

Memo

To: Planning Commission
From: Bryan Myrkle, Community Development
Date: August 7, 2014
Re: Mixed Use Zoning Classification

Over the years, the City of Charlotte has considered the creation of a Mixed-Use Zoning Classification, but has never pursued it to the point of adoption.

Mixed-Use is a classification that allows for, and encourages, modern developments that **combine residential and commercial uses in the same building**. It is intended to provide opportunities for the type of re-use and redevelopment projects often found along community main streets and neighborhood commercial areas of older cities.

Mixed-Use zoning provides developers and property owners with an opportunity to develop higher-density projects, and take advantage of more flexible design standards. It also calls for less green space (typical for more urban areas) and relaxes parking standards in areas that have on-street or other public parking.

Mixed-Use zoning seeks to create an environment in which the mix of commercial, office, residential and entertainment uses result in the presence of people for different purposes through the entire day. They are frequently designed so as to be walkable and encourage pedestrian travel.

The city's existing Master Plan supports and encourages the creation of a mixed-use zoning classification, and identifies areas that might be good candidates for it.

There are a number of property owners and developers in the city currently who are interested in pursuing mixed-use projects in the very near future, and so it's important for the city to finally make a decision on whether to create this type of zoning classification.

There are two methods the city could use to create this new classification – a traditional, exclusive classification very similar to all the other existing Charlotte zones. Or, to **create what is known as an 'overlay zone,'** and that's what we are recommending for the city.

An overlay zone is a district with two separate zoning classifications – the new mixed-use classification, and the original, underlying classification. In these areas, a property owner would be able to pursue a single-use project and follow the original, underlying zoning classification;

or, develop a mixed-use project and follow the rules associated with the mixed-use overlay zone.

An overlay zone can also overlap two or more different zoning districts, or cover only a portion of a single zoning district – it could be as small as a single parcel.

I am submitting to you a draft of a proposed mixed-use, overlay zoning ordinance for your review and consideration (attached). This language is based on a sample ordinance from the American Planning Association, which the Planning Commission can accept, reject or alter. It does not currently include language indicating that it's an 'overlay zone,' and that will have to be added. There are other items the Planning Commission might want to consider adding to the ordinance, including 'buffer' or transition areas between different uses or districts. And it may want to change the development standards included here, or allow different standards for different Mixed-Use zoning districts within the city.

In addition to the zoning ordinance, the city might also want to consider special permitting for projects in the mixed-use zone. This could be a more streamlined process that incentivizes development; but it could also allow the city to maintain a greater degree of control over mixed-use projects and even turn down projects it believes are not in the best interests of the community. This is something the Planning Commission and City Council could consider separate from the ordinance itself.

Because changes to local ordinances must be done at the City Council level, the Planning Commission and council will need to work together on this. To that end, the action we are requesting the Planning Commission take is to **recommend the council set a public hearing on this issue for the next Planning Commission meeting** and publish the necessary notices in the newspaper. In the meantime, the Planning Commission, City Council and general public will have an opportunity to review the sample ordinance before discussing it at the hearing. Once the Planning Commission has reviewed the ordinance and made any changes it thinks are appropriate, it would recommend the revised ordinance to the council for adoption. The Planning Commission could also recommend the city not pursue a mixed-use zoning classification at all, if it feels it would not serve the needs of the community.