

REQUEST	Text amendment to Sections 2.201, 10.801, 10.802, 10.803, 10.804, 10.805, 10.806, 10.807, 10.808, 10.809, 10.810, 10.811, 10.812, 10.813, and the Table of Contents of the Zoning Ordinance.
SUMMARY OF PETITION	<p>The petition proposes to modify the Pedestrian Overlay District (PED) by:</p> <ol style="list-style-type: none"> 1) updating the district to align with more urban development and design standards; 2) modifying the height regulations for new development that is located across a local street from or abutting existing single family zoning districts; 3) modifying the exceptions for change of use, expansions, outdoor seating creation or expansion, parking and buffer requirements for existing developments; 4) modifying the parking and loading standards; 5) adding requirements for urban open spaces for new development one acre or more in size; 6) adding new definitions for "active uses", "outdoor storage", and "urban open space"; 7) adding off-street parking lots as a new permitted use for all sites; and 8) reorganizing the order of the Sections.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Commission Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.
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 Lipton seconded by Commissioner Phipps).

ZONING COMMITTEE ACTION	The Zoning Committee voted unanimously to recommend APPROVAL of this petition.
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VOTE	Motion/Second:	Lipton/Dodson
	Yeas:	Dodson, Fallon, Firestone, Lipton, Phipps and Rosenburgh
	Nays:	None
	Absent:	Walker
	Recused:	None

ZONING COMMITTEE DISCUSSION	<p>Staff summarized the text amendment. A Commissioner asked when the streetscape improvements in the Pedestrian Overlay District (PED) are required. Staff responded that a change of use from a non-residential use to another non-residential use that requires more than five additional parking spaces would trigger the requirement for streetscape improvements. In addition, an expansion of more than 25 percent would also trigger the streetscape improvements.</p> <p>A question was asked about structured parking and proposed requirements for active uses. Staff explained that the first floor of a structured parking facility fronting a public street must be designed and/or used for active uses.</p> <p>There were no further questions.</p>
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STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.
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FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Background**

- 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. Five Pedscape and Land Use Plans have been adopted to date and numerous sites within these plan boundaries have been rezoned to the PED overlay designation.
- In December of 2009, a citizen advisory group was convened to review and update the Pedestrian Overlay District (PED) regulations. The citizen advisory group (CAG) consisted of over 50 participants, representing property owners from the PED districts, neighborhood leaders, representatives from the development community, and other interested citizens. Staff considered CAG input in the development of this proposed text amendment.

• Proposed Request Details

The text amendment contains the following provisions:

- Highlights of the PED height modifications:
 - Modifies how the base height shall be measured for new development located across a local street from existing single family zoning. Instead of measuring from the property line of the nearest site used/zoned for residential purposes, the base height shall be measured at the required setback line.
 - Modifies how the base height shall be measured for new development abutting on the same side of a local street as existing single family zoning. Instead of measuring from the property line of the nearest site used/zoned for residential purposes, the base height shall be measured at the required yard.
 - Modifies how the maximum height is determined for all other parcels. Instead of calculating the height increase starting from the property line of the nearest residentially used/zoned property, the height increase shall be calculated from the boundary line of the nearest single family residential district.
 - Expands the "administrative approval" criteria to include physically constrained sites.
 - Deletes the requirement for streetscape and screening implementation for major façade improvements.
 - Modifies when expansions to existing development triggers the need to meet PED requirements by increasing the expansion percentage from 5 percent to 25 percent of the building area, or 1,000 square feet, whichever is less. Adds a provision that the amount of building expansion is cumulative over time.
 - Adds off-street surface parking lots as a permitted use for all sites in PED.
- Highlights of modifications to the parking and loading standards:
 - Establishes a maximum of one parking space per eight seats for religious institutions instead of a minimum of one space per eight seats.
 - Reduces the minimum required parking standard for multi-family elderly or disabled residential units from one space per dwelling unit to 0.25 spaces per unit.
 - Allows a 25 percent parking reduction for parking facilities that provide at least 25 percent of the parking spaces for public use instead of requiring that the facility be wholly available.
 - Creates new parking regulations for multi-family buildings located across the street from, or adjacent to, single family zoning on local streets.
 - Removes the requirement that at least 75 percent of the parking spaces must be full-sized spaces.
 - Adds a new provision that loading and service areas shall not be located across from, or abutting, single family zoning located on the same side of the street.
 - Adds new definitions for "active uses", "outdoor storage", and "urban open space".
 - Creates new provisions requiring urban open space for new development on lots one acre or more in size.
 - Adds new design standards for street walls across from, or abutting, single family zoning districts.
 - Adds new design standards for structured parking facilities.

- Adds new design standards for building entrances.
 - Allows one-story or open-air porches and stoops to encroach into the setback up to eight feet when new development is located across a local street from, or abutting on the same side of a local street as, existing single-family zoning.
 - Allows fences and walls up to three feet in height to be located in the setback, behind the required sidewalk.
 - **Public Plans and Policies**
 - This petition is consistent with adopted policies.
 - **Staff Recommendation (Updated)**
 - Staff recommends approval of this petition.
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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.
 - **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.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
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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.
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OUTSTANDING ISSUES

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

- Application
- Pre-Hearing Staff Analysis
- 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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