

Rezoning Petition Packet

Petitions:
2019-086 through 2019-104

Petitions that were submitted in July 2019

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2019-086

Petition #: _____
Date Filed: 5/20/2019
Received By: Rf

Complete All Fields (Use additional pages if needed)

Property Owner: JOHNSTON ROAD STORAGE OWNER, LLC
Owner's Address: 128 SOUTH TRYON, 21st FLOOR City, State, Zip: CHARLOTTE, NC 28202
Date Property Acquired: 10/5/2018
Property Address: 10609 Johnston Road, Charlotte, NC 28226
Tax Parcel Number(s): 20924304
Current Land Use: Self storage (Under construction) Size (Acres): 172 Acres
Existing Zoning: MUDD-D Proposed Zoning: MUDD-D SRA
Overlay: _____ Tree Survey Provided: Yes: _____ N/A: N/A
Required Rezoning Pre-Application Meeting* with: Solomon Fortune
Date of meeting: 5/16/2019

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? Yes/No: No Number of years (maximum of 5): _____
Purpose/description of Conditional Zoning Plan: to allow signage above the third floor

Stephen F. Overcash
Name of Rezoning Agent
2010 South Tryon St, Ste 1A
Agent's Address
Charlotte, NC 28203
City, State, Zip
704.926.3369 704.332.0117
Telephone Number Fax Number
SOVERCASH@ODA.US.COM
E-Mail Address

[Signature]
Signature of Property Owner
JW MCADAMS II
(Name Typed / Printed)

JW MCADAMS II
Name of Petitioner(s)
116 South Tryon, Suite 2100
Address of Petitioner(s)
Charlotte, NC 28209
City, State, Zip
704 390 5580
Telephone Number Fax Number
Wmccadams@abacuscapitalusa.com
E-Mail Address

[Signature]
Signature of Petitioner
JW MCADAMS II
(Name Typed / Printed)



MINOR MODIFICATION TO
APPROVED REZONING
PETITION #2016-094

PETITION NO.
2019-xxx
FOR PUBLIC
HEARING

[illegible]

ILLUSTRATIVE PLAN & NOTES

RZ-1

04	SITE DATA
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scale: NTS

- ## 02 | NOTES

scale: NTS

01 SITE PLAN - EXISTING

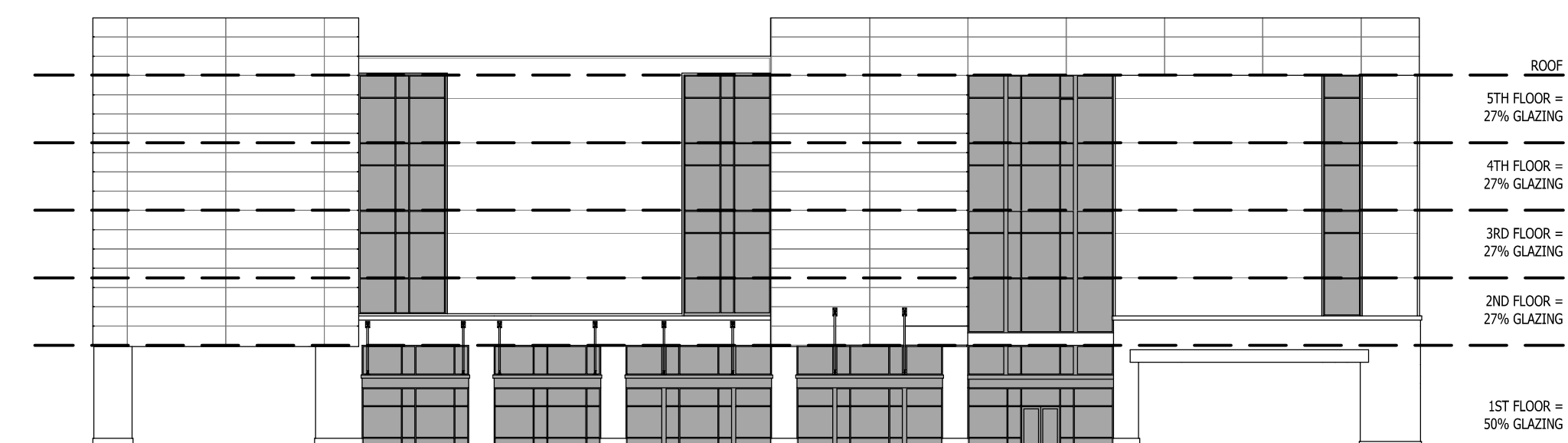
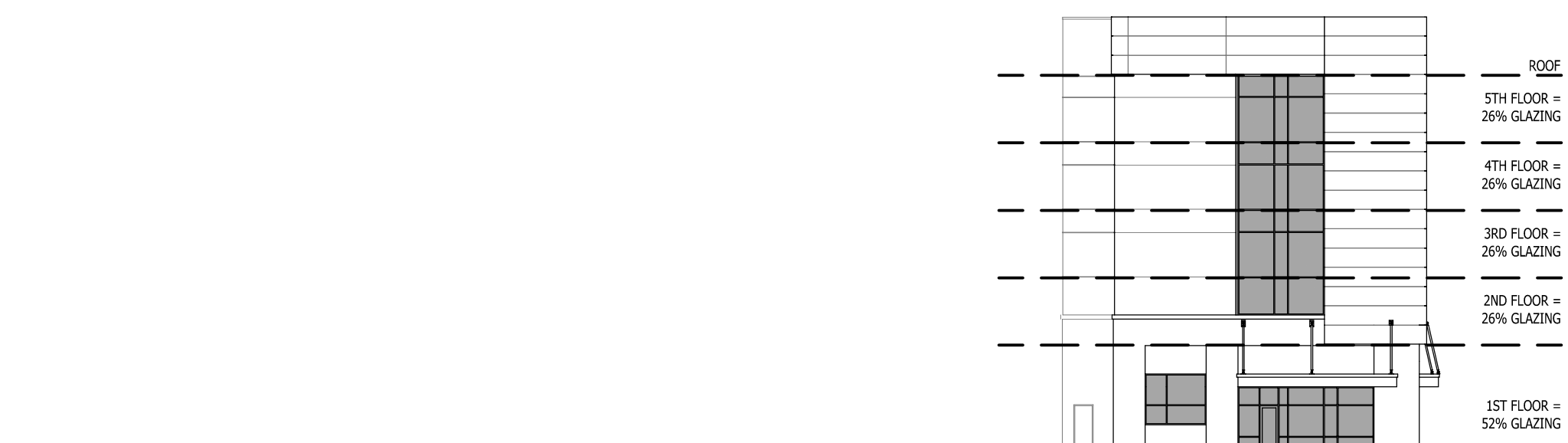


scale: $1/20'' = 1'-0''$



WALSH BOULEVARD GLAZING AREA		
FLOOR	LENGTH OF ENTIRE FACADE	TOTAL GLAZING LENGTH
1ST	58'-0"	30'-0" (52%)
2ND	58'-0"	15'-0" (26%)
3RD	58'-0"	15'-0" (26%)
4TH	58'-0"	15'-0" (26%)
5TH	58'-0"	15'-0" (26%)

JOHNSTON ROAD GLAZING AREA		
FLOOR	LENGTH OF ENTIRE FACADE	TOTAL GLAZING LENGTH
1ST	210'-0"	105'-0" (50%)
2ND	210'-0"	57'-0" (27%)
3RD	210'-0"	57'-0" (27%)
4TH	210'-0"	57'-0" (27%)
5TH	210'-0"	57'-0" (27%)



01	STREET FRONTAGE GLAZING AREA (CALCULATED BY FLOOR) - EXISTING	scale: NTS
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ODa
overcash demmitt

2010 south tryon st. suite 1a
charlotte north carolina 28203
office.704.332.1615
web.www.odarch.com

MINOR MODIFICATION TO
APPROVED REZONING
PETITION #2016-094

PETITION NO.
2019-xxx
FOR PUBLIC
HEARING

[illegible]

PROPOSED EXTERIOR ELEVATIONS AND RENDERINGS

RZ-2

Copyright 2015 Overcash Demmitt Architects
ODA No. 163066 3066-RZ-1.dwg

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #:

Date Filed:

Received By:

2019-087

5/20/2019

81

Complete All Fields (Use additional pages if needed)

Property Owner: The Mulvaney Group, Ltd

Owner's Address: PO Box 836

City, State, Zip: Lancaster SC 29721

Date Property Acquired: 1/16/2001

Property Address: XXX Harrisburg Rd at Starnes Randall Rd intersection

Tax Parcel Number(s): a portion of 10821105 - see enclosed

Current Land Use: Vacant Land

Size (Acres): ~~13.8~~ 14.25

Existing Zoning: NS

Proposed Zoning: R-8

Overlay: _____ (Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: East District Customer Service Group

Date of meeting: 11/21/18

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team member is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): _____

Purpose/description of Conditional Zoning Plan: _____

Judson Stringfellow

Name of Rezoning Agent

3515 Dovewood Dr

Agent's Address

Charlotte NC 28226

City, State, Zip

704-361-7777

Telephone Number

Fax Number

judsonstringfellow@gmail.com

E-Mail Address



Signature of Property Owner

Michael Mulvaney

(Name Typed / Printed)

JDSI, LLC

Name of Petitioner(s)

3515 Dovewood Dr

Address of Petitioner(s)

Charlotte NC 28226

City, State, Zip

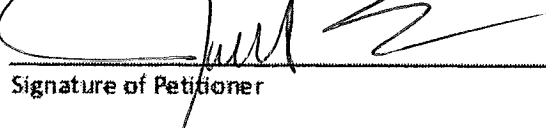
704-361-7777

Telephone Number

Fax Number

judsonstringfellow@gmail.com

E-Mail Address



Signature of Petitioner

Judson Stringfellow

(Name Typed / Printed)

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2019-088

Petition #:	_____
Date Filed:	5/20/2019
Received By:	BH

Complete All Fields (Use additional pages if needed)

Property Owner: Carol & Rodney Purser

Owner's Address: 8215 Hood Rd City, State, Zip: Charlotte NC 28215

Date Property Acquired: 1979

Property Address: 8215 & 8301 Hood Rd

Tax Parcel Number(s): 10812101 & 10812119

Current Land Use: Vacant Land & Single Family Home Size (Acres): 40.73

Existing Zoning: R-3 Proposed Zoning: R-8

Overlay: _____ (Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: East District Customer Service Group

Date of meeting: 05/09/19

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team member is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): _____

Purpose/description of Conditional Zoning Plan: _____

Judson Stringfellow, JDSI, LLC
Name of Rezoning Agent
3515 Dovewood D
Agent's Address
Charlotte NC 28226
City, State, Zip
704-361-7777
Telephone Number
Fax Number
judsonstringfellow@gmail.com
E-Mail Address

Carol F Purser Rodney L Purser
Signature of Property Owners
Carol F Purser, Rodney L. Purser
(Name Typed / Printed)

JDSI, LLC
Name of Petitioner(s)
3515 Dovewood Dr
Address of Petitioner(s)
Charlotte NC 28226
City, State, Zip
704-361-7777
Telephone Number
Fax Number
judsonstringfellow@gmail.com
E-Mail Address

Judson Stringfellow
Signature of Petitioner
Judson Stringfellow
(Name Typed / Printed)

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: 2019-089
Date Filed: 5/31/2019
Received By: RH

Complete All Fields (Use additional pages if needed)

Property Owner: Royal Panthera LLC

Owner's Address: 604 Yarboro Street City, State, Zip: Mullins, SC

Date Property Acquired: December 9, 2016

Property Address: 3111 Grand Lake Drive

Tax Parcel Number(s): 06125112 (portion of)

Current Land Use: Vacant land Size (Acres): 16.7 ac.

Existing Zoning: R-17MF Proposed Zoning: B2 (CD)

Overlay: None Airport Noise Overlay Tree Survey Provided: Yes: N/A:

Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham, Jason Prescott, Alberto Gonzalez, Grant Meacci, Eric Lemieux, Richard Hobbs, Stephen Overcash, Erica Kennedy

Date of meeting: April 23, 2019

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): No

Purpose/description of Conditional Zoning Plan: To construct a hospitality village of hotels and restaurants.


Caren Wingate
Name of Rezoning Agent

1201 S Graham Street
Agent's Address

Charlotte, NC 28203
City, State, Zip

704-641-2154
Telephone Number Fax Number

cwingate@wingadgroup.com
E-Mail Address


Signature of Property Owner

Alpa Parmar
(Name Typed / Printed)


Alpa Parmar
Name of Petitioner(s)

604 Yarboro Street
Address of Petitioner(s)

Mullins, SC 29574
City, State, Zip

843-997-5973
Telephone Number Fax Number

agparth@aol.com
E-Mail Address


Signature of Petitioner

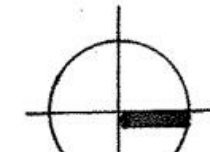
Alpa Parmar
(Name Typed / Printed)

Proposed Use: Hotels, Restaurants and any Uses permitted in B-2

2. Petitioner agrees to provide a 6' wide sidewalk along all proposed Public or Private Streets. Streetscape improvements are allowed to be phased and implemented as future buildings are developed.

0-1 (CD)

R-17 MF



A horizontal number line with tick marks at 0, 50, 100, and 200. A shaded region is marked between 50 and 100.

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**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2019-090
Petition #: _____
Date Filed: 6/4/2019
Received By: Bf

Complete All Fields (Use additional pages if needed)

Property Owners: Katherine F. Donahue & Issac St. Claire Freeman

Owner's Address: 135 W. Strother St. City, State, Zip: Marion, VA 24354

Date Property Acquired: December 30, 1974 and August 17, 1979

Property Address: 27.17 acres at 8329 Old Dowd Road and 7.43 acres on Old Dowd Road, Charlotte, NC

Tax Parcel Number(s): 11312255 and 11312256

Current Land Use: Single Family/Vacant Size (Acres): Approx. 34.6 acres

Existing Zoning: R-3 and R-MH Proposed Zoning: I-2 (CD)

Overlay: N/A Tree Survey Provided: Yes: N/A:

Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham; Alberto Gonzalez; Carlos Alzate

Date of meeting: April 16, 2019

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? Yes. Number of years (maximum of 5 5 years requested)

Purpose/description of Conditional Zoning Plan: Contractor Offices and accessory storage, along with specific other uses and accessory uses allowed by right or under prescribed conditions in I-2 zoning.

Johnston, Allison & Hord

By: R. Susanne Todd
Name of Rezoning Agent

1065 East Morehead Street
Agent's Address

Charlotte, NC 28204
City, State, Zip

704-998-2306 704-323-4506
Telephone Number Fax Number

stodd@jahlaw.com
E-Mail Address

Culp Road Materials, LLC (Kojo Sapon)
Name of Petitioner(s)

1211 Culp Road
Address of Petitioner(s)

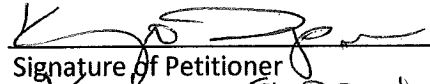
Pineville, NC 28234
City, State, Zip

704.426-0255
Telephone Number Fax Number

kojo119@yahoo.com
E-Mail Address

[SIGNATURES ON NEXT PAGE]

CULP ROAD MATERIALS, LLC


Signature of Petitioner

KATHERINE F. DONAHUE
(Name Typed / Printed)

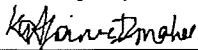
Signature of Property Owner

Katherine F. Donahue
(Name Typed / Printed)

Signature of Property Owner

Issac St. Claire Freeman
(Name Typed / Printed)

DocuSigned by:

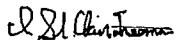


Signature of Property Owner

Katherine F. Donahue

(Name Typed / Printed)

DocuSigned by:



Signature of Property Owner

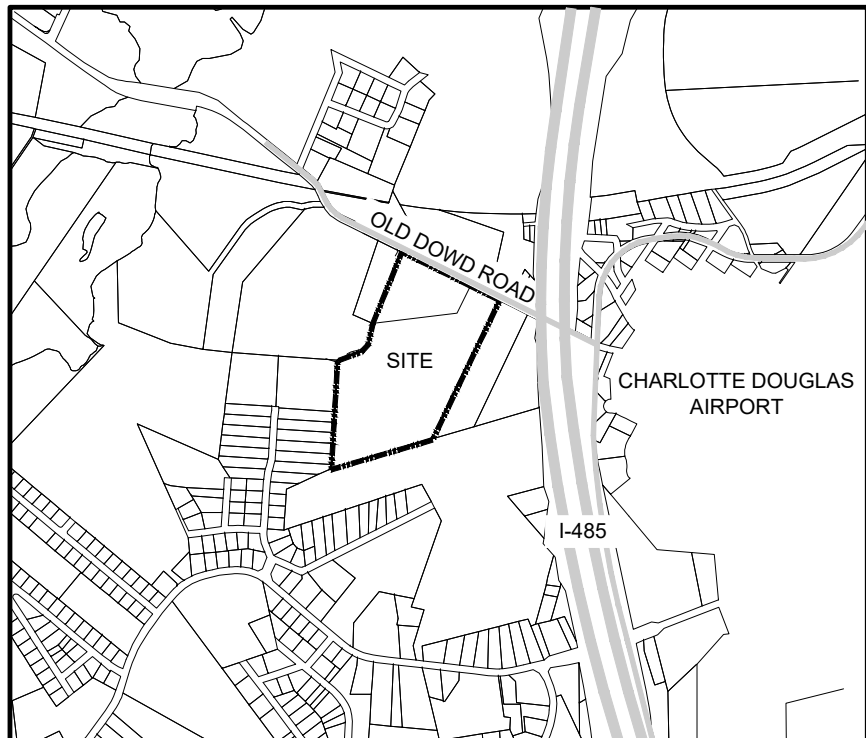
Issac St. Claire Freeman

(Name Typed / Printed)

CULP ROAD MATERIALS, LLC

Signature of Petitioner

(Name Typed / Printed)



VICINITY MAP NTS

DEVELOPMENT SUMMARY

PID #: 11312255, 11312256

TOTAL PROJECT SIZE: 434.6 ACRES

EXISTING ZONING: R-3, R-MH

PROPOSED ZONING: I-2(CD)

EXISTING USE: SINGLE FAMILY, VACANT

PROPOSED USE: CONTRACTOR OFFICES & ACCESSORY STORAGE

MAXIMUM BUILDING HEIGHT: AS ALLOWED BY ORDINANCE

TREE SAVE AREA REQUIRED: 5.19 AC

BUILDING SETBACKS:

FRONT SETBACK - 30 FEET

SIDE YARD - 0 FEET AGAINST I-1, I-2,
- 30 FEET AGAINST R-MH
- 20 FEET AGAINST R-3

REAR YARD - 30 FEET AGAINST R-MH

BUFFERS:
CLASS A BUFFER (100') REQUIRED ADJACENT TO SINGLE FAMILY ZONING OR USE
TREES REQUIRED - 12 PER 100LF
SHRUBS REQUIRED - 60 PER 100LF

1. GENERAL PROVISIONS

- a. THESE DEVELOPMENT NOTES FORM A PART OF THE CONDITIONAL PLAN ASSOCIATED WITH THE REZONING APPLICATION FILED BY CULP ROAD MATERIALS, LLC ("PETITIONER" OR "OWNER") TO ACCOMMODATE THE DEVELOPMENT OF APPROXIMATELY 34.6 ACRES LOCATED OFF OF OLD DOWD ROAD IN CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA (THE "SITE").
- b. THESE DEVELOPMENT NOTES, THE SITE PLAN, PETITIONER'S REZONING APPLICATION AND ANY ADDITIONS OR REVISIONS THEREOF ARE COLLECTIVELY REFERRED TO AS THE "REZONING PETITION" OR "CONDITIONAL PLAN." DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE CONDITIONAL PLAN AS WELL AS APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE ("ORDINANCE").
- c. DEVELOPMENT OF THE SITE IS PROPOSED WITHIN TWO (2) PARCELS THAT ARE TO BE CONSOLIDATED. THEREFORE, ANY YARD, BUFFER, BUILDING HEIGHT, SEPARATION REQUIREMENTS AND ANY OTHER REGULATIONS RELATED TO PARCEL BOUNDARIES SHALL NOT BE REQUIRED INTERNALLY.
- d. ALTERATIONS TO THE CONDITIONAL PLAN ARE SUBJECT TO SECTION 6.207 ALTERATIONS TO APPROVAL OF THE ORDINANCE.

2. PERMITTED USES

- a. THE SITE MAY BE DEVELOPED FOR USE AS CONTRACTOR OFFICES AND ACCESSORY STORAGE, INCLUDING OUTDOOR STORAGE OF CONSTRUCTION EQUIPMENT, AND SUCH ACCESSORY USES AND STRUCTURES INCIDENTAL AND RELATED THERETO, AS WELL AS ANY OTHER USES PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE I-2 ZONING DISTRICT, TOGETHER WITH THOSE ACCESSORY USES AND STRUCTURES PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS ON THE SITE WITH THE EXCEPTION OF THOSE USES EXPRESSLY PROHIBITED HEREIN.
- b. PROHIBITED USES FOR THE SITE ARE AS FOLLOWS: AGRICULTURAL INDUSTRIES, ADULT ESTABLISHMENTS; FOUNDRIES, JUNK YARDS, LUMBER MILLS, MEDICAL WASTE DISPOSAL FACILITIES, PETROLEUM STORAGE FACILITIES WITH STORAGE CAPACITY OF OVER 200,000 GALLONS, SANITARY LANDFILLS, SOLID WASTE TRANSFER STATIONS, WASTE INCINERATORS, WASTE WATER TREATMENT PLANTS (NEW PRIVATELY OWNED OR OPERATED FOR DOMESTIC WASTE REQUIRING NPDES PERMIT), PETROLEUM CONTAMINATED SOILS, TREATMENT OR DISPOSAL.
- c. SITE IS LOCATED WITHIN THE LOWER LAKE WYLIE CRITICAL AREA. BUILT UPON AREA NOT TO EXCEED FIFTY PERCENT (50%) OF THE SITE.

3. TRANSPORTATION

- a. DRIVEWAYS:
(1) THE SITE SHALL HAVE PRIMARY VEHICULAR ACCESS ALONG OLD DOWD ROAD VIA ACCESS POINTS IN LOCATIONS AS GENERALLY DEPICTED ON THE SITE PLAN. EXACT LOCATION OF ACCESS TO AND FROM THE SITE WILL BE DETERMINED AFTER ORIENTATION OF THE PROPOSED BUILDINGS AND STRUCTURES IN RELATION TO THE ADJACENT RIGHT OF WAY IS ESTABLISHED.
- (2) ANY PROPOSED DRIVEWAY CONNECTIONS TO OLD DOWD ROAD WILL REQUIRE DRIVEWAY PERMITS TO BE SUBMITTED TO CDOT FOR REVIEW AND APPROVAL. THE EXACT DRIVEWAY LOCATIONS AND TYPEWIDTH OF THE DRIVEWAYS WILL BE DETERMINED BY NCDOT AND CDOT DURING THE DRIVEWAY PERMIT PROCESS.
- (3) PARKING AREAS ARE ALLOWED ANYWHERE WITHIN THE DEVELOPMENT ENVELOPE AS GENERALLY DEPICTED ON THE SITE PLAN.

4. STREETScape AND LANDSCAPING:

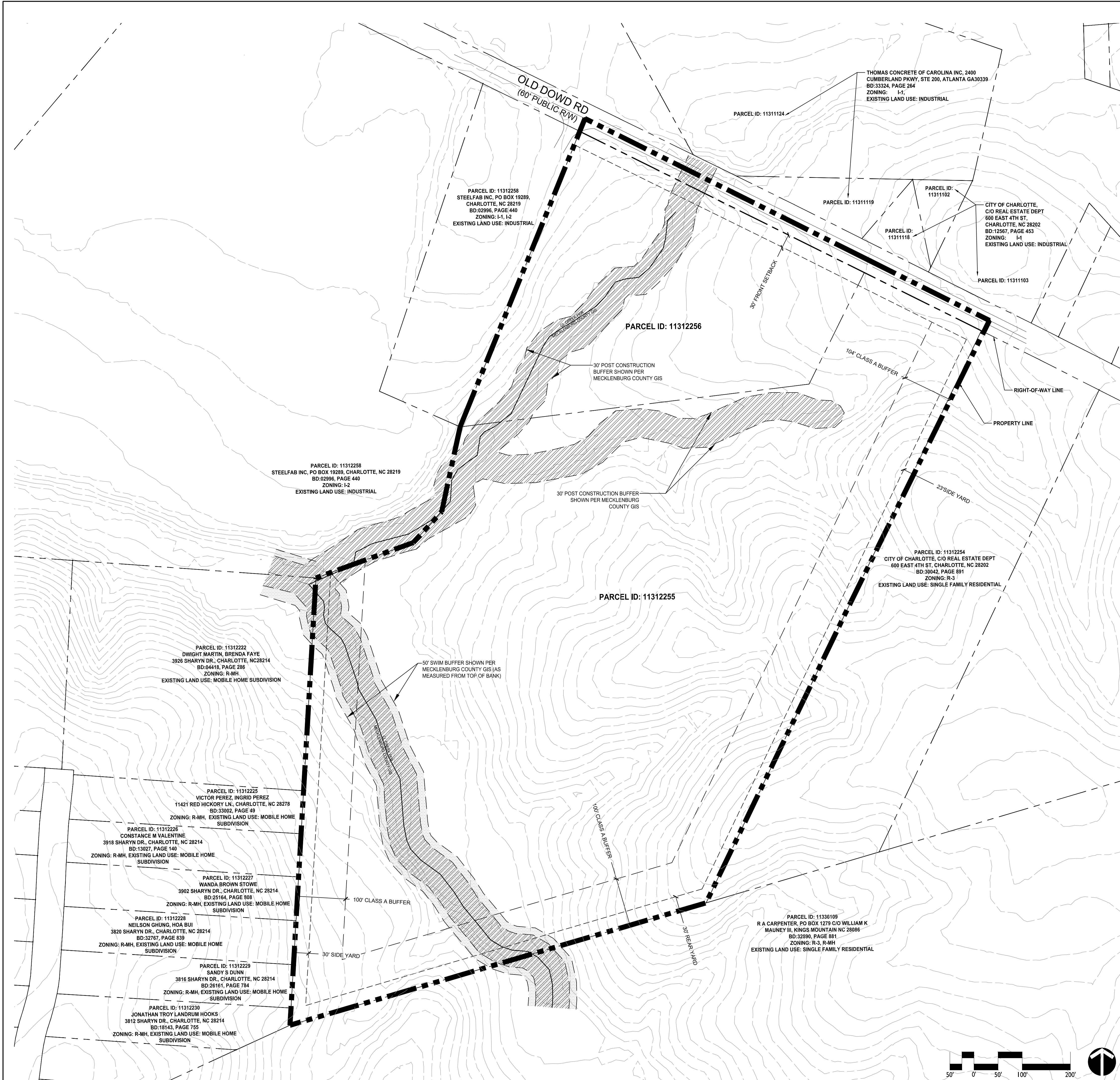
- a. PETITIONER SHALL ESTABLISH A 100 FOOT WIDE CLASS A BUFFER ALONG THE SIDE AND REAR OF THE SITE AS GENERALLY DEPICTED ON THE SITE PLAN AND AS REQUIRED TO SEPARATE ADJUTING RESIDENTIALLY ZONED OR USED PROPERTY. ALTERNATIVELY, PETITIONER, PURSUANT TO SECTION 12.304 OF THE ORDINANCE, RESERVES THE RIGHT TO PROVIDE AN ALTERNATIVE BUFFER AND SCREENING SUBJECT TO ZONING ADMINISTRATOR'S APPROVAL.
- b. SHOULD THE LAND USE RELATIONSHIP BETWEEN THE SITE AND ADJUTING PROPERTIES CHANGE SUCH THAT A LESSER BUFFER WOULD BE REQUIRED, PETITIONER RESERVES THE RIGHT TO REDUCE OR ELIMINATE THE AFOREMENTIONED BUFFERS IN ACCORDANCE WITH ORDINANCE REQUIREMENTS AND THE LIMITS OF THE DEVELOPMENT ENVELOPE MAY BE EXPANDED TO INCLUDE THE FORMER BUFFER AREA(S).
- c. PETITIONER SHALL SCREEN OUTDOOR STORAGE FROM VIEW ALONG OLD DOWD ROAD.
- d. WHERE APPLICABLE, PETITIONER RESERVES THE RIGHT TO USE EXISTING VEGETATION TO MEET ANY BUFFER AND SCREENING REQUIREMENTS.
- e. THE SITE WILL COMPLY WITH THE TREE ORDINANCE.

5. ENVIRONMENTAL FEATURES:

- a. DEVELOPMENT WITHIN THE POST-CONSTRUCTION STORMWATER ORDINANCE STREAM BUFFER SHALL BE SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORMWATER SERVICES AND MITIGATED IF REQUIRED BY CITY ORDINANCE

6. BINDING EFFECT OF THE REZONING PETITION:

IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT CONDITIONS AND THE CONDITIONAL PLAN, WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND OWNER, INCLUDING ANY SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.



KEY MAP

SEAL

NOT FOR
CONSTRUCTION

PROJECT

OLD DOWD ROAD
INDUSTRIAL

8329, OLD DOWD ROAD,
CHARLOTTE, NC 28214

REZONING PETITION
NO. 2019 - XXX

LANDDESIGN PROJ.# 1019269

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING SUBMITTAL	06/11/19

DESIGNED BY:
DRAWN BY: NYG
CHECKED BY: LDI

SCALE NORTH

VERT:
HORZ:

SHEET TITLE

TECHNICAL DATA SHEET &
DEVELOPMENT NOTES

SHEET NUMBER

RZ-1.0

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: 2019-091
Date Filed: 6/5/2019
Received By: RH

Complete All Fields (Use additional pages if needed)

Property Owner: RAMON ADAMES / RAMON RONSON
Owner's Address: 1833 and 1827 Mclean Rd City, State, Zip: Charlotte, NC 28213
Date Property Acquired: 4/13/2018 9/26/2018
Property Address: See above
Tax Parcel Number(s): 05129259 05129258
Current Land Use: Residential Size (Acres): ± 2.6
Existing Zoning: R-3 Proposed Zoning: R-6
Overlay: _____ Tree Survey Provided: Yes: _____ N/A: _____
Required Rezoning Pre-Application Meeting* with: Sonya Sanders
Date of meeting: May 9, 19

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): _____

Purpose/description of Conditional Zoning Plan: _____

RAMON ADAMES
Name of Rezoning Agent
1833 Mclean Rd
Agent's Address
Charlotte, NC 28213
City, State, Zip
980-337-7410
Telephone Number Fax Number
archadames@yahoo.com
E-Mail Address
see attachment
Signature of Property Owner

(Name Typed / Printed)

RAMON ADAMES
Name of Petitioner(s)
1833 Mclean Rd
Address of Petitioner(s)
Charlotte NC 28213
City, State, Zip
980-337-7410
Telephone Number Fax Number
archadames@yahoo.com
E-Mail Address
[Signature]
Signature of Petitioner
RAMON E. ADAMES
(Name Typed / Printed)

Attachment A

Rezoning Petition Joinder Agreement

Ramon Adames

The undersigned, as the owner of the parcel of land that is designated as Tax Parcel #: **051-292-59** in Mecklenburg County, North Carolina and which is subject of the attached Rezoning Application, hereby joins in this Rezoning Application as more particularly depicted on the related Rezoning Site Plan and to subsequent changes to the rezoning plan as part of this Rezoning Application.

Ramon Adames

Signature: _____



Name (Printed): _____

RAMON E. ADAMES

Date: _____

June 5th 2019

Attachment A
Rezoning Petition Joinder Agreement

Ramon Rondon

The undersigned, as the owner of the parcel of land that is designated as Tax Parcel #: **051-292-58** in Mecklenburg County, North Carolina and which is subject of the attached Rezoning Application, hereby joins in this Rezoning Application as more particularly depicted on the related Rezoning Site Plan and to subsequent changes to the rezoning plan as part of this Rezoning Application.

Ramon Rondon

Signature: Ramon Rondon

Name (Printed): RAMON RONDON

Date: 6/5/2019

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: 2019-092
Date Filed: 6/7/2019
Received By: RH

Complete All Fields (Use additional pages if needed)

Property Owner: LKN Holdings, LLC

Owner's Address: 8119 Townley Road City, State, Zip: Huntersville, NC 28078

Date Property Acquired: 2017

Property Address: 712, 718, and 722 N. Smith Street

Tax Parcel Number(s): 07823101, 07823102, 07823103, 07823112

Current Land Use: Industrial Size (Acres): 0.98 ac

Existing Zoning: I-1 Proposed Zoning: UMUD-Optional

Overlay: None Tree Survey Provided: Yes: N/A: None

Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham, Rick Grochoske, Grant Meacci
Date of meeting: May 8, 2019

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? **No.** Number of years (maximum of 5):

Purpose/description of Conditional Zoning Plan: Proposed development of a mixed-use multifamily/commercial building, containing structured parking, up to 320 units and up to 5,000sf of commercial office space.

Matt Langston
Name of Rezoning Agent

7621 Little Avenue, Suite 111
Agent's Address

Charlotte, NC 28226
City, State, Zip

704-841-1604 x 701 704-841-1604
Telephone Number Fax Number

m-langston@landworkspa.com
E-Mail Address


Signature of Property Owner

Jeremy Yaekel
(Name Typed / Printed)

Carolina Development Group NC, LLC
Name of Petitioner(s)

10100 Park Cedar Drive, Suite 166
Address of Petitioner(s)

Charlotte, NC 28210
City, State, Zip

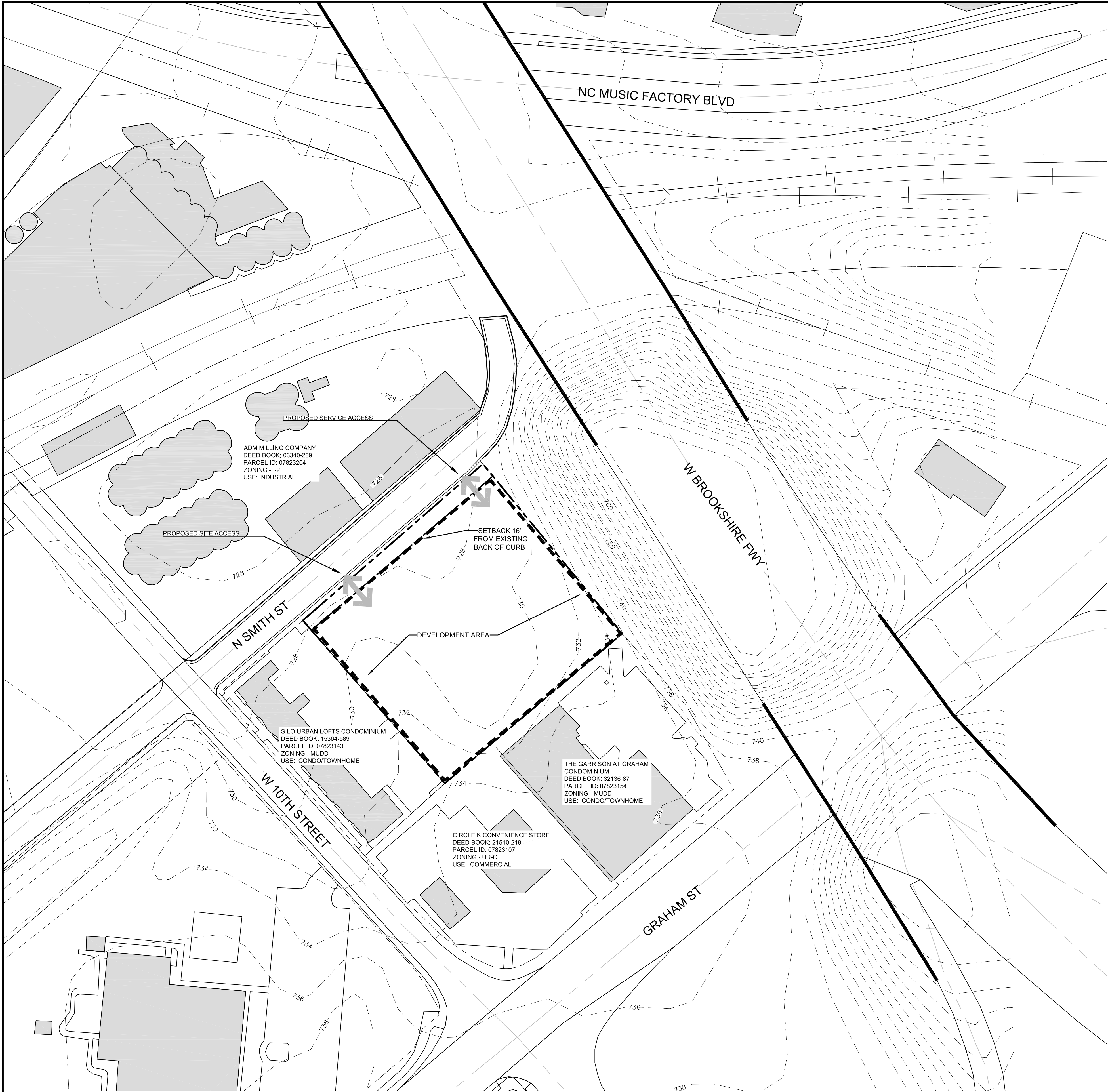
704-543-7474 704-540-8488
Telephone Number Fax Number

russ@sinacoribuilders.com
E-Mail Address


Signature of Petitioner

Russ Sinacori
(Name Typed / Printed)

P:\2019 Jobs\19032 - 712 North Smith Street - FMK\CAD\Sketch Planning\19032 Sketch Base.dwg



LEGEND:

ROAD CENTERLINE:	---
EXISTING PAVEMENT:	----
EXISTING BUILDINGS:	- - - -
PROPERTY BOUNDARY:	=====
PROPOSED R/W:	=====
EXISTING LOT LINE:	-----
CONTOUR LINE:	- - - -

DEVELOPMENT DATA:

Site Area:	~1-0.08 acres
Tax Parcels:	07823101, 07823102, 07823103, 07823112
Existing Zoning:	I-1
Proposed Zoning:	UMUD-O
Existing Uses:	Industrial
Proposed Uses:	320 Multi-family units + up to 5,000 SF commercial
Density Proposed:	327 Units/AC
Min. Setback:	16' from BOC,
Min. Side Yard:	0'
Min. Rear Yard:	0'
Maximum Building Height:	Per Ordinance
Parking Required:	1.0 Spaces per unit
Parking Provided:	1.0 Spaces per unit minimum
PCCO:	Per Ordinance

Development Standards

A. General Provisions

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Carolina Development Group, NC LLC to accommodate the development of a high-rise, mixed-use building on that approximately 0.98 acre site located on the south side of North Smith Street, east of West 10th Street, and north of North Graham Street, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Nos. 078-231-01, 078-231-02, 078-231-03, and 078-231-12.
- The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UMUD-Optional zoning district shall govern the development and use of the Site.
- The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprint as well as the internal drives and parking areas depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Ordinance, are subject to minor alterations or modifications during the design, development and construction document phases.
- Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Section 6.207 of the Ordinance.

B. Optional Provisions

- This petition proposes to utilize the Optional provisions within UMUD to change the required streetscape along the project's N. Smith Street frontage to an 8' paved planting strip (with tree grates) and an 8' sidewalk, to be located behind the existing back of curb. Building setback will be located 16' behind existing back of curb on N. Smith Street.

C. Permitted Uses

- The Site may be devoted only to a mixed-use development containing a maximum of 320 multi-family dwelling units (condo or apartment), up to 5,000 SF commercial space, and to any incidental and accessory uses relating thereto that are allowed in the UMUD-O zoning district.

D. Transportation

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.
- Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.

E. Architectural Standards

- The maximum height in stories of the building located on the Site shall be 32 stories (combined-structured parking & residential/commercial) with optional rooftop amenity space atop structured parking.
- The primary exterior building materials for the primary building to be constructed on the Site will be a combination of portions of the following: brick veneer, precast, or similar masonry products, stone, manufactured stone, cementitious siding, metal, or glass. The street-level facade along North Smith Street shall be designed per the zoning ordinance Section 9.906 and referenced sub-sections to include storefront glass, entry vestibules and screening for parking structure.
- Vinyl, EPS or masonry may not be used as an exterior building material on any building to be constructed on the Site. Notwithstanding the foregoing, vinyl may be utilized on windows, doors, soffits, trim and railings.

F. Streetscape and Landscaping

- A minimum 8-foot-wide, paved planting strip with tree grates and a minimum 8-foot-wide sidewalk shall be installed along the Site's Smith street frontage as generally depicted on the Rezoning Plan, located at the back of existing curb.
- The sidewalks described above in paragraph 1 may be located in a sidewalk utility easement.

G. Environmental Features

- In the event that a solid waste enclosure is provided on the Site, the actual location of the solid waste enclosure may be modified during the construction permitting process and it may vary from what is depicted on the Rezoning Plan

H. Parks, Greenways, and Open Space

I. Fire Protection

J. Signage

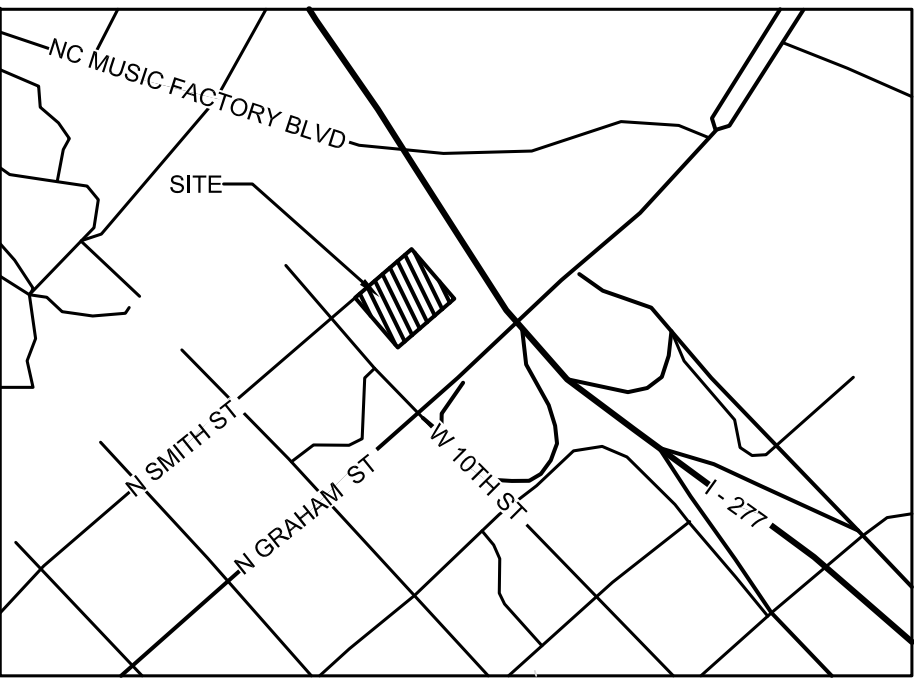
K. Lighting

L. Phasing

M. Other

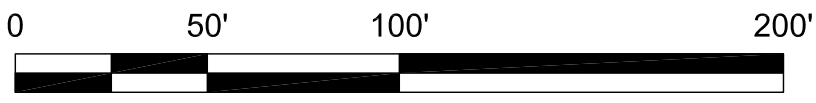
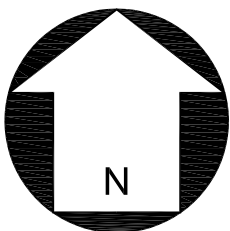
N. Binding Effect of the Rezoning Documents and Definitions

- If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.



VICINITY MAP

This Plan Is A
Preliminary Design.
NOT Released For
Construction.



SCALE: 1"=50'

REVISIONS:

No.	Date	By	Description

CORPORATE CERTIFICATIONS
NC PE : C-2930 NC LA : C-253
SC ENG : NO. 3599 SC LA : NO. 211

Project Manager: MDL

Drawn By: ENL

Checked By: MDL

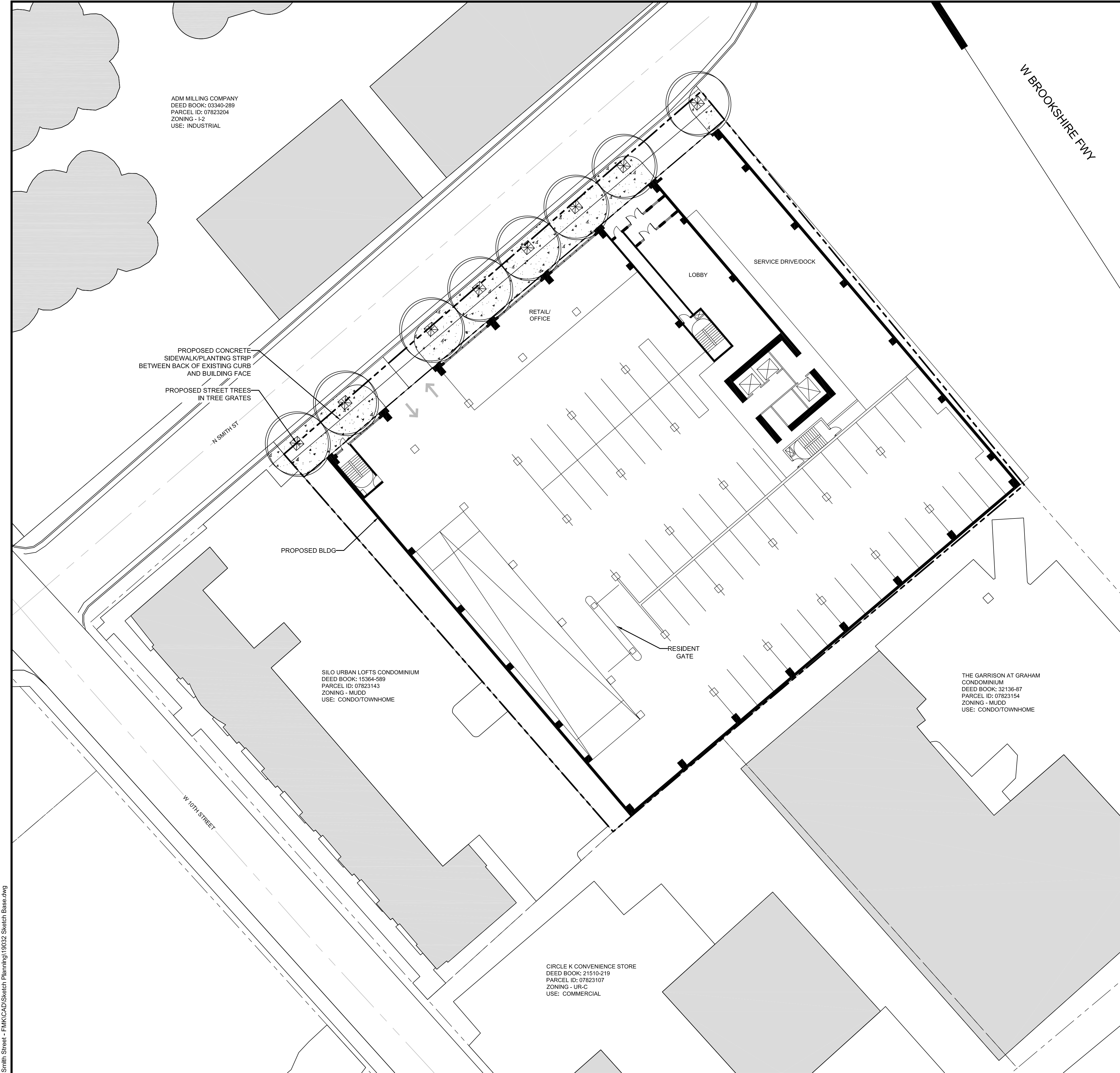
Date: 6/7/19

Project Number: 19032

Sheet Number:

RZ-1

P:\2019 Jobs\19032 - 712 North Smith Street - FMK\CAD\Sketch Planning\19032 Sketch Base.dwg
P:\2019 Jobs\19032 - 712 North Smith Street - FMK\CAD\Sketch Planning\19032 Sketch Base.dwg

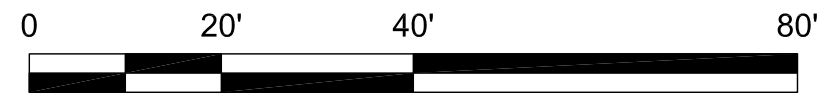
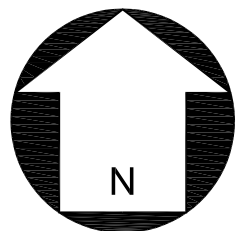


- LEGEND:
- ROAD CENTERLINE: _____
 - EXISTING PAVEMENT: _____
 - EXISTING BUILDINGS: _____
 - PROPERTY BOUNDARY: _____
 - PROPOSED RW: _____
 - EXISTING LOT LINE: _____
 - CONTOUR LINE: _____



SAMPLE MASSING MODEL (NTS)

This Plan Is A
Preliminary Design.
NOT Released For
Construction.



REVISIONS:			
No.	Date	By	Description

712 NORTH SMITH STREET
CAROLINA DEVELOPMENT GROUP, NC LLC
CHARLOTTE, NC
REZONING PETITION #: 2019-XX

REZONING
SITE PLAN

CORPORATE CERTIFICATIONS
NC PE : C-2930 NC LA : C-253
SC ENG : NO. 3599 SC LA : NO. 211

Project Manager: MDL

Drawn By: ENL

Checked By: MDL

Date: 6/7/19

Project Number: 19032

Sheet Number:

RZ-2

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #:	<u>2019-793</u>
Date Filed:	<u>6/11/2019</u>
Received By:	<u>JK</u>

570-807

Complete All Fields (Use additional pages if needed)

Property Owner: 406 W 32ND, LLC

Owner's Address: 406 W. 32nd St City, State, Zip: Charlotte NC 28206

Date Property Acquired: May 10, 2019

Property Address: 406 W. 32nd St., Charlotte NC 28206

Tax Parcel Number(s): 08501417

Current Land Use: Warehouse/Distribution Size (Acres): 2.12

Existing Zoning: I-2 Proposed Zoning: MUDD-O

Overlay: _____ Tree Survey Provided: Yes: / N/A: _____

Required Rezoning Pre-Application Meeting* with: Michael Russell, Kent Main, Charlotte Lomb
Date of meeting: March 27, 2019

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? Yes (No) Number of years (maximum of 5): N/A

Purpose/description of Conditional Zoning Plan: To allow for the adaptive reuse of the building as an EDEE Type II use
with

Russell W. Fergusson
Name of Rezoning Agent

PO Box 5645
Agent's Address

Charlotte NC 28299
City, State, Zip

704-234-7488
Telephone Number Fax Number

Russell.fergusson@russellwfergusson .com
E-Mail Address

D. Moyer
Signature of Property Owner

Rich Moyer, Manager of 406 W 32nd St, LLC
(Name Typed / Printed)

406 W 32ND, LLC
Name of Petitioner(s)

406 W. 32nd St,
Address of Petitioner(s)

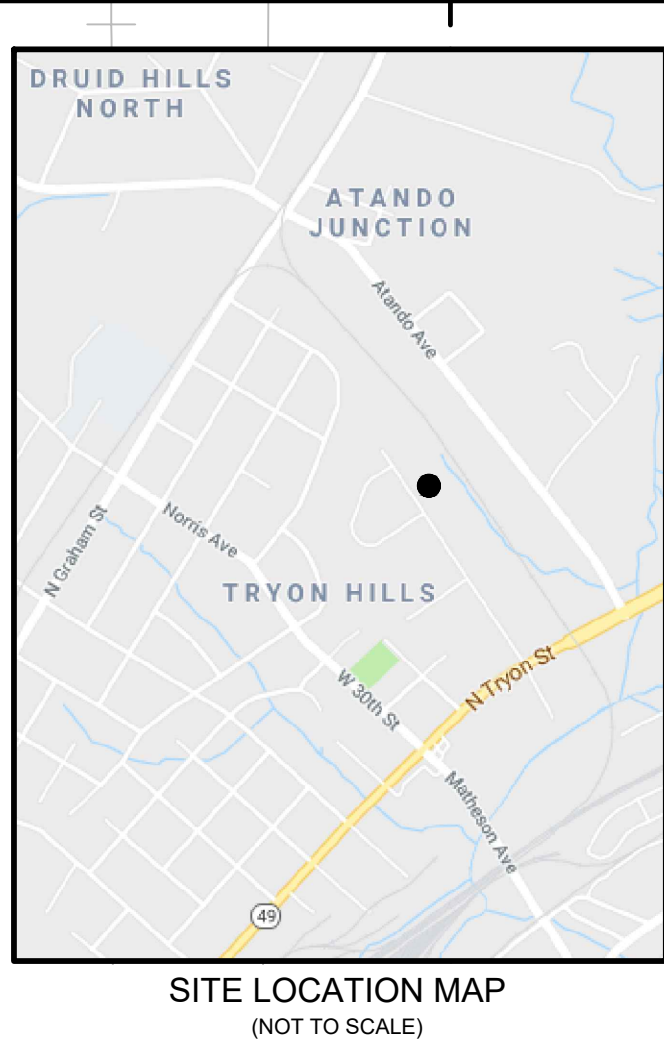
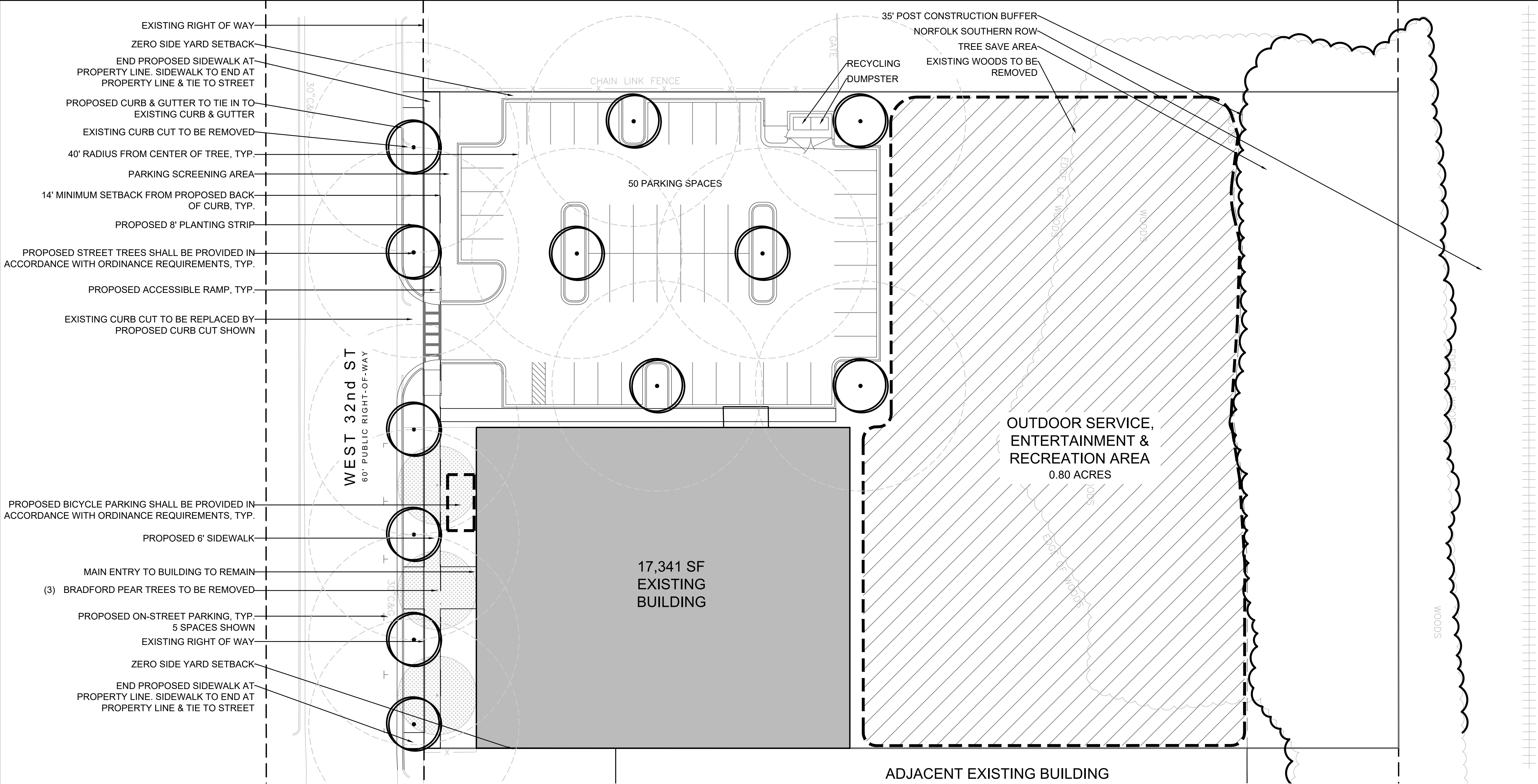
Charlotte NC 28206
City, State, Zip

570-807-3443
Telephone Number Fax Number

rich@hoppinbrands .com
E-Mail Address

D. Moyer
Signature of Petitioner

Rich Moyer
(Name Typed / Printed)



1. DEVELOPMENT DATA TABLE	
Tax Parcels	085-014-17
Total Site Area	2.12 Acres
Existing Zoning	I-2
Proposed Zoning	MUDD-O
Existing Use	Warehouse/Distribution
Proposed Use	Any Use or Combination of uses and accessory uses as permitted in Sections 9.8502 & 9.8503 of City of Charlotte Zoning Ordinance
Residential Density	N/A
Square Footage (Retail)	N/A
Floor Area	17,341sf
Outdoor Service, Entertainment & Recreation Area	Per Ordinance req. up to 5,500 sf
Floor Area Ratio	17,341sf / 92,598sf = 0.19
Max. Building Height	50'-0"
Max. No. of Stories	1
Max. No. of Buildings	1
Parking Spaces Required	Parking as required per Section 9.8507
Parking Spaces Provided	50 on-site & 5 parallel on-street
Open Space	N/A

2. General Provisions

a. The development of the Site will be governed by this Rezoning Plan and the standards/ applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). The regulations established for the zoning of the MUDD zoning district, shall govern the development of this Site, subject to the optional provisions herein.

b. The development depicted on the Rezoning Plan is schematic and represents the general proposal for the project. Accordingly, the configuration, placement, size and number of the stairs, sidewalks, trees, ramps, patio, parking areas and/or site elements may be altered or modified within the limits prescribed by the zoning ordinance, subject to the Optional Provisions provided below.

c. Alterations to the conditional plan are subject to section 6.207, Alterations to Approval.

3. Optional Provisions

a. Parking requirements shall be reduced by 25%, to facilitate preservation of the existing building.

b. To utilize the existing parking, parking shall be permitted past the building façade, between the existing building/permitted uses and the required setback in the manner shown on the Rezoning Plan.

c. The Parking lot shall be exempt from parking lot screening requirements set forth in Sections 9.8506(2)(b) and 12.303 of the Ordinance along the western and northern side, provided that screening pursuant to 12.303 of the Ordinance shall be provided along W. 32nd St.

d. The Site shall provide up to 55 total parking spaces, comprised of up to 50 spaces on Site and up to 5 adjacent parallel parking spaces. In no event shall more than 55 parking spaces be required for the use of the building and areas marked as "Outdoor Service Entertainment and Recreation Area" as shown on the Site Plan.

e. The area marked as "Outdoor Service Entertainment and Recreation Area," may be used for expansion of the outdoor service, outdoor activities, sporting activities, seating, consumption and/or entertainment. In the event that the "Outdoor Service Entertainment and Recreation Area" is used for outdoor service, outdoor activities, sporting activities, seating, consumption and/or entertainment, additional parking spaces shall not be required for the use of this area and any applicable parking requirements for the expansion or retraction of the active use of this area shall be waived.

f. In order to preserve the existing building, the existing building shall be exempt from any Ordinance fenestration and entrance requirements.

g. Wall signs having up to 200 square feet of sign surface area per wall or 20% of the wall area to which they are attached, whichever is less (exclusive of any wall mounted signage) shall be allowed.

4. Permitted uses

a. Allowed uses: Any use or combination of non-residential uses and accessory uses as permitted in sections 9.8502 and 9.8503 of the City of Charlotte Zoning Ordinance, including but not limited to retail office and eating, drinking and entertainment uses.

5. Transportation

a. Petitioner to construct a new 6' sidewalk and 8' planting strip along W. 32nd St. as generally shown on the Site Plan.

b. Existing curb cuts shall remain as generally depicted on the Site Plan.

c. On street parking shall be allowed on the W. 32nd St. frontage.

d. Petitioner shall remove one of two existing curb cuts and relocate the curb cut as generally shown on the Site Plan.

e. All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued.

f. Petitioner shall provide a sidewalk easement set at two feet behind back of sidewalk where feasible, prior to the issuance of the first certificate of occupancy.

6. Architectural Standards

a. Urban Design elements to include covered and uncovered patios and improved fenestration of existing building.

7. Streetscape and Landscaping

b. A fourteen (14) foot setback as measured from the back of the existing curb along W. 32nd St. will be provided. The setback shall include a six (6) foot sidewalk and an eight (8) foot planting strip as depicted on the Site Plan.

c. Street trees and interior trees as shown on the site plan shall be planted.

8. Architectural Standards

a. Area marked as Future Building and Patio Expansion Area may be any combination of multi-story or single-story patio and building provided that overall height shall not exceed 50' including any rooftop patio structure.

b. Existing Building shall remain and Petitioner may renovate or make addition to the building increase including adding additional floors or square footage to the building, so long as the building does not to exceed 50' in height.

9. Environmental Features

a. Tree save areas - N/A

10. Parks, Greenways and Open Space

a. Reservation/Dedication of park and/or greenway: N/A

b. Park and/or greenway improvements: N/A

c. Privately constructed open space as shown on patio areas and planting areas.

11. Fire Protection

a. Per applicable Ordinance.

12. Signage

a. Sign limitations - Per Ordinance requirements.

13. Lighting

a. All new outdoor lighting to be screened and shielded lighting per 12.402 of the Ordinance.

b. Petitioner may provide lighting for sporting activities provided that it is screened and shielded to only direct light at the playing surfaces.

The graphic scale bar shows a distance of 0 to 40 feet, with a scale of 1" = 20'. The north arrow points towards the top right of the page.

SW

SEAMONWHITESIDE

CHARLOTTE, NC

980.312.5450

MOUNT PLEASANT, SC

843.884.1667

GREENVILLE, SC

864.298.0534

SUMMERVILLE, SC

843.884.1667

SPARTANBURG, SC

864.298.0534

WWW.SEAMONWHITESIDE.COM

406 W. 32nd STREET

CHARLOTTE, NORTH CAROLINA

SW+ PROJECT:	CL1010
DATE:	6/10/19
DRAWN BY:	CF
CHECKED BY:	TNC
REVISION HISTORY	

SCHEMATIC

SITE PLAN

C1.0

ZONING:

SUBJECT PROPERTY ZONED: I-2
ZONING RESTRICTIONS AS PER ZONING ORDINANCE:

MINIMUM SETBACK: 20'
MINIMUM SIDE YARD: 0 OR 5' *
MINIMUM REAR YARD: 10'
MAXIMUM BUILDING HEIGHT: 40' **

* - IN DISTRICT I-2, NO SIDE YARD IS REQUIRED, BUT IF ONE IS PROVIDED, IT MUST BE A MINIMUM OF 5 FEET

** - A BUILDING IN THIS DISTRICT MAY BE ERRECTED TO A HEIGHT IN EXCESS OF 40 FEET, PROVIDED THE MINIMUM SIDE YARD IS INCREASED 1 FOOT FOR EVERY 2 FEET IN BUILDING HEIGHT IN EXCESS OF 40 FEET.

NOTE: NO ZONING REPORT HAS BEEN PROVIDED TO THE SURVEYOR, PURSUANT TO ALTA TABLE A ITEM 6. OWNER / DEVELOPER TO VERIFY ZONING REQUIREMENTS PRIOR TO FURTHER DEVELOPMENT OF SITE.

FOR FURTHER INFORMATION CONTACT THE CHARLOTTE-MECKLENBURG ZONING DEPARTMENT AT 704-336-3569.

LEGEND:

C&G - CURB & GUTTER
CGF - COMBINED GRID FACTOR
CMP - CORRUGATED METAL PIPE
DB - DEED BOOK
EIP - EXISTING IRON PIPE
EIR - EXISTING IRON ROD
EN - EXISTING NAIL
EU - END UNKNOWN
FH - FIRE HYDRANT
GDP - GUARD POST
GM - GAS METER
LP - LIGHT POLE
(M) - MEASURED
MBX - MAILBOX
MB - MAP BOOK
N.G.S. - NATIONAL GEODETIC SURVEY
NIR - NEW IRON ROD
NN - NEW NAIL
PIN - PARCEL IDENTIFICATION NUMBER
PM - POWER METER
PP - POWER POLE
PG - PAGE
PVC - PLASTIC PIPE
R/W - RIGHT-OF-WAY
RCP - REINFORCED CONCRETE PIPE
RW - RETAINING WALL
SSMH - SANITARY SEWER MANHOLE
(T) - TOTAL
TBM - TEMPORARY BENCHMARK
TOB - TOP OF BANK

LINE LEGEND:

PROPERTY LINE
PROPERTY LINE (NOT SURVEYED)
RIGHT-OF-WAY
RIGHT-OF-WAY (NOT SURVEYED)
SETBACK
POWER LINE
SANITARY SEWER PIPE
STORM DRAIN PIPE
CHAIN LINK FENCE
GAS LINE
UNDERGROUND TELEPHONE
WATER LINE



Know what's below.
Call before you dig.

UTILITIES:

POWER
DUKE POWER CO.
1800-357-3853

TELEPHONE
BELL SOUTH TELECOMMUNICATIONS
(704) 357-6974 NEW CONNECTIONS
(704) 357-9580 EXISTING SERVICES

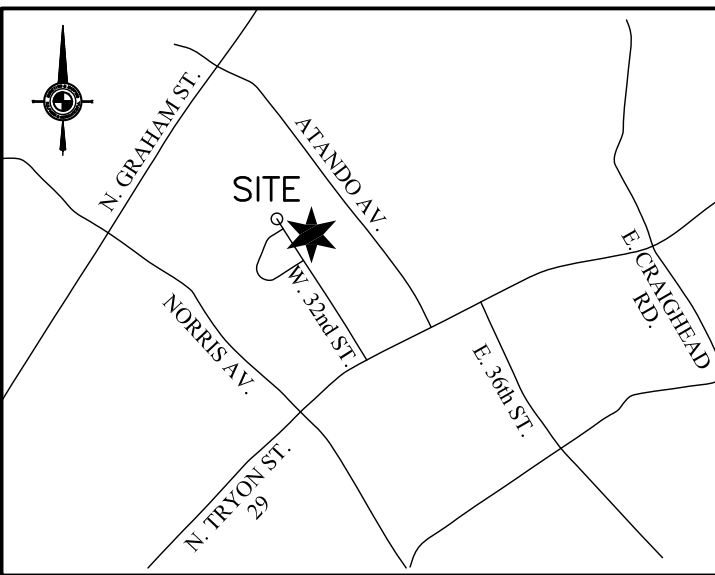
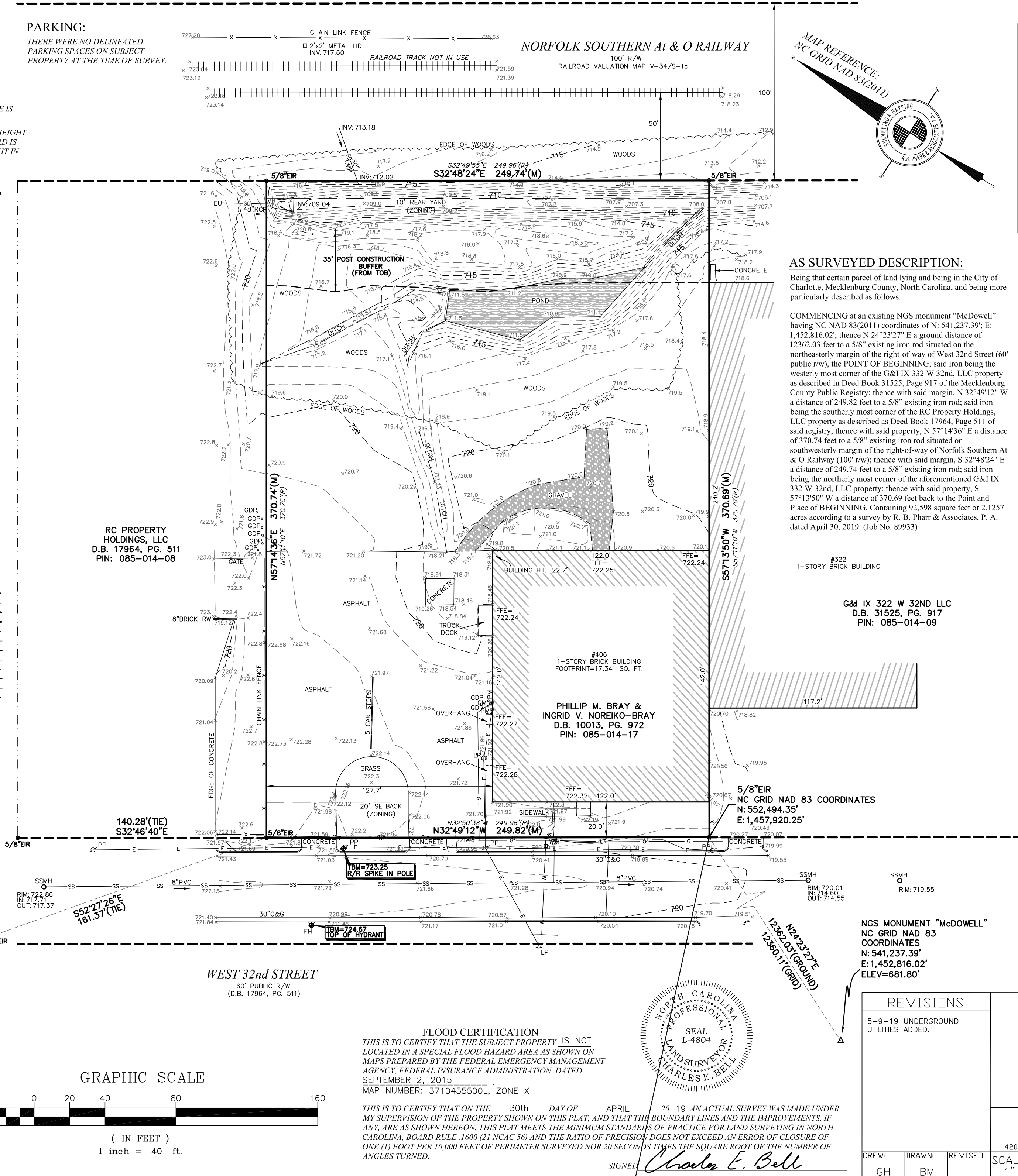
WATER & SEWER
CHAR.-MECK. UTILITY DEPT. (CMUD)
(704) 399-2221

GAS
PIEDMONT NATURAL GAS CO.
(704) 525-5585 NEW CONNECTIONS
(704) 525-5585 EXISTING CONNECTIONS

CABLE TELEVISION
1-800-632-4949

PARKING:

THERE WERE NO DELINEATED
PARKING SPACES ON SUBJECT
PROPERTY AT THE TIME OF SURVEY.



VICINITY MAP

NOT TO SCALE

NOTES:

1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
2. ALL CORNERS MONUMENTED AS SHOWN.
3. NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
4. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
5. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
6. ELEVATIONS BASED ON N.G.S. MONUMENT "McDOWELL", ELEVATION = 681.80 FEET, NAVD 88.
7. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
8. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.

GPS CERTIFICATION:

1. CHARLES E. BELL, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
- (1) CLASS OF SURVEY: A(1:10,000)
 - (2) POSITIONAL ACCURACY: HORZ. NORTH=0.0040 EAST=0.00 VERT.=0.002
 - (3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC
 - (4) DATES OF SURVEY: 5/1/2019
 - (5) DATUM/EPOCH: NAVD 88; NAD 83(2011)
 - (6) PUBLISHED/FIXED-CONTROL USE: NGS MONUMENT "McDOWELL"
 - (7) GEOID MODEL: GEOID12B(CONUS)
 - (8) COMBINED GRID FACTOR(S): 0.99984487
 - (9) UNITS: US SURVEY FEET

ALTA/NSPS CERTIFICATION:

TO: HOPPIN INVESTMENT GROUP

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6a, 6b, 7a, 7b(1), 7c, 8, 9, 11, AND 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON APRIL 30, 2019.

Charles E. Bell 5/9/19
CHARLES E. BELL DATE
NCPLS, L-4804
email: cbell@rpharr.com

AREA: 92,598 SQ. FT. OR
2.1257 ACRES

ALTA/NSPS LAND TITLE SURVEY PREPARED FOR:
HOPPIN INVESTMENT GROUP

OF:

406 WEST 32nd STREET
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NC
DEED REFERENCE: 10013-972
TAX PARCEL NO: 085-014-17

R.B. PHARR & ASSOCIATES, P.A.
SURVEYING & MAPPING

420 HAWTHORNE LANE CHARLOTTE, NC. 28204 TEL. (704) 376-2186

REVISIONS		
5-9-19 UNDERGROUND UTILITIES ADDED.		
CREW:	DRAWN:	REVISED:
GH	BM	

SCALE: 1" = 40'	DATE: APRIL 30, 2019	FILE NO. XX-4797 JOB NO. 89933
--------------------	-------------------------	-----------------------------------

PLOTTED: 5/9/2019
G:\89\9\89933\DWG\89933.DWG

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2019-094

Petition #:	_____
Date Filed:	<u>6/12/2019</u>
Received By:	<u>BH</u>

Complete All Fields (Use additional pages if needed)

Property Owner: JMPH Properties LLC

Owner's Address: 8715 Preserve Pond Road City, State, Zip: Cornelius, NC 28031

Date Property Acquired: 11/28/2012

Property Address: 2712 North Davidson Street, Charlotte, NC 28205

Tax Parcel Number(s): 08307301

Current Land Use: Single Family Residential Size (Acres): .41

Existing Zoning: R-5 Proposed Zoning: UR-2 CD

Overlay: _____ Tree Survey Provided: Yes: X N/A: _____

Required Rezoning Pre-Application Meeting* with: Sonja S, Rick G, Brent W, Mandy R, Grant M

Date of meeting: 4/16/2019

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): NO

Purpose/description of Conditional Zoning Plan: Build six townhomes

Andrew Parker
Name of Rezoning Agent

5960 Fairview Road Suite 400
Agent's Address

Charlotte, NC 28210
City, State, Zip

704-231-7619
Telephone Number Fax Number

andrew@artisticnc.com
E-Mail Address

Patrick Hymes
Signature of Property Owner

Patrick Hymes, Manager
(Name Typed / Printed) JMPH Properties LLC

Andrew Parker
Name of Petitioner(s)

5960 Fairview Road Suite 400
Address of Petitioner(s)

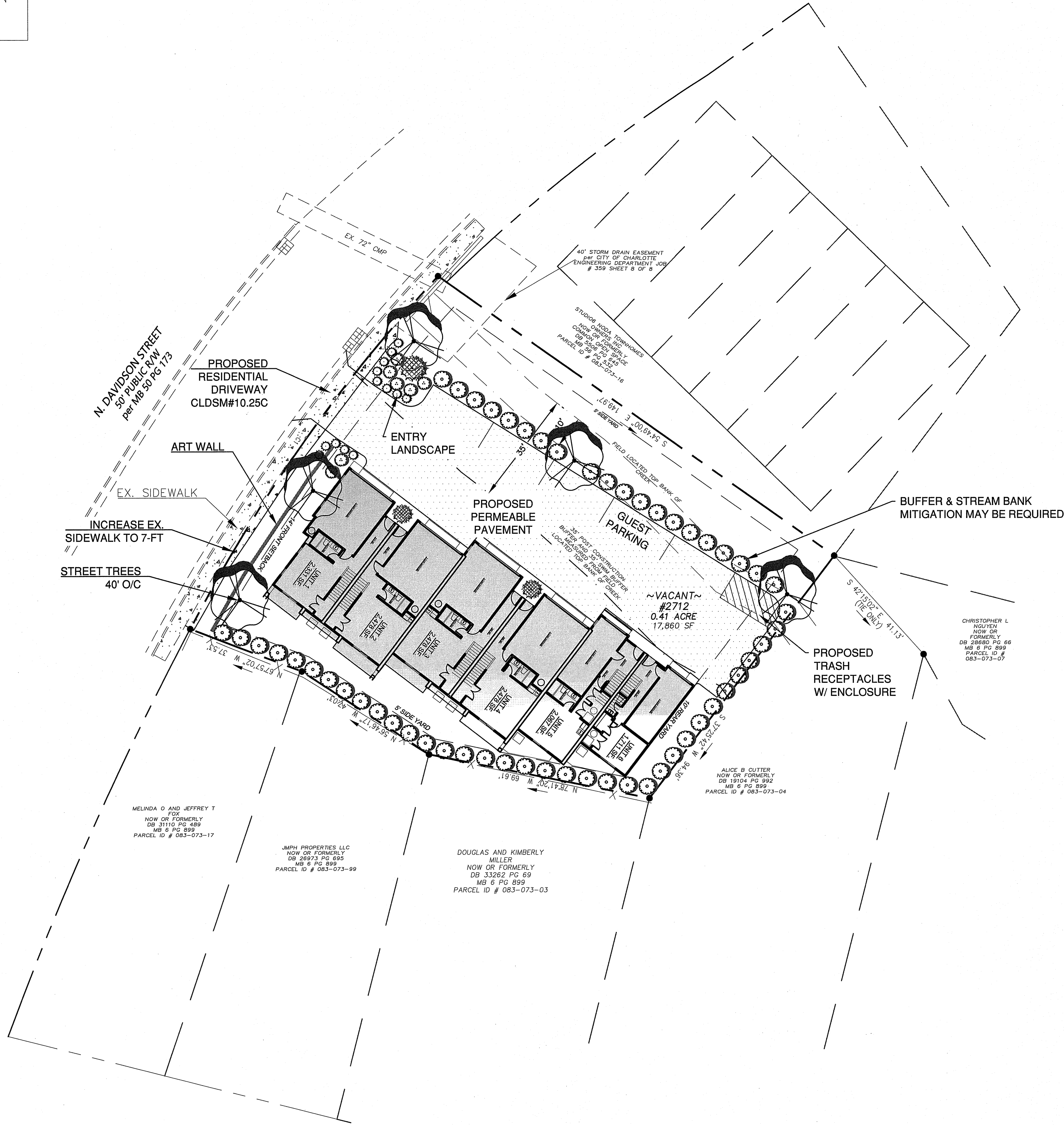
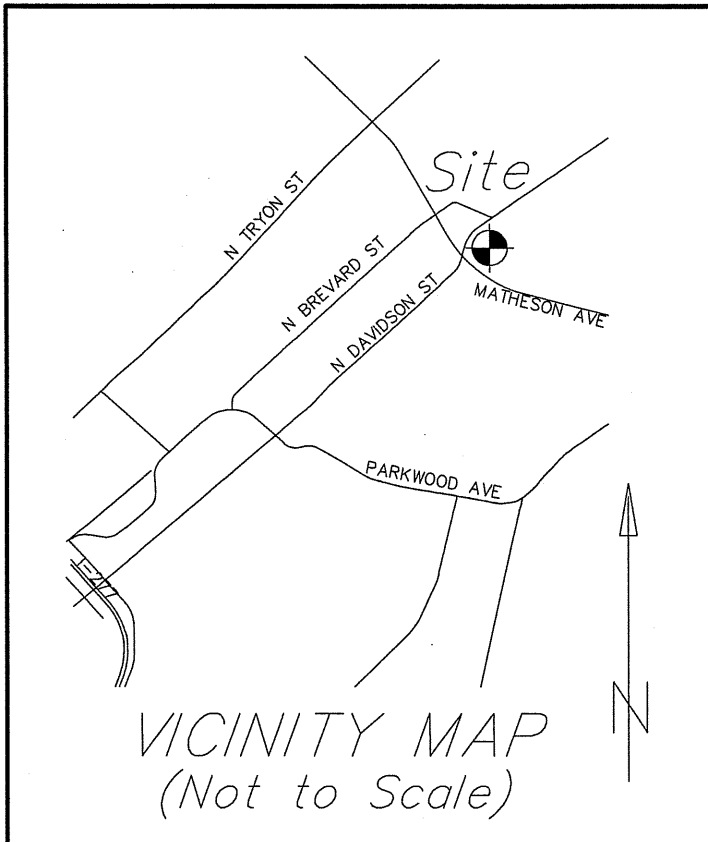
Charlotte, NC 28210
City, State, Zip

704-231-7619
Telephone Number Fax Number

andrew@artisticnc.com
E-Mail Address

Andrew Parker
Signature of Petitioner

Andrew Parker
(Name Typed / Printed)



SITE LEGEND

PROPOSED CURB & GUTTER	
REVERSED PITCH CURB & GUTTER	
PROPERTY LINE	
LOT LINES	
DECORATIVE FENCING	
TRAFFIC FLOW	
STRIPING	
PARKING BAY COUNT	
GRAVEL AREA	
CONCRETE	
SPOT ELEVATION	
EXISTING FEATURES SCREENED	
HANDICAP RAMP = HC	

UR-2 DIMENSIONAL STANDARDS

MIN. LOT SIZE: 3000-SF
MIN. SIDE YARD: 5-FT
MIN. SETBACK: 14-FT FROM BACK OF CURB
MIN. REAR YARD: 10-FT
MIN. FLOOR RATIO: 1.0
MIN. LOT WIDTH: 20-FT

LIGHTING

ALL LIGHTING SHALL CONFORM TO CHARLOTTE STANDARDS.
ALL LIGHTING SHALL BE PERMITTED SEPARATELY

ZONING CODE SUMMARY

PROJECT NAME: NODA FLATS
OWNER: JPMH PROPERTIES, LLC PHONE #
PLANS PREPARED BY: WOODBINE DESIGN, P.C. PHONE # 704-892-5479
ZONING: EXISTING: R-5 PROPOSED: UR-2(CD) JURISDICTION: CHARLOTTE
PROPOSED USE: RESIDENTIAL
BUILDING HEIGHT: 40-FT MAX. FEET STORIES: 3
BUILDING COVERAGE: SQ. FT.
LOT SIZE: 17,859.6/0.41 SQ. FT./ACRES
TAX PARCEL ID: 083-07-301 GROSS FLOOR AREA: SQ. FT.
YARD REQUIREMENTS: NUMBER OF UNITS OR SUITES: 6
SETBACK (FRONT): 20 FT. FROM BACK OF CURB
SIDE YARD (R): 5 FT. SIDE YARD (L): 5 FT.
REAR YARD: 5 FT.
WATERSHED: UPPER LITTLE SUGAR PCCO=CENTRAL CATAWBA

PARKING DATA: (SPECIFY REQUIREMENT)

AS PER CHARLOTTE ZONING ORDINANCE SECTION NO. 12.202
REQ'D: PROVIDED:
HANDICAP: PROVIDED: LOADING SPACES:
SHORT TERM BIKE REQ'D: SHORT TERM BIKE PROVIDED:
LONG TERM BIKE REQ'D: LONG TERM BIKE PROVIDED:

REQUIRED SCREENING:

FRONT: NO / YES REAR: NO / YES
SIDE (R): NO / YES SIDE (L): NO / YES
PARKING ONLY: NO / YES

REQUIRED BUFFERS:

FRONT: NO / YES FT. REAR: NO / YES FT.
SIDE (R): NO / YES FT. SIDE (L): NO / YES FT.

NOTE:

- MITIGATION PAYMENT.
(A) LOTS LESS THAN ONE ACRE, DEVELOPMENT AND REDEVELOPMENT ON A LOT LESS THAN ONE ACRE IN SIZE ARE ALLOWED TO FOREGO MEETING THE REQUIREMENTS OF THIS ARTICLE, EXCEPT FOR REQUIRED STREAM BUFFERS, PROVIDED THE CITY IS PAID A MITIGATION FEE ACCORDING TO RATES SET FORTH IN THE ADMINISTRATIVE MANUAL AND PROVIDED SUCH DEVELOPMENT AND REDEVELOPMENT ARE NOT PART OF A LARGER COMMON PLAN OF DEVELOPMENT OR SALE, EVEN THOUGH MULTIPLE, SEPARATE OR DISTINCT ACTIVITIES TAKE PLACE AT DIFFERENT TIMES ON DIFFERENT SCHEDULES. THIS SITE SHALL UTILIZE THE MITIGATION PAYMENT.
- THIS SITE IS NOT IN A REGULATED FLOODPLAIN.
- SITE ADDRESS SHALL BE POSTED ON BUILDING FOR EMERGENCY RESPONSE TEAMS.
- CONTACT THE UTILITY COMPANY TO RELOCATE ANY EXISTING UTILITY POLES. ALL EXISTING FACILITIES WHICH CONFLICT WITH THE IMPROVEMENTS UNDER THE SCOPE OF THIS PROJECT MUST BE RELOCATED AT THE EXPENSE OF THE APPLICANT.
- ALL DEVELOPMENT CREATING A TOTAL OF 20,000-SF OF IMPERVIOUS AREA SINCE SEPTEMBER 1978 WILL REQUIRE STORM DRAIN DETENTION.
- THE CHARLOTTE ENGINEERING DEPARTMENT HAS NOT REVIEWED THE STRUCTURAL STABILITY OF ANY RETAINING WALLS ON THE SITE AND DOES NOT ASSUME RESPONSIBILITY FOR THEM.
- CONTRACTOR SHALL OBTAIN APPROVAL FOR RETAINING WALL & PROVIDE DETAILED DRAWINGS TO ALL LOCAL AND GOVERNMENT AGENCIES FOR REVIEW AND PERMITTING.
- ALL SIGNAGE WILL BE APPROVED AND PERMITTED SEPARATELY

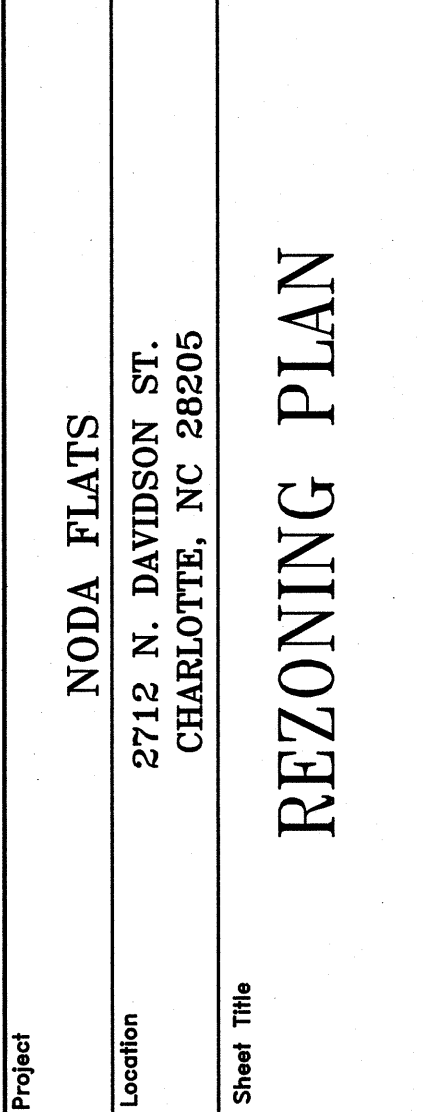
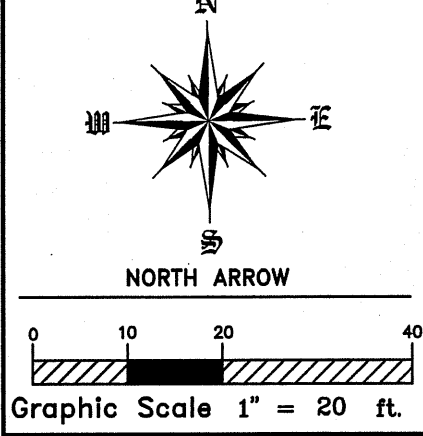
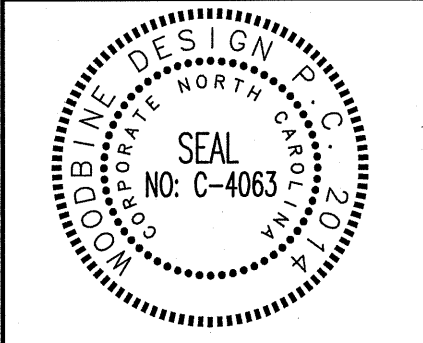
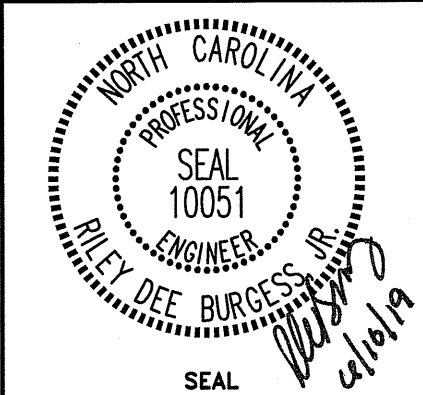
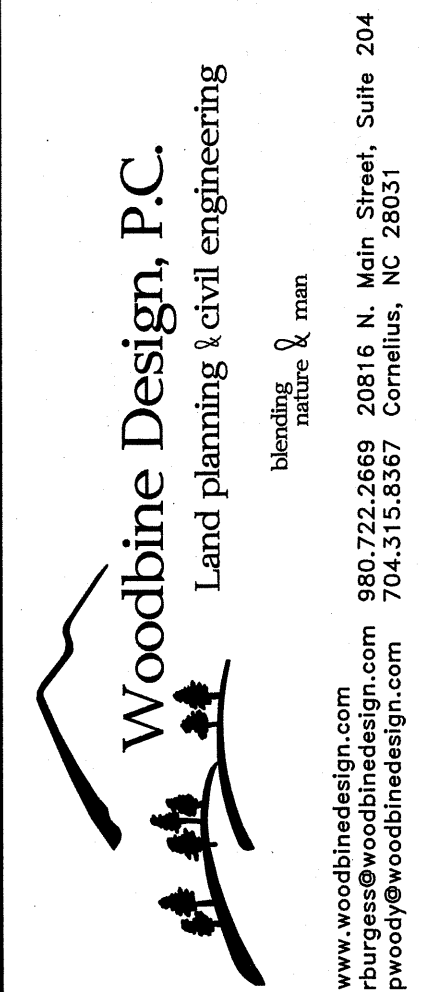
CDOT NOTES:

- NON-STANDARD ITEMS (IE: PAVERS, IRRIGATION SYSTEMS, ETC.) IN THE RIGHT-OF-WAY REQUIRE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE CHARLOTTE DEPARTMENT OF TRANSPORTATION/NORTH CAROLINA DEPARTMENT OF TRANSPORTATION BEFORE INSTALLATION. FOR CITY OF CHARLOTTE MAINTAINED STREETS, CONTACT CDOT AT (704) 336-3888.
- ANY WORK WITHIN THE CITY'S R/W THAT REQUIRES CLOSURE OF A SIDEWALK OR TRAVEL LANE MUST BE APPROVED BY CDOT AND WILL REQUIRE A R/W USE PERMIT OR R/W LEASE DEPENDING UPON THE PROPOSED DURATION OF CLOSURE. THESE APPROVALS ARE IN ADDITION TO SITE APPROVALS AND SHOULD BE COORDINATED WITH CDOT PRIOR TO CONSTRUCTION. CONTRACTOR SHALL CONTACT CDOT AT (704) 432-1562 AT LEAST 5 BUSINESS DAYS PRIOR TO BEGINNING WORK FOR IMPACTS LESS THAN 30 DAYS. CONTRACTOR SHALL CONTACT CDOT AT (704) 336-8348 AS SOON AS POSSIBLE FOR IMPACTS GREATER THAN 30 DAYS. EVERY EFFORT SHALL BE MADE TO CONSTRUCT IMPROVEMENTS WITH MINIMAL IMPACT TO DRIVERS AND PEDESTRIANS.
- THE DEVELOPER SHALL CONTACT THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (GUS JORDI, 704-336-7086) TO IDENTIFY ANY CONFLICTS WITH TRAFFIC SIGNALIZATION EQUIPMENT. 60- 90 DAYS WILL BE REQUIRED TO COORDINATE RELOCATION. DEVELOPER RESPONSIBLE FOR ALL RELATED RELOCATION COST AND/OR ANY REPAIR COST CAUSED BY THE CONTRACTOR/DEVELOPER.
- DEVELOPER TO CONTACT CDOT (ANTHONY MENDEZ: 704-336-4871) DURING SITE PLAN PREPARATION TO DISCUSS STREET LIGHTING REQUIREMENTS, IF ANY, FOR THIS PROJECT. COORDINATE WITH DUKE ENERGY AND CDOT AS NECESSARY TO DETERMINE LIGHTING LEVELS, LIGHTING LAYOUT AND REQUIREMENTS FOR INSTALLATION

GENERAL NOTES:

- DIMENSIONS FROM BACK OF CURB (TYP).
- ALL CURB RADII TO BE 5'-0" U.N.O.
- STANDARD PARKING DIMENSIONS:
STD AUTO: 9'-0" WIDE X 19'-0" LONG
PARALLEL AUTO: 9'-0" WIDE X 22'-0" LONG
HANDICAP: 9'-0" WIDE X 19'-0" LONG WITH 5'-0" CLEAR UNLOADING SPACE ADJACENT

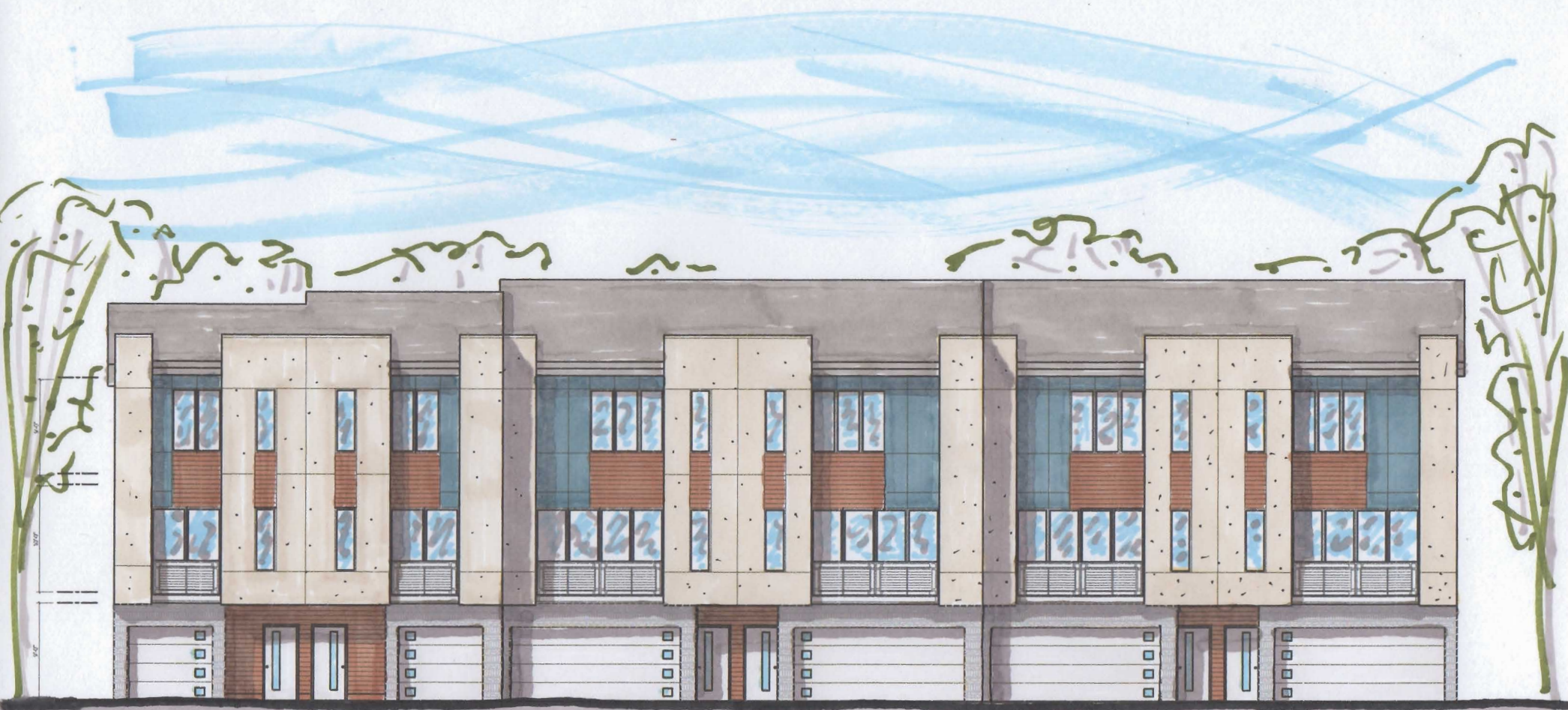
IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.



DEVELOPER/OWNER
JPMH PROPERTIES, LLC
8715 PRESERVE POND RD
CORNELIUS, NC 28031

Designed By
Woodbine Design
Drawn By
PW
Date
5/31/19
Revisions

Sheet Z1 of 1
Project Number 19027



Artistic Contractors
Developer

5960 Fairview Road
Charlotte, NC 28210
704 429 9362

NoDa Flats

@ 2712 North Davidson Street
Charlotte, NC 28205

Peter Anthony Brooks
Architect

5501 Robinhood Road
Charlotte, NC 28211
704 756 5087
peterbrooks@carolina.rr.com



Artistic Contractors
Developer

5960 Fairview Road
Charlotte, NC 28210
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Developer**

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Architect**

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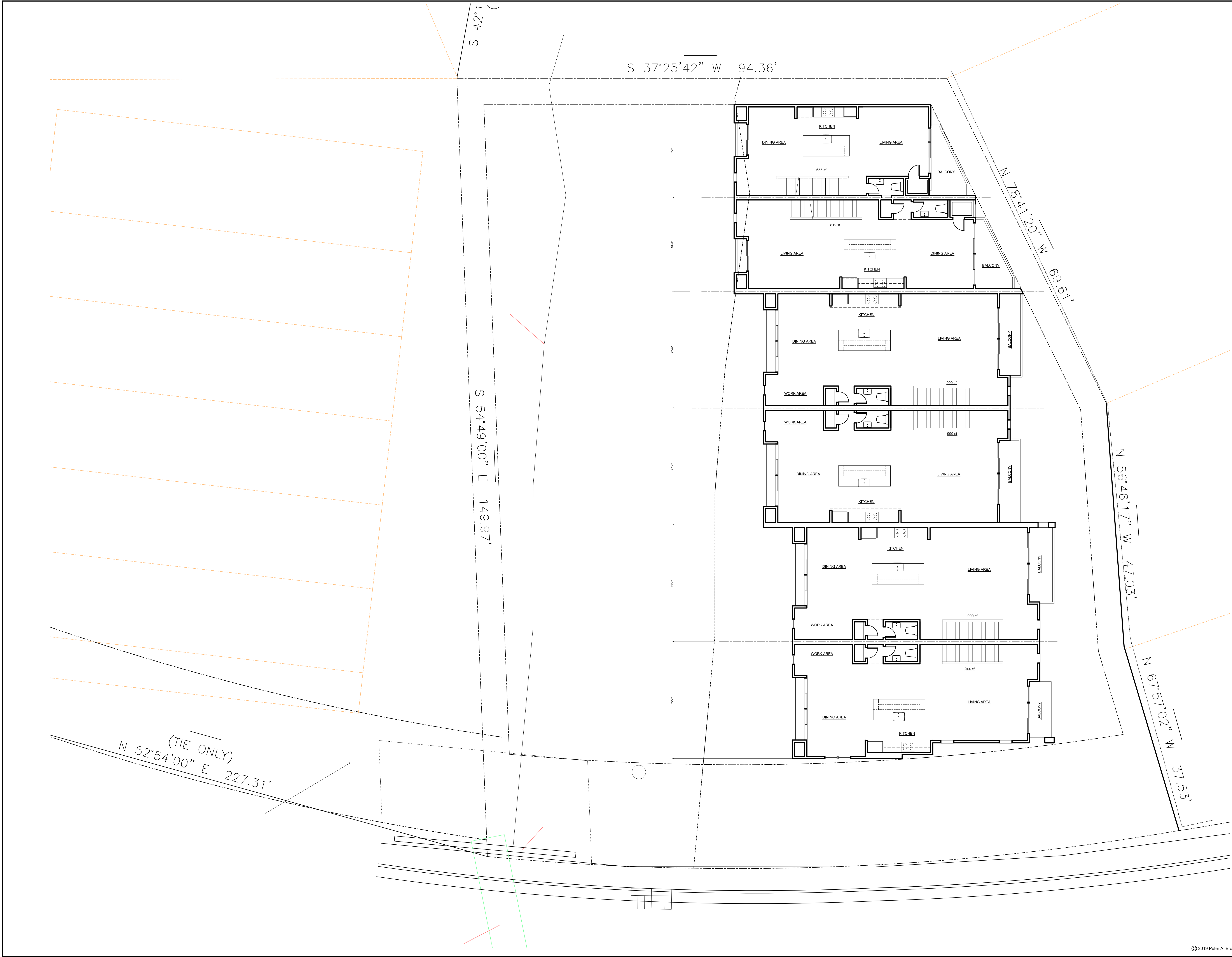
Project:
Townhouses @
2712 N. Davidson Street
Charlotte NC, 28205
For:
Artistic Contractors
5960 Fairview Road
Suite 400
Charlotte NC 28210
704 293 9362

Drawing:
FIRST FLOOR PLAN

Date:	May 31, 2019
Scale:	1/8" = 1'-0"
Proj. Code:	NoDa Flats-SD

A1
OF 4





Peter Anthony Brooks
Architect

5501 Robinhood Road
Charlotte, NC 28211
704 756 5087
peterbrooks@carolina.rr.com

Project:
Townhouses @
2712 N. Davidon Street
Charlotte NC, 28205
For:
Artistic Contractors
5960 Fairview Road
Suite 400
Charlotte NC 28210
704 293 9362

Drawing:
SECOND FLOOR PLAN

Date:
May 31, 2019
Scale:
1/8" = 1'-0"
Proj. Code:
NoDa Flats-SD

A2
OF 4



Peter Anthony Brooks
Architect

5501 Robinhood Road
Charlotte, NC 28211
704 756 5087
peterbrooks@carolina.rr.com

Project:
Townhouses @
2712 N. Davidson Street
Charlotte NC, 28205
For:
Artistic Contractors
5960 Fairview Road
Suite 400
Charlotte NC 28210
704 293 9362

Drawing:
THIRD FLOOR PLAN

Date:
May 31, 2019
Scale:
1/8" = 1'-0"
Proj. Code:
NoDa Flats-SD

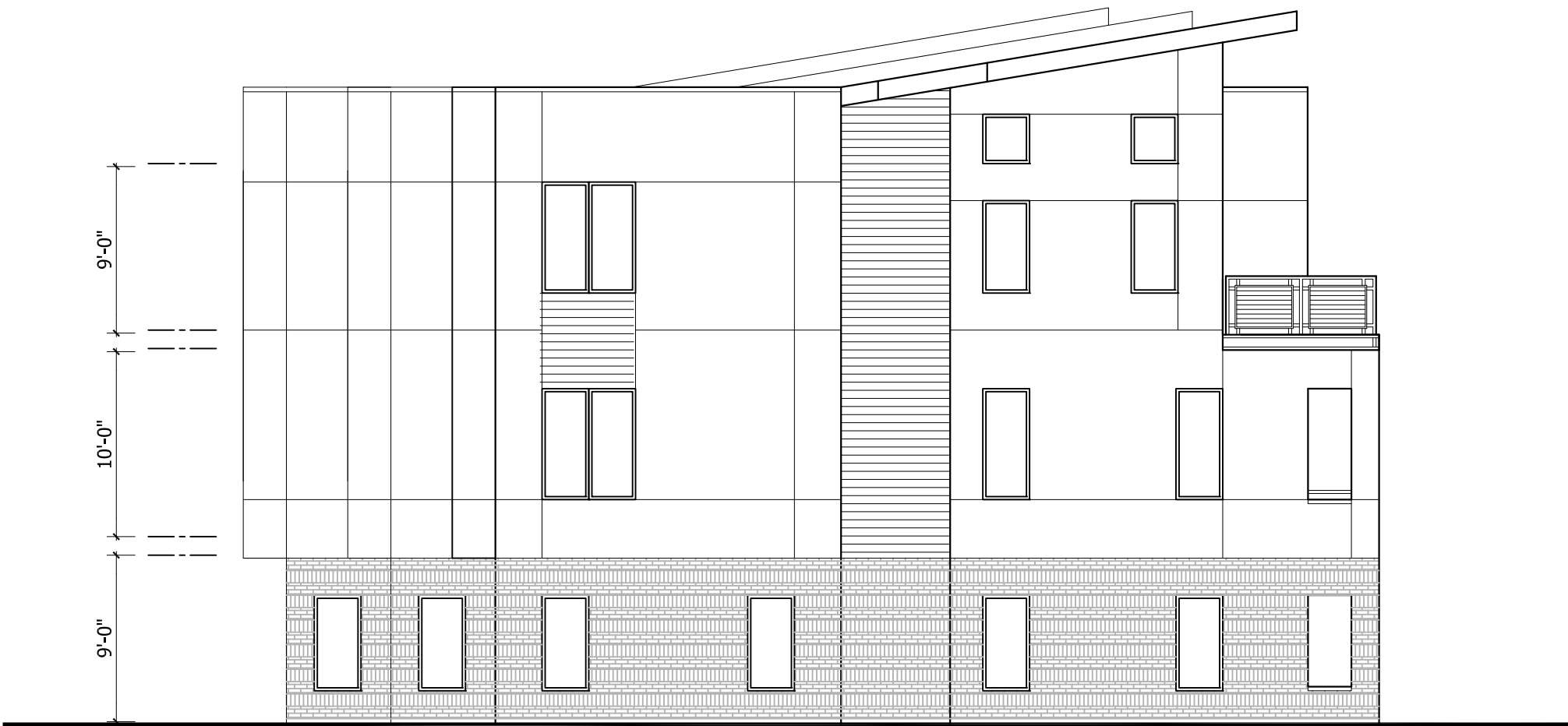
A3
OF 4

Peter Anthony Brooks
Architect

5501 Robinhood Road
Charlotte, NC 28211
704 756 5087
peterbrooks@carolina.rr.com



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

Project:
Townhouses @
2712 N. Davidon Street
Charlotte NC, 28205
For:
Artistic Contractors
5960 Fairview Road
Suite 400
Charlotte NC 28210
704 293 9362

Drawing:
EXTERIOR ELEVATIONS

Date:

May 31, 2019

Scale:

1/8" = 1'-0"

Proj. Code.

NoDa Flats-SD

A4
OF 4

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: _____

Date Filed: _____

Received By: _____

2019-095

6/13/2019

BJ

Complete All Fields (Use additional pages if needed)

Property Owner: Andy Thomas Dulin

Owner's Address: 3200 Wickersham Road

City, State, Zip: Charlotte, NC 28211

Date Property Acquired: 3/17/1989

Property Address: unnumbered parcel on Plaza Road Ext.

Tax Parcel Number(s): Portion of 108-121-02

Current Land Use: single-family residential/vacant

Size (Acres): +/- 39.46 acres

Existing Zoning: R-3

Proposed Zoning: R-8MF

Overlay: None

(Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: John Kinley, Catherine Mahoney, Grant Meacci, Isaiah Washington

Date of meeting: 5/28/2019

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team member is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): N/A

Purpose/description of Conditional Zoning Plan: N/A

Collin Brown and Bailey Patrick, Jr.

Name of Rezoning Agent

214 N. Tryon Street, 47th Floor

Agent's Address

Charlotte, NC 28202

City, State, Zip

704-331-7531

Telephone Number

704-353-3231

Fax Number

Collin.Brown@klgates.com / Brittany.Lins@klgates.com

E-Mail Address

Andy Dulin 6/12/19

Signature of Property Owner

Andy Dulin

(Name Typed / Printed)

Shea Homes

Name of Petitioner(s)

8008 Corporate Center Drive, Suite 300

Address of Petitioner(s)

Charlotte, NC 28226

City, State, Zip

704-319-5000

Telephone Number

Fax Number

mike.shea@sheahomes.com

E-Mail Address

Michael Shea

Signature of Petitioner

Michael Shea

(Name Typed / Printed)

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: _____

Date Filed: _____

2019-096

6/13/2019

[Signature]

Complete All Fields (Use additional pages if needed)

Property Owner: Charlotte Masonic Temple Association

Owner's Address: PO Box 221042

City, State, Zip: Charlotte, NC 28222

Date Property Acquired: 7/12/2001

Property Address: 500 N Sharon Amity Road

Tax Parcel Number(s): 163-082-23

Current Land Use: Civic/Institutional

Size (Acres): +/- 5 acres

Existing Zoning: R-3

Proposed Zoning: UR-2(CD)

Overlay: None
etc.)

(Specify PED, Watershed, Historic District,

Required Rezoning Pre-Application Meeting* with: John Kinley, Grant Meaccl, Isaiah Washington

Date of meeting: 4/2/2019

For Conditional Rezonings Only:

Requesting a vesting period exceeding the 2 year minimum? Yes/**No**. Number of years (maximum of 5): N/A

Purpose/description of Conditional Zoning Plan: To accommodate a for-sale single-family attached residential community

Collin Brown and Bailey Patrick, Jr.

Name of Rezoning Agent

214 N. Tryon Street, 47th Floor

Agent's Address

Charlotte, NC 28202

City, State, Zip

704-331-7531

Telephone Number

704-353-3231

Fax Number

Collin.Brown@klgates.com / Brittany.Lins@klgates.com

E-Mail Address

Signature of Property Owner

[Signature]

(Name Typed / Printed)

JOHN HARDOE, PRESIDENT

CHARLOTTE MASONIC TEMPLE ASSOCIATION

Shea Homes

Name of Petitioner(s)

8008 Corporate Center Drive, Suite 300

Address of Petitioner(s)

Charlotte, NC 28226

City, State, Zip

704-319-5000

Telephone Number

Fax Number

mike.shea@sheahomes.com

E-Mail Address

[Signature]

Signature of Petitioner

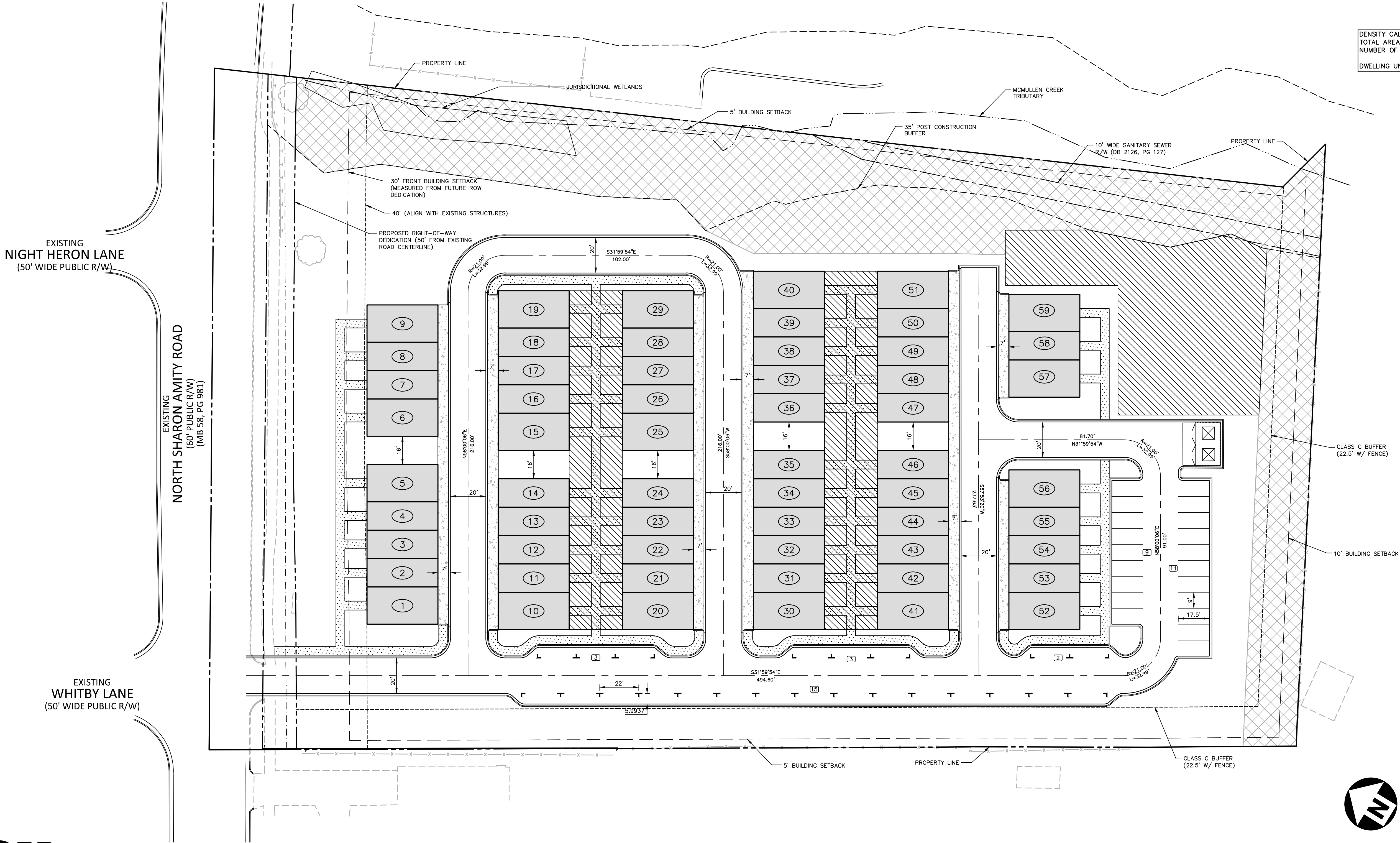
(Name Typed / Printed)

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

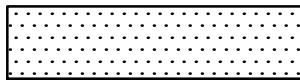




Know what's below.
Call before you dig.

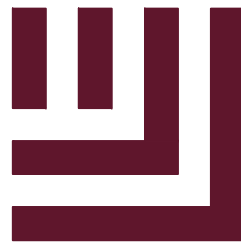
CONTRACTOR SHALL NOTIFY "NC811" (811) OR (1-800-632-4949) AT
LEAST 3 FULL BUSINESS DAYS PRIOR TO BEGINNING CONSTRUCTION
OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED.
CONTRACTOR SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE
THEIR OWN LOCATOR SERVICES INDEPENDENT OF "NC811".
REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY.



SITE DATA	
DEVELOPER	SHEA HOMES 8008 CORPORATE CENTER DRIVE, SUITE 300 CHARLOTTE, NORTH CAROLINA 28226
SITE AREA:	SITE ACREAGE: ±4.97 AC
EXISTING ZONING:	R-3
PROPOSED ZONING:	UR-2(CD)
EXISTING USE:	CIVIC/INSTITUTIONAL
PROPOSED USE:	SINGLE FAMILY ATTACHED TOWNHOMES
PROPOSED DENSITY:	± 11.8 DU/AC
PROPOSED NUMBER OF UNITS:	59
URBAN OPEN SPACE REQUIRED:	21,650 SF
URBAN OPEN SPACE PROVIDED:	±21,800 SF
MAXIMUM BUILDING HEIGHT:	60 FT
FRONT YARD SETBACK:	30 FT FROM FUTURE ROW DEDICATION
SIDE YARD SETBACK:	5 FT
REAR YARD SETBACK:	10 FT
BUILDING SEPARATION:	10 FT MIN.
AUTOMOBILE PARKING PROVIDED:	2 PER UNIT
VISITOR PARKING PROVIDED:	43 SPACES
PROPOSED TREE SAVE AREA REQUIRED:	0.74 AC (4.97 AC X 15%)
PROPOSED TREE SAVE AREA PROVIDED:	0.74 AC (15% OF SITE AREA)

SITE LEGEND				
			ACCESSIBLE RAMPS	
TYPE A	TYPE B	TYPE C		
<hr/>				
CENTERLINE				
<hr/>				
PROPERTY LINE				
<hr/>				
SETBACK				
<hr/>				
SANITARY SEWER EASEMENT				
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STORM DRAINAGE EASEMENT				
<hr/>				
LOT LINE				
<hr/>				
CURB AND GUTTER				
<hr/>				
				CONCRETE SIDEWALK/PAD
				TREESAVE
				URBAN OPEN SPACE

DENSITY CALCULATION:
TOTAL AREA=4.97 AC
NUMBER OF DWELLING UNITS: 59
DWELLING UNITS/AC = 59/4.97 = 11.8 DU/AC



McADAMS

The John R. McAdams Company, Inc.
3430 Toringdon Way
Suite 110
Charlotte, NC 28277
phone 704.527.0800
fax 919.361.2269
license number: C-0293, C-187

www.mcadamsco.com

CLIENT

MATT KEARNS
SHEA INVESTMENTS FUND 4, LLC
8008 CORPORATE CENTER DRIVE, SUITE 300
CHARLOTTE, NORTH CAROLINA 28226



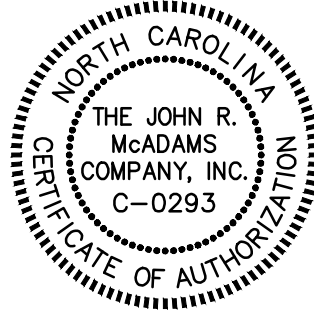
NORTH SHARON AMITY ROAD

TOWNHOMES

PRELIMINARY DRAWINGS

500 NORTH SHARON AMITY ROAD

CHARLOTTE, NORTH CAROLINA 28211



REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. SHH-19000
FILENAME SHH19000-RZ1
CHECKED BY RMR
DRAWN BY CEG
SCALE 1"=30'
DATE 06.10.2019

SHEET

REZONING PLAN

RZ.1

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

V:\Projects\SHH\SHH-19000\Land\Construction Drawings\Current Drawings\SHH19000-RZ1.dwg, 6/7/2019 12:59:54 PM, Guerrero Duran, Carlos

PETITION NO. 2019-xxx
DEVELOPMENT STANDARDS

Shea Homes	
6.10.19	
<u>Site Development Data:</u>	
Acreage:	± 5 acres
Tax Parcels:	163-082-23
Existing Zoning:	R-3
Proposed Zoning:	UR-2(CD)
Existing Uses:	Civic/Institutional
Proposed Uses:	Up to 59 For-Sale Single Family Attached (Townhome) Units
Max. Building Height:	Sixty (60) feet

1. General Provisions

These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by Shea Homes (the “Petitioner”) to accommodate the development of a residential townhome community on that approximately five-acre site located on the south side of North Sharon Amity Road between Addison Drive and Water Oak Road, which is more particularly depicted on the Rezoning Plan (the “Site”). The Site is comprised of Tax Parcel Number 163-032-23.

Development of the Site shall be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the “Ordinance”). Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-2 Zoning District shall govern all development taking place on the Site.

Inasmuch as planning for the proposed redevelopment of the Site has not yet advanced beyond the formative stage, the ultimate layouts of the development proposed, the exact alignments of streets and points of access, the configurations and placements of parking areas and the heights and masses of buildings have not yet been determined. As a consequence, the configurations, placements and sizes of the buildings and parking areas depicted on the Rezoning Plan are schematic in nature and therefore are subject to refinements as part of the total design process. They may, therefore, be altered or modified during design development and construction document phases so long as the maximum parking and building envelope lines established on the Rezoning Plan are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the UR-2 District.

2. Permitted Uses and Maximum Development

The Site may be developed with up to 59 for-sale single-family attached dwelling units (townhomes), together with any incidental and accessory uses related thereto that are allowed in the UR-2 zoning district.

3. Transportation

- a) Vehicular access will be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access point shown on the Rezoning Plan is subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval.
- b) As depicted on the Rezoning Plan, the Site will be served by public and/or private streets.
- c) Internal sidewalks and pedestrian connections shall be provided along all public and private streets throughout the Site. The internal sidewalks may meander to save existing trees.
- d) Where necessary, Petitioner shall dedicate and convey in fee simple all rights-of-way to the City of Charlotte before the Site’s first building certificate of occupancy is issued or phased per the Site’s development plan. The right-of-way shall be set at two (2) feet behind the back of sidewalk where feasible.
- e) Unless otherwise stated herein, all transportation improvements shall be approved and constructed prior to the issuance of the first certificate of occupancy for principal buildings within the Site.

4. Architectural Standards

- a) The principal buildings used for residential uses constructed on the Site may use a variety of building materials. The building materials used for buildings will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, synthetic stone, stucco, cementitious siding (such as Hardi-plank), vinyl, EIFS or wood.
- b) Each attached and detached single-family residential dwelling unit shall be provided with a one- or two-car garage.
- c) All residential entrances within 15 feet of the public sidewalk must be raised from the average sidewalk grade a minimum of twelve (12) inches.
- d) Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12.
- e) Petitioner shall provide blank wall provisions that limit the maximum blank wall expanse to 20 feet on all building levels, including but not limited to doors, windows, awnings, and/or architectural design elements.

- f) Walkways will be provided to connect all residential entrances to sidewalks along public and private streets, as generally depicted on the Rezoning Plan.
- g) Townhouse buildings will be limited to six (6) individual units or fewer or will otherwise be meaningfully differentiated between units, including, but not limited to, forward offsets in the front walls of units, vertical height differences, or architectural differences in elevations (such as windows, doors, bays, trim, or materials).

5. Streetscape and Landscaping

- a) The Petitioner may subdivide the Site and create sublots within the Site with no side or rear yards as part of a unified development plan.
- b) The Petitioner shall comply with the Tree Ordinance and Post Construction Stormwater Ordinance.

6. Lighting

- a) Pedestrian scale lighting will be provided within the Site along public and private streets.

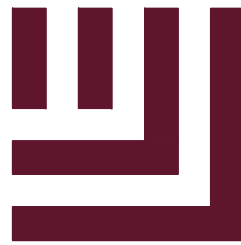
7. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet or these Development Standards may be applied for by the then Owner or Owners of the parcel or parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

Further alterations or modifications to this Rezoning Plan which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the Technical Data Sheet or any of its conditions or which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

8. Binding Effect of the Rezoning Documents and Definitions

- a) If this Rezoning Plan is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- b) Throughout these Development Standards, the terms, “Petitioner” and “owner” and “owners” shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owners of the Site from time to time who may be involved in any future development thereof.



McADAMS

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3430 Toringdon Way
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Charlotte, NC 28277
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license number: C-0293, C-187

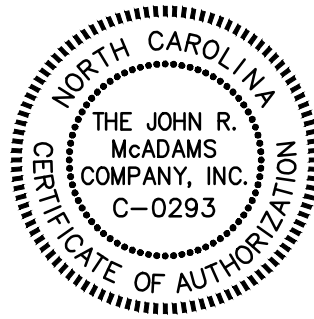
www.mcadamsco.com

CLIENT

MATT KEARNS
SHEA INVESTMENTS FUND 4, LLC
8008 CORPORATE CENTER DRIVE, SUITE 300
CHARLOTTE, NORTH CAROLINA 28226



NORTH SHARON AMITY ROAD
TOWNHOMES
PRELIMINARY DRAWINGS
500 NORTH SHARON AMITY ROAD
CHARLOTTE, NORTH CAROLINA 28211



REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. SHH-19000
FILENAME SHH19000-RZ1
CHECKED BY RMR
DRAWN BY CEG
SCALE 1"=30'
DATE 06.10.2019

SHEET

REZONING NOTES

RZ.2

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2019-097
Petition #: _____
Date Filed: 6/13/2019
Received By: BK

Complete All Fields (Use additional pages if needed)

Property Owner: See Exhibit A attached hereto

Owner's Address: See Exhibit A attached hereto City, State, Zip: See Exhibit A attached hereto

Date Property Acquired: See Exhibit A attached hereto

Property Address: See Exhibit A attached hereto

Tax Parcel Number(s): 145-134-03, 145-134-27, 145-134-28, 145-134-22 and 145-134-01

Current Land Use: Commercial and Industrial Size (Acres): +/- 17.017 acres total
TOD-TR: 8.38 AC. TOD-CC: 8.84 AC

Existing Zoning: I-1 (CD) and I-1 Proposed Zoning: TOD-TR & TOD-CC

Overlay: N/A (Specify PED, Watershed, Historic District, etc.)

Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham, Carlos Alzate, Grant Meacci et al.

Date of meeting: May 15, 2019

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team member is held.)

For Conditional Rezonings Only:

Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): _____

Purpose/description of Conditional Zoning Plan: _____

John Carmichael (Robinson Bradshaw)
Name of Rezoning Agent

101 N. Tryon Street, Suite 1900
Agent's Address

Charlotte, NC 28246
City, State, Zip

704-377-8341
Telephone Number Fax Number

jcarmichael@robinsonbradshaw.com
E-Mail Address

See Attached Joinder Agreements
Signature of Property Owner

(Name Typed / Printed)

Ardent Acquisitions LLC (c/o Tyson Reilly)
Name of Petitioner(s)

2100 Powers Ferry Road SE, Suite 350
Address of Petitioner(s)

Atlanta, GA 30339
City, State, Zip

248-361-8842
Telephone Number Fax Number

treilly@theardentcompanies.com
E-Mail Address

ARDENT ACQUISITIONS LLC

By: [Signature]
Signature of Petitioner

[Signature]
(Name Typed / Printed)

Exhibit A to Rezoning Application Filed by Ardent Acquisitions LLC

Property Owners Information, Acquisition Dates and Site Addresses

Tax Parcel No. 145-134-03

Box Fight LLC
3722 South Tryon Street
Charlotte, NC 28217

Acquisition Date: July 20, 2018

Site Address: 3722 South Tryon Street

Tax Parcel No. 145-134-27

David C. Van Every
741 Ideal Way
Charlotte, NC 28203

Acquisition Date: April 28, 1993

Site Address: None

Tax Parcel Nos. 145-134-28, 145-134-22 & 145-134-01

Cardo Properties
P.O. Box 220329
Charlotte, NC 28222

Acquisition Dates: November 14, 1985, February 25, 1987 & December 24, 1980

Site Addresses: 503 Blairhill Road, 3608 South Tryon Street & 3600 South Tryon Street

**REZONING APPLICATION FILED BY
ARDENT ACQUISITIONS LLC
JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Ardent Acquisitions LLC that is designated as Tax Parcel No. 145-134-03 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site to the TOD-TR and TOD-CC zoning districts.

This 12 day of June, 2019.

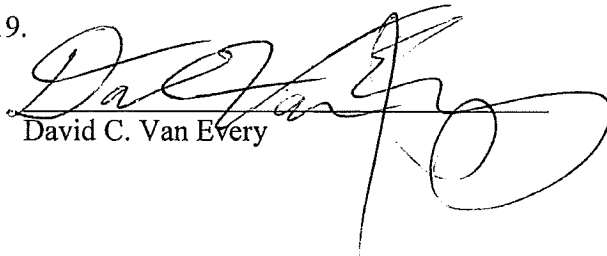
BOX FIGHT LLC

By: Eric McCoy
Name: Eric McCoy
Title: CEO

**REZONING APPLICATION FILED BY
ARDENT ACQUISITIONS LLC
JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Ardent Acquisitions LLC that is designated as Tax Parcel No. 145-134-27 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site to the TOD-TR zoning district.

This 12 day of June, 2019.



David C. Van Every

**REZONING APPLICATION FILED BY
ARDENT ACQUISITIONS LLC
JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Ardent Acquisitions LLC that is designated as Tax Parcel No. 145-134-28 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site to the TOD-TR and TOD-CC zoning districts.

This 11th day of June, 2019.

CARDO PROPERTIES

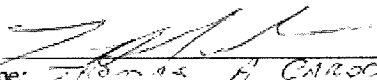
By: 
Name: Thomas A. CARDO
Title: General PARTNER

**REZONING APPLICATION FILED BY
ARDENT ACQUISITIONS LLC
JOINDER AGREEMENT**

The undersigned, as the owner of those parcels of land subject to the attached Rezoning Application filed by Ardent Acquisitions LLC that are designated as Tax Parcel Nos. 145-134-22 and 145-134-01 on the Mecklenburg County Tax Maps (the "Site"), hereby joins in this Rezoning Application and consents to the change in zoning for the Site to the TOD-CC zoning district.

This 11th day of June, 2019.

CARDO PROPERTIES

By: 
Name: Thomas A. CARRO
Title: General Partner

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: 2019-098

Date Filed: 6/17/2019

Received By: B+

Property Owners: SEE SCHEDULE 1 ATTACHED HERETO

Owner's Addresses: SEE SCHEDULE 1 ATTACHED HERETO

Date Properties
Acquired: SEE SCHEDULE 1 ATTACHED HERETO

Property Addresses: SEE SCHEDULE 1 ATTACHED HERETO

Tax Parcel Numbers: SEE SCHEDULE 1 ATTACHED HERETO

Current Land Use: Radio transmission tower (Acres): * 8.12

Existing Zoning: R-5 Proposed Zoning: NS

Overlay: N/A Tree Survey Provided: Yes: N/A:

Required Rezoning Pre-Application Meeting* with: Claire Lyte-Graham, Catherine Mahoney, Jennifer Frixen, Grant Meacci, Isaiah Washington, Eric Lemieux and David Pettine

Date of meeting: May 22, 2019

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team member is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? ☐ Yes ☒ No. Number of years (maximum of 5): N/A

Purpose/description of Conditional Zoning Plan: To allow development of the site with residential uses a small office building and parking for adjacent existing office uses.

Keith MacVean, Dujana Keys & Jeff Brown

Name of Rezoning Agent

Moore & Van Allen, PLLC
100 N. Tryon Street, Suite 4700

Agent's Address

Charlotte, NC 28202

704-331-1144 (JB) 704-378-1925 (JB)

704.331.3531(KM) 704-378-1954(KM)

704.331-2371 (DK) 7004-339-5888 (DK)

Telephone Number Fax Number

jeffbrown@mvalaw.com; keithmacvean@mvalaw.com;
dujanakeys@mvalaw.com

E-mail Address

SEE ATTACHMENTS A

Signature of Property Owner

Flagship Healthcare Properties, LLC (Attn: Thorn Baccich)

Name of Petitioner

2701 Coltsgate Road, Ste 300

Address of Petitioner

Charlotte, NC 28211

City, State, Zip

704-442-0222

Telephone Number

704-367-0196

Fax Number

thorn@flagshiphp.com

E-mail Address

SEE ATTACHMENT B

Signature of Petitioner

CHAR202124867v1

SCHEDULE 1

Parcel	Property Address	Owner	Owner's Address	Date Acquired
157-016-29	2901 Sandlewood Rd, Charlotte, NC 28205	WHVN Inc.	1955 Cliff Valley Way NE, Ste 200, Atlanta, GA 30329	10/30/2014

ATTACHMENT A

**REZONING PETITION NO. 2019-_____
Flagship Healthcare Properties, LLC**

**OWNER JOINDER AGREEMENT
WHVN Inc.**

The undersigned, as the owner of the parcel of land located at 2901 Sandlewood Rd, Charlotte, NC that is designated as Tax Parcel No. 157-016-29 on the Mecklenburg County Tax Map and which is subject to the attached Rezoning Application (the "Parcel"), hereby joins in the Rezoning Applications and consents to the change in zoning for the parcels from R-5 zoning district to the NS zoning district as more particular depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This 29 day of MAY, 2019.

WHVN Inc.

By: 

Name:

Its:

JACOB BOGAN
VICE - PRESIDENT

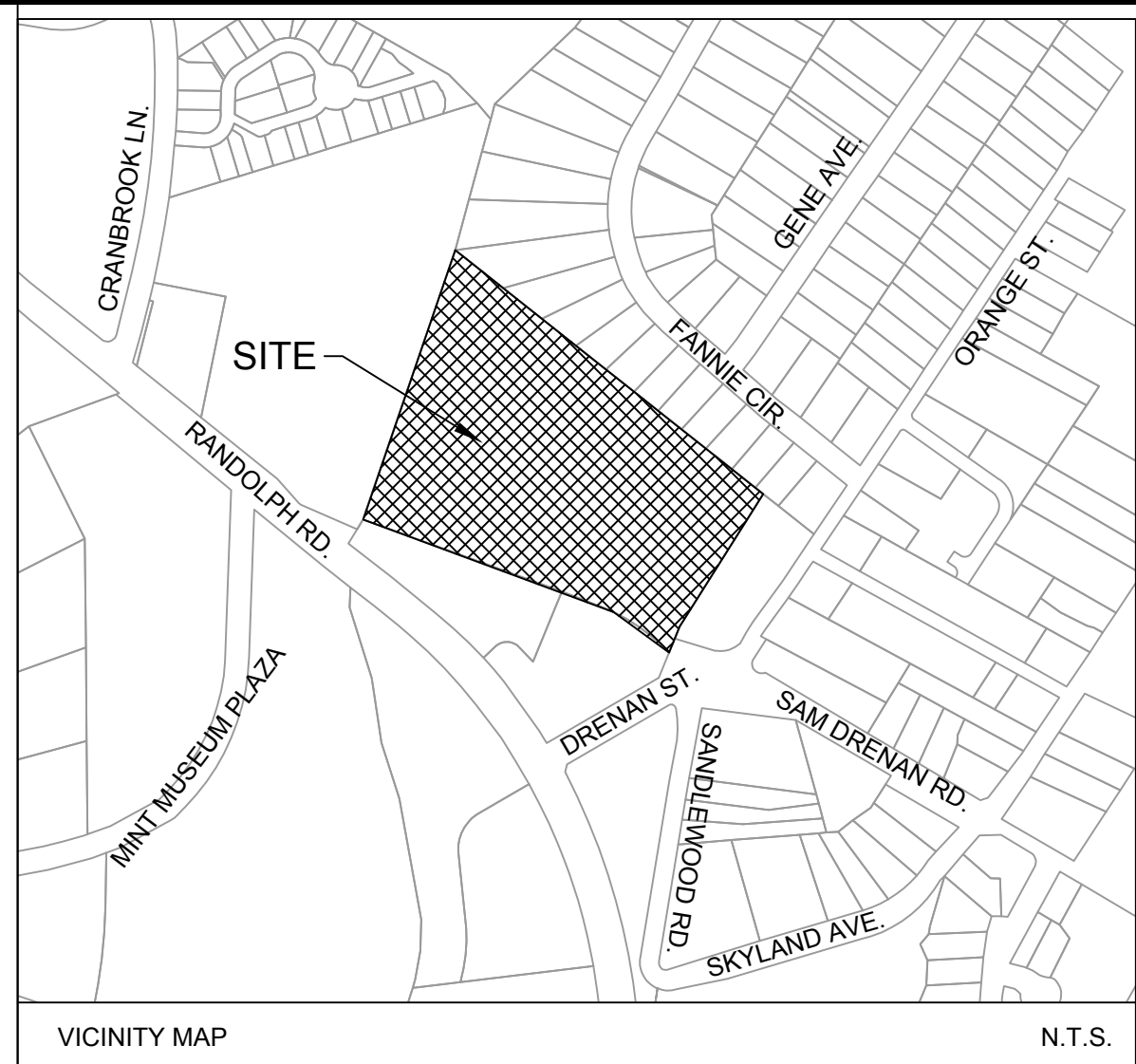
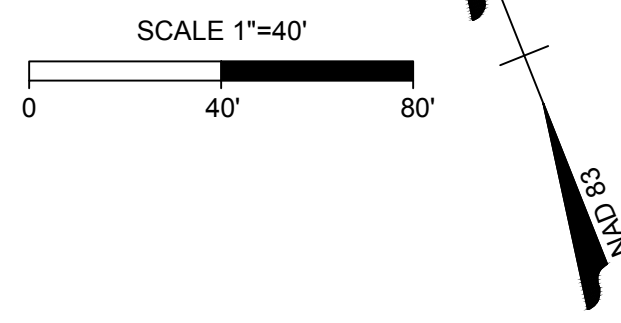
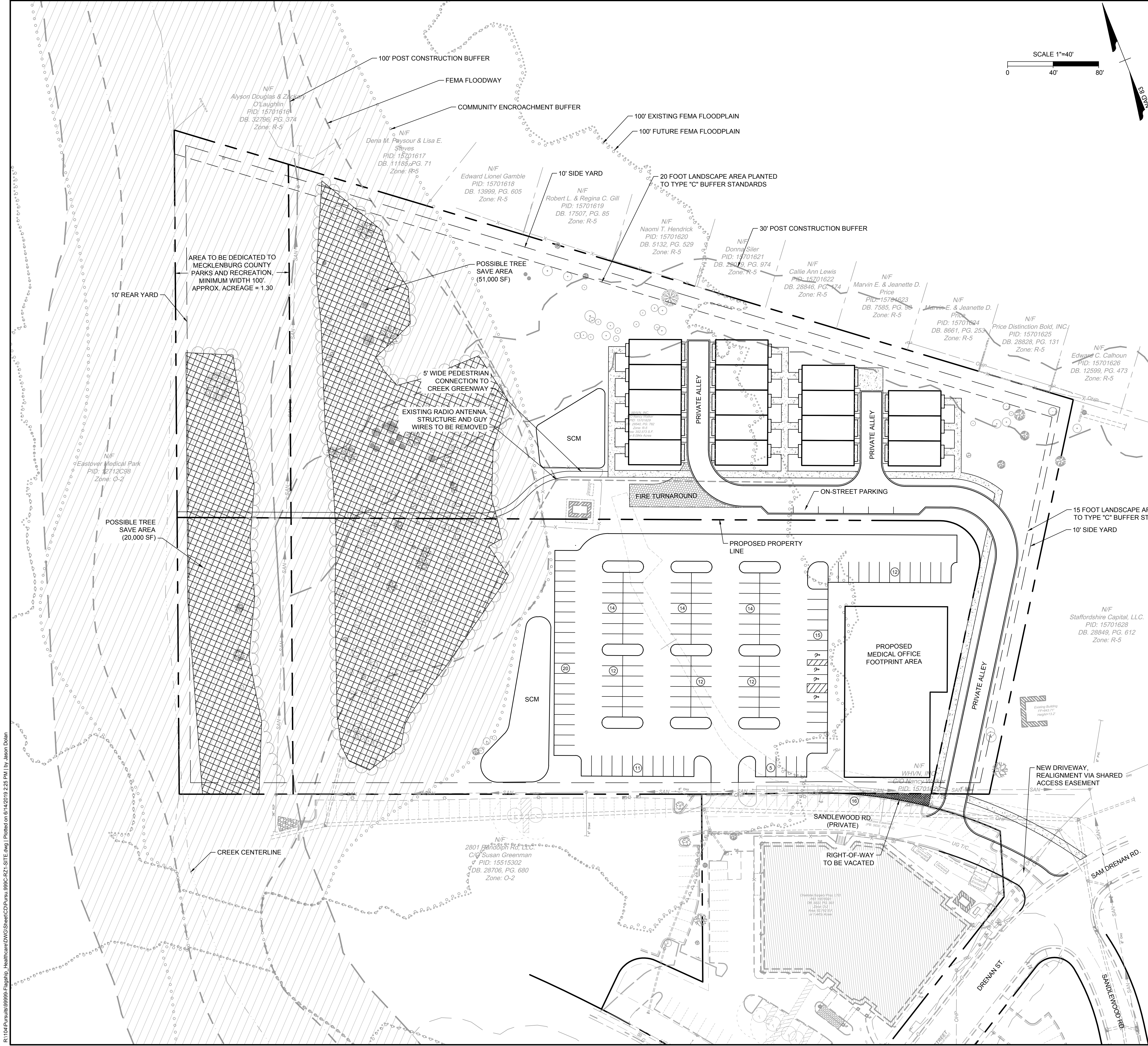
ATTACHMENT B

**REZONING PETITION NO. 2019-
Flagship Healthcare Properties, LLC**

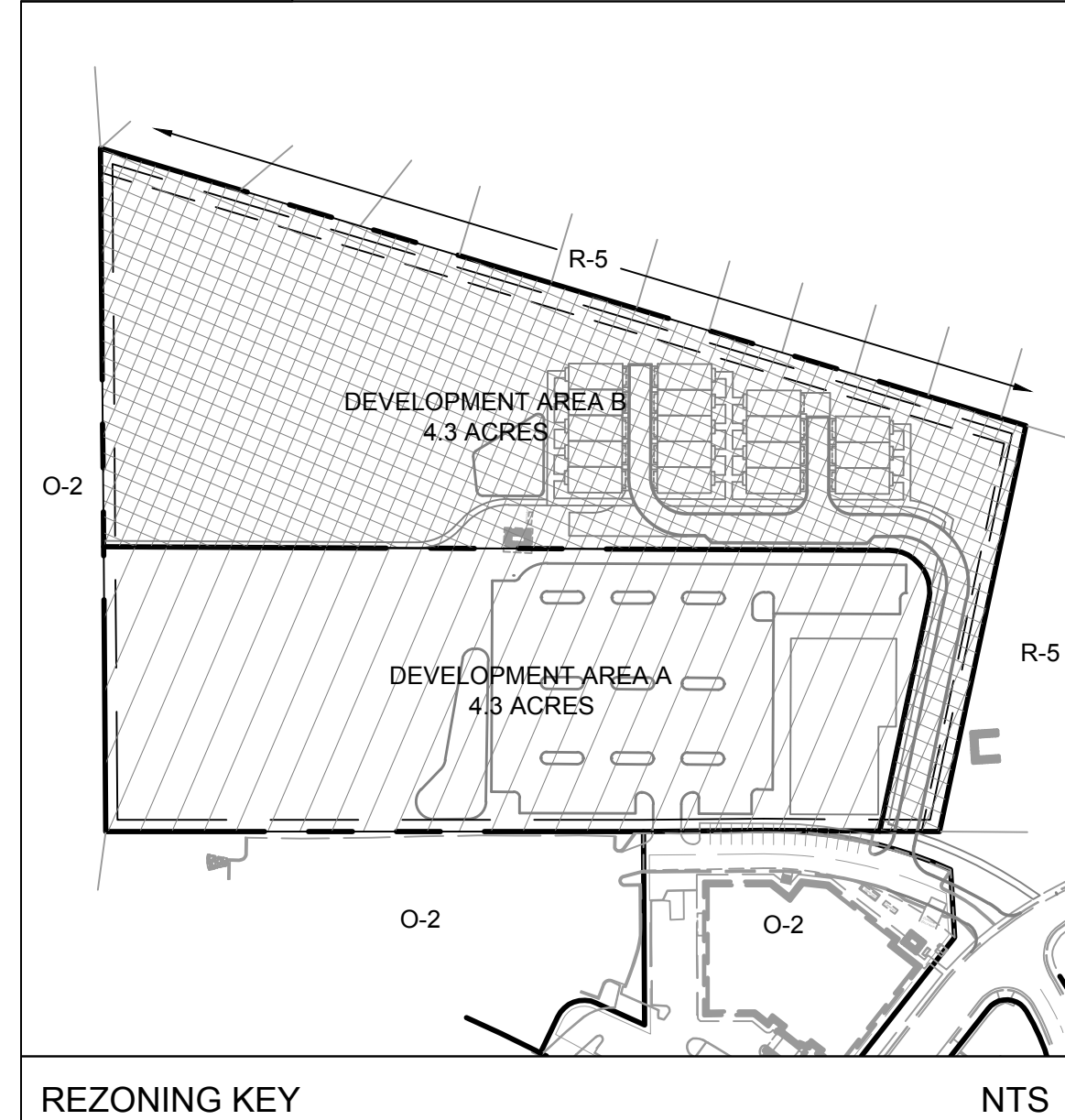
Petitioner:

Flagship Healthcare Properties, LLC

By: J. Brannen Edge
Name: J Brannen Edge III
Title: President



REZONING SUMMARY	
PETITIONER :	FLAGSHIP HEALTHCARE PROPERTIES, LLC C/O THORN BACCICH 2701 COLTSGATE ROAD SUITE 300 CHARLOTTE, NC 28211
REZONING SITE AREA:	TOTAL: 8.12 ACRES DEVELOPMENT AREA A: 3.82 ACRES DEVELOPMENT AREA B: 4.30 ACRES
TAX PARCEL #:	15701629
EXISTING ZONING:	R-5
PROPOSED ZONING:	NS
EXISTING USES:	RADIO ANTENNA
PROPOSED USES:	DEVELOPMENT AREA A: MEDICAL OFFICE DEVELOPMENT AREA B: RESIDENTIAL
MAX. BUILDING HEIGHT:	DEVELOPMENT AREA A: 1 STORY (NOT TO EXCEED 27') DEVELOPMENT AREA B: 3 STORIES (NOT TO EXCEED 40')
PARKING:	AS REQUIRED BY THE ORDINANCE
REQ. PARKING:	AS REQUIRED BY THE ORDINANCE
TREE SAVE:	1.29 AC (15%)
REQUIRED:	1.29 AC, MINIMUM
PROVIDED:	



REZONING KEY

NTS



THIS DRAWING PREPARED AT THE
CHARLOTTE OFFICE
610 E. Washad
TEL 704.602.8600 FAX 704.376.1076
North Carolina License No. C-1652

YOUR VISION ACHIEVED THROUGH OURS.

DATE

06/13/2019

DRAWN BY

RAS

DESIGNED BY

BVC

CHECKED BY

BVC

SCALE

AS SHOWN

TIMMONS GROUP

FLAGSHIP HEALTHCARE - GRIER HEIGHTS
MECKLENBURG COUNTY, NORTH CAROLINA

REZONING PLAN

JOB NO.
99999

SHEET NO.
RZ-100

REZONING PETITION NO. 2019-XXX

R:\104\Private\99999-Flagship_Healthcare\DWG\Sheet\CD\Private\99999-RZ1-SITE.dwg | Plotted on 6/14/2019 2:25 PM | by Jason Dolan

R:\104P\paula\99999-Flagship_Healthcare\DWG\Sheet\CDP\resu 999C-RZ1 SITE.dwg | Plotted on 6/14/2019 12:41 PM | by Jason Dolan

Site Development Data:

--Acreage: ± 8.12 acres
--Tax Parcel #: 157-016-29
--Existing Zoning: R-5
--Proposed Zoning: NS
--Existing Uses: Radio Antenna
--Proposed Uses: (i) Within Development Area A, medical office uses, and medical, dental, optical clinics, and general office uses; and (ii) within Development Area B attached dwelling units. All as permitted by right and under prescribed conditions together with accessory uses, as allowed in the NS zoning district (as more specifically described and restricted below in Section 2).
--Maximum Gross Square feet of Development: Within Development Area A up to 12,500 square feet of gross floor area of medical office uses, medical, dental, optical clinics, and general office uses. Within Development Area B up to 25 attached dwelling units.
--Maximum Building Height: Within Development Area A one (1) story but not to exceed 27 feet. Within Development Area B up to three (3) stories but not to exceed 40 feet. Height to be measured as required by the Ordinance.
--Parking: Parking will be provided as required by the Ordinance.

1. General Provisions:

- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Flagship Healthcare Properties, LLC ("Petitioner") to accommodate the development of an office building with a variety of medical and general office uses, and an attached dwelling residential community as allowed in the NS zoning district on approximately 8.12 acre site located at the northeast corner of intersection of Sam Drenan Road and Orange Street (the "Site").
- b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the NS zoning classification shall govern.
- c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways, and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.
- d. **Number of Buildings Principal and Accessory.** The total number of principal buildings to be developed on the Site shall not exceed one (1) on Development Area A, and not exceed six (6) within Development Area B. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, architectural elements and designs as the principal buildings located on the Site.
- e. **Unified Development.** The Site may be considered a unified development plan as and as such separation standards such as buffers, side and/or rear yards may be eliminated or reduced between Development Area A and B within the Site and with the existing office building and parking areas located on tax parcel # 155-153-01 (2825 Randolph Road), subject to the normally required Staff review and approval process.

2. Permitted Uses & Development Area Limitation:

For ease of reference, the Rezoning Plan sets forth two (2) Development Areas as generally depicted on the Technical Data Sheet as Development Areas A and B (each a "Development Area" and collectively the "Development Areas").

- a. Within Development Area A up to 12,500 square feet of gross floor area of medical offices uses, medical, dental, and optical clinics, and general office uses together with accessory uses as allowed in the NS zoning district may be developed.
- b. Within Development Area B up to 25 attached dwelling units together with accessory uses as allowed in the NS zoning district may be developed. A minimum of 40% of the attached dwelling units constructed on Development Area B will be restricted to buyers at who are eligible for HouseCharlotte assistance.

For purposes of the development limitations set forth in these Development Standards for this Petition (but not to be construed as a limitation on FAR requirements or definition set by the Ordinance), the following items will not be counted as part of the allowed gross floor area (floor area as defined by the Ordinance) for the Site: surface or structured parking facilities, and all loading dock areas (open or enclosed).

3. Access and Transportation:

- a. Access to the Site will be from Sam Drenan Road in the manner generally depicted on the Rezoning Plan. This access will serve both Development Area A and B. The common access drive may be designed as a shared drive for the proposed uses as well as a shared drive with the existing building located at 2825 Randolph Road.
- b. The Petitioner reserves the right to request the abandonment of a portion of the existing unused right-of-way located at the intersection of Orange Street and Sam Drenan Road as generally depicted on the Rezoning Plan.
- c. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by CDOT and/or NCDOT in accordance with applicable published standards.
- d. The Petitioner will dedicate and convey via a fee simple deed any additional right-of-way indicated on the proposed site plan prior to the issuance of the first certificate of occupancy. Right-of-way conveyance to be located two feet behind the sidewalk or a two (2) utility easement to be provided behind the sidewalk if two (2) feet right-of-way cannot be conveyed behind the sidewalk.
- e. All required transportation improvements will be approved and constructed prior to the issuance of the first certificate of occupancy subject to the petitioner ability to post a bond for any improvements not in place at the time of the issuance of the first certificate of occupancy.
- f. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT and/or NCDOT in accordance with published standards.

4. Streetscape, Buffers, Yards and Landscaping:

- a. Along the Site's eastern property boundary a 15 foot landscape area planted to Class C Buffer standards will be provided, and along the northern property boundary a 20 foot landscape area planted to Class C Buffer standards will be provided as generally depicted on the rezoning plan.
- b. The Petitioner will provide a sidewalk network that links the proposed building entrances within each Development Area to the sidewalk along Sam Drenan Road. The minimum width for this internal sidewalk will be six (6) feet.
- c. Above-ground backflow preventers will be screened from public view and will be located outside of the required setbacks.
- d. The proposed attached dwelling, residential community located on Development Area B will be designed to accommodate roll out trash service as provided by the City of Charlotte.
- e. Dumpster areas and recycling areas will be enclosed by a solid wall with one side being a decorative gate. The wall used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal building.

5. Architectural Standards:

Building Placement and Site Design shall focus on and enhance the Pedestrian environment on public or private streets, through the following:

1. Architectural Standards for Development Area A:

- a. The proposed buildings shall be placed so as to present a front façade to the internal private street as generally depicted on the Rezoning Plan.
- b. The Facade fronting on internal private street shall include windows for a minimum of 50% of the private street elevation, transparent glass between 2' feet and 10' feet on the first floor. Up to 20% of this requirements may be comprised of display windows. These display windows must maintain a minimum of 3'-0" foot clear depth between window and rear wall. Windows within this zone shall not be screened with film, decals, and other opaque material, or glazing finishes. The maximum sill height for required transparency shall not exceed 4'-0" feet above adjacent street sidewalk.
- c. The facade of first/ground floor of the building along the internal private street shall incorporate a minimum of 30% masonry material such as brick or stone.
- d. Direct pedestrian connection shall be provided between the building and the internal private street, to the sidewalk on Sam Drenan Road.
- e. The building design will include a door facing/oriented toward the internal private street.
- f. Building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions, or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
- g. Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall off-sets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.
- h. Buildings should be a minimum height of 18 feet.

2. Architectural Standards for Development Area B:

- a. The building materials used on the principal buildings constructed on Development Area B will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may be used on windows, soffits and on handrails/railings.
- b. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12.
- c. On the interior of the Site end units that about the internal private streets will have multiple windows on the end facades to avoid a blank street wall.
- d. Garage doors visible from the public or private streets will be recessed at least one (1) foot behind the front most building face, to minimize the visual impact of the garage doors on the public and private streets.

6. Environmental Features:

- a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance.
- b. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
- c. The Site will comply with the Tree Ordinance.
7. **Lighting:**
- a. All new detached and attached lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. Detached lighting for both Development Areas will be limited to 16 feet in height.

8. Briar Creek Greenway Dedication:

- a. The Petitioner will convey to County Park and Recreation for the development of a greenway the portion of 100 foot SWIM buffer associated with Briar Creek located on the Site, this area is generally depicted on the Rezoning Plan. This area will be dedicated and conveyed to County Park and Recreation prior to the issuance of the first certificate of occupancy for the Site.

9. Amendments to the Rezoning Plan:

- a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

10. Binding Effect of the Rezoning Application:

- a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



TIMMONS GROUP

FLAGSHIP HEALTHCARE - GRIER HEIGHTS
MECKLENBURG COUNTY, NORTH CAROLINA
DEVELOPMENT STANDARDS

JOB NO.
99999
SHEET NO.
RZ-101

THIS DRAWING PREPARED AT THE
CHARLOTTE OFFICE
610 E. Morehead Street, Suite 200
Charlotte, NC 28202
TEL: 704.602.8600 FAX: 704.376.1076
www.timmons.com
North Carolina License No. C-1652

YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION

DATE

DATE
06/13/2019

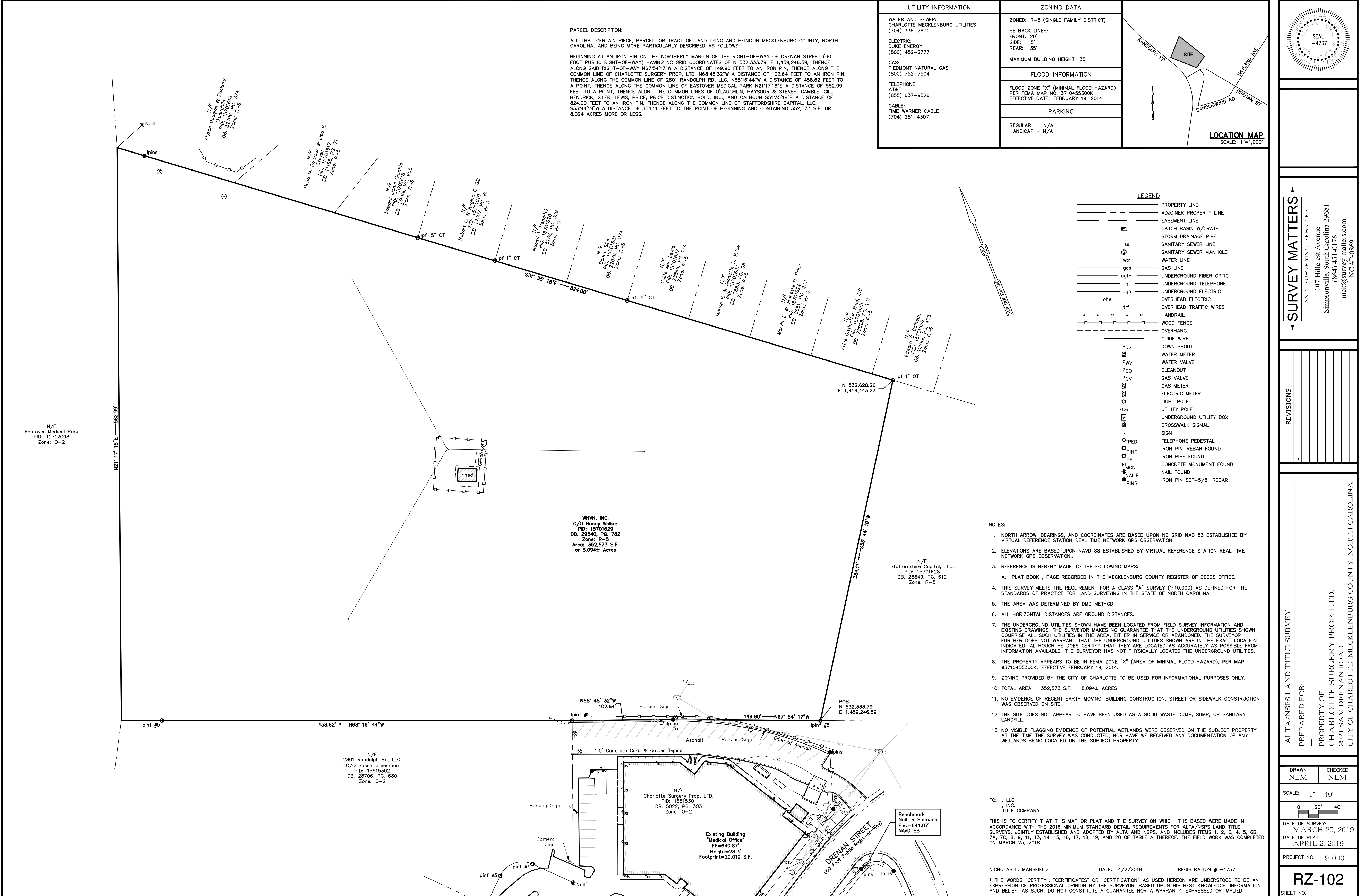
DRAWN BY
RAS

DESIGNED BY
BVC

CHECKED BY
BVC

SCALE
AS SHOWN

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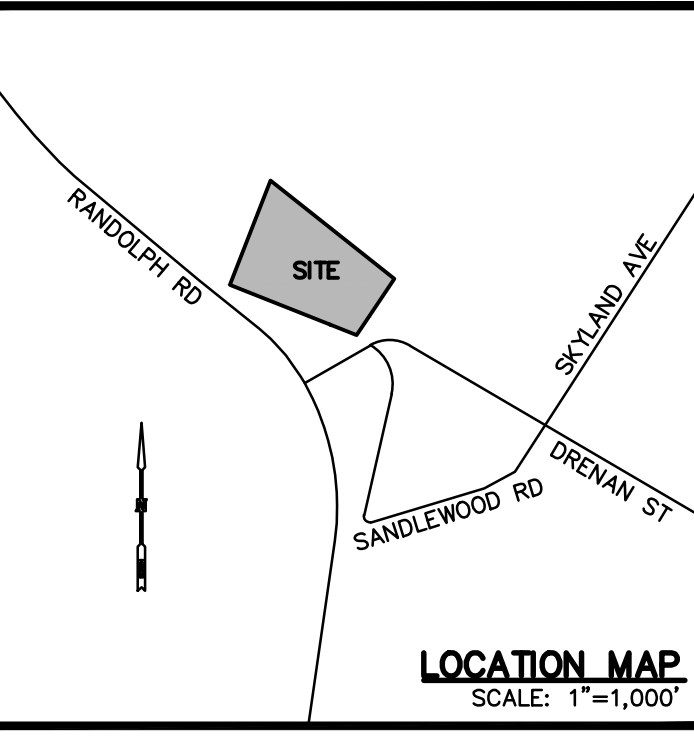
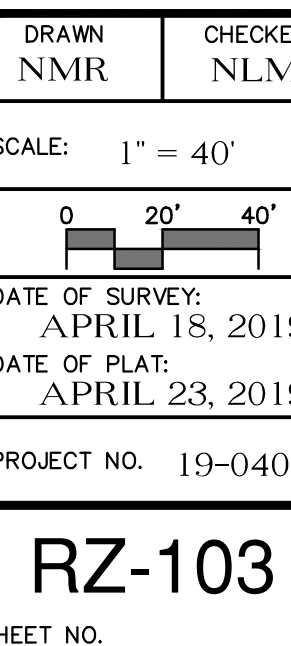
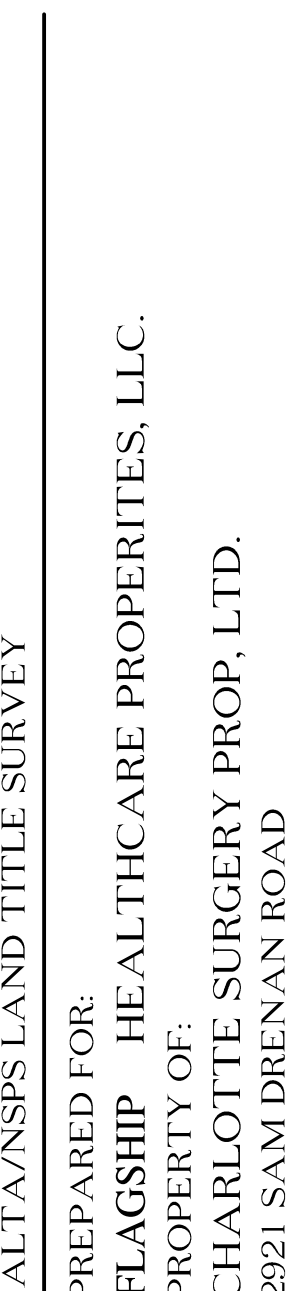
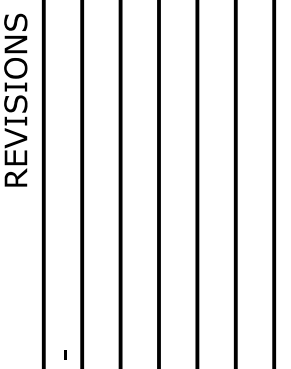


SURVEY MATTERS
LAND SURVEYING SERVICES
107 Hillcrest Avenue
Simpsonville, South Carolina 29681
(864) 451-0176
nick@survey-matters.com
NC #P-0869

REVISIONS

ALTA/NSPS LAND TITLE SURVEY
PREPARED FOR:
PROPERTY OF:
CHARLOTTE SURGERY PROP, LTD.
2921 SAM DRENAN ROAD
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

DRAWN	CHECKED
NLM	NLM
SCALE: 1" = 40'	
DATE OF SURVEY: MARCH 25, 2019	
DATE OF PLAT: APRIL 2, 2019	
PROJECT NO. 19-040	
RZ-102	
SHEET NO.	



UTILITY INFORMATION	ZONING DATA
<p>WATER AND SEWER: CHARLOTTE MECKLENBURG UTILITIES (704) 336-7600</p> <p>ELECTRIC: DUKE ENERGY (800) 452-2777</p> <p>GAS: PIEDMONT NATURAL GAS (800) 752-7504</p> <p>TELEPHONE: AT&T (855) 637-9526</p> <p>CABLE: TIME WARNER CABLE (704) 251-4307</p>	<p>ZONED: R-5 (SINGLE FAMILY DISTRICT)</p> <p>SETBACK LINES: FRONT: 20' SIDE: 5' REAR: 35'</p> <p>MAXIMUM BUILDING HEIGHT: 35'</p>
	<p style="text-align: center;">FLOOD INFORMATION</p> <p>FLOOD ZONE "X" (MINIMAL FLOOD HAZARD) PER FEMA MAP NO. 3710455300K EFFECTIVE DATE: FEBRUARY 19, 2014</p> <p style="text-align: center;">PARKING</p> <p>REGULAR = N/A HANDICAP = N/A</p>

BEGINNING AT AN IRON PIN ON THE NORTHERLY MARGIN OF THE RIGHT-OF-WAY OF DRENAN STREET (60 FEET WIDE) TO AN IRON PIN LOCATED AT THE COORDINATES OF E 5392.333' AND N 1.459 246.59' ALONG SAID RIGHT-OF-WAY N67°54'17" W A DISTANCE OF 149.90 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF CHARLOTTE SURGERY PROP, LTD. N68°48'32" W A DISTANCE OF 102.64 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF CHARLOTTE SURGERY PROP, LTD. N68°48'32" W A DISTANCE OF 102.64 FEET TO A POINT, THENCE ALONG THE COMMON LINE OF EASTOVER MEDICAL PARK N21°17'18" E A DISTANCE OF 582.99 FEET TO A POINT, THENCE ALONG THE COMMON LINES OF O'LAUGHLIN, PAYSOUR & STEVES, GAMBLE, GILL, HENDRICK, SILER, LEWIS, PRICE, PRICE DISTINCTION BOLD, INC., AND CALHOUN N51°35'18" E A DISTANCE OF 102.64 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF CALHOUN N51°35'18" E A DISTANCE OF 102.64 FEET TO A POINT, THENCE ALONG THE COMMON LINE OF CALHOUN N51°35'18" E A DISTANCE OF 354.11 FEET TO THE POINT OF BEGINNING AND CONTAINING 352,573 S.F. OR 8.094 ACRES MORE OR LESS.

1-2. (NOT A SURVEY MATTER)

7. Any discrepancy, conflict, access, shortage in area or boundary line, encroachment, encumbrance

voidation, violation, overlap, setback, easement or claims of easement, riparian right, and title to land within roads, ways, railroads, watercourses, burial grounds, marshes, dredged or filled areas or land below the mean highwater mark or within the bounds of any adjoining body of water, or other adverse circumstance affecting the Title that would be disclosed by a current inspection and accurate and complete land survey of the Land. (CURRENT SURVEY SHOWN HEREON)

4. The correctness of the square footage/acreage computation contained in the description of the Land is not insured. (CURRENT SURVEY SHOWN HEREON)

5. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Map Book 230, page 71. (AFFECTS THE SUBJECT PARCEL, NOTHING TO PLOT)

6. Right of Way Agreement to City of Charlotte recorded in Book 3118, page 364. (AFFECTS THE SUBJECT PARCEL AS SHOWN HEREON)

7. Easement to Duke Power Company recorded in Book 5810, page 606. (AFFECTS THE SUBJECT PARCEL, BLANKET IN NATURE OVER ELECTRIC LINES)

8. Easement Agreement to City of Charlotte recorded in Book 25648, page 629. (AFFECTS THE SUBJECT PARCEL AS SHOWN HEREON)

9. Rights of others in and to the continuous and uninterrupted flow of the waters bounding or crossing the Land and riparian and/or littoral rights incident to the Land. (CURRENT SURVEY SHOWN HEREON)

10. Rights of others thereto in and to the continuous and uninterrupted flow of the waters bounding or crossing the land and claims to land created or lost by accretion, reliction or avulsion resulting from movement of the creek forming the boundary of the insured land. (CURRENT SURVEY SHOWN HEREON)

11. Title to any portion of the Land lying within the right of way of Sandlewood Drive (formerly Crescent Avenue Extended). (CURRENT SURVEY SHOWN HEREON)

NOTES:

1. NORTH ARROW, BEARINGS, AND COORDINATES ARE BASED UPON NC GRID NAD 83 ESTABLISHED BY VIRTUAL REFERENCE STATION REAL TIME NETWORK GPS OBSERVATION.
2. ELEVATIONS ARE BASED UPON NAVD 88 ESTABLISHED BY VIRTUAL REFERENCE STATION REAL TIME NETWORK GPS OBSERVATION.
3. REFERENCE IS HEREBY MADE TO THE FOLLOWING MAPS:
 - A. PLAT BOOK , PAGE RECORDED IN THE MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE.
4. THIS SURVEY MEETS THE REQUIREMENT FOR A CLASS "A" SURVEY (1:10,000) AS DEFINED FOR THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF NORTH CAROLINA.
5. THE AREA WAS DETERMINED BY DMD METHOD.
6. ALL HORIZONTAL DISTANCES ARE GROUND DISTANCES.
7. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
8. THE PROPERTY APPEARS TO BE IN FEMA ZONE "X" (AREA OF MINIMAL FLOOD HAZARD), PER MAP #3710455300K; EFFECTIVE FEBRUARY 19, 2014.
9. ZONING PROVIDED BY THE CITY OF CHARLOTTE TO BE USED FOR INFORMATIONAL PURPOSES ONLY.
10. TOTAL AREA = 352.573 S.F. = 8.094± ACRES
11. NO EVIDENCE OF RECENT EARTH MOVING, BUILDING CONSTRUCTION, STREET OR SIDEWALK CONSTRUCTION WAS OBSERVED ON SITE.
12. THE SITE DOES NOT APPEAR TO HAVE BEEN USED AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL.
13. NO VISIBLE FLAGGING EVIDENCE OF POTENTIAL WETLANDS WERE OBSERVED ON THE SUBJECT PROPERTY AT THE TIME THE SURVEY WAS CONDUCTED, NOR HAVE WE RECEIVED ANY DOCUMENTATION OF ANY WETLANDS BEING LOCATED ON THE SUBJECT PROPERTY.

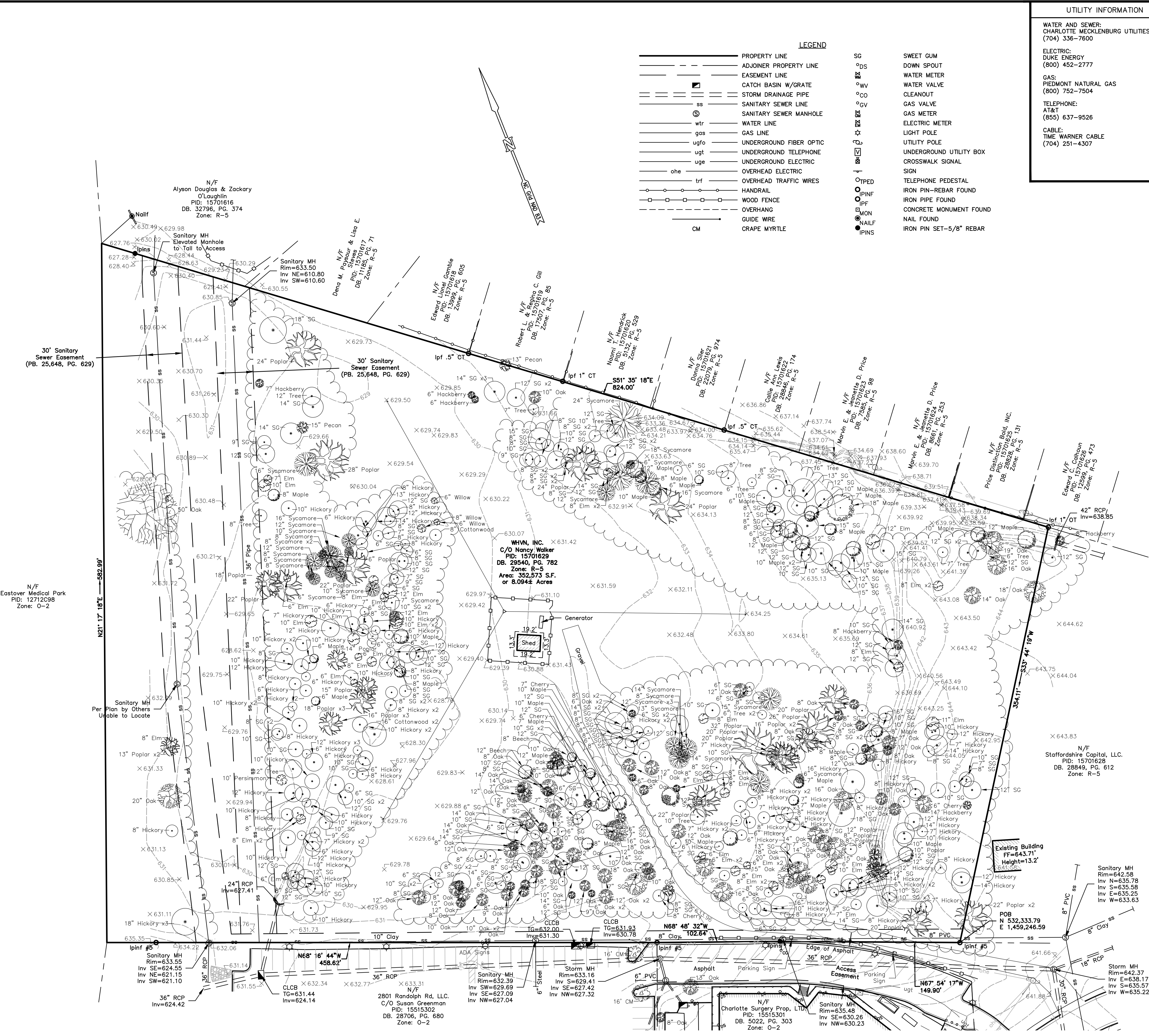
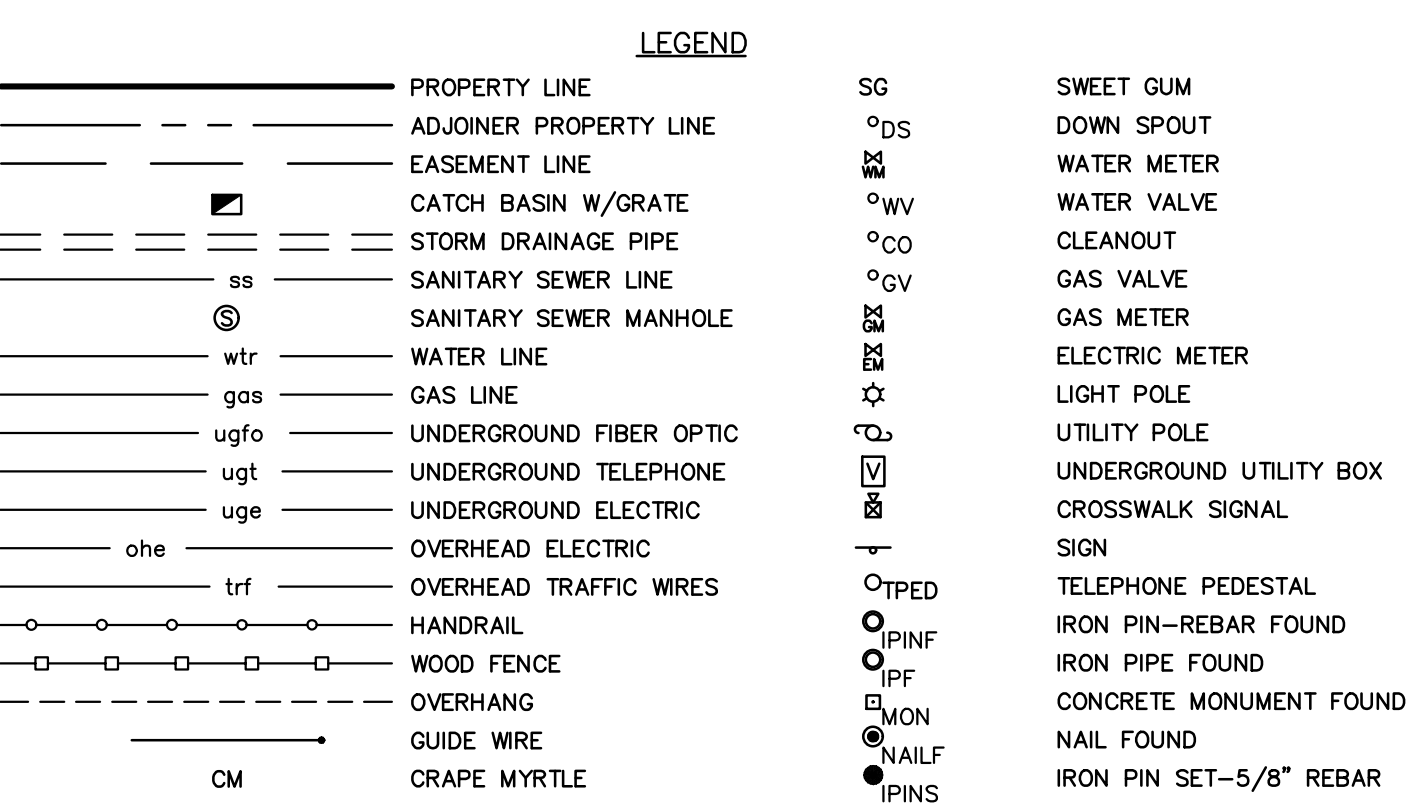
TO: FLAGSHIP HEALTHCARE PROPERTIES, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY
CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6B, 7A, 7C, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON APRIL 18, 2018.

[Signature]

NICHOLAS L. MANSFIELD DATE: 4/23/2019 REGISTRATION #L-4737

* THE WORDS "CERTIFY", "CERTIFICATES" OR "CERTIFICATION" AS USED HEREON ARE UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL OPINION BY THE SURVEYOR, BASED UPON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AS SUCH, DO NOT CONSTITUTE A GUARANTEE NOR A WARRANTY, EXPRESSED OR IMPLIED.



**I. REZONING APPLICATION
CITY OF CHARLOTTE**

2019-099

Petition #:	_____
Date Filed:	<u>6/17/2019</u>
Received By:	<u>Bf</u>

Complete All Fields (Use additional pages if needed)

Property Owner: Northbrook Properties

Owner's Address: PO BOX 1287 City, State, Zip: Northbrook, IL 60065

Date Property Acquired: 01/07/1988

Property Address: 3000 S Tryon Street Charlotte, NC 28203

Tax Parcel Number(s): 14505201

Current Land Use: Industrial Size (Acres): 2.329

Existing Zoning: I-2 Proposed Zoning: TOD-NR NC

Overlay: N/A Tree Survey Provided: Yes: _____ N/A: ✓

Required Rezoning Pre-Application Meeting* with: Solomon Fortune

Date of meeting: 4/17/19

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): _____

Purpose/description of Conditional Zoning Plan: _____

Townes Mozer
Name of Rezoning Agent

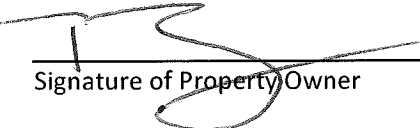
3000 S. Tryon Street
Agent's Address

Charlotte, NC 28217
City, State, Zip

980.585.1728
Telephone Number

_____ Fax Number

townes@discoverlennyboy.com
E-Mail Address


Signature of Property Owner

Townes Mozer
(Name Typed / Printed)

Townes Mozer
Name of Petitioner(s)


3000 S. Tryon Street
Address of Petitioner(s)

Charlotte, NC 28217
City, State, Zip

980.585.1728
Telephone Number

_____ Fax Number

townes@discoverlennyboy.com
E-Mail Address


Signature of Petitioner

Townes Mozer
(Name Typed / Printed)

**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #:	<u>2019-100</u>
Date Filed:	<u>6/17/2019</u>
Received By:	<u>[Signature]</u>

Complete All Fields (Use additional pages if needed)

Property Owner: White Zombie, LLC

Owner's Address: 1401 Central Ave City, State, Zip: Charlotte, NC 28205

Date Property Acquired: September 7, 2018

Property Address: 955 955 & 961 Seigle Ave, Charlotte, NC 28205

Tax Parcel Number(s): ~~081-084-07, 081-084-08~~ 081-084-15

Current Land Use: Vacant Size (Acres): 1.01 AC

Existing Zoning: I-2 Proposed Zoning: MUDD(O)

Overlay: N/A Tree Survey Provided: Yes: N/A ☒ X

Required Rezoning Pre-Application Meeting* with: Grant Meacci, Michael Russell, Isaiah Washington

Date of meeting: 05/28/2019

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): No

Purpose/description of Conditional Zoning Plan: To establish a Mixed-Use district which allows for the existing building at the corner of Van Every St and Seigle Ave to be located within the proposed setback.

Paul Pennell – Urban Design Partners
Name of Rezoning Agent

1318 Central Ave, Suite E-6
Agent's Address

Charlotte, NC 28205
City, State, Zip

704-334-3303
Telephone Number

Paul@urbandesignpartners.com
E-Mail Address

[Signature]
Signature of Property Owner

Digitally signed by Matt Connolly
DN: cn=Matt Connolly, o, ou,
email=matt@pikeproperties.com,
c=US
Date: 2019.06.17 08:11:20 -05'00'

Matt Connolly – White Zombie, LLC
(Name Typed / Printed)

Matt Connolly – Pike Properties, LLC
Name of Petitioner(s)

1401 Central Ave
Address of Petitioner(s)

Charlotte, NC 28205
City, State, Zip

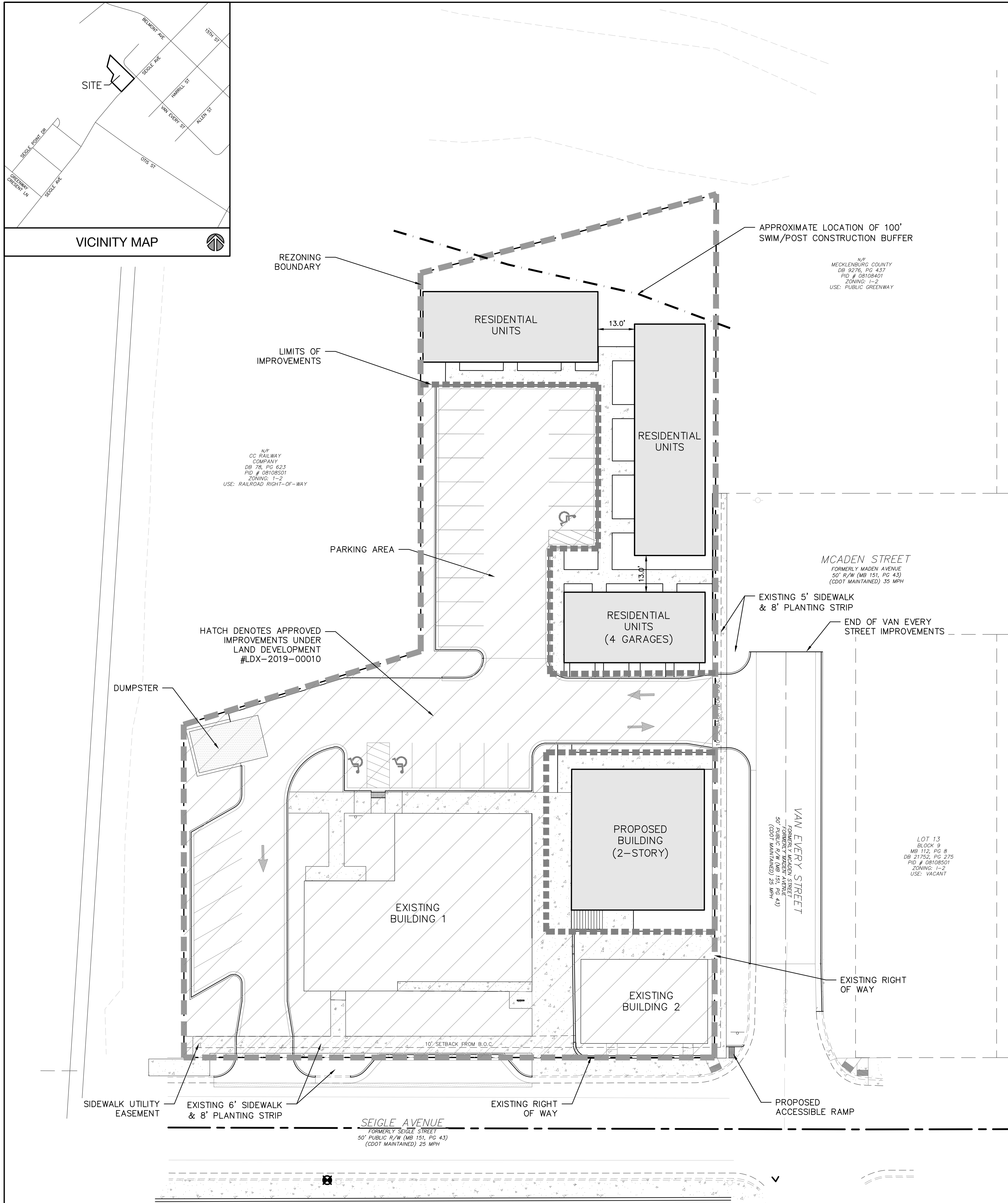
704-332-3332
Telephone Number

matt@pikeproperties.com
E-Mail Address

[Signature]
Signature of Petitioner

Digitally signed by Matt Connolly
DN: cn=Matt Connolly, o, ou,
email=matt@pikeproperties.com,
c=US
Date: 2019.06.17 08:11:37 -05'00'

Matt Connolly
(Name Typed / Printed)



Site Development Data:

Acreage: +/- 0.95 AC
Tax Parcel: 081-084-07 & 081-084-08
Existing Zoning: I-2
Proposed Zoning: MUDD(O)
Existing Uses: Commercial (Vacant)
Proposed Uses: Commercial/Office/Residential
Max Density: 14,000sf of Office/Commercial & Up to (12) Dwelling Units

General Provisions:

These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by White Zombie, LLC (the "Petitioner") to accommodate the development of a mixed-use development on an approximate 0.95 acre site located at the corner of Seigle Avenue and Van Every Street, which is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 081-084-07 & 081-084-08.

Development of the Site shall be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the "MUDD" Zoning District shall govern all development taking place on the Site. The configurations, placements and sizes of the buildings, parking areas, open space and public road improvements depicted on the Rezoning Plan are schematic in nature and therefore are subject to refinements as part of the total design process.

Optional Provisions:

This Petition proposes for the site to be rezoned to the MUDD(O) district with the following optional provisions:

- To allow for a reduced setback along Seigle Ave and Van Every Street to accommodate an existing structure on site as described in Section 9.8505(2) of the zoning ordinance. The reduced setback shall be 10' measured from existing back of curb.

Permitted Uses:

- Uses allowed within the rezoning area included in this Petition are those uses that are permitted within the MUDD zoning district. However, those uses shall be limited as described within the following development conditions and as generally indicated within this petition.
 - Existing Building 1: Commercial and Office uses as described in Part 8.5 in the zoning ordinance.
 - Existing Building 2: Commercial and Office uses as described in Part 8.5 in the zoning ordinance.
 - Proposed Building: Up to 6,000sf of Commercial and Office uses as described in Part 8.5 in the zoning ordinance within a maximum 2-story structure.
 - Residential Units: Three buildings providing up to (12) residential units total on site. Each building to be a maximum of 3.5 stories.
- The overall design and layout of the Site shall be designed to encourage pedestrian walkability between freestanding buildings and the adjacent Seigle Avenue and Van Every Street public right of way.

Transportation:

- Vehicular access to public rights of way will be as generally depicted on the Rezoning Plan. The site shall provide two-way vehicular access at Van Every Street and one-way out access to Seigle Avenue as depicted on the site plan.
- The petitioner agrees to provide one (1) accessible sidewalk ramp at the corner of Van Every Street and Seigle Avenue as illustrated on the Site plan to accommodate an accessible connection across Van Every Street.
- The petitioner agrees to extend Van Every Street within the existing Van Every Street right of way as generally depicted on the site plan.
- All transportation improvements (sidewalk and accessible ramps) within the public right of way shall be approved and constructed before the site's first building certificate of occupancy is issued.

Architectural and Design Standards:

- In addition to design provisions contained within the district regulations of the Zoning Ordinance for the MUDD district, the development of the site will be governed by the following provisions and standards produced by the Petitioner and which will be binding on the development of the site.
- The petitioner shall limit the maximum height of each residential structure on site to (3.5) three and a half stories. The proposed commercial building on site shall be limited to (2) two stories.
- Existing Building 1 and Existing Building 2 shall be renovated and adaptively re-used while complying with current building codes. Building additions and expansions, including roof top patios, to the existing structures on site shall be permissible.
- The following provisions and standards shall apply regarding design guidelines and the architectural design of structures proposed on site. It is the intent of these standards to provide design flexibility in design while achieving architectural continuity and visual harmony through out the proposed development.
 - The facade design of all proposed buildings fronting a public street shall comply with the design provisions of the MUDD district as described within Section 9.8506(2) of the Zoning Ordinance.
 - Facade improvements allowable to existing structures on site shall include improved fenestration of existing exterior walls, replacement of windows and expansion of window areas, replacement and expansion of existing doorways, addition of pedestrian entrances and egress points, covered and uncovered patio areas, exterior stairs, architectural accents & signage.
 - Proposed residential structures constructed on the Site may use a variety of building materials. The building materials utilized will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, synthetic stone, cementitious siding (such as Hardi-plank), EIFS, metal or wood.
 - Vinyl will not be used as a primary exterior building material, but may be utilized for trim, soffits, architectural detailing, insulation
 - Petitioner shall provide blank wall provisions that limit the maximum blank wall expanse to 20 feet on all building levels, including but not limited to doors, windows, awnings, and/or architectural design elements.
 - Residential units shall be provided walkways to connect to public rights of way, as generally depicted on the Site plan.
 - Facade articulation or variation will be utilized to differentiate vertically between residential unit blocks within each building.
 - Balconies may project up to 2' into the minimum setback but shall be subject to an approved sidewalk encroachment agreement with CDOT. All balconies shall have a minimum clearance of 10' from finished grade.
- Urban Open Space shall be provided on site as described within Section 9.8506(4) of the Zoning Ordinance.

Streetscape and Landscaping:

- The Petitioner shall comply with Chapter 21 of the City of Charlotte Code of Ordinances.

Environmental Features:

- The Petitioner shall comply with the City of Charlotte Post Construction Ordinance.
- The approximate location of a 100' Surface Water Improvement & Management (SWIM) Buffer is generally depicted on the site plan. The final location of the buffer shall be determined prior to construction.
- An investigation of potential stream and wetlands shall be conducted on site prior to submittal of land development documents to the City of Charlotte Land Development Office.

Signage:

- The design and implementation of site signage shall comply with the design provisions of the MUDD district as described within Section 9.8506(2)(c) of the Zoning Ordinance.
- Marquee signs may project into the reduced 10' setback up to 5' as described in Section 9.8506(2)(c)

Lighting:

- All attached and detached lighting will be full cutoff fixtures and downwardly directed. However, upward facing architectural and landscape accent lighting shall be permitted.
- Detached lighting on the site, except street lights located along public streets, will be limited to 20' in height.

Amendments to Rezoning Plan:

Future amendments to the Technical Data Sheet or these Development Standards may be applied for by the then Owner or Owners of the parcel or parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

Further alterations or modifications to the Rezoning Plan which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the approved Technical Data Sheet or any of its conditions or which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

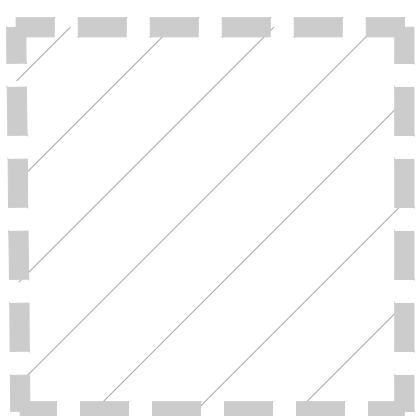
Binding Effect of the Rezoning Documents and Definitions:

- If this Site Plan Amendment is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the terms, "Petitioner" and "owner" and "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owners of the Site from time to time who may be involved in any future development thereof.

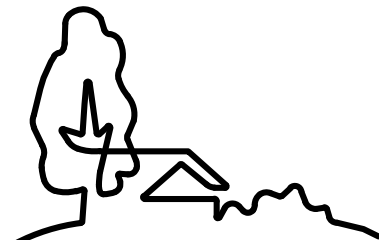
DEVELOPMENT SUMMARY

TAX PARCEL ID #:	081-084-07 & 08
TOTAL SITE AREA:	± 0.95 AC
EXISTING ZONING:	I-2
PROPOSED ZONING:	MUDD(O)
EXISTING USE:	VACANT
EX. BUILDING #953 (4,160 SF)	VACANT
EX. BUILDING #961 (1,340 SF)	VACANT
PROPOSED USE:	COMMERCIAL
PROP. BUILDING (6,000 SF)	RESIDENTIAL UNITS
PROP. SF ATTACHED (12)	
SETBACKS:	
FRONT:	
SEIGLE AVE:	10' FROM B.O.C.
VAN EVERY ST:	10' FROM B.O.C.
SIDE:	0'
REAR:	0'
VEHICULAR PARKING:	
REQUIRED PARKING:	
COMMERCIAL (11,500 SF)	20 SP (1/600 SF)
RESIDENTIAL UNITS (12)	12 SP (1/DWELLING UNIT)
TOTAL:	32 SP
PROPOSED PARKING:	35 SP

HATCH LEGEND



HATCH DENOTES
APPROVED IMPROVEMENTS
UNDER LAND DEVELOPMENT
#LDX-2019-00010



URBAN
DESIGN
PARTNERS

1318-e6 central ave. P 704.334.3303
charlotte, nc 28205 F 704.334.3305
urbandesignpartners.com
nc firm no: P-0418
sc coa no: C-03044

Seigle Mixed-Use

REZONING PLAN

953 & 961 Seigle Avenue, Charlotte, NC 28205

NO. DATE: BY: REVISIONS:

Project No: 19-009

Date: 06.14.2019

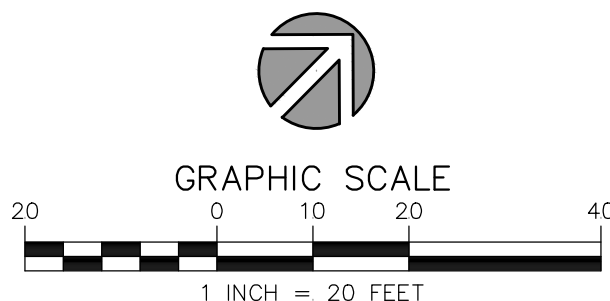
Designed by: UDP

Drawn By: UDP

Sheet No:

RZ-1.0

REZONING PETITION #2019-XXX



**I. REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: 2019-101
Date Filed: 6/17/2019
Received By: BH

Complete All Fields (Use additional pages if needed)

Property Owner: City of Charlotte

Owner's Address: 600 East 4th Street City, State, Zip: Charlotte, NC 28202

Date Property Acquired: 1945

Property Address: 932 Seigle Ave Charlotte NC 28205

Tax Parcel Number(s): 08111501

Current Land Use: Industrial Size (Acres): 4.5

Existing Zoning: I-2 Proposed Zoning: MUDD-O

Overlay: _____ Tree Survey Provided: Yes: X N/A: _____

Required Rezoning Pre-Application Meeting* with: None per David Pettine

Date of meeting: _____

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): 2

Purpose/description of Conditional Zoning Plan: The purpose of this rezoning is to revise parking requirements for the site and to allow for this innovative development to be flexible in use in the future.

Patrick Cerri
Name of Rezoning Agent

600 East 4th Street
Agent's Address

Charlotte, NC 28202
City, State, Zip

980-505-9628
Telephone Number Fax Number

plcerri@charlottenc.gov
E-Mail Address

Patrick Cerri
Signature of Property Owner

Patrick Cerri
(Name Typed / Printed)

City of Charlotte
Name of Petitioner(s)

600 East 4th Street
Address of Petitioner(s)

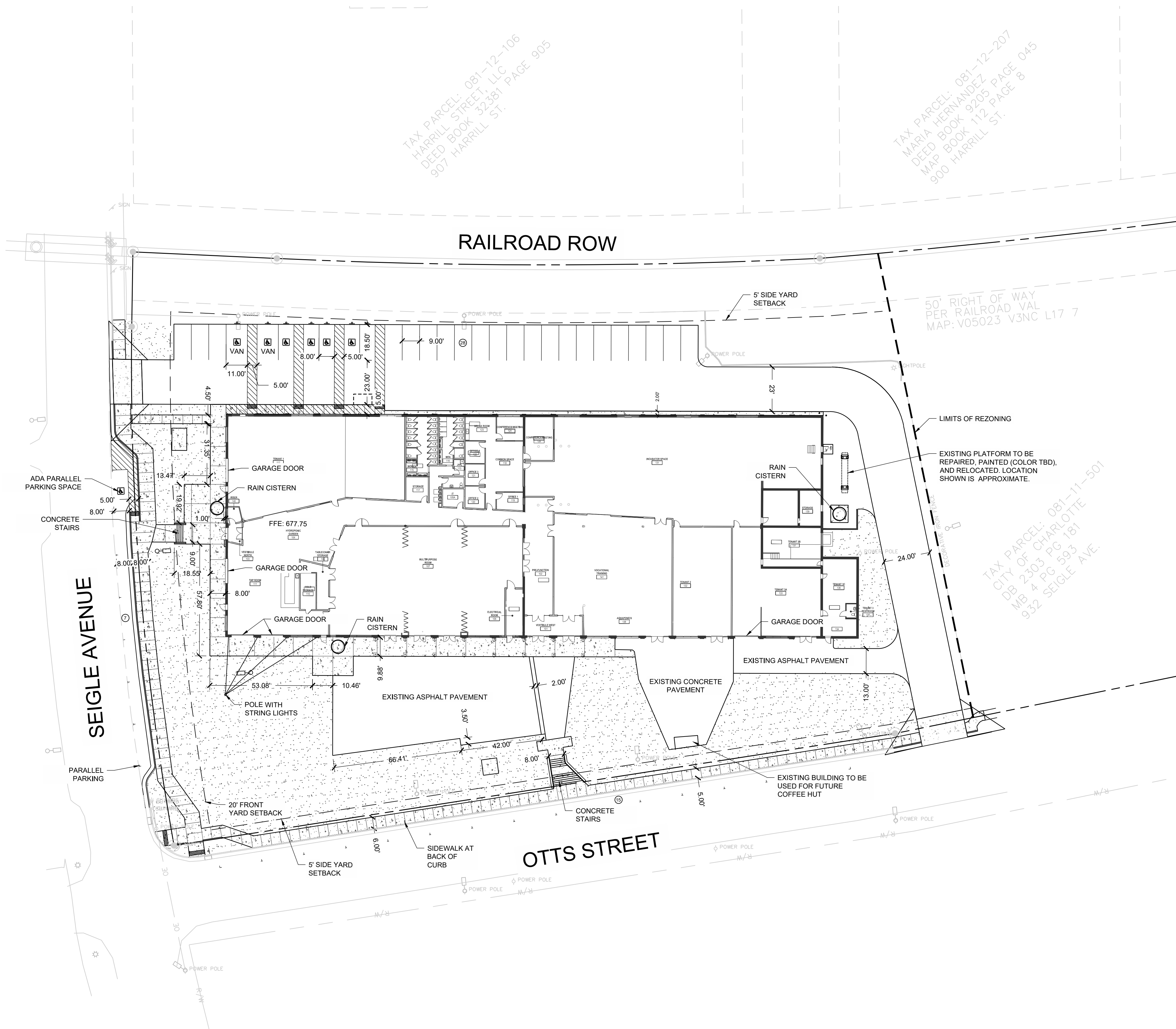
Charlotte, NC 28202
City, State, Zip

980-505-9628
Telephone Number Fax Number

plcerri@charlottenc.gov
E-Mail Address

Patrick Cerri
Signature of Petitioner

Patrick Cerri
(Name Typed / Printed)



DEVELOPMENT DATA TABLE:	
A. SITE ACREAGE: 2.54 AC	
B. TAX PARCELS INCLUDED IN REZONING: 08111501	
C. EXISTING ZONING: INDUSTRIAL I-2	
D. PROPOSED ZONING: UMUD-O	
E. NUMBER OF RESIDENTIAL UNITS BY HOUSING TYPE: N/A	
F. RESIDENTIAL DENSITY: N/A	
G. SF OF NON-RESIDENTIAL USES: 36,366 SF	
H. FAR: 0.328	
I. MAXIMUM BUILDING HEIGHT: 60'	
J. MAXIMUM NUMBER OF BUILDINGS: N/A	
K. NUMBER AND/OR RATIO OF PARKING SPACES: ON SITE = 50 OFF SITE = 333	
L. OPEN SPACE: 1 SF/100SF (1 SF/GROSS SF OF FLOOR AREA FOR OFFICE USE)	

PROVIDED PARKING:	
STANDARD ON SITE:	21 SPACES
ACCESSIBLE ON SITE:	7 SPACES
SEIGLE AVE PARKING:	7 SPACES
OTTS ST. PARKING:	15 SPACES
STANDARD OFF SITE LOT 1:	39 SPACES
ACCESSIBLE OFF SITE LOT 1:	4 SPACES
STANDARD OFF SITE LOT 2:	102 SPACES
ACCESSIBLE OFF SITE LOT 2:	6 SPACES
STANDARD OFF SITE LOT 3:	182 SPACES
TOTAL PROVIDED:	383 SPACES

DEVELOPMENT STANDARDS
June 17, 2019

- General Provisions**
 - These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by The City of Charlotte ("Petitioner") to accommodate the mixed use development on the western portion (2.54 acre) of the 4.5 acre site located at 932 Seigle Ave. Charlotte NC 28205, the site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of the western portion Tax Parcel Number 08111501, to be zoned separately than the eastern portion (1.96 acres) which shall remain in the I-2 zone.
 - The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Subject to the optional provisions set out below, the regulations established under the Ordinance for the MUDD zoning district shall govern the development and use of the Site.
 - The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the locations of the internal drives depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Ordinance, are subject to minor alterations or modifications during the design development and construction document phases.
 - Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.
- Optional Provisions**

The following optional provisions shall apply to the development of the Site:

 - The standard 6' planting strip and 6' sidewalk not to be required and to be installed as shown.
 - The following activities/uses are to be permitted: agricultural uses including but not limited to, bee keeping, community gardens, outdoor composting, compost processing (with flies, animal waste, and foods), mushrooms, aquaponics, permaculture and hemp production.
 - Parking provided on site as shown on this site plan will be available for the exclusive use of this development. Parking for special events will be provided on adjacent parcels through a memorandum of understanding between Envision Charlotte (developer) and the City of Charlotte Solid Work Services. See Figure A on this plan for locations and number of parking paces included in the MOU.
 - A bike or pump track shall be permitted on site.
 - The platform with metal stairs can be used as an accessory structure, sign, or public art.
 - Solar panels will be permitted on the building or any accessory structure.
 - A waterless cooling tower/chiller shall be permitted.
 - Signage shall be permitted on top of building canopy. Letters shall be 24" high and not extend higher than the highest part of the roof.
 - The following amenities are to be permitted, fire pits, stage with sound equipment, shipping containers, and a coffee hut without restrooms.
 - Art and murals shall be permitted.
 - Rain cisterns are to be permitted.
 - Dumpsters shall not be required.
 - As of 02/28/2017 152,712 sf of impervious surface exists on site. The current site plan shows 133,948 sf to be impervious. In the future, the removed 18,764 sf of impervious plus the allowed 10,000 sf of new impervious area shall be permitted to be constructed on site. The site will be in compliance with the detention ordinance and the post construction stormwater ordinance if impervious area added to the site is less than or equal to 28,764 sf. (i.e.) no additional SCMs shall be required.

- Permitted Uses**
 - The Site may be devoted only to multi-use development and to any incidental and accessory uses relating thereto that are allowed in the MUDD zoning district.
- Transportation**
 - Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.
 - As depicted on the Rezoning Plan, the Site will be served by internal private drives, and minor adjustments to the locations of the internal private drives shall be allowed during the construction permitting process.
 - Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.
 - All transportation improvements will be approved and constructed before the issuance of the first certificate of occupancy for the Site or phased per the Site's development plan.
- Architectural Standards**
 - The maximum height of the building shall be 60'.
- Streetscape and Landscaping**
 - A buffer that meets the requirements of Section 9.905 of the Ordinance shall be established along those portions of the Site's boundary lines that are more particularly depicted on the Rezoning Plan.
 - The minimum 5' sidewalk shall be permitted to be at the back of curb as depicted on the Rezoning Plan.
- Construction Activities**
 - Any construction activities conducted on the Site on Saturdays and Sundays may not commence prior to 8:00 AM and must cease by 7 PM.
 - Concrete may be poured on the Site only between the hours of 7 AM and 8 PM.
- Binding Effect of the Rezoning Documents and Definitions**
 - If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
 - Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
 - Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.



FIGURE A



STEWART

101 N. TRYON ST. #1400 FIRM LICENSE # C-1051
CHARLOTTE, NC 28202 www.stewartinc.com
T 704.334.7925 PROJECT # C18157

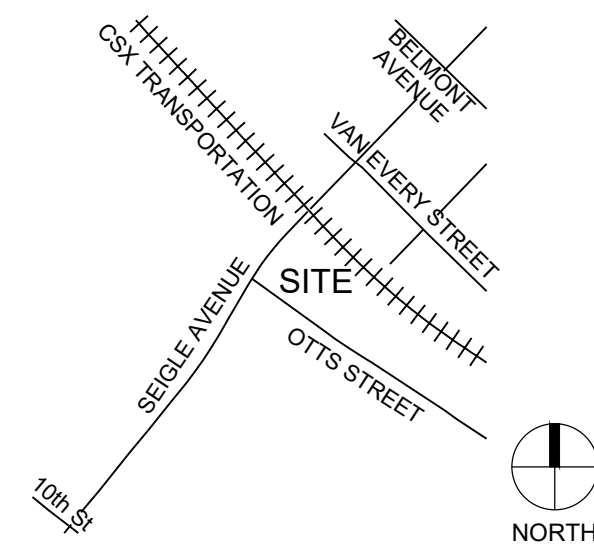
Client:

CITY OF CHARLOTTE
600 E 4TH STREET
CHARLOTTE, NC 28202
PHONE # 980.505.9628

Project:

INNOVATION BARN

Vicinity map:

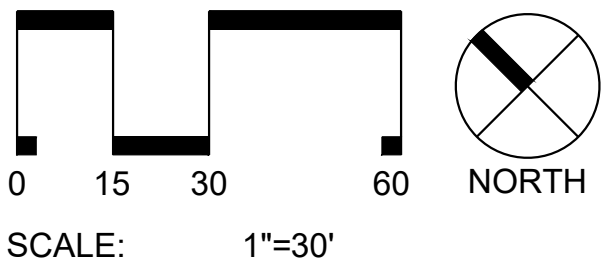


Seal:

Issued for:

REZONING SITE PLAN

No.	Date	Description



Title:

SITE PLAN

Project number: C18157 Sheet:
Date: 05.30.2019
Drawn by: KB
Approved by: EB

RZ1.00

I. REZONING APPLICATION CITY OF CHARLOTTE

Petition #: 2019-102

Date Filed: 7/17/2019

Received By: RH

Complete All Fields (Use additional pages if needed)

Property Owner: (See attachment "A")

Owner's Address: (See attachment "A") City, State, Zip: (See attachment "A")

Date Property Acquired: N/A

Property Address: (See attachment "A")

Tax Parcel Number(s): (See attachment "A")

Current Land Use: (See attachment "B") Size (Acres): 1,915 (see Attachment "B")

Existing Zoning: (See attachment "A") Proposed Zoning: (See attachment "A")

Overlay: (See attachment "A") Tree Survey Provided: Yes: ___ N/A: ___x___

Required Rezoning Pre-Application Meeting* with: K. Main, L. Harmon, J. Kinley, C. Lyte-Graham, M. Russell

Date of meeting: 07-16-2019

(*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team is held.)

For Conditional Rezoning Only:

Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): _____

Purpose/description of Conditional Zoning Plan: _____

Name of Rezoning Agent

Agent's Address

City, State, Zip

Telephone Number Fax Number

E-Mail Address

Signature of Property Owner

(Name Typed / Printed)

City of Charlotte

Name of Petitioner(s)

600 East Fourth Street

Address of Petitioner(s)

Charlotte, NC 28202

City, State, Zip

704-336-2205

Telephone Number Fax Number

agoodwin@charlottenc.gov

E-Mail Address

Signature of Petitioner

Alan L. Goodwin

(Name Typed / Printed)

Attachment “B”

Existing Land Uses in Rezoning Petition 2019-102

Agriculture
Civic/Institutional
Industrial/ Warehouse/Distribution
Mixed Use – Horizontal/Vertical
Residential - Multi-Family
Residential - Single Family Attached/Detached
Office
Open Space/Recreation
Parking
Retail
Transportation & Utility
Vacant
Water

Area of Parcels in Rezoning Petition 2019-102

Total Area: 1,915 acres

TOD-UC: 355 acres (18.5%)
TOD-NC: 130 acres (6.8%)
TOD-CC: 711 acres (37.1%)
TOD-TR: 719 acres (37.5%)

ZONING ORDINANCE **TEXT AMENDMENT APPLICATION**

CITY OF CHARLOTTE

FY2019	
Petition #: <u>2019-103</u>	
Date Filed: <u>7/19/2019</u>	
Received By: <u>RH</u>	
<i>Office Use Only</i>	

<u>Section #</u>	<u>Title of Section</u>
Table of Contents	
2.201	Definitions
4.107	Delegated authority for development approval based upon existing conditions
9.404	Urban Residential Districts: uses permitted under prescribed conditions
9.407	Urban Residential Districts: development standards for various uses
9.503	Uses permitted under prescribed conditions (Institutional districts)
9.603	Uses permitted under prescribed conditions (Research districts)
9.606	Design Standards (Research districts)
9.703	Uses permitted under prescribed conditions (Office districts)
9.803	Uses permitted under prescribed conditions (Business districts)
9.805	Development standards for business districts
9.8503	Mixed Use Development District; uses permitted under prescribed conditions
9.8504	Mixed Use Development District; accessory uses
9.8506	Mixed Use Development District; urban design and development standards
9.8509	Mixed Use Development District (Optional); application
9.906	Uptown Mixed Use District; urban design and development standards
9.909	Uptown Mixed Use District (Optional); application
10.813	Urban design standards (Pedestrian Overlay District)
10.907	Development Standards (Transit Supportive Overlay District)
10.908	Urban design standards (Transit Supportive Overlay District)
10.909	Exceptions (Transit Supportive Overlay District)
11.203	Uses permitted under prescribed conditions (Mixed Use Districts)
11.508	Development standards of general applicability (Neighborhood Services District)
11.509	Sign requirements in NS (Neighborhood Services District)
11.706	Design Standards (RE-3 Research District)
12.106	Uses and structures prohibited and allowed in required setbacks and yards
12.109	Clear sight triangles at street intersections
12.408	Customary home occupations
12.413	Drive-in and drive-through service lanes/windows
12.414	Automobile, truck and trailer rental
12.418	Public flags on permanent flagpoles
12.502	Adult care homes, adult care centers, childcare centers, childcare centers in a Residence, family childcare homes, and large childcare centers
12.506	Religious institutions in residential districts
12.516	Open space recreational uses
12.519	Outdoor Seasonal Sales
12.520	Boarding houses
12.521	Bed and Breakfasts (B & B's)
12.522	Short-Term Care Facility
12.527	Single Room Occupancy (SRO) residences
12.531	Commercial Rooming Houses
12.532	Donation drop-off facilities
12.534	Periodic Retail Sales Events, Off-Premise
12.539	Outdoor Fresh Produce Stands or Mobile Produce Market
13.101	Intent and Purpose (Signs)
13.102	Definitions (Signs)
13.103	Procedures (Signs)
13.104	General provisions (Signs)
13.105	Prohibited Signs
13.106	Signs not requiring a permit
13.107	Temporary signs and banners requiring permits
13.108	Specifications for permanent signs requiring a permit (

<u>Section #</u>	<u>Title of Section</u>
13.108a	Specifications for permanent signs requiring a permit (UMUD, PED, TS districts)
13.108b	Information and advertising pillar signs
13.109	District regulations for permanent on-premise signs
13.110	Creation of Special Sign Regulations
13.111	Regulations for Outdoor Advertising Signs
13.112	Removal of Certain Signs
13.113	Enforcement
13.114	Variances and Appeals
Chapter 15 Table of Contents	Signs
15.4.10	Specific Architectural Features
15.7	Signs
Chapter 16	Subject Index

Purpose of Change: The Zoning Ordinance sign regulations have remained largely unchanged since adopted in 1992. Rapid growth, coupled with changes in the sign/advertising industry and the legal landscape, have made the update of Chapter 13, "Signs" the next chapter to update in the Unified Development Ordinance Process.

The proposed changes will:

- Create content-neutral standards, with the new regulations based on sign type and physical characteristics.
- Introduce new sign types, such as A-frame, roof, and skyline signs
- Provide consistency and uniformity in the regulations, both in and across districts.
- Make the standards easier to use and understand, include the use of more illustrative graphics.
- Eliminate the confusion of sign regulations scattered throughout the Zoning Ordinance, by bringing the sign regulations into one location.

The text amendment consists of two parts:

- 1) The text amendments in the Zoning Ordinance to align with the new sign regulations
- 2) An attachment with the new Chapter 13 in the new Unified Development Ordinance format.

Name of Agent

Agent's Address

City, State, Zip

Telephone Number

Fax Number

E-Mail Address

Signature of Agent

Charlotte Planning, Design and Development Department
Name of Petitioner(s)

600 E. Fourth Street, 8th floor
Address of Petitioner(s)

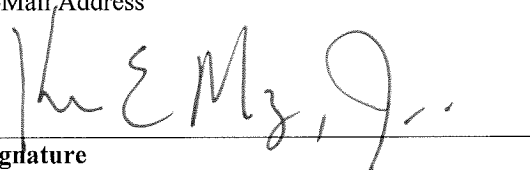
Charlotte, NC 28202
City, State, Zip

704 336-7811
Telephone Number

Fax Number

kevin.may@charlottenc.gov
E-Mail Address

Signature



Petition No. 2019-103

Petitioner: Charlotte Planning, Design and Development

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

ORDINANCE NO.

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

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

A. TABLE OF CONTENTS

1. Amend the Table of Contents, Chapter 9, Part 10, by deleting the entry for Section 9.1008 in its entirety. The remaining entries remain unchanged. The revised text shall read as follows:

Part 10: Urban Industrial District (UI)

9.1001.	Urban Industrial district established; location; purposes.....	9-193
9.1002.	Uses permitted by right	9-193
9.1003.	Uses permitted under prescribed conditions	9-195
9.1004.	Permitted accessory uses.....	9-201
9.1005.	Area, yard and height requirements	9-201
9.1006.	Development standards	9-202
9.1007.	Off-street parking	9-203
9.1008.	Signs.....	9-203

2. Amend the Table of Contents, Chapter 11, Part 5, by deleting the entry for Section 11.509 in its entirety. The remaining entries remain unchanged, except for updated page numbers. The revised text shall read as follows:

Part 5: Neighborhood Services District (NS)

11.501.	Purpose	11-26
11.502.	Applicability.....	11-26
11.503.	Uses permitted by right	11-26

11.504.	Permitted accessory uses and structures	11-26
11.505.	Development standards	11-27
11.506.	Parking requirements	11-28
11.507.	Streetscape requirements.....	11-28
11.508.	Development standards of general applicability.....	11-29
11.509.	Sign requirements in NS.....	11-30

3. Amend Chapter 13 entries by deleting all the current entries and page numbers, and replacing them with the new section references, titles, and pages and a new title for Chapter 13. The revised text shall read as follows:

CHAPTER 13: SIGNS REGULATIONS

13.101.	Intent and purpose	13-1
13.102.	Definitions.....	13-1
13.103.	Procedures.....	13-16
13.104.	General Provisions	13-21
13.105.	Prohibited Signs	13-22
13.106.	Signs not requiring permit.....	13-23
13.107.	Temporary signs and banners requiring permits.....	13-27
13.108.	Specifications for permanent signs requiring a permit ...	13-29
13.108a.	Specifications for permanent signs in Uptown Mixed Use District requiring a permit.....	13-33
13.108b.	Information and advertising pillar signs	13-37
13.109.	District regulations for permanent on-premises signs.....	13-43
13.110.	Creation of Special Sign Regulations	13-49
13.111.	Regulations for Outdoor Advertising Signs	13-66
13.112.	Removal of certain signs	13-71
13.113.	Enforcement	13-73
13.114.	Variances and Appeals	13-74
<u>13.1</u>	<u>Purpose.....</u>	<u>13-xx</u>
<u>13.2</u>	<u>Applicability.....</u>	<u>13-xx</u>
<u>13.3</u>	<u>Alteration and Maintenance Activities Exempt from Permit.....</u>	<u>13-xx</u>
<u>13.4</u>	<u>Signs Exempt from Permit.....</u>	<u>13-xx</u>
<u>13.5</u>	<u>Sign Permit.....</u>	<u>13-xx</u>
<u>13.6</u>	<u>Definitions.....</u>	<u>13-xx</u>
<u>13.7.</u>	<u>Measurement Methodologies.....</u>	<u>13-xx</u>
<u>13.8</u>	<u>General Sign Standards.....</u>	<u>13-xx</u>
<u>13.9</u>	<u>Summary of Sign Permissions.....</u>	<u>13-xx</u>
<u>13.10</u>	<u>Signs Requiring Permit.....</u>	<u>13-xx</u>
<u>13.11</u>	<u>Outdoor Advertising Signs.....</u>	<u>13-xx</u>
<u>13.12</u>	<u>Special Sign Regulations.....</u>	<u>13-xx</u>
<u>13.13</u>	<u>Prohibited Signs.....</u>	<u>13-xx</u>

13.14	Nonconforming Signs.....	13.xx
13.15	Sign Enforcement.....	13.xx

4. Amend Chapter 15 entries 15.7, and 15.7.1 through 15.7.8 by deleting the entries. The deleted text is as follows:

15.7	SIGNS	15.43
15.7.1	Sign Regulations in the TOD Districts	15.43
15.7.2	A-Frame Signs	15.44
15.7.3	Marquee Signs	15.45
15.7.4	Monument Signs	15.46
15.7.5	Roof Signs	15.47
15.7.6	Skyline Signs	15.48
15.7.7	Wall Mounted Signs	15.49
15.7.8	Window Signs	15.52

B. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, “Definitions”, by deleting the following definitions: Awning, Banner, Canopy, Decorative Sign, Pennant, Sign. The deleted definitions are:

Awning:

~~A temporary hood or roof type cover, made of rigid or flexible material, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall of a structure over a window, sidewalk, door, or the like.~~

Banner

~~A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.~~

Canopy:

~~A permanently roofed shelter that projects from the wall of a building over a door, entrance or window or similar area, with no ground support. Canopies are used for the purpose of sheltering persons or objects from the weather. Ground supports are not permitted. A marquee is not a canopy~~

Decorative Sign

~~A pictorial representation, including illustrations, words, numbers, or decorations, or emblems on a flag, banner, or pennant.~~

Pennant

~~Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to flutter or swing in the wind.~~

Sign

~~Any object, device, or structure, or part thereof, situated outdoors which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product; or scoreboards located on athletic fields.~~

- b. Amend Section 2.201, "Definitions" by modifying the definition of Public Flag by deleting "and must conform with the sign regulations of Chapter 13" from the last sentence.

Flag, Public

A piece of durable fabric or other flexible material solely containing distinctive colors, patterns, standards, words, or emblems of any nation, organization of nations, state, or city including but not limited to political jurisdictions such as the United States, or any fraternal, religious or civic organizations, which in no way identify a product, service or company. A flag is designed to attach to or to be flown from a permanent flagpole. Flags displaying a logo, message, statement, or expression relating to commercial interests are not considered public flags, ~~and must conform with the sign regulations of Chapter 13.~~

C. CHAPTER 4: DEVELOPMENT APPROVAL

1. Amend Section 4.107, "Delegated authority for development approval based upon existing conditions", subsection (1) "Delegated authority for quantifiable ordinance standards" by deleting the text, "and signs" from the first sentence. Modify the second sentence by creating two sentences that read, "The approval for sign deviations is per Chapter 13. For all other deviation types, the deviation cannot be more than 5% of the ordinance requirements." All other text and subsections (2) through (5) remain unchanged. The revised text shall read as follows:

Section 4.107. Delegated authority for development approval based upon existing conditions.

- (1) Delegated authority for quantifiable ordinance standards.

The Zoning Administrator has the authority to grant an administrative approval of deviations from measurable and quantifiable standards of this ordinance, except for density requirements ~~and signs~~, if the deviations are in accordance

with the conditions listed below. The approval for sign deviations is per Chapter 13. For all other deviation types, the deviation cannot be for a deviation of more than 5% of the ordinance requirements. The administrative approval must be in accordance with any one of the following four conditions:

- (a) The physical contours of the street, the land, or some other topographical or geographical feature is the basis for a surveying or other inadvertent error.
- (b) The physical layout of the land and the structures upon the land are such that the ordinance requirement cannot be met.
- (c) Because of the nature of the abutting property or intervening topographical or geographical features, the application of the ordinance requirement would not serve a useful purpose.
- (d) The applicant has agreed to measures that would ameliorate the deviation from complete compliance with the ordinance requirement.

D. CHAPTER 9: GENERAL DISTRICTS

1. PART 4: Urban Residential Districts

- a. Amend Section 9.404, “Urban Residential Districts; uses permitted under prescribed conditions”, entry (1.3), by deleting the word “signs” from subsection (e). All remaining entries and subsections remain unchanged. The revised text shall read as follows:

(1.3) Buildings for dramatic, musical, or cultural activities with less than 1,000 seats and stadiums and coliseums with less than 5,000 seats, 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 at least 1 tree 2 inches in caliper for each 25 linear feet of parking area perimeter 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 (Class VI) streets;

- (d) The private living areas and associated open spaces of all abutting 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) No direct beams or rays of light from exterior lighting fixtures, ~~signs~~ or vehicles maneuvering on the development site will shine into the private living areas and associated open spaces of adjacent residential properties;
- (f) The use will not generate light of such an intensity or brilliance as to cause glare or to impair the vision of drivers;
- (g) The use will be designated to allow direct access for transit service;
- (h) The use will not cause or intensify off-site drainage problems; and
- (i) The use will not be contradictory to the objectives of any approved plans for the area.

- b. Amend Section 9.407, “Urban Residential Districts; development standards for various uses”, subsection (5), “Signs” by deleting “as modified by the following provisions” from the first sentence. Also delete subsections (a) through (e) in their entirety. The revised text shall read as follows:

- (5) Signs. Signs within urban residential districts are permitted in accordance with Chapter 13, ~~as modified by the following provisions:~~

~~(a) Signs on the premises of single family, detached or attached dwellings.~~

~~Types of signs permitted: Identification.~~

~~Permitted number of signs: One per dwelling unit.~~

~~Maximum area of signs: 1.5 square feet.~~

~~Permitted illumination: Lighted, but not flashing.~~

~~Signs must be motionless~~

~~Permitted location: Behind the street right-of-way~~

~~line and not more than 8 feet
above the floor level at the
dwelling unit entry if
attached to structure, or
not more than 5 feet above~~

grade if not attached to the structure.

- (b) ~~Signs on the premises of multi-family dwellings or planned multi-family developments.~~

~~Types of signs permitted: Identification.~~

~~Permitted number of signs: One per street front.~~

~~Maximum area of signs: 6 square feet.~~

~~Permitted illumination: Lighted, but not flashing.~~

~~Signs must be motionless.~~

~~Permitted location: Behind the street right-of-way line and not more than 8 feet above grade if attached to the structure, or not more than 5 feet above grade if not attached to the structure. Attached signs may not project more than 6 inches from the structure.~~

- (c) ~~Signs on the premises of a freestanding nonresidential use.~~

~~Types of Signs permitted: Business.~~

~~Permitted number of signs: One per use.~~

~~Maximum area of signs: 8 square feet if projection from the structure is less than 6 inches, or 6 square feet if detached or if detached from the structure is more than 6 inches.~~

~~Permitted Illumination: Lighted, but not flashing.~~

~~Signs must be motionless.~~

~~Permitted location: Behind the street right-of-way line and not more than 10 feet above grade if attached to the structure, or more than 5 feet above grade if not attached to the structure.~~

- (d) ~~Signs on the premises of a group of 3 or more nonresidential uses within a dwelling structure.~~

~~Types of signs permitted: Identification.~~

~~Permitted number of signs: One per street front.~~

~~Maximum area of signs: 8 square feet.~~

~~Permitted illumination: Lighted, but not flashing.
Signs must be motionless.~~

~~Permitted location: Behind the street right-of-way
line and not more than 10
feet above grade if attached
to the structure, or more
than 5 feet above if not
attached.~~

~~(e) Signs or bulletin boards providing historical information, information
of noncommercial activities, or space for free use by the general public.~~

~~Types of signs permitted: Bulletin board.~~

~~Permitted number of signs: One per structure.~~

~~Maximum area of signs: 12 square feet except for a
kiosk. A kiosk may be erected
to a maximum height of 10
feet and a maximum diameter
of 4 feet excluding canopies,
eaves and the like.~~

~~Permitted illumination: Lighted, but not flashing.
Signs must be motionless.~~

~~Permitted location: Behind the street right-of-way
line and not more than 10
feet above grade.~~

2. PART 5: Institutional Districts

- a. Amend Section 9.503, “Uses permitted under prescribed conditions”, entries (19) and (21). For use entry (19), delete subsection (f). For use entry (21), subsection (b), delete the word “signs” and the comma from the sentence. All remaining use entries and their subsections remain unchanged. The revised text shall read as follows:

(19) Retail establishments, offices, and Eating, Drinking and Entertainment Establishments (Type 1) provided that:

- (a) The principal use of the lot is institutional;

- (b) The principal use of the lot occupies at least 30,000 square feet of floor area;
 - (c) Retail establishments, and Eating, Drinking and Entertainment Establishments, will occupy no more than 10 percent of the gross floor area of all buildings on the lot, and under no circumstances will such uses exceed 25% of the ground floor area;
 - (d) The proposed use must be located within the same building as the principal use, and there will be no direct public entrance to the proposed use from outside the building, except for an Eating, Drinking and Entertainment Establishment;
 - (e) No merchandise or display of merchandise will be visible from outside the building housing the proposed use; and
 - (f) ~~One wall sign is permitted to identify all internal uses provided that it is no larger than 16 square feet.~~
- (21) Stadiums and arenas, provided that:
- (a) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street;
 - (b) No direct beams of light from outdoor lighting fixtures, ~~signs~~, or vehicles maneuvering on the site will shine into any abutting property located in a residential district or abutting residential use;
 - (c) All buildings and structures and off-street parking and service areas will be separated by a Class B buffer from any abutting property in a residential district, abutting residential use or low-intensity institutional use (See [Section 12.302](#));
 - (d) Off-street parking areas and accessways will be designed to allow direct public transit service to the use; and
 - (e) Stadiums and arenas shall be located a minimum of 100 feet from all exterior property lines.

3. PART 6: Research Districts

- a. Amend Section 9.603, “Uses permitted under prescribed conditions”, for use entries (22) and (24). For use entry (22), delete the “and” at the end of subsection (f) and delete subsection (g) in its entirety. For use entry (24), delete the word “signs” and the comma from subsection (c). In subsection (f), delete the word “and” and the comma after the word “buildings;”. All other text remains unchanged. The revised text shall

read as follows:

- (22) Retail establishments and Eating, Drinking and Entertainment Establishments (Type 1) provided that:
 - (a) The principal use of the lot is for offices, distributive businesses, research laboratories, pilot plants, prototype production plants, or other production facilities;
 - (b) The principal use of the lot occupies at least 30,000 square feet of floor area;
 - (c) Retail establishments and Eating, Drinking and Entertainment Establishments will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances exceed 25 percent of the ground floor area, except an Eating, Drinking and Entertainment Establishment may occupy up to 50 percent of the ground floor;
 - (d) If the proposed use is to be located within the same building as the principal use, then there will be no direct public entrance to the proposed use from outside the building except for an Eating, Drinking and Entertainment Establishment;
 - (e) If the proposed use is to be located in a building separate from the principal use, then the proposed use will be designed and intended primarily for the use of persons who are employed by the principal use;
 - (f) No display of merchandise shall be permitted outside the building; ~~and~~
 - ~~(g) One wall sign is permitted to identify all internal commercial uses, provided that it is no larger than 16 square feet.~~
- (24) Stadiums and arenas of no more than 5,000 seats, provided that:
 - (a) All parking areas will meet the landscaping standards set out in Chapter 12, Part 2;
 - (b) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street;
 - (c) No direct beams of light from outdoor lighting fixtures, ~~signs~~, or vehicles maneuvering on the site will shine into any abutting

property located in a residential district, an abutting residential use or low intensity institutional use;

- (d) Off-street parking areas and access ways will be designed to allow direct public transit service to the use;
- (e) All building and off-street parking areas and service areas will be separated by a buffer from any abutting property in a residential district, or an abutting residential use or institutional use outside the Research district (See subsection 9.605(3)); and
- (f) Stadiums and arenas shall be located a minimum of 100 feet from any exterior property lines.

- b. Amend Section 9.606, “Design Standards”, subsection (1) by deleting “except that no sign shall exceed 7 feet in height” from the sentence. All other subsections remain unchanged. The revised text shall read as follows:

- (1) Signs. Signs are permitted in the RE-1 and RE-2 district in accordance with Chapter 13, ~~except that no sign shall exceed 7 feet in height.~~

4. PART 7: Office districts

- a. Amend Section 9.703, “Uses permitted under prescribed conditions”, use entry (12), by replacing the text in subsection (f) with “Reserved”. The revised text shall read as follows:

- (12) Hotels and motels, subject to the following prescribed conditions:

- (a) All buildings, off-street parking and service areas will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low intensity institutional use (See [Section 12.302](#)).
 - (b) Retail and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) as accessory uses may be located in a hotel or motel having a minimum of 75 rental units.
 - (c) Gross floor area for Retail, Eating, Drinking and Entertainment Establishments (Type 1 and Type 2), and other entertainment activities will be limited to 75 square feet per rental unit. Ballrooms, conference rooms, meeting rooms and similar assembly facilities will not be included in determining gross floor area used for commercial purposes.

- (d) No merchandise or merchandise display window may be visible from outside the building.
- (e) No outside storage or display of merchandise will be permitted.
- (f) ~~Reserved. One wall sign is permitted to identify all internal commercial uses, provided that the sign is no larger than 16 square feet.~~
- (g) Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of [Section 12.546](#).
- (h) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in hotel or motel buildings located in a Pedestrian Overlay District (PED), subject to the following prescribed conditions:
 - i. Occupy no more than 20% of the gross floor area of the hotel or motel buildings located within the development and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space, or on the top floor of any component of the structure so long as no more than 30% of the floor area provided is located on the roof.
 - ii. May only be located in a hotel or motel having a minimum of 75 rental units.
 - iii. Ground floor establishments may have entrances external to the building.
 - iv. Ground floor establishments may display merchandise.
 - v. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of [Section 12.546](#).
 - vi. No outdoor seating/activity area for an Eating, Drinking, and Entertainment Establishment (Type 1 or Type 2) that is proposed to be located on the roof of a hotel or motel shall be located within 250 feet to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district.

- b. Amend Section 9.703, “Uses permitted under prescribed conditions”, use entry (28), “Retail Establishments and Eating, Drinking and Entertainment Establishments (Type

1 and Type 2) in office buildings”, subsection (a) by deleting the text for subsection (vii) and replacing it with “Reserved”. Subsection (b) remains unchanged. The revised text shall read as follows:

(28) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings:

- (a) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings, subject to the following prescribed conditions:
 - i. The principal use of the lot is for offices.
 - ii. The principal use of the lot occupies at least 30,000 square feet of floor area.
 - iii. Retail establishments and Eating, Drinking and Entertainment Establishments, will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances shall exceed 25% of the ground floor area except an Eating, Drinking and Entertainment Establishments may occupy up to 50% of the ground floor area.
 - iv. The proposed use must be located within the same building as the principal use, and there will be no direct public entrance to the proposed use from outside the building, except for an Eating, Drinking and Entertainment Establishment.
 - v. No merchandise or display of merchandise will be visible from outside the building housing the proposed use.
 - vi. ~~Reserved. One wall sign is permitted to identify internal commercial uses, provided that the sign is no larger than 16 square feet.~~
 - vii. Type 2 Eating, Drinking and Entertainment Establishments are subject to the regulations of [Section 12.546](#).

5. PART 8: Business Districts

- a. Amend Section 9.803, “Uses permitted under prescribed conditions”, use entry (34), subsection (c) by deleting the word “signs” and the comma from the sentence. All other subsections remain unchanged. The revised text shall read as follows:

(34) Stadiums and arenas of no more than 5,000 seats (B-2 only), provided that:

- (a) All parking areas will meet the landscaping standards set out in Chapter 12, Part 2;
- (b) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street;
- (c) No direct beams of light from outdoor lighting fixtures, ~~signs~~, or vehicles maneuvering on the site will shine into any abutting property located in a residential zoning district, an abutting residential use or low intensity institutional use;
- (d) Off-street parking areas and accessways will be designed to allow direct public transit service to the use;
- (e) All buildings and off-street parking areas and service areas will be separated by a Class B buffer from any abutting property in a residential zoning district, an abutting residential use or low intensity institutional use (See [Section 12.302](#)); and
- (f) Stadiums and arena buildings shall be located a minimum of 100 feet from any exterior property lines.

b. Amend Section 9.805, “Development standards for business districts”, subsection (7), “Special Development Requirements for the BP district”, subsection (e), “Project edge”, by deleting the last sentence in the second paragraph. Note that all other subsections remain unchanged. The revised text shall read as follows:

- (e) Project edge. The protection of the project edge is essential to the proper integration of a business park development into the community, especially when adjoining residential areas. The objective of the standards for the project edge is to provide the appropriate separation, screening, landscaping and transition between the development and the adjoining properties.

The minimum project edge required around the perimeter of the site is 100 feet. However, if the abutting land is zoned and used for business, business park, research or industrial purposes, or if the project adjoins the right-of-way of a railroad, Class I, or Class II thoroughfare, the minimum edge for that part of the project boundary may be reduced to 50 feet. The minimum project edge must remain undisturbed except that utility lines, streets and driveways, may be installed in this area pursuant to specific site plan approval. If the project edge does not contain sufficient vegetation to adequately screen and buffer, it must be revegetated or screened according to a Class B buffer as per

Table 12.302(b). ~~Project identification signs may be permitted in the project edge pursuant to specific site plan approval.~~

6. PART 8.5: Mixed Use Development District

- a. Amend Section 9.8503, “Mixed Use Development District; uses permitted under prescribed conditions”, by deleting subsection (f) under the “Warehousing” use in its entirety. Subsections (a) through (e) remain unchanged. The revised text shall read as follows:

Warehousing within an enclosed building for a self-storage facility only, provided that:

~~(f) Signs may not be installed or maintained above the third floor of a building containing a self-storage facility.~~

- b. Amend Section 9.8504, “Mixed Use Development District; accessory uses”, by deleting the following entry: “Signs, bulletin boards, kiosks and similar structures that provide historical information, information for noncommercial activities or space for free use by the general public.” The deleted text reads as follows:

~~Signs, bulletin boards, kiosks and similar structures that provide historical information, information for noncommercial activities or space for free use by the general public.~~

- c. Amend Section 9.8506, “Mixed Use Development District; urban design and development standards”, subsection (2), “Streetscape design standards”, subsection (c), “Signs, banners, flags and pennants” by deleting the words “banners, flags and pennants” and the comma in the title. Also a new sentence after the title that reads, “Signs are permitted in the MUDD district in accordance with Chapter 13”. Delete all subsections under subsection (c). The revised text shall read as follows:

(c) Signs. ~~, banners, flags and pennants.~~ Signs are permitted in the MUDD district in accordance with Chapter 13.

~~1. Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 13, except for the following:~~

~~a. Specifications for permanent signs shall be according to Section 13.108, with the following exceptions:~~

~~(i) Signs located on any building wall of a structure shall have a maximum sign surface of all signs~~

~~on one wall not to exceed 5% of building wall area to which the sign is attached up to a maximum of 100 square feet.~~

~~(ii) Ground mounted or monument signs shall be permitted in MUDD as follows:~~

~~(1) Signs shall not exceed 5 feet in height and 20 square feet in area. A bonus of 4 square feet in size (20%) shall be permitted if the sign is lit 100% by neon light.~~

~~(2) Signs shall be located a minimum of 5 feet behind the proposed 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.~~

~~(iii) Marquee signs shall be permitted, and shall meet the following requirements:~~

~~(1) The maximum allowable area for marquee, canopy, awning or wall signs, or a combination thereof, shall not exceed that maximum permitted in subsection 13.108(1). Marquee signs would be included in the total square footage of a building wall.~~

~~(2) Marquee signs may project up to 9 feet into the required setback, or one half the width of the required setback, whichever is less but shall be no closer than 2 feet to the back of curb and shall meet the following additional requirements:~~

~~(a) The marquee sign structure shall not encroach into any required planting area; and~~

~~(b) The marquee sign structure shall not include useable building~~

~~square footage for the portion that projects into the setback.~~

~~(c) — If the marquee sign structure encroaches into the public right-of way, then an encroachment agreement is required from the Charlotte Department of Transportation (CDOT)~~

~~(3) — A minimum overhead clearance of 9 feet measured from the sidewalk to the bottom of the marquee structure is required.~~

~~(4) — Marquee signs shall be located outside of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).~~

~~(5) — Marquee signs shall not extend above the roofline of the building.~~

~~(6) — Marquee signs may contain changeable copy. The message shall not change more than once in a 24 hour time period.~~

~~(7) — Marquee signs, shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness.~~

~~2. — Information and advertising pillar signs must conform to the requirements of [Section 13.108\(b\)](#).~~

- d. Amend Section 9.8506, “Mixed Use Development District; urban design and development standards”, subsection (2), “Streetscape design standards”, subsection (d), “Conformance with approved streetscape plans”, by deleting the word “information”, from the first sentence. The revised text shall read as follows:

(d) 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 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. Any expansion or change of use will also require streetscaping and sidewalk improvements to be installed unless an existing building interferes. In that event, the streetscape plantings and sidewalk shall be installed where space allows. However, any elements of the existing building, which comply with the urban design requirements, cannot be eliminated.

- e. Amend Section 9.8509, “Mixed Use Development District (Optional); application”, item (13) by deleting the words “and pennants” from the sentence, and adding the word, “and” between “banners” and “flags”. The revised text shall read as follows:

Section 9.8509. Mixed Use Development District (Optional); application.

Petitions for a zoning map amendment to establish a MUDD-O should be submitted to the Charlotte-Mecklenburg Planning Commission. A MUDD-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 any supporting text, which becomes a part of the amending ordinance. The application must include at least the following information:

- (13) Signs, banners, and flags ~~and pennants~~ to be used.

7. PART 9: Uptown Mixed Use District

- a. Amend Section 9.906, “Uptown Mixed Use District; urban design and development standards”, subsection (2), “Streetscape design standards”, subsection (e), “Signs, banners, flags and pennants” by changing the title to “Signs” and removing “banners, flags and pennants”. Also add the following sentence after the title: “Signs are permitted in the UMUD district in accordance with Chapter 13.” Delete subsections 1 through 3 in their entirety under subsection (e). All other subsections remain unchanged. The revised text shall read as follows:

- (e) ~~Signs, banners, flags and pennants.~~ Signs are permitted in the UMUD district in accordance with Chapter 13.

~~1. Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 13, with the following exceptions:~~

~~a. 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(c)(1)(b) below.~~

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

- ~~(i) 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.~~
- ~~(ii) 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.~~
- ~~(iii) Banners shall be erected no sooner than 7 days before the major event and removed within 2 days after the event.~~
- ~~(iv) Banners shall be attached in total to a building wall or permanent canopy extending from a building. Banners shall be adequately secured.~~

- ~~(v) Banners shall be made of durable material. Paper banners are not permitted.~~
- ~~(vi) 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.~~
- ~~(vii) 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.~~
- ~~(viii) 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.~~
- ~~(ix) The permit number and duration shall be visible on the banner.~~
- ~~(x) 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.~~

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

- ~~2. Information and advertising pillar signs must conform to the requirements of [Section 13.108\(b\)](#).~~
- ~~3. Marquee signs shall be permitted and shall meet the requirements of [Section 13.108\(a\)\(4\)](#).~~

- b. Amend Section 9.906, “Uptown Mixed Use District; urban design and development standards”, subsection (2), “Streetscape design standards”, subsection (f),

“Conformance with approved streetscape plans” by deleting the word “information” from the first sentence. All other subsections remain unchanged. The revised text shall read as follows:

- (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 Tryon Street Mall streetscape plan, the Trade Street streetscape plans, the Brevard Street Land Use and Urban Design Plan, Center City Transportation Plan, Tree Ordinance, and 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.

- c. Amend Section 9.909, “Uptown Mixed Use District (Optional); application”, item (13) by deleting “and pennants” from the entry and adding the word “and” into the sentence. All other subsections remain unchanged. The revised text shall read as follows:

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.
- (12) Any information regarding proposed sublots or subdivisions.
- (13) Signs, banners, and 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.

E. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: Pedestrian Overlay District

- a. Amend Section 10.813, “Urban design standards”, subsection (f), by deleting “Banners, Flags and Pennants” from the title. Delete the first sentence and replace it with a new sentence to read “Signs are permitted in the PED district in accordance with Chapter 13.” Delete subsections (1) through (6) in their entirety. The revised text shall read as follows:

- (f) Signs, Banners, Flags and Pennants. ~~Where signs, banners, flags and pennants for identification or decoration are provided, they must~~

conform to the requirements of Chapter 13, except for the following:
Signs are permitted in the PED district in accordance with Chapter 13.

- (1) ~~Specifications for permanent signs shall be according to [Section 13.108a](#), except for signs located on any building wall of a structure shall have a maximum sign surface of all signs on one wall not to exceed 5% of building wall area to which the sign is attached, up to a maximum of 100 total square feet. In lieu of a ground mounted or monument sign, the area of wall signs may be increased to a maximum size of 120 total square feet.~~
- (2) ~~No permanent detached pole signs shall be permitted in PED.~~
- (3) ~~Ground mounted or monument signs are allowed as follows:~~
 - a. ~~Not to exceed 5 feet in height and 20 square feet in area.~~
 - b. ~~Located behind the right of way and out of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).~~
 - e. ~~Signs must be located a minimum of 14 feet from the existing or future curb, whichever is greater.~~
- (4) ~~No outdoor advertising signs will be permitted.~~
- (5) ~~Marquee and message signs are allowed. Marquee signs shall meet the requirements of [Section 13.108\(a\)\(4\)](#).~~
- (6) ~~Signs are allowed to project nine (9) feet into the required setback or one half the width of the required setback, whichever is less. A minimum overhead clearance of eight (8) feet from the sidewalk must be maintained.~~

2. PART 9: Transit Supportive Overlay District

- a. Amend Section 10.907, “Development Standards”, subsection (10), “Outdoor lighting standards (freestanding) on private property” by deleting subsection (c) in its entirety. All other subsections remain unchanged. The revised text shall read as follows:
 - (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.~~

- b. Amend Section 10.908, “Urban design standards”, subsection (7), “Signs, Banners, Flags and Pennants”, by deleting the words “Banners, Flags and Pennants” in the title. Add a new sentence after the title to read, “Signs are permitted in the TS district, in accordance with Chapter 13.” Delete all the remaining text including subsections (a) through (f). All other subsections remain unchanged. The revised text shall read as follows:

- (7) Signs. ~~Banners, Flags and Pennants.~~ Signs are permitted in the TS district in accordance with Chapter 13.

~~Where signs, banners, flags and pennants for identification or decoration are provided, they 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.~~

~~(Petition No. 2009-013, § 10.908(7)(d)(1), 03/19/09)~~

~~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.~~

- c. Amend Section 10.909, “Exceptions”, subsection (3), “Expansions of Existing Uses”, subsection (b)(6) by deleting it in its entirety. All other subsections remain unchanged. The revised text shall read as follows:

Section 10.909. Exceptions.

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

(3) Expansions of Existing Uses.

(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.~~

F. CHAPTER 11: CONDITIONAL DISTRICTS

1. PART 2: Mixed Use Districts

- a. Amend Section 11.203, “Uses permitted under prescribed conditions”, use entry (12), subsection (j), by deleting the word “signs” and the comma from the sentence. All other subsections remain unchanged. The revised text shall read as follows:

Section 11.203. Uses permitted under prescribed conditions.

The following uses shall be permitted in the MX-1, MX-2, and MX-3 districts if they meet the standards established in this Section and all other requirements of these regulations:

(12) Nonresidential uses permitted in the B-1 or B-2 districts (MX-2 and MX-3 only), provided that:

- (j) No direct beams of light from outdoor lighting fixtures, ~~signs~~, or vehicles maneuvering on the site of the use will shine into any abutting lots occupied by residential uses.

2. PART 5: Neighborhood Services District

- a. Amend Section 11.508, “Development standards of general applicability”, by changing the reference from Section 11.509 to Chapter 13. The revised text shall read as follows:

Section 11.508. Development standards of general applicability.

Except as otherwise provided in this Part, all uses and structures permitted in the NS district shall meet the applicable standards set out in Chapter 12 of these regulations. Signs shall be permitted in the NS district in accordance with [Section 11.509](#)-Chapter 13.

- b. Amend Section 11.509, “Sign requirements in NS” by deleting the entire section and all text and subsections. The deleted text reads as follows:

~~Section 11.509. Sign requirements in NS.~~

- ~~(1) Detached signs and wall signs within the NS zoning district are permitted in accordance with Chapter 13 as modified by the following provisions, which shall take precedence:~~
- ~~(a) Wall signs are permitted in accordance with [Section 13.108\(1\)](#), with the following exception. Signs may be located on any building wall of a nonresidential structure so long as the maximum sign surface area of all signs on one wall does not exceed 5% of the area of the building wall to which the sign is attached, up to a maximum of 100 square feet.~~
- ~~(b) Detached identification signs for free-standing businesses are permitted in accordance with [Section 13.109\(4\)](#), with the exception that the maximum sign surface area shall not exceed 32 square feet and the maximum height shall not exceed 7 feet.~~

- ~~(c) Detached identification signs for shopping centers and~~

~~other multi-tenant buildings are permitted and shall not exceed 64 square feet, and the maximum height shall not exceed 16 feet. Detached identification signs for outparcel lots within shopping centers are permitted and shall not exceed 32 square feet and the maximum height shall not exceed 4 feet.~~

- ~~(d) Conditional district approvals made prior to the effective date of [Section 11.509](#), with specific sign specifications shall take precedence over this section.~~

3. PART 7: RE-3 Research District

- a. Amend Section 11.706, “Design Standards”, subsection (1), “Signs” by adding a new sentence after the title that reads, “Signs are permitted in the RE-3 district in accordance with Chapter 13”. Delete subsections (a) and (b). All other subsections remain unchanged. The revised text shall read as follows:

Section 11.706. Design Standards.

- (1) Signs. Signs are permitted in the RE-3 district in accordance with Chapter 13.

~~(a) Signs are permitted in the RE-3 district in accordance with Chapter 13 except that no sign shall exceed 7 feet in height, except for information and advertising pillar signs.~~

~~(b) Information and advertising pillar sign heights are subject to the requirements of [Section 13.108\(b\)](#)~~

G. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: Supplemental Development Standards

- a. Amend Section 12.106, “Uses and structures prohibited and allowed in required setbacks and yards”, subsection (2)(a) by deleting the third sentence in the second paragraph. All other subsections remain unchanged. The revised text shall read as follows:

- (2) (a) No accessory structures, including architectural features, as cited in five (5) below, shall be located within any setback or side yard required of these regulations, or located within three (3) feet of a lot line in the established rear yard. No accessory structure shall be located within any established setback in any residential district, except

as otherwise provided. If an accessory structure exceeds a height of 24 feet in the single-family, multi-family, urban residential and mixed use districts, it must be located at least 15 feet from the rear and side property lines. In all zoning districts, except as provided for in Section 12.108, if the accessory structure exceeds the height of the principal structure, it must meet the minimum side yard of the principal structure and be located at least 15 feet from the rear property line. In addition, no accessory structure, excluding the square footage of an accessory dwelling unit shall exceed the total square footage of the heated area located on the first floor of the principal structure.

Accessory dwelling units shall comply with the yard requirements and size limits prescribed in Section 12.407. In the RE-1, RE-2, and BP districts, a security gate or guard station may be located within the required setback. Piers, docks, and other water-dependent accessory structures may be located in any required setback or yard on lots, which abut a body of water. A fence, wall, mailbox, utility pole, light-pole, or patio at grade, paths, walkways, or berm may be located in any required setback or yard. ~~Signs may be located in a required setback or yard provided that they are in accordance with Chapter 13 of these regulations.~~ Bus stop shelters may be located in any setback or yard, which abuts a street in accordance with Section 12.513

- b. Amend Section 12.109, “Clear sight triangles at street intersections”, subsection (2), by deleting the word “sign” and the comma in the first sentence. Also in subsection (3), subsection (c) delete “governmental signs” and the comma from the sentence. All other subsections remain unchanged. The revised text shall read as follows:
- (2) Within the triangles identified in subsection (1) above, and except as provided in subsection (3) below, no structure, ~~sign~~, plant, shrub, tree, berm, fence, wall, or other object of any kind shall be installed, constructed, set out or maintained so as to obstruct cross-visibility at a level between 30 and 72 inches above the level of the center of the street intersection.
 - (3) The restrictions of this Section shall not apply to:

- (a) Existing natural grades, which, by reason of natural topography, rise 30 or more inches above the level of the center of the adjacent intersection;
- (b) Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the area between 30 and 72 inches above the level of the center of the abutting intersection; or
- (c) Fire hydrants, public utility poles, street markers, ~~governmental signs~~, and traffic control devices.

2. PART 4: Accessory Uses and Structures

- a. Amend Section 12.408, “Customary home occupations”, requirement (11), by deleting the entire sentence and replacing it with “Reserved”. All other entries/uses remain unchanged. The revised text shall read as follows:

(11) ~~Reserved. No detached signs or wall signs shall be permitted for the customary home occupation.~~

- b. Amend Section 12.413, “Drive-in and drive-through service lanes/windows”, subsection (6) by deleting the subsection number and all the text in the sentence. The revised section shall read as follows:

Section 12.413. Drive-in and drive-through service lanes/ windows

- (1) Drive-in and drive-through service lanes/windows shall be permitted only as an accessory use in the UMUD, NS, PED, MX-2, MX-3, Inst., RE-1, RE-2, O-1, O-2, O-3, B-1, B-2, BP, CC, I-1, and I-2 districts.
- (2) Drive-through or drive-in service lanes/windows are not allowed in the UR-1, UR-2, UR-3, U-C, or MUDD, zoning districts. However, drive-through and drive-in service lanes/windows may be allowed in the MUDD district as part of the establishment of, or amendment to, a MUDD-Optional classification.
- (3) Drive-in and drive-through service windows/lanes are permitted in the RE-3 district, however, service lanes shall not be permitted between any façade of the principal structure and any abutting public or private street.

- (4) In the TS zoning districts, drive-through service lanes are only permitted as an accessory use to professional business and general office uses located between ¼ mile to ½ mile walking distance from a transit station.
- (5) A separate circulation drive must be established for the drive-in service window. The drive-through lane must be distinctly marked by special striping, pavement markings, or traffic islands.
- ~~(6) Menu boards and other signage associated with drive-in service windows will be governed by Chapter 13.~~

- c. Amend Section 12.414, “Automobile, truck and trailer rental”, subsection (2), subsection (a) by deleting subsection (a) in its entirety and re-lettering subsection (b) as (a). All other subsections remain unchanged.

Section 12.414. Automobile, truck and trailer rental.

- (1) Automobile rental shall be permitted as an accessory use where the principal use is an airport, automobile dealership, hotel or motel or in any district where automobile rental is permitted as a principal use.
- (2) Where the principal use is a hotel or motel, automobile rental shall be permitted as an accessory use only in accordance with the following requirements:
 - ~~(a) No sign advertising the rental of automobiles shall be located outside the hotel or motel building; and~~
 - ~~(b-a)~~ (a) No more than 10 automobiles, which are not currently leased to customers, shall be parked on the same property as the hotel or motel.
- (3) Truck and trailer rental is permitted as an accessory use in any district where it is permitted as a principal use.

- d. Amend Section 12.418, “Public flags on permanent flagpoles”, subsection (1), subsection (f) by deleting the comma and “banners or pennants” from the sentence. Also amend subsection (1), subsection (k) by deleting the word “Advertising” in the sentence and capitalizing the word “Signs. All other subsections remain unchanged. The revised text shall read as follows:

Section 12.418 Public flags on permanent flagpoles.

- (1) Public flags or emblems of any nation, organization of nations, state, city, or any fraternal, religious or civil organization are permitted as an accessory use in nonresidential zoning districts and shall be displayed as set forth below, except as provided for in [Section 12.418\(2\)](#)
 - (f) ~~Flags, banners or pennants~~ displaying a logo, message, statement, or expression relating to commercial interests are not considered to be a “public flag”, and are subject to the sign regulations of Chapter 13 of the Zoning Ordinance.
 - (k) ~~Advertising Signs~~ shall not be displayed or fastened to a flagpole, staff, or halyard from which a public flag is flown.

3. PART 5: Special Regulations for Certain Uses

- a. Amend Section 12.502, “Adult care homes, adult care centers, childcare centers, childcare centers in a residence, family childcare homes, and large childcare centers”, subsection (1), “Family childcare homes” by deleting the text in subsection (i) in its entirety, and replacing it with “Reserved”. All other subsections remain unchanged, except those described below. The revised text shall read as follows:
 - (1) Family childcare homes
All family childcare homes for eight (8) or fewer children are required to obtain a required to obtain a change of use permit from Neighborhood Development. Family childcare homes, licensed by the North Carolina Department of Health and Human Services, may be established as an accessory use to a single family detached dwelling unit in all single family districts, all multi-family districts, UR-1, UR-2, UR-3, UR-C, all office, B-1 and B-2, MUDD, UMUD, MX-1, MX-2, MX-3, and R-MH districts, according to the following requirements:
 - (i) Reserved. ~~One (1) unlighted identification sign, not to exceed four (4) square feet, may be attached to the residence. Detached identification signs are not permitted~~
- b. Amend Section 12.502, “Adult care homes, adult care centers, childcare centers, childcare centers in a residence, family childcare homes, and large childcare centers”, subsection (2), “Childcare centers in a residence”, by deleting subsection (i) in its entirety, and replacing it with “Reserved”. All other subsections remain unchanged, except those described above and below. The revised text shall read as follows:

(2) Childcare centers in a residence

All childcare centers in a residence for six (6) to twelve (12) pre-school children are required to obtain a change of use permit from Neighborhood Development. Childcare centers in a residence, licensed by the North Carolina Department of Health and Human Services, may be established as an accessory use to a single family detached dwelling unit in all single family districts, all multi-family districts, UR-1, UR-2, UR-3, UR-C all office, B-1 and B-2, MUDD, UMUD, MX-1, MX-2, MX-3, and R-MH districts, according to the following requirements:

- (i) Reserved. ~~One (1) unlighted identification sign, not to exceed four (4) square feet, may be attached to the residence. Detached identification signs are not permitted.~~

- c. Amend Section 12.502, “Adult care homes, adult care centers, childcare centers”, subsection (3), “Childcare centers”, by deleting all text in subsection (i) and replacing it with “Reserved”. All other subsections remain unchanged, except those described above and below. The revised text shall read as follows:

(3) Childcare centers

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

- (i) Reserved. ~~In residential districts, detached signage will be limited to one (1) sign with a maximum of sixteen (16) square feet in area and a maximum height of four (4) feet. Signage in nonresidential districts will be permitted according to requirements of the district where located.~~

- d. Amend Section 12.502, “Adult care homes, adult care centers, childcare centers”, subsection (4), “Large childcare centers”, by deleting the text in subsection (e) and replacing it with “Reserved”. All other subsections remain unchanged, except those described above. The revised text shall read as follows:

(4) Large childcare centers

Large childcare centers for eighty (80) or more children, licensed by the North Carolina Department of Health and Human Services, may be

established in the non-residential districts of UR-C, INST, all research and office, B-1, B-2, B-D, UMUD, MUDD, MX-2, MX-3, CC, NS, I-1, according to the requirements listed below. Large childcare centers are also permitted as an accessory use in the I-2 district, and are exempt from the requirements listed below.

- (e) ~~Reserved. Signage will be permitted according to requirements of the district where located with the exception that one (1) off-premise directional sign is permitted to direct traffic from Class II or III streets to a large childcare center located on a Class IV or V street.~~

- e. Amend Section 12.506, “Religious institutions in residential districts”, subsection (9) by deleting “business or identification” from the sentence in subsection (b). All other subsections remain unchanged. The revised text shall read as follows:

- (9) Office and non-office accessory uses which are permitted in residential districts under these provisions shall meet the following requirements in addition to any other applicable requirements of these regulations:

- (b) No ~~business or identification~~ sign pertaining to the accessory uses shall be visible from outside the building.

- f. Amend Section 12.516, “Open space recreational uses”, subsection (6) by deleting the first sentence. IN the second sentence, remove the word “Furthermore” and the comma from the second sentence, and capitalize the word “an”. All other subsections remain unchanged. The revised text shall read as follows:

- (6) ~~Any signage which identifies the use shall be in accordance with the standards of the underlying zoning district. Furthermore, a~~An area to support a minimum of eight off-street parking spaces shall be provided.

- g. Amend Section 12.519, “Outdoor Seasonal Sales” subsection (6) by deleting the sentence and replacing it with “Reserved”. All other subsections remain unchanged. The revised subsection shall read as follows:

- (6) Reserved. ~~Any signage, which identifies the use, shall be in accordance with the underlying zoning district.~~

- h. Amend Section 12.520, “Boarding houses” by deleting the sentence in subsection (4) and replacing it with “Reserved”. All other subsections remain unchanged. The

revised text shall read as follows:

- (4) Reserved. ~~Any signage, which identifies the use, shall be in accordance with the underlying zoning district.~~
- i. Amend Section 12.521, “Bed and Breakfasts (B & B’s)” by deleting the sentence in subsection (6) and replacing it with “Reserved”. All other subsections remain unchanged. The revised text shall read as follows:
 - (6) Reserved. ~~Any signage, which identifies the use, shall be in accordance with the underlying zoning district.~~
- j. Amend Section 12.522, “Short-Term Care Facility”, subsection (7), by deleting the text and replacing it with “Reserved”. All other subsections remain unchanged. The revised text shall read as follows:
 - (7) Reserved. Signs: ~~Any signage that identifies the use shall not exceed 4 square feet in size, and shall not be illuminated. One identification sign is permitted per street front.~~
- k. Amend Section 12.527, “Single Room Occupancy (SRO) residences”, subsection (7), by deleting the text and replacing it with “Reserved”. All other subsections remain unchanged. The revised text shall read as follows:
 - (7) Reserved. Signs: ~~Any signage that identifies the use shall not exceed 4 square feet in size, and shall not be illuminated. One identification sign is permitted per street front.~~
- l. Amend Section 12.531, “Commercial Rooming Houses”, subsection (5) by deleting the title and the sentence and replacing it with “Reserved”. All other subsections remain unchanged. The revised text shall read as follows:
 - (5) Reserved. Signs. ~~Any signage that identifies the use shall be in accordance with the underlying zoning district.~~
- m. Amend Section 12.532, “Donation drop-off facilities”, subsection (11) by deleting the last sentence. All other subsections remain unchanged. The revised text shall read as follows:
 - (11) The donation drop-off facility shall display the ownership/ identification information on the facility, with a contact phone number, in a prominent location. ~~A sign permit is not required for~~

~~identification signage that is no larger than 1½ square feet in area.~~

- n. Amend Section 12.534, “Periodic Retail Sales Events, Off-Premise”, subsection (j) by deleting the text and replacing it with “Reserved”. All other subsections remain unchanged. The revised text shall read as follows:

- (j) Reserved. ~~No detached signs are permitted.~~

- o. Amend Section 12.539, “Outdoor Fresh Produce Stands or Mobile Produce Market”, subsection (3), “Accessory outdoor fresh produce stands”, subsection (c), “Residential Districts”, subsection (iv), by deleting the text and replacing it with “Reserved”. All other subsections remain unchanged. The revised text shall read as follows:

- iv. Reserved. ~~One attached identification sign shall be allowed for each outdoor produce stand and shall not exceed 15 sq. ft.~~

- p. Amend Section 12.539, “Outdoor Fresh Produce Stands or Mobile Produce Market”, subsection (3), “Accessory outdoor fresh produce stands”, subsection (d), “Office and Institutional Districts”, subsection (iii), by deleting the subsection in its entirety. All other subsections remain unchanged. The deleted text reads as follows:

- ~~iii. One attached identification sign shall be allowed for each produce stand, not to exceed 5 square feet, in the institutional and office~~

H. CHAPTER 13: SIGNS

- 1. Delete all sections of Chapter 13: Sections 13.101, 13.102, 13.103, 13.104, 13.105, 13.106, 13.107, 13.108, 13.108a, 13.108b, 13.109, 13.110, 13.111, 13.112, 13.113, and 13.114 in their entirety.
- 2. Move the new Sign Regulations (attached as part of this text amendment) into Chapter 13, with the title, “Signs”.

I. CHAPTER 15: TRANSIT ORIENTED DEVELOPMENT

- 1. Amend the Table of Contents in Chapter 15 by changing the title from “Signs” to “Reserved”. Delete all subsections from 15.7.1 to 15.7.8. The deleted table of contents for 15.7 reads as follows.

15.7 SIGNS RESERVED	43
15.7.1 Sign Regulations in the TOD Districts	43
15.7.2 A. Frame Signs	44
15.7.3 Marquee Signs	45
15.7.4 Monument Signs	46
15.7.5 Roof Signs	47
15.7.6 Skyline Signs	48
15.7.7 Wall Mounted Signs	49
15.7.8 Window Signs	52

2. Amend Section 15.4.10, “Specific Architectural Features”, subsection 15.4.10.C.3 by updating the reference to the new location of “Awnings and Canopy Signs” from Section 15.7.7.C to Section 13.9.H.3. The revised text shall read as follows:
 - C. Awning or Sunshade
 1. Awnings and sunshades may encroach over a public or private sidewalk, shared use path, amenity zone, or planting strip, but no more than four feet from the future back of curb.
 2. Awnings and sunshades shall have a minimum vertical clearance of nine feet.
 3. These standards do not apply to awnings used as awning signs, which are subject to the awning sign provisions of Section ~~15.7.7.C~~ 13.9.H.3 Awnings and Canopy Signs.

3. Amend Section 15.4.10, “Specific Architectural Features”, subsection 15.4.10.F.5 by updating the reference to the new location of Awning and Canopy Signs” from Section 15.7.7.C to 13.9.H.3. The revised section shall read as follows:
 - F. Canopy
 1. Canopies may encroach over a public or private sidewalk, shared use path, amenity zone, or planting strip, but no more than four feet from the future back of curb.
 2. Canopies shall have a minimum vertical clearance of nine feet.
 3. A horizontal clearance of at least eight feet shall be maintained between canopy supports and any building façade.
 4. For buildings in existence prior to the adoption of these TOD Districts, canopy posts may be located within an amenity zone, a minimum of

four feet from the back of curb. All other buildings require canopies and all support posts to be located on the property.

5. These standards do not apply to canopies used as canopy signs, which are subject to the canopy sign provisions of Section ~~15.7.7.C~~ 13.9.H.3 Awning and Canopy Signs.
4. Amend Section 15.7 by changing the title from “Signs” to “Reserved”. Also delete subsections 15.7.1 through 15.7.8 in their entirety, including all illustrations.

See Next Page

15.7 SIGNS RESERVED

~~15.7.4 Sign Regulations in the TOD Districts~~

~~A. The regulations of this Section apply as follows:~~

- ~~1. The sign regulations of this Section apply to on-premise signs. This Section does not address permissions for off-premise signs, which are controlled by Chapter 13.~~
- ~~2. The regulations for advertising signs on passenger rail platforms of Chapter 13 of the Ordinance apply, including the provisions of Table 13.110 (7a) (Advertising Signs on Passenger Rail Platforms).~~
- ~~3. The sign regulations of Chapter 13 apply to the TOD Districts with the exception of the following:~~
 - ~~a. Permanent signs that require a permit are controlled by this Section. Where Chapter 13 permits additional permanent signs with a permit, such signs are not allowed and this Section controls. This does not apply to advertising signs on passenger rail platforms as stated in item 2 above.~~
 - ~~b. Permanent signs that are exempt from a sign permit are controlled by Chapter 13.~~
 - ~~c. This Section controls window sign permissions over any other section of the Ordinance. In the TOD Districts, a sign permit is not required for window signs.~~
 - ~~d. A-frame signs, which are temporary signs permitted without a sign permit, are allowed within the TOD Districts and subject to the standards of this Section. All other temporary signs are controlled by Chapter 13.~~

~~B. The sign regulations of this Section apply to each facade of a structure or lot. The regulations apply when such facade or lot is visible from a frontage.~~

~~C. When a sign extends into a public right-of-way, prior review and approval by CDOT, MCDOT,~~

~~and/or other relevant agencies is required. The encroachment of signs into a public right-of-way requires an encroachment agreement from CDOT and/or MCDOT, if applicable. Adherence to the designs included in this Section does not imply approval through an encroachment agreement.~~

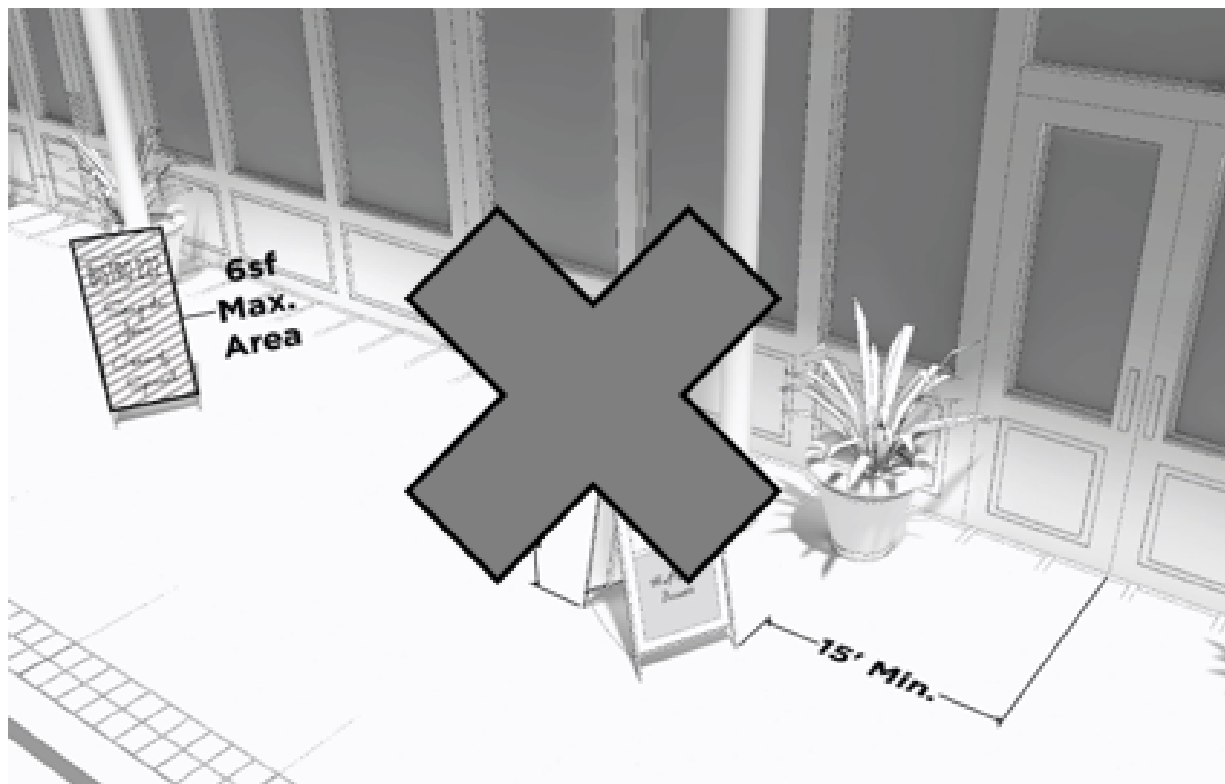
~~D. Sign placement, including projections from a building facade, shall protect all trees as required by the Charlotte Tree Ordinance as well as any trees located in the public right-of-way.~~

~~E. Changeable copy and animation on signs are prohibited unless explicitly permitted by this Section.~~

45.7.2 A-Frame Signs

A-frame signs do not require a sign permit but shall meet the following standards:

- ~~A. A-frame signs are permitted for non-residential uses.~~
- ~~B. One A-frame sign is permitted per establishment, including one for each tenant in a multi-tenant development.~~
- ~~C. An A-frame sign shall be placed within 15 feet of the primary entrance of the business, and shall not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes.~~
- ~~D. For buildings in existence prior to the adoption of these TOD Districts, a minimum unobstructed sidewalk clearance of five feet shall be maintained at all times. All other buildings shall maintain a minimum unobstructed sidewalk clearance of eight feet. The requirements of Section 10.141 of the City Code apply to signs on public property or in the public right-of-way.~~
- ~~E. A-frame signs are limited to six square feet in area per side and four feet in height.~~
- ~~F. The placement of A-frame signs outdoors is limited to business hours only. A-frame signs shall be stored indoors at all other times.~~
- ~~G. Illumination of A-frame signs is prohibited.~~
- ~~H. No A-frame sign may have any type of electronic component.~~



~~A-Frame Signs~~

45.7.3 Marquee Signs

~~Marquee signs require a sign permit.~~

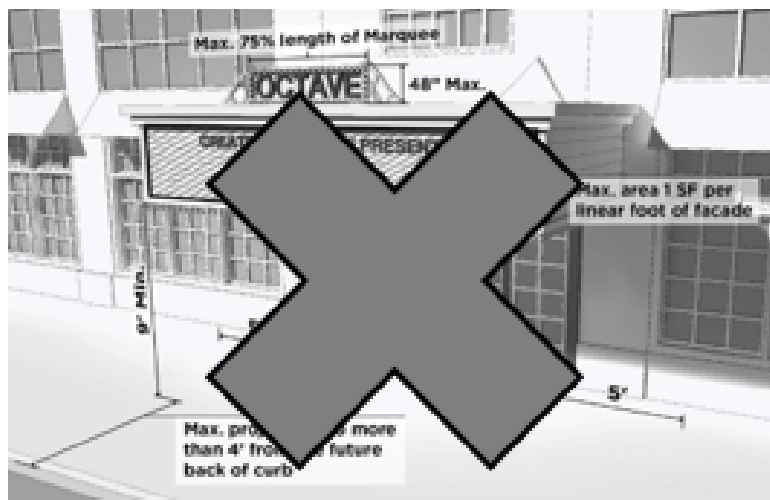
- ~~A. Marquee signs are permitted for non-residential uses only.~~
- ~~B. Marquee signs shall be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports.~~
- ~~C. The roof of a marquee sign may not be used for any purpose other than to form and constitute a roof.~~
- ~~D. Marquee signs shall be erected over a building entrance. The width of a marquee sign is limited to the width of the building entrance with an additional five foot extension of the marquee sign allowed on each side of the building entrance so long as such extension is part of the same structure.~~
- ~~E. All marquee sign shall maintain a minimum vertical clearance of nine feet, and the roof of the marquee structure shall be erected below any second floor window sill located above the marquee, and cannot obstruct any other architectural features.~~
- ~~F. Marquee signs may encroach over a public or private sidewalk and/or amenity zone, but are limited to a maximum of no more than four feet from the future back of curb.~~

- ~~G. Marquee signs are permitted a sign face area attached to and located above the roof of a marquee to a maximum height of 48 inches. The sign face area is limited to a maximum width of 75% of the width of the marquee sign structure.~~

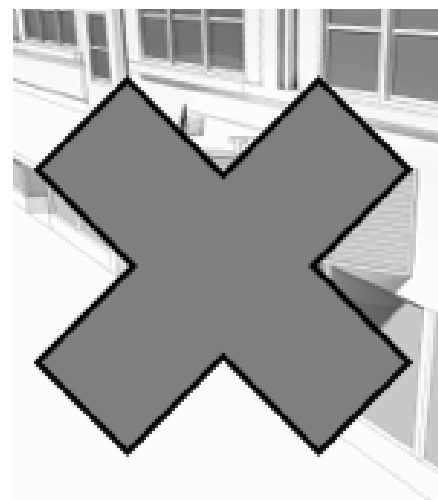
- ~~H. Marquee signs may have either a static or changeable message board sign, or an electronic message sign.~~

- ~~1. The sign area for a changeable message board sign or an electronic message sign is limited to one square foot per linear foot of the facade where it is mounted~~
- ~~2. Each message or image displayed on an electronic message sign shall be static for a minimum of ten seconds. Electronic message signs shall display static text messages only, with no animation or effects simulating animation or video. Any scrolling, flashing, spinning, revolving, or shaking animation, or movement of the message or any component of the sign is prohibited. Any message change sequence shall be accomplished immediately by changing from one screen to another without transition by means of, for example, fade or dissolve mode.~~

- ~~I. Marquees may be internally or externally illuminated.~~



~~Marquee Sign (with regulations illustrated)~~



~~Marquee Sign (example of alternate marquee design)~~

45.7.4 Monument Signs

Monument signs require a sign permit.

A. ~~Monument signs are permitted only within the TOD-CC and TOD-TR Districts.~~

B. ~~Monument signs are subject to the following:~~

1. ~~A lot is permitted one sign along each street frontage measuring less than 400 feet. For each street frontage measuring 400 feet or more, one additional sign is permitted. However a minimum distance of 200 feet shall be maintained between signs along the frontage.~~

2. ~~Signs are limited to a maximum area of 36 square feet~~

3.

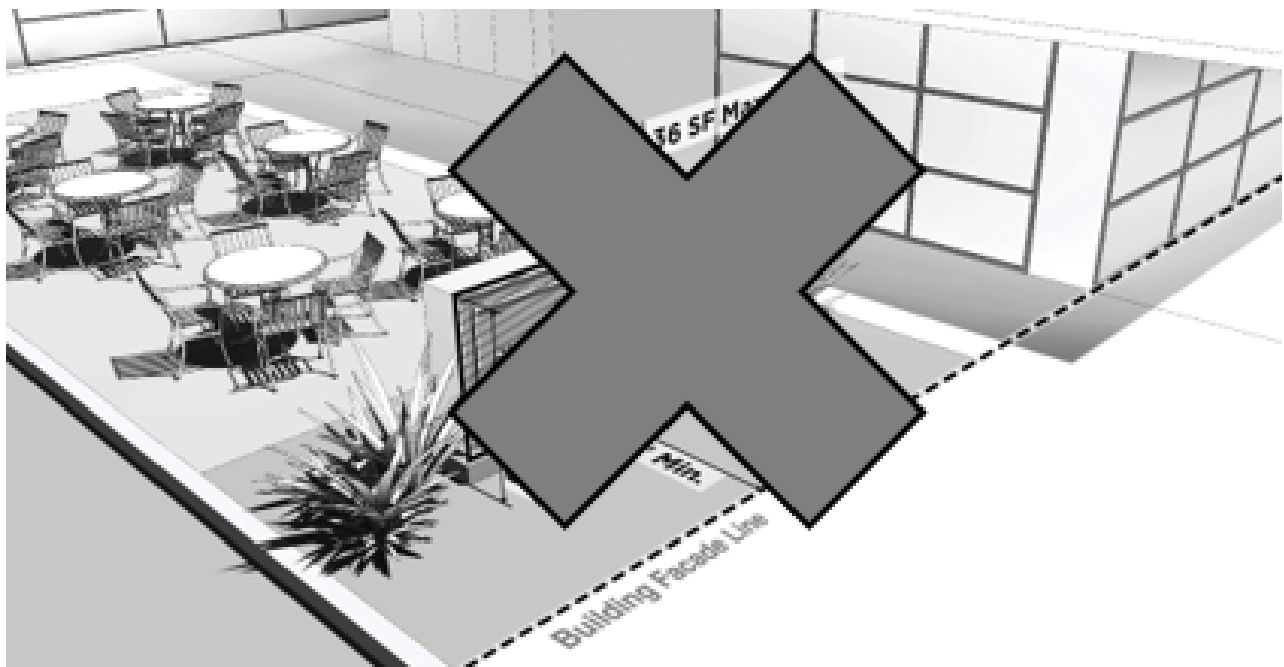
~~Signs are limited to a maximum height of five feet.~~

C. ~~Monument signs shall be set back a minimum of five feet behind the building facade line.~~

~~No monument sign may project into, over, or otherwise encroach on a public or private sidewalk and/or amenity zone.~~

D. ~~Monument signs may be internally or externally illuminated. If externally illuminated, all light shall be directed onto the sign face.~~

E. ~~Monument signs shall be constructed of durable weather-resistant material.~~



~~Monument Signs~~

~~Roof signs require a sign permit.~~

~~A. Roof signs are permitted only for structures of 50 feet or more in height in the TOD-UC District.~~

~~B. The size of the roof sign is limited to a height of 15 feet above the roof, including the support structure. The width of a roof sign is limited to 65% of the roof level width or 40 feet, whichever is less.~~

~~C. Roof signs shall be designed with channel letters, icons and the overall area shall be no less than 40% transparent.~~

~~D. A maximum of one roof sign is permitted per building. A roof sign may only be installed on a flat roof.~~

~~E. If a roof sign is erected on a building, a skyline sign is prohibited.~~

~~F. A roof sign shall be set back a minimum of five feet from the edge of a roof.~~

~~G. Roof signs shall be constructed of metal, plastic, or similar durable material. Roof signs shall be safely and securely attached to the roof structure and shall not interfere with any roof access points.~~

~~H. Roof signs may be internally illuminated only.~~



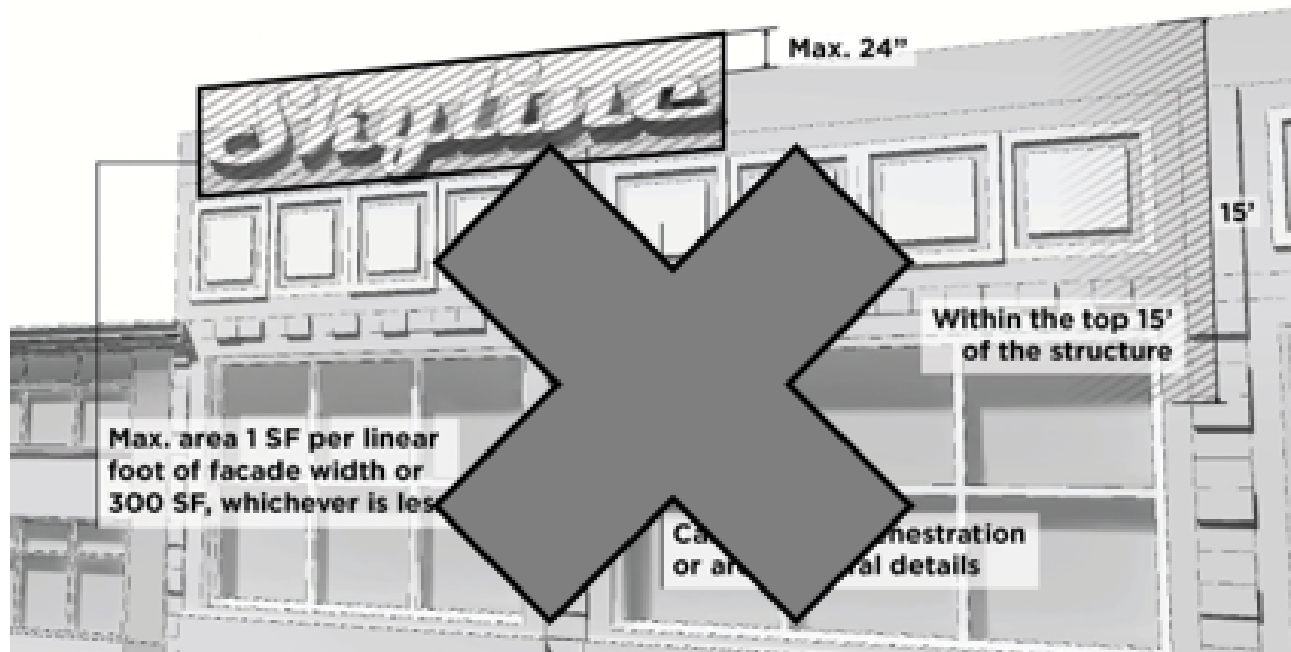
~~Roof Signs~~

45.7.5 Skyline Signs

Skyline signs require a sign permit.

- A. Skyline signs are permitted only for structures of 80 feet or more in height.
- B. The size of the skyline sign is limited to one square foot per linear foot of the facade width where it is mounted or 300 square feet, whichever is less.
- C. Skyline signs shall be placed within the top 15 feet of the structure and cannot cover any fenestration or architectural features.

- D. Skyline signs may project up to 24 inches above the roofline or parapet, but shall be designed as a wall-mounted sign and cannot be primarily supported by structures installed on the roof.
- E. If a skyline sign is erected on a building, a roof sign is prohibited.
- F. Skyline signs shall be constructed of metal, plastic, or similar durable material.
- G. Skyline signs may be internally illuminated only.



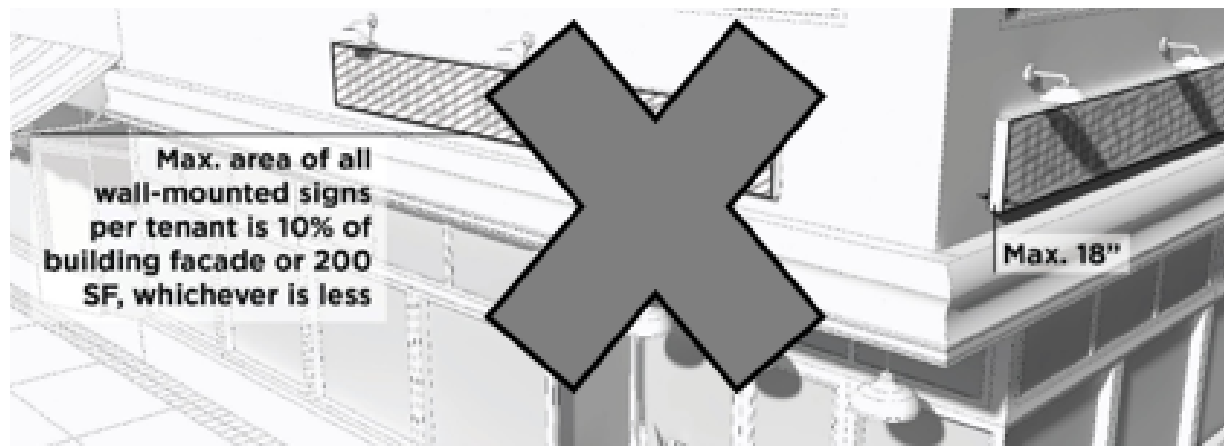
Skyline Signs

15.7.6 Wall Mounted Signs

Wall-mounted signs require a sign permit.

A. General Regulations

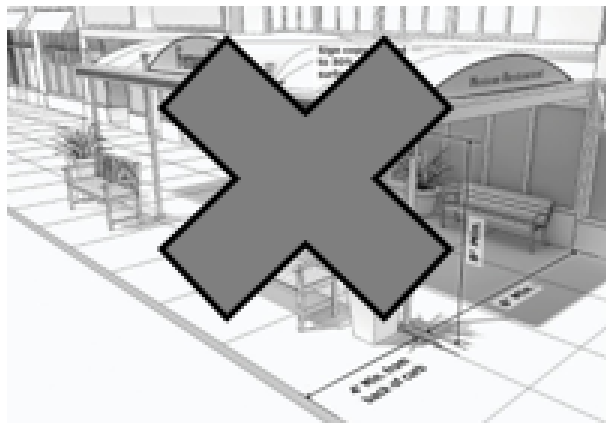
1. Wall signs, projecting signs, and awning and canopy signs are considered wall-mounted signs. Skyline signs, marquee signs, and rooftop signs are regulated separately and are not counted toward the maximum sign area of wall-mounted signs.
2. In a multi-tenant building, the maximum square footage of all wall-mounted signs is allocated by tenant with leasable building wall square footage along the building facade. The maximum square footage of all wall-mounted signs is 10% of the tenant's leasable building wall square footage or 200 square feet, whichever is less. This limit applies to each tenant and square footage cannot be transferred from one tenant of a structure to another. This limit also applies to each facade and square footage cannot be transferred from one facade of a structure to another, regardless of which tenant the footage is allocated to.
3. Wall signs are permitted on each facade of a structure. On a site consisting of multiple structures, each structure is permitted wall signs per the regulations of this Section.
4. Wall signs shall be mounted within the first three stories of the structure.
5. Wall signs may be internally or externally illuminated. If externally illuminated, all light shall be directed onto the sign face.
6. Wall signs shall be safely and securely attached to the building wall. Wall signs may not project more than 18 inches from a building wall.
7. No wall sign affixed to a building, including sign support structure, may project beyond the end or top of the wall or higher than the roofline of the structure to which it is attached.
8. Wall signs shall be constructed of durable weather-resistant material. Wall signs constructed of material such as canvas, nylon, or vinyl-coated fabric, shall be mounted within a frame so that they are held taut against the wall.
9. Wall signs shall not cover any window, window sill, transom sill, or architectural feature, such as cornices, of the structure.



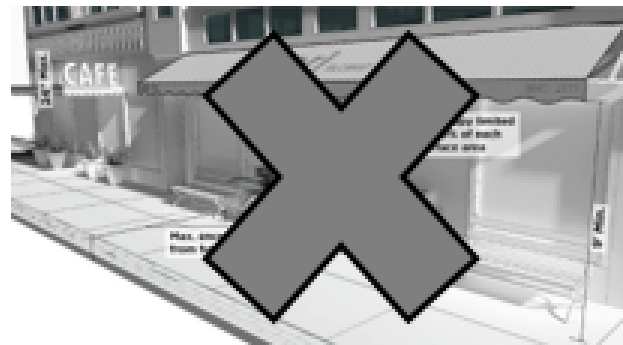
Wall Signs

~~B. Awning and Canopy Signs~~

- ~~1. Awning and canopy signs shall be mounted within the first story of the structure.~~
- ~~2. Awning and canopy signs shall maintain a minimum vertical clearance of nine feet.~~
- ~~3. One awning or canopy sign is permitted per tenant with a façade abutting a frontage. For a corner lot, one awning or canopy sign is permitted for each façade abutting a frontage.~~
- ~~4. Awning and canopy signs may encroach over a public or private sidewalk, shared use path, amenity zone, or planting strip, but no more than four feet from the future back of curb.~~
- ~~5. For buildings in existence prior to the adoption of these TOD Districts, canopy posts may be located within an amenity zone, a minimum of four feet from the back of curb. All other buildings require canopies and all support posts to be located on the property.~~
- ~~6. A horizontal clearance of at least eight feet shall be maintained between canopy supports and between canopy supports and any building façade.~~
- ~~7. Awning and canopy signs shall be made of a of durable weather-resistant material.~~
- ~~8. Sign copy on any awning or canopy sign surface is limited to 30% of each surface area. A valance is considered a separate surface area. Sign copy is counted toward the maximum sign area of all wall-mounted signs.~~
- ~~9. A structural awning or canopy is permitted a sign face area attached to and located above the top of the canopy to a maximum height of 24 inches. Structural awnings or canopies shall be made of metal or material of similar durability and structural integrity.~~
- ~~10. Awning and canopy signs may be illuminated but lighting shall be installed as external downlighting or back-lighting.~~



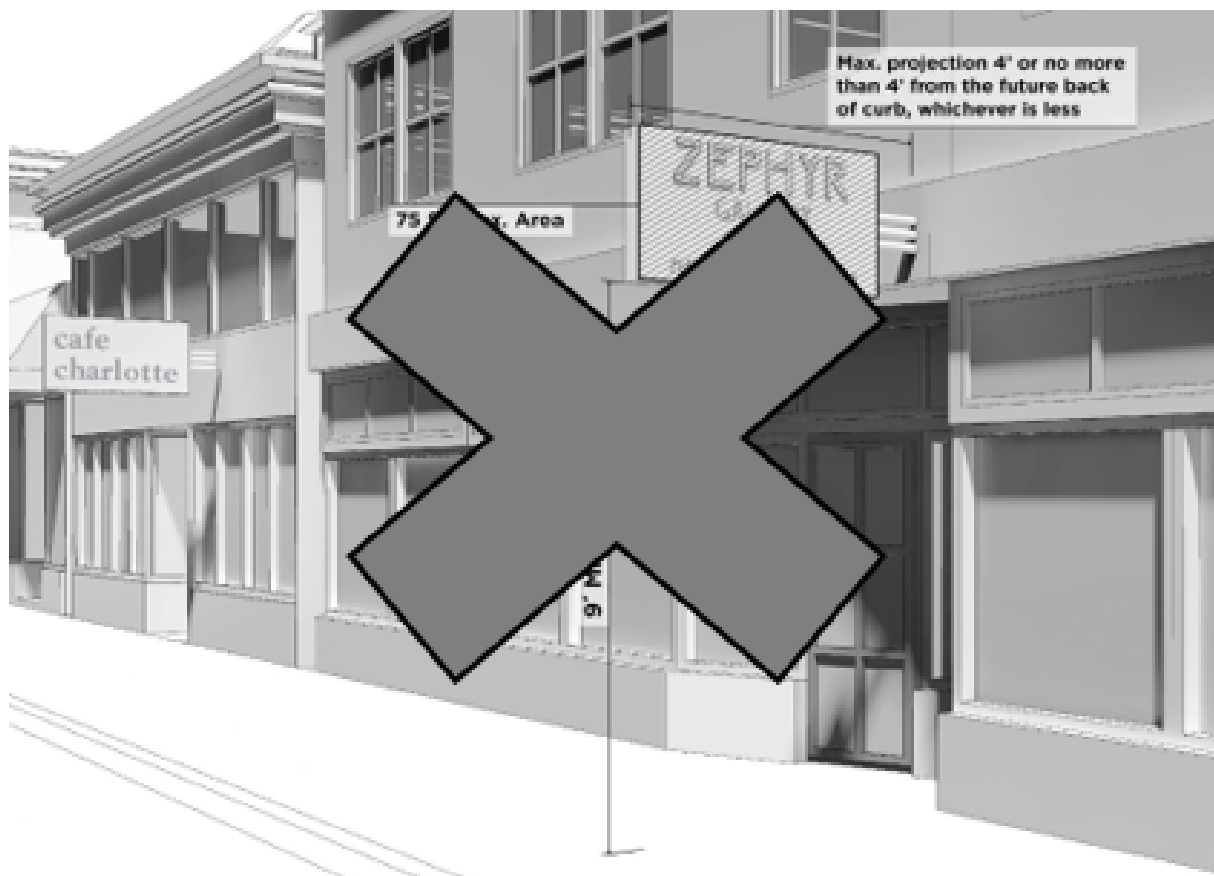
~~Canopy Signs~~



~~Awning Signs~~

C. Projecting Signs

1. Projecting signs shall be mounted within the first four stories of the structure.
2. Projecting signs are limited to a maximum sign area of 75 square feet. Sign area is counted toward the maximum sign area of all wall-mounted signs.
3. One projecting sign is permitted per tenant with frontage on a street. For a corner lot, one projecting sign is permitted for each street frontage.
4. Projecting signs are limited to a projection of four feet from the building facade or no more than four feet from the future back of curb, whichever is less.
5. Projecting signs shall maintain a minimum vertical clearance of nine feet. No projecting sign affixed to a building may project higher than the building height, including the sign support structure.
6. Projecting signs shall be constructed of durable weather-resistant material. Projecting signs constructed of canvas or similar material shall be mounted within a frame so that they are held taut between support posts.
7. Projecting signs may be internally or externally illuminated.

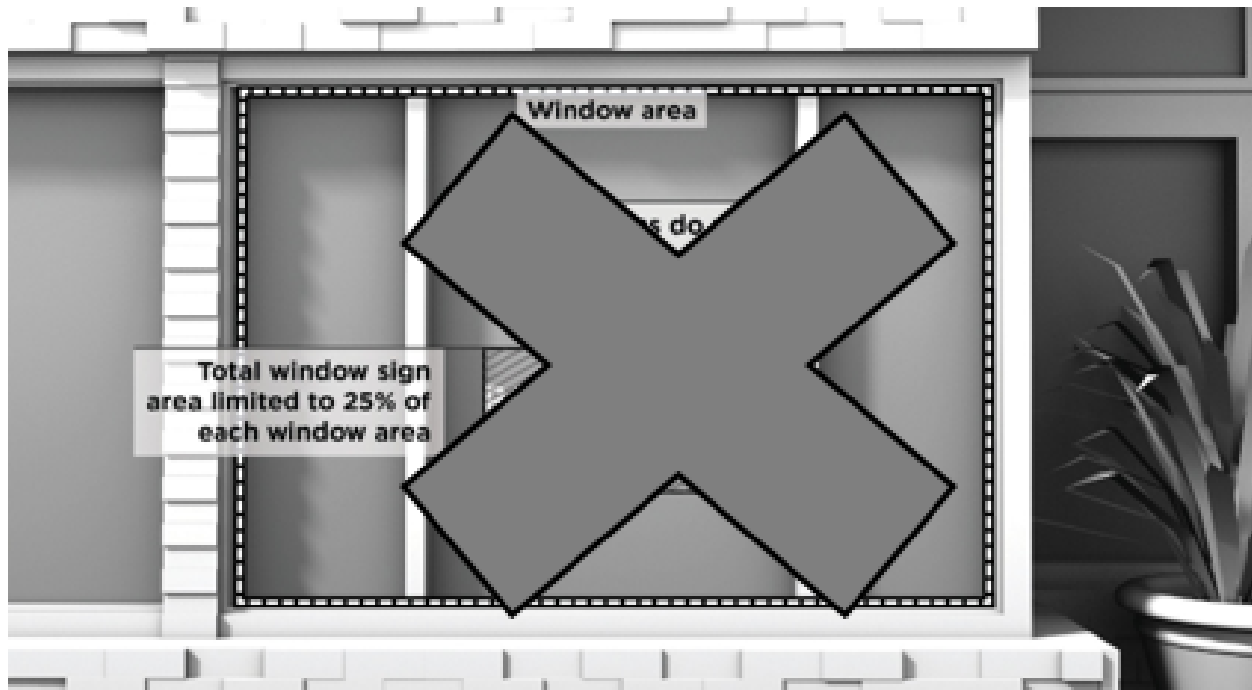


Projecting Signs

15.7.7 Window Signs

Window signs do not require a sign permit but shall meet the following standards:

- A. ~~Window signs are permitted for all multi-family and non-residential uses.~~
- B. ~~For multi-family uses, window signs are permitted on the ground floor only. For non-residential uses, window signs are permitted for window areas up to and including the third story.~~
- C. ~~The total window sign area, whether temporary or permanent, is limited to no more than 25% of the surface of each window area. Window area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.~~



~~Window Signs~~

J. CHAPTER 16: SUBJECT INDEX

- A. Amend the subject index under “S” by deleting the current entries and replacing them with updated entries.

Signs

appeals.....	13.114
definitions.....	13.102
district requirements. See also herein specific districts	
enforcement.....	13.113
freestanding, temporary off premises real estate signs	13.106(14)
general provisions	13.104
intent and purpose	13.101
nonconforming signs.....	13.112(1)
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Approved as to form:

City Attorney

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

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

PART 1: CHAPTER 21 -TREE ORDINANCE

&

PART 2: ZONING ORDINANCE

TEXT AMENDMENT APPLICATION CITY OF CHARLOTTE

Petition # 2019-104

Date Filed: 7/22/2019

Received By: BH

Office Use Only

PART 1: CHAPTER 21 – TREE ORDINANCE

Section #

Title

Article 1	IN GENERAL
21-2	Definitions
Article IV	GENERAL LAND DEVELOPMEN REQUIREMENTS
21-93	General tree save requirements
21-94	Tree save area and tree protection zone requirements for commercial development
21-96	Tree planting requirements

PART 2: ZONING ORDINANCE

Section #

Title

9.8506	Mixed Use Development District; urban design and development standards
9.906	Uptown Mixed Use Development District; urban design and development standards
10.812	Development standards (PED)
10.907	Development standards (TS)
15.4.9	On-Site Open Space (TOD)

Purpose of Change: As Charlotte is becoming more urban, application of the current Tree Ordinance standards to urban sites has been more challenging. This proposed text amendment is intended to make the Tree Ordinance work better on urban sites zoned UMUD, MUDD, TOD, UR, and NS, as well as any zoning district with a PED or TS overlay.

The proposed changes will achieve the following:

- Codify flexibility – Greater transparency and predictability can be expected by formalizing the flexible administration of the Tree Ordinance.
- Better integration of trees into urban sites – Provide more/better options to integrate trees on urban sites.
- The changes will result in no net loss of Ordinance required trees.

Name of Agent

Agent's Address

City, State, Zip

Phone

E-Mail Address

Signature of Agent

Charlotte Planning Design & Development

Name of Petitioner(s)

600 E. Fourth Street – 8th floor

Address of Petitioner(s)

Charlotte, NC 28202

City, State, Zip

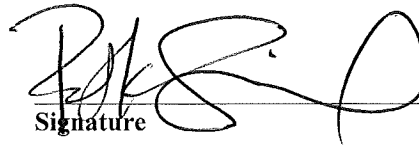
704-336-4258

Phone

peter.grisewood@charlottenc.gov

E-Mail Address

Signature



Petition #: 2019-104

Petitioner: Charlotte Planning, Design and Development Department

**AN ORDINANCE AMENDING
CHAPTER 21 OF THE CITY CODE**

ORDINANCE NO. _____

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

Section 1. Chapter 21 of the Code of the City of Charlotte is hereby amended as follows:

A. ARTICLE I. – IN GENERAL

1. Amend Section 21-2, “Definitions” by adding two new definitions for “Amenitized tree area” and “Urban retail site” in alphabetical order, and amending the definition for “Urban zones” by adding the names of the zoning districts that are considered urban zoning districts. The new and revised definitions shall read as follows:

Amenitized tree area means an area that serves to meet the tree save requirement for urban sites and includes planted trees and amenities, such as irrigation, landscaping, grass, seating, pathways and lighting or other items, as approved by the city.

Urban zones means property zoned as any of the following zoning districts: ~~within the city as listed in the tree ordinance guidelines and as may be amended from time to time by the city.~~ UMUD (uptown mixed use district), MUDD (mixed use development district), TOD (transit oriented development), UR (urban residential), and NS (neighborhood services), as well as any zoning district with a PED (pedestrian overlay) or TS (transit supportive) overlay. Urban zones do not include single-family development, even if developed under an urban zoning district.

Urban retail site means any building site for a building that includes ground-floor non-residential use.

B. ARTICLE IV: - GENERAL LAND DEVELOPMENT REQUIREMENTS

1. Amend Section 21-93, "General tree save requirements", subsection (c), by adding two new sentences at the end of the first sentence. The revised text shall read as follows:
 - (c) Pursuant to the tree ordinance guidelines, any alterations to the tree save area must be accomplished without mechanized equipment and made of organic, environmentally friendly materials, unless approved otherwise by the city. For sites located in urban zones, alterations to the tree save area do not have to meet the above standard. However, if alterations are made or amenities are added, these changes must be made in a manner that is not detrimental to the saved trees or their critical root zone. Alterations and amenitization must be approved by the city.
2. Amend Section 21-93, "General tree save requirements", subsection (e), by adding a new sentence at the end of the second sentence. The revised text shall read as follows:
 - (e) No structure will be allowed within ten feet of the tree save area. A building restriction must be noted on the record plat in accordance with the tree ordinance guidelines. For urban zones the ten-foot building restriction may be counted toward the Tree Save Area requirement as long as this area continuously and directly abuts a Tree Save Area, and remains pervious. However, regulatory trees may not be planted within this ten-foot area.
3. Amend Section 21-93, "General tree save requirements", by adding a new subsection (i), that reads as follows:
 - (i) In local Historic Districts designated by a Historic District Overlay (see Chapter 10, Part 2 of the Zoning Ordinance), the requirements of the Historic District Overlay apply in addition to the regulations of this ordinance.
4. Amend Section 21-94, "Tree save area and tree protection zone requirements for commercial development" by the following:
 - 1) Section 21-94: Move the following sentence in the third paragraph to the end of the section, in a new subsection numbered (5): "In all cases any perimeter tree and parking area planting requirements must still be met in accordance with section 21-96" un
 - 2) New subsection (a): Assign a subsection (a) to the first paragraph. Delete the word, "trees" and replace it with "tree save area" in the first paragraph and assigning a new subsection letter of (a). Also replace the word, "re-planted" with "provided. Add a new sentence at the end of the first paragraph that reads, "Trees must be planted at 36 trees per acre.";
 - 3) New subsection (b): Assign a subsection (b) to the third paragraph. In the second paragraph, add the words, "and alternatives" to the sentence.
 - 4) New subsection (b)(2)(d): Add a new subsection (b)(2)(d) with text and associated new subsections.
 - 5) Subsection (b)(3): Add a new subsection (c) with new text and associated new subsections.
 - 6) Subsection (b): Add a new subsection (4) with new text and associated new subsections.
 - (a) A minimum of 15 percent of the overall commercial site must be preserved as tree save area (hereinafter for purposes of this section, "commercial tree save area"). If less than 15 percent of the site has existing trees, additional trees shall be planted at a rate of 36 trees per acre to meet the commercial tree save area requirement. In the event any area of the commercial tree save area cannot be protected, tree save area must be provided ~~trees must be re-planted~~ at 150 percent of the area removed. Replacement trees must be planted at 36 trees per acre.

Additions to existing sites that meet the criteria in subsection 21-4(2) shall protect all trees of eight-inch dbh or greater within the tree protection zone or maintain existing tree save areas for sites developed in accordance with the effective date of

the ordinance from which this chapter derives.

- (b) In all cases, any perimeter tree and parking area planting requirements must still be met in accordance with section 21-96.

The following exceptions and alternatives to the tree save area requirement apply:

- (1) UMUD & UMUD-O within the I-277 loop and any TOD, MUDD or UMUD zoned parcels in transit station areas, as designated in a transit station area plan, are exempt. If no transit station area plan has been adopted, the transit station area will be designated as the property within one-half mile of an existing or proposed transit station location identified on the approved Metro Transit Commission (MTC) System Plan.

~~In all cases any perimeter tree and parking area planting requirements must still be met in accordance with section 21-96.~~

- (2) In transit station areas, designated mixed-use centers, NS zoning districts (for sites of 12 acres or less), and I-1 and I-2 zoning districts, the following measures may be chosen, individually or in combination, such that the measures are equal to 100 percent of any portion of the commercial tree save area not preserved as required above:

- a. Plant or replant trees at a rate of 36 trees per acre on-site.
- b. Install and maintain a living green roof on the project to be maintained in perpetuity. The owner shall submit an annual inspection and maintenance report pursuant to the tree ordinance guidelines.
- c. Undertake either off-site mitigation, or payment in lieu. Off-site mitigation and payment in lieu may not be used together to meet this requirement.
- d. In urban zones, create Amenitized Tree Areas that include 36 trees per acre on-site and meet the following:
 1. Planting areas shall be a minimum of 10 feet wide, unless otherwise approved by the city.
 2. No more than 25% of impervious paved areas within the Amenitized Tree Area will be allowed.
 3. Trees may be planted in alternative locations, such as but not limited to rooftops, permanent planters, raised or at grade plazas, over parking decks, or other locations approved by the city. Planting in alternative locations shall be per the Land Development Standards Manual or as approved by the city.
 4. Amenities may include, but are not limited to irrigation, landscaping, grass, seating, pathways and lighting or other items, as approved by the city.

~~In all cases any perimeter tree and parking area planting requirements must still be met in accordance with section 21-96.~~

- (3) In corridors that are outside of transit station areas the following measures may be chosen, individually or in combination, such that the measures are equal in area to 150 percent of any portion of the required commercial tree save area not preserved as required above:
- a. Install and maintain a living green roof on the project to be maintained in perpetuity. The owner shall submit an annual inspection and maintenance report pursuant to the tree ordinance guidelines.
 - b. Undertake either off-site mitigation or payment in lieu. Off-site mitigation and payment in lieu may not be used together to meet this requirement.
 - c. In urban zones, create Amenitized Tree Areas that include 36 trees per acre on-site and meet the following:
 1. Planting areas shall be a minimum of 10 feet wide unless otherwise approved by the city.
 2. No more than 25% of impervious paved areas within the Amenitized Tree Area will be allowed.
 3. Trees may be planted in alternative locations, such as but not limited to rooftops, permanent planters, raised or at grade plazas, over parking decks, or other locations approved by the city. Planting in alternative locations shall be per the Land Development Standards Manual or as otherwise approved by the city.
 4. Amenities may include, but are not limited to irrigation, landscaping, grass, seating, pathways and lighting or other items, as otherwise approved by the City.

~~In all cases, any perimeter tree and parking area planting requirements must still be met in accordance with section 21-96.~~

- (4) In urban zones located in wedge areas, a minimum of 15% of the overall commercial site must be preserved as tree save area. For any tree save area not preserved the following measures may be chosen, individually or in combination, such that the measures are equal to 150 percent of any portion of the commercial tree save area not preserved as required above.
- a. Plant or replant trees at a rate of 36 trees per acre on-site.
 - b. Provide Amenitized Tree Area that meets the following:
 1. Trees must be planted at 36 trees per acre on-site.
 2. Planting areas shall be a minimum of 10 feet wide.
 3. No more than 25% of impervious paved areas within the Amenitized Tree Area will be allowed.
 4. Trees may be planted in alternative locations, such as but not limited to rooftops, permanent planters, raised or at grade plazas, over parking decks, or other locations approved by the city. Planting in alternative locations shall be per the Land Development Standards Manual or as approved by the city.

5. Amenities may include, but are not limited to irrigation, landscaping, grass, seating, pathways and lighting or other items, as approved by the city.

5. Amend Section 21-96, "Tree planting requirements" by the following:
- 1) Subsection (d): Add a new sentence after the second sentence that reads, "However, for urban zones, the following standards apply. Light poles taller than 15 feet must be a minimum of 20 feet away from a tree, and light poles 15 feet or less in height must be at least 10 feet away from a tree."
 - 2) Subsection (e): Change the subsection letter from (e) to (f) (urban zones).
 - 3) Insert a new subsection (e) with new text and associated new subsections with new text.
 - 4) Re-letter subsection (e) to subsection (f) (perimeter planting requirements).
 - 5) New subsection (f)(3)(a): Create two new subsections under (f)(3)(a). New subsection (f)(3)(a)(1) shall contain the second and third existing sentences from subsection (f)(3)(a). New subsection (f)(3)(a)(2) shall contain new text and subsections with associated new text.
 - 6) Subsection (f)(3)(b)(1): Amend the first sentence subsection reference from (e)(3) to (f)(3).
 - 7) Subsection (f)(3)(b)(2): Amend the first sentence subsection reference from (e)(3) to (f)(3).
 - 8) Subsection (f)(6): Amend the first sentence subsection reference from (e)(1), (2), and (3) to (f)(1), (2), and (3).
 - 9) Re-letter subsection (f) to (g) (internal planting requirements)
 - 10) Subsection (f)(7): Amend the first sentence subsection reference from (e)(2), (3) and (5) to (f)(2), (3), and (5).
 - 11) Subsection (g)(1): Amend the subsection by titling (g)(1) as "Planting areas", which is the current text. Add two new subsections (g)(1)(a) and (g)(1)(b). Subsection (g)(1)(a) shall be titled, "Suburban commercial zones" in italics. Move the first three sentences of (g)(1) into the new subsection (g)(1)(a) and delete the last two sentences in (g)(1).
 - 12) Subsection (f): Amend subsection (f) to (g)
 - 13) New subsection (g)(1)(b): Add new text and new subsections with new text (urban zones).
 - 14) Subsection (g)(2)(a)(3): Change the reference to subsection (f)(2)a.4 to (g)(2)a.4.
 - 15) Subsection (g)(2)(b)1: Change the reference from (f)(2)b.2 to (g)(2)b.2.
 - 16) Subsection (g)(2)(b)1: Add a new subsection iii with new text.

- (a) Tree planting plan. All applications for building permits or land use permits shall include a tree planting plan. The tree planting plan shall be submitted in written/design form and shall conform to the general provisions of this section and all specifications set out in the applicable tree ordinance guidelines as issued by the city.
- (b) Tree and soil specifications. All trees planted pursuant to this article must be planted in amended soils as specified in the tree ordinance guidelines. The trees also must be from an approved list supplied by the city. Trees not on the list may be approved by the city on a case-by-case basis. Where trees are specified to be two-inch caliper, the minimum height shall be eight feet. If a multi-stem tree is used, it must have three to five stems and be eight to ten feet tall at the time of planting. Where three-inch caliper trees are specified, the minimum height shall be ten feet tall, and multi-stem trees shall be ten to 12 feet tall. All trees must comply with the American Standard for Nursery Stock, published by the American Association of Nurserymen.
- (c) A minimum of 50 percent of new trees must be native species, and sites with more than 20 trees required will have to install multiple species pursuant to the tree ordinance guidelines.
- (d) Site lighting must be a minimum 30 feet away from a tree. If pedestrian scale lighting is being used, then lighting must be a minimum of 15 feet away from a tree,

unless approved otherwise by the city. However, for urban zones, the following standards apply. Light poles taller than 15 feet must be a minimum of 20 feet away from a tree, and light poles 15 feet or less in height must be at least 10 feet away from a tree.

(e) For urban zones, the following standards apply:

- (1) Required trees, with the exception of perimeter trees, must be located at least 10 feet from on-site underground utilities unless otherwise approved by the city. For the purposes of this standard, underground utilities means water, sewer, city-maintained stormwater, electric and gas lines.
- (2) Required trees must be located at least 10 feet from buildings unless otherwise approved by the city.
- (3) The minimum spacing between large maturing trees may be reduced from 40 feet to 30 feet. The minimum spacing between small maturing trees may be reduced from 30 feet to 20 feet. Tree species identified for reduced spacing may be found in the Tree Ordinance Guidelines or as otherwise approved by the city.

(e-f) Perimeter planting requirements. Requirements for perimeter planting are as follows:

- (1) Single-family development zones.* Trees of a minimum two-inch caliper must be planted within 20 feet of the back of the curb on new streets, and any existing streets with lot frontage, in new single-family development. Trees may be planted between the sidewalk and the curb if a minimum six-foot planting strip is provided. Spacing will be an average of 40 to 50 feet apart for large maturing shade trees, and 30 to 40 feet apart for small maturing shade trees. Where a single-family development is directly across the street from multifamily development, the spacing between trees will be an average of 40 feet. Existing two-inch caliper or greater large maturing shade trees preserved within 20 feet of the back of the curb may be counted towards the street tree requirement if they are adequately protected during construction. The city may grant a modification for other existing trees on a case-by-case basis.
- (2) Suburban commercial zones.* A continuous perimeter planting strip, located in the public right-of-way between the curb and sidewalk or on private property abutting the public right-of-way, with a minimum width of eight feet, shall be required. If large maturing trees are planted, each tree shall have a minimum two-inch caliper. One such tree shall be planted for every 40 feet of frontage or fraction thereof. If small maturing trees are planted, the same conditions apply, but the increment drops to 30 feet.
- (3) Urban zones.* Planting requirements for urban zones are as follows:
 - a. *Planting strip.* A continuous perimeter planting strip, located between the street and sidewalk, with a minimum width of eight feet, shall be required. The planting strip requirement may be met using tree pits as detailed in Charlotte Land Development Standards 4000 series.
 1. If large maturing trees are planted, each tree shall have a minimum three-inch caliper. One such tree shall be planted for every 40 feet of frontage or fraction thereof. If

small maturing trees are planted, each tree shall have a minimum two-inch caliper. One such tree shall be planted for every 30 feet of frontage or fraction thereof.

2. If the required number of trees cannot be planted as required by Section 21-96(f)(3)a.1 due to site constraints, the alternatives listed below, individually or in combination, may be used. Site constraints include, but are not limited to, driveway locations, sight triangles, sight lines, and above ground utility locations, as determined by the city.

i. Spacing between large maturing trees may be reduced to 30 feet. Spacing between small maturing trees may be reduced to 20 feet. Tree species identified for reduced spacing may be found in the Tree Ordinance Guidelines or as otherwise approved by the city.

ii. Trees that cannot be planted in the perimeter planting strip may be planted in alternative locations within 20 feet of the future back of curb, or in locations otherwise approved by the city.

iii. A payment in lieu may be made to the city for trees that cannot be planted in the perimeter planting strip.

b. *Urban retail sites.* The following options are available for urban retail developments:

1. *Relocation of trees.* The number of perimeter trees required in subsection (e-f)(3) may be reduced by up to 50 percent if the same quantity of trees reduced are planted elsewhere on the site and at least one perimeter tree is installed.

2. *Tree pits.* The perimeter trees required in subsection (e-f)(3) may be installed in tree pits with irrigation and sub-drainage as specified in the tree ordinance guidelines in lieu of a continuous perimeter planting strip. If large maturing trees are planted in the pits, each tree shall have a minimum three-inch caliper. One such tree shall be planted for every 40 feet of frontage or fraction thereof. If small maturing trees are planted in the pits, each tree shall have a minimum two-inch caliper. One such tree shall be planted for every 30 feet of frontage or fraction thereof and as long as at least one perimeter tree is installed.

(4) *Renovated sites.* When a building permit is requested for renovation of a previously developed site where the required perimeter planting strip does not exist, trees are still required. However, in lieu of a minimum eight-foot wide planting strip, a pavement cutout equal to 200 square feet and with a minimum width of five feet may be substituted.

(5) *Railroad or utility rights-of-way.* When a railroad or utility right-of-way separates the perimeter planting strip from a city right-of-way, the perimeter planting strip and tree planting requirements must still be met.

- (6) *Large shade trees required.* In locations without overhead power distribution lines that obstruct normal growth, 75 percent of the trees required under subsections (e-f)(1), (2), and (3) shall be large maturing shade trees.
 - (7) *Streetscape plans.* In applicable cases where the city council has approved a streetscape plan, its provisions shall supersede those set forth in subsections (e-f)(2), (3) and (5).
- (f-g) Internal planting requirements, excluding single-family development. Requirements for internal planting, excluding single-family development, are as follows:
- (1) *Planting areas.*
 - a. *Suburban commercial zones.* Whenever the impervious cover exceeds 10,000 square feet, a planting area equal to ten percent of the total impervious surface must be provided for landscape purposes and tree planting. Internal tree planting is required at the rate of one large maturing shade tree per 10,000 square feet of impervious cover or fraction thereof. This planting area must be located on private property and ~~in urban zones shall be in addition to any perimeter planting and tree save area requirements. In the mixed use development district (MUDD) and the uptown mixed use district (UMUD) outside the I-277/I-77 loop, the planting area may equal five (5) percent of the total impervious surface. The planting requirements for UMUD-zoned sites within the I-277/I-77 expressway loop are set out in subsection 9.906(4)(e) of the zoning ordinance in appendix A to this Code.~~
 - b. *Urban zones.* Whenever the impervious cover exceeds 10,000 square feet, a planting area for landscape purposes and tree planting is required as follows:
 1. The planting area shall equal ten percent of the total impervious surface for all urban zoning districts except for UMUD and MUDD.
 2. In MUDD and UMUD zoning districts outside the I-277/I-77 loop, the planting area may equal five (5) percent of the total impervious surface. The planting requirements for UMUD zoning districts within the I-277/I-77 expressway loop are set out in subsection 9.906(4)(e) of the zoning ordinance in appendix A to this Code.
 3. Internal tree planting is required at the rate of one large maturing shade tree per 10,000 square feet of impervious cover or fraction thereof. This planting area must be located on private property and shall be in addition to any perimeter planting, tree save area, and tree amenity area requirements.
 4. Trees may be planted in alternative locations, such as but not limited to rooftops, permanent planters, raised or at grade plazas, over parking decks, or other locations approved by the city. Planting in alternative locations shall be per the Land Development Standards Manual or as otherwise approved by the city.

(2) *Parking areas.* Internal planting requirements for parking areas are as follows:

a. *Suburban commercial zones.* Planting in suburban commercial zones shall be in accordance with the following:

1. Trees must be planted so that each parking space is no more than 40 feet from a tree trunk, unless the parking lot has continuous islands running the length of the parking lot with minimum eight feet width; then the requirement will increase to 60 feet from a tree trunk.
2. Bus and tractor-trailer lots will be required to plant trees 40 feet apart around the perimeter of the parking lot in a minimum ten-foot wide planting strip. If there is parking on the perimeter of the bus and tractor-trailer lots, bollards or wheel stops are required.
3. Seventy-five percent of the trees planted must be large maturing shade trees except as provided in subsection (f-g)(2)a.4. Minimum planting area per tree shall be 274 square feet with a minimum width of eight feet. The entire planting area must contain amended on-site soil or a soil mix, as specified in the tree ordinance guidelines, to a depth of 18 inches.
4. Where small maturing shade trees are used, the minimum planting area shall be 200 square feet, with a minimum width of eight feet. The entire planting area must contain amended on-site soil or a soil mix, as specified in the tree ordinance guidelines, to a depth of 18 inches. Small maturing shade trees may be planted where overhead power distribution lines would interfere with normal growth (normally within 25 feet of overhead power distribution lines or within the Duke Power right-of-way for overhead transmission lines).

b. *Urban zones.* Planting in urban zones shall be in accordance with the following:

1. Trees must be planted so that each parking space is no more than 40 feet from a tree trunk. Trees planted must be large maturing shade trees except as provided in subsection (f-g)(2)b.2.
 - i. Minimum planting area per large maturing shade tree shall be 274 square feet with a minimum dimension of eight feet. The entire planting area must contain amended on-site soil, as specified in the tree ordinance guidelines, to a depth of 18 inches.
 - ii. Minimum planting area per large maturing shade tree may be reduced to a minimum surface area and a minimum dimension of eight feet, if the entire planting area contains an approved soil mix, as specified in the tree ordinance guidelines, to a

depth of 18 inches.

- iii. For parking spaces located in driveways for individual single-family attached dwellings or multi-family attached dwellings (as defined by Chapter 15 of the Zoning Ordinance), the required trees may be located elsewhere on the site as approved by the city. The number of trees shall equal the quantity required by Section 21- 96(g)(2)b.1.
- 2. Small maturing trees may be planted where overhead power distribution lines would interfere with normal growth. Minimum planting area per small maturing tree shall be 200 square feet with a minimum dimension of eight feet. The entire planting area must contain amended on-site soil, as specified in the tree ordinance guidelines, to a depth of 18 inches.
- (3) *Renovated sites.* When a building permit is requested for the renovation of a site previously developed, internal tree planting is still required, and the minimum planting area shall be 200 square feet per tree. However, only five percent of the total impervious cover must be set aside for landscape purposes.
- (4) *Existing trees.* In meeting these internal planting requirements, credit may be given for existing trees if the following are met:
 - a. The property owner must include in the tree survey referenced in section 21-91 all existing trees of two-inch dbh or greater which he/she proposes to satisfy these planting requirements.
 - b. Only healthy trees and those that have been protected during the entire development period, beginning prior to the commencement of site work and continuing through to issuance of the certificate of occupancy in accordance with approved tree protection requirements, may satisfy these tree planting requirements.
 - c. If the minimum protection standards are not met, or if trees are observed by the city to be injured or threatened, it may be deemed ineligible for meeting these requirements. The city shall have the authority to modify the planting requirements of this subsection to preserve existing trees.

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

Approved as to form:

City Attorney

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

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

Petition #: 2019-104

Petitioner: Charlotte Planning, Design and Development Department

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

ORDINANCE NO. _____

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

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

A. CHAPTER 9: GENERAL DISTRICTS

1. PART 8.5: Mixed Use Development District

- a. Amend Section 9.8506, "Mixed Use Development District; urban design and development standards", subsection (4), "Urban open spaces" by adding a new sentence in a new paragraph at the end that reads: "For additional tree area and planting requirements, see the Charlotte Tree Ordinance". All other subsections remain unchanged. The revised subsection shall read as follows:

- (4) Urban open spaces. Open space is required for new buildings with a gross floor area greater than 50,000 square feet.

Open space sizes. Such buildings must be provided with 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)
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 open space may be provided on an enclosed ground floor level. This required open space may also be located on the roofs of buildings. The required open space must be accessible to the users of the building and be improved with seating and plantings.

For additional tree area and planting requirements, see the Charlotte Tree Ordinance.

2. PART 9: Uptown Mixed Use District

- a. Amend Section 9.906, “Uptown Mixed Use Development District; urban design and development standards”, subsection (4), “Urban open spaces”, subsection (a), by adding a new sentence in a new paragraph at the end that reads: “For additional tree area and planting requirements, see the Charlotte Tree Ordinance”. All other subsections remain unchanged. The revised subsection shall read as follows:

- (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.

For additional tree area and planting requirements, see the Charlotte Tree Ordinance.

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: Pedestrian Overlay District

- a. Amend Section 10.812, “Development standards”, subsection (7), “Urban open spaces” by adding a new sentence in a new paragraph after Table 10.812(4). The new sentence shall read, “For additional tree area and planting requirements, see the Charlotte Tree Ordinance. All other subsections remain unchanged. The revised subsection shall read as follows:

(7) Urban open spaces.

- (a) All new development on lots one acre or more in size must provide urban open space.
- (b) Private open space is defined as an area that is:
 - (1) Accessible and visible to residents, tenants, and/or users of the development.
 - (2) Improved with seating, plantings, or other amenities.
 - (3) Located on the ground floor or first level of the development, a roof or terrace level, balconies, patios, in an interior courtyard area of the development, or a combination of these locations.
 - (4) Out of doors, or in the open air (may be under a roof or canopy).
- (c) Public urban open space is defined as an area that is:
 - (1) Accessible and open to the public.
 - (2) Improved with seating, plantings, or other amenities.
 - (3) Visible and accessible from the street or public pedestrian areas.
 - (4) Located on the ground floor or no more than five feet above or five feet below ground level.
 - (5) Out of doors, or in the open air (may be under a roof or canopy).
- (d) All required open space shall be located behind the sidewalk and on private property.
- (e) Open space requirements are based on the type of use, the lot size, and the gross square footage of building floor area, in accordance with the following schedule:

Table 10.812(4) Open space

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

For additional tree area and planting requirements, see the Charlotte

Tree Ordinance.

2. PART 9: Transit Supportive Overlay District

- a. Amend Section 10.907, “Development Standards”, subsection (12), “Urban open spaces”, by adding a new sentence in a new paragraph after subsection (g). The new sentence shall read, “For additional tree area and planting requirements, see the Charlotte Tree Ordinance. All other subsections remain unchanged. The revised subsection shall read as follows:

(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, or 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 <i>or</i> 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 <i>or</i> 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.

For additional tree area and planting requirements, see the Charlotte Tree Ordinance.

C. CHAPTER 15: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

1. Amend Section 15.4.9, “On-Site Open Space, subsection 15.4.9.A, “Minimum Open Space”, by adding a new sentence in a new paragraph after subsection 15.4.9.A.4. The new sentence shall read, “For additional tree area and planting requirements, see the Charlotte Tree Ordinance. All other subsections remain unchanged. The revised subsection shall read as follows:

15.4.9 On-Site Open Space

Required on-site open space applies to new development.

A. Minimum Open Space

1. All developments are required to provide on-site open space, with the following exception:
 - a. Developments on parcels of one-half acre or less in size.
2. Development shall provide a minimum of on-site open space in accordance with the following:
 - a. 5% of lot area in the TOD-UC District.
 - b. 10% of lot are in the TOD-NC, TOD-CC, and TOD-TR Districts.

- c. In TOD-UC and TOD-CC Districts, half of the required open space area may be provided as a widened sidewalk, greater than eight feet or more in width (in addition to required streetscape). Outdoor dining may be included in this area.
- 3. Development shall provide a minimum of public on-site open space in accordance with the following:
 - a. 50% of required on-site open space for commercial development.
 - b. 25% of required open space for mixed-use development.
 - c. Residential development is not required to provide public on-site open space.
- 4. When located within a required on-site open space area, a non-residential structure no greater than 500 square feet in gross floor area is allowed within the on-site open space and may be included in the calculation of total on-site open space.

For additional tree area and planting requirements, see the Charlotte Tree Ordinance.

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

Approved as to form:

City Attorney

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

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