

REQUEST	Text amendment to Sections 2.201, 10.812, and 10.813 of the Zoning Ordinance
SUMMARY OF PETITION	<p>The petition proposes to:</p> <ol style="list-style-type: none"> 1) create new definitions for building length and façade modulation; 2) clarify that there is no maximum density for residential dwellings in the pedestrian overlay (PED) district; 3) modify the parking space requirements for multi-family units located in the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district; and 4) create new supplemental design standards for the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required. Staff held six meetings to discuss this text amendment with PED (pedestrian overlay) property owners, neighborhood leaders, and other interested parties, as well as architects and engineers.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Centers, Corridors and Wedges Growth Framework Plan</i> goal to preserve and enhance existing neighborhoods; create a vibrant economy; support a more urban and pedestrian-oriented form of development; and develop neighborhood-scale commercial uses and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Sullivan).

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.
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VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Labovitz/Walker</td> </tr> <tr> <td>Yeas:</td> <td>Allen, Dodson, Labovitz, Sullivan and Walker</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Ryan and Nelson</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Labovitz/Walker	Yeas:	Allen, Dodson, Labovitz, Sullivan and Walker	Nays:	None	Absent:	Ryan and Nelson	Recused:	None
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Nays:	None										
Absent:	Ryan and Nelson										
Recused:	None										

ZONING COMMITTEE DISCUSSION	<p>Staff provided a summary of the text amendment. A question was asked if the design regulations would apply to just the Midtown, Morehead, Cherry pedestrian overlay district. Staff responded that the design regulations would apply to both the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district. A follow-up question was asked: if this is a good approach, why are the design regulations not applied to all the pedestrian overlay districts? Staff responded that the design regulations were developed to address specific concerns raised by the Dilworth community.</p> <p>A Commissioner expressed concern that the design regulations should be applied to all pedestrian overlay districts. Staff should not wait until these areas want them. Another Commissioner agreed, but said each pedestrian overlay district was different, and it is hard to get pedestrian overlay district buy-in from the community in the first place. Staff should not force the design regulations onto additional pedestrian overlay districts, but rather work to include those that would like the added regulations. The reason staff has not gone to other pedestrian overlay district communities is that this text amendment originated to clarify density, and the additional</p>
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regulations for design were needed pieces to move forward with the density text amendment. Staff added that, during the Zoning Ordinance Update, these design regulations would be considered not only for other pedestrian overlay districts, but for the urban districts, as well.

A Commissioner asked if this text amendment passes, then staff will pursue adding this to the Zoning Ordinance update process. Staff responded that each pedestrian overlay district is different, and staff will look at the right standards for each area, and work with the other districts to see if these would work, or if there are other issues to address. The standards would be tailored to each pedestrian overlay district. There were no further questions.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

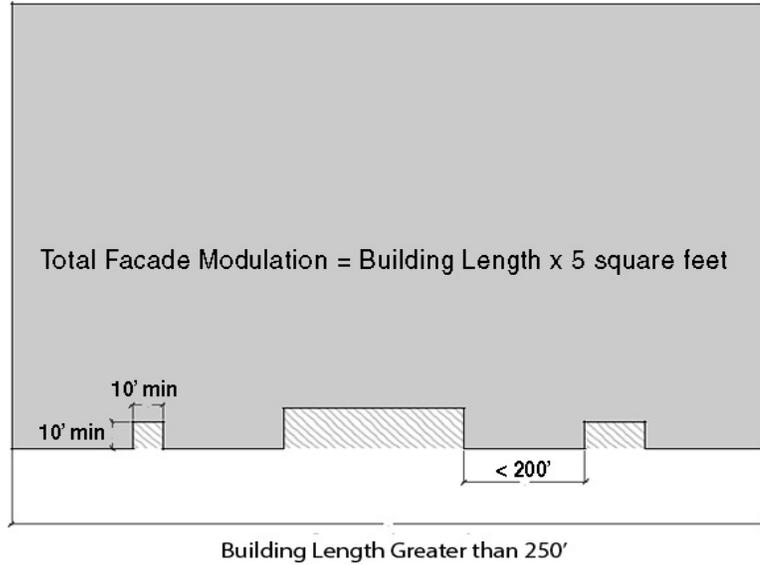
FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Background**

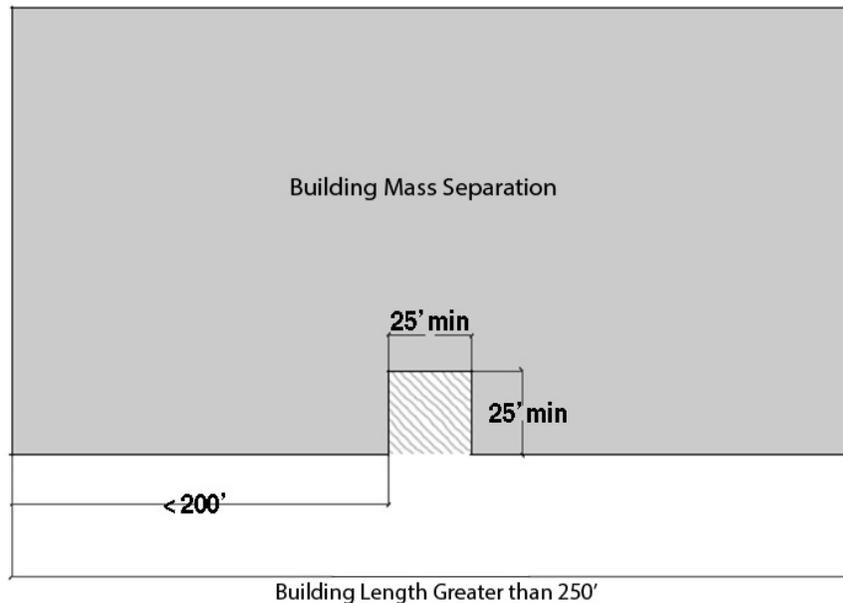
- A public hearing was held on this text amendment on March 19, 2013, to clarify that there is no maximum density for residential dwelling in the pedestrian overlay (PED) district.
- Citizen comments received at the public hearing led staff to host a series of meetings with pedestrian overlay district property owners, neighborhood leaders, and other interested parties, as well as architects and engineers. The purpose of these meetings was to discuss outstanding issues and to discuss possible modifications to the text amendment to address neighborhood concerns. Staff presented proposed modifications to the parking standards and new supplemental design standards to Dilworth and Cherry neighborhood leaders, property owners, and other interested parties related to the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district. These have been incorporated into the text amendment.
- Resulting modifications to the text amendment were considered significant enough to warrant a new public hearing.

• Proposed Request Details

- The text amendment contains the following provisions:
 - Adds new definitions for building length and façade modulation.
 - Adds language to Table 10.812(1) to clarify that there is no maximum density for residential dwellings in the pedestrian overlay (PED) district. This addition clarifies that underlying zoning district regulations for density do not apply.
 - Modifies the minimum parking requirements for multi-family units from 1.0 parking space per dwelling unit to 1.25 parking spaces per dwelling unit.
 - Adds the following new supplemental design standards for properties within the boundaries of the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district:
 - Building facades greater than 250 feet in length along a street shall include one of the following features to achieve pedestrian scale and break up the building mass and bulk:
 - **Facade modulation:** The minimum amount of façade modulation shall be five (5) square feet per each linear foot of building length fronting a street. Each modulation shall be open to the sky with a minimum width of ten (10) feet and a minimum depth of ten (10) feet, as measured from the front building line. Modulation may be distributed along the building length within multiple modulations. Modulations shall occur at intervals no greater than 200 feet in length.



- **Building mass separation:** Building mass separation shall be provided at a depth of at least 25 feet from the front building line and a width of at least 25 feet, open to the sky, for at least every 200 feet of total building length fronting a street.



- **Architectural variation:** The Planning Director, or designee, shall have the authority to approve an alternative design that incorporates architectural variations along public rights-of-way. The alternative design shall utilize a combination of the following, at increments no greater than 100 feet: varied roof pitches, building heights, architectural styles, window arrangement and size variations, external building material changes, and offset wall planes.
- All buildings over five (5) stories in height shall be designed with an architectural base distinguishable from the remainder of the building to enhance the pedestrian environment. The base shall not be more than two stories in height and shall utilize a combination of the following: cornices, belt courses, molding, stringcourses, ornamentation, changes in color and material, or other sculpting of the base.

- **Public Plans and Policies**

- The petition is consistent with *Centers, Corridors and Wedges Growth Framework* goals to preserve and enhance existing neighborhoods; to create a vibrant economy; to support a more urban and pedestrian-oriented form of development; and to develop neighborhood-scale commercial uses.
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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.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** 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.
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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
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Parks and Recreation Review

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