

REQUEST	Text amendment to Sections 2.201, 9.101, 9.204, 9.304, 9.704, 9.804, 11.204, 12.106, 12.202, 12.407, and 12.412 of the Zoning Ordinance.
SUMMARY OF PETITION	<p>The petition proposes to:</p> <ol style="list-style-type: none"> 1) 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; and 2) 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.
PETITIONER	Charlotte-Mecklenburg Planning Department
AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the City Council approved action plan for incentive based inclusionary housing policies and to be reasonable and in the public interest, by a 5-1 vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Griffith).

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-1 to recommend APPROVAL of this petition.
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VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Allen/Griffith</td> </tr> <tr> <td>Yeas:</td> <td>Allen, Dodson, Griffith, Rosenburgh, and Zoutewelle</td> </tr> <tr> <td>Nays:</td> <td>Firestone</td> </tr> <tr> <td>Absent:</td> <td>Phipps</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Allen/Griffith	Yeas:	Allen, Dodson, Griffith, Rosenburgh, and Zoutewelle	Nays:	Firestone	Absent:	Phipps	Recused:	None
Motion/Second:	Allen/Griffith										
Yeas:	Allen, Dodson, Griffith, Rosenburgh, and Zoutewelle										
Nays:	Firestone										
Absent:	Phipps										
Recused:	None										

ZONING COMMITTEE DISCUSSION Staff presented background information on the petition along with the proposed text modifications to the Zoning Ordinance regarding accessory dwelling units.

One committee member indicated they had received only a few citizen concerns for the ADU text amendment as opposed to the duplex text amendment. One concern was that placing an ADU on a small lot would have a greater impact than on a large lot. Staff indicated that the proposed prescribed conditions restrict the ADU size proportionate to the lot size and the size of the principal dwelling. These include a maximum building coverage requirement based on the lot size, limiting the coverage of the ADU to no more than 30 percent of the established rear yard, limited the size of the ADU to 50 percent of the principal dwelling, and in no case can the ADU exceed 800 heated square feet. It was clarified that no minimum lot size requirement was included in the proposed amendment. However, the lot would be required to comply with the minimum lot size for the zoning district.

Staff continued by stating that with all the proposed prescribed conditions there should be no change in the character of existing single family communities.

The committee member then questioned if an owner occupancy restriction could be place on the principal dwelling. Staff stated that the City Attorney's office indicated that land use regulations are to be based on the use of the property without regard to the form of ownership. Staff does not recommend an owner occupancy requirement for the principal dwelling.

One committee member stated that the proposed amendment provides for more restrictions than what is in the ordinance currently for ADU's associated with elderly and disabled housing, employee quarters, and guest homes. Therefore, have more safe guards to protect existing neighborhoods. The member also stated that there will be more limitations when placing an ADU within one of Charlotte's historic overlay districts due to the review and approval process associated with historic districts.

One committee member questioned if there are any local communities with ADU regulations. Staff indicated that Huntersville has similar ADU regulations. It was also questioned if an ADU could be subdivided and sold separate from the principal dwelling. Staff indicated that scenario would not be allowed because the unit would no longer be accessory to a principal dwelling.

MINORITY OPINION

The minority of the Zoning Committee agrees with current wording within the Zoning Ordinance that allows for ADU's associated with elderly and disabled residents. The committee member indicated that the amendment would not achieve the goal of provided affordable housing. In a general statement, the committee member was concerned with increasing density in wedge areas which is not consistent with the Center, Corridor, and Wedges policy.

STAFF OPINION

Staff agrees with the recommendation of the majority of the Zoning Committee.

FINAL STAFF ANALYSIS (Pre-Hearing Analysis online at www.rezoning.org)

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 regulatory incentive included in this subject text amendment for accessory dwelling units (ADUs).
 - The Housing and Neighborhood Development Committee (H&ND) voted unanimously in March 2012 to move the regulatory incentive recommendation 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 regulatory incentive associated with this subject text amendment.
- **Proposed Request Details**

The text amendment contains the following provisions:

- 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 additions and/or exterior modifications are made to an existing accessory structure for the purpose of creating an ADU.
 - **Public Plans and Policies**
 - The petition is consistent with the City Council approved action plan for incentive based inclusionary housing policies.
 - **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the majority of the Zoning Committee.
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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:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - There is no site plan associated with this text amendment.
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OUTSTANDING ISSUES

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

- Application
- Pre-Hearing Staff Analysis
- 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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