

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

PART 10: GOLD OVERLAY DISTRICT (AU)

Section 10.1001. Purpose.

The purpose of the Gold Overlay District (AU) is to establish a special set of zoning standards that will be applied as an overlay district to an area that includes the historic gold mines and early commercial areas associated with those gold mines that lead to Charlotte emerging as a leading banking center for the nation. The AU will build on the existing mixed industrial, commercial, and emerging mixed use fabric of the area by promoting a mixture of uses in a pedestrian-oriented setting of moderate intensity and to support economic development and redevelopment of this historic area. The district encourages the reuse of existing structures, particularly those that contribute to the unique character or history of the area. The standards also encourage high quality design, mixed use development, the use of public transit, and development, which complement adjacent neighborhoods.

Section 10.1002. Applicability.

The AU will be applied to the area defined on the included map as an overlay to existing zoning districts, but will not be applicable to the Mixed Use Development District (MUDD), the Uptown Mixed Use District (UMUD), or the Transit Oriented Development Districts (TOD) unless such is sought by the owner of such properties. If the regulations and standards of this AU Overlay District conflict with those of the underlying district, those of this overlay district shall apply, with one exception. If the regulations and standards of this AU Overlay District conflict with those of an Historic Overlay District, then Historic Overlay District regulations and standards for exterior features as described in Section 10.204 shall take precedence over the AU regulations and standards.

The AU Overlay District is not established until a rezoning petition is approved designating the boundaries for the district is approved by the City Council. The designated AU shall be shown on the official zoning maps. The development and urban design standards for the AU are stated in Sections 10.1012 and 10.1813 respectively.

Section 10.803. Administrative Approval.

To offer some degree of flexibility the Planning Director, or designee, has the authority to administratively alter any of the development and urban design standards by 5% in this overlay district. If administrative approval is for parking, the Planning Director, or designee, will only grant this approval after consulting with CDOT. On matters that do not involve quantitative measurements, the Planning Director, or designee, may also make minor alterations if it is

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

determined that such changes would be an innovative design approach to development and/or would be in keeping with the general intent of the AU.

Administrative approvals shall be considered under the following circumstances:

- (1) Incorporation of existing buildings, trees, topographic features, or other existing elements consistent with the AU intent;
- (2) Provision of urban open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the AU, or;
- (3) Difficulty implementing AU standards due to site constraints such as lot configuration, lot size, lot width, mature trees, topography, number of streets or other physical constraints.

Section 10.1004. Board of Adjustment.

The Board of Adjustment shall have no jurisdiction to grant variances from the development and urban design standards of Sections 10.1012 and 10.1013. A deviation from a development or urban design standard, however, can be obtained as a result of administrative approval pursuant to Section 10.1003 or as a result of a Council-approved AU Overlay District (Optional). The Board shall have no jurisdiction with respect to an interpretation of, or decision about, Section 10.1012 or 10.1013 development and urban design standards except as a result of notice of zoning violation for which an appeal can be filed to the Board.

Section 10.1005. AU Overlay District (Optional); Purpose.

The Gold Overlay District (AU) establishes minimum standards for development. However, circumstances may arise which those regulations do not address or did not foresee. Therefore, this section establishes an alternative process by which the City Council may evaluate and approve development, which does not meet the minimum standards of the AU.

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

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

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

application.

Section 10.1006. Gold Overlay District (Optional); Application.

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

Section 10.1007. Gold Overlay District (Optional); Review and Approval.

The establishment of the AU Overlay District (Optional) shall be in accordance with the procedures of Section 6, Part 2: Conditional Zoning Districts. The City Council will also consider the extent to which the basic standards of the AU are proposed to be modified, the impacts of those modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications.

Section 10.1008. Gold Overlay District (Optional); Effect of Approval; Alterations.

Changes to approved plans and conditions of development will be treated the same as changes to the Zoning Map and will be processed in accordance with the procedures in Section 10.1003, “Administrative Approval”.

Section 10.1009. Preliminary review.

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

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

Section 10.1010. Exceptions.

New development within areas designated as AU is subject to the development and urban design standards of AU, with the following exceptions:

- (a) Change of Use, Non-Residential to Non-Residential With No Expansion
 - (1) A change of use in an existing building from a non-residential use to another non-residential use that, based on the AU standards, does not require more than five (5) additional parking spaces above what is already provided will require screening of existing and expanded parking. However, none of the other AU requirements will apply.
 - (2) A change of use in an existing building from a non-residential use to another non-residential use that, based on the AU standards, requires more than five (5) additional parking spaces above what is already provided shall meet the following requirements:
 - a. Provide all of the additional required parking. Existing parking must comply with the parking lot screening requirements of AU. Any additional parking must conform to the AU parking standards.
 - b. Meet the required streetscape standards if an adopted streetscape plan has been adopted for the streets in question.

None of the other AU requirements beyond those in this section are applicable to the site.

- (b) Change from a Residential Use to a Non-Residential Use With No Expansion

If a residential use is changed to a non-residential use with no expansion, the use is exempt from the AU requirements except the following shall apply:

- (1) Implement streetscape requirements of Section 10.1013(1) (g).
- (2) Remove any existing parking that may be in conflict with the provision of the streetscape requirements of Section 10.1013(1) (g).
- (3) Meet buffering and screening requirements of Section 10.1012(4) and (5).
- (4) Provide required parking as per Section 10.1012(2).

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

- (5) Provide a 5' sidewalk connection between the building and the sidewalk to the nearest public street.
- (c) Expansions of less than 25% of the building area or 1,000 square feet, whichever is less, are exempt from the AU requirements except:
 - (1) Such expansion must meet the minimum setback, yard and height requirements of AU.
 - (2) Provide any required additional parking according to the AU standards for the amount of the expansion.
 - (3) The amount of expansion is cumulative as of the adoption of this text amendment (_).
- (d) Expansions of more than 25% or 1000 square feet, whichever is greater:
 - (1) Implement streetscape requirements of Section 10.1013(1) (g).
 - (2) Remove any existing parking that may be in conflict with the provision of the streetscape requirements of Section 10.1013(1) (g).
 - (3) Meet buffering and screening requirements of Section 10.1012(4) and (5).
 - (4) Provide required parking as per Section 10.1012(2).
 - (5) Provide a 5' sidewalk between the building entrance and the sidewalk to the nearest public street or to a sidewalk that connects to the public street sidewalk.
- (e) Creation or expansion of outdoor seating
 - (1) Creation or expansion of outdoor seating is not considered an expansion of the building area.
 - (2) Additional parking spaces shall not be required for the establishment or expansion of outdoor seating unless the total amount of outdoor seating exceeds the total amount of indoor seating. In such case, the additional parking required for outdoor seating in excess of the total that would be required for the indoor seating must conform to the parking requirements of the AU.
 - (3) Outdoor seating may be established within an existing right-of-way or

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

public sidewalk easement but may not occupy more than 50% of the sidewalk width and so long as the fixtures and seating are not permanently affixed to the sidewalk.

(f) Additional parking for existing development

No additional parking areas may be developed in the required setback.

(g) Removal of Required Buffer for Additional Parking

If an existing buffer or screening area is removed for more than five (5) additional parking spaces, the additional parking must meet the requirements of this overlay district.

Section 10.1011. Uses

- (1) All uses permitted in the underlying Zoning District by right or under prescribed conditions are permitted within the AU Overlay with the exception that the following uses which are not allowed in the AU Overlay District:
- (a) Automobile or truck washing facilities.
 - (b) Vehicle sales such as tractor-trucks and accompanying trailer units.
 - (c) Boat or ship sales, repairs, dry storage.
 - (d) Body shops, free-standing. (Body shops that are an accessory to automotive sales and service establishments are permitted as an accessory use).
 - (e) Building material sales and service as a principal retail use.
 - (f) Cemeteries.
 - (g) Cold storage plants.
 - (h) Contractor storage as a principal use.
 - (i) Distributive businesses greater than 20,000 square feet.
 - (j) Funeral homes, internment services, embalming, and crematories.
 - (k) Hazardous materials storage and treatment.

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

- (l) Heavy Industrial uses permitted by right or under prescribed conditions including, but not limited to the manufacture of: abrasive and asbestos products; aircraft and parts; agricultural chemicals; asphalt paving and roofing materials; brick, tile, and clay products; chemical manufacture, refining and processing; concrete, gypsum and plaster products; construction and related machinery; cut stone and stone products; electrical distribution equipment; electrical industrial apparatus; engines and turbines; fabricated metal products; farm and garden machinery; fats and oils processing; furniture and fixtures; glass and glassware; guided missiles, space vehicles, etc.; industrial machinery; leather tanning; manufactured housing; meat products, including slaughtering and dressing; motorcycles and parts; ordinance and accessories; paper and allied products; petroleum and coal products; plastic and rubber products; railroad equipment; refrigerator and service machinery; sugar refining, textile mill products; tires and inner tubes; wire products; and other similar uses.
- (m) Jails and prisons.
- (n) Manufactured home sales and repair.
- (o) Commercial Mining and extraction.
- (p) Outdoor storage as a principal use, occupying more than 10,000 sq. ft.
- (q) Quarries.
- (r) Retail equipment sales, service, rental and/or leasing.
- (s) Tire recapping and retreading.
- (t) Towing services.
- (u) Truck and freight transportation services.
- (v) Truck stops and/or terminals.
- (w) Waste incinerators.
- (x) Wholesale distribution of petroleum products, heating fuel, propane, alternative fuels, etc.
- (y) Wholesale sales establishments greater than 20,000 square feet.

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

- (2) The following uses, if not permitted in some of the underlying districts, shall be permitted by right or under prescribed conditions:
- (a) Breweries (only when the underlying zoning district is B-1, B-2, I-1, or I-2) and subject to the standards of this overlay district and to the prescribed conditions of Section 12.544.
 - (b) Residential uses, subject to the standards of this overlay district.
 - (c) Dwellings, mixed use, subject to the standards of AU.
 - (d) Off street parking lots, that are not an accessory use, with 5 or more spaces shall be subject to the AU streetscape and screening standards.
 - (e) Wineries, distilleries, cideries, and other similar uses for the small scale production and retail or wholesale sales, including tasting rooms (only when the underlying zoning district is B-1, B-2, I-1, or I-2) and subject to the standards of this overlay district and with the following provisions.

Maximum size for the use will be limited to 15,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, the maximum size uses may be increased to 25,000 square feet if the use is locate in a building constructed prior to 1980.

If the use is located on a public right-of-way or private street, the use shall have fenestration through vision glass and doors along 30% of the building side that fronts the public right-of-way or private street for the portion of the building that is open to the public. If the building architecture or site orientation prohibits meeting the above condition, Planning Director or designee may approve alternative approaches.

Section 10.1012. Accessory Uses.

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

- (1) Drive-through service windows are only permitted if they are in existence as of the adoption of this section or are not visible from a public street. Otherwise drive through service windows are not permitted.
- (2) Off street parking lots, that are not an accessory use, with 5 or more spaces shall be subject to the AU streetscape and screening standards.

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

Section 10.1013. Development standards.

The following AU Overlay standards and requirements have precedence over the underlying zoning district standards and requirements, with one exception. If the regulations of AU conflict with those of a Historic Overlay District, then Historic Overlay District regulations and standards for exterior features as described in Section 10.204 shall take precedence over the AU regulations and standards. The AU development standards shall apply to all buildings or uses in AU unless specified otherwise in Section 10.802.

- (1) Areas, yard and bulk regulations shall be as follows:

Table 10.1012(1)

Minimum Lot Area	None
Maximum Floor Area Ratio (FAR)	None
Maximum Residential Density	None
Minimum Setback (feet) ^{1-6A}	Varies
Minimum Side Yard (feet)	
-Abutting residential use or zoning	5 feet
-All other conditions	None
Minimum Rear Yard (feet)	
-Abutting residential use or zoning	20 feet
-All other conditions	5 feet
Base Height	40 feet
Maximum Height (feet) ⁷⁻⁹	120 feet

Table 10.1013(2)

Footnotes

Setback Footnotes	
¹Minimum Building Setback	<p>For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented.</p> <p>The minimum building setback will be 14' behind the existing or future curb. The minimum setback will be measured from the back of all existing or future curbs, whichever is greater.</p> <p>If new construction incorporates an existing structure located within the required setback, the Charlotte Department of Transportation (CDOT) and Planning Department staff may allow the setback for the addition to be reduced to the established setback. In no event shall the setback of any portion of the new structure be less than ten (10) feet from the back of the curb.</p> <p>If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line will become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined by CDOT in conjunction with the Planning Department staff.</p>

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

²Architectural Features	For new development across a local (public or private) street from, or abutting on the same side of a local street as, existing single family zoning (R-3, R-4, R-5, R-6, and R-8), one story screened or open air porches, stoops, and awnings on residential or non-residential structures may encroach into the setback up to 8 feet, but shall be located behind the required sidewalk. Architectural features such as eaves, steps and cornices may encroach up to 3 feet into the setback.
³Charlotte Tree Ordinance	The “Charlotte Tree Ordinance” will be applicable to street tree installation in the absence of any approved streetscape plan but will not be applicable to the remainder of the site.
⁴Doorways	No new doors shall be allowed to swing into the minimum setback, except for emergency exit doors.
⁵Utilities	All above ground, at ground, and below ground utility structures associated with underground electric, natural gas, telecommunications or cable television distribution lines, pipes, or conduits shall be located behind the minimum setback, except as allowed by any City right-of-way ordinances.
⁶Fences	Fences and walls may also be located in the setback, behind the required sidewalk, but shall not exceed 3 feet in height above grade. All fences and walls shall be constructed in a durable fashion of brick, stone, other finished masonry materials, wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof.
^{6A}Balconies	Balconies may project up to 2’ into the minimum setback, subject to an approved sidewalk encroachment agreement with CDOT. Balconies shall have a minimum clearance of 10’ from grade.
Height Footnotes	
⁷Base Height	<p>The base height for this district is 40 feet.</p> <p>For new development across a local (public or private) street from existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40’ base height shall be measured at the minimum setback line. The height may increase one foot in height, over 40 feet, for every 2 feet in distance the portion of the building is from the minimum setback line.</p> <p>For new development abutting on the same side of a local (public or private) street as existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40’ base height shall be measured at the required yard. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the required yard.</p> <p>For all other parcels, the permitted maximum height shall be determined by the distance from the building to the boundary line of the nearest single family residential district (R-3, R-4, R-5, R-6, and R-8). The height may increase one foot in height, over 40 feet, for every 1 foot in distance the portion of the building is from single family zoning district(s).</p>

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

⁸Maximum Height	The permitted maximum height shall be determined by the distance from the building to the boundary line of the nearest single-family residential district.
⁹Proximity to Single Family Zoning	For buildings located across the street from single family zoning the height shall be measured from the property line of the residentially zoned property.

(2) Parking standards

Provisions for parking and loading shall conform to the general requirements of CHAPTER 12, PART 2, OFF-STREET PARKING AND LOADING, except as provided for in this section.

Table 10.1013(3) Number of Parking Spaces

Use	Minimum/Maximum Number of Parking Spaces
Hotels and motels	Minimum 0.5 spaces per room
Residential	Minimum One (1) space per dwelling unit must be provided but no more than two (2) may be provided. Minimum .25 spaces per unit for Multi-Family Elderly or Disabled
Eating, Drinking and Entertainment Establishments, Type 1&2	Minimum One (1) space per 250 square feet
All Other Non-Residential Uses	Minimum One (1) space per 600 square feet

(Petition No. 2013-026, § 10.812(3), 06-16-2014) (Petition No. 2013-090, § 10.812, 07/21/2014)

- (a) The required number of parking spaces for any building within the district, including mixed use buildings, is the sum total of the requirements for each use in the building calculated separately.
- (b) A 25% parking reduction is allowed if the property is located within 800 feet of a parking facility available to the general public. (Such facility must provide at least 25% of the parking spaces for public use.) This section in combination with Section 12.202(2) allows for no more than a total of 25% parking reduction.
- (c) No surface parking or maneuvering space is permitted within any

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

required setback, or between the permitted use and the required setback, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible.

- (d) Underground parking structures are permitted.
- (e) On-street parking or recessed parking entirely within the public right-of-way is permitted in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance if they are located on the same side(s) of the street and abutting the use.

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

- (f) Reserved.
- (g) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the Director of Engineering and Property Management, and the Zoning Administrator.
- (i) Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required planting strips. Parking and driveways located to the side of the primary structure may cover no more than 35% of the total lot width.
- (j) The five-foot planting strip or wall as required under Section 10.1012(4)(a) may be eliminated between abutting parking lots that are combined or interconnected with vehicular and pedestrian access. If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance. Surface parking lots shall not be required to conform to the “Charlotte Tree Ordinance”.
- (k) The bicycle parking standards of Section 12.202 and Section 12.202A are applicable in this district.
- (l) For multi-family buildings (three or more units) located across from or adjacent to single family zoning on local streets:
 - (1) Parking pads and driveways for individual multi-family residential

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

units shall not be permitted along public or private streets, except for corner lots and lots at least fifty (50) feet in width.

- (2) Corner lots may have driveway access to a public street from the side yard.
- (3) Shared driveways accessing multiple garages or parking areas, and garages or parking areas accessed by alleys are permitted if the garages are to the rear of the structure.
- (4) Front-loaded garages may be approved by the Planning Director if site shape, environmental and/or topographic challenges exist that present significant site constraints.

(3) Loading standards

- (a) New non-residential buildings and structures, excluding parking structures, must provide a minimum number of service/delivery parking spaces. These spaces may be designed and constructed so that all parking can take place entirely within the property lines of the premises. The required space(s) may also be provided and marked on any public street that adjoins the site where parallel parking would otherwise be allowed. These parking spaces must not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by Section 20-29[14-25] of the City Code. These parking spaces must be a minimum of 10 feet by 25 feet and be provided in accordance with the following:

Non-residential uses with gross floor area:

Less than 50,000 square feet:	None required
50,000 – 150,000 square feet:	One (1) space
Each additional 100,000 square feet:	One (1) space

Existing buildings that are redeveloped or within which a change of use occurs without any expansion of the footprint of the structure are exempt from these loading standards.

- (b) No new loading spaces will be permitted within any required or established setback, or between the permitted use and the required setback, except that driveways providing access to the loading area may be installed across these areas. It is the intent that these driveways are as nearly perpendicular to the street right-of-way as possible.

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

- (c) Loading and service areas shall not be located across from single family zoning or abutting single family uses on the same side of the street.
- (4) Screening.
 - (a) All surface parking lots for more than 10 vehicles, service entrances or utility structures associated with a building, loading docks or spaces and outdoor storage of materials, stock and equipment must be screened from view from a public street. Such screening shall consist of either a 5-foot wide planting strip consisting of evergreen shrubbery according to the provisions of Section 12.303(2), or a 3-foot high minimum to a 3.5-foot high maximum solid and finished masonry wall or alternative as approved by the Planning Director. However, a wall cannot be substituted for the planting strip along any public street unless supplemented by landscaping in a minimum 3-foot wide planting strip. Screening may be reduced in height to 30 inches within sight triangles as required by the CDOT.
 - (b) Dumpsters or trash handling areas must be screened from adjacent property and from public view with a minimum 6-foot high solid and finished masonry wall with a solid and closeable gate. A solid wooden fence may be substituted if the dumpsters or trash handling areas are not visible from a public street. Dumpsters are not allowed in any required setback or yard space.
 - (c) The Planning Director, or his or her authorized designee, shall have the authority to modify the screening requirements, including modification of the 5' wide planting strip, as long as the intent of this section is met.
- (5) Buffers.
 - (a) All uses in the AU, other than single-family detached units, must provide buffering along all edges abutting single family residential districts. In addition, uses in AU, which are separated from a single family residential district by an alley of 25 feet or less, must also provide buffering along all edges abutting the alley. However, multi-family developments abutting multi-family uses or undeveloped multi-family zoning districts are exempt from this buffering requirement.
 - (b) Such buffering shall consist of a 10-foot wide planting strip. The planting strip shall consist of a combination of evergreen trees and evergreen shrubs. Plant materials will be provided at a minimum of six (6) trees and twenty (20) shrubs per 100 linear feet in accordance with Section 12.302(9) (b), (c), (d) and (e). The 10-foot wide planting strip may be

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

reduced to 8 feet and the shrubs need not be planted if a masonry wall with a minimum height of 6 to 8 feet in a side yard or 8 to 10 feet in a rear yard is installed. This buffering area may be interrupted with a gate/pedestrian access way to an adjacent site.

- (6) Outdoor lighting (freestanding) on private property.
- (a) The maximum height of the light source (light bulb) detached from a building shall be 20 feet. All detached lighting shall use full cut-off luminaires that direct light down and block light from shining directly on streets or property beyond the property line.
 - (b) All outdoor lighting will be screened in such a way that the light source cannot be seen from any adjacent residentially used or zoned property.
- (7) Urban open spaces.
- (a) All new development on lots one acre or more in size must provide urban open space.
 - (b) Private open space is defined as an area that is:
 - (1) Accessible and/or visible to residents, tenants, and/or users of the development.
 - (2) Improved with seating, plantings, or other amenities.
 - (3) Located on the ground floor or first level of the development, on a roof or terrace level, balconies, patios, in an interior courtyard area of the development, or a combination of these locations.
 - (4) Out of doors, or in the open air (may be under a roof or canopy).
 - (c) Public urban open space is defined as an area that is:
 - (1) Accessible and open to the public.
 - (2) Improved with seating, plantings, or other amenities.
 - (3) Visible and accessible from the street or public pedestrian areas.
 - (4) Located on the ground floor or no more than five feet above or five feet below ground level.
 - (5) Out of doors, or in the open air (may be under a roof or canopy).
 - (d) All required open space shall be located behind the sidewalk and on private property.
 - (e) Open space requirements are based on the type of use, the lot size, and the gross square footage of building floor area, in accordance with the following schedule:

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

Table 10.813(4) Open space *

Use	Private open space	Public open space
Residential use	1 sq. ft. /500 sq. ft. gross floor area <i>or</i> 1 sq. ft. /200 sq. ft. lot area, whichever is greater.	None required.
Non-residential use	None required.	1 sq. ft. /500 sq. ft. gross floor area <i>or</i> 1 sq. ft. /200 sq. ft. lot area, whichever is greater.

*Open space for mixed use development will be 60% of the total open space computed based on the type and area of open space that would be required for each component.

Section 10.1014. Urban design standards.

(1) Design Standards.

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

(a) Street Walls. The first floor of all new buildings must be designed to encourage and complement pedestrian-scale interest and activity.

- (1) The first floor of all buildings fronting a public street must be designed and/or used for active uses. These uses must include transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor building elevation along the first floor street frontage.
- (2) Expanses of blank walls may not exceed 20 feet in length. A blank wall is a facade that does not add to the character of the streetscape and does not contain transparent windows or doors or sufficient ornamentation, decoration or articulation. When this approach is not feasible architectural elements must be used on the building facade at street level. Elements may include, but are not limited to: molding; string courses; belt courses; changes in material or color; architectural lighting; works of art; display areas, porches, or stoops.
- (3) Ventilation grates or emergency exit doors located at the first floor level in the building facade oriented to any public street must be

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

decorative.

- (4) All buildings over five stories shall be designed with an architectural base distinguishable from the remainder of the building to enhance the pedestrian environment. The base shall utilize a combination of the following: cornices, belt courses, molding, stringcourses, ornamentation, changes in color and material, or other sculpting of the base to distinguish the base from the rest of the building.
- (b) Street walls across from or next to single family. For buildings across from single family zoning or abutting single family zoning on the same side of the street the following standards shall be met:
- (1) Roof line variation every 30 feet is required. This can be accomplished by using vertical offset in ridge lines, gables, cornices, dormers, roof top patios, material changes, and/or other architectural features such as trellises, portals or porches.
 - (2) Porches, if provided, shall be at least 6 feet in depth. A porch is defined as a covered platform, usually having a separate roof, at an entrance to a building.
 - (3) Entrances that face the street for ground floor units shall be provided.
 - (4) Façade variations shall be provided that visually separate individual units. This can be accomplished through measures such as window arrangement and size variation, unit entrance design, roof variation, material changes, and/or offset wall planes.
- (c) Structured Parking Facilities. Structured parking facilities must be designed to encourage and complement pedestrian scale interest and activity.
- (1) The first floor of structured parking facilities fronting a public street must be designed and/or used for active uses if more than 50' of the parking structure fronts the street. These uses must include transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor building elevation along the first floor street frontage.
 - (2) Structured parking facilities the front less than 50' along a public

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

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

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

(d) Canopies.

Canopies, awnings and similar appurtenances are encouraged at the entrances to buildings and in open space areas. Such features may be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such facility may extend from the building to within two (2) feet of the back of the curb. Supports for these canopies are not allowed in the minimum setback. If this extension would reach into the public right-of-way, an encroachment agreement from the City or State is required.

(e) Building Entrances.

- (1) At least one operable pedestrian entrance per building must face a street and be distinguishable from the rest of the building. Such entrances must be recessed into the face of the building with a minimum 15 square foot area to provide a sense of entry and to add variety to the streetscape. No new doors will be allowed to swing into the minimum setback, except for emergency exit doors.
- (2) Single family and townhouse units are only required to have an entrance on one building façade fronting a street. On corner lots, single family dwellings and town homes may provide one main entrance oriented to the corner or facing either of the streets.
- (3) To provide a level of comfort and security for residents on the first floor of residential buildings on major thoroughfares, the first floor shall be visually and physically separated from the sidewalk. Examples include increasing the setback, installing additional landscaping, raising or lowering the first floor or other methods.

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

- (f) Signs, Banners, Flags and Pennants. Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 13, except for the following:
- (1) Specifications for permanent signs shall be according to Section 13.108a, except for signs located on any building wall of a structure shall have a maximum sign surface of all signs on one wall not to exceed 5% of building wall area to which the sign is attached, up to a maximum of 100 total square feet. In lieu of a ground mounted or monument sign, the area of wall signs may be increased to a maximum size of 120 total square feet.
 - (2) No permanent detached pole signs shall be permitted in AU.
 - (3) Ground mounted or monument signs are allowed as follows:
 - a. Not to exceed 5 feet in height and 20 square feet in area.
 - b. Located behind the right-of-way and out of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).
 - (4) No outdoor advertising signs (billboards) of any type will be permitted.
 - (5) Marquee and message signs are allowed. Marquee signs shall meet the requirements of Section 13.108(a)(4).
(Petition No. 2012-003, § 10.813(5), 02/20/12)
 - (6) Signs are allowed to project nine (9) feet into the required setback or one-half the width of the required setback, whichever is less. A minimum overhead clearance of eight (10) feet from the sidewalk must be maintained.
- (g) Streetscape Requirements. The streetscape requirements of the GOLD Overlay District (AU) are as follows:
- (1) Sidewalks and trees will be installed in accordance with the Tree Ordinance or with a streetscape plan approved by the City Council.
 - (2) Sidewalks and planting strips along the public street frontages of a site shall be as follows:
 - (a) New development: 8' planting strip, 6' sidewalk. If sidewalk seating is contemplated the sidewalk width must

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

- be a minimum of 12' .
- (b) Redevelopment of existing building: no new sidewalk or planting strip is required but street trees must be installed in tree wells.
 - (c) Development of surface parking as part of a new building development or otherwise: 8' planting strip, 6' sidewalk.
 - (d) The developer may choose to do a 12' sidewalk with no planting strip with trees installed in tree wells.
 - (e) If a sidewalk that is at least 6' wide already exists along the frontage of the site no new planting strip will be required.
- (3) Street trees must be planted in accordance with the "Charlotte Tree Ordinance" as per the "Charlotte-Mecklenburg Land Development Standards Manual".
 - (4) The Planning Director, or his or her authorized designee, with the affirmative recommendation of the City Arborist/Urban Forester shall have the authority to modify the above streetscape requirements, including the modification of the planting strip, sidewalk location and width in order to preserve existing trees and buildings.
- (h) Valet Parking service standards. A valet parking service may be incorporated into the parking plan, and shall be reviewed on a case-by-case basis. If utilized, the following requirements shall be met:
 - (1) The valet parking service can be located in the following areas:
 - a. For valet parking services that utilize the public right-of-way, the service may be located at the back of the existing curb of a street or thoroughfare as long as the existing curb line is not modified to provide an inset for the valet parking service or to reduce the width of the required sidewalk or planting strip.
 - b. On private property the valet parking service area shall be located to the side or rear of the structure or building, and may be located between the building and the street if the building design includes a porte cochere behind the

CHARLOTTE CODE

PART 10: GOLD OVERLAY DISTRICT

public sidewalk.

- (2) The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.
- (3) The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.
- (4) For valet parking services that are located on a public street or thoroughfare, or where the right-of-way is utilized by the service, a valet parking permit shall be obtained from the Charlotte Department of Transportation (CDOT). See the Charlotte Municipal Code, Article XII. “Valet Parking”, Sections 19.321 through 19.325 for permit information and criteria.

Version 1.2