Charlotte City Council
Housing and Neighborhood Development Committee
Summary
March 28, 2012

COMMITTEE AGENDA TOPICS

I. Incentive Based Inclusionary Housing Action Plan Update
   - Accessory Dwelling Units
   - Duplexes

II. FY13 Annual Action Plan (Action Requested)

III. Substantial Amendment to the FY2012 Annual Action Plan for Housing and Community Development (Action Requested)

COMMITTEE INFORMATION

Council Members Present:	Patsy Kinsey, John Autry, Michael Barnes, Warren Cooksey, LaWana Mayfield
Staff Resources:	Ruffin Hall, Assistant City Manager Pat Mumford, Neighborhood & Business Services Debra Campbell, Planning Department Anna Schleunes, City Attorney's Office Pamela Wideman, Neighborhood & Business Services
Meeting Duration:	12:06 PM – 1:32 PM

ATTACHMENTS

1. Agenda Packet – March 7, 2012
2. Presentation - Assisted-Multi Family Housing at Transit Station Areas

DISCUSSION HIGHLIGHTS

Kinsey: I would like to welcome attendees and introduce Ruffin Hall, Assistant City Manager, sitting in for Julie Burch.

Hall: First agenda item is the Incentive Based Inclusionary Housing Action Plan.

Incentive Based Inclusionary Housing Action Plan Update

Campbell: I have presented information on this subject matter at a number of meetings and am hoping that today we can get a recommendation from the Committee as it relates to duplexes and accessory dwellings. We are giving you a little of background information to refresh your memory. Our Citizen Advisory Group (CAG) has been working on the Action Plan to develop these recommendations. ADU, duplexes and the density bonus are text amendments to the Zoning Ordinance. The expedited review and fee waivers are generally policies and that would come to your business meeting.
Shad Spencer is here to give the presentation.

Presentation

Barnes: Looking at multi-family density bonus, where would bonus be appropriate?

Campbell: In a very urban district, this bonus would be applicable to zoning classifications of RMF 12-17-22, potentially even 8. We have not gotten far enough along in the discussion of the density bonus for multifamily to give a good response.

Spencer: Presentation

Barnes: I would like to see a rendering of the proposed change. Are there any images that we can see that would illustrate what it would look like in a suburban neighborhood?

Spencer: We haven't done that yet, but will supply that information.
Presentation

Campbell: What we are trying not to have is a consecutive row of duplexes. In terms of numbers, you can only have two adjacent to one another. We are introducing a duplex into districts that typically allow a single-family home. The lot size and building coverage is comparable to what we currently have in terms of single family requirements, with lot sizes larger for duplexes. Other concerns with duplexes are driveways. You would have to share a driveway or, if you have two duplexes abutting you could have up to three spaces.

Spencer: Presentation

Cooksey: With regard to lot sizes and widths, based on Mr. Barnes comments it would be interesting if we could see how the lot sizes blend in. I think we have visual evidence in

the city. I would be interested to see if the examples I have in mind meet this standard or were they approved based on what was built in the past.

Campbell: We do have visuals and will bring them next time. We will have a summary that shows existing and what a new modern development with duplexes would look like.

Spencer: Presentation of Accessory Dwelling Units (ADU)

Barnes: The first bullet says it can be within the single family home, but not internally accessible?

Spencer: If it is internal, building code folks had a concern accessing from the inside. There needs to be a separate external entrance.

Spencer: Presentation

Campbell : The major issue with these recommendations (ADU within an accessory structure) is that it would be subordinate to the principal dwelling unit.

Spencer: Presentation

Barnes: Back to unintended consequences. If I have a brick house and want to build wood ADU unit, can I do that?

Campbell: No. If the ADU already exists you wouldn't have to create a new façade. If you are adding a new ADU, it must meet comparable appearance.

Spencer: Presentation

Kinsey: In an old neighborhood where the garages are sitting on the property line, is that allowed? If this is an existing garage?

Spencer: The way it is worded now, no. You would have to comply with the minimum underlying side yard requirements.

Campbell : There may be opportunities to renovate existing garages to ADU but we see this ordinance more for new accessory dwelling buildings. We heard from our Citizen Advisory Group (CAG) that there are probably a lot of garages that have been converted and don't meet the existing zoning rules. With these standards we have tried to create the opportunity to incorporate an ADU into the existing fabric of a community so the adjacent properties are not impacted. That is why you see a lot of language to maintain

some level of design, character control and size to make them architecturally compatible.

Barnes: If someone asks why are you tweaking these regulations regarding ADU and duplexes, what would we say?

Campbell: City Council requested the review. This recommendation allows us to achieve recommendations from adopted area plans, which call for a mixture of housing types within neighborhoods offering a number of housing choices and opportunities for a range of incomes within the communities. I believe this helps us accomplish that without creating incompatible development and without significantly increasing the density of the communities. It allows people to remain in the community, elderly residents downsizing or children coming back home, with an opportunity to renovate. It increases housing choices without significantly impacting single-family dwellings.

Autry: What about parking, specifically Commonwealth Avenue? The redevelopment of small bungalows to large primary developments, what kind of consideration are we giving to parking and the expansion of impervious structures?

Spencer: They will be required to share the same driveway unless they are on a corner or an alley loaded garage. The parking spaces are per dwelling units.

Campbell: For an ADU we would be recommending that you not add impervious structures. For duplexes we currently recommend shared driveways.

Kinsey: We did receive a letter from REBIC, supporting the changes to the ADU policy. I would entertain a motion.

Campbell: It would go through the zoning process and would be the 3rd Monday in June for the hearing and then the 3rd Monday in July for the decision.

Motion to move it out of Committee to Council with the stipulation that the information requested will be provided at the April 9th, Council meeting. Motion passed by unanimous vote.

FY13 Annual Action Plan

Wideman: Remind you that you had the public hearing at the last Council meeting. You have a copy of the draft Annual Action Plan. This is our application to HUD for federal funds for our annual allocation of Community Development Block Grant (CDBG) Funds, Home Opportunities Made Easy (HOME), Emergency Solutions funds and Housing Opportunities for People with AIDS (HOWPA) fund. There is a 6% cut in CDBG funds,

and a 30% cut of HOME funds on a federal level. We adjusted our budget to absorb those cuts by making decisions earlier in the year around our Emergency Relocation Program and being more conservative with our rehab program. We are asking for your approval to put this Action Plan on your April 23, 2012 Council agenda.

Barnes: I would like to get a report from the Housing authority of the $81 million referenced on page 4, with over half is Section 8. I would like information from the Housing Authority regarding how that program is functioning. I would like to know how the Moving to Work piece is going, the amount of time people can use that resource, restrictions on people who receive that resource, and a general update.

Wideman: We would be happy to request that. We have two representatives from the Housing Authority here today, Debra Clark and Ray Holt. We will get that information and will do an update at a future meeting.

Motion to move the item forward to City Council from Mr. Autry and seconded by Mr. Barnes. Motion passed with unanimous vote.

Substantial Amendment to the FY2012 Annual Action Plan for Housing and Community Development

Wideman: We are asking for an amendment because we are getting an extra allocation of Emergency Solutions Grant funding of $118,000. This funding is primarily used for operations of homeless facilities, delivery of services to homeless individuals and comes out of the Homeless Emergency Assistance and Rapid Transition Housing (HEARTH) regulations. The idea is to get people more rapidly housed, to decrease shelter stays and this is a step we have to take to get this money.

Kinsey: Would this money be used to house people who are in the shelters now?

Wideman: It could. The idea is homeless prevention and rapid rehousing. The attachment to your agenda item is a list of Homeless Services Network (HSN) agencies who will receive the proposal. An example would be Crisis Assistance receiving money for utility assistance that would prevent someone from becoming homeless. The federal government wants to decrease shelter stays and create more permanent housing solutions.

Barnes: It is interesting that federal government is getting out of public housing business and creating this series of challenges that local governments have to address. When you say they want people out of shelters and into more permanent housing, my perspective has been that people are not equipped to deal with life outside of shelter. In a meeting with citizens about the people who loiter around N. Tryon Streets, they asked how do we address what is happening? From my perspective, it would be helpful if we, in

conjunction with the federal government, could work on some true solutions to the problem and not just move people to another location.

Wideman: Our local community is working on that issue. An example is the YWCA, which deals with the transitional housing situation. Women can stay there for two years to learn vocational skills so they can move on to a permanent housing solution. The Friendship CDC has developed a transitional housing program. The Men's Shelter is trying to create a tenant based rental assistance program for men who are ready to move from the shelter and will be providing vocational and substance abuse training. There is more work we can do, but we are trying to assist in creating programs to address the issue.

Barnes: It destabilizes the progress we are trying to make in stabilizing distressed and challenged areas. I would like you to consider bringing back to another meeting the levels of success are we experiencing with these programs.

Wideman: The short answer is that whenever we provide funding to our partners there is a specific set of outcomes and measures that they have to report on and we can share some of those with you. If approved, this item would be on the April 9th Council agenda.

Mr. Barnes made a motion to send the item back to full Council. Motion was seconded by Mr. Autry. The motion was passed with a unanimous vote.

Kinsey: I received a letter from the Charlotte Mecklenburg Coalition for Housing. They requested we read this letter at our meeting. I think whatever our recommendation, Council should receive a copy of this letter. *(Ms. Kinsey read the letter.)*

Barnes: I appreciate the Coalition sending the letter to us and felt we had a robust discussion on this issue. I sent an email to Ms. Kinsey that I don't even know if we need this policy at all. What we need to be doing along the Northeast Corridors is to increase the property values. If you are ever going to have an increase in property values and taxbase there should be an allowance for market forces to drive up those values. I have talked about the abundance of affordable housing near the transit stations planned for Ms. Kinsey's district and mine. We need to find a way to drive up the property values to help revitalize parts of Charlotte.

Kinsey: The Mill that is being restored, is it going to have one building that will be 100% affordable?

Wideman: The developer has applied to NC Financing Agencies for low income housing tax credits. If awarded, they will have mixed income in one building. With a typical tax credit award, the makeup will have 60%, 50% 40% and some will have 30% or below. It will be subsidized by low income tax credits.

Campbell: When we use terminology, affordable is how much of your income is paying rent. The subsidies will be with local, state or federal assistance to provide some financing (probably GAP financing) to allow this project to move forward.

Campbell: The policy is designed to ensure that affordable housing occurs at the station. The policy design is to ensure an opportunity for a range of housing occurs at the stations. If we want to accommodate an income range of 60% or below we need the assistance of housing tax credits. The housing tax credits prescribed conditions say we want most of those people in one building.

Barnes: I understand that the experts are saying it can't be done. If you look at almost any of transit stops that are planned for the Blue Line, there is no high end housing. We have the opposite problem. It is one thing where you are trying to introduce affordable housing into an area with expensive housing, but there is already an excess of affordable housing. I want to introduce market rate housing to drive the market up.

Hall: I was going to offer a suggestion. This item is scheduled for an April 9th dinner. The Committee has already taken a vote on the policy and unless there is a willingness to change votes, one of the things you could do is to attach the letter as part of the package going forward on April 9th in terms of communicating what this group has said to the Committee and have it included in the materials.

Kinsey: Unless someone disagrees we will attach the letter. Another letter was received for your information and we will also forward to Council.

City Council
Housing and Neighborhood Development Committee

Wednesday, March 28, 2012
12:00 p.m.
Charlotte-Mecklenburg Government Center
Room – 280

Committee Members: Patsy Kinsey, Chair
LaWana Mayfield, Vice-Chair
John Autry
Michael Barnes
Warren Cooksey

Staff Resource: Ruffin Hall, Assistant City Manager

AGENDA

I. Incentive Based Inclusionary Housing Action Plan Update
- **Accessory Dwelling Units**
- **Duplexes**

II. FY13 Annual Action Plan (Action Requested)

III. Substantial Amendment to the FY2012 Annual Action Plan for Housing and Community Development (Action Requested)

Future Topics:
- Quality of Life Update
- Charlotte-Mecklenburg Coalition For Housing Update
- Impacts of Regulatory Policies on Affordable Housing

Distribution:

Mayor/Council
Curt Walton, *City Manager*
City Leadership Team
Corporate Communications
Debra Campbell – *Planning Department*
Anna Schleunes- *City Attorney's Office*
Mujeeb Shah-Khan- *City Attorney's Office*
Charlotte-Mecklenburg Coalition for Housing

Budget Office
Randy Harrington
Phyllis Heath
Lisa Schumacher
Charlotte Housing Authority
Charlotte-Mecklenburg Housing Partnership
Fred Dodson
Pat Garrett
Kim Graham
Charlotte-Mecklenburg Police Department
Chief Rodney Monroe

Community Relations
Willie Ratchford
Ledger Morrissette
Neighborhood & Business Services
Patrick Mumford
Walter Abernethy
Steve Allen
Jamie Banks
Brad Richardson
Pamela Wideman
Tom Warshauer

Incentive-Based Inclusionary Housing Polices: Action Plan Update
Housing and Neighborhood Development Committee Meeting
March 28, 2012

Committee Action:
Receive an update on the Incentive-Based Inclusionary Housing Policies Action Plan and take action on staff recommendations for Accessory Dwelling Units (ADUs) and Duplexes, if ready.

Policy:
- The City Council's Housing and Neighborhood Development FY2011 Focus Area Plan included a comprehensive review of the City's Housing Policies.

Explanation:
- On March 28, 2011, City Council approved a revised Housing Locational Policy.
- On June 27, 2011, City Council approved the Housing and Neighborhood Development Committee's recommended Incentive-Based Inclusionary Housing Policies Action Plan.
- The proposed Action Plan outlines regulatory and financial strategies to encourage the creation of affordable housing. The strategies include the following:
  - Single Family and Multi-Family Development density bonus
  - Fee Waiver/Reductions
  - Fast Track permitting
  - Allowance of duplexes on any lot
  - Allowance of Accessory Dwelling Units (ADUs) to include non-relatives
  - Create local rent subsidy program
  - Increase Housing Trust Fund commitments
  - Lobby the North Carolina Housing Finance Agency for changes to the State's Qualified Application Process
  - Make available government owned land at a reduced cost
  - Cash Subsidies
- On September 15, 2011, staff convened an initial public meeting to introduce the action plan to the Community and seek participants for the Citizen Advisory Group (CAG).
- Since that time, staff has convened seven CAG meetings: September 29, 2011, October 19, 2011, November 3, 2011, December 13, 2011, January 5, 2012, February 9, 2012, February 23, 2012 and Mach 15, 2012.
- During those meetings, staff worked through recommendations on the Single Family density bonus program, Allowance of duplexes on any lot, ADUs to include non-relatives, and Program Administration. Over 40 citizens have participated in the process to date.
- Staff will share recommendations on ADUs and Duplexes at your March 28, 2012 Committee meeting.

Next Steps and Proposed Committee Review Schedule:
- Expedited Review and Fee Waivers Process – April, 2012 – May, 2012
- Density Bonus (Single Family and Multi-Family) – June, 2012 – July 2012

FY2013 Annual Action Plan for Housing and Community Development
March 28, 2012

Committee Action:
Approve the proposed FY2013 Annual Action Plan for Housing and Community Development.

Explanation

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of an Annual Action Plan to receive federal funding for housing and community development activities.
- The FY2013 Annual Action Plan is the City's annual strategy for providing housing and community development activities.
- The Plan supports the City's housing policy to preserve existing housing, expand the supply of low and moderate-income housing and support family self-sufficiency.
- The FY2013 Action Plan includes housing and community development needs and resources for the City and Regional Housing Consortium.
- The Regional Housing Consortium is a partnership between the City, Mecklenburg County and the towns of Cornelius, Pineville, Matthews, Mint Hill, Huntersville and Davidson.
- In FY2013 the City expects to receive the following federal funding allocation which includes a six percent reduction in Community Development Block Grant funding and a 37 percent reduction in HOME Investment and Partnership funding which has been factored into our budget and programming.

FY2013 Expected Federal Funding Allocations

- Community Development Block Grant (CDBG)	$4,108,110
- HOME Investment and Partnerships (HOME)	$1,540,352
- Emergency Solution Grants (ESG)	$ 328,892
- Housing Opportunity for Persons with AIDS (HOPWA)	$ 813,905
	$6,791,259

- To absorb the loss of funding, the following programs will be reduced: HOME consortium, Neighborhood Revitalization, Relocation, Community Housing Development Organization projects, and House Charlotte. While it is expected that this reduction will decrease service levels, the specific impacts for the upcoming fiscal year are not yet known.
- The final budget is expected to be determined in the next 60-90 days. Should the anticipated CDBG and HOME funding amounts change, the City Council would not be required to hold another public hearing or amend the approved FY2013 Annual Action Plan. The changes would be handled through an administrative update by staff to the Regional Housing and Urban Development Field Office.

Community Input

- Neighborhood & Business Services staff convened three planning sessions to receive input to the development of the Plan.

- A copy of the draft FY2013 Annual Action Plan, in both English and Spanish, was placed in several libraries throughout the City. A draft copy of the Plan was also placed at the Charlotte Housing Authority and Old City Hall.
- Council will hold a public hearing on the proposed FY2013 Action Plan on March 26, 2012.
- The proposed FY2013 Action Plan can be found on-line at http://nbs.charlottenc.gov.

Next Steps

- City Council will be asked to approve the Plan at the April 23, 2012 meeting.
- The Plan will be submitted to HUD on May 7, 2012.

Substantial Amendment to the FY2012 Annual Action Plan
for Housing and Community Development
March 28, 2012

Committee Action
Approve the Substantial Amendment to the FY2012 Annual Action Plan for Housing and Community Development.

Explanation
- The U.S. Department of Housing and Urban Development (HUD) mandates the development of an Annual Action Plan to receive federal funding for housing and community development activities.
- On May 9, 2011, the City Council adopted the FY2012 Annual Action Plan.
- In January 2012, HUD released regulations requiring a Substantial Amendment to our FY2012 Annual Action Plan to receive a second allocation of Emergency Solution Grant (ESG) funds (previously called Emergency Shelter Grant).
- The City is expected to receive $118,401 through the second allocation. This is a formula grant allocation determined by HUD based on the size of our population as determined using census data. These funds will be used to provide housing relocation and stabilization services, including rental assistance for currently homeless individuals and families. Additionally, funds will be used to provide financial assistance for households at risk of becoming homeless.
- Assistance will be provided through Prevention Programs and will include short and medium term rental assistance, security deposits, case management, legal services and credit repair. ESG funds will serve households 30% ($20,550) or below the Area Median Income.

Community Input
- A copy of the draft Substantial Amendment to the FY2012 Annual Action Plan, in both English and Spanish, was placed in several libraries throughout the City. A draft copy of the Plan was also placed at the Charlotte Housing Authority and Old City Hall.
- Council will hold a public hearing on the amendment on March 26, 2012.
- The approved FY2012 Action Plan can be found on-line at http://nbs.charlottenc.gov.

Next Steps
- City Council will be asked to approve the Amended Plan at the April 9, 2012 meeting.
- The Amended Plan will be submitted to HUD on May 7, 2012.

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Incentive Based
INCLUSIONARY HOUSING

H&ND Committee Update

March 28, 2012

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Outline

- **Background**
  - **Recommended Action Plan**
  - **CAG Representation**
  - **Accomplishments**
  - **Overview of CAG Discussion**
  - **Proposed Adoption Process**
- **Duplex Recommendation**
- **ADU Recommendation**
- **Next Steps**

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Background

- On May 25, 2011, the Housing & Neighborhood Development (H&ND) Committee recommended to Council a list of regulatory and financial incentives to create affordable housing
- On June 27, 2011, Council approved a proposed action plan directing staff to pursue 11 regulatory and financial incentives that could work for Charlotte
- Of the 11 Action Plan recommendations, the 6 financial initiatives are ongoing and should be continued
- The remaining 5 regulatory initiatives needed further action through text amendments, user fee adjustments, or additional Committee discussion
- Council also asked staff to work with a citizen advisory group throughout this process
- Regulatory incentives should be voluntary in nature

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Recommended Action Plan

Proposed Regulatory Strategies

1. Single Family & Multi-family density bonus
2. Fee waivers/reductions
3. Expedited review
4. Allowance of duplexes on any lot
5. Allowance of Accessory Dwelling Units (ADUs) to include non-relatives

❖ Other considerations that could work for Charlotte

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Recommended Action Plan

Financial Incentives

6. Create local rent subsidy program
7. Increase Housing Trust Fund commitments for federal low income housing tax credits
8. Lobby NCHFA for changes to its Qualified Application process to allow urban projects to score higher
9. Develop a program to make available government owned land at a reduced cost in exchange for affordable housing
10. Establish aggressive acquisition program for existing apartments currently in financial difficulty or underutilized
11. Cash subsidies

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CAG Representation

- ✓Community Development Corporations
- ✓Real Estate and Building Industry Coalition
- ✓Charlotte-Mecklenburg Housing Partnership
- ✓Greater Charlotte Apartment Association
- ✓Mixed Income Housing Coalition
- ✓Habitat for Humanity
- ✓Neighborhood Organizations
- ✓Charlotte Housing Authority
- ✓Johnson C. Smith University
- ✓2008 Incentive Based Inclusionary Housing Policies Subcommittee Members
- ✓Single Family & Multi-family Developers
- ✓Housing Advocates
- ✓Financial Institutions
- ✓Charlotte Mecklenburg Schools
- ✓South Charlotte Representation

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Accomplishments

- **Initial Public Meeting - September 15th**
  - Provided overview of recommended action plan focusing on regulatory incentives to encourage private sector development of affordable housing
  - Recruited citizens to serve on an advisory group
- **Hosted (8) CAG Meetings between September-March**
  - Single Family density bonus
    - **Work on program administration is continuing*
  - Allowance of duplexes on any lot
  - Allowance of Accessory Dwelling Units (ADUs) to include non-relatives
- **Public Outreach Efforts**
  - Ballantyne Breakfast Club – February 11, 2012
  - Chamber Land Use Committee – February 29, 2012
  - Charlotte-Mecklenburg Coalition for Housing – March 21, 2012
- **Planning Commission Updates**
- **H&ND Council Committee Updates**

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Overview of CAG Discussion

Proposed Regulatory Strategies

1. Single Family & Multi-family density bonus
2. Fee waivers/reductions
3. Expedited review
4. Allowance of duplexes on any lot
5. Allowance of Accessory Dwelling Units (ADUs) to include non-relatives

❖ Other considerations that could work for Charlotte

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Proposed Adoption Process

Accessory Dwelling Units (ADUs)

- H&ND Committee Action: **March / April**
- Council Briefing: **April**
- Council Decision: **July**

Duplexes

- H&ND Committee Action: **March / April**
- Council Briefing: **April**
- Council Decision: **July**

Expedited Review / Fee Waivers

- Council Briefing: **April**
- H&ND Committee Action: **April / May**
- Council Action: **July**

SF & MF Density Bonus

- Council Briefing: **April**
- H&ND Committee Action: **June / July**
- Council Decision: **December**

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Draft Recommendation to allow Duplexes on any lot

Current Zoning Regulations

- Duplex dwellings are allowed in R-3, R-4, R-5, and R-6 provided they are located on a corner lot and meet design criteria.
- Duplex dwellings are allowed on any lot within R-8.

H&ND Committee Concern

Concern about the buffer between single family and other housing types

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Draft Recommendation to allow Duplexes on any lot

Applicability

Allow duplex dwellings on all lots within the R-3, R-4, R-5, and R-6 single family zoning districts per prescribed conditions under design guidelines.

The Set-Aside

None

Income Targeting

None

Design Guidelines & Prescribed Conditions

- Lots must meet the minimum lot size requirement for duplex lots of the underlying zoning district.

Zoning District	Minimum Lot Area for Duplex Dwellings
R-3	16,000 SF
R-4	13,000 SF
R-5	10,000 SF
R-6	8,000 SF

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Draft Recommendation to allow Duplexes on any lot

Design Guidelines & Prescribed Conditions (continued)

- Duplex dwellings must not exceed the maximum building coverage required for detached dwellings.

Duplex Dwelling Lot Size	Maximum Building Coverage
6,501 SF to 8,500 SF	40%
8,501 SF to 15,000 SF	35%
15,001 SF or greater	30%

- A duplex corner lot must provide the minimum setback requirement to each of the two different streets.

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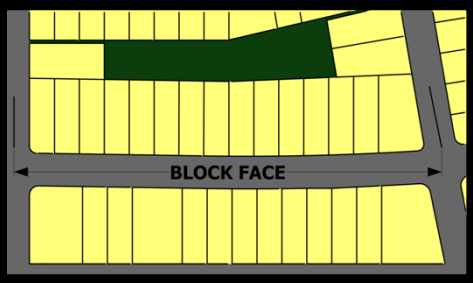
Draft Recommendation to allow Duplexes on any lot

Design Guidelines & Prescribed Conditions (continued)

- Limit of two (2) abutting duplex lots within a block face. Block face is defined as the distance along a block between two adjacent intersections, measured from centerline to centerline.



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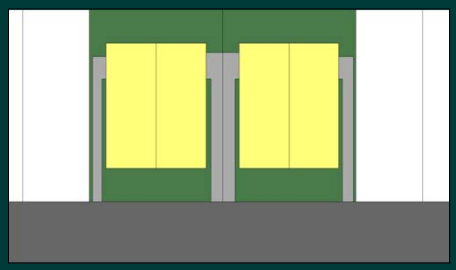
Draft Recommendation to allow Duplexes on any lot

Design Guidelines & Prescribed Conditions (continued)

- Duplex units must be served by a shared driveway. However, 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.



Program Administration

Obtain a building permit from LUESA.

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Questions?

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Draft Recommendation to allow ADUs without tenant restrictions

Current Zoning Regulations

Accessory dwelling units (ADUs) are allowed for elderly and disabled housing and for guest houses and employee quarters per prescribed conditions found in Section 12.407 and 12.412 of the Zoning Ordinance.

H&ND Committee Concerns

- Concern about the ADU being rental
- Questioned why the current ordinance was written to exclude non-relatives

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Draft Recommendation to allow ADUs without tenant restrictions

Applicability

Allow accessory dwelling units (ADUs) as a permitted accessory use to any single family detached dwelling unit per the following prescribed conditions under design guidelines.

Define Accessory Dwelling Unit (ADU) as a smaller 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.

The Set-Aside

None

Income Targeting

None

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Draft Recommendation to allow ADUs without tenant restrictions

Design Guidelines & Prescribed Conditions

Standard ADU Requirements within a Principal or Accessory Structure:

- 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 principle 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.

ADU Within a Principal Structure:

- An ADU located within the principal single family detached structure 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.

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Draft Recommendation to allow ADUs without tenant restrictions

Design Guidelines & Prescribed Conditions (continued)

ADU within an accessory structure:

- 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 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.
- 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.

Program Administration

Obtain a building permit from LUESA

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Draft Recommendation to allow ADUs without tenant restrictions

- R-3
- 10,000 SF **front** loaded lot
- 800 SF ADU with building footprint at 30% of established rear yard (15' from rear and 6' from side property lines)

- R-6
- 4500 SF **alley** loaded lot
- 800 SF ADU with building footprint at 30% of established rear yard (5' from rear and side property lines)

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Questions?

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Next Steps

- **Upcoming Citizen Advisory Group (CAG) Meeting Dates:**
  - March 29, 2012 (6pm, CMGC Room 280)
  - April 26, 2012 (6pm, CMGC Room 280)
  - May 10, 2012 (6pm, CMGC Room 280)
  - May 24, 2012 (6pm, CMGC Room 280) TBD
  - June 14, 2012 (6pm, CMGC Room 280) TBD
- **Process Benchmarks**
  - Citizen Input process – May/June 2012
  - Committee Action for ADU and Duplex Recommendations - March/April 2012
  - Council Briefing - April/May 2012
  - Council Action - June/July 2012
    ***follows the text amendment process**
  - Will be coming back for Committee action on other recommendations - June/July 2012
- **Follow the process at:**
  www.charlotteplanning.org

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