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<b>REQUEST</b>	Text Amendment to Table 9.101, Sections 2.201, and 12.420
<b>SUMMARY OF PETITION</b>	The petition proposes to: 1) add a new definition for “temporary family health care structure”; 2) allow the use with prescribed conditions in the single family zoning districts, as an accessory use to a single family detached dwelling located on the same lot; and 3) add prescribed conditions for the use.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this text amendment. The petition is consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> goal to provide quality housing choices to a diverse range of people with different housing needs.
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
<b>COMMUNITY MEETING</b>	Meeting is not required.

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## **PLANNING STAFF REVIEW**

### **• Background**

- New North Carolina legislation relating to zoning provisions for temporary health care structures was approved on August 1, 2014.
- This text amendment mirrors the definition in the legislation, and matches the requirements and prescribed conditions set by the State.

### **• Proposed Request Details**

The text amendment contains the following provisions:

- Adds a new definition for temporary family health care structure.
- Allows temporary family health care structures as an allowable accessory use in the single family zoning districts (R-3, R-4, R-5, R-6, and R-8), with prescribed conditions:
  - The applicant must obtain a zoning permit, which is valid for one year, and renewable with a written recertification from a licensed North Carolina physician. The following documentation must accompany the application:
    - Documentation as to the relationship between the occupant of the temporary family health care structure and the occupant(s) of the existing single family detached dwelling on the lot. One of the following types of relationship must exist:
      - First or second degree relative: a spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece. This includes half, step, and in-law relationships;
      - Relationship by marriage; or
      - Legal guardian designated by a court of law.
    - Written certification from a physician that is licensed to practice in North Carolina, stating the necessity of direct care for a mentally or physically impaired individual, who is a resident of North Carolina and who requires assistance with two or more activities of daily living: bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting and eating.
  - Only one temporary family health care structure shall be permitted per lot.
  - The caregiver shall reside in the single family detached dwelling located on the same lot as the temporary family health care structure. The caregiver shall be a person who is 18 years of age or older and who: 1) provides care for a mentally or physically impaired person; and 2) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring, or a legal guardian of the mentally or physically impaired person.
  - The structure shall:
    - Comply with all regulations associated with accessory structures.
    - Be limited to a maximum of 300 square feet of gross floor area.
    - Not be installed on a permanent foundation.
    - Be connected to the water, sewer, and electric utilities that are serving the principal dwelling on the lot.

- No signage or advertisement shall be permitted on the exterior of the structure or on the property.
  - The use shall comply with all applicable state and local ordinances.
  - Approved temporary family health care structures shall be removed no later than 60 days after the time the mentally or physically impaired person is no longer receiving assistance or is no longer in need of assistance. If the structure is needed for a different impaired individual during the permit period, a new physician certification is required to be submitted to Neighborhood & Business Services.
- **Public Plans and Policies**
    - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to provide quality housing choices to a diverse range of people with different housing needs.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** Not applicable.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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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](http://www.rezoning.org)**

- Application
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

**Planner:** Sandra Montgomery (704) 336-5722