Charlotte City Council
Housing and Neighborhood Development Committee
Summary
September 26, 2012

COMMITTEE AGENDA TOPICS

I. Incentive–Based Inclusionary Housing Action Plan Update

COMMITTEE INFORMATION

Council Members Present:	Patsy Kinsey, John Autry, Michael Barnes, Warren Cooksey, LaWana Mayfield
Staff Resources:	Julie Burch, Assistant City Manager Debra Campbell, Planning Department Pat Mumford, Neighborhood & Business Services Anna Schleunes, City Attorney Shad Spencer, Planning Department Pamela Wideman, Neighborhood & Business Services
Meeting Duration:	12:10 PM – 1:45 PM

ATTACHMENTS

1. Agenda Packet – September 26, 2012
2. Presentation – Incentive–Based Inclusionary Housing

DISCUSSION HIGHLIGHTS

Kinsey: Welcomed attendees. As a carryover from our last meeting, the first item on the agenda is Incentive-Based Inclusionary Housing Action Plan Update.

<u>Incentive-Based Inclusionary Housing Action Plan Update</u>

Burch: This is an information update for the Committee. City staff and a citizen stakeholder group have been meeting and there are a number of strategies that have been pursued. Debra and Shad are here today to give you an update and will also be posing a couple of discussion questions for the Committee. No action is required from the Committee.

Campbell: We appreciate the opportunity provide you an update on the work we are doing with a citizen advisory group (CAG) related to Incentive-Based Inclusionary Housing strategies. We will update you on the eleven strategies you identified, both regulatory and financial. We will talk about three of the regulatory strategies, revised recommendations related to the duplex strategy, and then next steps in terms of meeting schedule and adoption process.

Presentation

Spencer: Presentation (Density bonus for single family districts)

Barnes: What was the information about the 50% in housing types?

Spencer: We would allow a mix of housing types, the duplex, triplex and quadruplex to be integrated within these neighborhoods. They would have to be internal to the development, but those units could exceed 50% of what you achieve by the density bonus. If you get a density bonus of 50 units, only 25 of those could be a duplex, triplex or quadruplex unit. Otherwise it would have to be single family. There is also the 50% of the density bonus that is required to be affordable.

Barnes: Have you been able to test this scenario?

Spencer: Yes, we did a test on an existing neighborhood.

Autry: On an acre of land how many units would be on that acre? Are we talking about greenfield or subdivision redevelopment?

Spencer: This would more likely be used if you had a larger tract of land, maybe 50 to 100 acres. This would be more of a greenfield development.

Campbell: In reviewing the map you will see that the density bonus will only be eligible in the areas that are dark green. Because the majority of these areas are in the suburbs, these are generally going to be potential greenfield sites or possibly developments not finished.

Barnes: If we apply this density bonus to finishing some of the developments that started in the mid-$200,000 would this have a negative effect when you are adding housing priced at the mid-$100,000?

Campbell: The majority of development would be market rate, about 75%. We capped the recommended affordable at 25% of the total development.

Spencer: Presentation

Kinsey: This is just an example? Units could be scattered throughout, not necessarily next to each other.

Spencer: For the mixed units, these may not be the affordable ones. You could have affordable single-family, not just affordable mixed units.

Campbell: What we tried to achieve was to protect the infield, reflect the character of adjacent or established development.

Autry: As I look at the layout, I wish I could see roundabouts.

Campbell: This was an actual approved subdivision. We wanted to test it on something that was already laid out to see if you could get that type of density bonus. This is more of an example of how you can achieve this type of density.

Barnes: What is the number of units?

Spencer: We went from 168 allowed under the R-3 to 328 units.

Campbell: That is with 240 single-family, 30 duplexes, 30 triplexes and 20 quadruplex lots. This is the Ballimore subdivision in Ballantyne.

Barnes: Other than trying in increase the number of people in Charlotte, is there something that would show how does this encourage or create affordability?

Campbell: This allows a developer to build a house at $140K or $150K, where others in the neighborhood are at $230K. By having affordable units in this geography and a mix of housing types, you increase opportunities for people to have choices to live in predominantly single family units.

Campbell: The City could decide if it wants to continue to keep that unit, by buying it and resell it.

Autry: Is this enough of an incentive that the industry would embrace this?

Joe Padilla: We looked at a couple of models and yes, we saw this as a realistic incentive. The economics work, is marketable and because buyers would know up front what they are getting, it is very realistic.

Campbell: The other side of the Citizen Advisory Group, the neighborhood group, felt comfortable because the predominant character of these communities is going to be single-family. The buyer knows that they are moving into a neighborhood that is getting a density bonus.

Barnes: I am concerned about those developments that are not completed. How do you go about telling folks who have previously purchased that there is now a density bonus?

Campbell: Generally this cannot be done incrementally. With a minimum of one acre, it will probably take three to five acres minimum. You need several lots to be able to do this and we feel strongly that these are going to be new developments, not necessarily infields. At some point you have to make sure we have our goals of this initiative clearly defined. If the goal is to increase private sector participation in the delivery of affordable housing, then this is an acceptable and strategic opportunity for us to

accomplish this. If our goal is to also encourage mixed-income communities, dispersal or allow people to age in place, then this is a good strategy.

Autry: There is a proposed development zoned R-4 and the developer has asked to participate. Would you have to go to the public with that?

Campbell: Currently you don't need to go through public process if it is zoned appropriately. The only process you would go through is the subdivision process. That is why density bonus works related to yielding the affordable units. If it is a debate of new development or if this process has to go through a legislative process it won't be as successful; it has to be by right to be successful.

Cooksey: How we enforce the right of refusal?

Campbell: There would be deed restrictions and covenants placed on the property. At the time of sale, there would be something that would trigger notification to the City that this property is going to be sold. It would give the city or a non-profit the opportunity to purchase that property so that we keep it as an affordable unit.

Cooksey: It does create an additional staff burden to monitor. Are we talking about the regulation about the price point or the income of the purchaser? How do you handle program administration and on the lower price point homes, how can you limit who can purchase?

Campbell: They cannot be sold to someone with income greater than 80% AMI. We had extensive discussions regarding program administration with our citizen advisory group. Our goal is not to keep people at 80% or below because real estate is how people build wealth. The first one gains the majority of the benefit, if a person wanted to sell within 15 years, the city could purchase so another family at 80% AMI could purchase. There is a housing plan that has to be submitted. Once you meet minimum density ratio, we need to be able to track it.

Presentation

Autry: If we had the affordable dwelling and 15 years later it is being sold, how is the price set for the resale of that?

Campbell: The City would have first right of refusal, through a non-profit or whoever it is working with would negotiate a reasonable price for someone at 80% AMI could afford. Or if the City said it was not going to purchase it, it could be sold for the market rate.

Kinsey: If someone buys the house and they are at 80% AMI, are we keeping them from realizing a profit?

Campbell: The City would purchase at market price. We feel there should be some opportunity to build wealth.

Autry: There is potential for a gap if the City purchases the dwelling at market rate, then the City is going to have to take a loss.

Kinsey: That is what we do when we offer affordable housing.

Mayfield: We would take that loss, but the goal is to make sure that they can sell and move on. What is plan for those that stay 15 years?

Campbell: We hope that they stay 15 years. We are looking at areas where the median house value is $153,000 or above in order to meet your policy of disbursing affordable housing.

Cooksey: If someone develops based on the ordinance only, none of the houses built will be subsidized. The challenge is if they sell before the 15 period, so we step in and use tax dollars to pay their profit, nothing is subsidized until the first sale.

Barnes: There are going to be questions not only for this Council, but future Councils about who pays the profit because when it sells it becomes a government subsidized home. I am not convinced that it will get us where we are hoping to be.

Mayfield: I am not comfortable leaving this to future councils. How do we put the writing in place to protect the City and identify the partnering organization so it is not on the City to buy back the units?

Campbell: We have met with several non-profit organizations that manage density bonus program in several communities -- Carrboro, Chapel Hill, and Davidson. We have talked through a lot of the details. I believe we have protected the City from purchasing the property after the developer has provided the unit, the City will not be required to maintain as affordable. We think this program saves the City money; the majority of the costs are when you first develop and deliver the unit. We can't ensure that the City would not be engaged in negotiating, but if the City doesn't want to do that, it doesn't have to.

Campbell: At the time you vote on the regulatory aspect, we may not have all the levels of program administration worked out. We will have the regulatory process worked out, but not have the specifics. If you feel we need those details, we will need to work more on the program's administration proposal. Please let us know.

Spencer: Presentation (Multi-family density bonus within R8MF and R12MF)

Barnes: Why the 60%?

Campbell: We felt strongly that from the City's perspective that the development rights being given to a developer to go from 80 dwelling units max to 10 dwelling units max is a big deal in terms of multifamily total number of units. If the City is going to give those development rights it should be reaching the goal of allowing the opportunity to purchase units for 60% AMI. If we are going to allow these development rights, half should be meeting the target population of 60% and below of AMI.

Wideman: Your current Housing Trust Fund dollars go towards 60% or below. We want to be mindful of how people receive the tax credits. Tax credits are generally awarded for 60% or below. We wanted to be consistent.

Spencer: Presentation

Barnes: At a transit stop you would allow RMF20? I thought we had talked about not concentrating affordable units in one building? It concerns me that we have discussed disbursing units, but we are going back to the idea of concentrating poverty in a building. It keeps coming up in proposals and it is a mistake. If the private sector says they can't do it, we need to figure out why?

Campbell: For this density bonus the majority of areas in the transit corridor are excluded, but we will make sure that you see an overlay of the areas.

Barnes: With respect to the slide, we need to scratch the second bullet regarding "single structure."

Kinsey: We did delete that from the transit and they can come for a waiver.

Autry: Is having units dispersed throughout the development and not contained in a single building an impediment to getting tax credits and thereby limiting the availability of affordable housing?

Campbell: As part of this density program, we would need to either have it in or out. This would not be a policy. This is supposed to be by right, so if we don't want this we need to hear that.

Kinsey: They could not come for a waiver?

Campbell: No, it would be regulatory (by right). If that is a standard that we don't want, then we need to take it out.

Barnes: What we were trying to do by getting rid of that label was to disburse poverty. I recognize we are planning for the future, but we rarely make an effort to create market rate. We are not making an effort to actually allow market forces to change some of these issues in a good way. As a consumer, when I see an area being artificially suppressed for affordability sake, it makes it much less appealing.

Campbell: That is why we think the density bonus program responds to what you just said. We are allowing the opportunity for a private developer to voluntarily include affordable units in a much larger development. It is the private market saying they want to do this. They are taking the risk and are saying how they want to place the units. The reason we said you could have it in a single building is because if there is need for other types of financing, having the units in one building allows that flexibility. The majority of the units related to a density bonus program development will be market rate housing.

Cooksey: Are there other cities that don't like the restriction of subsidized units being in one building? What kind of effort can there be to get that procedure changed since we are talking about government policy?

Wideman: Every state has a finance agency that awards tax credits. What we are told by Raleigh, who administers the tax credit program, is that they have to take into consideration the entire state when they are structuring their qualified application plan from which developers use to structure these deals. It is similar to how developers in Charlotte don't get credit for building around a transit station. We offered Mr. Autry a discussion on tax credits – Tax Credits 101. It would address some of the concerns and I would like offer that to any of the Committee members.

Spencer: Presentation (Duplex Revised Recommendations)

Mayfield: What does it look like on a corner lot?

Spencer: It would have two driveways, one each on two different streets

Kinsey: I am happy with them and I am sensitive to established neighborhoods.

Campbell: We would like to come back in October to talk about text amendments and will address the concerns expressed. We would like to have a public hearing in November with a Council decision in December and January. We want to be sure that we take into account the length of dedication of the CAG. This has been a fairly seamless process.

Meeting adjourned.

City Council
Housing and Neighborhood Development Committee

Wednesday, September 26, 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: Julie Burch, Assistant City Manager

AGENDA

I. **Incentive–Based Inclusionary Housing Action Plan Update**

2nd Council Session on Affordable Housing Strategy: October 10, 2012; Noon in Room 267

Next Committee Meeting: October 24, 2012

Distribution:

Mayor/Council
Curt Walton, *City Manager*
City Leadership Team
Corporate Communications
Debra Campbell – *Planning Department*
Anna Schleunes- *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: Action Plan Update
Housing and Neighborhood Development Committee Meeting
September 26, 2012

Committee Action:
Receive an update on the Incentive-Based Inclusionary Housing Policies Action Plan.

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 & Neighborhood Development Committee's recommended Incentive-Based Inclusionary Housing Policies Action Plan.
- The approved Action Plan outlines both regulatory and financial strategies that encourage private sector development of affordable housing. These strategies include the following:
    A. Single family and multi-family development density bonus
    B. Fee waivers/reductions
    C. Fast track permitting
    D. Allowance of duplexes on any lot
    E. Allowance of ADUs to include non-relatives
    F. Create local Rent Subsidy program
    G. Increase Housing Trust Fund commitments
    H. Lobby the North Carolina Housing Finance Agency for changes to the State's Qualified Application Process
    I. Make available government owned land at a reduced cost
    J. 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 13 CAG meetings, the last one on August 23, 2012.
- During those meetings, staff worked through recommendations for a single family and multi-family density bonus, allowance of duplexes on any lot, ADUs to include non-relatives, expedited review, and fee waivers. Over 50 citizens have participated in the process to date.
- On June 16, 2012, City Council approved a Text Amendment to the City's Zoning Ordinance to allow ADUs without tenant restrictions, but deferred proposed duplex changes so staff could continue to work with citizens to address outstanding concerns discussed at the June 27, 2012 public hearing.
- On September 26, 2012, staff will continue to discuss density bonus recommendations and present the proposed duplex recommendation to the Committee.

Next Steps and Proposed Committee Review Schedule:

- Density Bonus (Single Family and Multi-Family) and Duplexes - October 2012

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Outline

- Action Plan Update
- Density Bonus Strategy
  - Single Family
  - Multi-Family
- Duplex Revised Recommendations
- Next Steps

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Adopted 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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Adopted Action Plan

Financial Strategies

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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Action Plan Update

Accessory Dwelling Units

- **March:** Approved by H&ND Committee
- **July:** Approved by Council

Duplex

- **March:** Initial Recommendation approved by H&ND Committee
- **July:** Deferred by Council
- **TBD:** H&ND Committee Action on revised recommendation
- **TBD:** Council Decision

Expedited Review & Fee Waivers

- **April:** Updated H&ND Committee
- **October:** Council Briefing or Memo
- **No Council Action Required**

SF & MF Density Bonus

- **October:** H&ND Committee Discussion
- **October:** Council Briefing
- **Dec/Jan:** Council Decision

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Density Bonus Strategy

Density Bonus Program Goals

- Increase number of affordable units
- Assurances affordable units are built
- Administration and tracking
- Architectural consistency
- Dispersal within development and community

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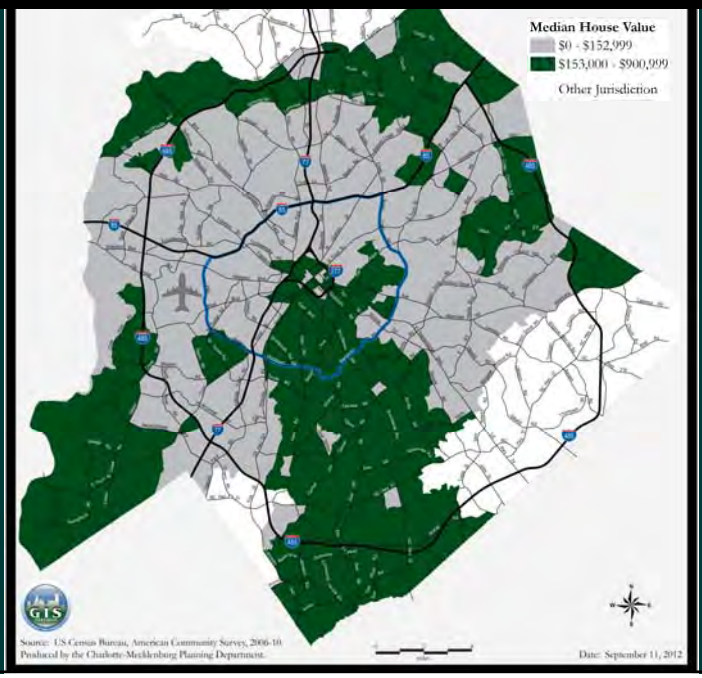
Locational Criteria: Census Blocks with minimum median home value of $153,000



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Density Bonus SF Districts

Applicability – R-3, R-4, R-5, and R-6 single family zoning districts

Locational Criteria – Census block groups that have a median home value at or above $153,000

Density Bonus – up to (3) units above the base density

Set-Aside – 50% of additional units affordable, not to exceed 25% of development

Threshold Level of Development – (1) acre

Income Target – 80% of AMI, currently $54,800

Incentives/Offsets – reduced lot size requirements and mix of housing types up to a quad

Design Guidelines – must be dispersed and blend in architecturally with other units

Phasing – For bonus units, one affordable unit must be built for every market rate unit constructed (1:1 ratio)

Period of Affordability – "Right of First Refusal" on resale for 15 years; would defer to the respective program guidelines if public financing involved

Program Administration – requires a higher level of staff review to ensure program goals

Design Guidelines

- Building material
- Roof pitch
- Window type
- Foundation

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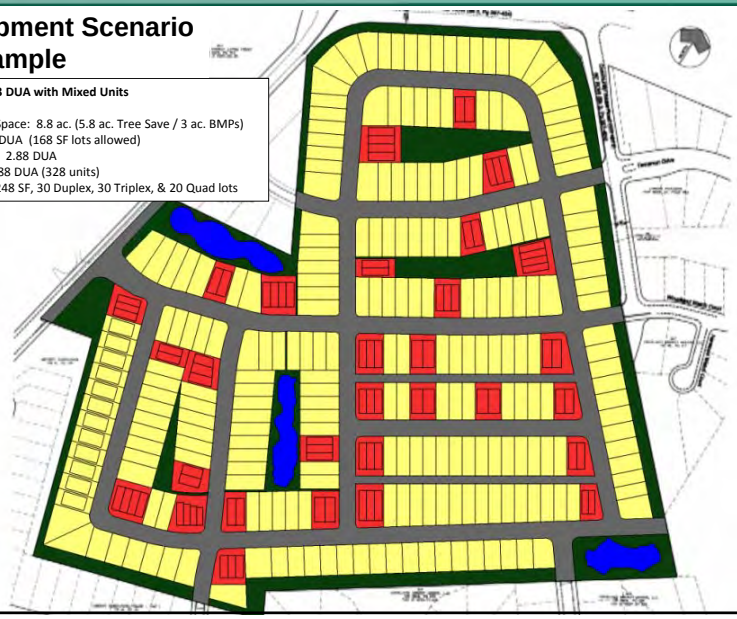
Density Bonus SF Districts

Development Scenario R-3 Example

Density Bonus: 3 DUA with Mixed Units
Area: 56 acres
Common Open Space: 8.8 ac. (5.8 ac. Tree Save / 3 ac. BMPs)
Base Density: 3 DUA (168 SF lots allowed)
Bonus Achieved: 2.88 DUA
Total Density: 5.88 DUA (328 units)
Housing Types: 248 SF, 30 Duplex, 30 Triplex, & 20 Quad lots



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Density Bonus SF Districts

A. Single Family Discussion Items

- Locational Criteria – Census block groups that have a median home value at or above $153,000
- Density Bonus – up to (3) units above the base density
- Set-Aside – 50% of additional units affordable, not to exceed 25% of development
- Income Target – 80% of AMI, currently $54,800
- Incentives/Offsets – reduced lot size requirements and mix of housing types up to a quad

B. Other issues or concerns?

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Density Bonus MF Districts

Applicability – Planned Multi-family Development* within R-8MF and R-12MF zoning districts

** a group of two or more buildings or a single building of more than 12 units constructed on the same lot.*

Locational Criteria – within Census block groups that have a median home value at or above $153,000

Density Bonus

- Up to two (2) units above the base density for R-8MF District (10DUA)
- Allow up to three (3) units above the base density for R-12MF District (15DUA)

The Set-Aside

- 50% of additional units must be affordable at or below 80% AMI (currently $54,800)
- 50% of the affordable units must be affordable at or below 60% AMI (currently $41,100)
- Number of affordable units not to exceed 20% of total housing units

Threshold Level of Development – (3) acres

Income Targeting – 80% of AMI, currently $54,800

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Density Bonus MF Districts

Incentives/Offsets – Allow an additional two (2) units if located within ¼ mile of transit (rapid transit and local/express bus service)

Design Guidelines

- Affordable units must be dispersed within the development
- If there are more than 50 affordable units, then those units may be contained in a single structure
- Buildings within the development must externally blend in architecturally with other units to include materials and style (such as roof pitches, foundations, window types, building materials)

Phasing – For bonus units, one affordable unit must be built for every market rate unit constructed (1:1 ratio)

Period of Affordability – 15 years for rental and "Right of First Refusal" on resale; If public subsidy or financing involved, would defer to respective program guidelines

Program Administration – requires a higher level of staff review to ensure program goals

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Density Bonus MF Districts

Multi-family Example

- An increase from 12 to 17 dwelling units per acre on a 20 acre site would allow an increase from 240 to 340 dwelling units.
- This allows for 100 additional units on a 20 acre site, 50 of which must be affordable.
- The total percent of affordable housing in the overall development is 14.71%.

Ashley Square

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Density Bonus MF Districts

A. Multi-family Discussion Items

Density Bonus

- Up to two (2) units above the base density for R-8MF District (10DUA)
- Allow up to three (3) units above the base density for R-12MF District (15DUA)

The Set-Aside

- 50% of additional units must be affordable at or below 80% AMI (currently $54,800)
- 50% of the affordable units must be affordable at or below 60% AMI (currently $41,100)
- Number of affordable units not to exceed 20% of total housing units

Income Targeting – 80% of AMI, currently $54,800

Incentives/Offsets – Allow an additional two (2) units if located within ¼ mile of transit (rapid transit and local/express bus service)

B. Other issues or concerns?

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Density Bonus Program Administration

Program Administration

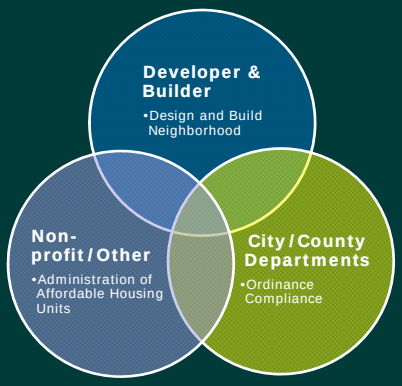
Will involve a higher level of staff review but not limited to the following goals:

Development Review Goals
(Ordinance Compliance)

- Architectural consistency
- Dispersal of affordable housing units
- Mitigation of traffic impacts

Program Administration Goals

- Qualifying renters and buyers
- Tracking and monitoring
- Enforcement of agreements



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Duplex Revised Recommendations

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.

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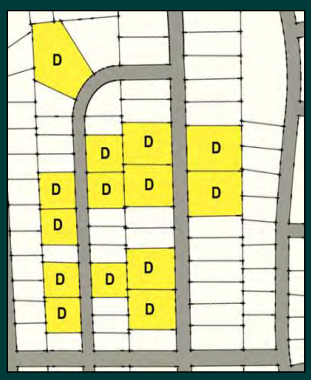
Duplex Revised Recommendations

Initial Recommended Changes

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.

- Must meet the minimum lot size requirement
- Must not exceed the maximum building coverage
- Corner lot must meet minimum setback requirement for each street
- Limit of two (2) abutting duplex lots within a block face
- Duplex units must be served by a shared driveway
- Where two duplex lots abut, a total of three driveways may be allowed



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Duplex Revised Recommendations

Recap of June 18 Public Hearing

- 4 proponents and 2 opponents spoke
- Myers Park and Southeast neighborhood concerned Duplex strategy will:
  - *Encourage tear downs in historic neighborhoods*
  - *increase density and change SF character of neighborhoods*
- Council raised the following issues:
  - *Limiting zoning districts and number*
  - *Onwer occupancy requirements*
  - *Product quality and concentration of housing type*
  - *Other unintended consequences and impacts*
- Council requested staff relook at the Duplex recommendation

Recap of August 2 Meeting

Staff met with citizens who were concerned Duplex strategy will:

- *Encourage tear downs in historic neighborhoods*
- *Increase density without public input as required with a rezoning*
- *Change character of neighborhoods that homeowners expected to remain Single Family*
- *Design will not be consistent with historic or established neighborhoods*

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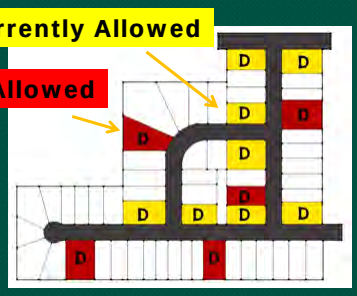
Duplex Revised Recommendations

Proposed Modifications

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

- Allow on corner lots
- Allow one additional duplex lot along one side of a city block between two adjacent intersections or between an intersection and a permanent street termination (i.e. cul-de-sac)
- Doors must front the street
- Shared driveway is not required
- Must meet minimum lot size requirement
- Must not exceed maximum building coverage
- Corner lot may have driveways on different streets
- Corner lot must meet minimum setback requirement for each street



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Duplex Revised Recommendations

Duplex Discussion

Additional Issues or concerns?

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Affordable Housing Action Plan

Impacts of Proposed Strategies

- Increase supply of affordable units built by private sector
- Encourage a range of housing types to be built in developments
- Promote mixed income communities
- Increase opportunities for people to age in place
- Respond to emerging market needs and demands

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Next Steps

- **Upcoming Citizen Advisory Group (CAG) Meeting Dates:**
  - October 11, 2012 (6pm, CMGC Room 267)
- **Density Bonus Process Benchmarks**
  - September/October – H&ND Committee
  - November– Public Hearing
  - December/January – Council Decision
- **Duplex Process Benchmarks**
  - September/October – H&ND Committee
  - TBD – Public Hearing
  - TBD – Council Decision
- **Follow the process at:** www.charlotteplanning.org

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