

Petition No. 2012-
Petitioner: Charlotte-Mecklenburg Planning Department

**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 "dwelling, accessory unit" in Section 2.201, "Definitions", in alphabetical order. The new definition shall read as follows:

Dwelling, Accessory Unit.

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.

- b. Delete the below definition of "Elderly and disabled housing" in Section 2.201, "Definitions". The definition currently reads as follows:

~~Elderly and Disabled Housing.~~

~~A dwelling unit which is located on the same lot as a principal dwelling unit and intended to be used by an occupant who is at least 55 years old or disabled and related to the owner of the principal dwelling by blood, marriage or adoption.~~

B. CHAPTER 9: GENERAL DISTRICTS

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

- a. Amend Table 9.101, by adding "dwelling, accessory unit" as a permitted accessory use with prescribed conditions in the following designated zoning districts, under the "Accessory Uses & Structures" category within the "Single Family & Multi-Family", "Urban Residential & Mixed Use", and Office and Business Uses" tables. The use shall

be added in alphabetical order.

Single Family & Multi-Family - Accessory Uses & Structures:										
	R-3	R-4	R-5	R-6	R-8	R8-MF	R-12MF	R-17MF	R-22MF	R43-MF
<u>Dwelling, Accessory Unit</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Urban Residential & Mixed Use - Accessory Uses & Structures:							
	UR-1	UR-2	UR-3	UR-C	MX-1	MX-2	MX-3
<u>Dwelling, Accessory Unit</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Office & Business - Accessory Uses & Structures:							
	O-1	O-2	O-3	B-1	B-2	B-D	BP
<u>Dwelling, Accessory Unit</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>		

- b. Amend Table 9.101, by deleting “elderly and disabled housing as an accessory to a single family dwelling” and “guest houses and servant quarters as an accessory to a single family dwelling” as a permitted accessory uses with prescribed conditions in the following designated zoning districts, under the “Accessory Uses & Structures” category within the “Single Family & Multi-Family”, “Urban Residential & Mixed Use”, and Office and Business Uses” tables.

Single Family & Multi-Family - Accessory Uses & Structures:										
	R-3	R-4	R-5	R-6	R-8	R8-MF	R-12MF	R-17MF	R-22MF	R43-MF
Elderly and disabled housing as an accessory to a single family dwelling	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Guest houses and servant quarters as an accessory to a single family dwelling	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC

Urban Residential & Mixed Use - Accessory Uses & Structures:							
	UR-1	UR-2	UR-3	UR-C	MX-1	MX-2	MX-3
Elderly and disabled housing as an accessory to a single family dwelling	PC	PC	PC	PC	PC	PC	PC
Guest houses and servant quarters as an accessory to a single family dwelling	PC	PC	PC	PC	PC	PC	PC

Office & Business - Accessory Uses & Structures:							
	O-1	O-2	O-3	B-1	B-2	B-D	BP
Elderly and disabled housing as an accessory to a single family dwelling	PC	PC	PC	PC	PC		
Guest houses and servant quarters as an accessory to a single family dwelling	PC	PC	PC	PC	PC		

2. PART 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.203, “Uses permitted under prescribed conditions”, items (5.1) and (6), by modifying the following prescribed conditions for “dwellings, attached (duplex only)” and “dwellings, duplex”. The revised text shall read as follows:

Section 9.203. Uses permitted under prescribed conditions.

(5.1) Dwellings, attached (duplex only) (R-3, R-4, R-5 and R-6 only), provided that:

- (a) The maximum building coverage required for detached dwellings shall be met for duplexes, as per Table 9.205(1)(i) The dwelling will be located on a corner lot;
- (b) There is a limit of two abutting duplex lots along either side of a streets block face If more than one entrance, the entrances to each unit in the structure will face different streets; and
- (c) If located on a corner lot, tThe minimum setback requirement must be applied to each of the two different streets; and
- (d) Duplex units shall be served by a shared driveway. However, the following two exemptions are permitted:
 - (1) A duplex corner lot is allowed one driveway from each of the two different streets.
 - (2) Where two duplex lots abut, a total of three driveways may be allowed. The units that share a common lot line shall have a shared driveway and the opposite end units may have individual driveways.

(6) Dwellings, duplex (R-3, R-4, R-5, and R-6 only), provided that:

- (a) The maximum building coverage required for detached dwellings shall be met for duplexes, as per Table 9.205(1)(i) The dwelling will be located on a corner lot;
- (b) There is a limit of two abutting duplex lots along either side of a streets block face If more than one entrance, the entrances to each unit in the structure will face different streets; and
- (c) If located on a corner lot, tThe minimum setback requirement must be applied to each of the two different streets; and
- (d) Duplex units shall be served by a shared driveway. However, the following two exemptions are permitted:
 - (1) A duplex corner lot is allowed one driveway from each of the two different streets.
 - (2) Where two duplex lots abut, a total of three driveways may

be allowed. The units that share a common lot line shall have a shared driveway and the opposite end units may have individual driveways.

- b. Amend Section 9.204, "Permitted accessory uses and structures", by modifying item (6) to indicate "dwellings, accessory units" as a permitted accessory use and (8) to indicate "Reserved". The revised text shall read as follows:

Section 9.204. Permitted accessory uses and structures.

- (6) Dwelling, accessory units ~~Elderly and disabled housing~~ as an accessory to a single family detached dwelling, subject to the regulations of Section 12.407.
- (8) Reserved. ~~Guest houses and employee quarters as an accessory to a single family detached dwelling, subject to the regulations of Section 12.412.~~

- c. Amend Section 9.205, "Development standards for single family districts", by modifying item (1)(a)(iii) to clarify how density is calculated for duplex dwellings. The revised text shall read as follows:

Section 9.205. Development standards for single family districts

- (1) Density, area, yard and bulk regulations
- (a) Maximum Residential Density
- (iii) Existing lots of record as of the effective date of these regulations do not have to meet the density requirements if they are 1) a corner lot in the R-3, R-4, R-5, or R-6 zoning districts and are to be used for a duplex dwelling; or 2) an existing lot in the R-8 zoning district to be used for duplex, triplex, or quadruplex dwellings.

3. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.304, "Permitted accessory uses and structures", by modifying item (5) to indicate "dwellings, accessory units" as a permitted accessory use and (7) to indicate "Reserved". The revised text shall read as follows:

Section 9.304. Permitted accessory uses and structures.

- (5) Dwelling, accessory units ~~Elderly and disabled housing~~ as an accessory to

a single family detached dwelling, subject to the regulations of Section 12.407.

- (7) ~~Reserved. Guest houses and employee quarters as an accessory to a single family detached dwelling, subject to the regulations of Section 12.412.~~

4. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.704, "Permitted accessory uses and structures", by modifying item (5) to indicate "dwellings, accessory units" as a permitted accessory use, and item (7) to indicate "Reserved". The revised text shall read as follows:

Section 9.704. Permitted accessory uses and structures.

- (5) ~~Dwelling, accessory units~~ Elderly and disabled housing as an accessory to a single family dwelling unit, subject to the regulations of Section 12.407.
- (7) ~~Reserved. Guest houses and employee quarters as an accessory to a single family detached dwelling, subject to the regulations of Section 12.412.~~

5. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.804, "Permitted accessory uses and structures", by modifying item (5) to indicate "dwellings, accessory units" as a permitted accessory use, and item (7) to indicate "Reserved". The revised text shall read as follows:

Section 9.804. Permitted accessory uses and structures.

- (5) ~~Dwelling, accessory units~~ Elderly and disabled housing as an accessory to a single family dwelling unit, subject to the regulations of Section 12.407. (B-1 and B-2 only)
- (7) ~~Reserved. Guest houses and employee quarters as an accessory to a single family dwelling unit, subject to the regulations of Section 12.412. (B-1 and B-2 only)~~

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED-USE DISTRICTS (MX-1, MX-2, AND MX-3)

- a. Amend Section 11.204, "Permitted accessory uses and structures", by modifying item (5) to indicate "dwellings, accessory units" as a permitted accessory use and item (7) to indicate "Reserved". The revised text shall read as follows:

Section 11.204. Permitted accessory uses and structures.

- (6) Dwelling, accessory units ~~Elderly and disabled housing~~ as an accessory to a single family detached dwelling, subject to the regulations of Section 12.407. (B-1 and B-2 only)
- (8) Reserved. ~~Guest houses and employee quarters~~ as an accessory to a single family detached dwelling, subject to the regulations of Section 12.412. (B-1 and B-2 only)

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 2: OFF-STREET PARKING AND LOADING

- a. Amend Table 12.202, "Minimum Required Off-Street Parking Spaces by Use" by replacing "Dwelling, accessory elderly or disabled" with "Dwelling, accessory unit" under the "Residential Uses" heading. The revised text shall read as follows:

<u>Permitted Uses</u>	<u>Number of Auto Parking Spaces Required</u>	<u>Long-term Bicycle Parking Spaces Required</u>	<u>Short-term Bicycle Parking Spaces Required</u>
<u>RESIDENTIAL USES:</u>			
Dwellings, accessory unit elderly or disabled	1 space per unit	n/a	n/a

2. PART 4: ACCESSORY USES AND STRUCTURES

- a. Amend Section 12.407, "Elderly and disabled housing", by deleting the existing section and replacing the wording with the prescribed conditions for "Dwellings, accessory unit". The revised text shall read as follows:

Section 12.407. Dwellings, accessory unit ~~Elderly and disabled housing.~~

Accessory dwelling units (ADU) ~~Elderly and disabled housing~~ shall be permitted as an accessory to any single family detached dwelling unit in accordance with the following requirements:

- (1) The ADU shall be clearly subordinate to the principal single family detached structure.
- (2) No more than one ADU shall be located on a lot.
- (3) The ADU and the principal dwelling shall be owned by the same person.
- (4) 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, whichever applies.
- (5) An ADU located within the principal single family detached structure shall comply with the following additional requirements:
 - (a) 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.
 - (b) The ADU shall not be internally accessible from the principal dwelling.
 - (c) The pedestrian entrance to the ADU shall be located to the side or rear of the structure.
- (6) An ADU located within an accessory structure shall comply with the following additional requirements:
 - (a) 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.
 - (b) The structure shall be no taller than the principal dwelling.
 - (c) The ADU shall be located in the rear yard and not be any closer than 15 feet to a rear property line or along any side property line within the required side yard dimension. 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.
 - (d) 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.

- (1) ~~Elderly and disabled housing may be attached, within or separate from the principal dwelling.~~
- (2) ~~The principal use of the lot shall be a detached single family dwelling.~~
- (3) ~~No more than one elderly or disabled unit shall be located on a lot.~~
- (4) ~~The elderly and disabled housing and principal dwelling shall be owned by the same person.~~
- (5) ~~The elderly and disabled housing shall not be served by a driveway separate from that serving the principal dwelling.~~
- (6) ~~The elderly and disabled housing shall have a floor area no greater than 50% of the principal structure and under no circumstances cover more than 30% of the rear yard.~~
- (7) ~~Detached elderly and disabled housing shall be located in the rear yard and not be any closer than 15 feet to a rear property line or along any side property line within the required side yard dimension.~~
- (8) ~~If the elderly and disabled housing is in a detached accessory structure, then the minimum lot size shall be 2 times the minimum for the district and the structure shall be no taller, as measured from grade, than the principal dwelling.~~
- (9) ~~The occupant of an elderly or disabled housing unit must be at least 55 years old or disabled and related to the owner of the principal dwelling by blood, marriage or adoption.~~
- (10) ~~Roof and exterior wall materials and finishes of the elderly housing or disabled housing must be comparable in composition and appearance to that of the principal dwelling on the lot.~~
- (11) ~~The owner of elderly and disabled housing must register annually with Neighborhood Development.~~

- b. Delete Section 12.412, "Guest houses and employee quarters", and replace with the term "Reserved". The revised text shall read as follows:

Section 12.412. Reserved Guest houses and employee quarters.

~~A detached guest house or employee quarters shall be permitted as an accessory to any detached single family dwelling unit in accordance with the following requirements:~~

- (1) ~~The guest house or employee quarters should be clearly subordinate to the principal structure.~~
- (2) ~~The minimum lot size for the lot on which the guest house or employee quarters is located shall be 2 times the minimum lot requirement for the district.~~
- (3) ~~Guest houses and employee quarters shall have floor area no greater than 50% of the principal structure.~~
- (4) ~~No more than one housing unit serving as a guest house or employee quarters shall be located on a lot.~~
- (5) ~~Guest houses or employee quarters shall be owned by the same person who owns the principal dwelling.~~
- (6) ~~Guest houses or employee quarters shall not be served by a driveway separate from that serving the principal dwelling.~~
- (7) ~~Guest houses or employee quarters shall be located in the rear yard and not be any closer than 15 feet to a rear property line or along any side property line within the required side yard dimension.~~
- (8) ~~Guest houses and employee quarters shall be no taller than the principal dwelling as measured from grade.~~

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 _____ day of _____, 2012, 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 _____, 2012.