

*a City-County
agency providing public Planning
services to the City of Charlotte and
the unincorporated areas of
Mecklenburg County*

Planning Commission

Apr 4, 2011
work session

Charlotte-Mecklenburg
Government Center

Room 267
Noon

Charlotte-Mecklenburg Planning Commission

April 4, 2011 - Noon

CMGC - Conference Room 267

Work Session Agenda

Call to Order & Introductions

Stephen Rosenburgh

Administration

Approval of Planning Commission Minutes

Approve the March 7, 2011 work session minutes

Attachment 1

Policy

Text Amendments

Heights in Residential Districts (HIRD) Text Amendment

Katrina Young

Background: Text amendment to the Zoning Ordinance to modify the height regulations to ensure that the height of buildings in residential districts is compatible with the scale of single family neighborhoods in which they are located.

Action: Request permission to file on behalf of the Planning Commission.

Attachment 2

Pedestrian Overlay Districts (PED) Text Amendment

John Howard

Background: Text Amendment to reorganize and update the PED standards to align with other urban districts and to add flexibility.

Action: Request permission to file on behalf of the Planning Commission.

Attachment 3

Residential Design Standards Text Amendment

John Howard

Background: Planning staff to provide an update on the Residential Design Standards Text Amendment.

Action: Receive as information.

Information

Planning Director's Report

- Planning Department Monthly Report

Attachment 4

April & May Meeting Schedules

Attachment 5

Planning Department's Public Outreach Presentations

Attachment 6

Committee Reports

Executive Committee

Stephen Rosenburgh

- February 21, 2011 Approved Minutes
- March 21, 2011 Agenda Topics

Attachment 7

Executive Committee Minutes: The Committee decided to list the agenda items on the work session agenda and provide a more detailed explanation of the discussion as part of the Executive Committee Report. This will be done on a trial basis.

Charlotte's Housing Market Study: This item is a future agenda item and the Chairperson is waiting to receive confirmation in writing from the author to release the report.

Operating Agreement: Commissioner Finch Dodson suggested presenting the Operating Agreement to the full Commission for input.

HIRD Text Amendment Update: Planning staff will request permission to file on behalf of the Planning Commission. Outstanding issues will be discussed during the Zoning Committee review process. Since this is a Council directive, the Department will file in their name if the Commission does not grant permission. There are a number of outstanding issues which will be addressed during the Zoning Committee process. The Executive Committee voted to place this on the April work session agenda.

PED Text Amendment Update: Planning staff will request permission to file on behalf of the Planning Commission. The Executive Committee agreed to place this on the April work session agenda.

RDS Text Amendment Update: This item was rescheduled several times and the Executive Committee agreed to place it on the April work session agenda.

Conflict of Interest: The Chairperson discussed Commissioner Walker's concern that Conflict of Interest does not always have financial impacts. After discussion, The Chairperson asked Vice-Chairperson Johnson to work with Terrie Hagler-Gray to get clarification on the Conflict of Interest Policy and consolidate the current policy and present it to the Commission.

Training for Commissioners: The Commission will work with Planning staff to develop a plan for training the Commission.

Communication Committee: The Chairperson stated that he, Commissioners Lipton and Green Fallon will schedule a meeting. He will work with Cheryl Neely to schedule.

Economic Development: The Chairperson asked that this be placed on the April or May work session.

Center City Presentation: The Chairperson asked staff to remove this from the April agenda.

Urban Street Design Guidelines Review Board: The Chairperson stated that City Council will ask for a Commission representative for this Board on April 11. He suggested Commissioner Meg Nealon. The Executive Committee agreed and the Chairperson will announce the appointment at the April work session.

Independence Area Plan: The Chairperson stated that Barry Moose indicated that NCDOT is not pleased with the Plan. He suggested that he and the Planning Director meet with Barry Moose. The Planning Director indicated that she was surprised because she and others met with Secretary Conti last Tuesday and he seemed very pleased. The Chairperson will follow up with Barry Moose.

Notifications of CAG/Stakeholder Meetings: The Planning Committee had previously requested to receive notification of all CAG meetings for Area Plans. Commissioner Zoutewelle and others did not receive notification of the Independence Council meeting. Following discussion, the Committee decided that the entire Planning Commission should be notified of all Stakeholder and Citizen Advisory Group meetings.

Nominating Committee: The Committee discussed nominations and elections. The nominating committee will be established in April, the slate will be presented in May, and elections will occur in June. The Chairperson stated that he asked Commissioner Allen to chair the Nominating Committee. The Executive Committee agreed with this recommendation. Cheryl Neely reminded the Chairperson that the rotation schedule should also be submitted in April.

Calendars: The Committee approved the April and May meeting schedules as presented.

- Future Agenda Items
 - Charlotte's Housing Market Study
 - Capital Improvement Plan
 - ULI Rose Fellowship Study Update
 - Conflict of Interest
 - Center City Presentation

Zoning Committee

- Zoning Committee Agenda

Stephen Rosenburgh
Attachment 8

Planning Committee

- February 15, 2011 Approved Minutes

Yolanda Johnson
Attachment 9

Historic District Commission

- March 9, 2011 Meeting Update

Meg Nealon
Attachment 10

Communication from Chairperson

- Update on the Operating Agreement

Stephen Rosenburgh

Charlotte-Mecklenburg Planning Commission

Attachment 1

March 7, 2011 - Noon

CMGC - Conference Room 267

Action Minutes

Attendance

Commissioners Present: Stephen Rosenburgh (Chairperson), Yolanda Johnson (Vice-Chairperson) Emma Allen, Tracy Finch Dodson, Steven Firestone, Lucia Griffith, Claire Green Fallon, Nina Lipton, Eric Locher, Meg Nealon, Greg Phipps, Joel Randolph, and Andy Zoutewelle

Chairperson Rosenburgh arrived at 12:20 pm. Commissioner Tracy Finch Dodson arrived at 1:25 pm.

Commissioners Absent: Dwayne Walker

Staff Present: Debra Campbell, Laura Harmon, John Howard, Tammie Keplinger, Garet Johnson, Michelle Jones, Kent Main, Sandy Montgomery, Cheryl Neely, Sandra Stewart, Jonathan Wells, and Katrina Young

Call to Order & Introductions

Vice Chairperson Johnson called the meeting to order at 12:14 pm, followed by introductions. The Chairperson was in a meeting and was expected to join the meeting later.

Administration

Approval of Planning Commission Minutes

Commissioner Lipton requested that the full Commission get copies of current Executive Committee meeting minutes or information about discussions ahead of time. The copy in the work session agenda packet are a month behind and don't reflect the most recent discussions. The Planning Director explained that the approved minutes are included in the agenda packet. She suggested that this issue be moved to the Executive Committee for discussion and bring a recommendation back to the full Commission.

Commissioner Griffith made a motion to approve the minutes, seconded by Commissioner Allen. The vote was 11 to 0 to approve the minutes.

Following approval of the minutes, Chairperson Rosenburgh arrived and stated that he had been in the City Attorney's office discussing Commission affairs.

Policy

Text Amendments

Heights in Residential Districts (HIRD) Text Amendment

The Planning Director explained that the presentation would be a high level update of the text amendment. Staff will provide a copy of the detailed text when they request permission to file in their name in April. Staff will note any issues and concerns and address them during the Zoning Committee review process.

Katrina Young (Planning Staff) provided an overview of the stakeholder process and presented the proposed recommendations for the text amendment. See attached PowerPoint presentation for details.

The current regulations require that buildings over 40' in height must increase the side and rear yards by 1 foot for every foot increase in height when abutting a residential district or use. Buildings over 40 ft which abut other districts or uses are required to increase the side and rear yards by 1 foot for every 2 feet increase in height. The stakeholders were asked if they would like to move forward with the current regulations or if new regulations should be created. The stakeholders decided that new regulations should be developed. Their primary concerns were:

- There are no maximum height requirements
- The height compatibility requirements for buildings are inadequate
- Afraid of the loss of development rights
- The creation of nonconforming buildings

The highlight of the HIRD recommendations is to:

- Improve compatibility with single family neighborhoods
- Minimize creation of non-conforming structures and extends time period for non-conforming structures to rebuild
- Some decrease in development rights when adjacent to single family zoning, but potential increase in development rights when not adjacent to single family zoning
- If proposed development exceeds permitted height, rezoning to another district is an option

Residential zoning districts are single family, multi-family, Urban Residential, Mixed Use, Manufactured Housing and Transit Oriented Development.

The new definition for height is the vertical distance between the average grade and base of a structure along each building line and the highest part of the structure. This does not include chimneys, firewalls, sky lights, and roof structures for elevators, stairways, tanks, heating, ventilation and air conditioning equipment, or similar equipment.

Other important definitions included:

1. **Required Setback** - A building must be located at least this amount (example - 30') of distance from the street.
2. **Required Side Yard** - The minimum distance required by this ordinance between the side lot line and the side building line, extending from the established setback to the established rear yard.
3. **Required Rear Yard** - The minimum distance required by this ordinance between the rear lot line and the rear building line.
4. **Building Line** - Lines that are tangent to the exterior surface of buildings or structures.
5. **Building Envelope** - A three-dimensional area on a lot that remains for placing a structure on a site after setbacks, yard, height, and bulk regulations are observed.
6. **Average Grade** - Each building elevation will have an average grade. Two methods can be used to calculate average grade.
 - a. It can be calculated by adding the lowest point and highest point along the base of the structure and dividing the total by two.
 - b. May also be calculated by adding all points, at five foot intervals, starting at the corner along the base of the building and dividing the total by the total number of points.

Commissioner Lipton asked if the two methods for average grade would result in any material difference. Ms. Young responded that there could be different results. Commissioner Lipton asked how to determine which method to use. Ms. Young responded that each method is right so there is a choice as to which method to use. Commissioner Lipton asked if that could mean that the height of a

structure could be different based on which method was used to calculate the average grade. Ms. Young replied that it may, but it would be a very unique lot with a drastic slope on one side. Otherwise there would not be much of a difference in height.

Commissioner Lipton also questioned the method used to measure setbacks. Ms. Young replied that setbacks have always been measured from back of curb. Ms. Harmon clarified that all of the districts under discussion, except for Urban Residential, measure the setback from the right of way line. Commissioner Lipton stated that this is confusing because some streetscape plans measure setbacks from back of curb. Ms. Harmon indicated that this should not be a problem on local streets where most of these districts are located, the right of way is straight forward and it should not be terribly confusing.

Commissioner Nealon asked since every building elevation would have an average grade would the difference in elevation control the height of the structure. Ms. Young replied that the base height at the side yard and the maximum on the front will control the type of structure regardless of the topography. Commissioner Zoutewelle clarified that height is measured on each elevation.

Commissioner Green Fallon asked if air rights have been taken into consideration. Ms. Young responded no. Laura Harmon noted that for the two different approaches the building envelope will tell how much could be built above a lower structure. Commissioner Green Fallon suggested that air rights be considered in the future. The Chairperson asked if staff could provide information about air rights at the next meeting. Laura Harmon responded that she can provide the information and further explained that the building envelope has to conform to the zoning.

Ms. Young explained that there are two types of recommendations. One type is applicable to single family and lower density multi-family residential structures. The second recommendation refers to higher density multi-family and nonresidential structures.

**Comparison Recommendation #1
 Single Family & Low Density Multi-Family Recommendations**

Current	Proposed
<ul style="list-style-type: none"> No max height of building Max base height at side and rear yards Increase yards for portion of building over 40' 	<ul style="list-style-type: none"> Max height at front building line Max base height at side yards No height maximum at rear Increase yards for portion of building over 40'

Single Family (R-3 & R-4) and Multi-Family (R-8MF & R-12MF)

Requirement	Current	Proposed	
		Base	Max
Height at front building line	N/A	40'	48'
Height at required side yard	40'*	40'	40' **
Height at required rear yard	40'*	N/A	N/A

*Increase required side yard 1' for every 1' height increase over 40' if abutting residential use or zoning. Otherwise increase side yard 1' for every 2' height increase.

** Increase height 1' for every 1' increase portion of building is from required side yard.

Ms. Young presented graphics illustrating the building envelope and what could be developed under the existing as well as the proposed regulations.

Commissioner Lipton noted that in order to maximize the allowed height by the proposed code, the structure would have a flat roof.

Commissioner Griffith asked if R-12MF could go to the full envelope and asked why 40' was chosen instead of 4 stories. Ms. Young replied that R-12MF could go to the full building envelope and explained that 40' allows for flexibility in ceiling height and it is easier to enforce. The Planning Director added that the majority of the language in the Ordinance is in feet and it is best to be consistent with the current terminology.

Commissioner Green Fallon asked if the purpose of the text amendment is to stop the building of mini mansions. Debra Campbell stated that the goal is not to prevent larger homes; it is to place the home in the context of its surroundings.

Commissioner Lipton asked what if residential is in MUDD. Ms. Young responded that it does not apply to MUDD. Commissioner Lipton stated that sometimes single family districts could be adjacent to MUDD, TOD or an urban district on one side. Ms. Young responded that the only time the height is controlled is when it abuts a residential district. Laura Harmon explained that the concept presented only applied to single family and very low scale multi-family structures.

Commissioner Zoutewelle noted that there is a different way to look at the existing regulations than depicted. The existing regulations can be read that the setbacks are increased for higher buildings. He doesn't think that the proposed text will remove all of the concerns of neighbors immediately adjacent to new 40' houses because 40' is still high in a neighborhood with predominately single story houses. The Planning Director responded that generally a large lot would be needed. Laura Harmon added that neighborhoods could use the conservation district to control height.

Commissioner Phipps asked if the stakeholders are aware that this text amendment may not alleviate their concerns. Ms. Young responded that currently there are not any maximums and now there will be a maximum and this does alleviate some concerns. The Planning Director noted that no one is looking at one particular text amendment to change or address all concerns about neighborhood character, massing, and scale. The Stakeholders are aware that the proposed amendment addresses the majority of their concerns.

Commissioner Griffith suggested that if neighborhoods are concerned about height and mass, they may want to consider becoming an historic district or a conservation district.

Commissioner Locher reminded the Commission that markets, people, and desires change. The text amendment is attempting to strike a balance.

Commissioner Lipton agreed that the world does change and there are areas where big houses are being torn down and small houses are being rebuilt. She noted that in her neighborhood small houses are being torn down and larger homes are being built. She thinks that in 20 years these larger homes may be torn down and smaller homes may be built.

Commissioner Zoutewelle stated that in the context of a neighborhood that has small lots his understanding is that houses being built too high would be precluded. Ms. Young explained that the

Stakeholders considered this as well and thought lots could be combined to allow for taller houses in neighborhoods with small lots, especially if there is not a maximum as in the current regulations.

The Chairperson asked if multi-family (R-8MF & R-12MF) loses the right to have a four story building. Ms. Young responded that the smaller lots may not be able to go as tall. The Chairperson asked that his concern with R-8MF and R-12MF be noted. Laura Harmon clarified that the fourth floor would be under roof. The development community indicated that they usually do three stories. Since there is no maximum on the rear, three stories could be in the front and four in the rear.

Single Family Residential (R-5, R-6 & R-8)

Requirement	Current	Proposed	
		Base	Max
Height at front building line	N/A	N/A	40'
Height at required side yard	40'*	35'	35' **
Height at required rear yard	40'*	N/A	N/A

**Increase yards 1' for every 1' height increase over 40' if abutting residential use or zoning. Otherwise increase side yard 1' for every 2' height increase.*

*** Increase height 1' for every 1' increase portion of building is from required yard.*

Commissioner Lipton asked if she could schedule an appointment with Ms. Young to drive through Dilworth to explain the proposed text amendment in relation to the neighborhood. Most of the zoning in Dilworth is R-5, but there are ½ acre lots.

Commissioner Griffith asked why the 35' height at the side yards was proposed. Ms. Young responded because the lots were smaller. The stakeholder's feedback indicated that they thought 40' was too high on smaller lots.

Commissioner Griffith asked who the stakeholders were and how many were there. Ms. Young noted that staff sent out hundreds of notices to neighborhood leaders, developers, attorneys, etc. There was a good mixture of stakeholders, but the attendance fluctuated per meeting. Commissioner Griffith was concerned about representation from the developer's stand point. The Planning Director added that having such a long process wears out the neighborhood representatives, not the development community. Commissioner Griffith suggested that since single family development has decreased, industry representatives may not have been engaged in the process. Laura Harmon shared that the Residential Design Standards text amendment stakeholder process is also underway. This text amendment is for single family and developers are heavily involved in this process. Commissioner Griffith was concerned that the height was lowered five feet. The Planning Director indicated that the goal was to make sure that Charlotte is a competitive community with desirable single and multi-family development in the future. Some districts gained development rights and some lost development rights. Staff did a fair job of trying to balance the interests; however everyone could not be pleased. Staff feels comfortable moving forward with the recommendations. Ms. Young stated that although some development rights were lost on the side yards, development rights were gained on the rear.

Commissioner Randolph thanked Ms. Young and Laura Harmon for meeting with him to discuss the text amendment. He asked Cheryl Neely if she could send the presentation to the Commission. He also asked what would be required for a nonconforming structure to rebuild. Ms. Young explained

the current ordinance allows 12 months to rebuild, however, the proposed amendment extends the time period to 24 months. Nonconforming structures are grandfathered and are allowed to build the same structure, if the nonconformancy is due to height. Commissioner Randolph asked if this could be applied to new construction. Ms. Young responded that it would not apply to new construction.

Commissioner Randolph asked what happens with a planned community when there are deed restrictions. Katrina Young explained that staff can only regulate the Zoning Ordinance. Civil matters will have to be decided in court. The Planning Director noted that staff can't enforce deed restrictions.

Commissioner Randolph had concerns with increasing side yards for churches because churches have parking problems. Churches are shifting from residential districts, but asked staff to be cautious of parking for structures. He also noted that the feet difference is irrelevant if it is 40 or 70 feet. His personal view is that either is massive and is ok with building larger houses next to smaller houses.

Commissioner Griffith noted that demographics are changing. Several generations may live within a structure. The Commission may not want to be too restrictive. She reiterated that she is concerned about who the stakeholders are. Laura Harmon responded that a three story house can be built within the 40' maximum and the amendment allows for flexibility.

Commissioner Nealon noted that she agreed with a previous comment by Commissioner Zoutewelle which suggested that most people interpret the whole setback entirely increases, including at the base. This goes a long way in mitigating the size of a structure. There is more of an impact if full advantage of the building envelope is taken. She mentioned older subdivisions where typically there was a large farmhouse and property around the home was subdivided into smaller lots. Enough land was left around the original structures so that was not a noticeable "beast" among smaller homes. If someone wants to combine lots to develop a larger home, they are mitigating by stepping back from the surrounding structure and this helps lessen the impact of the large structure on the smaller homes. If it is something that can't be accomplished in a neighborhood, they probably want to do something that is more fitting in another neighborhood. The incentive to look for another place to build a macmansion might be what that interpretation of the increased setbacks does. She was not sure that the stakeholders fully grasp this and staff may want to have a conversation with them. Katrina Young responded that the stakeholders were aware of this and there was a lot of conversation about this issue. The stakeholders are aware of the code and how it was being interpreted. The neighborhood citizens did not want the inconsistencies in the neighborhood.

Commissioner Lipton thanked Ms. Young for all the work, effort, use of graphics, and thought that has gone into the proposed text amendment. The work is only as good as what is implemented. There can be a lot of variation in what is actually built. As properties are being developed, the interpretation of the inspector may be different from what is intended. Ms. Young noted that there are competing interests and staff tried to create a balance with the development community and citizens. Staff believes that they are presenting something that everyone can live with.

Commissioner Griffith stated that she agreed with Commissioner Zoutewelle's interpretation that the building can go higher the further it gets from the sideline. There are many big lots throughout the City which can accommodate this. Staff should consider an alternative which allows building higher than 48' because this may be too restrictive. Ms. Young explained that this was discussed and some neighborhoods have options to come in with a different type of zoning, overlays, and other innovative methods. However, for infill development which impacts neighbors greatly, this is more appropriate.

Commissioner Green Fallon asked if they would be able to get variances. Ms. Young replied yes, if they can show that there is a hardship.

Ms. Young continued with recommendation 2 for the high density multi-family and the nonresidential and presented the following:

**Comparison Recommendation #2
 High Density Multi-Family & Nonresidential**

Current Regulation	Proposed Regulation
<ul style="list-style-type: none"> • No max height of building • Increase yards for portion of building over 40' • No measurement of height at setback 	<ul style="list-style-type: none"> • Max height • Measurement from lowest to highest point • Adjacent district and use dictates height at building setback, side and rear yards

Multi-Family Residential and Nonresidential Buildings

Requirement	Current	Proposed	
		Base	Max
Height when adjacent to single family residential district - At required setback - At required side/rear yard	N/A 40'*	40'*** 40'***	100' 100'
Height adjacent to a district other than single family residential - At required setback - At required side yard - At required rear yard	NA 40'*** NA	100' 100' 100'	100' 100' 100'

* Increase yards one foot for every additional foot of height when abutting any residential use or district

**Increase yards two feet in distance for every additional foot of height the portion of the building is from the required setback/yard (s) adjacent to single family zoning district

*** Increase side yard one foot for every additional two foot of height the when abutting use or district other than residential

Commissioner Lipton asked about MUDD. Katrina Young responded that MUDD is not considered a residential district.

Ms. Young recapped the impacts of the proposed text amendment:

- Creates a system that encourages compatible structures
- Height requirements are based on:
 - Zoning District
 - Use
 - If adjacent to Single Family Zoning
- Minimizes creation of height non-conforming structures and extend time period for those non-conforming structures to be rebuilt
- Limits heights in residential districts

The Chairperson asked Commissioner Zoutewelle to consider the questions which were raised and to continue to work with staff. He also asked Commissioners to forward any additional comments to Commissioner Zoutewelle. Commissioner Zoutewelle indicated that he and Commissioner Griffith would work on this request.

The Chairperson thinks that the text amendment limits density and decreases affordability. He stated that the Commission would have more opportunities to provide comment, in particular at the April 4th work session, when more details are presented. The Planning Director clarified that this was the detailed presentation, staff will be asking to file on behalf of the Planning Commission at the April 4th meeting. The Chairperson encouraged Commissioners to attend the June 20th public hearing and speak at the hearing.

The Planning Director stated that the text amendment would be sent to the Commission prior to the work session agenda packet. She reminded the Commission that this is only being recommended in single family areas for residential development. The adopted growth framework supports lower density development in wedges and higher density development should occur in Centers and Corridors.

Pedestrian Overlay Districts (PED) Text Amendment

Commissioner Allen recommended that questions be asked at the end of the presentation.

John Howard provided an overview of the PED overlay district text amendment:

The objectives of PED are to:

- Support the reuse of older buildings
- Encourage development that enhances neighborhoods
- Increase development potential
- Make development more accessible and pedestrian friendly
- Allow “by-right” urban redevelopment
- Promote a mixture of uses

Mr. Howard presented several features of PED.

1. PED overlays on existing zoning.
2. Allows “by-right” uses except billboards and outdoor storage, as well as uses permitted under prescribed conditions.
3. Allows residential uses in industrial districts.
4. Allows accessory uses except drive-thru windows for restaurants and retail uses.
5. PED development and urban design standards replace standards of the underlying district.
6. Refers to Pedscape Plan for building setback, sidewalk requirements, and street tree planting.
7. PED will overlay, but does not apply to properties currently zoned TOD, UMUD, MUDD, or NS.

Each Overlay has a Plan adopted before the overlay is implemented. There are five existing PED’s:

1. East Boulevard (2002)
2. Plaza Central (2003)
3. Sunnyside (2004)
4. West Morehead (2004)
5. West End (2005)

Two adopted Plans (Future PED's) are:

1. Dilworth Small Area Plan-East Morehead Street PED
2. Bryant Park Small Area Plan-Freedom Drive / Wilkinson Boulevard

The purpose of the project is to update, address identified issues, and align PED with other urban districts. During the process issues were identified based on a consultant report, case studies and the TOD Text Amendment. A stakeholder's group was convened of property owners from all PED districts, neighborhoods, developers, architects, consultants, Charlotte Chamber, REBIC, and other interested citizens.

Feedback was solicited from the stakeholder group through a number of meetings and the text amendment was drafted based on their input. Staff has initiated the adoption process of the text amendment. Mr. Howard presented the following seven general recommended changes to PED:

1. **Add flexibility for challenging sites** - Expand Administrative Approval to include physically constrained sites
2. **Promote economic development** - Remove requirement for streetscape implementation for façade improvement(s)
3. **Enhance transition from PED to single family development** - Create design standards for PED development across from and/or next to single family districts
4. **Enhance the streetscape** - Add design standards for street walls and parking garage screening
5. **Improve livability and the urban environment** - Create private and public urban open space standards
6. **Enhance the streetscape in transition areas** - Reduce the amount of front loading garages and driveways adjacent to single family districts
7. **Update PED zoning code text and format** - Use tables and sub-sections in lieu of long paragraphs

The next steps in the process are to make final revisions to the draft and place the item on the Executive Committee's March 21st meeting agenda. Staff will request permission to file on behalf of the Planning Commission at the April 4th work session. Once the text amendment is filed, the public hearing will be held on June 20th, followed by Council decision on July 18th.

Commissioner Randolph asked about allowing residential uses in industrial districts. He asked if there are any industrial properties within the guidelines. Mr. Howard responded that West Morehead has some industrial properties. There are several I-1 and I-2 buildings which could be converted to office and residential uses by right.

Commissioner Randolph asked if there were any concerns from stakeholders. Mr. Howard responded that stakeholders were concerned with the transition areas from higher density multi-family to single family development. The streetscape, setbacks, and scale are of concern especially since PED has no density maximums or minimums.

Commissioner Finch Dodson asked about recommendation #2, in particular when streetscape would be required. Mr. Howard replied that for major additions and redevelopment.

Commissioner Lipton asked if there was anything done to address single use surface parking in PED, in terms of screening or street orientation. Mr. Howard responded that there are currently screening requirements in PED. He stated that the stakeholders discussed limitations on surface parking in PED, but this was not identified as an issue. Commissioner Lipton asked if there were any

regulations/recommendations for streetscape improvements to make surface parking more compatible, such as entrances on a side or rear street or more enhanced screening. Mr. Howard replied that the stakeholders did not discuss this issue. Commissioner Lipton asked if this could be looked at during the PED review process. Mr. Howard responded that it could. Laura Harmon clarified that it would be addressed when the Plan that includes PED streetscape is being developed.

Commissioner Lipton asked Mr. Howard if he reviewed the current CMC/East Boulevard project. He responded that Michelle Jones (Planning staff) was reviewing this plan.

Commissioner Lipton asked about the structure on Central Avenue near The Plaza which has the garage doors at the ground floor. She asked if this development would be allowed under the proposed regulations. Mr. Howard replied no, recommendation #4 would prevent this from being developed. Commissioner Lipton noted that some like this type of urban development and asked if there was any way that this could be allowed. Mr. Howard responded that a developer may opt out of any standard in PED.

Chairperson Rosenburgh asked Commissioner Lipton if she had any questions which were germane to the entire Commission. She stated that she had followed the PED review process and just wanted to follow up. The Chairperson stated that Commissioner Lipton has an incredible ability to deal with all of these issues and thanked her.

Commissioner Zoutewelle asked staff to forward the presentation to the Commission. The Planning Director responded that staff would forward the presentation.

The Chairperson asked the Planning Director to convey to her staff that the Commission has very intelligent and inquisitive Commissioners and they do not need to be prompted for questions at the end of the presentation. The Planning Director responded that staff is trying to keep the Commission on subject.

Commissioner Nealon asked if this text amendment could be sent to the Commission prior to the April work session agenda packet to allow ample time for review. The Director noted that both HIRD and PED would be sent to the Commission ahead of time.

Considering the length of discussion on the text amendments and the number of questions, Commissioner Phipps asked if both text amendments should be on the April work session agenda. The Chairperson stated that this can be taken into consideration. He stated that if there is something that needs to be discussed in more depth, an evening meeting could be scheduled.

Commissioner Allen suggested that in the future the Commission wait as long as possible to ask questions during presentations, preferably at the end. She noticed that questions were often answered as staff proceeded with the presentations. Chairperson Rosenburgh agreed and asked the Commission for concurrence. The Commissioners agreed with Commissioner Allen's suggestion. The Chairperson asked the Planning Director to remind him that questions should be at the end of all presentations.

Center City Update

This item was moved to the April work session agenda.

Information

Planning Director's Report

Residential Design Standards Text Amendment

Due to time constraints, the Planning Director decided to provide the update on the Residential Design Standards Text Amendment at the April work session. She noted that this will impact the filing of the text amendment.

ULI Rose Fellowship

The Planning Director informed the Commission that staff will provide an update on the ULI Rose Fellowship panel recommendations at the Council workshop later that evening. Secretary Gene Conti will be a part of the presentation. The Independence Area Plan will go to Council's Economic Development Committee to begin the adoption process on March 10th.

The Chairperson asked the Commission to note Attachment 3 (March & April Meeting Schedules), Attachment 5 (Mecklenburg County Revised Appointment Policy & Summary of Proposed Changes), and Attachment 6 (Mecklenburg County Conflict of Interest Policy).

Executive Committee

Future Agenda Items - Conflict of Interest

The Chairperson stated that Commissioner Walker pointed out that the conflict of interest does not always have financial impacts. He also noted that Commissioner Zoutewelle previously asked that this item be placed on the future agenda items list and discussed at the March Executive Committee meeting. The Chairperson asked that staff provide the Conflict of Interest Policies at the March Executive Committee meeting.

Communication about Education/Training Follow-up

The Chairperson stated that there were two issues that the Executive Committee wanted to address as follow-up discussion from their February Meeting. He asked Vice-Chairperson Johnson if she would address Communication Follow-up from the meeting. Vice-Chairperson Johnson shared that she wanted to follow up publicly with the Commission about some concerns that came to her after the last Executive Committee meeting. The Executive Committee discussed education and training for Commissioners at their February meeting. This was discussed because of public comments and observations related to a specific rezoning petition. During the discussion the Executive Committee discussed tools which can be used, in addition to the orientation, to educate Commissioners. The Vice-Chairperson stated that she questioned the intent of the discussion at the Executive Committee meeting. She wanted to ensure that the intent of the discussion was to make sure that training was provided. She wanted the Commission to clearly understand that there was not a preference for industry representatives on the Commission. She stated that the Planning Director agreed that staff would assist the Executive Committee with training and education.

The Chairperson asked Commissioner Finch Dodson to clarify the Executive Committee's discussion about training. Commissioner Finch Dodson shared that she had mentioned to the Chairperson that the Commission makes decisions that have big impacts on people's lives. She wondered if the Commission was up to speed when making decisions and if there are things that can be done to get the Commissioners up to speed when they are dealing with new or unfamiliar matters. She used herself as an example and said that she does not know the Industrial section of the Zoning Ordinance well because she has not dealt with an Industrial rezoning. She thought there may be something that the Commission could do to better educate themselves.

Commissioner Lipton stated that the Commission previously had mentors. She suggested that the Commission consider mentors to help educate and guide fellow Commissioners.

Commissioner Lipton also stated that an e-mail was distributed after the last Zoning Committee meeting which suggested that some Commissioners were not knowledgeable about a rezoning petition. She stated that this was not true because a lot of work went into reviewing the petition. Commissioner Lipton thought the e-mail was sent because Commissioners did not agree with a petitioner.

Commissioner Finch Dodson agreed that the comment was wrong. She was disappointed that someone would state that Commissioners are not taking the time to review the materials when decisions are impacting citizens' lives. However, it is up to individuals to read the material.

Commissioner Randolph noted that staff is always available and Commissioners can give them a heads up as to the questions that will be asked during the meeting. He encouraged Commissioners to talk to staff ahead of time to become educated. He referenced the meeting he had with Laura Harmon and Katrina Young to discuss the HIRD Text Amendment.

Commissioner Griffith wasn't familiar with the e-mail that was sent and asked for clarification that it referred to a Zoning Committee rezoning petition.

Commissioner Green Fallon stated that it was an arrogant statement sent by an arrogant person who was wrong. It antagonized the Zoning Committee members, as it was intended. Commissioner Green Fallon indicated that she spent a lot of time reviewing the Bevington rezoning petition.

Commissioner Allen asked if the Commission would address training for Commissioners. The Chairperson responded that the Executive Committee discussed the issue of training. In no way was it suggested that only industry representatives should be on the Commission. In fact he thinks that some of the most informed, hardest working Commissioners are community representatives. Commissioners can't be forced to read the materials. However, the Chairperson stated that the Commission is going to work with Planning staff to develop a plan to provide training for those who want it. The Commission will also implement a mentor program, as suggested by Commissioner Lipton.

The Chairperson invited all Commissioners to attend Executive Committee meetings and he thanked Executive Committee members for their hard work.

Operating Agreement/Communications Committee

The Chairperson informed the Commission that the Retreat Follow-up Committee is still working on the Operating Agreement. As a part of that process, the Executive Committee agreed to form a Communication Committee. The Chairperson will chair this Committee and Commissioners Lipton and Green Fallon have agreed to serve on the Committee. The Communication Committee will develop two communication documents per year, one in January and the other in July. He asked that Commissioners contact Commissioners Lipton or Green Fallon if they have any ideas about communication.

Economic Development

The Chairperson stated that the Executive Committee has discussed Economic Development on several occasions, but has not moved on it. He informed the Commission that an Economic Development Planning Committee has been formed, chaired by Commissioner Griffith. He noted

that he was asked what economic development means. The Committee will flush out what this means. The Chairperson asked interested Commissioners to contact Commissioner Griffith. He mentioned that Commissioners Finch Dodson, Randolph, and Locher had either expressed interest in Economic Development or may be a good fit for the Committee because of their backgrounds. Chairperson Rosenburgh asked staff to add Economic Development to the future agenda items list. He also noted that this may be an agenda topic for the May work session.

Chairperson Rosenburgh invited Commissioners to the Planning Coordinating Committee meeting on April 1st at Bank of America Stadium. The Secretary of Commerce will discuss economic planning.

Zoning Committee

The Chairperson mentioned the Bevington Rezoning Petition, noting that it had been previously discussed at length. He stated that the petition had been deferred for 60 days. Other Zoning Committee members clarified that this petition was not deferred, it was voted down. The Planning Director added that the petition is on Council's March 21st agenda.

The Chairperson mentioned the ReVenture rezoning petition which was deferred for 60 days. He met with the City Attorney's staff and they are concerned that the Commission is broadening their role. The Chairperson asked the Planning Director to report on the role of the Planning Commission and give a report on what the Commission should/should not be doing.

Commissioner Green Fallon asked if Commissioners can speak as a citizen at Council public hearings. The Chairperson responded yes, as a citizen. Planning staff will follow up with the City Attorney's office to determine if Commissioners can speak at public hearings. Commissioner Allen suggested that Commissioners be cautious of speaking at public hearings.

Commissioner Randolph stated that he has never seen it done before and cautioned Commissioners. He suggested that Commissioners talk to Council members off line if they are trying to be affective and get something done.

Commissioner Lipton stated that if a Commissioner speaks at a public hearing they may want to recuse themselves from discussion and action on the item. Although the attorney may say it is ok, individual Commissioners need to make the decision.

Commissioner Locher reminded Commissioners that they are representing the Planning Commission. Commissioners Locher and Green Fallon thought it may be a conflict of interest to speak at hearings. Commissioner Griffith agreed and stated that the Planning and Zoning committees provide the opportunity for Commissioners to voice their concerns to Council.

Planning Committee

Vice-Chairperson Johnson shared that the major agenda item was the Rose Fellowship ULI Study. Three messages from the presentation were:

1. There were no material changes to the Independence Boulevard Area Plan because the plan is transportation neutral.
2. The Study recommended Streetcar consideration for Monroe Road.
3. Citizens can comment on the Plan at the Planning Committee public comment session.

Historic District Commission (HDC)

Commissioner Meg Nealon noted that the HDC meeting summary is included in the agenda packet as part of the Department's February monthly report.

Communication from Chairperson

The Chairperson stated that he had planned to have a closed session, but will not have one because the Commission had already discussed the items which would have been on the agenda. Also, a member of the Commission contacted the City Attorney's office and complained about the closed session. The Commission does have the right to have closed session meetings.

The Chairperson stated that the Commission consists of a very talented group of individuals. However there has been some discord over the last couple of months. Chairperson Rosenburgh encouraged Commissioners to come to the Executive Committee meetings to discuss any issues. He will set aside time on the agenda for Commissioners to bring forward any concerns. The next meeting is on March 21st at 4:00 pm in Room 266.

Commissioner Allen stated that she was personally disappointed because at the annual retreat everyone made a commitment to open and honest communication. She thought there was an integrity issue.

Commissioner Lipton asked for an explanation of appropriate reasons for the Commission to have a closed meeting. The Chairperson responded that the Commission may have a closed meeting to discuss confidential issues, personnel, real estate, contracts, consultation with any attorney, business location or expansion, real property acquisition, employment contracts, certain personnel matters, investigations, and school violence (all of which do not apply to the Commission). Commissioner Lipton asked if the City Attorney should attend closed meetings. The Chairperson stated that the Commission would not have closed meetings without consulting with the City Attorney's office.

Commissioner Randolph Joel suggested that the Chairperson mediate any concerns with individual Commissioners and let the Commission focus on its business. Commissioner Green Fallon suggested that if something is an issue that Commissioners should go to the Chairperson or Vice-Chairperson. Commissioner Griffith stated that she was not aware of any concerns.

Vice-Chairperson Johnson stated that she received a phone call stating that some of the Executive Committee members think that only industry representatives should serve on the Commission.

Commissioner Lipton asked where was the fault if a number of people had the same interpretation. The Chairperson stated that it was irrelevant. He asked all to bring any issues to the Executive Committee.

Adjournment

The meeting adjourned at 2:35 pm

TEXT AMENDMENT SUMMARY: Heights in Residential Districts (HIRD) 3-16-11

2011-

Purpose/Background: The purpose of this amendment is to modify the Zoning Ordinance regulations to ensure that the height of buildings in residential districts is compatible with the scale of the single family neighborhoods in which they are located. This text amendment is the result of an intensive stakeholder process, involving over 110 stakeholders, that began in September of 2009. The stakeholder process was initiated by staff after rezoning petition #2008-032 was filed by the Myers Park Neighborhood Association, a third-party rezoning requesting of 40.9 acres from R-22MF to R-8MF. At the public hearing, City Council directed Planning staff to examine the existing regulations that control height in residential areas.

Rezoning Petition 2008-032: This rezoning was deferred by the Zoning Committee to their September 28, 2011 meeting for a recommendation, after this amendment is processed.

Current Regulations	Proposed Regulations	Rationale
<p><u>Definitions: Section 2.201</u></p> <p>Height: The vertical distance between the average grade at the base of a structure and the highest part of the structure, but not including sky lights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building.</p>	<ul style="list-style-type: none"> • Modifies the height definition and adds a new definition for “average grade” <p>Height. The vertical distance between the average grade at the base of a structure and the highest part of the structure, but not including <u>firewalls, chimneys, sky lights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building and any device (no more than five feet in height) used to screen only the immediate area around a roof top structure or equipment.</u></p> <p>Average grade. The average grade is calculated by adding the lowest point and highest point along the base of the structure and dividing the total by two. Each building elevation along a building line will have an average grade. The average grade along a building line may also be calculated by adding all points, at five-foot intervals, starting at the corner along the base of the building and dividing the total by the number of points.</p>	<ul style="list-style-type: none"> • Adds new exemptions to the height definition. • Defines how average grade is measured along each elevation of a structure.
<p><u>Nonconformities: Section 7.103</u></p> <ul style="list-style-type: none"> • When a nonconforming structure is destroyed, it may be repaired or restored to its original dimensions and conditions as long as a permit is issued within 12 months of the damage. 	<ul style="list-style-type: none"> • Modifies the regulations to allow any residential building lawfully existing on the date this amendment becomes effective, to be repaired or restored to its original <u>height</u> dimensions as long as a permit is issued within <u>24 months</u> of the date of the damage. • Maintains the 12 month period for other dimensions and conditions. 	<ul style="list-style-type: none"> • Provides flexibility to property owners who may own residential units that would exceed the new height regulations.
<p><u>R-3, R-4, R-5, R-6, and R-8 Development Standards: Section 9.205</u></p> <ul style="list-style-type: none"> • Height of 40’ at required side yard. • No maximum building height. • Height Ratios: 	<p><u>Residential Buildings:</u></p> <ul style="list-style-type: none"> • <u>Base maximum average height:</u> <ul style="list-style-type: none"> • R-3 & R-4: 40’ at required side yard • R-5, R-6, & R-8: 35’ at required side yard • <u>Maximum average height</u> at the front building line: 	<ul style="list-style-type: none"> • Sets a maximum building height. • Improves compatibility with adjacent properties. • Provides flexibility to allow additional square footage to existing

<ul style="list-style-type: none"> • Increase side yard 1' for every 1' of building height in excess of 40' if side and/or rear yard abuts a residential use or zoning district. • All other situations increase side yard 1' for every 2' of building height in excess over 40'. • Side yard minimum: Ranges from 6' to 5' • Rear yard minimum: Ranges from 45' to 20'. 	<ul style="list-style-type: none"> • R-3 & R-4: 48' • R-5, R-6, & R-8: 40' • <u>Height ratio</u>: 1' additional increase in height is allowed for each additional 1' in distance the portion of the building is from the required side yard. • <u>Minimum side yard</u>: Unchanged. Ranges from 6' to 5' • <u>Minimum rear yard</u>: Unchanged. Ranges from 45' to 20' <p><u>Non-Residential Buildings:</u></p> <ul style="list-style-type: none"> • <u>Base maximum average height</u>: <ul style="list-style-type: none"> • 40' at the required setback, side and rear yards when adjacent to a single family district with a residential use. • All other situations: No base height restrictions. • <u>Maximum height</u> of 100' from lowest to highest point of the building. • <u>Height ratio</u>: 1' additional increase in height is allowed for each additional 2' in distance the portion of the building is from the required side yard along all boundary(s) adjacent to a single family zoning district with a residential use. All other situations: No height ratio. • <u>Minimum side yard</u>: 20' • <u>Minimum rear yard</u>: Ranges from 45' to 35' 	<p>buildings.</p>
<p><u>R-8MF and R-12 MF Development Standards (Section 9.305)</u></p> <ul style="list-style-type: none"> • Height of 40' at required side yard. • No maximum building height. • Height Ratios: <ul style="list-style-type: none"> • Increase side yard 1' for every 1' of building height in excess of 40' if side and/or rear yard abuts a residential use or zoning district. • All other situations increase side yard 1' for every 2' of building height in excess over 40'. • Side yard minimum: Ranges from 5' to 20' 	<p><u>Residential Buildings:</u></p> <ul style="list-style-type: none"> • <u>Base maximum average height</u>: <ul style="list-style-type: none"> • 40' at required side yard • <u>Maximum average height</u> at the front building line: 48' • <u>Height ratio</u>: 1' additional increase in height is allowed for each additional 1' in distance the portion of the building is from the required side yard. • <u>Minimum side yard</u>: Ranges from 5' to 20' depending on the use and if the lot is adjoining single family districts. <p><u>Non-Residential Buildings:</u></p> <ul style="list-style-type: none"> • <u>Base maximum average height</u>: <ul style="list-style-type: none"> • 40' at the required setback, side and rear yards when adjacent to a single family district with a residential use. • All other situations: No base height requirements. • <u>Maximum height</u> of 100' from lowest to highest point of the building. • <u>Height ratio</u>: 1' additional increase in height is allowed for each additional 2' in distance the portion of the building is from the required side yard along all boundary(s) adjacent to a single family zoning district with a residential use. All other situations: No height ratio. 	<ul style="list-style-type: none"> • Sets a maximum building height. • Improves compatibility with adjacent properties. • Provides flexibility to allow additional square footage to existing buildings.

	<ul style="list-style-type: none"> • <u>Minimum side yard</u>: Ranges from 10' to 20' depending on the use and if the lot is adjoining single family districts. 	
<p><u>R-17MF, R-22MF & R-43MF Development Standards: Section 9.305</u></p> <ul style="list-style-type: none"> • Height of 40' at required side yard. • No maximum building height. • Height Ratios: <ul style="list-style-type: none"> • Increase side yard 1' for every 1' of building height in excess of 40' if side and/or rear yard abuts a single family use or zoning district. • All other situations increase side yard 1' for every 2' of building height in excess over 40'. • Side yard minimum: Ranges from 5' to 20' 	<p><u>Residential Buildings:</u></p> <ul style="list-style-type: none"> • <u>Base maximum average height</u>: <ul style="list-style-type: none"> • 40' at required setback, side, and rear yards when adjacent to a single family district with a residential use. • All other situations: No base height requirement. • <u>Maximum height</u> of 100' from highest to lowest point of the building. • <u>Height ratio</u>: 1' additional increase in height is allowed for each additional 2' in distance the portion of the building is from the required setback, side, and rear yards located along all boundary(s) adjacent to a single family zoning district. All other situations: No height ratio. • <u>Minimum side yard</u>: Ranges from 5' to 20' depending upon the use and if the lot is adjoining single family districts. <p><u>Non-Residential Buildings:</u></p> <ul style="list-style-type: none"> • <u>Base maximum average height</u>: <ul style="list-style-type: none"> • 40' at the required setback, side and rear yards when adjacent to a single family district with a residential use. • All other situations: No height restrictions. • <u>Maximum height</u> of 100' from lowest to highest point of the building. • <u>Height ratio</u>: 1' additional increase in height is allowed for each additional 2' in distance the portion of the building is from the required side yard along all boundary(s) adjacent to a single family zoning district with a residential use. All other situations: No height ratio. • <u>Minimum side yard</u>: Ranges from 10' to 20' depending upon the use and if the lot is adjoining single family districts. 	<ul style="list-style-type: none"> • Sets a maximum building height. • Improves compatibility with adjacent properties. • Provides flexibility to allow additional square footage to existing buildings.
<p><u>UR-1 Development Standards: Section 9.406</u></p> <ul style="list-style-type: none"> • Height of 40' at required side yard. • No maximum building height. • Height Ratio: Increase side and rear yards 1' for every 10' of building height in excess over 40'. 	<p><u>Residential Buildings:</u></p> <ul style="list-style-type: none"> • <u>Base maximum average height</u>: <ul style="list-style-type: none"> • 40' at required side yard • <u>Maximum average height</u> at the front building line: 48' • <u>Height ratio</u>: 1' additional increase in height is allowed for each additional 1' in distance the portion of the building is from the required side yard. <p><u>Non-Residential Buildings:</u></p> <ul style="list-style-type: none"> • <u>Base maximum average height</u>: <ul style="list-style-type: none"> • 40' at the required setback, side and rear yards when adjacent to a single family district with a residential use. 	<ul style="list-style-type: none"> • Sets a maximum building height. • Improves compatibility with adjacent properties. • Provides flexibility to allow additional square footage to existing buildings.

	<ul style="list-style-type: none"> • All other situations: No base height requirements. • <u>Maximum height</u> of 100' from lowest to highest point of the building. 	
<p><u>UR-2 and UR-3 Development Standards: Section 9.406</u></p> <ul style="list-style-type: none"> • Height of 40' at required side yard. • No maximum building height. • Height Ratio: Increase side and rear yards 1' for every 10' of building height in excess over 40' 	<p><u>All Buildings:</u></p> <ul style="list-style-type: none"> • <u>Base maximum average height:</u> <ul style="list-style-type: none"> • 40' at the required setback, side and rear yards when adjacent to a single family district with a residential use. • All other situations: No height restrictions. • <u>Maximum height</u> of 100' from lowest to highest point of the building. • <u>Height ratio:</u> 1' additional increase in height is allowed for each additional 2' in distance the portion of the building is from the required setback, side and rear yards along all boundary(s) adjacent to a single family zoning district with a residential use. All other situations: No height ratio. 	<ul style="list-style-type: none"> • Reduces the overall building envelope height. • Improves compatibility with adjacent properties. • Provides flexibility to allow additional square footage to existing buildings.
<p><u>MX-1, MX-2, and MX-3 Development Standards: Section 11.205</u></p> <ul style="list-style-type: none"> • No height restrictions. 	<p><u>Single family, duplex, triplex, and quadraplex :</u></p> <ul style="list-style-type: none"> • <u>Base maximum average height:</u> 40' at the required side yard • <u>Maximum average height</u> at the front building line: 48' • <u>Height ratio:</u> 1' additional increase in height is allowed for each additional 1' in distance the portion of the building is from the required side yard. <p><u>Multi-family residential development in MX-1:</u></p> <ul style="list-style-type: none"> • <u>Base maximum average height:</u> 40' at required side yard • <u>Maximum average height</u> at the front building line: 48' • <u>Height ratio:</u> 1' additional increase in height is allowed for each additional 1' in distance the portion of the building is from the required side yard. <p><u>Multi-family residential development in MX-2 and MX-3:</u></p> <ul style="list-style-type: none"> • <u>Base maximum average height:</u> 40' at required setback, side, and rear yards when adjacent to a single family district with a residential use. All other situations: No base height requirement. • <u>Maximum height</u> of 100' from highest to lowest point of the building. • <u>Height ratio:</u> 1' additional increase in height is allowed for each additional 2' in distance the portion of the building is from the required setback, side, and rear yards located along all boundary(s) adjacent to a single family zoning district. All other situations: No height ratio. 	<ul style="list-style-type: none"> • Reduces the overall building envelope height. • Improves compatibility with adjacent properties. • Provides flexibility to allow additional square footage to existing buildings.
<p><u>Innovative Development Standards IN MX-1, MX-2, and MX-3 (Section 11.208)</u></p>	<p>Adds "height" to the list of standards that can be varied through the innovative regulations.</p>	<ul style="list-style-type: none"> • Provides flexibility to allow additional square footage to existing buildings.

<p><u>Accessory Structures (Section 12.106)</u></p> <ul style="list-style-type: none"> • If an accessory structure exceeds the height of the principal structure, it must meet the minimum side yard of the principal structure and be located at least 15 feet from the rear property line. 	<p>Adds a new height restriction for accessory structures as follows:</p> <ul style="list-style-type: none"> • If an accessory structure exceeds a height of 24' in the single family, multi-family, urban residential and mixed use districts, it must be located at least 15 feet from the rear and side property lines. • If an accessory structure exceeds the height of the principal structure, it must meet the minimum side yard of the principal structure and be located at least 15 feet from the rear property line. (unchanged) 	<ul style="list-style-type: none"> • Provides flexibility to allow additional square footage to existing buildings.
<p><u>Height Limitations (Section 12.108)</u></p> <ul style="list-style-type: none"> • A building in any district may be erected to a height in excess of 40' provided the minimum side yard is increased 1' for every 2' of building height in excess of 40'. • A building which abuts a residential use or zoning district may not be erected to a height in excess of 40' unless the side and/or rear yard abutting the residential use or district is increased 1' for every 1' of building height in excess of 40'. • High rise buildings in multi-family districts cannot exceed a height of 60' unless the side and/or rear yard abutting a single family residential use or district upon which a building shadow will be cast is increased 1 ½ feet for every foot of building height in excess of 60'. 	<ul style="list-style-type: none"> • Modifies the regulations to allow a height ratio only when a building is not in or adjacent to a residential district: <ul style="list-style-type: none"> • A building <u>that is not in or adjacent to a residential</u> district may be erected to a height in excess of 40' provided the minimum side yard is increased 1' for every 2' of building height in excess of 40'. • Modifies the regulations to address all non-residential districts: <ul style="list-style-type: none"> • A building <u>located in any zoning district, except the residential districts,</u> which abuts a residential use or zoning district <u>shall</u> not be erected to a height in excess of 40' unless the side and/or rear yard abutting the residential use or district is increased 1' for every 1' of building height in excess of 40'. • Deletes the shadow requirement in its entirety. 	<ul style="list-style-type: none"> • Aligns regulations regarding height limitations.

HIRD DRAFT TEXT AMENDMENT

3-16-11

Petition #: 2011-
Petitioner: Charlotte-Mecklenburg Planning Department

ORDINANCE NO. _____ **AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE – ZONING ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

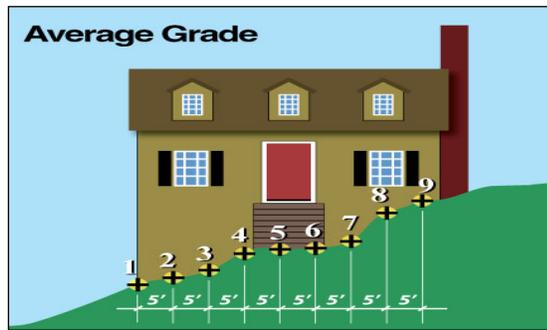
- a. Amend Section 2.201, "Definitions" by modifying the definition of "height" and adding a new definition for "average grade". The revised and new definitions shall read as follows:

Height.

The vertical distance between the average grade at the base of a structure and the highest part of the structure, but not including firewalls, chimneys, sky lights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building and any device (no more than five feet in height) used to screen only the immediate area around a roof top structure or equipment.

Average grade.

The average grade is calculated by adding the lowest point and highest point along the base of the structure and dividing the total by two. Each building elevation along a building line will have an average grade. The average grade along a building line may also be calculated by adding all points, at five-foot intervals, starting at the corner along the base of the building and dividing the total by the number of points.



B. CHAPTER 7: NONCONFORMITIES

1. Amend Section 7.103, “Nonconforming structures”, item (7) by modifying the length of time a permit may be issued for residential structures damaged or destroyed by acts of God, as a result of this text amendment. The remaining items shall remain unchanged. The revised item (7) shall read as follows:

(7) Where a nonconforming structure is destroyed or damaged by fire, flood, wind, other act(s) of God, the structure may be repaired or restored to its original dimensions and conditions as long as a building permit for the repair or restoration is issued within 12 months of the date of the damage. Any residential building lawfully existing on the date the height restrictions of petition 2011-0XX became effective (MONTH, DAY, 2011) may be repaired or restored to its original height dimensions as long as a building permit for the repair or restoration is issued within 24 months of the date the building was destroyed or damaged.

C. CHAPTER 9: GENERAL DISTRICTS

1. PART 2: SINGLE FAMILY DISTRICTS

a. Amend Section 9.205(1)(f) , “Minimum side yards”, and (g) “Minimum rear yards” by creating separate yard requirements for nonresidential buildings within single family zoning districts. Also modify subsection (j), “Maximum height” to refer to Table 9.205(1)(j) to indicate a base maximum average height and a maximum height for both residential and nonresidential buildings. All remaining subsections remain unchanged. The revised subsections shall read as follows:

Section 9.205. Development standards for single family districts.

All uses and structures permitted in the R-3, R-4, R-5, R-6 and R-8 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(f) Minimum side yard (feet) ⁴	6	5	5	5	5
- <u>Residential</u>	6	5	5	5	5
- <u>Non-residential</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
(g) Minimum rear yard (feet)	45	40	35	30	20
- <u>Residential</u>	45	40	35	30	20
- <u>Non-residential</u>	<u>45</u>	<u>40</u>	<u>35</u>	<u>35</u>	<u>35</u>
(j) Maximum height (feet) ⁶	40	40	40	40	40
	<u>-----See Tables Below-----</u>				

Table 9.205(1)(j)(A)

<u>MAXIMUM HEIGHT FOR RESIDENTIAL USES⁶</u>			
<u>Type of Use</u>	<u>Base Maximum Average Height (feet)</u>	<u>Maximum Average Height at the Front Building Line (feet)</u>	<u>Height Ratio</u>
<u>All Residential Uses</u>	<ul style="list-style-type: none"> • <u>R-3 and R-4: 40' - Measured at the required side yard line.</u> • <u>R-5, R-6, and R-8: 35' - Measured at the required side yard line.</u> 	<ul style="list-style-type: none"> • <u>R-3 and R-4: 48'</u> • <u>R-5, R-6, and R-8: 40'</u> 	<u>One additional foot of height is allowed for each additional one foot in distance the portion of the building is from the required side yard line.</u>

Table 9.205(1)(j)(B)

<u>MAXIMUM HEIGHT FOR NONRESIDENTIAL BUILDINGS⁶</u>			
<u>Adjacent* Zoning District(s) and Use</u>	<u>Base Average Maximum Height (feet)</u>	<u>Maximum Height from Lowest Point to Highest Point of the Building (feet)</u>	<u>Height Ratio</u>
<u>R-3, R-4, R-5, R-6, & R-8 with a residential use</u>	<u>40' - Measured at the required setback side, and rear yard line</u>	<u>100'</u>	<u>One additional foot of height is allowed for every additional two feet in distance the portion of the building is from the required setback, side, and rear yard lines located along all boundary(s) adjacent to a single family zoning district</u>
<u>R-3, R-4, R-5, R-6, & R-8 with a non-residential use</u>	<u>N/A</u>	<u>100'</u>	<u>N/A</u>
<u>All other zoning districts with any use</u>	<u>N/A</u>	<u>100'</u>	<u>N/A</u>

*Exemption for street rights-of-way that exceed 100 feet in width.

- b. Amend Section 9.205(1), footnote #6 by deleting the first two sentences. The remaining footnotes remain unchanged. The revised footnote shall read as follows:
6. ~~A building in any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of 40 feet. However, a building which abuts a residential use or zoning district may not be erected to a height in excess of 40 feet unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.~~

2. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.305, “Development standards for multi-family districts”, subsection (1), “Area, yard and bulk regulations”, subsection (f), “Minimum side yards” by rearranging the categories, modifying the side yard requirements and adding new categories. Also modify subsection (j) “Maximum height” to refer to Table 9.305(1)(j) to indicate a base maximum average height and a maximum height for both residential and nonresidential buildings. All remaining subsections remain unchanged. The revised sections shall read as follows:

R-8MF R-12MF R-17MF R-22MF R-43MF

(f) Minimum side yard (feet) ⁴					
- Detached, duplex, triplex and quadraplex dwellings	5	5	5	5	5
- All other buildings, including planned multi-family developments (except as required below)	10	10	10	5	5
- Planned multi-family developments adjoining single family developed or zoned land ⁵	20	20	10	10	10
- <u>Non-residential buildings adjoining single family zoning districts</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
- <u>All other planned multi-family developments and all other nonresidential buildings⁵</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>5</u>
(j) Maximum height (feet) ⁷	40	40	40	40	40
	-----See Tables Below-----				

Table 9.305(1)(j)(A)

<u>MAXIMUM HEIGHT FOR RESIDENTIAL BUILDINGS IN R-8MF AND R-12MF ZONING DISTRICTS⁷</u>			
<u>Building Type</u>	<u>Base Maximum Average Height (feet)</u>	<u>Maximum Average Height at the Front Building Line (feet)</u>	<u>Height Ratio</u>
<u>Residential</u>	40' Measured at the required side yard line.	48'	<u>One additional foot of height is allowed for each additional one foot in distance the portion of the building is from the required side yard line.</u>

Table 9.305(1)(j)(B)

<u>MAXIMUM HEIGHT FOR RESIDENTIAL BUILDINGS IN R-17MF, R-22MF, and R-43MF⁷</u>			
<u>Adjacent* Zoning District(s) and Use</u>	<u>Base Maximum Average Height (feet)</u>	<u>Maximum Height from the Lowest Point to the Highest Point of the Building (feet)</u>	<u>Height Ratio</u>
<u>R-3, R-4, R-5, R-6, & R-8 with a residential use</u>	40' Measured at the required setback, side and rear yard lines	100'	One additional foot of height is allowed for every additional two feet in distance the portion of the building is from the required setback, side, and rear yard lines located along all boundary(s) adjacent to a single family zoning district
<u>R-3, R-4, R-5, R-6, & R-8 with a non-residential use</u>	N/A	100'	N/A
<u>All other zoning districts with any use</u>	N/A	100'	N/A

*Exemption for street rights-of-way that exceed 100 feet in width.

Table 9.305(1)(j)(C)

<u>MAXIMUM HEIGHT FOR NONRESIDENTIAL BUILDINGS IN ALL MULTI-FAMILY DISTRICTS⁷</u>			
<u>Adjacent* Zoning District (s) and Use</u>	<u>Base Maximum Average Height (feet)</u>	<u>Maximum Height from the Lowest Point to the Highest Point of the Building (feet)</u>	<u>Height Ratio</u>
<u>R-3, R-4, R-5, R-6, & R-8 with a residential use</u>	40' - Measured at the required setback, side, and rear yard lines	100'	One additional foot of height is allowed for every additional two feet in distance the portion of the building is from the required setback, side and rear yard lines located along all boundary(s) adjacent to a single family zoning district
<u>R-3, R-4, R-5, R-6, & R-8 with a non-residential use</u>	N/A	100'	N/A
<u>All other zoning districts with any use</u>	N/A	100'	N/A

*Exemption for street rights-of-way that exceed 100 feet in width.

- b. Amend Section 9.305(1), footnote 7 by deleting the first three sentences. The revised section shall read as follows:

FOOTNOTES TO CHART 9.305(1):

⁷ ~~A building in any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a~~

single family residential use or zoning district, it may not be erected to a height in excess of 40 feet unless the side and/or rear yard abutting the single family use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. However, any building over 60 feet in height and abutting a single family residential use or zoning district must increase any side and/or rear yard upon which a building shadow is cast 1½ feet for each foot above 60 feet. Height requirements for other permitted structures are set forth in Section 12.108.

3. PART 4: URBAN RESIDENTIAL DISTRICTS

a. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (1), “UR-1”, subsection “Maximum height (feet)” by adding a new Table 9.406(1) that modifies the height regulations. The remaining text remains unchanged. The revised subsection shall read as follows:

(1) UR-1: Dimensional requirements for the UR-1 district are listed below:

Maximum height (feet)² 40 -----See Tables Below-----

Table 9.406(1)(A)

<u>MAXIMUM HEIGHT FOR RESIDENTIAL BUILDINGS IN UR-1²</u>			
<u>Building Type</u>	<u>Base Maximum Average Height (feet)</u>	<u>Maximum Average Height at the Front Building Line (feet)</u>	<u>Height Ratio</u>
<u>Residential</u>	40' - Measured at the required side yard line.	48'	One additional foot of height is allowed for each additional one foot in distance the portion of the building is from the required side yard line.

Table 9.406(1)(B)

<u>MAXIMUM HEIGHT FOR NONRESIDENTIAL BUILDINGS IN UR-1²</u>			
<u>Adjacent* Zoning District(s) and Use</u>	<u>Base Maximum Average Height (feet)</u>	<u>Maximum Height from the Lowest Point to the Highest Point of the Building (feet)</u>	<u>Height Ratio</u>
<u>R-3, R-4, R-5, R-6, & R-8 with a residential use</u>	40' - Measured at the required setback, side, and rear yard lines	100'	One additional foot of height is allowed for every additional two feet in distance the portion of the building is from the required setback, side and rear yard lines located along all boundary(s) adjacent to a single family zoning district.
<u>R-3, R-4, R-5, R-6, & R-8 with a non-residential use</u>	N/A	100'	N/A
<u>All other zoning districts with any use</u>	N/A	100'	N/A

*Exemption for street rights-of-way that exceed 100 feet in width.

- b. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (1), “UR-1”, footnote 2 by deleting the first sentence and providing a cross-reference to Chapter 12. The remaining footnotes remain unchanged. The revised footnote shall read as follows:

² ~~Maximum height may be increased above 40 feet provided all required side and rear yards are increased 1 foot for every 10 feet of building height over 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.~~

- c. Amend Section 9.406 “Urban Residential Districts; area, yard and height regulations”, subsection (2), “UR-2”, subsection “Maximum height (feet)” by adding a new Table 9.406(2) that modifies the height regulations. The remaining text remains unchanged. The revised subsection shall read as follows:

- (2) UR-2: Dimensional requirements for the UR-2 district are listed below:

Maximum height (feet)[†] 40 -----See Table Below-----

Table 9.406(2)(A)

<u>MAXIMUM HEIGHT FOR BUILDINGS IN UR-2¹</u>			
<u>Adjacent* Zoning District(s) and Use</u>	<u>Base Maximum Average Height (feet)</u>	<u>Maximum Height from Lowest Point to Highest Point of the Building (feet)</u>	<u>Height Ratio</u>
<u>R-3, R-4, R-5, R-6, & R-8 with a residential use</u>	40' - Measured at the required setback, side, and rear yard lines	100'	<u>One additional foot of height is allowed for every additional two feet in distance the portion of the building is from the required setback, side, and rear yard lines located along all boundary(s) adjacent to a single family zoning district.</u>
<u>R-3, R-4, R-5, R-6, & R-8 with a non-residential use</u>	N/A	100'	N/A
<u>All other zoning districts with any use</u>	N/A	100'	N/A

*Exemption for street rights-of-way that exceed 100 feet in width.

- d. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (2), “UR-2”, footnote 1 by deleting the first sentence and replacing it with a cross-reference to Chapter 12. The remaining footnotes remain unchanged. The revised footnote shall read as follows:

¹ ~~Maximum height may be increased above 40 feet provided all required side and rear yards are increased 1 foot for every 10 feet of building height over 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.~~

e. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (3), “UR-3”, subsection “Maximum height (feet)” by adding a new Table 9.406(3) that modifies the height regulations. The remaining text remains unchanged. The revised subsection shall read as follows:

(3) UR-3: Dimensional requirements for the UR-3 district are listed below:

Maximum height (feet)⁺ 40 -----See Table Below)-----

Table 9.406(3)(A)

<u>MAXIMUM HEIGHT FOR BUILDINGS IN UR-3¹</u>			
<u>Adjacent* Zoning District(s) and Use</u>	<u>Base Maximum Average Height (feet)</u>	<u>Maximum Height from Lowest Point to Highest Point of the Building (feet)</u>	<u>Height Ratio</u>
<u>R-3, R-4, R-5, R-6, & R-8 with a residential use</u>	40' - Measured at the required setback, side, and rear yard lines	100'	One additional foot of height is allowed for every additional two feet in distance the portion of the building is from the required setback, side, and rear yard lines located along all boundary(s) adjacent to a single family zoning district.
<u>R-3, R-4, R-5, R-6, & R-8 with a non-residential use</u>	N/A	100'	N/A
<u>All other zoning districts with any use</u>	N/A	100'	N/A

*Exemption for street rights-of-way that exceed 100 feet in width.

f. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (3), “UR-3”, footnote 1 by deleting the first sentence and replacing it with a cross-reference to Chapter 12. The remaining footnotes remain unchanged. The revised footnote shall read as follows:

¹ ~~Maximum height may be increased above 40 feet provided all required side and rear yards are increased 1 foot for every 10 feet of building height over 40 feet.~~ Height requirements for other permitted structures are set forth in Section 12.108.

D. CHAPTER 11. CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED USE DISTRICTS (MX-1, MX-2, and MX-3)

a. Amend Section 11.205, “Development standards for MX-1, MX-2, and MX-3 districts” by adding a new subsection (4) and (5) setting maximum height

regulations. The remaining subsections shall remain unchanged. The new subsections shall read as follows:

Section 11.205. Development standards for MX-1, MX-2 and MX-3 districts.

- (4) Single family, duplex, triplex, and quadraplex residential development within the MX districts shall meet the R-3 residential base maximum average height and the maximum average height listed in Section 9.205 for the residential portion only.
- (5) Multi-family residential development within the MX-1 district shall meet the R-8MF maximum height regulations listed in Section 9.305 for the multi-family residential portion only. Multi-family residential development within the MX-2 and MX-3 districts, shall meet the R-17MF maximum height regulations listed in Section 9.305 for the multi-family residential portion only.

- b. Amend Section 11.208, “Innovative development standards” by adding a new item (12), titled, “Height”. The remaining numbered items remain unchanged. The new item shall read as follows:

(12) Height.

E. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.106, “Uses and structures prohibited and allowed in required setbacks and yards”, by modifying subsection (2)(a) to address the height requirements for accessory structures for residential uses in certain districts. The revised text shall read as follows:

- (2) (a) No accessory structures, including architectural features, as cited in five (5) below, shall be located within any setback or side yard required of these regulations, or located within three (3) feet of a lot line in the established rear yard. No accessory structure shall be located within any established setback in any residential district, except as otherwise provided. If an accessory structure exceeds a height of 24 feet in the single-family, multi-family, urban residential and mixed use districts, it must be located at least 15 feet from the rear and side property lines. In all zoning districts, except as provided for in Section 12.108, if the accessory structure exceeds the height of the principal structure, it must meet the minimum side yard of the principal structure and be located at least 15 feet from the rear property line. In addition, no accessory structure shall exceed the total square footage of the heated area located on the first floor of the principal structure.
(Petition No. 2009-079, § 12.106(2)(a), 1/19/10)

This section notwithstanding, no elderly or disabled housing, guest

houses, or employee quarters shall be located within 15 feet of a rear property line or along any side property line within the required side yard dimension. In the RE-1, RE-2, and BP districts, a security gate or guard station may be located within the required setback. Piers, docks, and other water-dependent accessory structures may be located in any required setback or yard on lots, which abut a body of water. A fence, wall, mailbox, utility pole, light-pole, or patio at grade, paths, walkways, or berm may be located in any required setback or yard. Signs may be located in a required setback or yard provided that they are in accordance with Chapter 13 of these regulations. Bus stops shelters may be located in any setback or yard, which abuts a street in accordance with Section 12.513.

- b. Amend Section 12.108, "Height limitations" by updating the height regulations for buildings located in the residential zoning districts. Subsections (6), (7) and (8) shall remain unchanged. The revised section shall read as follows:

Section 12.108. Height limitations.

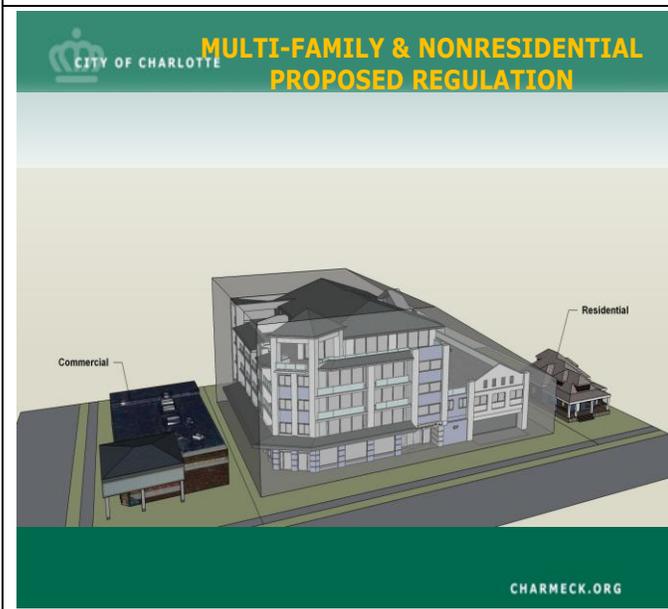
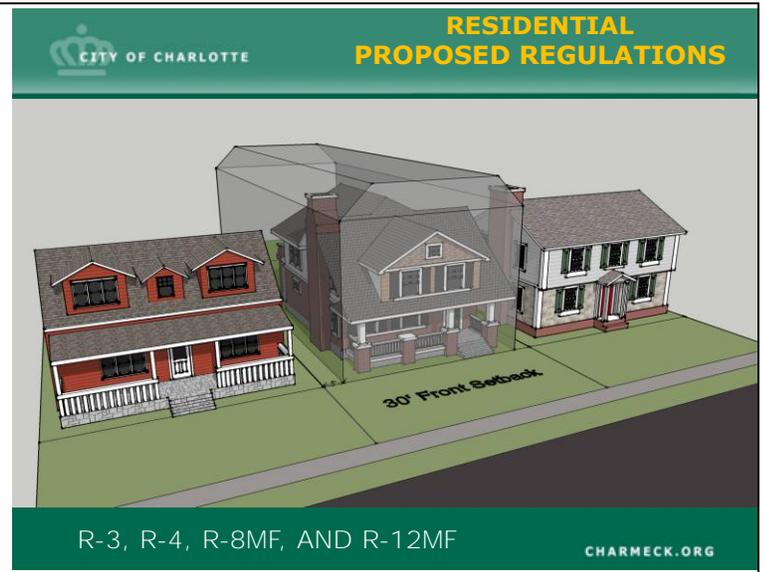
Height limitations are established to allow maximum development potential without adversely impacting the character of established single family neighborhoods and ensuring the development respects and complements the surrounding development.

No structure shall exceed a height of 40 feet, except as provided in this Section or elsewhere in these regulations.

- (1) ~~Except as provided for in this Section, A~~ a building that is not in or adjacent to a residential in any district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet.
- (2) A building located in any zoning district, except the residential districts, which abuts a residential use or residential zoning district may shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet.
- (3) ~~High rise buildings in multi-family districts cannot exceed a height of 60 feet, unless any side and/or rear yard abutting a single family residential use or zoning district upon which a building shadow will be cast is increased 1½ feet for every foot of building height in excess of 60 feet. Reserved.~~
- (4) The height limitations established in subsection (1) above shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, firewalls, chimneys, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.
- (5) The following structures are permitted above the height limit on lots in the research, institutional, office, business, and industrial districts which do not abut lots in any residential district: towers, steeples, flagpoles, firewalls, chimneys,

water tanks or similar structures. If this type of structure is on a lot, which abuts a residential district, then the part of the structure above the height limit must be separated from any such abutting lot line by a distance equal to its height measured from the ground.

- (9) The height limitations established in this section shall not apply to structures located in the PED, UI, UMUD or UR-C, districts unless the districts are located next to a single family use or district as provided for in Chapter 9, Parts 4, 9 and 10.



Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the __ day of _____, 2011, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this __ day of _____, 2011.

TEXT AMENDMENT SUMMARY: Pedestrian Overlay District (PED) 3-24-11

2011-

Purpose/Background: The purpose of this amendment is to modify the Zoning Ordinance regulations to align the regulations with those in the other urban zoning districts, and to modify standards to address issues and concerns raised by a consultant and stakeholders. A stakeholder group was convened to identity issues and concerns with the current regulations. The proposed regulations add flexibility for challenged sites; promote economic development; enhance the streetscape; improve livability and the urban environment; and create design standards for development located across the street from, or next to, single family districts.

Current Regulations	Proposed Regulations	Rationale
	<p><u>Add new definitions to Section 2.201:</u></p> <p><u>Active Uses:</u> Uses that are permitted by right or under prescribed conditions except parking.</p> <p><u>Outdoor Storage:</u> The temporary or permanent storage of products, supplies, and equipment located outside of a building. Outdoor storage of any type is considered an accessory use.</p> <p><u>Urban Open Space:</u> Spaces for private or public congregation and recreational opportunities designed to be easily observed from the street, pedestrian circulation areas or common areas.</p>	<ul style="list-style-type: none"> • Add definitions to provide clarity.
<p>Purpose: The purpose of the Pedestrian Overlay District (PED) is to reestablish an urban fabric by promoting a mixture of uses in a pedestrian-oriented setting of moderate intensity. The district encourages the reuse of existing buildings that contribute to the unique character or history of the area. The standards also encourage high quality design, mixed use development, the use of public transit, and development, which complements adjacent neighborhoods. (Section 10.801)</p>	<ul style="list-style-type: none"> • Modify the purpose statement to also include supporting economic development along business corridors: <p>The purpose of the Pedestrian Overlay District (PED) is to reestablish an urban fabric by promoting a mixture of uses in a pedestrian-oriented setting of moderate intensity <u>and to support economic development along business corridors.</u> The district encourages the reuse of existing buildings <u>structures, particularly those</u> that contribute to the unique character or history of the area. The standards also encourage high quality design, mixed use development, the use of public transit, and development, which complements adjacent neighborhoods.</p>	<ul style="list-style-type: none"> • Expands the purpose to include economic development along business corridors.
<p>Administrative Approval – Section 10.802</p> <ul style="list-style-type: none"> • To qualify for an administrative approval the development must: <ul style="list-style-type: none"> • Incorporate existing buildings, trees, topographical features, or other elements consistent with PED intent; and • Provide urban open space, seatings, fountains, accent landscaping, or similar urban pedestrian amenities. 	<ul style="list-style-type: none"> • Adds the ability of the Planning Director to appoint a designee to grant administrative approvals. • Adds a new, third circumstance in which an administrative approval can be granted: <ul style="list-style-type: none"> • <u>Difficulty implementing PED standards due to site constraints such as lot configuration, lot size, lot width, mature trees, topography, number of streets or other physical constraints.</u> 	<ul style="list-style-type: none"> • Adds flexibility to qualify for an administrative approval due to site constraints.

<p><u>Board of Adjustment</u> – Section 10.807 <u>PED (Optional); Effect of Approval; Alterations</u> – Section 10.811</p>	<ul style="list-style-type: none"> • Updates section references, based on the new reorganization of the chapter. 	<ul style="list-style-type: none"> • Updates references.
<p><u>PED (Optional); Application</u> – Section 10.808 <u>Preliminary review</u> - Section 10.812</p>	<ul style="list-style-type: none"> • Updates the name of the Charlotte-Mecklenburg Planning Department. 	<ul style="list-style-type: none"> • Updates department name.
<p><u>Applicability</u> – Section 10.805</p>	<ul style="list-style-type: none"> • Modifies the exceptions to applicability: <ul style="list-style-type: none"> • Change of Use, Non-Residential to Non-Residential with No Expansion: <ul style="list-style-type: none"> • If a change in use in an existing building requires more than 5 additional parking spaces, the streetscape improvements must be met, in addition to the required parking. • Change of Use, Residential to Non-Residential with No Expansion: <ul style="list-style-type: none"> • Updates section reference numbers. • Expansions of less than 25% of the buildings area, or 1,000 square feet, whichever is less: <ul style="list-style-type: none"> • Changes the percent of the expansion from 5% to 25%. • Modifies the regulations to require additional parking spaces only for the amount of the expansion. • Adds a requirement that the amount of expansion is cumulative as of the adoption of this text amendment. • Expansions of more than 25% of the buildings area, or 1,000 square feet, whichever is less: <ul style="list-style-type: none"> • Changes the percent of the expansion from 5% to 25%. • Updates section reference numbers. • Major façade improvements to existing buildings: <ul style="list-style-type: none"> • Deletes this exception. • Removal of Required Buffer for Additional Parking: <ul style="list-style-type: none"> • Updates section reference numbers. 	<ul style="list-style-type: none"> • Provides more flexibility for expansions of existing buildings and façade improvements.
<p><u>Uses</u> – Section 10.802</p> <ul style="list-style-type: none"> • All those allowed by right and with prescribed conditions in the underlying district, plus mixed-use dwellings, drive-through service windows for offices, and nightclubs, bars and lounges. Residential uses are allowed if in an underlying industrial district. 	<ul style="list-style-type: none"> • Adds a new use: Off-street parking lots that are not an accessory use, with 5+ spaces are subject to the streetscape and screening standards in PED. 	<ul style="list-style-type: none"> • Improves the look of off-street parking lots that are not an accessory use.

Development Standards

Minimum lot area: None.
Floor Area Ratio: No maximum. **Minimum side yard:** None, but no less than 5'.
Minimum rear yard: None, but no less than 5' unless abutting existing residential use/district, then 20' minimum.
Outdoor lighting: Maximum height of 20' and light source screened from residential use or district.
Screening: Parking lots with 10+ parking spaces, service entrances, utility structures, loading docks, outdoor storage, and dumpsters. A 5' planting strip or 3'-3 1/2' wall is required.
Buffers: 8'-10' planting strip required for all uses, except single family, along all edges abutting single family detached units.

- No changes
- Updates section reference numbers.
- Places information and associated footnotes into a table format.

- Updates references.
- Information conveyed in tables is more user-friendly.

Minimum setback: Specified in a streetscape plan.
 • **Fences and walls:** Not allowed in the established setback, except as screening for parking.

- Setback requirements remain unchanged. Adds several following new footnotes in a table format:
 - **Architectural features:** If new development is across a local public or private street from, or abutting on the same side of the street, existing single family zoning, then one-story porches and stoops may encroach into the setback up to 8', but must be located behind the required sidewalk. Eaves, steps and cornices may encroach up to 3' into the setback.
 - **Utilities:** Above ground, at ground, and below ground utility structures associated with underground electric, natural gas, telecommunications or cable television distribution lines, pipes or conduits shall be located behind the minimum setback.
 - **Fences and walls:** May be located in the setback, behind the required sidewalk, but not exceed 3' in height. Construction materials include brick, stone, finished masonry materials, wood posts and plants, or metal, or other materials designed as fencing materials, or any combination of these materials.
- Places information and associated footnotes into a table format.

- Adds flexibility for architectural features allowed in the setback in certain conditions.
- Clarifies the location of utilities.
- Allows fences and walls to be located in the setback with conditions.

Parking standards: Minimums.
 • Hotels & motels: .5 space per room
 • Religious institutions: 1 space per 8 seats
 • Residential: 1 space per dwelling unit
 • Restaurants/Nightclubs: 1 space per 125 sq. ft.
 • All other Nonresidential Uses: 1 space per 600 sq. ft.

- Modifies the parking for religious institutions from a minimum of 1 parking space per 8 seats, to a maximum number of 1 parking space per 8 seats.
- Modified the minimum parking requirement for Multi-family Elderly or Disabled from 1 space per dwelling unit to .25 spaces per unit.
- Modifies the 25% parking reduction regulations to allow a public parking facility located within 400 feet that has at least 25%, instead of 100% of the parking spaces available for public use.
- Removes references to the dimensions of parking spaces and aisles, since those are

- Modifies parking requirements to meet the purpose and characteristics of Pedestrian Overlay districts.
- Removes text required by

	<p>located in another document.</p> <ul style="list-style-type: none"> • Removes the requirement that at least 75% of the parking spaces must be full-sized spaces. • Allows recessed parking spaces located in the public right-of-way to count toward the minimum required parking spaces. • Removes the provision allowing on-street parking located across the street from a use to be counted toward meeting minimum requirements, if that property is undevelopable. • Modifies the staff members who review and approve a parking lease agreement to the Director of Engineering and Property Management and the Zoning Administrator. • Adds new standards for multi-family buildings located across from or adjacent to single family zoning on local streets: <ul style="list-style-type: none"> • Parking pads and driveways for individual units are not permitted, except for corner lots and lots of 50' or more in width. • Corner lots may have driveway access to a public street from the side yard. • Shared driveways accessing multiple garages or parking areas, garages, or parking areas accessed by alleys are permitted if the garages are located to the rear of the structure. • Front-loaded garages may be approved by the Planning Director if the site shape, environmental and/or topographic challenges exist. • Updates section reference numbers. • Places information and associated footnotes into a table format. 	<p>the Land Development ordinance.</p> <ul style="list-style-type: none"> • Clarifies roles and responsibilities of staff. • Adds parking standards for multi-family buildings in certain conditions. • Reformats certain parts of the section for clarity.
<p><u>Loading standards:</u> Vary by building size.</p> <ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • <u>Loading standards:</u> <ul style="list-style-type: none"> • Adds a new requirement that loading and service areas shall not be located across from single-family zoning or abutting single family zoning on the same side of the street. • Clarifies that existing buildings, <u>without expansion</u>, are exempt from the loading standards. 	<ul style="list-style-type: none"> • Restricts loading/service areas in certain conditions. • Allows flexibility for loading and service areas in certain conditions.
<p><u>Height:</u> Maximum height is 100'.</p>	<ul style="list-style-type: none"> • <u>Base Height:</u> The base height shall be 40 feet. <ul style="list-style-type: none"> • <u>For new development across a local (public or private) street from existing single family zoning</u>, the base height shall be measured at the minimum setback line. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the required yard. • <u>For new development abutting on the same side of a local (public or private) street as existing single family zoning</u>, the base height shall be measured at the required yard. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the required yard. • <u>For all other parcels</u>, the permitted maximum height shall be determined by the distance from the structure to the boundary line of the nearest single family residential district. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from single family zoning 	<ul style="list-style-type: none"> • Clarifies height regulations. • Adds stricter height regulations in certain conditions.

	<p>district(s).</p> <ul style="list-style-type: none"> • Maximum height: Remains unchanged. 	
<p>Urban Open Spaces: No existing regulations.</p>	<ul style="list-style-type: none"> • Adds new regulations for urban open spaces for all new development on 1+ acre lots. <ul style="list-style-type: none"> • Provide private open space, accessible and visible to residents/users. • Provide public urban open space, accessible and open to the public. • All required open space shall be located behind the sidewalk and on private property. • Residential requirements: <ul style="list-style-type: none"> • Private open space: 1 sq. ft/100 sq. ft GFA or 1 sq. ft/200 sq. ft of lot area, whichever is greater. • Public open space: None. • Nonresidential requirements: <ul style="list-style-type: none"> • Private open space: None. • Public open space: 1 sq. ft/100 sq. ft GFA or 1 sq. ft/200 sq. ft of lot area, whichever is greater. 	<ul style="list-style-type: none"> • Requires open space for new development over one acre.
<p><u>Urban Design Standards</u></p>		
<p>Street Walls:</p> <ul style="list-style-type: none"> • First floor of buildings fronting on a street shall be designed/used for retail or office uses. • No blank walls over 20' in length. • Transparent windows and doors shall be arranged so that uses are visible from the street on at least 25% of the first floor street frontage. <ul style="list-style-type: none"> • When transparent windows and doors are not feasible, other design elements to animate the streetscape shall be provided. 	<ul style="list-style-type: none"> • Clarifies regulations by stating that active uses, instead of retail or office uses, must occupy the first floor of all buildings fronting onto a public street. • Deletes the requirement for 25% of the first floor street frontage to provide transparent windows and doors. • Modifies the design elements to include porches or stoops in addition to molding, string course, belt courses, changes in material or color, architectural lighting, works of art, display areas. • Deletes the following design elements: ornamentation, fountains and pools, street furniture, landscaping and garden areas. • Adds new requirements for street walls across from, or next to single family zoning: <ul style="list-style-type: none"> • Roof line variation every 30'. • Porches, if provided, shall be a minimum of 6' in depth. • Entrances that face the street for ground floor units shall be provided. No more than 4 ground floor units can utilize the same entrance. • Façade variations shall visually separate individual units. 	<ul style="list-style-type: none"> • Adds standards to ensure the street level of buildings are articulated with uses or architectural features. <p>Add design standards for buildings across from or next to single family zoning.</p>
<p>Structured Parking Facilities:</p> <ul style="list-style-type: none"> • Designed to encourage and complement pedestrian interest and activity. • Cars on all levels to be screened from view from the street, with decorative elements • Street level frontage shall be available for commercial or residential space. 	<ul style="list-style-type: none"> • Adds new requirement that the first floor of structured parking facilities fronting a public street shall be designed and/or used for active uses. These uses shall include transparent windows and doors so that the uses are visible and/or accessible to the street on at least 50% of the length of the first floor building elevation along the first floor street frontage. 	<ul style="list-style-type: none"> • Add standards to ensure the street level of structured parking facilities are articulated with uses or architectural features.

<p><u>Canopies:</u></p> <ul style="list-style-type: none"> Encouraged at entrances and in open space areas. Supports can extend from the building to within 2' of the back of the curb. No supports in the setback. 	<ul style="list-style-type: none"> No changes. 	
<p><u>Building Entrances:</u></p> <ul style="list-style-type: none"> At least one entrance per building must face a street or transitway. Entrance to be recessed into the building and at least 15 sq. ft. in area. 	<ul style="list-style-type: none"> Adds new requirements: <ul style="list-style-type: none"> Single family and townhouse units are only required to have an entrance on one building façade fronting a street. On corner lots, these units may provide one main entrance oriented to the corner or facing either of the streets. First floor shall be visually and physically separated from the sidewalk. Examples: increase the setback, install additional landscaping, raising or lowering the first floor, etc. 	<ul style="list-style-type: none"> Amends building entrances to address massing of certain residential and non-residential structures.
<p><u>Signs, Banners, Flags, Pennants</u></p> <ul style="list-style-type: none"> No pole signs permitted, only ground mounted signs, monument signs, or wall signs. No outdoor advertising signs. Signs can project 9' into required setback or ½ the width of the required setback, whichever is less. 	<ul style="list-style-type: none"> No changes. 	
<p><u>Streetscape Requirements:</u></p> <ul style="list-style-type: none"> Sidewalks and trees installed in accordance with streetscape plan. 	<ul style="list-style-type: none"> No changes. 	
<p><u>Valet Parking Service Standards</u></p> <ul style="list-style-type: none"> Valet parking service is permitted on a case-by-case basis. Located at back of the existing curb or on private property. 	<ul style="list-style-type: none"> No changes. 	

Petition #: 2011-
Petitioner: Charlotte-Mecklenburg Planning Department

ORDINANCE NO. _____ **AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE – ZONING ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. TABLE OF CONTENTS

- a. Amend the Table of Contents section related to Chapter 10, Part 8, “Pedestrian Overlay District” and add the new page number references. The text shall read as follows:

<u>Part 8: Pedestrian Overlay District</u>	
10.801. Purpose.....	10-78
10.802. Uses.....	10-78
10.803. Development standards.....	10-79
10.804. Urban design standards.....	10-84
10.805. Applicability.....	10-88
10.806. Administrative approval.....	10-91
10.807. Board of Adjustment.....	10-91
10.808. Pedestrian Overlay District (Optional); purpose.....	10-91
10.809. Pedestrian Overlay District (Optional); application.....	10-92
10.810. Pedestrian Overlay District (Optional); review and approval.....	10-92
10.811. Effect of approval; alterations.....	10-92
10.812. Preliminary review.....	10-92
10.801. <u>Purpose</u>	10-
10.802. <u>Administrative Approval</u>	10-
10.803. <u>Board of Adjustment</u>	10-
10.804. <u>Pedestrian Overlay District (Optional); Purpose</u>	10-
10.805. <u>Pedestrian Overlay District (Optional); Application</u>	10-
10.806. <u>Pedestrian Overlay District (Optional); Review and Approval</u>	10-
10.807. <u>Pedestrian Overlay District (Optional); Effect of Approval; Alterations</u>	10-
10.808. <u>Preliminary review</u>	10-
10.809. <u>Applicability</u>	10-
10.810. <u>Uses</u>	10-
10.811. <u>Development standards</u>	10-
10.812. <u>Urban design standards</u>	

B. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, “Definitions” by adding new definitions for “Active Uses”, “Outdoor Storage” and “Urban Open Space”. The ~~revised and~~ new definitions shall read as follows:

Active Uses

.Uses that are permitted by right or under prescribed conditions except parking.

Outdoor Storage.

The temporary or permanent storage of products, supplies, and equipment located outside of a building. Outdoor storage of any type is considered an accessory use.

Urban Open Space.

Spaces for private or public congregation and recreational opportunities designed to be easily observed from the street, pedestrian circulation areas or common areas.

C. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

Delete Chapter 10, Part 8 in its entirety. Replace with the following text. The regulations have been reorganized and renumbered. For ease of understanding the modifications, new inserted text is shown with underlining, while text proposed for deletion is shown with strikethroughs.

Section 10.801. Purpose.

The purpose of the Pedestrian Overlay District (PED) is to reestablish an urban fabric by promoting a mixture of uses in a pedestrian-oriented setting of moderate intensity and to support economic development along business corridors. The district encourages the reuse of existing ~~buildings~~ structures, particularly those that contribute to the unique character or history of the area. The standards also encourage high quality design, mixed use development, the use of public transit, and development, which complements adjacent neighborhoods.

Section 10.802 6. Administrative Approval.

To offer some degree of flexibility the Planning Director, or designee, has the authority to administratively alter any of the development and urban design standards by 5% in this overlay district. If administrative approval is for parking, the Planning Director, or designee, will only grant this approval after consulting with ~~the~~CDOT. On matters that do not involve quantitative

measurements, the Planning Director, or designee, may also make minor alterations if ~~he/she~~ it is determined that such changes would be an innovative design approach to development and/or would be in keeping with the general intent of the PED.

~~Any approval must meet the following criteria~~ Administrative approvals shall be considered under the following circumstances:

- (1) ~~Incorporates~~ Incorporation of existing buildings, trees, topographic features, or other existing elements consistent with the PED intent; ~~and~~
- (2) ~~Provides~~ Provision of urban open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the PED, or;
- (3) Difficulty implementing PED standards due to site constraints such as lot configuration, lot size, lot width, mature trees, topography, number of streets or other physical constraints.

Section 10.803 ~~7~~. Board of Adjustment.

The Board of Adjustment shall have no jurisdiction to grant variances from the development and urban design standards of Sections 10.811 and 10.812 ~~10.804~~. A deviation from a development or urban design standard, however, can be obtained as a result of administrative approval pursuant to Section 10.802 ~~10.806~~ or as a result of a Council-approved Pedestrian Overlay District (Optional). The Board shall have no jurisdiction with respect to an interpretation of, or decision about, Section 10.811 or 10.812 ~~10.803's or 10.804's~~ development and urban design standards except as a result of notice of zoning violation for which an appeal can be filed to the Board.

Section 10.804 ~~08~~. Pedestrian Overlay District (Optional); Purpose.

The Pedestrian Overlay District (PED) establishes minimum standards for development. However, circumstances may arise which those regulations do not address or did not foresee. Therefore, this section establishes an alternative process by which the City Council may evaluate and approve development, which does not meet the minimum standards of the PED.

The Pedestrian Overlay District (Optional), or PED-O, is established to provide a mechanism to review and address new development concepts, innovative designs, special problems, public/private ventures, and other unique proposals or circumstances, which cannot be accommodated by the standards of the PED. It also serves as a mechanism for altering or modifying of these minimum standards as they relate to a specific development.

The PED standards form the basic framework as guidelines that will be used to evaluate a PED-O proposal, but any of the standards in the PED may be modified in the approval of the PED-O application.

Section 10.805 ~~09~~. Pedestrian Overlay District (Optional); Application.

Petitions for a zoning map amendment to establish a PED-O should be submitted to the

Charlotte-Mecklenburg Planning ~~Department Commission~~. A PED-O classification will be considered only upon application of the owner of the subject property or his duly authorized agent. Applications must be accompanied by a schematic plan and by any supporting text that becomes a part of the amending ordinance.

Section 10.80610. Pedestrian Overlay District (Optional); Review and Approval.

The establishment of the Pedestrian Overlay District (Optional) shall be in accordance with the procedures of Section 6, Part 2: Conditional Zoning Districts. The City Council will also consider the extent to which the basic standards of the PED are proposed to be modified, the impacts of those modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications.

Section 10.80711. Pedestrian Overlay District (Optional); Effect of Approval; Alterations.

Changes to approved plans and conditions of development will be treated the same as changes to the Zoning Map and will be processed in accordance with the procedures in Section 10.802, 10.806, “Administrative Approval”.

Section 10.80812. Preliminary review.

Applicants planning any development or redevelopment in a PED area are required to meet with the Charlotte-Mecklenburg Planning staff, Engineering and Property Management Department, and Charlotte Department of Transportation at two points in the design process: (1) during the conceptual design process in order that the staff may offer input into urban design objectives and to interpret the approved streetscape plan for that area, and (2) during the design development stage to insure that the plans meet the desired objectives and the minimum standards for the district. The Pedestrian Overlay District (Optional) process does not exempt applicants from this preliminary review. Building permits will not be issued until the Planning Department Commission staff approves the proposal as in conformance with this ordinance.

Section 10.809 ~~5~~. Applicability.

The PED will be applied to selected corridors as an overlay to existing zoning districts, but will not be applicable to the Mixed Use Development District (MUDD), Uptown Mixed Use District (UMUD), and the Neighborhood Services District (NS). If the regulations and standards of this Pedestrian Overlay District conflict with those of the underlying district, those of this overlay district shall apply, with one exception. If the regulations and standards of this Pedestrian Overlay District conflict with those of an Historic Overlay District, then Historic Overlay District regulations and standards for exterior features as described in Section 10.204 shall take precedence over the PED regulations and standards. (*Petition No. 2007-119, § 10.805, 11/19/07*)

A PED is not established until a rezoning petition is approved designating the boundaries for the particular corridor and a streetscape plan is approved by the City Council. The designated PED shall be shown on the official zoning maps. The development and urban design standards for a PED are stated in Sections 10.811 10.804 and 10.812 10.805 respectively.

Exceptions to Applicability.

New development within areas designated as PED is subject to the development and urban design standards of PED, with the following exceptions:

- (a) Change of Use, Non-Residential to Non-Residential With No Expansion
 - (1) A change of use in an existing building from a non-residential use to another non-residential use that does not require more than five (5) additional parking spaces based on the PED parking standards will require screening of existing and expanded parking. However, none of the other PED requirements will apply.
 - (2) A change of use in an existing building from a non-residential use to another non-residential use that requires more than five (5) additional parking spaces based on the PED parking standards must provide all of the additional required parking and streetscape improvements. Existing parking must comply with the parking lot screening requirements of PED. Any additional parking must conform to the requirements of the PED, but none of the other PED requirements are applicable.

- (b) Change from a Residential Use to a Non-Residential Use With No Expansion
(Petition No. 2009-011, § 10.805(b), 02/16/09)

If a residential use is changed to a non-residential use with no expansion, the use is exempt from the PED requirements except the following shall apply:

- (1) Implement streetscape requirements of Section 10.812(1)(g) ~~10.804(1)(f)~~.
 - (2) Remove any existing parking that may be in conflict with the provision of the streetscape requirements of Section 10.812(1)(g) ~~10.804(1)(f)~~.
 - (3) Meet buffering and screening requirements of Section 10.811(4) and (5) ~~10.803(8) and (9)~~.
 - (4) Provide required parking as per Section 10.811(2) ~~10.803(6)(a)~~.
 - (5) Provide a 5' sidewalk connection between the building and the sidewalk on all adjoining public streets.
- (c) Expansions of less than 5% 25% of the building area or 1,000 square feet, whichever is less, are exempt from the PED requirements except:
 - (1) Such expansion must meet the minimum setback, yard and height requirements of PED.
 - (2) Provide any required additional parking according to the PED standards for the amount of the expansion.

(3) The amount of expansion is cumulative as of the adoption of this text amendment (XX/XX/2011).

(d) Expansions of more than 5% 25% or 1000 square feet, whichever is less:
(Petition No. 2009-011, § 10.805(d), 02/16/09)

- (1) Implement streetscape requirements of Section 10.812(1)(g) ~~10.804(1)(f)~~.
- (2) Remove any existing parking that may be in conflict with the provision of the streetscape requirements of Section 10.812(1)(g)~~10.804(1)(f)~~.
- (3) Meet buffering and screening requirements of Section ~~10.803(8) and (9)~~.
10.811(4) and (5).
- (4) Provide required parking as per Section ~~10.803(6)(a)~~ 10.811(2).
- (5) Provide a 5' sidewalk between the building and the sidewalk on all adjoining public streets.

(e) Creation or expansion of outdoor seating

- (1) Creation or expansion of outdoor seating is not considered an expansion of the building area.
- (2) Additional parking spaces shall not be required unless such outdoor seating requires more than 5 added spaces based on the PED parking standards. Any additional parking must conform to the requirements of the PED, but none of the other PED requirements are applicable.
- (3) Outdoor seating within an existing right-of-way or public sidewalk easement must have an encroachment agreement approved by the CDOT.

~~(f) Major facade improvements to existing buildings:~~
(Petition No. 2009-011, § 10.805(f), 02/16/09)

~~New exterior improvements (beyond paint and general maintenance such as roof or window repair or replacement) that exceed 25% of the current listed tax value of the entire property shall be subject to the following:~~

- ~~(1) Meet the streetscape and screening requirements of Section 10.804(1)(f) and Section 10.803(8).~~
- ~~(2) Remove any existing parking that may be in conflict with the provision of the streetscape requirements of Section 10.804(1)(f).~~

~~(f)(g) Additional parking for existing development~~

~~No additional parking areas may be developed in the established setback.~~

(g)(h) Removal of Required Buffer for Additional Parking

If an existing buffer or screening area is removed for more than five (5) additional parking spaces, an equal number of existing non-conforming parking spaces within the established setback must be removed and replaced with landscaping, patios and/or other related amenities, in addition to the requirements of Section ~~10.812(1)(g)~~~~10.804(1)(f)~~. The additional parking must meet the requirements of this overlay district. (*Petition No. 2002-147, § 10.805(h), 1/21/03*)

Section 10.81002. Uses

The uses permitted in the PED shall include those permitted by right and under prescribed conditions in the underlying district, except outdoor storage, outdoor advertising signs, and drive-through service windows for restaurants or retail uses. All permitted accessory uses will also be allowed except drive-thru windows for restaurants and retail establishments and outdoor advertising signs. (*Petition No. 2009-011, § 10.802, 02/16/09*)

In addition the following uses shall be permitted subject to the following requirements:

- (1) Dwellings, mixed use, subject to the standards of PED.
- (2) Drive-through service windows for offices must be located to the rear of the building, and are limited to no more than four (4) drive-through stations, including lanes servicing Automatic Teller Machines (ATM's).
(*Petition No. 2002-147, § 10.802(2), 01-21-03*)
- (3) Nightclubs, bars and lounges as a principal use, shall be subject to the standards of this overlay district, and be at least 400 feet from any residential use in a residential district or from a residential district. This separation distance may be reduced by a streetscape plan approved by the City Council.
- (4) Off street parking lots, that are not an accessory use, with 5 or more spaces shall be subject to the PED streetscape and screening standards.

The following use, which is not permitted in the underlying district, shall be permitted:

- (1) Residential uses in an underlying industrial district, subject to the standards of this overlay district.

Section 10.81103. Development standards.

The following PED Overlay standards and requirements have precedence over the underlying zoning district standards and requirements, with one exception. If the regulations of PED conflict with those of a Historic Overlay District, then Historic Overlay District regulations and standards for exterior features as described in Section 10.204 shall take precedence over the PED regulations and standards. The PED development standards shall apply to all buildings or uses in PED unless specified otherwise in Section ~~10.809~~~~10.805~~. (*Petition No. 2007-119, § 10.803, 11/19/07*)

(1) Areas, yard and bulk regulations shall be as follows:

Table 10.811(1)

<u>Minimum Lot Area</u>	<u>None</u>
<u>Maximum Floor Area Ratio (FAR)</u>	<u>None</u>
<u>Minimum Setback (feet)¹⁻⁶</u>	<u>Varies</u>
<u>Minimum Side Yard (feet)</u>	
- <u>Abutting residential use or zoning</u>	<u>5 feet</u>
- <u>All other conditions</u>	<u>None</u>
<u>Minimum Rear Yard (feet)</u>	
- <u>Abutting residential use or zoning</u>	<u>20 feet</u>
- <u>All other conditions</u>	<u>5 feet</u>
<u>Base Height</u>	<u>40 feet</u>
<u>Maximum Height (feet)⁷⁻⁹</u>	<u>100 feet</u>

Table 10.811(2) Footnotes

<u>Setback Footnotes</u>	
<u>¹Minimum Building Setback</u>	<p>For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented.</p> <p>The minimum building setback will be specified in a streetscape plan approved by the City Council. The minimum setback will be measured from the back of all existing or future curbs, whichever is greater.</p> <p>If new construction incorporates an existing structure located within the required setback, the Charlotte Department of Transportation (CDOT) and Planning Department staff may allow the setback for the addition to be reduced to the established setback. In no event shall the setback of any portion of the new structure be less than ten (10) feet from the back of the curb.</p> <p>If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line will become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined by the Charlotte Department of Transportation (CDOT) in conjunction with the Planning Department staff.</p>
<u>²Architectural Features</u>	<p>For new development across a local (public or private) street from, or abutting on the same side of a local street as, existing single family zoning (R-3, R-4, R-5, R-6, and R-8), one story screened or open air porches and stoops may encroach into the setback up to 8 feet, but shall be located behind the required sidewalk. Architectural features such as eaves, steps and cornices may encroach up to 3 feet into the setback.</p>
<u>³Charlotte Tree Ordinance</u>	<p>The “Charlotte Tree Ordinance” will be applicable in addition to any approved streetscape plan.</p>
<u>⁴Doorways</u>	<p>No new doors shall be allowed to swing into the minimum setback, except for emergency exit doors.</p>
<u>⁵Utilities</u>	<p>All above ground, at ground, and below ground utility structures associated with underground electric, natural gas, telecommunications or cable television distribution lines, pipes, or conduits shall be located behind the minimum setback, except as allowed by any City right-of-way ordinances.</p>
<u>⁶Fences</u>	<p>Fences and walls may also be located in the setback, behind the required sidewalk, but shall not exceed 3 feet in height above grade. All fences and walls shall be constructed in a durable fashion of brick, stone, other finished masonry materials, wood posts and planks or metal or</p>

	<u>other materials specifically designed as fencing materials or any combination thereof .</u>
<u>Height Footnotes</u>	
<u>7Base Height</u>	<p><u>The base height shall be 40 feet.</u></p> <p><u>For new development across a local (public or private) street from existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40' base height shall be measured at the minimum setback line. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the required yard.</u></p> <p><u>For new development abutting on the same side of a local (public or private) street as existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40' base height shall be measured at the required yard. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the required yard.</u></p> <p><u>For all other parcels, the permitted maximum height shall be determined by the distance from the structure to the boundary line of the nearest single family residential district (R-3, R-4, R-5, R-6, and R-8). The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from single family zoning district(s).</u></p>
<u>8Maximum Height</u>	<u>The permitted maximum height shall be determined by the distance from the structure to the boundary line of the nearest single-family residential district.</u>
<u>9Proximity to Single Family Zoning</u>	<u>For buildings located across the street from single family zoning the height shall be measured from the setback line of the PED zoned property.</u>

~~(6)~~(2) Parking standards

Provisions for parking and loading shall conform to the general requirements of CHAPTER 12, PART 2, OFF-STREET PARKING AND LOADING, except as provided for in this section.

Table 10.811(3) Number of Parking Spaces

<u>Use</u>	<u>Minimum/Maximum Number of Parking Spaces</u>
Hotels and motels	<u>Minimum 0.5 spaces per room</u>
Religious institutions	<u>Maximum One (1) space per 8 seats</u> <i>(Petition No. 2002-147, § 10.803(6)(a), 01-21-03)</i>
Residential	<u>Minimum One (1) space per dwelling unit.</u> <u>Minimum .25 spaces per unit for Multi-Family Elderly or Disabled</u>
Restaurants/Nightclubs	<u>Minimum One (1) space per 125 square feet</u>
All Other Non-Residential Uses	<u>Minimum One (1) space per 600 square feet</u>

~~(a)~~(b) The required number of parking spaces for any building within the district, including mixed use buildings, is the sum total of the requirements for each use in the building calculated separately.

(b) A 25% parking reduction is allowed if the property is located within 400 feet of a parking facility available to the general public. (Such facility

must be wholly available provide at least 25% of the parking spaces for public use.) This section in combination with Section 12.202(2) allows for no more than a total of 25% parking reduction.

~~(e) For new parking, the minimum stall and aisle dimensions must conform to those of the current Charlotte-Mecklenburg Land Development Standards Manual. At least 75% of the required spaces must be full-sized spaces.~~

(cd) No surface parking or maneuvering space is permitted within any required or established setback, or between the permitted use and the required setback, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible.

(de) Underground parking structures are permitted, except within any required setback.

~~(ef) On-street parking spaces located along the portion of a public street(s) abutting the use where parking is currently permitted may be counted toward the minimum number of parking spaces as required by this ordinance. Those on-street parking spaces must be located on the same side(s) of the street as the use, have a dimension of at least 22 feet in length, and be in locations approved by the Charlotte Department of Transportation (CDOT). However, on-street parking directly across the street from the use may be counted if that parking abuts property, which is undevelopable because of physical constraints. On-street parking or recessed parking entirely within the public right-of-way is permitted in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance if they are located on the same side(s) of the street and abutting the use.~~

In the event that the City or State removes any on-street parking that was allowed to count toward the minimum requirement, the existing use will not be required to make up the difference and will not be made non-conforming.

~~(f) All recessed on-street parking shall have a minimum width of 8 feet measured from face of curb. Reserved~~

(g) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the Director of Engineering and Property Management, ~~(for commercial and multi-family projects, change of use permits) and the Zoning Administrator. or the Director of Neighborhood Development (for residential projects, and~~

~~change of use permits), or their designee(s).~~
(Petition No. 2005-78, § 10.803(6)(g), 06/20/05)

(i) Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required planting strips. Parking and driveways ~~that is~~ located to the side of the primary structure may cover no more than 35% of the total lot width.

(j) The five-foot planting strip or wall as required under Section ~~10.803(8)(a)~~ 10.811(4)(a) may be eliminated ~~if~~ between abutting parking lots that are combined or interconnected with vehicular and pedestrian access. If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance. Surface parking lots shall conform to the “Charlotte Tree Ordinance”.

(Petition No. 2002-147, § 10.803(6)(i), 1/21/03)

(k) The bicycle parking standards of Section 12.202 and Section 12.202A are applicable in this district.

(Petition No. 2005-013, § 10.803(6)(j), 3/21/05)

(l) For multi-family buildings (three or more units) located across from or adjacent to single family zoning on local streets:

(1) Parking pads and driveways for individual multi-family residential units shall not be permitted along public or private streets, except for corner lots and lots at least fifty (50) feet in width.

(2) Corner lots may have driveway access to a public street from the side yard.

(3) Shared driveways accessing multiple garages or parking areas, and garages or parking areas accessed by alleys are permitted if the garages are to the rear of the structure.

(4) Front-loaded garages may be approved by the Planning Director if site shape, environmental and/or topographic challenges exist that present significant site constraints.

~~(7)~~(3) Loading standards

(a) Non-residential buildings and structures, excluding parking structures, subject to the provisions of this Part must provide a minimum number of off-street service/delivery parking spaces. These spaces must be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These parking spaces must not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by Section 20-29[14-25] of the City Code. These parking spaces must be a minimum of 10 feet by 25 feet and be provided in accordance with the following:

Non-residential uses with gross floor area:

Less than 50,000 square feet:	None required
50,000 – 150,000 square feet:	One (1) space
Each additional 100,000 square feet:	One (1) space

Existing buildings without expansion are exempt from these loading standards.

- (b) No loading spaces may be permitted within any required or established setback, or between the permitted use and the required setback, except that driveways providing access to the loading area may be installed across these areas. It is the intent that these driveways are as nearly perpendicular to the street right-of-way as possible.
- (c) Loading and service areas shall not be located across from single family zoning or abutting single family zoning on the same side of the street.

~~(8)~~(4) Screening.

- (a) All surface parking lots for more than 10 vehicles, service entrances or utility structures associated with a building, loading docks or spaces and outdoor storage of materials, stock and equipment must be screened from the abutting property and view from a public street or from a transitway as designated by an adopted plan. Such screening shall consist of either a 5-foot wide planting strip consisting of evergreen shrubbery according to the provisions of Section 12.303(2), or a 3-foot high minimum to a 3.5-foot high maximum solid and finished masonry wall or alternative as approved by the Planning Director. However, a wall cannot be substituted for the planting strip along any public street or transitway unless supplemented by landscaping in a minimum 3-foot wide planting strip. Screening may be reduced in height to 30 inches within sight triangles as required by the CDOT.
- (b) Dumpsters or trash handling areas must always be screened from adjacent property and from public view with a minimum 6-foot high solid and finished masonry wall with a solid and closeable gate. A solid wooden fence may be substituted if the dumpsters or trash handling areas are not visible from a public street or transitway. Dumpsters are not allowed in any required setback or yard space.
- (c) The Planning Director, or his or her authorized designee, shall have the authority to modify the screening requirements, including modification of the 5' wide planting strip, as long as the intent of this section is met.
(Petition No. 2009-011, § 10.803(8)(c), 02/16/09)

~~(9)~~(5) Buffers.

- (a) All uses in the PED, other than single-family detached units, must provide buffering along all edges abutting residential districts. In addition, uses in PED, which are separated from a residential district by an alley of 25 feet or less, must also provide buffering along all edges abutting the alley. However, multi-family developments abutting multi-family uses or undeveloped multi-family zoning districts are exempt from this buffering requirement.
- (b) Such buffering shall consist of a 10-foot wide planting strip. The planting strip shall consist of a combination of evergreen trees and evergreen shrubs. Plant materials will be provided at a minimum of six (6) trees and twenty (20) shrubs per 100 linear feet in accordance with Section 12.302(9)(b), (c), (d) and (e). The 10-foot wide planting strip may be reduced to 8 feet and the shrubs need not be planted if a masonry wall with a minimum height of 6 to 8 feet in a side yard or 8 to 10 feet in a rear yard is installed. This buffering area may be interrupted with a gate/pedestrian access way to an adjacent site.

(6) ~~(10)~~ Outdoor lighting.

- (a) The maximum height of the light source (light bulb) detached from a building shall be 20 feet.
- (b) All outdoor lighting will be screened in such a way that the light source cannot be seen from any adjacent residentially used or zoned property.

~~(11)~~(7) Urban open spaces.

- (a) All new development on lots one acre or more in size must provide urban open space.
- (b) Private open space is defined as an area that is:
 - (1) Accessible and visible to residents, tenants, and/or users of the development.
 - (2) Improved with seating, plantings, or other amenities.
 - (3) Located on the ground floor or first level of the development, a roof or terrace level, balconies, patios, in an interior courtyard area of the development, or a combination of these locations.
 - (4) Out of doors, or in the open air (may be under a roof or canopy).
- (c) Public urban open space is defined as an area that is:
 - (1) Accessible and open to the public.
 - (2) Improved with seating, plantings, or other amenities.
 - (3) Visible and accessible from the street or public pedestrian areas.
 - (4) Located on the ground floor or no more than five feet above or five feet below ground level.

(5) Out of doors, or in the open air (may be under a roof or canopy).

(d) All required open space shall be located behind the sidewalk and on private property.

(e) Open space requirements are based on the type of use, the lot size, and the gross square footage of building floor area, in accordance with the following schedule:

Table 10.811(4) Open space

<u>Use</u>	<u>Private open space</u>	<u>Public open space</u>
<u>Residential use</u>	<u>1 sq. ft/100 sq. ft. gross floor area or 1 sq. ft./200 sq. ft. lot area, whichever is greater.</u>	<u>None required.</u>
<u>Non-residential use</u>	<u>None required.</u>	<u>1 sq. ft/100 sq. ft. gross floor area or 1 sq. ft./200 sq. ft. lot area, whichever is greater.</u>

Section 10.812 04. Urban design standards.

(1) Design Standards.

All buildings and uses developed in this overlay district must meet the following minimum standards:

(a) Street Walls. The first floor of all buildings must be designed to encourage and complement pedestrian-scale interest and activity.

(1) The first floor of all buildings fronting a public street must be designed and/or used for retail or office active uses. ~~fronting directly to a street.~~ These uses must include transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor building elevation along the first floor street frontage.

(2) Expanses of blank walls may not exceed 20 feet in length. A blank wall is a facade that does not add to the character of the streetscape and does not contain transparent windows or doors or sufficient ornamentation, decoration or articulation.

~~For all other uses it is intended that this be accomplished principally by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 25% of the length of the first floor street frontage.~~

When this approach is not feasible, ~~a combination of design~~ architectural elements must be used on the building facade ~~and/or~~

~~in relationship to the building at street level, to animate and enliven the streetscape. These design elements may include, but are not limited to: the following: ornamentation; molding; string courses; belt courses; changes in material or color; architectural lighting; works of art; fountains and pools; street furniture; landscaping and garden areas; and display areas; porches, or stoops.~~

(3) Ventilation grates or emergency exit doors located at the first floor level in the building facade oriented to any public street must be decorative.

(b) Street walls across from or next to single family. For buildings across from single family zoning or abutting single family zoning on the same side of the street the following standards shall be met:

(1) Roof line variation every 30 feet is required. This can be accomplished by using vertical offsets in ridge lines, gables, cornices, dormers, roof top patios, material changes, and/or other architectural features such as trellises, portals or porches.

(2) Porches, if provided, shall be at least 6 feet in depth. A porch is defined as a covered platform, usually having a separate roof, at an entrance to a building.

(3) Entrances that face the street for ground floor units shall be provided. No more than four ground floor units shall be allowed to utilize the same entrance.

(4) Façade variations shall be provided that visually separate individual units. This can be accomplished through measures such as window arrangement and size variation, unit entrance design, roof variation, material changes, and/or offset wall planes.

(b)(c) Structured Parking Facilities. Structured parking facilities must also be designed to encourage and complement pedestrian scale interest and activity.

(1) The first floor of structured parking facilities fronting a public street must be designed and/or used for active uses. These uses must include transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor building elevation along the first floor street frontage.

(2) Structured parking facilities must be designed so that the only openings at the street level are those to accommodate vehicular entrances and pedestrian access to the structure. In the event that any openings for ventilation, service, or emergency access are

located at the first floor level in the building facade, they must be decorative and must be an integral part of the overall building design. These openings, as well as pedestrian and vehicular entrances, must be designed so that cars parked inside are not visible from the street or transitway.

(3) The remainder of the street or transitway level frontage must be either available for commercial or residential space or an architecturally articulated facade designed to screen the parking areas of the structure and to encourage pedestrian scale activity. If fronting on a Class III (major arterial) or Class IV (minor arterial) street the portion of the first level along the thoroughfare frontage must be available for retail, office, or residential space.

(4) Cars on all levels of a structured parking facility must be screened from view from the street utilizing decorative elements such as grillwork or louvers.

~~(e)~~(d) Canopies. Canopies, awnings and similar appurtenances are encouraged at the entrances to buildings and in open space areas. Such features may be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such facility may extend from the building to within two (2) feet of the back of the curb. Supports for these canopies are not allowed in the minimum setback. If this extension would reach into the public right-of-way, an encroachment agreement from the City or State is required.

(e) Building Entrances.

(1) At least one operable pedestrian entrance per building must face a street or transitway and be distinguishable from the rest of the building. Such entrances must be recessed into the face of the building with a minimum 15 square foot area to provide a sense of entry and to add variety to the streetscape. No new doors will be allowed to swing into the minimum setback, except for emergency exit doors.

(2) Single family and townhouse units are only required to have an entrance on one building façade fronting a street. On corner lots, single family dwellings and town homes may provide one main entrance oriented to the corner or facing either of the streets.

(3) To provide a level of comfort and security for residents on the first floor of residential buildings on major thoroughfares, the first floor shall be visually and physically separated from the sidewalk. Examples include increasing the setback, installing additional landscaping, raising or lowering the first floor or other methods.

~~(f)~~(e) Signs, Banners, Flags and Pennants. Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 13, except for the following:

- (1) Specifications for permanent signs shall be according to Section 13.108a, except for signs located on any building wall of a structure shall have a maximum sign surface of all signs on one wall not to exceed 5% of building wall area to which the sign is attached, up to a maximum of 100 square feet. Wall signs may be increased by 10% per sign in lieu of a ground mounted or monument sign.
(Petition No. 2002-147, § 10.804(e)(1), 1/21/03)
- (2) No permanent detached pole signs shall be permitted in PED.
- (3) Ground mounted or monument signs are allowed as follows:
 - a. Not to exceed 5 feet in height and 20 square feet in area.
 - b. Located behind the right-of-way and out of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).
 - c. Signs must be located a minimum of 14 feet from the existing or future curb, whichever is greater.
- (4) No outdoor advertising signs will be permitted.
- (5) Marquee and message center signs are allowed.
- (6) Signs are allowed to project nine (9) feet into the required setback or one-half the width of the required setback, whichever is less. A minimum overhead clearance of eight (8) feet from the sidewalk must be maintained.

~~(g)~~(f) Streetscape Requirements. The streetscape requirements of the Pedestrian Overlay District (PED) are as follows:
(Petition No. 2009-011, § 10.804(1)(f), 02/16/09)

- (1) Sidewalks and trees will be installed in accordance with a streetscape plan approved by the City Council.
- (2) Trees must be planted in accordance with the "Charlotte Tree Ordinance" as per the "Charlotte-Mecklenburg Land Development Standards Manual".
- (3) The Planning Director, or his or her authorized designee, with the affirmative recommendation of the City Arborist/ Urban Forester shall

have the authority to modify the above streetscape requirements, including the modification of the planting strip, sidewalk location and width in order to preserve existing trees and buildings.

~~(h)(g)~~ Valet Parking service standards. A valet parking service may be incorporated into the parking plan, and shall be reviewed on a case-by-case basis. If utilized, the following requirements shall be met:

(Petition No. 2002-147, § 10.804(1)(g), 02/18/08)

- (1) The valet parking service can be located in the following areas:
 - a. For valet parking services that utilize the public right-of-way, the service may be located at the back of the existing curb of a street or thoroughfare as long as the existing curb line is not modified to provide an inset for the valet parking service or to reduce the width of the required sidewalk or planting strip.
 - b. On private property the valet parking service area shall be located to the side or rear of the structure or building, but shall not be located between the building and the street.
- (2) The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.
- (3) The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.
- (4) For valet parking services that are located on a public street or thoroughfare, or where the right-of-way is utilized by the service, a valet parking permit shall be obtained from the Charlotte Department of Transportation (CDOT). See the Charlotte Municipal Code, Article XII. "Valet Parking", Sections 19.321 through 19.325 for permit information and criteria.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the ___ day of _____, 2011, the reference having been

made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this __ day of _____, 2011.



CHARLOTTE

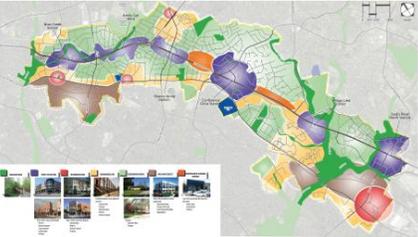
CHARLOTTE-MECKLENBURG
PLANNING DEPARTMENT

Planning Department Monthly Report March 2011

This report highlights key activities the Planning Department was involved in related to advancing the City of Charlotte's corporate strategies.

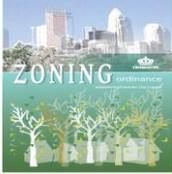
Serve the Customer

Strengthen Neighborhoods

<p>Center City 2020 Vision Plan</p> 	<p>MIG Inc., the consultant team, is presently working on deliverables for the draft plan. The target completion date for the plan is early 2011. Information about the plan is available at http://www.centercity2020.info/.</p>	<p>Dan Thilo Ext. 68321</p>
<p>Elizabeth Area Plan</p> 	<p>The initial draft area plan was completed on March 1st and forwarded to the CAG for its review. This draft will be modified as needed based on staff's and the CAG's input and feedback. The final draft plan will be presented at a public meeting, tentatively scheduled for April 26th.</p>	<p>Alan Goodwin Ext. 23418</p>
<p>Independence Boulevard Area Plan</p> 	<p>The Planning Committee of the Charlotte-Mecklenburg Planning Commission and City Council held public comment sessions on March 15th and March 28th respectively. Council voted to extend the public comment session to their April 11th business meeting.</p> <p>Staff will request a recommendation for adoption from the Planning Committee on April 19th and the Economic Development Committee on April 28th. Council is scheduled to adopt the area plan on May 9th.</p> <p>To review the draft document and other plan information, please visit our website at www.charlotteplanning.org.</p>	<p>Alysia Osborne Ext. 63910</p>

<p>Steele Creek Area Plan</p> 	<p>The Department will hold two public meetings to receive comments on the draft Steele Creek Area Plan on March 31st. The same information will be presented at both meetings.</p> <p>The Planning Committee will receive public comments on the draft Steele Creek Area Plan on April 19th.</p> <p>For more information or to review the draft plan, visit www.charlotteplanning.org.</p>	<p>Brent Wilkinson Ext. 68329</p>
<p>Midtown Morehead Cherry Area Plan</p> 	<p>The Midtown Morehead Cherry Area Plan includes three adjoining neighborhoods just outside of Uptown. The Citizen Advisory Group is meeting on a 3-week schedule at Pleasant Hill Baptist Church in Cherry. Upcoming meetings are April 14th (Land Use) and May 5th (Community Design). Draft plan preparation and public input will begin this summer, with the approval process tentatively targeted for fall/winter.</p>	<p>Kent Main Ext. 65721</p>
<p>Providence Road / I-485 Area Plan Developer Response</p> 	<p>The property is a 103-acre site on Providence Road south of I-485, plus surrounding property totaling nearly 600 acres. A rezoning for senior adult care and housing on 13 acres at Providence Country Club Drive has been filed (Petition 2011-021).</p> <p>At a September charrette, property owners expressed desires for significantly more density and commercial use than the 2000 area plan and neighborhood preferences. A street framework was well received, but a public plan amendment process will be needed prior to larger scale development. The consultant is finalizing a report.</p>	<p>Kent Main Ext. 65721</p>
<p>Area Plan Implementation Capital Programs</p> 	<p><u>Brookshire/I-485 Area Plan Improvements</u> The project includes sidewalks, crosswalks, planting strip, and other infrastructure improvements as recommended by the Brookshire/I-485 Area Plan (2002). Council approved the construction bid on February 14th and EPM is awaiting execution of the construction contract.</p> <p><u>Providence/I-485 Area Plan Improvements</u> This project includes sidewalks, planting strip, pedestrian lighting, crosswalks and other infrastructure improvements recommended in the Providence/I-485 Area Plan (2002). Construction is complete.</p> <p><u>John Kirk Dr./University Blvd. Improvements</u> Consistent with the University City Area Plan (2007), this project involves pedestrian improvements to the intersection of John Kirk Dr. and University City Blvd., including sidewalk installation along John Kirk Dr. Widening will also be done to provide for bike lanes. Project is complete.</p>	<p>Bryman Suttle Ext. 68325</p>

<p>Area Plan Implementation Capital Programs</p> <p><i>(continued)</i></p>	<p><u>Bryant Park Area Plan</u> Project includes pedestrian improvements along Morehead St. from Wilkinson Blvd. to Freedom Dr., as recommended in the Bryant Park Land Use and Streetscape Plan (2007). Real Estate phase for all parcels continues. Project schedule may be delayed due to issues associated with all County acquisitions.</p> <p><u>Fifth Street Streetscape</u> Project will include streetscape improvements along 5th St. from Johnson C. Smith University to Sycamore St. as reflected in the West End Land Use and Pedscape Plan (2005). Project is temporarily on hold until Streetcar Project Team decides how to proceed with Trade Street and until all traffic analysis is complete.</p>	
<p>Historic District Commission (HDC)</p> 	<p>The HDC reviewed six project proposals at their March meeting. The major review involved the construction plans for the new sanctuary at Greater Galilee Baptist Church in Wilmore. The HDC granted an approval for this construction, with staff to review some final details before the approval documents are issued. Once this is done, the project can be cleared for construction. Two other minor projects were approved, one in Dilworth and one in Plaza Midwood. Three cases were deferred due to a lack of some critical details on the plans and will be reviewed at the Commission's April 13th meeting.</p>	<p>John Rogers Ext. 65994</p>
<p>Blue Line Extension (BLE)</p> 	<p>Planning has continued working with CATS and other departments to revise the BLE station site plans based on the revised alignment. Detailed discussion has focused on the University City Boulevard station, which now has a much larger park and ride component, and the J.W. Clay station. Planning has also continued to participate in a bicycle corridor study as part of the NECI program and is working on the 2011 Land Use portion of the New Starts application for submittal to the FTA this summer.</p>	<p>Kathy Cornett Ext. 64845</p>
<p>Red Line (North Corridor)</p> 	<p>In response to a request made by the Red Line Task Force (a sub-committee of the MTC), a team composed of Planning and CATS staff (with assistance from a consultant and considerable input from planning staffs from Huntersville, Cornelius, Davidson, and Mooresville) is developing a corridor land use report that would be suitable to serve as land use and policy documentation in the event that the Red Line becomes available for federal funding. This product will also be useful for a variety of other informational efforts as well. The consultant has furnished punch list items for each of the towns' deliverables and staff is in the process of obtaining responses from the towns. Concurrently, 2010 Census data is being used to furnish updated demographic information for the final report. Graphics and illustrations for the report have been collected and catalogued.</p>	<p>Jonathan Wells Ext. 64090</p>

<p>Zoning Ordinance Reorganization</p> 	<p>Staff has completed an initial draft of the Zoning Ordinance Diagnostic Report. Staff will schedule Leadership and the Core Team meetings for review and comment on the Diagnostic Report.</p>	<p>Shannon Frye Ext. 68322</p>
<p>Heights In Residential Districts (HIRD)</p> 	<p>Staff received feedback from the proposed changes to the text amendment. Staff will provide additional information to the Planning Commission on April 4th and request permission to file the text amendment in their name. A June public hearing is expected.</p>	<p>Katrina Young Ext. 63571</p>
<p>Residential Design Standards (RDS)</p> 	<p>Staff is finalizing the recommendations for the two unresolved issues in preparation for a cost analysis of RDS recommendations. Staff is also meeting with City attorneys to resolve questions regarding the legality of zoning for aesthetics. The Planning Commission will receive an update of the text amendment at their April 4th meeting. A final stakeholder meeting will be held in April or May upon resolution of the legal concerns and completion of the cost analysis.</p>	<p>John Howard Ext. 30198</p>
<p>Pedestrian Overlay District (PED)</p> 	<p>Staff provided an update of the PED text amendment to the Planning Commission on March 7th. Staff will request permission to file the text amendment on behalf of the Planning Commission at their April 4th meeting. A June public hearing is expected.</p>	<p>John Howard Ext. 30198</p>
<p>Other Text Amendments</p> 	<p>Several additional text amendments are in the adoption process:</p> <ul style="list-style-type: none"> ▪ City Council deferred the “non-discrimination in affordable housing” text amendment to May 16th to see if legislation might change, which would eliminate the need for this text amendment. ▪ Two text amendments to eliminate the transitional setback along portions of U.S. 74 in the Zoning and Subdivision Ordinances were approved on March 21st. ▪ The fresh produce text amendment public hearing was held January 18th. The Zoning Committee will make their recommendation on this text amendment on April 27th. ▪ The eco-industrial text amendment will be reviewed by the Zoning Committee for a recommendation on April 27th. ▪ The information pillar text amendment will be reviewed by the Zoning Committee on April 27th. ▪ The single-room occupancy text amendment is scheduled for a June public hearing. 	<p>Sandra Montgomery Ext. 65722</p>

Upcoming Rezoning Petitions



There are six public hearings and nine decisions scheduled for the upcoming April City Council rezoning agenda. Information on several cases of special interest are provided below:

Tammie Keplinger
Ext. 65967

- **2011-017** by Goode Development Corp. and Goode Properties for 20.0 acres located on the east side of Monroe Road between Idlewild Road and Conference Drive. The proposed rezoning from R-17MF to NS and MUDD-O will allow the development of multi-family residential, office and retail uses. There are multiple issues with this petition including inconsistency with the draft Independence Area Plan, connectivity policies and urban design standards. Staff continues to work with the petitioner on these and other concerns. Significant public interest is anticipated. May public hearing.
- **2011-020** by Percival McGuire Commercial Real Estate Development for 23.96 acres located on the south side of West W.T. Harris Boulevard between Interstate 485 and Reames Road. The proposed rezoning from R-3 to NS will allow the development of a 62,000 square foot mixed use commercial center. Significant public interest is anticipated. April public hearing.
- **2011-021** by Singh Development LLC for 14.49 acres located on the east side of Providence Road across from Providence Country Club Drive. The proposed rezoning from R-3 to INST (CD) will allow the development of a senior living community. The property is located within the area of the Providence Road / I-485 Area Plan Developer Response for which a charrette was held in September 2010. Significant public interest is anticipated. April public hearing.

Subdivision Administration



In March, staff received 5 applications for approval. Those submittals consisted of revisions to 3 previously approved plans and 2 sketch plans. Sketch proposals are for a single family development and an apartment project.

Linda Beverly
Ext. 65719

Staff has been working with the City Clerk's office to coordinate applications for Council appointment to the Development Review Board (DRB). This board has been established to hear requests for Alternative Compliance as defined by the Subdivision Ordinance.

Initial appointments to the DRB are tentatively scheduled for the April 25th City Council meeting.

2012-2016 Capital Investment Program (CIP)



Planning's CIP projects/programs were put into the new Clarity system on January 21st. Enhancements to the Joint Use Task Force SharePoint site continue to serve the CIP development process in the absence of a geo-spatial capital planning tool.

Staff has begun working collaboratively with the County Manager's office in advancing the County's Consolidated Capital Planning initiative that will be presented to City Council, the Planning Coordinating Committee, and the Joint Use Task Force during April.

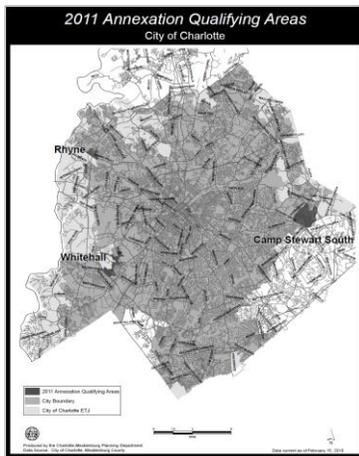
The JUTF SharePoint can be viewed at <http://cityspaces/charmeck/jointuse/default.aspx> or through C-Net under City Spaces.

Jonathan Wells
X 64090

Manage Resources

Expand Tax Base & Revenues

2011 Annexation



The NC General Assembly continues to debate the merits of annexation, state-wide, and considers several bills that would reduce cities' annexation authority. Several requests for information were received (and responded to) from the City Manager's and City Attorney's Offices with regard to the merits of annexation to Charlotte.

More annexation information is available at <http://charmeck.org/CITY/CHARLOTTE/PLANNING/ANNEXATION/Pages/Home.aspx>

Jonathan Wells
Ext. 64090

Planning Department Community Outreach Opportunities

Project	Meeting Type	Date & Time	Location
Policy Document(s)			
Steele Creek Area Plan	Public Meeting	March 31, 2011 4:00 pm 6:00 pm <i>(repeat meetings)</i>	Police & Fire Training Academy 1770 Shopton Road
	Planning Committee Public Comment	April 19, 2011 5:00 p.m.	CMGC 8 th Floor Uptown Conference Room
Midtown Morehead Cherry Area Plan	Citizen Advisory Group Meeting (Land Use)	April 14, 2011 6:00 pm	Pleasant Hill Baptist Church 517 Baldwin Avenue
	Citizen Advisory Group Meeting (Community Design)	May 5, 2011 6:00 pm	Pleasant Hill Baptist Church 517 Baldwin Avenue
Independence Boulevard Area Plan	City Council Public Comment (Extended Session)	April 11, 2011 7:00 pm	CMGC Meeting Chamber
	Planning Committee Recommendation	April 19, 2011 5:00 pm	CMGC 8 th Floor Uptown Conference Room
	Council Economic Development Committee Recommendation	April 28, 2011 3:30 pm	CMGC Room 280
Elizabeth Area Plan	Public Meeting	April 26, 2011 5:30 p.m. <i>(tentative)</i>	St. John's Baptist Church (Fellowship Hall) 1300 Hawthorne Lane

Meeting Schedule

April 2011

Date	Time	Purpose	Location
Full Planning Commission			
04-04-11	Noon	Work Session	Conference Room 267 2 nd Floor – CMGC
Planning Committee			
04-19-11	5:00 p.m.	Work Session	Innovation Station 8 th Floor - CMGC
Zoning Committee			
04-25-11	5:00 p.m.	Dinner with City Council	Conference Room 267
04-25-11	6:00 p.m.	City Rezoning	Meeting Chamber Lobby Level – CMGC
04-27-11	4:30 p.m.	Zoning Work Session	Conference Room 280 2 nd Floor – CMGC
Executive Committee			
04-18-11	4:00 p.m.	Work Session	Conference Room 266 2 nd Floor – CMGC
Other Committee(s)			
04-01-11	Noon	Planning Coordinating Committee	Bank of America Stadium The Panthers Den/Club Level
04-13-11	3:00 p.m.	Historic District Commission	Conference Room 280 2 nd Floor – CMGC

Charlotte-Mecklenburg Planning Commission

Meeting Schedule

May 2011

Date	Time	Purpose	Location
Full Planning Commission			
05-02-11	Noon	Work Session	Conference Room 267 2 nd Floor – CMGC
Planning Committee			
05-17-11	5:00 p.m.	Work Session	Conference Room 280 2 nd Floor - CMGC
Zoning Committee			
05-16-11	5:00 p.m.	Dinner with City Council	Conference Room CH-14 Basement – CMGC
05-16-11	6:00 p.m.	City Rezoning	Meeting Chamber Lobby Level – CMGC
05-25-11	4:30 p.m.	Zoning Work Session	Conference Room 280 2 nd Floor – CMGC
Executive Committee			
05-16-11	4:00 p.m.	Work Session	Conference Room 266 2 nd Floor – CMGC
Other Committee(s)			
05-11-11	3:00 p.m.	Historic District Commission	Conference Room 280 2 nd Floor – CMGC
05-18-11	6:00 p.m.	MUMPO	Conference Room 267 2 nd Floor – CMGC

Charlotte-Mecklenburg Planning Department

FY2011 Community Outreach Presentations

#	Date	Presentation	Staff
1	12/17/10	Floodplain Rules and Water Quality Buffers for Land Surveyors Seminar	J. Weaver
2	01/13/11	ULI Rose Fellowship - South Corridor Light Rail Tour	K. Main/A. Osborne
3	01/27/11	Cedarbrook Acres Residents - Annexation	J. Wells
4	02/03/11	New Partners for Smart Growth Conference - Planning for Transit Oriented Development	L. Harmon
5	02/03/11	New Partners for Smart Growth Conference - South Corridor Light Rail Tour	K. Main/A. Osborne
6	02/09/11	Lake Norman Transportation Commission - MUMPO Project Ranking Process	B. Cook
7	02/09-10/11	Transportation Action Plan Meetings - Centers, Corridors & Wedges	M. McCullough
8	02/22/11	CMS Academic Internship Program - Overview of Engineering Profession	S. Basham
9	02/23/11	Mecklenburg County Bar Leadership Institute	D. Campbell
10	02/28/11	Matthews Town Council - MUMPO 101	B. Cook
11	03/01/11	Charlotte Area Bicycle Alliance (CABA) - Transit Station Area Planning & the BLE	K. Cornett
12	03/02/11	Steele Creek Residents Assoc. Annual Meeting - Draft Steele Creek Area Plan	M. McCullough
13	03/10/11	NAIOP Commercial Real Estate Development Assoc. - Planning Initiatives	D. Campbell

Charlotte-Mecklenburg Planning Commission

Executive Committee Meeting

February 21, 2011 - 4:00 pm

Action Minutes

Attachment 7

Approved March 21, 2011

Attendance

Executive Committee Members Present: Stephen Rosenburgh (Chairperson), Yolanda Johnson (Vice-Chairperson), Tracy Finch Dodson, and Andy Zoutewelle

Other Planning Commissioner(s) Present: Steven Firestone

Planning Staff Present: Debra Campbell and Cheryl Neely

Call to Order

The Chairperson called the meeting to order at 4:04 pm.

Approval of Executive Committee Minutes

A motion was made by Commissioner Zoutewelle and seconded by Vice-Chairperson Johnson to approve the January 18, 2011 Executive Committee meeting minutes. The vote was 4 to 0 to approve the minutes.

January 18, 2011 Executive Committee Meeting Follow-up Assignments

Charlotte's Housing Market Study

The Chairperson announced that he has verbal approval from the author of the Housing Study to release the report. He is waiting to receive confirmation in writing.

Fresh Produce Markets Text Amendment

The Chairperson acknowledged that the Fresh Produce Markets Text Amendment is on the March 2, 2011 Zoning Committee meeting agenda. The Planning Director informed the Committee that staff will request a 30 day deferral of this text amendment. She explained that staff was challenged with defining the purpose of the text amendment and responding to questions from Council. The Chairperson agreed that the Council meeting was difficult and complemented, as well as thanked the Planning Director for recognizing the need for improvement.

Center City Presentation

Commissioner Finch Dodson asked if the March work session agenda will allow enough time for the Center City presentation. The Chairperson suggested that the agenda be rearranged so that this presentation follows the HIRD and PED updates. Commissioner Finch Dodson asked what the presentation should cover. Chairperson Rosenburgh responded that the presentation should include the organization's goals, their issues, and how the Commission can help.

Action: Staff placed this item on the March 7, 2011 work session agenda.

February 7, 2011 Work Session Follow-up Assignments

The Planning Director commended Vice-Chairperson Johnson for her job chairing the February 7, 2011 work session. The Chairperson added that he heard that the Vice-Chairperson did a good job chairing the meeting in his absence.

HIRD Text Amendment Update

The Planning Director reported that staff did not provide a detailed presentation at the work session. Staff will present a detailed update of the HIRD Text Amendment at the March work session; however staff will not request permission to file at this meeting. The Commission will have opportunities to ask questions and share any issues. The Planning Director suggested that the issues be recorded and addressed during the Zoning Committee process. The Chairperson suggested that the Planning Director explain this to the full Commission, prior to the presentation. He agreed that staff should record the responses and keep track of the issues. Vice-Chairperson Johnson asked if information about the text amendment could be provided ahead of time. The Planning Director replied that staff will send the text amendment prior to the April work session, when staff will request permission to file on behalf of the Commission.

PED & Residential Design Standards Text Amendment Updates

Debra Campbell noted these agenda items were moved to the March work session agenda. Staff will provide a high level update of these text amendments. Commissioner Zoutewelle shared that he and Vice-Chairperson Johnson had previously discussed having a PED educational session for the Planning Committee. He asked if the presentation would include an educational component. The Planning Director responded that the presentation will educate the Commission on what PED is, but it will focus on the specific text amendment. She noted that staff can provide a "PED 101" if the Commission prefers. Vice-Chairperson Johnson added that since PED is on the full Commission agenda, she and Commissioner Zoutewelle decided not to ask for a presentation to the Planning Committee. Afterwards, if there is a need for a presentation, they will ask Melony McCullough to arrange a PED presentation for the Planning Committee.

The Chairperson stated that he and Commissioner Finch Dodson had a recent conversation about the level of knowledge of some Commissioners. He noted that Commission members have different levels of knowledge about specific planning issues. While those who have more experience on the Commission or are in the industry are willing to mentor others, all members should be encouraged to take time to read the material and learn the process. He suggested that he may address this at the next work session because Commissioners have an obligation to understand the subject matter. Chairperson Rosenburgh shared that some Commissioners have voted on items when they may not have fully understood the subject matter or had time to contact staff with specific questions. Commissioner Finch Dodson clarified that the discussion that she and Chairperson Rosenburgh related to the Zoning Committee only. She explained that she started thinking about this issue when Gwen Cook sent out an e-mail after the last Zoning Committee meeting stating that it was obvious that Commissioners weren't knowledgeable about the subject. The Planning Director noted that it was presumptuous of Ms. Cook to send that e-mail.

The Chairperson stated that he will discuss the Commissioner's responsibility to become knowledgeable at the full Commission meeting and share that staff will respond to any questions or provide additional information. Debra Campbell stated that staff would be happy to do whatever they can to help educate Commissioners. The Chairperson suggested that night sessions be set-up and Commissioners be encouraged to attend to become more knowledgeable about the rezoning and area planning processes.

Vice-Chairperson Johnson reminded the Committee that Commissioners who are not in the industry also bring value to the Commission. The Chairperson agreed. The Vice-Chairperson suggested that the Commission should be more objective about what they expect people to bring to the process. Commissioner Finch-Dodson noted that the challenge is more of people not taking the time to read the

material. The Planning Director shared that this is sometimes an issue with Council and other boards. Based on her experience, only about 50% of board members read the material before the meeting. Chairperson Rosenburgh reiterated that he will address this at the next meeting and asked the Planning Director to think about some educational programs for the Commission.

Operating Agreement

The Chairperson asked Vice-Chairperson Johnson if the Retreat Follow-up Committee is ready to make a recommendation for the Operating Agreement. Vice-Chairperson Johnson responded that Commissioner Finch Dodson had worked on clarifying the draft Operating Agreement. She further explained that they reviewed the Rules of Procedure, Education Plan, Communication Plan, and Planning Commission Involvement in Public Input Processes. The Vice-Chairperson distributed these documents and the draft Operating Agreement and the proposed changes to the Rules of Procedure, Education Plan, and Communication Plan.

Commissioner Finch Dodson reviewed the materials with the Committee. She described the Operating Agreement as the umbrella that explains the various documents, which are more detailed.

Commissioner Finch Dodson continued by explaining that the Operating Agreement is under the following three points and provided these descriptions:

1. **Understand Roles and Responsibilities** - There was not a reason to develop roles and responsibilities because they are already outlined in the Interlocal Agreement, Rules of Procedure, Education Plan, Communication Plan, and Planning Commission Involvement in Public Input Processes. It should be the responsibility of the Chairperson at the annual retreat to review the core purpose of each of these policies, including this proposed Operating Agreement to ensure Commissioner's understanding of each
2. **Promote Positive Collaboration** – This tries to capture some of what came out of the retreat. Commissioners agree to diligently work toward clear, candid and direct dialogue that promotes an inclusive environment among its members and other working /governing bodies it advises.
3. **Maintain a Relevant Operating Plan** – At the beginning of the fiscal year (July), the Planning Director will review the department's SOP. During the July Executive Committee meeting the Commission and staff should discuss and identify initiatives for the retreat. These priorities will be discussed at the retreat and a work plan formed.

Vice-Chairperson Johnson and Commissioner Finch Dodson continued to explain that January and July work sessions will be used to review tasks and make recommendations. This will be a dialogue between Commissioners and staff.

Commissioner Zoutewelle asked if this would be a topic at the Commission meeting. Commissioner Finch Dodson replied that the mid-year review would take place at the January work session. Guests would not be invited to the January or July work sessions to allow the Commission time to review, follow up on items, make an assessment and develop recommendations. The Chairperson thought this was a good idea.

Vice-Chairperson Johnson suggested that new Commissioners should get these documents when they come on board. Planning staff reminded the Committee that new Commissioners receive this information in their handbooks and at the annual retreat. The Vice-Chairperson suggested that this information be reviewed at the retreat. She noted that according to the documents, the Commission has a lot of responsibilities. The Planning Director was glad to hear the Vice-Chairperson acknowledge that the Commission is currently committed to a lot of activities.

Commissioner Finch Dodson informed the Committee that she and Vice-Chairperson Johnson recommended that a Communication Committee, of four Commissioners, be formed. This committee should be responsible for producing the Commission's Annual Report every July as well as a statement to City Council each January outlining its recommendations for planning priorities in the next fiscal year. The Vice-Chairperson noted that the Communication Plan warrants a standing committee.

Chairperson Rosenburgh asked if there was a communications initiative prior to the Communication Plan being developed. The Planning Director responded that other than the annual reports, which are provided to Council, there was not really a communication plan. The Chairperson asked if the communication plan has not moved forward because staff provides an annual report to Council. The Planning Director explained that staff previously produced a very sophisticated document, but due to budgetary constraints has only prepared a newsletter or one page summary for Council.

The Chairperson expressed concerned that the Department does not have staff resources to help with communications. The Planning Director clarified that correspondence would come from the Commission, not staff. Commissioner Finch Dodson thought the responsibility should be placed on a Communication Committee. The Chairperson was ok with a report to Council, but he did not think it is the Communication Committee's responsibility to communicate with Council. Commissioner Finch Dodson replied that the committee would produce the report and bring it to the Executive Committee for review.

Chairperson Rosenburgh asked Commissioner Zoutewelle his thoughts. Commissioner Zoutewelle asked if there would be a Chairperson for the committee and if the Chair would be an Executive Committee member. If not, would the Chairperson become a member of the Executive Committee. If so, the structure of the Commission may need to change. Commissioner Zoutewelle suggested that this should be an ad hoc committee. Commissioner Finch Dodson suggested that the committee not have an Executive Committee member to allow other leadership opportunities for Commissioners.

The Chairperson asked the Director if staff has the resources to produce a document. The Director responded that staff can assist with the preparation of the report. Cheryl Neely indicated that she had a copy of the annual report from last year and distributed it. The Planning Director noted that it was comparable to what other boards submit to Council. The Chairperson was not sure about forming a communication committee, but agreed that if the majority of the Executive Committee supported the formation of a communication committee, he will agree with it. He recommended that the committee consist of no more than three Commissioners and suggested that an Executive Committee member be on this committee. Vice Chairperson Johnson responded that previously there was a Communication Committee and the Chairperson

was on the Executive Committee. Commissioner Zoutewelle suggested that having an Executive Committee member on the committee would bring a sense of unity. He also thought the Executive Committee member should serve as chairperson for the committee. However, this structure would not provide other leadership opportunities.

Commissioner Finch Dodson thought that someone from the Executive Committee should be on the committee, but not necessarily chair the committee. The Chairperson was concerned with sending the wrong message to Elected Officials. Vice-Chairperson Johnson stated that communication will occur without a communication committee and suggested that a committee could serve as a vehicle for a formalized communication process. Commissioner Zoutewelle added that the annual report is a template and there is not a lot of degree of latitude. Commissioner Finch Dodson stated that the January communication piece would be a template as well.

The Chairperson asked if it would be a joint report. The Planning Director responded that it would come from the Commission. Commissioner Finch Dodson noted that idea of communicating in January came from the existing Communication Plan. The plan indicates that in January the Commission should provide Council with a report of its recommendations for planning priorities in the next fiscal year. The Chairperson asked if the Department sends this to Council. Debra Campbell responded that staff submits the Strategic Operating Plan and a mid-year report to Budget and Evaluation twice a year. The Commission's audience is different from the Departments. The Chairperson recommended that the committee consist of three Commissioners with the Chairperson being an Executive Committee member.

The Planning Director stated that the Communication Plan is an attempt for the Commission to address the relationship with the body who appointed them. She asked if the County Commission and CMS Board received the annual report last July. Cheryl Neely responded that only Council requested this information. Commissioner Finch Dodson and the Planning Director recommended that the Communications Plan be amended to include County Commission and Board of Education. The Executive Committee members agreed.

Commissioner Finch Dodson asked the Planning Director if the following activities should be deleted from the Communications Plan:

1. The Planning Commission should evaluate the budget of the Planning Department compared with departments in jurisdictions of similar size.
2. The Chairman and Vice Chairman should discuss the budget with the Chairman of the Budget Committee.
3. The Chairman and Vice Chairman should report back to the Planning Commission the results of their meetings.

The Planning Director responded that these items should be deleted because the Planning Commission no longer has a role in relation to the Department's work plan and the budget.

Vice Chairperson Johnson pointed out that the communication plan should be evaluated annually as part of the retreat. As a result, the messages that the Commission will communicate to elected officials will change each year. She reiterated that Charlotte-Mecklenburg Schools should be included.

Chairperson Rosenburgh acknowledged that he did not agree with the following activities of the Communication Plan:

1. The Chairman and Vice-Chairman should establish working relationships with members of the media.
2. The Chairman and/or Vice-Chairman, acting as Chairs of the major committees, should provide informative remarks to reporters when stories are presented about land use matters.

Vice-Chairperson Johnson suggested that these were of importance when the original Communication Plan was created; however, she thought that the Communication Plan should be more general and a work plan with more details should come from the Communication Plan.

The Chairperson noted that there are other activities in the Communication Plan which are unclear. Vice-Chairperson Johnson stated that the plan has not been used and thought that it may not be being used because it is not practical or relevant. The Chairperson suggested that the Communication Committee should create the plan. Commissioner Zoutewelle asked if the current Communication Plan was incorporated into the Rules of Procedure or Interlocal Agreement. The Planning Director responded that the Commission created this document and adopted it in 2007. It is not tied to the Rules of Procedure or Interlocal Agreement.

Vice-Chairperson Johnson shared that there are items in the Education Plan which are no longer relevant. Commissioner Zoutewelle asked if the Plan was adopted prior to the Department being renamed to distinguish from the Commission. He wondered if the Education Plan refers to the Planning Department. The Planning Director replied that the Commission created and adopted the plan for itself. The Planning Director recommended that the annual retreat be used to strategize about communication and education and that the Commission not be bound by the documents. The Chairperson agreed that the Commission should review the subject of communication and education without referring to the plans, which are "off base".

The Vice-Chairperson noted that the Planning Commission Involvement in Public Input Processes plan, which was developed by staff is relevant. The Chairperson suggested that this be incorporated into the overall plan/operating agreement. Vice-Chairperson Johnson and Commissioner Finch Dodson will continue to work of the Operating Agreement.

Committee Rotation

The Chairperson asked the Planning Director if Commissioner Locher had discussed rotation with her. She responded that he raised the issue at the February work session and off-line with her prior to the meeting. The Planning Director is scheduled to meet with Commissioner Locher. The Chairperson stated that in September Commissioner Locher asked him about being rotated to the Zoning Committee in January. He informed Commissioner Locher that the Executive Committee would discuss it. Chairperson Rosenburgh mentioned that the Executive Committee members discussed rotation of three Commissioners at the end of one of their meetings and decided to leave rotations in June. The Planning Director asked about the official rotation schedule. Cheryl Neely responded that the proposed rotation is to be submitted in April and effective on July 1 of each calendar year. The Chairperson asked if there is a need to change this schedule. Vice-Chairperson Johnson stated that she did not think a rotation should take place and wants to remain on the Planning Committee.

Commissioner Finch Dodson did not see a need to implement a rotation at this time. Her only concern was if something is supposed to be in the minutes and it is not. She wants to make sure there is transparency with the rest of the Commission. The Chairperson agreed. Commissioner Zoutewelle asked Cheryl Neely for the source of the information about what she had just presented. Ms. Neely responded that the information came from the Rules of Procedure. The Chairperson acknowledged that developing the rotation schedule is a cumbersome process. Commissioner Zoutewelle stated that rotations are time consuming for the Chairperson and lately there seems to be a lot of angst among the entire Commission. Commissioner Finch Dodson stated that it takes a while for Commissioners to get up to speed with the Committee assignments and it may become dangerous if Commissioners are rotated twice a year. The Chairperson asked Cheryl Neely to note in the minutes that the Executive Committee doesn't wish to change the current rotation schedule which is every June.

Approval of the April 7, 2011 Work Session Agenda

The Chairperson acknowledged the following items for the March 7, 2011 work session agenda:

- HIRD Text Amendment
- PED Text Amendment
- RDS Text Amendment (Planning Director's Report)
- Center City Update

The Committee agreed with the agenda items.

Future Work Session Agenda Items

The Chairperson identified the following as future work session agenda items:

- Charlotte's Housing Market Study
- Capital Improvement Plan
- ULI Rose Fellowship Study Update

Commissioner Andy Zoutewelle asked that Conflict of Interest be added to the future work session agenda items.

The Chairperson announced that the regional planning joint meeting is April 1, 2011. The Secretary of Commerce is the guest speaker on economic activity. He stated that the Planning Directors are working up the appropriate agenda items. The Planning Director clarified that the Chairperson identified the agenda and announced that the meeting is at Bank of America stadium. The Chairperson suggested that Pat Mumford present Economic Development from the City's perspective. The Planning Director noted that this is a regional group and it should probably not focus on Charlotte. Commissioner Finch Dodson suggested that Ronnie Bryant present information from the regional perspective.

Approval of the April 2011 Meeting Schedule

Cheryl Neely asked the Commission to approve the meeting schedule. The Chairperson asked if there was anything of concern on the calendar. She reminded the Chairperson that there are two Zoning Committee meetings in March. The Committee agreed on the schedule as submitted.

Adjournment

The meeting adjourned at 5:12 pm.

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm 280
March 30, 2011
4:30 P.M.

<p>1. Petition No. 2010-045 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify and clarify the regulations for pedestrian oriented information pillars and information pillar signs.</p>
<p>2. Petition No. 2010-072 by Quail Corners Associates, LLC for a CC site plan amendment for approximately 14.40 acres located at the southwest corner of the intersection of Park Road and Sharon Road West.</p>
<p>3. Petition No. 2010-080 by Charlotte Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to replace the regulations for "outdoor seasonal fresh produce sales" with a new definition and regulations for "fresh produce markets.</p>
<p>4. Petition No. 2011-002 by 521 Partners, LLC for an O-1 (CD) site plan amendment for approximately 12.54 acres located on the southwest corner at the intersection of Providence Road West and Johnston Road.</p>
<p>5. Petition No. 2011-009 by Crescent Resources, LLC for a MUDD-O site plan amendment for approximately 7.81 acres located on Carnegie Boulevard and west of the intersection between Assembly Street and Carnegie Boulevard.</p>
<p>6. Petition No. 2011-012 by Steve McGirt for a I-2(CD) site plan amendment for approximately 5.61 acres located along Center Park Drive near Beam Road.</p>
<p>7. Petition No. 2011-015 by Long Animal Hospital for a MUDD-O site plan amendment for approximately 1.19 acres located on the eastern corner of the intersection at South Boulevard, Ideal Way and Remount Road.</p>
<p>8. Petition No. 2011-016 by Zula Express Inc. for a change in zoning of approximately 0.26 acres located on the west side of Margaret Wallace Road near the intersection of Margaret Wallace Road and Idlewild Road from B-1 to NS.</p>
<p>9. Petition 2011-019 by Charlotte-Mecklenburg Storm Water Services for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to reflect changes in the enforcement of buffers from Mecklenburg County Department of Environmental Protection to Charlotte-Mecklenburg Storm Water Services, and to update references to the <u>Charlotte Land Development Standards Manual</u> and <u>Charlotte-Mecklenburg BMP Design Manual</u>.</p>

**Charlotte-Mecklenburg Planning Commission
Planning Committee Meeting Minutes
CMGC – Conference Room 280, 2nd Floor
February 15, 2011**

Commissioners Present: Yolanda Johnson (Chairperson), Andy Zoutewelle (Vice-Chairperson), Eric Locher, Margaret Nealon, and Joel Randolph. Lucia Griffith joined the group at 5:25 p.m.

Commissioner Absent: Commissioner Emma Allen

Planning Staff Present: Sonda Kennedy, Melony McCullough, and Alysia Osborne

Other Staff Present: Brian Horton (Transportation)

Call to Order

Chairperson Johnson called the meeting to order at 5:05 p.m.

Approval of Meeting Minutes

A motion was made by Commissioner Zoutewelle and seconded by Commissioner Nealon to approve the December 14, 2010 minutes. The vote was unanimous (5-0) to approve the minutes.

Update on the ULI – Rose Fellowship and the draft *Independence Boulevard Area Plan*

Alysia Osborne (Planning Staff) gave a synopsis of the Urban Land Institute – Rose Fellowship Program. She stated that the ULI Daniel Rose Center for Public Leadership in Land Use has named Mayor Anthony Foxx and three other outstanding local community leaders (Debra Campbell (Planning Director), Danny Pleasant (Charlotte Department of Transportation, Key Business Executive) to serve in 2010-2011 Fellowship Programs for the Center through 2011. During the next year, the Charlotte team will work with leading experts in the real estate development, finance, and land use fields to identify the initial steps to implement the community's vision in the *Independence Boulevard Area Plan*.

The mission of the ULI Rose Center is to encourage and support excellence in land use decision making. They will provide the framework and ideas and recommendations to address a land use problem chosen by Mayor Foxx and the Charlotte Fellows Team. Mayor Foxx seeks to re-energize, reposition and ensure long-term viability of development along Independence Boulevard by re-orienting development away from Independence Boulevard and toward an internal street network and concentrate development intensity at nodes. She stated that the key area plan principles are to strengthen and build neighborhoods, create nodes, reclaim/showcase natural systems, orient toward Monroe Road and Central Avenue, leverage opportunities, provide transportation choices, balance neighborhood, community and regional needs and define U.S. 74. The most important principle is to implement the plan.

The key ULI-Rose Fellowship concepts are streetcars on Monroe Road, Central Avenue, and Sharon Amity Road; BRT/Express bus on Independence in HOT lanes; auto-oriented retail on Independence Boulevard; and neighborhood serving mixed-use development on streetcar lines. The Charlotte Fellowship team should test the viability of these ideas with state and local officials, public stakeholders, property owners, development community and continue the Charlotte tradition of effective transportation planning and solutions, civic leadership and community engagement. Proposals are to be examined noting the differences between ULI group and Charlotte's staff. Ms. Osborne will make her presentation available to the committee members for future references. She also gave each member a handout that had been presented to the Transportation Committee meeting stating that this is a quick reference comparing the language between the ULI and staff on the concepts of the Independence Area Plan.

Commissioner Johnson asked Committee members for their questions or comments. She asked if the Fellowship study will delay the planning process. Commissioner Zoutewelle asked if the *Independence Boulevard Area Plan* and ULI's plan recommendations are comparable. Ms. Osborne commented on three key differences: the number of station areas, the streetcar option along Monroe Road, and the mixed use development along every major thoroughfare. Commissioner Zoutewelle looks forward to hearing more about the interaction of Monroe Road and Independence transit issues. Commissioner Randolph said that he agrees 100% with what staff has done but would like to see some certainty on the Independence plan. He would like to see this pushed back to the state. Commissioner Griffith asked if there has been any pressure to have the area rezoned for transit. Brian Horton (Transportation) spoke about transportation issues, including HOT lanes (High Occupancy Toll Lanes) on Independence Boulevard and transit.

Commissioner Johnson thanked Ms. Osborne and Mr. Horton for the outstanding presentation and taking the time to update the Committee on the *Independence Boulevard Area Plan*.

Area Plan Status and Meeting Report

Elizabeth Area Plan – Commissioner Griffith stated that there has not been a Citizens Advisory Group meeting since the last Planning Committee meeting and added that area residents should be kept informed. Commissioner Johnson said that e-mails were sent to stakeholders asking them to review plan revisions and commented that the staff has done a great job.

Midtown, Morehead and Cherry Area Plan –Commissioner Zoutewelle stated that a public meeting was held to kick off the plan and that the Citizens Advisory Group has met twice. He described the participation in the process and noted that it is a very diverse group. He explained that the Cherry representatives have a lot of input, described the Morehead area as having its own little niche, and noted that Midtown area has not had as many participants. Representatives from the Cherry area are interested in traffic issues, encroachments, historical sites, pedestrians, and greenways. Representatives from the Morehead area are more interested in tree preservation and setback accommodations.

Commissioner Locher volunteered to also serve on this plan.

Steele Creek Area Plan – Commissioner Zoutewelle reminded everyone that the Planning Committee has toured the plan area and will receive public comments after the community meeting this spring.

Commissioner Locher shared some of his concerns about the tax reevaluation process with the Committee. His concerns include the County using “market value” in the reevaluation.

Meeting Adjourned

Commissioner Johnson thanked everyone for attending and the meeting adjourned at 6:15 p.m.

Charlotte Historic District Commission Update**March 30, 2011**

At their March 9, 2011 Regular Meeting, the Charlotte Historic District Commission made the following rulings on Applications for Certificates of Appropriateness:

A.	501 West Park Avenue, Wilmore Local Historic District Addition/New Construction – Final Approval Dexter Sneed for Greater Galilee Baptist Church, Applicant	HDC 2010-080	APPROVED with final plan review to Staff
B.	816 Mt Vernon Avenue, Dilworth Local Historic District Screen Porch Addition Angie Lauer, Architect/Applicant	HDC 2011-015	DEFERRED for additional design work
C.	1608 The Plaza, Plaza Midwood Local Historic District Fence Marsha Rexford, Applicant	HDC 2011-017	APPROVED with conditions
D.	1318 Dilworth Road, Dilworth Local Historic District Construction of New Garage, Painting of Brick House Kraig Magus, Architect/Applicant	HDC 2011-021	Garage APPROVED Painting DENIED
E.	1612 Thomas Avenue, Plaza Midwood Local Historic District Glass Enclosure of Screen Porch Greg Mark, Applicant	HDC 2011-023	DEFERRED for additional design work
F.	516/520 Grandin Road, Wesley Heights Local Historic District Window Replacement Bobby Drakeford, Applicant	HDC 2011-026	DEFERRED for additional design work

Other than the approval of the minutes of the February 9, 2011 Commission Meeting, no other business was conducted.