

ORDINANCE NO. 62

AMENDING CHAPTER 23,
ENTITLED "ZONING"

AN ORDINANCE AMENDING CHAPTER 23 OF THE CODE OF THE CITY
OF CHARLOTTE, ENTITLED "ZONING".

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina:

Chapter 23 of the Code of the City of Charlotte, including the Building Zone Map of the City of Charlotte and the Building Zone Maps of the Charlotte Perimeter Area, is hereby amended by rewriting said Chapter to read as contained herein:

"Chapter 23

ZONING

Article I. Definitions

Sec. 23-1. Words and Phrases.

For the purpose of this Ordinance, the use of the present tense shall be interpreted to mean the future tense also; the singular number shall include the plural number; the plural number shall include the singular number, unless the natural construction of the wording indicates otherwise; the word "shall" is mandatory, and the word "may" is permissive.

Sec. 23-2. Definitions.

For the purpose of this Ordinance, certain words and terms are defined as herein indicated.

- (1) Accessory Structure - A detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as that of the principal structure or use.
- (2) Building - A structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or goods.
- (3) Building Height - The vertical distance measured from the average elevation of the finished lot grade at the front building line to the highest point of the roof beams adjacent to the front of the wall in the case of a flat roof, to the average height of the gables in the case of a pitched roof, and to the deck line in the case of a mansard roof.
- (4) Building Lines - Lines that are tangent to the exterior surfaces of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side and rear lot lines, and referred to as front, side and rear building lines, respectively.
- (5) Day Nursery - An agency, organization, or individual providing day-time care of four or more children not related by blood or marriage to, or not the legal wards or foster children of the attendant adult.
- (6) Dwelling, One-Family - A building designed, constructed and used for one dwelling unit.
- (7) Dwelling, Two-Family or Duplex - A building designed, constructed or reconstructed and used for two dwelling units that are connected by a common structural or load-bearing wall of at least ten lineal feet.
- (8) Dwelling, Multi-Family - A building designed, constructed or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural or load-bearing wall of at least ten lineal feet with any other dwelling unit on the same floor or building level.

- (9) Dwelling Unit - An enclosure of one or more rooms and separate bathroom and kitchen facilities designed and constructed as a unit for permanent residential occupancy by one family.
- (10) Family
 - (a) An individual, or two or more persons related by blood, marriage or adoption living together as a single housekeeping unit, or;
 - (b) A group of not more than six persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit.
- (11) Gross Floor Area - For purposes of computing off-street parking requirements in this Ordinance, the total floor area enclosed within a building, including interior balconies and mezzanines, exclusive of stairways and elevator shafts.
- (12) Lot.--A parcel of land or any combination of several lots, occupied or intended to be occupied by a principal building or a building group as permitted herein, together with their accessory buildings or uses, and such access, yards and other open spaces required under this Ordinance.
- (13) Lot, Corner - A lot which occupies the interior angle at the intersection of two street lines which make an angle of less than 135 degrees with each other.
- (14) Lot, Through - A lot, other than a corner lot, having frontage on more than one street.
- (15) Lot Width - The distance between the side lot lines, measured along the setback line as established by this Ordinance, or if no setback line is established, the distance between the side lot lines measured along the street line.
- (16) Minor Residential Access Street. A street used predominantly to provide access to abutting residential properties.
- (17) Principal Structure or Building - A structure or building containing the principal use of the lot.
- (18) Principal Use - The primary purpose or function that a lot serves or is intended to serve.
- (19) Rear Yard - An open space, including driveways and parking areas, unoccupied other than by permitted accessory buildings or uses, extending from the rear building line of a principal building to the rear lot line, between the side building lines, projected to the rear lot line.
- (20) Setback - The distance between a street line and the front building line of a principal building or structure, projected to the side lines of the lot, and including driveways and parking areas, except where otherwise restricted by this Ordinance.

- (21) Side Yard - An open, unoccupied, space including driveways and parking areas between the side lot line and the side building line, extending from the required setback to the required rear yard. If no setback is required, the side yard shall be defined as extending from the street line to the required rear yard.
- (22) Sign - Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure (including billboard or poster panel) designed to carry the above visual information.
- (a) Advertising Sign. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered:
- (1) Only elsewhere than upon the premises where the sign is displayed, or
 - (2) As a minor and incidental activity upon the premises where the sign is displayed.
- (b) Business Sign. A sign which directs attention to a business, profession or industry located upon the premises where the sign is displayed, to type of products sold, manufactured or assembled, and/or to service or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.
- (c) Identification Sign. A sign, used to identify only: the name of the individual, family, organization or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.
- (d) Bulletin Board. A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center or similar non-commercial places of public assembly.
- (23) Sign Illumination
- (a) Lighted shall mean illuminated only by light cast upon the sign from a concealed light source.
 - (b) Luminous shall mean illuminated by any type of light source.
- (24) Sign Area - The area of signs composed in whole or in part of free standing letters, devices or sculptured matter not mounted on a measurable surface shall be construed to be the area of the least square, rectangle or circle that will enclose the letters, devices and/or sculptured matter. The area of a double faced sign shall be the area of one face of the sign.

- (25) Story - That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof.
- (26) Street - A public thoroughfare, not less than thirty feet in width, which has been dedicated or deeded to the City of Charlotte or the State of North Carolina for public use, or otherwise legally established as a public street.
- (27) Street Line - A dividing line between a lot and a street right-of-way.
- (28) Structure - Anything constructed or erected, the use of which requires location on the land, or attachment to something having a permanent location on the land.
- (29) Unobstructed Open Space.- Land not covered by buildings or structures.

Article II Zoning Districts, Maps and General Regulations.

DIVISION 1. PURPOSE OF ZONING AND DISTRICTS

Sec. 23-3. Purpose of Zoning.

The zoning regulations as herein set forth have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The zoning Districts and maps have been made with due consideration of future growth, development and change in land development according to objectives expressed and mapped in the General Plan for the Development of the Charlotte Metropolitan Planning Area, as well as with due consideration of existing development and uses of land in the City of Charlotte and its Perimeter Area. The regulations and Districts contained herein thus represent reasonable consideration as to the character of the Districts and their peculiar suitability for particular uses of land and have been made with a view to preserving the existing environment and/or assuring the development of a future environment that realizes the greatest possible use and enjoyment of land on individual properties, balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties, with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

Sec. 23-4. Residential Districts.

(a) Single-Family Residential Districts: R-15, R-12, R-9, R-6. These Districts are intended primarily for single family houses at various densities of population. Duplexes may be established on corner lots, and certain non-residential uses of public or semi-public nature are permitted. The regulations for these Districts are designed to maintain a suitable environment for family living. Densities of development are controlled by minimum lot area requirements, which are different with each District. The minimum lot area requirement (in thousands of square feet) is indicated by the numerical identification of each District.

(b) Multi-Family Residential Districts: R-15 MF, R-12 MF, R-9 MF, R-6 MF. These Districts are intended for a variety of residential uses, including single family houses, duplexes and multi-family buildings and developments. Densities of development are controlled by minimum lot area requirements that are related to requirements of the corresponding Single-Family Districts. The total lot area required for any residential building or group of buildings is based on the number of families housed within the buildings. Certain non-residential uses of a public or semi-public nature are permitted.

(c) High-Density Apartment Residential District; R-6 MF-H. This District is designed to permit high-density apartment buildings, in addition to the variety of uses in other Multi-Family Districts. It is intended that the apartment buildings in this District be used primarily by working couples and individuals. Therefore, such Districts are located in proximity to employment and commercial centers, thus providing convenient access to work and shopping for the residents.

Sec. 23-5. Office Districts.

(a) O-15 Office District. This District is intended primarily for offices, institutions and commercial activities not involving the sale of merchandise at retail. The District is intended primarily for development of large tracts of land in suburban locations. The numerical identification (O-15) indicates a minimum lot area requirement of 15,000 square feet. Residential uses are permitted in this District at standards similar to those required in the R-15 MF Multi-Family Residential District.

(b) O-6 Office District. This District is primarily for purposes similar to those of the O-15 Office District, except that it is intended for in-town locations where higher densities of development prevail. High-density apartments are also permitted in O-6 Office Districts because of their proximity to business and working areas of the city.

Sec. 23-6. Business Districts.

(a) B-1 Neighborhood Business District. This District is designed primarily for business centers for retailing of merchandise such as groceries, drugs and household items and for furnishing certain personal, business and professional services for the convenience of residents of adjacent residential areas. The standards established for these business areas are designed to promote sound, permanent business development and also to protect abutting or surrounding residential areas from undesirable aspects of nearby business development. These Districts are located at accessible places with respect to traffic circulation in order to conveniently serve the resident population of surrounding areas by protecting and/or promoting the grouping of several places of business at locations so designated.

(b) B-2 General Business District. This District is primarily for businesses and services of all types at locations on major thoroughfares for the convenience of residents of entire sections of the metropolitan area. Wholesale trade is also permitted subject to certain restrictions. Retail trade and services for the convenience of residents of nearby residential areas are also functions of this District.

(c) B-3 Central Business District. This District is located at the area of convergence of the main arterial thoroughfares and lines of public transportation. This District is primarily for retail and wholesale trade, and for business, professional and financial services for the metropolitan area and the outlying trade area of Charlotte. Certain commercial and industrial uses in support of the primary functions of the District are permitted. High-density apartment developments are also permitted for the convenience of workers in the central area. Because the provision of off-street parking is recognized as a separate, business enterprise in the central business district, the Ordinance does not require off-street parking space in connection with individual buildings and uses.

Sec. 23-7. Industrial Districts.

(a) I-1 Light Industrial District. This District is designed primarily for light manufacturing and distribution of products at wholesale at locations that permit a relatively low density of land development. The standards established for these industrial areas are designed to promote sound, permanent light industrial development and also to protect abutting or surrounding residential areas from any undesirable aspects of nearby industrial development. These Districts are located in areas that have good access to transportation facilities, that afford reasonably level sites and that permit expansion of existing industrial areas wherever possible and appropriate to the character of land development in particular areas. Whenever possible, these Districts are separated from residential areas by natural or structural boundaries such as drainage channels, sharp breaks in topography, strips of vegetation, traffic arteries and similar features.

(b) I-2 General Industrial District. This District is designed primarily for general commercial and industrial land uses, including manufacturing, processing and assembling of parts and products, distribution of products at wholesale, transportation terminals and a broad variety of specialized commercial and industrial operations. The standards established for general industrial areas are designed to promote sound, permanent industrial development against any undesirable aspects of industrial uses. These Districts are located in areas that have good access to transportation facilities affording reasonably level sites and that permit expansion of existing industrial areas wherever possible and appropriate to the character of land development in particular areas. Whenever possible, these Districts are separated from residential areas by natural or structural boundaries such as drainage channels, sharp breaks in topography, strips of vegetation, traffic arteries and similar features.

(c) I-3 Central Industrial District. This District is designed primarily for general commercial and industrial land uses, including manufacturing, processing and assembling of parts and products, distribution of products at wholesale, transportation terminals and a broad variety of specialized commercial and industrial operations. These Districts are located close to the Central Business District. The standards established for these areas are designed to promote sound, permanent industrial development at a greater density of development than that permitted in Industrial Districts in outlying areas.

DIVISION 2. ZONING MAPS AND AREA OF JURISDICTION

Sec. 23-8. Zoning Maps.

The boundaries of zoning Districts are hereby established as shown on a series of map sheets entitled "Official Zoning Map, City of Charlotte, N. C. and Perimeter Area", dated January 29, 1962.

Sec. 23-9. Area of Zoning Jurisdiction.

The regulations herein established shall apply to the City of Charlotte and the territory outside the City of Charlotte, identified as the Charlotte Perimeter Area, which is bounded and described as follows:

- (1) Beginning at a point which is the intersection of the center line of Independence Boulevard (U. S. 74 East) and the center line of Irvins Creek, and running thence in a southwesterly direction to a point in the center line of Old Monroe Road, said point being one thousand (1000) feet southeast of the center line intersection of Old Monroe Road and Sardis Road North;
- (2) Thence in a southwesterly direction to a point in the center line of Sardis Road, said point being the center line intersection of Sardis Road, and an unnamed creek located approximately one thousand (1000) feet woutheast of Sardis Road South;
- (3) Thence in a southerly direction with the center line of said creek crossing Alexander Road, to a point in a line which is parallel with and three hundred (300) feet south of the center line of Alexander Road;
- (4) Thence in a westerly direction parallel with and three hundred (300) feet south of the center line of Alexander Road to a point in the center line of Providence Road (N. C. 16), said point being also in a line parallel with and three hundred (300) feet south of the center line of Rea Road;
- (5) Thence in a southwesterly direction parallel with and three hundred (300) feet south of the center line of Rea Road to a point in the center line of Rea Branch that crosses Rea Road, said branch crosses Rea Road one mile North of Matthews-Pineville Road and Rea Road intersection;
- (6) Thence in a westerly direction crossing Rea Road and Carmel Road to a point in Park Road, said point being three hundred (300) feet South of the center line intersection of Park Road and Sharon Road West;
- (7) Thence in a westerly direction parallel with and three hundred (300) feet South of the center line of Sharon Road West to a point three hundred (300) feet West of the center line of New Pineville Road;
- (8) Thence in a northerly direction parallel with and three hundred feet West of the center line of New Pineville Road to a point three hundred (300) feet South of the center line intersection of Old Pineville Road and New Pineville Road;
- (9) Thence in a northerly direction parallel with and three hundred (300) feet West of the center line of Old Pineville Road to W. B. T. Road;
- (10) Thence in a westerly direction parallel with and three hundred (300) feet South of the center line of W. B. T. Road to a point three

hundred (300) feet West of the center line of York Highway No. 49;

- (11) Thence in a northerly direction parallel with and three hundred (300) feet West of the center line of York Highway No. 49 to a point three hundred (300) feet West of the intersection of Beam Road and York Highway No. 49;
- (12) Thence in a northerly direction parallel with and three hundred (300) feet West of the center line of Beam Road to a point three hundred (300) feet South of the center line intersection of Beam Road and Steele Creek Road;
- (13) Thence in a northerly direction parallel with and three hundred (300) feet West of the center line of Steele Creek Road crossing Byrum Drive to a point three hundred (300) feet South of the center line of Dixie Road;
- (14) Thence in a westerly direction parallel with and three hundred (300) feet from the center line of Dixie Road crossing Brownhill Road and Coffey Creek to a point three hundred (300) feet West of the center line where the New Dixie Road connects with the Old Dixie Road, which is also three hundred (300) feet north of the center line of the old section of Dixie Road;
- (15) Thence in an easterly direction parallel with and three hundred (300) feet North from the center line of the Old Dixie Road to a point three hundred (300) feet West of the center line of Stowe Road;
- (16) Thence in a northwesterly direction parallel with and three hundred (300) feet from the center line of Stowe Road crossing Dixie Road to a point three hundred (300) feet West of the intersection of Wallace Neal and Stowe Road;
- (17) Thence in a northerly direction parallel with and three hundred (300) feet West of the center line of Wallace Neal Road to a point in the center line of Old Dowd Road;
- (18) Thence in a northerly direction crossing Southern Railroad to a point in the center line of Wilkinson Boulevard, said point being also in the center line of Ticer Branch;
- (19) Thence in a northwesterly direction a point in the center line of Tuckaseegee Road, said point being one hundred and ten (110) feet southwest of the center line intersection of Tuckaseegee Road and Tuckasee Street;
- (20) Thence in a northwesterly direction to a point which is the center line intersection of U. S. Interstate Highway No. 85 and Paw Creek;

- (21) Thence in a northerly direction to a point in the center line of Moores Chapel Road, said point being five hundred and forty (540) feet southeast of the center line intersection of Moores Chapel Road and Gore Street.
- (22) Thence in a northerly direction, crossing Piedmont and Northern Railroad and Seaboard Airline Railroad to a point, said point being the northwest corner of the Henry Hoover estate as shown on map recorded in Map Book 5, Page 283 in the office of the Register of Deeds for Mecklenburg County, North Carolina;
- (23) Thence in a northeasterly direction with the northerly boundary line of the aforementioned Henry Hoover estate to a point in the center line of Mt. Holly Road, (N. C. 27);
- (24) Thence in a northerly direction to a point in the center line of Sadler Road, said point being six hundred (600) feet west of the center line intersection of Sadler Road and Gum Branch Road;
- (25) Thence in a northerly direction to a point in the center line of Long Creek, said point being the center line intersection of Long Creek and an unnamed branch and being further described as a point approximately three thousand seven hundred (3700) feet downstream from the intersection of Long Creek and Gum Branch;
- (26) Thence in a northeasterly direction with the center line of Long Creek, crossing Rozzells Ferry Road and Sunset Road to a point in a line which is parallel with and three hundred (300) feet north-east of the center line of Sunset Road;
- (27) Thence in a southeasterly direction parallel with and three hundred (300) feet northeast of the center line of Sunset Road, crossing Simpson Road, Beatties Ford Road and Reams Road to a point in the center line of U. S. Highway 21 North, said point being also in a line which is parallel with and three hundred (300) feet west of the center line of Statesville Road;
- (28) Thence in a northerly direction parallel with and three hundred (300) feet west of the center line of Statesville Road, crossing Airway Avenue and Apache Avenue to a point in a line which is parallel with and one hundred eighty (180) feet north of the center line of Apache Avenue;
- (29) Thence in an easterly direction parallel with and one hundred and eighty (180) feet north of the center line of Apache Avenue to a point in the center line of Statesville Road;
- (30) Thence in a northeasterly direction crossing Southern Railroad to a point in the center line of Brown Road, said point being the center line intersection of Brown Road and Mallard Creek;

- (31) Thence in an easterly direction with the center line of Mallard Creek, crossing Mallard Creek Road to a point in a line which is parallel with and three hundred (300) feet northwest of the center line of Concord Road (U. S. 29 North);
- (32) Thence in a northeasterly direction parallel with and three hundred (300) feet northwest of the center line of Concord Road (U. S. 29 North) crossing Mallard Creek Church Road to a point in a line which is parallel with and three hundred (300) feet northeast of the center line of Mallard Creek Church Road;
- (33) Thence in a southeasterly direction parallel with and three hundred (300) feet northeast of the center line of Mallard Creek Church Road to a point in the center line of Concord Road (U. S. 29 North);
- (34) Thence in a southeasterly direction to a point in the center line of N. C. Highway 49 North, said point being in a line which is parallel with and four hundred (400) feet west of the center line of Back Creek Church Road;
- (35) Thence in a southeasterly direction parallel with and four hundred (400) feet west of the center line of Back Creek Church Road to a point in the center line of Southern Railroad;
- (36) Thence in a southerly direction with the center line of Southern Railroad to a point in a line which is parallel with and three hundred (300) feet northeast of the center line of McLean Road;
- (37) Thence in a southeasterly direction parallel with and three hundred (300) feet northeast of the center line of McLean Road, crossing Russell Road, to a point in a line which is parallel with and three hundred (300) feet north of the center line of Rocky River Road;
- (38) Thence in an easterly direction parallel with and three hundred (300) feet north of the center line of Rocky River Road to a point in the center line of a branch of Reedy Creek, said branch being located approximately one thousand (1000) feet east of McLean Road;
- (39) Thence in a southeasterly direction with the center line of said branch of Reedy Creek, crossing Rocky River Road, Plaza Road and Hood Road to a point approximately nineteen hundred (1900) feet east of the center line of Hood Road, said point being the northeast corner of White Forest Subdivision as shown on map recorded in Map Book 7, page 695 in the office of the Register of Deeds for Mecklenburg County, North Carolina;
- (40) Thence in a southerly direction to a point in the center line of Robinson Church Road, said point being two hundred and thirty (230) feet east of the center line intersection of Robinson Church Road and Hammond Drive;

- (41) Thence in a southerly direction to a point in the center line of Norfolk Southern Railroad, said point being in a line which is parallel with and six hundred and fifty (650) feet west of the center line of Harrisburg Road;
- (42) Thence in a southerly direction parallel with and six hundred and fifty (650) feet west of the center line of Harrisburg Road to a point in the center line of Pence Road;
- (43) Thence in a southerly direction to a point in the center line of Albemarle Road (N. C. 27), said point being in a line which is parallel with and two hundred (200) feet east of the center line of an unnamed 30-foot roadway between Lots 12 and 13 as shown on map recorded in Map Book 4, Page 643 in the office of the Register of Deeds for Mecklenburg County, North Carolina;
- (44) Thence in a southerly direction with a line which is parallel with and two hundred (200) feet east of the center line of said 30 foot roadway for a distance of approximately sixteen hundred (1600) feet and continuing therefrom with a straight line projection of said parallel line to a point in the center line of McAlpine Creek;
- (45) Thence in a southerly direction with the center line of McAlpine Creek, crossing Lawyers Road to a point in the center line of Idlewild Road;
- (46) Thence in a southeasterly direction to a point in the center line of Margaret Wallace Road, said point being in a line which is parallel with and three hundred (300) feet northeast of the center line of Sam Newell Road;
- (47) Thence in a southeasterly direction parallel with and three hundred (300) feet northeast of the center line of Sam Newell Road to a point in the center line of Irvins Creek;
- (48) Thence in a southwesterly direction with the center line of Irvins Creek, crossing Sam Newell Road to the center line intersection of Irvins Creek and Independence Boulevard (U. S. 74 East), to the point of beginning.

DIVISION 3. GENERAL REGULATIONS

Sec. 23-10. Zoning Affects Every Building and Use.

No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations of this Ordinance for the District in which it is located, except as otherwise provided herein.

Sec. 23-11. Open Space Not To Be Encroached Upon.

No open space shall be encroached upon or reduced in any manner, except in conformity to the yard, setback, off-street parking spaces and such other regulations designated in this Ordinance for the District in which such building is located.

Sec. 23-12. Reduction of Yards and Lot Area Prohibited.

No lot existing at the time of passage of this Ordinance shall be reduced in its dimensions or area below the minimum requirements of this Ordinance for the District in which it is located.

Sec. 23-13. Every Lot Must Abut a Street.

No building, structure or use of land for other than agricultural purposes shall be established on a lot which does not abut a street. A single-family dwelling may be constructed on a lot that does not abut a street, provided that such lot is at least two acres in size, is provided with access to a public street by an easement at least 15 feet in width, and provided further that access to the dwelling from a public street is made available and maintained in a condition passable for emergency and service vehicles.

Sec. 23-14. More Than One Principal Building Per Lot.

More than one non-residential principal building may be constructed on a lot provided that an access road at least 10 feet wide from a publicly maintained street is available and maintained to each building in passable condition for service and emergency vehicles. Except where otherwise provided separate buildings on the same lot shall be separated by a minimum distance of four feet. In no case shall there be more than one principal residential building per lot, except as provided in Sec. 23-42 for Planned Multi-Family Developments.

Sec. 23-15. Setback Requirements on Corner Lots and Through Lots.

(a) Where corner lots are separated by a common rear lot line, the minimum side yard requirements of the respective Districts shall apply to the common side lot lines that form a common street line along the adjacent street. Minimum side yards in such cases shall be as follows:

District	Side Yard (feet)
R-6, R-6MF, R-6MF-H	6
R-9, R-9MF	6
R-12, R-12MF	10
R-15, R-15MF	10
O-6	6
O-15	8
B-1	4
B-2	4
B-3	None
I-1	10
I-2	10
I-3	4

(b) Where the rear lot line of a corner lot is also the side lot line of an adjacent lot to the rear, the side yard on the corner lot along the common street line shall be at least fifty per cent of the required setback of the adjacent lot to the rear.

(c) On through lots, the minimum setbacks for the respective Districts shall apply wherever such lots have frontage on a public street.

Sec. 23-16. Alleys Included in Side and Rear Yards.

Side yards and rear yards may be measured from center-lines of adjoining public alleys, except where such alleys form the boundary between residential and non-residential Districts.

Sec. 23-17. Side and Rear Yards Not Required Next To Railroad.

In Business and Industrial Districts, side yards and rear yards shall not be required adjacent to railroad rights-of-way on lots used for non-residential purposes.

Sec. 23-18. Required Open Space May Not Be Used By Another Building.

No part of any yard, other open space, or off-street parking or loading space required about or in connection with any building, structure or use by this Ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading space for any other building, structure or use, except as provided in Section 23-66 for joint use of off-street parking spaces.

Sec. 23-19. Locations of Building Lines.

Locations of front, side and rear building lines on irregularly shaped lots shall be determined by the Superintendent of Building Inspection. Such determinations shall be based on the spirit and intent of the District regulations to achieve spacing and location of buildings or groups of buildings on individual lots.

Sec. 23-20. Mixed Uses.

When two or more uses occupy the same building, the greatest setback and yard requirements applicable to any such uses in the District in which the lot is located shall apply to such buildings. Off-street parking and loading requirements shall be met in full for all uses in such buildings.

Sec. 23-21. Zoning To Apply When Lot Is Divided by District Boundary Line.

In the event that a District boundary line on the Zoning Map divides a platted lot held in one ownership on the date of passage of this Ordinance, each parcel of the lot so divided shall be used in conformity with the regulations established by this Ordinance for the District in which each such parcel is located.

Sec. 23-22. Fractional Requirements Under This Ordinance.

When any requirement of this Ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit and a fraction of less than one-half shall be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit and a fraction of less than one-half shall be disregarded.

Sec. 23-23. Permitted Modification of Setback Requirement.

Where a principal building is nonconforming as to setback at the time of passage of this Ordinance, the setback requirements for vacant lots on either side and within 100 feet of the lot on which such principal building is located may be reduced to a distance equal to the mean average of the setback established by the nonconforming building and the setback requirement for the District.

Sec. 23-24. Modification of Required Yards and Setbacks.

Architectural features such as cornices, eaves, steps, gutters and fire escapes may project not more than three feet into any required yard or beyond any required setback line, except where such projections would obstruct driveways which are or may be used for access for service and/or emergency vehicles.

Sec. 23-25. Structures Permitted Above the Height Limit.

(a) Skylights and roof structures for the housing of elevators, stairways, tanks, ventilating fans, air-conditioning or similar equipment required for operation and maintenance of buildings may be erected above the height limit in any District,

(b) Towers, steeples, flagpoles, chimneys, water tanks or similar structures may be erected above the height limits in Office, Business and Industrial Districts that adjoin other Office, Business and Industrial Districts. However, such structures shall be separated from any adjoining lot line of a lot in a Residential District by a distance equal to at least one-half the height of the structure.

(c) Within Residential Districts, the setback, side yards and rear yard on any lot on which such structures listed in par. (b), above, are located, shall be equal to at least one-half the height of the structure.

(d) Radio and television masts and stations may be erected in any District provided such facilities are located at least 200 feet from adjacent property lines on lots within or adjoining Residential Districts.

Sec. 23-26. Setback Requirements on Adjoining Lots in Dissimilar Districts.

Where adjoining lots facing the same street frontage are in dissimilar Districts and where setback requirements on the adjoining lots are dissimilar the lesser setback requirement shall be increased by at least one-half the difference between the lesser and greater setback requirements.

Sec. 23-27. Accessory Structures.

Accessory structures shall not be permitted within any required setback or side yard, nor within two feet of any exterior lot line. Accessory structures may be constructed at the side lot line of any lot in a Business or Industrial District on which a side yard is not required.

Sec. 23-28. Vibration.

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible to the human sense of feeling, without instruments, at the exterior property line of such use, regardless of the District in which it is situated.

Sec. 23-29. Fumes and Gases.

Fumes and gases shall not be emitted at any point in concentration or amounts that are noxious, toxic, or corrosive. The values given in Table I (Industrial Hygiene Standards - Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposures to Substances Causing Injury to Vegetation) in the latest revision of Chapter 5, "Physiological Effects", that contains such tables, in the "Air Pollution Abatement Manual", by the Manufacturing Chemists Association, Inc., Washington, D. C., are hereby established as guides for the determination of permissible concentration or amounts.

Sec. 23-30. Noises.

Every use, activity and process shall be so operated that regularly recurring noises are not disturbing or unreasonably loud, and do not cause injury, detriment or nuisance to any person. Every use, activity and process in Business and Industrial Districts shall be so operated that regularly recurring noises, as detected by the human sense of hearing, without instruments, at adjoining Residential or Office District boundary lines, shall not exceed the normal noise level generated by uses permitted in Residential and Office Districts.

Article III. Permitted Uses, Special Districts and Conditional Uses.

DIVISION I. PERMITTED USES

Sec. 23-31. Table of Permitted Uses

Within the various Districts as indicated on the Official Zoning Map of Charlotte, N. C., and Perimeter Area, and subject to all other requirements and conditions specified in this Ordinance, land, buildings and structures may be used and buildings and structures may be erected which are intended or designed to be used for uses listed in the Table of Permitted Uses. Uses are grouped into four general categories for convenience of administration of this section of the Ordinance. These categories include: (a) Residential and Related Uses; (b) Business Uses; (c) Industrial Uses; (d) Miscellaneous Uses. Permitted uses in the various Districts are indicated by an "X" in the appropriate columns of the Table below. Uses permitted as Conditional Uses are so indicated.

Sec. 23-31. Table of Permitted Uses.

(a) RESIDENTIAL AND RELATED USES

Accessory residential uses and structures, clearly incidental to the permitted principal use, including servants quarters, quest houses and bomb shelters excluding accessory dwellings of other types

✓ Cemeteries, public and private

✓ Churches, synagogues, parish houses, Sunday School buildings, convents, Young Men's Christian Associations and comparable organizations, and similar uses, subject to regulations in Sec. 23-43.

Colleges, subject to regulations in Sec. 23-43.

✓ Community recreation centers, subject to regulations in Sec. 23-43.

Country Clubs and swimming clubs operated on a non-commercial membership basis, and subject to regulations in Sec. 23-43.

Customary home occupations, subject to conditions listed in Sec. 23-32.

Day Nurseries, day care centers and pre-schools, subject to regulations in Sec. 23-43.

RESIDENTIAL DISTRICTS		OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		
R-6	R-6MF R-6MFH	O-15	O-6	B-1	B-2	B-3	I-1	I-2	I-3
X	X								
X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X			
X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X			
X	X	X	X	X	X	X			

Dormitories for the students of colleges, commercial schools and schools providing adult training and for the staffs of hospitals, subject to regulations in Sec. 23-43.

Dwellings, one family

Dwellings, two family

Dwellings, two-family, where situated on a corner lot with entrances facing different streets, subject to additional lot area requirements of the corresponding multi-family District

Dwellings, multi-family, a single building on a separate lot

Dwellings, multi-family, Planned Multi-Family Developments

Farms, either in conjunction with or separate from dwellings, which may conduct retail sales of products produced on the premises

Golf Courses, public and private, for daytime use only, subject to regulations in Sec. 23-43.

Hospitals and sanatoriums, subject to regulations in Sec. 23-43.

Hospitals and sanatoriums, subject to requirements for hospitals in R-15 Districts

RESIDENTIAL DISTRICTS		OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		
R-6	R-6MF	O-15	O-6	B-1	B-2	B-3	I-1	I-2	I-3
R-9	R-6MFH								
R-12	R-12MF								
R-15	R-15MF								
X	X	X	X	X	X	X			
X	X	X	X	X	X	X			
	X	X	X	X	X	X			
X									
	X	X	X	X	X	X			
	X	X	X	X	X	X			
X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X
X	X			X	X	X	X	X	X
		X							



Hospitals and sanatoriums, subject to requirements for hospitals in R-6 Districts

✓ Libraries, subject to regulations in Sec. 23-43.

Mobile homes, in organized trailer parks only; as a Conditional Use, under Sec. 23-37.

Mobile homes, in organized trailer parks only, subject to conditions listed in Sec. 23-37, (a) and (b), (2), (3), (4), (5)

✓ Museums and art galleries, subject to regulations in Sec. 23-43.

Nursing homes, rest homes, and homes for the aged, subject to regulations in Sec. 23-43.

Office of doctor, dentist, lawyer, accountant, sales representative, realtor and similar professional, semi-professional and business representatives, subject to conditions applying to Customary Home Occupations, Sec. 23-32.

Off-street parking for Office, Business or Industrial uses as a Conditional Use, under Sec. 23-39.

✓ Orphanages, subject to regulations in Sec. 23-43.

✓ Parks and playgrounds, operated on a non-commercial basis for purposes of public recreation.

RESIDENTIAL DISTRICTS		OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		
R-6 R-9 R-12 R-15	R-6MF R-6MFH R-9MF R-12MF R-15MF	O-15	O-6	B-1	B-2	B-3	I-1	I-2	I-3
			X						
X	X	X	X	X	X	X	X	X	X
	X								
					X		X	X	
X	X	X	X	X	X	X	X	X	X
	X	X	X	X					
X	X								
X	X								
	X	X	X	X	X	X			
X	X	X	X	X	X	X	X	X	X



Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters

Police and fire stations, subject to regulations in Sec. 23-43.

Riding Stables, accessory to a residential use, provided that all buildings and facilities related to care of horses are located at least 300 feet from any property line in Residential Districts

Room renting

Room renting, limited to no more than four roomers or boarders per dwelling unit, displaying no sign advertising such use and providing no separate cooking facilities for the usage of the roomers or boarders

Room renting, limited to no more than 6 roomers or boarders per family dwelling unit and providing no separate cooking facilities for the usage of the roomers or boarders

Schools, elementary, junior and senior high, public and private, subject to regulations in Sec. 23-43

Sewage treatment plants and pumping stations, subject to regulations in Sec. 23-34.

RESIDENTIAL DISTRICTS		OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		
R-6	R-6MF	O-15	O-6	B-1	B-2	B-3	I-1	I-2	I-3
R-9	R-6MFH								
R-12	R-12MF								
R-15	R-15MF								
X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X
X	X								
				X	X	X			
X	X								
		X	X						
X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X

(b) BUSINESS USES

Amusement, commercial, outdoors, such as miniature golf, racers, golf-driving ranges, "par-3" and similar types of golf courses, shooting galleries, and similar commercial amusement enterprises located at least 200' from an Residential District

Armories for meetings and training of military organizations

Auction sales

Automobile and truck rentals

Automobile laundries

Automobile repair garages including engine overhaul, body and paint shops and similar operations

Automobile service stations, providing minor adjustments, repairs and lubrication to any type of motor vehicle

Automobiles, new and used, retail and wholesale sales

Bakeries, retail, including manufacturing of goods for sale on the premises only

Banks

RESIDENTIAL DISTRICTS		OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		
R-6	R-6MF R-6MFH	O-15	O-6	B-1	B-2	B-3	I-1	I-2	I-3
					X	X	X	X	X
		X	X	X	X	X	X	X	X
					X	X	X	X	X
					X	X	X	X	X
					X	X	X	X	X
				X	X	X	X	X	X
					X	X	X	X	X
		X	X	X	X	X	X	X	X

Blueprinting and photostating

Boats, retail sales and repair

Buildings for dramatic, musical or other cultural activities

Buildings for social, fraternal, social service, union and civic organizations

Buildings for the display of sample merchandise

Buildings for the display of sample merchandise to wholesalers and retailers of the merchandise displayed, provided that retail sales and deliveries of merchandise are not made from the premises and materials displayed are visible only from within the building

Bus passenger stations

Business and professional offices, provided that retail sales and deliveries of merchandise are not made from the premises and merchandise displayed is visible only from within the building

Cafeterias and snack bars, accessory to and primarily to serve the employees of office buildings within which they are located

Clinics, medical, dental and doctors' offices

RESIDENTIAL DISTRICTS		OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		
R-6	R-9	O-15	O-6	B-1	B-2	B-3	I-1	I-2	I-3
				X	X	X	X	X	X
					X	X	X	X	X
		X	X	X	X	X	X	X	X
		X	X	X	X	X	X	X	X
				X	X	X	X	X	X
		X	X						
				X	X	X	X	X	X
		X	X						
		X	X	X	X	X	X	X	X

Fuel oil distribution, limited to 100,000 gallons aggregate storage capacity, subject to the Fire Prevention Code of the National Board of Fire Underwriters

Funeral homes, embalming and crematories

Government office buildings and public utility office buildings such as telephone exchanges and similar uses

Laundries and dry cleaning establishments operated in conjunction with customer service counters and limited to the laundering and dry cleaning of articles delivered to the premises by individual customers

Lock and gunsmiths

Mail order houses

Motels, motor courts and hotels

Motorcycles, retail sales and repair

Nurseries and green houses, commercial

Office buildings

Pawnshops and second hand goods, retail sales

RESIDENTIAL DISTRICTS		OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		
R-6	R-6MF	O-15	O-6	B-1	B-2	B-3	I-1	I-2	I-3
R-9	R-6MFH								
R-12	R-9MF								
R-15	R-12MF								
	R-15MF								
					X	X	X	X	X
			X	X	X	X	X	X	X
		X	X	X	X	X	X	X	X
				X	X	X	X	X	X
				X	X	X	X	X	X
				X	X	X	X	X	X
				X	X	X	X	X	X
		X	X	X	X	X	X	X	X
					X	X	X	X	X

Theatres, housed within an enclosed structure

Tire recapping and retreading

Tourist homes

Trailers, house, retail and wholesale sales and repair

Trucks, retail and wholesale sales

Utility trailer rentals

Vending machines for cigarettes, candy, soft drinks, and similar items located within an enclosed building, for the convenience of the occupants of the building

Vending machines, located out-of-doors, subject to yard and setback requirements for the respective Districts

Veterinary hospitals and commercial kennels, located at least 300 feet from the nearest Residential District

Wholesale sales with related storage and warehousing, entirely within enclosed buildings, excluding truck terminals

RESIDENTIAL DISTRICTS		OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		
R-6	R-6MF R-6MFH	0-15	0-6	B-1	B-2	B-3	I-1	I-2	I-3
				X	X	X	X	X	X
					X	X	X	X	X
				X	X	X	X	X	X
					X	X	X	X	X
					X	X	X	X	X
X	X	X	X	X	X	X	X	X	X
					X	X	X	X	X
					X	X	X	X	X

(c) INDUSTRIAL USES

Abattoirs

Airports

Assembly of automobiles and trucks

Assembly of previously prepared parts into a finished product, except as otherwise restricted on this list

Bakeries and baking plants

Blacksmith shops

Book binding

Bottling and canning workds for soft drinks

Building materials storage and wholesale and retail sales including lumber, brick, tile, stone, concrete, cement and similar materials, within enclosed buildings, tanks and similar structures

Building materials storage yards and wholesale and retail sales, including lumber, brick, tile, stone, concrete, cement and similar materials in open storage

RESIDENTIAL DISTRICTS		OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		
R-6	R-6MF R-6MFH	O-15	O-6	B-1	B-2	B-3	I-1	I-2	I-3
								X	X
								X	X
							X	X	X
							X	X	X
							X	X	X
							X	X	X
							X	X	X
								X	X

Bus repair and storage

Chemical manufacture, refining, or processing, excluding the manufacture, refining or processing of ammonia, asphalt, bleach, bluing, calcimine, chlorine, corrosive acid or alkali, dyes, fats, fertilizer, gutta-percha, gypsum, lampblack, oils, oxygen, paints, plaster of paris, potash, rubber, shellac, tar, turpentine, vinegar, yeast

Chemical manufacture, refining or processing, including the manufacture, refining or processing of ammonia, asphalt, bleach, bluing, calcimine, chlorine, corrosive acid or alkali, dyes, fats, fertilizer, gutta-percha, gypsum, lampblack, oils, oxygen, paints, plaster of paris, potash, rubber, shellac, tar, turpentine, vinegar, yeast

Contractors' offices and accessory storage yards, including storage of general construction equipment and vehicles

Crating services

Dairy products processing, bottling and distribution on a wholesale basis

Enameling, japaning, lacquering, or theplating or galvanizing of metals

Food processing, excluding poultry and animal slaughtering and dressing

RESIDENTIAL DISTRICTS		OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		
R-6	R-6MF R-6MFH	O-15	O-6	B-1	B-2	B-3	I-1	I-2	I-3
						X	X	X	X
							X		
								X	X
								X	X
						X	X	X	X
							X	X	X
							X		

Food processing, including poultry and animal slaughtering and dressing

Foundries

Freight terminals

Fur finishing

Garages for repair and storage of public utility vehicles

Hatcheries

Ice Manufacture, storage and sales

Junk yards and auto wrecking, but only when enclosed by non-climbable fence, wall or landscaped buffer strip, as described in Sec. 23-50, but not less than six feet in height, adequate to conceal storage area from public view from streets and adjacent properties, said enclosure to be located at least twenty feet from any public street line, such provision required to prevent the deterioration of values of adjacent properties

Laboratories for research and testing of products, the manufacturing, processing or fabricating of which are permitted in that District

Laundries and dry cleaning plants, involving laundering and dry-cleaning of articles delivered to the premises by commercial vehicles

RESIDENTIAL DISTRICTS		OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		
R-6	R-6MF	O-15	O-6	B-1	B-2	B-3	I-1	I-2	I-3
	R-6MFH							X	X
	R-9MF							X	X
	R-12MF						X	X	X
	R-15MF					X	X	X	X
						X	X	X	X
								X	X
							X	X	X
						X	X	X	X



Petroleum storage, as a principal use, for wholesale or retail distribution, of less than 100,000 gallons aggregate storage capacity, subject to the Fire Prevention Code of the National Board of Fire Underwriters

Petroleum storage, as a principal use, for wholesale or retail distribution, of more than 100,000 gallons aggregate storage capacity, subject to the Fire Prevention Code of the National Board of Fire Underwriters and to conditions specified elsewhere in this Ordinance, as a Conditional Use, under Sec. 23-40.

Plastics materials and synthetic resins, synthetic rubbers, cellulosic and man-made organic fibers, manufacturing

Plastics products, fabrication or assembly from previously prepared plastics materials

Plating works

Processing of liquid petroleum into gas

Public utility storage and service yards

Quarries, as a Conditional Use under Sec. 23-3

Quarries, subject to requirements listed in Sec. 23-38.

Railroad freight yards, repair shops and marshalling yards

RESIDENTIAL DISTRICTS		OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		
R-6	R-6MF R-6MFH	O-15	O-6	B-1	B-2	B-3	I-1	I-2	I-3
				X	X	X	X	X	X
							X	X	X
								X	X
							X	X	X
							X	X	X
X	X								
							X	X	X
								X	X

Repair of any goods, equipment or vehicles, the manufacture, assembly of sales of which are permitted in that District

Scrap metal, paper and rags storage, baling and processing, enclosed by non-climbable fence, wall or landscaped buffer strips, as described in Sec. 23-50, but not less than six feet in height, adequate to conceal storage area from public view from streets and adjacent properties, said enclosure to be located at least twenty feet from any public street line, such provision required to prevent the deterioration of values of adjacent properties

Sign painting and manufacture

Stone and sand, sales and storage

Theatres, outdoor type

Tin and sheet metal shops

Tobacco processing and storage

Truck Terminals

Warehousing

Wholesale sales and storage

Woodworking shops and cabinet making shops

RESIDENTIAL DISTRICTS		OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		
R-6	R-6MF R-6MFH	O-15	O-6	B-1	B-2	B-3	I-1	I-2	I-3
							X	X	X
								X	X
						X	X	X	X
							X	X	X
							X	X	X
							X	X	X
						X	X	X	X
						X	X	X	X
							X	X	X

(d) MISCELLANEOUS USES.

Accessory uses, clearly incidental to the permitted principal use or structures on the lot

Electric and gas sub-stations, subject to regulations in Sec. 23-33

Nonconforming buildings and uses, subject to regulations in Sec. 23-98 through Sec. 23-102.

Off-street parking for office, business and industrial uses

Public utility distribution lines

Radio and T.V. stations and masts, provided all buildings, masts and other facilities are located at least 200 feet from adjacent property lines on lots within or adjoining Residential Districts

Reservoirs, municipal

Railroad rights of way

Sanitary landfill and garbage disposal

Telephone repeater stations

RESIDENTIAL DISTRICTS		OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		
R-6	R-6MF R-6MFH	O-15	O-6	B-1	B-2	B-3	I-1	I-2	I-3
X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X
		X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X

188

100DA

DIVISION 2. SPECIAL REQUIREMENTS FOR CERTAIN PERMITTED USES.

Sec. 23-32. Customary Home Occupations

Customary home occupations may be established in a dwelling in any Residential or Office District. In Office Districts, such uses shall be subject to all requirements of that District. In Residential Districts, the following requirements shall apply, in addition to all other applicable requirements of this Ordinance for the Residential Districts in which such uses are located.

- (a) The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
- (b) Use of the dwelling for this purpose shall be limited to twenty-five percent (25%) of one floor of the principal building.
- (c) No accessory buildings or outside storage shall be used in connection with the home occupation.
- (d) No chemical, mechanical or electrical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes, with the exception of medical and dental equipment used for professional purposes.
- (e) Machinery that causes noises or other interference in radio or television reception shall be prohibited.
- (f) No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- (g) Residents of the dwelling only may be engaged in the home occupation.
- (h) No display of products shall be visible from the street and only articles made on the premises may be sold on the premises.
- (i) Instruction in music, dancing and similar subjects shall be limited to two students at a time.
- (j) Vehicles used primarily as passenger vehicles only shall be permitted in connection with the conduct of the customary home occupation.
- (k) Signs shall be subject to regulations in Sec. 23-76 through Sec. 23-85 and Sec. 23-102.

Sec. 23-33. Electric and Gas Sub-stations.

- (a) Electric and gas substations may be established in B-2 and B-3 Business Districts and in any Industrial District, subject to area, yard and height regulations of those Districts. Non-climbable fences shall be installed and maintained around the substations as safety devices.

(b) Electric and gas substations may be established in Residential, B-1 Business and Office Districts subject to the following requirements:

- (1) Whenever possible, facilities should be located on interior properties, rather than on properties aligned with other lots of continuous street frontage.
- (2) In any case, the setback shall be a minimum of 25 feet, or the required setback of the District, whichever is greater.
- (3) Lots shall conform to minimum area and yard requirements of the District in which they are located.
- (4) The design of buildings, structures and facilities on the substation site shall conform as closely as possible to the character of the area or neighborhood, so that facilities or structures will not adversely affect the safe and comfortable enjoyment of nearby properties or adversely affect the values of such properties.
- (5) Non-climbable fences or comparable safety devices shall be installed and maintained in order to make the facility inaccessible to the general public.
- (6) Portions of properties not used for facilities, parking or related services shall be maintained with natural ground cover. A durable masonry wall, fence or hedge or other natural planting of comparable opacity shall be provided along the exterior property lines of any lot within Residential or Office Districts, and along any exterior property line that adjoins any lot in Residential and/or Office Districts. Such walls, fences and hedges may be installed in conjunction with or separated from non-climbable fences or comparable safety devices specified in par. (5), next above. Such walls, fences and hedges shall be at least five feet in height but not greater than seven feet in height, measured from the ground along the lot lines of adjoining properties. Hedges or comparable natural planting shall be planted at an initial height of at least three feet and shall be of such variety that an average height of six feet could be expected by normal growth within no later than two years from the time of planting. Fences and walls shall be limited to a height of five feet along the common side lot line between the street line and the setback of the adjoining lot.

Sec. 23-34. Sewage Treatment Plants.

(a) Sewage treatment plants may be established in any District subject to area, yard and height regulations of the Districts. Non-climbable fences shall be installed and maintained around the plant and all its facilities, equipment and operations.

(b) Sewage treatment plants and facilities shall be screened from public view and from any adjoining Residential and Office Districts with a durable masonry wall, fence or hedge or other natural planting of comparable opacity as described in Sec. 23-33, (b), (6).

(c) The sewage treatment plant and all its facilities shall be so designed, constructed and operated as to have a minimum deleterious effect on the health, safety and general welfare of the community.

DIVISION 3. SPECIAL DISTRICTS AND CONDITIONAL USES

Sec. 23-31 above sets forth a list of uses that may be established, as a matter of right, in each of the Districts. Other sections of the Ordinance specify various lot dimensions and space requirements that must accompany each established use. Some urban land uses, however, have a particular impact on the surrounding area that cannot be pre-determined and controlled by general regulations. In order to insure that these uses, in their proposed locations, would be compatible with surrounding development, their establishment shall not be as a matter of right but only after review and approval as hereinafter provided.

The Special Districts and Conditional Uses listed below may be established after a public hearing held in accordance with the provisions for hearings on amendments to this Ordinance and after City Council approval of the Special District or Conditional Use subsequent to the recommendation of the Planning Commission. Subsequent to approval, the use of all land and structures pertaining to the Special District or Conditional Use shall be in accordance with the conditions specified by the City Council. Following City Council approval, Special Districts and Conditional Uses shall be noted at the appropriate locations on the Official Zoning Map of the City of Charlotte and Perimeter Area.

Sec. 23-35. B-1 Shopping Center District.

(a) The purpose of the B-1 Shopping Center District is to provide Special Districts for the development of integrated shopping centers to serve the needs of residential neighborhoods and areas. Recognizing that it is not possible or desirable to attempt to precisely outline Shopping Center Districts on vacant land prior to population growth and related residential development and/or construction of major thoroughfares, which together are prerequisites of well-planned, properly located modern shopping center developments, the following procedures and requirements are established for the development of B-1 Shopping Center Districts at appropriate locations in the Charlotte metropolitan planning area.

(b) An application for rezoning to B-1 Shopping Center District shall be accompanied by a schematic plan showing:

- (1) Proposed locations of buildings and their general exterior dimensions.
- (2) Proposed uses of buildings and land.
- (3) Traffic, parking and circulation plan, showing proposed locations and arrangement of parking spaces and ingress and egress to and from adjacent streets and highways.

- (4) Proposed location of off-street loading facilities.
- (5) Proposed location and materials of walls, fences and screen planting.
- (6) Potential population and area to be served by the proposed shopping center.

(c) Dimensional requirements within the B-1 Shopping Center District shall be as specified below:

- (1) The minimum site area shall be 3 acres.
- (2) The minimum distance from street lines to any building shall be 35 feet.
- (3) The minimum distance from other property lines to any building shall be 25 feet for any building under 40 feet in height.
- (4) The minimum distance from other property lines to any building from forty to sixty feet in height shall be 35 feet.
- (5) For buildings over 60 feet in height the minimum distance from other property lines to any such buildings shall be 35 feet, plus one foot for every two feet of building height over 60 feet.

(d) Permitted uses within the B-1 Shopping Center District shall be as specified for the B-1 District in Sec. 23-31, Table of Permitted Uses.

(e) In approving an application for B-1 Shopping Center District, the City Council shall find that the location of the proposed development is conveniently accessible to residential areas it is intended to serve with respect to the major thoroughfares system, that the shopping center, at that location, will provide needed business services to the present and foreseeable population of the retail service area indicated in the application, and that the site can be developed according to a site plan that will minimize adverse effects on surrounding residential areas.

(f) Site development within the B-1 Shopping Center District shall conform to the schematic plan and associated requirements approved by the City Council. Modification of the development plan and associated requirements may be made by the City Council subsequent to their initial approval upon application therefor by the owner of the property.

(g) Following City Council approval of a B-1 Shopping Center District, the property for which approval was granted shall be labeled B-1 S. C. D. on the Official Zoning Map.

(h) If construction of the shopping center is not started within two years of the date of approval, the City Council may consider rezoning the site to its previous classification.

Sec. 23-36. B-2 Highway Business District.

(a) The purpose of the B-2 Highway Business District is to provide facilities to serve the traveling public at locations along federal and state highway routes in the Charlotte metropolitan planning area. All possible future locations for highway service centers cannot be precisely outlined on the Official Zoning Map for reasons that the highway may not yet have been constructed, engineering plans may not yet have been finally approved by appropriate agencies, which would indicate whether particular locations would actually have access to or from the highways to be served, or the highway rights-of-way themselves may not yet have been finally located. A further purpose of the B-2 Highway Business District is to protect sites that are suited to highway service development from hazardous development that could destroy the best use of such sites for their unique business functions.

(b) An application for rezoning to B-2 Highway Business District shall be accompanied by a schematic plan showing:

- (1) Proposed locations of buildings and their general exterior dimensions.
- (2) Proposed uses of buildings and land.
- (3) Traffic, parking and circulation plan, showing proposed locations and arrangement of parking spaces and ingress and egress to and from adjacent streets and highways.
- (4) Proposed location of off-street loading facilities.
- (5) Proposed location and materials of walls, fences and screen planting.

(c) Dimensional requirements within the B-2 Highway Business District shall be as specified below:

- (1) The minimum site area shall be 1 acre.
- (2) The minimum distance from all property lines to buildings shall be 50 feet for buildings under 40 feet in height.
- (3) The minimum distance from side and rear property lines to buildings over 40 feet in height shall be 50 feet, plus one additional foot for every two feet of building height over 40 feet.

(d) Permitted uses within the B-2 Highway Business District shall be as specified for the B-2 District in Sec. 23-31, Table of Permitted Uses.

(e) In approving an application for B-2 Highway Business District, the City Council shall find that:

- (1) The proposed location is suited to highway service with respect to access to a federal or state highway;
- (2) The site can be developed according to a site plan that will minimize adverse effects on surrounding residential areas.

(f) Site development within the B-2 Highway Business District shall conform to the schematic plan and associated requirements approved by the City Council. Modification of the development plan and associated requirements may be made by the City Council subsequent to their initial approval upon application therefor by the owner of the property.

(g) Following City Council Approval of a B-2 Highway Business District, the property for which approval was granted shall be labeled B-2 H.B.D. on the Official Zoning Map.

(h) If construction of the Highway Business District is not started within two years of the date of approval, the City Council may consider rezoning the site to its previous classification.

Sec. 23-37. Mobile Home Courts or Trailer Parks

(a) Mobile homes and trailers that do not meet the requirements of the Housing and Building Codes of the City of Charlotte are not permitted within the Corporate Limits of the City. Within the area of jurisdiction of this Ordinance such mobile homes and trailers may hereafter be established outside the Corporate Limits of the City provided that if such mobile homes and trailers should subsequently become subject to the requirements of the Housing and Building Codes of the City of Charlotte they will comply with such requirements or be removed within four years from the date they become subject to the Housing and Building Codes of the City.

(b) Mobile Home Courts or Trailer Parks may be established, as a conditional use, in Multi-Family Residential Districts subject to Health Department Regulations and the following requirements:

- (1) The park site shall adjoin a Business or Industrial District so that the park will constitute a transitional use between commercial or industrial development and permanent residential development.
- (2) The park site shall consist of not less than five acres of land.
- (3) The park shall be screened from adjoining streets and properties in accordance with Section 23-50.
- (4) Access to the park shall not require intensive use of established minor residential streets.
- (5) Each trailer unit space shall contain a minimum of 2,500 square feet.

Sec. 23-38. Quarries

(a) Quarries may be established, as a conditional use, in Residential Districts subject to the following requirements.

- (1) A non-climbable fence, a minimum of six feet in height, shall be installed around the quarry and all its operations as a safety device. Such fences shall be constructed of wire mesh in rectangular shapes, and the sizes of such rectangles shall not exceed two inches by four inches.
- (2) Access to the quarry shall not make use of established minor residential access streets.
- (3) Any crushing of rock or processing of material shall be done in such a way as to minimize the amount of air-borne dust created.
- (4) The quarry and all its buildings, pits and processing equipment shall be effectively screened from the view of any adjoining property in a Residential District with a fence or durable masonry wall six feet in height or natural planting of comparable opacity at least six feet in height.

(b) Dimensional requirements for quarries shall be as specified below:

<u>Required minimum distance from adjacent property that is zoned:</u>	<u>Residential or Office or Business</u>	<u>Industrial</u>
To any building	100 feet	20 feet
To any crushing of rock, or processing of stone, gravel or other material	300 feet	200 feet
To any blasting	500 feet	400 feet

(c) During operation of the quarry and after termination of quarrying operations at that site, the following safety features shall be maintained:

(1) Rock Quarries

- (a) From the edge of the pit, a distance of 20 feet (measured horizontally) shall be maintained free of any soil cover.
- (b) From a point 20 feet from the edge of the pit, the soil cover, if less than 20 feet in depth, shall be graded back to a slope of one foot vertical, or less, to one foot horizontal from the rock level to the top of the soil cover.

- (c) If the soil cover to be stripped away exceeds 20 feet in depth, a ditch 8 feet in width and 3 feet in depth at least 10 feet back from the edge of the cut may be substituted for the backsloping. If the pit has reached its maximum expansion in any direction, however, the permanent fence as described in par. (d) below, in connection with the termination of quarrying operations, will suffice in lieu of the backsloping or ditch in that particular area.
- (d) For a distance of 100 feet from the edge of the pit, all dense underbrush shall be removed from the soil cover.

(2) Gravel Quarries and Sand Quarries

- (a) When such pit exceeds a depth of 20 feet from the surface of the ground, all dense underbrush shall be removed from the soil cover for a distance of 100 feet from the edge of the pit.

(d) Upon termination of quarrying operations at any pit that exceeds a depth of 20 feet from the surface of the ground, either the pit shall be backfilled to a slope of 1 foot vertical, or less, to 1 foot horizontal from the bottom of the pit to the surface of the ground, or a non-climbable fence shall be erected and maintained around the pit. The fence will be a minimum of six feet in height and constructed of wire mesh in rectangular shapes, and the sizes of such rectangles shall not exceed two inches by four inches.

Sec. 23-39. Off-Street Parking in Residential Districts

Off-street parking, in connection with office, business or industrial uses, may be established as a Conditional Use in any Residential District and off-street parking in connection with multi-family dwellings may be permitted in any Single-Family Residential District subject to the following requirements.

- (a) The parking lot shall directly abut the Multi-Family Residential, Office, Business or Industrial District.
- (b) No portion of the parking lot shall extend more than 150 feet into the adjacent Residential District.
- (c) The lot shall be used for parking only.
- (d) Parking structures shall not be permitted.
- (e) The lot shall be operated solely as a convenience to customers or employees of the associated non-residential use or to the residents of the multi-family dwelling, and shall be so located and arranged as to serve this end with a minimum of disturbance to nearby residential uses.

(f) Non-illuminated signs pertaining to the parking lot, no larger than two (2) square feet, and only (1) for each entrance and exit, may be erected and maintained.

(g) Wheel bumper guards shall be installed to prevent any portion of an automobile from being parked closer than (5) feet from any residential lot line or twenty (20) feet from any street line. Bumper guards shall not be required along the property line wherever a masonry wall is constructed.

(h) Screening shall be provided in accordance with Section 23-50.

(i) The lot may be used for parking only during such hours so as not to constitute a public nuisance to adjacent properties.

(j) The provisions of Article V, Division 1 with regard to off-street parking requirements shall be applicable to off-street parking established as a conditional use in a Residential District.

(k) The lot shall be paved with impervious concrete or asphalt material to a depth and in a manner approved by the Traffic Engineering Department.

Sec. 23-40. Petroleum Products Storage

(a) Petroleum products storage, as a principal use, for wholesale or retail distribution, of more than 100,000 gallons aggregate storage capacity, subject to the Fire Prevention Code of the National Board of Fire Underwriters, may be permitted as a Conditional Use in the I-2, General Industrial District, subject to the following requirements.

- (1) All storage tanks and loading facilities shall be located at least 25 feet from any exterior property line.
- (2) All storage tanks and loading facilities shall be located at least 120 feet from any exterior property line bordering a Residential District.

(b) As a prerequisite to approval of an application for this conditional use, the Council shall find that the use of the proposed site for petroleum storage will not endanger the safety of residential or other properties in the area, that vehicular access to the storage facility will be provided from major thoroughfares and will not require the use of minor residential access streets for access to the site.

Article IV. Area, Yard and Height Regulations

DIVISION 1. RESIDENTIAL DISTRICTS

Sec. 23-41. Residential Uses in Residential Districts

(a) The following requirements shall apply to residential uses in Residential Districts.

Residential District	Minimum Lot Area (Sq.Ft.)		Area Required for each additional Dwelling Unit	Minimum Lot Width (Feet)	
	Single-Family Dwelling Units			Single-Family Dwelling Units	Duplexes and Multi-Family Dwelling Units
R-6	6,000		-	50	-
R-6MF	6,000		2,000	50	55
R-6 MF-H	6,000		1,000	50	55
R-9	9,000		-	60	-
R-9MF	9,000		2,500	60	65
R-12	12,000		-	70	-
R-12 MF	12,000		3,000	70	80
R-15	15,000		-	80	-
R-15 MF	15,000		3,500	80	90

Residential District	Minimum Side Yards (Ft.)			Minimum Setback (feet)	Minimum Rear Yard (feet)	Minimum Unobstructed Open Space (% of total lot area)	Maximum Height (feet)
	One Side	Other Side	Both Sides				
R-6	8	6	14	25	40	50	40
R-6 MF	8	6	14	25	40	45	40
R-6 MF-H	8	6	14	20	40	40	40
R-9	8	6	14	30	45	55	40
R-9 MF	8	6	14	30	45	55	40
R-12	10	10	20	35	50	60	40
R-12 MF	10	10	20	35	50	60	40
R-15	10	10	20	40	55	65	40
R-15 MF	10	10	20	40	55	65	40

(b) In Single-Family Districts, the area required for each additional dwelling unit in the corresponding Multi-Family District applies to the construction of two-family dwellings on corner lots with entrances facing different streets.

(c) Unobstructed open space is land not covered by buildings or structures.

Sec. 23-42. Planned Multi-Family Developments In Residential Districts.

(a) A Planned Multi-Family Development is a group of two or more multi-family dwellings or three or more duplexes, established on a single lot, or on two or more lots assembled as a single development tract, having unified design of buildings and coordinated organization of common open space and service areas, thereby negating the necessity for dimensional regulations applicable to single structures on individual lots.

(b) Planned Multi-Family Developments may be established in Multi-Family Residential Districts, Office Districts and Business Districts subject to the following requirements:

Residential District	First Dwelling Unit (Sq.Ft.)	Each Additional Dwelling Unit (Sq.Ft.)	Minimum Setback (feet)	Minimum Side and Rear Yards at exterior property line (Feet)	Minimum Unobstructed Open Space (% of total Lot Area)	Maximum Height (Ft)
R-6 MF	6,000	2,000	25	15	45	40
R-6 MF-H	6,000	1,000	20	15	40	40
R-9 MF	9,000	2,500	30	20	55	40
R-12 MF	12,000	3,000	35	25	60	40
R-15 MF	15,000	3,500	40	30	65	40

- (1) Every residential building in a Planned Multi-Family Development shall be separated, on every side, from any other building within the building group by a distance of at least 16 feet in R-6 MF, R-6MF-H and R-9 MF Districts, and 20 feet in R-12 MF and R-15 MF Districts.
- (2) Where a front entrance of any residential building faces a service entrance or service area of another residential building, the building shall be separated by a distance of at least twice the minimum rear yard requirement for residential buildings for the District in which the development is located.
- (3) The applicant may be required by appropriate covenants, to restrict open space for service and/or recreation areas for the common use of the occupants of the Planned Multi-Family Development, provided that no more than five per cent of the area of the development may be required for such use.

- (4) The parking and circulation plan and driveway widths shall be subject to approval of the Traffic Engineering and Fire Departments of the City of Charlotte.

Sec. 23-43. Institutional Uses in Residential Districts.

(a) Churches, synagogues, convents, monasteries, dormitories, community recreation centers, Young Men's Christian Associations and comparable organizations, elementary, junior high and senior high schools, colleges, orphanages, museums, art galleries, hospitals and sanatoriums, libraries, fire stations, police stations and similar uses shall be subject to the following requirements in Residential Districts.

<u>Residential District</u>	<u>Minimum Distance From any Lot Line to Building (feet)</u>	<u>Minimum Side Yards on any Side Abutting Office, Business or Industrial District(feet)</u>	<u>Minimum Unobstructed Open Space (% of Total Lot Area)</u>	<u>Maximum Height (feet)</u>
R-6, R-6 MF	25	8	50	40
R-6 MF-H	20	8	45	40
R-9, R-9 MF	30	8	60	40
R-12, R-12 MF	35	10	65	40
R-15, R-15 MF	40	10	70	40

(b) Public or private cemeteries shall be subject to the following requirements:

- (1) All tombstones, crypts and monuments shall be located at least 25 feet from any exterior property line of the cemetery or from any public right-of-way.
- (2) Any on-site office or accessory buildings for the maintenance, management and/or sale of cemetery lots shall be located at least 100 feet from any exterior property line or from any public right-of-way.

(c) Public or private golf courses, non-commercial swimming clubs and country clubs shall be subject to the following requirements:

- (1) Buildings and swimming pools shall be located at least 100 feet from any exterior lot line.

(d) Nursing homes, rest homes, and homes for the aged shall be subject to the following requirements: The minimum lot area required for each five (or remainder over a multiple of five) resident patients shall be the same as the minimum lot area requirement for each family in a multi-family dwelling in the same or corresponding Multi-Family District.

(e) Day Nurseries, Day Care Centers and Pre-Schools, licensed by proper authority, may be established in Residential and Office Districts, and in the B-1 Neighborhood Business District, subject to requirements listed below, in addition to all other applicable requirements of this Ordinance in the Districts in which such uses are located.

- (1) At least 300 square feet of outdoor play space per child shall be provided.
- (2) Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking area, or land unsuited by other usage or natural features for children's play space. Fences shall comply with fence regulations for Residential Districts in Sec. 23-44. The minimum height in any case shall be three feet.
- (3) The minimum lot area for each eight (or remainder over the multiple of eight) children shall be the same as the minimum lot area requirement for each family in a multi-family dwelling in the same or corresponding Multi-Family District.

Sec. 23-44. Fences and Walls in Residential Districts.

Fences and walls may be built to a maximum height of six feet along the common side lot line or elsewhere within the required side yard between the required setback and the rear building line. Fences and walls may be built to a height of five feet along the common side lot line or elsewhere within the required setback between the line of the required setback and the street line.

Sec. 23-45. Modification of Maximum Building Height.

Principal buildings in Single-Family and Multi-Family Residential Districts may be erected to a height in excess of forty feet, provided that minimum side yards on every side shall be increased by one foot for every two feet of building height in excess of forty feet. In Planned Multi-Family Developments, principal buildings may be erected to a height in excess of forty feet, provided that minimum side and rear yards at exterior property lines shall be increased by one foot for every two feet of building height in excess of forty feet.

Sec. 23-46. Height of Single-Family Dwellings.

Single-family dwellings shall be limited to a height of forty feet in all Districts in which they are permitted.

DIVISION 2. OFFICE DISTRICTS

Sec. 23-47. Non-Residential Uses in Office Districts.

Non-residential uses in Office Districts shall be subject to the following requirements.

Office District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Side Yard (feet)		Minimum Setback (feet)
			One Side	Other Side	
O-15	15,000	80	8	8	40
O-6	6,000	50	8	6	20

Minimum Rear Yard (feet)

Office District	Maximum Height (feet)	Adjacent to Residential Districts	Adjacent to Office, Business or Industrial Districts
O-15	40	40	20
O-6	40	40	20

Sec. 23-48. Residential Uses in Office Districts.

(a) Dimensional requirements for buildings and lots used wholly or partially for residential purposes in the O-6 Office District shall be the same as those required in the R-6 MF-H District.

(b) Dimensional requirements for buildings and lots used wholly or partially for residential purposes in the O-15 Office District shall be the same as those required in the R-15 MF District, except that the area required for each additional dwelling unit shall be 2,500 square feet.

Sec. 23-49. Parking in Setback Prohibited.

No parking of motor vehicles shall be permitted in the required setback on any lot in any Office District, nor shall multi-level parking structures be permitted within any required setback, side yard, or rear yard.

Sec. 23-50. Screening Required.

A durable masonry wall, fence or hedge or other natural planting of comparable opacity, designed to be compatible with the residential character of adjoining properties, shall be provided along the side and/or rear lines

of any lot in any Office District, used for non-residential purposes, wherever such side and/or rear lines adjoin a lot in any Residential District. Such fences and walls shall be at least five feet in height but not greater than seven feet in height, measured from the ground along the common lot line of the adjoining lot in the Residential District. Hedges or comparable natural plantings shall be planted at an initial height of at least three feet and shall be of such variety that an average height of at least six feet could be expected by normal growth within no later than two years from the time of planting. Fences and walls shall be limited to a height of five feet along the common side lot line between the street line and the required setback of the adjoining lot in the Residential District.

Sec. 23-51. Modification of Maximum Building Height.

Principal buildings in Office Districts may be erected to a height in excess of forty feet, provided that minimum side yards on each side shall be increased by one foot for every two feet of building height in excess of forty feet. In Planned Multi-Family Developments, principal buildings may be erected to a height in excess of forty feet, provided that minimum side and rear yards at exterior property lines shall be increased by one foot for every two feet of building height in excess of forty feet.

Sec. 23-52. Height of Single-Family Dwellings.

Single-family dwellings shall be limited to a height of forty feet in all Districts in which they are permitted.

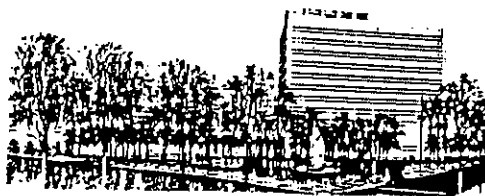
DIVISION 3. BUSINESS DISTRICTS

Sec. 23-53. Non-Residential Uses on Lots in Business Districts Adjoining Office, Business or Industrial Districts.

(a) The following requirements shall apply to buildings forty (40) feet in height or less:

<u>Business District</u>	<u>Minimum Setback (Feet)</u>	<u>Minimum Side Yard (Feet)</u>	<u>Minimum Rear Yard (Feet)</u>
B-1	20		10
B-2	20	(None required; Minimum 8 feet first side and 4 feet other side, if side yards are provided)	10
B-3	(None required)	(None required)	(None required)

**CHARLOTTE
MECKLENBURG
GOVERNMENT
CENTER**



CHARLOTTE-MECKLENBURG GOVERNMENT CENTER NEWSLETTER
SEPTEMBER 23, 1988

VOL. 12

Lobby and Chamber Update

The Lobby/Atrium will be opened to the general public on Monday, September 26, 1988.

The Finance Department's Revenue/Water Billing Division will have its operation in full gear on the Plaza and Plaza+1, and the Public Service and Information Department's Action Line desk staff will be ready to greet the public.

Also, we thought you should be aware that Council will conduct its first meeting in the Meeting Chamber on Monday afternoon at 2:00 p.m.

Parking

Because of the anticipated increase of public parking on the lower level in the CMGC deck, we appeal to all monthly parkers to not park in the lower level of the deck. This would aid us greatly.

Also, we remind you that access to and from the deck at Caldwell Street may save you some time and offer greater convenience.

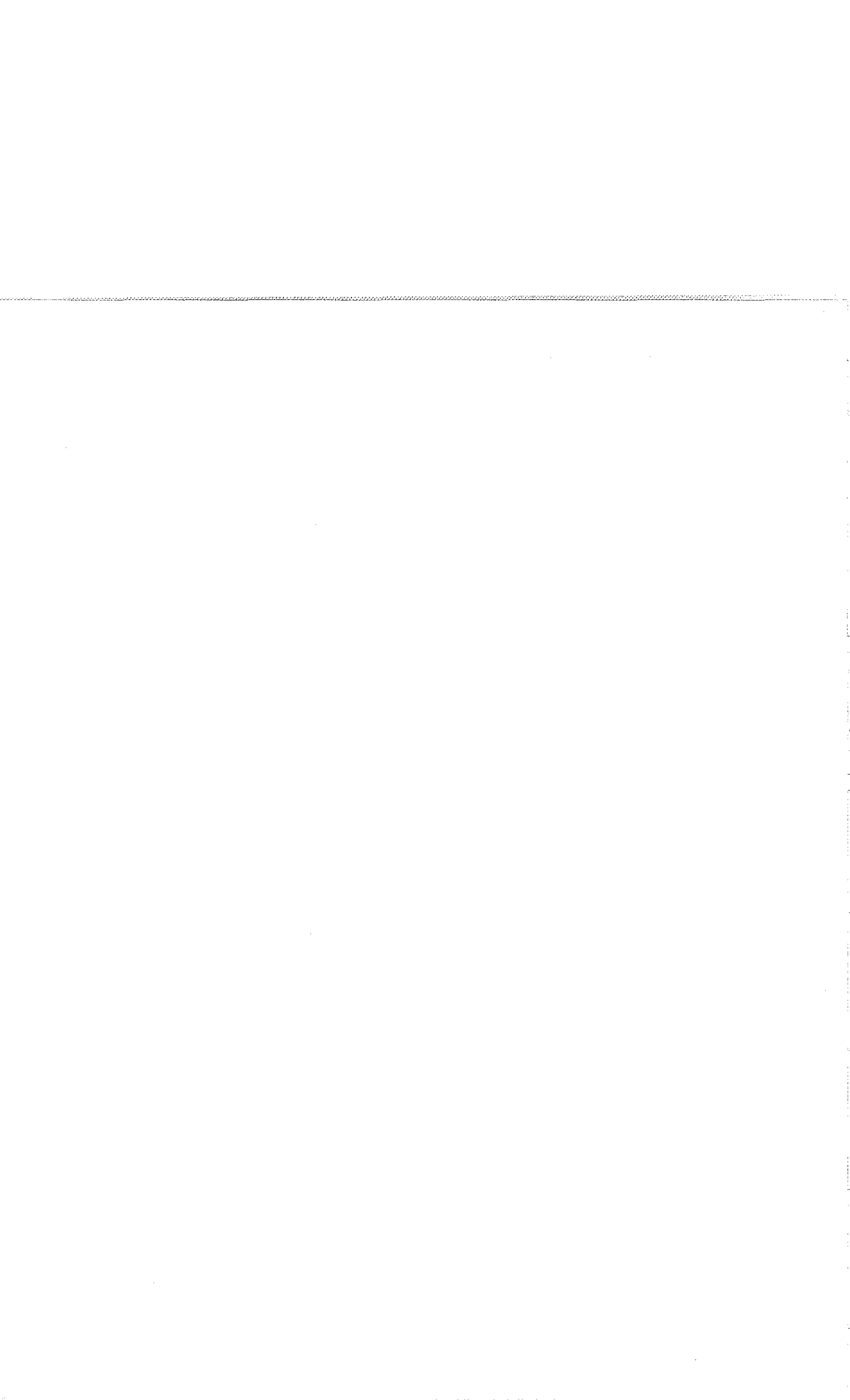
Plaza - Exterior

The drive-through circle located on East 4th Street has been designed for dropoffs and pickups and should remain unblocked at all times.

There are still some unsafe conditions existing at the edge of the exterior plaza where the County still has a building under construction. Please do not approach this construction area.

Subplaza - Loading Dock, Video and Chamber Support Areas

Although the lobby and tower will be fully opened to the public on Monday, September 26, 1988, there are still some areas, particularly in the subplaza where the contractor's crew are still attempting to finish their work. Please cooperate with us and, for your own safety, refrain from entering the above areas.



(b) In the B-1 and B-2 Districts, the following requirements shall apply to non-residential buildings where the height exceeds 40 feet:

- (1) Minimum setback shall be 20 feet.
- (2) A minimum side yard of 10 feet on each side shall be provided for buildings greater than 40 feet but less than 60 feet in height.
- (3) For buildings with a height of 60 ft. or more the minimum side yard shall be 10 feet, plus one additional foot of side yard on each side for every two feet of height over 60 feet.
- (4) Minimum rear yard shall be 10 feet.

(c) In the B-3 District the following minimum building setbacks from both side and rear lot lines shall be in effect at the building heights indicated:

<u>Height of Building Above 40 feet</u>	<u>Minimum Distance of Building above 40 feet from both side and rear lot lines</u>
First two stories above 40 feet	4 feet
Third and fourth stories above 40 feet	6 feet
Fifth story above 40 feet and above	8 feet

(d) In the B-3 District, building setbacks shall not be required on any property line adjacent to a public street right-of-way, except as specified in Sec. 23-54.

Sec. 23-54. Non-Residential Uses on Lots in Business Districts Adjoining Residential Districts.

(a) Where a side lot line of a lot in any Business District abuts a lot in any Residential District, the minimum setback and side yard requirements listed below shall apply on the abutting side. Where a rear lot line of a lot in any Business District abuts a lot in any Residential District, the minimum rear yard requirements listed below shall apply.

<u>Business District</u>	<u>Minimum Setback (Feet)</u>	<u>Minimum Side Yard (Feet)</u>	<u>Minimum Rear Yard (Feet)</u>
B-1	20	10	20
B-2	20	10	20
B-3	20	10	20

(b) In any Business District, side yard regulations for non-residential buildings over 40 feet in height, as specified in Sec. 23-53, (b), (c), shall apply on lots adjacent to any Residential District in addition to the minimum side yard requirement of 10 feet specified in the table in par. (a), next above.

Sec. 23-55. Residential Uses in Business Districts.

(a) Dimensional requirements for buildings and lots used wholly or partially for residential purposes in B-1 and B-2 Business Districts shall be the same as those required in the R-6 MF-H District in Sec. 23-41 and Sec. 23-42.

(b) Dimensional requirements for buildings and lots used wholly or partially for residential purposes in the B-3 Business District shall be the same as those required in the R-6 MF-H District in Sec. 23-41 and Sec. 23-42, except that the area required for each additional dwelling unit shall be 500 square feet, after the initial minimum lot area requirement of 6,000 square feet for the first two dwelling units.

Sec. 23-56. Screening Required.

A durable masonry wall, fence or hedge or other natural planting of comparable opacity, designed to be compatible with the residential character of adjoining properties, shall be provided along the side and/or rear lot lines of any lot in any Business District wherever such side and/or rear lines adjoin a lot in any Residential District. Such fences and walls shall be at least five feet in height, but not greater than seven feet in height, measured from the ground along the common lot line of the adjoining lot in the Residential District. Hedges or comparable natural plantings shall be planted at an initial height of at least three feet, and shall be of such variety that an average height of at least six feet could be expected by normal growth within no later than two years from the time of planting. Fences and walls shall be limited to a height of five feet along the common side lot line between the street line and the required setback of the adjoining lot in the Residential District.

Sec. 23-59. Outdoor Storage.

(a) Outdoor storage of any material, stocks or equipment, accessory to a principal use on any lot in a Business District, shall be screened from public view from any public street or from any adjoining lots in Residential Districts with a masonry wall, fence or hedge or other natural planting of comparable opacity, as specified in Sec. 23-56. Such screening may be located anywhere on the property, subject to any other provisions of this Ordinance, provided that the open storage area is effectively screened as specified above.

(b) This requirement shall not apply to off-street parking lots or to the storage of new and used vehicles that are offered or intended for sale, except as required in Sec. 23-56 along the side or rear lot lines of any lot in any Business District where it adjoins a lot in any Residential District.

DIVISION 4. INDUSTRIAL DISTRICTS

Sec. 23-58. Lots in Industrial Districts Adjoining Lots in Office, Business or Other Industrial Districts.

<u>Industrial District</u>	<u>Minimum Setback (Feet)</u>	<u>Minimum Side Yard (Feet)</u>	<u>Minimum Rear Yard (Feet)</u>	<u>Maximum Height (Feet)</u>
I-1	20	10	10	(None)
I-2	20	10	10	(None)
I-3	5	(None required; minimum 8 feet first side and 4 feet other side, if side yards are provided)	10	(None)

Sec. 23-59. Lots in Industrial Districts Adjoining Residential Districts.

Where a side lot line of a lot in any Industrial District abuts a lot in any Residential District, the minimum setback and side yard requirements listed below shall apply on the abutting side. Where a rear lot line of a lot in any Industrial District directly abuts a lot in any Residential District the minimum rear yard requirements listed below shall apply.

<u>Industrial District</u>	<u>Minimum Setback (Feet)</u>	<u>Minimum Side Yard (Feet)</u>	<u>Minimum Rear Yard (Feet)</u>	<u>Maximum Height within 100 feet of Res. Dist. (Ft.)</u>
I-1	20	20	20	40
I-2	20	20	20	40
I-3	20	10	20	40

Sec. 23-60. Screening Required;

A durable masonry wall, fence or hedge or other natural planting of comparable opacity, designed to be compatible with the residential character of adjoining properties, shall be provided along the side and/or rear lot lines of any lot in an Industrial District where it adjoins a lot in any Residential District. Such fences and walls shall be at least five feet in height, but not greater than seven feet in height, measured from the ground along the common lot line of the adjoining lot in the Residential District. Hedges or comparable natural plantings shall be planted at an initial height of at least three feet, and shall be of such variety that an average height of at least six feet could be expected by normal growth within no later than two years from the time of planting. Fences and walls shall be limited to a height of five feet along the common side lot line between the street line and the required setback of the adjoining lot in the Residential District.

Sec. 23-61. Outdoor Storage.

(a) Outdoor storage of any material, stocks or equipment, accessory to a principle use on any lot in the I-1 Light Industrial District, shall be screened from public view from any public street or from any adjoining lots in Residential Districts with a masonry wall, fence or hedge or other natural planting of comparable opacity, as specified in Sec. 23-60. Such screening may be located anywhere on the property, subject to any other provisions of this Ordinance, provided that the open storage area is effectively screened as specified above.

(b) This requirement shall not apply to off-street parking lots or to the storage of new and used vehicles that are offered or intended for sale, except as required in Sec. 23-60, along the side or rear lot lines of any lot in the I-1 Light Industrial District where it adjoins a lot in any Residential District.

Article V. Off-Street Parking and Loading Requirements

DIVISION 1. OFF-STREET PARKING REQUIREMENTS

In order to assure a proper and uniform development of public parking areas throughout the City of Charlotte and its Perimeter Area, to relieve traffic congestion in the streets and to minimize any detrimental effects of off-street parking areas on adjacent properties, the procedures and standards set forth in Sec. 23-62 through Sec. 23-72 shall apply.

Sec. 23-62. Schedule of Off-Street Parking Requirements.

Off-street parking shall be provided and maintained as specified in the following schedule. These requirements shall apply to all new buildings and uses and to additions to existing buildings and uses in all Districts except the B-3 Business District, where existing development is at such density that they cannot reasonably be imposed and where off-street parking is provided on a private, commercial basis.

<u>Types of Uses</u>	<u>Parking Plan Approval Required</u>	<u>Standards</u>
Retail stores, all types	X	1 space per 200 square feet of floor area used or designed for sales on ground floor plus 1 space per 300 square feet of floor area used or designed for sales on all other floors, plus 1 space per each two employees.
Motels, Tourist Courts, Motor Courts and Hotels	X	1 space per guest room, plus 1 space per each two employees on shift of greatest employment.
Funeral Homes	X	1 space per each 60 square feet of floor area available for seating accommodations.
Banks	X	1 space per each 100 square feet of gross floor area.
Office and Professional Buildings	X	1 space per each 300 square feet of gross floor area.
Medical and Dental Offices and Clinics	X	1 space per each 200 square feet of gross floor area.

<u>Types of Uses</u>	<u>Parking Plan Approval Required</u>	<u>Standards</u>
Restaurants, Diners and Night Clubs	X	1 space per each 3 seating accommodations, plus 1 space per each two employees on shift of greatest employment.
Airports, Railroad passenger stations and Bus terminals	X	1 space per each 4 seating accommodations for waiting passengers, plus 1 space per each two employees on shift of greatest employment.
Hospitals	X	1 space per bed intended for patients (except bassinets or beds in student nurses' quarters) plus 1 space per each medical staff member, plus 1 space per each two other employees on shift of greatest employment.
Museums and Art Galleries	X	1 space per each four seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 space for each two employees on shift of greatest employment.
Public Libraries	X	1 space per each 150 square feet of gross floor area for public use, plus 1 space per each two employees on shift of greatest employment.
Fire Stations	X	1 space per each person on duty on a normal shift
Auditoriums, stadiums, assembly halls, gymnasiums, theatres, community recreation centers, churches	X	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 space per each 150 square feet of gross floor area, whichever is needed by the facility.

<u>Types of Uses</u>	<u>Parking Plan Approval Required</u>	<u>Standards</u>
Indoor and outdoor commercial recreation	X	1 space for each 150 square feet of gross floor, building or ground area devoted to such use, or 1 space per each 4 seats of facilities available for patron use, whichever is needed by the facility.
Automobile Service Stations	X	1 space per each car stored, plus 1 space per each employee during period of greatest employment.
Roadside stands, new and used car sales, house and truck trailer sales, outdoor equipment and machinery sales, commercial nurseries	X	4 spaces per each salesperson, plus 1 space per each two other employees, during period of greatest employment.
Drive-in facilities	X	1 space per each motor vehicle served, plus 1 space per each two employees during period of greatest employment.
Dwelling, single-family		2 spaces per dwelling unit
Dwelling, two-family		2 spaces per dwelling unit
Dwellings, multi-family		1.25 spaces per dwelling unit. Parking for multi-family units may be permitted in Single-Family Residential Districts only as a Conditional Use under Sec. 23-39.
Dormitories		1 space per each three residents
Room renting and boarding houses		1 space per each roomer or boarder, in addition to the normal requirements for the dwelling unit.

<u>Types of Uses</u>	<u>Parking Plan Approval Required</u>	<u>Standards</u>
Nursing homes, rest homes, homes for the aged		1 space per four patient beds, plus 1 space per each two employees on the shift of greatest employment.
Day Nurseries, day care centers and pre-schools		1 space per each adult attendant.
Elementary schools and junior high schools	X	3 spaces per each room used for administrative offices or class instruction, or one space for each six seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater.
Senior high schools, trade and vocational schools, colleges and universities	X	5 spaces per each room used for administrative offices or class instruction, or one space for each five seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater.
Post Offices	X	1 space per each 400 square feet of gross floor area, plus 1 space per each two employees on the shift of greatest employment.
Industrial, Manufacturing and wholesaling establishments	X	1 space per each two employees on the shift of greatest employment.

Sec. 23-63. Parking Space Defined.

A parking space is defined as an off-street space available for the parking of motor vehicles with minimum dimensions of eight and one-half feet in width and seventeen feet in length and with a total of 145 square feet, exclusive of passageways and driveways appurtenant thereto and giving passage thereto.

Sec. 23-64. Parking Spaces in Driveways.

Driveways, in the absence of garages or carports, shall be considered as providing required off-street parking spaces for single-family and two-family dwellings in Residential and Office Districts, provided that sufficient spaces are available on such driveways to meet the requirements of this Section.

Sec. 23-65. Locations of Parking Spaces.

Parking spaces shall be located so that no spaces are a greater distance than 400 feet from the buildings or uses to which they are assigned. This requirement does not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly, industrial, wholesaling, manufacturing establishments and hospitals.

Sec. 23-66. Parking Spaces Assigned to One Use.

Required parking spaces for any number of separate buildings or uses may be combined in one lot but the required spaces assigned to one use may not be assigned to another use at the same time, except that the required parking spaces for places of assembly may be assigned to parking spaces that are otherwise assigned to other uses, provided that the parking spaces are normally used at different times.

Sec. 23-67. Parking Spaces May Not Be Reduced.

Off-street parking spaces may not be reduced below the minimum required for the use or facility to which they are assigned.

Sec. 23-68. Additions to Buildings Deficient in Parking Spaces.

Additions may be made to existing buildings and uses that are deficient in required off-street parking spaces as specified in the Schedule of Off-Street Parking Requirements, Sec. 23-62, provided that such additions do not represent a requirement in excess of three off-street parking spaces.

Sec. 23-69. Parking Plans Required.

(a) Plans for public parking lots, garages and storage areas operated on a commercial basis, and/or required for uses so indicated in the Schedule of Off-Street Parking Requirements shall be submitted to the City Traffic Engineering Department for review for compliance with the provisions of this Ordinance and with other pertinent ordinances of the Code of the City of Charlotte.

(b) Such plans shall show the number of spaces and arrangement of parking aisles, location of driveway entrances, provisions for vehicular and pedestrian circulation, locations of sidewalks and curbs on or adjacent to the property, utilities, barriers, locations of shelters, locations of signs, typical cross-sections of pavement, storm drainage facilities and such other information on plans as the circumstances may warrant.

Sec. 23-70. Barriers Required.

(a) Curbs, walls, fences or similar devices shall be located along the perimeter of parking lots, garages and storage areas, except at entrances and exists indicated on approved parking plans.

(b) Such barriers shall be so designed and located to prevent parked vehicles from extending beyond property lines of parking lots and garages and to protect public right-of-way and adjoining properties from damaging effects from surface drainage from parking lots.

(c) Standards and requirements of (a) and (b), next above, shall apply to all existing parking lots, garages and storage areas six months from the date of passage of this Ordinance.

Sec. 23-71. Parking and Storage Areas.

(a) Parking lots, garages and storage areas shall be designed and constructed so that all maneuvering to park and unpark can take place entirely within property lines of lots, garages and storage areas.

(b) The use of streets, sidewalks, alleys or other public rights-of-way for parking or maneuvering to and from off-street parking spaces is prohibited, except where such maneuvering is necessary in the use of driveways for access to and from single-family and two-family dwellings in Residential or Office Districts.

(c) Ingress and egress to parking areas shall be limited to driveway entrances and exits specified in parking area plans as approved by the Charlotte Traffic Engineering Department.

Sec. 23-72. Parking Lot and Garage Maintenance.

Ground cover, shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight clearance at entrances and exits.

DIVISION 2. OFF-STREET LOADING REQUIREMENTS

In order to assure a proper and uniform development of off-street loading areas throughout the City of Charlotte and its Perimeter Area and to relieve traffic congestion in the streets, the off-street loading requirements set forth in Sec. 23-73 through Sec. 23-75 shall apply in all Districts. These requirements shall apply to new buildings and uses and to additions to existing buildings and uses.

Sec. 23-73. Spaces Appropriate to Functions.

Off-street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.

Sec. 23-74. Design of Loading Spaces.

Off-street loading spaces shall be designed and constructed so that all maneuvering to park and unpark vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public rights-of-way.

Sec. 23-75. Ingress and Egress.

Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations of the City of Charlotte.

Article VI Sign Regulations

DIVISION 1. GENERAL REGULATIONS

Sec. 23-76. Signs Permitted Without Limitation

In all Districts the following signs shall be permitted without limitation:

- (a) Signs to regulate traffic
- (b) Signs required to be posted by law
- (c) Warning signs and no trespassing signs
- (d) Signs established by governmental agencies
- (e) Signs indicating bus stops, taxi stands, and similar transportation facilities.
- (f) Signs giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities, except for the limitations established for conditional parking Residential Districts under Sec. 23-39.
- (g) Temporary real estate signs advertising specific property for sale, lease, rent or development, on private property.
- (h) Permanent subdivision identification signs not exceeding 12 square feet in area, on private property.
- (i) Temporary signs involved in campaigns of religious, charitable, civic, fraternal, political and similar organizations, on private property.

Sec. 23-77. Unsafe Signs.

Signs that are structurally unsafe and thereby endanger the public safety shall be removed unless they are repaired and made to otherwise comply with the requirements of this Ordinance.

Sec. 23-78. Signs Subject to Laws of North Carolina.

Signs and other sources of illumination adjacent to public streets shall be subject to the provisions of Sec. 136-32.2 of the General Statutes of North Carolina.

Sec. 23-79. Flashing Signs.

Flashing signs hereafter established in any District shall not be located closer than 50 feet to any street right-of-way.

DIVISION 2. SCHEDULE OF SIGN REGULATIONS.

Signs shall be permitted in accordance with regulations listed below in Sections 23-80 through Sec. 23-85 and in accordance with other applicable regulations of this Ordinance.

(a) The letter "N" means that the sign shall not have flashing illumination.

(b) The letter "M" means that the sign shall be motionless.

Sec. 23-80. Residential Districts.

(a) Signs on premises of single-family and two-family dwellings shall be regulated as follows:

- | | |
|--------------------------------|---|
| (1) Type of sign permitted: | Identification |
| (2) Permitted number of signs: | 1 per dwelling unit |
| (3) Maximum area of signs: | 1½ square feet |
| (4) Permitted illumination: | Lighted (N,M) |
| (5) Permitted location: | Behind street right-of-way line except as permitted in par.(b), Sec. 23-85. |

(b) Signs on premises of multi-family dwellings shall be regulated as follows:

- | | |
|--------------------------------|--|
| (1) Type of sign permitted: | Identification |
| (2) Permitted number of signs: | 1 per building |
| (3) Maximum area of signs: | 6 square feet |
| (4) Permitted illumination: | Lighted (N,M) |
| (5) Permitted location: | Behind required setback, except as permitted in par.(b), Sec. 23-85. |

(c) Signs on premises of Planned Multi-Family Developments shall be regulated as follows:

- | | |
|--------------------------------|---|
| (1) Type of sign permitted: | Identification |
| (2) Permitted number of signs: | 1 per street front |
| (3) Maximum area of signs: | 9 square feet |
| (4) Permitted illumination: | Lighted (N,M) |
| (5) Permitted location: | Behind required setback, except as permitted in par.(b) Sec. 23-85. |

(d) Signs on premises of churches, schools, colleges, hospitals, Y.M.C.A. and comparable organizations, community recreation centers, libraries, museums, art galleries, golf courses, country clubs, swimming clubs, parks, playgrounds and similar uses shall be regulated as follows:

- | | |
|--------------------------------|--|
| (1) Types of signs permitted: | Identification and Bulletin Board |
| (2) Permitted number of signs: | Identification - 1 per building
Bulletin Board - 1 per building |
| (3) Maximum area of signs: | Identification - 40 square feet
Bulletin Board - 36 square feet |
| (4) Permitted illumination: | Identification and Bulletin Board - Lighted (N,M) |
| (5) Permitted location: | Identification and Bulletin Board -
Behind street right-of-way line, except as permitted in par. (b), Sec. 23-85. |

(e) Signs on premises of cemeteries shall be regulated as follows:

- | | |
|--------------------------------|---|
| (1) Type of sign permitted: | Identification |
| (2) Permitted number of signs: | 1 per street front |
| (3) Maximum area of signs: | 12 square feet |
| (4) Permitted illumination: | Lighted (N,M) |
| (5) Permitted location: | Behind required setback, except as permitted in par. (b), Sec. 23-85. |

(f) Signs on premises of nursing homes, homes for the aged, day nurseries, day care centers and pre-schools shall be regulated as follows:

- | | |
|--------------------------------|---|
| (1) Type of sign permitted: | Identification |
| (2) Permitted number of signs: | 1 per establishment |
| (3) Maximum area of signs: | 12 square feet |
| (4) Permitted illumination: | Lighted (N,M) |
| (5) Permitted location: | Behind required setback, except as permitted in par. (b), Sec. 23-85. |

Sec. 23-81. Office Districts.

(a) Signs on premises of single-family, two-family and multi-family dwellings and Planned Multi-Family Developments shall be regulated as in par. (a), (b) and (c), Sec. 23-80, next above.

(b) Signs on premises of uses listed in par. (d), (e) and (f), Sec. 23-80, next above, and on premises of buildings for dramatic, musical or other cultural activities, for social, fraternal, social service, union and civic organizations and similar buildings shall be regulated as follows:

- | | |
|--------------------------------|---|
| (1) Types of signs permitted: | Identification and Bulletin Board |
| (2) Permitted number of signs: | Identification - 1 per building
Bulletin Board - 1 per building |
| (3) Maximum area of signs: | Identification - Five per cent of the area of the elevation of one exterior building wall facing a street, provided that any such sign may be at least 50 square feet and shall not exceed 200 square feet.
Bulletin Board - 36 square feet |
| (4) Permitted illumination: | Identification and Bulletin Board Luminous (N,M) |
| (5) Permitted location: | Identification - Mounted on the building unless the sign does not exceed 50 square feet in area, in which case it may be located anywhere on the property behind the setback line, except as permitted in par. (b), Sec. 23-85.
Bulletin Board - Behind street right-of-way line, except as permitted in par. (b), Sec. 23-85. |

(c) Signs on premises of professional offices, business offices, merchandise display buildings, studios for artists, designers, photographers and musicians, banks and funeral homes shall be Identification signs only and shall be regulated as in par. (b), next above.

Sec. 23-82. B-1 Business Districts

(a) Signs on premises of permitted uses conducted in buildings or with buildings associated shall be regulated as follows:

- | | |
|--------------------------------|---|
| (1) Types of signs permitted: | Business and/or Identification |
| (2) Permitted number of signs: | No limit, except as specified below for detached signs. |
| (3) Maximum area of signs: | Signs attached to buildings -
No limit |
| | Signs detached from buildings -
100 square feet |
| (4) Permitted illumination: | Luminous |
| (5) Permitted location: | One sign per establishment may be detached from the building provided it is located behind the property line and at least ten feet above ground level if located within fifteen feet of a street right-of-way line. |

Other signs shall be mounted on the building and shall not extend more than fifteen feet above the parapet of the building nor more than eighteen inches from any building wall or marquee face, provided that any such sign shall not project more than six inches into the street right-of-way unless it is at least ten feet above street grade in which case it shall not extend more than eighteen inches into the street right-of-way

(b) Signs on premises of permitted uses not conducted in or associated with buildings shall be regulated as follows:

- | | |
|--------------------------------|---|
| (1) Types of signs permitted: | Business and/or Identification |
| (2) Permitted number of signs: | 1 per establishment |
| (3) Maximum area of signs: | 100 square feet |
| (4) Permitted illumination: | Luminous |
| (5) Permitted location: | Behind street right-of-way line, except as permitted in par. (b), Sec. 23-85. |

Sec. 23-83. B-2 Business District; I-1, I-2, and I-3 Industrial Districts.

(a) Signs on premises of permitted uses conducted in buildings or with buildings associated shall be permitted and regulated as in the B-1 Business District, except that signs may extend twenty feet above the parapet of a building.

(b) Signs on premises of permitted uses not conducted in or associated with buildings shall be permitted and regulated as in the B-1 Business District.

(c) Advertising signs shall be permitted subject to the following regulations:

- (1) No advertising sign shall exceed 750 square feet in area
- (2) Advertising signs shall be located not closer to the street right-of-way than twenty feet.
- (3) Advertising signs exceeding 72 square feet shall not be closer to a residential structure than ten feet.
- (4) Each structure may support one advertising sign not exceeding an aggregate of 750 square feet on either side of said structure.

Sec. 23-84. B-3 Business Districts.

Signs in B-3 Business Districts on premises of any permitted uses shall be regulated as follows:

- | | |
|--------------------------------|--|
| (1) Types of signs permitted: | Identification and/or Business |
| (2) Permitted number of signs: | No limit |
| (3) Maximum area of signs: | No limit |
| (4) Permitted illumination: | Luminous |
| (5) Permitted location: | Anywhere on the property, but projecting not more than six inches into the street right-of-way, unless the sign is ten feet above the street grade, in which case it may project eighteen inches into the street right-of-way. |

Sec. 23-85. Special Sign Regulations.

(a) For the purpose of this sign regulation a shopping center consisting of five or more businesses located in a unified building or group of buildings may have business and/or identification signs as permitted in the District except that the center as a whole may have in addition, one detached sign, not exceeding 100 square feet in area, per street front, over and above the detached signs permitted for the business establishment in the center.

(b) Where a permitted sign is required to be behind the required setback and the wall of the related building is at or in front of the set back line, the sign may project eighteen inches from the building wall, provided that any such sign shall not project more than six inches into the street right-of-way unless it is at least ten feet above street grade in which case it shall not extend more than eighteen inches into the street right-of way.

Article VII Administrative Provisions.

DIVISION 1. SUPERINTENDENT OF BUILDING INSPECTION

Sec. 23-86. Administration of Zoning Ordinance.

The Superintendent of Building Inspection is hereby authorized, and it shall be his duty, to administer and enforce the provisions of this ordinance. Appeal from a decision of the Superintendent of Building Inspection may be made to the Board of Adjustment as hereinafter provided.

Sec. 23-87. Building Permits.

(a) Before commencing the construction, erection, repair, alteration, addition to, removal, moving, or demolishing of any building or structure or part thereof, except signs permitted in Sec. 23-76, (a) through (g) and (i), and except signs exempted in Sec. 1800-3 of the North Carolina State Building Code, 1958 Edition, or before commencing any excavation for such building or structure, a building permit for the same shall be secured from the Superintendent of Building Inspection.

(b) The Superintendent of Building Inspection shall not issue a building permit unless the plans, specifications, and intended use of such building or structures or part thereof conform in all respects to the provisions of this Ordinance. The application for a building permit shall be accompanied by such information as the Superintendent of Building Inspection may require to enable him to act upon such application. In cases where an appeal is filed by the applicant, or where he applies for a variance, the Superintendent of Building Inspection shall forthwith transmit all the papers pertaining to the application to the Board of Adjustment for its action.

(c) Building permit fees shall be as specified in Chapter 5 of the Building Code of the City of Charlotte. Such fee shall be deemed to include a zoning permit fee of seven dollars and fifty cents (\$7.50).

Sec. 23-88. Zoning Permits.

(a) Before commencing the construction, erection, repair, alteration, addition to, removal, moving, or demolishing of any building or structure or part thereof, except signs permitted in Sec. 23-76, (a) through (g) and (i), and except signs exempted in Sec. 1800-3 of the North Carolina State Building Code, 1958 Edition, or before commencing any excavation for such building or structure, a zoning permit for the same shall be secured from the Superintendent of Building Inspection.

(b) The Superintendent of Building Inspection shall not issue a zoning permit unless the plans, specifications, and intended use of such building or structure or part thereof conform in all respects to the provisions of this Ordinance. The application for a zoning permit shall be accompanied by such information as the Superintendent of Building Inspection may require to enable him to act upon such application. In cases where an appeal is filed by the applicant, or where he applies for a variance, the Superintendent of Building Inspection shall forthwith transmit all of the paper pertaining to the application to the Board of Adjustment for its action.

(c) Within the area of jurisdiction of the Building Code of the City of Charlotte a zoning permit fee of seven dollars and fifty cents (\$7.50) shall be deemed to be included in the building permit fee. Outside the jurisdiction of the Building Code of the City of Charlotte a zoning permit fee of seven dollars and fifty cents (\$7.50) shall apply.

Sec. 23-89. Building Permits Issued Prior to Adoption of This Ordinance.

Building Permits issued in conformance with the Building Code of the City of Charlotte and the Zoning Ordinances of the City of Charlotte and Perimeter Area prior to the date of adoption of this Ordinance, whether consistent or inconsistent with this Ordinance, shall be valid for a period of six months from time of issuance of the permit. If construction in connection with such a permit has not been started within such six months period, the permit shall be void and a new permit, consistent with all provisions of this Ordinance shall be required. For purposes of this Section, construction shall be deemed to have been started at the time of completion of the foundation.

Sec. 23-90. Certificates of Occupancy.

After the effective date of this Ordinance it shall be unlawful to change or commence the use of any building or land, except the use of land for agricultural purposes, until a certificate of occupancy shall have been issued by the Superintendent of Building Inspection stating that the proposed use complies with the provisions of this Ordinance.

Sec. 23-91. Location of District Boundary Lines.

The Superintendent of Building Inspection shall decide the exact location of Zoning District Boundary Lines when a question arises concerning boundary lines shown on the Official Zoning Map, subject to administrative review by the Board of Adjustment provided for in Sec. 23-94. The determination of the exact location of a Zoning District Boundary Line shall be guided by the following provisions:

(a) Where a boundary line on the Official Zoning Map lies within and follows a street or alley right-of-way, a channelized waterway, a railroad right-of-way, or a power line easement, the boundary shall be construed to be in the center of such street or alley right-of-way, channelized waterway, railroad right-of-way or power line easement.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following City Limits or Perimeter Area boundaries shall be construed as following City Limits or Perimeter Area boundaries.

(d) Boundaries indicated as parallel to or extensions of features indicated in subsections (a), (b), and (c) above, shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

DIVISION 2. BOARD OF ADJUSTMENT

Sec. 23-92. Organization of Board of Adjustment.

(a) A Board of Adjustment is hereby established. It shall consist of ten members. Five members shall be citizens and residents of the City of Charlotte and shall be appointed by the City Council; five members shall be citizens and residents of the Perimeter Area and shall be appointed by the Board of Commissioners of Mecklenburg County.

(b) Members shall be appointed for a term of three years and until their respective successors have been appointed and qualified, except that the initial appointments of six members of the Board shall be for the following terms: One member from the City of Charlotte and one member from the Charlotte Perimeter Area shall be appointed for a term of one year; Two members from the City of Charlotte and two members from the Charlotte Perimeter Area shall be appointed for a term of two years. Each appointment to fill a vacancy shall be for the unexpired term.

(c) The Board shall adopt such rules and regulations for its own government as it deems necessary to carry out the provisions of this Section.

Sec. 23-93. Appeals.

(a) Appeals and applications shall be heard in accordance with G. S. 160-178. All hearings of the Board shall be open to the public. The Board shall give notice of the time, place, and subject of each hearing to the appellant, and to the owners of adjoining properties and property directly across the street from the property involved in the hearing. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, and the absence or failure of any member to vote. The final disposition of each appeal shall be by recorded resolution indicating the reasons of the Board therefor based on findings of fact and conclusions of law, all of which shall be a public record.

(b) The Board shall refuse to hear an appeal or application previously denied, if it finds there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

Sec. 23-94. Administrative Review.

The Board shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Superintendent of Building Inspection. Such appeal may be taken by any person aggrieved or by any officer, department, Board or Bureau of the City of Charlotte or Mecklenburg County.

Sec. 23-95. Variances.

(a) The Board shall hear and decide appeals for variance from the requirements of this Ordinance when the strict application of the provisions of this Ordinance would result in practical difficulties or unnecessary hardship. The Board shall not grant a variance whose effect would be to allow the establishment of a use not otherwise permitted in a District by this Ordinance, to extend a nonconforming use of land or to change the District boundaries shown on the Official Zoning Map. Before a variance is granted, the Board of Adjustment must find that special circumstances attached to the property which do not generally apply to other property in the neighborhood, which may reflect an undue stringency of the Ordinance itself. The fact that property may be utilized more profitably, should a variance be granted, shall not be considered grounds for a variance.

(b) In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as the Board may deem advisable to protect established property values in the surrounding area, or to promote the public health, safety or general welfare.

DIVISION 3. CITY COUNCIL AND PLANNING COMMISSION**Sec. 23-96. Amendments to Zoning Ordinance.**

(a) The City Council may from time to time on its own motion or on petition, after public notice and hearing as provided by law, amend, supplement, or change, modify or repeal the boundaries or regulations herein, or subsequently established. In case, however, of a protest against such change signed by the owners of twenty (20) per cent or more either of the area of the lots included in such proposed change, or of those adjacent thereto, as specified in G. S. 160-176, such amendment shall not become effective except by favorable vote of three-fourths of all the members of the City Council.

(b) Petitions for an amendment shall be filed in the office of the Planning Commission prior to the public hearing, and shall be accompanied by a one hundred dollar fee to defray administrative and publication expenses.

(c) A petition for an amendment that has been denied shall not be again instituted, sooner than two years from the date of the denial, unless the City Council, after considering the advice of the Planning Commission, shall find that there have been substantial changes in conditions or circumstances bearing on the application.

Sec. 23-97. Special District and Conditional Use Approvals.

The City Council shall hear and decide applications for Special Districts and Conditional Uses listed in Section 23-35 through Sec. 23-40, according to the regulations for amendments to the Zoning Ordinance specified in Sec. 23-96.

DIVISION 4. NONCONFORMANCES

Sec. 23-98. Nonconforming Lots.

(a) Vacant Lots. This category of nonconformance consists of vacant lots for which plats or descriptions have been recorded in the Office of the Register of Deeds of Mecklenburg County, which at the time of passage of this Ordinance, fail to comply with minimum area or lot width requirements for the Districts in which they are located. Any such nonconforming lot may be used for any of the uses permitted by this Ordinance in the District in which it is located provided that:

- (1) Minimum requirements of the District for setback, sideyard, rear yard, height and unobstructed open space shall be complied with;
- (2) Duplexes and multi-family dwellings shall meet the minimum lot area requirements for those uses in the District, in addition to dimensional requirements listed in (1) next above.

(b) Occupied Lots. This category of nonconformance consists of lots, occupied by buildings or structures at the time of passage of this Ordinance, that fail to comply with minimum requirements for area, width, setback, side yard, rear yard, height and/or unobstructed open space for the Districts in which they are located. Structures and buildings on these lots may be improved, enlarged and extended, provided that:

- (1) Any such improvement, enlargement or extension of buildings or structures shall comply with dimensional requirements for the District;
- (2) Duplexes and multi-family dwellings shall meet the minimum lot area requirements for those uses in the District, in addition to dimensional requirements listed in (1) next above.

Sec. 23-99. Nonconforming Open Uses of Land.

This category of nonconformances consists of lots used for storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this Ordinance, in the District in which it is located.

(a) When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.

(b) Non-conforming open uses of land shall not be changed to any but conforming uses.

(c) A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.

(d) When any nonconforming open use of land is discontinued for a period in excess of one year, any future use of the land shall be limited to those uses permitted in that District under the provisions of this Ordinance. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Sec. 23-100. Nonconforming Uses of Structures.

This category of nonconformance consists of structures used, at the time of passage of this Ordinance, for purposes not permitted in the District in which they are located.

(a) An existing nonconforming use of a structure may be changed to another nonconforming use that is similar in its operation and effect on surrounding properties to the existing use, or may be changed to a conforming use.

(b) An existing nonconforming use of a structure shall not be changed to another nonconforming use that generates more automobile or truck traffic, creates more noise, vibration, smoke, dust or fumes, is a more intensive use of structures than the existing nonconforming use, and is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.

(c) When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

(d) A nonconforming use of a structure shall not be extended or enlarged except into portions of the structure which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use. No structural alterations shall be made in any structure occupied by a nonconforming use, except those required by law or ordinance or ordered by the Superintendent of Building Inspection of Charlotte to secure the safety of the structure.

(e) When any nonconforming use of a structure is discontinued for a period in excess of one year, any future use of the structure shall be limited to those uses permitted in that District under the provisions of this Ordinance. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Sec. 23-101. Reconstruction of Damaged Structures.

When a structure on a nonconforming lot or a structure containing a non-conforming use is damaged by fire, flood, wind or act of God, such structure may be reconstructed and used as before any such calamity, provided such reconstruction takes place within one year of the calamity.

Sec. 23-102. Nonconforming Signs.

(a) Nonconforming signs shall be allowed to continue except as hereinafter provided.

(b) Nonconforming signs made of paper, cloth or other non-durable material, or freestanding signs that are not affixed to a building or the ground shall be removed within six months from the effective date of this Ordinance.

(c) A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted.

(d) Minor repairs and maintenance of non-conforming signs such as repainting, electrical repairs, neon tubing repairs shall be permitted. However, no structural repairs or changes in the size, shape or message of a sign shall be permitted except to make the sign comply with the requirements of these regulations.

(e) New signs related to legally established nonconforming uses may be erected provided they comply with the sign regulations applicable to the use in the most restricted District in which the use is permitted.

Sec. 23-103. Changes in Zoning.

Any nonconformances created by a change in District boundaries or Ordinance regulations after the date of passage of this Ordinance shall also be governed by the provision of this Division.

DIVISION 5. MISCELLANEOUS PROVISIONS

Sec. 23-104. Interpretation and Application.

(a) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

(b) It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or Ordinance, other than the Zoning Ordinances superseded by this Ordinance, or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued, in conformity with law, relating to the use of buildings or premises, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or Ordinance or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of this Ordinance shall control.

(c) The enactment of this Ordinance shall not affect any action, suit, or proceeding pending at the time of enactment and all rights and liabilities that have accrued under the Zoning Ordinances superseded by this Ordinance are hereby preserved and may be enforced.

Sec. 23-105. Separability.

Should any section or provision of these regulations or any boundary of any District of the Official Zoning Map herein or hereafter adopted be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations and the Official Zoning Map as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Sec. 23-106. Penalty.

Any person, firm or corporation who violates any provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Each day that a violation continues to exist shall be considered to be a separate offense, provided the violation is not corrected within thirty days after notice of the violation has been given.

Sec. 23-107. Effective Date.

This Ordinance and the Official Zoning Maps accompanying it shall take effect January 30, 1962."

Approved as to form:

John T. Morrisey
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, on the 29th day of January, 1962.

The reference being made in Minute Book 41, beginning at Page 258, and ending at Page 260, and recorded in full in Ordinance Book 13, beginning at Page 151, and ending at Page 228.

Lillian R. Hoffman
City Clerk

Copy of Ordinance and official maps are filed in Vault File 124-53 and Map Drawer No. 3 under File No. 124-53.