

**REQUEST** Text amendment to Cover, Table of Contents, Sections 1.104, 2.102, 2.201, 3.203, 3.501, 4.106, 5.113, 6.103, 6.104, 6.105, 6.107, 6.111, 6.112, 9.205, 9.406, 10.101, 10.509, 10.606, 10.609, 10.706, 10.710, 10.904, 10.912, 10.913, 11.308, 11.405, 12.103, 12.108, 12.513, 12.514, 12.803, 12.806, 13.110, 14.304, Appendix 2, and the Index of the Zoning Ordinance

**SUMMARY OF PETITION** The petition proposes to:  
 1) replace the term, "Planning Commission" with "Planning Department", when referring to the Charlotte-Mecklenburg Planning Department staff;  
 2) remove expired language regarding errors on the zoning maps;  
 3) clarify the existing authority of the Zoning Administrator involving interpretation of information on zoning maps, and the existing authority of the Board of Adjustment as the body that hears appeals of the Zoning Administrator's interpretation; and  
 4) remove the term "Planning Commission" where it is redundant.

**PETITIONER** Charlotte-Mecklenburg Planning Department  
**AGENT/REPRESENTATIVE** Charlotte-Mecklenburg Planning Department

**COMMUNITY MEETING** Meeting is not required.

**STATEMENT OF CONSISTENCY** This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Griffith seconded by Commissioner Johnson).

**ZONING COMMITTEE ACTION** The Zoning Committee voted unanimously to recommend **APPROVAL** this petition, with the following modifications:  
 1. Add "Charlotte-Mecklenburg Planning Department" and "Charlotte-Mecklenburg Planning Commission" on the cover of the Zoning Ordinance.  
 2. Remove "Planning Commission" and "Planning Department" from Sections 6.103 and 10.904, which describes who can initiate amendments to the Zoning Ordinance. Both are considered to be "non-owners" which is currently covered in both sections.  
 3. Do not make any changes to Section 10.202, concerning the designation of Historic District Boundaries. Studies and reports prepared by the Historic District Commission are referred to the Planning Commission for review and comment.

**VOTE**

Motion/Second:	Firestone/Johnson
Yeas:	Griffith, Firestone, Johnson, Phipps, and Zoutewelle
Nays:	None
Absent:	Allen, Dodson, and Rosenburgh
Recused:	None

**ZONING COMMITTEE DISCUSSION** At the request of the Zoning Committee, staff asked Terrie Hagler-Gray, Senior Assistant City Attorney to review the text amendment to answer questions posed by the Committee at their last meeting. The questions asked were:

1. Does the text amendment usurp any of the powers or duties of the Planning Commission?
2. Does the text amendment expand any of the powers or duties of the Planning Department?
3. Does the text amendment change any of the duties or responsibilities of the Zoning Administrator or Board of Adjustment.

Ms. Hagler-Gray referred Committee members to a memo she prepared and distributed at the meeting. She responded that with the exception of several additional changes or exceptions, the text amendment makes corrections and clarifications to the duties that are characterized as administrative or professional functions of the Planning Department, rather than the Planning Commission. The text amendment also rids the Zoning Ordinance of inconsistencies and errors. The changes are technical in nature and do not substantially amend the Ordinance in a way that expands the powers and duties of the Planning Department or usurps the powers and duties of the Planning Commission. Likewise, she noted the changes made in the language surrounding the Zoning Administrator and Board of Adjustment are corrections and clarifications that do not change their roles or responsibilities.

She summarized that the text amendment should make the Ordinance more clear, understandable, and accurate with respect to the administrative and professional functions of the Planning Department as staff support to the Planning Commission, and the advisory function of the Planning Commission.

She did recommend several modifications to the text amendment. First, the cover of the Zoning Ordinance should include a reference to both the Planning Commission and the Planning Department.

She also recommended the removal of references to the "Planning Commission" and "Planning Department" in Sections 6.103 and 10.904. Both these sections describes who can initiate rezoning or text amendments to the Zoning Ordinance. She stated that both the Planning Commission and Planning Department are considered to be "non-owners". Both sections currently reference "non-owners" as having the ability to initiate any amendment.

And last, she recommended that no changes should be made to Section 10.202, concerning the designation of Historic District Boundaries. Studies and reports prepared by the Historic District Commission are referred to the Planning Commission for review and comment.

Additional information is provided in her memo clarifying the roles and responsibilities of the Planning Commission and the Planning Department as two separate entities.

The Commissioners who asked for attorney guidance with the text amendment stated that they were satisfied with her response and satisfied with the text amendment, with the added changes noted by Ms. Hagler-Gray. Ms. Hagler-Gray was asked to e-mail her notes to the members, which she agreed to do.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Background**
  - The Zoning Ordinance refers to Planning staff as "Planning Commission staff", and "Planning Commission".  
The name of the Planning Department was changed from "Charlotte-Mecklenburg Planning Commission" to "Charlotte-Mecklenburg Planning Department" in 2008.

- **Proposed Request Details**

- The text amendment contains the following provisions:
  - Replaces the term, "Planning Commission" with "Planning Department" when referring to the Charlotte-Mecklenburg Planning Department staff.
  - Updates the name of the Planning staff from "Planning Commission staff" to "Planning Department staff".
  - Removes expired language regarding the time period and process citizens could use to address alleged errors on the zoning maps that were adopted in 1992. Citizens were given until January 1, 1997 to challenge zoning map information.
  - Clarifies the existing authority of the Zoning Administrator involving interpretation of information on zoning maps, and the existing authority of the Board of Adjustment as the body that hear appeals of the Zoning Administrator's interpretation.
  - Removes redundant references.

- **Public Plans and Policies**

- The petition is consistent with adopted policy.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** Not applicable.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No comments received.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:**
    - There is no site plan associated with this text amendment.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

**Planner:** Sandra Montgomery (704) 336-5722