

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

PART 9: UPTOWN MIXED USE DISTRICT

Section 9.901. Uptown Mixed Use District established; purpose; periodic review.

- (1) Purpose. The adopted Center City Charlotte Urban Design Plan calls for a mixed use development district to strengthen the high-density core of the central area and its environs. The uptown mixed use district (UMUD) permits and encourages the coordinated development of retail and wholesale trade; business, professional and financial services, offices, hotels, convention and conference centers, merchandise markets, high-density residential developments, and parking as a separate business. While UMUD is approved based upon predetermined standards in the Ordinance, UMUD-Optional can be approved for innovative rezoning petitions that take into consideration the UMUD standards but seeks sensitivity to the pedestrian environment, urban design, open spaces, signs and street furniture. The innovative urban rezoning petition will address new development concepts, innovative design, special problems, public/private ventures and other unique proposals or circumstances which cannot be accommodated by the standards of UMUD. Any of the standards in UMUD may be modified in the approval of the UMUD-O application.

- (2) Periodic Review. In order to assure that the regulations contained in this Section are functioning in an efficient fashion to accomplish the purpose of the district, the Charlotte Uptown Development Corporation and other interested parties may furnish suggestions and comments to the Charlotte-Mecklenburg Planning Commission. These suggestions may be submitted periodically. The Planning Commission will evaluate any comments or suggestions that it receives and will consider whether amendments are appropriate. If the Planning Commission concludes that amendment of the ordinance is necessary or desirable, an amendment will be initiated by the Planning Commission. If the Planning Commission concludes that amendment is not necessary or desirable, a report to that affect will be transmitted to the City Council. Nothing in this section prevents the City Council or the Planning Commission from initiating an amendment to this ordinance at any time, nor does it prevent any party from filing a petition for an amendment to this ordinance at any time.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

Section 9.902. Uptown Mixed Use District; uses permitted by right.

The following uses are permitted by right in the uptown mixed use district:

- (1) Colleges, universities, commercial schools, schools providing adult training in any of the arts, sciences, trades and professions, and dormitories for the students of colleges, commercial schools, schools providing adult training and for the staff of hospitals.
- (2) Dwellings, detached, duplex, triplex, quadraplex, attached, multi-family and planned multi-family developments.
- (3) Non-commercial public recreation parks and playgrounds.
- (4) YMCA's, buildings for social, fraternal, social service, union and civic organizations, and comparable organizations.
- (5) Institutional uses such as churches, synagogues, parish houses, Sunday school buildings, convents, community recreation centers, country and swim clubs, athletic and sports facilities, libraries, museums, theaters, art galleries, orphanages, children's homes and similar non-profit institutions providing domiciliary care for children, police and fire stations, public and private elementary, junior and senior high schools, and pumping stations.
- (6) Retail sales and retail sales for auctions; apparel, department, furniture stores and stores for home furnishings and office supplies, automobiles (new and used), bakeries; food stores; boats, feed, fences and fence material, packaged fertilizer; motorcycles; pawnshops and secondhand goods, and trucks.
- (7) Repair services and associated storage facilities for automobiles, boats, motorcycles, any article that is permitted to be sold in this district, buses, and public utility vehicles.
- (8) Wholesale sales and rentals for automobiles and trucks, florists, jewelers, and utility trailers.
- (9) Professional business and general offices such as banks, radio and television stations and offices, clinics, medical, dental and doctors' offices, government and public utility office buildings, post offices, opticians' offices, and similar uses.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (10) Hotels; motels; and motor courts.
- (11) Services such as beauty shops and barbershops, exterminators, funeral homes, embalming and crematories, laundries and dry cleaning establishments, and locksmiths and gunsmiths.
- (12) Restaurants; including open air or sidewalk cafes.
- (13) Production, manufacturing, storage, warehousing and display uses such as manufacture of bakery goods, blueprinting and photostating, buildings for the display of sample merchandise, engraving, fabric samples assembling, frozen food lockers, dental, medical and optical laboratories, mail order houses, nurseries and greenhouses, printing and photo processing, sign painting and manufacturing, storage and warehousing related to wholesale sales, entirely within enclosed buildings, excluding truck terminals, crating services, and warehousing.
- (14) Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.
- (15) Bus passenger stations.
- (16) Showrooms, up to 70,000 square feet
(Petition 2003-011, §9.902(16), 2-17-03)
- (17) Utility and related facilities such as distribution lines, railroad rights-of-way, telephone repeater stations, and water storage tanks.
- (18) Temporary buildings and storage of materials in conjunction with construction of a building is allowed on, 1) a lot where construction is taking place, 2) an adjacent lot, or 3) an approved lot under common ownership or lease agreement, subject to administrative approval by the City of Charlotte, Department of Transportation (CDOT) and Engineering and Property Management staff to determine compliance with the following criteria:
 - (a) That the storage site is located a distance of at least 200 feet from any residential land use or property with a residential zoning classification.
 - (b) Location of approved temporary access to the alternative storage site;
 - (c) Installation of temporary opaque screening to mitigate impacts to surrounding less intense land uses;
 - (d) Fencing and required signage;

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (e) Leasing of necessary right-of-way or easements to facilitate safe movement of materials between the two sites during construction;
- (f) A traffic control and associated operational plan for use of the site during the course of construction;
- (g) Timetable for use of the site and the preparation of an approved site restoration plan to be implemented prior to the issuance of a certificate of occupancy for the principal use;
- (h) Posting of any additional surety to guarantee the repair of any public improvements that may be impacted during the construction process.

Such temporary uses shall be terminated upon the completion of construction.

- (19) Outside, open market on private or public property, not including the streets and sidewalks, for the selling of fresh food, not to be consumed on the premises, and plants, but shall be subject to all applicable State laws and regulations. Such an open air, fresh food market need not comply with the development standards of Section 9.906 or the parking standards of Section 9.907.
- (20) Telecommunications and telephone switching.
- (21) Health institutions, including hospitals, clinics and similar uses.
- (22) Convention centers and halls, conference centers, exhibition halls, merchandise marts, and other similar uses.
- (23) Outdoor seasonal sales.
- (24) Shopping centers.
- (25) Group Homes for up to 10 residents

Section 9.903. Uptown Mixed Use District; uses permitted under prescribed conditions.

The following uses are permitted subject to the specific conditions governing each use as set out below:

- (1) Adult establishments, subject to the regulations of Section 12.518.
- (2) Bed and breakfasts (B & B's), subject to regulations of Section 12.521.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (3) Beneficial fill sites, subject to the regulations of Section 12.523.
- (4) Boarding houses, subject to regulations of Section 12.520.
- (5) Buildings for dramatic, musical, or cultural activities and stadiums and coliseums provided that:
 - (a) The perimeter of the parking areas, exclusive of access driveways, will have a planting strip of at least 5 feet in width, and that at least 1 tree 2 inches in caliper for each 25 feet shall be planted;
 - (b) Parking areas will have interior planting areas amounting to at least 10 percent of the paved area in excess of one acre;
 - (c) Access for the development site will be provided from nonresidential streets and shall not require the use of any residential collector (Class V) or residential local streets (Class VI);
 - (d) The private living areas and associated open spaces of all adjacent residential properties are effectively screened from parking and service areas, as well as from any other portion of the development site which is actively used;
 - (e) The proposed use will not generate light of such an intensity or brilliance as to cause glare or to impair the vision of drivers;
 - (f) The proposed use will be designed to allow direct access for transit service; and
 - (g) The proposed use will not cause or intensify off-site drainage problems. That the proposed use will not be contradictory to the objectives of any approved plan for the area.
- (6) Bus stop shelters, subject to the requirements set out in Section 12.513.
- (7) Car washes, provided that:

All washing facilities must be within an enclosed building. Vacuuming facilities may be outside of the building, but may not be located within a required yard or buffer.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (7.1) Childcare centers, subject to the regulations of Section 12.502
(Petition No. 2003-008, §9.903, 2-17-03)
- (7.2) Childcare centers in a residence, subject to the regulations of Section 12.502
(Petition No. 2003-008, §9.903, 2-17-03)
- (7.3) Commercial Rooming Houses, subject to the regulations of Section 12.531.
(Petition No. 2001-150, §9.903, 1/22/02)
- (7.4) Day Labor service agency, subject to the regulations of Section 12.530
- (7.7) Donation drop-off facility, subject to the regulations of Section 12.532.
(Petition No. 2004-39, § 9.903(7.7), 09/20/04)
- (8) Drive-in windows as an accessory part of a principal structure or operation subject to the requirements set out in Section 12.413.
- (9) Entertainment establishments such as lounges, nightclubs, bars, taverns, and cabarets provided they are located at least 100 feet from any residential structure located in a residential district.
- (10) Electric and gas substations, subject to the requirements set out in Section 12.504.
- (11.) Family childcare homes, subject to the regulations of Section 12.502
(Petition No. 2003-008, §9.903, 2-17-03)
- (12) Jails within a completely enclosed building.
- (13) Land clearing and inert debris landfills (LCID): off-site, subject to the regulations of Section 12.503.
- (13.1) Large childcare centers, subject to the regulations of Section 12.502
(Petition No. 2003-008, §9.903, 2-17-03)
- (13.2) Nursing homes, rest homes and homes for the aged in accordance with the standards of Mecklenburg County and the State of North Carolina for the licensing and operation of such facilities.
- (13.3) Off-street parking, subject to the following conditions:
 - (a) As an accessory use to an on-site principal use
 - (b) Structured parking decks as a principal use or accessory use.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (c) All of the above parking facilities must conform to the requirements of Section 9.906. (2) Streetscape standards.

- (14) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

- (14.05) Shelters
(Petition No. 2005-35, §9.903(14.05), 04/18/05)
 - a) Accessory Shelter, subject to the regulations of 12.536.
 - b) Emergency Shelter, subject to the regulations of 12.537.
 - c) Homeless Shelter, subject to the regulations of 12.538.

- (14.5) Short-term care facilities, subject to the regulations of Section 12.522.
(Petition No. 2004-96, § 9.903(14.5), 10/18/04)

- (15) Single room occupancy (SRO) residences, subject to the regulations of Section 12.527.

Section 9.904. Uptown Mixed Use District; accessory uses.

The following are permitted as accessory uses in the uptown mixed use district:

- (1) Accessory residential uses and structures, clearly incidental and related to the permitted principal use or structure.

- (2) Information pillars, subject to the regulations of Section 12.416.
(Petition No. 2004-112, §9.904(2), 11-15-04)

- (3) Petroleum storage, accessory to a permitted principal use or building subject to the Fire Prevention Code of the National Board of Fire Underwriters.

- (4) Petroleum storage, underground, accessory to permitted automobile service stations, subject to the Fire Prevention Code of the National Board of Fire Underwriters.

- (4) Vending machines located within an enclosed building for the convenience of the occupants of the building.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (5) Signs, bulletin boards, kiosks and similar structures that provide historical information, information for noncommercial activities or space for free use by the general public.
- (6) Land clearing and inert landfill (LCID): on-site, subject to the regulations of Section 12.405.

Section 9.905. Uptown Mixed Use District; area, yard and height regulations.

The following requirements apply to all new buildings or uses in the UMUD:

- (1) Minimum lot area: None required.
- (2) Minimum setback: All new buildings or uses shall be 12 feet from the back of existing or proposed curb, or greater if required by a City Council adopted streetscape plan or the Charlotte Tree Ordinance. As a minimum, a 6-foot wide sidewalk along with a 6-foot planting strip is required along all streets unless otherwise specified by a City Council approved streetscape plan. However, if new construction incorporates an existing structure and such incorporation of the existing structure necessitates a reduction of the minimum setback from the 12-foot requirement, then the 12-foot minimum setback may be reduced as necessitated because of the incorporation of the existing structure into the new structure but under no circumstances shall the setback of any portion of the new structure be less than 8 feet from the back of the curb. In addition all transformer vaults, utility structures, air vents, backflow preventers, or any other similar devices, which may obstruct the sidewalk, must be behind the 12-foot setback in order to leave the sidewalk clear for pedestrian circulation. No doors shall be allowed to swing into this 12-foot setback except emergency exit doors. For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented. The intent of this requirement is to assure the provision of adequate sidewalk and planting strips in all cases.
(Petition No. 2001-050, § 9.905(2), 06-18-01)
- (3) Minimum side and rear yards: None required. However, if the adjoining lot is residentially zoned or contains an existing residential structure, a building separation of at least eight (8) feet must be maintained to assure the adequate provision of light and air to residential uses. Otherwise, if lot spaces remain in a side or rear yard that are less than eight (8) feet, those spaces must be closed off from any public street by a wing wall or other architectural extensions of the building facade.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

If a space of greater than eight (8) feet is left in a side or rear yard, then it may either be closed off by a wing wall or other architectural extension or must be maintained and well lighted.

- (4) Maximum height: None, except no structure, fixture or other objects over 60 feet in height on a lot abutting residentially zoned land which has residential structure of 40 feet or less in height may be situated so that it casts a shadow at a distance greater than 20 feet across any property line on either time of solstice between the hours of 9:00 a.m. and 3:00 p.m. Eastern Standard Time.

Section 9.906. Uptown Mixed Use District; urban design and development standards.

- (1) The harmonious relationship between land uses and their environment requires that certain areas be addressed during project planning. These relationships deal with the streetscape, historic buildings and places, and open spaces. Development subject to these provisions may be built either in accordance with the minimum urban design standards specified in this section or in accordance with the requirements of Section 9.909 for the optional Uptown Mixed Use district. The purpose of this section is to define the minimum urban design standards for development subject to these provisions.
(Petition No. 2000-130, § 9.906(1), 12-17-01)
- (2) Streetscape design standards. The relationship between a building and areas for pedestrian or vehicular circulation must be carefully planned in order to avoid negative impacts of one upon the other. All buildings and uses developed in this district, except renovated and rehabilitated buildings, must meet the following minimum standards. For the purpose of these provisions "the streetscape plan" document adopted by the City Council April 22, 1988 which may include maps, illustrations, and written descriptions which define the relationships between the component elements that make up the street environment including the space between buildings and streets, paving, signage, trees and street furniture. This includes the adopted Center City Charlotte Urban Design Plan, Core Uptown Streetscape Plan, Center City 2010 Vision Plan and any more specific or detailed plans, which may be adopted in the future.
(Petition No. 2000-130, § 9.906(2), 12-17-01)

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (a) Paving. Paving systems in the public right-of-way must conform to the standards of the applicable approved streetscape plan. The paving systems used on private plazas and walkways that are not in the public right-of-way may be different in color, material and texture from those specified in any applicable approved streetscape plan. These paving systems must be of a compatible pattern and scale to provide a transition into the paving system specified on any applicable approved streetscape plan.
- (b) Street walls. The first floors of all buildings, including structured parking, must be designed to encourage and complement pedestrian-scale interest and activity.

It is intended that this be accomplished principally by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor street frontage. In addition a combination of design elements must be used on the building facade and/or in relationship to the building at street level to animate and enliven the streetscape. These design elements may include but not be limited to the following: ornamentation; molding; string courses; belt courses; changes in material or color; architectural lighting; works of art; fountains and pools; street furniture; landscaping and garden areas; and display areas. In the event that ventilation grates or emergency exit doors are located at the first floor level in the building facade then they must be decorative.

Any design elements which extend into the public right-of-way on city or state maintained streets require an encroachment agreement with the City of Charlotte Department of Transportation (CDOT) or North Carolina Department of Transportation (NCDOT) respectively.

Where expanses of blank wall are necessary, they may not exceed 20 feet in length. A blank wall is a facade, which does not add to the character of the streetscape and does not contain transparent windows or doors or sufficient ornamentation, decoration or articulation as listed in the above paragraph.

The first floor and street level must be designed with attention to adjacent public or private open spaces and existing streetscape improvements. The provision of multiple entrances from the public sidewalk or open spaces is encouraged.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

Structured Parking Facilities

In addition to the above listed requirements, structured parking facilities must be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure.

In the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building facade then they must be decorative and must be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances must be designed so that cars parked inside are not visible from the street. The remainder of the street level frontage must be either occupied retail space or an architecturally articulated facade designed to screen the parking areas of the structure, to encourage pedestrian scale activity, and to provide for urban open space.

Cars on all levels of a structured parking facility must be screened from view from the street utilizing decorative elements such as grillwork or louvers. In no instance will cabling alone be sufficient to meet this screening requirement.

The design requirements of this section apply to all building facades, which are visible from any public right-of-way.

- (c) Screening. All structures and facilities for trash, storage, loading, and outdoor equipment must be screened so as not to be visible from the street and pedestrian circulation areas. Solid walls shall be faced with brick or other decorative finish with the decorative side adjacent to the public right-of-way. Fences shall be opaque and either painted or stained with the decorative side to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

Grade level parking lots, as principal uses, must be screened on all sides by a fence not less than 5 feet or no higher than 6 feet in height. The fence must be constructed of wrought iron, tubular aluminum, PVC plastic, or other approved fencing material. The fence must be constructed to allow for 75% surveillance from passing vehicles and/or pedestrian traffic. Spaces between bars or slats shall be no greater than 6 inches apart. In no instance will a chain link or barbed wire fence be acceptable. Fencing will not be required on the non-street side of a parking lot if the abutting parcel also has a fence or other barrier that prohibits entry onto the lot. In no instance will shrubbery be used to substitute for fencing. Shrubby is required in addition to fencing. All shrubs must be no higher than 24 inches at the time of planting and be maintained at that level. Such planting shall consist of an area with a minimum width of 3 feet and a maximum spacing of 5 feet between shrubs.

Grade level parking lots, as accessory uses, must be screened from the street and pedestrian areas either by the above screening requirement for grade level parking lots as principal uses, or evergreen shrubs or by solid walls or fences. The evergreen shrubs shall not exceed 3 feet in height, but be a minimum of 2 feet in height at time of planting and have a maximum spacing of 5 feet between plants. Such shrubbery shall be planted in an area with a minimum width of 5 feet. The solid walls or fences shall not exceed 3 feet in height. Solid walls shall be faced with brick or other decorative finish with the decorative side adjacent to the public right-of-way. Fences shall be opaque and either painted or stained with the decorative side adjacent to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable.

Any lot, which becomes vacant through the removal of a structure for any reason, must be screened from all abutting public street rights-of-way in accordance with the provisions of this section or cleared of rubbish and debris and seeded with grass.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

The above regulations of this subsection (c) Screening, will be applicable to existing surface parking lots, as principal uses, as follows:

- (1) A conforming lot with fence and no shrubs:
 - (a) Must conform within 3 years of the effective date of this amendment or when fence requires major maintenance or replacement.
 - (b) No shrubbery required.
- (2) A conforming lot with shrubbery meeting ordinance spacing standards:
 - (a) Must have fence as required under this section within 3 years of the effective date of this amendment.
 - (b) Shrubby must be trimmed to 24 inches high within 6 months of the effective date of this amendment.
- (3) A nonconforming lot, but in existence prior to the effective date of the Uptown Mixed Use District (UMUD) (effective date November 11, 1983):
 - (a) Fencing required within 3 years of the effective date of this amendment and located at current parking lot edge, but not in existing public street right-of-way.
 - (b) No shrubbery required.
- (4) A lot in violation must comply with the requirements of this section within 6 months of the effective date of this amendment. If compliance is not achieved within that time frame, the lot will be considered an illegal use and must be terminated.
(Petition No. 2002-33, §9.906(2)(c), Effective 5/17/04)
- (d) Tryon Street Mall. The Tryon Street Mall is defined as the area contained within the John Belk Freeway Bridge and the Brookshire Freeway Bridge along Tryon Street including the 100 blocks of West and East Trade Street. Access for emergency service vehicles will be allowed at all times from the Tryon Street Mall. The service and utility areas of buildings, which have access only from the Tryon Street Mall, will be allowed access from the Tryon Street Mall anytime between 6:00 p.m. and 7:30 a.m. on Mondays through Saturdays and anytime during Sundays and holidays. No vehicular access from surface or structured parking will be allowed to or from the Tryon Street Mall along Tryon Street. Vehicular access from surface or structured parking will be allowed for "right in" and "right out" access along the Trade Street portion of the Tryon Street Mall.
(Petition No. 2000-130, § 9.906(2)(d), 12-17-01)

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (e) Signs, banners, flags and pennants. Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 13, with the exception that Off-premise Major Event Banners shall meet the following requirements:

(Petition No. 2005-007, § 9.906(2)(5),03/21/05)

1. Off-premise Major Event Banners

The purpose this type of banner is to inform the public of major events, open to the public, with community-wide interest or regional significance. Major events may include, but are not limited to, religious, educational, charitable, civic, fraternal, sporting, or similar events including, but not limited to, golf tournaments, festivals, and major or seasonal sporting events. The banner is off-premise from the location of the major event.

An off-premise major event banner differs from a “Temporary Banner” (See Section 13.106(13) in that no advertising copy is permitted on the major event banner other than that allowed in Section 9.906(e)(1)(b) below.

Major event banners may be located in the UMUD zoning district provided they meet the following requirements:

(Petition No. 2006-01 §9.906(2)(e)(1),02/20/06)

- (a) The total area of temporary event banners combined shall not exceed 1000 square feet or 10% of the wall area, whichever is smaller, per building wall.
- (b) Banners shall not contain any advertising, however, up to 10% of the banner area may include the name of the major event sponsors or supporters, a description of the products, services or activities provided or engaged in by the sponsors or supporters, and recognized trademarks, logotypes or symbols customarily associated with the sponsors or supporters. See Section 13.106(12) for regulations regarding on-site temporary banners that allow advertising.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (c) Banners shall be erected no sooner than 7 days before the major event and removed within 2 days after the event.
- (d) Banners shall be attached in total to a building wall or permanent canopy extending from a building. Banners shall be adequately secured.
- (e) Banners shall be made of durable material. Paper banners are not permitted.
- (f) No inflatables, tethered balloons, streamers, pennants, flags, ribbons, spinners, or other prohibited devices shall be included or incorporated with the display of a banner under this section.
- (g) A written notice of the proposed banner location, number, sizes and duration shall be filed with Charlotte Center City Partners prior to issuance of a banner permit.
- (h) A banner permit from Neighborhood Development is required for each major event, or seasonal event. If sports related, each game or competition shall be considered a separate event. Seasonal events such as regional team sporting events (i.e. Bobcats, Panthers, Checkers, etc.) may be issued one permit for the season.
(Petition No. 2005-78 §9.906(2)(e)(1)(g),06/20/05)
- (i) The permit number and duration shall be visible on the banner.
- (j) Due to the short-term nature of banners, any violation of the provisions of these regulations shall be cited by Neighborhood Development. A one-day warning notice of violation requesting immediate compliance will be issued first. Citations can then be issued for any violation that has not been corrected.
(Petition No. 2005-78 §9.906(2)(e)(1)(i),06/20/05)

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

This subsection does not preempt the regulations of Section 206 of Chapter 19, Article 7 of the City Code for decorative banners and signs.

- (f) Conformance with approved streetscape plans. Walking surfaces, street furniture, trees, landscaping, lighting fixtures, information signs, and kiosks constructed in the public right-of-way or required setback must be consistent with the standards specified in the approved Transit Mall streetscape plan, the Trade Street boulevard streetscape plans, other applicable approved streetscape plans, or the standards of these provisions where no approved streetscape plan exists. Exterior lighting used on private plazas and walkways must be complementary in design motif to that specified in any applicable approved streetscape plan.

Renovated and rehabilitated structures that are already in place do not have to comply with the setback requirements or urban open space requirements, but must not modify or add to the existing structure in any fashion that would result in a reduction in the distance from the back of the curb to the existing building front.

- (g) Street trees. For the purposes of this subsection all specifications for measurement and quality of trees must be in accordance with the “American Standard for Nursery Stock” published by the American Association of Nurserymen. All trees planted to meet this requirement must be well-matched specimen and must be limbed up to 6 feet. The developer must provide written certification that the plant material meets this standard. Trees used to fulfill this requirement may be located on public or private property. Any such trees proposed to be located on public property must conform to the permit requirements in the Charlotte Tree Ordinance. Any such trees proposed to be located on private property must relate to the street frontage for which they are required. Above ground planters may not be used to fulfill the street tree requirement.

All trees planted to comply with this requirement must be approved as to compliance with the street Tree Planting program or any adopted streetscape plan for the area and must be irrigated, except when an 8-foot or larger planting strip is provided. Trees planted under this Subsection may not be used to satisfy the tree planting requirements for screening or urban open space.

Maintenance of trees required under these provisions must conform to the requirements of Section 12.305.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

The owner will be responsible for all maintenance related to required streetscape improvements along their property frontage. The exception to this will be that the city will be responsible for pruning to maintain a uniform canopy and sight clearance.

(Petition No. 2001-050, § 9.906(2)(g),06/18/01)

- (h) Reflective surfaces. No development subject to these provisions may have exterior walls with a reflectivity value in excess of 36 percent, as measured under the applicable provisions of ASTM- C-136. No reflective surfaces may be used on street level exterior facades.
- (i) Street right-of-way. The requirements for street right-of-way in the uptown area vary from street to street due to patterns of existing rights-of-way, existing development, traffic movements and intersection design. In order to assure that adequate land is available to accommodate future public street improvements, right-of-way must be protected. All development and uses in the district, except renovated and/or rehabilitated buildings, must reserve and keep free of development or encroachment the necessary right-of-way for the street or streets, which abut the property.

The necessary rights-of-way will be determined on a case-by-case basis by the Charlotte Department of Transportation and the Charlotte-Mecklenburg Planning Commission staff. In making their determination these agencies will be guided by the adopted Center City Charlotte Urban Design Plan and by the approved streetscape plan for the street if such a plan has been adopted. However, the absence of an adopted streetscape plan does not relieve the requirement for the necessary right-of-way to be reserved.

Sidewalk easements for public ingress and egress will be required if not within the public right-of-way.

- (j) Building entrances. Doorways must be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape. For structures less than 100,000 square feet, the entry way must be 1 square foot for each 1,000 square feet of floor area with a 15 square foot minimum. For buildings over 100,000 square feet, the entry way must be at least 100 square feet.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (k) Base of High Rise Building. (Those exceeding 5 stories.) The base of high rise buildings (equivalent to the first 3 floors above street grade) must be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as cornices, belt courses, corbelling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting and other sculpturing of the base as are appropriate must be provided to add special interest to the base. In the design of the building facade attention must be paid to the appearance both during the day and at night. Material and color changes alone do not meet the requirements of this section and design elements, which are used to meet the requirements of this section, must be visually continuous around the building. In the event that a building facade is not visible from a public street or right-of-way then the Planning Director has the option of waiving this requirement.

In addition, special attention must be given to the design of windows in the base. Band windows are discouraged. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged.

- (l) Overstreet Connections. Any proposed overstreet connections shall be shown on schematic site plans. The purpose in showing the proposed overstreet connections is to be able to properly apply the urban design standards. The overstreet connections shall not be approved by the Planning Commission staff until after the City Council shall have independently and separately approved the overstreet connection according to the City's overstreet connections' policy and the City's granting of air rights and approval of appropriate easement agreements.
- (3) Existing buildings and places. Preservation and rehabilitation of existing buildings and structures are encouraged in order to create diversity of development, accent pedestrian-scale activity, and preserve the heritage of the City of Charlotte.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

(4) Urban open spaces. Open spaces for public congregation and recreational opportunities are required and must be equipped or designed to allow pedestrian seating and to be easily observed from the street or pedestrian circulation areas. These provisions apply only to new office uses with a gross floor area greater than 20,000 square feet. All urban open spaces must comply with the minimum required design standards of this ordinance. If urban open space is provided but not required it must also meet the minimum urban open space design standards.

(a) Urban open space sizes. Buildings must be provided with public open space behind the required setback and on private property proportionate to their bulk according to the following schedule:

<u>Lot Size</u>	<u>Open Space Required</u>
(Square Feet)	(1 square foot/gross square feet of floor area for office use.)
0-20,000 square feet	1 square foot/200 square feet
20,001-40,000 square feet	1 square foot/150 square feet
above 40,000 square feet	1 square foot/100 square feet

A maximum of 30 percent of this required urban open space may be provided on an enclosed ground floor level provided the enclosed space meets all other requirements of these provisions. If a property line of the site is within 200 feet of the property line of a publicly owned and useable open space, then up to 50% of the required urban open space may be provided on an enclosed ground floor level provided the enclosed space meets all the requirements. The 200 feet shall be measured along the public right-of-way line. If any existing buildings are reused as part of a larger development, all the required urban open space may be provided on an enclosed ground floor level.

(b) Accessibility to the street. Eighty-five percent (85%) of the total urban open space must be accessible to and visible from the street, but in no instance more than 3 feet above or below the level of an adjoining right-of-way. Walls higher than 3 feet are not allowed along that portion of the frontage that is needed for access to a required urban open space. Required entryways and steps must be at least 15 feet wide. Steps must have a maximum riser height of 6 inches and a minimum tread of 12 inches.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (c) Provision for the disabled. All urban open spaces must conform with the North Carolina State Building Code, the disabled section and American Disabilities Act (ADA).
- (d) Seating. There must be at least 1 linear foot of seating for each 30 square feet of open space. In the event that the open space exceeds 20,000 square feet then 1 linear foot of seating shall be provided for each 100 square feet of open space above 20,000 square feet. Required seating must be an integral part of the overall open space design.

Twenty-five percent of the required seating must be permanent. Seating must be 16 to 24 inches high. In the case of a ledge, which rises because of a grade change, the portion of the ledge between 16 inches and 36 inches high can count as seating. Seating must have a minimum depth of 15 inches. Ledges and benches, which are sittable on both sides and are 30 inches deep, will count double. The rims of planters, which are flat and sittable, can count as seating if they have a minimum depth of 8 inches, a maximum height of 36 inches, and are not blocked by protruding shrubbery. Movable chairs will count as 30 inches of linear seating per chair. They can be stacked and stored between 7:00 p.m. and 8:00 a.m. The seating requirement may be reduced by 20% if expanses of lawn with an area of greater than 5,000 square feet are provided. Lawn areas shall be provided with automatic irrigation.

- (e) Trees. Within the open space area(s), 1 tree must be planted for each 500 square feet or portion thereof up to 2,000 square feet. One additional tree is required for each additional 1,000 square feet of urban open space. In the event the required or provided open space exceeds 20,000 square feet then one tree shall be provided for each additional 2,000 square feet over 20,000 square feet. Trees must have a minimum caliper of 3-3½ inches measured 6 inches above ground at the time of planting. The planting of and specifications for all trees must be approved by the designated representative of the City of Charlotte Engineering and Property Management Department prior to planting. Maintenance of trees required under these provisions must conform to the requirements of Section 12.406. All specifications for measurement and quality of trees must be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen. Tree requirements may be reduced by 25% if expanses of lawn with an area of greater than 2,000 square feet are provided. Lawn areas shall be provided with automatic irrigation.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (f) Food. The provision of food facilities is encouraged. Food kiosks can count as open space provided they do not exceed 150 square feet in area. No more than one-half of the open space may be used for an open-air cafe. Litter receptacles must be provided at a minimum of 4 cubic feet of receptacle capacity for each 800 square feet of open space.
 - (g) Amenities. The following amenities are permitted within an urban open space area: ornamental fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, clock pedestals, public telephones, awnings, canopies, and similar structures.
 - (h) Maintenance. The building owner, lessee, management entity or authorized agent are jointly and severally responsible for the maintenance of the urban open space area including litter control and care and replacement of trees and shrubs.
 - (i) Existing plazas and spaces. Buildings and plazas constructed prior to the adoption of this Section may be changed to include any of the amenities and features required or encouraged by these standards such as the provision of food facilities, movable chairs, and alteration of ledges to make them sittable.
- (5) Preliminary review. Applicants planning any development or redevelopment are required to meet with the Charlotte-Mecklenburg Planning staff at two points in the design process: (1) during the conceptual design process in order that the staff may offer input into urban design objectives and to interpret the approved streetscape plan for that area, and (2) during the design development stage to insure that the plans meet the desired objectives and the minimum standards for the district. Prior to final UMUD approval all applicants are also required to meet with the City of Charlotte Department of Transportation and City of Charlotte Engineering and Property Management Department. Building permits will not be issued until the planning staff approves the proposal as in conformance with this ordinance.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (6) First Floor Retail Required. In order to stimulate pedestrian activity at the street level, the first floor (street level) of any new building over 100,000 square feet must devote 50% of the net first floor area to retail activities, which promote a visual relationship to the street and encourage movement and activity at street level. Any expansion of an existing building which results in more than 100,000 square feet of new floor area must also comply with this requirement unless the new floor area is all in a vertical expansion which results in no new street level floor area. The 50% area will be computed on the new street level floor area only. Retail activity refers to any use, which encourages street level activity in the building beyond the normal business day and is in addition to the daily work activities of the building tenants.

The term retail includes not only sales of merchandise at retail but will also be construed to mean personal and business services, restaurants, galleries, and similar uses but not financial institutions except 25% of the total square footage of required retail space may be utilized by retail banking, stock brokerage offices and other financial services.

Fifty percent of the square footage of a hotel lobby may be counted towards the required retail space.

For the purpose of this subsection, net floor area does not include stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas, or service areas. It is strongly encouraged but not mandated that all street level retail tenants which have sidewalk frontage be furnished with direct access to the sidewalk in addition to any other access that may be provided. If individual entrances are provided to street level retail tenants, which have sidewalk frontage, the required retail floor area may be reduced by 5% of the net floor area for each separate entrance up to a maximum of 5 entrances. This standard applies to all new development, which occurs in the area bounded by or along either side of College Street, 8th Street, Church Street, and Stonewall Street. This standard does not apply to any building with a street frontage of less than 24 feet. This first floor retail standard is also not applicable to convention centers and halls, conference centers, exhibition halls, merchandise marts, and similar uses.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

(7) Canopies and Other Building Entrances. In addition to being permitted in urban open space areas, canopies, awning and similar appurtenances are permitted at the entrances to buildings. Such a feature may be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such facility may extend from the building up to one half of the width of the sidewalk area in front of the building or nine feet, whichever is less. If this extension would reach into the public right-of-way, an encroachment agreement from the City or State is required. In no case may any such facility extend beyond the curb line of any public street, nor should it interfere with the growth or maintenance of street trees. A minimum overhead clearance of 9 feet from the sidewalk must be maintained.

(8) Utility Lines

All utility lines along all project street frontages must be placed underground in projects over 100,000 square feet as part of the streetscape improvements.

(9) Rail Transit Corridors. Rail transit corridors will play an increasingly critical role in strengthening the high-density core of the central area and its environs. The purpose of this subsection is to protect the South End-Uptown Rail Corridor and to preserve it for use by multi-modal transportation facilities such as rail-trolley, bus, and pedestrian ways while preserving the opportunity to add other transit related facilities in the future.

The following regulations and standards shall apply to all property zoned UMUD along the rail right-of-way extending from I-277 (John Belk Freeway) to Twelfth Street lying between Brevard and College Streets:

(a) Minimum Rail Transit Setback

The City Council has approved the South End-Uptown Rail Corridor Plan. The City Engineering and Property Management Department shall establish the centerline for the rail transit corridor. The setback from the centerline shall be a minimum of 35 feet or the width of the right-of-way, whichever is greater.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

(b) Setback Uses

The 35-foot rail corridor setback shall permit only transit related facilities necessary to support a transit system, including but not limited to, terminals, shelters, schedule and information bulletin boards, kiosks, utility or similar structures and related amenities such as walkways, plazas, benches, fountains and other landscaping features. Trash receptacles are permitted, but dumpsters are prohibited. No other structures or buildings, privately owned mechanical or utility accessory uses such as transformers and backflow preventers, vehicle parking, driveways or loading areas with related maneuvering shall be permitted in this rail transit corridor setback.

Section 9.907. Uptown Mixed Use District; parking and loading standards.

(1) Parking standards. Permitted uses within this district are required to provide new off-street parking according to the following minimum standards. Uses not specifically listed do not have any minimum parking requirements.

(a) New office and commercial uses which contain more than 20,000 square feet of gross floor area and are located on lots with a street frontage greater than 40 feet on any single street must provide parking at the rates specified below:

<u>Floor Area</u>	<u>Parking spaces per 1000 square feet</u>
Up to 200,000	0.5 for each 1000 square feet
200,001-500,000	0.75 for each 1000 square feet over 200,000
500,001-800,000	1.0 for each 1000 square feet over 500,000
Over 800,000	1.25 for each 1000 square feet over 800,000

(b) Hotels and motels: 0.5 spaces/room

(c) Dwellings, all types: 1.0 space/unit
Bed and breakfasts (B & B's): 2 spaces
Boarding houses: 2 spaces

(d) Existing floor area in renovated and rehabilitated buildings is exempt from these requirements. However, new rentable gross floor area added to or created by the renovation or rehabilitation of existing buildings is subject to these provisions.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (e) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 1600 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease having a term of not less than 5 years excluding renewals and need not be located within this district. If at any time the parking arrangements of this section are not met, Neighborhood Development will initiate enforcement of this provision and instruct the Director of Land Use and Environmental Services Agency, or his or her designee, to revoke the occupancy permit for the permitted use and will not issue a building or occupancy permit with respect to the permitted use until such requirements are met. If through no fault of the building owner or management the required parking that is provided through a lease arrangement is lost through condemnation procedures, the building owner or management will not be required to find replacement parking to meet the requirements of these provisions. Spaces in parking structures and lots which are owned by a developer and which exist on the date these provisions become effective, and which are in excess of the requirements for the building(s) with which they are associated, may be used to satisfy the requirements for new or expanded buildings.

(Petition No. 2005-78 §9.907(1)(e),06/20/05)

- (f) The minimum dimensions for parking spaces within this district are 7.5 feet (width) and 15 feet (length) for compact vehicles and 8.5 feet (width) and 17 feet (length) for full-size vehicles.
- (g) The required number of parking spaces for any building within the district, including mixed use buildings, is the sum total of the requirements for each individual use in the building calculated separately.
- (h) No new grade-level or structural parking lots will be allowed to have vehicular access directly from or to the Transit Mall except along the Trade Street portion of the Transit Mall and, then, only "right in" and "right out" access on Trade Street shall be permitted.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (i) Parking, whether required by this section or not, may be located between the permitted use and the required setback. However, no parking is permitted in the required setback.
- (2) Loading standards. Buildings and structures, excluding parking structures, subject to the provisions of this section must provide a minimum number of off-street service/delivery parking spaces. These spaces must be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These parking spaces must not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by Section 20-29[14-25] of the City Code. These parking spaces must be provided in accordance with the following list:
(Petition No. 2006-18 §9.907, 03/20/06)
- (a) Multi-family dwellings (1-24 units): None required
- (b) Multi-family dwellings (25+ units): 1 space
- (c) Nonresidential uses with gross floor area:
- | | |
|----------------------------------|---------------|
| Less than 50,000 sq. ft.: | None required |
| 50,000-150,000 sq. ft.: | 1 space |
| Each additional 100,000 sq. ft.: | 1 space |
- (d) If a nonresidential use has 5 or more off-street service/ delivery parking spaces, 40 percent of the spaces must be large enough to accommodate vehicles greater than 30 feet long.
- (3) Bicycle parking. The bicycle parking standards of Section 12.202 and Section 12.202A are applicable in this district.
(Petition No. 2005-013, §9.907(3), 3/21/05)

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

Section 9.908. Uptown Mixed Use District (Optional); purpose.

The Uptown Mixed Use District (UMUD) establishes minimum standards for design and development in the uptown area. However, circumstances may arise which those regulations do not address or did not foresee. The Uptown Mixed Use District (Optional), or UMUD-O, is established to provide a mechanism to review and address new development concepts, innovative design, special problems, public/private ventures, and other unique proposals or circumstances, which cannot be accommodated by the standards of the UMUD. The UMUD standards shall be guidelines in the development of UMUD-O rezoning petitions. The Board of Adjustment shall not have jurisdiction to grant variances from the UMUD design standards.

Section 9.909. Uptown Mixed Use District (Optional); application.

Petitions for a zoning map amendment to establish a UMUD-O should be submitted to the Charlotte-Mecklenburg Planning Commission. A UMUD-O classification will be considered only by application of the owner of the subject property or his duly authorized agent. Applications must be accompanied by a schematic plan and by supporting text, which becomes a part of the amending ordinance. The application must include at least the following information:

- (1) Access to site for adjacent rights-of-way, streets and arterials.
- (2) Parking and vehicular circulation areas.
- (3) Location and size of buildings and signs.
- (4) Entrances and exits, in relation to vehicular and pedestrian circulation.
- (5) Enclosed, sheltered and unenclosed urban open spaces and plazas.
- (6) Pedestrian circulation.
- (7) Service area for uses such as mail delivery, trash disposal, aboveground utilities, loading and delivery.
- (8) Urban open space, trees, street trees and other plantings, including types, placement and maintenance system.
- (9) Paving systems used on private plazas and walkways.
- (10) Areas to be landscaped or screened.
- (11) Exterior lighting.

CHARLOTTE CODE

PART 9: UPTOWN MIXED USE DISTRICT

- (12) Any information regarding proposed sublots or subdivisions.
- (13) Signs, banners, flags and pennants to be used.
- (14) Seating plans.
- (15) Sun studies and reflectivity studies.
- (16) Other site elements, spaces and information, which the applicant feels, will assist in the evaluation of site development.

Section 9.910. Uptown Mixed Use District (Optional); review and approval.

- (1) In considering a rezoning petition for UMUD-O, the City Council will consider UMUD standards as guidelines for the approval or denial of the rezoning petition. The City Council shall evaluate and approve the UMUD-O rezoning petition taking into consideration the Central Urban Design Plan, the purposes of Section 9.901, the appropriateness of the rezoning petition for the uptown area, the harmonious relationship of the rezoning petition to surrounding properties and any other identified, pertinent land use plans.
- (2) In approving an application for the establishment of a UMUD-O, the City Council will consider, evaluate and may attach reasonable and appropriate conditions to the following: the location, nature and extent of the proposed use and its relation to surrounding property; proposed support facilities such as parking areas and driveways; pedestrian and vehicular circulation systems; screening and buffer areas; the timing of development; and such other matters as the City Council may find appropriate or the petitioner may propose, but not including architectural review or controls. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to final action by the City Council.