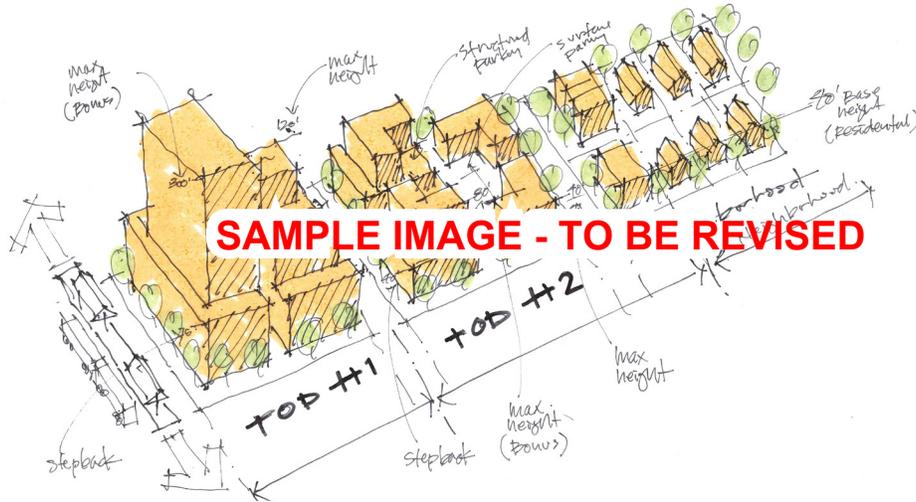


X.1 PURPOSE AND APPLICABILITY

X.1.1 TOD Districts Generally

The purpose of the Transit Oriented Development (TOD) Districts is to create higher intensity, compact, and mixed use development around existing and future transit stations and corridors as identified in the City's adopted future land use. The development standards are designed to promote a walkable urban form, access to transit, and a well-integrated mix of uses. The goals of the Transit Oriented Development Districts include:

- A.** Encourage the development of transit stations in use and form to support increased transit use and a decreased reliance on motor vehicles.
- B.** Create a high-quality public realm and pedestrian environment that supports walkability and a range of mobility choices (vehicular, pedestrian, bicycle, and transit).
- C.** Provide for a range of mixed use development intensity that transitions to, and protects established neighborhoods.
- D.** Support a diversity of affordable housing choices with access to transit.

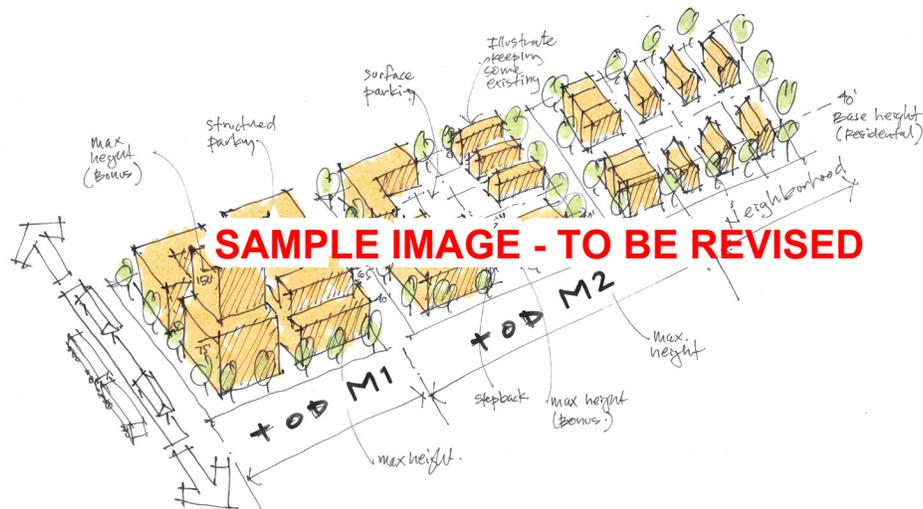


X.1.2 TOD-H1 High Intensity District

- A. **Purpose.** The purpose of the TOD-H1 Transit Oriented Development District is to encourage the location of uses and forms of development conducive to, and accommodating of, increased transit usage within Charlotte’s urban centers. The TOD-H1 District is intended to promote high intensity, well-integrated mixed-use development, ensuring that development occurs in the form of compatible, transit-friendly design in close proximity to rapid transit stations, or other areas that may be appropriate such as streetcar stations, large sites in activity centers or Center City locations. The regulations encourage a highly walkable neighborhood, decreased reliance on motor vehicles, and mixed-use development that provides settings for social interaction and active community life.
- B. **Applicability.** TOD-H1 may be applied to lots within 1/2 mile walking distance of an existing transit station. It may also be applied to lots within 1/4 mile of a funded and adopted Metropolitan Transit Commission alignment station location. This distance may be modified to accommodate existing parcel boundaries surrounding the transit station or a rapid transit facility (e.g., extending more than 1/4 mile to designate the entire lot to prevent split lot zoning). TOD-H1 may not be applied within 200 feet of a single-family residential district, unless separated by an interstate, parkway, boulevard, avenue (4 lane or more).

X.1.3 TOD-H2 High Intensity Transition District

- A. **Purpose.** The purpose of the TOD-H2 Transit Oriented Development District is to encourage a mixture of uses and a moderate intensity of development that can serve as a transition between more intensely developed transit-oriented districts and adjacent residential neighborhood development. The district is intended to encourage reuse of existing structures, promote walkability, and require a high quality of design that complements the scale and character of Charlotte’s existing urban neighborhoods. TOD-H2 is considered appropriate for areas along Charlotte’s streetcar alignment(s).
- B. **Applicability.** TOD-H2 may be applied to lots within 1 mile walking distance of an existing rapid transit station. It may also be applied to lots within 1 mile of a Metropolitan Transit Commission alignment station location. This distance may be modified to accommodate existing parcel boundaries surrounding the transit station or a rapid transit facility (e.g., extending more than 1 mile to designate the entire lot to prevent split lot zoning).



X.1.4 TOD-M1 Medium Intensity District

- A. Purpose.** The purpose of the TOD-M1 Transit Oriented Development District is to encourage the location of uses and forms of development conducive to, and accommodating of, increased transit usage outside of Charlotte's existing urban centers. The TOD-M1 District is intended to promote high intensity, well-integrated mixed-use development within close proximity to transit stations, streetcar stations and large sites in activity centers. The district is intended to encourage walkability and decreased reliance on motor vehicles.
- B. Applicability.** TOD-M1 may be applied to lots within 1/2 mile of an existing rapid transit station. It may also be applied to lots within 1/2 mile of a Metropolitan Transit Commission alignment station location. This distance may be modified to accommodate existing parcel boundaries surrounding the transit station or a rapid transit facility (e.g., extending more than 1/2 mile to designate the entire lot to prevent split lot zoning). ~~TOD-M1 may not be applied when fronting or abutting a single family residential district.~~

X.1.5 TOD-M2 Medium Intensity Transition District

- A. Purpose.** The purpose of the TOD-M2 Transit Oriented Development District is to encourage a mixture of uses and a moderate intensity of development that may serve as a transition between areas of high intensity transit-oriented development and lower intensity residential development that may be more suburban in character. The district is intended to promote the reuse of existing structures, and to promote walkability and flexibility in uses to serve and complement adjacent residential neighborhoods.
- B. Applicability.** The purpose of the TOD-M2 Transit Oriented Development District is to encourage a mixture of uses and a moderate intensity of development that may serve as a transition between areas of high intensity transit-oriented development and lower intensity residential development that may be more suburban in character. The district is intended to promote the reuse of existing structures, and to promote walkability and flexibility in uses to serve and complement adjacent residential neighborhoods.

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X.2 DIMENSIONAL STANDARDS

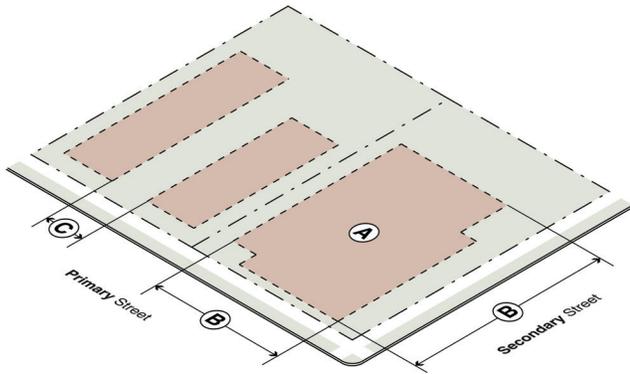
X.2.1 TOD Districts Dimensional Standards

- A.** Sections X.2.1.B through X.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.

- B.** The creation of new flag lots in the TOD Districts is prohibited.

B. 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.

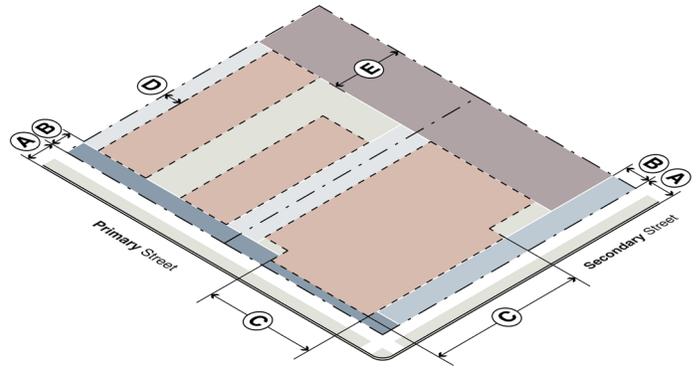


Building Dimensions

		TOD-H1	TOD-H2	TOD-M1	TOD-M2
A	Maximum Building Footprint	When abutting residential district: 40,000 sf for individual structures over 50' in height.			
B	Maximum Building Length Along a Right-of-Way	400'	400'	400'	600'
C	Minimum Building Separation	Where multiple structures are built on a lot, there must be a 20' minimum separation between structures.			

C. 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.



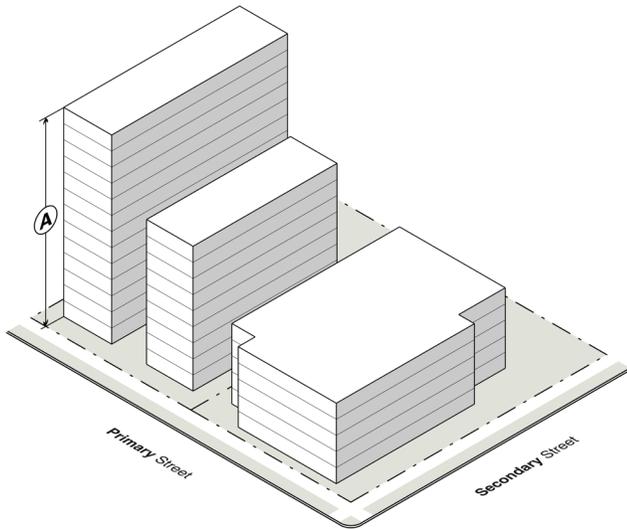
Building Siting

		TOD-H1	TOD-H2	TOD-M1	TOD-M2	
A	Required Frontage Type Setback (From Back of Curb)					
	Frontage Type	Other - Primary	16'			
		Other - Secondary	16'			
		Main Street	18'			
		4+ Lane Ave/Blvd	24'			
Limited Access		50' unless a larger setback is required by NCDOT/CDOT				
B	Build-To Zone*					
	Frontage Type	Other - Primary	0-10'			
		Other - Secondary	0-10'			
		Main Street	0-10'			
		4+ Lane Ave/Blvd	0-10'			
Limited Access		N/A				
C	Build-To Percentage					
	Frontage Type	Other - Primary	80%			
		Other - Secondary	60%			
		Main Street	100%		80%	
		4+ Lane Ave/Blvd	80%			
Limited Access		40%				
D	Interior Side Setback	N/A, unless abutting residential then 15'				
E	Rear Setback	N/A, unless abutting residential then 20'				

* 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.

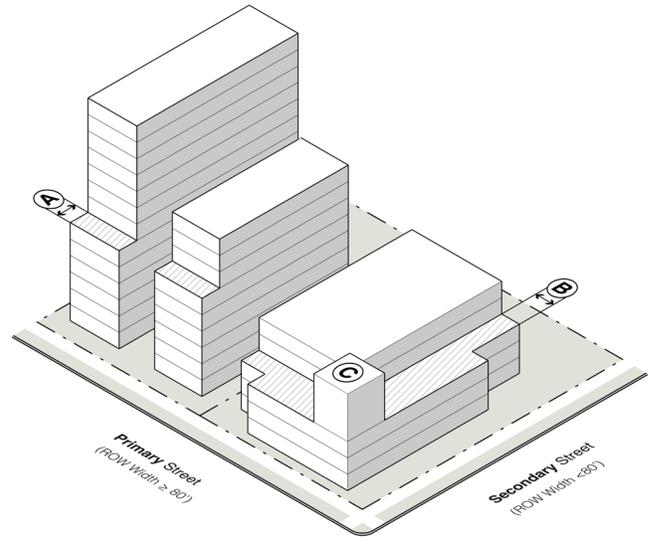
D. Building Height

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



E. 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-H1	TOD-H2	TOD-M1	TOD-M2	
A	Building Height *	Min.	40' and 3 Stories	24' and 2 Stories	24' and 2 Stories	N/A
		Max. (Base)	120'	65'	65'	40'
		Max. (with Bonus)	300'	100'	120'	65'

* The maximum building height of any structure within 200' of a residential district is limited to 65' maximum. This applies only to that part of a structure within the 200' boundary.

Required Height Stepback

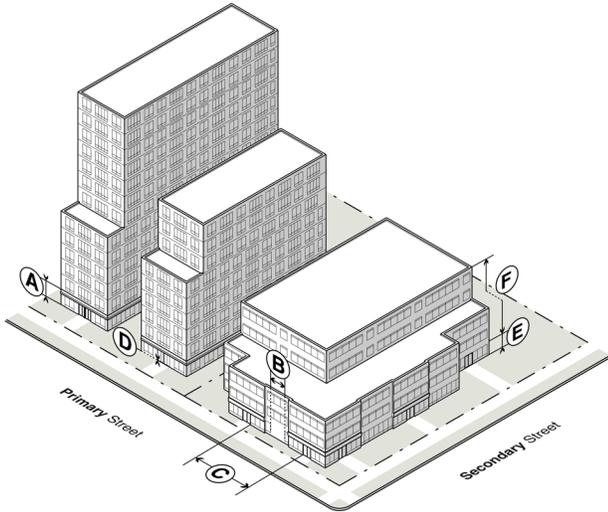
		TOD-H1	TOD-H2	TOD-M1	TOD-M2
A	ROW Width \geq 80' *	Height above 75' or six stories, whichever is reached first, requires a minimum stepback of 15' from the building facade line on upper-story building facades.		Height above 75' or six stories, whichever is reached first, requires a minimum stepback of 10' from the building facade line on upper-story building facades.	N/A
B	ROW Width < 80' *	Height above 60' requires a minimum stepback of 10' from the building facade line on upper-story building facades.	Height above 45' or three stories, whichever is reached first, requires a minimum stepback of 10' from the building facade line on upper-story building facades.	Height above 60' requires a minimum stepback of 10' from the building facade line on upper-story building facades.	Height above 45' or three stories, whichever is reached first, requires a minimum stepback of 10' from the building facade line on upper-story building facades.
C	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 by no more than 30'	Limited in width and depth to a maximum 25% of the building frontage. May exceed height at which stepback is required by no more than 20'	Limited in width and depth to a maximum 25% of the building frontage. May exceed height at which stepback is required by no more than 30'	Limited in width and depth to a maximum 25% of the building frontage. May exceed height at which stepback is required by no more than 20'

On a lot with more than one street frontage, the more restrictive standard controls for the entire lot.

* This does not apply to interior side facades.

F. Building Articulation

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



Building Articulation

		TOD-H1	TOD-H2	TOD-M1	TOD-M2	
A	Ground Floor Height (Floor to Floor)					
	Frontage Type	Other - Primary	16' Min., unless ground floor is non-convertible residential, then 12' Min. *			14' Min.
		Other - Secondary	14' Min.	14' Min.		
		Main Street	16' Min.	16' Min.	16' Min.	16' Min.
		4+ Lane Ave/Blvd	16' Min., unless ground floor is non-convertible residential, then 12' Min.			
		Limited Access	N/A			
Blank Wall Area (Horizontal or Vertical)						
B	Frontage Type	Other - Primary	20' Max.			
		Other - Secondary	20' Max.		35' Max.	
		Main Street	20' Max.			
		4+ Lane Ave/Blvd	20' Max.			
		Limited Access	50' Max.			
C	Building Entry Spacing (Maximum)					
	Frontage Type	Other - Primary	75' **		150' ***	
		Other - Secondary	150' ***		N/A	
		Main Street	75' **			
		4+ Lane Ave/Blvd	150' ***			
		Limited Access	N/A			

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

** Applies to buildings 100' in length or greater

*** Applies to buildings 150' in length or greater

		TOD-H1	TOD-H2	TOD-M1	TOD-M2	
D	Vertical Distance Between Building Entry and Sidewalk					
	Frontage Type	Other - Primary	5' Max. for residential Finished Floor Elevations of nonresidential interior spaces must meet grade at all entrances along the sidewalk/building exterior. Entry to Ground Floor Residential Units: 1' Min.			
		Other - Secondary	50% of finished floor elevations of nonresidential interior spaces must meet grade at all entrances along the sidewalk/building exterior. Those not at grade limited to 5' Max.		N/A	
	Main Street	Finished Floor Elevations of interior spaces must meet grade at all entrances along the sidewalk/building exterior.				
	4+ Lane Ave/Blvd	5' Max. Entry to Ground Floor Residential Units: 1' Min.				
	Limited Access	N/A				
	Ground Floor Transparency (Measured 3' to 10' From Grade)					
Frontage Type	Other - Primary	60% Min./Residential: 25% Min.		40% Min./Residential: 20% Min.		
	Other - Secondary	50% Min./Residential: 25% Min.				
	Main Street	60% Min./Residential: 25% Min.				
	4+ Lane Ave/Blvd	60% Min./Residential: 25% Min.				
	Limited Access	N/A				
E	Upper Floor Transparency (% Wall Area of Story)					
	Frontage Type	Other - Primary	25% Min.		N/A	
		Other - Secondary	N/A			
		Main Street	25% Min.			
		4+ Lane Ave/Blvd	15% Min.			
		Limited Access	N/A			

X.2.2 Building Height Bonus

In order to exceed the base maximum height of the district, a development must achieve a height bonus as described below.

A. Bonus Menu. Additional building height is allowed through a bonus point development system. In order to obtain such development bonuses, the actions of Table X.1 are required.

EDITOR'S NOTE: A bonus structure is currently in development, and individual actions are in the process of being defined and quantified. The bonuses available will be structured into three categories: Affordable Housing, Transportation, and Open Space.

Affordable Housing: The City is continuing to evaluate the strategies for affordable housing as a bonus provision.

Transportation: Transportation bonuses will focus on actions that serve to promote or implement City projects related to transportation initiatives or infrastructure improvements within the TOD Districts.

Open Space: Open space bonuses will focus on actions that promote the creation of open space and natural resource amenities within the TOD Districts.

B. Bonus Actions. Bonuses for additional building height correlate to the number of points acquired per Table X.1: Bonus Menu. Points may be taken from one or more categories.

1. A total of x points are required for additional height to a maximum of 120 feet.
2. A total of x points are required for additional height to a maximum of 200 feet.
3. A total of x points are required for additional height to a maximum of 300 feet.

Table X.1: Bonus Menu

Affordable Housing	
Bonus Actions	Points Awarded
TBD	TBD
Transportation	
Bonus Actions	Points Awarded
TBD	TBD
Open Space	
Bonus Actions	Points Awarded
TBD	TBD

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X.3 DESIGN STANDARDS

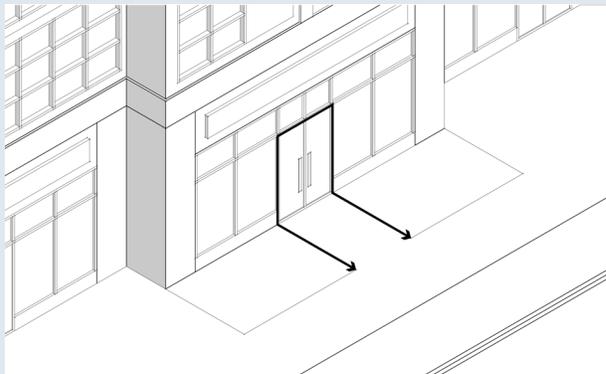
X.3.1. Nonresidential, Mixed-Use, and Multi-Family Design Standards

- A. The following Table X.2 dictates the design standards for nonresidential, mixed-use, and multi-family development within the TOD Districts.
- B. Table X.2 on the following page distinguishes requirements between building facades fronting on different types of streets for the TOD Districts.
 - 1. An “H1,” “H2,” “M1,” or “M2” in a column indicates the applicability of these standards to the four TOD Districts: TOD-H1, TOD-H2, TOD-M1, and TOD-M2. Standards are applicable to the façade fronting on the street type indicated at the top of each column.
 - 2. When a building façade fronts on a designated Main Street, 4 Lane+ Avenue/ Boulevard, or a Limited Access Road, design standards for that frontage apply. When a frontage is not located along a designated street type, the standards for primary and secondary frontage standards apply.

Table X.2: Nonresidential, Mixed-Use, and Multi-Family Design Standards

Facade Articulation & Massing						
Frontage Type		Other - Primary	Other - Secondary	Main Street	4 Lane + Ave / Blvd.	Limited Access
1	For buildings of 150' in length or longer, façades must be divided into shorter segments by means of façade modulation or mass separation. Such modulation or mass separation must occur at intervals of no more than 60'.	H1, H2, M1	H1, H2	H1, H2 M1, M2	H1, H2 M1, M2	
2	When more than one façade of a structure faces a public or private street, the same palette of building materials must be used on all façades.	H1, H2, M1	H1, H2, M1	H1, H2 M1, M2	H1, H2 M1, M2	
3	Arcades, galleries, colonnades and similar pedestrian-oriented ground-floor designs are encouraged. Such features that are in line with the upper story building façade are considered to meet any required build-to percentage.	H1, H2 M1, M2	H1, H2 M1, M2	H1, H2 M1, M2	H1, H2 M1, M2	H1, H2 M1, M2

Building Entry						
Frontage Type		Other - Primary	Other - Secondary	Main Street	4 Lane + Ave / Blvd.	Limited Access
4	Building entrances must be visually distinctive from the remaining portions of the façade on which they are located.	H1, H2, M1	H1, H2, M1	H1, H2 M1, M2		
5	All ground floor entrances must include direct pedestrian connections between street facing doors to adjacent sidewalks.	H1, H2 M1, M2	H1, H2 M1, M2	H1, H2 M1, M2	H1, H2 M1, M2	H1, H2 M1, M2



Ground Floor Entrance

C. Building Material Restrictions.

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

D. Window Design.

1. Band or strip-window fenestration design is prohibited.

E. On-Site Open Space. All developments are required to provide on-site open space.**1. Minimum Open Space.**

- a. All multi-family and mixed-use developments must provide at least 100 square feet of useable on-site open space per dwelling unit. This open space may be either private open space for the dwelling unit or common open space for the use of residents, or a combination thereof.
- b. Nonresidential developments must provide a minimum of 10% of the lot area in common open space.

2. Design of Open Space. Such open space must meet the following requirements:

- a. Open space located on the ground level must have a minimum dimension of at least 15 feet on each side. Open space located on an attached structural element, such as a balcony, must have a minimum dimension of at least four feet on each side.
- b. Required open space must be located outdoors and designed for outdoor living, recreation, or landscaping, including areas located on the ground and areas on decks, balconies, galleries, porches, or roofs.
- c. The required open space area need not be contiguous, but each open space area, whether common or private, must comply with minimum dimensional standards. Common open space areas must be accessible to all occupants of the subject development. In mixed-use and nonresidential developments, common open space may also be open to the public.

- d. When located at ground level, the required open space area must be substantially covered with grass, live groundcover, shrubs, plants, trees, or usable outdoor hardscape features or amenities, such as courtyards, seating areas, patios, grills, fountains/water features, or pools.

X.3.2 Residential Design Standards

EDITOR'S NOTE: Residential Design Standards, applicable to developments of more than two units, are currently being developed. These standards will specifically address two predominant styles of residential development: Attached (side-by-side, or party-wall) and Stacked (units above and below) residential dwellings. These standards will be included in a forthcoming draft.

X.3.3 Parking Structure Design Standards

A. Standalone Structured Parking Facilities. The following applies to standalone structured parking facilities, where the parking structure is the principal use.

1. Standalone parking structures must include space for nonresidential uses along 90% of the ground floor of any primary frontage and 60% of the ground floor of any secondary frontage, excluding required access areas from the calculation, when adjacent to a public or private street.
2. The nonresidential spaces must be a minimum of 20 feet in width, 30 feet in depth, and 14 feet in height, with utility stubs and the ability to accommodate restaurant uses.

B. Integrated Structured Parking Facilities. The following applies to structured parking facilities integrated into another principal use, whether designed as podium structures or wrapped parking structures.

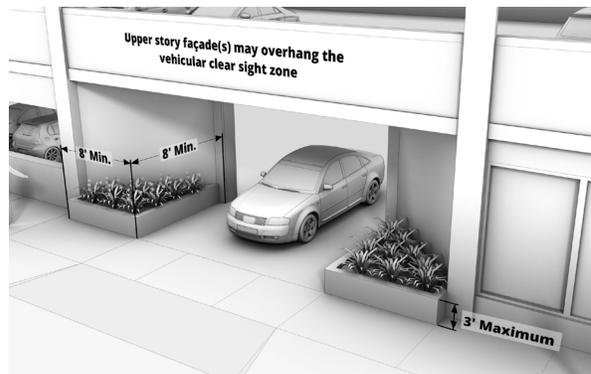
1. Integrated parking structures must include space for active uses along 90% of the ground floor of any primary frontage, and 60% of the ground floor of any secondary frontage, excluding required access areas from the calculation, when adjacent to a public or private street.

2. Such active spaces must be a minimum of 20 feet in width, 30 feet in depth, and 14 feet in height, with utility stubs and able to accommodate restaurant uses.
3. Active uses include residential, retail, office, structured parking facility lobbies, and bike facilities.

C. General Structured Parking Regulations

1. In the TOD-H1 District, structured parking must be designed to allow for conversion to other uses or the applicant must provide analysis that clearly identifies the reason this requirement cannot be met, including engineering diagrams and/or other schematics. It is encouraged in all other TOD Districts.
2. On portions of the ground floor façade abutting any public or private street, or a public space such as a plaza, public seating area, multi-use trail, rapid transit way, greenway or park where items (a) and (b) above do not apply, pedestrian-scale interest and activity must be created through the inclusion of at least three architectural elements such as awnings, overhangs, decorative screens, grills, louvers or other similar features. A five foot landscape yard is required between the sidewalk and the ground floor façade, with a minimum of one shrub planted every three linear feet on center and the remainder of the area planted in live groundcover.
3. Façade openings that face a public or private street or open space must be vertically and horizontally aligned, and all floors fronting on those façades shall be level, not inclined.
4. Parking structures must be designed so that motorized vehicles parked on all levels of the structure are screened to a minimum height of four feet. For parking structures with rooftop open-air parking, a parapet wall of sufficient height to ensure vehicles are not visible from the sidewalk is required. Any such parapet wall may not be less than five feet in height.

5. Parking structures must be designed to minimize blank facades through architectural detailing. The façade articulation and massing design standards of the district should be followed to the extent they can be implemented.
6. A vehicular clear sight zone must be included at vehicular exit areas as follows:
 - a. The façade of vehicular exit areas must be set back from any pedestrian walkway along that façade a minimum of eight feet for the portion of the façade that includes the vehicle exit area and ten feet on each side of the exit opening.
 - b. A sight triangle is defined by drawing a line from the edge of the vehicular exit area to a point on the property line abutting the pedestrian walkway eight feet to the side of the exit lane.
 - c. In the sight triangle (bound by the parking structure wall, pedestrian walkway and vehicular exit lane), groundcover, landscape, or decorative wall must be used to act as a buffer between the exit aisle and the pedestrian walkway. Landscape or a decorative wall must not exceed three feet in height in order to maintain driver sightlines to the pedestrian walkway.
 - d. The upper story façade(s) of the parking structure may overhang the vehicular clear sight zone.



Vehicular Clear Site Zone

- D. Structured parking must be designed as follows when located on the applicable frontage. Where multiple options are indicated in a row, any of the indicated options may be used.

Table X.3 Structured Parking Design Requirements

Frontage / Subdistrict		30' Parking Structure Setback	Ground Floor Only Active	15' stepback Parking Limit All Floors + 2 story Active	All Floors Wrapped
Other Primary	TOD-H1				•
	TOD-H2			•	•
	TOD-M1			•	•
	TOD-M2		•	•	•
Other Secondary	TOD-H1			•	•
	TOD-H2			•	•
	TOD-M1		•	•	•
	TOD-M2	•	•	•	•
Main Street	TOD-H1				•
	TOD-H2				•
	TOD-M1				•
	TOD-M2				•
4 Lane Boulevard or Avenue	TOD-H1				•
	TOD-H2			•	•
	TOD-M1			•	•
	TOD-M2		•	•	•
Limited Access	TOD-H1	•	•	•	•
	TOD-H2	•	•	•	•
	TOD-M1	•	•	•	•
	TOD-M2	•	•	•	•

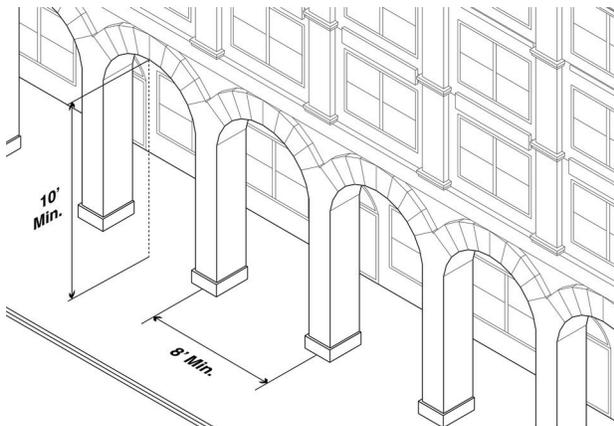
X.3.4 Specific Architectural Features

A. General Requirements.

1. When the encroachment of architectural features extends into a public right-of-way, it requires an encroachment agreement from the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Transportation (NCDOT), if applicable.
2. Encroachments of architectural features must protect all trees located in the right-of-way and comply with the Charlotte Tree Ordinance.
3. Building elements such as door swings, and stairways must maintain a two-foot clearance from the minimum dimension of the build-to zone.

B. Arcade or Gallery

1. An arcade or gallery is considered to meet a required build-to zone.
2. The minimum vertical clearance of an arcade or gallery is ten feet
3. Columns or piers must be spaced a minimum of eight feet apart on center.

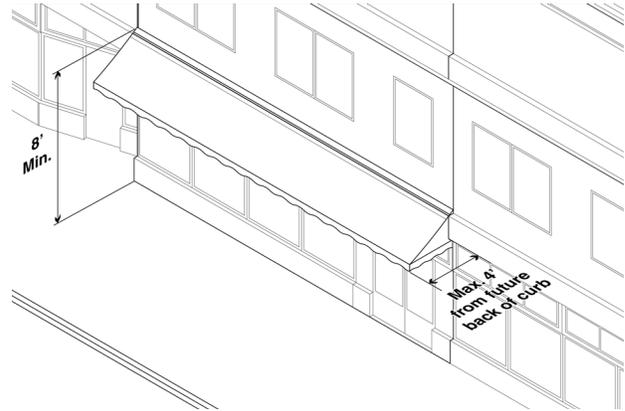


Arcade or Gallery

C. Awning or Sunshade

1. Awnings and sunshades may project from the building façade no more than four feet back from the future back of curb.

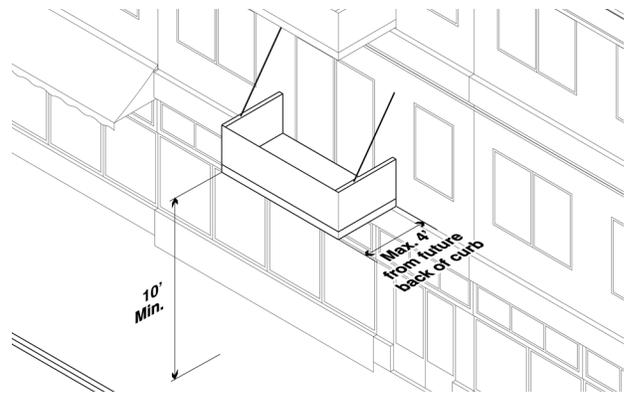
2. The minimum vertical clearance of an awning or sunshade is eight feet.
3. These standards do not apply to awnings used as awning signs, which are subject to the awning sign provisions of the TOD Districts.



Awning or Sunshade

D. Balcony

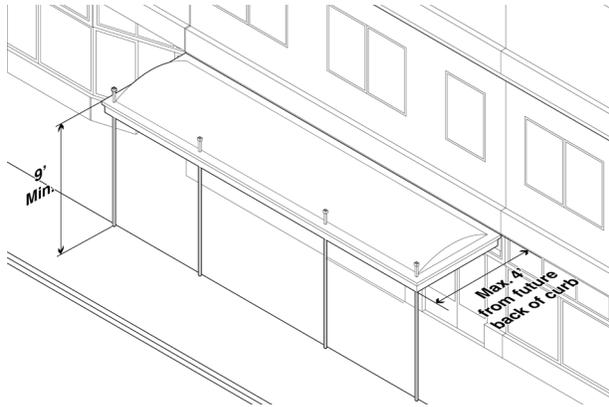
1. Balconies may project from the building façade no more than four feet back from the future back of curb.
2. The minimum vertical clearance of a balcony is ten feet.



Balcony

E. Canopy

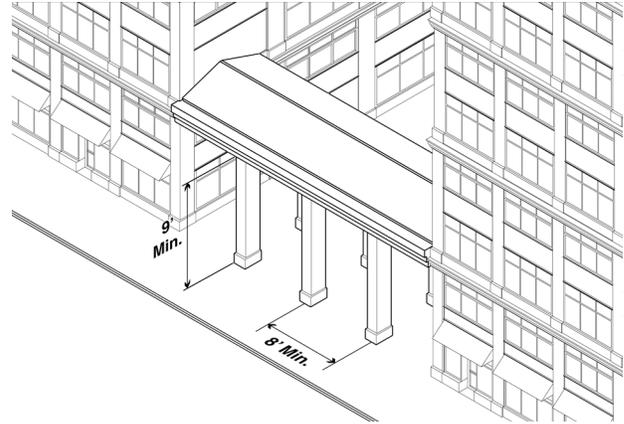
1. Canopies may project from the building façade no more than four feet back from the future back of curb.
2. The minimum vertical clearance of a canopy is nine feet.
3. The minimum separation between canopy posts is ten feet.
4. These standards do not apply to canopies used as canopy signs, which are subject to the canopy sign provisions of the TOD Districts.



Canopy

F. Collonade

1. A collonade is considered to meet a required build to zone.
2. The minimum vertical clearance of a collonade is nine feet.
3. Columns or piers must be spaced a minimum of ten feet apart on center.
4. If enclosed, collonades must meet minimum transparency requirements.



Collonade

G. Sills, Belt Course, Cornices, and Ornamental Features

1. Sills, belt courses, cornices, and ornamental features may project from the building façade no more than two feet and may extend over a public or private sidewalk and/or amenity zone.
2. The minimum vertical clearance of sills, belt courses, cornices, and ornamental features is ten feet.

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X.4 PUBLIC REALM STANDARDS

X.4.1 Streetscape Standards

Streetscape standards work to ensure a harmonious relationship between buildings and the public realm including streets, sidewalks, transit, and bicycle access. These standards are intended to reflect how residents move about their neighborhood and the city. They allow for true multi-modal design of the transportation network – including vehicles, pedestrians, public transit-users, and bicyclists – that activates the public realm and creates opportunities for movement, as well as for pause and enjoyment of the city’s public space. The standards work at multiple scales to create a pedestrian-friendly environment at the street-level, and to establish a cohesive network throughout neighborhoods and the city at large.

- A. All private and public streets must meet the requirements of this section, as well as the requirements of the City of Charlotte Land Development Standards Manual.
- B. A sidewalk and perimeter planting strip or amenity zone is required as indicated in Table X.4 Sidewalk and Amenity Zone Requirement Table.

- 1. If the Regulating Streets Plan and/or sidewalk and amenity zone diagrams of Sections X.4.2.B through X.4.2.G do not adequately define the curb line, then the curb line is determined jointly by Charlotte Department of Transportation (CDOT) Director, or his/her designee, and the Planning Director, or his/her designee.
- 2. The perimeter planting strip or amenity zone must be located adjacent to the curb.
- C. Trees must be planted in the continuous perimeter planting strip or amenity zone, as per the standards found in the Charlotte Tree Ordinance. Where streets are maintained by another jurisdiction which precludes such planting, the Planning Director may approve alternate locations for such plantings.
- D. In Table X.4 below, the letter “P” in a cell indicates that the preferred sidewalk and amenity zone design as indicated in Section X.4.2 must be constructed. An “E” in a cell indicates that an existing sidewalk and amenity zone may be maintained in place of the preferred option. A “No” in a table cell indicates that no improvement is required.

Table X.4: Sidewalk and Amenity Zone Requirement Table

Sidewalk & Amenity Zone Present							
	Development that involves new construction of a principal building	Change of Use	Expansion of an existing building less than 2,500sf and less than 25%	Development that involves the expansion of an existing principal building by 25% or 2,500 square feet, whichever is greater	Development that involves the expansion of an existing parking area by less than 2,500 square feet of built upon area or more	Development that involves the expansion of an existing parking area by 2,500 square feet of built upon area or more	Expansion or installation of outdoor dining
TOD-H1	P	P	P	P	P	P	P
TOD-H2	P	E	E	P	E	P	E
TOD-M1	P	E	P	P	P	P	P
TOD-M2	P	E	E	P	E	P	E
No Sidewalk & Amenity Zone Present							
	Development that involves new construction of a principal building	Change of Use	Expansion of an existing building less than 2,500sf and less than 25%	Development that involves the expansion of an existing principal building by 25% or 2,500 square feet, whichever is greater	Development that involves the expansion of an existing parking area by less than 2,500 square feet of built upon area or more	Development that involves the expansion of an existing parking area by 2,500 square feet of built upon area or more	Expansion or installation of outdoor dining
TOD-H1	P	P	P	P	P	P	P
TOD-H2	P	P	P	P	P	P	P
TOD-M1	P	P	P	P	P	P	P
TOD-M2	P	No, unless the lot is 60' or more in width then P	No	P	No	P	No, unless the area exceeds 25% of principal building or 2,500sf then P

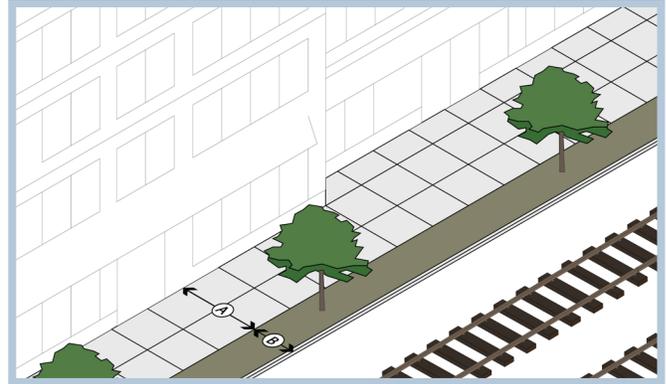
Editor’s Note: The Sidewalk and Amenity Zone Requirement Table is currently being concurrently vetted interdepartmentally (within the City of Charlotte) and externally through several different groups. Therefore, these standards may change in future drafts of the Transit Oriented Development Districts. Those changes could include more restrictive and/or more specific standards.

- E. Sidewalks along public or private streets should abut the perimeter-planting strip and/or amenity zone. Sidewalks should be located on the side closest to the building to encourage pedestrian activity. Where a sidewalk width is not specified in this section, it must be a minimum of eight feet in width.
- F. If a sidewalk is located on private property, a sidewalk easement is required.
- G. The Planning Director has the authority to modify the requirements of this section including the modification of the planting strip, sidewalk location, and width in order to preserve existing buildings and/or trees and to provide flexibility for additional hard surfaces (e.g. handicap parking areas, loading zones).

X.4.2 Sidewalk and Amenity Zone Dimensional Standards

- A. Sections X.4.2.B through X.4.2.G establish the minimum dimensional standards for sidewalks and amenity zones within the TOD Districts. Required frontage type setbacks may exceed these minimum dimensions.

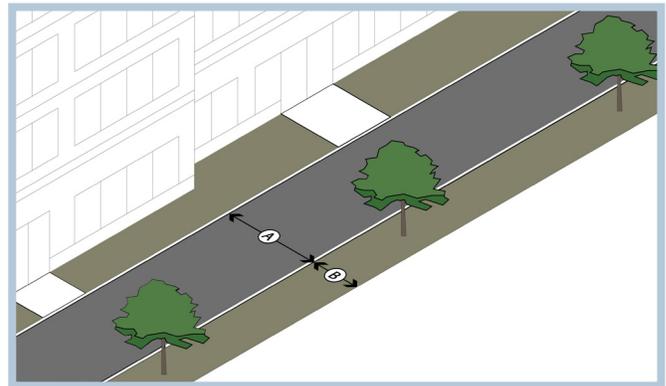
B. Transit Corridor



Sidewalk and Amenity Zone Dimensions

		Minimum Dimension
A	Sidewalk	12'
B	Planting Strip	6'

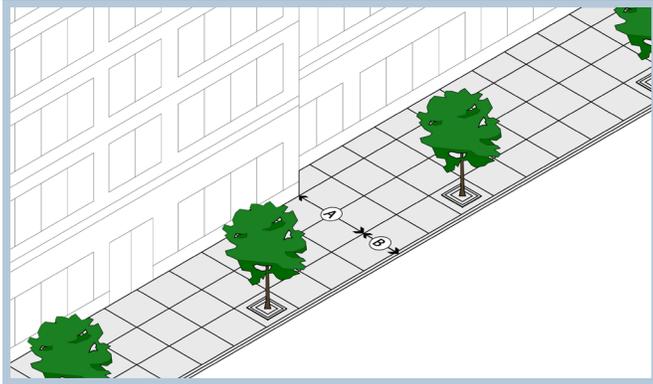
C. Adopted Greenway



Sidewalk and Amenity Zone Dimensions

		Minimum Dimension
A	Multi-Use Path	16'
B	Planting Strip	8' on both sides

D. Main Street

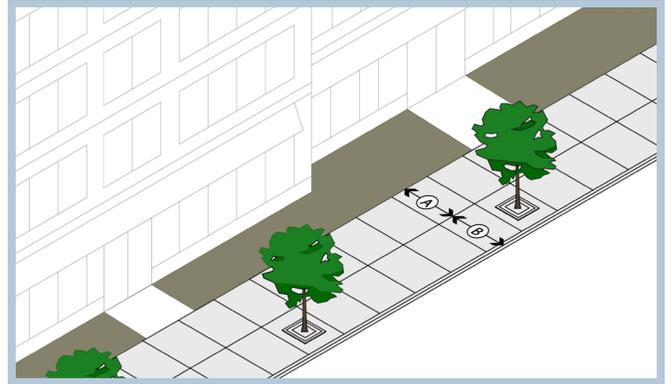


Sidewalk and Amenity Zone Dimensions

	Minimum Dimension
A Sidewalk	12'
B Amenity Zone	6*

* Dimensions are measured from the back of curb on streets. In other conditions, measurement will be determined in permitting.

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



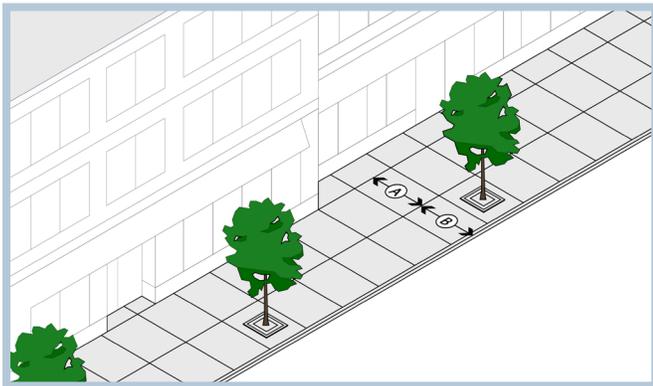
Sidewalk and Amenity Zone Dimensions

	Minimum Dimension*
A Sidewalk	8'
B Amenity Zone	8**

* Dimensions are measured from the back of curb on streets. In other conditions, measurement will be determined in permitting.

** In TOD-M2, a planting strip is permitted in lieu of tree grates.

E. Local Street



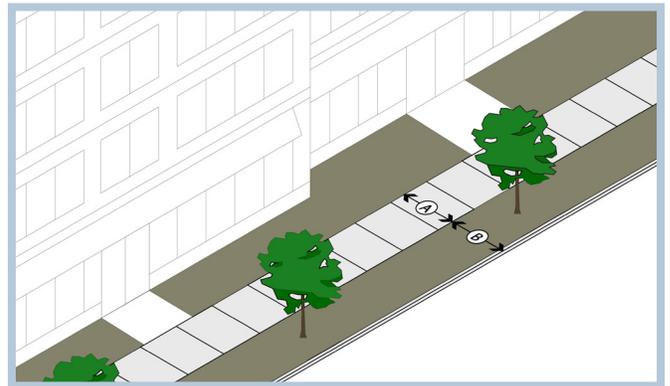
Sidewalk and Amenity Zone Dimensions

	Minimum Dimension*
A Sidewalk	8'
B Amenity Zone**	8*

* Dimensions are measured from the back of curb on streets. In other conditions, measurement will be determined in permitting.

** In TOD-M2, a planting strip is permitted in lieu of the amenity zone.

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



Sidewalk and Amenity Zone Dimensions

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

* Dimensions are measured from the back of curb on streets. In other conditions, measurement will be determined in permitting.

X.4.2 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 must have a hard surface and must 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 or his/her designee.

- B.** External sidewalk connections are required to provide direct connections from all buildings on site to the existing and/or required sidewalk system per the requirements of Section X.4, Public Realm Standards, and to abutting multi-use trails, parks, and greenways. Sidewalks must have a hard surface and must 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 or his/her designee.

- C.** The on-site pedestrian circulation system must be well-lit to ensure that employees, residents, and customers can safely use the system at night. All lighting must be shielded with full cut off fixtures.

X.5 OFF-STREET VEHICLE AND BICYCLE PARKING, AND OFF-STREET LOADING

X.5.1 Applicability to Existing Structures

- A.** In the TOD Districts, the minimum off-street vehicle requirements must be met when the following occur:
 - 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.** In the TOD-M2 District only, when a change in use results in a requirement to add ten or more vehicle parking spaces in excess of the amount required for the immediately prior use.
- B.** Limitations on the maximum number of parking spaces must be met when the following occur:
 - 1.** A parking lot is fully reconstructed. Resealing or re-striping of an existing parking lot, which does not entail paving, resurfacing, or replacement of the asphalt, concrete, or other paving material, is not considered reconstruction.
 - 2.** Any expansion of a parking lot.
- C.** In the TOD Districts, any change in use requires installation of all required bicycle parking. This does not apply to the TOD-M2 District.

X.5.2 Required Vehicle Parking

The vehicle parking requirements for the uses allowed in the TOD Districts are listed below in Table X.5: TOD District Vehicle Parking Requirements. When specific uses are listed below that required for the general category, that is the specific parking requirements for that use.

- A.** Calculation of Maximum Parking Limitations
 - 1.** Spaces reserved for the following are not counted in calculating parking maximums:
 - a.** Required accessible parking spaces in compliance with ADA standards.
 - b.** Electronic vehicle charging stations (public or private).
 - c.** Spaces reserved for car share vehicles (public).
 - B.** A parking maximum may be exceeded by 50% if a portion of the lot provides public parking, whether compensation is required or not. 20% or more of all spaces provided must be open to the public 24 hours per day, seven days per week. Such spaces must be marked as reserved for public parking only.

Table X.5: TOD District Vehicle Parking Requirements

PRINCIPAL USE	TOD-H1 & TOD-M1		TOD-H2 & TOD-M2	
	Min.	Max.	Min.	Max.
RESIDENTIAL USES				
Residential Use <i>Includes residential component of mixed-use development</i>	None	1/du in parking lot; 1.5/du in parking structure	1/du in parking lot; 1.5/du in parking structure	2/du
Dormitory	None	1/dorm room	.5/dorm room in parking lot; 1/dorm room in parking structure	1/dorm room in parking lot; 2/dorm room in parking structure
Residential Care Facility	None	.5/bed	.5/bed	1/bed
COMMERCIAL USES				
Commercial Use	None	2/1,000sf GFA	1/1,000sf GFA	4/1,000sf GFA
Bar	None	3/1,000sf GFA	2/1,000sf GFA	4/1,000sf GFA
Bed and Breakfast	None	1/guestroom	1/guestroom	1.5/guestroom
Convention Center	None	None	1/1,000sf GFA	None
Hotel/Motel	None	1/room in parking lot; No maximum in parking structure	1/room	2/room in parking lot; No maximum in parking structure
Live Performance Venue	None	4/1,000sf GFA	2/1,000sf GFA	4/1,000sf GFA
Restaurant	None	4/1,000sf GFA; if carry-out only, 2/1,000sf GFA	2/1,000sf GFA; if carry-out only, 1/1,000sf GFA	4/1,000sf GFA; ; if carry-out only, 2/1,000sf GFA
INSTITUTIONAL & GOVERNMENTAL USES				
Institutional and Governmental Uses	None	2/1,000sf GFA	1/1,000sf GFA	3/1,000sf GFA
Educational Facility - Pre-School/Kindergarten	None	2 per classroom	1 per classroom	2 per classroom
Educational Facility - Primary or Secondary	None	2 per classroom	2 per classroom	3 per classroom
Educational Facility - University or College	None	4/1,000sf GFA	2/1,000sf GFA	5/1,000sf GFA
PUBLIC HEALTH & SOCIAL SERVICE USES				
Public Health & Social Service Uses	None	2/1,000sf GFA	1/1,000sf GFA	3/1,000sf GFA
Alternative Correction Facility	None	6 spaces	2 spaces	6 spaces
Children’s Home	None	3/1,000sf GFA of office area	None	4/1,000sf GFA of office area
Domestic Violence Shelter	None	6 spaces	2 spaces	6 spaces
Drug/Alcohol Treatment Facility, Residential	None	.5/patient room	.5/patient room	1/patient room
Emergency Shelter	None	2/1,000sf GFA of office area	None	4/1,000sf GFA of office area
Halfway House	None	6 spaces	2 spaces	6 spaces
Healthcare Institution	None	5/patient room	2/patient room	5/patient room
Homeless Shelter	None	2/1,000sf GFA of office area	None	4/1,000sf GFA of office area
TRANSPORTATION USES				
Transportation Uses	None	None	None	None
OPEN SPACE USES				
Open Space Uses	None	None	None	None
INFRASTRUCTURE				
Infrastructure Uses	None	None	None	None

X.5.3 Bicycle Parking

The bicycle parking requirements for the uses allowed in the TOD Districts are listed below in Table X.6: TOD District Bicycle Parking Requirements. If a use is not listed in the table, bicycle parking is not required. If the long-term parking column is blank, no long-term spaces are required. Bicycle parking must be designed in accordance with the standards of this Ordinance.

Table X.6: TOD District Bicycle Parking Requirements

PRINCIPAL USE	MINIMUM NUMBER OF BICYCLE SPACES	REQUIRED LONG-TERM SPACES	PRINCIPAL USE	MINIMUM NUMBER OF BICYCLE SPACES	REQUIRED LONG-TERM SPACES
RESIDENTIAL USES			INSTITUTIONAL & GOVERNMENTAL USES		
Dormitory	1/4 rooms, minimum of 6	50% of required spaces	Cultural Facility	1/2,500sf GFA	
Dwelling - Multi-Family (includes residential within a mixed-use development)	1/10du	80% of required spaces	Community Center	1/1,500sf GFA	25%
Residential Care Facility	1/4 rooms	80% of required spaces	Educational Facility - Pre-School/Kindergarten	1/8classrooms	25%
COMMERCIAL USES			Educational Facility - Primary or Secondary	1/4 classrooms	25%
Amusement Facility - Indoor	1/2,500sf GFA		Educational Facility - University or College	1/classroom	40%
Animal Care Facility	1/5,000sf GFA		Educational Facility - Vocational	1/2,500sf GFA	25%
Art Gallery	1/1,500sf GFA		Government Office/Facility	1/5,000sf GFA	
Arts or Fitness Studio	1/1,500sf GFA		Place of Worship	1/2,500sf GFA	
Bar	1/1,500sf GFA		PUBLIC HEALTH & SOCIAL SERVICE USES		
Bed and Breakfast	1/room		Drug/Alcohol Treatment Facility, Residential	1/4 patient rooms	80% of required spaces
Body Modification Establishment	1/1,500sf GFA		Food Bank	1/5,000sf GFA	
Convention Center	1/10,000sf GFA	25%	Food Pantry	1/2,500sf GFA	
Day Care Center	1/5,000sf		Healthcare Institution	1/4 patient rooms	50% of required spaces
Financial Institution	1/2,500sf GFA		Social Service Facility	1/5,000sf GFA	
Hotel/Motel	1/8 rooms		TRANSPORTATION USES		
Industrial Design	1/2,500sf GFA		Parking Lot (Principal Use)	1/25 spaces	
Live Performance Venue	1/5,000sf GFA		Parking – Structured Facility (Principal Use)	1/25 spaces	
Lodge/Meeting Hall	1/2,500sf GFA		Transit Station	8 minimum, unless otherwise required by CDOT	8 minimum, unless otherwise required by CDOT
Medical/Dental Office	1/2,500sf GFA		OPEN SPACE USES		
Micro-Brewery/Micro-Distillery/Micro-Winery	1/2,500sf GFA		None		
Office	1/2,500sf GFA		INFRASTRUCTURE		
Open Air Fresh Food Market	1/1,500sf GFA		None		
Personal Service Establishment	1/1,500sf GFA				
Reception Facility	1/5,000sf GFA				
Research and Development	1/5,000sf GFA				
Restaurant	1/1,500sf GFA				
Retail Goods Establishment	1/1,500sf GFA				
Self-Storage Facility: Enclosed	1/10,000sf GFA				
Specialty Food Service	1/2,500sf GFA				

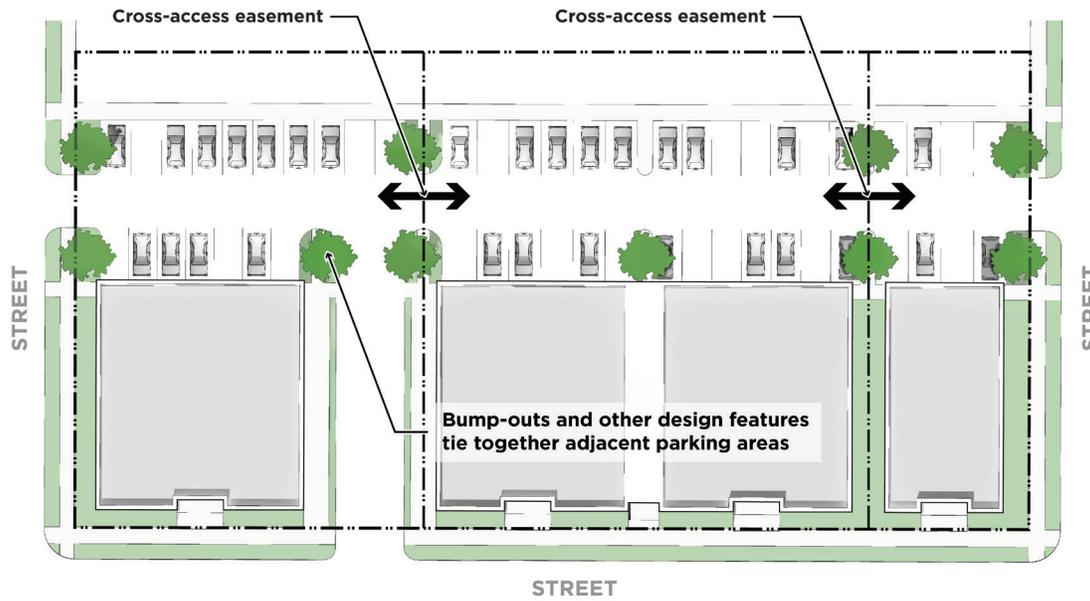
X.5.4 Required Loading Spaces

- A. Off-street loading spaces must be provided for nonresidential uses in accordance with this section. In the case of multi-tenant buildings or mixed-use developments, required loading spaces are calculated on the basis of each individual tenant (for example, if only one nonresidential use tenant of a multi-tenant building is over 50,000 square feet, only one loading space is required; if all tenants are under 50,000 square feet, no loading is required.)
- B. Loading spaces must be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. Loading spaces cannot 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.
- C. Loading spaces must be a minimum of 10 feet in width, 25 feet in length, and provide a minimum vertical clearance of at least 15 feet.
- D. Nonresidential uses are required to provide loading spaces in accordance with the following, calculated by gross floor area:
 1. Less than 50,000 square feet: None
 2. 50,000 – 150,000 square feet: One space
 3. Each additional 100,000 square feet: One space
- E. A multi-family development of 50 dwelling units or more requires one loading space.
- F. In no case are more than five loading spaces total required.
- G. Existing buildings without loading areas, as of the effective date of this district, are exempt from these loading standards.
- H. No loading spaces are permitted within any required setback, build-to zone, or build-to line. The driveway providing access to the loading area may be installed across these areas.

- I. Loading spaces and service areas cannot be located across from single-family or abutting single-family on the same side of the street
- J. Loading berths must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of eight feet in height.

X.5.5 Parking Location and Access

- A. No surface parking may be located in front of a building façade along any street frontage. The preferred location for surface parking lots is in areas abutting an interior side and/or rear lot line to the rear of the building.
- B. No surface parking lot may be located along a primary frontage.
- C. Access to off-street parking facilities, both surface lots and parking structures, should be from the secondary frontage when available. Access from street frontages located across from single-family residential districts should be avoided.
- D. Parking access should be located at the side or rear of a structure, including driveways accessing internal structured parking within a development.
- E. The creation of new sidewalk curb cuts should be avoided whenever an alternative point of access is available or can be created.
- F. Cross-access easements are encouraged. Cross-access easements must meet the following standards:
 1. Adjacent non-residential developments (including mixed-use development) with dedicated parking areas are encouraged to provide a cross-access drive to allow circulation between sites. Property owners are encouraged to pursue cross-access with adjacent property owners at the time of development. If cross-access is provided, the Planning Director may require that the property owner provide proof that adjacent property owners have been contacted in writing regarding the provision of cross-access.



Cross-Access Easement

2. Joint use driveways and cross-access easements must incorporate site design features such as coordinated landscape, bulb-outs, or hardscape elements to make it visually apparent that the abutting properties are tied together.
3. Pursuant to this section, property owners who establish cross-access easements must:
 - a. Record an easement allowing cross-access to and from properties served by the joint use driveways and cross-access easement.
 - b. Any pre-existing driveways must be closed and eliminated after construction of the joint-use driveway.
 - c. Record a joint maintenance agreement defining the maintenance responsibilities of each property owner.

X.5.6 Valet Parking Standards

If provided, a valet parking service (including drop-off areas, servicing areas, and the parking areas) must meet the following requirements:

- A. A valet parking service may be located at the face of the existing curb on a public or private street. The existing curb line cannot be modified to provide an inset for the valet parking service. When located on a public or private street, such service may only be located on the vehicle way and cannot be located on the amenity zone or pedestrian way. 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 must be obtained from the Charlotte Department of Transportation (CDOT).
- B. When located on the lot, the vehicle parking area for the service must be located to the side or rear of the building. It cannot be located between the building and the street.
- C. The vehicle parking area for the service must be incorporated into the parking lot or parking structure design, if such is included as part of the development.
- D. The valet parking service and associated structures cannot disrupt the flow of pedestrian and vehicular traffic.

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X.6 LANDSCAPE AND SCREENING

X.6.1 Applicability of Charlotte Tree Ordinance

All tree plantings are governed by the Charlotte Tree Ordinance.

X.6.2 Site Landscape

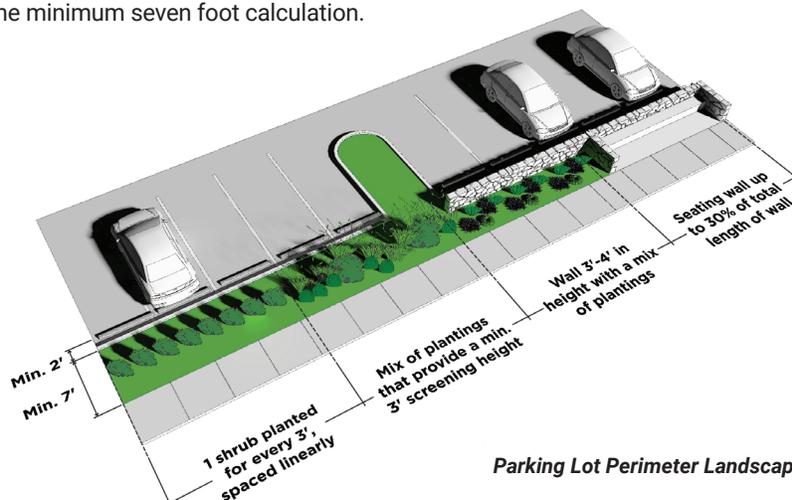
Areas of a development that are not covered by structures or hardscape and circulation systems must be planted with live landscaping. Such landscaping must consist primarily of species that are native or naturalized to the region. For approved species reference the list in the Charlotte Land Development Standards Manual.

X.6.3 Parking Lot Perimeter Landscape

A perimeter landscape yard is required for all surface parking lots and loading areas that abut a public or private street and must be established along the edge(s) of the parking lot to screen vehicle parking. A perimeter landscape yard is also required where a parking lot abuts a public space such as a plaza, public seating area, multi-use trail, rapid transit way, greenway, or park. The landscape treatment must run the full length of the parking lot perimeter and must be located between the lot line and the edge of the parking lot. The landscaped area must be improved as follows:

- A. The perimeter parking lot landscape area must be at least seven feet in width. There must 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 seven foot calculation.

- B. The perimeter parking lot landscape area must be landscaped and designed as one or more of the following installations:
1. One evergreen shrub, at least two feet in height, with a minimum spread of two feet when planted for every three feet of perimeter yard length, spaced linearly on-center. Shrubs must be listed on the approved plant list in the "Approved Plant Species" located in the Charlotte Land Development Standards Manual.
 2. A mix of shrubs, perennials, grasses, and other planting types that provide screening of a minimum of three feet in height. Such plantings must be species that are native or naturalized to the region.
 3. A low pedestrian wall a minimum of three feet to a maximum of four feet in height may be used. 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 along each perimeter lot line 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 seat wall.
- C. 60% of the landscape area outside of shrub and tree masses, including when a perimeter wall is used, must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials are allowed for any remaining area.



Parking Lot Perimeter Landscape

X.6.4 Parking Lot Interior Landscape

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

X.6.5 Buffer Yards

This section establishes standards for the dimension and required landscape for buffer yards between land uses and/or zoning districts within the rear or interior side yard(s). Nothing in this section prevents the applicant’s voluntary installation of buffer yards where they are not required.

- A. Buffer yards are required where a nonresidential use abuts a single-family residential district. This also applies where an alley with a right-of-way width of 25 feet or less separates uses in a TOD District from non-TOD zoned residential property.
- B. Buffer yards may be located within required setbacks, but must be reserved for the planting of material and installation of screening as required by this section. No parking, sidewalks, accessory structures, or any impervious surfaces are permitted within the buffer yard area.
- C. A buffer yard must be a minimum of ten feet in width.

- D. A minimum of one shade or evergreen tree must be planted for every 16 linear feet of buffer yard length. As part of the site plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 16 linear feet of buffer yard length. Trees must be on the approved plant list in the “Approved Plant Species” located in the Charlotte Land Development Standards Manual.
- E. One evergreen shrub, at least two feet in height, with a minimum spread of two feet when must be planted for every five linear feet of buffer yard length, spaced linearly. As part of the site plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per five linear feet of buffer yard length. Shrubs must be on the approved plant list in the “Approved Plant Species” located in the Charlotte Land Development Standards Manual.
- F. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials are allowed for any remaining area.
- G. A solid fence or wall, constructed of wood posts and planks, brick, masonry, or stone, and a minimum of six feet and a maximum of eight feet in height must be erected along 100% of the buffer yard length, with the exception of ingress/egress points.



X.7 USES

X.7.1 Applicability

- A. The use regulations of this section apply to all TOD Districts. In the case of conflict with other sections of the Zoning Ordinance, these use regulations control.
- B. The following rules apply to established uses in existence as of (the effective date of this ordinance):
 1. Any structure or land used in a manner that was classified a permitted use prior to the effective date, and that use is classified as a permitted use as of the effective date, that use remains a permitted use.
 2. Any structure or land used in a manner that was allowed prior to the effective date, but is no longer allowed as a permitted use in the TOD District in which it is located, is deemed a nonconforming use and is controlled by Section ____.

X.7.2 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 must 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. Certain principal uses are defined to be inclusive of specific uses. When a principal use is inclusive of other uses, that use may be evaluated by the Zoning Administrator to determine if the specific use is part of a use listed. 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 listed in the use matrix and cannot be interpreted as part of another use definition is prohibited.
 3. 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 must comply with the prescribed conditions of Section ____ as applicable.

X.7.3 Use Matrix

- A. Table 1: Use Matrix identifies the principal, temporary, and accessory uses allowed within each zoning district.
- B. **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.

Table X.7: Use Matrix

PRINCIPAL USE	TOD-H1	TOD-H2	TOD-M1	TOD-M2	PRESCRIBED CONDITIONS
RESIDENTIAL USES					
Dormitory	P	P	P	P	
Dwelling – Multi-Family	P	P	P	P	
Residential Care Facility	P	P	P	P	
COMMERCIAL USES					
Amusement Facility - Indoor	P	P	P	P	
Animal Care Facility	P	P	P	P	
Art Gallery	P	P	P	P	
Arts or Fitness Studio	P	P	P	P	
Bar	P	P	P	P	
Bed and Breakfast				P	
Body Modification Establishment	P	P	P	P	
Broadcasting Facility - No Antennae	P	P	P	P	
Convention Center	P		P		
Day Care Center	P	P	P	P	
Drive-Through ATM				P	
Financial Institution	P	P	P	P	
Gas Station				P	
Hotel/Motel	P	P	P	P	
Industrial Design	P	P	P	P	
Live Performance Venue	P	P	P	P	
Lodge/Meeting Hall	P	P	P	P	
Medical/Dental Office	P	P	P	P	
Micro-Brewery/Micro-Distillery/Micro-Winery	P	P	P	P	
Mobile Food Vendors	P	P	P	P	
Office	P	P	P	P	
Open Air Fresh Food Market	P	P	P	P	
Personal Service Establishment	P	P	P	P	
Reception Facility	P	P	P	P	
Research and Development	P	P	P	P	
Restaurant	P	P	P	P	
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	P	
Vehicle Rental – Enclosed	P	P	P	P	
Vehicle Repair/Service				P	
INSTITUTIONAL & GOVERNMENTAL USES					
Cultural Facility	P	P	P	P	
Community Center	P	P	P	P	
Educational Facility - Pre-School/Kindergarten	P	P	P	P	
Educational Facility - Primary or Secondary	P	P	P	P	
Educational Facility - University or College	P	P	P	P	
INSTITUTIONAL & GOVERNMENTAL USES (CONTINUED)					
Educational Facility - Vocational	P	P	P	P	

Table X.7: Use Matrix

PRINCIPAL USE	TOD-H1	TOD-H2	TOD-M1	TOD-M2	PRESCRIBED CONDITIONS
Government Office/Facility	P	P	P	P	
Place of Worship	P	P	P	P	
Public Safety Facility	P	P	P	P	
Public Works Facility	P	P	P	P	
PUBLIC HEALTH & SOCIAL SERVICE USES					
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	
Food Bank	P	P	P	P	
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	
TRANSPORTATION USES					
Bicycle-Sharing Station	P	P	P	P	
Parking Lot (Principal Use)				P	
Parking – Structured Facility (Principal Use)	P	P	P	P	
Transit Station	P	P	P	P	
OPEN SPACE USES					
Community Garden	P	P	P	P	
Public Park	P	P	P	P	
INFRASTRUCTURE					
Public Utility (Includes Transmission & Distribution)	P	P	P	P	
Wireless Telecommunications	P	P	P	P	
TEMPORARY USES					
Farmers' Market	T	T	T	T	
Mobile Food Vendor	T	T	T	T	
Real Estate Project Sales Office/Model Unit	T	T	T	T	
Temporary Contractor's Office and Contractor's Yard	T	T	T	T	
Temporary Outdoor Entertainment	T	T	T	T	
Temporary Outdoor Sales	T	T	T	T	
Temporary Outdoor Storage Container	T	T	T	T	
ACCESSORY USES					
Drive-Through Facility				A	
Helistop	A		A		Section 12.415
Outdoor Entertainment	A	A	A	A	
Outdoor Seating/Activity Area	A	A	A	A	
Outdoor Sales and Display	A	A	A	A	Section 12.417

X.7.4 Principal, Accessory, and Temporary Use Definitions

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

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. Animal care facilities do not include animal breeding facilities or public facilities that shelter and train canine and/or equine units of public safety agencies.

Art Gallery. An establishment that sells, loans and/or displays paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

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.

Bed and Breakfast. A single-family dwelling where an owner, who lives on the premises, provides lodging for a daily fee in guest rooms with no in-room cooking facilities, and prepares breakfast meals for guests.

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.

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

Drive-Through Facility. That portion of a business where transactions occur directly with customers via a service window that allows customers to remain in their vehicle

Dwelling – Four-Family. A structure containing four dwelling units.

Dwelling – Multi-Family. A structure containing five or more dwelling units.

Dwelling - Single-Family. A structure containing one dwelling unit.

Dwelling – Three-Family. A structure containing three dwelling units.

Dwelling – Two-Family. A structure containing two dwelling units.

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

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

Educational Facility - University or College. A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities – university or college may include additional uses as part of the principal use such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.

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 complete 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.

Farmers' Market. A farmers market is the temporary use of structures and/or land for the sale of a variety of fresh fruits, flowers, vegetables, or ornamental plants, and other locally produced farm and food products, including value-added products, directly to consumers from farmers or from vendors that have taken such items on consignment for retail sale.

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 those in need. Food pantries receive, buy, store, and distribute food. Food pantries may also prepare meals to be served at no cost to those who receive them. A food pantry may be part of a place of worship, social service facility, and/or homeless shelter.

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.

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, as part of the institution, 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 to the homeless in general. Homeless shelters may distinguish populations served by age and/or gender.

Hotel/Motel. A commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related accessory uses include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests.

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.

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 establishments as defined in Section 2.201.

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, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

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.

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.

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.

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

Office. An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institution, government office/facility, or industrial design.

Open Air Fresh Food Market. A market located on private property which involves booths, tables, platforms, mobile units, or similar displays where producers and/or growers sell fresh produce and/or value-added products at stalls or mobile units in an open air 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 Display and Sales. 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 or public way, used for the storage of operable vehicles, whether for compensation or at no charge.

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

Personal Service Establishment. An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics 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 Utility. An electricity or gas substation, water or wastewater pumping station, telephone repeater station, water storage tank, reservoir, recycling collection center, cellular and telephone transmission facilities, or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a wastewater treatment plant, but not including satellite dish antennas, facilities for the handling of solid waste (except for recycling collection centers), or radio, television, or microwave transmission or relay towers.

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

Real Estate Project Sales Office/Model Unit. A residential unit or other structure within a development that is temporarily used for display purposes as an example of dwelling units available for sale or rental in a residential development, or sales or rental offices for commercial spaces and/or dwellings 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, 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. 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. Residential care facility does not include a residential drug/alcohol treatment facility. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

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. Retail goods establishment do 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 and are rather delivered to the purchaser.

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.

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 live entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary outdoor entertainment event includes fireworks shows, carnivals/circuses, temporary 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 picked up and returned to a warehouse until called for.

Transit Station. Any structure or transit facility that is primarily used, as part of a transit system, for the purpose of loading, unloading, or transferring passengers, or accommodating the movement of passengers from one mode of transportation to another.

Vehicle Dealership - Enclosed. An establishment that sells or leases new or used automobiles, vans, pick-ups, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles with no outdoor storage or display of such vehicles on-site but may maintain an inventory of the vehicles for sale or lease off-site.

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. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease off-site.

Vehicle Repair – Minor. A business that provides services in minor repairs to motor vehicles, motorcycles, and all-terrain vehicles (ATV) vehicles, such as repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel servicing, alignment and balancing, 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, wheel bearings, and the like. A business that provides services in engine rebuilding, major reconditioning of worn or damaged vehicles, any type of repair for recreational vehicles, trailers, and commercial trucks, towing and collision service, including body, frame or fender straightening or repair, painting of motor vehicles, interior (upholstery, dashboard, etc.) reconstruction and/or repairs, and restoration services are not considered minor vehicle repair.

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

X.8 NONCONFORMITIES

Chapter 7 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.

X.8.1 Nonconforming Principal Buildings and Parking Structures

- A. Additions.** Additions to existing principal buildings and parking structures that do not meet the dimensional and design standards must meet all such standards in the construction of the addition, unless such standard is deemed conforming per item 3 below.
- B. Alterations.** Alterations to existing principal buildings and parking structures that do not meet the dimensional and design standards must meet standards that relate to the specific alteration action, unless such standard is deemed conforming per item 3 below. (For example, if the alteration is the reconstruction of a building entry and no other alterations, only the standards for vertical distance between building entry and sidewalk and the design requirements to visually distinguish the entry are applicable.)
- C. Deemed Conforming.** As of (the effective date of this ordinance), existing structures that do not meet the following design and dimensional standards of this section are not considered nonconforming in terms of the specific standard. Such dimensional or design components of structures are deemed conforming and structures may be expanded or altered without having to conform to these specific exemptions. Once the principal structure is demolished, deemed conforming status is null and void.
1. Minimum building height
 2. Maximum base building height; additional height constructed after (effective date) above maximum base height must conform to the district standards
 3. Required height setback
 4. Minimum ground floor height
 5. Building entry spacing – deemed conforming for alterations of the existing structure and for additions that do not exceed 25% of building area or 2,500 square feet, whichever is less
 6. Minimum ground floor and upper floor transparency – deemed conforming for alterations of the existing structure and for additions that do not exceed 25% of building area or 2,500 square feet, whichever is less
 7. Minimum required on-site open space; if the structure is expanded, minimum required on-site open space is required only for new dwelling units in the new expansion area

X.8.2 Nonconforming Signs

Existing nonconforming signs are subject to the following:

- A.** A nonconforming permanent sign and sign structure may remain in use so long as it remains otherwise lawful and has not been damaged or destroyed to the extent of 50% or more of its value. A nonconforming permanent sign and sign structure that is damaged or destroyed to the extent of more than 50% of its value prior to the damage, or if it the sign and/or sign structure has been removed, it cannot be restored or repaired unless it conforms to all applicable regulations for the district.
- B.** Sign owners must supply the Planning Director with a cost estimate for repair of the damaged sign and an estimate of the cost of a new identical sign.
- C.** The sign face of an existing nonconforming permanent sign may be replaced, but the structure cannot be altered to accommodate such change.
- D.** No nonconforming sign and sign structure may be relocated, in whole or in part, to any other location on the same or other lot, unless the entire sign and sign structure conforms to all regulations applicable to the lot where the sign is relocated.
- E.** No nonconforming sign can be altered or enlarged in a way that increases the nonconformity of the sign or sign structure.
- F.** Normal maintenance and cleaning, or changing of the sign face, is permitted.

X.8.3 Nonconforming Exterior Lighting

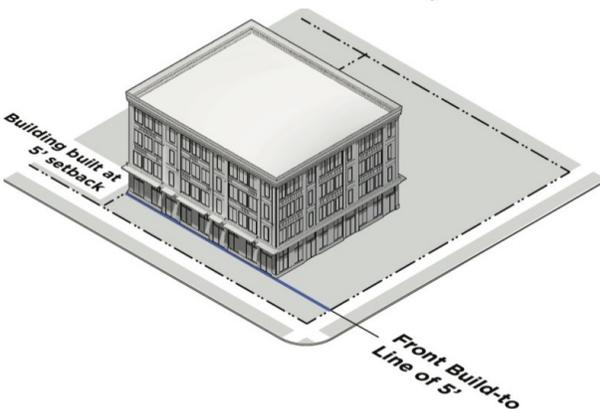
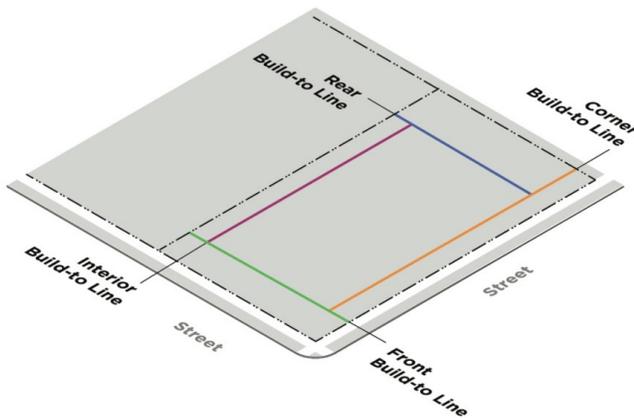
- A.** All new exterior lighting must meet the standards of the TOD Districts.
- B.** The Zoning Administrator may permit alterations to existing nonconforming lighting that brings such lighting into greater conformance but not entirely into conformance. (For example, if the fixture is replaced so that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

X.9 DEFINITIONS

EDITOR'S NOTE: This is a preliminary set of definitions crafted for the regulations in this first draft. As additional sections are drafted, new definitions will be added as needed.

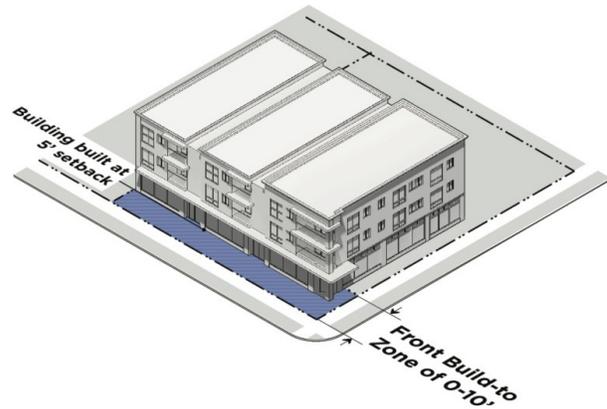
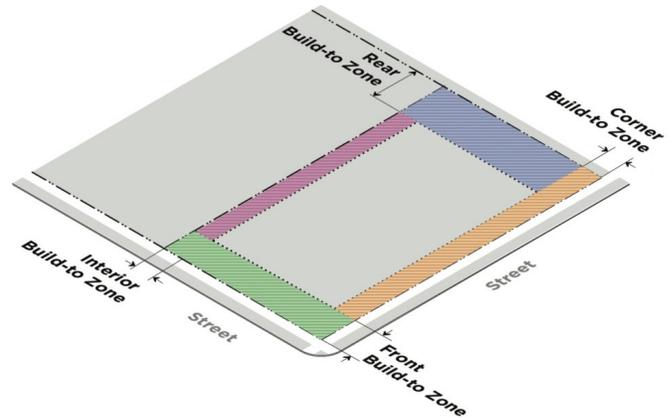
Blank Wall. The linear dimension of contiguous building wall that does not contain fenestration or decorative elements such as banding, medallions, artwork such as murals and mosaics, change in wall plane of at least three inches, windows, doors, or other architectural or material embellishment. Any wall less than five feet in height is not considered to be a blank wall.

Build-To Line (BTL). A build-to line (BTL) is a set building line on a lot, measured parallel from the front and/or corner side lot line, where the structure must be located. The building facade must be located on the build-to line. Facade articulation, such as window or wall recesses and projections are not counted as the building façade line, which begins at the applicable façade wall.



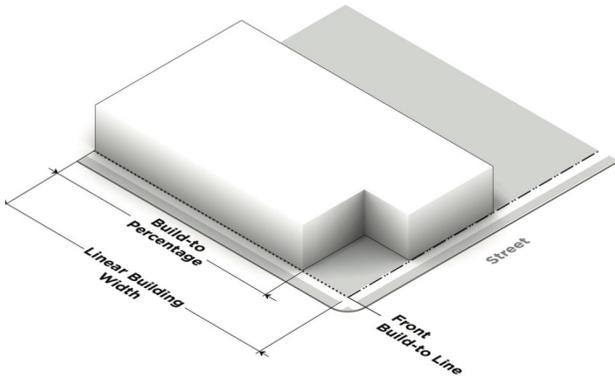
Build-To Line (BTL)

Build-To Zone (BTZ). A build-to zone (BTZ) is the area on a lot, measured parallel from the front and/or corner side lot line, where a structure must locate within the minimum and maximum range of setback provided. The building facade must be located within the build-to zone. Facade articulation, such as window or wall recesses and projections are not counted as the building façade line, which begins at the applicable façade wall.



Build-To Zone (BTZ)

Build-To Percentage. A build-to percentage specifies the percentage of the building facade that must be located within a build-to line or build-to zone. Facade articulation, such as window or wall recesses and projections, do not count against the required build-to percentage.



Build-To Percentage

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

Cut Off Lighting. To be considered a full cut off fixture, the cut off angle must be 75 degrees or less. A cut off luminaire must be designed to completely shield the light source from an observer 3.5 feet above the ground at any point along an abutting lot line.

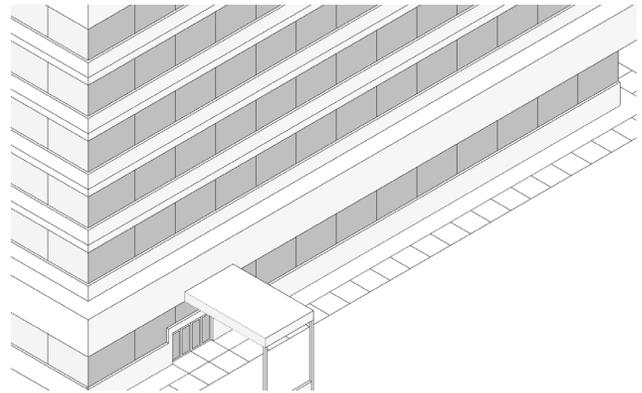


Cut Off Lighting

Corner Tower Element. A corner tower element is an accentuated vertical element located on a building corner at a street intersection allowed to be taller than the rest of the building.

Fenestration, Band. See "Fenestration, Strip Window."

Fenestration, Strip-Window. A series of windows that forms a horizontal band across the face of a building where the band of windows has a greater width than height.



Fenestration, Strip Window

Flag Lot. A lot shaped so that the main building area is set back from the street on which it fronts by a narrow access strip connecting the main building site with the right-of-way.

Frontage – Other. When a frontage is not located along a designated Main Street, 4 Lane+ Avenue/ Boulevard, or a Limited Access Road, it is considered “other frontage” within the TOD Districts. An other frontage may be either primary and secondary.

Frontage, Other - Primary. Other frontage - primary applies to the TOD Districts as follows:

- A. An other frontage – primary is any lot frontage that abuts:
 1. Transit stations and transit corridors.
 2. A street that is a direct connection to a transit station within ¼ mile.
 3. A single-family district.
 4. A park, plaza, multi-use trail, rapid transit way, or greenway.
 5. A rail trail.
- B. When a lot has frontage on two streets, at least one frontage must be a primary frontage. If neither frontage meets the criteria listed in item 1 above, one frontage must be designated as a primary frontage.
- C. When a lot has frontage on three streets, at least one frontage must be a primary frontage. If no frontage meets the criteria listed in item 1 above, one frontage must be designated as a primary frontage.
- D. When a lot has frontage on four streets, at least two frontages must be primary frontages. If less than two frontages meet the criteria listed in item 1 above, additional primary frontages must be designated to meet this minimum.

Frontage, Other - Secondary. In the TOD Districts, any lot frontage that abuts a street that is not considered an other frontage - primary or is not abutting a designated frontage type is an other frontage - secondary.

Main Street. 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.

Permanent Enclosed Area. An area contained by permanent walls, roof, and solid flooring.

Prescribed Conditions. Standards a principal, accessory, or temporary use must comply with that mitigate impacts of such use on adjacent areas.

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

Stepback. In building height, a stepback is the required additional distance that upper story building facades of a structure must be recessed from the façade of the stories below.

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.

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 generally linear area that is defined by one or more modes of transit, such as rapid transit or streetcar.

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 located on a lot that takes place only for a limited amount of time.

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

Walking Distance. The distance by which a person can walk along an accessible sidewalk and/or path system from a set destination.