

ORDINANCE NO. 50

AMENDING CHAPTER 6

AN ORDINANCE LICENSING AND REGULATING MASSAGE PARLORS, HEALTH SALONS AND SIMILAR ESTABLISHMENTS.

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

Section 1. Chapter 6 of the Code of the City of Charlotte is hereby amended by repealing the existing Article V and by adding a new article, to be designated Article V as follows:

"ARTICLE V. MASSEURS, MASSAGE PARLORS, HEALTH SALONS.

Sec. 6-45. Purpose of article.

To protect the general health, safety, welfare and morals, the following licensing provisions hereinafter specified are ordained for the privilege of carrying on the business, trade or profession of masseur or masseuse and for the operation or carrying on of the businesses, trade or professions commonly known as massage parlors, health salons, physical culture studios, clubs or establishments, or similar establishments wherein physical culture, massage, hydrotherapy or other physical treatment of the human body is carried on or practiced. The provisions of this article shall not apply to a regularly established and licensed hospital, sanitarium, nursing home or medical clinic, nor to the office or clinic operated by a duly qualified and licensed medical practitioner or chiropractor in connection with his practice of medicine or chiropractic, provided, however, that such office or clinic is regularly used by such medical practitioner or chiropractor as his principal location for his practice of medicine or chiropractic.

Sec. 6-46. Application for license.

Any person desiring to engage in the business, trade or profession of masseur or masseuse or the operation or carrying on of any of the businesses, trades, professions, occupations or callings mentioned in Section 6-45 shall, before engaging in such business, trade, profession, occupation or calling, file an application for a license addressed to the mayor and the city council. Such application shall be in writing and shall set forth the following:

- (a) Name and address of applicant. If such applicant be a corporation, the address or addresses of such corporation.
- (b) Qualifications must be plainly stated and must be submitted together with required exhibits annexed to said application.

Sec. 6-47. Qualifications of applicant for license.

An applicant hereunder, prior to making application for a license, must have the following qualifications:

- (a) The applicant may be male or female and shall be required to provide proof of good moral character, and in case the applicant is a corporation, such corporation must be created in or domesticated by the laws of this state.

- (b) Such applicant must furnish a health certificate of a medical doctor which shall accompany such application as an exhibit. Should the applicant be a corporation, it shall furnish such certificate to cover its agents or employees who will be actually engaged and working under said license; provided further, that employees who begin work following the original issuance of license under this article shall likewise obtain such health certificates, which certificates shall be furnished to the city police department.

Sec. 6-48. Issuance of license.

If such application is submitted in proper form and is approved by the city council, then the collector of revenue is authorized to issue a business license to such applicant.

Sec. 6-49. Applicability of other licensing provisions.

The general business licensing provisions as contained in Chapter 11 shall also apply to persons or parties licensed under this article.

Sec. 6-50. Authority to employ, train personnel.

Any applicant granted a license hereunder shall have the authority to train masseurs and masseuses under their supervision in their studio or establishment, provided that the licensee shall furnish to the police department of the city, there to be kept by such department, a health certificate of such employee from a medical doctor.

Sec. 6-51. Names of employees to be filed with chief of police.

It shall be the duty of all persons holding a license hereunder to file with the chief of police of the city, the names of all employees, their home addresses, home telephone numbers and places of employment. Changes in the list of employees with the names of new employees must be filed with the chief of police within seven (7) days from the date of any such change.

Sec. 6-52. Records to be kept by licensee.

It shall be the duty of any person granted a license hereunder to maintain correct and accurate records of the names and addresses of the persons receiving treatment at said establishment, the type of treatment administered, and the name of the person of the establishment administering said treatment. Said records shall be subject to inspection at any time by any member of the police department of the city.

Sec. 6-53. Revocation of license.

Whenever in the opinion of the chief of police of the city, there is good cause to revoke a license acquired hereunder, he shall submit a written recommendation of revocation to the mayor and the city council, and by registered mail shall forward to the licensee a copy of his recommendation. The city council shall thereupon be authorized to revoke such license, if in their sound discretion it is in the best interests of the health, safety, welfare or morals of the people of the city.

Sec. 6-54. Hours of operation.

No masseur or masseuse or any person or party engaging in any of the businesses licensed by this article shall engage in such business, trade, profession, occupation or calling except within and between the hours of 8:00 o'clock a.m. and 10:00 o'clock p.m.; nor shall any operator of a massage parlor or establishment or business above enumerated operate the same except within and between the aforesaid hours. Violations of this section shall be considered under this Code as an offense and persons found guilty of such violations shall be punishable within the general limits of punishments as set forth herein.

Sec. 6-55. Treatment of persons of opposite sex.

(a) Restricted. It shall be unlawful for any person holding a license under this article to treat a person of the opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed ten (10). The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by the police at any time. The requirements of this section shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath or registered physical therapist, chiropractor, or in a regularly established and licensed hospital or sanitarium.

(b) Scope of article. A person who applies manual or mechanical massage or similar treatment to the human trunk or limbs shall be deemed, within the terms of this article, a "masseur" or "masseuse".

Sec. 6-56. Patronage of massage parlors by minors.

(a) Restricted. It shall be unlawful for any person under the age of eighteen (18) to patronize any massage parlor or similar establishment licensed hereunder unless such person carries with him at the time of such patronage, a written order directing the treatment to be given signed by a regularly licensed physician.

(b) Duty of operator. It shall be the duty of the operator of such massage parlor or similar establishment licensed hereunder to determine the age of the person patronizing such establishment and a violation of this section shall be grounds for revocation of the license of such establishment.

Sec. 6-57. Massages by unlicensed persons.

Massages may be given by persons not holding a license as masseur or masseuse provided such massages are given under the direct supervision of a person having a license as a masseur or masseuse, and further provided that a person holding a license as a masseur or masseuse shall be in the same room where the massage is being administered during the entire time of the giving of the said massage.

October 14, 1968

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

Approved as to form:

Henry W. Underhill Jr.  
Acting City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 14th day of October, 1968, the reference having been made in Minute Book 51, at page , and recorded in full in Ordinance Book 15, at pages 486-489.

Ruth Armstrong  
City Clerk

Ordinance No. 51

An Ordinance Amending Chapter 18  
of the City Code - Subdivision Ordinance

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

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

Section 1. Chapter 18 "Subdivisions" of the Code of the City of Charlotte is hereby amended as follows:

1. Amend Article I by adding a new Section 18-9 as follows:

"Sec. 18-9 Preliminary Site Plan and Final Plat Requirements for Planned Developments

(a) The following requirements shall apply for the preparation, submission, and approval of Preliminary Site Plans for Planned Unit Developments, Cluster Developments, and subdivisions involving one-family attached dwellings:

(1) A pre-preliminary site plan conference will be arranged by the developer with designated members of the Planning Commission prior to the submission of a Preliminary Site Plan for a Planned Unit Development, or a Cluster Development.

(2) The developer shall submit to the Planning Commission a Preliminary Site Plan and supplemental documents for review and approval. The Preliminary Site Plan shall be prepared in accordance with the requirements of Sec. 18-6 and shall include the following additional information:

- A. The use, approximate height, bulk, and location of all buildings and structures other than one-family detached and semi-detached dwellings;
- B. All proposed land uses and dwelling unit densities;
- C. In the case of plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the development are intended to be filed;
- D. The proposed location, use, improvements, ownership, and manner of maintenance of Common Open Space areas;
- E. Final drafts of legal documents dedicating and restricting the common areas and establishing a Homes Association or similar organization;
- F. Proposed off-street parking and circulation plan showing the location and arrangement of parking spaces and any driveways for ingress and egress to and from adjacent streets and highways.

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(3) The Planning Commission shall review the Preliminary Site Plan to insure conformance with the requirements of the Zoning Ordinance and with this ordinance. In addition, the Planning Commission shall make the following findings:

- A. The character, amount and arrangement of Common Open Space areas will adequately serve the needs of the residents;
- B. Proposed means of dedication, ownership, and maintenance of all common areas, the restrictions of its uses, and the organization and authority of such Homes Associations as may be established for ownership and maintenance of the common area assure the continuance of such space for its designed purpose;
- C. Site planning for the overall development provides protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development;
- D. The terms and conditions proposed for development over a period of years sufficient to protect the interests of the public and the residents of the development.
- E. Deviation from conventional requirements is justified by the high quality of design of the development.

(4) The Planning Commission action may be approval, tentative approval with conditions, or denial of the Preliminary Site Plan. When granted tentative approval with conditions, the developer shall submit a revised plan that is in conformance with those conditions.

- A. If the Planning Commission disapproves a Preliminary Site Plan, the grounds for such disapproval shall be stated upon the records of the Commission. After such disapproval an appeal from the decision of the Commission may be taken to the City Council. The City Council may disapprove in whole or in part, or otherwise modify the action of the Planning Commission.

(b) The Final Plat for Planned Unit Developments, Cluster Developments, and subdivisions involving one-family attached dwellings shall be prepared in accordance with the requirements of Section 18-8 and shall contain the following additional information:

- (1) The use, approximate height, bulk, and location of all buildings and structures other than one-family detached and semi-detached dwellings;
- (2) All land uses;
- (3) The location, use, improvements, ownership, and manner of maintenance of all common areas.

2. Amend Article I, Section 18-13, paragraph (a) Frontage on street to read as follows:


"(a) Frontage on street. Each lot shall have frontage on a street, However, lots designed for one-family attached dwellings need not front on a street provided that all portions the dwelling unit proposed for such lots shall be located within three hundred (300) feet of a public street that furnishes direct access to the property and that access to each such lot be made available via either a public right-of-way, or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership. Lots designed for one-family semi-detached dwellings need not front on a street provided that at least one unit of each dwelling group has frontage on a street, and that access to each dwelling unit is made available via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership."

3. Amend Article I, Section 18-13, paragraph (c) Minimum sizes to read as follows:

"(c) Minimum sizes. Lots for residential use shall not be less in width, depth or area than required by the zoning chapter for the district in which the proposed subdivision is located, but in no event shall lots designed for one-family detached dwellings be less than fifty (50) feet in width at the building line, be less than one hundred (100) feet in average depth, nor contain less than six thousand five hundred (6,500) square feet in area."

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

Approved as to form:

  
Acting City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 14th day of October, 1968, the reference having been made in Minute Book 51, at page , and recorded in full in Ordinance Book 15, at pages 490-492.

Ruth Armstrong  
City Clerk

Ordinance No. 52

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. Chapter 23 "Zoning" of the Code of the City of Charlotte

is hereby amended as follows:

1. Amend Article III, Division 3, by adding a new Section 23-36.2 as follows: "Sec. 23-36.2. R-PUD Planned Unit Development District.

(a) For purposes of this ordinance a Planned Unit Development shall be a tract of land, residentially zoned but not including R-1.OMF or R-6MFH Districts, at least thirty-six (36) acres in area, under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved Outline Development Plan and a Preliminary Site Plan.

(b) The purpose of the Planned Unit Development District is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types as well as certain commercial and office uses designed to serve the inhabitants of the District. It is recognized that only through ingenuity, imagination and high quality design can residential developments be produced which are in keeping with the intent of this Ordinance while departing from the strict application of conventional use and dimensional requirements of the several zoning districts.

Use of the R-PUD procedure is not mandatory for the development of any parcel of ground. Rather, this process will provide a voluntary alternate development procedure which will:

- (1) permit creative approaches to the development of residential land, reflecting changes in the technology of land development;
- (2) accomplish a more desirable environment than would otherwise be possible, providing<sup>a</sup> variety of housing types, design and arrangements;
- (3) provide for an efficient use of land, which can result in smaller networks of utilities and streets and thereby lower housing costs;
- (4) enhance the appearance of neighborhoods through the preservation of natural features, the provision of underground utilities, and the provision of recreational and open space areas;



- (5) provide an opportunity for new approaches to home ownership; and
  - (6) provide an environment of stable character compatible with surrounding residential areas
- (c) An application for rezoning to R-PUD Planned Unit Development District shall be accompanied by an Outline Development Plan and text presenting the following information:
- (1) proposed land uses, the location of various dwelling types, and dwelling unit densities
  - (2) proposed primary circulation pattern;
  - (3) proposed parks, playgrounds, and other Common Open Space areas;
  - (4) delineation of the units or phases to be constructed in progression;
  - (5) proposed means of dedication of Common Open Space areas and organizational arrangements for the ownership, maintenance and preservation of Common Open Space; and
  - (6) relation to land uses in surrounding area and to the General Development Plan.
- (d) Dimensional requirements for Planned Unit Developments shall be in accordance with the following:

(1) One-Family Detached Dwellings.

District	Minimum	Minimum	Minimum	Setback		Minimum	Minimum	Maximum
	Lot Area (Sq. Feet)	Lot Width (Feet)	Side Yard (Feet)	Min.	Avg.*	Rear Yard (Feet)	Unobstructed Open Space (% Total Lot Area)	Height (Feet)
R-6	6,000	50		20	25	25	45%	40
R-6MF	6,000	50		20	25	25	45%	40
R-9	6,750	60		20	25	25	50%	40
R-9MF	6,750	60	6 Feet	20	25	25	50%	40
R-12	9,000	60	one side;	25	30	30	55%	40
R-12MF	9,000	60	8 feet	25	30	30	55%	40
R-15	11,250	70	other	30	35	35	60%	40
R-15MF	11,250	70		30	35	35	60%	40
R-20MF	15,000	80		30	35	35	65%	40

\*Average Setback - The arithmetic average of the setbacks of all the lots fronting on one side of a street within one block, or of all lots fronting on a single cul-de-sac.

(2) One-Family Semi-Detached, One-Family Attached and Multi-Family Dwellings.

Established minimum development requirements for the District (or corresponding Multi-Family District) in which one-family semi-detached, one family attached and multi-family dwellings are located shall apply.

(3) Commercial and Office Facilities. Commercial and office facilities, when permitted in a Planned Unit Development, shall be developed in accordance with conventional requirements for B-1 Districts.

(4) Yards Forming Outer Boundary. Yards forming the outer boundary of a Planned Unit Development shall be in conformance with conventional minimum requirements of the district within which the development is located.

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(e) Development area density shall be no greater than that normally permitted for the district in which the Planned Unit Development is located, except as provided under the Density Bonus provision. Development area density shall be computed by subtracting 16% of the gross area (as allowance for street right-of-way) when located in R-6, R-6MF, R-9, or R-9MF Districts and 14% when located in R-12, R-12MF, R-15, R-15MF or R-20MF Districts, plus areas designated for non-residential purposes (such as schools, churches, and commercial facilities) from the gross area, and dividing the remaining area by the minimum conventional lot area requirements for the zoning district in which the development is located. Should the development fall into more than one zoning district, the density shall be the combined proportion of each district.

(1) A density bonus not to exceed 25% of the number of dwelling units permitted under the standard applicable district regulations may be approved by the City Council in accordance with the following ratio of Residential Area to Common Open Space. In each case the City Council must make a finding that the development will result in a significantly better environment than would otherwise have occurred in accordance with the established permitted density. Tentative application of the density bonus shall be included in the Outline Development Plan for review and approval.

DENSITY BONUS SCALE

<u>% of Residential Area to be Common Open Space</u>	<u>% Density Bonus</u>
10-19	4
20-29	8
30-39	11
40-49	15
50-59	18
60-69	22
70 or more	25

(f) Uses which may be permitted in Planned Unit Developments shall include:

1. Those uses set forth in the Table of Permitted Uses, Sec. 23-31 of the zoning ordinance for the district in which the development is located;
2. One-family semi-detached and one-family attached dwellings;
3. Multi-family dwellings may be permitted in previously single-family districts;
4. B-1 Business District uses may be permitted in developments 100 acres and larger. A list of the uses to be established must be approved by City Council at the same time the Outline Development Plan is approved. Subsequent changes in the list may be made by the City Council upon application by the owner of the property.

(g) In approving an application for an R-PUD District, the City Council shall find that the facts submitted with the application and presented at the public hearing establish:

1. That each individual phase of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses;
2. That the primary streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the Planned Unit Development;
3. That any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the outline Development Plan, in accordance with the adopted policy of the Planning Commission and the City Council;
4. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
5. That the Planned Unit Development District is in conformance with the General Development Plan of the City; and
6. That existing or proposed utility services are adequate for the population densities proposed.

If from the facts presented the City Council is unable to make the necessary findings, the application shall be denied.

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- (h) Site development within the R-PUD District shall conform to the Outline Development Plan and associated requirements approved by the City Council. Modification of the Outline Development Plan and associated requirement may be made by the City Council subsequent to their initial approval upon application by the owner of the property.
- (i) No building permit or certificate of occupancy shall be issued in such districts until the Planning Commission or City Council has approved and there is recorded a Final Plat in accordance with the provisions of Chapter 18, Section 18-8 of this Code for the development as a whole or stages of portions thereof. No structure or use other than as indicated in final approved plans and plats shall be permitted. Approval shall be based on compliance with the Outline Development Plan, "Development Standards for Planned Development" in effect at the time the land was zoned R-PUD, and with applicable general zoning, subdivision or other regulations, subject to such additional requirements as made by the City Council in the zoning action granting R-PUD status to the land or subsequent thereto. Upon approval by the Planning Commission or City Council of the final plat, building permits and certificates of occupancy may be issued in the same manner as for other building permits and certificates of occupancy.
- (j) In addition to provisions contained herein, the regulations contained in "Development Standards for Planned Development" hereby adopted and declared to be part of this Chapter, shall apply in R-PUD Districts, and shall govern in such districts when at variance with general zoning, subdivision or other regulations.
- (k) Following City Council approval of an R-PUD District, the property for which approval was granted shall be labeled R-PUD on the Official Zoning Map.
- (l) If construction of the R-PUD District is not started within two years of the date of approval, the City Council may consider rezoning the site to its previous classification".

2. Amend Article IV, Division 1, by adding a new Section 23-42.1 as follows:

"Sec. 23-42.1 Cluster Developments.

- (a) A Cluster Development is a tract of land, at least ten acres in area, under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved Preliminary Site Plan for Cluster Development.

(b) Cluster Developments may be established in R-6; R-6MF; R-9; R-9MF; R-12; R-20MF R-12MF; R-15; R-15MF; and O-15 Districts, subject to the following requirements:

- (1) Uses permitted in a Cluster Development shall be in accordance with the permitted uses of the district(s) within which it is located.
- (2) Dimensional requirements for Cluster Developments shall be the same as those for Planned Unit Developments.
- (3) Development area density shall be no greater than that normally permitted for the district in which the Cluster Development is located, except as provided under the Density Bonus provision. Development area density shall be computed by subtracting 16% of the gross area (as allowance for street right-of-way) when located in R-6, R-6MF, R-9 or R-9MF Districts and 14% when located in R-12, R-12MF, R-15, R-15MF; R-20MF or O-15 Districts, plus areas designated for non-residential structures (as churches) from the gross area, and dividing the remaining area by the minimum conventional lot area requirements for the zoning district in which the development is located. Should the development fall into more than one zoning district, density shall be computed for each district separately. Development density shall not be transferred across zoning district boundaries.

A. A density bonus not to exceed 25% more than that permitted under the standard applicable district regulations may be approved by the Planning Commission in accordance with the following ratio of residential Area to Common Open Space. In each case the Planning Commission must make a finding that the development will result in a significantly better environment than would otherwise have occurred in accordance with the established permitted density. Tentative application of the density bonus shall be included in the Preliminary Site Plan for review and approval.

DENSITY BONUS SCALE

<u>% of Residential Area to be Common Open Space</u>	<u>% Density Bonus</u>
10-19	4
20-29	8
30-39	11
40-49	15
50-59	18
60-69	22
70 - or more	25

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(4) Other development requirements. Cluster Developments shall be governed by applicable requirements and standards established in Development Standards for Planned Development.

(5) The Planning Commission shall be responsible for administering the requirements for Cluster Development under the provisions established in Chapter 18 - Subdivisions - of this Code. A preliminary Site Plan shall be submitted to the Planning Commission for review and approval. The Planning Commission, finding that the proposed development is in conformance with the requirements for Cluster Development, may approve the Preliminary Site Plan and the Final Plat for development."

3. Amend Article III, Division 1, Sec. 23-31, Table of Permitted Uses as follows:
  - a. After "Dormitories for the students of colleges..." insert the following new use: "Dwellings, one-family attached" and place an X beside this use under each of the following columns: Multi-Family Residential Districts, and all Office and Business Districts.
  - b. Change "Dwellings, one-family" to read "Dwellings, one-family detached".
  - c. After "Dwellings, one-family detached" insert the following new use: "Dwelling, one-family semi-detached" and place an X beside this use under each of the following columns: Multi-Family Residential Districts, and all Office and Business Districts.
  - d. After "Dwellings, one-family semi-detached" insert the following: "Dwelling Group, one-family semi-detached, when situated on a corner with entrances facing different streets." and place an X beside this use under Single-Family Residential Districts.
  - e. After "Dwelling Group, one-family semi-detached" insert the following new use: "Dwelling, Condominium" and place an X beside this use under the following columns: Multi-Family Residential Districts, and all Office and Business Districts.
4. Amend Article IV, Division 1, Sec. 23-41. Residential Uses in Residential Districts as follows:
  - a. Delete existing paragraph (a) and replace it with the following:

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

(1) One-Family Detached Dwellings

<u>Residential District</u>	<u>Minimum Lot Area (Square feet)</u>	<u>Minimum Lot Width (feet)</u>	<u>*Minimum Side Yard (feet)</u>	<u>Minimum Setback (feet)</u>	<u>Minimum Rear Yard (feet)</u>	<u>Minimum Unobstructed Open Space (% Total Lot Area)</u>	<u>Maximum Height (feet)</u>
R-1.OMF	6,000	50	8-6	20	20	40%	40
R-6MFH	6,000	50	8-6	20	40	40%	40
R-6MF	6,000	50	8-6	25	40	45%	40
R-6	6,000	50	8-6	25	40	50%	40
R-9; R-9MF	9,000	60	8-6	30	45	55%	40
R-12; R-12MF	12,000	70	10	35	50	60%	40
R-15; R-15MF	15,000	80	10	40	55	65%	40

\*For the R-1.OMF, R-6MFH, R-6MF, R-6, R-9, and R-9MF Districts one side yard shall be at least six (6) feet and the other side yard at least eight (8) feet.

(2) One-Family Semi-Detached Dwellings - A One-Family Semi-Detached Dwelling Group shall conform to the requirements for two family dwellings for the district in which located. Minimum requirements for one-family semi-detached dwelling units are as follows:

<u>Residential District</u>	<u>Minimum Lot Area (Square feet)</u>	<u>Minimum Lot Width (feet)</u>	<u>*Minimum Side Yard (feet)</u>	<u>Minimum Setback (feet)</u>	<u>Minimum Rear Yard (feet)</u>	<u>Minimum Unobstructed Open Space (% Total Lot Area)</u>	<u>Maximum Height (feet)</u>
R-1.OMF	4,000	28	8-6	20	20	40%	40
R-6MFH	4,000	28	8-6	20	40	40%	40
R-6MF	4,000	28	8-6	25	40	45%	40
R-9MF	5,750	33	8-6	30	45	55%	40
R-12MF	7,500	40	10	35	50	60%	40
R-15MF	9,250	45	10	40	55	65%	40
R-20MF	12,500	50	40	40	40	70%	40

\*Note: Side Yard Requirements - Indicated side yard requirements are for one side only, with the other side being attached. However, for the R-1.OMF, R-6MFH, R-6MF, and R-9MF Districts, if one side yard of the dwelling group is six feet the other side yard of the dwelling group must be at least eight feet.



(3) One-Family Attached Dwellings

Residential District	Minimum Development			Minimum Setback			Maximum Lot Coverage of Main Build. (% Lot area)	Maximum Height (feet)	Minimum Common Open Space* (%Total Development Area)
	Area Per Dwelling Unit (square feet)	Minimum Lot Area (sq. feet)	Minimum Lot Width (feet)	Abutting Street (feet)	Abutting Common (feet)	Minimum Rear Yard (feet)			
R-1.OMF	2,400	1,800	18	25	0	25	55%	40	10%
R-6MFH	2,400	1,800	18	25	0	25	55%	40	10%
R-6MF	2,400	1,800	18	25	0	25	55%	40	10%
R-9MF	3,150	2,000	20	25	0	25	55%	40	20%
R-12MF	3,900	2,000	20	25	0	30	55%	40	30%
R-15MF	4,650	2,200	22	25	0	35	55%	40	35%
R-20MF	6,500	2,500	25	25	0	35	55%	40	45%

\* Per cent of total development area. (This requirement is not applicable in Planned Unit Developments).

- A. A one-family attached dwelling group shall contain no more than ten (10) dwelling units.
- B. No portion of a one-family attached dwelling group shall be closer than twenty (20) feet to any portion of another group, or to any exterior property line.
- C. No off-lot parking shall be more than 150 feet, by the most direct pedestrian route, from a door of the dwelling unit it is intended to serve.
- D. One-Family Attached Dwellings shall conform to the provisions contained in "Development Standards for Planned Developments" for Site Planning - External and Internal Relationships, except that underground utilities are not required.

(4) Two-Family and Multi-Family Dwellings

Residential District	Minimum Lot Area (square feet)	Area Required for each Add'l Unit (square feet)	Minimum Lot Width (feet)	*Minimum Side Yard (feet)	Minimum Setback (feet)	Minimum Rear Yard (feet)	Minimum Unobstructed Open Space (%Total Lot Area)	**Maximum Height (feet)
R-1.OMF	6,000	(see sub. para.A)	55	8-6	20	20	40%	40
R-6MFH	6,000	1,000	55	8-6	25	40	40%	40
R-6MF	6,000	2,000	55	8-6	25	40	45%	40
R-9MF	9,000	2,500	65	8-6	30	45	55%	40
R-12MF	12,000	3,000	80	10	35	50	60%	40
R-15MF	15,000	3,500	90	10	40	55	65%	40
R-20MF	20,000	5,000		40	40	40	70%	40

\*For the R-1.OMF, R-6MFH, R-6MF, R-6, R-9, and R-9MF Districts one side yard shall be at least six (6) feet and the other side yard at least eight (8) feet.

\*Except as provided in Section 23-45.

- A. Duplex and multi-family structures in the R-1.OMF District may be constructed to a maximum FAR of 1.0

5. Amend Article III, Division 2, SPECIAL REQUIREMENTS FOR CERTAIN PERMITTED USES by adding a new Section 23-32.3 as follows:

"Sec. 23-32.3 Unit Ownership (Condominium) Development.

(a) Condominium structures shall conform to normal use and development requirements of this ordinance for the District within which the structure is located.

(b) Unit ownership may be created by an owner or the co-owners of a building by an express declaration of their intention to submit such property to the provisions of the "Unit Ownership Act of North Carolina" which Declaration shall be prepared in strict compliance with the Unit Ownership Act, reviewed and approved by the Planning Commission and recorded in the Office of the County Register of Deeds.

6. Amend "Article III, Division 2, Special Requirements for Certain Permitted Uses" by adding a new sub-section as follows:

"Sec. 23-34.02. Development Standards for Planned Developments.

The following supplementary requirements shall apply in Planned Unit Developments, Cluster Developments, and subdivisions involving one-family attached dwellings.

(a) Commercial and Office Facilities. Commercial and office facilities, when permitted in a Planned Unit Development, shall be developed in accordance with conventional requirements for B-1 Districts. In addition, they shall be subject to the following requirements:

- (1) Such areas of specified size, shall be planned as an integral part of the Planned Unit Development.
- (2) Proposed uses are needed by and gauged primarily for the service and convenience of residents of the Planned Unit Development.
- (3) Commercial areas are permitted at a maximum ratio of one (1) acre commercial area per one hundred (100) dwelling units constructed and at increments of one-half acre and fifty dwelling units above the first acre.
- (4) Such areas shall be so located and designed as to provide direct access to a Primary, Secondary or Collector Street without creating traffic hazards or congestion on other streets.

- (3) Ways for Pedestrians: Use by Service Vehicles. Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, project facilities and principal off-site pedestrian destinations. Walkways to be used by substantial numbers of children as play areas or routes to schools or other destinations shall be so located and safeguarded as to minimize contacts with normal automotive traffic. Street crossings shall be held to a minimum. On such walkways where appropriately located, designed and constructed, they may be combined with other easements and used by emergency or service vehicles, but shall not be used by other automotive traffic. The use of pedestrian underpasses and/or overpasses is encouraged.
- (4) Common Open Space. "Common Open Space" shall mean a parcel or parcels of land or an area of water or a combination of both land and water within the site designated for a Planned Unit Development a Cluster Development, or a One-family attached dwelling development and designed and intended for the use and enjoyment of residents of the proposed development or for the general public, not including streets or off-street parking areas. Common Open Space shall be substantially free of structures but may contain such improvements as are in the Plan as finally approved and are appropriate for the benefit of residents.
- A. a minimum total area of 10% of the gross residential area shall be set aside as Common Open Sapce in a Planned Unit Development or a Cluster Development. Of this 10%, a maximum of one-half may be areas covered by water. Common Open Space shall be provided in one-family attached dwelling developments in accordance with district requirements.
- B. a maximum of 5% of the area designated to be Common Open Space may be covered by structures clearly anciliary to the recreational use of the area.
- C. the location, shape and character of the Common Open Space must be suitable for the proposed development.
- D. Common Open Space shall be used only for amenity or recreational (active or passive) purposes of a non-profit nature. However, this does not preclude a monetary change for recreational purposes, such as golf course, when such uses are primarily for the residents of the Planned Unit Development. The uses authorized for the Common Open Space must be appropriate to the scale and character of the development, considering its size, density, expected population, topography and the number and type of dwellings to be provided.

- (5) The layout of parking areas, service areas, entrances, exits, yards, courts and landscaping, control of signs, lighting, noise or other potentially adverse influences shall be such as to protect the residential character within and adjacent to the Planned Unit Development.
  - (6) Such establishments shall not by reason of their location, construction, manner of timing of operation, signs, lighting, parking arrangements or other characteristics have adverse effects on residential uses within or adjoining the District, or create traffic congestion or hazards to vehicular traffic.
  - (7) No building designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to the construction of less than 50 percent of the dwelling units proposed in the Plan, or construction of 300 dwelling units, whichever is smaller.
- (b) Non-residential Uses. Non-residential uses of a religious, educational or recreational nature shall be presumed to be designed or intended primarily for the use of the residents of the proposed development, and burden shall be on the Planning Commission or objecting parties appearing at the public hearing to show that such uses beyond a reasonable doubt will primarily serve persons residing outside the development. The burden shall be on the developer to show that non-residential uses of a commercial character are intended to serve principally the residents of the proposed development.
- (c) Site Planning - External Relationships. Site planning in the proposed development shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. Consideration will be given to the location of uses, screening, setbacks, and street design and arrangement in the evaluation of the relationship of the development to its surrounding areas.
- (d) Site Planning - Internal Relationships.
- (1) Service and Emergency Access. Access and circulation shall adequately provide for fire fighting equipment, service deliveries, and refuse collection.
  - (2) Underground Utilities. Planned Unit Developments and Cluster Developments shall provide for underground installation of utilities, including telephone and power in both public and private rights-of-way, except when extreme conditions of underlying rock or other conditions make this requirement unreasonable. Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutters, piping and treatment of turf to handle

E. Common Open Space must be suitably improved for its intended use, but Common Open Space containing natural features clearly worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the Common Open Space must be appropriate to the uses which are authorized for the Common Open Space and must conserve and enhance the amenities of the area having regard to its topography and unimproved condition.

F. The development schedule which is part of the development plan must coordinate the provision and improvement of the Common Open Space and the construction of residential dwellings in the Planned Unit Development so that at no time shall actual dwelling density per acre exceed permitted overall dwelling density per acre.

(5). Conveyance and Maintenance of Common Open Space. All land shown on the Final Plan as Common Open Space must be conveyed under one of the following options:

A. It may be conveyed to the city (or county) which will agree to maintain the Common Open Space and any buildings, structures, or improvements which have been placed on it. Common Open Space so conveyed must be acceptable as to size, shape, location and improvements and shown by the applicant to be of benefit to the general public.

B. It may be conveyed to the trustees provided in an indenture establishing an association of home owners. The Common Open Space must be conveyed to the trustees subject to covenants and easements to be approved by the Planning Commission which restrict the Common Open Space to the uses specified on the final plan, and which provide for the maintenance of the Common Open Space in a manner which assures its continuing use for its intended purpose.

If the Common Open Space is deeded to a Homes Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:

1. The Homes Association shall be established before the homes are sold;
2. Membership shall be mandatory for each home buyer, and any successive buyer;
3. The Homes Association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
4. Any sums levied by the Homes Association that remain unpaid shall become a lien on the individual property;
5. The Homes Association shall be able to adjust the assessment to meet

7. Amend Article II, Division 3, Sec. 23-13. Every Lot Must Abut a Street to read as follows:

"No building, structure or use of land for other than agricultural purposes shall be constructed on a lot which does not abut a street with the following exceptions:

(a) A one-family detached 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 fifteen feet in width for the exclusive use of the single family dwelling established on such lot, and provided the easement is maintained in a condition passable for emergency and service vehicles;

(b) A one-family semi-detached dwelling unit need not abut a street provided that at least one unit of each dwelling group abuts a street, and provided that access to each dwelling unit is made available via either a public right-of-way, or a private vehicular or pedestrian way owned by the individual unit owner in fee or in common ownership.

(c) One-family attached dwelling units need not abut a street provided that all portions of every dwelling unit shall be located within three hundred feet of a public street that furnishes direct access to the property and that access to each dwelling unit shall be made available via either a public right-of-way, or a private vehicular or pedestrian way owned by the individual unit owner in fee or in common ownership."

8. Amend Article I, Section 23-2. Definitions as follows:

a. After sub-paragraph "(4) Building Lines" add the following new words and definitions:

(4a) Cluster Development: A tract of land, at least ten (10) acres in area, under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved Preliminary Site Plan.

(4b) Common Open Space: A parcel or parcels of land or an area of water or a combination of both land and water within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Common Open Space shall be substantially free of structures but may contain such improvements as are in the Plan as finally approved and are appropriate for the benefit of residents of the development.

(4c) Condominium: The ownership of single units in a multi-unit structure with common areas and facilities.

(4d) Condominium Unit: An enclosed space consisting of one or more rooms occupying all or part of a floor in a building of one or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use and shall include such accessory spaces and areas as may be described in the Declaration, such as garage space, storage space, balcony, terrace or patio, provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare.

b. After sub-paragraph "(6) Dwelling, one-family" add the following:

(a) Detached: A one-family dwelling which is completely surrounded by permanent open spaces.

(b) Semi-Detached: A one-family dwelling that is connected on one side by means of a common dividing structural or load bearing wall of at least ten linear feet to another one-family dwelling, each dwelling on its own individual lot.

(c) Attached: A one-family dwelling that is connected on two sides by means of a common dividing structural or load bearing wall of at least ten linear feet or two or more other one-family dwellings, or the end dwelling of a series of such dwellings, each dwelling unit on its own individual lot.

(d) Dwelling Group, One-Family Attached: A line of one-family attached dwellings, joined at the sides by means of common structural or load bearing walls, comprising an architectural whole.

c. After sub-paragraph "(16a) Mobile Home" add the following:

(16b) Net Residential Area: That portion of a project site designated for residential lots and common open space areas.

(16c) Planned Unit Development: A tract of land at least thirty six(36) acres in area, under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved Outline Development Plan and a Preliminary Site Plan.

d. After sub-paragraph "(19) Rear Yard" add the following:

(19a) Residential Area: That portion of a project site designated for residential uses, and more specifically, the following: residential lots, streets directly serving residential lots, and common open space areas.

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9. Amend Article III, Division 3, Section 23-36.1, paragraph (d) by adding the following between the words "to" and "multi-family":

"One-Family Semi-Detached, One-Family Attached, Two-Family and"

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

Approved as to form:

*Henry W. Underhill Jr.*  
Acting City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 14th day of October, 1968, the reference having been made in Minute Book 51, at page , and recorded in full in Ordinance Book 15, at pages 493-509.

Ruth Armstrong  
City Clerk



ORDINANCE NO. 53-X

AN ORDINANCE TO AMEND ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

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

SECTION 1. That \$650.00 of the General Fund Contingency Appropriation is hereby transferred to the appropriations made in the 1968-69 Budget for the General Fund - Police Department - School Guards, Account No. 401, said amount then to be used for the employment of an adult crossing guard, to be located at Hoskins and Gossett Avenues.

SECTION 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

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Acting City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 14th day of October, 1968, the reference having been made in Minute Book 51, at page , and recorded in full in Ordinance Book 15, at page 510.

Ruth Armstrong  
City Clerk