

REQUEST	Text amendment to Sections 9.304, 9.405, 9.504, 9.604, 9.704, 9.804, 9.8504, 9.904, 9.1004, 9.1104, 9.1207, 10.811, 10.906, 11.204, 11.404, 12.419, and Table 9.101 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes allow outdoor dining associated with an eating, drinking and entertainment establishment to encroach into a site's setback and side yards when abutting public streets, if prescribed conditions are met.
PETITIONER AGENT/REPRESENTATIVE	Brazwells Premium Pub, Britton McCorkle Robert L. Brandon, Planning & Zoning Consultants
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	<p>This text amendment is found to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • It broadens the choices for entertainment. <p>Therefore, this petition is reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Outdoor dining encourages a more pedestrian-oriented form of development; <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Eschert).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.
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VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Nelson/Ryan</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Eschert, Labovitz, Nelson, Ryan and Sullivan</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Walker</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Nelson/Ryan	Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan and Sullivan	Nays:	None	Absent:	Walker	Recused:	None
Motion/Second:	Nelson/Ryan										
Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan and Sullivan										
Nays:	None										
Absent:	Walker										
Recused:	None										
ZONING COMMITTEE DISCUSSION	Staff provided a summary of the text amendment. There were no 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

- **Proposed Request Details**
The text amendment contains the following provisions:
 - Adds outdoor dining as a permitted accessory use, when associated with an eating, drinking and entertainment establishment, with prescribed conditions:
 - Outdoor dining shall be permitted to encroach into the required setback or side yard when abutting a public street, according to the street type abutting the property:
 - Local (Class VI): 100 percent encroachment
 - Collector (Class V): 100 percent encroachment
 - Minor arterial (Class IV): 75 percent maximum encroachment

- Major arterial (Class III): 50 percent maximum encroachment
 - Commercial arterial (Class III-C): 0 percent encroachment
 - Limited access arterial (Class II): 0 percent encroachment
 - Freeways, expressway (Class I): 0 percent encroachment
 - Type 2 eating, drinking and entertainment establishments shall meet the prescribed conditions in Section 12.546 for eating, drinking and entertainment establishments.
 - Outdoor dining areas shall be located on private property, behind the public sidewalk, and out of the public right-of-way, unless a public right-of-way encroachment agreement is approved by the Charlotte Department of Transportation. If no sidewalk exists, then the outdoor dining area shall be located a minimum of 10 feet from the existing or proposed back of curb.
 - Outdoor dining areas located in the required setback or side yard abutting a public street shall be located on a patio, at grade, and contain no temporary or permanent roof with supporting structures.
 - Outdoor dining areas shall be located outside of all sight-distance triangles, and shall not block fire hydrants, driveway access, doors, or utilities.
 - Awnings that are supported only by a building wall and umbrellas are permitted, but shall not interfere or conflict with Tree Ordinance required plantings.
 - The square footage of outdoor dining areas shall be included in the calculations for the total square footage of the establishment for parking requirements, unless there are exceptions noted in the district.
 - **Public Plans and Policies**
 - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals to provide a range of choices for entertainment and encourage a more pedestrian-oriented form of development.
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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 comments received.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **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 issues.
 - **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
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722