

Petition No. 2012-067A

Petitioner: Charlotte-Mecklenburg Planning Department

JUL 16 2012

**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:

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
Dwelling, Accessory Unit	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
Dwelling, Accessory Unit	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
Dwelling, Accessory Unit	PC	PC	PC	PC	PC		

- 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

Urban Residential & Mixed Use - Accessory Uses & Structures:							
	UR-1	UR-2	UR-3	UR-C	MX-1	MX-2	MX-3

Office & Business - Accessory Uses & Structures:							
	O-1	O-2	O-3	B-1	B-2	B-D	BP

2. PART 2: SINGLE FAMILY DISTRICTS

- a. 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 as an accessory to a single family detached dwelling, subject to the regulations of Section 12.407.
- (8) Reserved.

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 as an accessory to a single family detached dwelling, subject to the regulations of Section 12.407.
- (7) Reserved.

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 as an accessory to a single family dwelling unit, subject to the regulations of Section 12.407.
- (7) Reserved.

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 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.

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 (6) to indicate “dwellings, accessory units” as a permitted accessory use and item (8) to indicate “Reserved”. The revised text shall read as follows:

Section 11.204. Permitted accessory uses and structures.

- (6) Dwelling, accessory units as an accessory to a single family detached dwelling, subject to the regulations of Section 12.407.
- (8) Reserved.

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.106, “Uses and structures prohibited and allowed in required setbacks and yards”, item (2)(a), by modifying language regarding accessory structures and eliminating references to elderly or disabled housing, guest homes and employee quarters. The revised text shall read as follows:

Section 12.106. Uses and structures prohibited and allowed in required setbacks and yards.

- (2)(a) No accessory structures, including architectural features, as cited in five (5) below, shall be located within any setback or side yard required of

these regulations, or located within three (3) feet of a lot line in the established rear yard. No accessory structure shall be located within any established setback in any residential district, except as otherwise provided. If an accessory structure exceeds a height of 24 feet in the single-family, multi-family, urban residential and mixed use districts, it must be located at least 15 feet from the rear and side property lines. In all zoning districts, except as provided for in Section 12.108, if the accessory structure exceeds the height of the principal structure, it must meet the minimum side yard of the principal structure and be located at least 15 feet from the rear property line. In addition, no accessory structure, excluding the square footage of an accessory dwelling unit, shall exceed the total square footage of the heated area located on the first floor of the principal structure.

Accessory dwelling units shall comply with the yard requirements and size limits prescribed in Section 12.407. In the RE-1, RE-2, and BP districts, a security gate or guard station may be located within the required setback. Piers, docks, and other water-dependent accessory structures may be located in any required setback or yard on lots, which abut a body of water. A fence, wall, mailbox, utility pole, light-pole, or patio at grade, paths, walkways, or berm may be located in any required setback or yard. Signs may be located in a required setback or yard provided that they are in accordance with Chapter 13 of these regulations. Bus stops shelters may be located in any setback or yard, which abuts a street in accordance with Section 12.513.

2. 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	1 space per unit	n/a	n/a

3. 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.

Accessory dwelling units (ADU) 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 to additions or exterior modifications to an existing accessory structure for the purpose of creating an ADU.

- 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.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

Si. Ap. 

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 16th day of July, 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.