

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

### **Rezoning Petition No. 2007-027**

**Petitioner:** Charlotte-Mecklenburg Planning Commission

**Request:** Text amendment to modify the administrative amendment process.

### **Summary**

This text amendment will modify the Administrative Amendment process by creating a process for how approvals are handled based upon whether the original petition had a valid protest petition filed or not. If an administrative amendment is approved to a site plan that had a valid protest petition filed on the original petition, then written notification of the decision shall be sent to adjacent property owners (within 300'), neighborhood organizations (within one mile), and a sign shall be posted on the property announcing the approval. Adjacent property owners within 100' have the right to file an appeal with the Zoning Committee within 21 days from the date of the written notification.

If an approval did not have a valid protest petition in effect at the time of the original rezoning decision, then adjacent property owners within 100' have the right to file an appeal with the Zoning Committee within 21 days of the date the decision was filed, with or without knowledge of the approval. No written notice will be sent.

If an administrative amendment is denied, then the applicant shall have 21 days from the date of the written notification to appeal the decision to the Zoning Committee.

The appeal process shall be quasi-judicial in nature, with appeals of the Zoning Committee decision to be made to Superior Court.

Additional modifications include a list of specific significant changes to an approved site plan that can not be considered through an administrative amendment process:

- Increasing the number of buildings
- Increasing the number of dwelling units more than five (5) units or 10% of the total approved, whichever is less.
- Adding driveways to thoroughfares
- Reducing parking spaces below the minimum standards
- Reducing buffers or yards
- Moving structures closer to adjacent properties in a residential district or when abutting a residential use.
- Reducing open space
- Changing owner occupied units to rental if noted on the site plan
- Increasing the mass of buildings.

### **Consistency and Conclusion**

This text amendment is appropriate for approval and consistent with local zoning authority and the purposes of adopted plans and policies.