

<b>REQUEST</b>	Text amendment to Sections 2.202, 9.205, Chart 9.205(1) footnotes, Sections 9.407, 12.106, 12.509, and 12.805 of the Zoning Ordinance
<b>SUMMARY OF PETITION</b>	<p>The petition addresses residential design for single family housing. Specific amendments include the following:</p> <ol style="list-style-type: none"> <li>1) add new alternative setback standards in the single family zoning districts;</li> <li>2) provide more flexibility in meeting the streetscape improvements required in the urban residential zoning districts;</li> <li>3) add new provisions allowing breezeway connections between a single-family principal use and an accessory use;</li> <li>4) add a new provision limiting the location of major overhead public utility structures which support transmission lines in new single-family developments unless certain conditions are met, including the provision of a buffer;</li> <li>5) remove the option to reduce side yards in surface water improvement and management (S.W.I.M) stream buffers; and</li> <li>6) add new definitions for block face and high voltage transmission structures.</li> </ol>
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Charlotte-Mecklenburg Planning Commission Charlotte-Mecklenburg Planning Department
<b>COMMUNITY MEETING</b>	Meeting is not required.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a 5 to 1 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Phipps).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 4 to 2 to recommend <b>APPROVAL</b> of this petition with the following modification:</p> <ol style="list-style-type: none"> <li>1. Modify Section 12.509(2) of the text amendment to include a reference that trees and shrubs shall also meet any standards and regulations set by a public utility. The revised section shall read as follows: "Lots created for single-family development after December 31, 2011 shall not have major overhead public utility structures which support transmission lines or otherwise part of the transmission network located in any established front setback unless the structure is 100 feet or more beyond the high voltage transmission right-of-way, and a 50-foot wide buffer consisting of nine trees and 60 shrubs per 100 linear feet is provided beginning 25 feet behind the high voltage transmission right-of-way. Trees and shrubs shall meet the standards of Section 12.302(9) and any standards and regulations set by the public utility.</li> </ol> <p style="text-align: center;">This provision does not apply to neighborhood-serving minor public utility structures that provide local distribution."</p>
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<b>VOTE</b>	Motion/Second:	Allen/Zoutewelle
	Yeas:	Allen, Johnson, Phipps, and Zoutewelle
	Nays:	Fallon and Griffith
	Absent:	None
	Recused:	None

**ZONING COMMITTEE DISCUSSION**

Staff briefly reviewed the text amendment and explained one modification to the text. This amendment adds a reference to standards and regulations for tree and shrub plantings set by a public utility company. The revised text amendment was distributed to the Committee members.

The Zoning Committee discussed the regulations regarding major overhead utility structures, the process for determining the width of the perimeter planting strip, and how the average grade for breezeways would be determined.

Concerns were raised about the “future back of curb” provision for determining the setback; the removal of the surface water improvement and management stream buffer incentive to allow side yards to be reduced to a minimum of three feet; and the disallowance of open walkways on top of a breezeway, connecting the second floor of two structures.

After further discussion, staff clarified that a patio connecting a dwelling to a garage that has a wall on one side can still be built. However, the attached structure would become part of the principal structure, and would have to meet the yard requirements for the principal structure.

**MINORITY OPINION**

Charlotte is becoming a more urban community and closeness and urban concepts should be embraced. Allowing breezeways with walls should be considered, as these are a nice accoutrement.

**STAFF OPINION**

Staff agrees with the recommendation of the majority of the Zoning Committee.

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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))**PLANNING STAFF REVIEW****• Background**

- In 2004, Charlotte residents (primarily from the Eastside) voiced concerns regarding quality of life issues. The City Manager asked staff to address the concerns regarding housing design, and lead a Residential Design Standards Citizen Advisory Group process.
- The Citizen Advisory Group held numerous meetings over the past four years. The final stakeholder meeting was held on June 15, 2011. This text amendment, along with a text amendment to the Tree Ordinance, is the result of recommendations made during Phase I of the Residential Design Standards process. Additional recommendations will be finalized in Phase II which will begin in November.
- In addition to the stakeholder meetings, presentations of the residential design standards have been made to the Chamber of Commerce’s Land Development Committee and the Planning Commission. Planning staff also presented the recommendations to City Council’s Transportation and Planning Committee on July 25, 2011 for information.

**• Proposed Request Details**

The text amendment contains the following provisions:

- Adds new alternative setback provisions in the single family districts to provide consistency for infill development based on adjacent existing structures.
- Provides flexibility to the streetscape improvement requirements for the urban residential zoning districts allowing sidewalk and planting strip widths to be amended by the Planning Director or City Engineer to address unusual physical constraints or to allow context sensitive design options.
- Adds new provisions for breezeways. Breezeways shall be allowed to connect a principal structure to an accessory structure as long as the breezeway:
  - Meets to minimum yard requirements for accessory structures.
  - Is located to the rear or side of the principal structure.
  - Does not exceed 15 feet in height.
  - Does not have a walkway on the roof.

- Adds new provisions for major overhead public utility structures which support transmission lines or the transmission network. For single-family lots created after December 31, 2011, major overhead public utility structures shall not be located in any established front setback unless the following conditions are met:
    - The structure is located 100 feet or more beyond the high voltage transmission right-of-way.
    - A 50-foot wide buffer consisting of nine trees and 60 shrubs per 100 linear feet is provided beginning 25 feet behind the transmission right-of-way.
  - Removes the provision in the S.W.I.M (surface water improvement and management) stream buffers allowing the side yards of single family lots to be reduced to a minimum of three feet.
  - Adds new definitions for block face and high voltage transmission structures.
  - The effective date for these regulations is January 1, 2012.
  - **Public Plans and Policies**
    - The General Development Policies (GDP) for residential location and design encourages development to be integrated into the existing landscape and to be designed to enhance the overall community.
    - The petition is consistent with adopted policies.
  - **Staff Recommendation (Updated)**
    - Staff agrees with the recommendation of the Zoning Committee.
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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 comments received.
  - **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](http://www.rezoning.org)**

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

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