

REQUEST	Text amendment to Section 2.201, 9.205, 9.305, 9.406, 9.705, and 9.805 of the Zoning Ordinance
SUMMARY OF PETITION	<p>The petition proposes to:</p> <ol style="list-style-type: none"> 1) add two new definitions for “useable common open space” and “private open space” and modify a current definition for “sublot”. 2) provide an alternative to requiring private open space when land is sold with an attached single family dwelling unit by allowing a percentage of useable common open space to be provided instead. This would apply in multiple zoning districts. 3) Allows additional features and amenities to count towards private open space and useable open space.
PETITIONER	LandDesign, Inc.
AGENT/REPRESENTATIVE	Collin Brown, K&L Gates, LLP
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The petition is consistent with <i>Centers, Corridors and Wedges Growth Framework</i> to provide residential opportunities to accommodate a diverse population in quality and livable neighborhoods.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • Adds definitions for “useable common open space” and “private open space”, and modifies the definition for “sublots” and relocates it into Definitions section of the Zoning Ordinance, where terms are commonly defined, making it clearer for users. • Allows decks, patios, balconies, porches, roof-top decks, and areas designed for outdoor living or landscaping to count towards required private open space or useable common open space, providing more flexibility in the design of residential developments. • Expands design flexibility for single family attached residential developments (excluding duplex, triplex, and quadraplex dwelling units) to provide either private open space or useable common open space to adapt to the changing residential marketplace and buyer preferences. • Provides consistency in regulations across multiple zoning districts which allow single family attached dwelling units.
-----------------------------	---

PLANNING STAFF REVIEW

- **Background**
 - The Zoning Ordinance currently requires individual dwelling units located within single family attached structures to provide 400 square feet of private open space per unit when land is sold with individual dwelling units. This requirement applies in the single family (R-3, R-4, R-5, R-6, and R-8), multi-family (R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF), urban residential (only UR-1, UR-2, and UR-3), office (O-1, O-2, and O-3), business (only B-1 and B-2), and mixed-use (MX-1, MX-2, and MX-3) zoning districts.
 - A definition of “sublot” is currently found in Sections 9.406(1) footnote 5; 9.406(2) footnote 2; and 9.406(3) footnote 2.

- **Proposed Request Details**

The text amendment contains the following provisions:

- Adds two new definitions to the Zoning Ordinance for “useable common open space” and “private open space” and modifies and relocates the definition for “sublot”.
- Provides an alternative to providing 400 square feet of private open space per dwelling unit by allowing ten percent of the site to be designed and designated as useable common open space when land is sold with an attached single family dwelling unit (excluding duplex, triplex and quadraplex dwelling units). This new provision applies in the multi-family (R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF), urban residential (only UR-2, and UR-3), office (O-1, O-2, and O-3), business (only B-1 and B-2), and mixed-use (MX-1, MX-2, and MX-3) zoning districts.
- In the single family districts (R-3, R-4, R-5, R-6, and R-8) and in the UR-1 (urban residential district), 400 square feet of private open space is still required (the current standard). There is no option to provide useable common open space.
- Adds new clarifications in the definitions to allow decks, patios, balconies, porches, roof-top decks, and areas designed for outdoor living or landscaping, to count towards either the 400 square feet of private open space per dwelling unit or the 10 percent of useable common open space when land is sold with an attached single family dwelling unit. These areas may be under a roof, canopy or screened, and must have a minimum dimension of at least ten feet in each direction, with the exception that on balconies, porches and decks, one dimension must be at least seven feet.
- Excludes driveways, parking areas, required bicycle parking areas, backflow preventer areas, Best Management Practices (BMP’s), above ground utility areas, mailboxes, required zoning buffers, required landscaped areas, and required tree save areas from counting towards both private open space and useable common open space.

- **Public Plans and Policies**

- The *Centers, Corridors and Wedges Growth Framework* provides policy guidance to support residential opportunities to accommodate a diverse population in quality and livable neighborhoods.

- **TRANSPORTATION CONSIDERATIONS**

- No outstanding issues.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Not applicable.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

- No outstanding issues.

Attachments Online at www.rezoning.org

- Application
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Engineering and Property Management Review
 - Erosion Control

- Land Development
- Storm Water
- Urban Forestry
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Transportation Review

Planner: Sandra Montgomery (704) 336-5722