

Model Ordinances

Three ordinances for different TOD conditions are included:

- Residentially-led TOD around a transit station (primarily residential with only service retail and commercial);
- Employment-led TOD around a transit station (primarily commercial with retail and higher density housing); and
- A Pedestrian Overlay District applicable for transit corridors (especially suited to light rail and local bus routes with continuous development rather than separated nodes).

TOD-R: TRANSIT-ORIENTED DEVELOPMENT DISTRICT -- RESIDENTIALLY -- LED

Draft Ordinance - Huntersville, NC

Overview of this Ordinance

- Facilitates the creation of compact pedestrian-oriented neighborhoods within 1/2 mile of rail rapid transit stops. The neighborhoods would be predominantly residential in nature with compatibly-scaled commercial uses.
- Establishes a new zoning district with the following characteristics:
 - directs concentrations of multi-family and attached housing to transit stop areas
 - establishes design standards sufficiently high that residentially-driven transit-oriented-development areas can be properly zoned by public initiative, without benefit of a conditional district zoning plan
 - specifies minimum homes per acre within the 1/4-mile radius and within the 1/2- mile radius of transit stop sites
 - specifies maximum number of parking spaces
 - limits non-residential uses to those known to be transit-supportive
- Limits opportunities for new apartments and attached homes in areas distant from transit stops by limiting apartments and attached homes that are beyond the 1/2-mile walking distance from transit stops. Generally, such higher density housing should only be permitted in areas not well served by transit in accordance with other clear growth management strategies, such as Traditional Neighborhood Development (TND), or appropriate infill policies set out in the Comprehensive Plan.
- This ordinance would be adopted as an amendment to Zoning Ordinance, by adding the new TOD-R district to the list of zoning districts.

Ordinance

Transit Oriented Development - Residential (TOD-R)

Intent: The transit-oriented residential district is established to support higher density residential communities that include a rich mix of retail, restaurant,

service, and small employment uses within a pedestrian village format. Land consuming uses, such as large lot housing and large retail outlets are excluded from this district. The TOD-R may be located on developable and redevelopable parcels within the 1/2-mile catchment area of designated rapid transit station sites. The district establishes a primarily residential village within a 10-minute walk of a transit station that serves a residential population of sufficient size to constitute an origin and destination for purposes of rapid transit service.

a. Permitted Uses

Uses permitted by right

- banks
- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, cultural, and community facilities
- conference centers
- congregate housing for senior populations
- dormitories
- government buildings
- hotels and inns
- indoor motion pictures
- multi-family homes
- offices, general, medical, professional
- personal, professional, and technical services
- research and development services
- restaurants without drive-through windows
- retail establishments
- single family homes
- transit stations
- workshops and studios for the design and manufacture of art, craft and artisan products

Uses permitted with conditions

- churches
- day care centers
- essential services 1 and 2,
- parking lot as principal use
- schools
- taverns and bars, up to 6,000 SF
- transit shelters
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited¹.

Uses permitted with a Special Use Permit

- any use permitted by right or with conditions where size of first floor area exceeds 15,000 SF.
- any permitted non-residential use or collection of non-residential uses that exceeds the maximum permitted in a TOD-R district by paragraph e) 5) of this section.

b. Permitted Building and Lot Types

- apartment
- attached house
- civic
- detached house
- mixed use² up to 15,000 SF of first floor area
- storefront up to 15,000 SF of first floor area
- workplace up to 15,000 SF of first floor area

c. Permitted Accessory Uses

- accessory dwelling,
- day care home (small),
- home occupation,
- accessory uses permitted in all Districts

b. General Requirements

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings that adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings that exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
2. On new streets, allowable building and lot types will establish the development pattern.
3. A master subdivision sketch plan shall be provided with any application for development approval. It shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges. Phasing of development to provide for future horizontal and vertical intensification to meet the standards of this section is permitted.

4. A single building on an existing lot shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area, but shall require zoning and building permits only.

e. Development Provisions

1. Minimum Development Size: None
2. Maximum Development Size: None
3. Minimum residential density within 1/2-mile of a transit station should average 12 dwelling units/acre, with higher densities concentrated within the first 1/4-mile of the station and lower densities within the second 1/4-mile.

4. Parking standards for TOD-R:

	Minimum	Maximum
Efficiency apartment	1 space/unit	2 spaces/unit
One bedroom apartment/attached house	1.25 spaces/unit	2 spaces/unit
Other dwelling units	1.5 spaces/unit	2 spaces/unit

5. A maximum of 10,000 square feet of non-residential development shall be permitted for each 250 dwelling units within 1/4-mile of a transit station site. Non-residential square footage may be prorated for larger or smaller residentially developed projects. All non-residential development shall located be within 1000 feet of the station site, and shall be oriented to provide direct and convenient pedestrian access from the transit station.

f. Design Provisions

1. Neighborhood Form
 - The illustration labeled "More Urban Conditions: Typical Characteristics" (Appendix 2, Streets) shall guide the general arrangement and distribution of elements in the project.
 - The area of the project shall be divided into blocks, streets, lots, and open space.
 - Similar land uses shall generally front across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots that front on streets of dissimilar use shall approximate the setback established on each fronting street.
2. Streets
 - Public streets shall provide access to all tracts and lots.
 - Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de-sac shall not exceed 250 feet in length, must be accessed from a street providing internal or external

connectivity, shall be permanently terminated by a vehicular turnaround, shall provide pedestrian and bicycle connection(s) through the turnaround to the connected street system, and are permitted only where topography makes a street connection impracticable. In most instances, a "close" or "eyebrow" is preferred to a cul-de-sac. Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided.

- The average perimeter of all blocks should not exceed 1,350 feet. No block face should have a length greater than 500 feet without a dedicated alley or pathway providing through access.
- A continuous network of rear alleys is recommended for all lots; rear alleys shall provide vehicular access to lots 60 feet or less in width.
- Utilities shall run along alleys wherever possible.
- Streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted sketch plan. Each street type shall be separately detailed. Street types illustrated in Article 5 represent the array of elements that are combined to meet the purposes of neighborhood streets: building placement line, optional utility allocation, sidewalk, planting strip, curb and gutter, optional parallel parking, and travel lane(s). Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use.
- To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods:
 1. a street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic (Appendix 2) and terminate vistas with a significant feature (building, park, natural feature);
 2. a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space;
 3. perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by buildings or other vertical elements that hugs the curve and deflect the view;
 4. other traffic calming configurations are acceptable so long as emergency access is adequately provided.

3. Buildings and Lots

- All lots shall share a frontage line with a street or square; lots fronting a square shall be provided rear alley access.
- Consistent build-to lines shall be established along all streets and public space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.
- Building and lot types shall comply with Appendix 1.

- Large-scale, single use facilities (conference spaces, theaters, athletic facilities, for example) shall occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.

4. Open Space

Open Space is defined as any area that is not divided into private or civic building lots, streets, rights-of-way, parking, or easements that diminish the utility or aesthetic quality of the space. Design of urban open space shall comply with Appendix 4.

5. Parking Lot Landscaping

Parking lot landscaping shall comply with Appendix 3.

6. District Edge Conditions

Along any boundary of a TOD-R district that abuts a lot with an established single-family detached dwelling, the following two edge conditions shall both apply.

- a. A minimum 40-foot wide semi-opaque buffer shall be constructed along the common boundary, on the site of the developing use; construction of the buffer is the responsibility of the developing use. Upon written agreement of the owner of the established single-family home, the builder/developer, and the Planning Director, a 6' masonry wall may be constructed by the developer in lieu of the 40' buffer, in which case the width of the buffer may be reduced to the width of the wall.
- b. Free-standing structures or the end units of attached structures on lots along the common boundary (or abutting the required buffer) shall be limited to two stories or 26 feet in height, whichever is less.

g. **Special Uses in TOD-R District**

Uses permitted in the TOD-R district that exceed maximum first floor area or exceed the maximum limit for non-residential uses are permitted subject to approval of a Special Use Permit.

The Town Board shall issue a Special Use Permit for the subject use(s) and building(s) if, but not unless, the evidence presented at the Special Use Permit hearing establishes each of the following:

1. That along any street providing primary pedestrian access to a transit station:
 - Street level building edge(s) shall not exceed one-half of the approved block length, and
 - distance between pedestrian entries at street level shall not exceed 100 feet, and
 - at least twenty percent (20%) of the area of the street level façade shall be composed of windows and doors
 - standards above are met by either the principal building, or by the construction of liner buildings along street level.

2. That the proposed buildings and uses shall not substantially increase the demand for automobile access to the transit-oriented development.
3. That the proposed buildings and uses meet the Intent statement for the district.

TOD-E: TRANSIT ORIENTED DEVELOPMENT DISTRICT -- EMPLOYMENT LED

Draft Ordinance - Huntersville, NC

Overview of this Ordinance

- Facilitates the creation of high employment office development within 1/2 mile of rail rapid transit stations. Streets and buildings are arranged for convenient pedestrian circulation. The target uses are offices that provide workspace for 40 to 70 or more workers on each acre of developable land.
- Establishes a new zoning district with the following characteristics:
 - directs high employment office development to transit station areas
 - specifies minimum floor area ratios and limits opportunities for high employment office space in low intensity suburban office parks through modifications to existing zoning districts.
- This ordinance would be adopted as an amendment to Zoning Ordinance, by adding the new TOD-E district to the list of zoning districts, and amending "General Definitions" as follows.

Floor Area. The sum of the gross horizontal areas of each floor of the principal building and any accessory buildings or structures measured from outside of the exterior walls or from the center line of party walls. The term does not include any area used exclusively for surface or structured parking of vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawlspace.

Floor Area Ratio (FAR). The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

Catchment Area. The area surrounding a rapid transit station location that is within convenient walking distance of the transit stop or boarding platform. New development in a catchment area is subject to specific standards and development intensities associated with "transit oriented development"(TOD) zoning districts. When used in conjunction with a specified measurement of distance (usually 1/4-mile or 1/2-mile), that distance is measured by computing actual walking distance along existing or proposed streets and/or pedestrian walkways.

Ordinance

Transit Oriented Development – Employment (TOD-E)

Intent: The transit-oriented employment district is established to accommodate general office uses and office support services in a highly pedestrianized setting. General office, characterized by 40 to 70 employees per acre, is the predominant use. Uses that employ relatively few workers, such as warehousing and distribution, are excluded from this district. The TOD-E may be located on developable parcels within the 1/2-mile catchment area of rapid transit stations. The district establishes an employment node within a 10-minute walk of a transit station that serves a workforce of sufficient size to constitute a destination for purposes of rapid transit service.

a. Permitted Uses

Uses permitted by right

- colleges, universities, and technical schools
- conference facilities
- hotels and inns
- financial services
- government offices
- hospitals, nursing homes, and convalescent care facilities
- offices
- professional, personal, and technical services
- transit stations
- workshops and studios for the design and manufacture of art, craft, and artisan products

Uses permitted with conditions

- day care center
- essential services 1 and 2
- parks
- multi-family homes in mixed use buildings
- single family homes in mixed use buildings

Uses permitted with a Special Use Permit

- any use permitted by right or with conditions where FAR is less than 0.353
- light manufacturing
- accessory warehousing exceeding 25% of the finished floor area of the principal use

b. Permitted Building and Lot Types

- civic building
- highway commercial (for hotel and conference facilities only), minimum FAR of 0.354
- mixed use5
- shopfront
- workplace, minimum F.A.R. of 0.356

c. Permitted Accessory Uses

- retail, restaurant, bars and taverns, personal services, clinics and similar workplace support uses up to 20 percent of first floor area of any building, or of a multi-building project taken as a whole.
- warehousing not to exceed 25% of the finished floor area of the principal use
- accessory uses permitted in all districts

d. General requirements

1. Along existing streets, new buildings shall create a transition in spacing, mass, scale, and street frontage relationship from existing buildings to buildings in the Transit Oriented Employment district.
 - New buildings are expected to exceed the scale and volume of existing buildings, but shall demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume.
2. On new streets, allowable building and lot types will establish the development pattern.
3. A master subdivision sketch plan in compliance with this district shall be provided with any application for development approval. It shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges. Phasing of development to provide for future horizontal and vertical intensification to meet the standards of this section is permitted.
4. A single building on an existing lot shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area, but shall require zoning and building permits only.

e. Design Provisions

1. Every building shall have frontage on a public street or square.
2. New construction favors general office uses, with accessory retail, personal services, restaurant, and similar uses located at street level and residential uses permitted on third and/or fourth floors.
3. Notwithstanding the height restrictions of Appendix 1, Building and Lot Types, new buildings in the Transit Oriented Employment district are limited to four stories or 52 feet in height, whichever is greater in Neighborhood Center or Village Center TODs. Minimum building height is 26 feet, measured at the eave line, except as indicated in 4) b), below. In Urban Center or City Center TOD locations, there is no height limit, except as indicated in 4)b), below.

4. District Edge Conditions Along any boundary of a TOD-E district that abuts a lot with an established single-family detached dwelling, the following two edge conditions shall both apply.
 - a. A minimum 40 foot wide semi-opaque buffer shall be constructed along the common boundary, on the site of the developing use; construction of the buffer is the responsibility of the developing use. Upon written agreement of the owner of the established single-family home, the builder/developer, and the Planning Director, a 6' masonry wall may be constructed by the developer in lieu of the 40' buffer, in which case the width of the buffer may be reduced to the width of the wall.
 - b. Free-standing structures or the end units of attached structures on lots along the common boundary (or abutting the required buffer) shall be limited to two stories or 26 feet in height, whichever is less.

f. Special Uses in TOD-E Districts

Uses permitted in the TOD-E district that fail to meet minimum floor area ratio (FAR) or otherwise have the potential for reducing employment intensity are permitted subject to approval of a Special Use Permit.

The Town Board shall issue a Special Use Permit for the subject use(s) and building(s) if, but not unless, the evidence presented at the Special Use Permit hearing establishes each of the following:

1. That for uses employing less than 30 people per shift on each gross developed acre (building and parking combined), the building is not located within 1300 feet of a transit station, measured along any street or combination of streets providing primary pedestrian access to a transit station
2. That along any street in the district that provides primary pedestrian access to a transit station:
 - Street level building edge(s) shall not exceed one-half of the approved block length, and
 - distance between pedestrian entries at street level shall not exceed 100 feet, and
 - at least twenty percent (20%) of the area of the street level façade shall be composed of windows and doors
 - standards above are met by either the principal building, or by the construction of liner buildings along street level.
3. That the proposed buildings and uses shall not substantially increase the demand for truck and automobile access through the pedestrian-oriented street system of the TOD.
4. That the proposed buildings and uses meet the Intent statement for the district.

PEDESTRIAN OVERLAY DISTRICT

CITY OF CHARLOTTE, NC, ZONING ORDINANCE

SECTION 10. OVERLAY DISTRICTS

Section 10.801. Purpose.

The purpose of the Pedestrian Overlay District (PED) is to reestablish an urban fabric by promoting a mixture of uses in a pedestrian-oriented setting of moderate intensity. The district encourages the reuse of existing buildings that contribute to the unique character or history of the area. The standards also encourage high quality design, mixed use development, the use of public transit, and development, which complements adjacent neighborhoods.

Section 10.802. Uses

The uses permitted in the PED shall include those permitted by right and under prescribed conditions in the underlying district, except outdoor storage and outdoor advertising signs. All permitted accessory uses will also be allowed except drive-thru windows for restaurants and retail establishments and outdoor advertising signs.

In addition the following uses shall be permitted subject to the following requirements:

1. Dwellings, mixed use, subject to the standards of PED.
2. Drive-thru windows for office uses must be located to the rear of the building.
3. Nightclubs, bars and lounges as a principal use, shall be subject to the standards of this overlay district, and be at least 400 feet from any residential use in a residential district or from a residential district. This separation distance may be reduced by a streetscape plan approved by the City Council.

The following use, which is not permitted in the underlying district, shall be permitted: Residential uses in an underlying industrial district, subject to the standards of this overlay district.

Section 10.803. Development standards.

The following requirements apply to all buildings or uses in PED unless specified otherwise in Section 10.805:

(1) Minimum lot area

None required.

(2) Floor Area Ratio

No maximum.

(3) Minimum setback

The minimum building setback will be specified in a streetscape plan approved by the City Council. The minimum setback will be measured from the back of all existing or future curbs, whichever is greater. If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the

right-of-way line will become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined by the Charlotte Department of Transportation (CDOT) in conjunction with the Planning Commission staff.

However, if new construction incorporates an existing structure located within the required setback, the CDOT and the Planning Commission staff may allow the setback for the addition to be reduced to the established setback. In no event shall the setback of any portion of the new structure be less than ten (10) feet from the back of the curb. The "Charlotte Tree Ordinance" will be applicable in addition to any approved streetscape plan. For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented. All new transformer vaults, utility structures, air vents, backflow preventers, or any other similar devices, including these facilities when located below grade, must be behind the setback. No new doors shall be allowed to swing into the minimum, setback, except for emergency exit doors.

No walls or fences are permitted in the established setback, except as screening for parking as provided for in Section 10.803.(8) Screening.

(4) Minimum side and rear yards

None required. However, a 5-foot minimum side yard and/or a 20-foot minimum rear yard is required where the lot abuts an existing residential structure or a residential zoning district. If side and rear yards are provided, the minimum shall be five (5) feet.

(5) Maximum height

The permitted height shall be determined by the distance of the structure from property used and/or zoned for residential purposes. The base height for this district is 40 feet. The building height may increase one foot in height, over 40 feet, for every 10 feet in distance from the property line of the nearest site used and/or zoned for residential purposes, except for property zoned PED, MUDD, or UMUD. The intent of this standard is to allow the height of a portion of a structure to increase as the distance from residential properties increases. The maximum height shall be 100 feet.

(6) Parking standards

Provisions for parking and loading shall conform to the general requirements of CHAPTER 12, PART 2, OFF-STREET PARKING AND LOADING, except as provided for in this section.

(a) Permitted uses within this overlay district shall be required to provide off-street parking spaces for new uses as follows:

- Residential uses: one (1) space per dwelling unit
- Restaurants/nightclubs: one (1) space per 125 square feet
- Hotels and motels: 0.5 space per room
- For all other non-residential uses: one (1) space per 600 square feet

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

A 25% parking reduction is allowed if located within 400 feet of a parking facility available to the general public. (Such facility must be wholly available for public use.) This section in combination with Section 12.202(2) allows for no more than a total of 25% parking reduction.

(b) For new parking, the minimum stall and aisle dimensions must conform to those of the current Charlotte-Mecklenburg Land Development Standards Manual. At least 75% of the required spaces must be full-sized spaces.

(c) No surface parking or maneuvering space is permitted within any required or established setback, or between the permitted use and the required setback, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible.

(d) Underground parking structures are permitted, except within any required setback.

(e) On-street parking spaces located along the portion of a public street(s) abutting the use where parking is currently permitted may be counted toward the minimum number of parking spaces as required by this ordinance. Those on-street parking spaces must be located on the same side(s) of the street as the use, have a dimension of at least 22 feet in length, and be in locations approved by the Charlotte Department of Transportation (CDOT). However, on-street parking directly across the street from the use may be counted if that parking abuts property, which is undevelopable because of physical constraints. In the event that the City or State removes any on-street parking that was allowed to count toward the minimum requirement, the existing use will not be required to make up the difference and will not be made non-conforming.

(f) All recessed on-street parking shall have a minimum width of 8 feet.

(g) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the Zoning Administrator.

(h) Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required planting strips. Parking that is located to the side of the primary structure may cover no more than 35% of the total lot width.

(i) The five-foot perimeter planting strips as required under Section 12.206(3) may be eliminated if abutting parking lots are combined or interconnected with

vehicular and pedestrian access. Surface parking lots must conform to the "Charlotte Tree Ordinance."

(j) Shared parking is permitted and encouraged.

(7) Loading standards

(a) Non-residential buildings and structures, excluding parking structures, subject to the provisions of this Part must provide a minimum number of off-street service/delivery parking spaces. These spaces must be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These parking spaces must not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way. These parking spaces must be a minimum of 10 feet by 25 feet and be provided in accordance with the following:

Non-residential uses with gross floor area:

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

Existing buildings are exempt from these loading standards.

(b) No loading spaces may be permitted within any required or established setback, or between the permitted use and the required setback, except that driveways providing access to the loading area may be installed across these areas. It is the intent that these driveways are as nearly perpendicular to the street right-of-way as possible.

(8) Screening.

(a) All surface parking lots for more than 10 vehicles, service entrances or utility structures associated with a building, loading docks or spaces and outdoor storage of materials, stock and equipment must be screened from the abutting property and view from a public street or from a transitway as designated by an adopted plan. Such screening shall consist of either a 5-foot wide planting strip consisting of evergreen shrubbery according to the provisions of Section 12.303(2), or a 3-foot high minimum to a 3.5-foot high maximum solid and finished masonry wall or alternative as approved by the Planning Director.

However, a wall cannot be substituted for the planting strip along any public street or transitway unless supplemented by landscaping in a minimum 3-foot wide planting strip. Screening may be reduced in height to 30 inches within sight triangles as required by the CDOT.

(b) Dumpsters or trash handling areas must always be screened from adjacent property and from public view with a minimum 6-foot high solid and finished masonry wall with a solid and closeable gate. A solid wooden fence may be substituted if the dumpsters or trash handling areas are not visible from a public

street or transitway. Dumpsters are not allowed in any required setback or yard space.

(9) Buffers.

(a) All uses in the PED, other than single-family detached units, must provide buffering along all edges abutting residential districts. In addition, uses in PED, which are separated from a residential district by an alley of 25 feet or less, must also provide buffering along all edges abutting the alley. However, multi-family developments abutting multi-family uses or undeveloped multi-family zoning districts are exempt from this buffering requirement.

(b) Such buffering shall consist of a 10-foot wide planting strip. The planting strip shall consist of a combination of evergreen trees and evergreen shrubs. Plant materials will be provided at a minimum of six (6) trees and twenty (20) shrubs per 100 linear feet.

The 10-foot wide planting strip may be reduced to 8 feet and the shrubs need not be planted if a masonry wall with a minimum height of 6 to 8 feet in a side yard or 8 to 10 feet in a rear yard is installed. This buffering area may be interrupted with a gate/pedestrian access way to an adjacent site.

(10) Outdoor lighting.

(a) The maximum height of the light source (light bulb) detached from a building shall be 20 feet.

(b) All outdoor lighting will be screened in such a way that the light source can not be seen from any adjacent residentially used or zoned property.

Section 10.804. Urban Design Standards.

(1) Design Standards.

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

(a) Street Walls.

The first floors of all buildings must be designed to encourage and complement pedestrian-scale interest and activity. The first floor of all buildings designed and/or used for retail or office uses fronting directly to a street must include transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor building elevation along the first floor street frontage. Expanses of blank walls may not exceed 20 feet in length. A blank wall is a facade that does not add to the character of the streetscape and does not contain transparent windows or doors or sufficient ornamentation, decoration or articulation.

For all other uses it is intended that this be accomplished principally by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 25% of the length of the first floor street

frontage. When this approach is not feasible, a combination of design elements must be used on the building facade and/or in relationship to the building at street level to animate and enliven the streetscape. These design elements may include but are not limited to the following: ornamentation; molding; string courses; belt courses; changes in material or color; architectural lighting; works of art; fountains and pools; street furniture; landscaping and garden areas; and display areas.

Ventilation grates or emergency exit doors located at the first floor level in the building facade oriented to any public street must be decorative.

(b) Structured Parking Facilities.

Structured parking facilities must also be designed to encourage and complement pedestrian-scale interest and activity.

Structured parking facilities must be designed so that the only openings at the street level are those to accommodate vehicular entrances and pedestrian access to the structure. In the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building façade, they must be decorative and must be an integral part of the overall building design. These openings, as well as pedestrian and vehicular entrances, must be designed so that cars parked inside are not visible from the street or transitway.

The remainder of the street or transitway level frontage must be either available for commercial or residential space or an architecturally articulated façade designed to screen the parking areas of the structure and to encourage pedestrian scale activity. If fronting on a Class III (major arterial) or Class IV (minor arterial) street, the portion of the first level along the thoroughfare frontage must be available for retail, office, or residential space.

Cars on all levels of a structured parking facility must be screened from view from the street utilizing decorative elements such as grillwork or louvers.

(c) Canopies.

Canopies, awnings and similar appurtenances are encouraged at the entrances to buildings and in open space areas. Such features may be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such facility may extend from the building to within two (2) feet of the back of the curb. Supports for these canopies are not allowed in the minimum setback. If this extension would reach into the public right-of-way, an encroachment agreement from the City or State is required.

(d) Building Entrances.

At least one operable pedestrian entrance per building must face a street or transitway and be distinguishable from the rest of the building. Such entrances must be recessed into the face of the building with a minimum 15 square foot area to provide a sense of entry and to add variety to the streetscape. No new doors will be allowed to swing into the minimum setback, except for emergency exist doors.

(e) Signs, Banners, Flags and Pennants.

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

(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 square feet. Wall signs may be increased by 20 square feet in lieu of a ground mounted or monument sign.

(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). c. 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 center signs are allowed.

(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.

(f) Streetscape Requirements.

The streetscape requirements of the Pedestrian Overlay District (PED) are as follows:

(1) Sidewalks and trees will be installed in accordance with a streetscape plan approved by the City Council.

(2) Trees must be planted in accordance with the "Charlotte Tree Ordinance" as per the "Charlotte-Mecklenburg Land Development Standards Manual."

(3) The Planning Director in conjunction with the City Arborist/Senior Urban Forester shall have the authority to modify the above streetscape requirements, including the modification of the planting strip, sidewalk location and width in order to preserve existing trees.

Section 10.805. Applicability.

The PED will be applied to selected corridors as an overlay to existing zoning districts, but will not be applicable to the Mixed Use Development District (MUDD), Uptown Mixed Use District (UMUD), and the Neighborhood Services District (NS). If the regulations and standards of this Pedestrian Overlay District

conflict with those of the underlying district, those of this overlay district shall apply.

A PED is not established until a rezoning petition is approved designating the boundaries for the particular corridor and a streetscape plan is approved by the City Council. The designated PED shall be shown on the official zoning maps. The development and urban design standards for a PED are stated in Sections 10.804 and 10.805 respectively.

Exceptions to Applicability.

New development within areas designated as PED is subject to the development and urban design standards of PED, with the following exceptions:

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

(1) A change of use in an existing building from a non-residential use to another non-residential use that does not require more than five (5) additional parking spaces based on the PED parking standards will require screening of existing and expanded parking. However, none of the other PED requirements will apply.

(2) A change of use in an existing building from a non-residential use to another non-residential use that requires more than five (5) additional parking spaces based on the PED parking standards must provide all of the additional required parking. Existing parking must comply with the parking lot screening requirements of PED. Any additional parking must conform to the requirements of the PED, but none of the other PED requirements are applicable.

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

If a residential use is changed to a non-residential use with no expansion, the use is exempt from the PED requirements except the following shall apply:

(1) Implement streetscape requirements of PED

(2) Remove any non-conforming parking and provide required parking of PED

(3) Meet buffering and screening requirements of PED.

(c) Expansions of less than 5% of the building area or 1,000 square feet, whichever is less, are exempt from the PED requirements except:

(1) Such expansion must meet the minimum setback, yard and height requirements of PED.

(2) Provide any required additional parking according to the PED standards.

(d) Expansions of more than (c) above:

The entire site must be brought up to the PED requirements, except any existing building which will become non-conforming may remain.

(e) Creation or expansion of outdoor seating

(1) Creation or expansion of outdoor seating is not considered an expansion of the building area.

(2) Additional parking spaces shall not be required unless such outdoor seating requires more than 5 added spaces based on the PED parking standards. Any additional parking must conform to the requirements of the PED, but none of the other PED requirements are applicable.

(3) Outdoor seating within an existing right-of-way or public sidewalk easement must have an encroachment agreement approved by the CDOT.

(f) Major facade improvements to existing buildings:

New exterior improvements (beyond paint and general maintenance such as roof or window repair or replacement) that exceed 25% of the current listed tax value of the entire property shall be subject to the following:

(1) Eliminate any non-conforming parking from the required setback. Such elimination will not require any additional parking even if the site is rendered non-conforming.

(2) Streetscape improvements and screening according to the PED standards will be required.

(g) Additional parking for existing development

No additional parking areas may be developed in the established setback.

(h) Removal of Required Buffer or Screening for Additional Parking

If an existing buffer or screening area is removed for more than five (5) additional parking spaces, an equal number of existing non-conforming parking spaces within the established setback must be removed and replaced with landscaping, patios and/or other related amenities, in addition to the requirements of Section 10.804(1)(e). The additional parking must meet the requirements of this overlay district.

(i) Previously approved plans

Sites governed by previously approved plans, pursuant to Section 1.100, "Procedures for establishing a vested right", may be developed accordingly, except that the streetscape improvements of the PED will be required.

Section 10.806. Administrative Approval

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

Any approval must meet the following criteria:

(1) Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the PED intent; and

(2) Provides urban open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the PED.

Section 10.807. Board of Adjustment

The Board of Adjustment shall have no jurisdiction to grant variances from the development and urban design standards of Section 10.804. A deviation from a development or urban design standard, however, can be obtained as a result of administrative approval pursuant to Section 10.806 or as a result of a Council-approved Pedestrian Overlay District (Optional).

The Board shall have no jurisdiction with respect to an interpretation of, or decision about, Section 10.803's or 10.804's urban design standards except as a result of notice of zoning violation for which an appeal can be filed to the Board.

Section 10.808. Pedestrian Overlay District (Optional); Purpose.

The Pedestrian Overlay District (PED) establishes minimum standards for development. However, circumstances may arise which those regulations do not address or did not foresee. Therefore, this section establishes an alternative process by which the City Council may evaluate and approve development, which does not meet the minimum standards of the PED.

The Pedestrian Overlay District (Optional), or PED-O, is established to provide a mechanism to review and address new development concepts, innovative designs, special problems, public/private ventures, and other unique proposals or circumstances, which cannot be accommodated by the standards of the PED. It also serves as a mechanism for altering or modifying of these minimum standards as they relate to a specific development. The PED standards form the basic framework as guidelines that will be used to evaluate a PED-O proposal, but any of the standards in the PED may be modified in the approval of the PED-O application.

Section 10.809. Pedestrian Overlay District (Optional); Application.

Petitions for a zoning map amendment to establish a PED-O should be submitted to the Charlotte-Mecklenburg Planning Commission. A PED-O classification will be considered only upon 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 that becomes a part of the amending ordinance.

Section 10.810. Pedestrian Overlay District (Optional); Review and Approval.

The establishment of the Pedestrian Overlay District (Optional) shall be in accordance with the procedures of Section 6, Part 2: Conditional Zoning Districts. The City Council will also consider the extent to which the basic standards of the PED are proposed to be modified, the impacts of those modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications.

Section 10.811. Pedestrian Overlay District (Optional); Effect of Approval; Alterations.

Changes to approved plans and conditions of development will be treated the same as changes to the Zoning Map and will be processed in accordance with the procedures Section 10.806, Administrative Approval.

Section 10.812. Preliminary review.

Applicants planning any development or redevelopment in a PED area are required to meet with the Charlotte-Mecklenburg Planning staff, Engineering and Property Management Department, and Charlotte Department of Transportation at two points in the design process:

(1) during the conceptual design process in order that the staff may offer input into urban design objectives and to interpret the approved streetscape plan for that area; and

(2) during the design development stage to insure that the plans meet the desired objectives and the minimum standards for the district. The Pedestrian Overlay District (Optional) process does not exempt applicants from this preliminary review. Building permits will not be issued until the Planning Commission staff approves the proposal as in conformance with this.

Footnotes:

1. items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.
2. The mixed use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use.
3. FAR ratios vary according to location, from 0.35 minimum in less dense Neighborhood Center TOD locations, to 0.50 minimum in Village Center TODs, to 0.7 minimum in Urban Center TODs, to 1.0 minimum in City Center TOD locations. These are MINIMUM figures for the 1/4 mile Core Areas, and can be reduced to 0.15, 0.20, 0.25, and 0.30 respectively for the Surrounding Ring areas within a 1/2-mile of the transit stop.
4. FAR varied according to TOD location as noted above.
5. The mixed use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. 6 FAR varied according to TOD location as noted above.

