

REQUEST	Text amendment to Sections 9.205, 9.305, and 12.212										
SUMMARY OF PETITION	<p>In single family and multi-family residential districts, the text amendment proposes to:</p> <ol style="list-style-type: none"> 1) increase the allowable floor area ratio (FAR) for an institutional use by 50 percent if a parking deck is constructed as an accessory use; 2) establish parking structure standards when the structure is constructed as an accessory use to an institutional use; and 3) limit the floor area ratio for an accessory residential building to an institutional use; <p>The text amendment also proposes to:</p> <ol style="list-style-type: none"> 4) align the street tree spacing requirements for large and small maturing trees with the Tree Ordinance; and 5) improve Section 12.212 with minor reorganization. 										
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department										
COMMUNITY MEETING	Meeting is not required.										
STATEMENT OF CONSISTENCY	<p>This petition 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 meets the plan goal to protect established neighborhoods and create high-quality, context-sensitive design. <p>Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed text amendment:</p> <ul style="list-style-type: none"> • Increases the allowable floor area ratio (FAR) for an institutional use by 50 percent if a parking deck is constructed as an accessory use; and • Establishes parking structure standards when the structure is constructed as an accessory use to an institutional use; and • Limits the floor area ratio for an accessory residential building to an institutional use; and • Aligns the street tree spacing requirements for large and small maturing trees with the Tree Ordinance; and • Improves Section 12.212 with minor reorganization; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Eschert seconded by Commissioner Ryan).</p>										
ZONING COMMITTEE ACTION	The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.										
VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Ryan/Eschert</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan and Walker</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>None</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Ryan/Eschert	Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan and Walker	Nays:	None	Absent:	None	Recused:	None
Motion/Second:	Ryan/Eschert										
Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan and Walker										
Nays:	None										
Absent:	None										
Recused:	None										
ZONING COMMITTEE DISCUSSION	Staff presented 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**• Background**

- On June 21, 2010, City Council approved text amendment (2010-033) which added new regulations that exempted parking decks constructed as an accessory use to an institutional use from the floor area ratio (FAR) calculations, in the single family and multi-family districts, if site and design criteria are met. The amendment also updated the street tree spacing standards to align with the Tree Ordinance standards and improved Section 12.212 with minor reorganization.
- In 2014, a court decision invalidated the original text amendment.
- On August 1, 2014, staff refiled the original text amendment. After gathering additional community input, staff made modifications to the original text amendment.

• Proposed Request Details

The text amendment contains the following provisions:

- Increases the allowable floor area ratio (FAR) for institutional uses located in single family and multi-family zoning districts when a parking deck is constructed as an accessory use by allowing the FAR of the institutional use to be increased by 50 percent, if certain requirements are met. The original text amendment, found invalid, exempted parking decks from the FAR calculations. The proposed modification to allow the floor area ratio to increase was the result of community input.
- Limits the maximum floor area ratio for an accessory residential building to an institutional use to 0.50.
- Establishes parking deck standards for decks constructed as an accessory use to an institutional use in the single family and multi-family districts; all of these parking deck standards have to be met to allow the floor area ratio for the site to increase by up to 50 percent. These standards have not changed from the original text amendment, except where noted:
 - The deck shall have a minimum setback of 50 feet from the edge of the public right-of-way. If the deck is below grade, the minimum setback of the zoning district shall apply. The minimum setback for decks located below grade was added based on community input.
 - Any required buffer shall be at least a minimum of 50 feet wide or greater.
 - A minimum nine-foot clearance on the first level of the deck and for any level that provides disabled parking spaces is required. A minimum seven-foot clearance is required throughout the remainder of the deck.
 - A minimum 25-foot landscaped area shall be provided between the street façade of the deck and the sidewalk. The planting area shall consist of large trees planted at a rate of one tree per 40 linear feet of street frontage and shall have a minimum caliper of two inches measured six inches above ground at the time of planting. Evergreen shrubs shall be planted along the street façade of the deck with a maximum spacing of five feet on center, and shall meet the requirements noted in Section 12.302(9)(c) regarding size and type.
 - A minimum five-foot sidewalk shall be provided with a minimum six-foot planting strip located between the sidewalk and the street.
 - The deck shall be designed so that vehicles on all levels are screened from the street and from adjacent residentially zoned and/or used properties through the use of decorative elements such as grillwork or louvers.
 - The façade of the parking deck adjacent to the street or residentially zoned and/or used properties shall be designed with a pedestrian scale through the use of articulated precast concrete panels, decorative elements, or a variety of building materials such as brick or stone.
- Establishes alternative parking deck standards for decks constructed as an accessory use to an institutional use in the single family and multi-family districts; these standards permit the floor area ratio for the site to increase by up to 50 percent if the deck meets the setback, height clearance, 25-foot landscaped area, and sidewalk and planting strip requirements listed above, and also meets at least one of the following conditions:
 - The deck is located a minimum of 400 feet from the edge of the public right-of-way and from any vacant or residentially used property located in a single family or multi-family zoning district; or
 - The deck is obscured from view from the public right-of-way and any adjacent vacant or residentially used property located in a single family or multi-family zoning district by existing buildings and/or mature vegetation.

- Aligns the spacing requirements for large and small maturing trees to align with the Tree Ordinance:
 - Small maturing trees: 1 tree per 30 linear feet of street frontage, and
 - Large maturing trees at a rate of one tree per 40 linear feet of street frontage.
 - Improves user-friendliness by reorganizing and renumbering Section 12.212, bordering the illustrations, and relocating their position under a new subsection (d) titled, "Illustrations for Option A, B, and C".
 - **Public Plans and Policies**
 - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals to protect established neighborhoods and create high-quality, context-sensitive design.
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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 comments received.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** 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-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722