APPROVED BY
CITY COUNCIL
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Ordinance Book 60, Page 413

Final Text Amendment

Petition #: 2015-106
Petitioner: The Gold District of Charlotte, Inc.

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

ORDINANCE NO. 8177

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

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

A. CHAPTER 10: OVERLAY DISTRICTS

1. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

a. Amend Part 9, "TS Overlay District" in its entirety by making the following changes:

PART 9: TS OVERLAY DISTRICT

Section 10.901 Purpose.

The Transit Supportive (TS) overlay district is established to 1) introduce transit supportive and pedestrian oriented development regulations and uses, 2) encourage properties to transition to more transit supportive development and uses up to one-half (1/2) mile walking distance from a transit station. The purpose of this overlay district is to create a set of additional standards designed to accommodate the continued existence and minor expansion of existing uses while transitioning to a more compact, high intensity, transit supportive mix of uses at a lesser intensity than traditional transit oriented development.

Section 10.902. Applicability.

The Transit Supportive (TS) overlay district shall be applied to select transit station areas with an approved station area plan, but shall not be applicable in the Mixed Use Development District (MUDD), Uptown Mixed Use District (UMUD), and the Transit Oriented Development Districts (TOD-R, TOD-E, TOD-M).

All properties zoned TOD-E, TOD-M and TOD-R on March 1, 2009 will not be subject to Ordinance # 4150-Z if site plans have been submitted for formal review by March 1, 2011.

Section 10.903. Conflicts.

If the regulations and standards of this district conflict with those of the underlying district, those of this district shall apply, with one exception. If the regulations and standards of this Transit

Supportive Overlay District conflict with those of an Historic Overlay District, then Historic Overlay District regulations and standards for exterior features as described in Section 10.204 shall take precedence over the Transit Supportive Overlay District regulations and standards.

Section 10.904. Rezoning to a Transit Supportive Overlay District (TS).

As per Section 6.103(1), any amendment for the reclassification of property to a TS zoning district may be initiated by the City Council, on its own motion, by any owner with a legal interest in the property, by anyone authorized in writing to act on the owner's behalf, or by any non-owner in accordance with the procedures set forth in Chapter 6. However, the property must be located within 1 mile of a rapid transit station that is included in a project for which the Federal Transit Administration (FTA) has issued a Record of Decision or be located within the boundaries of a Council adopted transit station area plan.

Section 10.905. Uses.

(1) All uses permitted in the underlying Zoning District by right or under prescribed conditions are permitted with the exception that the following uses are not allowed in the TS overlay district:

(a) Automobile or truck washing facilities.

(aa) Automobile service stations

(b) Vehicle sales such as tractor-trucks and accompanying trailer units.

(c) Boat or ship sales, repairs, dry storage.

(d) Body shops, free-standing. (Body shops that are an accessory to automotive sales and service establishments are permitted as an accessory use).

(e) Building material sales and service

(f) Cemeteries.

(g) Cold storage plants.

(h) Contractor storage.

(i) Distributive businesses greater than ~~10,000~~ 20,000 square feet.

(j) Funeral homes, internment services, embalming, and crematories.

(k) Hazardous materials storage and treatment.

(l) Heavy Industrial uses permitted by right or under prescribed conditions including, but not limited to: abrasive and asbestos products; aircraft and parts; agricultural chemicals; alcoholic beverages, with the exception of breweries, asphalt paving and roofing materials; brick, tile, and clay

products; chemical manufacture, refining and processing; concrete, gypsum and plaster products; construction and related machinery; cut stone and stone products; electrical distribution equipment; electrical industrial apparatus; engines and turbines; fabricated metal products; farm and garden machinery; fats and oils processing; furniture and fixtures; glass and glassware; guided missiles, space vehicles, etc.; industrial machinery; leather tanning; manufactured housing; meat products, including slaughtering and dressing; motorcycles and parts; ordinance and accessories; paper and allied products; petroleum and coal products; plastic and rubber products; railroad equipment; refrigerator and service machinery; sugar refining, textile mill products; tires and inner tubes; wire products; and other similar uses.

(m) Jails and prisons.

(n) Manufactured home sales and repair.

(o) Mining and extraction establishments.

(p) Outdoor storage, of any type, occupying more than 1 acre.

(q) Quarries.

(r) Retail equipment sales, service, rental and/or leasing.

(s) Tire recapping and retreading.

(t) Towing services.

(u) Truck and freight transportation services.

(v) Truck stops and/or terminals.

(w) Waste incinerators.

(x) Wholesale distribution of petroleum products, heating fuel, propane, alternative fuels, etc.

(y) Wholesale sales establishments greater than ~~10,000~~ 20,000 square feet.

(2) The following use which is not permitted in some of the underlying districts, shall be permitted by right or under prescribed conditions:

(a) Breweries, (only when the underlying zoning district is B-1, B-2, I-1, or I-2) and subject to the standards of this overlay district and to the prescribed conditions of Section 12.544.

(b) Residential uses, subject to the standards of this overlay district.

Section 10.906. Accessory Uses.

The following accessory uses are permitted:

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

Drive-through service lanes are only permitted if allowed in the underlying zoning district. Drive-through windows shall only be located on the same site as the principal use, and shall be located to the rear of the principal use, to minimize visibility along public rights-of-way. Freestanding drive-through lanes are prohibited. Principal uses with drive-through service windows shall meet the following requirements:

(a) For professional business and general office uses, no more than four (4) drive-through service lanes shall be permitted per individual use.

(b) For retail uses, no more than one (1) drive-through service window with no more than two (2) service lanes shall be permitted per individual use.

(2) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2) is only permitted if allowed in the underlying zoning district. Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

Section 10.907. Development Standards

(1) Minimum setback

(a) The minimum building setbacks along public and private streets shall be determined as follows:

1. New development across a local (public or private) street from, or abutting on the same side of a local street as, existing single family zoning (R-3, R-4, R-5, R-6, and R-8), shall have a minimum setback of (30) feet. This minimum setback shall apply only if the single family parcels front onto the same local street as the development parcel. This setback shall supersede the adopted streetscape plan.

2. Minimum setbacks for all other parcels shall be determined by a City Council adopted streetscape plan. If there is not an adopted streetscape plan, or when a streetscape plan does not specify a setback, the minimum setback for all uses shall be

twenty-four (24) feet on major thoroughfares and sixteen (16) feet on all other streets. If on-street parking is provided, the minimum setback from back of curb may be reduced by the width of the on-street parking.

(b) The minimum setback shall be measured from the back of all existing or future curb lines, whichever is greater. If the existing right-of-way is greater than the minimum setback from the back of existing or future curb lines, the right-of-way line shall become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined jointly by the Charlotte Department of Transportation (CDOT) Director, or his designee, and the Planning Director, or his designee.

(c) If new construction incorporates an existing structure located within the required setback, the CDOT Director or his designee, and the Planning Director or his designee, may allow the setback for the addition to be reduced to the established setback. In no event shall the setback of any portion of the new structure be less than ten (10) feet from the back of the curb line.

(d) For the purposes of this section, the minimum setback applies to all street frontages, not just to the street toward which the structure is oriented.

(e) All above ground, at ground, and below ground utility structures associated with underground electric, natural gas, telecommunications or cable television distribution lines, pipes, or conduits shall be located behind the minimum setback, except as allowed by any City right-of-way ordinances. This includes air vents, vaults, and backflow preventers.

(f) No new doors shall be permitted to swing into the minimum setback, except for emergency exit doors.

(g) One story screened or open air porches and stoops may encroach into the setback up to 8', but shall be behind the required sidewalk. Architectural features such as eaves, steps and cornices may encroach up to an additional 3' into the setback. Fences and walls may also be located in the setback, behind the required sidewalk, but shall not exceed 36 inches in height above grade. All fences and walls shall be constructed in a durable fashion of brick, stone, other finished masonry materials, wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof.

(h) No canopies or signs are permitted in the minimum setback, except as provided for in Section 10.908 (6) and Section 10.908 (7).

(i) Driveways may cross the setback, but shall be as near as possible to perpendicular to the street, so as to minimize intrusion into area, and for pedestrian safety.

(j) Balconies may project up to 2' in the minimum setback, subject to an approved sidewalk encroachment agreement with CDOT. Balconies shall have a minimum clearance of 10' from grade.

(k) Sidewalk arcades may be located within the sidewalk portion of the minimum setback, at sidewalk level, subject to an approved sidewalk encroachment agreement with CDOT. Sidewalk arcades shall maintain a minimum 10' clear, unobstructed space between arcade supports, and a minimum overhead clearance of 10'. No arcade support shall be located closer than 14' from the back of the existing or future curb line, whichever is greater.

(2) Minimum side and rear yards

None required, except if a side or rear yard is provided, the minimum width shall be five (5) feet, with the following exceptions:

(a) When a lot abuts an existing residential structure or a single family, multi-family, or urban residential zoning district, (excluding TS or TOD zoned property) then a minimum side yard of five (5) feet and/or a minimum rear yard of twenty (20) feet shall be required.

(b) When a lot abuts a rapid transit corridor or a rapid transit corridor that is located within or adjacent to a freight rail corridor, a minimum rear yard setback shall be required, as specified in the approved station area plan. If a station area plan has not been adopted or does not specify a rear yard setback, then the minimum rear yard setback from the centerline of the rapid transit corridor shall be a minimum of 35 feet, or the width of the right-of-way, including the freight rail corridor, whichever is greater.

(3) Maximum height

(a) The maximum building height shall be determined as follows:

1. The base height for all TS districts shall be 40 feet.

2. For new development across a local (public or private) street from existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40' base height shall be measured at the minimum setback line. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the required setback along that street.

3. For new development abutting on the same side of a local (public or private) street as existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40' base height shall be measured at the required yard. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the required yard.

4. For all other parcels, the permitted maximum height shall be determined by the distance from the structure to the boundary line of the nearest single-family residential districts (R-3, R-4, R-5, R-6, and R-8). This distance shall be the shortest measurable distance between the building footprint edges and nearby single-family residential district boundaries. Height increases for portions of the building that are a further distance from single-family residential zoning districts, are allowed at a rate of one additional foot of height for every 10 feet of additional distance the portion of the building is from the edges of nearby single-family zoning districts.

5 The maximum height for the TS district shall be 60 feet, unless located within one mile of Interstate 277, where the maximum height shall be 80 feet.

(b) Height requirements for other permitted structures are set forth in Section 12.108.

(4) Minimum residential density

(a) Residential development, and the residential component of multi-use developments, shall have a minimum density of twelve (12) dwelling units per acre if an adopted station area plan exists and the site is within the ½ mile walk distance of the station. When a station area plan has not been adopted or a site is more than a ½ mile walk from the station, the minimum density shall be ten (10) dwelling units per acre. Densities shall be based on the residential portion of the site.

For large or phased projects, the residential density for each phase shall meet or exceed the minimum density requirements. If phases cannot meet this requirement, but the overall Master Plan meets or exceeds the minimum density requirements, approval may be granted by the Planning Director for phases that meet at least 80% of the minimum residential density requirements, or the applicant may choose to rezone to the optional TS-O zoning district, which allows variations in the TS standards. (See Section 10.912).

(b) The residential component of mixed-use developments shall meet the Floor Area Ratio (FAR) requirements of Section 10.907(5).

(5) Floor Area Ratio

(a) The total minimum floor area ratio of buildings on a development site shall not be less than .50 square feet of floor area to 1 square foot of the development site (.50 FAR) if an adopted transit station area plan exists and the site is within the ½ mile walk distance of the station. If a transit station area plan has not been adopted, or a site is more than a ½ mile walk

from the station development shall have a minimum FAR of .35. The FAR shall apply to the following uses:

1. All non-residential uses [except those excluded in Section 10.907(5)(e)]

2. Non-residential uses of multi-use developments.

3. Residential uses of mixed-use developments.

(b) For large or phased projects, the minimum FAR for each phase shall meet or exceed the minimum FAR requirements. If phases cannot meet this requirement, but the overall Master Plan meets or exceeds the minimum FAR requirements, approval may be granted by the Planning Director for phases that meet at least 80% of the minimum FAR density requirements, or the applicant may choose to rezone to the optional TS-O zoning district, which allows variations in the TS standards. (See Section 10.912)

(c) Plazas, arcades, courtyards, galleries, outdoor open air Eating, Drinking and Entertainment Establishments, rooftop gardens, and widened public sidewalks that enhance pedestrian spaces and amenities can be credited toward meeting the minimum required FAR. If the pedestrian spaces/amenities are available to the public then the square footage shall be credited at 100%; if private, then the square footage shall be credited at 50%. In no instance shall more than 20% of the pedestrian area be credited toward the required FAR.

(d) An FAR credit shall be given for structured parking facilities that devote at least 75% of the linear street level frontage of the building to retail, office, civic, institutional, or residential uses. Similarly, an FAR credit shall be allowed for structured parking facilities that provide such uses above the street level, and/or on any other side of the building. See Section 10.907(6)(l) for credit amounts.

(e) Certain principal uses are exempt from meeting the minimum FAR requirements:

1. Transit stations (bus or rail), parking facilities, and bus shelters.

2. Private parking decks (principal use only) and surface parking facilities.

3. Existing development and expansions of existing development.

4. Freestanding group homes for up to 10 residents.

5. Public and private recreation parks and playgrounds.

6. Utility and related facilities.

7. Electric and gas substations.

(6) Parking standards

(a) New permitted uses within this zoning overlay district shall be required to meet the minimum/maximum number of off-street parking spaces as follows: All square footage is measured as "gross footage".

USE	MINIMUM/MAXIMUM NUMBER OF PARKING SPACES
Residential	Minimum of 1 space per dwelling unit for properties on blocks with single family zoning, no parking minimum for all other properties and a maximum of ~~1.6~~ 2 parking spaces per dwelling unit. Minimum .25 spaces per unit for Multi-Family Elderly or Disabled.
~~Office~~	~~Maximum of one (1) parking space per 300 square feet of office space. Mixed-use developments and multi-use developments of residential and office uses may share parking spaces as per Section 12.203.~~
Hotels and motels	Maximum of 1 space per room plus 1 space per 4 seats of meeting room capacity plus a maximum of 1 parking space per 250 square feet of Eating, Drinking and Entertainment Establishments.
Eating, Drinking and Entertainment Establishments	For all sites within 800' of single family zoning, minimum of one (1) parking space per 150 square feet of Eating, Drinking and Entertainment Establishments space. For all other sites, no minimum. Maximum of one (1) space per 75 square feet.
All Other Non-Residential Uses	~~The maximum number of parking spaces permitted is listed as the minimum amount required in the Table 12.202, per non-residential use.~~ Maximum of 1 space per 250 square feet.

1. The required number of parking spaces for any building within the district, including mixed use buildings, shall be the sum total of the requirements for each use in the building calculated separately.

2. Parking maximums may be exceeded by up to a total of 30% of the maximum, under the following circumstances, if one or more of the following is provided:

   a. If structured or underground parking is provided on site,

parking maximums may be exceeded by 25%

b. If a shared parking agreement is executed, the parking maximum may be exceeded by 20%.

c. If all parking spaces are located behind the building and are not visible from the public right-of-way, parking maximums may be exceeded by 10%.

d. If driveways and access points are shared by at least two adjacent properties, parking maximums may be exceeded by 10%

e. If a provision is made for combining or interconnecting adjacent parking lots and pedestrian access points, parking maximums may be exceeded by 10%.

3. A 25% parking reduction in the minimum number of parking spaces required is allowed if the principal use is located within 800 feet of a parking facility available to the general public. or within 800 feet of public transit park-and-ride facilities with an approved joint use agreement. This section in combination with Section 12.202(2) allows for no more than a 25% parking reduction of the minimum requirements.

(b) The provisions for parking standards shall conform to the general requirements of Chapter 12, Part 2, OFF STREET PARKING AND LOADING, except as provided for in this section.

(c) No surface parking or maneuvering space shall be permitted within any required or established setback, and no surface parking or maneuvering space is allowed between the permitted use and the required setback, except that:

1. Driveways providing access to the parking area may be installed. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible to minimize intrusion into the landscaped area, and for pedestrian safety;

2. Driveways providing access to structured parking facilities are permitted between the rail corridor setback and the building. However, the length of the driveway shall not exceed 50% of the length of the property line along the rail corridor.

(d) In the event that the City or State removes any on-street parking that was allowed to count toward the minimum requirement, the existing use shall not be required to make up the difference and shall not be made non-conforming with respect to parking.

On-street parking shall be provided for properties on blocks with single family zoning except where prohibited by CDOT or NCDOT. On-street parking may be used to meet minimum residential parking requirements but shall not be counted in calculating maximum parking spaces, if located on the same side(s) of the street and abutting the use.

~~(e) All recessed on-street parking shall comply with Charlotte's Urban Street Design Guidelines.~~

(fe) The vehicular parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of Engineering and Property Management (for commercial and planned multi-family projects, change of use permits) or Neighborhood Development (for all other residential projects, and change of use permits).

(gf) Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required screening or landscaped areas. Parking and driveways ~~that is~~ that are located to the side of the primary structure shall not cover more than 35% of the total lot width.

(hg) Shared parking shall be permitted and encouraged pursuant to the regulations of Section 12.203.

(ih) Bicycle parking facilities shall be required as per Chapter 12, Part 2.

(ji) All surface parking shall conform to the internal planting requirements for parking areas in the *Charlotte Tree Ordinance.*

(kj) All parking areas for more than 10 motorized vehicles (except for parking areas for detached duplex, triplex or quadraplex dwellings on a single lot) shall provide screening which consists of either a 5-foot wide planting strip consisting of evergreen shrubbery according to the provisions of Section 12.303(2), or a 2 ½ -foot minimum to a 3 foot maximum masonry wall that shall be 40%-50% open and finished, or an alternative as approved by the Planning Director. However, a wall cannot be substituted for the planting strip along any public street or transitway unless supplemented by landscaping in a minimum 3-foot wide planting strip.

If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance.

The 5' planting strip or the wall may be eliminated if abutting parking lots are combined or interconnected with motor vehicular and pedestrian access.

Shrubs and walls may be reduced in height to 30 inches when located within sight triangles as required by the Charlotte Department of Transportation

(CDOT). In no instance shall a chain link fence or a barbed wire fence be permitted.

(~~k~~k) Any new or expanded structured parking facility shall meet the following requirements:

1. At least fifty (50%) of the linear street level frontage of the facility shall be devoted to retail, office, civic, institutional, or residential uses. If 75% or more of the linear street frontage is devoted to such uses, then the total square footage of the uses shall be credited at 200% toward the required FAR minimums.

2. If retail, office, civic, institutional, or residential uses are constructed on the side or rear of the building, or above the ground floor on the street frontage of the building, then the total square footage of these uses shall be credited at 200% toward the required FAR minimums.

3. Underground parking structures are permitted. Subsurface parking located in the minimum setback shall be permitted, with an 8' clearance from the top of the subsurface structure to the sidewalk, subject to an approved encroachment agreement with CDOT. No ventilation shall be allowed in the setback.

4. A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces. A minimum 7-foot clearance shall be maintained throughout the remainder of the parking structure to ensure the safe movement of vans and emergency vehicles.

5. Structured parking decks and underground parking decks providing required parking for residential dwelling units, in the TS zoning district, shall meet the following requirements:

   (a) Residential developments, including mixed-use or multi-use developments with a residential component, shall provide security for residents by controlling vehicular and pedestrian access to structured or underground parking areas designated for residential parking.

   (b) Controlled gate locations are subject to the approval of CDOT.

(~~m~~l) Parking lots (temporary surface lots), over one (1) acre, shall meet the following requirements:

1. An operator of a temporary parking lot shall apply for a permit from Engineering and Property Management. A permit shall not be issued until the Planning Director, or his or her designee has been consulted and supports approval. The permit shall

authorize a temporary parking lot for a period of ten (10) years from the date the permit is issued.

2. Temporary, surface parking lots shall not be permitted when the lot adjoins a residentially used parcel of land, not zoned TS, TOD-R, TOD-E, TOD-M, unless the parking lot will be located on a major thoroughfare.

3. The use shall not require the construction of a permanent building.

4. Any signage, which identifies the use, shall be in accordance with Section 10.908 (7).

5. Parking and maneuvering shall observe the minimum setbacks determined in each adopted station area plan for particular streets, and be located outside the site distance triangle. If an adopted station area plan does not specify a setback, or if there is not an adopted station area plan, the minimum setback shall be 20 feet.

6. The operator is responsible for the removal of any vestiges upon cessation of the temporary parking lot, including signage.

(~~nn~~m) Front-loaded garages, parking pads and driveways for individual residential units shall not be permitted along public or private streets, except for corner lots and lots at least fifty (50) feet in width. Driveways located along public or private streets shall not be allowed to cross the front setback to access individual residential garages. Corner lots may have driveway access to a public street from the side yard. Shared driveways and alleys accessing multiple (two or more) individual garages are permitted if the garages are to the rear of the structure. Front-loaded garages may be approved by the Planning Director if site shape, environmental and/or topographic challenges exist that present significant site constraints.

(7) Loading standards

(a) Non-residential buildings and structures, excluding parking structures, subject to the provisions of this Part shall provide a minimum number of off-street service/delivery loading spaces. These spaces shall be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These parking spaces shall 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 loading spaces shall be a minimum of 10 feet by 25 feet and be provided in accordance with the following:

Non-residential uses with gross floor area:

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

Existing buildings are exempt from these loading standards.

(b) No loading spaces shall be permitted within any required or established setback, nor between the permitted use and the required setback, except that driveways providing access to the loading area may be installed across these areas.

(c) Loading and service areas shall not be located across from single family or abutting single family on the same side of the street.

(8) Screening standards.

(a) All service entrances, utility structures associated with a building, ~~and~~ loading docks and/or spaces, and outdoor storage of materials, stock and equipment shall be screened from the abutting property and from view from a public or private street or from a transit-way. Such screening shall consist of a 5-foot wide planting strip, consisting of evergreen shrubbery sufficient to visually screen these uses, or an alternative as approved by the Planning Director. An optional wall or fence may be used in lieu of the 5-foot planting strip. Walls may be reduced in height to 30 inches within sight triangles as required by the Charlotte Department of Transportation (CDOT).

1. Any fences or walls used for screening shall be constructed in a durable fashion of brick, stone, other finished masonry materials, wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof as may be approved by the Zoning Administrator. The finished side of the fence shall face the abutting property. In no instance shall a fence or wall used for screening be located within a setback, nor shall a chain link or barbed wire fence be permitted.

2. The composition of the screening material and its placement on the lot shall be left up to the discretion of the property owner, as long as the intent of this Ordinance is met. However, a wall cannot be substituted for the planting strip along any public street or transitway unless supplemented by landscaping in a minimum 3-foot wide planting strip.

3. Shrubs used for screening shall be evergreen, at least 2 to 2 ½ feet tall with a minimum spread of 2 feet when planted and no further apart than 5 feet. Shrubs shall be adequately maintained so that an average height of 5 to 6 feet can be expected as normal growth within 4 years of planting. The average expected height may be reduced to 4 feet for

screening along public streets. Shrubs and trees shall be on the approved plant list in "Approved Plant Species" matrix in the Charlotte Land Development Standards Manual. Walls may be reduced in height to 30 inches within sight triangles as required by the Charlotte Department of Transportation (CDOT).

4. The minimum height for walls and fences abutting a residential district shall be 6' or whatever is sufficient to screen the use. The minimum height for screening shall be whatever shall be sufficient to visually separate the uses, but not less than 4'.

(b) Dumpsters, recycling containers, compactors, large above-ground utility structures and solid waste handling areas are not permitted in any setback or yard and shall be screened from adjacent property and from public view with a minimum 6-foot high solid and finished masonry wall, with a closeable gate that shall be 40% - 50% open for safety and security purposes. In no instance shall a chain link fence or a barbed wire fence be permitted. Dumpsters are not permitted in any required setback or yard space.

(c) Surface parking lots shall be screened in accordance with Section 10.907(6)(l).

(9) Buffer Standards

(a) All uses, other than single family detached units, shall provide landscaping along all property lines abutting residentially zoned property (single-family, multi-family and urban residential zoning districts) located adjacent to the Transit Supportive overlay zoning district. This requirement also applies in situations where an alley with a right-of-way width of 25' or less, separates uses in the TS district from residential property in other zoning districts other than the TOD and TS districts. Landscaping shall be provided along all property lines abutting the alley. However, multi-family developments zoned TS are exempt from this landscaping requirement when they abut other multi-family uses or undeveloped multi-family zoning districts.

(b) Such landscaping shall consist of a 10' wide planting strip. The planting strip shall consist of a combination of evergreen trees and evergreen shrubs. Plant materials shall be provided at a minimum of 6 trees and 20 shrubs per 100 linear feet in accordance with Section 12.302(9)(b), (c), (d) and (e). The 10' planting strip may be reduced to 8' and the shrubs need not be planted if a masonry wall with a height of between 6' to 8' in a side yard or between 8' to 10' in a rear yard is installed. No more than 25% of the wall surface shall be left open. Shrubs and walls may be reduced in height to 30 inches within sight triangles as required by the Charlotte Department of Transportation (CDOT). This landscaping area may be interrupted with a gate/pedestrian access way or a driveway to an adjacent alley.

In no instance shall a chain link or barbed wire fence be permitted.

(10) Outdoor lighting standards (freestanding) on private property.

(a) All outdoor lighting fixtures for parking lots, and pedestrian activity areas shall be classified as full cut-off, cutoff or semi-cutoff. In addition, any building light fixtures used to illuminate parking and pedestrian areas, and service areas shall be classified as full cutoff, cutoff or semi-cutoff.

(b) No outdoor lighting fixture or building light fixtures shall cause glare on public travel lanes or on adjacent residentially used or zoned property. All fixtures shall be screened in such a way that the light source shall not cast light directly on public travel lanes or on adjacent residentially used or zoned property.

(c) The lighting of signs shall be in accordance with standards of Chapter 13.

(11) Connectivity and Circulation.

Transit oriented development uses shall be integrated with the surrounding community, easily accessible, and have a good internal circulation system for a variety of travel modes.

(a) A pedestrian sidewalk system shall meet the following standards:

(1) Internal sidewalk connections are required between buildings and from buildings to all on site facilities (parking areas, bicycle facilities, urban open space, etc.) in addition to the sidewalk requirements of Section 10.908(8)(e). All internal sidewalks shall be hard-surfaced and at least 6' in width.

(2) External sidewalk connections are required to provide direct connections from all buildings on site to the existing and/or required sidewalk system, and to adjacent multi-use trails, parks, and greenways. The connection shall be no longer than 120% of the straight-line distance from all buildings to the existing or proposed sidewalk, or no more than 20' longer than the straight-line distance, whichever is less. Sidewalks shall be hard-surfaced and at least six (6) feet in width. The sidewalk width can be reduced to 4' in width, if the internal sidewalk serves less than four (4) dwelling units.

The Planning Director shall have the authority to modify this requirement when unusual circumstances exist, such as topographical problems or compliance with ADA standards.

(3) The on-site pedestrian circulation system shall be lighted to a level where employees, residents, and customers can safely use the system at night. The lighting system shall be shielded with full cut off fixtures.

(b) Bicycle parking and storage facilities shall be provided in accordance with Chapter 12, Part 2 of this Ordinance.

(12) Urban open spaces.

(a) All new development on lots of greater than 20,000 square feet must provide urban open space. Such open space shall be either private open space and/or public open space.

(b) Private open space is defined as an area that is:

1. Accessible and visible to residents, tenants, and/or users of the development.
2. Improved with seating, plantings, and/or other amenities.
3. Located on the ground floor or first level of the development, or on a roof or terrace level, in an interior courtyard area of the development, or a combination of these locations.
4. Out of doors, or in the open air (may be under a roof or canopy).

(c) Public urban open space is defined as an area that is:

1. Accessible and open to the public.
2. Improved with seating, plantings, and/or other amenities.
3. Visible and accessible from the street or public pedestrian areas.
4. Located on the ground floor or no more than five feet above or five feet below ground level.
5. Out of doors, or in the open air (may be under a roof or canopy).

(d) All required open space shall be located behind the sidewalk and on private property.

(e) Open space requirements are based on the type of use, the lot size, and the gross square footage of building floor area, in accordance with the following schedule:

Use	Private open space	Public open space
Residential use	1 sq. ft./100 sq. ft. gross floor area *or* 1 sq. ft./200 sq. ft. lot area, whichever is greater.	None required.
Non-residential use	None required.	1 sq. ft./ 100 sq. ft. gross floor area *or* 1 sq. ft./200 sq. ft. lot area, whichever is greater.

(f) For developments on lots in excess of ten acres (435,600 square feet), at least fifty percent (50%) of the required open space must be centrally located on the site in a common area.

(g) Floor Area Ratio credits are allowed for all new developments as per Section 9.1208(5)(c) when the pedestrian space is available for use by the public, including widened sidewalk areas.

Section 10.908. Urban design standards.

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

(1) Street Walls.

(a) All retail and office buildings fronting directly on a public or private street or fronting on a public multi-use path along a transit line and identified in an area plan shall be designed so that the first floor façade of the building(s) along all streets and pathways includes clear glass windows and doors to increase pedestrian interest. These openings shall be arranged so that the uses are visible from and to the street and/or pathway on at least 50% of the length of the first floor street level frontage.

(b) For all other uses, buildings shall be designed so that the first floor street facade along all streets includes the use of clear glass windows and doors arranged to that the uses are visible from and/or accessible to the street on at least 25% of the length of the first floor street frontage. When this approach is not feasible, a combination of design elements shall be used on the building facade to animate and enliven the streetscape. These design elements may include but are not limited to the following: ornamentation; molding; string courses; changes in material or color; architectural lighting; works of art; fountains and pools; street furniture; stoops, landscaping and garden areas; and display areas.

(c) The first floor facade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale interest and activity.

(d) Expanses of blank wall shall not exceed 20 continuous feet in length. A blank wall is a facade that does not add to the character of the streetscape and does not contain clear glass windows or doors or sufficient ornamentation, decoration or articulation.

(e) No reflective surfaces shall be permitted on street level exterior facades.

(f) Ventilation grates or emergency exit doors located on the first floor street facade(s) shall be decorative and part of the overall building design.

(g) For buildings across from single family zoning or abutting single family zoning on the same side of the street, the roof line shall vary every 30 feet is required. This can be accomplished by vertical offsets in ridge lines, gables, exaggerated cornices, dormers, roof top patios, material changes and/or other architectural features such as trellises, portals or porches.

(h) For buildings across from single family zoning or abutting single family zoning on the same side of the street porches, if provided, shall be at least 6 feet in depth A porch is defined as a covered platform, usually having a separate roof, at an entrance to a building.

(i) For buildings across from single family zoning or abutting single family zoning on the same side of the street, entrances that face the street for ground floor units shall be provided. No more than four ground floor units shall be allowed to utilize the same entrance.

(j) For buildings across from single family zoning or abutting single family zoning on the same side of the street, façade variations shall be provided that visually separate individual units. This can be accomplished through measures such as window arrangement and size variation, unit entrance design, roof variation, material changes, and/or offset wall planes.

(k) The ground floor of parking structures that are across the street from single family zoning or that abut single family zoning on the same side of the street, shall be wrapped with active uses such as residential, office and retail uses.

(l) The first floor of any new building on a street identified as a retail street or site identified for ground floor retail by a Council adopted plan must have at least 50% of the linear street frontage developed to accommodate non-residential uses but may be occupied with residential uses.

(2) Base of High Rise Buildings. (Buildings exceeding five (5) stories.)

(a) The first three (3) floors above street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as cornices, corbelling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting and other sculpturing of the base as are appropriate shall be provided to add special interest to the base.

(b) In the design of the building facade, attention shall 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, shall 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.

(c) Special attention shall be given to the design of windows in the base. Band windows are prohibited. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged.

(3) Top of Buildings.

(a) All rooftop mechanical equipment on buildings ~~over 60' in height~~ shall be screened from public view from below by integrating the equipment into the building and roof design to the maximum extent feasible, by the use of parapet walls or similar architectural treatments. ~~Buildings under 60' in height shall screen all rooftop mechanical equipment from public view from above or below (based on the type of mechanical equipment utilized) by integrating it into the building and roof design to the maximum extent feasible.~~

(4) Building Entrances and Orientation.

(a) At least one or more operable pedestrian entrances shall be provided in each of the following circumstances:

(1) When a lot abuts a public or private street, at least one entrance shall be provided on each building façade fronting a street. Single family and townhouse units are only required to have an entrance on one building façade fronting a street.

(2) When a lot abuts an existing or proposed public open space system, multi-use trail, or greenway, entrance(s) shall be provided on the building façade closest to public open space, multi-use trail, or greenway.

(3) When an adopted station area plan depicts a required sidewalk not specified in the subsections above, an entrance(s) shall be provided on the building façade closest to the required sidewalk. Distances shall be measured in a straight line from the closest point of the property line to the closest point of the right-of-way, public open space, transit station, or light rail transit station platform.

(b) Such entrances shall be distinguishable from the rest of the building to provide a sense of entry and to add variety to the streetscape. No doors shall be permitted to swing into the minimum setback, except for emergency exit doors.

(c) On corner lots, buildings may provide one main entrance oriented to the corner or facing either of the streets.

(d) To provide a level of comfort and security for residents on the first floor of residential buildings on major thoroughfares, the first floor should be visually and physically separated from the sidewalk. Examples include increasing the

setback, installing additional landscaping, raising or lowering the first floor or other methods.

(5) Structured Parking Facilities.

Structured parking facilities shall be designed to encourage and complement pedestrian-scale interest and activity, and shall be designed so that motorized vehicles parked on all levels of the facility inside are screened from the street or transit way, or abutting residentially zoned and/or used property. Decorative elements such as grillwork or louvers shall be utilized to accomplish this objective.

Openings at the street level are limited to vehicular entrances, pedestrian access to the structure, and ventilation openings. All openings shall be decorative and shall be an integral part of the overall building design.

(6) Canopies.

Canopies, awnings, cornices, and similar architectural-accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such feature may extend from the building up to one-half of the width of the setback area in front of the building, or 9' whichever is less, and may not be closer than 2' to the back of the curb line. In no instance shall such features extend over, or interfere with the growth or maintenance of any required tree plantings. Minimum overhead clearance shall be 8'. Ground supports for these features are not permitted in the minimum setback, sidewalk, or in the public right-of-way. If a canopy awning, cornice, or other appurtenance extends into the public right-of-way, an encroachment agreement from CDOT or the State shall be required.

(7) Signs, Banners, Flags and Pennants.

Where signs, banners, flags and pennants for identification or decoration are provided, they shall conform to the requirements of Chapter 13, except for the following:

(a) Wall signs shall meet the specifications of Section 13.108a, with the exception that signs located on any building wall shall have a maximum sign surface area not to exceed 5% of building wall area to which the sign(s) is attached, up to a maximum of 100 total square feet. In lieu of a ground mounted or monument sign, the area of wall signs may be increased to a maximum size of 120 total square feet.

(b) Signs are permitted to project up to 6' feet into the minimum setback as measured from the building. Under no circumstance shall a sign project more than 4' feet from the back of the curb line. A minimum overhead clearance of 8' from the sidewalk shall be maintained.

(c) Marquee and message signs are permitted. Marquee signs shall meet the requirements of Section 13.108(a)(4).

(d) Ground mounted or monument signs are allowed as follows:

1. Signs shall not exceed 5 feet in height and 20 square feet in area.

2. Signs shall be located behind the right-of-way and out of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).

3. Signs shall be located behind the minimum setback.

(e) No free-standing-pole signs shall be permitted.

(f) No outdoor advertising signs shall be permitted.

(8) Streetscape Standards

(a) A continuous perimeter-planting strip or amenity zone (excluding driveways) shall be required whenever property abuts a curb. The width of the planting strip or amenity zone shall be determined by the approved station plan. Because stations will have different characters and unique conditions, planting strips and amenity zones within each station area may vary. When a station area plan does not specify a planting strip width or amenity zone an 8' wide planting strip shall be constructed

If the adopted station area plan does not adequately define the curb line, then the curb line shall be determined by jointly by the Charlotte Department of Transportation (CDOT) Director, or his designee, and the Planning Director, or his designee.

(b) Curb lines shall be located adjacent to the perimeter planting strip, unless specified otherwise in an adopted station area plan. If the right-of-way varies along the street frontage, the planting strip shall be aligned along the widest right-of-way section.

(c) Trees shall be planted in the continuous perimeter planting strip, as per the standards found in the *Charlotte Tree Ordinance* and in the *Charlotte-Mecklenburg Land Development Standards Manual*. Tree pits or trees in grates, with irrigation and sub-drainage are optional, in lieu of a planting strip, as per the requirements of Section 21-14(c)(3)(a)(2) of the *Charlotte Tree Ordinance*. In instances where a 12' perimeter planting strip is required, the trees shall be centered no more than 4' from the edge of the sidewalk.

(d) *Charlotte Tree Ordinance* regulations for tree protection and replacement shall be applicable within this overlay district.

(e) Sidewalks shall be located and constructed as specified in an adopted station area plan. This may include sidewalks along transit corridor right-of-ways. If sidewalk widths are not specified, or if a station area plan has not been adopted, then the sidewalk shall be 8' in width. Typically, sidewalks along street right-of-ways should abut the perimeter planting strip, and be located on the side closest to the building to encourage pedestrian activity. Sidewalks shall meet the standards for concrete sidewalks in accordance with the Charlotte-Mecklenburg Land Development Standards Manual.

Sidewalk easements shall be required if the sidewalk is not located within the public right-of-way.

(f) The Planning Director, with the affirmative recommendation of the City Arborist/Senior Urban Forester shall have the authority to modify the requirements of Section 10.908(8), including the modification of the planting strip, sidewalk location, and width in order to preserve existing buildings and trees and to provide flexibility for a hard surface next to the curb line, where appropriate for on-street parking (e.g. handicap parking areas, loading zones

(g) An amenity zone is required in lieu of a planting strip along ground-floor, non-residential uses, unless on-street parking is not permitted by CDOT or NCDOT.

(9) Valet parking service standards for new construction and site reconfigurations.

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

(a) The valet parking service can be located in the following areas:

1. For valet parking services that utilize the public right-of-way, the service may be located at the face of the existing curb of a street or thoroughfare as long as the existing curb line is not modified to provide an inset for the valet parking service or to reduce the width of the required sidewalk or planting strip.

2. On private property the valet parking service area shall be located to the side or rear of the structure or building, but shall not be located between the building and the street.

(b) The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.

(c) The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.

(d) For valet parking services that are located on a public street or thoroughfare, or where the right-of-way is utilized by the service, a valet parking permit shall be obtained from the Charlotte Department of Transportation (CDOT). See the Charlotte Municipal Code, Article XII. "Valet Parking", Sections 19.321 through 19.325 for permit information and criteria.

Section 10.909. Exceptions.

All new development in this district shall be subject to the development and urban design standards of Sections 10.907 and 10.908 with the following exceptions:

(1) Change of Use Non-Residential to Non-Residential With No Expansion

(a) All the requirements of Chapter 10, Part 9 shall apply with the exception of the development standards of Section 10.907(1), (2), (3), (4), (5), (7), (9), and (11) urban design standards of Section 10.908(1) through (4), and other standards as stated below.

(ab) If the change of use in an existing building does not require and does not add more than five (5) additional parking spaces based on the minimum/maximum number of parking spaces required in Section 10.907(6)(a), then the requirement to provide the additional parking spaces is waived. Parking in excess of the maximum may remain.

(~~b~~c) If more than five additional parking spaces are added, the new parking area shall meet the parking standards, internal planting requirements, and parking lot screening of Section 10.907(6)(b) through (l).

~~(~~ed) If sidewalks and a perimeter planting strip with trees are non-existent along street frontages, the streetscape ~~requirements of Section 10.908(8) shall be required.~~ standards shall be met, based on the Council adopted streetscape plan, or an approved alternative. The approved alternative will be based on an affirmative recommendation of the Planning Director, or designee, with confirmation from of the City Arborist or Senior Urban Forester and the CDOT director, for the streets in question.

~~(d) The sign, banner, flags and pennant requirements of Section 10.908(7) shall apply.~~

~~(e) The connectivity and circulation requirements of Section 10.907(11) shall apply.~~

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

(a) All the requirements of Chapter 10, Part 9 shall apply with the exception of the development standards of Section 10.907(1), (2), (3), (4), (5), and (7), urban design standards of Section 10.908(1) through (4), and other standards as stated below, and except as modified below.

(b) If the change of use in an existing building does not require and does not add more than five (5) additional parking spaces based on the minimum/maximum number of parking spaces required in Section 10.907(6)(a), then the requirement to provide the additional parking spaces is waived. Parking in excess of the maximum may remain.

(c) If more than five additional parking spaces are added, the new parking area shall meet the parking standards, internal planting requirements, and parking lot screening of Section 10.907(6)(b) through (l).

(~~b~~d) Any non-conforming parking located in the required setback shall be eliminated and replaced with landscaping, patios, and/or related amenities.

(e) If sidewalks and a perimeter planting strip with trees are non-existent along street frontages, the streetscape standards shall be met, based on the Council adopted streetscape plan, or an approved alternative. The approved alternative will be based on an affirmative recommendation of the Planning Director, or designee, with confirmation from the City Arborist or Senior Urban Forester and the CDOT director, for the streets in question.

(3) Expansions of Existing Uses.

(a) Building expansions (for both conforming and non-conforming uses) are permitted up to 10% (total) of the gross floor area in existence at the effective date the property was reclassified to TS. Expansions shall be subject to the following:

1. The building expansion shall meet the minimum setback, yard and height requirements of Section 10.907(1), (2), and (3).

2. The parking standards of Section 10.907(6)(a) shall be met. If there are parking spaces in excess of the maximum permitted, they may remain. The creation of new parking spaces in excess of the maximum is not permitted.

3. No exterior improvements shall make the building non-conforming in any way, or add to its non-conformity.

(b) Building expansions (for both conforming and non-conforming uses) are permitted for between 10% to 20% (total) of the gross floor area in existence at the effective date of the reclassification of the property. Expansions shall be subject to the following:

1. The building expansion shall meet the minimum setback, yard, and height requirements of Section 10.907(1), (2), and (3).

2. The urban design standards of Section 10.908 (1) through (4) shall apply to the new facade.

3. The expansion shall be located between the existing building and the street, but shall not encroach into the required setback. If the expansion cannot be made without encroachment into the required setback, then the portion of the expansion that would encroach into the setback can be located elsewhere on the site.

   A waiver of the location of the building expansion may be granted by the Planning Director if the expansion meets the intent of the TS district and the following conditions are both met:

   a. Any non-conforming parking located between the building and the setback shall be eliminated. Any such elimination shall not require additional parking even if the site is rendered non-conforming with regard to parking, and

   b. There will be an addition of Eating, Drinking and Entertainment Establishments, patios, plazas, courtyards, open space, pedestrian seating areas, or other pedestrian oriented amenities on the site.

4. The streetscape requirements of Section 10.908(8) shall be met.

5. The connectivity and circulation requirements of Section 10.907 (11) shall apply.

6. The sign, banner, flags and pennant requirements of Section 10.908(7) shall apply for any new signs.

(c) Building expansions over 20%, are permitted for conforming uses only, and shall be subject to the development and urban design standards of Section 10.907 and 10.908.

(d) Nonconforming uses of land (such as outdoor storage areas or junk yards) shall not enlarge, intensify, increase, or extend the use to occupy any additional lot area than was occupied at the effective date the property was reclassified to TS. Nor shall the use be moved in whole, or in part, to any

other portion of the lot or parcel occupied by such use at the effective date the property was reclassified.

(e) Conforming uses of land associated with outdoor sales or outdoor storage areas may expand onto abutting properties.

(4) Creation or expansion of outdoor seating

(a) Additional parking spaces shall not be required unless such outdoor seating requires more than 5 additional spaces based on the TS minimum/maximum parking standards of Section 10.907(6)(a).

(b) If additional parking area is provided, the new parking area shall meet the parking standards, internal planting requirements, and parking lot screening of Section 10.907(6)(b) through (l).

(c) If outdoor seating is located within an existing right-of-way or public sidewalk, an encroachment agreement shall be approved by CDOT.

(5) Major facade improvements to existing buildings (including buildings with non-conforming uses).

New exterior improvements (beyond paint and general maintenance such as roof or window repair or replacement) whose value exceeds 25% of the current listed tax value of the entire property shall be allowed for both conforming and non-conforming uses, subject to the following:

(a) The setback, yard and height requirements of Section 10.907(1) (2), and (3) shall be met.

(b) The urban design standards of Section 10.908(1) through (4) shall apply to the new facade improvements.

(c) The streetscape requirements of Section 10.908(8) shall be required if sidewalks and a perimeter planting strip with trees are non-existent along street frontages.

(d) No exterior improvements shall make the building nonconforming, or more non-conforming in any manner.

(e) Any existing, non-conforming parking shall be eliminated from the required setback. Such elimination shall not require any additional parking even if the site is rendered non-conforming, with respect to parking.

(f) The connectivity and circulation requirements of Section 10.907(11) shall apply.

(6) Additional parking for existing development

(a) The additional parking spaces shall not exceed the maximum number of spaces permitted under Section 10.907(6)(a).

(b) The additional parking area shall meet the parking standards of Section 10.907(6)(b) through (l), plus structured parking facilities shall meet the urban design requirements of Section 10.908(5).

(c) The additional parking area shall meet the outdoor lighting standards of Section 10.907(10).

(d) If there is any non-conforming parking located in the required setback, it shall be eliminated and replaced with landscaping, patios, and/or related amenities. Any such elimination shall not require additional parking even if the site is rendered non-conforming with regard to parking.

(e) If an existing buffer or screening area is removed for more than five (5) additional parking spaces, then a perimeter planting strip, landscaping and sidewalk shall be provided, as per Section 10.908(8), if they are non-existent.

Section 10.910 Administrative Approval.

To offer some degree of flexibility the Planning Director has the authority to administratively alter any of the development and urban design standards by 5% in this overlay district. If administrative approval is for parking, or an item normally subject to approval by CDOT, the Planning Director, shall only grant this approval after a determination by the CDOT Director in conjunction with the Planning Director. On matters that do not involve quantitative measurements, the Planning Director may also make minor alterations he/she determines that such changes would be an innovative design approach to development and/or would be in keeping with the general intent of the TS zoning district.

Any approval shall meet the following criteria:

(1) Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the TS zoning district; and

(2) Provides urban open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the TS zoning district or;

(3) Difficulty implementing TS standards due to site constraints such as lot configuration, lot size, lot width, mature trees, topography, number of streets or other physical considerations.

Section 10.911. Board of Adjustment.

The Zoning Board of Adjustment shall have the following powers and duties to be carried out in accordance with these regulations:

(1) The Board shall have jurisdiction to hear and decide appeals from, and to review any specific order, requirement, decision, interpretation, or determination made by the Zoning Administrator about the development and urban design standards of Section 10.907 and 10.908.

(2) The Board of Adjustment shall have no jurisdiction to grant variances from the development and urban design standards of Sections 10.1012 and 10.1013.

A deviation from a development or urban design standard, however, can be obtained as a result of administrative approval pursuant to Section 10.910 or as a result of a City Council approved rezoning to TS-Optional.

Section 10.904. Rezoning to a Transit Supportive Overlay District (TS).

As per Section 6.103(1), any amendment for the reclassification of property to a TS zoning district may be initiated by the City Council, on its own motion, by any owner with a legal interest in the property, by anyone authorized in writing to act on the owner's behalf, or by any non-owner in accordance with the procedures set forth in Chapter 6. However, the property must be located within 1 mile of a rapid transit station that is included in a project for which the Federal Transit Administration (FTA) has issued a Record of Decision or be located within the boundaries of a Council adopted transit station area plan.

Section 10.912. Transit Supportive Overlay District (Optional)

(1) Purpose. The Transit Supportive (TS) overlay district establishes minimum standards for development. However, circumstances may arise which those regulations do not address or did not foresee, or due to the specific requirements of the regulations and their application to a specific proposal create an undesirable or unintended outcome. Therefore, this section establishes an alternative process by which the City Council may evaluate and approve development, which does not meet the minimum standards of TS.

(2) Application. Petitions for a zoning map amendment to establish a TS-O shall be submitted to the Charlotte-Mecklenburg Planning Department. In order to expedite the rezoning process, TS-O applications shall not count toward the maximum number of cases that the City hears each month.

A TS -O classification shall be considered only upon application of the owner of the subject property or his duly authorized agent. Applications shall be accompanied by a schematic plan, which includes pedestrian and bicycle circulation elements, and by any supporting text that becomes a part of the amending ordinance.

3) Approval. The establishment of the TS-O shall be in accordance with the

procedures of Chapter 6, Part 2: Conditional Zoning Districts. The City Council shall also consider the extent to which the basic standards of TS are proposed to be modified, the impacts of those modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications. In no instance shall parking be permitted in the front setback.

(4) Alterations. Changes to approved plans and conditions of development shall be treated the same as changes to the Zoning Map and shall be processed in accordance with the procedures of Section 10.904.

Section 10.~~913~~. Preliminary review.

Applicants planning any development or redevelopment in a TS area are required to meet with the Charlotte-Mecklenburg Planning staff, Engineering and Property Management Department, and Charlotte Department of Transportation at two points in the design process: (1) during the conceptual design process in order that the staff may offer input into urban design objectives and (2) during the design development stage to ensure that the plans meet the desired objectives and the minimum standards for the district.

Building permits shall not be issued until the Planning Department staff approves the proposal as in conformance with this ordinance.

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

Approved as to form:

City Attorney

November 21, 2016
Ordinance Book 60, Page 443

Ordinance No. 8177

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st[th] day of November, 2016, the reference having been made in Minute Book 141 and recorded in full in Ordinance Book 60, Page(s) 413-443.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 21st day of November, 2016.

CITY OF CHARLOTTE MECKLENBURG LS * 1775 * NORTH CAROLINA

Stephanie C. Kelly, City Clerk, MMC, NCCMC