

**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 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: Definitions

- a. Amend Section 2.201, "Definitions" to include a definition for zoning districts in alphabetical order. The new definition shall read as follows:

Zoning Districts.

The term "zoning districts" refers to base or underlying zoning districts, overlay districts, and conditional districts.

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 2: Historic Districts

- a. Amend Section 10.201, "Purpose" by changing the title and amending the text to clarify that the Historic Overlay District regulations shall supersede the other zoning districts and overlay district regulations with respect to exterior design within historic districts only. The revised section shall read as follows:

Section 10.201. Purpose and Applicability

The purpose of a local historic district is to encourage the restoration, preservation, rehabilitation, and conservation of historically, architecturally, and archaeologically significant areas, structures, buildings, sites, and objects and their surroundings from potentially adverse influences which may cause the decline, decay, or total destruction of important historical, architectural, and archaeological features, which are a part of the City's heritage, and to review new construction design to ensure compatibility with the character of the district. The historic district will be applied as an overlay zoning district which will supersede ~~overlap~~ other ~~general or specialized~~ zoning districts

~~to ensure the~~ with respect to compatibility, context, and appropriateness of exterior design within the historic district.

2. PART 10: Pedestrian Overlay District

- a. Amend Section 10.803, “Development Standards” by amending the first paragraph to clarify that historic overlay district regulations and standards take precedent over the PED overlay district. The remainder of the section shall remain unchanged. The revision to the first paragraph shall read as follows:

Section 10.803. Development standards.

The following PED Overlay standards and requirements have precedence over the underlying zoning district standards and requirements, however, if the regulations of PED conflict with those of an Historic Overlay District, then the exterior design regulations/standards of the Historic Overlay District shall take precedence over the PED regulations/standards. The PED development standards shall apply to all buildings or uses in PED unless specified otherwise in Section 10.805.

- b. Amend Section 10.805, “Applicability” by amending the first paragraph to clarify that historic overlay district regulations and standards take precedent over the PED overlay district. The revised section and first paragraph shall read as follows. The remainder of the section shall remain unchanged.

Section 10.805. Applicability.

The PED will be applied to selected corridors as an overlay to existing zoning districts, but will not be applicable to the Mixed Use Development District (MUDD), Uptown Mixed Use District (UMUD), and the Neighborhood Services District (NS). If the regulations and standards of this Pedestrian Overlay District conflict with those of the underlying district, those of this overlay district shall apply. If the regulations and standards of this Pedestrian Overlay District conflict with those of an Historic Overlay District, then the exterior design regulations/standards of the Historic Overlay District shall take precedence over the PED regulations/standards.

- c. Amend Section 10.903, “Conflicts” by clarifying that historic overlay district regulations and standards take precedent over the TS overlay district. The revised section shall read as follows:

Section 10.903. Conflicts.

If the regulations and standards of this district conflict with those of the underlying district, those of this district shall apply. If the regulations and standards of this Transit Supportive Overlay District conflict with those of

an Historic Overlay District, then the exterior design regulations/ standards of the Historic Overlay District shall take precedence over the Transit Supportive Overlay District regulations/standards.

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 _____ 2007, 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 _____, 2007.
