

UDO ADVISORY COMMITTEE (OAC)


The OAC is made up of representatives from neighborhood, advocacy, development and design groups. OAC members include:

- Key Ardrey Key Carolina Homes
- John Carmichael Robinson Bradshaw & Hinson
- Ellen Citarella Dilworth Community Association (District 1)
- Warren Cooksey Former Planning Commissioner
- Derek E. Dittner Barclay Downs HOA (District 6)
- Nate Doolittle LandDesign
- Bobby Drakeford The Drakeford Company
- Rebecca Fant, AIA Southpark Association of Neighborhoods (SPAN) (District 6)
- Walter Fields, III, AICP Walter Fields Group, Inc.
- Melissa Gaston Community Benefits Coalition
- Brent Gilroy Stonehaven (District 6)
- Thomas H. Haapapuro, PLA Design Resource Group
- Tobe Holmes University City Partners
- Tiffany Hughes Oaklawn Park (District 2)
- Jarrod Jones West Charlotte – Northwood Park (District 2)
- Matt Langston, PLA, FASLA Landworks Design Group, PA
- Terry Landsdell Bike Walk North Carolina
- Tony Lathrop, (Chair) Former Planning Commission Chair



- Brittany N. Lins, Esq. Alexander Ricks PLLC
- Kyle Luebke Enderly Park (District 3)
- Keith MacVean Moore & Van Allen
- Michelle Manns Greater Charlotte Apartment Association
- Theresa McDonald Derita Statesville Road Community Organization (District 4)
- Jim Merrifield MPV Properties
- Jon L. Morris Beacon Partners
- Cheryl Myers Charlotte Center City Partners
- Rob Nanfelt Real Estate & Building Industry Coalition (REBIC)
- Marjorie Parker Hidden Valley (District 4)
- Ismaail Qaiyim Charlotte Housing Justice Coalition
- Richard Saltrick Former Stormwater Advisory Committee Member
- Clayton Sealey CLT Development LLC
- David Walters, RIBA UNC Charlotte
- Jennifer Wasp Medford Acres (District 5)
- Dave Wiggins Steele Creek (District 3)
- Dick Winters Public Health Advocate
- Eric Zaverl Sustain Charlotte

Key UDO Dates <https://charlotteudo.org>

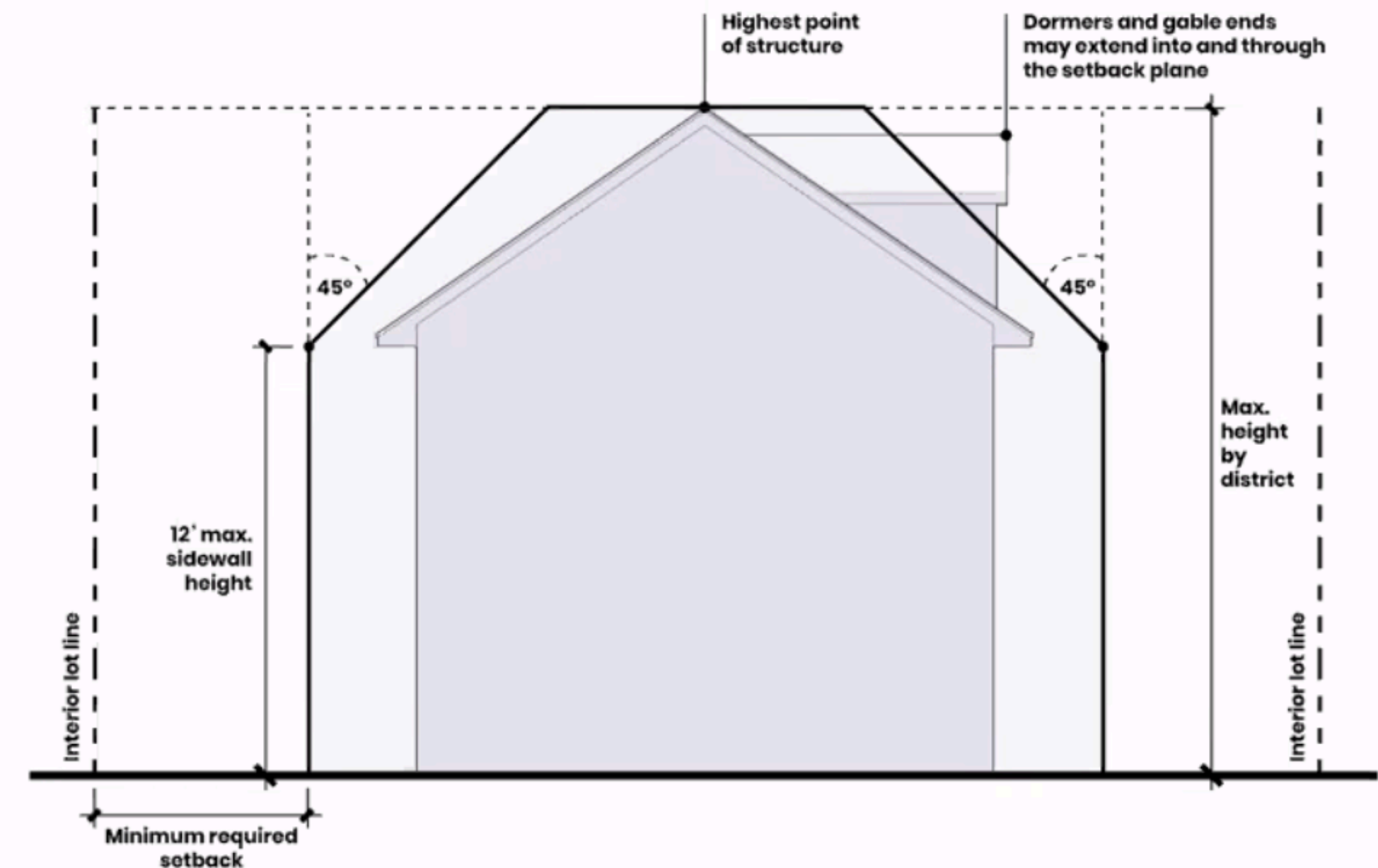
JULY 11	JULY 19	AUG 15	AUG 22
 PUBLIC HEARINGS UDO TREE ORDINANCE CHARLOTTE STREETS MANUAL (CDOT)	 PLANNING COMMITTEE REQUEST FOR RECOMMENDATION	 UDO ADOPTION DRAFT RELEASE	 REQUEST FOR UDO ADOPTION

Revised Sidewall Height Restriction

The **maximum 12' sidewall height** for duplexes and triplexes in **N1 zoning districts** (Article 4.3) of the first UDO draft, has been **increased to 20'** in the second draft. This change was made to allow for the development of two-story duplex and triplex dwellings in lower density neighborhoods, even where the adjacent dwellings have sidewall heights of less than 20'.

The 12' maximum sidewall height for residential structures in the **Residential Infill Overlay district (RIO)**, which is found in Article 14.4, has **also been increased to 20'** in the second draft. In addition, the limit on dormers and gable ends extending into the building height plane has been eliminated in the second draft for both the N1 districts and the Residential Infill Overlay district.

These changes improve feasibility of constructing needed housing in our community while still ensuring new structures maintain the character of the neighborhood.



Height Transition

The permitted building height for development **within 200 feet of a residential use in a Neighborhood 1 place type** has changed from the first to the second draft UDO. The first draft allowed a 65' building height within 200' of a Neighborhood 1 place type lot line. Once a building is further than 200' from this lot line, it may be as tall as the zoning district allows. Feedback from the community and stakeholders expressed **concerns that 65' was too high directly adjacent to low density Neighborhood 1** and asked for more of a height transition.

In the second draft, building height is limited to **50' within 100'** of the lot line, then **65' in height from 100' to 200'** of this lot line, then **after 200'** the building may be as tall as the zoning district allows.



1st Draft Height Transition



2nd Draft Height Transition

Affordable Housing Allowances

New affordable housing development allowances are in Section 16.4 that **provide incentives for the development of affordable housing**. These allowances include the **ability to utilize standards of a different zoning category, adjustments to the requirement to build streets** (under certain conditions), **reimbursement for sidewalks** installed along public streets, and **alternative standards for Green Area and Heritage Trees**.

Planning, Design, and Development is working with Housing and Neighborhood Services on setting the thresholds for target affordability levels for receiving these incentives and will bring proposed recommendations to City Council later in June.



New Affordable Housing Allowances

Incentive	Affordability Requirement
N2-A can build to N2-B standards	30-year affordability period
N2-C or NC can build to N2-A or N2-B	
N1-A, N1-B, N1-C, N1-D can develop under the standards of the next higher zoning district	15% at 60% AMI OR 30% at 80% AMI OR 20% at 80% AMI in areas of high housing cost per Affordable Housing Administration Manual
Flexibility in preserving right of way in lieu of constructing street	Minimum of 5 units
Ability to use Tier 1 Green Area Credits	
Plant 2X the required mitigation trees in lieu of mitigation fee and allow planted trees to count towards perimeter tree requirements	
Reimburse cost of constructing sidewalks	20% of the units at 60% AMI or below for 15 years

Open Area Overlap

The second draft UDO more clearly states **how and when required open areas may overlap**. Allowing open space areas to overlap helps maximize the land available for development projects and increases development flexibility. The open area standards permitted to overlap (subject to any conditions in the UDO), include:

- **Open Space** (Article 16)
- **Landscape Yards** (Article 20)
- **Tree Save** (Article 20)
- **Amenitized Tree Area** (Article 20)
- **Water Supply Water Quality Buffers** (Article 23)
- **Post Construction Water Quality Buffers** (Article 25)
- **SWIM Water Quality Buffers** (Article 26)
- **Floodplains** (Article 27)
- **Areas for greenways or parks offered for dedication** and accepted by Mecklenburg County Park and Recreation (Article 33).

Overlap allowances have been added to each of the articles specified above. **The general approach is to allow overlap of different types of open areas when the intent and specific standards of each type can be achieved.**

Building Design Standards

In response to feedback received on the first draft, and to increase affordability, **several modifications have been made to various building design standards** in the second draft UDO. Building design standards are found in the individual zoning district articles. Changes include:

- For multi-family development, the following standard that required **vehicular entrances to garages**, including areas used for vehicular access to attached or detached garages, to be **located to the rear** of the building and not face the front façade of another building or common open space, **was deleted**.
- For townhouse and multi-family attached, the maximum number of attached dwelling units within a single structure was replaced with a **maximum building length** instead.
- For nonresidential development, the requirement for façade modulation was **deleted**.
- For multi-family stacked dwellings, the façade modulation requirement was **reduced**.
- The Building Base and Entrance Design standard requiring the first two floors above street grade to be significantly distinguished from the remainder of the building was **deleted**.
- The prominent entrance design standard was **modified**.



Parking (part 1)



Parking standards in the first draft of the UDO have gotten a lot of attention, especially because some cities have eliminated all parking minimums. We have adjusted some parking standards in the second draft of the UDO but have **kept the basic three-tier structure**. Among the revisions that have been made to the parking requirements in Article 19 in the second draft are:

- **Uses with similar standards have been consolidated.** For example, in the commercial uses, all uses with the same requirement are consolidated under the first row in “COMMERCIAL USE” unless listed below.” Uses beneath this cell are those commercial uses that have a unique standard.
- **Tier 2 parking minimums** have generally been **reduced**.

For the minimum parking requirements for select uses (restaurants, nightclubs, etc.) in Tier 3, the 200’ threshold for when minimum parking would apply near a Neighborhood 1 place type has been **increased to 400’**. **This change addresses parking challenges concerns raised by existing neighborhoods.**

Parking (part 2)



No changes have been made to Tier 1 parking minimums due to concerns about parking spillover into suburban residential areas as well as recognizing the more auto dependent uses in this tier. We will **continue to evaluate the elimination of parking minimums** in other cities as well as learn from a study currently underway by CDOT that is evaluating parking permit programs, on-street parking and curb lane management. **We will consider future changes to parking requirements** once these analyses are completed.

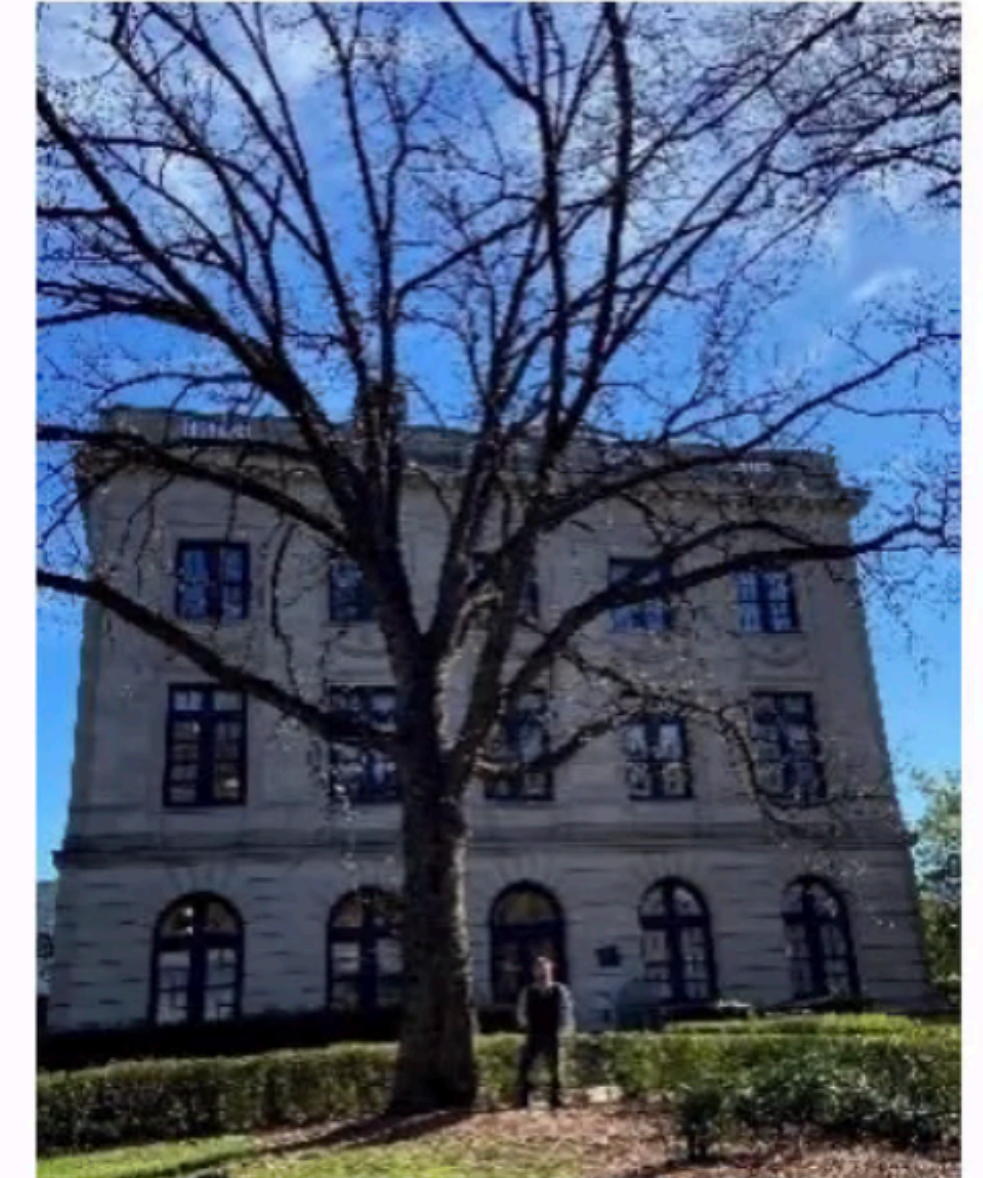
Staff has also added a change that recognizes the importance of the City's investment into rapid transit. The second draft includes a provision that **allows development within a 1/2 mile walk of an existing transit station to use the Tier 3 parking standards even if their zoning district falls into a different tier**, as long as the development is not located in the Neighborhood 1 Place Type. We believe this allowance will further the goal of minimizing parking in locations where there are multiple transportation choices.

Changes to Heritage Tree Protection

There are **two key changes proposed to the heritage tree protection standards** in the second draft UDO. First, the second draft makes a distinction in how heritage trees are treated on lots being developed versus tree removal on lots not being developed. When homeowners are making decisions to remove trees outside of the development process, the second draft **continues to require a permit for heritage tree removal. However, permits will allow removal in all cases.** This is an entirely new regulatory area for the City and this approach will allow us to track canopy loss while we refine this new permitting process.

The second draft UDO will only include regulations for heritage tree protection on lots being developed and not for trees being removed through homeowner decisions. Planning staff worked in coordination with the City Attorney's Office on this recommended change to align the applicability of this standard with the general intent and purpose of the UDO to regulate land development. Non-land development protection of heritage trees will be included in a proposed text amendment to the Charlotte Tree Ordinance in Chapter 21 of the City Code of Ordinances. The proposed text amendment is planned for public review by late summer.

Second, the heritage tree protection during development, now located in Section 20.14 of the second draft, **adds more flexibility in meeting ordinance requirements.** This flexibility creates **more predictability** in the development process both for the developer and for ordinance administration. The proposed mitigation fee for removal for development has increased to better align with the value of the tree removed. These fees will be used to enhance Charlotte's tree canopy by supporting tree maintenance and planting initiatives soon to be established in the City's new Canopy Care Program. The Canopy Care Program is supported by Council-adopted policy in the Charlotte Future 2040 Comprehensive Plan that seeks to provide comprehensive tree canopy assistance to residents. For greater detail, the changes are outlined in the table on the next slide.



Land Development Heritage Tree Protection

Current Regulations	UDO 1 ST Draft	Proposed 2 nd Draft
Preservation of "Champion Trees" in subdivision permitting	Preservation of Heritage Tree required unless there is no other reasonable location	Removal allowed where there is a demonstrated conflict
No mitigation required	Mitigation required: \$1000/ tree removed + 1 tree planted	Mitigation required: \$1500/tree removed + 1 tree planted. Each additional tree planted reduces fee by \$250 Specimen trees may be preserved in-lieu of submitting mitigation payment
Counts toward tree save. Canopy area counts 1.5x	No incentives for preservation	Green Area (Tree Save) incentive credit. Canopy area of heritage trees counts 2x
	Diseased, dead, dying, or hazardous trees do not require mitigation	Diseased, dead, dying, or hazardous trees do not require mitigation

Zoning Translation and Alignment

- ▶ Recommended Effective Date: **9 months** after adoption of the UDO
- ▶ **All conventional zoning will translate** from current zoning districts to new zoning districts **on the effective date of the UDO** (Table 3-1)
- ▶ **Conditional zoning will not translate**; however, all conditionally zoned sites will be considered for alignment zoning after the UDO goes into effect. Most alignment zoning will occur in conjunction with the community area planning process
- ▶ A **recommended alignment rezoning** for a property will be based on that property's place type, as confirmed or updated by the **community area plan** that applies to the property
- ▶ There will be **extensive community engagement** for the zoning alignment process

Zoning Translation

3.2 ZONING DISTRICT TRANSLATION

The conventional zoning district classifications in effect before the effective date of this Ordinance are translated as shown in Table 3-1: Zoning Districts Translation to the zoning districts of this Ordinance. The new standards set forth in this Ordinance for these zoning districts shall apply to all properties within such zoning districts. ~~Conditional districts and optional districts in effect before the effective date of this Ordinance are addressed in Section 1.4.G.~~

Table 3-1: Zoning Districts Translation		
Previous Conventional Zoning District	UDO Zoning District	Exceptions/Notations
B-1	CG	
B-2	CG	
B-D	ML-1	
BP	OFC	
I-1	ML-1	
I-2	ML-2	
INST	IC-1	
MUDD	CAC-2	
O-1	OFC	
O-2	OFC	
O-3	OFC	
R-3	N1-A	
R-4	N1-B	
R-5	N1-C	
R-6	N1-D	
R-8	N1-D	
R-8MF	N2-A	
R-12MF	N2-B	
R-17MF	N2-B	
R-22MF	N2-B	
R-43MF	N2-B	
TOD-CC	TOD-CC	
TOD-NC	TOD-NC	
TOD-TR	TOD-TR	
TOD-UC	TOD-UC	
RE-1	OFC R-1	
RE-2	OFC R-1	
UMUD	UC	
UR-1	N1-E	
UR-2	N2-B	
UR-3	N2-C	
UR-C	N2-C	
R-MH	MHP	

Table 3-1: Zoning Districts Translation		
Previous Conventional Zoning District	UDO Zoning District	Exceptions/Notations
U-I	ML-1	
Conventional base zoning district with PED Overlay	NC	Exception: Translation does not apply where PED Overlay is in conjunction with a conditional or optional district
Overlay Districts		
HD	HDO	
Airport Zone	District eliminated	
AIR	ANDO	
MHO	MHO	
Mountain Island Lake Watershed Overlays	District eliminated	The regulations of Article 23 shall apply
Catawba River/Lake Wylie Watershed Overlays	District eliminated	The regulations of Article 23 shall apply
Lower Lake Wylie Watershed Overlays	District eliminated	The regulations of Article 23 shall apply
PED	All districts except R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF Zoning Districts: NC R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF Zoning Districts: N2-C NC when conventional base zoning district with PED Overlay	<u>Exceptions:</u> 1. Translation does not apply where PED Overlay is in conjunction with a conditional or optional district 2. When PED Overlay is in conjunction with a TOD Zoning District, TOD Zoning District applies 3. When PED Overlay is in conjunction with MUDD Zoning District, MUDD Zoning District translation applies 4. When PED Overlay is in conjunction with R-3, R-4, R-5, R-6, or R-8 Zoning Districts, R-3, R-4, R-5, R-6, or R-8 Zoning District translation applies
TS	District eliminated	Exception: 1. Translation does not apply where TS Overlay is in conjunction with a conditional or optional district

Conventional Rezoning

- ▶ Zoning category for conventional rezoning petitions will translate to the new district **if still pending on effective date**
- ▶ Can file **conventional rezoning** petitions to new UDO districts 3 months before the effective date. Processing will not begin before the effective date.
- ▶ Community/Informational meeting added for **conventional** rezoning

Conditional Rezoning

- ▶ If filed **no less than 4 months prior to UDO effective date**, can move forward and be approved under the current (pre-UDO) zoning regulations, **even if decision is after effective date**
 - However, decisions for conditional rezonings petitions to current (pre-UDO) districts must be **no more than 9 months** after UDO effective date
- ▶ Can file for **conditional rezoning** for new UDO zoning 4 months before the effective date, and processing will not begin before the effective date

Vesting

- ▶ **Established by State Law**
- ▶ **Different Validity Period for Different Development Types**
- ▶ **Applies to conditional rezoning plans, multi-phased development, preliminary subdivision plans, development permits**
- ▶ **Vested right becomes effective on the day of approval**
- ▶ **Vesting periods:**
 - Conditional Rezoning (2 years, up to 5 years)
 - Multi-phased Development - 25 acres or greater, conditional (CD) plan includes uses and intensities by phase (7 years)
 - Preliminary Subdivision Plan (3 years)
 - Development Permits (1 year)
- ▶ **Common law vesting**

SUSTAIN CHARLOTTE



Advocating for Smart Land Use + Transportation Choices

OUR MISSION

Our mission is to inspire choices that lead to a healthy, equitable, and vibrant community for generations to come.

We believe that the best strategy to achieve a sustainable community is through **smart growth**.

Smart growth is an approach to development that encourages a **mix of building types and uses, diverse housing and transportation options, development within existing neighborhoods, and community engagement.**

This approach supports local economies, protects the environment, and furthers opportunities for all.

Learn More @ sustaincharlotte.org