



REQUEST Text amendment to Sections 9.205, 9.305, and 12.212 of the Zoning Ordinance

SUMMARY OF PETITION The petition proposes to:

- 1) Add new regulations that exempt parking decks constructed as an accessory use to an institutional use from the floor area ratio standards, when located in single family and multi-family districts, provided specific standards are met;
- 2) Reorganize Section 12.212, Parking Deck Standards, for clarity; and,
- 3) Update the tree spacing standards related to parking decks to align with the Tree Ordinance standards.

Petitioner Agent/Representative Charlotte-Mecklenburg Planning Commission
Charlotte-Mecklenburg Planning Department

Community Meeting Meeting is not required.

ZONING COMMITTEE ACTION The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

VOTE

Motion/Second:	Walker/Allen
Yeas:	Allen, Dodson, Randolph, Rosenburgh, Simmons, and Walker
Nays:	None
Absent:	Griffith
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff reviewed the text amendment. The primary purpose of the text amendment is to exempt parking decks associated with institutional uses from being counted toward the permitted maximum floor area ratio, when located in the single family and multi-family districts.

Staff was asked to provide examples of institutional uses. Institutional uses include churches, schools, universities, day care centers, and health institutions.

The Zoning Committee asked staff if an office space or building for an accounting firm or attorney would be permitted in an institutional zoning district. Staff responded that in the institutional zoning district, only offices associated with the institutional use are permitted. A general office use, such as for an accounting firm or attorney, would not be permitted.

Staff noted that this text amendment only applies to institutional uses located in the single family and multi-family zoning districts. In these zoning districts, an office would only be permitted as an accessory use to an institutional use. For example, office space for the church accountant would be permitted. However, office uses or buildings as a principal use are not permitted in the single family or multi-family districts.

The Zoning Committee confirmed that surface parking lots and parking decks are currently permitted as an accessory use to an institutional uses such as a church or school when located in the single family and multi-family districts. Office and business uses are not permitted uses in the single family or multi-family districts. Such uses and the parking associated with them require a non-residential zoning district designation.

STATEMENT OF CONSISTENCY

This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Simmons seconded by Commissioner Allen).

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS

(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• **Proposed Request Details**

The text amendment contains the following provisions:

- Exempts parking decks constructed as an accessory use to an institutional use from the floor area ratio standards, when located in single family and multi-family districts, provided the following standards are met:
 - A minimum setback of 50 feet from the public right-of-way.
 - Any required buffer to be at least 50 feet.
 - A minimum height clearance within the parking deck.
 - A minimum 25-foot landscaped area, consisting of trees and evergreen shrubs, provided between the street façade of the parking deck and the sidewalk.
 - A minimum 5-foot sidewalk and 6-foot planting strip.
 - Screening of vehicles from the street and adjacent residentially zoned or used properties.
 - Façade adjacent to the street or residentially zoned or used properties designed with decorate elements.
 - A parking deck shall also be exempt if it meets the setback, floor clearance, 25-foot landscaped area, and sidewalk and planting strip requirements listed above and also meets at least one of the following:
 - The parking deck is located at least 400 feet from the edge of the public right-of-way and from any vacant or residentially used property in a single family or multi-family zoning district; or
 - The parking deck is obscured from view by existing buildings and/or mature vegetation from public right-of-way and from adjacent vacant or residentially used property in a single family or multi-family zoning district.
- Reorganizes Section 12.212 for clarity.
- Updates the tree spacing requirements related to parking decks to align with Tree Ordinance spacing requirements for large and small maturing trees.

• **Public Plans and Policies**

- This petition is consistent with adopted policies.

• **STAFF RECOMMENDATION (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.

PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

- **CDOT:** No comments received.
 - **Charlotte Fire Department:** No issues.
 - **CATS:** No issues.
 - **Connectivity:** No issues.
 - **Neighborhood & Business Services:** No issues.
 - **Schools:** CMS does not comment on text amendments.
 - **Park and Recreation:** No comments received.
 - **Charlotte-Mecklenburg Police Department:** No issues. Comments recommending modifications to the screening and lighting of parking decks will be considered at a later date.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
 - **LUESA:** No comments received.
 - **Urban Forestry:** No issues.
 - **Site Design:** There is no site plan associated with this petition.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application Form
- CATS Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Police Department Review
- Neighborhood & Business Services Review
- Pre-Hearing Staff Analysis
- Storm Water Review
- Urban Forestry

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