

REQUEST Text amendment to Section 2.201 of the Zoning Ordinance

SUMMARY OF PETITION The petition proposes to modify the definition of outdoor recreational uses regarding street frontage requirements for temporary enclosures.

PETITIONER Shaynah Jerrell

AGENT/REPRESENTATIVE Keith Merritt, Hamilton Stephens Steele + Martin, PLLC

COMMUNITY MEETING Meeting is not required.

STATEMENT OF CONSISTENCY

- The Zoning Committee found this petition to be consistent with the *Centers, Corridors and Wedges Growth Framework* policy guidance, based on information from the staff analysis and the public hearing, and because:
 - The amendment protects existing neighborhoods.
- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
 - The existing definition for outdoor recreational uses currently limits temporary enclosures for swimming pools to:
 - 1) six months in a calendar year,
 - 2) no more than 30 feet in height, and
 - 3) frontage on a thoroughfare;
 - Eliminates the requirement that the lot on which the enclosure is located must front on a thoroughfare; and
 - Allows neighborhood swim clubs that may not be located on a major or minor thoroughfare to operate in colder weather with a temporary enclosure; and
 - Will not negatively impact residential neighborhoods because the prescribed conditions for outdoor recreational uses that abut a residential area require a 100-foot separation distance and a "Class C" buffer to mitigate any negative impacts on abutting properties;

By a 7-0 vote of the Zoning Committee (motion by Fryday seconded by Spencer).

ZONING COMMITTEE ACTION The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

VOTE

Motion/Second: Spencer / Fryday
 Yeas: Fryday, Lathrop, Majeed, McClung, Spencer, Watkins and Wiggins
 Nays: None
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the text amendment, and noted that the photos shown on the PowerPoint were examples of temporary enclosures taken from the internet, and are not intended to convey what type of temporary enclosure the petitioner will choose.

A Commissioner asked what the impetus was for this text amendment. Staff responded that the applicant runs a neighborhood swim club and would like to operate in colder weather with a temporary structure over the pool. Since the Zoning Ordinance only allows temporary enclosures for swimming pools if the lot fronts onto a thoroughfare, the petitioner submitted this text amendment that would allow neighborhood swim clubs that may not be located in a major or minor thoroughfare to operate year-round.

Another Commissioner asked if the regulations allowing the temporary enclosure six months in a calendar year required the six months to be consecutive. Staff responded, no.

A Commissioner added that this text amendment creates a facility that shows that Charlotte is open for business, and hopefully other facilities that have limited year activity can follow suit.

Staff noted that this petition is consistent with the *Centers, Corridors and Wedges Growth Framework* policy guidance.

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**
 - The current definition for outdoor recreation allows the use of temporary enclosures for public or private swimming pools under the following conditions:
 - the enclosure does not exceed 30 feet in height;
 - the lot on which the temporary enclosure is located has frontage on a thoroughfare; and
 - the enclosure is permitted up to six months per calendar year.
- **Proposed Request Details**

The text amendment contains the following provisions:

 - Deletes the thoroughfare frontage requirement associated with temporary enclosures for swimming pools.
- **Public Plans and Policies**
 - The *Centers Corridors and Wedges Growth Framework* provides policy guidance to protect existing neighborhoods.
- **TRANSPORTATION CONSIDERATIONS**
 - No comments received.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Engineering and Property Management:** 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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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Department Comments
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Engineering and Property Management Review
 - Mecklenburg County Parks and Recreation Review