

Petition No. 2015-77

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. Amend Section 2.201, "Definitions" by adding a new definition for temporary health care structure, in alphabetical order that reads as follows:

Temporary family health care structure.

A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that 1) is primarily assembled at a location other than its site of installation; 2) is limited to one occupant who shall be the mentally or physically impaired person; 3) has no more than 300 gross square feet; and 4) and complies with the North Carolina State Building Code and G.S.143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required, or permitted.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

- a. Amend Table 9.101, by adding "temporary family health care structure" as a new line item in the single family districts under the "accessory uses and structures" header. The new item shall read as follows:

ACCESSORY USE					
Accessory Uses and Structures					
	R-3	R-4	R-5	R-6	R-8
<u>Temporary family health care structure</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

C. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 4: ACCESSORY USES AND STRUCTURES

- a. Add a new Section 12.420, titled, “Temporary family health care structure”, with prescribed conditions, as follows:

Section 12.420 Temporary family health care structure.

Temporary family health care structures, used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as the caregivers residence, shall be permitted in single family zoning districts, as an accessory use to a single family detached dwelling located on the same lot, subject to the following prescribed conditions:

- (1) The applicant must obtain a zoning permit for the temporary family health care structure. The permit shall be valid for one year, and renewable with a written recertification from a licensed North Carolina physician.

The application for a zoning permit shall be accompanied with the following information as part of the approval of the permit:

- (a) 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:
- i. 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;
 - ii. Relationship by marriage; or
 - iii. Legal guardian designated by a court of law.
- (b) 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.

- (2) Only one temporary family health care structure shall be permitted per lot.

- (3) 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 an individual 18 years of age or older who 1) provides care for a mentally or physically impaired person; and 2) is a first or second degree relative (spouse, parent, grandparent, child, grandchild, aunt, uncle, nephew or niece) of the mentally or physically impaired person for whom the individual is caring. A caregiver can also be the named legal guardian of the mentally or physically impaired person for whom the individual is caring.
- (4) The structure shall comply with all setback requirements that apply to the primary structure.
- (5) The structure shall be limited to a maximum of 300 square feet of gross floor area.
- (6) The structure shall not be installed on a permanent foundation.
- (7) The structure shall be connected to the water, sewer, and electric utilities that are serving the principal dwelling on the lot.
- (8) No signage or advertisement shall be permitted on the exterior of the temporary family health care structure or on the property.
- (9) The use shall comply with all applicable state and local ordinances.
- (10) 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.

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 _____, 2015, 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 _____, 2015.
