

Petition No. 2011-005

Petitioner: Charlotte-Mecklenburg Planning Commission

MAY 16 2011

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

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 6: AMENDMENTS

1. PART 1: Provisions of General Applicability

- a. Modify Section 6.110, "Hearing", by modifying subsection (3) to add regulations that make it unlawful to make land use decisions that discriminate based upon the fact that affordable housing is contained in the development. All other subsections remain unchanged. The revised subsection shall read as follows:

Section 6.110. Hearing.

- (1) No amendment shall be adopted until after the City Council has held a public hearing on the proposed amendment.
- (2) The hearing shall be conducted in accordance with rules and procedures adopted by City Council.
- (3) No proposed amendment shall be approved until the Planning Commission has made its written recommendations, or 30 days after the public hearing, whichever shall first occur. If the Planning Commission does not make a recommendation within 30 days after the petition has been referred to it, then the Planning Commission shall be considered to have made a favorable recommendation, unless action was taken to defer.

In making its written recommendation, the Planning Commission shall also advise and comment on whether the zoning petition is consistent with the purposes, goals, and objectives and policies of the adopted "Generalized Land Plan" and any amendment to that plan through an adopted district or area plan covering the subject property.

Per G.S. 41A-4 and G.S. 41-A-5(a), the Planning Commission, in making its written recommendation, shall not discriminate against affordable housing units for families or individuals with incomes below eighty percent (80%) of area median income. A written recommendation by the Planning Commission based on

