

Ordinance #1-21-05

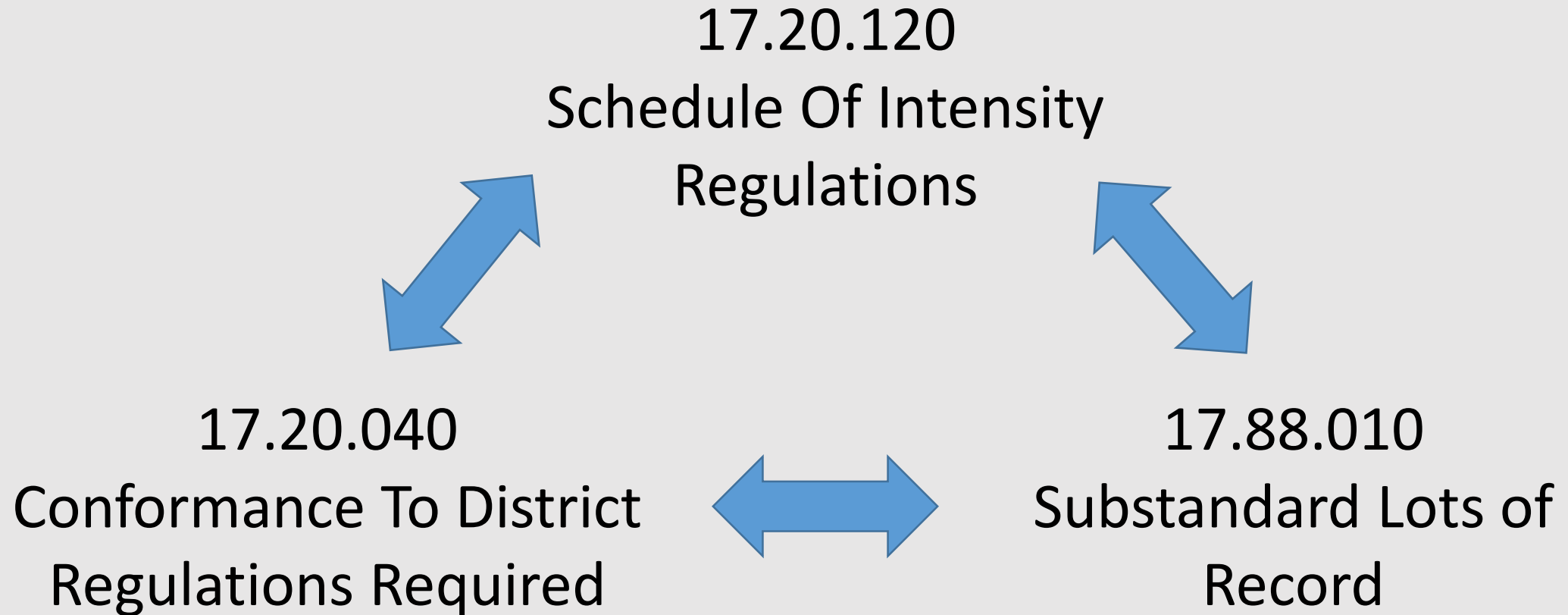
Proposed Amendments to Zoning Code Sections:

17.20.040 *Conformance to District Regulations Required, &*
17.88.010 *Substandard Lots of Record*

Purpose:

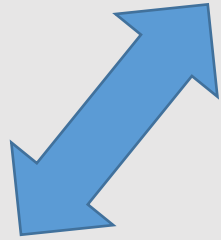
To improve problematic language regarding the relationship between development activities and substandard lots of record.

How Does the Code Regulate Lots?



How Does the Code Regulate Lots?

17.20.120
Schedule Of Intensity
Regulations



17.20.040
Conformance To District
Regulations Required



17.88.010
Substandard Lots of
Record

Why Must the City Code Carefully Address Substandard Lots?

1. There are so many.

- Currently 16,348 lots (*51.7% of the City's 31,648 lots*) are nonconforming to lot area alone.

2. We created the problem.

- The City imposed zoning requirements with the adoption of zoning in 1966 that exceeded the existing platted conditions.

3. We are the only ones who can fix it.

What's the Problem?

- Untenable & burdensome language
- Ambiguous/unclear language
- Inconsistencies between Code Sections
- Unfair outcomes

How does the City currently manage this problem?

- Complete reliance on the Zoning Official

17.88.010 Substandard Lots of Record

(Current Ordinance)

Contiguous Substandard Lots of Record. If two or more contiguous substandard lots of record are owned by the same person as of January 1, 1966, such lots shall be considered to be combined to form as many conforming lots as are permitted in the particular district for the purpose of this chapter; and no single lot or portion thereof shall be used in violation of the requirements of [Section 17.20.110](#) as to lot width, depth and area; provided, however, that in a block that is seventy-five (75) percent or more developed in A-6, B-1 and B-2 zones, lots having an area of at least four thousand (4,000) square feet and having an area and frontage equal to or greater than the average of those developed parcels within two hundred (200) feet of the lot which are on the same side of the street need not be so combined. No parcel, tract or lots of land contiguous to each other and owned by the same person shall be subdivided in a manner where the lot width, depth or area of any resulting lot shall be less than the requirements fixed by this chapter.

What Are the Proposed Changes for 17.88.010?

- Not to **change** but **clarify** the lot merger regulations and exemption clause.
 - Zoning Official determines upon request of a Zoning Certificate;
 - Determining factors are identified;
 - Exemption clause ambiguities addressed (merged lots, other zones, corner lots, double frontage lots)
- **One minor change** – substandard lots of record less than 4,000 ft² would now be merged to abutting lots under common ownership *whether or not the abutting lot is substandard.*

17.20.040 Conformance to District Regulations Required (Current Ordinance)

No structure or land shall be hereafter used and no structure or part thereof shall be erected or moved nor shall the exterior be altered unless in conformity with the regulations herein specified for the district in which it is located, except as provided for in Sections [17.04.070](#), [17.04.080](#), Chapters [17.108](#) and [17.112](#) of this title.

What Are the Proposed Changes for 17.20.040?

Address each land activity individually:

Subdivisions – creating new lots and changing existing lots;

Development – building new & modifying existing structures;

Use – when do changes of use trigger compliance?

Subdivision of Land

ALL new buildable lots MUST meet the minimum lot requirements.

Administrative Subdivisions that reduce or do not increase existing nonconformities without creating other nonconformities may be approved.

(This would codify the City's current interpretation.)

NOTE: Any lot change that results in the creation of a new buildable lot is a MINOR Subdivision.

Changes of Use

Changes of use must conform to lot area & frontage *only if the new use requires an increase in minimum lot area.*

Examples: Adding dwelling units, drive-in uses, etc.

(This would codify the City's current interpretation).

Development Proposals

Accessory structures, additions, expansions or renovations do **not** trigger conformance to lot area & frontage.

(This would codify the City's current interpretation)

Primary Structures may be built on substandard lots of record with a min of $2/3^{\text{rds}}$ the required lot area and adequate frontage for vehicular access.
(does not apply to 2-fam or multifam)

(This is the biggest proposed change)

Where Did 2/3rds Come From?

Staff carried over *the ratio in the existing merger clause* to create consistency between Code Sections.

- The existing merger clause has an exemption for a lots of a minimum of 4,000 ft²;
- 4,000 is 2/3rds of 6,000, the minimum required lot area in the City.

How Many Lots Would This Impact?

- Developed/Improved Parcels – All 16,348 nonconforming lots
(by allowing modifications of existing buildings without requiring relief for lot area – *this would codify the City's current interpretation*)
- Vacant/Unimproved Parcels - Less than 100*
 - *Number based on revised GIS analysis.
 - Factors not included in the analysis:
Utilization of land for parking, wetlands, floodplain/floodways, hazardous contamination, slopes, soils, etc.

NOTE: Still have to meet ALL other sections of the code – setbacks, lot covg.

Example: Lot 1-10

- 5,000 ft²
- C-3 Zone – 6,000 ft² minimum
- Cannot be developed – serves as parking for Pawtuxet Baptist Church



Example: Lot 2-3244

- 4794 ft²
- B-1 Zone – 6,000 ft² minimum
- *Could* be developed – but would have to demo garage and create off-street parking for Lot 2956, therefore highly unlikely.



Example: Lot 6-3336

- 5,620 ft²
- A-6 Zone – 6,000 ft² minimum
- *Meets merger exemption clause, therefore could be developed.*



Why Support the Ordinance?

- Fix/remove problematic Code language
- Clear Code is business friendly
- Reduce the burden of zoning
- Promote housing development
- Enhance City efficiency

Consistency With the Comprehensive Plan (1/2)

- “The City needs to address this issue (inconsistency between lot sizes and zoning) and consider changing regulations to reflect the higher density in these areas” (p. 31);
 - Not just consistent with but prescribed by the Comp Plan
- LU-25: Adopt Smart Growth principles: Adopt smart growth policies after a series of public meetings geared to determine the appropriate standards for the City;
- LU-26: Protect and stabilize existing neighborhoods;

Consistency With the Comprehensive Plan (2/2)

- HA-2: Set a short-term, yearly goal of 30 new affordable housing units per year.
 - Cranston produced **ZERO** units in 2020 and has no indication that this is going to change without action from the City and Affordable Housing Commission;
 - The proposal does NOT deed restrict housing, but promotes housing choice at modest price-points.
- HA-6: Review zoning in existing residential neighborhoods to ensure the zoning matches, as closely as possible, the dimensions and unit types of what has already been built.
 - Not just consistent with but prescribed by the Comp Plan

Consistency With 17.04.010 *General Purposes* (1/2)

B. Providing for a range of uses and intensities of use appropriate to the character of the city and reflecting current and expected future needs;

C. Providing for orderly growth and development which recognizes (6). The need to shape and balance urban and rural development;

H. Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing;

Consistency With 17.04.010 *General Purposes* (2/2)

I. Providing opportunities for the establishment of low and moderate income housing;

L. Promoting implementation of the comprehensive plan of the city adopted pursuant to RIGL Section 45-22.2;

N. Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.

Cranston Herald

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'Perfect storm' spurs surge in home prices, demand

Affordability push continues at State House

By JOHN HOWELL

COVID-19 is blamed for a lot of ills, but like so many things in life, here's also a silver lining. Such is the housing market.

For months, Realtors have moaned there's not enough inventory of homes to meet the demand. According to Leann D'Ettore, president of the Rhode Island Real Estate Association, the state is faced with a 1.2-month supply of homes, the lowest it has been since 1988.

The result is that people – especially first-time homebuyers, D'Ettore said – are finding it extremely difficult to buy a home. While they may have great credit, they are being outbid by buyers with cash – and who, in some instances, are buying when having only seen a video of the property and without

requiring inspections. Houses are being sold within hours of being placed on the market and frequently for more than the asking price.

How could this be? What's created the frenzy?

Listening to D'Ettore, the pandemic has had a lot to do with it. In her words it has been a "perfect storm."

She said as a result of last year's shutdown, people were either laid off or worked from home. They discovered what was missing from their homes, realizing that either they wanted more space or that they had too much of it. They took on renovation and expansion projects and they thought of moving to something bigger or downsizing.

Rhode Islanders weren't alone.



LINED UP:

More than 40 prospective buyers lined the sidewalk outside 76 Community Drive in Cranston last Saturday to look at a house that went on the market April 14. It was listed for \$250,000 and reportedly is now under contract. (Herald photo)

Plan Commission Recommendation

Based on the finding that Ordinance #1-21-05 is consistent with the City Comprehensive Plan, and Zoning Section 17.04.010, the City Plan Commission forwarded a **positive recommendation** on Ordinance #1-21-05 to the City Council, with the minor amendments as suggested in the Mark-Up Ordinance attached to the staff memo.