

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 “inclusionary housing development” in Section 2.201, “Definitions”, in alphabetical order. The new definition shall read as follows:

Inclusionary 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.

| 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, attached (duplex, <u>triplex, and quadraplex only</u>) | 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 |
| Dwellings, attached (triplex and quadraplex only) | | | | | X | X | X | X | X | X |

- 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 |
| Dwellings, triplex and quadraplex | | | | | X | X | X | X | X | X |

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 an Inclusionary 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 an Inclusionary Housing Development subject to the regulations of Section 9.209(5).

- 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 an Inclusionary 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 an Inclusionary Housing Development subject to the regulations of Section 9.209(5).

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

Section 9.205. Development standards for single family districts.

(9) Inclusionary Housing Development Density Bonus. A density bonus of up to three (3) units above the base density will be permitted for Inclusionary Housing Developments, as defined in 2.202, in all single family residential districts, except the R-8, in accordance with the following regulations:

- (a) Locational Criteria. The development shall be located within Census block groups in Charlotte's Sphere of Influence that have a median home value at or above \$153,000 (US Census Bureau, American Community Survey 2005-2009). The median home value will be reassessed every five years and based upon the most recent US Census Bureau, American Community Survey five year average estimates.
- (b) 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.

(c) Development Standards.

- (i) Development size must be a minimum of one (1) acre.
- (ii) The minimum lot size and lot width 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 an Inclusionary 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 subdivision. 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 subplot size must be sufficient to accommodate the dwelling unit and 400 square feet of private open space.

(d) 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 ____ 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.