

Petition #: 2005-078

Approved by City Council
June 20, 2005

Petitioner: Charlotte Mecklenburg Planning Commission
City of Charlotte

**AN 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 revising the definition of “Zoning Administrator” by inserting the “Charlotte Mecklenburg Planning Commission” in the place of “Mecklenburg County Building Standards Department”. The Zoning Administrator will no longer have enforcement duties. The current text reads as follows:

Zoning Administrator.

The employee of the Mecklenburg County Building Standards Department charged with the administration and enforcement of these regulations or his or her designee.

The revised text shall read as follows:

Zoning Administrator.

The employee of the Charlotte-Mecklenburg Planning Commission charged with the administration and interpretation of these regulations or his or her designee.

B. CHAPTER 3: DECISION MAKING AND ADMINISTRATIVE BODIES

1. PART 2, PLANNING COMMISSION.

- a. Amend Section 3.201, “Powers and duties” by adding new duties to the Planning Commission, as per the Interlocal Agreement. The current text reads as follows:

Section 3.201. Powers and duties.

The Planning Commission shall have the following powers and duties to

be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To initiate, review, and make recommendations to the City Council regarding amendments to the text of these regulations and to the Zoning Maps.
- (2) To review the progress of development allowed under the terms of a reclassification of property.
- (3) To adopt such rules of procedure necessary for the administration of its responsibilities not inconsistent with these regulations.

The revised text shall read as follows:

Section 3.201. Powers and duties.

The Planning Commission shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To initiate, review, and make recommendations to the City Council regarding amendments to the text of these regulations and to the Zoning Maps.
- (2) To review the progress of development allowed under the terms of a reclassification of property.
- (3) To adopt such rules of procedure necessary for the administration of its responsibilities not inconsistent with these regulations.
- (4) Any such other duties and responsibilities transferred from the County to the City as per the Interlocal Cooperation Agreement as amended May 2005.

2. PART 5, PROFESSIONAL STAFF

- a. Amend Section 3.501, "Planning Commission Staff: powers and duties" by adding the powers and duties assigned to the City agencies. The current text reads as follows:

Section 3.501. Planning Commission Staff; powers and duties.

In addition to any authority granted to the staff of the Charlotte-Mecklenburg Planning Commission by other laws and ordinances, the Planning Director and the employees under his or her control shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To serve as staff to the City Council, and the Planning Commission, with regard to their functions under these regulations, and to inform such bodies of all facts and information at their disposal with respect to applications for amendments to the text of these regulations, and amendments to the Zoning Maps, the preparation, adoption, and updating of land use plans, or any other matters brought before them.
- (2) To maintain the text of these regulations and the Zoning Maps.
- (3) To maintain development review files and other public records related to the administration and enforcement of these regulations.
- (4) To review applications for building permits in conditional zoning districts filed under these regulations.
- (5) To recommend and comment on proposed amendments to these regulations and to the Zoning Maps.
- (6) To establish such rules of procedure as are necessary and proper for the administration of their responsibilities under these regulations.
- (7) To determine street classifications not otherwise specified on the adopted Charlotte-Mecklenburg Thoroughfare Plan.

The revised text shall read as follows:

Section 3.501. Planning Commission Staff; powers and duties.

In addition to any authority granted to the staff of the Charlotte-Mecklenburg Planning Commission by other laws and ordinances, the Planning Director and the employees under his or her control shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To serve as staff to the City Council, and the Planning Commission, with regard to their functions under these regulations, and to inform such bodies of all facts and information at their disposal with respect to applications for amendments to the text of these regulations, and amendments to the Zoning Maps, the preparation, adoption, and updating of land use plans, or any other matters brought before them.
- (2) To maintain the text of these regulations and the Zoning Maps.

- (3) To maintain development review files and other public records related to the administration and enforcement of these regulations.
- (4) To review applications for building permits in conditional zoning districts filed under these regulations.
- (5) To recommend and comment on proposed amendments to these regulations and to the Zoning Maps.
- (6) To establish such rules of procedure as are necessary and proper for the administration of their responsibilities under these regulations.
- (7) To determine street classifications not otherwise specified on the adopted Charlotte-Mecklenburg Thoroughfare Plan.
- (8) To review rezoning petitions for zoning compliance with these regulations.
- (9) To serve as staff to the Zoning Board of Adjustment with regard to its function under these regulations and inform such body of all facts and information at its disposal with respect to appeals and variances, or any other matter brought before it under these regulations.
- (10) To maintain development review files and other public records related to the administration and enforcement of these regulations.
- (11) To inform applicants in order to facilitate and expedite their compliance with the requirements of these regulations.
- (12) To render interpretations of the provisions of these regulations and the district boundaries indicated on the Zoning Maps.
- (13) Any such other duties and responsibilities transferred from the County to the City as per the Interlocal Cooperation Agreement as amended May 2005.

- b. Amend Section 3.502 by modifying the powers and duties assigned to LUESA, as per the Interlocal Cooperation Agreement. The current text reads as follows:

Section 3.502 Building Standards Department; powers and duties.

In addition to any authority granted to the Building Standards Department by other laws and ordinances, the Zoning Administrator and the employees under his or her control shall have the following powers and duties, to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To enforce the provisions of these regulations and conduct inspections.
- (2) To distribute applications for building permits and certificates of occupancy as required by these regulations.
- (3) To review for zoning compliance with these regulations all applications for building permits, certificates of occupancy and all rezoning petitions.
- (4) To serve as staff to the Zoning Board of Adjustment with regard to its function under these regulations and inform such body of all facts and information at its disposal with respect to appeals and variances, or any other matter brought before it under these regulations.
- (5) To maintain development review files and other public records related to the administration and enforcement of these regulations.
- (6) To inform applicants in order to facilitate and expedite their compliance with the requirements of these regulations.
- (7) To render interpretations of the provisions of these regulations and the district boundaries indicated on the Zoning Maps.
- (8) To determine the extent of damage or destruction of nonconforming uses and structures.
- (9) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.
- (10) To establish such rules of procedure as are necessary and proper for the administration of their responsibilities under these regulations.

The revised text shall read as follows:

Section 3.502. Land Use and Environmental Services Agency (LUESA); powers and duties.

In addition to any authority granted to the Land Use and Environmental Services Agency (LUESA) by other laws and ordinances, the Land Use and Environmental Services Agency shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To distribute applications for building permits, and certificates of occupancy as required by these regulations.
- (2) To review applications for building permits, and certificates of occupancy, and issue building permits and certificates of occupancy as required by City and County ordinances.
- (3) To maintain files and other public records related to the administration of these regulations.
- (4) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.

b. Amend Section 3.503, “Engineering and Property Management; powers and duties” by adding powers and duties as per the Interlocal Cooperation Agreement. The current text reads as follows:

Section 3.503 Engineering and Property Management; powers and duties.

In addition to any authority granted to the Engineering and Property Management by other laws and ordinances, the Engineering and Property Management shall have the powers and duties, in accordance with these regulations, which include, but are not limited to, the following:

- (1) To review applications for building permits and rezoning petitions to determine compliance of the proposed development with City requirements for engineering, erosion control, and drainage.
- (2) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.

The revised text shall read as follows:

Section 3.503 Engineering and Property Management; powers and duties.

In addition to any authority granted to Engineering **and Property Management** by other laws and ordinances, Engineering **and Property Management** shall have the powers and duties, in accordance with these regulations, which include, but are not limited to, the following:

- (1) **To review rezoning petitions to determine compliance of the proposed development with the Zoning Ordinance requirements and other City ordinances, including** engineering, erosion control, urban forestry, and drainage.
- (2) To review applications for building permits to determine

compliance of the proposed development with City requirements for engineering, erosion control, urban forestry, and drainage.

- (3) To distribute applications for zoning permits, change of use permits, signs, and other miscellaneous zoning permits as required by these regulations.
- (4) To review zoning permit applications and plans for commercial land development projects (including but not limited to office, retail, and industrial projects) and planned multi-family projects, subsequent field inspections and monitoring through construction to ensure compliance with the Zoning Ordinance.
- (5) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.
- (6) Any such other duties and responsibilities transferred from the County to the City as per the Interlocal Cooperation Agreement as amended May 2005.

- c. Add a new Section 3.511, titled, “Neighborhood Development; powers and duties” to detail the duties and responsibilities transferred to the City by the Interlocal Cooperation Agreement. The new section shall read as follows:

Section 3.511 Neighborhood Development; powers and duties.

In addition to any authority granted Neighborhood Development by other laws and ordinances, Neighborhood Development shall have the powers and duties, in accordance with these regulations, which include, but are not limited to, the following:

- (1) To enforce the provisions of Zoning Ordinance regulations and conduct inspections.
- (2) To review rezoning petitions to determine compliance of the proposed development with the Zoning Ordinance requirements and other City ordinances.
- (3) To distribute applications for zoning permits, change of use permits, customary home occupations, signs, and other miscellaneous zoning permits as required by these regulations.
- (4) To review zoning permit applications and plans for residential land development projects (excluding planned multi-family projects) and subsequent field inspections and monitoring through construction to ensure compliance with the Zoning **Ordinance.**
- (5) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to

matters before those bodies under the provisions of these regulations.

- (6) Any such other duties and responsibilities transferred from the County to the City as per the Interlocal Cooperation Agreement as amended May 2005.

C. CHAPTER 4, "DEVELOPMENT APPROVAL

1. Amend Section 4.104, "Zoning review" by replacing "Zoning Administrator" with Engineering and Property Management and Neighborhood Development powers. The current section reads as follows:

Section 4.104. Zoning review.

The Zoning Administrator shall conduct reviews and make approvals of zoning compliance under these regulations for the issuance of building permits, certificates of occupancy, sign permits and zoning use permits.

The revised section shall read as follows:

Section 4.104. Zoning review.

Engineering and Property Management shall conduct reviews and make approvals of zoning compliance under these regulations for the issuance of zoning permits, change of use permits, and sign permits related to planned multi-family projects and commercial projects, including office, institutional, retail and industrial projects. Neighborhood Development shall conduct reviews and make approvals of zoning compliance under these regulations for the issuance of zoning permits, change of use permits, and sign permits related to all other residential projects, and all existing land uses.

2. Amend Section 4.106, "Public notification process for certain land uses", subsection (2), by replacing "Zoning Administrator" with the names of the agencies that will be responsible for the notifications. The current section reads as follows:

Section 4.106. Public notification process for certain land uses.

- (2) Notification process

In order to facilitate the exchange of information and dialogue, the following process is established for certain land uses so specified:

- (a) The Zoning Administrator will cause the subject site to be posted with a notice stating that the proposed use has been requested, where additional information may be obtained, and establishing a date, time and place for a public forum. The Zoning Administrator will also mail a notice to affected property owners, as shown on the current City tax abstracts, within 100 feet of the proposed site including

those across a street as well as those neighborhood leaders, as listed by the Planning department, within one mile of the proposed site. Such notice will be posted and mailed within 10 working days from the time that the Zoning Administrator determines that the application is complete. The public forum should be held within 30-calendar days of the posting of the sign(s) and the mailing of the notices.

- (b) Any applicant shall be responsible for supplying the Zoning Administrator with postage paid envelopes addressed to adjacent property owners and neighborhood leaders as noted above. Any error in an owner's or neighborhood leaders' list or any other procedural error or omission shall not invalidate the issuance of an otherwise properly issued permit.
- (c) The Zoning Administrator shall not render a decision on the proposed use until a minimum of 21 calendar days has elapsed following the date of the forum. The 21-day period may be used by all parties to submit written statements of rebuttal to the Zoning Administrator. The Zoning Administrator will consider only those rebuttal statements that relate to the compliance of the proposed use with the provisions of this ordinance.
- (d) Within five business days after making a decision on the proposed use, the Zoning Administrator will mail a notice of his decision to the affected property owners and any other persons who commented on the proposed issuance of the permit whose addresses are known.

The revised section reads as follows:

(2) Notification process

In order to facilitate the exchange of information and dialogue, the following process is established for certain land uses so specified:

- (a) Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential projects) will cause the subject site to be posted with a notice stating that the proposed use has been requested, where additional information may be obtained, and establishing a date, time and place for a public forum. Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential **projects**) will also mail a notice to affected property owners, as shown on the current City tax abstracts, within 100 feet of the proposed site including those across a street as well as those neighborhood leaders, as listed by

the Planning department, within one mile of the proposed site. Such notice will be posted and mailed within 10 working days from the time that the **Engineering and Property Management** or Neighborhood Development staff determines that the application is complete. The public forum should be held within 30-calendar days of the posting of the sign(s) and the mailing of the notices.

- (b) Applicant's shall be responsible for supplying Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential projects) with postage paid envelopes addressed to adjacent property owners and neighborhood leaders as noted above. Any error in an owner's or neighborhood leaders' list or any other procedural error or omission shall not invalidate the issuance of an otherwise properly issued permit.
- (c) The designated agency shall not render a decision on the proposed use until a minimum of 21 calendar days has elapsed following the date of the forum. The 21-day period may be used by all parties to submit written statements of rebuttal to the designated agency. The designated agency will consider only those rebuttal statements that relate to the compliance of the proposed use with the provisions of this ordinance.
- (d) Within five business days after making a decision on the proposed use, Engineering and Property Management or Neighborhood Development staff will mail a notice of the decision to the affected property owners and any other persons who commented on the proposed issuance of the permit whose addresses are known.

- 3. Amend Section 4.107, "Delegated authority for development approval based upon existing conditions" by replacing the term "Building Standards" with "Land Use and Environmental Services Agency (LUESA), Neighborhood Development, Engineering and Property Management and/or the Planning Commission". The current section reads as follows:

Section 4.107. Delegated authority for development approval based upon existing conditions.

- (2) Yard, Buffers, and Appurtenant Encroachments.

The Zoning Administrator shall also have the administrative authority to approve deviations from yard and buffer requirements. To approve a deviation, the Zoning Administrator must determine that there has been a surveying error, a misunderstanding about a property line, an action of the Building Standards Department, or

other similar basis that demonstrates an inadvertent error. Any approval for a reduction shall not exceed two feet, except an approval for air conditioning units, which shall not exceed three feet. The Zoning Administrator shall have the authority to apply subsection (1) or (2) but not both sections. The Zoning Administrator shall have the authority to attach any condition for a fence, screening, or a similar requirement, if deemed necessary.

The revised section shall read as follows:

Section 4.107. Delegated authority for development approval based upon existing conditions.

(2) Yard, Buffers, and Appurtenant Encroachments.

The Zoning Administrator shall also have the administrative authority to approve deviations from yard and buffer requirements. To approve a deviation, the Zoning Administrator must determine that there has been a surveying error, a misunderstanding about a property line, an action of Land Use and Environmental Services Agency (LUESA), Neighborhood Development, Engineering and Property Management, and/or the Planning Commission, or other similar basis that demonstrates an inadvertent error. Any approval for a reduction shall not exceed two feet, except an approval for air conditioning units, which shall not exceed three feet. The Zoning Administrator shall have the authority to apply subsection (1) or (2) but not both sections. The Zoning Administrator shall have the authority to attach any condition for a fence, screening, or a similar requirement, if deemed necessary.

D. CHAPTER 5: APPEALS AND VARIANCES.

1. Amend Section 5.104, “Filing of variance petition” by replacing the “County Commissioners” with the Charlotte City Council”. The current text reads as follows:

Section 5.104. Filing of variance petition.

A petition for variance, in the form prescribed by the Board of Adjustment, shall be filed with the Zoning Administrator, accompanied by a nonrefundable filing fee as established by the Mecklenburg County Board of County Commissioners.

The revised section shall read as follows:

Section 5.104. Filing of variance petition.

A petition for variance, in the form prescribed by the Board of Adjustment, shall be filed with the Zoning Administrator, accompanied by a nonrefundable filing fee as established by the Charlotte City Council.

2. Amend Section 5.113, “Appeal from the Board of Adjustment” by changing references in subsection (1) and (3) to the “Building Standards Department” to the Charlotte-

Mecklenburg Planning Commission”. In subsection (4), change the word “County” to “City”, and add “or his designee”. The current text reads as follows:

Section 5.113. Appeal from Board of Adjustment.

- (1) If no aggrieved party files a written request for a copy of the decision at the time of the hearing of the case, then any petition for a review of the Board's decision in the nature of certiorari by Superior Court must be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board of Adjustment is filed in the Charlotte-Mecklenburg Building Standards Department. Upon the filing of the decision in the Building Standards Department, the Zoning Administrator will make a notation on the filed decision stating the date upon which the decision has been filed.
- (2) If any aggrieved party has filed a written request for a copy of the decision at the time of the hearing of the case, as stated in G.S. Sec. §160A-388(e), then a decision of the Board may be delivered to that aggrieved party either by personal service or by registered or certified mail with return written receipt requested.
- (3) Any aggrieved party, who has filed a written request for a copy of the decision at the time of the hearing of the case, will have thirty (30) days from receipt of the decision of the Board of Adjustment to file the petition for review in the nature of certiorari in Superior Court with the Clerk of Superior Court, or will have thirty (30) days from the date of the filing of the decision in Building Standards Department, by the Zoning Administrator, as stated above in Subsection (1), whichever is later.
- (4) If a petition for review pursuant to G.S. §160A-388(e) is filed, then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the secretary of the Zoning Board of Adjustment for preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the County shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed.

The revised section shall read as follows:

Section 5.113. Appeal from Board of Adjustment.

- (1) If no aggrieved party files a written request for a copy of the decision at the time of the hearing of the case, then any petition for a review of the Board's decision in the nature of certiorari by Superior Court must be filed with the Clerk of Superior Court

within thirty (30) days after the decision of the Board of Adjustment is filed in the Charlotte-Mecklenburg Planning Commission. Upon the filing of the decision in the Planning Commission, the Zoning Administrator, or his designee will make a notation on the filed decision stating the date upon which the decision has been filed.

- (2) If any aggrieved party has filed a written request for a copy of the decision at the time of the hearing of the case, as stated in G.S. Sec. §160A-388(e), then a decision of the Board may be delivered to that aggrieved party either by personal service or by registered or certified mail with return written receipt requested.
- (3) Any aggrieved party, who has filed a written request for a copy of the decision at the time of the hearing of the case, will have thirty (30) days from receipt of the decision of the Board of Adjustment to file the petition for review in the nature of certiorari in Superior Court with the Clerk of Superior Court, or will have thirty (30) days from the date of the filing of the decision in the Charlotte-Mecklenburg Planning Commission, by the Zoning Administrator, as stated above in Subsection (1), whichever is later.
- (4) If a petition for review pursuant to G.S. §160A-388(e) is filed, then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the secretary of the Zoning Board of Adjustment for preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the **City** shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed.

E. CHAPTER 6: AMENDMENTS

1. PART 1: PROVISIONS OF GENERAL APPLICABILITY

- a. Amend Section 6.107, “Staff Review”, subsection (2) by updating the names of various city and county departments and agencies according to current terminology and to reflect the transfer of power and duties to the City. The current text reads as follows:

Section 6.107. Staff review.

- (2) The Planning Director shall deliver copies of the proposed amendment to other appropriate agencies including, but not limited to, Building Standards Department, Engineering and Property Management, Health Department, Department of Environmental Protection, Parks and Recreation

Department, Transportation Department, Utilities Department, Charlotte-Mecklenburg Schools Staff and Fire Department.

The revised text shall read as follows:

Section 6.107. Staff review.

- (2) The Planning Director shall deliver copies of the proposed amendment to other appropriate agencies including, but not limited to, Land Use and Environmental Services Agency (LUESA), Engineering and Property Management, Health Department, Mecklenburg County Parks and Recreation Department, Charlotte Department of Transportation, Charlotte Mecklenburg Utilities, Charlotte-Mecklenburg Schools and the Charlotte Fire Department.

F. CHAPTER 8: ENFORCEMENT.

1. Amend Section 8.101, “Enforcement by Zoning Administrator” by adding references to other City agencies involved in the enforcement process. The current title and section reads as follows:

Section 8.101. Enforcement by Zoning Administrator.

The provisions of these regulations shall be enforced by the Zoning Administrator.

The revised text shall read as follows:

Section 8.101. Enforcement

After a building permit has been issued by the Land Use and Environmental Services Agency (LUESA) , and through the construction period, zoning compliance for commercial and planned multi-family projects shall be monitored and enforced by Engineering and Property Management.

After a Certificate of Occupancy has been issued, monitoring and enforcement of these regulations, for all types of land uses, shall be handled by Neighborhood Development.

2. Amend Section 8.102, “Zoning Administrator procedures” by adding references to other City staff involved in the enforcement process, and changing the title of the section to refer to “enforcement procedures”, not “Zoning Administrator procedures”. Change the term “Zoning Administrator” to reference the designated agencies. The current title and section reads as follows:

Section 8.102. Zoning Administrator procedures.

- (1) It shall be the duty of the Zoning Administrator to initiate

proceedings for the enforcement of these regulations.

- (2) If the Zoning Administrator discovers a violation of these regulations, the Zoning Administrator shall notify the violator and give the violator a specified time to correct the violation. If the violation continues or is not corrected, the Zoning Administrator shall initiate proceedings for enforcement as described in this Chapter.

The revised text shall read as follows:

Section 8.102. Enforcement procedures

- (1) It shall be the duty of Engineering and Property Management (for commercial and planned multi-family projects, change of use permits, and associated signs) to monitor and initiate compliance for the enforcement of these regulations from the time a building permit has been issued through the time a Certificate of Occupancy is issued. Thereafter, it shall be the duty of Neighborhood Development to monitor and enforce zoning compliance for such uses.
 - (2) It shall be the duty of Neighborhood Development to monitor and initiate compliance for zoning permits, change of use permits, and sign permits, except as provided for in subsection (1) above.
 - (3) It shall be the duty of Neighborhood Development to monitor and initiate compliance for the enforcement of these regulations for all existing development and land uses.
 - (4) If Neighborhood Development shall discover a violation of these regulations, Neighborhood Development shall notify the violator and give the violator a specified time to correct the violation. If the violation continues or is not corrected, Neighborhood Development shall initiate proceedings for enforcement as described in this Chapter.
3. Amend Section 8.103, “General enforcement provisions” by adding references to other agencies involved in the enforcement process. The current section reads as follows:

Section 8.103. General enforcement provisions.

The provisions of this Chapter may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this Chapter. If a person continues to fail to comply with a particular provision of these regulations after the imposition of any one type of penalty, the person shall continue to remain subject to the remedies prescribed by this Chapter for the continued violation of the particular provision of these regulations. The

Zoning Administrator shall have the power to impose fines and penalties for violation of the Zoning Ordinance, as provided herein, and may secure injunctions and abatement orders to further ensure compliance with the Zoning Ordinance as provided for in this Chapter. Each day's continuing violation shall be a separate and distinct offense and may be subject to any one, all, or a combination of the remedies authorized and prescribed by this Chapter.

The revised section shall read as follows:

Section 8.103. General enforcement provisions.

The provisions of this Chapter may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this Chapter. If a person continues to fail to comply with a particular provision of these regulations after the imposition of any one type of penalty, the person shall continue to remain subject to the remedies prescribed by this Chapter for the continued violation of the particular provision of these regulations. Neighborhood Development shall have the power to impose fines and penalties for violation of the Zoning Ordinance, as provided herein, and may secure injunctions and abatement orders to further ensure compliance with the Zoning Ordinance as provided for in this Chapter. Each day's continuing violation shall be a separate and distinct offense and may be subject to any one, all, or a combination of the remedies authorized and prescribed by this Chapter.

4. Amend Section 8.105, "Citations", subsection (3) by replacing "Building Standards Department" with "Charlotte-Mecklenburg Planning Commission" to match the transfer arrangements agreed to by the City and County. Also reference the designated agency in subsections (1) and (3). The current text reads as follows:

Section 8.105. Citations.

- (1) The Zoning Administrator is empowered to issue citations to any person if there is a reasonable cause to believe that the person has violated any provision of these regulations. A violator shall be deemed to be the owner of the premises, the agent of the owner authorized to be responsible for the premises, or the occupant of the premises. Citations may be directly issued to the occupant, lessee, or person having immediate beneficial use of the property. The non-occupant owner or agent responsible for the premises each has a duty to maintain the premises in compliance with these regulations. A citation shall not be issued to a non-occupant owner, agent or occupant for those premises unless there has been written notice delivered to the owner, agent, or occupant, or mailed to the last known mailing address as shown by public records, or by making other reasonable efforts to communicate the existence of the violation to the owner, agent, or occupant.
- (2) The initial citation for each violation shall be \$50.00. The issuance of a second citation for any violation that has not been corrected

shall be in an amount up to \$200.00 upon the day of issuance, up to \$500.00 for the third citation, and up to \$500.00 thereafter. Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator or, if the violator cannot be readily found, then the citation may be mailed.

- (3) The citation shall direct the violator to make payment at the Building Standards Department within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within fifteen (15) days of the issuance, a delinquency charge of ten dollars (\$10.00) shall be added to the amount shown on the citation. The citation shall inform the violator that a civil complaint or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.

The revised section shall read as follows:

Section 8.105. Citations.

- (1) Neighborhood Development is empowered to issue citations to any person if there is a reasonable cause to believe that the person has violated any provision of these regulations. A violator shall be deemed to be the owner of the premises, the agent of the owner authorized to be responsible for the premises, or the occupant of the premises. Citations may be directly issued to the occupant, lessee, or person having immediate beneficial use of the property. The non-occupant owner or agent responsible for the premises each has a duty to maintain the premises in compliance with these regulations. A citation shall not be issued to a non-occupant owner, agent or occupant for those premises unless there has been written notice delivered to the owner, agent, or occupant, or mailed to the last known mailing address as shown by public records, or by making other reasonable efforts to communicate the existence of the violation to the owner, agent, or occupant.
- (2) The initial citation for each violation shall be \$50.00. The issuance of a second citation for any violation that has not been corrected shall be in an amount up to \$200.00 upon the day of issuance, up to \$500.00 for the third citation, and up to \$500.00 thereafter. Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator or, if the violator cannot be readily found, then the citation may be mailed.

- (3) The citation shall direct the violator to make payment to Neighborhood Development within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within fifteen (15) days of the issuance, a delinquency charge of ten dollars (\$10.00) shall be added to the amount shown on the citation. The citation shall inform the violator that a civil complaint or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.

G. CHAPTER 9: GENERAL DISTRICTS.

1. PART 5: INSTITUTIONAL DISTRICT

- a. Amend Section 9.504, “Permitted accessory uses and structures”, subsection (4.1) by replacing the term “Zoning Administrator” with the designated agency. The current text reads as follows:

- (4.1) Guest accommodations, provided by a conference center for persons who are attending functions or activities taking place within its facilities may also be made available to guests who are not participating in the principal activities of the conference center so long as the number of rooms so utilized does not exceed 20 rooms; and, on an annual average, no more than 30% of the rooms per night are occupied by such guests. Any conference center which elects to offer accommodations to unrelated guests must maintain accurate records sufficient to demonstrate to the Zoning Administrator, compliance with this standard and must produce copies of these records for the Zoning Administrator within 3 business days following the Zoning Administrator’s request.

The revised text shall read as follows:

- (4.1) Guest accommodations, provided by a conference center for persons who are attending functions or activities taking place within its facilities may also be made available to guests who are not participating in the principal activities of the conference center so long as the number of rooms so utilized does not exceed 20 rooms; and, on an annual average, no more than 30% of the rooms per night are occupied by such guests. Any conference center which elects to offer accommodations to unrelated guests must maintain accurate records sufficient to demonstrate compliance with this standard and must produce copies of these records for Neighborhood Development within three (3) business days following a request by Neighborhood Development.

2. PART 7, OFFICE DISTRICTS

- a. Amend Section 9.703, “Uses permitted under prescribed conditions” , subsection (17), “Offices, financial institutions and government buildings, over 300,000 square feet”, subsection (v) by replacing the term “Zoning Administrator” with “Director of Engineering and Property Management, or his or her designee(s)”. The current subsection reads as follows:

- (v) The Zoning Administrator in consultation with the Charlotte Department of Transportation has authority to waive the submission requirement of a traffic impact study or reduce the scope of the study if the scale of proposal or other revision makes submission of the information unnecessary or impractical.

The revised subsection shall read as follows:

- (v) The Director of Engineering and Property Management, or his or her designee(s) in consultation with the Charlotte Department of Transportation has authority to waive the submission requirement of a traffic impact study or reduce the scope of the study if the scale of proposal or other revision makes submission of the information unnecessary or impractical.

3. PART 8.5, MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8507, “Mixed Use Development District; parking and loading standards”, subsection (6), “Parking Standards” by replacing “Director of the Building Standards Department” with “Neighborhood Development will initiate enforcement of this provision and instruct the Director of Land Use and Environmental Services Agency, or his or her designee”. The current section reads as follows:

- (6) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 1,600 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease having a term of not less than five (5) years excluding renewals and need not be located within this district. If at any time the parking arrangements of this section are not met, the Director of the Building Standards Department will revoke the occupancy permit for the permitted use and will not issue a building or occupancy permit with respect to the permitted use until such requirements are met. If through no fault of the building owner or management the required parking that is provided through a lease arrangement is lost through condemnation procedures, the building owner or management will not be required to find replacement parking to meet the requirements of these provisions. Spaces in parking structures and lots which are owned by a developer and which exist on the date these provisions become effective, and which are in excess of the requirements for the building(s) with which they are associated, may be used to satisfy the requirements for new or expanded buildings.

The revised section shall read as follows:

- (6) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 1,600 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease having a term of not less than five (5) years excluding renewals and need not be located within this district. If at any time the parking arrangements of this section are not met, Neighborhood Development will initiate enforcement of this provision and instruct the Director of Land Use and Environmental Services Agency, or his or her designee, to revoke the occupancy permit for the permitted use and will not issue a building or occupancy permit with respect to the permitted use until such requirements are met. If through no fault of the building owner or management the required parking that is provided through a lease arrangement is lost through condemnation procedures, the building owner or management will not be required to find replacement parking to meet the requirements of these provisions. Spaces in parking structures and lots which are owned by a developer and which exist on the date these provisions become effective, and which are in excess of the requirements for the building(s) with which they are associated, may be used to satisfy the requirements for new or expanded buildings.

4. PART 9, "UPTOWN MIXED USE DISTRICT"

- a. Amend Section 9.906, "Uptown Mixed Use District; urban design and development standards", subsection (2), "Streetscape Design Standards", item (e), "Signs, banners and pennants", by modifying (1)(g) and (1)(i) to refer to the "Neighborhood Development" instead of the "Zoning Administrator". The current text reads as follows:

- (g) A banner permit from the Zoning Administrator is required for each major event, or seasonal event. If sports related, each game or competition shall be considered a separate event. Seasonal events such as regional team sporting events (i.e. Bobcats, Panthers, Checkers, etc.) may be issued one permit for the season.
- (i) Due to the short-term nature of banners, any violation of the provisions of these regulations shall be cited by the Zoning Administrator. A one-day warning notice of violation requesting immediate compliance will be issued first. Citations can then be issued for any violation that has not been corrected.

The revised section shall read as follows:

- (g) A banner permit from Neighborhood Development is required for each major event, or seasonal event. If sports related, each game or competition shall be considered a separate event. Seasonal events such as regional team sporting events (i.e. Bobcats, Panthers,

Checkers, etc.) may be issued one permit for the season

- (i) Due to the short-term nature of banners, any violation of the provisions of these regulations shall be cited by Neighborhood Development. A one-day warning notice of violation requesting immediate compliance will be issued first. Citations can then be issued for any violation that has not been corrected.
- b. Amend Section 9.907, “Uptown Mixed Use District; parking and loading standards”, subsection (e) by replacing “Director of Building Standards Department” with “Neighborhood Development will initiate enforcement of this provision and instruct the Director of Land Use and Environmental Services Agency, or his or her designee”. The current text reads as follows:
- (e) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 1600 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease having a term of not less than 5 years excluding renewals and need not be located within this district. If at any time the parking arrangements of this section are not met, the Director of the Building Standards Department will revoke the occupancy permit for the permitted use and will not issue a building or occupancy permit with respect to the permitted use until such requirements are met. If through no fault of the building owner or management the required parking that is provided through a lease arrangement is lost through condemnation procedures, the building owner or management will not be required to find replacement parking to meet the requirements of these provisions. Spaces in parking structures and lots which are owned by a developer and which exist on the date these provisions become effective, and which are in excess of the requirements for the building(s) with which they are associated, may be used to satisfy the requirements for new or expanded buildings.

The revised text shall read as follows:

- (e) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 1600 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease having a term of not less than 5 years excluding renewals and need not be located within this district. If at any time the parking arrangements of this section are not met, Neighborhood Development will initiate enforcement of this provision and instruct the Director of Land Use and Environmental Services Agency, or his or her designee, to revoke the occupancy permit for the permitted use and will not issue a building or occupancy permit with respect to the permitted use until such requirements are met. If through no fault of the building owner or management the required parking that is provided through a lease arrangement is lost through condemnation procedures, the

building owner or management will not be required to find replacement parking to meet the requirements of these provisions. Spaces in parking structures and lots which are owned by a developer and which exist on the date these provisions become effective, and which are in excess of the requirements for the building(s) with which they are associated, may be used to satisfy the requirements for new or expanded buildings.

5. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1205, “Uses Permitted by Right”, subsection (18) by replacing the term “Zoning Administrator” by the designated agency. The current subsection reads as follows:

- (18) Parking lots (temporary surface lots), over one (1) acre, subject to the following:
- (a) Any operator of a temporary parking lot shall apply for a permit from the Zoning Administrator, or his designee. The Zoning Administrator, or his designee shall not issue the permit until the Planning Director, or his designee has granted approval. The permit shall authorize a temporary parking lot for a period of five (5) years from the date the permit is issued.

The revised section shall read as follows:

- (18) Parking lots (temporary surface lots), over one (1) acre, subject to the following:
- (a) Any operator of a temporary parking lot shall apply for a permit from Engineering and Property Management. The Engineering and Property Management staff shall not issue the permit until the Planning Director, or his or her designee has granted approval. The permit shall authorize a temporary parking lot for a period of five (5) years from the date the permit is issued.

- b. Amend Section 9.1208, “Development Standards”, subsection (6), “Parking Standards”, item (f), by replacing the term “Zoning Administrator” with the designated agency. The current subsection reads as follows:

- (f) The vehicular parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the Zoning Administrator.

The revised text shall read as follows:

- (f) The vehicular parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to

meet the requirements of this section may be provided through a lease, subject to the review and approval of Engineering and Property Management (for commercial and planned multi-family projects, change of use permits), or Neighborhood Development (for all other residential projects, change of use permits).

H. CHAPTER 10: “OVERLAY DISTRICTS”

1. PART 2, “HISTORIC DISTRICTS”.

- a. Amend Section 10.214, “Enforcement” subsection (3) by replacing the term “Zoning Administrator” with “Neighborhood Development”. The current text reads as follows:

- (3) If the violation is not corrected within 30 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.

The revised text shall read as follows:

- (3) If the violation is not corrected within 30 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, Neighborhood Development may take any enforcement action provided for in NCGS 160A-175 and as specifically described in Chapter 8 of this Zoning Ordinance.

- b. Amend Section 10.215, “Submission of the site plan and compliance with the Zoning Ordinance and other applicable laws” by replacing the term “Zoning Administrator” with “City”. The current text reads as follows:

Section 10.215. Submission of the site plan and compliance with the Zoning Ordinance and other applicable laws

An applicant shall submit site plans that are in compliance with the Zoning Ordinance and with any other local or State laws designated by the Historic District Commission. If the Historic District Commission's staff or the Historic District Commission determines that submitted site plans are not in compliance with the Zoning Ordinance or other State or local laws designated by the Historic District Commission, then the Historic District Commission's staff or Historic District Commission shall not be required to proceed to review the application for the certificate of appropriateness until site plans have been submitted that are in accordance

with the Zoning Ordinance and applicable State or local laws. If site plans have been submitted that are not in compliance with the Zoning Ordinance or other identified State or local laws, then the certificate of appropriateness or any permits or certificates issued by the Zoning Administrator may be revoked.

The revised text shall read as follows:

Section 10.215. Submission of the site plan and compliance with the Zoning Ordinance and other applicable laws

An applicant shall submit site plans that are in compliance with the Zoning Ordinance and with any other local or State laws designated by the Historic District Commission. If the Historic District Commission's staff or the Historic District Commission determines that submitted site plans are not in compliance with the Zoning Ordinance or other State or local laws designated by the Historic District Commission, then the Historic District Commission's staff or Historic District Commission shall not be required to proceed to review the application for the certificate of appropriateness until site plans have been submitted that are in accordance with the Zoning Ordinance and applicable State or local laws. If site plans have been submitted that are not in compliance with the Zoning Ordinance or other identified State or local laws, then the certificate of appropriateness or any permits or certificates issued by the **City** may be revoked.

- c. Amend Section 10.216, "Revocation of building permit" by replacing "Building Standards Department" with "Land Use and Environmental Services Agency". Add a reference to the fact that the City may direct LUESA to revoke any permits. The current text reads as follows:

Section 10.216. Revocation of building permit.

Pursuant to N. C. General Statutes Section 160A-422, "Revocation of permits", the Mecklenburg County Building Standards Department shall be notified to revoke any building permits for any substantial departure from the approved application, plans, or specifications, for refusal or failure to comply with the requirements of a certificate of appropriateness. If a certificate of appropriateness is required, then a building permit shall not be issued. If a building permit has been mistakenly issued or issued based upon false statements or misrepresentations made in securing the building permits, then the building permit may be revoked.

The revised text shall read as follows:

Section 10.216. Revocation of building permit.

Pursuant to N. C. General Statutes Section 160A-422, "Revocation of permits", the Land Use and Environmental Services Agency shall be notified to revoke any building permits for any substantial departure from the approved application, plans, or specifications, for refusal or failure to

comply with the requirements of a certificate of appropriateness. If a certificate of appropriateness is required, then a building permit shall not be issued. If a building permit has been mistakenly issued or issued based upon false statements or misrepresentations made in securing the building permits, then the building permit may be revoked by the Land Use and Environmental Services Agency, or as directed by the City.

- d. Amend Section 10.217, “Denial or revocation of certificate of compliance and occupancy”, subsection (1) and (2) by replacing “Mecklenburg County Building Standards Department” with “Land Use and Environmental Services Agency, on its own authority or as directed by the City”. The current text reads as follows:

Section 10.217. Denial or revocation of certificate of compliance and occupancy.

- (1) As stated in the Mecklenburg County Building Ordinance, Section B-114, "Certificates of Compliance and Occupancy", the Mecklenburg County Building Standards Department shall not issue a certificate of occupancy or certificate of compliance unless there has been compliance with any certificate of appropriateness issued by the Historic District Commission. Compliance with a certificate of appropriateness shall include, but not be limited to, meeting all the requirements of the certificate of appropriateness in not doing any act, which would have required a certificate of appropriateness.
- (2) Further, pursuant to Section B-115-2, "Revocation of Permits or Certificates", any permit or certificate of occupancy or certificate of compliance issued by the Mecklenburg County Building Standards Department in violation of any of the Historic Districts' provisions, stated herein, also may be revoked by the Mecklenburg County Building Standards Department.

The revised text shall read as follows:

Section 10.217. Denial or revocation of certificate of compliance and occupancy.

- (1) As stated in the Mecklenburg County Building Ordinance, Section B-114, "Certificates of Compliance and Occupancy", the Land Use and Environmental Services Agency, on its own authority or as directed by the City, shall not issue a certificate of occupancy or certificate of compliance unless there has been compliance with any certificate of appropriateness issued by the Historic District Commission. Compliance with a certificate of appropriateness shall include, but not be limited to, meeting all the requirements of the certificate of appropriateness in not doing any act, which would have required a certificate

of appropriateness.

- (2) Further, pursuant to Section B-115-2, "Revocation of Permits or Certificates", any permit or certificate of occupancy or certificate of compliance issued by the Land Use and Environmental Services Agency, in violation of any of the Historic Districts' provisions, stated herein, also may be revoked by the Land Use and Environmental Services Agency, on its own authority or as directed by the City.

2. PART 3: AIRPORT ZONE

- a. Amend Section 10.314, "Building permit and certificate of occupancy notice" by replacing "Mecklenburg County Engineering and Building Standards Department" with "Mecklenburg County Land Use and Environmental Services Agency, as directed by the appropriate City agency. The current text reads as follows:

Section 10.314. Building permit and certificate of occupancy notice.

The Mecklenburg County Engineering and Building Standards Department and Zoning Administrator shall include the Airport Noise Disclosure Overlay District Notice with every building permit and certificate of occupancy issued for residential construction and use located in the Airport Noise Disclosure Overlay District.

The revised text shall read as follows:

Section 10.314. Building permit and certificate of occupancy notice.

The Land Use and Environmental Services Agency, as directed by Engineering and Property Management and Neighborhood Development, shall include the Airport Noise Disclosure Overlay District Notice with every building permit and certificate of occupancy issued for residential construction and use located in the Airport Noise Disclosure Overlay District.

3. PART 5: MOUNTAIN ISLAND LAKE WATERSHED OVERLAY

- a. Amend Section 10.508, "Buffer Areas Required", subsection (4) "Mitigations of disturbed buffers required" by replacing the term "Zoning Administrator" with the designated agency. The current subsection reads as follows:

4. Mitigations of disturbed buffers required.

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation, which was added to a buffer pursuant to the requirement that existing vegetation in the buffer be enhanced, be disturbed (except as allowed by this Ordinance), the Zoning Administrator shall require

that any vegetation remaining in the buffer be enhanced in accordance with the “Watershed Buffer Guidelines for Mecklenburg County” contained in Appendix 5 so that the buffer can effectively perform its filtering and absorption functions. *(Petition No. 2001-130, § 10.508(4), 11-19-01)*

The revised text shall read as follows:

4. Mitigations of disturbed buffers required.

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation, which was added to a buffer pursuant to the requirement that existing vegetation in the buffer be enhanced, be disturbed (except as allowed by this Ordinance), the Engineering and Property Management (for commercial and planned multi-family projects and change of use permits) or Neighborhood Development (for all other residential projects and change of use permits) shall require that any vegetation remaining in the buffer be enhanced in accordance with the “Watershed Buffer Guidelines for Mecklenburg County” contained in Appendix 5 so that the buffer can effectively perform its filtering and absorption functions. *(Petition No. 2001-130, § 10.508(4), 11-19-01)*

4. PART 6: CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY

- a. Amend 10.608, “Buffer areas required”, subsection (4), “Mitigations of disturbed buffers required” by replacing the term “Zoning Administrator” with the designated agency. The current subsection reads as follows:

4. Mitigations of disturbed buffers required.

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation, which was added to a buffer pursuant to the requirement that existing vegetation in the buffer be enhanced, be disturbed (except as allowed by this Ordinance), the Zoning Administrator shall require that any vegetation remaining in the buffer be enhanced in accordance with the “Watershed Buffer Guidelines for Mecklenburg County” contained in Appendix 5 so that the buffer can effectively perform its filtering and absorption functions.

The revised text shall read as follows:

4. Mitigations of disturbed buffers required.

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation, which was added to a buffer pursuant to the requirement that existing vegetation in the buffer be enhanced, be disturbed

(except as allowed by this Ordinance), Engineering and Property Management (for commercial and planned multi-family projects and change of use permits) or Neighborhood Development (for all other residential projects and change of use permits) shall require that any vegetation remaining in the buffer be enhanced in accordance with the “Watershed Buffer Guidelines for Mecklenburg County” contained in Appendix 5 so that the buffer can effectively perform its filtering and absorption functions.

5. PART 7: LOWER LAKE WYLIE WATERSHED OVERLAY

- a. Amend Section 10.708, “Buffer area required”, subsection (4)”, “Re-Vegetation of disturbed buffers required” by replacing the term “Zoning Administrator” with the designated agency. The current text reads as follows:

4. Re-Vegetation of disturbed buffers required.

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation which was added to a buffer pursuant to the requirement that existing vegetation in the buffer be enhanced be disturbed (except as allowed by this Ordinance), the Zoning Administrator shall require that any vegetation remaining in the buffer be enhanced in accordance with the Watershed Buffer Guidelines for Mecklenburg County contained in Appendix 5 so that the buffer can effectively perform its filtering and absorption functions.

The revised text shall read as follows:

4. Re-Vegetation of disturbed buffers required.

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation which was added to a buffer pursuant to the requirement that existing vegetation in the buffer be enhanced be disturbed (except as allowed by this Ordinance), the Engineering and Property Management (for commercial and planned multi-family projects and change of use permits) or Neighborhood Development (for all other residential projects and change of use permits) shall require that any vegetation remaining in the buffer be enhanced in accordance with the Watershed Buffer Guidelines for Mecklenburg County contained in Appendix 5 so that the buffer can effectively perform its filtering and absorption functions.

6. PART 8: PEDESTRIAN OVERLAY DISTRICT

- a. Amend Section 10.803, “Development Standards”, subsection (6), “Parking standards”, subsection (g) by replacing the term “Zoning Administrator with the designated agencies. The current text reads as follows:

- (g) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 800 feet from the

permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the Zoning Administrator.

The revised text shall read as follows:

- (g) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the Director of Engineering and Property Management (for commercial and multi-family projects, change of use permits) or the Director of Neighborhood Development (for residential projects, and change of use permits), or their designee(s).

7. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT.

- a. Amend Section 10.907, “Development Standards”, subsection (6)(f) by replacing the term “Zoning Administrator with “designed agency”. The current text reads as follows:

- (f) The vehicular parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the Zoning Administrator.

The revised text shall read as follows:

- (f) The vehicular parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of Engineering and Property Management (for commercial and planned multi-family projects, change of use permits) or Neighborhood Development (for all other residential projects, and change of use permits).

- b. Amend Section 10.907, “Standards”, subsection (6)(m) by replacing the term “Zoning Administrator with the designed agency. The current text reads as follows:

- (m) Parking lots (temporary surface lots), over one (1) acre, shall meet the following requirements:

- 1. An operator of a temporary parking lot shall apply for a permit from the Zoning Administrator, or his designee. The Zoning Administrator, or his designee shall not issue the permit until the Planning Director, or his designee has granted approval. The permit shall authorize a temporary parking lot for a period of ten (10) years from the date the

permit is issued.

The revised section shall read as follows:

- (m) Parking lots (temporary surface lots), over one (1) acre, shall meet the following requirements:
 - 1. An operator of a temporary parking lot shall apply for a permit from Engineering and Property Management. A permit shall not be issued until the Planning Director, or his or her designee has been consulted and supports approval. The permit shall authorize a temporary parking lot for a period of ten (10) years from the date the permit is issued.

I. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

A. PART 7: RE-3 RESEARCH DISTRICT

- a. Amend Section 11.705 “Development standards”, subsection (3)(a) by replacing the term “Zoning Administrator with the designated agency.”
 - (4) Modifications to these requirements may be made if unique site conditions exist on renovated or previously developed sites. A plan shall be submitted showing what is proposed instead of the standard requirements. The purpose and intent of this section must be demonstrated before a modification can be granted. The Zoning Administrator or designee may grant a modification.

The revised section shall read as follows:

- (4) Modifications to these requirements may be made if unique site conditions exist on renovated or previously developed sites. A plan shall be submitted showing what is proposed instead of the standard requirements. The purpose and intent of this section must be demonstrated before a modification can be granted. The Director of Engineering and Property Management, or his or her designee(s), may grant a modification.

J. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

A. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.101, “Every lot must abut a street”, subsection (b) by replacing the term “Zoning Administrator” with the designated agency. The current section reads as follows:
 - (b) Interior lots that do not abut property outside of the unified development, shall be required to meet the minimum yard and screening requirements of the Zoning Ordinance, unless that location or configuration of the existing development on the site

(such as buildings, parking areas, loading docks, etc.) would be in conflict with these requirements. If the required minimum yard and minimum screening can not be met, the Planning Director may waive the requirements, after consulting with the Zoning Administrator.

(Petition No. 2004-77, §12.101,(6)(a)(b), 9/20/04)

The revised section shall read as follows:

- b) Interior lots that do not abut property outside of the unified development, shall be required to meet the minimum yard and screening requirements of the Zoning Ordinance, unless that location or configuration of the existing development on the site (such as buildings, parking areas, loading docks, etc.) would be in conflict with these requirements. If the required minimum yard and minimum screening can not be met, the Planning Director may waive the requirements, after consulting with the Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential projects). *(Petition No. 2004-77, §12.101,(6)(a)(b), 9/20/04)*

- b. Amend Section 12.108 “Height limitations” subsection (8)(d)(4) by replacing the term “Zoning Administrator” with the designated agency. The current section reads as follows:
 - 4. The Wireless Communications facility owner must provide the Zoning Administrator with an affidavit signed by at least one other wireless communications carrier stating that it needs a wireless communications facility within 1000 feet of the subject site and agreeing to co-locate on the replacement tower.

The revised text shall read as follows:

- 4. The Wireless Communications facility owner must provide Engineering and Property Management with an affidavit signed by at least one other wireless communications carrier stating that it needs a wireless communications facility within 1000 feet of the subject site and agreeing to co-locate on the replacement tower.

- c. Amend Section 12.108 “Height limitations” subsection (8)(e)(4) by replacing the term “Zoning Administrator” with the designated agency. The current section reads as follows:
 - 4. If the new facility is to be used for the co-location of two or more wireless communications carriers at the time of its construction, the wireless communications facility owner must provide the Zoning Administrator with an affidavit signed by at least one other wireless communications carrier stating that it needs a wireless communications facility within 1000 feet of the subject site and agreeing to co-locate on the new tower for the remainder of the term of the existing lease, if the property on which the tower is

located is leased.

The revised text shall read as follows:

4. If the new facility is to be used for the co-location of two or more wireless communications carriers at the time of its construction, the wireless communications facility owner must provide Engineering and Property Management with an affidavit signed by at least one other wireless communications carrier stating that it needs a wireless communications facility within 1000 feet of the subject site and agreeing to co-locate on the new tower for the remainder of the term of the existing lease, if the property on which the tower is located is leased.
- d. Amend Section 12.108 “Height limitations” subsection (8)(f)(4) by replacing the term “Zoning Administrator” with the designated agency. The current section reads as follows:
- (f) The wireless communications facility equipment building or buildings used in connection with facilities permitted under Section 8(a) (d) or (e) shall be limited to 500 sq. ft. per communications company using said facility and be limited to 15 feet in height; provided however, that the building height limitation may be waived by the Zoning Administrator up to a maximum height of 25 feet in order to accommodate architectural design, screening or similar special needs.

The revised section shall read as follows:

- (f) The wireless communications facility equipment building or buildings used in connection with facilities permitted under Section 8(a) (d) or (e) shall be limited to 500 sq. ft. per communications company using said facility and be limited to 15 feet in height; provided however, that the building height limitation may be waived by the Director of Engineering and Property Management, or his or her designee, up to a maximum height of 25 feet in order to accommodate architectural design, screening or similar special needs.
- e. Amend Section 12.108, “Height limitations” subsections (8)(g), “Public Notification Process for Certain Wireless Communications Transmission Facilities” subsection (3) “Notification Process”, subsection (a), (b), and (c) by replacing the term “Zoning Administrator” with the designated agency. The current section reads as follows:
- (a) The Zoning Administrator shall mail a notice to all property owners, as shown on the County tax listing, within 100 feet of the proposed facility site including those across a street. In addition, the Zoning Administrator shall mail a notice to neighborhood leaders, as determined by the list at the Planning Commission staff office, within one mile of the proposed facility site.

- (b) Any permit applicant shall be responsible for supplying the Zoning Administrator with postage paid envelopes addressed to adjacent property owners and neighborhood leaders as noted above. Any error in an owner's or neighborhood leader's list or any other procedural error or omission shall not invalidate the issuance of an otherwise properly issued permit.
- (c) The Zoning Administrator shall not render a decision on the application until 30 calendar days has elapsed following the date of the mailing of the notification letters. The 30-day notification period may be used by any interested party to discuss the proposed wireless communication transmission facility with the permit applicant. The permit applicant shall in good faith consider any comments from such adjoining property owners concerning landscaping and screening and other design issues of the facility.

The revised subsections shall read as follows:

- (a) Engineering and Property Management shall mail a notice to all property owners, as shown on the County tax listing, within 100 feet of the proposed facility site including those across a street. In addition, Engineering and Property Management shall mail a notice to neighborhood leaders, as determined by an updated list provided at Charlotte-Mecklenburg Planning Commission staff office, within one mile of the proposed facility site.
 - (b) Any permit applicant shall be responsible for supplying Engineering and Property Management with postage paid envelopes addressed to adjacent property owners and neighborhood leaders as noted above. Any error in an owner's or neighborhood leader's list or any other procedural error or omission shall not invalidate the issuance of an otherwise properly issued permit.
 - (c) Engineering and Property Management shall not render a decision on the application until 30 calendar days has elapsed following the date of the mailing of the notification letters. The 30-day notification period may be used by any interested party to discuss the proposed wireless communication transmission facility with the permit applicant. The permit applicant shall in good faith consider any comments from such adjoining property owners concerning landscaping and screening and other design issues of the facility.
- f. Amend Section 12.108, "Height limitations" subsection (h) by replacing the term "Zoning Administrator" with the designated agency. The current section reads as follows:
- (h) Wireless Communication Transmission Facilities Data Base:

Any permit applicant shall submit the following information to the Zoning Administrator as part of the application process for any new or replacement tower or for any modifications to an existing tower. For this purpose, the changing, adding to or taking from antenna on any existing tower shall not be considered a modification to an existing tower.

The revised subsections shall read as follows:

(h) Wireless Communication Transmission Facilities Data Base:

Any permit applicant shall submit the following information to Engineering and Property Management as part of the application process for any new or replacement tower or for any modifications to an existing tower. For this purpose, the changing, adding to or taking from antenna on any existing tower shall not be considered a modification to an existing tower.

B. PART 2: OFF-STREET PARKING AND LOADING

a. Amend Section 12.201, "Purpose; parking plans", subsection (2) by replacing the term "Zoning Administrator" with the designated agency. The current text reads as follows:

- (2) For any parking lot, garage, vehicle storage area operated on a commercial basis, reconfiguration of an existing parking lot or any other off-street parking area required under this Part (but excluding off-street parking for detached, duplex, triplex and quadraplex dwellings on a single lot), a plan shall be submitted to the Zoning Administrator to review for compliance with these regulations and any other applicable ordinances. Any such parking plan shall show the number of motor vehicle parking spaces, the percentage of required spaces to be designated for use only by compact cars, the required number of existing spaces for bicycle parking and the location of bike parking facilities, the arrangement of parking aisles, the location of driveway entrances, provisions for vehicular and pedestrian circulation, the location of sidewalks and curb on or abutting the property, the location of utilities, barriers, shelters, and signs, the location of landscaped areas and the types of vegetation to be located in them, typical cross sections of pavement, storm water drainage facilities, and any other relevant information requested by the Zoning Administrator, as provided in these regulations. The Zoning Administrator shall forward all plans to the Charlotte Department of Transportation for review and comment.

(Petition No. 2005-013, § 12.201(2), 3/21/05)

The revised section shall read as follows:

- (2) For any parking lot, garage, vehicle storage area operated on a commercial basis, reconfiguration of an existing parking lot or any

other off-street parking area required under this Part (but excluding off-street parking for detached, duplex, triplex and quadraplex dwellings on a single lot), a plan shall be submitted to Engineering and Property Management to review for compliance with these regulations and any other applicable ordinances. Any such parking plan shall show the number of motor vehicle parking spaces, the percentage of required spaces to be designated for use only by compact cars, the required number of existing spaces for bicycle parking and the location of bike parking facilities, the arrangement of parking aisles, the location of driveway entrances, provisions for vehicular and pedestrian circulation, the location of sidewalks and curb on or abutting the property, the location of utilities, barriers, shelters, and signs, the location of landscaped areas and the types of vegetation to be located in them, typical cross sections of pavement, storm water drainage facilities, and any other relevant information requested by Engineering and Property Management as provided in these regulations. Engineering and Property Management shall forward plans to the Charlotte Department of Transportation for review and comment, as appropriate. (*Petition No. 2005-013, § 12.201(2), 3/21/05*)

C. PART 3: BUFFERS AND SCREENING

- a. Amend Section 12.304, “Alternative buffer and screening requirements” to reflect the changes to the designated agency. The current section reads as follows:

Section 12.304. Alternative buffer and screening requirements.

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or other sub-surface condition on the site, or the presence of required buffer or screening on adjacent developed property would make strict adherence to the requirements of this Part serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer or screen, the Zoning Administrator may alter the requirements of this Part as long as the existing features of the development site comply with the spirit and intent of this Part. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the Zoning Administrator showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer or screen the proposed use. The Zoning Administrator shall not alter the requirements of this Part unless the developer demonstrates that existing site features and any additional buffer materials will screen the proposed use as effectively as the required buffer or screening. In deciding whether to approve such a plan, the Zoning Administrator shall consult with the Planning Director.

The revised section shall read as follows:

Section 12.304. Alternative buffer and screening requirements.

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or other sub-surface condition on the site, or the presence of required buffer or screening on adjacent developed property would make strict adherence to the requirements of this Part serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer or screen, the Director of Engineering and Property Management (for commercial and planned multi-family projects and change of use permits) or the Director of Neighborhood Development (for all other residential projects and change of use permits), or their designee(s) may alter the requirements of this Part as long as the existing features of the development site comply with the spirit and intent of this Part. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the designated agency showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer or screen the proposed use. The Director of Engineering and Property Management (or the Director of Neighborhood Development, or their designee(s) shall not alter the requirements of this Part unless the developer demonstrates that existing site features and any additional buffer materials will screen the proposed use as effectively as the required buffer or screening. In deciding whether to approve such a plan, the designated agency shall consult with the Planning Director.

D. PART 4: ACCESSORY USES AND STRUCTURES

- a. Amend Section 12.407, “Elderly and disable housing”, subsection (11) by requiring the owner of such an accessory use to a single family detached dwelling unit to register annually with the designated agency. The current section reads as follows:

(11) The owner of elderly and disabled housing must register annually with the Zoning Administrator.

The revised subsection shall read as follows:

(11) The owner of elderly and disabled housing must register annually with Neighborhood Development.

E. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Amend Section 12.502, “Adult care homes, adult care centers, childcare centers, childcare centers in a residence, family childcare homes, and large childcare centers”, subsection (1) by replacing the term “Zoning Administrator” with the designated agency. [NOTE: The items listed under subsection (1) remain unchanged].The current section reads as follows:

(1) Family childcare homes
All family childcare homes for eight (8) or fewer children are required to obtain a required to obtain a change of use permit

from the Zoning Administrator. Family childcare homes, licensed by the North Carolina Department of Health and Human Services, may be established as an accessory use to a single family detached dwelling unit in all single family districts, all multi-family districts, UR-1, UR-2, UR-3, UR-C, all office, B-1 and B-2, MUDD, UMUD, MX-1, MX-2, MX-3, and R-MH districts, according to the following requirements:

The revised subsection shall read as follows:

(1) Family childcare homes

All family childcare homes for eight (8) or fewer children are required to obtain a required to obtain a change of use permit from Neighborhood Development. Family childcare homes, licensed by the North Carolina Department of Health and Human Services, may be established as an accessory use to a single family detached dwelling unit in all single family districts, all multi-family districts, UR-1, UR-2, UR-3, UR-C, all office, B-1 and B-2, MUDD, UMUD, MX-1, MX-2, MX-3, and R-MH districts, according to the following requirements:

- b. Amend Section 12.502, “Adult care homes, adult care centers, childcare centers, childcare centers in a residence, family childcare homes, and large childcare centers”, subsection (2) by replacing the term “Zoning Administrator” with the designated agency. [NOTE: The items listed under subsection (2) remain unchanged]. The current section reads as follows:

(2) Childcare centers in a residence.

All childcare centers in a residence for six (6) to twelve (12) pre-school children are required to obtain a change of use permit from the Zoning Administrator. Childcare centers in a residence, licensed by the North Carolina Department of Health and Human Services, may be established as an accessory use to a single family detached dwelling unit in all single family districts, all multi-family districts, UR-1, UR-2, UR-3, UR-C all office, B-1 and B-2, MUDD, UMUD, MX-1, MX-2, MX-3, and R-MH districts, according to the following requirements:

The revised subsection shall read as follows:

(2) Childcare centers in a residence.

All childcare centers in a residence for six (6) to twelve (12) pre-school children are required to obtain a change of use permit from Neighborhood Development. Childcare centers in a residence, licensed by the North Carolina Department of Health and Human Services, may be established as an accessory use to a single family detached dwelling unit in all single family districts, all multi-family districts, UR-1, UR-2, UR-3, UR-C all office, B-1 and B-2, MUDD, UMUD, MX-1, MX-2, MX-3, and R-MH districts, according to the following requirements:

- c. Amend Section 12.503, “Land clearing and inert debris landfill (LCID): off-site” by replacing the term “Zoning Administrator” with the designated agency. The current section reads as follows:

Section 12.503. Land clearing and inert debris landfill (LCID): off-site.

Application. Applications for an off-site LCID zoning permit must be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in Section 12.503. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications, which will not alter the basic relationship to surrounding properties, will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered as part of the request, the notification period and public forum requirements will apply.

The revised section shall read as follows:

Section 12.503. Land clearing and inert debris landfill (LCID): off-site.

Application. Applications for an off-site LCID zoning permit must be submitted to Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential projects). The designated agency will consider and determine entitlement to the permit based upon the regulations contained in this Section 12.503. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications, which will not alter the basic relationship to surrounding properties, will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered as part of the request, the notification period and public forum requirements will apply.

- d. Amend Section 12.503, “Land clearing and inert debris landfill (LCID): off-site”, subsection (7) by replacing the term “Zoning Administrator” with the designated agency. The current section reads as follows:

- (7) There must be a plan submitted to the Zoning Administrator that specifies the anticipated future use of the property, upon the cessation of land filling activities, which anticipated use must not

be inconsistent with the "Generalized Land Use Plan" or any district or area plan as adopted by the City Council, if one exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the landfill.

The Zoning Administrator, with the assistance of the City of Charlotte Director of Engineering, should the Zoning Administrator request such assistance, must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the landfill site. No more than 25% of the total area to be filled may be actively used at any one time.

The owner must place funds in the reserve fund annually, in amounts equal to (a) the estimate of the present costs of the capital expenses increased by the assumed annual inflationary rate of 5%, divided by (b) the number of years the landfill is anticipated to be open. The first such annual payment into the reserve fund must be made by the property owner prior to commencement of land filling operations, and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the Zoning Administrator prior to the commencement of land filling operations. On or before each subsequent anniversary date of such notarized statement, the property owner must make the required annual payment into the reserve fund and present to the Zoning Administrator a notarized statement from the property owner showing that the payment has been made for the next year of operations of the landfill, and showing the total amount held in the reserve fund. In addition, if the property owner prepares annual financial statements, a copy of the annual financial statement, showing the amount held in the reserve fund, must be sent annually to the Zoning Administrator during each year the landfill is in operation. In the event that the land filling operations at the site cease prior to the estimated number of years of operation as shown on the submitted timetable, prior to ceasing operations the property owner must pay all remaining amounts into the reserve fund and present to the Zoning Administrator a notarized statement showing that such payment has been made and showing the total amount in the reserve fund.

The revised subsection shall read as follows:

- (7) There must be a plan submitted to Engineering and Property Management (for commercial and planned multi-family projects)

or Neighborhood Development (for all other residential projects) that specifies the anticipated future use of the property, upon the cessation of land filling activities, which anticipated use must not be inconsistent with the "Generalized Land Use Plan" or any district or area plan as adopted by the City Council, if one exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the landfill.

Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential projects), with the assistance of the Director of Engineering, should such assistance be requested, must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the landfill site. No more than 25% of the total area to be filled may be actively used at any one time.

The owner must place funds in the reserve fund annually, in amounts equal to (a) the estimate of the present costs of the capital expenses increased by the assumed annual inflationary rate of 5%, divided by (b) the number of years the landfill is anticipated to be open. The first such annual payment into the reserve fund must be made by the property owner prior to commencement of land filling operations, and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the designated agency prior to the commencement of land filling operations. On or before each subsequent anniversary date of such notarized statement, the property owner must make the required annual payment into the reserve fund and present to the designed agency a notarized statement from the property owner showing that the payment has been made for the next year of operations of the landfill, and showing the total amount held in the reserve fund. In addition, if the property owner prepares annual financial statements, a copy of the annual financial statement, showing the amount held in the reserve fund, must be sent annually to the designated agency during each year the landfill is in operation. In the event that the land filling operations at the site cease prior to the estimated number of years of operation as shown on the submitted timetable, prior to ceasing operations the property owner must pay all remaining amounts into the reserve fund and present to the designated agency a notarized statement showing that such payment has been made and showing the total amount in the reserve fund.

- e. Amend Section 12.505, “Quarries” by replacing the term “Zoning Administrator” with the designated agency. The current section reads as follows:

Section 12.505. Quarries.

Application. Applications for a quarry zoning permit must be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in this Section 12.505. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications, which will not alter the basic relationship to surrounding properties, will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations but without the notification period and public forum. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.

Quarries may be established in the General Industrial (I-2) district subject to the requirements of this Section:

- (1) The minimum site size is 100 acres.
- (2) There must be a plan submitted to the Zoning Administrator that specifies the anticipated future use of the property, upon the cessation of quarrying activities, which anticipated use must not be inconsistent with the Generalized Land Use Plan or district or area plan as adopted by the City Council, if such a plan exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the quarry.

The Zoning Administrator, with the assistance of the City of Charlotte Director of Engineering, should the Zoning Administrator request such assistance, must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the quarry site proposed to be quarried.

The owner must place funds in the reserve fund annually,

in amounts equal to (a) the estimate of the present costs of the capital expenses increased by the assumed annual inflationary rate of 5%, divided by (b) the number of years the quarry is anticipated to be open. The first such annual payment into the reserve fund must be made by the property owner prior to commencement of quarrying operations, and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the Zoning Administrator prior to the commencement of quarrying operations. On or before each subsequent anniversary date of such notarized statement, the property owner must make the required annual payment into the reserve fund and present to the Zoning Administrator a notarized statement from the property owner showing that the payment has been made for the next year of operations of the quarry, and showing the total amount held in the reserve fund. In addition, if the property owner prepares annual financial statements, a copy of the annual financial statement, showing the amount held in the reserve fund, must be sent annually to the Zoning Administrator during each year the quarry is in operation. In the event that the quarrying operations at the site are permanently discontinued prior to the estimated number of years of operation as shown on the submitted timetable, prior to ceasing operations the property owner must pay all remaining amounts into the reserve fund and present to the Zoning Administrator a notarized statement showing that such payment has been made and showing the total amount in the reserve fund. Any funds paid to the State of North Carolina pursuant to G. S. §74-54 will be credited toward the amount required to be established under this section. The funds required by this section will be reduced by an amount equal to the amount of any bond posted with the state for so long as the facility is permitted by the state for its operation. The total amount of funds on deposit with the state and the total amount established under these standards must always be at least equal to the amount required by this ordinance.

The revised text shall read as follows:

Section 12.505. Quarries.

Application. Applications for a quarry zoning permit must be submitted to Engineering and Property Management to consider and determine entitlement to the permit based upon the regulations contained in this Section 12.505. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications, which will not alter the basic relationship to surrounding properties, will be submitted to Engineering and Property Management to

consider and determine entitlement based upon these same regulations but without the notification period and public forum. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.

Quarries may be established in the General Industrial (I-2) district subject to the requirements of this Section:

- (1) The minimum site size is 100 acres.
- (2) There must be a plan submitted to the Engineering and Property Management that specifies the anticipated future use of the property, upon the cessation of quarrying activities, which anticipated use must not be inconsistent with the Generalized Land Use Plan or district or area plan as adopted by the City Council, if such a plan exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the quarry.

Engineering and Property Management must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the quarry site proposed to be quarried.

The owner must place funds in the reserve fund annually, in amounts equal to (a) the estimate of the present costs of the capital expenses increased by the assumed annual inflationary rate of 5%, divided by (b) the number of years the quarry is anticipated to be open. The first such annual payment into the reserve fund must be made by the property owner prior to commencement of quarrying operations, and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to Engineering and Property Management prior to the commencement of quarrying operations. On or before each subsequent anniversary date of such notarized statement, the property owner must make the required annual payment into the reserve fund and present to Engineering and Property Management a notarized statement from the property owner showing that the

payment has been made for the next year of operations of the quarry, and showing the total amount held in the reserve fund. In addition, if the property owner prepares annual financial statements, a copy of the annual financial statement, showing the amount held in the reserve fund, must be sent annually to the Engineering and Property Management during each year the quarry is in operation. In the event that the quarrying operations at the site are permanently discontinued prior to the estimated number of years of operation as shown on the submitted timetable, prior to ceasing operations the property owner must pay all remaining amounts into the reserve fund and present to Engineering and Property Management a notarized statement showing that such payment has been made and showing the total amount in the reserve fund. Any funds paid to the State of North Carolina pursuant to G. S. §74-54 will be credited toward the amount required to be established under this section. The funds required by this section will be reduced by an amount equal to the amount of any bond posted with the state for so long as the facility is permitted by the state for its operation. The total amount of funds on deposit with the state and the total amount established under these standards must always be at least equal to the amount required by this ordinance.

- f. Amend Section 12.507, “Sanitary landfills”, and subsections (1) and (2) by replacing the term “Zoning Administrator with the designated agency. The current section reads as follows:

Section 12.507. Sanitary landfills.

Sanitary landfills are permitted in the General Industrial (I-2) district in the City of Charlotte subject to the development standards listed below. The establishment and operation of any landfill must comply with Solid Waste Management Rules of the State of North Carolina and the "Regulations Governing the Storage, Collection, Transporting and Disposal of Garbage and Refuse in Mecklenburg County" as adopted by the City Council under authority granted by the General Statutes of North Carolina.

Applications for a sanitary landfill zoning permit must be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in this Section 12.507. Before a decision is rendered there shall be a notification period and public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications, which will not alter the basic relationship to surrounding properties, will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if

additional land is being considered, the notification period and public forum requirements will apply.

- (1) Minimum site size is 150 acres.
- (2) There must be a plan submitted to the Zoning Administrator that specifies the anticipated future use of the property upon the cessation of land filling activities, which anticipated use must not be inconsistent with the Generalized Land Plan or district or area plan as adopted by the City Council, if such a plan exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the landfill.

The Zoning Administrator, with the assistance of the City of Charlotte Director of Engineering, should the Zoning Administrator request such assistance, must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the landfill site.

The revised section and subsections shall read as follows:

Section 12.507. Sanitary landfills.

Sanitary landfills are permitted in the General Industrial (I-2) district in the City of Charlotte subject to the development standards listed below. The establishment and operation of any landfill must comply with Solid Waste Management Rules of the State of North Carolina and the "Regulations Governing the Storage, Collection, Transporting and Disposal of Garbage and Refuse in Mecklenburg County" as adopted by the City Council under authority granted by the General Statutes of North Carolina.

Applications for a sanitary landfill zoning permit must be submitted to Engineering and Property Management which will consider and determine entitlement to the permit based upon the regulations contained in this Section 12.507. Before a decision is rendered there shall be a notification period and public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications, which will not alter the basic relationship to surrounding properties, will be submitted to Engineering and Property Management which will consider and determine entitlement based upon these same

regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.

- (1) Minimum site size is 150 acres.
- (2) There must be a plan submitted to Engineering and Property Management that specifies the anticipated future use of the property upon the cessation of land filling activities, which anticipated use must not be inconsistent with the Generalized Land Plan or district or area plan as adopted by the City Council, if such a plan exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the landfill.

Engineering and Property Management must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the landfill site.

g. Amend Section 12.514, “Equestrian oriented subdivisions”, subsection (6)(b) by replacing the term “Zoning Administrator with the designated agency. The current section reads as follows:

- (b) All proposed community riding facilities, including community stables, riding rings, pastures, and riding trails must be indicated on the plans. A written statement describing the proposed means of ownership and proposed program for maintenance of these facilities and a copy of the proposed maintenance program must be included. A copy of the proposed maintenance program will be kept on file at the Zoning Administrator's office.

The revised subsection shall read as follows:

- (b) All proposed community riding facilities, including community stables, riding rings, pastures, and riding trails must be indicated on the plans. A written statement describing the proposed means of ownership and proposed program for maintenance of these facilities and a copy of the proposed maintenance program must be included. A copy of the proposed maintenance program will be kept on file at Neighborhood Development .

h. Amend Section 12.515, “Special requirements for facilities located on or adjacent to the Catawba River and its impoundments (Lake Norman, Lake Wylie and Mountain Island)”, subsection (8)(a) and (8)(b) by replacing the term “Zoning Administrator” with the designated agency. The current section reads as follows:

(a) The Zoning Administrator shall submit one copy of any plans for a pier, mooring, float, marine railway, breakwater, sign, or swimming area to the Lake Norman Marine Commission for review and approval in accordance with adopted standards of the Lake Norman Marine Commission. Failure of the Lake Norman Marine Commission to respond to the plans within 30 days after receiving them shall be interpreted as an approval.

(b) The Zoning Administrator shall refer requests for variances from the requirements of this Part to the Lake Norman Marine Commission for its written opinion. The Lake Norman Marine Commission will evaluate the variance request as to the potential effect of the request on public recreation and water safety. The Zoning Administrator shall transmit the Lake Norman Marine Commission’s opinions to the Board of Adjustment along with other pertinent information.”

(Petition 2002-23, § 12.515, 3/18/02)

The revised subsection shall read as follows:

(a) The Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential projects), shall submit one copy of any plans for a pier, mooring, float, marine railway, breakwater, sign, or swimming area to the Lake Norman Marine Commission for review and approval in accordance with adopted standards of the Lake Norman Marine Commission. Failure of the Lake Norman Marine Commission to respond to the plans within 30 days after receiving them shall be interpreted as an approval.

(b) The Zoning Administrator, or his or her designee shall refer requests for variances from the requirements of this Part to the Lake Norman Marine Commission for its written opinion. The Lake Norman Marine Commission will evaluate the variance request as to the potential effect of the request on public recreation and water safety. The Zoning Administrator, or his or her designee shall transmit the Lake Norman Marine Commission’s opinions to the Zoning Board of Adjustment along with other pertinent information.

(Petition 2002-23, § 12.515, 3/18/02)

i. Amend Section 12.519, “Outdoors Seasonal Sales”, subsection (1) by replacing the term “Zoning Administrator with the designated agency. The current section reads as follows:

(1) Any operator of a seasonal sales use must receive a permit from

the Zoning Administrator, which describes the type of sales involved, and the duration of the sales operation.

The revised subsection shall read as follows:

- (1) Any operator of a seasonal sales use must receive a permit from Engineering and Property Management, which describes the type of sales involved, and the duration of the sales operation.
- j. Amend Section 12.525, “Medical waste disposal facilities” subsection (3) by replacing the term “Zoning Administrator with the designated agency. [NOTE: The items listed under subsection (3) remain unchanged].The current subsection reads as follows:

- (3) Application. Applications for medical waste disposal facility zoning permit must be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in this Section. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications which will not alter the basic relationship to surrounding properties will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations but without the notification period and public forum. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum.

However, if additional land is being considered, the notification period and public forum requirements will apply.

Applications for medical waste disposal facility must include the following information:

The revised subsection shall read as follows:

- (3) Application. Applications for medical waste disposal facility zoning permit must be submitted to Engineering and Property Management, which will consider and determine entitlement to the permit based upon the regulations contained in this Section. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications which will not alter the basic relationship to surrounding properties will be submitted to Engineering and Property Management which will consider and determine entitlement based upon these same regulations but without the notification period and public forum. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum.

However, if additional land is being considered, the notification period and public forum requirements will apply.

Applications for medical waste disposal facility must include the following information:

- k. Amend Section 12.525, “Medical waste disposal facilities” subsection (5) by replacing the term “Zoning Administrator” with the designated agency. [NOTE: The items listed under subsection (b) remain unchanged]. The current subsection reads as follows:

- (5) Factors. As a prerequisite to approval of an application for a medical waste disposal facility zoning permit, the Zoning Administrator will take into consideration in reviewing the application and submitted material that:

The revised subsection shall read as follows:

- (5) Factors. As a prerequisite to approval of an application for a medical waste disposal facility zoning permit, Engineering and Property Management will take into consideration in reviewing the application and submitted material that:

- l. Amend Section 12.526, “Solid Waste Transfer Stations”, subsection (1) by replacing the term “Zoning Administrator with the designated agency. The current subsection reads as follows:

Section 12.526. Solid Waste Transfer Stations.

- (1) Applications for a solid waste transfer station must be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in this Section. Before a decision is rendered there shall be a notification period and public forum as described in Section 4.106. Public notification process for certain land uses. Application for minor changes or modifications which will not alter the basic relationship to surrounding properties will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.

The revised subsection shall read as follows:

Section 12.526. Solid Waste Transfer Stations.

- (1) Applications for a solid waste transfer station must be submitted to Engineering and Property Management which will consider and determine entitlement to the permit based upon the regulations contained in this Section. Before a decision is rendered there shall be a notification period and public forum as described in Section 4.106. Public notification process for certain land uses. Application for minor changes or modifications which will not alter the basic relationship to surrounding properties will be submitted to Engineering and Property Management which will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.
- m. Amend Section 12.528, “Enclosure at foundation for structures” by replacing the term “Zoning Administrator with the designated agency. The current subsection reads as follows:

Section 12.528. Enclosure at foundation for structures.

All structures for residential and nonresidential occupancy must have a solid wall enclosure at the foundation that is of a material that is properly installed and complies with all state codes. If not required by state code, the structure must nevertheless have a continuous, permanent masonry wall, having the appearance of a conventional load-bearing foundation wall, unpierced except for required ventilation and access, which must be installed under the perimeter of any modular structure. The designated agency is authorized to waive the applicability of this section in its entirety or with conditions attached, if the local administrator of Chapter 9, “Floodway Regulations,” of the City Code recommends to the Zoning Administrator that a structure must be elevated because of the location of the structure in an area of a floodway or of a flood hazard. This section shall only be applicable to new construction, except, notwithstanding the foregoing, this section shall not apply to any mobile or module units, including without limitation mobile classrooms, used at any school (public or private) or a place of worship.

(Petition No. 2001-033, § 12.528, 10-17-01)

The revised text shall read as follows:

Section 12.528. Enclosure at foundation for structures.

All structures for residential and nonresidential occupancy must have a solid wall enclosure at the foundation that is of a material that is properly installed and complies with all state codes. If not required by state code, the structure must nevertheless have a continuous, permanent masonry wall, having the appearance of a conventional load-bearing foundation

wall, unpierced except for required ventilation and access, which must be installed under the perimeter of any modular structure. The Director of Engineering and Property Management (for commercial and planned multi-family projects) or the Director of Neighborhood Development (for all other residential projects), or their designee(s) are authorized to waive the applicability of this section in its entirety or with conditions attached, if the local administrator of Chapter 9, "Floodway Regulations," of the City Code recommends to the designated agency that a structure must be elevated because of the location of the structure in an area of a floodway or of a flood hazard. This section shall only be applicable to new construction, except, notwithstanding the foregoing, this section shall not apply to any mobile or module units, including without limitation mobile classrooms, used at any school (public or private) or a place of worship. (*Petition No. 2001-033, § 12.528, 10-17-01*)

- n. Amend Section 12.532, "Donation drop-off facilities", subsection (2) by replacing the term "Zoning Administrator with the designated agency. The current subsection reads as follows:

- (2) If the drop-off facility is a principal use, it shall meet the setback and yard of the zoning district in which it is located. The location of the facility, parking, and unloading areas are subject to approval by the Zoning Administrator.

The revised text shall read as follows:

- (2) If the drop-off facility is a principal use, it shall meet the setback and yard of the zoning district in which it is located. The location of the facility, parking, and unloading areas are subject to approval by Engineering and Property Management.

- o. Amend Section 12.534, "Periodic Retail Sales Events, Off-Premise", subsection (e) by replacing the term "Zoning Administrator with the designated agency. The current subsection reads as follows:

- (e) Any operator of a periodic retail sales event must receive a permit from the Zoning Administrator, which describes the type of event involved, and the duration of the sales operation or event. As part of the application, the operator shall submit to the Zoning Administrator proof of property owner permission to use the property.

The revised section shall read as follows:

- (e) Any operator of a periodic retail sales event must receive a permit from Neighborhood Development which describes the type of event involved, and the duration of the sales operation or event. As part of the application, the operator shall submit to Neighborhood Development proof of property owner permission to use the property.

K. CHAPTER 13: SIGNS.

1. Amend Section 13.103, "Procedures", subsection (1), "by deleting reference to the Building Standards Department by replacing the term "Zoning Administrator with the designated agency. The current subsection reads as follows:

- (1) Permit Required

Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from the Zoning Administrator as required by these regulations.

Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of these regulations

The revised subsection shall read as follows:

- (1) Permit Required

Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from Neighborhood Development, unless the sign is part of a commercial or planned multi-family development application. If signage is part of a commercial or planned multi-family project package submitted to Engineering and Property Management, then Engineering and Property Management shall review the sign and issue the sign permit, as required by these regulations.

Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of these regulations.

2. Amend Section 13.103, "Procedures", subsection (2), "Application and Issuance of Permit", subsection (e), (h), and (i) by replacing the term "Zoning Administrator with the designated agency. [NOTE: Items (a), (b), (c), (d), (f), and (g) listed under subsection (2) remain unchanged]. The current subsection reads as follows:

- (e) Two (2) blueprints or inked, scaled drawings of the plans and specifications of the sign to be erected or affixed as deemed necessary by the Zoning Administrator. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and the size of existing wall signs shall also be included;

- (h) Other information as the Zoning Administrator may require to

determine full compliance with this and other applicable codes.

- (i) An applicant for a permit for sponsorship sign(s) may submit one application that covers multiple proposed sponsorship signs for one or more athletic fields within a given Facility. In such cases, the copy for each individual sponsorship sign shall not be required.

The applicant shall submit with the application a list of property owners within 100 feet of the proposed location of the sign(s), including those across a street, as shown on the current City tax abstracts. Also included will be postage paid envelopes addressed to these surrounding property owners.

The Zoning Administrator will mail a notice describing the sign application to these property owners within 10 working days from the time the Zoning Administrator determines that the application is complete.

If within 30 days of such mailing the Zoning Administrator receives in writing any objection to such sign(s), the objection will be forwarded to the Planning Commission's Zoning Committee. The Zoning Committee will consider any objections at the earliest time the matter can be considered at one of their regularly scheduled meetings.

Before issuing a permit for any sign(s) in an application where objections have been forwarded to the Zoning Committee, the Zoning Administrator will receive a written favorable approval by a simple majority of the Zoning Committee.

(Petition No. 2000-050, § 13.103(2)(i), 04-17-01)

The revised subsections shall read as follows:

- (e) Two (2) blueprints or inked, scaled drawings of the plans and specifications of the sign to be erected or affixed as deemed necessary by Neighborhood Development or Engineering and Property Management. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and the size of existing wall signs shall also be included;
- (h) Other information as Engineering and Property Management or Neighborhood Development may require in order to determine full compliance with this and other applicable codes.
- (i) An applicant for a permit for sponsorship sign(s) may submit one application that covers multiple proposed sponsorship signs for one or more athletic fields within a given Facility. In such cases, the copy for each individual sponsorship sign shall not be required.

The applicant shall submit with the application a list of property owners within 100 feet of the proposed location of the sign(s), including those across a street, as shown on the current City tax abstracts. Also included

will be postage paid envelopes addressed to these surrounding property owners.

The designated agency will mail a notice describing the sign application to these property owners within 10 working days from the time the designated agency determines that the application is complete.

If within 30 days of such mailing the designated agency receives in writing any objection to such sign(s), the objection will be forwarded to the Planning Commission's Zoning Committee. The Zoning Committee will consider any objections at the earliest time the matter can be considered at one of their regularly scheduled meetings.

Before issuing a permit for any sign(s) in an application where objections have been forwarded to the Zoning Committee, the designated agency will receive a written favorable approval by a simple majority of the Zoning Committee.

(Petition No. 2000-050, § 13.103(2)(i), 04-17-01)

3. Amend Section 13.103, "Procedures", subsection (3), "Issuance of Permits" by replacing the term "Zoning Administrator with the designated agency. The current subsection reads as follows:

(3) Issuance of Permits

Upon the filing of an application for a sign permit, the Zoning Administrator shall examine the plans and specifications, and as deemed necessary, may inspect the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of these regulations and other applicable codes, a permit may be issued. Any permit issued in accordance with this section shall automatically become null and void unless the work for which it was issued has visibly been started within 6 months of the date of issue or if the work authorized by it is suspended or abandoned for one year.

The revised text shall read as follows:

(3) Issuance of Permits

Upon the filing of an application for a sign permit, Neighborhood Development or Engineering and Property Management (for signage associated with a commercial or planned multi-family project submitted to Engineering and Property Management for review) shall examine the plans and specifications, and as deemed necessary, may inspect the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of these regulations and other applicable codes, a permit may be issued. Any permit issued in accordance with this section shall automatically become null and void unless the work for which it was issued has visibly been started within 6 months of the date of issue or if the work authorized by it is suspended or abandoned for one year.

4. Amend Section 13.103, “Procedures”, subsection (5), “Final Inspection” by deleting reference to the Building Standards Department, and replacing it with the designated agency. Add the option that a City agency may, at its discretion, initiate a final inspection of a sign, if the permit holder does not notify the City of the completion of the sign. The current subsection reads as follows:

Section 13.103. Procedures.

(5) Final Inspection

Upon notification of completion by the permit holder, the Building Standards Department shall make a final inspection of the sign to verify conformance with applicable codes.

The revised subsection shall read as follows:

Section 13.103. Procedures.

(5) Final Inspection

Upon notification of completion by the permit holder, Neighborhood Development or Engineering and Property Management (for signage associated with a commercial or planned multi-family project submitted to Engineering and Property Management for review), shall make a final inspection of the sign to verify conformance with applicable codes.

5. Amend Section 13.104, “General provisions”, subsection (3), “Maintenance of signs” by replacing the term “Zoning Administrator with “Neighborhood Development”. The current subsection reads as follows:

(3) Maintenance of Signs

All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance. The Zoning Administrator shall enforce this provision in accordance with Section 13.113 of these regulations.

The revised section shall read as follows:

(3) Maintenance of Signs

All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance. Neighborhood Development shall enforce this provision in accordance with Section 13.113 of these regulations.

6. Amend Section 13.106, “Signs not requiring a permit”, subsection (8)(c), “Campaign or Election signs” by replacing “Buildings Standards” with “Neighborhood Development”.

The current section reads as follows:

Section 13.106. Signs not requiring a permit.

- (c) Prior to the erection of any campaign or election sign, the candidate or an authorized representative shall post a bond with Building Standards in the amount of \$50.00 guaranteeing the removal of such signs within 7 days after the election for which they are used;

The revised section shall read as follows:

Section 13.106. Signs not requiring a permit.

- (c) Prior to the erection of any campaign or election sign, the candidate or an authorized representative shall post a bond with Neighborhood Development in the amount of \$50.00 guaranteeing the removal of such signs within 7 days after the election for which they are used;

- 7. Amend Section 13.107, “Temporary signs and banners requiring permits”, subsection (2) “Off-premise Major Event Banners”, subsection (g) and (i) by replacing the term “Zoning Administrator with “Neighborhood Development” . The current subsection reads as follows:

- (g) A banner permit from the Zoning Administrator is required for each major event, or seasonal event. If sports related, each game or competition shall be considered a separate event. Seasonal events such as regional team sporting events (i.e. Bobcats, Panthers, Checkers, etc.) may be issued one permit for the season.
- (i) Due to the short-term nature of banners, any violation of the provisions of these regulations shall be cited by the Zoning Administrator. A one-day warning notice of violation requesting immediate compliance will be issued first. Citations can then be issued for any violation that has not been corrected.

The revised subsections shall read as follows:

- (g) A banner permit from Neighborhood Development is required for each major event, or seasonal event. If sports related, each game or competition shall be considered a separate event. Seasonal events such as regional team sporting events (i.e. Bobcats, Panthers, Checkers, etc.) may be issued one permit for the season.
- (i) Due to the short-term nature of banners, any violation of the provisions of these regulations shall be cited by Neighborhood Development. A one-day warning notice of violation requesting immediate compliance will be issued first. Citations can then be issued for any violation that has not been corrected.

8. Amend Section 13.110, “Creation of Special Sign Regulations”, subsection (3), “Off-premise Directional Development Signs”, subsection (a), Application Requirements”, subsection (i) by replacing the term, “Zoning Administrator” with “Neighborhood Development”, and replace “county” with “city”. The current section reads as follows:

- (a) Application Requirements: The applicant for a directional sign permit shall submit complete and accurate information to the Zoning Administrator, including:
 - i. A form statement prepared by the Zoning Administrator and signed by the owner of the parcel of property upon which the sign shall be located, consenting to and authorizing the location of the sign on the premises and the right of authorized County Officials or a designee to enter the property to remove a sign which is in violation of these regulations.

The revised text shall read as follows:

- (a) Application Requirements: The applicant for a directional sign permit shall submit complete and accurate information to Neighborhood Development, including:
 - i. A form statement prepared by Neighborhood Development and signed by the owner of the parcel of property upon which the sign shall be located, consenting to and authorizing the location of the sign on the premises and the right of authorized City Officials or a designee to enter the property to remove a sign which is in violation of these regulations.

9. Amend Section 13.110, “Creation of Special Sign Regulations”, subsection (3)(b), “Inspection and conditional approval” by replacing the term, “Zoning Administrator” with “Neighborhood Development”. [NOTE: The items listed under subsection (b) remain unchanged]. The current section reads as follows

- (b) Inspection and conditional approval: If the Zoning Administrator or his designee is satisfied that the applicant has submitted complete and accurate information as required by these provisions, then the Zoning Administrator shall notify the applicant that he/she has priority for that location and has 30 days to submit the following information for the issuance of the permit if not already submitted with (a) above:

The revised subsection shall read as follows:

- (b) Inspection and conditional approval: If Neighborhood Development is satisfied that the applicant has submitted complete and accurate information as required by these provisions, then Neighborhood **Development** shall notify the applicant that he/she has priority for that location and has 30 days to submit the following information for the issuance of the permit if not already submitted with (a) above:

10. Amend Section 13.110, “Creation of Special Sign Regulations”, subsection (3), “Off-premise Directional Development Signs”, subsection (ii), “Construction of Sign” by replacing the term, “Zoning Administrator” with “Neighborhood Development”. The current section reads as follows

ii. Construction of Sign

The signs shall be constructed of all-heart grade A wood or of aluminum having a minimum thickness of .090 with the overall depth of the sign frame no less than 3 inches. Copy on wood signs shall be either routed or sandblasted into the face panels. Copy on aluminum signs shall be either routed into the sign or shall be made of vinyl having a minimum five-year durability rating.

To implement the requirements for the aesthetic appearance and uniformity of directional signs, the Zoning Administrator shall have the authority to prepare diagrams illustrating the requirements stated above and, further, to adopt any necessary details within the scope of the requirements, herein, to achieve standardized, directional signs.

The revised text shall read as follows:

ii. Construction of Sign

The signs shall be constructed of all-heart grade A wood or of aluminum having a minimum thickness of .090 with the overall depth of the sign frame no less than 3 inches. Copy on wood signs shall be either routed or sandblasted into the face panels. Copy on aluminum signs shall be either routed into the sign or shall be made of vinyl having a minimum five-year durability rating.

To implement the requirements for the aesthetic appearance and uniformity of directional signs, Neighborhood Development shall have the authority to prepare diagrams illustrating the requirements stated above and, further, to adopt any necessary details within the scope of the requirements, herein, to achieve standardized, directional signs.

11. Amend Section 13.110, “Creation of Special Sign Regulations”, subsection (h), “Posting of bond and removal of sign” and subsection (i), “Bond and indemnification” by replacing the term, “Zoning Administrator” with “Neighborhood Development”, and replacing “county” with “city”. [NOTE: The items listed under subsection (b) remain unchanged]. The current section reads as follows:

- (h) Posting of bond and removal of sign: If the Zoning Administrator determines that there is a violation of these provisions, he shall issue a notice for violation to the permit holder. If the violation is not corrected or there has been no reversal of the decision of the Zoning Administrator by the Zoning Board of Adjustment or by any Court, then the Zoning Administrator shall have the authority to engage an independent contractor to remove the sign and pay for the removal of such signs from the bond. The sign may be removed for any of the following reasons:

- (i) Bond and indemnification: The Zoning Administrator shall have the authority to set an amount for a cash bond double the estimated reasonable cost for the removal, the transporting, and the possible storage of a directional sign. Bonds shall be refunded to a permit holder when the permit holder removes the sign.

The applicant shall sign a hold harmless/indemnification statement on behalf of the County to hold the County harmless from any claim or dispute between the permit holder and a person seeking to have use of the directional sign when the dispute or legal matter in no way pertains to the County's Zoning Ordinance provisions.

The revised subsections shall read as follows:

- (h) Posting of bond and removal of sign: If Neighborhood Development determines that there is a violation of these provisions, a notice of violation shall be issued to the permit holder. If the violation is not corrected or there has been no reversal of the decision of Neighborhood Development by the Zoning Board of Adjustment or by any Court, then the Neighborhood Development shall have the authority to engage an independent contractor to remove the sign and pay for the removal of such signs from the bond. The sign may be removed for any of the following reasons:

- (i) Bond and indemnification: Neighborhood Development shall have the authority to set an amount for a cash bond double the estimated reasonable cost for the removal, the transporting, and the possible storage of a directional sign. Bonds shall be refunded to a permit holder when the permit holder removes the sign.

The applicant shall sign a hold harmless/indemnification statement on behalf of the City to hold the City harmless from any claim or dispute between the permit holder and a person seeking to have use of the directional sign when the dispute or legal matter in no way pertains to the City's Zoning Ordinance provisions.

- 12. Amend Section 13.110, "Creation of Special Sign Regulations", subsection (5), "Landmark Signs", subsection (c), "Designation", subsection (5) by replacing the term, "Zoning Administrator" with "Neighborhood Development". The current section reads as follows:

- (5) While a designated landmark sign shall be deemed to be in compliance with the zoning regulations, this Section 13.110 is not intended to prevent the Zoning Administrator from enforcing the zoning ordinance if the Zoning Administrator determines that there is a violation of any provisions, or the intent and purposes of any provisions of the zoning ordinance.

The revised text shall read as follows:

- (5) While a designated landmark sign shall be deemed to be in compliance with the zoning regulations, this Section 13.110 is not intended to prevent Neighborhood Development from enforcing the zoning ordinance if the Zoning Administrator, or another City agency determines that there is a

violation of any provisions, or the intent and purposes of any provisions of the zoning ordinance.

13. Amend Section 13.112, “Removal of Certain Signs””, subsection (1), “Nonconforming Signs”, subsection (b), “On-Premise Signs”, subsection (4) by replacing the term, “Zoning Administrator” with the designated agency. The current section reads as follows:

4. Any change in the existing use of the property requiring a change of use permit from the Zoning Administrator.

The revised section shall read as follows:

4. Any change in the existing use of the property requiring a change of use permit from Neighborhood Development or Engineering and Property Management.

14. Amend Section 13.112, “Removal of Certain Signs”, subsection (1), Nonconforming Signs”, subsection (d) by replacing the term, “Zoning Administrator” with “Neighborhood Development”. The current section reads as follows:

- (d) Normal maintenance of all nonconforming signs, including necessary nonstructural repairs, incidental alterations, or copy alterations which do not extend or intensify the nonconforming features of the sign, shall be permitted during the amortization period for such sign. However, no structural alteration, enlargement, or extension shall be made to a nonconforming sign unless the alteration, enlargement, or extension will result in the elimination of the nonconforming features of the sign or by an order of the Zoning Administrator to ensure the safety of the structure.

The revised section shall read as follows:

- (d) Normal maintenance of all nonconforming signs, including necessary nonstructural repairs, incidental alterations, or copy alterations which do not extend or intensify the nonconforming features of the sign, shall be permitted during the amortization period for such sign. However, no structural alteration, enlargement, or extension shall be made to a nonconforming sign unless the alteration, enlargement, or extension will result in the elimination of the nonconforming features of the sign or by an order of Neighborhood Development to ensure the safety of the structure.

15. Amend Section 13.113, “Enforcement”, subsection (1) Inspections and Investigations” and (2), “Citations” by replacing the term, “Zoning Administrator” with “Neighborhood Development”. The current section reads as follows:

Section 13.113. Enforcement.

(1) Inspections and Investigations

- (a) The Zoning Administrator will periodically inspect signs in order to determine whether there are any violations of this

Ordinance.

- (b) The Zoning Administrator shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in these regulations, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting signs. No person shall refuse entry or access to any authorized representative of the Zoning Administrator who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.
- (c) The Zoning Administrator may require written statements, or the filing of reports with respect to pertinent questions relating to signs.

(2) Citations

If, through inspection, it is determined that a person has failed to comply with the provisions of these regulations, the Zoning Administrator shall issue a warning citation to the violator. Violations shall be corrected within ten days of the issuance of such citation. If the violation is not corrected within the specified time period, the violator is subject to Section 8.105, 'Citations', of this Ordinance, which is incorporated by reference herein as if fully stated.

The revised section shall read as follows:

Section 13.113. Enforcement.

(1) Inspections and Investigations

- (a) Neighborhood Development will periodically inspect signs in order to determine whether there are any violations of this Ordinance.
- (b) Neighborhood Development shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in these regulations, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting signs. No person shall refuse entry or access to any authorized representative of Neighborhood Development or Engineering and Property Management who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such

representative while in the process of carrying out his official duties.

- (c) Neighborhood Development may require written statements, or the filing of reports with respect to pertinent questions relating to signs.

(2) Citations

If, through inspection, it is determined that a person has failed to comply with the provisions of these regulations, Neighborhood Development shall issue a warning citation to the violator. Violations shall be corrected within ten days of the issuance of such citation. If the violation is not corrected within the specified time period, the violator is subject to Section 8.105, 'Citations', of this Ordinance, which is incorporated by reference herein as if fully stated.

16. Amend Section 13.114. "Variances and Appeals", subsection (7) by deleting the section in its entirety since the section has expired as of 4-1-98. The current section reads as follows:

- (7) Pursuant to G.S. § 160A-361(7), the City Council designates the Mecklenburg County Zoning Board of Adjustment as a planning agency, authorized and directed to grant variances pursuant to § 13.114(1)-(3) and (5) and one-time extensions not to exceed two years pursuant to § 13.114(4) with respect to signs within the corporate limits of the City of Charlotte that do not comply with the regulations of Chapter 13 and are subject to the 8-year amortization period of § 13.112(1)(a).

This designation and authorization of the County Board shall not affect in any way the jurisdiction of the City Board. The City Board shall have the authority to adopt guidelines for the City Board clerk in assigning applications with respect to the above-referred to signs to the City or County Board.

Notwithstanding any ordinance provision or rules of procedure to the contrary, the Zoning Administrator shall have the authority to designate in the notice the time within which applications must be timely and properly filed being no less than 60 days and no more than 120 days from the date of the notice.

Any appeals from the County Board to superior court for City applications shall be pursuant to G. S. § 160A-388(e). This subsection (7) shall automatically expire as of April 1, 1998.

The revised section shall read as follows:

- (7) (Reserved, expired as of April 1, 1998)

L. CHAPTER 14, SPECIAL USE PERMITS

1. PART 3: CANCELLATION BY SURRENDER AND TERMINATION, MODIFICATION AND REVOCATION OF SPECIAL USE PERMITS

- a. Amend Section 14.304, “Revocation”, subsection (1) by replacing “Zoning Administrator” with the designated agency. The current section reads as follows:

- (1) The Zoning Administrator will have the authority to issue a notice of violation of a special use permit. The notice of violation will provide 30 days to correct the violation. If the violation is not corrected to the satisfaction of the Zoning Administrator, then the Zoning Administrator has the authority to send a letter of revocation of the special use permit. The owner of the property will have 30 days from receipt of the letter of revocation of the special use permit to appeal the violation determination to the Zoning Board of Adjustment.

Subsequent to the completion of any appeals provided for in pertaining to the revocation of a special use permit, the special use for which the special use permit was granted must cease and the future use of the property must be in conformance with the standards of this ordinance for the district where the property is located. Any use or development of the property commenced pursuant to the special use permit must conform or be brought into conformance with the standards of the district where the property is located.

The revised section shall read as follows:

- (1) The Director of the Charlotte-Mecklenburg Planning Commission, or his or her designee, will have the authority to issue a notice of violation of a special use permit. The notice of violation will provide 30 days to correct the violation. If the violation is not corrected to the satisfaction of the Planning Director, then the Planning Director, or his or her designee, has the authority to send a letter of revocation of the special use permit. The owner of the property will have 30 days from receipt of the letter of revocation of the special use permit to appeal the violation determination to the Zoning Board of Adjustment.

Subsequent to the completion of any appeals provided for in pertaining to the revocation of a special use permit, the special use for which the special use permit was granted must cease and the future use of the property must be in conformance with the standards of this ordinance for the district where the property is located. Any use or development of the property commenced pursuant to the special use permit must conform or be brought into conformance with the standards of the district where the property is located.

M. CHAPTER 15: SUBJECT INDEX.

1. Amend the Subject Index by changing the following entries as follows:

a. Delete the following entries:

Building Standards Department; powers and duties 3.502
see Zoning Administrator

Departments
Building Standards 3.502

b. Add a new entries to read as follows:

Neighborhood Development, powers and duties 3.502

Engineering and Property Management, powers and duties 3.511

N. TABLE OF CONTENTS

1. Amend the Table of Contents by replacing the entry in “Chapter 3”, Section 3.502. Renumber the pages accordingly. The current entry reads as follows:

3.502. Building Standards Department; powers and duties

The revised entries shall read as follows:

3.502 Neighborhood Development; powers and duties

3.511 Engineering and Property Management; powers and duties

O. APPENDIX 5: WATERSHED BUFFER GUIDELINES FOR MECKLENBURG COUNTY, NC.

1. PART I: GENERAL REQUIREMENTS AND PROHIBITIONS

a. Amend Section 2, “Requirements/Allowances”, subsection (d) by replacing “Building Standards” with the correct terminology. The current section reads as follows:

d. Shoreline stabilization is allowed as long as minimal disturbance of the existing buffer occurs. Other required permits for shoreline maintenance, dredging or filling, and dock construction (401/404 State permits, Duke Power, Building Standards) need to be obtained prior to construction.

The revised section shall read as follows:

d. Shoreline stabilization is allowed as long as minimal disturbance of the existing buffer occurs. Other required permits for shoreline maintenance, dredging or filling, and dock construction (401/404

State permits, Duke Power, Land Use and Environmental Services Agency) need to be obtained prior to construction.

Section 2. That this ordinance shall become effective on July 1, 2005.

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 20th day of
June, 2005, 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 the _____
day of _____, 2005.
