

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2007-141**

**Petitioner:** Charlotte Mecklenburg Planning Department

**Request:** Text amendment to 1) modify the Uptown Mixed Use District (UMUD) regulations by prohibiting fences and similar devices from locating in the required setback, except for temporary fencing for outdoor seating areas used for consumption of food and beverages, 2) add new regulations to permit valet parking services in the UR, NS, MUDD, UMUD, TOD, and TS zoning districts; 3) refine the valet parking regulations in the Pedestrian Overlay District; and 4) add a definition for valet parking service.

### **Background**

The first part of this text amendment modifies the list of uses that are prohibited from locating in the setback in the UMUD zoning district. Currently, transformer vaults, utility structures, air vents, backflow preventers, and other similar devices are prohibited from locating in the required setback. This text amendment revises the list to include fences as a prohibited structure, because they can block pedestrian circulation. However, temporary fencing shall be permitted in the setback around outdoor seating areas used for consumption of food and beverages, as long as adequate pedestrian circulation is maintained.

Valet parking services are permitted in Charlotte only if a valet parking permit is obtained from Charlotte Department of Transportation (CDOT). The municipal code was modified last year to add a new Article XII titled, “Valet Parking”. In this article, the permit application process is explained, and the permitting criteria used by CDOT to evaluate applications is given.

The Zoning Ordinance currently permits valet parking only in the Pedestrian Overlay District (PED).

As Charlotte has grown, the City has accommodated valet parking services, not always to the benefit of the public good. The City is also experiencing a growing number of requests for valet parking services from prestigious condominium projects, hotels and upscale restaurants. As a result, this text amendment expands where valet parking is permitted, and refines the regulations to improve vehicular and pedestrian safety concerns.

### **Summary**

The purpose of this text amendment is to add valet parking service regulations that would be applicable in UR, NS, MUDD, UMUD, TOD, and TS zoning districts, and refine the regulations provided in PED. A definition for “valet parking service” will be added:

### Valet Parking Service.

A service or person who accepts temporary possession of a vehicle on the right-of-way or on private property, for the purpose of parking the vehicle for the operator or retrieving a parked vehicle and returning it to the operator, either on the right-of-way or on private property, regardless of whether a fee is charged.

The regulations would be applicable for new valet parking services, or site reconfigurations. Valet parking services would be allowed to locate in two areas. First, if the valet parking service utilizes the public right-of-way, it may be located at the face of the existing curb. If the valet parking service is to be located on private property, then the service area shall be located to the side or rear of the structure, but not between the building and the street. A valet parking permit is required by CDOT.

The valet parking standards require the following:

- If the public right-of-way is utilized for the valet parking service, then the service may be located at the face of the existing curb, as long as the existing curb line is not modified to provide an inset for the valet parking service or to reduce the width of the required sidewalk or planting strip.
- If the valet parking service is to be located on private property, it must be located on the side or rear of the structure or building, but shall not be located between the building and the street.
- The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design.
- The valet parking service and all associated structures shall not disrupt the flow of pedestrian or vehicular traffic.
- For valet parking services located on a public street, or where the right-of-way is utilized by the service, a valet parking permit shall be obtained from CDOT.

### **Consistency and Conclusion**

This text amendment is consistent with adopted plans and policies, and is reasonable and in the public interest.