

14.9 BROOKHILL VILLAGE OVERLAY DISTRICT

A. Purpose

The purpose of the Brookhill Village Overlay District (BVO District) is to provide mechanisms for the redevelopment of the Brookhill Village property (approximately forty-three acres) which is subject to a land lease agreement that expires on October 31, 2049 (the “Expiration Date”) and maintains affordable housing along with adaptive reuse of the property. ~~Unless otherwise modified by City Council approval, the BVO shall automatically expire on the Expiration Date. Upon expiration, the zoning regulations and standards applicable to parcels within the BVO shall revert to the adopted base zoning district standard in effect on the expiration date.~~

B. Applicability

The BVO Overlay is applied as an overlay zoning district which grants additional use or development requirements upon the underlying zoning district. Both the overlay and the underlying zoning district will control the use and development of the lot. The City Council shall designate the boundaries of the BVO or change in boundary to the BVO in accordance with procedures set forth in Section 37.2 for amending the Zoning Map. No building permits, site development permits, or other development approvals associated with the BVO Overlay shall be issued after the Expiration Date unless City Council adopts an ordinance to extend or renew the Expiration Date. Permits approved prior to the Expiration Date shall remain valid and may be completed according to their conditions of approval.

C. Definitions

~~1. **Amphitheater.** A partially or fully open air structure designed for the viewing of live music, theatrical performances, or other public gathering purposes, either with fixed or temporary seating and a defined performance area. An amphitheater may include ancillary facilities such as restrooms, concessions, ticket sales, dressing rooms, and storage.~~

2.1. Rideshare Terminal. A facility for the assembly and dispersal of travelling passengers by means of using digital platform transportation services. A rideshare terminal may include infrastructure to support passenger pick-up and drop-off, vehicle queuing, waiting areas, and electric vehicle charging stations, as well as other multi-modal means of transportation.

~~3. **Temporary Recreational Vehicle Park.** Land designed and used for the short-term placement of self-contained recreational vehicles (RVs) for transient occupancy.~~

~~E.D.~~ Permitted Uses By Right

The uses permitted in the BVO shall include those permitted by right and under prescribed conditions in the underlying district as well as all permitted accessory uses. In addition, the following uses shall be permitted by-right within the area zoned CAC-1:

- ~~1. — Art Gallery~~
- ~~2. — Arts or Fitness Studio~~
- ~~3. — Commercial Fitness Center~~

- ~~4. Hotel/motel~~
- ~~5. Outdoor market~~
- ~~6. Retail Goods Establishment~~
- 1. Rideshare Terminal
- ~~7. Parking lot (principal use)~~
- ~~8. Passenger terminal~~
- ~~9. Educational Facility—Vocational~~
- ~~10. Vocational School/Office~~

F.E. Permitted Uses with Prescribed Conditions

The following uses shall be permitted within the area zoned CAC-1 and shall comply with the prescribed conditions listed in Article 15:

- 1. ~~Amusement Facility, Indoor~~
- 2. Amusement Facility, Outdoor
- ~~3. Campground~~
 - ~~a. Subject to the requirements set forth in Section 15.4.P except Sections 15.4.P.1 and 15.4.P.6.~~
 - ~~b. The use of tents, yurts, or other fabric-based temporary shelters as dwellings or overnight accommodations shall be prohibited within the BVO.~~
 - ~~c. Long term recreational vehicles (RVs) are permitted to remain on a single campsite for more than 180 consecutive days per year and shall be connected to permanent or semi-permanent utility infrastructure.~~
 - ~~d. RVs shall meet minimum spacing requirements as set forth for manufactured homes on Table 14-2 of the UDO.~~
- ~~4. Restaurant/bar~~
- ~~5. Stadium~~

G.F. Temporary Uses

The following temporary uses shall be permitted subject to the following requirements:

- ~~1. Mobile Food Vendor~~
 - ~~a. Subject to the requirements set forth in Section 15.5.C except Section 15.5.C.3.~~
- ~~2. Outdoor Produce Sales~~
 - ~~a. Subject to the requirements set forth in Section 15.5.D except Section 15.5.D.3.~~
- ~~3. Outdoor Seasonal Sales~~
 - ~~a. Subject to the requirements set forth in Section 15.5.E except Sections 15.5.E.3 and 15.5.E.4.~~
- 4.1. Temporary Outdoor Entertainment
 - a. Subject to the requirements set forth in Section 15.5.H except Section 15.5.H.2 Temporary Outdoor Entertainment events shall not exceed fifteen (15) separate events per calendar year.
- 5.2. Temporary Outdoor Sales

- a. Subject to the requirements set forth in Section 15.5.I except Sections ~~15.5.I.3~~ and 15.5.I.5.

~~6. Temporary Recreational Vehicle (RV) Park~~

- ~~a. A Zoning Use permit is required.~~
- ~~b. The Temporary Recreational Vehicle Park shall not operate for more than thirty (30) consecutive days in a calendar year per site and must be associated with a special event or Temporary Outdoor Entertainment use.~~
- ~~c. All RVs are required to meet a minimum twenty five (25) foot setback from any public right-of-way and a minimum fifteen (15) foot setback from any adjacent property.~~
- ~~d. RV spaces shall meet a minimum fifteen (15) foot building separation.~~

H.G. Accessory Uses

The following accessory uses shall be permitted within the area zoned CAC-1 and shall comply with the prescribed conditions listed in this Article:

1. Accessory Drive Through

- ~~a. Subject to the requirements set forth in Section 15.6.A except Section 15.6.A.6. All establishments with an accessory drive-through, except restaurants, shall provide a minimum of four stacking spaces per lane or bay. Restaurants shall provide a minimum of six stacking spaces per lane or bay. The space located at the service window shall be counted in this minimum number of stacking spaces.~~
- ~~b. A stacking space shall be a minimum of nine feet in width and 18 feet in length.~~
- ~~c. All components of an accessory drive-through including, but not limited to, signs, stacking lanes, trash receptacles, ordering box, and drive-up windows, shall be located to the rear or side of the building, and shall not be located in a required front or side setback.~~
- ~~d. Drive-through lanes and circulation may not be placed between the street and the front façade of the building.~~
- ~~e. A drive-through lane shall have bail out capability for all vehicles that enter the drive-through lane. The bail out lane shall be a minimum width of ten feet in width and run parallel to the drive-through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive-through lane.~~
- ~~f.a. For a restaurant/bar principal use to have an accessory drive-through, a minimum of 24 seats, indoor or outdoor, shall be required.~~
- ~~g.b. All establishments with an accessory drive-through shall be located at an intersection fronting either Remount Road or South Tryon Street.~~
- ~~h.c. There shall be a maximum of two establishments with an accessory drive-through located within the BVO.~~

H.H. Affordable Housing Commitment

A minimum of one hundred (100) residential units within the Brookhill Village Overlay shall maintain monthly rents that are income restricted for households earning ~~between 30% to~~ 80% or less of the area median income for the duration of the BVO. It is understood that this voluntary provision is specific to rent and/or sales cost and does not include utilities. The area median income (or AMI) is the midpoint of a region's income distribution, meaning that half of the households in a region earn more than the median and half earn less than the median, based on applicable standards as established by U.S. Department of Housing and Urban Development ('HUD') for the Charlotte-Concord-Gastonia, NC area until October 31, 2049. A minimum of 89 affordable units shall be provided prior to the issuance of the first Certificate of Occupancy within the overlay.

J.I. Overlay Development Standards

The development standards of the underlying zoning district apply except for the following:

1. Development Standards

a. Dimensional and Design Standards

1. Maximum building height within the BVO shall be limited to forty-eight (48) feet.
2. Maximum Blank Wall Area (Ground floor and upper floor; Horizontal or Vertical; Per building) shall not exceed forty (40) feet.
3. Ground Floor Transparency for Nonresidential & Mixed-Use (percent of wall between 3' and 10' from grade per building) shall be a minimum of twenty-five (25) percent.

a.b. Design of Surface Parking and Parking Lots, including temporary parking lots

1. Surface parking lots as a principal use shall be limited to thirty-five (35) percent of the BVO.

1.2. Landscaping

b.a. Internal Planting

1. Development within the BVO is exempt from meeting the requirements of Article 20.17D and instead will exceed base open space requirements for the district, as outlined below.

b. Landscape Yard

1. Development within the BVO shall be exempt from complying with the requirements of Article 20.9 for required landscape yards between uses and/or zoning districts within the BVO. A landscape yard shall be required as established in Article 20.9 for required landscape yards between uses and/or zoning districts abutting the perimeter boundary of the BVO.

2.3. Improvements to existing streets

- a. Subject to City funding, new sidewalks and planting strips may be provided. Any streetscape and sidewalks located outside of existing ROW shall be placed in a

sidewalk utility easement for the duration of the lease. Changes to proposed streetscape dimensions and/or planting requirements can be approved through the Administrative Adjustment process with mutual coordination with Economic Development and Planning staff regarding potential City-funded streetscape upgrades. Development within the BVO is exempt from complying with the requirements of Article 32.7 to allow for the established streetscape to remain while reserving future right-of-way dimensions for future streetscape infrastructure by the City of Charlotte.

~~b. Existing conditions shall include: five (5') foot wide sidewalks, six (6") inch vertical curbs, existing substandard planting strips.~~

3.4. Block and Network Design Standards

- a. The established road network shall be allowed to remain as an existing condition while reserving future right-of-way for the Dunavant Street extension in compliance with the UDO for future construction of such road network investment by the City of Charlotte.
- b. New development is exempt from complying with the requirements of Article 31.1 for the established street network at the time of adoption of the BVO overlay.
- c. ~~The maximum block length shall be 1,350 feet for Brookhill Drive. The maximum block length for all remaining streets shall be 900 feet.~~
- d. The temporary closure of the street connection between Basin and Remount Road shall be permitted for events such as music, cultural, and sports. Street closure shall be 48-72 hours or less per event unless otherwise agreed upon by the Planning-CDOT Director via permit only.

~~4.e.~~ Subject to City funding, the portion of Dunavant Street located along the northern boundary of the BVO shall be constructed to CAC place type standards prior to the issuance of the first certificate of occupancy in the CAC portion of the BVO. Two off-street private pedestrian paths shall be provided in the following locations: (1) a pedestrian connection extending from the terminus of Remus Road at Brookhill Road, creating a connection between Brookhill Road and the Dunavant Street extension and (2) a pedestrian connection between Remus Road and Village Court at the southern terminus of Village Court. Off-street private paths must be a minimum of twelve feet in width. Off-street private paths are allowed to be temporarily closed upon issuance of a permit for a temporary outdoor entertainment event, if permit is required.

5. Signage

- a. Signs shall comply with UDO Article 22.

6. Tree Save

- a. ~~Reserved~~ Development within the BVO is exempt from complying with the requirements of Article 20.15.E.4. to allow green area within five (5) feet from the buildings existing at the time of BVO adoption.

7. Open Space

- a. Development shall provide a minimum of 15% of the total site area in on-site open space. Such open space may be common open space, public open space, or any combination thereof.
- b. Publicly accessible open space shall be a dynamic and programmable open space centrally accessible to neighborhood residents that provide a layering of activities designed for multiple users. Open space shall be provided within the individual parcel at the time of the first certificate of occupancy for that specific parcel. To accomplish this, the design of the open space shall consist of four (4) or more of the following potential components:
 1. Enhanced plantings in excess of minimum planting standards required of the ordinance. Enhanced plantings may take the form of trees and/or planting beds (standard, raised and/or terraced with native species);
 1. Developer shall outline the number, location, and foliage type of the enhanced plantings along with details related to dimensions of any planting beds (raised or otherwise) during the permitting phase of development if this element is utilized.
 2. All open space areas electing this element must incorporate one (1) of the following elements:
 1. A native planting area of at least 300 square feet.
 2. A rain garden for on-site stormwater infiltration.
 3. A decorative or seasonal planting bed that shall be a minimum of 150 square feet and include at least three (3) plant varieties.
 4. A cluster of at least four (4) trees planted in a grouped arrangement.
 2. Specialty paving materials (not including standard finished concrete or asphalt). Primary or accent building materials may be used as specialty paver options;
 1. Developer shall provide the details in which the specialty paving materials are utilized to satisfy the requirements of this note, including details/technical notes on said materials and the location in which they will be placed, during the permitting phase of development if this element is utilized.
 3. Shading elements such as shade structures or additional trees planted in a manner to provide consistent shade in the space;
 4. Seating options that include moveable tables and chairs. Other seating elements to be considered include seating walls, swings or interactive furniture, and immovable benches;
 1. Seating requirements for publicly accessible open space, if provided, shall be provided at 1 linear foot of seating

per 30 square feet of public open space. Seating shall be a mixture of moveable and fixed.

2. Locations where the seating requirement is being implemented, along with the calculations confirming that the regulation has been met, shall be included during the permitting phase of development if this element is utilized.

3. Have a minimum dimension of fifty (50) feet or more measured in all directions;

5. Public art/sculpture;

1. Public art, either in the form of murals, sculpture, or other mediums alongside the details of the art intervention (inclusive of type, size, and location) shall be provided during the permitting phase of development if this element is utilized. Details around the artist, actual artwork are not required.

2. Interactive elements that children or others to experience sensory stimulation including but not limited to music, water, and light; and/or

3. Developer shall provide the details/technical notes on the element along with the location of installation during the permitting phase of development if this element is utilized.

6. Decorative lighting elements that include uplighting of trees or other open space elements and additional ambient lighting elements to enhance the experience of the space.

1. If this element is utilized, the petitioner shall provide a lighting plan to plan review staff that provides details/technical notes on the element along with the location of installation during the permitting phase of development.

2. Open Space Areas incorporating decorative lighting shall include at least one (1) of the following features:

1. Pedestrian-scale pole lights.

1. Minimum height: 10 feet, maximum height: 14 feet.

2. Fixtures shall be full cutoff or shielded to prevent glare.

2. Accent or Landscape Lighting.

1. A minimum of four (4) low-voltage or LED fixtures used to highlight trees, planting bed, architectural elements, or public art.

2. Uplighting is permitted only when fully shielded to direct light solely onto the intended feature.

3. Integrated Pathway Lighting.

1. Continuous illumination along at least 30 linear feet of pathway.

2. Bollards, recessed step lights, or similar pedestrian-scale fixtures are permitted.

~~a.~~

8. Parking

- a. Off-street vehicular parking within the BVO shall be calculated within Tier 1 on Table 19-1.
- b. The minimum on-street parking dimensions for streets within the BVO are permitted to be reduced to 7' by 22' parallel parking spaces on both sides of the street with 10' travel lanes. The minimum on-street parking dimensions for Village Court are permitted to be reduced to 6' by 18' parallel spaces on both sides of the street with the two 10' travel lanes.

9. Stormwater

- a. Development shall meet the requirements of UDO Article 24 and 25.