

Petition No. 2012-020
Petitioner: Charlotte-Mecklenburg Planning Department

**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. COVER

1. Amend the Cover of the Zoning Ordinance by replacing the term “Planning Commission with “Planning Department”. The remaining text remains unchanged. The revised text shall read as follows:

Prepared by:

CHARLOTTE-MECKLENBURG PLANNING ~~COMMISSION~~ DEPARTMENT
600 E. Fourth Street (8th Floor)
Charlotte, North Carolina
(704)-336-2205
www.rezoning.org

B. TABLE OF CONTENTS

1. Amend the Table of Contents, Part 5, “Professional Staff” by replacing the term “Planning Commission with “Planning Department”. The remaining text remains unchanged. The revised text shall read as follows:

Part 5. Professional Staff

3.501.....Planning ~~Commission~~ Department Staff; powers and duties

C. CHAPTER 1: PURPOSE AND APPLICABILITY

1. Amend Section 1.104, “Zoning Maps” by replacing the term “Planning Commission with “Planning Department” in three instances. The remaining text remains unchanged. The revised text shall read as follows:

Section 1.104. Zoning Maps.

The City Council, upon the recommendation of the Planning Commission,

may adopt a series of Zoning Maps, which shall set out and delineate the zoning districts established in Chapters 9, 10, and 11 for all land within the jurisdiction of these regulations. These Zoning Maps are produced from the Planning Commission's Department's digital zoning database stored in the Geographical Information System (GIS). The Zoning Maps and the Planning Commission's Department's digital zoning database stored in the GIS are hereby designated, established, and incorporated as a part of these regulation and the originals thereof, which are on file at the offices of the Planning Commission Department, shall be as much a part of these regulations as if they were fully described in these regulations. The Zoning Maps shall be reviewed and may be amended from time to time through the amendment process, as provided in Chapter 6 of these regulations, to be consistent with the objectives and policies of the "Generalized Land Plan", district plans, area plans, and other public policies related to land development adopted by the City Council provided, however, that nothing herein shall limit the authority of the City Council to approve any petition for reclassification of property in accordance with the procedures set out in the "District Plan General Policies", as the same may be amended from time to time.

D. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. Amend Section 2.102, "Interpretation of Zoning Maps" by deleting provisions that expired approximately 15 years ago [five years after the Zoning Maps were adopted (1990-1991)], and replacing it with updated information.
 - (8) ~~Interpretation of information on the zoning maps will be made by the Zoning Administrator. Appeals of the Zoning Administrator's interpretation may be made to the Board of Adjustment. If it is alleged by any party that an error exists on the zoning maps with respect to any zoning district designation, zoning district boundary, special use permit or conditional district boundary, historical district boundary, the lines showing the effective dates of zoning enactment or any other matter with respect to the provisions of this ordinance relating to zoning information, the party may request a review of the alleged error by the Planning Commission.~~

The Zoning Administrator staff of the Planning Commission will evaluate any alleged map error using all available materials and records. These materials may include, but are not limited to, the following:

 - (a) The tax map, current or historic.
 - (b) Legal descriptions of properties or boundaries.
 - (c) Historical zoning maps.
 - (d) Zoning case history maps.

- (e) Tax records, current or historic.
- (f) Zoning and special use permit case files.
- (g) Official maps from other jurisdictions.
- (h) Topographic and planimetric maps and aerial photos.
- (i) Other documentable information.

~~The staff will report to the Planning Commission and present its findings regarding the alleged error. If the staff determines that an error exists as alleged, then the Planning Commission may institute a corrective map amendment at no cost to the complaining party. If the staff determines that no error exists, the complaining party may present evidence or documentation to the Planning Commission sufficient to overturn the finding of the staff. If the Planning Commission accepts the evidence of the complaining party and, thus, overturns the finding of the staff, the Planning Commission will institute a corrective map amendment. If the Planning Commission accepts the findings of the staff, no further action will be taken on the matter.~~

~~This provision for Planning Commission review of alleged map errors will be in effect for a period of five (5) years from the effective date of the adoption of the new zoning map set entitled "Charlotte-Mecklenburg County, North Carolina Zoning Maps." After that date, all matters involving interpretation of information on the zoning maps will be made by the Zoning Administrator and the Board of Adjustment.~~

2. Amend Section 2.201, "Definitions" by 1) adding "Planning Director", above the definition already provided, and 2) by replacing the term "Planning Commission with "Planning Department" in two instances. The remaining text remains unchanged. The revised text shall read as follows:

Planning Director.

The Planning Director of the staff of the Charlotte-Mecklenburg Planning ~~Commission~~ Department or his or her designee.

Zoning Administrator.

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

E. CHAPTER 3: DECISION-MAKING AND ADMINISTRATIVE BODIES

1. PART 2: PLANNING COMMISSION

- a. Amend Section 3.203, "Meetings, hearings and procedures", subsection

(5) by replacing the “office of the Planning Commission” with “office of the Charlotte-Mecklenburg Planning Department”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

- (5) The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating the fact that a member is absent or is excused from voting under the rules of the Commission, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Charlotte-Mecklenburg Planning Commission Department as public records.

2. PART 5: PROFESSIONAL STAFF

- a. Amend Section 3.501, “Planning Commission Staff; powers and duties” by modifying the reference from “Planning Commission Staff” to “Planning Department Staff” in the title, and in the first paragraph. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 3.501. Planning Department ~~Commission~~ Staff; powers and duties.

In addition to any authority granted to the Charlotte-Mecklenburg Planning Department 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:

F. CHAPTER 4: DEVELOPMENT APPROVAL

1. Amend Section 4.106, “Public notification process for certain land uses”, subsection (2), “Notification process” by replacing “Planning Commission” with “Planning Department”. The remaining subsections remain unchanged. The revised text shall read 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:
(Petition No. 2006-116 §4.106(2)(a, b, c, d), 01/16/07)

- (a) The Zoning Administrator, individually, or by and through his or her authorized designees in Engineering and Property

Management, Neighborhood Development, and Charlotte-Mecklenburg Planning ~~Department Commission~~, 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, or his or her authorized designees 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.

G. CHAPTER 5: APPEALS AND VARIANCES

1. Amend Section 5.113, "Appeal from Board of Adjustment" by replacing the term "Planning Commission" with "Planning Department" in subsections (1) and (3). Subsections (2), (4), and (5) remain unchanged. The revised text 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 ~~Department Commission~~. Upon the filing of the decision in the ~~Planning Department 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.
- (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 ~~Department Commission~~, by the Zoning Administrator, as stated above in Subsection (1), whichever is later.

H. CHAPTER 6: AMENDMENTS

1. PART 1: PROVISIONS OF GENERAL APPLICABILITY

- a. Amend Section 6.103, “Initiation” subsection (1) by adding “Planning Department” to the list of entities that may initiate an amendment.

Section 6.103. Initiation.

- (1) Any amendment, except for the reclassification of property to a conditional zoning district, may be initiated by the City Council, ~~or~~ Planning Commission, or Planning Department on its own motion, or by any owner of a legal interest in the property, anyone else authorized in writing to act on the owner's behalf, or by any non-owner in accordance with the procedures set forth below.

- b. Amend Section 6.104, “Preliminary meeting with staff” by replacing the term “Planning Commission” with “Planning Department”. The revised text shall read as follows:

Section 6.104. Preliminary meeting with staff.

Before filing a petition for the reclassification of property under Section 6.105, the petitioner shall meet with the Planning ~~Commission~~ Department staff to discuss the nature of the proposed reclassification, the standards for development under the existing and proposed classifications, and concerns that persons residing in the vicinity of the property may have regarding the proposed reclassification, if known.

- c. Amend Section 6.105, “Filing of petitions” subsection (1) by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 6.105. Filing of petitions.

- (1) A petition for reclassification of property or text amendment must be in a form prescribed by the Planning ~~Commission~~ Department and accompanied by the fee established by the City Council, and shall be filed with the Planning Director.

- d. Amend Section 6.107, “Staff review”, subsection (3) by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 6.107. Staff review.

- (3) The Planning Director, based on the Planning ~~Commission~~ Department staff's review of the

proposed amendment and incorporating or summarizing the reports of other agencies, shall deliver to the Planning Commission and City Council, prior to the scheduled hearing, a written report and recommendation setting forth whether the amendment should be granted or denied and the reasons for such recommendation.

- e. Amend Section 6.111, “Action by City Council”, subsection (1) by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 6.111. Action by City Council.

- (1) The City Council, after receiving the report and recommendation of the Planning Commission, shall consider the reports and recommendations of the Planning Commission, the ~~Planning Commission~~ Department staff, and other departments. Within a reasonable time the City Council shall either reject the proposed amendment or adopt an ordinance enacting the proposed amendment with or without modifications.

- f. Amend Section 6.112, “Effect of denial of petition” subsection (3) by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 6.112. Effect of denial of petition.

- (3) The City Council shall receive a report from the Planning ~~Commission~~ Department containing its recommendations on resubmission of the petition.

I. CHAPTER 9: GENERAL DISTRICTS

1. PART 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.205, “Development standards for single family districts”, subsection (4), “Special subdivision lot and yard requirements”, subsection (d), subsection (iv) by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.205. Development standards for single family districts.

- (iv) Preliminary subdivision plans submitted to the Planning ~~Commission~~ Department must indicate the

proposed location and configuration of dwellings, driveways and parking arrangements for each lot. A draft of the proposed encroachment and maintenance easements must be submitted for review;

2. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (1), “UR-1” , footnote “3” by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.406.
Urban Residential Districts; area, yard and height regulations.

³ Minimum setback: 14 feet minimum from back of existing or proposed curb, whichever is greater, or as specified in a City Council adopted streetscape plan for the streets that the project abuts. If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line will become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined by the Charlotte Department of Transportation in conjunction with the Planning ~~Commission~~ Department staff.

- b. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (2), “UR-2” , footnote “3” by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.406. Urban Residential Districts; area, yard and height regulations.

³ Minimum setback: 14 feet minimum from back of existing or proposed curb, whichever is greater, or as specified in a City Council adopted streetscape plan for the streets that the project abuts. If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line will become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined by the Charlotte Department of Transportation in conjunction with the Planning ~~Commission~~ Department staff.

However, if new construction incorporates an existing structure located within the required setback, the setback for the addition may be reduced to the established setback but in no event be less than 10 feet from the back of the existing curb.

- c. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (3), “UR-3” , footnote “3” by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.406. Urban Residential Districts; area, yard and height regulations.

³ Minimum setback: 14 feet minimum from back of existing or proposed curb, whichever is greater, or as specified in a City Council adopted streetscape plan for the streets that the project abuts. If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line will become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined by the Charlotte Department of Transportation in conjunction with the Planning ~~Commission~~ Department staff. However, if new construction incorporates an existing structure located within the required setback, the setback for the addition may be reduced to the established setback but in no event be less than 10 feet from the back of the existing curb.

For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented. All new transformer vaults, utility structures, air vents, backflow preventers, or any other similar devices, including such facilities when located below grade, must be behind the setback. No new doors shall be allowed to swing into the setback except emergency exit doors.

- d. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (4), “UR-C” , footnote “3” by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.406. Urban Residential Districts; area, yard and height regulations.

Minimum setback: 14 feet minimum from back of existing or proposed curb, whichever is greater, or as specified in a City Council adopted streetscape plan for the streets that the project abuts. If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line will become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined by the Charlotte Department of Transportation in conjunction with the Planning ~~Commission~~ Department staff. However, if new construction incorporates an existing structure located within the required setback, the setback for the addition may be reduced to the established setback but in no event be less than 10 feet from the back of the existing curb

- e. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (5), “Transportation corridor rights-of-way” by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.406. Urban Residential Districts; area, yard and height regulations.

- (5) Transportation corridor rights-of-way. The requirements for transportation corridor rights-of-way in an urban area may vary due to patterns of existing rights-or-way, existing development, traffic movements and intersection design. In order to assure that adequate land is available to accommodate future public transportation corridor improvements, right-of-way must be protected. All development and uses in the district, except renovated and/or rehabilitated buildings, must reserve and keep free of development the necessary rights-of-way, which abut the property. The necessary rights-of-way will be determined on a case-by-case basis by the Charlotte Department of Transportation and the Charlotte-Mecklenburg Planning ~~Commission~~ Department staff. In making their determination these agencies will be guided by the adopted Central Area Plan and by the approved streetscape plan for the street if such a plan has been adopted. However, the absence of an adopted streetscape plan does not relieve the requirement for the necessary right-of-way to be reserved.

J. CHAPTER 10: OVERLAY DISTRICTS

1. PART 1: PURPOSE

- a. Amend Section 10.101, “Purpose” by adding the term “Planning Department” to the list of entities that can initiate an overlay district. The revised text shall read as follows:

Section 10.101. Purpose.

Overlay Districts are zoning districts, which are applied only in conjunction with other zoning districts, and may grant additional use or development requirements upon the underlying zoning districts. The effect is to have both the overlay district and the underlying zoning controlling the use and development of a lot. Overlay Districts are applicable on an area wide basis to support specific public policy objectives and should be consistent with the Generalized Land Plan, District Plans and Area Plans. Overlay districts may be applied to general and conditional districts. An overlay district may be initiated as an amendment by the City Council, Planning Commission, Planning Department, or property owner.

2. PART 2: HISTORIC DISTRICTS

- a. Amend Section 10.202, Designation of Historic Districts by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 10.202. Designation of Historic Districts.

- (6) With respect to any changes in the boundaries of such district subsequent to its initial establishment or the creation of additional districts within the City, the investigative studies and reports shall be prepared by the Historic District Commission and shall be referred to the Charlotte-Mecklenburg Planning Department ~~Commission~~ for its review and comment. Changes in the boundaries of an initial district or proposals for additional districts shall also be submitted to the Department of Cultural Resources in accordance with the provisions stated above.

3. PART 5: MOUNTAIN ISLAND LAKE WATERSHED OVERLAY

- a. Amend Section 10.509, “High Density Option” subsection (1), “High Density Permit Application”, subsection “B”, “Application for a High Density Development Permit”, subsection (1) by replacing the term

“Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 10.509. High Density Option.

1. Development plans subject to the Subdivision Ordinance and the Sediment and Erosion Control Ordinance and reviewed through the Charlotte-Mecklenburg Planning ~~Commission~~ Department will submit the High Density Development Permit to the Subdivision Administrator as part of the subdivision review application process.

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

- a. Amend Section 10.606, “Development Standards for the Catawba River/Lake Wylie Watershed Overlay”, Footnote (2) to Chart 10.606.1(A3) and 10.606.2(A3) by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections and footnotes shall remain unchanged. The revised text shall read as follows:

Section 10.606. Development Standards for the Catawba River/Lake Wylie Watershed Overlay.

Footnotes to Chart 10.606.1(A3) and 10.606.2(A3)

- (2) Percentages apply on an individual lot basis for lots of record established on or before June 21, 1993. Lots of record established thereafter will be subject to these percentages unless otherwise specified on a recorded plat or on a subdivision plan approved by the Planning Department ~~Commission~~.

- b. Amend Section 10.609, “High Density Option” subsection (1), “High Density Permit Application”, subsection “B”, “Application for a High Density Development Permit”, subsection (1) by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 10.609. High Density Option.

1. Development plans subject to the Subdivision Ordinance and the Sediment and Erosion Control Ordinance and reviewed through the Charlotte-Mecklenburg Planning Department ~~Commission~~ will submit the High Density Development Permit to the Subdivision Administrator as part of the subdivision review application process.

5. PART 7: LOWER LAKE WILEY WATERSHED OVERLAY

- a. Amend Section 10.706, “Development Standards for the Lower Lake Wylie Watershed Overlay”, footnote (2) to Chart 10.706.1 and 10.706.2, by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 10.706. Development Standards for the Lower Lake Wylie Watershed Overlay.

Footnotes to Chart 10.706.1 and 10.706.2

- (2) Percentages apply on an individual lot basis for lots of record established on or before the effective date of these regulations. Lots of record established thereafter will be subject to these percentages unless otherwise specified on a recorded plat or on a subdivision plan approved by the Charlotte-Mecklenburg Planning Department ~~Commission~~.

- b. Amend Section 10.710, “High Density Option” subsection (1), “High Density Permit Application”, subsection “B”, “Application for a High Density Development Permit”, subsection (i) by replacing the term “Planning Commission” with “Planning Department”. All remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 10.710. High Density Option.

- i. Development plans subject to the Subdivision Ordinance and the Sediment and Erosion Control Ordinance and reviewed through the Charlotte-Mecklenburg Planning ~~Department-Commission~~ will submit the High Density Development Permit to the Subdivision Administrator as part of the subdivision review application process.

6. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

- a. Amend Section 10.904, “Rezoning to a Transit Supportive District (TS)”, by adding the term “Planning Department” to the list of entities that can initiate a TS zoning reclassification. The revised text shall read as follows:

Section 10.904. Rezoning to a Transit Supportive Overlay District (TS).

As per Section 6.103(1), any amendment for the reclassification of property to a TS zoning district may be initiated by the City Council, the Planning Commission, the Planning Department, on its own motion, by any owner with a legal interest in the property, by anyone authorized in writing to act on the owner's behalf, or by any non-owner in accordance with the procedures set forth in Chapter 6. However, the property must be located within 1 mile of a rapid transit station that is included in a project for which the Federal Transit Administration (FTA) has issued a Record of Decision or be located within the boundaries of a Council adopted transit station area plan.

- b. Amend Section 10.912, "Transit Supportive Overlay District (Optional)", subsection (2), "Application" by replacing the term "Planning Commission" with "Planning Department". All remaining subsections shall remain unchanged. The revised text shall read as follows

Section 10.912. Transit Supportive Overlay District (Optional).

- (2) Application. Petitions for a zoning map amendment to establish a TS-O shall be submitted to the Charlotte-Mecklenburg Planning Department ~~Commission~~. In order to expedite the rezoning process, TS-O applications shall not count toward the maximum number of cases that the City hears each month.

- c. Amend Section 10.913, "Preliminary review" by replacing the term "Planning Commission" with "Planning Department". The revised text shall read as follows:

Section 10.913. Preliminary review.

Applicants planning any development or redevelopment in a TS area are required to meet with the Charlotte-Mecklenburg Planning staff, Engineering and Property Management Department, and Charlotte Department of Transportation at two points in the design process: (1) during the conceptual design process in order that the staff may offer input into urban design objectives and (2) during the design development stage to ensure that the plans meet the desired objectives and the minimum standards for the district.

Building permits shall not be issued until the Planning Department ~~Commission~~ staff approves the proposal as in conformance with this ordinance.

K. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 3: MANUFACTURED HOUSING DISTRICT

- a. Amend Section 11.308, “Compliance with other regulations” by replacing the term “Planning Commission” with “Planning Department”. The revised text shall read as follows:

Section 11.308. Compliance with other regulations.

Preliminary plans and final plats for manufactured home or mobile home subdivisions shall be submitted to the Planning Department ~~Commission~~ for review and approval in accordance with the requirements of the Subdivision Ordinance.

- b. Amend Section 11.405, “Development Standards”, subsection (2) and (7) by replacing the term “Planning Commission” with “Planning Department”. All other subsections and text remain unchanged. The revised text shall read as follows:

Section 11.405. Development standards.

- (2) All principal buildings and structures located within the project area shall meet a minimum setback of 35 feet, a minimum side yard, and a minimum rear yard of 25 feet from any exterior property line. This minimum setback may be decreased under the prescribed conditions enumerated in subsection (7) below and approved by the Charlotte-Mecklenburg Planning Department ~~Commission~~ staff.

As long as the setbacks for principal buildings and structures are decreased as described in subsection (7), the setback for accessory parking may also be decreased accordingly. However, the accessory parking must remain behind the established building setback. All uses and structures may be considered by the Planning Commission for the innovative development options of subsection (3)(b) below.

- (7) The minimum setback of 35 feet as prescribed in subsection (2) above may be reduced to 14 feet from the back of the existing or proposed future curb, whichever is larger as determined by the Charlotte-Mecklenburg Planning Department ~~Commission~~ staff and the Charlotte Department of Transportation, if the following criteria are met:

L. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.103, “Requirements for lots along thoroughfares”, subsection (3)(b)(ii) by adding “Department” to

clarify the reference. All remaining subsections remain unchanged.

Section 12.103. Requirements for lots along thoroughfares.

- (b) Any project, which had a site plan not requiring any additional right-of-way, approved prior to May 1, 1989 either:
 - (i) by the Planning Commission and/or Planning Department ~~Staff~~; or
 - (ii) under the conditional zoning district and/or special use permit zoning processes of the Zoning Ordinance. However, any change in the site plan requiring a public hearing or the creation of a new parcel of land may subject the project, for which the site plan was revised, or the newly created parcel of land to the provisions of this ordinance.

- b. Amend Section 12.108, “Height limitations”, subsection (8)(g), “Public notification process for certain wireless communications transmission facilities”, subsection (3) “Notification process”, subsection (a) by replacing the term “Planning Commission” with “Planning Department”. All other subsections and text remain unchanged. The revised text shall read as follows:

Section 12.108. Height limitations.

- (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 Department ~~Commission~~ staff office, within one mile of the proposed facility site.

2. PART 5: SPECIAL REQUIREMENTS FOR SPECIAL USES.

- a. Amend Section 12.513, “Bus stop shelters”, subsection (2) by replacing the term “Planning Commission” with “Planning Department”. All other subsections and text remain unchanged. The revised text shall read as follows:

Section 12.513. Bus stop shelters.

- (2) A schematic plan must be submitted and approved by the Charlotte Department of Transportation and Planning Department ~~Commission~~ for the construction of a bus shelter. The plan must include the following information.
- b. Amend Section 12.513, “Bus stop shelters”, subsection (3)(b) by replacing the term “Planning Commission” with “Planning Department”. All other subsections and text remain unchanged. The revised text shall read as follows:

Section 12.513. Bus stop shelters.

- (b) The plan has been approved by the Planning Department ~~Commission~~ regarding the integration of the shelter with the surrounding properties and its impact on nearby residential areas.
- c. Amend Section 12.514, “Equestrian oriented subdivisions”, subsection (6), by replacing the term “Planning Commission” with “Planning Department”. All other subsections and text remain unchanged. The revised text shall read as follows:

Section 12.514. Equestrian oriented subdivisions.

- 6) An equestrian oriented subdivision may be established through the submission of the subdivision plans to the Charlotte-Mecklenburg Planning Department ~~Commission~~. The Planning Department ~~Commission~~ will approve the plans in accordance with the provisions of this section, all applicable provisions of the Subdivision Ordinance of City of Charlotte and the additional standards listed below.
3. PART 8: S.W.I.M. (SURFACE WATER IMPROVEMENT AND MANAGEMENT)
STREAM BUFFERS

- a. Amend Section 12.803, “Applicability”, subsection (1)(c) by replacing the term “Planning Commission” with “Planning Department”. All other subsections and text remain unchanged. The revised text shall read as follows:

Section 12.803. Applicability.

- (c) Have been subdivided by a recorded subdivision plat, which had been approved by the Charlotte-Mecklenburg Planning Department ~~Commission~~.

- b. Amend Section 12.806, “Mitigation”, subsection (2), “Buffer impacts not requiring mitigation”, subsection (a) by replacing the term “Planning Commission” with “Planning Department”. All other subsections and text remain unchanged. The revised text shall read as follows:

Section 12.806. Mitigation.

- (a) Road crossings for connectivity or transportation links where the Charlotte-Mecklenburg Planning Department ~~Commission~~ has granted site plan approval.

M. CHAPTER 13: SIGNS

1. Amend Section 13.110, “Creation of Special Sign Regulations”, subsection (2) by replacing the term “Planning Commission” with “Planning Department”. All other subsections and text remain unchanged. The revised text shall read as follows:

Section 13.110. Creation of Special Sign Regulations.

- (2) Planned Development Flexibility Option

For the purpose of providing flexibility and incentives for coordinated, well designed signs systems for large scale development, special provisions varying the standards of these regulations may be approved by the Charlotte-Mecklenburg Planning Department ~~Commission~~ staff subject to the following:

N. CHAPTER 14: SPECIAL USE PERMITS

1. Amend Section 14.304, “Revocation”, subsection (1) by replacing the term “Planning Commission” with “Planning Department”. All other subsections and text remain unchanged. The revised text shall read as follows:

Section 14.304. Revocation.

- (1) The Director of the Charlotte-Mecklenburg Planning Department ~~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.

O. APPENDIX 2: ZONING MAPS CONVERSION PROCESS

1. Amend the second paragraph by replacing the term “Planning Commission” with “Planning Department”. All other text shall remain unchanged. The revised text shall read as follows:

The new zoning districts recommended in this ordinance will be applied to the zoning maps as a text amendment to this zoning ordinance. On the following page is a chart showing the proposed conversions.

Through the conversion, existing zoning districts are being changed to the most closely comparable zoning district (i.e., a district allowing similar uses, restrictions, densities, etc.) in the new zoning ordinance. However, all existing conditional zoning districts (including those districts which previously were described variously as conditional district, conditional use district, parallel conditional district, and parallel conditional use district) and special use permits with approved site plans will continue to exist with their adopted site plans controlling development on those properties except that the streetscape requirements for a pedestrian overlay district will be required. The one existing district, which is not convertible, is the R-1.0MF. The Planning ~~Commission~~ Department will initiate a rezoning to change properties in this district to a suitable district under the new zoning ordinance.

Newly created zoning districts, such as the NS and O-3, will not be applied as part of the conversion. These districts will be placed on the ground either through public initiated rezonings through the area planning process or private initiated rezoning petitions.

P. INDEX

1. Amend the entry, “Planning Commission staff”, to read “Planning Department Staff”. The revised entry shall read as follows:

Planning ~~Commission~~ Department Staff

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

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 ____ day of ____, 2012, 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 ____ day of _____, 2012.