

# **City of Charlotte**

*Charlotte-Mecklenburg Government Center  
600 East 4th Street  
Charlotte, NC 28202*



## **Meeting Agenda**

**Monday, November 7, 2016**

**Council Chamber / Room 267**

### **City Council Workshop Meeting**

*Mayor Jennifer W. Roberts  
Mayor Pro Tem Vi Lyles  
Council Member Al Austin  
Council Member John Autry  
Council Member Ed Driggs  
Council Member Julie Eiselt  
Council Member Claire Fallon  
Council Member Patsy Kinsey  
Council Member LaWana Mayfield  
Council Member James Mitchell  
Council Member Greg Phipps  
Council Member Kenny Smith*

## **Council Workshop**

4:00 p.m.

**October 17 Zoning Hearing Continuation  
Meeting Chamber**

**Convene in Room 267**

**Dinner**

**Draft FY2017 General Fund City Services Review**

**Community Action Plan Update**

**Citizens Forum (Advertised for 6:00 p.m.)**

### **33. Rezoning Petition: 2015-106 by The Gold District of Charlotte, Inc.**

**Location:** The petition proposes to modify transit supportive (TS) overlay district regulations related to uses, maximum height, parking standards, screening requirements, change of use exceptions, and administrative alterations.

**Staff Recommendation:**

Staff recommends approval of the text amendment.

**Attachments:**

Staff Analysis  
Matrix  
Text Amendment

<b>REQUEST</b>	Text amendment to Sections 10.905, 10.907, 10.908, 10.909, and 10.910 of the Charlotte Zoning Ordinance
<b>SUMMARY OF PETITION</b>	The petition proposes to modify transit supportive (TS) overlay district regulations related to uses, maximum height, parking standards, screening requirements, change of use exceptions, and administrative alterations.
<b>PETITIONER AGENT/REPRESENTATIVE</b>	The Gold District of Charlotte, Inc. Walter Fields, III, Walter Fields Group
<b>COMMUNITY MEETING</b>	Meeting is not required.

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of the text amendment.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> and the <i>General Development Policies/Transit Station Area Principles</i> goal for Growth Corridors to have increased intensity and a more pedestrian form of development, with greatest intensity development in Transit Station Areas.</p> <p><u>Rationale for Recommendation</u> The proposed modifications strengthen and support the purpose of the Transit Supportive (TS) Overlay District to create a set of additional standards designed to accommodate the continued existence and minor expansion of existing uses while transitioning to a more compact, high intensity, transit supportive mix of uses at a lesser intensity than traditional transit oriented development including;</p> <ul style="list-style-type: none"> <li>• Modifying permitted use standards, change of use requirements and administrative procedures to further support the reuse of existing buildings as part of the transition to a transit supportive form and intensity,</li> <li>• Clarifying and adjusting parking and screening standards to ensure consistency with overall code and simplify interpretation and,</li> <li>• Adjusting maximum height standards to support current needs and requirements for multi-story, mixed use buildings.</li> </ul>
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**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The text amendment contains the following provisions:
  - **Permitted Use Standards:**
    - Expands the list of prohibited uses to include automobile service stations.
    - Expands the maximum size of distributive businesses and wholesale sales establishments from 10,000 to 20,000 square feet.
  - **Maximum Height:**
    - Increases the maximum height from 60 to 80 feet for property located within one mile of Interstate 277. The maximum height elsewhere will remain at 60 feet.
  - **Parking Provisions:**
    - Increases the maximum number of parking spaces for residential uses from 1.6 to two parking spaces per dwelling unit.
    - Adds a new parking standard for multi-family elderly or disabled dwelling units requiring a minimum of 0.25 spaces per unit to align with the same parking standard in other zoning districts for this use.
    - Adds a new parking standard for hotels and motels, setting a maximum of one space per room, plus one space per four seats of meeting room capacity, plus a maximum of one parking space per 250 square feet of eating/drinking/entertainment establishments.
    - Deletes the office parking requirements of a maximum of one parking space per 300 square feet, and includes office uses with "all other non-residential uses" which sets a maximum of

- one parking space per 250 square feet.
- Modifies the parking requirement for all other non-residential uses by setting a maximum of one parking space per 250 square feet for non-residential uses. Currently the maximum number of parking spaces is set at the minimum listed in the Table 12.202, per the non-residential use.
- Clarifies that off-street parking may count towards the minimum residential parking requirements only if located on the same side(s) of the street and abutting the use.
- Deletes the requirement that recessed on-street parking shall comply with the *Urban Street Design Guidelines*, as the CDOT already has standards for on-street parking.
- Clarifies that driveways are included in the calculation of the maximum total lot width that can be occupied by parking. A maximum 35 percent of the total lot width can be utilized for parking.
- **Screening:**
  - Adds outdoor storage of materials, stock, and equipment to the list of uses that require screening from abutting property and from view from a public or private street or transit-way.
  - Modifies the screening requirements for rooftop mechanical equipment by deleting references to building heights, and requiring all buildings to meet the screening requirement.
- **Administrative Approval Procedures:**
  - Modifies the authority of the Planning Director, with the affirmative recommendation of the City Arborist/Senior Urban Forester, to modify the streetscape standards in order to preserve existing buildings, and to provide flexibility for a hard surface next to the curb line where appropriate for on-street parking. Currently, modification of the streetscape standards is only allowed to preserve existing trees.
  - Modifies the authority of the Planning Director to administratively alter any of the development or urban design standards if there are difficulties implementing the transit supportive (TS) overlay standards due to site constraints such as lot configuration, lot size, lot width, mature trees, topography, number of streets or other physical considerations. If the administrative approval is for parking, or any item normally subject to approval by the Charlotte Department of Transportation (CDOT), then the request must be approved by the Planning Director in conjunction with the CDOT Director.
- **Change of Use Standards:**
  - Change from one non-residential use to another non-residential use type, with no building expansion:
    - Adds a new subsection that clarifies the standards that need to be met for a change of use. This subsection requires the new use to meet all the requirements of the transit supportive (TS) overlay district except when the standards would require significant building and site changes such as meeting the minimum setback and side and rear yards; maximum height; minimum residential density; floor area ratio; loading standard; and buffer standards.
    - Clarifies that if a change of use in an existing building does not require, and does not add, more than five additional parking spaces, based on the minimum/maximum number of parking spaces required, then the requirement to provide the additional parking spaces is waived. The text, "and does not add" is the clarification.
    - Adds new text that the addition of more than five parking spaces triggers the requirement for the new parking area to meet the parking standards, internal planting, and parking lot screening requirements. The clarification is the addition of "more than five".
    - Requires streetscape improvements only if sidewalks and a perimeter planting strip with trees are non-existent along street frontages. The improvements must be consistent with a Council adopted streetscape plan, or a streetscape alternative approved by the Planning Director, based on an affirmative recommendation from the City Arborist or Senior Urban Forester and the Charlotte Department of Transportation Director.
  - Change from a residential use to a non-residential use with no building expansion:
    - Revises the list of standards that do not need to be met.
    - Adds a provision that if the change of use in an existing building does not require, and does not add, more than five additional parking spaces, based on the minimum/maximum number of parking spaces required, then the need to provide the additional parking spaces is waived. Parking in excess can remain.
    - Adds a provision that if more than five additional parking spaces are added, then the new parking area shall meet the parking standards, internal planting, and parking lot screening requirements.
    - Requires streetscape improvements only if sidewalks and a perimeter planting strip with

trees are non-existent along street frontages. The improvements must be consistent with a Council adopted streetscape plan, or a streetscape alternative approved by the Planning Director, based on an affirmative recommendation from the City Arborist or Senior Urban Forester and the Charlotte Department of Transportation Director.

- **Public Plans and Policies**

- The petition is consistent with the *Centers, Corridors and Wedges Growth Framework* and the *General Development Policies/Transit Station Area Principles* goal for Growth Corridors to have increased intensity and a more pedestrian form of development, with greatest intensity development in Transit Station Areas.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Charlotte Department of Transportation:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** Not applicable.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Locator Map
- Department Comments
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Sandra Montgomery (704) 336-5722

**TEXT AMENDMENT SUMMARY: Transit Supportive (TS) Overlay District Modifications**

**10-3-16**

**2015-106**

**Purpose/Background:** The purpose of this text amendment is to modify the transit supportive (TS) overlay district regulations, including uses, maximum height, parking standards, screening requirements, change of use exceptions, and administrative alterations.

	<b>Current Regulations</b>	<b>Proposed Regulations</b>
<b>Prohibited Uses</b>	<ul style="list-style-type: none"> <li>Allows automobile service stations, if permitted in the underlying district.</li> <li>Prohibits distributive businesses greater than 10,000 sq. ft.</li> <li>Prohibits wholesale sales establishments greater than 10,000 sq. ft.</li> </ul>	<ul style="list-style-type: none"> <li>Adds automobile service stations to the list of prohibited uses.</li> <li>Relaxes the standard to prohibit distributive businesses greater than 20,000 sq. ft.</li> <li>Relaxes the standard to prohibit wholesale sales establishments greater than 20,000 sq. ft.</li> </ul>
<b>Parking Minimum/Maximums</b>	<ul style="list-style-type: none"> <li>Residential: Min. of 1 space per dwelling unit for properties on blocks with single family zoning, no parking minimum for all other properties and a maximum of 1.6 parking spaces per dwelling unit.</li> </ul>	<ul style="list-style-type: none"> <li>Increases the maximum number of parking spaces for residential units:                             <ul style="list-style-type: none"> <li>Residential: Minimum of 1 space per dwelling unit for properties on blocks with single family zoning, no parking minimum for all other properties and a maximum of <u>2</u> parking spaces per dwelling unit.</li> </ul> </li> <li>Adds a new parking minimum standard for multi-family elderly or disabled dwelling units:                             <ul style="list-style-type: none"> <li>Minimum of .25 spaces per unit for multi-family elderly or disabled.</li> </ul> </li> <li>Deletes parking maximums for office uses.</li> <li>Office uses are combined in the use category. “All Other Non-Residential Uses” for parking standards.</li> </ul>
	<ul style="list-style-type: none"> <li>Office: Maximum of 1 parking space per 300 sq. ft. of office space. Mixed-use development and multi-use developments of residential and office uses may share parking spaces as per Section 12.203</li> </ul>	
	<ul style="list-style-type: none"> <li>Hotels and motels are currently in the use category of “All Other Non-Residential Uses”: The maximum number of parking spaces permitted is listed as the minimum amount required in Table 12.202, per non-residential use.</li> </ul>	<ul style="list-style-type: none"> <li>Adds a new parking maximum for hotels and motels:                             <ul style="list-style-type: none"> <li>Hotels and Motels: Maximum of 1 space per room plus 1 space per 4 seats of meeting room capacity plus maximum of 1 parking space per 250 square feet of Eating, Drinking and Entertainment Establishments.</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>All Other Non-Residential Uses: The maximum number of parking spaces permitted is listed as the minimum amount required in Table 12.202, per non-residential use.</li> </ul>	<ul style="list-style-type: none"> <li>Deletes the current parking standard and replaces it with the following:                             <ul style="list-style-type: none"> <li>Maximum of 1 space per 250 sq. ft.</li> </ul> </li> </ul>
<b>On-Street Parking</b>	<ul style="list-style-type: none"> <li>On-street parking may be used to meet the minimum residential parking requirements but shall not be counted in calculating maximum parking spaces.</li> <li>All recessed on-street parking shall comply with Charlotte’s Urban Design Guidelines.</li> </ul>	<ul style="list-style-type: none"> <li>Clarifies the on-street parking provisions, by allowing on-street parking to be counted toward residential requirements if located on the same side(s) of the street, and abutting the use:                             <ul style="list-style-type: none"> <li>On-street parking may be used to meet the minimum residential parking requirements but shall not be counted in calculating maximum parking spaces, <u>if located on the same side(s) of the street and abutting the use.</u></li> </ul> </li> <li>Deletes the requirement that all recessed on-street parking shall comply with Charlotte’s <i>Urban Design Guidelines</i>.</li> </ul>

<p><b>Parking and Driveway Lot Coverage</b></p>	<ul style="list-style-type: none"> <li>• Parking that is located to the side of the primary structure shall not cover more than 35% of the total lot width.</li> </ul>	<ul style="list-style-type: none"> <li>• Adds “driveways” into the maximum allowed lot width that can be covered with parking:</li> <li>• Parking <u>and driveways</u> that are located to the side of the primary structure shall not cover more than 35% of the total lot width.</li> </ul>
<p><b>Screening Standards</b></p>	<ul style="list-style-type: none"> <li>• All service entrances, utility structures associated with a building and loading docks and/or spaces shall be screened from the abutting property and from view from a public or private street or from a transit-way.</li> </ul>	<ul style="list-style-type: none"> <li>• Adds “outdoor storage of materials, stock and equipment” to the list of items that must be screened from abutting property and view from a street:</li> <li>• All service entrances, utility structures associated with a building, loading docks and/or spaces, and <u>outdoor storage of materials, stock and equipment</u> shall be screened from the abutting property and from view from a public or private street or from a transit-way.</li> </ul>
<p><b>Rooftop Mechanical Equipment Screening</b></p>	<ul style="list-style-type: none"> <li>• All rooftop mechanical equipment on buildings over 60’ in height shall be screened from public view from below by integrating the equipment into the building and roof design to the maximum extent feasible, by the use of parapet walls or similar architectural treatments.</li> <li>• Buildings under 60’ in height shall screen all rooftop mechanical equipment from public view from above or below (based on the type of mechanical equipment utilized) by integrating it into the building and roof design to the maximum extent feasible.</li> </ul>	<ul style="list-style-type: none"> <li>• Deletes references to building heights and requires all buildings to screen rooftop mechanical equipment, and deletes the requirement to screen equipment from above:</li> <li>• All rooftop mechanical equipment on buildings shall be screened from public view from below by integrating the equipment into the building and roof design to the maximum extent feasible, by the use of parapet walls or similar architectural treatments.</li> </ul>
<p><b>Streetscape Standards</b></p>	<ul style="list-style-type: none"> <li>• The Planning Director, with the affirmative recommendation of the City Arborist/Senior Urban Forester shall have the authority to modify the requirements of Section 10.908(8), including modification of the planting strip, sidewalk location, and width in order to preserve existing trees and to provide flexibility for a hard surface next to the curb line, where appropriate for on-street parking (e.g. handicap parking areas, loading zones).</li> </ul>	<ul style="list-style-type: none"> <li>• Expands the authority of the Planning Director/City Arborist/Senior Urban Forester to modify the streetscape standards to preserve existing buildings :</li> <li>• The Planning Director, with the affirmative recommendation of the City Arborist/Senior Urban Forester shall have the authority to modify the requirements of Section 10.908(8), including modification of the planting strip, sidewalk location, and width in order to preserve existing <u>buildings and trees</u> and to provide flexibility for a hard surface next to the curb line, where appropriate for on-street parking (e.g. handicap parking areas, loading zones).</li> </ul>
<p><b>Change of Use Exception: Non-Residential With No Expansion</b></p>	<ul style="list-style-type: none"> <li>• Requires sign, banner, flag and pennant requirements to be met.</li> <li>• Requires connectivity and circulation requirements to be met.</li> </ul>	<ul style="list-style-type: none"> <li>• Modifies the list of TS standards that will apply:</li> <li>• Requires all TS standards to apply except the exception of the minimum setback, minimum side and rear yards, maximum height, minimum residential density, floor area ratio, loading standards, buffer standards, connectivity and circulation, street walls, base of high rise buildings, top of buildings, and building entrances and orientation.</li> </ul>
	<ul style="list-style-type: none"> <li>• If change of use does not require more than 5 parking spaces, then the parking spaces are waived.</li> </ul>	<ul style="list-style-type: none"> <li>• Clarifies the language by adding “and does not add”:</li> <li>• If change of use does not require, <u>and does not add</u> more than 5 parking spaces, then the parking spaces are waived.</li> </ul>

<p><b>Change of Use Exception: Non-Residential With No Expansion (continued)</b></p>	<ul style="list-style-type: none"> <li>If additional parking is added, the new parking area shall meet the parking standards, internal planting requirements, and parking lot screening.</li> <li>If sidewalks and a perimeter planting strip with trees are non-existent along street frontages, the streetscape requirements shall be met.</li> </ul>	<ul style="list-style-type: none"> <li>Clarifies the language by adding “more than five”:</li> <li>If <u>more than five</u> additional parking is added, the new parking area shall meet the parking standards, internal planting requirements, and parking lot screening.</li> <li>Modifies the requirement by allowing an approved alternative to the streetscape requirements: <ul style="list-style-type: none"> <li>If sidewalks and a perimeter planting strip with trees are non-existent along street frontages, the streetscape standards shall be met, based on the Council adopted streetscape plan, or an approved alternative. The approved alternative will be based on an affirmative recommendation of the Planning Director, or designee, with confirmation from the City Arborist or Senior Urban Forester and the CDOT director, for the streets in question.</li> </ul> </li> </ul>
<p><b>Change of Use Exception: Residential to Non-Residential Use with No Expansion</b></p>	<ul style="list-style-type: none"> <li>All the requirements of Chapter 10, Part 9 shall apply with the exception of the urban design standards of Section 10.908(1) through (4).</li> <li>N/A</li> <li>N/A</li> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Adds additional exceptions to the development standards and other regulations as noted in this subsection as follows: <ul style="list-style-type: none"> <li>All the requirements of Chapter 10, Part 9 shall apply with the exception of the development standards of Section 10.907(1), (2), (3), (4), (5), and (7), urban design standards of Section 10.908(1) through (4), and other standards as stated below, and except as modified below.</li> </ul> </li> <li>Adds a new provision waiving new parking spaces if the change of use does not require and does not add more than 5 additional parking spaces: <ul style="list-style-type: none"> <li>If the change of use in an existing building does not require and does not add more than five (5) additional parking spaces based on the minimum/maximum number of parking spaces required in Section 10.907(6)(a), then the requirement to provide the additional parking spaces is waived. Parking in excess of the maximum may remain.</li> </ul> </li> <li>Adds a new provision requiring the parking standards, internal planting requirements and parking lot screening to be met if more than 5 additional parking spaces are added: <ul style="list-style-type: none"> <li>If more than five additional parking spaces are added, the new parking area shall meet the parking standards, internal planting requirements, and parking lot screening of Section 10.907(6)(b) through (1).</li> </ul> </li> <li>Adds a new provision requiring the streetscape standards, or an approved alternative, if sidewalks and a perimeter planting strip with trees are non-existent: <ul style="list-style-type: none"> <li>If sidewalks and a perimeter planting strip with trees are non-existent along street frontages, the streetscape standards shall be met, based on the Council adopted streetscape plan, or an approved alternative. The approved alternative will be based on an affirmative recommendation of the Planning Director, or designee, with confirmation from the City Arborist or Senior Urban Forester and the CDOT director, for the streets in question.</li> </ul> </li> </ul>

**Administrative Approval**

- Administrative approvals offer flexibility to administratively alter any of the development and urban design standards by 5% in the TS zoning district, with a determination by the Planning Director and Charlotte Department of Transportation Director, that would be in keeping with the general intent of the district, or an innovative design approach.
- The approval would require incorporating buildings, trees, topographic features, or other existing elements consistent with the TS district and providing urban open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the district.

- Expands the reasons to approve an administrative alteration with a new provision related to site constraints:
  - Difficulty implanting TS standards due to site constraints such as lot configuration, lot size, lot width, mature trees, topography, number of streets or other physical considerations.

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

**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 10: OVERLAY DISTRICTS

1. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

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

**PART 9: TS OVERLAY DISTRICT**

**Section 10.901 Purpose.**

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

**Section 10.902. Applicability.**

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

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

**Section 10.903. Conflicts.**

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

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

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

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

**Section 10.905. Uses.**

- (1) All uses permitted in the underlying Zoning District by right or under prescribed conditions are permitted with the exception that the following uses are not allowed in the TS overlay district:
  - (a) Automobile or truck washing facilities.
  - (aa) Automobile service stations
  - (b) Vehicle sales such as tractor-trucks and accompanying trailer units.
  - (c) Boat or ship sales, repairs, dry storage.
  - (d) Body shops, free-standing. (Body shops that are an accessory to automotive sales and service establishments are permitted as an accessory use).
  - (e) Building material sales and service
  - (f) Cemeteries.
  - (g) Cold storage plants.
  - (h) Contractor storage.
  - (i) Distributive businesses greater than ~~10,000~~ 20,000 square feet.
  - (j) Funeral homes, internment services, embalming, and crematories.
  - (k) Hazardous materials storage and treatment.
  - (l) Heavy Industrial uses permitted by right or under prescribed conditions including, but not limited to: abrasive and asbestos products; aircraft and parts; agricultural chemicals; alcoholic beverages, with the exception of breweries, asphalt paving and roofing materials; brick, tile, and clay

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

- (m) Jails and prisons.
  - (n) Manufactured home sales and repair.
  - (o) Mining and extraction establishments.
  - (p) Outdoor storage, of any type, occupying more than 1 acre.
  - (q) Quarries.
  - (r) Retail equipment sales, service, rental and/or leasing.
  - (s) Tire recapping and retreading.
  - (t) Towing services.
  - (u) Truck and freight transportation services.
  - (v) Truck stops and/or terminals.
  - (w) Waste incinerators.
  - (x) Wholesale distribution of petroleum products, heating fuel, propane, alternative fuels, etc.
  - (y) Wholesale sales establishments greater than ~~40,000~~ 20,000 square feet.
- (2) The following use which is not permitted in some of the underlying districts, shall be permitted by right or under prescribed conditions:
- (a) Breweries, (only when the underlying zoning district is B-1, B-2, I-1, or I-2) and subject to the standards of this overlay district and to the prescribed conditions of Section 12.544.
  - (b) Residential uses, subject to the standards of this overlay district.

**Section 10.906. Accessory Uses.**

The following accessory uses are permitted:

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

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

- (a) For professional business and general office uses, no more than four (4) drive-through service lanes shall be permitted per individual use.
  - (b) For retail uses, no more than one (1) drive-through service window with no more than two (2) service lanes shall be permitted per individual use.
- (2) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2) is only permitted if allowed in the underlying zoning district. Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

**Section 10.907. Development Standards**

- (1) Minimum setback

- (a) The minimum building setbacks along public and private streets shall be determined as follows:
    - 1. New development across a local (public or private) street from, or abutting on the same side of a local street as, existing single family zoning (R-3, R-4, R-5, R-6, and R-8), shall have a minimum setback of (30) feet. This minimum setback shall apply only if the single family parcels front onto the same local street as the development parcel. This setback shall supersede the adopted streetscape plan.
    - 2. Minimum setbacks for all other parcels shall be determined by a City Council adopted streetscape plan. If there is not an adopted streetscape plan, or when a streetscape plan does not specify a setback, the minimum setback for all uses shall be twenty-four (24) feet on major thoroughfares and sixteen (16)

feet on all other streets. If on-street parking is provided, the minimum setback from back of curb may be reduced by the width of the on-street parking.

- (b) The minimum setback shall be measured from the back of all existing or future curb lines, whichever is greater. If the existing right-of-way is greater than the minimum setback from the back of existing or future curb lines, the right-of-way line shall become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined jointly by the Charlotte Department of Transportation (CDOT) Director, or his designee, and the Planning Director, or his designee.
- (c) If new construction incorporates an existing structure located within the required setback, the CDOT Director or his designee, and the Planning Director or his designee, may allow the setback for the addition to be reduced to the established setback. In no event shall the setback of any portion of the new structure be less than ten (10) feet from the back of the curb line.
- (d) For the purposes of this section, the minimum setback applies to all street frontages, not just to the street toward which the structure is oriented.
- (e) All above ground, at ground, and below ground utility structures associated with underground electric, natural gas, telecommunications or cable television distribution lines, pipes, or conduits shall be located behind the minimum setback, except as allowed by any City right-of-way ordinances. This includes air vents, vaults, and backflow preventers.
- (f) No new doors shall be permitted to swing into the minimum setback, except for emergency exit doors.
- (g) One story screened or open air porches and stoops may encroach into the setback up to 8', but shall be behind the required sidewalk. Architectural features such as eaves, steps and cornices may encroach up to an additional 3' into the setback. Fences and walls may also be located in the setback, behind the required sidewalk, but shall not exceed 36 inches in height above grade. All fences and walls shall be constructed in a durable fashion of brick, stone, other finished masonry materials, wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof.
- (h) No canopies or signs are permitted in the minimum setback, except as provided for in Section 10.908 (6) and Section 10.908 (7).
- (i) Driveways may cross the setback, but shall be as near as possible to perpendicular to the street, so as to minimize intrusion into area, and for pedestrian safety.

- (j) Balconies may project up to 2' in the minimum setback, subject to an approved sidewalk encroachment agreement with CDOT. Balconies shall have a minimum clearance of 10' from grade.
- (k) Sidewalk arcades may be located within the sidewalk portion of the minimum setback, at sidewalk level, subject to an approved sidewalk encroachment agreement with CDOT. Sidewalk arcades shall maintain a minimum 10' clear, unobstructed space between arcade supports, and a minimum overhead clearance of 10'. No arcade support shall be located closer than 14' from the back of the existing or future curb line, whichever is greater.

(2) Minimum side and rear yards

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

- (a) When a lot abuts an existing residential structure or a single family, multi-family, or urban residential zoning district, (excluding TS or TOD zoned property) then a minimum side yard of five (5) feet and/or a minimum rear yard of twenty (20) feet shall be required.
- (b) When a lot abuts a rapid transit corridor or a rapid transit corridor that is located within or adjacent to a freight rail corridor, a minimum rear yard setback shall be required, as specified in the approved station area plan. If a station area plan has not been adopted or does not specify a rear yard setback, then the minimum rear yard setback from the centerline of the rapid transit corridor shall be a minimum of 35 feet, or the width of the right-of-way, including the freight rail corridor, whichever is greater.

(3) Maximum height

- (a) The maximum building height shall be determined as follows:
  - 1. The base height for all TS districts shall be 40 feet.
  - 2. For new development across a local (public or private) street from existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40' base height shall be measured at the minimum setback line.-The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the required setback along that street.
  - 3. For new development abutting on the same side of a local (public or private) street as existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40' base height shall be measured at the required yard. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the required yard.
  - 4. For all other parcels, the permitted maximum height shall be

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

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

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

(4) Minimum residential density

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

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

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

(5) Floor Area Ratio

(a) The total minimum floor area ratio of buildings on a development site shall not be less than .50 square feet of floor area to 1 square foot of the development site (.50 FAR) if an adopted transit station area plan exists and the site is within the ½ mile walk distance of the station. If a transit station area plan has not been adopted, or a site is more than a ½ mile walk from the station development shall have a minimum FAR of .35. The FAR shall apply to the following uses:

1. All non-residential uses [except those excluded in Section 10.907(5)(e)]
  2. Non-residential uses of multi-use developments.
  3. Residential uses of mixed-use developments.
- (b) For large or phased projects, the minimum FAR for each phase shall meet or exceed the minimum FAR requirements. If phases cannot meet this requirement, but the overall Master Plan meets or exceeds the minimum FAR requirements, approval may be granted by the Planning Director for phases that meet at least 80% of the minimum FAR density requirements, or the applicant may choose to rezone to the optional TS-O zoning district, which allows variations in the TS standards. (See Section 10.912)
- (c) Plazas, arcades, courtyards, galleries, outdoor open air Eating, Drinking and Entertainment Establishments, rooftop gardens, and widened public sidewalks that enhance pedestrian spaces and amenities can be credited toward meeting the minimum required FAR. If the pedestrian spaces/amenities are available to the public then the square footage shall be credited at 100%; if private, then the square footage shall be credited at 50%. In no instance shall more than 20% of the pedestrian area be credited toward the required FAR.
- (d) An FAR credit shall be given for structured parking facilities that devote at least 75% of the linear street level frontage of the building to retail, office, civic, institutional, or residential uses. Similarly, an FAR credit shall be allowed for structured parking facilities that provide such uses above the street level, and/or on any other side of the building. See Section 10.907(6)(1) for credit amounts.
- (e) Certain principal uses are exempt from meeting the minimum FAR requirements:
1. Transit stations (bus or rail), parking facilities, and bus shelters.
  2. Private parking decks (principal use only) and surface parking facilities.
  3. Existing development and expansions of existing development.
  4. Freestanding group homes for up to 10 residents.
  5. Public and private recreation parks and playgrounds.
  6. Utility and related facilities.
  7. Electric and gas substations.

(6) Parking standards

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

USE	MINIMUM/MAXIMUM NUMBER OF PARKING SPACES
Residential	<p>Minimum of 1 space per dwelling unit for properties on blocks with single family zoning, no parking minimum for all other properties and a maximum of <del>1-6</del> <u>2</u> parking spaces per dwelling unit.</p> <p><u>Minimum .25 spaces per unit for Multi-Family Elderly or Disabled.</u></p>
Office	<p><del>Maximum of one (1) parking space per 300 square feet of office space. Mixed use developments and multi use developments of residential and office uses may share parking spaces as per Section 12.203.</del></p>
<u>Hotels and motels</u>	<p><u>Maximum of 1 space per room plus 1 space per 4 seats of meeting room capacity plus a maximum of 1 parking space per 250 square feet of Eating, Drinking and Entertainment Establishments.</u></p>
Eating, Drinking and Entertainment Establishments	<p>For all sites within 800’ of single family zoning, minimum of one (1) parking space per 150 square feet of Eating, Drinking and Entertainment Establishments space. For all other sites, no minimum. Maximum of one (1) space per 75 square feet.</p>
All Other Non-Residential Uses	<p><del>The maximum number of parking spaces permitted is listed as the minimum amount required in the Table 12.202, per non-residential use.</del></p> <p><u>Maximum of 1 space per 250 square feet.</u></p>

1. The required number of parking spaces for any building within the district, including mixed use buildings, shall be the sum total of the requirements for each use in the building calculated separately.
2. Parking maximums may be exceeded by up to a total of 30% of the maximum, under the following circumstances, if one or more of the following is provided:
  - a. If structured or underground parking is provided on site, parking maximums may be exceeded by 25%

- b. If a shared parking agreement is executed, the parking maximum may be exceeded by 20%.
  - c. If all parking spaces are located behind the building and are not visible from the public right-of-way, parking maximums may be exceeded by 10%.
  - d. If driveways and access points are shared by at least two adjacent properties, parking maximums may be exceeded by 10%.
  - e. If a provision is made for combining or interconnecting adjacent parking lots and pedestrian access points, parking maximums may be exceeded by 10%.
3. A 25% parking reduction in the minimum number of parking spaces required is allowed if the principal use is located within 800 feet of a parking facility available to the general public, or within 800 feet of public transit park-and-ride facilities with an approved joint use agreement. This section in combination with Section 12.202(2) allows for no more than a 25% parking reduction of the minimum requirements.
- (b) The provisions for parking standards shall conform to the general requirements of Chapter 12, Part 2, OFF STREET PARKING AND LOADING, except as provided for in this section.
  - (c) No surface parking or maneuvering space shall be permitted within any required or established setback, and no surface parking or maneuvering space is allowed between the permitted use and the required setback, except that:
    - 1. Driveways providing access to the parking area may be installed. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible to minimize intrusion into the landscaped area, and for pedestrian safety;
    - 2. Driveways providing access to structured parking facilities are permitted between the rail corridor setback and the building. However, the length of the driveway shall not exceed 50% of the length of the property line along the rail corridor.
  - (d) In the event that the City or State removes any on-street parking that was allowed to count toward the minimum requirement, the existing use shall not be required to make up the difference and shall not be made non-conforming with respect to parking.

On-street parking shall be provided for properties on blocks with single family zoning except where prohibited by CDOT or NCDOT. On-street

parking may be used to meet minimum residential parking requirements but shall not be counted in calculating maximum parking spaces, if located on the same side(s) of the street and abutting the use.

- ~~(e)~~ ~~All recessed on-street parking shall comply with Charlotte's Urban Street Design Guidelines.~~
- (fe) The vehicular parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of Engineering and Property Management (for commercial and planned multi-family projects, change of use permits) or Neighborhood Development (for all other residential projects, and change of use permits).
- (gf) Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required screening or landscaped areas. Parking and driveways ~~that is~~ that are located to the side of the primary structure shall not cover more than 35% of the total lot width.
- (hg) Shared parking shall be permitted and encouraged pursuant to the regulations of Section 12.203.
- (ih) Bicycle parking facilities shall be required as per Chapter 12, Part 2.
- (ji) All surface parking shall conform to the internal planting requirements for parking areas in the *Charlotte Tree Ordinance*.
- (kj) All parking areas for more than 10 motorized vehicles (except for parking areas for detached duplex, triplex or quadraplex dwellings on a single lot) shall provide screening which consists of either a 5-foot wide planting strip consisting of evergreen shrubbery according to the provisions of Section 12.303(2), or a 2 ½ -foot minimum to a 3 foot maximum masonry wall that shall be 40%-50% open and finished, or an alternative as approved by the Planning Director. However, a wall cannot be substituted for the planting strip along any public street or transitway unless supplemented by landscaping in a minimum 3-foot wide planting strip.

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

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

Shrubs and walls may be reduced in height to 30 inches when located within sight triangles as required by the Charlotte Department of Transportation (CDOT). In no instance shall a chain link fence or a barbed wire fence be permitted.

- (k) Any new or expanded structured parking facility shall meet the following requirements:
1. At least fifty (50%) of the linear street level frontage of the facility shall be devoted to retail, office, civic, institutional, or residential uses. If 75% or more of the linear street frontage is devoted to such uses, then the total square footage of the uses shall be credited at 200% toward the required FAR minimums.
  2. If retail, office, civic, institutional, or residential uses are constructed on the side or rear of the building, or above the ground floor on the street frontage of the building, then the total square footage of these uses shall be credited at 200% toward the required FAR minimums.
  3. Underground parking structures are permitted. Subsurface parking located in the minimum setback shall be permitted, with an 8' clearance from the top of the subsurface structure to the sidewalk, subject to an approved encroachment agreement with CDOT. No ventilation shall be allowed in the setback.
  4. A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces. A minimum 7-foot clearance shall be maintained throughout the remainder of the parking structure to ensure the safe movement of vans and emergency vehicles.
  5. Structured parking decks and underground parking decks providing required parking for residential dwelling units, in the TS zoning district, shall meet the following requirements:
    - (a) Residential developments, including mixed-use or multi-use developments with a residential component, shall provide security for residents by controlling vehicular and pedestrian access to structured or underground parking areas designated for residential parking.
    - (b) Controlled gate locations are subject to the approval of CDOT.
- (m) Parking lots (temporary surface lots), over one (1) acre, shall meet the following requirements:
1. An operator of a temporary parking lot shall apply for a permit from Engineering and Property Management. A permit shall not be issued until the Planning Director, or his or her designee has been consulted and supports approval. The permit shall authorize a temporary parking lot for a period of ten (10) years from the date the permit is issued.

2. Temporary, surface parking lots shall not be permitted when the lot adjoins a residentially used parcel of land, not zoned TS, TOD-R, TOD-E, TOD-M, unless the parking lot will be located on a major thoroughfare.
3. The use shall not require the construction of a permanent building.
4. Any signage, which identifies the use, shall be in accordance with Section 10.908 (7).
5. Parking and maneuvering shall observe the minimum setbacks determined in each adopted station area plan for particular streets, and be located outside the site distance triangle. If an adopted station area plan does not specify a setback, or if there is not an adopted station area plan, the minimum setback shall be 20 feet.
6. The operator is responsible for the removal of any vestiges upon cessation of the temporary parking lot, including signage.

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

(7) Loading standards

- (a) Non-residential buildings and structures, excluding parking structures, subject to the provisions of this Part shall provide a minimum number of off-street service/delivery loading spaces. These spaces shall be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These parking spaces shall not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by Section 20-29[14-25] of the City Code. These loading spaces shall be a minimum of 10 feet by 25 feet and be provided in accordance with the following:

Non-residential uses with gross floor area:

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

Existing buildings are exempt from these loading standards.

- (b) No loading spaces shall be permitted within any required or established setback, nor between the permitted use and the required setback, except that driveways providing access to the loading area may be installed across these areas.
- (c) Loading and service areas shall not be located across from single family or abutting single family on the same side of the street.

(8) Screening standards.

- (a) All service entrances, utility structures associated with a building, ~~and~~ loading docks and/or spaces, and outdoor storage of materials, stock and equipment shall be screened from the abutting property and from view from a public or private street or from a transit-way. Such screening shall consist of a 5-foot wide planting strip, consisting of evergreen shrubbery sufficient to visually screen these uses, or an alternative as approved by the Planning Director. An optional wall or fence may be used in lieu of the 5-foot planting strip. Walls may be reduced in height to 30 inches within sight triangles as required by the Charlotte Department of Transportation (CDOT).
  - 1. Any fences or walls used for screening shall be constructed in a durable fashion of brick, stone, other finished masonry materials, wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof as may be approved by the Zoning Administrator. The finished side of the fence shall face the abutting property. In no instance shall a fence or wall used for screening be located within a setback, nor shall a chain link or barbed wire fence be permitted.
  - 2. The composition of the screening material and its placement on the lot shall be left up to the discretion of the property owner, as long as the intent of this Ordinance is met. However, a wall cannot be substituted for the planting strip along any public street or transitway unless supplemented by landscaping in a minimum 3-foot wide planting strip.
  - 3. Shrubs used for screening shall be evergreen, at least 2 to 2 ½ feet tall with a minimum spread of 2 feet when planted and no further apart than 5 feet. Shrubs shall be adequately maintained so that an average height of 5 to 6 feet can be expected as normal growth within 4 years of planting. The average expected height may be reduced to 4 feet for screening along public streets. Shrubs and trees shall be on the approved plant list in “Approved Plant Species” matrix in the Charlotte Land Development Standards Manual. Walls may be reduced in height

to 30 inches within sight triangles as required by the Charlotte Department of Transportation (CDOT).

4. The minimum height for walls and fences abutting a residential district shall be 6' or whatever is sufficient to screen the use. The minimum height for screening shall be whatever shall be sufficient to visually separate the uses, but not less than 4'.
  - (b) Dumpsters, recycling containers, compactors, large above-ground utility structures and solid waste handling areas are not permitted in any setback or yard and shall be screened from adjacent property and from public view with a minimum 6-foot high solid and finished masonry wall, with a closeable gate that shall be 40% - 50% open for safety and security purposes. In no instance shall a chain link fence or a barbed wire fence be permitted. Dumpsters are not permitted in any required setback or yard space.
  - (c) Surface parking lots shall be screened in accordance with Section 10.907(6)(l).

(9) Buffer Standards

- (a) All uses, other than single family detached units, shall provide landscaping along all property lines abutting residentially zoned property (single-family, multi-family and urban residential zoning districts) located adjacent to the Transit Supportive overlay zoning district. This requirement also applies in situations where an alley with a right-of-way width of 25' or less, separates uses in the TS district from residential property in other zoning districts other than the TOD and TS districts. Landscaping shall be provided along all property lines abutting the alley. However, multi-family developments zoned TS are exempt from this landscaping requirement when they abut other multi-family uses or undeveloped multi-family zoning districts.
- (b) Such landscaping shall consist of a 10' wide planting strip. The planting strip shall consist of a combination of evergreen trees and evergreen shrubs. Plant materials shall be provided at a minimum of 6 trees and 20 shrubs per 100 linear feet in accordance with Section 12.302(9)(b), (c), (d) and (e). The 10' planting strip may be reduced to 8' and the shrubs need not be planted if a masonry wall with a height of between 6' to 8' in a side yard or between 8' to 10' in a rear yard is installed. No more than 25% of the wall surface shall be left open. Shrubs and walls may be reduced in height to 30 inches within sight triangles as required by the Charlotte Department of Transportation (CDOT). This landscaping area may be interrupted with a gate/pedestrian access way or a driveway to an adjacent alley.

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

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

- (a) All outdoor lighting fixtures for parking lots, and pedestrian activity areas shall be classified as full cut-off, cutoff or semi-cutoff. In addition, any building light fixtures used to illuminate parking and pedestrian areas, and service areas shall be classified as full cutoff, cutoff or semi-cutoff.
- (b) No outdoor lighting fixture or building light fixtures shall cause glare on public travel lanes or on adjacent residentially used or zoned property. All fixtures shall be screened in such a way that the light source shall not cast light directly on public travel lanes or on adjacent residentially used or zoned property.
- (c) The lighting of signs shall be in accordance with standards of Chapter 13.

(11) Connectivity and Circulation.

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

- (a) A pedestrian sidewalk system shall meet the following standards:
  - (1) Internal sidewalk connections are required between buildings and from buildings to all on site facilities (parking areas, bicycle facilities, urban open space, etc.) in addition to the sidewalk requirements of Section 10.908(8)(e). All internal sidewalks shall be hard-surfaced and at least 6' in width.
  - (2) External sidewalk connections are required to provide direct connections from all buildings on site to the existing and/or required sidewalk system, and to adjacent multi-use trails, parks, and greenways. The connection shall be no longer than 120% of the straight-line distance from all buildings to the existing or proposed sidewalk, or no more than 20' longer than the straight-line distance, whichever is less. Sidewalks shall be hard-surfaced and at least six (6) feet in width. The sidewalk width can be reduced to 4' in width, if the internal sidewalk serves less than four (4) dwelling units.
 

The Planning Director shall have the authority to modify this requirement when unusual circumstances exist, such as topographical problems or compliance with ADA standards.
  - (3) The on-site pedestrian circulation system shall be lighted to a level where employees, residents, and customers can safely use the system at night. The lighting system shall be shielded with full cut off fixtures.
- (b) Bicycle parking and storage facilities shall be provided in accordance with Chapter 12, Part 2 of this Ordinance.

(12) Urban open spaces.

- (a) All new development on lots of greater than 20,000 square feet must provide urban open space. Such open space shall be either private open space and/or public open space.
- (b) Private open space is defined as an area that is:
  1. Accessible and visible to residents, tenants, and/or users of the development.
  2. Improved with seating, plantings, and/or other amenities.
  3. Located on the ground floor or first level of the development, or on a roof or terrace level, in an interior courtyard area of the development, or a combination of these locations.
  4. Out of doors, or in the open air (may be under a roof or canopy).
- (c) Public urban open space is defined as an area that is:
  1. Accessible and open to the public.
  2. Improved with seating, plantings, and/or other amenities.
  3. Visible and accessible from the street or public pedestrian areas.
  4. Located on the ground floor or no more than five feet above or five feet below ground level.
  5. Out of doors, or in the open air (may be under a roof or canopy).
- (d) All required open space shall be located behind the sidewalk and on private property.
- (e) Open space requirements are based on the type of use, the lot size, and the gross square footage of building floor area, in accordance with the following schedule:

Use	Private open space	Public open space
Residential use	1 sq. ft./100 sq. ft. gross floor area <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.

**Section 10.908. Urban design standards.**

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

- (1) Street Walls.
  - (a) All retail and office buildings fronting directly on a public or private street or fronting on a public multi-use path along a transit line and identified in an area plan shall be designed so that the first floor façade of the building(s) along all streets and pathways includes clear glass windows and doors to increase pedestrian interest. These openings shall be arranged so that the uses are visible from and to the street and/or pathway on at least 50% of the length of the first floor street level frontage.
  - (b) For all other uses, buildings shall be designed so that the first floor street facade along all streets includes the use of clear glass windows and doors arranged to that the uses are visible from and/or accessible to the street on at least 25% of the length of the first floor street frontage. When this approach is not feasible, a combination of design elements shall be used on the building facade to animate and enliven the streetscape. These design elements may include but are not limited to the following: ornamentation; molding; string courses; changes in material or color; architectural lighting; works of art; fountains and pools; street furniture; stoops, landscaping and garden areas; and display areas.
  - (c) The first floor facade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale interest and activity.
  - (d) Expanses of blank wall shall not exceed 20 continuous feet in length. A blank wall is a facade that does not add to the character of the streetscape and does not contain clear glass windows or doors or sufficient ornamentation, decoration or articulation.
  - (e) No reflective surfaces shall be permitted on street level exterior facades.
  - (f) Ventilation grates or emergency exit doors located on the first floor street facade(s) shall be decorative and part of the overall building design.
  - (g) For buildings across from single family zoning or abutting single family zoning on the same side of the street, the roof line shall vary every 30 feet is required. This can be accomplished by vertical offsets in ridge lines, gables, exaggerated cornices, dormers, roof top patios, material changes and/or other architectural features such as trellises, portals or porches.

- (h) For buildings across from single family zoning or abutting single family zoning on the same side of the street porches, if provided, shall be at least 6 feet in depth A porch is defined as a covered platform, usually having a separate roof, at an entrance to a building.
  - (i) For buildings across from single family zoning or abutting single family zoning on the same side of the street, entrances that face the street for ground floor units shall be provided. No more than four ground floor units shall be allowed to utilize the same entrance.
  - (j) For buildings across from single family zoning or abutting single family zoning on the same side of the street, façade variations shall be provided that visually separate individual units. This can be accomplished through measures such as window arrangement and size variation, unit entrance design, roof variation, material changes, and/or offset wall planes.
  - (k) The ground floor of parking structures that are across the street from single family zoning or that abut single family zoning on the same side of the street, shall be wrapped with active uses such as residential, office and retail uses.
  - (l) The first floor of any new building on a street identified as a retail street or site identified for ground floor retail by a Council adopted plan must have at least 50% of the linear street frontage developed to accommodate non-residential uses but may be occupied with residential uses.
- (2) Base of High Rise Buildings. (Buildings exceeding five (5) stories.)
- (a) The first three (3) floors above street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as cornices, corbelling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting and other sculpturing of the base as are appropriate shall be provided to add special interest to the base.
  - (b) In the design of the building facade, attention shall be paid to the appearance both during the day and at night. Material and color changes alone do not meet the requirements of this section and design elements, which are used to meet the requirements of this section, shall be visually continuous around the building. In the event that a building facade is not visible from a public street or right-of-way then the Planning Director has the option of waiving this requirement.
  - (c) Special attention shall be given to the design of windows in the base. Band windows are prohibited. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged.

(3) Top of Buildings.

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

(4) Building Entrances and Orientation.

- (a) At least one or more operable pedestrian entrances shall be provided in each of the following circumstances:
- (1) When a lot abuts a public or private street, at least one entrance shall be provided on each building façade fronting a street. Single family and townhouse units are only required to have an entrance on one building façade fronting a street.
  - (2) When a lot abuts an existing or proposed public open space system, multi-use trail, or greenway, entrance(s) shall be provided on the building façade closest to public open space, multi-use trail, or greenway.
  - (3) When an adopted station area plan depicts a required sidewalk not specified in the subsections above, an entrance(s) shall be provided on the building façade closest to the required sidewalk. Distances shall be measured in a straight line from the closest point of the property line to the closest point of the right-of-way, public open space, transit station, or light rail transit station platform.
- (b) Such entrances shall be distinguishable from the rest of the building to provide a sense of entry and to add variety to the streetscape. No doors shall be permitted to swing into the minimum setback, except for emergency exit doors.
- (c) On corner lots, buildings may provide one main entrance oriented to the corner or facing either of the streets.
- (d) To provide a level of comfort and security for residents on the first floor of residential buildings on major thoroughfares, the first floor should be visually and physically separated from the sidewalk. Examples include increasing the setback, installing additional landscaping, raising or lowering the first floor or other methods.

(5) Structured Parking Facilities.

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

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

(6) Canopies.

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

(7) Signs, Banners, Flags and Pennants.

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

- (a) Wall signs shall meet the specifications of Section 13.108a, with the exception that signs located on any building wall shall have a maximum sign surface area not to exceed 5% of building wall area to which the sign(s) is attached, up to a maximum of 100 total square feet. In lieu of a ground mounted or monument sign, the area of wall signs may be increased to a maximum size of 120 total square feet.
- (b) Signs are permitted to project up to 6' feet into the minimum setback as measured from the building. Under no circumstance shall a sign project more than 4' feet from the back of the curb line. A minimum overhead clearance of 8' from the sidewalk shall be maintained.
- (c) Marquee and message signs are permitted. Marquee signs shall meet the requirements of Section 13.108(a)(4).
- (d) Ground mounted or monument signs are allowed as follows:

1. Signs shall not exceed 5 feet in height and 20 square feet in area.
  2. Signs shall be located behind the right-of-way and out of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).
  3. Signs shall be located behind the minimum setback.
- (e) No free-standing-pole signs shall be permitted.
- (f) No outdoor advertising signs shall be permitted.

(8) Streetscape Standards

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

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

- (b) Curb lines shall be located adjacent to the perimeter planting strip, unless specified otherwise in an adopted station area plan. If the right-of-way varies along the street frontage, the planting strip shall be aligned along the widest right-of-way section.
- (c) Trees shall be planted in the continuous perimeter planting strip, as per the standards found in the *Charlotte Tree Ordinance* and in the *Charlotte-Mecklenburg Land Development Standards Manual*. Tree pits or trees in grates, with irrigation and sub-drainage are optional, in lieu of a planting strip, as per the requirements of Section 21-14(c)(3)(a)(2) of the *Charlotte Tree Ordinance*. In instances where a 12' perimeter planting strip is required, the trees shall be centered no more than 4' from the edge of the sidewalk.
- (d) *Charlotte Tree Ordinance* regulations for tree protection and replacement shall be applicable within this overlay district.
- (e) Sidewalks shall be located and constructed as specified in an adopted station area plan. This may include sidewalks along transit corridor right-of-ways. If sidewalk widths are not specified, or if a station area plan has

not been adopted, then the sidewalk shall be 8' in width. Typically, sidewalks along street right-of-ways should abut the perimeter planting strip, and be located on the side closest to the building to encourage pedestrian activity. Sidewalks shall meet the standards for concrete sidewalks in accordance with the Charlotte-Mecklenburg Land Development Standards Manual.

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

- (f) The Planning Director, with the affirmative recommendation of the City Arborist/Senior Urban Forester shall have the authority to modify the requirements of Section 10.908(8), including the modification of the planting strip, sidewalk location, and width in order to preserve existing buildings and trees and to provide flexibility for a hard surface next to the curb line, where appropriate for on-street parking (e.g. handicap parking areas, loading zones)
- (g) An amenity zone is required in lieu of a planting strip along ground-floor, non-residential uses, unless on-street parking is not permitted by CDOT or NCDOT.

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

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

- (a) The valet parking service can be located in the following areas:
  - 1. For valet parking services that utilize the public right-of-way, the service may be located at the face of the existing curb of a street or thoroughfare as long as the existing curb line is not modified to provide an inset for the valet parking service or to reduce the width of the required sidewalk or planting strip.
  - 2. On private property the valet parking service area shall be located to the side or rear of the structure or building, but shall not be located between the building and the street.
- (b) The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.
- (c) The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.
- (d) For valet parking services that are located on a public street or

thoroughfare, or where the right-of-way is utilized by the service, a valet parking permit shall be obtained from the Charlotte Department of Transportation (CDOT). See the Charlotte Municipal Code, Article XII. “Valet Parking”, Sections 19.321 through 19.325 for permit information and criteria.

### **Section 10.909. Exceptions.**

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

- (1) Change of Use Non-Residential to Non-Residential With No Expansion
  - (a) All the requirements of Chapter 10, Part 9 shall apply with the exception of the development standards of Section 10.907(1), (2), (3), (4), (5), (7), (9), and (11) urban design standards of Section 10.908(1) through (4), and other standards as stated below.
  - (ab) If the change of use in an existing building does not require and does not add more than five (5) additional parking spaces based on the minimum/maximum number of parking spaces required in Section 10.907(6)(a), then the requirement to provide the additional parking spaces is waived. Parking in excess of the maximum may remain.
  - (bc) If more than five additional parking spaces are added, the new parking area shall meet the parking standards, internal planting requirements, and parking lot screening of Section 10.907(6)(b) through (l).
  - ~~(ed)~~ If sidewalks and a perimeter planting strip with trees are non-existent along street frontages, the streetscape ~~requirements of Section 10.908(8) shall be required.~~ standards shall be met, based on the Council adopted streetscape plan, or an approved alternative. The approved alternative will be based on an affirmative recommendation of the Planning Director, or designee, with confirmation from of the City Arborist or Senior Urban Forester and the CDOT director, for the streets in question.
  - ~~(d)~~ ~~The sign, banner, flags and pennant requirements of Section 10.908(7) shall apply.~~
  - ~~(e)~~ ~~The connectivity and circulation requirements of Section 10.907(11) shall apply.~~
- (2) Change from a Residential Use to a Non-Residential Use With No Expansion.
  - (a) All the requirements of Chapter 10, Part 9 shall apply with the exception of the development standards of Section 10.907(1), (2), (3), (4), (5), and (7), urban design standards of Section 10.908(1) through (4), and other standards as stated below, and except as modified below.

- (b) If the change of use in an existing building does not require and does not add more than five (5) additional parking spaces based on the minimum/maximum number of parking spaces required in Section 10.907(6)(a), then the requirement to provide the additional parking spaces is waived. Parking in excess of the maximum may remain.
- (c) If more than five additional parking spaces are added, the new parking area shall meet the parking standards, internal planting requirements, and parking lot screening of Section 10.907(6)(b) through (l).
- (bd) Any non-conforming parking located in the required setback shall be eliminated and replaced with landscaping, patios, and/or related amenities.
- (e) If sidewalks and a perimeter planting strip with trees are non-existent along street frontages, the streetscape standards shall be met, based on the Council adopted streetscape plan, or an approved alternative. The approved alternative will be based on an affirmative recommendation of the Planning Director, or designee, with confirmation from the City Arborist or Senior Urban Forester and the CDOT director, for the streets in question.

(3) Expansions of Existing Uses.

- (a) Building expansions (for both conforming and non-conforming uses) are permitted up to 10% (total) of the gross floor area in existence at the effective date the property was reclassified to TS. Expansions shall be subject to the following:
  1. The building expansion shall meet the minimum setback, yard and height requirements of Section 10.907(1), (2), and (3).
  2. The parking standards of Section 10.907(6)(a) shall be met. If there are parking spaces in excess of the maximum permitted, they may remain. The creation of new parking spaces in excess of the maximum is not permitted.
  3. No exterior improvements shall make the building non-conforming in any way, or add to its non-conformity.
- (b) Building expansions (for both conforming and non-conforming uses) are permitted for between 10% to 20% (total) of the gross floor area in existence at the effective date of the reclassification of the property. Expansions shall be subject to the following:
  1. The building expansion shall meet the minimum setback, yard, and height requirements of Section 10.907(1), (2), and (3).
  2. The urban design standards of Section 10.908 (1) through (4)

shall apply to the new facade.

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

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

- a. Any non-conforming parking located between the building and the setback shall be eliminated. Any such elimination shall not require additional parking even if the site is rendered non-conforming with regard to parking, and
- b. There will be an addition of Eating, Drinking and Entertainment Establishments, patios, plazas, courtyards, open space, pedestrian seating areas, or other pedestrian oriented amenities on the site.

4. The streetscape requirements of Section 10.908(8) shall be met.
5. The connectivity and circulation requirements of Section 10.907 (11) shall apply.
6. The sign, banner, flags and pennant requirements of Section 10.908(7) shall apply for any new signs.

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

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

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

(4) Creation or expansion of outdoor seating

- (a) Additional parking spaces shall not be required unless such outdoor seating requires more than 5 additional spaces based on the TS minimum/maximum parking standards of Section 10.907(6)(a).
  - (b) If additional parking area is provided, the new parking area shall meet the parking standards, internal planting requirements, and parking lot screening of Section 10.907(6)(b) through (l).
  - (c) If outdoor seating is located within an existing right-of-way or public sidewalk, an encroachment agreement shall be approved by CDOT.
- (5) Major facade improvements to existing buildings (including buildings with non-conforming uses).
- New exterior improvements (beyond paint and general maintenance such as roof or window repair or replacement) whose value exceeds 25% of the current listed tax value of the entire property shall be allowed for both conforming and non-conforming uses, subject to the following:
- (a) The setback, yard and height requirements of Section 10.907(1) (2), and (3) shall be met.
  - (b) The urban design standards of Section 10.908(1) through (4) shall apply to the new facade improvements.
  - (c) The streetscape requirements of Section 10.908(8) shall be required if sidewalks and a perimeter planting strip with trees are non-existent along street frontages.
  - (d) No exterior improvements shall make the building nonconforming, or more non-conforming in any manner.
  - (e) Any existing, non-conforming parking shall be eliminated from the required setback. Such elimination shall not require any additional parking even if the site is rendered non-conforming, with respect to parking.
  - (f) The connectivity and circulation requirements of Section 10.907(11) shall apply.
- (6) Additional parking for existing development
- (a) The additional parking spaces shall not exceed the maximum number of spaces permitted under Section 10.907(6)(a).
  - (b) The additional parking area shall meet the parking standards of Section 10.907(6)(b) through (l), plus structured parking facilities shall meet the urban design requirements of Section 10.908(5).

- (c) The additional parking area shall meet the outdoor lighting standards of Section 10.907(10).
- (d) If there is any non-conforming parking located in the required setback, it shall be eliminated and replaced with landscaping, patios, and/or related amenities. Any such elimination shall not require additional parking even if the site is rendered non-conforming with regard to parking.
- (e) If an existing buffer or screening area is removed for more than five (5) additional parking spaces, then a perimeter planting strip, landscaping and sidewalk shall be provided, as per Section 10.908(8), if they are non-existent.

**Section 10.910 Administrative Approval.**

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

Any approval shall meet the following criteria:

- (1) Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the TS zoning district; and
- (2) Provides urban open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the TS zoning district or;
- (3) Difficulty implementing TS standards due to site constraints such as lot configuration, lot size, lot width, mature trees, topography, number of streets or other physical considerations.

**Section 10.911. Board of Adjustment.**

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

- (1) The Board shall have jurisdiction to hear and decide appeals from, and to review any specific order, requirement, decision, interpretation, or determination made by the Zoning Administrator about the development and urban design standards of Section 10.907 and 10.908.
- (2) The Board of Adjustment shall have no jurisdiction to grant variances from the

development and urban design standards of Sections 10.1012 and 10.1013.

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

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

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

**Section 10.912. Transit Supportive Overlay District (Optional)**

- (1) Purpose. The Transit Supportive (TS) overlay district establishes minimum standards for development. However, circumstances may arise which those regulations do not address or did not foresee, or due to the specific requirements of the regulations and their application to a specific proposal create an undesirable or unintended outcome. Therefore, this section establishes an alternative process by which the City Council may evaluate and approve development, which does not meet the minimum standards of TS.
- (2) Application. Petitions for a zoning map amendment to establish a TS-O shall be submitted to the Charlotte-Mecklenburg Planning Department. In order to expedite the rezoning process, TS-O applications shall not count toward the maximum number of cases that the City hears each month.

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

- 3) Approval. The establishment of the TS-O shall be in accordance with the procedures of Chapter 6, Part 2: Conditional Zoning Districts. The City Council shall also consider the extent to which the basic standards of TS are proposed to be modified, the impacts of those modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications. In no instance shall parking be permitted in the front setback.
- (4) Alterations. Changes to approved plans and conditions of development shall be treated the same as changes to the Zoning Map and shall be processed in accordance with the procedures of Section 10.904.

**Section 10.913. Preliminary review.**

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

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

### **34. Rezoning Petition: 2016-110 by Three Publicans, LLC**

**Location:** Approximately 0.25 acres located on the northwest corner at the intersection of Central Avenue and Thomas Avenue. (Council District 1 - Kinsey)

**Current Zoning:** B-2 PED (general business, pedestrian overlay)

**Proposed Zoning:** MUDD-O PED (mixed use development, optional, pedestrian overlay)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding technical issues related to site and building design.

**Attachments:**

Staff Analysis  
Vicinity Map  
Rezoning Map  
Site Plan

<b>REQUEST</b>	Current Zoning: B-2 PED (general business, pedestrian overlay) Proposed Zoning: MUDD-O PED (mixed use development, optional, pedestrian overlay)
<b>LOCATION</b>	Approximately 0.25 acres located on the northwest corner at the intersection of Central Avenue and Thomas Avenue. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow a 1,600-square foot addition to an existing 5,700-square foot building located in the Plaza Midwood business district that houses an eating/drinking/ entertainment establishment to allow all MUDD (mixed use development) uses, and associated parking.
<b>PROPERTY OWNER</b>	Betty Jo Barbre 2004 Living Trust and Claude B. Barbre, Jr. 2004 Family Trust
<b>PETITIONER</b>	Three Publicans, LLC
<b>AGENT/REPRESENTATIVE</b>	Russell W. Fergusson
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding technical issues related to site and building design.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Plaza Central Pedscape Plan</i>, which recommends retail uses with a pedestrian overlay district.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The site is located on Central Avenue, which is a commercial corridor.</li> <li>• The property is located within the heart of the Plaza Midwood business district where the <i>Plaza Central Pedscape Plan</i> identifies the preservation of the historic character as a priority.</li> <li>• The proposed reuse of the existing two-story building, which is located at the back of sidewalk, preserves one of the buildings in the business district.</li> <li>• The retail and office uses that would be allowed by MUDD (mixed use development) zoning could provide opportunities for goods and services to the residents of the Plaza Midwood neighborhood.</li> <li>• A future phase of the Gold Line streetcar facility is proposed run along Central Avenue in front of this site, which will provide alternative modes of transportation.</li> </ul>
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**PLANNING STAFF REVIEW**

- **Background**
  - This property owner was recently issued a Notice of Violation (NOV) for enlarging the rear patio and adding permanent bar fixtures without zoning approvals. An additional NOV, along with a \$50 citation, was issued for allowing the continued use of the expanded outdoor dining area after the original NOV was issued.
- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Reuse of the existing 5,700-square foot building, with a maximum 1,600-square foot building expansion, and parking at the rear of the site.
  - All uses permitted in the MUDD (mixed use development) district will be permitted.
  - Setback and streetscape optional provisions requested to preserve the existing structure as follows:
    - Reduce setback requirements on Central Avenue to the existing setback on the subject parcel.

- Existing sidewalk on Central Avenue to remain and will not be required to meet MUDD (mixed use development) district or current streetscape and area requirements.
  - Reduced setback requirements on Thomas Avenue to remain thus eliminating the requirement to meet MUDD (mixed use development) district or current streetscape and area standards.
  - Allow existing sidewalk and planting strip on Thomas Avenue to remain therefore eliminating the requirement to meet MUDD (mixed use development) district or current streetscape and area standards.
  - Internal and perimeter tree requirements reduced to the existing trees to accommodate site constraints.
  - Reduce parking requirements by 25% to accommodate the use of the existing building.
  - Existing parking to remain and additional off-site parking spaces sufficient to meet ordinance requirement provided by lease agreement or shared parking agreement.
  - Existing building, entryways, windows, fenestration and doorways may remain.
  - The existing outdoor seating/activity area may remain open until the entire interior of the existing building has received a certificate of occupancy, provided the existing outdoor seating/activity area shall be closed on the earlier of 30 days after the receipt of the certificate of occupancy for the entire interior of the existing building, or October 31, 2017, whichever shall occur first.
- **Existing Zoning and Land Use**
    - The subject property is located in the Plaza Central business district and is zoned B-2 (general business), with PED (pedestrian overlay) zoning. One of the subject properties is vacant and the other is developed with an eating/drinking/entertainment establishment.
    - Parcels fronting both sides of Central Avenue are located in the Plaza Central PED overlay area and zoned B-2 (general business), B-2 PED-O (general business, pedestrian overlay, optional), O-2 (office), and MUDD-O (mixed use development, optional). Development consists of retail, eating/drinking/entertainment, office, institutional and residential uses.
    - Properties north of Central Avenue behind the subject property, some of which are located in the Plaza Midwood Historic District and/or the Plaza Central PED Overlay, are zoned R-5 and R-8 (single family residential), O-2 (office), B-2 (general business), I-1 (light industrial) and I-2 (general industrial) and developed primarily with single family residential dwellings, and some multi-family residential, and warehouse uses.
    - Residential, retail, eating/drinking/entertainment, office, and warehouse uses, as well as a fire station are developed in O-2 (office), and MUDD-O (mixed use development, optional) districts located on the south side of Central Avenue. See "Rezoning Map" for existing zoning in the area.
  - **Rezoning History in Area**
    - Petition 2011-46 approved a B-2 (PED-O) (general business, pedestrian overlay, optional) request for approximately 3.2 acres located along Central Avenue and bounded by The Plaza, McClintock Road, and Nandina Street to allow redevelopment of the site of an existing grocery store to construct a new 51,000-square foot building for a grocery store or any use permitted in the B-2 (general business) district.
  - **Public Plans and Policies**
    - The *Plaza Central Pedscape Plan* recommends retail uses with a pedestrian overlay district.
    - This site is part of the Village Center district, as identified by the area plan. The two block section of Central Avenue between The Plaza and Pecan Avenue is the heart of the district. Preservation of its historic character is a priority.
    - The Village Retail Area is the larger area east of the CSX railroad tracks (including the Village Center) and has the potential to be a highly walkable, compact, mixed use retail village.
    - The adopted street cross section along Central Avenue in this segment is a Village Center with a 15-foot sidewalk at back of curb. A 15-foot building setback is recommended.
  - **TRANSPORTATION CONSIDERATIONS**
    - This site is located at the signalized intersection of a major thoroughfare and a minor collector. The minor scope of work has a limited increase in traffic generated. CDOT does not have any outstanding concerns with the proposed petition.
    - **Vehicle Trip Generation:**
      - Current Zoning:
        - Existing Use: 515 trips per day (based on 5,700 square feet of eating/drinking/entertainment use).
        - Entitlement: 515 trips per day (based on 5,700 square feet of eating/drinking/entertainment use).
      - Proposed Zoning: 660 trips per day (based on 7,300 square feet of eating/drinking/

entertainment use).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** See "Background" section.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing six-inch water distribution main located along Thomas Avenue and a 12-inch water distribution main located along Central Avenue. Sewer system availability for the rezoning boundary is via existing eight-inch gravity sewer mains located along Thomas Avenue and Central Avenue.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**REQUESTED TECHNICAL REVISIONS**

Site and Building Design

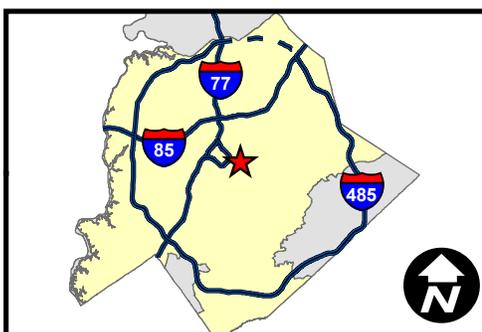
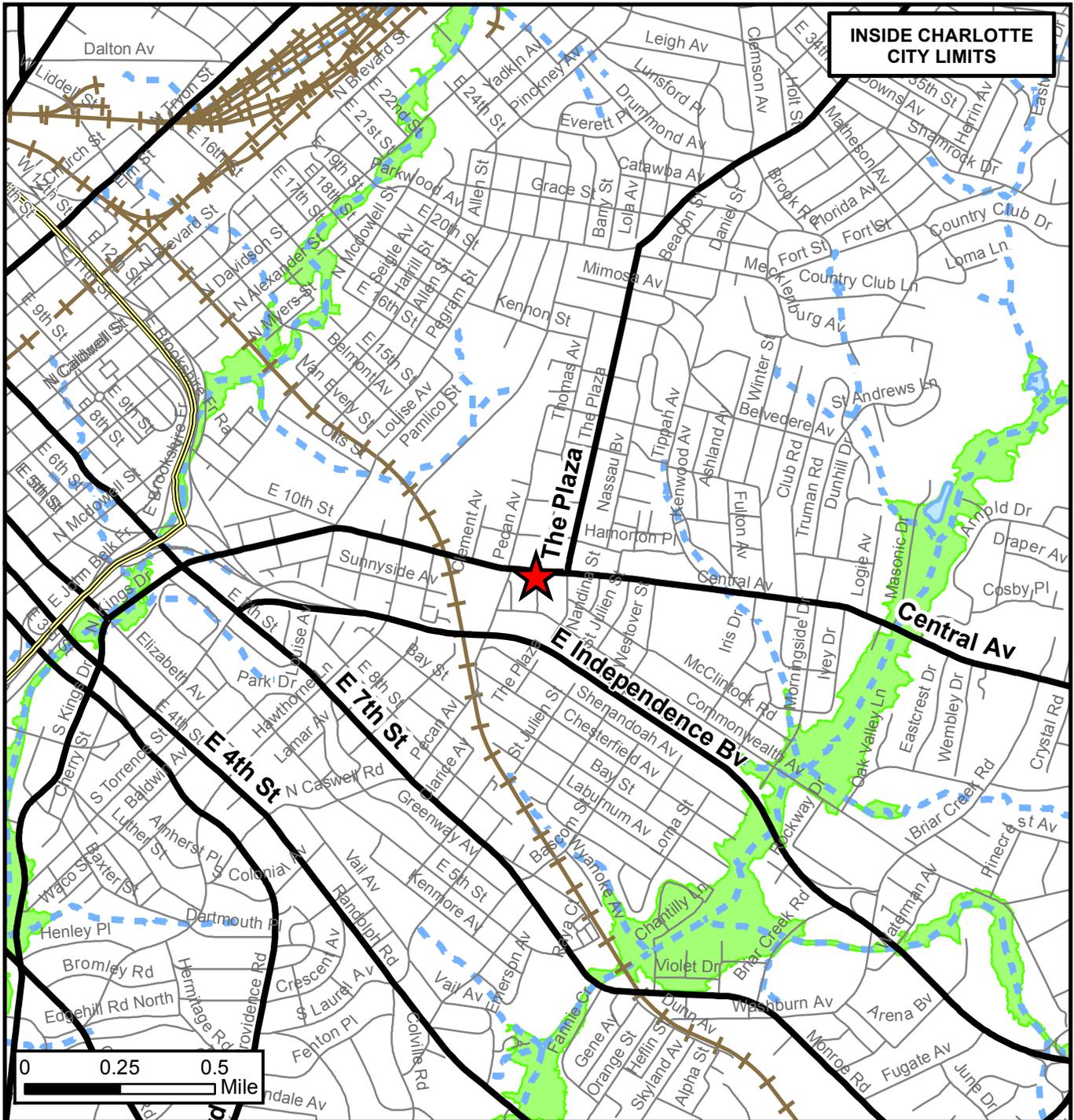
1. Remove compact labels from all parking areas.
  2. Amend Note 2(d) to state that lease agreement or shared parking agreement will be filed prior to issuance of any permits.
  3. Amend Note 2c under "Optional Provisions" to read as follows: Parking requirements shall be reduced by 25%.
  4. Amend Note 5A under "Architectural Standards" to specify the height of the existing building, and the maximum building height.
  5. Specify the existing setback of the subject property as referenced in Note 2(a)(i) under "Optional Provisions."
  6. Label and dimension the existing sidewalk on Central Avenue and Thomas Avenue.
  7. Delete Note 2b under "Optional Provisions" as optional provisions cannot be used to amend Tree Ordinance requirements.
  8. Amend Note 2f under "Optional Provisions" to state that the existing outdoor seating/activity area may not be utilized after 11 p.m.
  9. Delete Note 2g under "Optional Provisions" and place it under "Permitted Uses."
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Sonja Strayhorn Sanders (704)-336-8327

**Acres & Location :** Approximately 0.25 acres located on the northwest corner at the intersection of Central Avenue and Thomas Avenue.



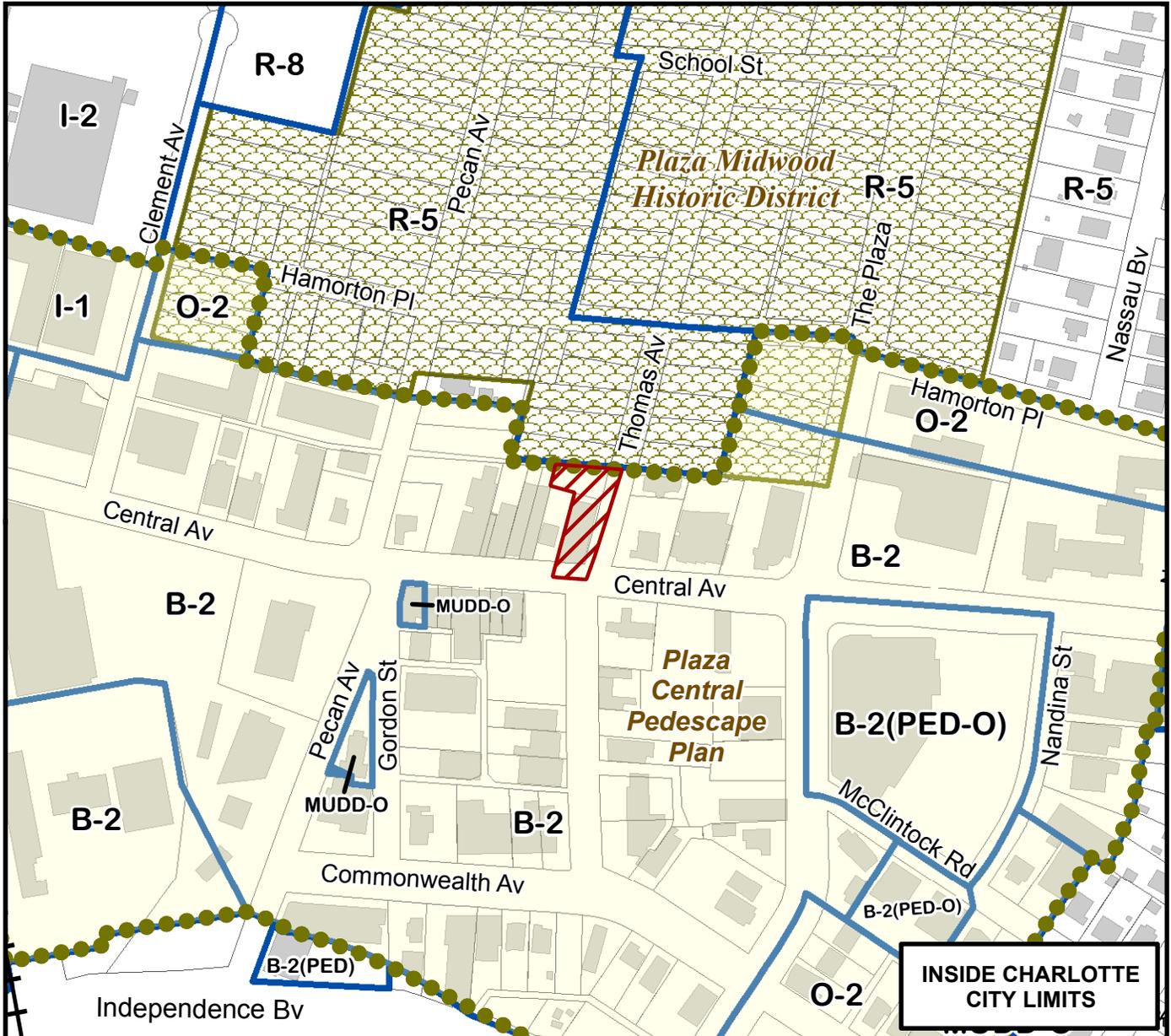
Petition #: **2016-110**

Petitioner: **Three Publicans, LLC**

Zoning Classification (Existing): **B-2 (Pedestrian Overlay)**  
(General Business, Pedestrian Overlay)

Zoning Classification (Requested): **MUDD-O (Pedestrian Overlay)**  
(Mixed Use Development District, Optional, Pedestrian Overlay)

Acreage & Location: Approximately 0.25 acres located on the northwest corner at the intersection of Central Avenue and Thomas Avenue.



**INSIDE CHARLOTTE CITY LIMITS**

Map Produced by the Charlotte-Mecklenburg Planning Department, 7-6-2016.



Zoning Map #(s)

**101**

	Requested MUDD-O (PED Overlay) from B-2 (PED Overlay)		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams
	Pedestrian Overlay		Historic District



### **35. Rezoning Petition: 2015-037 by Dominick Ristaino**

**Location:** Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place. (Council District 3 - Mayfield)

**Current Zoning:** R-5 (HD-O) (single family residential, historic district overlay)

**Proposed Zoning:** UR-C (CD) (HD-O) (urban residential - commercial, conditional, historic district overlay)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to site design and technical issues.

**Attachments:**

Staff Analysis  
Vicinity Map  
Rezoning Map  
Site Plan

<b>REQUEST</b>	Current Zoning: R-5 (HD-O) (single family residential, historic district overlay)  Proposed Zoning: UR-C(CD) (HD-O) (urban residential - commercial, conditional, historic district overlay)
<b>LOCATION</b>	Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place.(Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to reuse and expand an existing residential structure built in 1929 on one lot and to construct a new building on the second lot to accommodate office and residential uses. The site is located in the Wilmore Historic District.
<b>PROPERTY OWNER</b>	Dominick Ristaino
<b>PETITIONER</b>	Dominick Ristaino
<b>AGENT/REPRESENTATIVE</b>	Craig W. Isaac
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to site design and technical issues.</p> <p><u>Plan Consistency</u> The proposed residential and office uses are inconsistent with the <i>Central District Plan</i> recommendation for retail uses.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The subject property is located at the edge of the historic Wilmore neighborhood which is primarily developed with single family homes. The site also abuts commercial property fronting on West Boulevard and located outside of the historic district.</li> <li>• Maintaining the existing historic structure and constructing a similar building on the rest of the site will help to maintain the integrity of the Wilmore historic district.</li> <li>• The use of the property for office and residential uses will provide a transition between the more intense commercial uses on South Tryon Street and the single family housing in the Wilmore neighborhood.</li> <li>• While the request is technically inconsistent with the retail use recommended in the district plan, the office and residential uses proposed are less intense than the retail use but are still appropriate for this site.</li> </ul>
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**PLANNING STAFF REVIEW**

- **Background**
  - At its meeting on March 16, 2015, the City Council held a public hearing on a conventional request to rezone the subject site from R-5 (HD-O) (single family residential, historic district overlay) to B-1 (HD-O) (neighborhood business, historic district overlay). At that meeting some Council members expressed concerns about the absence of a site plan and permitting all uses in the B-1 (neighborhood business) district.
  - At the March 25, 2015 Zoning Committee Work Session, the Committee discussed this request, with some members expressing concerns about its conventional status and echoed the City Council's concerns regarding the absence of a site plan. The Zoning Committee unanimously voted 5-0 to defer this petition so that staff could ask the petitioner if there was a willingness to convert the request to a conditional rezoning petition with a site plan.
  - At the April 29, 2015 Zoning Committee Work Session, staff informed the Committee that the petitioner had submitted an amended application and site plan converting the request

from a conventional to a conditional rezoning petition. The Zoning Committee unanimously voted 6-0 to send the petition back to City Council for a new public hearing. At its May 18, 2015 meeting, the City Council voted to set a new public hearing date for July 20, 2015. The public hearing was deferred as the petitioner was holding meetings with the City Council and various residents of the surrounding community.

- At the May 25, 2016 Zoning Committee Work session, staff informed the Committee that the petitioner submitted a revised application converting the requested zoning district to UR-C(CD) (HD-O) (urban residential commercial, conditional, historic district overlay) and that it should be sent back to City Council for a new hearing. The Zoning Committee unanimously voted 6-0 to send the petition back to City Council for a new public hearing.
- The Zoning Board of Adjustment (ZBA), at its meeting on May 26, 2015, granted a variance from the ten-foot "Class C" buffer and ten-foot required side yard to allow the existing principal structure and accessory structure on the subject site to remain as shown on the site plan subject to the following conditions: 1) the variance is subject to the installation of the fence and planting requirements indicated on the proposed site plan presented to the Board; and, 2) the variance is contingent on Historic District Commission's approved application. The variance was granted for both parcels (316 and 320 West Boulevard).
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - Convert existing residential structure to accommodate residential and office use with new parking area in the rear.
  - Construct new building to accommodate residential and office on second lot with parking in the rear.
  - Retail uses will not be allowed on the site.
  - A commitment that 75% of the residential units will be workforce housing.
  - Parking areas behind buildings will connect and have a shared access onto West Boulevard via an existing concrete driveway.
  - Petitioner will request a streetscape deviation from staff to allow the existing seven-foot planting strip and five-foot sidewalk to remain along West Boulevard to match existing conditions.
  - Detached lighting limited to 21 feet in height.
- **Existing Zoning and Land Use**
  - A single family residential home and vacant acreage exist on the site, which is located in the Wilmore Historic District Overlay.
  - North, south and west of the site, it is surrounded by a mix of single family residential homes, duplexes, quadraplexes, and multi-family development in the Wilmore Neighborhood.
  - East of the site in the South End area are office, retail, and warehouse uses on properties in various zoning districts.
  - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
  - A number of rezonings have taken place to accommodate transit supportive development in the South End area.
- **Public Plans and Policies**
  - The *Central District Plan* (1993) recommends retail uses on this site.
- **TRANSPORTATION CONSIDERATIONS**
  - This site is approximately 200 feet from the signalized intersection of major thoroughfares. The minor scope of work has a limited increase in traffic generated.
  - See Outstanding Issues, Notes 2 and 3.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing use: 10 trips per day (based on one single family home).
      - Entitlement: 20 trips per day (based on two single family homes).
    - Proposed Zoning: 178 trips per day (5,924 square feet of office and four dwelling units).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.

- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** The water system has availability via an existing six-inch water main along West Boulevard. The sewer system has availability via an existing eight-inch gravity sewer main along West Boulevard.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Charlotte Urban Forestry:** Street trees in the street right of way along West Boulevard must be protected during all phases of construction by fencing. All underground utilities shall be placed outside of the trees' protected root zone or be bored under the roots. The protected root zone extends 6 inches for every one inch of tree diameter including private property. Contact the City Arborist's office for a permit if you plan to plant in the right of way. Street tree species must be approved before planting. Be sure to check with Urban Forestry in Land Development in case there are tree save and/or planting requirements on private property.

## OUTSTANDING ISSUES

### Site and Building Design

1. Label 20-foot front setback on site plan.
2. Show, label and identify the future back of curb on the site plan.
3. Indicate the maximum number of residential units.
4. Work with Neighborhood & Business Services to develop an updated note regarding workforce housing. The note should address the income level to be served and the minimum time frame for which the units will remain affordable.
5. Show and label possible tree save areas that meet the Tree Ordinance.
6. Update the proposed use to read "General office and residential uses."
7. Combine Notes 2.3 and 3.1 and place under "3. Permitted Uses and Maximum Development." For permitted uses, use the more specific information shown in Note 2.3.
8. Add a note and table that shows the proposed square footage for the office use for the existing and proposed structures. Include the expansion area for the existing building.
9. Remove Note 4.1 from the site plan.
10. Remove the word "variance" from Note 7 "Streetscape and Landscaping." This will be a request of staff not a "variance."

### Transportation

11. The petitioner should remove the note for existing curb cut and driveway to remain and add a transportation note stating that the replacement, type, width of driveway, and length of driveway stem will be determined during the permitting phase.
12. The petitioner should revise the site plan to add a note specifying all transportation improvements will be constructed and approved before the site's first building certificate of occupancy is issued or phased per the site's development plan.

## REQUESTED TECHNICAL REVISIONS

### Site and Building Design

13. Under Note 1.3 modify "for UR-C (HD-O) shall be followed with respect to this site."
14. Modify the existing and proposed zoning and add "historic district overlay."
15. Show and label five-foot sidewalk connection from the proposed new building to the public street sidewalk system along West Boulevard.
16. Modify and clearly show that proposed handicapped parking space is not providing maneuvering in the required front setback.
17. Place variance number and date approved on the site near the proposed buffer along the western edge of the site.
18. Modify Note 8 and add that the site will comply with the City of Charlotte Zoning Ordinance and the conditions of the variance request.

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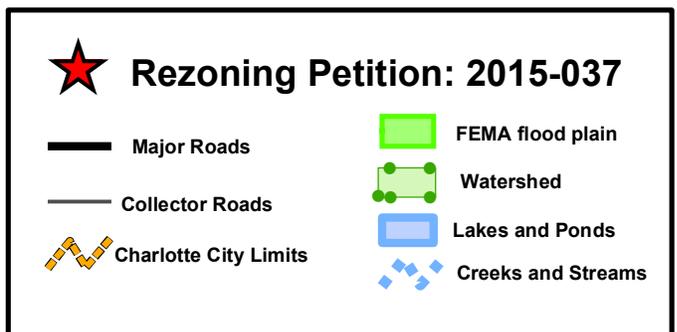
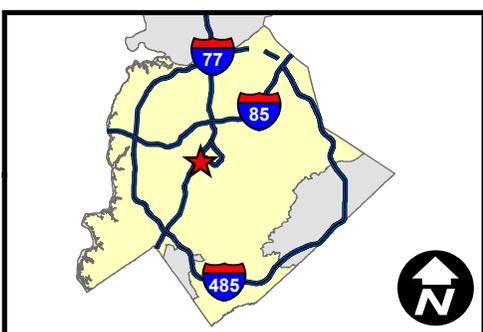
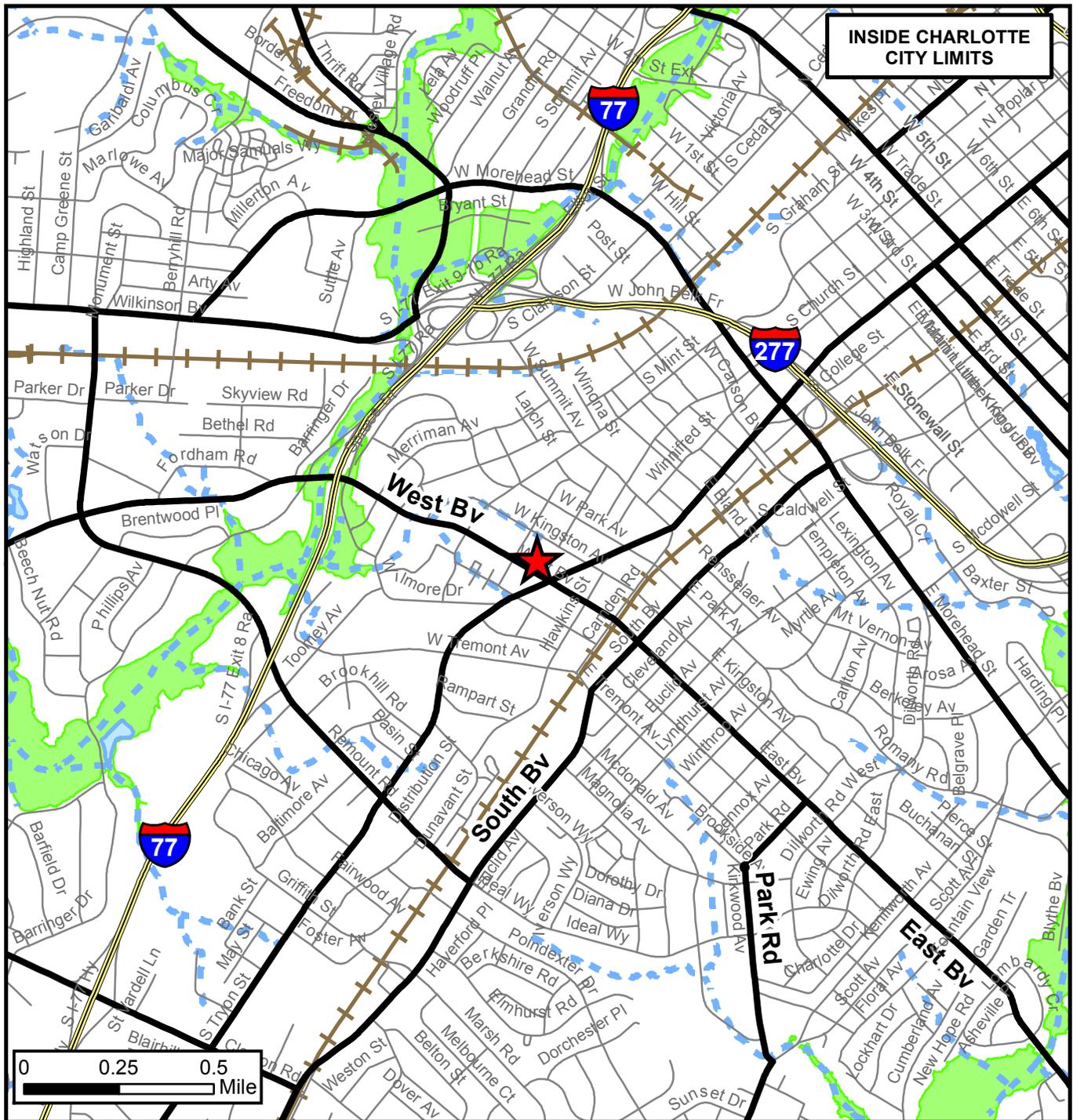
## Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review

- Charlotte Department of Neighborhood & Business Services Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Transportation Review

**Planner:** Solomon Fortune (704) 336-8326

**Acreage & Location :** Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place.



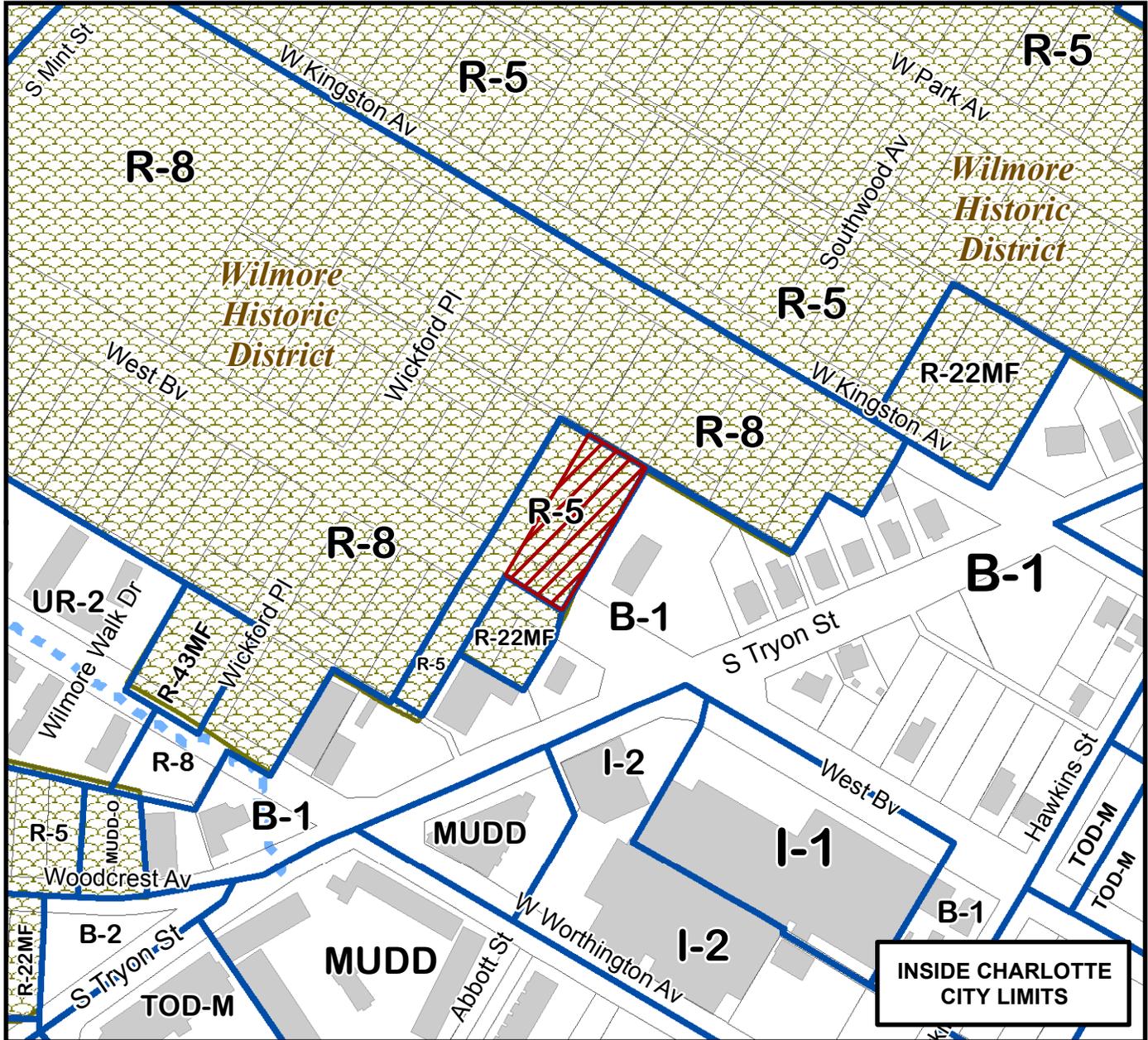
Petition #: **2015-037**

Petitioner: **Dominick Ristaino**

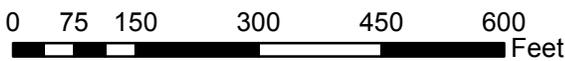
Zoning Classification (Existing): **R-5 (HD)**  
(Residential, Single Family, Historic District Overlay)

Zoning Classification (Requested): **UR-C(CD) (HD)**  
(Urban Residential, Commercial, Conditional, Historic District Overlay)

Acreage & Location: Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place.

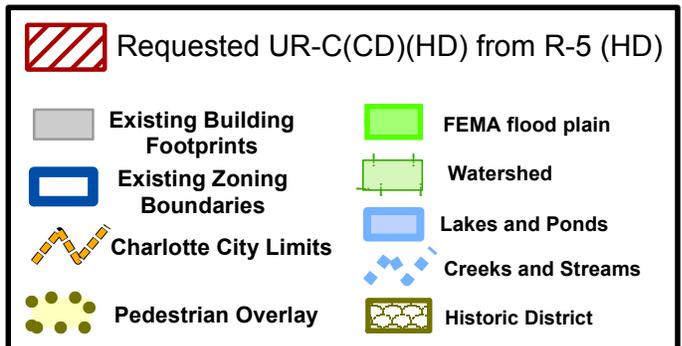


Map Produced by the Charlotte-Mecklenburg Planning Department, 9-30-2016.



Zoning Map #(s)

**103**





### **36. Rezoning Petition: 2016-127 by Steele Creek (1997), LLC**

**Location:** Approximately 6.02 acres located on the northeast corner at the intersection of Dixie River Road and New Fashion Way and also located on the southeast corner at the intersection of Dixie River Road and Trojan Drive. (Council District 3 - Mayfield)

**Current Zoning:** CC LLWPA (commercial center, Lower Lake Wylie Protected Area) and MUDD-O LLWPA (mixed use development, optional, Lower Lake Wylie Protected Area)

**Proposed Zoning:** CC SPA LLWPA (commercial center, site plan amendment, Lower Lake Wylie Protected Area) and MUDD-O SPA (mixed use development, optional, site plan amendment, Lower Lake Wylie Protected Area)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, tree save, and building height and signage.

**Attachments:**

Staff Analysis  
Vicinity Map  
Rezoning Map  
Site Plan  
Previously Approved Site Plan

<b>REQUEST</b>	<p>Current Zoning: CC LLWPA (commercial center, Lower Lake Wylie Protected Area) and MUDD-O LLWPA (mixed use development, optional, Lower Lake Wylie Protected Area)</p> <p>Proposed Zoning: CC SPA LLWPA (commercial center, site plan amendment, Lower Lake Wylie Protected Area) and MUDD-O SPA (mixed use development, optional, site plan amendment, Lower Lake Wylie Protected Area)</p>
<b>LOCATION</b>	<p>Approximately 6.02 acres located on the northeast corner at the intersection of Dixie River Road and New Fashion Way and also located on the southeast corner at the intersection of Dixie River Road and Trojan Drive. (Council District 3 - Mayfield)</p>
<b>SUMMARY OF PETITION</b>	<p>The petition proposes to modify an approved site plan for Charlotte Premium Outlets to allow an approved principal use to have an accessory drive, add a second hotel with up to 125 rooms, and eliminate a gas station/convenience store.</p>
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	<p>Steele Creek (1997) LLC Steele Creek (1997) LLC Jeff Brown, Keith MacVean and Bridget Dixon, Moore &amp; Van Allen, PLLC</p>
<b>COMMUNITY MEETING</b>	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0</p>

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, tree save, and building height and signage.</p> <p><u>Plan Consistency</u> The petition is consistent with the adopted retail land use for this site per the <i>Dixie-Berryhill Strategic Plan</i>, as amended by rezoning petition 2013-001.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The subject properties are outparcels to the Charlotte Premium Outlet mall approved by rezoning petition 2013-001.</li> <li>• The proposed modifications to the uses will eliminate a gas station/convenience store, add a second hotel, and add an accessory drive-through window for a retail use or eating/drinking/entertainment establishment (EDEE).</li> <li>• There will be no increase in the allowed retail square footage and the only additional square footage will be related to the 125-room hotel.</li> <li>• The proposed uses, in combination with the Outlet Mall, will continue to provide employment opportunities and service retail for area residents and destination retail for the region.</li> <li>• The proposed changes do not alter the overall intent of the adopted retail land use for the site.</li> </ul>
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**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan amendment contains the following changes:
  - Area B to be zone MUDD-O SPA (mixed use development, optional, site plan amendment, Lower Lake Wylie Protected Area):
    - Adds one hotel with up to 125 rooms.
    - Adds provisions for screening of service areas from adjoining streets and architectural treatment.

- Eliminates a gas station/convenience store.
- Increases the building height from 50 feet to 75 feet.
- Area F to be zoned CC SPA LLWPA (commercial center, site plan amendment, Lower Lake Wylie Protected Area):
  - Adds an accessory drive-through window for retail and/or eating/drinking/entertainment establishment (EDEE).
  - Increases the building height from 50 feet to 65 feet.
- General:
  - Adds a note committing to the construction and coordination of the location of a new bus waiting pad for the existing bus stop on Dixie River Road and Robert Irwin Drive.
  - Modifies lighting note by removing reference to “wall pak” and increases maximum height of detached lighting from 30 feet to 31 feet to be consistent with industry standards.
- **Existing Zoning and Land Use**
  - The rezoning site consists of Development Area B which is zoned MUDD-O LLWPA (mixed use development, optional, Lower Lake Wylie Protected Area) and Development Area F, zoned CC LLWPA (commercial center, Lower Lake Wylie Protected Area). The rezoning site is part of 82 acres with an approved site plan (rezoning petition 2013-001) that allows a maximum 525,000 square foot outlet retail center (Charlotte Premium Outlets) including accompanying retail and office uses, and a 120-room hotel.
  - Immediately north and east are the Charlotte Premium Outlets retail center and associated vacant outparcels zoned MUDD-O LLWPA (mixed use development, optional, Lower Lake Wylie Protected Area).
  - To the south are affiliated retail uses and vacant outparcels, and low density residential housing zoned MUDD-O LLWPA (mixed use development, optional, Lower Lake Wylie Protected Area), CC LLWPA (commercial center, Lower Lake Wylie Protected Area), O-2(CD) LLWPA (office, conditional, Lower Lake Wylie Protected Area).
  - To the west are single family homes and undeveloped acreage associated with the Berewick Community and zoned MX-1 LLWPA (mixed use, Lower Lake Wylie Protected Area) and CC LLWPA (commercial center, Lower Lake Wylie Protected Area).
  - See “Rezoning Map” for existing zoning in the area.
- **Rezoning History in Area**
  - Petition 2013-021 rezoned approximately 43 acres located on the southeast corner of Steele Creek Road and Shopton Road from I-1(CD) (light industrial, conditional) and R-3 (single family residential) to I-2(CD) (general industrial, conditional). This petition allows for the development of up to 525,000 square feet of office/distribution and light industrial uses. The location of this rezoning is approximately a half mile north of the subject rezoning along Steele Creek Road.
  - Petition 2012-059 rezoned approximately 5.5 acres located on the east side of Steele Creek Road at the intersection of Dixie River Road from R-3 (single family residential) to NS (neighborhood services). This petition allows for up to 11,000 square feet of neighborhood service uses and 19,000 square feet of office uses. The location of this rezoning is directly across Steele Creek Road from the subject site.
- **Public Plans and Policies**
  - The adopted future land use for this site is retail per the *Dixie-Berryhill Strategic Plan (2003)*, as amended by rezoning petition 2013-001, which rezoned the entire site for the Charlotte Premium Outlet Mall and outparcels.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is on a major thoroughfare previously studied as part of the Steele Creek Retail Center (Charlotte Premium Outlets). While the petition increases trip generation beyond the threshold for a traffic impact study, CDOT has determined that the remaining transportation mitigations and the anticipated internal capture of these uses, which support the larger retail entitlement, should be adequate to maintain the operations of the transportation system.
  - See Outstanding Issues, Note 1.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 0 trips per day (based on vacant property).
      - Entitlement: 1,100 trips per day (based on 6,000 square feet of retail).
    - Proposed Zoning: 4,000 trips per day (based on 125-room hotel and 6,000 square foot eating/drinking/entertainment establishment).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** See Outstanding Issues, Note 2.

- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary for Development Area B via an existing 12-inch existing water distribution main located at the intersection of Shopton Road and Dixie River Road. For Development Area F, Charlotte Water has water system availability via an existing eight-inch water distribution main located at the intersection of Trojan Drive and Dixie River Road.

Charlotte Water has sewer system availability for the rezoning boundary for Development Area B via an existing eight-inch gravity sewer main located along Outlets Boulevard. Charlotte Water currently does not have sewer system availability for Development Area F. The closest available sewer main is approximately 350 feet southwest of the parcel at the intersection of Rachel Freeman Way and Gannon Drive. The applicant should contact Charlotte Water's New Services at (704) 432-5801 for more information regarding accessibility to sewer system connections.

- **Engineering and Property Management:** See Outstanding Issues, Note 3.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

## OUTSTANDING ISSUES

### Transportation

1. The petitioner should add sheet RZ-4 from rezoning petition 2013-001 that illustrates the transportation improvements now noted on the site plan.
2. The site is located on an existing bus route. The petitioner is requested to provide and construct a new waiting pad for the existing bus stop on Dixie River Road at Robert Irwin Drive per the standard detail 60.01B.

### Environment

3. Show 15% tree save on-site for each parcel.

### Site and Building Design

4. Reduce the maximum building height for Development Area B zoned MUDD-O (mixed use development, optional) to 50 feet.
5. Petitioner needs to confirm that the optional provisions pertaining to signage in the original 2013-001 rezoning are applicable to the hotel now proposed on Development Parcel B, since these optional provisions being requested previously applied to retail square footage or a convenience store with or without gas sales.
6. Modify references on site plan to Development Areas B.
7. Remove reference to Walker Branch Drive and Steelescroft Parkway from the second paragraph in General Provisions Note 1.e.

### Land Use

8. Add a note prohibiting a convenience store with or without gas sales on Development Parcel B.
9. Petitioner should submit an administrative amendment to rezoning petition 2013-001 to adjust total square footages, number of outparcels, and permitted uses. Administrative amendment must be approved prior to the Zoning Committee Work Session.
10. Provide a "build out" table on the site plan and administrative amendment that updates data and illustrates the adjustments made between the development parcels.

## TECHNICAL ISSUES

10. Remove General Provisions (Graphics and Alterations) Note 1.c. pertaining to flexibility of the rezoning plan.
11. Remove Note 1. e "Exclusions for Calculations of Maximum Development Levels."

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## Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments

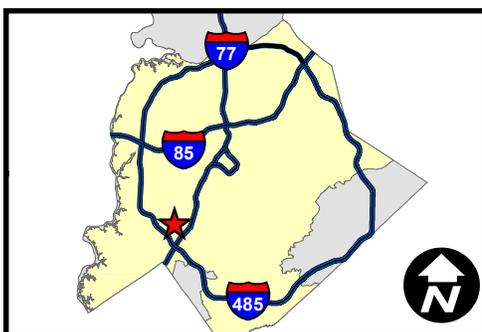
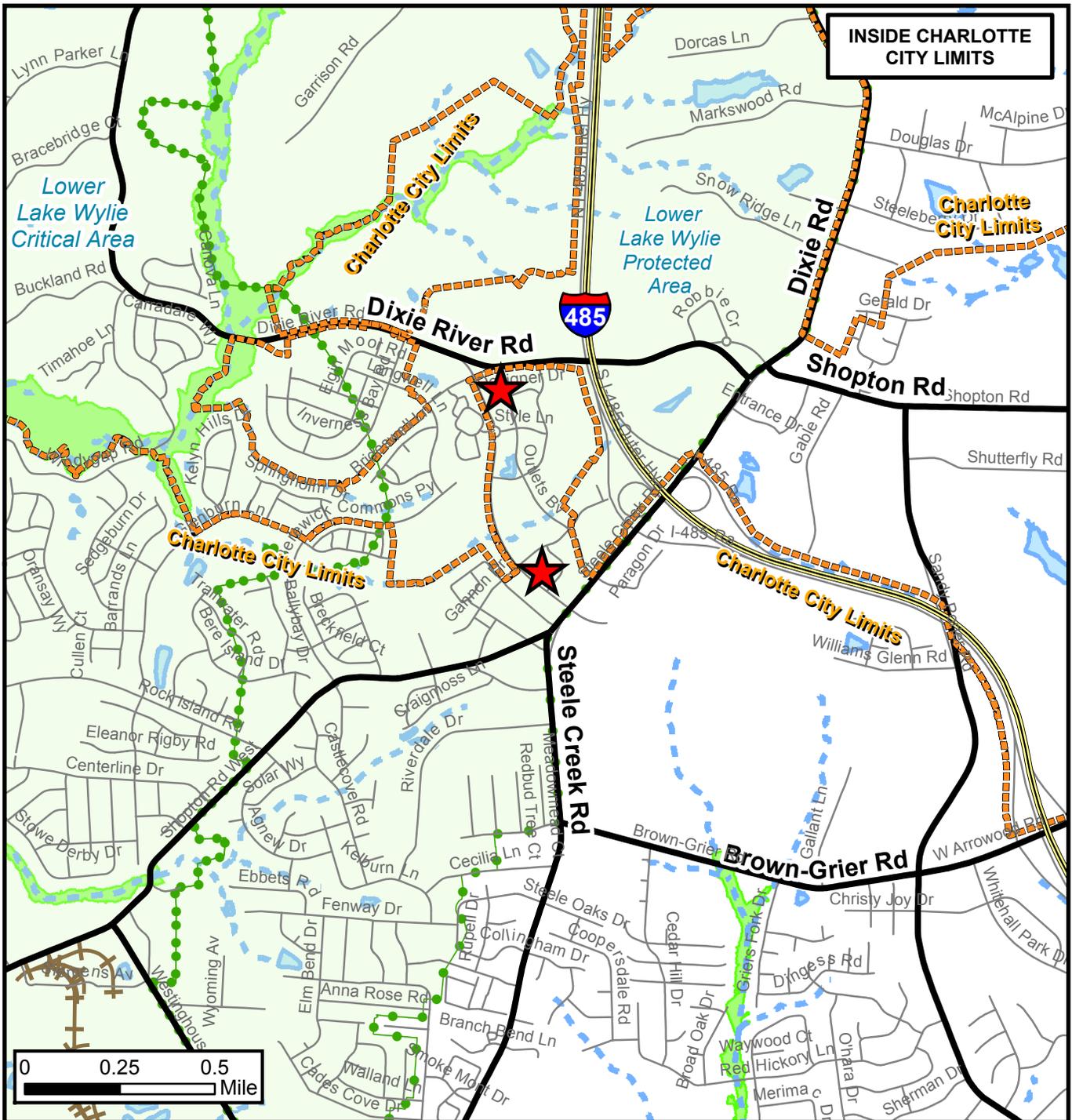
- Charlotte Area Transit System Review
- Charlotte Fire Department Review
- Charlotte Neighborhood & Business Services
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Transportation Review

**Planner:** Claire Lyte-Graham (704) 336-3782

Petition #: **2016-127**

# Vicinity Map

**Acres & Location :** Approximately 6.02 acres located on the southeast corner at the intersection of Dixie River Road and Shopton Road and also located on the southeast corner at the intersection of Dixie River Road and Trojan Drive.



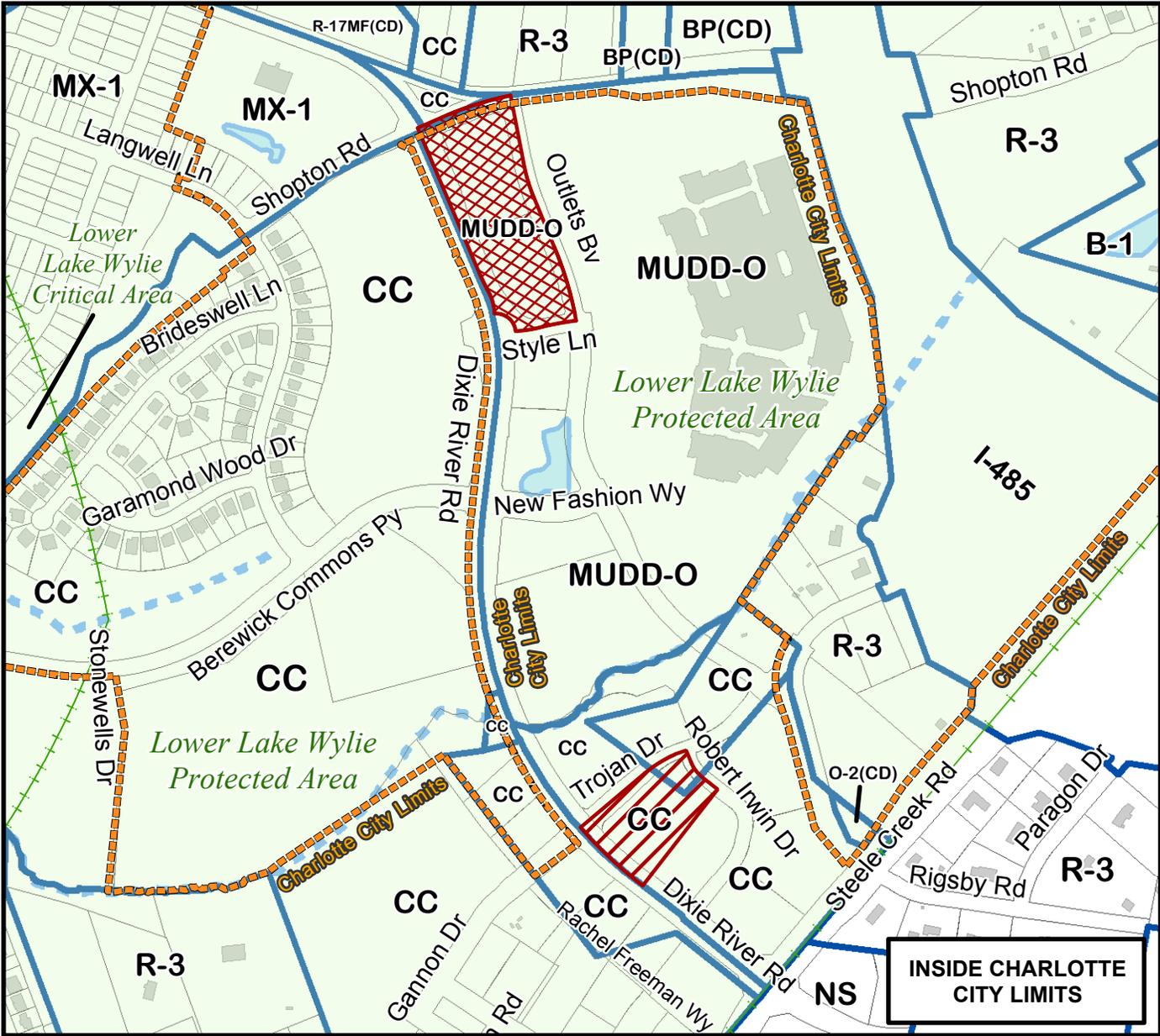
Petition #: **2016-127**

Petitioner: **Steele Creek (1997), LLC**

Zoning Classification (Existing): **CC(LLWPA) & MUDD-O(LLWPA)**  
(Commercial Center, Lower Lake Wylie Protected Area & Mixed Use Development District, Optional, Lower Lake Wylie Protected Area)

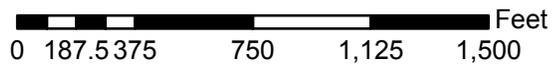
Zoning Classification (Requested): **CC SPA(LLWPA) & MUDD-O SPA(LLWPA)**  
(Commercial Center, Site Plan Amendment, Lower Lake Wylie Protected Area & Mixed Use Development District, Optional, Site Plan Amendment, Lower Lake Wylie Protected Area)

Acreage & Location: Approximately 6.02 acres located on the southeast corner at the intersection of Dixie River Road and Shopton Road and also located on the southeast corner at the intersection of Dixie River Road and Trojan Drive.



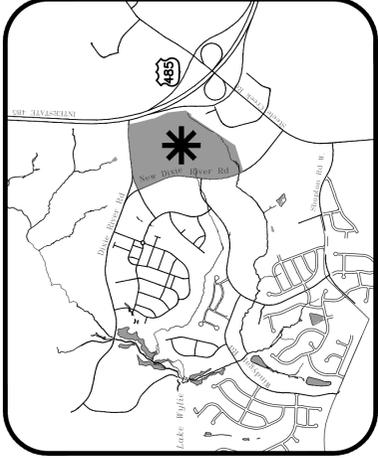
**INSIDE CHARLOTTE CITY LIMITS**

Map Produced by the Charlotte-Mecklenburg Planning Department, 8-19-2016.



Zoning Map #s  
**128, 132**

	Requested MUDD-O SPA (LLWPA) from MUDD-O (LLWPA)		FEMA flood plain
	Requested CC SPA (LLWPA) from CC (LLWPA)		Watershed
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		Historic District
	Pedestrian Overlay		



VICINITY MAP  
NTS

SITE DEVELOPMENT DATA

- Site Acreage: +/- 6.02 Ac.
- Tax Parcel #: 199-241-57, 58 and 61
- Existing Zoning: CC (LLW-PA); MUDD-O LLW-PA
- Proposed Zoning: CC SPA (LLW-PA); MUDD-O SPA (LLW-PA)
- Existing Uses: Vacant
- Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the CC and MUDD zoning districts (As more specifically described below).

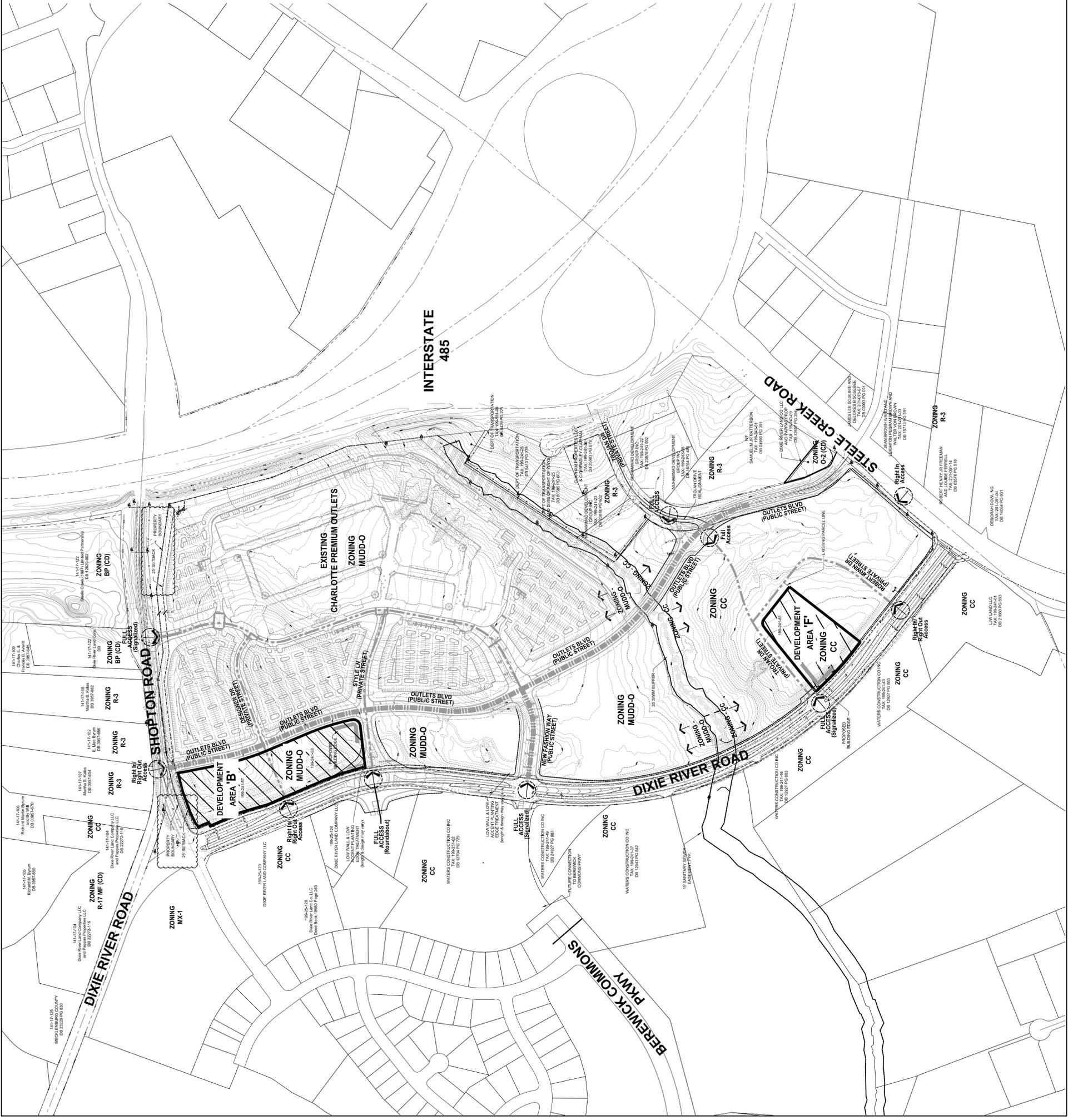
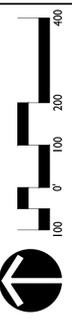
Maximum Gross Square feet of Development: Up to 6,000 square feet of gross floor area and a hotel with up to 125 rooms.

Maximum Building Height: As allowed by the Ordinance in the area zoned CC. In the area Zoned MUDD-O building height will be limited to 75 feet on Development Area B and 65 feet on Development Area F. Height to be measured as defined by the Ordinance.

Parking: As required by the Ordinance for the portion of the Site zoned CC and a minimum of one space per 250 gross square feet of building area for the portion of the Site zoned MUDD-O

SITE LEGEND

- SITE ACCESS
- PUBLIC STREET
- PRIVATE STREET
- BUILDING EDGE
- LOW WALL/ LANDSCAPE EDGE



INTERSTATE 485

STEEL CREEK ROAD

DIXIE RIVER ROAD

BERWICK COMMONS

SHOPTON ROAD

DIXIE RIVER ROAD

CHARLOTTE PREMIUM OUTLETS

EXISTING PREMIUM OUTLETS

DEVELOPMENT AREA 'B'

DEVELOPMENT AREA 'F'

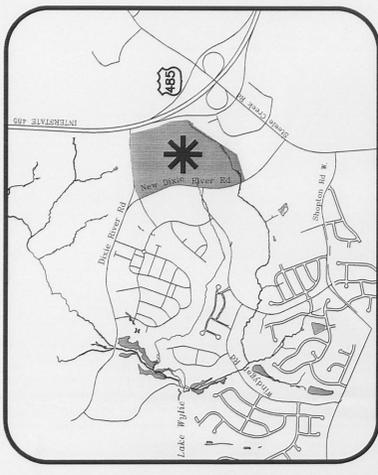
ZONING BP (CD)

ZONING R-3



Previously  
Approved  
Site  
Plan

RECEIVED  
APR 10 2013  
BY:



VICINITY MAP  
NTS

SITE DEVELOPMENT DATA

Site Acreage: 82.0 Ac.  
Tax Parcels: 199-241-03, 199-241-13, 199-241-15, 199-241-34, 199-241-44, 199-251-01

Proposed Zoning: MUDD-O (LLW-PA); CC (LLW-PA); CC (SPA) LLW-PA  
Existing Zoning: CC (LLW-PA); CC SPA (LLW-PA); I-1 (CD) (LLW-PA - by Rezoning Petition No. 2010-11); and R-3 (LLW-PA)

Existing Uses: Vacant and two single family homes  
Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the CC and MUDD zoning districts.

Maximum Gross Development: Up to 525,000 square feet of gross floor area and a hotel with up to 120 rooms (see Development Standards for detail).

Maximum Building Height: As allowed by the Ordinance in the area zoned CC. In the area Zoned MUDD-O building height will be limited to 50 feet except for certain architectural features such as towers, gallery roofs and similar structures which may be up to 65 feet in height. Height to be measured as defined by the Ordinance.

Parking: As required by the Ordinance for the portion of the Site zoned CC and a minimum of one space per 250 gross s.f. of building area for the portion of the Site zoned MUDD-O

Open Space: A minimum of 15% of the Site will be established as open space as defined by the Ordinance.

SITE LEGEND

- SITE ACCESS
- PUBLIC STREET
- PRIVATE STREET
- BUILDING EDGE
- LOW WALL/ LANDSCAPE EDGE

APPROVED BY  
CITY COUNCIL

APR 22 2013





APPROVED BY  
CITY COUNCIL  
APR 22 2013

**SITE LEGEND**

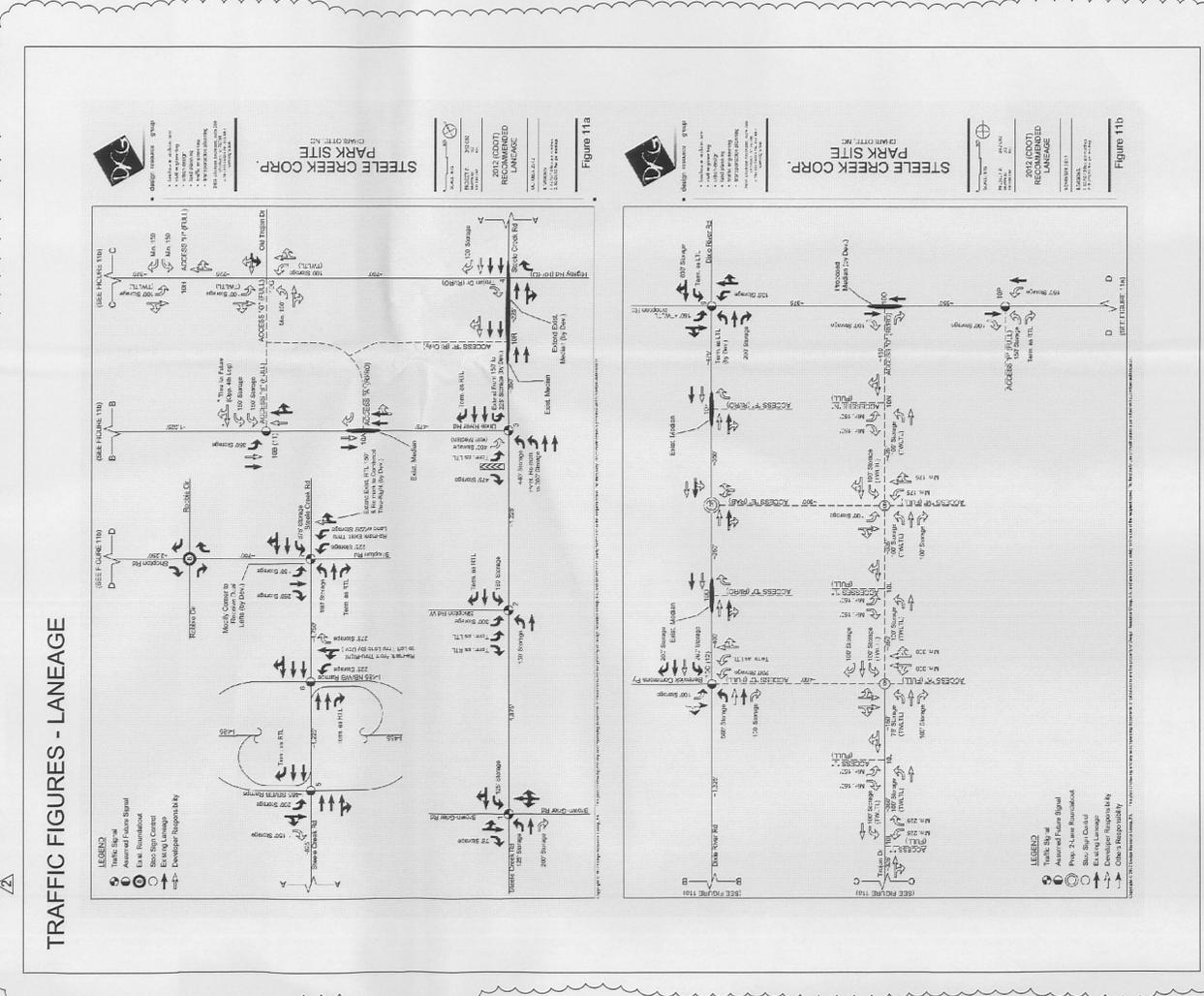
- SITE ACCESS
- PUBLIC STREET
- PRIVATE STREET



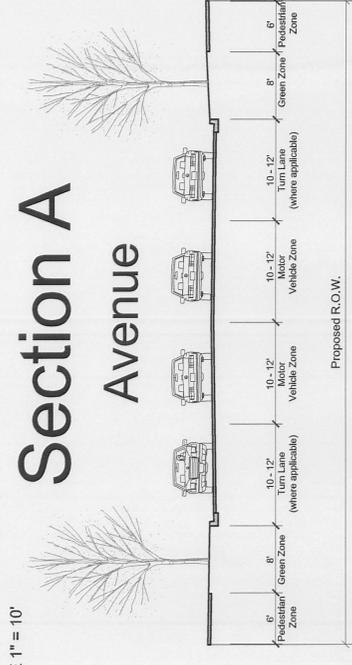


APPROVED BY  
CITY COUNCIL

APR. 22, 2013



TRAFFIC FIGURES - LANEAGE

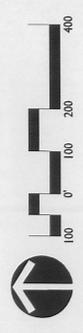


Note: Optional medians allowed at petitioner's discretion

SECTION SCALE 1" = 10'



- SITE LEGEND**
- PEDESTRIAN ACCESS PLAZAS
  - PEDESTRIAN ACCESS
  - PEDESTRIAN CONNECTIONS







### **37. Rezoning Petition: 2016-129 by Greenway Residential Development**

**Location:** Approximately 12.33 acres located on the east side of West Sugar Creek Road between West W.T. Harris Boulevard and David Cox Road. (Council District 2 - Austin)

**Current Zoning:** R-3 (single family residential) and UR-2(CD) (urban residential, conditional)

**Proposed Zoning:** UR-2(CD) (urban residential, conditional) and UR-2(CD) SPA (urban residential, conditional, site plan amendment)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of the minor technical issues.

**Attachments:**

Staff Analysis

Vicinity Map

Rezoning Map

Site Plan

Previously Approved Site Plan

<b>REQUEST</b>	Current Zoning: R-3 (single family residential) and UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) (urban residential, conditional) and UR-2(CD) SPA (urban residential, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 12.33 acres located on the east side of West Sugar Creek Road between West W.T. Harris Boulevard and David Cox Road. (Council District 2 - Austin)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to 144 multi-family residential dwelling units and accessory uses, on a vacant parcel surrounded primarily by residential neighborhoods, with David Cox Road Elementary School abutting directly to the west.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Michael A. Davis, Jean Davis, and Janet D. Dove Greenway Residential Development Jeff Brown, Keith MacVean & Bridget Dixon, Moore & Van Allen, PLLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of the minor technical issues.</p> <p><u>Plan Consistency</u> This petition is consistent with the residential use and density up to 17 dwelling units per acre recommended by the <i>Northeast District Plan</i>, as amended by rezoning petition 2007-092.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The subject property is situated between a shopping center on the east side of Sugar Creek Road, a school to the west and single family residential to the north.</li> <li>• The rezoning will allow the property to continue to be used as a transition between the more intense retail and the school and single family uses.</li> <li>• The petition seeks to decrease the number of mutli-family units from 145 to 144 and proposes a new development form with better access and improved design.</li> <li>• The development will provide a 40-foot buffer from single family residential and a 15-foot landscape area along the common property line with the school.</li> <li>• The site plan provides architectural standards for the proposed units that address porches, stoops, roof pitch, building materials, and blank walls on corner/end units.</li> </ul>
---------------------------------	---

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Proposes up to 144 multi-family residential units together with amenity area and accessory uses, as allowed in the UR-2 (urban residential) zoning district, at a density of 12.50 units per acre.
  - Limits maximum building height to three stories and 50 feet.
  - Limits the number of principal buildings to be developed on the site to 17.
  - Provides front, side, and rear building elevations.
  - Proposes a 50-foot setback along West Sugar Creek Road.
  - Provides a 40-foot "Class C" buffer along the northern property line, and a 15-foot landscape buffer along the property line abutting David Cox Elementary School.
  - Provides two points of ingress/egress onto West Sugar Creek Road. Proposes an internal system of drives (including a private drive with parallel parking), sidewalks, and parking areas.
  - Provides left-turn lanes to the site, with the design of the left-turn lanes to be balanced with the

- left-turn needed for the retail uses across West Sugar Creek Road.
- Provides an eight foot wide mid-block pedestrian refuge median along the site's West Sugar Creek frontage.
- Commits to collaborate with CDOT to set proposed curb and gutter to include an additional southbound through lane and a six-foot bike lane on West Sugar Creek Road.
- Provides an eight-foot planting strip and a six-foot sidewalk along West Sugar Creek Road.
- Limits detached lighting on the site to 26 feet in height.
- Prohibits signage from being located in portion of the site at the intersection of West Sugar Creek Road and David Cox Road.
- **Existing Zoning and Land Use**
  - The rezoning site is currently vacant. The portion zoned UR-2(CD) was previously rezoned via rezoning petition 2007-092 to allow the construction of up to 145 townhomes and condominiums at a density of 12.10 units per acre.
  - North of the site are single family homes zoned R-3 (single family residential).
  - To the east are single family homes, a multi-family residential community, office and retail uses, and vacant land on properties zoned R-3 (single family residential), R-4(CD) (single family residential, conditional), R-9(CD) (single family residential, conditional), R-9MF(CD) (multi-family residential, conditional), and B-1SCD (shopping center).
  - To the south (including across West W.T. Harris Boulevard) are attached homes, multi-family residential communities, retail and office uses, and religious institutions zoned R-3 (single family residential), R-9MF(CD) (multi-family residential, conditional), Inst(CD) (institutional, conditional), B-1(CD) (neighborhood business, conditional), B-2(CD) (general business, conditional), and CC (commercial center).
  - West of the site are David Cox Elementary, single family neighborhoods, and multi-family residential communities zoned R-3 (single family residential), R-4 (single family residential), R-5(CD) (single family residential, conditional), R-9MF(CD) (multi-family residential, conditional), and R-12MF(CD) (multi-family residential, conditional).
  - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
  - Rezoning petition 2014-015 rezoned approximately 5.73 acres located on the southeast corner at the intersection of West Sugar Creek Road and David Cox Road from NS (neighborhood services) to R-3 (single family residential) to allow all uses in the R-3 (single family residential) zoning district.
- **Public Plans and Policies**
  - The adopted land use for this site is residential up to 17 dwelling units per acre per the *Northeast District Plan*, as amended by rezoning petition 2007-092 which rezoned the site for a townhouse community.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located on a major thoroughfare. The current site plan enhances the multi-modal facilities in this area by providing a pedestrian refuge island on West Sugar Creek Road to access an existing shopping center, restriping more formal left turn lane pockets, and committing to work with CDOT to provide a second southbound travel lane and bike lane. The petitioner has indicated that the adjacent school does not want the pedestrian interconnection that was included in the originally approved rezoning.
  - The site is located and its access is on West Sugar Creek Road, an existing major thoroughfare. The site is located within a wedge outside of Route 4. The site was previously rezoned (case 2007-092). West Sugar Creek Rd. is a state-maintained facility; therefore the petitioner needs to contact Ms. Wendy Taylor at 980-523-0013 to determine if NCDOT has any transportation comments associated with the subject petition.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 0 trips per day (based on vacant property).
      - Entitlement: 900 trips per day (based on petition 2007-092; 145 townhouse dwellings/condominiums and one single family home).
    - Proposed Zoning: 1,000 trips per day (based on 144 apartment units).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.

- **Charlotte-Mecklenburg Schools:**
  - The development allowed under the existing zoning would generate 31 students, while the development allowed under the proposed zoning will produce 19 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
  - The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
    - David Cox Elementary from 114% to 115%
    - Ridge Road Middle from 110% to 110%
    - Mallard Creek High from 127% to 127%.

- **Charlotte-Mecklenburg Storm Water Services:** No issues.

- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing 12-inch water distribution mains located along David Cox Road and West Sugar Creek Road. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. The petitioner is working with Charlotte Water on this issue.

It is recommended that the applicant contact the Charlotte Water New Services group for further information and to discuss options regarding sanitary sewer system capacity. Charlotte Water New Services group is available at (704) 432-5801.

- **Engineering and Property Management:** No trees can be removed from or planted in the right of way on David Cox Road or West Sugar Creek Road without the permission of NC Department of Transportation and the City Arborist's office.

The petitioner must submit a tree survey for all trees two inches or larger located in the rights of way, unless the project is a single family development project. In addition, the survey shall include all trees eight inches or larger in the setback, unless the project is a single family development project.

- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

#### **REQUESTED TECHNICAL REVISIONS**

##### Site and Building Design

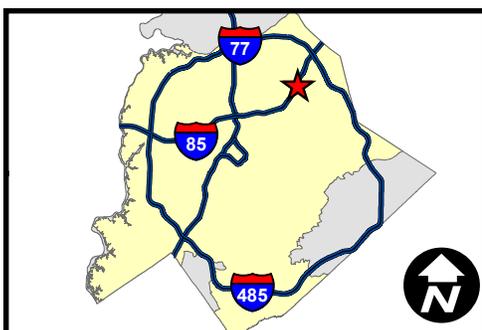
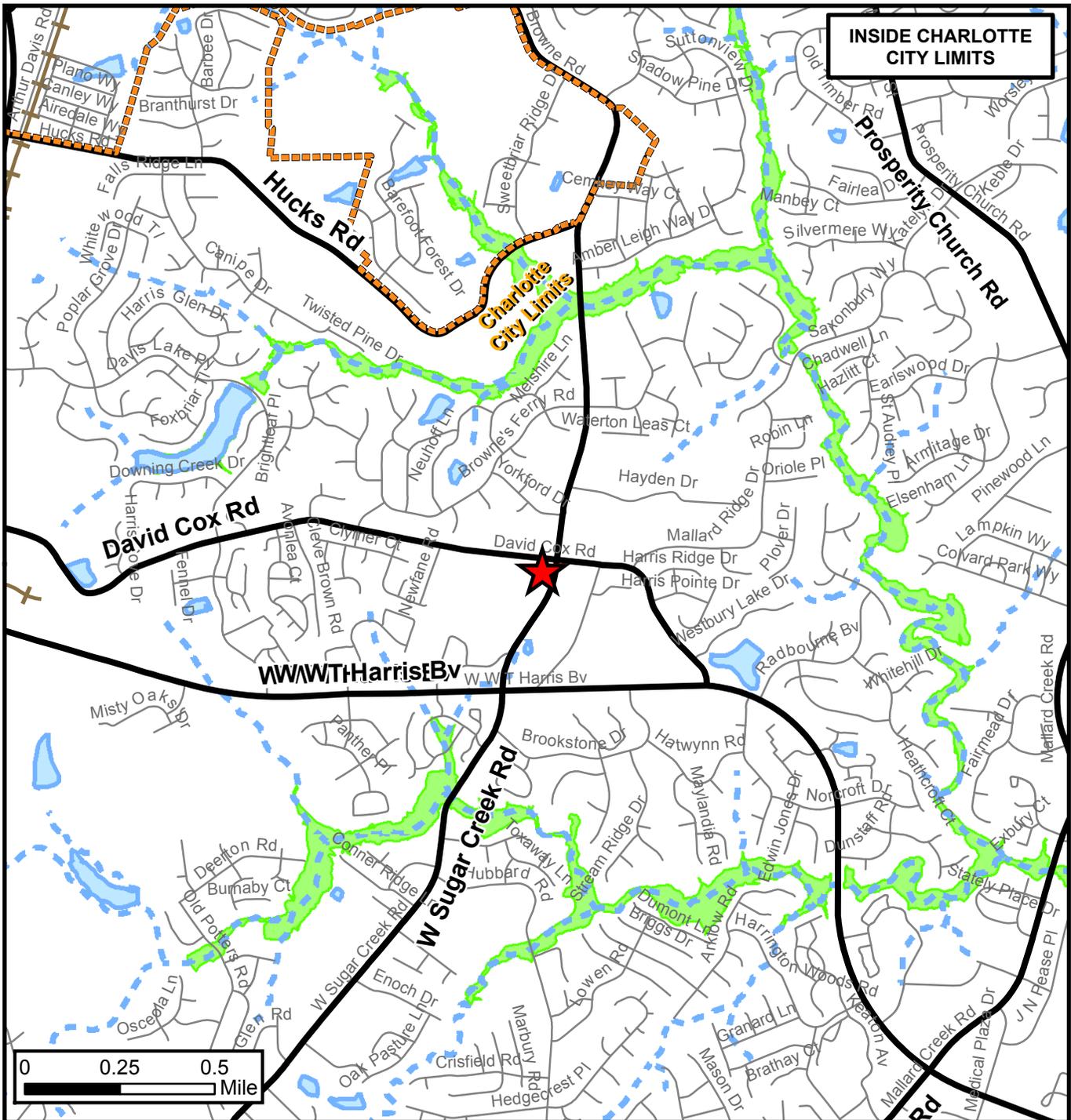
1. Label all site plan sheets "2016-129."
  2. "Streetscape, Buffers, Yards and Landscaping" Note 5a states there will be a 50-foot building and parking setback along West Sugar Creek Road. The site plan labels this area as a 50-foot building setback. Revise language to be consistent.
  3. Label zoning of properties on opposite side of West Sugar Creek Road.
- 

#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Neighborhood & Business Services
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Claire Lyte-Graham (704) 336-3782

**Acreage & Location :** Approximately 12.33 acres located on the east side of West Sugar Creek Road between West W.T. Harris Boulevard and David Cox Road.



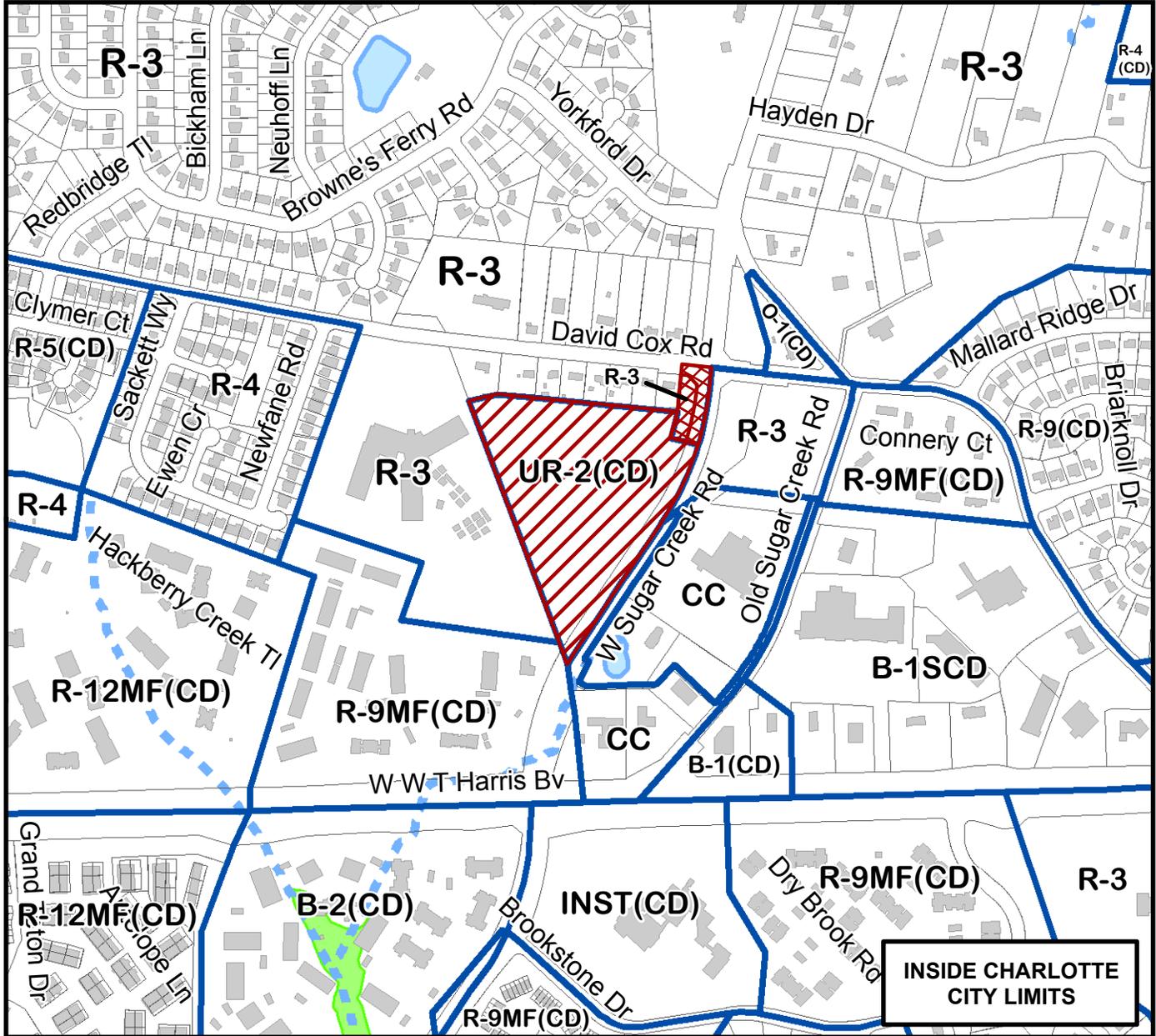
Petition #: **2016-129**

Petitioner: **Greenway Residential Development**

Zoning Classification (Existing): **R-3 & UR-2(CD)**  
(Single Family Residential & Urban Residential, Conditional)

Zoning Classification (Requested): **UR-2(CD) & UR-2(CD) SPA**  
(Urban Residential, Conditional & Urban Residential, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 12.33 acres located on the east side of West Sugar Creek Road between West W.T. Harris Boulevard and David Cox Road.



Map Produced by the Charlotte-Mecklenburg Planning Department, 8-19-2016.

0 200 400 800 1,200 1,600 Feet



Zoning Map #

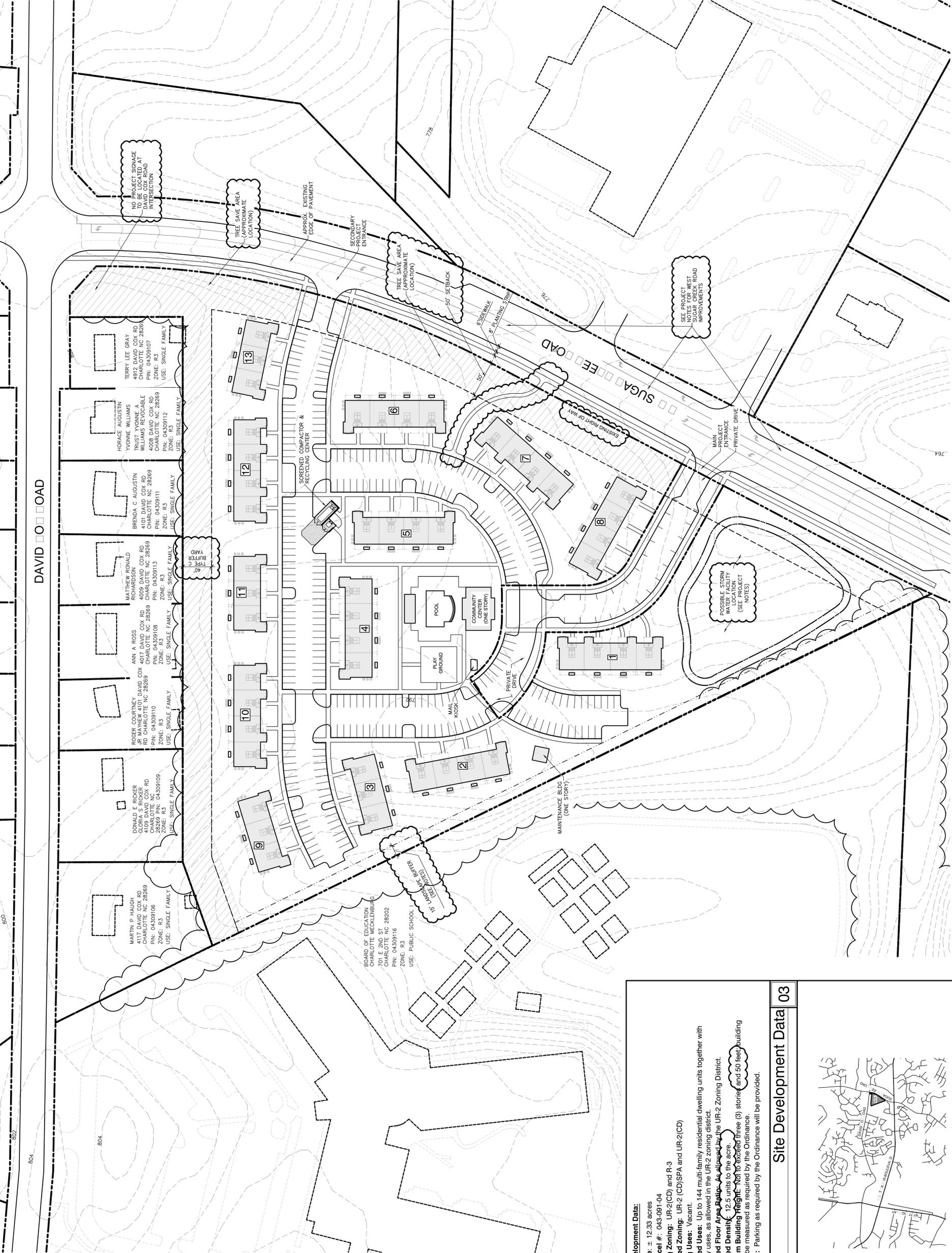
**52**

- Requested UR-2(CD) from R-3
- Requested UR-2(CD) SPA from UR-2(CD)
- Existing Building Footprints
- Existing Zoning Boundaries
- Charlotte City Limits
- Pedestrian Overlay
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams
- Historic District



PROJECT: 016068  
DATE: 07.25.2016  
REVISIONS: \_\_\_\_\_ DATE \_\_\_\_\_  
RESUBMITTAL: 09.21.16

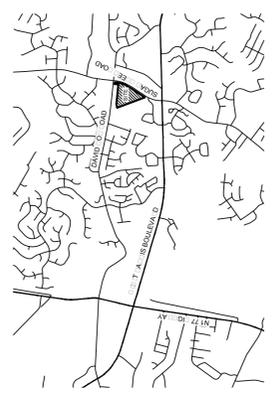
DRAWN BY: DC  
CHECKED BY: JYF  
S.P.A.

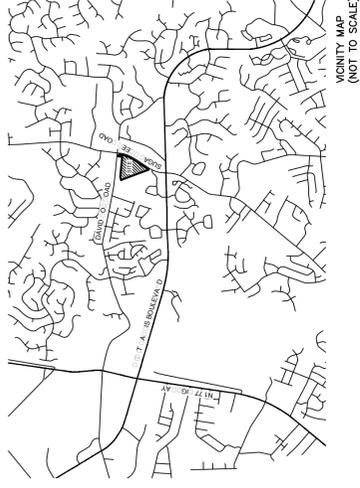


**Site Development Data:**

- Acres: ± 12.33 acres
- Tax Parcel #: 043-091-04
- Existing Zoning: UR-2(CD) and R-3
- Proposed Zoning: UR-2 (CD)SPA and UR-2(CD)
- Existing Uses: Vacant.
- Proposed Uses: Up to 144 multi-family residential dwelling units together with accessory uses, as allowed in the UR-2 zoning district.
- Proposed Floor Area Ratio: As allowed by the UR-2 Zoning District.
- Proposed Density: 12.5 units to the acre.
- Maximum Building Height: Not to exceed three (3) stories and 50 feet building height to be measured as required by the Ordinance.
- Parking: Parking as required by the Ordinance will be provided.

**Site Development Data 03**





NEIGHBORHOOD MAP  
(NOT TO SCALE)

**1. General Provisions:**

- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Greenway Residential Development ("Petitioner") to accommodate the development of residential community on approximately 12.33 acre site located on the west side of W. Sugar Creek Road between W.T. Harris and David Cox Road (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 UR-2 zoning classification shall govern.
  - c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets 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.
- Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:
- i. minor and don't materially change the overall design intent depicted on the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

d. **Number of Buildings, Principal and Accessory.** The total number of principal buildings to be developed on the Site shall not exceed 17. 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, colors, architectural elements and designs as the principal buildings located on the Site. Accessory structures and buildings include structures and buildings such as but not limited to; a mail kiosk, dumpster enclosures, gazebos, trellises, storage buildings, and other structures associated with the on-site open space.

**2. Permitted Uses & Development Area Limitation:**

- a. The Site may be developed with up to 144 multi-family residential dwelling units, together with accessory uses allowed in the UR-2(CD) zoning district.

**3. Access and Transportation:**

- a. Access to the Site will be from W. Sugar Creek Road in the manner generally depicted on the Rezoning Plan.
- b. Petitioner will repaint/repstripe the existing two way left turn lane in W. Sugar Creek Road to provide left turn lanes to the Site's proposed driveways. The design of the left turn lanes into the Site will be balanced with the left turn needed for the retail across W. Sugar Creek Road. The design of the left turn lanes, and any pavement milling, if required, will be determined during the permitting process.
- c. The Petitioner will provide an eight (8) foot wide mid-block pedestrian refuge median along the Site's W. Sugar Creek frontage. The location of the pedestrian refuge island to be determined during the construction permitting process.
- d. The Petitioner will work with CDOT to set the proposed curb and gutter to include an additional southbound through lane and a six (6) foot bike lane on W. Sugar Creek Road, as generally depicted on the Rezoning Plan. The curb and gutter will be located 36 feet from the existing curb line located on the east side of W. Sugar Creek Road. The Petitioner will provide the necessary improvements to construct a future second southbound through lane and bike lane if the Petitioner and City enter into Pavement Widening Reimbursement Agreement that will reimburse the Petitioner for the cost of the pavement associated with a future second southbound through lane and bike lane.
- e. The Petitioner will provide an eight foot (8) foot planting strip and a six (6) foot sidewalk along W. Sugar Creek Road as generally depicted on the Rezoning Petition.
- f. The Petitioner will construct a network of 5' wide sidewalks to provide pedestrian access to W. Sugar Creek Road from within the development as generally depicted on the Rezoning Plan.
- g. The placement and configuration of the vehicular access point is subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT in accordance with applicable published standards.
- h. The proposed roadway improvements along W. Sugar Creek Road will be approved and constructed prior to the issuance of the first certificate of occupancy, subject to the Petitioner's ability to post a letter or credit for any improvements not in place when the certificate of occupancy is issued.
- i. 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 in accordance with published standards.

**4. Architectural Standards, Court Yards/Amenity Areas:**

- a. The building materials used on the principal buildings constructed on Site 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 only be used on windows, soffits and on handrails/railings. The proposed roofing materials will be architectural shingles.
- b. The attached illustrative building elevations (typical unit front elevations) are included to reflect an architectural style, the general location and the type of building material, and a quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations provided that the design intent is preserved).
- c. Pitched roofs, when provided, shall be symmetrical sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless flat roof architecture style is employed.
- d. Usable porches and stoops as generally depicted on the attached elevations shall form a feature of the building design. The side of the buildings will have a bump out as generally depicted on the attached elevations. Usable front porches are covered and are at least six (6) feet deep. Stoops and entry-level porches may be covered but not be enclosed.
- e. The end of the units will not have blank walls that exceed 20 feet in length. The end of the units will have windows or other architectural elements so that the walls on the ends of the buildings do not have blank walls that exceed 20 feet in length on any building level.
- f. Meter banks will be screened from adjoining properties and from W. Sugar Creek Road.
- g. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.

**5. Streetscape, Buffers, Yards, and Landscaping:**

- a. A 50 foot building and parking setback as measured from the existing right-of-way of W. Sugar Creek Road will be provided along W. Sugar Creek Road. The existing trees within the setback may be preserved where possible and where not effected by; any required roadway improvements, site utilities that are required to cross the setback, or any grading necessary to construct the buildings adjacent to the setback. The Petitioner will also be allowed to remove any invasive plant species from the setback area. The required storm water detention and water quality treatment areas may be located within the 50 foot setback as generally depicted on the Rezoning Plan. The 50 foot building and parking setback may also be used as the Site's tree save area.
- b. A 40 foot rear/side yard will be provided along the northern property boundary of the Site as generally depicted on the Rezoning Plan. This 40 foot rear yard will also be treated as a 40 foot Class C buffer. Existing trees within the 40 foot buffer that are preserved may be used to meet the Class C Buffer standards.
- c. A 15 foot rear/side yard will be provided along the western property boundary of the Site as generally depicted on the Rezoning Plan. This 15 foot side/rear yard will also be treated as buffer with a minimum of three (3) trees per 100 linear feet.
- d. Utilities may cross proposed buffers at angles no greater than 75 degrees. Storm drainage discharge aprons and swales with or without rip-rap may also cross the buffer at angles no greater than 75 degrees in order to allow for the natural flow storm water.

**6. Environmental Features:**

- a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls 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. The two storm water management facility locations labeled as "potential" if not utilized for storm water management will be improved as open space areas or tree save areas.
- c. The water quality/storm water facility located along W. Sugar Creek Road will be attractively landscaped by the use of ornamental grasses, and other landscape materials.
- d. The Site will comply with the Tree Ordinance.
- e. All utilities within the Site will be placed underground.

**7. Lighting:**

- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.
- b. Detached lighting on the Site will be limited to 26 feet in height.
- c. Architectural lighting on building facades, such as but not limited to sconces, will be permitted.

**8. Signage:**

- a. The allowed signage for the Site will not be located in the portion of the Site located at the intersection of W. Sugar Creek Road and David Cox Road.

**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 applicable Development Area 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 insure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

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# Greenway Residential Development Sugar Creek Road Apartments

3911 Sugar Creek Road  
Charlotte, NC 28269

Zoning Submittal



PROJECT: 016068
DATE: 07/25/2016
REVISIONS: _____ DATE _____
RESUBMITTAL 09.21.16

DRAWN BY: DC  
CHECKED BY: JY  
De e e e e e  
Sa dards

Zoning Submittal



PROJECT: 016068  
 DATE: 07.25.2016  
 REVISIONS: \_\_\_\_\_ DATE \_\_\_\_\_  
 RESUBMITTAL 09.21.16

DRAWN BY: DG/LC  
 CHECKED BY: C/JW/P  
 BUILDING TYPES & ELEVATIONS



**REAR ELEVATION. 2**  
 1/8" = 1'-0"

**SIDE ELAVATION 3**  
 1/8" = 1'-0"

**FRONT ELEVATION 1**  
 1/8" = 1'-0"

**NOTE**  
 THESE ELEVATIONS ARE PROVIDED TO REFLECT THE ARCHITECTURAL STYLE AND QUALITY OF THE BUILDINGS TO BE CONSTRUCTED ON THE SITE. THE ACTUAL BUILDINGS CONSTRUCTED ON THE SITE MAY ONLY HAVE MINOR VARIATIONS FROM THIS ILLUSTRATION THAT ADHERE TO THE GENERAL ARCHITECTURAL CONCEPT, AND INTENT ILLUSTRATED IS MAINTAINED.

Previously  
Approved  
Site  
Plan



## Draft FY2017 General Fund City Services Review

**Topic:** Discussion of FY2017 General Fund City Services Review

**Resources:**

Kim Eagle, Management & Financial Services

**Key Points:**

- Council approved a Future Work Plan for FY2018 Budget Planning as part of the adopted FY2017 Strategic Operating Plan, including conducting a detailed review of services provided by the City of Charlotte.
- The City Services Review is intended to:
  - provide a common foundation of knowledge pertaining to current City service delivery and financial implications
  - Create a framework for FY2018 budget development deliberations
  - Address strategic needs associated with the City's structural budget challenges and long-term financial viability
- During the August 22, 2016 Council Business Meeting Dinner Briefing, the Office of Strategy & Budget Director provided an update on the process and timeline for conducting the FY2017 City Services Review
- At its September 15, 2016 meeting, Council Budget Committee discussed the City Services Review process and reviewed the list of services and information to be inventoried for each service
- On October 20, 2016, the completed Draft FY2017 General Fund City Services Review document, containing information on 94 City Services and 289 Service Components, was presented to the Budget Committee
- One-on-one meetings with each Council member were conducted between October 27th and November 4th to discuss questions and feedback on specific services and service components

**Council Decision or Direction Requested:**

Continued discussion of the FY2017 General Fund City Services Review to obtain additional feedback from Council and provide Department Directors and other staff the opportunity to respond to questions Council members may have on the City's current services. Additional discussion of the results of the City Services Review is scheduled for the December 5th Council Workshop.

## Community Action Plan Update

**Topic: Update on Action Items in Response to City Council Letter to the Community**

**Resources:**

Ron Kimble, City Manager's Office and Designated Staff

**Key Points:**

- On October 3, 2016, the City Council presented a "Letter to the Community" in response to the recent Charlotte demonstrations and community feedback. The letter pledged "energy and focus on three key areas for further discussion and action at upcoming City Council meetings beginning on October 10:
  - Safety, Trust, and Accountability
  - Access to safe, quality, and affordable housing
  - Good paying jobs"
- At their October 10, 2016 Business Meeting, the City Council approved several actions supporting the three key areas referenced in the October 3 "Letter to the Community."
- The November 7 Council Workshop will include a presentation from various staff that updates Council on the work that has been done, is underway, and forthcoming in support of the October 10 Council Action.
- The presentation is part of ongoing work, for which staff will regularly provide updates on these and other related efforts.

**Attachments:**

October 3, 2016 Charlotte City Council Letter to the Community

October 10, 2016 Council Item: Action Items in Response to City Council Letter to the Community



## A Letter to the Community

Monday, Oct. 3, 2016

We, the 11 members of Charlotte City Council, hear the anger, frustration and need expressed both in the streets and in our Council Chamber. We have been working to address many of these concerns, and we can and will take additional action. We commit to you that our approach will be inclusive, and we value all voices in this process. We must enact policies, initiate programs and collaborate meaningfully to do this work together.

We recognize that there are some people who enjoy relative wealth, prosperity and opportunity while others struggle to find good paying jobs, affordable housing, and some may not trust law enforcement. Our challenges are no different than in other places in this country.

Our love, passion and pride for our city demand action. To move forward requires everyone's help. When our community comes together, great things happen. This is our spirit. This is our culture. This is our city. We will lead. We will act. We will do this together.

To that end, this City Council pledges its energy and focus on three key areas for further discussion and action at upcoming City Council meetings beginning on Oct. 10:

- Safety, Trust & Accountability
- Access to safe, quality and affordable housing
- Good paying jobs

For **Safety, Trust & Accountability**, we support our Police Chief and the men and women of the Charlotte-Mecklenburg Police Department, including our Chief's continued efforts to enhance trust and accountability within the Department and within the community. We will also continue to review and implement the recommendations from the President's Task Force on 21<sup>st</sup> Century Policing.

For **Housing**, we seek to accelerate funding for housing, with the goal of creating 5,000 workforce and affordable housing units in three years so those who work in our City can live in our City.

For those in need of **Jobs**, we seek to invest \$1 million in a new workforce development program that will increase jobs, training and opportunities for our youth and individuals with multiple barriers to employment.

We ask our federal, state and local partners across the public, private and non-profit sectors to join us. This is just a start with more to follow. Through it all, we ask that you hold us accountable as we build a stronger and more inclusive Queen City.

*Members of the Charlotte City Council*



**Agenda Date:** 10/10/2016

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**Agenda #:** 14.**File #:** 15-4082 **Type:** Policy Item

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## Action Items in Response to City Council Letter to the Community

**Action:**

Approve the following actions in the areas of Safety, Trust & Accountability, Housing, and Jobs:

- A. Support recommendations from the Charlotte-Mecklenburg Police Department (CMPD) that include:
  - Engaging the Police Foundation of Washington, D.C., to review CMPD policies and procedures, as well as its relationship with the community it serves,
  - Initiatives announced by Chief Kerr Putney on October 5, 2016 related to body worn cameras, the Citizen's Review Board, and officer training, and
  - Review and implement recommendations from the President's Taskforce on 21st Century Policing.
- B. Amend the City Council Strategic Policy Objectives to create 5,000 workforce and affordable housing units from five years to three years, and endorse hiring a consultant to develop a Strategic Housing Plan,
- C. Authorize the City Manager to negotiate and execute contracts totaling up to \$1,000,000 with workforce development service providers,
- D. Acknowledge staff's efforts to develop and implement new programs and program expansions in the following areas:
  - Charlotte-Mecklenburg Police Department's Youth Diversion Program,
  - Expedited permitting and review process for affordable housing units,
  - Mayor's Youth Employment Program,
  - Engage in Community Forums, and
  - Review City policies, procedures and services to help promote economic opportunity throughout the community.
- E. Adopt a budget ordinance appropriating \$1,000,000 from Community Development Block Grant funding (\$250,000) and the Fiscal Year 2015 Capital Reserve Fund (\$750,000) for the workforce development pilot program.

**Committee Chair(s):**

Council member Julie Eiselt, Community Safety

Council member James Mitchell, Economic Development & Global Competitiveness

Council member LaWana Mayfield, Housing & Neighborhood Development

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**Agenda #: 14.File #: 15-4082 Type: Policy Item**

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**Staff Resource(s):**

Kerr Putney, Charlotte-Mecklenburg Police Department  
Kevin Dick, Neighborhood & Business Services  
Pamela Wideman, Neighborhood & Business Services  
Debra Campbell, City Manager's Office  
Kim Eagle, Management & Financial Services

**Background**

- On Monday, October 3, 2016, the Charlotte City Council released a Letter to the Community acknowledging the anger, frustration and need the community expressed during the recent protests as well as at the City Council meeting on Monday, September 26, 2016. In the Letter, Council pledged to focus its energy on the following areas:
  - Safety, Trust & Accountability
  - Access to safe, quality and affordable housing
  - Good paying jobs
- This Council Agenda item represents the first steps Council plans to discuss and act upon related to the Letter.

**Explanation**Action A: Safety, Trust & Accountability

- The Police Foundation is an independent, non-governmental research organization based in Washington D.C. The Foundation will review Charlotte-Mecklenburg Police Department's (CMPD) work in connection with the tragic events surrounding the September 20th officer involved shooting incident, as well as its relationship with the community prior to last month. The assessment will include input from a diverse group of community members, and will result in recommendations for moving forward. The Police Foundation's work will be influenced by and shared with all members of the community.
- In addition to the work of the Police Foundation, CMPD is also committed to several short-term initiatives including:
  - Solidify and making public CMPD's procedures for releasing body worn camera footage,
  - Continue making preparations to equip tactical officers with body worn cameras,
  - Continue discussing the possibility of subpoena powers for the Citizens Review Board with its External Advisory Committee, and
  - Review policies, procedures and training related to de-escalation techniques.
- Staff will continue to review and implement the recommendations from the President's Taskforce on 21<sup>st</sup> Century Policing.

**Committee Discussion**

- On September 15, 2016, Police Chief Kerr Putney provided an overview of the President's Taskforce on 21<sup>st</sup> Century Policing and the efforts of CMPD to consider and implement the recommendations to the Community Safety Committee. (Eiselt, Austin, Kinsey, Phipps and Smith).

Action B: Housing

- At the Council Retreat held in January 2016, there was considerable conversation around the need for an additional 34,000 affordable housing units for low and moderate income households who desire to live in Charlotte. During Council's discussion of their Strategic Policy Objectives, a goal

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was established to create 5,000 workforce and affordable housing units in five years. Approval of this action would accelerate and change the timeframe for delivering the 5,000 units from 5 to 3 years.

- Staff is also recommending that a Strategic Housing Plan be developed. The Plan would serve as the comprehensive affordable housing strategy for the City of Charlotte.
- The Plan will include:
  - An assessment of the current and projected affordable and workforce housing needs,
  - Recommendations on strategic policies and programs to help meet the needs and disperse the units throughout Charlotte, and
  - Projected timelines and schedules as to numbers of units that could be delivered based on implementation of various strategies.

**Committee Discussion**

- On September 7, and October 5, 2016, Neighborhood & Business Services staff presented the Strategic Housing Plan approach to the Housing & Neighborhood Development Committee. It was supported by the members present at both the September 7, 2016 (Mayfield, Austin, and Autry. Driggs and Kinsey were absent) and the October 5, meeting (Mayfield, Austin, Autry and Driggs. Kinsey was absent).

**Actions C and E: Jobs**

- A workforce development program provides skills and training as well as supportive services to help people obtain and keep a job.
- The program proposes to address identified labor market shortages and to increase employment among individuals with multiple barriers to employment. Program objectives are for participants to complete training, be placed into training-related career paths and to provide opportunities for more positive outcomes such as job retention, promotions, pre-apprenticeships, and apprenticeships.
- Participants will be provided with mentoring and coaching and will have other supportive services to address needs which may impact job performance. The program will initially serve 180 participants and target individuals who have experienced difficulty in finding and sustaining employment.
- Request is for the use of up to \$1,000,000, consisting of up to \$250,000 in Community Development Block Grant funds and up to \$750,000 in City General Capital Reserves, to operate a workforce development program in the building construction, highway construction, and fiber optic industries with workforce development service providers, including Goodwill Industries of the Southern Piedmont and the Urban League of Central Carolinas.
- Staff will continue to identify program enhancement opportunities and work to secure additional service providers, program funders, and other community partners with a goal of involving over 500 participants.

**Committee Discussion**

- On September 19, 2016, Neighborhood & Business Services staff made a presentation on the workforce development pilot program to the Economic Development & Global Competitiveness Committee. Committee members, (Mitchell, Lyles, Driggs, Eiselt, and Mayfield) voted unanimously to approve the funding, which at the time was originally proposed to be \$250,000 based on a less aggressive program. Since the meeting and in response to community feedback, the program has been expanded to include additional participants and up to \$750,000 in additional funding.

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**Action D**

- The CMPD Youth Diversion Program serves youth that are at risk or involved in criminal activity. It is designed to reduce the number of youth referred to the criminal justice system. CMPD will explore the opportunity to expand the program and also link youth served in the program with existing youth job programs in the City.
- An expedited permitting and review process for current and future affordable housing developments will enable both for profit and not for profit developers to deliver these housing units to the market faster.
- Staff is assessing an expansion of the Mayor's Youth Employment Program to serve more youth, increase the number of employers participating, expand the types of employment opportunities, and integrate the Mayor's Youth Employment Program with other youth initiatives.
- Staff from the Charlotte-Mecklenburg Community Relations Committee, in partnership with the Community Building Initiative, are working to develop community forums to gather initial feedback on the actions City Council outlined in the Letter to the Community, identify future actions and potential partnerships. These forums will be held throughout the City.
- Staff will identify ways that the City can remove barriers and promote economic opportunity by evaluating existing City services, programs and policies. Staff's work will be coordinated with findings and recommendations from the Economic Opportunity Task Force.
- Council will hear more about these efforts at upcoming Council Committee meetings, Council Workshops and Council Business Meetings.

**Fiscal Note**

Funding: Community Development Block Grant, General Capital Reserves, and Various General Fund Operating Budgets

**Attachment**

Charlotte City Council Letter to the Community October 3, 2016  
September 19, 2016 presentation to Economic Development & Global Competitiveness Committee  
September 19, 2016 Workforce Development Program Summary  
Budget Ordinance



## Workforce Development Training Pilot

Economic Development &  
Global Competitiveness Committee

September 19, 2016



### Presentation Overview

- Purpose of the *Workforce Development Training Pilot*
- Partner Training Agencies
- Targeted Participants
- Training Outline
- Expected Program Outcomes



## Workforce Development Training Pilot Purpose

- To serve the needs of businesses in high growth areas by supplying a talented labor force;
- To help offset labor market shortages in the construction and internet technology industries;
- To operationalize an initiative that has been stipulated in the Economic Development and Global Competitiveness (EDGC) Focus Area Plan;
- To address Charlotte's economic mobility gap by increasing employment among people with multiple barriers to employment, which may often be as high as 20% in Charlotte. (Quality of Life Indicator Report)



## Training Providers

- Goodwill Industries of the Southern Piedmont will provide commercial & residential construction related training.
- The Urban League of Central Carolinas will provide highway related construction and internet technology training.



## Possible Public, Not-For-Profit and Corporate Partners

- Charlotte Works-NC Works Career Centers
- Charlotte Housing Authority
- Central Piedmont Community College
- The Center for Community Transitions
- R.J. Leeper Construction
- Barton Malow Construction
- Rogers Builders
- PowerWorks Electric
- Sugar Creek Construction
- City Departments and their contractors
- Business Investment Grant recipients and their contractors



## Training Program Outline

- Enroll 40 participants
- Up to 18 months of training, placement and retention activities
  - Training 3 – 6 months
  - Placement 0 – 6 months
  - Retention – 6 months
- Life and soft skills training
- Intensive case management
- Job placement & retention assistance



## Curricula and Program Design

- Industry specific occupational skills training programs (curriculum developed and monitored by business advisory councils and other industry experts).
- Intensive case management
- Time management
- Stress management
- Conflict resolution
- Computer and employability skill classes will be offered.



## Expected Program Outcomes

- 80% of program participants will complete program training.
- 70% of program participants will obtain employment within six (6) months of training completion.
- 75% employment retention rate of those employed after six (6) months.
- 75% of participants will complete computer skills competency.
- Increase the number of participants with bank accounts by 50%.



## Program Cost

- The approved FY17 Budget includes \$250,000 in CDBG funds to implement this pilot workforce development initiative.
- Significant levels of leverage being brought to the program by providers and community partners
- Opportunity Cost – either 2 housing rehabilitation projects or additional support provided to the Out of School Time program (an additional 209 elementary school students could be served)



## Why Is This Initiative Strategic and Meaningful for Charlotte Businesses and Residents?

Directly connects to 4 of 6 Mayor-Council Strategic Objectives

- Ensures residents and visitors are safe
- Builds and preserves vibrant neighborhoods
- Provides economic opportunity to increase mobility
- Helps connect people and places by foot, car, bike and transit
- Also – increases the tax base and increases employment among those with multiple barriers

Proposed Next Steps Include:

- Goal would be for October 10 Council Meeting
- Fine tune details among providers and staff
- Start Program by Mid-October

## **Neighborhood & Business Services – Economic Development Division Workforce Development Pilot Proposal**

*Staff Resource (s): Kevin Dick & Veronica Mosley*

The City of Charlotte, Goodwill Industries of the Southern Piedmont and the Urban League of Central Carolinas have partnered to propose a pilot program to address labor market shortages and to increase employment among individuals with multiple barriers and underemployment of residents with multiple employment barriers. The construction workforce, as well as the workforce in industries related to cabling is facing aging issues and skill shortages, both of which have a detrimental effect on the progress of residential and industrial construction.

- In comparison to an expected 1.3 percent increase in total employment for 2020, construction industry employment is slated to increase by 2.9 percent;
- Additionally, the construction labor requirement is continually rising, but the labor requirement for general labor in other sectors is sliding downward;
- By 2020, the construction sector is expected to contribute to 4.5 percent of the total employment, up from 3.9 percent in 2012;
- An April 2016 Wall Street Journal article ranked “other construction” and “other installation, repair and maintenance” as 9 and 10 as the occupations that will face the greatest labor shortages in the U.S. in the next 10 – 15 years

Additionally, the unemployment rate in Mecklenburg County through June 2016 was 4.5%<sup>1</sup>. However, the unemployment rate among many individuals with multiple barriers to employment may be as high as 20%.<sup>2</sup> Barriers may include limited educational, social, soft skills and previous involvement with the criminal justice system.

The program developed by the partnership seeks to address the unemployment needs of residents by offering a variety of training classes that will include commercial and residential construction, highway-related construction, and internet technology. The goal of the program is to enroll a minimum of 40 participants for up to an 18-month period. The program objectives are for participants to complete training, be placed into training-related career paths and to provide opportunities for more positive outcomes, such as job retention, promotion(s), pre-apprenticeships, and apprenticeships. Program participants will be identified through recruitment efforts with community partners, as well as Goodwill and Urban League pools of customers. Participants will have linkages to supportive services throughout enrollment in the program. Supportive services will be coordinated utilizing a case management approach by the training providers and partner agencies. Supportive services may include transportation assistance, uniform allowances and/or vouchers to purchase tools required for classroom training. The budget for this pilot initiative is \$250,000 in CDBG funds. The average cost per participant is estimated to be \$6,250. Such a cost is within the range of programs solicited by the United States of Labor for serving those with criminal backgrounds or others with multiple barriers.<sup>3</sup>

Neighborhood & Business Services staff will coordinate the development of business advisory councils with Goodwill and the Urban League for the training industries identified. Business advisory councils will consist of agency representatives who advise on curriculum and client pre-screening during the course of the program and

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<sup>1</sup> Bureau of Labor Statistics 8-16

<sup>2</sup> Quality of Life Explorer

<sup>3</sup> <https://www.dol.gov/grants/SGA-DFA-PY-12-06.pdf>

who represent companies that will be potential employers of graduates. Other potential community partners include:

- Charlotte Works – NC Works Career Centers- they will refer applicants to training programs and assist with job placement;
- Charlotte Housing Authority – they will refer applicants to training from pool of residents that may be eligible;
- Central Piedmont Community College – they will offer basic skills training through Way2Work and Pathways program;
- The Center for Community Transitions – they will assist participants with criminal records towards healthy and productive lives.

Potential corporate partners may include Barton Malow, R.J. Leeper Construction, Sugar Creek Construction, PowerWorks Electric, Rogers Builders, City departments and their contractors, as well as Business Investment Program grant recipients and their contractors. Many of these entities have indicated an interest in being employers and may have representatives that serve on business advisory councils.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NUMBER 8040-X, THE 2016-2017 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF \$1,000,000 TO NEIGHBORHOOD & BUSINESS SERVICES GRANT FUND FOR A WORKFORCE DEVELOPMENT PILOT PROGRAM

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BE IT ORDAINED, by the City Council of the City of Charlotte;

- Section 1. That the sum of \$750,000 is available from the Fiscal Year 2015 Capital Reserve Fund
- Section 2. That the sum of \$250,000 is available from unappropriated Community Development Block Grant Funding
- Section 3. That the sum of \$1,000,000 is hereby appropriated in the Neighborhood & Business Services Grant Fund to the following project:
- |         |           |
|---------|-----------|
| Fund    | 4001      |
| Project | 611000097 |
| Source  | 4000      |
| Type    | 40004000  |
| Year    | 2017      |
- Section 4. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 5. All ordinances in conflict with this ordinance are hereby repealed.
- Section 6. This ordinance shall be effective upon adoption.

Approved as to form:

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City Attorney

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# Budget Committee

Meeting Summary for September 15, 2016

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## COMMITTEE AGENDA TOPICS

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- I. Context for Services Review – Overview of General Fund Budget, Principles & Policies
- II. Services Inventory – Review Data Template/List of Services
- III. Services Inventory – Review Process and Timeline

## COMMITTEE INFORMATION

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Present: CM Phipps, CM Driggs, CM Kinsey, CM Lyles, CM Fallon  
Time: 2:00 p.m. – 3:30 p.m.

## ATTACHMENTS

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- 1. [Context for Services Review: Overview of Principles & Policies, General Fund Budget Presentation](#)
- 2. [Finance & Budget Principles, Financial Policies & Practices, and Community Investment Plan Program Policies](#)
- 3. [FY2017 Services Review Draft Template](#)
- 4. [List of General Fund City Services](#)
- 5. [Services Review – Process & Timeline](#)

## DISCUSSION SUMMARY

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### **I. Context for Services Review – Overview of General Fund Budget, Principles & Policies**

Kim Eagle, Management & Financial Services  
Eric Hershberger, Management & Financial Services

#### **Committee questions/comments included:**

- Lyles: Can you provide information on how much Police and Fire’s budgets have increased over the past couple of years versus how much property tax has increased over that same period? I’d assume that Police and Fire have grown quicker than our revenue.
  - Eagle and Hershberger: From FY2016 to FY2017 Police and Fire’s budgets increased by \$21 million, which is about 6%, and that is outpacing our revenue. When you look at all revenue growth, it’s averaging about 3.3%. We will put together that kind of trend projection and bring it back to you at your October Budget Committee meeting. Given that one example, you can see that we’re out of balance.
- Lyles: We are building and building and as those new buildings come on line, they’ll be paying property taxes. Our growth in population will bring more people paying sales tax. However, the infrastructure for those buildings is needed immediately - the day that they’re open. I’m wondering about the lag and lead time on that growth and the infrastructure needed to catch up with the growth.

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# Budget Committee

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- Driggs: A key to that is your revenue forecasting which impacts your debt capacity and that's what's going to impact infrastructure.
- Driggs: In our budget process we need to come up with some numbers for the upcoming fiscal year. A lot of what's presented here is pretty fundamental. Is it your intention that we tackle these policy and procedure questions in the context of our FY2018 budget? I can imagine some of these conversations taking place outside of budget season. I'm concerned that the immediate requirement we have is to come up with numbers for 2018.
  - Eagle: Staff can do some work on narrowing the focus on the immediate needs for FY2018 incorporating feedback from the departments.
- Lyles: I've assumed that the decisions we made last year regarding year one and year two will stay as is. We'd then look at some of these things as putting us in a position to plan for larger change. We need to have a conversation and make sure that our policy for FY2018 would be to stay status quo, knowing that status quo could only last for another 18 to 24 months.
  - Eagle: Purely from a calendaring perspective and the available time to tackle the larger, long-term issues that would require more policy conversations and engagement with Council, we'd need to balance that against how we get the FY2018 budget put together. We can step into some of those issues and have a phased approach, but more time will be necessary.
  - Driggs: When you look at the calendar and the available sessions, there's actually not that much time.
- Driggs: How will you tackle the long term financial viability piece? Will we get to the point where we're interpreting the things we do today and how they'll affect the out years?
  - Eagle: I think we'll be a good point in January to discuss what that process will look like. We'll learn a lot from the services review. Council has mentioned using a citizens committee or PCAC to do something in January to tackle some of those larger issues.
- Lyles: We have the Transportation and Planning (TAP) report on Monday and they came in with the updated TAP recommendations on transportation funding. The report actually started with the work of the Committee of 21 which I facilitated. That's the last time we looked at what we would do with revenues long term.
  - Eagle: As it relates to new revenues sources, staff can bring Council information on pros and cons and what some of the choices might be as you start having those conversations around which direction you might or might not want to go.
  - Phipps: Have we stepped back to any of those recommendations to see if any of them are applicable now or have merit in today's environment?
  - Eagle: I have the report from the 2010 Mayor's Efficient and Effective Government Taskforce, a citizens' committee that took a full year to complete their work. Many of those findings, we've put into place. They are more centered around structural budget observations. They are not long-range looking policies.
- Phipps: We're finding that on certain sections of the CityLYNX/Blue Line there are water infrastructure issues that are impeding development there.
  - Eagle: Infill is a real challenge right now for Water and Sewer. The lines were sized to take a lot that was a restaurant previously and put apartments on it. Planning for these types of things is an emerging issue.

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# Budget Committee

Meeting Summary for September 15, 2016

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- Lyles: A lot of this is about how the city will continue to grow. People come here because of the quality of life we have and the opportunities created here. We spent a lot of times on things last year that we didn't get an opportunity to flesh out, but we have time now to talk about those issues among ourselves and with the community. For example, property taxes: everybody pays and it's a progressive tax. While with sales tax, everybody pays and it's a regressive tax. When we're determining how we fund City services, that's an important conversation to have.
- Kinsey: I think many people believe that the City is a bottomless pit of money and we aren't. I'm concerned because we have growth anticipated in the Police Department alone. We're guilty too. We say that we want or need something, but we can be spend thrifty ourselves.
- Driggs: I'd like to see our conversation for the long term evolve towards an understanding of the moving parts. We look at affordable housing and transportation. Those are not unrelated issues. Where you create transportation you create the potential for housing. But then you look at tax rates. You can make tax rates higher to create more revenue. At some point you start driving people away. For Council, it would be helpful to get a better feel for the implications of going in any particular direction. We have transportation projects like the Gold Line and the Silver Line. How are we weighing that against our need to keep tax rates within some reasonable bounds while accommodating growth? We often can agree on a need, but we don't make that work in the context of what's happening elsewhere. The more time we spend discussing these big picture issues, the better.
- Phipps: We had a budget request last year that we funded half of. I believe the public is going to expect for us to fund the rest of it. What happens if we decide to do something other than that?
- Lyles: For me, the four big services are Police, Fire, Transportation and Solid Waste. So how do we look at all of those and decide how do you want to pay for your city? The infrastructure discussion on maintenance as well as new projects, which is funded primarily by property tax.
- Kinsey: We'll also have to look at what else are we going to do outside of our area of responsibility. We talk about it every year but we don't do much about it.
- Lyles: I think one of the worst things we can do as a steward is make a decision that makes sense now, looking five years down the road and saying the consequences are someone else's job to take care of.
- Mayfield: We went to Columbus, Ohio for National League of Cities Conference. Columbus funds everything through their sales tax. They've done a lot of development and growth. We need to look at comparable cities that have the same form of government we have. I agree with Ms. Kinsey in that we need to get back to our core. There are a lot of services we provide that are outside of our core that we financially cannot afford to do. There are also things that are a high priority and are aligned with our core.
  - Eagle: The Services Inventory we're doing now will be able to isolate for you a lot of those things that we're doing that are other's responsibility, things that are discretionary, things tied to your Council Policies. We'll group those in buckets so that you'll easily see those areas.
- Driggs: One of the biggest issues we face in this community is housing. Housing investments we make and the quality of life that comes from housing. The question is: Do you want to do more of this or less of that? How far can we go with taxes before we start to hurt ourselves? I see benefits in trying to stay in a low tax

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# Budget Committee

Meeting Summary for September 15, 2016

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environment.

- Lyles: An important aspect of this conversation is the citizen involvement and participation and weighing in on these issues. Having an educated citizens group around financials is one of the more valuable things we can have.
  - Mayfield: We started the educating of citizens on financials when we started the budget charrettes. So the question is how we expand that to a broader audience.
  - Eagle: We've talked with the staff in Greensboro to discuss what they're doing in terms of automation of their budget simulation. So we're thinking we can automate that charrette process but in a way that allows us to get input and feedback. We want to be able to take citizens' feedback and do something with it.
- Lyles: For me, success looks like our identifying the current trends that need addressing so that we can be a financially viable city for economic development growth three to five years out. We've got to say we want to be the best city for economic development which means we have to have transportation and affordable housing for all of the kinds of people who work in the economic development area.
- Phipps: As we look at the areas where we need to focus and perhaps divest our support of other entities, that's going to be a tough conversation to have.

## **II. Services Inventory – Review Data Template/List of Services**

Kim Eagle, Management & Financial Services

Bill Parks, Management & Financial Services

### **Committee questions/comments included:**

- Mayfield: Police has a number of social programs they fund. Would that be reflected here?
  - Eagle: It would be rolled up into one of the services listed, but if you wanted to see those social programs and diversion programs listed separately, we can do that.
  - Kinsey: Some of these programs started with grant money and then three years down the road, we have to pick it up. That impacts the budget. We need to know that. And for some of these grants, we may have to say that we can't do it.
  - Phipps: I recall on one of the consent agenda items, they had grant funding for a diversion program that had expired. They were able to assimilate that cost into their operating budget.
  - Mayfield: It would increase transparency if we knew about the grant funding of some of these programs. There are some great programs being done, but some don't have enough funding and with others the question is how are we going to continue funding once the grant funding runs out, and whose responsibility is it.
- Driggs: This is an inventory. Do we have any measures of efficiency or effectiveness or connection to a balanced scorecard or other data associated with these categories to highlight where investment is needed?
  - Parks: Departments are submitting balanced scorecard measures as well as other data that departments keep and track as a part of this process.
  - Eagle: We'll provide to you operational measures, which is internal to the department's balanced scorecard. We'll also provide a focus on the community

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# Budget Committee

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metric, which is a new addition this year as we start to update the focus area plans. We're going to capture how we're performing and the results we're achieving for each of the programs.

- Driggs: Would that also include efficiency as compared to other communities?
- Eagle: As we have that information on benchmarking, we'll provide it.
- Lyles: Can we put a traffic light to show performance?
- Lyles: On the services list, when you think about Police and Fire making up 60% of our budget, can we have discussion based on proportionality of impact? We could examine the entire City Attorney's Office and save \$3 thousand. While we could look at one division of the Police Department and save \$3 million. I rely on management staff to keep operational cost low in support departments.
- Driggs: Can we get the actual budget amounts for services?
  - Eagle: Yes, you'll get budget dollars as well as number of staff allocated to services.

### **III. Services Inventory – Review Process and Timeline**

Kim Eagle, Management & Financial Services

The Services Review Process and Timeline was provided as information with no discussion.

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**Context for Services Review:**  
Overview of Principles & Policies, General Fund Budget

Council Budget Committee  
September 15, 2016



## City Services



On Any Typical Day...

- 255 Firefighters on duty, responding to 260 calls
- 376 Police Field Units, responding to 1,000 resident and 2,200 officer-initiated calls
- 755 signalized intersections
- 4,400 service calls to CharMeck 311
- 42,500 households receive trash pick-up
- 102,570,000 gallons of drinking water treated and delivered
- 80,630,000 gallons of wastewater collected and treated
- 79,292 transit riders

1



## Building Blocks

- Finance & Budget Principles
- Financial Policies & Practices
- Community Investment Plan Program Policies
- Community Investment Plan Financial Policies

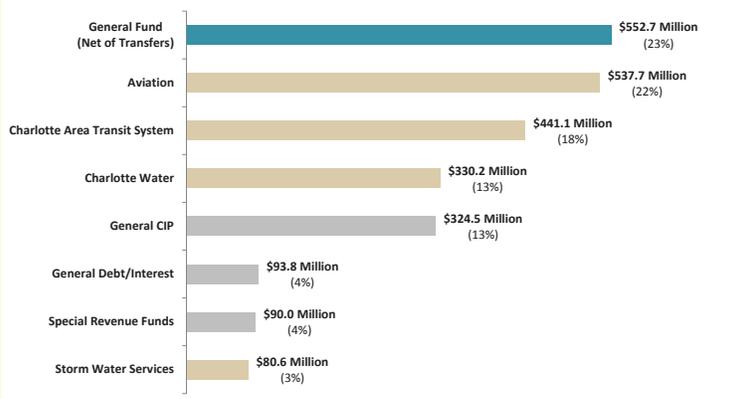
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## Budget Overview

**City of Charlotte FY2017 Approved Budget Totals \$2.45 Billion (net of transfers)**

Net of transfers, the General Fund Budget is nearly one quarter of the City's overall budget, the self-supported Enterprise Funds together make up about 57% of the City Budget, and the General Community Investment Program makes up about 13% of the total City Budget. The remainder of the budget is general debt/interest and special revenue funds (e.g., Cultural Facilities and Tourism funds).



Category	Amount (Million)	Percentage
General Fund (Net of Transfers)	\$552.7	23%
Aviation	\$537.7	22%
Charlotte Area Transit System	\$441.1	18%
Charlotte Water	\$330.2	13%
General CIP	\$324.5	13%
General Debt/Interest	\$93.8	4%
Special Revenue Funds	\$90.0	4%
Storm Water Services	\$80.6	3%

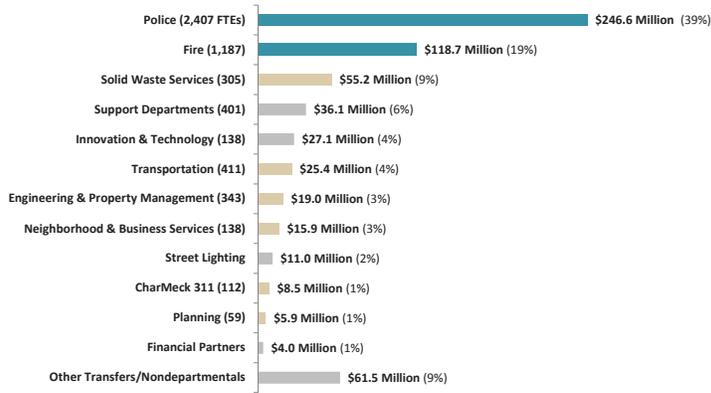
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## General Fund: Where the Money Goes by Department

### General Fund Expenditures Total \$634.9 Million (including transfers)

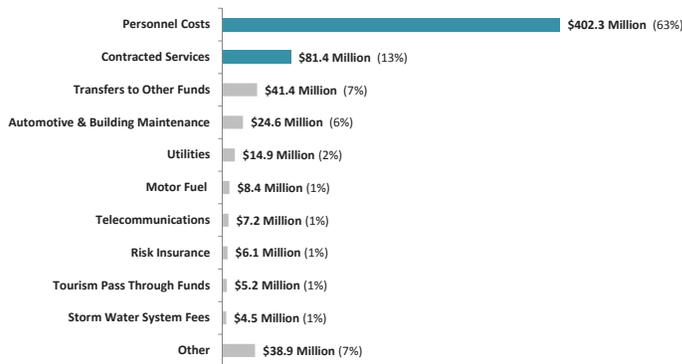
Together, Police and Fire account for about 58% of the General Fund budget. All other General Fund Operating Departments account for about 23% of the General Fund Budget, while support departments, Financial Partners, and Other/transfers account for the remaining 19%.



## General Fund: Where the Money Goes by Category

### Vast Majority of City Services are Delivered by People

Together, Personnel Costs and Contracted Services account for 76% of General Fund expenditures. The FY2017 budget includes 5,501 positions in the General Fund.

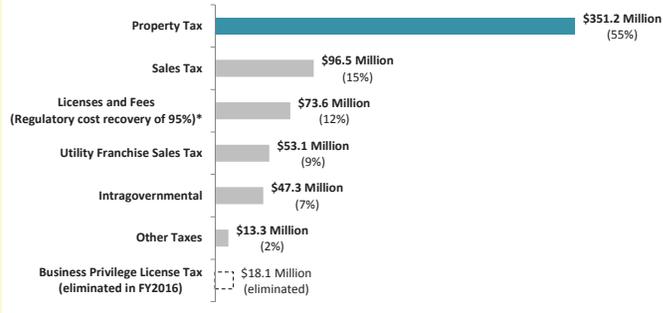




## General Fund: Where the Money Comes From

### General Fund Revenues Total \$634.9 Million (including transfers)

The largest source of revenue in the General Fund is Property Tax, which generates more revenue than all other sources combined. The FY2017 General Fund property tax rate is 37.41¢ per \$100 valuation; 1 penny ≈ \$9.2 Million in revenue. No replacement revenue has been identified for the elimination of the Business Privilege License Tax.



\*Reflects multiple development fees with exception criteria (from 100% recovery) as established by Council.



## \$ Public Safety > \$ Property Tax

### A Balanced Budget Reflects Priorities and Needs, with Revenue Limitations

The FY17 General Fund budget reflects Council priorities and accommodates the resource needs of a dynamic, growing City. But revenue limitations bring challenges. For example, public safety expenditures alone total more than the revenue generated from property tax, with a gap of approximately \$14 Million.





## City Services Review -Goals

- Positioning the City for the future includes:
  - Phase 1 (September – January)
    - Providing a common foundation of knowledge pertaining to current City service delivery and financial implications
    - Creating a framework for FY2018 budget development deliberations

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## City Services Review – Goals What Does Success Look Like?

- Positioning the City for the future includes:
  - Phase 2 (January - TBD)
    - Providing a work-plan to address two strategic needs -
      - Council Policy and Resource Planning
        - Public Safety Resource & Compensation Needs
        - Economic Opportunity, Affordable Housing, and Transportation/Mobility
        - Existing Infrastructure Maintenance Needs
        - Technology Needs (Cyber Security, Public Safety, Infrastructure)
      - Long-term financial viability
        - Service expectations and growing needs
        - Appropriate balance of revenue sources
        - Potential alternative revenues
        - Potential pursuit of related legislation
        - Other considerations as identified
        - Citizen committee or other structure as determined by Council

9



  
**CHARLOTTE**  
MANAGEMENT & FINANCIAL SERVICES

Questions?

10

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## Finance & Budget Principles

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Using the framework set forth by North Carolina General Statute 159, the Local Government Budget and Fiscal Control Act, the City Charter and City Code, the City will follow the principles outlined below. The development of the City's annual operating budget will be a transparent process that welcomes community input and involvement.

1. The City will adopt a balanced budget. The budget process will begin by first evaluating available revenues. Funds for operating and capital expenditures will then be budgeted where there is the greatest community need.
2. Program funding will be approved in the overall context of competing priorities across City services. Anticipated future needs will play a prominent role in the prioritization process.
3. The City will have a structurally balanced budget. Ongoing costs will be funded with recurring revenues. One-time monies, such as certain federal grants, will be used for one-time expenses. New, significant expenses brought forward outside the budget process should be avoided, when feasible.
4. Provide funding to ensure that compensation and benefits are sufficient to recruit and retain the workforce talent necessary to meet service delivery needs. Pay and compensation increases shall not exceed growth in general revenue for any given year.
5. Provide adequate operating funding to maintain previous investments in assets including technology, tools, equipment, and infrastructure.
6. Engage in a continual evaluation of the most cost-effective means for providing City services.
7. Evaluate the total tax and fee burden – not just the property tax rate – the citizen pays in exchange for government services as part of the budget development process.
8. The budget will maintain a General Fund fund balance equal to 16% of the operating budget. Capital reserves in excess of the 16% General Fund balance will be available for transfer to the Pay-As-You-Go capital program for one-time uses unless otherwise recommended by the City Manager and approved by City Council for other purposes.
9. The budget will maintain the Municipal Debt Service Fund Balance at a ratio of debt service fund balance to actual annual debt service costs of approximately 50%.
10. The City will continue to promote a user fee goal of 100% cost recovery.
11. Enterprise funds shall set their rates and fees in a manner to recover the full cost of their operation and necessary capital investments.

12. Restricted revenue (such as Asset Forfeiture funds) will only be used for the purpose intended and in full compliance with all applicable policies, rules, regulations, or laws.
13. Reimbursement to the General Fund will occur from enterprise and internal service funds for general and administrative services provided. Reimbursement will be determined through generally accepted cost accounting principles.
14. Capital projects financed through the issuance of bonds shall be financed for a period not to exceed the anticipated useful life of the project.
15. The general government debt program will maintain adequate cash and fund balance reserves at levels required to maintain top-tier credit ratings.

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## Financial Policies & Practices

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The City's budgetary policies are based upon guidelines and restrictions established by North Carolina General Statute 159, the Local Government Budget and Fiscal Control Act, the City Charter and City Code, and generally accepted accounting principles for governmental entities. These broad policies and statutes set forth guidelines against which current budgetary performance can be measured and proposals for future programs can be evaluated. The policies and practices help to protect the fiscal integrity of the City and ensure that the City is poised for future growth.

### Revenue Policies and Practices

1. As provided by the North Carolina Local Government Budget and Fiscal Control Act, estimated revenue from Ad Valorem Tax levy will be budgeted as follows:
  - a. Assessed valuation estimates are provided by the Mecklenburg County Tax Assessor's Office.
  - b. The estimated percentage rate of collection of the tax levy shall not exceed the rate of the preceding fiscal year.
  - c. The tax rate shall be set each year based on the cost of providing general government services.
  - d. The City shall operate under an annual balanced budget ordinance adopted and administered in accordance with North Carolina General Statute 159-8(a). A budget ordinance is balanced when the sum of estimated net revenues and appropriated fund balance is equal to appropriations.
2. The City will set fees for services to maximize user charges for identifiable services.
  - a. To the extent possible, the rate structure established for water, sewer, and storm water customers will be sufficient to finance all operating, capital, and debt service costs for providing said services.
  - b. To the extent practical, any general City service for which is of a higher level to benefit recipients shall be supported by user fees designed to recover costs from those recipients. Examples include zoning and code enforcement activities funded through zoning permit fees and demolition charges.
  - c. Where user fees are based on cost recovery, costs should be reviewed annually during the budget process and user fees adjusted as practicable.
3. In accordance with North Carolina General Statute 143C, the City will accumulate and maintain a general fund balance equal to or greater than 8% (City policy is higher at 16%) of the prior year's General Fund operating budget to address unanticipated events and circumstances such as natural disasters, economic downturns, threats to public safety, health, and welfare, and other emergencies. Balances in excess of 16% are eligible for appropriation in the Pay-As-You-Go Capital Program.
4. Restricted revenue will only be used for the purpose intended and in a fiscally responsible manner.

5. The City will strive to achieve a structurally, balanced budget in which one-time revenue and/or one-time expenditure savings will be used for non-reoccurring or one-time expenditures.

#### Inter-fund Policies and Practices

1. The General Fund will be reimbursed annually by the Enterprise and Internal Service Funds for general and administrative services provided, such as self-insurance, accounting, personnel, and administration.

#### Capital Investment Policies and Practices

2. The City will update annually a five-year Community Investment Plan (capital investment program), which details the estimated cost, project description, and anticipated funding source for each capital project.
3. The City's adopted Annual Budget Ordinance will include capital project appropriations for all projects with funding identified in the first year of the five-year Community Investment Plan.
4. Operating Budget expenditures will be used to maintain and provide any salaries, operating costs, and small capital outlay that may be required for adopted Capital Improvement Projects once they are completed and in service.
5. The City will strive to fund a portion of capital improvements with Pay-As-You-Go sources of financing that do not increase the City's debt liability.

#### Accounting Policies and Practices

1. The City will establish and maintain its accounting systems in compliance with the North Carolina Local Government Budget and Fiscal Control Act and the North Carolina Local Government Commission.
2. Financial systems will be maintained to monitor revenues and expenditures on a monthly basis.
3. All revenue collections will be consolidated under the Finance Director and audited annually.
4. The Finance Office's Procedures Manual will be maintained as a central reference source and handbook for all procedures, which have a fiscal impact within the City. It will serve as the City's authoritative source for fiscal procedure.
5. An annual audit will be performed by an independent certified public accounting firm, which will issue an official opinion on the annual financial statements, with a management letter explaining recommended improvements, if required.
6. The City's comprehensive annual financial report will be prepared in compliance with the necessary criteria established to obtain the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting submitted each year for that recognition.

#### Basis for Budgeting

1. In accordance with the North Carolina Budget and Fiscal Control Act, the budget is developed and adopted under the modified accrual basis of accounting. Under this

format, revenues are recognized when measurable and available and obligations of the City are budgeted as expenditures. During the fiscal year, budgets are monitored and accounted for using the modified accrual basis. At fiscal year-end, the City's Comprehensive Annual Financial Report (CAFR) is prepared using Generally Accepted Accounting Principles.

2. All governmental funds are reported on using the modified accrual basis of accounting. Although the CAFR reports all proprietary funds using the full accrual basis of accounting, whereby revenues are recognized when earned and expenses are recognized in the period incurred, for simplicity, the budget document reports all proprietary funds' prior year actuals using the modified accrual method.

#### Debt Policies and Practices

1. Capital projects financed through the issuance of bonds shall be financed for a period not to exceed the anticipated useful life of the project.
2. Maintain a per capita debt ratio within the moderate range as defined by rating agency criteria as published periodically sufficient to maintain current credit ratings.
3. Outstanding long-term maturity variable rate bonds not to exceed a sum equal to the debt service fund equity requirement plus 15% of total long-term fixed rate debt.
4. Continue the dedication of multiple revenues to a Pay-As-You-Go fund established to provide a material portion of the non-enterprise, general government capital needs. The revenue sources include a dedicated portion of the property tax rate, sales tax, and motor vehicle fees.
5. The debt issuance method will be periodically re-evaluated as City conditions change or new or changed financial market methods emerge. The review and change of issuance method, if any, will be with the objective to utilize the method that offers the lowest effective market interest cost available to the City. Accordingly, the following issuance method(s) will be currently utilized:
  - New money fixed rate bond issues may be placed on a competitive or negotiated basis
  - New money variable rate bond issues will be placed on a negotiated basis
  - Refunding bond issues may be placed on a competitive or negotiated basis
  - Issuance methods will be continuously reviewed and changes made to various offerings methods as appropriate and cost efficient for the City.
6. The City will maintain its financial condition so as to continue its AAA bond rating.

#### Cash Management and Investment Policies and Practices

1. The City maintains a cash management pool to facilitate disbursement and investment and maximize investment income. Earnings on the pooled funds are apportioned and credited to the funds monthly based on the average daily balance of each fund. Since individual funds may deposit additional amounts at any time and may withdraw funds at any time without prior notice or penalty, the pool is used essentially as a demand deposit account and considered cash and cash equivalents. This pool is used by all funds except the Firefighters' Retirement System Fund. For arbitrage purposes, the City also maintains separate pools for the proceeds of each bond sale subsequent to 1986 in compliance with the Internal Revenue Code relative to yield restrictions and rebate requirements. For funds not included in the pools

described above, cash and cash equivalents consist of cash, demand deposits, and short-term, highly liquid investments.

2. North Carolina General Statute 159-30 authorizes the City to invest in obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States; obligations of the state of North Carolina; bonds and notes of any North Carolina local government or public authority; obligations of certain non-guaranteed federal agencies; certain high quality issues of commercial paper and bankers' acceptances; repurchase agreements having third-party safekeeping; and the North Carolina Capital Management Trust (NCCMT), a Securities and Exchange Commission (SEC) registered mutual fund. The City is not authorized to enter into reverse repurchase agreements. Although the City does not have a formal investment policy, internal investment guidelines prohibit maturities longer than five years, which helps manage exposure to fair value losses in rising interest rate environments.
3. All deposits of the City are made in board-designated official depositories and are secured as required by North Carolina State Statutes. The City may designate as an official depository any bank or savings and loan association whose principal office is located in North Carolina. Also, the City may establish time deposit accounts such as Negotiable Order of Withdrawal (NOW) and SuperNOW accounts, money market accounts, and certificates of deposit.
4. The City has no formal policy on custodial credit risk. However, the City's internal policy limits custodial credit risk by providing that security in the collateral be delivered to a third party safekeeping bank designated by the City.
5. The City's informal investment policy limits the amount of commercial paper or bankers acceptances to a maximum of 25% of the portfolio. For commercial paper, a maximum of \$20,000,000 may be invested in any one issuer. For bankers' acceptances, the maximum investment is limited to 10% of the portfolio for any one issuer.
6. The restricted cash and cash equivalents/investments are restricted pursuant to bond covenants and other financing agreements. All restricted money market funds of the enterprise funds are considered cash or cash equivalents. The remaining amount of restricted assets is considered investments.
7. North Carolina state law limits investments in commercial paper to the top rating issued by Nationally Recognized Statistical Rating Organizations (NSRO's). Although the City had no formal policy on managing credit risk, internal investment guidelines for commercial paper require at least two ratings from either Standard & Poor's (S&P), Fitch Ratings (Fitch), or Moody's Investors Service (Moody's).
8. Investments, except for North Carolina Capital Management Trust (NCCMT) and Firefighters' Retirement System Fund, are reported at fair value as determined by quoted market prices. The securities of the NCCMT Cash Portfolio, a Securities and Exchange Commission registered money market mutual fund, are valued at fair value, which is the NCCMT's share price. The NCCMT Term Portfolio's securities are valued at fair value. Money market investments that have a remaining maturity at the time of purchase of one year or less are reported at amortized cost. Non-participating interest earning investment contracts are reported at cost. Investments with an original maturity of three months or less are considered cash equivalents.

City Manager Contract Approval Policy

1. The City Manager is authorized to award contracts, reject bids, re-advertise to receive bids, and waive bid bonds or other deposit requirements pursuant to North Carolina General Statute Chapter 143-129(a). Specifically the Manager is authorized to:
  - a. Exempt particular projects from the provision of the North Carolina General Statute Chapter 143, Article 3D, Procurement of Architectural, Engineering and Surveying Services in cases where the estimated professional fee for a particular project is less than \$50,000.
  - b. Approve and execute contracts involving informal bids of up to \$100,000 for construction projects previously budgeted in the annual ordinance.
  - c. Approve and execute maintenance contracts in amounts under \$100,000.
  - d. Approve and execute leases of City real property in amounts under \$100,000.
  - e. Approve and execute engineering contracts under \$100,000.
  - f. Approve and execute professional service contracts in amounts under \$100,000.
  - g. Approve and execute change orders to all approved contracts not to exceed \$100,000 in the total amount of change order unless previous authority is authorized by City Council action for the specific contract.
  - h. Approve and execute the purchases of apparatus, supplies, materials, or equipment for all purchases that do not exceed \$100,000, as authorized by the 1977 North Carolina General Assembly Session Law S.L. 1197-184.
2. The City Manager is authorized to dispose of surplus property under the informal procedures described in North Carolina General Statute 160A-266(c).
3. The City Manager is authorized to approve the purchase of a capital item when the purchase price does not exceed \$100,000.

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# Community Investment Plan Program Policies

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Improving the quality of life of its citizens is the City of Charlotte's mission and the foundation of the Community Investment Plan. The Plan's goal is to maintain or replace high priority infrastructure as needed. By facilitating economic development, enhancing the tax base, and protecting the community's safety and environmental resources, the Community Investment Plan benefits all segments of the community and supports all roles of municipal government.

## **City Council's policies for developing and implementing the Community Investment Plan**

1. Evaluate capital projects requests according to the following priorities:
  - 1st priority: Maintenance and/or retrofitting of existing infrastructure
  - 2nd priority: Replacement of existing infrastructure
  - 3rd priority: Expansion of existing infrastructure
  - 4th priority: New infrastructure
2. Develop and implement a capital program based on Smart Growth principles:
  - Maintain land use planning
  - Sustain effective land use decisions
  - Strengthen neighborhoods
  - Build a competitive economic edge
  - Design for livability
  - Safeguard the environment
  - Expand transportation choices
  - Use public investment as a catalyst
3. Preserve the existing tax base, a fundamental principle for City capital investment decision-making
4. Affirm neighborhoods as a foundation of the community and emphasize a reinvestment program for all neighborhoods
5. Form partnerships with citizens and businesses to leverage public dollars and make the community one of choice for living, working, and leisure activities
6. Serve as a platform for economic development through the funding of priority projects in targeted investment areas
7. Provide a balanced capital plan, which funds the highest priority community needs in a variety of program areas
8. Anticipate infrastructure and facility needs resulting from future changes in the City's boundaries and density that are consistent with Council's development and growth policies
9. Comply with applicable federal and state mandates

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# Community Investment Plan

## Financial Policies

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1. General government debt policies:
  - Diversify revenue sources dedicated to capital formation and debt service
  - Maintain a balanced mix of financing strategies for funding capital projects without an excessive reliance on any one source. Examples of financing strategies include:
    - Pay-As-You-Go
    - Grants
    - Debt
  - Provide for issuance of additional debt at reasonable time intervals without increasing taxes, and timed in such a way as to avoid erratic impacts on tax rate changes
  - Maintain the highest credit ratings by scheduling and issuing debt that sustains reasonable ratios (e.g. percent of outstanding debt to assessed value)
2. Maintain revenues dedicated to the capital program in the Municipal Debt Service Fund:
  - Allocation of the property tax rate
  - Investment (interest) income
  - Sales Tax (one-half cent)
  - Other miscellaneous revenues including Alcoholic Beverage Control (ABC) profits, beer and wine license revenues, and a contribution from Mecklenburg County for its share of debt costs remaining from the consolidation of Park and Recreation
3. Maintain the Municipal Debt Service Fund Balance at an adequate level to cover debt costs:
  - The ratio of debt service fund balance to actual annual debt service costs will be approximately 50%.
4. Use the Pay-As-You-Go Tax Fund in conjunction with long-term debt financing to finance capital projects
5. Dedicate asset sales to the Community Investment Plan:
  - The retirement of any outstanding debt on sold assets will be the first use of sale proceeds.
6. Maintain the General Government fund balance at 16% of the operating budget:
  - Funding in excess of 16% of the General Fund balance is dedicated to Pay-As-You-Go capital expenses, unless otherwise directed by Council.

7. Maintain the Enterprise Funds' capital programs on a self-sustaining basis:
  - Water and Sewer, Storm Water, and Aviation capital projects are financed from revenues generated from user fees and charges.
  - The Water and Sewer rate study assumes maintenance of debt service coverage as required in Revenue Bond financing documents.
  - Charlotte Area Transit System projects are supported by federal and state grants, and the one-half cent sales tax dedicated to transit.
  
8. Pursuant to the North Carolina General Statutes, the City's outstanding general obligation debt is subject to a legal limitation based on 8% of the total assessed value of real and personal property.

## Draft Template FY2017 Services Review

### Data to be collected & examined for each City Service/Service Component

#### What Do We Do?

Service Name	Service Description
Curbside Rollout Garbage Collection & Disposal	Provides weekly curbside garbage collection and disposal to approximately 214,000 curbside residential units

#### Why Do We Do It?

Focus Area Alignment /Community Metric	Council Strategic Policy Objective
Environment – Develop a baseline towards 100% achievement of waste diversion from landfill	<p>6. Advance a clean and healthy environment.</p> <p style="padding-left: 20px;">B. Adopt a multi-year plan to reduce energy and fuel use by the City government.</p> <p style="padding-left: 20px;">D. Continue evaluating solid waste collection and disposal to support recycling and waste reduction policies</p>

Output/Workload Indicators	Operational Measures
175,919 tons of garbage collected and disposed in FY2016	<p>Increase alternative fuel fleet;</p> <p>Maintain an average garbage cart collection rate of 125/hr for residential garbage routes;</p> <p>Maintain average number of garbage collection complaints/ 1,000 units &lt; or = to prior 2yr rate + 5%</p>

Legal/Regulatory Requirement	Is it Discretionary
No	Yes, but for Council Ordinance & Interlocal Agreement

Based on Council Policy	Contractual Obligations
Yes. City Code Ordinance, Chapter 10, Health & Sanitation	Yes. Interlocal Agreement with Mecklenburg County (expires 2028); Rollout garbage cart purchase contract with Otto Environmental (expires in 2020); Rollout garbage cart maintenance and repair contract with Otto Container Management (expires 2020).

#### How Much Does It Cost?

FY2017 Budget	FY2017 Position Count
\$19,629,619	92.5
Off-setting Revenue	Interdepartmental Transfers
\$495,000 reimbursed from State Solid Waste Disposal tax	None

## List of General Fund City Services

Department	Service Name
<b>CDOT</b>	<ul style="list-style-type: none"> <li>Traffic Control &amp; Transportation Safety</li> <li>Neighborhood Services</li> <li>Street Lighting</li> <li>Street Maintenance</li> <li>Transportation Regulation Services</li> <li>Transportation Planning and Capital Project Implementation and Management</li> </ul>
<b>City Attorney</b>	<ul style="list-style-type: none"> <li>Legal Advice and Representation</li> </ul>
<b>City Clerk</b>	<ul style="list-style-type: none"> <li>Recording and Maintenance of Municipal Records</li> <li>Boards &amp; Commissions</li> <li>City Council Support</li> </ul>
<b>City Manager's Office</b>	<ul style="list-style-type: none"> <li>Customer Service and Information</li> <li>Policy Development and Organizational Leadership</li> <li>City Government Communications and Information</li> <li>Community Relations</li> <li>Internal Audit</li> <li>Community Leadership and Policy (M/CC)</li> </ul>
<b>Engineering</b>	<ul style="list-style-type: none"> <li>Municipal Capital Project Planning, Design and Construction</li> <li>Land Development</li> <li>Municipal Facilities Maintenance</li> <li>Cultural Facilities Maintenance</li> <li>Neighborhood Centers</li> <li>Landscape Maintenance</li> <li>Right-of-Way Acquisition and Asset Management of Real Property</li> </ul>
<b>Management &amp; Financial Services</b>	<ul style="list-style-type: none"> <li>Charlotte Business INclusion</li> <li>Finance-Accounts Payable/Receivable</li> <li>Finance-Accounting/Reporting</li> <li>Finance-Business Systems</li> <li>Finance-Procurement Management</li> <li>Finance-Revenue</li> <li>Finance-Treasury</li> <li>Fleet Management</li> <li>Strategy &amp; Budget-Budget Development &amp; Management</li> <li>Strategy &amp; Budget-City Strategy Development</li> <li>Strategy &amp; Budget-Council Business Agenda</li> </ul>
<b>Innovation &amp; Technology</b>	<ul style="list-style-type: none"> <li>Enterprise Project Management</li> <li>Information Security</li> <li>Enterprise Application</li> <li>Operations &amp; Service Management</li> <li>Network &amp; Telecommunications Operations</li> <li>Facilities &amp; Data Service</li> <li>Public Safety Communications (Radio &amp; Data)</li> </ul>

## List of General Fund City Services

Department	Service Name
<b>Fire</b>	<ul style="list-style-type: none"> <li>Fire Emergency Response</li> <li>Emergency Preparedness and Homeland Security</li> <li>Fire Communications</li> <li>Fire Investigations</li> <li>Fire Prevention &amp; Code Enforcement</li> <li>Fire Community Education and Involvement</li> <li>Firefighter Training</li> </ul>
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>Human Resources Management</li> <li>Organization Development &amp; Learning (ODL)</li> <li>Human Resources Management Systems</li> </ul>
<b>Neighborhood &amp; Business Services</b>	<ul style="list-style-type: none"> <li>Targeted Area Economic Development</li> <li>Business Services</li> <li>Workforce Development</li> <li>Housing Services</li> <li>Community Engagement</li> <li>Neighborhood Code Enforcement &amp; Zoning</li> </ul>
<b>Planning</b>	<ul style="list-style-type: none"> <li>Business/Executive Services</li> <li>Long Range Planning Services</li> <li>Strategic Planning Services</li> <li>Development Services</li> <li>MPO Services</li> </ul>
<b>Police</b>	<ul style="list-style-type: none"> <li>Community Policing/Crime Prevention</li> <li>Patrol Support Services</li> <li>Criminal Investigation</li> <li>Special Operations</li> <li>Police Communication</li> <li>Community Services</li> <li>Crime Lab</li> <li>Police Officer Training / Recruiting</li> <li>Grant Funded Position (0413)</li> </ul>
<b>Solid Waste Services</b>	<ul style="list-style-type: none"> <li>Single Family Curbside Rollout Garbage Collection &amp; Disposal</li> <li>Single Family Curbside Rollout Single Stream Recycling Collection &amp; Disposal</li> <li>Single Family Curbside Yardwaste Collection &amp; Disposal</li> <li>Single Family Curbside Bulky Collection &amp; Disposal</li> <li>Multi-Family Dumpster/Compactor Collection &amp; Disposal</li> <li>Special Maintenance &amp; Collections Services</li> </ul>

## Services Review – Process & Timeline

September 15 <sup>th</sup>	Council Budget Committee <i>- Review data templates and services listing, provide feedback</i>
October 20 <sup>th</sup>	Council Budget Committee <i>- Preview services review data and provide feedback</i>
October – early November	One-on-one meetings with Council Members <i>- Review data and key questions</i>
November 7 <sup>th</sup>	Council Workshop <i>- Discussion/Q&amp;A with Department Directors</i>
December 5 <sup>th</sup>	Council Workshop <i>- Discuss results of review in conjunction with Focus Area Plans</i>
January-February	Council Annual Retreat <i>- Preview key budget needs for FY2018 in conjunction with Phase 1 services review results</i> <i>- Recommend citizen committee or other structure for Phase 2 to address structural budget challenges, and long-term financial strategy</i>