

Revised 3-13-19

Petition #: 2018-169
Petitioner: Planning, Design and
Development Department

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

ORDINANCE NO. _____

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

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

A. TABLE OF CONTENTS

- 1. Amend the Table of Contents by adding a new Part 6 in Chapter 3, "Decision-Making and Administrative Bodies", titled, "Alternative Compliance Review Board" at the end of Part 5, "Professional Staff, Section 3.511 that reads as follows:

CHAPTER 3: DECISION MAKING AND ADMINISTRAIVE BODIES

Part 6: Alternative Compliance Review Board

<u>3.601</u>	<u>Establishment, powers, and duties.....</u>	<u>3-xx</u>
<u>3.602</u>	<u>Membership and officers.....</u>	<u>3-xx</u>
<u>3.603</u>	<u>Terms of office.....</u>	<u>3-xx</u>
<u>3.604</u>	<u>Quorum, attendance, and vacancies.....</u>	<u>3-xx</u>
<u>3.605</u>	<u>Meetings and procedures.....</u>	<u>3-xx</u>
<u>3.606</u>	<u>Staff.....</u>	<u>3-xx</u>

- 2. Amend the Table of Contents by deleting all of Part 12, "Transit Oriented Development Districts" and replacing the entry with "RESERVED" as follows:

CHAPTER 9: GENERAL DISTRICTS

Part 12: ~~Transit Oriented Development Districts~~—RESERVED

9.1201	Purpose	9-224
9.1202	Establishment of Transit Oriented Development Districts	9-224
9.1203	Rezoning to a TOD Zoning District	9-227
9.1204	Applicability and Exceptions	9-227
9.1205	Uses Permitted by Right	9-230
9.1206	Uses Permitted Under Prescribed Conditions	9-233
9.1207	Accessory Uses	9-234
9.1208	Development Standards	9-235
9.1209	Urban Design Standards	9-250
9.1210	Administrative Approval	9-257
9.1211	Board of Adjustment	9-258
9.1212	Transit Oriented Development Zoning Districts (Optional)	9-258
9.1213	Preliminary Review	9-259

3. Amend the Table of Contents by adding new entries for the new Transit Oriented Development Districts for each Section and subsection, which shall read as follows:

CHAPTER 15: ~~SUBJECT INDEX~~ TRANSIT ORIENTED DEVELOPMENT DISTRICTS 15-xx

15.1	PURPOSE AND APPLICABILITY	15-xx
15.1.1	TOD General Purpose	15-xx
15.1.2	Required Presubmittal Meeting	15-xx
15.1.3	TOD-UC Transit Urban Center	15-xx
15.1.4	TOD-NC Transit Neighborhood Center	15-xx
15.1.5	TOD-CC Transit Community Center	15-xx
15.1.6	TOD TR Transition	15-xx
15.1.7	Applicability of Frontages	15-xx
15.2	DIMENSIONAL STANDARDS	15-xx
15.2.1	TOD Districts Dimensional Standards	15-xx
15.2.2	Development Bonus	15-xx
15.3	DESIGN STANDARDS	15-xx
15.3.1	Non-Residential, Mixed-Use, and Multi-Family Stacked Design Standards	15-xx
15.3.2	Multi-Family Attached Unit and Single-Family Attached Design Standards	15-xx
15.3.3	Parking Structure Design Standards	15-xx
15.4	PUBLIC REALM STANDARDS	15-xx
15.4.1	Traffic Impact Study	15-xx
15.4.2	Future Curb Line	15-xx
15.4.3	CDOT Adjustments	15-xx
15.4.4	Pedestrian Facilities and Amenity Zone Standards	15-xx
15.4.5	Streetscape Standards	15-xx
15.4.6	Rapid Transit Corridor Reservation	15-xx

15.4.7	Bus Amenity Requirements.....	15-xx
15.4.8	Pedestrian Connectivity.....	15-xx
15.4.9	On-Site Open Space	15-xx
15.4.10	Specific Architectural Features	15-xx
15.5	OFF-STREET VEHICLE AND BICYCLE PARKING, AND OFF-STREET LOADING.....	15-xx
15.5.1	Applicability to Existing Structures	15-xx
15.5.2	Required Vehicle Parking.....	15-xx
15.5.3	Bicycle Parking.....	15-xx
15.5.4	Required Loading Spaces	15-xx
15.5.5	Parking Location and Access	15-xx
15.5.6	Valet Parking Standards	15-xx
15.6	LANDSCAPE AND SCREENING.....	15-xx
15.6.1	Applicability of Charlotte Tree Ordinance	15-xx
15.6.2	Site Landscape.....	15-xx
15.6.3	Parking Lot and Loading Area Perimeter Landscape	15-xx
15.6.4	Parking Lot Interior Landscape	15-xx
15.6.5	Buffer Yards	15-xx
15.6.6	Parking Structure Landscape Yard	15-xx
15.7	SIGNS.....	15-xx
15.7.1	Sign Regulations in the TOD Districts.....	15-xx
15.7.2	A-Frame Signs.....	15-xx
15.7.3	Marquee Signs	15-xx
15.7.4	Monument Signs.....	15-xx
15.7.5	Roof Signs	15-xx
15.7.6	Skyline Signs.....	15-xx
15.7.7	Wall Mounted Signs.....	15-xx
15.7.8	Window Signs	15-xx
15.8	USES.....	15-xx
15.8.1	Applicability.....	15-xx
15.8.2	General Use Regulations	15-xx
15.8.3	Use Matrix	15-xx
15.8.4	Prescribed Conditions.....	15-xx
15.8.5	Principal, Accessory, and Temporary Use Definitions.....	15-xx
15.9	ACCESSORY STRUCTURES	15-xx
15-10	NONCONFORMITIES	15-xx
15-10.1	Nonconforming Principal Buildings and Parking Structures .	15-xx
15.10.2	Nonconforming Uses.....	15-xx
15.10.3	Nonconforming Site Landscape and Screening.....	15-xx
15.10.4	Nonconforming Exterior Lighting.....	15-xx
15.11	ADMINISTRATION.....	15-xx

15.11.1	Administrative Adjustment	15-xx
15.11.2	Alternative Compliance.....	15-xx
15.12	TOD-EXCEPTION (TOD-EX) DISTRICT	15-xx
15.12.1	Purpose	15-xx
15.12.2	Modification of TOD District Regulations.....	15-xx
15.12.3	Review Standards	15-xx
15.12.4	Approval Standards and Required Public Benefits	15-xx
15.12.5	TOD-EX Approval Process.....	15-xx
15.13	DEFINITIONS.....	15-xx
15.13.1	Applicability.....	15-xx
15.13.2	Definitions.....	15-xx

- Amend the Table of Contents by adding a new entry for a Chapter 16 titled, “Subject Index”, which shall read as follows.

CHAPTER 16: SUBJECT INDEX.....15-1-16-1

- Amend the Table of Contents by adding a new entry for Appendix 6, which shall read as follows:

APPENDICES:

Appendix 1: Reserved.....	A-1
Appendix 2: Zoning Maps Conversion Process.....	A-2
Appendix 3: N.C. General Statute Article 26A (Sec. 14.202.10) Adult Establishments	A-3
Appendix 4: Amendments (since this printing).....	A-4
Appendix 5: Watershed Buffer Guidelines for Mecklenburg County	A-5
Appendix 6: TOD District Translation	A-6

B. CHAPTER 3: DECISION-MAKING AND ADMINISTRATIVE BODIES

- Add a new PART 6, titled, “Alternative Compliance Review Board” that reads as follows after PART 5:

PART 6: ALTERNATIVE COMPLIANCE REVIEW BOARD

Section 3.601: Establishment, powers, and duties.

An Alternative Compliance Review Road is hereby established. The Alternative Compliance Review Board shall have the following powers and duties to be carried out in accordance with Chapter 15, which include, but are not limited to the following:

- (1) To review submittals for alternative compliance, receive applicant and public input on submittals, and make recommendations to the Charlotte Planning, Design and Development Director based on Chapter 15 criteria and expertise.
- (2) To adopt such rules of procedure necessary for the administration of its responsibilities not inconsistent with these regulations.
- (3) To submit an annual written report to the City Clerk for distribution to the Mayor and City Council's information, as per adopted City Council policy for administering Boards.

Section 3.602: Membership and officers,

- (1) Members and officers of the Alternative Compliance Review Board shall be appointed and removed in accordance with City Council adopted policies and procedures for Boards.
- (2) The Board shall be composed of seven members and two alternates who shall be appointed according to the following disciplines (the determination that an appointee meets the relevant discipline shall be made by the City Council whose determination shall be conclusive):
 - (a) Four members involved in the real estate development industry including architects, landscape architects, civil engineers, urban designers, contractors and other real estate development industry experts.
 - (b) Three community representatives.
 - (c) One alternate real estate development industry representative.
 - (d) One alternate community representative.

Section 3.603: Terms of office.

The terms of office shall be for three (3) years with no member serving more than two consecutive full terms. The terms of one-third of the Board shall expire each year. If a vacancy occurs, the City Council shall appoint a person to serve the unexpired terms of the vacant position.

Section 3.604: Quorum, attendance, and vacancies.

- (1) Five voting members shall constitute a quorum.
- (2) No meeting or action shall be conducted by the Alternate Compliance Review Board without a quorum. From time to time, the quorum may be changed for the Alternative Compliance Review Board by resolutions adopted by the City Council.

- (3) In the event a quorum is not present at any meeting of the Alternative Compliance Review Board, the meeting shall be rescheduled by the Chairman to another date and time as soon as is practical and in accordance with the applicable rules of the Alternative Compliance Review Board.
- (4) Members are required to attend meetings in accordance with Board attendance policies adopted by the City Council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided in this section.
- (5) Members shall be subject to removal from the Board with or without cause by the City Council.

Section 3.605: Meetings and procedures.

- (1) All meetings shall be open to the public as required by law and shall be conducted in accordance with the procedures set forth in these regulations, City Council policies for Boards, and rules of procedure adopted by the Alternative Compliance Review Board.
- (2) Any rules of procedure adopted by the Alternative Compliance Review Board shall be kept on file at the Charlotte Planning, Design and Development Department.
- (3) The Alternative Compliance Review Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating the fact that a member is absent or is excused from voting under the rules of the Alternative Compliance Review Board. The Board shall keep records of its official recommendations, all of which shall be filed immediately in the Charlotte Planning, Design and Development Department as public records.
- (4) Alternative Compliance Review Board members shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Section 3.606: Staff.

- (1) Staff for the Alternative Compliance Review Board shall be provided by the Charlotte Planning, Design and Development Department.
- (2) Staff shall file attendance reports with the City Clerk, pursuant to the schedule established by the City Clerk.

C. CHAPTER 6: AMENDMENTS

1. PART 2: CONDITIONAL ZONING DISTRICTS

- a. Amend Section 6.201, “Purpose”, subsection (3) by replacing “Transit Oriented Development (Optional)” with the updated names of the new Transit Oriented Development zoning districts. In addition, amend the reference to the Chapter from 12 to 15. The revised subsection (3) shall read as follows:

(3) Mixed Use Development District (Optional), Uptown Mixed Use District (Optional), and ~~Transit Oriented Development (Optional)~~ Transit Oriented Development -Urban Center (Exception), Transit Oriented Development -Community Center (Exception) Transit Oriented Development -Neighborhood Center (Exception) Transit Oriented Development -Transition (Exception) described in Chapter 9, Parts 8.5, 9, and ~~15~~ 12 respectively, and RE-3 (Optional) described in Chapter 11, Part 7.

D. CHAPTER 9: GENERAL DISTRICTS

1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

- a. Amend Table 9.101, “Table of Uses”, pages titled, MUDD & UMUD, COMMERCIAL CENTER, NEIGHBORHOOD SERVICES, TRANSIT ORIENTED DEVELOPMENT” pages one through seven by adding a new column to the right of the table labeled “TOD-TR”; updating the abbreviations “TOD-R”, “TOD-E”, and “TOD-M” with the new abbreviations for the new TOD districts; and merge all the rows under each of the following columns, “Residential Uses”, “Institutional Uses”, “Office and Business Uses”, “Industrial Uses”, “Other Uses”, and “Accessory Uses and Structures” and adding “See Section 15.8 for Uses allowed in the TOD districts”, and centering that in the merged space. The revised table should look as follows:

**MUDD & UMUD
COMMERCIAL CENTER
NEIGHBORHOOD SERVICES
TRANSIT ORIENTED DEVELOPMENT**

MUDD & UMUD Districts		CC & NS Districts*		Transit Oriented Development Districts			
MUDD	UMUD	CC*	NS*	<u>TOD-R</u> <u>TOD-UC</u>	<u>TOD-E</u> <u>TOD-CC</u>	<u>TOD-M</u> <u>TOD-NC</u>	<u>TOD-TR</u>
RESIDENTIAL USES							
				<u>See Section 15.8 for Uses allowed in the TOD districts</u>			

INSTITUTIONAL USES		
		<u>See Section 15.8 for Uses allowed in the TOD districts</u>
OFFICE AND BUSINESS USES		
		<u>See Section 15.8 for Uses allowed in the TOD districts</u>
INDUSTRIAL USE		
		<u>See Section 15.8 for Uses allowed in the TOD districts</u>
OTHER USES		
		<u>See Section 15.8 for Uses allowed in the TOD districts</u>
ACCESSORY USES AND STRUCTURES		
		<u>See Section 15.8 for Uses allowed in the TOD districts</u>

- b. Amend Section 9.102, “Hierarchy of districts” by updating the names of the Transit Oriented Development districts. The revised hierarchy, in new formatting, shall read as follows:

The districts established in this Chapter and in Chapter 11 are classified from "highest" to "lowest" in the following order:

(“highest”)				
R-3	R-17MF	RE-3	CC	BP
R-4	R-22MF	INST	MX-3	BD
R-5	R-22MF	O-1	B-2	U-I
R-6	UR-1	O-2	TOD-RTR	I-1
R-8	R-43MF	O-3	TOD-ENC	I-2 (“lowest”)
MX-1	UR-2	UR-C	TOD-MCC	
R-MH	UR-3	NS	TOD-UC	

R-8MF	RE-1	B-1	MUDD	
R-12MF	RE-2	MX-2	UMUD	

For any district where a conditional zoning district is permitted the conditional zoning district shall have the same order as the general district for the purposes of determining its hierarchy under the table.

- c. Amend Section 9.103, “Classification of Zoning Districts” by removing “TOD-R” from subsection (1) and updating the names of the Transit Oriented Development districts in subsection (2). Amend the last sentence of subsection (2) to include other types of zoning designations. The revised subsections shall read as follows:

Section 9.103. Classification of Zoning Districts.

The following zoning districts established in this Chapter and in Chapter 11 are classified according to whether they are residential or non-residential.

- (1) Residential Zoning Districts include R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17 MF, R-22MF, R-43MF, UR-1, UR-2, UR-3, ~~TOD-R~~, R-MH, MX-1, MX-2, MX-3, and any zoning district listed above, with (CD) after the designation.
- (2) Non-Residential Zoning Districts include B-1, B-2, CC, B-D, BP, O-1, O-2, O-3, I-1, I-2, RE-1, RE-2, RE-3, Institutional, UMUD, MUDD, UR-C, U-I, CC, NS, ~~TOD-E~~, and ~~TOD-M~~, TOD-UC, TOD-CC, TOD-NC and TOD-TR and any zoning district listed above, with (CD), (O) or EX after the designation.

2. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Delete all sections of Part 12: Sections 9.1201, 9.1202, 9.1203, 9.1204, 9.1205, 9.1206, 9.1207, 9.1208, 9.1209, 9.1210, 9.1211, 9.1212 and 9.1213, and rename Part 12 as “RESERVED”. The revised Part shall read as follows:

PART 12: RESERVED

E. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- (a) Amend Section 12.106, “Uses and structures prohibited and allowed in required setbacks and yards”, subsection (2)(b) by updating the names of the transit oriented districts in the last sentence. The subsection shall read as follows:
 - (b) Notwithstanding the provisions of subsection (a), above ground

structures (other than a back-flow preventer) connected to and associated with underground electric, natural gas, telecommunications or cable television distribution lines, pipes, or conduits may be located in the setback subject to the following:

- i. A structure of a dimension that does not exceed four (4) feet in width, four (4) feet in length, or three (3) feet in height may be located no closer than two (2) feet to the existing or proposed right-of-way based on the street classification and no closer than ten (10) feet to the back of the curb line or edge of pavement.
- ii. A structure of a dimension that does not exceed four (4) feet in width, eight (8) feet in length, or six (6) feet in height may be located no closer than ten (10) feet to the existing or proposed road right-of-way based on the street classification.

The dimension restrictions contained in subsections (b)(i) and (ii) shall not apply to structures located in the setback prior to April 1, 2003.

This subsection shall not apply in the UR-1, UR-2, UR-3, UR-C, MUDD, UMUD, PED, RE-3, ~~TOD~~, ~~or~~ TOD-UC, TOD-CC, TOD-NC, TOD-TR and TS zoning districts and shall not constitute a regulation of utilities in the right-of-way.

2. PART 2: OFF-STREET PARKING

- a. Amend Section 12.202, “Required number of off-street parking and bicycle spaces” subsection (4) by amending the names of the transit oriented districts. Also add a new subsection (5) that shall read as follows. The remaining subsections remain unchanged.
 - (4) The off-street motor vehicular parking requirements of this section shall not apply to the RE-3, MUDD, NS, PED, ~~TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, TOD-MO~~, UI, UMUD, and UR districts established in these regulations, however, bicycle parking shall apply in these districts with requirements based not on the zoning district, but on the table of uses.
 - (5) The vehicular and bicycle parking requirements of this section shall not apply to the TOD-UC, TOD-CC, TOD-NC, and TOD-TR zoning districts.
- b. Amend Section 12.202A, “Bicycle parking standards”, subsection (1)(b) by updating the names of the transit oriented districts. The revised text shall read as follows:
 - (b) Location. Short-term bicycle parking should be located along a

major building approach line and clearly visible from the approach. The rack area shall be no more than 120 feet from the entrance it serves, or as close as the nearest non-handicap, off-street auto parking space, whichever is farther. Rack area(s) should be clearly visible from the entrance they serve and should be provided near each actively used entrance. In general, multiple buildings should not be served with a combined, distant rack area. It is preferred to place smaller rack areas in locations that are more convenient.

Short-term bicycle parking may be located within the public right-of-way and/or within the required setback in the UR-1, UR-2, UR-3, UR-C, RE-3, MUDD, UMUD, NS, PED, ~~TOD-R, TOD-E, TOD-M~~ TOD-UC, TOD-CC, TOD-NC, TOD-TR and UI zoning districts, subject to the following additional requirements:

1. The short-term bicycle parking shall not obstruct the required sidewalks, movement from on-street parking to the required sidewalks, or impact the minimum planting area or spacing requirements for street trees or required screening.
 2. Bicycle parking may be located in the public right-of-way subject to approval by the Charlotte Department of Transportation (CDOT) or the North Carolina Department of Transportation (NCDOT). If bicycle parking is not approved, then the required parking must be located entirely on the site.
 3. There shall be no more than 5 required short-term bicycle parking spaces per 100 linear feet of street frontage. Additional bicycle parking beyond the required amount can exceed the 5 short-term bicycle parking spaces per 100 linear feet of street frontage requirement.
- c. Amend Section 12.206, "Location of required parking" subsection (5) by modifying the names of the transit oriented districts. All other subsections remain unchanged.
- (5) This Section shall not apply to the MUDD, PED, ~~TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, TOD-MO,~~ TOD-UC, TOD-CC, TOD-NC, TOD-TR, TS, UI, UMUD, and UR districts established in these regulations.
- d. Amend Section 12.212, "Parking deck standards" first paragraph by modifying the names of the transit oriented districts. The revised paragraph shall read as follows. All other subsections remain unchanged.

Section 12.212. Parking deck standards

This section sets forth development standards to address parking decks as a principal or accessory use within any permitted zoning district, except the RE-1, RE-2, RE-3, MUDD, PED, ~~TOD-R, TOD-E, TOD-M, TOD-UC, TOD-CC, TOD-NC, TOD-TR~~, TS, UI, UMUD, and UR districts.

- e. Amend Section 12.213, “Underground parking structures” by modifying the names of the transit oriented district in the last sentence, to read as follows:

Section 12.213. Underground parking structures.

Underground parking structures are permitted within any required setback, side yard, and rear yard on any lot in any institutional, office, business or industrial district, provided no portion of the underground structure extends above grade more than 5 feet at any point nor more than 4 feet for 75 percent of its length along any lot line. A balustrade, parapet or railing may extend above the permitted structure height, provided it is not greater than 32 inches in height, is set back from the property line at least 3 feet and has openings equal to at least 30 percent of its surface along each side. Along any lot line abutting a street, "grade" means the elevation at the center line of the street. Along any lot line not abutting a street, "grade" means ground elevation at the property line. Such structures must conform to any corner site distance requirements which may be in effect at the time the underground structure is built. An underground parking structure may encroach upon any area set aside for the buffer, screening or other planting requirements so long as there is at least 4 feet of soil between the above ground surface and the top of the underground parking structure. The requirements of this section do not apply to the RE-1, RE-2, RE-3, MUDD, PED, ~~TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, TOD-MO, TOD-UC, TOD-CC, TOD-NC, TOD-TR~~, TS, UI, UMUD, and UR, districts.

- f. Amend Section 12.214, “Number, size, and location of loading spaces”, subsection (1) and (3) by modifying the names of the transit oriented districts. The revised paragraph shall read as follows. All other subsections remain unchanged.

Section 12.214. Number, size, and location of loading spaces.

- (1) Loading spaces of the size and number indicated shall be provided in accordance with Table 12.214. These requirements shall not apply in the MUDD, PED, ~~TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, TOD-MO, TOD-UC, TOD-CC, TOD-NC, TOD-TR~~, TS, UI, UMUD, and UR districts established in these regulations.

- (2) Any loading space and any area required for maneuvering a vehicle into and out of the loading space shall be located entirely on the same lot as the use it serves, and not on any public right-of-way or other lot.
- (3) Loading and unloading spaces and areas shall be located a minimum of 60' from residentially used or zoned property. Distances shall be measured from the closest edge of the loading and unloading area to the property line of the residentially used or zoned property. These requirements shall not apply in the MUDD, PED, ~~TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, TOD-MO, TOD-UC, TOD-CC, TOD-NC, TOD-TR~~, TS, UI, UMUD, and UR districts.

3. PART 3: BUFFERS AND SCREENING

- a. Amend Section 12.301, "Purpose" by modifying the names of the transit oriented districts. The revised paragraph shall read as follows:

Section 12.301. Purpose.

It is recognized that certain land uses, because of their character and intensity, may create an adverse impact when developed adjacent to other less intensive land uses. The general purposes of this Section are to establish regulations protecting and preserving the appearance, character and value of property within the City and to recognize that the transition between certain uses requires attention to protect less intensive land uses. The objectives are to identify those land use relationships that may be incompatible and to specify an appropriate buffer or screen, the function of which is to minimize any adverse impacts. These provisions will not apply to developments in the NS, PED, ~~TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, TOD-MO, TOD-UC, TOD-CC, TOD-NC, TOD-TR~~, TS, UI, UMUD, and UR districts or to certain development on school sites as provided for in Section 9.203(7)(e) and 9.303(10)(e). The buffer requirements of this section will not apply to the MUDD district.

4. PART 4: ACCESSORY USES AND STRUCTURES

- a. Amend subsection (4) of Section 12.413, "Drive-in and drive-through service lanes/windows" by deleting references to the TOD-R, TOD-E, and TOD-M zoning districts. Other subsections remain unchanged.

- (4) In the ~~TOD-R, TOD-E, and TOD-M~~, and TS zoning districts, drive-through service lanes are only permitted as an accessory use to professional business and general office uses located between ¼ mile to ½ mile walking distance from a transit station.

5. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Amend Section 12.502, “Adult care homes, adult care centers, childcare centers, childcare centers in a residence, family childcare homes, and large childcare centers by deleting references to the TOD-R, TOD-E, and TOD-M districts in subsection (3). The revised subsection shall read as follows, with subsections (a) through (k) under this subsection remaining unchanged.

(3) Childcare centers

Childcare centers for between thirteen (13) and seventy-nine (79) children, licensed by the North Carolina Department of Health and Human Services, may be established in all multi-family districts, UR-2, UR-3, UR-C, INST, all research, all office, NS, B-1 and B-2, BD, MUDD, UMUD, MX-2, MX-3, ~~TOD-R, TOD-E and TOD-M~~, U-1 and I-1 districts, according to the requirements listed below. Childcare centers are also permitted as an accessory to uses permitted in the I-2 district, religious institutions, elementary, junior and senior high schools, and government buildings, and are exempt from the requirements listed below.

- b. Amend Section 12.510, “Mobile food vending”, subsection (2) by deleting TOD-E and TOD-M from the sentence. The revised subsection shall read as follows. All subsections (a) through (k) remain unchanged.

(2) Mobile Food Vending located in B-1, B-2, B-D, BP, RE-1, RE-2, RE-3, INST, O-1, O-2, O-3, CC, NS, MUDD, UMUD, ~~TOD-E, TOD-M~~, U-I, I-1 and I-2 shall meet the following requirements:

- c. Amend Section 12.522, “Short-term care facility” by deleting TOD-E and TOD-M from the first paragraph. Subsections (1) through (8) under the paragraph remain unchanged. The revised paragraph shall read as follows:

Section 12.522. Short-Term Care Facility.

Short-term care facilities are permitted in the Institutional, O-1, O-2, O-3, B-2, MUDD, UMUD, ~~TOD-E, TOD-M~~, U-I, and I-1 zoning districts, subject to the standards of the individual district in addition to the following requirements. If any conflict should occur between the standards of the individual district and the following requirements, the following shall apply.

- d. Amend Section 12.527, “Single room occupancy (SRO) residences” by deleting references to the TOD zoning districts. Subsections (1) through (10) remain unchanged.

Section 12.527. Single Room Occupancy (SRO) residences.

Single room occupancy (SRO) residences are permitted in the UR-2, UR-3, UR-C, O-1, O-2, O-3, B-1, B-2, UMUD, ~~TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO and TOD-MO~~ districts subject to the standards of the individual district in addition to the following requirements. If any conflict should occur between the standards of the individual district and the following requirements, the following shall apply.

- e. Amend Section 12.534, "Periodic Retail Sales Events, Off-Premise" by deleting TOD from subsection (1)(a). The other subsections remain unchanged. The revised subsection shall read as follows:
 - (a) Periodic retail sales events may only be located in the UR-C, RE-3, B-1, B-2, ~~TOD~~, MUDD, UMUD, and Industrial zoning districts. Periodic retail sales events shall also be permitted in the B1-SCD, B-1(CD), B-2(CD), MX-2, MX-3, NS, and CC zoning districts, as part of a retail center, unless noted on the site plan or conditional plan that this use is restricted.

- f. Amend Section 12.537, "Emergency Shelters" by deleting references to the TOD districts. Subsections (a) through (c) remain unchanged. The revised first paragraph shall read as follows:

Section 12.537. Emergency Shelters.

Emergency shelters are permitted in all Business districts (B-1, B-2, B-3, BP, and B-D), all Institutional zoning districts (INST), all Research districts (RE-1, RE-2, RE-3), all Office districts (O-1, O-2, and O-3), MUDD, UMUD, and all Industrial districts (U-I, I-1, I-2), ~~and all TOD districts (TOD-R, TOD-E and TOD-M)~~ subject to the following requirements:

- g. Amend Section 12.539, "Outdoor Fresh Produce Stands or Mobile Produce Market", subsection 2(a) by deleting references to TOD-E and TOD-M in the sentence. Other subsections remain unchanged. The revised subsection shall read as follows:
 - 2. **Principal** outdoor fresh produce stand(s) or principal mobile produce markets are subject to the following additional prescribed conditions:
 - (a) Allowed in the UR-C, RE-1, RE-2, RE-3, B-1, B-2, B-D, BP, CC, NS, MUDD, UMUD, ~~TOD-E, TOD-M~~, U-I, I-1 and I-2 zoning districts and
 - (b) Temporary fabric-covered canopies or tents are permitted if removed daily. Canopies or tents exceeding 12' in any dimension require a permit from Neighborhood & Business Services.

- h. Amend Section 12.541, "Pet services indoor/outdoor" by deleting references to TOD In the first sentence, and adding "zoning districts" to clarify the sentence. Other subsections remain unchanged. The revised section shall read as follows:

Section 12.541. Pet services indoor/outdoor

Pet services indoor/outdoor are permitted in the UR-2, UR-3, UR-C, B-1, B-2, I-1, I-2, MUDD, UMUD, ~~TOD~~, CC, MX-2, MX-3 and NS zoning districts, subject to the following conditions:

- (1) All outdoor uses are located at least 300 feet from any lot in a residential zoning district or in residential use.
 - (2) All outdoor uses are completely fenced.
- i. Amend Section 12.544, "Breweries and Wineries", subsection (1) by deleting reference to the TOD-M and TOD-E zoning districts. All subsections regarding prescribed conditions under subsections (1) and (2) remain unchanged. The revised subsections shall read as follows:

Section 12.544 Breweries and Wineries

- (1) In ~~TOD-M, TOD-E~~, MUDD and UMUD, breweries and wineries are subject to the following prescribed conditions:
- j. Amend Section 12.546, "Eating, Drinking, and Entertainment Establishments (Type 2 only)", subsection (2)(a) by deleting reference to the TOD zoning district. All other subsections of this Section remain unchanged. The revised subsection shall read as follows:
- (2) If outdoor entertainment occurs at any time between the hours of 11:00 p.m. and 8:00 a.m., then the following minimum separation distances shall be met, based on the zoning district in which the use is located:
 - (a) Minimum 100-foot separation distance in the MUDD, UMUD, ~~TOD~~ and TS zoning districts. The minimum required separation distance cannot be reduced as an optional provision unless the following conditions are met:

F. CHAPTER 13: SIGNS

1. Amend the first paragraph of Section 13.108, "Specifications for permanent signs requiring a permit" by updating the references to the TOD districts, and clarifying where additional

applicable specifications are located per each zoning district. Subsections under this initial paragraph remain unchanged. The revised first paragraph shall read as follows:

Section 13.108. Specifications for permanent signs requiring a permit

The following are general specifications applicable to the various permanent signs permitted, except for those located in UMUD, PED, ~~TOD-R, TOD-E, TOD-M, TOD-UC, TOD-CC, TOD-NS, TOD-TR~~ and TS zoning districts which have applicable specifications in as per Section 10.9 (TS), Section 13.108a (UMUD and PED), and Section 15.7 (TOD-UC, TOD-CC, TOD-NC, and TOD-TR. Additional specifications in UMUD and PED regarding size, number, location, and permitted types of signs are set forth in [Section 13.109](#), District Regulations.

2. Amend the first paragraph of Section 13.108a, “Specifications for permanent signs requiring a permit” by deleting the references to the TOD districts. Subsections under this initial paragraph remain unchanged. The revised first paragraph shall read as follows:

Section 13.108a. Specifications for permanent signs requiring a permit.

The following are specifications applicable to the various permanent signs permitted in the UMUD, PED, ~~TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, TOD-MO,~~ and TS zoning districts.

3. Amend Section 13.108(b), “Information and advertising pillar signs”, subsection (1) by deleting references to TOD. All other subsections remain unchanged. The revised subsection shall read as follows:

Section 13.108(b) Information and advertising pillar signs.

- (1) Zoning District. Information and advertising pillar signs are permitted only in the RE-3, MUDD, UMUD, ~~TOD~~, and CC zoning districts, subject to all the standards and regulations of [Section 13.108\(b\)](#), and all other applicable regulations and standards in the Zoning Ordinance.

G. CHAPTER 15: APPENDICES

1. Move the subject index pages in Chapter 15, “SUBJECT INDEX” into a new Chapter 16, to read as follows.

Chapter ~~15~~ 16 SUBJECT INDEX

2. Move the new Transit Oriented Development District Regulations into Chapter 15, with a new title, “Transit Oriented Development Districts”:

Chapter 15: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

3. Move Appendices 1, 2, 3, 4, 5, 6 (new), A, B to the end of the Zoning Ordinance.

H. CHAPTER 16: SUBJECT INDEX

1. Amend the Subject Index under “Districts” by referencing the correct location of the new transit oriented development districts. The “District” entry shall read as follows:

Districts

business	9.801
hierarchy of districts	9.102
industrial	9.1101
institutional	9.501
mixed use development (MUDD)	9.8501
multi-family	9.301
office	9.701
permitted uses	9.101
research	9.601
single family	9.201
transit oriented development districts	9.1201 <u>Chapter 15</u>
UMUD	9.901
urban industrial	9.1001
urban residential	9.401

2. Amend the Subject Index by adding new entries, in alphabetical order as follows:

Board, Alternative Compliance Review Board

<u>establishment, powers, and duties.....</u>	<u>3-xx</u>
<u>membership and officers.....</u>	<u>3-xx</u>
<u>terms of office.....</u>	<u>3-xx</u>
<u>quorum, attendance, and vacancies.....</u>	<u>3-xx</u>
<u>meetings and procedures.....</u>	<u>3-xx</u>
<u>staff.....</u>	<u>3-xx</u>

H. APPENDIX 6: TOD DISTRICT TRANSLATION

1. Add a new Appendix 6 behind Appendix 5 that reads as follows:

APPENDIX 6: TOD DISTRICTS TRANSLATION

1. **Effective Date of Translation.** All property zoned conventional transit oriented development - residential (TOD-R); transit oriented development – mixed-use (TOD-M); and transit oriented development – employment (TOD-E) will translate to the new transit oriented development –

community center zoning district (TOD-CC) upon the effective date of this text amendment.

2. **Effect of this Translation.**

a. A property with a pending rezoning petition to a conditional or optional TOD-R, TOD-M, or TOD-E district that has been filed and the petition advertised for a public hearing prior to the effective date of this amendment may complete the rezoning process to one of the aforementioned districts.

b. Property previously zoned as conventional TOD-R, TOD-M, or TOD-E that is translated to the TOD-CC district may elect to develop under the TOD-R, TOD-M, or TOD-E regulations in effect prior to this amendment if a development plan has been submitted and accepted as complete for zoning review by the City of Charlotte by June 30, 2019.

3. **Violations Continue.** Any violation of previous zoning or other ordinances will continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Ordinance unless the use, development, or activity complies, in its entirety, with the provisions of this Ordinance.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

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

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