

Ordinance No. 510Amending Chapter 23  
"Zoning"

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 Article IV, Division 2 Section 23-49 by deleting said Section 23-49 in its entirety and inserting a new Section 23-49 as follows:

"Section 23-49. Parking in Required Setback, Side Yards and Rear Yards.

(a) No ground level parking of motor vehicles shall be permitted in the required setback on any lot in any Office District. The space within the required setback shall not be used as maneuvering space for the parking or unparking of vehicles, except that driveways providing ingress and egress to the parking area may be installed across the setback area. Above ground parking structures shall not be permitted within any required setback, side yard, or rear yard.

(b) Underground parking structures shall be permitted within any required setback, side yard, or rear yard on any lot in any Office District, provided no portion of the underground structure extends above grade more than 5 feet at any point nor more than 4 feet for 75% of its length along any lot line. A balustrade, parapet or railing may extend above the permitted structure height provided it is not greater than 32 inches in height, is set back from the property line at least 3 feet and has openings equal to at least 30% of its surface along each side. Along any lot line abutting a street, grade shall mean the elevation at the centerline of the street and along any lot line not abutting a street, grade shall mean ground elevation at the property line. Such structures shall conform to any corner site distance requirements which may be in effect at the time the underground structure is built and the portion of the structure within the setback area shall be covered with a pedestrian deck."

- (2) Amend Article IV, Division 3 by inserting a new Section 23-55.1 as follows:

"Section 23-55.1. Underground Parking Structures.

Underground parking structures shall be permitted within any required setback, side yard, or rear yard on any lot in any Business District, provided no portion of the underground structure extends above grade more than 5 feet at any point nor more than 4 feet for 75% of its length along any lot line. A balustrade, parapet or rail-

ing may extend above the permitted structure height provided it is not greater than 32 inches in height, is set back from the property line at least 3 feet and has openings equal to at least 30% of its surface along each side. Along any lot line abutting a street, grade shall mean the elevation at the centerline of the street and along any lot line not abutting a street, grade shall mean ground elevation at the property line. Such structures shall conform to any corner site distance requirements which may be in effect at the time the underground structure is built."

(3) Amend Article IV, Division 4 by inserting a new Section 23-59.1 as follows:

"Section 23-59.1. Underground Parking Structures.

Underground parking structures shall be permitted within any required setback, side yard, or rear yard on any lot in any Industrial District, provided no portion of the underground structure extends above grade more than 5 feet at any point nor more than 4 feet for 75% of its length along any lot line. A balustrade, parapet or railing may extend above the permitted structure height provided it is not greater than 32 inches in height, is set back from the property line at least 3 feet and has openings equal to at least 30% of its surface along each side. Along any lot line abutting a street, grade shall mean the elevation at the centerline of the street and along any lot line not abutting a street, grade shall mean ground elevation at the property line. Such structures shall conform to any corner site distance requirements which may be in effect at the time the underground structure is built."

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

Approved as to form:

J. W. Kiser, City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of August, 1966, the reference having been made in Minute Book 47, at Page 325, and recorded in full in Ordinance Book 14, beginning at Page 369.

Ruth Armstrong  
City Clerk

Ordinance No. 511-Z

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

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

WHEREAS, the City Council of the City of Charlotte finds that use of the property described in Section 1 below for truck terminal purposes will be in keeping with the general character of the development of neighboring industrial properties, is located in such a manner as to provide protection to adjacent residential areas from noise, night-time illumination and fumes, and will not be detrimental to additional future development in the vicinity; and,

WHEREAS, vehicular access to the Terminal will be provided from major thoroughfares and will not require the use of minor residential access streets; and,

WHEREAS, no portion of the Terminal will be located in such a manner as to create a hardship on adjacent property in residential zoning districts.

NOW THEREFORE, be it ordained by the City Council of the City of Charlotte, North Carolina:

Section 1. That, pursuant to the provisions of Chapter 23, Section 23-40.1 of the Code of the City of Charlotte, a truck terminal may be established on the following described property in accordance with approved development plans filed in the Office of the City Clerk of the City of Charlotte:

Beginning at a point in the northerly margin of Interstate Highway 85 said point being the southeast corner of the Tom Mattox property as recorded in book 1747 at page 136 in the Mecklenburg Public Registry and running thence with the line of said property N. 6-51-30E. 363.47 feet to a point in the southerly margin of Cherry Street (un-opened); thence with said margin of Cherry Street S. 72-54-35E. 18.13 feet; thence N. 15-54-50W. 430.0 feet; thence S. 67-48-50E. 310.0 feet; thence N. 80-31-45E. 640.0 feet; thence N. 72-44-15E. 450.0 feet; thence S. 12-38-30W. 810.0 feet to a point in the northerly margin of Interstate Highway 85; thence with said margin of Interstate Highway 85 in a westerly direction 1131.69 feet to the point of beginning.

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

Approved as to form:

---

J. W. Kiser, City Attorney

Read, approved, and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of August, 1966, the reference having been made in Minute Book 47, at Page 329, and recorded in full in Ordinance Book 14, at Page 371.

Ruth Armstrong  
City Clerk

ORDINANCE NO. 512

AMENDING CHAPTER 8

AN ORDINANCE AMENDING THE FIRE PROTECTION AND PREVENTION CODE OF THE CITY OF CHARLOTTE AND ADOPTING, WITH AMENDMENTS, THE 1965 EDITION OF THE FIRE PREVENTION CODE RECOMMENDED BY THE AMERICAN INSURANCE ASSOCIATION.

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

Section 1. The Code of the City of Charlotte is hereby amended by repealing all of present Chapter 8, entitled "Fire Protection and Prevention," and the enactment of new Chapter 8, entitled "Fire Protection and Prevention," which reads as follows:

"Sec. 8-1. Adoption of Fire Prevention Code.

There is hereby adopted by the City of Charlotte for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1965 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by section 8-4 of this ordinance), of which code not less than three (3) copies have been and now are filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Charlotte.

Sec. 8-2. Establishment and Duties of Bureau of Fire Prevention.

- (a) The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Charlotte which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.
- (b) The Chief in charge of the Bureau of Fire Prevention shall be appointed by the Chief of the Fire Department on the basis of examination to determine his qualifications. His appointment shall continue during good behavior and satisfactory service, and he shall not be removed from office except for cause.
- (c) The Chief of the Fire Department may detail such members of the fire department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members of the fire department and appointments made after examination shall be for an indefinite term with removal only for cause.
- (d) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Mayor and Council; it shall contain all proceedings under this code, with such statistics as the Chief of the Fire Department may wish to include therein; the Chief of the Fire Department shall also recommend any amendments to the code which, in his judgment, shall be desirable.

-2-

Sec. 8-3. Definitions.

(a) Wherever the word 'Municipality' is used in the Fire Prevention Code, it shall be held to mean the City of Charlotte.

(b) Wherever the term 'Corporation Counsel' is used in the Fire Prevention Code, it shall be held to mean the City Attorney.

Sec. 8-4. Amendments Made in the Fire Prevention Code.

The Fire Prevention Code is amended and changed in the following respects:

Sections 13.3, 13.4, 13.6, 16.63, 20.4 and 28.1-a are amended as follows

(a) The following shall be inserted as Subsection b of Section 13.3, Manufacture, Sale and Discharge of Fireworks, page 63, in lieu of the present Subsection b:

'b. Except as hereinafter provided, it shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the Chief of the Fire Department shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public display of fireworks by the municipality, fair associations, amusement parks, and other organizations. Every such display shall be handled by a competent operator approved by the Chief of the Fire Department, and shall be of such a character, and so located, discharged or fired as in the opinion of the Chief of the Fire Department, after proper inspection, shall not be hazardous to property or endanger any person.'

(b) The present Subsections a and b of Section 13.4, Bond and Responsibility for Fireworks Display Required, page 64, shall be deleted and the following subsection inserted:

'Before any permit for a pyrotechnic display shall be issued, the person, firm, or corporation making application therefor shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm, or corporation or any agent or employee thereof, in such amount, character, and form as the Chief of the Fire Department shall determine to be necessary for the protection of the public.'

(c) The following shall be inserted in lieu of present Section 13.6, Seizure of Fireworks, page 64:

'The Chief of the Fire Department shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article.'

(d) The following shall be inserted as Subsection e of Section 16-63, Storage and Handling, of Division VI, Service Stations, in lieu of present Subsection e, Dispensing Containers, page 125:

'e. Dispensing Containers. No delivery of any Class I liquids shall be made into portable containers unless the container is of sound metal construction, has a tight closure with screwed or spring cover and is fitted with a spout or so designed that the contents can be poured without spilling.'

(e) The following shall be inserted as Subsections e, f, g, h, i, and j of Section 20.4, Article 20, Hazardous Chemicals, page 156:

e. Any person, including officers of corporations, members of partnerships and firms, who store for sale or for use in its manufacturing processes, in dead storage or otherwise, hazardous chemicals, or who transport and store such materials temporarily in terminals or transfer points, shall make a written report within twenty-four (24) hours to the fire prevention bureau, and failure to make such report shall be a violation of this division.

f. All establishments storing or handling flammable or hazardous chemicals shall be plainly marked with signs at entrances to storage or use areas and at such other points as may be recommended by the fire prevention bureau.

g. The signs used for marking such storage or use areas shall be approximately twenty-four (24) inches square, painted on or of metal affixed to the wall of the building, or erected in use area if outside of building, in such a manner as to simulate the "Diamond" shape of the shipping label of the Interstate Commerce Commission and shall bear the same applicable color scheme required in the shipping regulations of the commission for flammable or hazardous chemicals or materials.

h. Signs shall be lettered in white or a contrasting color with letters at least three (3) inches high indicating the type material stored or used in the building or area; for example, "Flammable Liquids", "Corrosive Liquids", "Water-Reactive Materials". All lettering shall be in accordance with recommendations of the fire prevention bureau.

i. An establishment storing or handling flammable liquids or hazardous chemicals shall have an Underwriters approved fire extinguisher unit or units of an approved type, so located that the horizontal distance of travel to the nearest unit shall not exceed fifty feet. The number and type of extinguishers to be provided shall be in accordance with the recommendations of the National Board of Fire Underwriters.

j. In addition to fire extinguishers, all establishments storing or handling hazardous chemicals shall have and maintain metal barrels of not less than fifty (50) gallons capacity filled with dry sand and equipped with a waterproof top to prevent absorption of moisture. The barrels shall be painted red and lettered in white -- "Sand -- FOR FIRE ONLY." The letters shall be not less than five (5) inches high. One barrel shall be installed and maintained for every twenty-five hundred (2500) square feet of floor space.

(f) Subsection a of Section 28.1, page 199, is hereby deleted.

Sec. 8-5. Modifications.

The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Bureau of Fire Prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Sec. 8-6. New Materials, Processes or Occupancies Which May Require Permits.

The City Manager, the Chief of the Fire Department and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Sec. 8-7. Penalties.

(a) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Chief of the Fire Prevention Bureau or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$50.00 or by imprisonment for no more than 30 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 8-8. Repeal of Conflicting Ordinances.

In addition to the repeal of former Chapter 8 of the Code of the City of Charlotte, entitled "Fire Protection and Prevention," all former ordinances or parts thereof which conflict with or are inconsistent with the provisions of this ordinance or the code hereby adopted are likewise hereby repealed.

Sec. 8-9. False Alarms.

It shall be unlawful for any person wilfully to make any false alarm by ringing any fire bell, alarm bell, or otherwise.

Sec. 8-10. Obstructing, crowding, and interfering at fire site or interfering with alarm system.

It shall be unlawful for any person to interfere with the fire alarm telegraph system, or injure any of the poles, wires, boxes, or other apparatus, connected with the fire alarm system. It shall be unlawful for persons to congregate in the streets, lanes, alleys, or squares adjacent to the fire so as to interfere with the operations of the fire department.

Sec. 8-11. Fire Department right-of-way.

In the event of an alarm of fire, the apparatus of the fire department shall have the right-of-way in and upon the streets, lanes, alleys, squares, and railroad crossings, in going to any fire; and every person in charge of any vehicle,

wherever same may be located, shall, upon the sound of the fire alarm, be in a position to move promptly such vehicle out of the way of the firemen, fire engines, trucks, and other apparatus of the fire department.

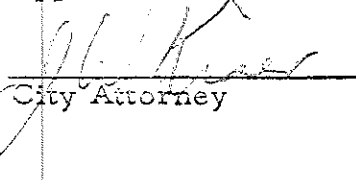
It shall be the duty of all railroads and railway companies, and the engineers, and employees of the same, when any engine, car or train of cars, are across or on any street, upon the approach of fire apparatus, to disconnect or move said cars or trains and clear the street crossing immediately and allow the firemen and vehicles to pass without delay.

Sec. 8-12. Bonfires.

No person shall kindle or maintain any bonfire or shall knowingly furnish the materials for any such fire; or authorize any such fire to be kindled or maintained on or in any street, alley, road, lane or public grounds or upon any private lot. "

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

Approved as to form:

  
\_\_\_\_\_  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of August, 1966, the reference having been made in Minute Book 47, at Page 335, and recorded in full in Ordinance Book 14, beginning at Page 372.

Ruth Armstrong  
City Clerk



ORDINANCE NO. 513

AMENDING CHAPTER 20,  
ARTICLE II

AN ORDINANCE PROHIBITING IMPROPER TURNS

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

Section 1. Chapter 20, Article II, of the Code of the City of Charlotte is hereby amended by adding a new section to be designated Section 20-39 as follows:

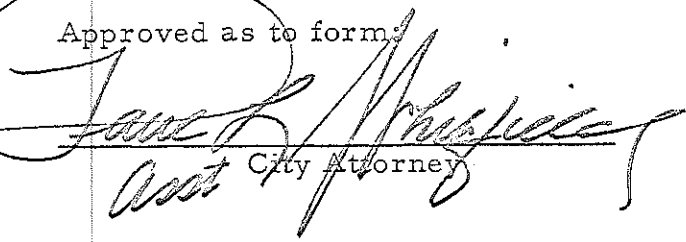
"Section 20-39.

It shall be unlawful for the driver of a vehicle traveling upon a street which is intersected by another street to turn from said street for the purpose of entering the intersecting street except at and through an intersection. Turns at the intersection shall be made in accordance with applicable traffic rules and regulations. The purpose and intent of this ordinance is to make it unlawful for the driver of any vehicle to turn from one street onto property which abuts on one or more of the intersecting streets in order to enter the intersecting street. It will not apply to a driver of a vehicle who turns from one street onto property abutting such street for the purpose of stopping at a business or other establishment located hereon."

Section 2. Operation of a vehicle in the manner described in Section 1 above without stopping at a business or other establishment, shall be deemed prima facie evidence of the driver's intent to violate this ordinance.

Section 3. This ordinance shall become effective upon its adoption.

Approved as to form:

  
Asst City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of August, 1966, the reference having been made in Minute Book 47, at Page 335, and recorded in full in Ordinance Book 14, at Page 377.

Ruth Armstrong  
City Clerk