

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2005-047 11-28-05**

**Petitioner:** Charlotte-Mecklenburg Planning Commission

**Request:** Text amendment to:

- 1) Revise the definitions of “lot types”, “non-conforming vacant lots”, “common open space”.
- 2) Add a new definition for “irregular lots”, plus requirements.
- 3) Clarify the regulations for non-conforming vacant lots.
- 4) Revise the single family district purpose statement and the development standards table with regard to density and the division of property into two or more lots.
- 5) Add new parking requirements for retail establishments over 100,000 sq. ft. in size.

## **Summary**

### **1. Definitions**

The Planning staff is proposes to 1) update several Zoning Ordinance definitions to match those found in the Subdivision Ordinance, and to add clarity to others, and 2) add a new definition.

The definitions are:

- Lot types: Modify the definition of “lot types” to align with the definitions found in the Subdivision Ordinance, by adding text describing additional types of lots: “reverse frontage lot” and “double frontage lot”.
- Nonconforming Vacant Lots: Modify the definition to state that a nonconforming vacant lot” is any lot existing on the effective date of the Zoning Ordinance regulations (January, 1992).
- Common Open Space: Modify the definition to state that that common open space may be a lot or a parcel of land.
- Irregular lot: Add a new definition: A polygonal-shaped lot that technically meets the minimum lot area, width, setback, and yard requirements of the Zoning Ordinance but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or natural land features. Flag lots, pan-handle lots, and pipestem lots are examples of irregular lots where the handle, narrow flag portion of the lot, or pipestem is most often used as the point of access. For the purposes of this Ordinance, a polygonal-shaped lot is a lot with three (3) or more sides.

### **2. Non-conforming vacant lots**

This portion of the text amendment clarifies Section 7.105(1), “Non-conforming vacant lots” by adding information that explains that a non-conforming vacant lot is one that was established before the effective date of Ordinance (January, 1992).

The amendment also changes subsection (2). The new language states that a non-conforming vacant lot shall not be used if it could be combined with a one or more adjoining lots owned by the same person on or before the effective date of these regulations, in order to create one or more conforming lots. The current language has been interpreted to mean only one adjoining lot can be combined. This text amendment corrects the sentence to reflect the original intent. And lastly, the word “before” has replaced the word “after”.

The amendment also covers the case where a single property owner may only own two, existing, adjoining nonconforming lots, and the combination may not create a conforming lot. In this instance, text has been added to state that as long as the combination would result in the creation of a single lot that is more than 1 ½ times the width and area required, then the single lot may be divided into two lots of equal width and area, and would not be further classified as nonconforming.

### **3. Single Family District purpose and development standards**

This part of the text amendment has been proposed to further explain the density based regulations of the single family zoning districts. Currently, the fact that density is the first condition that must be met, and controls the allowable dwelling units permitted on a lot, is found in a footnote (#1). Because of the importance of this issue, and because the Zoning Board of Adjustment has had a number of variance requests regarding density, lot sizes, and lot widths, the following amendment has been proposed after working with zoning and subdivision staff, the City Attorney’s office, and the Zoning Administrator:

First, footnote #1 is proposed to be deleted. The text amendment moves this important information directly into the table so that it can clearly be seen, and better understood. In a nutshell, new subsections (i) through (iv) state:

- Density is the first standard. Density controls the number of dwelling units allowed on a parcel. Once density is determined, lots must meet the other area, yard and bulk requirements, with one exception:
  - Existing lots of record (as of January, 1992) do not have to meet the density requirements if they are 1) a corner lot in the R-3, R-4, R-5, or R-6 zoning districts and are to be used for a duplex dwelling; or 2) an existing lot in the R-8 zoning district to be used for duplex, triplex, or quadraplex dwellings. All existing lots of record shall meet (or exceed), the minimum lot size requirements for the proposed use.
- Density is calculated by multiplying the gross land area, minus any existing rights-of-way within the property, times the maximum density number for the district.
- Legal, previously recorded single family lot(s) may be reestablished or reconfigured if the total number of lots or units is not increased and if the lots can

meet all the development standards of the district in which they are located, with the exception of density. If the lots were legally combined, they may not be subdivided unless the density requirements are met.

**4. Irregular Lots**

This proposed amendment to Section 9.205(4), “Special subdivision lot and yard requirements” adds a requirement for newly defined “irregular lots”: For irregular lots not located in the turn-around portion of a cul-de-sac, the distance between the side lot lines at any point shall not be less than 75% of the required minimum lot width, except within the required rear yard. This amendment is needed to address subdivision submittals that propose irregular lots.

**5. Parking for Retail Establishments over 100,000 sq. ft. in size**

And last, this text amendment adds new vehicular parking regulations for retail establishments over 100,000 square feet in size. Parking is proposed to be provided at a rate of 1 space per 330 square feet of retail space.

**Conclusion and Consistency**

The text amendment is appropriate for approval and is consistent with the purposes, goals, objectives, and policies of adopted plans.