

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 239

Short Title: Charlotte Zoning Bd. of Adjustment.

(Local)

Sponsors: Representatives Grimmer; Balmer, Barnhill, Cunningham, Diggs, Easterling, Foster, and McLaughlin.

Referred to: Government.

February 16, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE WITH
RESPECT TO THE ZONING BOARD OF ADJUSTMENT.

The General Assembly of North Carolina enacts:

Section 1. Section 6.184 of Chapter 713 of the 1965 Session Laws reads as
rewritten:

"Section 6.184. Zoning Board of Adjustment. ~~If the City Council should adopt a zoning ordinance covering the perimeter area, as authorized by law, the City Council shall create a Zoning~~ may provide for the appointment of a Board of Adjustment whose consisting of five members shall be appointed as follows: Five members shall be appointed by the City Council and shall be citizens and residents of the City of Charlotte; five members shall be appointed by the Mecklenburg County Board of Commissioners and shall be citizens and residents of the perimeter area. and three alternate members. Three of the members and two of the alternate members shall be appointed by the City Council and two members and one alternate member shall be appointed by the Mayor. Alternate members to serve on the Board in the absence of regular members will be appointed in the same manner and for the same term as regular members. While serving on the Board, alternate members will have the same powers and responsibilities as a regular member. Members shall be appointed for a term of three years and no member shall serve more than two full consecutive terms. Such ~~The Board of Adjustment shall have and exercise all of the powers, duties, and functions enumerated in Section 160-178-160A-388 of the General Statutes as the same are now or may hereafter be amended;~~ provided, however, that a majority vote of the members

1 of the Board shall be necessary to reverse any order, requirement, decision or
2 determination of any administrative official charged with enforcement of the zoning
3 ordinance or to decide in favor of the applicant any matter upon which it is required to
4 pass under any ordinance or to effect any variation from the provisions of the ordinance.
5 ~~Members shall be appointed for terms of three years and until their respective~~
6 ~~successors have been appointed and qualified; provided, that the initial appointees may~~
7 ~~be appointed to shorter terms of varying duration, to the end that the terms of no more~~
8 ~~than four members shall expire in any one year. There shall be a quorum of five~~
9 ~~members for the purpose of hearing cases. The concurring vote of four fifths of the~~
10 ~~members present for the hearing of any case shall be necessary in order (a) to reverse~~
11 ~~any order, requirement, decision or determination of any administrative official charged~~
12 ~~with enforcement of the zoning ordinance or (b) to decide in favor of the applicant any~~
13 ~~matter upon which it is required to pass under any such ordinance or (c) to effect any~~
14 ~~variation in such ordinance."~~

15 Sec. 2. This act is effective upon ratification.