


**ZONING ORDINANCE
TEXT AMENDMENT APPLICATION
CITY OF CHARLOTTE**

FY2010	
Petition #:	2010- 078
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Office Use Only	

Section #:	2.201	Definitions
	4.107	Delegated authority for development approval based upon existing conditions
	7.103	Nonconformities
	12.106	Uses and structures prohibited and allowed in required setbacks and yards

Purpose of Change:

This text amendment to the Zoning Ordinance adds a new definition for Heating, Ventilation, or Air Conditioning (HVAC) units and clarifies that they are considered to be part of the structure.

This amendment also revises the regulations to allow HVAC units to encroach into the required side or rear yard by no more than 50% of the required yard.

Name of Agent

Agent's Address

City, State, Zip

Telephone Number

Fax Number

E-Mail Address

Signature of Agent

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

600 East Fourth Street, Eighth Floor
Address of Petitioner(s)

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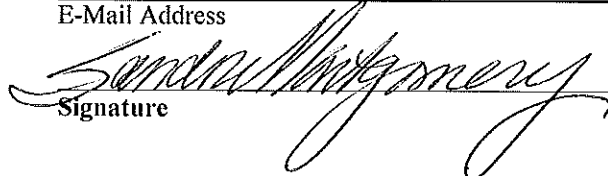
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Signature



9-2-2010

Petition #: 2010-
Petitioner: Charlotte-Mecklenburg Planning Department

ORDINANCE NO. _____

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

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", by adding a new definition for "Heating, ventilation or air conditioning equipment", in alphabetical order. The new definition shall read as follows:

Heating, Ventilation, or Air Conditioning Unit.

Equipment that is used to heat, cool, or ventilate a structure. Such equipment is considered to be part of the structure.

B. CHAPTER 4: DEVELOPMENT APPROVAL

1. Amend Section 4.107, "Delegated authority for development approval based upon existing conditions", subsection (2), "Yard, Buffers, and Appurtenant Encroachments" by 1) removing the term "appurtenant" from the title, 2) removing references to "air conditioning units" from the text and updating it to "heating, ventilation or air conditioning units", and 3) updating the name of various City Departments. The revised section shall read as follows:

(2) Yard, Buffers, and Appurtenant Encroachments.

The Zoning Administrator shall also have the administrative authority to approve deviations from yard and buffer requirements. To approve a deviation, the Zoning Administrator must determine that there has been a surveying error, a misunderstanding about a property line, an action of Land Use and Environmental Services Agency (LUESA), Neighborhood Development & Business Services, Engineering and Property Management, and/or the Planning Commission Department, or other similar basis that demonstrates an inadvertent error. Any approval for a reduction shall not exceed two feet, except an approval for air conditioning heating, ventilation, or air conditioning units, which shall not exceed three feet. The Zoning Administrator shall have the authority to apply subsection (1) or (2) but not both sections. The Zoning Administrator shall have the authority

to attach any condition for a fence, screening, or a similar requirement, if deemed necessary.

C. CHAPTER 7: NONCONFORMITIES

1. Amend Section 7.103, "Nonconforming structures" by adding a new subsection (9) to address nonconforming utility structures, backflow preventers, and heating, ventilation or air conditioning equipment. The new subsections shall read as follows:

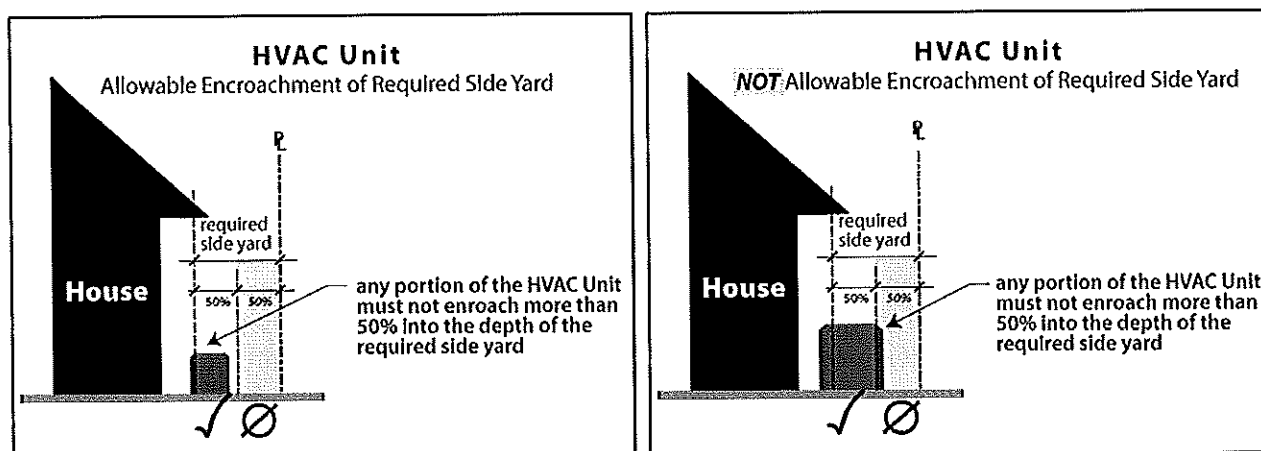
(9) An existing, nonconforming heating, ventilation, or air conditioning unit, backflow preventer, or accessory utility structure may be replaced provided the replacement structure does not increase the existing nonconforming side or rear yards. Nor may the replacement heating, ventilation, or air conditioning unit, backflow preventer or accessory utility structure exceed 42 inches in height if located in the required setback or the required side or rear yard along a public street.

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: Supplemental Development Standards

- a. Amend Section 12.106, "Uses and structures prohibited and allowed in required setbacks and yards", by adding a new subsection (2)(d) to allow heating, ventilation and air conditioning equipment to encroach into the required side or rear yard. All remaining subsections shall remain unchanged. The new subsection shall read as follows:

(d) Heating, ventilation, or air conditioning equipment are considered to be part of a structure and shall not be located in any setback, sight distance triangle, or required buffer or screening. Heating, ventilation, or air conditioning equipment may encroach into the required side yard or rear yard by no more than 50 percent of the required yard.



- b. Delete Section 12.112, "Existing Nonconforming Accessory Utility Structures" in its entirety. The regulations will be relocated into Chapter 7.

Section 12.112. Existing Nonconforming Accessory Utility Structures

~~(1) — An existing nonconforming accessory utility structure, such as a heating, ventilation, and air conditioning unit, or backflow preventer may be replaced provided the replacement structure does not increase existing nonconforming yards or separation distances or exceed 42 inches in height if located in the required setback or the required yard along a public street.~~

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 _____, 2010, 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 _____, 2010.
