinance. A rear setback zone is located along the rear lot line dividing the lot from another lot. A side setback zone is located along a side lot line(s) that divides the lot from another lot.



#### **Setback Line and Setback Zone**

**Shared Use Path.** A multi-use path located between the street and private development, behind the curb.

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

**Single-Family Zoning Districts.** The R-3, R-4, R-5, R-6 and R-8 Zoning Districts are considered the single-family zoning districts when referenced with the TOD Districts.

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

**Stepback.** A stepback is the required additional distance that upper stories of a structure shall be recessed from the facade of the stories below. A required stepback shall continue through all upper stories once established, though it may be increased from any required minimums on any stories.

**Story.** That part of a building above ground level between a floor and the floor or roof next above. A penthouse is considered a story if it exceeds one-third of the area of a roof.

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

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

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

**Sublot.** A platted parcel of land which is a divided unit of a lot for the development of a single-family attached structure with the intention of sale of individual units and associated land.

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

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

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

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

**Transparency.** As required in building articulation standards, transparency is the requirement amount of window area as a percentage of the specified facade area. Doors are included in ground floor transparency when such doors are designed with glass or other transparent materials. To qualify as transparent for the calculation, the glazing shall meet the following standards:

- A. Ground floor transparency shall have a minimum 60% Visible Light Transmittance (VLT) and no more than 15% Visible Light Reflectance (VLR).
- B. For upper floor glazing, the glazing shall have a minimum of 40% VLT and no more than 15% VLR.
- C. Colored tinting is prohibited.
- D. The following do not meet the ground floor or upper floor transparency requirements and do not count in meeting the standard:
  - 1. Windows with shadowboxes on the interior
  - 2. Glass block
  - 3. Shadowboxes on the interior of the window
  - 4. Printed window film, regardless of whether it allows views into or out of the building.

**Transportation Network Company (TNC).** Also known as a mobility service provider (MSP) or ride-hailing service, is a shared transportation system that pairs passengers via websites and/or mobile apps with drivers, that conveys passengers between locations of their choice.

**Urban Forestry Supervisor.** City of Charlotte Urban Forestry Supervisor, or his/her designee, that oversees the administration of the Tree Ordinance.

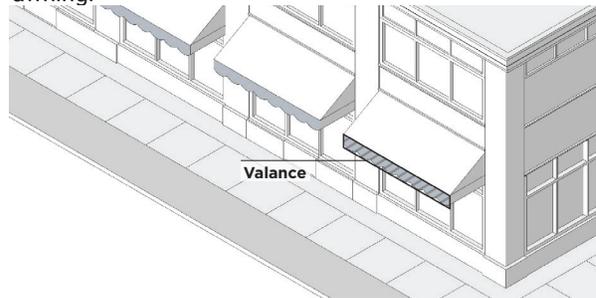
**Use, Accessory.** A use located on the same site as the principal use, and is incidental and subordinate to the principal use.

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

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

**Utilities, Above Ground Accessory Structures.** Above Ground Accessory Structures for Utilities include appurtenances and components for infrastructure: natural gas, water, sewer, stormwater, electricity, telephone (excluding wireless communications), cable television, fiber optic, and others. Utilities on-site refers specifically to aboveground or underground utility structures, such as backflow preventers, pedestals for cable wire access, or other access points for infrastructure.

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



**Valance**

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

**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.

**Visibility Zone.** As part of the building articulation ground floor transparency standards for nonresidential uses, a visibility zone that allows for views into the building is required. This is defined as follows:

- A. The area inside the building within four feet from the surface of the window glass at pedestrian eye level is a minimum of 75% open to perpendicular view. Pedestrian eye level is measured as the area between four feet and eight feet in height above the adjacent sidewalk level.
- B. Any decorative railings or grillwork placed in front of or behind the storefront windows shall also be at least 75% open to perpendicular view.

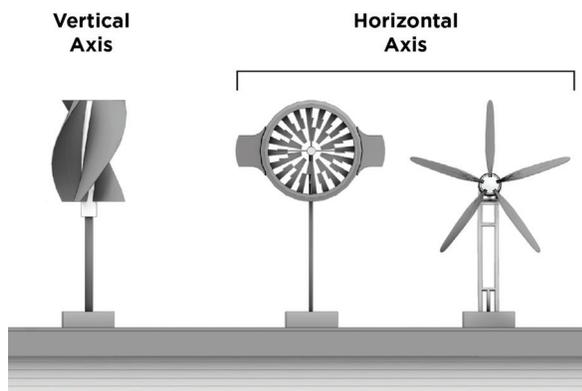
**Visible Light Reflectance (VLR).** The amount of visible light that is reflected out by a glazing system. A high VLR percentage blocks more daylight from passing through the window.

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

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

**Wind Turbine.** A wind energy conversion system typically consisting of a turbine apparatus and the associated control or conversion mechanisms.

- A. Horizontal axis means the rotating axis of the wind turbine is horizontal or parallel with the ground.
- B. Vertical axis means the rotating axis of the turbine stands vertical or perpendicular to the ground.



**Wind Turbine**

**Zoning Administrator.** The Charlotte-Mecklenburg Zoning Administrator, which may include his/her designee, in administration of the Ordinance.