
REQUEST	Text amendment to Sections 2.201, 9.101, 9.203, 9.204, 9.205, 9.304, 9.704, 9.804, 11.204, 12.202, 12.407, and 12.412 of the Zoning Ordinance.
SUMMARY OF PETITION	The petition proposes to: 1) allow duplex dwellings on R-3, R-4, R-5, and R-6 zoned lots with prescribed conditions; 2) modify the prescribed conditions for duplex units located in the R-3, R-4, R-5, and R-6 zoning districts; 3) add a new use, "accessory dwelling units" (ADUs), as an accessory use to a single-family detached dwelling, with new prescribed conditions in the R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17MF, R-22MF, R43-MF, UR-1, UR-2, UR-3, UR-C, MX-1, MX-2, MX-3, O-1, O-2, O-3, B-1, and B-2 zoning districts, without tenant restrictions; 4) delete two uses titled, "elderly and disabled housing" and "guest houses and employee quarters" (These are included uses in the new ADU regulations) and their associated prescribed conditions and regulations.
STAFF RECOMMENDATION	Staff recommends approval of this petition. The petition is consistent with the City Council approved action plan for incentive based inclusionary housing policies.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

- **Background**
 - City Council approved an Action Plan in June, 2011 directing staff to pursue 11 regulatory and financial incentives to create affordable housing in Charlotte.
 - A Citizen Advisory Group (CAG) was established in September 2011 to pursue the five regulatory incentives. Consensus was reached by the CAG regarding the two regulatory incentives included in this subject text amendment for duplex dwellings and accessory dwelling units (ADUs).
 - The Housing and Neighborhood Development Committee (H&ND) voted unanimously in March 2012 to move both regulatory incentive recommendations forward via the text amendment process.
 - Staff presented a briefing to City Council in April 2012 to update Council on the Action Plan and the two regulatory incentives associated with this subject text amendment.
- **Proposed Request Details**

The text amendment contains the following provisions for Accessory Dwelling Units (ADUs):

 - Adds a new definition for "accessory dwelling unit" which reads: "A second dwelling unit created on a lot with a single family detached dwelling unit and may either be located within the principal detached dwelling or within a separate accessory structure".
 - Deletes all references to "elderly and disabled housing" and "guest houses and employee quarters".
 - Allows "accessory dwelling units" as an accessory use to a single family detached dwelling, with prescribed conditions in the following zoning districts: R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17MF, R-22MF, R43-MF, UR-1, UR-2, UR-3, UR-C, MX-1, MX-2, MX-3, O-1, O-2, O-3, B-1, and B-2.
 - Adds new parking requirements for "accessory dwelling units" at one parking space per unit, no short-term or long-term bicycle parking required.

- Deletes all prescribed conditions associated with “elderly and disabled housing” and “guest houses and employee quarters”.
- Adds new prescribed conditions for “accessory dwelling units”:
 - The ADU shall be clearly subordinate to the principal single family detached structure.
 - No more than one ADU shall be located on a lot.
 - The ADU and the principal dwelling shall be owned by the same person.
 - The ADU shall not be served by a driveway separate from that serving the principal dwelling. However, if the ADU is within an accessory structure and located on a corner lot or a lot that abuts an alley, a separate driveway may be provided from the side street or the alley.
 - An ADU located within the principal single family detached structure shall comply with the following additional requirements:
 - The ADU shall be limited to 35% of the total floor area of the principal structure. However in no case shall the ADU exceed 800 heated square feet.
 - The ADU shall not be internally accessible from the principal dwelling.
 - The pedestrian entrance to the ADU shall be located to the side or rear of the structure.
 - An ADU located within an accessory structure shall comply with the following additional requirements:
 - The ADU shall have a floor area no greater than 50% of the principal structure and under no circumstances cover more than 30% of the established rear yard. However, in no case shall the ADU exceed 800 heated square feet.
 - The structure shall be no taller than the principal dwelling.
 - The ADU shall be located in the rear yard and not be any closer than 15 feet to a rear property line. It shall also be located such that it meets the minimum side yard requirement of the underlying zoning district. If the ADU is located within a garage structure and the parcel abuts an alley, the structure may be located up to 5 feet from the rear property line if the garage is accessed from the alley.
 - Roof and exterior wall materials and finishes of the ADU shall be similar in composition and appearance to that of the principal dwelling on the lot. However, this requirement does not apply if exterior modifications are made to an existing accessory structure for the purpose of creating an ADU.

The text amendment contains the following provisions for Duplex Dwellings:

- Modifies the provision to allow multiple duplex unit lots in the R-3, R-4, R-5, and R-6 zoning districts along a street (including corner lots) per prescribed conditions. However, there is a limit of two abutting duplex lots in a row along either side of a street block face in these districts.
 - Maintains the provision that existing lots of record, as of the date of these regulations, do not have to meet the density requirements if they are to be used for a duplex. The existing lot of record must meet the minimum lot size for a duplex lot within the subject zoning district.
 - Adds new provisions for maximum building coverage for duplexes located in the R-3, R-4, R-5, and R-6 zoning districts.
 - Deletes the provision that if duplex units located in the R-3, R-4, R-5, and R-6 zoning districts have more than one entrance, the entrances to each unit in the structure shall face different streets.
 - Adds a new provision that duplex units located in the R-3, R-4, R-5, and R-6 zoning districts shall be served by a shared driveway, with some exceptions.
- **Public Plans and Policies**
 - The petition is consistent with the City Council approved action plan for incentive based inclusionary housing policies.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Department of Solid Waste Services:** No issues.

- **Transportation:** No comments received.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.

OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Charlotte-Mecklenburg Storm Water Services Review

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