

Chapter 6. General Development Standards

155.601. General Regulations

155.601.1 Zoning Affects Every Building and Use

No building, structure, or land may be used or occupied, and no building, structure, or part may be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with all the regulations of this Title for the district in which it is located, except as otherwise provided by this Title. ('72 Code, § 24-1009) (Ord. 477, passed 2-8-88) [formerly known as § 153.036]

155.601.2 Prohibited Reduction of Yards and Lot Area

No lot existing at the time of passage of this Title may be reduced in its dimensions or area below the minimum requirements of this Title for the district in which it is located unless specifically authorized by other provisions of this Title. ('72 Code, § 24-1011) (Ord. 477, passed 2-8-88) [formerly known as § 153.038]

155.601.3 Combination of Substandard Lots

In certain circumstances, substandard lots which have been previously recorded will be required to be combined for zoning purposes. At any time after the adoption of this Title, if adjoining lots are in the same ownership and any of the lots are below Title standards for lot width or lot area for the district in which it is located, that lot shall not be eligible for development unless one or more adjoining lots are combined with the substandard parcel into one or more lots which do meet the minimum ordinance requirements and are properly recorded. However, if the combination results in the creation of a single lot with more than one and one-half times the width and area than is required by this Title then it may be divided into two lots of equal width and area, and shall include a note on the recorded plat explaining the application of this section ('72 Code, § 24-1007) (Ord. 477, passed 2-8-88) [formerly known as § 153.035]

155.601.4 Encroachment of Open Space or Utility Easements Prohibited

No open area of land on a parcel which does not have, or has not been identified for, coverage by a principal or accessory building, structure, or outdoor use may be encroached upon or reduced in any manner, except to conform to yard, setback, off-street parking spaces, and such other regulations designated in this Title. Any land area designated as open space on a final plat, other recorded plan document, Town approved site plan, or County approved request for permit for some land disturbing activity shall not be encroached upon or reduced in any manner except in conformance with all approved documents. No public utility easement for water, sanitary sewer, or storm water, recorded in the Mecklenburg County Register of Deeds may be encroached upon by any structure, although such easement may be used for parking (but not any associated landscaping). ('72 Code, § 24-1010) (Ord. 477, passed 2-8-88) (Ord. 1127, passed 7-10-00) [formerly known as § 153.037]

155.601.5. Every Lot Must Abut a Street

Except for the following, no building, structure, or use of land for any purpose may be placed on a lot which does not abut a street:

- A. A one-family detached dwelling may be constructed on a lot that does not abut a street, provided that the lot is at least two acres in size, is provided with access to a public street by an easement at least fifteen feet (15') in width for the exclusive use of the single-family dwelling, and the easement is maintained in a condition passable for emergency and service vehicles. In situations where two (2) or more one-family detached dwelling lots have required minimum road frontage on a public street, but do not desire, or are prohibited from having, direct vehicular access to such street from each individual lot, then, subject to Town approval and NCDOT (if applicable), a shared driveway may be created on one or more of the lots through an easement guaranteeing cross access usage to all affected parcels. (Ord. No. 1609-A, passed 2-11-08)
- B. A one-family attached dwelling unit need not abut a street, provided that at least one unit of each dwelling group abuts a street and provided that access to each dwelling unit is made available via either a public right-of-way or private vehicular or pedestrian way owned by the individual unit owner in fee or in common

ownership.

- C. One-family attached dwelling units need not abut a street, provided that all portions of every dwelling unit are within four hundred feet (400') of a public or private street that furnishes direct access to the property and that access to each dwelling unit will be made available via either a public right-of-way or a private street or vehicular or pedestrian way owned by the individual unit owner in fee or in common ownership. ('72 Code, § 24-1012) (Ord. 477, passed 2-8-88)
- D. A tract of land of any size without required minimum road frontage may be used for an urban farm or for growing forestry products when it is provided with access to a public street by an easement at least fifteen feet (15') in width for the exclusive use of the farming or forestry activity.
- E. Individual dwelling units within a cottage cluster housing development do not need to abut a street, provided there is a shared driveway access connecting to a public street. **[formerly known as § 153.039]**

155.601.6. Fractional Requirements

When any requirement of this Title results in a fraction of a unit, a fraction of one-half (1/2) or more will be considered a whole unit and a fraction of less than one-half (1/2) will be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, a fraction of one-half (1/2) or more will be considered a dwelling unit and a fraction of less than one-half (1/2) will be disregarded. ('72 Code, § 24-1013) (Ord. 477, passed 2-8-88) **[formerly known as § 153.040]**

155.601.7. Modification of Development Standards

Within the R-VS, CrC, and MUD Conditional-Only districts, and for cottage cluster housing developments in any allowed districts, which are approved or proposed under the provisions of this Title, certain development standards may be modified. This modification is allowed under the provisions of § 155.401.7. ('72 Code, § 24-1309) (Ord. 477, passed 2-8-88) **[formerly known as § 153.051]**

155.601.8. Structures Above Height Limit

- A. The following structures, features, or equipment are permitted above the height limit in any nonresidential district and for non-residential uses in residential districts, when upon or extending through the roof of a building: roof structures for elevators, stairways, tanks, ventilating fans, air conditioning or similar equipment for the operation or maintenance of buildings, satellite dishes, and any device used for screening those structures and equipment. Any of these features must be set back from the edges of buildings or otherwise visually screened so that no more than one-half (1/2) of their height is visible from the ground at any property line of the lot on which the building is located. Chimneys and skylights are also permitted above the height limit in these districts but are not subject to screening requirements.
- B. The following structures are permitted above the height limit, subject also to provisions at § 155.605, on lots in the residential/institutional, office, business, and industrial districts which do not adjoin lots in any residential district: steeples and clock or bell towers (either attached to the principal structure or as a separate freestanding structure associated by architectural design to the principal structure), flagpoles, smokestack or chimney separate from a building, water tanks, or similar structures. If this type of a structure is on a lot which adjoins a residential district then the structure or that part of the structure above the height limit must be separated from any such adjoining lot line by a distance equal to its height measured from the ground. (See also § 155.608.6.A. for limits on flagpole height.)
- C. The structures listed in § 155.601.8.B above are also permitted above the height limit in residential districts. However, any part of such a structure which extends above the height limit must be separated from any adjoining property line by a distance equal to its height measured from the ground and must meet yard requirements of the zoning district. Maximum permitted height of these structures in any residential district is eighty feet (80') unless further restricted elsewhere in this Title.
- D. Electric and telephone poles used to support electric power and other utility wire lines are permitted above the height limit in any district up to sixty feet (60'). Electric transmission line towers are exempt from height limits or separation requirements. ('72 Code, § 1605) (Ord. 477, passed 2-8-88; Am. Ord. 643, passed 11-5-90; Am. Ord. 775, passed 4-12-93; Ord. 912 passed 1/27/97) **[formerly known as § 153.076]**

155.601.9 Certain Encroachments into Yard Allowed

- A. Architectural features such as cornices, eaves, steps, gutters, and fire escapes may project up to three feet (3') into any required yard or beyond any required setback unless that feature would obstruct driveways which may be used for service or emergency vehicles.
- B. A portion of the required rear yard on a single-family residential zoned lot used for a single-family home may be utilized for an extension of the principal structure, including garage, porch, deck, greenhouse, covered patio, or similar unheated space when meeting the following criteria:
 - 1. No more than twenty percent (20%) of the area of the required rear yard may be used to accommodate an extension of the principal structure.
 - 2. No such extension may encroach into the rear yard more than twenty five percent (25%) of the depth of the required rear yard.
 - 3. No such extension may be more than fifty percent (50%) of the width of the dwelling at the rear building line.
 - 4. Any such extension shall meet the required minimum front setback and side yard requirements for a principal structure on the lot, including street side yard requirements on corner lots.
 - 5. Such extension shall not be allowed into any utility easement.
 - 6. Such extension shall maintain a minimum four foot (4') building separation from any other building within the lot.
 - 7. No extension of the principal structure into the required rear yard shall be converted to an enclosed heated area.
- C. Structural accommodations to meet ADA standards may encroach into a required setback or yard when necessary and no alternative application is appropriate. ('72 Code, § 1610) (Ord. 477, passed 2-8-88; Ord, passed 8-13-12) **[formerly known as § 153.081]**

155.601.10 Private Alleys Included in Lots

When a private alley is allowed, the lot lines of adjacent properties may meet at the centerline of the alley, and the land area of the alley portion may be included in calculating minimum lot area. However, in order to assure sufficient and unencumbered travel lane width, all minimum distances to buildings or parking spaces shall be measured from the outer edges of the alley pavement and not from the lot line. ('72 Code, § 1611) (Ord. 477, passed 2-8-88) **[formerly known as § 153.082]**

155.601.11 Specific Standards for Certain Side and Rear Yards

- A. **ADJOINING RAILROADS OR WATERFRONT.** In nonresidential districts, side and rear yards as may be established for those districts are not required adjacent to railroad rights-of-way or on the waterfront side of lots adjacent to impounded water. In these instances, the required minimum side or rear yard shall be ten feet (10'). Any other provisions of this Title shall also apply, and if there is any conflict between this and other provisions, the most restrictive shall apply. ('72 Code, § 1612) (Ord. 477, passed 2-8-88) **[formerly known as § 153.083]**
- B. **CORNER OR THROUGH/DOUBLE FRONTAGE LOT.** When a lot has public street frontage on more than one side, one or more of the following standards may apply in addition to the underlying minimum yards of the zoning district. When the standards listed here and the zoning district's side and/or rear yard requirements differ, the standards requiring the greater distance shall take precedence.
 - 1. If two (2) corner lots are separated by a common lot line, the corner side yards for the lots shall be a minimum of ten feet (10').
 - 2. If the rear lot line of a corner lot is also the side lot line of an adjacent lot to the rear, then the corner side yard must be at least fifty percent (50%) of the required front setback for the adjoining lot.
 - 3. If the side lot line of a corner lot in any zoning district abuts a thoroughfare, the corner side yard must be at least forty five feet (45') in a lot used for residential purposes, and at least thirty five feet (35') in a lot used for mixed use or nonresidential purposes.
 - 4. If both the front setback and rear yard of a lot in any single-family residential district abut public

streets, the minimum rear yard will be the same as the minimum front setback for that district.

5. When the rear yard of a through lot in any zoning district abuts a thoroughfare, the minimum rear yard depth must be at least fifty five feet (55'). [formerly known as §§ 153.085, 153.086, and 153.095(B) and (C)]
- C. ZERO LOT LINE DWELLINGS. When a zero lot line dwelling is allowed in various zoning districts, the underlying front setback, side and rear yards and other dimensional standards for that district will apply with the exception of one side or rear yard dimension, which may be reduced down to zero (0) feet to allow placement of the structure at or near the one lot line. When this is done, a maintenance easement of at least five feet (5') in width shall be created and recorded at the Mecklenburg County Register of Deeds for the adjacent property, to allow for access, repair and general maintenance of the structure along the zero lot line. Eaves, bay windows, gutters, mechanical equipment, and similar extensions or attachments to the principal structure shall not be placed on or extend over the property line. The lot line to which the zero dimension is applied shall not be the streetside side yard of a corner lot. No windows or door openings shall be located within the wall portion at the lot line in order to create a sense of separation for the adjacent parcel.

155.601.12 Location of Required Yards on Irregular Lots

The location of required front, side, and rear yards on irregularly shaped lots will be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this Title to achieve an appropriate spacing and location of buildings on individual lots. ('72 Code, § 1613) (Ord. 477, passed 2-8-88) [formerly known as § 153.084]

155.601.13 Sight Triangle

- A. STANDARDS. Within a sight triangle, and except as provided in § 155.601.13.B below, no structure, sign, plant, shrub, tree, berm, fence, wall, mailbox or object of any other kind shall be installed, constructed, set out or maintained so as to obstruct cross-visibility at a level between two (2) feet and ten (10) feet above the level of the center of the street intersection.
- B. EXEMPTIONS. The standards of this § 155.601.13 shall not apply to:
 1. Existing natural grades, which, by reason of natural topography, rises twenty four (24) or more inches above the level of the center of the adjacent intersection.
 2. Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the area between two feet (2') and ten feet (10') above the level of the center of the abutting intersection.
 3. Fire hydrants, public utility poles, street markers, governmental signs, and traffic control devices. (Ord. No. 1532, passed 1-8-07)
- C. Reduced Sight Triangle for Certain Districts. A modified sight triangle with dimensions no less than twenty five feet by twenty five feet (25' x 25') as measured from back of curb may be allowed within the Downtown Overlay district and within the C-MF, MUD, TS, and ENT districts with the approval of the Town Engineer. This provision may only be applied adjacent to Town-maintained streets (not state roads) and private streets, and only when the adjacent building or approved outdoor amenity is at, or less than, twenty feet (20') from the public street right-of-way line or the platted private street right-of-way. Outdoor amenities that may justify a reduced sight triangle may include, but are not limited to, a retaining wall or substantial sharp change of natural grade, stairs, fire escape, or low wall that visually and physically separates the public right-of-way from the adjacent private use area and cannot efficiently be relocated elsewhere on the site. The reduced sight triangle must be located where the travel lane closest to the building is controlled by either a signal or signage. [formerly part of § 153.078] (Am. Ord. 2269, passed 11-13-17)

155.601.14 More than One Principal Building per Lot

More than one (1) principal nonresidential building may be located on a lot if a paved access driveway at least ten feet (10') wide is maintained from a public street to each building for use by service and emergency vehicles. Unless a lesser standard is allowed elsewhere in this Title and by applicable building codes, a minimum separation of four feet (4') is required between separate buildings. No more than one (1) principal residential building may be located on a lot, except under the provisions for accessory apartments, cottage cluster developments, multi-family developments,

manufactured home parks, overnight camping trailer parks, and institutionalized residential facilities. In the case of attached single-family development where the side or rear lot lines match the center of common shared walls, the approved preliminary subdivision plat indicating the proposed lot lines shall be used for building permit approval, although temporary or final Certificates of Occupancy shall not be issued until a final plat is approved and recorded. ('72 Code, § 1619) (Ord. 477, passed 2-8-88; Am. Ord. 871, passed 9-12-94) (Ord. 1127, passed 7-10-00) [formerly known as § 153.088]

155.601.15 Driveways

Driveways in any mixed use or nonresidential district may be used to provide access to uses in any of these districts. ('72 Code, § 1618) (Ord. 477, passed 2-8-88) [formerly known as § 153.087]

155.601.16 Vibrations

No use in any district may operate in such a way that any inherent or recurring ground vibrations can be felt or detected at the property line without the use of instruments. ('72 Code, § 1620) (Ord. 477, passed 2-8-88) [formerly known as § 153.089]

155.601.17 Noise

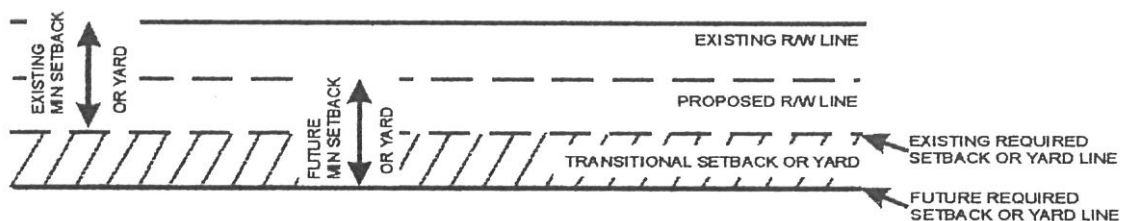
Every use of land must be operated in such a way that regularly recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment, or nuisance to any person of ordinary sensitivities. Every nonresidential use must be operated in such a way that any noise which may be detected by the human senses without instruments at all public right-of-way and property lines is no louder than the noise which could be expected from uses permitted in those districts. In instances where more restrictive provisions of this Title may apply, they will control. See also the Town Noise Ordinance. ('72 Code, § 1621) (Ord. 477, passed 2-8-88) [formerly known as § 153.090]

155.601.18 Special Requirements for Lots along Thoroughfares

A. TRANSITIONAL SETBACK/YARD REQUIRED.

1. DETERMINATION OF TRANSITIONAL SETBACK/YARD. The required setbacks and/or streetside yards prescribed for each zoning district which abut a proposed, but not yet constructed thoroughfare, shall be measured from the proposed right-of-way line established for each street classification as designated on the Town or CRTPO Comprehensive Transportation Plan. (Am. Ord. 2231, passed 6-12-17)
2. USE OF TRANSITIONAL SETBACK/YARD. A transitional setback or yard shall also be applied for each parcel which abuts a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare as designated by the adopted Comprehensive Transportation Plan, this Title, or other adopted document which identifies right-of-way dimensions. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for (i) those uses which are prohibited in the required setbacks or yards elsewhere in this Title, or (ii) to satisfy any minimum parking requirements if parking is not allowed in the setback or yard by the particular zoning district. The transitional setback or yard (the area between the existing required setback/yard and the line established when measured from the future widened right-of-way) may be used for parking only when such parking exceeds the minimum parking requirements. At the time that the proposed right-of-way is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses constructed after July 10, 2000, which are within the transitional setback or yard that are not otherwise permitted in the setback or yard by the zoning district regulations. The property owner shall have one year from the date of right-of-way acquisition to remove any such uses. (Ord. 1127, passed 7-10-00; Am. Ord. 2231, passed 6-12-17)
3. EXCEPTIONS. The standards of § 155.601.18.A.1 and § 155.601.18.A.2 will not apply to any development satisfying one or more of the following circumstances: (i) Any multi-building site or multi-lot development which has at least one (1) building built or under construction, or has a valid unexpired building permit issued for at least one building prior to July 10, 2000; (ii) Any project which had a site plan not requiring any additional right-of-way approved prior to July 10, 2000 through a zoning action of the Board of Commissioners, or through a Highway Overlay Compliance Review, a Downtown Overlay Compliance Review, or Landscape Plan Review by Town Staff.

4. An affected property owner shall have the right to request a variance to transitional setback or yard requirements to the Board of Adjustment. In granting relief, the Board of Adjustment may impose reasonable and appropriate conditions and safeguards to protect the interest of neighboring properties.



- B. Either the provisions for site perimeter screening at §155.606.6.A or the provisions for loading area screening at §155.606.6.B must be provided along the rear yard and along the side yard of any lot which abuts a thoroughfare when located within the following districts: all Traditional zoning districts except HUC, and Conditional-Only districts R-VS, CrC, SRN, C-MF, B-1SCD, and AU ('72 Code, § 1631) (Ord. 477, passed 2-8-88; Am. Ord. 2231, passed 6-12-17) [formerly known as § 153.095]

155.601.19 Prior Cluster Subdivisions

Provisions for Cluster subdivisions were in effect in previous Matthews development ordinances, until August 13, 2012. A cluster development has been defined as a tract of land of at least ten acres initially owned by a single person, firm, partnership, association, or corporation which is planned and developed as a single project. Any existing cluster development shall be considered to be in conformance with all lot dimensions and minimum required setbacks and yards as long as the subdivision remains substantially the same as recorded. Minor revisions to individual lots may be made and the cluster dimensional standards provided here may be applied to those altered lots. Alternative dimensional standards for lot area, and for front setbacks, side and rear yards for any lot line on the interior of the proposed subdivision were allowed when shown on a final plat recorded prior to the given end date. Because these dimensions remain legal within the R-20, R-15, R-12, and R-9 districts when they were put into effect prior to the date given above, the applicable table of dimensions for Cluster development is provided here as a historical guide. These dimensions and the Cluster provisions here are no longer available to new development.

	R-9	R-12	R-15	R-20
Minimum lot area	6,750	9,000	11,250	15,000
Minimum lot width	60 feet	60 feet	70 feet	80 feet
Minimum side yards ⁽¹⁾	Six feet one side, eight feet other side			
Minimum setback	20 feet	25 feet	30 feet	30 feet
Average setback**	25 feet	30 feet	35 feet	35 feet
Minimum rear yard ⁽¹⁾	25 feet	30 feet	35 feet	35 feet
Minimum unobstructed				
Open space	50%	55%	60%	65%
Maximum height	35 feet	35 feet	35 feet	35 feet

** Arithmetic average of all setbacks for all lots on one side of a block, or of all lots on a cul-de-sac.

⁽¹⁾ Any side and/or rear yards which form the outer boundary of a Cluster development must conform to the conventional minimum requirements of the district in which the development is located. [formerly § 153.093 and § 153.206]

155.601.20 Accessory Structures

- A. Accessory structures shall not be permitted in any required front setback or side yard or within three feet (3') of any exterior property line. If located on a corner lot, the accessory structure shall not be nearer to the side street than the principal structure.
- B. On parcels with single-family attached or detached dwellings, no accessory structure shall be the greater of:

taller than twenty feet (20') in height; or exceed the height of the principal structure. The size of all accessory structures on such a residentially-used lot shall not exceed fifty percent (50%) of the heated area of the principal structure.

- C. Accessory structures on properties with multi-family uses or mixed uses that include dwellings shall not exceed fifty percent (50%) of the heated area of all residences.
- D. Underground accessory structures may be permitted within any required yard or setback as long as the any ventilating or other similar equipment extends no higher than thirty two inches (32") above the finished grade, is at least three feet (3') away from any property lines, and does not cover more than five percent (5%) of the required yard area. Accessory structures such as piers and docks may also be permitted in any required setback or yard on lots which adjoin bodies of water. [formerly § 153.077]

155.601.21 Fences and Walls in Residential Districts and Developments

- A. Within the single-family residential districts (R-20, R-15, R-12, R-9, R-MH, R-VS, CrC), no wall or fence may exceed four feet (4') in height in any required front setback, or no more than six feet (6') in height within any required side or rear yard.
- B. For any housing development in other districts which are exclusively or primarily residential in nature, including R-15MF, R-12MF, SRN, and C-MF, no wall or fence may exceed six feet (6') in height in any required front setback, or required side or rear yard.
- C. Fence height shall be the vertical distance measured on the exterior side of the fence from the ground directly under the fence to the highest point of the fence, exclusive of capitals or ornamental projections which are no closer than five foot (5') intervals. When applicable, the finished side of the fence shall face the exterior of the property.
- D. Where the ground elevation is inconsistent, the fence height along any unbroken run, up to sixteen (16) lineal feet, may be averaged, as long as no point along that unbroken run exceeds ten percent (10%) of the stated height limit. Fence capitals or ornamental projections on columns or posts may extend six inches (6") above the actual fence height if they are spaced centerline to centerline between five feet (5') and twelve feet (12') apart. Capitals or ornamental projections may extend twelve inches (12") above the actual fence height if they are spaced centerline to centerline greater than twelve feet (12') apart, or may extend eighteen inches (18") above the actual fence height if they are spaced centerline to centerline greater than twenty four feet (24') from any other capital or ornamental projection.
- E. Fully opaque fences and walls are not desired at entrances to housing areas or along front setbacks of dwellings. Privacy fences and walls which are intended to create private yards, courtyards, or play spaces for use by residents are allowed along street edges, but should incorporate landscaping or other features to visually break the appearance of a solid single plane for pedestrians.
- F. The wall or fence height limitation does not apply to walls and fences constructed around structures and facilities for public utilities, communications towers and related equipment, or similar essential nonresidential uses. Walls and fences related to these uses are subject to landscape screening provisions elsewhere in this Title. ('72 Code 1624) (Ord.477, passed 2-8-88; Ord. 912, passed 1/27/97; Ord 1526, passed 1/8/07; Ord 1577, passed 7/23/07) [formerly § 153.091]

155.601.22 Accessory Uses and Buildings

No accessory use or building may be located on a residential property unless an allowed principal use is present. When the principal use is a residential dwelling, the principal building on the site must have a valid Certificate of Occupancy before an accessory building may receive a permit for construction. Other accessory structures may receive a permit for construction after the permit for the principal building is issued. When the principal use on a parcel is an open use of land, then a construction permit for an accessory building or structure may be issued.

155.601.23 Unit Ownership (Condominium/Townhouse/Planned Community) Development

When a development is proposed for construction or conversion to a form of condominium, twenty plus (20+) townhouses, or a planned community, which would be subject to the regulations outlined in NCGS 47A, 47C, and 47F, such development shall conform to normal use and development requirements of this Title for the district within which it is proposed to be located, including recordation of a final plat showing lots, when applicable. Any required improvements included in an approved zoning site plan or conditional zoning action shall be indicated as "must be

built” on documents for the development. A copy of the recorded declaration shall be provided to the Town Planning office. [formerly known as §153.170]

155.602. Site Plan Layout – General Urban Design Principles

155.602.1 General

With proper urban form, a greater integration of building uses is natural and comfortable. The following general principles are encouraged to be applied throughout the Town in all zoning districts, and must be followed when Conditional-Only zoning designation is requested for the SRN, C-MF, MUD, TS, and ENT districts:

- Buildings form the public realm that is primarily streets and pedestrian pathways.
- The street is a coherent space, with consistent building form. This agreement of buildings facing across the public realm contributes to a clear public space and identity.
- Buildings oversee the street with active fronts. This overview of the public realm contributes to vital and safe public space.
- Land should be clearly public or private—in public view and under surveillance or private and protected.
- Buildings are designed for communal encounters, and must be designed for the urban situation within the Town. Views are directed to the public space as much as possible.
- Vehicle storage/parking, (not including on-street parking), garbage storage and collection, and mechanical equipment are kept away from the public realm.

155.602.2 Civic Use Areas.

Within the various Conditional-Only district there may be appropriate locations for improvements and structures available to the general public. Their design can significantly enhance the ambiance of the public realm.

- A. **CIVIC BUILDINGS.** Civic buildings contain public or civic uses of special significance to residents, employees, or visitors. Civic buildings are used for the following purposes: community services, day care, education, government, places of worship, or social services. Civic buildings must be designed to physically express their community prominence, which means they should generally be sited adjoining or surrounded by civic spaces or where they provide a visual landmark by being placed at the axial termination of a street.
- B. **CIVIC OUTDOOR SPACES.** Civic greens, squares and plazas shall be designed, planted and maintained according to the following requirements. Squares and plazas are generally intended to be active pedestrian centers and should be designed appropriate to their high foot traffic level with a higher percentage of paved surface area and should provide scattered short-interval seating accommodations. Civic greens are spaces intended for less intensive foot traffic and visitors may stay for a longer duration. Use of pervious paving materials is encouraged to allow oxygen to reach tree roots.
1. Trees planted within civic spaces provide a landscape and civic architecture that complement the surrounding building architecture. A clear view through the public space between two (2') to eight feet (8') in height is important for safety and urban design purposes. The foliage of newly planted trees may intrude below the eight foot (8') clear vision level for up to four (4) growing seasons, and low hanging branches of large maturing preserved trees may encroach into the eight foot (8') clear vision space when not extending over a paved walkway.
 2. **Materials and Configurations.**
 - a. Street trees shall be planted along the perimeter of the square or civic green at an average spacing not greater than forty feet (40') on center. Where the natural shape and spread of large maturing trees would not properly occur at this spacing, an explanation of proposed alternate tree layout and comparison of tree count as shown and per the forty foot spacing shall be included on the Landscape Plan for the civic space. The required trees shall be selected from the approved Street Tree List in § 155.606.14.
 - b. At least sixty percent (60%) of the trees within any civic space shall be large maturing trees, both evergreen and deciduous, except where existing trees are preserved that are predominately small maturing species. Existing trees shall be preserved to the greatest extent practical in designing civic spaces.

- c. Except for tree trunks, street lights, civic buildings, public art, or monuments, there shall be a clear view between two (2') and eight feet (8') above grade.
 - d. Asphalt alone as a paving material is prohibited within a civic space, but may be incorporated in the pedestrian use and travel portions along with other paving materials. Stamped asphalt, concrete, brick, stone pavers, cobblestone, and similar materials may be used within civic spaces.
3. Greens, squares and plazas must be located so that building walls that will face the civic space will have at least twenty five percent (25%) of their primary facade, including at least forty (40) percent of the ground story's primary facade, in transparent windows.

155.603. Buildings – General Urban Design Principles

155.603.1 General

These principles favor an aesthetic that is traditional in a broad sense, and which create an architectural aesthetic of load-bearing walls and regionally appropriate materials. The principles also specify certain details, such as window proportions, roof or parapet configurations, shop fronts, and overhang features. The intent behind these urban design principles is to foster a unique image while utilizing regionally appropriate elements. While materials, techniques, and product types are identified in this Title as allowed, use of equivalent or better practices and products are encouraged. They shall be submitted to the Town Planning office either for Administrative Amendment as explained at § 155.401.5 or Flexible Design as explained at § 155.401.7., whichever applies. Many of the principles apply only in conditions where the building elements are clearly visible from the public use realm, including streets, shared parking areas, and civic spaces. These urban design principles therefore concentrate on the views from the public realm and minimize interference in the private realm. For example, an architectural element that is visible only through an opening in the street wall is not clearly visible from the public realm. The following general principles are encouraged throughout the Town in all zoning districts and must be followed when Conditional-Only zoning designation is requested for the SRN, C-MF, MUD, TS, and ENT districts.

155.603.2 Exterior Building Walls

Exterior building walls shall generally reflect and complement the traditional materials and construction techniques of the Charlotte region on all sides of any structure which may be visible from the public realm. They should express the construction techniques and structural constraints of traditional, long-lasting, building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in building form and the articulation of details. All building materials to be used shall express their specific properties. For example, heavier more permanent materials (masonry) support lighter materials (wood).

Buildings constructed for commercial uses, particularly retail, which are predominately or wholly single story facilities, need to pay particular attention to the impact of their bulk and length along public street frontages. In order to improve the appearance from the public realm, these buildings should break up any expanses of blank walls with the use of exterior materials changes, a shift in wall location so that the frontage is not on a single plane parallel to the street, window and door openings, architectural design elements, and similar visually obvious detail changes that break up the horizontal expanse of plain wall. To the greatest extent possible, single story buildings greater than thirty thousand square feet (30,000 sq ft) and/or with a front elevation longer than one hundred feet (100') facing the public realm should utilize some architectural and visual variety to reduce the appearance of a single monolithic structure when initially designed or renovated for retail use. (Am. Ord 2264 passed 10-9-17)

155.603.3 Roofs and Parapets

Roofs and parapets should demonstrate a commonsense recognition of the climate by utilizing appropriate pitch, drainage, and materials in order to provide visual coherence.

155.603.4 Windows and Doors

The placement, type, and size of windows and doors help to establish the scale and vitality of the public realm. For nonresidential and mixed use buildings, they allow interplay between the business interiors and the street or public realm space. For residential buildings, they foster “eyes on the street” surveillance which provides for security and safety in the area. Windows should be divided by multiple panes of glass. This helps the window “hold” the surface of the façade, rather than appearing like a “hole” in the wall, an effect produced by a large single sheet of glass.

When larger single-story buildings are initially designed for commercial retail uses, they should include windows along at least forty percent (40%) of the length of the façade facing the public realm and should provide placement for future door openings for eventual reuse by multiple users. “Larger buildings” refers to single story buildings greater than thirty thousand square feet (30,000 sq ft) and/or with a front elevation longer than one hundred feet (100’) facing the public realm. (Am. Ord 2264 passed 10-9-17)

155.603.5 Signage

Signs along mixed use and nonresidential frontages should be clear, informative to the public and should weather well. Signage is desirable for advertising shops and offices, and as decoration. Signs should be scaled to the nature of the particular area of the designated district, such as a mixed-use, pedestrian-oriented first floor environment, a high volume and free-flowing traffic corridor, or predominately residential. Inappropriate use or placement of signage increases driver distraction, intrudes into and lessens the urban environment pedestrian experience, and creates visual clutter.

(Ord# passed 12-9-13; Am. Ord 2188 passed 11-14-16; Am. Ord 2264 passed 10-9-17)