

**ZONING ORDINANCE  
TEXT AMENDMENT APPLICATION**

**CITY OF CHARLOTTE**

Petition #: 2000-48  
Date Filed: 11-11-99  
Received By: [Signature]

*Amended 1-20-00  
Amended 2-16-00*

Section #: 3. 402-404 DECISION-MAKING AND ADMINISTRATIVE BODIES: HDC  
10.201-219 OVERLAY DISTRICTS <sup>(Title)</sup> PART 2: HISTORIC DISTRICTS

Purpose of Change:

TO UPDATE THE HISTORIC DISTRICT SECTION OF THE  
CHARLOTTE ZONING ORDINANCE.

JOHN ROGERS - ADMINISTRATOR  
Name of Agent CHARLOTTE HISTORIC DISTRICT COMMISSION  
600 EAST FOURTH STREET  
CHARLOTTE, NC 28202  
Agent's Address

(704) 336-5994  
Telephone Number

[Signature]  
Signature of Agent

CHARLOTTE HISTORIC DISTRICT COMMISSION  
Name of Petitioner(s)  
600 EAST FOURTH STREET  
Address of Petitioner(s) CHARLOTTE, N.C. 28202

(704) 336-5994  
Telephone Number

\_\_\_\_\_  
Signature

ORDINANCE NUMBER: \_\_\_\_\_ AMENDING APPENDIX A- ZONING

**AN ORDINANCE AMENDING APPENDIX A "ZONING" OF THE CODE OF THE CITY OF CHARLOTTE.**

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BE IT ORDAINED, by the City Council of the City of Charlotte, North Carolina that:

**Section 1. Chapter 3: Decision-Making and Administrative Bodies, Section 3.402. Membership; officers.** is amended by deleting:

"Interlocal Cooperation Agreement made and entered into as of the effective date of this ordinance between the City of Charlotte and the County of Mecklenburg, as it may be amended from time to time."

and replacing this language with:

"resolutions adopted by the Charlotte City Council and the Mecklenburg County Board of Commissioners."

**Section 2. Chapter 3: Decision-Making and Administrative Bodies, Section 3.403. Meetings, hearings, and procedures.** subsections (1) and (3) are amended by deleting:

"Interlocal Cooperation Agreement entered into as of the effective date of these regulations as it may be amended from time to time."

and replacing this language with:

"resolutions adopted by the City Council from time to time."

**Section 3. Chapter 3: Decision-Making and Administrative Bodies, Section 3.404. Staff.** is amended by deleting:

"Interlocal Cooperation Agreement made and entered into as of the effective date of this ordinance between the City of Charlotte and the County of Mecklenburg, as it may be amended from time to time."

and replacing this language with:

"resolutions adopted by the Charlotte City Council and the Mecklenburg Board of County Commissioners."

**Section 4. Chapter 10: Overlay Districts, Section 10.209. Notice.** is amended by deleting subsection (1) in its entirety and removing the number designation "(2)" from the current subsection (2).

**Section 5. Chapter 10: Overlay Districts, Section 10.210. Standards.** is amended by deleting from the second sentence in subsection (1) the number "10.202(2) and replacing it with "10.203(2)" and by adding a new subsection (3) providing:

(3) **Parking Standards.** All structures within a historic district shall comply with the regulations of the underlying zoning district, except where the Historic District Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking spaces and/or design standards for parking lots specified in the underlying zoning district would render the site incompatible with the historic aspects of the district. In such case, the Historic District Commission may recommend to the Board of Adjustment a variance to the provisions of the off-street parking requirements and/or design standards. The Board of Adjustment shall authorize as a variance a reduced standard concerning off-street parking provided it finds:

- (a) That the lesser standard will not create serious problems due to increased on-street parking; and
- (b) That the lesser standard will not create a threat to the public safety.

**Section 6. Chapter 10: Overlay Districts, Section 10.212. Demolition or removal.** is amended (a) by deleting the number "180" in subsections (1) and (2) and replacing it with the number "365" and (b) by adding a new subsection (3) providing:

"(3) If the Commission has voted to recommend designation of an area as an Historic District and final designation has not been made by City Council, the demolition or destruction of any building, site, or structure located in the proposed District may be delayed by the Commission for a period of up to 180 days or until City Council takes final action on the designation, whichever occurs first. Should City Council approve the designation prior to the expiration of the 180-day delay period, an application for a certificate of appropriateness for demolition must then be filed; however, the maximum period of delay for such demolition certificate shall be reduced by the Commission by the period of delay while the designation was pending."

**Section 7. Chapter 10: Overlay Districts, Section 10.213. Appeal to Zoning Board of Adjustment.** is amended

- (a) by deleting the first sentence of subsection (1), which states "N.C. General Statutes Section 160A-397 establishes the appeal procedure" and
- (b) deleting the word "thirty" from the third sentence of subsection (1) and replacing it with the word "sixty."

**Section 8. Chapter 10: Overlay Districts, Section 10.214. Enforcement.** is amended by deleting it in its entirety and replacing it with the following:

**Section 10.214. Enforcement**

- (1) Failure to comply with these provisions shall constitute a violation subject to

enforcement action. Violations include but are not limited to:

- A. Performing any work (including erecting, altering, restoring, moving, and/or demolishing any building, structure, street, sidewalk, site, area or object) that requires a certificate of appropriateness without first obtaining a certificate.
- B. A Certificate of Appropriateness is denied and the project is carried out in defiance of the denial.
- C. Work is approved and a certificate is issued and the work is carried out in a manner inconsistent with the approval.

(2) Upon recognition of a violation, a *Notice of Violation* will be issued to the violator. The violator will have 60 days to either correct the violation, or appeal the citation to the Charlotte Zoning Board of Adjustment through the Zoning Board of Adjustment's normal hearing procedure. If the violator corrects the violation, no further action will be taken. If the violator, in the opinion the Historic District Commission staff, is making a good faith effort to bring the violation into compliance, further enforcement action can be held in abeyance as long as that effort is continuing.

(3) If the violation is not corrected within 60 days and the violator has not appealed to the Zoning Board of Adjustment, a Misdemeanor Criminal Summons may be issued to the violator and the matter will be placed on the docket for the Mecklenburg County Environmental Court. In addition, the Zoning Administrator or his designee may take any enforcement action provided for in NCGS 160A-175 and as specifically described in Chapter 8 of this Zoning Ordinance.

**Section 9. Chapter 10: Overlay Districts, Section 10.217 Citations.** is deleted in its entirety.

**Section 10. Chapter 10: Overlay Districts, Section 10.218 Civil Penalty.** is deleted in its entirety.

**Section 11. Chapter 10: Overlay Districts, Section 10.219 Denial or revocation of certificate of compliance and occupancy.** is renumbered as Section 10.217.

**Section 12.** This ordinance shall become effective upon its adoption.

Approved as to form:

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Assistant City Attorney