

Petition No. 2012-104

Petitioner: Charlotte-Mecklenburg Planning Department

**JAN 22 2013**

**AN ORDINANCE AMENDING APPENDIX A  
OF THE CITY CODE –ZONING ORDINANCE**

**ORDINANCE NO.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

**A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION**

**1. PART 2: DEFINITIONS**

- a. Add following definition for “mixed income housing development” in Section 2.201, “Definitions”, in alphabetical order. The new definition shall read as follows:

**Mixed Income Housing Development.**

A tract of land under individual, corporate, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations that has a percentage of the dwelling units targeted to income levels at or below 80% of Area Median Income (AMI) and according to an approved preliminary site plan.

**B. CHAPTER 9: GENERAL DISTRICTS**

**1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS**

- a. Amend Table 9.101, by inserting “triplex and quadraplex” into “dwellings, attached (duplex only)” and deleting “only” under “Residential Uses” within the “Single Family & Multi-Family” table.

<b>Single Family &amp; Multi-Family – Residential Uses:</b>										
	R-3	R-4	R-5	R-6	R-8	R8-MF	R-12MF	R-17MF	R-22MF	R43-MF
Dwellings, attached (duplex, triplex, and quadraplex)	PC	PC	PC	PC	X	X	X	X	X	X

- b. Amend Table 9.101, by inserting “triplex and quadraplex” into “dwellings, duplex” under “Residential Uses” within the “Single Family & Multi-Family” table.

Single Family & Multi-Family – Residential Uses:										
	R-3	R-4	R-5	R-6	R-8	R8-MF	R-12MF	R-17MF	R-22MF	R43-MF
Dwellings, duplex, triplex, and quadraplex	PC	PC	PC	PC	X	X	X	X	X	X

- c. Amend Table 9.101, by deleting “Dwellings, attached (triplex and quadraplex only)” as a permitted use under the “Residential Uses” category within the “Single Family & Multi-Family” table.

Single Family & Multi-Family – Residential Uses:										
	R-3	R-4	R-5	R-6	R-8	R8-MF	R-12MF	R-17MF	R-22MF	R43-MF

- d. Amend Table 9.101, by deleting “Dwellings, triplex and quadraplex” as a permitted use under the “Residential Uses” category within the “Single Family & Multi-Family” table.

Single Family & Multi-Family – Residential Uses:										
	R-3	R-4	R-5	R-6	R-8	R8-MF	R-12MF	R-17MF	R-22MF	R43-MF

## 2. PART 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.203, “Uses permitted under prescribed conditions”, by adding item (5.2) “Dwellings, attached (duplex, triplex, or quadraplex only) (R-3, R-4, R-5, and R-6 only) within a Mixed Income Housing Development” as a permitted use under prescribed conditions. The revised text shall read as follows:

### **Section 9.203. Uses permitted under prescribed conditions.**

- (5.2) Dwellings, attached (duplex, triplex, and quadraplex only) (R-3, R-4, R-5, and R-6 only) within a Mixed Income Housing Development subject to the regulations of Section 9.205(9).

- b. Amend Section 9.203, “Uses permitted under prescribed conditions”, by adding item (6.1) “Dwellings, duplex, triplex, or quadraplex (R-3, R-4, R-5, and R-6 only) within a Mixed Income Housing Development” as a permitted use under prescribed conditions. The revised text shall read as follows:

### **Section 9.203. Uses permitted under prescribed conditions.**

- (6.1) Dwellings, duplex, triplex, and quadraplex (R-3, R-4, R-5, and R-6 only) within a Mixed Income Housing Development subject to the regulations of



Section 9.205(9).

- c. Amend Section 9.205. “Development standards for single family districts”, by adding a new item (9) to indicate “Mixed Income Housing Development”. All remaining subsections remain unchanged. The added text shall read as follows:

**Section 9.205. Development standards for single family districts.**

- (9) Mixed Income Housing Development. Mixed Income Housing Developments, as defined in 2.202, are allowed in all single family residential districts, except the R-8, in accordance with the following regulations:
- (a) Density Bonus. A density bonus of up to three (3) units per acre above the base density will be permitted for Mixed Income Housing Developments.
  - (b) Locational Criteria. The development shall be located within Census block groups in Charlotte’s Sphere of Influence that are at or above the median home value for all Census block groups in Charlotte’s Sphere of Influence. The median home value will be based on the US Census Bureau, American Community Survey five year average estimates and will be reassessed every five years by Planning staff.
  - (c) Affordability Set-Aside.
    - (i) A minimum of 50% of the additional units allowed by the density bonus must target income levels at or below 80% of Area Median Income (AMI). AMI is updated annually by the US Department of Housing and Urban Development.
    - (ii) The number of units targeted to income levels at or below 80% of AMI shall not exceed 25% of the total number of dwelling units in the development.
    - (iii) Period of affordability shall be 15 years for rental properties and the City or a nonprofit shall have first right of refusal for for-sale properties.
  - (d) Development Standards.
    - (i) Development size must be a minimum of one (1) acre.
    - (ii) The minimum lot size and lot width for single family detached dwellings shall comply with one of the following scenarios:

- a. Cluster provisions listed in Table 9.205(5) of the zoning category.
  - b. Cluster provisions of the zoning category two districts lower listed in Table 9.205(5) if a minimum of 10% of the development is designated tree save and located within common open space. Perimeter lots that abut or are across a local residential street from other single family zoned properties shall meet the underlying zoning cluster provisions. A minimum 20 foot wide tree save area within common open space may be utilized to eliminate this requirement for perimeter lots that abut other single family zoned properties.
- (iii) The minimum setbacks are as follows based on the street frontage type:
- a. Along a designated thoroughfare the setback shall be 20 feet for front loaded garages and 15 feet for all other portions of the structure from the right-of-way.
  - b. Along local and collector streets the setback shall be 32 feet for front loaded garages and 27 feet for all other portions of the structure from the existing or future back of curb.
- (iv) The minimum rear yard for internal lots shall be 30 feet. The rear yard along the outer boundary of a development must comply with the minimum zoning district requirement.
- (v) Duplex, triplex, and quadraplex buildings are allowed to be integrated within a Mixed Income Housing Development in accordance with the following standards:
- a. Up to 50% of the additional dwelling units allowed by the density bonus may be duplex, triplex, and quadraplex units.
  - b. These unit types must be located internal to the development. If common open space is used to qualify a lot as an internal lot, the minimum dimension of that area must be 75 feet between the external property boundary of the development and the internal lot.
  - c. The development of duplex, triplex, and quadraplex



units on abutting individual lots shall not be considered “planned multi-family” and no buffers will be required.

- d. Minimum lot size and lot widths for duplex, triplex, and quadraplex dwelling shall comply with the requirement set forth in Table 9.205(9).

**TABLE 9.205(9)**

Dwelling Type	Minimum Lot Area	Minimum Lot Width
Duplex*	6,500 SF	50 Feet
Triplex*	9,500 SF	70 Feet
Quadraplex*	11,500 SF	90 Feet

\* If land is sold with an attached unit, the minimum sub-lot size must be sufficient to accommodate the dwelling unit and 400 square feet of private open space.

- e. Duplex, triplex, and quadraplex dwellings shall comply with the maximum building coverage requirements set forth in Table 9.205(9a).

**TABLE 9.205(9a)**

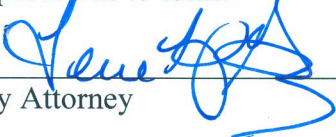
Lot Size Range (Square Feet)	Maximum Building Coverage (%)
Up to 4,000	50
4,001-6,500	45
6,501-8,500	40
8,501-15,000	35
15,001 or greater	30

(e) Design Guidelines.

- (i) All dwelling units within the development must externally blend in architecturally with other units to include materials and style (i.e. roof pitches, foundations, window types, and building materials).
- (ii) The units targeted to income levels at or below 80% of AMI shall be dispersed within the development.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

  
\_\_\_\_\_  
City Attorney

I, \_\_\_\_\_, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22<sup>nd</sup> day of January, 2013, the reference having been made in Minute Book \_\_\_\_\_, and recorded in full in Ordinance Book \_\_\_\_\_, Page(s)\_\_\_\_\_.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.