CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-107
Pre-Hearing Staff Analysis
May 17, 2021

REQUEST	Text amendment to Sections 1.102, 1.105, 1.110, 1.111, 2.102, 2.202, 3.202, 3.203, 3.301, 3.302, 3.303, 3.401, 3.402, 3.403, 3.502, 4.102, 5.101, 5.103, 5.107, 5.109, 5.110, 5.113, 5.201, 5.210, 5.213, 6.105, 6.108, 6.109, 6.110, 6.111, 6.201, 6.204, 6.205, 6.206, 6.209, 7.103, 8.102, 8.103, 9.407, 9.805, 10.203, 10.208, 10.209, 10.210, 10.213, 10.216, 10.510, 10.610, 10.710, 12.103, 12.509, 12.603, 13.103, 13.110, 13.113, and 13.114.
SUMMARY OF PETITION	The text amendment updates the County Zoning Ordinance to bring it into compliance with new North Carolina General Statute legislation (Chapter 160D) related to land use, which becomes effective July 1, 2021.
PETITIONER **AGENT/REPRESENTATIVE**	Mecklenburg County Land Use and Environmental Services Agency N/A
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The text amendment is **consistent** with 2019 and 2020 North Carolina General Assembly legislation N.C.G.S Chapter 160D. <u>Rationale for Recommendation</u> • The text amendment updates the County Zoning Ordinance to align with new N.C.G.S. Chapter 160D legislation that becomes effective July 1, 2021; • The text amendment updates the processes for filing applications, and the public notice requirements for legislative and evidentiary public hearings; • The text amendment updates the evidentiary hearing provisions and quasi-judicial procedures; • The text amendment updates the processes for all development approvals, including written notices of decisions to both the applicant and the property owner; • The text amendment adds new conflict of interest standards for boards and administrative staff; and • The text amendment updates the vested rights and permit choice provisions to include multi-phase developments.

PLANNING STAFF REVIEW

- **Background**
  - In 2019 and 2020, the North Carolina General Assembly adopted new land use legislation consolidating previous county enabling statues (Article 18 of Chapter 153A) and city enabling statutes (Article 19 of Chapter 160A) into a new Chapter 160D. The intent of the consolidation is to have a uniform set of statues applicable to cities and counties and common to all development regulations. This is the first major recodification and modernization of city and county development regulations since 1905.
  - Chapter 160D legislation become effective July 1, 2021, or takes effect when local ordinances are updated and adopted.

- Mecklenburg County Land Use and Environmental Services Agency prepared this text amendment that updates the County Zoning Ordinance to align zoning regulations and processes related to land use to meet the July 1, 2021 deadline.

- **Proposed Request Details**

The text amendment contains the following major highlights:

General

- Updates North Carolina General Statute references to align with the new N.C.G.S Chapter 160D references.
- Requires all development approvals and decisions (including variances, appeals, certificates of appropriateness, administrative amendments, alternative compliance, site plan approvals, conditional zoning approvals, and zoning permits) to be written and provided to the applicant and property owner, if different.

Chapter 1

- Updates vested rights by adding multi-phased development with an extended vesting of up to seven (7) years.
- Adds new details on the permit choice rule for vested rights.
- Adds new conflict of interest standards for boards, appointed boards, and administrative staff.

Chapter 2

- Updates definitions for "building", "dwelling unit", "manufactured home", and deletes the definition for "mobile home", to align with legislation.
- Adds new definitions for "conditional zoning" and "dwelling" per legislation.

Chapter 3

- Requires rules of procedures for appointed boards to be posted on the website and available at the City Clerk's office, in addition to the office of the Charlotte Planning, Design, and Development Department.
- Modifies the terminology of the historic district "guidelines" to historic district "standards". (Also in Chapter 10)
- Requires the Historic District Commission to follow updated statutory procedures for all quasi-judicial decisions.

Chapter 4

- Updates the entities that can apply for a building permit to include property owners, a lessee or person holding an option or contract to purchase or lease land, an authorized agent of the property owner, or an easement holder (for development authorized by the easement).
- Requires building permits to be issued in writing, in print or electronic form, and protected from further editing.
- Requires inspections to be undertaken during reasonable hours, upon presentation of proper credentials. Consent must be provided to inspect areas not open to the public, or an appropriate inspection warrant must be secured.
- Requires a certificate of certificate of compliance/occupancy before using any land, building or structure or any change of use, except for agricultural purposes.

Chapter 5

- Updates the duties of the Board of Adjustment to include decisions on appeals regarding a certificate of appropriateness.
- Updates the appeal procedures adding that if the administrative materials are forwarded to the Board of Adjustment/Storm Water Advisory Committee prior to the hearing, they shall at the same time be distributed to the applicant and property owner, if different.
- Updates the statutory procedures for evidentiary hearings and quasi-judicial decisions.

Chapter 6

- Requires that any down-zoning of property must have the written consent of all property owners.
- Updates the notice of hearing provisions for zoning map amendments (rezoning petitions) and text amendments to the County Zoning Ordinance.
- Adds requirements for the Planning Commission to adopt a statement of reasonableness for a zoning map amendment and a statement of plan consistency.
- Requires a petitioner to provide written consent to all conditions attached to the approval of a conditional rezoning.

Chapter 7

- Deletes the term, "mobile home" from the non-conforming regulations, leaving the term "manufactured home" in the text.

Chapter 8

- Requires a notice of violation to be provided to the property owner as well as the violator, and provides options for delivery of the notice or posting on the property.

Chapter 9
- Adds new requirements that power lines do not have to be installed underground if several criteria are met: 1) the power lines existed above ground at the time of first approval of a plat or development plan, and 2) the power lines are outside the boundaries of the parcel that contains the subdivision or property covered by the development plan.

Chapter 10
- Updates the statutory procedures for evidentiary notices, hearings, decisions, and procedures for the Historic District Commission and the Board of Adjustment.

Chapter 11
- No changes.

Chapter 12
- Adds new requirements that power lines do not have to be installed underground if several criteria are met: 1) the power lines existed above ground at the time of first approval of a plat or development plan, and 2) the power lines are outside the boundaries of the parcel that contains the subdivision or property covered by the development plan.

Chapter 13
- Updates the procedures for issuing or denying a sign permit and provides options for delivery of the permit or decision to the applicant and property owner, if different from the applicant.
- Requires sign permits to be issued in print or electronic form, and for permits issued exclusively in electronic form, the form shall be protected from further editing once issued.
- Updates the procedures for providing a written notice of the decision for a Planned Development Flexibility Option to the applicant and property owner, if different from the applicant.
- Requires written notices of violation to be provided to the permit holder and to the property owner, if different from the applicant, and that the notice may be posted on the property.

Chapter 14
- No changes.

Appendix and Index
- No changes.

- **Public Plans and Policies**
  - The North Carolina General Statute legislation requires the County Zoning Ordinance to become compliant with N.C.G.S Chapter 160D regulations by July 1, 2021.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System**: No comments submitted.
- **Charlotte-Mecklenburg Schools**: No comments submitted.
- **Charlotte Water**: No comments submitted.
- **Mecklenburg County Parks and Recreation Department**: No outstanding issues.

See Attachments (applications, department memos, maps, etc.) Online at **www.rezoning.org**

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