



HIGHLIGHTS: Heights in Residential Zoning Districts

Charlotte-Mecklenburg Planning Commission

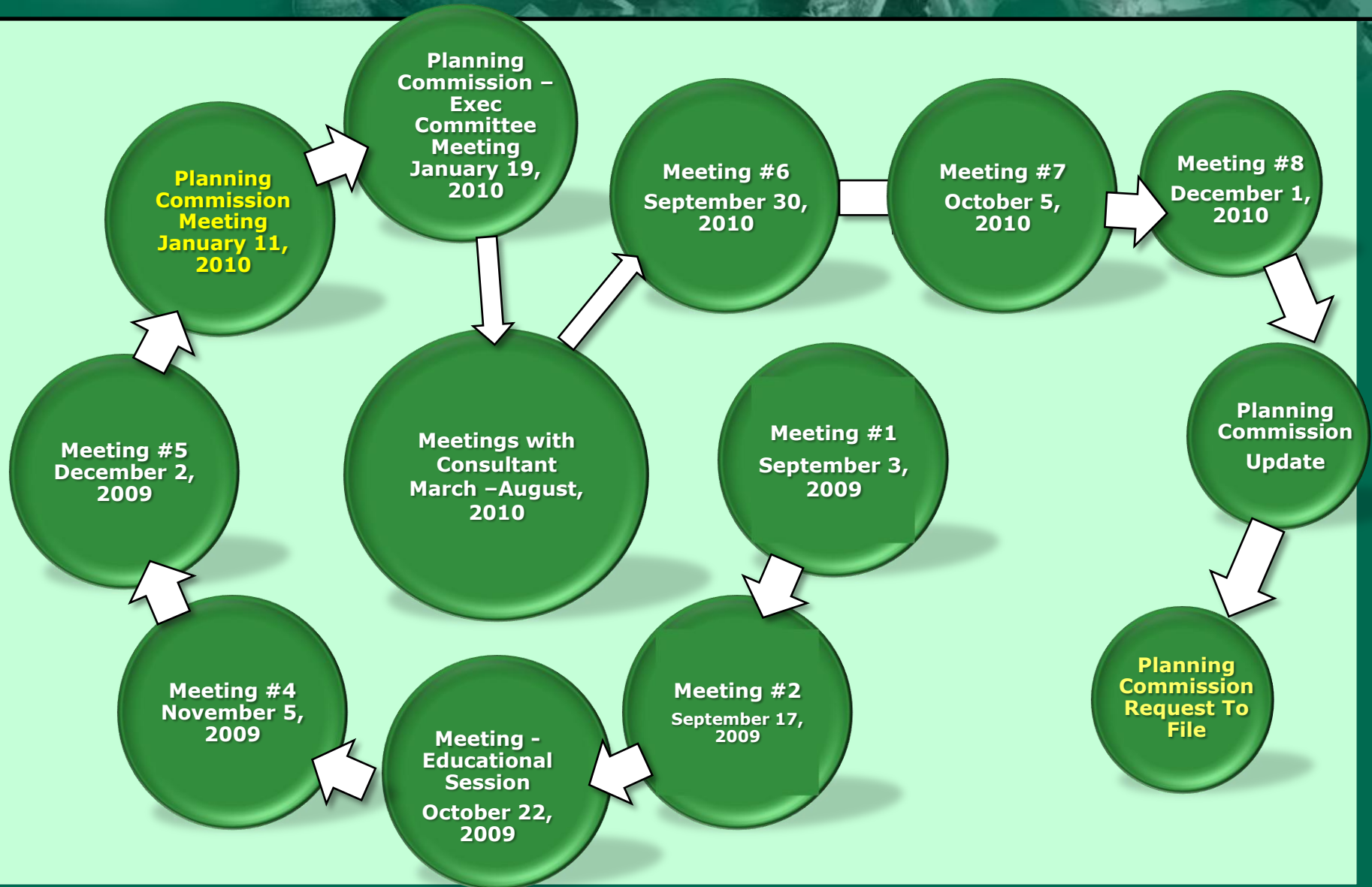
March 7, 2011



PROJECT BACKGROUND

1. A rezoning petition (#2008-32) was initiated by the Myers Park Neighborhood Association to rezone 40.9 acres from R-22MF to R-8MF
2. The Petition was filed to respond to concerns about the height and scale of development proposed in the area
3. The petition went to hearing and City Council directed Planning staff to examine existing regulations that control height in residential areas
4. The rezoning petition has since been deferred by the Zoning Committee for several months as staff review options for addressing heights in residential districts

PROCESS FLOWCHART





GOAL

To ensure that the height of buildings in residential districts is compatible with the scale of single family neighborhoods in which they are located.



EXISTING REGULATIONS

- Buildings above 40' must increase side and rear yards by 1 foot for every foot increase in height when abutting a residential district or use.
- Buildings above 40' abutting any other district or use are required to increase side yards by 1 foot for every 2 feet increase in height.

STAKEHOLDER PRIMARY CONCERNS

- There are no maximum height limits
- Height compatibility requirements for buildings are inadequate
- Loss of development rights
- Creating nonconforming buildings

HIGHLIGHTS OF RECOMMENDATION

- ❑ Improves compatibility with single family neighborhoods
- ❑ Minimizes creation of non-conforming structures and extends time period for non-conforming structures to rebuild
- ❑ Some decrease in development rights when adjacent to sf zoning but potential increase in development rights when not adjacent to sf zoning
- ❑ If proposed development exceeds permitted height, rezoning to another district is an option

Residential Zoning Districts

- **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-43 MF
- **Urban Residential** – UR-1, UR-2 and UR-3
- **Mixed Use** – MX-1, MX-2 and MX-3
- **Manufactured Housing** – R-MH
- **Transit Oriented** – TOD-R

Residential Zoning Districts also includes any of the above districts with CD after the designation.

- *TOD –R revision completed*



New Definition of Height

- ❑ The vertical distance between the average grade at the base of a structure along each building line and the highest part of the structure
- ❑ Does not include **chimneys**, **firewalls**, sky lights, and roof structures for elevators, stairways, tanks, heating, ventilation and air conditioning equipment, or similar equipment

Required Setback

A building must be located at least this amount (example - 30') of distance from the street.

Required Side Yard

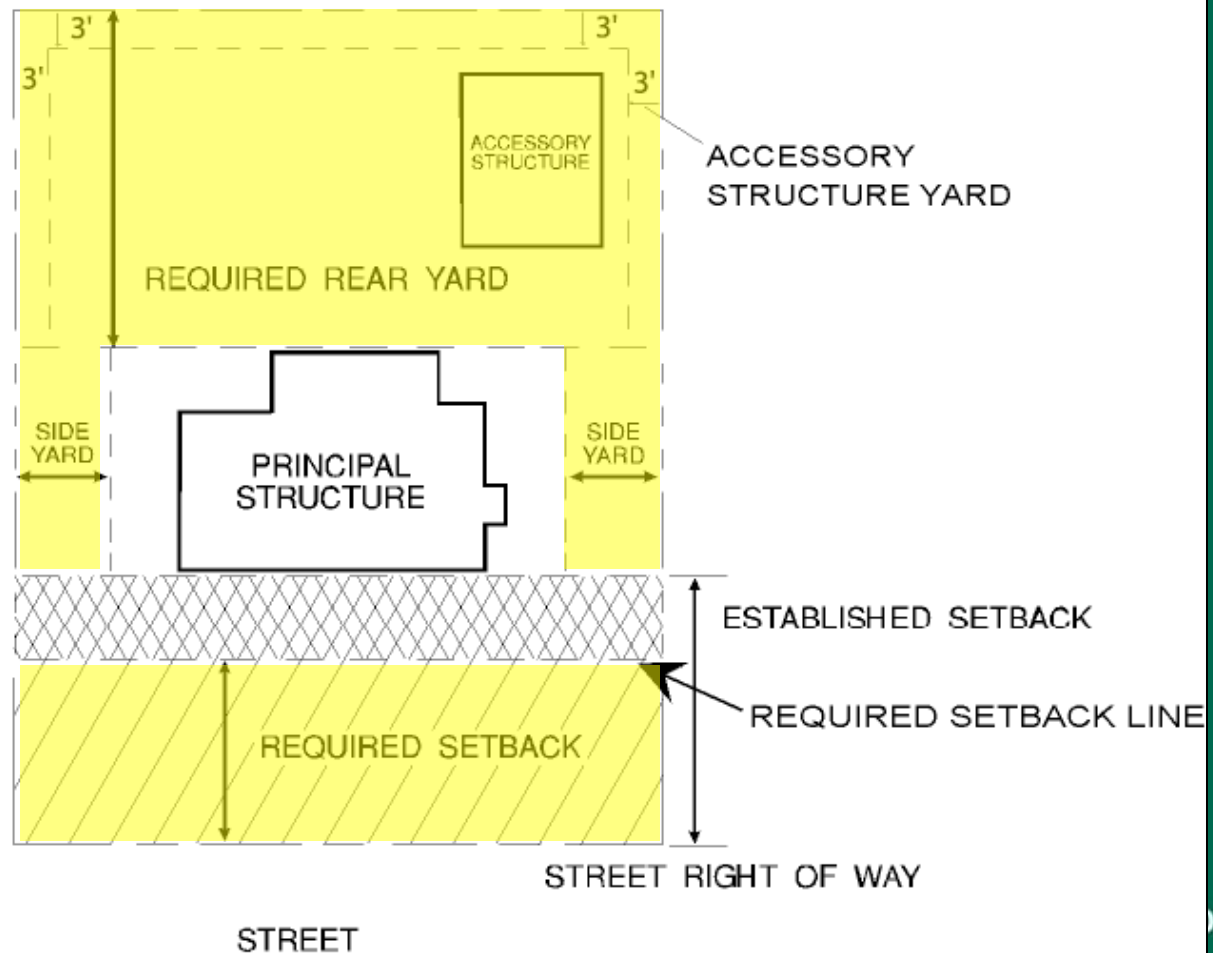
The minimum distance required by this ordinance between the side lot line and the side building line, extending from the established setback to the established rear yard.

Required Rear Yard

The minimum distance required by this ordinance between the rear lot line and the rear building line.



SETBACK AND YARD REQUIREMENTS

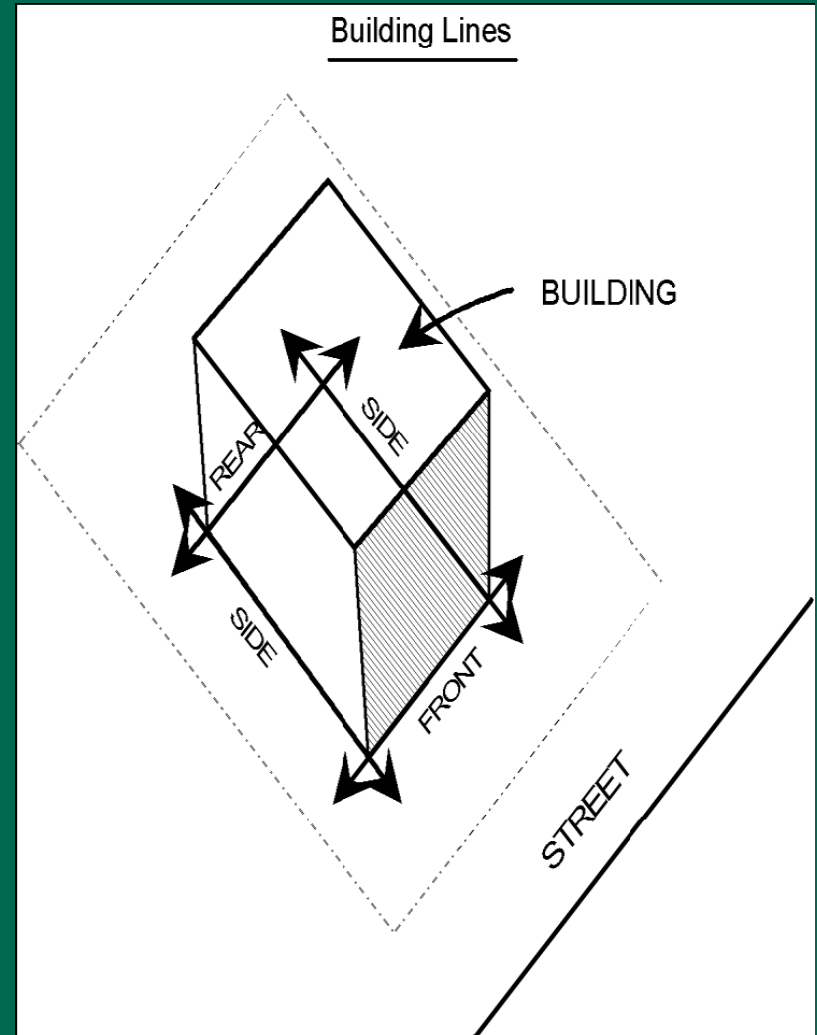


Building Line

Lines that are tangent to the exterior surface of buildings or structures.

Building Envelope

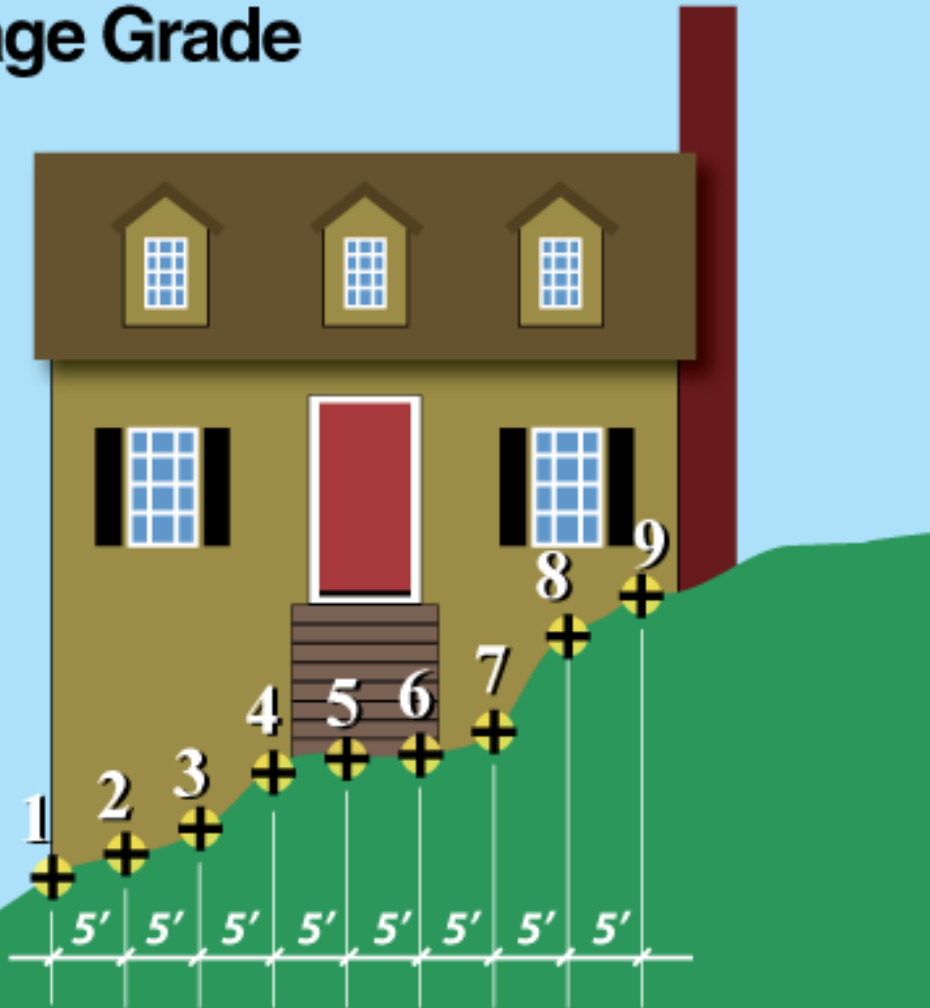
A three-dimensional area on a lot that remains for placing a structure on a site after setbacks, yard, height, and bulk regulations are observed





AVERAGE GRADE

Average Grade



- Calculated by adding the lowest point and highest point along the base of the structure and dividing the total by two.
- May also be calculated by adding all points, at five foot intervals, starting at the corner along the base of the building and dividing the total by the total number of points.
- Each building elevation will have an average grade.



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Questions?



NUMBER 1

- Single Family/Lower Density Multi-Family Residential Structures

NUMBER 2

- Higher Density Multi-Family/Nonresidential Structures



COMPARISON RECOMMENDATION #1 SINGLE FAMILY & LOW DENSITY MF

CURRENT

- No max height of building
- Max base height at side and rear yards
- Increase yards for portion of building over 40'

PROPOSED

- Max height at front building line
- Max base height at side yards
- No height maximum at rear
- Increase yards for portion of building over 40'

SINGLE FAMILY R-3 & R-4 R-8MF, AND R-12MF

Requirement	Current	Proposed	
		Base	Max
Height at front building line	N/A	40'	48'
Height at required side yard	40'*	40'	40' **
Height at required rear yard	40'*	N/A	N/A

**Increase required side yard 1' for every 1' height increase over 40' if abutting residential use or zoning. Otherwise increase side yard 1' for every 2' height increase.*

*** Increase height 1' for every 1' increase portion of building is from required side yard.*

Residential Existing Standard

Residential Proposed Standard



NOTE: Measurement at side yard does not change from existing code (R-3, R-4 and multi-family). Measurement at side yard = 40'

RESIDENTIAL BUILDING EXISTING REGULATION



R-3, R-4, R-8MF, AND R-12MF

RESIDENTIAL BUILDING PROPOSED REGULATION



R-3, R-4, R-8MF, AND R-12MF

RESIDENTIAL PROPOSED REGULATIONS



R-3, R-4, R-8MF, AND R-12MF

SINGLE FAMILY RESIDENTIAL R-5, R-6, R-8

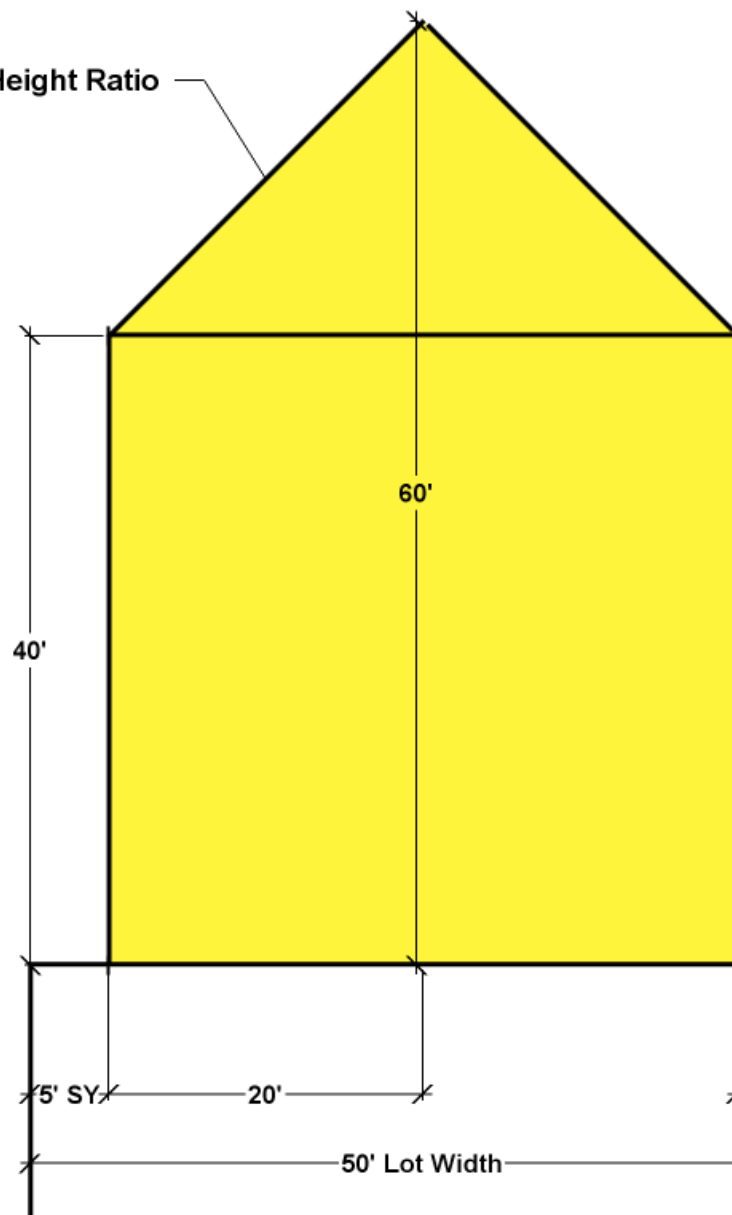
Requirement	Current	Proposed	
		Base	Max
Height at front building line	N/A	N/A	40'
Height at required side yard	40'*	35'	35'**
Height at required rear yard	40'*	N/A	N/A

**Increase yards 1' for every 1' height increase over 40' if abutting residential use or zoning. Otherwise increase side yard 1' for every 2' height increase.*

*** Increase height 1' for every 1' increase portion of building is from required yard.*

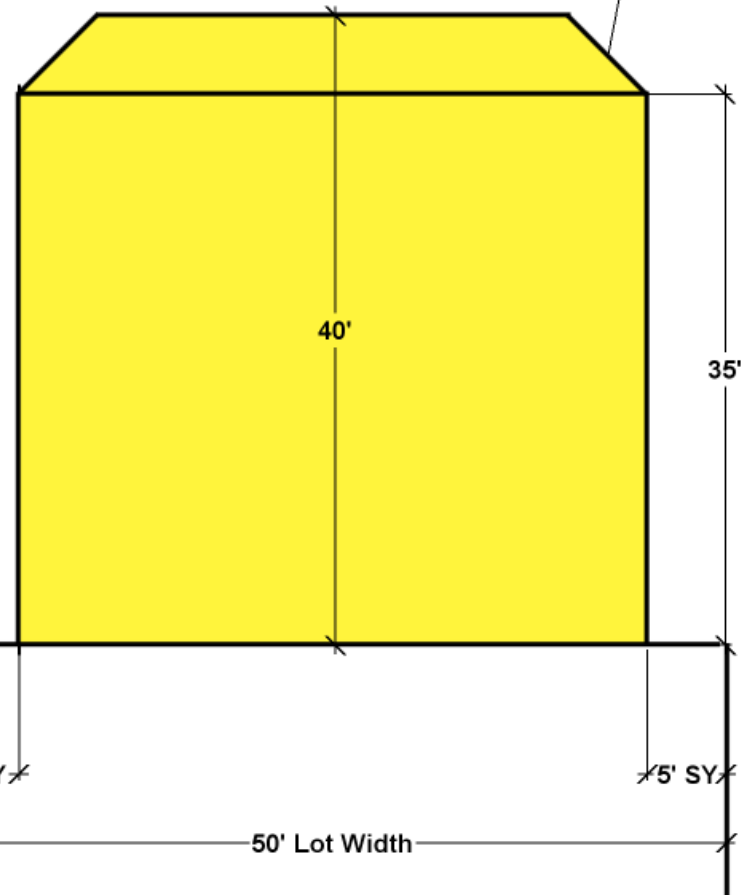
Residential Existing Standard

1:1 Height Ratio

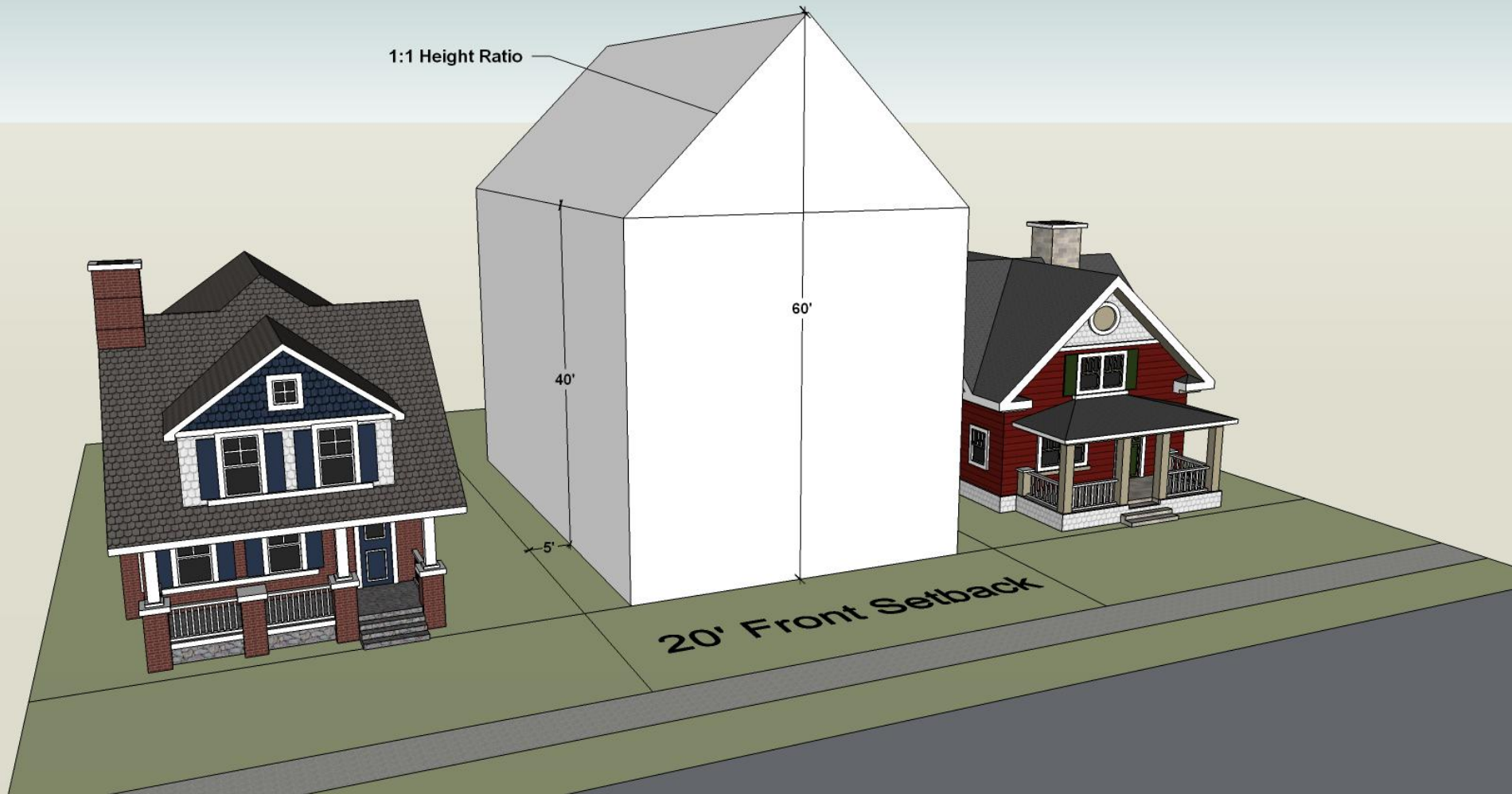


Residential Proposed Standard

1:1 Height Ratio

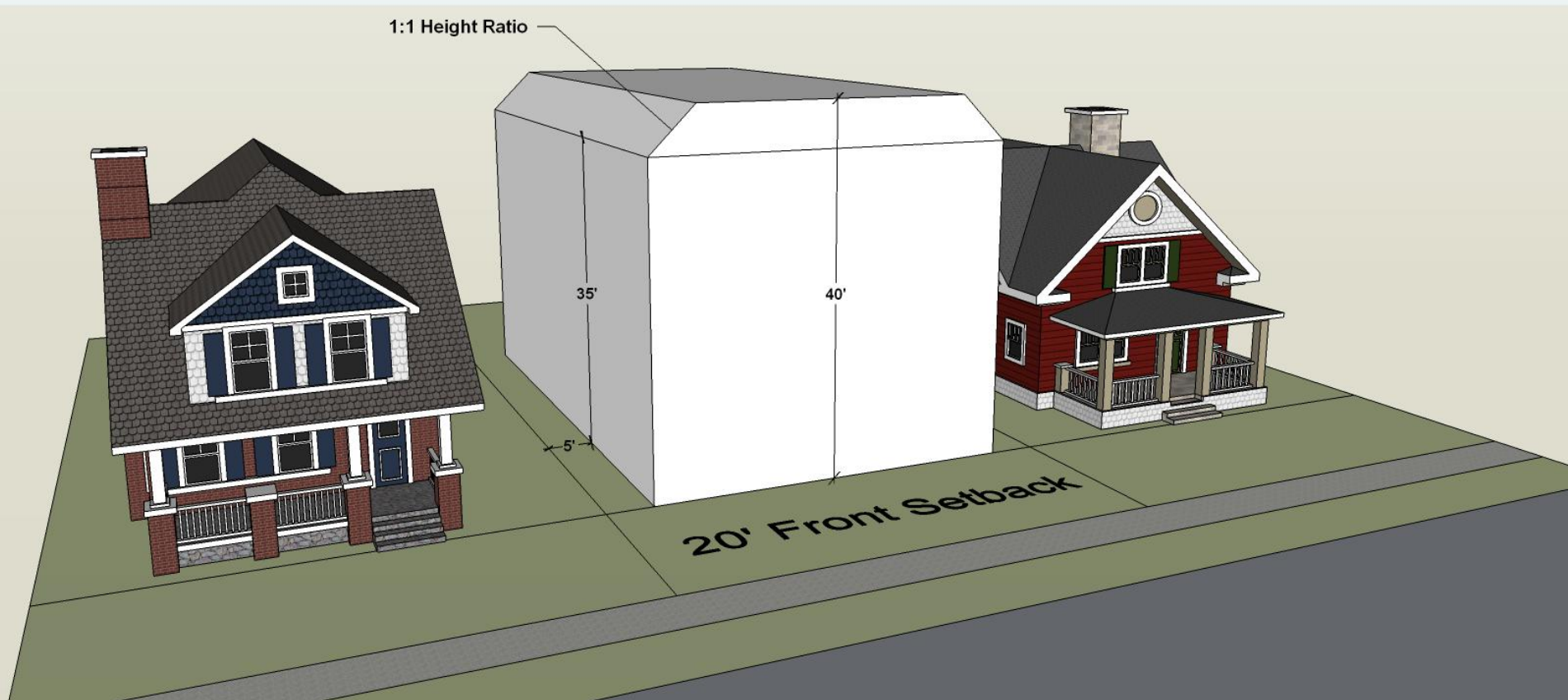


RESIDENTIAL BUILDING EXISTING REGULATION



R-5, R-6, AND R-8

RESIDENTIAL BUILDING PROPOSED REGULATION



R-5, R-6, AND R-8



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PROPOSED REGULATIONS



R-5, R-6, AND R-8

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COMPARISON RECOMMENDATION #2 HIGH DENSITY MF & NONRESIDENTIAL

CURRENT

- No max height of building
- Increase yards for portion of building over 40'
- No measurement of height at setback

PROPOSED

- Max height
- Measurement from lowest to highest point
- Adjacent district and use dictates height at building setback, side and rear yards

MULTI-FAMILY RESIDENTIAL AND NONRESIDENTIAL BUILDINGS

Requirement	Current	Proposed	
		Base	Max
Height when adjacent to single family residential district - At required setback - At required side/rear yard	N/A 40'*	40'** 40'**	100' 100
Height adjacent to a district other than single family residential - At required setback - At required side yard - At required rear yard	NA 40'*** NA	100' 100' 100'	100' 100' 100'

* Increase yards one foot for every additional foot of height when abutting any residential use or district

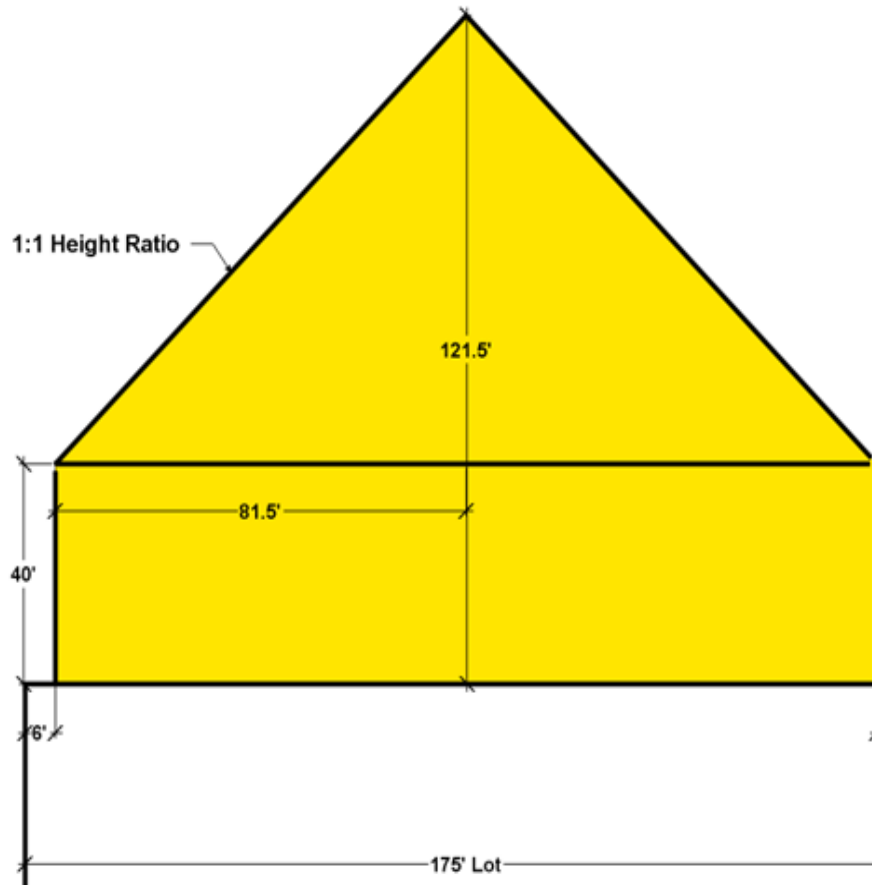
**Increase yards two feet in distance for every additional foot of height the portion of the building is from the required setback/yard (s) adjacent to single family zoning district

*** Increase side yard one foot for every additional two foot of height the when abutting use or district other than residential

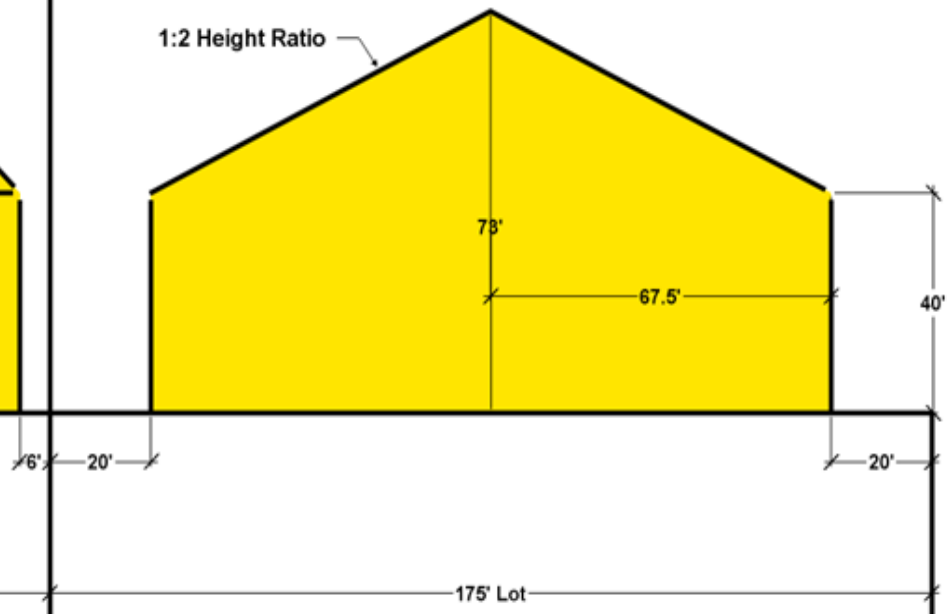


COMPARING NONRESIDENTIAL EXISTING TO PROPOSED

Non-Residential Current Standard



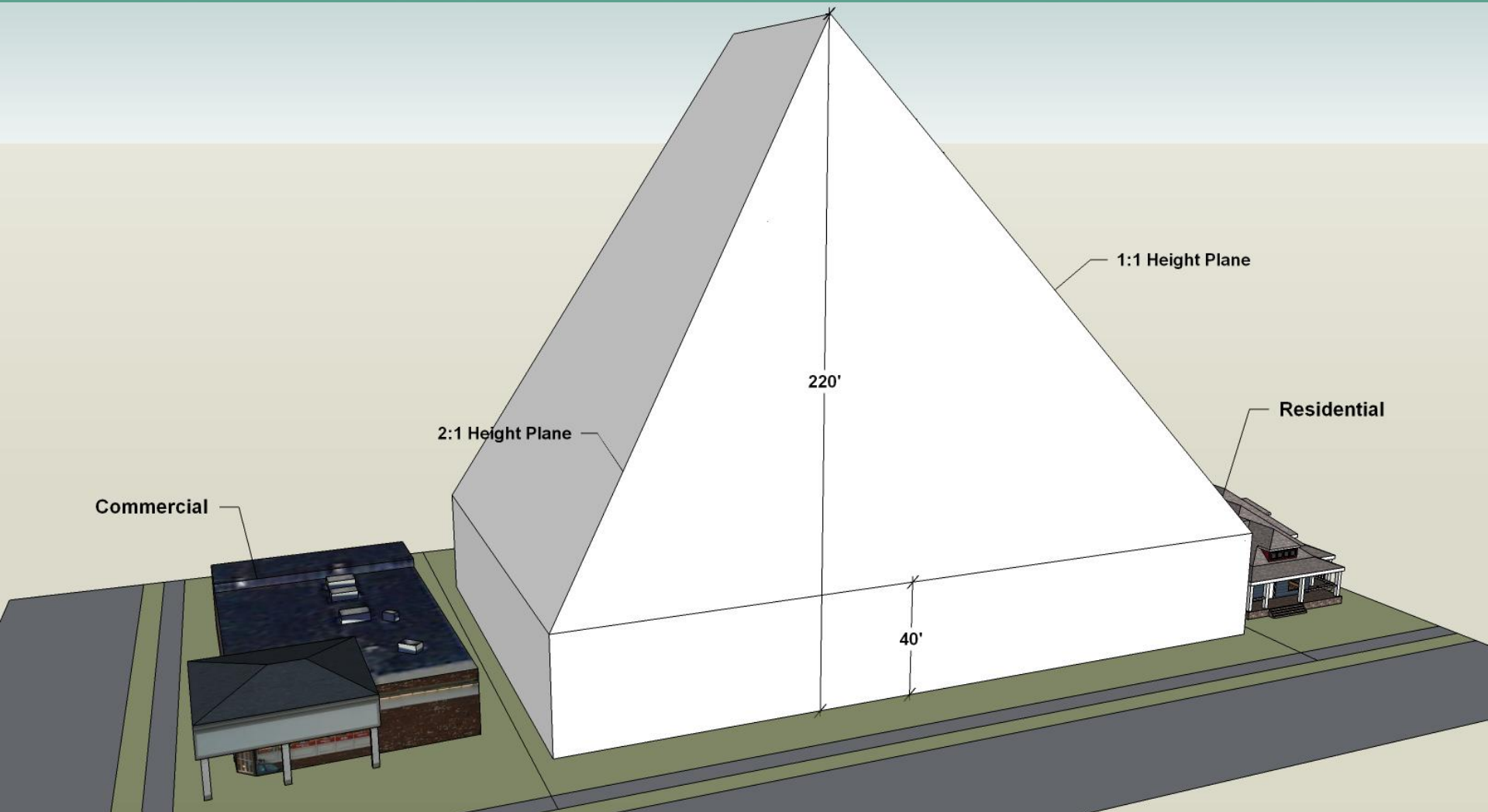
Non-Residential Proposed Standard





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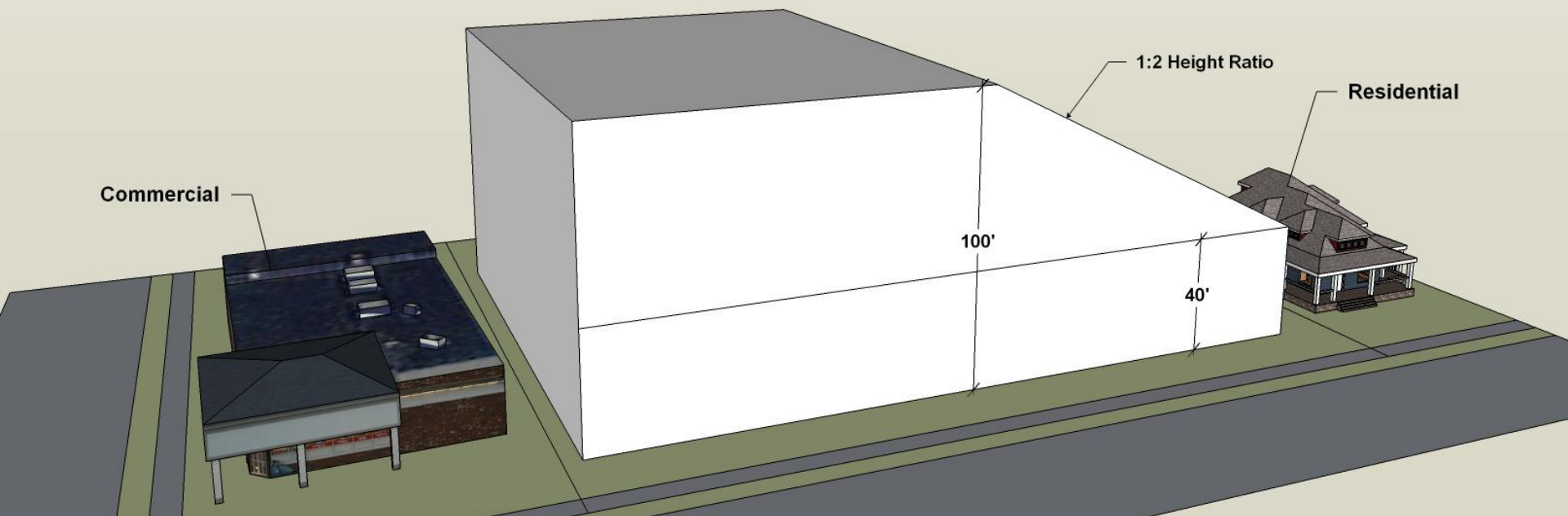
MULTI-FAMILY & NONRESIDENTIAL EXISTING REGULATION





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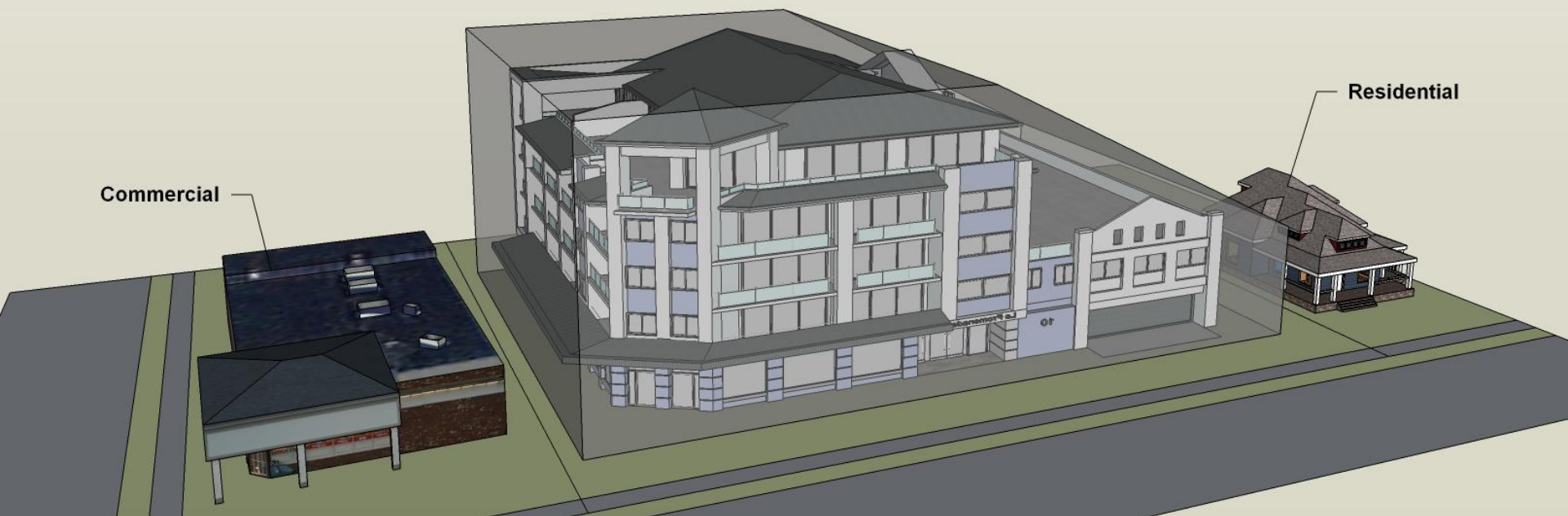
MULTI-FAMILY & NONRESIDENTIAL PROPOSED REGULATION





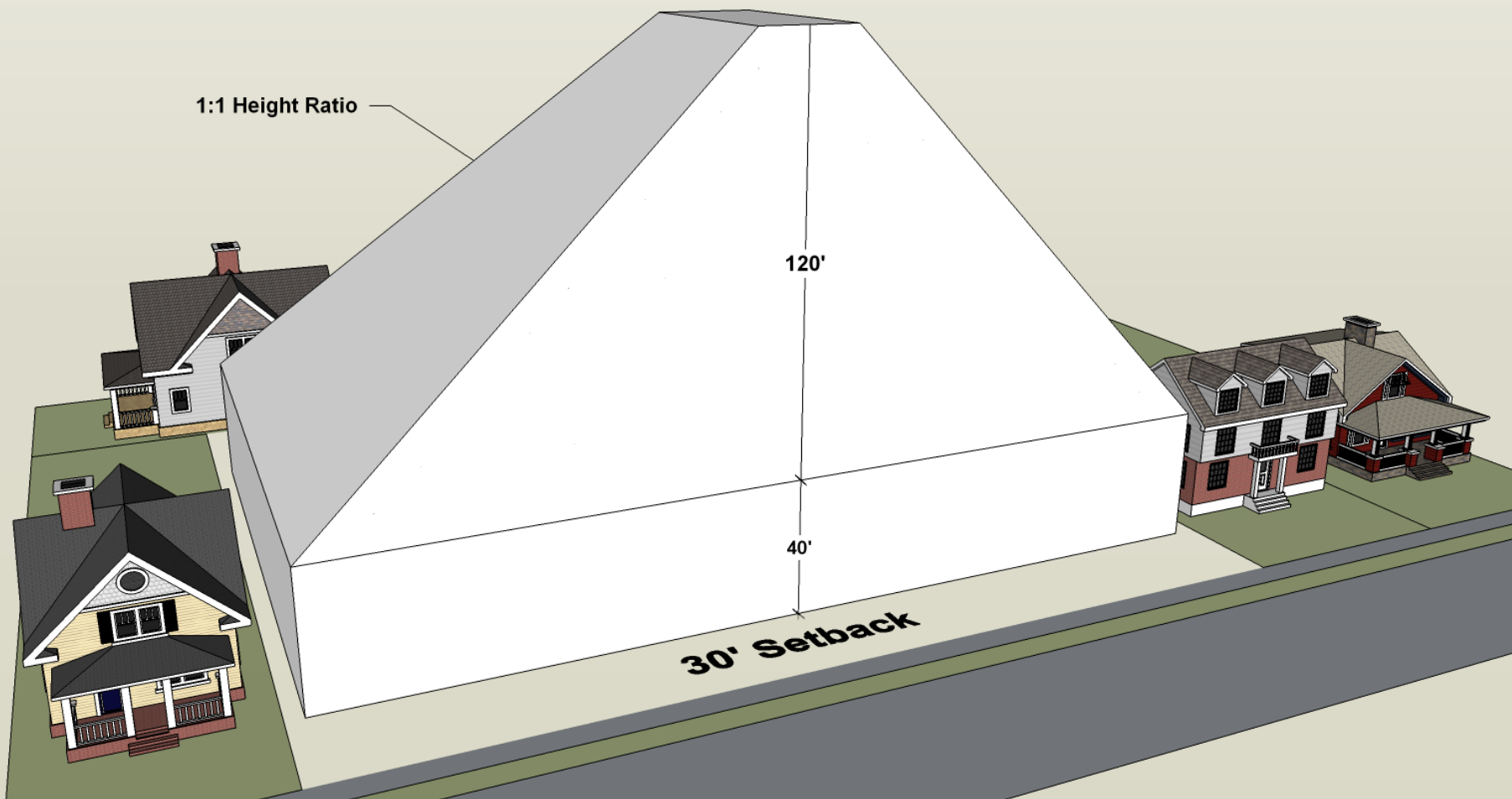
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MULTI-FAMILY & NONRESIDENTIAL PROPOSED REGULATION



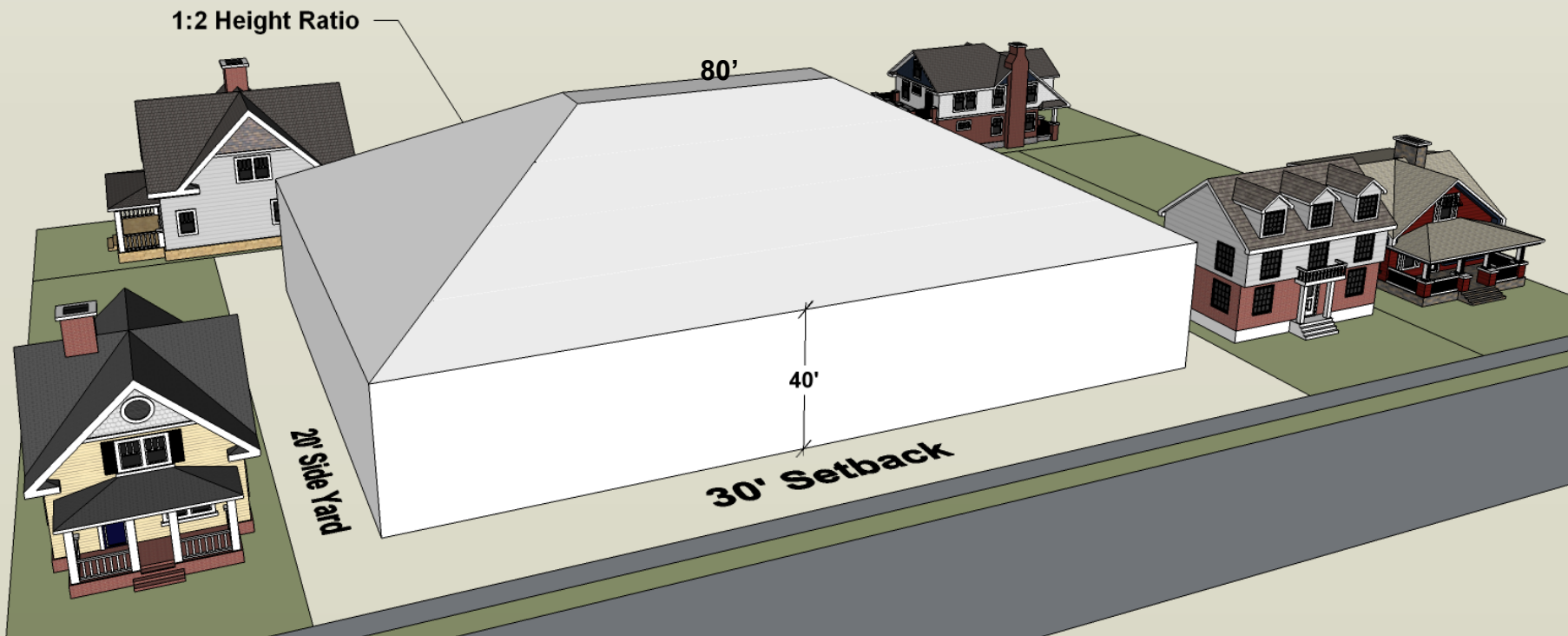


NONRESIDENTIAL USE IN SF AND MF DISTRICT ADJACENT TO RESIDENTIAL





NONRESIDENTIAL USE IN SF AND MF DISTRICT ADJACENT TO RESIDENTIAL





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NONRESIDENTIAL USE IN SF AND MF DISTRICT ADJACENT TO RESIDENTIAL



ADDITIONAL RECOMMENDATIONS

- ❑ Modify the current definition of “height” to:
 - Exclude chimneys and firewalls from the measurement
 - Clarify how average grade is calculated
- ❑ Change yard requirements
 - Nonresidential abutting single family district
 - Side – 20’
 - Rear = 35 (R-6 & R-8), 40(R-4) & 45 (R-3)
- ❑ Update Section 11.205 (2) & (3) to clarify that residential and nonresidential developments within the MX Districts (MX-1, MX-2 and MX-3) will comply with the height requirements of the corresponding districts as referenced in these two sections.

ADDITIONAL RECOMMENDATIONS

If an accessory structure exceeds a height of 24' in the single-family, multi-family, urban residential and mixed use districts, it must be located at least 15 feet from the rear and side property lines. In all zoning districts, except as provided for in Section 12.108, if the accessory structure exceeds the height of the principal structure, it must meet the minimum side yard of the principal structure and be located at least 15 feet from the rear property line.

ADDITIONAL RECOMMENDATIONS

- ❑ Modify Section 11.208 (MX Districts) to add building height as a standard that can be modified through the innovative development process.
- ❑ Modify section 7.103(7) regarding the time period for when a building permit is required to repair or restore a nonconforming residential structure, based on height, after it is destroyed or damaged from 12 months to **24** months.
- ❑ Delete shadow requirement

ADDITIONAL RECOMMENDATIONS

- ❑ Height ratio adjacent to single family district not required when development across major thoroughfare

- ❑ Create a system that encourages compatible structures
- ❑ Height requirements based on:
 - Zoning District
 - Use
 - If adjacent to Single Family Zoning
- ❑ Minimize creation of height non-conforming structures and extend time period for those non-conforming structures to be rebuilt
- ❑ Limit heights in residential districts



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Questions?



Tentative Timeline for Text Amendment

- | | |
|------------------|-------------------------------|
| ❖ March 7, 2011 | Present Text Details To PC |
| ❖ March 14, 2011 | Final Proposed Text Amendment |
| ❖ March 21, 2011 | PC Executive Committee |
| ❖ April 4, 2011 | Full Commission |
| ❖ June 20, 2011 | City Council Public Hearing |
| ❖ June 29, 2011 | Zoning Committee |
| ❖ July 18, 2011 | City Council Decision |

