

REQUEST	Text Amendment to Sections 9.8506, 9.906, and 10.812 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to allow balconies to project up to two feet into the minimum setback in the MUDD, UMUD, and PED zoning districts.
PETITIONER AGENT/REPRESENTATIVE	Design Resource Group, PA Design Resource Group, PA
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 Nealon seconded by Commissioner Walker).

ZONING COMMITTEE ACTION	The Zoning Committee voted unanimously to recommend APPROVAL of this petition.
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VOTE	Motion/Second: Nealon/Labovitz Yeas: Allen, Eschert, Johnson, Labovitz, Nealon and Walker Nays: None Absent: Lathrop Recused: None
ZONING COMMITTEE DISCUSSION	Staff provided a summary of the text amendment. A question was asked about the two-foot encroachment and if it would interfere in the transit districts. Staff responded that it should not interfere, and that CDOT would review each instance, since an encroachment agreement is required.
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**
 - The Transit Oriented Development (TOD) zoning district currently allows balconies to project up to two feet into the minimum setback, subject to an approved encroachment agreement with the Charlotte Department of Transportation (CDOT). Balconies also must have a minimum height clearance of ten feet from grade.
 - This text amendment will add this same provision to other urban districts.
- **Proposed Request Details**
 - The text amendment contains the following provisions:
 - Adds new provisions allowing balconies to project up to two feet into the minimum setback, subject to an approved agreement with CDOT in the MUDD, UMUD, and PED zoning districts.

- Adds new provisions that balconies shall have a minimum clearance of ten feet from grade in the MUDD, UMUD, and PED zoning districts.
 - **Public Plans and Policies**
 - The petition is consistent with adopted policy.
 - **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.
 - **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 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
- Mecklenburg County Parks and Recreation Review

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