

<b>REQUEST</b>	Text amendment to Sections 9.205, 9.303, 9.305, 12.102, 12.805 and Figures 12.102(a) and 12.102(b) of the Zoning Ordinance
<b>SUMMARY OF PETITION</b>	The petition proposes to clarify and revise the setback measurement requirements for single family and multi-family zoning districts. Setbacks will be measured from the "right-of-way" instead of the back of curb.
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
<b>COMMUNITY MEETING</b>	Meeting is not required.
<b>STATEMENT OF CONSISTENCY</b>	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: <ul style="list-style-type: none"> <li>• Working experience has shown that these items need to be clarified and/or adjusted.</li> </ul> <p>Therefore, this text amendment is found to be 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"> <li>• It clarifies and simplifies practices relating to locating setbacks; and,</li> <li>• Preserves and enhances existing neighborhoods;</li> </ul> <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Sullivan).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition.
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<b>VOTE</b>	Motion/Second: Ryan/Nelson
	Yeas: Dodson, Eschert, Nelson, Ryan and Sullivan
	Nays: None
	Absent: Labovitz and 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](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Background**
  - The current setback regulations were part of petition 2010-073, adopted by City Council on December 20, 2010, to implement the *Urban Street Design Guidelines*. The update to the Zoning Ordinance changed the requirements of where setbacks were measured.
  - Internal and external customers have provided feedback since the adoption of petition 2010-073 indicating there are issues with measuring the setback from the existing or future back of curb.
  - Staff is recommending this petition to address the customer concerns. This text amendment changes the location from where the setback is measured by measuring the required setback from the right-of-way. This is where the setback was measured prior to the adoption of petition

2010-073.

- While this text amendment will make changes to where the setback is measured, it will not impact the other ordinance changes that were made in 2010 to implement the *Urban Street Design Guidelines*.
  - **Proposed Request Details**

The text amendment contains the following provisions:

    - Single family and multi-family districts:
      - Revises the measurement of the minimum front setback from “the existing or future back of curb” to “the right-of-way”.
      - Revises the minimum setback requirements for lots along local and collector street right-of-way approved prior to 12-20-10.
      - Adds footnotes to:
        - 1) reference the corner lot setback requirements in Section 12.102;
        - 2) reference the standards for the location of parking in Section 12.206(3); and
        - 3) state that setbacks on a recorded plat at the Register of Deeds shall supersede required setbacks in the Zoning Ordinance.
    - Multi-family districts:
      - Adds a footnote allowing for the use of alternative setbacks when an established block face is at least 25 percent developed, or has at least four existing dwellings.
    - Special setback requirements in all zoning districts:
      - Adds a requirement for corner lots that the required side yard may not be reduced to less than 10 feet from the right-of-way.
    - Lots in a Surface Water Improvement and Management Stream buffer:
      - Limits the ability to reduce the front setbacks for local and collector streets.
      - Deletes references to the existing or future back of curb.
      - Deletes the default street type requirement for local streets where no curb exists.
  - **Public Plans and Policies**
    - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to preserve and enhance existing neighborhoods.
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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:** No comments received.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte-Mecklenburg Utilities:** No issues.
  - **Engineering and Property Management:** 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.

**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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