

Special Meeting  
 September 17, 1946  
 Book 31 - Page 478

A special meeting of the City Council was held in the Council Chamber, City Hall, at 3 p.m., on Tuesday, September 17, 1946, due notice having been delivered to each Councilman as required by law, with Mayor Baxter presiding, and Councilmen Childs, Hinson, Johnston, McIntyre, Puette and White present.

Absent: Councilman Newson.

#### INVOCATION.

The invocation was given by Councilman Hinson.

#### PURPOSE OF MEETING.

Mayor Baxter announced that the meeting was called for the purpose of holding a public hearing in connection with the proposed Zoning Ordinance, due notice of said meeting having been advertised in The Charlotte News and The Charlotte Observer, as required under the State Enabling Act.

#### HEARING RELATIVE TO PROPOSED ZONING ORDINANCE.

Mr. Paul C. Whitlock, attorney, representing Dr. R. L. Pittman and Associates of Fayetteville, N. C., who recently purchased the old Court House Site on South Tryon Street for the erection thereon of a hotel building and probably other structures, expressed objection to the building set-back line provision of the zoning ordinance. He pointed out that East Third Street on which the property borders, is a closed end street at College Street, is made up of permanent buildings and the enforcement of the set-back requirement at this one location would not effect the desired purpose for a wider street.

Mr. Whitlock expressed the opinion that the establishment of a building setback line in the uptown area would be a mistake and would only deprive property owners of valuable lands without compensation.

Mr. Frank Thies, Chairman, Charlotte Planning Board, reviewed the history of the proposed Zoning Ordinance and its preparation by the Charlotte Planning Board and Zoning Commission. He referred particularly to the fact that provision is made in the ordinance whereby requests for relief from its requirements may be made to a Board of Appeals. He stated the Planning Board urged the adoption of the ordinance in its entirety, but should the Council find the set-back line provision objectionable, he urged that the remainder of the ordinance be adopted and the setback provision be eliminated.

Mr. C. W. Gilchrist, former Chairman of the Planning Board, urged the adoption of the ordinance as presented. He stated there was before the city the choice of two things - adopt the building set-back line provision along with the remainder of the ordinance, or set back Charlotte fifty years.

Mr. W. C. Davis, Attorney, who stated he represented several clients, opposed the adoption of the ordinance. He expressed the opinion that such an ordinance was unfair and that property owners should not be restricted as to the type of structures which could be erected on their property. He objected to the establishment of a Board of Appeals and expressed the opinion that such boards were un-American.

Special Meeting  
 September 17, 1946  
 Book 31 - Page 479

Mr. W. W. Hook, Architect, voiced the opinion that in a large measure the future progress of Charlotte was dependent upon the adoption of zoning laws. That the matter should be viewed from the stand-point of a long range progressive program rather than how it effects the citizens today. He urged the adoption of the ordinance, and commended the members of the Zoning Commission as a group of experts interested in the development of the city.

Mr. Dwight Phillips, Realtor and Developer, expressed his opposition to the ordinance. He expressed objection to being told what type of structures he could erect on property he owns. He stated that the ordinance in its present form would prohibit the development of his property on Lawyers Road with other than single family residences, while it had been his intention to erect a large apartment house thereon.

Mr. Carol Taliferro, Attorney, stated that in his opinion the building setback line provision of the ordinance as applied to the uptown area within five or six blocks of the Square is unfair, and probably unconstitutional as it would involve the confiscation of property without recompense to the property owners.

Mr. F. J. Robinson recommended that a Committee composed of at least twenty-five property owners in the uptown area be appointed to study and recommend relative to the ordinance.

Mr. Beaumert Whitton, member of the Charlotte Planning Board, stated he felt the adoption of the zoning ordinance was one more step in the progress of Charlotte. He cited numerous ordinances now in effect to which objections were registered before their adoption, namely, requirement that streets be 50 feet wide before the installation of water mains can be made; the ordinance prohibiting cows within 200 yards of a dwelling house; the ordinance providing that all dwelling houses must be constructed with screens - and that it is now a recognized fact that these requirements are for the betterment of Charlotte, the same as the adoption of the zoning ordinance would be.

Mr. Frank McCleneghan, Attorney, expressed the view that the ordinance should be adopted with the exception of the building setback line provision, which he thought was unfair and impractical. He stated that in his opinion thoroughfares should be constructed, or present thoroughfares widened, to take care of traffic, by the city and the property confiscated paid for by the city; He commended the Zoning Commission on the preparation of the ordinance.

Mayor Baxter stated that action on the ordinance would be deferred until it was thoroughly studied and all arguments for and against its adoption carefully considered by the Council.

**ADJOURNMENT.**

Upon motion of Councilman Hinson, seconded by Councilman Johnston, the meeting was adjourned.

*Rebecca R. Hoffman*  
 City Clerk