

<b>REQUEST</b>	Text amendment to Sections 2.201, 10.802, 15.1.2, 15.1.3, 15.1.5, 15.1.7, 15.2.1, 15.2.2, 15.3.1, 15.3.2, 15.3.3, 15.4.2, 15.4.3, 15.4.4, 15.4.5, 15.4.6, 15.4.10, 15.5.4, 15.5.5, 15.5.6, 15.6.3, 15.6.4, 15.6.5, 15.6.6, 15.6.7, 15.8.4, 15.8.5, 15.9, 15.13.2, Table of Contents, Table 15.1, Table 15.2, Table 15.3, and Table 15.5.
<b>SUMMARY OF PETITION</b>	The petition proposes to: <ol style="list-style-type: none"> <li>1. Modify the Transit Oriented Development (TOD) requirements.</li> <li>2. Update, add and delete definitions and graphics.</li> <li>3. Modify the PED applicability section.</li> </ol>
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Charlotte Planning, Design & Development Charlotte Planning, Design & Development
<b>COMMUNITY MEETING</b>	Meeting is not required.

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The petition is consistent with City Council adopted transit station area plans along the LYNX Blue Line and LYNX Blue Line Extension.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• Provides clarity, greater flexibility and consistency between sections.</li> <li>• Adds missing standards.</li> <li>• Revises administrative authority and refines the voluntary development bonus point system.</li> <li>• Addresses unintended consequences.</li> <li>• Corrects inaccuracies and updates section references.</li> <li>• Updates, adds, and deletes graphics and definitions.</li> </ul>
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**PLANNING STAFF REVIEW**

- **Background**
  - The City Council adopted the new Transit Oriented Development (TOD) zoning districts and regulations on April 15, 2019. The TOD districts are serving as the model for other zoning districts in the upcoming Unified Development Ordinance (UDO).
  - During the past year, staff has been working with Camiros Ltd. on drafting additional chapters for the UDO. During this time, staff and Camiros Ltd., have identified a number of sections within the TOD regulations that require modification to meet the overall intent of the TOD districts. In addition, the TOD zoning districts needed to be exempt from the Pedestrian Overlay District (PED) regulations.
  - Suggested modifications were presented to the Ordinance Advisory Committee (OAC) to review and provide feedback on changes to the TOD regulations, and the applicability issue in PED. Meetings were held in person (before COVID-19) and through Zoom. Comments from the OAC have been obtained through meetings, surveys and from email.

- **Proposed Request Details**

Below are examples of the modifications:

- Provides additional clarity in the TOD regulations:
  - Section 15.1.3.B clarifies the applicability of the TOD-UC zoning district within ½ mile of an adopted Metropolitan Transit Commission alignment station location.
  - Table 15.3 clarifies the first footnote by excluding floors above the 6<sup>th</sup> floor from providing a minimum of 70% of the façade wrapped with occupiable building space a minimum of 20' in depth.
- Provides greater flexibility:
  - Section 15.3.2.C.3.a.i allows the Zoning Administrator to waive the requirement for multi-family attached and single family attached developments to provide a vehicle entrance to garages in the rear of the building, or common open space, if there are site constraints that provide no alternatives.
  - Section 15.5.4.A.6 allows non-residential and multi-family buildings that require only one loading space to locate the space in a surface parking lot.
- Adds missing standards:
  - Section 15.1.3 (new) requires development compliance with other federal, state, city and county codes and standards.
  - Section 15.11.2 (new) requires an applicant seeking alternative compliance to attend a meeting with staff prior to submitting the application.
  - Table 15.2 adds additional façade modulation details that were overlooked. Currently standard for building modulation states the modulation required is a minimum of two feet in depth. The revised table will provide additional information for the minimum width of the modulation, which was missing.
- Addresses unintended consequences:
  - Section 15.6.6 (previously 15.6.5) limits the TOD buffer yard requirements in the side and rear setback zones. With the amendment, the buffer is only required when the abutting lot is vacant or developed with single-family housing and not when other uses, such as parks and religious institutions, are located on the lot.
  - Table 15.1, "Bonus Menu", eliminated the following Transportation Improvement bonus provisions due to administrative challenges: #8 – Capital Project; #9 – Capital Projects over 15% of Tax Value of Land a Time of Permit; and #11 – "New Street Connection Right-of-Way"
- Provides consistency between Sections:
  - Sections 15.5.4.A.6 and 15.6.3 eliminates potential conflicts on screening for loading areas by deleting the screening requirements in Section 15.5.4.A.6 and 15.6.3 and placing the standards for loading area screening in a new Section 15.6.4.
  - Sections 15.6.6.H, 15.8.4.9.b.iii, and 15.9.G.1.b removes the term "vinyl" since Section 15.3.1.C already states that vinyl may only be used for windows, trim, soffits, railings, and fencing.
- Corrects inaccuracies:
  - Table 15.5 lists the requirements for the maximum number of vehicle parking spaces for hotels and motels in the TOD-NC and TOD-TR zoning districts. However, hotels and motels are not a permitted use in these two TOD districts. The requirement was deleted in the revision.
  - Section 15.5.4.1 eliminates a reference to the City Code that is not relevant.
- Revises administrative authority:
  - Section 15.4.5.B.6 shifts the authority to modify the pedestrian facilities and planting strip/amenity zone standards and the streetscape requirements from the CDOT Director, in consultation with the Planning Director, to the Planning Director, in consultation with the CDOT Director.
- Updates and revises graphics:
  - Section 15.6.3 includes a graphic showing parking lot perimeter planting landscape, where the wrong caption is provided in the graphic. The graphic was replaced, with the correct caption.
  - Section 15.13.2 includes a graphic for build-to percentage, which has been replaced with a new graphic which more clearly illustrates the standard.
- Updates, adds, and deletes definitions:
  - Section 15.13.2 adds new definitions for frontage, freight rail, finished grade, off-street loading, and vehicle way; Section 15.8.5 adds new definitions for multi-family stacked unit and multi-family attached unit (previously located in a different section).

- Section 15.8.5 updates the definitions for a number of uses.
  
- **Public Plans and Policies**
  - The petition is consistent with City Council adopted transit station area plans along the LYNX Blue Line and LYNX Blue Line Extension.
- **TRANSPORTATION SUMMARY**
  - No outstanding issues.

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

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Not applicable
- **Charlotte Water:** No outstanding issues.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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