

APR 18 2016

April 18,, 2016
Ordinance Book 60, Page 13

Petition No. 2015-94
Petitioner: Charlotte-Mecklenburg Planning Department

Revised 4-13-16

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE – ZONING ORDINANCE**

ORDINANCE NO. 8006

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 4: DEVELOPMENT APPROVAL

- 1. Amend Section 4.107, "Delegated authority for development approval based upon existing conditions", by adding a new subsection (5) titled, "Restoration/Replacement of Historic Features". The new subsection shall read as follows:

(5) Restoration/Replacement of Historic Features.

An administrative approval may be granted by the Zoning Administrator to allow for the restoration/replacement of historic features on an existing structure if the feature would encroach into a required yard, required setback or required buffer. Such structure must be deemed an Historic Landmark by the Charlotte-Mecklenburg Landmarks Commission or the structure must be located within an Historic District Overlay. Restoration/replacement of missing features shall be substantiated by documentary, physical or pictorial evidence. The Zoning Administrator may grant an administrative approval for such encroachment per the procedure provision found in Section 4.107(4).

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 2: HISTORIC DISTRICTS

- a. Amend Section 10.206, "Duration of certificate of appropriateness" by updating the text, including changing the number of months a certificate is valid from six to twelve months, and allowing a renewal of the certificate to up to an additional twelve months instead of six. The revised section shall read as follows:

Section 10.206. Duration of certificate of appropriateness.

- (1) ~~If the application is approved, the~~ A certificate of appropriateness shall be valid for a period of ~~six~~ 12 months from the date of

~~issuance. Failure to procure a building permit within a six-12 months from the date of issuance period shall be considered, as a failure to comply with the certificate of appropriateness and the certificate shall expire, become null and void. If a building permit is not required, the approved work shall be completed within a six-month period from the date of issuance. The certificate may be renewed for an additional 12 months by the staff upon written request of the applicant, before the permit expires in order to procure a building permit, with a valid reason for failure to comply with the six-month deadline, if the written request is submitted within six months immediately following the expiration of the initial six-month period. If the applicant fails to renew an expired certificate during the initial six-month period or during the immediately following six-month period, then the project must be re-submitted to the Historic District Commission.~~

(2) If a building permit is not required, the approved work shall be completed within 12 months from the date of issuance. The certificate may be renewed for an additional 12 months by staff upon written request of the applicant before the certificate expires. If the applicant fails to renew the certificate a new application must be submitted to the Historic District Commission.

- b. Amend Section 10.210, "Standards" by clarifying the standards. The revised section shall read as follows:

Section 10.210. Standards.

- (1) In considering an application for a certificate of appropriateness, the Historic District Commission shall first determine that the project is compatible with the district as a whole in terms of size, scale, and massing, as well as maintaining a pedestrian scale and orientation. Further, the Historic District Commission shall apply the Secretary of Interior's Standards for Rehabilitation (See 36 Code of Federal Regulations Section 67.7. Hereinafter: "Secretary's Standards") stated in Sub-section (2) and the principles and guidelines, referred to in Section 10.203(2), and adopted by the Historic District Commission. Although the Historic District Commission will use the "Secretary's Standards" as its guidelines, approval of a certificate of appropriateness by the Historic District Commission should not be interpreted as approval for any other process such as the Investment Tax Credits.

If the restoration/replacement of an historic feature necessitated in subsection (2)(f) (Secretary's Standards) below would encroach into a required yard, required setback or required buffer, the Zoning

Administrator may grant an administrative approval per Section 4.107(4) and 4.107(5).

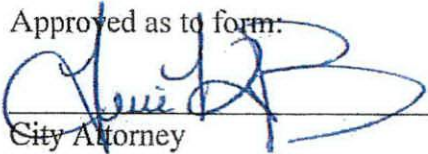
- (2) Secretary's Standards for Rehabilitation. ~~The Secretary's Standards are listed below:~~
- (a) A property shall be used for its historical purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - (b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - (c) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - (d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - (e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize an historic property shall be preserved.
 - (f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new one shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
 - (g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - (h) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - (i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be

compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

- (j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

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

Approved as to form:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, 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 18th day of April, 2016, the reference having been made in Minute Book 140, and recorded in full in Ordinance Book 60, Page(s) 13-16.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 18th day of April, 2016.


Stephanie C. Kelly, City Clerk, MMC, NCCMC

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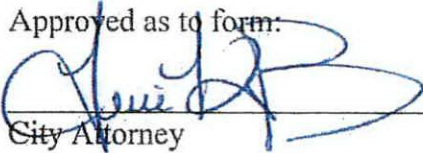
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