

Petition No: 2002-148
Petitioner: Vantage Senior Care Services and
Charlotte Mecklenburg Planning Commission
City of Charlotte

**AN ORDINANCE AMENDING; CHAPTER 2, PART 2;
CHAPTER 9, PART 1, CHAPTER 9, PART 2,
CHAPTER 9, PART 3, AND CHAPTER 12, PART 4 OF
THE CITY CODE – ZONING ORDINANCE**

ORDINANCE NO. _____

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

Section 1: CHAPTER 2, PART 2, Section 2.201, “Definitions” to include the following definition in alphabetical order:

Active Adult Retirement Community.

A housing development that contains a variety of housing types, that is designed for and restricted to occupancy by households having at least one member who is 55 years of age or older. Active adult retirement housing includes at least 5 of the following related facilities or services for residents: security entrance/registered access; exterior home maintenance; lawn maintenance; clubhouse with wellness and/or fitness facility, computer resources, central meeting areas, recreation/social director; condominium association comprised of homeowners who govern services for the community; walkways with 5% or less grade on average; and home designs using AARP Universal Design guidelines, or equivalent.

Section 2: CHAPTER 9, PART 1, Table 9.101, “Permitted Uses by District” is amended as follows:

1. Add “Dwellings, Active Adult Retirement Community” to the first column, under “Residential Uses” as a “Use Permitted under Prescribed Conditions” in alphabetical order as follows:

PC in R-8MF, R-12MF, R-17MF, R-22MF, R-43MF
PC in UR-2, UR-3, UR-C
PC in INST
PC in O-1, O-2, O-3
PC in B-1, B-2, BP

2. Add “Dwellings, Active Adult Retirement Community” to the first column, under “Residential Uses” as a “Use Permitted by Right” in alphabetical order as follows:

X in MUDD

Section 3: CHAPTER 9, PART 3, “Multi-Family Districts”. Add a new Section 9.303(.5) to read as follows. This use shall be the first on the list, above “Adult care centers”.

- (.5) Active adult retirement communities subject to the requirements of Section 12.404. If a portion of the development contains attached or multi-family dwelling units, then the attached/multi-family development shall have no more than 12 units in a building. If more than 12 units are proposed in a building, then the multi-family portion of the development is subject to the requirements of Section 9.303(19).

Section 4: CHAPTER 9, PART 4, “Urban Residential Districts”. Add a new Section 9.404(.5) to read as follows. This use shall be the first on the list, above “Bed and Breakfasts”.

- (.5) Active adult retirement communities subject to the requirements of Section 12.404. If a portion of the development contains attached or multi-family dwelling units, then the attached/multi-family development is subject to the requirements of Section 9.303(19) except dimensions requirements of that section shall not apply.

Section 5: CHAPTER 9, PART 5, “Institutional District”. Add a new Section 9.503(.5) to read as follows. This use shall be the first on the list, above “Adult care centers”.

- (.5) Active adult retirement communities subject to the requirements of Section 12.404. If a portion of the development contains attached or multi-family dwelling units, with more than 12 units per single building, or if there is more than one principal building on a lot, then the multi-family development is subject to the requirements of Section 9.303(19) for that portion of the development.

Section 6: CHAPTER 9, PART 7, Section 9.703, “Office Districts”. Add a new Section 9.703(.5) to read as follows. This use shall be the first on the list, above “Adult care centers”.

- (.5) Active adult retirement communities subject to the requirements of Section 12.404. If a portion of the development contains attached or multi-family dwelling units, then the attached/multi-family development is subject to the requirements of Section 9.703(22).

Section 7: CHAPTER 9, PART 8, Section 9.803, “Business Districts”. Add a new Section 9.803(.5) to read as follows. This use shall be the first on the list, above

“Adult care centers”.

- (.5) Active adult retirement communities (B-1, B-2 and BP only) subject to the requirements of Section 12.404. If a portion of the development is subject to the requirements of Section 9.303(19) and 9.805.

Section 8: CHAPTER 9, PART 8.5 , “ Mixed Use Development District”. Add a new use to Section 9.8502, in alphabetical order to read as follows. This use shall be the first on the list, above “Amusement, commercial, outdoor”.

Active adult retirement communities.

Section 9: CHAPTER 12, Part 4, Section 12.404, “Reserved” is hereby amended as follows:

Section 12.404. ACTIVE ADULT RETIREMENT COMMUNITY

Active adult retirement communities shall be permitted in accordance with the following requirements:

- (1) The minimum size shall be ten (10) acres.
- (2) Up to 10% of the community may be available to households with members under 55 years of age.
- (3) Children under 18 years of age shall not reside on the property for more than 90 days per calendar year.
- (4) Up to 60% of the dwelling units may be single-family detached.

Section 10. 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 21st day of January, 2003, 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 _____, 2003.
