

ORDINANCE NO. 1021-Z

AMENDING CHAPTER 23

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of property located on the easterly side of Queens Road and about 270 feet north of Dartmouth Place from R-6MF-H to O-6(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 23-35.1 was submitted to the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 23-96 and a public hearing was held on June 16, 1980; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and each of the following, which are required by Section 23-35(d):

1. The policies and objectives of the Comprehensive Plan of the City, and particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts of the establishment of the conditional district upon the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.

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-H to O-6(CD) on the Official Zoning Map, City of Charlotte, N. C. the following described property:

BEGINNING at a point on the easterly right-of-way line of Queens Road, said point being the northwesterly corner of the Robert Gillis Company property recorded in Deed Book 3043 at Page 185 in the Mecklenburg County Registry of Deeds; 1) thence running with the easterly right-of-way line of Queens Road an arc with a radius of 729.69 feet for a distance of 168.42 feet; 2) thence S.72-58-40E. 220.0 feet; 3) thence S.16-56W. 62.29 feet; 4) thence S.0-14-15W. 96.16 feet; 5) thence in a westerly direction along the property line being on a radius of 186.55 feet, a distance of 43.55 feet; 6) thence N.74-57-45W. 206.6 feet to the point or place of BEGINNING.

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Henry W. Underhill, Jr. by H. M. Smith  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day of August, 1981, the reference having been made in Minute Book 76, and is recorded in full in Ordinance Book 30, at page 471 and 472.

Menta Detwiler  
Deputy City Clerk

ORDINANCE NO. 1022-Z

AMENDING CHAPTER 23

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of property located on the westerly side of Queens Road at Luther Street from R-6MF to O-6(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 23-35.1 was submitted to the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 23-96 and a public hearing was held on March 16, 1981; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and each of the following, which are required by Section 23-35(d):

1. The policies and objectives of the Comprehensive Plan of the City, and particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts of the establishment of the conditional district upon the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.

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 O-6(CD) on the Official Zoning Map, City of Charlotte, N. C. the following described property:

BEGINNING at a point, said point being the intersection of the westerly right-of-way line of Queens Road with the northerly right-of-way line of Luther Street; 1) thence running with the northerly right-of-way line of Luther Street N.58-16-45W. 303.82 feet; 2) thence N.31-34-05E. 50.0 feet; 3) thence S.67-41-19E. 285.76 feet to a point on the westerly right-of-way of Queens Road; 4) thence running with said right-of-way an arc with a radius of 619.69 feet for a distance of 100.0 feet to the point or place of BEGINNING.

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Henry W. Underhill, Jr. by H. H. Neuge  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day of August, 19 81, the reference having been made in Minute Book 76, and is recorded in full in Ordinance Book 30, at page 473 and 474.

Menta C. Detwiler  
Deputy City Clerk

August 10, 1981  
Ordinance Book 30 - Page 475

ORDINANCE NO. 1023-X

AN ORDINANCE TO AMEND ORDINANCE NO. 980-X, THE 1981-82 BUDGET ORDINANCE, TO PROVIDE AN APPROPRIATION TO FINANCE PARTICIPATION IN THE NATIONAL MUNICIPAL LEGAL DEFENSE FUND OF THE NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICERS.

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

Section 1. That the sum of \$7,500 is hereby transferred from the General Fund Contingency Account to the City Attorney's Department (501.00.191) to finance participation in the National Municipal Legal Defense Fund operated by the National Institute of Municipal Law Officers.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. 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 10th day of August, 1981, the reference having been made in Minute Book 76, and recorded in full in Ordinance Book 30 at Page 475.

Menta C. Detwiler  
Deputy City Clerk

August 10, 1981  
Ordinance Book 30 - Page 476

ORDINANCE NO. 1024-X

AN ORDINANCE TO AMEND THE 1982-82 BUDGET ORDINANCE TO TRANSFER FUNDS AND ESTABLISH POSITIONS IN THE GENERAL SERVICES DEPARTMENT, CENTRAL SERVICES DIVISION TO PROVIDE MAINTENANCE SERVICE TO DISCOVERY PLACE.

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

Section 1. That the sum of \$225,000 is hereby transferred from the General Fund Contribution to Discovery Place (530.50) to the General Services Department (505.00). These funds were approved in the FY82 budget to provide maintenance services at Discovery Place. This transfer will allow the Central Services Division to administer the maintenance program.

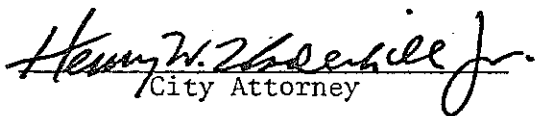
Section 2. That the Table of Organization for the General Services Department, Central Services Division is hereby amended to add the following positions:

<u>Class No.</u>	<u>Title</u>	<u>No. of Positions</u>
1605	Assistant Field Operation Supervisor	2
1048	Maintenance Mechanic	2
1310	Building Maintenance Assistant	<u>1</u>
	Total Positions	5

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. 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 10th day of August, 1981, the reference having been made in Minute Book 76, and recorded in full in Ordinance Book 30, at Page 476.

Menta C. Detwiler  
Deputy City Clerk

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

Ordinance No. 1041

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. Conditional Zoning Districts and Special Use Permits by adding the following new Section 23-36.8.:

"Section 23-36.8. Minor Exceptions: Yard, Parking, Sign, and Open Space Requirements:

- (a) Special Use Requirements. In conjunction with Section 23-40 and other appropriate provisions of this chapter certain minor exceptions as herein defined may be permitted as a Special Use Permit. For purposes of this section a minor exception shall be limited to the specific items contained herein and is intended to be used to facilitate development or site arrangement in accordance with Section 23-40. It is not intended to be confused with or used as a variance as described in Section 23-95. No minor exception shall be greater than twenty-five percent of the requirement from which the exception is granted. The following standards or requirements may be considered for a minor exception:

- (1) Dimensional standards for yards as required in the primary district;
- (2) Standards for minimum or maximum number and/or size of off-street parking spaces as required in the primary district;
- (3) Dimensional standards for signs as required in the primary district; and
- (4) Open space requirements of residential uses.

- (b) Application. An application for a minor exception as a special use shall be submitted and reviewed in accordance with Section 23-36.

- (c) Findings. As a prerequisite to approval of an application for this special use, the City Council shall find that the facts submitted with the application and presented at the hearing establish the following.

- 1. In the case of a minor yard exception, the City Council shall find that approval will result in at least one of the following:
  - a. more efficient use of the site;
  - b. preservation of natural features; or
  - c. improved provision of light, air and privacy to adjoining properties.

2. In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required or maximum allowed number of off-street parking spaces, the following factors shall be considered:
- Special characteristics of users which indicate low or high demand for off-street parking;
  - Opportunities for joint use of nearby off-street parking facilities;
  - Availability of public transit;
  - Natural features of the site which would be adversely affected by application of required parking standards.

In evaluating a minor exception for off-street parking spaces, the City Council shall find that approval will assure adequate off-street parking in relation to user demands.

3. In the case of a minor exception to the dimensional standards for signs, the following factors shall be considered: location, texture, lighting, movement, materials and size of all signs.

In evaluating a minor exception to the dimensional standards for signs, the City Council shall find that the exception is necessary for adequate identification of the use on the property and will be compatible with the character of the surrounding area with respect to the size and visual characteristics of the sign.

4. In the case of a minor exception to the dimensional standards for open space, the City Council shall find that the approval will result in at least one of the following:

- the open space which is created maintains a sense of privacy; or
- the open space which is created maintains its function as recreational open space.

(d) City Council Approval. Following City Council approval of a Special Use Permit application the Special Use Permit shall be issued.

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

APPROVED AS TO FORM:

Henry W. Underhill, Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 10th day of August, 1981, the reference having been made in Minute Book 76, and recorded in full in Ordinance Book 30, Pages 493-494.

Ruth Armstrong,



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

Ordinance No. 1042

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 4, Historic Districts and Urban Residential Districts by renumbering Sec. 23-38. Urban Residential District to Sec. 23-37.1. Urban Residential Districts.
2. Amend III, by adding a new Division 5, Mixed Use and Urban Districts as follows:

Sec. 23-38. Mixed Use District. (MX)

- (a) Intent. The adopted Central Area Plan calls for a mixed use development district, the intent of which is to strengthen Tryon Street as the high density urban core of the central area. This district permits coordinated development of major office, retail, hotel, residential and other uses as well as providing for open space, pedestrian circulation elements and increased retail opportunities. Bonuses in the form of significantly increased permitted development densities are granted for provision of specific amenities or features which would further the overall objectives of the Central Area Plan.
- (b) Applicability. The MX District is intended for application only within the core of the central area, defined in the adopted Central Area Plan, as the area bounded by the Brookshire Freeway, I-77, and the proposed I-277. The official zoning map of the City of Charlotte shall designate specific MX District boundaries.
- (c) Permitted Uses.
  1. By Right. A building or land shall be used only for the following purposes:
    - a. Office uses
    - b. Hotels as a separate use or in conjunction with other office or commercial uses.
    - c. Facilities for display and/or merchandising of products not at retail (not including storage).
    - d. Facilities for conferences, meetings or similar activities,
    - e. General or specialized retail, personal services, business services or other similar services either as a separate use or in conjunction with other uses.
    - f. Museums, libraries, theatres or other similar public and/or private uses.
    - g. Churches and other religious or similar uses.

- h. Residential uses in conjunction with retail and/or office uses.
- i. Off-street parking only in conjunction with or associated with commercial, office, or residential development in order to meet parking needs subject to the limitations of paragraph (e) below.

2. Uses Under Prescribed Conditions.

- a. Heliport or helistop developed in accordance with all Federal Aviation Administration requirements.
- b. Day care centers provided in conjunction with commercial residential, office uses, or institutional uses.
- c. Free standing residential with a minimum F.A.R. of 3.0.

3. Accessory Uses. The following are permitted accessory uses:

Storage of office supplies or merchandise normally carried in stock in connection with a permitted office or business use subject to applicable district regulations.

(d) Dimensional Requirements.

- 1. Minimum Lot Area. None required.
- 2. Minimum Lot Width. None required.
- 3. Minimum Setback. None required except as follows:
  - a. Easterly side of College Street from Stonewall Street to Eighth Street - ... feet
  - b. Westerly side of Church Street from Stonewall Street to Eighth Street - ... feet
  - c. Westerly side of Brevard Street from Stonewall Street to Eighth Street - ... feet
  - d. Southerly side of East Trade from the Southern Railroad to Caldwell Street - ... feet
  - e. Westerly side of Caldwell Street from Third Street to Seventh Street - ... feet.

The above requirements can be met by either setting buildings back from the right of way line the required setback or by developing within the building line a covered sidewalk arcade equal to the setback requirement or any combination of the two sufficient to achieve the required setback. In addition on Brevard Street, Caldwell Street, and Church Street the required setback may be 10 feet in the case where that portion of a building located in the area otherwise required for the setback is not higher than 40 feet in height.

- 4. Minimum Side and Rear Yard. None required, except that any building containing residential uses shall be required to provide a minimum separation from any adjacent building(s) or lot line(s) as measured from any exterior wall of that portion of the building which is

Ordinance No. 1042

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

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

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

1. Amend Article III, Division 4, Historic Districts and Urban Residential Districts by renumbering Sec. 23-38. Urban Residential District to Sec. 23-37.1. Urban Residential Districts.
2. Amend III, by adding a new Division 5, Mixed Use and Urban Districts as follows:

Sec. 23-38. Mixed Use District. (MX)

- (a) Intent. The adopted Central Area Plan calls for a mixed use development district, the intent of which is to strengthen Tryon Street as the high density urban core of the central area. This district permits coordinated development of major office, retail, hotel, residential and other uses as well as providing for open space, pedestrian circulation elements and increased retail opportunities. Bonuses in the form of significantly increased permitted development densities are granted for provision of specific amenities or features which would further the overall objectives of the Central Area Plan.
- (b) Applicability. The MX District is intended for application only within the core of the central area, defined in the adopted Central Area Plan, as the area bounded by the Brookshire Freeway, I-77, and the proposed I-277. The official zoning map of the City of Charlotte shall designate specific MX District boundaries.
- (c) Permitted Uses.
  1. By Right. A building or land shall be used only for the following purposes:
    - a. Office uses
    - b. Hotels as a separate use or in conjunction with other office or commercial uses.
    - c. Facilities for display and/or merchandising of products not at retail (not including storage).
    - d. Facilities for conferences, meetings or similar activities,
    - e. General or specialized retail, personal services, business services or other similar services either as a separate use or in conjunction with other uses.
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- i. Off-street parking only in conjunction with or associated with commercial, office, or residential development in order to meet parking needs subject to the limitations of paragraph (e) below.

2. Uses Under Prescribed Conditions.

- a. Heliport or helistop developed in accordance with all Federal Aviation Administration requirements.
- b. Day care centers provided in conjunction with commercial residential, office uses, or institutional uses.
- c. Free standing residential with a minimum F.A.R. of 3.0.

3. Accessory Uses. The following are permitted accessory uses:

Storage of office supplies or merchandise normally carried in stock in connection with a permitted office or business use subject to applicable district regulations.

(d) Dimensional Requirements.

- 1. Minimum Lot Area. None required.
- 2. Minimum Lot Width. None required.
- 3. Minimum Setback. None required except as follows:
  - a. Easterly side of College Street from Stonewall Street to Eighth Street - ... feet
  - b. Westerly side of Church Street from Stonewall Street to Eighth Street - ... feet
  - c. Westerly side of Brevard Street from Stonewall Street to Eighth Street - ... feet
  - d. Southerly side of East Trade from the Southern Railroad to Caldwell Street - ... feet
  - e. Westerly side of Caldwell Street from Third Street to Seventh Street - ... feet.

The above requirements can be met by either setting buildings back from the right of way line the required setback or by developing within the building line a covered sidewalk arcade equal to the setback requirement or any combination of the two sufficient to achieve the required setback. In addition on Brevard Street, Caldwell Street, and Church Street the required setback may be 10 feet in the case where that portion of a building located in the area otherwise required for the setback is not higher than 40 feet in height.

- 4. Minimum Side and Rear Yard. None required, except that any building containing residential uses shall be required to provide a minimum separation from any adjacent building(s) or lot line(s) as measured from any exterior wall of that portion of the building which is

devoted to residential purposes. Such separation shall be 20 feet. This requirement shall not apply when the side and/or rear yard adjoins a public street or any public open space.

5. Height Regulations. The height regulations of the MX District shall be governed only by the bulk regulations as set forth below.
6. Bulk Regulations. In order to provide for maximum flexibility of design and to permit higher buildings in the MX District without increasing the total maximum bulk of any building, the following bulk regulation is defined.
  - a. Measurement of Bulk. The maximum bulk of buildings in the MX District shall be measured by the total gross floor area of any building divided by the total lot area occupied by such building, hereinafter referred to as the floor area ratio. (F.A.R.)
  - b. Measurement of Building Area. The gross floor area of any building shall be measured from the outside dimension of the walls enclosing each separate floor level of the building. All separate floor levels shall be computed including floor levels of any roof structure, excluding mechanical or other equipment storage, which is enclosed by walls but not including floor levels of stories which are fifty percent (50%) or more below the finished grade adjoining the building and not including floor area within the building used for vehicular circulation or storage. Mezzanine levels shall be measured from the outside dimension of walls or railings enclosing such mezzanine or balcony floor level. Exterior balconies accessed from private residential units are excluded from the gross building area computations.
  - c. Measurement of Lot Area. The total lot area shall be measured from the boundary of the lot, designated by the owner at the time of obtaining a building permit as the lot to be occupied by any proposed building.
7. Permitted Floor Area Ratios. Within the MX District the base FAR shall be 5.0 and the maximum FAR 7.0 except as follows:
  - a. The blocks bounded by Fifth Street, Church Street, Fourth Street, and College Street the base FAR will be 9.0 and the maximum FAR 19.0.
  - b. The blocks bounded by 8th Street, Church Street, Fifth Street, and College Street the base FAR shall be 7.0 and the maximum FAR 12.0.
  - c. The blocks bounded by Fourth Street, Church Street, Stonewall Street, and College Street the base FAR shall be 7.0 and the maximum FAR 12.0.
8. Floor Area Ratio Bonuses. To promote provisions of light, air and open space and to insure the effective provision of public services within the MX District, the total gross floor area permitted in any building as set forth above may be increased under the conditions outlined below:

- a. Bonuses based on location. For any building within any block contiguous with a Transit Mall Corridor as established by the City of Charlotte, a floor area bonus of two (2) may be added to the base floor area limit. For any building within a block contiguous to the intersection of Trade Street and Tryon Street, a floor area bonus of one (1) may be added to the base floor area limit. For any building abutting or directly across a street from a public park or a public open space of 2 acres or greater in size a floor area ratio bonus of one (1) may be added to the base floor area.
- b. Bonus for residential uses in mixed-use buildings. For the provision of residential units for sale or rental within buildings or groups of buildings primarily intended for commercial, office and/or hotel uses a floor area bonus of one (1) square foot of additional building area per one (1) square foot of residential building area up to a limit of one (1) F.A.R. may be added to the base floor area ratio permitted.
- c. Bonuses for providing building setbacks at upper levels. When any portion of a building occupies not more than fifty (50) percent of the total lot area and when such portion of the building begins at a level not higher than four (4) full floor levels above the highest street floor level, the maximum allowable floor area may be increased by one (1) provided, however, that any portion of the building above the fourth floor level shall set back from any adjoining street property line a distance equal to at least fifty (50) percent of the width of such adjoining street right of way.
- d. Bonus for providing plazas and courtyards. For providing plazas or courtyards as defined below, a floor area bonus of one (1) may be added to the base floor area ratio. To qualify for this bonus a plaza or courtyard shall be open from the ground to the sky, be paved and/or partially landscaped, be open to the public for pedestrian movement, and have a frontage on a public street with a minimum frontage for access of fifty (50) feet and an area of three thousand seven hundred fifty (3,750) square feet or 10 percent of the lot area whichever is greater and shall provide retail sales or personal service areas directly opening from it for a minimum of 25 percent of its length and must provide direct access to building lobbies. Weather protection admitting natural light shall not be considered as being in conflict with the requirement of being open to the sky.
- e. Bonus for providing a pedestrian arcade through a block. For providing an internal pedestrian arcade as defined below a floor area bonus of one (1) may be added to the base floor area ratio. To qualify for this bonus such an arcade must be located in a block adjacent to a designated Transit Mall Corridor and must connect:

two parallel public streets, or

a public street to a plaza or courtyard fronting another street, or

public street to a pedestrian bridge crossing a public street.

Such an arcade must be a minimum of ten feet in width and must provide retail sales or personal services areas directly opening from it for a minimum of 25 percent of its length and must provide direct access to building lobbies or elevator lobbies of buildings through which it may pass.

- f. Bonus for providing off street freight loading. For providing off street freight loading as stipulated below a floor area ratio bonus of one (1) may be added to the base floor area ratio. To qualify for this bonus, off-street freight loading must be provided for all adjacent existing buildings without such off-street freight loading services or future buildings to be served by such freight loading facilities in an area bounded by dedicated streets on all sides. This facility must have a capacity equal to or greater than the minimum standards set forth in the zoning code for all buildings sufficient to be served. This loading facility shall have sufficient ingress and egress. Each new building so served shall qualify for the bonus.
- g. Bonus for providing off-street parking for adjacent buildings. For providing off-street parking requirements for existing adjacent buildings not meeting the parking requirements of this zoning code, a floor area bonus of one (1) square foot for each square foot of additional gross building area dedicated to this additional parking may be added to the base floor area. To qualify for this bonus, the buildings to be served by such parking shall be in an area bounded by public streets on all sides and the amount of such parking must meet the requirements of this zoning code for all buildings so served. For the purposes of this provision buildings not meeting the requirements of this zoning code are those which do not have at least .6 spaces per 1000 gross square feet of building area.
- h. For the preservation of a structure and/or land which has been designated as a historic property, pursuant to N. C. G. S. 160A-399 and for which a Certificate of Appropriateness has been secured or for the preservation of a property listed in the National Register of Historic Places preserved in accordance with the Secretary of the Interior's Standards for Historic Preservation Projects, a floor area bonus of one and one-half (1.5) may be added to the base floor area ratio. For the preservation of only a building facade or a group or series of facades of a structure or structures which have been designated as a historic property as listed above a floor area bonus of one-half (.5) may be added to the base floor area ratio.

(e) Off Street Parking and Loading Requirements. In order to assure the achievement of the adopted Central Area Plan transportation and land use objectives, and to provide for the highest of urban design standards, regulations for parking in the Central Area are herein established.

1. Maximum Parking Allowed. Any building, regardless of use, shall be limited in the provision of parking spaces to a maximum of

one (1) space per 1,000 gross square feet of building area.

2. Off-site Parking. Off-site parking located within 1,600 feet may be used in lieu of on-site parking to meet parking needs.
3. Access to Transit Mall. Building lots which are accessible to a designated Transit Mall Corridor may provide parking access to a Transit Mall Corridor when said access does not interfere with the design and objectives of the Transit Mall Corridor.
4. Off-street Loading Spaces. Off-street loading operations shall only be conducted at the side, rear or beneath buildings and shall be provided in accordance with the following table:



	<u>Minimum</u>	<u>Maximum</u>
For buildings up to one half of the base F.A.R.	0	2
For buildings between one half of the base F.A.R. and base F.A.R.	1	3
For buildings between base F.A.R. and maximum F.A.R.	2	4

5. Prohibition. In the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any other public or private drive or street used for traffic circulation.
  6. Off-street Passenger Loading. Any hotel or mixed use structure which contains residential units shall be required to provide an access to the major entrance of the building.
  7. Size of Parking Spaces. Parking spaces intended for use by small or compact vehicles may comprise 25 percent of the total parking spaces provided. Such parking spaces shall be no smaller in size than 7½' in width and 14' in length.
- (f) Minimum Open Space. A minimum recreational and open space area or combination of areas equivalent to 200 square feet per dwelling unit shall be provided in those structures which contain residential units. This requirement may be satisfied by the provision of individual balconies, roof top outdoor use areas, interior common use spaces, or open space.
- (g) Screening. The following shall be effectively screened from public view from a public street or pedestrian areas and from surrounding properties in accordance with the provisions below:
- The grade level of all structured parking facilities, and at grade parking lots.
  - Off-street loading facilities.
  - Dumpsters and/or waste handling areas.
  - Utility and service areas.
- a. Minimum Requirements.
1. The minimum opacity of any required screening shall be 50%.
  2. Planted material may be employed but must meet the 50% opacity minimum at the time of initial installation.
  3. Overhead screening shall be provided for all of the above uses except parking facilities.
  4. The specific method(s) and materials of any screening shall be left to the discretion of the developer as long as the intent and minimum standards of this section are met.
- b. Maintenance of Screening. All required screening shall be in accordance with the required standards for screening set forth in this ordinance. Failure to adequately maintain any required screening constitutes a violation of these provisions.

(h) Signs. All signs shall be approved as a part of the site plan review process for any new construction. Signs shall comply with the following:

1. Types of signs permitted: Business and/or identification.
2. Permitted number: 1 per street frontage.
3. Maximum area of signs: .5 square foot per 1' foot of frontage; street frontages measured separately.
4. Permitted illumination: Lighted, N. M.
5. Permitted location: sign attached to the structure may not extend more than eighteen inches from the building facade, may not extend into or above any public right-of-way, and may not be located above the third floor level above the street, except that signs which identify the principal structure may be located on the facade of the highest floor of any structure which exceeds fifteen (15) stories in height and provided that any such sign shall not occupy more than fifty (50) percent of the facade upon which it is placed. Any building which is constructed on the property line may be allowed to have a sign which extends no further than 6" from the building facade. Detached signs are not permitted.
6. Arcade signs: signs which identify businesses located along or within enclosed pedestrian arcades may be located on the exterior of the structure which houses the arcade only if the business has a separate access to a public street or sidewalk.
7. Removal of signs: all signs shall be removed by the property owner within thirty (30) days of the time that the premises upon which it is located is vacated by the use for which the sign was erected. The continued presence of any such sign on the premises after thirty (30) days shall be prima facie evidence of a violation of this provision.
8. Prohibited signs: advertising signs as defined in Sec. 23-2(22) are specifically prohibited within the MX District.

(i) Site Plan Required. A site plan shall be submitted for approval in accordance with Sec. 23-40 for any use permitted in the MX District.

Sec. 23-39. Urban Residential Districts.

(a) Intent. Urban areas are recognized as unique areas with many assets and opportunities. To successfully foster the urban characteristics of these areas, development here should promote an environment of diverse uses at higher than normal density which encourages pedestrian activities, needs, and movement, while at the same time recognizing the limited supply of urban land. As such this requires special zoning classifications in order to implement the goals and objectives of these vital areas of the community. Further it is necessary and desirable to promote the residential nature of these areas through zoning

classifications which are intended to realize the growing opportunities for new infill development and redevelopment. Such residential development, properly located and developed, can enhance and support the overall mix of uses characteristic of urban areas. Therefore the purpose of this section is to establish the Urban Residential Districts.

- (b) Applicability. Urban Residential Districts are intended for use in special areas of the community and thus may be considered for limited application. The uptown area, defined as the area bounded by the centerlines of the Brookshire Freeway, the proposed I-277 and I-77, is hereby recognized for such applicability. The official zoning map of the City of Charlotte shall designate specific Urban Residential district boundaries.
- (c) Objectives. These districts are designed to provide standards and incentives which will promote the development or redevelopment of urban areas that contain a mix of land uses with a predominately residential character. Emphasis is given to provisions which will provide opportunities for imaginative, new urban development compatible with the development objectives of these areas. Accordingly, such development objectives are:
1. To maximize residential development potentials in urban areas;
  2. To establish a predominately residential character within residential neighborhoods;
  3. To provide for sufficient local retail and office uses to support residential areas;
  4. To protect all residential areas from inappropriate and intrusive uses;
  5. To maximize open space and other amenities within residential areas;
  6. To protect and enhance existing single family residential areas from uses which by their scale and characteristics may be inappropriate.
  7. To provide for the efficient utilization of scarce urban land; and
  8. To reward development projects, through a density bonus system, for including specific development features which significantly further the overall goals for these areas and which enhance the urban residential environment.
- (d) Districts Established. In order to provide densities and other development standards which are compatible with urban characteristics, the following zoning classifications are herein established:

Urban Residential-1 (UR-1)  
 Urban Residential-2 (UR-2)  
 Urban Residential-3 (UR-3)  
 Urban Residential-C (UR-C)

(e) Development Restrictions.

1. Site Plan. To insure appropriate arrangement, function, and harmony with adjacent uses, a site plan shall be submitted and reviewed in accordance with Sec. 23-40. Site Plan Review and shall govern the review of the following in urban residential districts.
  - a. Single family attached dwellings
  - b. Multi-family dwellings
  - c. Any use in the UR-C district
  
2. Definitions. For purposes of this section the following definitions shall be applicable:
  - a. single family detached - a structure which contains one (1) dwelling unit;
  - b. single family attached - a dwelling unit which shares by attachment or other means of fixture a common roof, wall, or design element with another dwelling unit and which is not located above or below another dwelling unit and which contains its own exclusive entry;
  - c. multi-family - a structure which contains two (2) or more dwelling units which either shares a common means of entry and/or is designed with one dwelling unit above or below another dwelling unit.
  - d. floor area ratio (FAR) - the total gross floor area of any building divided by the total lot area occupied by such building.
  
3. Signs. Signs within Urban Residential Districts shall be permitted in accordance with Article VI, Sign Regulations, Division I, Section 23-76 through Section 23-79 and Section 23-85(b) and the following and shall be reviewed in conjunction with (e) 1. above.
  - a. Signs on the premises of single family, detached or attached dwellings
    1. Types of signs permitted: Identification.
    2. Permitted number of signs: One per dwelling unit.
    3. Maximum area of signs: One and one-half square feet.
    4. Permitted illumination: Lighted, but not flashing.
    5. Signs shall be motionless.
    6. Permitted location: Behind street right-of-way line and not more than eight (8) feet above floor level at dwelling unit entry if attached to structure, or not more than five (5) feet above grade if not attached to structure.
  - b. Signs on the premises of multi-family dwellings or planned multi-family developments:
    1. Types of signs permitted: Identification.
    2. Permitted number of signs: One per street front.
    3. Maximum area of signs: Six (6) square feet.
    4. Permitted illumination: Lighted, but not flashing.

5. Signs shall (be) motionless.
6. Permitted location: Behind street right-of-way line and not more than eight (8) feet above grade if attached to structure, or not more than five (5) feet above grade if not attached to structure. Attached signs shall not project more than six (6) inches from structure.

c. Signs on the premises of a freestanding non-residential use:

1. Types of signs permitted: Business
2. Permitted number of signs: One per use.
3. Maximum area of signs: Eight (8) square feet if projection from structure is less than six (6) inches, or six (6) square feet if detached or if projection from structure is six (6) inches or more.
4. Permitted illumination: Lighted, but not flashing.
5. Signs shall be motionless.
6. Permitted location: Behind street right-of-way line and not more than ten (10) feet above grade if attached to structure, or more than five (5) feet above grade if not attached to structure.

d. Signs on the premises of a group of three (3) or more non-residential uses within a dwelling structure:

1. Types of signs permitted: Identification.
2. Permitted number of signs: One per street front.
3. Maximum area of signs: Eight (8) square feet.
4. Permitted illumination: Lighted, but not flashing.
5. Signs shall be motionless.
6. Permitted location: Behind right-of-way line and not more than ten (10) feet above grade if attached to structure, or more than five (5) feet above if not attached.

e. Signs or bulletin boards providing historical information, information of non-commercial activities, or space for free use by the general public:

1. Types of signs permitted: Bulletin board
2. Permitted number of signs: One per structure.
3. Maximum area of signs: Twelve (12) square feet except a kiosk. A kiosk may be erected to a maximum height of ten (10) feet and a maximum diameter of four (4) feet excluding canopies, eaves and the like.
4. Permitted illumination: Lighted, but not flashing.
5. Signs shall be motionless.
6. Permitted location: Behind street right-of-way line and not more than ten (10) feet above grade.

4. Screening and Buffering of Intrusive Uses.

- a. Type of Screening. Screening of intrusive uses as defined in 4. b. below shall be provided by one of two means:
  - 1) by a solid fence of a minimum height of five (5) feet; or
  - 2) by a landscape buffer providing year round screening of a minimum height of four (4) feet when planted.

- b. Intrusive uses requiring screening.
  - 1) Multi-family uses from single family detached or attached uses in UR-1 zones which are directly adjacent and contiguous with such multi-family uses.
  - 2) All loading docks and refuse collection areas from direct view at ground level within any UR district.
  - 3) All surface parking areas of more than sixteen (16) spaces from any adjacent property or use (including the street).
  - 4) Free standing non-residential uses in UR-C districts from adjacent residential uses.
- c. Maintenance of Screening. All screening shall be maintained in accordance with the required standards for screening set forth in this ordinance. Failure to adequately maintain any required screening constitutes a violation of these provisions.
- d. Ordinance Requirements. All screening shall be provided in accordance with all applicable ordinance requirements.

5. Off-Street Parking and Loading Requirements. Requirements for off-street parking and loading requirements shall be as follows.

a. Number of spaces.

Type of Structure	Minimum	Maximum
Detached	1	2
Attached	.75	1.5
Multi-Family	.75	1.5
Multi-Family (elderly)	.25	.50
Non-residential Use in UR-C	1/1000 gross sq.ft.	1/500 gross sq.ft.
Non-residential Use in UR-2, UR-3	0	1/500 gross sq.ft.

- b. Size of Parking Spaces. Parking spaces intended for use by small or compact vehicles may comprise 25 percent of the total parking spaces required. Such parking spaces shall be no smaller in size than 7½' in width and 14' in length.
- c. Grade/Above Grade Parking. All off-street parking located at grade or above grade shall be located at a minimum distance of five feet from any adjacent residential property line or street right-of-way line.
- d. Off-Street Service/Delivery Spaces. Buildings and structures within UR-C districts shall be provided with a minimum number of off-street service/delivery parking spaces as specified below.

Requirements	Off-Street Service/Delivery Parking Spaces
Multi-family dwellings 0-24 units	0
Multi-family dwellings 25-74 units	2
Multi-family dwellings ≥75 units	3
Non-residential uses	3

- e. Grade Level Parking. Grade level parking is allowed in the setback of multi-family housing, subject to paragraph 5. c.
- f. Underground Parking Structures. Underground parking structures shall be permitted within any required setback, side yard, or any lot, provided no portion of the underground structures extends above grade more than five (5) feet at any point nor more than four (4) feet for seventy-five (75) percent 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 thirty-two (32) inches in height, is set back from the property line at least three (3) feet and has openings equal to at least thirty (30) percent of its surface along each side. Along any lot line 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. All such decks may be classified as open space.

6. Open Space Requirements: On grade residential units shall be provided with open space accessible to each on grade residential unit.

a. Amount of open space

<u>1. Type of Structure</u>	<u>Square Feet</u>
Detached	200
Attached	200*

\*The subplot provision increased this to 400 square feet.

- 2. Achievement of Privacy: Privacy of the space for detached structures shall be achieved through required yard requirements. Privacy of the space for attached structures will be evaluated through the required site plan review process.

- b. Multi-Family Units. For multi-family units a minimum recreational and open space area or combination of areas equivalent to 200 square feet per dwelling unit shall be provided. This requirement may be satisfied by the provision of individual balconies, roof top outdoor use areas, interior common use spaces, or open space.

(f) Density Bonus Provisions.

- 1. Objectives. Density bonus provisions contained herein are designed to achieve the following specific objectives:
  - a. To enhance and extend public amenities such as parks and public pedestrian ways;
  - b. To create additional open space for public or semi-public use;
  - c. To improve the overall quality of life within the large residential area; and

- d. To further the land use policies of the city including more effective utilization of urban land, increased uptown residential population, and encouragement of evening activities in the uptown area.
2. Bonus Limits. Because the sensitivity to increased densities of UR districts will vary with the base FAR, the following upper limits on bonus accumulation are herein established:
    - a. For UR-1 and UR-2 districts a maximum bonus accumulation of 10% of base FAR;
    - b. For UR-3 and UR-C districts a maximum bonus accumulation of 50% of base FAR;
    - c. For non-residential uses in UR-C districts a maximum bonus accumulation of 25% of base FAR; and
    - d. For development projects located in more than one UR district, the total percent of increase in base FAR permitted shall be the sum of the maximum allowed increase in each zoning district, but there shall be no prohibition as to where on the parcel the increase may locate.
  3. Bonus Permitted. The following density bonuses are herein granted for the provision of the following features. Any bonus which may be granted shall, when applicable, modify the base density in each urban residential district. The granting of a bonus shall be determined through the site plan review process.
    - a. For projects adjacent to a public park or cemetery a density bonus of 10% of base FAR, but not less than 8 dwelling units may be granted.
    - b. For the creation of permanent public open space\* devoted to passive or active recreational use a density bonus equal to the percentage of the site devoted to such use is granted, but not less than 4 dwelling units. Open space required in the base zoning regulation is not to be included as public open space.
    - c. For the creation of areas and paths (other than those already required) devoted to pedestrians and bicyclists which functionally extend adjacent area-wide pedestrian ways or which create convenient access to public open space for residents or visitors a density bonus of 10% of base FAR, but not less than 8 dwelling units may be granted.
    - d. For the use of fountains, reflecting pools and similar features in design a density bonus of 5% of base FAR, but not less than 4 dwelling units may be granted.
    - e. For the preservation of a structure and/or land which has been designated as a historic property, pursuant to N. C. G. S. 160A-399 and for which a Certificate of Appropriateness has been secured or for the preservation of a property listed in the National Register of Historic Places preserved in accordance with the Secretary of the Interior's Standards for Historic Preservation Projects, a floor area bonus of 5% of base FAR, but not less than 4 dwelling units may be granted. For the preservation of only a building facade or a group or series of facades of a structure or structures which have been designated



as a historic property as listed above a floor area bonus of 2% of the base FAR but not less than 2 dwelling units may be granted.

\*Public open space shall mean open space at grade which is accessible to, and serves a public purpose for a group of persons beyond the residents of the building with which it is associated. Such space may be designed for active or passive use. It shall not include any motorized vehicular circulation or parking facilities but may include structures related to the purpose of the open space provided that the dominant character of the area is open.

- f. For the provision of permitted retail uses in UR-C districts a density bonus equal to the amount of square footage devoted to such uses up to a maximum of a 15% increase in residential density, but not less than 12 dwelling units.
  - g. For the provision of roof areas designed as open and/or recreation space a density bonus equal to the amount of square footage devoted to such open and/or recreation space is granted.
  - h. For the development of residential or mixed used structures which contain more than five (5) stories a density bonus of 10% of base FAR, but not less than 4 dwelling units may be granted.
  - i. For projects which combine three (3) or more parcels into a single lot for development a density bonus of 5% of base FAR, but not less than 4 dwelling units may be granted.
4. Bonus Parking. Any density bonus that may be granted for a particular development project shall not require any increase to the minimum parking requirements as set forth in 23-39(e)(3)5. Additional parking however, may optionally be provided, such additional parking to be established in accordance with 23-39(e)(3)5.a.
- (g) Accessory Structures. Accessory structures are allowed in all urban residential districts in accordance with Sec. 23-27. However accessory structures shall be exempted from Sec. 23-27 when a joint application is made by adjoining property owners.
- (h) Customary Home Occupations. Customary home occupations as set forth in Section 23-32.1. are allowed in all Urban Residential Districts.

Sec. 23.39.1. Urban Residential-1 District. (UR-1)

- (a) Intent. The intent of this district is to protect and enhance designated single-family areas and to encourage appropriate infill development within these areas and shall be developed in accordance with Sec. 23-39. and the provisions listed herein.
- (b) Permitted Uses.
- 1. Uses by right. Uses permitted by right with the UR-1 District are single family detached dwelling units.
  - 2. Uses requiring site plan review. Uses which require site plan review are single family attached dwelling units.
  - 3. Dimensional requirements. Dimensional requirements for the UR-1 District shall be as follows:

District	Min. Lot Area (sq. ft.)	Min. Side Yd. (ft.)	Minimum Setback (ft.)	Min. Rear Yd. (ft.)	Max. F.A.R.	Max.** Height (ft.)
UR-1	5,000	5	5	10	0.25*	40

\*The maximum F.A.R. does not apply to either a one-family, two-family or three-family structure located on a single lot. Also, parking facilities are exempt from maximum FAR limitations.

\*\*Maximum height may be increased above 40' provided all required yards are increased 1' for every 10' of building height.

Sec. 23-39.2. Urban Residential-2 District. (UR-2)

(a) Intent. The intent of this district is to promote maximum opportunities for moderate density residential development. This district functions as both a transition between lower and higher density and as the predominate residential district throughout much of the fringe of the uptown area and shall be developed in accordance with Sec. 23-39. and the provisions listed herein.

(b) Permitted Uses.

1. Uses requiring site plan review. Uses requiring site plan review within the UR-2 District are single family attached and multi-family dwelling units. The following non-residential uses are also permitted provided that the gross floor area of these uses does not exceed fifty (50) percent of the ground floor area of the dwelling unit in which they are located, but there shall be no prohibition as to where within the structures these may be located:

- a. handcraft shop;
- b. bookshop;
- c. antique shop;
- d. tea rooms;
- e. studios;
- f. museums; and
- g. offices.

2. Dimensional Requirements. Dimensional requirements for the UR-2 District shall be as follows.

District	Min. Lot** Area (sq. ft.)	Min. Side Yd. (ft.)	Minimum Setback (ft.)	Min. Rear Yd. (ft.)	Max. F.A.R.	Max.* Height (ft.)
UR-2	5,000	5	5	10	1.0	40

\*Maximum height may be increased above 40' provided all yards are increased 1' for every 10' of building height.

\*\*Where the sale of individual dwelling units within a single family attached structure is to include a certain amount of land directly associated with the unit, a subplot having less than five thousand (5,000) square feet may be created. In such cases all land associated with the overall development must be either divided into the individual sublots, or held in common ownership by an association of homeowners. For purposes of this section a "subplot" is a platted parcel of land which is a divided unit of a lot for which zoning approval has been granted for the develop-

ment of a single-family attached structure with the intention of sale of individual units and associated land. Sublots shall include a minimum of four hundred (400) square feet of private open space.

Sec. 23-39.3. Urban Residential-3 District. (UR-3)

- (a) Intent. The intent of this district is to provide for high density residential development. This district is located nearer the employment core and in areas identified for their special adaptability and appropriateness for this type of housing and shall be developed in accordance with Sec. 23-39. and the provisions listed herein.
- (b) Permitted Uses.

1. Uses requiring site plan review. Uses requiring site plan review within the UR-3 District are single family attached and multi-family dwelling units. Business or office uses limited to those permitted in B-1 Neighborhood Business Districts as listed in Sec. 23-31 are also allowed, except that no drive-in windows or service in connection with such uses or vehicular sales, service or repair shall be permitted and shall be limited to two times the size of the building footprint, but there shall be no prohibition as to where within the structure the uses may locate.
2. Dimensional Requirements. Dimensional requirements for the UR-3 District shall be as follows:

District	Min. Lot** Area (sq. ft.)	Min. Side Yd (ft.)	Minimum Setback (ft.)	Min. Rear Yd. (ft.)	Max. F.A.R.	Max. Height (ft.)
UR-3	5,000	5	5	20	2.0	60*

\*Maximum height may be increased above 60' provided all yards are increased 1' for every 10' of building height.

\*\*Where the sale of individual dwelling units within a single family attached structure is to include a certain amount of land directly associated with the unit, a subplot having less than five thousand (5,000) square feet may be created. In such cases all land associated with the overall development must be either divided into the individual sublots, or held in common ownership by an association of homeowners. For purposes of this section a "subplot" is a platted parcel of land which is a divided unit of a lot for which zoning approval has been granted for the development of a single-family attached structure with the intention of sale of individual units and associated land. Sublots shall include a minimum of four hundred (400) square feet of private open space.

Sec. 23-39.4. Urban Residential-Commercial District. (UR-C)

- (a) Intent. The intent of the UR-C District is to promote a diversity of residential, retail, office, recreational and cultural uses in a mixed use, higher density pattern. This district is restricted in location to the periphery of the employment core or to areas designated as

community or neighborhood centers where a high level of commercial or other services are desired and shall be developed in accordance with Sec. 23-39. and the provisions listed herein.

(b) Permitted Uses.

1. Uses requiring site plan review. Uses requiring site plan review within the UR-C District are multi-family dwelling units and free standing non-residential structures. Free standing non-residential structures and multi-family structures may contain commercial and office uses, such uses to be limited to those permitted in B-1 Neighborhood Business Districts as listed in Section 23-31, except that no drive-in windows or vehicular sales, service, or repair shall be permitted. In addition the following institutional uses are also permitted subject to site plan review: churches, synagogues, convents, monasteries, dormitories, community recreation centers, elementary, junior high and senior high schools, colleges, orphanages, museums, art galleries, libraries, fire stations, police stations, day care centers and pre schools, nursing homes, rest homes, homes for the aged, hospitals, sanitoriums, YMCA's and comparable organizations, fraternal organizations and group homes.
2. Dimensional Requirements. Dimensional requirements for the UR-C District shall be as follows:

District	Min. Lot Area (sq. ft.)	Min. Side Yd. (ft.)	Minimum Setback (ft.)	Min. Rear Yd. (ft.)	Max. F.A.R.	Max. Height (ft.)
UR-C	5,000	5	5	20	3.0**	60*

\*Maximum height may be increased above 60' provided all yards are increased 1' for every 10' of building height.

\*\*No more than 1.5 FAR may be devoted to non-residential and/or institutional purposes in mixed use structures. Free standing non-residential, institutional or a combination of non-residential and institutional uses shall contain a minimum of 1.5 FAR.

Sec. 23-39.5. Urban Business District. - (UB)

- (a) Intent. The adopted Central Area Plan calls for a substantial increase in the number of residential units in the Uptown area over the next twenty years. In order to accommodate this growth, provisions for certain support uses must be made. Therefore, it is the intent of this district to provide for retail and service businesses in support of this growing residential population, to provide for secondary office and retailing within the Central Area, to accommodate mixed use development of business, office, and residential uses at a lower density than the MX district, to serve as a transitional area between the Urban Residential districts and the more intensive uses at the core, to encourage infill development of both office and business

uses along major streets, to replace the provisions which exist under the B-1, B-2, and B-3 zoning classifications, and to implement the objectives of the adopted Central Area Plan.

- (b) Applicability. The UB district is intended for use in special areas of the community and thus may be considered for limited application. The Uptown area, as defined in the adopted Central Area Plan, bounded by the Brookshire Freeway, I-77, and the proposed I-277, is hereby declared to be such a special area where this district may be utilized. The official zoning map of the City of Charlotte shall designate specific boundaries for the Urban Business District.
- (c) Permitted uses. A building or land shall be used only for the following purposes.
1. By Right.
    - a. Neighborhood retail and personal service uses such as bakeries, barber and beauty shops, dry cleaning pick up stations, restaurants, and other similar uses.
    - b. Stores or shops for the conduct of other retail business, including sale of accessories, appliances, art or art supplies, beverages, books carpets, clothing, drugs, fabrics, food, furniture, garden supplies, groceries, hardware, hobby supplies, jewelry, office supplies and stationery, photographic supplies, sporting goods, including small arms ammunition, powder and primers used in small arms ammunition, and similar stores and shops.
    - c. Offices, general business or professional.
    - d. Residential uses.
    - e. Entertainment uses such as theatres, private clubs or similar uses.
    - f. Churches and other religious or similar uses.
  2. Uses Permitted under Prescribed Conditions.
    - a. Automobile service stations, so long as bulk storage of inflammable liquids is underground and provided no lighting fixture extends to a height greater than 20 feet, but not including storage or rental of luggage trailers, campers, vans, or similar equipment.
    - b. Hotel, motel, or motor lodge, so long as located long Trade Street or McDowell Street.
    - c. Buildings in excess of sixty (60) feet up to a maximum of one hundred twenty (120) feet so long as located in the area bounded by Caldwell Street, E. Trade Street and the proposed I-277.
    - d. Day care centers in conjunction with office, commercial, residential or institutional uses.
  3. Permitted Accessory Uses.

Storage of office supplies or merchandise normally carried in stock in connection with a permitted office or business use subject to applicable district regulations.

(d) Dimensional Requirements

Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setback Yd. (ft.)	Min. Side** Yd. (ft.)	Min. Rear** Yard	FAR* Max.	Max. Height
5,000	50'	The average of those uses on the block, but in no case more than 20' nor less than 5'***	0' except 5' when adjoining residential district	0' except 20' when adjoining residential district	3.0	60' except higher under specified conditions

\*No more than 1.5 FAR may be devoted to residential purposes in a mixed use structure.

\*\*Subject to all applicable building or fire standards for separation.

\*\*\*Setback along the south side of East Trade Street between McDowell Street and Caldwell Street shall be at least fifty (50) feet.

(e) Off Street Parking and Loading Requirements

Off street parking for uses permitted in this district shall be provided as follows:

1. Mixed Use - Minimum - .75 for each residential unit plus 1 for each 1000 square feet of floor area devoted to non-residential use: Maximum - 1.5 for each residential unit plus 2 for each 1000 square feet of floor area devoted to non-residential use.
2. Non-Residential - minimum - 1 space for each 1000 square feet of gross floor area maximum - 2 spaces for each 1000 square feet of gross floor area.
3. Up to 50% of any required parking may be located off site, but not more than sixteen hundred (1600) feet from the use for which they are required.
4. Loading spaces and attendant facilities shall be provided as follows:

	Minimum	Maximum
Mixed use up to 25 units and/or 5000 sq. ft. of non-residential floor area	0	1
Mixed use over 26 units and/or over 5000 sq. ft. of non-residential floor area	1	2
Non-residential use up to 5000 sq. ft. of floor area	0	1
Non-residential use over 5000 sq. ft. of floor area	1	3

In the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any other public or private drive or street used for traffic circulation.

5. Reduced size of parking space. Parking spaces intended for use by small or compact vehicles may comprise 25 percent of the total parking spaces required. Such parking spaces shall be no smaller in size than 7½' in width and 14' in length.

(f) Screening Required

Screening in accordance with the provisions of Section 23-30.02 shall be provided along the side and/or rear of any lot whenever such side and/or rear lot lines are adjacent to any lot in any residential or office district. The existence of a public street between any such lots shall not exempt the business or mixed use from this requirement.

(g) Signs

Signs on premises of permitted uses shall be regulated as follows:

1. Types of signs permitted: Business and/or identification.
2. Permitted number: 1 per street frontage.
3. Maximum area of signs: 1 square foot per 1 foot of frontage if attached to building; .5 square feet per 1 foot of frontage if detached from building; street frontages measured separately.
4. Permitted illumination: lighted, N. M.
5. Permitted location: sign attached to the structure may not extend beyond the edges or front roof line of the structure, may not extend more than eighteen inches from the building facade, and may not extend into or above any public right-of-way: detached signs shall be located behind the front lot line, shall be no higher than the front roof line of the structure and shall not occupy any space between four (4) feet and ten (10) feet above the grade at the front lot line.
6. Removal of signs: All signs shall be removed by the property owner within thirty (30) days of the time that the premises upon which it is located is vacated by the use for which the signs were erected. The continued presence of any such sign on the premises after thirty (30) days shall be prima facie evidence of a violation of this provision.
7. Prohibited signs: Advertising signs as defined in Sec. 23-2(22) are specifically prohibited within the UB district.

(h) Site Plan Required. A site plan shall be submitted in accordance with Sec. 23-40. for any use permitted in the UB District.



Sec. 23-39.6. Urban Industrial District. UI

- (a) Intent. The Central Area of Charlotte contains a substantial number and wide variety of industrial land uses. These uses provide a substantial non-office employment base as well as meeting certain needs in the community for industrial type goods and services. There are, however, some industrial facilities which have either lost their utility or impact negatively on near by residential areas which must be addressed. Therefore, in accordance with the adopted Central Area Plan, this new district is intended to replace the provisions which exist under the B-3 and I-3 zoning classification, to encourage and permit the continuation of a significant non-office employment base, to enable the development of new industrial uses compatible with the objectives of the Central Area Plan, and to restrict those industrial uses which do or would not foster those objectives.
- (b) Applicability. The UI district is intended for use in special areas of the community and thus may be considered for limited application the Uptown area as defined in the adopted Central Area Plan, bounded by the Brookshire Freeway, I-77, and the proposed I-277, is hereby declared to be such a special area when this district may be utilized. The official zoning map of the City of Charlotte shall designate specific boundaries for the Urban Industrial Districts.

(c) Permitted Uses.

A building or land shall be used only for the following purposes:

1. By Right

- a. Light manufacturing or assembly uses which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odor, heat or glare, than that which is generally associated with light industries of the types specifically permitted below:

Component parts of aircraft, medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, mechanical devices, machines and parts, meters, wire products, pumps, vending machines and office machines, electrical devices, appliances, electronic equipment, but not including heavy equipment such as used on electrical power generation, firearms, photographic and metering equipment, tools, dies, machinery, and hardware products, bakery products, candy manufacture, dairy products, fruit and vegetable processing and canning, meat and poultry products, but not slaughtering of poultry or animals, printing and finishing of textiles and fibers into fabric goods, furniture, cabinets, baskets, and other light wood products, cosmetics, drugs, and pharmaceutical products.

- b. Business and professional offices, laboratories, photoprocessing, blueprinting or printing establishments.
- c. Personal services such as banks, restaurants, or day care centers operated by an employer on the site for the convenience and use of his employees only.
- d. Wholesale and retail sales, but not including warehousing or freight forwarding.
- e. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical, gas, sewer or water service.

2. Uses Permitted under Prescribed Conditions

- a. Heliport or Helistop which complies with all applicable Federal Aviation Administration regulations and guidelines.
- b. Buildings with height in excess of 40 feet, only if located at least one hundred (100) feet from any residential district.

3. Permitted Accessory Uses

Storage of goods used in or produced by permitted industrial uses or related activities, subject to applicable district regulations.

4. Limitations on Permitted Uses

The uses permitted in this district shall be subject to the following special conditions:

- a. All uses shall be conducted within a completely enclosed building with no open storage of raw, in process, or waste material. Finished products manufactured on the premises may be stored in the open if screened from the street and adjoining properties by landscaping, fences or walls.
- b. All main plant buildings shall be of permanent and durable construction and limited to 40 feet in height unless otherwise approved.
- c. Loading operations shall be conducted at the side or rear of buildings. Service drives or other areas shall be provided for off-street loading, and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any other public or private drive or street used for traffic circulation.
- d. No parking or storage of material or products shall be permitted in the required front yard.
- e. The front yard shall be landscaped with trees, grass, shrubs, or pedestrian walks and maintained in a neat and attractive condition.
- f. All fencing shall have a uniform and durable character and shall be properly maintained.

(d) Dimensional Requirements

Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setback (ft.)	Min. Side Yd. (ft.)*	Min. Rear Yd.*	Max. FAR	Max. Height (feet)
5,000	50	5	0, except 20' when adjoining any residential or office district	0, except 50' when adjoining any residential or office district	2.0	40', except higher under specific conditions

\*Subject to all applicable building or fire code standards for separation.

(e) Off-Street Parking and Loading Requirements

1. Off-street parking for any use permitted in this district shall be provided in accordance with the following formulas:

1 space for each 3 expected employees on the largest shift plus 1 space for each 1000 square feet of gross floor area multiplied by a factor of .6, or 2 spaces for each 1000 square feet of gross floor area, which ever is less.

2. Loading spaces and attendant facilities shall be provided as follows:

Building Size	Minimum	Maximum
0-5,000 sq. ft.	0	1
5,001-25,000 sq. ft.	1	2
Over 25,000 sq. ft.	1	3

3. Reduced size of parking spaces. Parking spaces intended for use by small or compact vehicles may comprise 25 percent of the total parking spaces required. Such parking spaces shall be no smaller in size than 7½' in width and 14' in length.

(f) Screening Required

Screening in accordance with the provisions of Section 23-30.02 shall be providing along the side and/or rear of any lot whenever such side and/or rear lot lines are adjacent to any lot in any residential or office district. In addition, screening shall be provided along the front lot line of any lot whenever it fronts any lot in any residential district. The existence of a public street between any such lots shall not exempt the industrial use from this requirement.

(g) Signs

Signs on premises of permitted uses shall be regulated as follows:

1. Types of signs permitted: Business and/or identification.
  2. Permitted number: 1 per street frontage.
  3. Maximum area of signs: 1 square foot per 1 foot of frontage if attached to building; .5 square feet per 1 foot of frontage if detached from building; street frontages measured separately.
  4. Permitted illumination: Lighted, N. M.
  5. Permitted location: Signs attached to the structure may not extend beyond the edges or front roof line of the structure, may not extend more than eighteen inches from the building facade, and may not extend into or above any public right-of-way. Detached signs shall be no higher than the front roof line of the structure and shall not occupy any space between four (4) feet and ten (10) feet above the grade at the front lot line.
  6. Removal of signs: All signs shall be removed by the property owner within thirty (30) days of the time that the premises upon which the sign(s) is located is vacated by the use for which the sign was erected. The continued presence of any such sign on the premises after thirty (30) days shall be prima facie evidence of violation of this provision.
  7. Prohibited signs: Advertising signs as defined in Sec. 23-2(22) are specifically prohibited within the UI district.
- (h) Site Plan Required. A site plan shall be submitted for approval in accordance with Sec. 23-40. for any use permitted in the UI District.

Sec. 23-40. Site Plan Review.

- (a) Intent. By virtue of the special nature of the central area of Charlotte and its role as a regional center and by virtue of the unique development potential which exists in the area and recognized in the adopted Central Area Plan it is of special and substantial public interest that a process to review development proposals be created. In order to facilitate the implementation of the adopted Central Area Plan and in order to promote functional, safe, innovative and attractive development compatible with the natural and man-made environment and the goals and objectives of the Central Area Plan a site plan review process is hereby established. The scale, density, intensity and types of uses existing and envisioned in this area and the inherent flexibility of design and execution of those uses makes the establishment of rigid standards an inefficient and inappropriate mechanism to guide development. It is therefore the purpose of this process to insure that minimum standards established for each zoning district are achieved, that the conditions for any bonuses that may be approved are met, and that the administrative approval of any site plan is accomplished in an efficient and timely manner.

(b) Elements of Site Plan Review.

The elements of the Site Plan Review are: The layout and design of all existing and proposed improvements, including but not limited to, building structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, and screening measures.

(c) Site Plan Review Approval Required.

No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final site review plan is approved by the Planning Director, pursuant to this ordinance and other appropriate provisions.

(d) Applicability.

The provisions of Section 23-40 shall be applicable in the following districts.

1. Mixed Use (MX) District
2. Urban Business (UB) District
3. Urban Industrial (UI) District
4. Urban Residential - 1 (UR-1) District
5. Urban Residential - 2 (UR-2) District
6. Urban Residential - 3 (UR-3) District
7. Urban Residential Commercial - (UR-C) District

(e) Site Plan Review.

All preliminary or final site plans shall be filed with the Planning Director and shall be accompanied by such drawings, sketches and descriptions as are necessary to describe the proposed development.

1. Preliminary Site Plan. A preliminary site plan shall be filed with the Planning Director and shall contain the following items:
  - a. Preliminary Site Development Plan including proposed landscape areas.
  - b. Preliminary Site Analysis.
2. Preliminary Site Development Plan. A preliminary site development plan shall generally indicate the following as appropriate to the nature of the use:
  - a. Access to site from adjacent rights of way, streets and arterials;
  - b. Parking and circulation areas;
  - c. General location of buildings and signs;
  - d. Entrances and exists; in relation to vehicular circulation;

- e. Private and shared outdoor recreation spaces;
- f. Pedestrian circulation;
- g. Service areas for uses such as mail delivery, trash disposal, above ground utilities, loading and delivery;
- h. Areas to be landscaped;
- i. Exterior lighting;
- j. Special provisions for handicapped persons;
- k. Any information regarding sublots or subdivisions;
- l. Other site elements and spaces which at the discretion of the applicant will assist in the evaluation of site development; and
- m. Information needed to evaluate other required permits (such as driveway permits, drainage permits, etc.)

3. Preliminary Site Analysis. A preliminary site analysis shall indicate the following general characteristics:

- a. Relation of uses and buildings to adjacent uses and buildings;
- b. Topography;
- c. Natural drainage;
- d. Information about solar potential; and
- e. Natural features and structures having a visual or other significant relationship with the site.

4. Action on Preliminary Site Plan. Within ten business days following filing of the preliminary site plan, the Planning Director or his designated agent shall meet with the applicant to discuss the plan and indicate the general conclusions regarding the relationship between the plan and the criteria and standards listed in subsections (f) and (h). The Planning Director may consult with other city departments or agencies in reaching a decision regarding the general conclusions. If after ten (10) business days no action is taken by the Planning Director or his designated agent, approval of the preliminary site plan is assumed to be granted.

5. Final Site Plan. Following receipt by the applicant of the findings and conclusions pursuant to (e)4. above, the applicant may submit a revised preliminary site plan or shall file with the Planning Director a final site plan, which shall contain the following, drawn to scale:

- a. Site Development Plan, indicating the location and specifications of the items described in subsection (e)2. as appropriate, including the treatment of landscaped areas.
- b. Proposed minor exceptions from yard, parking, private outdoor open space and sign requirements.

6. Decision on Final Site Plan. The Planning Director may recommend to the Superintendent of Building Inspection that a final site plan be approved, be disapproved, or approved with such modifications and conditions as may be consistent with adopted plans, goals and policies of the area and the criteria and standards listed in subsection (f) and (h).

7. Conclusions. Within five business days following the recommendation regarding the final site plan, the Planning Director or his designated agent shall file said recommendation with the Superintendent of the Building Inspection Department and mail a copy of the recommendation to the applicant and other persons who request the same. A recommendation on a final site plan shall include written conditions, if any, and specific conclusions. The conclusions shall specifically address the relationships between the plan and the criteria and standards listed in subsections (f) and (h).

(f) Site Plan Review Guidelines.

Approval of a final site plan shall be based on the following guidelines. Such guidelines are created to insure that minimum standards established for each zoning district are achieved, that the conditions for any bonuses that may be approved are met, and that the general goals and objectives of the adopted Central Area Plan are accomplished.

1. Relation of Site Plan Elements to Environment.
  - a. The elements of the site review plan shall relate harmoniously with respect to building height, width, scale, and mass to the natural environment and existing buildings and structures having a visual relationship with the site.
  - b. Ground level uses and their design shall promote pedestrian scale activity and interaction by avoiding blank walls or dead end, non circulating open spaces which discourage pedestrian movement and activity.
  - c. Any relationship between the ground level and over or under ground retail malls shall promote public access and pedestrian scale and activity.
2. Special Needs of Handicapped. Where appropriate, the site plan shall indicate provisions for the special needs of handicapped persons, such as ramps for wheelchairs.
3. Bonuses. Where appropriate the elements of the site plan shall demonstrate that the conditions for the granting of any bonuses that may be available in any zoning district have been met.
4. Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to enhance safety and convenience.
5. Screening. The screening requirements imposed by the various zoning districts shall serve to insure that areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located or screened to minimize adverse impacts on the site and neighboring properties.

6. Utilities. All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.
7. Signs and Graphics. The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the site plan and surrounding properties.
8. Open Space. Where ground level open space is required, that open space shall be attached to and be usable by the appropriate dwelling unit and shall be visually private from other dwelling units and from the public areas through the use of walls, fencing, or elevation changes.

(g) Design Guidelines.

Guidelines designed to assist applicants in developing site plans intended to achieve desired goals may be adopted by the Planning Commission.

(h) Minor Exceptions: Yard, Parking, Sign and Open Space Requirements.

In conjunction with this section, certain minor exceptions to the minimum standards for the districts listed in Section 23-40(d) may be approved as a Special Use Permit in accordance with Section 23-36.8.

(i) Amendments to Approved Plan.

Amendments to an approved site plan shall be processed in a manner consistent with requirements for approval of a final site plan. However, changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density or intensity of development may be authorized by the Director of Planning.

(j) Compliance With approved Plan.

Development of any site or project for which a final site plan has been approved shall comply with the provisions, conditions, and restrictions of the approved plan. Failure to comply with any such provisions, conditions or restrictions shall be considered a violation of the zoning ordinance.

(k) Relationship to Other Ordinances. This section shall not only govern the site plan provisions contained herein, but shall also serve to coordinate the review and approval of other required permits.

3. Amend Article II. Division 1. Purpose of Zoning Districts Section 23-4. Residential Districts by adding a new paragraph (e) as follows:



"(e) Urban residential districts: UR-1, UR-2, UR-3, UR-C. These districts are intended for primarily high density residential development in urban areas, but also provide opportunities a mix of uses, including office and commercial, which act together to mutually support each other. The standards for these districts are established in order to provide for development compatible with the characteristics of urban areas.

4. Amend Article II. Division 1. Purpose of Zoning Districts Sec. 23-6. Business Districts. by establishing a new paragraph (f) as follows:

"(c) UB urban business district: the intent of this district is to provide for retail and service businesses in support of the growing residential population in the central area, to provide for secondary office and retailing in the central area, to accommodate mixed use developments at a density lower than that permitted in the MX District, and to encourage infill development of both office and business uses along major streets.

5. Amend Article II. Division 1. Purpose of Zoning Districts by adding a new Sec. 23-5.1. Mixed Use District as follows:

"Sec. 23-5.1. Mixed Use District

MX mixed use district. This district is intended to strengthen Tryon Street as the high density urban core of the central area. This district permits coordinated development of major office, retail, hotel, residential and other uses as well as providing for open space, pedestrian circulation elements and increased retail opportunities.

6. Amend Article II. Division 1. Purpose of Zoning Districts Sec. 23-7. Industrial Districts by adding a new paragraph (d) as follows:

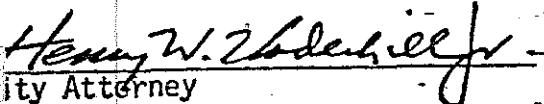
"(d) UI urban industrial. This district is intended to limit and redefine the role of industrial uses in the central area, to encourage and permit the continuation of a significant non-office employment base, to enable the development of new industrial uses compatible with the objectives of the Central Area Plan, and to restrict those industrial uses which do or would not foster those objectives.

7. Amend Article VII Division 1. Superintendent of Building Inspection. Sec. 23-86 by deleting the period at the end of the first sentence and by adding the following new language:

"except that the Superintendent of Building Inspection shall refer any required permit for development or redevelopment in the uptown area as defined in Section 23-40 to the Planning Director to determine whether or not the site plan meets the standards of said section before issuing the required permit."

Section 2. That 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 10th day of August, 1981, the reference having been made in Minute Book 76, and recorded in full in Ordinance Book 31, at pages 1-31.

Ruth Armstrong,  
City Clerk