

Ordinance No. 176-Z

An Ordinance Amending Chapter 23  
of the City Code - Zoning OrdinanceAn Ordinance Amending the City Code  
with respect to the Zoning Ordinance

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That, Chapter 23, Section 23-8, of the Code of the City of Charlotte is hereby amended by changing from R-6MF to B-2 on the Official Zoning Map, City of Charlotte, N. C. and Perimeter Area the following described property:

BEGINNING at the intersection of the easterly margin of Bradford Drive and the southerly margin of Eddleman Road and running thence with said margin of Eddleman Road N. 74-04-40 E. 19.87 feet; thence S. 72-44-10 E. 250 feet, more or less, to an existing B-2 Zoning District Line; thence with said Line three courses as follows: (1) S. 74-04-40 W. 115 feet, more or less; (2) S. 0-01-20 W. 345 feet, more or less; (3) in a westerly direction 150 feet to the easterly margin of Bradford Drive; thence with said margin N. 0-01-20 E. 450 feet, more or less, to the BEGINNING.

Section 2. That, this ordinance shall become effective upon its adoption.

Approved as to form:

John T. Morrisey  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in meeting on the 3rd day of June, 1963, the reference having been made in Minute Book 43, at Page . . . and recorded in full in Ordinance Book 13, at Page 412.

Lillian R. Hoffman  
City Clerk

Ordinance No. 177-Z

An Ordinance Amending Chapter 23  
of the City Code - Zoning Ordinance

An Ordinance Amending the City Code  
with respect to the Zoning Ordinance

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That, Chapter 23, Section 23-8, of the Code of the  
City of Charlotte is hereby amended by changing from R-9 to R-6MF  
on the Official Zoning Map, City of Charlotte, N. C. and Perimeter  
Area the following described property:

Beginning at a point in the easterly margin of McAlway Road,  
said point being located approximately 190 feet south of  
Beal Street and being in the boundary line of an existing  
R-6MF Zoning District, and running thence with said boundary  
line N. 79-30 E. 488.8 feet; thence S. 13-15 W. 238.5 feet;  
thence S. 70-30 W. 380 feet, more or less, to the easterly  
margin of McAlway Road; thence in a northerly direction with  
said margin 275 feet to the BEGINNING.

Section 2. That, this ordinance shall become effective upon its  
adoption.

Approved as to form:

John T. Morrisey  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,  
North Carolina, in meeting on the 3rd day of June, 1963, the reference  
having been made in Minute Book 43, at Page            and recorded in full  
in Ordinance Book 13, at Page 413.

Lillian R. Hoffman -  
City Clerk -

ORDINANCE NO. 178

AMENDING CHAPTER 23, "ZONING"

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

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

Section 1. Chapter 23, "ZONING", of the Code of the City of Charlotte is hereby amended as follows:

- (1) Amend Section 23-2 by striking out the word "four" appearing in line two of subsection (5) thereof and inserting in lieu thereof the word "six."
- (2) Further amend Section 23-2 by inserting between subsection (16) and (17) thereof a new subsection to read as follows:

"(16a) Mobile Home. Any vehicle or similar portable structure mounted or designed for mounting on wheels, used or intended for use for dwelling purposes, including structural additions, except parked and unoccupied camping type trailers. Any such vehicle or structure shall be deemed to be a mobile home whether or not the wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation."

- (3) Further amend Section 23-2 by rewriting subsection (26) thereof to read as follows:

"(26) Street. A public right of way set aside for public travel not less than thirty feet in width which (a) has been accepted for maintenance by the State of North Carolina or by the City of Charlotte; or (b) has been established as a public street prior to the date of adoption of this amendment; or (c) has been dedicated to the City of Charlotte or the State of North Carolina for public travel by the recording of a plat of a subdivision which has been approved by the Planning Commission or City Council."

- (4) Amend Section 23-15 by rewriting subsections (a) and (b) thereof to read as follows:

"(a) Where corner lots are separated by a common rear lot line, the following minimum side yard requirements shall apply in the respective districts to the common side lot lines that form a common street line along the adjacent street:

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

"(b) Where the rear lot line of a corner lot in a residential or office district 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. Where the rear lot line of a corner lot in a business or industrial district 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 as specified in subsection (a) above."

- (5) Amend Section 23-31, category (a) of the Table of Permitted Uses, to include "Accessory residential uses and structures, clearly incidental to the permitted principal use, including servants quarters, guest houses and bomb shelters, excluding accessory dwellings of other types" as a permitted use in all districts by inserting an "X" in the appropriate columns of said Table, opposite said permitted use.

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(6) Amend Section 23-31, category (b) of the Table of Permitted uses, to include "Feed, retail sales", "Fertilizer, packaged retail sales", and "Utility trailer rentals", as permitted uses in B-1 districts by inserting an "X" in the appropriate column of said Table opposite said permitted uses.

(7) Further amend Section 23-31, category (b) of the Table of Permitted Uses, by inserting therein in proper alphabetical order the words "Laboratory, dental and medical", as a use to be permitted in O-15, O-6, B-1, B-2, B-3, I-1, I-2 and I-3 districts by inserting an "X" in the appropriate columns of said Table opposite said permitted uses; and by inserting therein in proper alphabetical order the word "Optician", as a use to be permitted in B-1, B-2, B-3, I-1, I-2 and I-3 districts by inserting an "X" in the appropriate columns of said Table opposite said permitted use.

(8) Amend Section 23-31, category (c) of the Table of Permitted Uses, by:

1. Inserting therein in proper alphabetical order the words "Coal, sales and storage", as a use to be permitted in I-2 and I-3 districts by inserting an "X" in the appropriate columns of said Table opposite said permitted use.

2. Striking out the "X" in the B-1 column opposite the use "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."

3. Striking out the words "Stone and sand, sales and storage", and the "X" marks opposite thereof.

(9) Amend Section 23-40 (a) by striking out the words "I-2, general industrial district," appearing in line five, and inserting in lieu thereof "I-1, I-2, and I-3 industrial districts."

(10) Amend Sections 23-41(a), 23-42(b), and 23-43(a) by rewriting the last column heading of the tables appearing in each of said sections, to read as follows: "Maximum Height (feet), (except as provided in Sec. 23-45)".

(11) Amend Section 23-43 (e) by striking out the words "residential and office districts, and in the B-1 neighborhood business district," appearing in lines two and three and inserting in lieu thereof the words "residential, office and business districts", and by striking out the figure "300" appearing in Section 23-43(e)(1) and inserting in lieu thereof the figure "100".

(12) Amend Section 23-47 by adding to the column heading reading "Maximum height (feet)", the words, "(except as provided in Sec. 23-51)".

(13) Amend Section 23-55(b) by striking out the words "two dwelling units", appearing at the end of the last line thereof, and inserting in lieu thereof the words "dwelling unit".

(14) Amend Section 23-58 by rewriting the Catchline thereof which, for the purpose of this section only, is deemed to be a substantive part of said section, as follows: "Lots in industrial districts adjoining lots in office, business and industrial districts".

(15) Amend Section 23-76(f) by inserting between the word "Signs" and the word "giving" in the first line thereof, the words "not exceeding four square feet in area".

(16) Amend Section 23-87(a) by striking out the words "except signs permitted in Sec. 23-76(a) through (g) and (i), and except for signs exempted in Sec. 1800-3 of the North Carolina State Building Code, 1958 Edition", appearing in lines three through six thereof.

(17) Amend Section 23-87(c) by striking out the last sentence thereof.

(18) Amend Section 23-88(a) by rewriting said subsection to read as follows:

"(a) Before commencing the construction, erection, repair, alteration, addition to, removal or moving of any building or structure or part thereof, 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."

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- (19) Amend Section 23-88(c) by rewriting said subsection to read as follows:

"Zoning permit fees shall be collected for each permit issued based upon the total cost of the work covered by the permit in accordance with the following schedule:

- (1) \$2.00 for first \$1,000 of total cost or any part thereof.
- (2) All in excess of \$1,000 up to \$5,000 at \$1.75 per \$1,000 or any part thereof.
- (3) All in excess of \$5,000 up to \$25,000 at \$.50 per \$1,000 or any part thereof.
- (4) All in excess of \$25,000 up to \$50,000 at \$.25 per \$1,000 or any part thereof.
- (5) All in excess of \$50,000 up to \$100,000 at \$.15 per \$1,000 or any part thereof.
- (6) All in excess of \$100,000 at \$.10 per \$1,000 or any part thereof.
- (7) Moving of frame building - \$2.00.
- (8) Moving of other than frame building - \$5.00.

Within the area of jurisdiction of the building code of the City of Charlotte, the zoning permit fee shall be deemed to be included in the building permit fee."

- (20) Amend Chapter 23 by inserting a new section therein between Section 23-88 and Section 23-89 to be numbered Section 23-88.1, entitled "Sign permits", and to read as follows:

"Sec. 23-88.1. Sign Permits.

(a) Before commencing the construction, erection, repair, alteration, addition to, or moving, of any sign or part thereof, except signs permitted in Sec. 23-76(a) through (g) and (i), a sign permit for the same shall be secured from the superintendent of building inspection.

(b) The superintendent of building inspection shall not issue a sign permit unless the plans, specifications, and intended use of such sign or part thereof conform in all respects to the applicable provisions of this chapter. The application for a sign 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) Sign permit fees shall be collected for each permit issued in accordance with the following schedule:

<u>Size of Sign Surface</u>	<u>Fee</u>
Up to 15 sq. ft.	\$ 1.50
Over 15 sq. ft. to 50 sq. ft.	3.00
Over 50 sq. ft. to 100 sq. ft.	5.00
Over 100 sq. ft. to 200 sq. ft.	8.00
Over 200 sq. ft.	10.00"

- (21) Amend Section 23-96(a) by adding at the end thereof the following:

"Unless otherwise provided by state law, now or hereafter enacted, a protest against any proposed change, which is intended to invoke the requirement of G. S. 160-176 for a three-fourths majority vote, shall be filed with the city clerk no later than the day and time of public hearing on such proposed change. Such protest shall contain the signature and address of each protesting property owner. In addition the location of property owned by each protestant shall be shown on a map attached to the written protest."

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(22) Amend Section 23-100 by rewriting said section to read as follows:

"(a) An existing nonconforming use of a structure may be change to another nonconforming use of the same or higher classification provided that an existing nonconforming use of a structure shall not be changed to another nonconforming use that generates more automobile or truck traffic, or creates more noise, vibration, smoke, dust or fumes than the existing nonconforming use.

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

(c) 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 as follows:

(1) Those required by law or ordinance or ordered by the superintendent of building inspection to secure the safety of the structure;

(2) Existing nonconforming residential structures in industrial districts may be enlarged, extended or structurally altered provided that no additional dwelling units result therefrom. Any such enlargement, extension or alteration shall comply with the dimensional requirements for the R-6MF district.

(d) Maintenance and repairs necessary to keep a nonconforming structure in sound condition shall be permitted.

(e) When any nonconforming use of a structure is abandoned for a period of one year, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located."

Section 2. This ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

John T. Morrisey  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in meeting on the 3rd day of June, 1963, the reference having been made in Minute Book 43, at Page 119, and recorded in full in Ordinance Book 13, beginning at Page 414.

Lillian R. Hoffman  
City Clerk

Ordinance No. 179

Readopting Chapter 11,  
Articles I and II

AN ORDINANCE READOPTING AND CONTINUING IN FORCE CHAPTER 11, "LICENSES", OF THE CODE OF THE CITY OF CHARLOTTE TO PROVIDE FOR LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF CHARLOTTE FOR THE FISCAL YEAR BEGINNING JULY 1, 1963 THROUGH JUNE 30, 1964.

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

Section 1. Chapter 11, entitled "Licenses", of the Code of the City of Charlotte is hereby readopted and continued in force, and as such constitutes the revenue ordinance of the City of Charlotte levying, assessing, imposing and defining the license and privilege taxes of the City of Charlotte for the fiscal year beginning July 1, 1963, and ending June 30, 1964.

Section 2. This ordinance shall become effective upon its adoption.

Approved as to form:

John T. Morrisev  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in meeting on the 3rd day of June, 1963, the reference having been made in Minute Book 43, at Page and recorded in full in Ordinance Book 13, at Page 418.

Lillian R. Hoffman  
City Clerk