

Petition No. 81-67

October 15, 1981 - Proposed  
November 23, 1981-Effective Date

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

Ordinance No. 1080

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 5. Mixed Use and Urban Districts Sec. 23-38 Mixed Use District by deleting said section in its entirety.
2. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.5 Urban Business District by deleting said section in its entirety.
3. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39 Urban Residential Districts paragraph (e)1. by deleting said paragraph in its entirety and by renumbering the remaining paragraph in the proper numerical order.
4. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39 Urban Residential Districts paragraph (e)3. by deleting the following language: "and the following shall be reviewed in conjunction with (e)1. above."
5. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39 Urban Residential Districts paragraph (e)4. by deleting said paragraph in its entirety and replacing the same as follows:  
"(e) 3. Screening. Screening shall be provided in accordance with the provisions of Sec. 23-30.10."
6. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39 Urban Residential Districts paragraph e(5) by titling subparagraph a. as "Number of spaces per dwelling unit."
7. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39 Urban Residential Districts paragraph (e)5. by changing from .75 to 1.0 under the column headed "Minimum" and from 1.5 to 2.0 under the column headed "Maximum".
8. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39 Urban Residential Districts paragraph (e)5.c. by deleting said paragraph in its entirety and by re-labeling subsequent paragraphs in proper alphabetical order.

9. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39 Urban Residential Districts paragraph e(5)c. by changing "3" to "1" under column labeled "Off-Street Service/Delivery Parking Spaces."
10. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39 Urban Residential Districts paragraph (e)5.d. to read as follows:  
"d. Grade Level Parking. Grade level parking is allowed in the setback of multi-family and single family attached housing."
11. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39 Urban Residential Districts paragraph (e)6. by deleting said section in its entirety and replacing the same, renumbered e(5), as follows:  
"5. Planned Multi-Family Review. Residential uses subject to the provisions of Sec. 23-32 Planned Multi-Family Development in Residential Districts shall be reviewed and approved in accordance with the provisions, except dimensional requirements, of said section."
12. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.1 Urban Residential-1 District by amending paragraph (b)1. to read as follows:  
"1. Uses permitted by right. Uses permitted by right with the UR-1 District are single family detached and single family attached dwelling units."
13. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.1 Urban Residential-1 District paragraph (b) by deleting sub-paragraph 2. in its entirety and by renumbering the existing sub-paragraph 3. to number 2.
14. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.2. Urban Residential-2 District paragraph (b)1. to read as follows:

(b) Permitted Uses.

1. Uses permitted by right. Uses permitted by right 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 shops; | e. studios;     |
| b. bookshop;        | f. museums; and |
| c. antique shop;    | g. offices.     |
| d. tea rooms;       |                 |

15. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.3 Urban Residential-3 District by amending paragraph (b)1. to read as follows:

(b) Permitted Uses.

1. Uses permitted by right. Uses permitted by right 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.

16. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.4 Urban Residential-Commercial District by amending paragraph (b)1. to read as follows:
  1. Uses permitted by right. Uses permitted by right 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.
17. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39. Urban Residential Districts paragraph (f)3. by deleting the last sentence in its entirety.
18. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39 Urban Residential Districts by adding the following new paragraph (i):

"(i) Minor Exception. In accordance with Sec. 23-36.9 a minor exception to the minimum yard requirements of Urban Residential districts may be granted."
19. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.4 Urban Residential-Commercial District paragraph (b) by adding the following new language, labeled number 2 and number 3 respectively, and by renumbering the existing number 2. as number 4.
  - "2. Uses permitted under prescribed conditions. Off-street parking as a separate use. Such parking shall be provided with a 5 foot wide landscaped area along all property lines. Such landscaped areas shall include such materials as grass, planted ground cover, shrubs, vines, hedges, trees or other similar materials.
  3. Uses normally permitted in residential districts. Institutional, non-residential, accessory or complimentary uses normally permitted in other residential districts as listed in Sec. 23-31 shall be permitted."
20. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.4 Urban Residential-Commercial District paragraph (b)3. by deleting the following language in the paragraph identified as "\*\*\*":

"Free standing non-residential, institutional or a combination of non-residential and institutional uses shall contain a minimum of 1.5 FAR."
21. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.6 Urban Industrial District paragraph (c)1. by adding the new uses labeled f. and g. respectively as follows:
  - "f. automobile and truck service and repair.
  - g. Off-street parking as a separate use or in conjunction with permitted uses in order to meet parking needs subject to the limitations of paragraph (e) below."

22. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.6 paragraph (c)4. by deleting sub-paragraphs b., e., and f. in their entirety and re-labeling the subsequent sub-paragraphs in the proper alphabetical order.
23. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.6 paragraph (c)4. b. by deleting the first sentence as follows:  
"Loading operations shall be conducted at the side or rear of buildings."
24. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.6 paragraph (d) by changing the language under the column headed "Max. Height" to read as follows:  
"40', except higher as specified under (c)2.b."
25. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.6 paragraph (e) to read as follows:
- (e) Off-Street Parking
1. Off-street parking for any use permitted in this district shall be provided in accordance with the following:
    - 1 space for each 2 expected employees on the shift of greatest employment.
    2. 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.
26. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.6 paragraph (f) to read as follows: Screening Required  
Screening in accordance with the provisions of Sec. 23-30.10 shall be provided."
27. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.6 paragraph (g) by deleting said paragraph in its entirety and replacing the same to read as follows:
- "(g) Signs
- Signs on premises of permitted uses shall be regulated as follows:
1. Signs on premises of permitted uses conducted in buildings or with buildings associated shall be regulated as follows:
    - a. Types of signs permitted: Business and/or identification.
    - b. Permitted number of signs: No limit, except as specified below for detached signs.
    - c. Maximum area of signs: Signs attached to buildings: No limit.
    - d. Permitted illumination: Signs detached from buildings: 100 square feet.

- e. Permitted location: One sign per establishment may be detached from the building except on through lots or lots having frontage on three or more streets, in which case two detached signs per establishment shall be permitted. Detached signs shall be located behind the property line and at least ten feet above ground level if located within fifteen feet of a street right-of-way line. Other signs shall be mounted on the building and shall not extend more than twenty feet above the parapet of the building nor more than eighteen inches from any building wall or marquee face, provided that any such sign shall not project more than six inches into the street right-of-way unless it is at least ten feet above street grade in which case it shall not extend more than eighteen inches into the street right-of-way.
2. Signs on premises of permitted uses not conducted in or associated with buildings shall be regulated as follows:
    - a. Type of sign permitted: Business and/or identification.
    - b. Permitted number of signs: One per establishment except on through lots or lots having frontage on three or more streets, in which case two signs per establishment shall be permitted.
    - c. Maximum area of signs: 100 square feet.
    - d. Permitted illumination: Luminous.
    - e. Permitted location: Behind street right-of-way line, except as permitted in paragraph (b), section 23-85.
  3. Advertising signs shall be permitted on premises where no other business or permitted uses are established. In addition, advertising signs shall be permitted on premises where other businesses or permitted uses are established provided such signs are located at least 75 feet from any part of the property occupied by any portion of the established use including off-street parking areas. Such signs shall be subject to the following regulations:
    - a. No advertising sign shall exceed 750 square feet in area.
    - b. Advertising signs shall observe the same setback and side yard requirements imposed on other structures by other sections of this chapter, except that on corner lots no part of any advertising structure shall be located closer than 20 feet to the point of intersection of the rights-of-way of the two streets forming the corner. If such signs are located within 15 feet of a street right-of-way they shall be at least 10 feet above ground level.
    - c. Advertising signs exceeding 72 square feet shall not be closer to a residential structure than ten (10) feet.
    - d. Each structure may support one advertising sign not exceeding an aggregate of 750 square feet on either side of said structure.
  4. Other signs as defined in Article VI, Sec. 23-76 through Sec. 23-79 and Sec. 23-85(b) of this code shall be permitted in the UI District in accordance with said Article.

28. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-39.6 paragraph (h) by deleting said paragraph in its entirety.
29. Amend Article III Division 5. Mixed Use and Urban Districts Sec. 23-40 Site Plan Review by deleting said section in its entirety.
30. Amend Article III Division 3. Conditional Zoning Districts and Special Use Permits Sec. 23-36.9 by deleting said section in its entirety and replacing the same to read as follows;

"Section 23-36.9. Minor Exceptions: Yard Requirements:

(a) Special Use Requirements. In conjunction with Section 23-39(i) 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 Urban Residential Districts. 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 standard or requirement may be considered for a minor exception:

(1) Dimensional standards for yards as required in the primary district.

(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.

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

31. Amend Article III Division 5. Mixed Use and Urban Districts by retitling said Division to Urban Districts.
32. Amend Article VII Division 1. Superintendent of Building Inspection. Sec. 23-86 by deleting the following language at the end of the first sentence:

"except that the Superintendent of Building Inspection shall refer any required site development plan 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 any required permit."

- 33. Amend Article II Division 1. Purpose of Zoning Districts Sec. 23-5.1. Mixed Use District by deleting said section in its entirety.
- 34. Amend Article II. Division 1. Purpose of Zoning Districts Sec. 23-6. Business Districts by deleting paragraph (c) UB Urban Business District.
- 35. Amend Article III Division 3. Conditional Zoning Districts and Special Use Permits Sec. 23-38. Urban Residential Districts by deleting said section in its entirety.

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 23rd day of November, 1981, the reference having been made in Minute Book 77, and recorded in full in Ordinance Book 31, at page s 106-112.

Ruth Armstrong,  
 City Clerk

Ordinance No. 1081-Z

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

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

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

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from UR-10, UR-30, UR-50, UR-100, R-6MF, R-6MFH, R-1.OMF, O-6, B-1, B-2 and I-1 to UR-1, UR-2, UR-3 and UR-C on the Official Zoning Map, City of Charlotte, N. C. the property described on the attached map.

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 23rd day of November, 19 81, the reference having been made in Minute Book 77, and recorded in full in Ordinance Book 31, Page 113.

Ruth Armstrong,  
City Clerk



ORDINANCE NO. 1082-X

AN ORDINANCE TO AMEND ORDINANCE NO. 980-X, THE 1981-82 BUDGET ORDINANCE, TO ESTIMATE REVENUES AND APPROPRIATE FUNDS TO ALLOW THE CITY TO ADMINISTER LANDFILL BILLING SERVICES FOR MECKLENBURG COUNTY.

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

Section 1. That the sum of \$54,800 is hereby estimated to be available from Mecklenburg County for administrative services to provide billing for County Landfill operations.

Section 2. That the sum of \$54,800 is hereby appropriated to the following accounts:

<u>Account Number</u>	<u>Title</u>	<u>Appropriation</u>
201.00	Finance Treasury	\$9,800
202.00	Finance Accounting	33,600
520.00	Operation Administration	9,700
530.01	FICA and Retirement	1,700
	Total	\$54,800

These funds will finance additional costs within the City to implement the County billing services.

Section 3. That the budgetary and departmental charges for the MIS department be hereby increased by \$28,450.

Section 4. That the table of organization is hereby amended to add a position of Cashier I to the Finance Department Treasury Division.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This ordinance shall become effective upon its adoption.

Approved as to form:

*Henry W. Christell, Jr. by H. Christell*  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of November, 1981, the reference having been made in Minute Book 77 and is recorded in full in Ordinance Book 31 at Page 114.

Ruth Armstrong  
City Clerk

ORDINANCE NO. 1083-X

AN ORDINANCE TO AMEND ORDINANCE NO. 980-X, THE 1981-82 BUDGET ORDINANCE, ESTIMATING REVENUES FROM THE MINT MUSEUM BOARD OF DIRECTORS AND APPROPRIATING THESE FUNDS TO PROVIDE CLERICAL ASSISTANCE AT THE MINT MUSEUM.

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

Section 1. That the sum of \$15,781 is estimated to be available from the Mint Museum provided by the Board of Directors to fund clerical assistance at the Mint Museum.

Section 2. That the sum of \$15,781 is appropriated to the Mint Museum of Art account 235.00.013 to fund a temporary clerical position in the Education Department and a receptionist for the Art Museum.

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:

Henry W. Underhill Jr. by H. M. M. J. J.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of November, 1981, the reference having been made in Minute Book 77 and is recorded in full in Ordinance Book 31 at Page 115.

Ruth Armstrong  
City Clerk

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DEPT. OF TRANSPORTATION

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ORDINANCE NO. 1084-X

AN ORDINANCE TO AMEND ORDINANCE NO. 980-X, THE 1981-82 BUDGET ORDINANCE, ESTIMATING FEDERAL AND STATE GRANT REVENUES AND TRANSFERRING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE 1975 TRANSIT BOND FUND TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR THE CHARLOTTE TRANSIT CAPITAL EQUIPMENT PROGRAM.

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

Section 1. That the sum of \$3,457,630 is hereby transferred to the Charlotte Transit Capital Equipment Program account (852.40) in accordance with the following schedule:

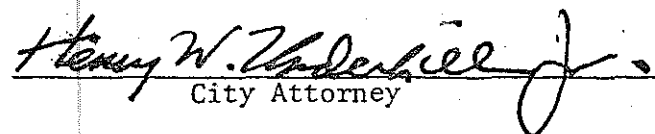
<u>Source of Revenue</u>	<u>Amount</u>
Urban Mass Transit Administration Grant (No. NC-03-0019-01)	\$2,764,504
North Carolina State Department of Transportation Grant (No. 80-C-01)	345,563
1975 Public Transit Bond	<u>347,563</u>
TOTAL	\$3,457,630

These funds represent a grant increase which will be used to finance the purchase of buses and related equipment.

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 23rd day of November, 1981, the reference having been made in Minute Book 77 and is recorded in full in Ordinance Book 31 at Page 116.

Ruth Armstrong  
City Clerk

ORDINANCE NO. 1085-X

AN ORDINANCE TO AMEND ORDINANCE NO. 980-X, THE 1981-82 BUDGET ORDINANCE, ESTIMATING STATE GRANT REVENUES TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR THE SEWER COLLECTION SYSTEM CONSTRUCTION IN THE 1979 ANNEXATION AREAS.

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

Section 1. That the sum of \$617,872 is hereby estimated to be available from state grant revenues for sewer construction.

Section 2. That the sum of \$617,872 is hereby transferred to the Sewer Collection Construction in the 1979 Annexation Areas account (633.30).

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 23rd day of November, 1981, the reference having been made in Minute Book 77 and is recorded in full in Ordinance Book 31 at Page 117.

Ruth Armstrong  
City Clerk

ORDINANCE NO. 1086-X

AN ORDINANCE TO AMEND ORDINANCE NO. 980-X, THE 1981-82 BUDGET ORDINANCE, TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO FUND PERSONNEL RECLASSIFICATIONS FOR POSITIONS IN THE MAYOR AND CITY MANAGER'S OFFICE.

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

Section 1. That the sum of \$4,900 is hereby transferred from the General Fund Contingency (530.00) to the following accounts:

101.00.011 Mayor and Council	\$568
102.00.011 Manager	<u>4,332</u>
TOTAL	\$4,900

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:

Henry W. Thurbill Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of November, 1981, the reference having been made in Minute Book 77 and is recorded in full in Ordinance Book 31 at Page 118.

Ruth Armstrong  
City Clerk

ORDINANCE 1087

AN ORDINANCE TO AMEND CHAPTER THREE OF THE CITY CODE SETTING FORTH EXEMPTIONS FROM DIFFERENTIAL LICENSING.

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

Section 1. Chapter 3 of the City Code shall be amended by adding a new section to read as follows:

Sec. 3-25.1 Exemptions from Differential Licensing.

(a) The following classifications of owners of dogs and cats shall be exempt from paying the higher license fee for fertile dogs and cats. These exempt persons shall be required to purchase a license for their dog or cat but will pay only a fee of \$5.00 for such license beginning with the fiscal year July 1, 1982 and for successive years, and will not be required to have the animal spay/neutered.

(1) Any owner of a dog or cat who can furnish a statement from a recognized veterinarian that the animal, due to health reasons, could not withstand spay/neuter surgery.

(2) Any owner of one or more purebred dogs or cats who can furnish proof of participation in at least three (2) nationally recognized conformation or obedience shows within the past twelve (12) months. The exemption only applies to the dogs or cats in the owner's household of the same breed that were shown. Proof of participation must go beyond records showing a filing fee was paid and owner must validate actual showing of the animal.

(3) Any handicapped owner of a dog which is used for seeing or hearing purposes.

(b) Beginning with the fiscal year July 1, 1982, any dog or cat owner sixty-two (62) years of age or older who owns a sterilized animal may receive their license free of charge for the current year and successive years. If their animal has not been spayed or neutered, they will be subject to the higher license fee set out in Section 3-25."

Sec. 2. This ordinance shall become effective upon 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 23rd day of November, 1981, the reference having been made in Minute Book 77 and is recorded in full in Ordinance Book 31 at Page 119.

Ruth Armstrong  
City Clerk