
REQUEST	Text amendment to Sections 2.201, 7.103, 9.205, 9.305, 9.406, 11.205, 12.106, and 12.108 of the Zoning Ordinance.
SUMMARY OF PETITION	The petition proposes to: 1) modify the height regulations in the residential districts; 2) add a new definition for "average grade"; and 3) modify the definition of "height"
STAFF RECOMMENDATION	Staff recommends approval of this petition. The petition is consistent with adopted policies.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Commission Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

- **Background**
- City Council directed staff to examine the existing regulations that control height in residential areas after rezoning petition 2008-032 was filed by the Myers Park Neighborhood Association to rezone over 40 acres from R-22MF to R-8MF. This petition sought to reduce the allowed number of residential units from 22 units per acre to eight units per acre to be more compatible with the existing land use in the area.
- In September of 2009, a citizen advisory group was convened to review existing standards for heights in residential districts, identify issues and concerns related to existing residential height standards, and comment on new residential height standards. Over 100 citizens participated in the citizen advisory group (CAG) process. Participants included residential property owners, neighborhood leaders, and representatives from the development community, architects, and other interested citizens.
- Planning staff took into consideration input from CAG members, local case studies, and standards used by other cities when developing the proposed text amendment.
- **Proposed Request Details**
The text amendment contains the following provisions:
 - Modifies the current definition of "height" and adds a new definition for "average grade".
 - Creates new minimum side and rear yard requirements for nonresidential (typically institutional) development to improve compatibility with residential neighborhoods:
 - Single family districts: Minimum side yards increase to 20 feet, up from five/six feet. Minimum rear yards increase to 35/40/45 feet (depending on the district), up from 20/30/35/40/45 feet.
 - Multi-family districts: Minimum side yards increase to five/ten/20 feet, up from five/ten feet. No change proposed to the rear yard requirements.
 - Highlights of the modifications to the height regulations:
 - Residential buildings:
 - R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF and UR-1 zoning districts.
 - Establishes a base maximum average height:
 - 40 feet in R-3, R-4, R-8MF, R-12MF, and UR-1, measured at the required side yard line.
 - 35 feet in the R-5, R-6, and R-8, measured at the required side yard line.
 - Establishes a maximum average height at the front building line:
 - 48 feet in R-3, R-4, R-8MF, R-12MF, and UR-1.
 - 40 feet in R-5, R-6, R-8.

- Modifies the height regulations to allow one foot of height for each additional foot in distance the portion of the building is from the required side yard line.
 - R-17MF, R-22MF, R-43 MF, UR-2, and UR-3 zoning districts.
 - Establishes a base maximum average height of 40 feet, measured at the required setback, side, and rear yard lines, when adjacent to a single family district with a residential use. In all other situations, there is no base maximum average height requirement.
 - Establishes a maximum height of 100 feet from the lowest to the highest point of the building.
 - Modifies the regulations to allow one additional foot of height for each additional two feet in distance the portion of the building is from the required setback, side, and rear yard lines located along all boundaries adjacent to a single family zoning district. In all other situations, there is no required height ratio.
 - MX-1, MX-2, and MX-3 zoning districts.
 - Single family, duplex, triplex and quadraplex residential development:
 - Same maximum height standards as R-3.
 - Multi-family residential development within the MX-1 district:
 - Same maximum height standards as R-8MF.
 - Multi-family residential development within the MX-2 and MX-3 districts:
 - Same maximum height standards as R-17MF.
 - Nonresidential buildings in R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF, UR-1, UR-2, and UR-3 zoning districts.
 - Establishes a base maximum average height of 40 feet, measured at the required setback, side, and rear yard lines, when adjacent to a single family district with a residential use. In all other situations, there is no base maximum average height required.
 - Establishes a maximum height of 100 feet from the lowest point to the highest point of the building.
 - Modifies the regulations to allow one additional foot of height for each additional two feet in distance the portion of the building is from the required setback, side, and rear yard lines located along all boundaries adjacent to a single family zoning district. In all other situations, there is no required height ratio.
 - Adds height to the list of innovative development standards in the MX-1, MX-2, and MX-3 zoning districts.
 - Extends the time period from 12 months to 24 months during which a building permit can be obtained when a nonconforming residential structure, that is nonconforming with respect to height, is destroyed or damaged.
 - Adds new side and rear yard requirements (15 feet each) for accessory structures that exceed 24 feet in height, when located in the single family, multi-family, urban residential and mixed use districts.
 - Modifies the general height limitations applicable to all zoning districts to 1) allow maximum development potential without adversely impacting the character of single family neighborhoods, and 2) to align with the new height modifications proposed in this petition.
 - Deletes the building shadow provision for high-rise buildings in all zoning districts.
 - Adds firewalls and chimneys to the list of structures that are permitted to extend above the height limit, in all zoning districts.
- **Public Plans and Policies**
 - This petition is consistent with *Center, Corridors and Wedges Growth Framework*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Department of Transportation:** No issues.
 - **Vehicle Trip Generation:** Not applicable.

- **Connectivity:** Not applicable.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.

OUTSTANDING ISSUES

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

- Application
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

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