AGENDA

Meeting Type	S
Date	05/13/1991
SUBJECT	Zoning Ordinance

City of Charlotte, City Clerk's Office

TECHNICAL CHANGES

The recommended technical changes to the new zoning ordinance include minor changes in standards, clarifications of existing ordinance language to improve readability and other minor omissions. Not included in the technical changes are grammatical, spelling and punctuation errors which will be automatically corrected by the Planning Staff.

All of the technical changes identified by the Chamber of Commerce, Real Estate and Building Coalition, Planning Staff and others are listed for each chapter in the new zoning ordinance. The technical changes are grouped to show which ones were accepted and which ones were rejected by the Planning Staff. A brief explanation accompanies the rejected technical changes. The Elected Officials in their review may consider some of the technical changes to be policy issues and therefore, worthy of further discussion.

CHAPTER 1: PURPOSE AND APPLICABILITY

No technical changes.

CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

ACCEPTED

Amend the new zoning ordinance as follows:

Section 2.201. Definitions.

(A3) Accessory structure or use.

A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory use" or "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the ~~principal~~ district in which the use is located.

(A4) Adjacent.

Either abutting or being directly across a street, alley or body of water which does not exceed 100 feet in width.

(A13) Amendment.

Any change to the text of these regulations or the official zoning maps by the [City Council] [Board of Commissioners] or an administrative change pursuant to Section ~~6.207~~ 6.206.

(A17) Automotive repair. (Also, see ~~Automotive~~ Automobile service station.)

A building designed and used for the storage, care, or repair of motor vehicles including both minor and major mechanical overhauling, paint and body work.

(B4) Buffer. (Also, see Screening.)

A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

(C1) Child care center.

An individual, agency or organization providing supervision or care on a regular basis ~~for more than 15 children~~ to children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

(C11) Commercial use.

~~A place of~~ An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

(C13) Common open space. (Also, see Open space.)

An area of ~~land or water or a combination of both located~~ open space within a development site designed and intended for the use and enjoyment of residents of the development or for the general public not including streets or off-street parking areas.

(C14) Conditional use. (See parallel conditional use district)

An indoor or outdoor theater (excluding commercial motion picture theater), auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other performances, or a museum or gallery operated primarily for the display, rather than the sale of works of art.

(C17) Condominium unit.

An enclosed space consisting of one or more rooms occupying all or part of a floor in a building or one or more floors or stories regardless of whether it ~~be~~ is designed for residence, ~~for~~ office, ~~for~~ the operation of any industry or business, or ~~for~~ any other type of independent use and shall include such accessory spaces and areas as may be described in the declaration, such as garage space, storage space, balcony, terrace or ~~patio,~~ patio. ~~provided it has direct exit to a thoroughfare or to a given common open space leading to a thoroughfare~~

(D6) Development.

Except as limited in this subsection, ~~The~~ the carrying out of any building activity, the making of any change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

(a) Except as provided in Subsection (c) hereof, for the purpose of these regulations, the following activities or uses shall be considered "development:"

. . . .

(ii) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on ~~land,~~ land, but only so long as the increase in the number of such establishments does not materially increase the number of persons occupying or employed on the premises. . .

(b) ~~"Development" includes all other activity customarily associated with it.~~ When appropriate to the context, 'development' refers to the act of developing or to the result of development. . .

(D9) Drive-in service windows.

A customer service facility located either within the principal structure ~~as an accessory structure or use to~~ of an office or retail establishment or accessory structure thereto, which is intended to enable the customer to transact business with a salesperson located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon the transaction of business.

(D10) Dwellings, attached.

Any duplex, triplex, quadraplex or multi-family dwelling developed side by side which are subject to the regulations of subsection 9.303(17) ~~under planned multi-family and attached development~~ where land is sold with a each dwelling unit.

(E3) Exterior features.

This definition has been removed. Exterior features are defined in Section 10.204.

(M5) Manufactured home or mobile home subdivision.

Any parcel of land which is subdivided, sold and utilities are provided for the installation or placement of manufactured or mobile homes.

(M10) Mobile home park.

Any site or parcel of land under single ownership where land is ~~rented or subdivided for sale~~ and utilities are provided for the installation or placement of mobile homes.

(N3) Nonconforming use.

Any use lawfully being made of any land, building, or structure on the effective date of these regulations or on the effective date of any amendment thereto rendering such use nonconforming, which does not comply with all of the regulations of these regulations or any amendment thereto, whichever might be applicable.

(O2) Open space. (Also, see Common open space.)

An area of land or water which is open and unobstructed including areas maintained in a natural or undisturbed character or areas improved for active or passive recreation. "Open space" shall not include water below the mean high water line located adjacent to the Catawba River and its impoundments, or areas covered with buildings, structures, streets or off-street parking areas, but shall include landscaping associated with such parking areas.

(P1) Parallel conditional use district.

A zoning district which allows the [City Council] [Board of Commissioners] to approve a specific use of land with conditions attached to the property to assure the compatibility of the use with surrounding properties in accordance with the regulations of Section 6.201.

(P17) Public utility structure.

An electricity or gas substation, water or wastewater pumping station, telephone repeater station, water storage tank, reservoir or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, ~~private~~ or a wastewater treatment plant, but not including satellite dish antennas, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

(S2) Saw mill.

A mechanized facility for cutting logs into lumber that is suitable for building or for carpentry.

(T1) Thoroughfare.

Any street designated on the adopted Thoroughfare Plan, or any street which is an extension of any street on the adopted Thoroughfare Plan. ~~and which extends into the area not covered by the Thoroughfare Plan~~ The words thoroughfare and arterial are used synonymously and indicate streets which are designed as Class I, II, III, III-C, or IV.

(Y1) Yard, rear required.

The minimum distance required by this ordinance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

(Y3) Yard, side.

The minimum distance required by this ordinance between the side lot line and the side building line, extending from the established setback to the established rear yard. If no setback is required, the side yard shall be defined as extending from the street line to the rear yard

REJECTED

None

CHAPTER 3: DECISION MAKING AND ADMINISTRATIVE BODIES

ACCEPTED

Amend the new zoning ordinance as follows:

Section 3.203. Meetings, hearings, and procedures.

(1) All meetings and hearings shall be open to the public as required by law and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the Planning Commission in accordance with these regulations and in accordance with the Interlocal Cooperation Agreement of July 2, 1984, and any amendments to that agreement as it may be amended from time to time.

Section 3.301. Powers and duties.

. . . .

(2) To hear and decide specific petitions for variances from these regulations in accordance with provision the regulations of Section 5.108.

. . . .

Add:

(5) The Board of Adjustment shall not have jurisdiction with respect to Section 3200, "Conditional Districts" 6.201 Conditional Districts. The process identified in Section 3200 "Conditional Districts" 6.201 Conditional Districts, is the only process available for any changes or amendments to approve conditional districts. The Board of Adjustment shall only have jurisdiction with respect to conditional districts if the request pertains to a variance from specified minimum requirements of the zoning ordinance and is filed with the Board prior to the approval of a conditional district. At no time shall the Board of Adjustment have authority to consider a variance relating to signs in a conditional district.

Section 3.303. Meetings, hearings and procedures.

. . . .

Add·

(5) The concurring vote of majority of the members of the Board of Adjustment is required to reverse or modify any order, requirement, decision, or determination made by the Zoning Administrator or to grant a variance from the requirements of these regulations.

Section 3.504. Utility Department; powers and duties.

. . . .

(1) To review applications for building permits and rezoning petitions to evaluate the impact of proposed development on the demand for public water and sewer facilities intended to serve that development and and,

when requested, to review applications for building permits and rezoning petitions to evaluate the adequacy of any water and sewer facilities and improvements to be provided by the developer; and ...

Section 3.505. Parks and Recreation Department; powers and duties.

. . . .

(1) To review applications for ~~building permits and~~ rezoning petitions to evaluate the impact of proposed development on the demand for public recreational lands and facilities intended to serve that development ~~and~~ and, when requested, to review applications for building permits and rezoning petitions to evaluate the adequacy of any public recreational facilities and improvements to be provided by the developer; and ...

Section 3.506. Department of Health; powers and duties.

. . . .

(1) To review applications for ~~building permits and~~ rezoning petitions to evaluate the impact of proposed development on septic tank usage and public health and, when requested, to review applications for building permits to evaluate any septic tank usage for compliance with applicable standards and regulations; and ...

Section 3.507. Department of Environmental Protection, powers and duties.

. . . .

(1) To review applications for ~~building permits and~~ rezoning petitions to evaluate the impact of proposed development on air quality, water quality, public water supplies, and the transportation and disposal of solid and hazardous wastes and, when requested, to review applications for building permits for compliance with applicable standards and regulations, ...

Section 3.508. [Fire Department] [Fire Marshall], powers and duties.

. . . .

(1) ~~To~~ When requested, to review applications for building permits and rezoning petitions to evaluate the impact of proposed development's risk for fire hazards and accessibility for fire fighting equipment, to evaluate ~~the adequacy of~~ water supplies to meet fire fighting ~~needs,~~ needs for compliance with applicable standards and regulations, and, when requested, to review rezoning petitions to evaluate the adequacy of any hydrants or other fire fighting equipment to be provided by the developer; and...

Section 3.510. Department of Transportation; powers and duties.

. . . .

(1) ~~To~~ When requested, to review applications for building permits and rezoning petitions to determine whether the proposed development complies with the standards in these regulations regarding parking, loading and unloading, internal traffic circulation, and connections to public street rights-of-way; ...

REJECTED

Section 3.302. Membership; officers.

Rejected request to base membership and quorum requirements on the County's formula pending outcome of the Planning Commission's study on the Board of Adjustment make-up.

Section 3.503. Engineering Department; powers and duties.

. . . .

(1) Rejected adding clarifying phase "when requested" before the Engineering Department review of building permit and rezonings. The Engineering Department has an active role in both these activities.

. . . .

[City only]

(3) Rejected the phrase to "render advice concerning" related to determining right-of-way requirements. The Engineering Department has direct role in this activity.

. . . .

[County only]

(5) Rejected inclusion of the phrase "to render advice concerning" for determining right-of-way requirements outside the subdivision ordinance. The County Engineering has a direct role in this endeavor.

. . . .

[County only]

(4) Rejected deletion of the phrase "... and any improvements to be provided by the developer to ameliorate the impact of that traffic." This phrase does not, in our opinion, grant any authority which is not otherwise granted under this ordinance or in other regulations.

Section 3.504. Utility Department; powers and duties.

. . . .

(1) Rejected deletion of the phrase "...and to evaluate... provided by the developer." This phrase does not, in our opinion, grant any authority which is not otherwise granted under this ordinance or other regulations.

Section 3.505. Parks and Recreation Department; powers and duties.

. . . .

(1) Rejected deletion of the phrase "...and to evaluate... provided by the developer." This phrase does not, in our opinion, grant any authority which is not otherwise granted under this ordinance or in other regulations.

Section 3.508. [Fire Department] [Fire Marshall]; powers and duties.

. . . .

(1) Rejected deletion of the phrase "...and to evaluate... provided by the developer." This phrase, in our opinion, does not grant any authority which is otherwise not granted under this ordinance or in other regulations.

Section 3.509. Charlotte-Mecklenburg Schools Staff; powers and duties.

. . . .

(1) Rejected deletion of phrase "...and evaluate... provided by the developer." This phrase does not, in our opinion, grant any authority not otherwise granted under this ordinance or in other regulations.

CHAPTER 4: DEVELOPMENT APPROVAL

ACCEPTED

Section 4.101. General.

. . . .

(2) Uses permitted by-right and uses permitted under prescribed conditions, and uses and structures accessory thereto, shall require a building permit and a certificate of occupancy...

REJECTED

None

CHAPTER 5: APPEALS AND VARIANCES

Section 5.101. Authority of [City of Charlotte] [Mecklenburg County] Board of Adjustment.

. . . .

(3) The Board of Adjustment shall have the authority to impose reasonable conditions and safeguards that the Board judges, ~~deems, that in its opinion,~~ ought to be made on the ~~premises~~ lot involved with respect to the uses of land or the establishment, extension, or use of structures...

. . . .

Add:

(4) The Board of Adjustment shall not have jurisdiction with respect to Section ~~3200 "Conditional Districts"~~ 6.201 Conditional Districts. The process identified in Section ~~3200 "Conditional Districts"~~ 6.201 Conditional Districts, is the only process available for any changes or amendments to approved conditional districts. The Board of Adjustment shall only have jurisdiction with respect to conditional districts if the request pertains to a variance from specified minimum requirements of the zoning ordinance and is filed with the Board prior to the approval of a conditional district. At no time shall the Board of Adjustment have authority to consider a variance relating to signs in a conditional district.

REJECTED

Section 5.108. Standards for granting a variance.

. . . .

(1) Before granting a variance, the Board of Adjustment shall find:

. . . .

(b) Rejected the notion that having the Board of Adjustment take into consideration adopted district plans or area plans and other adopted policies in determining the "spirit" of the new ordinance places too much of a burden on the Board of Adjustment.

CHAPTER 6: AMENDMENTS

ACCEPTED

Section 6.107. Withdrawal and amendment of petition.

. . . .

(1) A petition filed under Section ~~6.106~~ 6.105...

. . . .

(3) The petitioner shall not be allowed to amend the petition after a public hearing has been scheduled for the petition unless such an amendment to the petition is submitted to the Planning Director no later than three weeks prior to the scheduled public hearing. No changes to the petition shall be accepted in the intervening weeks prior to the hearing. Also, no changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, Planning Commission, [City Council] [Board of Commissioners], and other interested parties may be considered by the [City Council] [Board of Commissioners] at the time of their ~~deliberation on the petition~~ hearing, if any changes are offered. .

. . . .

(4) ..., preceded by the notice required in Section ~~6.111~~ 6.109...

. . . .

(5) ...If the Planning Commission deems any proposed amendment to be a change but not requiring another public hearing of the petition, it shall defer action on the petition for at least 30 days in order for staff and other interested parties to have the opportunity to review and comment on the amendment to the petition. ~~After the 30-day deferral or a new~~

~~public hearing, the {City Council} {Board of Commissioners} may then consider the amended petition and any updated comments from Planning Commission and other interested parties in making any recommendation or decision~~ After the deferral or new public hearing, the Planning Commission may then consider the amended petition and forward its recommendation to the [City Council] [Board of Commissioners] and other interested parties.

Section 6.110. Action by [City Council] [Board of Commissioners].

. . . .

(2) In considering any petition to reclassify property, the [City Council] [Board of Commissioners] may consider, although not required to, the following:

. . . .

(3) ...reclassification to a parallel conditional use district, ...

Section 6.111. Effect of denial of petition.

. . . .

(1) A petition for the reclassification of property or amendments to the text of these regulations that has been denied in whole or in part, or approved to a classification other than the one originally requested, shall not be resubmitted within two years of the date of the [City Council's] [Board of Commissioners'] action on the original petition, except as permitted in subsection (2) below. However, nothing in this subsection can be deemed to preclude seeking a lower classification in the hierarchy of zoning districts established in Section 9.102 than the district previously requested ...

. . . .

(2)(b) The [City Council] [Board of Commissioners] has adopted ~~an~~ a public policy plan, including area plan, district plan or transportation plan that changes public policy regarding how the property affected by the amendment should be developed;...

. . . .

Delete in its entirety the following:

~~-----The guidelines under subsection {2} above are all inclusive.~~

Renumber succeeding subsections (4) and (5), (3) and (4) respectively.

Section 6.202. Plans and other information to accompany petition.

. . . .

(1)(c) ~~Proposed number and general location of all structures;~~ Areas in which structures will be located.

. . . .

(3)(a) Add new (a):

Proposed number and general location of all structures;

Relabel existing (a) through (h) to (b) through (i) respectively.

Section 6.205. Effect of Approval.

. . . .

(2) If a petition is approved, the petitioner shall comply with all requirements established in chapter 4 for obtaining a ~~certificate of zoning compliance, building permit, and~~ building permit and...

Section 6.207. Review of approval of parallel conditional use district.

REJECTED

Section 6.201. Special Purpose and parallel conditional use districts; purpose.

. . . .

(3) Rejected deletion of language "are generally intended for early rezoning" pertaining to conditional districts . The language in the text relates to the original enabling legislation.

Section 6.202. Plans and other information to accompany petition.

(1)(j) Rejected deletion of requirement for generalized traffic, parking and circulation plans. This information is needed as part of the initial application.

CHAPTER 7: NONCONFORMITIES

ACCEPTED

Section 7.102. Nonconforming uses.

Add:

. . . .

(7) Where a structure in which a nonconforming use is located is destroyed or damaged by fire, flood, wind, other act of God, the structure may be repaired or restored to its original dimensions and conditions as long as a building permit for the repair or restoration is issued within twelve months of the date of the damage.

REJECTED

None

CHAPTER 8: ENFORCEMENT

ACCEPTED

Section 8.105. Citations.

. . . .

(3) The citation shall direct the violator to make payment at the Building Standards Department within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail. If the violator does not make such payment or does not ~~pay the citation~~ mail the citation and payment within fifteen (15) days of the issuance, a delinquency charge of ten dollars ($10.00) shall be added to the amount shown on the citation. The citation shall inform the violator that a civil complaint or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.

REJECTED

Section 8.105. Citations.

Rejected the notion of including in the zoning ordinance details on the content of the notice. This is viewed more as an administrative matter rather than a regulatory one.

CHAPTER 9: GENERAL DISTRICTS

ACCEPTED

. . . .

Add:

	Inst.	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-I	I-1	I-2
OFFICE & BUSINESS USES														
Laboratories, applied and basic research		X	X	X	X	X		X	X	X		X	X	X
Laboratories, optical, medical and dental		X	X	X	X	X		X	X	X		X	X	X
Restaurant	PC	PC	PC	PC	PC	PC	X	X	X	X	X	X	X	X
INDUSTRIAL USES														
Recycling Centers													X	X
Recycling Centers, drop off							X	X	X	X			X	X
Waste Incinerators														X
ACCESSORY USES & STRUCTURES														
Drive-in Service Windows	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		
Other Accessory Uses and Structures	See Chapter 12, Part ~~5~~ 4													

Section 9.202. Uses permitted by right.

. . . .

(1) Boarding houses, limited to 4 boarders in no more than 2 bedrooms.

PART 2: SINGLE FAMILY

Section 9.205. Development standards for single family districts.

. . . .

(1) Area, yard and bulk regulations shall be as follows·

(c) Minimum lot area (square feet) R-5

. . . .

	~~12,000~~
Duplex	10,000

. . . .

Change NOTES TO CHART 5 as follows:

5. ~~Minimum open space and floor~~ Floor area ratio requirements apply only to nonresidential development. Religious institutions may have minimum open space of 25%.

. . . .

Change NOTES TO CHART 6 as follows:

6. A building in ~~a district~~ any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of 40 feet. However, a building which ~~adjoins~~ abuts a residential use or zoning district may not be erected to a height in excess of 40 ~~feet, provided~~ feet unless the side and/or rear yard ~~adjoining~~ abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108...

. . . .

(4) Special subdivision lot and yard requirements. ..

. . . .

(a) The minimum lot size of any lots within a subdivision may be reduced by 10%, provided that the average size of all lots is at least equal to the minimum lot size for the zoning district, and the total number of lots does not exceed the number that would be allowed if all lots were the minimum size for the zoning district. ~~Further,~~ Other lot size reductions may be applicable, subject to Section 12.105 and subsection (5) of this Section.

. . . .

(d) A zeor lot line, z-lots and angled z-lots may be permitted...

. . . .

(v) Zero side yards established under these standards must be ~~continuous~~ continuous along the length of the building. There must be either the lot line wall or a solid wall or fence at least 6 feet high along the lot line adjacent to the ~~building~~ building between the established setback and the established rear yard. The wall or fence is used in those cases where the building may be offset as allowed under these standards; and...

. . . .

(7)

...Accordance with procedures ~~regulating~~ established under the dedication of organization document...

PART 3: MULTI-FAMILY

Section 9.302. Uses permitted by right.

. . . .

(1) Boarding houses, limited to 8 boarders in no more than 4 ~~rooms~~ bedrooms.

Section 9.303. Uses permitted under prescribed conditions.

. . . .

(2) Adult care homes, subject to the regulations of Section 12.502....

(4) Cemeteries, subject to the regulations of Section ~~12.608~~ 12.508.

(17) Planned multi-family and attached developments, a single multi-family or attached building on a lot with more than 12 units in a building, provided that·

(a) The site plan must be designed giving adequate consideration to the following ~~considerations~~ factors

(i) The size and shape of the tract.

(ii) The topography and necessary grading.

(iii) The reasonable preservation of the natural features of the land and vegetation.

(iv) The size and relationship of buildings.

(v) The character of, or relationship to adjoining properties.

Building arrangement should discourage the creation of long alleyways between the rears of buildings and should discourage the orientation of the front entrance of a residential building toward the rear entrance of another residential building. Consideration should be given to the location and arrangement of recreation and parking areas, the nature and extent of screening, and the design ~~of an~~ and utilization of streets and open spaces.

Section 9.305. Development standards for multi-family districts.

. . . .

(d) Minimum lot width (feet)

Add:	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
Attached dwellings	None	None	None	None	None

. . . .

Adjust asterisk at end of chart as follows:

If land is sold with an attached unit, the minimum lot size must be sufficient to accommodate dwelling unit and 400 feet of private open space.

. . . .

Change NOTES TO CHART: 6 as follows.

.6 ~~Minimum open space and floor~~ Floor area ratio requirements apply to nonresidential. Religious institutions may have a minimum open space of 25%

Change NOTES TO CHART: 7 as follows:

7. A building in a ~~district~~ any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of 40 feet. If, a building which ~~adjoins~~ abuts a single family residential use or zoning district may not be erected to a height in excess of 40 ~~feet, provided~~ feet unless the side and/or rear yard abutting the single family use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108. However, any building over 60 feet in height and ~~adjoining~~ abutting a single family residential use or zoning district must increase ~~the related~~ any side and/or rear yard upon which a building shadow is cast 1 1/2

feet for each foot above 60 feet. Height requirements for other permitted structures are set forth in Section 12.108.

PART 4: URBAN RESIDENTIAL DISTRICTS

Section 9.904. Urban Residential District; uses permitted under prescribed conditions.

(1) Building for dramatic, musical, or cultural activities with less than 1,000 seats and stadiums and coliseums with less than 5,000 seats, provided that·

. . . .

(d) The private living areas and associated open space of all ~~adjacent~~ abutting residential properties...

. . . .

(7) Yard Reduction. Reduction of any required yard by up to 25 ~~percent~~ %, provided that the reduction will result in more efficient use of the site, preserve natural features or will not unduly diminish ~~improve~~ the provision of light, air and privacy to ~~adjoining~~ abutting properties.

PART 5: INSTITUTIONAL DISTRICT

Section 9.503. Uses under prescribed conditions.

. . . .

(9) Nursing homes, rest homes and homes for the aged, provided that:

(a) Maximum number of independent units is ~~22~~ 43 units per acre and maximum number of dependent living units is ~~50~~ 100 beds per acre; and

(b) If any nursing home, rest home or home for the aged has more than 12 living units in a single building or there is more than one principal building on a lot, it shall be received and approved in accordance with the regulations for planned multi-family and attached development in subsection 9.303(17).

Section 9.505. Development standards for the Institutional district.

. . . .

Change NOTES TO CHART: 2 as follows:

2. A building in a ~~district~~ any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of 40 feet. If, a building which ~~adjoins~~ abuts single family residential use or zoning district may not be erected to a height in excess of 40 ~~feet, provided~~ feet unless the side and/or rear yard abutting the single family use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

PART 6: RESEARCH DISTRICTS

Section 9.603. Uses permitted under prescribed conditions.

. . . .

(6) Offices and government buildings, over 300,000 square feet, provided that:

. . . .

(b) The use will be separated by a buffer from any abutting property located in a residential zoning district, or from any abutting residential use or low-intensity use outside the Research districts, and...

(7) Outdoor recreation, provided that

(a) Off-street parking and service areas and outdoor recreational ~~equipment~~ facilities will be separated by...

(13) Retail establishments, restaurants, medical, optical, and dental clinics, provided that

. . . .

(c) Retail establishments, restaurants, and medical and dental clinics, will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances exceed 25% of the ground floor area, except a restaurant use may use up ~~the~~ to 50% of the ground floor;

Section 9.605. Development standards for Research districts.

. . . .

(1) Area, yard and bulk regulations shall be as follows.

. . . .

Change NOTES TO CHART: 2 as follows:

2. A building in a district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential use outside the Research district or residential zoning outside the Research district it may not be constructed above the 40-foot ~~limit only~~ unless if the side and/or rear yard which adjoins the residential use or zoning is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.109.

Change CROSS REFERENCES: as follows:

CROSS REFERENCES:

Applicable buffer requirements may require a larger side or rear yard than the minimum. See Chapter 12, Part 3. Also, larger setback and yard requirements may be required along certain streets subject to the requirements of Section 12.103. Larger than minimum setbacks, side yard and rear yard standards may be required where a nonresidential use abuts a lot in a residential district ~~subject to the regulations of~~. See subsection 12.102(1). For properties bordering Lake Norman, Lake Wylie, Mountain Island Lake and the Catawba River, see Section 12.515 for piers and other water-related facilities development.

. . . .

(5) Buffers and Screening. Buffers and screening are required for all uses in accordance with the following

(a) ...due to site design, topography, unique relationships to other properties, absent or type of natural vegetation or other...

PART 7: OFFICE

Section 9.702. Uses permitted by right.

. . . .

(3) Boarding houses, limited to 12 boarders in no more than 6 ~~rooms~~ bedrooms per lot.

Section 9.703. Uses permitted under prescribed conditions.

(10) Hotels and motels, provided that:

(a) All buildings, off-street parking and service areas will be separated by a Class ~~A~~ B buffer from any abutting property located in a residential district, abutting residential use or low intensity institutional use;

(b) Retail, nightclubs, bars, lounges and restaurants as accessory uses may be located in a hotel or motel having a minimum of 75 ~~rooms~~ rental units.

(c) Gross floor area for retail, entertainment and restaurant purposes will be limited to 75 square feet per ~~room~~ rental unit. Ballrooms, conference rooms, meeting rooms and similar assembly facilities will not be included in determining gross floor area used for commercial purposes;

. . . .

(15) Office, financial institutions and government buildings, over 300,000 square feet, provided that:

NOTE: Modification to by-right traffic impact study requirements under review by Planning, C-DOT and County Engineering.

ADD NEW:

(16) Off-street parking for offices, business and industrial uses subject to the regulations of Chapter 12, Part 2.

Renumber existing subsections (16) through (27) to (17) through (28).

(24) Retail establishments and restaurants in office buildings, provided that

. . . .

(c) Retail establishments and restaurants will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances shall exceed 25% of the ground floor ~~area~~ area, except a restaurant use may occupy up to 50% of the ground floor area;

Section 9.305. Development standards for office districts.

(1) Area, yard and bulk regulations shall be as follows:

. . . .

	O-1	O-2	O-3
(d) Minimum lot width (feet)			
Add: Attached dwellings	None	None	None

. . . .

Change NOTES TO CHART. 5 as follows:

5. A building in a district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential use or residential zoning it may not be constructed above the 40-foot limit ~~only if the~~ unless the side and/or rear yard which ~~adjoins~~ abuts the residential use or zoning is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

. . . .

Change CROSS REFERENCES as follows

CROSS REFERENCES.

Applicable buffer requirements may require a larger side or rear yard than the minimum. Also, larger setback and yard requirements may be required along certain streets subject to the regulations of Section 12 103 Larger than minimum setbacks, side yard and rear yard standards may be required where a nonresidential use abuts a lot in a residential district ~~subject to the regulations of~~. See subsection 12.102(1). For properties bordering Lake Norman, Lake Wylie, Mountain Island Lake and the Catawba River, see Section 12.515 for piers and other water-related facilities development.

PART 8: BUSINESS

Section 9.802. Uses permitted by right.

. . . .

(50) Laboratories within an enclosed building for applied and basic research (B-2, B-D and B-P only).

. . . .

(80) Theaters, ~~movie~~ motion picture (B-1 and B-2 only).

Section 9.803. Uses permitted under prescribed conditions.

. . . .

(27) Public utility transmission and distribution lines, subject to the regulations of Section ~~12.609~~ 12.509.

. . . .[County only]

(35) Turkey shoots, subject to the regulations of Section ~~12.610~~ 12.510.

Section 9.804. Permitted accessory uses and structures.

. . . .

(3) Drive-in windows as an accessory to the principal use, subject to the regulations of Section 12.414 (B-1 ~~and~~ , B-2 and BP only).

Section 9.805. Development standards for business districts.

. . . .

(1) Area, yard and bulk regulations shall be as follows.

. . . .

	B-1	B-2	B-D	BP
(e) Minimum lot width (feet)				
- Detached dwellings	50	~~80~~ 50	--	--
- Attached dwellings	~~12~~ None	~~12~~ None	--	--

. . . .

Change NOTES TO CHART· 6 as follows·

6. A building in a district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential use or residential zoning it may not be constructed above the 40-foot limit ~~only if~~ unless the side and/or rear yard which ~~adjoins~~ abuts the residential use or zoning is increased 1 foot for each foot in building height in excess of 40

feet. Height requirements for other permitted structures are set forth in Section 12.108. Special height requirements for the Business Park District are ~~listed~~ set forth in subsection 9.805(6).

. . . .

Change CROSS REFERENCES: as follows:

CROSS REFERENCES:

Applicable buffer requirements may require a larger side or rear yard than the minimum. Also, larger setback and yard requirements may be required along certain streets subject to the regulations of Section 12.103. Larger than minimum setbacks, side yard and rear yard standards may be required where a nonresidential use abuts a lot in a residential district ~~subject to the regulations of~~. See subsection 12.102(1). For properties bordering Lake Norman, Lake Wylie, Mountain Island Lake and the Catawba River, see Section 12.515 for piers and other water-related facilities development.

. . . .

(5) Parking and Loading. Development of any use in the B-1, B-2, B-D and BP districts must conform to the parking and loading standards in Chapter 12, Part 2.

PART 9: UPTOWN MIXED USE DISTRICT

Section 9.902. Uptown Mixed Use District, uses permitted by right.

. . . .

Add.

(21) Health institutions, including hospitals, clinics and similar uses.

PART 11: INDUSTRIAL

Section 9.1102. Uses permitted by right.

. . . .

Add New:

(52) Recycling Center

Renumber existing (52) through (66) to (53) through (67).

. . . .

Add New:

(68) Waste Incinerators (I-2 only)

Renumber existing (67) to (69)

Section 9.1103. Uses permitted under prescribed conditions.

. . . .

(5) Demolition landfills, subject to the regulations of Section ~~12.603~~ 12.503.

. . . .

(17) Stadiums and arenas of no more than 5,000 seats, provided that:

. . . .

(e) Stadiumsand arena buildings shall be located a minimum of 100 feet from any exterior property line.

Section 9.1105. Development standards for industrial districts.

. . . .

(1) Area, yard and bulk regulations shall be as follows:

. . . .

(b) Minimum lot area (square feet) ~~2~~.

. . . .

(g) Maximum height (feet) ~~3~~ 2.

. . . .

Change NOTES TO CHART: 2 as follows:

2. A building in a district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential use or residential zoning it may not be constructed above the 40-foot limit ~~only if~~ unless the side and/or rear yard which adjoins the residential use or zoning is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section ~~12.109~~ 12.108.

Delete NOTES TO CHART: 3

~~4. Except as provided for in Section 12.109.~~

Change CROSS REFERENCES AS FOLLOWS:

CROSS REFERENCES:

Applicable buffer requirements may require a larger side or rear yard than the minimum. See Chapter 12, Part 4: Also, larger setback and yard requirements may be required along certain streets subject to the regulations of Section 12.103. Larger than

minimum setbacks, side yard and rear yard standards may be required where a nonresidential use abuts a residential district ~~subject to the regulations of~~. See subsection 12.102(1). For properties bordering Lake Norman, Lake Wylie, Mountain Island Lake and the Catawba River, see Section ~~12.615~~ 12.515 for piers and other water-related facilities development.

REJECTED
PART 2: SINGLE FAMILY

Section 9.203. Uses permitted under prescribed conditions.

. . . .

(11) Outdoor recreation, provided that:

. . . .

(c) Rejected reducing the 100 foot separation requirement to 50 feet for certain recreation facilities such as tennis courts, picnic tables from adjoining residential lots.

(d) Rejected deleting listing the hours of operation. Listing of hours of operation is a legitimate provision of the zoning ordinance.

. . . .

(18) Subdivision sales offices, provided that:

(a) Use of "affiliate", in our opinion, addresses provision for agent. The issue of defining "an inactive job" will continue to be explored by the Planning Staff.

PART 3: MULTI-FAMILY

Section 9.303. Uses permitted under prescribed conditions.

(16) Outdoor recreation, provided that

. . . .

(c) Rejected reducing the 100 feet separation requirement to 50 feet for certain recreation facilities such as tennis courts, picnic tables from adjoining residential lots.

(17) Planned multi-family and attached developments, a single family, multi-family or attached building on a lot with more than 12 units in a building, provided that:

Rejected adjusting review requirements for planned multi-family review because they are essentially the same standards we presently operate under in the current zoning ordinances.

Section 9.305. Development standards for a multi-family district.

(1) Area, yard and bulk regulations shall be as follows·

(g) Rejected lowering the rear yard standards for planned multi-family which are compatible to the standards today.

PART 8: BUSINESS

Section 9.802. Uses permitted by right

o Rejected inserting another table because a table of uses is already at the beginning of Chapter 9: General Districts.

Section 9.803. Uses permitted under prescribed conditions.

o Rejected another table insertion because a table of uses is already at the beginning of Chapter 9: General Districts.

(7) Car washes (B-1 and B-2 only), provided that:

o Single bay car washes are permitted as accessory within this section.

(14) Rejected removing jails and prisons from the B-1 and B-2 districts or modifying standards associated with this district.

Section 9.805. Development standards for the business districts.

(6) Special Requirements for BP district.

. . . .

(g) Rejected deletion of divided street entrance to the business park district.

CHAPTER 10. OVERLAY DISTRICTS

ACCEPTED

PART 5: MANUFACTURED HOME OVERLAY

Section 10.501. Purpose

. . . .
...Any district permitting residential development (R-~~1,~~ R-2, R-3,....

Section 10.502. Procedures for district designation, additional application content requirements.

. . . .

(2) ...a petition filed by an owner of the property, or an ~~owner's authorized agent~~ anyone else authorized in writing to act on the owner's behalf, and approved...

Section 10.503. Uses permitted under prescribed conditions.

. . . .

~~(f)~~ (e) Exterior wall materials...

. . . .

~~(g)~~ (f) All entrances to...

REJECTED

None

CHAPTER 11: SPECIAL PURPOSE DISTRICTS

ACCEPTED

PART 2: MIXED USE DISTRICTS

Section 11.201. Purpose

. . . .

MX-2: This district permits residential mixed use and nonresidential uses. It is only applicable to develop 36 acres or larger. The district is permitted within the community along major thoroughfares, minor thoroughfares or collector streets having adequate access.

Section 11.202. Uses permitted by right.

The following uses shall be permitted by right...

. . . .

(1) Boarding houses, limited to 4 borders and 2 ~~rooms~~ bedrooms per lot.

Section 11.203. Uses permitted under prescribed conditions.

The following uses shall be permitted in the...

. . . .

(1) Adult care homes, subject to the regulations of Section ~~12.602~~ 12.502.

(2) Bus stop shelters, subject to the regulations of Section ~~12.613~~ 12.513.

(3) Cemeteries, subject to the regulations of Section ~~12.608~~ 12.508.

. . . .

(5) Child care homes, subject to the regulations of Section ~~12.602~~ 12.502.

. . . .

(13) Nonresidential uses permitted in the B-1 or B-2 districts (MX-2 and MX-3 only), provided that:

. . . .

(d) Such uses shall occupy no more than one acre per 100 dwelling units within the project area for the first dwelling unit or portion thereof up to 149 dwelling units, plus an additional one-half acre per 50 dwelling units above 100 dwelling units.

. . . .

(17) Radio, telephone and television masts, towers, antennae and similar structures, subject to the requirements of ~~Section~~ subsection 12.108(7).

Section 11.204. Permitted accessory uses and structures.

. . . .

(2) Bookstores, offices, printing and distribution and similar uses as accessories to religious institutions located on the same lot and subject to the regulations of Section ~~12.606~~ 12.506;

. . . .

Add New:

(4) Drive-in windows as an accessory use to a principal nonresidential use subject to the regulations of Section 12.404 (MX-2 and MX-3 only)

Renumber existing (4) through (12) to (5) through (13).

Section 11.205. Development standards for the MX-1, MX-2 and MX-3 districts.

. . . .

(2) ...complies with provisions of ~~Section~~ subsection 9.205(4).

PART 3 MANUFACTURED HOUSING

Section 11.302. Uses permitted ~~as of~~ by right.

The following uses shall be permitted ~~as of~~ by right in the...

Section 11.304. Development standards; density; common area requirements.

. . . .

(2) No structure shall be located within 30 feet of any property line defining the perimeter of the manufactured home or mobile home park or subdivision except as otherwise provided in Section ~~12.107~~ 12.106.

. . . .

(6) There must be at least 4 spaces available at first occupancy in a manufactured home or mobile home park.

(7) All manufactured and mobile homes, buildings and service areas will be separated by a Class C buffer from any abutting property located in a residential district or abutting residential use.

. . . .

Section 11.307. Development standards of general applicability.

Except as otherwise provided in this Part, all uses and structures permitted in the R-MH district shall meet the applicable development standards set out in Chapter 12 of these regulations. Signs shall be permitted in the R-MH district in accordance with Chapter 13.

PART 4: COMMERCIAL CENTER

Section 11.401. Purpose

. . . .

...The location and design of such developments typically serve the employment, shopping and service needs of an area ranging from a neighborhood to the entire community...

Section 11.402. Uses permitted by right.

. . . .

(28) Theaters, ~~movie~~ motion picture.

Section 11.405. Development standards.

. . . .

(5) A building in a district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential use or residential zoning it may not be constructed above the 40-foot limit ~~only if~~ unless the side and/or rear yard which adjoins the residential use or zoning is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section ~~12.109~~ 12.108.

Section 11.406. Accessways.

. . . .

(2) One driveway is permitted for the first 300 feet of frontage, two driveways for 300-600 feet of frontage, and three driveways for greater than 600 feet of frontage, unless traffic safety considerations otherwise warrant ~~additional~~ lesser or greater restrictions.

PART 5: NEIGHBORHOOD SERVICES DISTRICT

Section 11.502. Applicability.

. . . .

...The following criteria must be met...

. . . .

(3) The district must have ~~direct access to~~ frontage on a major or minor thoroughfare.

Section 11.503. Uses permitted ~~as of~~ by right.

Section 11.505. Development standards.

. . . .

(7) Maximum Floor Area Ratio is 2.0. Any residential use incorporated into a commercial or office structure will not be included in the FAR calculation. In addition, a commercial or office structure may receive an additional .50 floor area ~~bonus~~ ratio if a residential use is incorporated into the structure. If a parking deck is constructed as part of the building, the allowable floor area ratio may be increased by .50. The total maximum allowable floor area ratio in this district is 3.0.

(8) Maximum height is 60 feet in the district. ~~within the interior of the district.~~ However, the maximum height ~~is 40 feet~~ in the district abutting property used or zoned for single family residential is 40 feet, except the height ~~buildings~~ may exceed 40 feet if there is an increase in the side and rear yards of one foot for every foot of building height over 40 feet up to the 60 feet maximum.

Add:

(9) The NS district is exempt from the buffer regulations of Section 12.302, but must be applicable screening requirement of Section 12.302.

Section 11.506. Parking requirements.

. . . .

(3) Shared parking is encouraged pursuant to the regulations Section ~~12.303~~ 12.203.

(4) Parking decks shall be developed under the regulations of Section ~~12.313~~ 12.212.

Section 11.507. Streetscape requirements.

. . . .

(1) Street trees are required in the Neighborhood Service District in accordance with an approved streetscape plan for the area. If no streetscape plan exists, ~~a developer must submit one for review by the Planning Director. Trees~~ trees are required along the street frontage as follows:

Large maturing tree - One tree per 35 linear feet. The minimum caliper shall be 3 inches at the time of planting.

Small maturing tree - One tree per 24 linear feet. The minimum caliper shall be 2½ inches at the time of planting.

(2) Trees must be planted in accordance with the "Charlotte-Mecklenburg Land Development Standards Manual". ~~If the streetscape plan is inconsistent with other ordinance, the most restrictive provision shall apply.~~ Trees should be of a type permitted in Appendix 1.

(3) Sidewalks will be installed in accordance with the approved streetscape plan.

PART 6: HAZARDOUS WASTE DISTRICT

Section 11.601. Purpose.

The Hazardous Waste District (HW) ~~district~~ is hereby...

REJECTED

PART 3: COMMERCIAL CENTER DISTRICT

Section 11.402. Uses permitted by right.

- The B-2 uses ~~identified~~ suggested, except mail order houses, are permitted in the CC district. These same B-2 uses are unrestricted in the industrial districts.

Section 11.405. Development standards.

- The Planning staff does not feel a table is needed to set forth the development standards of this district.

  (5) The Planning staff feels parking should not be permitted within any required setback of this district.

PART 5: NEIGHBORHOOD SERVICE DISTRICT

(8) Rejected increase in height requirement for this district because of proximity to residential neighborhoods.

CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

ACCEPTED

PART 1. SUPPLEMENTAL DEVELOPMENT STANDARDS

Section 12 102 Special lot, setback and yard requirements.

. . . .

(6) If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be a minimum of 50 percent of the required setback for the district in which the structure is located as illustrated in Figure 12.102(a).

Section 12.103. Requirements for lots along thoroughfares.

~~The~~ [G.S. 153A-326.,] and [G.S. 160A-306] states that [counties] ~~and~~ or [cities] shall have...

Section 12.105. Effect of certain street and public land dedications on computation of density.

Land ~~reserved or~~ dedicated for certain public street purposes and land dedicated for any public community service facility, including but not limited to public schools, parks, greenways, open space, police and fire stations, libraries, public housing, and other public use sites may be used to compute the number of lots or dwelling units allowed on the entire site. For street dedications, where the subdivision ordinance requires the dedication of up to 100 feet of right-of-way (50 feet on either side of the center line) for public street purposes, ~~any minimum~~ all right-of-way in excess of 100 feet must be reserved and may be offered for dedication at the option of the developer or property owner. ~~All~~ Except as provided above, all of the area which is dedicated for any public street, except Class V or Class VI streets, may be used to compute the number of lots or dwelling units allowed on the site.

For public community service facilities, the entire dedicated area may be used to compute the number of lots or dwelling units. However, none of the provisions of this Section shall apply to projects developed under the regulations of Chapter 11, Part 2: Mixed Use Districts and subsection 9.205(5). To compute the number of lots ~~of~~ or dwelling units that could have been built in the qualifying right-of-way or dedicated area, the following method will be used:

. . . .

In order to receive credit, any such computations are a ~~mandatory~~ submission requirement...

Section 12.106. Uses and structures prohibited and allowed in required setbacks and yards.

. . . .

(2) ...or within 2 feet of a lot line in the established rear yard... in accordance with Section ~~12.613~~ 12.513.

. . . .

(3) ...as illustrated in Figure ~~12.107~~ 12.106... These extensions must observe the same side yard or building separation...

Insert Figure ~~12.107~~ 12.106

Section 12.107. More than one principal building per lot.

. . . .

(b) Each building on a lot is separated by at least 4 feet from any other building on a ~~lot~~ lot, unless a lesser standard is established in these regulations.

Section 12.108. Height limitations.

. . . .

(2) A building which ~~adjoins~~ abuts a residential use or residential zoning district may not be erected to a height in excess of 40 feet, ~~provided~~ unless the side and/or rear yard adjoining the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet.

(3) High rise buildings in multi-family districts cannot exceed a height of 60 feet, unless any side and/or rear yard adjoining a single family residential use or zoning district upon which a building shadow will be cast is increased 1½ feet for every foot of building height in excess of 60 feet.

. . . .

(5) ...which do not ~~adjoin~~ abut lots in ... on a lot which ~~adjoins~~ abuts a residential district...

. . . .

(6) ...listed in ~~Section~~ subsection 12.109(5) above are... separated from any ~~adjoining~~ abutting property line...

. . . .

(7) ...lot in or ~~adjoining~~ abutting a residential district...

Section 12.109. Clear sight triangle at street intersections...

. . .

(1) The minimum development standards set...

(b) ...ends of the 35-foot sides, as illustrated in Figure ~~12.110~~ 12.109.

INSERT FIGURE 12.109

Section 12.111. Development within minor stream floodplains.

. . . .

(2) ...U.S. Army Corps of Engineering Manual of Floodproofing Regulations ~~at the time of construction~~ or similarly acceptable standards...

PART 2: OFF-STREET PARKING AND LOADING

Section 12.202. Required number of off-street parking spaces.

(1) Except as otherwise provided in subsection (2) below and in Section ~~12.206~~ 12.205,...

. . . .

Adjust parking standards to least common denominator (See Tables on page 37a and 37b).

(3) ~~Additions~~ Use changes or additions may be made to existing buildings and uses that do not meet the minimum requirements for the number off-street parking spaces if any such use changes or additions ~~or use change~~ do not represent an additional parking requirement of more than 5 off-street parking spaces.

Section 12.302. Shared parking.

(2) Any sharing of required parking spaces by uses located on different parcels shall be guaranteed by a legally binding written agreement between the owner of the parking area and the owner of any use located on a different parcel and served by the parking area. The agreement shall be reviewed and approved in accordance with subsection (1) above and filed with the [Charlotte Department of Transportation] [County Engineering].

[County only:]

Section 12.208. Interior landscaping requirements.

All off-street parking areas must be landscaped in accordance with the following requirements.

~~-----All off-street parking areas containing more than 30 spaces shall devote at least 10% of the parking area to landscaping. In addition, whenever other provisions of these regulations require interior landscaping of a parking area, the requirements of subsection (2) through (9) shall apply.~~

TABLE 12 202 MINIMUM REQUIRED OFF-STREET PARKING SPACES, BY USE*

PERMITTED USES	REQUIRED NUMBER OF SPACES
RESIDENTIAL USES	
Boarding houses	1 space per room or 2 boarders
Dormitories	1 space per 2 residents
Dwellings, detached	2 spaces per unit
Dwellings, duplex	2 spaces per unit
Dwellings, triplex	1 5 spaces per unit
Dwellings, quadraplex	1 5 spaces per unit
Dwellings, attached	1 5 spaces per unit
Dwellings, multi-family	1 5 spaces per unit
Dwellings, multi-family elderly or disabled	25 space per unit
Dwellings, accessory elderly or disabled	1 space per unit
Dwellings, low income	1 space per unit
Dwellings, mixed use	1 space per unit
Manufactured housing	2 spaces per unit
INSTITUTIONAL USES	
Adult care centers	1 space per employee, plus 1 space per 6 adults
Child care centers	1 space per employee, plus 1 space per 10 children
Civic social service and fraternal facilities	1 space per 250 square feet
Cultural facilities	1 space per 4 seats
Elementary, middle or junior high schools	1 space per classroom
Government buildings	1 space per 300 square feet
Group homes	1 space per 2 residents
Health institutions	1 2 spaces per bed
High schools	1 space per classroom, plus 1 space per 5 students
Jails	1 space per 2 employees
Nursing homes retirement homes etc	1 2 spaces per bed
Religious institutions	1 space per 4 seats
Stadiums arenas or coliseums	1 space per 3 seats
Universities colleges or junior colleges	1 space per 2 students
Other institutional uses	1 space per 250 square feet
OFFICE AND BUSINESS USES	
Bus terminals and train stations	1 space per 4 seats in the terminal
Clinics	1 space per 200 square feet
Nightclubs, lounges and bars	1 space per 75 square feet

* – All square footage is gross square footage

TABLE 12 202 MINIMUM REQUIRED OFF-STREET PARKING SPACES, BY USE*

PERMITTED USES	REQUIRED NUMBER OF SPACES
OFFICE AND BUSINESS USES (Continued)	
Financial institutions	1 space per 200 square feet
Hotels/motels	
(a) Per room for rent	1 space per room or suite, plus
(b) Per meeting room capacity	1 space per 4 seats, plus
(c) restaurant/entertainment facility	1 space per 250 square feet
Indoor recreation	
- Swimming pool	1 space per 75 square feet of water
- Tennis or racquet court	3 spaces per court
- Other indoor recreation	1 space per 200 square feet
Laboratories	1 space per 400 square feet
Marinas	1 space per boat slip
Offices	1 space per 300 square feet
Medical offices	1 space per 200 square feet
Outdoor recreation	
- Driving range	1 2 spaces per tee
- Golf Course (9 and 18 holes)	90 spaces per 9 holes
- Par 3 golf course	40 spaces per 9 holes
- Riding acadamy	1 space per horse stall
- Swimming pool	1 space per 75 square feet of water
- Tennis or racquet court	3 spaces per court
Post offices	1 space per 400 square feet
Restaurants	1 space per 75 square feet
Retail establishments	
- Movie Theatres	1 space per 3 seats
- Other retail establishments	1 space per 250 square feet
Shopping centers, greater than 50 000 square feet	1 space per 250 square feet
Wholesale establishments	25 spaces per 1,000 square feet for the wholsaling portion plus 1 space per 400 square feet for any accessory office
Other business uses	1 space per 250 square feet
INDUSTRIAL USES	
Airports	1 space per 4 seats in the terminal
Manufacturers and warehouses	25 space per 1,000 square feet for the manufacturing or warehousing portion plus 1 space per 400 square feet for any accessory office
Other industrial uses	1 space per 400 square feet

* - All square footage is gross square footage

(1) Whenever the impervious cover on a site exceeds 10,000 square feet, an area equal to 10% of the total impervious surface must be provided for landscape purposes and tree planting. Internal tree planting is required at the rate of 1 tree per 10,000 square feet of impervious cover. Credit for existing trees may be given in determining necessary internal planting in accordance with these guidelines.

-----~~(2)--Existing vegetation on the property may count toward the requirements for landscaping provided that it satisfies the definition of "large maturing", "small maturing", or "shrub".~~

(2)
-----~~(3)~~ Trees must be planted within the parking areas, so that no parking space is an average of ~~more than~~ 60 feet or less from a tree. Minimum unpaved landscaped area per tree shall be 200 square feet with such landscape area having a minimum dimension of 8 feet.

(3) If a building permit is requested for the renovation of a ~~site~~ previously developed site, internal tree planting is still required and the minimum planting area shall be 200 square feet per tree. However, only 5 percent of the total impervious cover may be used for landscape purposes.

(4) Landscaping along the perimeter of parking areas or landscaped areas not bounded on at least three sides by parking spaces, driveways, or maneuvering areas shall not be counted toward the landscaped area required under this section.

(5) Any landscaped area provided under this section shall be separated from parking spaces, driveways, and maneuvering areas by a curb at least six inches high and shall be at least eight feet wide and designed to minimize damage by vehicles to plants located in the landscaped area.

-----~~(6)--Minimum unpaved landscaped area per tree shall be 200 square feet per tree with a minimum dimension of 8 feet.~~

(6) The trees to be planted must be from an approved list in the appendix. Minimum tree caliper measured 6 inches above ground on all trees shall be 2 inches and the minimum height shall be 8 feet.

(7) A minimum of 50 percent of planted trees shall be large maturing trees. However, no trees identified as large maturing shall be planted within 20 feet of an electrical distribution line. This does not include low-voltage insulated or covered lines of 240 volts or less or telephone or cablevision lines.

(8)
-----~~(7)~~ Any landscaped area provided under this section shall not contain bare soil. Any ground area shall be covered with stones, mulch, grass, or other decorative or vegetative ground cover.

-----~~(8)--Landscaped areas shall be located so that the parking area contains no single series of more than 20 spaces.~~

-----~~(9)--Landscaped areas shall be located between the ends of a series of parking spaces and the driveway or circulation area providing access to those spaces.~~

[County only:]

Section 12.209. Plant installation and maintenance standards.

...installation of trees and shrubs ~~shall be in accordance~~ set forth in the "American Standards for Nursery Stock"...

Section 12.211. Parking lot screening requirements.

Unless otherwise required by these regulations, ~~all~~ except for any detached, duplex, triplex or quadraplex dwelling on a single lot, all off-street parking for more than 10 automotive vehicles or loading area serving a residential or nonresidential use, shall be screened in accordance with Section 12.303, from any street right-of-way or abutting lot located in any district. This requirement does not apply to automotive sales lots.

Section 12.212. Parking Deck Standards.

This section sets forth development standards to address parking decks as a principal or accessory use within any permitted ~~districts~~ district, [City only:] except the UMUD, UR and UI district. Development options which range from planting requirements to architectural treatments are proposed to lessen the impact of parking decks upon the street environment. All parking decks, unless otherwise provided, shall conform to one of the following development options:

(1) Option A: ...in Figure ~~12.213(a)~~ 12.212(a)

(a) Parking decks shall have a minimum setback of 30 feet from the public right-of-way and, must meet, ~~all~~ any more restrictive setback or other yard requirements for the district;

. . . .

(c) A minimum 25 foot...

. . . .

(iii)...requirements of Section ~~12.303(2)(c)~~ 12.302(a)(c)

(2) Option B:...

. . . .

(c) ...illustrated in Figure ~~10.213(b)~~ 12.212(6); or...

. . . .

(d) ...illustrated in Figure ~~12.213(e)~~ 12.212(c);

. . . .

(g) ...illustrated in Figure ~~12.213(e)~~ 12.212(e)...

(3) Option C:...illustrated in Figures ~~12.213(d)~~ and ~~12.213(e)~~ 12.212(d) and 12.212(e):

[City only]
~~-----(4)--This section shall not apply to the UMUD, UR and UI districts established in these regulations.~~

Section 12.213. Underground parking structures.

Underground parking structures are permitted within ~~one-half~~ any required setback, side yard, and rear yard on any lot in any research, institutional, office, business or industrial district, provided no portion of the underground structure extends above grade more than 5 feet at any point nor more than 4 feet for 75 percent of its length along any lot line A balustrade, parapet or railing may extend above the permitted structure height, provided it is not greater than 32 inches in height, is set back from the property line at least 3 feet and has openings equal to at least 30 percent of its surface along each side. Along any lot line abutting a street, "grade" means the elevation at the center line of the street. Along any lot line not abutting a street, "grade" means ground elevation at the property line. Such structures must conform to any corner site distance requirements which may be in effect at the time the underground structure is built. ~~No underground parking structures may encroach upon any area set aside for the buffer, screening or other planting requirements of these regulations.~~ An underground parking structures may encroach upon any area set aside for the buffer,

screening or other planting requirements so long as there is at least 4 feet of soil between the above ground surface and the top of the underground parking structure. The requirements of this section do not apply to the UMUD, UR, or UI districts.

PART 3: BUFFERS AND SCREENING

Section 12.302. Buffer requirements.

(1) ...is being developed ~~adjacent~~ abutting an existing...

. . . .

(3) ...is developed ~~adjacent~~ abutting an existing...

. . . .

(4) If an ~~adjacent~~ abutting parcel contains a required buffer or screen, it ~~may~~ shall count towards the buffer requirements of the developing property, subject to the regulations in Section ~~12.306~~ 12.304.

(5) If the land use relationships between two ~~adjacent~~ abutting lots change so that a lesser buffer would be required under these regulations, the width of the buffer may be reduced accordingly.

. . . .

(7) The width of any required...

(a) ...other masonry materials or wood post and planks, or *any combinations*...

. . . .

Relabled heading on Table 12.302(a) as follows:

EXISTING ~~ADJACENT~~ ABUTTING USES AND DISTRICTS

. . . .

Add the following to Table 12.302(a):

4. OFFICE	SINGLE FAMILY USE OR ZONING	MULTI-FAMILY USE OR ZONING	INSTITUTIONAL USE INTENSITY OR ZONING LOW MED *HIGH*
. . . .			
ADD:			
OTHER OFFICE USES, to 50,000 sq. ft.	C	C	C
OTHER OFFICE USES, more than 50,000 sq. ft.	B	B	B

. . . .

Add the following footnote to Table 12.302(b).

** Shrubs are not required if a fence or wall is constructed in accordance with these regulations.

. . . .

(8) Required trees and shrubs ~~whether~~ within the buffer...

(9) Guidelines for landscaping are as follows~~:~~

(a) ...provided ~~the minimum~~ a visual separation between ~~adjacent~~ abutting land uses...

. . . .

(b) illustrated in Figure ~~10.302(c)~~ 12.302.

. . . .

(11) Required buffers shall not be disturbed for any reason except for required driveways, sidewalks, or other pedestrian or bicycle paths, or walls or fences, or required landscaping, landscaping maintenance and replacement or maintenance and construction of berms, or utility lines. However, utility lines construction must be the following requirements~~:~~

~~Utility lines may be permitted within required buffer yards provided that:~~

. . . .

12.303 Screening requirements

. . . .

(1) The following uses must be screened from ~~adjacent~~ abutting property and...

(c) Service entrances or utility structures associated with a building ~~utility facilities;~~

(2) Any screening or buffer areas .

. . . .

(c) The maximum height of a wall, ~~or~~ fence, ~~including an~~ or earth berm...

Section 12.305. Maintenance responsibility for buffers and screening.

In order for any buffers or screening to fulfill the purpose for which it was established it must be properly maintained. The owner of the property where buffers or screening is required will be responsible for the maintenance of all buffers and screening materials. Any required plant materials such as shrubs and trees which may die must be replaced

in compliance with the minimum standards of this section and fences or walls should be repaired. The Zoning Administrator may reduce or waive the requirement that plant materials be replaced if the buffer or screening which remains effectively buffers or screens the site. All buffers, screening and landscaping areas must be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the screening.

Section 12.306. Certificates of compliance required.

. . . .
...completion of ~~what~~ that portion of the...

PART 4: ACCESSORY USES AND STRUCTURES

. . . .
Section 12.402. Outdoor lighting.

(1) All outdoor lighting for any nonresidential use shall be located, screened, or shielded so that ~~adjacent~~ abutting lots located in any residential districts are not directly illuminated.

. . . .
Section 12.405. On-site demolition landfill.

On-site demolition landfill ~~waste disposal~~ shall...

. . . .
(1) Any on-site demolition ~~waste disposal~~ landfill site...

. . . .
Section 12.406. Fences and walls in residential districts.

. . . .
(1) ...located in the required ~~front~~ setback...

. . .
(2) ...between the required ~~front~~ setback and established rear yard shall...

. . . .
(3) located in the established rear yard...

. . . .
(4) ...will block or materially impede the flow...

Section 12.407. Elderly and disabled housing.

. . . .

(9) The occupant of an elderly and or disabled housing unit must be at least 55 years old or be disabled, and related to the owner of the principal dwelling by blood, marriage or adoption.

. . . .

Section 12.909. Marinas.

. . . .

(2) The number of boat slips shall not exceed ~~100~~ 110 percent of the number of dwelling units in the residential development the marina serves.

Section 12.410. Private kennels.

. . . .

(1) Any structure for the keeping of animals that is not completely enclosed, except for fences along property lines, shall be located between the principal structure and the rear lot line, shall occupy no more than 20 percent of the rear yard and shall be located no closer than 10 feet to any side ~~or rear~~ lot line.

. . . .

Section 12.412. Guest houses and employee quarters.

. . . .

...accessory to any detached single family dwelling unit...

Section 12.413. Drive-in service windows.

...as an accessory use in the MX, Inst., RE-1,...

PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

. . .

Section 12.502. Adult care centers, adult care homes, child care centers and child care homes.

. . . .

...service between 6 and 15 children ~~homes~~...

(1) Child Care Centers and homes, registered by the North Carolina Department of Human Resources, may be established as a principal or accessory use in the multi-family, institutional research, office, business, [UR, UMUD, U-I] and I-1 districts, and as an accessory use in the I-2

district. Child care centers are permitted as accessory uses in religious institutions, elementary, junior and senior high schools and government buildings permitted in single family districts.

(2) Child care homes registered...

(a) Play space ~~of 100 square feet per child~~ must be provided in accordance with the regulations of the North Carolina Department of Human Resources;

(3) Adult Care Centers and Homes, registered with the North Carolina Department of Human Resources, may be established as a principal use or as an accessory use in the multi-family, institutional, office [UMUD, U-1] and I-1 districts and as an accessory use in I-2 districts. An adult care home may be established as a permitted use in the single family district. All facilities must meet the setback, yard and height requirements which will be the minimum required for the district in which it is located.

Section 12.503. Demolition landfills.

. . . .

Add·

(19) ...The applicant will be responsible for the cost of the posting of the site. Within five business days after making a decision on the issuance of a permit, the Zoning Administrator will mail a notice of his decision to the affected property owners and any other persons who commented on the proposed issuance of the permit whose addresses are known.

Section 12.505. Quarries.

. . . .

(5) ...Class A buffer to any ~~adjacent~~ abutting property in... with requirements of Section ~~12.403~~ 12.303, must be..

. . . .

...property owners which ~~adjoin~~ abut or across...

. . . .

(9) ...The applicant will be responsible for the cost of the posting of the site. Within five business days after making a decision on the issuance of a permit, the Zoning Administrator will mail a notice of his decision to the affected property owners and any other persons who commented on the proposed issuance of the permit whose addresses are known.

. . . .

Section 12.507. Sanitary landfills.

. . .

(3) ...100 feet from any ~~adjoining~~ abutting property lines... under construction on ~~adjoining~~ abutting property at the...

. . . .

(7) ...The applicant will be responsible for the cost of the posting of the site. Within five business days after making a decision on the issuance of a permit, the Zoning Administrator will mail a notice of his decision to the affected property owners and any other persons who commented on the proposed issuance of the permit whose addresses are known.

[COUNTY ONLY]

Section 12.515. Special requirements for facilities located on or adjacent to the Catawba River and its impoundments (Lake Norman, Lake Wylie and Mountain Island Lake)

. . . .

(2) Piers and other shoreline projections must be located and constructed within the area described by, and in accordance with the standards below

(a) A ~~pier or other~~ projection over the water may be established at each of the two property lines on the shoreline. Each projection shall be perpendicular to a line connecting two points on the shoreline where a 10-foot radius from that property corner intersects the shoreline at the 760 foot contour on Lake Norman or mean high water mark on the other lakes, as illustrated in Figure ~~12-615(a)~~ 12 515(a). Two or more abutting property owners may apply for a permit for a common pier facility and may use all or any part of the individual areas as defined above

(b) ...the shore. Piers for a commercial marina may extend... as illustrated in Figure ~~12-615(b)~~ 12.515(b)

REJECTED

Section 12.103. Requirements for lots along thoroughfares.

Rejected right-of-way change from 175 feet to 125 feet for freeways or expressways. The 175 foot figure is recommended by C-DOT.

Section 12.108. Height requirements.

(5) Rejected because utility transmission towers are their own right-of-way.

[County only:]
Section 12.11. Development within minor stream floodplains.

Rejected application of the provision to the City pending out come of the Drainage Ordinance.

Section 12.302. Buffers.

- Rejected deletion of parks and greenways requirements from the buffer table. While this provision may create disadvantages for some donations, much of the greenway is acquired through the conditional process. We feel it is in the long term public interest to provide buffers.

- Rejected planting reduction provision for installation of irrigation system. The buffer envisioned by Planning Staff is not a manicured environment. We believe it is more important to establish sufficient planting to make the buffer effective at the earliest possible point.

Section 12.404. Wastewater treatment facilities.

- Adjusting setbacks of wastewater treatment facilities based on size has some merit. Unfortunately, staff has not had an opportunity to explore this issue fully. We recommended adoption of the 300 foot requirement and permitting the staff to make adjustments at a future date.

Section 12.408. Customary home occupations.

The standard in the proposed ordinance is the same as the standard in the current zoning ordinance. The changes mentioned were incorporated in the earlier hearing draft, but were rejected by the Planning Committee after feedback from various parties

Section 12.413. Drive-in service windows.

Reducing the minimum stacking space requirement from 100 feet to 50 feet for certain low-volume uses is rejected. This does not provide sufficient minimum stacking space in our opinion.

Addendum to Technical Change Document

CHAPTER 1: PURPOSE AND APPLICABILITY

....

ACCEPTED

Section 1.105. Exceptions to applicability.

....

(3) These regulations shall not be applicable or enforced without the consent of the owner with regard to uses previously approved under a parallel conditional district, conditional district or special use permit. Development of these uses will be governed by the previously approved site plans. Any amendments to these approved uses which can not be approved administratively will be subject to the requirements of these regulations.

CHAPTER 9: GENERAL DISTRICTS

ACCEPTED

....

PART 7: OFFICE

....

Section 9.703. Uses permitted under prescribed conditions.

....

(15) Office, financial institutions and government buildings, over 300,000 square feet, provided that:

....

(c) Submission of traffic impact analysis in accordance with the following provisions to identify any needed on-site transportation improvements

(i) Area of analysis for the study shall be limited to the immediate site and adjacent street network.

(ii) The traffic impact study will be prepared by a qualified transportation or traffic engineer or planner.

(iii) Before beginning the study, the engineer or planner shall meet with the appropriate staff of the [Charlotte Department of

Transportation] [Mecklenburg County Engineering Department] to determine the acceptable boundary, target forecasting years, background traffic levels, imminent transportation projects, data collection needs, and the format of the study report.

(iv) The traffic impact study shall include the following information:

(1) Existing traffic conditions within the study boundary;

(2) Traffic volumes generated by the existing and proposed developments on the parcel, including the morning peak, afternoon or evening peak and average annual daily traffic;

(3) The distribution of existing and proposed trips through the street network;

(4) Capacity analysis of intersections located adjacent to the site; and

(5) Recommendations for improvements designed to mitigate on-site traffic impacts and to enhance pedestrian access to the development from the public right-of-way.

~~(iv)--Other pertinent information, including but not limited to accidents, noise, and impacts on air quality and other natural resources may be required in the traffic impact study.~~

(v) The Zoning Administrator in consultation with the [Charlotte Department of Transportation] [Mecklenburg County Engineering Department] has authority to waive the submission requirement of a traffic impact study or reduce the scope of the study if the scale of proposal or other revision ~~unless~~ makes submission of the information ~~is~~ unnecessary or impractical.

CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

....

Section 12.212. Parking Deck Standards.

Revise (1)(b), (2)(b), and (3)(b) as follows:

A minimum ~~8~~ 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces. A minimum 7 foot...

NOTE: The 9-foot vertical clearance is a requirement of the National and State of North Carolina Building Codes.

....

Section 12.217. Driveways and Street Access.

No commercial driveway or ~~other point of access~~ street connection to a public street shall be...

....

Section 12.413. Drive-in Service Window.

....

~~(2) The amount of stacking space provided on the lot shall be at least 100 feet between the access point to the lot and the menu board or first point the vehicle stops.~~

~~(3) If the stacking space is less than 200 feet, no direct access to the drive-in window shall be provided from a major thoroughfare, minor thoroughfare or a collector, unless that access is located at a signalized driveway or is separated from any other access point by a minimum of 400 feet. This provision shall only apply to financial institutions, restaurants and other high traffic generating uses as determined by the {Charlotte Department of Transportation} {County Engineering}.~~

The amount of stacking distance provided on the lot shall be in accordance with the minimums vehicle storage requirements in Table 12.314 below. No portion of the required vehicle stacking distance is permitted within public rights-of-way.

Table 12.314

MINIMUM VEHICLE STORAGE REQUIREMENTS*

TYPE OF FACILITY	VEHICLE STORAGE
Drive-in Bank	6 spaces per window (1)
Drive-in Restaurant	8 spaces per window (2)
Automatic Car Wash	10 spaces per wash line
Self-service Car Wash	3 spaces per wash line
Drive-in Theater	15% of the total parking capacity
Hospital (3)	1% of the total parking capacity
Service Stations	4 spaces per service position
Drive-in Dry Cleaners	3 spaces per window (2)
Other Drive-in Uses	5 spaces per window

*(1 vehicle space equals 20 feet)

FOOTNOTES TO TABLE:

(1) This requirement will be reduced to 3 spaces per window for savings and loan institutions and credit unions. A maximum of 30 spaces will be required for banks with more than 5 drive-up windows.

(2) Measured from the pick-up window.

(3) At the main entrance to the hospital.

Renumber subsection (4) and (5), (3) and (4) respectively.

NOTE: Recommended by C-DOT

REJECTED

Rejected amending Section 12.206(2) on page 12-27 to change the no parking in the setback requirement to allow parking no closer than 8 feet to the right-of-way.

TENTATIVELY
4/24

CITY COUNCIL WORKSHOP
ON
NEW ZONING ORDINANCE

Wednesday, April 10, 1991
Conference Center
Charlotte-Mecklenburg Government Center

REVISED
AGENDA

I. Follow-up Assignments

- o Buffer Flexibility (See Attachment)
- o Hospitals in Institutional District (See Attachment)
- o Police Department review of building permits and rezoning cases (See Attachment)

II. Technical Changes Document

III. Cost of Implementation and Administration of the New Zoning Ordinance

IV. Review of New Ordinance and Map Conversion adoption language

- o Set new ordinance effective date (Recommend January 1, 1992)
- o Rezonings - Transition between old and new ordinances
- o Text Amendments - Transition between old and new ordinances

V. R-20 MF District (See Attachment)

MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

July 24, 1991 3.00 P.M.

N O R T H C A R O L I N A
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Scheduled Session in Conference Room 267 on the second floor of the Charlotte-Mecklenburg Government Center on Wednesday, July 24, 1991, at 3:00 P.M.

ATTENDANCE

Present: Chairman T. Rodney Autrey and Commissioners Kenneth L. Andrews, Doug Booth, Edna Chirico, and Robert L Walton.
Assistant County Manager Wanda Towler
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioners Peter Keber and Patsy Kinsey.

The Board met with members of Charlotte City Council to discuss differences between their respective versions of the new zoning ordinance.

Stanley Watkins of the Planning Commission addressed this issue.

The issues were as follows.

DISTRICT REGULATIONS

Major Policy Issue - Application of Development Standards - Use or District?

No action was taken by the Board of County Commissioners to change its decision for application of development standards by District A vote was taken by Charlotte City Council, but failed to change its decisions for application of development standards by Use.

Minor Policy Issues

Average Setback and Change Nuisance Requirements to Performance Standards (Text Amendment)

No action was taken by either body Planning Commission staff will address this issue at a later date after an amendment has been worked up for each elected body's review

Technical Issues

Definition of Boarding House/Text Amendment

No action was taken by either body. Planning Commission staff will address this issue at a later date after an amendment has been worked up for each elected body's review

Separation Requirement for Group Homes in Residential Districts (1/4 mile)

No action was taken. This issue and a related matter is being studied by the Board of Commissioners therefore it will be addressed at a later date. Attorney Marvin Bethune will provide Planning Commission staff with a copy of his memorandum regarding this issue

AUG 1 2 1991

Hospitals Treatment

Motion was made by Commissioner Andrews, seconded by Commissioner Booth and unanimously carried with Commissioners Andrews, Autrey, Booth, Chirico and Walton voting yes, to allow hospitals in Institutional Districts as long as they have a 3.0 floor area ratio

Nursing Homes, etc , in Office District

Motion was made by Commissioner Chirico, seconded by Commissioner Booth and unanimously carried with Commissioners Andrews, Autrey, Booth, Chirico and Walton voting yes, to approve the Planning Commission staff's amendment to 1) the definition of "independent living facility," 2) the proposed density standards for elderly and disabled housing in office and business districts, and 3) the required number of off-street parking spaces for nursing homes, retirement homes, etc.

A motion was passed by Charlotte City Council approving these amendments as well.

Use to use Standards for nightclubs, etc

Motion was made by Commissioner Andrews, seconded by Commissioner Walton and unanimously carried with Commissioners Andrews, Autrey, Booth, Chirico and Walton voting yes, to approve the Planning Commission staff's amending the ordinance to clarify the intent for use to use standards for nightclubs when its freestanding and the principal use

A motion was passed by Charlotte City Council approving this change for clarity as well.

Clarify Variance Requirement for Transitional Setback

No action was taken by either body. Planning Commission staff will address this issue at a later date after an amendment has been worked up for each elected body's review

Commissioner Booth left the meeting at this time and was absent for the remainder of the meeting.

Include Variance Provision for Site Distance Triangle

Motion was made by Commissioner Andrews, seconded by Commissioner Chirico and carried 4-0 with Commissioners Andrews, Autrey, Chirico and Walton voting yes to include variance provision for site distance triangle in the ordinance

Allow dedication of land in lieu of parks and greenway buffer requirements

Motion was made by Commissioner Andrews, seconded by Commissioner Walton and carried 3-1 with Commissioners Andrews, Autrey and Walton voting yes and Commissioner Chirico voting no, to allow dedication of land in lieu of parks and greenway buffer requirement.

Process Regulations
Major Policy Issues

Consolidation of the Board of Adjustment

Motion was made by Commissioner Andrews, seconded by Commissioner Chirico and carried 3-1 with Commissioners Andrews, Autrey and Chirico voting yes and Commissioner Walton voting no to consider the consolidation of the Board of Adjustment after 12 months

Third Party Rezonings -- Extra Step

No action was taken by the Board of County Commissioners to change its favorable decision on the Third Party Rezonings -- Extra Step

A vote was taken by Charlotte City Council, but failed to change its unfavorable decision on the Third Party Rezonings -- Extra Step.

Thus the prior actions of each body still stand.

Rezoning Traffic Impact Study

No action was taken by the Board of County Commissioners to change its unfavorable decision on rezoning traffic impact studies

A motion was passed by Charlotte City Council to change its favorable decision on Rezoning Traffic Impact Study to unfavorable in order to be consistent with the County.

Zoning Protest Petition

No action was taken by either body regarding protest petitions. Thus the Board of County Commissioners unfavorable decision regarding Zoning Protest Petition still stands.

Minor Policy Issues

By-Right Traffic Impact Study

No action was taken by the Board of County Commissioners to change its unfavorable decision on By-Right Traffic Impact Studies

A vote was taken by Charlotte City Council, but failed to change its favorable decision for By-Right Traffic Impact Studies

Rezoning Approval Criteria

No action was taken by either body to change their decisions on inclusion of Rezoning Approval Criteria List in the ordinance The Board of County Commissioner's prior decision was no and Charlotte City Council's was yes regarding Rezoning Approval Criteria List

Mobile Home Replacement Provision

No action was taken by the Board of County Commissioners regarding a Mobile Home Replacement Provision. A decision will be made by the Board of County Commissioners pending a report from its' Manufactured Housing Committee.

Motion was made by Commissioner Andrews, seconded by Commissioner Walton, and carried 4-0, with Commissioners Andrews, Autrey, Chirico and Walton voting yes, that there being no further business to come before the Board, that the meeting be adjourned at 4:30 P.M.

Janice S Paige, Clerk

T. Rodney Autrey, Chairman

AUG 1 2 1991

CITY COUNCIL WORKSHOP
ON
NEW ZONING ORDINANCE

Monday, May 13, 1991
Conference Center
Charlotte-Mecklenburg Government Center

AGENDA

I. Outstanding Issues

(1) o Residential Flexibility Clarification (Ann Hammond)

(2) o Group Home Siting (Roy Matthews)

(3) o Boarding Houses - Owner-occupant Requirement (Dan Clodfelter)

(4) o Excessive Off-Street Parking in Residential Areas (Dan Clodfelter)

(5) o Noise, Fumes and Odor and Vibration Standards (Dan Clodfelter)

(6) o Sight Distance Triangle (Dan Clodfelter)

(7) o Time period for appealing administrative decisions by the Zoning Administrator (Dan Clodfelter)

o Other Issues

II. Next Meeting -- Conference Meeting with the County Commissioners, Wednesday, May 22, 1991 from 3:00 to 5:00 P.M. in the Conference Center

ACTIONS OF THE CITY COUNCIL AND THE BOARD OF COMMISSIONERS ON THE NEW ZONING ORDINANCE AS OF APRIL 24, 1991

The following is a summary of the consensus decisions from the City Council and Board of Commissioners workshops held thus far on the new zoning ordinance

CHAPTER 1: PURPOSE AND APPLICABILITY	CITY COUNCIL	COUNTY COMMISSION
ISSUE: *Amendment of Zoning Maps (Section 1 104)*		
DECISION: Consensus to add the additional language	✓	✓ VOTE 7 - 0
CHAPTER 3: DECISION-MAKING AND ADMINISTRATIVE BODIES		
ISSUE: *Consolidation of the City and County Boards of Adjustment (Section 3 301)*		
DECISION: Consensus for consolidation of City and County Boards of Adjustment	✓	✓ VOTE 7 - 0
CHAPTER 6: AMENDMENTS		
ISSUE: *Initiation of amendment for Special Purpose Districts (Section 6 103)*		
DECISION: Consensus on changing Special Purpose Districts to Conditional Districts.	✓	✓ VOTE 7 - 0
ISSUE: *Third party rezonings (Former Section 6 107)*		
DECISION: Consensus on keeping a direct application	✓	
DECISION: Consensus on requiring the extra-step application		✓ VOTE 7 - 0
ISSUE: *Requirements for Traffic Impact Study (Section 6 203)*		
DECISION: Consensus to make traffic impact studies mandatory	✓	
DECISION: Maintain the current voluntary procedure for traffic impact studies		✓ VOTE 7 0

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Standards for Traffic Impact Study (Section 6 203)*		
DECISION:	Consensus to adopt the 2,500 average annual daily traffic generation or any increase in traffic on an adjacent street by 10% as recommended by C-DOT and to amend the existing language to include the administrative flexibility to waive portions or reduce the scope of study as well as to waive the study in its entirety.	✓	NOT YET ADDRESSED
ISSUE:	*Action of Governing Bodies (Section 6 110)*		
DECISION:	Consensus to retain the list of criteria	✓	
DECISION:	Consensus to delete the list of criteria		✓ VOTE 7 - 0
ISSUE:	*Withdrawl of rezoning petitions (Section 6 107)*		
DECISION:	Consensus to allow withdrawals after public hearings at City Council's discretion	✓	
DECISION:	Consensus to allow withdrawals after a public hearing, if there are substantial circumstances favoring the withdrawal		✓ VOTE 7 - 0
ISSUE:	*Effect of denial of petition (Section 6 111)*		
DECISION:	Consensus to consider changes in conditions within control of the petitioner.	✓	✓ VOTE 7 - 0
ISSUE:	*Three year review (Section 6 208)*		
DECISION:	Consensus for discretionary review	✓	✓ VOTE 7 - 0
ISSUE:	*Zoning Protest Petitions (Section 6 112)*		
DECISION:	Consensus to not extend protest petitions to the County	DID NOT ADDRESS	✓ VOTE 7 - 0

	CITY COUNCIL	COUNTY COMMISSION
CHAPTER 7: NONCONFORMITIES		
ISSUE: *Rebuilding nonconforming structures (Section 7 103 (7) (8) & 7 104 (3))*		
DECISION: Consensus to allow rebuilding under the current ordinance standard	✓	✓ VOTE 7 0
ISSUE: *Replacement of mobile home units (Section 7 103 (9))*		
DECISION: Consensus to allow replacement of mobile home units	✓	
DECISION: Deferred on this issue		✓ VOTE 7 - 0
CHAPTER 9: GENERAL DISTRICTS		
ISSUE: *R-1 and R-2 Districts (Section 9 201 - 9 205)*		
DECISION: Consensus to retain the R-1 district as an overlay, and eliminate the R-2 district	✓	✓ VOTE 7 0
CHAPTERS 9, 10, 11 AND 12		
ISSUE: *Development Standards*		
DECISION: Consensus that development standards should be established for the most part based on the adjoining land use	✓	
DECISION: Standards should be established based on the adjoining zoning district		✓ VOTE 5 - 2
CHAPTER 9: GENERAL DISTRICTS		
ISSUE: *By-right traffic impact studies (Sections 9 603, 9 703, 9 803)*		
DECISION: No consensus was reached on this issue	✓	
DECISION: Consensus to not require by-right traffic impact studies.		✓ VOTE 7 - 0

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Limit on office in I-1 district (Section 9 1102)*		
DECISION:	Consensus to remove the limit on office development in the I-1 district from the new ordinance for the present and have staff come back with a text amendment at a later date to address the issue	✓	
DECISION:	Eliminate the standard of limiting the amount of office development in the industrial district		✓ VOTE 7 - 0
ISSUE:	*Planned multi-family (Section 9 302 & 9 303)*		
DECISION:	Consensus to establish 12 dwelling units as the maximum requirement in a single building before planned multi-family review is required	✓	✓ VOTE 6 - 1
ISSUE:	*Floor area ratio credit for parking decks (Sections 9 505, 9 605, 9 705, 9 805 & 9 1105)*		
DECISION:	Consensus to accept a fifty percent (50%) credit for parking deck construction.	✓	✓ VOTE 7 0
ISSUE:	*B-D district floor area ratio (Section 9 805)*		
DECISION:	Consensus to leave the B-D district in the ordinance and establish a F A R of 70 (City only The staff will review the need for this district and make a recommendation at a future date).	✓	✓ VOTE 5 - 2
CHAPTER 11: SPECIAL PURPOSE DISTRICTS			
ISSUE:	*MX district density limitations (Section 11 206)*		
DECISION:	Consensus to limit the density in each phase of a multi-phase project	✓	✓ VOTE 7 - 0
CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY			
ISSUE:	*Intensity of plantings in buffers (Section 12 301)*		
DECISION:	Consensus to adopt the recommendation from the Planning Commission contingent upon staff developing additional flexibility requirements	✓	

		CITY COUNCIL	COUNTY COMMISSION
DECISION:	Consensus to adopt the flexibility requirements recommended by Planning Staff which address planting requirements, and move all retail, shopping centers and restaurants under 50,000 square feet to the B class Buffer category		✓ VOTE 7 - 0
ISSUE:	*Stormwater drainage (Section 12 601)*		
DECISION:	Consensus to maintain the current provisions addressing stormwater run-off.	✓	
DECISION:	Consensus to delay any changes in the stormwater and drainage requirements until the adoption of the new comprehensive stormwater ordinance		✓ VOTE 7 - 0
ISSUE:	*Yard requirements abutting residential (Section 12 102 (1))*		
DECISION:	Consensus to require only the setback to be compatible	✓	✓ VOTE 7 - 0
ZONING DISTRICT CONVERSION			
ISSUE:	*Hospitals*		
DECISION:	Consensus for Planning Commission's suggestion to convert all hospitals to O-2 designation and the Planning Commission should initiate a rezoning for Presbyterian Hospital to O-3 to coincide as close as possible with the effective date.	✓	
DECISION:	Consensus to allow hospitals under prescribed conditions in the O-2 district subject to the requirements of a F A R of 3 0 (Note. Planning staff is to report back to the County Commission any problems they may see concerning the hospital conversion by May 22, 1991).		✓ VOTE 7 - 0

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Institutional district conversion*		
DECISION:	Consensus to include hospitals in the Institutional district with a F A R of 3 0 and to map the three existing hospitals (Mercy, Orthopaedic, Presbyterian) to the Institutional district. Other property in the Institutional district will be evaluated and rezoned through the District Plan Process	✓	✓ VOTE 5 2
TECHNICAL ISSUES			
CHAPTER 2:	**DEFINITIONS AND RULES OF CONSTRUCTION**		
ISSUE:	*Commencement of Construction (Section 2 201 (C12)) p 2-9*		
DECISION:	Consensus to delete this definition	✓ VOTE 6 - 0	✓ VOTE 6 - 0
ISSUE:	*Definitions (Section 2 201 (T3)) p 2-40*		
DECISION:	This issue was resolved by amending the illustration	✓ VOTE 6 - 0	✓ VOTE 7 0
CHAPTER 3:	**DECISION-MAKING AND ADMINISTRATIVE BODIES**		
ISSUE:	*Engineering Department, powers and duties (Section 3 503) p 3-8*		
DECISION:	Consensus to have staff rewrite to read that the Engineering Department makes a determination concerning street classification and report back to the Commission by May 22	✓ VOTE 6 - 0	✓ VOTE 6 0
ISSUE:	*Powers and duties (Section 3 503, 504, 505, 508, & 509) pp 3-8 - 3-11*		
DECISION:	Consensus to change language to "compliance with applicable standards and regulations "	✓ VOTE 7 - 0	✓ VOTE 6 - 0

		CITY COUNCIL	COUNTY COMMISSION
CHAPTER 5: APPEALS AND VARIANCES			
ISSUE:	*Standards for granting a variance (Section 5 108) p 5-3*		
DECISION:	Consensus to make optional the requirement for review of distrit or area plans or other adopted written policies governing land development.		✓ VOTE 6 - 0
DECISION:	Consensus to make mandatory the requirement for review of district or area plans or other adopted written policies governing land development and to have staff review and bring back to Council	✓ VOTE 7 - 0	
CHAPTER 6: AMENDMENTS			
ISSUE:	*Withdrawal and amendment of petition (Section 6 107 (5)) p 6-4*		
DECISION:	Consensus to make deferral of action discretionary		✓ VOTE 6 0
DECISION:	Consensus to have staff rewrite at the current ordinance and bring back to Council	✓ VOTE 7 - 0	
CHAPTER 9: GENERAL DISTRICTS			
ISSUE:	*Uses permitted under perscribed conditions (Section 9 203, 303) p. 9-17 & 9-32*		
DECISION:	Consensus to require recreational facilities to observe a 100 feet separation from adjoining residential lots	✓ VOTE 7 - 0	✓ VOTE 6 - 0
ISSUE:	*Uses permitted under prescribed conditions (Section 9 703 (14)) p 9-77*		
DECISION:	County Commission instructed Planning Staff to review the density limits for nursing homes, rest homes, and homes for the aged in the O-1, O-2, and O-3 districts and report their findings at the May 22 meeting		✓ VOTE 6 - 0
DECISION:	Consensus to have staff review and report back at the May 22 meeting	✓ VOTE 7 0	

	CITY COUNCIL	COUNTY COMMISSION
ISSUE: *Permitted accessory uses and structures (Section 9 801 (4) 3) p 9-86*		
DECISION: Consensus to delete the requirement of conformity with district and area plans, policies, and programs	✓ VOTE 7 - 0	✓ VOTE 7 - 0
CHAPTER 11: SPECIAL PURPOSE DISTRICTS		
ISSUE: *Uses permitted under prescribed conditions (Section 11 203 (19)(c)) p 11-6*		
DECISION: Consensus to allow direct public access from outside the building to restaurants in multi-family buildings in the MX district	✓ VOTE 7 0	✓ VOTE 6 0
ISSUE: *Uses permitted under prescribed conditions (Section 11 406 (3)) p 11-20*		
DECISION: Consensus to add the language "unless an approved site plan provides otherwise" to prohibition on direct driveway access to the street for parcel of land divided out by subdivision or metes and bounds	✓ VOTE 7 - 0	✓ VOTE 6 0
CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY		
ISSUE: *Height limitations (Section 12 108) p 12-15*		
DECISION: Consensus to maintain the 1 foot setback for each foot in height requirement for towers, steeples, flagpoles, chimneys, water tanks or similar structures adjacent to residential	✓ VOTE 6 - 1	✓ VOTE 7 0
ISSUE: *Required carpool spaces for certain employment uses (Section 12 205) p 12-27*		
DECISION: Consensus that parking spaces for carpools be made discretionary	✓ VOTE 4 - 2	✓ VOTE 6 - 0

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Buffer requirements (Section 12 302) p 12-38*		
DECISION:	Consensus to retain Planning Staff's recommendation to require buffers between development uses and parks and greenways		✓ VOTE 5 - 1
DECISION:	Consensus to retain Planning Staff's recommendation to require buffers between development uses and parks and greenways provided the buffer requirement may be waived if a person chooses to dedicate the width proposed to the buffer	✓ VOTE 7 - 0	
ISSUE:	*Buffer requirements (Section 12 302 (7)) p 12-39*		
DECISION:	Consensus to not allow a bonus for the installation of irrigation	✓ VOTE 7 - 0	✓ VOTE 5 1
ISSUE:	*Use to use requirement for nightclubs/bars/lounges in business and industrial districts*		
DECISION:	Consensus to adjust separation requirement based on use or adjoining zoning in order to require nightclubs to adhere to the same use to use relationships which are in the remainder of the ordinance	✓ VOTE 7 - 0	DID NOT ADDRESS
ISSUE:	*Average setback*		
DECISION:	Consensus to add back into the ordinance with clarifying language addressing the administration of the requirement.	✓ VOTE 7 - 0	DID NOT ADDRESS
ISSUE:	*Transitional setback*		
DECISION:	Consensus to have staff clarify the variance requirement for the transitional setback.	✓ VOTE 7 - 0	DID NOT ADDRESS

MAJOR POLICY ISSUE		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Cost and implementation of new zoning ordinance*		
DECISION:	Consensus to defer action until after the County budget hearing.		✓ VOTE 6 - 0
DECISION:	Consensus to write a letter to the County Commission indicating City Council's support for additional staffing for the Building Standards Department in order to address past inefficiencies as well as future staff needs generated by the new ordinance	✓ VOTE 7 - 0	
ISSUE:	*R-20 MF District (Innovative Housing)*		
DECISION:	Consensus to not send the innovative housing amendment to the public hearing	✓ VOTE 7 - 0	DID NOT ADDRESS

CHARLOTTE-MECKLENBURG
PLANNING COMMISSION

INTER-OFFICE COMMUNICATION

DATE May 7, 1991

Martin R. Cramton, Jr.

TO Mayor Sue Myrick and
Members of City Council

FROM Martin R. Cramton, Jr.
Planning Director

SUBJECT **WRAP-UP MEETING:** City Council Zoning Ordinance Decision Workshop - May 13, 1991

At the last meeting on the new zoning ordinance, several Council members indicated that they still had some outstanding issues on the new ordinance to discuss with the full Council. Therefore, a meeting has been scheduled for Monday, May 13, 1991 at approximately 4:30 P. M. in the Conference Center at the Government Center. The meeting which is prior to the Council's regular meeting is expected to last about an hour. Enclosed you will find an agenda which is based on my understanding of the remaining issues and an update on consensus decisions made thus far by the City Council and the County Commissioners.

If you have any questions about the upcoming workshop or need any resource materials, please call me or Stanley Watkins at 336-2205. I will look forward to seeing you next Monday.

Attachment

MRCJr./SDW:sdw

cc. Planning Commission
Del Borgsdorf, Assistant City Manager
Henry Underhill, Jr., City Attorney
Brenda Freeze, Deputy City Clerk
Robert Brandon, Zoning Administrator
Other Interested Parties (Building Coalition, Chamber and Community Issues Council

RECEIVED
MAY 13 1991
OFFICE OF CITY CLERK

CHARLOTTE-MECKLENBURG PLANNING COMMISSION

INTER-OFFICE COMMUNICATION

DATE July 19, 1991

FROM Martin R. Cramton, Jr.
Planning Director

TO Chairman Rod Autrey and
Members of County Commission

Mayor Sue Myrick and
Members of City Council

SUBJECT **Conference Meeting:** New Zoning Ordinance - July 24, 1991 (Revised)

The conference meeting on the new zoning ordinance between the City Council and the County Commissioners is rescheduled for Wednesday, July 24, 1991 from 3:00 p.m. to 5:00 p.m. in the Conference Center at the Government Center. The purpose of the meeting is for the Council and Commissioners to discuss the remaining differences between their respective versions of the new zoning ordinance and if possible, agree on a common direction for the separate ordinances. Enclosed you will find an agenda identifying the remaining issues of disagreement, some information on follow-up assignments and an update of the actions taken by the Council and the Commissioners. Please refer to the action update and your City Decision Document or County Key Issues Document for background information.

After the meeting, the Planning Commission Staff will prepare a revised ordinance for the City's consideration. It is hopeful that the City Council can take action on their new ordinance in August of this year. For the County, a new public hearing draft based upon the Commissioners earlier positions has been prepared for the upcoming County public hearing scheduled for July 30, 1991. Any changes coming out of the conference meeting will be introduced at the public hearing. Hopefully, the Commissioners can take action on the new ordinance sometime in September, 1991. Both ordinances are scheduled to become effective on January 1, 1992.

If you have any questions about the upcoming meeting or need any resource materials, please call me or Stanley Watkins at 336-2205. I will look forward to seeing you next Wednesday.

Attachments

MRCJr./SDW:sdw

cc. Planning Commission
Del Borgsdorf, Assistant City Manager
Wanda Towler, Assistant County Manager
Henry Underhill, Jr., City Attorney
Marvin Bethune, County Attorney
Janice Paige, Clerk to Board of Commissioners
Brenda Freeze, Deputy City Clerk
Robert Brandon, Zoning Administrator
Other Interested Parties (Building Coalition, Chamber, CIC, etc.)

CITY COUNCIL AND COUNTY COMMISSIONERS
CONFERENCE MEETING
ON
NEW ZONING ORDINANCE

Thursday, June 27, 1991
Conference Center
Charlotte-Mecklenburg Government Center

AGENDA

	Action: City Council	Action: County Commissioners
I. DISTRICT REGULATIONS		
Major Policy Issue		
o Application of Development Standards - Use or District?	Use	District
Minor Policy Issues		
o Average Setback	Yes*	Not Discussed
o Change Nuisance Requirements to Performance Standards (Text Amendment)	Yes*	Not Discussed
Technical Issues		
o Definition of Boarding House/Text Amendment	Yes*	Not Discussed
o Separation Requirement for Group Homes in Residential Districts (1/4 mile)	Yes*	Not Discussed
o Hospitals Treatment	Inst.	Office
o Nursing homes, etc. in Office District	Deferred	Deferred
o Use to Use Standards for Nightclubs, etc.	Yes*	Not Discussed
o Clarify variance requirement for transitional setback	Yes*	Not Discussed
o Include variance provision for site distance triangle	Yes*	Not Discussed
o Allow dedication of land in lieu of parks and greenway buffer requirement	Yes*	Not Discussed
II. PROCESS REGULATIONS		
Major Policy Issues		
o Consolidation of the Board of Adjustment	Yes	No
o Third Party Rezonings -- Extra Step	No	Yes
o Rezoning Traffic Impact Study --	Yes	No
o Zoning Protest Petition	Not Discussed	No
Minor Policy Issues		
o By-right Traffic Impact Study	Undecided	No
o Rezoning Approval Criteria List	Yes	No
o Mobile Home replacement provision	Yes	Deferred

* See actions of City Council and County Commission on new zoning ordinance as of May 13, 1991.

TECHNICAL AMENDMENT

Adopt the following:

Section 3.503. Engineering Department; powers and duties.

. . . .

[City only:]

(3) To ~~determine~~ render advice concerning ~~right-of-way requirements~~ street classifications not otherwise provided for in the subdivision ordinance in conjunction with the Charlotte Department of Transportation and Planning Director.

. . . .

[County only:]

(5) To ~~determine~~ render advice concerning ~~right-of-way requirements~~ street classifications not otherwise provided for in the subdivision ordinance in conjunction with the Planning Director and North Carolina Department of Transportation.

. . . .

[City only:]

Section 3.510. Department of Transportation; powers and duties.

. . . .

(3) To ~~determine~~ render advice concerning ~~right-of-way requirements~~ street classifications not otherwise provided for in the subdivision ordinance in conjunction with the Engineering Department and Planning Director.

HOSPITALS IN O-2 DISTRICT

The following prescribed conditions are proposed for hospitals in the O-2 District:

Remove health institutions as a use by right in the O-2 District and permit them under the following prescribed conditions:

. . . .

Add

(7) Health institutions, provided that:

(a) The maximum floor area ratio is 3.0;

(b) Primary vehicular access to the use will not be by way of a residential local (Class VI) street; and

(c) The use will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low-intensity institutional use.

Note: Appropriate notes will be made in the development standards section of the Institutional District.

NURSING HOMES IN THE NONRESIDENTIAL DISTRICT

Background

Correspondence with several authorities on elderly/disabled care facilities (homes for the aged, nursing homes, and rest homes) revealed the following findings:

- The location of senior care facilities in non-residential districts is not common practice at this time. Consequently, standards for comparison are not readily available.

- Twenty units per acre is an acceptable minimum density with regard to the location of these facilities.

- Urban setting require higher densities.

- The threshold for making a dependent care facility economically feasible falls between 40 - 60 beds.

- Generally, elderly/disabled care facilities fall into three categories:

    1) dependent - facilities where nursing or personal care is provided to the resident on a regular basis. Included in this category are nursing homes, rest homes, and homes for the aged.

    2) dependent/independent - facilities where characteristics of both dependant and independent care facilities are present. Residents may dwell in an independent unit, but receive some level of outside assistance, such as personal assistance, common dining facilities, etc. Homes for the aged fall into this category.

    3) independent - facilities where the resident requires no outside assistance. These facilities are self contained with living, dining, and bathroom facilities, and generally range from 900 - 1200 square feet in size. They may grouped in any number of configurations such as single family detached units, apartments, quadraplexes, etc.

The new proposed ordinance has only two classifications, independent and dependent living facilities. Dependent/independent facilities are considered dependent living facilities.

Based upon these findings, Planning staff recommends the following amendments to the draft regulation:

Definitions

- o Since nursing homes, rest homes and homes for the aged as an entity generally fall into the definition for a "dependent living facility" the definition of "independent living facility" shall be amended to read as follows:

  Independent living facility

  A ~~nursing home, rest home or home for the aged~~ residential development which is designed for older or disabled persons who do not require health and support services located on the site, such as medical, nursing and personal care, central dining and transportation services. Each unit within the facility is a self-contained dwelling unit which is physically accessible to older or disabled persons.

Density

- o Proposed density standards for elderly and disabled housing in office and business districts shall be amended to read as follows:

	Independent Living Units per Acre	Dependent Living Beds Per Acre
O-1	12	~~25~~ 40
O-2	22	~~50~~ 70
O-3	43	~~100~~ 130
B-1	22	~~50~~ 70
B-2	22	~~50~~ 70

Parking

- o Table 12.202 Minimum Required Off-Street Parking Spaces By Use (page 12-240)

  - amend the Required Number of Spaces for Nursing Homes retirement homes etc. to read "1 Space per ~~1~~ 3 Beds"

ACTIONS OF THE CITY COUNCIL AND THE BOARD OF COMMISSIONERS ON THE NEW ZONING ORDINANCE AS OF MAY 13, 1991

The following is a summary of the consensus decisions from the City Council and Board of Commissioners workshops held thus far on the new zoning ordinance.

CHAPTER 1: PURPOSE AND APPLICABILITY	CITY COUNCIL	COUNTY COMMISSION
ISSUE: *Amendment of Zoning Maps (Section 1.104)*		
DECISION: Consensus to add the additional language	✓	✓ VOTE 7 - 0
CHAPTER 3: DECISION-MAKING AND ADMINISTRATIVE BODIES		
ISSUE: *Consolidation of the City and County Boards of Adjustment (Section 3 301)*		
DECISION: Consensus for consolidation of City and County Boards of Adjustment.	✓	
DECISION: Consensus to maintain separate City and County Boards of Adjustment		✓ VOTE 3 for - 4 against
CHAPTER 6: AMENDMENTS		
ISSUE: *Initiation of amendment for Special Purpose Districts (Section 6.103)*		
DECISION: Consensus on changing Special Purpose Districts to Conditional Districts.	✓	✓ VOTE 7 - 0
ISSUE: *Third party rezonings (Former Section 6.107)*		
DECISION: Consensus on keeping a direct application.	✓	
DECISION: Consensus on requiring the extra-step application.		✓ VOTE 7 - 0
ISSUE: *Requirements for Traffic Impact Study (Section 6 203)*		
DECISION: Consensus to make traffic impact studies mandatory	✓	
DECISION: Maintain the current voluntary procedure for traffic impact studies.		✓ VOTE 7 - 0

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Standards for Traffic Impact Study (Section 6 203)*		
DECISION:	Consensus to adopt the 2,500 average annual daily traffic generation or any increase in traffic on an adjacent street by 10% as recommended by C-DOT and to amend the existing language to include the administrative flexibility to waive portions or reduce the scope of study as well as to waive the study in its entirety.	✓	DID NOT ADDRESS
ISSUE:	*Action of Governing Bodies (Section 6 110)*		
DECISION:	Consensus to retain the list of criteria.	✓	
DECISION:	Consensus to delete the list of criteria.		✓ VOTE 7 0
ISSUE:	*Withdrawl of rezoning petitions (Section 6 107)*		
DECISION:	Consensus to allow withdrawals after public hearings at City Council's discretion.	✓	
DECISION:	Consensus to allow withdrawals after a public hearing, if there are substantial circumstances favoring the withdrawal		✓ VOTE 7 - 0
ISSUE:	*Effect of denial of petition (Section 6 111)*		
DECISION:	Consensus to consider changes in conditions within control of the petitioner.	✓	✓ VOTE 7 - 0
ISSUE:	*Three year review (Section 6 208)*		
DECISION:	Consensus for discretionary review.	✓	✓ VOTE 7 - 0
ISSUE:	*Zoning Protest Petitions (Section 6 112)*		
DECISION:	Consensus to not extend protest petitions to the County.	DID NOT ADDRESS	✓ VOTE 7 - 0

	CITY COUNCIL	COUNTY COMMISSION
CHAPTER 7: NONCONFORMITIES		
ISSUE: *Rebuilding nonconforming structures (Section 7 103 (7) (8) & 7 104 (3))*	✓	✓
DECISION: Consensus to allow rebuilding under the current ordinance standard.		VOTE 7 - 0
ISSUE: *Replacement of mobile home units (Section 7 103 (9))*	✓	
DECISION: Consensus to allow replacement of mobile home units.		✓
DECISION: Deferred on this issue pending the outcome of the mobile home committee study.		VOTE 7 - 0
CHAPTER 9: GENERAL DISTRICTS		
ISSUE: *R-1 and R-2 Districts (Section 9.201 - 9 205)*	✓	✓
DECISION: Consensus to retain the R-1 district as an overlay, and eliminate the R-2 district.		VOTE 7 - 0
CHAPTERS 9, 10, 11 AND 12		
ISSUE: *Development Standards*	✓	
DECISION: Consensus that development standards should be established for the most part based on the adjoining land use.		✓
DECISION: Standards should be established based on the adjoining zoning district.		VOTE 5 - 2
CHAPTER 9: GENERAL DISTRICTS		
ISSUE: *By-right traffic impact studies (Sections 9 603, 9.703, 9 803)*	✓	
DECISION: No consensus was reached on this issue.		✓
DECISION: Consensus to not require by-right traffic impact studies.		VOTE 7 - 0

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Limit on office in I-1 district (Section 9 1102)*		
DECISION:	Consensus to remove the limit on office development in the I-1 district from the new ordinance for the present and have staff come back with a text amendment at a later date to address the issue	✓	
DECISION:	Eliminate the standard of limiting the amount of office development in the industrial district		✓ VOTE 7 - 0
ISSUE:	*Planned multi-family (Section 9 302 & 9 303)*		
DECISION:	Consensus to establish 12 dwelling units as the maximum requirement in a single building before planned multi-family review is required.	✓	✓ VOTE 6 - 1
ISSUE:	*Floor area ratio credit for parking decks (Sections 9 505, 9 605, 9 705, 9 805 & 9 1105)*		
DECISION:	Consensus to accept a fifty percent (50%) credit for parking deck construction.	✓	✓ VOTE 7 - 0
ISSUE:	*B-D district floor area ratio (Section 9 805)*		
DECISION:	Consensus to leave the B-D district in the ordinance and establish a F.A.R. of .70. (City only: The staff will review the need for this district and make a recommendation at a future date).	✓	✓ VOTE 5 2
CHAPTER 11: SPECIAL PURPOSE DISTRICTS			
ISSUE:	*MX district density limitations (Section 11 206)*		
DECISION:	Consensus to limit the density in each phase of a multi-phase project.	✓	✓ VOTE 7 - 0

CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY	CITY COUNCIL	COUNTY COMMISSION
ISSUE: *Intensity of plantings in buffers (Section 12 301)*		
DECISION: Consensus to adopt the flexibility requirements recommended by Planning Staff which address planting requirements, and move all retail, shopping centers and restaurants under 50,000 square feet to the B class Buffer category	✓	✓ VOTE 7 - 0
ISSUE: *Stormwater drainage (Section 12 601)*		
DECISION: Consensus to delay any changes in the stormwater and drainage requirements until the adoption of the new comprehensive stormwater ordinance.	✓	✓ VOTE 7 - 0
ISSUE: *Yard requirements abutting residential (Section 12 102 (1))*		
DECISION: Consensus to require only the setback to be compatible.	✓	✓ VOTE 7 - 0
ZONING DISTRICT CONVERSION		
ISSUE: *Hospitals*		
DECISION: Consensus for Planning Commission's suggestion to convert all hospitals to O-2 designation and the Planning Commission should initiate a rezoning for Presbyterian Hospital to O-3 to coincide as close as possible with the effective date.	✓	
DECISION: Consensus to allow hospitals under prescribed conditions in the O-2 district subject to the requirements of a F.A R. of 3.0. (Note: Planning staff is to report back to the County Commission any problems they may see concerning the hospital conversion by May 22, 1991).		✓ VOTE 7 - 0

	CITY COUNCIL	COUNTY COMMISSION
ISSUE: *Institutional district conversion*		
DECISION: Consensus to include hospitals in the Institutional district with a F.A R of 3.0 and to map the three existing hospitals (Mercy, Orthopaedic, Presbyterian) to the Institutional district Other property in the Institutional district will be evaluated and rezoned through the District Plan Process.	✓	✓ VOTE 5 - 2
TECHNICAL ISSUES		
CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION		
ISSUE: *Commencement of Construction (Section 2 201 (C12)) p 2-9*		
DECISION: Consensus to delete this definition.	✓ VOTE 6 - 0	✓ VOTE 6 - 0
ISSUE: *Definitions (Section 2 201 (T3)) p 2-40*		
DECISION: This issue was resolved by amending the illustration	✓ VOTE 6 - 0	✓ VOTE 7 - 0
CHAPTER 3: DECISION-MAKING AND ADMINISTRATIVE BODIES		
ISSUE: *Engineering Department, powers and duties (Section 3.503). p 3-8*		
DECISION: Consensus to have staff rewrite to read that the Engineering Department makes a determination concerning street classification and report back to the Commission by May 22.	✓ VOTE 6 - 0	✓ VOTE 6 - 0
ISSUE: *Powers and duties. (Section 3 503, 504, 505, 508, & 509) pp. 3-8 - 3-11.*		
DECISION: Consensus to change language to "compliance with applicable standards and regulations."	✓ VOTE 7 - 0	✓ VOTE 6 - 0

		CITY COUNCIL	COUNTY COMMISSION
CHAPTER 5: APPEALS AND VARIANCES			
ISSUE:	*Standards for granting a variance (Section 5 108) p 5-3*		
DECISION:	Consensus to make optional the requirement for review of district or area plans or other adopted written policies governing land development		✓ VOTE 6 - 0
DECISION:	Consensus to make mandatory the requirement for review of district or area plans or other adopted written policies governing land development and to have staff review and bring back to Council.	✓ VOTE 7 - 0	
CHAPTER 6: AMENDMENTS			
ISSUE:	*Withdrawal and amendment of petition (Section 6 107 (5)) p 6-4.*		
DECISION:	Consensus to make deferral of action discretionary		✓ VOTE 6 - 0
DECISION:	Consensus to have staff rewrite at the current ordinance and bring back to Council.	✓ VOTE 7 - 0	
CHAPTER 9: GENERAL DISTRICTS			
ISSUE:	*Uses permitted under perscribed conditions (Section 9 203, 303) p 9-17 & 9-32*		
DECISION:	Consensus to require recreational facilities to observe a 100 feet separation from adjoining residential lots.	✓ VOTE 7 - 0	✓ VOTE 6 - 0
ISSUE:	*Uses permitted under prescribed conditions (Section 9.703 (14)) p. 9-77.*		
DECISION:	County Commission instructed Planning Staff to review the density limits for nursing homes, rest homes, and homes for the aged in the O-1, O-2, and O-3 districts and report their findings at the May 22 meeting.		✓ VOTE 6 - 0
DECISION:	Consensus to have staff review and report back at the May 22 meeting.	✓ VOTE 7 - 0	

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Permitted accessory uses and structures (Section 9 801 (4) 3) p 9-86*		
DECISION:	Consensus to delete the requirement of conformity with district and area plans, policies, and programs.	✓ VOTE 7 - 0	✓ VOTE 7 - 0
CHAPTER 11: SPECIAL PURPOSE DISTRICTS			
ISSUE:	*Uses permitted under prescribed conditions (Section 11 203 (19)(c)) p 11-6*		
DECISION:	Consensus to allow direct public access from outside the building to restaurants in multi-family buildings in the MX district.	✓ VOTE 7 - 0	✓ VOTE 6 - 0
ISSUE:	*Uses permitted under prescribed conditions (Section 11 406 (3)) p 11-20*		
DECISION:	Consensus to add the language "unless an approved site plan provides otherwise" to prohibition on direct driveway access to the street for parcel of land divided out by subdivision or metes and bounds.	✓ VOTE 7 - 0	✓ VOTE 6 - 0
CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY			
ISSUE:	*Height limitations (Section 12 108) p 12-15.*		
DECISION:	Consensus to maintain the 1 foot setback for each foot in height requirement for towers, steeples, flagpoles, chimneys, water tanks or similar structures adjacent to residential.	✓ VOTE 6 - 1	✓ VOTE 7 - 0
ISSUE:	*Required carpool spaces for certain employment uses (Section 12 205) p 12-27.*		
DECISION:	Consensus that parking spaces for carpools be made discretionary.	✓ VOTE 4 - 2	✓ VOTE 6 - 0

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Buffer requirements (Section 12 302) p 12-38*		
DECISION:	Consensus to retain Planning Staff's recommendation to require buffers between development uses and parks and greenways.		✓ VOTE 5 - 1
DECISION:	Consensus to retain Planning Staff's recommendation to require buffers between development uses and parks and greenways provided the buffer requirement may be waived if a person chooses to dedicate the width proposed to the buffer.	✓ VOTE 7 - 0	
ISSUE:	*Buffer requirements (Section 12 302 (7)) p 12-39*		
DECISION:	Consensus to not allow a bonus for the installation of irrigation.	✓ VOTE 7 - 0	✓ VOTE 5 - 1
ISSUE:	*Use to use requirement for nightclubs/bars/lounges in business and industrial districts*		
DECISION:	Consensus to adjust separation requirement based on use or adjoining zoning in order to require nightclubs to adhere to the same use to use relationships which are in the remainder of the ordinance.	✓ VOTE 7 - 0	DID NOT ADDRESS
ISSUE:	*Average setback*		
DECISION:	Consensus to add back into the ordinance with clarifying language addressing the administration of the requirement.	✓ VOTE 7 - 0	DID NOT ADDRESS
ISSUE:	*Transitional setback*		
DECISION:	Consensus to have staff clarify the variance requirement for the transitional setback.	✓ VOTE 7 - 0	DID NOT ADDRESS

MAJOR POLICY ISSUE	CITY COUNCIL	COUNTY COMMISSION
ISSUE: *Cost and implementation of new zoning ordinance* **DECISION:** Consensus to defer action until after the County budget hearing		✓ VOTE 6 - 0
DECISION: Consensus to write a letter to the County Commission indicating City Council's support for additional staffing for the Building Standards Department in order to address past inefficiencies as well as future staff needs generated by the new ordinance	✓ VOTE 7 - 0	
ISSUE: *R-20 MF District (Innovative Housing)* **DECISION:** Consensus to not send the innovative housing amendment to the public hearing.	✓ VOTE 7 - 0	DID NOT ADDRESS
ISSUE: *Residential Flexibility* **DECISION:** Consensus to acknowledge application of lot flexibility requirements to subdivisions under five acres that develop ten or more lots.	✓	
ISSUE: *Group Home Siting.* **DECISION:** Consensus to establish 1/4 mile as the minimum standard distance between group homes.	✓	
ISSUE: *Boarding Houses - Owner-occupant requirement* **DECISION:** Consensus to have staff thoroughly examine this area and propose additional amendments as needed within six months.	✓	
ISSUE: *Excessive Off-Street Parking in Residential Areas* **DECISION:** Consensus to have a forthcoming text amendment to address this issue.	✓	

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Noise, Fumes and Odor and Vibration Standards*		
DECISION:	Consensus to modify the definition to be consistent with regard to the test that must be met to determine the violation Further, staff is directed to investigate the application of performance standards to these areas and bring back an amendment to Council within the next six months.	✓	
ISSUE:	*Sight Distance Triangle*		
DECISION:	Consensus to include a variance requirement within the sight distance triangle section.	✓	
ISSUE:	*Time period for appealing administrative decisions by the Zoning Administrator*		
DECISION:	Consensus to have staff review notice provisions and evaluate the period of time in which an individual may appeal an administrative interpretation of the zoning ordinance and report back within the next six months.	✓	

CHARLOTTE-MECKLENBURG
PLANNING COMMISSION

INTER-OFFICE COMMUNICATION

DATE April 19, 1991

TO Mayor Sue Myrick and
Members of City Council

FROM Martin R. Cramton, Jr.
Planning Director

SUBJECT **FINAL MEETING:** City Council Zoning Ordinance Decision Workshop - April 24, 1991

The City Council's final zoning workshop is scheduled for Wednesday, April 24, 1991 at 5:00 P. M. in the Conference Center at the Government Center. Enclosed you will find an agenda, an update on consensus decisions made so far, and some follow-up materials on Buffers, Hospitals in the Institutional District and inclusion of the Police Department in reviewing building permits and zoning cases.

We will begin our discussion with the follow-up assignments and then review the technical changes. For the technical changes discussion, I feel the Chamber of Commerce's list of outstanding technical issues serves as a good discussion guide and I have attached a copy. Members of City Council may have additional technical concerns they may want to bring to the attention of City Council. Next, we will examine the cost of implementing and administering the new zoning ordinance. A representative from the Building Standards Department will be available to answer questions. Finally, we will review some final adoption issues for your tentative approval.

A date for the City and County May Conference has been selected. The conference will take place on Wednesday, May 22, 1991 from 3:00 P. M to 5:00 P. M. in the Conference Center. The purpose of the meeting is to discuss diffences between the City and County versions of the new zoning ordinance. The County has already completed its review of the new zoning ordinance.

If you have any questions about the upcoming workshop or need any resource materials, please call me or Stanley Watkins at 336-2205. I will look forward to seeing you next Wednesday.

Attachments

MRCJr./SDW:sdw

cc. Planning Commission
Del Borgsdorf, Assistant City Manager
Henry Underhill, Jr., City Attorney
Brenda Freeze, Deputy City Clerk
Robert Brandon, Zoning Administrator

RECEIVED
APR 22 1991
OFFICE OF CITY CLERK

CITY COUNCIL WORKSHOP
ON
NEW ZONING ORDINANCE

Wednesday, April 24, 1991
Conference Center
Charlotte-Mecklenburg Government Center

REVISED
AGENDA

I. Follow-up Assignments

- o Buffer Flexibility (See Attachment A)
- o Hospitals in Institutional District (See Attachment B)
- o Police Department review of building permits and rezoning cases (See Attachment C)

II. Technical Changes Document (See Attachment D and Technical Issues Document)

III. Cost of Implementation and Administration of the New Zoning Ordinance (Attachment E)

IV. New Ordinance Adoption Issues

- o Set new ordinance effective date (Recommend January 1, 1992)
- o Rezonings - Transition between old and new ordinances
- o Text Amendments - Transition between old and new ordinances
- o Hold another public hearing? [Note: The County Commissioners are legally required to hold another public hearing because of their initial rejection of the new zoning ordinance]

V. R-20 MF District - Direction from City Council on whether this amendment should proceed to a public hearing (See Attachment F)

ATTACHMENT A

April 19, 1991
CMPC

BUFFER APPLICATION, PLANTING AND FLEXIBILITY

At the last workshop, several policy and technical issues were raised with respect to the proposed buffer standards. The policy issues concerned represented planting requirements, buffer flexibility and application and the technical concerns related to the planting height of shrubbery required in the buffer. The Planning Staff proposes the following policy and technical changes in response to the issues raised:

CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

. . . .

PART 3: BUFFERS AND SCREENING

....

Section 12.302. Buffer requirements.

(1) Amend Table 12.302(a) by deleting retail, shopping centers and restaurants under 50,000 square feet from the C class Buffer category and adding them to the B class Buffer category.

....

ADD

(2) Buffer requirements may be reduced or waived in their entirety in accordance with the provisions of Section 12.304.

. . . .

Renumber subsections (2) through (7) to (3) through (8), respectively.

(3) NOTE: For revised planting requirements see Table 12.302(b). which is attached.

. . . .

(8) Required trees and shrubs within the buffer shall meet the following standards:

. . . .

DELETE subsection (c) in its entirety and rewrite as follows:

(c) Shrubs shall be evergreen and at least 2 1/2 feet tall when planted with an average height of 5 to 6 feet to be expected as normal growth within four years. However, a maximum of 25% of the shrubs may vary from the above standard. The allowed variations are as follows:

- o Shrubs may be deciduous or;
- o Shrubs may be 2 feet tall when planted, provided an average height of 3 to 4 feet is expected as normal growth within

four years.

Shrubs planted on a berm may be of a lesser height, provided the combined height of the berm and plantings is at least 6 feet after four years. . . . .

Section 12.304. Alternative buffer and screening requirements when effective buffering and screening already exists.

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or other sub-surface condition, or the presence of required buffer or screening on adjacent developed property would make strict adherence to the requirements of this Part serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer or screen, the Zoning Administrator may alter the requirements of this Part as long as the existing features of the development site comply with the spirit and intent of this Part. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the Zoning Administrator showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer or screen the proposed use. The Zoning Administrator shall not alter the requirements of this part unless the developer demonstrates that existing site features and any additional buffer materials will screen the proposed use as effectively as the required buffer or screening. In deciding whether to approve such a plan, the Zoning Administrator shall consult with the Planning Director.

Table 12 302 (b) BUFFER REQUIREMENTS
(Minimum Widths and Required Plantings)

	ACRES	less than 0 5	0 5	1 0	1 5	2 0	2 5	3 0	3 5	4 0	4 5	5 0	5 5	6 0	6 5	7 0	7 5	8 0	8 5	9 0	9 5	10 or more
A CLASS	WIDTH (ft)*	40	43	46	49	52	55	58	61	64	67	70	73	76	79	82	85	88	91	94	97	100
	TREES (per 100 ft)	9						10									11					12 trees
	SHRUBS (per 100 ft)	60 →																				60 shrubs
B CLASS	WIDTH (ft)*	22	25	27	30	33	36	38	41	43	46	49	51	54	57	59	62	65	67	70	72	75
	TREES (per 100 ft)	6			7				8				9				10					11 trees
	SHRUBS (per 100 ft)	40 →																				40 shrubs
C CLASS	WIDTH (ft)*	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46	48	50
	TREES (per 100 ft)	3			4			5				6			7			8				9 trees
	SHRUBS (per 100 ft)	20 →																				20 shrubs
	ACRES	less than 0 5	0 5	1 0	1 5	2 0	2 5	3 0	3 5	4 0	4 5	5 0	5 5	6 0	6 5	7 0	7 5	8 0	8 5	9 0	9 5	10 or more

* - The minimum width of a buffer may be reduced an additional 25% if a fence or wall is constructed in accordance with these regulations

ft - feet

PROPOSED BUFFER REVISIONS 4/12/91

Table 12 302 (b) BUFFER REQUIREMENTS
(Minimum Widths and Required Plantings)

	ACRES	less than 0 5	0 5	1 0	1 5	2 0	2 5	3 0	3 5	4 0	4 5	5 0	5 5	6 0	6 5	7 0	7 5	8 0	8 5	9 0	9 5	10 or more
A CLASS	WIDTH (ft)*	40	43	46	49	52	55	58	61	64	67	70	73	76	79	82	85	88	91	94	97	100
	TREES (per 100 ft)	10	11	12									12 TREES									
	SHRUBS (per 100 ft)	64	69	74	78								80 SHRUBS									
B CLASS	WIDTH (ft)*	22	25	27	30	33	36	38	41	43	46	49	51	54	57	59	62	65	67	70	72	75
	TREES (per 100 ft)	6	7	8	8	10	10							11 TREES								
	SHRUBS (per 100 ft)	36	40	44	49	53	57							60 SHRUBS								
C CLASS	WIDTH (ft)*	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46	48	50
	TREES (per 100 ft)	3	4	5	6	6	7	7							9 TREES							
	SHRUBS (per 100 ft)	16	19	22	26	29	32	35	38						40 SHRUBS							
	ACRES	less than 0 5	0 5	1 0	1 5	2 0	2 5	3 0	3.5	4 0	4 5	5 0	5 5	6 0	6 5	7 0	7 5	8 0	8 5	9 0	9 5	10 or more

* - The minimum width of a buffer may be reduced an additional 25% if a fence or wall is constructed in accordance with these regulations

ft - feet

EXISTING BUFFER REQUIREMENTS

ATTACHMENT B

April 19, 1991
CMPC

HOSPITALS IN INSTITUTIONAL DISTRICTS

The following prescribed conditions are proposed for hospitals in Institutional Districts:

Remove health institutions as a use by right in the Institutional District as permit them under the following prescribed conditions:

.....
Add
(7) Health institutions, provided that:

(a) The maximum floor area ratio is 3.0;

(b) Primary vehicular access to the use will not be by way of a residential local (Class VI) street; and

(c) The use will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low-intensity institutional use.

Note: Appropriate notes will made in the development standards section of the Institutional District.

ATTACHMENT C

April 19, 1991
CMPC

POLICE DEPARTMENT REVIEW

The Planning Staff acknowledges that security is a more important consideration in building design today than yesterday. However, we are not aware of specific standards which can be applied other than general rules of thumb with regard to parking lot security, lighting and vegetation maintenance. This is not to belittle the views of the Police Department in land use development, but in the absence of some identifiable standards the City Council wants to enforce in regard to building security, we do not recommend adding the Police to the building permit and rezoning review at this time.

ATTACHMENT D

M E M O R A N D U M

TO: MAYOR SUE MYRICK
MEMBERS OF THE CITY COUNCIL
MARTIN CRAMTON
STANLEY WATKINS

FROM: BAILEY PATRICK, JR., FRED BRYANT AND MARK CRAMER

DATE: APRIL 3, 1991

RE: TECHNICAL ISSUES RAISED BY CHAMBER WHICH WERE NOT ADDRESSED BY PLANNING STAFF IN THEIR TECHNICAL DOCUMENT, OR ON WHICH STAFF DISAGREED WITH CHAMBER SUGGESTION

Pursuant to discussions with Stanley Watkins and Martin Cramton's suggestion, we have again reviewed the Planning Staff's Technical Changes Document. That review indicates that a limited number of technical issues raised by the Charlotte Chamber were not included in the Technical Changes Document. We have listed those issues below. We have also listed the significant technical issues which were in the Technical Changes Document and upon which the Chamber continues to differ with the Planning Staff.

We appreciate the many hours which the Planning Staff has devoted to meeting with us to identify and correct technical issues in the proposed ordinance. The relatively short length of this documents reflects the willingness of all parties to cooperate in this endeavor. The technical issues which we believe the City Council needs to address are as follows:

I. Technical Issues Raised by Chamber Which Planning Commission Staff Did Not Address in the Technical Document.

2.201(C12). Staff did not delete the definition of "Commencement of Construction" as suggested. This term is not used specifically in the proposed ordinance, and the definition is not consistent with the term "construction" as it is used regarding building permits in 4.102.

2.201(T3). Staff did not amend the definition of "Transitional setback or yard" by changing measurement from "existing" street right-of-way line to "proposed" street right-of-way line as suggested. Planning Staff is currently reviewing this section and its illustration to ensure accuracy.

6.107(5). Staff did not address Chamber recommendation that Planning Commission deferral of action -- for at least 30 days -- on a proposed amendment which has been changed after the public hearing be discretionary and not mandatory. This would provide flexibility for those instances where the change is so minor that a delay is not warranted.

9.703(14). No change was made to the permitted densities for nursing homes, rest homes, and homes for the aged in the 0-1, 0-2, and 0-3 districts. The low densities for these homes in the office 0-1 and 0-2 districts may make their development uneconomic in those office districts.

9.804(4).3. Chamber suggested deleting in the BP district this reference to consistency publicly adopted plans, policies, and programs, consistent with the action elsewhere in the proposed ordinance where similar language was eliminated.

11.203(19)(c). Did not adopt Chamber suggestion that in the MX districts, restaurants in multi-family and attached buildings should be permitted to have direct public access from outside the building. This was permitted in Office districts, and would be equally appropriate for MX districts where residents of these buildings may not want to share an entrance with a restaurant.

11.406(3). Staff did not adopt Chamber suggestion that language "unless an approved site plan provides otherwise," should be added to prohibition on direct driveway access for parcel divided out by metes and bounds or subdivision.

12.108. Staff did not adopt suggestion that towers, steeples, flagpoles, chimneys, water tanks or similar structures need be only a distance of 1/2 their height from abutting residential, as opposed to 1 foot setback for each 1 foot in height.

12.205. Staff also did not accept recommendation that a parking spaces for carpools be made discretionary and not mandatory.

II. Most Significant Technical Issues on Which Planning Commission Staff Disagreed with Chamber Suggestions.

3.503. Rejected Chamber recommendation that Engineering Department only "render advice" concerning right-of-way requirements not otherwise provided for in the subdivision ordinance. The Chamber believes these standards should be set by ordinance and not by administrative action.

3.503, .504, .505, .508, and .509. Rejected recommendation that review by various governmental departments of facilities provided by developer for "adequacy" should be changed to review for "compliance with applicable standards and regulations." The term "adequacy" is too vague.

5.108. Rejected Chamber argument that the Zoning Board of Adjustment should not have to take into account district or area plans or other adopted written policies governing land development in making variance determination. These policies are so general in nature that the Boards of Adjustment would have a very difficult time determining when they might apply, and failure to consider them could be grounds for challenging a determination of the Board.

9.203, .303. Rejected Chamber suggestion that certain recreational facilities, such as tennis courts, etc., be required to observe only a 50 feet separation and not a 100 feet separation from adjoining residential lots.

12.302. Rejected Chamber suggestion that buffers should not be required between development uses and parks and greenways. The Chamber believes that such buffers would be a strong disincentive to dedication of land for parks and greenways.

12.302(7). Rejected Chamber suggestion that intensity of plantings in buffers could be reduced if irrigation system is installed. Such an irrigation system could cause much more rapid growth of the buffers, and ensure the health of the plantings. There should be an incentive for installing such a system.

ATTACHMENT E

MECKLENBURG COUNTY

Charlotte-Mecklenburg
Building Standards Department

March 26, 1991

MEMORANDUM

TO: Martin R Cramton, Jr.
Planning Director

FROM: E. L. Woods
Director

SUBJECT: COSTS RELATED TO IMPLEMENTING PROPOSED ZONING ORDINANCE

In accordance with your request of March 12, 1991, I have enclosed the following:

Attachment 1 - Revised costs for implementation of Zoning Ordinances

Attachment 2 - Annual workload and staffing for Zoning Division from 1983 through 1990.

I hope this will provide the information requested by the City Council I feel it would also be helpful for the Council to have data regarding the amount of land annexed and the growth in population during these same years. In addition, you may want to provide Council with the annual volume of requests for rezoning, special and conditional uses

If you have any questions or need any additional information, please contact Sam Liner or me.

Attachments

cc. Wanda Towler, Assistant County Manager
Del Borgsdorf, Assistant City Manager
Sam Liner
Sam Leggett
Robert Brandon

sj/623-SSS

700 North Tryon Street • PO Box 31097 • Charlotte, North Carolina 28231-1097 • (704) 336-2831

ATTACHMENT #1

COSTS ASSOCIATED WITH IMPLEMENTATION OF

THE NEW ORDINANCE

REVISED MARCH 19, 1991

NUMBER	POSITION	FIRST YEAR COSTS**	SECOND YEAR COSTS
1	Assistant Zoning Administrator	$ 20,274.00	$ 27,674.00
2*	Zoning Inspector @ $23,111	$ 35,555.00	$ 48,532.00

*(Note: Two of these are previously identified in " '89/'90 Five Year Needs Assessment" to implement the proposed ordinance).

1	Zoning Technician	$ 14,284.00	$ 19,498.00
1	Office Assistant IV	12,420.00	16,953.00
1	Plans Reviewer	23,182.00	31,640.00
1	Attorney	30,820.00	42,069.00
	SUBTOTAL	**$136,535.00**	**$186,366.00**
	Fringe (@ .2297)	31,362.00	42,808 00

**(Note: 1st Year Cost based on 20 pay periods).

	Total Personnel Costs	**$167,897.00**	**$229,174.00**
(3)	Automobiles, Vehicle Maintenance & Automobile Allowance	$ 36,450.00	$ 14,160 00
(3)	Radios	5,592.00	720.00
(7)	Telephones (@ $300)	2,100.00	1,680.00
(7)	Training	4,250.00	2,800.00
(7)	Office Equipment and Furniture	13,500.00	
(3)	PCs/Software/Printers	24,800.00	
(7)	Supplies (@ $300)	2,100.00	1,400.00
	TOTAL	**$256,689.00**	**$249,934.00**

psh/607-L/4.

CHARLOTTE - MECKLENBURG
BUILDING STANDARDS DEPARTMENT

ZONING WORKLOAD/STAFFING

YEAR	PERMITS ISSUED *	INSPECT-IONS	PLANS REVIEWED	CITY ZBA CASES	COUNTY ZBA CASES	ZONING STAFF	PLAN REVIEWERS
1983	5887 **	2130 **	N/A	53	46	9	0
1984	12287	2931	N/A	75	43	8	1
1985	13717	5802	N/A	73	25	8	1
1986	13769	5791	1864	62	39	8	1
1987	14831	6688	2100	71	42	9	1
1988	15186	5880	2395	112	51	10	2
1989	14782	8338	2073	102	53	10	2
1990	14195	6886	2036	92	37	10	2

* Includes single-family, building, signs, zoning, mobile homes, and change of use permits issued in Charlotte, Mecklenburg County and the 5 towns which require zoning review and approval.

** Statistics represent July through December only

N/A = Not Available - Plan review tracking system not developed

The above information excludes the work involved in:

- Responding to over 25,000 telephone inquiries annually;
- Maintaining one set each of zoning and tax parcel books,
- Attending special meetings with 5 small towns.

DRAFT

ATTACHMENT F

DRAFT 7/6/90

3214. Innovative Housing Development Overlay District (IHD)

3214 1 Intent This section up to this point has dealt with specific regulations for specific conditional districts. These regulations have included certain minimum development standards for the districts. The districts provide a special setting for certain uses and ensure that the type of development which is anticipated in the district is, in fact, what occurs. However, it is not always possible to anticipate variations or improvements in the development types or to accommodate changes with broad, all-encompassing regulations. It may be desirable to consider and evaluate new and innovative development concepts in a specially designed and controlled development setting. The Innovative Housing Development (IHD) overlay district provides such a setting. In addition, circumstances may arise where consideration of a modified housing type is appropriate but a change in the underlying district or density is not appropriate. Therefore, the opportunity for innovative development may be included as an integral part of proposals for all residential conditional districts.

3214.2. Purpose. It is the objective of this section to encourage flexibility and innovative development proposals that exhibit such special qualities or concepts that they may deviate from standard ordinance requirements. These regulations are established in order that each innovative development proposal will be evaluated on its own merits. It is recognized that some proposals or concepts will be more successful than others and the approval of a specific proposal in one situation does not mean that a similar proposal would be acceptable in other circumstances. These provisions are purely optional and are a voluntary means by which land may be developed outside of the standard ordinance requirements. It should be emphasized that these provisions should not be confused with or take the place of the normal variance procedures established either in Section 1400 of this ordinance or in the subdivision ordinance.

3214.3. Definition. An "innovating housing development" is a tract of land zoned residential which is at least 2 acres in area. It must be under single, corporation, firm partnership, or association ownership and planned and developed as an integral unit.

3214.4. Where Permitted. The IHD district may be considered as an overlay district to any residential district, including single family, multi-family, and R-PUD districts.

3214.5. Permitted Uses. Uses which may be permitted in the IHD overlay district are any of the residential uses permitted in any residential district. Nonresidential uses, institutional uses, or other uses not containing dwelling units may not be

DRAFT

[illegible] in an [illegible]D district. The number of residential units per given land area (density) will be no greater than the gross density permitted for the underlying residential district.

3214.6 Certain Development Standards May Be Modified. The zoning standards listed below which would normally apply to development may be modified through the innovative development process

.1 Lot area.

.2 Lot width.

.3 Public street frontage.

.4 Setback and yards.

.5 Building separation.

.6 Height of fences and walls.

.7 Off-street parking.

.8 Open space.

3214.7. Subdivision Ordinance Standards May Be Modified. The subdivision development standards listed below which would normally apply to development may be modified through the innovative development process:

.1 Street right-of-way.

.2 Sidewalks.

.3 Curb and gutter.

.4 Street type (public or private).

.5 Street widths, horizontal and vertical alignments.

3214.8. Limitation On Project Size. Because of the special nature of these provisions, it is desirable to limit the size of the area proposed for innovative development. This will ensure the appropriateness of the land use relationships with adjoining property while providing the needed flexibility that is essential to the success of these provisions.

The project area that may be considered under these provisions is limited to 75 acres. A planned unit development developed under the provisions of this ordinance may contain more than one Innovative development so long as no more than 50% of the total land area of the project is developed under the Innovative provisions.

Development may be accomplished through a single application for the entire allowable acreage or through a series of smaller areas that do not exceed the maximum size allowed. However, each individual innovative development project must have at least one separate entrance off a public street

3214.9. Application Application for the establishment of an IHD district must be submitted and will be reviewed in accordance with Section 3202. and must include a development site plan drawn to scale showing the additional information listed below:

.1 Proposed lot configuration(s), setback(s), and yard(s).

.2 Proposed vehicular circulation system and off-street parking arrangements.

.3 Proposed pedestrian and/or open space system.

.4 Proposed screening, including fences, walls, or planting areas.

.5 Proposed treatment of any existing significant natural features.

The City Council (Board of Commissioners), the Planning Commission, or the Planning Director may require additional information that may be necessary for adequate review of the proposed development. This information may include individual dwelling unit concepts, intended use and design of the open space network, recreational amenities, and other similar information.

3214.10. Zoning Map Designation. Following City Council (Board or Commissioners) approval of the Innovative Housing Development overlay district, the property will be labeled on the official zoning maps by the appropriate general zoning district designation followed by the letters IHD in parentheses (for example R-4 (IHD).

3214.11. Deed Reference. All lots approved as part of any IHD district must have as part of the deed, a specific reference to the fact that special regulations may apply to the lot and to the specific zoning case file number under which the development was approved.

ACTIONS OF THE CITY COUNCIL AND THE BOARD OF COMMISSIONERS ON THE NEW ZONING ORDINANCE AS OF APRIL 16, 1991

The following is a summary of the consensus decisions from the City Council and Board of Commissioners workshops held thus far on the new zoning ordinance

		CITY COUNCIL	COUNTY COMMISSION
CHAPTER 1: PURPOSE AND APPLICABILITY			
ISSUE:	*Amendment of Zoning Maps (Section 1 104)*		
DECISION:	Consensus to add the additional language	✓	✓ VOTE 7 0
CHAPTER 3: DECISION-MAKING AND ADMINISTRATIVE BODIES			
ISSUE:	*Consolidation of the City and County Boards of Adjustment (Section 3 301)*		
DECISION:	Consensus for consolidation of City and County Boards of Adjustment	✓	✓ VOTE 7 - 0
CHAPTER 6: AMENDMENTS			
ISSUE:	*Initiation of amendment for Special Purpose Districts (Section 6 103)*		
DECISION:	Consensus on changing Special Purpose Districts to Conditional Districts	✓	✓ VOTE 7 - 0
ISSUE:	*Third party rezonings (Former Section 6 107)*		
DECISION:	Consensus on keeping a direct application	✓	
DECISION:	Consensus on requiring the extra-step application		✓ VOTE 7 - 0
ISSUE:	*Requirements for Traffic Impact Study (Section 6 203)*		
DECISION:	Consensus to make traffic impact studies mandatory	✓	
DECISION:	Maintain the current voluntary procedure for traffic impact studies.		✓ VOTE 7 - 0

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Standards for Traffic Impact Study (Section 6 203)*		
DECISION:	Consensus to adopt the 2,500 average annual daily traffic generation or any increase in traffic on an adjacent street by 10% as recommended by C-DOT and to amend the existing language to include the administrative flexibility to waive portions or reduce the scope of study as well as to waive the study in its entirety.	✓	NOT YET ADDRESSED
ISSUE:	*Action of Governing Bodies (Section 6 110)*		
DECISION:	Consensus to retain the list of criteria.	✓	—
DECISION:	Consensus to delete the list of criteria		✓ VOTE. 7 - 0
ISSUE:	*Withdrawl of rezoning petitions (Section 6 107)*		
DECISION:	Consensus to allow withdrawals after public hearings at City Council's discretion	✓	
DECISION:	Consensus to allow withdrawals after a public hearing, if there are substantial circumstances favoring the withdrawal		✓ VOTE. 7 - 0
ISSUE:	*Effect of denial of petition (Section 6 111)*		
DECISION:	Consensus to consider changes in conditions within control of the petitioner	✓	✓ VOTE 7 - 0
ISSUE:	*Three year review (Section 6 208)*		
DECISION:	Consensus for discretionary review	✓	✓ VOTE 7 - 0
ISSUE:	*Zoning Protest Petitions (Section 6 112)*		
DECISION:	Consensus to not extend protest petitions to the County.	DID NOT ADDRESS	✓ VOTE. 7 - 0

	CITY COUNCIL	COUNTY COMMISSION
CHAPTER 7: NONCONFORMITIES		
ISSUE: *Rebuilding nonconforming structures (Section 7 103 (7) (8) & 7 104 (3))*		
DECISION: Consensus to allow rebuilding under the current ordinance standard.	✓	✓ VOTE 7 - 0
ISSUE: *Replacement of mobile home units (Section 7 103 (9))*		
DECISION: Consensus to allow replacement of mobile home units	✓	
DECISION: Deferred on this issue		✓ VOTE 7 - 0
CHAPTER 9: GENERAL DISTRICTS		
ISSUE: *R-1 and R-2 Districts (Section 9 201 - 9 205)*		
DECISION: Consensus to retain the R-1 district as an overlay, and eliminate the R-2 district	✓	✓ VOTE 7 - 0
CHAPTERS 9, 10, 11 AND 12		
ISSUE: *Development Standards*		
DECISION: Consensus that development standards should be established for the most part based on the adjoining land use	✓	
DECISION: Standards should be established based on the adjoining zoning district		✓ VOTE 5 - 2
CHAPTER 9: GENERAL DISTRICTS		
ISSUE: *By-right traffic impact studies (Sections 9 603, 9 703, 9 803)*		
DECISION: No consensus was reached on this issue	✓	
DECISION: Consensus to not require by-right traffic impact studies.		✓ VOTE 7 - 0

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Limit on office in I-1 district (Section 9 1102)*		
DECISION:	Consensus to remove the limit on office development in the I-1 district from the new ordinance for the present and have staff come back with a text amendment at a later date to address the issue.	✓	
DECISION:	Eliminate the standard of limiting the amount of office development in the industrial district.		✓ VOTE 7 - 0
ISSUE:	*Planned multi-family (Section 9.302 & 9.303)*		
DECISION:	Consensus to establish 12 dwelling units as the maximum requirement in a single building before planned multi-family review is required	✓	✓ VOTE 6 - 1
ISSUE:	*Floor area ratio credit for parking decks (Sections 9 505, 9 605, 9 705, 9 805 & 9.1105)*		
DECISION:	Consensus to accept a fifty percent (50%) credit for parking deck construction	✓	✓ VOTE 7 - 0
ISSUE:	*B-D district floor area ratio (Section 9 805)*		
DECISION:	Consensus to leave the B-D district in the ordinance and establish a F A R of 70 (City only· The staff will review the need for this district and make a recommendation at a future date)	✓	✓ VOTE 5 - 2
CHAPTER 11: SPECIAL PURPOSE DISTRICTS			
ISSUE:	*MX district density limitations (Section 11.206)*		
DECISION:	Consensus to limit the density in each phase of a multi-phase project	✓	✓ VOTE 7 - 0
CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY			
ISSUE:	*Intensity of plantings in buffers (Section 12 301)*		
DECISION:	Consensus to adopt the recommendation from the Planning Commission contingent upon staff developing additional flexibility requirements.	✓	

	CITY COUNCIL	COUNTY COMMISSION
DECISION: Consensus to adopt the flexibility requirements recommended by Planning Staff which address planting requirements, and move all retail, shopping centers and restaurants under 50,000 square feet to the B class Buffer category.		✓ VOTE 7 - 0
ISSUE: *Stormwater drainage (Section 12.701)*		
DECISION: Consensus to maintain the current provisions addressing stormwater run-off.	✓	
DECISION: Consensus to delay any changes in the stormwater and drainage requirements until the adoption of the new comprehensive stormwater ordinance		✓ VOTE 7 - 0
ISSUE: *Yard requirements abutting residential (Section 12.102 (1))*		
DECISION: Consensus to require only the setback to be compatible.	✓	✓ VOTE 7 - 0
ZONING DISTRICT CONVERSION		
ISSUE: *Hospitals*		
DECISION: Consensus for Planning Commission's suggestion to convert all hospitals to O-2 designation and the Planning Commission should initiate a rezoning for Presbyterian Hospital to O-3 to coincide as close as possible with the effective date.	✓	
DECISION: Consensus to allow hospitals under prescribed conditions in the O-2 district subject to the requirements of a F.A.R. of 3.0. (Note: Planning staff is to report back to the County Commission any problems they may see concerning the hospital conversion by May 22, 1991).		✓ VOTE 7 - 0

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Institutional district conversion*		
DECISION:	Consensus to include hospitals in the Institutional district with a F.A R of 3 0 and to map the three existing hospitals (Mercy, Orthopaedic, Presbyterian) to the Institutional district. Other property in the Institutional district will be evaluated and rezoned through the District Plan Process.	✓	✓ VOTE 5 - 2
TECHNICAL ISSUES			
CHAPTER 2:	**DEFINITIONS AND RULES OF CONSTRUCTION**		
ISSUE:	*Commencement of Construction (Section 2 201 (C12)) p 2-9*		
DECISION:	Consensus to delete this definition.		✓ VOTE 7 - 0
ISSUE:	*Definitions (Section 2 201 (T3)) p 2-40*		
DECISION:	This issue was resolved by amending the illustration		✓ VOTE 7 - 0
CHAPTER 3:	**DECISION-MAKING AND ADMINISTRATIVE BODIES**		
ISSUE:	*Engineering Department, powers and duties (Section 3 503) p 3-8*		
DECISION:	Consensus to have staff rewrite to read that the Engineering Department makes a determination concerning street classification and report back to the Commission by May 22.		✓ VOTE 7 - 0
ISSUE:	*Powers and duties (Section 3 503, .504, .505, 508, & .509). pp. 3-8 - 3-11.*		
DECISION:	Consensus to change language to "compliance with applicable standards and regulations."		✓ VOTE 7 - 0

CHAPTER 5: APPEALS AND VARIANCES	CITY COUNCIL	COUNTY COMMISSION
ISSUE: *Standards for granting a variance (Section 5 108) p 5-3*		
DECISION: Consensus to make optional the requirement for review of distrit or area plans or other adopted written policies governing land development		✓ VOTE 7 - 0
CHAPTER 6: AMENDMENTS		
ISSUE: *Withdrawal and amendment of petition (Section 6 107 (5)) p 6-4*		
DECISION: Consensus to make deferral of action discretionary		✓ VOTE 7 - 0
CHAPTER 9: GENERAL DISTRICTS		
ISSUE: *Uses permitted under perscribed conditions (Section 9 203, .303) p 9-17 & 9-32*		
DECISION: Consensus to require recreational facilities to observe a 100 feet separation from adjoining residential lots		✓ VOTE 7 - 0
ISSUE: *Uses permitted under prescribed conditions (Section 9 703 (14)) p 9-77*		
DECISION: County Commission instructed Planning Staff to review the density limits for nursing homes, rest homes, and homes for the aged in the O-1, O-2, and O-3 districts and report their findings at the May 22 meeting.		✓ VOTE 7 - 0
ISSUE: *Permitted accessory uses and structures (Section 9 801 (4).3) p 9-86*		
DECISION: Consensus to delete the requirement of conformity with district and area plans, policies, and programs.		✓ VOTE 7 - 0

	CITY COUNCIL	COUNTY COMMISSION
CHAPTER 11 SPECIAL PURPOSE DISTRICTS		
ISSUE: *Uses permitted under prescribed conditions (Section 11 203 (19)(c)) p 11-6*		
DECISION: Consensus to allow direct public access from outside the building to restaurants in multi-family buildings in the MX district		✓ VOTE 7 - 0
ISSUE: *Uses permitted under prescribed conditions (Section 11 406 (3)) p 11-20*		
DECISION: Consensus to add the language "unless an approved site plan provides otherwise" to prohibition on direct driveway access to the street for parcel of land divided out by subdivision or metes and bounds		✓ VOTE 7 - 0
CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY		
ISSUE: *Height limitations (Section 12 108) p 12-15*		
DECISION: Consensus to maintain the 1 foot setback for each foot in height requirement for towers, steeples, flagpoles, chimneys, water tanks or similar structures adjacent to residential		✓ VOTE 7 - 0
ISSUE: *Required carpool spaces for certain employment uses (Section 12 205) p 12-27*		
DECISION: Consensus that parking spaces for carpools be made discretionary.		✓ VOTE 7 0

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Buffer requirements (Section 12 302) p 12-38*		
DECISION:	Consensus to retain Planning Staff's recommendation to require buffers between development uses and parks and greenways		✓ VOTE 5 - 1
ISSUE:	*Buffer requirements (Section 12 302 (7)) p 12-39*		
DECISION:	Consensus to not allow a bonus for the installation of irrigation		✓ VOTE 5 - 1
MAJOR POLICY ISSUE			
ISSUE:	*Cost and implementation of new zoning ordinance*		
DECISION:	Consensus to defer action until after the County budget hearing		✓ VOTE 6 - 0

CHARLOTTE-MECKLENBURG
PLANNING COMMISSION

INTER-OFFICE COMMUNICATION

DATE April 5, 1991

TO Mayor Sue Myrick and
Members of City Council

FROM Martin R. Cramton, Jr.
Planning Director

SUBJECT: **EXTRA MEETING:** City Council Zoning Ordinance Decision Workshop - April 10, 1991

The City Council has scheduled an additional meeting for Wednesday, April 10, 1991 at 5:00 P. M. in the Conference Center to complete discussions on the new zoning ordinance. Enclosed you will find an agenda, an update on consensus decisions made so far, and some follow-up materials on Buffers, Hospitals in the Institutional District and inclusion of the Police Department in reviewing building permits and zoning cases.

We will begin our discussion with the follow-up assignments and then review the technical changes. For the technical changes discussion, I feel the Chamber of Commerce's list of outstanding technical issues serves as a good discussion guide and I have attached a copy. Members of City Council may have additional technical concerns they may want to bring to the attention of City Council. Next, we will examine the cost of implementing and administering the new zoning ordinance. A representative from the Building Standards Department will be available to answer questions. Finally, we will review some final adoption issues for your tentative approval.

Also, my staff will be working with the City and County Managers' offices to arrange a suitable date and time for the May conference meeting on the new zoning ordinance with the County Commissioners. I have communicated your acceptance to the County Commissioners.

If you have any questions about the upcoming workshop or need any resource materials, please call me or Stanley Watkins at 336-2205. I will look forward to seeing you next Wednesday.

Attachments

MRCJr./SDW:sdw

cc. Planning Commission
Del Borgsdorf, Assistant City Manager
Henry Underhill, Jr., City Attorney
Brenda Freeze, Deputy City Clerk

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CITY COUNCIL WORKSHOP
ON
NEW ZONING ORDINANCE

Wednesday, April 10, 1991
Conference Center
Charlotte-Mecklenburg Government Center

AGENDA

I. Follow-up Assignments

- o Buffer Flexibility (See Attachment)
- o Hospitals in Institutional District (See Attachment)
- o Police Department review of building permits and rezoning cases (See Attachment)

II. Technical Changes Document

III. Cost of Implementation and Administration of the New Zoning Ordinance

IV. Review of New Ordinance and Map Conversion adoption language

- o Set new ordinance effective date (Recommend January 1, 1992)
- o Rezonings - Transition between old and new ordinances
- o Text Amendments - Transition between old and new ordinances

ACTIONS OF THE CITY COUNCIL AND THE BOARD OF COMMISSIONERS ON THE NEW ZONING ORDINANCE AS OF APRIL 2, 1991

The following is a summary of the consensus decisions from the City Council and Board of Commissioners workshops held thus far on the new zoning ordinance.

CHAPTER 1: PURPOSE AND APPLICABILITY		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Amendment of Zoning Maps (Section 1 104)*		
DECISION:	Consensus to add the additional language	✓	✓ VOTE 7 - 0
CHAPTER 3: DECISION-MAKING AND ADMINISTRATIVE BODIES			
ISSUE:	*Consolidation of the City and County Boards of Adjustment (Section 3 301)*		
DECISION:	Consensus for consolidation of City and County Boards of Adjustment.	✓	✓ VOTE 7 0
CHAPTER 6: AMENDMENTS			
ISSUE:	*Initiation of amendment for Special Purpose Districts (Section 6 103)*		
DECISION:	Consensus on changing Special Purpose Districts to Conditional Districts	✓	✓ VOTE 7 - 0
ISSUE:	*Third party rezonings (Former Section 6 107)*		
DECISION:	Consensus on keeping a direct application	✓	
DECISION:	Consensus on requiring the extra-step application.		✓ VOTE 7 0
ISSUE:	*Requirements for Traffic Impact Study (Section 6 203)*		
DECISION:	Consensus to make traffic impact studies mandatory	✓	
DECISION:	Maintain the current voluntary procedure for traffic impact studies.		✓ VOTE 7 - 0

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Standards for Traffic Impact Study (Section 6 203)*		
DECISION:	Consensus to adopt the 2,500 average annual daily traffic generation or any increase in traffic on an adjacent street by 10% as recommended by C-DOT and to amend the existing language to include the administrative flexibility to waive portions or reduce the scope of study as well as to waive the study in its entirety.	✓	NOT YET ADDRESSED
ISSUE:	*Action of Governing Bodies (Section 6.110)*		
DECISION:	Consensus to retain the list of criteria	✓	
DECISION:	Consensus to delete the list of criteria		✓ VOTE 7 - 0
ISSUE:	*Withdrawl of rezoning petitions (Section 6.107)*		
DECISION:	Consensus to allow withdrawals after public hearings at City Council's discretion	✓	
DECISION:	Consensus to allow withdrawals after a public hearing, if there are substantial circumstances favoring the withdrawal		✓ VOTE 7 - 0
ISSUE:	*Effect of denial of petition (Section 6 111)*		
DECISION:	Consensus to consider changes in conditions within control of the petitioner	✓	✓ VOTE 7 - 0
ISSUE:	*Three year review (Section 6 208)*		
DECISION:	Consensus for discretionary review	✓	✓ VOTE 7 - 0
ISSUE:	Zoning Protest Petitions (Section 6 112)		
DECISION:	Consensus to not extend protest petitions to the County	DID NOT ADDRESS	✓ VOTE 7 - 0

	CITY COUNCIL	COUNTY COMMISSION
CHAPTER 7: NONCONFORMITIES		
ISSUE: *Rebuilding nonconforming structures (Section 7 103 (7) (8) & 7.104 (3))*		
DECISION: Consensus to allow rebuilding under the current ordinance standard.	✓	✓ VOTE 7 - 0
ISSUE: *Replacement of mobile home units (Section 7 103 (9))*		
DECISION: Consensus to allow replacement of mobile home units	✓	
DECISION: Deferred on this issue		✓ VOTE 7 - 0
CHAPTER 9: GENERAL DISTRICTS		
ISSUE: *R-1 and R-2 Districts (Section 9 201 - 9 205)*		
DECISION: Consensus to retain the R-1 district as an overlay, and eliminate the R-2 district	✓	✓ VOTE 7 - 0
CHAPTERS 9, 10, 11 AND 12		
ISSUE: *Development Standards*		
DECISION: Consensus that development standards should be established for the most part based on the adjoining land use	✓	
DECISION: Standards should be established based on the adjoining zoning district		✓ VOTE 5 - 2
CHAPTER 9: GENERAL DISTRICTS		
ISSUE: *By-right traffic impact studies (Sections 9 603, 9.703, 9 803)*		
DECISION: No consensus was reached on this issue	✓	
DECISION: Consensus to not require by-right traffic impact studies.		✓ VOTE 7 - 0

		CITY COUNCIL	COUNTY COMMISSION
ISSUE:	*Limit on office in I-1 district (Section 9.1102)*		
DECISION:	Consensus to remove the limit on office development in the I-1 district from the new ordinance for the present and have staff come back with a text amendment at a later date to address the issue	✓	
DECISION:	Eliminate the standard of limiting the amount of office development in the industrial district		✓ VOTE 7 - 0
ISSUE:	*Planned multi-family (Section 9 302 & 9 303)*		
DECISION:	Consensus to establish 12 dwelling units as the maximum requirement in a single building before planned multi-family review is required.	✓	✓ VOTE 6 - 1
ISSUE:	*Floor area ratio credit for parking decks (Sections 9 505, 9 605, 9 705, 9 805 & 9 1105)*		
DECISION:	Consensus to accept a fifty percent (50%) credit for parking deck construction	✓	✓ VOTE 7 - 0
ISSUE:	*B-D district floor area ratio (Section 9 805)*		
DECISION:	Consensus to lave the B-D district in the ordinance and establish a F A.R of 70 (City only The staff will review the need for this district and make a recommendation at a future date)	✓	✓ VOTE 5 2
CHAPTER 11:	**SPECIAL PURPOSE DISTRICTS**		
ISSUE:	*MX district density limitations (Section 11 206)*		
DECISION:	Consensus to limit the density in each phase of a multi-phase project	✓	✓ VOTE 7 - 0
CHAPTER 12:	**DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY**		
ISSUE:	*Intensity of plantings in buffers (Section 12 301)*	✓	NOT YET ADDRESSED
DECISION:	Consensus to adopt the recommendation from the Planning Commission contingent upon staff developing additional flexibility requirements.		

	CITY COUNCIL	COUNTY COMMISSION
ISSUE: *Stormwater drainage (Section 12.701)* **DECISION:** Consensus to maintain the current provisions addressing stormwater run-off.	✓	NOT YET ADDRESSED
ISSUE: *Yard requirements abutting residential (Section 12 102 (1))* **DECISION:** Consensus to require only the setback to be compatible	✓	NOT YET ADDRESSED
ZONING DISTRICT CONVERSION		
ISSUE: *Hospitals* **DECISION:** Consensus for Planning Commission's suggestion to convert all hospitals to O-2 designation and the Planning Commission should initiate a rezoning for Presbyterian Hospital to O-3 to coincide as close as possible with the effective date	✓	NOT YET ADDRESSED
ISSUE: *Institutional district conversion* **DECISION:** Consensus to include hospitals in the Institutional district with a F A R of 3 0 and to map the three existing hospitals in the Institutional district and allow other hospitals (Mercy, Orthopedic, Presbyterian) in the O-3 district Other property in the Institutional district will be evaluated and rezoned through the District Plan Process	✓	NOT YET ADDRESSED

April 5, 1991
CMPC

BUFFER FLEXIBILITY and APPLICATION

At the last workshop, several policy and technical issues were raised with respect to the proposed buffer standards. The policy issues concerned buffer flexibility and application and the technical concern related to the planting height of shrubbery required in the buffer. The Planning Staff responses to the issues are as follows:

BUFFER FLEXIBILITY

Section 12.304. Alternative buffer and screening requirements when effective buffering and screening already exists on page 12-47 in the new zoning ordinance already permits the Zoning Administrator, in consultation with the Planning Director, to reduce and waive any buffer requirement in its entirety when physical conditions pertaining to the site would make the application of the buffer meaningless. An applicant would have to submit a plan which would be reviewed by the Zoning Administrator and the Planning Director.

To make this provision more visible, we propose cross-referencing it in Section 12.302. Buffer requirements. Also, additional language will be added to Section 12.304 to clarify that soil and other sub-surface conditions may be considered as grounds for a reduction or waiver. The proposed changes are as follows:

....

Section 12.302. Buffer requirements.

....
New

(2) Buffer requirements may be reduced or waived in their entirety in accordance with the provisions of Section 12.304.

Renumber subsections (2) through (7) to (3) through (8), respectively.

....
Section 12.304. Alternative buffer and screening requirements when effective buffering and screening already exists.

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or other sub-surface condition, or the presence of required buffer or screening on adjacent developed property would make strict adherence to the requirements of this Part serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer or screen, the Zoning Administrator may alter the requirements of this Part as long as the existing features of the development site comply with the spirit and intent of this Part. Such an alteration may occur only at the

request of the property owner, who shall submit a plan to the Zoning Administrator showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer or screen the proposed use. The Zoning Administrator shall not alter the requirements of this part unless the developer demonstrates that existing site features and any additional buffer materials will screen the proposed use as effectively as the required buffer or screening. In deciding whether to approve such a plan, the Zoning Administrator shall consult with the Planning Director.

APPLICATION

An issue was raised at the workshop on whether there are some instances when a minimum buffer requirement should be increased. The Planning Staff feels this is a very difficult area to administer. In general, a buffer requirement may need to be increased when a use class or an individual use in a class is considered more intense than another class or uses in that class, ie. all retail or fast food restaurants and convenience stores adjacent to single family.

The Planning Staff feels any use intensity conflicts are best addressed through adjustments to the buffer table (Table 12.302(a)) on pages 12-40 and 12-41 in the new zoning ordinance. For example, the new ordinance permits all retail and office uses less than 50,000 square feet to meet the C Class buffer requirements when adjacent to single family residential. Retail is generally viewed as more intense than office and perhaps, a solution is to require all retail uses, regardless of size, to meet the B Class buffer requirements when adjacent to single family residential. An alternative is to select certain retail uses which would have to meet the B Class requirement, again regardless of size.

TECHNICAL

The Planning Staff agrees to reduce the minimum planting height for shrubbery from 3 feet to 2 1/2 feet. This is a more more straight-forward and understandable solution than establishing an averaging system. It is important to remember that a performance standard of reaching an average height of 5-6 feet within 4 years must still be met.

April 5, 1991
CMPC

HOSPITALS IN INSTITUTIONAL DISTRICTS

The following prescribed conditions are proposed for hospitals in Institutional Districts:

Remove health institutions as a use by right in the Institutional District as permit them under the following prescribed conditions:

.....
Add
(7) Health institutions, provided that:

(a) The maximum floor area ratio is 3.0;

(b) Primary vehicular access to the use will not be by way of a residential local (Class VI) street; and

(c) The use will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low-intensity institutional use.

Note: Appropriate notes will made in the development standards section of the Institutional District.

April 5, 1991
CMPC

POLICE DEPARTMENT REVIEW

The Planning Staff acknowledges that security is a more important consideration in building design today than yesterday. However, we are not aware of specific standards which can be applied other than general rules of thumb with regard to parking lot security, lighting and vegetation maintenance. This is not to belittle the views of the Police Department in land use development, but in the absence of some identifiable standards the City Council wants to enforce in regard to building security, we do not recommend adding the Police to the building permit and rezoning review at this time.

M E M O R A N D U M

TO: MAYOR SUE MYRICK
MEMBERS OF THE CITY COUNCIL
MARTIN CRAMTON
STANLEY WATKINS

FROM: BAILEY PATRICK, JR., FRED BRYANT AND MARK CRAMER

DATE: APRIL 3, 1991

RE: TECHNICAL ISSUES RAISED BY CHAMBER WHICH WERE NOT ADDRESSED BY PLANNING STAFF IN THEIR TECHNICAL DOCUMENT, OR ON WHICH STAFF DISAGREED WITH CHAMBER SUGGESTION

Pursuant to discussions with Stanley Watkins and Martin Cramton's suggestion, we have again reviewed the Planning Staff's Technical Changes Document. That review indicates that a limited number of technical issues raised by the Charlotte Chamber were not included in the Technical Changes Document. We have listed those issues below. We have also listed the significant technical issues which were in the Technical Changes Document and upon which the Chamber continues to differ with the Planning Staff.

We appreciate the many hours which the Planning Staff has devoted to meeting with us to identify and correct technical issues in the proposed ordinance. The relatively short length of this documents reflects the willingness of all parties to cooperate in this endeavor. The technical issues which we believe the City Council needs to address are as follows:

I. Technical Issues Raised by Chamber Which Planning Commission Staff Did Not Address in the Technical Document.

2.201(C12). Staff did not delete the definition of "Commencement of Construction" as suggested. This term is not used specifically in the proposed ordinance, and the definition is not consistent with the term "construction" as it is used regarding building permits in 4.102.

2.201(T3). Staff did not amend the definition of "Transitional setback or yard" by changing measurement from "existing" street right-of-way line to "proposed" street right-of-way line as suggested. Planning Staff is currently reviewing this section and its illustration to ensure accuracy.

6.107(5). Staff did not address Chamber recommendation that Planning Commission deferral of action -- for at least 30 days -- on a proposed amendment which has been changed after the public hearing be discretionary and not mandatory. This would provide flexibility for those instances where the change is so minor that a delay is not warranted.

9.703(14). No change was made to the permitted densities for nursing homes, rest homes, and homes for the aged in the 0-1, 0-2, and 0-3 districts. The low densities for these homes in the office 0-1 and 0-2 districts may make their development uneconomic in those office districts.

9.804(4).3. Chamber suggested deleting in the BP district this reference to consistency publicly adopted plans, policies, and programs, consistent with the action elsewhere in the proposed ordinance where similar language was eliminated.

11.203(19)(c). Did not adopt Chamber suggestion that in the MX districts, restaurants in multi-family and attached buildings should be permitted to have direct public access from outside the building. This was permitted in Office districts, and would be equally appropriate for MX districts where residents of these buildings may not want to share an entrance with a restaurant.

11.406(3). Staff did not adopt Chamber suggestion that language "unless an approved site plan provides otherwise," should be added to prohibition on direct driveway access for parcel divided out by metes and bounds or subdivision.

12.108. Staff did not adopt suggestion that towers, steeples, flagpoles, chimneys, water tanks or similar structures need be only a distance of 1/2 their height from abutting residential, as opposed to 1 foot setback for each 1 foot in height.

12.205. Staff also did not accept recommendation that a parking spaces for carpools be made discretionary and not mandatory.

II. Most Significant Technical Issues on Which Planning Commission Staff Disagreed with Chamber Suggestions.

3.503. Rejected Chamber recommendation that Engineering Department only "render advice" concerning right-of-way requirements not otherwise provided for in the subdivision ordinance. The Chamber believes these standards should be set by ordinance and not by administrative action.

3.503, .504, .505, .508, and .509. Rejected recommendation that review by various governmental departments of facilities provided by developer for "adequacy" should be changed to review for "compliance with applicable standards and regulations." The term "adequacy" is too vague.

5.108. Rejected Chamber argument that the Zoning Board of Adjustment should not have to take into account district or area plans or other adopted written policies governing land development in making variance determination. These policies are so general in nature that the Boards of Adjustment would have a very difficult time determining when they might apply, and failure to consider them could be grounds for challenging a determination of the Board.

9.203, .303. Rejected Chamber suggestion that certain recreational facilities, such as tennis courts, etc., be required to observe only a 50 feet separation and not a 100 feet separation from adjoining residential lots.

12.302. Rejected Chamber suggestion that buffers should not be required between development uses and parks and greenways. The Chamber believes that such buffers would be a strong disincentive to dedication of land for parks and greenways.

12.302(7). Rejected Chamber suggestion that intensity of plantings in buffers could be reduced if irrigation system is installed. Such an irrigation system could cause much more rapid growth of the buffers, and ensure the health of the plantings. There should be an incentive for installing such a system.

ZONING DISTRICT CONVERSION

POLICY ISSUE: HOSPITALS — New Zoning Ordinance standards will make the hospital community nonconforming.

POLICY CHOICES: The following are choices for the new zoning ordinance zoning district conversion:

A. Convert existing zoning districts - Existing zoning districts will be converted and property owners will be responsible for initiating rezonings to the appropriate district.

B. Convert existing zoning districts and initiate rezonings - Existing districts will be converted and local government will initiate rezonings for the hospital community to appropriate new zoning districts.

C. Exempt hospitals from regulations - The hospital community should be exempted from the Floor Area Ratio, buffer, height requirement and other new regulations.

BACKGROUND/VIEWPOINTS: The Planning Commission's Recommended Zoning Ordinance provides new standards such as buffers, floor area ratios, and height regulations which apply to all uses of land in the City and the County including the hospital community. The major hospitals which are Presbyterian, Mercy, Carolinas Medical Center and Orthopedic are all currently zoned O-6 except for the Carolinas Medical Center which has a conditional plan placed upon it. Upon zoning district conversion, the O-6 designation will be converted to O-2 (FAR 1.0). Some of the hospitals will have difficulty meeting one or more of the new zoning ordinance standards. However, these uses will be grandfathered and allowed to continue pursuant to the nonconforming provisions in the new zoning ordinance. But any future expansion would have to meet the requirements of the new zoning ordinance. The following viewpoints have been expressed on this issue:

A. Convert existing zoning districts - Existing zoning districts should be converted to the new districts and private parties should be responsible for then initiating rezonings to a desired district. (Planning Committee).

B. Convert existing zoning districts and initiate rezonings - Due to the risks associated with private initiated rezonings, the local government should file petitions to rezone elements of the hospital community to the appropriate new district in order for the hospitals to continue expansion. In the case of all hospitals, the new O-3 district (FAR 3.0) would be sufficient to accommodate the current physical plant and provide some future expansion. Three of the hospitals currently have a floor area ratio of 1.0, but Presbyterian has a floor area ratio of 2.1. Unlimited growth could be achieved through application of the UMUD districts to the hospital community.

C. Exempt the hospitals from the new regulations - While it is recognized that some new districts in the new zoning ordinance can accommodate the existing physical plants of the local hospitals and provide for some minor expansion opportunity, concern is still expressed about placing any kind of limit on future hospital development. The new floor area ratio makes all hospitals except for Carolinas Medical Center nonconforming upon conversion in some respect. Also, there are inherent risks associated with any type of rezoning. In addition, the new buffer requirements would make horizontal expansion difficult and the new height requirement would impede vertical growth. It must be recognized that all hospitals are in intense urban settings adjacent to residential. The hospitals should be exempt from the new standards in the new zoning ordinance. (Hospital Community)

PLANNING COMMISSION RECOMMENDATION: The Planning Committee discussed the impact of the new zoning ordinance on major public and quasi-public institutional uses such as health institutions, universities, colleges and junior colleges. As a result, several changes were made in the Planning Commission's Recommended Zoning Ordinance to accommodate these uses. All existing major institutional uses can now be accommodated within the framework of the new zoning ordinance, although future expansion of some institutions may be constrained. After making changes to accommodate these uses, the Planning Committee supported the conversion of all existing zoning districts.

PLANNING STAFF COMMENT: The Planning Staff supports the Planning Committee's recommended zoning district conversion.

Bibliography: Letter from Fred Bryant - January 29, 1991

ZONING DISTRICT CONVERSION

POLICY ISSUE: INSTITUTIONAL DISTRICT CONVERSION -- Is it appropriate to convert the existing institutional zoning district to the new institutional district?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Convert existing institutional district - The current institutional district will be converted to the new institutional district.

B. Initiate new institutional district only after special public hearing - This new district would only be implemented after a Planning Commission review and rezoning recommendation and a public hearing is held to give affected land owners an opportunity to comment on the impact of this district on their property.

BACKGROUND/VIEWPOINTS: The Planning Commission's Recommended Zoning Ordinance proposes a new institutional zoning district which only serves major institutional uses such as large religious facilities, hospitals, institutions of higher learning and other similar uses. The new district does not permit single family residential, offices and other uses which are now permitted in the institutional district in the current City and County Zoning Ordinances. The following viewpoints have been expressed on this issue:

A. Convert existing institutional district - The use changes in the new institutional district are designed to create an exclusive institutional district. The purpose and intent of this district does not allow for some permitted uses such as residences and office uses which were previously permitted in the district. However, some uses are still permitted in the district with additional restrictions. For example, office and retail activities are permitted, but only as an accessory to a larger institutional use. However, if major use conflicts still occur they can be addressed through rezonings associated with district and small area plans. (Planning Committee).

B. Initiate new institutional district only through special public hearing - The scope of change recommended for the institutional district is tantamount to a rezoning. Any conversion to this district would be a serious infringement on the property rights of owners given the number of uses removed. This district should be implemented only after a public hearing is held to give landowners the opportunity to comment. (Chamber).

PLANNING COMMITTEE RECOMMENDATION: The Planning Committee did not specially address this issue in the post-hearing review but by consensus endorsed the amended zoning district conversion process which included a conversion recommendation for the institutional district.

PLANNING STAFF COMMENT: The Planning Staff supports the conversion.

Bibliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, page 12.

Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990.

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, page 42.

CHARLOTTE-MECKLENBURG
PLANNING COMMISSION

INTER-OFFICE COMMUNICATION

DATE: March 15, 1991

FROM: Martin R. Cramton, Jr.
Planning Director

TO. Mayor Sue Myrick and
Members of City Council

SUBJECT City Council Zoning Ordinance Decision Workshop - March 20, 1991

Enclosed you will find an agenda, decision minutes and the Technical Document which is part of the Decision Document for the next City Council workshop on the new zoning ordinance. The workshop is scheduled for Wednesday, March 20, 1991 at 5:00 P.M. in the Conference Center at the Charlotte-Mecklenburg Government Center.

We will begin with Chapter 8: Enforcement. At the last workshop, the City Council only took consensus positions on the major and minor technical issues in Chapters 1 through 7. The decision minutes show your consensus positions. At the next meeting, we would like for you to take an official vote on your previous consensus positions.

We have also revised three of the issues in the policy document -- Limit on Office in I-1 district, Hospitals and Institutional District Conversion They were changed to add or further clarify various policy choices and policy viewpoints.

The Technical Document lists those technical changes that have been accepted and rejected by the Planning Staff. We believe at least one of those technical issues, buffer requirements adjacent to greenways, might need to be reviewed as a minor policy issue. There may be other changes in the Technical Document you may want to discuss.

Again for your information, I have listed below the remaining workshop schedule.

DATE	TIME	PLACE
Wednesday, March 20, 1991	5:00 P.M.	Conference Center
Wednesday, March 27, 1991	5:00 P.M.	Conference Center
Wednesday, April 3, 1991	5:00 P.M.	Conference Center

If you have any questions about the upcoming workshop or need any resource materials, please call me or Stanley Watkins at 336-2205. I will look forward to seeing you next Wednesday.

MRCJr./SDW:sdw

cc. Planning Commission
Del Borgsdorf, Assistant City Manager
Henry Underhill, Jr., City Attorney
Brenda Freeze, Deputy City Clerk

CITY COUNCIL WORKSHOP
ON
NEW ZONING ORDINANCE

Wednesday, March 20, 1991
Conference Center
Charlotte-Mecklenburg Government Center

AGENDA

I. Action on Consensus Positions in Chapters 1 through 7

II. Chapter Reviews - Revisit Section 6.203 Traffic Impact Analysis

- o Start with Chapter 8: Enforcement
- o Discussion
- o Decision Point

III. Next Meeting — Wednesday, March 27, 1991 @ 5:00 P.M. in Conference Center

					MAXIMUM FLOOR AREA RATIO			
					CONVERSION		REZONING	
FACILITY	LOCATION	EXISTING ZONING	ACREAGE	EXISTING FAR	O-2 +25% BONUS*	O-2 +50% BONUS*	O-3 +25% BONUS*	O-3 +50% BONUS*
Presbyterian Hospital	Main Campus	O-6	17 85	2 19	1 25	1 50	3 75	4 50
o Square Feet Yield **			777,546	1,699 061	971 933	1 166 319	2,915,798	3,498,957
o Potential Growth (Sq Ft) ***					None	None	1,216,737	1,799,896
o Potential Growth (Percent)					None	None	71 6%	105 9%
Mercy Hospital	Main Campus	O-6	13 55	1 00	1 25	1 50	3 75	4 50
o Square Feet Yield **			590,138	591,628	737,672	885 207	2,213,017	2,655,620
o Potential Growth (Sq Ft) ***					146,044	293,579	1,621,389	2,063,992
o Potential Growth (Percent)					24 7%	49 6%	274 1%	348 9%
Orthapedic Hospital	1901 Randolph Road	O-6	5 66	0 57	1 25	1 50	3 75	4 50
o Square Feet Yield **			246,550	141,031	308,187	369 824	924 561	1,109,473
o Potential Growth (Sq Ft) ***					167,156	228 793	783,530	968,442
o Potential Growth (Percent)					118 5%	162 2%	555 6%	686 7%

* – Bonus provision relates to parking deck construction

** – Square Feet Yield is the site acreage expressed in square feet multiplied by the Floor Area Ratio

*** – Potential Growth is the maximum square footage permitted by the Floor Area Ratio minus the existing building square footage

					MAXIMUM FLOOR AREA RATIO			
					CONVERSION		REZONING	
FACILITY	LOCATION	EXISTING ZONING	ACREAGE	EXISTING FAR	O-2 +25% BONUS*	O-2 +50% BONUS*	O-3 +25% BONUS*	O-3 +50% BONUS*
NOTE· Carolina Medical Center is developing under a conditional site plan which is exempted from the Floor Area Ratio requirement.								
Carolina Medical Center	1401 Scott Avenue	O-6(CD)	40 45	0 33	1 25	1 50	3 75	4 50
o Square Feet Yield **			1,762,002	578,575	2,202,503	2,643,003	6,607,508	7,929,009
o Potential Growth (Sq Ft) ***					1,623,928	2,064,428	6,028,933	7,350,434
o Potential Growth (Percent)					280 7%	356 8%	1042 0%	1270 4%

* – Bonus provision relates to parking deck construction

** – Square Feet Yield is the site acreage expressed in square feet multiplied by the Floor Area Ratio

*** – Potential Growth is the maximum square footage permitted by the Floor Area Ratio minus the existing building square footage

CHAPTER 9: GENERAL DISTRICTS
Section 9.1102 (46)

POLICY ISSUE: LIMIT ON OFFICE IN I-1 DISTRICT — Should office development in the I-1 district be limited to 300,000 square feet?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Limit office development - Office development should be limited to 300,000 square feet in the I-1 district.

B. Higher limit on office development - A higher limit should be placed on the amount of Office development in the I-1 district.

C. Eliminate office limit - Do away with the standard of limiting the amount of office development in the industrial district.

BACKGROUND/VIEWPOINTS: The current City and County Zoning Ordinances have no limits on the amount of office development in the I-1 district. The Planning Commission's Recommended Zoning Ordinance limits the amount of office development to protect I-1 zoned land for industrial usage. The following viewpoints have been expressed on this issue:

A. Limit office development - Because of the pyramiding nature of the current and new zoning ordinances, land which is well located for industrial use with adequate roads, water, sewer and other infrastructure is often developed for office or business use. The 300,000 square foot limit was selected because office development in excess of this number creates traffic and other impacts similar to a 100,000 square foot shopping center. The new zoning ordinance restricts the amount of non-industrial development in an attempt to preserve land for future industrial use which is generally regarded as in short supply. Any existing office development in the I-1 could seek a rezoning to office or business classification for future expansion. (Planning Committee).

B. Higher limit on office development - The 300,000 square foot limit unfairly restricts existing office developments in the I-1 zoning district with future plans of expansion. Perhaps a higher limit such as 400,000 square feet should be established in the I-1 district to accomodate existing uses. (Royal Insurance).

C. Eliminate office limit - The office limit of 300,000 square feet in the I-1 district presents several problems. First, the limit negatively affects existing corporate citizens who may have office operations in the the I-1 district and have future expansion plans. Second, office developments sometimes have relationships with industrial operations as in the case where a manufacturing plant is located in close proximity to a corporate headquarter. Lastly, office and industrial are also good neigborhoods. This has been proven by mixed office and industrial uses in our local business parks.

PLANNING COMMISSION RECOMMENDATION: Jim Thomasson motioned to limit office development in the I-1 district to 300,000 square feet. Sara Spencer seconded the motion. The motion passed 4 to 2.

Vote: Yeas (Emory, Fenning, Spencer and Thomasson)
Nays (Lassiter and Tabor)

PLANNING STAFF COMMENT: The Planning Staff concurrs with this recommendation.

Bibliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, page 13.

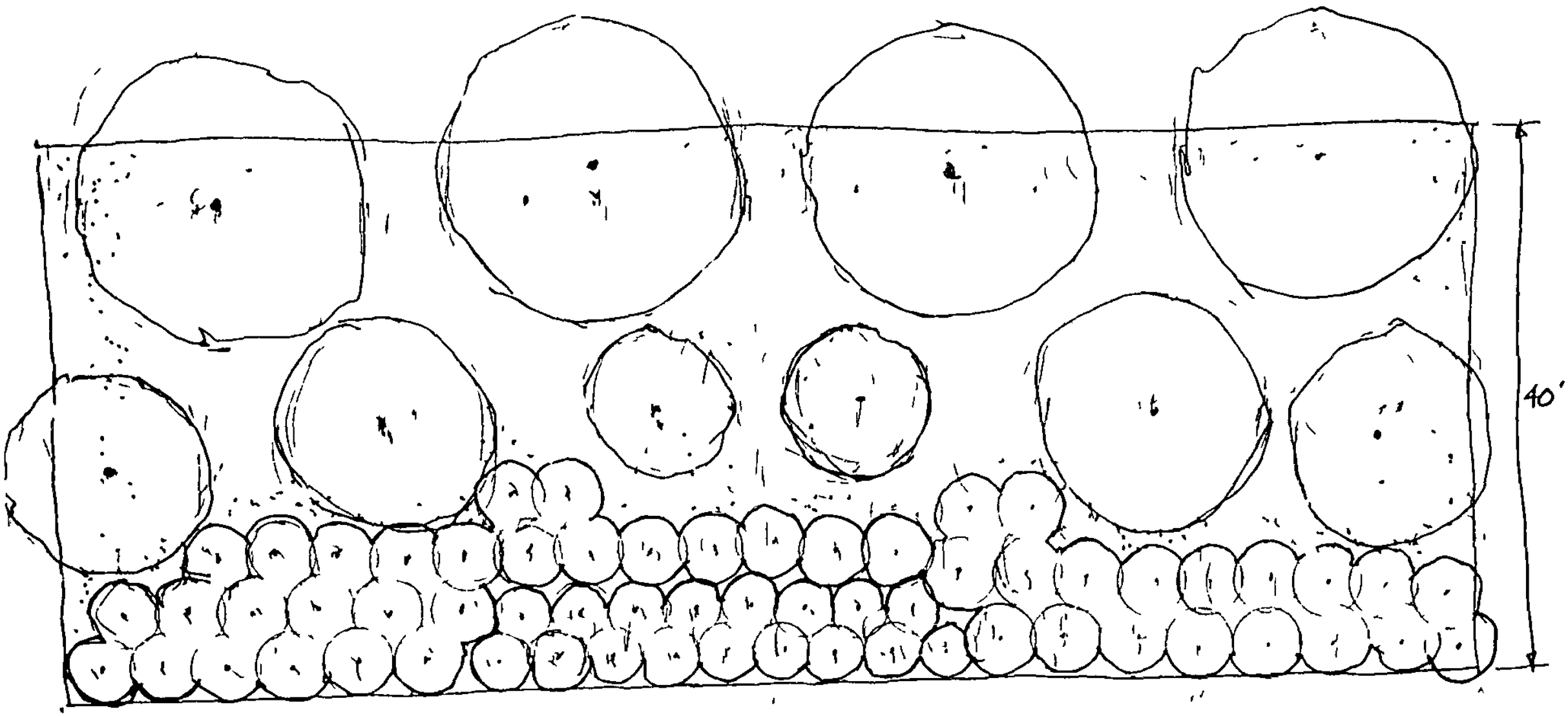
Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990, page 20.

CHAMBER OF COMMERCE BUFFER CHART RECOMMENDATION

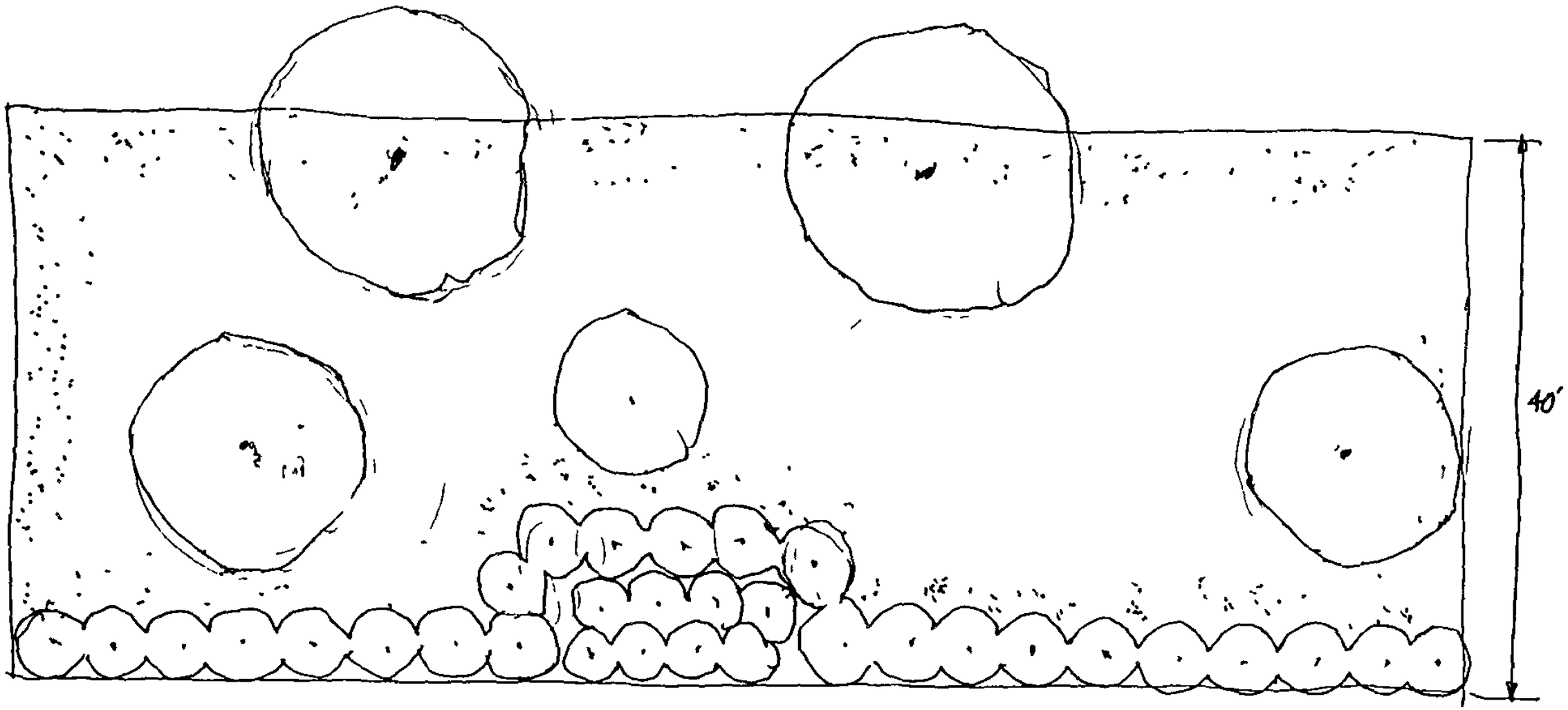
(New Zoning Ordinance Recommendations for Buffers in parentheses)

Illustrates the contrasting proposal for Class A buffer.

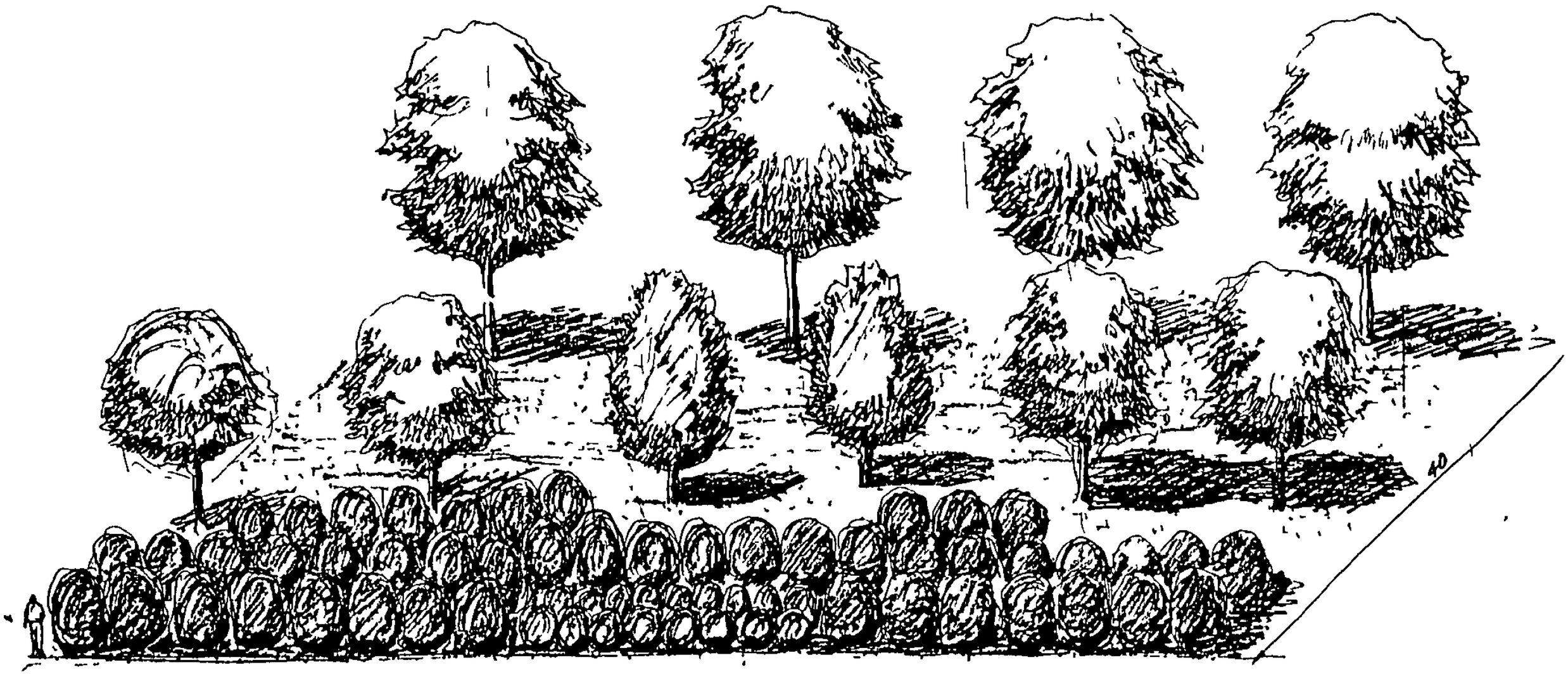
ACRES (more than)	(up to)	WIDTH (feet)	TREES (per 100 ft.)		SHRUBS (per 100 ft)	
			Chamber	Planning	Chamber	Planning
0 -	0.5	40	5	(10)	32	(64)
0.5 -	1.0	43	5	(11)	35	(69)
1.0 -	1.5	46	5	(12)	38	(74)
1.5 -	2.0	49	6	(12)	41	(78)
2.0 -	2.5	52	6	(12)	44	(80)
2.5 -	3.0	55	6	(12)	47	(80)
3.0 -	3.5	58	7	(12)	50	(80)
3.5 -	4.0	61	7	(12)	53	(80)
4.0 -	4.5	64	7	(12)	55	(80)
4.5 -	5.0	67	8	(12)	58	(80)
5.0 -	5.5	70	8	(12)	61	(80)
5.5 -	6.0	73	8	(12)	64	(80)
6.0 -	6.5	76	9	(12)	67	(80)
6.5 -	7.0	79	9	(12)	70	(80)
7.0 -	7.5	82	9	(12)	73	(80)
7.5 -	8.0	85	10	(12)	73	(80)
8.0 -	8.5	88	10	(12)	76	(80)
8.5 -	9.0	91	10	(12)	79	(80)
9.0 -	9.5	94	11	(12)	79	(80)
9.5 -	10.0	97	11	(12)	80	(80)
10.0	(no limit)	100	12	(12)	80	(80)



CMPC A CLASS BUFFER - MIN WIDTH 40' 10 TREES 64 SHRUBS/100'
4 LARGE MATURING TREES
6 SMALL MATURING TREES



CHAMBER A CLASS BUFFER MIN WIDTH 40' 5 TREES, 32 SHRUBS/100'



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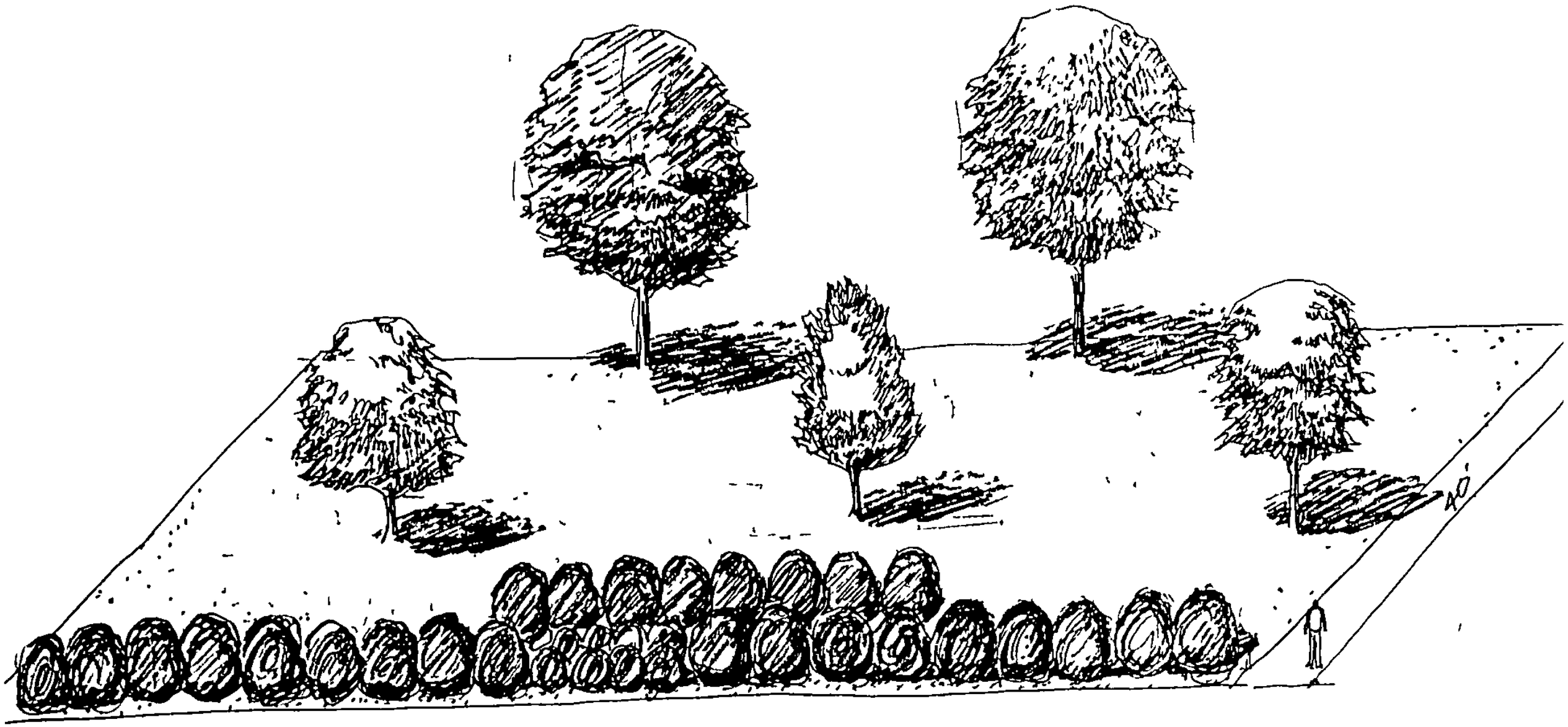
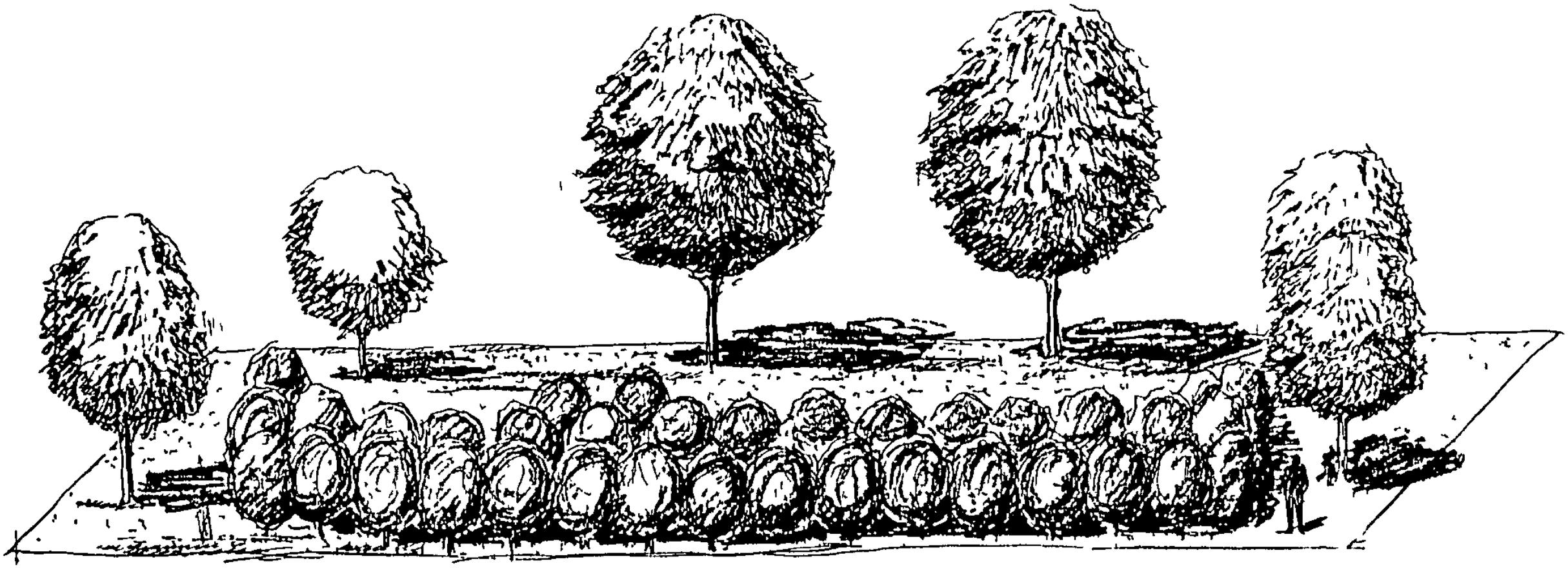
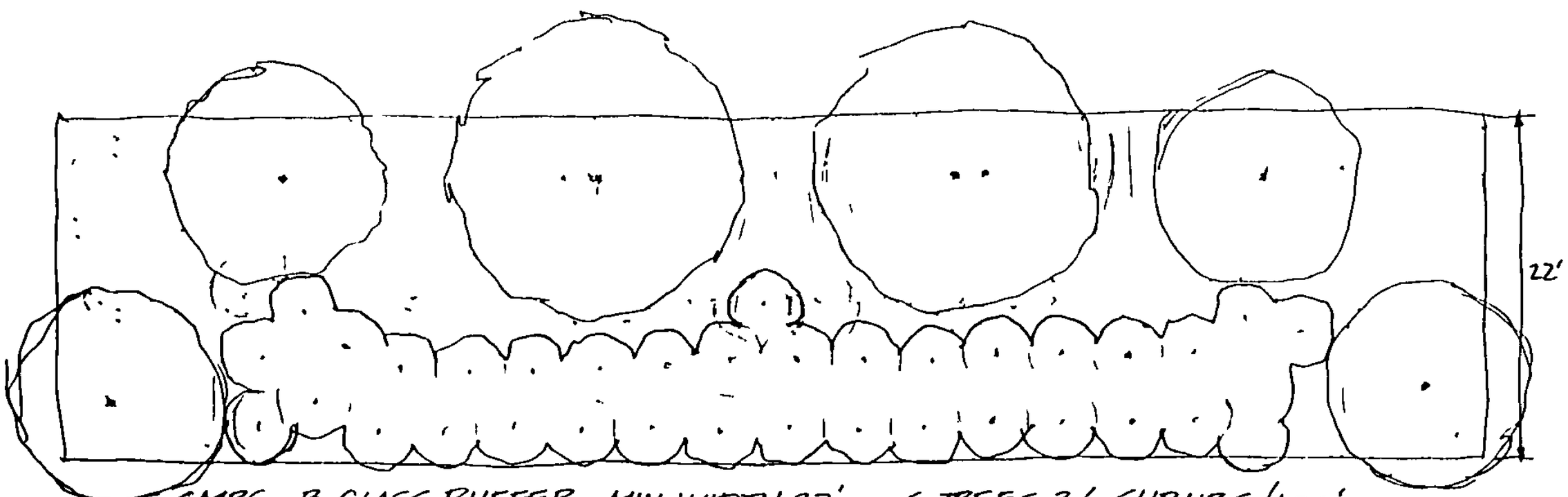
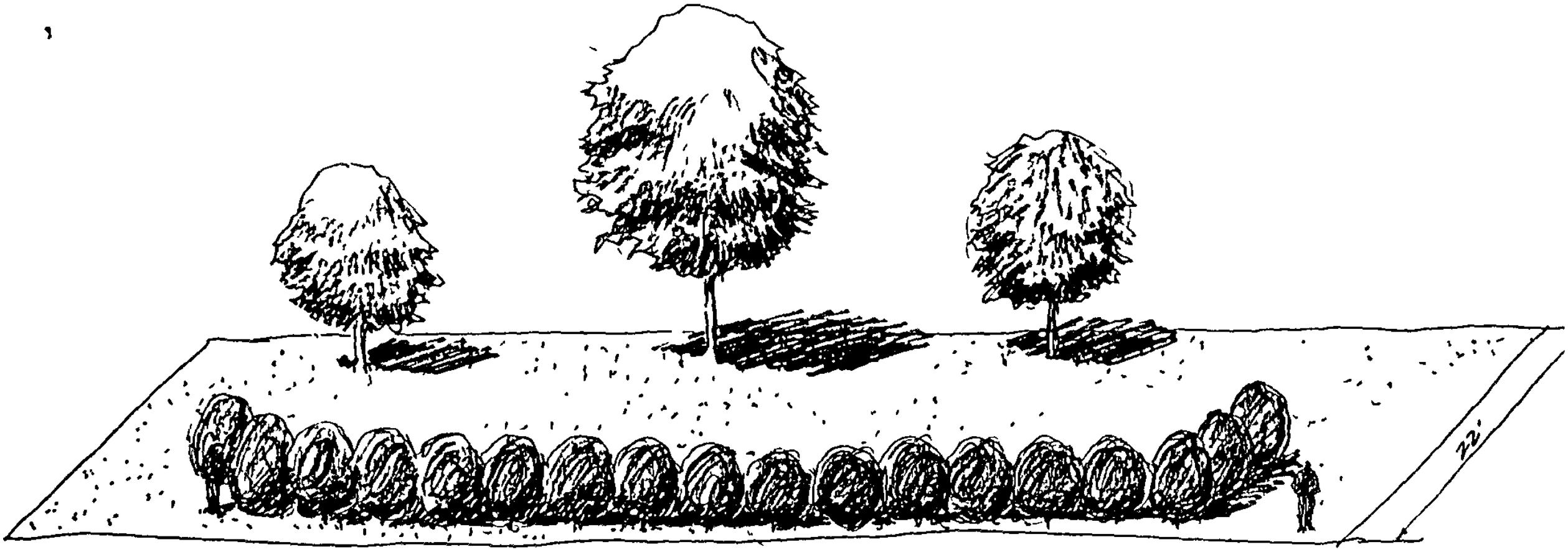


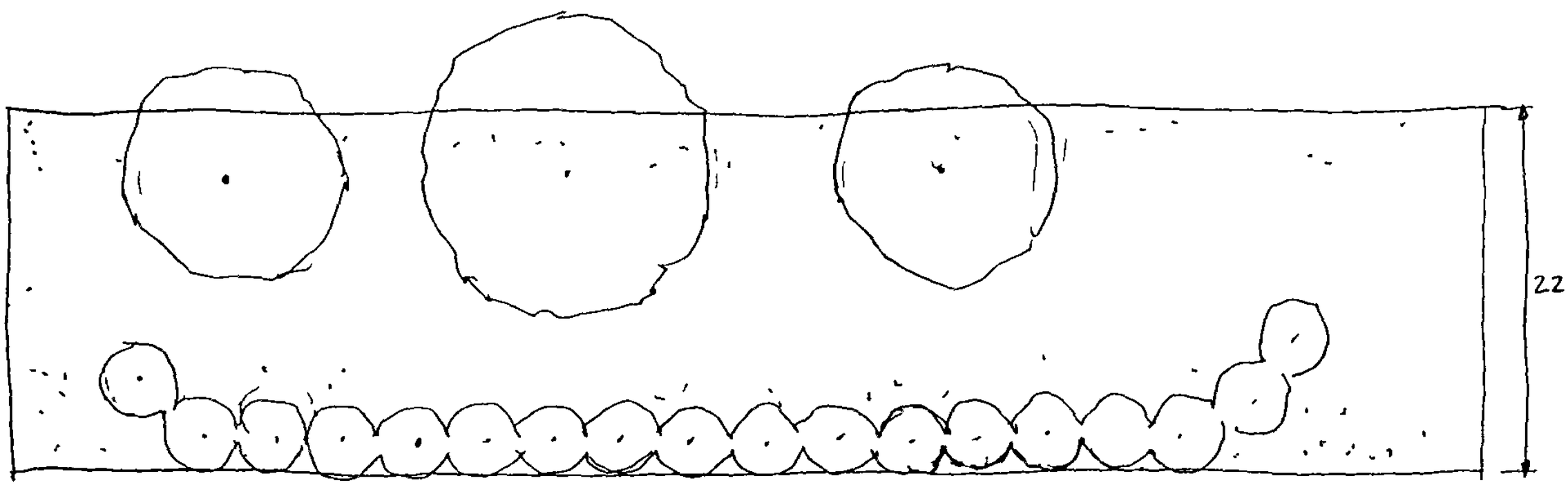
CHAMBER A CLASS BUFFER - MIN WIDTH 40' 5 TREES, 32 SHRUBS/100'



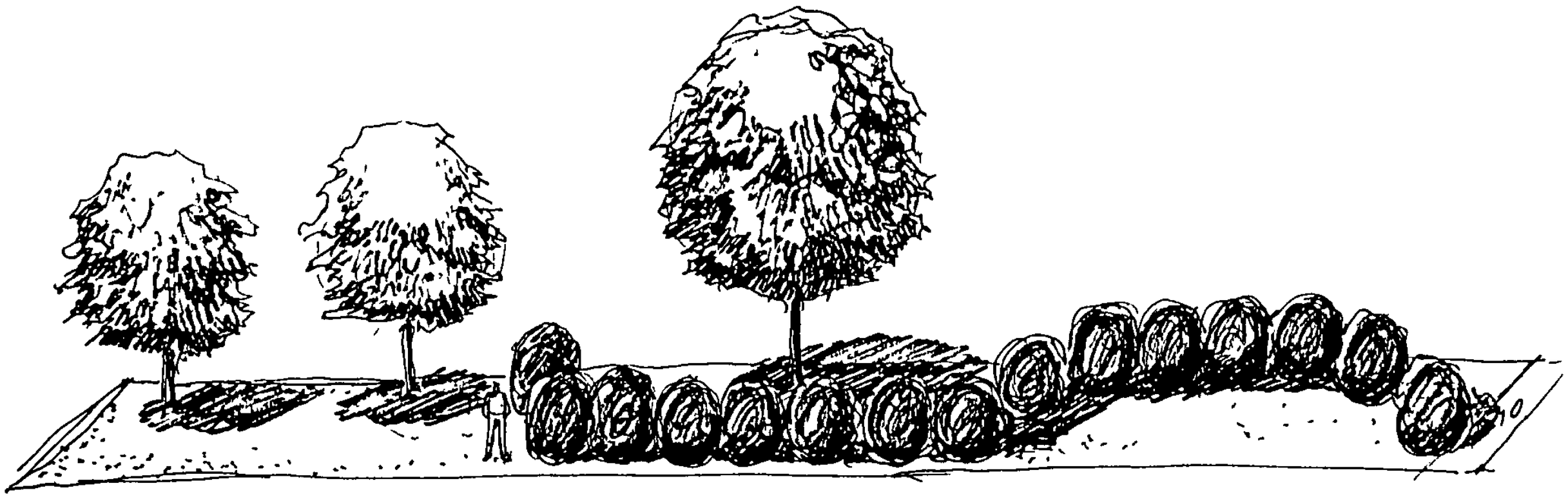


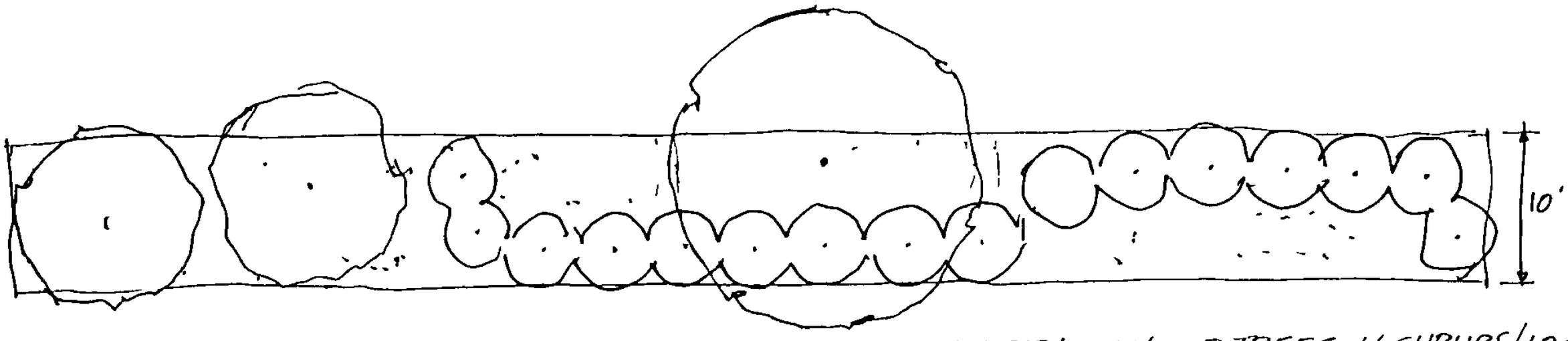
CMPC B CLASS BUFFER - MIN WIDTH 22' 6 TREES, 36 SHRUBS/100'
2 LARGE MATURING TREES 4 SMALL MATURING





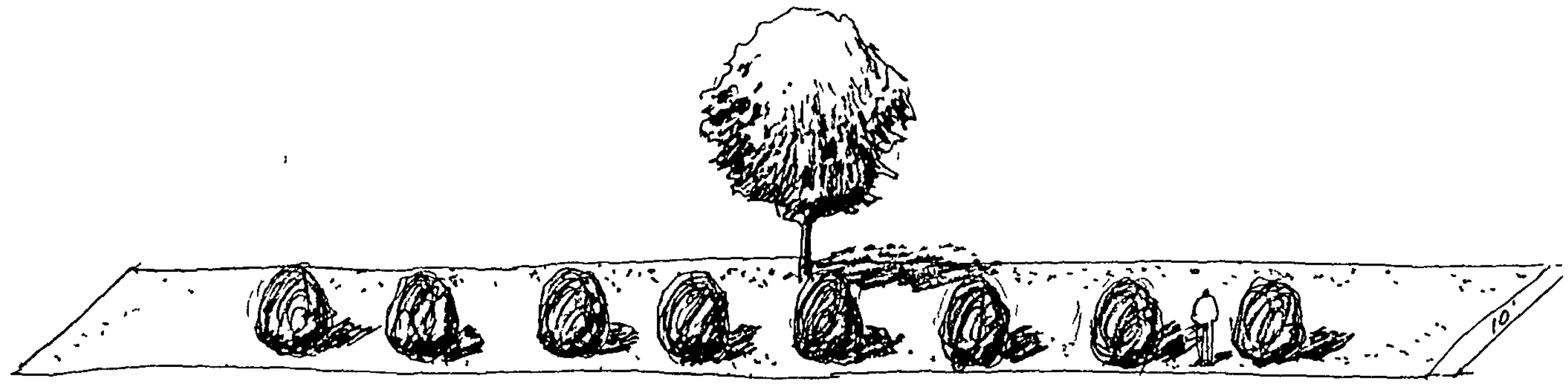
CHAMBER B CLASS BUFFER MIN WIDTH 22' 3 TREES, 18 SHRUBS/100'

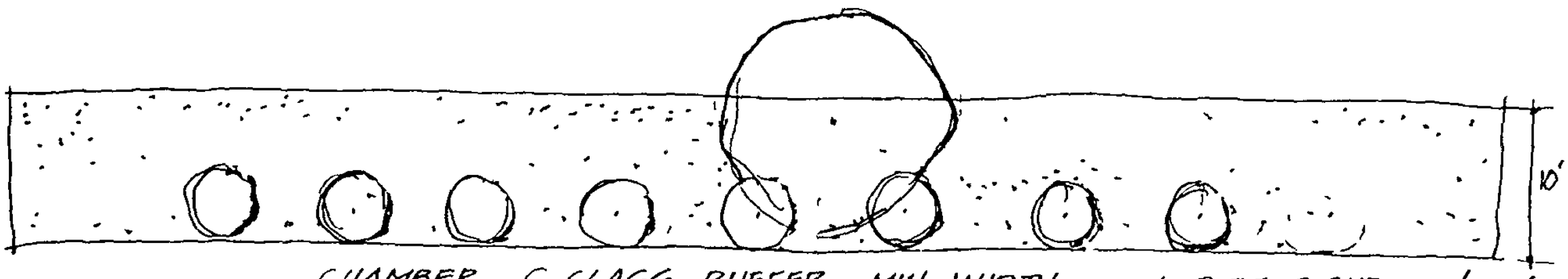




CMPC C CLASS BUFFER - MINIMUM WIDTH - 10'

3 TREES, 16 SHRUBS/100'
2 SMALL MATURING TREES
1 LARGE MATURING TREE





CHAMBER- C CLASS BUFFER- MIN WIDTH 1 TREE, 8 SHRUBS/100'

CHAMBER OF COMMERCE BUFFER CHART RECOMMENDATION

(New Zoning Ordinance Recommendations for Buffers in parentheses)

Illustrates the contrasting proposal for Class A buffer.

ACRES (more than)	(up to)	WIDTH (feet)	TREES (per 100 ft.)		SHRUBS (per 100 ft)	
			Chamber	Planning	Chamber	Planning
0 -	0.5	40	5	(10)	32	(64)
0.5 -	1.0	43	5	(11)	35	(69)
1.0 -	1.5	46	5	(12)	38	(74)
1.5 -	2.0	49	6	(12)	41	(78)
2.0 -	2.5	52	6	(12)	44	(80)
2.5 -	3.0	55	6	(12)	47	(80)
3.0 -	3.5	58	7	(12)	50	(80)
3.5 -	4.0	61	7	(12)	53	(80)
4.0 -	4.5	64	7	(12)	55	(80)
4.5 -	5.0	67	8	(12)	58	(80)
5.0 -	5.5	70	8	(12)	61	(80)
5.5 -	6.0	73	8	(12)	64	(80)
6.0 -	6.5	76	9	(12)	67	(80)
6.5 -	7.0	79	9	(12)	70	(80)
7.0 -	7.5	82	9	(12)	73	(80)
7.5 -	8.0	85	10	(12)	73	(80)
8.0 -	8.5	88	10	(12)	76	(80)
8.5 -	9.0	91	10	(12)	79	(80)
9.0 -	9.5	94	11	(12)	79	(80)
9.5 -	10.0	97	11	(12)	80	(80)
10.0	(no limit)	100	12	(12)	80	(80)

CHAMBER OF COMMERCE BUFFER CHART RECOMMENDATION

(New Zoning Ordinance Recommendations for Buffers in parentheses)

Illustrates the contrasting proposal for Class B buffer.

ACRES (more than) (up to)	WIDTH (feet)	TREES (per 100 ft.)		SHRUBS (per 100 ft.)	
		Chamber	Planning	Chamber	Planning
0 - 0.5	22	3	(6)	18	(36)
0.5 - 1.0	25	3	(7)	20	(40)
1.0 - 1.5	27	3	(8)	22	(44)
1.5 - 2.0	30	4	(8)	25	(49)
2.0 - 2.5	33	4	(10)	28	(53)
2.5 - 3.0	36	4	(10)	31	(57)
3.0 - 3.5	38	5	(11)	34	(60)
3.5 - 4.0	41	5	(11)	37	(60)
4.0 - 4.5	43	5	(11)	40	(60)
4.5 - 5.0	46	6	(11)	43	(60)
5.0 - 5.5	49	6	(11)	46	(60)
5.5 - 6.0	51	6	(11)	49	(60)
6.0 - 6.5	54	7	(11)	52	(60)
6.5 - 7.0	57	7	(11)	55	(60)
7.0 - 7.5	59	7	(11)	58	(60)
7.5 - 8.0	62	8	(11)	60	(60)
8.0 - 8.5	65	8	(11)	60	(60)
8.5 - 9.0	67	8	(11)	60	(60)
9.0 - 9.5	70	10	(11)	60	(60)
9.5 -10.0	72	10	(11)	60	(60)
10.0 (no limit)	75	11	(11)	60	(60)

CHAMBER OF COMMERCE BUFFER CHART RECOMMENDATION

(New Zoning Ordinance Recommendations for Buffers in parentheses)

Illustrates the contrasting proposal for Class C buffer.

ACRES (more than) (up to)	WIDTH (feet)	TREES (per 100 ft.)		SHRUBS (per 100 ft.)	
		Chamber	Planning	Chamber	Planning
0 - 0.5	10	1	(3)	8	(16)
0.5 - 1.0	12	2	(4)	9	(19)
1.0 - 1.5	14	2	(5)	11	(22)
1.5 - 2.0	16	3	(6)	13	(26)
2.0 - 2.5	18	3	(6)	14	(29)
2.5 - 3.0	20	3	(7)	16	(32)
3.0 - 3.5	22	4	(7)	17	(35)
3.5 - 4.0	24	4	(9)	19	(38)
4.0 - 4.5	26	4	(9)	20	(40)
4.5 - 5.0	28	5	(9)	22	(40)
5.0 - 5.5	30	5	(9)	24	(40)
5.5 - 6.0	32	5	(9)	26	(40)
6.0 - 6.5	34	6	(9)	28	(40)
6.5 - 7.0	36	6	(9)	30	(40)
7.0 - 7.5	38	6	(9)	32	(40)
7.5 - 8.0	40	7	(9)	34	(40)
8.0 - 8.5	42	7	(9)	36	(40)
8.5 - 9.0	44	7	(9)	38	(40)
9.0 - 9.5	46	8	(9)	40	(40)
9.5 - 10.0	48	8	(9)	40	(40)
10.0 - (no limit)	50	9	(9)	40	(40)

CHARLOTTE-MECKLENBURG
PLANNING COMMISSION

INTER-OFFICE COMMUNICATION

RECEIVED
MAR 28 1991
OFFICE OF CITY CLERK

DATE March 28, 1991

TO Mayor Sue Myrick and
Members of City Council

FROM Martin R. Cramton, Jr.
Planning Director

SUBJECT: City Council Zoning Ordinance Decision Workshop - April 3, 1991

Enclosed you will find an agenda and decision minutes for your next workshop on the new zoning ordinance. The workshop is scheduled for Wednesday, April 3, 1991 at 5:00 P.M. in the Conference Center at the Charlotte-Mecklenburg Government Center.

This is our last scheduled workshop and we have a number of activities to accomplish which are outlined in the agenda. We will begin our discussion in Chapter 12: Development Standards of General Applicability with a review of the Buffer issue on page 35 of the Decision Document. Also, please review the technical changes document we provided to identify any technical changes you would like for the entire Council to review.

If you have any questions about the upcoming workshop or need any resource materials, please call me or Stanley Watkins at 336-2205. I will look forward to seeing you next Wednesday.

Attachment

MRCJr./SDW:sdw

cc. Planning Commission
Del Borgsdorf, Assistant City Manager
Henry Underhill, Jr., City Attorney
Brenda Freeze, Deputy City Clerk

CITY COUNCIL WORKSHOP
ON
NEW ZONING ORDINANCE

Wednesday, April 3, 1991
Conference Center
Charlotte-Mecklenburg Government Center

AGENDA

I. Chapter Reviews - Chapter 12, Map Conversion Process and Technical Changes

Chapter 12: Development Standards of General Applicability

o Intensity of Plantings in Buffers - page 35
o Stormwater Drainage - page 39
o Yard Requirements abutting residential districts - page 41

Zoning District Conversion

o Institutional District Conversion - page 44 (yellow sheet)

Technical Changes Document

II. Cost of Implementation and Administration of the New Zoning Ordinance

III. Action on Ordinance Adopting the New Ordinance and Map Conversion

o Act on consensus decisions (new ordinance and map conversion)
o Set new ordinance effective date (Recommend January 1, 1992)
o Rezonings - Transition between old and new ordinances
o Text Amendments - Transition between old and new ordinances

DECISION MINUTES

CITY COUNCIL WORKSHOP DECISIONS ON NEW ZONING ORDINANCE

March 27, 1991

The following is a summary of the decision minutes from the Planning Commission.

PRESENT: Mayor Myrick, Dan Clodfelter, Ann Hammond, Tom Mangum, Hoyle Martin, Roy Matthews, Pat McCrory, Cyndee Patterson, Ella Scarborough, Richard Vinroot.

ABSENT: Stanley Campbell, Lynn Wheeler.

CHAPTERS 9, 10, 11, AND 12

COMMENTS:

- o Use requirement will offset the flexibility that is provided through pyramiding by providing protection for higher class uses, such as single family.

DECISION: CONSENSUS THAT DEVELOPMENT STANDARDS SHOULD BE ESTABLISHED FOR THE MOST PART BASED ON THE ADJOINING LAND USE.

CHAPTER 9: GENERAL DISTRICTS
Section 9.1102 (46). Uses Permitted By Right

COMMENTS:

- o Protection must be provided as needed between mixed uses.
- o Need to identify existing single user facilities in the Industrial district that would be unable to expand if a limit is placed on office development and remap these areas.
- o Charlotte-Mecklenburg should be flexible on this provision in order to attract and allow service type industry in the area.
- o Suggests that the amount of office development allowed be geared to the size of the site.
- o Placing a 300,000 sq. ft. limit in the I-1 district is a modest limitation and means of preventing industrial land from being used up by office uses.
- o Distinguish between principal and accessory uses, and make the square foot limit apply to principal uses.

DECISION: THERE WAS CONSENSUS TO REMOVE THE LIMIT ON OFFICE DEVELOPMENT IN THE I-1 DISTRICT FROM THE NEW ORDINANCE FOR THE PRESENT AND HAVE STAFF COME BACK WITH A TEXT AMENDMENT AT A LATER DATE TO ADDRESS THE ISSUE.

CHAPTER 9: GENERAL DISTRICTS
Sections 9.302 and 9.303 (17).

(Planned Multi-family)

COMMENTS:
- o Need to pay special attention to the special circumstances of infill development.

DECISION: CONSENSUS TO ESTABLISH 12 DWELLING UNITS AS THE MAXIMUM REQUIREMENT IN A SINGLE BUILDING BEFORE PLANNED MULTI-FAMILY REVIEW IS REQUIRED.

CHAPTER 9: GENERAL DISTRICTS
Sections 9.505, 9.605, 9.705, 9.805 and 9.1105

(Development Standards)

COMMENTS:
- o Favor a fifty percent (50%) increase. Need to do as much as possible to encourage the building of parking decks instead of having parking areas spread out on the ground.

DECISION: CONSENSUS TO ACCEPT A FIFTY PERCENT (50%) CREDIT FOR PARKING DECK CONSTRUCTION.

CHAPTER 9: GENERAL DISTRICTS
Section 9.805 (1) (a)

(Development Standards for Business Districts)

COMMENTS:
- o The B-D district is useless and hard to understand. It is too narrowly defined and is not as flexible as the Industrial or Business Park districts. The B-D district should be eliminated.

DECISION: CONSENSUS TO LEAVE THE B-D DISTRICT IN THE ORDINANCE AND ESTABLISH A F.A.R. OF .70. THE STAFF WILL REVIEW THIS DISTRICT AND MAKE A RECOMMENDATION ON WHETHER IT IS NEEDED IN THE ZONING ORDINANCE.

CHAPTER 11: SPECIAL PURPOSE DISTRICTS
Section 11.206 (2)

(Density Limitations)

DECISION: CONSENSUS TO LIMIT THE DENSITY IN EACH PHASE OF A MULTI-PHASE PROJECT.

ACTIONS OF THE CITY COUNCIL AND THE BOARD OF COMMISSIONERS ON THE NEW ZONING ORDINANCE AS OF APRIL 2, 1991

The following is a summary of the consensus decisions from the City Council and Board of Commissioners workshops held thus far on the new zoning ordinance

	CITY COUNCIL	COUNTY COMMISSION
CHAPTER 1: PURPOSE AND APPLICABILITY		
ISSUE: Amendment of Zoning Maps (Section 1 104)		
DECISION: Consensus to add the additional language	✓	✓ VOTE 7 - 0
CHAPTER 3: DECISION-MAKING AND ADMINISTRATIVE BODIES		
ISSUE: Consolidation of the City and County Boards of Adjustment (Section 3 301)		
DECISION: Consensus for consolidation of City and County Boards of Adjustment	✓	✓ VOTE 7 - 0
CHAPTER 6: AMENDMENTS		
ISSUE: Initiation of amendment for Special Purpose Districts (Section 6 103)		
DECISION: Consensus on changing Special Purpose Districts to Conditional Districts.	✓	✓ VOTE 7 - 0
ISSUE: Third party rezonings (Former Section 6 107)		
DECISION. Consensus on keeping a direct application	✓	
DECISION: Consensus on requiring the extra-step application		✓ VOTE 7 - 0
ISSUE: Requirements for Traffic Impact Study (Section 6 203)		
DECISION: Consensus to make traffic impact studies mandatory	✓	
DECISION: Maintain the current voluntary procedure for traffic impact studies.		✓ VOTE 7 - 0

	CITY COUNCIL	COUNTY COMMISSION
ISSUE: Standards for Traffic Impact Study (Section 6 203) **DECISION:** Consensus to adopt the 2,500 average annual daily traffic generation or any increase in traffic on an adjacent street by 10% as recommended by C-DOT and to amend the existing language to include the administrative flexibility to waive portions or reduce the scope of study as well as to waive the study in its entirety.	✓	NA
ISSUE: Action of Governing Bodies (Section 6 110) **DECISION:** Consensus to retain the list of criteria **DECISION:** Consensus to delete the list of criteria	✓	✓ VOTE 7 - 0
ISSUE: Withdrawl of rezoning petitions (Section 6 107) **DECISION:** Consensus to allow withdrawals after public hearings at City Council's discretion **DECISION:** Consensus to allow withdrawals after a public hearing, if there are substantial circumstances favoring the withdrawal	✓	✓ VOTE 7 - 0
ISSUE: Effect of denial of petition (Section 6 111) **DECISION:** Consensus to consider changes in conditions within control of the petitioner	✓	✓ VOTE 7 - 0
ISSUE: Three year review (Section 6 208) **DECISION:** Consensus for discretionary review.	✓	✓ VOTE 7 - 0
ISSUE: Zoning Protest Petitions (Section 6 112) **DECISION:** Consensus to not extend protest petitions to the County	NA	✓ VOTE 7 - 0

	CITY COUNCIL	COUNTY COMMISSION
CHAPTER 7: NONCONFORMITIES		
ISSUE: Rebuilding nonconforming structures (Section 7 103 (7) (8) & 7 104 (3))		
DECISION: Consensus to allow rebuilding under the current ordinance standard	✓	✓ VOTE 7 - 0
ISSUE: Replacement of mobile home units (Section 7 103 (9))		
DECISION: Consensus to allow replacement of mobile home units	✓	
DECISION: Deferred on this issue		✓ VOTE 7 - 0
CHAPTER 9: GENERAL DISTRICTS		
ISSUE: R-1 and R-2 Districts (Section 9 201 - 9 205)		
DECISION: Consensus to retain the R-1 district as an overlay, and eliminate the R-2 district	✓	✓ VOTE 7 - 0
CHAPTERS 9, 10, 11 AND 12		
ISSUE: Development Standards		
DECISION: Consensus that development standards should be established for the most part based on the adjoining land use	✓	
DECISION: Standards should be established based on the adjoining zoning district		✓ VOTE 5 - 2
CHAPTER 9: GENERAL DISTRICTS		
ISSUE: By-right traffic impact studies (Sections 9 603, 9 703, 9 803)		
DECISION: No consensus was reached on this issue	✓	
DECISION: Consensus to not require by-right traffic impact studies		✓ VOTE 7 - 0

	CITY COUNCIL	COUNTY COMMISSION
ISSUE: Limit on office in I-1 district (Section 9 1102)		
DECISION: Consensus to remove the limit on office development in the I-1 district from the new ordinance for the present and have staff come back with a text amendment at a later date to address the issue	✓	
DECISION: Eliminate the standard of limiting the amount of office development in the industrial district		✓ VOTE 7 - 0
ISSUE: Planned multi-family (Section 9 302 & 9 303)		
DECISION: Consensus to establish 12 dwelling units as the maximum requirement in a single building before planned multi-family review is required	✓	✓ VOTE 6 - 1
ISSUE: Floor area ratio credit for parking decks (Sections 9 505, 9 605, 9 705, 9 805 & 9 1105)		
DECISION: Consensus to accept a fifty percent (50%) credit for parking deck construction	✓	✓ VOTE 7 - 0
ISSUE: B-D district floor area ratio (Section 9 805)		
DECISION: Consensus to lave the B-D district in the ordinance and establish a F A R of 70 (City only The staff will review the need for this district and make a recommendation at a future date)	✓	✓ VOTE 5 - 2
CHAPTER 11: SPECIAL PURPOSE DISTRICTS		
ISSUE: MX district density limitations (Section 11 206)		
DECISION: Consensus to limit the density in each phase of a multi-phase project	✓	✓ VOTE 7 - 0
ZONING DISTRICT CONVERSION		
ISSUE: Hospitals		
DECISION: Consensus for Planning Commission's suggestion to convert all hospitals to O-2 designation and the Planning Commission should initiate a rezoning for Presbyterian Hospital to O-3 to coincide as close as possible with the effective date	✓	NA

MECKLENBURG COUNTY

Charlotte-Mecklenburg
Building Standards Department

March 26, 1991

MEMORANDUM

TO: Martin R. Cramton, Jr.
Planning Director

FROM: E. L. Woods
Director

SUBJECT: COSTS RELATED TO IMPLEMENTING PROPOSED ZONING ORDINANCE

In accordance with your request of March 12, 1991, I have enclosed the following:

- Attachment 1 - Revised costs for implementation of Zoning Ordinances.
- Attachment 2 - Annual workload and staffing for Zoning Division from 1983 through 1990.

I hope this will provide the information requested by the City Council I feel it would also be helpful for the Council to have data regarding the amount of land annexed and the growth in population during these same years. In addition, you may want to provide Council with the annual volume of requests for rezoning, special and conditional uses

If you have any questions or need any additional information, please contact Sam Liner or me.

Attachments

cc: Wanda Towler, Assistant County Manager
Del Borgsdorf, Assistant City Manager
Sam Liner
Sam Leggett
Robert Brandon

sj/623-SSS

700 North Tryon Street • PO Box 31097 • Charlotte North Carolina 28231 1097 • (704) 336-2831

ATTACHMENT #1

COSTS ASSOCIATED WITH IMPLEMENTATION OF THE NEW ORDINANCE

REVISED MARCH 19, 1991

NUMBER	POSITION	FIRST YEAR COSTS**	SECOND YEAR COSTS
1	Assistant Zoning Administrator	$ 20,274.00	$ 27,674.00
2*	Zoning Inspector @ $23,111	$ 35,555.00	$ 48,532.00

*(Note: Two of these are previously identified in " '89/'90 Five Year Needs Assessment" to implement the proposed ordinance).

1	Zoning Technician	$ 14,284.00	$ 19,498.00
1	Office Assistant IV	12,420.00	16,953.00
1	Plans Reviewer	23,182.00	31,640.00
1	Attorney	30,820.00	42,069.00
	SUBTOTAL	**$136,535.00**	**$186,366.00**
	Fringe (@ .2297)	31,362.00	42,808.00

**(Note: 1st Year Cost based on 20 pay periods).

	Total Personnel Costs	**$167,897.00**	**$229,174.00**
(3)	Automobiles, Vehicle Maintenance & Automobile Allowance	$ 36,450.00	$ 14,160.00
(3)	Radios	5,592.00	720.00
(7)	Telephones (@ $300)	2,100.00	1,680.00
(7)	Training	4,250.00	2,800.00
(7)	Office Equipment and Furniture	13,500.00	
(3)	PCs/Software/Printers	24,800.00	
(7)	Supplies (@ $300)	2,100.00	1,400.00
	TOTAL	**$256,689.00**	**$249,934.00**

psh/607-L/4.

CHARLOTTE - MECKLENBURG
BUILDING STANDARDS DEPARTMENT

ZONING WORKLOAD/STAFFING

YEAR	PERMITS ISSUED *	INSPECT-IONS	PLANS REVIEWED	CITY ZBA CASES	COUNTY ZBA CASES	ZONING STAFF	PLAN REVIEWERS
1983	5887 **	2130 **	N/A	53	46	9	0
1984	12287	2931	N/A	75	43	8	1
1985	13717	5802	N/A	73	25	8	1
1986	13769	5791	1864	62	39	8	1
1987	14831	6688	2100	71	42	9	1
1988	15186	5880	2395	112	51	10	2
1989	14782	8338	2073	102	53	10	2
1990	14195	6886	2036	92	37	10	2

* Includes single-family, building, signs, zoning, mobile homes, and change of use permits issued in Charlotte, Mecklenburg County and the 5 towns which require zoning review and approval

** Statistics represent July through December only.

N/A = Not Available - Plan review tracking system not developed

The above information excludes the work involved in·

- Responding to over 25,000 telephone inquiries annually;
- Maintaining one set each of zoning and tax parcel books;
- Attending special meetings with 5 small towns.

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FACSIMILE 704 556 9601

FILE NUMBER

DIRECT DIAL

March 27, 1991

VIA HAND DELIVERY

The Honorable Sue Myrick, Mayor
City of Charlotte
600 East Fourth Street
Charlotte, North Carolina 28202

RE: Draft Zoning Ordinance Section 9.1102(46)

Dear Mayor Myrick:

This firm represents Hoechst Celanese Corporation. I am writing in anticipation of the March 27, 1991 zoning workshop to inform you and members of the City Council of Hoechst Celanese's concerns over the effect of proposed Section 9.1102(46) on its Dreyfus Research Park facility on Archdale Drive in Charlotte. Section 9.1102(46) would restrict office development in I-1 districts to a maximum of 300,000 square feet.

Hoechst Celanese understands that the purpose of this Section is to preserve industrially zoned land in the City for industrial use. While we agree with this general intent, Hoechst Celanese believes that it can be accomplished without setting an absolute limit on all office development within all I-1 lots.

As the Chamber of Commerce has noted in its response document, Section 9.1102(46) would render many existing uses nonconforming. Hoechst Celanese's long-range plans for its Dreyfus Research Park facility could involve construction of additional office space. The Company is currently consolidating various corporate headquarters, and would like to have the flexibility of doing so in Charlotte at its Dreyfus facility (which would obviously be to the City's direct benefit) without encountering inappropriate zoning restrictions. Such potential expansion would prove untenable if Section 9.1102(46) were adopted in its present form. The Dreyfus facility is located on a very large lot (120.17

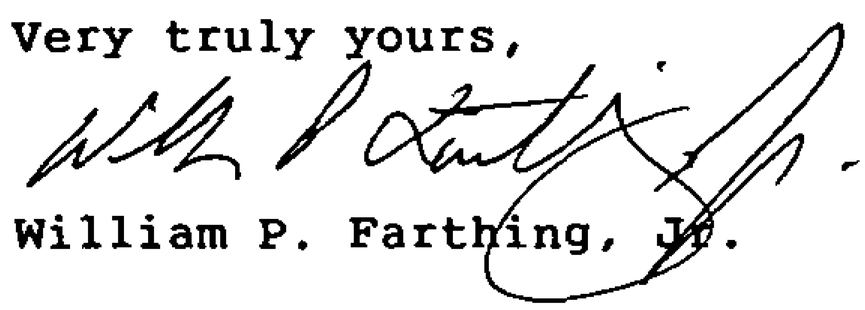
acres). By setting an absolute number of square feet of office development per lot, Section 9.1102(46) fails to take into account differences between I-1 zoned lots. Hoechst Celanese may support amending the requirement to allow a reasonable amount of office space tied to the size of the lot in question, but an arbitrary limit of office space to 300,000 square feet for a 120 acre lot appears to us to be inappropriate.

Hoechst Celanese also believes that large-scale office uses are appropriate in some industrial districts. The Dreyfus Research Park facility is surrounded by residentially zoned districts. We believe that low intensity office development mixed with light industrial uses constitutes the least disruptive use of our land on the adjoining neighborhood. Hoechst Celanese does not want to see the adoption of an ordinance provision that would allow no expansion other than industrial uses in this situation.

Hoechst Celanese along with the Chamber of Commerce urges the City Council to eliminate the square footage requirements from Section 9.1102(46), or in the alternative to modify it to allow more office space on larger lots, or lots adjacent to residential zones. While industrial land should be preserved for industrial uses in general, a blanket prohibition such as that contained in Section 9.1102(46) does not take into account the great differences between I-1 zoned lots in Charlotte.

Thank you for your time and consideration. Please advise should you or any Council member have any questions concerning this correspondence.

Very truly yours,



William P. Farthing, Jr.

WPFjr/JMC/sjs:P170

cc: Charlotte City Council Members
Catherine Huidekoper, Esq.

CHARLOTTE-MECKLENBURG
PLANNING COMMISSION

INTER-OFFICE COMMUNICATION

DATE February 28, 1991

TO Mayor Sue Myrick and
Members of City Council

FROM Martin R. Cramton, Jr.
Planning Director

SUBJECT City Council New Zoning Ordinance Decision Workshops

Enclosed you will find an agenda and a Decision Document for the first City Council workshop on the new zoning ordinance which is scheduled for Wednesday, March 6, 1991 at 5:00 P.M. in the Conference Center at the Charlotte-Mecklenburg Government Center. The purpose of these workshops is to make final decisions on adopting the new zoning ordinance.

It is important that you take a moment to review the introduction section of the Decision Document which tells how the document is organized and perhaps more importantly, indicates various other resource documents you might want to review in preparation for the workshops. Many of the resource documents such as copies of the Planning Commission's Recommended Zoning Ordinance and the Planning Committee recommendations for the new zoning ordinance have been previously sent to you. However, if you need a copy of any resource document please contact Stanley Watkins on my staff at 336-2205.

For your information, I have listed below the workshop calendar you have adopted.

DATE	TIME	PLACE
Wednesday, March 6, 1991	5:00 P.M.	Conference Center
Wednesday, March 20, 1991	5:00 P.M.	Conference Center
Wednesday, March 27, 1991	5:00 P.M.	Conference Center
Wednesday, April 3, 1991	5:00 P.M.	Conference Center

If you have any questions about the workshops, please call me. I will look forward to seeing you next Wednesday.

MRCJr./SDW:sdw

cc. Planning Commission
Del Borgsdolf, Assistant Manager

CITY COUNCIL WORKSHOP
ON
NEW ZONING ORDINANCE

Wednesday, March 6, 1991
Conference Center
Charlotte-Mecklenburg Government Center

AGENDA

I. Overview of the Workshop Process

- o Suggested Review Procedure
- o Process Issues to be Addressed at a Future Point:
  - Selection of Effective Date (Coordination with County)
  - Inclusion of Recent Amendments to the Current Zoning Ordinance
  - Cost of Implementation/Administration of the New Ordinance
  - Second Public Hearing
- o Goal for the day

II. Chapter Reviews

- o Discussion
- o Decision Point

III. Next Meeting — Wednesday, March 20, 1991 @ 5:00 P.M. in Conference Center

					MAXIMUM FLOOR AREA RATIO			
					CONVERSION		REZONING	
FACILITY	LOCATION	EXISTING ZONING	ACREAGE	EXISTING FAR	O-2 +25% BONUS*	O-2 +50% BONUS*	O-3 +25% BONUS*	O-3 +50% BONUS*
NOTE· Carolina Medical Center is developing under a conditional site plan which is exempted from the Floor Area Ratio requirement								
Carolina Medical Center	1401 Scott Avenue	O-6(CD)	40 45	1 91	1 25	1 50	3 75	4 50
o Square Feet Yield **			1,762,002	3,363,945	2,202,503	2,643,003	6,607,508	7,929,009
o Potential Growth (Sq Ft) ***					None	None	3,243,563	4,565,064
o Potential Growth (Percent)					None	None	96 4%	135 7%

* – Bonus provision relates to parking deck construction

** – Square Feet Yield is the site acreage expressed in square feet multiplied by the Floor Area Ratio

*** – Potential Growth is the maximum square footage permitted by the Floor Area Ratio minus the existing building square footage

REVISED
MARCH 27, 1991

NEW ZONING ORDINANCE DECISION GUIDE

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CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

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Minor Policy Issue: None

CHAPTER 3: DECISION-MAKING AND ADMINISTRATIVE BODIES

Major Policy Issue: Consolidation of the City and County Boards of Adjustment 5

Minor Policy Issue: None

CHAPTER 4: DEVELOPMENT APPROVAL

Major Policy Issue: None

Minor Policy Issue: None

CHAPTER 5: APPEALS AND VARIANCES

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Minor Policy Issue: None

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Minor Policy Issue: None

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Minor Policy Issue: None

APPENDIX:

Technical Issues will be available by March 13, 1991.

INTRODUCTION

This Decision Document for the new zoning ordinance is designed to guide the Elected Officials through their deliberations on the major policy issues, minor policy issues and recommended technical changes for final adoption of the new zoning ordinance. Issues and recommended changes in this document were compiled from the rubuttal letters and comments the Planning Staff received on the Planning Commission's Recommended Zoning Ordinance (November 13, 1990).

The classification of comments into major policy issues, minor policy issues and recommended technical changes was determined by the Planning Staff. The major policy issues are those issues for which the Elected Officials' decision will have a significant impact on achieving a major goal or objective of the new zoning ordinance rewrite. These issues are viewed as structural foundations of the new zoning ordinance. The minor policy issues should be viewed as important to the new ordinance, but may not be as critical to achieving the goals and objectives of the new ordinance. These issues affect a single element or portion of the zoning ordinance. The recommended technical changes are minor changes in standards, clarifications of existing ordinance language or other minor omissions which need to be corrected.

This document is arranged so that the major and minor policy issues are shown by each chapter. Some chapters have no major and minor policy issues. The format for each major and minor policy issue is as follows:

Policy Issue
Policy Choices
Background/Viewpoints
Planning Committee Recommendation
Planning Staff Comment
Bibliography

First, a policy issue statement is presented. This is followed by 2 to 3 policy choices which are an attempt to provide clear cut decision alternatives. There may be other choices for an issue, but the focus is on presenting the conflicting choices. Next, some background is provided on each issue and a summary of viewpoints is presented. The originator of each viewpoint is in parenthesis. The Planning Committee Recommendation and Planning Staff Comment are indicated next, and finally a bibliography is provided for you to reference comments on issuse in other documents. Each issue discussion is no more than two pages in length. The technical changes are in the appendix by chapter showing the proposed modification to the new zoning ordinance and whether the proposal was accepted or rejected.

To use this guide effectively, it is helpful to have the following publications:

Planning Commission Recommended Zoning Ordinance (November 13, 1990)

Planning Committee Recommendations on the New Zoning Ordinance (November 13, 1990)

Stakeholders Committee Final Report on the New Zoning Ordinance (April 25, 1990)

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations (January 31, 1991)

Real Estate and Building Industry Coalition Recommendations and Comments Concerning the Planning Committee Recommendations for the Proposed Zoning Ordinance. (January 31, 1991).

All these document have been given to you by the Planning Staff or interest groups at one time or another. If you do have one of the above documents please contact Stanley Watkins at 336-2205 in to order obtain a copy.

CHAPTER 1: PURPOSE AND APPLICABILITY
Section 1.104.

POLICY ISSUE: AMENDMENT OF ZONING MAPS — Does the present language of Section 1.104 prohibit petitions which are inconsistent with adopted plans?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Retain the present language of Section 1.104

B. Add language to Section 1.104 Add new language indicating the approval of any petition for reclassification of property should also be in accordance with the procedures set out in the District Plan General Policies.

BACKGROUND/VIEWPOINTS: The current City and County Zoning Ordinances contain no comparable statements of policy concerning rezonings. The Planning Commission's Recommended Zoning Ordinance requires that the zoning maps be consistent with the objectives and policies of adopted plans and other public policies related to land development. The following viewpoints have been expressed on this issue:

A. Present Language - The present language of Section 1.104 is sufficient and consistent with State statutes governing zoning. (Planning Committee).

Agree this can be added - Consensus

B. Additional Language Needed - Section 1.104 should contain additional language addressing the reclassification of property in accordance with the procedures set out in the District Plan General Policies. (Chamber)

C. Delete Consistency Requirement - This requirement fails to take into account the capacity of market forces and changes in government policies or timetables. It would be unwise to tie all development to plans which could be considerably outdated. (Real Estate and Building Coalition)

PLANNING COMMITTEE RECOMMENDATION: By consensus, the Planning Committee voted to retain the present language in the new zoning ordinance.

Vote: By Consensus (Emory, Fenning, Lassiter, Spencer, Tabor and Thomasson)

PLANNING STAFF COMMENT: Planning Staff concurs with this recommendation.

Bibliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, page 30.

Planning Committee Recommendations on the New Zoning Ordinance. November 13, 1990, page 2.

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 1 and 2.

Real Estate and Building Industry Coalition Recommendations and Comments Concerning the Planning Committee Recommendations for the Proposed Zoning Ordinance, January 31, 1991, page 2.

CHAPTER 3: DECISION-MAKING AND ADMINISTRATIVE BODIES
Section 3.301, et seq.

POLICY ISSUE: CONSOLIDATION OF THE CITY AND COUNTY BOARDS OF ADJUSTMENT
-- Should the City and County Boards of Adjustment consolidate?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Consolidation - Combine the City and County Boards of Adjustment

B. No Consolidation - Do not combine the City and County Boards of Adjustment

BACKGROUND/VIEWPOINTS: The current City and County Zoning Ordinances provide for separate Boards of Adjustment. The Planning Commission's Recommended Zoning Ordinance provides for a combined board. The following viewpoints have been expressed on this issue:

A. Consolidation - New uniform City and County Zoning Ordinances make a consolidated board necessary for consistency in decision-making between the City and County in granting variances and appeals. (Planning Committee).

B. No Consolidation - Combining the City and County Zoning Boards of Adjustment would place an inordinate amount of work on the volunteer members serving on a combined board. The City and County Boards current zoning case loads along with responsibilities for historic districts, sedimentation and erosion control, stormwater and floodway regulations and other matters, as well as, a new zoning ordinance will significantly impact the Boards workload. (Chamber).

PLANNING COMMITTEE RECOMMENDATION: By consensus, the Planning Committee voted to support the policy of a consolidated Board of Adjustment and urged the Elected Officials to set about establishing such a Board within 12 months after adoption of the new zoning ordinance. It was recognized that in the interim, the present City and County Boards would have to address issues pertaining to the new ordinance.

Vote: By Consensus (Emory, Fenning, Lassiter, Spencer, Tabor and Thomasson)

PLANNING STAFF COMMENT: The Planning Staff concurs with this recommendation.

Bibliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, page 28.

Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990, page 3.

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 9 to 10.

CHAPTER 6: AMENDMENTS
Section 6.103(1), (2), and (3)

POLICY ISSUE: INITIATION OF AMENDMENT FOR SPECIAL PURPOSE DISTRICTS — Is it appropriate for the Elected Officials, Planning Commission and third parties to initiate Special Purpose Districts?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Change Special Purpose Districts to Conditional Districts - The proposed special purpose districts will be treated as conditional districts similar to treatment of some districts in the current City and County Zoning Ordinances and therefore, only eligible for initiation by property owners.

B. Limit initiation to Owners, Planning Commission or Elected Officials - Provides for the initiation of special purpose districts by property owners, the Planning Commission or Elected Officials.

BACKGROUND/VIEWPOINTS: The current City Zoning Ordinance provides for both special purpose and conditional districts. The two current special purpose districts (UDC-V and BP) can be initiated by either a property owner, Elected Officials or a third party. The Planning Commission's Recommended Zoning Ordinance has seven special purpose districts (MX-1, MX-2, MX-3, R-MH, CC, NS, and HW). The following viewpoints have been expressed on this issue:

A. Change Special Purpose Districts to Conditional Districts - The proposed special purpose districts require detailed site planning and provide for a mixture of uses. Because of the detailed nature of these districts it is unfair to have a third party, whether government or citizens, to impose these detailed requirements upon a property owner. (Chamber/ Real Estate and Building Coalition).

B. Limit initiation to Owners, Planning Commission and Elected Officials - Certainly an owner may request the proposed special purpose districts, but sometimes it may be in the community's best interest that these districts should be imposed in advance to support an adopted public policy. The requirements of these districts are no more stringent than those imposed upon an UMUD district property owner. (Planning Committee).

PLANNING COMMITTEE RECOMMENDATION: Gloria Fenning motioned to maintain the current position that Special Purpose District Amendments can be initiated by the Planning Commission and Elected Officials. Sara Spencer seconded the motion. The motion passed 4 votes to 1.

VOTE: Yeas (Emory, Fenning, Lassiter and Spencer)
Nays (Tabor)

PLANNING STAFF RECOMMENDATION: Planning staff concurs with this recommendation.

Bibliography:

Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990, page 21.

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 16 to 18.

Real Estate and Building Coalition Industry Coalition Response to the New Zoning Ordinance, January 31, 1991, pages 6.

Committee recommendation and supports the extra step provision proposed in the public hearing draft for third party rezonings.

Bibliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, page 52.

Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990, page 5.

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 19 to 20.

Real Estate and Building Coalition Industry Coalition Response to the New Zoning Ordinance, January 31, 1991, pages 7 to 8.

CHAPTER 6: AMENDMENTS
Section 6.203

POLICY ISSUES: REZONING TRAFFIC IMPACT STUDIES — Should impact studies be required for parallel conditional and special purpose districts rezonings and if so, what are the appropriate standards for the study?

POLICY CHOICES: The following are choices for the new zoning ordinance:

Requirements for Traffic Impact Study

A. Mandatory - Make traffic impact studies a requirement for certain parallel conditional use and special purpose district rezonings.

B. Voluntary - Continue to permit traffic impact studies as a voluntary requirement on the part of the petitioner.

Standards for Traffic Impact Study

A. C-DOT Recommendations - Adopt the 2,500 Average Annual Daily Traffic generation or increase in traffic on an adjacent street by 10% thresholds for initiation of traffic impact study.

B. Other Recommendations - Consider one or more of the following:

1. The traffic generation threshold number should be based on the difference between the traffic a site would generate for the current zoning and the proposed zoning.

2. The traffic generation at peak hour should be measured instead of average annual traffic generation.

3. The traffic on adjacent street threshold should be increased from 10% to 35% .

4. The traffic on adjacent street requirement should only apply to thoroughfare streets.

BACKGROUND/VIEWPOINTS: The current City Zoning Ordinance has no requirement for a traffic impact study. However, traffic impact studies are usually submitted upon request by the petitioner for parallel conditional use and conditional district rezonings. A summary of the viewpoints on these issues are below.

Requirement for Traffic Impact Studies

A. Mandatory - The community's experience with rezonings has shown that land uses with certain traffic generation characteristics require a traffic impact study in order to fully evaluate the impact of that use on the community's transportation system. (Planning Committee).

B. Voluntary - Traffic impact studies are now routinely submitted upon

CHAPTER 6: AMENDMENTS
Section 6.107 [deleted], page 6-3

POLICY ISSUE: THIRD PARTY REZONINGS -- How should third party rezonings be addressed in the new zoning ordinance?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Direct Application - Allows a non-owner to petition for a by-right rezoning on another owner's property.

B. Extra-Step Application - Requires that any non-owner rezoning petition must be first reviewed by the Planning Commission and City Council to determine whether it has merit before it is allowed to proceed to a public hearing.

BACKGROUND/VIEWPOINTS: The current City Zoning Ordinance allows direct applications by non-owners for by-right rezoning petitions. The Extra-Step process is currently in use in Mecklenburg County. The New Zoning Ordinance Public Hearing Draft recommended the extra-step provision for the City and County. The Planning Commission's Recommended New Zoning Ordinance proposes that the current direct application practice continue. The following viewpoints have been expressed on this issue:

A. Direct Application - Zoning is an appropriate planning tool and should be used by the citizens to correct bad zoning. Government tends to move too slowly and by the time a study is done and action is taken, a neighborhood may be stuck with an inappropriate land use. Since both the Planning Commission and the Elected Officials have to approve rezonings anyway, it should be done in a public hearing setting instead of going through an extra step. (Planning Committee).

B. Extra-Step Application - No one other than Government should have the right to file for a rezoning on someone elses property. To do otherwise, places an unfair burden on the property owner who has to hire legal help to fight the rezoning. If neighbors feel that a zoning district is inappropriate they should ask the Government to make a review and change and not force someone involuntarily into a public hearing. (Chamber/ Real Estate and Building Coalition).

PLANNING COMMITTEE RECOMMENDATION: Sara Spencer motioned to delete the extra step provision for third party rezonings and to allow any person to petition for a by-right rezoning. Gloria Fenning seconded the motion. The motion passed 4 to 2.

Vote: Yeas (Fenning, Lassiter, Spencer and Tabor)
Nays (Emory and Thomasson)

PLANNING STAFF COMMENT: The Planning Staff disagrees with the Planning

request. Because of the expense of these studies, which range from $5,000 to $100,000, the studies should only be required for major rezonings. (Chamber/ Real Estate and Building Coalition).

Standards for Traffic Impact Studies

A. C-Dot Recommendations - These recommendations represent national accepted standards for conducting traffic impact studies. The need for a traffic impact study may be waived administratively if conditions warrant it by the Director of CDOT and the Planning Director or Diretor of County Engineering. (Planning Committee).

B. Other Recommendations - Reliance on Average Annual Daily Traffic is inappropriate and not really relevant. The peak hour is a more accurate assessment to reflect a road's usage. The 10 percent limit on adjacent street can trigger the study at very low thresholds and should be increased or abandoned. Also, some allowance should be given for the traffic a site would generate given its current zoning. (Chamber/ Real Estate and Building Coalition).

PLANNING COMMITTEE RECOMMENDATION: Jim Thomasson motioned to add language to Section 6.204, that allows the Planning Director in consultation with the Charlotte Department of Transportation or Mecklenburg County Engineering Department to waive the requirement for a traffic impact study. Sara Spencer seconded the motion. The motion passed 5 to 1.

Vote: Yeas (Emory, Fenning, Spencer, Tabor and Thomasson)
Nay (Lassiter)

PLANNING STAFF COMMENT: The Planning Staff concurs with the recommendation.

Cross-Reference: See By-Right Traffic Impact Studies on page 25.

Bibliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, page 26.

Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990, pages 7 to 8.

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 26 to 27.

Real Estate and Building Coalition Industry Coalition Response to the New Zoning Ordinance, January 31, 1991, pages 10 to 11.

CHAPTER 6: AMENDMENTS
Section 6.110

POLICY ISSUE: ACTION OF GOVERNING BODIES -- Should the new zoning ordinance contain criteria which the elected officials may consider in their evaluation of a rezoning petition?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Retain the list of criteria the elected officials may consider in their evaluation of a petition.

B. Delete the list of criteria in its entirety.

BACKGROUND/VIEWPOINTS; The current City and County Zoning Ordinances do not contain criteria which the elected officials consider in their evaluation of rezoning petitions. The Planning Commission's Recommended Zoning Ordinance provides a list of criteria which elected officials may consider in their evaluations. The following are viewpoints have been expresed for the new zoning ordinance:

A. Retain - The new zoning ordinance contains a list of criteria to provide guidelines to the elected officials in decision- making on rezonings. The list of factors are legitimate concerns to be considered and are appropriate guidelines to be included in the new zoning ordinances. (Planning Committee).

B. Delete - This list of considerations should be deleted in its entirety because the wording of this section could be interpreted to imply that these listed items establish benchmarks against which all rezoning petitions should be judged. In addition, history has shown that provisions such as this which appear to be discretionary, often end up being applied as they are mandatory. (Real Estate and Building Coalition).

PLANNING COMMITTEE RECOMMENDATION: The Planning Committee did not specifically discuss this issue during their deliberation after the public hearing. The list of criteria was supported by the Planning Committee in the Public Hearing Document (July 1990) and the Planning Committee Recommendations (November 13, 1990).

PLANNING STAFF COMMENT; The Planning Staff concurs with this recommendation.

Bibliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, pages 32 and 33.

Real Estate and Building Industry Coalition Recommendations and Comments Concerning the Planning Committee Recommendations for the Proposed Zoning Ordinance, January 31, 1991, page 8.

CHAPTER 6: AMENDMENTS
Section 6.107

POLICY ISSUE: WITHDRAWAL OF REZONING PETITIONS -- Should withdrawals be prohibited after a public hearing, with the single exception being upon an order of the court?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Prohibit Withdrawals after a public hearing, except for an order of the court.

B. Allow Withdrawals after a public hearing, if there are substantial circumstances favoring the withdrawal.

BACKGROUND/VIEWPOINTS: After the public hearing under the current County Zoning Ordinance, the Board of Commissioners may allow withdrawals if it finds substantial circumstances favoring the withdrawal. The City zoning ordinance does not permit a withdrawal after the public hearing. The Planning Commission's Recommended Zoning Ordinance allows a withdrawal only upon an order of the court.

A. Prohibit Withdrawals (after public hearing) - Not allowing withdrawal after the public hearing lets the petitioner know beforehand whether he should even entertain the thought of withdrawing or of carrying the petition to a point which consumes a significant amount of time of the staff and local officials. It also gives the elected officials deciding on whether to grant a withdrawal clearer guidance in these matters. (Planning Committee).

B. Allow Withdrawals (after public hearing) - Elected Officials must find substantial circumstances favoring the withdrawal and include a provision stating that it would not be detrimental to the interests of citizens affected by the withdrawal. This provision would provide some discretion for the policymakers, who can deal with unique or unusual situations. (Chamber).

PLANNING COMMITTEE RECOMMENDATION: By consensus, the Planning Committee added clarifying language to allow withdrawal of a petition after the public hearing only upon an order of the court.

Vote: By consensus (Emory, Fenning, Lassiter, Spencer, Tabor and Thomasson)

PLANNING STAFF COMMENT: The Planning Staff concurs with this recommendation.

Bibliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, page 34.

Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990, page 18.

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 21 to 22.

CHAPTER 6: AMENDMENTS
Section 6.111.

POLICY ISSUE: EFFECT OF DENIAL — Should changes in conditions within control of petitioner warrant reconsideration of a petition before the expiration of two years?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Should not consider changes in conditions within control of petitioner.

B. Should consider changes in conditions within control of petitioner.

BACKGROUND/VIEWPOINTS: The current City and County Zoning Ordinances do not require that a change in conditions warranting a reconsideration with two years be beyond the control of the petitioner. The Planning Commission's Recommended Zoning Ordinance requires that changes in circumstances be outside the control of the petitioner.

A. Should Not Consider - Waiver of the two-year restrictions on a new petition shall not include a change of ownership or, in the case of a conditional rezoning, a change in scale or features of the development proposed in the prior petition. (Planning Committee).

B. Should Consider - There are some circumstances within the control of the petitioner which appropriately may be considered for waiving the two-year rule. An example is a favorable rezoning on an adjoining piece of property a petitioner owns. Such actions may be of benefit to the community. A strict two-year limit in these circumstances would be inappropriate. (Chamber).

PLANNING COMMITTEE RECOMMENDATIONS: The Planning Committee did not specifically address this issue in the post-hearing review, but previously supported the language of Section 6.111.

PLANNING STAFF COMMENT: The Planning staff supports the recommended language in the new zoning ordinance.

Bibliography:

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 23 to 24.

CHAPTER 6: AMENDMENTS
Section 6.208

POLICY ISSUE: THREE YEAR REVIEW — In the event that a parallel conditional use district has not made progress toward development within 3 years of its approval, should it be mandatory that the Planning Commission recommend reclassification of that property?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Mandatory - Review and if progress has not been made intitate reclassification.

B. Discretionary - Review and decide if a reclassification is warranted.

BACKGROUND/VIEWPOINTS: Sections 3202.4 of both the City and County Zoning Ordinances provide for a review of parallel conditional use and Conditional use zoned properties after 3 years from the date of such zoning. If the Planning Commission determines that active efforts to comply with the approved plan are not proceeding, the Planning Commission forwards a report to the governing bodies which may recommend removal of the conditional district. The Planning Commission's Recommended Zoning Ordinance requires the Planning Commission, if it determines that progress has not been made in accordance with the approved plan, either to initiate a rezoning of the property or to forward a report which must recommend a rezoning to the governing body.

A. Mandatory - It is intended that property shall be reclassified to a parallel conditional use only in the event of firm plans to develop the property. The purpose of the mandatory review and recommendation is to eliminate speculative rezonings. (Planning Committee).

B. Discretionary - The actual practice which has developed concerning parallel conditional use districts is considerably different than how such districts were originally envisioned. In fact, the Planning Commission recently reviewed in excess of 500 rezoning cases which had exceeded the time limit, yet recommended only two dozen zoning changes as a result. (Chamber/ Real Estate and Building Coalition).

PLANNING COMMITTEE RECOMMENDATION: The Planning Committee recommendation makes the review after 3 years mandatory on the part of the Planning Commission and requires either an initiatation of a rezoning or recommendation to the Elected Officials to pursue a rezoning.

PLANNING STAFF COMMENT: The Planning Staff concurs with this recommendation.

ibliography:

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations. January 31, 1991, pages 28 and 29.

Real Estate and Building Industry Coalition Recommendations and Comments Concerning the Planning Committee Recommendations for the Proposed Zoning Ordinance, January 31, 1991, page 12.

CHAPTER 7: NONCONFORMITIES
Section 7.103 (7) and (8)
Section 7.104 (3)

OLICY ISSUE: REBUILDING NONCONFORMING STRUCTURES -- Should nonconforming rincipal and accessory structures which are substantially destroyed (more han 75%) be allowed to build back to their nonconforming dimensions?

OLICY CHOICES: The following are choices for the new zoning ordinance:

A. Disallow rebuilding - Nonconforming structures which are damaged or have more than 75% of their improvement value damaged or destroyed must build back to conforming dimensions.

B. Allow rebuilding - Nonconforming structures which are damaged or destroyed may build back to their original nonconforming dimensions if a building permit is obtained within 12 months.

BACKGROUND/VIEWPOINTS: The current City and County Zoning Ordinances allow a nonconforming structure which is damaged or destroyed to build back to its original nonconforming dimensions if a building permit is acquired within 12 months. The Planning Commission's Recommended Zoning Ordinance proposes that if a structure is more than 75% destroyed, it should not be allowed to rebuild except as a conforming structure. The following viewpoints have been expressed concerning this issue:

A. Disallow rebuilding - The new zoning ordinance attempts to bring about the improvement and eventual elimination of nonconforming uses. If a structure is substantially destroyed (more than 75%) it should be rebuilt correctly. The requirement is felt essential to preserving the integrity of the zoning regulations. (Planning Committee).

B. Allow rebuilding - The proposed regulations treat nonconforming structures harsher than the current zoning ordinance. This change could prevent some nonconforming structures from being rebuilt and could lead to serious devaluation of properties if properties suddenly become unmarketable. (Chamber/ Real Estate and Building Coalition/ Deyton Sheet Metal Co.).

PLANNING COMMITTEE RECOMMENDATION: Jim Thomasson motioned to approve the 75% damage rule as written in the proposed draft for nonconforming structures. Seconded by Sara Spencer. The motion passed 3 to 2.

Vote: Yeas (Emory, Spencer and Thomasson)
Nays (Lassiter and Tabor)

PLANNING STAFF: The Planning Staff concurs with this recommendation.

ibliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, page 55.

Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990, pages 9 to 11.

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 32 to 33.

Real Estate and Building Coalition Industry Coalition Response to the New Zoning Ordinance, January 31, 1991, pages 14 to 15.

CHAPTER 7: NONCONFORMITIES
Section 7.103 (9)

OLICY ISSUE: REPLACEMENT OF MOBILE HOME UNITS — Should nonconforming mobile home and manufactured housing parks which seek to replace older units have to adhere to all requirements of the new zoning ordinance?

OLICY CHOICES: The following are choices for the new zoning ordinance:

A. Disallow replacement - Require nonconforming mobile home and manufactured housing parks to adhere to the same nonconforming regulations as other forms of housing.

B. Allow replacement - Allow nonconforming mobile home and manufactured housing parks to replace older units with newer units.

BACKGROUND/VIEWPOINTS: The current City and County Zoning Ordinances allow nonconforming mobile homes and manufactured housing parks to replace older units with newer units. The Planning Commission's Recommended Zoning Ordinance requires the nonconforming parks to adhere to the same standards applicable to other forms of housing. In certain instances, a nonconforming park may not be allowed to replace a unit unless the individual mobile home pad or lot is brought up to minimum standards. The following viewpoints has been expressed regarding this issue:

A. Disallow Replacement - The intent of the new zoning ordinance is to bring about the eventual elimination of nonconforming uses and structures. Mobile homes and manufactured housing should not receive less treatment than other forms of housing. (Planning Committee).

B. Allow Replacement - Many nonconforming mobile home parks exist, especially since the courts adopted more stringent regulations. Mobile homes and manufactured homes provide a valuable source of low-cost housing which is in short supply. The replacement policy would allow allow older parks to upgrade through replacement with newer units. (Chamber/ Real Estate and Building Coalition).

PLANNING COMMITTEE RECOMMENDATION: Al Winget motioned to retain the proposed no replacement provision for manufactured housing (mobile homes). John Lassiter seconded the motion. The motion passed 4 to 2.

Vote: Yeas (Emory, Lassiter, Tabor and Winget)
Nays (Spencer and Thomasson)

PLANNING STAFF COMMENT: The Planning Staff disagrees with the recommendation. Existing nonconforming manufactured housing parks should be allowed to upgrade themselves through the introduction of newer units.

ibliography:

Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990, pages 9 to 11.

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 34 to 35.

CHAPTER 9: GENERAL DISTRICTS
Sections 9.201 - 9.205

OLICY ISSUES: R-1 AND R-2 DISTRICTS — Should the new zoning ordinance provide for "rural" density single family districts?

OLICY CHOICES: The following are choices for the new zoning ordinance:

A. Retain R-1 and R-2 "rural" single family densities - Maintain the one unit to the acre rural overlay district and two units to the acre by-right suburban rural district in the new zoning ordinance.

B. Eliminate the R-1 and R-2 "rural" single family densities - Remove the R-1 rural overlay and R-2 rural suburban district from the new zoning ordinance.

BACKGROUND/VIEWPOINTS: The current City and County Zoning Ordinances do not provide for the densities recommended for the R-1 Overlay and R-2 districts. However, some areas within the City's Sphere of Influence Boundary and County jurisdiction are being considered through the District Plans for these designations. The various viewpoints on this issue are as follows:

A. Retain R-1 and R-2 "rural" single family densities - Including large lot zoning districts in the zoning ordinance provides for diversity throughtout the community. Not having these districts encourages the demise of rural areas. These districts support future low density environments like historic Long Creek and provide transitional districts which support the adopted plans of the County towns, such as Mint Hill. (Planning Committee).

B. Eliminate the R-1 and R-2 "rural" single family densities - The R-1 overlay district should be used only for environmental watershed protection. The R-2 should eliminate by-right low-density districts would create sprawl and increase the cost of providing public infrastructure and services. The R-2 district also represents a downzoning from the current most restrictive district, the R-15. (Chamber/ Real Estate and Building Coalition/ Planning Committee).

PLANNING COMMITTEE RECOMMENDATION:

R-1 District

1. Jim Thomasson motioned to remove R-1 as a general district and include the R-1 in the new zoning ordinance as an overlay district. Planning Staff will bring back a recommended ordinance in the next 12 to 18 months. Sara Spencer seconded the motion. The motion passed 4 to 2.

   Vote: Yeas (Fenning, Spencer, Tabor and Thomasson)
   Nays (Emory and Winget)

R-2 District

2. John Lassiter motioned to eliminate the R-2 district from the zoning ordinance. John Tabor seconded the motion. The vote was a 3 to 3 tie. Due to the tie vote, the R-2 district remained in the new zoning ordinance.

Vote: Yeas (Lassiter Tabor, and Winget)
Nays (Emory, Fenning and Spencer)

PLANNING STAFF COMMENT: The Planning Staff concurs with the above recommendations.

Bibliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, page 6.

Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990, pages 13 to 15.

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 36 to 37.

Real Estate and Building Coalition Industry Coalition Response to the New Zoning Ordinance, January 31, 1991, pages 19.

CHAPTERS 9, 10, 11, AND 12

POLICY ISSUE: DEVELOPMENT STANDARDS — Should development standards be established based on abutting "uses" or on abutting "zoning districts"?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Uses - Development standards should be established for the most part based on the adjoining land use.

B. Zoning Districts - Development standards should be established for the most part based on the adjoining zoning district.

BACKGROUND/VIEWPOINTS: The current City and County Zoning Ordinances relate the establishment of development standards for the most part based upon the abutting zoning district. Most standards such as screening, yard requirements and height requirements are regulated based on the abutting zoning district. The Planning Commission's Recommended Zoning Ordinance based the establishment of most of its development standards on the abutting land use. Standards regulated based on abutting land use include, but are not limited to, buffers, height requirements and yard requirements. The following viewpoints have been expressed on this issue:

A. Uses - Due to the pyramiding nature of the current and proposed zoning ordinances, uses such as single family and multi-family are allowed in office and some business districts. While permitted under the current ordinance, no protection is afforded to these residential uses now which permits them to remain residential over the long term. The new zoning ordinance is designed to afford protection to those thriving permitted residential uses located in nonresidential districts. (Planning Committee).

B. Zoning Districts - It is equitable to require a developing use to bear the burden of enhanced standards where the abutting residential use is located on nonresidential zoned property. Any residential use located on propery zoned to a higher intensity zoning may only be of limited duration because of the inconsistency with the underlying zoning. In this situation, it is not equitable to require the developing use to undergo the cost of buffers and larger setbacks. Higher development standards would only be appropriate if the abutting use is in a residential zoning district. (Chamber/Real Estate and Building Coalition).

PLANNING COMMISSION RECOMMENDATION: The Planning Commission did not specially address this issue as stated but reaffirmed their support of "use" development standards through a series of votes taken in support of the buffers, height regulations and other development standards. (See Planning Commission Recommendations on the New Zoning Ordinance)

PLANNING STAFF COMMENT: The Planning Staff supports "use" development standards.

Bibliography:

Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990.

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 38 to 39.

Real Estate and Building Coalition Industry Coalition Response to the New Zoning Ordinance, January 31, 1991, pages 18.

CHAPTER 9: GENERAL DISTRICTS
Sections 9.603, 9.703 and 9.803

POLICY ISSUE: BY-RIGHT TRAFFIC IMPACT STUDIES -- Should traffic impact studies be required for by-right office buildings, financial institutions and government buildings over 300,000 square feet in size?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Require by-right traffic impact studies

B. Do not require by-right traffic impact studies

BACKGROUND/VIEWPOINTS: The current City and County Zoning Ordinances do not require traffic impact studies. The Planning Commission's Recommended Zoning Ordinance requires a site specific traffic impact study for any development or incremental increase in development of office buildings, financial institutions and government buildings over 300,000 square feet. The following viewpoints have been presented on this issue:

A. Require by-right traffic impact studies - Large scale by-right office buildings, financial institutions and government buildings create an excessive demand on the transportation system. Often times development of these systems requires additional expense on the part of local government to accomondate these developments. The purpose of the traffic study requirement is to identify the improvements the developer as well as the local government needs to undertake to accomodate the development. The developer will not be required to undertake any improvements other than those required by local ordinance. Guidelines for the study meet acceptable national standards. (Planning Committee).

B. Do not require by-right traffic impact studies - The traffic impact study requirements are ill-defined and subject to all the prescribed conditions required of rezoning traffic impact analysis. The definition of the study boundary and informational requirements to conduct the study are too broad. Equally important, no mention is made of the limits of the developers responsibility for undertaking improvements. Lastly, uses subject to the traffic impact study tend to be high-quality local, national or even international relocations which tend to be good corporate citizens. (Chamber).

PLANNING COMMITTEE RECOMMENDATION: Planning Commission did not specially addressed by-right traffic impact studies, but supported the use of traffic impact studies. (See comments on Traffic Impact Studies on page 5)

PLANNING STAFF COMMENT: The Planning Staff supports by-right traffic impact studies.

Cross Reference: See Rezoning Traffic Impact Studies on page 11.

Bibliography:

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 44 to 45.

CHAPTER 9: GENERAL DISTRICTS
Section 9.1102 (46)

Remove now Come back later

POLICY ISSUE: LIMIT ON OFFICE IN I-1 DISTRICT -- Should office development in the I-1 district be limited to 300,000 square feet?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Limit office development - Office development should be limited to 300,000 square feet in the I-1 district.

B. Higher limit on office development - A higher limit should be placed on the amount of Office development in the I-1 district.

BACKGROUND/VIEWPOINTS: The current City and County Zoning Ordinances have no limits on the amount of office development in the I-1 district. The Planning Commission's Recommended Zoning Ordinance limits the amount of office development to protect I-1 zoned land for industrial usage. The following viewpoints have been expressed on this issue:

A. Limit office development - Because of the pyramiding nature of the current and new zoning ordinances, land which is well located for industrial use with adequate roads, water, sewer and other infrastructure is often developed for office or business use. The 300,000 square foot limit was selected because office development in excess of this number creates traffic and other impacts similar to a 100,000 square foot shopping center. The new zoning ordinance restricts the amount of non-industrial development in an attempt to preserve land for future industrial use which is generally regarded as in short supply. Any existing office development in the I-1 could seek a rezoning to office or business classification for future expansion. (Planning Committee).

B. Higher limit on office development - The 300,000 square foot limit unfairly restricts existing office developments in I-1 zoning district with future plans of expansion. Perhaps a higher limit such as 400,000 square feet should be established in the I-1 district to accomodate existing uses. (Royal Insurance).

PLANNING COMMISSION RECOMMENDATION: Jim Thomasson motioned to limit office development in the I-1 district to 300,000 square feet. Sara Spencer seconded the motion. The motion passed 4 to 2.

Vote: Yeas (Emory, Fenning, Spencer and Thomasson)
Nays (Lassiter and Tabor)

PLANNING STAFF COMMENT: The Planning Staff concurrs with this recommendation.

Bibliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, page 13.

Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990, pages 20.

CHAPTER 9: GENERAL DISTRICTS
Sections 9.302 and 9.303 (17)

POLICY ISSUE: PLANNED MUTI-FAMILY — Should Planned Multi-family standards be applied to any building with more than 12 dwelling units?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Retain more than 12 dwelling units in a building for Planned Multi-family review.

B. Increase number of units requirement in a building for Planned Multi-family review.

BACKGROUND/VIEWPOINTS: The current ordinances define a group of two or more multi-family buildings or three or more duplexes established on a single tract of land as a planned multi-family development. The Planning Commission's Recommended Zoning Ordinance also includes a single building of more than 12 dwelling units as a planned multi-family development. The following viewpoints have been expressed:

A. Retain more than 12 units standard - The new zoning ordinance permits up to 12 units in a single building by right. When a single building exceeds this number, additional administrative review is warranted to address site design issues such as access, parking and circulation and landscaping considerations. (Planning Committee).

B. Increase the 12 units standard - This new limitation on by right development in multi-family districts for buildings with more than 12 units is arbitrary and unreasonably restrictive. This artificial limitation also unduly restricts potential site designs, causes a reduction in the amount of greenspace, and inhibits planning creativity. (Real Estate and Building Coalition).

PLANNING COMMITTEE RECOMMENDATION: The Planning Committee supported the requirement of additional standards and review for single buildings with more than 12 units.

PLANNING STAFF COMMENT: The Planning staff concurs with this recommendation.

Bibliography:

Real Estate and Building Industry Coalition Recommendations and Comments Concerning the Planning Committee Recommendations for the Proposed Zoning Ordinance, January 31, 1991, page 21.

CHAPTER 9: GENERAL DISTRICTS
Sections 9.505, 9.605, 9.705, 9.805 and 9.1105

POLICY ISSUE: FLOOR AREA RATIO CREDIT FOR PARKING DECKS — Is the FAR bonus of 25% for parking decks adequate?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Twenty-five Percent (25%) Credit for Parking Deck Construction

B. Fifty Percent (50%) Credit for Parking Deck Construction

BACKGROUND/VIEWPOINTS: The current City and County Zoning Ordinances have no comparable provisions, except for the Urban Residential District in the City Zoning Ordinance where bonuses are given in the FAR for locational considerations or additions of amenties. The Planning Commission's Recommended Zoning Ordinance establishes a FAR bonus of 25% for the construction of parking decks in nonresidential districts. The following viewpoints have been expressed on this issue:

A. 25% FAR Bonus - Initially, parking decks were not considered for credit because of the mass and bulk of these structures. A 100,000 square foot parking deck adds the same amount of bulk to a site as a similar size office building. However, the 25% credit gives some consideration that this is a space used only for the parking of motor vehicles. (Planning Committee).

B. 50% FAR Bonus - There is a direct 1 to 1 correlation between the square footage included in parking decks and the rentable square footage lost in the building. The penalty for construction of a parking deck is too great, and that the "credit" provision which compensates for it should therefore be increased to 50%. (Chamber).

PLANNING COMMITTEE RECOMMENDATION: The Planning Committee consider this a technical issue and reaffirm their previous support of the 25% FAR bonus provision.

PLANNING STAFF COMMENT: The Planning Staff supports the 25% bonus provision.

Biliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, pages 22 and 23.

Charlotte Chamber of Response to the Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 40 and 41.

CHAPTER 9: GENERAL DISTRICTS
Section 9.805 (1) (a)

POLICY ISSUE: B-D DISTRICT FLOOR AREA RATIO — Should the floor area ratio in the B-D district be increased from .60 to .80?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Maintain B-D district floor area ratio of .60

B. Increase B-D district floor area ratio to .80

Go to .70 FAR

BACKGROUND/VIEWPOINTS: No floor area ratios for nonresidential districts are contained in the current City and County Zoning Ordinances. The Planning Commission's Recommended Zoning Ordinance proposes floor area ratios for all the nonresidential districts. The following viewpoints have been expressed concerning the B-D district:

A. Maintain B-D district floor area ratio of .60 - The B-D district is designed to provide for distributive business uses, such as warehousing, office and wholesaling concerns in proximity to nearby residential areas. It does not have design standards and administrative review safeguards built into the BP district nor is it designed for the higher intensity development of the I-1 district which dictates larger buffer requirements from residential. (Planning Committee).

B. Increase B-D district floor area ratio to .80 - The FAR for the B-D district should be consistent with the FAR for the Business Park and I-1 zoning districts. All these districts provide for similar land uses and should have the same development intensity. (Chamber).

PLANNING COMMISSION RECOMMENDATION: Jim Thomasson motioned to raise the floor area ratio in the Distributive-Business District from .30 to .60. John Tabor seconded the motion. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, and Thomasson)

PLANNING STAFF COMMENT: Planning Staff concurs with this recommendation.

Bibliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, pages 22.

Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990, page 20.

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 43.

CHAPTER 11: SPECIAL PURPOSE DISTRICTS
Section 11.206 (2)

POLICY ISSUE: MX DISTRICT DENSITY LIMITATIONS -- Should density limits be imposed on phases of a MX project?

POLICY CHOICES: The following choices are for the new zoning ordinance:

A. Limit Density - Limit the density in each phase of a multi-phase project.

B. Eliminate Density Limit - Remove the density limitations placed on multi-phase projects.

BACKGROUND/VIEWPOINTS: In the current City and County Zoning Ordinances, lanuage in R-PUD (Planned Unit Development) district requires each phase of multi-phase development to exist as an independent entity. The Planning Commission's Recommended Zoning Ordinance clarifies this provision by imposing density limitation on the various phases. The following viewpoints have been expressed on this issue:

A. Limit Density - This provision requires a builder to undertake development of a MX project at a scale to ensure that the required open land area is provided as the project develops. For example, a developer could not build just the high density portions of a project without setting aside sufficient land area to counterbalance the higher density area. (Planning Committee).

B. Eliminate Density Limit - This is an impractical standard which is impossible to meet and should be deleted. The use of the term "average" is a misnomer because if you cannot have higher density you cannot create an average. More important, any creation of a maximum density in phases of MX project defeats the whole sheme of creating interelated and interdependent uses in such a district. (Real Estate and Building Coalition).

PLANNING COMMITTEE RECOMMENDATION: This issue was not specially addressed by the Planning Committee in the post-hearing review. The Planning Committee's previous position is in support of the density limit.

PLANNING STAFF COMMENT: The Planning Staff supports the density limit.

Bibliography:

Real Estate and Building Coalition Industry Coalition Response to the New Zoning Ordinance, January 31, 1991, pages 25.

CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY
Section 12.301, et seq.

POLICY ISSUE: INTENSITY OF PLANTING IN BUFFERS — Should the landscaping requirements for buffers be modified to address relationships between the size of the parcel, width of the buffer and planting density?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Retain buffer landscaping requirements - Maintain the proposed minimum buffer landscaping requirements recommended in the Planning Commission's Recommended Zoning Ordinance. (See Planning Commission chart on page 37)

B. Modify buffer landscaping requirements - Modify the proposed minimum buffer landscaping standards by reducing the minimum number of trees and shrubs by 50% in the smallest buffer widths and increasing the number of trees and shrubs in a steady progression from the smallest acreage to the maximum requirement for ten or more acres. (See Chamber of Commerce chart on page 38)

BACKGROUND/VIEWPOINTS: The current City and County Zoning Ordinances only require a 20-foot buffer between industrial and single family development. No minimum landscaping requirement is established for the buffer. The Planning Commission's Recommended Zoning Ordinance proposes three buffer classes -- Class A, Class B and Class C. These buffers apply when a more intensive land use abutts a less intensive land use. The buffers consist of horizontal (minimum land separation) and vertical (trees and shrubbery) dimensional requirements. The size of the buffer is dependent on the intensity of the adjoining land use and the size of the developing site. The following viewpoints have been expressed on the minimum landscaping issue:

A. Retain buffer landscaping requirement - The proposed buffers are designed to create a partial screen between dissimilar land uses. To this end, the standards are designed to provide the most protection for the smallest site while maintaining minimum standards for plant livability. The buffers are expected to mature over time to provide a dense thicket. (Planning Committee).

B. Modify buffer landscaping requirement - Marginal reductions in the number of trees and shrubs are adequate to compensate for the new zoning ordinance failure to graduate the planting requirements ratio. The alternative recommendations provide a more logical relationship between planting intensities and buffer widths. (Chamber/Real Estate and Building Coalition).

PLANNING COMMITTEE RECOMMENDATION: By Consensus the Planning Committee accepted reductions from the Public Hearing Draft of almost 10% for trees and 20 % for shrubs in the buffer landscaping requirements that were recommdended by the Planning Staff.

PLANNING STAFF COMMENT: Planning Staff concurs with the recommendation.

Cross-reference: See Development Standards by "Use" or "Zoning District" on page 25.

Bibliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, pages 20 -21.

Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990, (not included in report).

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 46 to 47.

Real Estate and Building Coalition Industry Coalition Response to the New Zoning Ordinance, January 31, 1991, pages 30.

PLANNING COMMISSION BUFFER CHART

Table 12 302 (b) BUFFER REQUIREMENTS
(Minimum Widths and Required Plantings)

	ACRES	less than 0 5	0 5	1 0	1 5	2 0	2 5	3 0	3 5	4 0	4 5	5 0	5 5	6 0	6 5	7 0	7 5	8 0	8 5	9 0	9 5	10 or more
A CLASS	WIDTH (ft)*	40	43	46	49	52	55	58	61	64	67	70	73	76	79	82	85	88	91	94	97	100
	TREES (per 100 ft)	10	11	12									12 TREES									
	SHRUBS (per 100 ft)	64	69	74	78								80 SHRUBS									
B CLASS	WIDTH (ft)*	22	25	27	30	33	36	38	41	43	46	49	51	54	57	59	62	65	67	70	72	75
	TREES (per 100 ft)	6	7	8	8	10	10							11 TREES								
	SHRUBS (per 100 ft)	36	40	44	49	53	57							60 SHRUBS								
C CLASS	WIDTH (ft)*	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46	48	50
	TREES (per 100 ft)	3	4	5	6	6	7	7							9 TREES							
	SHRUBS (per 100 ft)	16	19	22	26	29	32	35	38						40 SHRUBS							
	ACRES	less than 0 5	0 5	1 0	1 5	2 0	2 5	3 0	3 5	4 0	4 5	5 0	5 5	6 0	6 5	7 0	7 5	8 0	8 5	9 0	9 5	10 or more

* - The minimum width of a buffer may be reduced an additional 25% if a fence or wall is constructed in accordance with these regulations.

ft - feet

CHAMBER OF COMMERCE BUFFER CHART

Illustrates the proposal for Class A buffers.

ACRES (more than)	ACRES (up to)	WIDTH (feet)	TREES (per 100 ft.)	SHRUBS (per 100 ft.)
0	0.5	40	5	32
0.5	1.0	43	5	35
1 0	1.5	46	5	38
1.5	2.0	49	6	41
2 0	2.5	52	6	44
2.5	3.0	55	6	47
3.0	3.5	58	7	50
3.5	4.0	61	7	53
4.0	4.5	64	7	55
4.5	5.0	67	8	58
5.0	5.5	70	8	61
5.5	6.0	73	8	64
6.0	6.5	76	9	67
6.5	7 0	79	9	70
7.0	7.5	82	9	73
7.5	8.0	85	10	73
8.0	8 5	88	10	76
8.5	9 0	91	10	79
9.0	9.5	94	11	79
9.5	10.0	97	11	80
10 0	(no limit)	100	12	80

CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY
Section 12.701, et seq.

POLICY ISSUE: STORMWATER DRAINAGE -- Should new stormwater draingage requirements be enacted as part of the proposed zoning ordinance, or should modifications to the current requirements be implemented as part of the comprehensive stormwater drainage regulations currently being developed?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Proposed zoning ordinance - Accept new ordinance interim recommendations which extend stormwater requirements to the County and requires stormwater drainage systems to meet local and state standards.

B. Comprehensive Stormwater Drainage Regulations - Delay any changes in the stormwater and drainage requirements until the new comprehensive stormwater ordinance is adopted.

BACKGROUND/VIEWPOINTS: The current City and County Zoning Ordinances include provisions addressing stormwater run-off. However, the County does not have a stormwater detention requirement. The Planning Commission's Recommended Zoning Ordinance extends the detention requirements to the County and requires both jurisdiction to adhere to local as well as State standards in this area. The following viewpoints have been shared on this issue:

A. Proposed zoning ordinance - The thrust of the new zoning ordinance was to create uniform standards within the City and County with regard to the provision of stormwater. At the time of Planning Committee's adoption of the new zoning ordinance, there was some confusion as to the timetable for the new stormwater ordinance adoption. (Planning Committee).

B. Comprehensive Stormwater Drainage Regulations - The stormwater drainage ordinance is currently under review by the building industry, neighborhood interest and the City and County. Also, the Federal and State governments are modifying their respective stormwater regulations. Since these processes are ongoing, any changes proposed for the stormwater regulation should be delayed until resolution of the stormwater issue. This would avoid considerable confusion on the part of the development community and the general public. (Chamber/ Real Estate and Building Coalition).

PLANNING COMMITTEE RECOMMENDATION: The Planning Commission by consensus felt the proposed lanuage should go forward until it is replaced by the comprehensive stormwater and drainage regulations.

PLANNING STAFF COMMENT: The Planning Staff concurs with the decision.

Bibliography:

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 52 to 53.

Real Estate and Building Coalition Industry Coalition Response to the New Zoning Ordinance, January 31, 1991, pages 31.

CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY
Section 12.102 (1)

POLICY ISSUE: YARD REQUIREMENTS ABUTTING RESIDENTIAL -- Should the minimum yard requirements for uses in nonresidential districts abutting residential districts be the same as the residential distict requirements?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Retain proposed standard - Require any use, building or structure in a nonresidential district abutting a residential district to meet the minimum yard requirements of the abutting residential district.

B. Reduce proposed standard - Reduce the proposed yard requirement to standards consistent with the standards in the current zoning ordinance.

BACKGROUND/VIEWPOINTS: In the current City and County Zoning Ordinances, the minimum side and rear yards for nonresidential districts abutting residential districts are set at 10 and 20 feet, respectively. The Planning Commission's Recommended Zoning Ordinance proposes that when nonresidential zoning districts abutt residential districts any use, the building or structure shall meet the minimum yard standards of the residential district. The following viewpoints have been expressed on this issue:

A. Retain proposed standard - This standard along with proposed buffers and height regulations provides for a smooth transitional between nonresidential and residential districts. This is a compatibility standard designed to improve edge relationships. (Planning Committee).

B. Reduce proposed standard - The current zoning ordinances create moderate requirements between residential and nonresidential districts. For example, the B-1 district has a 10 feet minimum rear yard which is increased to 20 feet when the district adjoins a residential district. However, the new zoning ordinance may increase that rear yard to as much 45 feet when abutting the new R-3 district. The increase may hamper future expansion plans. (Real Estate and Building Coalition).

PLANNING COMMISSION RECOMMENDATION: This issue was not brought up at the public hearing, so the Planning Committee did not address it. The recommended zoning ordinance endorses retaining the proposed standard.

PLANNING STAFF COMMENT: The Planning Staff endorses retaining the proposed standard.

Bibliography:

Real Estate and Building Coalition Industry Coalition Response to the New Zoning Ordinance, January 31, 1991, pages 26.

ZONING DISTRICT CONVERSION

POLICY ISSUE: HOSPITALS -- New Zoning Ordinance standards will make the hospital community nonconforming.

POLICY CHOICES: The following are choices for the new zoning ordinance zoning district conversion:

A. Convert existing zoning districts - Existing zoning districts will be converted and property owners will be responsible for initiating rezonings to the appropriate district.

B. Convert existing zoning districts and initiate rezonings - Existing districts will be converted and local government will initiate rezonings for the hospital community to appropriate new zoning districts.

BACKGROUND/VIEWPOINTS: The Planning Commission's Recommended Zoning Ordinance provides new standards such as buffers, floor area ratios, and height regulations which apply to all uses of land in the City and the County including the hospital community. Upon zoning district conversion, some land uses may not meet one or more of the new standards. These uses will be grandfathered and allowed to continue pursuant the nonconforming provisions in the new zoning ordinance. Any expansion would have to meet the requirements of the new zoning ordinance. The following viewpoints have been expressed on this issue:

A. Convert existing zoning districts - Existing zoning districts should be converted to the new districts and private parties should be responsible for then initiating rezonings to a desired district. (Planning Committee).

B. Convert existing zoning districts and initiate rezonings - Due to the risks associated with private initiated rezonings, the local government should file petitions to rezone elements of the hospital community to the appropriate new district in order for the hospitals to continue expansion. In the case of most hospitals, the new O-3 district would be appropriate. However, for Presbyterian Hospital with a current FAR of 2.1 the UMUD district may be the only alternative so as not to constrain any future growth and development. (Hospital Community).

PLANNING COMMISSION RECOMMENDATION: The Planning Committee discussed the impact of the new zoning ordinance on major public and quasi-public institutional uses such as health institutions, universities, colleges and junior colleges. As a result, several changes were made in the Planning Commission's Recommended Zoning Ordinance to accomodate these uses. All existing major institutional uses can now be accomodated within the framework of the new zoning ordinance, although future

expansion of some institutions may be constrained. After making changes to accomodate these uses, the Planning Committee supported the conversion of all existing zoning districts.

PLANNING STAFF COMMENT: The Planning Staff supports the Planning Committee's recommended zoning district conversion.

Bibliography: None

ZONING DISTRICT CONVERSION

POLICY ISSUE: INSTITUTIONAL DISTRICT CONVERSION -- Is it appropriate to convert the existing institutional zoning district to the new institutional district?

POLICY CHOICES: The following are choices for the new zoning ordinance:

A. Convert existing districts - Existing institutional districts will be converted to the new institutional district.

B. Initiate district only through rezonings - This new district should be only implemented after a public hearing is held to give affected land owners an opportunity to comment on the impact of this district on their property.

BACKGROUND/VIEWPOINTS: The Planning Commission's Recommended Zoning Ordinance proposes a revised institutional zoning district which serves major institutional uses such as large religious facilities, hospitals, institutions of higher learning and other similar uses. The district does not permit single family residential, offices and other uses which are permitted in current City and County Zoning Ordinances institutional district. The following viewpoints have been expressed on this issue:

A. Convert existing districts - The proposed use changes for the new institutional district are designed to create an exclusive institutional district to serve large scale users. The purpose and intent of this district conflicts with some past principal permitted uses such as residences and office uses. Dormitories are permitted the new institutional district as is office and retail activities when part of a larger institutional use. If major use conflicts occur which warrant a rezoning they should be addressed through the district and small area planning programs. (Planning Committee).

B. Initiate district only through rezonings - The scope of change recommended for the institutional district is tantamount to a rezoning. Any conversion to this district would be a serious infringement on the property rights of owners given the number of uses removed. This district should be implemented only after a public hearing is held to give landowners the opportunity to comment. (Chamber).

PLANNING COMMITTEE RECOMMENDATION: The Planning Committee did not specially address this issue in the post-hearing review but by consensus endorsed the amended zoning district conversion process which included a conversion recommendation for the institutional district.

PLANNING STAFF COMMENT: The Planning Staff supports the conversion.

Bibliography:

Stakeholders Committee Final Report on the New Zoning Ordinance, April 25, 1990, pages 12.

Planning Committee Recommendations on the New Zoning Ordinance, November 13, 1990.

Charlotte Chamber Response to Charlotte-Mecklenburg Zoning Ordinance: Planning Committee Recommendations, January 31, 1991, pages 42.

TECHNICAL CHANGES

FOR

NEW ZONING ORDINANCE

[The detailed list of recommended changes will be sent to the Elected Officials by March 13, 1991. The technical listing will be arranged by each chapter and will be ordered to indicate what is acceptable and unacceptable. The recommended technical changes are minor standard changes, clarifications of existing language, and omissions which need to be corrected.]

CITY / COUNTY NEW ZONING ORDINANCE
7/24/91

Mayor
Campbell
Clodfelter ✓
Hammond ✓
McCrory ✓
Mingum
Martin
Matthews ✓
Patterson ✓
Scarborough ✓
Venroot ✓
Wheeler

Autry ✓
Andrews ✓
Booth ✓
Cherico ✓
Kelly
Kinsey
Walton ✓

3
5:20 p.m.

Stanley Watkins use to use
Andrews
Patterson
Watkins
Clodfelter
Watkins
Autry
Watkins

Autry
Clodfelter
Autry
Clodfelter
Andrews
Clodfelter
Vinroot -

Watkins - average setback
Clodfelter
Watkins
Andrews
Watkins asked for consensus
Autry - need
Andrews
Watkins

Watkins - Nuisance Requirements
Andrews
Clodfelter
Andrews
Cherico
Watkins - Bring back
Patterson

Watkins - Boarding Houses

Watkins - Separation requirement for Group Homes

Andrews
Bethune (MARVIN) - Co. ATTORNEY
Watkins
Bethune
Watkins -
Vinroot
Andrews
Autry
Bethune
Autry
Andrews
Watkins

Watkins - Hospitals Treatment
Andrews / Booth - Unan. - PUT IN 1/305 INST.
Cherico
AS LONG AS STAY W/3.0 FLOOR AREA RATIO

Watkins - Nursing Homes in Office
Vinroot
Cherico / Booth include on County - Unan
Autry
ADOPTED P. 4

Scarborough
Watkins
Autry
Patterson
Autry
Patterson

Watkins - Clarify Variance Requirement for
Cherico Transitional
Watkins
Patterson

Watkins - Use to Use for Nightclubs
Andrews
Watkins
Andrews
Bailey Patrick
Watkins
Patrick
Vinroot
Autry
Wal
Autry
Patterson
Booth

Cherico
Entry
Watkins
Andrews / Walter - Adopt "FREE STANDING NIGHT CLUB" INTO LANGUAGE
Zoning.

Booth left
Watkins - VARIANCE FOR SITE DISTANCE TRIANGLE
Andrews / Cherico - Zoning Adopt

Watkins - Dedication of land in lieu
Patterson

Andrews
Cherico
Andrews
McCrory
Cherico
Clodfelter
Cherico

Andrews
Cherico
Patterson
McCrory
Clodfelter
Watkins

Clodfelter
Andrews
Patrick
McCrory
Andrews
Mahlin Adams
Autry
Adams
McCrory
Walters
Andrews / Walter

Approve
3 / 1 CHERICO NO

Watkins - Consolidate ZONING BOARD
~~Vinroot / McCrory~~
Andrews / Cherico - CONSOLIDATE NO - WALTON
Hammond arrived 4:00

Watkins - 3RD PARTY
Patt
Walter
Autry
Vinroot
Vinroot / McCrory 3-3 - SCAR / CLOD / Hom NO
- FAILED

Clod. / Vin

TRAFFIC IMPACT
1/553 - Unan
GO WITH COUNTY -

PROT PET - NO ACTION
CLOD. / VIN

DEF OF NIGHTCLUBS
Unan

Watkins -
Andrews
Vincent

Matthews arrived 4:02

Andrews
Watkins
Autry
Watkins
McCrory
Autry
Vincent
Clodfelter
McCrory / Patterson
Hammond
Watkins
McCrory
Cherico

By right traffic impact
Study

1/580
go with county

21645

McCrory / Vinroot make traffic Study
Patterson
Matthews
Andrews
~~Matt~~ Patterson
Matthews

Passed by Council's request
4-3 Hamm / Scar / Clod
No

Watkins - BY RIGHT. TRAFFIC IMPACT STUDY
Patterson left 4:10

Vinroot
Vinroot / McCrory
Hammond
Watkins
Autry
McCrory
Autry
Andrews
McCrory
Vinroot
Hammond
Matthews
Watkins
McCrory
Wat
Matthews

Scarborough
Autry
Watkins
Vinroot
Matthews
Clodfelter
Watkins
Clodfelter
Matthews
Watkins
Matthews
McCrory
Watkins - only office
VOTE - MC, VIN - NO 2/178
Autry

REZONING APPROVAL CRITERIA LIST
Watkins
Andrews
Autry
Andrews
Cherico
Andrews
Watkins
Autry

Andrews
Autry
Watkins
Autry
Vinson
Autry
Hammond
Autry
McCrory
Matthews
Autry
McCrory
Autry

Watkins - Mobile Home Replacement Division

Autry
Andrews

APPLICATION DEV. STANDARDS
Watkins
Autry
Matthews
Andrews

Vinroot
Watkins
Vinroot / McCrory
Hammond
Autry
Andrews

2/307

Mat /
Vin / Mc Zyes
and / Walton - Adjourn - Tues - 4:30
Hammond
McCrory / Vin - Look

Clodfelter

Hammond
Autry
Hammond
Watkins
Cherico
Wat
Hammond / Clodfelter
Matthews
Vinroot / McCrory

include the investigation of impervious surface ratio in the ordinance

2/378 - Tues

Adj 4:35

5/13/91 4:40 pm

Zoning Ordinance

Mayor ✓ as noted
Campbell absent
Clapfitter ✓
Hammond ✓
McCoy ✓
Mangum absent
Martin ✓
Mauldins ✓
Patterson ✓
Scudburgh ✓
Umpot absent
Wheeler absent

Patterson
⊙ Stanley Watkins 10 or more lots
residential flex classification
Hammond
Watkins
Hammond
Watkins same yard requests.

(2)	Watkins	group home
	Matthews	
	Watkins	zone district
	Matthews	
	Watkins	
	Matthews	
	Watkins	
	Matthews	
	Watkins	
	Matthews	
	Watkins	
	Matthews	
	Watkins	
	Matthews	
	Watkins	
	Matthews	1/2 mile - 1/4 mile
	Watkins	
	Matthews/Scalbcoyt	1/4 mile

③ Watkins
Clodfelter
Watkins
Clodfelter
Watkins
Clodfelter / Scarborough) defies Lowding
Scarborough Lewis
Watkins
Clodfelter
④ Watkins
? Hammond
Watkins
Hammond
Watkins
Martin
Watkins
Watkins
Martin
Hammond
McCrary
Watkins
Underhill
Scarborough
Underhill Charge Yancing

Martin
Underhill
Matthews
Underhill — school bus exempt
Matthews
Watkins
Matthews
Watkins
Matthews
Underhill — parking in street
Matthews
Underhill
Watkins
Hammond
Watkins

(5) Watkins
Clodfelter
Watkins
Clodfelter
(Mayor Cavil in 5:03 p.m)
Watkins
Clodfelter ? — noon

(6)	Watkins Clodfelter Hammond Watkins Clodfelter Watkins Underhill Clodfelter	Variance from CDOT
(7)	Watkins Clodfelter Watkins Clodfelter Watkins Clodfelter Matthews Clodfelter Matthews Watkins Underhill Clodfelter Matthews Underhill Matthews	60 day let people know

Hammond	
Watkins	file adm. interpretation
Hammond	
Watkins	
Matthews	
Clodfelter	
Watkins	
Clodfelter	
Clodfelter	
Underhill	
Matthews	
Clodfelter	
Watkins	
Clodfelter	
Scarborough	
Watkins	hand deliver on 1st class
Hammond	
Watkins	bed & breakfast
	single occupancy SRO
Hammond	
Watkins	
Hammond	

adjourned 5:15 pm

ZONING ORDINANCE WORKSHOP

3/6/91

Mayor ✓ 5:15
Campbell ✓ 5:37
Clodfelter ✓ 5:15
Hammond ✓ 5:15
McCrory
Mangum
Martin ✓ 5:15
Mathews
Patterson ✓ 5:15
Scarborough ✓ 5:23
Vinroot ✓ 5:45
Wheeler

5:15 P.M. -

4 MEMBERS PRESENT AT BEGINNING

Cramton

Stanley Watkins - Planning

Chap. 1 - Had hoped to be able to make division at end of discussion by Chapter, but short of voting requirement.

Mynick

Watkins 6/91 Public Hearing

Martin

Clodfelter
Watkins - P. 3
Clodfelter
Watkins
Hammond
Myrick
Patterson
Clodfelter
Hammond - Taking names
Myrick
Creasman
Myrick
Clodfelter
Myrick
Watkins - Chap. 2 - No discussion
Myrick
Watkins - Chap. 3 -
Martin
Watkins
Clodfelter - Agrees with
Patterson -
Watkins
Hammond
Watkins

Hammond
Clodfelter
Hammond
Watkins - will need legislation
Underhill
Myrick
Hammond
Myrick
Martin
Myrick - Consensus? - Yes
Patterson
Watkins

Chap. 4 & 5

Clodfelter
Watkins
Clodfelter
Underhill
Watkins - Chap. 6 - 6.103 - P. 7
Hammond
Watkins
Hammond
Watkins
Clodfelter - Change all Special Purpose to Conditional

Myrick - Consensus - Yes
Watkins - 6.107 - PAGE 9
3RD PARTY RECORDINGS

Myrick
Cloffelter - Can't remember what was said above.
Myrick
Bailey Patrick - Agrees with Cloffelter
Fred Bryant - Not a major issue
Hammond
Myrick
Martin
Myrick
Mahlon Adams
Myrick
Vincent
Myrick
Hammond
Myrick
Vincent
My
Cloffelter
Vincent
Watkins
Patterson
Watkins

Clodfelter
Myrick
Clodfelter
Vincent
Myrick
Vincent
Patterson
Vincent
Patterson
Vincent
Hammond
Myrick
Watkins
Patterson
Watkins
Myrick -
Watkins
Myrick
Watkins - Skip Traffic Impact P. 11 6.203
6.110 - P. 13
Hammond
Clodfelter
Patterson
Hammond
Patterson

Clodfelter
Patterson
Myrick - Consensus Letter
Watkins - P. 14 6.107
Clodfelter
Martin
Clodfelter
Myrick
Fields
Clodfelter
Patterson
Fields
Bryant
Clodfelter
Hammond
Fields
Hammond
Fields
Myrick - Consensus - GO WITH 2ND B
Watkins - 6.111 P. 16
Clodfelter
Bryant
Underhill
Hammond
Watkins

Patterson
Underhill
Martin
Underhill
Coffelter - Wants Current
Vinroot
Myrick - Corona - Represent
Scarborough
Wording.
Watkins - 6.208 - P. 17
Hammond
Myrick
Vinroot
Hammond
Scarborough
Hammond
Watkins
Patterson
Coffelter
Fields
Coffelter
Patterson
Myrick - Corona - GO WITH DISCRETION -
Watkins
ARY WITH
WHAT AN WSAID
Myrick
Watkins

Watkins - Chap. 7 - P. 19 - 7.103 + 7.104
Hammond - accident rebuilding & repairs
Bryant not in his opinion
Hammond
Mark Cramer
Hammond
Chaffee
Patrick
Hammond
Patterson
Bryant
Chaffee
Patrick
Patterson
Patrick
Hammond
Patterson
Myrick - allow rebuilding
Watkins - 7.103 P. 21
Patterson -
Myrick - Cramer - allow replacement.
Watkins

Adjourn - 6:20 p.m.

NEW ZONING ORDINANCE WORKSHOP 3/20/91

Mayor			Fred Bryant
Campbell	✓	5:12	Bailey Patrick
Clodfelter	✓	5:27	Mark Cramer
Hammond	✓	5:10	Mahlon Adams
McCrory			
Mangum	✓	5:00	Martin Cranton ✓
Martin	✓	5:10	Stanley Watkins ✓
Matthews	✓	5:50	Dick Black ✓
Patterson			Warren Burgess ✓
Scarborough	✓	5:33	Scott Putnam ✓
Vinroot	✓	5:33	Henry Underhill ✓
Wheeler	✓	5:00	

5:27 P.M.

Martin

Hammond - did not feel decisions should

Watkins

Hammond 6.110

Watkins

Hammond

Watkins GO BACK TO P.11 6.203

Wheeler

Watkins

Hammond

Watkins

Martin

Watkins - Require Traffic Impact Study in new (NOW VOLUNTARY)

Hammond

Clodfelter - Recommends going with staff

Mangum

Vinroot

Hammond - Consensus

Watkins

Hammond

Martin

Watkins

Scott Putnam - CDOT

Wheeler

Fred Bryant

Bailey Patrick -

Putnam

Bryant

Vinroot - Waive or reduce requirement

Hammond

Watkins -

Bryant

Hammond

Watkins

Patrick

Mangum - staff needs flexibility

Hammond -

Martin

Vinroot

Hammond - Consensus - Yes!

Watkins - go to page 27 - 9.603, 9.703 + 9.803

Vinroot - use same language - "waive or reduce"

Clodfelter

Watkins

Clodfelter

Putnam -

Matthews

Watkins

Matthews

Hammond

Matthews

Watkins

Matthews

Hammond - Have staff summarize

Putnam

Matthews

Putman

Matthews

Putman

Hammond - Are we going as far as we can by law?

Putman

Hammond Does CDOT staff now do impact

Putman

Hammond - So developer will share cost by doing traffic impact.

Watkins - Yes

Wheeler - will not use, so won't support

Hammond

Vinroot

Wheeler

Vinroot

Wheeler

Matthews

Wheeler

Hammond

Matthews

Wheeler

Hammond

Matthews

Vinroot

Hammond

Matthews - maybe needs to come down from 300,00 sq. FT.

Putnam

Hammond

Mangum

Scarborough

Mangum

Hammond

Bryant

Patrick - THIS IS ON BY-RIGHT DEVELOPMENT ONLY.

Hammond - STRAW VOTE -

Waive or reduce - 5 (MANGUM, HAMMOND, CLOD, VINROOT, MATHEWS)

NO - WHEELER, MARTIN, CAMPBELL

Watkins

Wheeler left - 6:16 p.m.

Hammond - discussion

Mangum - concerned if we eliminate

Matthews

Scarborough left 6:18 p.m.

Watkins

Hammond - more in County than City

Watkins

Hammond -

Mangum

Clodfelter

Watkins

Matthews

Watkins

Matthews

Watkins

Matthews

Watkins

Vinroot - strong bias against rural zoning districts

Martin

Watkins

Cranton - allow residents to impose R-1 on themselves

Hammond - use R-1 as overlay only.

Matthews

Watkins

~~Mr~~ Hammond - Consensus?

Vinroot

Clodfelter

Watkins

Clodfelter

Watkins

Clodfelter

Cranton

Clodfelter - Keep recommendation but eliminate R-2

~~Mr~~ Hammond

Vinroot

Clodfelter

Hammond

Watkins

Hammond -

Watkins - Hospitals

Hammond

Campbell

Bryant

Vincent

Watkins

Bryant

Vincent

Bryant

Hammond

Clodfelter - Why do all have to be same? Presbyterian does not work in O-2, so why not make it O-3 & maybe everybody else be O-2

Watkins

Clodfelter

Watkins

Matthews - Could they take on C.D.?

Watkins Yes

Matthews

Bryant.

Richard Howerton - Presbyterian

Would be dead in water if

O-2.

Matthews.

Vinroot

Campbell

Watkins

Clodfelter - Presby - to O-3,

Watkins

Vinroot

Matthews

Watkins

Matthews

Watkins

Hammond - Rezone to O-2, THEN PLANNING COMM.

Cranton { REZONING FOR PRESBY. TO O-3.

Campbell

Bryant

Cranton

Hammond - work out with Henry

+ come back next meeting.

Yes. Adjourn 6:54 p.m.

NEW ZONING ORDINANCE WORKSHOP
3/27/91

Mayor	✓		Stanley Watkins –
Campbell			Dick Black ✓
Clodfelter	✓	5:00	Warren Burgess –
Hammond	✓	5:00	Frank Emory ✓
McCrory	✓	5:13	John Tabor ✓
Mangum	✓	5:00	
Martin	✓	5:00	Bailey Patrick –
Matthews	✓	5:15 p.m.	Fred Bryant –
Patterson	✓	5:20	Mark Crosser –
Scarborough	✓	5:27	Mahlon Adams ✓
Vinroot	✓	5:33	Jim Cook –
Wheeler			

5:12 p.m.

Watkins

Myrick

Watkins

Hammond suggest adopting recommendation

Matthews

Watkins

Myrick

Matthews

Watkins

Matthews

Watkins

Matthews

Myrick

Matthews - why not use requirement

Watkins

Fred Bryant

Watkins

Bryant

McCrory

Clodfelter - Major flexibility in figures, wiling

Mangum

Bryant

Watkins

McCrory

Watkins

Clodfelter

Watkins

Clodfelter

Watkins

Clodfelter

Myrick

Clodfelter

Hammond

Myrick - Consensus - Yes
McCarey
Myrick
Watkins - PAGE - 29 - 9.1102
Myrick
Jack Byrne, V.P. Royal Insurance
Ordinance would restrict
expansion - could stop any
expansion for the next 50 years.

Hammond
Byrne
Hammond
Byrne
Myrick
Hammond
Clodfelter
Watkins
Myrick
Hammond
Watkins
Pattison
Clodfelter
Pattison

Emory
Scarborough
Watkins
Scarborough
Watkins
Scarborough
Watkins
Clodfelter
Watkins
Mc Craig
Byrne
Clodfelter
Martin
Watkins
Martin
Watkins
Hammond
Watkins
Hammond
Matthews
Clodfelter
Watkins
Patterson
Scarborough

Watkins
McCrory
Patterson
McCrory
Matthews
Vinroot
Matthews
Vinroot
Clodfelter
Watkins
Emory
Matthews
Patterson
Matthews
Mangum
McCrory
Clodfelter
Scarborough
Watkins
Mangum
Watkins
Patterson
McCrory
Watkins

McCrory

Matthews

Watkins -

Patterson

Matthews

Patterson

Watkins

Martin

Watkins

Martin

Watkins - DO PER ACRE
LIMIT TO SINGLE USER

Matthews

Patterson

Matthews

Cloodfelter

Scarborough

Matthews

Scarborough

Mangum

Scarborough

My

Mc

Watkins

Myrick - Consensus - Remove now will
Come back later

Watkins
Myrick
Watkins
Hammond
Watkins
Hammond - lack of attention to
Myrick
Watkins
Myrick
Matthews
Watkins
Patterson
Myrick - Conscous - GO WITH RECOMMENDATION
Watkins - P. 32 - 9.505, 9.605, 9.705
Clodfelter
Patterson
Clodfelter
Hammond
Clodfelter - Favors 50% Bonus - B.
Scarborough
Watkins
Myrick - Conscous - 50%
Watkins - P. 33 - 9.805
Mg .60-

Clodfelter - Would like to remove B-D altogether -

Watkins

Clodfelter

Hammond -

Watkins - BD'S WOULD CHANG TO B-2 OR MOSTLY I-1

Myrick

Emory

Myrick

Vinroot - Keep + pick a number

Mangum

Clodfelter

Mangum

Bryant

Mangum

Clodfelter

Bryant

Clodfelter

Patrick

Clodfelter

Myrick

Mangum

Patrick

Mangan
Hammond
Clodfelter
Mangan
Hammond
Watkins
Myrick
Watkins
Myrick - Stay in now - but come back later with recommendation whether to keep B-D or drop it.
Watkins
Myrick - .70 FLOOR AREA RATIO
Watkins - P. 34
Matthews
Watkins
Matthews
Watkins
Matthews
Watkins
Patterson
Myrick
Martin
Myrick
Hammond
Watkins

Hammond

Watkins

Hammond

Watkins

Patterson

Watkins

McCorry

Watkins

Bryant

Myrick

Vincent

Watkins

Bryant

Clodfelter

Bryant

Patterson

Bryant

Myrick

Clodfelter

Myrick Consensus - Go with Recommendation

Watkins - P. 35 = 12.301

Patterson

Hammond

Patterson

Mangum
Jim Cook - Neighborhoods
Patterson
Watkins
Patrick
Patterson
Watkins
Matthews/Patterson - Adjourn

6:30 p.m.

NEW ZONING ORD. WORKSHOP
4/3/91

Mayor		Cranton	✓
Campbell		Dick Black	✓
Cloffelter	✓	Stanley Watkins	✓
Hammond	✓	Warren Burgess	✓
McCrory	✓	Scott Putnam	✓
Mangum		Walter Fields	✓
Martin	✓	Fred Bryant	✓
Matthews	✓	Bailey Patrick	✓
Patterson	✓	Mark Cramer	✓
Scarborough		Mahlon Adams	✓
Vinroot		Jack McNeary ARBORIST	✓
Wheeler		Jim Cooke	✓

5:17 p.m.

Watkins

Patterson - have mtg. with County & then put on an agenda

Watkins

Patterson

Hammond

Patterson

Hammond

Watkins

Matthews - should have our document

Martin

Hammond

Watkins

Martin

Watkins - Yes

Martin

Watkins - Chap. #12, 12.301, P. 35

Matthews -

Watkins 2 FT. UPON PLANTING

Matthews

Watkins

Patterson

Patrick

Bryant

Watkins

McCrory what is current rule?

Watkins

McCrory

Watkins

McCrory

Watkins

McCrory

Watkins
Matthews
Watkins
Matthews
Watkins
Hammond
Watkins
Clodfelter
Watkins
Clodfelter
Watkins
Matthews
Watkins
McCrory
Watkins
McCrory
Watkins
McCrory
Watkins
McCrory
Watkins
McCrory
Patterson
Matthews

Watkins
Martin - Partially is key word
Watkins
Patterson
Watkins
Jack McNeary
Burgess
Jack McNeary
Burgess
Watkins
McCrory
Watkins
Patterson
McCrory
Watkins
Martin
Watkins
Patterson
Watkins
? Jim Cook
Watkins
Matthews
Watkins
Hammond

Watkins
McCrory
Watkins
McCrory
Patterson
Patrick
Mallon Adams
Patrick
McCrory
Patrick
McNeary
Patterson
McNeary
McCrory
Patterson
McNeary
Hammond
Matthews
Watkins
Hammond
McNeary
Hammond
McNeary
Hammond

McCleary
Hammond
McCleary
Watkins
Clodfelter
Watkins
Clodfelter
Hammond
Clodfelter
McCrory
Clodfelter
McCrory
Clodfelter - McCrory coughing
Cranton
Clodfelter
Cranton
Patterson
Matthews shrubs
visually screen 100%
trees to visually screen 40%
Cranton
Matthews
Cranton
Patterson
Cranton

Patterson
Cranton
McCrory — Instruct staff to find wording with exceptions & come back to Council

Hammond — need concrete standard with ability to be flexible written in

Clodfelter
Cranton
McCrory
Patterson
Clodfelter
Patterson — Consensus — create minimum
Watkins — Chap. 12 — 12.701 p. 39
Patterson — keep what we have
Clodfelter
Patterson
Hammond
Watkins — keep simple
Patterson
Consensus — yes
Watkins — 12.102, p. 41
Hammond — maintain front + side.

Watkins

Clodfelter

Watkins

Clodfelter

Watkins

Clodfelter

Watkins

Clodfelter

Watkins

Clodfelter

Matthews

Clodfelter

Watkins - 8' side - 10 ft AWAY

Clodfelter

Watkins

Patterson

Matthews

Watkins

Matthews

Watkins

Matthews

Watkins

Matthews

Watkins
Patterson - Consensus -
Hammond
Watkins
Patterson - Consensus - Clodfelter - No.

Watkins - p. 43
Patterson
Clodfelter / Patterson
Hammond
Clodfelter
Hammond
Clodfelter
Watkins
Patterson
Vinroot
Clodfelter
Patterson

Watkins p. 45
Hammond - what has been removed?
Watkins - Office
Matthews
Clodfelter
Matthews

Clodfelter
Matthews
Watkins
Clodfelter
Watkins
Clodfelter
Patterson
Clodfelter
Matthews
Clodfelter Yes
Matthews
Patterson Consensus
Matthews
Clodfelter
Hammond
Clodfelter
Patterson
Vincent
Patrick
Clodfelter
Patrick
Patrick
Fields
Matthews

Clodfelter
Cranton
Clodfelter
Matthews
Clodfelter
Patterson
Matthews
Watkins
Patterson
Patrick
Patterson
Patrick
Watkins
Hammond
Matthews
Hammond
Clodfelter
Patterson
Vinroot
Patterson - Consensus - Yes
McCrary
Watkins
Patterson
Jack McNeary

Patterson

McHenry

Patterson

McHenry

Jim Cook

McHenry

Cook

Patterson

Adams

Patterson

Watkins

Clodfelter - Continue next week

Watkins 4/10?

McCrory

Watkins

McCrory ADD TO COUNCIL'S AGENDA 4/8

Clodfelter - RESOLUTION TO ENDORSE LEGISLATION AUTHORIZING TAX INCREMENT FINANCING RECOMMENDED BY CUDC

Patt

Vinroot - ADD TO COUNCIL'S AGENDA 4/8 - endorse resolution gen assembly opposing taking Hwy trust fund money to use for other than hwy const.

ADJOURN 6:42

New Zoning Ordinance 4/24/91

Mayor	absent	Martin Cranton	
Campbell	absent	Stanley Watkins	✓
Clodfelter	✓	Warren Burgess	✓
Hammond	✓	Dick Black	✓
McCoy	✓ 5:50	Scott Putnam	
Morgan	absent	Dave Smith	
Martin	✓ LEFT AT	Del Borgsdorf	
Matthews	✓	Walter Fields	
Patterson	absent	Fred Bryant	✓
Scarborough	✓ 5:45	Bailey Patrick	
Vinroot	✓	Marlon Adams	✓
Wheeler	absent	Mark Cramer	✓

4/10/91
Only four present at 5:25 - cancelled meeting and will tentatively meet on April 24, 1991.

5:17 p.m.

Vinroot
Watkins - TAKE ALL RETAIL TO B CLASS BUFFER
Matthews
Watkins

Martin
Watkins
Clodfelter
Watkins: PAGE 2 OF ATTACH. A
Clodfelter
Watkins
Clodfelter
Watkins 12.304 - ALTERNATE BUFFER
Clodfelter
Martin
Clodfelter
Vincent
Hammond
Bryant
Matthews
Watkins
Matthews
Watkins
Hammond
Watkins - Look at 12.304
Hammond
Watkins
Hammond
Watkins

Hammond
Mahlon Adams
Watkins
Vincoot
Hammond
Adams
Watkins
Matthews - 12.304
Watkins
Matthews
Watkins
Matthews
Watkins
Warren
Matt
Watkins
Vincoot - ATTACHMENT B - HOSPITALS
Watkins
Vincoot
Watkins
Hammond
Vincoot
Bryant
Vin

Vinroot - Police Dept. - ATTACH C
Matthews
Watkins
Vinroot
Matthews
Watkins
Vinroot
Hammond
Vinroot - II - TECHNICAL CHANGES - ATTACH D
Watkins 2.201
Vinroot - Remove it - I
Watkins - 2.201
Vinroot
Watkins 6.107
Vinroot
Watkins
Clodfelter
Hammond
Watkins
Hammond
Clodfelter
Matthews
Clodfelter
Hammond

Clodfelter
Hammond
Clodfelter
Vincoot
Hammond
Watkins
Hammond
Clodfelter
Bryant
Clodfelter
Bryant
Clodfelter
~~[illegible]~~ Watkins
Matthews
Watkins
Clodfelter
Bryant
~~[illegible]~~ Vincoot
Watkins 9.703(14)
Vincoot
Matthews
Clodfelter
Watkins
Matthews

Watkins -
Matthews
Watkins
Clodfelter
Watkins - 9.804(4).3.
Clodfelter
Vinroot
Scarborough
Watkins
" 11.203(9)(C) - RESTAURANTS
Clodfelter
Hammond
Clodfelter
Vinroot / McCrory - Unan.
Watkins - 11.406(3) -
Vinroot - OK -
Watkins - 12.108
Matthews
Vinroot
Hammond
Watkins
Hammond
Vinroot
Hammond / Clodfelter - Accept it

Bryant
Vincent
Adams
Vincent

VOTE - YEAS - ONE FOR ONE -

Watkins - 12.205
Clodfelter
Matthews
Martin
McCrory
Watkins
Matthews
Martin
Matthews
Martin
Watkins
Clodfelter
McCrory
Matthews
Scarborough
Clodfelter
Hannah
Clodfelter
Watkins

Bryant
Clodfelter
Bryant
McCrory
Clodfelter
Hammond
Vincoot
Clodfelter
Matthews
Clodfelter
Vincoot
Adams
Martin
Matthews
Bryant
Watkins
Martin
Vincoot - GO WITH BONUS METHOD
Martin
Vincoot
Watkins II -
Matthews
Watkins 3,503
Vincoot

Watkins - 3.503, .504, .505, .508, .509

"adequacy"

Vinroot

Watkins - 5.108

Hammond

Clodfelter

Watkins

Hammond

Scarborough

Clodfelter

Matthews

Watkins

Mark Cramer

Matthews

Cramer

Vinroot

Cramer

Vinroot -

Matthews

Cramer

Hammond

Cramer

Hammond

Clodfelter

Vinroot

Clodfelter
Martin
Vincent
Matthews
Robert Brandon, Zoning Administrator
Vincent

Bryant
Clodfelter
Bryant
McCrory
Clodfelter
Bryant
Clodfelter
Vincent
VOTE - BRING BACK -
Watkins - 9, 203, 303
Hammond
Matthews
Cramer
McCrory
Vincent - Yes
Watkins - 12, 302
Clodfelter
Adams
Clodfelter

Hammond
McCrory / Hammond
Watkins
Clodfelter
Adams
Watkins
Clodfelter
Watkins
Bryant
Adams
Vinroot - 12.302(7)

Watkins - ATTACHMENT - E
McCrory
~~DOE~~ Clod.
Vinroot
Watkins
Vinroot
Watkins
Clodfelter
Watkins
McCrory
Clodfelter
McCrory

McCrory / Vinroot - no public
Clodfelter
Matthews
Watkins
Vinroot
Robert Brandon
Vinroot
Brandon
Vinroot
Clodfelter
Brandon
Vinroot
McCrory
Clodfelter
Vinroot
Bryant
Matthews
Vinroot
Watt
Hammond
McCrory
Clodfelter
Hammond
Vinroot
Scarborough

Clodfelter
Scarborough
Vincent

Watkins IV
Vincent / Clodfelter.
Wat
Vincent

Watkins - V - ATTACH. F
Clodfelter
Scarborough
Clodfelter
Matthews
Clodfelter
Vincent
Adams
Vincent
Bryant
Vincent
Clodfelter
Bryant
Clodfelter - Do we want public hearing
Wat
Clodfelter

Vinroot

Matthews

Vinroot

Scarborough

Clodfelter, Vinroot - Leave it Out

Vinroot.

Clodfelter - TECHNICAL ISSUES

1 -

2 - NIGHT CLUBS, ETC - NOT CONSISTENT

Vinroot.

Clodfelter

Watkins

McCrory

Bryant

Watkins

Bryant

Clodfelter

Bryant

Clod

McCrory

Clodfelter - Set-back issue

Watkins

Clodfelter
Watkins
Clodfelter
Adams
Clodfelter
Watkins
Clodfelter
Hammond
Scarborough
Watkins
Vincent
McCrory
Watkins
Clodfelter
Matthews
Vincent
Bryant - Adjoining owner has no right to go on property to measure
Clodfelter
Bryant
Clodfelter - put head on table for ideas
Watkins

Clodfelter - Transitional setback
Hammond

Clodfelter
Watkins
Bryant
McCrory / Clodfelter

Vinroot

Clodfelter
Watkins
Matthews
Vinroot
Clodfelter
Watkins
Clod
Mc
Clod
Vinroot
Adams 5:17
Vinroot Adjourn 6:57