



MEMORANDUM

TO: Mayor and Members of City Council

FROM: Rich Olson, City Manager
Matthew Schelly, Community Development Director

DATE: November 20, 2017

REF: Consideration - Hold Public Hearing for TA 02-17 filed by the City of Elizabeth City to amend the Unified Development Ordinance; specifically, Article VI, *Nonconforming Situations*, adding language to address parcels created prior to the City's adoption of the Official Zoning Map which contain multiple dwelling units on a single parcel

BACKGROUND:

During the November 13, 2017 City Council meeting, a Public Hearing was called for November 27, 2017 to consider text amendment request TA 02-17. The Elizabeth City Planning Department requests that language be added to the Unified Development Ordinance to address parcels created prior to the City's adoption of the Official Zoning Map which contain multiple dwelling units on a single parcel.

ANALYSIS:

At the directive of City Administration, staff drafted the subject amendment primarily to address the issue of mill houses located in the City's older neighborhoods. In his book *On the Shores of the Pasquotank*, Tom Butchko specifically discusses several dozen mill houses along Parsonage, Chestnut, Beechwood, and Fleetwood Streets constructed by the Improvement Company in the late 1890's to early 1900's, following the establishment of the Elizabeth City Cotton Mill in 1895. This practice often resulted in numerous homes being constructed on a single, relatively small, lot. Since this condition existed before the current zoning requirements, with respect to zoning, these are considered legal, nonconforming lots, uses, and/or structures.

The issue this raises is primarily three-fold: (1) if any of these nonconforming structures remain vacant for a period of 180-days, they have lost their legal, nonconforming status and thus cannot be occupied by an owner or tenant, creating increasing financial

hardships for the property owners; (2) the sale or purchase of these lots is made significantly more difficult, more expensive, or practically impossible due to their nonconformities which disqualifies them from almost all traditional mortgages; and (3) the lots do not meet the current minimum size requirements that would allow a property owner to subdivide the property and place a single dwelling on a single parcel.

In general, a nonconforming situation is one that occurs when, on the effective date of the Ordinance or relevant amendments, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with the Ordinance, or because land or buildings are used for uses made unlawful by the Ordinance. Often when dealing with instances of multiple dwelling units on a single parcel, one or more of the following nonconformities may exist:

(1) Nonconforming Lot

- By definition, a nonconforming lot is a lot of record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from the adoption of the Ordinance or any subsequent amendment.
- Often, lots containing multiple dwelling units do not meet the density and dimensional requirements found in Table 9-4-1 of the Unified Development Ordinance for one dwelling unit, let alone multiple dwelling units. According to §6-2.1(B) of the Ordinance, in residential zones, only “a single-family dwelling shall be permitted” on a nonconforming lot.

(2) Nonconforming Use

- By definition, a nonconforming use is a use which once was a permitted use on a parcel of land or within a structure, but which is not now a permitted use. The nonconformity may result from the adoption of the Ordinance or any subsequent amendment.
- Although two or more single-family dwelling units are permitted on a single tract as stipulated in §9-7.1(D) of the Ordinance, such parcels shall contain sufficient lot area, lot width, and building setbacks for each dwelling such that each dwelling unit could be situated on its own lot and both the lot and the building would conform to all requirements.
- If a parcel does not contain sufficient lot area, lot width, or building setbacks, for more than one such use, only one single-family dwelling unit would be permitted.

(3) Nonconforming Structure

- By definition, a nonconforming structure is a structure that does not conform to the requirements of this Ordinance. The nonconformity may result from adoption of the Ordinance or any subsequent amendment.
- In the parcels inventoried containing multiple dwelling units, the above criteria often was not satisfied. For example, 908 Chestnut contains five dwelling units and is located in the R-6 Residential zoning district. According to Table 9-4-1 of the Ordinance, to contain five single-family dwelling units, a lot would need to be a minimum of 30,000 square feet and 300 feet wide. In actuality, 908 Chestnut is approximately 18,823 square feet and 150 feet wide. Too many structures are located on too small a lot, allowing for too many uses in those structures on that lot.

When deciding how best to address such issues, Staff reached out to municipalities throughout the State to see how they resolved similar issues. Staff received a total of seven (7) responses and ultimately felt the language added to the Hillsborough Unified Development Ordinance was most applicable, and thus was used as a guide when drafting the subject amendment.

The proposed amendment was crafted to address all potential nonconformities that may apply to an individual lot. By allowing for relief from the density and dimensional requirements as found in Table 9-4-1 of the Ordinance, it would allow a property owner the opportunity to subdivide the parcel and create conforming lots with one single-family dwelling unit per lot thus eliminating any existing nonconformity.

Then, to ensure the amendment, would provide a viable solution for most, if not all, other similar scenarios in the City, Planning Staff had an intern inventory all residential property to identify those that may contain more than one dwelling unit. The list contained twenty-eight (28) properties, some of which have since been removed following aerial and/or field verification. Staff does note, not all properties could be verified as conforming or nonconforming due to structure placement and/or vegetative cover. In looking at a few parcels which clearly have multiple dwelling units (in one case, there are five dwelling units on a single parcel) the density and dimensional standards listed below would allow the parcels to be satisfactorily subdivided. Staff has included as an addendum to this memo a detailed list of all identified properties.

It is worth noting, the language in the text amendment would simply give the property owner the option of subdividing the property, but would not require such. Subdividing only qualifying lots with this new provision would create conforming lots, uses, and buildings, solving the problems created with their nonconformities. As such, Staff is of the opinion that the cessation language as currently written does not warrant any change.

The application was reviewed by the Planning Commission during their meeting on October 3, 2017. After discussion amongst the members, the Commission referred the amendment, substantially as written, to the City Council.

Request was made at your meeting on October 30, 2017 for Council to call for a public hearing to be held on Monday, November 13, 2017. Council voted in favor of tabling the request and asked staff to reconsider the placement of the proposed amendment within the Ordinance. Council also requested the original list of properties identified as potentially containing multiple dwelling units. At the November 13, 2017 meeting, with the requested information provided the Council approved moving forward with the public hearing.

STAFF RECOMMENDATION

At the close of the public hearing:

By motion, adopt the attached ordinance approving Text Amendment Request TA 02-17 to amend Article VI, Section 6-5 Miscellaneous Nonconforming Situations adding subsection 6-5.3 to regulate parcels created prior to the City's adoption of the Official Zoning Map which contain multiple dwelling units on a single parcel

Ordinance # 11-02
Text Amendment TA 02-17
Unified Development Ordinance Article VI, Section 6-5 Miscellaneous
Nonconforming Situations

WHEREAS, a number of parcels within the City of Elizabeth City contain multiple dwelling units on a single parcel; and,

WHEREAS, these parcels were created prior to the adoption of the Official Zoning Map of the City of Elizabeth City; and,

WHEREAS, these parcels do not meet the density and dimensional requirements to contain multiple dwelling units as required by Table 9-3-1 of the City of Elizabeth City Unified Development Ordinance; and,

WHEREAS, the Elizabeth City Community Development Department requests the following language be added to Article VI, Section 6-5 of the Unified Development Ordinance:

6-5.3 Multiple Detached Dwelling Units on a Single Parcel

The City recognizes that some historic development patterns are inconsistent with modern requirements, and that some of the existing development patterns are part of the historic character of the City. The City finds that when such historic patterns persist in a way that is consistent with nearby surrounding development, it may advance the City's interest in preserving its historic character to allow the inconsistent patterns to remain, but to regulate the inconsistent land use in a manner as consistent with the modern requirements as possible to prevent unintended consequences.

Therefore, where 2 or more detached single-family residential structures existed on a single lot in the R-6, R-8, R-10, or R-15 zoning districts as of July 1973, the Community Development Director may approve a plat to place each residential structure on an independent lot provided the plat shows:

- (A) That all lots have a minimum of 25 feet of road frontage and access to a public road;
- (B) That no lot shall have more than one single-family residential structure;
- (C) That all lots provide for minimum side and rear yard setback of at least 2 feet;

(D) The plat shall evenly divide the land area between the existing structures to the maximum extent possible and practical, as determined by the Community Development Director; and

(E) No more than 10 lots may be created from a single parcel pursuant to this section.

WHEREAS, on October 3, 2017, the Planning Commission reviewed the proposed text amendment; and,

WHEREAS, the Planning Commission opened the floor for public comments in regards to this request and received no public comment; and,

WHEREAS, the Planning Commission recommends approval of the text amendment request.

NOW THEREFORE, BE IT ORDAINED that the City Council of the City of Elizabeth City does hereby approved this request to amend the Unified Development Ordinance Article VI, Section 6-5 Miscellaneous Nonconforming Situations.

ADOPTED, this the 27th day of November, 2017.

Joseph W.
Peel Mayor

Attest:

April D. Onley
Interim City Clerk

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
Tuesday, October 3, 2017**

MEMBERS PRESENT

Ernest Sutton - Chairman
Sonny DiGirolamo - Vice Chairman
Gary White
Carlton O'Neal
Johnson Biggs
Suzanne Stallings (Absent)

Also present were Matthew Schelly, Community Development Director; Kaitlen Alcock, Planner; Cheryl Eggar; and member of the audience.

Chairman Sutton called the meeting to order at approximately 4:00pm and stated there was a quorum. Chairman Sutton asked for a motion to **APPROVE** the agenda as presented. Mr. White made a motion to APPROVE the agenda as presented. Mr. O'Neal seconded the motion. **ALL IN FAVOR: WHITE, DIGIROLAMO, O'NEAL, AND BIGGS. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton asked for a motion to **APPROVE** the minutes from the Tuesday, September 5, 2017 meeting. Mr. White made a motion to approve the minutes from the Tuesday, September 5, 2017 meeting. Mr. Biggs seconded the motion. **ALL IN FAVOR: WHITE, O'NEAL, BIGGS, AND DIGIROLAMO. NONE OPPOSED. MOTION CARRIED.**

*(New Business Case No.: TA 01-17 omitted for this copy)

New Business is **CASE NO.: TA-02-17** – presented by City of Elizabeth City. This is proposed text amendment to the Unified Development Ordinance, specifically VI Nonconforming Situations, adding language to address parcels created prior to the City's adoption of the Official Zoning Map which contain multiple dwellings units on a single parcel. The amendment, as proposed, would allow for the parcel to be subdivided, with one dwelling unit per lot, assuming certain density and dimensional standards could be met.

Ms. Kaitlen Alcock presented the following report:

The second case before you this afternoon is TA 02-17 presented by the City of Elizabeth City to amend Article 6 of the Unified Development Ordinance to add language that addresses parcels platted prior to the City's adoption of the Official Zoning Map which contain multiple dwelling units on a single parcel. To give you a little background, the City has been approached by several individuals in recent years who own a parcel containing multiple dwelling units who are either looking to subdivide or rent out one or more of the structures. Typically in these situations, the parcel, if subdivided would not meet the minimum lot size requirements as stipulated in Table 9-4-1 of the UDO. As such, the property could not be subdivided since doing so would create nonconforming lots. Similarly, since these lots are considered legal nonconforming lots due to the presence of multiple dwelling units, the legal nonconforming status is lost if the use is ceased for a period of 180 days or more. Thus if a property owner has not rented one of the dwellings or has not been actively seeking a tenant in the past 180 days, the legal nonconforming

status is forfeited and the unit cannot be rented. Staff was instructed by Administration to find a solution to these unique scenarios and after consulting with several municipalities throughout the State, Staff drafted the amendment presented today. The amendment, as proposed, would allow these property owners to legally subdivide their property into conforming lots that could then be sold or rented. To ensure the language, as proposed, would provide a viable solution to all known scenarios, Staff had an intern inventory all residential properties to identify those which contained multiple dwelling units. In looking at that list, all parcels appear to be able to satisfy the standards set forth in the amendment. As such, Staff recommends approval of the request as presented.

This concluded Ms. Alcock's report.

Mr. White commented getting rid of mill housing on Cracker Jack box lots. Ms. Alcock commented giving property owners the option to subdivide and create conforming lots that they could sale or rent. Mr. Biggs commented he could imagine it is a financing nightmare with multiple units on a single lot.

Mr. Biggs made a motion to **APPROVE** TA 02-17 as presented. Mr. White seconded the motion. **ALL IN FAVOR: DIGIROLAMO, WHITE, O'NEAL, AND BIGGS. NONE OPPOSED. MOTION CARRIED.**

*(Chairperson Report and Member's Concern omitted for this copy)

Mr. Biggs made a motion to **ADJOURN** the Commission meeting. Mr. White seconded the motion. **ALL IN FAVOR: DIGIROLAMO, O'NEAL, BIGGS, AND WHITE. NONE OPPOSED. MOTION CARRIED.**



CITY OF ELIZABETH CITY
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF ANALYSIS

CASE NO.

TA 02-17

REQUEST

TA-02-17 is presented by City of Elizabeth City to amend the Unified Development Ordinance, specifically VI Nonconforming Situations, adding language to address parcels created prior to the City's adoption of the Official Zoning Map which contain multiple dwellings units on a single parcel. The amendment, as proposed, would allow for the parcel to be subdivided, with one dwelling unit per lot, assuming certain density and dimensional standards could be met.

BACKGROUND

At the directive of City Administration, Staff has drafted the below amendment to address the issue of mill houses located in the City's older neighborhoods. In his book *On the Shores of the Pasquotank*, Tom Butchko specifically discusses several dozen mill houses along Parsonage, Chestnut, Beechwood, and Fleetwood Streets constructed by the Improvement Company in the late 1890's to early 1900's, following the establishment of the Elizabeth City Cotton Mill in 1895. This practice often resulted in numerous homes being constructed on a single lot.

The issue this raises is primarily three-fold: (1) if any of these nonconforming structures remain vacant for a period of 180-days, they have lost their legal, nonconforming status and thus cannot be occupied by an owner or tenant, creating increasing financial hardships for the property owners; (2) the sale or purchase of these lots is made significantly more difficult, more expensive, or practically impossible due to their nonconformities which disqualifies them from almost all traditional mortgages; and (3) the lots do not meet the current minimum size requirements that would allow a property owner to subdivide the property and place a single dwelling on a single parcel.

In general, a nonconforming situation is one that occurs when, on the effective date of the Ordinance or relevant amendments, any existing lot or structure, or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with the Ordinance, or because land or buildings are used for uses made unlawful by the Ordinance. Often when dealing with instances of multiple dwelling units on a single parcel, one or more of the following nonconformities may exist:

- (1) Nonconforming Lot

- By definition, a nonconforming lot is a lot of record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from the adoption of the Ordinance or any subsequent amendment.
- Often, lots containing multiple dwelling units do not meet the density and dimensional requirements found in Table 9-4-1 of the Unified Development Ordinance for one dwelling unit, let alone multiple dwelling units. According to §6-2.1(B) of the Ordinance, in residential zones, only “a single-family dwelling shall be permitted” on a nonconforming lot.

(2) Nonconforming Use

- By definition, a nonconforming use is a use which once was a permitted use on a parcel of land or within a structure, but which is not now a permitted use. The nonconformity may result from the adoption of the Ordinance or any subsequent amendment.
- Although two or more single-family dwelling units are permitted on a single tract as stipulated in §9-7.1(D) of the Ordinance, such parcels shall contain sufficient lot area, lot width, and building setbacks for each dwelling such that each dwelling unit could be situated on its own lot and both the lot and the building would conform to all requirements.
- If a parcel does not contain sufficient lot area, lot width, or building setbacks, for more than one such use, only one single-family dwelling unit would be permitted.

(3) Nonconforming Structure

- By definition, a nonconforming structure is a structure that does not conform to the requirements of this Ordinance. The nonconformity may result from adoption of the Ordinance or any subsequent amendment.
- In the parcels inventoried containing multiple dwelling units, the above criteria often was not satisfied. For example, 908 Chestnut contains five dwelling units and is located in the R-6 Residential zoning district. According to Table 9-4-1 of the Ordinance, to contain five single-family dwelling units, a lot would need to be a minimum of 30,000 square feet and 300 feet wide. In actuality, 908 Chestnut is approximately 18,823 square feet and 150 feet wide. Too many structures are located on too small a lot, allowing for too many uses in those structures on that lot.

When deciding how best to address such issues, Staff reached out to municipalities throughout the State to see how they resolved similar issues. Staff received a total of seven (7) responses and ultimately felt the language added to the Hillsborough Unified Development Ordinance was most applicable, and thus was used as a guide when drafting the subject amendment.

The proposed amendment was crafted to address all potential nonconformities that may apply to an individual lot. By allowing for relief from the density and dimensional requirements as found in Table 9-4-1 of the Ordinance, it would allow a property owner the opportunity to subdivide the parcel and create conforming lots with one single-family dwelling unit per lot thus eliminating any existing nonconformity.

Then, to ensure the amendment, as drafted, would provide a viable solution for most, if not all, other similar scenarios in the City, Planning Staff had an intern inventory all residential property to identify those that may contain more than one dwelling unit. The list contained twenty-eight (28) properties, some of which have since been removed following aerial and/or field verification. Staff does note, not all properties could be verified as conforming or nonconforming due to structure placement and/or vegetative cover. In looking at a few parcels which clearly have multiple dwelling units (in one case, there are five dwelling units on a single parcel) the density and dimensional standards listed below would allow the parcels to be satisfactorily subdivided.

AERIAL EXAMPLES





TEXT AMENDMENT

UDO Development Standards Text Amendment

Red— Language to be added

Amend Article VI Nonconforming Situations adding language to address parcels created prior to the City's adoption of the Official Zoning Map which contains multiple dwelling units on a single parcel.

6-5.3 Multiple Detached Dwelling Units on a Single Parcel

The City recognizes that some historic development patterns are inconsistent with modern requirements, and that some of the existing development patterns are part of the historic character of the City. The City finds that when such historic patterns persist in a way that is consistent with nearby surrounding development, it may advance the City's interest in preserving its historic character to allow the inconsistent patterns to remain, but to regulate

the inconsistent land use in a manner as consistent with the modern requirements as possible to prevent unintended consequences.

Therefore, where 2 or more detached single-family residential structures existed on a single lot in the R-6, R-8, R-10, or R-15 zoning districts as of July 1973, the Community Development Director may approve a plat to place each residential structure on an independent lot provided the plat shows:

- (F) That all lots have a minimum of 25 feet of road frontage and access to a public road;
- (G) That no lot shall have more than one single-family residential structure;
- (H) That all lots provide for minimum side and rear yard setback of at least 2 feet;
- (I) The plat shall evenly divide the land area between the existing structures to the maximum extent possible and practical, as determined by the Community Development Director; and
- (J) No more than 10 lots may be created from a single parcel pursuant to this section.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed this case at their October 3, 2017 meeting and after discussion regarding the typical size of such lots and the potential financing issues, unanimously recommended approval of the amendment.

CITY COUNCIL RECOMMENDATION

Request was made at your meeting on October 30, 2017 for Council to call for a public hearing to be held on Monday, November 13, 2017. Council voted in favor of tabling the request and asked staff to reconsider the placement of the proposed amendment within the Ordinance. Council also requested the original list of properties identified as potentially containing multiple dwelling units. Staff has proposed an alternate location for the amendment and has included the requested information as an addendum to this memorandum.

STAFF RECOMMENDATION


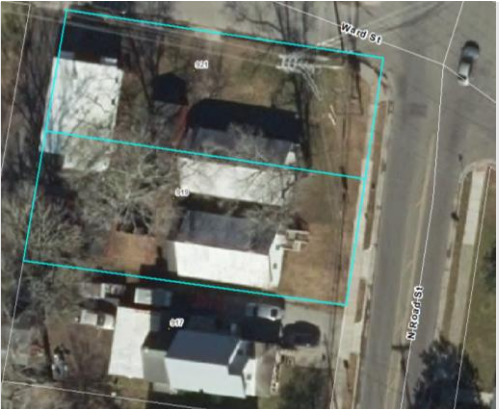
As previously mentioned, Staff consulted with several other municipalities who face similar issues to see what has or has not worked in remedying the situation. While the responses were somewhat varied, the majority focused on the legal, nonconforming status and did not consider a use ceased if (1) one or more of the homes was occupied, (2) one or more of the homes had not been vacant for 180+ days, or (3) the property owner was actively seeking a tenant for the dwelling. While some stated they were working on adding language to their ordinances to allow for subdividing, only one (1) municipality, Hillsborough, NC, had






implemented such language. Staff is of the opinion that the language adopted by Hillsborough closely described the scenarios within Elizabeth City in that the lots in question were platted long before the adoption of the City's Official Zoning Map and reflect the development pattern common in the late 19th-early 20th centuries, specifically relating to mill houses.

In reviewing the responses against our own Ordinance, Staff was of the opinion that the cessation language found in Article VI was satisfactory and generally in keeping with the responses from other municipalities. Staff recognizes that when dealing with instances of multiple dwelling units on a single parcel, one or more nonconformities may exist. Further, Staff is of the opinion that the proposed amendment addresses all potential nonconformities that may exist and gives the property owner the option to create legally platted, conforming lots of record.

As such, Staff recommends ***APPROVAL*** of TA 02-17 as presented.

ADDENDUM






Property Address	Parcel Id Number	Notes	Picture	Link to Tax Card
106 Broad St	891416834152	Secondary structure likely a garage based on street view		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891416834152.pdf
919 & 921 N Road St	891416836544 & 891416836559	3 structures, two structures seem to fall on the property lines between 919 & 921; one of the structures (one at the rear of the property appears to be (or was at one time) a duplex)		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891416836544.pdf http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891416836559.pdf


	Contains multiple dwelling units		Likely contains multiple dwelling units		Unlikely to contain multiple dwelling units		Unable to Verify		Proposed amendment not applicable
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



109 Ward St	891416839306	Identified by dept intern, do not believe to contain multiple dwellings after field verification		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891416839306.pdf
908 Fifth St & 909 Willow St	891416922792	Deed book states two house on one lot (DB 553 PG 831)		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891416922792.pdf
911 Fourth St	891416925732	Contains a single-family home and a mobile home		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891416925732.pdf


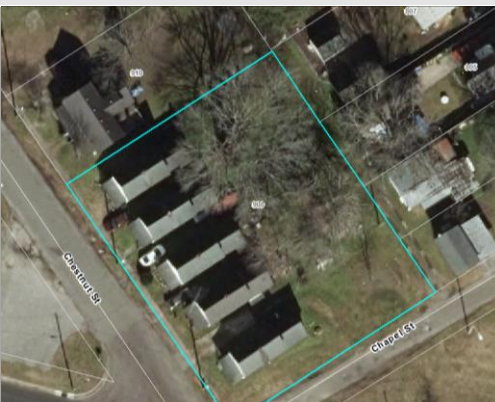

	Contains multiple dwelling units		Likely contains multiple dwelling units		Unlikely to contain multiple dwelling units		Unable to Verify		Proposed amendment not applicable
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310 E Broad St	891420918953	Identified by dept intern, do not believe to contain multiple dwellings after field verification		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891420918953.pdf
907 First St	892417011747	Identified by dept intern, do not believe to contain multiple dwellings after field verification		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_892417011747.pdf
911 N Poindexter St	892417013677	Unsure of the use of the structure closest to first street—could be a garage or secondary dwelling unit		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_892417013677.pdf

	Contains multiple dwelling units		Likely contains multiple dwelling units		Unlikely to contain multiple dwelling units		Unable to Verify		Proposed amendment not applicable
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803 First St	891420918473	Secondary structure appears to be a garage		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891420918473.pdf
00000 Gregory St	891415724988	Contains 2 mobile homes—mobile homes not permitted in the underlying zoning district, proposed amendment not applicable		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891415724988.pdf
725 N Road St	891420824399	Contains 2 dwelling units		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891420824399.pdf

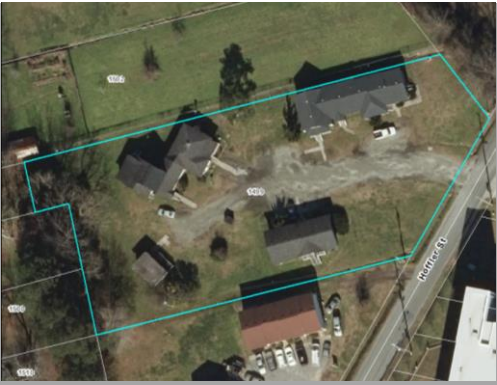
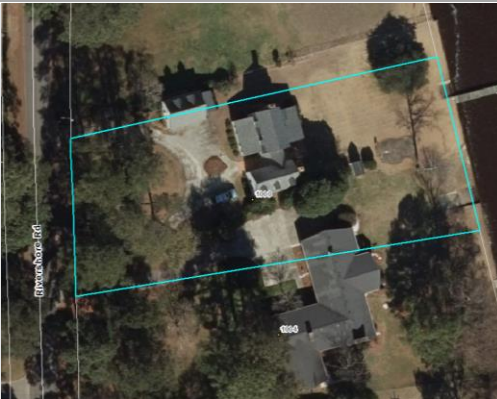
	Contains multiple dwelling units		Likely contains multiple dwelling units		Unlikely to contain multiple dwelling units		Unable to Verify		Proposed amendment not applicable
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705 Anderson St	891419625111	Unable to verify from street view or aerial		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891419625111.pdf
908 Chestnut St	891419518331	Contains 5 dwelling units		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891419518331.pdf
212 N Dyer	891420706231	Single dwelling—converted into multiple apartments—proposed amendment will not apply		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891420706231.pdf

 Contains multiple dwelling units	 Likely contains multiple dwelling units	 Unlikely to contain multiple dwelling units	 Unable to Verify	 Proposed amendment not applicable
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<p>1004 S Road St</p>	<p>89131286632</p>	<p>Two dwelling units</p>		<p>http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_89131286632.pdf</p>
<p>713 Walker Ave</p>	<p>891311652866</p>	<p>Two dwelling units—according to the tax card each structure is a duplex</p>		<p>http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891311652866.pdf</p>



	<p>Contains multiple dwelling units</p>		<p>Likely contains multiple dwelling units</p>		<p>Unlikely to contain multiple dwelling units</p>		<p>Unable to Verify</p>		<p>Proposed amendment not applicable</p>
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1499 Hoffler St	892313031858	contains three, possible four, dwellings, due to the lot size and the dwelling unit placement, it appears the units satisfy §9-7.1(D) of the UDO		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_892313031858.pdf
1000 Rivershore Rd	892310358960	Contains three dwelling units—one primary residence and two garage-type apartment; lot size would enable subdivision so long as other density/dimensional standards could be met		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_892310358960.pdf

	Contains multiple dwelling units		Likely contains multiple dwelling units		Unlikely to contain multiple dwelling units		Unable to Verify		Proposed amendment not applicable
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1015 Perkins Ln	8922 062553	Seems to be one single-family structure with a detached garage/workshop		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_8922%20%20062553.pdf
799 Trinkaloe Rd	8903 427420	Identified by dept intern, appears to be a single structure with multiple additions when viewed from street		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_8903%20%20427420.pdf
815-817 Trinkaloe Rd	8903 329616	Two dwelling units, lot size would allow for a conforming subdivision assuming density/dimensional standards could be met		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_8903%20%20329616.pdf

	Contains multiple dwelling units		Likely contains multiple dwelling units		Unlikely to contain multiple dwelling units		Unable to Verify		Proposed amendment not applicable
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<p>912 Well Field Rd</p>	<p>890404522446</p>	<p>Split between City/County jurisdiction, additional structures do not appear to be dwelling units</p>		<p>http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_890404522446.pdf</p>
<p>1812 W Main St Ext</p>	<p>891403020708</p>	<p>Contains two dwelling units, one fronts Creek Rd the other fronts Main St Ext</p>		<p>http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891403020708.pdf</p>

	<p>Contains multiple dwelling units</p>		<p>Likely contains multiple dwelling units</p>		<p>Unlikely to contain multiple dwelling units</p>		<p>Unable to Verify</p>		<p>Proposed amendment not applicable</p>
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<p>135 Creek Rd</p>	<p>890404938748</p>	<p>Contains at least one single-family unit, structure at the rear appears to be a garage/workshop from street view</p>		<p>http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_890404938748.pdf</p>
<p>1705 Pot O Gold Trl</p>	<p>891403047847</p>	<p>Identified by dept intern, after aerial and street view verification, secondary structure appears to be a garage</p>		<p>http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891403047847.pdf</p>

	<p>Contains multiple dwelling units</p>		<p>Likely contains multiple dwelling units</p>		<p>Unlikely to contain multiple dwelling units</p>		<p>Unable to Verify</p>		<p>Proposed amendment not applicable</p>
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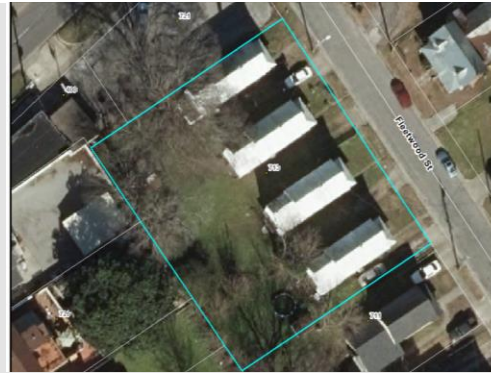
1407 George St	8914 647441	Unable to verify, do not believe it contains multiple dwelling units after further inspection of the aerial photography		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_8914%20%20647441.pdf
108 Jennings Dr	891402791071	Appears to be two dwelling units		http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891402791071.pdf

	Contains multiple dwelling units		Likely contains multiple dwelling units		Unlikely to contain multiple dwelling units		Unable to Verify		Proposed amendment not applicable
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



713 Fleetwood St

891419622005

Contains four dwelling units



http://www.co.pasquotank.nc.us/GIS/aerial_pdfs/aerial_891419622005.pdf

	Contains multiple dwelling units		Likely contains multiple dwelling units		Unlikely to contain multiple dwelling units		Unable to Verify		Proposed amendment not applicable
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**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
Tuesday, October 3, 2017**

MEMBERS PRESENT

Ernest Sutton - Chairman
Sonny DiGirolamo - Vice Chairman
Gary White
Carlton O'Neal
Johnson Biggs
Suzanne Stallings (Absent)

Also present were Matthew Schelly, Community Development Director; Kaitlen Alcock, Planner; Cheryl Eggar; and member of the audience.

Chairman Sutton called the meeting to order at approximately 4:00pm and stated there was a quorum. Chairman Sutton asked for a motion to **APPROVE** the agenda as presented. Mr. White made a motion to APPROVE the agenda as presented. Mr. O'Neal seconded the motion. **ALL IN FAVOR: WHITE, DIGIROLAMO, O'NEAL, AND BIGGS. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton asked for a motion to **APPROVE** the minutes from the Tuesday, September 5, 2017 meeting. Mr. White made a motion to approve the minutes from the Tuesday, September 5, 2017 meeting. Mr. Biggs seconded the motion. **ALL IN FAVOR: WHITE, O'NEAL, BIGGS, AND DIGIROLAMO. NONE OPPOSED. MOTION CARRIED.**

*(New Business Case No.: TA 01-17 omitted for this copy)

New Business is **CASE NO.: TA-02-17** – presented by City of Elizabeth City. This is proposed text amendment to the Unified Development Ordinance, specifically VI Nonconforming Situations, adding language to address parcels created prior to the City's adoption of the Official Zoning Map which contain multiple dwellings units on a single parcel. The amendment, as proposed, would allow for the parcel to be subdivided, with one dwelling unit per lot, assuming certain density and dimensional standards could be met.

Ms. Kaitlen Alcock presented the following report:

The second case before you this afternoon is TA 02-17 presented by the City of Elizabeth City to amend Article 6 of the Unified Development Ordinance to add language that addresses parcels platted prior to the City's adoption of the Official Zoning Map which contain multiple dwelling units on a single parcel. To give you a little background, the City has been approached by several individuals in recent years who own a parcel containing multiple dwelling units who are either looking to subdivide or rent out one or more of the structures. Typically in these situations, the parcel, if subdivided would not meet the minimum lot size requirements as stipulated in Table 9-4-1 of the UDO. As such, the property could not be subdivided since doing so would create nonconforming lots. Similarly, since these lots are considered legal nonconforming lots due to the presence of multiple dwelling units, the legal nonconforming status is lost if the use is ceased for a period of 180 days or more. Thus if a property owner has not rented one of the dwellings or has not been actively seeking a tenant in the past 180 days, the legal nonconforming

status is forfeited and the unit cannot be rented. Staff was instructed by Administration to find a solution to these unique scenarios and after consulting with several municipalities throughout the State, Staff drafted the amendment presented today. The amendment, as proposed, would allow these property owners to legally subdivide their property into conforming lots that could then be sold or rented. To ensure the language, as proposed, would provide a viable solution to all known scenarios, Staff had an intern inventory all residential properties to identify those which contained multiple dwelling units. In looking at that list, all parcels appear to be able to satisfy the standards set forth in the amendment. As such, Staff recommends approval of the request as presented.

This concluded Ms. Alcock's report.

Mr. White commented getting rid of mill housing on Cracker Jack box lots. Ms. Alcock commented giving property owners the option to subdivide and create conforming lots that they could sale or rent. Mr. Biggs commented he could imagine it is a financing nightmare with multiple units on a single lot.

Mr. Biggs made a motion to **APPROVE** TA 02-17 as presented. Mr. White seconded the motion. **ALL IN FAVOR: DIGIROLAMO, WHITE, O'NEAL, AND BIGGS. NONE OPPOSED. MOTION CARRIED.**

*(Chairperson Report and Member's Concern omitted for this copy)

Mr. Biggs made a motion to **ADJOURN** the Commission meeting. Mr. White seconded the motion. **ALL IN FAVOR: DIGIROLAMO, O'NEAL, BIGGS, AND WHITE. NONE OPPOSED. MOTION CARRIED.**