### AGENDA

<table>
<thead>
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<th>Meeting Type:</th>
<th>W</th>
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<tbody>
<tr>
<td>Date:</td>
<td>08-22-1990</td>
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<tr>
<td>SUBJECT</td>
<td>New Zoning Ordinance Workshop</td>
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City of Charlotte, City Clerk’s Office
- City/County/Planning
- New Zoning Ordinance

8/22/90
4:25 PM

See Hyrick
Stan Campbell
Dan Clooflater
Ann Hammond
Pat McCrory
Margaret
Martin
Matthews
Patterson
Scarborough
Tonnet
Wheeler

Dickey
Andrews
Aedtrey
Keller
Lockwood
Blackmon
Walton

Cramton - Why new ordinance?
- Growth & Development in relation to environment
- Does a zoning get us to where we want to be in 21st century?
Are we going to make changes that control the growth + change

- Must change development patterns
- Higher density will provide affordable housing
- Build in enough flexibility to keep from coming back to governing body to ask change
- Literacy tied to education, crime + drugs, and environment
- Must have a system of elements.

- Need regional Transit Authority and consider light rail
- Quality of life
- Community Design
- Edge Cities

Matthews

Clanton

- Art in Public Places
- Open Space
- No Parking in Setback
- Market Places in Center City
Martin

Historic Elements

Mixed Use Development

Unifying Values

Change is ahead - what kind of city do we want and how does zoning fit into that?

Zoning will help form the future city.

Martin

Crocket

Martin

Crocket

Auto

Crocket

Auto

Crocket

Hammond

Blackmon

Crocket - Barton - Clarkman

Cloody

Crocket

Cloody

Andrew

Crocket
Hammond
Cranton
Hammond
Cranton
Hammond
Cranton
Hammond
Cranton
Blackmon
Cranton
Andrews left 5:15
Blackmon
Cranton
Martin
Cranton
Martin
Cranton
Martin
Cranton
Martin
Cranton
Matthews
Cranton
Matthews
Blackmon
Cranton
Stan Watkins
Autrey
Watkins, Public Hearing 9/26 & 10/11

Letters have gone out & information line is up & working.

Autrey
Mathews
Watkins

Pre-existing

Staff worked on interlocal agreements need to be in place at time of approving new ordinance. Had specific instructions

Blackmon
Watkins

Mathews
Watkins

Autrey
Mathews

Cloyd Felton
Watkins

Mathews
Watkins

Martin
Waters  Blackman left 5:30

More slides  Process Chapters

Altruy returned 5:35

Parking spaces no longer
part of open spaces.

2 year retaining  2 years
after denied.

Martin

Watkins

Protest Petition

Marvin Bethune  County Attorney

Watkins

Bethune

Watkins  Keler left 5:45

Matthews  Chapter 7  Rebuilding

of damaged, nonconforming
structure

Watkins  Now  loss may rebuild
if get building permit.

New ordinance  75% loss.

Matthews  Nonconforming  can only

Bethune  rebuild a conforming

Watkins  use structure.
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

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ELECTED OFFICIALS NEW ZONING ORDINANCE WORKSHOPS
FOLLOW-UP ASSIGNMENTS

1. Single Family Residential Districts

Q. **Section Organization** - Can more requirements which pertain to the single family districts, such as the Cluster Provision, be moved into Section 9.201 Single Family Districts.

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. **Size of Circuit Breaker** - 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 setback.

Q. **Additional Options** - 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. Impact on Small Properties - 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. Dimensional Requirements for Small Lots - 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**

- 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.