AGENDA

Meeting Type:	W
Date	08-22-1990
SUBJECT	New Zoning Ordinance Workshop

City of Charlotte, City Clerk's Office

"City/Country Planning New Zorung Andinance 4: 25 pm Sue Myrick Duly Stan Campbell
Dan-Clodfelter 4:35 andrews) altree an Mannond Pat Mc Crory Lockwood Mangem Blackmon Maitin 1240-Matthews 1 de la sono Sanborough) 1/2 mont w)helin

8/22/90

Cranton - Why new ordinance?

Drowth + Development in relation to environment Does to some get us to where we want to be in 2/21 Cally,

· are we going to make changed that control the growth + change o mast change development Dathon o Higher density well provide __affordable_lousing - Build in enough flakilityto governing lody reach change of wallity tied to education, Crina 4 Druga, and inversionent Must have a system of denents. o deed regional Iransit authority and consider leght pail - Dunletty of life -0_Community Design)___ _ Edge_Cities _____ Matthews) _ Claster_ o art in Public Places Open Space. o to Parking en Sethack o Market Places in Center Cety

Martin · Mistoria Elemento Mided The Development "Tenifying Thelies Change is ahead what kind of - City do we want + how does zoning fit into that Form will help form the future Math () santon) 1/22th Clanton 1ammond Blackmon)_ Cranton - Barton - aschman Clodelle Den Zon Clodfeller andrews) __ () and to)

() som to. Honnel __ (lentos)___ Alackmon L andrews left_5:15_ (Santon) Blackmon)_ (Janton) Monte - Canton Carolina to Markins La star _ Mustin _ Cranto Mathews () landon Mathews Edward mon Can to Stan Wathers

Eletters - Public Heg/26 + 19/1 - Letters have gone out + information line is up working. _autrey_ Matheus White is - Meresisting - Staff worked on interlocal - agreements reed to be in --- place at time of approving new_ordinance. Need specific instructions Blackmon - Wattener - Mathews)

Milley lege room 3.30 Malen Blackmen lift 5:30 More slides- Process Chapters_ atruj returned 5:35 Parking spaces no longer part of open spaces. 2 year retreasing - a yeard after denied. 40) athens Morven Bethune Country allorney Watten. Rober left 5:45 Matthews - Chapter 7- Rebuilding of dannaged, non Conformans Watkins - less may rebuild if get a building permit Matthews NONCON FORMING - can only rebuild à CONFORMINE Dettund 1/2/2/20 use, structure.

· Matthews) Wallens Balleno Zathens Mammand Watten Mannond Watken autous 10/2thens Walter / autreg adjourn 5:50

THIRD NEW ZONING ORDINANCE WORKSHOP

Wednesday, August 22, 1990 4:00 p.m. Room 267 Charlotte-Mecklenburg Government Center

AGENDA

- I. Why are We Revising the Zoning Ordinance? Martin Cramton Planning Director
- II. For Your Information
 - Updates on Public Hearing, Notification and Information
 Workshops
- III. Follow-Up Assignments
 - Residential
 - Section Organization
 - Size of "Circuit Breaker"
 - No Parking in the Setback
 - Experiences from Other Areas
 - Additional Options
 - Buffers
 - Impact on Small Properties
 - Dimensional Requirements for Small Lots
 - Information on Legal Nonconforming Uses
 - Analysis of Obstacles to Zoning Board of Adjustment and Historic District Commission Consolidations
 - IV. New Zoning Ordinance Administrative and Legislative Processes (Chapters 1, 2, 3, 4, 5, 6, 7 and 8)

<FOCUS AREAS>

- Public Notification
- Adequacy of Public Facilities
- Nonconformities
- · Zoning Conforming with Plan
- Third Party Rezonings
- Protest Petitions
- Administrative Flexibility by Planning Director
- Zoning District Conversion Process
- v. Next Meeting None Scheduled (Do we need another session?)

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ELECTED OFFICIALS NEW ZONING ORDINANCE WORKSHOPS FOLLOW-UP ASSIGNMENTS

- 1. Single Family Residential Districts
 - Q. <u>Section Organization</u> Can more requirements which pertain to the single family districts, such as the Cluster Provision, be moved into Section 9.201 <u>Single Family Districts</u>.
 - A. Where to place related items in a zoning ordinance is a judgement call on the part of the Planning staff. Factors taken into consideration include whether an item is related to more than one zoning category, the complexity of a provision and how long it is.

However, upon review we feel the Cluster Provision as well as the Flexible Lot Requirements could be moved to the Single Family section. Also, additional information on the Height Regulations can be provided as a footnote in all district sections.

- Q. <u>Size of Circuit Breaker</u> Can the residential "circuit breaker" be increased?
- A. The Planning staff supports an increase in the circuit breaker to 5 acres. This ties into the minimum development requirement for subdivisions.
- 2. No Parking in the Setback in Business and Industrial
 - Q. Experience of Other Areas What has been the experience of other communities with respect to a no parking in the setback provision?
 - A. Ten cities in North Carolina and around the country were surveyed on this matter. Unfortunately, most permitted some parking in the setback for business and industrial uses. Those that have some form of restriction Winston-Salem, N. C. (no parking in the first 10 feet), Prince William County, Va. (no parking in the first 10 feet) and Denver, Colo. (proposing no parking when adjacent to residential and otherwise not in the first 10 feet) generally have had no problems. Mainly because the requirements only apply to new development. Nonconforming parking is not required to be removed from the the setback.
 - Q. <u>Additional Options</u> Can additional options be developed for existing uses relative to the no parking in the setback provision?
 - A. Yes, an alternative approach can be provided to address this area. In terms of options, the following may be considered:
 - 1. New Zoning Ordinance Allow building expansions up to the requirement for 5 additional parking spaces before any

nonconforming parking has to be removed from the setback. The number of parking spaces could be adjusted upwards to 6, 7 or even 10.

2. Option - Upon any existing building expansion, up to 1/2 of the parking spaces in the setback may be retained and counted toward the parking requirement. The removal of parking spaces shall be done in such a fashion that no more than three contiguous lots remain and the abandoned spaces must be planted with grass or otherwise landscaped with natural plantings. The remaining spaces in the setback must be screened from the public right-of-way.

3. Buffers

- Q. <u>Impact on Small Properties</u> What is the impact if an existing building expands and part of the original building is located in a required buffer yard? This is especially important for small properties.
- A. While the new zoning ordinance does not specifically reference this situation, a solution can be found by consulting the nonconforming and buffer sections. First, the landowner would not be required to remove the part of the building which resides in the buffer just as a land owner is now not required to remove a building in a nonconforming setback (Section 7.103). Second, the Zoning Administrator is allowed under certain circumstances to approve alternative buffer plans which meet the spirit and intent of the zoning ordinance (Section 12.404). We would recommend amending this section to include a situation where part of an existing principal building resides in a proposed buffer yard. In this situation, the Zoning Administrator shall approve an alternative plan.
- Q. <u>Dimensional Requirements for Small Lots</u> Is the minimum requirement for the smallest buffer width (C Class) on the smallest lot (less than 1/2 acre) too small?
- A. The minimum C Class buffer width is 10 feet, but this may be reduced to 7 feet (25% reduction; fractions do not count) with provision of a wall or fence. The purpose of a buffer, as defined in the new zoning ordinance, is to "separate and partially obstruct the view of two adjacent land uses or properties". The proposed buffers are not intended as a sound or odor barrier, but they can partially serve this function. The buffer regulations in the new zoning ordinance represent a trade-off between providing minimum standards of protection and land equity. The most intensive land use (and in some cases, the less intensive land use) has an obligation to provide some visual protection for adjoining properties, but it is recognized that a larger site can better

provide this protection than a smaller site due to the amount of land area. The Planning staff feels it would be not equitable to require a smaller site to devote the same amount of land area to a buffer as a larger site.

4. Legal Nonconforming Uses

- Q. Inclusion of Legal Nonconforming Regulation Should a legal nonconforming use regulation be included in the new zoning ordinance? Please share with the Elected Officials some information on previous staff work done in this area.
- A. Attach to this report are two documents. One is the work which was done by the Planning staff in 1986 on the "Pre-Existing Use" concept and the other is what was originally proposed by the Zoning Ordinance Consultant on "Termination of Status as a Nonconformity". Both documents would require some work to fold into the new zoning ordinance, especially the "Pre-Existing Use" concept, which was predicated upon using a Major or Minor Special Use procedure for approval. Special Use Permits are not included in the new zoning ordinance, therefore some type of administrative or legislative procedure would have to be created to handle these type of nonconformities.
- 5. Analysis of Obstacles to Consolidating the Zoning Board of Adjustment and the Historic District Commission.

Issue:

At the last workshop, the Planning staff polled the Elected Officials to find out whether there was sufficient support for both of these concepts to warrant the respective City and County staffs to begin drafting the appropriate Interlocal Agreements. But, there were not strong sentiments expressed one way or another by the Elected Officials as to whether we should begin these tasks. However, under further examination by Staff, there may be sufficient reason to delay adopting these provisions into the new zoning ordinance until the required agreements are worked out. Past experience has shown these to be lengthy and sometimes protracted processes. Below are some obstacles that have to be overcome before the consolidations are possible:

ZONING BOARD OF ADJUSTMENT

o The City or County needs to seek special legislation changing the voting requirements for the Board. The City currently has a 4/5 voting requirement for the Board and the County has a simple majority requirement.

- o Board membership needs to be decided upon. Ideally, representatives from the existing City and County Boards should participate in this decision. Depending on the membership make-up decided for the Board, one or both Elected Bodies may have to adjust their Board's membership requirement, which could require special legislation.
- o Common Rules of Procedures must be ironed out. Again, representatives from both Boards should be involved in this process.

HISTORIC DISTRICT COMMISSION

- o Commission membership, appointments, and rules of procedure must be worked out. Representatives the City's current Commission should be involved in this decision.
- o Relations between an expanded Historic District Commission and the Historic Properties Commission must be established.