

**NCCDs, KMcGraw Motion****Replacement Code for 23-4D-8080 (D)**

The intent of this suggestion is to provide for (i) procedures for the continued enforcement and management of NCCDs operating under the prior land development code and (ii) maintain the ability to adopt NCCDs in the future. This is by no means a perfect draft, but is meant to illustrate a possible solution.

**Section 23-4D-8XXX – Neighborhood Conservation Combining District (NCCD) Zone**

- (A) **Purpose.** The purpose of the NCCD Zone is to modify use and site development regulations of a zone located within the NCCD Zone to implement the goals and recommendations of an adopted neighborhood plan.
- (B) **Scope.** The NCCD Zone applies to two classes of properties: (i) properties within a Neighborhood Conservation Combining District established prior to the effective date of this Title and (ii) properties that have been rezoned to be included within an NCCD Zone after the effective date of this Title.
- (C) **Formerly Adopted Districts.** A property within a Neighborhood Conservation Combining District established prior to the effective date of this Title is subject to the following:
  - (1) **Applicable Regulations.** The use and site development regulations of the City's predecessor Land Development Code, Chapter 25-2 (Zoning), in effect on or before \_\_\_\_\_, 2018 [i.e., the day before the effective date of this Title], except as modified by the regulating ordinance of the Neighborhood Conservation Combining.
  - (2) **Amendments.** The sponsoring neighborhood organization of a formerly adopted NCCD may request an amendment to the regulating ordinance of the NCCD on an annual basis.
  - (3) **Additional Properties.** A property adjacent to the boundaries of a formerly adopted NCCD may request to be rezoned for inclusion within the applicable NCCD.
  - (4) **Rezoning.** A property within a formerly adopted NCCD shall only be eligible to be rezoned to the base zoning districts applicable under former Chapter 25-2.
  - (5) **Compatibility Standards.** Notwithstanding anything in this Title to the contrary:
    - (a) properties within a formerly adopted NCCD are subject to the compatibility regulations established under former Chapter 25-2, Subchapter C, Article 10 (Compatibility), which

limit the scale and intensity of development based on the existing use and zoning of adjacent properties;

- (b) residential house-scale zones shall also trigger the compatibility regulations established under former Chapter 25-2, Subchapter C, Article 10 (Compatibility) for properties within a formerly adopted NCCD;
  - (c) properties outside of an NCCD that are being developed with uses that would have been subject to the compatibility regulations established under former Chapter 25-2, Subchapter C, Article 10 (Compatibility), due to their proximity to a triggering property, shall be subject to compatibility standards under former Chapter 25-2, Subchapter C, Article 10 (Compatibility).
- (D) New Districts.** An application for a zoning or rezoning to an NCCD Zone may be filed by a sponsoring neighborhood organization on behalf of property owners in the proposed zone, pursuant to the provisions of former Chapter 25-2, Article 4 (Neighborhood Conservation Combining Districts).
- (1) **Applicable Regulations.** Except as provided by the adopted regulating ordinance for a NCCD Zone, the use and development regulations under this Title shall apply to the adoption of Neighborhood Conservation Combining Districts established after the effective date hereof.

**. Karen McGraw Motion:**

- . Delete all of the text in 23-4E-7040 and replace it with current occupancy rules contained in §25-2-511.

**Reason:**

As now written, 23-4E-7040 would ignore policy of the City Council regarding occupancy limits in residential zones set in 2014 and reaffirmed by the Council in 2016 to limit occupancy in units built after March 31, 2014 to 4 unrelated adults per site. The rules of §25-2-511 proved to be very effective in discouraging the demolition of affordable homes to be replaced by high-occupancy units within the means of only the affluent.