

**REQUEST**

Amendment to the Zoning Ordinance to replace three existing transit oriented development districts with four new transit oriented development districts and regulations. These four new districts are the first phase of the City's Unified Development Ordinance (UDO).

**SUMMARY OF PETITION**

The petition proposes to:

- 1) create four new transit oriented development (TOD) zoning districts that are context based.
- 2) translate the three existing, conventional transit oriented development districts to the new zoning district designation of transit oriented development – community center (TOD-CC) upon adoption of this text amendment.
- 3) enhance the design and development standards for TOD to support pedestrian friendly development.
- 4) establish an Alternative Compliance Review Board.
- 5) reflect City Council's priorities related to affordable housing, infrastructure, sustainability and jobs through a voluntary development bonus system.

**PETITIONER  
AGENT/REPRESENTATIVE**

Charlotte Planning, Design and Development Department  
Charlotte Planning, Design and Development Department

**COMMUNITY MEETING**

Meeting is not required.

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with City Council adopted transit station area plans along the LYNX Blue Line and LYNX Blue Line Extension.

Rationale for Recommendation

- Creates new transit oriented development districts and regulations to enable the development of moderate to high-intensity, compact, mixed-use neighborhoods near transit stations, where people can live, work, shop, dine and pursue cultural and recreational opportunities utilizing a range of mobility choices;
- Emphasizes design and development standards for pedestrian friendly development with limits on auto-oriented uses to create vibrant neighborhoods with a robust network of streets, sidewalks, and bicycle paths, providing safe and convenient access to transit stations;
- Provides flexibility in uses by creating broader categories of uses, with fewer prescribed conditions;
- Improves functionality by creating more by-right entitlements in the new transit districts, with less process and more predictability;
- Reflects City Council's priorities related to affordable housing, infrastructure, sustainability and jobs through a voluntary development bonus point system; and
- Provides clear criteria and processes for considering alternative designs, with an alternative review process.
- The text amendment represents thousands of hours of work from a diverse group of community members, stakeholders and Planning staff that reflects the priorities and aspirations of the City of Charlotte.

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**PLANNING STAFF REVIEW****• Background**

- The City has been working with Camiros Ltd. to develop new Transit Oriented Development (TOD) zoning districts. These districts will serve as the model for other zoning districts in the upcoming Unified Development Ordinance (UDO) which will include a full set of new zoning districts and consolidation of the City's other development regulations.
- The TOD draft builds on Clarion's *Zoning Ordinance Assessment Report* by prioritizing design and development standards.
- At the initiation of the Unified Development Ordinance process, the Planning Director convened an Ordinance Advisory Committee (OAC) to review and provide feedback on changes to development standards, including the new TOD districts. Over 40 community members have participated on the committee, which includes neighborhood representatives, sustainability advocates, and development industry members. Over 30 OAC meetings have been held, where the text and graphics have been reviewed and input provided to fine-tune drafts prepared by the consultant.
- The TOD draft has been presented to the Transportation and Planning Committee, Planning Commission, and the community at public meetings, to gather feedback and comments. Public comments have also been obtained from surveys posted on the Department website.

**• Proposed Request Details**

The text amendment contains the following provisions:

- Four new transit oriented development zoning districts are proposed, ranging in intensity: transit – urban center (TOD-UC), transit – community center (TOD-CC), transit - neighborhood center (TOD-NC), and transit - transition (TOD-TR). These four districts will meet the wide range of uses and needs for each type of transit station area, and will replace the current transit oriented development – residential (TOD-R), transit oriented development – mixed use (TOD-M), and transit oriented development – employment (TOD-E) zoning districts and regulations in their entirety.
- Highlights of the new regulations and standards:
  - Emphasizes the form of development over use by: 1) prioritizing high quality public realm standards that promote pedestrian connectivity with wide sidewalks and opportunities for outdoor dining, and 2) providing flexible use and building standards to accommodate a mixture of uses on the ground floor to enliven the street with active storefronts, stoops, and porches.
  - Improves functionality by incorporating citywide goals such as affordable housing, walkability, bikeability, economic development, and sustainability through new simplified processes (administrative adjustment and alternative compliance) and higher quality design standards.
  - Provides flexibility in uses by creating broader categories of uses, creating more by-right entitlements and fewer prescribed conditions.
  - Provides a voluntary bonus system where developers can exceed the base standards for height by providing affordable housing, transportation improvements, additional public open space, high performance construction certification, and/or meeting Charlotte Business Inclusion targets. The bonus system also allows a project to deviate from building length or required open space standards by providing affordable housing.
  - Allows variances for hardships.
  - Standardizes setbacks for all station areas, and utilizes build-to-zones and minimum build-to percentages for buildings.
  - Includes criteria for indicating when a transportation impact study (TIS) may be required.
  - Sets criteria for future curb line determinations.
  - Sets streetscape standards, emphasizing walkability as a priority, and promoting a cohesive and multi-modal design of the transportation network to activate the public realm.
  - Provides clear criteria and processes for considering alternative designs, innovative and new development concepts, addressing of special problems, and unique proposals.
  - Establishes an Alternative Compliance Review Board to make recommendations to the Charlotte Planning, Design, and Development Director on submissions for alternative compliance to the transit oriented development district criteria and regulations.
  - Modifies the administrative adjustment process allowing up to a 10% adjustment by the Zoning Administrator.
- Adds a new Appendix 6 that describes the TOD translation:
  - The date of the translation of TOD-R, TOD-M, and TOD-E districts to the new TOD-CC district will be the effective date of this text amendment.
  - Pending conditional or optional TOD-R, TOD-M, or TOD-E rezoning petitions filed and advertised for public hearing prior to the effective date of this text amendment may complete the rezoning process to the district requested.

- Property that has been translated to the TOD-CC district may elect to develop under the previous TOD-R, TOD-M, or TOD-E regulations, if a development plan has been submitted and accepted as complete for rezoning review by the City by June 30, 2019.
  - Relocates the Appendices and Subject Index into different chapters.
  - Revisions recommended by staff to clarify the text amendment were reviewed by and recommended for approval by the Planning Commission at their March 19, 2019 meeting, with some additions of their own. The recommended revisions are shown in tabular form as an attachment to this analysis.
- **Public Plans and Policies**
    - The *Blue Line Transit Station Area Plan, Blue Line Extension Transit Station Area Plan, SouthEnd Transit Station Area Plan, New Bern Station Area Plan, Scaleybark Station Area Plan, Woodlawn Station Area Plan, Tyvola and Archdale Station Area Plan, Arrowood Station Area Plan, Sharon and I-485 Station Area Plan, and University City Area Plan, Center City 2020 Vision Plan, South End Vision Plan* provide guidance and recommendations on changes to the development pattern around transit stations along the LYNX Blue Line and Blue Line Extension to promote continued growth and development to achieve the overall community vision.
- **TRANSPORTATION CONSIDERATIONS**
    - CDOT has worked closely with the Planning, Design & Development Department through the TOD text amendment process. We support the proposed amendments and look forward to continuing to collaborate with PD&D through subsequent phases this summer as we work to continue to address the public realm, mobility, and first/last mile transportation options within and around the TOD geographies.

#### DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** On behalf of the Charlotte Area Transit System department, we are in full support of the amendments to the Transit Overlay Development zoning district. The new format is user friendly and provides viable standards for achieving sustainable development around transit stations. The new menu of options for height bonuses shows a collaborative effort of City departments to address housing, the environment, transportation, and preserving neighborhood fabric. We look forward to being involved with the Planning Department in future TOD zoning related enhancements.
- **Charlotte Department of Housing and Neighborhood Services:** The Housing & Neighborhood Services Department is in full support of Text Amendment #2018-169, which adds new transit oriented development districts and regulations. Affordable housing, specifically in transit-oriented development districts, is key to providing low and moderate-income households with pathways to opportunities. Over the past few months, Housing & Neighborhood Services (HNS) has worked closely with the Planning Department to formulate and implement a new Transit Oriented Development (TOD) Ordinance that encourages the creation of affordable housing within our transit corridors. The inclusion of an affordable housing density bonus in the TOD ordinance, embraces an existing tool referenced in the City Council approved Housing Charlotte Framework. Approval of this text amendment will aid in addressing the City's affordable housing.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte-Douglas International Airport:** The Aviation Department supports Text Amendment #2018-169. It is consistent with the Airport Area Strategic Development Plan providing compatible moderate to high-intensity development around the Airport. Further, the Transit Oriented Development districts provide flexibility in setting conditions for development along a future transit corridor north of the Airport.
- **Charlotte Economic Development:** Economic Development supports the text amendment to enhance the City's zoning ordinance focused on transit oriented development to encourage the development of moderate to high intensity mixed-use urban neighborhoods near transit stations. Through a more simplified and flexible process the new ordinance enables an effective partnership with the private development industry to facilitate the creation of great places in our community. The collaborative effort also provides mechanisms to help achieve community goals related to infrastructure, workforce/affordable housing, open space, MWSBE participation, etc. We look forward to our continuing efforts with the Planning Department to future TOD-related enhancements.
- **Charlotte Fire Department:** The Charlotte Fire Department does not see any conflicts with the fire code.

- **Charlotte-Mecklenburg Schools:** Not applicable
  - **Charlotte Water:** No comments submitted.
  - **Engineering and Property Management:**
    - **Arborist:** No comments submitted.
    - **Erosion Control:** No comments submitted.
    - **Land Development:** Land Development has no outstanding issues with Zoning Ordinance text amendment 2018-169.
    - **Storm Water Services:** No outstanding issues.
    - **Urban Forestry:** No outstanding issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
  - **Mecklenburg County Parks and Recreation Department:** MCPR supports the Draft TOD Ordinance as currently written. The greenway and shared use path sections on pages 28 and 29 will help enforce the vision and completion of our Greenway Master Plan. We will continue to work with CDOT and City Planning to ensure the Greenway Master Plan and the CDOT Shared Use Path Master Plan are coordinated and integrated into this ordinance and any revisions to come. We also support the revised Open Space requirement in the ordinance that will help provide usable, accessible Public Open Spaces for all to enjoy.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Post-Hearing Staff Analysis
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Department of Solid Waste Services Review
  - Charlotte-Douglas International Airport Review
  - Charlotte Economic Development Review
  - Charlotte Fire Department Review
  - Engineering and Property Management Review
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

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