



CHARLOTTE
CHARLOTTE-MECKLENBURG
PLANNING

The Rezoning Process

What is a Rezoning?

Rezoning: the method for amending the zoning classification of one or more parcels of land

- **Conventional**
- **Conditional** (includes optional and site plan amendments)

Submitted by Petitioner (Property Owner, Developer, or Business Owner) that wants to use the land in a way that is not allowed by the current zoning classification.



Conventional vs. Conditional Rezoning

Conventional	Conditional
Property owner signature not required	Property owner signature required by State Law
No site plan submittal	Site plan submittal required
No community meeting required	Community meeting and report required
Not tied to specific uses/proposal	Commitment to specific uses and proposal

How to identify Conditional Rezoning:

Conventional	Conditional
O-1	O-1(CD)*
TOD-M	TOD-MO**
	B-2(CD) SPA*
	NS, CC, RE-3, MX*

** Commits to standards that go beyond the base zoning ordinance requirements and are specific for each petition.*

*** Reduces or eliminates the base zoning ordinance standards, AND typically commits to other standards that go beyond the base zoning ordinance requirements. Also specific for each petition.*



Rezoning Participants

Applicant Team

- Petitioner (Property Owner, Developer or Business Owner)
- Agent
- Designer
- Property Owner

City Staff

- Planning - lead
- CDOT
- Engineering
- Park & Rec
- Others as needed

The Public

- Area property owners
- Residents
- Business Owners
- Institutions

Planning Commission

- Zoning Committee

Charlotte City Council

Participant Roles

Applicant Team

- Petitioner
(Property Owner, Developer or Business Owner)
- Agent
- Designer
- Property Owner



Submit the rezoning petition, make revisions to the petition based on input, and make the case for why City Council should approve new development rights:

Petitioner – Requesting rezoning
Agent – Petitioner representative (optional)
Designer – Site design development (conditional rezonings only)
Property Owner – May be petitioner or selling parcel to petitioner

Participant Roles

City Staff

- Planning - lead
- CDOT
- Engineering
- Park & Rec
- Others as needed



- Administer the rezoning process (Planning).
- Provide requested information to the community.
- Analyze petitions and provide feedback to petitioner/agent.
- Provide City Council and Zoning Committee with professional recommendation.

Participant Roles

Planning Commission

- Zoning
Committee



Make recommendation to City Council considering public hearing and staff analysis for request.

City Council



Make decision considering public hearing, staff analysis for request and Zoning Committee recommendation for request.

Participant Roles

The Public

- Area property owners
- Residents
- Business Owners
- Institutions



- Review petition
- Attend petitioner's "Community Meeting" (if conditional)
- Contact petitioner/agent to discuss concerns
- Contact staff with questions concerning petition
- Inform City Council and Zoning Committee of your position
- Speak/Attend Public Hearing
- Attend Zoning Committee Work Session and Council decision meeting to hear discussion

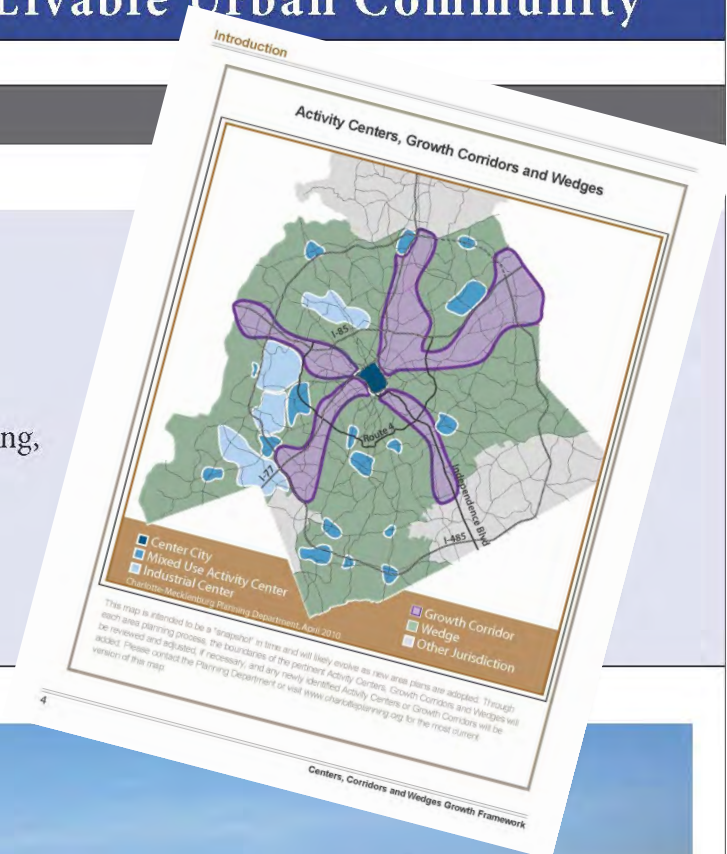
Planning Framework
=
Policy + Regulation

Envisioning a Vibrant, Well Planned and Livable Urban Community

► Centers, Corridors and Wedges Growth Framework

■ GOAL ■

Charlotte will continue to be one of the most livable cities in the country, with a vibrant economy, a thriving natural environment, a diverse population and a cosmopolitan outlook. Charlotteans will enjoy a range of choices for housing, transportation, education, entertainment and employment. Safe and attractive neighborhoods will continue to be central to the City's identity and citizen involvement key to its viability.



Charlotte's skyline today is representative of the vibrant development in all of Mecklenburg County.

Centers, Corridors and Wedges Growth Framework

General Development Policies

District Plans

Northeast, East, South, Southwest, Northwest, and
Central *(as updated by subsequently adopted area
plans, plan amendments and rezonings)*

Area Plans

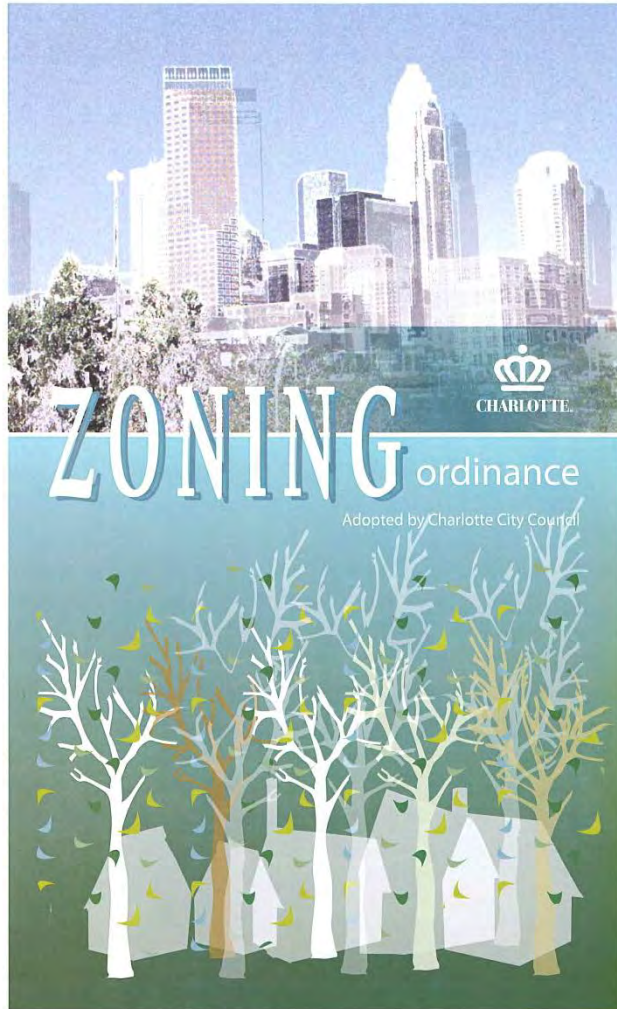
ZONING – determines how parcels of land can be used.

1. Zoning Ordinance Text

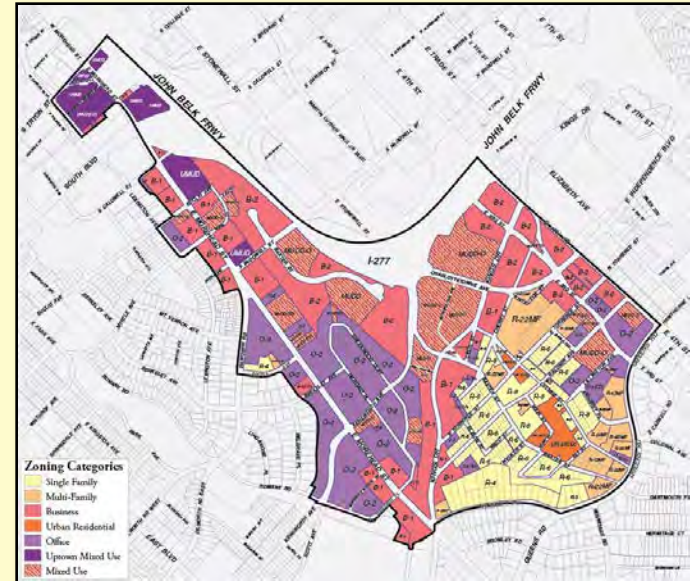
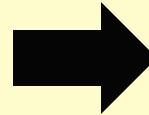
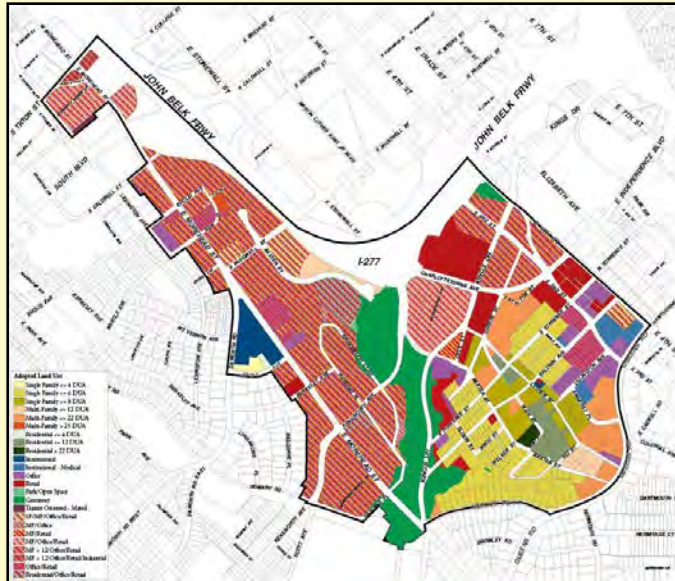
- Permitted land uses within each zoning district
- Special conditions for certain land uses
- Development standards for all development (ex. Height)
- Legal proceedings

2. Official Zoning Map

3. Approved Conditional Plans



Relationship Between Policy & Regulation



A plan provides vision and policy guidance and is not legally binding.

Zoning is a regulatory tool that is legally binding.

Rezoning Process

PRE-
SUBMITTAL

APPLICATION
ASSESSMENT

CITIZEN
NOTIFICATION

STAFF
SUPPORT

SITE PLAN
REVIEW

STAFF
ANALYSIS

PUBLIC
HEARING

ZONING
COMMITTEE

CITY COUNCIL

- 1) Presubmittal
- 2) Application Assessment
- 3) Citizen Notification
- 4) Staff Support*
- 5) Site Plan Review
- 6) Staff Analysis
- 7) Public Hearing*
- 8) Zoning Committee
- 9) City Council*

* Opportunity for public participation

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- Petitioner's presubmittal meeting with Planning staff (ordinance requirement)

Application Assessment



- Application submittal, review and correction
- Internal distribution of rezoning applications and maps:
 - Engineering & Property Management
 - Planning
 - Transportation
 - Utilities
 - Schools
 - Parks & Recreation
 - Fire

Citizen Notification

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- Signs (State law)
- Courtesy mail notices (Council policy)*
- Community meeting notices from petitioner – (State law)*
- Legal mail notices (State law)*
- Legal ads (State law)

*Council Policy on mail notice exceed State law requirements.

Sample Mail Notification



REZONING PUBLIC HEARING COURTESY NOTICE

February 26, 2013

This letter serves as notification of a pending rezoning request for the property illustrated and described below.

A public hearing with the Charlotte City Council has been scheduled for **MONDAY, APRIL 15, 2013**. We recommend that you attend the public meetings and hearings referred to in this notice - see the reverse side of this notice for definitions, dates, locations, times and procedures. Please note that the petitioner has the right to request a deferral of this petition at any time during the rezoning process.

Access www.rezoning.org for up to date case information or contact Tammie Kepfinger, Shad Spencer, Claire Lyte-Graham, Solomon Fortune or me at 704-336-2206.

Sincerely,

Sonja S. Sanders
Planning Coordinator

Petition #: **2013-035**

Petitioner: **Summit Avenue Freedom Drive, LLC**

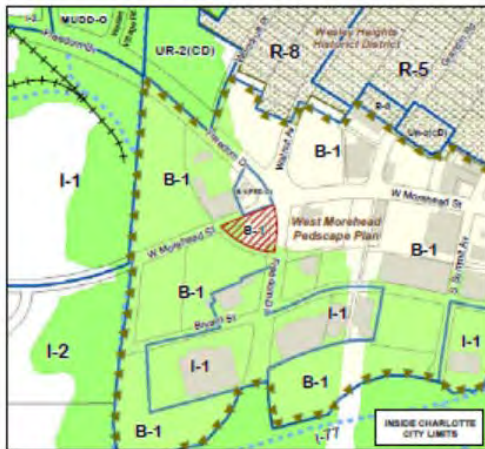
Zoning Classification (Existing): **R-5(PED)**

(Neighborhood Business, Pedestrian Overlay District)

Zoning Classification (Requested): **B-1 (PED-O)**

(Neighborhood Business, Pedestrian Overlay District - Pedestrian)

Acres & Location: Approximately 0.404 acres located on the southeast corner at the intersection of West Morehead Street, Freedom Drive, and Walnut Avenue.



Scale: 0 100 200 400 600 Feet

Zoning Map # (s) **155**

Map Produced by the
Charlotte-Mecklenburg Planning Department
3-1-2013

Charlotte-Mecklenburg Planning Department, 600 East Fourth Street, Charlotte, North Carolina 28202

MEETING SCHEDULE

Meeting and Purpose	Date, Time, and Location
Open House Forum Informal meeting with the petitioner and interested parties.	Date: March 4, 2013 Time: 5:00 p.m. Location: Charlotte-Mecklenburg Government Center, 600 East Fourth St. - 8th Floor
City Council PUBLIC HEARING Proponents and opponents of proposed rezoning petition present comments before the Charlotte City Council and Zoning Committee of the Charlotte-Mecklenburg Planning Commission. <i>To sign up to speak at the hearing, please call the City Clerk prior to 3:00 p.m. the day of the hearing, if possible, at 704-336-2248.</i>	Date: April 15, 2013 Time: 6:00 p.m. Location: Charlotte-Mecklenburg Government Center, 600 East Fourth St. - Meeting Chambers
Zoning Committee Work Session Following the public hearing, the Zoning Committee of the Planning Commission renders their recommendation. This is a public meeting open to any interested parties but is not a hearing.	Date: April 24, 2013 Time: 4:30 p.m. Location: Charlotte-Mecklenburg Government Center, 600 East Fourth St. - Second Floor
City Council Decision Please note, the petition may be delayed at any time and this date may change.	Date: May 20, 2013 Time: 6:00 p.m. Location: Charlotte-Mecklenburg Government Center, 600 East Fourth St. - Meeting Chambers

THE PROTEST PETITION

Per City of Charlotte Zoning Ordinance, Section 6.113

A petition protesting any reclassification of property is needed in order to invoke the $\frac{1}{3}$ voting rule. The protest petition must be signed by the owners of either 20 percent or more, of the area included in a proposed change, or 5% of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. Street right-of-ways shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed change, the 100-foot buffer shall be measured from the property line of that parcel.

Anyone desiring to file a written petition of protest intended to invoke the City Council's $\frac{1}{3}$ majority vote rule must file such a petition with the City Clerk at least two (2) normal working days (excluding Saturdays, Sundays and legal Holidays) prior to the date established for a public hearing on the proposed change of amendment. For example, for hearings on Monday, all protest petitions must be filed no later than 5:00 P.M. on the preceding Wednesday. The $\frac{1}{3}$ majority rule requires that $\frac{1}{3}$ of those eligible to vote among the City Council and Mayor must vote affirmatively in order for a petition to receive approval. The $\frac{1}{3}$ majority rule may not apply to site plan amendments to conditional districts, in some instances.

Any property owner may withdraw their protest at any time prior to the Council's vote on the rezoning petition. In order to effectively withdraw signatures, the withdrawals must be in writing, identifying the rezoning petition protested against, and state that the submitted signatures have the purpose of deleting the signers from the protest petition. A withdrawn protest may not be reinstated after the deadline for filing protests.

For protest petition forms and more information on the $\frac{1}{3}$ rule, you may call the City Clerk's Office at 704-336-2248.

On a conditional zoning district request, the petitioner is required to hold at least one community meeting before a public hearing may be held. A written report of at least one such community meeting held by the petitioner must be filed in the Office of the City Clerk at least ten days prior to the date of the public hearing. If these requirements are not met, the petitioner's case will be deferred. The petitioner will contact you concerning this meeting.

Charlotte-Mecklenburg Planning Department, 600 East Fourth Street, Charlotte, North Carolina 28202



Citizen Notification

Community Meeting

- Hosted by Petitioner
- Opportunity for Citizens to learn about the project and ask questions
- Opportunity for Citizens and Petitioner to collaborate
- Important for Petitioner/Agent to hear Citizens comments early in the process

PRE-SUBMITTAL

APPLICATION ASSESSMENT

CITIZEN NOTIFICATION

STAFF SUPPORT

SITE PLAN REVIEW

STAFF ANALYSIS

PUBLIC HEARING

ZONING COMMITTEE

CITY COUNCIL

PRE-SUBMITTAL

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ZONING COMMITTEE

CITY COUNCIL

Citizen Support:

- Explain the rezoning process
- Provide guidance on how to participate, education session (Rezoning A to Z)
- Staff available to answer specific questions by phone and email

Petitioner Support:

- Explain the rezoning process
- Site plan review
- Mailing list for community meeting notification (if conditional)
- Process reminders

Site Plan Review

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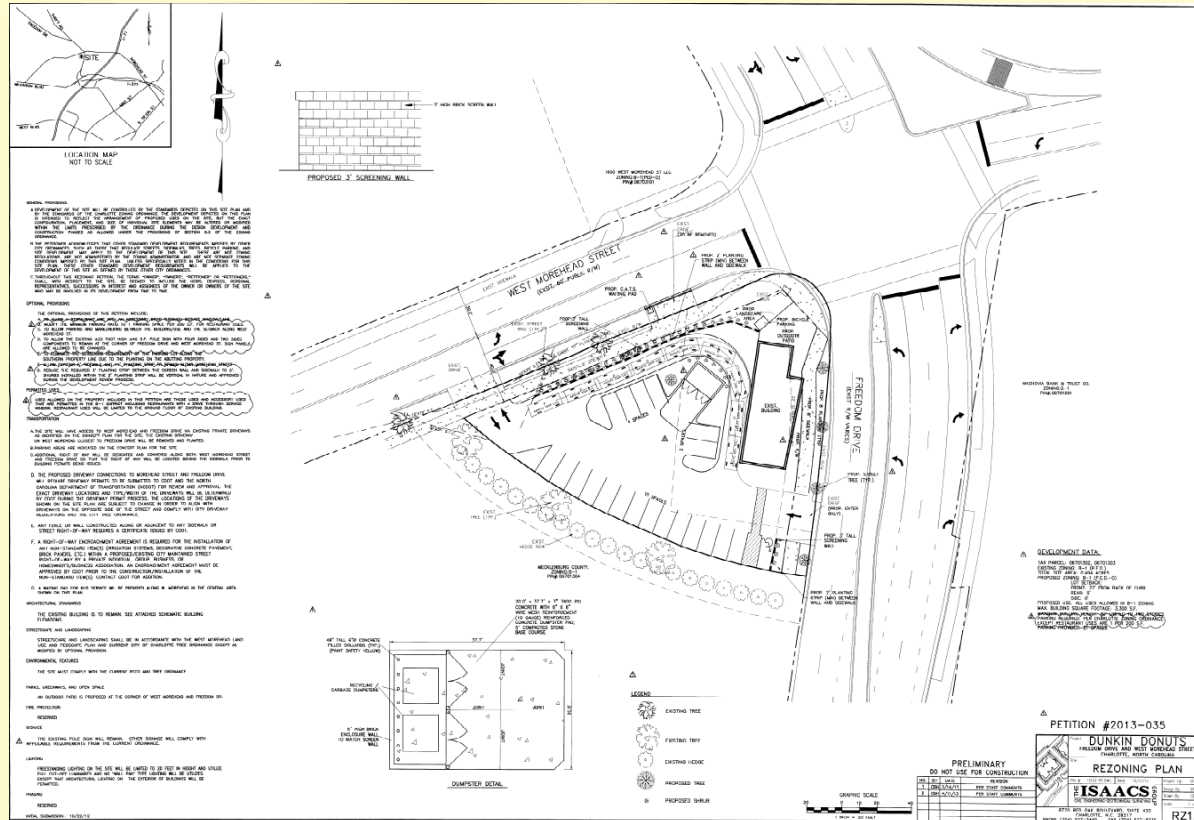
PUBLIC
HEARING

ZONING
COMMITTEE

CITY COUNCIL

- Several plan submittals:
 - Original site plan with application
 - 2nd or 3rd site plan before Public Hearing
 - 3rd or 4th site plan before Zoning Committee
- **Citizens Review Site Plan**
 - **Ensure negotiated commitments included on plan**
 - **See “How to Review a Site Plan”**

Sample Site Plan



Staff Analysis



Staff recommendation based on:

- Consistency with adopted policies
- Context
- Community benefit
- Site design
- Site plan notes
- Transportation/Infrastructure
- Environment
- Compliance with ordinances

~ Not based on citizen comments~

Sample Staff Analysis



Rezoning Petition 2015-115
Pre-Hearing Staff Analysis
October 19, 2015

REQUEST	Current Zoning: UMUD (uptown mixed use) Proposed Zoning: UMUD-O (uptown mixed use, optional)
LOCATION	Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9 th Street. (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes to allow all uses permitted in the UMUD (uptown mixed use), including high intensity residential, office, and retail, and requests optional site modification for balconies extending into the building setback.
PROPERTY OWNER	Skyhouse Charlotte II, LLC
PETITIONER	Skyhouse Charlotte II, LLC
AGENT/REPRESENTATIVE	Jeff Brown & Keith MacVean / Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to the location and selection of street trees, and the requested technical revisions.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Charlotte Center City 2020 Vision Plan</i>. While this plan does not make a specific land use recommendation for this site, it encourages active uses along the ground floor of North Tryon Street.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> The proposal is for redevelopment of a 0.67 acre parcel located in the Fourth Ward neighborhood of Center City. The <i>Center City Transportation Plan</i> identifies the section of West 9th Street that abuts the site as a location where on-street parking is desired, and the proposed development will provide on-street parking along West 9th Street. The provision of the on-street parking pushes the building setback further into the subject site. The allowance for the encroachment of the balconies into the setback helps to mitigate the increased setback required to accommodate the on-street parking. The proposed balconies will not interfere with the street or sidewalk activity. The proposed balcony encroachment is a site specific solution based on site constraints and is not intended to set a precedent for other projects. If the proposed development includes ground floor retail, the inclusion of on-street parking will be especially valuable.
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PLANNING STAFF REVIEW

- Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - A new 24-story building.
 - All uses permitted in the UMUD (uptown mixed use) district in the new building.
 - A 16-foot setback along West 9th Street and a 14-foot setback along North Church Street.
 - Recessed on-street parking on West 9th Street.
 - Site will comply with UMUD (uptown mixed use) requirements set forth in the Zoning Ordinance, with the exception of the following optional request:
 - To allow balconies to extend up to seven feet into the required setback along West 9th Street. The proposed balconies will maintain a minimum clearance of 15 feet between the bottom of the balconies and the sidewalk above West 9th Street, and will not encroach into the street right of way. This is a site-specific proposal which will allow the indicated addition

Petition 2015-115

(Page 2 of 3)

Pre-Hearing Staff Analysis

of on-street parking along the West 9th Street frontage.

- Existing Zoning and Land Use**
 - The subject property is in the Fourth Ward neighborhood, is currently vacant and is zoned UMUD (uptown mixed use). It is the second phase of a larger high rise residential development. The first nearly identical building is completed and occupied, and a parking garage between the two buildings is under construction.
 - The surrounding properties are zoned conventional UR-3 (urban residential), UR-C (urban residential, commercial), and UMUD (uptown mixed use) and are vacant or developed with urban residential and commercial uses. The Fourth Ward Historic District is immediately across North Church Street to the west.
 - See "Rezoning Map" for existing zoning in the area.
- Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
- Public Plans and Policies**
 - The *Charlotte Center City 2020 Vision Plan* (2011) does not make a specific land use recommendation for this site. However, the plan encourages active uses along the ground floor of North Tryon Street as well as new residential opportunities.
 - The *Center City Transportation Plan* (2006) encourages recessed on-street parking on both the north and south sides of West 9th Street, although this has been foregone in some residential locations.
 - The petition supports the *General Development Policies-Environment* by redeveloping an infill site, thereby minimizing further environmental impacts while accommodating growth.

TRANSPORTATION CONSIDERATIONS

- This rezoning will allow for the implementation of on-street parking along 9th Street, which is consistent with the *Center City Transportation Plan*, and will not adversely impact the pedestrian environment
- Vehicle Trip Generation:** The petition will not affect the number of vehicle trips.



DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System:** No issues.
- Charlotte Department of Neighborhood & Business Services:** No issues.
- Charlotte Fire Department:** No comments received.
- Charlotte-Mecklenburg Schools:** The proposed zoning district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- Charlotte-Mecklenburg Storm Water Services:** No issues.
- Charlotte Water:** No issues.
- Engineering and Property Management:** Large maturing trees are to be planted along East 9th Street. The proposed balconies will extend five additional feet from the building face and will be in conflict with the natural growth of these trees resulting in the trees to be pruned from their natural form. See outstanding issue, note 1.
- Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- Mecklenburg County Parks and Recreation Department:** No comments received.



OUTSTANDING ISSUES

Site and Architectural Design

- Revise site plan to incorporate provision of street trees with minimal conflict with balconies through tree selection, spacing, or other means.

REQUESTED TECHNICAL REVISIONS

- Delete page 2 (site survey).
- Provide notes clarifying the intent and commitments related to the inclusion of pages 3 and 4.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map

Public Hearing

PRE-SUBMITTAL

APPLICATION ASSESSMENT

CITIZEN NOTIFICATION

STAFF SUPPORT

SITE PLAN REVIEW

STAFF ANALYSIS

PUBLIC HEARING

ZONING COMMITTEE

CITY COUNCIL

- Required by State Law to allow an opportunity for:
 - Petitioner/agent to present the petition
 - Community to provide comments to City Council and Zoning Committee
- Must sign up to speak with City Clerk (704-336-2248)
- Speaking time is limited to 3 minutes total if no opposition and 10 minutes per side if opposition

Zoning Committee

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ZONING
COMMITTEE

CITY COUNCIL

- Zoning Committee attends Council Public hearing
- Zoning Committee review - open to public, but no public comment received during meeting

Sample Recommendation



Rezoning Petition 2015-115
Zoning Committee Recommendation
October 28, 2015

REQUEST	Current Zoning: UMUD (uptown mixed use) Proposed Zoning: UMUD-O (uptown mixed use, optional)
LOCATION	Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9 th Street. (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes to allow all uses permitted in the UMUD (uptown mixed use), including high intensity residential, office, and retail, and requests optional site modification for balconies extending into the building setback.
PROPERTY OWNER	Skyhouse Charlotte II, LLC
PETITIONER	Skyhouse Charlotte II, LLC
AGENT/REPRESENTATIVE	Jeff Brown & Keith MacVean / Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3
STATEMENT OF CONSISTENCY	<p>This petition is found to be consistent with the <i>Charlotte Center City 2020 Vision Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> While the plan does not make a specific land use recommendation for this site, it encourages active uses at the ground floor of buildings. <p>Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> The <i>Center City Transportation Plan</i> identifies the section of West 9th Street that abuts the site as a location where on-street parking is desired, and the proposed development will provide on-street parking along West 9th Street; and The provision of the on-street parking pushes the building setback further into the subject site. The allowance for the encroachment of the balconies into the setback helps to mitigate the increased setback required to accommodate the on-street parking; and The proposed balconies will not interfere with the street or sidewalk activity; and The proposed balcony encroachment is a site specific solution based on site constraints and is not intended to set a precedent for other projects; and If the proposed development includes ground floor retail, the inclusion of on-street parking will be especially valuable; <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Wiggins).</p>
ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> A note has been added that "The Petitioner will work with the City Urban Forester and the Planning Department on the location and selection of the proposed street trees along W. 9th Street to minimize the potential conflict with the proposed balconies." Pages two, three and four have been removed from the submittal.
VOTE	<p>Motion/Second: Wiggins/Majeed Yeas: Dodson, Wiggins, McClung, Sullivan, and Majeed Nays: None Absent: Eschert, Labovitz, and Nelson Recused: Lathrop</p>

Petition 2015-115 (Page 2 of 3)

Zoning Committee Recommendation

ZONING COMMITTEE DISCUSSION
STAFF OPINION

Staff presented this item and noted that all the outstanding issues had been addressed. There was no further discussion of the petition.
Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

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 - Recessed on-street parking on West 9th Street.
 - Site will comply with UMUD (uptown mixed use) requirements set forth in the Zoning Ordinance, with the exception of the following optional request:
 - To allow balconies to extend up to seven feet into the required setback along West 9th Street. The proposed balconies will maintain a minimum clearance of 15 feet between the bottom of the balconies and the sidewalk above West 9th Street, and will not encroach into the street right of way. This is a site-specific proposal which will allow the indicated addition of on-street parking along the West 9th Street frontage.
- Public Plans and Policies**
 - The *Charlotte Center City 2020 Vision Plan* (2011) does not make a specific land use recommendation for this site. However, the plan encourages active uses at the ground floor of buildings.
 - The *Center City Transportation Plan* (2006) encourages recessed on-street parking on both the north and south sides of West 9th Street, although this has been foregone in some residential locations.
 - The petition supports the *General Development Policies - Environment* by redeveloping an infill site, thereby minimizing further environmental impacts while accommodating growth.

Transportation Considerations: No issues.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System:** No issues.
- Charlotte Department of Neighborhood & Business Services:** No issues.
- Charlotte Fire Department:** No comments received.
- Charlotte-Mecklenburg Schools:** No issues.
- Charlotte-Mecklenburg Storm Water Services:** No issues.
- Charlotte Water:** No issues.
- Engineering and Property Management:** No issues.
- Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- Mecklenburg County Parks and Recreation Department:** No comments received.

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments

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- Council makes final decisions on rezoning requests typically at the next Zoning meeting

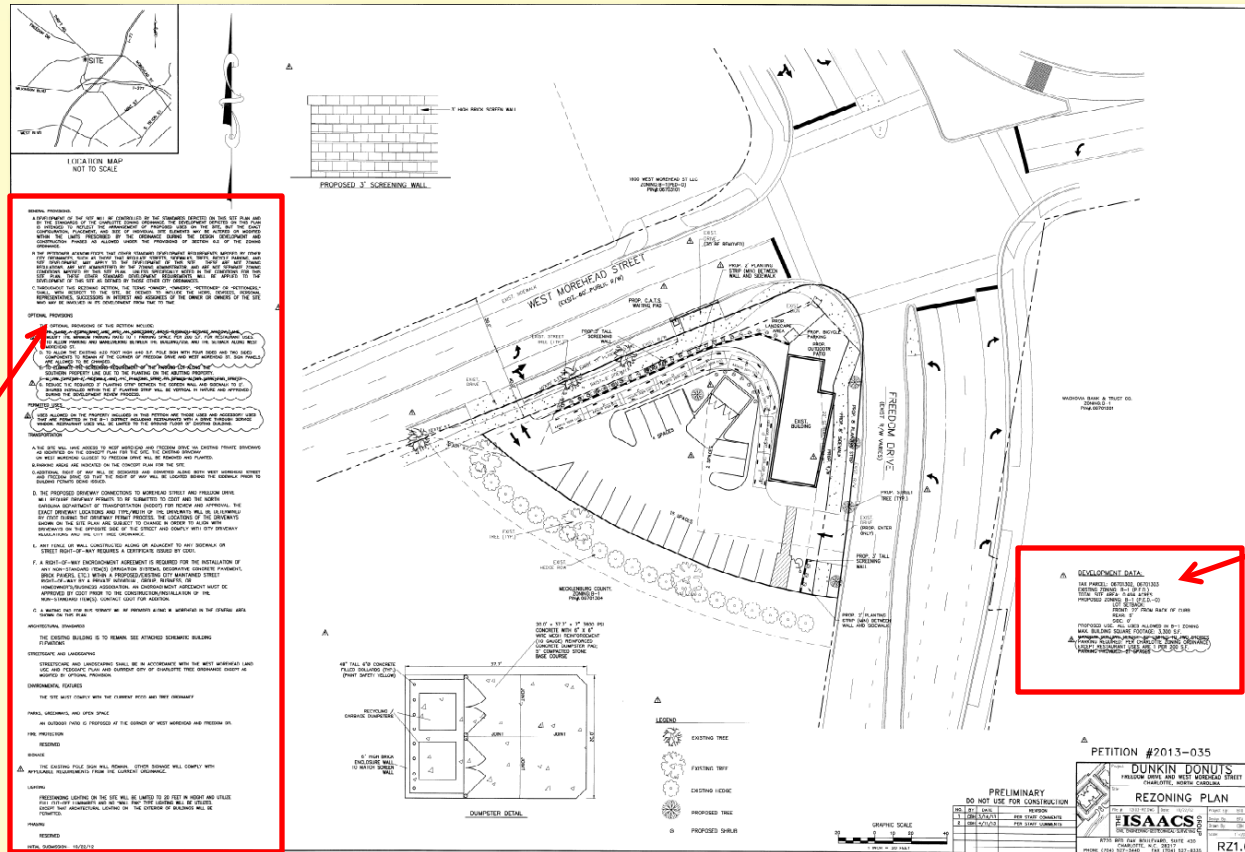
Citizen Participation

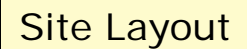
1. Community Meeting – collaborate with Petitioner
2. Review site plan – contact City Council and Zoning Committee with comments (please copy Staff)
3. Speak/Attend Public Hearing

- A conditional rezoning request is accompanied by a site plan.
- A site plan includes notes and a site layout and may include other elements such as building elevations and other development drawings.

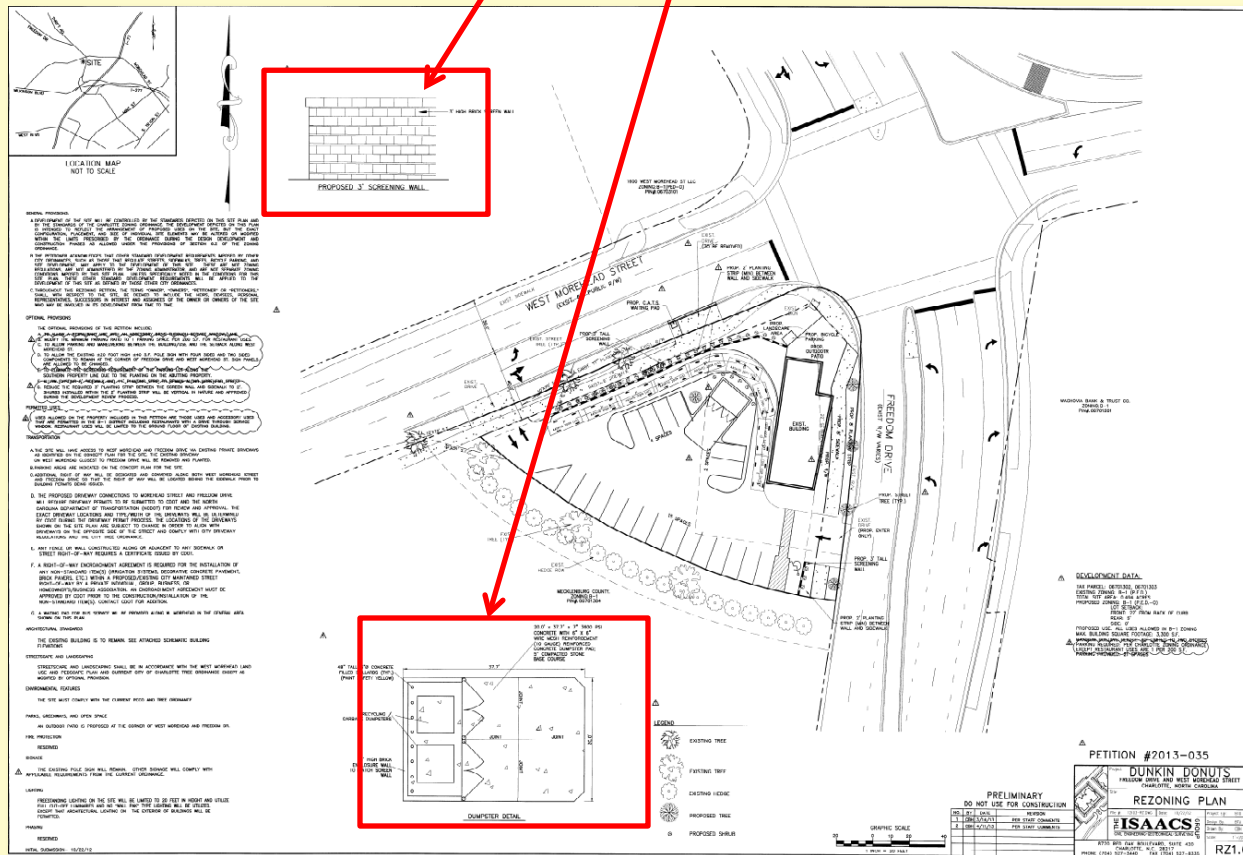


Site Data Table





Development Details



Example of Elevations



- **Zoning Ordinance & Rezoning Petitions:**
www.rezoning.org
- **Virtual Charlotte:** explore existing zoning and proposed future land use (www.vc.charmeck.org)
- **Citygram:** sign up to be informed of rezonings in select geography (www.citygram.org)
- **Charlotte-Mecklenburg Planning Department:**
704-336-2205