

1 Sec. 35-343.01 - "IDZ" Infill Development Zone: Complete Change of Zoning Applications submitted after
2 November 1, 2018.

3 STATEMENT OF PURPOSE

4 To provide flexible standards for the development and reuse of underutilized parcels. Urban
5 design standards are required in order maintain a neighborhood commercial scale, to promote pedestrian
6 activity, and to maintain the unique character of the center. Pedestrian circulation is required as are
7 common parking areas. Any use may be permitted within an "IDZ" so long as it complies with the
8 standards of this section.

9 The purpose of this section is to encourage -and facilitate development on vacant, bypassed lands,
10 or the redevelopment of underutilized buildings or structures, within existing built-up areas. The specific
11 purposes of this section are:

- 12 • To provide a more flexible approach to design and development of infill projects.
- 13 • To use the objectives of smart growth as the basis for evaluating proposed infill projects.
- 14 • To encourage infill development by simplifying procedures for plan approval and public
15 involvement.
- 16 • To encourage planning and design flexibility and innovations.
- 17 • To create a community environment that is enhanced by a mix of residential, commercial,
18 recreational, open space, employment and institutional uses.
- 19 • To assure community compatibility through high standards of land planning, site and architectural
20 design.
- 21 • To encourage efficient use of land and public services.
- 22 • To ensure adequate public facilities and other community amenities by simplifying and
23 streamlining the approval of private development activities in areas with existing public facilities and
24 infrastructure.

25 The provisions of this section apply to a geographic portion of the city adopted by city council to
26 compliment the Community Revitalization Action Group (CRAG) Report of the Special Projects Office of
27 the city.

28 The "IDZ" implements the following policies of the master plan:

- 29 • Growth Management, Policy 1g: Continue to make physical improvements in the inner city to
30 encourage redevelopment and infill development.
- 31 • Economic Development, Goal 4: Provide economic opportunities in targeted areas, particularly
32 within Loop 410 and the southern sector.
- 33 • Neighborhoods, Policy 1a: Rezone vacant or underutilized property in and around neighborhoods
34 to encourage redevelopment that is compatible in use and intensity with the existing neighborhood.
- 35 • Neighborhoods, Policy 1d: Promote conversion or adaptive reuse of vacant or underutilized
36 commercial buildings to provide affordable infill housing.
- 37 • Neighborhoods, Policy 1d: Provide incentives to the private sector to promote reuse of vacant or
38 underutilized commercial buildings for affordable housing through such mechanisms as zoning and
39 platting processing.

- Neighborhoods, Policy 2b: Amend the Unified Development Code to create mixed-use districts.
- Neighborhoods, Policy 4a: Preserve and revitalize housing and promote targeted infill housing in neighborhoods, particularly older neighborhoods located inside Loop 410.
- Urban Design, Policy 1c: Develop zoning regulations that would allow mixed-use development (i.e. residential and commercial) to be placed in the same building.
- Urban Design, Policy 1d: Develop criteria and procedures for infill development which will enhance the character of neighborhoods.
- Urban Design, Policy 1e: Permit zero setbacks for commercial and multi-family developments.
- Urban Design, Policy 4b: Use incentives to encourage development in underutilized urban areas.
- Urban Design, Policy 4b: Consider alternatives to existing setback, right-of-way, and other platting and zoning requirements to encourage development.
- Urban Design, Policy 4b: Consider rezoning underutilized areas to accommodate and promote appropriate redevelopment, while being cognizant of the surrounding areas' environment.
- Urban Design, Policy 5b: Encourage resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system.
- Urban Design, Policy 5e: Promote public and private sector, ride-sharing, flexible working hours, parking management innovations, and mixed-use developments as means of reducing the demand for peak period vehicular trips.

(a) Locational Criteria.

(1) Generally.

- A. An "IDZ" may be located within Community Revitalization Action Group (CRAG) target area as defined in 35-A101, which area generally includes the territory located inside the corporate boundaries of the city as they existed in 1940.
- B. An "IDZ" may also be located in a census tract inside of Interstate Loop 410 in which at least two (2) of the following factors are present:
 - 1. At least ten (10) percent of the structures are abandoned; or
 - 2. At least ten (10) percent of the platted lots are vacant; or
 - 3. At least ten (10) percent of the lots or structures are subject to tax liens.
- C. An "IDZ" may also be designated for a location inside of Interstate Loop 410 that meets one (1) of the following:
 - 1. Within the boundaries of a community development reinvestment plan adopted by the city council;
 - 2. Within the boundaries of a neighborhood or community plan adopted by city council at a location designated by the plan that is suitable for "IDZ" designation;
 - 3. On properties currently owned by the federal, state, county or city government; or
 - 4. On properties previously owned by the federal, state, county or city government on or after June 4, 2001.

(2) **Mapping.** The "IDZ" district may be considered by the city council as an amendment to the official zoning map when it meets one (1) of the location criteria established by subsection (1) above.

(b) **Use Regulations.** The "IDZ" may be approved as an overlay district. The "IDZ" may be approved as a base zoning district and must specify if the request is for "IDZ-1" Limited Intensity Infill Development Zone, "IDZ-2" Mid Intensity Infill Development Zone, or "IDZ-3" High Intensity Infill Development Zone, and the ordinance shall include an indication of gross density for all residential uses in units per acre, the list of zoning districts and/or permitted uses.

(1) **Overlay District.** When the ordinance designates the "IDZ" as an overlay zoning district:

A. When "IDZ" is adopted as an overlay district, the base zoning district standards shall remain in effect.

(2) **Base District. "IDZ-1" Limited Intensity Infill Development Zone**

A. "IDZ-1" shall be limited to no more than eighteen (18) dwelling units per acre.

B. "IDZ-1" shall be limited to commercial uses consistent with the "NC" Neighborhood Commercial District or the "C-1" Light Commercial District. "IDZ-1" shall also be limited to office uses consistent with the "O-1" Light Office District

C. "IDZ-1" shall not permit any industrial uses.

(3) **Base District. "IDZ-2" Medium Intensity Infill Development Zone**

A. "IDZ-2" shall be limited to no more than fifty (50) dwelling units per acre.

B. "IDZ-2" shall be limited to commercial uses consistent with the "NC" Neighborhood Commercial, "C-1" Light Commercial, or "C-2" Commercial District. "IDZ-2" shall be limited to office uses consistent with the "O-1" Light Office District or the "O-1.5" Mid-Rise Office District

C. "IDZ-2" shall not permit any industrial uses.

(4) **Base District. "IDZ-3" High Intensity Infill Development Zone**

A. "IDZ-3" shall permit any residential density however, the density must be stated in the application and ordinance.

B. "IDZ-3" shall be limited to commercial uses consistent with the "NC" Neighborhood Commercial District, "C-1" Light Commercial District, "C-2" Commercial District, or "C-3" Commercial District. "IDZ-3" shall be limited to office uses consistent with the "O-1" Light Office District "O-1.5" Mid-Rise Office District, or the "O-2" High-Rise Office District.

C. "IDZ-3" shall be limited to industrial uses consistent with the "I-1" General Industrial base zoning district.

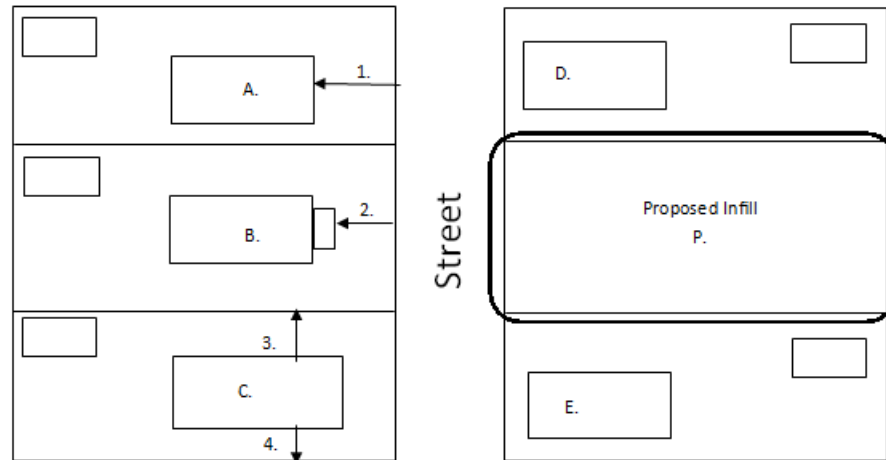
(25) **Base District Site Plan Requirements for all "IDZ-1" base district zoning requests and "IDZ-2" and "IDZ-3" base district zoning requests less than or equal to one (1) acre.** Requests for "IDZ" as a base zoning district shall be accompanied by a list of permitted uses and a zoning site plan which shall be filed with the application for rezoning and be incorporated into the ordinance designating the "IDZ". Requests for "IDZ-1" as a base zoning district to permit only one (1) single-family dwelling shall not require a site plan. A site plan shall not be required for city-initiated "IDZ" rezoning cases. The zoning site plan shall be reviewed by the zoning commission and approved by the city council concurrent with the approval of the "IDZ" district. A zoning site plan for all "IDZ-1" base zoning requests and "IDZ-2" and "IDZ-3" base district zoning requests less than or equal to one (1) acre shall include:

A. Tabulation of the number of acres in the proposed development, showing the total number of lots, and area of open space for the site including the following:

- 1) Dimensions and square footage of all buildings and structures;
 - 2) For nonresidential uses, multi-family dwellings, the approximate location and area of impervious cover;
 - 3) Square footage of all paved or otherwise hard surfaced streets, parking facilities, including curb and gutters, walks, loading areas, and asphalt or concrete aprons for solid waste containers, signs or outdoor mechanical equipment, as applicable.
- B. All setbacks as required by the proposed and surrounding zoning districts/uses.
- C. All off-street parking and loading areas/structures, including the number of spaces, dimensions of spaces and aisles, ADA required spaces and loading areas, and landscaping for parking areas. For parking requirements, see Section 35-526 of the Unified Development Code.
- D. The location, dimensions and type of all walls, fences (other than fences on private residential lots) and required landscaping buffer.
- E. All existing and proposed driveways, streets, sidewalks and other infrastructure above, at or below grade, showing the existing and proposed physical layout, dimensions, and other relevant characteristics of the subject property.
- F. The intended use of the property to which the current and proposed improvements relate.
- G. The following statement: "I, _____, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permits."

(6) Ground Plan Comparison Form

- A. In addition to the site plan detailed above, applications for all "IDZ-1" base zoning requests, of any size, shall submit a Ground Plan Comparison Form. Also, any "IDZ-2" and "IDZ-3" base district zoning requests less than or equal to one (1) acre shall also include a Ground Plan Comparison Form. "IDZ-2" and "IDZ-3" base zoning district requests over one (1) acre are not required to submit a Ground Plan Comparison Form. This form is intended to provide context for the proposed project to determine if it is appropriate and compatible with adjacent lots. At a minimum, such study shall include the following for all applicable properties (subject property, abutting properties on the same blockface, and adjacent properties on the opposite blockface) as per the illustration below:
1. The address of lots listed on the form.
 2. The setback to the front façade wall of each primary structure.
 3. The setback to the front porch of each primary structure, if applicable.
 4. The side setbacks of each primary structure.

5. The height of each primary structure.(7) Base District and Site Plan Requirements for "IDZ-2" and "IDZ-3" greater than one (1) acre.

A. Requests for "IDZ" as a base zoning district shall be accompanied by a list of permitted uses and a zoning site plan which shall be filed with the application for rezoning and be incorporated into the ordinance designating the "IDZ" as a base zoning district. Requests for "IDZ" as a base zoning district to permit only one (1) single-family dwelling shall not require a site plan. The zoning site plan shall be reviewed by the zoning commission and approved by the city council concurrent with the approval of the "IDZ" district. A zoning site plan for "IDZ" base zoning request for projects greater than one (1) acre shall include:

1. Legal description and exhibit of the property at appropriate scale showing the area to be zoned "IDZ-2" or "IDZ-3".
2. The location of all proposed uses. Multi-Family uses shall include indication of gross density in units per acre.
3. The location of the proposed buildable area on the property to include building setbacks.
4. The location of all streets and if applicable, ingress/egress facilities.

(38) Amendments to "IDZ" Site Plan.

A. **Initiation.** Revisions to a previously approved "IDZ" site plan shall be classified as minor or major changes. The applicant for site plan amendment shall submit a site plan that is consistent with the requirements of section 35-343(b)(2) above. The submittal shall include the site plan approved with the original application and a revised copy with annotation of the requested changes. The revised site plan shall be prepared to scale and shall include a block for a signature by the property owner and the development services director to indicate acceptance of the revised site plan and, if applicable, shall include appropriate signature and seals of the design professional (i.e. architect, engineer, surveyor) that prepared the site plan. The site plan shall be processed only upon payment of the plan amendment fee indicated in 35-C103.

B. **Completeness Review.** Development services will conduct a completeness review within five (5) working days of submittal. Within five (5) working days after filing the

proposed site plan amendment, including all required items and information, the director of development services shall provide a written response to the applicant indicating whether or not the submitted revised "IDZ" site plan has been accepted as a minor or major amendment.

C. Major Amendments for all "IDZ-1" site plans, of any acreage, and all "IDZ-2" and "IDZ-3" site plans less than or equal to one (1) acre. A major amendment shall require a new application for rezoning pursuant to the procedures of 35-421. A major amendment to an "IDZ" site plan shall include:

1. Any increase in the number of dwelling units per acre within the "IDZ" plan area.
2. Any increase in the total commercial acreage within the "IDZ" plan area.
3. Any increase in the total industrial acreage within the "IDZ" plan area.
4. Any decrease above ten (10) percent in the total open space acreage within the "IDZ" plan area.
5. Any decrease in perimeter buffers between the "IDZ" plan area and adjacent properties.
6. Any increase in the requested height above ten (10) percent of that approved in the original site plan.
7. Any amendment to the location previously identified in the "IDZ" site plan from residential to an office, commercial or industrial use, if the property where the proposed change is to occur abuts existing property in which the principal use is a single-family residence.

D. Major Amendments for all "IDZ-2" and "IDZ-3" site plans greater than one (1) acre. A major amendment shall require a new application for rezoning pursuant to the procedures of 35-421. A major amendment to an "IDZ" site plan shall include:

1. Any increase in the total number of residential units per acre for the entire "IDZ" greater than ten (10) percent of the original request.
2. Any increase in the total commercial, office or industrial acreage within the "IDZ" greater than ten (10) percent of the original request.
3. Any decrease above ten (10) percent in the total open space acreage within the "IDZ."
4. Any increase in the requested height above ten (10) percent of that approved in the original site plan.
5. Any change in a proposed land use from residential to an office, commercial or light industrial use, if the property where the proposed change is to occur abuts existing property in which the principal use is a single-family residence.

DE. Minor Amendments. Any other revision to an "IDZ" site plan not described in subsection 35-343(b)(3)C above, shall be deemed a minor change. After the five-day completeness review process, a site plan revision deemed by the director as a minor amendment shall undergo a technical review by staff not to exceed thirty-five (35) days and shall not require review by the zoning commission nor approval by the city council. If approved, the director shall sign the amendment indicating official acceptance in the required signature block.

(c) Lot and Building Specifications.

(1) Lot Layout.

A. Minimum Lot Size. When "IDZ" is established as a base zoning district, lots for the uses permitted on the zoning site plan may be platted without a minimum lot area

requirement, provided that detached single-family uses shall have a minimum lot size of one thousand two hundred fifty (1,250) square feet.

B. Frontage. When "IDZ" is established as a base zoning district, lots may be platted without frontage on a public or private street, provided that lots without frontage on a public or private street shall be provided with vehicular and/or pedestrian traffic access by means indicated on the subdivision plat for the area with the "IDZ" designation. Approximate locations of ingress/egress facilities shall be shown on the zoning site plan. The provisions of this subsection regarding lots shall supersede the requirements of subsection 35-515(c)(4) titled "Frontage." Minimum fire access requirements shall apply.

C. See section 35-515(d)(1), table 515-1 relative to front yard design.

(2) Building Location and Height. The requirements of this subsection shall apply to the construction of new buildings within the "IDZ" district used as a base district. The provisions of this subsection shall not apply to the reuse and/or rehabilitation of existing structures provided however that these requirements shall apply to any additions, expansion or enlargement of any existing buildings.

A. Nonresidential. The side, front and rear setback provisions of the zoning regulations (article III) shall not apply to an approved infill development zone provided, however, that no new or existing building shall be erected, constructed or expanded to extend within the public right-of-way, within five (5) feet of the side lot line for the perimeter of the project, or within five (5) feet of the rear lot line nor may any development interfere with building fire codes. No side setbacks are required for non-residential interior lots provided the requirements of the current adopted International Building Code are met. A 900 series lot, as defined in section 35-A101, may be provided in lieu of the required five-foot setback from the perimeter side or rear lot line provided that the 900 series lot provides a lot width at least equivalent to the required setback distance.

1. In "IDZ-1" building height shall be limited to two and a half stories (2.5) and thirty-five (35) feet.

2. In "IDZ-2" building height shall be limited to four (4) stories.

3. In "IDZ-3" building height shall not be limited, but may be detailed in the site plan, approved by City Council.

4. If the "IDZ" zoned property abuts a single-family use or zone then the structure shall not exceed two and a half (2.5) stories or thirty-five (35) feet in height if the structure is fifty (50) feet or less from the single-family use or zone.

B. Residential. The front setback within "IDZ-1" shall be within ten (10) percent of the median setback of existing buildings on the block face. The front setback within "IDZ-2" and "IDZ-3" shall be shown on the site plan and approved by City Council with zoning. No new or existing building shall be erected, constructed or expanded to extend within the public right-of-way or within five (5) feet of the rear lot line or within five (5) feet of a perimeter side lot line. No side setbacks are required for residential interior lots provided the requirements of the current adopted International Building Code are met. If there is a public street right-of-way, the front facade shall front the street. A 900 series lot, as defined in 35-A101, may be provided in lieu of the required front, perimeter side or rear setbacks provided that the 900 series lot provides a lot width at least equivalent to the minimum required setback distance.

1. In "IDZ-1" building height shall be limited to two and a half stories (2.5) and thirty-five (35) feet.

2. In "IDZ-2" building height shall be limited to four (4) stories.

3. In "IDZ-3" building height shall not be limited, but may be detailed in the site plan, approved by City Council.

4. If the "IDZ" zoned property abuts a single-family use or zone then the structure shall not exceed two and a half (2.5) stories or thirty-five (35) feet in height if the structure is fifty (50) feet or less from the single-family use or zone.

(d) **Adequacy of Public Facilities.** The traffic impact and roughly proportionate determination (section 35-502 of this chapter) do not apply to an application for development approval within an "IDZ" district.

(e) **Street Construction Standards.**

(1) **Standards Not Applicable.** The street construction standards shall not apply to infill development which involves the activities listed in subsections A and B below, except as provided in subsection (2) below. The street construction standards shall apply to all other infill development not listed below:

A. The reuse of an existing building; or

B. The development of an existing parcel or lot of less than twenty thousand (20,000) square feet.

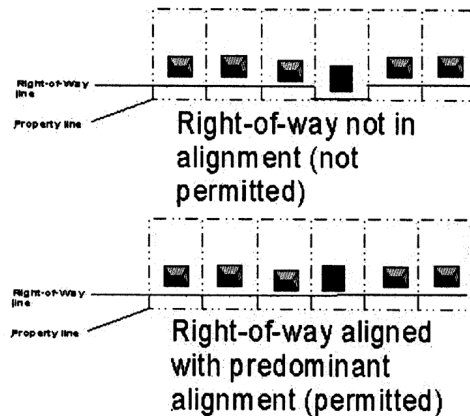


Figure 343-1

(2) **Standards Which Are Applicable.** The following provisions of the street construction standards shall apply to all infill development, including that listed above:

A. Standards relating to sidewalks, subsection 35-505(q) provided, however, that the applicant shall not be required to provide a sidewalk width exceeding that of any existing sidewalks adjoining the site, provided that minimum ADA standards shall be met in accordance with 35-506(d)(9)C. In single-family locations see also section 35-506(q)(2)F.

B. If the lot adjoins a street in which the right-of-way is not aligned with the adjoining parcels, the standards relating to the dedication of right-of-way (subsection 35-505(g)) shall apply (see Figure 343-1).

(f) **Stormwater Management.** Infill development shall comply with the stormwater management standards, section 35-504 of this chapter, except as otherwise provided herein. The stormwater management standards shall not apply to the following:

(1) The reuse of an existing building; or

- 327 (2) The development of an existing parcel or lot of less than ten thousand (10,000) square
328 feet.
- 329 The stormwater management standards shall apply to all other infill development not listed
330 above.
- 331 (g) **Utilities.** The utilities standards shall apply to infill development.
- 332 (h) **Parks and Open Space.** The parks and open space standards (section 35-503 of this chapter)
333 shall not apply to infill development.
- 334 (i) **Reserved.**
- 335 (j) **Buffers, Landscaping, and Streetscape Planting.** The buffering standards (section 35-510)
336 shall not apply to infill development. The landscaping standards (section 35-511) and
337 streetscape planting standards (section 35-512) shall apply. Only twenty-five (25) points shall
338 be required under subsection 35-511(d) (elective criteria), for landscaping on lots within the
339 "IDZ" district, see also section 35-511(e)(7).
- 340 (k) **Parking.** The minimum vehicle parking requirements in subsection 35-526(b) shall not apply to
341 IDZ-1". Minimum parking requirements are also not required for "IDZ" when used as an overlay
342 district. Within "IDZ-2" and "IDZ-3" the minimum parking requirements in subsection 35-526(b)
343 may be reduced by fifty (50) percent. Where parking is provided, subsections 35-526(c) through
344 35-526(f) shall apply to infill development.
- 345 (l) **Outdoor Storage.** The outdoor storage standards shall apply to infill development.