AGENDA

Meeting Type:	W
Date.	06-27-1990
SUBJECT	New Zoning Ordinance Workshop

City of Charlotte, City Clerk's Office

NEW ZONING ORDINANCE WORKSHOP

Wednesday, June ~~20~~ 27, 1990
4:00 P.M.
Room 267
Charlotte-Mecklenburg Government Center

AGENDA

I. Introductory Comments

II. Stakeholders Experience

- o Stakeholders Report Highlights
- o Technical Evaluation Slide Show/Drawings
- o Questions and Comments

III. Next Meeting - Wednesday, June 27, 1990
4:00 P.M.
Room 267 - CMGC

PLEASE TURN IN YOUR QUESTIONNAIRE

June 12, 1990

NEW ZONING ORDINANCE
WORKSHOP QUESTIONNAIRE

The first workshop on the new zoning ordinance will focus upon the Stakeholders Committee Final Report. However, to make future workshops as constructive as possible for the City Council and County Commissioners, I am requesting that you take a few minutes to fill out the questionnaire below. The questionnaire asks you to identify the issues in the new zoning ordinance which are of most concern to you. The issue list is based on the Stakeholders Committee Final Report, but please feel free to add additional issues of concern. Your answers will enable my staff to fine tune each workshop for maximum effectiveness.

Martin R. Cramton, Jr.
Planning Director

QUESTIONNAIRE

CHECK THE APPROPRIATE SPACE

District/Use Issues	Very Concern	Somewhat Concern	Not Concern
1. - Develop New Ordinance or Amend Current Ordinance	_____	_____	_____
2. - Density Concept for Residential Zoning	_____	_____	_____
3. - Large Lot Residential Districts	_____	_____	_____
4. - Overlay Districts	_____	_____	_____
5. - Conditional Rezoning	_____	_____	_____
6. - Mixed Use Developments	_____	_____	_____
7. - Neighborhood Business Districts	_____	_____	_____
8. - Exclusive Institutional District	_____	_____	_____
9. - Industrial Districts	_____	_____	_____
10. - Manufactured Housing	_____	_____	_____

QUESTIONNAIRE

CHECK THE APPROPRIATE SPACE

	Very Concern	Somewhat Concern	Not Concern
District/Use Issues (Continued)			
11. - Table of Permitted Uses	_____	_____	_____
12. - Multi-family Locations	_____	_____	_____
13. - Establish City-County Historic Districts	_____	_____	_____
14. - Accessory Housing Provision	_____	_____	_____
15. - Conversion from Old Single Family Districts to the New Single Family Districts	_____	_____	_____
16. - Infill Development Standards	_____	_____	_____
17. - Mixed Single Family Development	_____	_____	_____
18. - Pyramiding in the Zoning Ordinance	_____	_____	_____
Standards Issues			
1. - Buffer Regulations	_____	_____	_____
2. - Floor-Area-Ratio Regulations.....	_____	_____	_____
3. - Height Regulations	_____	_____	_____
4. - No Parking in the Setback of Nonresidential	_____	_____	_____
5. - Traffic Impact Analysis	_____	_____	_____
6. - Application of Conditional Rezoning Standards	_____	_____	_____
7. - Improved Standards	_____	_____	_____
8. - Residential Preservation Along Transportation Corridors	_____	_____	_____
9. - Home Occupations	_____	_____	_____

QUESTIONNAIRE

CHECK THE APPROPRIATE SPACE

	Very Concern	Somewhat Concern	Not Concern
Process Issues (Continued)			
Process Issues			
1. - Zoning Board of Adjustment	_____	_____	_____
2. - Zoning Conformity with the Plan	_____	_____	_____
3. - Public Notification	_____	_____	_____
4. - Adequacy of Public Facilities	_____	_____	_____
5. - Zoning Petition Amendments	_____	_____	_____
6. - Rezoning Application and Review Requirements	_____	_____	_____
7. - Development Permitting and Process Time.....	_____	_____	_____
8. - Zoning Ordinance Role, Format and Organization	_____	_____	_____
9.- Zoning District Conversion Process .	_____	_____	_____
10. - Third Party Rezonings	_____	_____	_____
11. - Zoning Protest Petitions	_____	_____	_____
12. - Administrative Flexibility by Planning Director	_____	_____	_____
13. - Nonconformities	_____	_____	_____
Other Issues (Please List)			
1. - _____	_____	_____	_____
2. - _____	_____	_____	_____
3. - _____	_____	_____	_____
4. - _____	_____	_____	_____

PLEASE BRING TO THE JUNE 20 WORKSHOP OR SEND TO THE PLANNING COMMISSION

CITY/COUNTY/PLANNING WORKSHOP - ZONING ORD.
6/27/90

Sue Hynick
Stan Campbell
Dan Clodfelter
Ann Hammond ✓
Pat McCrory ✓
Tom Mangum
Hoyle Martin
Roy Matthews ✓
Cynthia Patterson
Ella Scarborough
Richard Vinroot ✓ 4.30
Lynn Wheeler ✓

Del Pay ✓
Autrey
Andrews ✓
Blackmon ✓
Kelber
Lockwood ✓
Walton

4:20 P.M.

Stanley Watkins - Plan & complete questionnaire
Frank Emory - Chairman Planning Policy Issues -

McCrory
Emory - Continue Public Hearing zone
McCrory
Emory
McCrory

Emory.
Cranton
McCrory
Cranton - Needs City + County to agree
Blackmon -
Cranton -
McCrory -
Cranton
Planning Comm
Stan Watkins - Studies - Technical
Analysis
Arthur - Peer Assistel
Kenilworth Commons
2 Colgate Place
Queens Station Condominiums
Matthews - - -
Watkins
Vernoot
Watkins - --
Andrews
Watkins
Harbor 3,000 Central Ave.
Andrews ---
Watkins
Winchester Surgical Supply
100' BUFFER

R. H. Wheatley & Co. - Indel'e, Inc.

Draft of New Ordinance Amil. 7/9

Matthews
Watkins
Matthews
Watkins
Matthews
Watkins
Matthews
Watkins - P. 12-39
Blackmon
Watkins - already have bldg. permit,
build under old ordinance
Blackmon
Watkins
Du Pug
Watkins
Andrews
Blackmon - PKG. RATIO TO SQ. FOOTAGE
Watkins .25 PER 1000 SQ. FT
Cranton
Matthews

Watkins

Cranton

Du Puy

Hammond

Andrews

Cranton

Andrews

Watkins

Matthews - STAKEHOLDERS

Watkins

Du Puy

Watkins

Blackmon

Watkins

Matthews

Watkins

Matthews

Watkins

} STAKE HOLDERS REPORT

Vinroot - Blue - RECOMMENDATIONS

BEIGE - VOTE BY PLANNING COMMITTEE

Matthews

Watkins

Cranton

DuPuy 5:15 DuPuy left

Hammond: STAKEHOLDERS - POLICY DISAGREEMENTS SHOULD MAIN FOCUS?

Watkins YES.

McCarry

Cranton

Hammond

Cranton

Hammond

Cranton

Vincent

Cranton 7/25 & 8/22 ADDITIONAL MTGS

Public hearings in Sept. & Oct.

Vincent

Cranton

Vincent

Cranton

Andrews - Surrounding towns involved.

Cranton - No -

Blackmon

Cranton

Andrews

Cranton

Blackmon - Bill 647 - Passed

Watkins

adjourned 5:18 P.M.

June ~~29~~ 27, 1990

ZONING ORDINANCE PROCESS:

CHRONOLOGY

November 25, 1985	o The Generalized Land Plan 2005 was adopted by the Mecklenburg Board of County Commissioners and the Charlotte City Council. One of the key policy directives in the plan called for a comprehensive revision of the zoning, signs, and subdivision ordinances.
December, 1985	o Charlotte-Mecklenburg Planning Commission staff developed a strategy document which outlined the objectives, process, and budget for revising the zoning, signs, and subdivision ordinances.
January 8-9, 1986	o A two-day workshop was held with the Board of County Commissioners, City Council, and Planning Commission to discuss the strategy document. The document proposed hiring a consultant to prepare the initial drafts of the zoning, signs, and subdivision ordinances. The entire rewrite process was anticipated to be completed by June, 1987.
January 13, 1986	o Planning Commission approved the strategy document and authorized the Planning staff to proceed.
February 10, 1986	o Board of County Commissioners and City Council approved the strategy document.
February 17, 1986	o Planning staff sent out Request for Qualifications, seeking a consultant to undertake the job.
March-April, 1986	o The inter-governmental Planning Liaison Committee selected citizens to serve on an advisory task force for the ordinance revision process.
April 1, 1986	o Responses to the Request for Qualifications were received from about 40 firms and individuals.
April-May, 1986	o The responses were narrowed down to three firms who appeared capable of doing the job. Oral interviews produced one firm clearly capable; however, subsequent contract negotiations with that firm revealed they had underestimated the work. They elected to withdraw from consideration.

Chronology

June, 1986	o Planning staff developed an alternate strategy which now called for a consultant to undertake only the revision work for the zoning ordinance, while Planning staff would undertake revisions of the signs and subdivision ordinances. The Board of County Commissioners, City Council, and the Planning Commission approved the revised strategy. The new date for completion of the zoning ordinance was now November, 1987.
June 4, 1986	o An all-day community workshop was held at UNCC on ordinance revision issues. Speakers and panelists addressed potential issues surrounding development of new zoning, signs, and subdivision ordinances. Approximately 300 citizens attended.
July-August, 1986	o Planning staff advertised for firms to undertake the zoning ordinance revision. Only two firms from the respondents were chosen for oral interviews. The firm of Siemon, Larsen and Purdy from Chicago, was recommended to the Elected Officials to undertake the rewrite.
September, 1986	o Siemon, Larsen and Purdy met with the Board of County Commissioners, City Council, Planning Commission, and Advisory Task Force to discuss approaches to developing a new zoning ordinance. One of the first steps decided upon was the development of an Issues and Opportunities Report to clarify issues within the community and suggest possible alternatives.
September-November, 1986	o The consultant met with the Planning Commission, Advisory Task Force (ATF), and various interest groups to discuss issues surrounding the revision process.
November 26, 1986	o The draft of the Issues and Opportunities Report was made available for community discussion.
December, 1986	o The consultant gave a presentation to the Elected Officials, Planning Commission, ATF, and various interest groups on the Issues and Opportunities Report. Comments were generated on the report.

Chronology

January 20, 1987	o An addendum to the Issues and Opportunities Report was prepared by the consultant in response to comments.
January-July, 1987	o The consultant started drafting a proposed zoning ordinance. Early on, the consultant identified the need to get some special bills passed by the North Carolina General Assembly to implement some of the recommendations. A special legislation package was prepared.
February-March, 1987	o The special legislation package was reviewed and approved by the Board of County Commissioners and City Council.
April, 1987	o The special legislation package was initially met with disfavor by the Mecklenburg County Legislative Delegation. However, in a compromise, the bills were introduced and passed in the N.C. Senate. They were scheduled for consideration by the N.C. House of Representatives in the 1988 short session, provided issues surrounding the new zoning ordinance were resolved.
April-May, 1987	o Given the action of the General Assembly, and expressed concern about the pace of the ordinance revision process, the time line was again adjusted. A new completion date of May, 1988, was established for the zoning ordinance. This change allowed for six months of public review of the draft ordinance. The schedules for the sign and subdivision ordinances remained the same.
August, 1987	o The consultant's draft of the Charlotte-Mecklenburg Zoning Ordinance was released to the public.
August-November, 1987	o Due to the public debate surrounding the signs and subdivision ordinances, which were released earlier, discussion on the consultant's draft zoning ordinances was delayed. In November, 1987, the Elected Officials, Planning Commission, and Advisory Task Force began their reviews of the zoning ordinance. However, concerns were being raised about how rapidly the process was moving along, given issues identified within the consultant's draft.

Chronology

December, 1987	o The Planning staff constructed a new schedule for adoption of the ordinance for sometime in the fall of 1989. The proposed schedule was sent to the Elected Officials for consideration.
January, 1988	o The Elected Officials adopted a new schedule which called for completion of the new zoning ordinance by the end of 1989. New Subdivision Ordinances were adopted in the City and County.
February, 1988	o The Planning Commission completed its review of the policy and technical issues in the Consultant's Zoning Ordinance Draft. Planning staff was directed to begin preparing another draft. A new Signs Ordinance was adopted in the City.
April, 1988	o The Advisory Task Force completed its review of the Consultant's Zoning Ordinance and issued a final report. Comments on the draft were received from interest groups.
May, 1988	o The Planning staff released a new Zoning Ordinance Discussion Draft. A new Sign Ordinance was adopted in the County.
June, 1988	o The Planning staff conducted three public meetings to introduce the new zoning ordinance draft. Planning Commission delayed its start for reviewing the new ordinance until October, 1988, at the request of interest groups, so they could have time to review the new draft. Planning staff was instructed to meet with interest groups to discuss the new ordinance. The Planning Liaison Committee delayed making a change in the schedule until the Planning Commission finished its review of the ordinance.
July-September, 1988	o The Planning staff met with various interest groups to discuss the ordinance.
October, 1988 - March, 1989	o The Planning Commission began and completed the first phase review of the Discussion Draft Zoning Ordinance. Planning staff continued to meet with interest groups to discuss the ordinance. Interest groups forwarded written comments to the Planning Commission for its consideration.

April, 1989

- The Planning Commission held a public meeting to receive comments before undertaking a final review of the Discussion Draft Zoning Ordinance for the purposes of preparing a public hearing draft. Among the issues raised at the hearing were several related to process. They included why are we revising the ordinance, that the ordinance process is moving too rapidly and insufficient time has been set aside for public debate on the issues. The Planning Commission agreed to review these issues and make a recommendation to the Planning Liaison Committee to be forwarded to the Elected Officials. The Citizens Forum also recommended a schedule adjustment. A special Elected Officials meeting was set for May 15, 1989, to discuss process issues.

May 15, 1989

- At the special meeting to discuss the future of the new zoning ordinance, the City Council and Board of County Commissioners agreed to establish a citizens Stakeholders Committee to review the zoning ordinance. The Committee was officially charged to:

  1) identify and clarify issues in the proposed new zoning ordinance and 2) identify a process for preparing the final zoning ordinance schedule. The Chairman of the Planning Commission and the Planning Director was directed to assemble the Committee. The Stakeholders Committee was given a six month time frame to report back.

June-December, 1989

- The 12 member Stakeholders Committee made up of representatives from neighborhood, developer homebuilder, legal, and economic interests identified over 50 issue areas for the discussion. Facilitated by the Planning staff, the Committee worked diligently to identify the pros and cons of issues and, where possible, reached consensus. However, the Committee did not complete their agenda by the due date. The Committee directed the Planning staff to release an Interim Report and requested that the Planning Liaison Committee allow a time extension to complete the work.

Chronology

January, 1990	o The City Council passed a resolution requesting the Planning Commission prepare a revised zoning ordinance schedule which would result in public hearings held on the zoning ordinance before the end of 1990. The Board of County Commissioners were asked to join in the resolution, which they did.
	o The Planning Liaison Committee approved an extension for the Stakeholders Committee to mid-April in order for the Committee to complete its work.
February 7, 1990	o Interim Stakeholders Report released.
February 16, 1990	o The Planning Liaison Committee approved the revised schedule prepared by the Planning staff which calls for September, 1990 and October, 1990 public hearings. The schedule also included workshops for the Elected Officials and public informational workshops in July and August, 1990.
February-Mid-April, 1990	o The Stakeholder Committee finalized its work. The Committee also initiated a technical evaluation study of the new zoning ordinance to compare standards in the new ordinance with the current ordinances. The Chamber of Commerce Land Use Committee, Community Issues Council, Joint Committee, and Planning staff agreed to evaluate projects within the community to assess the new ordinance impact.
March-Mid-June, 1990	o The Planning Committee of the Planning Commission, starting with the Stakeholders Interim Report, initiated a review of the previous zoning ordinance draft to prepare a public hearing draft. The Planning Committee meets with Stakeholders Committee to discuss the issues.
March 26, 1990	o The City Council approved the revised zoning ordinance schedule which calls for September, 1990 and October, 1990 public hearings.
April 2, 1990	o Board of County Commissioners approved the revised zoning ordinance schedule which calls for September, 1990 and October, 1990 public hearings.

Chronology

April 25, 1990	o Stakeholders Committee completed its work on the new zoning ordinance.
May 20, 1990	o Stakeholders Final Report released.
June 12, 1990	o The Planning Committee completed its review and adjustments and unanimously recommended to send the new zoning ordinance forward to public hearings. The public hearing draft is scheduled for release on July 9, 1990.

June ~~20~~ 27, 1990

SUMMARY OF CHANGES BETWEEN THE NEW ZONING ORDINANCE SECOND DISCUSSION DRAFT AND THE NEW ZONING ORDINANCE PUBLIC HEARING DRAFT

The New Zoning Ordinance Public Hearing Draft, which will be officially released July 9, 1990, contains a number of changes from the previously released New Zoning Ordinance Second Discussion Draft (August, 1989). Below is a summary of major substantive and technical changes between the two drafts as approved by the Planning Commission on June 12, 1990:

Chapter 1: Purpose and Applicability

No Changes

Chapter 2: Definitions and Rules of Construction

1. Additions to Existing Development - The 10% expansion provision is eliminated. This provision had allowed an existing development to expand by 10% above a threshold size indicated the new zoning ordinance before that development had to be reviewed and approved under the new requirements. This provision was replaced in part by a expansion provision related to the number of parking spaces.

2. Definitions - Twenty-two new definitions were added to the new zoning ordinance. A number of definitions are further clarified.

Chapter 3: Decision-making and Administrative Bodies

No Changes

Chapter 4: Development Approval

1. Building Permit Required - Replace language in the new zoning ordinance with the language in the current City and County Zoning Ordinances which is more specific as to when a building permit is required.

2. Action on Zoning Compliance Actions - The Zoning Administrator now has primary review responsibility for parallel conditional and special purpose district applications. Before, this was a responsibility of the Planning staff. The Zoning Administrator must still send copies of the application to the Planning Commission for comments. From an administrative standpoint, this is more efficient.

Chapter 5: Appeals and Variances

1. Authority - The Board of Adjustment's statutory authority to impose conditions and safeguards upon land uses under review which, in its

opinion, should be done is added. This brings the chapter more in conformance with State Statutes.

2. Initiation - The prohibition on applying for a variance after being issued a notice of violation is eliminated. The City and County Attorneys felt that this provision is a violation of an individual's due process rights.

3. Standards for Granting a Variance - The 10% limit imposed upon dimensional ruling by the Board of Adjustment is eliminated. This provision was felt to place undue limits upon the authority of the Board of Adjustment.

4. Rehearing - A two year rule is added to the language for rehearing an appeal or variance which had been previously denied. The previous ordinance disallowed rehearings unless there was substantial change in conditions or circumstances. The change was made to make this rehearing procedure similar to the procedure for amendments to the new zoning ordinance.

Chapter 6: Amendments

1. Preparation of Traffic Impact Study - The Charlotte Department of Transportation (CDOT) recommended threshold requirements for initiation of a traffic impact study replaced the requirements in the previous draft. The CDOT requirements call for a study to be initiated when a use generates more than 2,500 trips (Average Annual Daily Traffic) or increases traffic on any adjacent street by more than 10%.

2. Conditions to Approval of a Petition - Attachment of conditions to a Special Purpose District is eliminated because the City and County Attorneys felt this provision conflicts with a recent N.C. Supreme Court ruling on conditional zoning.

Chapter 7: Nonconformities

1. Time Period - The discontinuance and restoration period for nonconforming uses and structures is changed from 6 months to 1 year.

2. 25% Rule - The 25% replacement rule is retained, but an affected property owner may offer an appraisal or other competent evidence to dispute the Zoning Administrator's use of the tax rolls.

Chapter 8: Enforcement

[Note: This Chapter was completely rewritten to incorporate current language regarding enforcement procedures and remedies used by the Zoning Administrator.]

1. Civil Penalties - As an enforcement tool, a civil penalty of up to $10,000 which is now only applicable in the City has been extended to the County.

Chapter 9: General Districts

1. Table of Uses - Use list is expanded.

2. R-1 District - The R-1 is defined as to apply only to areas of environmental conservation or rural preservation.

3. Duplexes - Now permitted in the R-2.

4. New Office Names - The O-15 and O-6 names have been changed to O-1 and O-2 respectively.

5. New Office District - A new office district, called O-3 has been added. The new district has a floor-area-ratio of 3.0 and would be applicable to urban nodes such as Southpark.

6. B-D Resurrected - Renewed demand for the Distributive Business District has warranted returning this district to the zoning ordinance.

7. Industrial Districts - Use list is expanded.

Chapter 10: Overlay Districts

1. Waterfront District Eliminated - Regulations for uses governed by this district, such as piers and other water-related facilities have been moved to Special Requirements for Certain Uses Section of Chapter 12. This is similar to the treatment of these uses in the current County Zoning Ordinance. This also avoids a rezoning to apply these standards to properties along the lake front.

Chapter 11: Special Purpose Districts

No Changes

Chapter 12: Development Standards of General Applicability

1. Effects of Dedication on Density - Land dedicated for public community service facilities now receives density credit for the donations as in the current zoning ordinances.

2. Height Limitations - This regulation is changed to require 1) all buildings which exceed the 40 foot height limit to increase the side yards one foot for every two feet above the 40-foot limit and 2) when any building exceeds the 40-foot height limit and adjoins a residential use or zoning, the side yard(s) or rear yard adjoining the residential must be increased 1 foot for each foot of building height above the limit.

3. Parking Threshold - Provision is added to allow an existing building to expand its floor area up to the demand for five parking spaces, before the new parking standards apply.

4. Accessways - Requirement for some nonresidential parking lots to provide accessways to adjoining parking lots is eliminated.

5. Buffers - The buffer chart was replaced with a table.

6. Accessory Housing - Accessory dwellings were renamed to Elderly and Disabled housing. The maximum floor area is changed from 750 square feet to 50% of the floor area of the principal dwelling. Also, standards for Guest housing and employee quarters are added to the zoning ordinance.

7. Home Occupations - The regulations in the current zoning ordinances replace the Second Discussion Draft language.

8. Rural Home Occupations - Rural home occupations are eliminated from the new zoning ordinance.

9. Stormwater Drainage - New regulations are under consideration by the City and County which may replace language currently in the new zoning ordinance.

NEW ZONING ORDINANCE WORKSHOP

Wednesday, June 27, 1990
4:00 P.M.
Room 267
Charlotte-Mecklenburg Government Center

AGENDA

I. Introductory Comments.....Frank E. Emory, Jr.,
Chairman of Planning Commission

II. Stakeholders Experience

- Stakeholders Report Highlights.....Martin R. Cramton, Jr.
  Planning Director

- Technical Evaluation Slide Show/Drawings.....Stanley D. Watkins,
  Strategic Planning Manager

- Questions and Comments

III. Next Meeting - Wednesday, July 25, 1990
4:00 P.M.
Room 267 - CMGC

PLEASE TURN IN YOUR QUESTIONNAIRE

June 12, 1990

NEW ZONING ORDINANCE
WORKSHOP QUESTIONNAIRE

The first workshop on the new zoning ordinance will focus upon the Stakeholders Committee Final Report. However, to make future workshops as constructive as possible for the City Council and County Commissioners, I am requesting that you take a few minutes to fill out the questionnaire below. The questionnaire asks you to identify the issues in the new zoning ordinance which are of most concern to you. The issue list is based on the Stakeholders Committee Final Report, but please feel free to add additional issues of concern. Your answers will enable my staff to fine tune each workshop for maximum effectiveness.

Martin R. Cramton, Jr.
Planning Director

QUESTIONNAIRE

CHECK THE APPROPRIATE SPACE

District/Use Issues	Very Concern	Somewhat Concern	Not Concern
1. - Develop New Ordinance or Amend Current Ordinance	_____	_____	_____
2. - Density Concept for Residential Zoning	_____	_____	_____
3. - Large Lot Residential Districts	_____	_____	_____
4. - Overlay Districts	_____	_____	_____
5. - Conditional Rezoning	_____	_____	_____
6. - Mixed Use Developments	_____	_____	_____
7. - Neighborhood Business Districts	_____	_____	_____
8. - Exclusive Institutional District	_____	_____	_____
9. - Industrial Districts	_____	_____	_____
10. - Manufactured Housing	_____	_____	_____

QUESTIONNAIRE

CHECK THE APPROPRIATE SPACE

	Very Concern	Somewhat Concern	Not Concern
District/Use Issues (Continued)			
11. - Table of Permitted Uses	_____	_____	_____
12. - Multi-family Locations	_____	_____	_____
13. - Establish City-County Historic Districts	_____	_____	_____
14. - Accessory Housing Provision	_____	_____	_____
15. - Conversion from Old Single Family Districts to the New Single Family Districts	_____	_____	_____
16. - Infill Development Standards	_____	_____	_____
17. - Mixed Single Family Development	_____	_____	_____
18. - Pyramiding in the Zoning Ordinance	_____	_____	_____
Standards Issues			
1. - Buffer Regulations	_____	_____	_____
2. - Floor-Area-Ratio Regulations.....	_____	_____	_____
3. - Height Regulations	_____	_____	_____
4. - No Parking in the Setback of Nonresidential	_____	_____	_____
5. - Traffic Impact Analysis	_____	_____	_____
6. - Application of Conditional Rezoning Standards	_____	_____	_____
7. - Improved Standards	_____	_____	_____
8. - Residential Preservation Along Transportation Corridors	_____	_____	_____
9. - Home Occupations	_____	_____	_____

QUESTIONNAIRE

CHECK THE APPROPRIATE SPACE

	Very Concern	Somewhat Concern	Not Concern
Process Issues (Continued)			
Process Issues			
1. - Zoning Board of Adjustment	_____	_____	_____
2. - Zoning Conformity with the Plan	_____	_____	_____
3. - Public Notification	_____	_____	_____
4. - Adequacy of Public Facilities	_____	_____	_____
5. - Zoning Petition Amendments	_____	_____	_____
6. - Rezoning Application and Review Requirements	_____	_____	_____
7. - Development Permitting and Process Time.....	_____	_____	_____
8. - Zoning Ordinance Role, Format and Organization	_____	_____	_____
9.- Zoning District Conversion Process .	_____	_____	_____
10. - Third Party Rezonings	_____	_____	_____
11. - Zoning Protest Petitions	_____	_____	_____
12. - Administrative Flexibility by Planning Director	_____	_____	_____
13. - Nonconformities	_____	_____	_____
Other Issues (Please List)			
1. - _____	_____	_____	_____
2. - _____	_____	_____	_____
3. - _____	_____	_____	_____
4. - _____	_____	_____	_____

PLEASE BRING TO THE JUNE 20 WORKSHOP OR SEND TO THE PLANNING COMMISSION

June 20, 1990

STAKEHOLDERS ISSUES	PLANNING COMMITTEE'S ACTION

POLICY DISAGREEMENT ISSUES

District/Use Issues

No.		
1	Conversion from Old Single Family Districts to the New Single Family Districts	Selected #A by Consensus 1
2	Infill Development Standards	Selected #1 by Consensus
3	Mixed Single Family Development	Selected #2 by Consensus
4	Pyramiding in the Zoning Ordinance	Selected #1, 4-1 vote
	Standards Issues	
5	Application of Conditional Rezoning Standards	Selected #1 by Consensus
6	Improved Standards	No action, sent forward 2
7	Residential Preservation Along Transportation Corridors	Selected #2, Unanimously
	Process Issues	
8	Third Party Rezonings	Selected #1, 4-1 vote
9	Zoning Protest Petitions	Selected #1, Unanimously
10	Administrative Flexibility by Planning Director	Did not reach agreement 3
11	Nonconformities	Selected #1, Unanimously 4

NOTES:

1 - When "By Consensus" is indicated, the Planning Committee jointly agreed to take a particular policy position. No vote was called for.

2 - The Planning Committee felt taking a position was not warranted in this case.

3 - The Planning Committee could not obtain a majority position. Therefore, the original new ordinance provision remained in the ordinance.

4 - The Planning Committee supported Policy Choice No. 1 with modifications.

June 20, 1990

PLANNING COMMITTEE'S ACTION ON STAKEHOLDERS COMMITTEE FINAL REPORT

STAKEHOLDERS ISSUES	PLANNING COMMITTEE'S ACTION
POLICY CONSENSUS ISSUES	
District/Use Issues	
No.	
1 - Develop New Ordinance or Amend Current Ordinance	Supported, Unanimously
2 - Density Concept for Residential Zoning	Supported, Unanimously
3 - Large Lot Residential Districts	Supported, Unanimously
4 - Overlay Districts	Supported, Unanimously
5 - Conditional Rezoning	Supported, Unanimously
6 - Mixed Use Developments	Supported, Unanimously
7 - Neighborhood Business Districts	Supported, Unanimously
8 - Exclusive Institutional District	Supported, Unanimously
9 - Industrial Districts	Supported, Unanimously
10 - Manufactured Housing	Supported, Unanimously
11 - Table of Permitted Uses	Supported, Unanimously
12 - Multi-family Locations	Supported, Unanimously
13 - Establish City-County Historic Districts	Supported, Unanimously
14 - Accessory Housing Provision	Supported with detached units, 4-1 vote.
Standards Issues	
15 - Buffer Regulations	Supported, Unanimously
16 - Floor-Area-Ratio Regulations	Supported, Unanimously
17 - Height Regulations	Supported, Unanimously
18 - No Parking in the Setback of Nonresidential	Supported, Unanimously
19 - Traffic Impact Analysis	Supported, Unanimously
Process Issues	
20 - Home Occupations	Supported, 4-1 vote
21 - Zoning Board of Adjustment	Supported, Unanimously
22 - Zoning Conformity with the Plan	Supported, Unanimously
23 - Public Notification	Supported, Unanimously
24 - Adequacy of Public Facilities	Supported, Unanimously
25 - Zoning Petition Amendments	Supported, Unanimously
26 - Rezoning Application and Review Requirements	Supported, Unanimously
27 - Development Permitting and Process Time	Supported, Unanimously
28 - Zoning Ordinance Role, Format and Organization	Supported, Unanimously
29 - Zoning District Conversion Process	Supported, Unanimously

Stakeholders Committee

FINAL REPORT

On

NEW ZONING ORDINANCE

April 25, 1990

S T A K E H O L D E R S C O M M I T T E E

F I N A L R E P O R T

APRIL 25, 1990

PREFACE

This final report of the Stakeholders Committee for the New Zoning Ordinance is a reporting of the Committee's discussions over the past nine months. The Stakeholders Committee did not examine all the issues in the new zoning ordinance, but only those issues the committee felt significant. Therefore, this report should not be viewed as a definitive study of all potential issues contained in the proposed zoning ordinance.

The report's preparation is a joint effort on the part of members of the Stakeholders Committee and the Planning Commission Staff. The manner in which the report is written assumes that the reader is somewhat familiar with the regulations which are contained in the New Zoning Ordinance draft. Therefore, only brief background information is provided to frame each of the issues addressed by the Stakeholders Committee. The reader is encouraged to obtain a copy of the Planning Commission's Draft of the New Zoning Ordinance from the Charlotte-Mecklenburg Planning Commission, Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202-2853.

STAKEHOLDERS COMMITTEE REPRESENTATIVES

Mahlon Adams
Charlotte-Mecklenburg Citizen Forum

Doug Boone
Joint Committee

Fred Bryant
Chamber Land Use Committee

Dr. Jim Cook
Community Issues Council

Frank E. Emory, Jr.
Planning Commission

Earl G. Gulledge
Community Issues Council

Dr. Tim Mead
Planning Commission

Anne McClure
Planning Commission

Bailey Patrick, Jr.
Chamber Land Use Committee

Jim Patterson
Charlotte-Mecklenburg Citizen Forum

Robert C. (Bob) Sink
Real Property Lawyers Council

Lynn M. Wheeler
City Council (Ex-Official Member)

STAFF SUPPORT

Martin R. Cramton, Jr.
Planning Director

Stanley D. Watkins
Strategic Planning & Research Manager

Richard P. Black
Strategic Planning Coordinator

Keva L. Walton
Strategic Planning & Research Planner

STAKEHOLDERS COMMITTEE
FINAL REPORT

Table of Contents

Page

Preface 1

STAKEHOLDERS COMMITTEE MEMBERSHIP 11

INTRODUCTION 1

POLICY CONSENSUS ISSUES 3

District/Use Issues

No. 1 - Develop New Ordinance or Amend Current Ordinance 4
No. 2 - Density Concept for Residential Zoning 5
No. 3 - Large Lot Residential Districts 6
No. 4 - Overlay Districts 7
No. 5 - Conditional Rezoning 8
No. 6 - Mixed Use Developments 10
No. 7 - Neighborhood Business Districts 11
No. 8 - Exclusive Institutional District 12
No. 9 - Industrial Districts 13
No. 10 - Manufactured Housing 14
No. 11 - Table of Permitted Uses 15
No. 12 - Multi-family Locations 17
No. 13 - Establish City-County Historic Districts 18
No. 14 - Accessory Housing Provision 19

Standards Issues

No. 15 - Buffer Regulations 20
No. 16 - Floor-Area-Ratio Regulations..... 22
No. 17 - Height Regulations 24
No. 18 - No Parking in the Setback of Nonresidential 25
No. 19 - Traffic Impact Analysis 27

Process Issues

No. 20 - Home Occupations 27
No. 21 - Zoning Board of Adjustment 28
No. 22 - Zoning Conformity with the Plan 30
No. 23 - Public Notification 31
No. 24 - Adequacy of Public Facilities 32
No. 25 - Zoning Petition Amendments 34
No. 26 - Rezoning Application and Review Requirements 35

POLICY CONSENSUS ISSUES (continued)

Process Issues (continued)

No. 27 - Development Permitting and Process Time..... 36
No. 28 - Zoning Ordinance Role, Format and Organization 37
No. 29 - Zoning District Conversion Process 38

POLICY DISAGREEMENT ISSUES 39

District/Use Issues

No. 1 - Conversion from Old Single Family Districts to the New Single Family Districts 40
No. 2 - Infill Development Standards 44
No. 3 - Mixed Single Family Development 46
No. 4 - Pyramiding in the Zoning Ordinance 47

Standards Issues

No. 5 - Application of Conditional Rezoning Standards 48
No. 6 - Improved Standards 49
No. 7 - Residential Preservation Along Transportation Corridors 51

Process Issues

No. 8 - Third Party Rezonings 52
No. 9 - Zoning Protest Petitions 53
No. 10 - Administrative Flexibility by Planning Director 54
No. 11 - Nonconformities 55

APPENDIX 56

Zoning District Conversion Process 57

INTRODUCTION

The Stakeholders Committee was established in May, 1989 by the Charlotte City Council and the Mecklenburg Board of County Commissioners to review key policy issues surrounding adoption of new zoning codes for the City of Charlotte and Mecklenburg County. The Committee, which consisted of individuals representing neighborhood, developer, home builder, legal and economic development interests in the community, was officially charged to 1) identify and clarify issues in the proposed new zoning ordinance and 2) identify a process for preparing the final zoning ordinance recommendations.

The Stakeholders Committee began its work in June, 1989. This final report represents completion of the first phase of its charge, which was to identify and clarify issues. However, this report should not be viewed as an exhaustive study of all the issues contained within the new zoning ordinance. The report is better viewed as a brainstorming exercise of some of the more significant issues in the new zoning ordinance.

The second phase of the Committee's charge was withdrawn by the Elected Officials. On March 26, 1990, the City Council and on April 4, 1990, the Board of County Commissioners adopted a joint schedule which calls for public hearings on the new zoning ordinance to take place in September and October of 1990. A copy of the new schedule is in the appendix of this document.

This report is organized into two sections - Policy Consensus and Policy Disagreement. The first section, Policy Consensus, is those issues on which the Stakeholder members reached consensus relative to the new zoning ordinance. The second section, Policy Disagreement, represents those issues where the members of the committee could not reach agreement on how the issue should be addressed.

The discussion formats for the Policy Consensus and Policy Disagreement sections are similar. An outline of the discussion formats for these sections is as follows:

- **Statement of the Issue** - Brief synopsis of the issue.
- **Background** - How the new zoning ordinance addresses the issue.
- **Policy Discussion** - In the Policy Consensus section, a summary of various viewpoints regarding the issue is presented.

  or

- **Policy Options** - In the Policy Disagreement section, various options are proposed for addressing the issue.
- **Stakeholders Resolution** - Decision point reached by the Committee.

The Stakeholders Committee's final report represents several hundred hours of volunteer time to review and comment upon the proposed new zoning ordinance. The Committee officially met 30 times over a nine month period.

P O L I C Y

C O N S E N S U S

Policy Consensus: Develop new ordinance or amend current ordinance? **Number 01**

Policy Issue: Should the community create a new zoning ordinance or should the current zoning ordinances be amended?

Background: The Generalized Land Plan 2005 recommended that the community comprehensively rewrite both the City and County zoning, sign and subdivision ordinances to promote the goals and objectives of the plan. The 2005 Plan identified numerous policy changes for the community which were related to emerging demographic and land use trends. The nature of the plan's recommendations directed that a new approach be taken toward the community's regulatory codes rather than operating within the framework of the current codes.

To date, comprehensively revised sign and subdivision ordinances have been written and adopted for the City and the County. The Zoning Ordinance is the only remaining component which has not been adopted.

Policy Discussion: The issue of whether the community revises the current ordinances or develops new ordinances is a non-issue, because whatever is developed will in effect be a new product. One important goal is for the community to not end up with a "patchwork" zoning ordinance, which could occur through an amendment process. It is more important to develop an ordinance which is internally consistent. In order to insure that this will occur, it is preferable to develop a new ordinance rather than amending the current ordinances.

Related issues which still have to be decided are what will be the process that the community will go through to actually adopt the new zoning ordinance and what remains to be done to insure that the new zoning ordinance has not created any unintended side effects? The first issue relates to the comprehensive and complex nature of a zoning ordinance and the difficulty encountered by the non-student to interpret and understand the ordinance. The second issue addresses what additional technical analyses need to be done to raise the community's comfort level with the new zoning ordinance.

Stakeholders Resolution: The community should proceed toward developing a new zoning ordinance using the Planning Commission Draft of the New Zoning Ordinance (August, 1989) as a point of departure. However, special attention should be given to the ordinance adoption process to allow maximum public participation and education. Also, additional technical analyses should be undertaken to compare the impact of the new zoning ordinance relative to the current City and County Zoning Ordinances.

Policy Consensus: Density Concept for Residential Zoning **Number 02**

Policy Issue: Should the measure of single family residential intensity change from a system where "minimum lot size" is the key determinant to a system where the "density" is the key factor?

Background: The new zoning ordinance proposes that the community change the way single family development intensity is measured. Currently, the single family district structure focuses on the minimum lot size as the measure of intensity in a zoning district. The new ordinance proposes that the key measure of intensity becomes density, which is a cap placed on the maximum number of dwelling units per acre. However, a minimum lot size will still be required under the new zoning ordinance. (See Section 9.205)

Stakeholders Resolution: The concept of residential zoning based on density is acceptable for the community. However, more discussion is needed on how the density system will be applied to the ground (See Policy Disagreement, Number 01, page 41).

Policy Consensus: Large Lot Residential Districts **Number 03**

Policy Issue: Should the new zoning ordinance provide for large lot zoning districts (R-1 and R-2 districts)?

Background: The new zoning ordinance proposes the creation of two new large lot zoning districts, the R-1 and R-2. The R-1 district permits one housing unit per acre and has a 40,000 square foot minimum lot size. The R-2 district permits 2 housing units per acre and a 20,000 square foot minimum lot size. These districts are included as part of the general single family residential district structure.

The rationale for the districts is three-fold. The districts are designed to address environmentally sensitive areas in the community, such as the Gar Creek watershed; to provide compatible zoning districts to recognize the adopted land use plans within the Spheres of Influence of the small towns like the Mint Hill Land Use Plan and for areas of the community where a low density environment is envisioned as in the cases of the North District Plan and the historic Long Creek community. These districts would be applied in specific, identifiable environmental or geographic locations. (See Section 9.201)

Policy Discussion: The inclusion of large lot zoning districts within the zoning ordinance provides diversity throughout the community and should be applied as "standard" districts. The districts do have a place within the range of districts and allow for a choice. Not having the R-1 and R-2 districts encourages the demise of rural areas. The community needs to maintain some of its "rural heritage".

The large lot districts should be applied as overlay districts in certain situations, instead of being "standard" districts. The zoning ordinance needs to communicate to the community that this will be an urban community. By specializing the use of large lot districts (only under special conditions) through the use of overlays, future "urban sprawl" is prevented. Also, greater scrutiny is needed because the districts reduce the development rights on a piece of property. Finally, the limited agrarian economy in Mecklenburg County does not warrant wide spread use of these districts.

Stakeholders Resolution: There are circumstances in Mecklenburg County which are appropriate for large lot zoning. However, whether the large lot districts are part of the general districts or applied through overlay districts is a matter for further public debate.

Policy Consensus: Overlay Districts **Number 04**

Policy Issue: Are overlay districts an appropriate tool for the new zoning ordinance?

Background: The new zoning ordinance expands the use of overlay districts as a regulatory tool. An overlay district is applied in conjunction with another zoning district and may grant additional uses and impose development requirements upon the underlying zoning district. An overlay district is applied on an area wide basis through legislative action by the Elected Officials in support of adopted policies, such as the Generalized Land Plan 2005, District Plans and Area Plans.

Existing overlay districts which are carried forward in the new ordinance are the Historic District and the Airport District. New overlay districts include a Waterfront District for piers and other water related facilities development, Manufactured Homes District for placement of manufactured housing and a proposed Corridor District, which is waiting for the completion of the District Planning process before it is drafted. (See Chapter 10)

Policy Discussion: The concept of using overlay districts in the new ordinance is appropriate. There might be some additional applications, such as a mixed use single family overlay and a residential preservation overlay along major transportation corridors.

Stakeholders Resolution: The use of the overlay district as a tool is appropriate in the new ordinance.

Policy Consensus: Conditional Rezoning **Number 05**

Policy Issues: Should conditional rezonings continue to be relied upon as a major tool in the new zoning ordinance?

Background: The new zoning ordinance retains the parallel conditional rezoning process as a tool for land use management. Early in the ordinance revision process there was considerable discussion about the continued use of conditional rezoning. Issues focused upon the legalities under North Carolina law, local administrative practices, the decision-making process and developing by-right zoning districts with more specific standards.

The legal concerns have been addressed through a North Carolina Supreme Court ruling, which allows the use of conditional districts as a zoning tool. In the current City and County Zoning Ordinances, some administrative changes have been implemented and the decision-making process has been clarified to make the entire rezoning process flow more smoothly. The adopted changes have been incorporated into the new zoning ordinance.

The new ordinance proposes to change the administrative and decision-making processes in the current zoning ordinances by requiring more detailed submission requirements, instituting a traffic impact study, clarifying the petition withdrawal requirements and including guidelines for the Elected Officials to use in making zoning decisions.

The new zoning ordinance also introduces new standards within the general zoning districts to reduce reliance on the use of conditional rezonings. Those standards include new by-right district buffer requirements, changes in the building height requirements and a floor-area-ratio requirement in nonresidential districts. These and other standards in the new zoning ordinance attempt to create better by-right districts to reduce the reliance on the use of conditional rezonings. (See Chapters 6, 9, 10, 11 and 12)

Policy Discussion: Many years ago when conditional districts (CD's) were introduced, a statement was made that this would one day be the only way to obtain a rezoning. Today, it is virtually the only type of rezoning taking place. Two advantages of conditional districts are that they can be tailored to specific site conditions and used as a means to obtain exactions (infrastructure and/or land donations) in the community. However, it takes more time to put conditional districts in place, and they can be difficult to administer.

It is important that the new zoning ordinance provides more districts with specific standards to reduce reliance on conditional districts. However, the conditional process has a place in the regulatory system, especially since the North Carolina Supreme Court has clarified that conditional rezoning is a legitimate tool. Some concern is expressed that as long as the conditional process is available, there will be continued reliance

Policy Consensus: Conditional Rezoning **Number 05**

upon and use of that process. There is also concern that the standards which apply to the proposed new districts are deficient.

Stakeholders Resolution: There is a need for both additional by-right districts and the conditional district process in the new zoning ordinance. More zoning districts with specific standards might make the transition from the old zoning ordinances to the new zoning ordinance easier and reduce the reliance upon the conditional district process. The primary purpose of conditional districts should not be to obtain exactions. There was disagreement as to whether the community should utilize exactions.

Policy Consensus: Mixed Use Development **Number 06**

Policy Issue: Is it appropriate in the new zoning ordinance to have mixed uses within the same building?

Background: The new zoning ordinance proposes several opportunities for mixed use development in the same building. Residential is allowed as a part of nonresidential establishments in the office and business districts under nonresidential standards. The current City and County Zoning Ordinances require residential standards to be imposed when residential is part of a nonresidential establishment. Also, a new Neighborhood Service District is created to promote mixed housing, office and retail uses in inner city locations. (See Section 9.703.(6) and Section 9.803.(8))

Policy Discussion: The current zoning ordinances preclude residential developments in conjunction with office and retail uses by requiring residential setbacks and yard requirements and by placing limitations on density because of the nonresidential and residential combination. The concept of allowing for mixed use is a good idea; however, what standards to apply need further public discussion.

Stakeholders Resolution: It is appropriate to mix residential and office uses as well as residential and retail uses in the same building subject to the establishment of proper standards, which are to be determined at a later time.

Policy Consensus: Neighborhood Business District **Number 07**

Policy Issue: Should the new zoning ordinance have a more neighborhood oriented business district?

Background: The current B-1 Neighborhood Business District was revised in the new zoning ordinance to become more neighborhood oriented. The table of permitted uses was scrutinized for the district and motels and hotels were removed. Maximum floor area limitations of 50,000 square feet per lot for retail uses and 100,000 square feet per lot for office uses were established. However, a retail shopping center may contain a maximum of 70,000 square feet, if it meets recommended prescribed conditions. Additionally, a .50 floor-area-ratio requirement was incorporated. When these requirements are coupled with other recommended changes in the new ordinance (buffers, no parking in the setback, height restrictions, etc.), retail and office uses in the B-1 district will better blend into a neighborhood environment. (See Section 9.801)

Policy Discussion: The current B-1 district allows a larger scale of development (regional shopping centers) than is appropriate in a neighborhood setting. The B-1 district allows up to 100,000 square feet of retail by right and unlimited square footage for office development. The Park Road Shopping Center, due to its size, is an example of the inappropriate use of the B-1 district. The concept of a neighborhood oriented business district is acceptable.

While the concept of a neighborhood business district may be acceptable, the applicable standards for the district need further debate. For some, the proposed 50,000 square foot limitation for retail is too high for a neighborhood setting and detracts from the residential environment.

For others, the 50,000 square feet is viewed as too low. It is not representative of current development trends for neighborhood shopping when considering retail uses, such as a full service grocery store, dry cleaners, personal care services, etc. Sentiment was also expressed that a Floor-Area-Ratio of .50 was too high for neighborhood business.

Additional business/office zoning categories may need to be developed to maintain the integrity of neighborhoods and more adequately address edge conditions, especially for infill developments. The Neighborhood Service District is designed to address nonresidential infill locations.

Stakeholders Resolution: The concept of a Neighborhood Business District is appropriate for the new zoning ordinance, subject to prescribed standards which need to be determined.

Policy Consensus: Exclusive Institutional District **Number 08**

Policy Issue: Should the new zoning ordinance include an exclusive Institutional District?

Background: The new zoning ordinance proposes a new Institutional District for major institutional uses such as large religious facilities, hospitals, institutions of higher learning, and similar uses. Unlike the Institutional District in the current zoning ordinances, principal noninstitutional uses, such as residential and office, would not be permitted. The purpose of the district is to reserve areas for institutional uses and have a district specifically designed to mitigate the adverse impacts of large scale institutional uses in close proximity to a residential environment.

Elementary and secondary schools and smaller churches, while permitted in the Institutional District, are not restricted to the Institutional District as some other uses are. They are permitted in residential districts subject to prescribed standards which build in some of the features found in the Institutional District and other nonresidential districts. (See Section 9.501)

Policy Discussion: Elementary and secondary schools should be allowed in residential districts and not restricted to the Institutional District. It is also important that large churches be addressed because some have the impact of a civic arena, given the frequency of activity.

The concept of creating a pure institutional district is not necessarily the issue, but how the district would be applied to the ground. The proposed institutional district is viewed as restrictive. The remapping process, as it applies to this district, is really the issue because of the
potential for creating a large number of nonconforming uses. This is especially true in the UNC-C area.

The current institutional district has changed over the years, becoming more and more restrictive. There is no problem with the list of permitted uses proposed for the district, but the standards which apply to some of the uses need additional discussion.

Stakeholders Resolution: The concept of creating a more restrictive and exclusive Institutional District is appropriate for the new zoning ordinance. Also, the proposed conversion of the current institutional district to the new institutional district is acceptable provided the proposed land use recommendations surrounding UNC-C in the Northeast District Plan are implemented.

Policy Consensus: Industrial Districts **Number 09**

Policy Issue: Are the limitations placed on industrial districts in the new zoning ordinance appropriate?

Background: The new zoning ordinance places floor area limitations on non-industrial uses developing in the two industrial districts. In the I-1 District, retail uses are restricted to a maximum of 50,000 square feet and office uses are restricted to a maximum of 300,000 square feet. The maximum floor area limitations in the I-2 district are 25,000 square feet for retail uses and 100,000 square feet for office uses. The current zoning ordinance permits retail and office uses to "pyramid" into the industrial districts without limitations. The rationale for this change is to reserve an adequate inventory of land for industrial purposes. Because of the pyramiding nature of the current zoning ordinance, well located industrial zoned land, which has good access to roads and utilities often is developed for retail and office uses. A number of major shopping areas along North Tryon Street, Freedom Drive and South Boulevard are developed on industrial zoned land. (See Section 9.1101)

Policy Discussion: Businesses in Charlotte-Mecklenburg are a combination of office and industrial uses. The provisions as proposed in the Planning Commission draft are generally acceptable to the Chamber of Commerce Land Use Committee, except the by-right office limitations of 300,000 square feet in I-1 district and 100,000 square feet in I-2 district are not acceptable.

Stakeholders Resolution: The limitations placed on the industrial districts in the new zoning ordinance are generally acceptable.

Policy Consensus: Manufactured Housing **Number 10**

Policy Issue: Are the provisions for manufactured housing in the new ordinance appropriate?

Background: The new zoning ordinance proposes three provisions for allowing manufactured housing in the community. The first provision is the retention of the current R-MH (mobile home district) as a special purpose district with improved standards. The second provision allows manufactured housing in the proposed R-1 district, subject to prescribed standards to address some design considerations. The third provision is the creation of a new Manufactured Housing Overlay district. This overlay district would permit manufactured housing within any district that a single family residence is permitted, provided a rezoning is obtained and the manufactured housing unit meets certain design standards. The standards, which are designed to make the manufactured housing unit resemble an average stick-built housing unit, include requirements for exterior dimensions, pitch roofs, exterior siding and roofing materials and other similar requirements. (See Sections 9.201, 10.501 and 11.301)

Policy Discussion: Manufactured housing could be constructed in a single family district as long as the manufactured housing met prescribed conditions which would be obtained through a rezoning process for a specific overlay. The reasoning for requiring manufactured homes to undergo a rezoning process is to mitigate public resistance to allowing manufactured housing in a residential district by-right. There is no problem with an overlay district, when applied to an entire subdivision, but the application of an overlay to a specific lot is questioned. A minimum of two acres would be required to apply for a manufactured housing overlay district.

Stakeholders Resolution: The R-MH district should be maintained and the concept of a manufactured housing overlay district is appropriate for the community.

Policy Consensus: Table of Permitted Uses **Number 11**

Policy Issue: Should the Table of Permitted Uses in the new zoning ordinance be general or detailed?

Background: The Table of Permitted Uses in the new zoning ordinance is a detailed listing of uses permitted in each district. However in the first draft of the new zoning ordinance, which was prepared by a consultant, land uses were categorized into generic classifications or use groups (i.e., single family, retail, etc). This left decisions on where a specific use may go, such as a hardware store, up to the Zoning Administrator. Concerns were raised that the earlier ordinance would require more administrative interpretations by staff and could give considerable discretion to the administrative staff for determining what uses would be permitted in the zoning districts. (See Section 9.101)

Policy Discussion: A detailed table of uses is more preferable than a general table of uses. An individual should be able to pick up a zoning ordinance and determine whether or not a specific use is permitted in a district.

The appropriateness of some uses in certain districts needs to be further discussed. In the new zoning ordinance, demolition landfills and quarries either need to be eliminated from the single family, multi-family and office districts or the standards governing those uses should be tightened. Quarries have to go where the rock is; however, the 20 acre minimum lot size for the use may be too low. The allowable height of demolition landfills needs to be addressed in the ordinance. Commercial schools were omitted from the office district, but should be included.

Other uses in the new zoning ordinance need to be better defined or standards associated with use need to be reviewed. The definitions of "dependent living" and "independent living" associated with nursing homes, rest homes and homes for the aged need to be further clarified. The definition of a boarding house needs to be clarified and the change in standard, which now allows up to four rooms per lot instead of four roomers in the current ordinance is a concern.

Stakeholders Resolution: A detailed Table of Permitted Uses for the new zoning ordinance is appropriate. Some technical issues relative to the use table which need to be addressed in the follow-up process to this report are as follows:

- o Review minimum lot size for quarries.
- o Review establishing a maximum height requirement for demolition landfills.
- o Addition of commercial schools to the office district.
- o Review "dependent" and "independent" definitions for nursing homes, rest homes and homes for the aged.

Policy Consensus: Table of Permitted Uses **Number 11**

- o Review definition of boarding house and the appropriateness of the standards change.
- o Examine limitations on the number of vehicles associated with a home occupation.

Policy Consensus: Multi-family Locations **Number 12**

Policy Issue: Is enough flexibility provided in the new zoning ordinance for locating multi-family development?

Background: This is a planning issue rather than a zoning ordinance issue. The new zoning ordinance provides a wide range of multi-family districts which are appropriate in different locations in the community. The application of those districts is dependent on the planning policies governing a particular area of the community. The district planning process has created a policy statement governing multi-family locations. The policy proposes an accumulated point system to be used as a guide during rezonings to determine the suitability of a site for multi-family. The system consists of two components - a location matrix and a design matrix. Both components award points based upon the fitness of a proposed rezoning relative to the criteria. Attainment of a minimum number of points is required for a project to receive approval. (See District Plans Policy Guide)

Policy Discussion: The location of multi-family development is best determined through the district planning process and any point system should be used only as a guide. Also, the Elected Officials should continue to exercise their judgment in approving multi-family petitions. This topic is a planning issue and not a zoning issue.

Stakeholders Resolution: The location of multi-family development is best addressed through the planning process.

Policy Consensus: Establish City-County Historic District **Number 13**

Policy Issue: Should the City and County establish a joint Historic District Commission?

Background: Currently, the City of Charlotte has a Historic District Commission. The new zoning ordinance recommends that historic district authority be extended to Mecklenburg County. A joint City-County Historic District Commission will be created to administer districts in both jurisdictions.

The rationale for this recommendation is that there are potential areas within the County worthy of historic district designation. An area which has been mentioned is part of the Long Creek Community along Beatties Ford Road. (See Sections 3.401 and 10.201)

Policy Discussion: Extending historic district authority to the County is appropriate. Some further review may be needed concerning development requirements and the approval process associated with historic districts.

Stakeholders Resolution: Establishing a joint City-County Historic District Commission is appropriate.

Policy Consensus: Accessory Housing **Number 14**

Policy Issue: How should accessory housing be provided for under the zoning ordinance?

Background: The new zoning ordinance allows an accessory housing unit per lot (granny flats, Elder Cottage Housing Opportunities, etc.) in all residential districts. The accessory housing may be detached, attached or within the principal dwelling. However, the accessory housing unit cannot be larger than 1/2 the size of the principal dwelling, and must meet certain design standards to maintain a single family character. The accessory housing must also be owned by the occupant of the principal dwelling. The occupant of the accessory housing must be related by blood, marriage or adoption to the owner and be over 65 years of age or be disabled. (This last provision governing who may occupy an accessory housing unit and the age of the occupant may require a special act from the General Assembly or be deleted from the regulations because of legal issues concerning age and relationship tests as a criteria for determining the occupancy of an accessory housing unit. (See Section 12.507)

The rationale for this provision is to provide additional housing options for an aging population. Nationwide, one in eight adults are 65 years or older, but by the early part of the 21st century one in five will be over 65 years or older. Increasingly, families will be faced with taking care of an aging and possibly disabled adult. This regulation would allow for establishment of an independent living unit on a lot, provided certain performance standards are met.

Policy Discussion: Some related issues are the permanence of the accessory housing, who occupies the accessory housing, and who owns the accessory housing. Accessory housing should be kept at a scale in keeping with the character of the neighborhood. The treatment of accessory housing under the current zoning ordinance appears sufficient and there is no need to revise the regulations. The accessory housing provision should be rewritten to remove the detached dwelling provision and require an internal door connecting the accessory housing unit to the permanent dwelling or some other physical connection, such as a breezeway. Some committee members felt that age and relationship provisions are not adequate ways to address this use; these requirements should be removed. Other members felt age and relationship provisions should be retained in the zoning ordinance. Design standards are a better way of addressing accessory housing. The objective is to regulate the space and not who is in the space.

Stakeholders Resolution: Consensus was established that accessory housing is acceptable in the new zoning ordinance provided detached dwellings are omitted.

Policy Consensus: Buffer Regulations **Number 15**

Policy Issue: Should the new zoning ordinance include "by-right" buffer regulations?

Background: The new zoning ordinance proposes the creation of "by-right" buffer regulations which apply between different land uses. The only "by-right" buffer requirement in the current zoning ordinances is a 20 foot separation requirement between single family and industrial zoning districts.

The proposed buffers consist of two elements - horizontal and vertical dimension requirements. The horizontal dimension is the minimum distance along the ground for the buffer width and the vertical dimension is the required plantings which have to be installed within the buffer.

Three buffer classes are established - A, B and C in the new zoning ordinance. A table in the ordinance identifies land uses which require buffer treatment. The buffer required is dependent on the size of the property and the type of planting or fence treatment decided upon by the property developer. A flat buffer standard is provided for properties ten acres or larger. For smaller sites, a sliding scale is established tied to the size of the site. Below are buffer widths and planting requirements for large sites:

Minimum Buffer Requirements (Ten acres or larger)

Class	Minimum Width	Shrubs (Per 100 linear feet)	Trees (Per 100 linear feet)
A	100 feet	130	15
B	75 feet	100	13
C	50 feet	75	12

For developments less than 10 acres, the minimum widths for buffers established under the above table are allowed to be reduced based on the acreage of the development. The reduction is along a sliding scale to a minimum of 40% of the required buffer in a Class A , 30% of the buffer in a Class B, and 20% of the buffer in a Class C. Similarly, shrubs and trees are reduced within the smaller buffer widths to aid plant health. The smallest required buffer (sites .250 acres or less) would be as follows:

Policy Consensus: Buffer Regulations **Number 15**

Minimum Buffer Requirements (Smallest development site)

Class	Minimum Width	Shrubs (Per 100 linear feet)	Trees (Per 100 linear feet)
A	40 feet	124	12
B	22.5 feet	60	7
C	10 feet	30	4

The required buffer width may be reduced an additional 25% if a wall is constructed in accordance with the standards in the new zoning ordinance requirements. Also, a recommended plant species list is set forth in the zoning ordinance. (See Section 12.401)

Policy Discussion: Relating the size of the buffer to the size of the development is a faulty concept. A small noxious use is just as damaging as a large noxious use. The treatment of the immediate edge of dissimilar uses makes a difference. The same buffer standards should apply regardless of the size of the development.

Concern was expressed that applying the full buffer to a very small site would, in effect, prevent development of a piece of property. This would result in a "taking" of someone's property without paying compensation. If a buffer is properly planted, it should serve the intended purpose.

The proposed buffer standards represent what might be considered politically achievable. Special attention needs to be given to situations where a single family district adjoins a multifamily district and there are dissimilar topographies involved. Multi-family development looking into the backyard of a single family residence is not a desirable situation.

Stakeholders Resolution: "By-right" buffer classes are an appropriate concept in the new zoning ordinance; however, no agreement can be reached on the appropriateness of the standards for buffers. Some members feel they are inadequate, others feel they are just right and still some feel they are too much. Also, requirements to address development along zoning boundaries that have different topographies need to be added to the new zoning ordinance.

Policy Consensus: Floor-Area-Ratio Regulations **Number 16**

Policy Issue: Are Floor-Area-Ratios an appropriate tool for the new zoning ordinance?

Background: The new zoning ordinance proposes wider use of floor-area-ratios as a zoning tool in the new ordinance. Currently, floor-area-ratios are employed in the Urban Residential and the R-1.0 MF districts in the City Zoning Ordinance. The new zoning ordinance proposes that floor-area-ratios be used extensively in the nonresidential districts.

Floor-Area-Ratios specify the relationship between the area of permitted floor space in a building or structure and the area of the lot on which it is sited. The ratio is arrived at by calculating the total floor area of a building divided by the gross area of a lot or parcel. Floor-area-ratios establish a cap on the maximum square footage allowed in a building or structure.

The new zoning ordinance proposes the following floor-area-ratios for the new general zoning districts:

Zoning District	Maximum FAR
INST	.50
RE	.30
O-15	.30
O-6	.30
B-1	.50
B-2	1.00
I-1	.80
I-2	1.00

A 25% bonus is allowed to the base floor-area-ratio if a parking deck is constructed in conjunction with a building. (See development requirements in Chapter 9)

Policy Discussion: The new zoning ordinance should employ a square foot per acre ratio instead of a floor-area-ratio because the former is a more easily understood concept. A square foot per acre ratio was questioned because the yard regulations (front, side and rear) accomplish the same objective. The yard regulations indicate how much of the lot can be covered by a building, with the goal of maintaining a minimum separation between structures. Floor-area-ratio is a commonly understood concept in the development community and the definition in the ordinance is understandable.

The inclusion of a parking deck within the floor-area-ratio, even with the bonus provision, is a hardship for development. By using a portion of the

Policy Consensus: Floor-Area-Ratio Regulations **Number 16**

floor-area-ratio to accommodate a parking deck, the area remaining to accommodate the building is diminished. Raising the parking deck floor-area-ratio bonus to 50% might be an acceptable compromise.

There is also a definition ambiguity in the new ordinance regarding surface parking and parking decks. The floor area definition indicates that parking for motor vehicles is not considered floor area, therefore it could be concluded that parking decks should not be considered in the floor-area ratio calculation . However, the new zoning ordinance intent was to consider parking decks as floor area, whereas surface parking lots are not considered floor area.

Stakeholders Resolution: The floor-area-ratio concept is appropriate and reasonable to have in the new zoning ordinance. However, the bonus provision for parking decks needs further examination as to its appropriateness. Also, the ambiguity in the regulation regarding surface parking and parking decks needs clarification.

Policy Consensus: Height Regulations **Number 17**

Policy Issue: Are the height regulations in the new zoning ordinance appropriate?

Background: The new zoning ordinance changes the way the height provision works relative to the current zoning ordinances. Under the current City and County ordinances, when a building exceeds 40 feet in height, the side yard must be increased one foot for every two feet in building height (1:2 ratio) above the 40-foot limit. Other special height provisions in the current ordinances are all residential buildings within residential districts which are greater than 60 feet in height have to obtain a minor Special Use Permit, greater business district minimum side and rear yard requirements for buildings above 40 feet with the requirement for the 1:2 ratio over the 60-foot limit, no height limit in the industrial districts, except no building may be over 40 feet within 100 feet of the property line and some special regulations for towers, steeples and similar uses.

The new zoning ordinance changes the way the height limit is measured and the building yards affected. The regulation applies to all districts, except the UMUD, U-I and Urban Residential districts. Under the new zoning ordinance, once the 40-foot height limit is exceeded, the minimum front, side and rear yards must be increased one foot for each foot (1:1 ratio) above the height limit. Towers, steeples, etc in residential districts are also required to meet the 1:1 ratio, except radio, ham operators and television towers may use a 1:2 ratio. Residential buildings in residential districts over the 60-foot limit are approved under prescribed conditions instead of as a minor Special Use Permit. (See Section 12.109)

Policy Discussion: The height limit proposed in the new ordinance is a substantial increase above the current regulations and is of concern to the Chamber of Commerce. The height limit might be better tied to the adjoining use instead of being a blanket requirement. The concern is only where dissimilar uses come together. The use on the adjoining lot, instead of the zoning district, should be the determining factor. One consideration is to require the portion of building above the 40-foot limit to setback, instead of the whole building. Others argue the whole building should setback.

Stakeholders Resolution: Consensus was reached that the height restriction should incorporate provisions which regulate the height of a building based upon the adjacent use. For example, only when a building adjoins a residential use would a setback standard be imposed on buildings above the height limit. However, some members of the group expressed concern over applying such a regulation to the use instead of the zoning on an adjacent parcel.

Policy Consensus: No Parking in Setback of Nonresidential Districts **Number 18**

Policy Issue: Should parking in the setback be disallowed in all nonresidential districts?

Background: In the current zoning ordinance, the parking of motor vehicles is permitted in the required setback of the business and industrial districts, but disallowed in the required setbacks of the institutional, office, research and Uptown Mixed Use districts. The new zoning ordinance proposes to disallow parking in the required setback of all nonresidential districts. The ordinance is also proposing a uniform setback of 20 feet throughout the City and County for business and industrial nonresidential uses.

The planning rationale for disallowing parking in the required setback of nonresidential districts is to promote the streetscape along community streets. By not allowing parking in the required setbacks, the opportunity is provided to improve the appearance of the community's main transportation corridors and create a positive image in all areas of the community. (See Section 12.307)

Policy Discussion: The main concern with this provision is the impact on existing business and industrial uses when they seek to expand. Concerns were voiced that any expansion by an existing business would invoke this provision. It was suggested that a compromise is needed between the streetscape requirement and the new standard which addresses non-conforming situations. It was offered that conditional rezonings could address some of the concerns. Another suggestion was to allow some percentage of the setback area, such as 25%, to be used as parking for existing uses. This would allow some parking, while breaking up the visual impact of the parking lot. It was pointed out that the tree ordinance in the City requires an 8-foot landscaping strip. It was generally agreed that a set of standards should be developed in the new zoning ordinance to address existing uses.

Stakeholders Resolution: No parking in the setback is an acceptable provision, but the Planning Staff should examine alternatives for some parking in the setback for existing business and industrial uses. However, the minimum standard should not drop below the standards of other ordinances such as the Tree Ordinance.

Policy Consensus: Traffic Impact Analysis **Number 19**

Policy Issue: Is the inclusion of a traffic impact analysis requirement in the new zoning ordinance appropriate?

Background: The new zoning ordinance proposes that a traffic impact analysis be undertaken for all office buildings over 300,000 square feet and all parallel conditional and special purpose district applications provided the development will generate more than 2,500 vehicle trips at peak hour or will increase the peak hour traffic on any adjoining street by 10% above the amount generated by the current zoning. The intent of this provision is to assess the impact of large traffic generators on the street network. (See Section 6.204)

Policy Discussion: It was stated that the traffic provision as proposed was fair and that there were many instances in this community where a traffic impact study is needed. It was indicated that the Charlotte Department of Transportation is in disagreement with the traffic impact provision presented in the new zoning ordinance. Another concern was expressed about the 10% provision in the regulation because a building may access a low volume street such as a cul-de-sac, which could easily trigger a traffic impact study. Additionally, it was indicated that traffic studies are an expensive item for the developer. It was suggested that definition of the study area be provided because there is no clear cut standard. A question was raised that the provision did not indicate the responsibility on the part of public staff. It was pointed out that it is not the public responsibility to pay for a developer's traffic impact study. The Planning staff was urged by some to give stronger consideration to C-DOT's recommendations in this area. Planning Staff was also asked to provide the minutes from last year's City and County public hearings on a traffic impact analysis regulation.

Stakeholders Resolution: It is appropriate to require a traffic impact analysis under certain circustances in the new zoning ordinance. There was no agreement reached as to the appropriate minimum standards for a traffic impact study.

Policy Consensus: Home Occupations **Number 20**

Policy Issue: Is the proposed treatment of home occupations in the new zoning ordinance appropriate?

Background: The new zoning ordinance made several changes in the treatment of home occupations. In the current zoning ordinance, a key determination for home occupations is that no chemical, mechanical or electrical equipment that is not normally part of domestic or household equipment may be used in the home occupation, except for medical and dental equipment. In the new zoning ordinance, this provision was replaced with a performance standard which stated that "the home occupation shall not utilize mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, heat, glare or other nuisances outside the dwelling unit". Other changes in the new zoning ordinance which differ from the current zoning ordinance are a decrease in the allowable floor area percentage from 25% to 20%, an increase in the number of students for dance, music, etc. from 2 to 6 and allowing an accessory structure which is also a garage to be used in the home occupation.

These changes were proposed to create additional flexibility for home occupations. An emerging future trend is an increase in the number of people engaging in home base employment. The proposed changes permit an increase in the type of home occupations allowed in a residential environment provided the performance standards are met. (See Section 12.508)

Policy Discussion: One problem associated with a performance based standard is that it sometimes becomes difficult to determine what constitutes a nuisance. Another major concern is controlling the number of commercial vehicles associated with the home occupation. Too many commercial vehicles affect the residential character of the neighborhood. Also, the number of employees associated with the home occupation should be restricted. It is very important to maintain the residential character of neighborhoods. Generally, agreement was reached that the proposed home occupation provisions were too liberal and the current regulations seem to work well in the community. It was suggested that the Planning Staff redraft the home occupations regulations using the current zoning ordinance provisions as the point of departure.

Stakeholders Resolution: The treatment of home occupations in the current zoning ordinance is more appropriate for the community than the the proposed new regulations. There were some feelings that the rural home occupations on the new zoning ordinance should be eliminated.

Policy Consensus: Zoning Board of Adjustment **Number 21**

Policy Issues: Should the City and County Boards of Adjustments be consolidated and should limitations be placed upon decision-making authority of the Zoning Board of Adjustment ?

Background: The new zoning ordinance proposes consolidation of the the City and County Boards of Adjustment. The community already has a consolidated City-County Planning Commission, a consolidated Building Standards Department (zoning enforcement) and is in the process of developing a consolidated zoning ordinance. The consolidation of the Boards of Adjustment is a logical extension of local efforts to develop a unified land development system. Also, the consistency in decision-making with regard to variance and appeal requests is very important to the integrity of the new zoning ordinance which is a task that a unified board could better address. One issue to be resolved in combining the two boards is that the City's board has a 4/5 vote requirement and the County's board a simple majority vote. Special Legislation has been previously sought to change the City to a simple majority so that both boards can be uniform.(See Chapter 3, Part 3)

The new zoning ordinance also proposes that a 10% limitation be imposed on variance requests granted by the Board of Adjustment with respect to dimension and area requirements involving height, floor area, yards, parking spaces, screening or buffers. There have been instances in the past where the Zoning Boards of Adjustment have been alleged to have violated the spirit and intent of the zoning ordinance in addressing hardship situations. This provision would provide a guideline to the Zoning Board of Adjustment in granting variances. (See Section 5.108)

Policy Discussion: Consolidating the two Boards of Adjustment could compound current problems the boards are having with respect to hearing cases in a timely manner. Substituting a hearing officer for the Zoning Boards of Adjustment could create a very rigid process. There is a need for lay persons to serve in this capacity. It was stated that the Zoning Board of Adjustment is a quasi-judicial body and its function is to serve as an administrative law body which operates within narrow channels. It is not a board of equity. A question was raised that if the two boards are currently having difficulties carrying out there duties, how could consolidation improve the situation? An observation was made by a Stakeholder member that he had not detected any philosophical differences between the two boards in his dealings with the boards. It was suggested that a way a consolidated board could work was to establish a single board which would have panels to hear and act upon various cases. It was suggested that each panel should have at least three members. Other panel sizes of five or seven were mentioned. Some comments were made about the 4/5 vote requirement as a reason to have much larger panels. A comment was made that historically a majority of the Board of Adjustment cases were variance requests. However, present trends show an increase in appeals of interpretations by the Zoning Administrator and this has added to the

Policy Consensus: Zoning Board of Adjustment **Number 21**

Boards' workload. A concern was expressed that the limitations placed on decisions reached by the Zoning Board of Adjustment overlooked the normal process for variance consideration, such as addressing unusual topographic considerations. It was commented that the reason for inclusion of the limitation was concern over the Boards' decisions which have failed in the past. It was pointed out that the new zoning ordinance does include a provision which allows the Board to go beyond the 10% provision in extraordinary circumstances. It was stated that much of what has been incorporated into the Zoning Board of Adjustment's rules of procedure today comes from guidance language handed down as opinion to assist decision- making and not language from statutes. It was commented that more attention needs to be paid to the zoning ordinance by the Board and that better judgement should be utilized. Concerns were raised that the percentage limitation establishes a benchmark and gives the impression that anything less is acceptable. It was commented that good decisions can not be mandated. It was recommended that the 10% limitation be removed. An observation was made that the language in the zoning ordinance regarding the granting of variances provided sufficient guidance to the Board.

Stakeholders Resolutions: The City and County Boards of Adjustment should be consolidated and a panel system established to address the caseload. References to such panels should be added to the zoning ordinance. Additionally, the 10% percent limitation provision should be removed from the new zoning ordinance and the Zoning Board of Adjustment should be instructed to follow statutory language in the zoning ordinance governing the Board's decision-making.

Policy Consensus: Zoning Conformity with the Plan **Number 22**

Policy Issue: Should zoning be in conformance with the general plan?

Background: The new zoning ordinance requires that the zoning maps be consistent with the objectives and polices of the Generalized Land Plan 2005, district plans, area plans and other public policies related to land development adopted by the City Council or the Board of County Commissioners. This intent is consistent language in the State statutes governing zoning. (See Section 1.104)

Policy Discussion: Because this is a requirement in the State statues, the group was in general agreement that zoning should conform to the plan. A question was raised about which plan takes precedence where there is a conflict between two plans. Is it the the most recently adopted plan or the plan with the highest level of detail? It was stated that the language of the general plan incorporates language of the district and area plans. Together they form the generalized land plan. In considering a rezoning petition, consideration is given to the most recently adopted plan and the plan with the highest level of detail to determine applicability in a situation.

Stakeholders Resolution: Agreement was reached that changes in zoning should be in conformity with adopted plans.

Policy Consensus: Public Notification **Number 23**

Policy Issue: Is public notification for rezonings adequate?

Background: The State statues require public notice to be placed in a paper of general circulation at least two successive weeks prior to the public hearing. Locally as matter of policy, first class notifications of rezonings are sent to adjoining property owners and special interests who have registered with the Planning Commission. Also, properties are posted with a zoning sign. Petitioners have to file approximately 9 weeks before the public hearing. Notices are mailed 4-6 weeks prior to the public hearing and zoning signs typically go up 2-4 weeks before the public hearing.

Policy Discussion: A comment was made that staff involvement had expanded in the rezoning process, but public involvement had not. The current notice timetable is inadequate and neighborhoods need to become involved sooner. It was stated that Planning staff resources are stretched to the maximum and to add additional time to the process will adversely affect the monthly public hearing calendar. It was commented that people are generally "plugged" into the process and that the general public should be able to rely on the public hearing process as the process where comments are received and folded into the final decision. It was noted that it is prudent for the petitioner to contact the neighborhood and that it was not the Planning staff's responsibility to save petitioners from themselves. The burden of proof rests with the petitioner to file a good petition and work with the neighborhood. It was suggested that there should be some incentive to make the petitioner act more expediently. The comment was made again that it is in the best interest of petitioners to work with the neighborhoods, if they want their petitions to be successful. It was added that the process should not be too cumbersome for the neighborhood.

Stakeholders Resolution: The public notification process is appropriate, but the Planning staff should re-examine when notices are mailed and attempt to send them out as early as feasible.

Policy Consensus: Adequacy of Public Facilities **Number 24**

Policy Issue: Are guidelines for review of the adequacy of public facilities appropriate in the new zoning ordinance?

Background: The new zoning ordinance sets forth some guidelines that the elected officials may follow in considering a petition for rezoning. The new zoning ordinance states that in considering a petition for rezoning the elected officials may consider "(t)he adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, hospitals and medical services, schools, stormwater drainage systems, water supplies, and wastewater and refuse disposal". This section also includes the consideration of adopted plans and impact of the proposed rezoning on "known archaeological, environmental, historical or cultural resource". The provisions were added to the new zoning ordinance to provide guidelines to the elected officials in decision-making on rezonings. (See Section 6.112 (2))

Policy Discussion: A question was raised relative to the use of the word "may". It was observed that perhaps the elected officials should be required to consider all the factors in Section 6.112 (2). Concerns were expressed over mandating these types of considerations on the elected officials. It was added that the use of such standards would move the rezoning process from a political to quasi-judicial process. Also, if elected officials are required to adhere to the provisions within this section, the whole process would bog down and tamper with the integrity of zoning. It was commented that if this was a requirement, the community would have to establish standards to determine what was "adequate". A suggestion was made to replace "may" with "should" because the former was too permissive. Others objected to the use of "should" because it was felt to be the same as "shall". It was suggested that another paragraph be added to the section stating that elected officials may give consideration to the items listed, but if they decide to approve a rezoning anyway, the reasons would have to be listed. Another paragraph was offered for inclusion in the section which reads as follows:

"These factors are legitimate concerns to be considered through the rezoning process; however, they are not a mandatory precondition or requirement of rezoning."

However, a number of members felt the original proposed language was appropriate. After additional discussion, the group agreed to leave the section as is with several minor adjustments such as removal of hospital and medical services and changing refuse service to garbage disposal and clarifying the language in the section relative to adopted plans.

Stakeholders Resolution: The adequacy of public facilities guidelines for elected officials decision-making are appropriate in the new zoning ordinance. Hospitals and medical facilities should be removed from the

Policy Consensus: Adequacy of Public Facilities **Number 24**

list, refuse disposal should be replaced with garbage disposal and the adopted plan section needs to be clarified.

Policy Consensus: Zoning Petition Amendments **Number 25**

Policy Issue: Are withdrawal and amendment procedures for zoning petitions appropriate?

Background: The current and new zoning ordinances allow withdrawals of petitions up to the adoption of the resolution by the elected officials setting the public hearing date. This time frame is 4 weeks prior to the date of the public hearing. After this date, the elected officials may grant a withdrawal at the public hearing. The new ordinance provides some guidelines for elected officials to follow in allowing withdrawals at the public hearing. They must find substantial circumstances favoring the withdrawal and that the petition is not detrimental to the citizens affected.

Also, under both ordinances, a petitioner is allowed to amend a petition up to three weeks prior to the public hearing. After this date, amendments are not allowed. A petitioner can propose amendments at the public hearing, but this would invoke a 30 day deferral to allow staff and other interested parties to review the amendments. (See Section 6.109)

Policy Discussion: A statement was made that an issue of concern was the two year wait after a petition had been denied. When petitioners encounter neighborhood opposition, petitions are sometimes withdrawn for fear of having to wait two years. Also, it was pointed out that as long as no notice was given, the withdrawal of a petition should not cause a problem. A comment was made that amendments appeared to be more of a problem than withdrawals. Support was voiced for the two year rule. Petitioners should have more discussion with the neighborhood up front. Another concern voiced was two petitions in progress on the same property at the same time. It was stated that the new ordinance should limit amendments and deferrals. A comment was made that plans, once filed, seldom get broader, but most amendments narrow the scope of the petition.

Stakeholders Resolution: The treatment of withdrawals and amendments in the new zoning ordinance is appropriate.

Policy Consensus: Rezoning Application and Review Requirements **Number 26**

Policy Issue: Are requirements for rezoning applications and reviews appropriate in the new zoning ordinance?

Background: The new zoning ordinance states that no application for rezoning will be accepted until it is complete. Also, the new zoning ordinance mandates a required meeting with the Planning staff before filing a petition. The new zoning ordinance also expands the informational requirements for filing a parallel conditional use or special purpose district petition. (See Chapter 6)

Policy Discussion: No issues were raised relative to the rezoning application and review requirements. The group generally found the requirements acceptable.

Stakeholders Resolution: The rezoning application and review requirements in the new zoning ordinance are appropriate.

Policy Consensus: Development Permitting and Process Time **Number 27**

Policy Issue: Are the development permitting process and timetable appropriate in the new zoning ordinance?

Background: The new zoning ordinance requires a zoning compliance permit to be issued by the Zoning Administrator prior to the issuance of a building permit. The purpose of the zoning compliance permit is to ascertain whether the zoning and any special conditions attached to property are adhered to in development. An application for a zoning compliance permit requires a site plan for all uses, except a detached, duplex, triplex or quadraplex dwelling on an individual lot. Within three days of receiving an application for a zoning compliance permit, the zoning administrator shall determine whether an application is complete.

For uses permitted by-right or uses under prescribed conditions, the zoning administrator has primary review authority. However, applications for uses which are planned multi-family or planned attached development and the Uptown Mixed Use District development must be forwarded to the Planning Director for review and comment. A zoning compliance permit for by-right and prescribed condition reviews must be approved within 20 days.

For uses subject to parallel conditional zoning approval and special purpose districts, the Planning Director shall have primary responsibility for review. The timetable for review of these applications is 30 days.

An application for a building permit can be made at the same time an application is made for a zoning compliance permit. However, a building permit cannot be issued until the zoning compliance permit has been approved. (See Chapter 4)

Policy Discussion: Concerns were expressed that the zoning compliance process was a duplication of effort. The additional level of review would affect the timing of reviews. It was pointed out this process will parallel the building permit process and involve the Planning staff sharing in some types of reviews by Building Standards. It was suggested that the process is analogous to the subdivision process. A question was raised as to whether this process would significantly affect the cost of the current building permit review process. It was indicated that site plans are required now by building standards for all commercial buildings (which includes multifamily) and no significant readjustment on the part of the building industry is anticipated. It was stated that the proposed process formalizes the process more than it is currently. It was noted that accessory uses should be clearly stated in Section 4.203 as uses not requiring a site plan.

Stakeholders Resolution: The proposed development permitting process and timetable in the new zoning ordinance are appropriate.

Policy Consensus: Zoning Ordinance Role, Format and Organization **Number 28**

Policy Issues: What is the role of the zoning ordinance and are the format and organization of the zoning draft appropriate?

Background: The role of the new zoning ordinance is a regulatory document to implement the land development polices proposed in the The Generalized Land Plan 2005 and other accompanying district and area plans. The zoning ordinance does this through the establishment of a series of districts for various types of land uses and describing minimum standards for development regulation to address the public health, safety and general welfare.

The new zoning ordinance is designed to be as user friendly as possible. Most of the information needed to develop a use within a district is found within the district section. The ordinance does cross-reference the reader to other applicable regulations found elsewhere in the zoning ordinance.

Policy Discussion: Concern was expressed that the zoning ordinance was a tool for implementing the long range plan. The group was in agreement with this statement.

It was stated that there were not enough definitions included in the proposed draft and more cross-indexing of the sections. There was a goal to make the ordinance useful for the ordinary citizen. It was suggested that a handbook of the processes frequently used by the public should be developed. Concern was voiced that too many definitions and too much cross-indexing would create a physically large document which may be intimidating to the ordinary user. A comment was offered that the proposed ordinance should be "user sympathetic" as opposed to "user friendly". It was encouraged that the Planning staff and the development community get together to prepare a guide for ordinary people. Concern was expressed over what is considered policy and not placed in the zoning ordinance versus what is actually in the zoning ordinance. There should be fewer policy considerations as opposed to ordinance considerations. There was general agreement that a separate handbook should be provided.

Stakeholders Resolution: The role of the zoning ordinance is a tool to implement the long range plan and the format and organization of the new zoning ordinance are appropriate, but a handbook should be devised for the public to guide them through frequently used processes.

Policy Consensus: Zoning District Conversion Process **Number 29**

Policy Issue: Is the proposed conversion process from the old zoning districts to the new zoning districts appropriate?

Background: The Planning staff is proposing through a text amendment to the new zoning ordinance to adopt the proposed zoning districts. A chart has been devised which matches the existing zoning districts to their closest equivalent in the new zoning ordinance (See Appendix). Therefore, every existing zoning district will be converted to a new zoning district. However, new districts being proposed for the first time will not be applied to the ground through the conversion, but through individually initiated rezonings or rezonings associated with the implementation of adopted district or area plans. All existing conditional districts, parallel conditional districts and special use permits with approved site plans will continue to exist with their adopted site plans being the controlling zoning for those properties. The proposed conversion process is the simplest and most straight forward way to get the new zoning on the ground.

Policy Discussion: Concern was raised about how the vast amount of institutional zoning in the university area would be affected given the changes proposed for that district. The old institutional zoning would be initially converted to the new institutional zoning and then upon implementation of the Northeast District Plan the institutional zoning in the area would be zoned to conform to the recommendations of the plan. It was suggested that the district plan's rezonings take place immediately after the plan's adoption to avoid the confusion which may occur when the old zoning districts are converted when the new zoning ordinance is adopted. Under the conversion proposal, archives of old zoning ordinances would have to be kept indefinitely to relate back the conditional plans and special use permits which would still be in effect. Questions were raised relative to the inclusion in the chart of the various single family districts conversion options previously discussed by the group (See Policy Disagreement No. 1, page 41). After much discussion, consensus was reached that the Stakeholders views are recorded in the final report and therefore, need not be a part of the Planning Commission conversion chart recommendation. Also, discussion ensued on whether the elected officials should address the single family district conversion issue immediately so the issue could be resolved. It was observed that regardless of when the elected officials decide this matter, the losing side would continue to lobby for its position. It was stated that this would occur even after the new zoning ordinance is adopted. No agreement was reached on whether the elected officials should be asked to examine this matter immediately.

Stakeholders Resolution: The process proposed for converting from the old zoning districts to the new zoning districts is appropriate. However, no agreement was reached on how the single family districts should convert and whether the elected officials should address the single family district conversion issue immediately.

POLICY DISAGREEMENT

Policy Disagreement: Single Family District Conversion **Number 01**

Policy Issue: Should the conversion of the current single family districts to the new single family districts include a "by-right" increase in density throughout the County? And if so, how should the density increase be applied?

Background: The new zoning ordinance proposes that the community change the way single family development intensity is determined. The current single family district structure focuses on **minimum lot size** as the key determinant of development intensity, whereas the new ordinance proposes a **maximum density number** (dwelling units per acre) be assigned to determine allowable development intensity.

The density impact on the existing zoning districts under the proposed draft is as follows:

ZONING DISTRICTS CONVERSIONS
(Current District/New District)

DISTRICTS	R-15/R-3	R-12/R-4	R-9/R-5	R-6/R-6
DENSITY* (Units per acre)	2.5/3.0	3.0/4.0	4.0/5.0	5.8/6.0

*Achievable density utilizing the most efficient site development pattern (Grid layout).

NOTE: Historically, average densities have not achieved the maximum allowed under the zoning ordinance.

The Stakeholders Committee reached consensus that the concept of residential zoning based on density is acceptable for the community, but no agreement was reached on whether the application of new districts should include any increase in density or how any increase should be applied. (See Section 9.201)

Policy Choices: Conversion of Existing Districts to the New Districts

The Single Family Zoning District Conversion proposed by the Planning Commission (as indicated below) allows an increase in density over what is currently allowed in the single family districts. The density increases range from .2 to 1 unit per acre.

Three other options have been suggested. One calls for any district conversion to be neutral in terms of density, another allows increases in density only where certain standards are met and the last one calls for combining some of the existing districts into new districts. The supportive arguments for each of the options are as follows:

Policy Disagreement: Single Family District Conversion **Number 01**

Option A: Increase in Density - Conversion of existing single family districts should include an across the board increase in density. Supportive arguments are as follows:

1. The proposed increase in density for the new single family districts creates opportunities to reduce land cost associated with dwelling units, realizes greater efficiencies in the delivery of public services and reduce the cost of perpetual public maintenance, and meets changing expectations for site development over the next decade and beyond. One example of cost saving is the reduced pavement requirement associated with narrower lot widths. For instance, the length of street associated with a 100-foot wide lot is 67% greater than a 60-foot wide lot. Comparison for various lot widths are as follows:

Lot Width	60 feet	70 feet	80 feet	90 feet	100 feet
Street Length Per Lot*	36 feet	42 feet	48 feet	54 feet	60 feet

* Length of street between lots on both sides of the street plus the length of street associated with street intersections.

2. The new single family districts are not designed for the residential markets of yesterday or even today, but anticipate housing needs over the next 10-15 years considering the future regional market and demographic changes in our population.

3. The new zoning ordinance protects existing single family areas by providing a residential "circuit breaker" which establishes a minimum land area requirement of at least 2 acres before development can take place under the new standards. This acreage requirement could be increased, perhaps to 5 acres.

4. Any further density increases, such as the application of the base density proposed in the District Plans will be applied to the ground only after adoption of the new zoning ordinance.

Policy Disagreement: Single Family District Conversion **Number 01**

Option B: Density Neutral - Any single family district conversion from the current districts to the new districts should be neutral in terms of density. This means the translation of the old districts into the new districts should not create any "by-right" increase in densities. Arguments in support of this position are:

1. More locations are already zoned for higher density than is appropriate. In those locations, the current zoning allows housing that is inconsistent (more dense, with different standards) than the existing housing stock. This can adversely change the character of the neighborhood. An additional increase in density in those areas would allow greater damage to existing neighborhoods.

2. Most new development is less intense than the zoning currently allows, so there is no need to increase the allowable density across the board.

3. Desirable increases and decreases in density should be evaluated carefully and with substantial public input through Small Area Plans. The needed zoning changes can then be initiated by the Planning Commission.

4. A proposed residential "circuit breaker" does not adequately protect existing neighborhoods for three reasons. First, many neighborhoods have substantial number of parcels within them that are larger than any "circuit breaker" which has been proposed. Second, where there are no single parcels that are larger than the "circuit breaker", multiple parcels can be put together, sometimes with destruction of existing housing stock. Third, these types of provisions are often altered to accommodate particular development proposals reducing any protection provided.

5. While carefully planned increases in density can be beneficial to the community, increases that do not take into account the existing character of the surrounding neighborhood, roads, and other infrastructure, can be damaging.

Option C: Increase with Additional Standards - District transfer is neutral, but an allowance may be made within each district for the density increase in the new ordinance provided additional design standards are met. Potential design considerations are street access, impact on

Policy Disagreement: Single Family District Conversion **Number 01**

schools, provision of pedestrian amenities (sidewalks, restrictions for on-street parking, etc.), edge conditions, water and sewer availability and consistency with a Small Area Plan. Advantages for this option are as follows:

1. Allows for density increases on parcels meeting certain design standards.

2. Provides additional measures of protection for existing single family areas.

Option D: Consolidate the R-15 and R-12 Districts - This option proposes, as a matter of equity, the current R-15 and R-12 districts be combined into the proposed R-3 district and that the R-3 district become the established by-right "base" zoning district. The R-9 district will become the proposed R-4 district, the R-6 district will become the proposed R-5 and the new R-8 district will be retained. However, within the R-3 district, 4 units per acre may be permitted provided certain development standards are met. This option has the following advantages:

1. Most of the remaining undeveloped land within Mecklenburg County is zoned either R-15 or R-12. These zoning categories are inequitably distributed to various sections of the county. In the past 5 years, more than 70% of all new single family development has exceeded present zoning ordinance standards. At least 78% of the new single family development would fit under the proposed R-3 district. Of the remaining new development, 14 1/2 percent was developed between 3 and 4 units per acre. Only 7 1/2% of the new development would not have been eligible under the proposed R-3 or R-4 district.

2. This proposal, based upon current development practices, will result in a 33% maximum density increase in R-15 zoned land and a 20% maximum increase for R-12 zoned land.

3. The 3 dwelling unit per acre density should be achievable on the ground.

Stakeholders Resolution: The Committee could not reach consensus on this issue. One area for discussion is how the density is calculated, maximum density versus feasible density. All options have at least one member who supports it.

Policy Disagreement: Infill Development Standards **Number 02**

Policy Issue: How should by-right infill development be addressed in the new zoning ordinance?

Background: The new zoning ordinance does not specifically distinguish between infill development and other types of development. However, there are standards within the new zoning ordinance which can be considered to be by-right infill regulations. These provisions may require additional standards to be met when new by-right development is taking place adjacent to existing development, an adjacent zoning district or when new development is below or above a threshold size listed in the zoning ordinance. Examples of the infill regulations are as follows:

1. All new single family subdivisions, less than 2 acres in size in the R-3, R-4 and R-5 single family districts have to build to the minimum lot size and lot width standards equivalent to the current R-15, R-12 and R-9 districts, respectively. (See Section 9.205.(2))

2. A limited average setback provision (requiring no more than 1 1/2 times the district minimum) applies to all development when a structure on an adjoining lot, within 100 feet, has a greater setback than the minimum for the district.

3. Lots in new subdivisions located on the perimeter of the subdivision must adhere to the basic minimum lot standards (setback, side yard and rear yard) of the lots in the adjoining residential zoning district. (Section 12.102.(3))

4. A buffer yard is required when dissimilar land uses adjoin each other. For example, an office development over 50,000 square feet adjacent to residential requires a B class buffer, whereas an office development less than 50,000 square feet and similarly situated would require a C class buffer. (Section 12.402)

Policy Choices: Standards for By-Right Infill Development

1. Administrative Approval: New Ordinance Standards - Adopt new ordinance proposals for treatment of by-right infill development. The policy orientation for the new zoning ordinance comes from the Generalized Land Plan 2005, which forecasts an urban future for Charlotte-Mecklenburg.

2. Administrative Approval: Increase Standards - Adopt increased standards and develop additional standards to address by-right infill development. Examples of expanded standards are an increase in the

Policy Disagreement: Infill Development Standards **Number 02**

threshold level for the residential district circuit breaker, removal of the maximum distance cap from the average setback provision and/or an increase in the number of lots to be considered in determining the average setback, greater minimum buffer standards and higher open space requirements . New standards could be the introduction of additional bulk and scale requirements.

3. Legislative Approval - In addition to increased administrative standards, any by-right infill development which is more intense than existing development on the ground should be required to undergo a rezoning.

Stakeholders Resolution: There was no consensus on this issue. All measures have a degree of support.

Policy Disagreement: Mixed Single Family Districts **Number 03**

Policy Issue: Should the single family zoning districts in the new zoning ordinance allow for a mixture of single family, duplex, triplex and quadraplex developments?

Background: The new zoning ordinance, similar to the current zoning ordinances, has a series of general districts for single family detached development which also allows duplex development on corner lots. Exceptions in the new zoning ordinance are the new R-1 and R-2 districts, which do not permit duplex development on corner lots and the new R-8 district, which allows single family detached, duplex, triplex and quadraplex developments. The new zoning ordinance also proposes three mixed use residential districts (MX-1, MX-2 and MX-3). These special purpose districts permit a mixture of residential development styles from detached to multifamily and are differentiated by the size of the development, the density and the amount and type of nonresidential development allowed.
(See Sections 9.201 and 11.201)

Policy Choices: Mixed Single Family Development

1. New Zoning Ordinance Provision - Adopt the new zoning ordinance recommendation, which proposes the R-8 district and the MX special purpose districts to address the need for a variety of housing types in a base single family district.

2. Residential Mixed Use Overlay District - Consider development of an overlay district for use in all single family districts to achieve a mixture of housing types. The overlay would be in addition to the R-8 and MX districts and could be used in situations (infill areas) where it is desirable to have a mixture. Under the overlay proposal, the base density for the underlying district would not change, but any desired housing type (detached to multi-family) could be constructed. The mixed use overlay district concept represents a compromise whereby a development is not constructed by right, but permitted through a rezoning without having the stigma of multi-family zoning attached. The new R-8 and MX districts because of their densities may have the multi-family stigma, thereby making it difficult for mixed housing proposals to receive approval. (The Planning Staff supports the residential mixed use overlay concept).

Stakeholders Resolution: There was general support for allowing a mixture of housing types in one or more single family districts, but no consensus was reached on how it should be accomplished.

Policy Disagreement: Pyramiding in the Zoning Ordinance **Number 04**

Policy Issue: Should the new zoning ordinance allow pyramiding between zoning districts and if so, how should it be done?

Background: Pyramiding is when a use in a more restrictive zoning district (single family) is also allowed in a less restrictive zoning district (multi-family). The new zoning ordinance continues to allow pyramiding between districts, as is the case in the current zoning ordinances, but places additional restrictions in some cases on the pyramiding process. Those restrictions take the form of both use and size restrictions on the pyramiding use. Examples of both situations within the new zoning ordinance are as follows:

1. Use Restrictions - A number of large scale institutional uses (Universities, colleges, and junior colleges, jails, etc.) are not allow to pyramid from the more restrictive Institutional District to some or all of the less restrictive office, business and industrial districts. Residential is not allowed to pyramid into the Institutional District or Research Districts. (See Section 9.501)

2. Size Restrictions - Floor area limitations are placed on non-industrial uses pyramiding into the industrial districts. In the I-2 district, retail is limited to 25,000 square feet per lot and office to 100,000 square feet per lot. (See Section 9.1101)

Policy Choices: Pyramiding in the Zoning Ordinance

1. New Zoning Ordinance Treatment - Adopt the new zoning ordinance treatment of pyramiding. While some additional restrictions have been imposed, pyramiding as a concept is recommended.

2. Disallow Pyramiding in the Zoning Ordinance - Allowing pyramiding in the zoning ordinance serves to negate land use policy goals. The proposed restrictions on industrial pyramiding would not prevent the continued use of well situated industrial land for non-industrial purposes. The lack of an adequate reserve of industrially zoned land, increases requests for rezoning.

Stakeholders Resolution: No consensus was reached on this issue.

Policy Disagreement: Application of Conditional Rezoning Standards **Number 05**

Policy Issue: Should minimum development standards for the new ordinance be based on local experience with the Conditional Rezoning process?

Background: The standards within the new zoning ordinance are minimum standards designed to meet the basic health, safety, and public welfare needs of Charlotte-Mecklenburg. This position is in accordance with the legal requirements for zoning under the North Carolina General Statutes. The conditional rezoning process is a "tailor made process" which often results in high development standards for individual projects. However, local experience with conditional rezoning was reviewed in developing the by-right buffer zone regulations for the new ordinance.

Policy Choice: Application of Conditional Rezoning Standards

1. New Zoning Ordinance Minimum Standards - Adopt standards in the new zoning ordinance which are the minimum requirements necessary to serve public health, safety and welfare needs. To do otherwise would place the zoning ordinance in legal question.

2. Use Conditional Rezoning Experience to Set Minimum Standards - The new zoning ordinance minimum standards should be based upon the Conditional Rezoning process or good projects which have been constructed. The Conditional Rezoning process has raised community expectations and established new precedents.

Stakeholders Resolution: No consensus was reached on this issue.

Policy Disagreement: Improved Standards **Number 06**

Policy Issue: Are the standards proposed in the new zoning ordinance adequate?

Background: The new zoning ordinance created brand new standards as well as modified existing standards which apply to land development in the community. Some noteworthy standards in the new ordinance are the average setback provision, buffer requirements, reduced parking requirements, removal of parking in the setback in all districts, parking deck standards,
height requirements and other changes designed to create a much more livable community. (See Chapters 9, 10, 11 and 12)

Policy Choices: Adequacy of Standards

1. Standards are not adequate - The standards in the new zoning ordinance are not adequate. They do not meet current community standards and are not representative of the community's local experience, especially considering with the conditional rezoning process. The new zoning ordinance should not just be compared with the current zoning ordinances, but reflect more desirable standards for the community.

   Particular attention needs to be given to the proposed greenspace requirements and the buffering requirements in the new ordinance. These two standards need to be increased substantially. One alternative proposal for buffers between single family and multifamily is as follows:

   - o a minimum buffer of fifty feet and one foot for each unit in the project up to a maximum of 150 feet.

   Overall, standards in the new zoning ordinance need further review for possible upgrades in requirements. The raising of standards over what is proposed in the new zoning ordinance will better reflect what the community should become and allow for a decrease in the need for conditional rezoning.

2. Standards are adequate - The standards in the new zoning ordinance meet minimum requirements for health, safety and welfare as well as build upon our local experience with land use controls. A number of standards in the new zoning ordinance are a significant improvement above standards in the current zoning ordinances. Standards should not be looked at individually but as a package to evaluate their impact. For example, setbacks, other yard requirements, buffering standards, etc. will ensure the availability of open space on a site.

Policy Disagreement: Improved Standards **Number 06**

Stakeholders Resolution: Although consensus was reached that the standards in the new zoning ordinance are an improvement over the current zoning ordinances, no agreement was reached on whether they are appropriate as drafted or whether additional improvements are needed. Some specific standards which need clarification and are not mentioned elsewhere in the report include:

- o Standards should not be reduced any further.
- o Include on-site density transfer for the dedication of floodplain, open spaces, school sites and other public purposes in the new zoning ordinance.
- o Review of the new zoning ordinance to determine whether "Z" lots would be permitted.

Policy Disagreement: Preservation of Residential Structures Along Transportation Corridors **Number 07**

Policy Issue: Should a regulation be included in the new zoning ordinance to allow residentially zoned houses along major transportation corridors to convert to nonresidential uses, so long as the single family structure remains?

Background: The new zoning ordinance does not address this policy issue. Property is zoned for specific uses and is expected to be used as such regardless of its proximity to transportation corridors.

Policy Choices: Preservation of Residential Structures Along Transportation Corridors

1. Create New Regulation - A regulation is needed to preserve existing houses zoned for residential use along major transportation corridors (eg. Central Avenue). The regulation would allow the houses to convert to a nonresidential use (office or retail) provided the existing structure is not demolished. The regulation would preserve the single family appearance of these corridors while permitting some alternative use for a property which may not be desirable for single family usage. Perhaps, an overlay district would be appropriate.

2. Oppose New Regulation - While on the surface this proposal has a noble purpose, the property in question is already zoned for residential use. Such a district, whether an overlay or a general district would encourage the conversion of residential uses to non-residential purposes and may later open the door for general nonresidential zoning.

Stakeholders Resolution: No consensus was reached on this issue.

Policy Disagreement: Third Party Rezonings **Number 08**

Policy Issue: How should third party rezonings be treated in the new zoning ordinance?

Background: In the current City Zoning Ordinance, there are no restrictions on who may file for a rezoning on a piece of property within the City limits. Property owner as well as third party (non-property owner) petitions are permitted to go forward to public hearing.

However, in the current County Zoning Ordinance, a third party petition is first reviewed by the Planning Commission for the general appropriateness of the proposal from a planning and zoning perspective. Then a report from the Planning Commission is sent to the petitioner and Board of County Commissioners containing an endorsement, recommended modifications or rejection of the proposal. The Board of County Commissioners then decides whether to grant a public hearing or not. If a hearing is granted, then the petitioner is allowed to go through the normal filing procedures. Property owners are allowed to file for rezoning on their property at any time.

The new zoning ordinance incorporates the County's model for addressing third party rezonings by someone other than the City, County or Planning Commission. The new ordinance recommends that all City and County third party rezonings go through the extra review step before being allowed to go to public hearing. This extra step allows an additional layer of protection for property owners. (See Section 6.107)

Policy Choices: Third Party Rezonings

1. Disallow Direct Third Party Rezonings - Adopt the new zoning ordinance treatment of third party rezonings which allows for an extra review step. This affords a level of protection to property owners.

2. Allow Direct Third Party Rezonings - The new zoning ordinance should permit direct third party rezonings. Zoning is a planning tool and as such a community right rather than private property right. The citizens should have the right to exercise it as such.

Stakeholders Resolution: No consensus was reached on this issue.

Policy Disagreement: Zoning Protest Petitions **Number 09**

Policy Issue: How should protest petitions be treated in the new zoning ordinance?

Background: In the City Zoning Ordinance, an adjoining property owner(s) to a rezoning petition may require a 3/4 vote (super majority rule) on the part of City Council to approve a rezoning petition if a protest petition is presented signed by the owner(s) of 20 percent or more the area or rear or side of the property undergoing the rezoning. This provision is specifically authorized by State statues for cities. This provision is not applicable to the County.

The new zoning ordinance proposes that protest petition authority be extended to the County as well. This would require special enabling legislation. The goal of the new zoning ordinance is to require uniform treatment of land between the City and the County. (See Section 6.114)

Policy Choices: Protest Petitions

1. Extend Authorization to the County - The new zoning ordinance should adopt protest petitions in the County as well as the City. Special legislation should be pursued to this end.

2. Maintain Status Quo - The current situation whereby protest petitions are allowed in the City as authorized by State statue and not in the County should be maintained. Due to the small number of County Commissioners, it would require six commissioners voting in the affirmative for a petition to be approved.

3. Eliminate Protest Petitions - The protest petition is unfair as written because a small amount of protest could invoke the provision. Protest petitions represent a significant hurdle for the petitioner to cross.

Stakeholders Resolution: No consensus was reached on this issue.

Policy Disagreement: Administrative Flexibility by by the Planning Director **Number 10**

Policy Issue: Should the Planning Director be granted additional authority to permit minor changes to approved rezoning petitions?

Background: The current and new zoning ordinances permit the Planning Director to approve minor changes in the detail of an approved petition which do not alter the basic relationship of the development to the surrounding property or standards or requirements in the zoning regulations or conditions attached to the petitions. These changes can be made without going through a formal plan amendment process. A change proposed in the new ordinance is to permit the Planning Director to approve slight increases in the intensity or density of the development, so long as the above mentioned criteria is considered and any intensification of a residential nature does not exceed 10% of the approved dwelling units or 5 dwelling units, whichever is less. Any intensification of a nonresidential nature should not exceed 10% of the approved square footage or 1,000 square feet, whichever is less. An applicant may appeal the decision of the Planning Director to the Planning Commission. (See Section 6.207)

Policy Choices: Administrative Flexibility by the Planning Director

1. Endorse Administrative Flexibility - The Planning Director should be granted authority to make the minor changes suggested in the new zoning ordinance. This would lessen the number of petitions which may have to come back to public hearing.

2. Restrict Administrative Flexibility - Concern is expressed over what constitutes a minor change. This is a particular concern for decisions which have been hammered out through the public hearing process. Also, neighbors need to be made aware of minor changes pending before the Planning Director. Also, adjoining property owners should be able to appeal the decision of the Planning Director.

Stakeholders Resolution: No consensus was reached on this issue.

Policy Disagreement: Nonconformities **Number 11**

Policy Issue: Are the treatment of nonconforming uses and structures appropriate in the new zoning ordinance?

Background: The new zoning ordinance makes several significant changes in the treatment of nonconforming uses and structures. First, the time period for reestablishing an abandoned nonconforming use and reconstructing a partially destroyed nonconforming structure has been decreased from 1 year to 6 months. Second, the current zoning ordinance allows a nonconforming use to change to a similar nonconforming use or upgrade to a higher class of nonconforming use. The new zoning ordinance requires any change in the status of a nonconforming use to become a conforming use permitted in the district. Finally, if a nonconforming structure or building housing a nonconforming use is destroyed such that no more than 25% of its assessed value remains, the structure cannot be rebuilt, except as a conforming structure, or the nonconforming use cannot be reestablished except as a conforming use. The intent of these provisions is to curtail substantial investment in nonconformities and eventually bring about their improvement or elimination to preserve the integrity of the zoning regulations. (See Chapter 7)

Policy Choices: Nonconformities

1. Adopt new zoning ordinance treatment of nonconformities - The new zoning ordinance attempts to bring about the improvement and eventual elimination of nonconforming uses. This is essential to preserving the integrity of the zoning regulations.

2. Maintain current zoning ordinance treatment of nonconformities - The proposed regulations makes for harsher treatment of nonconforming uses. It makes it more difficult to obtain downzonings in the future. The reduced time period for repairing damaged structures is a concern because of time for insurance companies to pay off and to find contractors. The new zoning ordinance adoption and the district plans' implementation will create many nonconforming uses. The Planning Commission should re-examine this issue.

Stakeholders Resolution: No consensus was reached on this issue.

A P P E N D I X

ZONING MAP CONVERSION

	Existing Districts	New Districts
General Districts	---	R-1
	---	R-2
	RU	R-3
	R-15	R-3
	R-12	R-4
	R-9	R-5
	---	---
	R-6	R-6
	---	R-8
	R-R	R-5
	R-20MF wo/Site Plans	R-8MF
	R-15MF	R-12MF
	R-12MF	R-17MF
	R-9MF	R-17MF
	R-6MF	R-22MF
	R-6MFH	R-43MF
	R-1 OMF	Rezone
	UR-1	UR-1
	UR-2	UR-2
	UR-3	UR-3
	RE-1	RE-1
	RE-2	RE-2
	Inst	Inst
	O-15	O-1
	O-9	O-2
	O-6	O-2
	---	O-3
	UR-C	UR-C
	B-1	B-1
	B-2	B-2
	UMUD	UMUD
	B-D	B-D
	UI	UI
	I-1	I-1
	I-2	I-2
	I-3	I-2
Overlay Districts	HD	HD-O (Historic District)
	---	W-O (Water Front)
	---	A-O (Airport)
	---	C-O (Corridor)
	---	MH-O (Manufactured Home)
Special Purpose Districts	---	MX-1
	---	MX-2
	---	MX-3
	---	R-MH
	---	CC
	BP	BP
	---	NS
	---	HW
	UDC-V	---
Conditional District/SUP's	R-MH	--- (See Special Purpose Districts)
	R-20MF Innovative	Continue *
	R-20MF w/Site Plans	Continue *
	R-I	Continue *
	R-PUD	Continue *
	B-1SCD	Continue *
	Special Use Permits	Continue *
	Parallel Conditional Use Districts	Continue *

* Development of these uses will be governed by the previously approved site plans The new ordinance shall not be applicable or enforced without the consent of the owner with regard to uses previously approved under a parallel conditional district, special use permit R-PUD, R-20MF Innovative, R-I, or B-1SCD Any substantial amendments to these approved uses will be subject to the requirements of the new ordinance.

Notes (1) New districts which do not have a reasonable equivalent existing district (e g R-1 and R-2) will not be established through the zoning map conversion process. In order to establish these districts an individual or the government would have to petition for a reclassification of property to these new districts

(2) Rezoning of the R-1.OMF will involve only one parcel of land

May 29, 1990

1990 ZONING ORDINANCE PUBLIC HEARING CALENDAR

PUBLIC HEARING DRAFT DEVELOPMENT — *PUBLIC HEARING PHASE*

PARTICIPANTS	1990 JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	1990 DEC	1991 JAN	FEB
STAKEHOLDERS														
o New Zoning Ordinance Review		INTERIM REPORT			FINAL REPORT									
o Technical Evaluation														
PLANNING COMMITTEE														
o Public Hearing Draft Review														
o File for Public Hearing(s)								<>						
o Recommendation														
PLANNING STAFF														
o Research														
o Publish Public Hearing Draft							RELEASE DRAFT							
o Remapping Process			STAFF REVIEW											
o Notice / Information Workshops							O	O						
o Adoption Process Mangement														
PLANNING LIAISON COMMITTEE														
o Monitor	•	•	•	•	•	•	•	•	•	•	•	•		
ELECTED OFFICIALS														
o Workshops				O	O	O	O	O						
o Public Hearings on Ordinance									◆	◆				
o Decision														

APPROVED BY CITY COUNCIL ON MARCH 26, 1990

APPROVED BY BOARD OF COUNTY COMMISSIONERS ON APRIL 2, 1990