

**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 3: DECISION-MAKING AND ADMINISTRATIVE BODIES

1. PART 3: BOARD OF ADJUSTMENT

- a. Amend Section 3.310, "Powers and Duties", subsection (5) by deleting the last sentence that does not allow the Board of Adjustment to have authority to consider variances related to the number of, or size of, permissible signs in a conditional district. The revised text shall read as follows:

- (5) The Board of Adjustment shall not have jurisdiction with respect to Section 6.201 Conditional Districts except as provided in this section. The Board of Adjustment shall have jurisdiction with respect to conditional districts if the request pertains to a variance from specified minimum requirements of the zoning ordinance and is filed with the Board prior to the approval of a conditional district. In addition the Board of Adjustment may also hear and decide on various petitions for approved conditional district plans on matters related to ordinance provisions which are not associated with specifically approved conditions of the plan that are more restrictive than minimum ordinance requirements. ~~At no time shall the Board of Adjustment have authority to consider a variance relating to the number of or size of permissible signs in a conditional district.~~

B. CHAPTER 5: APPEALS AND VARIANCES

1. Amend Section 5.101, "Authority of City of Charlotte", subsection (4) by deleting the last sentence that does not allow the Board of Adjustment to have authority to consider variances related to the number of, or size of, permissible signs in a conditional district. The revised text shall read as follows:

- (4) The Board of Adjustment shall not have jurisdiction with respect to Section 6.201 Conditional Zoning Districts except as provided in this section. The Board of Adjustment shall have jurisdiction with respect to conditional

zoning districts if the request pertains to a variance from specified minimum requirements of the zoning ordinance and is filed with the Board prior to the approval of a conditional zoning district. In addition the Board of Adjustment may also hear and decide on various petitions for approved conditional zoning district plans on matters related to ordinance provisions which are not associated with specifically approved conditions of the plan that are more restrictive than minimum ordinance requirements. ~~At no time shall the Board of Adjustment have authority to consider a variance relating to the number of or size of permissible signs in a conditional zoning district.~~

C. CHAPTER 9: GENERAL DISTRICTS

1. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8508, “Mixed Use Development District Optional”, by deleting the last sentence referring to variances. The revised section shall read as follows:

**Section 9.8508. Mixed Use Development District (Optional); purpose.**

The Mixed Use Development District (MUDD) establishes minimum standards for design and development in the uptown area. Those standards, however, might not at all times be appropriate to the particular development. Also, there might be unforeseen circumstances that the MUDD regulations do not address which impede appropriate site development.

MUDD-Optional is an alternative process that addresses new development concepts, innovative design, special problems, public/private ventures, and other unique circumstances that MUDD cannot accommodate. The MUDD standards, however, shall be guidelines for the development of MUDD-O rezoning petitions. ~~The Board of Adjustment shall not have jurisdiction to grant variances from the MUDD design standards.~~

2. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.908, “Uptown Mixed Use District (Optional); purpose” by deleting the last sentence referring to variances. The revised section shall read as follows:

**Section 9.908. Uptown Mixed Use District (Optional); purpose.**

The Uptown Mixed Use District (UMUD) establishes minimum standards for design and development in the uptown area. However, circumstances may arise which those regulations do not address or did not foresee. The Uptown Mixed Use District (Optional), or UMUD-O, is established to provide a mechanism to review and address new development concepts, innovative design, special

problems, public/private ventures, and other unique proposals or circumstances, which cannot be accommodated by the standards of the UMUD. The UMUD standards shall be guidelines in the development of UMUD-O rezoning petitions. ~~The Board of Adjustment shall not have jurisdiction to grant variances from the UMUD design standards.~~

3. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1211, “Board of Adjustment”, by deleting the title and text and replacing the title with “Reserved”. The revised section shall read as follows:

**Section 9.1211. Board of Adjustment Reserved**

~~The Board of Adjustment shall have no jurisdiction to grant variances from the development and urban design standards of Section 9.1208 and Section 9.1209. A deviation from a development or urban design standard, however, can be obtained as a result of administrative approval pursuant to Section 9.1210. The Board shall have no jurisdiction with respect to an interpretation of, or decision about the development standards found in Section 9.1208 or the urban design standards found in Section 9.1209 except as a result of notice of zoning violation for which an appeal can be filed to the Board.~~

D. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

- a. Amend Section 10.804, “Board of Adjustment” by deleting the title and text and replacing the title with “Reserved”. The revised text shall read as follows:

**Section 10.804. Board of Adjustment. Reserved**

~~The Board of Adjustment shall have no jurisdiction to grant variances from the development and urban design standards of Sections 10.812 and 10.813. A deviation from a development or urban design standard, however, can be obtained as a result of administrative approval pursuant to Section 10.803 or as a result of a Council approved Pedestrian Overlay District (Optional). The Board shall have no jurisdiction with respect to an interpretation of, or decision about, Section 10.812 or 10.813 development and urban design standards except as a result of notice of zoning violation for which an appeal can be filed to the Board.~~

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.