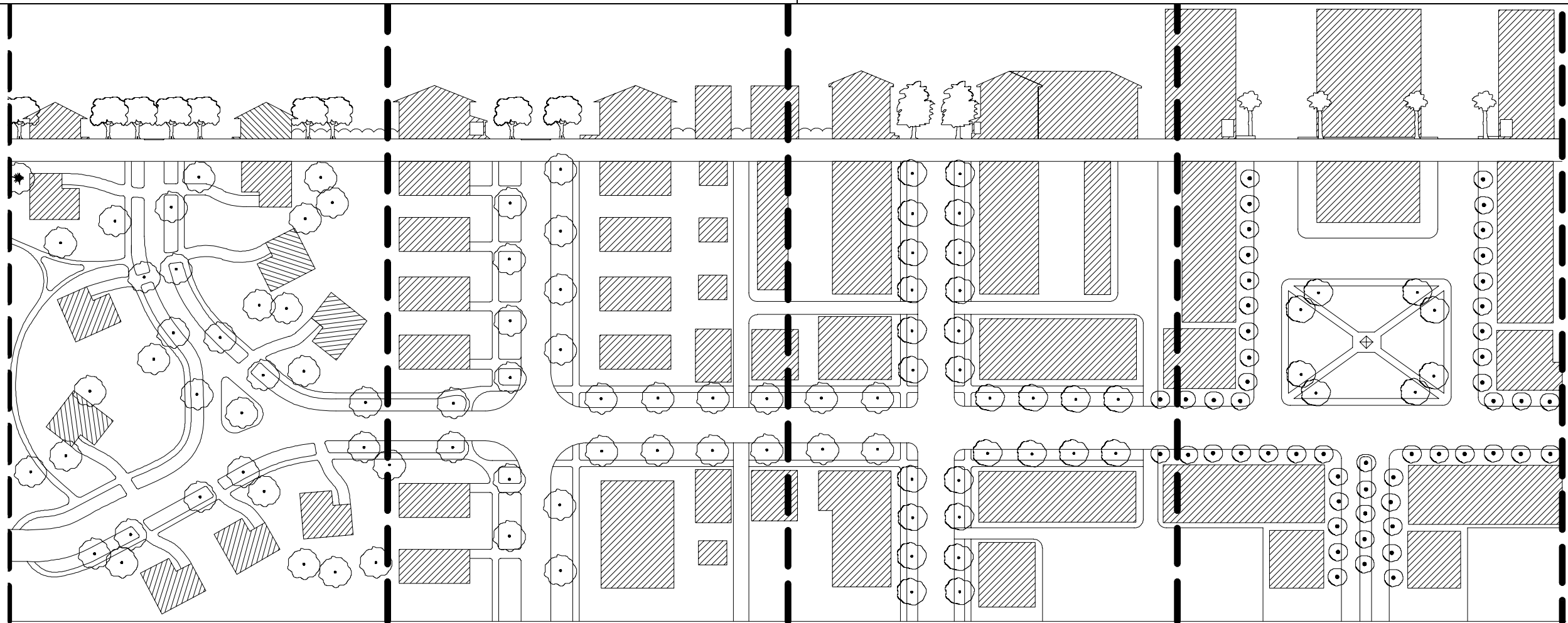


## 7.2 Downtown Mint Hill Overlay Code

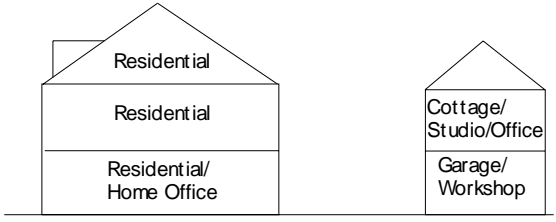
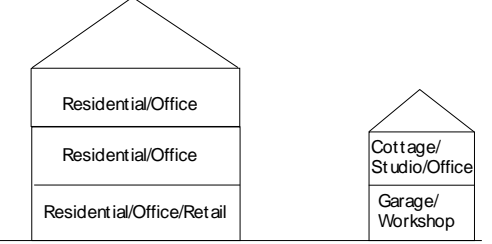
<p><b>TABLE OF CONTENTS:</b></p> <ol style="list-style-type: none"> <li>1. Purpose and Applicability</li> <li>2. District Standards</li> <li>3. Open Space Overlay District</li> <li>4. Building Types</li> <li>5. Street Types and Standards</li> <li>6. Parking Standards</li> <li>7. Lighting Standards</li> <li>8. Landscaping</li> <li>9. Miscellaneous Definitions</li> </ol>	<p><b>1.0 PURPOSE:</b></p> <p>This code was specifically designed to implement the Downtown Mint Hill Master Plan. To that end, the Town of Mint Hill has found that it is necessary to enact a new Code that addresses specific design issues that are not present in the current development regulations.</p> <p>Properties located in this Area have been placed in an Overlay District which regulates the form and use of all existing and new development.</p> <p>These regulations have been designed to permit a greater variety of uses in close proximity to one another than was previously permitted. In order to manage this flexibility a specific set of design guidelines has been established to regulate the buildings and their relationship to the public realm of the street and formal open spaces.</p> <p><b>1.1 APPLICABILITY:</b></p> <ol style="list-style-type: none"> <li>1. The regulations found herein shall be considered applicable to all appropriate overlay districts indicated on the Downtown Mint Hill Zoning District Map.</li> <li>2. Notwithstanding Article 11, Non-conforming Uses, it is intended that any uses or structures made nonconforming because the property upon which such structures are located is zoned to the Downtown Overlay District, shall be permitted to expand provided such expansion complies with the provisions of the downtown code overlay. The Planning Director is permitted to alter requirements not to exceed 10% that relate to parking, building height, setbacks and building footprint so long as the proposed expansion complies with the spirit and intent of the Downtown Overlay Code. Alterations above 10%, requires a Special Use Permit. .</li> <li>3. This Code shall be implemented as two new Overlay Districts which shall supplement the current zoning categories present in this area. The classification of property in this area is as follows: <ul style="list-style-type: none"> <li>Downtown Overlay A (DO-A) - Neighborhood</li> <li>Downtown Overlay B (DO-B) - Town Center</li> </ul> </li> <li>4. The Planning Director shall be responsible for the administration of this District and the issuance of all related zoning permits, except: <ul style="list-style-type: none"> <li>• Where exceptions are noted in these requirements; and</li> <li>• The subdivision or re-subdivision of land which shall be processed in accordance with normal procedures outlined in the Subdivision Ordinance.</li> </ul> </li> <li>5. Exceptions to the provisions of this Ordinance (except for Permitted Uses and Excluded Uses) may be approved as a Special Use Permit by the Board of Commissioners upon a recommendation by the Planning Board. In granting a Special Use Permit as an exception to these provisions, the Board shall first determine that: <ul style="list-style-type: none"> <li>• No practical design alternatives exist; and</li> <li>• The variations/exceptions requested are consistent with the purpose and intent of this Overlay District as well as Section 1.2 General Building Design Guidelines.</li> </ul> </li> <li>6. The Gross Density (inclusive of all rights-of-way and common areas) for any project shall not exceed 6 dwelling units/acre except where noted in the Master Plan.</li> </ol>	<p><b>1.2 GENERAL BUILDING DESIGN GUIDELINES:</b></p> <ol style="list-style-type: none"> <li>A. All buildings shall share a frontage line with a street or public open space.</li> <li>B. All buildings, except accessory structures, shall have an entrance opening onto a street or public open space, unless otherwise noted. If such entrance is not the principal entrance, it shall nonetheless provide adequate architectural treatment to create a sense of place and ensure pedestrian-friendly design.</li> <li>C. Adjacent buildings should be similar in scale, height, and configuration. Similar building types should face each other. Transitions to dissimilar building types (i.e. Detached House to Office Buildings) should generally occur at the rear lane/alley or rear property line.</li> <li>D. Important street vistas should terminate in a focal point, such as a building or other architectural or natural feature. Buildings at corner locations should provide adequate architectural treatment to create a sense of place and ensure pedestrian-friendly design.</li> <li>E. Architectural elements like openings, sill details, bulkheads, posts, and other architectural features shall be used to establish human scale at the street level.</li> <li>F. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes on their visible facades. Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to: add architectural interest and variety; relieve the visual effect of a single, long wall; and subdivide the wall into human size proportions. Similarly, roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. For larger scale developments, the building façade shall create repetitive bays, or the façades shall be divided into a balanced, yet asymmetrical, composition.</li> <li>G. All visibly exposed facades shall have a base, a middle, and a top with: <ol style="list-style-type: none"> <li>a) a recognizable base course consisting of, but not limited to: <ul style="list-style-type: none"> <li>• thicker walls, ledges or sills;</li> <li>• integrally textured materials such as stone or other masonry;</li> <li>• integrally colored and patterned materials such as smooth finished stone or tile;</li> <li>• lighter or darker colored materials, mullions, or panels; and/or</li> <li>• planters.</li> </ul> </li> <li>b) a recognizable top consisting of, but not limited to: <ul style="list-style-type: none"> <li>• cornice treatments, other than just colored stripes or bands, with integrally textured materials such as stone or other masonry or differently colored materials;</li> <li>• sloping roof with overhangs and brackets;</li> <li>• stepped parapets; and/or</li> <li>• a cornice capping the top of a building wall.</li> </ul> </li> <li>c) Taller buildings shall be constructed by repeating the middle elements.</li> </ol> </li> <li>H. Windows shall be vertically proportioned. Exceptions include storefront windows on the ground level (which are generally square or rectangular) and certain window configurations that are stylistically accurate with recognized architectural styles (international or modern). Also, to the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.</li> <li>I. Metal buildings are prohibited. (Ord. No. 581, 8-13-2009)</li> </ol>
---	---	---



## 7.2 Downtown Mint Hill Overlay Code

2.0 DISTRICT STANDARDS	DOWNTOWN OVERLAY A - NEIGHBORHOOD	DOWNTOWN OVERLAY B - TOWN CENTER
2.1 TRANSECT DIAGRAM - DOWNTOWN MINT HILL	 <p>The diagram illustrates the vertical and horizontal structure of the two zones. The Neighborhood zone (left) features a street layout with irregular lot sizes, scattered trees, and buildings of varying heights and setbacks. The Town Center zone (right) shows a more uniform grid with taller, more closely spaced buildings and a higher density of trees along the streets.</p>	
2.2 DESCRIPTION	<p>The <b>Neighborhood</b> zone is mixed in function, but principally residential in character. It is the largest area of the Downtown.</p>	<p>The <b>Town Center</b> is the most dense business, service, and institutional center as it is shared by many neighborhoods in the Downtown area. Buildings in the Town Center are close to the street and off-street parking is generally to the rear to create an active pedestrian environment.</p>

## 7.2 Downtown Mint Hill Overlay Code

	DOWNTOWN OVERLAY A - NEIGHBORHOOD	DOWNTOWN OVERLAY B - TOWN CENTER
<b>2.3 MIXED USE PROVISIONS</b>		
<b>2.4 SPECIFIC BUILDING TYPES PERMITTED</b>  Except where topographic conditions prohibit, all buildings shall enfront on public streets or parks.	Detached House – Street Lot Detached House – Alley Lot Townhouse Civic Building	Detached House – Street Lot Detached House – Alley Lot Townhouse Shopfront Building Workplace Building Civic Building
<b>2.5 PERMITTED OPEN SPACE TYPES</b>	Greenway Park Sportsfield Green Square Plaza Community Garden Close Playground	Square Green Plaza Playground
<b>2.6 MAX. HEIGHT</b>	2 ½ Stories	3 Stories
<b>2.7 SIGNAGE</b>	All Permitted Signage	All Permitted Signage

## 7.2 Downtown Mint Hill Overlay Code

2.8 USE PROVISIONS	DOWNTOWN OVERLAY A - NEIGHBORHOOD	DOWNTOWN OVERLAY B - TOWN CENTER
To the extent that any uses permitted in the Downtown Mint Hill Overlay District Code are inconsistent with the uses permitted in the underlying zoning district, the uses permitted in the Downtown Mint Hill Overlay District Code shall control. (Ord. No. 548, 7-17-2007)		
<b>Residential:</b> Premises available for long-term human habitation by means of ownership and rental, but excluding short-term letting of less than a month's duration	<b>Limited Residential:</b> The number of dwellings is limited by the requirement of 1.5 assigned parking spaces for each dwelling. <b>Permitted Uses:</b> Single Family homes and Duplexes. Multi-family dwellings are permitted but shall be subject to the issuance of Special Use Permit by the Board of Commissioners	<b>Open Residential:</b> The number of dwellings is limited by the requirement of 1.5 assigned parking spaces for each dwelling, a ratio that may be reduced according to the shared parking standard (Section 6.4). <b>Permitted Uses:</b> Single Family homes, Duplexes, and Multi-Family dwellings
<b>Lodging:</b> Premises available for short-term human habitation, including daily and weekly letting	<b>Limited Lodging:</b> The number of bedrooms available for lodging is limited by the requirement of one assigned parking space for each bedroom, in addition to the parking requirement for each dwelling. Food service may only be provided in the morning. <b>Permitted Uses:</b> Rental Cottages and Bed and Breakfast Inns	<b>Open Lodging:</b> The number of bedrooms available for lodging is limited by the requirement of one assigned parking space for each bedroom, in addition to the parking requirement for each dwelling. Food service may be provided at all times. <b>Permitted Uses:</b> Hotels and Inns, Rental Cottages
<b>Office:</b> Premises available for the transaction of general business, but excluding retail sales and manufacturing	<b>Restricted Office:</b> Customary home occupation uses are permitted. <b>Permitted Uses:</b> Home Occupations, Professional Offices are permitted along Wilgrove-Mint Hill Road only with a Special Use Permit	<b>Open Office:</b> The area available for office use is limited by the requirement of 3 assigned parking spaces for each 1000 sq ft, a ratio that may be reduced according to the shared parking standards (Section 6.4). <b>Permitted Uses:</b> Office Uses, Live-Work Units
<b>Retail:</b> Premises available for the commercial sale of merchandise and prepared foods, but excluding manufacturing	<b>Restricted Retail:</b> Retail use is not permitted within residential buildings; with the exception of child care centers in residential structures. <b>Permitted Uses:</b> Child Care Center	<b>Open Retail:</b> The area available for retail use is limited by the requirement of one assigned parking space for each 250 sq ft of gross retail space, a ratio that may be reduced according to the shared parking standards (Section 6.4). <b>Permitted Uses:</b> Retail Uses, Restaurants, Entertainment Uses, and Day Care Centers Convenience Stores, Gas Stations, Drive-Through Facilities and Car Washes (subject to the issuance of a Special Use Permit)  <b>Excluded Uses:</b> Automotive/Boat/Heavy Equipment/Manufactured Home Sales & Service, Adult Establishments and Adult Video Stores
<b>Manufacturing:</b> Premises available for the creation, assemblage, and repair of items including their retail sale except when such activity creates adverse impacts	<b>Restricted Manufacturing:</b> Manufacturing uses are not permitted.	<b>Restricted Manufacturing:</b> Manufacturing uses are not permitted.
<b>Civic:</b> Premises available for not-for-profit organizations dedicated to religion, arts and culture, education, government, social service, transit, and other similar functions	<b>Open Civic:</b> Civic uses shall be permitted, except those uses that exceed 25,000 square feet shall be subject to the issuance of Special Use Permit by the Board of Commissioners.	<b>Open Civic:</b> Civic uses shall be permitted, except those uses that exceed 25,000 square feet shall be subject to the issuance of Special Use Permit by the Board of Commissioners.
<b>Special Use Provisions</b>	<ol style="list-style-type: none"> <li>1. The provisions of Section 1.2-General Building Design Guidelines shall be adhered to.</li> <li>2. Where adjacent buildings are residential in character, the infill building shall maintain that character using architectural techniques that are consistent with residential styles.</li> <li>3. For Gas Stations, the pump canopy shall be located to the side or rear of the principal building. No canopy may be placed in a yard adjacent to a street (i.e. on corner lots)</li> <li>4. Drive thru lanes and services shall be minimized so as not to negatively impact the pedestrian realm of the fronting street with excessive curb cuts or frequent travel. Circulation lanes in the front of the building, if permitted, should not exceed 10 feet in total width and should be visually differentiated using a brick or concrete paver, stamped and/or colored pavement technique, or a treatment similar in appearance.</li> <li>5. Car Washes</li> </ol>	

## 7.2 Downtown Mint Hill Overlay Code

<p><b>3.0 OPEN SPACE REQUIREMENTS</b></p>	<p><b>3.1 APPLICABILITY AND IMPLEMENTATION:</b></p> <ol style="list-style-type: none"> <li>1. All residential development shall be subject to these provisions.</li> <li>2. Open Space Types may be combined (i.e. a playground in a park)</li> </ol>	<p><b>3.3 PERMITTED TYPES:</b></p> <p><b>Greenway:</b> A corridor encompassing a trail for bicycles or pedestrians consistent with standards adopted by Mecklenburg County Parks and Recreation, but at no time should be less than 10 feet in width. The trajectory of a greenway should lead through rural as well as urban areas, connecting the countryside to urban parks. The landscaping pattern should be appropriate to the location: naturalistic within the countryside, and formal within the neighborhoods.</p> <p><b>Meadow:</b> An area available for unstructured recreation outside of a neighborhood. A meadow is naturalistic, consisting of native plants, growing unchecked, and requiring minimal maintenance.</p> <p><b>Park:</b> A large open area available for recreation, usually located at the neighborhood edge, and fronted by buildings. Its landscape comprises paved paths and trails, some open lawn, trees and open shelters, all naturalistically disposed and requiring limited maintenance.</p> <p><b>Sportsfield/Stadiums:</b> An open area or facility and its related ancillary buildings specifically designed and equipped for large-scale structured recreation. Such fields should be confined to the edges of neighborhoods as their size is disruptive to the fine-grained network which is required for pedestrian travel.</p> <p><b>Green:</b> A medium-sized public space available for unstructured recreation, circumscribed by building facades, its landscape consisting of grassy areas and trees, naturalistically disposed and requiring only limited maintenance.</p>
	<p><b>3.2 GENERAL PROVISIONS:</b></p> <ol style="list-style-type: none"> <li>1. Common open space is defined as all areas not covered by building or parking lots, dry detention structures, streets, and required setbacks. The intent of these requirements is to allow for the usage of centrally located unencumbered land as neighborhood open spaces and not to permit the use of leftover or otherwise unusable land to fulfill the requirements of this Section.</li> <li>2. Residential development shall provide common open space in accordance with the specifications of this Chapter. Developments shall provide common open space at a rate of 500 square feet per bedroom unit. For the purposes of this calculation, developers shall make a good faith estimate (with a margin of error not exceeding 10%) at the time of Preliminary Plat submission. Greenways are credited towards this requirement at a rate equal to the length of the path times 16 feet in width.</li> <li>3. Common open space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and shall contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, and/or playground equipment.</li> <li>4. Significant stands of trees, streambed areas, and other valuable topographic features shall be preserved within the required open space areas where practical. Areas noted on the Master Plan as open space should be preserved and dedicated where practical and feasible and may be left unimproved in accordance with the Plan.</li> <li>5. Playground equipment, statues, and fountains should be located toward the interior of squares and parks.</li> <li>6. Common open space should be fronted by streets and buildings to encourage their use and patrol their safety.</li> <li>7. Required common open space shall be separately deeded to either a homeowner's association, a non-profit land trust or conservancy, Mecklenburg County, the Town of Mint Hill, or otherwise permanently protected through deed restriction.</li> </ol>	<p><b>Square:</b> A public space, seldom larger than a block, at the intersection of important streets. A square is circumscribed spatially by frontages; its streetscape consists of paved walks, lawns, trees, and civic building all formally disposed and requiring substantial maintenance.</p> <p><b>Plaza:</b> A public space at the intersection of important streets set aside for civic purposes and commercial activities, A plaza is circumscribed by frontages; its landscape consists of durable pavement for parking and trees requiring little maintenance. All parking lots on frontages should be designed as plazas with the paving not marked or detailed as parking lots.</p> <p><b>Community Gardens:</b> A grouping of garden plots available for small-scale cultivation, generally to residents of apartments or other dwelling types without private gardens. Community gardens should accommodate individual storage sheds. Community gardens are valuable for their recreational and communal role, similar to that of a club.</p> <p><b>Close:</b> A small green area surrounded by a drive way providing vehicular access to several buildings, performing the same function as a cul-de-sac but creating a socially useful space. The width of the close must correspond to the standard turning radius requirement. A close may be built to economical driveway standards unless it is accessed regularly by utility vehicles.</p> <p><b>Playground:</b> A small open area specifically designed and equipped for the play of small children. A playground is usually fenced and may include an open shelter. Playgrounds should be interspersed within residential areas, a short walking distance from dwellings.</p>

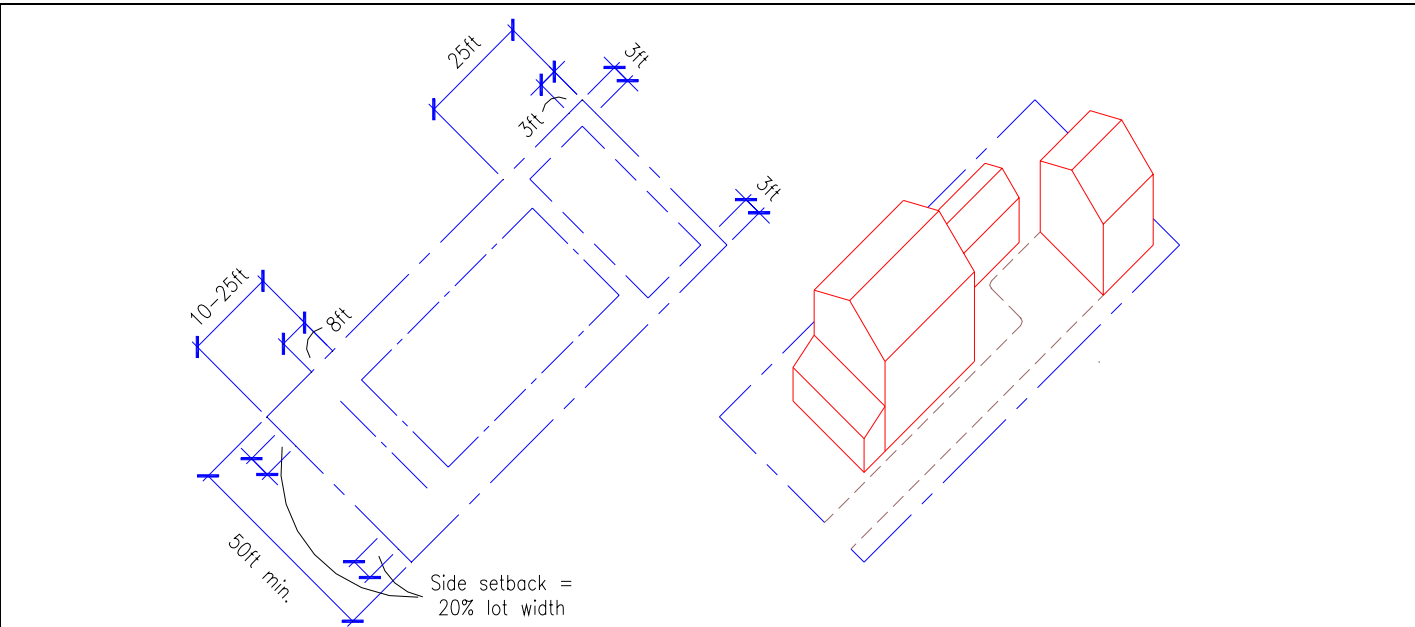
## 7.2 Downtown Mint Hill Overlay Code

### 4.1 DETACHED HOUSE – TYPE A (STREET LOT)

*Description: The detached house is the predominant building type in the Town of Mint Hill. It is flexible in use (where permitted), accommodating single family uses, multi-family uses up to four units, home occupations, professional offices, and limited retail uses. When other building types are integrated with Detached Houses, the scale of the Detached House shall control (exception: Civic Buildings).*

*Applicability: The street lot is a medium or large sized lot that provides primary vehicular access from the street. The use permitted within the building is determined by the Overlay District in which it is located.*

#### 1. LOT REQUIREMENTS



**Setbacks:** Front yard and side yard setbacks for structures on infill lots shall generally be equal to the average setbacks for all principal structures within 300 ft or one block length (whichever is greater). Where no frontage condition currently exists, the build-to line and/or setbacks shall be as follows:

**Front Build-To Line:** 10-25 ft

**Sides:** The total of both side setbacks shall equal 20% of the lot width at the frontage line, but shall not be less than 6 feet, except in new developments, where the entire setback may be allocated to one side)

**Rear:** 15 ft

**Minimum Lot Width:** 50 Ft

**Maximum Height:** 2 ½ Stories (as measured from the fronting street)

**Encroachments:** Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of 12 ft.

**Building Lot Coverage (Maximum):** 50%

**Accessory Structures:**

**Side/Rear Setback:** 3 ft

**Maximum Footprint:** 650 sq ft

**Maximum Number of Structures:** 1

#### 2. ARCHITECTURAL REQUIREMENTS

##### A. General Requirements

- Useable porches and stoops should form a predominate motif of the building design and be located on the front and/or side of the home. Useable front porches are at least 6 feet deep and extend more than 50% of the facade.
- Garages with front loading bays shall be recessed from the front facade of the house and visually designed to form a secondary building volume. All garages with more than two bays shall be turned such that the bays are not visible from the street. At no time shall the width of an attached garage exceed the greater of 20 feet or 40% of the total building facade.
- Fences or walls shall be no greater than 6 feet in height behind the front building line. Fences shall be no greater than 4 feet in height and walls no greater than 3 feet in height in the front yard setback.
- Garage doors are not permitted on the front elevation of any detached house on a lot less than 50 feet wide.
- All front entrances shall be raised from the finished grade (at the curb or sidewalk) a minimum of 1½ feet. (Exceptions may be granted by the Planning Director to accommodate accessibility for the elderly/disabled on a site by site basis.)
- Decorative mailboxes shall be uniform throughout the development.

##### B. Materials

- A minimum of 50% of the total dwelling units shall be brick. Residential building walls of other units shall be wood clapboard, wood shingle, wood drop siding, primed board, wood board and batten, cementitious fiber board, brick, stone or masonry stucco. Accessory buildings with a floor area greater than 150 square feet shall be clad in materials similar in appearance to the principal structure.

- Garden walls may be of brick, stone or stucco matching the principal building. Front yard fences shall be wood picket or wrought iron only. Side and rear yard fences may be wood, wrought iron, or similar material. All side and rear yard fences over 4 ft in height shall be wood or similar material unless landscaped from view by adjacent properties using trees, hedges, ivy or similar plant material.
- Residential roofs shall be clad in wood or architectural shingles, clay tile, or standing seam metal (copper, zinc, or terne) or materials similar in appearance and durability. (Ord. No. 553, 12-13-2007)
- Foundation walls (except those under porches) shall be finished with brick or stone. The crawlspace of porches may be enclosed with a combination of brick, stone, and wood lattice.

##### C. Configurations

- Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall be less than 3:12.
- Two wall materials may be combined horizontally on one facade. The heavier material should be below.
- Exterior chimneys visible from public streets shall be finished in brick or masonry stucco. All other roof equipment should be screened from the view of the fronting street.
- The crawlspace of buildings shall be enclosed.

##### D. Techniques

- Overhanging eaves may expose rafters.
- Flush eaves shall be finished by profiled molding or gutters.
- All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.



Single Family



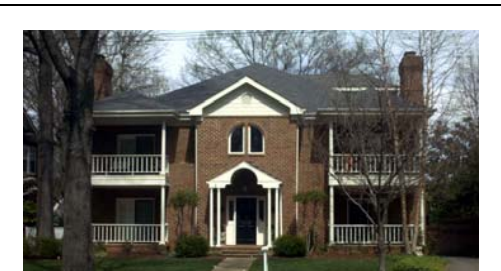
Duplex



Limited Retail



Restaurant



Quadruplex

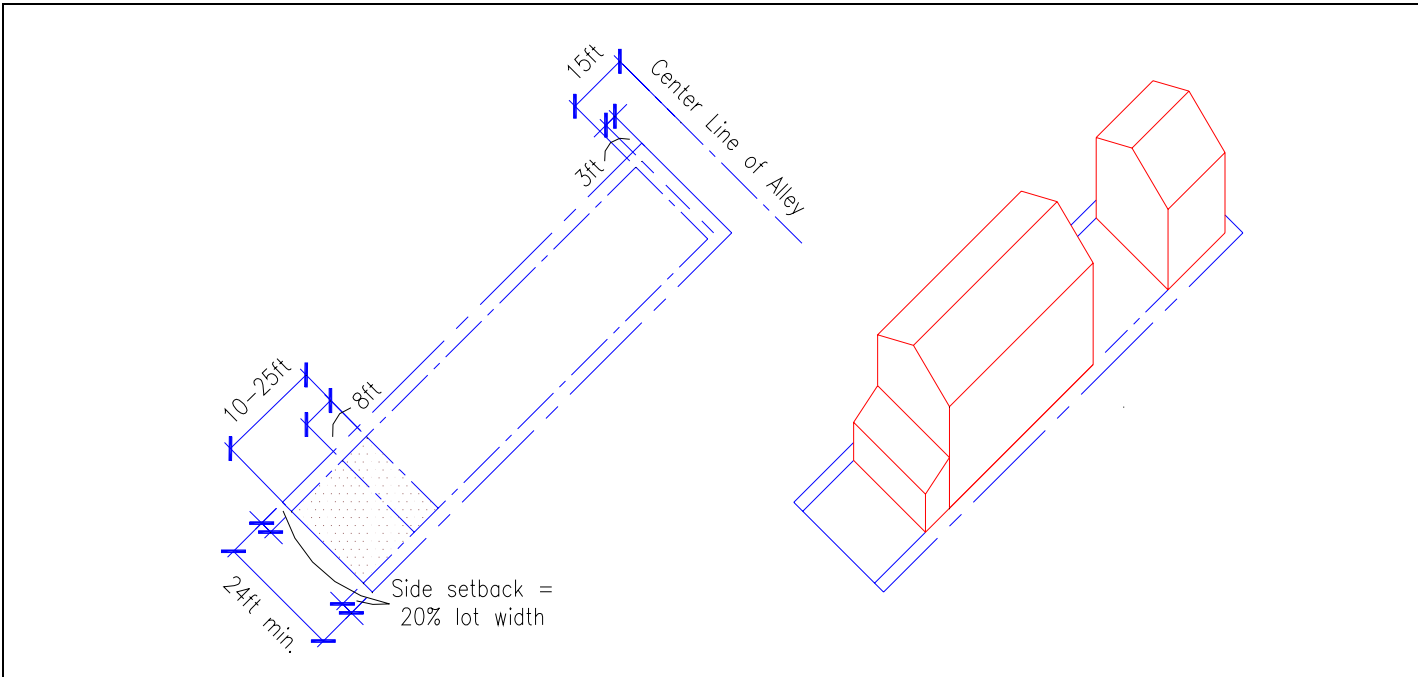
## 7.2 Downtown Mint Hill Overlay Code

### 4.2 DETACHED HOUSE – TYPE B (ALLEY LOT)

*Description: The detached house is the predominant building type in the Town of Mint Hill. It is flexible in use (where permitted), accommodating single family uses, multi-family uses up to four units, home occupations, professional offices, and limited retail uses. When other building types are integrated with Detached Houses, the scale of the Detached House shall control (exception: Civic Buildings).*

*Applicability: The alley lot is a lot with an average width not exceeding 50 feet. Primary vehicular access is provided using a rear lane or alley only. No curb cuts or driveways are permitted along the frontage except on previously platted lots or where the condition currently exists. The use permitted within the building is determined by the Overlay District in which it is located.*

#### 1. LOT REQUIREMENTS



**Setbacks:** Front yard and side yard setbacks for structures on infill lots shall generally be equal to the average setbacks for all principal structures within 300 ft or one block length (whichever is greater). Where no frontage condition currently exists, the build-to line and/or setbacks shall be as follows:

- Front Build-To Line:** 10-25 ft
- Side:** 6 ft each side, however the total of both side yards may be allocated to one side in new development.
- Rear:** 15 ft from centerline of alley

**Minimum Lot Width:** 24 Ft  
**Maximum Height:** 2 ½ Stories (as measured from the fronting street)

**Encroachments:** Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of 12 ft.

**Building Lot Coverage (Maximum):** 50%

**Accessory Structures:**  
**Side/Rear Setback:** 3 ft  
**Maximum Footprint:** 650 sq ft  
**Maximum Number of Structures:** 1

#### 2. ARCHITECTURAL REQUIREMENTS

##### A. General Requirements

1. Useable porches and stoops should form a predominate motif of the building design and be located on the front and/or side of the home. Useable front porches are at least 6 feet deep and extend more than 50% of the facade.
2. Fences or walls shall be no greater than 6 feet in height behind the front building line. Fences shall be no greater than 4 feet in height and walls no greater than 3 feet in height in the front yard setback.
3. All front entrances shall be raised from the finished grade (at the curb or sidewalk) a minimum of 1½ feet.
4. Decorative mailboxes and decorative sign posts shall be uniform throughout the development.

##### B. Materials

1. A minimum of 50% of the total dwelling units shall be brick. Residential building walls of other units shall be wood clapboard, wood shingle, wood drop siding, primed board, wood board and batten, cementitious fiber board, brick, stone or masonry stucco. Accessory buildings with a floor area greater than 150 square feet shall be clad in materials similar in appearance to the principal structure.
2. Garden walls may be of brick, stone or stucco matching the principal building. Front yard fences shall be wood picket or wrought iron only. Side and rear yard fences may be wood, wrought iron, or similar material. All side and rear yard fences over 4 ft in height shall be wood or similar material unless landscaped from view by adjacent properties using trees, hedges, ivy or similar plant material.
3. Residential roofs shall be clad in wood or architectural shingles, clay tile, or standing seam metal (copper, zinc, or terne) or materials similar in appearance and durability. (Ord. No. 553, 12-13-2007)

4. Foundation walls (except those under porches) shall be finished with brick or stone. The crawlspace of porches may be enclosed with a combination of brick, stone, and wood lattice.

##### C. Configurations

1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall be less than 3:12.
2. Two wall materials may be combined horizontally on one facade. The heavier material should be below.
3. Exterior chimneys visible from public streets shall be finished in brick or masonry stucco. All other roof equipment should be screened from the view of the fronting street.
4. The crawlspace of buildings shall be enclosed.

##### D. Techniques

1. Overhanging eaves may expose rafters.
2. Flush eaves shall be finished by profiled molding or gutters.
3. All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.



Single-Family Homes



Triplex



Single-Family Homes



Duplex



Single Family Home

## 7.2 Downtown Mint Hill Overlay Code

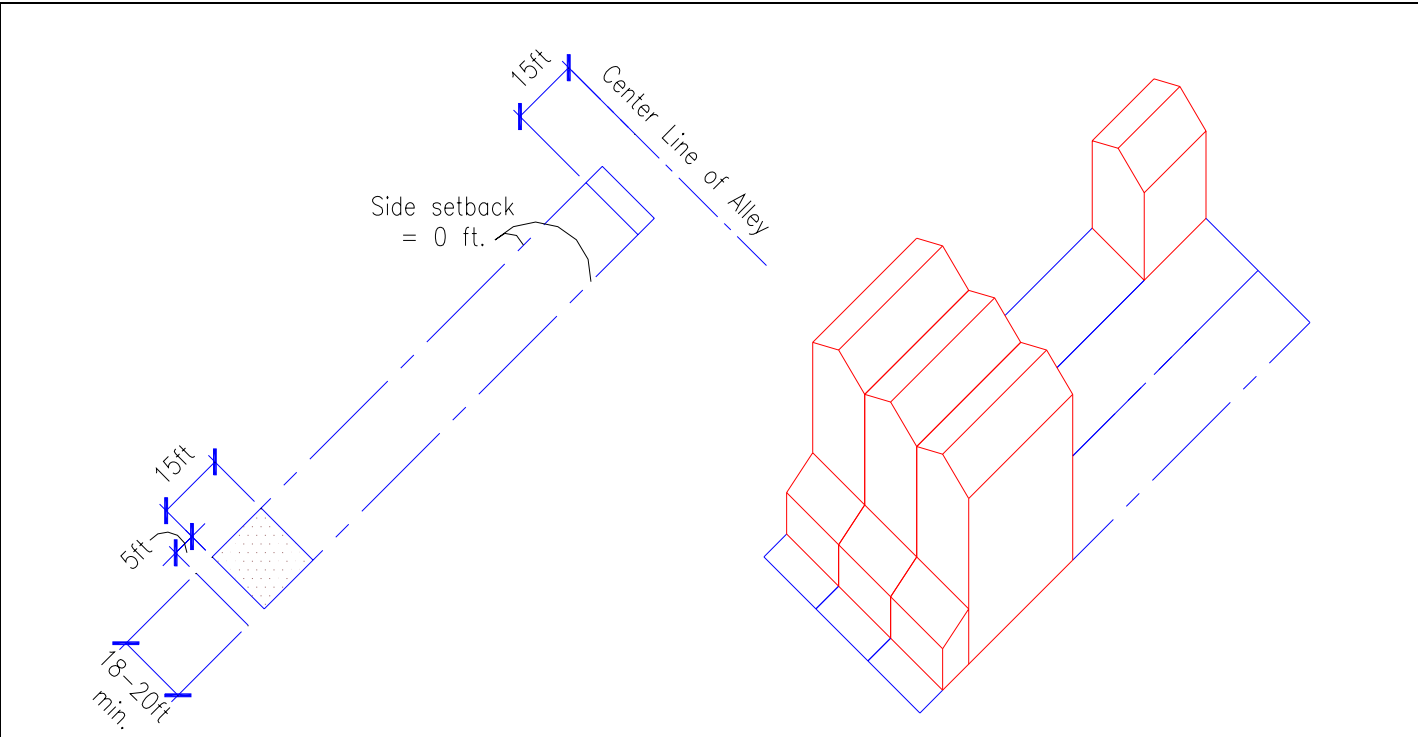
### 4.3 TOWNHOUSE

*Description: The townhouse is a building with two or more residential units that are located side-by-side. When an entrance is provided at-grade, the townhouse may be used as a live-work unit.*

Applicability: The use permitted within the building is determined by the Overlay District in which it is located.

#### 1. LOT REQUIREMENTS

#### 2. ARCHITECTURAL REQUIREMENTS



##### A. General Requirements

1. Useable porches and stoops should form a predominate motif of the building design and be located on the front and/or side of the building. Useable front porches are at least 6 feet deep and extend more than 50% of the facade.
2. Garage doors are not permitted on the front elevation of any townhouse.
3. Fences or walls shall be no greater than 6 feet in height behind the front building line. Fences shall be no greater than 4 feet in height and walls no greater than 3 feet in height in the front yard setback.
4. All building elevations visible from the street shall provide doors, porches, balconies, and/or windows. A minimum of 60% of front elevations, and a minimum of 30% of side and rear building elevations, as applicable, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. This standard applies to each full and partial building story.
5. All front entrances shall be raised from the finished grade (at the curb or sidewalk) a minimum of 1½ feet.
6. All townhouses shall provide detailed design along all elevations. Detailed design shall be provided by using at least three (3) of the following architectural features on all elevations as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
  - a. Dormers
  - b. Gables
  - c. Recessed or covered porch entries
  - d. Cupolas or towers
  - e. Pillars or posts
  - f. Eaves (minimum 6 inch projection)
  - g. Off-sets in building face or roof (minimum 16 inches) Window trim (minimum 4 inches wide)
  - h. Bay windows
  - i. Balconies
  - j. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features)
  - k. Decorative cornices and roof lines (for flat roofs)

##### B. Materials

1. Sixty-five percent (65%) of residential building walls shall be of brick or stone; a maximum of thirty-five percent (35%) of front and rear facades may be of wood clapboard, wood shingle, wood drop siding, primed board, wood board and batten, cementitious fiber board, masonry stucco or approved vinyl. End walls of corner units shall be brick. Accessory buildings with a floor area greater than 150 square feet shall be clad in materials similar in appearance to the principal structure. Gable ends may be detailed in brick, shakes, or siding (non-vinyl only).
2. Garden walls may be of brick, stone or stucco matching the principal building. Front yard fences shall be wood picket or wrought iron only. Side and rear yard fences may be wood, wrought iron, or similar material. All side and rear yard fences over 4 ft in height shall be wood or similar material.
3. Residential roofs shall be clad in wood or architectural shingles, clay tile, or standing seam metal (copper, zinc, or terne) or materials similar in appearance and durability. (Ord. No. 553, 12-13-2007)
4. Foundation walls shall be finished with brick or stone.

##### C. Configurations

1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall be less than 3:12.
2. Two wall materials may be combined horizontally on one facade. The heavier material should be below.
3. Exterior chimneys visible from public streets shall be finished in brick or stucco. All other roof equipment should be screened from the view of the fronting street.
4. The crawlspace of buildings shall be enclosed.

##### D. Techniques

1. Overhanging eaves may expose rafters.
2. Flush eaves shall be finished by profiled molding or gutters.

##### Setbacks:

- Front (Maximum):** 0-15 ft
- Sides:** 0 ft (Corner-6 ft)
- Rear:** 15 ft from centerline of alley

**Parking and Vehicular Access:** Primary vehicular access is provided using a rear lane or alley only. Off-street parking shall be located in the rear yard only. No curb cuts or driveways are permitted along the frontage.

**Minimum Unit Width:** 18 ft (with a minimum average of 20 feet per building block)

**Encroachments:** Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback.

##### Accessory Structures:

- Side/Rear Setback:** 0 ft
- Maximum Footprint:** 650 sq ft
- Maximum Number of Structures:** 1



18 ft wide Townhomes



24 ft wide Townhomes



Live-Work Units



Varied Width Townhomes



18-20 ft wide Townhomes

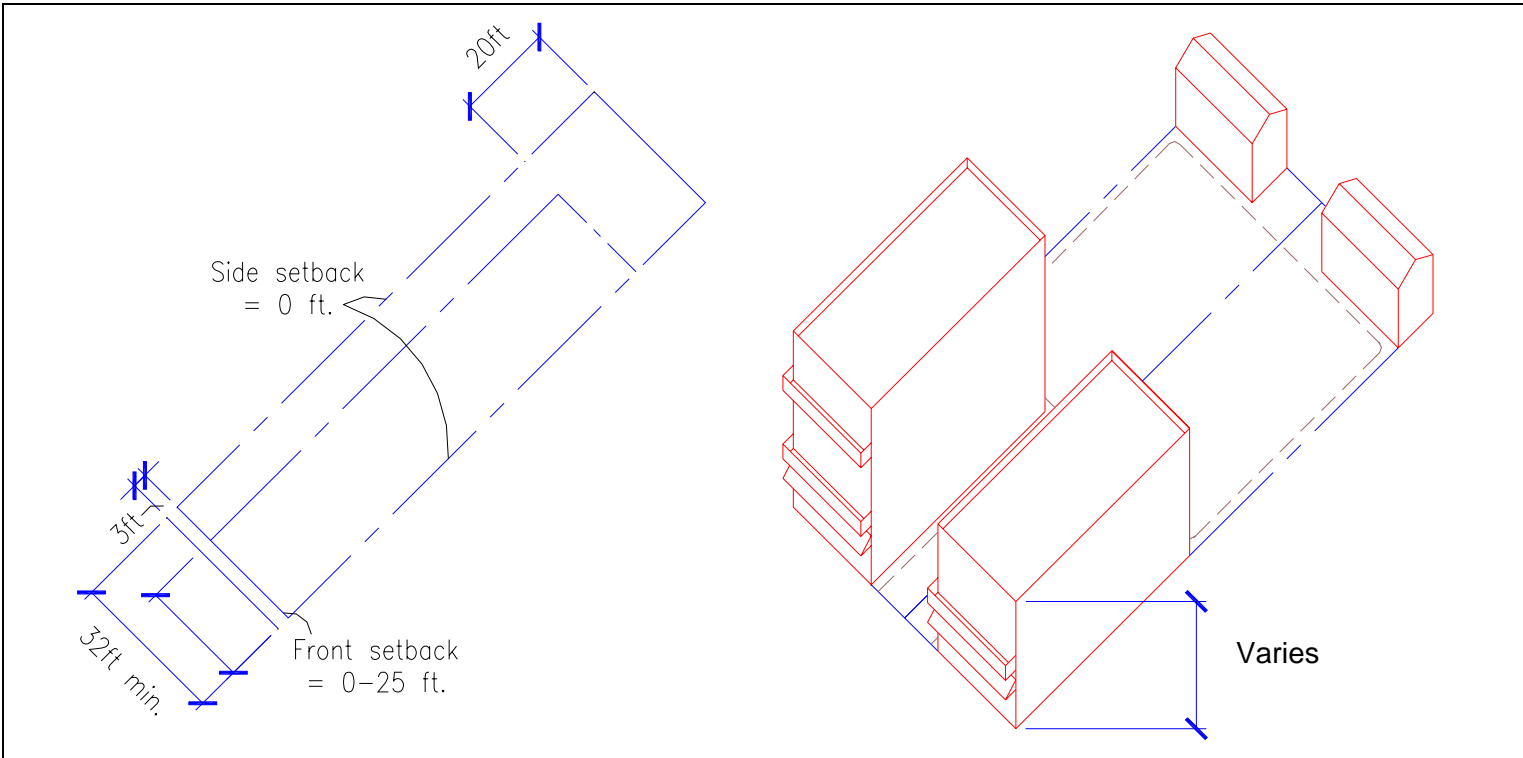
## 7.2 Downtown Mint Hill Overlay Code

### 4.4 SHOPFRONT BUILDING

*Description: A small scale structure less than 20,000 square feet which can accommodate a variety of uses. A group of shopfront buildings can be combined to form a mixed-use neighborhood center. Individual shopfront buildings can be used to provide some commercial service, such a neighborhood store, in close proximity to homes. Office buildings, hotels and inns can be placed in shopfront buildings.*

Applicability: The use permitted within the building is determined by the Overlay District in which it is located.

#### 1. LOT REQUIREMENTS



#### 2. ARCHITECTURAL REQUIREMENTS

##### A. General Requirements

1. No frontage wall shall remain unpierced by a window or functional general access doorway for more than 16 feet. Street level windows shall be visually permeable. Mirrored glass, faux or display casements are not permitted in lieu of exterior window treatments for the frontage elevation except along non-pedestrian oriented streets.
2. A functional doorway for public or direct-entry access into a building shall be from the fronting street facade. For buildings along NC 51, pedestrian pathways from the street shall be provided at least every 100 feet. Corner lot buildings shall have either corner entrances or a separate entrance for each street front.
3. Decorative cornices shall be provided for buildings with a flat roof. Alternatively, eaves shall be provided with a pitched roof.
4. A building canopy, awning, or similar weather protection may be provided and should project 3-5 feet from the façade. Encroachments into the right-of-way shall be permitted by the Town or NCDOT.

##### B. Materials

1. Commercial building walls shall be brick, masonry stucco, stone, marble, or other masonry products. Any concrete block utilized shall be decorative, except that regular concrete block may be used on buildings not visible from a public street. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
2. Pitched roofs shall be clad in wood or architectural shingles, clay tile, or standing seam metal (copper, zinc, or terne) or materials similar in appearance and durability. (Ord. No. 553, 12-13-2007)
3. Signs on the inside of glazed openings may be neon.

4. The pedestrian pathways referenced in Section 4.4.2.A.2 above shall be made of brick pavers.

##### C. Configurations

1. All visibly exposed facades shall have a recognizable base course, which shall align with the sill level of the first story consisting of, but not limited to: thicker walls, ledges or sills; integrally textured materials such as stone or other masonry; integrally colored and patterned materials such as smooth finished stone or tile; lighter or darker colored materials, mullions, or panels; and/or planters.
2. Buildings at corner locations should provide adequate architectural treatment to create a sense of place and ensure pedestrian-friendly design.
3. Two wall materials may be combined horizontally on one facade. The heavier material should be below.
4. Sky-lights shall be flat (non-bubble).

##### D. Techniques

1. Windows shall be set to the inside of the building face wall.
2. All rooftop equipment shall be screened in building material that matches the structure or is visually compatible with the structure.

**Minimum Front Height:** 26 ft within the Square (as defined in the Downtown Mint Hill Master Plan); otherwise, 22 ft.

**Maximum Height:** Per Zone Requirements

**Setbacks:**

- Front:** 0-25 ft
- Sides:** 0 ft
- Rear:** 20 ft

**Parking and Vehicular Access:** Primary vehicular access is provided using a rear lane or alley only. Off-street parking shall be located in the side or rear yard only. No curb cuts or driveways are permitted along the frontage.

**Accessory Structures:**

**Side/Rear Setback:** 0 ft



Mixed Use



Mixed Use



Restaurant



Restaurant



Mixed Use



Grocery Store

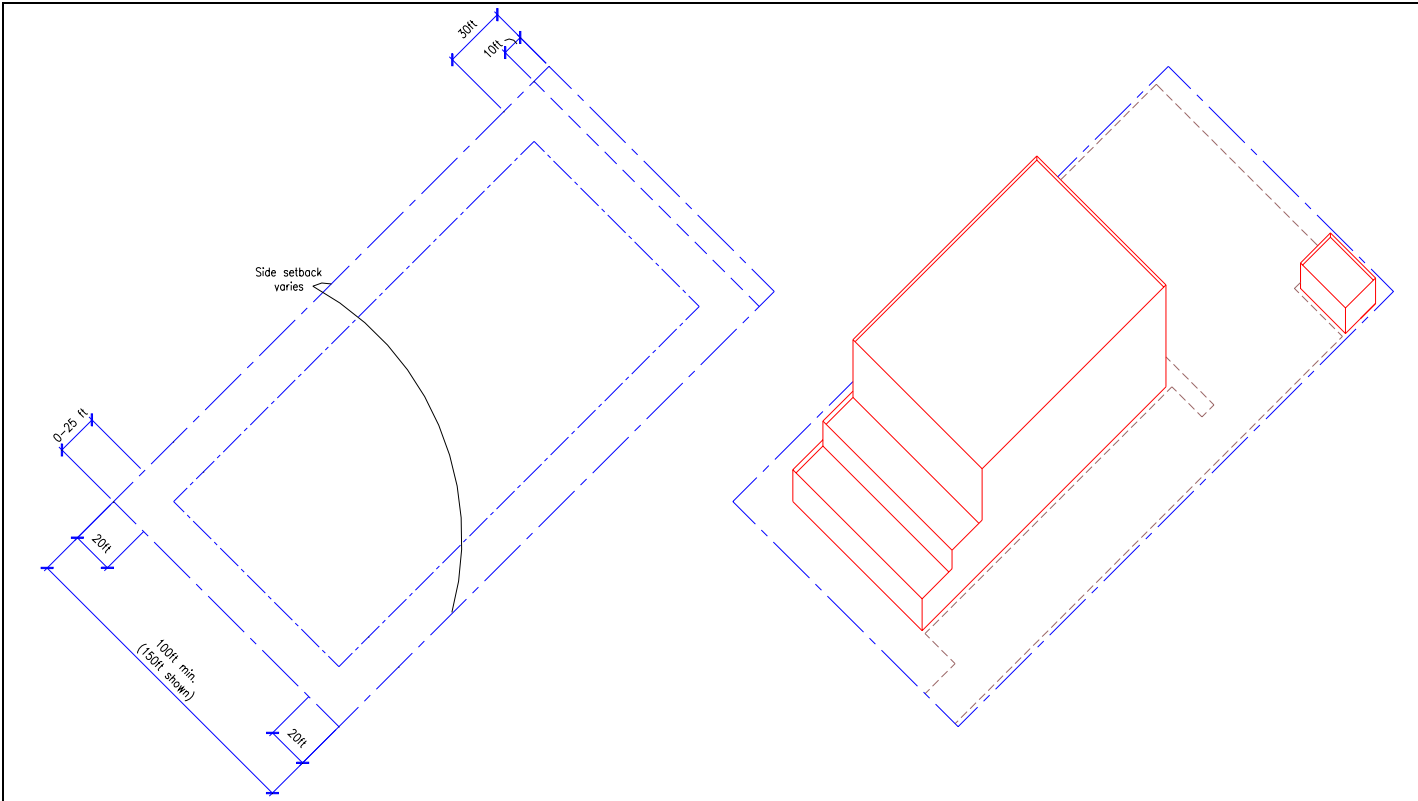
## 7.2 Downtown Mint Hill Overlay Code

### 4.5 WORKPLACE BUILDING

**Description:** A fixed commercial building type with commercial use throughout. Office buildings are among the largest urban types as they must accommodate large floorplates.

**Applicability:** The use permitted within the building is determined by the Overlay District in which it is located.

#### 1. LOT REQUIREMENTS



**Setbacks:**  
**Front:** 0-25 ft  
**Side:** varies  
**Rear:** 30  
**Accessory Structure Setback:** 10 ft  
**Parking Setback:** 10 ft

**Minimum Lot Width:** 100 Ft  
**Minimum Height:** 26 ft

#### 2. ARCHITECTURAL REQUIREMENTS

##### A. General Requirements

1. At least 50% of the width of street level frontages shall be in windows doorways, or articulation in the facade. Street level windows shall be visually permeable. Mirrorized glass is not permitted in any location. Faux or display casements are not permitted in lieu of exterior window treatments for the frontage elevation.
2. No frontage wall shall remain unpierced by a window or functional general access doorway for more than 16 feet.
3. A functional doorway for public or direct-entry access into a building shall be from the fronting street facade. Corner lot buildings shall have either corner entrances or a separate entrance for each street front.
4. Decorative cornices shall be provided for buildings with a flat roof. Alternatively, eaves shall be provided with a pitched roof.
5. A building canopy, awning, or similar weather protection may be provided and should project 3-5 feet from the façade. Encroachments into the right-of-way shall be permitted by the Town or NCDOT.

##### B. Materials

1. Commercial building walls shall be brick, masonry stucco, stone, marble, or other masonry products. Any concrete block utilized shall be decorative, except that regular concrete block may be used on buildings not visible from a public street. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
2. Pitched roofs shall be clad in wood or architectural shingles, clay tile, or standing seam metal (copper, zinc, or terne) or materials similar in appearance and durability. (Ord. No. 553, 12-13-2007)
3. Signs on the inside of glazed openings may be neon.

##### C. Configurations

1. All visibly exposed facades shall have a recognizable base course, which shall align with the sill level of the first story consisting of, but not limited to: thicker walls, ledges or sills; integrally textured materials such as stone or other masonry; integrally colored and patterned materials such as smooth finished stone or tile; lighter or darker colored materials, mullions, or panels; and/or planters.
2. Two wall materials may be combined horizontally on one facade. The heavier material should be below.
3. Sky-lights shall be flat (non-bubble).

##### D. Techniques

1. Stucco shall be float finish.
2. Windows shall be set to the inside of the building face wall.
3. All rooftop equipment shall be screened in building material that matches the structure or is visually compatible with the structure.



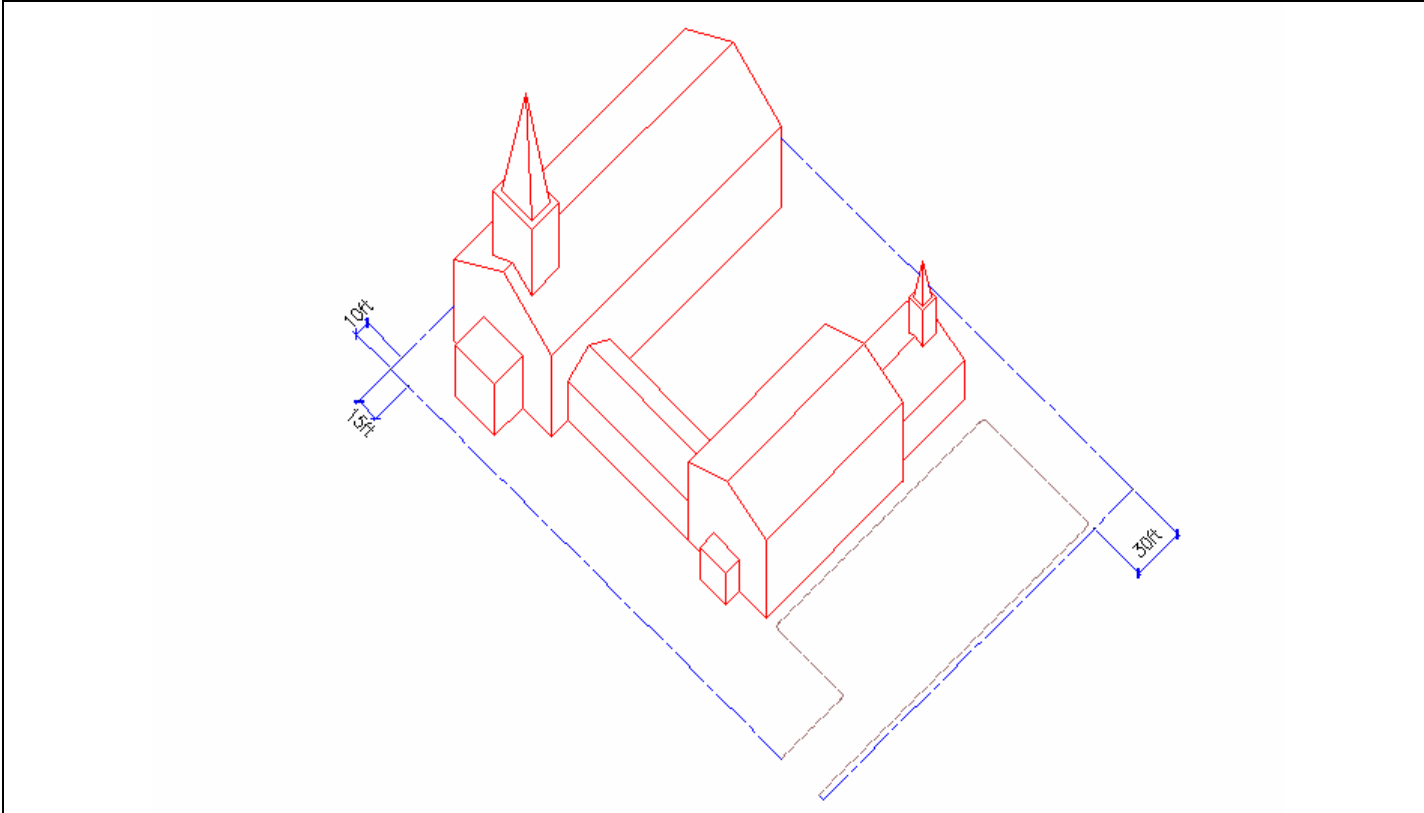
## 7.2 Downtown Mint Hill Overlay Code

### 4.6 CIVIC BUILDING

**Description:** Specialized buildings intended to serve as public gathering places. Such uses include governmental offices, churches or other places of worship, schools, hospitals, post offices, and non-profit or charitable clubs and organizations.

**Applicability:** The use permitted within the building is determined by the Overlay District in which it is located.

#### 1. LOT REQUIREMENTS



**Setbacks:**  
**Front:** 10 ft  
**Sides:** 15  
**Rear:** 30 ft  
**Accessory Structure Side/Rear Setback:** 5 ft

**Minimum Lot Width:** 70 Ft  
**Encroachments:** Balconies, stoops, stairs, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of 10 ft.

#### 2. ARCHITECTURAL REQUIREMENTS

##### A. General Requirements

1. Schools, churches, and government buildings should be built so that they terminate a street vista whenever possible, and shall be of sufficient design to create visual anchors for the community.
2. Off-street parking shall be provided in the side or rear yards only.

##### B. Materials

1. Civic building walls shall be clad in clapboard, cementitious fiber board, stone, stucco, brick, or marble. Decorative cast concrete and wood siding may be used as a minority element on facades facing public streets.
2. Civic roofs shall be clad in slate, sheet metal, corrugated metal, or architectural shingles, or other material similar in appearance and durability. (Ord. No. 553, 12-13-2007)
3. Gutters and down spouts shall be made of copper, galvanized painted metal, or aluminum.
4. The orders, if provided, shall be made of wood, marble, or cast concrete.
5. Stained glass or other decorative window treatments are encouraged.

##### C. Configurations

1. Two wall materials may be combined horizontally on one facade. The heavier material should be below.
2. Civic building roofs shall be pitched or have a similar architectural roof form.

##### D. Techniques

1. Windows shall be set to the inside of the building face wall.
2. All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.



Church



Town Hall



Church/School



Town Hall Post Office

## 7.2 Downtown Mint Hill Overlay Code

### 5.0 STREET TYPES AND STANDARDS

#### 5.1 DESIGN STANDARDS:

Street designs shall permit the comfortable use of the street by cars, bicyclists, and pedestrians. Pavement widths, design speeds, and the number of vehicle lanes should be minimized without compromising safety. The specific design of any given street must consider the building types which front on the street and the relationship of the street to the Town's street network. New development with frontages on existing publicly maintained streets shall be required to upgrade all their frontages to meet the standards of this Section. This Code encourages the development of a network of interconnecting streets that work to disperse traffic while connecting and integrating neighborhoods with the existing urban fabric of the Town. Equally as important, the Code encourages the development of a network of sidewalks and bicycle lanes that provide an attractive and safe mode of travel for pedestrians and cyclists.

Minor variations and exceptions to street cross-sections may be permitted with approval of the Planning Director and the County Engineer. Such exceptions include variations to the pavement width, size and location of on-street parking, tree planting areas, street grade, and centerline radii in accordance with principles below. Right-of-way widths should be preserved for continuity. All new streets shall be classified in accordance with the street hierarchy detailed in this Chapter.

- Streets shall interconnect within a development and with adjoining development. Cul-de-sacs are permitted only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets shall be planned with due regard to the designated corridors shown on the Thoroughfare Plan.
- Streets shall be designed as the main public space of the Town and shall be scaled to the pedestrian.
- Streets shall be bordered by sidewalks on both sides.
- Streets shall be designed with street trees planted in a manner appropriate to their function. Commercial streets shall have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets shall provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a visual buffer between the street and the home.
- Wherever possible, street locations should account for difficult topographical conditions, paralleling excessive contours to avoid excessive cuts and fills and the destruction of significant trees and vegetation outside of street-rights-of way on adjacent lands.
- All streets shall be constructed in accordance with the design and construction standards in this code and shall permit public access whether by easement or by public dedication. Closed or gated streets are strictly prohibited.
- All on-street parking provided shall be parallel. Curb or angle parking is permitted when the fronting buildings are more than 26 feet in height to ensure a safe and usable pedestrian realm and where traffic speeds are very low (20 mph or less).
- The use of traffic calming devices such as raised intersections, landscaping bulb-outs, and traffic circles are encouraged as alternatives to conventional traffic control measures.

#### 5.2 DESIGN STANDARDS:

The following specifications shall apply to street design:

##### 1. Sidewalks

Sidewalks shall be constructed along both sides of all streets except alleys and lanes. Cul-de-sacs and closes shall be reviewed on a site-by-site basis for this requirement. Residential sidewalks shall be a minimum of 5 ft in width. Sidewalks serving mixed use and commercial areas shall be a minimum of 8 ft in width (10-12 ft is preferable in front of shopfronts). All sidewalks shall be constructed in brick pavers, concrete, or a similar material. Concrete sidewalks shall be a minimum of 4" in depth.

##### 2. Street Trees & Planting Strips

Canopy trees a minimum of 2 1/2 in caliper shall be planted in the planting strip or in tree wells (in DO-B) spaced 50 ft on-center. The minimum width of all planting strips, if required, shall be 6 feet or as approved by Mecklenburg County LUESA. For large canopy trees such as Willow Oaks and Red Maples a minimum of 8 ft planting strip is required.

##### 3. Cul-De-Sacs

Where practical, a close should be used in place of a cul-de-sac. Cul-de-sacs, if permitted, shall not exceed 250 ft in length from the nearest intersection with a street providing through access (not a cul-de-sac). Cul-de-sacs shall be offset from the street centerline and shall form a square.

##### 4. Curb Return Radii

Curb radii shall be designed to reduce pedestrian crossing times along all streets requiring sidewalks. In general, curb radii should not exceed 20 ft.

##### 5. Utility Location

Underground utilities (except water and sewer) should be located in alleys and lanes. If no alley or lane is provided, then a 5-foot (minimum) utility easement shall be provided behind the sidewalk located within either the right-of-way or a public utility easement.

#### 6. Curbs And Drainage

Curbs shall be constructed in accordance with *Mecklenburg County Land Development Standards*. Vertical face curbing is required along all streets with on-street parking and around all required landscaping areas and parking lots. Mountable curbing is permitted around center medians, roundabouts, and other features in order to facilitate the infrequent use by vehicles with larger turning radii. Valley curbing is permitted along streets which serve homes with front-loaded off-street parking or that have infrequent on-street parking. Streets with a grade exceeding 2% shall use standard curbs. Drainage shall be provided using curb and gutter piped systems along all streets except along parkways that may use open swales upon approval of the Planning Director and the County Engineer. All drainage grates must be safe for bicyclists. Bicycle-safe drainage grates are Types E, F, and G as approved by the NCDOT.

#### 7. Centerline Radii

Centerline radii may be varied for low-speed streets in accordance with the following table (see also ITE TND Standards p. 26):

<u>Design Speed</u>	<u>Min. Centerline Radius</u>
10 mph	22 feet
15 mph	50 feet
20 mph	89 feet
25 mph	166 feet

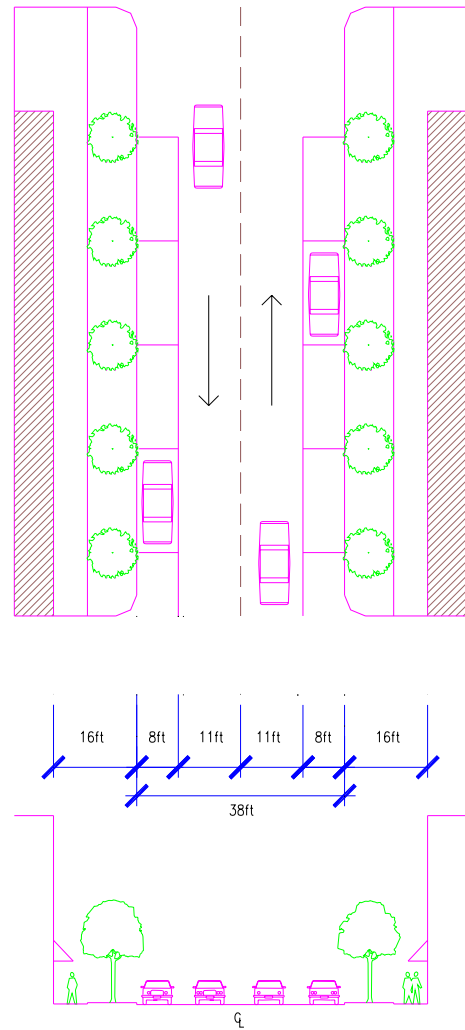
#### 8. Street Signs and Stop Signs

Decorative street signs and stop signs approved by staff shall be erected by the developer within all new development located in the Downtown. Replacement of such sign(s) shall be of similar design and equal or exceed the existing sign(s).

## 7.2 Downtown Mint Hill Overlay Code

### 5.0 STREET TYPES AND STANDARDS

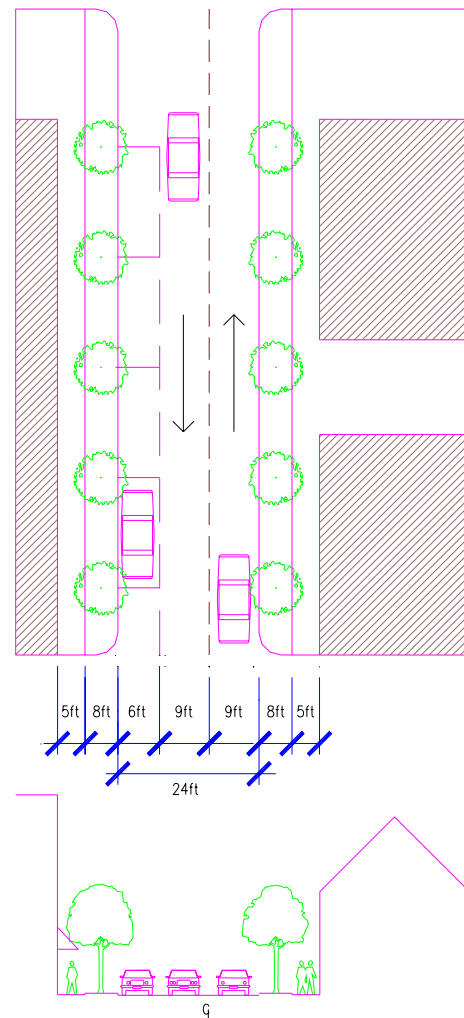
#### Commercial Main Street Right-of-Way: 60-70 ft



The Main Street serves as a small-scale, low-speed connector. Main Streets provide frontage for high-density buildings such as offices, shops, apartment buildings, urban mansions, and rowhouses. A Main Street is urban in character, with raised curbs, closed drainage, wide sidewalks, parallel parking, trees in individual planting areas, and buildings aligned on short setbacks.

Design Speed: 25 mph  
On-Street Parking: Marked

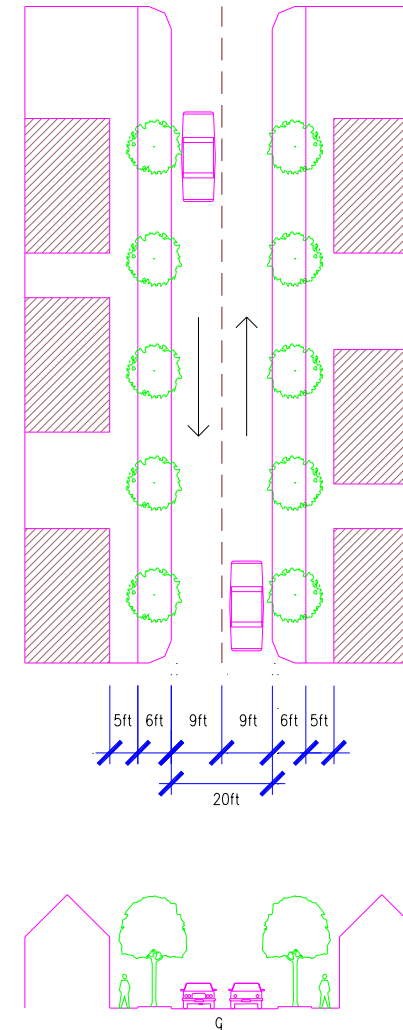
#### Street Right-of-Way: 50 ft



The Street serves as a small-scale, low-speed connector. Local streets provide frontage for medium-to-low-density residential buildings such as detached homes and duplexes. A Street is urban in character, with raised or rolled curbs, closed drainage, sidewalks, occasional parallel parking on one side, trees in continuous planting areas, and buildings aligned on medium setbacks.

Design Speed: 15-25 mph  
On-Street Parking: Marked

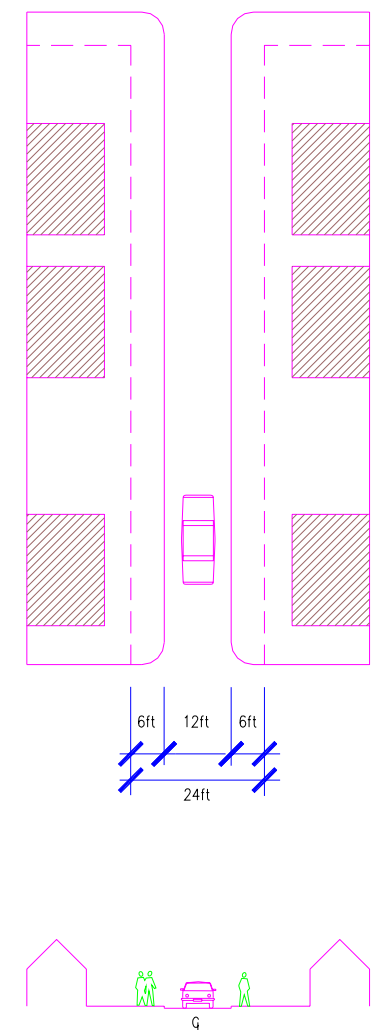
#### Minor Street Right-of-Way: 40-50 ft



The Minor Street is a small-scale, low-speed connector. It serves low-density residential buildings that accommodate all parking on-site. A Lane tends to be more rural in character with rolled curbs, open or closed drainage, narrow sidewalks, continuous plantings, and buildings set way back. On-street parking is not permitted except when the Minor Street is designed for one-way traffic.

Design Speed: 20 mph

#### Rear Lane Right-of-Way: 24 ft



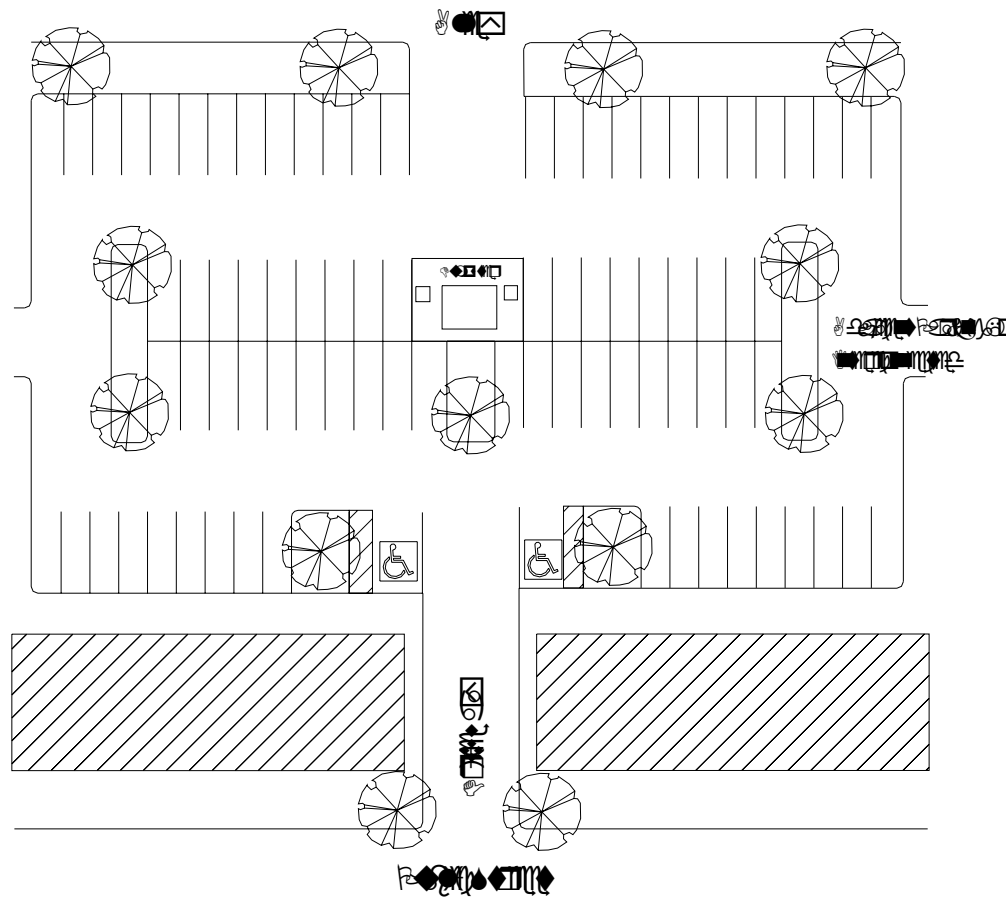
The Rear Lane is a narrow access route behind neighborhood streets. Lanes generally have a narrow strip of paving in the center, concrete edging, and serve as areas for underground utilities.

## 7.2 Downtown Mint Hill Overlay Code

### 6.0 PARKING STANDARDS

#### 6.1 GENERAL PRINCIPLES:

1. Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding neighborhoods. Lots should be located behind buildings or in the interior of a block whenever possible.
2. Parking areas shall not abut pedestrian-oriented street intersections or civic buildings, be adjacent to squares or parks, or occupy lots which terminate a vista.
3. No off-street parking area shall be located within any front yard except for single-family residential uses. All off-street parking spaces for multi-family buildings shall be in the rear yard only.
4. Parking lots shall not occupy more than 1/3 of the frontage of the adjacent building or no more than 75 feet, whichever is less.
5. All parking areas visible from the right-of-way shall be screened from view. Parking structures shall be wrapped by buildings along the primary façade.
6. Off-street parking areas shall be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles without posing a danger to pedestrians or impeding the function of the parking area.
7. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
8. Large surface parking lots should be visually and functionally segmented into several smaller lots. Alternative parking area designs incorporating planting islands and trees shall create separate and distinct outdoor rooms for no more than 36 cars per room. The size of any single surface parking lot shall be limited to three acres, unless divided by a street or building.
9. All parking areas shall be curbed using a standard curb with a minimum width of 1'6". Landscape islands shall be similarly curbed.
10. Handicap parking spaces where required by building standards shall be located as close to the primary entrance as possible.



#### 6.2 PARKING SPACE DIMENSIONS

1. Parking space dimensions (other than those designed for the disabled) shall be a minimum of 18 feet long and 9 feet wide. Parking spaces shall be dimensioned in relation to curbs or aisles, so long as their configuration, area, and dimensions satisfy the requirements of this Section.
2. Parallel parking space dimensions shall be a minimum of 20 feet by 8 feet. Parallel parking spaces along higher traffic streets should be at least 22 feet long.
3. Aisle widths and angle space dimensions shall be in accordance with the Manual of Architectural Graphic Standards, 10<sup>th</sup> edition.

#### 6.3 MINIMUM PARKING RATIOS

All square footage is in leasable square feet. Parking requirements may be satisfied using on-street parking in front of buildings or public lots within 300 ft of primary building entrances.

Single Family Home	See Section 2.8
Duplex or Multi-Family Home	1 per bedroom (up to 2 required)
Office Uses	3 per 1000 sq ft
Retail Uses	1 per 250 sq ft
Restaurants	1 per 4 seats
Light Industrial	.25 per 1000 sq ft of non-office space
Bed & Breakfast Inns & Hotels	1 per bedroom
Civic Uses	See Article 13.

#### 6.4 SHARED PARKING STANDARDS

1. The joint use of shared off-street parking between two uses may be made by contract between two or more adjacent property owners. Adjacent lots shall be interconnected where practical.
2. Developments that operate at different times may jointly use or share the same parking spaces with a maximum of one-half (1/2) of the parking spaces credited to both uses if one use is a church, theater, assembly hall or other use whose peak hours of attendance will be at night or on Sundays, and the other use or uses are ones that will be closed at night or on Sundays or upon the normal hours of operation.

## 7.2 Downtown Mint Hill Overlay Code

<p><b>7.0 LIGHTING STANDARDS</b></p>	<p><b>7.1 PURPOSE AND GENERAL PROVISIONS:</b></p> <p>The purpose of this Section is to provide direction in controlling light spillage and glare so as not to adversely affect motorists, pedestrians, and land uses of adjacent properties. Lighting intensities should be controlled to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists.</p> <p>As a general rule, lighting should be provided with lower-intensity, full-spectrum bulbs mounted on poles 8-12 feet in height.</p> <p>Exterior lighting should be architecturally integrated with the architectural character of the building. Downcast or cutoff type lighting fixtures should be generally used to illuminate pedestrian or traffic circulation corridors. Bollard or decorative cutoff-type lighting fixtures are generally suited for pedestrian applications such as for pedestrian circulation or transitional areas.</p> <p>Determination of light fixtures and level of illumination to achieve a certain function or desired effect should also reduce or eliminate the hazardous aspects and nuisance of glare and light spill over. All exterior lighting, with the exception of street lighting, that is used in and around buildings, recreation areas, parking lots, and signs, shall be designed to protect against the spill-over of light to adjacent properties.</p> <p>Lighting may be characterized by the kind of fixtures to be installed (such as incandescent, fluorescent, etc.); by use or activity being served, (i.e. sports activities, utility lighting, lot lighting, or security lighting); or by desired effect, (i.e. spot lighting). Lighting design, location, and fixture selection should be planned to serve the primary lighting objective.</p> <p><b>7.2 STREET LIGHTING STANDARDS</b></p> <p>No street light shall be more than 250 feet from another street light. In addition, lighting shall be placed at every intersection.</p> <p>A Lighting Plan shall be submitted with all developments requiring site plan approval.</p> <p>Lighting along Matthews-Mint Hill Road (NC 51) and Lawyers Road shall be consistent with the standard fixture specified by the Town.</p>	<p><b>7.3 OUTDOOR LIGHTING STANDARDS:</b></p> <p>All outdoor lighting shall conform to the following standards:</p> <ol style="list-style-type: none"> <li>1. Outdoor lighting shall be designed, located and mounted at heights no greater than twelve (12) feet above grade for pedestrian lights, or thirty five (35) feet above grade for street lighting; and located at least 10 feet from property lines defining rear and side yards or required perimeter landscaped areas required by this Code.</li> <li>2. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot candles at the property line shall not exceed .3 for non cut-off lights and 1.5 for cut-off lights. The average intensity illumination for outdoor lighting shall not exceed 6-foot candles in intensity as measured at grade. Fixtures should be placed to provide uniform distribution of light and to avoid intense lighting that produces excessive glare.</li> <li>3. Lighting fixtures in scale with pedestrian activities shall provide for uniform distribution of lighting to produce minimal shadows.</li> <li>4. Because of their unique requirements for nighttime visibility and limited hours of operation, the lighting of active recreation areas, such as for ball fields and tennis courts are not considered in this Section. Lighting conditions for such uses shall be approved by the Planning Director in accordance with approved standards and specifications.</li> <li>5. No flickering or flashing lights shall be permitted. Light sources should not be located within any perimeter-landscaped areas except on pedestrian walkways.</li> </ol> <p>Lighting levels are to be measured in foot-candles with a direct-reading, portable light meter. The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position. The Planning Director takes readings only after the cell has been exposed long enough to provide a constant reading. Measurements are made after dark with the light source in question on, then with the same source off. The difference between the two readings shall be compared to the maximum permitted illumination and at the property line at ground level.</p>
--------------------------------------	---	--

## 7.2 Downtown Mint Hill Overlay Code

<p><b>8.0 LANDSCAPING</b></p> <p>The three types of landscaping are defined as follows, and shall meet the following performance requirements. All new development, changes in principal use, and building expansions shall comply with these provisions.</p> <p>The responsibility for the installation shall rest solely with the proposed development and shall be located on the development's site or in a landscaping easement granted by an adjacent landowner.</p>	<p><b>8.1 TYPES OF LANDSCAPING</b></p> <p><b>A. TYPE A (Opaque Screen/Buffer)</b></p> <p><b>LOCATION &amp; REQUIRED USAGE:</b></p> <ul style="list-style-type: none"> <li>• Rear and/or side transition yards between DO-B and non-DO-B lots (Minimum width: 30 ft) and the transition yard between DO-A non-residential and multi-family uses and adjacent single family uses (Minimum width 10 ft.)</li> </ul> <p>This type functions as an opaque screen from the ground to a height of at least eight (8) feet. This type excludes visual contact between uses and creates a strong impression of spatial separation. Composition of the Type A landscaping may include a wall, landscaped earthen berm, planted vegetation, existing vegetation, or any appropriate combination of these elements. Intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 20 feet and have no unobstructed openings wider than ten (10) feet between tree canopies upon maturity. Shrub plantings shall have a minimum height of three (3) feet at installation and have no unobstructed openings wider than four (4) feet. At least 50% of the required trees, and at least 75% of the required shrubs, shall be evergreen species locally adapted to the area. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental planting may be required in addition to native materials.</p> <p><b>B. TYPE B (Semi-Opaque Screen)</b></p> <p><b>LOCATION &amp; REQUIRED USAGE:</b></p> <ul style="list-style-type: none"> <li>• Perimeter Yard of all multi-family, mixed-use, and non-residential parking areas visible from the street (Minimum width: 10 ft)</li> </ul> <p>This type functions as a semi-opaque screen from the ground to at least a height of four (4) feet for screening of car lights and glare. Composition of the Type B landscaping may include a wall, fence, planted vegetation, existing vegetation, or any appropriate combination of the elements. Intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 20 feet and have no unobstructed openings wider than 20 feet between canopies upon maturity. Shrub plantings shall have no unobstructed openings wider than four (4) feet. At least 75 % of the required shrubs shall be evergreen species locally adapted to the area.</p> <p>All side yard parking areas in the DO-B overlay district shall be screened from the sidewalk by low walls, fences or constructed as a continuation of the building wall a minimum of three (3) feet in height. Landscaping may be used in combination with walls or fences but shall not exceed 50% of the total required width. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental plantings may be required in addition to native materials. The minimum height upon installation for effectively screening storage areas is 6 feet. This type of planting should be opaque to screen the off-site view of parking areas from neighboring properties and streets.</p>	<p><b>C. TYPE C (Interior Plantings)</b></p> <p><b>LOCATION &amp; REQUIRED USAGE:</b></p> <ul style="list-style-type: none"> <li>• Interiors of all parking areas with more than 16 parking spaces (not applicable to structured parking facilities)</li> </ul> <p>This type functions as a tree ceiling over a parking area providing shelter from sun and rain. Large maturing canopy trees shall be planted in a manner that provides shade for the entire parking area at maturity. To this end, no parking space shall be less than 60 ft from the base of a canopy tree. The use of differing species around the parking area is encouraged to promote diversity in the overall urban tree canopy. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental plantings may be required in addition to native materials.</p> <p><b>8.2 MAINTENANCE OF LANDSCAPING</b></p> <p>All landscaping required by this Section 8.0 shall be irrigated, with an underground sprinkler system, and all such landscaping shall be maintained in a good and healthy condition.</p>
--	--	---

## 7.2 Downtown Mint Hill Overlay Code

<p><b>9.0 MISCELLANEOUS DEFINITIONS</b></p> <p>All terms shall be as defined in the Mint Hill Zoning Ordinance unless otherwise noted in this section.</p>	<p><u><i>Accessory Building</i></u> A structure subordinate or incidental to the principal structure on a lot in square footage and primary use. Accessory structures and uses include detached garages (with or without rental cottages), storage buildings, pool houses, and material storage areas. See also Garage/Workshop.</p> <p><u><i>Automobile/Boat/Heavy Equipment/Manufactured Home Sales and Service</i></u> Any building, premises, and land, in which or upon the primary use of land is a business which involves the maintenance, servicing or sale of new or used automobiles, boats, heavy equipment and/or manufactured homes generally but may include light trucks or vans, trailers, or recreation vehicles and including any parking service, preparation or repair work conducted as an accessory use. This definition includes but is not limited to auto dealerships, auto body shops, auto service stations, boat repair or sales, car washes, heavy equipment leasing, sales, or service, manufactured home sales or service, and oil/lube servicing. This does not include the sale of parts or related products (i.e. auto parts store).</p> <p><u><i>Convenience Store</i></u> A use where certain retail goods and vehicular fuels are sold at the retail level. Such a use may permit car washes as an accessory use but shall not allow the installation of such automotive items such as lubricants, tires, batteries, or minor automobile repair and maintenance work.</p> <p><u><i>Development</i></u> The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels. The following activities or uses shall be considered development:</p> <ol style="list-style-type: none"> <li>1. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;</li> <li>2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;</li> <li>3. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;</li> <li>5. Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or</li> </ol> <p><u><i>Drive-Through Facility</i></u> A facility designed to enable a person to transact business while remaining in a motor vehicle. A car-wash facility is not considered a drive-thru facility.</p> <p><u><i>Duplex</i></u> <i>See Dwelling – Two Family</i></p>	<p><u><i>Entertainment Use</i></u> Any establishment that provides active recreational opportunities such as miniature golf, batting cages, arcades, carnival games, go-cart or other motorized vehicle tracks, waterslides, or passive recreation such as movie theaters.</p> <p><u><i>Garage/Workshop</i></u> An accessory building used for the storage of vehicles, materials, or similar items incidental to the function and use of the principal structure. Such structures may also be used for the manufacturing and/or fabrication of goods such as carpentry, provided such use is otherwise compliant with all home occupation requirements and does not constitute a nuisance through the excessive noise or vibration.</p> <p><u><i>Live-Work Unit</i></u> Small commercial enterprises with the ground floor occupied by commercial uses and a residential unit above. Commercial space may be a home-based business or may be leased independently</p> <p><u><i>Manufacturing, Heavy</i></u> The assembly, fabrication, production or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, or that otherwise do not constitute “light manufacturing,” or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing exceeds 25 percent of the floor area of all buildings on the lot. “Heavy manufacturing” shall include, but not be limited to, the following: enameling, lacquering, or the plating or galvanizing of metals; foundries or mills producing iron and steel products; industrial chemical manufacture; meat packing plants; mixing plants for concrete or paving materials, and manufacture of concrete products; oxygen manufacture and/or storage; pottery, porcelain, and vitreous china manufacture; poultry dressing for wholesale; pressure treating of wood; stonecutting; tire recapping and retreading; tobacco products manufacture; tobacco stemming and redrying plants. This shall include resource extraction and recycling and salvage operations.</p> <p><u><i>Mecklenburg County LUESA</i></u> Mecklenburg County Land Use and Environmental Services Agency</p> <p><u><i>Multi-Family</i></u> Three or more dwelling units located on a single lot of record and separated by a vertical common wall (i.e. townhome).</p> <p><u><i>Non-Pedestrian-Oriented Street</i></u> A public street that serves primarily as a service street for the routing of commercial vehicles. Non-pedestrian streets (and their reduced pedestrian-orientation) are permissible in the street network if a pedestrian oriented street is provided within 400 feet.</p>	<p><u><i>Office Use</i></u> Professional, service, and governmental occupations within a building or buildings which do not generally involve the on-site sale of goods to customers.</p> <p><u><i>Rental Cottage</i></u> An apartment located in an accessory building, secondary in size to the principal building, sharing ownership, site and utilities. In the DO-A overlay district, the principal building shall be owner-occupied.</p> <p><u><i>Retail Use</i></u> A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.</p> <p><u><i>Single Family Homes</i></u> <i>See Dwelling- Single Family Detached</i></p> <p><u><i>Story</i></u> That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof. The under roof area with dormers does not count as a story.</p> <p><u><i>Stucco</i></u> Reference to “stucco” in the Downtown Overlay Code shall be interpreted to be “masonry (hard-coat) stucco.”</p> <p><u><i>Vinyl and/or Approved Vinyl</i></u> Reference to “vinyl” and/or “approved vinyl” in the Downtown Overlay Code shall be interpreted to be “architectural grade vinyl shakes.”</p>
--	---	--	--

## 7.2 Downtown Mint Hill Overlay Code

<p><b>APPENDIX A FREQUENTLY ASKED QUESTIONS</b></p>	<p>A.1 How to Use this Overlay District</p> <p>This Overlay District is unique from other zoning districts in that it prescribes and assigns a much higher value on the design of the building than its uses within. In large part, this is based on the historical models of how Towns were constructed.</p> <p>Additionally, this District places much more emphasis on the quality of the public realm, the most important of which is the pedestrian realm, than traditional zoning issues. Below are a listed on commonly asked questions that deal with the nuances of implementing this Code:</p>	
	<ol style="list-style-type: none"> <li>1. <b>Why there is so much importance placed on building types and street design?</b>            Towns weren't built overnight. Their wonderful complexity and fabric are a function of the great buildings and memorable streets. This complexity is based on the use of basic building forms or "types" that are appropriate to the piedmont North Carolina region because of their materials, styles, detailing, and/or response to our climate. For example, the porch is considered quintessential to our southern heritage for many reasons from the practical use as an intermediate zone to help cool homes in the hot summers to the social use as an outdoor room where we can interact with our neighbors.             In this grain, we, as human being recognize that a building requests privacy through its form. We know that when an entry is at-grade and close to the sidewalk, it is a public place that encourages passers-by to enter. Likewise, a raised stoop or porch indicates that some privacy is requested by its occupants.             Uses change over time, but buildings give a lasting impression for the community. Architecture that is uniquely styled for a particular use, such as a franchise style, is not well converted when its use inevitably moves or closes.</li> <li>2. <b>I want to put a commercial use in an existing house. Do I have to tear it down and build a Shopfront close to the street?</b>            No. The Code encourages the re-use of the residential homes in the area to help maintain its small-town character. In particular, if an existing block (from public street to public street) is comprised of detached homes set back 25-50 feet, then new construction should be built to those standards. A new Shopfront building would only be allowed to be built if the entire block were redeveloped to prevent an even building line that is aesthetically displeasing.</li> <li>3. <b>My building program doesn't quite fit the architectural guidelines, is there a variance procedure?</b>            There is no variance procedure as the hardship standards as set forth by law would prevent the granting of a variance for new construction. There is however, an opportunity to submit a Special Use Permit request to the Board of Commissioners that permits exceptions to be granted subject to conditions set forth in the Overlay Code.</li> </ol>	