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WEEK IN REVIEW:

Mon (Aug 31)	Tues (Sept 1)	Wed (Sept 2)	Thurs (Sept 3)	Fri (Sept 4)

CALENDAR DETAILS:

September and October calendars are attached.



Sept-Oct 2015.pdf

INFORMATION:

City of Charlotte Starting Wage Information

Staff Resource: Kim Eagle, M&FS, 704-336-3700, keagle@charlottenc.gov

Staff have received questions about starting wage for the City of Charlotte employees in light of minimum wage discussions taking place around the country. As part of the FY2016 approved budget, City Council adopted a pay adjustment which created a minimum 60% of Area Median Income (AMI) starting wage for full-time permanent City employees. This equates to an annual wage of \$27,000, or about \$13 an hour.

In a recent article published in the *Greensboro News & Record* ([Article](#)), the City Council of Greensboro adopted a new minimum wage of \$12 an hour for employees who also receive benefits. The Greensboro City Council also set a goal of raising the minimum wage for the City to \$15 by 2020.

The FY2016 approved City of Charlotte budget already included the aforementioned \$13 an hour starting wage, which is \$1 greater than the City of Greensboro (\$12) adopted minimum wage.

For informational purposes, there are currently approximately 282 City of Charlotte full-time employees who make less than \$15 an hour (the goal set by the Greensboro City Council for 2020), but greater than \$13 an hour. The total City cost to bring all of the employees to a starting wage of \$15 an hour would be approximately \$907,000, of which approximately \$567,000 would be in the City's General Fund.

2015 North Carolina Housing Finance Agency Housing Trust Fund Awards

Staff Resources: Zelleka Biermann, NBS, 704-336-2482, zbiermann@charlottenc.gov

Pamela Wideman, NBS, 704-336-3488, pwideman@charlottenc.gov

On August, 14, 2015, the North Carolina Housing Finance Agency announced the 2015 Low-Income Housing Tax Credit awards. The following four developments, in the City of Charlotte, received an award:

Development	Type	Number of Units	Housing Trust Fund award	Total Development Costs	Council District
Rodden Square	Senior	98	\$1,200,000	\$12,218,392	2
Whitehall Crossing	Family	96	\$1,440,000	\$13,546,174	3
Tall Oaks Redevelopment	Family	81	\$1,215,000	\$11,491,366	1
Allen Street	Family/Senior	112	\$4,350,000	\$15,206,967	1
Total Number of New Units		387	\$8,205,000	\$52,462,899	

On April 27, 2015, the City Council approved Housing Trust Fund (HTF) allocations for eight proposed affordable housing developments. As indicated in the table above, four developments received a tax credit award. The recommended funding for the developments not receiving a 2015 award will be returned to the HTF for future allocations.

In 2001, City Council established the Housing Trust Fund to provide gap financing for affordable housing development in the Charlotte community. Council’s allocation of HTF dollars demonstrates local alignment with state supported developments and allows for local leverage of tax credit awards. While the need for safe decent affordable housing continues to increase, over 5,500 affordable units have been funded through the HTF since its inception, including the 387 units in the 2015 allocation.

Housing Our Heroes – Mayors Challenge to End Veteran Homelessness Program Update

Staff Resource: Mary Gaertner, NBS, 704-432-5495, mgaertner@charlottenc.gov

On Saturday, August 29, Time Warner Cable will air a story highlighting the status of Housing Our Heroes – a joint initiative of Mayors throughout the U.S. to end Veteran homelessness.

The Housing Our Heroes initiative (www.housingourheroes.charmeck.org) began on July 6, 2014, and was officially announced on Veterans Day, November 11, 2014. Using the federally mandated 2014 Point in Time Count, an annual count of everyone who is homeless on a given night in Charlotte-Mecklenburg, the Housing Our Heroes implementation team (comprised of the City of Charlotte, Mecklenburg County, Veterans Administration, and community homeless service providers) set an initial goal to house 204 homeless Veterans by the end of 2015. The 2015 Point in Time Count subsequently identified an additional 185 homeless veterans than were included at the launch of the initiative.

To date, 215 veterans have received housing. A registry that includes the names of all remaining homeless veterans has been created. Currently, the implementation team is ensuring eligibility and working to create a housing plan for each person on the registry.

Staff remains confident the goal to end veteran homelessness by the end of 2015 will be achieved by creating a well-coordinated and efficient community approach that assures homelessness is rare, brief, and non-recurring.

2015 State Legislative Report #28

Staff Resource: Dana Fenton, City Manager's Office, 704-336-2009, dfenton@charlottenc.gov

Attached is the latest State Legislative Report.



final week 28
report.pdf

ATTACHMENTS:

City Council Follow-Up Report:



28--August.pdf

- Zoning Ordinance Rewrite Process
- Charlotte Area Transit System
- Edward Eaves

September

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
		1	2	3	4	5
6	7 Labor Day	8	9 12:00pm Housing & Neighborhood Dev. Committee Mtg., Room 280 2:00pm Environment Committee Mtg., Room 280	10 12:00pm Community Safety Committee Mtg., Room 280	11	12
13	14 3:00pm Transportation & Planning Committee Mtg., Room 280	15	16	17 12:00pm ED & Global Competitiveness Committee Mtg., Ovens Auditorium Chamber Retreat Asheville, NC	18	19
20	21 5:00pm Zoning Meeting, Room CH-14	22	23 12:00pm Housing & Neighborhood Dev. Committee Mtg., Room 280 5:30pm MTC Meeting, Room 267	24 12:00pm Transportation & Planning Committee Mtg., Room 280	25	26
27	28 12:00pm Governance & Accountability Committee Mtg., Room 280 2:00pm Budget Committee Mtg., Room 280 5:00pm Citizens' Forum/Council Business Meeting, Room 267	29	30			
ICMA Conference Seattle, WA						

2015

October

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
				1 12:00pm ED & Global Competitiveness Committee Mtg., Room CH-14	2	3
4	5:00pm Council Workshop/Citizens' Forum, Room 267	6	7	8 12:00pm Community Safety Committee Mtg., Room 280	9	10
11	NCLM Conference Winston-Salem, NC		14 2:00pm Environment Committee Mtg., Room 280	15 12:00pm ED & Global Competitiveness Committee Mtg., Room CH-14	16	17
18	5:00pm Zoning Meeting, Room CH-14	20	21	22 12:00pm Transportation & Planning Committee Mtg., Room 280	23	24
25	12:00pm Governance & Accountability Committee Mtg., Room 280 2:00pm Budget Committee Mtg., Room CH-14 5:00pm Citizens' Forum/Council Business Meeting, Room 267	27	28 12:00pm Housing & Neighborhood Dev. Committee Mtg., Room 280 5:30pm MTC Meeting, Room 267	29	30	31

2015



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**CITY MANAGER'S OFFICE
M E M O R A N D U M**

August 28, 2015

TO: Ron Carlee, City Manager
Ron Kimble, Deputy City Manager

FROM: Dana Fenton, Intergovernmental Relations Manager

SUBJECT: **2015 State Legislative Report #28**

Trending Topics

2015 Appropriations Act ([HB 97 – Dollar, L. Johnson, McGrady and Lambeth](#)):

- House and Senate budget conferees continue to meet;
- Reportedly agreed to teacher and state employee compensation package; starting teacher salaries will be raised to \$35,000 per year, and each State employee will receive \$750 one-time bonus
- Reportedly agreed to the Senate proposal to cease the annual transfer of \$215.8 million from transportation funds to the General Fund to underwrite certain public safety expenditures, thereby benefitting transportation projects
- Conferees must agree to budget by September 18 or pass a fourth continuing resolution to keep State government operating

NC Competes Act – Sales Tax Redistribution / Economic Development ([HB 117 – Martin](#)):

- House and Senate have appointed conferees and they are meeting
- House Republicans have formally adopted a caucus position opposing sales tax redistribution, and are looking at means other than sales tax redistribution to assist poorer localities
- Senate Republicans are encouraging businesses and business groups to support all of HB 117, including sales tax redistribution, due to the presence of the economic development measures, Job Development Investment Grant, One NC, Single Sales Factor, Datacenter Infrastructure Credit, and Aviation Fuel Tax Exemption, in HB 117

SB 541, Regulate Transportation Network Companies:

- Passed House and sent to Governor for signature

Fiscal & Administrative

Repeal Business License Fees ([HB 739 – Brawley](#)) repeals authority for cities to charge a regulatory user fee to businesses that are located in cities, which would repeal local authority to charge specific regulatory user fees. That local authority is being considered by some cities as a replacement for the privilege license tax, which is the target of the sponsor. HB 739 passed the House and was referred to Senate Rules. Representative Brawley has agreed to work with the NC League of Municipalities and City of Charlotte on compromise language.

Regulatory Reform

Local Government Regulatory Reform Act 2015 ([HB 44 – Conrad, Lambeth, Hanes and Terry](#)) is now in a House-Senate committee of conference. Sections of interest to the City are notification to property owners prior to beginning local government construction projects, conversion of travel lanes to bike lanes, riparian buffer reform, and county control of development. City staff is working with the NC League of Municipalities and other local governments to minimize the unintended consequences to local governments from these sections.

Regulatory Reform Act of 2015 ([HB 765 – McElraft](#)) is now in a House-Senate committee of conference. Sections of interest to the City include a new requirement for local governments undertaking water, wastewater and storm water construction to consider the use of all piping materials, which has been sought by PVC piping manufacturers. While the section requires local governments to “consider” all piping materials, the language will require local governments to document these decisions thereby adding another layer of bureaucracy to such decisions. HB 765 also substantially amends recycling requirements of discarded computer equipment and televisions by repealing the manufacturer’s fee that funds drop off centers for discarded equipment but maintains the mandate that prohibits from dumping the equipment in landfills. The fiscal impact to the City of repeal of the manufacturer’s fee is estimated at greater than \$100,000. City staff is working with the NC League of Municipalities and other local governments to minimize the unintended consequences to local governments from these sections.

Environmental & Planning

Outdoor Advertising ([HB 304 – Hager, Collins, J. Bell and Hanes](#) / [SB 320 – Brown, Rabon and Tarte](#)) preempts local authority with respect to the location, height and size of relocated signs and conversion to changeable message signs and replaces these with statewide standards. The legislation appears to open the door to relocating outdoor advertising from industrially zoned areas to commercially zoned areas and allowing such signs to be higher and larger than those allowed under existing local ordinance. HB 304 received serial referrals to House Commerce and Finance Committees, and SB 320 received serial referrals to Senate Commerce and Finance Committees.

Public Safety

Rental Registration ([HB 530 – Brawley](#)) proposes substantial changes to the statutes enacted in 2011 allowing local governments to enact rental registration programs. HB 530 impacts the City's rental registration program in the following ways:

- Prohibits mandatory registration of all rental properties. City currently requires all owners to register their properties so that CMPD can inform them of when crime occurs on the property, regardless of whether any of their properties meet the crime or disorder thresholds enumerated in the legislation. Without a database of rental properties and owners, the City will not be able to comply with its own requirement that all owners or managers be notified of crimes that occur on their properties. HB 530 allow registration only for rental units that are in the top 4% of a locally adopted crime or disorder index.
- Prohibits local governments from imposing criminal penalties for noncompliance. Violation of the local ordinance is classified as a misdemeanor, which is only charged as a last resort for flagrant violators. By charging a misdemeanor, it triggers the judiciary to adjudicate the end result and affords due process to both the City and the owner or manager of the property.
- Requires local governments to establish an appeals board for owners of rental units to appeal actions taken against the owner by local governments. The City had such an appeals board in place that was abolished in favor of having the judiciary adjudicate such matters.
- Requires local governments to "... assist the landlord in addressing criminal activity, including testifying in court in a summary ejection action or other matter to aid in evicting a tenant who has been charged with a crime."

Reported favorably from House Local Government and has serial referrals to the House Regulatory Reform and Finance Committees. City is working with Representative Brawley in tandem with other affected cities and the NC League of Municipalities.

Regulate Transportation Network Companies ([SB 541 – Rabon and McKissick](#)) implements statewide regulatory regimen for transportation network companies and drivers administered by the Department of Motor Vehicles in place of the current system of no regulation. SB 541 addresses liability insurance requirements, allows airport operators and transportation network companies to enter into agreements for the appropriate use of airport facilities, and requires all drivers pass a "criminal background check", including clearance through the Multi-State / Multi-Jurisdiction Criminal Records Locator and National Sex Offender Registry, before they start driving for the transportation network company. Passed House and sent to Governor.

City Requested Legislation

Stormwater Management ([HB 141 – Jeter, Cotham, Cunningham, Bradford, Bryan, Carney, Earle and R. Moore](#)) authorizes municipalities in Mecklenburg, Wake, Durham, Forsyth and Guilford Counties to utilize the statutory authority extended to Mecklenburg and Wake Counties in 2014 to implement flood damage reduction techniques that result in improvements to private property. HB 141 passed the House and was referred to Senate Rules.

**COMPARISON OF HOUSE AND SENATE BUDGET PROPOSALS
HB 97, EDITIONS 5 AND 7**

Key Sections	House	Senate
HB 97 Bill Text	Edition 5 Bill Text	Edition 7 Bill Text
HB 97 Committee Report	Committee Report	Committee Report
FY 2016 General Fund Expenditures	\$22.2 billion	\$21.5 billion
	House and Senate agreed upon \$21.735 billion bottom line figure for FY 2016 budget	
FY 2017 General Fund Expenditures	\$22.4 billion	\$21.5 billion
Earmarking of Year-End Revenues	\$200 million to rainy day fund \$200 million to repairs and renovations fund (Page 1 of Committee Report)	\$500 million to rainy day fund \$155 million to repairs and renovations fund (Page 1 of Committee Report)
Tax Reform (impacting State General Fund)	Not addressed	\$72.7 m tax reduction (FY16) \$421.1 m tax reduction (FY 17) (Page 1 of Committee Report) State Franchise Tax Rate Reduction (Section 32.15 of Budget) Individual Income Tax Rate Reductions and Itemized Deduction Changes (Section 32.16 of Budget)
Sales Tax Redistribution	Removed from Budget Proposal	
Film and Entertainment Grant Fund	\$40 million each year (L-2 of Committee Report)	\$10 million each year (L-2 of Committee Report)
Historic Preservation Tax Credit	Incorporates HB 152 passed by House (Section 32.3 of Budget)	Not addressed
Municipal Service Districts (MSDs)	Not addressed	Creates process for registered voters residing within MSDs to petition and vote as to whether to abolish districts 15% of registered voters living within a district is sufficient to place question on the ballot Property owners residing outside the district would not be eligible to vote in such a referendum (Section 15.16B, page 325 of Budget)
Compensation	2% for members of the Teachers and State Employees, Legislative, and Judicial Retirement Systems (Section 30.21 of Budget)	Reserves \$34 million to adjust salaries in response to labor market demand (L-1 of Committee Report)

**COMPARISON OF HOUSE AND SENATE BUDGET PROPOSALS
HB 97, EDITIONS 5 AND 7**

Key Sections	House	Senate
\$215.8 million Highway Fund Transfer to General Fund for Highway Patrol	Maintains transfer (Page 1 of Committee Report)	Ends transfer (Page 1 of Committee Report, K-4 of Committee Report)
LYNX Blue Line Extension \$25 million State share for construction	Maintains funding (Page 532 of Recommended Base Budget for Transportation)	Maintains funding (Page 532 of Recommended Base Budget for Transportation)
State Maintenance Assistance Program for transit agencies	Maintains funding (Page 532 of Recommended Base Budget for Transportation)	Maintains funding (Page 532 of Recommended Base Budget for Transportation)
Statewide Public Transportation Grants	\$1 million more each year (K-2 of Committee Report)	\$1 million more each year (K-2 of Committee Report)
Powell Bill Program	Funding reduced by nearly \$7.7 million starting in the second year of the biennium FY 2017 due to lower motor fuels excise tax revenues; \$1 million fiscal impact to City in FY 2017 (K-1 of Committee Report)	Repeals statutory formula tying funding to 10.4% of motor fuels tax revenues Appropriates additional funding of \$1.2 million in FY 2016 and \$3.7 million in FY 2017 (K-1 of Committee Report, Section 29.17D of Budget)
Governor's Bond Proposal	Appropriates \$50 million as a debt service reserve if the Governor's proposed transportation bond proposal is passed by voters (K-6 of Committee Report)	Not addressed
Key Transportation Program Enhancements	Additional \$43.5 million recurring funds in FY 2016 for Strategic Transportation Investments, which is offset by \$22 million recurring reduction in FY 2017; Additional non-recurring funds of \$42.5 million in FY 2016 and \$120.5 million in FY 2017 for Contract Resurfacing program; Additional non-recurring funds of \$10.6 million in FY 2016 and \$30.1 million in FY 2017 for Ports Authority modernization; (K-2, K-4 and K-6 of Committee Report)	Additional \$167.2 million recurring in FY 2016 and \$171.9 million recurring in FY 2017 for Strategic Transportation Investments; Additional \$50 million recurring each year for Bridge Program; Additional \$35 million recurring each year for Pavement Preservation; Additional \$35 million recurring each year for Ports Authority modernization; (K-2, K-4 and K-6 of Committee Report)

**COMPARISON OF HOUSE AND SENATE BUDGET PROPOSALS
HB 97, EDITIONS 5 AND 7**

Key Sections	House	Senate
Division of Motor Vehicle Fees	<p>Across the board adjustments in Division of Motor Vehicles fees result in \$76.1 million in FY 2016 and \$172.2 million more in FY 2017</p> <p>Effective January 1, 2016 (Section 29.30 of Budget, K-4 of Committee Report)</p>	<p>Across the board adjustments in Division of Motor Vehicles fees result in \$29.18 million in FY 2016 and \$76.99 million more in FY 2017</p> <p>Effective January 1, 2016 (Section 29.30 of Budget, K-3 of Committee Report)</p>
Motor Fuels Tax Rate	<p>Raises rate for diesel fuel from 35 cents to 36 cents per gallon</p> <p>Lowers rate for all other fuels from 35 cents to 33 cents per gallon</p> <p>Lowers revenues available for transportation by \$30.5 million in 2016 and \$28.7 million in 2017</p> <p>Changes effective 1/1/2016 (Section 29.29 of Budget)</p>	Not addressed
Strategic Transportation Investment Act Amendments	<p>Requires use of “peak average daily traffic data in the Congestion formula” which favors rural areas, and tends to move program away from a “data-driven” approach</p> <p>(Section 29.3 (a) of Budget)</p>	Not addressed



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**City Council
Follow-Up Report**

August 28, 2015

August 24, 2015 – Council Business Meeting

Zoning Ordinance Rewrite Process

Staff Resources: Bridget Dixon, Planning, 704-432-4493, bdixon@charlottenc.gov

Alysia Osborne, Planning, 704-336-3910, adosborne@charlottenc.gov

During the dinner briefing, Council member Autry requested a list of peer municipalities to whom the consultant team, led by Camiros, has offered a hybrid of a form-based zoning ordinance.

Staff determined that Camiros lead the development of hybrid ordinances at the following comparable, or fast-growing, cities:

- Baltimore, MD
- New Orleans, LA
- Oklahoma City, OK
- Salt Lake County, UT

Staff has also attached an article written by Arista for the American Planning Association in 2008, entitled “The Five Steps to a Hybrid Code”



Five Ways to Hybrid
Code.pdf

Charlotte Area Transit System (CATS)

Staff Resource: Larry Kopf, CATS, 704-432-0497, lkopf@charlottenc.gov

During the Citizens’ Forum, Reverend Willie Bee Simpson voiced his concerns about buses that appear to leave bus stops earlier than scheduled. Reverend Simpson also requested that CATS address instances of misbehavior by passengers on the bus. Council requested CATS staff investigate Reverend Simpson’s concerns.

On Wednesday, August 26 at 10:30 am, CATS staff met with Reverend Simpson and took him on a ride of the Route 11 bus along North Tryon and on the Lynx Blue Line. CATS staff have promised Reverend Simpson they would follow up with him on the following items they observed:

- The inbound stop on North Tryon at Wadsworth Place is obstructed by a tree that is in need of trimming. CATS staff has since contacted the Engineering department to request assistance from Landscape Maintenance staff;
- Bus #10 left perhaps 30 seconds early from a bus stop at the East/West Station. CATS staff will verify and follow up with the driver, accordingly.

Reverend Simpson also provided CATS staff with information regarding a passenger issue that occurred on a specific date and place on the bus. CATS staff will verify the information with the driver for proper procedure and reporting to their control center, and if the driver was aware of what the customer was doing. Sometimes the driver is not aware of customer activity if he, or she, is concentrating on driving.

Reverend Simpson is also concerned about passengers using foul language on the bus and other activities that may be challenging to enforce. CATS has rules forbidding some of the behavior he is concerned about, but CATS would also be putting the drivers in jeopardy if they try to enforce all rules with a heavy hand. CATS enforces the rules as best as possible while keeping the drivers safe. CATS staff explained all of this to Reverend Simpson who appreciated their efforts to discuss these issues with him.

CATS rail staff met with Reverend Simpson on Thursday, August 27 at 1:30 pm on the light rail station platform at the Charlotte Transportation Center (CTC) to address concerns he had about the LYNX Blue Line and the length of time the doors on the light rail stay open. CATS staff had an extensive conversation with Reverend Simpson that included issues of light rail maintenance, service, and even the extension of trains relative to the Blue Line Extension (BLE). CATS rail staff provided their contact information and encouraged Reverend Simpson to contact them should he have additional light rail questions, going forward.

Edward Eaves

Staff Resource: Alban Burney, City Manager's Office, 704-336-4947, aburney@charlottenc.gov

During the Citizens' Forum, Mr. Edward Eaves requested that the City Council assist with challenges he indicated he was having with the judge hearing his case. Mr. Eaves originally appeared before the City Council on July 27 requesting Council's assistance as he believed his claims of code enforcement violations at the Sandhurst Apartments had not been addressed (the write up on Mr. Eaves' case, included previously in the August 20 Council-Manager Memo, is attached).



Eaves document.pdf

With assistance from the City Attorney's office, staff was able to find a link for the Judicial Standards Commission (<http://www.nccourts.org/Courts/CRS/Councils/JudicialStandards/Default.asp>) that provides instructions for citizens who want to submit complaints against administrative law judges, federal judges, magistrates, district attorneys, clerks of court, court employees or personnel, or private attorneys. According to the link, The Commission is authorized to receive written complaints from citizens concerned with misconduct or disability of a judge and to investigate those complaints. Staff will provide Mr. Eaves with the necessary contact information for the Judicial Standards Commission.

The Five Steps to a Hybrid Code

By Arista Strungys, AICP

Many communities across the country are showing new interest in using zoning regulation to better realize a desired building form.

Zoning codes have always contained the basic bulk relationships that create the three-dimensional building envelope, such as minimum lot area, lot coverage restrictions, required setbacks, and maximum height, but additional design-oriented elements to better refine that form have not, traditionally, been part of the equation. As a result, many communities are not satisfied with the end result, whether it's monotonous residential subdivisions or out-of-character infill development. To remedy this, some communities have looked to form-based coding as a solution.

However, to completely revise a traditional zoning code, especially in a fully built out community, into a form-based code can be akin to tossing the baby out with the bathwater. In many situations, hybrid codes represent a viable alternative.

A hybrid code combines traditional zoning controls with form-based zoning tech-

niques. Traditional controls create a building envelope that does not speak directly to the "form" of new development. Where traditional controls establish a three-dimensional box in which a property owner is allowed to build, form-based codes, on the other hand, concentrate on design. These codes mold and shape the three-dimensional box to address issues of context, scale, design, and character. However, not all communities need a "pure" form-based code.

In fact, for many jurisdictions, the existing bulk controls work just fine. Because a form-based code requires an understanding of architectural standards and numerous interpretations of design controls, some communities lack the staff expertise or capacity to administer this type of code. If current code administration is familiar and efficient, jurisdictions will need a compelling reason to adopt a new code.

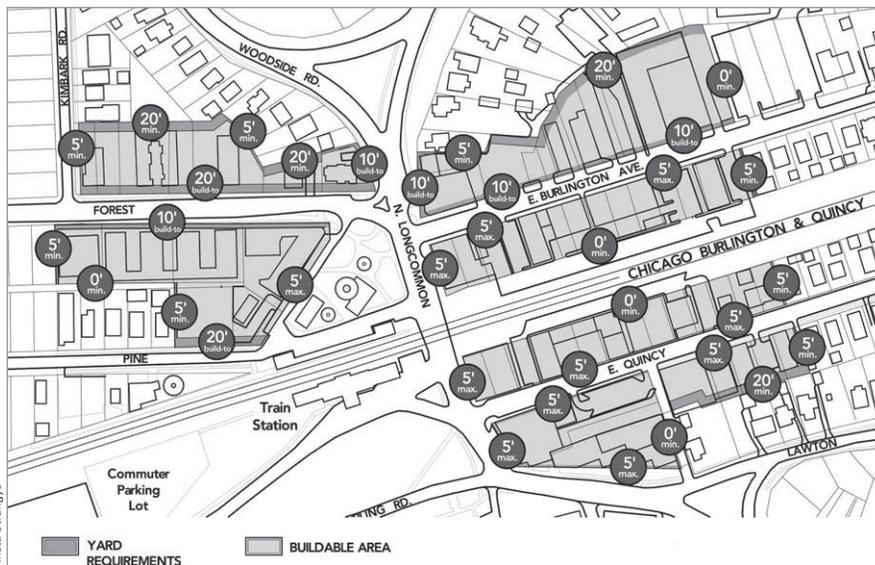
Instead, by integrating form-based controls into a traditional zoning code, the a community can pinpoint the specific design elements desired in new development, and it can achieve a similar outcome to that of a form-based code without having to start from scratch. When done carefully, incorporating form-based elements can help refine and focus standard bulk requirements.

WHY CREATE A HYBRID CODE?

Traditional zoning speaks more to land-use compatibility than design, so it may not result in the desired physical character and scale for new development. In other words, traditional zoning speaks to *how much you can do*, while form-based controls add the element of *how you can do it*. When form-based controls are added, the zoning regulations can better articulate what is meant by, for example, keeping within the established scale, context, or design traditions without having to create an entirely new zoning code. Property owners are more willing to accept regulations that enhance those they are familiar with and understand, rather than a completely revised set of standards and new administrative procedures and reviews.

This type of hybridization has a number of benefits. Code administrators are still working within a familiar framework, crafting form-based elements that they understand and feel comfortable administering. Other zoning districts, where more traditional bulk controls have been working, do not need to be overhauled. In many built out communities, the "place making" philosophy of form-based zoning is unnecessary—a place is already "made," so to speak. In those instances, the form-based controls are used to maintain the existing established character and guarantee that new development fits in, adding a layer of character preservation to the code.

However, the use and development of form-based techniques can also be a challenge. The form-based controls must be easily



➔ In addition to including controls on building form, hybrid codes can also regulate the placement of buildings on a lot, as shown in this map representing required yards in a central business district. In some cases, to preserve historic development patterns, a parcel-by-parcel determination of proper setback may be required. Standards can include a mix of build-to, maximum, and minimum setback lines.

ASK THE AUTHOR JOIN US ONLINE!

Go online from June 16 to 27 to participate in our “Ask the Author” forum, an interactive feature of Zoning Practice. Arista Strungys, AICP, will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The author will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

About the Author

Arista Strungys, AICP, is a senior associate at Camiros, Ltd. Her area of expertise is zoning and development regulations, and she has worked with communities across the country to create hybrid ordinances that combine traditional zoning regulations with form-based controls.

understood by staff, the community, property owners, developers, architects, and others involved in the development process. While there will be those controls that require a certain expertise, most provisions should be written so that they can be read and interpreted by the whole community. If residents do not understand the code, they will not trust it.

IMPLEMENTATION

Implementing new rules in built environments, where a substantial zoning tradition tied to existing bulk and use standards already exists, is also a challenge. In a sense, a “pure” form-based code can be easier to implement within a new or growing community because new development tends to occur upon a clean slate. A form-based code is easier to accept when it will be applied only in the future for new development.

However, within a built out community, many residents may feel that their existing code has served them well and do not understand why any revision is necessary. Often, a certain character develops out of tradition, not regulation, and residents do not realize that new development—under the existing rules—is not obligated to “match.” In many cases, existing zoning regulations permit new development by-right that is out of scale and character with existing development; new buildings that respect the existing character happen only by pure luck.

FIVE STEPS OF HYBRID CODING

The task of integrating design-oriented controls into a code may seem daunting, but there is a logical schedule of actions that determines which design elements should be incorporated, crafts the proper development controls, and builds public support for the new code. This can be broken down into five key steps. To help illustrate this five-step process, the Village of Riverside, Illinois, is provided as an example of how a hybrid code was drafted,

A “pure” form-based code can be easier to implement within a new or growing community because new development tends to occur upon a clean slate.

adopted, and implemented. Riverside is a National Historic District designed by Frederick Law Olmsted, so the built form is a key part of the community. Prior to adoption of the new regulations, an outdated zoning ordinance, which did not address the village’s historic character, controlled the form of development and potentially permitted projects that were out of scale and context. This example describes the hybrid coding process for both the central business district (CBD) and the residential districts, which were conducted as consecutive ordinance updates.

Step 1: Target the Area

The first step is to identify the area that will be subject to the regulations. In this step, the community must target the appropriate area and define its boundaries. While the target area does not require the district to have a singular character—different components of a district can be addressed through a subdistrict structure—it must have a unifying theme and purpose. Usually, it relates to a location, such as a central business district or commercial corridor, or a particular issue, like residential teardowns, that needs special “form-based” attention. In terms of code organization, the targeted area is often an

existing zoning district, but it can also require the creation of new districts or the application of zoning overlay districts.

After identifying the area, it is also important to consider the transitions. For example, if the anticipated form-based regulations are for the downtown, which is surrounded by single-family residential, it is important to address the transition from commercial to residential, especially if the downtown revisions encourage increased height or density. For example, regulations for a transition area may require town houses as a buffer between downtown development and surrounding single-family homes. This is where the subdistrict structure is useful.

Many times the issues throughout the targeted area are not the same. Using the same downtown example, a single set of architectural standards may be appropriate for the entire area, but the use structure may not be. A downtown core would desire more lively uses like retail stores, coffee shops, and restaurants, while office uses along the ground floor would not be appropriate. However, ground-floor offices could be ideal for other commercial streets within the district. The subdistrict structure can take them into account much like the town house transition area. This organizational technique allows a community to tailor the uses for each of these subareas to achieve specific goals, while maintaining the same design character throughout.

In Riverside, zoning for the CBD required definition of the area, while the residential districts dealt with the issue of out-of-scale new development. This provides a good illustration of how hybrid coding can be either place or issue specific. In the case of the CBD, all of the village’s business uses were grouped under one zoning classification, which did not distinguish between the historic CBD and the commercial corridor uses

along a major arterial at the eastern boundary of the village. Therefore, Riverside had to create a new district. However, while the boundaries of the historic CBD were relatively straightforward, one set of use controls was insufficient to define the use of different areas within the core. Therefore, the hybrid code divided the CBD into three subdistricts: the retail core, which was the heart of the district; the public use zone for village and public open space uses; and the mixed use periphery, which helped to address transitions from the retail core. Because the common thread throughout all three subdistricts was building design, most of the design standards applied throughout the new district.

In the residential districts, the village was concerned about the scale of new development. Because the majority of Riverside is

Basic zoning regulations will establish density, permitted uses, and lot sizes, but design controls will direct the physical character of new construction. Built out communities often use hybrid coding to preserve or restore historic character and, at the same time, address modern development needs, such as flexibility in off-street parking requirements or mixed use development. In a greenfield development, hybrid coding is oriented more toward place making because there are no surrounding developments and fewer—or no—established design traditions. Here, the hybrid code sets the tone for the first development and for all that follow.

In a way, it can be easier to define the policy for an area of preservation because the guiding principles are already on the ground. Place making in greenfield environments

ability and the ability to “look through” a block by keeping front yards unobstructed by fences, hedges, and even automobiles.

Step 3: Describe the Form

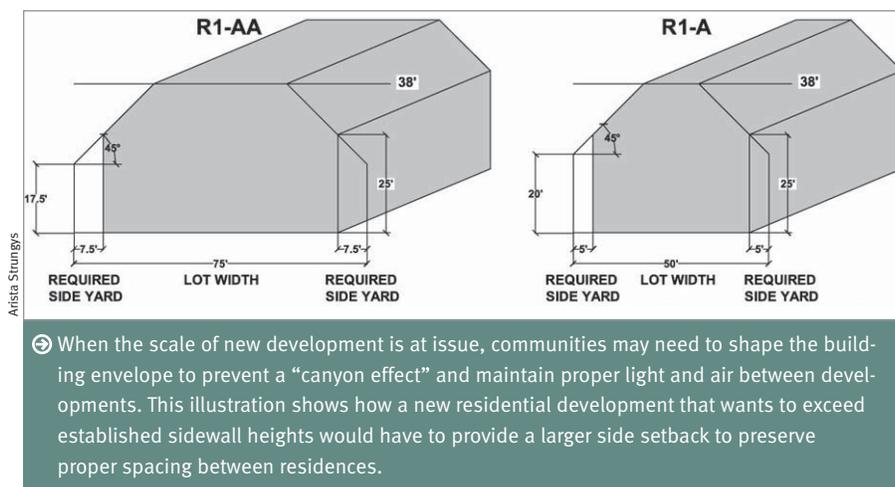
Any zoning process, including hybrid coding, should involve the public at all points in the process. However, public involvement at step three is crucial. Residents generally know what they like in terms of physical form, but have very different ways of articulating that idea. In addition, they often react to perception rather than reality. A building height of three stories means—and implies—a lot of different things to a lot of different people.

Before moving to step four and drafting regulations, the goal is to have everyone speaking the same language. Visual preference surveys, open houses, and public workshops—often conducted more than once—are good ways to elicit public consensus on specific design elements. For example, residents can use these forums to point out which buildings within the district provide the proper architectural context. Further, they can cite specific character-giving elements, like fenestration design, desired roof form, and preferred building materials, that they would like to be part of the regulations.

The educational aspect of step three cannot be overstated. To continue the previous example, some residents may resist the idea of a three-story building height when described as 35 feet, but they may not be aware that many of character-defining buildings in the downtown are already 35 feet in height. In another example, if a community wants to use hybrid coding for single-family infill, it needs to determine what residents find troublesome about new development.

In many cases, this boils down to a discussion of design versus scale. Planners should work with the public to determine what is at the core: Is it the architectural design of new buildings? The building materials being used? Or is it the scale of new construction and the impact on adjacent, existing residences? At this point in the process, it is important for the community to get at the true motivations and concerns of its residents in order to understand what really needs to be regulated.

For both zoning updates in Riverside, the village provided a number of opportunities for public participation. The plan commission and village staff identified the initial set of zoning issues to be addressed, but once these were identified, Riverside held public open houses,



comprised of single-family residential, the hybrid coding process was issue oriented (i.e., ensuring that new residential development maintain the established character) rather than being driven by a need to define community character.

Step 2: Set the Policy

Before creating specific regulations, communities must confirm the development policies and concepts that will guide the drafting process. Often these policies come from recently adopted plans, like a comprehensive plan or downtown plan. Regardless of whether a community has articulated development policy through an adopted plan or if it uses the zoning process to determine that policy, communities need to focus on the following question: Is the driving goal one of place making or preservation?

requires more detailed concepts prior to drafting the regulations, because there is no surrounding context. The first new development also takes on additional significance because it sets the tone for all that follows.

The entire Village of Riverside is a National Historic District, so both the CBD and residential zoning assignments were focused on preservation. The goal was to create zoning districts consistent with Olmsted’s vision. Because original zoning regulations addressed all commercial areas under one classification, the village needed to create a “concept plan” to determine the goals for future development in the historic business core and to outline those elements of building form and site layout that define the CBD. For the residential districts, the goal was to require new development to maintain the established character, such as front yard vari-

typically on weekends, so that residents could understand the full range of issues being addressed and provide input into the different regulatory approaches. The village used visual preference surveys to gain a better understanding of what residents did and did not like. After the new codes were drafted, Riverside opened up all ordinance review meetings to the public to allow for continued input. For the residential revisions alone, more than 20 public meetings were held with the plan commission before the public hearing on the final ordinance.

what is *encouraged*. The second task is to determine how specific or broad each standard should be.

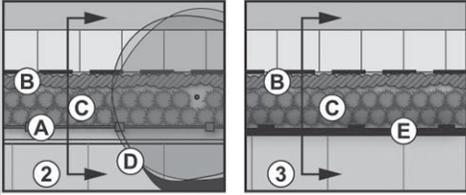
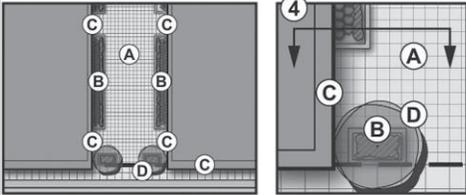
It is often easier to tell an applicant that he or she must do something, rather than attempt to persuade an applicant that adding a certain design element is recommended. The benefit of a requirement—a “must”—is that the expected form is more predictable and less review time is needed because it is an issue of compliance, rather than negotiation. The downside is that a requirement may be met with resistance from property owners,

is expected and no cohesive look to the resulting development. This negates the purpose of form-based controls.

Finally, it is important for a community to remember the type of development it is planning for and to ensure that regulations do not exclude specific development types that may be desired, even if they are not the predominant form. If traditional residential development includes tall homes in the Victorian style, the code can be tailored to specifically address these architectural forms as exceptions without setting a height limit that leads to out-of-scale modern development that towers over its neighbors.

In order to preserve the historic development pattern within the village, Riverside established strict setback controls for both the CBD and the residential districts. In the CBD, the village created parcel-by-parcel setbacks for each zoning lot, including a combination of minimum setbacks, maximum setbacks, and build-to lines, coupled with buffer yard requirements where lots abutted residential uses. In residential districts, in order to maintain the historic variability of the front setback, the concept of a street yard was created. Prior to the ordinance update, the village used an averaging provision. The dimension of the street yard—in more traditional zoning terms—is determined by the closest dimension indicated on the Works Progress Administration (WPA) House Setback Survey. The WPA undertook a House Setback Survey in Riverside between 1936 and 1953 to document building placement on Riverside’s lots. The information contained in this survey, available from the village building department, is used to determine the street yard dimension. Because Riverside historically has a varied front setback, using the map allows the village to maintain the historic development pattern and front yard variability.

Some districts were also more amenable to strict controls than others. Within the CBD, there are very specific design standards for new construction, including permitted building materials and standards for scale, massing, and fenestration, including an illustrative guide of contextual architecture. Because the CBD is a concentrated area with a clearly established historic character, the majority of regulations are “musts.” However, within the residential districts, the village drafted design standards to address only the specific elements that were identified as the most vulnerable to permitting out-of-character construction, such as building

Secondary Street Landscape Area:	
	<ul style="list-style-type: none"> (A) 4' ornamental fence along surface parking lots (B) 2' min. width for groundcover (C) 4' wide min. Low Hedge row (D) Large Deciduous Trees 25' O.C. along surface parking lots (E) Parking Structures
Plaza Area:	
	<ul style="list-style-type: none"> (A) Decorative paving pattern (B) 2' high min. Raised Planter with 4' wide min. Low Hedge row and 2' min. width for groundcover (C) Building access points (D) Small Ornamental Trees at Plaza Area entrance
<p>⊕ When creating a hybrid code it is also important to look at the various site elements—parking, signs, and landscaping—so that they work in concert with the desired building form. In this example, the community included landscaping standards for frontage along a right-of-way as well as within a required plaza area.</p>	

Arista Stungys

With any design-oriented process, the use of illustrations and photos is necessary to communicate design concepts and policy ramifications. Open houses provide an important opportunity to illustrate what is currently permitted under existing regulations and to solicit input on proposed changes. For example, in Riverside, the controversy centered around the maximum building height for the CBD. Many residents believed that the proposed three-story height was too tall. Only after the village illustrated how that height matched existing development within the CBD was the issue resolved.

Step 4: Balance the Regulations

Once the various elements of the desired form are identified, specific regulations can be drafted. First, planners need to balance what *must* (a requirement) be done versus

developers, architects, and others during the code-drafting process, and may lead to increased variance applications after code adoption. When design elements are simply encouraged, the code provides more flexibility and tends to calm the nerves of those who fear the “architecture police,” but if too many elements are only encouraged, communities have no way to guarantee the desired end product.

The specificity of the controls, whether required or encouraged, is another difficult situation for any community to navigate. If the controls are very specific, the developer knows exactly what is expected and can plan accordingly. But if the standards are too specific, with limited alternatives, the outcome can produce cookie-cutter development. On the other hand, if the standards are left too broad, then there can be confusion over what

materials, garages, and a building height setback plane. The village did not want to control residential architecture and require design review for each new structure.

Step 5: Administer and Implement the Code

The final step is to create the tools to administer and implement the hybrid code. This should begin with an assessment of the capacity and expertise of both staff and the various boards and commissions to determine who is best able to review the applications.

There are a number of options to put a hybrid code into action. One of the most basic is the site plan review process. Generally, site plan review addresses the different aspects of site design (e.g., circulation, parking, landscaping, and open space, etc.), but communities can expand this process to include building design review that originates from the form-based controls in the code.

Implementing a hybrid code through the site plan review process requires consideration of who reviews the applications. The

Implementing a hybrid code through the site plan review process may also increase the number of applications seen by the review body, depending on what districts or development types have received form-based treatment. For example, if single-family infill is now subject to significant form-based controls, then the site plan review body, depending on the development activity in the area, may see its workload double or even triple. If the area is active, a separate committee and review process may be necessary just to accommodate the number of applications in a timely manner. This is especially true if site plan review is handled by a body like the plan commission, which already has a number of other duties.

One option outside of site plan review is to create a design review process. A design review committee, comprised of community members (including some with specific design expertise), would analyze each application for compliance with the intent of the regulations. If the hybrid coding is only

alternatives, there will be a more subjective interpretation. Staff may not be comfortable making these subjective decisions and a public committee may be necessary.

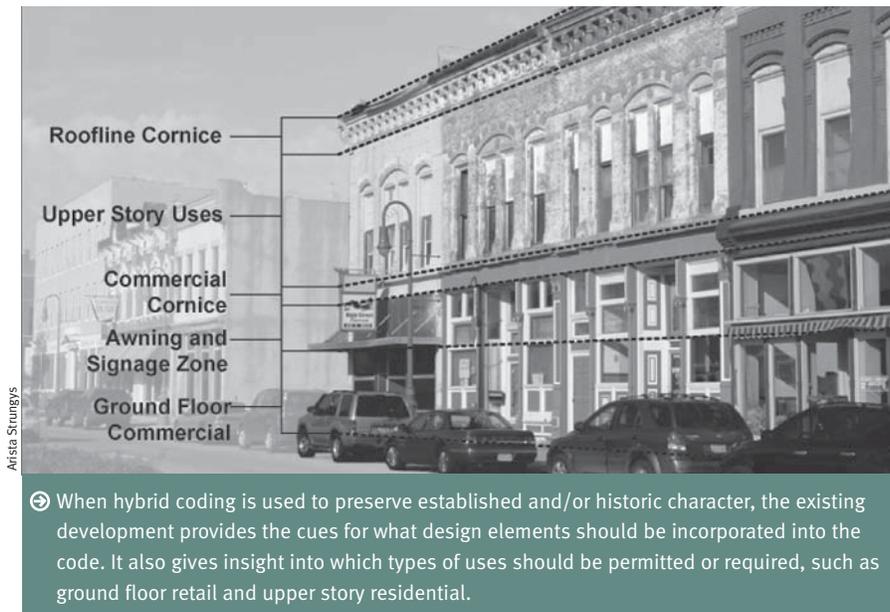
As the community formulates its standards and considers the review process, the key issues to keep in mind are: capacity, efficiency, expertise, and consistency. In other words, the jurisdiction needs to review each application and render a decision within a reasonable time frame. The outcome should be predictable, and the review body should be consistent in the application of standards and decisions.

Because Riverside's original ordinance dated from 1922, there were no review processes in place that could evaluate development applications against the new standards. Therefore, as part of the creation of the CBD zoning district, the village established a site plan review procedure. The updated zoning put the plan commission in charge of reviewing and approving site plan applications. Because of the small size of the village core and the expertise of plan commission members, integrating application review as a member responsibility proved to be an effective and efficient way to administer the new design-oriented regulations for the CBD. Because residents are very concerned about the character of new development, the plan commission's review also allows for transparency in the development approval process.

When Riverside initially discussed design standards for new residential development, the village worried it would need a design review committee to assist in review of those applications. However, because the design standards were restricted to a series of requirements that must be met, the need for such a committee became unnecessary. Staff could continue to process applications as they came in for compliance with new form-based regulations.

THE TRANSITION

As new rules affecting the design and placement of buildings are integrated with use and bulk controls, it is important for a community to agree upon urban design goals or guidelines and to illustrate how form-based regulations within a revised zoning code can help to advance the design vision. The result of this, however, may be the creation of nonconformities. It is helpful in these instances to provide that existing structures are "deemed conforming." This type of provision should not be



review body must be comfortable with this added layer of responsibility. If the site plan review process is conducted internally by staff, they may be comfortable making site plan assessments but uncomfortable with interpreting architectural standards, which may require additional expertise. In this situation, it may be appropriate to conduct the site plan review through staff and forward the comments to another committee for design review.

applied to a certain areas, staff can conduct an internal site plan review and forward their report to the design review committee to be integrated at the end of the process as one comprehensive review report.

If requirements are strict, staff can review the applications and expedite the process by checking for compliance. If more standards are encouraged and require negotiation for their inclusion in a design, or if the standards are very broad or offer a number of

◆ **Oklahoma City, Oklahoma: Zoning Ordinance**

Design guidelines as well as site-specific yard and bulk regulations, are combined with traditional zoning controls to guide the form and character of new development in Oklahoma City’s Downtown Business District, Downtown Transitional District Limited, and Downtown Transition District General. These regulations are interpreted and enforced via a downtown design review certificate of approval for all projects, whether public or private.

◆ **Noblesville, Indiana: Corporate Campus**

The Corporate Campus Plan and Development Regulations, which covers nearly six square miles, lays out recommendations for land-use and transportation improvements. Further, it contains detailed development policy and urban design guidelines to assure that the character of new development meets the expectations and values of the community. This is achieved through the provision of an overall land-use plan, a set of land-use and urban design policies, and design guidelines that are depicted in the form of several illustrative plans designed to give developers a clear statement of the community’s intent. The implementation of this plan is governed by a specific design set of zoning controls which are incorporated in a Corporate Campus Zoning District.

◆ **Park Ridge, Illinois—Zoning Ordinance**

The B-4 Uptown Business District is intended to sustain the current commercial, pedestrian-oriented character, and economic viability of the central business district. Hybrid coding is used to ensure that new development is consistent with Uptown’s established scale, architecture, and mix of uses. In order to refine the regulations for this district, a series of subdistricts have been created with distinct use and bulk regulations.

applied to every nonconformity, because many may be undesirable and should be eliminated. It is, however, a useful tool to help preserve existing structures that may violate existing code requirements but that have distinct character-giving elements in the community.

For example, new residential height restrictions may make certain homes with more elaborate roof forms nonconforming because of maximum height violations, but keeping the old height restrictions may lead to undesirable residential infill that is out of character and out of scale. The solution may be to tailor the height restrictions to prevent the out-of-scale construction but deem the existing structures, which violate that restriction, conforming. In all cases, a “deemed conforming” provision should be very specific in application and carefully considered before codification.

Riverside’s original ordinance used an interior residential height measurement that did not regulate overall building height. Because building height is a key bulk control, part of the update established both a set building height and a building height setback plane. Together, these controls manage the scale and volume of new construction. Because the new ordinance includes a definitive building height that could result in taller

The solution may be to tailor the height restrictions to prevent the out-of-scale construction but deem the existing structures, which violate that restriction, conforming.

buildings, the village wanted to control overall volume with a setback plane. The actual dimensions of these regulations were based upon the predominant design characteristics of existing homes. For example, most homes of the desired scale had a sidewall height of approximately 23 feet. Therefore, at the minimum side yard setback, the building height setback plane permits 23 feet as the maximum sidewall height at the minimum side yard setback. If a higher sidewall height is desired, the builder must provide a larger side yard setback.

In addition, the new controls allowed dormers and gables, common to Riverside’s residential architecture, to pierce this envelope. However, with new restrictions on building height, the village was concerned that a number of existing homes, many of which could be historic, violated the new restrictions. Rather than treat these existing homes as nonconformities, which by definition are intended for gradual elimination, all homes that existed on the date of adoption of the ordinance that did not comply with the building height restrictions were deemed conforming to encourage their preservation.

THE BEST OF BOTH WORLDS

A hybrid code incorporates the best of both worlds. Form-based elements target areas that need refined design regulation, while those parts of the code that work remain as they are. The public process elicits design controls that are supported and desired by the community, and creates a code understood and trusted by residents. By keeping what works and using form-based techniques to target specific areas or issues, a traditional zoning code can achieve the same results as a form-based code without having to start from scratch.

Neighborhood Center Standards from the City of Grass Valley, California, Development Code. Cover concept by Lisa Barton. Image courtesy of Opticos Design, Inc. and Crawford, Multari & Clark Associates.

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Citizens' Forum – Mr. Edward Eaves

Staff Resource: Alban Burney, City Manager's Office, 704-336-4947, aburney@charlottenc.gov

Mr. Edward Eaves has signed up to speak at Monday night's Citizens' Forum. Mr. Eaves addressed the Council previously at the July 27 Citizens' Forum. At that time Mr. Edward Eaves spoke about code enforcement violations at the Sandhurst Apartments. Mr. Eaves claims that the violations have not been addressed because of what he perceives as a biased relationship between the City's Code Enforcement division and management of the Sandhurst Apartments. Council requested that City staff look into Mr. Eaves' concerns.

After consulting the City's Code Enforcement division and the City Attorney's office, staff learned that the Sandhurst Apartments is in compliance with Code Enforcement. Mr. Eaves has also been in contact with the Charlotte Mecklenburg Community Relations Committee (CRC) with regards to filing a fair housing complaint against the Sandhurst Apartments. After conducting an assessment, the CRC determined that there was not enough evidence to file a fair housing complaint and that the issue is a disagreement between the landlord and the tenant.

Council member LaWana Mayfield, in whose district Mr. Eaves resides, has been in contact with Mr. Eaves regarding the issues at the Sandhurst Apartments.