

Memo

To: City Council
From: Bryan Myrkle, Director of Community Development
Date: October 9, 2014
Re: Mixed-use Overlay Zone proposal

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 combining 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.

The City of Charlotte Planning Commission has been working to draft and propose and Mixed Use Zoning Classification, and **has settled on a draft that it is recommending be adopted and incorporated into the city's zoning ordinance.** The proposal is to create an 'overlay zone' that would receive the new designation MX-1.

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.

The original language of this proposed Mixed Use Zone classification was based on a sample ordinance from the *American Planning Association*. The Planning Commission reviewed the initial language, and then formed a work-group to address specific questions and concerns they had about the proposed ordinance, and how it would be implemented and administrated. It has also held a public hearing on the proposal September 2.

The most significant changes the Planning Commission made to the original proposed ordinance were in two areas of the purpose statement. First, it added language indicating that single uses may be allowed in buildings developed as mixed-use structures, if market conditions make it too difficult to maintain the mixed-use. Secondly, it language clarifying that one of the primary purposes of this ordinance is to aid in the re-use and re-development of older and historic buildings, and as such, the city should be willing to amend the ordinance when necessary to accommodate these types of projects. The Planning Commission felt these statements would help future city boards and commissions better understand the intent behind the ordinance.

The Planning Commission is recommending adoption of this proposed MX-1 Mixed Use zoning classification.