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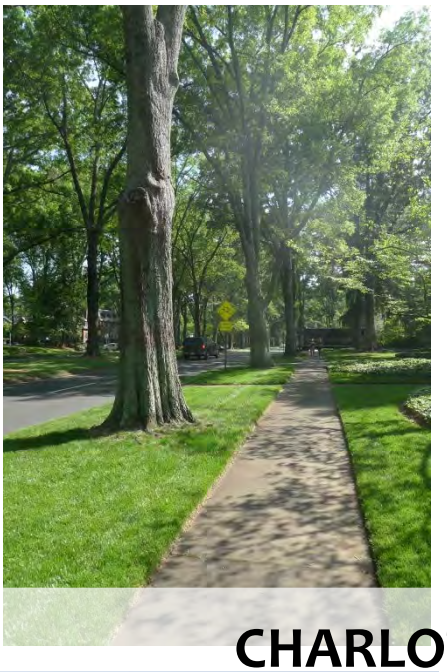
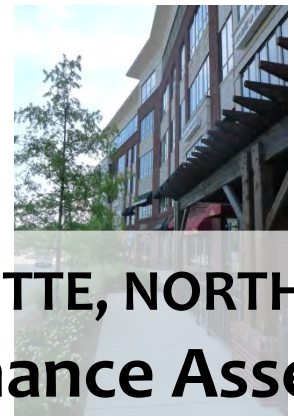
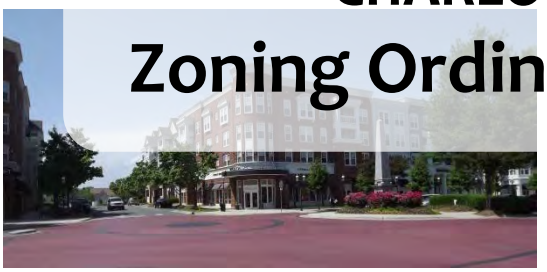




CHARLOTTE, NORTH CAROLINA

Zoning Ordinance Assessment Report



ASSESSMENT

CLARION

Clarion Associates, LLC
In Association with
Kittelson & Associates and Opticos Design

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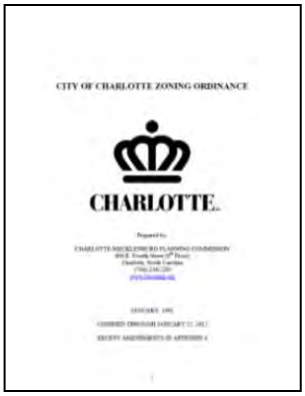
INTRODUCTION AND OVERVIEW

A. PROJECT OVERVIEW

During the past 20 years, Charlotte has experienced many significant planning and land use changes. New developments have included, for example:

- Major convention, hotel, and office projects in Uptown;
- The introduction of the successful LYNX Blue Line (with new lines to follow) and complementary transit-oriented development;
- The addition of many high-quality retail and mixed-use projects around the SouthPark Mall area;
- Thriving new small businesses along Charlotte's urban corridors;
- The construction of I-485, which is nearing completion, and related greenfield development; and
- Ongoing infill and redevelopment projects in many of the City's handsome, tree-filled neighborhoods.



During that time, development has been governed by the Charlotte Zoning Ordinance, which was last comprehensively updated in an extended process that stretched from the late 1980s to 1992. The ordinance is a regulatory tool that provides direction on how development or redevelopment will occur. It is a mix of traditional, Euclidean-based provisions (based primarily on the regulation of land uses) along with new tools for flexibility and area-specific elements and enhancements that have been added over the years. As is the case with many older development codes around the country, the current Zoning Ordinance has become outdated and is not user-friendly (at over 830 pages). Many believe it is not well aligned with the City's planning and development goals, adopted plans and policies, and modern best practices.

To address these and other related issues, the Charlotte-Mecklenburg Planning Department is undertaking a comprehensive assessment of the Charlotte Zoning Ordinance, along with a consultant team led by Clarion Associates, and including Kittelson & Associates and Opticos Design.

The project focuses on how well the current Zoning Ordinance implements City policies and plans, such as the *Centers, Corridors, and Wedges* growth framework, the General Development Policies, and relevant area plans. The project also looks at best practices for zoning in other communities (both in North Carolina and throughout the nation), and suggests a range of possible new zoning and land use tools to improve the Zoning Ordinance and better achieve Charlotte's planning and development goals. The project will result in two main reports:

- **Zoning Ordinance Assessment Report.** The assessment report (this document) identifies how well the Zoning Ordinance is equipped to

implement adopted plans and policies, as well as other strengths and weaknesses of the ordinance. In preparing this assessment report, the Clarion team completed the following:

- Evaluated key plans and regulations;
- Participated in a staff-led reconnaissance tour in August 2012 to see how development issues are playing out;
- Prepared and administered (with City staff) an online public survey questionnaire about the Zoning Ordinance;
- Conducted three sets of meetings and interviews between August and November 2012, with City staff, Planning Commissioners, elected officials, and other stakeholders (neighborhood representatives, developer applicants, and professionals involved in the development review process); and
- Conducted two public meetings in September 2012 to overview the project, answer questions, and receive input from the public.

- **Zoning Ordinance Approach Report.** This second report looks forward to alternative approaches for what the Charlotte Zoning Ordinance might look like in the future, whether as a result of incremental updates or a major comprehensive revision.

B. Overview of the Zoning Assessment Report

Following this introduction, the assessment report has two main parts:

- **Implementing Charlotte's Plans and Polices** evaluates how well the Zoning Ordinance is equipped to implement City policies and plans, particularly the area plans. As is seen in specific examples in Part 2, in many cases the Zoning Ordinance includes some but not all of the tools needed to achieve the goals set forth in the plans.
- **Other Strengths and Weaknesses of the Zoning Ordinance** identifies overarching issues that emerged from the Clarion team's review of the Zoning Ordinance, relating to zoning districts, development standards, review procedures, and overall user-friendliness.

Appendix: Summary of Stakeholder Feedback. The appendix provides a summary of stakeholder feedback received at the project meetings in September and November 2012.

IMPLEMENTING CHARLOTTE'S PLANS AND POLICIES

The City of Charlotte has adopted a number of recent plans and policy documents that address growth management, land use, and urban form at citywide, community, and neighborhood scales.

In North Carolina, plans are a source of guidance for local officials making land use decisions. According to state land-use law expert David Owens:

> "The plan is just that—a plan or guide and not a regulation. But the plan, and all of the studies and discussion that led to it, does provide the general policy foundation for zoning decisions. The law, as well as good planning practice and common sense, suggests that those policies be carefully considered as each zoning decision is made.[1]

One of Charlotte's key planning goals is to ensure that the Zoning Ordinance is aligned with and capable of effectively implementing the City's adopted plans and policies. As part of this assessment report, the ordinance's menu of zoning districts is reviewed in light of the key planning concepts used in the plans and policies. This means, for example, reviewing the concepts and policy direction in *Centers, Corridors, and Wedges* and the area plans and determining whether there are zoning districts that adequately implement those concepts. Development standards in the ordinance (such as building placement and design standards, and height and density controls) are also reviewed to determine if they allow the City to achieve the types of community design called for in the adopted plans and policies.

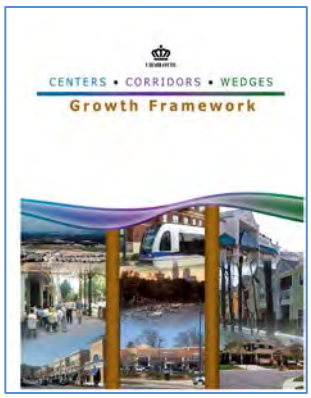
Charlotte's plans and polices that are most relevant to this assessment report are listed in the box at the top of this page. They are briefly described below, along with discussions about their alignment with the current Zoning Ordinance. For this report, the planning staff selected a representative sample of six area plans for review, including Blue Line Extension, Elizabeth, Independence Boulevard, Midtown Morehead Cherry, Park Woodlawn, and Steele Creek.

KEY ADOPTED PLANS AND POLICIES

- Centers, Corridors, and Wedges: Growth Framework (2010)
- General Development Policies (2007)
- Urban Streets Design Guidelines (2005)
- Area Plans (ongoing)

A. CITYWIDE LAND USE POLICIES

1. Centers, Corridors, and Wedges: Growth Framework (2010)



Adopted in 2010, *Centers, Corridors, and Wedges* (*CCW*) is characterized as a citywide growth framework that generally establishes the overall vision for future growth and development in Charlotte. The document categorizes all land within the City's sphere of influence as one of three geographic types: Activity Centers, Growth Corridors, and Wedges. The document outlines the

[1] *Introduction to Zoning*. Chapel Hill: Institute of Government, University of North Carolina at Chapel Hill, 1995. P. 42

current and desired future characteristics of each of these areas and their subareas.

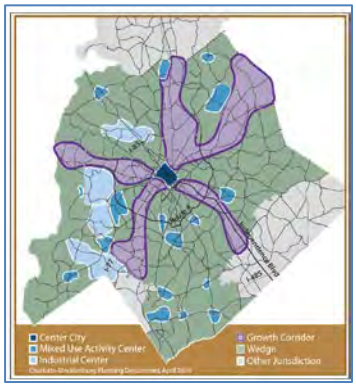


Figure 1: Centers, Corridors, and Wedges:
Growth Framework

- **Activity Centers** are focal points of economic activity and concentrated development. There are three types of Activity Centers: Center City, Mixed Use Activity Centers (of which there are 17), and Industrial Centers (of which there are four).
- The five **Growth Corridors** stretch from the City Center to the edges of Charlotte and include widely varying character areas. For planning purposes, corridors are broken down into four subareas: Transit Station Areas, Interchange Areas, Established Neighborhood Areas, and General Corridor Areas.
- **Wedges** are the large areas between the Growth Corridors, excluding the Activity Centers. They primarily include areas of low- and moderate-density housing, with some limited high-density housing and Mixed-Use/Retail districts that serve and act as focal points for surrounding neighborhoods.

The general intent behind the CCW is to provide a uniform frame of reference for the ongoing preparation of other policies and plans, especially more detailed area plans. The CCW notes that "specific direction for land use decision-making will continue to be provided by policy documents such as area plans and General Development Policies, and by regulations such as zoning and subdivision ordinances."

2. General Development Policies (2007)

The General Development Policies (GDP) provide guidance for the location, intensity, and form of future development and redevelopment throughout Charlotte. They establish broad policies that provide direction in developing future land use plans and in rezoning decisions. They provide guidance in updating zoning and subdivision ordinances, and for integrating land use planning with capital facilities planning, particularly transportation planning. The GDP builds on *Centers, Corridors, and Wedges* by setting out principles for development relating to the following issues:

- Policies for **transit station areas** recognize a core area within one-quarter mile walking distance of the station that generally should contain the highest-intensity and most pedestrian-oriented development, and an area between one-quarter and one-half mile walking distance of the station that generally should contain moderate-intensity development. Transit policies generally address land use and development, mobility, and community design.
- Policies for **retail-oriented mixed/multi-use centers**, which can be anywhere in the City (with the largest most likely in Centers and the smaller typically in the Corridors and Wedges). Five sizes of centers are identified, from relatively small convenience centers that meet the day-to-day needs of immediate neighborhoods; to large super-regional centers with

regionally oriented retail, office, and civic uses. Design guidance is provided for a range of issues, including:

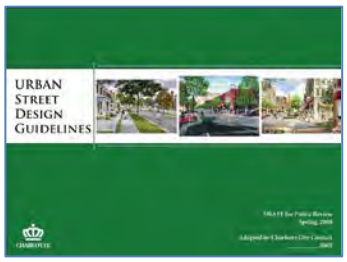
- *Site and Building Design* (sample issues: connections to surrounding uses, building orientation and massing, block patterns, protection of historic resources, landscaping, and dumpsters);
- *Freestanding Single Tenant Buildings* (sample issues: scale, height and configuration; drive-throughs; pedestrian safety, aesthetics, and shared amenities);
- *Transportation/Connectivity* (sample issues: pedestrian connections, bike parking, minimized and/or structured parking); and
- *Natural Environment* (sample issues: slope protection, open space, bridges and culverts, pervious pavements, landscaping, tree canopy).

- GDP policies for **residential location and design** include a process for evaluating appropriate densities where it is not already determined by existing plans or policies. The evaluation considers a number of factors, including water and sewer availability, land use accessibility, connectivity, and surrounding road networks. It uses five density categories, from up to six dwelling units per acre (DUA) to over 17 DUA. The policies also include design guidelines to ensure that residential developments encourage pedestrian activity, provide for good circulation, and respect the natural environment.

In addition to the above policies relating to various mixed-use centers and residential development, the GDP includes guiding principles and policies that focus on minimizing the negative **environmental** impacts of land use and development and more closely linking land use and development to the availability of supporting **public infrastructure**. Future updates to the GDP will address other topics.

The policies in the CCW and the GDP provide a framework for general land use patterns and a foundation for development characteristics that the City desires and that should be reflected by zoning districts established in the Zoning Ordinance. The GDP are used in the development of area plans (discussed below) to determine the appropriate location for future residential development and redevelopment, as well as to provide support for community design policies. They also are used to evaluate potential rezonings.

3. Urban Streets Design Guidelines (2005)



The Urban Street Design Guidelines (USDG) are the implementation tool for planning and designing Charlotte's streets. The USDG are intended to create "complete" streets that, in the City's terms, "provide capacity and mobility for motorists, while also being safer and more comfortable for pedestrians, cyclists, and neighborhood residents." They focus on creating a diverse set of street designs and types that provide multiple transportation choices for Charlotte residents. In addition to laying out guiding principles of Charlotte's

"complete street" network, the USDG establish specific policies in a variety of areas, such as:

- Establishment of street classifications (e.g., Main Streets, Boulevards, Local Streets);
- Creation of a methodical process for analyzing the existing and future context of streets, and determining appropriate plans, programs, and policies to achieve the desired complete street policy goals; and
- Recommending specific standards in areas such as block lengths, creek crossing intervals, street tree planting strips, street cross-sections, and sidewalk widths.

The USDG serve as the basis for many of the streetscape recommendations in the area plans. The USDG also give guidance for how development should relate to different street types.

Charlotte's most recent area plans include streetscape plan maps in which street types from the Urban Street Design Guidelines are applied to specific streets. These are intended to establish street cross-sections and ultimate curb lines for thoroughfares. This planning approach extends the basic street principles of the USDG to the real needs of a particular street length, including the number of lanes, provision of bicycle lanes, and width of medians. This is useful in providing clear direction on the type of street envisioned and ways that development may be affected by the street section (or in ways that development can contribute to realizing the cross-section, including the provision of streetscape elements). While implementation of ultimate street cross-sections for thoroughfares is not accomplished as a result of the Zoning Ordinance standards, placement of buildings in relationship to the ultimate right-of-way is determined by the ordinance. However, the portion of the ordinance addressing building placement and relationship to streets has not been updated to reflect the new policies outlined in the USDG.

B. Area Plans

1. General Contents of the District and Area Plans

While the CCW and GDP are oriented around planning policies, the district plans and area plans are prepared for specific geographic areas.

District Plans. In the mid-1980s the entire planning jurisdiction of Charlotte-Mecklenburg was split into seven districts for planning purposes: North, Northeast, East, South, Southwest, Northwest, and Central. Between 1986 and 1992, parcel-specific land use plans were developed for these districts (called "district plans") that built upon the general policies and recommendations of the 2005 Generalized Land Use Plan (adopted 1985), while focusing on the specific physical development issues of each district. Today, these district plans remain the currently adopted land use plans for Charlotte-Mecklenburg (with the exception of North, which is covered by the northern towns of Mecklenburg County), but they are continuously updated by the adoption of area plans, plan amendments, and rezonings.

Area Plans. Area plans make up the bulk of the recent planning work that has been undertaken in Charlotte. Dozens have been completed, and additional plans are in process as of the summer of 2013. They provide the framework and serve as a policy guide for future growth and development for specific geographic areas. Four general types of locations are covered by area plans: neighborhoods, business corridors, pedestrian-oriented "pedscape" areas, and transit station areas.

While the plans vary in scope and each one is unique, many area plans share a common organizational structure and include two major elements: a Concept

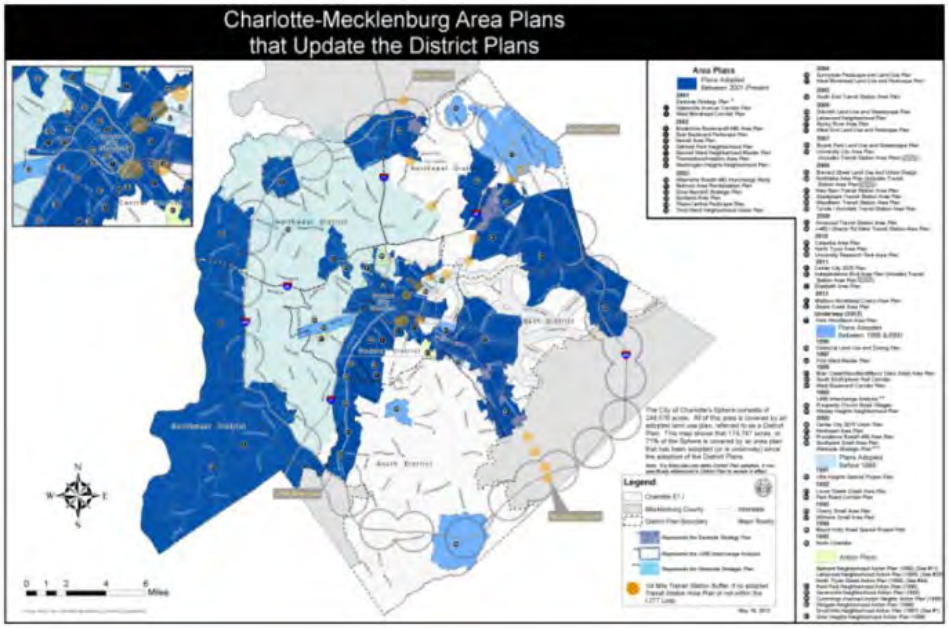


Figure 2: Charlotte-Mecklenburg Area Plans that Update the District Plans

Plan and an Implementation Guide.

- **Concept Plan.** The Concept Plan includes maps, text, and other graphics applying policies to specific geographic locations. It acts as the overall policy guide for future decision-making within the plan area. In addition to a vision statement, each plan generally includes policy goals for the following categories:
    - Land Use;
    - Community Design (including building architecture and site design, natural environment, and pedestrian and vehicular networks);
    - Transportation and Streetscape;
    - Infrastructure and Public Facilities; and
    - Environment.

  In each of these categories, the plan may carry forward applicable elements of the citywide GDP, and also set forth plan-specific policies unique to the area. Sometimes the Concept Plan is a single map and text, while in other plans it may be further subdivided (for example, some transit station area plans include both high-level concept maps and more detailed structure plans). In some plans, development scenarios are included as part of the Concept Plan to "test" recommendations for key areas to ensure they are feasible. The Concept Plan is adopted by City Council and becomes official City policy for the planning area.

- **Implementation Guide.** Each area plan also includes a staff document (not adopted by the City Council) that identifies priorities for implementation, expected time frames, and the agencies responsible for implementing the plan recommendations.

2. Zoning Ordinance Provisions Most Relevant to the Area Plans

Generally, the elements of the Charlotte Zoning Ordinance that are most important for implementing the land use policy direction in the area plans are: (1) the zoning districts, including the land uses allowed within the districts; and (2) the various design and development standards (site layout, building design, off-street parking, etc.).

Zoning Districts and Land Uses. The Zoning Ordinance includes 109 zoning districts, consisting of general base districts, parallel conditional districts, special-purpose conditional districts, conditional districts with optional provisions, and overlay districts. They are identified on page 39 of this report.

Matching a particular area plan land use classification to a specific district in the Zoning Ordinance requires consideration of existing conditions, the surrounding neighborhood, and the plan goals. Because the ordinance uses slightly different terms to categorize districts than those found in the area plans, correlation between the documents can be straightforward in some cases and more challenging in others. For example, the area plans' residential use categories align fairly well with the ordinance's residential districts, while the mixed-use plan categories do not align as closely with the zoning districts.

Examples are discussed later in this report. Procedures like conditional rezonings may be used to tailor the general districts to more closely match the specific goals of the area plans.

Area plans often recommend changes to the currently adopted land use maps. Land use recommendations are implemented on an ongoing basis, especially during consideration of proposed rezonings. According to the City's website discussion of implementing area plans: "Consistency of the proposed development [with the area plan] is determined after examining a wide variety of factors including land use, transportation, urban design and the environment. The proposed development is deemed consistent with the area plan recommendations if it meets the future land use designation in terms of use (i.e., residential, office, mixed-use etc.), and in terms of intensity/density, building heights and urban design." Staff-initiated corrective rezonings that follow Council-adopted guidelines also are a key tool for implementing area plan recommendations.

Anecdotal evidence from our meetings and interviews suggest there is some difference of opinion in the community regarding whether recent rezoning decisions in Charlotte have uniformly been consistent with the adopted area plans. In some cases, perceived inconsistencies may have been due to ambiguous language in a plan (e.g., "neighborhood retail") that was interpreted differently by different groups, and would benefit from a more explicit definition in a zoning ordinance. In other cases, there may have been a considered decision not to follow the policy direction in an area plan due to other competing factors. In other interviews, we also heard instances of how the flexibility of the conditional rezoning process is being used to tailor decisions to unusual projects and achieve greater overall consistency with Charlotte's plans than would otherwise be possible under standard base zoning rules.

Design and Development Standards. Design and development standards involve a broad array of requirements that affect the quality of development, ranging from the height and massing of individual buildings, to the location where development may be allowed on a parcel, to the types of building and landscaping materials used, among other standards. Zoning tools to implement the area plan design and development goals are generally found in one of two locations in the Zoning Ordinance:

- *Citywide Standards:* Citywide zoning tools are in Chapter 12, Development Standards of General Applicability, which includes standards relating to off-street parking and loading, buffers and screening, accessory uses and structures, stormwater drainage, stream buffers; and Chapter 13, Signs.
- *District-Specific Standards:* Most standards relating to specific design goals are in the district-specific standards that apply to general districts (Chapter 9), overlay districts (Chapter 10), and conditional districts (Chapter 11). The ordinance provides tailored design and development standards for many districts. For example, the TOD districts (Section

9.1208) include detailed standards related to off-street parking, urban open spaces (both private and public), connectivity, buffering, and detailed building design (focusing on pedestrian orientation). (Other pedestrian-oriented districts, notably the PED Overlay zone, have standards almost identical to those of the TOD districts.)

3. General Relationship of the Area Plans to the Zoning Ordinance

To best evaluate whether the Zoning Ordinance is aligned with and capable of implementing the City's adopted plans, below we discuss six area plans that exemplify the breadth and diversity of the area planning program. For each plan, the report summarizes the plan policy goals and discusses how well the Zoning Ordinance relates to and is equipped to implement the plan. The discussions focus on the Land Use and Community Design policies of each plan, since they are most directly relevant to the Zoning Ordinance. (Less emphasis is placed on the Transportation and Natural Environment goals, which are mostly addressed through other Charlotte ordinances).

The plans reflect the broad diversity of Charlotte's neighborhoods and environments, and illustrate how similar planning tools may be applied to a wide range of development contexts and issues. In the half-dozen plans reviewed for this report, the planning areas range in size from 630 acres in the Elizabeth Area Plan to over 27,000 acres in the Steele Creek Area Plan. As examples of the range of issues covered, plans in more urban areas may focus on mixed-use development, urban open spaces, and transit station area planning; while plans in more suburban areas may focus on protection of lower-density neighborhoods, protection of natural areas, and new activity centers.

There are slight technical variations in each area plan's approach. For example, some plans refer to "subareas" while others refer to similar geographies as "subdistricts." Some plans take the level of detail in the Concept Plan down to parcel-specific "structure maps," while others keep the Concept Plan map at a higher, more general level. Some plans establish Guiding Principles, or set forth specific goals of the local neighborhood organizations, while others do not. In spite of the range of approaches, the plans are consistent in adhering to the overall framework described above, in which a general Concept Plan (adopted by Council) establishes overall policy and is supported by maps and text, and a supporting Implementation Guide (to be used by staff) identifies implementation responsibilities.

The discussions below focus on whether the Zoning Ordinance provides tools that can be used to effectively implement the area plans. As is seen in the specific examples, in many cases the ordinance includes some but not all of the tools needed to achieve the goals set forth in the plans. However, finding those tools can be challenging, and drawing a clear connection between policies in the area plans and specific, related regulations in the ordinance is often not straightforward. There is no clear organizing framework or organizational

structure in the ordinance that helps link the plan concepts to the Zoning Ordinance.[2]

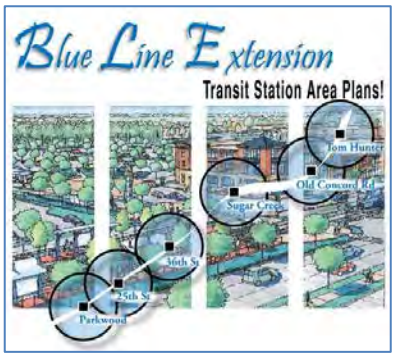
When good zoning tools do exist, like the urban design standards for the pedestrian-oriented districts, they are located in disparate parts of the code, often repeated in a confusing manner, and generally hard to find in a document that is challenging to use, lacks a clear and understandable organization, and does not include many modern zoning tools that would help ensure effective implementation of Charlotte's land use policy goals.

In limited cases, there are direct inconsistencies between the plans and the ordinance. In particular, many of the districts allow greater building heights than called for in the area plans, especially in edge areas where transitions occur between established single-family neighborhoods and new, adjacent nonresidential development.

Following the discussion of area plans, later sections of this report address the organizational issue in greater detail, as well as other strengths and weaknesses of the Zoning Ordinance.

4. Blue Line Extension (BLE) Station Area Plan (2013)

a. Summary Description and General Goals



Transit station area plans address the locations immediately surrounding current or planned stops along the LYNX light rail line and other rapid transit lines like the Red Line (North Corridor) and the Silver Line (Southeast Corridor). Generally, the transit station area plans are intended to facilitate new development and infrastructure to complement the transit investment; provide specific land use policy direction for each transit station area; and become the official streetscape plan, which mandates the building setback and streetscape standards for properties within urban zoning districts.

The BLE Station Area Plan, adopted in May 2013, covers multiple planning areas, specifically around the six stations along the 9.4-mile route of the future LYNX Blue Line Extension connecting Center City, University City, and UNC-Charlotte. The Blue Line Extension extends along the Northeast Corridor, one of the five growth corridors identified in the CCW Growth Framework.

The document sets forth a land use and transportation concept for each of the six transit station areas at three planning levels, moving from the general to the specific. The maps for the Parkwood Transit Station Area are shown on the following page to illustrate these three levels.

- *Development Concept Plan (top):* General illustration of overall desired development pattern;

[2] Examples of simple techniques used in other communities to establish clearer connections between plans and regulations include mirrored nomenclature (ensuring that names used in a plan are the same or similar to those used in an implementing ordinance), and clear identification in an ordinance (for example, in district purpose statements) of the plan provisions they are intended to implement.

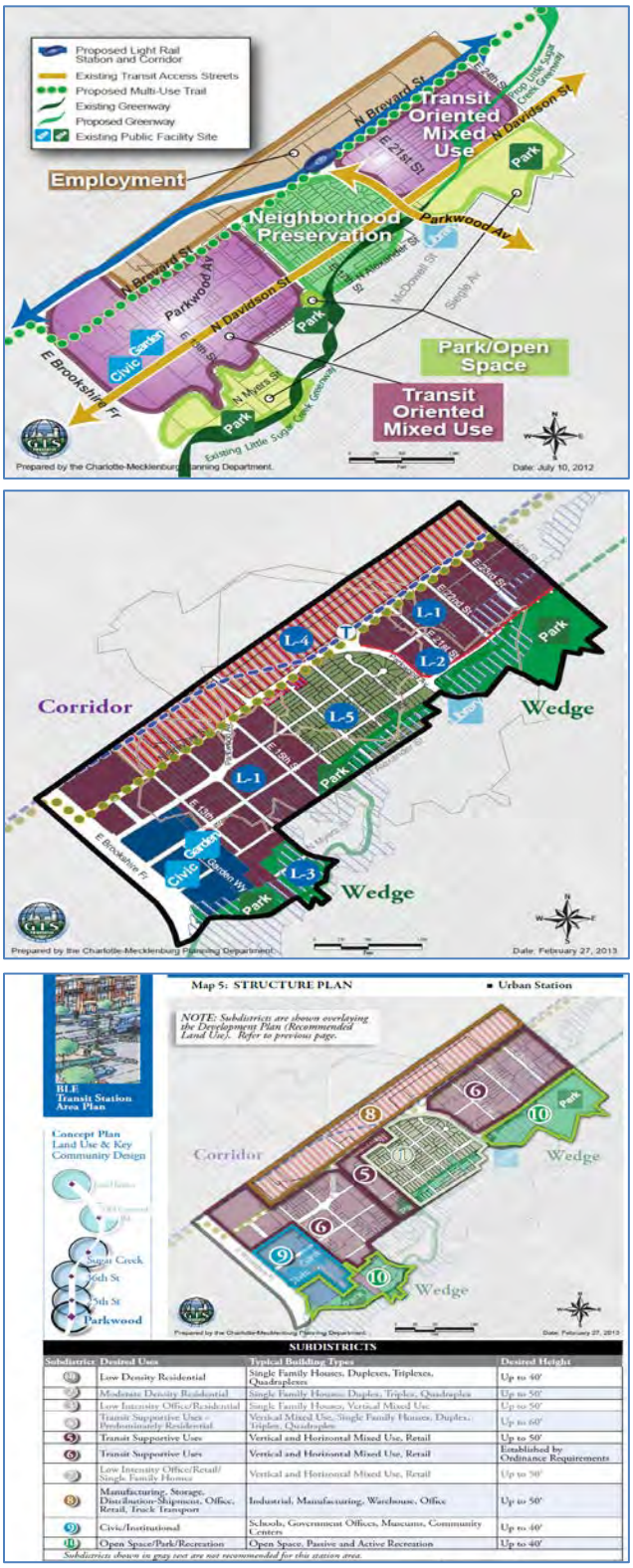


Figure 3: Parkwood Transit Station Area: Concept Plan (top), Development Plan (middle), Structure Plan (bottom)

- *Development Plan (middle):* Policy guidance in several thematic areas: land use, transportation, community design, infrastructure and public facilities, natural environment; and

- *Structure Plan (bottom):* A map and associated text that identify subdistricts, desired land uses, typical building types, and desired height. The Structure Plan helps to distinguish areas that may have the same type of land use, but different sizes or types of buildings.

General "district" types are identified in each of the six Concept Plans (top). These are further divided into numbered subdistricts that are keyed to specific, mapped locations on the Structure Plan (bottom). For each subdistrict, the Structure Plan lists desired uses, typical building types, and desired height in the table below the map. For example, Parkwood Subdistrict 1 (out of 10 total subdistricts) is intended to consist of "low density residential" uses. Single-family houses, duplexes, triplexes, and quadraplexes typify the desired building types, with a maximum height of 40 feet.

As with the land use policies, the transportation policies are unique and tailored to each transit station area. The plan includes cross-sections (based on the USDG) that define the character and width of the area behind the curbs for sidewalks, landscaping, pedestrian amenities, and building setbacks. Specific streetscape dimensions (sidewalk, planting strip, travel lanes, etc.) are provided for each of four street types (avenues, boulevards, main streets, and local streets) within each transit area. As the official "streetscape plans" for each transit station area, all future development in the urban zoning districts that link back to the streetscape plan must be in accordance with these standards.

Beyond land use and transportation, the plan sets forth collective community design policies for all the station areas. The plan generally is intended to ensure that development and redevelopment is of high quality and takes advantage of access to transit; enhances the community identity of station areas; and, near residential areas, recognizes the size, scale, materials, rhythm, and massing of the surrounding neighborhood.

In the Implementation Guide, the planning staff is charged with using the plan's land use policies "to guide and evaluate development proposals" to implement the transit-supportive concept as development and

redevelopment occur. On an ongoing basis, staff assists private property owners and developers through the rezoning process to achieve the plan goals of dense, supportive development in each transit area. This involves selecting the appropriate districts in the Zoning Ordinance and tailoring standards if necessary through tools such as the conditional rezoning process.

b. Relationship to Zoning Ordinance

There are zoning districts in the ordinance available to implement the land use policies in the BLE Station Area Plan, specifically the TOD districts for the areas around the transit stations and the residential districts for some neighborhoods. The plan's community design goals appear to be achievable using the design standards in the current Zoning Ordinance. However, the effectiveness of the ordinance in meeting the plan goals will depend on the specific zoning districts applied, since most design standards are embedded within district-specific regulations, rather than applying generally to multiple districts. More specifically:

Zoning Districts and Land Uses: The Zoning Ordinance includes several districts that could be used to implement the BLE Station Area Plan:

- *Transit-Oriented Development Districts.* The TOD districts are closely matched to the policy goals of the transit station area plans. They are designed to create "a compact and high intensity mix of residential, office, retail, institutional, and civic uses to promote the creation and retention of uses in areas with high potential for enhanced transit and pedestrian activity." Three TOD districts include TOD-R ("residentially oriented"), TOD-E ("employment oriented"), and TOD-M ("mixed-use oriented (including multi-use developments))." The TOD–Optional zoning district may also be applied to customize each of the three TOD districts. The TOD districts are applied to existing transit station areas that have an adopted station area plan (such as the Blue Line Extension Plan). Permitted uses within the TOD districts allow for a complementary mix of the types of uses described in the plan, including mixed-use and multi-use developments.
- Unlike in most of Charlotte's zoning districts, certain minimum standards apply in the TOD zones to ensure that development is intensive enough to support the goal of establishing a compact, high-intensity transit station area. Residential development has minimum density requirements (e.g., 20 dwelling units per acre within ¼ mile walking distance from the transit station). Mixed and non-residential development has minimum floor-area-ratio (FAR) standards (e.g., minimum FAR of 0.75 within ¼ mile of the transit station). The maximum base building height is 40 feet, but this may be increased to 120 feet depending on the development's proximity to single-family zoning.
- Generally, the TOD districts are well-suited to implement the policy goals of the BLE Station Area Plan. Most TOD zoning districts are not conditional, relying on the development standards in the ordinance to guide appropriate development. This provides property owners with a level of predictability that is not always found in conditional zoning districts.

According to a number of developer representatives, a predictable and efficient process creates a strong incentive to develop in TOD zoning districts and is preferred to other possible development sites in Charlotte. However, the community and Council have also expressed concerns about the level of quality of some development under the TOD standards. An internal staff-led effort has begun to enhance the TOD design standards.

- *Other General Districts:* Besides the TOD districts, the urban residential and Mixed-Use Development (MUDD) districts might also be considered for development in transit station areas. They are consistent in terms of permitted uses and building form.
- *Conditional Districts:* Neighborhood Services (NS), Urban Residential-Commercial (UR-C), and MUDD with a CD plan are possible conditional districts that could be used for the transit station areas. In theory, the Mixed Use Districts (MX-1, MX-2, and MX-3) also are intended to accommodate mixed-use development, but in practice they have been applied in more suburban contexts rather than transit station areas. Also, there are minimum district size requirements (10, 36, and 100 acres, respectively) in the MX districts that may limit their use for redevelopment in transit station areas due to assembly issues.
- *Overlay Districts:* One overlay district is relevant to the transit station area policy goals. The Transit Supportive (TS) Overlay District may be applied over an existing zoning district, such as Industrial or Office. It may allow some of the permitted uses of the underlying district that may not be permitted in TOD districts, while incorporating most of the same development standards as the TOD district to help ensure the physical form of development is consistent with the station area plan goals. TS Overlay may be appropriate along the outer edges of a transit station area or in station areas that are not ready to support the density and intensity envisioned in the station area plan.

While the districts above generally are available to implement the BLE Station Area Plan, the specificity and detail of the plan Structure Maps requires careful consideration to match the individual subdistricts with specific zoning districts. Preliminary zoning classifications were identified as part of the development of the Structure Plans. Using those preliminary classifications as a starting point, staff evaluates appropriate districts on an ongoing case-by-case basis through the rezoning process as development is proposed, with consideration of existing conditions, the surrounding neighborhood, and the plan goals. For example:

- For the Parkwood Subdistrict 1 "low-density residential" category: The ordinance's single-family districts appear to correspond most closely with the plan concept. The districts allow the low-density residential uses and building types called for in the plan. Maximum allowed densities range from three to eight units per acre, which is compatible with the plan subdistrict. Maximum average residential building heights at the front building line of 40 feet in some districts (R-5, R-6, R-8) is consistent with the

plan; however, the 48-foot limit in other districts (R-3, R-4) exceeds the plan's recommendation. Some of the ordinance's urban residential districts also may be appropriate matches to implement the goals of the subdistrict.

- For some of the plan's other Parkwood subdistricts, the appropriate matching districts in the ordinance are not as obvious. For example, subdistricts 5 and 6 call for "transit supportive uses," which is described only generally in the plan (residential, retail, civic, and office) and is not defined in the ordinance. The TOD base districts or TS Overlay could be the appropriate match, or other urban districts could also be used to address development on small sites or where site assemblage is not feasible.

Design and Development Standards: The BLE Station Area Plan includes dozens of specific community design policies, which are potentially achievable using the base design standards and tools in the current Zoning Ordinance, depending on which zoning districts are applied. Most design standards are embedded within district-specific regulations, rather than applying generally to multiple districts. In particular, the ordinance's TOD design standards appear to be consistent with the general design policies in the plan. Specific examples include:

- *Building Architecture and Site Design:* The plan calls for high-quality building design that emphasizes pedestrian-friendly spaces, materials, and building types, plus active ground-floor nonresidential uses along certain streets in many of the transit areas. Specific design requirements are listed (e.g., clear windows and doors, entrances that front onto and connect to sidewalks). Other sample policies call for minimizing the impacts of drive-through development and locating dumpsters and service areas away from residential areas.

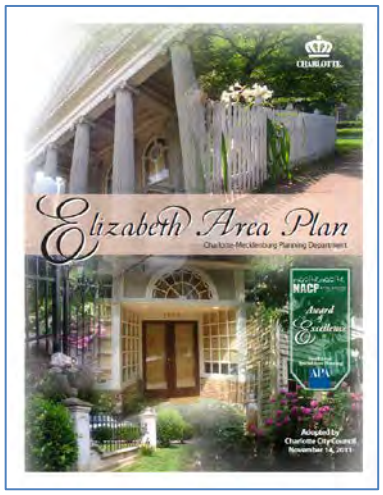
  Section 9.1209 of the Zoning Ordinance contains building design standards that are directly relevant to the building architecture and site design goals in the BLE Station Area Plan, including requirements for first-floor windows, pedestrian building orientations, distinctive entryways, screening of parking facilities, etc. These standards could be further enhanced, and we understand that staff has embarked recently on that effort. As noted earlier, some heights allowed by the TOD districts are greater than the building heights called for in the plan.

- *Off-Street Parking:* The plan calls for parking flexibility in transit areas, recognizing that the TOD area should focus on pedestrians, with reduced emphasis on vehicle movement. The ordinance (Section 9.1208) addresses the plan's issues by setting maximum parking limits in TOD districts and providing additional flexibility from the general citywide parking requirements. In non-TOD districts, however, the ordinance does not provide as much parking flexibility.

- *Historic Preservation:* In the 36th Street Transit Station Area, the plan calls for the preservation of the historic mills and mill houses through local historic designation and the adaptive reuse of existing structures. The ordinance provides the tools to achieve local historic designation through

the Historic Overlay District (Chapter 10, Part 2). However, stakeholders noted that the heights and intensities allowed even with the overlay could encourage redevelopment that threatens important historic structures, and stronger tools may be needed.

5. Elizabeth Area Plan (2011)



a. Summary Description and General Goals

Elizabeth is a historic neighborhood, originally an early Charlotte streetcar suburb, developed mostly during the late 19th and early 20th centuries. The planning area is relatively small (630 acres) and located to the southeast of the Center City. The area is bounded by I-277 and Independence Boulevard on the north, Briar Creek on the south, and Randolph Road/Fourth Street on the west. A major neighborhood anchor is Independence Park, designed by famed landscape architect John Nolan. The neighborhood includes a large National Register historic district and over 21 locally designated landmarks. Today, Elizabeth is a diverse, walkable community with active neighborhood organizations.

From a land use perspective, the Elizabeth planning area lies mostly within the Southeast Growth Corridor as an Established Neighborhood subarea. Generally, while Growth Corridors are expected to see higher intensity uses and development, the Established Neighborhood Subareas within those corridors are an exception and intended to be maintained and preserved at lower intensities.

Sample land use policies expressed in the Area Plan's Concept Map (shown on the following page) include:

- Maintaining the predominantly low-density, existing residential character of the neighborhood;
- Enhancing and protecting parks and open space, especially Independence Park;
- Maintaining East Seventh Street as a vehicular corridor helping to anchor the neighborhood, while increasing its pedestrian-friendly character and streetscape and mix of uses; and
- Protecting single-family residential neighborhoods from encroachment by incompatible adjacent non-residential development.

In terms of community design, the Area Plan emphasizes issues such as:

- Ensuring that site and building design (especially for infill projects) is compatible (scale, size, massing, materials) with existing neighborhoods;

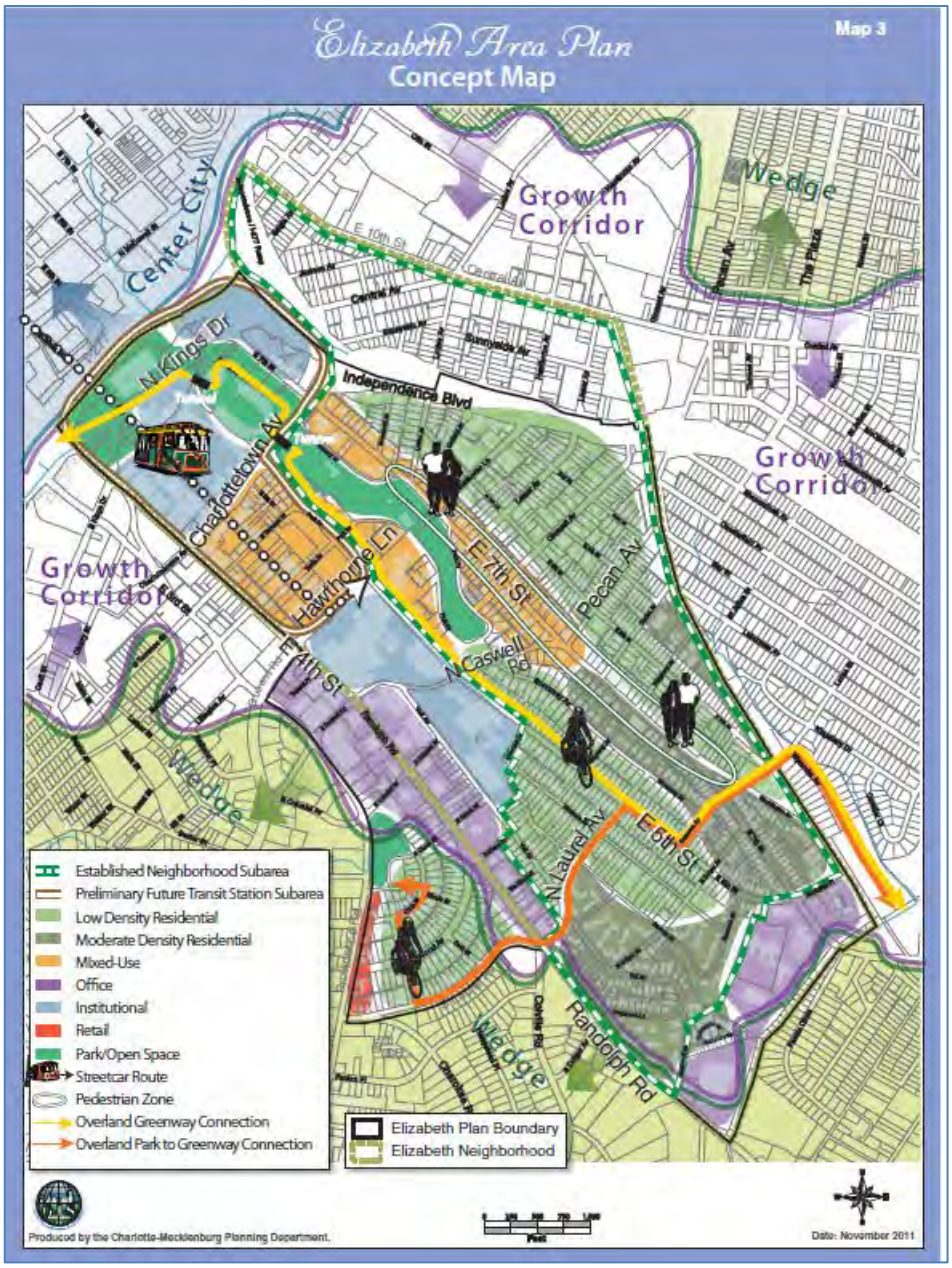


Figure 4: Elizabeth Area Plan Concept Map

- Requiring building heights immediately adjacent to single-family residential areas to "step down" to 40 feet or less along shared boundaries; and
- Minimizing impacts to the tree canopy.

As with the Blue Line Extension Station Area Plan, the Elizabeth Area Plan includes detailed transportation policies, including specific streetscape standards. New, pedestrian-oriented sidewalk and building placement requirements along East Seventh Street will be introduced over time, as significant development or redevelopment is required to install the new streetscape elements. There is great specificity on some of the land use maps,

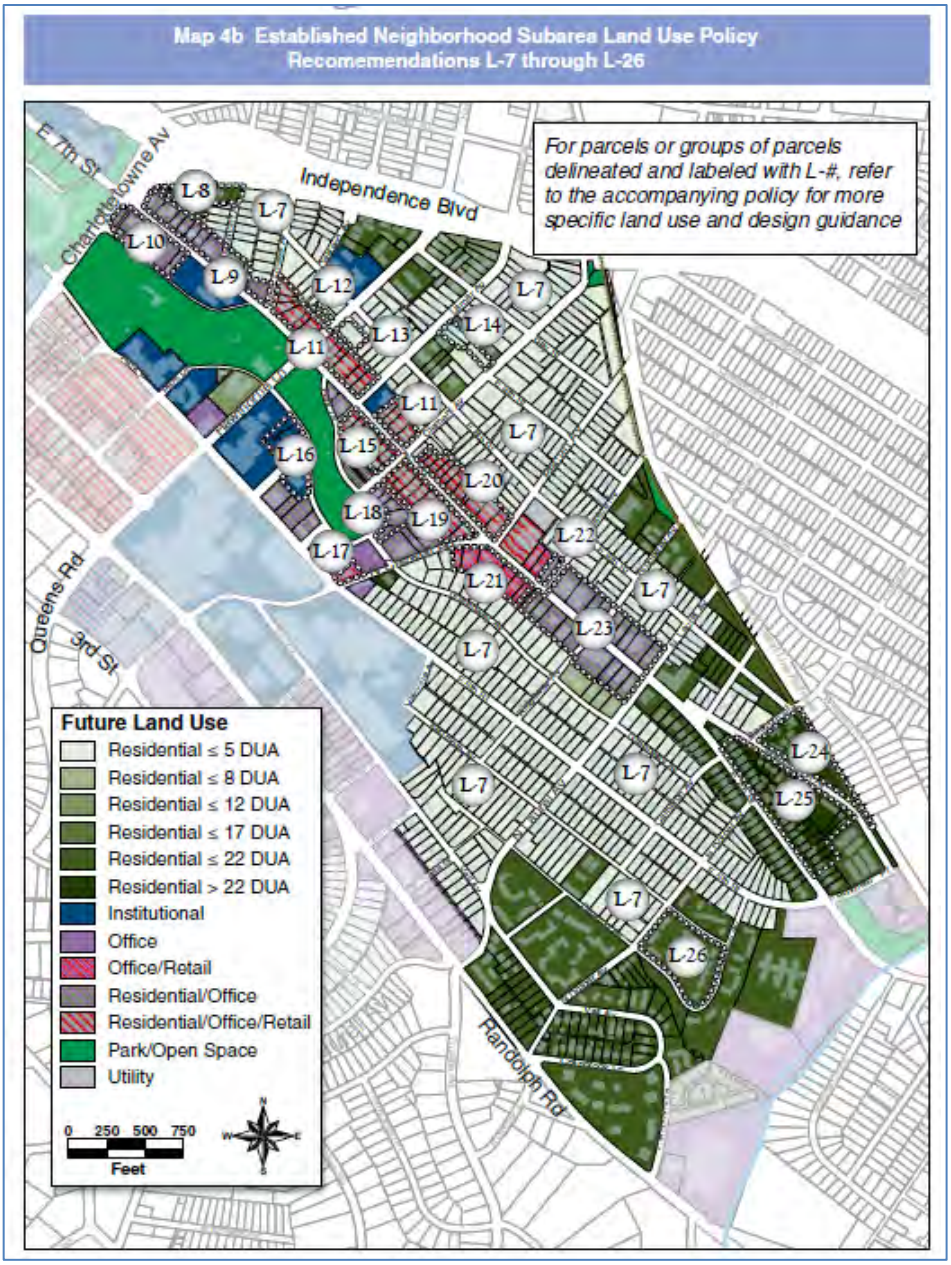


Figure 5: Elizabeth Area Plan - Established Neighborhood Subarea Land Use Policy Recommendations

illustrating the potential for Charlotte's area plans to hone in on particular sites to show how specific land use policies might play out in practice.[3] The plan calls for some corrective rezonings, generally to align zoning with existing land uses to protect surrounding residential areas.

[3] For example, land use policies for East Seventh Street call for major redevelopment of certain parcels to relocate parking to the rear of these sites, bring buildings to the street, and encourage more of a pedestrian orientation. A sample "development concept map," (which is clearly labeled an example), is prepared to the level of detail of a parcel-specific regulating plan.

b. Relationship to Zoning Ordinance

In terms of land use, there are districts available in the Zoning Ordinance that align with the land use classifications and use types called for in the Elizabeth plan. In terms of community design, however, the Zoning Ordinance includes some but not all of the tools called for in the plan; in particular, it lacks specific, measurable tools that are necessary to ensure compatible residential infill and to protect existing neighborhoods from new development along East Seventh Street and in other mixed-use areas. More specifically:

Zoning Districts and Land Uses: The plan area includes an Established Neighborhood Subarea, General Corridor Subareas, and a preliminary future Transit Station Subarea (all of which are subareas within the Southeast Growth Corridor). The Zoning Ordinance districts that can best implement the plan's policies and goals for these subareas include the following:

- *Established Neighborhood Subarea.* This portion of the planning area includes a great variety of land use types, from mostly residential areas, to mixed-use, to parks and open space.
    - For the primarily residential areas, the plan specifies a range of densities, from less than or equal to five DUA through 22 or more DUA. The Zoning Ordinance's single-family residential, multi-family residential, and urban residential districts all may be appropriate to implement parts of these areas in terms of district purposes, allowed uses, and building heights and densities.
    - For the East Seventh Street corridor, the plan calls for a greater mix of uses, specifically "residential/office/retail." Current zoning for many of these parcels is a mix of NS (Neighborhood Services), B-1, and O-2. However, other available districts, especially the Mixed Use Development District's (MUDD) by-right allowance of a mix of uses, appear to be better fits with the plan's goals for this area (though MUDD allows height up to 120 feet). MUDD-O and MUDD-CD may also be appropriate.[4]
- *General Corridor Subareas:* These areas, located outside the transit station area and the Established Neighborhood Subarea, are intended for moderate-density uses, typically low- to mid-rise in height. Existing uses include institutions (hospitals) and medical offices. The plan calls for the existing residential zoning to be changed to Institutional to reflect existing uses of the property. The ordinance's Institutional district appears appropriate in terms of allowed uses and building dimensions, though the

[4] MUDD-O (Section 9.8508) recognizes the standards of MUDD might not be appropriate to a particular development, or unforeseen circumstances might exist that MUDD regulations do not address. In such circumstances, MUDD-O establishes a rezoning approved with optional provisions that allows innovative design, through flexibility and variation of the design standards and district standards in MUDD. Similarly, MUDD-CD is a conditional rezoning based on the MUDD district that applies restrictive conditions to the rezoning.

setback and yard standards may be excessive for new development in these areas.

- *Preliminary Transit Station Area:* Because the transit station area is still preliminary and a specific transit station location has not been identified, the plan notes that TOD zoning may not be used for the area. Instead, other urban zoning districts are identified as potentially appropriate, including MUDD, NS, and the urban residential districts. Because of this district's central location, applying MUDD would be consistent with the ordinance's stated intent to apply MUDD in central areas outside the Central City, though a CD plan would be necessary to limit building height.

Community Design. As with most area plans, the Elizabeth Area Plan carries forward general design policies from the GDP and also establishes area-specific design policies. As noted throughout this report, many of the Zoning Ordinance's design standards apply to specific districts rather than citywide, and thus the effectiveness of the ordinance in implementing plan goals depends on the actual districts applied to a particular site.

- *Residential Design.* The plan-specific policies emphasize the need for compatible architectural design, especially for infill projects in established neighborhoods. Physical characteristics are specifically called out as important to regulate include size, scale, massing, setback, and materials.

  Beyond the base dimensional requirements for each zoning district (e.g., height, setbacks, FAR, building envelope), the current Zoning Ordinance has few tools to ensure that development located in and adjacent to single-family neighborhoods is compatible with the character of the neighborhood. Some that do exist include:

  - *Alternative Setbacks in Single-family Districts:* On established block faces (defined as being at least 25 percent developed, or with at least four existing dwellings), a single-family detached dwelling may be located no closer to the street than the two closest structures on the block. This helps ensure compatibility of infill development with existing structures, regardless of the strict zoning setback requirement (footnote 9 to 9.205(l)).
  - *Building Heights:* Maximum building heights are keyed to adjacent zoning district(s) and uses in all districts. In nonresidential districts, this places a modest limitation on building heights adjacent to residential areas. For example, in the Office districts, the maximum height of 40 feet may be increased by two feet for every one foot the side yard is increased; however, if the adjacent parcel is residential, then the allowance is just one foot in height per each foot of side and/or rear yard increase. This is a typical approach in most of the Charlotte nonresidential districts. The PED Overlay (as well as TOD) does have a more restrictive height limitation: where it abuts single-family zoning, a height limit of 40 feet applies (versus 100 feet elsewhere in the overlay). MUDD has no transition requirements for building height.

- *Single-Family Adjacency Standards in Some Districts.* Some of the new zoning districts have urban design standards that address compatibility with single-family residential areas. For example, the TOD district requires roof line variation, porches, front-facing entrances, and façade articulation when adjacent to residential areas. (These may achieve some level of architectural variety but do not appear intended to respond to surrounding buildings.)

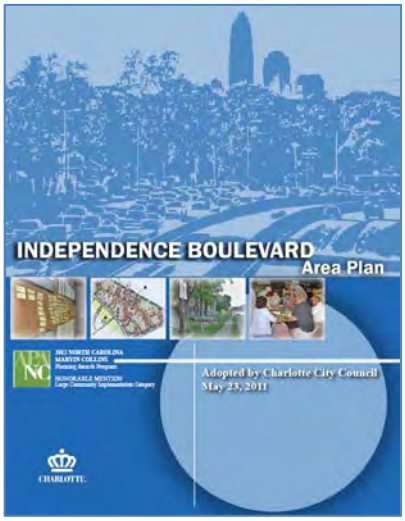
These are modest standards that by themselves do not meet the plan policy goals of promoting consistency and compatibility between new residential infill development or redevelopment and its surroundings. Around the country, this is a common zoning issue. Many communities have adopted aggressive, context-based design standards for infill development, including the use of architectural transitions between existing structures and new larger adjacent structures, requirements for unifying design or architectural themes that repeat or replicate design features on established buildings, and other similar requirements – as well as the context-based setbacks and maximum building heights cited above. In Charlotte, staff and the public have considered residential design standards, which in theory could help ensure compatible infill development in older residential areas such as Elizabeth, though the legal authority for new standards is unclear.

- *Nonresidential Design.* The plan includes an array of design goals intended to improve the pedestrian-friendliness of nonresidential sites and buildings. The ordinance addresses some but not all of these goals. For example:
  - The plan calls for locating parking to the rear of buildings where feasible. In the ordinance, parking areas generally are required to be screened from the street and may not be located in any required setback, but they are not required to be located to the rear of buildings in any districts. Front-loaded residential garages are generally prohibited in some of the more pedestrian-oriented districts (e.g., TOD, Transit Supportive Overlay, PED Overlay), but not the other districts.
  - The plan calls for integrating significant functional open space into the design of new development. The tools for obtaining open space in the Zoning Ordinance are fragmented and inconsistent.[5]
  - The plan generally calls for new development to be compatible in scale with existing adjacent residential buildings. Beyond a few

[5] Many of the more pedestrian-oriented districts (e.g., TOD, PED Overlay, Transit Supportive Overlay) include requirements for urban open spaces for all new development on lots greater than 20,000 square feet. Such spaces may be private or public, and the ordinance includes definitions and minimum requirements for each. The Urban Residential districts encourage public open space as part of a density bonus program. Some districts like the Multi-Family Districts and Research districts require a certain amount of open space per lot, but it is unclear if these are intended to result in the same type of public amenity sought in the pedestrian-oriented districts. Some districts have no open space requirements, such as the Institutional District.

transitional standards (e.g., height), the ordinance has few controls to ensure such compatibility (e.g., building length, depth, overall volume).

6. Independence Boulevard Area Plan (2011)



a. Summary Description and General Goals

The Independence Boulevard planning area is located in the southeastern part of Charlotte and is comprised of approximately 5,800 acres, including a large stretch of Independence Boulevard and the neighborhoods immediately north and south of the hybrid freeway/arterial. The planning area is mostly within the Southeast Growth Corridor (including Established Neighborhood and General Corridor subareas), but also includes part of the Eastland Activity Center and some Wedge areas.

Unlike some of the other area plans, this document begins by stating Guiding Principles. For example, Guiding Principle 2 is to "Create Nodes," with mixed-use activity at different scales. Other Guiding Principles address strengthening and building neighborhoods, reclaiming and showcasing natural systems (like greenways), and orienting development away from Independence and towards other roadways.

The overall concept plan is shown on the following page. Overall, the plan is ambitious in calling for long-term change in fundamental land use patterns. The plan calls for a "repositioned development pattern" that moves away from the continuous pattern of strip development along Independence Boulevard, towards a series of tailored, concentrated centers, or "nodes," which are the focus of the neighborhoods linked together by green connections such as greenways, parks, and trails. The plan identifies both Regional Nodes with the greatest connections and access, as well as smaller, local-serving Neighborhood Nodes. By transitioning the development patterns in the planning area in this way, the plan aims to strengthen neighborhoods and create more distinctive places along the Southeast Corridor, anchored by pedestrian-oriented development districts, as well as to set the stage for the revitalization of Independence Boulevard. The PED Overlay district is proposed to help ensure pedestrian-friendliness along certain roads. Vertically integrated mixed-use development is proposed as an option for these mixed-use nodes.

The planning area includes transit station areas proposed in the *2030 Transit Corridor System Plan,* though the buildout of the line is not expected within the next 20 years. Six proposed transit stations are identified, which in the interim will function as key development nodes, even without transit. The plan encourages a high-intensity mix of uses, including transit-supportive design, in these transit station areas. Three scales of transit station areas -- neighborhood, community, regional -- refer to the overall size of the transit station and the intended service radius (1, 3, or 5 miles, respectively).

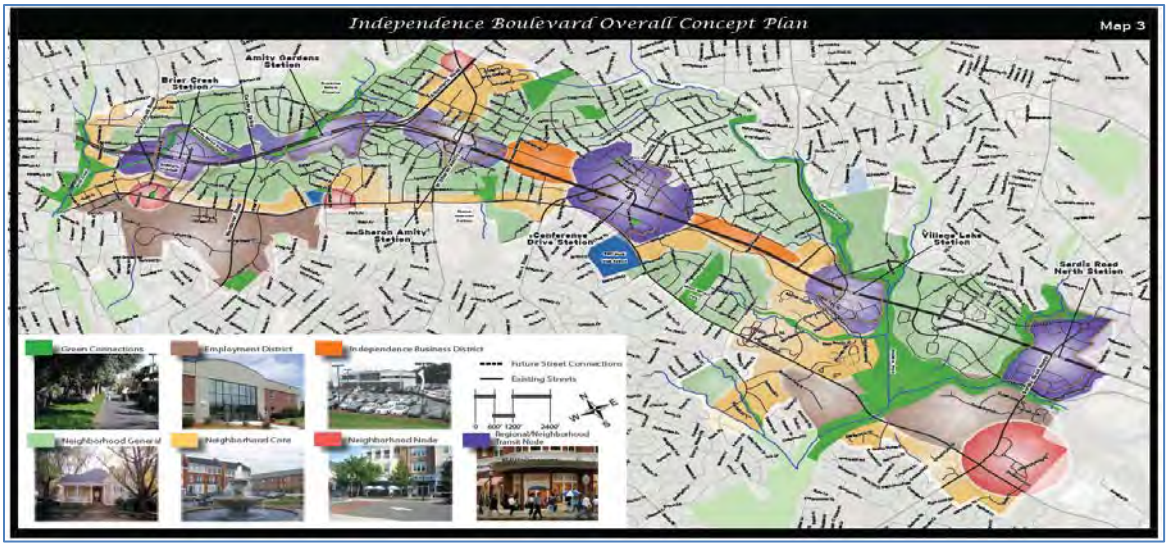


Figure 6: Independence Boulevard Area Plan - Overall Concept Plan

b. Relationship to Zoning Ordinance

In terms of land use, the current Zoning Ordinance does contain some mixed-use-oriented districts, but lacks a calibrated set of multiple districts that would allow full implementation of the hierarchy of different scales of centers called for in the Independence Boulevard planning area. In terms of community design, the ordinance includes some but not all of the tools called for in the plan, and in particular lacks residential design standards and mixed-use design standards tailored to a range of intensity levels. More specifically:

Zoning Districts and Land Uses:

- *Mixed Use Nodes.* One of the distinguishing features of the Independence Boulevard Area Plan is its emphasis on the establishment of activity center nodes, specifically Regional Nodes and Neighborhood Nodes.

  The existing mixed-use districts in the Zoning Ordinance are not equipped to encourage and accommodate the different levels of mixed-use and higher-intensity development contemplated by the Independence Boulevard Area Plan (or other Charlotte plans). The mixed-use districts as drafted have limited applicability, applying only to specific areas, in certain circumstances, and are thus not as effective as they might be in encouraging different levels of mixed-use development more broadly throughout the City. The MUDD district allows by-right mixed-use development, but is not by itself calibrated to allow different levels of intensity, and would require tailoring through conditional rezonings, options, or other tools to achieve the differences intended by the plan. MUDD, MUDD-O, MUDD (CD), UMUD, UMUD-O, and UMUD (CD) were originally drafted for the Center City and to implement the Center City Charlotte Urban Design Plan (though MUDD has since been applied more broadly throughout the city). The MX districts in theory could be adapted to suit the mixed-use node concepts called for in the plan, though that

would require major changes in how the districts currently are used and would require applicants to go through the conditional rezoning process.

- *Wedge Areas:* The plan calls for strengthening single-family neighborhoods by limiting infill to established densities and maintaining the existing single-family character. These neighborhoods, located mostly within Wedge Areas, are intended to provide a range of housing choices, plus supporting facilities and services. The ordinance's single-family districts and multi-family districts (through R22-MF) appear to be well-suited to implement the plan concept, since the districts allow the low-density and moderate-density residential uses and building types called for in the plan. The ordinance allows a diversity of housing types in these districts, though diversity is not emphasized as a distinct goal.[6]

- *Transit Station Areas.* The goals for the future transit stations along Independence Boulevard are similar to those discussed above for the BLE Station Area Plan. As noted earlier, the Zoning Ordinance's TOD districts are among the most thorough and potentially effective parts of the Charlotte Zoning Ordinance, and are closely matched to the policy goals for the transit station areas. The Independence Boulevard Plan specifies that the three TOD zoning districts are appropriate for these areas, with the specific appropriate districts specified on the future regional land use maps.

Community Design. In terms of community design, the Independence Boulevard Area Plan's policies are similar to the other urban plans reviewed for this report.

- *Residential Design.* The plan-specific policies emphasize the need for high-quality architectural design for residential projects. As noted earlier, beyond the base dimensional requirements for each zoning district (e.g., height, setbacks, FAR, building envelope), the current Zoning Ordinance has few tools to ensure a predicable level of architectural design quality for new residential projects.[7]

- *Nonresidential Design.* The plan includes an array of design goals intended to improve the pedestrian-friendliness of nonresidential sites and buildings. Building design generally should be geared toward high-quality, attractive architecture that helps create distinctive, pedestrian-oriented places in the

[6] Some ordinances around the country have begun to encourage diversification of housing types by offering incentives, such as faster processing times and/or design incentives. Charlotte adopted affordable housing text amendments in January and February of 2013 that have incentives/offsets for multi-family inclusionary housing and density bonuses for single-family mixed-income housing development. The City also has fee waivers and expedited review to encourage participation by the private sector in the development of affordable housing.

[7] Some residential design policies in the plan are more specific than seen in other area plans; for example, residential single-family buildings should have front porches with a minimum depth of six feet and extending half the width of facade. Also, the plan calls for variations in elevations of horizontal and vertical planes, and distinctions of upper stories from ground-level design. The current ordinance generally does not regulate residential design to that level of detail (though one TOD standard does address porch depth.)

mixed-use nodes. Buildings should be oriented toward greenways and natural areas to help create more distinctive places. Specific architectural features are encouraged (e.g., distinguishing ground-level architectural detail from upper levels, providing human-scale details, reducing the visual impact of residential garages, etc.). As noted for other area plans, the ordinance addresses some but not all of these goals. Specific examples are noted above in the discussion of the Elizabeth Area Plan.

7. Midtown Morehead Cherry Area Plan (2012)

a. Summary Description and General Goals

The Midtown Morehead Cherry (MMC) Area Plan addresses three distinct but adjoining areas just outside of Uptown and I-277 to the south:

- Midtown: an urbanized district with mixed-use development (including the large Metropolitan project), close proximity to major institutional uses (hospitals, community college), and the Little Sugar Creek greenway running generally alongside Kings Drive;
- Morehead: an area anchored by Morehead Street, once the primary residential street of the Dilworth neighborhood, that today has become an office and mixed-use area with wide setbacks and dense mature tree canopy; and
- Cherry: a historic African-American neighborhood located just south of Midtown, predominately single-family residential in character, and including some historic structures.

While the overall land use vision for the three neighborhoods is linked by their close geographical proximity, the plan identifies distinctive land use goals for each area. The Midtown and Morehead areas are within in the Southeast and South Growth Corridors, respectively, while the Cherry neighborhood falls within a Wedge area. The commercial elements of Midtown and Morehead are intended to be mixed-use, including some retail.

Additional, sample land use goals for each area include:

- Midtown: Preserve and enhance greenway connections and uses; support continued build-out of mixed-use development, compatible with the greenway and the adjacent Cherry neighborhood;
- Morehead: Preserve tree canopy and setbacks; encourage a mix of pedestrian-oriented office and residential uses along key streets and locations, with retail at key locations; limit heights along the Dilworth residential edge; establish high-density transit-oriented streetscape standards north of South Boulevard;
- Cherry: Retain single-family at current densities, encourage compatible infill on vacant lots, some corrective rezonings to protect character; consider historic or conservation districts to preserve the historic character.

An overall Concept Map designates the broad land use categories for each neighborhood (e.g., "low density residential," "residential/office/retail"). Unlike the BLE Station Area Plan, which includes separate policy-based Development Plans and block-by-block Structure Plans, the MMC plan includes a "Recommended Future Land Use Map" for each of the three neighborhoods that combine policy and land use direction. The Midtown map is shown as an example below. These maps include detailed policy guidance noted by designations "L1," "L2," etc., plus color-coded, block-by-block residential density targets.

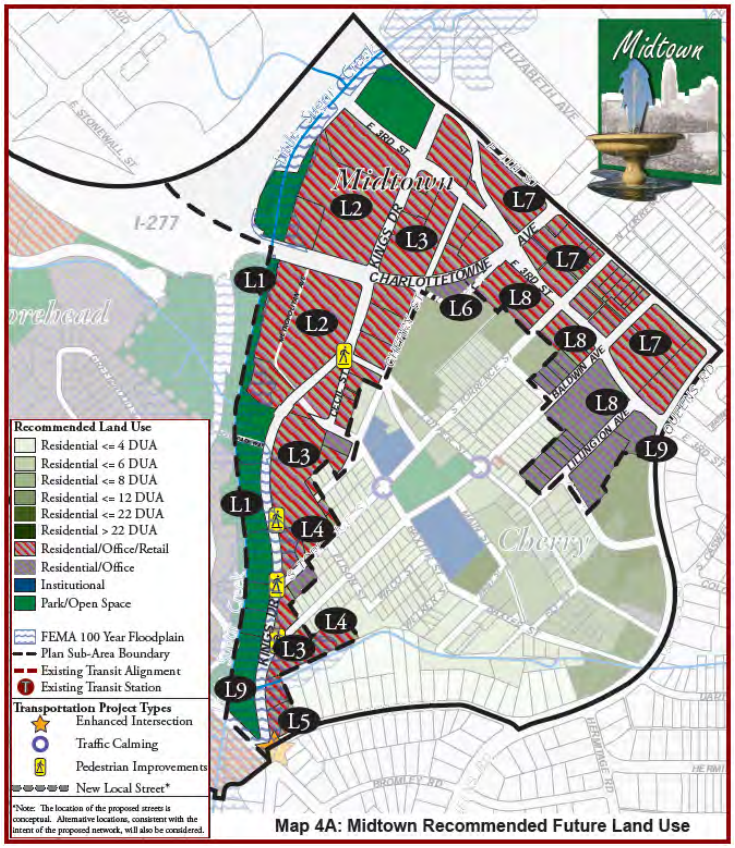


Figure 7: Sample Recommended Future Land Use Map from the Midtown Morehead Cherry Area Plan

The MMC plan encouraged establishment of a Pedestrian (PED) Overlay District within substantial portions of Midtown and Morehead to create a more "urban fabric" with "a mixture of uses in a pedestrian-oriented setting of moderate intensity, to support economic development along business corridors, and to provide protection for adjoining established neighborhoods." This designation has since been completed; however, staff continues to work with the neighborhood to ensure that PED is the appropriate tool to match the desired character of East Morehead.

The MMC plan also includes specific streetscape requirements to guide development within the district. The PED establishes a 40-foot height limit

where it abuts single-family zoning (with upper-floor stepbacks that may increase the height maximum to 100 feet). While the PED district is identified as the "likely means" to accomplish the plan objectives, other tools to accomplish the policy could be considered.

Beyond land use, plan-specific policies that apply to the MMC area include:

- **Community Design:** Plan-specific policies address building architecture, the natural environment, and pedestrian and vehicular networks. Examples of plan-specific goals that do not appear in the GDP are to provide a variety of housing types; to preserve Little Sugar Creek, its tributaries and the natural ecosystem around them; and to encourage shared parking among different non-residential uses where feasible.
- **Transportation and Streetscape:** The plan establishes specific transportation policies for the plan area, including enhancements to existing streets and proposed new streets to improve bike-and pedestrian access.

b. Relationship to Zoning Ordinance

In terms of land use, there are districts available in the Zoning Ordinance that are consistent with the land use classifications and use types called for in the MMC Area Plan – specifically the MUDD, single-family, and multi-family general districts and the PED Overlay. In terms of community design, however, the Zoning Ordinance lacks the base tools necessary to achieve the plan goals without case-by-case modifications (through such tools as conditional rezonings).

Zoning Districts and Land Uses: The Zoning Ordinance districts that are most relevant to the implementation of the MMC plan include the following:

- *Residential/Office/Retail:* The MMC plan identifies "Residential/Office/Retail" as a separate category on the Recommended Future Land Use Map. Much of the area with this designation currently is zoned Business (B-1 and B-2), which permits retail/commercial uses and also residential and office uses. These districts are compatible with the plan's land use goals (but their design standards are geared more to suburban-style development versus a more urban neighborhood). Beyond those districts, the current Zoning Ordinance has some tools to implement this mixed-use category. The three Mixed-Use Conditional Districts could be used, but they have been used more as planned development-type districts and have minimum acreage requirements that could limit their use on smaller parcels.

  The MUDD District (Section 9.8501) is another tool that could be used for mixed use areas. In the MMC plan area, numerous MUDD rezonings have been approved (in the Midtown area in and around the Metropolitan project, and also scattered along Morehead). Some MUDD rezonings have been intended to allow mixed uses, and others to allow densities greater than those allowed in the base B (Business) and O (Office) zoning.

- *Residential/Office.* The plan identifies "Residential/Office" as a distinct future land use category. Much of this area applies along Morehead Street and currently is zoned O-2. While Office zoning districts are oriented mostly towards office uses according to their purpose statements, residential uses are allowed. The MUDD districts would also be a possibility for applying mixed-uses in this area; however, the ordinance does not have a true mixed residential-office district apart from the current Office districts.
- *Residential Districts.* The plan includes six residential land use classifications with a range of maximum allowed densities: from less than or equal to four DUA to 22 or more DUA. In the Zoning Ordinance, the single-family districts allow density ranges up to eight DUA and may be used to implement some of the plan classifications. These districts are intended to accommodate single-family housing and a limited range of supporting public and institutional uses. The multi-family districts allow densities from up to eight DUA to 22 DUA and match other plan categories. These zoning districts are intended to accommodate a variety of housing types, including multi-family uses, plus a limited range of supporting public, institutional, and commercial uses.
- *Park/Open Space:* The MMC plan calls for a number of parcels to be reserved for parks and green space, mostly along the Little Sugar Creek Greenway. Some of these parcels currently are zoned MUDD. Others are zoned B-2, which, while it does allow parks as a permitted use, is written to apply more to business-oriented uses. The ordinance does not have a dedicated district for parks and open space.
- *PED Overlay District:* The plan calls specifically for the use of the PED Overlay district in a large portion of the MMC plan area in order to impose additional standards that will help promote "a mixture of uses in a pedestrian-oriented setting of moderate intensity, to support economic development along business corridors, and to provide protection for adjoining established neighborhoods." The PED Overlay district is identified in the plan as the appropriate tool to meet these objectives. As noted earlier, the PED designation has been adopted, though it continues to be evaluated to ensure it is the appropriate tool for East Morehead. Generally, the PED Overlay is intended to promote a pedestrian-oriented mix of uses within growth corridors but outside transit station areas; it is applied by staff after a pedscape plan (such as the one included in the MMC plan) is adopted by Council. There are currently six PED Overlay Districts in Charlotte.

Design and Development Standards: The MMC plan's specific design-related goals do not appear to be achievable solely through use of the base design standards in the current Zoning Ordinance, without additional tailoring (through approaches such as conditional rezonings). More specifically:

- *Compatibility with Existing Neighborhoods.* In residential areas, the plan calls for compatibility with the existing design features, and recognition of

the "size, scale, materials, rhythm, and massing in the neighborhood." Specific plan policies call for compatible infill development and complementary architectural design. As discussed above in the Elizabeth Area Plan discussion, the ordinance has few measurable and predictable minimum standards to ensure development located in and adjacent to single-family neighborhoods is compatible with the character of the neighborhood.

- *Building Design.* The plan carries forward many building design goals of the GDP that require high-quality buildings that create an attractive, pedestrian-oriented atmosphere, and also sets forth additional plan-specific goals, such as avoiding blank walls along pedestrian circulation areas. The ordinance sets forth "urban design and development standards" for certain pedestrian-oriented districts like MUDD and TOD (but not all districts) that address many of these plan policies, such as by requiring street walls to encourage and complement pedestrian activity through the use of windows and doors, and other design techniques.
- *Streetscape:* The plan calls for encouraging "urban building setbacks," which is not defined but likely refers to minimum setbacks that bring buildings closer to the sidewalk in pedestrian areas. The Zoning Ordinance has minimum setback requirements specific to each zoning district. The MUDD district, for example, has a 14-foot minimum setback from the back of the existing or proposed curb. However, the ordinance also defers to the adopted streetscape plans (in this case, the MMC Area Plan) for specific building placement rules, as well as specific cross-sections of sidewalks for various street types.
- *Off-Street Parking:* The plan encourages shared parking among different uses where feasible to minimize the overall amount of parking required for new development. The ordinance (Section 12.203) does authorize the joint use of up to 50 percent of required parking spaces for two or more uses located on the same parcel or adjacent parcels, provided that the developer can demonstrate that the uses will not substantially overlap in hours of operation or in demand for the shared spaces. In terms of national best practices, this approach is typical, but could be expanded to include authorization for other types of alternative parking arrangements, such as off-site parking, deferred parking, valet or tandem parking, or transportation demand management (TDM) programs.

8. Park Woodlawn Area Plan (2013)

a. General Summary and Policy Goals

The Park Woodlawn plan area comprises approximately 2,000 acres in south central Charlotte. Much of the plan area lies within a Wedge and consists of stable, generally single-family neighborhoods such as Sedgefield, Madison Park, and Collingwood.

The plan area also includes the entire Park Road/Woodlawn Road Mixed Use Activity Center identified in the CCW Growth Framework. The plan area is

mostly built out, so most new development will occur through infill and through redevelopment. The plan discusses concerns that infill development will encroach upon the existing single-family neighborhoods. To help minimize impacts, the plan recommends that new development be "neighborhood-focused" – i.e., sensitive to the surrounding neighborhoods in terms of height and design, and to be more pedestrian-focused.

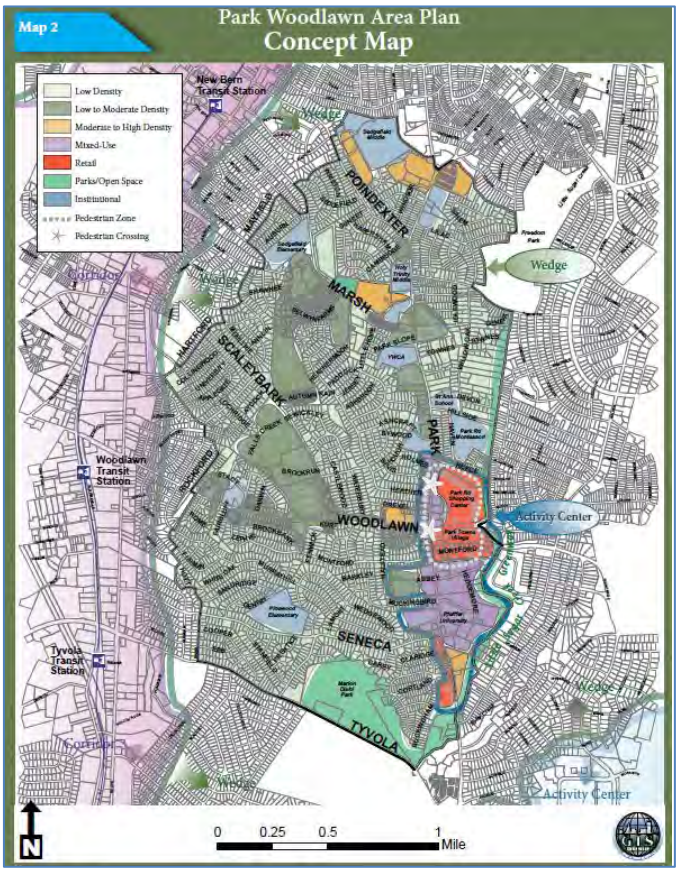


Figure 8: Park Woodlawn Concept Map

Connectivity is identified as a major issue in the plan; the area lacks walkability and the street grid pattern that would make it easier to travel, both for vehicles and for pedestrians. Long blocks and lack of street connections are issues. Also, there is limited connectivity between the eastern and western portions of the plan area.

b. Relationship to the Zoning Ordinance

In terms of land use, the existing residential districts in the Zoning Ordinance are suitable to implement the land use classifications and use types called for in Park Woodlawn's Wedge neighborhoods. However, few districts are available to implement the Activity Center mixed use recommendations, beyond MUDD and districts that would require rezonings (like NS) and/or may not achieve the form and intensity desired (like the MX districts). In terms of community design, and as is discussed in previous sections, the Zoning Ordinance lacks the

base tools necessary to achieve the plan goals without case-by-case modifications through such tools as conditional rezonings.

Zoning Districts and Land Uses: The Zoning Ordinance districts that are most relevant to the implementation of the Park Woodlawn Area Plan include the following:

- *Activity Center.* The Park Woodlawn Mixed Use Activity Center is identified in Charlotte's CCW Growth Framework as an area targeted for mixed-use redevelopment at higher intensities than currently exist. The center extends along Park Road and currently includes a variety of land use areas, including mixed use and moderate to high-density residential development. Much of the Activity Center currently is zoned O-1, O-2, and B-1, with some multi-family parcels, as well. These existing districts accommodate some mix of uses, but not the pedestrian-oriented redevelopment called for in the plan.

  The plan also emphasizes maintaining a strong focus on sensitive design that respects the surrounding neighborhoods. Of the existing districts, MUDD (discussed above in the description of the MMC Area Plan) could in theory be an appropriate district for this area, since it allows and encourages the mix of uses called for in the plan. It may be tailored through MUDD-O or MUDD-CD to respond to specific neighborhood and site issues, but that would require an applicant to go through the conditional rezoning process, as would the NS and MX conditional districts. The plan distinguishes between multiple character areas within the Activity Center, and the Park Woodlawn area ultimately could benefit from a new, more tailored set of mixed-use districts that accommodates a range of mixed-use intensities, as discussed for the Independence Boulevard Area Plan.

- *Wedges (Residential Neighborhoods).* The concept plan identifies the Wedge neighborhoods as appropriate for low-density to moderate-density residential development. Many areas are intended to remain low density residential, up to four DUA. Over 70 percent of the planning area is zoned single-family, and much of this area currently is zoned R-4, which is consistent with the plan density. Some residential areas are considered appropriate for new multi-family residential at densities up to 12 DUA in certain situations (i.e., if parcels are assembled and no single-family parcels are land-locked). Overall, a variety of location-specific density recommendations are called out in the plan. Generally, the existing single-family and multi-family districts appear to be suitable to accommodate these areas in terms of land uses and densities.

Design and Development Standards: The Park Woodlawn Area Plan's specific design-related goals are not achievable solely through use of the base design standards in the current Zoning Ordinance. Some tailoring of the base standards through approaches such as conditional rezonings would be necessary for the most effective implementation of the plan. Also, many of the plan's goals relate to connectivity, which is generally addressed outside the Zoning Ordinance.

- *Compatibility with Residential Neighborhoods.* Because many of the Activity Center parcels back up to residential neighborhoods, the plan-specific community design policies call for transitioning "the scale and height of development with respect to single family neighborhoods." The policies emphasize height restrictions (40 feet in many areas) and design that is sensitive to the neighborhoods. Other policies state that "shallow depth lot redevelopment along Park Road should relate to the single family neighborhoods behind." Buildings should be oriented toward roadways and existing and future greenways. The plan also calls for multi-family development to "relate to the surrounding context and have a pedestrian scale street presence."

  As noted earlier, the existing ordinance does have step-down height controls in many multi-family and nonresidential districts when adjacent to single-family development; however, these still may allow heights greater than the 40-foot limit called for in the plan (and the MUDD district does not have step-down controls at all). Otherwise, the current Zoning Ordinance does not have specific standards that would help define and ensure compatible building massing and scale, either in the multi-family residential districts or citywide. This issue is discussed above in the Elizabeth Area Plan section.

- *Streetscape Improvements.* As with other area plans, the Park Woodlawn Area Plan is the official Streetscape Plan for the area. It includes cross-sections that address various street types (e.g., avenues, main streets) and specific standards such as sidewalk and travel lane widths. For the urban districts, the new Streetscape Plan provisions will control and serve as an important tool for achieving the plan's community design objectives; for many other districts, however (including MF, B-1, B-2, O-1, and O-2), the limited standards in the Zoning Ordinance will continue to apply.

- *Connectivity.* The plan emphasizes creating better interconnectivity, both vehicular and pedestrian. Connectivity is addressed in Charlotte primarily through the Subdivision Ordinance, rather than the Zoning Ordinance. The Subdivision Ordinance codifies the general objectives for creating a complete, connected network of streets and blocks expressed in Charlotte's Urban Street Design Guidelines, and includes requirements for street network connectivity and block dimensions, detailing the types and arrangement of blocks relative to a variety of principal uses. Although these are understood and communicated as part of subdivision so that new development can appropriately contribute to a connected transportation network, these standards may come into play in applications of the Zoning Ordinance (i.e. when land is not being subdivided). Many communities include connectivity requirements in the Zoning Ordinance; however, the available legal authority to apply all these connectivity requirements through the Zoning Ordinance requires further review.

9. Steele Creek Area Plan (2012)

a. Summary Description and General Goals

Covering the largest plan area of the six plans reviewed for this report, the Steele Creek Area Plan includes approximately 27,000 acres (population 35,000) in southwest Charlotte. The eastern portion of the plan area includes more intense development close to I-77, I-485, and South Tryon Street, mostly within four mixed-use and industrial activity centers. The western half of the plan area borders the Catawba River and includes the McDowell Nature Center and Preserve, along with several low- to moderate-density residential subdivisions like The Sanctuary. Much of the plan area is within a Wedge.

In terms of land use, some of the key development policies are:

- Maintain the lower density residential development (four units/acre) character in the Wedge, with neighborhood-supporting retail and services at strategic locations;
- In mixed-use activity centers, encourage growth and transition to a more pedestrian-oriented environment; and
- In industrial areas, encourage additional industrial development and employment.

The plan's community design goals include:

- Ensuring that building and site design reflect the natural environment and respect surrounding neighborhoods; and
- Encouraging accessibility by improving pedestrian and bicycle connections.

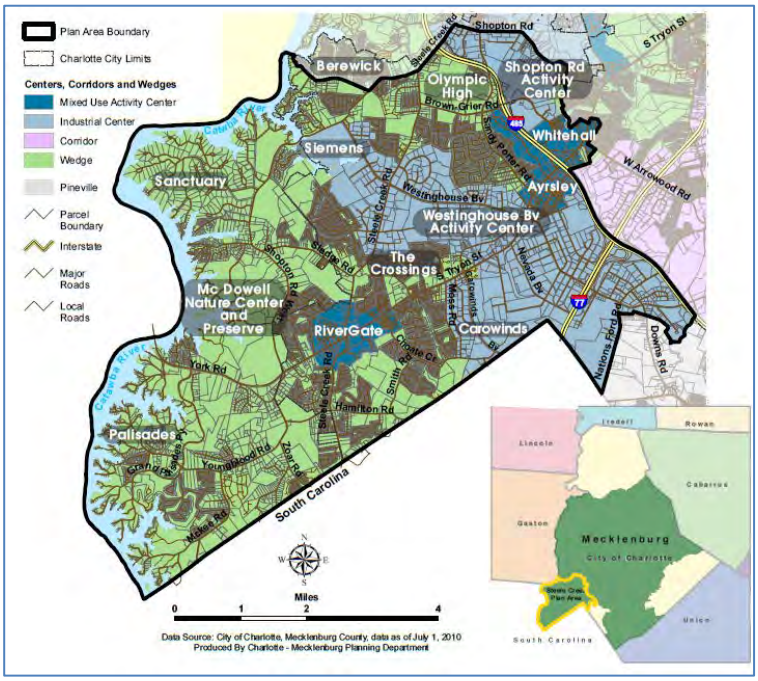


Figure 9: Steele Creek Area Plan - Concept Plan

Natural features are a key part of the planning area, which has a river, major natural open space preserve, and substantial tree canopy. Plan policies emphasize environmentally sensitive development that enhances the area's land, air, and water quality.

b. Relationship to Zoning Ordinance

In terms of land use, the existing districts in the Zoning Ordinance are suitable to implement some but not all of the land use classifications and use types called for in the Steele Creek plan area. In terms of community design, the Zoning Ordinance includes some tools necessary to achieve the plan goals, but many plan issues (such as connectivity) are addressed by regulations outside the Zoning Ordinance.

Zoning Districts and Land Uses: The principal types of land use areas identified in the Steele Creek Area Plan are:

- *Industrial Centers.* The Westinghouse Industrial Center crosses the center of the plan area and is a major regional industrial center. Additional industrial development is anticipated and encouraged. This large area is an example of an Industrial Center identified in the CCW Growth Framework, which is primarily single-use office and industrial, with supporting retail.

  The ordinance's industrial districts are generally compatible with the plan goals in terms of uses allowed, since they include the types of supporting retail uses the plan notes are needed to support the industrial employment base. However, the districts do not include development quality standards addressing issues like pedestrian networks and landscaping, which the plan notes are needed to integrate new projects with existing development.

- *Mixed-Use Centers.* The Activity Centers (such as Whitehall/Ayrsley) in the planning area are intended for a broad mix of higher-density residential, institutional, office, and some industrial uses. As noted for the earlier area plans, MUDD and the MX districts are available in the ordinance to implement these mixed-use recommendations. (The MX districts may be a better fit here than in some of the more central areas; however, the split ownership of the areas may make the districts harder to apply.) They would need to be tailored to fit the unique circumstances of the Steele Creek area, such as the more significant industrial aspect than is seen in other areas, as well as the proximity to residential neighborhoods. A larger menu of mixed-use districts ultimately would assist in accommodating the unique mix of uses and development characteristics intended for these suburban centers, as opposed to the more central activity centers.

- *Wedge Neighborhoods.* The concept plan identifies the Wedge neighborhoods as appropriate for low-density to moderate-density residential. Many areas are intended to remain low density residential, up to four DUA. Over 51 percent of the plan area is zoned single-family.

Generally, the existing single-family districts appear to be suitable to accommodate these areas in terms of land uses and densities.

Design and Development Standards: Some Steele Creek design issues, such as residential compatibility standards, are discussed above for other area plans; others are below. Beyond the issues below, many of the plan's goals relate to connectivity, which is addressed outside the Zoning Ordinance.

- *Clustered Development.* One plan-specific goal is to encourage clustered development where appropriate to protect natural areas. The ordinance authorizes cluster development in all single-family residential districts except R-8 (though we heard concerns about the effectiveness of this incentive when applied in conjunction with the tree save requirements).
- *Environmental Protection.* Protection of the tree canopy, native plants, and other environmental features is a key goal of the plan, especially for areas near the Catawba River. The Zoning Ordinance contains limited tools to address these issues, such as stormwater drainage plans (Chapter 12, Part 6) and standards to protect the stream water network and adjacent lands (Chapter 12, Part 8). There are watershed overlay districts for Catawba River/Lake Wylie and Lower Lake Wylie. However, beyond these tools, the Zoning Ordinance generally does not specifically define or encourage green site design. Charlotte's separate Tree Ordinance addresses the planting of street trees, and the protection and replacement of existing trees.

OTHER STRENGTHS AND WEAKNESSES OF THE ZONING ORDINANCE

Our review and analysis, along with the stakeholder meetings, identified several key observations about the current Zoning Ordinance that are either not directly discussed in the plan implementation section above or worthy of additional note. In particular, there is a general consensus that the current organization and format of the document is not user-friendly. Also, the ordinance lacks many best-practice zoning tools that are found in modern codes, especially those necessary to both protect residential neighborhoods while at the same time encourage more walkable urbanism in targeted areas.

A. Document Organization and Format

A user-friendly zoning ordinance should be easy to use, rely on an intuitive and logical organization, and allows a reader to locate their desired information quickly. User-friendly ordinances also use plain English, use precise language and standards, and provide examples or illustrations of complex provisions. They are organized and presented in a logical way that helps readers understand how different pieces of information relate to one another.

In Charlotte, there is general agreement in the Staff Diagnostic Assessment, from our stakeholder meetings, and from our own analysis that the current Zoning Ordinance is not a user-friendly document. Major issues are identified below. Suggested new approaches to improve the organization and format are discussed in the Approach Report.

1. Document Organization

The structure of the Zoning Ordinance is not logical or intuitive. One fundamental problem is that related provisions appear in different chapters. For example, review procedures can be found in at least five places. Development standards appear in two chapters as citywide standards, but also in many of the zoning district regulations. Similarly, the zoning district regulations are found in Chapters 9, 10, and 11, but many use-specific standards and accessory use provisions are found with the development standards in Chapter 12. Definitions are located throughout the ordinance and in some instances there are conflicts between different definitions. Some terms used in the ordinance are not defined.

Given this current structure and organization, in many instances it is necessary to turn between multiple chapters to determine what requirements apply to specific types of development. Many interviewees noted that important information seems buried in the ordinance, at different levels, making it challenging to navigate and understand the document and to determine which requirements may be relevant to a particular application.

2. Illustrations and Graphics

The current Zoning Ordinance does not take advantage of the many advances in graphic design and recent thinking about development code organization and clear illustration of zoning concepts. The document relies on text to convey most zoning concepts, processes, and standards, and includes few illustrations and other graphic aids like photographs, flowcharts, and tables. The result is a bulky document that fails to visually communicate the desired intention behind various standards. For example, the urban design standards for the TOD, PED Overlay, and other pedestrian-oriented districts establish significant requirements for distinguishing ground-level spaces and sidewalks, but that intent only becomes clear after a close, detailed reading – whereas more illustrations would immediately convey the intended physical environment those standards are intended to create.

3. Document Formatting

Numerous users of the Zoning Ordinance noted that the document formatting makes it difficult to navigate and use. For example, the lack of section references on each page makes it challenging to determine where in the document a particular provision is located. ("I know this is Part 5, but in which chapter?") The lack of detail in the table of contents also makes it challenging to understand the hierarchy of various provisions. Cross-referencing is limited. While there is an index of terms, it is incomplete. There is no glossary of abbreviations. There also are no hyperlinks and the current ordinance is not web-friendly.

B. Zoning Districts

The heart of most zoning ordinances is the menu of zoning districts into which the community is divided, including the land uses allowed within those districts and the dimensional standards that regulate the basic physical aspects of new development in each district (height, setbacks, building placement, etc.).

Charlotte's Zoning Ordinance establishes a total of 109 zoning districts, including 32 general zoning districts, 49 parallel conditional districts, 11 special-purpose conditional districts, six conditional districts with optional provisions, and 28 overlay zoning districts. These districts, which are listed in the table on page 39, are organized into the following types:

- **General (or base)** districts are conventional zoning districts that allow any of a range of designated land uses, subject to intensity and dimensional standards specific to the district as well as to generally applicable standards. Under North Carolina law, general districts may not be approved subject to conditions;
- **Conditional** districts are a type of zoning district approved with individual, site-specific conditions that modify the standards generally applicable in the district. Conditions are offered by the property owner and mutually agreed to by the owner and the City. Some of these districts impose

conditions in all cases (e.g., NS and RE-3), while others are general districts that may impose conditions but do not do so in all cases (e.g., B-1 (CD)). Conditional districts with optional provisions are a form of conditional districts unique to Charlotte where the conditions of approval relax (rather than add to) otherwise applicable district standards for the district; and

- **Overlay** districts are special zoning districts that impose requirements and standards in addition to those generally applicable in the underlying zoning district.

Generally, the lineup of districts in Charlotte appears functional and capable of supporting a variety of development types and land use patterns, ranging from higher-intensity, mixed-use urban projects to lower-intensity suburban contexts. However, there are many opportunities for improvement, sometimes through minor adjustments and sometimes through substantial revision. Some key issues include:

1. Format and Organization of the Zoning Districts

In terms of format and organization, the zoning districts take up the bulk of the ordinance. They are presented in a traditional (and cumbersome) format, with narrative district purpose statements followed by lists of permitted uses and dimensional requirements (density, lot width, etc.). This lengthy format, which can run to dozens of pages for just one or two districts, is repeated for various categories of base districts for over 300 pages of the document. Additional chapters devoted to overlay and conditional districts add many additional pages.

A variety of improved, modern approaches to laying out district information have been applied and tested around the country. For example, other communities have introduced more extensive graphics showing lot patterns and building types typical of the district, and illustrations of how dimensional standards apply to the principal development types allowed in the district. The vast majority of communities today organize all use lists (permitted, permitted with conditions, accessory, temporary) in user-friendly tables that allow quick comparison among districts. Similarly, the general dimensional standards can be consolidated into a single table for each set of districts.

2. Current Zoning Districts

General Districts	Conditional Districts	Overlay Districts
Single-Family Districts	**Parallel Conditional Districts**	**Historic Overlay District** *(one district applied to six different neighborhoods)*
R-3	One conditional district parallel to each of the general districts (32 total)	Dilworth
R-4		Fourth Ward
R-5	**Mixed Use Conditional Districts**	Hermitage Court
R-6	MX-1	Plaza-Midwood
R-8	MX-1 (INNOV)	Wesley Heights
Multi-Family Districts	MX-2	Wilmore
R-8 MF	MX-2 (INNOV)	**Airport Overlay Districts**
R-12 MF	MX-3	Airport Approach Zone
R-17 MF	MX-3 (INNOV)	Airport Transition Zone
R-22 MF	**Other Conditional Districts**	Airport Horizontal Zone
R-43 MF	R-MH (Manufactured Housing)	Airport Conical Zone
Urban Residential Districts	CC (Commercial Center)	Airport Noise Disclosure Overlay District
UR-1	NS (Neighborhood Services)	
UR-2	HW (Hazardous Waste)	**Manufactured Home Overlay**
UR-3	RE-3 (Research)	**Watershed Overlay Districts**
UR-C	**Conditional Districts with Optional Provisions**	
Institutional Districts		**Mountain Island Lake Overlay District**
Institutional INST	MUDD-O (Mixed Use Development – Optional)	Critical Areas
Office Districts		CA-1
Office-1 (O-1)	UMUD-O (Uptown Mixed Use - Optional)	CA-2
Office-2 (O-2)	TOD-O (Transit Oriented Development – Optional)	CA-3
Office-3 (O-3)		CA-4
Business Districts	RE-3-O (Research-3-Optional)	Protected Areas
B-1 (Neighborhood Business)	PED-O (Pedestrian Overlay-Optional)	PA-1
B-2 (General Business)	TS-O (Transit Supportive Overlay-Optional)	PA-2
B-D (Distributive Business)		PA-3
BP (Business Park)		**Catawba River/Lake Wylie Watershed Overlay District**
Research Districts		Critical Area
Research-1 (RE-1)		Protected Area
Research-2 (RE-2)		**Lower Lake Wylie Watershed Overlay District**
Mixed Use Districts		Critical Area
Mixed Use Development (MUDD)		Protected Area
Uptown Mixed Use (UMUD)		**Special Sign Overlay Districts**
Transit Oriented Districts		Historic Overlay District
TOD-R (Residentially Oriented)		Neighborhood Mixed Use Overlay District
TOD-E (Employment Oriented)		
TOD-M (Mixed-Use Oriented)		Billboard Free Overlay District
Industrial Districts		**Other Overlay Districts**
I-1 (Light Industrial)		PED (Pedestrian Overlay)
I-2 (General Industrial)		TS (Transit Supportive Overlay)
UI (Urban Industrial)		

3. Total Number of Zoning Districts

The number of districts in the current Zoning Ordinance is relatively high, even for a city the size of Charlotte. (Chicago only has eight residential districts, for example, versus Charlotte's 14.) A frequent comment in our interviews, especially from staff, is that the ordinance includes too many districts. The current districts have been added over many years, resulting in a number of districts that seem to overlap in terms of their function or purpose. Many of these amendments were initiated to address the pressing development needs of the City, as well as address simple operational and procedural issues. The result is an ordinance that is a complex patchwork quilt of modern regulatory tools like mixed-use and TOD districts, mixed in with older and in some instances antiquated single use and suburban-oriented districts that overlap in purpose and do not always align with the City's land use goals and policies.

In some cases, distinctions between similar districts may no longer be significant (particularly where special conditional districts are similar to general districts or other special conditional districts). Some current districts are seldom (or never) used, and thus may be unneeded or obsolete. For example, very little land is zoned O-3 (CD), O-3, and MX-3, and no land is zoned UI. If zoning classifications are not being applied, it may be because there is no demand for them or they do not adequately accommodate modern development trends.

To make the districts more logical and precise in purpose, modern codes pay special attention to drafting specific purpose statements for all districts (not just the top-level district categories), including the land use classifications in local plans that the district generally is intended to implement.

4. Use Classification System

While uses are identified in the current Zoning Ordinance, their presentation is not logically and consistently organized and presented, creating uncertainty and the need for interpretation. For example, the current ordinance lists permitted uses for each general district in two locations: the master table of uses (Table 9.101), and in the narrative lists of uses permitted by right and permitted under prescribed conditions that are located within each set of district regulations. This duplication increases the potential for inconsistency as the table and lists are amended over the years--something that has begun to occur in the Charlotte Zoning Ordinance. Further, some use terms are not defined or not sufficiently distinguished from similar but different uses, resulting in proposals for so-called "hybrid uses" that blur the boundaries between uses and subcategories, and which staff and code users have difficulty assigning to one category versus another.

C. Development Standards

1. District-Specific Approach to Development Quality

While Charlotte welcomes new development, interviewees and survey respondents stressed their desire for high-quality projects that will enhance the character of the community and create great new places—while also protecting the great places Charlotte already has. The current Zoning Ordinance has a fragmented approach to development quality. Generally, site and building design issues are based on district, rather than on types of land uses or development. So, a new multi-family building in a multi-family district likely is subject to different standards than it would be in one of the MX districts – which may be intentional, but also creates uncertainty for a developer contemplating a multi-family project in Charlotte.

In some of the new districts, such as the TOD districts and the PED Overlay, the standards are thoughtful and robust, reflective of Charlotte's recent plans, and already have resulted in many high-quality projects. For many of the older districts (e.g., the multi-family districts), however, the standards are minimal and cover basic issues like height and setbacks but do not address urban design or compatibility with the surrounding neighborhood.

In many cases, we heard that issues associated with the district-based standards (e.g., standards too strict, standards not strict enough, standards absent for particular issues) led applicants and/or staff to turn to MUDD or a type of conditional rezoning to negotiate better solutions for a particular site or project. The district-based approach to development quality also has sometimes made it harder to achieve mixed-use, pedestrian-friendly development using conventional districts.

2. Neighborhood Protection

One feature that sets Charlotte apart from many major American cities is the quality of its neighborhoods, both old and new. Many of the older, inner-ring, single-family neighborhoods are characterized by tree-lined streets and sidewalks that connect residents to nearby schools. There is general consensus that protecting and maintaining the quality and character of Charlotte's existing neighborhoods is key to maintaining the City's quality of life, and consequently should be an important objective in the Zoning Ordinance.

With that said, the preservation and development of Charlotte's neighborhoods during the City's major development boom of the past decade has not come without conflict, especially regarding development proposals at the edge of, or in the transition areas between, single-family neighborhoods and the Corridors and Centers. Sometimes the conflict between old and new can be especially jarring, such as when a massive new multi-family building is erected immediately adjacent to single-family backyards.

As noted several times in the plan implementation section above, there are few measurable and predictable minimum standards in the current Zoning Ordinance to ensure development located adjacent to single-family

neighborhoods is compatible with the character of the neighborhood. Some of the newer zoning districts have urban design standards that require projects adjacent to single-family neighborhoods to improve their designs. Most districts do not have such standards, however. The result is that the City's review of development proposals in these edge/transition areas is time-consuming, controversial, and frustrating to the developer applicant and the neighborhood organizations alike. This problem was emphasized both in the survey and during interviews.

3. Parking, Streets, and Other Transportation-Related Issues

The Zoning Ordinance includes the regulations pertaining to transportation-based functions in multiple sections, and also references other chapters of the City's Code of Ordinances, most notably Chapter 19 on streets and sidewalks and Chapter 20, the Subdivision Ordinance. Overall, the Zoning Ordinance codifies many of the City's policies seeking to promote a balanced, multimodal transportation system and establishes clear connections between these transportation objectives and the development process. Not all of the adopted policies are implemented by the ordinance, however; for example, building and parking placement standards are not calibrated based on street type, as called for by the USDG. Input from City staff involved with development review and enforcement reflects that, in practice, many of the transportation-based regulations do not fully achieve their desired intent.

Off-street parking and loading requirements are established in Section 12 of the ordinance. Parking standards for most uses exceed minimum standards required by most modern development codes as well as recommendations by recent parking studies. This results in more parking and paved surfaces than is necessary. In addition, the uses listed are often very specific, which may lead to difficulty in interpreting requirements or applying the table to uses that are not explicitly defined.

4. Environmental Sustainability and Natural Resource Protection

Many community design goals in Charlotte's area plans emphasize protection of the natural environment. The Zoning Ordinance contains limited tools to address these issues. For example, the Elizabeth Area Plan emphasizes the need to encourage "green site design" and building practices, especially to reduce stormwater runoff and minimize adverse environmental impacts. The Zoning Ordinance contains regulations to require stormwater drainage plans (Chapter 12, Part 6) and to protect the stream water network and adjacent lands (Chapter 12, Part 8). There also are three special watershed overlay districts for Mountain Island Lake, Catawba River/Lake Wylie, and Lower Lake Wylie. However, beyond these tools, the Zoning Ordinance generally does not specifically define or encourage green site design.

Some regulatory tools to implement these policies are established outside the Zoning Ordinance. For example, the Area Plan emphasizes the need to minimize impacts to the tree canopy. Charlotte's separate Tree Ordinance

addresses the planting of street trees, and the protection and replacement of existing trees.

D. Review Procedures

An effective zoning ordinance has an efficient development review process and review standards that help ensure achievement of the community's planning and development goals. Given the limitations on the review of development permitting set out by the North Carolina General Statutes, the development review process in Charlotte is generally efficient. However, there are possible opportunities to make the current procedures more user-friendly and streamlined, beyond the issue of consolidating and standardizing the procedures noted earlier.

1. Minor Deviations to Dimensional and Development Standards

The current ordinance includes limited authorization for staff to approve minor deviations from dimensional and development standards. The principal provision is in Section 4.107, which authorizes the Zoning Administrator to grant administrative deviations, subject to specific standards, from:

- Measurable and quantifiable standards under the Ordinance, except for density and signage, of no more than five percent when based on physical, topographical, or geographical conditions, or the physical layout of land and structures, ordinance requirements cannot be met;
- Yard and buffer requirements that do not exceed two feet, or three feet for heating, ventilation, and air conditioning units; or
- Handicapped ramp or other encroachments into a yard, if the encroachment is required by law and there is no other reasonable location.

There are also provisions in other parts of the Ordinance that provide an administrative official limited authority to grant other minor deviations. For example:

- Section 12.202(2) allows the Planning Director to approve a reduction in parking when the development applicant cannot comply with the ordinance without demolition of an existing structure or damaging significant trees on the site.
- Section 12.209 allows reductions in parking at office, institutional, and industrial developments when a certain type and amount of bicycle parking is provided;

While helpful in some instances, these provisions are limited in their application and, based on interviews, are not sufficiently broad to allow staff to resolve minor differences in ordinance standards and proposed development (especially redevelopment) that is consistent with the city's planning goals. The result is that, under the current ordinance, applicants may be required to go through expensive and uncertain review processes to make minor adjustments

to development standards, even though their proposed project is something the community wants to see. One of the best examples of this is the city's fairly recent use of MUDD-O conditional rezonings to allow variations to relatively minor dimensional and development standards.

There are at least two best practices tools used by many communities in North Carolina and across the nation that may be helpful in addressing this issue. One is an administrative deviation procedure that is broader than the current Charlotte provision. A second is an alternative equivalent compliance procedure from certain development standards (like parking or landscaping) that allows a development to occur in a manner that does not strictly adhere to the letter of the ordinance, as long as it meets the intent of that standard to an extent equal to or exceeding that achieved by strict application of the standard.

2. Conditional Rezonings

Based on feedback from stakeholders, Charlotte has achieved many successes in implementing its adopted plans and policies under the current Zoning Ordinance. One of the primary reasons is the City's use of a discretionary, negotiated form of development review—the conditional rezoning—to make up for some of the limitations discussed above. The primary benefit of conditional rezoning is that it provides the City flexibility and authority to negotiate and place limitations on specific development projects beyond the rules established in the Zoning Ordinance, and requires review and approval of a site plan for such projects. The conditional rezoning also has allowed the City to deal with site-specific conditions provided in area plans, and address unique contexts that cannot be addressed by one-size-fits-all districts. In particular, it has been helpful to achieve more pedestrian-friendly, mixed use development that may not be possible with many of the existing districts, many of which are oriented towards more suburban-style development. It is one of the best currently available tools for evaluating development proposals when the basic zoning district and development standards are not adequately aligned with local planning and development goals.

CONCLUSION

This Assessment Report evaluates how well the Zoning Ordinance is equipped to implement Charlotte's adopted policies and plans, particularly the area plans. As is seen in the specific examples in this report, drawing a clear connection between the area plans and specific, related zoning requirements is often not straightforward. In many cases the Zoning Ordinance includes some but not all of the tools needed to achieve the plan goals.

For example, in terms of land use, the current Zoning Ordinance contains some mixed-use-oriented districts, but lacks a calibrated set of multiple districts that would allow full implementation of the hierarchy of different scales of centers called for in the area plans.

In terms of community design, the Zoning Ordinance includes some but not all of the necessary tools to implement the plans, and in particular lacks residential design standards and mixed-use design standards tailored to a range of intensity levels. Many of the Zoning Ordinance's design standards apply to specific districts rather than citywide, and thus the effectiveness of the ordinance in implementing plan goals depends on the actual districts applied to a particular site. There are some good design standards in place, like the urban design standards for pedestrian-oriented districts, yet they could be strengthened.

In addition to the substantive linkages (or lack thereof) between the plans, policies, and regulations, the Zoning Ordinance itself is challenging to use, lacks a clear and understandable organization, and does not contain sufficient illustrations, tables, and other simple tools to effectively communicate the intent of the regulations.

The accompanying Approach Report addresses these issues by looking forward to alternative approaches of what the Charlotte Zoning Ordinance might look like in the future, whether as a result of incremental updates or a major comprehensive revision. Examples are provided from code update projects in other communities to help inform Charlotte's discussions of next steps.

APPENDIX: SUMMMARY OF STAKEHOLDER FEEDBACK

Through meetings, interviews, and an online survey, the city received over 500 comments about Charlotte's current Zoning Ordinance throughout the autumn of 2012. The comments ranged from very general to very specific. Below is a brief summary of the comments received, organized by major topics.

A. Review Process

The largest number of comments pertained to the various procedures used to review and approve rezoning and development proposals.

- The review process takes too long.
  - Due to a heavy reliance on conditional zoning, most major development proposals must go through a lengthy and expensive rezoning process.
- The review process is too political and too uncertain (especially for proposed rezonings), which undermines trust in the fairness of the review process and city decision-makers.
  - Due to a heavy reliance on conditional zoning, most major development proposals are reviewed by the City Council, which many neighborhood residents perceive as biased towards developers and many developers perceive as unpredictable due to neighborhood demands.
  - A number of developers perceive city staff review as overly complicated and inconsistent due to vague and ambiguous regulations, the need to reconcile conflicting positions among multiple city agencies involved in the review process, and a tendency to change staff positions on issues during the review process.
  - Many neighborhood residents perceive the conditional zoning review process as frustrating because it requires them to negotiate with developers and the city the same issues previously addressed during development of area plans.
  - A number of developers perceive the ordinance and city staff as too inflexible in allowing minor changes to plans approved through conditional zoning, while many neighborhood residents perceive city staff as too lenient in allowing changes to plans approved through conditional zoning (and without notice to or input from the residents).
- Neighborhood residents have insufficient notice and opportunity for input.
  - Many neighborhood residents state they do not receive notice of all development proposals that significantly affect them, that provided

notices come too late to allow for significant input, or that they do not receive notice of late changes to development proposals or post-approval changes to approved plans.

- Some neighborhood residents recommend the City provide an advocate, ombudsman, or similar person to represent the neighborhoods interests and help ensure adequate input and communication between neighborhood residents, developers, city staff, and city boards.

B. Reliance on and Use of Conditional Zoning

- The ordinance and city staff and boards place a heavy reliance on the conditional zoning process to review major developments, as opposed to by-right approvals under current zoning classifications
  - Many developers state they shouldn't have to go through the lengthy, expensive, and uncertain conditional zoning process to obtain approval of development that could be allowed by right.
  - Some developers believe that ordinance and city staff require developers to use the conditional zoning process as a means to exact changes to development proposals that would not otherwise be required.
  - Some people believe the city's reliance on conditional zoning is so ingrained that it would be difficult to significantly lessen it.
- As noted above, many people view the conditional zoning process as unreasonably lengthy, political, and uncertain.
- While a number of developers state they appreciate the flexibility afforded by the conditional zoning process, some believe it does not provide adequate flexibility because of the expectation for relatively detailed site plans and inflexibility in allowing staff approval of changes to those plans once approved.

C. Relationship to City Plans

- The ordinance should implement the goals, objectives, policies, and plans in adopted plans, especially area plans, but there is a big disconnect between adopted plans and the ordinance.
  - Zoning is not consistent with area plans.
  - Carrying out area plans often requires rezoning, which is time-consuming and expensive, thus property owners frequently develop in accordance with current zoning, which allows development inconsistent with the area plans.
  - People vest time and effort in developing area plans, but become demoralized because the ordinance fails to implement the plans.

  - The city does little rezoning of land to implement area plans ("corrective zoning").
- The city approves rezonings that are inconsistent with adopted plans.
  - If a rezoning proposal is inconsistent with adopted plans, it is nevertheless approved and its approval is deemed an amendment of adopted plans.
- Some people state that area plans should not be treated as regulations, but as guidelines from which deviations need to be allowed—while others state that the ordinance should expressly require compliance with the specific policies and plans included in adopted area plans.

D. Suburban Development vs. Urban Development/Redevelopment

- Ordinance regulations are geared more for suburban development (e.g., separation of uses, low connectivity, large lots) than urban development or redevelopment.
  - It is easy to build single-family subdivisions, but difficult to build well-designed mixed-use, walkable areas.
  - Too many suburban uses are allowed in the city's inner ring and activity centers.
  - A number of development standards (e.g., buffers, setbacks, parking) impede redevelopment of sites where space is at a premium.
- The ordinance is a "one size fits all' ordinance, doing little to create unique places or to address different priorities in different areas (e.g., promote economic development in distressed areas, preserve neighborhood character in established healthy neighborhoods).
- The ordinance does not encourage infill development where infrastructure is in place.

E. Zoning Districts and Uses

- There are way too many districts, with too many varying standards.
- There is heavy reliance on the MUDD district because of the flexibility it offers developers.
- The ordinance should include a set of scaled mixed-use districts with expanded district standards sufficient to allow appropriate by-right development.
  - Need more districts should be the norm; single-use zoning the exception.
  - Many districts are outdated (e.g., B-1, CC, O-2, BP, MX, NS, UMUD).

- District regulations allows too much building height in some districts (MUDD and UMUD).
- Use standards for districts impede the development of a mix of housing types.
- The ordinance needs a better way to allow new uses not listed in the ordinance.
- Home occupation regulations are very restrictive and do not reflect economic and communication realities.
- Ordinance should allow use of empty lots for community gardens.

F. Ordinance's Organization, Understandability, and Accessibility

- The ordinance is not well organized.
    - Standards and review procedures are not consolidated in easily accessible and understandable locations.
    - Tables of content and the index are incomplete.
    - Related provisions are not linked or cross-referenced.
- Many provisions are ambiguous, and needed provisions are missing—which requires substantial interpretation and thus inconsistency.
    - Ordinance language requires a steep learning curve regarding terminology and the ramifications of the regulations.
    - Much ordinance language is too complicated; needs to be simplified.
    - More graphics and tables should be used.
    - The ordinance includes many duplicated provisions,
- Zoning ordinance provisions are inconsistent with provisions in other development ordinances (subdivision, stormwater management, tree protection).
- The ordinance should be searchable and web-based.

G. Development Standards

- Need stronger environmental protection standards (for trees, greenspace, water quality).
    - Some believe tree protection standards are inadequate, allowing clear-cutting and large mature trees to be replaced by small immature trees.
    - The ordinance does not require parks or greenways.
    - Water supply watershed stream buffers are inadequate to protect water quality.

- The ordinance does not adequately address connectivity, especially bike connections.
- Parking requirements are too high in suburban districts and too low in urban districts.
    - Need maximum parking standard for urban neighborhoods with transit.
    - Need better process to consider shared parking and reduced parking requirements.
- Need stronger site and building design standards, particularly to reduce reliance on conditional zoning to address design.
- The ordinance should provide more transitional standards to protect the most sensitive residential properties from adjacent nonresidential development, especially nuisance-causing businesses such as bars, nightclubs, and loud outdoor entertainment.
- Need to better address cumulative impacts of new development on public infrastructure and services.
- The ordinance should encourage revitalization.
- Ordinance regulations are so permissive, there's no room for incentives for benefits such as affordable housing.