

**PLANNING COMMITTEE
RECOMMENDATION
May 29, 2007**

Rezoning Petition No. 2007-070

Petitioner: Charlotte Mecklenburg Planning Commission

Request: Text Amendment to replace the minimum open space provisions for single-family lots and to add new requirements for a maximum building coverage for single-family lots.

Action: The Planning Committee voted 4-2 to recommend **APPROVAL** of this petition.

Vote:

Yeas:	Cooksey, Howard, Johnson, and Rosenburgh
Nays:	Lipton and Locher
Absent:	None

Summary of Petition

This text amendment proposes to replace the requirement for a minimum open space for single family lots located in single-family, multi-family, office, and business districts with new regulations that will set a maximum building coverage percent based upon the single-family lot size, rather than the zoning district. In general, larger parcels (those over 15,001 square feet in size) would be allowed a lower overall percentage of building coverage than that of smaller lots (those under 4,000 square feet in size).

A new definition for “building coverage” will also be added:

“The portion(s) of a lot developed with principal and accessory buildings.”

Planning Committee Discussion/Rationale

Mr. MacVean summarized the text amendment. It basically replaces the provisions for open space with a maximum building coverage in all the zoning districts that allow single-family homes.

The current definition of open space does include driveways if they are not used for required parking. Rather than using an open space percentage, based on what zoning district the lot is located in, this text amendment would require a maximum building coverage percentage based on lot size. The maximum building coverage ranges from 50% for lots under 4,000 square feet in size, to 30% for lots over 15,000 square feet.

Mr. MacVean noted that the Open Space Stakeholder Group included developers, homebuilders, and neighborhood representatives. While this text amendment was the outcome of the stakeholder group process, there were two minority opinions. The first minority opinion favored a different approach: create three zones on a lot, the front yard zone, a middle zone, and a rear zone. All three areas would have a building coverage percentage and a percentage of area which could have impervious surfaces. This suggestion seemed to be complicated with three standards for each lot and difficult to enforce.

The second minority opinion favored using a maximum floor area ratio for single-family dwellings, based upon lot size, creating a footprint, based upon the number of stories. This suggestion also seemed difficult to enforce.

Upon a motion made by Howard and seconded by Johnson, the Planning Committee unanimously found this text amendment to be consistent with adopted plans, reasonable, and in the public interest.

A motion to approve the text amendment was made by Howard, and seconded by Rosenburgh.

One commissioner asked about the reason for this text amendment...was it not to address the amount of paved areas that could be located in the front yard? Mr. MacVean responded yes, the stakeholders did have concerns about this, and staff will address how much of the front yard can be paved in the future, in order to limit the amount of pavement that can be used for parking. However, this text amendment will not include that, because more research is needed, and staff did not want to complicate this text amendment.

A commission member asked how the new standards would apply to existing and new lots. Mr. MacVean stated that the homebuilders on the stakeholder group looked at the standard and how it would apply in new subdivisions, and they indicated it was workable. As for existing lots, this text amendment would treat lots of similar size in neighborhoods even though they might be zoned differently. In addition, lots in older areas of the city that have larger lots than required by underlying zoning districts would not benefit if the standards was based on zoning categories instead of lot size. In other words, if the amendment modified the open space standard based on zoning district, larger lots in older neighborhoods could have benefited by allowing more lot coverage.

The same commission member asked how this text amendment will affect Myers Park lots. Mr. MacVean stated that this text amendment creates a more uniform standard based on lot size, not zoning.

Another commissioner asked if it was the intent of this text amendment to decrease/increase allowable coverage by lot size? Mr. MacVean stated that lots in R-4 and R-5 would see an increased allowable coverage when developed under the cluster provisions, which reduce lot size because of the set aside of at least 10% common open space. Ms. Lipton noted that the maximum building coverage for various lots sizes seemed inconsistent, with regard to the percentage increased or decreased. In R-3, the percentage dropped, while in R-5 and R-6 the percentage increased. Mr. MacVean stated that the coverage differences were intentional.

The same commissioner asked if this text amendment make lots non-conforming? Mr. MacVean stated that it would not make lots more or less non-conforming.

Upon a motion made by Howard and seconded by Rosenburgh, the Planning Committee voted 4-2 to recommend approval of this text amendment.

Minority Opinion #1: Although the amendment included three drawings, there was not a good understanding of how it would be different than the current allowable standards. It would have been helpful to have examples of houses which were built under the current permitted lot density, which would not be allowed under the proposed lot density. It would also be helpful to find existing homes which are close to the maximum sizes allowed under the amendment. These would help illustrate whether the proposed amendment is too restrictive, or not restrictive enough.

Minority Opinion #2: The proposed amendment does not truly deal with the issues of Open Space requirements. The only substantive change is allowing a larger footprint on smaller lots and a smaller building coverage area in larger lots. Other cities around North Carolina and across the country (see stakeholder handout "Definitions from Other Cities") have been able to tackle the issue of Open Space.

- (1) The proposed amendment will increase the allowable footprint by some 12 to 14% in some districts (primarily R-4 and R-5) and reduce the footprint by 14% for larger R-3 district homes. Why is this justified?
- (2) The proposed amendment does not address a critical public concern -- impervious surfaces.
- (3) Mass, Floor Area Ratios (FAR) and other standards should be considered.

Staff Opinion

Staff agrees with the majority recommendation of the Planning Committee.