



Zoning & Rezoning

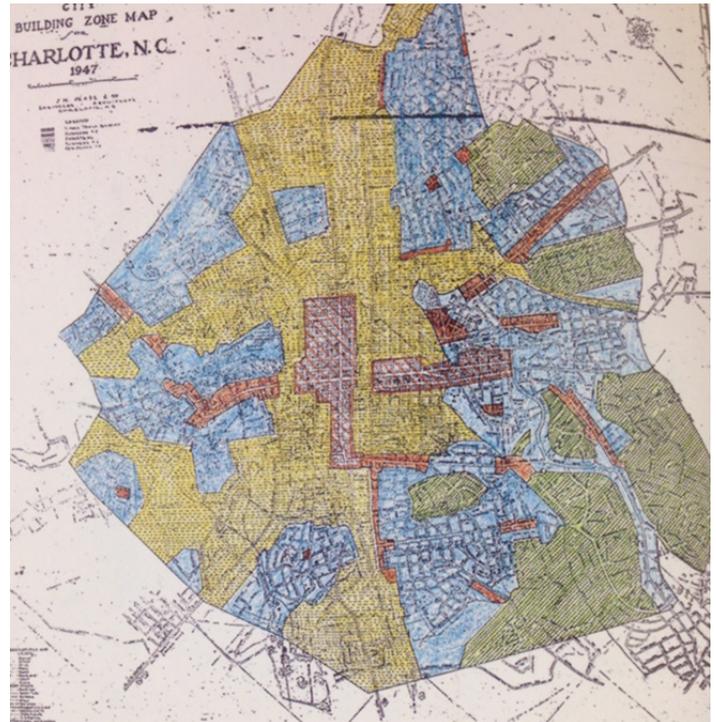
What is Zoning?

The planning framework is organized into two operations. The first action of planning is to define a set of policies (guidelines) for future growth. The second action of planning is to apply land development regulations (laws) to new development or redevelopment in order to implement the adopted policies.

Zoning falls into the second action of planning. It is a regulatory tool used by governments to control the physical development of land and the types of land uses that may be put on individual properties. Zoning is essentially one of the rule books that dictate where and how things can be built. The purpose of zoning and all development regulations is to balance the interests of individuals with the health, safety, and welfare of all people.

Zoning in Charlotte

In order to take advantage of federal funding opportunities, Charlotte's first Planning Commission was established in 1944. A few years later, in 1946, the first Subdivision Regulation Law was adopted and set a minimum street width and lot size for new development in the city. In 1947, the first Zoning Ordinance and Map was adopted for the City of Charlotte. The ordinance was a "conventional model" and focused primarily on the separation of land uses. Over the next 43 years, the ordinance was amended with text amendments and evolved to reflect the changing needs of a growing city. By the late 1980s, it was clear a comprehensive update of the ordinance was needed, and the city was developing the *2015 Comprehensive Plan*. Therefore, a comprehensive update was complete by 1990 to better reflect the vision of



Above: Charlotte's first Zoning Ordinance and Map had five zoning districts: Single Family (green), Multifamily (blue), Central Business District (red stripe), Neighborhood Business (red), and Industrial (yellow).

the plan. The 1990s ordinance has also been amended over the last 25+ years but is generally organized into several categories: general rules and applicability, special processes, zoning districts, and development standards.

Zoning Districts & Development Standards

There are three categories of zoning districts in Charlotte's current ordinance:

- General Districts - There are 41 general districts and they're divided into residential and non-residential categories. Each district has an abbreviation that includes a letter to represent the type of district and a number to represent the level of intensity. For example, the Single Family district is represented by the letter R and there are five levels of intensity (from 3 dwelling units per acre up to 8 dwelling units per acre). So the abbreviation R-3 stands for Single Family up to 3 dwelling units per acre.

- Overlay Districts - Overlay districts are applied in conjunction with an underlying zoning district. Overlay districts permit additional land uses or require additional development standards on top of the underlying zoning district uses and standards. For example, the Historic District Overlay applies additional design standards to the underlying Single Family districts. Overlay districts are intended to be applied to a large area and should not be applied to just one or two parcels.
- Conditional Districts - Conditional districts allow for certain uses that can not be predetermined or controlled by general district standards. Therefore, in order to apply one of the five conditional districts a property owner must request a rezoning and submit a site plan which outlines the requested land uses and development standards.

For every zoning district, the ordinance identifies the land uses permitted within the district and the development standards for all construction. There are three categories of permitted land uses:

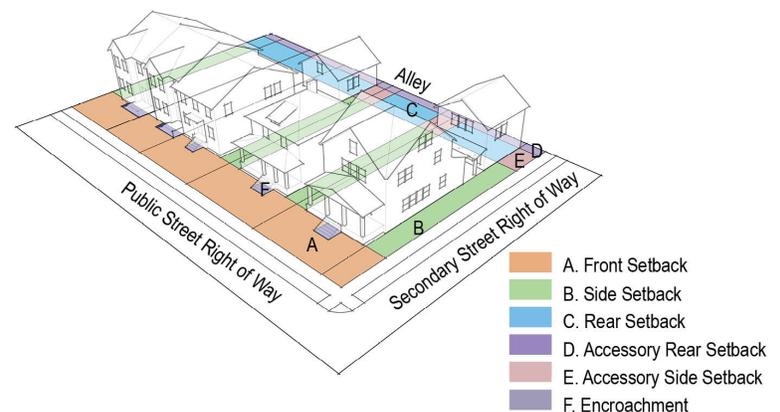
- Permitted by right - Land uses permissible within a zoning district.
- Permitted with prescribed conditions - Land uses permissible provided they meet specified conditions.
- Permitted accessory uses - Land uses permissible provided they are subordinate to or serve a principal land use.

In addition to land uses, the ordinance defines a set of development standards for all construction. Here is some of the most frequently used development standard terminology:

- Density - the number of residential dwelling units per acre of land; determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.
- Setback - the distance between the building wall and the property line or right-of-way boundary at the front of the lot.
- Side & Rear Yards - the minimum distance required between the principal structure and the side or rear property line.

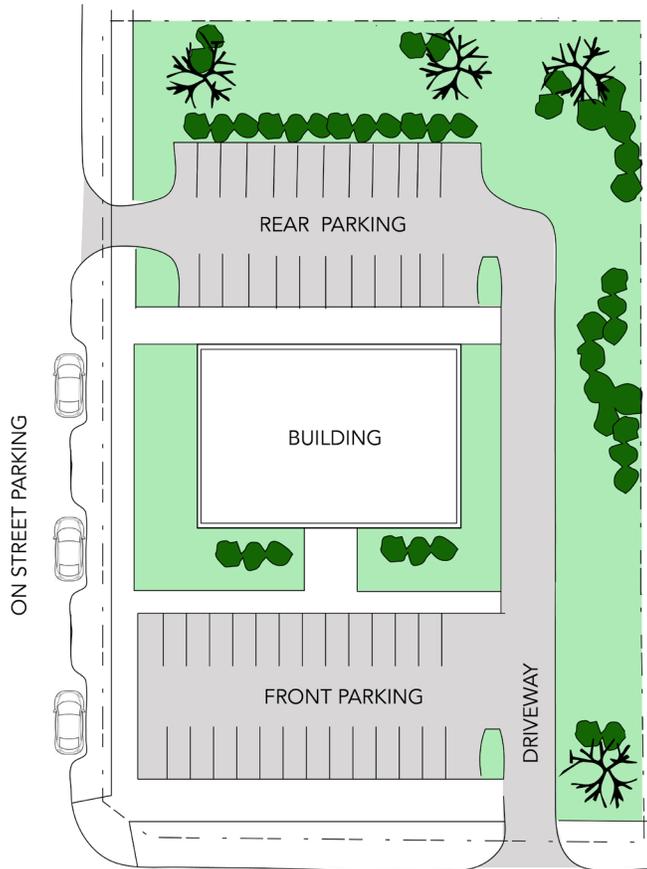


Above: Overlay districts are applied in conjunction with an underlying zoning district. For example, the TS overlay is applied on top of the office and business zoning districts. The properties zoned Neighborhood Services (NS), a conditional district, and Mixed Use Development District (MUDD-O) have conditional plans which supersede an overlay.



Above: When planning a new structure start by identifying the setback and yard requirements. Typically, after subtracting the setback and yards, the remainder of the lot is available for the footprint of a building.

- **Height** - the vertical distance between the average grade at the base of a structure and the highest part of the structure, not including chimneys and roof structures for equipment.
- **Parking** - area reserved for parked vehicles. Rear parking refers to lots located behind a building. Front parking refers to lots located between the building and a street.

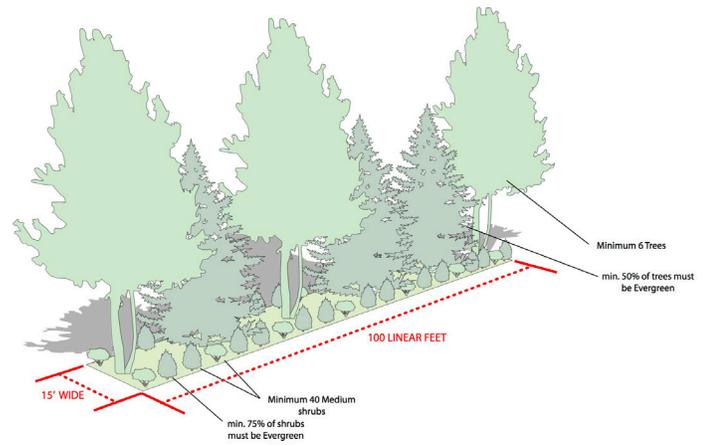


- **Buffers** - a strip of land with natural or planted vegetation located between a use or structure and a side/rear property line intended to separate and partially obstruct the view of two abutting land uses from one another.

A few of the special processes you should be familiar with are:

1. Appeals

An appeal is a request initiated by an applicant (sometimes a developer or a citizen) who believes the Planning Staff made an error in applying the standards of the Zoning Ordinance. The request for an appeal goes before the Zoning Board of Adjustment (ZBA) for review



Above: The required width of a buffer and the number of planted trees or bushes varies depending on the size of the property as well as the type of adjacent uses or structures.

and deliberation. The ZBA is made up of 5 appointed citizens, and their job is to evaluate only facts and decide what they believe is the actual meaning and intent of the ordinance. The ZBA does not have the authority to change the ordinance. If the ZBA approves an appeal then staff's interpretation is reversed or modified. If the ZBA denies the approval then staff's interpretation is upheld, but the applicant can then appeal the decision with the Mecklenburg County Superior Courts.

2. Variances

A variance is a request, initiated by a property owner, to vary the development standards of the Zoning Ordinance. A variance can not be granted for a land use change. Like appeals, a variance request goes before the ZBA and the board can only grant a variance when three findings are met:

- 1) An unnecessary hardship will result from strict application of the ordinance;
- 2) The hardship is peculiar to the property in question and is not generally shared by other properties;
- 3) The request is consistent with the spirit, purpose, and intent of the ordinance.

If these findings are met then a variance will be granted.

3. Text Amendments

Text amendments are a revision or amendment to the Zoning Ordinance and may be initiated by a number of stakeholders including City Council, Planning Staff, and residents. Amendments are necessary when:

- 1) A new land use emerges which is not accounted for by the current ordinance (for example, breweries emerged as a new land use in the mid 2000s);
- 2) An existing land use evolves beyond the functionality and impact regulated by the current ordinance.

Text amendments go through a public process, similar to the rezoning process, and are posted with rezoning petitions on the rezoning.org webpage.

Subdivision Ordinance

In addition to the Zoning Ordinance, there are a number of other ordinances such as the Tree Ordinance and the Post-Construction Stormwater Ordinance that regulate growth and development in Charlotte. The Subdivision Ordinance, administered by the Planning Department, is an important regulatory tool that helps ensure all property has adequate access to public facilities and guarantees the overall orderly development of land by regulating:

1. The number and spacing of new streets;
2. The number of required ingress and egress points for a subdivision;
3. The standards for different street cross sections.

Rezoning in Charlotte

If a property owner wants to develop or redevelop their property for a use not permitted by the existing zoning district then they need to request a rezoning which is a method for

amending the zoning classification of one or more parcels of land. In Charlotte, a rezoning request or petition may be submitted by a property owner, developer, or business owner. There are two types of rezonings petitions:

- Conventional rezonings request entitlements permitted by a general or overlay zoning district. In other words, a conventional rezoning is simply requesting a change from one zoning district to another. Since the petition is not requesting uses or development standards that are different from or above and beyond what is permitted by the zoning ordinance the petition is not required to submit a site plan or hold a community meeting.
- Conditional rezonings request entitlements that differ from the land uses and development standards permitted in general or overlay districts. Conditional rezonings are essentially tied to a specific land use or development proposal and therefore, must have a site plan to document the proposed development. Petitioners are required to host a community meeting which allows stakeholders to review and ask questions about the proposed development. Conditional rezonings can be identified by the letters included at the end of the zoning designation.

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

Above: Conventional rezonings basically go by what is permitted in the ordinance. A conditional rezoning is tied to a specific use or proposal that differs from what is permitted by-right by general or overlay zoning districts. About 20% of the rezonings in Charlotte are conventional and 80% are conditional.

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

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

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

Rezoning Participants: Roles & Responsibilities

There are a number of participants involved in the rezoning process. Below is a quick overview of each participant's role and responsibilities:

- Applicant Team - The applicant team may include the property owner, a developer, an agent who represents either the property owner or developer, and a designer who manages the design of the proposed development. The applicant team is responsible for submitting the petition, making revisions to the petition based on input, and making their case to City Council for why they should approve the rezoning request.
- City Staff - The staff team includes professionals from a number of city departments including Planning, Charlotte Department of Transportation (CDOT), Engineering & Property Management (EPM), Park & Recreation, and others as needed. City staff is responsible for administering the rezoning process, providing requested information to all other participants, analyzing the petition and providing feedback to the applicant, and providing appointed and elected bodies with a professional recommendation.
- The Public - The public may include a number of stakeholders such as property owners, residents, business owners, and institutions. The public is responsible for reviewing petitions, attending community meetings (for Conditional Rezoning only), contacting both

the applicant and city staff with questions, and informing elected officials of their support or opposition.

- Zoning Committee: The Zoning Committee is a sub committee of the Planning Commission which is an advisory body made up of appointed residents. The committee is responsible for reviewing petitions and making a recommendation to City Council based on findings from the public hearing and staff's analysis.
- City Council - City Council is responsible for making a decision about each petition based on findings from the public hearing, staff's analysis, and the recommendation from Zoning Committee.

The Rezoning Process

The rezoning process is typically 3 - 6 months depending on the complexity of the petition. On average, a conditional rezoning takes 5 months to move through the process.

- 1) Presubmittal: The first step of the process is for the applicant team to meet with Planning Staff. In this meeting, the applicant outlines their request, and staff provides initial comments about the appropriateness of the request and identifies potential hurdles.
- 2) Application Assessment: If the applicant chooses to pursue the rezoning they must submit an application which is reviewed by staff for completeness and then distributed to relevant city departments such as CDOT and EPM.
- 3) Citizen Notification: Next, city staff sends out a number of notifications to inform stakeholders about the rezoning petition. A large yellow sign with an uppercase Z is posted on the subject property. The rezoning case number is posted at the bottom of the sign. For more information about the case visit rezoning.org. Mail notices are sent to property owners within 300' of the subject property and to registered neighborhoods within one mile of the subject

property. To register your neighborhood visit the Neighborhood Organization Contact List at: <http://charlottenc.gov/NBS/CE/CommunityInfo/Pages/Neighborhood-Organization-Contact-List.aspx>. If a community meeting is required (for Conditional Rezoning only) the applicant team will also send meeting notifications to property owners and registered neighborhoods. Finally, a legal notice is posted in the newspaper.

Community Meetings (for Conditional Rezoning only) are a great opportunity for stakeholders to be engaged in the rezoning process. At a community meeting, the applicant team will share their concept design for the site. Stakeholders should review the design and ask any questions they have about the project. It is important to think about the project and its relationship to the surrounding context. This is an opportunity for stakeholders to collaborate with the petitioner so try to think about the proposed concept in relationship to the big topics covered in the Community Planning Academy:

- Are the proposed land uses compatible with the surrounding land uses?
- Does the proposed design accommodate all modes of transportation to or through the site?
- Does the proposed design include the top ten urban design elements for a great public realm?

4) Staff Support: Throughout the process, staff is available to support all rezoning participants. For the public, staff is available to answer questions about the rezoning process or anything specific to a pending petition as well as provide guidance on how to participate. For the applicant team, staff is available to answer questions about the rezoning process and provide reminders about upcoming deadlines as well as provide technical comments about the proposed site plan.

5) Site Plan Review: After site plans are distributed to city staff, each department reviews the proposed design concept for compliance

with relevant land development policies and regulations. If staff identifies issues the applicant team has an opportunity to revise the concept and resubmit a second or third iteration. Typically, two to four iterations are complete before the petition goes to public hearing or for review by the Zoning Committee.

It is important for stakeholders to review the site plan submissions to ensure each iteration reflects the 1) priorities identified in the community meeting or 2) comments submitted via phone or email. See "How to Review a Site Plan" at the end of this chapter.

6) Staff Analysis: Planning staff prepares a technical analysis and professional recommendation as to whether or not City Council should approve the rezoning request. The staff analysis is based on the following:

- Consistency with adopted policies
- Compatibility with surrounding context
- Community benefits such as improved infrastructure
- Site design
- Site plan notes
- Transportation and infrastructure
- Environmental impacts
- Compliance with land development ordinances

The analysis is not based on citizen comments. Stakeholders should share comments either at the public hearing or contact City Council.

7) Public Hearing: As mentioned above, the public hearing is a great opportunity for stakeholders to speak in favor for or in opposition to a rezoning petition. Stakeholders must sign up to speak with the City Clerk (704-336-2248). Speaking time is limited to 3 minutes total if there is no opposition or 10 minutes per side if there is opposition.

8) Zoning Committee: The Zoning Committee attends the public hearing in order to hear input from stakeholders. After the public hearing, the Zoning Committee holds a meeting to discuss the petitions among committee members. The meeting is open to the public but no new or

additional public comments may be received during this meeting.

9) **City Council:** City Council typically makes a final decision for rezoning petitions at the subsequent Zoning Council meeting. In addition to speaking at the public hearing, stakeholders are encouraged to contact elected officials via phone, mail or email.

As a stakeholder in your community, it is important to participate in the steps highlighted in green.

How to Read a Site Plan

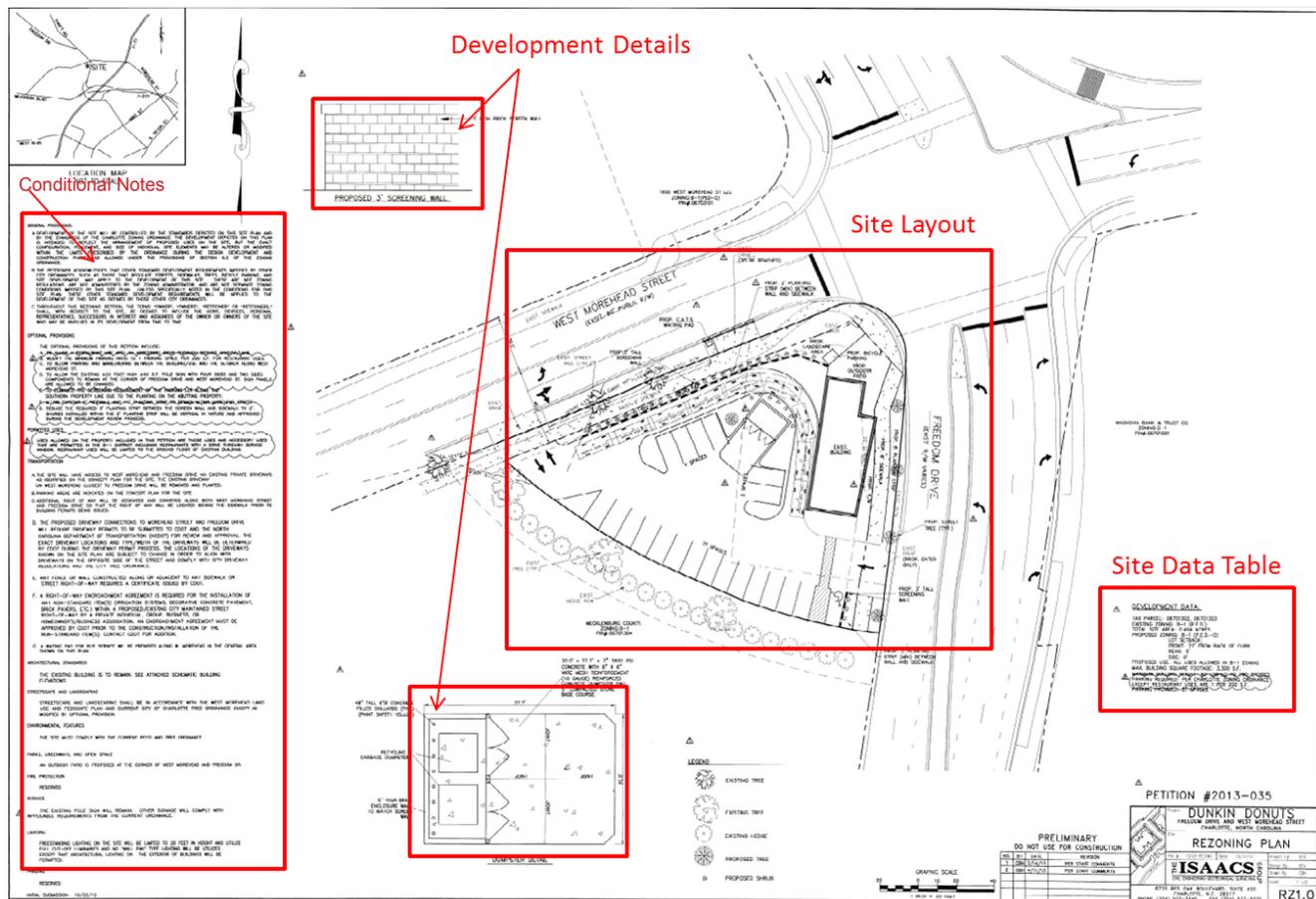
As mentioned above, conditional rezonings require a site plan which includes both a site layout and conditional notes. The plan may sometimes also include elevations (for illustrative purposes only). If approved, the site plan becomes a regulating document so it is important for stakeholders to review a plan and ensure any negotiated commitments are documented on the plan. Reviewing a site plan,

however, can be overwhelming if you don't know what you're looking at. Here are a few tips for systematically digesting most site plans.

1) **Familiarize yourself with the content:** Most site plans will have a Site Data Table, a Site Layout, and Conditional Notes. Some plans may also include details about select development elements.

2) **Read the Site Data Table:** This data table provides some quick development stats that will give you an idea of what's being proposed. The table typically includes some of the following:

- Parcel IDs
- Total site acreage
- Existing and proposed zoning
- Existing and proposed land uses
- Number of proposed residential units
- Proposed residential density
- Proposed non-residential square footage
- Maximum building height
- Number of proposed parking spaces



Right: The example site plan includes a site layout, conditional notes, site data table, and development details.

3) Mark up the Site Layout: There is a lot of information included on the site layout and not all of it is relevant to stakeholders. The easiest way to decipher what's important is to use some colored markers or crayons to identify some of the most critical elements. For example:

- Circle the ingress and egress points (aka driveways) in red.
- Color the planting strip or buffer green.
- Color the sidewalks grey.
- Outline the surface or structured parking in blue.
- Cross out on-street parking in blue.
- Color proposed buildings using the corresponding land use colors (see page 8) based on the uses proposed for each building.

4) Read the Conditional Notes: The notes are equally as important as the site layout, and they provide more detail about permitted uses or development standards than illustrated on the

site plan. The notes are typically organized into standard categories:

- General Provisions - identify applicability of various development ordinances.
- Optional Provisions - outline provisions opting in or out of development standards required in the proposed zoning district
- Permitted Uses - defines allowed, prohibited or other land use restrictions.
- Transportation - outlines right-of-way dedication, required private or public streets, add additional transportation improvements.
- Architectural Standards - defines commitments to building materials, details or treatments such as blank walls.

Stakeholders should ensure the notes document any commitments negotiated between the petitioner and community stakeholders. On second or third site plan revisions, changes to the notes should be outlined for easy identification.

Below: By marking up the site layout it becomes easier to understand the design of the proposed development. Be sure the proposed development includes safe pedestrian connections to and through a site.

