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ORDINANCE NO. 1425 AMENDING CHAPTER 23

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 That Chapter 23 of the Code of the City of Charlotte is hereby repealed, and the attached is substituted in lieu thereof.

Section 2. That this ordinance shall become effective January 1, 1984.

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 17th day of October, 1983, the reference having been made in Minute Book 81, and is recorded in full in Ordinance Book 32, at pages 183 -.

Pat Sharkey, City Clerk

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Errata: Charlotte Recodification

Section

1. 1011. Remove comma in 4th line.
2. 1101.2. Remove comma in 1st line.
3. 1102. Day care center. Remove "(a)" in 4th line and ",(b)" in 5th line.
4. 1102. Sign. Indent and add the appropriate number .1, .2, .3 and .4 to Advertising Sign, Business Sign, Identification Sign, and Bulletin Board respectively.
5. Add definition for flashing sign previously omitted after definition of "Bulletin boards".

.5 Flashing sign. A lighted or luminous sign on which the light is not maintained stationary and constant in intensity and color at all times when in use. Any sign which revolves or moves, whether illuminated or not, shall be considered a flashing sign. A sign provided as a public service providing time and temperature shall not be considered a flashing sign.

6. 1102. Street. Remove "(a)", "(b)", and "(c)" from the 2nd, 3rd and 5th respectively.
7. 1201. Remove and replace with the following new language pursuant to amendment passed 7/18/83.

1201. Zoning Administration. The Director of the Charlotte-Mecklenburg Building Standards Department is hereby authorized, and it will be his/her duty, to administer and enforce the provisions of this ordinance. The Charlotte-Mecklenburg Building Standards Department has authority for the administration and enforcement of this ordinance pursuant to the "Agreement between the City of Charlotte and Mecklenburg County for the Consolidation of the Building Inspection Department" effective upon adoption and any amendments to the Agreement. The Agreement is on file and available for inspection in the office of the City Clerk for the City of Charlotte. An appeal from a decision of the Director of the Charlotte-Mecklenburg Building Standards Department may be taken to the Board of Adjustment established pursuant to this ordinance in Section 1400. For the purposes of this ordinance wherever the term "Superintendent of Building Inspection" appears it will be construed to mean the Director of the Charlotte-Mecklenburg Building Standards Department.

8. 1308. Change colon to period.
9. 1601.2. Change colon to period in 2nd line.
10. 1602. Change "Not Used" to "Reserved".
11. 1612. Remove "or Waterfront" from heading.
12. 1616.1. Change colon to period at end of 3rd line.
13. 1625. Change colon to period at end of 7th line.
14. 1627. Change "3400" to "3316" in 6th line.
15. 2002.34. Change second "2002.34" to "2002.35", remove "district" in line 3 and add "and R-6MF-H districts", change ".75" to "1", and remove all text after the word "minimum" in line 4 pursuant to amendment passed 9/19/83.

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16. 2003. Change "Not Used" to "Reserved".
17. 2006. Change "speces" to "spaces" in heading.
18. 2013. Add "s" to "entrance" in line 3.
19. 2104.4. Change "13-32.2" to "136.32.2" in line 2.
20. 2106. Change "Not Used" to "Reserved".
21. Add 2107.1 and 2107.2 and "Not Used" after each.
22. 2107.3 Change to "2107.3.1".
23. Add 2108 and "Sign Regulations for Office, Research, and Institutional Districts".
24. 2110.1. Remove "twenty feet" and parentheses in line 4.
25. Make the following changes pursuant to amendment passed 9/26/83.
 1102. Add "on a commercial basis" after the word "offered" in line 2 of the definition of Advertising Sign.
 - 2110.3. Remove the 2nd sentence. Change colon to period at end of line 7. Remove subsections .1 - .4. Add the following new language.
 - .1 For the purposes of this ordinance, advertising signs have been divided into 3 types based on size.
Type I - from 381 to 700 square feet.
Type IA - from 301 to 381 square feet.
Type II - no more than 300 square feet.
 - .2 Type I signs may only be located along multilane, limited access roads including I-77, I-85, Brookshire Freeway, John Belk Freeway, I-277, the Billy Graham Parkway, and the Airport connector.
 - .3 Type I and IA signs must be at least 200 feet from any residential district and Type II signs must be at least 70 feet from any residential district.
 - .4 Advertising signs are limited to 55' in height. Type II signs that are less than 200' from any residential district are limited to a height of 40'. However, signs which are located greater than 200' from any residential area may exceed the 55' limit to compensate for variations in topography but must not exceed 27' above the level of the road which the sign is designed to serve. Sign height is measured from the ground at the base of the sign to the highest point on the sign.
 - .5 Signs must be located at least 650' from any other advertising sign on the same side of the road, and at least 100' from any other advertising sign on the opposite side of the road. In addition signs must be at least 75' from any other advertising sign which is visible and intended to be read from any intersecting street. The distance between signs will be measured along the centerline of the road from which the sign is intended to be viewed, and from the point of the perpendicular intersection of the centerline and a line projected from the center of the sign.

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- .6 Advertising signs must be at least 500' from any part of the principal use being advertised.
- .7 Flashing signs (except those giving public service information such as time and temperature, or those which change their message at intervals of once per minute or less frequently) are prohibited. Lighted signs must be constructed to prevent any direct beams or direct rays of light from being detected in the area on any lot in any Residential District which remains when the required setback, side and rear yards are subtracted. Lighted signs must not interfere with the effectiveness of or obscure any official traffic sign, device or signal. Lighted signs must be constructed to prevent beams or rays of light of such intensity or brilliance as to cause glare or to impair the vision of drivers from being detected on any street. No advertising sign may remain lighted between the hours of 12:00 midnight and 5:00 A.M., except for signs located along the roads designated in .2 above.
- .8 Where an advertising sign has two or more faces, the combined area of all faces will be included in determining the area (size) of the advertising sign. Where sign faces are placed back-to-back or in a v-shape, the area of the sign is the combined area of the faces on one side only. The greatest distance separating the faces of a back-to-back sign may not exceed 10 feet. The faces of a v-shaped sign must not form an angle which exceeds 90 degrees. An advertising sign may not display advertising on more than two sides and may not have more than two sign faces on a side.
- .9 The area of signs composed in whole or in part of freestanding letters, devices or sculptured matter not mounted on a measurable surface will be considered to be the area of the smallest single regular plane figure that will enclose all of the letters, devices and/or sculptured matter. This area will also include any ornamental base, apron, support or other structural members if they contain any writing, numbers, symbols or lights other than for identification of the owner of the sign and/or illumination which in any way augment or attract attention to the message on the sign. However, portions of the sign, no more than 5 feet high and no wider than 30% of the length of the top edge of the sign, may extend above the top edge of the sign and need not be included in calculations of sign area. The name of the sign company is not subject to this limitation unless the smallest single regular plane figure which will enclose it exceeds 6 square feet. Each sign face may contain 2 message boards.
- .10 All advertising signs must observe the setback and side yard requirements for the district in which it is located, except that on corner lots no part of any advertising structure may be located within 20 feet of the point of intersection of the rights-of-way of the two streets forming the

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corner. If such signs are located within 15 feet of a street right-of-way, they must be at least 10 feet above the level of the right-of-way.

.11 No permit will be issued for an advertising sign to be erected within 20 feet of an existing principal building, provided that the foregoing restriction applies only to the initial erection of advertising signs, does not make any advertising signs non-conforming, does not restrict the construction, alteration or maintenance of a principal building within 20 feet of an advertising sign, and does not restrict the maintenance or alteration of an advertising sign within 20 feet of a principal building.

.12 Any permit for an advertising sign which has been issued prior to the effective date of these provisions, but pursuant to which no advertising sign has been erected, will be considered null and void 30 days after the date of adoption of these provisions.

1206.4 and 1206.5. Renumber 1206.5 and 1206.6 respectively. Add new 1206.5 as follows.

1206.5. A request for a sign permit will be considered only if accompanied by the written consent of the owner or the authorized agent for the owner of the property where the sign would be placed. Permits for advertising signs which have not been erected within 6 months of the issuance of the permit, may be extended for up to 3 months upon the written request of the permit holder. If no request is made, or at the end of the extension period the sign has not been erected, then a permit will lapse and a new permit will be required to erect the sign.

1507.3. Remove "structural repairs or" from the 2nd sentence, add "(except for the message on advertising signs)" after "message" in line 3 and add a new sentence to the end of the paragraph as follows:

Maintenance and repairs necessary to keep a nonconforming sign in sound condition are permitted.

Add a new paragraph 1507.5.

1507.5. When a nonconforming advertising sign is damaged by fire, flood, wind, act of God or casualty, the sign may be reconstructed and used as before any such calamity so long as the reconstruction take place within one year of the calamity.

26. 3001. Add hyphen between "semi and private" in 4th line.
27. 3003.11. Change 3318 to 3319.
28. 3013.22. Change 3318 to 3319.
29. 3051.5.1. Add period to end of 1st sentence.
30. 3072.69. Change "Airparts" to "Airports".
31. Add 3101 before ".2" with standard margin.
32. 3102. Change "shall be" to "are" in line 3, and drop "shall" from line 5.

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33. 3107.4.5.2.5. Change "changed" to "changing".
34. 3109, 3110. Change "Not Used" to "Reserved".
35. 3117.4. Change "shopes" to "shapes" in line 7.
36. 3121. Change "section" to "ordinance" in line 3.
37. 3205-3209. Change "Not Used" to "Reserved".
38. 3335. Add section previously omitted.

3335. Minor Exceptions; Yard Requirements.

3335.1. Special use requirements. In conjunction with Section 3050 and other appropriate provisions of this ordinance certain minor exceptions as herein defined may be permitted as a special use permit. For purposes of this section, a minor exception is 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 1400. No minor exception may be greater than 25% of the requirement from which the exception is granted. Dimensional standards for yards as required in the primary district may be considered for a minor exception.

3335.2. Application. An application for a minor exception as a special use shall be submitted and reviewed in accordance with Section 3300.

3335.3. Findings. As a prerequisite to approval of an application for this special use, the City Council must 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 must find that approval will result in at least one of the following:

- .1 More efficient use of the site;
- .2 Preservation of natural features; or
- .3 Improved provision of light, air and privacy to adjoining properties.

3335.4. City Council approval. Following City Council approval of a minor exception special use permit application the special use permit will be issued.

39. 3401. Change "public" to "City".
40. 3401.2. Change semicolon to period at end of .1, .2, .3.
41. 3401.7.3. Change "(a)" and "(b)" to ".1" and ".2" respectively.
42. 3401.10. Change references to "(D)18" to "3401.6.7" in lines 6 and 9.
43. 1009. Add "r" to "structurally" in line 3.
44. 1011. Remove "a" from "Reduction" in line 1.
45. 1010. Add "m" in conform in line 2.
46. 1012.2. Add "t" to "at" in line 2.
47. 1016. Change "i" to "e" in precedence in line 14.

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48. 1017. Change "er" to "re" in previous in line 4.
49. 1102. Kennel private. Remove "r" from "compensation" in line 3.
50. 1102. Minor residential access street. Remove "e" from "predominantly" in line 1.
51. 1102. Day care center. Change "to" to "for" in line 6.
52. 1102. Dwelling one family. Change "ng" to "gn" in "designed" in line 1.
53. 1205.2. Add "d" to "building" in line 1.
54. 1206.1. Change "is" to "in" in line 3.
55. 1301.4. Change "envoked" to "invoked" in line 3.
56. 1403.3. Change "t" to "s" in "extension" in line 3.
57. 1504. Change "a" to "e" in "existence" in line 3.
58. 1603.6. Change "er" to "re" in "presently" in line 10.
59. 2104.6. Remove.

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1000. ENACTMENT AND GENERAL PROVISIONS

1001. Not Used.

1002. Not Used.

1003. Purpose. The General Assembly has authorized the adoption of zoning ordinances to accomplish a number of public purposes. The regulations contained in this ordinance are designed to carry out these purposes which are listed below.

1003.1. These zoning regulations have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate and economic provision of transportation, water, sewerage, schools, parks and other public facilities and services.

1003.2. The zoning districts and maps have been made with due consideration of future growth, development and change in land development according to objectives expressed in the general plan for the development of the community, as well as with due consideration of existing development and uses of land in the City of Charlotte.

1003.3. These regulations and districts represent reasonable consideration of the character of the districts and their peculiar suitability for particular uses of land and have been made with a view to preserving the existing environment and/or assuring the development of a future environment that realizes the greatest possible use and enjoyment of land on individual properties. This is balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties and with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

1004. Jurisdiction. These regulations govern the development and use of land and structures in the City of Charlotte.

1005. Zoning Maps. The boundaries of zoning districts are established through the adoption of this ordinance on a series of map sheets entitled "Official Zoning Map, City of Charlotte, N. C. and Perimeter Area" dated January 29, 1962. These maps, together with all amendments which may have been adopted by the City Council are considered to be just as much a part of this ordinance as if they were fully described in the ordinance.

1006. Interpretation of Zoning Maps. Where uncertainty exists with respect to the boundaries of the various districts shown on the maps cited in Section 1005, the following rules will be used to interpret the maps.

- 1006.1. In cases where a boundary line is located within a street or alley right-of-way, railroad or utility line right-of-way or easement, canal, navigable or nonnavigable stream, it will be considered to be in the center of the street or alley right-of-way, railroad or utility right-of-way or easement, canal, or stream. If the actual location of such right-of-way, easement, canal or stream varies slightly from the location as shown on the map, then the actual location will control.
- 1006.2. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance will control.
- 1006.3. Where a district boundary is shown to approximately coincide with a property line or city limit line, the property line or city limit line will be considered to be the district boundary, unless otherwise indicated.
- 1006.4. In cases where a district boundary does not coincide or approximately coincide with any street or alley, railroad, stream or canal, or property line, and no dimensions are shown, the location of the boundary will be determined by the use of the scale appearing on the map.
- 1006.5. If, because of error or omission in the maps, any property in the jurisdiction of this ordinance is not shown as being in a zoning district, such property will be classified as R-15 until changed by amendment.
1007. Not Used.
1008. Not Used.
1009. Zoning Affects Every Building and Use. No building, structure, or land may be used or occupied, and no building, structure or part thereof may be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with all the regulations of this ordinance for the district in which it is located, except as otherwise provided by this ordinance.
1010. Open Space is not to be Encroached Upon. No open space may be encroached upon or reduced in any manner, except to conform to yard, setback, off-street parking space, and such other regulations designated in this ordinance.
1011. Reduction of Yards and Lot Area Prohibited. No lot existing at the time of passage of this ordinance may be reduced in its dimensions or area below the minimum requirements of this ordinance for the district in which it is located unless, specifically authorized by other provisions of this ordinance.
1012. Every Lot Must Abut a Street. No building, structure or use of land for any purpose except agricultural may be placed on a lot which does not abut a street. The following sections list exceptions to this rule.

- 1012.1. A one-family detached dwelling may be constructed on a lot that does not abut a street, provided that the lot is at least two acres in size, is provided with access to a public street by an easement at least 15 feet in width for the exclusive use of the single family dwelling, and the easement is maintained in a condition passable for emergency and service vehicles.
- 1012.2. A one-family semi-detached dwelling unit need not abut a street provided that a least one unit of each dwelling group abuts a street, and provided that access to each dwelling unit is made available via either a public right-of-way or a private vehicular or pedestrian way owned by the individual unit owner in fee or in common ownership.
- 1012.3. One-family attached dwelling units need not abut a street, provided that all portions of every dwelling unit are within 300 feet of a public or private street that furnishes direct access to the property and that access to each dwelling unit will be made available via either a public right-of-way or a private street or vehicular or pedestrian way owned by the individual unit owner in fee or in common ownership.
1013. Fractional Requirements. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more will be considered a whole unit and a fraction of less than one-half will be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, a fraction of one-half or more will be considered a dwelling unit and a fraction of less than one-half will be disregarded.
1014. Lots Divided by Zoning District Boundaries. In the event that a district boundary line on the zoning map divides a lot held in one ownership on the date of passage of this ordinance, each part of the lot may only be used in conformity with the regulations established by this ordinance for the district in which each part is located.
1015. Interpretation and Application of these Regulations. In the interpretation and application of this ordinance, the provisions of the ordinance will be construed to be the minimum requirements adopted to promote the public health, safety, comfort, convenience and general welfare.
1016. Relation of this Ordinance to other Ordinances. It is not intended that this ordinance will in any way repeal, annul or interfere with the existing provisions of any other law or ordinance except the zoning ordinance which this ordinance replaces. In addition it is not intended that this ordinance will in any way repeal, annul or interfere with any rules, regulations or permits which were legally adopted or issued under previous ordinances for the use or development of land or structures. Finally it is not intended that this ordinance will interfere with any easements, covenants or other agreements between parties. However, if the provisions of this ordinance impose a greater restriction or higher standards for the use of a building or land, or for yards or size of structures than is called for by other ordinances, permits, easements or agreements, then the provisions of this ordinance will take precedence over the others and will control the use or development.
1017. Relation of this Ordinance to any Pending Actions. The adoption of this ordinance will not affect any action, suit or proceeding which may be pending at the time the ordinance is adopted. All rights and liabilities that have been received or created under any pervious zoning ordinances which have been superseded by this ordinance are still valid and may be preserved and enforced.

1100. RULES OF CONSTRUCTION AND DEFINITIONS.1101. Rules of Construction.

This ordinance has been written so that the average citizen may use, and understand its provisions. Efforts have been made to avoid the overuse of technical language where the meaning could be conveyed in another form. For the purposes of this ordinance, the following rules of construction and interpretation apply.

1101.1. Words used in the present tense include the future tense.

1101.2. Words used in the singular number include the plural number, and the plural number includes the singular number unless the context of the particular usage clearly indicates otherwise.

1101.3. The words "shall", "must", and "will" are mandatory in nature implying an obligation or duty to comply with the particular provision. The word "may" is also mandatory unless the context of the particular usage clearly indicates otherwise.

1102. Definitions.

For the purpose of this ordinance, the following words and terms have the meanings specified in the following sections.

Accessory structure. A detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as that of the principal structure or use.

Boarding Stable. A facility which may include pastures, corrals, paddocks or other enclosures, barns or other structures, designed to board, on a long or short term basis, or otherwise maintain equine animals not otherwise prohibited by city ordinances, and may also include activities for the training of horses or riders in equestrian skills.

Building. A structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or goods.

Building height. The vertical distance measured from the average elevation of the finished lot grade at the front building line to the highest point of the roof beams adjacent to the front of the wall in the case of a flat roof, to the average height of the gables in the case of a pitched roof, and to the deck line in the case of a mansard roof.

Building lines. Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side and rear lot lines, and referred to as front, side and rear building lines, respectively.

Bus stop shelter. A free-standing structure located on a municipally operated bus transit route which is designed to accommodate embarking or disembarking bus transit passengers.

Cluster development. A tract of land, at least 10 acres in area, under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved preliminary site plan.

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

Condominium. The ownership of single units in a multi-unit structure with common areas and facilities.

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

Day care center. An agency, organization or individual providing preschool instruction or daytime care of children not related by blood or marriage to, or not the legal wards or foster children of the attendant adult at (a) any place other than an occupied dwelling in which the occupant provides day care or at, (b) any place which provides care to more than 15 children.

Family day care home. An occupied dwelling in which the occupant provides preschool instruction or daytime care of 6 to 15 children not related by blood or marriage to, or not the legal wards or foster children of, the attendant adult.

Drive-in service window. A customer service facility designed for the convenience of the motoring public as an accessory part of an office or retail establishment which is intended to enable the customer to transact business with a salesperson located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon the transaction of business.

Dwelling, one-family. A building designed, constructed and used for one dwelling unit.

- .1 Detached. A one-family dwelling which is completely surrounded by permanent open spaces.
- .2 Semi-detached. A one-family dwelling that is connected on one side by means of a common dividing structural or load-bearing wall of at least 10 linear feet to another one-family dwelling, each dwelling on its own individual lot.
- .3 Attached. A one-family dwelling that is connected on at least one side by means of a common dividing structural or load-bearing wall of at least 10 linear feet to one or more other one-family dwellings, or the end dwelling of a series of such dwellings, each dwelling unit on its own individual lot.
- .4 Dwelling group, one-family attached. A line of one-family attached dwellings, joined at the sides by means of common structural or load-bearing walls, comprising an architectural whole.

Dwelling, two-family or duplex. A building designed, constructed or reconstructed and used for two dwelling units that are connected by a common structural or load-bearing wall of at least 10 linear feet.

Dwelling, multi-family. A building designed, constructed or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural or load-bearing wall of at least 10 linear feet with any other dwelling unit on the same floor or building level.

Dwelling unit. An enclosure of one or more rooms and separate bathroom and kitchen facilities designed and constructed as a unit for permanent residential occupancy by one family.

Family. An individual, or two or more persons related by blood, marriage or adoption living together as a single housekeeping unit; or a group of not more than six persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit.

Farm. A tract of land containing at least 10 acres which is used for agricultural, horticultural or managed forest purposes and may include the keeping of livestock and other animals which are not otherwise prohibited by city ordinance.

Floor area ratio (FAR). The gross floor area of a building or buildings on a lot divided by the area of such lot.

Gross floor area. For purposes of computing off-street parking requirements in this ordinance, the total floor area enclosed within a building, including interior balconies and mezzanines, exclusive of stairways and elevator shafts. For multi-family units the total floor area contained within the individual unit as measured from the inside of the exterior walls of the unit exclusive of stairways.

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For the purposes of computing floor area ratio, the total floor area designed for residential use enclosed within a building measured from the exterior faces of exterior walls, including, but not limited to such space as halls, stairs, elevators, and management offices, but excluding floor area devoted to parking of automobiles.

Group home. A residential home provided by an agency, organization or individual for persons who need sheltered living conditions for rehabilitation or extended care purposes.

Kennel, commercial. A place or facility prepared to house, board on a long or short term basis, breed, handle, train, or otherwise keep or care for dogs belonging to the owner or occupant of the property, customers, patrons or others, or lost or strayed animals, for compensation or as a humanitarian gesture.

Kennel, private. A place or facility where one or more dogs over 4 months of age are maintained by the owner or occupant of the property for his personal enjoyment and satisfaction, but not for compensation.

Lot. A parcel of land or any combination of several lots, occupied or intended to be occupied by a principal building or a building group as permitted herein, together with their accessory buildings or uses, and such access, yards and other open spaces required under this ordinance.

Lot, corner. A lot which occupies the interior angle at the intersection of two street lines which make an angle of less than 135 degrees with each other.

Lot, through. A lot, other than a corner lot, having frontage on more than one street.

Lot width. The distance between the side lot lines, measured along the setback line as established by this ordinance, or if no setback line is established, the distance between the side lot lines measured along the street line.

Minor residential access street. A street used predominantly to provide access to abutting residential properties.

Mobile home. A movable or portable dwelling over 32 feet in length and over 8 feet wide, constructed to be transported on its own chassis and designed without a permanent foundation, whether or not a permanent foundation is subsequently provided, which includes one or more components that can be retracted for transporting purposes and subsequently expanded for additional capacity, or 2 or more units separately transportable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit.

Mobile home park. A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes.

Mobile home stand. That part of an individual mobile home space which has been reserved for the placement of the mobile home and additions or attachments thereto.

Net residential area. That portion of a project site designated for residential lots and common open space areas.

Non-residential park. A commercial, office or industrial complex of three or more buildings, or three or more lots of tracts of land.

Planned unit development. A tract of land at least 36 acres in area, under single, corporation, firm partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved outline development plan and a preliminary site plan.

Principal structure or building. A structure or building containing the principal use of the lot.

Principal use. The primary purpose or function that a lot serves or is intended to serve.

Rear yard. An open space, including driveways and parking areas, unoccupied other than by permitted accessory buildings or uses, extending from the rear building line of a principal building to the rear lot line, between the side building lines, projected to the rear lot line.

Residential area. The portion of a project site designated for residential uses, and more specifically, the following: residential lots, streets directly serving residential lots, and common open space areas.

Restaurant with drive-in service. An establishment designed, in whole or in part, to cater to or accommodate the consumption of food and/or beverage in automobiles on the premises of such establishment.

Retail commercial establishment. A business whose principal use is the sale of goods, merchandise and products directly to the consumer.

Setback. The distance between a street line and the front building line of a principal building or structure, projected to the side lines on the lot, and including driveways, parking areas, and bus stop shelters, except where otherwise restricted by this ordinance.

Shopping center. A group of commercial establishments, planned, developed, and managed as a unit and related in location, size, and type of shops to the needs of the trade area that the unit services.

Side yard. An open, unoccupied space including driveways and parking areas between the side lot line and the side building line, extending from the required setback to the required rear yard. If no setback is required, the side yard shall be defined as extending from street line to the required rear yard.

Sign. Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structures, including billboard or poster panel, designed to carry the above visual information.

Advertising sign. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered:

- .1 Only elsewhere than upon the premises where the sign is displayed;
or
- .2 As a minor and incidental activity upon the premises where the sign is displayed.

Business sign. A sign which directs attention to a business, profession or industry located upon the premises where the sign is displayed, to type of products sold, manufactured or assembled, and/or to service or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

Identification sign. A sign, used to identify only: the name of the individual, family, organization or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed; the name of the non-residential park on which the sign is located.

Bulletin board. A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center or similar non-commercial places of public assembly.

Sign illumination. "Lighted" means illuminated only by light cast upon the sign from a concealed light source. "Luminous" means illuminated by any type of light source.

Sign area. The area of signs composed in whole or in part of free standing letters, devices or sculptured matter not mounted on a measurable surface shall be construed to be the area of the least square, rectangle or circle that will enclose the letters, devices and/or sculptured matter. The area of a double-faced sign shall be the area of one face of the sign.

Story. That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof.

Street. A public right-of-way set aside for public travel not less than 30 feet in width which (a) has been accepted for maintenance by the State of North Carolina or by the City of Charlotte; or (b) has been established as a public street prior to the date of adoption of this amendment; or (c) has been dedicated to the City of Charlotte or

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the State of North Carolina for public travel by the recording of a plat of a subdivision which has been approved by the Planning Commission or City Council.

Street line. A dividing line between a lot and a street right-of-way.

Structure. Anything constructed or erected, the use of which requires location on the land, or attachment to something having a permanent location on the land.

Theatre. Any business establishment operating for profit, which shows any motion pictures, regardless of whether the showing of the motion pictures is a primary or secondary part of the business and a member of the general public must pay money to see the motion picture; provided, however, this definition does not include a business establishment that has only coin-operated machines which show only cartoons and which are clearly incidental in the operation of the business.

Unobstructed open space. Land not covered by buildings or structures.

Usable open space. That required portion of a lot at ground level, unoccupied by principal or accessory buildings and available to all occupants of the building. This space of minimum prescribed dimensions shall not be devoted to service driveways or off-street parking and/or loading berths but shall be usable for greenery, drying yards, recreation space and other leisure activities normally carried on outdoors.

1200. ADMINISTRATION

1201. Zoning Administration. The zoning ordinance will be enforced by the superintendent of building inspection.
1202. Enforcement Methods. The provisions of this ordinance may be enforced by any one or more of the following methods.
- 1202.1. Equitable Remedy. The City may apply for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the City's application for equitable relief that there are other remedies provided under the general law or this ordinance.
- 1202.2. Injunction. The provisions of this ordinance may be enforced by injunction. When a violation of this ordinance occurs the City may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.
- 1202.3. Order of Abatement. In addition to an injunction, the City may apply for and the court may enter an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions: that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture or other movable property be moved; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the ordinance.
- 1202.4. Execution of Court Decisions. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The City may execute the order of abatement and will have a lien on the property in the nature of a mechanic's and materialman's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the Clerk of Superior Court in an amount approved by the Judge before whom the matter was heard and will be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the Judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.
1203. Violation of Ordinance. Any person, firm or corporation convicted of a violation of any provision of this ordinance will be guilty of a misdemeanor. Such a conviction is punishable by a fine not exceeding \$50.00 or imprisonment not exceeding 30 days. After notice of a violation is given, the violator will have 30 days to correct the violation. After that time, each additional day that the violation continues to exist will be considered a separate violation.
1204. Certificates of Occupancy. It is illegal to commence or change the use of any building or land, except for land used for agriculture purposes, until a certificate of occupancy has been issued by the superintendent

of building inspection stating that the use complies with the requirements of this ordinance.

1205. Building Permits.

1205.1. It is illegal for any person to begin the construction or reconstruction of a structure or any part of a structure, or to begin to excavate for a structure, or to make any structural repairs, alterations, or additions to any structure or to commence construction which will result in an area if more than twenty thousand square feet of impervious cover without obtaining a building permit from the superintendent of building inspection.

1205.2. The superintendent of building inspection will not issue a building permit unless the plans, specifications and intended use of the structure conform to the requirements of this ordinance. The application for a building permit must be accompanied by information sufficient to allow the superintendent of building inspection to act on the request.

1205.3. In cases where the applicant for a building permit appeals a decision of the superintendent of building inspection or applies for a variance from the provisions of the ordinance, the superintendent of building inspection will forward all information pertaining to the application to the Board of Adjustment.

1205.4. Building permits fees are specified in Chapter 5 of the Building Code of the City of Charlotte.

1206. Sign Permits.

1206.1. It is illegal for any person to begin the construction, alteration or moving of any sign or part of a sign, except for certain signs listed in Section 2122, without obtaining a sign permit from the superintendent of building inspection.

1206.2. The superintendent of building inspection will not issue a sign permit unless the plans, specifications and intended use of the sign conform to the requirements of this ordinance. The application for a sign permit must be accompanied by information sufficient to allow the superintendent of building inspection to act on the request.

1206.3. In cases where an applicant for a sign permit appeals the decision of the superintendent of building inspection or applies for a variance from the provisions of the ordinance, the superintendent of building inspection will forward all information pertaining to the application to the Board of Adjustment.

1206.4. The following schedule lists the application fees for sign permits.

less than 15 sq. ft. -	\$ 3.00
from 15 to 50 sq. ft. -	\$ 6.00
from 50 to 100 sq. ft. -	\$ 9.00
from 100 to 200 sq. ft. -	\$12.00
over 200 sq. ft. -	\$18.00

1206.5. Any person who begins work which would require a permit under Section 1206.1 without obtaining the necessary permit will be subject to an additional administrative fee equal to the cost of the sign permit.

1300. AMENDMENTS1301. Amendment Responsibility.

- 1301.1. The City Council on its own motion or by petition may amend, supplement, change or repeal the zoning district boundaries or regulations established by this ordinance. Any such amendment will be adopted only after public notice and public hearing as required by general law.
- 1301.2. In approving an amendment to change a zoning classification, the City Council may change the existing zoning classification of the area or any part of the area covered by the petition to the classification requested or to a higher classification or classifications. This action may occur without the withdrawal or modification of the petition provided that the notice of the hearing includes information to inform the public that such an action may be taken.
- 1301.3. When considering a petition for rezoning to a general zoning classification, the City Council will not evaluate the petition based on any specific proposal for the use or development of the property. The petitioner will refrain from using any graphic materials or descriptions of the proposed development except for those which would apply to any use permitted by the requested classification.
- 1301.4. In certain circumstances, a rezoning request will only be approved by an affirmative vote of nine members of the City Council. This rule, known as the three-fourths vote rule, may be invoked by a petition of the owners of twenty percent of the property included in a proposed zoning change or of the property adjacent to the proposed zoning change. This includes the property which is on any side of or across the street from the proposed change and within 100 feet of the subject property.

The protest petition must be filled with the city clerk at least 3 business days before the scheduled public hearing on the proposed change or amendment to allow sufficient time to determine the sufficiency and accuracy of the petition. The petition must include the signature and address of each protesting property owner and a map showing the property of each owner signing the petition.

1302. Petition for Amendment. Petitions for an amendment to the zoning ordinance or for the rezoning of property must be filled in the office of the Planning Commission. The filing fee is \$100.00 and must accompany the petition.
1303. Withdrawal of Petitions. A petitioner may amend or withdraw his petition only with the approval of the City Council. Requests for permission to amend or withdraw petitions for rezoning must be filed with the City Council prior to the date established for the public hearing. A decision on the request will be made by the City Council on the day of the public hearing. The City Council shall not permit an amendment which would delete a portion of land originally included in the petition for rezoning when the effect of such deletion would be to change the percentage of votes required for approval of the rezoning. The City Council

shall not permit a withdrawal of a petition when protests in opposition to the proposed rezoning sufficient to invoke the three-fourths voting rule have been filed.

1304. Not Used.

1305. Not Used.

1306. Effect of Denial. A petition for amendment to the ordinance or for the rezoning of property that has been denied may not be re-submitted within two years of the date of the action on the original request. However, the City Council may choose to allow a re-application if, after a report from the Planning Commission, it determines that there have been substantial changes in conditions or circumstances which may relate to the request.

1307. Not Used.

1308. Hierarchy of Zoning Districts. The zoning districts established by this ordinance are classified from highest to lowest in the following order:

R-15	R-1.OMF	B-1
R-12	UR-1	B-2
R-9	UR-2	B-3T
R-6	UR-3	B-3
R-MH	RE-1	B-D
R-20MF	RE-2	UI
R-15MF	INST	I-1
R-12MF	O-15	I-2
R-9MF	O-6	I-3
R-6MF	UR-C	
R-6MFH	B-1SCD	

1309. Modification of Development Standards. Within R-PUD and R-20MF conditional districts approved or proposed under the provisions of this ordinance, certain development standards may be modified by the Planning Commission. This modification is allowed under the provisions of Section 3214, Innovative Development and includes the following standards:

- | | |
|-------------------------------|--------------------------------|
| (1) Lot area | (5) Building Separation |
| (2) Lot width | (6) Height of fences and walls |
| (3) Frontage on public street | (7) Off street parking |
| (4) Setbacks and yards | (8) Open Space. |

1400. BOARD OF ADJUSTMENT

1401. Organization. This ordinance establishes a Board of Adjustment. This Board will consist of five members and three alternate members to be appointed by the City Council. Members will be appointed for three year terms and serve until they are replaced by a successor. Alternate members to serve on the Board in the absence of regular members will be appointed in the same manner and for the same term as regular members. When serving on the Board, alternate members will have the same powers and responsibilities as a regular member. An appointment to fill a vacancy on the Board will be for the remainder of the unexpired term. No member may serve more than two full consecutive terms.
- 1401.1. Attendance. Any member who fails to attend at least 75 percent of the regular meetings and special meetings held during any one year period will be automatically removed from the Board. Vacancies created by the removal of a Board member will be filled in the same manner as for regular appointments.
1402. Rules of Procedure. The Board of Adjustment will adopt rules and regulations for its own operation necessary to carry out the provisions of this ordinance. The superintendent of building inspection will maintain copies of the adopted rules for public information.
1403. Duties of the Board of Adjustment. The Board of Adjustment is assigned a certain number of specific duties by this ordinance. Those duties are listed below.
- 1403.1. Interpretation of the Ordinance. The Board of Adjustment is responsible for interpreting the provisions of the ordinance if there is a question about the meaning or application of a provision. Once the Board has made a interpretation on an issue the superintendent of building inspections will use that interpretation in the administration of the ordinance. The Board may also ask that the ordinance be amended to clarify a problem with the ordinance that has come to the Board's attention.
- 1403.2. Administrative Review. The Board of Adjustment will hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the superintendent of building inspection. Any person who feels that his/her legal rights may have been affected, or any officer, department, board or bureau of the City of Charlotte or Mecklenburg County may file such an appeal.
- 1403.3. Variance of the Ordinance Requirements. The Board of Adjustment will hear and decide appeals for variances from the requirements of the ordinance which relate to the establishment or extension of structures or uses of land. Before a variance request is granted the Board must find: that practical difficulties or unnecessary hardship would result if the strict letter of the law were followed; that the variance is in accordance with the general purpose and intent of the ordinance; and that the public health, safety, and welfare have been assured and substantial justice done. The Board will not grant a variance which would allow the establishment of a use which is not otherwise permitted in the district, would result in the extension of a non-conforming use,

or would change the district boundary or zoning classification of the property in question.

Before a variance is granted, the board of adjustment must find that special circumstances are attached to the property which do not generally apply to other property in the neighborhood, which may reflect an undue stringency of the ordinance itself. The fact that property may be utilized more profitably, should a variance be granted, will not be considered grounds for a variance.

In granting a variance, the Board may attach reasonable conditions to the approval in order to protect established property values in the surrounding area or to promote the public safety and general welfare. Those conditions may relate to the location, character and other features of the proposed structure or use of land for which the variance is sought.

1404. Appeals and Hearings. The Board of Adjustment will hold public hearings on any appeal or variance request which comes before it. All administrative papers and other information relating to an appeal or variance will be transmitted to the Board. The Board will give notice of the time, place, and subject of its hearings to the person(s) making the appeal or variance request and to the owners of property which adjoins or is directly across a street or alley from the property involved in the hearing. The Board will keep minutes of its hearings and records of the votes of each member.

1405. Actions of the Board. The Board of Adjustment will decide on an appeal or a variance request by adopting a resolution and placing the resolution in the minutes of the meeting. The resolution will state the reasons that the Board used and the findings of fact and conclusions of law made by the Board to reach a decision. The concurring vote of four fifths of the members of the Board will be required to override a decision of any administrative official charged with enforcement of the ordinance, or to decide in favor of the person(s) making an appeal or a variance request.

1406. Rehearing. The Board of Adjustment will refuse to hear an appeal or application for a variance which has been previously denied if it finds that there have been no substantial changes in the conditions or circumstances relating to the matter.

1407. Not Used.

1500. NONCONFORMING USES

1501. Not Used.

1502. Nonconforming Vacant Lots. A nonconforming vacant lot is a lot which does not meet the dimensional requirements for the district in which it is located, but which was recorded by plat or description in the office of the Register of Deeds of Mecklenburg County prior to the adoption of this ordinance. A nonconforming vacant lot may be used for any of the uses permitted by this ordinance in the district in which it is located if the use of the lot meets the following standards.

1502.1. The minimum requirements for front, side and rear yards, height of structures, and unobstructed open space for the particular district must be met.

1502.2. Duplexes and multi-family dwellings must meet the minimum lot standards for those uses in the particular district in addition to the dimensional requirements listed in 1502.1.

1503. Nonconforming Occupied Lots. A nonconforming occupied lot is a lot which contained a structure at the time this ordinance was adopted, but which does not meet the minimum requirements for width, area, front, side, or rear yard, height and/or unobstructed open space for the district in which it is located. Any structures on this type of lot may be improved or expanded in accordance with the following standards.

1503.1. Any improvement or expansion of any building on this type of lot must comply with the minimum requirements of the ordinance for front, side and rear yard, height, and unobstructed open space for the district in which the lot is located.

1503.2. Duplexes and multi-family dwellings must meet the minimum lot standards for those uses in the particular district in addition to the dimensional requirements listed in 1503.1.

1504. Nonconforming Open Uses of Land. A nonconforming open use of land is an open use on a lot when the only buildings are incidental and accessory to the principal open use which was in existence prior to the adoption of this ordinance and which would not be permitted by this ordinance in the district in which it is located. Uses such as storage yards, used car lots, auto wrecking, salvage yards, golf driving ranges and miniature golf courses are examples of open uses. A legally established nonconforming open use of land may be continued but is subject to the following limitations.

1504.1. When a nonconforming open use of land has been changed to a conforming use it may not later be used for any nonconforming use.

1504.2. A nonconforming open use of land may only be changed to a conforming use.

- 1504.3. A nonconforming open use of land that is discontinued for more than one year may not be re-established and all subsequent uses of the site must be in conformance with the particular district regulations. Any vacancy or non-use of the land regardless of the intent of the owner or tenant will be considered discontinuance for the purposes of this requirement.
- 1504.4. A nonconforming open use of land may not be enlarged to cover more land than it occupied when it became nonconforming.
1505. Nonconforming Uses of Structures. A nonconforming use of a structure is a use in a structure which existed prior to the adoption of this ordinance which would not be permitted by this ordinance in the district in which it is located. This type of use may be continued subject to the following limitations.
- 1505.1. A nonconforming use of a structure may be changed to another nonconforming use of the same classification or of a higher classification or to a conforming use. The determination of the classification of the use is based on the district in which the use would be allowed by right under the ordinance. The change of a nonconforming use to another nonconforming use must not generate any more automobile or truck traffic, noise, vibration, smoke, dust, or fumes than the original nonconforming use.
- 1505.2. Once a nonconforming use of a structure has been changed to a conforming use it will not be allowed to return to any nonconforming use.
- 1505.3. Maintenance and repairs which are necessary to keep a structure which houses a nonconforming use a safe and sound condition are permitted.
- 1505.4. A nonconforming use of a structure may be enlarged or extended only into portions of the structure which existed at the time that the use became nonconforming and which were designed or arranged to accommodate the use. No structural alterations are allowed to any structure containing a nonconforming use except for those required by law or an order from the superintendent of building inspection to insure the safety of the structure. Existing nonconforming residential uses in an industrial district may be enlarged or extended as long as no additional dwelling units result from the enlargement or extension and all improvements are completed in accordance with the development standards in the R-6MF district.
- 1505.5. A nonconforming use of a structure that is abandoned for more than one year may not be re-established and all subsequent uses of the structure must be in conformance with the particular district regulations.
1506. Reconstruction of Damaged Structures. When a structure on a nonconforming lot or a structure containing a nonconforming use is damaged by fire, flood, wind, or Act of God, the structure may be repaired and restored to its original dimensions and condition as long as the reconstruction is completed within one year of the occurrence of the damage.
1507. Nonconforming Signs. A nonconforming sign is one which existed prior to the adoption of this ordinance, but which does not meet the standards

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for signs for the use or the district in which it is located. A non-conforming sign may be allowed to continue subject to the following limitations.

- 1507.1. Nonconforming signs made of paper, cloth or other non-durable materials or free standing signs which are not attached to a building or to the ground must be removed within six months of the adoption of this ordinance.
- 1507.2. A nonconforming sign will not be replaced with another nonconforming sign. However, the replacement of poster panels, painted boards, or other demountable materials on nonconforming signs is allowed.
- 1507.3. Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs, neon tubing repairs will be permitted. However, no structural repairs or changes in the size, shape or message of a sign will be permitted except to make the sign comply with the requirements of these regulations.
- 1507.4. New signs related to legally established nonconforming uses may be erected provided they comply with the sign regulations which apply to the use in the most restricted district in which the use is permitted.
1508. Changes in Zoning. Any nonconformance created by a change in a zoning classification or district boundary or by a change in the regulations in the ordinance will be regulated by the provisions of this Section.

1600. SUPPLEMENTARY REGULATIONS

1601. Screening

1601.1. Purpose

This section has a number of general and specific purposes. The general purposes include the establishment of regulations to protect and preserve the appearance, character and value of property within the city and to recognize that the transition between certain uses requires attention to insure protection of the more sensitive use. The specific purposes include identification of those uses or classes of uses for which screening will be required and to list certain specific uses or portions of uses which, because of their unsightly nature, should be screened from public view. Any time that any provision of this ordinance requires screening, then the provisions of this section will be followed. Any specific screening requirements which may apply to certain uses are in addition to the basic requirements in this section.

1601.2. Special Definitions

For the purposes of this section the following words will have these specific meanings:

1. Screen or screening: means a fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. A screen may be located on the property line or elsewhere on the site.
2. Buffer: means an area with a minimum width of 20 feet along the property line for the retention of natural vegetation or the provision of land area to establish new vegetation. A buffer area may include any required screening for the site and may not be used for any other purpose, such as parking or maneuvering space. Driveways providing access to the site may be installed across the buffer area.
3. Landscaping: includes any material such as grass, planted ground covers, shrubs, vines, hedges, trees and other materials such as rocks, pebbles, or decorative paving employed to decorate or improve the visual appearance or appeal of a building or site.
4. Redeveloped: means the modification of an existing structure which increases the gross floor area of the structure or the replacement of all or a portion of an existing structure with a new structure.

1601.3. Application of Screening Requirements

1601.3.1. The provisions of this section must be met at the time that land is developed or land and structures are redeveloped. It does not apply

to lots or portions of lots which are vacant or undeveloped. The table below indicates the types of land use relationships which require screening or buffering under this ordinance.

<u>Developing Land Use</u>	<u>Adjacent Land Use</u>	<u>Treatment</u>
1. non-residential uses in Institutional dist.	any use in a Residential district	screening is required
2. any use in an Office district	any use in a Residential district	screening is required
3. any use in a Business district	any use in a Residential or Institutional district	screening is required
4. any use in an Industrial District	any use in a Residential or Institutional district	a buffer and screening is required

The screening requirement falls on the developing use.

1601.3.2. In addition to the land use relationships listed above which must be screened, certain specific uses or facilities must also be screened. The following uses must be screened from adjoining property and from public view from a public street when the adjoining property is zoned as Residential or Institutional districts.

1. Parking lots for more than ten cars. This requirement will not apply to properties which are developed in conformance with an approved site plan. The approved site plan may be one which is required or allowed by the ordinance under a number of special review processes such as parallel conditional rezoning, special use permit, or innovative zoning.
2. Dumpsters or trash handling areas.
3. Service entrances or utility facilities.
4. Loading docks or spaces.

1601.3.3. The following uses must be screened from adjoining property and from public view from a public street if located in any office or business district.

1. Dumpster or trash handling areas.
2. Service entrances or utility facilities.
3. Loading docks or spaces.

1601.4. Standard Screening Provisions

Any screening or buffer areas used to comply with the provisions of this section or other ordinance provisions must consist of an area which is at least 5 feet wide. This area may contain any type screening materials defined in 1601.2 sufficient to visually separate the land uses. If a wall or fence is used alone, then the area devoted to the screen need only be wide enough to accommodate the screen and allow for its maintenance. The composition of the screening material and its placement on the lot will be left up to the discretion of the developer so long as the purpose and requirements of this section are met. The following list contains specific standards to be used in installing screening.

1. The maximum height for a solid screening structure which is located along the property line is 7 feet.
2. The maximum height for a solid screening structure including an earth berm which is located in any required front yard is 5 feet.
3. The minimum height for screening will be whatever is sufficient to visually separate the uses.
4. The height of any screening materials on a corner lot must also comply with the provisions of Section 20-15.1 of the Charlotte City Code.
5. When screening is required between uses trees must be installed as part of the screening material. One tree must be installed for every 25 feet or fraction over 25 feet of property line where the screening is required. Trees may be evergreen or deciduous, must be at least 1.25 inches in diameter measured 6 inches from the ground and must be of a variety approved by the Superintendent of the Landscaping Division. If a fence or wall alone is used to provide the required screening, the planting of trees is not required.
6. Any earth berm used to meet the requirements of this section must be stabilized to prevent erosion and must be landscaped with grasses, shrubs, or other materials.
7. Shrubs used in any screening or landscaping may be of evergreen or deciduous varieties. They must be at least 3 feet tall when planted and no further apart than 5 feet. They must be of a variety and adequately maintained so that an average height of 5 to 6 feet could be expected as normal growth within 2 years of planting.
8. There are other landscaping and tree planting requirements contained in Chapter 22 of the City Code. Nothing in this section will exempt anyone from complying with those other requirements when they would require a higher level of performance.

1601.5. Alternative Screening Methods

Under certain circumstances the application of the standards above is either inappropriate or ineffective in achieving the purposes of this ordinance. When screening is required by this section or by other provisions of this ordinance and the site design, topography, unique relationships to other properties, natural vegetation, or other special considerations exist relative to the proposed development, the developer may submit a specific plan for screening to the Zoning Administrator. This plan must demonstrate how the purposes and standards of the ordinance will be met by measures other than those listed in Section 1601.4. Within 20 days the Zoning Administrator will consult with appropriate city departments and the Planning Director on the alternate proposal and will advise the applicant of the disposition of the request. If no specific alternative plan can be approved then the provisions of 1601.4 must be followed. It should be understood that this procedure is strictly voluntary and that requirements other than those listed in 1601.4 may be imposed in order to insure that the purposes of this section are met.

1601.6. Maintenance Responsibility for Screening

In order for any screening to fulfill the purpose for which it was established it must be properly maintained. The owner of the property and any tenant on the property where screening is required will be jointly and separately responsible for the maintenance of all screening materials. Maintenance includes actions necessary to keep screening materials healthy, neat and orderly in appearance and free of litter and debris. Any live screening materials such as shrubs and trees which may die must be replaced in compliance with the minimum standards of this section. All screening and landscaping areas must be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the screening.

1601.7. Use of Existing Screening

When a lot is to be developed so that screening is required and that lot abuts an existing hedge fence or other screening facility on the adjoining lot, then that existing screen may be used to satisfy the requirements of this ordinance. The existing screen must meet the minimum standards for screening established by this section and it must be protected from damage by pedestrians or motor vehicles. However, the burden to provide the necessary screening remains with the use to be screened and is a continuing obligation that runs with the land so long as the original relationship exists.

1601.8. Certificate of Compliance Required

It is recognized that land development occurs continuously and that vegetation used in landscaping or screening should be planted at certain times of year to insure the best chance of survival. In order to insure compliance with this section and to reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, a letter of compliance must be filed

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with the Zoning Administrator at the time of building permit issuance. This letter will acknowledge that the applicant for the building permit is aware of any screening requirements which may apply to his property and that he/she will comply with those requirements by a specific date, generally to be within the next planting season, but in no case more than one year after the completion of construction of that portion of the project or building for which the permit was issued. Failure to comply with the provisions of this section within the time noted in the letter of compliance will be a violation of this section.

1602. Not Used

1603. Drainage

1603.1. Drainage Plan Required

A drainage plan will be required for any development or use of land except for land developed or used for agricultural purposes which involves or would create more than 20,000 square feet of impervious ground cover. No building permit will be issued for any such development until the drainage plan is approved by the city engineer.

1603.2. Contents of Plan

A drainage plan submitted for approval under these provisions must include but is not limited to the following information: a site plan showing existing and proposed buildings, storm drainage facilities and ground cover; site construction plans and grading plans and drainage system; drainage facility design data including a drainage area map, engineering calculations, area of impervious course and total land area.

1603.3. Standards for Plan Review

A drainage plan submitted for approval under these provisions will be proposed and approved using the standards of the city engineer as contained in the current editions of the storm drainage design manual, land development standards manual and all other relevant standards of the city engineer.

1603.4. Impervious Cover Defined

Impervious cover means any ground cover including asphalt, concrete, stone, brick, terrazzo, roofing, clay tile or any other natural or man made material that resists the absorption of surface water.

1603.5. Existing Impervious Cover

The standards of this section do not apply to structures or impervious ground cover in existence prior to adoption of these provisions and these previously existing areas will not be used in calculating the 20,000 square feet used in 1603.1 above.

1603.6. Storm Water Detention

The city engineer will not approve a drainage plan if the impervious cover which would result would increase the storm water runoff from the site unless measures are taken to control and limit the runoff to the level which existed prior to the installation of the impervious cover. This determination will be based on the expected 10 year flood (a flood which could be expected to occur once in 10 years). The city engineer will waive the requirement for a drainage plan if the land being developed is part of a larger project which has received prior approval for and has implemented an overall drainage plan under Section 18-21(J) of the City Code so long as the runoff from the property presently under consideration does not exceed that which was previously approved. The city engineer may also waive any requirements for the detention of water when it would drain directly into land subject to the floodway regulations of Section 8A-2(b) of the City Code.

1604. Not Used.

1605. Structures Permitted Above the Height Limit

- 1605.1. The following structures, features, or equipment are permitted above the height limit in any district: skylights and roof structures for elevators, stairways, tanks, ventilating fans, air-conditioning or similar equipment for the operation or maintenance of building and any device used for screening such structures and equipment.
- 1605.2. The following structures are permitted above the height limit on lots in the research, institutional, office, business, and industrial districts which do not adjoin lots in any residential district: towers, steeples, flagpoles, chimneys, water tanks or similar structures. If this type of structure is on a lot which adjoins a residential district, then the part of the structure above the height limit must be separated from any such adjoining lot line by a distance equal to at least one half of its height measured from the ground.
- 1605.3. The structures listed in Section 1605.2 above are also permitted above the height limit in residential districts. However, any part of such a structure which extends above the height limit must be separated from any adjoining property line by a distance equal to at least half of its height measured from the ground. Otherwise the structure will be subject to the usual requirements for the particular district.
- 1605.4. Radio and television towers and similar structures are permitted above the height limit in any district. If such a structure is located on a lot in or adjoining a residential district, it must be located at least 200 feet from all adjacent property lines.
- 1605.5. The principal building on a lot in residential districts may exceed the 40 foot height limit if the side yards of the lot are increased one foot for each two feet of building height over forty feet.

1606. Accessory Structures

Accessory structures will not be permitted in any required setback or side yard or within two feet of any exterior property line. In the research districts a gate or security guard station may be located within any required setback or yard. In addition, bus stop shelters may be located within the setback or the street right-of-way in compliance with other provisions of this ordinance.

1607. Setback Requirements for Adjoining Lots in Different Districts

If two lots are side by side facing the same street and are in different zoning districts, the setback for the lot in the less restrictive district must be increased by at least one half of the difference between the different setback requirements.

1608. Minimum Requirements for Mixed Uses

When two or more uses occupy the same building and those uses would normally have different setback or yard requirements, the greater of the setback or yard requirements will apply to the building. The off-street parking and loading requirements for each use must be met fully.

1609. Modification of Setback Requirement

When the principal building on a lot was nonconforming relative to setback at the time that this ordinance was adopted, the setback requirements for any vacant lots that are on either side and within 100 feet of the nonconforming lot may be reduced by a distance equal to the average of the district requirement and the established nonconforming setback.

1610. Certain Extensions into Yards Allowed

Architectural features such as cornices, eaves, steps, gutters and fire escapes may project up to three feet into any required yard or beyond any required setback unless such a feature would obstruct driveways which may be used for service or emergency vehicles.

1611. Alleys Included in Side and Rear Yards

Side yards and rear yards may be measured from the center lines of public alleys which adjoin lots in residential districts. If the alley separates lots in residential from lots in non-residential districts, this allowance will not apply.

1612. Side and Rear Yards Next to Railroad or Waterfront.

In research, business and industrial districts, side yards and rear yards are not required adjacent to railroad rights-of-way on lots used for non-residential purposes.

1613. Location of Required Yards on Irregular Lots

The location of required front, side and rear building lines on irregularly shaped lots will be determined by the Superintendent of Building Inspection. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings on individual lots.

1614. Double Use of Required Open Space or Parking

No part of any yard, open space, or off street parking or loading area which is required for any use may be used to fulfill the yard, open space, or parking and loading requirements for another use unless allowed under Section 2007.

1615. Elevated Pedestrian Walkways in Required Yards

Elevated pedestrian walkways may be located in any required yard or setback area if they are part of an overall system of similar facilities designed to separate pedestrian from vehicular traffic do not create a visual obstruction for motor vehicle traffic and have all other governmental approvals for its location over the public right-of-way.

1616. Special Yard Requirements for Corner Lots.

1616.1. If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be at least the minimum for each district listed below:

<u>DISTRICT</u>	<u>SIDE YARD</u>
R-6MFH, R-6MF, R-9MF, R-6, R-9, R-1.OMF	6 feet
R-12, R-12MF, R-15, R-15MF,	10 feet
0-15	8 feet
0-6	6 feet
RE-1, RE-2	50 feet
Institutional	20 feet
B-D	10 feet
B-1, B-2, B-3T	4 feet
B-3	None
I-1, I-2, I-3	4 feet

1616.2. If the rear lot line of a corner lot is also the side lot line of an adjacent lot to the rear, then the side lot line of the corner lot on the street must be at least fifty percent of the required setback for the adjoining lot. In any case, the side yard may not be less than that required in section 1616.1.

1617. Rear Yard Requirements for Through Lots

If both the front and rear yards of a lot abut public streets, then the minimum rear yard will be the same as the minimum front yard for the district. If the rear yard abuts a thoroughfare, the minimum rear yard must be 55 feet in all districts.

1618. Driveways

Driveways in a research, institutional, office, business or industrial district may be used to provide access to uses in any of these districts.

1619. More Than One Principal Building Per Lot

More than one principal non-residential building may be located on a lot so long as an access road at least ten feet wide is maintained from a public street to each building for use by service and emergency vehicles. Unless a lesser standard is allowed elsewhere in the ordinance, a minimum separation of four feet is required between separate buildings on the same lot. No more than one principal residential building may be located on a lot except under the provisions for Planned Multi-family Developments, Group Rental Cottage Developments, Mobile Home Parks, Overnight Camping Trailer Parks and institutionalized residential facilities.

1620. Vibration

No use in any district may operate in such a fashion that any inherent or recurring ground vibrations can be felt or detected at the property line without the use of instruments.

1621. Noise

Every use of land must be operated in such a way that regularly recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment, or nuisance to any person of ordinary sensitivities. Every use in a business or industrial district which adjoins a Residential, Institutional, or Office district must be operated in such a way that any noise which may be detected by the human senses without instruments at the district boundary line is no louder than the noise which could be expected from uses permitted in those districts.

1622. Fumes and Gases

Fumes and gases must not be emitted by any use in concentrations or amounts that are noxious, toxic or corrosive. The values given in Table I (Industrial Hygiene Standards-Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposures to Substances Causes Injury to Vegetation) in the latest revision of Chapter 5, "Physiological Effects", that contains such tables in the "Air Pollution Abatement Manual", by the Manufacturing Chemist Association, Inc., Washington, D. C., are established as guides for the determination of permissible concentration or amounts.

1623. Not Used.

1624. Fences and Walls in Residential Districts

Fences and walls may be built to a height of 5 feet if located anywhere between the street and the required front setback. Fences and walls in

the side yard between the front setback and the rear building line may be built to a height of 6 feet. Behind the rear building line, there is no height limit on fences and walls. This fence and wall height limitation and required yard and setback standards do not apply to fences or walls built in conjunction with electric or gas substations, utility facilities, sewer plants or facilities, radio and television masts, towers, and similar structures or municipal water storage facilities.

1625. Parking in the Setback Prohibited

No parking of vehicles will be permitted in the required setback on any lot in a residential district used for multi-family purposes. The setback area may not be used for maneuvering space for parking spaces but driveways connecting the parking spaces to the public street may cross the setback area. On corner lots, parking will not be permitted in the side yard closer to the side street than the distances specified below:

<u>DISTRICT</u>	<u>DISTANCE FROM STREET</u>
R-1.0MF, R-9, R-9MF, R-6, R-6MF, R-6MFH,	6 feet
R-12, R-15, R-12MF, R-15MF	10 feet

1626. Institutional Uses in Residential Districts

1626.1. Churches, Synagogues, convents, monasteries, dormitories, community recreation centers, elementary, junior and senior high schools, colleges, orphanages, museums, art galleries, libraries, fire stations, police stations and similar uses will be subject to the following requirements when located in residential districts.

	R-1.0MF	R-6 R-6MF	R-6MFH	R-9 R-9MF	R-12 R-12MF	R-15 R-15MF
Min. distance from any lot line to building	20	25	20	30	35	40
Min. side yard abutting office business or industrial district	8	8	8	8	10	10
Min. unobstructed open space (% of lot)	45	50	45	60	65	70
Max. height except as provided in Section 1627	40	40	40	40	40	40

1626.2. Public or private cemeteries are subject to the following requirements.

1. All tombstones, crypts and monuments must be located at least 25 feet from any exterior property line or public right-of-way.

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2. Any on-site office or accessory maintenance or management buildings must be located at least 100 feet from any exterior property line or public right-of-way.
- 1626.3. Any buildings or swimming pools on the site of a golf course, non-commercial swimming club or country club must be located at least 100 feet from all exterior property lines.
 - 1626.4. Day care centers, day nurseries and pre-schools are permitted as an accessory use for churches or synagogues in accordance with the dimensional standards in Section 1626.1.
 - 1626.5. Screening in accordance with the standards of Section 1601 must be provided to visually separate surrounding residential properties from any parking areas, dumpster or trash handling areas, service entrances, utility facilities, loading docks or spaces, or accessory uses associated with the institutional use. This includes residential properties which may be across a public street from the use in question.
1627. Modification of Maximum Height
- Principal buildings in residential districts may be constructed to a height above 40 feet if the minimum side yards on any lot with such a building are increased 1 foot for each 2 feet of increased building height over 40 feet. Principal buildings in residential districts constructed to a height in excess of 60 feet are governed by the provisions of Section 3400.
1628. Cluster Development
- A cluster development is a tract of land at least 10 acres which is owned by a single person firm, partnership, association, or corporation and which is planned and developed as a single project. The development may take place all at once or over a period of time in stages, but always in accordance with one approved preliminary site plan as required in this section. Cluster developments may be established in R-6, R-6MF, R-9, R-9MF, R-12, R-12MF, R-15, R-15MF, R-20MF, O-15, and/or the Conditional R-MH district in accordance with the standards below.
- 1628.1. Uses in a cluster development may only be those uses permitted in the district(s) in which the development is located.
 - 1628.2. Dimensional requirements for cluster developments will be the same as for planned unit developments as listed in Section 3212.5.
 - 1628.3. The development area for a cluster development is computed by the following method:

Total Site Area
-minus-

16% of the total site area if located in R-6, R-6MF, R-9, R-9MF, or 14% of the total site area if located in R-12, R-12MF, R-15, R-15MF, R-20MF or O-15

-minus-

any areas designated for any non-residential structures

-divided by-

the conventional lot area requirement for the appropriate district.

If the development falls into more than one zoning district then the development area for each district must be computed separately. The development area density for the project must not exceed that which would normally be allowed for the various districts unless a density bonus is granted. Development density may not be transferred across zoning district boundaries.

1628.4. A density bonus of up to 25% over the density normally allowed in the underlying zoning district may be approved by the Planning Commission based on the provision of Common Open Space as listed below.

The Planning Commission must make a finding that the development will result in a significantly better environment than could be expected under the density normally allowed in the underlying district. Application for the density bonus must accompany the preliminary site plan submitted for approval.

Density Bonus Scale

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

1628.5. Cluster development will also comply with any applicable standards or requirements established in Section 3117, Development Standards for Planned Development.

1628.6. The Planning Commission will be responsible for administering the requirements for cluster development contained in the subdivision ordinance. A preliminary site plan must be submitted to the Planning Commission for review and approval. If the Planning Commission finds that the proposed development meets the standards for cluster development, it may approve the preliminary site plan and the final plat for development.

1629. Historic Districts

1629.1. The purpose of the historic district is to encourage the restoration, preservation and conservation of historically significant areas, structures, sites and their surroundings from potentially adverse influences which may cause the decline, decay or total destruction of important historical features which are a part of the city's heritage. The process to designate a historic district or districts requires that the Charlotte-Mecklenburg Planning Commission make an investigation and report on the historic significance of the buildings, structures, features, sites or surroundings included in any such proposed districts, and prepare a description of the boundaries of such districts. In addition the North Carolina Department of Cultural Resources, or an agent or employee designated by its secretary, will be afforded an opportunity to make an analysis of and recommendations concerning such report and description of proposed boundaries in accordance with state law.

In designating a historic district, the City Council must consider whether the area, structures, sites or objects are significant elements of the cultural, social, economic, political or architectural history of the city and if so, whether the conservation of such district will provide for the education, pleasure and enhancement of all residents of the city.

1629.2. The historic district will be applied as an overlay zoning district which will overlap other general or specialized zoning districts to insure the compatibility and appropriateness of exterior design within the district. No exterior portion of any building or other structure (including stone walls, fences, light fixtures, steps and pavement, or other features), aboveground utility structures, or any type of outdoor advertising sign may be erected, altered, restored or moved within a historic district until after an application for a certificate of appropriateness has been approved by the Charlotte Historic District Commission. The city will require a certificate to be issued by the Commission prior to the issuance of a building permit or other permit for constructing or altering structures. A certificate of appropriateness will be required whether or not a building permit is required.

1629.3. An application for a certificate of appropriateness should be accompanied by sufficient information to fully describe the proposed development, alteration or restoration including, as appropriate, a schematic site plan and/or text presenting the information listed below.

1. Property boundary and proposed location of all buildings and structures.
2. Proposed use of all land.
3. Proposed architectural design showing front, rear and side elevations.
4. A description of the general physical exterior condition of the structure(s), the color, kind and texture of building material, the type and style of all windows, doors, light fixtures, signs and any other appurtenant fixtures.

- 1629.4. Prior to issuance or denial of a certificate of appropriateness, the Commission will take appropriate actions to inform the owners of any property likely to be materially affected by the application, and will give the applicant and any such owners an opportunity to be heard. In cases where the Commission deems it necessary, it may hold a public hearing concerning the application.
- 1629.5. In approving an application for a certificate of appropriateness, the Charlotte Historic District Commission must find the following.
1. The scale and mass of buildings are sympathetic to the surrounding structures and streetscape.
 2. The exterior features and overall architectural design of proposed buildings will be compatible with the character of the surrounding buildings and streetscape.
 3. The proposed development project will be sensitive to the needs of protecting and preserving the quality and character of the existing environment.
 4. The proposed development project will be designed to adequately maintain pedestrian scale and orientation, as well as provide for safe pedestrian movement.
- 1629.6. If the Historic District Commission is unable to make the necessary findings from the facts presented, the application will be denied. If the application is approved, the certificate of appropriateness will be valid for a period of six months from the date of issuance. If the applicant does not obtain a building permit within a six-month period it will be considered as a failure to comply with the certificate of appropriateness, and the certificate will become invalid. If a building permit is not required, the approved work must be completed within a six month period from the date of issuance. The certificate may be renewed by the Commission upon written request of the applicant with valid reasons for failure to comply with the six month deadline.
- 1629.7. Nothing in these provisions should be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district which does not involve a change in design, material, color, or outer appearance or to prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the building inspector certifies is required for public safety because of an unsafe or dangerous condition.
- 1629.8. After the designation of a historic district, no building or structure located in that district may be demolished or otherwise removed until the owner of the property gives the Charlotte Historic District Commission ninety days written notice of this proposed action. During the ninety day period the Charlotte Historic District Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building. If the Commission finds that the building involved has no particular historic significance or value toward maintaining the character of the district, it may waive all or part of the ninety day period and authorize earlier demolition or removal.

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1629.9. An appeal may be taken to the Board of Adjustment from the Historic District Commission's action in granting or denying the certificate of appropriateness. Any appeal must be filed with the Board of Adjustment within sixty days from the date of the issuance or denial of the certificate. An appeal from the Board of Adjustment's decision in any such case must be heard by the superior court of Mecklenburg County.

1630. Not Used.

1631. Not Used.

1632. Not Used.

1700. SEPARABILITY AND EFFECTIVE DATE

1701. Separability

If any section or specific provision or standard of this ordinance or any zoning district boundary that now exists or may exist in the future is found by a court to be unconstitutional or invalid for any reasons, the decision will not affect the validity of any other section, provision, standard, or district boundary of this ordinance except the part in question. The other portions of the ordinance not affected by the decision of the court will remain in full force and be enforceable by any or all means authorized by law.

1702. Effective Date

This ordinance and the accompanying official zoning maps became effective on January 30, 1962.

2000. OFF-STREET PARKING AND LOADING REQUIREMENTS

2001. OFF-STREET PARKING REQUIREMENTS

Purpose

In order to assure a proper and uniform development of public parking areas throughout the City of Charlotte, to relieve traffic congestion in the streets and to minimize any detrimental effects of off-street parking areas on adjacent properties, the procedures and standards set forth in Section 2002 through section 2019 will apply.

2002. Schedule of off-street parking requirements.

Off-street parking must be provided and maintained as specified in the following schedule. These requirements will apply to all new buildings and uses and to additions to existing buildings and uses in all districts except the B-3 business district, where existing development is at such density that they cannot reasonably be imposed and where off-street parking is provided on a private, commercial basis.

Types of uses:	Parking plan approval required	Standards:
2002.1. Airports, railroad passenger stations and bus terminals	X	1 space per each 4 seating accommodations for waiting passengers, plus 1 space per each two employees on shift of greatest employment.
2002.2. Auditoriums, stadiums, assembly halls, gymnasiums, theatres, community recreation centers, churches	X	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 space per each 150 square feet of gross floor area, whichever is needed by the facility.
2002.3. Automobile service stations	X	1 space per each car stored, plus 1 space per each employee during period of greatest employment.

2002.4. Banks	X	1 space per each 100 square feet of gross floor area.												
2002.5. Not Used.														
2002.6. Drive-in facilities	X	1 space per each motor vehicle served, plus 1 space per each 2 employees during period of greatest employment.												
2002.7. Dwelling, multi-family	X	.75 space per dwelling unit in the R-1.OMF district.												
		All other districts:												
		<table border="0"> <thead> <tr> <th>Size of Unit</th> <th>Spaces Required</th> </tr> </thead> <tbody> <tr> <td>549 Sq. Ft. or less</td> <td>1.25</td> </tr> <tr> <td>550-699 Sq. Ft.</td> <td>1.50</td> </tr> <tr> <td>700-899 Sq. Ft.</td> <td>1.75</td> </tr> <tr> <td>900-1,245 Sq. Ft.</td> <td>2.00</td> </tr> <tr> <td>1,250 Sq. Ft. or more</td> <td>2.25</td> </tr> </tbody> </table>	Size of Unit	Spaces Required	549 Sq. Ft. or less	1.25	550-699 Sq. Ft.	1.50	700-899 Sq. Ft.	1.75	900-1,245 Sq. Ft.	2.00	1,250 Sq. Ft. or more	2.25
Size of Unit	Spaces Required													
549 Sq. Ft. or less	1.25													
550-699 Sq. Ft.	1.50													
700-899 Sq. Ft.	1.75													
900-1,245 Sq. Ft.	2.00													
1,250 Sq. Ft. or more	2.25													
2002.8. Dwellings, multi-family in projects operated by or for the Charlotte Housing Authority or in projects restricted in occupancy to persons and families within the low income and/or elderly and handicapped classification as defined in eligibility regulations issued by the Department of Housing and Urban Development.														
Family Projects	X	.75 space per dwelling unit in all districts:												
Elderly and Handicapped Projects	X	.25 space per dwelling unit in all districts.												
2002.9. Dwelling, single-family		2 spaces per dwelling unit.												
2002.10. Dwelling, two family	X	2 spaces per dwelling unit.												

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2002.11.	Elementary schools and junior high schools	X	3 spaces per each room used for administrative offices or class instruction, or 1 space for each 6 seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater.
2002.12.	Fire stations	X	1 space per each person on duty on a normal shift.
2002.13.	Buildings for social, fraternal, social service, union, and civic organizations	X	1 space for each 3 residents, or per 4 fixed seats in the largest assembly room or area, or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 space per 150 square feet of gross floor area whichever is needed by the facility.
2002.14.	Funeral homes	X	1 space per each 60 square feet of floor area available for seating accommodations.
2002.15.	Group homes	X	1 space per each resident attendant, and 1 space per each 10 resident clients or fraction thereof.
2002.16.	Hospitals	X	1 space per bed intended for patients (except bassinets or beds in student nurses' quarters), plus 1 space per each medical staff member, plus 1 space per each two other employees on shift of greatest employment.

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2002.17. Indoor and outdoor commercial recreation	X	1 space for each 150 square feet of gross floor, building or ground area devoted to such use, or 1 space per each 4 seats of facilities available for patron use, whichever is needed by the facility.
2002.18. Industrial, manufacturing and wholesaling estab- lishments	X	1 space per each 2 employees on the shift of greatest employment.
2002.19. Laboratories and other facilities for research	X	1.1 spaces for each employee on the shift of greatest employment.
2002.20. Medical and dental offices and clinics	X	1 space per each 200 square feet of gross floor area.
2002.21. Motels, tourist courts, motor courts and hotels	X	1 space per guest room, plus 1 space per each 2 employees on shift of greatest employment.
2002.22. Museums and art galleries	X	1 space per each 4 seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 space for each 2 employees on shift of greatest employment.
2002.23. Nursing homes, rest homes, homes for the aged		1 space for four patient beds, plus 1 space per each 2 employees on the shift of greatest employment.

2002.24. Office and professional building	X	1 space per each 300 square feet of gross floor area.
2002.25. Pilot plants	X	1.1 spaces for each employee on the shift of greatest employment.
2002.26. Prototype products production	X	1.1 spaces for each employee on the shift of greatest employment.
2002.27. Public libraries	X	1 space per each 150 square feet of gross floor area for public use, plus 1 space per each 2 employees on shift of greatest employment.
2002.28. Post Offices	X	1 space per each 4 hundred square feet of gross floor area, plus 1 space per each 2 employees on the shift of greatest employment.
2002.29. Restaurants, diners and night clubs	X	1 space per each 3 seating accommodations, plus 1 space per each 2 employees on shift of greatest employment.
2002.30. Retail stores, all types	X	1 space per 200 square feet of floor area used or designed for sales on ground floor, plus 1 space per 300 square feet of floor area used or designed for sales on all other floors, plus 1 space per each 2 employees.
2002.31. Roadside stands, new and used car sales, house and truck trailer sales, outdoor equipment and machinery sales, commercial nurseries	X	4 spaces per each salesperson, plus 1 space per each 2 other employees, during period of greatest employment.

- 2002.32.
Room renting and board-
inghouses

1 space per each room or
boarder, in addition to the
normal requirements for the
dwelling unit.

- 2002.33.
Day care homes (small group),
day care centers and pre-schools

1 space per each 2 adult
attendants and 1 space per
each 10 children (or remainder
over the multiple of 10).

- 2002.34.
Senior high schools, trade and
vocational schools, colleges
and universities

X

5 spaces per each room used for
administrative offices or class
instruction, or 1 space for
each 5 seats in auditoriums
and other places of assembly
or facilities available to
the public, whichever is
greater.

- 2002.34.
Dwellings, all types (except
for one family detached)
in the 0-6 district

X

.75 space per dwelling unit
minimum, and 2.0 spaces per
dwelling unit maximum.

- 2003. Not Used

- 2004. Parking space defined.

A parking space is defined as an off-street space available for the parking of motor vehicles. A standard parking space must have minimum dimensions of 8.5 feet in width and 17 feet in length with a total of 145 square feet. This area does not include any passageways and driveways use for access to the space or spaces.

A compact or small car space must have minimum dimensions of 7.5 feet in width and 15 feet in length with a total area of 112.4 square feet.

- 2005. Parking spaces in driveways.

In the absence of garages or carports, driveways may be considered as providing required off-street parking spaces for single-family and two-family dwellings in residential and office districts. Sufficient spaces must be available on such driveways to meet the requirements of this section.

2006. Locations of parking spaces.

Parking spaces must be located so that no spaces are farther than 400 feet from the buildings or uses to which they are assigned. This requirement does not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly, industrial, wholesaling, manufacturing establishments and hospitals.

2007. Parking spaces assigned to one use.

Required parking spaces for any number of separate buildings or uses may be combined in one lot. But the required spaces assigned to one use may not be assigned to another use at the same time. The required parking spaces for places of assembly may be assigned to parking spaces that are otherwise assigned to other uses if the parking spaces are normally used at different times.

2008. Parking spaces may not be reduced.

Off-street parking spaces may not be reduced below the minimum required for the use or facility to which they are assigned. Off-street parking spaces for buildings uses which existed at the time of the adoption of this ordinance and which were inadequate to meet the minimum parking spaces required by this ordinance must not be reduced as long as those buildings and uses continue to be in existence.

2009. Additions to buildings deficient in parking spaces.

Additions may be made to existing buildings and uses that do not meet the minimum requirements for off-street parking spaces if any such additions do not represent an additional parking requirement of more than three off-street parking spaces.

2010. Parking plans required.

2010.1. Plans for public parking lots, garages and storage areas operated on a commercial basis, and/or required for uses so indicated in the schedule of off-street parking requirements must be submitted to the city traffic engineering department for review for compliance with the provisions of this ordinance and with other pertinent ordinances.

2010.2. Parking plans must show the number of spaces and arrangements of parking aisles, location of driveway entrances, provisions for vehicular and pedestrian circulation, locations of sidewalks and curbs on or adjacent to the property, utilities, barriers, locations of shelters, locations of signs, typical cross sections of pavement, storm drainage facilities and such other information or plans as the circumstances may warrant.

2010.3. Parking plans may show a percentage of the required spaces a compact or small car spaces. The maximum percentage of these spaces will be determined by the City Department of Transportation. The determination of the percentage is based on the percentage of all cars that are

registered in Mecklenburg County for the most recent year with the N. C. Department of Motor Vehicles that are classified as compact or sub-compact cars.

2011. Barriers required.

Curbs, walls, fences or similar devices must be located along the perimeter of parking lots, garages and storage areas, except at entrances and exits indicated on approved parking plans. These barriers must be designed and located to prevent parked vehicles from extending beyond property lines of parking lots and garages and to protect public right-of-way and adjoining properties from damaging effects from surface drainage from parking lots. This standard applies to all existing parking lots, garages, and storage areas six months from the passage of this ordinance.

2012. Parking and storage areas.

2012.1. Parking lots, garages and storage areas must be designed and constructed so that all maneuvering to park and unpark can take place entirely within the property lines of the lot.

2012.2. The use of streets, sidewalks, alleys or other public rights-of-way for parking or maneuvering to and from off-street parking spaces is prohibited, except where such maneuvering is necessary in the use of driveways for access to and from single-family and two-family dwellings in residential or office districts.

2012.3. Access to parking areas will be limited to driveway entrances and exists specified in the approved parking area plans.

2013. Parking lot and garage maintenance.

Ground cover, shrubs and trees must be located and maintained so that it will not interfere with vehicular and pedestrian traffic on the property or with sight clearance at entrance and exits.

2014. Underground Parking Structures.

Underground parking structures are permitted within any required setback, side yard, or rear yard on any lot in any Research, Institutional, Office, Business or Industrial District, provided no portion of the underground structure extends above grade more than 5 feet at any point nor more than 4 feet for 75% of its length along any lot line. A balustrade, parapet or railing may extend above the permitted structure height provided it is not greater than 32 inches in height, is set back from the property line at least 3 feet and has openings equal to at least 30% of its surface along each side. Along any lot line abutting a street, "grade" means the elevation at the centerline of the street. Along any lot line not abutting a street, "grade" means ground elevation at the property line. Such structures must 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 must be covered with a pedestrian deck.

2015. Not used.

2016. OFF-STREET LOADING REQUIREMENTS

Purpose

In order to assure a proper and uniform development of off-street loading areas throughout the City of Charlotte and to relieve traffic congestion in the streets, the off-street loading requirements set forth in section 2017 through section 2019 will apply in all districts. These requirements will apply to new buildings and uses and to additions to existing buildings and uses.

2017. Spaces appropriate to function.

Off-street loading spaces must be provided as appropriate to the function and scope of operation of individual or groups of buildings and uses.

2018. Design of loading spaces.

Off-street loading spaces must be designed and constructed so that all maneuvering to park and unpark vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces must be designed so as to not to interfere with the normal movement of vehicles and pedestrians on public rights-of-way.

2019. Entrances and exits.

Access to off-street loading spaces must conform to driveway entrance regulations of the City of Charlotte.

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2100. SIGNS

Signs are permitted in accordance with regulations listed below and in accordance with other applicable regulations of this ordinance.

2101. The letter "N" means that the sign must not have flashing illumination.

The letter "M" means that the sign must be motionless.

2102. Unsafe signs.

Signs that are structurally unsafe and thereby endanger the public safety must be removed unless they are repaired and made to otherwise comply with the requirements of this ordinance.

2103. Flashing signs.

Flashing signs hereafter established in any district must not be located closer than 50 feet to any street right-of-way.

2104. Special sign regulations.

2104.1. For the purpose of this sign regulation, a shopping center consisting of five or more businesses located in a unified building or group of buildings may have business and/or identification signs as permitted in the district. In addition, the center as a whole may have one detached sign per street front, not exceeding 100 square feet in area, over and above the detached signs permitted for the business establishments in the center.

2104.2. Where a permitted sign is required to be behind the required setback and the wall of the related building is at or in front of the setback line, the sign may project 18 inches from the building wall, provided that any such sign does not project more than 6 inches into the street right-of-way unless it is at least 10 feet above street grade in which case it may not extend more than 18 inches into the street right-of-way.

2104.3. Not Used.

2104.4. Signs and other sources of illumination adjacent to public streets shall be subject to the provisions of section 13-32.2 of the General Statutes of North Carolina.

2104.5. Not Used.

2104.6. Not Used.

2104.7. Non-residential park signs are permitted in office, business and industrial districts in accordance with the following standards.

2104.7.1. Signs are limited to identification signs and only one sign per street front is allowed.

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- 2104.7.2. Signs are limited to 50 square feet each and to 20 feet in height including any fill or berm on which the sign may be placed.
- 2104.7.3. Signs may be lighted but must be non-flashing and motionless. Lighted signs must not interfere with the effectiveness of or obscure any official traffic sign, device or signal. Lighted signs must prevent light from being directed at any street and must not be of such intensity or brilliance as to cause glare or to impair the vision of drivers.
- 2104.7.4. Signs must be located behind the setback line, provided no portion of any sign will obstruct cross-visibility at intersections. No sign will be permitted in the triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and a driveway), each point being 35 feet from the intersection, and the two intersecting right-of-way lines (or a right-of-way line and a driveway).
2105. Signs permitted without limitation.
- In all districts the following signs are permitted without limitation:
- .1 Signs to regulate traffic.
 - .2 Signs required to be posted by law.
 - .3 Warning signs and no trespassing signs.
 - .4 Signs indicating bus stops, taxi stands and similar transportation facilities.
 - .5 Signs not exceeding 4 square feet in area giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities.
 - .6 Signs established by governmental agencies.
 - .7 Temporary real estate signs advertising specific property for sale, lease, rent or development, on private property, provided such signs are located only on the property being advertised and provided such signs do not exceed in aggregate one square foot for each 5 linear feet of the advertised property which abuts a street.
 - .8 Permanent subdivision identification signs not exceeding 12 square feet in area on private property.
 - .9 Temporary signs involved in campaigns of religious, charitable, civic, fraternal, political and similar organizations on private property.
2106. Not Used.

2107. Residential districts.

2107.3. Signs on premises of single-family and two-family dwellings and on the premises of mobile homes are regulated as follows:

Types of sign permitted:	Identification
Permitted number of signs:	1 per dwelling unit
Maximum area of signs:	1-1/2 square feet
Permitted illumination:	Lighted (N, M)
Permitted location:	Behind street right-of-way line except as permitted in Section 2104.2.

2107.3.2. Signs on premises of multifamily dwellings are regulated as follows:

Type of sign permitted:	Identification
Permitted number of signs:	1 per building
Maximum area of signs:	6 square feet
Permitted illumination:	Lighted (N, M)
Permitted location:	Behind street right-of-way line, provided no portion of any sign located within the required setback is within 35 feet of the intersection of the property lines of 2 streets or of a property line and the edge of a driveway, except as permitted in Section 2104.2.

2107.3.3. Signs on premises of planned multifamily developments and on premises of established mobile home parks are regulated as follows:

Type of sign permitted:	Identification
Permitted number of signs:	1 per street front
Maximum area of signs:	9 square feet
Permitted illumination:	Lighted (N,M)
Permitted location:	Behind street right-of-way line, provided no portion of any sign located within the required setback is within 35 feet of the intersection of the property lines of 2 streets or of a property line and the edge of a driveway, except as permitted in Section 2104.2.

2107.3.4. Signs on premises of churches, schools, colleges, hospitals, Y.M.C.A. and comparable organizations, community recreation centers, libraries, museums, art galleries, golf courses, country clubs, swimming clubs, parks, playgrounds and similar uses are regulated as follows:

Type of sign permitted:	Identification and bulletin board
Permitted number of signs:	Identification: 1 per building Bulletin board: 1 per building

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Maximum area of signs:	Identification: 40 square feet
Permitted illumination:	Bulletin board: 36 square feet
Permitted location:	Identification and bulletin board: lighted (N, M)
	Identification and bulletin board: Behind right-of-way line, except as permitted Section 2104.2.

2107.3.5. Signs on premises of cemeteries are regulated as follows:

Type of sign permitted:	Identification
Permitted number of signs:	1 per street front
Maximum area of signs:	12 square feet
Permitted illumination:	Lighted (N, M)
Permitted location:	Behind required setback, except as permitted in Section 2104.2.

2107.3.6 Signs on premises of nursing homes, homes for the aged, day care centers and pre-schools are regulated as follows:

Type of sign permitted:	Identification
Permitted number of signs:	1 per establishment
Maximum area of signs:	3 square feet, except if attached to the principal building it may be 9 square feet.
Permitted illumination:	Lighted (N,M)
Permitted location:	Behind required setback, except as permitted in Section 2104.2.

2107.3.7. Signs on premises of small group day care homes are regulated as follows:

Type of sign permitted:	Identification
Permitted number of signs:	1 per establishment
Maximum area of signs:	3 square feet
Permitted illumination:	Lighted (N, M)
Permitted location:	Behind street right-of-way line except as permitted in Section 2104.2.

2107.3.8. Signs on premises of group homes are regulated as follows:

Type of sign permitted:	Identification
Permitted number of signs:	1 per establishment
Maximum area of signs:	1-1/2 square feet
Permitted illumination:	Lighted (N, M)
Permitted location:	Behind street right-of-way line except as permitted in Section 2104.2.

2108.1. Office districts.

2108.1.1. Signs on premises of single-family, two-family and multifamily dwellings and planned multifamily developments are regulated as in Section 2107.3 paragraphs .1, .2 and .3 above.

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- 2108.1.2. Signs on premises of uses listed in paragraphs .4, .5 and .6 of Section 2107.3 above, and on premises of buildings for dramatic, musical or other cultural activities for social, fraternal, social service, union and civic organizations and similar buildings are regulated as follows:
- | | |
|----------------------------|---|
| Type of sign permitted: | Identification and bulletin board. |
| Permitted number of signs: | Identification and bulletin board:
One per building except on through lots or lots having frontage on three or more streets, in which case two signs per building are permitted. In the event more than one building is located on a lot, buildings permitted to have two signs are limited to those having both front and rear yards adjacent to streets. |
| Maximum area of signs: | Identification: 5 percent of the area of the elevation of one exterior building wall facing a street, provided that any such sign may be at least 50 square feet and but not exceed 200 square feet.

Bulletin board: 36 square feet. |
| Permitted illumination: | Identification and bulletin board:
Luminous (N, M) |
| Permitted location: | Identification: Mounted on the building unless the sign does not exceed 50 square feet in area, in which case it may be located anywhere on the property behind the setback line, except as permitted in Section 2104.2.

Bulletin board: Behind street right-of-way line, except as permitted in Section 2104.2. |
- 2108.1.3. Signs on premises of professional offices, business offices, merchandise display buildings, studios for artists, designers, photographers and musicians, banks and funeral homes, motels, motor courts, and hotels shall be identification signs only and are regulated as in 2108.1.2 above, except that the permitted sign area may be divided between one detached sign and locations on not more than 2 sides of a building. Restrictions as to maximum area of sign per building, maximum size of detached signs and location of detached signs apply as stated in 2108.1.2. Where 2 signs per building are permitted by 2108.1.2 only one detached sign may be located along any one street front and on no more than 3 sides on the building.
- 2108.2. Research districts.

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2108.2.1. All signs on premises within the research districts are regulated as follows:

Type of sign permitted:	Identification
Permitted number of signs:	<p>Identification - Attached One per building except on through lots or lots having frontage on three or more streets, in which case two signs per building are permitted. In the event more than one building is located on a lot, buildings permitted to have two signs are limited to those having both front and rear yards adjacent to streets.</p> <p>Identification - Detached One per establishment except on through lots or lots having frontage on three or more streets, in which case two detached signs per establishment are permitted.</p>
Maximum area of signs:	<p>Identification - Detached Five percent of the area of the elevation of one exterior building wall facing a street, provided that any such sign may be at least 50 square feet but does not exceed 200 square feet.</p>
Permitted illumination:	Motionless, no flashing illumination, lighted (lighted means illuminated only by light cast upon the sign from a concealed light source).
Permitted location:	Mounted on the building unless the sign does not exceed 50 square feet in area in which case it may be located anywhere on the property but not closer than 20 feet to a street line.

2108.3. Institutional district.

2108.3.1. Signs on premises of residential uses are regulated as in paragraphs .1, .2 and .3 of Section 2107.3 above.

2108.3.2. Signs on premises of uses other than residential are regulated as in paragraphs .4, .5 and .6 of Section 2107.3 above and Sections 2108.1.2 and 2108.1.3.

2109. B-1 business district and B-D distributive business district.

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2109.1. Signs on premises of permitted uses conducted in buildings or with buildings associated are regulated as follows:

Types of signs permitted:	Business and/or identification
Permitted number of signs:	No limit, except as specified below for detached signs.
Maximum area of signs:	Signs attached to buildings:
	No limit
Permitted illumination:	Signs detached from buildings:
	100 square feet
Permitted location:	Luminous
	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 15 feet of a street right-of-way line.

Other signs shall be mounted on the building and shall not extend more than 15 feet above the parapet of the building nor more than 18 inches from any building wall or marquee face, provided that any such sign shall not project more than 6 inches into the street right-of-way unless it is at least 10 feet above street grade, in which case it may not extend more than 18 inches into the street right-of-way.

2109.2. Signs on premises of permitted uses not conducted in or associated with buildings are regulated as follows:

Type of sign permitted:	Business and/or identification
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 are permitted.
Maximum area of signs:	100 square feet
Permitted illumination:	Luminous
Permitted location:	Behind street right-of-way line, except as permitted in Section 2104.2.

2110. B-2 and B-3T business districts; I-1, I-2 and I-3 industrial districts.

2110.1. Business and identification signs are permitted on premises of permitted uses conducted in buildings or with buildings associated. Such signs are regulated in accordance with the provisions of Section 2109.1, except that signs may extend twenty feet (20') above the parapet or roof of a building.

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- 2110.2. Business and identification signs are permitted on premises of permitted uses not conducted in or associated with buildings. Such signs are regulated in accordance with the provisions of Section 2109.2.
- 2110.3. Advertising signs are permitted on premises where no other business or permitted uses are established. In addition, advertising signs are 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 are subject to the following regulations:
- .1 No advertising sign may exceed 750 square feet in area.
 - .2 Advertising signs must 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 must be at least 10 feet above ground level.
 - .3 Advertising signs exceeding 72 square feet may not be closer to a residential structure than 10 feet.
 - .4 Each structure may support one advertising sign not exceeding an aggregate of 750 square feet on either side of said structure.
2111. B-3 business districts.
- 2111.1. Signs in B-3 business districts on premises of any permitted uses are regulated as follows:
- Types of signs permitted: Identification and/or business
Permitted number of signs: No limit
Maximum area of signs: No limit
Permitted illumination: Luminous
Permitted location: Anywhere on the property, but projecting not more than six inches into the street right-of-way, unless the sign is ten feet above the street grade, in which case it may project eighteen inches into the street right-of-way.

3000. SINGLE FAMILY RESIDENTIAL DISTRICTS3001. Purpose.

Single family residential districts: R-15, R-12, R-9, R-6. These districts are intended primarily for single-family houses at various densities of population. Duplexes may be established on corner lots, and certain non-residential uses of public or semi public nature are permitted. The regulations for these districts are designed to maintain a suitable living environment for family living. Densities of development are controlled by minimum lot area requirements, which are different with each district. The minimum lot area requirements, in thousands of square feet, is indicated by the numerical identification of each district.

3002. Permitted uses. The following uses are permitted by right in all single family districts.

1. Cemeteries, public and private
2. Dwelling, one-family, detached
3. Dwelling group, one-family semi detached, when situated on a corner with entrances facing different streets.
4. Dwelling, two family, where situated on a corner lot with entrances facing different streets, subject to additional lot area requirements of the corresponding multi-family district.
5. Farms, either in conjunction with or separate from dwellings, which may conduct retail sales of products produced on the premises.
6. Group homes, for up to 6 clients.
7. Parks and playgrounds, operated on a non-commercial basis for purposes of public recreation.
8. Riding stables, accessory to a residential use, provided that all buildings and facilities for the care of horses are located at least 300 feet from any property line in Residential Districts.
9. Room renting, limited to no more than four roomers or boarders per dwelling unit, displaying no sign advertising such use and providing no separate cooking facilities for the usage of the roomers or boarders.
10. Public utility distribution lines.
11. Reservoirs, municipal.
12. Railroad rights-of-way
13. Telephone repeater stations
14. Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, such temporary uses to be terminated upon completion of construction.
15. Water storage tanks

3003. Uses under prescribed conditions. The following uses are permitted subject to the conditions governing each use as specified in the appropriate section.

1. Churches, synagogues, parish houses, Sunday School buildings, convents, and similar uses, subject to the regulations in Sec. 1626.

2. Colleges and universities with all accessory facilities except stadiums, subject to regulations in Sec. 1626.
3. Community recreation centers, subject to regulations in Sec. 1626.
4. Country clubs and swimming clubs operated on a non-commercial membership basis, and subject to regulations in Sec. 1626.
5. Customary home occupations, subject to conditions listed in Sec. 3102.
6. Day care centers as a special use under Sec. 3319.
7. Day care homes (small group), subject to Sec. 3119.
8. Dormitories for the students of colleges, commercial schools, schools providing adult training and for the staff of hospitals, other than those operated by and located on the principal site of the institution served, subject to regulations in Sec. 1626.
9. Fraternal organizations as a special use under Sec. 3319.
10. Golf courses, public and private, for day time use only, subject to regulations in Sec. 1626.
11. Group homes for 7 to 10 clients as a special use under Sec. 3318.
12. Hospitals and sanitoriums as a special use under Sec. 3319.
13. Libraries, subject to regulations in Sec. 1626.
14. Museums and art galleries, subject to regulations in Sec. 1626.
15. Nursing homes, rest homes and homes for the aged, as a special use under Sec. 3319.
16. Office of doctor, dentist, lawyer, accountant, sales representative, realtor, or similar professional, semi-professional and business representatives, subject to conditions applying to customary home occupations, Sec. 3101.
17. Orphanages, children's homes and similar non-profit institutions providing domiciliary care for children, subject to regulations in Sec. 1626.
18. Police and fire station, subject to regulations in Sec. 1626.
19. Schools, elementary, junior and senior high, public and private, subject to regulations in Sec. 1626.
20. Sewage treatment plants and pumping stations, subject to regulations in Sec. 1626.
21. Young Men's Christian Association and comparable organizations as a special use under Sec. 3319.
22. Electric and gas substations, subject to regulations in Sec. 3123.
23. Nonconforming buildings and uses, subject to regulations in Sec. 1500.
24. Radio, telephone, and television masts, towers, antennae and similar structures, subject to the requirements of Sec. 1605.

3004.

Accessory uses. The following accessory uses are permitted in all single family districts.

1. Accessory residential uses and structures, clearly residential to the permitted principal use, including servants quarters, guest houses and bomb shelters excluding accessory dwellings of other types.
2. Accessory uses clearly residential to the permitted principal use or structure on the lot.
3. Vending machines for cigarettes, candy, soft drinks and similar items and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building or buildings.

4. Vending machines for cigarettes, candy, soft drinks and similar items located within an enclosed building, for the convenience of the occupants of the building.
5. Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
6. Bookstores, offices, printing and distribution, and similar uses as accessories to churches and synagogues, located on the same lot and subject to the development standards in 3006 below.

3005. Area, yard, and height regulations.

The following standards apply to residential uses in single family residential districts.

3005.1. One family detached dwellings

	R-6	R-9	R-12	R-15
Min. lot area	6000	9000	12000	15000
Min. lot width	50	60	70	80
Min. side yard*	8-6	8-6	10	10
Min. set back	25	30	35	40
Min. rear yard	40	45	50	55
Min. unobstructed open space (% of lot)	50%	55%	60%	65%
Max. height**	40	40	40	40

*In R-6 & R-9 one side yard must be at least 6 feet and the other side yard at least 8 feet.

**Except as provided in 1627.

3005.2. One family semi-detached dwelling (dwelling group) and two family dwelling.

	R-6	R-9	R-12	R-15
Min. lot area	8000	11500	15000	18500
Min. lot width	55'	65'	80'	90'
Min. side yard*	8-6'	8-6'	10'	10'
Min. setback	25'	30'	35'	40'
Min. rear yard	40'	45'	50'	55'
Min. unobstructed open space (% of lot)	40%	55%	60%	65%
Max. height**	40'	40'	40'	40'

*In the R-6 & R-9 districts one side yard must be at least 6 feet and the other side yard at least 8 feet.

**Except as provided in 1627.

3006. Development Standards for Various Uses

- .1 Cluster developments may be permitted in single family districts in accordance with the provisions of Sec. 1628.

- .2 Uses listed in 3004.6 may be established as accessory uses on the same lot with churches and synagogues in any Residential Districts. The following requirements apply in addition to any other applicable requirements of this ordinance.
- .1 No merchandise or merchandise display window may be visible from outside the building.
 - .2 No business or identification sign pertaining to the accessory uses may be visible from outside the building.
 - .3 All parking must be screened in accordance with Section 1601.
 - .4 Accessory uses must not violate the yards, separation or open space requirements which apply to principal church structures.

3007. Signs

Signs are permitted in all single family residential districts in accordance with the provisions of Section 2100.

3008. Parking and Loading Standards

Development of any use in a single family residential district must conform to the parking and loading standards in Section 2000.

3010. MULTI-FAMILY RESIDENTIAL DISTRICTS

3011. Purpose

R-15MF, R-12MF, R-9MF, R-6MF, R-6MFH, R-1.0MF. These districts are intended for a variety of residential uses including single family houses, duplexes and multi-family buildings and developments. Densities of development are controlled by minimum lot area requirements that are related to requirements of the corresponding single family districts. The total lot area required for any residential building or groups of buildings is based on the number of families housed within the buildings. Certain non-residential uses of a public or semi-public nature are permitted.

3012. Permitted uses. The following uses are permitted by right in all multi-family districts.

1. Cemeteries, public and private.
2. Dwellings, one-family attached.
3. Dwellings, one-family detached.
4. Dwellings, one-family semi-detached.
5. Dwelling, condominium.
6. Dwellings, two-family.
7. Dwellings, multi-family, a single building on a separate lot.
8. Dwellings, multi-family, planned multi-family developments.
9. Farms, either in conjunction with or separate from dwellings, which may conduct retail sales of products raised on the premises.
10. Group homes for up to 6 clients.
11. Parks and playgrounds, operated on a non-commercial basis for purposes of public recreation.
12. Riding stables, accessory to a residential use, provided that all buildings and facilities related to care of horses are located at least 300 feet from any property line in residential districts.
13. Room renting, limited to no more than four roomers or boarders per dwelling unit, displaying no sign advertising such use and providing no separate cooking facilities for the usage of the roomers or boarders.
14. Public utility distribution lines.
15. Reservoirs, municipal.
16. Railroad rights-of-way.
17. Telephone repeater stations.
18. Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, such temporary uses to be determined upon completion of construction.
19. Water storage tank.

3013. Uses under prescribed conditions. The following uses are permitted subject to the specific governing each use as specified in the appropriate section.

1. Churches, synagogues, parish house, sunday school buildings, covenants and similar uses, subject to the regulations in Sec. 1626.

2. Colleges and universities with all accessory facilities except stadiums subject to regulations in Sec. 1626.
3. Commercial uses in conjunction with certain multi-family and office buildings subject to regulations in Sec. 3104.
4. Community recreation centers, subject to regulations in Sec. 1626.
5. Country clubs and swimming clubs operated on a non-commercial membership basis, and subject to regulations in Sec. 1626.
6. Customary home occupations, subject to conditions listed in Sec. 3101.
7. Day care centers as a special use under Sec. 3319.
8. Day care homes (small group), subject to Sec. 3119.
9. Dormitories for the students of colleges, commercial schools, schools providing adult training and for the staff of hospitals, other than those operated by and located on the principal site of the institution served, subject to regulations in Sec. 1626.
10. Fraternal organizations as a special use under Sec. 3319.
11. Golf courses, public and private, for daytime use only subject to regulations in Sec. 1626.
12. Group homes for 7 to 10 clients as a special use under Sec. 3319.
13. Hospitals and sanitoriums as a special use under Sec. 3319.
14. Libraries, subject to regulations in Sec. 1626.
15. Museums and art galleries, subject to regulations in Sec. 1626.
16. Nursing homes, rest homes and homes for the aged, as a special use under Sec. 3319.
17. Office or doctor, dentist, lawyer, accountant, sales representative, realtor and similar professional, semi-professional and business representatives, subject to conditions applying to Customary Home Occupations, Sec. 3102.
18. Orphanages, children's homes and similar non-profit institutions providing domiciliary care for children, subject to regulations in Sec. 1626.
19. Police and fire stations, subject to regulations in Sec. 1626.
20. schools, elementary junior and senior high, public and private, subject to regulations in Sec. 1626.
21. Sewage treatment plants and pumping stations, subject to regulations in Sec. 3123.
22. Young Men's Christian Association and comparable organizations as a special use under Sec. 3318.
23. Bus stop shelters, subject to regulations in Sec. 3125.
24. Electric and gas substations, subject to regulations in Sec. 3123.
25. Non-conforming buildings and uses, subject to the regulations in Sec. 1500.
26. Radio, telephone and television masts, towers, antennae and similar structures, subject to the requirements in Sec. 1605.

3014.

Accessory uses. The following accessory uses are permitted in all multi-family districts.

1. Accessory residential uses and structures, clearly incidental to the permitted principal use, including servants quarters, guest homes and bomb shelters excluding accessory dwellings of other types.
2. Accessory uses clearly incidental to the permitted principal use or structure on the lot.

3. Vending machines for cigarettes, candy, soft drinks and similar items and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building or buildings.
4. Vending machines for cigarettes, candy, soft drinks and similar items located within an enclosed building, for the convenience of the occupants of the building.
5. Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.

3015. Area, yard, and height regulations.

The following standards apply to residential uses in multi-family residential districts.

3015.1. One family detached dwellings.

	R-1.0MF	R-6MFH	R-6MF	R-9MF	R-12MF	R-15MF
Min. lot area	6000	6000	6000	9000	12000	15000
Min. lot width	50	50	50	60	70	80
Min. side yard*	8-6	8-6	8-6	8-6	10	10
Min. setback	20	20	25	30	35	40
Min. rear yard	20	40	40	45	50	55
Min. unobstructed open space	40%	40%	45%	55%	60%	65%
Max. height	40	40	40	40	40	40

*NOTE: For the R-1.0MF, R-6MFH, R-6MF and R-9MF districts, one side yard must be at least 6 feet and the other side yard at least 8 feet.

3015.2. One-family semi-detached dwellings. A one-family semi-detached dwelling group must conform to the requirements for two-family dwellings for the district in which located. Minimum requirements for one-family semi-detached dwelling units are as follows:

	R-1.0MF	R-6MFH	R-6MF	R-9MF	R-12MF	R-15MF	R-20MF
Min. lot area	4000	4000	4000	5750	7500	9250	12500
Min. lot width	28	28	28	33	40	45	50
Min. side yard*	8-6	8-6	8-6	8-6	10	10	40
Min. setback	20	20	25	30	35	40	40
Min. rear yard	20	40	40	45	50	55	40
Min. unobstructed open space	40%	40%	45%	55%	60%	65%	70%
Max. height	40	40	40	40	40	40	40

*NOTE: Side yard requirements. Indicated side yard requirements are for one side only, with the other side being attached. However, for the R-1.0MF, R-6MFH, R-6MF and R-9MF Districts, if one side yard of the dwelling group is 6 feet the other side yard of the dwelling group must be at least 8 feet.

3015.3. One-family attached dwellings:

	<u>R-1.0MF</u>	<u>R-6MFH</u>	<u>R-6MF</u>	<u>R-9MF</u>	<u>R-12MF</u>	<u>R-15MF</u>	<u>R-20MF</u>
Min. development area per dwelling unit	2400	2400	2400	3150	3900	4650	6500
Min. lot area	**	**	**	**	**	**	**
Min. lot width	16	16	16	16	16	16	16
Min. setback abutting street	25	25	25	25	25	25	25
Min. setback abutting common	0	0	0	0	0	0	0
Min. private open space	400	400	400	400	400	400	400
Min. common open space*	10%	10%	10%	20%	30%	35%	45%
Max. height	40	40	40	40	40	40	40

*Percent of total development area. (This requirement is not applicable in planned unit developments.)

**Sufficient to accommodate dwelling unit and private open space.

- .1 A one-family attached dwelling group may not contain more than 10 dwelling units.
- .2 No portion of a one-family attached dwelling group may be closer than 20 feet to any portion of another group, or to any exterior property line.
- .3 No off-lot parking may be more than 150 feet, by the most direct pedestrian route, from a door of the dwelling unit it is intended to serve.
- .4 One-family attached dwelling must conform to the provisions contained in "Development Standards for Planned Developments" for Site Planning: External and Internal Relationship, except that underground utilities are not required.
- .5 In no instance may the density of a one-family attached project be greater than that permitted for a multi-family project in the corresponding zoning district.

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3015.4. Two-family and multi-family dwellings:

	<u>R-1.OMF</u>	<u>R-6MFH</u>	<u>R-6MF</u>	<u>R-9MF</u>	<u>R-12MF</u>	<u>R-15MF</u>	<u>R-20MF</u>
Min. lot area	6000	6000	6000	9000	12000	15000	20000
Area require. for each additional unit	(See Note)		2000	2500	3000	3500	5000
Min. lot width	55	55	55	65	80	90	--
Min. side yard*	8-6	8-6	8-6	8-6	10	10	40
Min. setback	20	25	25	30	35	40	40
Min. rear yard	20	40	40	45	50	55	40
Min. unobstructed open space	40%	40%	40%	55%	60%	65%	70%
Max. height**	40	40	40	40	40	40	40

*For the R-1.OMF, R-6MFH, R-6MF, R-6, R-9, and R-9MF Districts one side yard must be at least 6 feet and the other side yard at least 8 feet.

**Except as provided in Section 1627.

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

3016. Development Standards for Various Uses

- .1 Cluster developments may be permitted in multi-family districts in accordance with the provisions of Section 1628.
- .2 Planning Multi-Family Developments may be established in any multi-family district in accordance with the provisions of Section 3101.
- .3 Uses listed in 3014.6 may be established as accessory uses on the same lot with churches and synagogues in any Residential Districts. The Following requirements apply in addition to any other applicable requirements of this ordinance.
 - .1 No merchandise or merchandise display window may be visible from outside the building.
 - .2 No business or identification sign pertaining to the accessory uses may be visible from outside the building.
 - .3 All parking shall be screened in accordance with Section 1601.
 - .4 Accessory uses must not violate the yards, separation or open space requirements which apply to principal church structures.

3017. Signs

Signs are permitted in all multi-family residential districts in accordance with the provisions of Section 2100.

3018. Parking and Loading Standards

Development of any use in a multi-family residential district must conform to the parking and loading standards in Section 2000.

3020 RESEARCH DISTRICTS3021. Purpose

The RE-1 and RE-2 research districts, are designed to provide areas in which research and related operations may be established and may be given assurance of wholesome surroundings in the future. The standards established for these districts are designed to promote sound, permanent research installations and also to protect nearby residential areas from undesirable aspects of research operations. In addition, the RE-2 district also permits limited manufacturing. Any such manufacturing is restricted as to type of goods produced and the amount of space devoted to it.

3022. Permitted uses. The following uses are permitted by right in research districts.

1. Offices
2. pilot plants in which processes planned for use in production elsewhere can be tested, in no case shall any product be produced on the premises or a pilot plant primarily or customarily for sale or for use in production operations.
3. Production of prototype products when limited to the quantity necessary for full investigation of the merits of a product; in no case shall any such product be produced on the premises primarily or customarily for sale or use in the production operations.

3023. Uses under prescribed conditions. The following uses are permitted subject to the conditions governing each use as specified in the appropriate section.

1. Day care centers, subject to Sec. 3119.
2. Commercial use in conjunction with principal uses in the research district subject to regulations in Sec. 3111.
3. Drive-in service windows as accessory part of the principal structure or operation subject to the requirements listed in Sec.3116.
4. Laboratories and other facilities for research, both basic and applied in enclosed buildings, constructed by or for any individual, organization or concern whether public or private, subject to the requirements of Sec.3026.
5. Manufacture of certain items on a limited basis in the RE-2 only subject to the restrictions of Sec. 3108.
6. Bus stop shelters, subject to regulations in Sec. 3125.

3024. Accessory uses. The following accessory uses are permitted in all research districts.

1. Accessory uses clearly incidental to the permitted principal use or structure on the lot.

3025. Area, yard and height regulations.

The following standards apply to uses in research districts.

Min. lot area	4 acres
Min. lot width	400 feet*
Min. side yard	50 feet
Min. setback	150 feet plus 1 foot for each acre in the tract up to a maximum of 250 feet.
Max. height	40 feet, except that height may be increased if minimum side and rear yards are increased by 1 foot for every 2 feet of building height in excess of 40 feet.
Min. rear yard	50 feet
Min. unobstructed Open Space	70%

*Lots having any part of their frontage on the circular portion of a cul-de-sac right-of-way may use 200 feet as the minimum lot width.

3026. Development standards for various uses.

Uses in the research districts must be developed in accordance with the following standards.

- .1 Outside storage and utility lines.
 - .1 Outside storage of any materials, supplies, or products shall not be permitted in the research districts.
 - .2 All utility distribution lines must be placed underground in the research districts.
- .2 The following performance standards apply to uses within the research districts.
 - .1 It is the intent of this subsection to provide that research activities are established and maintained so that each permitted uses will be consonant to adjoining properties by the control of emission of noise, odor, glare, vibration, smoke, dust, gases, radiation, waste, etc. It is the further intent of this subsection to state the conditions of construction and operation with which research uses will be expected to comply. In many cases the relation of a prospective use to all these performance standards cannot be judged properly at the time of building permit shall note these performance standards, like all other provisions of this chapter, are continuing obligations and that all research uses will be expected to operate in compliance with these standards.
 - .2 The performance standards set forth in subparagraph .5 below, must be complied with, and any use which fails to comply with these standards will be in violation of this chapter. The director of environmental health services of Mecklenburg County will review and approve building plans to determine compliance with the standards set forth below.
 - .3 Each measurable standard must be measured at the appropriate indicated location.

- .4 The sum total of the effects of concurrent operations on 2 or more tracts or lots measured at any property line must not be greater or more offensive to the senses than the standards contained in this ordinance. Compliance with the provisions of this subparagraph by single or natural changes in operational levels, scheduling of operations and other adjustments in permitted.
- .5 Noise will be measured on any property line of the tract on which the operation is located. Noise must be controlled so as not to become objectionable. At the property line the sound pressure levels of noise normally radiated from a facility shall not exceed those values indicated with the "C" level rank as defined in paragraph 8.3.4., page 119, in 5th edition of "Handbook of Noise Measurement" published by General Radio Company. Sound pressure levels will be measured in conformance to specifications published by the American Standards Association.

TABLE 1

Maximum permissible sound pressure levels of normally radiated noise as measured at perimeter property line.

Cycles per Second	Decibel Level
20 - 75	71
75 - 150	57
150 - 300	49
300 - 600	44
600 - 1200	40
1200 - 2400	37
2400 - 4800	33
4800 - 10000	31
10000 - above	Controlled to avoid interference with animal experiments.

While the data in Table 1 is to be considered as a general guideline, consideration must also be given to correction factors as also defined in paragraph 8.3.4. of the "Handbook of Noise Measurement" noted above.

- .6 Odors emanating from any activity must not be discernable beyond the property line to such degree or of such characteristic as to be considered objectionable or irritating to humans or animals. For operations known to be malodorous, detailed control plans will be required prior to the issuance of a building permit. The evaluation and control plans will be required prior to the issuance of a building permit. The evaluation and control of odors must be in general conformity with procedues described in the "Odors" chapter of the latest published edition of "Air Pollution Manual" published by The American Industrial Hygiene Association.
- .7 Glare, whether direct or reflected, which may present a driving hazard or other optically hazardous condition, must not be visible beyond any property line.

- .8 Any lights used for exterior illumination must direct light away from adjoining properties.
- .9 Vibration must not be discernible beyond any property line to the human sense of feeling for three minutes or more duration in any one hour. At no time should vibrations result in conditions in excess of the safe range of Table 7, U. S. Bureau of Mines Bulletin No. 422. The evaluation of vibration characteristics shall be in accordance with U. S. Bureau of Mines Bulletin No. 422 and the latest published edition of Handbook of Noise Measurement published by The General Radio Company.
- .10 The measurement of smoke will be at the point of emission. The U. S. Bureau of Mines Ringlemann Smoke Chart will be used for this measurement. Smoke no darker nor more opaque than No. 2 on the chart may be emitted for brief periods not exceeding 3 minutes during any 60 minute period. These provisions apply to smoke of any color but with any equivalent apparent opacity.
- .11 The emission of dust or other particulate matter must be controlled to a degree consistent with modern air cleaning capability. At no time should it exceed a No. 1 on the Ringlemann Chart noted above, nor should it be of such a nature or quantity as to interfere with operations on nearby properties. Control methods described in the latest published edition of "Industrial Ventilation" published by the American Conference of Governmental Industrial Hygienists are considered as standards.
- .12 The emission of gases or fumes must be controlled to a degree consistent with modern air cleaning capability. At no time should gases or fumes be discharged into the atmosphere in such concentrations or of such a nature as to be toxic, corrosive or noxious to personnel, plants or animals, or to interfere with operations on nearby property. "Standards for Ambient Air Quality, State of California" and the latest published edition of "Air Pollution Manual" published by the American Industrial Hygiene Association are guidelines for the control of gaseous emissions.
- .13 All operations must be carried on with reasonable precautions against fire and explosion hazards.
- .14 All operations involving the use of radioactive materials or involving or causing the generation of ionizing radiation must conform to the requirements of the U. S. Atomic Energy Commission and the regulations of the State of North Carolina.
- .15 All operations involving the use of, or generation of, nonionizing electromagnetic radiation, including but not limited to microwaves, R. F., radar, lasers, etc., must be controlled and operated in accordance with required practices of the U. S. Armed Forces for safe operation of such devices.
- .16 Radioactive waste materials must be handled in accordance with Atomic Energy Commission regulations.

3027. Signs.

Signs are permitted in all research districts in accordance with the provisions of Section 2100.

3028. Parking and Loading Standards.

Development of any use in a research district must conform to the parking and loading standards in Section 2000 and with those standards below:

- .1 Parking areas must be paved with dust-free, all weather surface, and shall be properly drained and landscaped.
- .2 No ground level parking of motor vehicles will be permitted in the required setback or within 20 feet of any interior lot line in the research districts. The space within the required setback will not be used as maneuvering space for the parking or unparking of vehicles, except that driveways providing ingress and egress to the parking area may be installed across the setback area. Aboveground parking structures will not be permitted within any required setback, side yard, or rear yard.
- .3 Underground parking structures are permitted in accordance with Section 2014.

3030. INSTITUTIONAL DISTRICTS3031. Purpose.

The purpose of this district is to provide locations where concentrations of institutional and related uses are desirable, can be properly controlled and a proper environment created for them. Since many of these institutional uses can have considerable impact on the area in which they are located, the standards of this district are written to provide protection for nearby property as well as to relate uses within the district satisfactorily to each other. This district is designed to forestall traffic and congestion problems by giving special consideration to the relationship between individual institutional type developments and their impact on the street system.

3032. Permitted uses. The following uses are permitted by right in all insitutional districts.

1. Churches, synogagues, parish houses, sunday school buildings, convents and similar uses.
2. Dwellings, one-family detached.
3. Dwellings, one-family semi detached.
4. Dwellings, two family.
5. Farms, either in conjunction with or separate from dwellings, which may conduct retail sales of products produced on the premises.
6. Hospitals and sanitoriums.
7. Parks and playgrounds, operated on a non-commercial basis for purposes of public recreation.
8. Room renting, limited to no more than six roomers or boarders per dwelling unit, displaying no sign advertising such use, and providing no separate cooking facilities for the roomers or boarders.
9. Public utility distribution lines.
10. Radio and television stations and/or offices.
11. Reservoirs, municipal.
12. Railroad rights of way.
13. Telephone repeater stations.
14. Temporary buildings and storage of materials in conjunction with costruction of a building on a lot where construction is taking place or an adjacent lots, such temporary uses to be terminated upon completion of construction.
15. Water storage tanks.

3033. Uses under prescribed conditions. The following uses are permitted subject to the conditions governing each use as specified in the appropriate section.

1. Colleges and universities with all accessory facilities except stadiums subject to regulations in Sec. 1626.
2. Commercial uses in conjunction with certain multi-family and office buildings as a special use under Sec. 3318.
3. Community recreation centers, subject to regulations in Sec. 1626.
4. Country clubs and swimming clubs operated on a non-commercial membership basis, as a special use under Sec. 3318.

5. Customary home occupations, subject to conditions listed in Sec. 3102.
6. Day care centers, subject to Sec. 3119.
7. Day care homes (small group) subject to Sec. 3119.
8. Dormitories for the students of colleges, commercial schools, schools providing adult training and for the staff of hospitals other than [those operated by] and located on the principal site of the institution served, subject to regulations in Sec. 1626.
9. Dormitories for the students of colleges, commercial schools, schools providing adult training and for the staff of hospitals other than those operated by and located on the principal site of the institution served, as a special use under Sec. 3318.
10. Dwellings, one-family attached as a special use under Sec. 3318.
11. Dwelling, condominium, as a special use under Sec. 3318.
12. Dwellings, multi-family, a single building on a separate lot as a special use under Sec. 3318.
13. Dwellings, planned multi-family developments as a special use under Sec. 3318.
14. Golf courses, public and private as a special use under Sec. 3318.
15. Group homes as a special use under Sec. 3318.
16. Libraries, subject to regulations in Sec. 1626.
17. Police and fire stations, subject to regulations in Sec. 1626.
18. Schools, elementary, junior and senior high, public and private, subject to regulations in Sec. 1626.
19. Sewage treatment plants and pumping stations, subject to regulations in 1626.
20. Young Men's Christian Association and comparable organizations as a special use under Sec. 3318.
21. Amusement, commercial, outdoors limited to par 3 golf courses, golf driving ranges and orchery ranges as a special use under Sec. 3318.
22. Banks as a special use under Sec. 3318.
23. Buildings for dramatic, musical or other cultural activities as a special use under Sec. 3318.
24. Buildings for social, fraternal, social services, union and civic organizations as a special use under Sec. 3318.
25. Business and professional offices, provided that retail sales and deliveries of merchandise are not made from the premises and merchandise display is visible only within the building, as a special use under Sec. 3318.
26. Clinics, medical, dental and doctor's offices, as a special use under Sec. 3318.
27. Coliseums and stadiums, as a special use under Sec. 3318.
28. Commercial schools and schools providing adult training in any of the arts, sciences, trades and professions, provided that no retail sales of merchandise or services are made on the premises, as a special use under Sec. 3318.
29. Drive-in service window as accessory part of the principal structure or operation, subject to the requirements listed in Sec. 3116.
30. Laboratories and other facilities for research, both basic and applied, in enclosed buildings, conducted by or for any individual organization or concern, whether public or private, subject to the requirements of Sec. 3026 as a special use under Sec. 3318.

- 31. Motels, motor courts and hotels with associated commercial uses subject to regulations in Sec. 3104 and as a special use under Sec. 3318.
- 32. Office buildings and offices as a special use under Sec. 3318.
- 33. Post offices as a special use under Sec. 3318.
- 34. Studios for artists, designers, photographers, musicians, sculptors, gymnasts as a special use under Sec. 3318.
- 35. Bus stop shelter, subject to regulations in Sec. 3125.
- 36. Electric and gas substations, subject to regulations in Sec. 3123.
- 37. Non-conforming buildings and uses, subject to regulations in Sec. 1500.
- 38. Radio, telephone and television masts, towers, antennae and similar structures, subject to the requirements of Sec. 1605.

3034. Accessory uses. The following accessory uses are permitted in all institutional districts.

- 1. Accessory residential uses and structures, clearly incidental to the permitted principal use, including servants quarters, guest homes and bomb shelters excluding accessory dwellings of other types.
- 2. Accessory uses, clearly incidental to the permitted principal use or structure on the lot.

3035. Area, yard, and height regulations.

.1 Non-residential uses in the institutional district.

Non-residential uses in the institutional district are subject to the following requirements:

- Minimum lot area - 15,000 square feet.
- Minimum lot width - 80 feet.
- Minimum side yard - 10 feet.
- Minimum setback - 40 feet.
- Maximum height - 40 feet*.
- Minimum rear yard adjacent to residential districts - 40 feet.
- Minimum rear yard adjacent to other than residential districts - 20 feet.

*Principal buildings in institutional districts may be erected to a height in excess of 40 feet, provided that minimum side yards on each side are increased by 1 foot for every 2 feet of building height in excess of 40 feet.

.2 Residential uses in the institutional district.

- .1 Dimensional requirements for buildings and lots used wholly or partially for residential purposes in the institutional district are the same as those required in the R-12MF district.
- .2 Dormitories may be established subject to the dimensional requirements for institutional uses in the R-12MF district.

3036. Development Standards for Various Uses.

- .1 Screening in accordance with Section 1601, designed to be compatible with the residential character of adjoining properties, must be provided along the side and/or rear lines or elsewhere on the site of any lot in the institutional district, used for non-residential purposes, wherever such side and/or rear lines adjoin a lot in any residential district. The existence of a public street between such lots does not exempt the institutional use from this requirement.

3037. Signs.

Signs are permitted in institutional districts in accordance with the provisions of Section 2100.

3038. Parking and Loading Standards.

Development of any use in an institutional district must conform to the parking and loading standards in Section 2000 and to the following requirements.

- .1 No ground level parking of motor vehicles will be permitted in the required setback on any lot in the institutional district. The space within the required setback must not be used as maneuvering space for the parking or unparking of vehicles, except that driveways providing ingress and egress to the parking area may be installed across the setback area. Aboveground parking structures are not permitted within any required setback side yard, or rear yard.
- .2 Underground parking structures are permitted in accordance with Section 2014.

3040. OFFICE DISTRICTS3041. Purpose.

The 0-15 and 0-6 office districts are intended for offices, institutions and commercial activities not involving the sale of merchandise at retail. The 0-15 district is intended for development of large tracts of land in suburban location. Its numerical designation "0-15" indicated a minimum lot area of 15,000 square feet and allows residential uses at standards similar to those required in the R-15MF multi-family district. The 0-6 district is intended for in town locations where higher densities of development prevail. Higher density residential development is also permitted.

3042. Permitted Uses. The following uses are permitted by right in office districts.

1. Cemeteries, public and private.
2. Dormitories for the students of colleges, commercial schools, schools providing adult training and for the staffs of hospitals.
3. Dwellings, one family attached.
4. Dwellings, one family detached.
5. Dwellings, one family semi-detached.
6. Dwellings, condominium.
7. Dwellings, two family.
8. Dwellings, multi-family, a single building on a single lot.
9. Farms, either in conjunction with or separate from dwellings, which may conduct retail sales of products produced on the premises.
10. Group homes.
11. Hospitals and sanitoriums.
12. Parks and playgrounds, operated on a non-commercial basis for purposes of public recreation.
13. Room renting, limited to no more than six roomers or boarders per family dwelling unit and providing no separate cooking facilities for the usage of the roomers or boarders.
14. Young Men's Christian Association and similar organizations.
15. Armories for meetings and training of military organizations.
16. Banks.
17. Beauty shops and barber shops.
18. Buildings for dramatic, musical or other cultural activities.
19. Buildings for social, fraternal, social services, union and civic organizations.
20. Buildings for the display of sample merchandise to wholesalers and retailers of the merchandise displayed, provided that retail sales and deliveries of merchandise are not made from the premises and materials displayed are visible only from within the building.
21. Business and professional offices, provided that retail sales and deliveries of merchandise are not made from the premises and merchandise displayed is visible only from within the building.
22. Clinics, medical, dental and doctor's offices.
23. Commercial schools and schools providing adult training in any of the arts, sciences, trades and professions, provided that no retail sales of merchandise or services are made on the premises.

24. Funeral homes, embalming and crematories (0-6 only).
25. Government office buildings and public utility office buildings such as telephone exchanges and similar uses.
26. Laboratories and other facilities for research in enclosed buildings, both basic and applied, conducted by or for any individual organization or concern whether public or private.
27. Laboratory; dental, medical and optical.
28. Office buildings.
29. Post offices (0-6 only).
30. Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of precious or ornamental jewelry.
31. Off street parking for offices, business and industrial uses.
32. Public utility distribution lines.
33. Radio and television stations and/or offices.
34. Reservoirs, municipal (0-6 only).
35. Railroad rights-of-way.
36. Telephone repeater stations.
37. Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, such temporary uses to be terminated upon completion of construction.
38. Water storage tanks.

3043. Uses under prescribed conditions. The following uses are permitted subject to the conditions governing each use as specified in the appropriate section.

1. Churches, synagogues, parish homes, sunday school buildings, convents, and similar uses, subject to regulations in Sec. 1626.
2. Colleges and universities with all accessory facilities except stadiums, subject to regulations in Sec. 1626.
3. Commercial uses in conjunction with certain multi-family and office buildings subject to regulations in Sec. 3104.
4. Community recreation centers, subject to regulations in Sec. 1626.
5. Country clubs and swimming clubs operated on a non-commercial membership basis, and subject to regulations in Sec. 1626.
6. Customary home occupations, subject to conditions listed in Sec. 3102.
7. Day care centers, subject to Sec. 3119.
8. Day care homes (small groups), subject to Sec. 3119.
9. Dwellings, multi-family, planned multi-family developments subject to Sec. 3101.
10. Golf courses, public and private, for daytime use only, subject to regulations in Sec. 1626.
11. Libraries, subject to regulations in Sec. 1626.
12. Museums and art galleries, subject to regulations in Sec. 1626.
13. Nursing homes, rest homes, and homes for the aged, subject to Sec. 3122.
14. Orphanages, children's homes and similar non-profit institutions providing domiciliary care for children, subject to regulations in Sec. 1626.

15. Police and fire stations, subject to regulations in Sec. 1626.
16. Schools, elementary, junior and senior high, public and private, subject to regulations in Sec. 1626.
17. Sewage treatment plants and pumping stations, subject to regulations in Sec. 3123.
18. Cafeterias, and snack bars to serve the employees of office buildings within which they are located subject to regulations in paragraphs .3, .4, .5 and .6 of Sec. 3102.
19. Drive in service window as an accessory part of the principal structure or operation subject to the requirements listed in Sec. 3116.
20. Motels, motor courts and hotels with associated commercial uses subject to regulations in Sec. 3104.
21. Bus stop shelters, subject to regulations in Sec. 3125.
22. Electric and gas substations, subject to regulations in Sec. 3123.
23. Non-conforming buildings and uses, subject to regulations in Sec. 1500.
24. Radio, telephone and television masts, towers, antennae and similar structures, subject to the requirements of Sec. 1605.

3044. Accessory uses. The following accessory uses are permitted in all office districts.

1. Accessory residential uses and structures, clearly incidental to the permitted principal use, including servants quarters, guest houses and bomb shelters excluding accessory dwellings of other types.
2. Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
3. Vending machines for cigarettes, candy, soft drinks and similar items located within an enclosed building, for the convenience of the occupants of the building.
4. Accessory uses, clearly incidental to the permitted principal use or structure on the lot.

3045. Area, yard, and height regulations.

3045.1 Non-residential uses in office districts are subject to the following requirements:

	0-15	0-6
Min. lot area	15,000	6,000
Min. lot width	80	50
Min. side yards	8/8	8/6
Min. setback	40	20
Max. height*	40	40
Min. rear yards:		
Adjacent to residential	40	40
Adjacent to other districts	20	20

*Principal buildings in office districts may be erected to a height in excess of 40 feet, provided that minimum side yards on each side are increased by 1 foot for every 2 feet of building height in excess of 40 feet.

- 3045.2. Residential uses in office districts are subject to the following requirements:
- .1 Dimensional requirements for buildings and lots and used wholly or partially for residential purposes in the 0-6 office district are the same as those required in the R-6MF-H district.
 - .2 Dimensional requirements for buildings and lots used wholly or partially for residential purposes in the 0-15 office district are the same as those required in the R-15 MF district, except that the area required for each additional dwelling unit is 2,500 square feet.
 - .3 Single-family dwellings are limited to a height of 40 feet in all districts in which they are permitted.
 - .4 In planned multi-family developments, principal buildings may be erected to a height in excess of 40 feet, provided that minimum side and rear yards at exterior property lines are increased by 1 foot for every 2 feet of building height in excess of 40 feet.

3046. Development Standards for Various Uses

- 3046.1. Screening in accordance with Section 1601, designed to be compatible with the residential character of adjoining properties, must be provided along the side and/or rear lines or elsewhere on the site of any lot in any office district, used for nonresidential purposes, wherever such side and/or rear lines adjoin a lot in any residential district. The existence of a public street between any such lots does not exempt the office use from this requirement.

3047. Signs.

Signs are permitted in all office districts in accordance with the provisions of Section 2100.

3048. Parking and Loading Standards.

Development of any use in an office district must conform to the parking and loading standards in Section 2000 and to the following requirements:

- .1 No ground level parking of motor vehicles will be permitted in the required setback on any lot in any office district. The space within the required setback may not be used as maneuvering space for the parking or unparking of vehicles, except that driveways providing ingress and egress to the parking area may be installed across the setback area. Aboveground parking structures will not be permitted within any required setback, side yard, or rear yard.
- .2 Underground parking structures are permitted in accordance with Section 2014.

3050. URBAN DISTRICTS

3051. Urban Residential Districts.

- 3051.1.1. 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 characteristics of urban areas. Therefore the purpose of this section is to establish the Urban Residential Districts.
- 3051.1.2. 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 will designate specific Urban Residential district boundaries.
- 3051.1.3. 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.

3051.1.4. Districts Established. In order to provide densities and other development standards which are compatible with urban characteristics, the following zoning classifications are established.

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

3051.1.5. Urban Residential-1 District. (UR-1)

Intent. The intent of this district is to protect and enhance designated single-family areas and to encourage appropriate infill development within these areas.

3051.1.6. Urban Residential-2 District. (UR-2)

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.

3051.1.7. Urban Residential-3 District. (UR-3)

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.

3051.1.8. Urban Residential-Commercial District. (UR-C)

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.

3051.2. Permitted Uses.

3051.2.1. UR-1. Uses permitted by right with the UR-1 District are single family detached and single family attached dwelling units.

- 3051.2.2. UR-2. 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 50% of the ground floor area of the dwelling unit in which they are located. There is no restriction as to where within the structures these uses may be located.
- | | |
|-----------------|---------|
| handcraft shops | studios |
| bookshop | museums |
| antique shop | offices |
| tea rooms | |
- 3051.2.3. UR-3. 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 District are also allowed, except that no drive-in windows or service in connection with such uses or vehicular sales, service or repair is permitted. Any such commercial uses will be limited in floor area to two times the size of the building footprint, but there are no requirements as to where within the structure the uses may be located.
- 3051.2.4. UR-C. 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 that are permitted in B-1 Neighborhood Business Districts, except that no drive-in windows or vehicular sales, service, or repair will be permitted.
- 3051.3. Uses Under Prescribed Conditions
- 3051.3.1. Customary Home Occupations. Customary home occupations as set forth in Section 3102 are allowed in all Urban Residential Districts.
- 3051.3.2. Off-street parking as a separate use. Such parking must be provided with a 5 foot wide landscaped area along all property lines. Such landscaped areas may include such materials as grass, planted ground cover, shrubs, vines, hedges, trees or other similar materials.
- 3051.3.3. Uses normally permitted in residential districts. Institutional, non-residential, accessory or complimentary uses normally permitted in other residential districts are permitted.
- 3051.4. Accessory Structures. Accessory structures are allowed in all urban residential districts in accordance with Section 1606. However accessory structures are exempted from Section 1606 when a joint application is made by adjoining property owners.
- 3051.5. Area, Yard and Height Regulations
- 3051.5.1. Dimensional requirements. Dimensional requirements for the UR-1 District are as follows

Min. Lot Area (sq.ft.)	Min. Side Yd. (ft.)	Minimum Setback (ft.)	Min. Rear Yd. (ft.)	Max. F.A.R.	Max.** Height (ft.)
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.

3051.5.2. Dimensional Requirements. Dimensional requirements for the UR-2 District are as follows.

Min. Lot** Area (sq.ft.)	Min. Side Yd. (ft.)	Minimum Setback (ft.)	Min. Rear Yd. (ft.)	Max. F.A.R.	Max.* Height (ft.)
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 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 must include a minimum of 400 square feet of private open space.

3051.5.3. Dimensional Requirements. Dimensional requirements for the UR-3 District are as follows.

Min. Lot** Area (sq.ft.)	Min. Side Yd. (ft.)	Minimum Setback (ft.)	Min. Rear Yd. (ft.)	Max. F.A.R.	Max. Height (ft.)
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.

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(CHAR.)

**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 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 must include a minimum of 400 square feet of private open space.

3051.5.4. Dimensional Requirements. Dimensional requirements for the UR-C District are as follows.

Min. Lot Area (sq.ft.)	Min. Side Yd. (ft.)	Minimum Setback (ft.)	Min. Rear Yd. (ft.)	Max. F.A.R.	Max. Height (ft.)
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.

3051.6. Development Standards for Various Uses

3051.6.1. Minor Exception. In accordance with Section 3335 a special use permit for a minor exception to the minimum yard requirements of Urban Residential Districts may be granted.

3051.6.2. Development Restrictions.

1. Definitions. For purposes of this section the following definitions apply.

- .1 single family detached - a structure which contains 1 dwelling unit;
- .2 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;
- .3 multi-family - a structure which contains 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.

- .4 floor area ratio (FAR) - the total gross floor area of any building divided by the total lot area occupied by such building.

3051.6.3. Planned Multi-Family Review. Residential uses subject to the provisions of Section 3101 Planned Multi-Family Development in Residential Districts will be reviewed and approved in accordance with the provisions of that section except that the dimensional requirements, of that section do not apply.

3051.6.4. Density Bonus Provisions.

- .1 Objectives. Density bonus provisions are designed to achieve the following specific objectives.
 - .1 To enhance and extend public amenities such as parks and public pedestrian ways.
 - .2 To create additional open space for public or semi-public use.
 - .3 To improve the overall quality of life within the large residential area.
 - .4 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 established.
 - .1 For UR-1 and UR-2 districts a maximum bonus accumulation of 10% of the base FAR.
 - .2 For UR-3 and UR-C districts a maximum bonus accumulation of 50% of the base FAR.
 - .3 For non-residential uses in UR-C districts a maximum bonus accumulation of 25% of the base FAR.
 - .4 For development projects located in more than one UR district, the total percent of increase in the base FAR permitted will be the sum of the maximum allowed increase in each zoning district, but there is no prohibition as to where on the parcel the increase may locate.

Any bonus which may be granted applies to the base floor area ratio for each urban residential district.

- .3 Bonus Permitted. The following density bonuses are established for the provision of the following features.
 - .1 For projects adjacent to a public park or cemetery a density bonus of 10% of the base FAR, but not less than 8 dwelling units is granted.
 - .2 For the creation of permanent public open space devoted to passive or active recreational use a density bonus equal to the area 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.

Public open space means 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 may not include any motorized vehicular circulation or parking facilities but may include structures related to the purpose of the open space as long as the dominant character of the area is open.

- .3 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 the base FAR, but not less than 8 dwelling units is granted.
- .4 For the use of fountains, reflecting pools and similar features in design a density bonus of 5% of the base FAR, but not less than 4 dwelling units is granted.
- .5 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 the base FAR, but not less than 4 dwelling units is 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 is granted.
- .6 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 is granted.
- .7 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.
- .8 For the development of residential or mixed used structures which contain more than 5 stories a density bonus of 10% of the base FAR, but not less than 4 dwelling units is granted.
- .9 For projects which combine 3 or more parcels into a single lot for development a density bonus of 5% of the base FAR, but not less than 4 dwelling units is granted.

3051.6.5. Bonus Parking. Any density bonus that may be granted for a particular development project does not require any increase to the minimum parking requirements as set forth in 3051.8. Additional parking may be provided.

3051.6.6. Screening. Screening must be provided in accordance with the provisions of Section 1601.

3051.7. Signs. Signs within Urban Residential Districts are permitted in accordance with Section 2100 as modified by the following provisions.

.1 Signs on the premises of single family, detached or attached dwellings.

Types of signs permitted: Identification.

Permitted number of signs: One per dwelling unit.

Maximum area of signs: 1.5 square feet.

Permitted illumination: Lighted, but not flashing.

Signs must be motionless.

Permitted location: Behind street right-of-way line and not more than 8 feet above floor level at dwelling unit entry if attached to structure, or not more than 5 feet above grade if not attached to structure.

.2 Signs on the premises of multi-family dwellings or planned multi-family developments.

Types of signs permitted: Identification.

Permitted number of signs: One per street front.

Maximum area of signs: 6 square feet.

Permitted illumination: Lighted, but not flashing.

Signs must (be) motionless.

Permitted location: Behind street right-of-way line and not more than 8 feet above grade if attached to structure, or not more than 5 feet above grade if not attached to structure. Attached signs may not project more than 6 inches from the structure.

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

Types of signs permitted: Business

Permitted number of signs: One per use.

Maximum area of signs: 8 square feet if projection from structure is less than 6 inches, or 6 feet if detached or if projection from structure is 6 inches or more.

Permitted illumination: Lighted, but not flashing.

Signs must be motionless.

Permitted location: Behind street right-of-way line and not more than 10 feet above grade if attached to structure, or more than 5 feet above grade if not attached to structure.

.4 Signs on the premises of a group of 3 or more non-residential uses within a dwelling structure.

Types of signs permitted: Identification.

Permitted number of signs: One per street front.

Maximum area of signs: 8 square feet.

Permitted illumination: Lighted, but not flashing.

Signs must be motionless.

Permitted location: Behind street right-of-way line and not more than 10 feet above grade if attached to structure, or more than 5 feet above if not attached.

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

Types of signs permitted: Bulletin Board
Permitted number of signs: One per structure.
Maximum area of signs: 12 square feet except a kiosk. A kiosk may be erected to a maximum height of 10 feet and a maximum diameter of 4 feet excluding canopies, eaves and the like.
Permitted illumination: Lighted, but not flashing.
Signs must be motionless.
Permitted location: Behind street right-of-way line and not more than 10 feet above grade.

3051.8. Parking and Loading Standards

Off-Street Parking and Loading Requirements. Requirements for off-street parking and loading requirements are listed below.

.1 Number of spaces per dwelling unit.

Type of Structure	Minimum	Maximum
Detached	1	2
Attached	1	2
Multi-Family	1	2
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.

.2 Size of Parking Spaces. Parking spaces intended for use by small or compact vehicles may comprise 25% of the total parking spaces required. Such parking spaces must not be less than 7½' in width and 14' in length.

.3 Off-Street Service/Delivery Spaces. Buildings and structures within UR-C districts must provide the minimum number of off-street service/delivery parking spaces specified below.

	Off-Street Service/Delivery Parking Spaces
Multi-family dwellings 1-24 units	0
Multi-family dwellings 25-74 units	2
Multi-family dwellings 75 units or more	1
Non-residential uses	1

.4 Grade Level Parking. Grade level parking is allowed in the setback of multi-family and single family attached housing.

.5 Underground Parking Structures. Underground parking structures are permitted in accordance with Section 2014. Any pedestrian decks which are constructed in conjunction with underground parking structures may be classified as open space.

3052. Urban Industrial District. UI

3052.1.1. 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.

3052.1.2. 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.

3052.2. Permitted Uses.

A building or land may only be used only for the following purposes by right.

- .1 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.
- .2 Business and professional offices, laboratories, photoprocessing, blueprinting or printing establishments.
- .3 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.
- .4 Wholesale and retail sales, but not including warehousing or freight forwarding.
- .5 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.
- .6 Automobile and truck service and repair.
- .7 Off-street parking as separate use or in conjunction with permitted uses in order to meet parking needs subject to the limitations of paragraph 3052.8 below.

3052.3. Uses Permitted Under Prescribed Conditions

- .1 Heliport or Helistop which complies with all applicable Federal Aviation Administration regulations and guidelines.
- .2 Buildings with height in excess of 40 feet, only if located at least 200 feet from any residential district.

3052.4. Permitted Accessory Uses

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

3052.5. Area, Yard and Height 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 as specified under (c) 3052.3.2

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

3052.6. Development Standards

The uses permitted in this district are subject to the following special conditions.

- .1 All uses must 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.
- .2 Service drives or other areas must be provided for off-street loading 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 right of way used for traffic circulation.
- .3 No parking or storage of material or products will be permitted in the required front yard.
- .4 Screening in accordance with the provisions of Section 1601 must be provided.

3052.7. Signs

Signs on premises of permitted uses.

- .1 Signs on premises of permitted uses conducted in buildings or with buildings associated shall be regulated as follows:

Types of signs permitted: Business and/or identification.

Permitted number of signs: No limit, except as specified below for detached signs.

Maximum area of signs: Signs attached to buildings; No limit. Signs detached from building; 100 square feet.

Permitted illumination: Luminous.

Permitted location: One sign per establishment may be detached from the building except on through lots or lots having frontage on 3 or more streets, in which case 2 detached signs per establishment are permitted. Detached signs must be located behind the property line and at least 10 feet above ground level if located within 15 feet of a street right-of-way line. Other signs must be mounted on the building and must not extend more than 20 feet above the parapet of the building nor more than 18 inches from any building wall or marquee face, provided that any such sign may not project more than 6 inches into the street right-of-way unless it is at least 10 feet above street grade in which case it may not extend more than 18 inches into the street right-of-way.

- .2 Signs on premises of permitted uses not conducted in or associated with buildings.

Type of sign permitted: Business and/or identification.

Permitted number of signs: One per establishment except on through lots or lots having frontage on 3 or more streets, in which case 2 signs per establishment are permitted.

Maximum area of signs: 100 square feet.

Permitted illumination: Luminous.

Permitted location: Behind street right-of-way line, except as permitted in Section 2104.2.

- .3 Advertising signs are permitted on premises where no other business or permitted uses are established. In addition, advertising signs are 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. No advertising sign may exceed 750 square feet in area. These signs must 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 sign may be located closer than 20 feet to the point of intersection of the rights-of-way of the 2 streets forming the corner. If such signs are located within 15 feet of a street right-of-way they must be at least 10 feet above ground level. Advertising signs exceeding 72 square feet must be at least 10' from any residential structure. Each structure may support one advertising sign not exceeding an aggregate of 750 square feet on either side of the structure.
- .4 Other signs as defined in Section 2100 are permitted in the UI District in accordance with that section.

3052.8. Off-Street Parking

- .1 Off-street parking for any use permitted in this district must be provided in accordance with the following standard.
 - 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 may not be less than 7½' in width and 14' in length.

3060. BUSINESS DISTRICTS

3061. Purpose. Business districts serve a variety of functions and permit a wide range of uses. The purpose of each district is stated below.

- .1 B-1 neighborhood business district. This district is designed primarily for business centers for retailing of merchandise such as groceries, drugs and household items and for furnishing certain personal, business and professional services for the convenience of residents of adjacent residential areas. The standards established for these business areas are designed to promote sound, permanent business development and also to protect abutting or surrounding residential areas from undesirable aspects of nearby business development. These districts are located at accessible places with respect to traffic circulation in order to conveniently serve the resident population of surrounding areas by protecting and/or promoting the grouping of several places of business at locations so designated.
- .2 B-2 general business district. This district is primarily for businesses and services of all types at locations on major thoroughfares for the convenience of residents of entire sections of the metropolitan area. Wholesale trade is also permitted subject to certain restrictions. Retail trade and services for the convenience of residents of nearby residential areas are also functions of this district.
- .3 B-D distributive-business district. The purpose of this district is to provide areas in which distributive uses, such as warehouses, office and wholesaling concerns, plus other complementary uses, may be established and may be given assurance of wholesome surroundings in the future. The development standards for this district are designed also to aid in preventing the creation of traffic congestion and traffic hazards on highways and to aid in protecting nearby residential areas from detrimental aspects of uses permitted within this district.
- .4 B-3 central business district. This district is located at the area of convergence of the main arterial thoroughfares and lines of public transportation. This district is primarily for retail and wholesale trade, and for business, professional and financial services for the metropolitan area and the outlying trade area of Charlotte. Certain commercial and industrial uses in support of the primary functions of the district are permitted. High-density apartment developments are also permitted for the convenience of workers in the central area. Because the provision of off-street parking is recognized as a separate business enterprise in the central business district, the ordinance does not require off-street parking space in connection with individual buildings and uses.
- .5 B-3T transitional central business district. This district is designed to provide locations for high-density structures in the area surrounding the central business district. High rise structures are encouraged by the limited sideyard requirements but

setback and parking requirements are maintained to provide some open space and reduce congestion along the streets. Locations for the use of this district should be related to major streets serving as access into the central area. This district is designed primarily for offices, retail trade and business, professional and financial services.

3062. Permitted uses. The following uses are permitted by right in business districts except as noted.

1. Cemeteries, public and private. (except in B-D)
2. Colleges and universities. (except in B-1 and B-D)
3. Dormitories for the students of colleges, commercial schools, schools providing adult training and for the staffs of hospitals.
4. Dwellings, one-family attached.
5. Dwellings, one-family detached.
6. Dwellings, one-family semi detached.
7. Dwelling, condominium.
8. Dwellings, two family.
9. Dwellings, multi-family, a single building on a separate lot. (except in B-D)
10. Dwellings, multi-family, Planned Multi-family Developments. (except in B-D)
11. Farms, either in conjunction with or separate from dwellings, which may conduct retail sales of products produced on the premises.
12. Group homes.
13. Hospitals and sanitoriums.
14. Parks and playgrounds, operated on a non-commercial basis for purposes of public recreation. (except in B-D)
15. Room renting. (except in B-D)
16. Young Men's Christian Associations and comparable organizations.
17. Amusement, commercial, outdoors limited to par 3 golf courses, golf driving ranges and archery ranges. (except in B-1)
18. Armories for meetings and training of military organizations. (except in B-D)
19. Auction sales (except in B-1 and B-D).
20. Automobile rentals, provided no more than ten (10) vehicles for rent are available on the site at any time. (only in B-1)
21. Automobile and truck rental (except in B-1 and B-D).
22. Automobile repair garages including engine overhaul, body and paint shops, and similar operations. (except in B-1 and B-D)
23. Automobile service stations, providing minor adjustments, repairs and lubrication to any type of motor vehicle. (except in B-D)
24. Automobiles, new and used, retail and wholesale sales. (except in B-1 and B-D)
25. Bakeries, retail, including manufacturing of goods for sale on the premises only (except in B-D).
26. Banks.
27. Beauty shops and barber shops. (except in B-D).
28. Blueprinting and photostating.
29. Boats, retail sales and repair. (except in B-1 and B-D)
30. Boats, retail sales within an enclosed building. (except in B-3T and B-D)

31. Buildings for dramatic, musical or other cultural activities. (except in B-D)
32. Buildings for social, fraternal, social service, union and civic organizations. (except in B-D)
33. Buildings for the display of sample merchandise. (except in B-D)
34. Bus passenger station. (except in B-D)
35. Business and professional offices, provided that retail sales and deliveries of merchandise are not from the premises and merchandise displayed is visible only from within building. (only in B-D)
36. Clinics, medical, dental, and doctors offices. (except in B-D)
37. Coliseums and stadiums. (except in B-1 and B-D)
38. Commercial schools and schools providing adult training in any of the arts, sciences, trade and professions. (except in B-D)
39. Contractors offices and accessory storage yards, excluding the storage of general construction equipment and vehicles. (except in B-1 and B-D)
40. Engraving, including textile engraving (except in B-1 and B-D)
41. Entertainment establishments such as lounges, night clubs, bars, taverns, cabarets employing topless waitresses, dancers, barmaids or models; provided any structure so used shall be at least 400 feet from any residential structure located in a residential district. (except in B-D)
42. Exterminators. (except in B-1 and B-D)
43. Fabric samples assembly. (except in B-1 and B-D)
44. Feed, retail sales. (except in B-D)
45. Fences and fence material, retail sales. (except in B-1 and B-D)
46. Fences and fence material, retail sales within an enclosed building. (except in B-D)
47. Fertilizer, packaged retail sales. (except in B-D)
48. Florist, wholesale. (except in B-D)
49. Frozen food lockers. (except in B-1 and B-D)
50. Fuel oil distribution, limited to 200,000 gallons aggregate storage capacity, subject to the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association. (Except in B-1 and B-D)
51. Funeral homes, embalming and crematories (except in B-D)
52. Government office buildings and public utility office buildings such as telephone exchanges and similar uses.
53. Jeweler, wholesale. (except in B-D)
54. Laboratory; dental, medical and optical.
55. Laboratories and other facilities for research in enclosed buildings, both basic and applied, conducted by or for any individual organization or concern, whether public or private. (only in B-D)
56. Laundries and dry cleaning establishments not to exceed 4,500 square feet of gross floor area (only in B-1).
57. Laundries and dry cleaning establishments not to exceed 10,000 square feet of gross floor area (only in B-2 and B-3).
58. Lock and gunsmiths. (except in B-D)
59. Mail order houses. (except in B-1 and B-D)
60. Motels, motor courts, and hotels. (except in B-D)
61. Motorcycle, retail sales and repair. (except in B-1 and B-D)

62. Nurseries and greenhouses, commercial, (except in B-D)
63. Office buildings.
64. Optician (except in B-D).
65. Pawnshops and second hand goods, retail sales. (except in B-1 and B-D)
66. Post offices.
67. Printing and photoprocessing.
68. Repair and servicing of any article, the sale of which is permitted in that district, except as otherwise indicated in this list. (except in B-1 and B-D)
69. Repair and servicing, indoors only, of any article, the sale of which is permitted in that district, except as otherwise indicated in this list. (only B-1 and B-D)
70. Restaurants (except in B-D).
71. Restaurant with drive in service window (except B-1 and B-D)
72. Retail sales, businesses, and professional, financial, personal and recreational services, except for those uses permitted only in the B-2 District and/or other less restrictive Business and Industrial Districts. (except in B-D)
73. Riding academies, operated on a commercial basis. (except in B-1 and B-D)
74. Sign painting, exclusive of manufacture. (except in B-1 and B-D)
75. Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry. (except in B-D)
76. Theaters, housed with an enclosed structure. (except in B-D)
77. Tire recapping and retreading. (except in B-1 and B-D)
78. Tourist homes. (except in B-D)
79. Trailers, house, retail and wholesale sales and repair. (except in B-1 and B-D)
80. Trucks, retail and wholesale sales. (except in B-1 and B-D)
81. Utility trailer rentals. (except in B-D)
82. Veterinary hospitals and commercial kennels, located at least 300 feet from the nearest Residential District. (except in B-1 and B-D)
83. Wholesale sales with related storage and warehousing, entirely within enclosed buildings, excluding truck terminals. (except in B-1 and B-3T)
84. Wholesale sales, without related storage and warehousing. (only in B-3T)
85. Bus repair and storage. (only in B-3)
86. Crating services. (only in B-3)
87. Garages for repair and storage of public utility vehicles. (only in B-3)
88. Laundries and dry cleaning establishments. (only in B-3)
89. Petroleum storage, as a principal use, for wholesale or retail distribution, of less than 200,000 gallons aggregate storage capacity subject to the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association. (Except in B-1 and B-D)
90. Sign painting and manufacture. (only in B-3)
91. Warehousing (only in B-3).

92. Wholesale sales and storage. (only in B-3)
93. Electric and gas sub-stations. (only in B-D)
94. Off street parking for offices, business, and industrial uses. (except in B-D)
95. Public utility distribution lines.
96. Radio, telephone and television masts, towers, antennae and similar structures. (only in B-D)
97. Radio and television stations and/or offices.
98. Reservoirs, municipal. (only in B-D)
99. Railroad rights-of-way.
100. Signs as permitted in the districts (only in B-D).
101. Telephone repeater stations.
102. Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, such as temporary uses to be terminated upon completion of construction.
103. Water storage tanks.

3063. Uses under perscribed conditions. The following uses are permitted subject to the conditions governing each use as specified in the appropriate section.

1. Churches, synagogues, parish houses, sunday school buildings, convents and similar uses, subject to regulations in Sec. 1626 (except in B-D)
2. Colleges and universities with all accessory facilities except stadiums subject to regulations in Sec. 1626. (only in B-1)
3. Commercial uses in conjunction with certain multi-family and office buildings subject to regulations in Sec. 3104. (only in B-D)
4. Community recreation centers, subject to regulations in Sec. 1626. (except in B-D)
5. Country clubs and swimming clubs operated on a non-commercial basis, and subject to regulations in Sec. 1626. (except in B-D)
6. Day care centers, subject to Sec. 3119. (except in B-3T)
7. Day care homes (small groups), subject to Sec. 3119. (except in B-3T)
8. Golf courses, public and private, for daytime use only, subject to regulations in Sec. 1626. (except in B-D)
9. Libraries, subject to regulations in Sec. 1626. (except in B-D)
10. Museums and art galleries, subject to regulations in Sec. 1626. (except in B-D)
11. Nursing homes, rest homes, and homes for the aged, subject to Sec. 3122 (except in B-D).
12. Orphanages, children's homes and similar non-profit institutions providing domiciliary care for children, subject to regulations in Sec. 1626. (except in B-D)
13. Police and fire stations, subject to regulations in Sec. 1626.
14. Schools, elementary, junior and senior high, public and private, subject to regulations in Sec. 1626. (except in B-D)
15. Sewage treatment plants and pumping stations, subject to regulations in Sec. 3123.

16. Amusements, commercial; outdoors such as miniature golf, rides, slides and similar commercial amusement enterprise, except as regulated elsewhere in this list, as a special use under Sec. 3314. (only in B-2 and B-3)
17. Automobile laundries, subject to regulations in Sec. 3112. (except in B-D)
18. Automobile service stations providing minor adjustments, minor repairs and lubrication to any type of motor vehicle, as a special use under Sec. 3317. (only in B-D)
19. Buildings for display of sample merchandise, as a special use under Sec. 3317. (only in B-D)
20. Building material sales, limited, subject to regulations in Sec. 3113. (only in B-2)
21. Cafeterias and snack bars to serve the employees of office buildings within which they are located, subject to the regulations in paragraphs .3, .4, .5 and .6 in Sec. 3104. (only in B-D)
22. Drive-in service window as an accessory part of the principal structure or operation subject to the requirements listed in Sec. 3116.
23. Engraving, excluding textile engraving, as a special use under Sec. 3117. (only in B-D)
24. Frozen food lockers, as a special use under Sec. 3117. (only in B-D)
25. Motels, motor courts and hotels as a special use under Sec. 3117. (only in B-D)
26. Restaurants as a special use under Sec. 3117. (only in B-D)
27. Shopping center subject to the requirements listed in Sec. 3066. (except in B-3T)
28. Trade schools providing no outdoor storage or activities, as a special use under Sec. 3117. (only in B-D)
29. Veterinary hospitals and commercial kennels, located at least 300 feet from the nearest residential district, as a special use under Sec. 3117. (only in B-D)
30. Building materials storage and wholesale and retail sales including lumber, brick, tile, stone, concrete, cement, and similar materials, within enclosed buildings, tanks and similar structures as a special use under Sec. 3117. (only in B-D)
31. Dairy products processing, bottling and distribution on a wholesale basis, as a special use under Sec. 3117. (only in B-D)
32. Food processing, excluding poultry and animal slaughtering and dressing, as a special use under Sec. 3117. (only in B-D)
33. Warehousing within an enclosed building as a special use under Sec. 3117. (only in B-D)
34. Bus stop shelters, subject to regulations in Sec. 3125.
35. Electric and gas substations, subject to regulations in Sec. 3125 (except in B-D)
36. Non-conforming buildings and uses, subject to the regulations in Sec. 1500. (except in B-D)
37. Radio, telephone and television masts, towers, antennae and similar structures, subject to the requirements of Sec. 1605. (except in B-D)

3064. Accessory Uses. The following accessory uses are permitted in business districts.

1. Accessory residential uses and structures, clearly incidental to the permitted principal use, including servants quarters, guest houses and bomb shelters excluding accessory dwellings of other types. (except in B-D)
2. Petroleum storage, accessory to a permitted principal use or building subject to the Fire Prevention Code of the National Board of Fire Underwriters.
3. Petroleum storage, underground, accessory to permitted automobile service stations, subject to the Fire Prevention Code of the National Board of Fire Underwriters. (except in B-D)
4. Vending machines for cigarettes, candy, soft drinks and similar items and coin operated laundries located within an enclosed building as an accessory to the uses in the principal building or buildings. (only in B-D)
5. Vending machines for cigarettes, candy, soft drinks, and similar items located within an enclosed building, for the convenience of the occupants of the building. (except in B-D)
6. Vending machines, located out-of-doors, subject to yard and setback requirements for the respective districts. (except in B-1 and B-D)
7. Accessory uses clearly incidental to the permitted principal use or structure on the lot.

3065. Area, yard and height regulations.

3065.1. Non-residential uses on lots in business districts adjoining institutional, office, business or industrial districts.

- .1 The following standards apply to buildings 40 feet in height or less.

Business district	Minimum setback (feet)	Minimum side yard (feet)	Minimum rear yard (feet)
B-1	20	(None required;	10
B-2	20	minimum 8 feet first side and 4 feet other side, if side yards are provided)	10
B-3T	20	(None)	10
B-3	(None required)	(None required)	(None required)
B-D	40	10	10

- .2 In the B-1 and B-2 districts, the following requirements apply to nonresidential buildings, where the height exceeds 40 feet.

- .1 Minimum setback is 20 feet.
 - .2 A minimum side yard of 10 feet on each side must be provided for buildings greater than 40 feet but less than 60 feet in height.
 - .3 For buildings with a height of 60 feet or more the minimum side yard must be 10 feet, plus one additional foot of side yard on each side for every two feet of height over 60 feet.
 - .4 Minimum rear yard must be 10 feet.
- .3 In the B-3 and B-3T districts the following minimum building setbacks from both side and rear lot lines are required for the building heights indicated:

Height of building above 40 feet	Minimum distance of building above 40 feet from both side and rear lot lines
First two stories above 40 feet	4 feet
Third and fourth stories above 40 feet	6 feet
Fifth story above 40 feet and above	8 feet

- .4 In the B-3 district, building setbacks will not be required on any property line adjacent to a public street right-of-way, except as specified in section 3065.2.

3065.2. Nonresidential uses on lots in business districts adjoining residential districts.

- .1 Where a side lot line of a lot in any business district abuts a lot in any residential district, the minimum setback and side yard requirements listed below will apply on the abutting side. Where a rear lot line of a lot in any business district abuts a lot in any residential district, the minimum rear yard requirements listed below will apply.

Business District	Minimum setback (feet)	Minimum side yard (feet)	Minimum rear yard (feet)
B-1	20	10	20
B-2	20	10	20
B-3T	20	10	20
B-3	20	10	20
B-D	40	10	40

- .2 In any business district, side yard regulations for nonresidential buildings over 40 feet in height, as specified in Section 3065.1, .2, .3, will apply on lots adjacent to any residential district in addition to the minimum side yard requirement of 10 feet specified in the table in paragraph .1 above.

3065.3. Residential uses in business districts.

- .1 Dimensional requirements for buildings and lots used wholly or partially for residential purposes in B-1 and B-2 business districts are the same as those required in the R-6MFH district.
- .2 Dimensional requirements for structures and lots used for residential purposes in the B-3 and B-3T districts are as follows:

Minimum lot area Single Family	Duplex and Multifamily	Minimum setback (feet)	Height of building	Distance of building from lot lines
6,000	Structures may be constructed to a maximum floor area ratio of 2.0	20	First 40 ft.	6 ft. See Note
			First two stories above 40 ft.	10 ft.
			Third and fourth stories above 40 ft.	12 ft.
			Fifth story above 40 ft. and above	14 ft.

NOTE: Any part of the first 40 feet of a structure designed for nonresidential use, including parking of automobiles may be constructed to the lot line.

- .3 Nonresidential structures located in the B-3 and B-3T districts may be converted to residential purposes and in so doing are not subject to the dimensional requirements listed in paragraph .2 above, provided that:
 - .1 In no case will the proposed conversion further encroach on yards or increase the existing floor area ratio;
 - .2 No structure which will contain less than 10 multi-family dwelling units will be eligible for use in accordance with this section; and
 - .3 Only structures existing as of January 29, 1962 will be eligible for use in accordance with this section.

3066. Development Standards for Various Uses.

3066.1. Maximum floor area. In the B-1, B-2, B-3 and B-D business districts, the maximum total floor area of any retail commercial establishment or shopping center may not exceed 100,000 square feet. Proposed facilities which would exceed 100,000 square feet in floor area may be considered only under the provisions of Section 3210.

3066.2. Screening required.

- .1 Screening in accordance with Section 1601, designed to be compatible with the residential character of adjoining properties, must be provided along the side and/or rear lot lines or elsewhere on the site of any lot in any business district wherever such side and/or rear lines adjoin a lot in any residential district. The existence of a public street between any such lots does not exempt the business use from this requirement.
- .2 Screening for distributive-business district must be provided in accordance with the following standards:
 - .1 The screening requirements of Section 1601 are applicable to any lot in a business district used for distributive business purposes whether or not adjacent to a similar use. Screening may be located anywhere on the property, subject to other pertinent provisions of this ordinance and provided that the use is effectively screened as specified in Section 1601.
 - .2 All outside storage areas must be screened. Where natural plantings are used, the composition of the plants must effectively screen the uses within the subject property from the view of adjacent properties and streets. The heights of the screening will be determined by the height of the storage and the elevation of adjacent uses, roads and residences. Natural plants must be maintained and attain the required height within two years of planting.
 - .3 All docking areas must be screened from view.
 - .4 Natural plantings are the preferred treatment because of their beauty and noise absorbing properties. Buffer plantings must be no less than 10 feet in width at a minimum. Walls and fences may be considered if it is determined that they will be attractive and blend in with the natural surroundings. In no instance will a wall or fence exceed a height of 6 feet. If additional height is required, natural plants should be used.
 - .5 Parking is allowed only in the required setback 20 feet from the property line. The front 20 feet must be reserved for landscaping.

3066.3. Outdoor storage.

- .1 Outdoor storage of any material, stocks or equipment, accessory to a principal use on any lot in a business district, must be screened from public view from any public street or from any adjoining lots in residential districts, as specified in Section 1601. Such screening may be located anywhere on the property, subject to any other provisions of this ordinance, provided that the open storage area is effectively screened as specified above.
- .2 This requirement does not apply to off-street parking lots or to the storage of new and used vehicles that are offered or intended

for sale, except as required in Section 3066.2.1 along the side or rear lot lines of any lot in any business district where it adjoins a lot in any residential district.

3067. Signs

Signs are permitted in business districts in accordance with the provisions of Section 2100.

3068. Parking and Loading Standards

Development of any use in a business district must conform to the parking and loading standards in Section 2000 following additional standard.

3068.1. Underground parking structures. Underground parking structures are permitted in accordance with Section 2014.

3070. INDUSTRIAL DISTRICTS

3071. Purpose. Industrial districts serve a variety of functions and permit a wide range of uses. The purpose of each district is stated below.

- .1 I-1 Light Industrial District. This district is designed primarily for light manufacturing and distribution of products at wholesale at locations that permit a relatively low density of land development. The standards established for these industrial areas are designed to promote sound, permanent light industrial development and also to protect abutting or surrounding residential areas from any undesirable aspects of nearby industrial development. These districts are located in areas that have good access to transportation facilities, that afford reasonably level sites and that permit expansion of existing industrial areas wherever possible and appropriate to the character of land development in particular areas. Whenever possible, these districts are separated from residential areas by natural or structural boundaries such as drainage channels, sharp breaks in topography, strips of vegetation, traffic arteries and similar features.
- .2 I-2 General Industrial District. This district is designed primarily for general commercial and industrial land uses, including manufacturing, processing and assembling of parts and products, distribution of products at wholesale, transportation terminals and a broad variety of specialized commercial and industrial operations. The standards established for general industrial areas are designed to promote sound, permanent industrial development against any undesirable aspects of industrial uses. These districts are located in areas that have good access to transportation facilities affording reasonably level sites and that permit expansion of existing industrial areas wherever possible and appropriate to the character of land development in particular areas. Whenever possible, these districts are separated from residential areas by natural or structural boundaries such as drainage channels, sharp breaks in topography, strips of vegetation, traffic arteries and similar features.
- .3 I-3 Central Industrial District. This district is designed primarily for general commercial and industrial land uses, including manufacturing, processing and assembling of parts and products, distribution of products at wholesale, transportation terminals and a broad variety of specialized commercial and industrial operations. These districts are located close to the central business district. The standards established for these areas are designed to promote sound, permanent industrial development at a greater density of development than that permitted in industrial districts in outlying areas.

3072.

Permitted uses. The following uses are permitted by right in industrial districts except as noted.

1. Cemeteries, public and private.
2. Colleges and universities.
3. Farms, either in conjunction with or separated from dwellings, which may conduct retail sales of products produced on the premises.
4. Hospitals and sanitoriums.
5. Parks and playgrounds, operated on a non-commercial basis for purposes of public recreation.
6. Young Men's Christian Associations and comparable organizations.
7. Amusement, commercial, outdoors limited to par 3 golf courses, golf driving ranges and archery ranges.
8. Amusement, commercial, outdoors such as miniature golf, rides, slides and similar commercial amusement enterprise, except as regulated elsewhere in this list, located at least 200 feet from any Residential District. (except in I-1).
9. Armories for meetings and training of military organizations.
10. Auction sales.
11. Automobile and truck rental.
12. Automobile repair garage including engine overhaul, body and paint shops and similar operations.
13. Automobile service stations, providing minor adjustments, repairs and lubrication to any type of motor vehicle.
14. Automobiles, new and used, retail and wholesale sales.
15. Bakeries, retail, including manufacturing of goods for sale on the premises only.
16. Banks.
17. Beauty shops and barbershops.
18. Blueprinting and photostating.
19. Boats, retail sales and repair.
20. Boats, retail sales within enclosed building.
21. Buildings for dramatic, musical, or other cultural activities.
22. Buildings for social, fraternal, social service, union and civic organizations.
23. Buildings for the display of sample merchandise.
24. Bus passenger stations.
25. Clinics, medical, dental, and doctor's offices.
26. Coliseums and stadiums.
27. Commercial schools and schools providing adult training in any of the arts, sciences, trades and professions.
28. Contractor's offices and accessory storage yards, excluding storage of general construction equipment and vehicles.
29. Engraving, including textile engraving.
30. Entertainment establishments such as lounges, night clubs, bars, taverns, cabarets employing topless waitresses, dancers, barmaids or models; provided any structure so used shall be at least 400 feet from a residential structure located in a residential district.
31. Exterminators.
32. Fabric samples assembly.
33. Feed, retail sales.

34. Fences and fence material, retail sales.
35. Fences and fence material, retail sales within enclosed buildings.
36. Fertilizer, packaged retail sales.
37. Florist, wholesale.
38. Frozen lockers.
39. Fuel oil distribution, limited to 200,000 gallons aggregate capacity, subject to the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association.
40. Government office buildings and public utility office buildings such as telephone exchange and similar uses.
41. Jeweler, wholesale.
42. Laboratory; dental, medical and optical.
43. Lock and gunsmiths.
44. Mail order houses.
45. Motels, motor courts, and hotels.
46. Motor cycle, retail sales and repair.
47. Nurseries and greenhouses, commercial.
48. Office buildings.
49. Optician.
50. Pawnshops and second-hand goods, retail sales.
51. Post offices.
52. Printing and photoprocessing.
53. Repair and servicing of any article, the sale of which is permitted in that district, except as otherwise indicated in this list.
54. Restaurants.
55. Restaurants with drive-in service windows.
56. Retail sales, businesses, and professional, financial personal and recreation services, except for those permitted only in the B-2 District and/or other less restrictive Business or Industrial Districts.
57. Riding academies, operated on a commercial basis.
58. Sign painting, exclusive of manufacture.
59. Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsman, glass blowers, weavers, silversmiths, and designers of ornamental or precious jewelry.
60. Theaters, housed with an enclosed structure.
61. Tire recapping and retreading.
62. Tourist homes.
63. Trailers, house, retail and wholesale sales and repair.
64. Trucks, retail and wholesale sales.
65. Utility trailer rentals.
66. Veterinary hospitals and commercial kennels, located at least 300 feet from the nearest residential district.
67. Wholesale sales with related storage and warehousing, entirely within enclosed buildings, excluding truck terminals.
68. Abattoirs. (except in I-1).
69. Airparts. (except in I-1).
70. Assembly of automobiles and trucks.
71. Assembly of previously prepared parts into a finished product, except as otherwise restricted on this list.

72. Bakeries and baking plants.
73. Blacksmith shops.
74. Book binding.
75. Bottling and canning works for soft drinks.
76. Building materials storage and wholesale and retail sales, including lumber, brick, tile, stone, concrete, cement and similar materials, within enclosed buildings, tanks, and similar structures.
77. Building materials storage yards and wholesale and retail sales, including lumber, brick, tile, stone, concrete, cement and similar materials in open storage. (except in I-1).
78. Bus repair and storage.
79. Chemical manufacture, refining, or processing, excluding the manufacture, refining or processing of ammonia, asphalt, bleach, bluing, calcimine, chlorine, corrosive acid or alkali, dyes, fats, fertilizer, guttapercha, gypsum, lampblack, oils, oxygen, paints, plaster of paris, potash, rubber, shellac, tar, turpentine, vinegar, yeast. (only in I-1).
80. Chemical manufacture, refining or processing including the manufacture, refining or processing of ammonia, asphalt, bleach, bluing, calcimine, chlorine, corrosive acid or alkali, dyes, fats, fertilizer, guttapercha, gypsum, lampblack, oils, oxygen, paints, plaster of paris, potash, rubber, shellac, turpentine, vinegar, yeast. (except in I-1).
81. Coal, sales and storage. (except in I-1).
82. Contractor's offices and accessory storage yards, including storage of general construction equipment and vehicles. (except in I-1).
83. Contractor's offices, excluding accessory storage. (only in I-1).
84. Creating services.
85. Dairy products processing, bottling and distribution on a wholesale basis.
86. Enameling, japanning, lacquering, or the plating or galvanizing of metals.
87. Food processing, excluding poultry and animal slaughtering and dressing. (only in I-1).
88. Food processing, including poultry and animal slaughtering and dressing. (except in I-3).
89. Foundries. (except in I-1).
90. Freight terminals. (only in I-2).
91. Fur finishing.
92. Garages for repair and storage of public utility vehicles.
93. Hatcheries. (except in I-1).
94. Ice manufacture, storage and sales.
95. Junkyards and auto wrecking, but only when enclosed by non-climbable fence, wall or landscaped buffer strip as described in Sec. 1601 not less than 6 feet in height, which is adequate to conceal storage area from public view from streets and adjacent properties. The enclosure must be located at least 20 feet from any public street line and is required to prevent the deterioration of values of adjacent properties. (except in I-1).
96. Laboratories for research and testing of products, the manufacture, processing or fabricating of which are permitted in that district.

97. Laundries and dry cleaning establishments.
98. Leather goods manufacture, excluding the tanning or curing of hides. (only in I-1).
99. Leather goods manufacture, including the tanning or curing of hides. (except in I-1).
100. Lumber mills and storage yards (except in I-1).
101. Manufacture of:
 - air conditioning equipment.
 - aircraft and missiles.
 - alcohol and alcoholic beverages.
 - belting and break lining.
 - brick, tile and terra cotta.
 - cement, concrete and concrete products.
 - cotton and vegetable oil processing and refining.
 - fertilizer, including retail and wholesale sales.
 - flour, seed, and feed.
 - fuel briquettes.
 - glue, gelatin, or size, except from fish or animal matter.
 - glass, ceramic and tile.
 - graphite and graphite products.
 - monuments and tombstones, including sales.
 - pickles.
 - pottery, porcelain or vitreous china.
 - putty and caulking compound.
 - rodenticides, insecticides and pesticides.
 - soap, detergent and washing compound.
 - tanks and barrels.
 - textile and textile products, including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills and rope and twine manufacture.
 - trailers.
 - vinegar.
(except in I-1).
102. Manufacture of:
 - batteries and carbon products.
 - boats.
 - candy and confectioneries.
 - caskets.
 - chalkboard.
 - cigars and cigarettes.
 - coffee, tea and spice.
 - cosmetics and perfumes.
 - electrical, chemical or mechanical equipment.
 - emery cloth and sandpaper.
 - excelsior and fiber.
 - felt.
 - furniture.
 - ink.
 - insulation materials, manufacture and sales.
 - jewelry and buttons.
 - oil cloth and linoleum.
 - paper products, cardboard and building board.
 - pharmaceutical products.
 - reed and rattan products.
 - sweeping compound.
 - windows and doors.

103. Metal products fabricating, processing and manufacturing, and machine shops. (except in I-1).
104. Metal products fabricating, processing and manufacturing, and machine shops, excluding the use of blast furnaces or drop forges. (only in I-1).
105. Petroleum storage, as a principal use, for wholesale or retail distribution, of less than 200,000 gallons aggregate storage capacity subject to the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Protection Association.
106. Not Used.
107. Plastics materials and synthetic resins, synthetic rubbers, cellulosic and man-made organic fibers, manufacturing. (except in I-1).
108. Plastic products, fabrication or assembly from previously prepared plastics materials.
109. Plating works.
110. Processing of liquid petroleum into gas. (except in I-1).
111. Public utility storage and service yards. (except in I-1).
112. Railroad freight yards, repair shops, and marshalling yards. (except in I-1).
113. Repair of any goods, equipment or vehicles, the manufacture, assembly or sales of which are permitted in that District.
114. Scrap metal, paper and rags storage, baling and processing, enclosed by non-climbable fence, wall or landscaped buffer strip, as described in Sec. 1601, but not less than 6 feet in height, adequate to conceal storage area from public view from streets and adjacent properties, said enclosure to be located at least 20 feet from any public street line, such provision required to prevent the deterioration of values of adjacent properties. (except in I-1).
115. Sign painting and manufacture.
116. Theaters, outdoor type. (only in I-2).
117. Tin and sheet metal shops.
118. Tobacco processing and storage.
119. Truck terminals. (except in I-1).
120. Warehousing.
121. Wholesale sales and storage.
122. Woodworking shops and cabinet making shops.
123. Electric and gas sub-station. (only in I-1).
124. Off-street parking for offices, business and industrial uses.
125. Public utility distribution lines.
126. Radio and television stations and/or offices.
127. Reservoirs, municipal.
128. Railroad rights-of-way.
129. Sanitary landfill and garbage disposal.
130. Telephone repeater stations.
131. Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, such temporary uses to be terminated upon completion of construction.
132. Water storage tanks.

3073. Uses under perscribed conditions. The following uses are permitted subject to the specific conditions governing each use as specified in the appropriate section.
1. Churches, synogogues, parish houses, sunday school buildings, convents and similar uses, subject to the regulations in Sec. 1626.
 2. Community recreation centers, subject to regulations in Sec. 1626.
 3. Country clubs and swimming clubs operated on a non-commercial membership basis, and subject to the regulations in Sec. 1626.
 4. Day care centers, as a special use under Sec. 3320. (except in I-3).
 5. Golf course, public and private, for daytime use only, subject to regulations in Sec. 1626.
 6. Libraries, subject to regulations in Sec. 1626.
 7. Museums and art galleries, subject to regulations in Sec. 1626.
 8. Police and fire stations, subject to regulations in Sec. 1626.
 9. Schools, elementary, junior and senior high, public and private, subject to regulations in Sec. 1626.
 10. Sewage treatment plants and pumping stations, subject to regulations in Sec. 3123.
 11. Amusement, commercial, outdoors such as muniature golf, rides, slides, and similar commercial enterprises, except as regulated elsewhere in this list, as a special use under Sec. 3314. (only in I-1).
 12. Automobile laundries, subject to regulations in Sec. 3112.
 13. Drive in service window as an accessory part of the principal structure or operation subject to the requirements listed in Sec. 3116.
 14. Shopping center, subject to the requirements listed in Sec. 3066.1 and Sec. 3075.3.
 15. Quarries, subject to requirements listed in Sec. 3117. (except in I-3).
 16. Race tracks, raceways, dragstrips or a special use under Sec. 3315. (except in I-3).
 17. Bus stop shelters, subject to regulations in Sec. 3125.
 18. Electric and gas substations, subject to regulations in Sec. 3123.
 19. Non-conforming buildings and uses, subject to regulations in Sec. 1500.
 20. Radio, telephone and television masts, towers, antennae and similar structures, subject to the regulations of Sec. 1605.
 21. Petroleum storage for wholesale or retail distribution, of more than 200,000 gallons aggregate storage capacity, subject to the latest edition of the "Flammable and Combustable Liquids Code, NEPA 30" of the National Fire Protection Association and to conditions specified elsewhere in this Ordinance, as a special use under Sec. 3313.

3074. Accessory uses. The following accessory uses are permitted in industrial districts.

1. Accessory residential uses and structures, clearly incidental to the permitted principal use, including servants quarters, guest houses, and bomb shelters excluding accessory dwellings of other types.

2. Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
3. Petroleum storage, underground, accessory to a permitted automobile service stations, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
4. Vending machines for cigarettes, soft drinks, candy and similar items located within an enclosed building, for the convenience of the occupants of the building.
5. Vending machines, located out-of-doors, subject to yard and setback requirements for the respective districts.
6. Accessory uses, clearly incidental to the permitted principal use or structure on the lot.

3075. Area, yard and height regulations.

3075.1. Lots in industrial districts adjoining lots in institutional, office, business and industrial districts.

Industrial District	Minimum setback (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum height (feet)
I-1	20	(None required, minimum 4 feet where side yard is provided.)	10	(None)
I-2	20		10	(None)
I-3	5		10	(None)

3075.2. Lots in industrial districts adjoining residential districts.

Where a side lot line of a lot in any industrial district abuts a lot in any residential district, the minimum setback and side yard requirements listed below will apply on the abutting side. Where a rear lot line of a lot in any industrial district directly abuts a lot in any residential district the minimum rear yard requirements listed below will apply:

Industrial District	Minimum setback (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum height within 100 feet of residence district (feet)
I-1	20	20	20	40
I-2	20	20	20	40
I-3	20	10	20	40

3075.3. Maximum floor area.

In the I-1, I-2 and I-3 industrial districts, the maximum total floor area of any retail commercial establishment or shopping center may not exceed 100,000 square feet. Proposed facilities which would exceed 100,000 square feet in floor area may be considered only under the provisions of Section 3210.

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3076. Development Standards for Various Uses.

3076.1. Screening required. Screening in accordance with the provisions of Section 1601 must be provided along the side and/or rear lot lines or elsewhere on the site of any lot in any industrial district whenever such side and/or rear lot lines are adjacent to any lot in any residential or institutional district. In addition, screening must be provided along the front lot line of any lot in any industrial district whenever it fronts any lot in any residential district. The existence of a public street between any such lots will not exempt the industrial use from this requirement.

3076.2 Outdoor Storage.

- .1 Outdoor storage of any material, stocks or equipment, accessory to a principal use on any lot in any industrial district, must be screened from public view from any public street or from any adjoining lots in residential or institutional district in accordance with Section 1601.
- .2 This requirement does not apply to off-street parking lots or to the storage of new and used vehicles that are offered or intended for sale, except as required in Section 3076.2.1, along the side or rear lot lines of any lot in industrial district where it adjoins a lot in any residential district.

3077. Signs.

Signs are permitted in industrial districts in accordance with the provisions of Section 2100.

3078. Parking and Loading Standards.

Development of any use in an industrial district must conform to the parking and loading standards in Section 2000 and to the following requirements.

3078.1. Underground parking structures.

Underground parking structures are permitted in accordance with Section 2014.

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NOTES:

1. If building height up to 40' - building distance from lot lines - 6'
1st 2 stories over 40' - building distance from lot lines - 10'
3rd and 4th stories over 40' - building distance from lot lines - 12'
5th story and above over 40' - building distance from lot lines - 14'
2. To meet usable open space requirement: no dimension may be less than 20 feet; no more than 10% of the required usable open space may be covered with buildings designed for recreation use; the area must be used for amenity or recreational purposes; and the area must clearly be an integral part of the overall development design.
3. Maximum building height may exceed 40' in accordance with the standards of Section 1627.
4. Side and rear yard determination will be based on the orientation of each proposed building to the adjoining project property line. If the angle formed by the property line and the front or rear facade of the building is greater than forty five degrees the area between the building and the property line will be treated as a side yard.

- 3101.2. Every residential building in a planned multi-family development must be separated, on every side, from any other building within the building group by a distance of at least 20 feet in all but the R-1.OMF, R-6MFH, and R-6MF Districts where a separation of at least 16 feet is required.
- 3101.3. Duplex and multi-family structures in the R-1.OMF District may be constructed to a maximum floor area ratio of 1.0.
- 3101.4. All portions of every residential building must be located within 400 feet of a public street or private street that furnishes direct access to it. Determination of whether interior roads will be public streets or private streets, or a combination of public streets and private streets will be made by the Planning Commission with recommendations from the City engineering department. In reaching that decision consideration should be given to the following: adopted major thoroughfare plan; existing and proposed neighborhood streets and circulation needs; the relationship of the site to adjoining lands; the size and shape of the tract to be developed; the number of dwelling units to ultimately be constructed on the tract and on adjoining lands; and anticipated traffic volumes. The determination of whether interior roads will be public or private will consider only the minimum needs of the public for public streets and will recognize the privacy, security and safety advantages of private streets. Where public streets are required the Planning Commission will, upon request of the developer, provide in writing the reason for such requirement.

In instances where planned multi-family developments are required to provide public streets for arterial street purposes in accordance with the adopted major thoroughfare plan, the developer may apply to the City or other appropriate governmental agency for reimbursement for up to 50% of the cost of the required street improvements. Such an application must be made within one year after the recordation of the final plat dedicating such arterial street and the completion of the required improvements.

3101.5. Private streets are interior circulation roads designed and constructed to carry vehicular traffic from public streets within or adjoining the site to parking and service areas. The design and arrangement of private streets will be subject to review and approval by the Planning Commission in coordination with the City engineering department.

- .1 Private streets must have a minimum width of 30 feet, exclusive of parking bay areas, and have a minimum pavement width of 20 feet, measured from edge of pavement to edge of pavement, for two way traffic and a minimum width of 10 feet for one-way traffic. Additional widths will be required where parallel parking is to be provided.
- .2 Concrete curb approved by the engineering department will be required unless the Planning Commission determines that curbs are not needed when private streets cross open areas.
- .3 Angled parking areas directly adjoining private streets will be permitted on one side of the street at a time only. Such parking areas may be alternated from one side of the street to the other. The combined length of such parking areas may not exceed 50% of the length of the adjoining roadway. All other angled parking areas must be clearly separated from the private street by at least a barrier island.
- .4 Each building group must be served by at least one public street or private street that has a longitudinal grade not greater than 10%.
- .5 Permanent street names approved by the Planning Commission will be assigned to each private street. Street name signs approved by the engineering department must be posted. The assignment of building identification numbers will utilize the approved private street names.

3101.6. The parking and circulation plan must assure safe, quick and convenient access and circulation for fire fighting equipment, refuse collection, and service and delivery vehicles.

- .1 The plan must indicate proposed locations and service connections for public and private fire hydrants and refuse collection points. The fire department must find that private fire hydrants deliver an adequate water supply equivalent to the minimum supply that is required for public hydrants.
- .2 Private streets must be no closer than 20 feet to an apartment building. However, private streets may be within 5 feet of purely service sides of a building, of building ends which do not provide access to the building, and of the ends of duplex units. A determination of a service side will consider refuse collection points, the location of exterior mechanical equipment, building entrance and exit points, and building design and arrangement.

- .3 Unenclosed surface parking areas must be no closer than 15 feet to an apartment building. However, parking areas may be within 5 feet of purely service sides of a building, of building ends which do not provide access to the building, and of the ends of duplex units. A determination of a service side will be based on the same information as that required in paragraph 3101.6.2 above.
- .4 In order to determine the efficiency, adequacy and safety of the proposed parking and circulation plan and facilities, the Planning Commission will coordinate its review with the fire department, the traffic engineering department, and the engineering department.

3101.7. Site planning in proposed developments must provide protection of the development from adverse surrounding influences and protection of surrounding areas from adverse influences within the development. The site plan must be designed giving adequate consideration to the following considerations: the size and shape of the tract; the topography and necessary grading, the reasonable preservation of the natural features of the land and vegetation; the size and relationship of buildings; and the character of relationship to adjoining properties. Building arrangement should discourage the creation of long alleyways between the rears of buildings and should discourage the orientation of the front entrance of a residential building toward the rear entrance of another residential building. Consideration should be given to the location and arrangement of recreation and parking areas, the nature and extent of screening, the design of and utilization of streets and open spaces. The Planning Commission's review of site plans will not include considerations of aesthetics, the architecture, appearance, or design of buildings, or of the materials used in the construction of buildings.

3101.8. Adequate and suitable recreation areas designed and intended for small children must be provided based on the number of bedrooms per apartment unit as established in the following table:

<u>Type Apartment Unit</u> (by number of bedrooms)	<u>Minimum amount of</u> <u>Recreation Space</u> <u>To Be Provided Per Unit</u> <u>(Square Feet)</u>
1 bedroom apartment	0
2 bedroom apartment	25
3 bedroom apartment	50
4 or more bedroom apartment	100

- .1 These areas should be reasonably located to assure safe and convenient access and maximum usability. The areas must have a minimum dimension of 30 feet and a minimum area of 900 square feet. Projects which would have to provide less than 900 square feet of recreation area according to the table are exempt from this requirement.

.2 Recreation areas so established will be credited as usable open space.

3101.9. No building permits for construction in a planned multi-family development will be issued until a preliminary site plan and final plat (when required) have been approved by the Planning Commission in accordance with the requirements of the Subdivision Ordinance.

3102. Customary Home Occupations.

Customary home occupations may be established in a dwelling in any residential, institutional, or office district. In institutional and office districts, such uses shall be subject to all requirements of that district. In residential districts, the following requirements shall apply, in addition to all other applicable requirements of this ordinance for the residential districts in which such uses are located.

3102.1. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.

3102.2. Use of the dwelling for this purpose must be limited to 25% of one floor of the principal building.

3102.3. No accessory buildings or outside storage may be used in connection with the home occupation.

3102.4. No chemical, mechanical or electrical equipment that is not normally a part of domestic or household equipment may be used primarily for commercial purposes, with the exception of medical and dental equipment used for professional purposes.

3102.5. Machinery that causes noises or other interference in radio or television reception is prohibited.

3102.6. No internal or external alterations inconsistent with the residential use of the building will be permitted.

3102.7. Only residents of the dwelling may be engaged in the home occupation.

3102.8. No display of products may be visible from the street and only articles made on the premises may be sold on the premises.

3102.9. Instruction in music, dancing and similar subjects must be limited to two students at a time.

2102.10. Vehicles used primarily as passenger vehicles only will be permitted in connection with the conduct of the customary home occupation.

3102.11. Signs shall be subject to regulations in Section 2100.

3103. Not Used.

3104. Commercial Uses in Multi-Family and Office Buildings.

Limited commercial uses may be established in conjunction with certain multi-family and office buildings in any multi-family residential, institutional or office districts. The following requirements will apply in addition to any other applicable requirements of this ordinance for the districts in which such uses are located.

- 3104.1. Allowable commercial uses may only be located in a multi-family building having a minimum of 50 dwelling units or an office building having a minimum of 30,000 square feet of office space.
- 3104.2. Gross floor area used for commercial purposes will be limited to 25 square feet per apartment in a multi-family building and 10% of the gross floor area used for office purposes in an office building.
- 3104.3. Public entry to commercial facilities must be from interior of building with no direct public entrance from street or outside of building permitted.
- 3104.4. No merchandise or merchandise display window may be visible from outside the building.
- 3104.5. No business or identification sign pertaining to commercial uses may be visible from outside the building.
- 3104.6. Permitted commercial uses will be limited to the following. In multi-family residential and institutional districts--beauty shops and barber shops. In multi-family, institutional and office districts--laundry and dry cleaning pick up stations, restaurants, snack bars and sundries shops. In institutional and office districts--dispensing of drugs and flower shops.

3105. Commercial Uses in Research District.

Limited commercial uses may be established in conjunction with permitted uses in the research district according to the following requirements and any other applicable requirements of this ordinance.

- 3105.1. Commercial uses must be conducted primarily for the convenience of employees.
- 3105.2. Public entry to commercial facilities must be from interior of building with no direct public entrance from street or outside of building permitted.
- 3105.3. No merchandise or merchandise display may be visible from outside the building.
- 3105.4. No outside storage or display of merchandise will be permitted.
- 3105.5. No business or identification sign pertaining to commercial uses may be visible from outside the building.

- 3105.6. Permitted commercial uses will be limited to restaurants, snack bars and sundries shops.
3106. Unit Ownership (Condominium) Development.
- 3106.1. Condominium structures must conform to normal use and development requirements of this ordinance for the district within which the structure is located.
- 3106.2. Unit ownership may be created by an owner or the co-owner of a building by an express declaration of their intention to submit such property to the provisions of the "Unit Ownership Act of North Carolina." The declaration must be prepared in strict compliance with the Unit Ownership Act, reviewed and approved by the Planning Commission and recorded in the office of the County Register of Deeds.
3107. Development Standards for Planned Developments.
- The following supplementary requirements will apply in planned unit developments, cluster developments, and subdivisions involving one-family attached dwellings.
- 3107.1. Commercial and Office Facilities. Commercial and office facilities, when permitted in a planned unit development, must be developed in accordance with conventional requirements for B-1 Districts. In addition, they will be subject to the following requirements:
- .1 The size of the proposed commercial or office areas must be specified and the areas must be planned as an integral part of the planned unit development.
 - .2 Proposed uses should be those needed by and gauged primarily for the service and convenience of residents of the planned unit development.
 - .3 Commercial areas are permitted at a maximum ratio of one acre of commercial area per 100 dwelling units for the first 100 units constructed and at increments of one-half acre per 50 dwelling units above 100 units.
 - .4 These areas should be located and designed to provide direct access to a primary, secondary or collector street without creating traffic hazards or congestion on other streets.
 - .5 The layout of parking areas, service areas, entrances, exits, yards, courts and landscaping, control of signs, lighting, noise or other potentially adverse influences should be designed to protect the residential character within and adjacent to the planned unit development.
 - .6 The location, construction, manner of timing of operation, signs, lighting, parking arrangements or other characteristics of commercial or office uses should not have adverse effects on residential uses within or adjoining the district, or create traffic congestion or hazards to vehicular traffic.

- .7 No part of any building designed or intended to be used, for commercial purposes may be constructed prior to the construction of at least 50% of the dwelling units proposed in the plan, or construction of 300 dwelling units, whichever is smaller.

- 3107.2. Non-residential Uses. Non-residential uses of a religious, educational or recreational nature will be presumed to be designed or intended primarily for the use of the residents of the proposed development. The burden will be on the Planning Commission or objecting parties appearing at the public hearing to show beyond a reasonable doubt that such uses will primarily serve persons residing outside the development. The burden will be on the developer to show that non-residential uses of a commercial character are intended to serve principally the residents of the proposed development.
- 3107.3. Site Planning; External Relationships. Site planning in the proposed development should provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. Consideration will be given to the location of uses, screening, setbacks, and street design and arrangement in the evaluation of the relationship of the development to its surrounding areas.
- 3107.4. Site Planning; Internal Relationships.
- .1 Service and emergency access. Access and circulation must adequately provide for fire-fighting equipment, service deliveries, and refuse collection.
 - .2 Underground utilities. Planned unit developments and cluster developments must provide for underground installation of utilities, including telephone and power in both public and private rights-of-way, except when extreme conditions of underlying rock or other conditions make this requirement unreasonable. Provisions should be made for acceptable design and construction of storm sewer facilities including grading, gutters, piping and treatment of turf to handle storm waters, prevent erosion and formation of dust.
 - .3 Ways for pedestrians: use by service vehicles. Walkways should form a logical, safe, and convenient system for pedestrian access to all dwelling units, project facilities and principal off-site pedestrian destinations. Walkways to be used by substantial numbers of children as play areas or routes to schools or other destinations should be located and safeguarded to minimize contacts with normal automotive traffic. Street crossings should be held to a minimum. Appropriately located, designed and constructed walkways may be combined with other easements and used by emergency or service vehicles, but may not be used by other automotive traffic. The use of pedestrian underpasses and/or overpasses is encouraged.

- .4 Common open space. "Common open space" means a parcel or parcels of land or an area of water or a combination of both land and water designed and intended for the use and enjoyment of residents of the development or for the general public. It may not include streets or off-street parking areas. Common open space should be substantially free of structures but may contain improvements that are in the plan as finally approved and are appropriate for the benefit of residents.
- .1 A minimum total area of 10% of the gross residential area must be set aside as common open space in a planned unit development or a cluster development. Of this 10% a maximum of one-half may be areas covered by water. Common open space must be provided in one-family attached dwelling developments in accordance with district requirements.
 - .2 A maximum of 5% of the area designated to be common open space may be covered by structures clearly accessory to the recreational use of the area.
 - .3 The location, shape and character of the common open space must be suitable for the proposed development.
 - .4 Common open space may be used only for amenity or recreational (active or passive) purposes of a non-profit nature. However, this does not preclude a monetary charge for recreational purposes, such as a golf course, when such uses are primarily for the residents of the planned unit development. The uses authorized for the common open space must be appropriate to the scale and character of the development, considering its size, density, expected population, topography and the number and type of dwellings to be provided.
 - .5 Common open space must be suitably improved for its intended use. But common open space containing natural features clearly worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the area having regard for its topography and unimproved condition.
 - .6 The development schedule which is part of the development plan must coordinate the provision and improvement of the common open space and the construction of residential dwellings in the planned unit development so that at no time will the actual dwelling density per acre exceed permitted overall dwelling density per acre.
- .5 Conveyance and maintenance of common open space. All land shown on the final plan as common open space must be conveyed under one of the following options.

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- .1 It may be conveyed to the city which must agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it. Common open space to be conveyed in this manner must be acceptable relative to size, shape, location and improvements. The applicant must show that the acceptance of the facilities would be of benefit to the general public.
- .2 It may be conveyed to the trustees provided in an instrument establishing an association of homeowners. The common open space must be conveyed to the trustees subject to covenants and easements to be approved by the Planning Commission. These covenants and easements restrict the common open space to the uses specified on the final plan and provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose. If the common open space is deeded to a homeowner's association, the developer must file a declaration of covenants and restrictions that will govern the association to be submitted with the application for preliminary approval. The provisions must include, but are not limited to the following:
 - .1 The homeowner's association must be established before the homes are sold.
 - .2 Membership must be mandatory for each home buyer, and any successive buyer.
 - .3 The homeowner's association will be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 - .4 Any sums levied by the homeowner's association that remain unpaid will become a lien on the individual property.
 - .5 The homeowner's association will be able to adjust the assessment to meet changed needs.

3108. Manufacture of Certain Items in the Research Districts.

Manufacturing is permitted in the research districts in accordance with the provisions of Section 3020-3029 and the following limitations.

- 3108.1. Permitted manufacturing must be limited to the production of items described in Industry Codes 2834 and 3573 of the most recent version of the Standard Classification Manual prepared by the office of Statistical Standards, Bureau of the Budget, U. S. Government.
- 3108.2. At least 55% of the floor area of the total facility must be devoted to uses other than manufacturing which are listed as being permitted within the research district. Pilot plants and production of prototype products will not be considered manufacturing uses. Floor area used for storage of materials related to the production of goods on the

site or the storage of goods produced on the site will be considered to be part of the nonmanufacturing space as long as it does not exceed 10% of the total floor area of the facility. Storage space in excess of the 10% amount will be considered part of the permitted manufacturing space.

3109. Not used.

3110. Not used.

3111. Motels, Motor Courts and Hotels.

3111.1. Motels, motor courts and hotels may be established in business and industrial districts subject to area, yard and height regulations of those districts.

3111.2. Motels, motor courts and hotels may be established in office districts subject to area, yard and height regulations of those districts. In addition no part of the property may be located within 100 feet of any residential district.

3111.3. Associated commercial uses may be established in office districts in conjunction with motels, motor courts and hotels subject to the following limitations and any other applicable requirements of this ordinance.

- .1 Allowable commercial uses may be located only in a motel, motor court or hotel having a minimum of 75 rental units.
- .2 Gross floor area used for commercial purposes will be limited to 75 square feet per rental unit. Ballrooms, conference rooms, meeting rooms and similar assembly facilities will not be included in determining gross floor area used for commercial purposes.
- .3 Public entry to commercial facilities must be from the interior of the building. No direct public entrance from street or outside of building is permitted.
- .4 No merchandise or merchandise display window may be visible from outside the building.
- .5 No outside storage or display of merchandise will be permitted.
- .6 No business or identification sign pertaining to commercial uses may be visible from outside the building.
- .7 Permitted commercial uses will be limited to dispensing of drugs, flower shops, laundry and dry cleaning pick-up stations, restaurants, food and beverage service facilities, snack bars and sundries shops.

3111.4. Motels, motor courts and hotels may be established in the institutional district subject to area, yard and height regulations of that district as long as no part of the property is located within 100 feet of any residential district. Associated commercial uses may be established

in the institutional district in conjunction with motels, motor courts and hotels subject to the limitations of paragraph 3111.3.3 above except that restaurants and food and beverage service facilities will be exempt from these limitations.

3112. Automobile laundries or car washes.

3112.1. Automobile laundries or car washes may be established in the B-2, B-3T, B-3 and all industrial districts subject to the area, yard, and height regulations of those districts.

3112.2. Automobile laundries or car washes may be established in the B-1 district subject to area, yard and height regulations of that district, any other applicable requirements of this ordinance, and the following limitations.

- .1 All washing facilities must be within an enclosed building vacuuming facilities may be outside the building but may not be located in any required yard area.
- .2 A high-volume facility utilizing a conveyer or chain drag system for moving automobiles through the washing area will not be permitted.
- .3 At least one attendant must be present whenever the business is open but no more than three attendants may be on duty at any time. These attendant requirements do not apply where the laundry facility is an integral and accessory part of a service station operation and attendants serve both facilities.

3113. Building materials sales, limited.

3113.1. The sale of building materials may be conducted in the industrial districts subject to area, yard and height regulations of those districts as well as other pertinent provisions of this ordinance.

3113.2. The sale of building materials such as lumber, paneling, millwork, etc., may be conducted in the B-2 district subject to the area, yard and height regulations of that district, any other applicable requirements of this ordinance and the following limitations.

- .1 All portions of the business including the storage of all materials must be housed within a completely enclosed structure.
- .2 Only retail sales of building materials will be permitted. For the purpose of this section this shall mean sales to the ultimate consumer with sales to a contractor or other intermediate user being prohibited.
- .3 The operator of the business will not be permitted to provide for the delivery of building materials from the site.

3114. Retail sale of food and beverages within certain residential developments.

- 3114.1. Recreational and similar club facilities are permitted as accessory uses within multi-family projects, planned multi-family development, planned unit developments and cluster developments when designed as an integral part of the development and intended for the use and enjoyment of the residents and their guests. Such facilities may include in their operation the retail sale of food and beverages, but only in accordance with paragraph 3114.2 below. These requirements are designed to assure that such facilities are not operated as a purely commercial use open to the general public.
- 3114.2. The retail sale of food and beverages may be permitted within recreational and similar club facilities defined above subject to the following requirements.
- .1 The sale of food and beverages may be only to residents and registered guests and may not be open to the general public.
 - .2 An up-to-date register of all resident members must be maintained on the premises.
 - .3 An up-to-date register of all guests must be maintained on the premises and must include the name of the guest, the name and address of the sponsoring member and the date of entry.
 - .4 Each individual member may sponsor no more than 4 guests at any one time and must accompany guests to the club facility.
- 3114.3. The sale of any food and/or beverage within the club facility must conform to all applicable laws of the State of North Carolina pertaining to the licensing and dispensing of such food and/or beverages.
3115. Not Used.
3116. Drive-in service windows.
- 3116.1. Drive-in service windows are permitted as an accessory part of a principal facility or operation such as a bank, dry cleaning establishment, photo developing center, restaurant or the like, subject to the requirements below.
- 3116.2. The plan for a proposed drive-in facility must be approved by the traffic engineer. Approval will be granted if the traffic engineer determines that the drive-in window and its associated operational characteristics will not create a traffic hazard either with respect to traffic congestion, the adequacy and safety of entry and exit points, and the on-site vehicular circulation pattern.
3117. Quarries.
- 3117.1. Quarries may be established in I-1 and I-2 industrial districts subject to all appropriate provisions of this ordinance and to the additional requirements listed below.

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- .1 The quarry and all its buildings, pits and processing equipment must be effectively screened from the view of any adjoining property in a residential district in accordance with the provisions of Section 1601.
- .2 A nonclimbable fence, at least of 6 feet high, must be installed around the quarry and all of its operations as a safety device. These fences must be constructed of wire mesh in rectangular shapes, and the sizes of the rectangles may not exceed 2 inches by 4 inches.
- .3 Access to the quarry may not make use of established minor residential access streets.
- .4 Any crushing of rock or processing of material must be done in such a way as to minimize the amount of air-borne dust created.

3117.2. Dimensional requirements for quarries are specified below:

<u>Required minimum distance from adjacent property that is zoned:</u>	<u>Residential, Office, or Business</u>	<u>Industrial</u>
To any building	100 feet	20 feet
To any crushing of rock, processing of stone, gravel or other material	300 feet	200 feet
To any blasting	500 feet	400 feet

3117.3. During operation of the quarry and after termination of quarrying operations at that site, the following safety features must be maintained:

- .1 Rock quarries.
 - .1 From the edge of the pit, an area 20 feet wide must be maintained free of any soil cover.
 - .2 From a point 20 feet from the edge of the pit, the soil cover, if less than 20 feet in deep, must be graded back to a slope of 1 foot vertical, or less, to 1 foot horizontal from the rock level to the top of the soil cover.
 - .3 If the soil cover to be stripped away exceeds 20 feet in depth, a ditch 8 feet wide and 3 feet in deep at least 10 feet back from the edge of the cut may be substituted for the backsloping. If the pit has reached its maximum expan-

sion in any direction, however, the permanent fence as described in paragraph 3117.4 below, in connection with termination of quarrying operations, will suffice instead of the backsloping or ditch in that particular area.

.4 All dense underbrush must be removed from the soil cover for a distance of one 100 feet from the edge of the pit.

.2 Gravel quarries and sand quarries.

When such pit exceeds a depth of 20 feet from the surface of the ground, all dense underbrush must be removed from the soil cover for a distance of 100 feet from the edge of the pit.

3117.4. Upon termination of quarry operations at any pit that exceeds a depth of 20 feet from the surface of the ground, either the pit must be backfilled to a slope of 1 foot vertical, or less, to 1 foot horizontal from the bottom of the pit to the surface of the ground, or a nonclimbable fence must be erected and maintained around the pit. The fence must be a minimum of 6 feet high and constructed of wire mesh in rectangular shapes, and the sizes of the rectangles may not exceed 2 inches by 4 inches.

3118. Not Used.

3119. Small Group Day Care Homes and Day Care Centers.

3119.1. Small Group Day Care Homes.

Small group day care homes may be established in residential, institutional, office and business districts subject to the requirements listed below and to all other applicable requirements of this ordinance.

- .1 At least 100 square feet of outdoor play space per child must be provided.
- .2 Outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas or land otherwise unsuited for children's play space and may not be in the required setback. Fences must comply with the fence regulations for residential districts. The minimum height of any fence must be at least 3 feet.
- .3 In residential districts, no parking of motor vehicles will be permitted in the required setback and the space within the required setback may not be used as maneuvering space for parking or unparking of vehicles. Driveways providing access to the parking area may be installed across the setback area, and parking spaces required for small group day care homes may be combined with spaces required for the residential use of the property as allowed by Section 2007. No parking of motor vehicles will be permitted in the required sideyard abutting residential districts.

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- .4 In residential districts the small group day care homes must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
- .5 Yard and height requirements will be the same as those required for one-family detached dwellings in the district in which it is located.
- .6 The minimum lot area required in each district for a small group day care home is listed below. These standards are also used for Section 3300 as well.

District	Minimum lot area for and including up to 8 children	Minimum additional lot area required for next 7 children or fraction of 7
R-1.0MF, R-6MFH	6,000	1,000
R-6, R-6MF	6,000	2,000
R-9, R-9MF	9,000	2,500
R-12, R-12MF	12,000	3,000
R-15, R-15MF	15,000	3,500
R-20MF	20,000	5,000
O-6, B-1, B-2, B-3, BD	6,000	1,000
O-15, INST	15,000	2,500

3119.2. Day care centers.

Day care centers, licensed by proper authority, may be established as a use by right in institutional, office, research, business, districts subject to the requirements listed below in all other applicable requirements of this ordinance.

- .1 The minimum requirements for play area, fences, yards and height for day care centers will be the same as those for small group day care homes as set out in Section 3119.1 in paragraphs .1, .2, and .5.
- .2 The minimum lot area required in each district to establish a day care center will be the same as the area for small group day care homes as set out in Section 3119.1 in paragraph .6 with the following additions.

3120. Private Kennel

A private kennel may be established as an accessory use in certain districts subject to the requirements listed below. These requirements are intended to control the placement of a separate accessory structure which may include pens, runs, cages, houses or other facilities for the maintenance of animals. It is not intended that these provisions require the establishment of such an accessory use.

- 3120.1. Structures or enclosures used for the kennel except property line fences, must be located only in the rear yard, must not occupy more than 20% of the rear yard area, and must not be located closer than 10 feet to any property line.
- 3120.2. For the purposes of this section, the increased setback requirement applies only to those portions of the kennel that are not contained within a completely enclosed structure.
- 3120.3. Extensions of or additions to property line fences to create a kennel in such a fashion as to confine the animals to an area adjacent to the property line are prohibited.
3121. Boarding Stables.
- Boarding stables may be established in any residential, office, institutional, business or industrial district subject to the requirements listed below in addition to all other requirements of this section.
- 3121.1. All structures established for the maintenance of animals or equipment must be located at least 100 feet from all property lines.
- 3121.2. The minimum lot area for any such use must be at least 10 times the minimum lot size for the district in which the site to be located, or 3 acres, whichever is greater. In districts with no minimum lot size requirement, the minimum lot size is 3 acres.
- 3121.3. No manure pile, pit, bin or other facility for the storage of manure may be located less than 100 feet from the nearest property line.
- 3121.4. No outdoor storage of equipment such as tractors, plows, manure spreaders, mowers or other similar implements is permitted.
- 3121.5. A parking area equivalent to 1.5 parking spaces for each stall must be provided and no required parking is permitted within any required setbacks.
- 3121.6. The owner or operator of a boarding stable may establish and occupy one single-family dwelling unit on the same site, provided that the minimum lot area is increased by the minimum single-family lot size for the district in which the site is located.
3122. Nursing Homes, Rest Homes and Homes for the Aged.
- Nursing homes, rest homes and homes for the aged may be established by right in the Office, and in all Business districts except the BD and as a Special Use in Residential districts in accordance with the requirements below and all other applicable requirements of this ordinance.
- 3122.1. The minimum lot area required for a nursing home, rest home, or home for the aged is set out on the chart below. These standards are used for consideration of these uses for a Special Use Permit under Section 3300 as well.

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District	Minimum lot area for first 5 residents	Minimum additional lot area for each additional 5 residents or fraction of 5
R-1.0MF, R-6MFH	6,000	1,000
R-6	6,000	6,000
R-6MF	6,000	2,000
R-9	9,000	9,000
R-9MF	9,000	2,500
R-12	12,000	12,000
R-12MF	12,000	3,000
R-15	15,000	15,000
R-15MF	15,000	3,500
R-20MF	20,000	5,000
O-15	15,000	2,500
O-6, B-1, B-2, B-3	6,000	1,000

3123. Electric and Gas Substations, Sewer Treatment Plants, and Other Similar Utility Structures.

3123.1. Electric and gas substations, telephone repeater stations and huts, and similar utility structures are permitted in the B-2, B-3T and B-3 business districts and in any industrial district in accordance paragraphs .1 and .3 below.

Electric and gas substations may be established in residential, institutional, B-1 business and office districts in conformance with the requirements listed below.

- .1 Lots must conform to minimum area and yard requirements of the district in which they are located.
- .2 The design of buildings, structures and facilities on the site should conform as closely as possible to the character of the area or neighborhood, so that these facilities or structures will not adversely affect the safe and comfortable enjoyment or value of nearby properties.
- .3 Nonclimbable fences or comparable safety devices must be installed and maintained in order to make the facility inaccessible to the public.
- .4 Portions of properties not used for buildings, parking or related services must be maintained with natural ground cover. Screening must be provided in accordance with the provisions in Section 1601.
- .5 Whenever possible, these facilities should be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.

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.6 The setback must be at least 25 feet or the required setback of the district, whichever is greater.

3123.2. Sewage Treatment plants control houses, pump and lift stations and similar uses may be established in any district in accordance with the area, height, and yard requirements of the district and the standards listed below.

- .1 Nonclimbable fences must be installed and maintained around such a use to make it inaccessible to the public.
- .2 Screening must be provided in accordance with the provisions of Section 1601 to screen such a use from public view and from any adjoining residential, institutional or office district.
- .3 The plant and all attendant structures and other facilities must be designed, constructed, and operated to have the least negative impacts on the health, safety and general welfare of the community.

3124. Sanitary Landfill.

Sanitary landfills established by Mecklenburg County and/or any incorporated municipalities in Mecklenburg County are permitted in all residential districts as a use by right subject to the development standards listed below and in all industrial districts as a use by right subject only to the regulations cited in the next sentence. The establishment and operation of any landfill in any industrial district must comply with the "Regulations Governing the Storage, Collection, Transporting and Disposal of Garbage and Refuse in Mecklenburg County" as adopted by the Mecklenburg County Board of Health.

3124.1. Wherever possible the trench method of landfill should be used. The trench method involves the excavation of longitudinal cells into which refuse is placed, compacted, and covered with soil excavated from a parallel trench.

3124.2. The area method of landfill may be used where the trench method would be impractical due to topographic or other conditions. The area method involves the filling and covering of existing ravines or other low places.

3124.3. Refuse will be deposited in trenches or low places by trucks and must be spread compacted as soon as possible.

3124.4. Refuse must be compacted and covered by the end of each day with a layer of dirt at least four to six inches deep.

3124.5. Trenches and areas for the burial of refuse must be located at least one hundred feet from any adjoining property lines. These areas must also be at least five hundred feet from any existing residence or any residence under construction on adjoining property at the time the landfill operation is begun.

- 3124.6. Existing trees must be maintained within one hundred feet of adjoining property lines. Where the natural growth within one hundred feet of the adjoining property line is inadequate to effectively screen the landfill site from the view from adjoining properties, trees must be planted for such screening purposes.
- 3124.7. Natural drainage ditches or streams must be kept open unless drainage pipe of adequate size, as determined by the City engineering department is installed.
- 3124.8. When the final deposit has been made in a trench or area the refuse must be compacted and covered with a layer of dirt at least three feet deep.
- 3124.9. The landfill site must be maintained in a neat condition and fencing must be installed where necessary to catch blowing paper.
- 3124.10. If necessary, chemicals may be used to prevent fly breeding and odors.
- 3124.11. Landfills may not be operated on Sunday, or later than seven p.m. on any other day.
- 3124.12. Access roads to the site must be paved and must connect directly to an arterial street. Access to landfill sites may not make use of minor residential streets.
- 3124.13. A metal fence and gate must be constructed at the entrance to the landfill site.
- 3124.14. Scavenging will not be allowed on the landfill site.
- 3124.15. All equipment on the landfill site must be maintained in a clean and neat condition..
- 3124.16. Sanitary toilet facilities, as recommended by the Mecklenburg County Board of Health, must be constructed for employees at the landfill site.
- 3124.17. The land must be returned to its natural contours or graded to a condition suitable for possible future use of the completion of the landfill operation.
- 3124.18. A resident caretaker must be present at the landfill site at all times when the landfill is not in operation.
- 3124.19. The site may be used only for purposes of sanitary landfill. On completion of the landfill operation the site should revert to uses appropriate to the district in which the site is located.
3125. Bus Stop Shelters.
- Bus stop shelters may be constructed and maintained by the City of Charlotte in any district except single family residential districts in conformance with the standards listed below.

- 3125.1. They may be located within any street right-of-way or within the required setback of property which adjoins a street. They may not be within thirty five feet of an intersection or located so that they might obstruct the vision of drivers on the street as regulated by Section 20-15.1 of the City Code. Only governmental signs are permitted in association with a bus stop shelter.
- 3125.2. A schematic plan must be submitted and approved for the construction of a bus shelter. The plan must include the following information.
- .1 The location of the proposed shelter relative to street, property, and setback lines.
 - .2 The size and design of the shelter, including all form elevation, building materials, and any public convenience or safety features such as a telephone, lighting, heating or trash containers.
- 3125.3. A building permit will be issued for a bus stop shelter only after all of the following conditions are met.
- .1 The plan has been approved by the Charlotte Department of Transportation regarding the design, location, construction, and transit service used for the shelter.
 - .2 The plan has been approved by the Planning Commission regarding the integration of the shelter with the surrounding properties and its impact on nearby residential areas.
- 3125.4. A bus stop shelter may be removed if the Charlotte Department of Transportation determines that it no longer serves the best interests of the public.
3126. Junk Yards, Scrap metal, Paper and Rag Storage and Processing and Similar Uses.
- Junk yards, scrap metal, paper and rag storage and processing and similar uses are permitted in the I-2 and I-3 districts. They must be enclosed by a nonclimbable fence and be screened in accordance with the standards of Section 1601. The fence must be located at least 20 feet from any public street right-of-way and the screening must be at least 6 feet high and adequate to conceal all storage from public view.
3127. Not Used.
3128. Not Used.
3129. Not Used.
3130. Not Used.
3131. Not Used.
3132. Not Used.
3133. Not Used.
3135. Not Used.
3136. Not Used.

3200. CONDITIONAL DISTRICTS

3201. Purpose

This ordinance contains regulations which establish zoning districts and assign land uses to one or more of these districts. The ordinance also provides standards for development which regulate lot size, yards, parking and open-space. There are, however, certain uses which because of their nature or scale have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined and controlled by general district type regulations. In addition, circumstances often arise when a general zoning district designation would not be appropriate for a certain property, but a specific use permitted under the district would be consistent with the objectives of this ordinance. In order to accommodate these unusual situations this section establishes two specific processes: the conditional district process and the parallel conditional use district process.

The conditional district process allows certain uses to be established in accordance with specific development standards for each use. There are presently four uses which may only be developed through the conditional district process: the B-1 shopping center district; the R-20MF multi-family district; the R-PUD planned unit development district; and the R-MH mobile home district. The standards for these districts are provided in the following sections.

The parallel conditional use district process is established to address those situations when a particular use may be acceptable but the general classification which would allow that use would not be acceptable. It allows the City Council to approve a proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district. This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals which may not be undertaken for some time.

3202. Application and Review Process

The following process applies to both the conditional district and the parallel conditional use district. For simplicity the term conditional district will be used in this section to refer to both of these types of districts unless otherwise noted.

- 3202.1. Application. Zoning petitions to establish a conditional district must be submitted to the Charlotte-Mecklenburg Planning Commission and will be processed in accordance with the provisions of Section 1300 for zoning amendments as well as this section. A conditional district classification will be considered only if the application is made by the owner of the property or his authorized agent. All applications must include a schematic plan drawn to scale and supporting text which will become a part of the ordinance amendment. The applicant should include at least the items listed below.

- .1 A boundary survey showing the total acreage, present zoning classification(s), date and north arrow.
- .2 The owner's names, addresses, and the tax parcel numbers of all adjoining properties.
- .3 All existing easements, reservations and rights-of-way and all yards required for the zoning district requested.
- .4 Proposed use of land and structures. For residential uses this should include the number of units and an outline of area where the structures will be located. For nonresidential uses, this should include the approximate square footage of all structures and an outline of the area where the structures will be located.
- .5 Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets.

3202.2. Additional Requirements. When dealing with the conditional district process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Commission and/or City Council may request additional information as they deem necessary. This information may include but is not limited to the items listed below.

- .1 Proposed screening, including walls, fences or planting areas as well as treatment of any existing natural features.
- .2 Delineation of areas within the regulatory floodplain as shown on the official Flood Hazard Boundary Maps for Charlotte.
- .3 Existing and proposed topography at 4 foot contour intervals or less.
- .4 Generalized information on the number, height, size or in especially critical situations, the location of structures.
- .5 Proposed number and location of signs.
- .6 Proposed phasing, if any, and approximate completion time of the project.

3202.3. Review and approval. In considering an application for the establishment of a conditional district, the City Council may attach reasonable and appropriate conditions to the location, nature and extent of the proposed use. Any conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development and other matters that the Council may find appropriate or the petitioner may propose. The conditions may not include architectural review or controls. The petitioner will have a reasonable opportunity to consider and respond to any such additional requirements prior to final action by the City Council.

In evaluating an application for the establishment of a conditional district, the City Council will consider the following:

- .1 The policies and objectives of the comprehensive plan, particularly in relation to the proposed site and surrounding area.
- .2 The potential adverse impacts on the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.

In the review and approval of a parallel conditional use district emphasis will be given to an evaluation of the characteristics of the specific use proposed in relationship to surrounding properties.

- 3202.4. Effect of approval. If an application is approved, the conditional district that is established and all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions. The intent of this type of zoning is to provide an alternative procedure for specific development proposals. It is intended that all property be zoned only in accordance with firm plans to develop. Therefore, 3 years from the date of approval, the Planning Commission will examine progress made to develop in accordance with approved plans to determine if active efforts are proceeding. If it is determined by the Planning Commission that active efforts to comply with the approved plan are not proceeding, a report will be forwarded to the City Council which may recommend that action be initiated to remove the conditional district in accordance with the amendment procedures outlined in Section 1300.
- 3202.5. Alternations to an approved conditional district. Changes to approved plans and conditions of development will be treated the same as changes to the zoning map and will be processed in as an amendment as provided for in Section 1300. The three quarter vote rule set out in Section 1301.4 will not apply to changes in an approved conditional district. However, minor changes in the detail of the approved plan which will not alter the basic relationship of the proposed development to adjacent property, will not alter the uses permitted or increase the density or intensity of development, will not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site may be approved by the Planning Director without going through the amendment process. Any applicant may appeal the decision of the Planning Director to the Planning Commission for review and decision as to whether an amendment to the conditional district will be required.
- 3202.6. Issuance of a parallel conditional use permit. If a petition for a parallel conditional use district is approved, the City Council will issue a parallel conditional use permit authorizing the use with any reasonable conditions that the City Council determines are necessary in promoting public health, safety and general welfare.

3203. Permitted Uses and Development Requirements.

Potential uses which may be considered for a parallel conditional use district are restricted to those uses permitted in the corresponding general zoning district. Those uses listed as special permit uses in the general zoning districts will be exempted from the normal requirement for a special use permit and replaced with a parallel conditional use permit. Uses permitted in parallel conditional use districts shall be subject to all applicable development standards and requirements for that use listed in the corresponding general zoning districts.

The application for a parallel conditional use district must contain information and/or site plans which indicate all of the principal and accessory uses which are proposed to be developed on the site. Subsequent to the approval of a parallel conditional use district, only those principal and accessory uses indicated on the approved plan or any changes in the permitted principal or accessory uses must comply with the provisions of Section 3202.5.

Uses for which conditional district zoning is sought are limited to those uses listed in the following sections.

3204. Zoning Map Designation. Following City Council approval of a parallel conditional use district, the property in question will be identified on the zoning maps by the appropriate parallel conditional use district designation. This designation is the general zoning district designation plus the letters "CD" (for example O-15(CD)). Following the approval of a conditional district rezoning request the property will be identified on the zoning maps with the appropriate designation which is listed with the requirements for each use.

3205 - 3209 Not Used.

3210. B-1 Shopping Center District. (B-1SCD)

3210.1. Purpose. The purpose of the B-1 shopping center district is to provide conditional districts for the development of integrated shopping centers or for those retail sales establishments which exceed 100,000 square feet of total floor area. The location of such developments is of major importance to a wide area. To insure that these developments are not detrimental to adjacent uses or the orderly and well-planned development of the community, the proposed uses are regulated through the conditional zoning process.

3210.2. Application. Applications for the establishment of a B-1 shopping center district must be submitted and will be reviewed in accordance with Section 3202 and must include the following additional information.

- .1 The proposed location of buildings, their general exterior dimensions and total square footage.
- .2 The proposed location of off-street loading facilities.

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- .3 A traffic, parking and circulation plan, showing proposed locations and arrangements of access points to nearby streets.
- 3210.3. Permitted uses. The uses permitted in the B-1 shopping center district are those specified for the B-1 district.
- 3210.4. Development requirements. Development requirements for the B-1 shopping center district are specified below.
- .1 The minimum site area must be at least 3 acres.
 - .2 The minimum distance from street lines to any building must be at least 35 feet.
 - .3 The minimum distance from other property lines to any building must be at least 25 feet for any building under 40 feet high.
 - .4 The minimum distance from other property lines to any building from 40 to 60 feet high must be at least 35 feet.
 - .5 For buildings over 60 feet high the minimum distance from other property lines must be 35 feet plus 1 foot for every 2 feet of building height over 60 feet.
- 3210.5. Review and approval. In evaluating applications for B-1 shopping center districts, the City Council will consider the following.
- .1 Access to public streets and the adequacy of those streets to carry anticipated traffic.
 - .2 On-site circulation for both pedestrian and vehicular traffic.
 - .3 Adequacy of existing community facilities such as water, sewer, police and fire protection.
 - .4 Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
 - .5 For proposed shopping centers, the appropriateness of the proposal in relationship to the policies and objectives of the comprehensive plan and to a more detailed area plan, if available.
- 3210.6. Zoning map designation. following City Council approval of a B-1 shopping center district, the property will be labeled "B-1 S.C.D." on the official zoning map.
3211. R-20MF multi-family district.
- 3211.1. Purpose. The purpose of the R-20MF multi-family district is to provide for low-density multi-family development in areas which would be unsuitable for multi-family use on a higher density, less restricted basis. By having high dimensional standards and requiring site plan approval, maximum control of development can be achieved through use of this

district. The following procedures and requirements are established for the development of R-20MF multi-family districts.

- 3211.2. Application. Application for establishment of an R-20MF multi-family district must be submitted and will be reviewed in accordance with Section 3202.
- 3211.3. Permitted uses. Permitted uses within the R-20MF multi-family district are limited to one-family semi-detached, one-family attached, two-family and multi-family uses only.
- 3211.4. Development requirements. Development requirements for the R-20MF multi-family district are specified below.
- .1 The development standards for one family semi detached, one family attached two family, and multi-family dwellings are contained in the Area, Yard, and Height requirements for multi-family districts in Section 3015.
 - .2 Every building must be separated from any other building by a distance of at least 25 feet for all dwelling types except single family attached which must be separated by at least 20 feet.
 - .3 Parking of motor vehicles is not permitted in the required setback.
 - .4 Planned multi-family developments, when permitted within the R-20MF district must also meet the development standards and procedures of Section 3101.
 - .5 For innovative development in the R-20MF district for all dwelling types, the project density will be computed based on 20,000 square feet for the first unit and 5,000 square feet for each additional unit.
- 3211.5. Review and approval. In evaluating applications for R-20MF multi-family districts, the City Council will consider the following.
- .1 Access to public streets and the adequacy of those streets to carry anticipated traffic.
 - .2 On-site circulation for both pedestrian and vehicular traffic.
 - .3 Adequacy of existing community facilities such as water, sewer, police and fire protection.
 - .4 Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
 - .5 The appropriateness of the proposal in relationship to the policies and objectives of the Comprehensive Plan and to a more detailed area plan, if available.

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3211.6. Innovative development. Special provisions for innovative development proposals in R-20MF districts are contained in Section 3214.

3211.7. Zoning map designation. Following City Council approval of an R-20MF multi-family district, the property will be labeled "R-20MF" on the official zoning map.

3212. R-PUD planned unit development district.

3212.1. Definition. A "planned unit development" is a tract of land zoned residential (except R-1.OMF or R-6MFH) which is at least 36 acres in area. It must be under single, corporation, firm, partnership, or association ownership and planned and developed as an integral unit. It is established in a single development operation or a definitely programmed series of development operations according to an approved outline development plan and a preliminary site plan.

3212.2. Purpose. The purpose of the planned unit development district is to provide for the development of planned residential communities that may incorporate a full range of residence types as well as certain limited commercial and office uses designed to serve the inhabitants of the district. It is recognized that only through ingenuity, imagination and high quality design can residential developments be produced which are in keeping with the intent of this section and are not constrained by the strict application of conventional use and dimensional requirements of the regular zoning districts.

Use of the R-PUD procedure is not mandatory for the development of any site or area. Rather, this process will provide a voluntary alternate development procedure which has the advantages listed below.

- .1 Permit creative approaches to the development of residential land, reflecting changes in the technology of land development.
- .2 Accomplish a more desirable environment than would otherwise be possible, by providing for a variety of housing types, designs and arrangements.
- .3 Provide for an efficient use of land which can result in smaller networks of utilities and streets and the potential of reducing development costs.
- .4 Enhance the appearance of neighborhoods through the preservation of natural features, the provision of underground utilities, and the provision of recreational and open space areas.
- .5 Provide an opportunity for new approaches to home ownership.
- .6 Provide an environment of stable character compatible with surrounding residential areas.

3212.3. Application: Application for the establishment of an R-PUD district should be submitted and will be reviewed in accordance with Section 3202 and must include the following additional information.

- .1 Proposed primary circulation pattern.
- .2 Proposed parks, playgrounds, and other common open spaces.
- .3 Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance, and preservation of common open space.
- .4 Delineation of the units or phases to be constructed in progression or sequence.

3212.4. Permitted uses. Uses which may be permitted in planned unit developments include:

- .1 Those uses allowed in the district where the development is located.
- .2 One-family semidetached and one-family attached dwellings.
- .3 Multi-family dwellings may be permitted in previously single family districts.
- .4 B-1 business district uses may be permitted in developments that are 100 acres and larger. A list of the uses to be established must be approved by the City Council. Subsequent changes in the list may be made by the City Council upon application by the owner of the property.

3212.5. Dimensional requirements. Dimensional requirements for planned unit developments are established in the following tables.

- .1 One family detached dwellings.

	R-6 R-6MF	R-9, R-9MF,	R-12, R-12MF	R-15, R-15MF	R-20MF
Min. lot area	6,000	6,750	9,000	11,250	15,000
Min. lot width	50'	60'	60'	70'	80'
Min. side yards*	6' one side, 8' other side				
Min. setback	20'	20'	25'	30'	30'
Average setback**	25'	25'	30'	35'	35'
Min. rear yard	25'	25'	30'	35'	35'
Min. unobstructed open space	45%	50%	55%	60%	65%
Max. height	40'	40'	40'	40'	40'

*Except as allowed under Zero Side Yard requirements in paragraph 3212.5.5.

**Arithmetic average of all setbacks for all lots on one side of a block, or of all lots on a cul-de-sac.

- .2 One-family semi-detached, one-family attached and multi-family dwellings. The established minimum development requirements for the district (or corresponding multi-family district) in which one-family semi-detached, one-family attached and multi-family dwellings are located.

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- .3 Commercial and office facilities. When commercial and office facilities are permitted in a planned unit development, they must be developed in accordance with conventional requirements for B-1 districts.
 - .4 Yards forming outer boundary. Yards forming the outer boundary of a planned unit development must conform to the conventional minimum requirements of the district in which the development is located.
 - .5 Zero side yards for one-family detached dwellings. A zero side yard, where the side building line is on the side lot line, may be permitted on one side of each lot in accordance with the standards listed below.
 - .1 Any wall constructed on the side lot line must be a solid, windowless wall. If there is an offset of the wall from the lot line, the offset must be at least 6 feet.
 - .2 The minimum building separation between the sides of adjacent dwellings must be at least 14 feet. This 14 foot area is subject to all restrictions that normally apply to conventional side yards.
 - .3 A 5 foot maintenance easement and a maximum eave encroachment of 2 feet within the maintenance easement must be established in the deed restrictions and covenants of the adjoining lot. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance.
 - .4 Subdivision preliminary plans submitted to the Planning Commission must indicate the proposed location and configuration of dwellings, driveways and parking arrangements for each lot. A draft of the proposed encroachment and maintenance easements must be submitted for review and approval.
 - .5 Zero side yards established under these standards must be continuous. There must be either the lot line wall or a solid wall or fence at least 5 feet high along the lot line adjacent to the building. The wall or fence is used in those cases where the building may be offset as allowed under these standards.
- 3212.6. Development density. The development area for a planned unit development is computed by the following method.

Total site area (in square feet)

- minus -

16% of the total site area if located in the R-6, R-6MF, R-9, or R-9MF, districts or 14% of the total site area if located in the R-12, R-12MF, R-15, or R-15MF districts

- minus -

Any areas designated for any non-residential uses

- divided by -

The conventional lot area requirement for the appropriate district.

The development area density may not exceed the density allowed in the district where the planned unit development is located except under the bonus provisions explained below. If the development falls into more than one zoning district, the overall density will be the combined proportion of each district.

3212.7. Density Bonus. A density bonus of up to 25% over the density normally allowed in the basic zoning district may be approved by the City Council based on the provision of Common Open Space as listed below. A request for a density bonus must accompany the application.

Density Bonus Scale

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

3212.8. Additional development standards. In addition to provisions contained in this section, the regulations contained in Section 3107 "Development Standards for Planned Development" also apply in R-PUD districts, and will govern in those situations when the R-PUD standards differ from the general zoning, subdivision or other regulations.

3212.9. Review and approval. In evaluating an application for an R-PUD district, the City Council will consider the following relationships.

- .1 Each individual phase of the development should be able to exist as an independent unit capable of creating an environment of sustained desirability and stability or adequate assurance will be

provided that this type of environment will be attained. In addition the uses proposed within the development must not be inappropriate or detrimental to present or potential uses in surrounding areas.

- .2 The proposed primary streets and thoroughfares must be suitable and adequate to carry the anticipated traffic. Increased densities must not generate traffic which would overload the street network outside the planned unit development.
 - .3 Any exception from standard ordinance requirements must be warranted by the design and amenities incorporated in the proposed development.
 - .4 The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 - .5 The planned unit development district should be in conformance with the Comprehensive Plan.
 - .6 The existing or proposed utility services must be adequate for the population densities which could be expected.
- 3212.10. Issuance of permits. No building permit or certificate of occupancy will be issued in a R-PUD district until a final plat, if required, prepared and approved in accordance with the subdivision ordinance, has been recorded for the development as a whole or for approved portions. Final plats for one-family attached units need not be approved prior to the issuance of a building permit but must be approved before a certificate of occupancy may be issued. No structures or uses other than those shown on the approved development plan will be permitted. Issuance of any necessary permits will be based on compliance with the approved R-PUD development plan, Section 3107, containing development standards for planned development in effect when the land was zoned R-PUD, general zoning, subdivision or other regulations and any additional requirements which may have been placed on the project at the time of approval by the City Council. After the recording of the final plat, any other building permits and certificates of occupancy may be issued in the normal manner.
- 3212.11. Innovative development. Special provisions for innovative development proposals in R-PUD districts are contained in Section 3214.
- 3212.12. Zoning map designation. Following City Council approval of a R-PUD district the property will be labeled "R-PUD" on the official zoning map.
3213. R-MH mobile home district.
- 3213.1. Purpose. The purpose of this district is to provide for the development of properly located and planned facilities for mobile homes. The mobile home is recognized as a form of housing for which specific provisions should be made. It is further recognized that in urban and urbanizing areas mobile homes should be located in mobile home parks

and subdivisions only, and that such areas must be carefully located and designed to meet the needs of the residents and to achieve a satisfactory relationship to adjoining and nearby property. Therefore, when evaluating an application for this conditional district, emphasis is given to the location of a proposed mobile home district, the relationship of the site and site development plan to adjoining property, and the development plan itself.

3213.2. Application. Applications for the establishment of R-MH mobile home districts must be submitted and will be reviewed in accordance with Section 3202. In addition, the following information must be provided.

- .1 Proposed mobile home lots or spaces.
- .2 Proposed streets and private drives, parking areas and the total number of parking spaces to be provided.
- .3 Recreation areas and other areas.
- .4 Where water supply or sewage disposal system will not connect to public facilities the petitioner must provide a statement from the Mecklenburg County Health Department that the proposed system will meet the needs of the expected population.

3213.3. Permitted uses. Permitted uses within the R-MH mobile home district are listed below.

- .1 Mobile homes.
- .2 Caretaker's or manager's home or office.
- .3 Service buildings to house services for occupants of the mobile home park including management office, rest rooms, vending machines, washing and drying machines for domestic laundry and recreation facilities.
- .4 Sales of mobile homes to be located within the district are permitted only for mobile homes which are already located on approved and established mobile home lots or spaces.
- .5 All other uses permitted in single family residential districts subject to the R-9 district development requirements.

3213.4. Lot requirements. Lot requirements for mobile home subdivision and for institutional uses in the R-MH district must be in accordance with the requirements for the R-9 district as specified in Sections 1626 - Institutional Uses in Residential Districts, 1628 - Cluster Development and 3000 - Single Family Districts.

3213.5. Development requirements. Development requirements for mobile homes parks in the R-MH district are specified below.

- .1 The minimum area of any site to be developed as a mobile home park is 5 acres, including rights-of-way and utility easements.

- .2 The maximum overall density of a mobile home park or of individual sections of the park may not exceed 8 mobile home living units per acre of the tract.
- .3 There must be at least 10 mobile home spaces available at first occupancy.
- .4 A mobile home park must have a minimum frontage of 60 feet along a publicly dedicated street.
- .5 The minimum setback from a public street must be 40 feet. No parking is permitted in the required setback.
- .6 All buildings, structures, and mobile home stand must be located at least 30 feet from any exterior property line which is not a street right-of-way line. Accessory structures may be located in accordance with the provisions of Section 1606.
- .7 A mobile home park must be equipped with paved private drives. The drives must be at least 20 feet wide, measured from edge of pavement to edge of pavement, and graded to a width of at least 30 feet for two-way traffic. They must be paved to a width of 10 feet and graded to a width of 20 feet for one-way traffic. Specific construction standards for private drives are provided below.
 - .1 A base course of at least 4 inches of compacted crushed stone must be applied for the entire required paved width of drives.
 - .2 A surface course of at least 1.5 inches of plant mixed asphalt or Class "A" bituminous surface must be applied for the entire required paved width of drives in conformance with North Carolina State Highway Commission specifications.
 - .3 Permanent street names approved by the Planning Commission will be assigned to each private drive. Street name signs approved by the traffic engineering department must be installed. The approved private drives and approved names will be used in the assignment of mobile home space identification numbers.
- .8 The mobile home park must be designed and graded in such a manner as to allow for the adequate runoff of storm water. Storm drains must be provided with sufficient inlets located at points of surface water accumulation to adequately intersect surface flow.
- .9 A mobile home park must be equipped with electricity, water and sanitary waste disposal facilities so that convenient, safe and sanitary connections may be made with each mobile home in the park.
- .10 Screening must be utilized on all sides of a mobile home park. Consideration should be given to topography, large trees, vegetation, site design and land uses in the evaluation of the extent of required screening. Whenever screening is required, the standards in Section 1601 will govern the installation and composition of any screening materials.

- .11 Recreation areas should be provided to meet the anticipated needs of the residents of the mobile home park. The provision of separate adult and children's recreation areas is encouraged. At least 8% of the total site area must be devoted to recreational uses. Recreation areas include space for community buildings and community use facilities, adult and child play areas, swimming pools, and drying yards. The design of recreation areas should be appropriate for the intended use and location of the activity.
- .12 Site planning and improvements must include the following considerations.
 - .1 Site planning should adapt to individual site conditions. An informal park type of site planning which conforms to terrain, existing trees and shrubs is preferred. The mobile home space should be fitted to the terrain with a minimum disturbance of the land. Existing trees and other natural site features should be preserved to the greatest extent practical. Variations in the street pattern, block shapes and location of mobile home stands should be employed. Excessive repetition of the principal elements of the plan is not acceptable.
 - .2 Adequate protection must be provided against any undesirable offsite views or any adverse influence from adjoining streets and areas. Offsite residential areas should be protected from undesirable views and adverse influences from areas within the park. Consideration should be given to the location and arrangement of mobile homes and of buildings, recreation and parking areas, the nature and extent of screening, setbacks, street design, and open space in the evaluation of the site plan and its relation to surrounding areas.
- .13 Mobile home space requirements are specified below.
 - .1 A mobile home park should be divided into mobile home spaces, with the limits of each space clearly marked on the ground by permanent flush stakes. Each space should be of sufficient size to meet minimum dimensional area and separation requirements based upon the anticipated size and character of the mobile home and any additions to be placed on the space. The minimum size of a space must be at least 3,000 square feet per living unit. No more than one mobile home may be erected on one space.
 - .2 The location of the mobile home spaces on the ground should be approximately the same as those shown on the approved plans. The degree of accuracy obtainable by working with a scale on the plan and then a tape on the ground is acceptable. Precise engineering of space limits is not required either on the plans or on the ground.
 - .3 Each mobile home must be placed on a permanent stand built to the specifications listed below.

- .1 Each stand must have two columns of concrete footings placed at eight foot intervals on center and located to be under each I-beam of the mobile home. Four columns of footings are required for stands designed for double wide mobile homes. The depth of excavation for footings must be at least six inches into undisturbed soil. Each footing must be at least twenty-two inches side and six inches deep. A minimum of three, four foot anchors must be installed on each side of the stand at twenty-five foot intervals beginning at the front of the stand. The remaining area of the stand must have a base of at least three inches of compacted crushed stone.
 - .2 The location of each mobile home stand must be at an elevation, distance and angle in relation to the adjacent access drive so that placement and removal of the mobile home is practical by means of customary moving equipment.
 - .3 Each mobile home stand must be at least twenty feet from any other stand and at least twenty feet from the right-of-way of any drive which provides common circulation to mobile home sites within the park.
 - .4 No mobile home stand may be located with direct access to a public street.
 - .5 Attached structures such as an awning, cabana, storage building, carport, windbreak, or porch which has a floor area larger than 25 square feet and is roofed will be considered to be part of the mobile home stand for purposes of all separation requirements.
- .4 Each mobile home must have a permanent patio located adjacent to or attached to the mobile home stand. The patio must be built to the standards below.
 - .1 Each patio must be at least one hundred eighty square feet in area.
 - .2 Each patio must have sufficient gradient to provide for adequate drainage away from the mobile home stand.
 - .3 Each patio must have a well graded, well drained and compacted base and be constructed of portland cement concrete or masonry.
 - .5 Two parking spaces must be provided for each mobile home. Parking may be provided on the mobile home space or in community parking bays. Each parking space must be at least one hundred eighty square feet in area, with a minimum width of eight and one-half feet. It must be surfaced with at least four inches of compacted crushed stone.

- .5 A walkway must be constructed for each mobile home space to connect the parking spaces and the patio or connect the patio and the drive where community parking areas are located.

3213.6. Review and approval. In evaluating applications for R-MH mobile home districts, the City Council will consider the following relationships.

- .1 Does the proposed site and development plan provide for adequate access to the public street system without causing undue congestion or placing excessive traffic loads on local streets?
- .2 Are the size and shape of the site adaptable to good mobile home park design and will the development of the site for mobile home uses unduly obstruct development of any adjoining property?
- .3 Will implementation of the development plan unduly disrupt any natural features of the site such as topography, streams or tree cover?
- .4 Will the development plan provide effective screening of the park from adjoining single family residential areas to minimize adverse effects on these areas?

3213.7. Zoning map designation. Following City Council approval of a R-MH mobile home district, the property will be labeled "R-MH" on the official zoning map.

3213.8. Issuance of permits. After approval of a R-MH mobile home district, detailed development plans for a mobile home park may then be submitted to the Superintendent of Building Inspection for approval in accordance with the following provisions. Preliminary plans and final plats for mobile home subdivisions must be submitted to the Planning Commission in accordance with the requirements of the Subdivision Ordinance.

- .1 A mobile home park construction permit is required either to establish a mobile home park or to expand an existing park. Application for a permit should be made to the Superintendent of Building Inspection and must be accompanied by six copies of a mobile home park final plan.
- .2 A mobile home park final plan must be prepared by a registered surveyor, engineer or landscape architect. It must be drawn at a scale of not less than one inch equals fifty feet and include at least the following information.
 - .1 Name of mobile home park, names and addresses of owners and designer of park, and the designer's seal.
 - .2 Date, north arrow and scale.
 - .3 Boundaries of the mobile home park and adjoining property owners.

- .4 The location and dimensions of all existing and proposed streets, drives, accessways, mobile home spaces, stands, parking bays, patios, walkways, service and accessory buildings, utility easements, storm drainage structures, and the location and type of screening to be provided.
 - .5 The locations of outlets for utility connections to mobile homes.
 - .6 Existing and finished contours at intervals of not more than two feet.
 - .7 The location and service connections of fire hydrants, both public and/or private.
- .3 The Superintendent of Building Inspection will submit one copy of the mobile home park final plan to each of the following agencies for their approval.
- .1 Charlotte-Mecklenburg Planning Commission - For conformance with site plan requirements.
 - .2 Department of City Engineering - For conformance with site improvement and construction specifications.
 - .3 Mecklenburg County Health Department - For conformance with regulations of the Mecklenburg County Health Department and regulations of the North Carolina State Board of Health.
 - .4 Fire Department - For location and adequacy of fire hydrants.
 - .5 Traffic Engineering Department - For conformance with parking and circulation design requirements.
- .4 After approval of a mobile home park final plan by the agencies listed above and by the Superintendent of Building Inspection, the Superintendent of Building Inspection may issue a mobile home park construction permit. All improvements in the mobile home park must conform to the approved mobile home park final plan.
- .5 A mobile home park certificate of occupancy, issued by the Superintendent of Building Inspection is required prior to the placement of mobile homes on spaces ready for occupancy in a new or expanded mobile home park. This certificate of occupancy will be issued when the park and the mobile home spaces covered by the permit comply with the provisions of this section. The certificate of occupancy will limit the park to the use of mobile homes approved by the Superintendent of Building Inspection under appropriate regulatory standards.
- 3213.9. Replacement of existing mobile homes. Mobile homes as principal residential buildings on individual lots, or in mobile home parks in operation at the time of the adoption of this section may be improved by replacement of the mobile home with another mobile home. The number of

mobile home living units may not be increased beyond the number available before replacement and the replacing mobile home must not create nonconforming yards or separation distances or increase existing nonconforming yards or separation distances.

3214. Innovative Development

This section up to this point has dealt with specific regulations for specific conditional districts. These regulations have included certain minimum development standards for the districts. The districts provide a special setting for certain uses and insure that the type of development which is anticipated in the district is, in fact, what occurs. However, it is not always possible to anticipate variations or improvements in the development types or to accommodate it with broad, all-encompassing regulations. It may be desirable to consider and evaluate new and innovative development concepts in a specially designed and controlled development setting. The R-20MF and R-PUD conditional districts provide such a setting. Therefore, the opportunity for innovative development may be included as an integral part of proposals for R-20MF or R-PUD conditional districts.

- 3214.1. Purpose. It is the objective of this section to encourage innovative development proposals that exhibit such special qualities or concepts that they may deviate from standard ordinance requirements. These regulations are established in order that each innovative development proposal will be evaluated on its own merits. It is recognized that some proposals or concepts will be more successful than others and the approval of a specific proposal in one situation does not mean that a similar proposal would be acceptable in other circumstances. These provisions are purely optional and are a voluntary means by which land may be developed outside of the standard ordinance requirements. These provisions are designed to evaluate only those innovative concepts that propose to meet a community need that would not otherwise be met. Finally it should be emphasized that these provisions should not be confused with or take the place of the normal variance procedures established either in Section 1403 of this ordinance or in the subdivision ordinance.

For the purposes of this section, the Charlotte-Mecklenburg Planning Commission is empowered to review and approve innovative development applications.

- 3214.2. Certain Development Standards may be Modified. The zoning standards listed below which would normally apply to development in the conditional districts may be modified through the innovative development process.

- | | |
|---------------------------|-------------------------------|
| 1. lot area | 5. building separation |
| 2. lot width | 6. height of fences and walls |
| 3. public street frontage | 7. off-street parking |
| 4. setback and yards | 8. open space |

- 3214.3. Subdivision Ordinance Standards may be Modified. The subdivision development standards listed below which would normally apply to development in the conditional districts may be modified through the innovative development process.

- .1 Street right-of-way.
- .2 Sidewalks.
- .3 Curb and Gutter.
- .4 Street Type (Public or Private)
- .5 Street Widths.

3214.4. Limitations on Project Size. Because of the special nature of these provisions it is desirable to limit the size of the area proposed for innovative development. This will insure the appropriateness of the land use relationships with adjoining property while providing the needed flexibility that is essential to the success of these provisions.

The project area that may be considered under these provisions is listed below.

In any R-PUD district	75 acre max.	No minimum
In any R-20MF district	75 acre max.	5 acre min.

Development may be accomplished through a single application for the entire allowable acreage or through a series of smaller areas that do not exceed the maximum size allowed.

3214.5. Application. In applying for approval of an innovative development concept the applicant shall include a letter to the Director of Planning with a statement of intent outlining: the purpose and objectives of the proposed development; the particular development standards that are being modified; the special design features or amenities that are being incorporated into the plan which make the proposed development significant and worthy of approval; and any other applicable information that the applicant may feel is appropriate. The applicant must submit a site development plan drawn to scale showing the information listed below.

- .1 Proposed lot configuration(s).
- .2 Proposed vehicular circulation system and off-street parking arrangements.
- .3 Proposed pedestrian and/or open space system.
- .4 Proposed screening, including fences, walls, or planting areas.
- .5 Proposed treatment of any existing significant natural features.

The City Council, the Planning Commission, or the Director of Planning may require additional information that may be necessary for an adequate review of the proposed development. This information may include individual dwelling unit concepts, intended use and design of the open space network, recreational amenities, and other similar information.

- 3214.6. Review and Approval. In evaluating an application for innovative developments the Planning Commission will consider whether the development plan meets the objective listed below.
- .1 Accomplishes objectives as specified in the statement of intent.
 - .2 Exhibits special, atypical design features and thoughtful, imaginative use of the land.
 - .3 Provides for reasonable and appropriate land use relationships, both within the development itself and with surrounding areas adjacent to the development.
 - .4 Provides the community with a beneficial, alternative design concept which is potentially applicable in other community situations.
- 3214.7. If the Planning Commission disapproves an application for an innovative development in a R-PUD district, the grounds for the disapproval will be stated in the records of the Planning Commission. Any appeal from the decision of the Planning Commission may be taken to the City Council.

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3300. Special Use Permits. [Char.]

[Ed. note: the entire Special Use Permit section of both ordinances, including uses, standards, and process is presently under revision. It can be expected that massive changes will occur as a result. Therefore, this section has not been rewritten to change any of the present language. The section has been renumbered for reference and for future use in a revised form. Otherwise it remains as it presently exists. In addition there are many substantive differences between the City and County ordinances. Therefore no attempt was made to combine the texts.]

3301. Special Use Permit Process.

In addition to land uses permitted by right and land uses permitted by conditional zoning approval of the governing body after public hearing, there are some land uses which are basically in keeping with the intent and purposes of the district where permitted, but which may, nevertheless, have an impact on the area around them which can only be determined by review of the specific proposal. These uses, under certain conditions and with proper controls, may be established in such a manner as to minimize any adverse effects. In order to insure that these uses, in their proposed locations, would be compatible with surrounding development and in keeping with the purposes of the district in which they are located, their establishment shall not be as a matter of right but only after review and approval of a special use permit as authorized under G. S. 160A-381 of the N. C. General Statutes, and as hereinafter provided.

3302. Application.

A request for a special use permit shall be considered only by application of the owners of the subject property or his duly authorized agent. Application for or amendments to approved special use permits shall be filed in the office of the Planning Commission. Application shall be made on forms provided by the Planning Commission and shall be accompanied by a \$100.00 fee to defray administrative and publication expenses, and by a site plan drawn to scale which shall include the following information:

- .1 A boundary survey showing the total acreage, zoning classification(s), date and north arrow;
- .2 A description of adjoining properties including tax parcel numbers, the name and address of the owners and property lines adjacent to the subject parcel;
- .3 All existing easements, reservations and rights-of-way and all yards required for the zoning district requested;
- .4 Proposed location of all structures, their approximate square footage and general exterior dimensions;
- .5 Proposed use of all land and structures;

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- .6 Traffic, parking and circulation plan, showing proposed location and arrangement of parking spaces and ingress and egress to adjacent streets; and
- .7 Proposed screening, including walls, fences or planting areas as well as treatment of any existing natural features.

The Director of Planning shall review each application for compliance with all applicable administrative requirements and if in compliance shall within 30 days forward the application to the City Council with a recommendation for a hearing.

3303. Additional Application Requirements.

When dealing with the special use permit process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Commission and/or City Council may require additional information as they deem necessary. Such information may include but not be limited to the following:

- .1 Delineation of areas within the regulatory floodplain as shown on the Charlotte official flood areas map;
- .2 Topography at 4 foot contour intervals or less (existing and proposed);
- .3 Proposed location of buildings, their general exterior dimensions and number of floors;
- .4 Proposed number of signs and their locations; and
- .5 Proposed phasing, if any, and approximate completion time of the project.

3304. Public Notice.

Public notice for a scheduled hearing for consideration of a special use permit shall be given in accordance with notice procedures for zoning amendments.

3305. Hearing Procedure.

Hearings shall be conducted in accordance with the "Rules of Hearing Procedure for Special Use Permits" adopted by City Council and on record in the office of the City Clerk. The applicant shall have the burden of supplying sufficient and reliable evidence to enable the City Council to make its required findings. In considering an application for a special use permit, the City Council shall consider, evaluate and may attach reasonable and appropriate conditions to the location, nature and extent of the proposed use and its relation to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, and such other matters as the council

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may find appropriate or the petitioner may propose. The petitioner shall have a reasonable opportunity to consider and respond to such additional requirements prior to final action by the City Council.

3306. Effect of Approval.

If an application is approved the special use permit and all conditions attached thereto shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the special use permit and corresponding plans, specifications and conditions. It shall be unlawful to develop or use real property in violation of an approved special use permit, any conditions attached thereto, or the ordinance authorizing a special use of real property upon approval of a special use permit.

3307. Re-application for a Special Use Permit.

If an application for a special use permit is denied by City Council a re-application for that special use shall not be instituted earlier than 2 years from the date of denial. However, upon request of the property owner, City Council may, in its discretion, determine that there have been sufficient changes in conditions or circumstances bearing on the property to warrant a re-application earlier than the 2 year waiting period. Such request shall be submitted to the Planning Commission and identify those changes which the applicant alleges have occurred. The Planning Commission shall review the request and transmit its recommendations to the City Council for final determination.

3308. Modification.

3308.1. The owner or owners of property subject to a special use permit may petition for a modification of such special use permit in accordance with the same provisions for applying for a special use permit; provided that, the evidence to be considered at the hearing shall be limited to the effect of the proposed modification upon any conditions attached to the special use permit and upon the standards and requirements of the ordinance under which the special use permit was approved. Such hearings shall be conducted in accordance with the "Rules of Hearing Procedures for Special Use Permits" adopted by the City Council and on record in the office of the City Clerk, to the extent those rules are not clearly inapplicable. Application for a modification to an approved special use permit shall be accompanied by a new site plan drawn in accordance with provisions listed in 3302 above and shall identify those specific modifications proposed.

3308.2. Any proposed modification or change of an approved special use permit and attached conditions shall be considered in accordance with the provisions of Section 3308.1 above; provided that, changes of detail which do not affect basic relationships of the special use to the standards and requirements of the ordinance under which the special use permit was approved or the conditions attached to the approval of the special use permit may be authorized by the Director of Planning. Any applicant may appeal the decision of the Director of Planning to the

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Planning Commission for review and decision as to whether a modification of the special use permit shall be required.

3309. Revocation.

Upon receipt of a true copy of a final judgment of a court of competent jurisdiction declaring that a particular special use permit has been violated and that the party responsible for such violation, after reasonable opportunity, has refused or failed to correct the violation, the City Council shall revoke the special use permit.

3310. Conformancy of Existing Special Uses.

Uses which are listed in the various district regulations as special uses and were already in existence prior to being classified as such shall be considered as conforming uses, except however that any expansion of such uses must first receive special use permit approval as provided under this section.

3311. Recognition of Certain Previously Approved Permits.

Previously approved permits for conditional uses or special permit uses listed below, which are no longer a part of this chapter, shall be recognized for building permit and development purposes, provided that construction of at least 50% of the development governed by the conditional use or special use permit is substantially completed within one year from the effective date of this amendment.

Shopping centers and commercial establishments exceeding one hundred thousand (100,000) square feet or ten acres in land area (previously 23-35.1).

Quarries (in residential district) (previously 23-38).

Off-Street parking in residential districts (previously 23-39).

Petroleum products storage (in the I-3 district) (previously 23-40.1).

Golf driving ranges, Par-3 golf courses, swimming pools, tennis courts and horse riding rings (previously 23-40.2).

Multi-family use of existing nonresidential structures with inadequate yard space in B-3 districts (previously 23-40.42).

Manufacture of certain items within the research district (previously 23-40.32).

Parking permitted for multi-family purposes in the required setback in the R-1.OMF district (previously 23-40.48).

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3312. Appeals and Variances.

The board of adjustment shall have no authority to grant a variance from any decision of the governing body pertaining to a special use permit. Any appeal from the City Council pertaining to special use permits shall be taken to the Superior Court in the same manner as an appeal from a board of adjustment decision.

3313. Petroleum Products Storage.

3313.1. Special use requirements. Petroleum products storage of more than 100,000 gallons aggregate storage capacity may be permitted as a special use in the I-1 and I-2 industrial districts subject to the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Prevention Association, all appropriate provisions of this chapter and the following supplementary requirements.

- .1 All storage tanks and loading facilities shall be located at least 25 feet from any exterior property line.
- .2 All storage tanks and loading facilities shall be located at least 120 feet from any exterior property line bordering a residential district.

3313.2. Application. Application for petroleum products storage as a special use shall be submitted and reviewed in accordance with Section 3300.

3313.3. Findings. As a prerequisite to approval of an application for this special use the City Council shall find that the evidence presented at the hearing establish:

- .1 That the use of the proposed site for petroleum storage will not endanger the public health or safety; and
- .2 That vehicular access to the facility will be provided from major thoroughfares and will not require the use of minor residential streets.

3313.4. Zoning map designation. Following City Council approval of a special use permit application the property for which approval was granted shall be labeled "S.U.P. 3313" on the official zoning map.

3314. Amusements, Commercial Outdoor.

3314.1. Special use requirements. Certain commercial outdoor amusement facilities may be permitted as a special use in the B-2 and -3 business districts and the I-1 industrial district subject to all appropriate provisions of this chapter.

3314.2. Application. Application for commercial outdoor amusements as a special use shall be submitted and reviewed in accordance with Section 3300 and shall include the following additional information:

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- .1 Proposed lighting including the height, type and intensity of illumination and shielding; and
- .2 Proposed type of amplified sound system(s).

3314.3. 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:

- .1 That no part of the proposed uses shall be so located or operated as to create a nuisance to adjacent existing residential districts;
- .2 That vehicular access to the facility will be provided from major thoroughfares and will not require the use of minor residential streets; and
- .3 That the proposed use will not endanger the public health or safety or substantially reduce the value of adjoining property.

3314.4. Zoning map designation. Following City Council approval of a special use permit application the property for which approval was granted shall be labeled "S.U.P. 3314" on the official zoning map.

3315. Race Tracks, Raceways, Drag Strips.

3315.1. Special use requirements. Race tracks, raceways and drag strips for automobiles, motorcycles or other types of racing competition involving motor vehicles may be permitted as a special use in the I-1 and I-2 industrial districts subject to all appropriate provisions of this chapter and the following additional requirements:

- .1 Vehicular access to and from the site shall be provided by a major thoroughfare; and
- .2 No part of such facilities shall be closer than 1,000 feet to a residential district.

3315.2. Application. Application for race tracks, raceways, drag strips and similar facilities shall be submitted and reviewed in accordance with Section 3300.

3315.3. Findings. As a prerequisite to approval of an application for this special use the City Council shall find that the evidence presented at the hearing establishes:

- .1 That the proposed use will not endanger the public health or safety or substantially reduce the value of adjoining property; and
- .2 That the proposed use will not constitute a nuisance to nearby properties with respect to noise, dust, fumes, lights, vibration and traffic.

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- 3315.4. Zoning map designation. Following City Council approval of a special use permit application the property for which approval was granted shall be labeled "S.U.P. 3315" on the official zoning map.
3316. High Rise Buildings in Residential Districts. (Char. only)
- 3316.1. Special use requirements. High rise buildings in residential districts which would exceed the height allowed by 3004 and 1627 may be permitted as a special use subject to all appropriate provisions of this chapter. The side yard shall not be less than an amount equal to the sum of the basic requirement plus one foot for every 2 feet of building height in excess of 40 feet. It is recognized that a high rise building may be appropriately located adjacent to intense nonresidential uses with no adverse effects to either the building or its environs. However, the same building located in an area of predominantly residential uses may have an adverse impact on the neighborhood because of its height and building mass.
- 3316.2. Application. Application for high rise buildings in residential districts shall be submitted and reviewed in accordance with Section 3300. In addition, the following information shall be provided:
- .1 Proposed height and number of stories of all buildings, as well as the dimensions of all proposed yard spaces;
 - .2 Proposed building exterior features, elevations and architectural renderings;
 - .3 The summer and winter sun path diagram and the corresponding shadowing effects to be caused by the buildings; and
 - .4 A general description of the visual character of the neighborhood and an explanation of the relationship of the proposed high rise building(s) to it.
- 3316.3. Findings. As a prerequisite to approval of a special use permit application the City Council shall find that the evidence submitted at the hearing establishes:
- .1 That the increased height above 60 feet will not unduly shadow adjoining single family homes;
 - .2 That the proposed use will not endanger the public health and safety or substantially reduce the value of nearby residential property;
 - .3 That the proposed use will not contribute to an undesirable development pattern for the area; and
 - .4 That the development plan provides for an acceptable relationship to adjacent properties.
- 3316.4. Zoning map designation. Following City Council approval of a special use permit application the property for which approval was granted shall be labeled "S.U.P. 3316" on the official zoning map.

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3317. Uses in the Distributive-Business District Requiring Special Use Permits.
- 3317.1. Special use requirements. In keeping with the intent of the distributive-business district but at the same time allowing greater flexibility, certain uses may be established within this district only by a special use permit. The special use permit process is intended to assure that these uses as developed will not constitute a visual blight, cause traffic hazards or have undesirable effects on adjacent property.
- 3317.2. Application. Applications for a special use permit for uses in the distributive-business districts shall be submitted and reviewed in accordance with Section 3300. In addition, the following additional information shall be provided:
- .1 Location, dimensions and outside construction material of all buildings;
 - .2 Front, rear and side building elevations; and
 - .3 Existing and proposed contour lines at 4 foot intervals or less.
- 3317.3. Findings. As a prerequisite to approval the City Council shall find that the evidence submitted at the hearing establishes:
- .1 That the proposed use will not contribute to an undesirable development pattern for the area;
 - .2 That the proposed use will not unduly disrupt any significant natural features of the site such as topography, streams or tree cover; and
 - .3 That the proposed uses will not create or compound traffic problems for the area.
- 3317.4. Zoning map designation. Following City Council approval of a special permit application, the property for which approval was granted shall be labeled "S.U.P. 3317" on the official zoning map.
3318. Uses in the Institutional District Requiring Special Use Permits.
- 3318.1. Special use requirements. The institutional district is a specialized zoning district which is intended to recognize a number of diverse nonresidential uses which may be permitted as special uses when properly located and designed.
- 3318.2. Application. Applications for a special use permit for uses in the institutional district shall be submitted and reviewed in accordance with Section 3300. In addition, the following information shall be provided:
- .1 Location, dimensions and outside construction material of all buildings;

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- .2 Front, rear and side building elevations; and
- .3 Existing and proposed topography at 4 foot intervals or less.

3318.3. Findings. As a prerequisite to approval of a special use permit application, the City Council shall find that the evidence presented at the hearing establishes:

- .1 That the proposed use will not contribute to an undesirable development pattern for the area;
- .2 That the proposed use will not unduly disrupt any significant natural features of the site such as topography, streams or tree cover; and
- .3 That the proposed use will not create or compound traffic problems for the area.

3318.4. Zoning map designation. Following City Council approval of a special permit application the property for which approval was granted shall be labeled "S.U.P. 3118" on the official zoning map.

3319. Institutional Uses in Residential Districts.

3319.1. Special use requirements. The following uses may be established by section use permit in residential districts subject to all appropriate provisions of this chapter.

- Day care centers and pre-schools;
- Nursing homes, rest homes, and homes for the aged;
- Hospitals and sanitoriums;
- Young Men's Christian Associations and comparable organizations;
- Fraternal organizations; and
- Group homes.

.1 The uses listed above must comply with the standards listed below.

	R-1.OMF	R-6 R-6MF	R-6MFH	R-9 R-9MF	R-12 R-12MF	R-15 R-15MF	R-20MF
Setback	20	25	25	30	35	40	40
When abutting res. district:							
rear	20	40	40	45	50	55	55
side	8	8	8	8	10	10	10
When abutting non-res. district:							
rear	20	20	20	25	30	30	30
side	8	8	8	8	10	10	10
Min. unobstructed open space	45	50	50	60	65	70	70
max. height	40	40	40	40	40	40	40

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- .2 Day care centers and pre-schools must comply with the development standards in Section 3119.
- .3 Nursing homes, rest homes and homes for the aged must comply with the development standards in Section 3122.
- .4 For fraternal organizations, YMCA's and hospitals and sanitoriums, the minimum lot area shall be the same as a single family dwelling for the zoning district in which it is located.
- .5 Group homes shall have a maximum of 10 clients.
- .6 For all special uses under this section, the following shall apply: No parking of motor vehicles shall be permitted in the required setback. No parking of motor vehicles shall be permitted in the required sideyard abutting residential districts. The space within the required setback shall not be used as maneuvering space for parking or unparking of vehicles, except that driveways providing ingress and egress to the parking area may be installed across the setback area.

3319.2. Application. Applications for a special use permit for institutional uses in residential districts shall be submitted and reviewed in accordance with Section 3300.

3319.3. Findings. As a prerequisite to approval of a special use permit, the City Council shall find that the evidence presented at the hearing establishes:

- .1 That the proposed use will not endanger public health and safety or substantially reduce the value of adjoining and nearby property;
- .2 That the proposed use will be compatible with the general characteristics of the area with respect to the location, size and exterior features of the structure, the location, design and screening of parking areas and the location and size of signs;
- .3 That the proposed use will not substantially increase the volume of vehicular traffic within the area; and
- .4 That the proposed use will be compatible with the general living environment of the area, particularly with respect to noise levels.

3319.4. Zoning map designation. Following City Council approval of a special permit application the property for which approval was granted shall be labeled "S.U.P. 3319" on the official zoning map.

3320. Day Care Centers and Pre-Schools in the I-1 and I-2 Industrial Districts.
(Char. only)

3320.1. Special use requirements. Day care centers and pre-schools may be established by special use permit as a principal use in the I-1 and I-2 industrial districts. The special permit process is intended to assure that such facilities will be so located so as not to constitute a

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potential danger to the health and safety of the children served in relation to adjoining or nearby industrial facilities. Such facilities shall be subject to all appropriate provisions of this chapter and the following additional requirements:

- .1 At least 100 square feet of outdoor play space per child shall be provided;
- .2 Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking area or land unsuited by other usage or natural features for children's play space; and
- .3 Fences shall comply with fence regulations for residential districts in Section 1624. The minimum height in any case shall be 3 feet.

3320.2. Application. Applications for a special use permit for day care centers and pre-schools in the I-1 and I-2 industrial districts shall be submitted and reviewed in accordance with Section 3300.

3320.3. Findings. As a prerequisite to approval of a special use permit application the City Council shall find that the evidence presented at the hearing establishes:

- .1 That the proposed use will not substantially endanger the health and safety of those it is intended to serve; and
- .2 That the proposed use will not be subjected to unduly high levels of noise, fumes, dust and smoke.

3320.4. Zoning map designation. Following City Council approval of a special use permit application, the property for which approval was granted shall be labeled "S.U.P. 3320" on the official zoning map.

3335. Minor Exceptions; Yard Requirements.

3335.1. Special use requirements. In conjunction with Section 3050 and other appropriate provisions of this ordinance certain minor exceptions as herein defined may be permitted as a special use permit. For purposes of this section, a minor exception is 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 1400. No minor exception may be greater than 25% 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.

3335.2. Application. An application for a minor exception as a special use shall be submitted and reviewed in accordance with Section 3300.

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- 3335.3. Findings. As a prerequisite to approval of an application for this special use, the City Council must 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 must find that approval will result in at least one of the following:
 - .1 More efficient use of the site;
 - .2 Preservation of natural features; or
 - .3 Improved provision of light, air and privacy to adjoining properties.
- 3335.4. City Council approval. Following City Council approval of a minor exception special use permit application the special use permit will be issued.

3400. Special Purpose Districts

Due to the complex nature of urban and suburban development and changes in development technology in response to market needs, conventional zoning districts often do not offer sufficient flexibility to allow new development or protection for existing developed areas. From time to time special purpose districts may be proposed to provide for special developments which may not otherwise be possible. This section contains those districts which have been designed and adopted to accommodate such proposals in furtherance of the Comprehensive Plan - 1995 and all subsequent more detailed plans and policies for the development of the community.

3401. Urban Development Center - Village (UDC-V)

This district is intended for application at select locations throughout the urbanized and urbanizing area, and is designed to facilitate stated public policies to prevent non-residential strip zoning and development along thoroughfares. This district provides areas where moderate scale mixed use centers can locate with an emphasis on the development of a balance of residential, institutional, retail, office and conference center/hotel uses.

3401.1. Purpose. The adopted Comprehensive Plan - 1995 calls for mixed use centers integrated within the urban fabric of this community. The purpose of these centers are listed below.

- .1 Provide mixed use development areas where a wide range of personal and professional services are available in close proximity to and in harmony with residential environments and employment concentrations.
- .2 Work in concert with public policies to discourage strip development and to limit higher density and intensity development within a given distance of the borders of this District.
- .3 Provide the focal point for public utilities and services in the area.
- .4 Provide the focal point for major urban land uses in the area.
- .5 Avoid traffic congestion through use of optional modes of transportation.
- .6 Decrease pedestrian hazards.
- .7 Encourage high aesthetic and design standards.
- .8 Decrease the anxiety of area residents regarding the nature and amount of new developments coming to their area by informing them of proposed plans at an early stage.

The Urban Development Center-Village (UDC-V) permits moderate scale mixed use centers with an emphasis on the development of a balance of

residential, institutional, retail, office and hotel/conference center uses. It also provides for integrated pedestrian, automotive, bicycle and transit circulation and access.

3401.2. Applicability. The UDC-V District is intended for application at select locations throughout the urbanized and urbanizing area. Sites to which this District are applied must contain a minimum area of 50 acres and a maximum area of 160 acres. It is highly desirable that UDC-V sites have direct access to two thoroughfares, but such sites must have direct access to at least one thoroughfare. UDC-V sites must have water and sewer service, or executed contracts to extend such service, before any construction begins that is subject to these provisions. The site also must be on an existing transit route or located so that transit could be easily extended from existing routes in the foreseeable future. The UDC-V District may also be applied in areas where some development has occurred previously. In such cases UDC-V development must still comply with all of the provisions of this ordinance.

Recognizing the intent and applicability of this District in conjunction with public land use policies to limit strip non-residential development, a rezoning applications for non-residential uses along the thoroughfares accessing a UDC-V site, and within 2.5 miles of the borders of the UDC-V, should be evaluated in terms of their potential to run against land use policies discouraging strip non-residential development. This does not prevent rezoning for non-residential uses, but where these rezonings are permitted they should be handled through a conditional district process. This is intended to focus appropriate attention to site design and project impacts upon the local area. Except where unusual circumstances are present, UDC-V sites should be located so that there is a minimum of 2.5 miles between the borders of any two sites, whether within the City of Charlotte or within the unincorporated areas of Mecklenburg County.

For the purposes of this District the following definitions apply.

- .1 single family detached - a structure which contains 1 dwelling unit;
- .2 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;
- .3 multi-family - a structure containing 2 or more dwelling units either sharing a common means of entry and/or designed with one dwelling unit above or below another dwelling unit;
- .4 mixed use core - that designated area which contains an integrated design of residential and retail and office uses.
- .5 open space - the area upon which no buildings or improvements are constructed except for landscaping, lighting fixtures, signs, drives and roads for ingress and egress, walls fences and buildings primarily for the recreational use of the residents.

3401.3. Permitted Uses. The following uses are permitted by right in UDC-V districts.

- .1 Residential uses - single family detached, single family attached and multi-family - separately or in conjunction with retail and/or office uses.
- .2 Office uses - professional, business and corporate.
- .3 Hotels and facilities for conferences, meetings or similar activities as a separate use or in conjunction with other office or retail uses.
- .4 Retail uses - personal services, specialized retail, banks, theatres, or other similar services as a separate use or in conjunction with other uses.
- .5 Museums, libraries, churches, schools, post offices, hospitals, or other similar institutional uses.
- .6 Parks, playground, YMCA's, YWCA's, or similar public or private recreational facilities.

3401.4. Permitted site usage. The following site usage standards apply in the UDC-V District.

- .1 The minimum permitted number of dwelling units as designated in the Concept Plan is be calculated:

$$\text{Minimum number of dwelling units} = \frac{\text{Total site area} \times 4 \text{ du/acre}}{\text{(in acres)}}$$

- .2 The maximum permitted number of dwelling units as designated in the Concept Plan when no hotel/conference center is proposed is calculated:

$$\text{Maximum number of dwelling units} = \frac{\text{Total site area} \times 10 \text{ du/acre}}{\text{(in acres)}}$$

- .3 The maximum permitted number of dwelling units as designated in the Concept Plan when a hotel/conference center is proposed is calculated:

$$\text{Maximum number of dwelling units} = \frac{\text{Total site area} \times 8 \text{ du/acre}}{\text{(in acres)}}$$

- .4 The maximum gross floor area devoted to retail uses, as designated in the Concept Plan is calculated:

$$\text{Maximum gross floor area} = \frac{\text{Total site area} \times 1,563 \text{ S.F./acre}}{\text{(in sq. ft.)} \quad \text{(in acres)}}$$

- .5 The maximum gross floor area devoted to office uses, as designated in the Concept Plan is calculated:

$$\text{Maximum gross floor area} = \frac{\text{Total site area} \times 2,813 \text{ S.F./acre}}{\text{(in sq. ft.)} \quad \text{(in acres)}}$$

- .6 The uses in mixed use buildings must be subtracted from and considered a part of the appropriate use categories as though they were freestanding uses.
- .7 At least 15% of the site must be open space and/or active recreational space. All open space, including that above and beyond the required 15% which may be designated as open space on any development permit application, must be restricted from future development. Open spaces must be located in proximity to the residential units they are intended to serve.
- .8 Hotel size permitted. Any hotel built subject to these provisions is limited to 150 bedrooms, or their equivalent.
- .9 Non-residential space transfer provision. A maximum of 20% of the approved retail gross floor area may be changed to office gross floor area, and vice versa, under the following conditions.
 - .1 Retail gross floor area may be added up to the limits defined above provided that for every 1 square foot of retail gross floor area added 2 square feet of office gross floor area is deleted.
 - .2 Office gross floor area may be added up to the limits defined above provided that for every 2 square feet of office gross floor area 1 square foot of retail gross floor area is deleted.
- .10 Institutional and recreational uses permitted. The gross floor area devoted to institutional uses must be subtracted from and considered a part of the gross floor area permitted for office uses. The gross floor area devoted to recreational facilities not intended primarily for the use of residents must be subtracted from and considered a part of the gross floor area permitted for retail uses.
- .11 Development phasing. No more than 50% of the approved retail and office gross floor area may be constructed until at least 25% of the approved number of dwelling units has been constructed or is under construction. No more than 75% of the approved retail and office gross floor area may be constructed until at least 50% of the approved number of dwelling units has been constructed or is under construction.

3401.5. Area, Yard, and Height Regulations

Height limits. The following height limits apply to buildings within the UDC-V District:

- .1 Within 100 feet of any thoroughfare - no above ground buildings.
- .2 Between 100 and 150 feet from any thoroughfare - 3 stories, not exceeding 45 feet plus appendages.
- .3 Between 150 and 200 feet from any thoroughfare - 4 stories, not exceeding 55 feet plus appendages.
- .4 More than 200 feet from any thoroughfare - 6 stories plus appendages.

- .5 Within 75 feet of any residentially zoned land - no above ground buildings.
- .6 Between 75 and 100 feet of any residentially zoned land - 2 stories, not exceeding 35 feet plus appendages provided the building abuts no more than 50% of the border of any adjoining single lot so zoned, if extended to the border of the building.
- .7 Between 100 and 175 feet of any residentially zoned land - 2 stories not exceeding 35 feet plus appendages.
- .8 Between 175 and 250 feet of any residentially zoned land - 4 stories, not exceeding 55 feet, plus appendages.
- .9 More than 250 feet from any residentially zoned land - 6 stories plus appendages.
- .10 Where land across any thoroughfare is not a part of the UDC-V site and is residentially zoned, the building height limits noted in parts e. through h. of this subsection apply.
- .11 The advisability of increasing building height limits noted in this subsection will be re-evaluated by the Charlotte-Mecklenburg Planning Commission 12 months after the adoption of these provisions. This evaluation will be the basis for any increase in these building height limits if they should determine that the building height limits are inappropriate.

3401.6.

Development Standards

- .1 Edge conditions. The uses to which the site is devoted at the points where the UDC-V District abuts other developed property must be compatible with the adjoining uses. Furthermore, development impacts on the natural features at site edges must be addressed.
- .2 Storm water runoff. The storm water runoff from the UDC-V site must comply with existing State and local standards at every phase of development.
- .3 Residential character. The character of adjoining residential uses must be recognized and addressed.
- .4 Circulation and access. Street circulation and property access must be designed to minimize the impacts on area streets.
- .5 Transit and rideshare service. Adequate land area must be provided for the loading and unloading of transit and rideshare users within the mixed use core of the site.
- .6 Site integration. The site must be developed so as to integrate pedestrian and transit access with the land uses.
- .7 Innovative Development. The opportunity for innovative development as provided in Section 3214 may be included as a part of the development permit approval process for a UDC-V District. No development standards established for this district may be modified. However, certain development standards from other portions of the Charlotte Zoning Ordinance as listed below may be modified under these provisions.

lot area
lot width
frontage on a public street
setback and yards
building separations
height of fences and walls
off-street parking
open space

In addition, in accordance with the provisions of Section 18-4.1 of the Charlotte City Code, the following subdivision standards may also be modified under this subsection.

street right-of-way
sidewalks
curb and gutter
street type (public or private)

3401.7. Parking and Loading Standards

Parking. Parking for the permitted uses in the UDC-V District is subject to the following regulations.

- .1 For the first 50% of the approved retail and office gross floor area, parking may be provided at not more than 1 space per 180 square feet of gross floor area.
- .2 For the second 50% of the approved retail and office gross floor area, parking may be provided at not more than 1 space per 200 square feet of gross floor area.
- .3 Parking for medical office uses anywhere in the UDC-V District and at any phase in development may be provided at not more than 1 space per 150 square feet of gross floor area even if the result is that more parking is provided than would have been under parts (a) and (b) of this section.
- .4 Parking must be provided for permitted land uses for which no specific requirements are listed in this section in accordance with the parking standards in Section 2000.
- .5 All parking lots must have landscaped and planted areas equal to at least 10% of their paved area. In addition the periphery of each parking lot is to be landscaped and planted so as to protect and preserve the character of the project.
- .6 For every parking space provided and maintained for park-and-ride or ridesharing purposes, one additional space not used for ride-sharing or park-and-ride purposes may be added to the general inventory of parking spaces above the maximum normally permitted.
- .7 A percentage of the parking spaces provided may be for compact or small automobiles. These spaces must have minimum dimensions of 7.5 feet in width and 15 feet in length. For each parking space built for compact or small automobiles an additional 0.25 spaces may be added to the general inventory of parking spaces above the maximum generally permitted. The percentage of spaces which may be provided for compact or small automobiles will be specified by the Department of Transportation. This percentage will be equal to the percentage of all automobiles registered in Mecklenburg

- County for the previous year with the North Carolina Department of Motor Vehicles that are classified as compact or subcompact.
- .8 Surface parking lots may be located no closer than 50 feet from any thoroughfare. Surface parking lots may be as close as 50 feet to residentially zoned land, provided no more than 50% of the border of any adjoining single lot so zoned, if extended to the border of the parking lot, would be abutted by the surface parking lot. Otherwise no surface parking lots may be located closer than 100 feet from residentially zoned land.

3401.8. Review and Approval Process

To insure the appropriate consideration of the impacts of development upon adjacent uses, a Concept Plan must be submitted and reviewed in accordance with this Section. The Concept Plan governs the review of edge conditions, development coordination and off-site assessment in the UDC-V District.

At the time of application for a change of zoning to the UDC-V District, all property owners or their agents must certify that they have the authority and will bind the property to the Concept Plan if the zoning change is approved by the City Council. Adjoining or nearby property owners are encouraged to join together in proposing one Concept Plan rather than competing for the creation of separate UDC-V districts under these provisions.

At some time not more than 10 business days following the filing of an application for change in zoning to the UDC-V District the Planning Director, will arrange a meeting between the property owners/developers, or their agents, and representatives of interested neighborhood groups. A notice of the time and place of the meeting will be sent to all parties. The purpose of this meeting will be to give the property owners/developers an opportunity to explain their proposed plan and to answer any questions about it. The Planning Director will moderate the meeting and keep action minutes which will become a part of the application file. The property owners/developers are encouraged to consider modifications to their plan based upon input from this meeting.

3401.9. Concept Plan

- .1 Intent. By virtue of the special nature of mixed use centers and the significant role they are expected to play in the management of growth and development within the Charlotte-Mecklenburg urban area, a special process to review development is created. The emphasis of this process is on the impact a development proposal will have on its environment, on how the development will be managed at critical locations and on the establishment of the upper limits of the development proposed. It is therefore the purpose of this section to insure that minimum standards established for the UDC-V District are achieved and that the administrative approval of any specific development permits is accomplished in an efficient and timely manner.

- .2 Elements of the Concept Plan. The elements of the Concept Plan are the Development Program and the Off-Site Inventory.
- .3 Concept Plan review required. The proposed construction of any component approved in the Concept Plan will not be approved for any development permit by the Building Standards and Code Enforcement Department until the Planning Director acting as an agent of the Director of the Building Standards and Code Enforcement Department has determined that the structures proposed are in compliance with the Concept Plan and all provisions of this ordinance.
- .4 Concept Plan review.

Each application for a change of zoning to the UDC-V District must be accompanied by a Concept Plan for the proposed development. The Concept Plan and the application must be filed with the Planning Commission, and must be accompanied by a Development Program and an Off-Site Inventory. A Development Program must include the following information

- .1 total number of residential units proposed.
- .2 total gross floor area proposed for retail, office, hotel and institutional uses.
- .3 total number of hotel rooms and/or suites proposed.
- .4 general location of the mixed use core.
- .5 general location of all non-residential development proposed (whether in mixed use core or not).
- .6 general location of all buildings more than 4 stories tall.
- .7 traffic impact analysis for the use mix sought.
- .8 transit access plan.
- .9 bicycle access plan.
- .10 auto access plan.
- .11 pedestrian access plan.
- .12 generalized information as to the height, and in especially critical situations, the location of structures.
- .13 cross-sections showing proposed treatment of the streetscape along thoroughfares at typical locations and at areas of significant change in topography and intensity of use. These cross sections should include such factors as mass, bulk, screening, buffering, curb cuts, signs, graphics, and lighting. The detail should include at least the right-of-way of the thoroughfare as well as 50 feet on either side of the right-of-way.
- .14 cross-sections at typical locations, and to a depth of 55 feet on either side of a property line, where the site proposed for the UDC-V District abuts residentially zoned or developed property to show typical techniques to be employed in recognizing and addressing the character of adjoining residential properties. These cross sections should include such factors as privacy, bulk, height, surface water runoff, security, traffic and circulation (auto, bicycle and pedestrian).
- .15 layout of a typical parking lot indicating a description of the plantings to be used in landscaping and maturation periods for these plantings.

- .16 signage and exterior lighting programs consistent with the character of the area, proposed overall design of the development, and the proposed edge treatment.
- .5 Optional Project Information. Additional information concerning various aspects of the proposed development may be presented. Such information may include, but is not limited to, the types of considerations below.
1. details of intended development treatment at points of environmental sensitivity, dramatic and principal views, historic and significant sites, physiographic obstruction or great opportunity.
 2. information on the significant trees and vegetation to be retained on the site.
- .6 Off-Site Inventory. The Off-Site Inventory must include the following information.
1. a map depicting generalized land use for all properties abutting the site with the names and addresses of all owners of this property based on the latest information available in the office of the City-County Tax Collector.
 2. the locations and capacities of applicable existing public utilities and facilities such as schools, water service, sewer service, roads and storm water management. Information on how the proposed development affects any approved plans public utilities and facilities, as well as how storm water runoff will be managed, must be supplied. The purpose for providing this information is to assist the City Council in assessing the impacts of the proposed development upon public facilities and utilities, as well as overall community growth and planning goals.
- .7 Pre-application consultation. Applicants are encouraged to seek a pre-application consultation with the Planning Director to discuss the proposed Concept Plan and its relationship to the criteria and standards listed for this District.
- .8 Amendments to the Concept Plan before the public hearing. The applicant may make changes to the Concept Plan up to 10 business days before the scheduled public hearing. Should any changes be made, the applicant must place 3 copies of the amended Concept Plan on file for public viewing in the offices of the Planning Commission. Any changes to the Concept Plan submitted within less than 10 days of the scheduled public hearing will require that the public hearing be rescheduled in the manner normally prescribed.
- .9 Decision on Concept Plan. With respect to each application, the City Council may approve the Concept Plan, disapprove it or approve it with such modifications and conditions as may be consistent with the criteria and standards listed for this District. Within 5 business days following the City Council action

with respect to an application the Planning Director will inform the applicant, and other persons who may request it of the City Council decision on the Concept Plan.

3401.10. Development Permit Approval. Within 15 business days following the submission of an application for a development permit to construct any uses subject to this District, the Planning Director will make a recommendation to the Director of Building Standards and Code Enforcement Department. The conclusions of this recommendation will specifically address the relationship between the proposed construction and the Concept Plan and the criteria and standards listed in this District.

In applying for approval of development permits to construct any uses subject to this district, the applicant must include by letter to the Planning Director a statement of intent outlining the purpose and objectives for the portion of the UDC-V site for which development permit approval is being requested. If there is a proposal to vary the development standards in accordance with subsection (D)18., the applicant must note which particular development standards are being proposed for modification pursuant to the provisions of subsection (D)18., the number and sizes of buildings proposed, what special design features or amenities are being incorporated which make the proposed development significant and worthy of approval, and any other applicable information that the applicant may deem appropriate. In addition, the applicant must submit a site development plan, for the uses for which development permits are requested. The plan must be drawn to scale and include the following information.

- .1 Proposed lot configuration(s)
- .2 Proposed vehicular circulatory system and off-street parking arrangements.
- .3 Proposed pedestrian facilities, unobstructed open space and active recreational space, if any.
- .4 Proposed screening, including fences, walls, or planting areas.
- .5 Proposed treatment of any existing significant natural features.
- .6 Proposed storm water management plan.

The Planning Director or the Superintendent of the Building Inspection Department may request additional information as either may deem necessary for an adequate review of the proposed development including but not limited to individual dwelling unit concepts, building locations, intended use and design of the open space network and recreational amenities.

3401.11. Appeal from Development Permit Disapproval. If the Planning Director recommends disapproval of a development permit to construct any uses subject to this District, the grounds for the recommendation must be stated in writing to the Director of the Building Standards and Code Enforcement Department and the applicant. An appeal from the recommendation of the Planning Director may be taken to the Planning Commission. The Planning Commission may disapprove in whole or in part, or otherwise modify the action of the Planning Director. A development permit to construct any use subject to this District which is recommended for approval by the Planning Commission is eligible for consideration by the Director of the Building Standards and Code Enforcement Department.

- 3401.12. Procedures. Proponents of a change of zoning to the UDC-V District will be given the opportunity to present their petition to the Board of County Commissioners within a time not to exceed 45 minutes. Opponents of such a proposed change in zoning will be allowed an equal amount of time. With the exception of these time provisions, all other rules of procedure governing hearings for a change of zoning, apply.
- 3401.13. Amendments to an approved Concept Plan. Changes to approved plans and conditions of development will be considered the same as changes to the zoning map and will be processed in accordance with the provisions of Section 1300 of the Charlotte Zoning Ordinance, except that paragraph 1306 shall not apply. However, changes of detail which do not alter the basic relationship of the proposed development to adjacent property, which do not alter the uses permitted or increase the density, which do not increase the intensity of development, which do not increase building height or traffic access, which do not decrease the off-street parking ratio, or reduce the yards provided at the boundary of the site may be requested by the applicant and authorized by the Planning Director. Any applicant or speaker registered at the public hearing may appeal the decision of the Planning Director to the Planning Commission within 10 business days for review and decision as to whether an amendment to the Concept Plan is required. The Planning Director, will notify all speakers registered at the public hearing of any amendments which he authorizes to an approved Concept Plan within 5 business days of the day that such amendment(s) are authorized.
- 3401.14. Effect of approval. If an application is approved, the UDC-V District thus established and all conditions attached thereto shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved plan and conditions. The intent of this type of zoning is to provide a voluntary alternative procedure for specific development proposals and as such it is intended that all property zoned be in accordance with firm plans to develop. Therefore, every 3 years from the date of approval of a Concept Plan, the Planning Commission will examine development progress to determine if it is proceeding in compliance with provisions, conditions and restrictions - of the approved Concept Plan. In addition the Off-Site Inventory portion of the Concept Plan will be reassessed to determine if the impacts of the proposed development upon public facilities, public utilities and overall community growth and planning goals are within the ranges projected. If such development does not comply with the approved Concept Plan or if the impacts of the proposed development are worse than the ranges projected, a report will be forwarded to the City Council which may recommend appropriate remedial action including action to remove the UDC-V zoning in accordance to procedures outlined in Section 1300. Furthermore, every 3 years from the date of approval of a Concept Plan, the Planning Commission will examine the progress made to develop in accordance with the approved Concept Plans to determine if development complies with provisions, conditions and restrictions of the approved Concept Plan. If such development does not comply, a report will be forwarded to the City Council which may recommend that action be initiated to remove the UDC-V zoning.

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Petition No. 83-39
Ralph Squires Const. Co.

ORDINANCE NO. 1426-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 a 30.3 acre site adjacent to the Milton Acres Subdivision and accessed through Briarhill Drive from R-9 to R-9MF(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, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 23-35(b), and was recommended for approval by 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 20, 1983; 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-9 to R-9MF(CD) on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point, said point being the most westerly corner of the Aaron Smith property, tax parcel 99-146-1; 1) thence S.43-13-25E. 1219.86 feet; 2) thence N.80-39-15E. 199.12 feet; 3) thence S.43-50-49E. 230.34 feet; 4) thence S.66-05-10E. 358.11 feet; 5) thence N.36-03-17E. 120.05 feet; 6) thence S.06-16-35E. 357.25 feet; 7) thence N.67-34-50W. 2760.85 feet; 8) thence N.65-00-08E. 1029.90 feet to the point or place of BEGINNING.

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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:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 1983, the reference having been made in Minute Book 81, and is recorded in full in Ordinance Book 32, at page 360-361.

Pat Sharkey
City Clerk

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PETITION NUMBER 83-47
Charlotte-Mecklenburg Planning
Commission

ORDINANCE NO. 1427 AN ORDINANCE AMENDING CHAPTER 23
OF THE CITY CODE - ZONING ORDINANCE

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

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

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

1. Amend Article III, Division 5, Urban Districts by adding a new section 23-38. Uptown Mixed Use District as follows:

23-38. Uptown Mixed Use District.

23-38.01. Purpose. The adopted Central Area Plan calls for a mixed use development district, the purpose of which is to strengthen the high density core of the central area. This district permits, and encourages the coordinated development of retail and wholesale trade; business, professional and financial services and offices; hotels, convention and conference centers; merchandise markets; high density residential development; and parking as a separate business. The Optional Uptown Mixed Use District review process facilitates the coordination of these developments by stressing sensitivity to the pedestrian environment, urban design, open spaces, signs and street furniture where the development subject to these provisions does not conform to the streetscape design standards of these provisions.

23-38.02. Sunset provision. These provisions shall continue in effect for an initial period of 2 years from the anniversary date of their adoption and, upon reapproval, for a period of 3 years thereafter from the applicable anniversary date. Not less than 90 days prior to any anniversary date, the Charlotte Uptown Development Corporation and other interested groups or individuals shall furnish to the Charlotte-Mecklenburg Planning Commission recommendations regarding any amendments to these provisions. These provisions, as amended - based on recommendations of the Charlotte Uptown Development Corporation and others - shall be submitted to the City Council on or before the applicable anniversary date for reapproval. Failure to reapprove these provisions shall not result in their becoming null and void.

23-38.03. Definitions. For the purposes of these provisions the following definitions shall apply:

- a. Approved streetscape plan - A document, approved by the City Council, which may include maps, illustrations, written descriptions, etc. which define the relationships between the component

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elements which make up the street environment including the space between buildings and streets, paving, signage, trees and street furniture.

23-38.10. Permitted uses. The following uses are permitted by right in the Uptown Mixed Use District.

- a. Colleges; universities; commercial schools; schools providing adult training in any of the arts, sciences, trades and professions; and dormitories for the students of colleges, commercial schools, schools providing adult training and for the staffs of hospitals.
- b. Dwellings: detached, attached, multi-family and Planned Multi-Family Developments.
- c. Coliseums, stadiums and non-commercial public recreation parks and playgrounds.
- d. YMCA's; buildings for social, fraternal, social service, union and civic organizations; and comparable organizations.
- e. Buildings for dramatic, musical or other cultural activities; entertainment establishments such as lounges, night clubs, bars, taverns and cabarates provided they are located at least 100 feet from any residential structure located in a residential district; and theatres.
- f. Retail sales and retail sales for auctions; apparel, department, furniture stores and stores for home furnishings and office supplies; automobiles (new and used); bakeries; food stores; boats; feed; fences and fence material; packaged fertilizer; motorcycles; pawnshops and second hand goods; and trucks.
- g. Repair services and associated storage facilities for automobiles; boats; motorcycles; any article that is permitted to be sold in this district; buses; and public utility vehicles.
- h. Wholesale sales and rentals for automobiles and trucks; florists; jewelers; and utility trailers.
- i. Professional business and general offices such as banks; radio and television stations and offices; clinics; medical, dental and doctors' offices; government and public utility office buildings; post offices; opticians' offices; and similar uses.
- j. Hotels; motels; motor courts; room renting; and tourist houses.
- k. Services such as beauty shops and barber shops; exterminators; funeral homes, embalming and crematories; laundries and dry cleaning establishments; and lock and gunsmiths.
- l. Restaurants.
- m. Production, manufacturing, storage, warehousing and display uses such as manufacture of bakery goods for sale on the premises only; blueprinting and photostating; buildings for the display of sample merchandise; engraving; fabric samples assembling; frozen food lockers; dental, medical and optical laboratories; mail order houses; nurseries and greenhouses; printing and photoprocessing; sign painting and manufacturing; storage and warehousing related to wholesale sales, entirely within enclosed buildings, excluding truck terminals; crating services; and warehousing.
- n. Studios for artists; designers; photographers; musicians; sculptors; gymnasts; potters; wood and leather craftsmen; glass blowers; weavers; silversmiths; and designers of ornamental and precious jewelry.

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- o. Bus passenger stations.
- p. Off-street parking for all permitted uses.
- q. Utility and related facilities such as distribution lines; railroad rights-of-way; telephone repeater stations; and water storage tanks.
- r. Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, such temporary uses to be terminated upon the completion of construction.
- s. Wholesale and retail sales, outdoors.
- t. Telecommunications and telephone switching.

23-38.11. Uses under prescribed conditions. The following uses are permitted subject to the specific conditions governing each use as specified in the appropriate section.

- a. Churches; synagogues; parish houses; Sunday school buildings, convents; community recreation centers; country and swim clubs; athletic and sports facilities; libraries; museums and art galleries; orphanages, children's homes and similar non-profit institutions providing domiciliary care for children; police and fire stations; public and private elementary, junior and senior high schools; and pumping stations are all subject to regulations in Section 23-43.
- b. Day care centers subject to regulations in Section 23-32.7.
- c. Small group day care homes subject to regulations in Section 23-32.6.
- d. Nursing homes; rest homes and homes for the aged are all subject to regulations in Section 23-32.8.
- e. Automobile laundries subject to regulations in Section 23-34.03.
- f. Drive-in windows as an accessory part of a principal structure or operation subject to regulations in Section 23-34.09.
- g. Shopping centers subject to regulations in Sections 23-54.1 and 23-59.2.
- h. Bus stop shelters subject to regulations in Section 23-34.06.
- i. Electric and gas substations subject to regulations in Section 23-33.
- j. Radio, telephone and television masts, towers, antennae and similar structures are all subject to regulations in Section 23-35(d).
- k. Non-conforming buildings and uses subject to regulations in Section 23-98 through 23-102.

23-38.12. Accessory uses. The following are permitted as accessory uses in the Uptown Mixed Use District.

- a. Accessory residential uses and structures, clearly incidental to the permitted principal use, including service quarters, guest houses and bomb shelters.
- b. Petroleum storage, accessory to a permitted principal use or building subject to the Fire Prevention Code of the National Board of Fire Underwriters.
- c. Petroleum storage, underground, accessory to permitted automobile service stations, subject to the Fire Prevention Code of the National Board of Fire Underwriters.

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- d. Vending machines located within an enclosed building, for the convenience of the occupants of the building, or located out-of-doors, subject to yard and setback requirements.
- e. Accessory uses clearly incidental to the permitted principal use or structure on the lot.
- f. Signs, bulletin boards, kiosks and similar structures that provide historical information, information for non-commercial activities or space for free use by the general public.

23-38.20. Development and Maintenance Standards.

23-38.21. Yard setback and height regulations. The following requirements shall apply to all new buildings subject to the provisions of this section:

- a. Minimum setback - Sufficient space to allow a 12 foot wide sidewalk behind the curb. Under no circumstances should more than 6 feet of private property be required to be used to provide this 12 foot wide sidewalk. This setback provision shall apply only to the first 20 feet of building height. Above that height, buildings may be built out to the property line. Columns may be placed in that portion of that sidewalk area on private property to support any building above the 20 foot height which extends out to the property line.
- b. Minimum side yard - none required
- c. Minimum rear yard - none required
- d. Maximum height - No structure, fixture or other objects on a lot abutting residentially zoned land (excluding UR-C) shall be so situated that it casts a shadow at a distance greater than 20 feet across any property line on September 1 between the hours of 9:00 A.M. and 3:00 P.M. Eastern Standard Time. This restriction shall not apply to utility wires and similar objects which obstruct little light and which are needed and situated for the reasonable use of the property.

23-38.22. Refuse collection. No buildings in the area subject to the provisions of this section shall deposit garbage, trash and refuse for collection on the sidewalk except between the hours of 9:00 A.M. and 10:00 A.M.

23-38.30. Signs.

23-38.31. Purpose. By virtue of the unique nature of the uptown area, these provisions are established to regulate temporary decorative signs within public rights-of-way. Identification, business or other signs on private property shall be regulated in accordance with Section 23-84. Temporary decorative signs shall be regulated in accordance with these standards in order to accomplish the following:

- a. To provide policies regarding the display of banners, flags, pennants and other temporary and informative signs, on public property in the Uptown Mixed Use District.
- b. To restrict the display of temporary signs which overload the public's capacity to receive information, which violate privacy or which increase the probability of accidents by distracting attention or obstructing vision.

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- c. To provide opportunities for local groups to promote civic events, holidays, educational, philanthropic, and other activities deemed to be in the broad interest of the City of Charlotte and its population.
 - d. To outline a set of guidelines and conditions for the display of temporary decorative signs.
 - e. To establish an administrative procedure to approve the display of temporary decorative signs.
- 23-38.32. Definitions. For the purposes of these provisions a temporary decorative sign shall be a pictorial representation, including illustration or decoration; an emblem; a flag; a banner or a pennant. Such signs shall be no greater than 35 square feet in area and shall be constructed with no protruding parts which could be hazardous.
- 23-38.33. Prohibited sign devices. No temporary sign shall do any of the following:
- a. Be lighted;
 - b. Flash or make noise.
- 23-38.34. Location of temporary signs. Signs are permitted to be displayed on public street furniture, such as utility poles. The maximum mounting height from street level shall be 27 feet. The minimum height from the sidewalk level shall be 9 feet except from the curblin where the height shall be 14 feet. Signs shall not impede vehicular visibility, be subject to pedestrian abuse, obstruct regular building signs or interfere with display windows on private property. Before being erected, temporary signs must be approved by the Superintendent of the Building Inspection Department for compliance with safety criteria.
- 23-38.35. Erection and removal of temporary signs. Signs shall not be placed on public facilities prior to fourteen days of the promoted event and should be removed within two days after the date of the event. Erection and removal shall be the responsibility of the exhibitor and all costs shall be borne by the exhibitor or charged to him by the City if he does not remove it.
- 23-38.36. Liability. Any person or organization installing, displaying or dismantling temporary decorative signs shall save and hold harmless the City of Charlotte from any and all liability or damage to any person or property caused or occasioned by such process. Those displaying signs shall obtain and provide evidence thereof to the Charlotte-Mecklenburg Insurance and Risk Management Agency prior to the commencement of any work comprehensive general liability insurance with limits of no less than \$500,000.00 CSL's (Combined Single Limits) to insure their liability. This policy shall indemnify the City of Charlotte as provided above.
- 23-38.37. Administration. No temporary sign shall be erected without written approval upon application to the Superintendent of the Building Inspection Department. Such application shall be accompanied by scale drawings, photographs or other descriptive material about the temporary signs. The application should show where and how the signs will be displayed and how they are to be attached.

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23-38.40. Parking and loading standards.

- 23-38.41. Parking standards. Permitted uses within this District shall be required to provide new off-street parking according to the following minimum standards. Uses not specifically listed do not have parking requirements.
- a. New office uses - 0.5 spaces/1000 sq. ft. of gross floor area.
 - b. New commercial uses - 0.5 spaces/1000 sq. ft. of gross floor area.
 - c. Hotels and motels - 0.5 spaces/room.
 - d. Dwellings, all types - 1.0 space/unit.
 - e. New office and commercial uses with gross floor areas of less than 20,000 sq. ft. and having less than 40 feet of frontage on any single street are exempt from these parking standards.
 - f. Any existing floor area in renovated and rehabilitated buildings are exempt from these requirements. However, new rentable gross floor area added to or created by the renovation or rehabilitation of existing buildings is subject to these provisions.
 - g. The parking requirements (for new spaces) of the District may be met on-site or off-site at a distance of up to 1600 feet from the permitted use. Off-site parking to meet the requirements of this subsection may be provided through a lease having a term of not less than 5 years excluding renewals and need not be located within this District. If at any time the parking arrangements of this subsection shall not be met, the Superintendent of the Building Inspection Department shall revoke the Occupancy Permit for the permitted use and shall not thereafter issue a building permit with respect to the permitted use until such requirements shall once again be met. If through no fault of the building owner or management the required parking that is provided through a lease arrangement is lost through condemnation procedures, the building owner or management shall not be required to find replacement parking to meet the requirements of these provisions. Spaces in parking structures and lots which are owned by developer and which exist on the date these provisions become effective, and which are in excess of the requirements for the building(s) with which they are associated, may be used to satisfy the requirements for new or expanded buildings.
 - h. The minimum dimension for parking spaces within this District shall be 7.5 feet in width and 15 feet in length.
 - i. The required number of parking spaces for any building within the district, including mixed use buildings containing uses which do have minimum parking standards, shall be the sum total of the requirements for each individual use in the building calculated separately.
 - j. No new grade level parking lot shall have vehicular access directly from or abut the Transit Mall. No parking structure shall have vehicular access directly from the Transit Mall.
 - k. Parking, whether required by this subsection or not, may be located between the permitted use and the required setback. However, no parking shall be permitted in the required setback.

23-38.42. Loading standards. Buildings and structures, excluding parking structures, subject to the provisions of this section shall be provided with a minimum number of off-street service/ delivery parking spaces which are designed and constructed so that all maneuvering to park and unpark vehicles can take place entirely within the property lines of the premises. These parking spaces shall be provided so as to not to interfere with the free, normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by Section 20-29 of the Code. These parking spaces shall be provided in numbers as specified below:

- a. Multi-family dwellings (0-24 units) - none required
- b. Multi-family dwellings (25-74 units) - 2 spaces
- c. Multi-family dwellings (75 units +) - 3 spaces
- d. Non-residential uses with gross floor area of

less than	50,000 sq. ft.	-	0 space
	50,000-150,000 sq. ft.	-	1 space
	each additional		
	100,000 sq. ft.		
	over 150,00 sq. ft.	-	1 space
- e. If a non-residential use has 5 or more off-street service/delivery parking spaces, 40% of such spaces shall be large enough to accommodate vehicles of at least 30 feet in length.

23-38.43. Beautification of non-required surface parking lots. Surface parking lots built but not required by these provisions or not associated with any building in the Uptown Mixed Use District shall be screened from any public right-of-way by trees, either planted in the ground or movable planters. These trees shall be placed not more than 16 feet apart, shall be a minimum of 10 feet tall and have a minimum diameter of 2½ inches - as measured at a height of 3 feet above the ground at the time of planting.

23-38.50. Urban Design Standards.

23-38.51. Purpose. The harmonious relationship between land uses and their environment requires that certain areas be addressed during project planning. These relationships relate to the streetscape, historic buildings and places and open spaces. Development subject to these provisions may be built either in accordance with the minimum urban design standards specified in 23-38.50. or in accordance with the requirements of 23-38.60. for an Optional Uptown Mixed Use District. The purpose of this subsection is to define the minimum urban design standards for development subject to these provisions. Additional illustrative detail on how urban design standards may be met is provided in the booklet "Urban Design Standards Guidelines".

23-38.52. Streetscape design standards. The relationship between a building and areas for pedestrian or vehicular circulation must be carefully planned in order to avoid negative impacts of one upon the other. Projects and buildings developed in this district, excluding renovated and rehabilitated buildings, shall meet the following minimum standards.

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- a. Paving. Paving systems in the public right-of-way shall conform to the standards of the applicable Approved Streetscape Plan. The paving systems used on private plazas and walkways that are not in the public right-of-way may be different in color, material and texture from those specified in any applicable Approved Streetscape Plan. These paving systems shall be of a compatible pattern and scale so as to provide a transition into the paving system specified on any applicable Approved Streetscape Plan.
- b. Street Walls. The first floors of all buildings, including structured parking, shall be designed to encourage and compliment pedestrian-scale activity. This shall be accomplished by the use of windows and doors, works of art, fountains and pools, street furniture, landscaping and garden areas, display areas or by placing uses so that they are visible from and accessible to the street - on at least 70% of the length of the first floor. Where windows are used they shall be transparent. Where expanses of solid wall are necessary, they shall not exceed 20 feet in length. The first floor and street level shall be designed with attention to adjacent public or private open spaces and existing streetscape improvements.
- c. Screening. All structures and facilities for trash, storage, loading, and outdoor equipment shall be screened so as not to be visible from the street or pedestrian circulation areas. Permanent grade level parking lots shall be screened from the street or pedestrian area either by trees planted no closer together than 8 feet, or farther apart than 16 feet. The trees may either be planted in the ground or in planters and shall be a minimum of 10 feet tall and a minimum 2½ inches in diameter, as measured at a height of 3 feet above the ground, at the time of planting. Furthermore, the type of trees used shall be consistent with any Approved Streetscape Plan for the area or the City's public tree planting and landscaping program, whichever takes precedence. All plantings shall be no taller than 36 inches nor any less than 24 inches tall. Maintenance of screening required under these provisions shall be in conformance with Section 30.10.5.
- d. Transit Mall. Access for emergency service vehicles shall be allowed at all times from the Transit Mall. The service and utility areas of buildings which have access from no other public rights-of-way except the Transit Mall shall be allowed access from the Transit Mall anytime after 6:00 P.M. but before 7:30 A.M. on Mondays through Saturdays and anytime during Sundays and holidays.
- e. Signs, Banners, Flags and Pendants. Where signs, banners, flags and pendants for identification or decoration are provided, they shall conform to the provisions of Section 23-38.30.
- f. Conformance with Approved Streetscape Plans. Walking surfaces, street furniture, trees and landscaping, lighting fixtures and information signs and kiosks designs constructed in the public right-of-way or required setback shall be consistent with the standards specified in the approved Transit Mall Streetscape Plan, the Trade Street Boulevard-Streetscape Plan, other applicable Approved Streetscape Plan, or the standards of these provisions where no Approved Streetscape Plan exists. Exterior lighting used on private plazas and walkways shall be complementary in design motif to that specified in any applicable Approved Streetscape Plan.

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- g. Street Trees. In addition to all other requirements of this subsection, at least one tree of 6 inches or more in diameter, as measured at a height of 3 feet above the ground at the time of planting, shall be planted for each 25 feet, or portion thereof, of the entire building lot which abut any public rights-of-way. Trees shall not be planted closer than 5 feet from the back of the curb. Where planters are used, they shall not be closer than 5 feet from the back of the curb.
- h. Reflective surfaces. No development subject to these provisions shall have exterior walls with a reflectivity value in excess of 36%, as measured under the applicable provisions of Federal Specifications DD-G-451d 1977.

23-38.53. Existing buildings and places. Existing buildings and structures are encouraged to be preserved and rehabilitated in order to create diversity of development, accent pedestrian-scale activity and preserve the heritage of Charlotte.

23-38.54. Urban open spaces. Open spaces for public congregation and recreational opportunities are required and shall be equipped or designed to allow pedestrian seating and to be easily observed from the street or pedestrian circulation areas. These provisions shall apply only to new office uses with gross floor area of greater than 20,000 sq. ft. When computing the urban open space for mixed use buildings required by these provisions, the gross floor area of the office uses only shall be considered but not the retail, residential or hotel floor area, or parking structures.

- a. Urban open space sizes. Buildings shall be provided with public open spaces behind the required setback and on private property proportionate to their bulk. As a minimum, there shall be one square foot of open space for every 100 square feet of gross floor area. However, in no instance shall any building be required to provided more than 4,000 square feet of urban open space. A maximum of 30% of this required urban open space may be provided on an enclosed or sheltered ground floor level provided such enclosed or sheltered space meets all other requirements of these provisions.
- b. Accessibility to the street. Urban open spaces shall be accessible to and visible from the street, but in no instance more than 3 feet above or below the level of an adjoining right-of-way. There shall be no walls higher than 3 feet along the frontage of that portion that is needed for access to a required urban open space. Required entryways and steps shall be at least fifteen feet in width. Steps shall have a maximum riser height of 6 inches and a minimum tread of 12 inches.
- c. Provision for the handicapped. All urban open spaces shall conform with Section 11 of the North Carolina State Building Code, the Handicapped Section.
- d. Seating. There shall be a minimum of 1 linear foot of seating for each 30 square feet of open space. Seating shall be 16 to 18 inches in height. In the case of a ledge, the height of which rises because of a grade change, the portion of the ledge between 12 inches and 20 inches high can count as seating.

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Seating shall have a minimum depth of 15 inches. Ledges and benches which are sittable both sides and are 30 inches deep shall count double. The rims of planters, which are flat and sittable, can count as seating if they have a minimum depth of 8 inches and are not interdicted to human use by protruding shrubbery. Movable chairs will count as 30 inches of linear sitting per chair. They can be stacked and stored between 7 P.M. and 8 A.M. Step space over and beyond fifteen feet walkway width can count as seating. Corners of steps offer prime seating arrangements and will count as seating if not obstructed by the placement of railings.

- e. Trees. Within the required urban open space there shall be planted a minimum of 4 trees for the first 2,000 square feet of area. An additional tree shall be required for each additional 1,000 square feet of required urban open space. Trees planted on unenclosed urban open spaces shall have a minimum diameter of 6 inches as measured at a height of 3 feet above the ground at the time of planting. Trees planted on enclosed urban open spaces shall have a minimum diameter of 4 inches as measured at a height of 3 feet above the ground at the time of planting. Maintenance of trees required under these provisions shall be in conformance with Section 30.10.5.
- f. Food. The provision of food facilities is encouraged. Food kiosks can count as open space, provided they do not exceed 150 square feet in area. No more than one third of the open space may be used for an open air cafe. Where one is provided, an equivalent area must be provided for people who bring their own food. Litter receptacles shall be provided, with a minimum of 4 cubic feet of receptacle for each 800 square feet of open space.
- g. Amenities. The following amenities are permitted within an urban open space: fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, clock pedestals, public telephones, awnings, canopies and similar structures.
- h. Maintenance. The building owner, lessee, management entity or authorized agent shall be responsible for the maintenance of the open space - including litter control, care and replacement of trees and shrubs.
- i. Existing Plazas and Spaces. Buildings and plazas constructed prior to the date of approval of this section are encouraged to be changed to include any of the amenities and features enabled and encouraged such as the provision of food facilities, movable chairs, and alteration of ledges to make them sittable.

23-38.55. Microclimatic Impacts. Applicants shall present to the Charlotte-Mecklenburg Planning staff an analysis of any proposed new construction over 50 feet in height on surroundings buildings, urban open spaces and pedestrian areas. The analysis shall include but not be limited to sun studies to determine the shadow patterns that will be cast by the proposed building at 9:00 A.M., 12:00 noon and 3:00 P.M. at the equinox and the winter and summer solstices.

23-38.56. Preliminary Review. Applicants planning a new construction project are encouraged to seek an informal conference with the Charlotte-

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Mecklenburg Planning staff as early as possible. This will offer an opportunity to consider the project in context of other projects being planned and how they might complement each other.

23-38.60. Uptown Mixed Use District (Optional).

23-38.61. Purpose. The purpose of the Uptown Mixed Use District (Optional) UMUD-0 is to accommodate that development which because of innovative design or unforeseen problems, that do not constitute a hardship, cannot meet the Urban Design Standards of the Uptown Mixed Use District (UMUD). In all matters other than the Urban Design Standards the provisions of the UMUD shall apply in the UMUD-0. In order to insure that the urban design standards proposed for development not able to meet the Urban Design Standards of the UMUD, would be compatible with the development anticipated in the UMUD, their use shall not be permitted until after review and approval as hereinafter provided.

23-38.62. Application. Petitions for a zoning map amendment to establish UMUD-0 shall be submitted to the Charlotte-Mecklenburg Planning Commission and shall be administered in accordance with Section 23-96 of this code for zoning amendments as well as with this section. A UMUD-0 classification shall be considered only by application of the owner of the subject property or his duly authorized agent. Such applications shall be accompanied by a schematic plan drawn to scale and supporting text which shall become a part of the amending ordinance and shall indicate the following items:

- a. Access to site from adjacent rights of way, streets and arterials;
- b. Parking and vehicular circulation areas;
- c. Location and size of buildings and signs;
- d. Entrances and exists, in relation to vehicular and pedestrian circulation;
- e. Enclosed, sheltered and unenclosed urban open spaces and plazas;
- f. Pedestrian circulation;
- g. Service area for uses such as mail delivery, trash disposal, above ground utilities, loading and delivery;
- h. Urban open sapce, trees, street trees and other plantings, including types, placement and maintenance systems;
- i. Paving systems used on private plazas and walkways;
- j. Areas to be landscaped or screened;
- k. Exterior lighting;
- l. Any information regarding proposed sublots or subdivisions;
- m. Signs, banners, flags and pennants to be used;
- n. Seating plans;
- o. Sun studies and reflectivity studies; and
- p. Other site elements, spaces and information which at the discretion of the applicant will assist in the evaluation of site development.

23-38.63. Review and approval. In considering an application for the establishment of a UMUD-0, the City Council shall consider, evaluate and may attach reasonable and appropriate conditions to the location, nature and extent of the proposed use and its relation to surrounding property, proposed support facilities such as parking areas and driveways,

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pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, and such other matters as the council may find appropriate or the petitioner may propose, but not including architectural review or controls. The petitioner shall have a reasonable opportunity to consider and respond to such additional requirements prior to final action by the City Council.

In approving an application for the establishment of a UMUD-O, the City Council shall have considered the potential adverse impacts on the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.

- 23-38.64. Effect of approval. If an application is approved, the UMUD-O thus established and all conditions attached thereto shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved plan and conditions. The intent of this type of zoning is to provide a voluntary alternative procedure for specific development proposals and as such it is intended that all property zoned be in accordance with firm plans to develop. Therefore, three (3) years from the date of approval, the Planning Commission shall examine progress made to develop in accordance with approved plans to determine if active efforts to so develop are proceeding. If it is determined by the Planning Commission that active efforts to so develop are not proceeding, a report shall be forwarded to the City Council which may recommend that action be initiated to remove the UMUD-O designation in accordance with procedures outlined in Section 23-96.
- 23-38.65. Alterations to an approved Uptown Mixed Use District (Optional). Changes to approved plans and conditions of development shall be considered the same as changes to the zoning map and shall be processed in accordance with the provisions of Section 23-96, except that paragraph (d) shall not apply. 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 or which do not decrease the off-street parking ratio, or reduce the yards provided at the boundary of the site may be authorized by the director of planning. Any applicant may appeal the decision of the director of planning to the Planning Commission for review and decision as to whether an amendment to the UMUD-O shall be required.
- 23-38.66. Amendments to approved plan. Amendments to an approved urban design plan shall be processed in a manner consistent with requirements for approval of an urban design 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 Charlotte-Mecklenburg Planning staff.
- 23-38.67. Compliance with approved plan. Development of any site or project for which an urban design plan has been approved shall comply with the provisions and restrictions of the approved plan. Failure to comply with any such provisions or restrictions shall be considered a violation of the zoning ordinance.

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23-38.68. Relationship to other ordinances. This section shall govern the urban design plan provisions contained herein, and shall in no way prevent the appropriate reviews by other city departments from occurring concurrently.

2. Amend Article VI, Division 2 Scheduled of Sign Regulations, Section 23-84. B-3 Business Districts by changing the title to Uptown Mixed Use Districts and by adding a new item (6) as follows:

(6) In addition to the above noted standards, signs may be mounted on canopies and similar devices which meet the provisions of this section with regard to placement and height. Where signs are mounted on canopies, they must include the street address (in maximum 6 inch high characters), and may also include the business name (in maximum 6 inch high characters) and/or the business logo or emblem (in maximum area of 3 square feet). There shall be no more than 2 such signs on any canopy.

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 17th day of October, 1983, Ordinance Book 32, at pages 362-374

Pat Sharkey, City Clerk

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Petition No. 83-55
John Mulholland

ORDINANCE NO. 1428-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 a 3.4 acre site on the southerly side of Tuckaseegee Road between Browns Avenue and the Heritage Apartments from R-9 to R-12MF(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, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 23-35(b), and was recommended for denial by 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 August 15, 1983; 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-9 to R-12MF(CD) on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point, said point being the most northerly corner of the Bethel Baptist Church property, tax parcel 061-161-01; 1) thence S.30-13-35W. 230.0± feet; 2) thence N.70-49-02W. 719.05 feet; 3) thence N.19-10-58E. 230.0± feet; 4) thence S.70-49-02E. 261.0 feet; 5) thence S.71-24-17E. 442.49 feet; 6) thence S.64-09-40E. 90.38 feet to the point or place of BEGINNING.

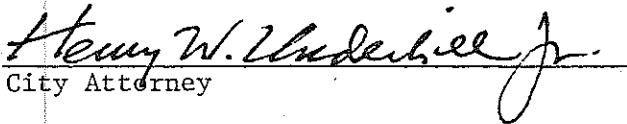
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Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

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

APPROVED AS TO FORM:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 19 83, the reference having been made in Minute Book 81, and is recorded in full in Ordinance Book 32, at pages 375-376.

Pat Sharkey
City Clerk

October 17, 1983
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Petition No. 83-58
Ralph N. Farmer

ORDINANCE NO. 1429-Z

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

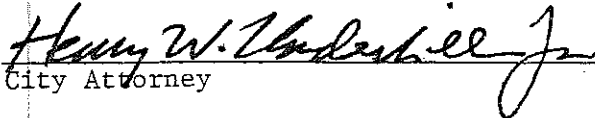
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from R-9MF to O-15 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point, said point being the most westerly corner of the Charles Leighton property, tax parcel 133-251-10; 1) thence S.54-58E. 400.0 feet; 2) thence S.37-34-30W. 217.57 feet; 3) thence N.54-58W. 400.0 feet; 4) thence N.37-34-30E. 217.57 feet to the point or place of BEGINNING.

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 17th day of October, 1983, the reference having been made in Minute Book 81, and recorded in full in Ordinance Book 32, page 377.

Pat Sharkey
City Clerk

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Petition Number 83-62
Charlotte-Mecklenburg
Planning Commission

ORDINANCE NO. 1430

AN ORDINANCE AMENDING CHAPTER 23
OF THE CITY CODE - ZONING ORDINANCE

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

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

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

- 1. Amend Section 23-36. Special Use Permits by deleting the section in its entirety and replacing it with the following new language.

Section 23-36. Special Use Permits.

23-36.1. Purpose.

This ordinance provides for certain uses to be located by right in certain districts where the uses are compatible with the purpose of the district and with other uses allowed in the district. It also provides for certain other uses to be located in certain districts only by complying with additional development standards to insure the same compatibility. However, certain uses which are basically in keeping with the intent and purposes of the district may have substantial impacts on the surrounding area and should only be allowed after a review of the specific proposal. In order to insure that these uses would be compatible with surrounding development and be in keeping with the purposes of the district in which they are proposed to be placed, they are not allowed to be established as a matter of right. They may be established only after a review and approval of a special use permit as required by this chapter.

23-36.2. Structure.

Uses which require special use permits vary greatly in their size, characteristics, impact on surrounding properties, impact on public facilities, and relationship to the overall health, safety and welfare of the community. Because of this variation, this section establishes two classes of special use permit uses which group uses together based on their relative size, characteristics, and community impact. The two classes will be known as major and minor.

23-36.2.1. Major special use permit uses are those uses which, by virtue of their size, impact, or relationship to the overall health, safety and general welfare of the community, will be reviewed and approved by the City Council after a public hearing and recommendation from the Charlotte-Mecklenburg Planning Commission.

23-36.2.2. Minor special use permit uses are those uses which, by virtue of their more limited size, impact or relationship to the overall health, safety and general welfare of the community, will be reviewed and approved by the Special Use Permit Board as established below.

23-36.3. Special Use Permit Board.

In order to carry out the purposes and administration of this ordinance for the review and approval of minor special use permits, a Special Use Permit Board (also called Permit Board) is hereby created. The Permit Board will be selected by the Chairman of the Charlotte-Mecklenburg Planning Commission from the current Planning Commission members. The Permit Board must have at least three members and if more than three, always an odd number. A quorum for the conduct of business of the Permit Board is three members. The Permit Board will select one of its members to act as moderator at public hearings. The Permit Board will have all powers vested in the City Council by the "Rules of Hearing Procedure for Major Special Use Permits" while conducting hearings and deciding on minor special use permit petitions.

23-36.4. Application.

A request for a major or minor special use permit will be considered only if requested by the owners of the property in question or an authorized agent of the property owner. Applications for all special use permits or amendments to any approved special use permit must be filed in the office of the Planning Commission on the forms provided by the Planning Commission. All applications must be accompanied by the proper fee to defray administrative and advertising expenses. The fee for a major special use permit is \$250.00. The fee for a minor special use permit is \$100.00.

All applications for a special use permit must be accompanied by a site plan drawn to scale which includes at least the following information.

- .1 A boundary survey showing the total acreage, zoning classification(s), date and north arrow.
- .2 A description of adjoining properties including tax parcel numbers, the name and address of the owners and property lines adjacent to the subject parcel.
- .3 All existing easements, reservations and rights-of-way and all yards required for the zoning district requested.
- .4 Proposed location of all structures, their approximate square area and general exterior dimensions.
- .5 Proposed use of all land and structures.

- .6 Traffic, parking and circulation plan, showing proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.
- .7 Proposed screening, including walls, fences or planting areas as well as treatment of any existing natural features.

The Planning Director will review each application for compliance with all applicable administrative requirements. If the application is complete, then within 30 days the Planning Director will forward it to the City Council, if the application is for a major special use permit, or to the Special use Permit Board, if the application is for a minor special use permit, along with a recommendation for a public hearing. The public hearing will be conducted in accordance with Section 23-36.7.

23-36.5. Additional Application Requirements.

When dealing with the special use permit process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Commission, the City Council and/or the Permit Board may require additional information. This may include but is not limited to the following information.

- .1 Delineation of areas within the regulatory floodplain as shown on the City of Charlotte official flood area map.
- .2 Topography at 4 foot contour intervals or less (existing and proposed).
- .3 Proposed location of buildings, their general exterior dimensions and number of floors.
- .4 Proposed number of signs and their locations.
- .5 Proposed phasing, if any, and approximate completion time of the project.

23-36.6. Public Notice.

Public notice for a scheduled hearing for the consideration of a special use permit will be provided in accordance with notice procedures for zoning amendments.

23-36.7. Hearing Procedure.

- 23-36.7.1. Major special use permit hearings will be conducted in accordance with the "Rules of Hearing Procedure for Major Special Use Permits" adopted by the City Council. These rules are on record in the office of the City Clerk and in the offices of the Planning Commission. The hearing will be conducted as a quasi-judicial hearing directly before the City Council. The Planning Commission sits as a separate body at a major special use permit hearing.

23-36.7.2. Minor special use permit hearings will be conducted in accordance with the "Rules of Hearing Procedure for Minor Special Use Permits" adopted by the City Council. These rules are on record in the office of the City Clerk and in the offices of the Planning Commission. The hearing will be conducted as a quasi-judicial hearing before the Special Use Permit Board. The Planning Commission will not sit as a separate body at a minor special use permit hearing. The Permit Board has all powers vested in the City Council by the "Rules of Hearing Procedure for Major Special Use Permits" while conducting hearings on minor special use permits. Petitions for minor special use permits will not be referred to the Planning Commission for a recommendation.

23-36.7.3. The applicant has the burden of producing competent, material and substantial evidence, tending to establish the existence of the facts and conditions which the appropriate section of this ordinance requires for the issuance of the special use permit.

In considering an application for a special use permit, the City Council or Special Use Permit Board will consider, evaluate and may attach reasonable and appropriate conditions to the location, nature and extent of the proposed use and its relation to surrounding property. Any such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development and other matters the City Council or Special Use Permit Board may find appropriate or that the applicant may propose. The applicant will have a reasonable opportunity to consider and respond to any additional conditions or requirements prior to final action by the City Council or Special Use Permit Board.

23-36.8. Effect of Approval.

An approved application for a special use permit and all conditions which may be attached to the approval are binding on the property. All subsequent development and use of the property must be in conformance with the special use permit and all plans, specifications and conditions unless terminated by procedures established below. It is unlawful to develop or use real property in violation of any approved special use permit, all additional conditions, or the resolution authorizing a special use of the property.

23-36.9. Re-application for a Special Use Permit.

If an application for a special use permit is denied by the City Council or Special Use Permit Board, a re-application for that special use on that property may not be instituted within 2 years of the date of denial. However, upon request of the property owners, the City Council or Special Use Permit Board may, in its discretion, determine that there have been sufficient changes in conditions or circumstances bearing on the property to warrant a re-application before the 2 year period expires.

In the case of a major special use permit, such a request must be submitted to the Planning Commission with evidence to support the allegation that sufficient changes have occurred. The Planning Commission will review the request and transmit its findings and recommendations to the City Council for a final determination.

In the case of a minor special use permit the applicant must submit the request to the Planning Director with evidence to support the allegation that sufficient changes have occurred. The Planning Director will review the request and transmit his (or her) findings and recommendations to the Special Use Permit Board for a final determination.

23-36.10. Modification of an Approved Special Use Permit.

23-36.10.1. The owner of property which is subject to an approved special use permit may petition for a modification of the special use permit by following the same procedure as if applying for the special use permit as provided in Section 23-36.4. Applications for a modification must include a new site plan which identifies the proposed changes. Evidence presented at the hearing on the proposed modification will be limited to the effect of the proposal on the original special use permit, any plans or conditions which were a part of the original special use permit, and the standards and requirements of the ordinance under which the original special use permit was approved. The hearing will be conducted in accordance with the appropriate Rules of Procedure to the extent that those rules apply to the use in question.

23-36.10.2. All proposed modifications to an approved special use permit must be considered in accordance with the requirements listed above. However, in certain limited circumstances modifications of an approved special use permit may be allowed by the Planning Director. Changes of detail which do not affect the basic relationships of the special use to the standards and requirements of the ordinance under which the special use permit was approved, affect the conditions attached to the approval of the special use permit, or require a variance of the standards of the underlying zoning district may be authorized by the Planning Director. In the case of a major special use permit, the decision of the Planning Director may be appealed to the Planning Commission for review and decision as to whether a modification may be approved in this manner. In the case of a minor special use permit, the decision of the Planning Director as to whether the special use permit may be modified in this manner is final.

23-36.11. Revocation or Termination.

23-36.11.1. Revocation of a special use permit is required when a court has determined that a particular special use permit has been violated. After receipt of the final judgment and after the party responsible for the violation has had reasonable opportunity to correct the violation but has not, the City Council will revoke the special use permit.

Subsequent to the revocation of a special use permit, the special use for which the special use permit was granted must cease and the future use of the property must be in conformance with the standards of this ordinance for the district where the property is located. Any use or development of the property commenced pursuant to the special use permit must conform or be brought into conformance with the standards of the district where the property is located.

- 23-36.11.2. Termination of a special use permit may be requested by the property owner or an authorized agent of the property owner. All applications for termination of a special use permit will be considered as a minor special use permit request and are subject to the provisions of Section 23-36.29.
- 23-36.12. Conformance of Existing Special Uses.
- Uses listed in the various district regulations as special uses which were already in existence prior to being classified as special uses will be considered as conforming uses. However, any expansion of such a use must receive special use permit approval under these provisions as if the expanded use for the entire site were being newly established.
- 23-36.13. Recognition of Previously Approved Special Use Permits.
- Special use permits which have been previously be granted will be recognized for building permit and other administrative purposes for one year after the effective date of this section. If, after one year, construction of at least 50% of the development governed by the special use permit is not completed the special use permit will be considered null and void. A new application and approval will be required to complete the proposed development.
- 23-36.13. Variances.
- The Board of Adjustment has no authority to grant a variance on any matter pertaining to a special use permit approved by the Special Use Permit Board or the City Council. An applicant for a special use permit may obtain a variance prior to consideration of the special use permit request. An approved variance may be considered by the Permit Board or the City Council in the decision on a special use permit application.
- 23-36.14. Appeals.
- 23-36.14.1. Any appeal from the action of the City Council pertaining to the decision on a major special use permit request must be taken to the Superior Court in the same manner as an appeal from a decision of the Board of Adjustment.
- 23-36.14.2. Any appeal from the action of the Special Use Permit Board pertaining to the decision on a minor special use permit request may be taken to the City Council. Within 15 days of the action of the

Permit Board, the applicant or any party participating in the hearing may appeal the decision of the Permit Board directly to the City Council for a new hearing. The appeal will be considered according to the "Rules of Procedure for Major Special Use Permits" and an application fee of \$200.00 must be paid by the aggrieved party at the time the appeal is filed.

On appeal to the City Council, the parties may stipulate that the record from the hearing before the Special Use Permit Board, or any portion of the record exclusive of the findings, may be introduced as evidence. There will be no participation in the hearing and decision-making process by the members of the Planning Commission who served as the Special Use Permit Board that heard the minor special use permit request being appealed.

23-36.16. Not Used.

23-36.17. Uses in the Institutional District.

23-36.17.1. Special Use Requirements. The institutional district is a specialized zoning district which is intended to recognize a number of diverse non-residential uses which may be permitted as minor special uses when properly located and designed. The following uses may be established by minor special use permit in the institutional district subject to all appropriate provisions of this ordinance.

- .1 Outdoor commercial amusements limited to par-3 golf courses, golf driving ranges and archery ranges.
- .2 Banks.
- .3 Office, office buildings, government offices, post offices, public utility buildings and professional offices with no retail sales, deliveries or display windows visible from outside the building.
- .4 Recreational and athletic camps, including lodging facilities.
- .5 YMCA's, social, social service, civic, fraternal organizations and comparable organizations.
- .6 Clinics, medical, dental and doctors' offices.
- .7 Commercial and adult schools with no retail sales or services on the premises.
- .8 Dormitories for students of schools and for staffs of hospitals when not operated by or located on the principal site of the institution.
- .9 Dwellings - one family attached, condominiums, multi-family in a single building on a separate lot and multi-family in planned multi-family developments.

- .10 Laboratories and research facilities.
- .11 Motels, motor courts and hotels with associated commercial uses.
- .12 Nursing homes, rest homes and homes for the aged.
- .13 Studios for artists, designers, photographers, musicians, sculptors, gymnasts, etc.

23-36.17.2. Application. Application for a minor special use permit for these uses in the Institutional District must be submitted and reviewed in accordance with Section 23-36. In addition, the following information must be provided:

- .1 General footprint or building envelope.
- .2 Maximum building height.

23-36.17.3. Findings. As a prerequisite to approval of a minor special use permit application, the Special Use Permit Board must find that the evidence presented at the hearing establishes:

- .1 That the proposed use will be consistent with the most recent plan, either the Comprehensive Plan - 1995 or a more detailed plan for the vicinity, where one exists.
- .2 That the proposed use will not create or seriously worsen the congestion on area thoroughfares beyond the stable flow condition (level of service "C"), or beyond level of service "B" on area residential (non-thoroughfare) streets.
- .3 That the proposed use will be compatible with the existing surrounding development with regard to streetscape and location and treatment of parking and service areas.

23-36.-17.4. Zoning Map Designation. Following Special Use Permit Board approval of a minor special permit application, the property for which approval was granted will be labeled "S.U.P. 23-36.17" on the Official Zoning Map.

23-36.18. Petroleum Products Storage.

23-36.18.1. Special Use Requirements. Petroleum products storage of more than 200,000 gallons aggregate storage capacity may be permitted as a minor special use in the I-2 general industrial district subject to the fire prevention code of the National Board of Fire Underwriters, all appropriate provisions of this ordinance and the following supplementary requirements.

- .1 All storage tanks and loading facilities must be located at least 25 feet from any exterior property line.

.2 All storage tanks and loading facilities must be located at least 120 feet from any exterior property line bordering a residential district.

23-36.18.2. Application. Application for petroleum products storage as a minor special use shall be submitted and reviewed in accordance with Section 23-36.

23-36.18.3. Findings. As a prerequisite to approval of an application for this minor special use, the Special Use Permit Board must find that the evidence presented at the hearing establishes:

.1 That the use of the proposed site for petroleum storage will not endanger the public health or safety.

.2 That vehicular access to the facility will be provided from major thoroughfares and will not require the use of minor residential streets.

23-36.18.4. Zoning Map Designation. Following the Special Use Permit Board approval of a minor special use permit application, the property for which approval was granted will be labeled "S.U.P. 23-36.18" on the Official Zoning Map.

23-36.19. Institutional Uses in Residential Districts.

23-36.19.1. Special Use Requirements. The following uses may be established by minor special use permit in residential districts subject to the standards in Section 23-43 and all other appropriate provisions of this ordinance.

.1 Day care centers and pre-schools, subject to Section 23-32.6.

.2 Nursing homes, rest homes and homes for the aged subject to Section 23-32.8.

.3 YMCA's, fraternal, civic, social, social service and comparable organizations.

.4 Group homes for 7 to 10 clients.

23-36.19.2. Application. Application for a minor special use permit for institutional uses in residential districts must be submitted and reviewed in accordance with Section 23-36. In addition, the following information must be provided.

.1 General footprint or building envelope.

.2 Maximum building height (especially when the proposal would anticipate a structure larger than that normally associated with the underlying district).

23-36.19.3. Findings. As a prerequisite to approval of a minor special use permit application the Special Use Permit Board must find that the evidence presented at the hearing establishes:

- .1 That the proposed use will be consistent with the most recent plan, either the Comprehensive - 1995 or a more detailed plan for the area, when one exists.
- .2 That the proposed use will be compatible with the general characteristics of the area with respect to the location of the structure; the location, design and screening of parking and service areas; the location, size and character of signs; and the streetscape.
- .3 That the proposed use will not create or seriously worsen the congestion on area thoroughfares beyond the stable flow condition (level of service "C"), or beyond level of service "B" on area residential (non-thoroughfare) streets.

23-36.19.4. Zoning Map Designation. Following Special Use Permit Board approval of a minor special permit application, the property for which approval was granted shall be labeled "S.U.P. 23-36.19" on the Official Zoning Map.

23-36.20. High Rise Buildings in Residential Districts.

23-36.20.1. Special Use Requirements. High rise buildings in residential districts which would exceed the height allowed by Section 23-41 and Section 23-45 may be permitted as a minor special use subject to all appropriate provisions of this chapter. It is recognized that a high rise building may be appropriately located adjacent to intense nonresidential uses with no adverse effects to either the building or its environs. However, the same building located in an area of predominantly residential uses may have an adverse impact on the neighborhood because of its height and building mass.

23-36.20.2. Application. Application for minor special use permits for high rise buildings in residential districts shall be submitted and reviewed in accordance with Section 23-36. In addition, the following information shall be provided:

- .1 Proposed height and number of stories of all buildings as well as the dimensions of all proposed yard spaces;
- .2 Proposed building exterior features, elevations and architectural renderings;
- .3 The summer and winter sun path diagram and corresponding shadowing effects to be caused by the buildings; and
- .4 A general description of the visual character of the neighborhood and an explanation of the relationship of the proposed high rise buildings(s) to it.

23-36.20.3. Findings. As a prerequisite to approval of a special permit application the Special Use Permit Board shall find that the evidence submitted at the hearing establishes:

- 1. That no building will cast a shadow across a property line onto residentially zoned property that is greater than the shadow cast by a 60 foot tall building, with minimum yards and taking into consideration the topography of the site and of adjoining property, on September 21 between the hours of 9:00 A.M. and 3:00 P.M. (Eastern Standard Time).
- .2 That the proposed use will not endanger the public health and safety or substantially reduce the value of nearby residential property.
- .3 That the proposed use will be consistent with the most recent plan, either the Comprehensive Plan-1995 or a more detailed plan for the vicinity, where one exists.

23-36.20.4. Zoning Map Designation. Following Special Use Permit approval of a minor special use permit application the property for which approval was granted shall be labeled "S.U.P. 23-36.20" on the Official Zoning Map.

23-36.21. Large coliseums, stadiums and buildings for dramatic, musical or other cultural activities.

23-36.21.1. Special Use Requirements. Stadium and coliseums with a capacity of more than 5,000 seats and auditoriums and buildings for cultural activities with a capacity of more than 1,000 seats - whether principal or accessory uses - have the potential of being enormously disruptive to the communities in which they are located. However, such uses may be permitted as major special uses when properly located and designed so as to diminish these disruptive impacts.

23-36.21.2. Application. Application for a major special use permit for the uses must be submitted and reviewed in accordance with Section 23-36. In addition, the following information shall be provided:

- .1 Building height and footprint.
- .2 Auto and transit access and circulation plans.
- .3 Location, layout and landscape screening plans for parking and service areas.
- .4 General location and description of all exterior lighting and signs.
- .5 Storm water management plan.

23-36.21.3. Findings. As a prerequisite to approval of a major special use permit, the City Council must find that the evidence presented at the hearing establishes:

- .1 That the perimeter of the parking areas, exclusive of access driveways, will have a planting strip of at least 5 feet in width, and that at least 1 tree 2 inches in caliper for each 25 linear feet or fraction of 25 feet shall be planted.
- .2 That parking areas will have interior planting areas amounting to at least 10% of the paved area in excess of one acre.
- .3 That access for the development site will be provided from nonresidential streets and shall not require the use of any residential collector or residential local streets.
- .4 That the private living areas and associated open spaces of all adjacent residential properties are effectively screened from parking and service areas, as well as from any other portion of the development site which is actively used.
- .5 That no direct beams or rays of light from exterior lighting fixtures, signs or vehicles maneuvering on the development site will shine into the private living areas and associated open spaces of adjacent residential properties.
- .6 That the proposed use will not generate light of such an intensity or brilliance as to cause glare or to impair the vision of drivers.
- .7 That the proposed use will be designed to allow direct access for transit service.
- .8 That the proposed use will not cause or intensify off-site drainage problems.
- .9 That the proposed use will not be contradictory to the objectives of any approved plan for the area.

23-36.21.4. Zoning Map Designation. Following City Council approval of a major special permit application, the property for which approval was granted shall be labeled "S.U.P. 23-36.21" on the Official Zoning Map.

23-36.22. Hospitals and Sanitoriums in Residential Districts.

23-36.22.1. Special Use Requirements. Hospitals and sanitoriums may be established by major special permit in residential districts subject to all appropriate provisions of this chapter and the following additional requirements:

1. Yard and height requirements:

Residential District	Setback (feet)	Rear Yard Abutting Residential District (feet)	Rear Yard Abutting Office, Business, and Indus. Districts (feet)	Side Yard (feet)	Minimum Unobstructed Open Space (and total lot area)	Maximum Height (feet)*
R-1,0MF	20	20	20	8	45	40
R-6, R-6MF	25	40	20	8	50	40
R-6MFH	20	40	20	8	40	40
R-9, R-9MF	30	45	25	8	60	40
R-12, R-12MF	35	50	30	10	65	40
R-15, R-15MF	40	55	30	10	70	40
R-20MF	40	55	30	10	70	40

*(Except as provided in section 23-45.)

- .2 The minimum lot area shall be the same as a single family dwelling for the zoning district in which it is located.
- .3 For all special uses under this section, the following shall apply: No parking of motor vehicles shall be permitted in the required setback. No parking of motor vehicles shall be permitted in the required sideyard abutting residential districts. The space within the required setback shall not be used as maneuvering space for parking or unparking of vehicles, except that driveways providing ingress and egress to the parking area may be installed across the setback area.
- .4 Screening in accordance with the provisions of Section 23-30.10 shall be provided to visually separate any outdoor activity areas, parking areas, dumpster or trash handling areas, service entrances or utility facilities, loading docks or spaces, or accessory uses or structures from surrounding residential properties, including those which may be located across the street from any such institutional use.

23-36.22.2. Application. Applications for a major special use permit for hospitals and sanitoriums in residential districts shall be submitted and reviewed in accordance with Section 23-36. In addition, the following information shall be provided:

- .1 Automobile and transit access and circulation plans.
- .2 Location, layout and landscape screening plans for parking and service areas.
- .3 General footprint or building envelop.

.4 Maximum building height (especially when the proposal would anticipate a structure larger than that normally associated with the underlying residential district).

23-36.22.3. Findings. As a prerequisite to approval of a major special use permit, the City Council shall find that the evidence presented at the hearing establishes:

- .1 That the proposed use will be consistent with the most recent plan, either the Comprehensive Plan-1995 or a more detailed plan for the area, when one exists.
- .2 That the proposed use and site plan will be compatible with the general characteristics of the area with respect to the location, size and exterior features of the structure; the location, design and screening of parking and service areas; and the location, size and character of signs.
- .3 That the proposed use will not create or seriously worsen the congestion on area thoroughfares beyond the stable flow condition (level of service "C"), or beyond level of service "B" on area residential (non-thoroughfare) streets.

23-36.22.4. Zoning Map Designation. Following City Council approval of a major special permit application, the property for which approval was granted shall be labeled "S.U.P. 23-36.22" on the Official Zoning Map.

23-36.23.
to

23-36.26. Not Used.

23-36.27. Racetracks, Raceways and Dragstrips.

23-36.27.1. Special Use Requirements. Racetracks, raceways and dragstrips for automobile, motorcycle or other types of racing competition involving motor vehicles may be permitted as a major special use in the I-1 and I-2 Districts subject to the requirements of Section 23-38 and the following requirements.

23-36.27.2. Application. Application for a major special use permit must be submitted and reviewed in accordance with Section 23-36.

23-36.27.3. Findings. As a prerequisite to approval of an application for this major special use, the City Council must find that the evidence submitted at the hearing establishes:

- .1 That the proposed use will not endanger the public health or safety or substantially reduce the value of adjoining property.
- .2 That the proposed use will not constitute a nuisance with respect to noise, dust, fumes, lights, vibration and traffic.

- 23-36.27.4. Zoning Map Designation. Following City Council approval of a major special permit application, the property for which approval was granted will be labeled "S.U.P. 23-36.27" on the Official Zoning Map.
- 23-36.28. Not Used.
- 23-36.29. Termination of a Special Use Permit.
- 23-36.29.1. Special Use Requirements. Any special use permit which has been previously approved may be terminated upon application of the property owner or his agent for termination of said permit. Approval of the application would allow the property for which a special use permit has been granted to have the special use permit terminated, cease the special use of the property if the property has been developed pursuant to the permit, and thereafter use and develop the property only in accordance with the standards of this ordinance for the district where the property is located.
- 23-36.29.2. Application. Application for the termination of an approved special use permit must be filed and will be reviewed in accordance with the procedures for minor special use permits. The following information must be included with the application.
- .1 Two copies of the approved special use permit and all corresponding plans, specifications, and conditions.
 - .2 A detailed site plan showing the extent of the use and/or development of the property at the time of the application and the relationship of any such use or development to the standards of the underlying zoning district.
 - .3 Copies of any variances which may have been granted prior to, in conjunction with, or subsequent to the approval of the special use permit.
 - .4 A statement setting forth the reasons and evidence that the applicant feels support the request for termination of the special use permit.
 - .5 A statement identifying any standards of the underlying zoning district with which the property would not comply and the intentions of the applicant relative to complying with those standards.
- 23-36.29.3. Findings. As a prerequisite to the approval of the termination of a previously approved special use permit the Special Use Permit Board must find that the evidence presented at the hearing establishes the following facts:
- .1 The information submitted with the application is a true and accurate representation of the actual use and development of the property at the time of the application.

.2 The use and development of the property at the time of the consideration of the application are consistent with the requirements of this ordinance applicable to the underlying zoning district. Any use and/or development of the property which is not in conformance with the requirements of this ordinance applicable to the underlying zoning district will be brought into conformance with those requirements within 30 days of the approval as a condition of the approval of the special use permit.

.3 The termination of the special use permit will not adversely affect the provision or utility of any public service or facility or be inconsistent with the most recent plan, either the Comprehensive Plan- 1995, a more detailed plan for the area where one exists, or the adopted Thoroughfare Plan for the community.

23-36.29.4. Zoning Map Designation. Following the Special Use Permit Board approval of the revocation of a previously approved special use permit, the designation of the previously approved special use permit will be removed from the Official Zoning Map and the property will be shown to be in the appropriate underlying zoning district.

2. Amend Section 23-31.(b) Business Uses. in Section 23-31. Table of Permitted Uses. as follows:

- a. Delete the reference "..., as a special use under Sec. 23-36.2" for the category Amusements, commercial, outdoors such as miniature golf, rides, slides and similar commercial enterprises, except as regulated elsewhere in this list in the B-2, B-3 and I-1 Districts. And by changing the heading from "Amusements, outdoor, commercial" to "Outdoor commercial amusements".
- b. Delete the reference "..., as a special use under Sec. 23-36.5" for the category Automobile service stations providing minor adjustment, minor repairs and lubrications to any type of motor vehicle in the B-D District.
- c. Delete the reference "..., as a special use under Sec. 23-36.5" for for the category Buildings for display of sample merchandise in the B-D District.
- d. Delete the reference "..., as a special use under Sec. 23-36.5" for the category Engraving, excluding textile engraving in the B-D District.
- e. Delete the reference "..., as a special use under Sec. 23-36.5" for the category Frozen food lockers in the B-D District.
- f. Delete the reference "..., as a special use under Sec. 23-36.5" for the category Motels, motor courts and hotels in the B-D District.
- g. Delete the reference "..., as a special use under Sec. 23-36.5" for the category Restaurants in the B-D District.

- h. Delete the reference "..., as a special use under Sec. 23-36.5" for the category Trade schools provided no outdoor storage or activities in the B-D District.
 - i. Delete the references "...and commercial kennels.." and "..., as a special use under Sec. 23-36.5" for the category Veterinary hospitals and commercial kennels located at least 300 feet from the nearest residential district in the B-D District.
3. Amend Section 23-31.(a) Residential and Related Uses. in Section 23-31. Table of Permitted Uses. as follows:
- a. Delete the reference "..., as a special use under Sec. 23-36.6" for the category Commercial uses in conjunction with certain multi-family and office buildings in the Institutional District, and add "..., laboratories,... following the words "...multi-family..."
 - b. Delete the reference "..., as a special use under Sec. 23-36.6" for the category Country clubs and swimming clubs operated on a non-commercial membership basis in the Institutional District, and add "...subject to regulations in Sec. 23-34.11".
 - c. Delete the reference "..., as a special use under Sec. 23-36.8" for the category Day care centers in the I-1 and I-2 Districts, and add "...subject to regulations in Sec. 23-32.6".
 - d. Delete the reference "..., as a special use under Sec. 23-36.6" for the category Golf courses, public and private in the Institutional District, and add "...subject to regulations in Sec. 23-34.11".
4. Amend Section 23-31.(c) Industrial Uses. in Section 23-31. Table of Permitted Uses. as follows:
- a. Delete the reference "..., as a special use under Sec. 23-36.5" for the category Building materials storage and wholesale and retail sales, including lumber, brick, tile, stone, concrete, cement and similar materials, within enclosed buildings, tanks and similar structures in the B-D District, and add "...subject to regulations in Sec. 23-34.04. (c)".
 - b. Delete the reference "..., as a special use under Sec. 23-36.5" for the category Dairy products processing, bottling and distribution on a wholesale basis in the P-D District.
 - c. Delete the reference "..., as a special use under Sec. 23-36.5" for the category Food processing, excluding poultry and animal slaughtering and dressing in the B-D District.
 - d. Delete the reference "..., as a special use under Sec. 23-36.5" for the category Warehousing within an enclosed building in the B-D District.
5. Amend Section 23-31. Table of Permitted Uses by deleting in their entirety the following uses categories and the notation "X", regarding their applicability to various zoning districts as indicated below:

- a. Petroleum storage, as a principal use, for wholesale or retail distribution, of less than 200,000 gallons aggregate storage capacity in the I-1 District.
 - b. Petroleum storage, as a principal use, for wholesale or retail distribution, of more than 200,000 gallons aggregate storage capacity as a special use under Section 23-36.1 in the I-1 District.
 - c. Group homes as a special use under Sec. 23-36.6 in the Institutional District.
6. Amend Section 23-31. Table of Permitted Uses. by deleting in the entirety the following use categories and the notation "X" pertaining to their applicability:
- a. Petroleum storage as a principal use, for wholesale or retail distribution of more than 200,000 gallons aggregate storage capacity subject to the latest edition of the "Flammable and Combustible Liquids Code", NFPA 30, National Fire Protection Association, as a special use under Section 23-36.1 in the I-1, I-2 and I-3 Districts.
 - b. Racetracks, raceways, dragstrips as a special use under Section 23-36.3 in the I-1 and I-2 Districts.
 - c. High rise buildings as a special use under Section 23-36.4 in all residential districts.
 - d. Dormitories for the students of colleges, commercial schools, schools providing adult training and for the staff of hospitals, other than those operated by and located on the principal site of the institution served as a special use under Section 23-36.6 in the Institutional District.
 - e. Dwellings, one-family attached as a special use under Section 23-36.6 in the Institutional District.
 - f. Dwellings, condominiums as a special use under Section 23-40.41 in the Institutional District.
 - g. Dwellings, multi-family, a single building on a separate lot as a special use under Section 23-36.6 in the Institutional District.
 - h. Dwellings, multi-family, planned multi-family developments as a special use under Section 23-36.6 in the Institutional District.
 - i. Young Men's Christian Association and comparable organizations as a special use under Section 23-36.6 in all residential districts and as a special use under Section 23-36.7 in the Institutional District.
 - j. Amusements, commercial, outdoors limited to par-3 golf courses, golf driving ranges and archery ranges as a special use under Section 23-36.6 in the Institutional District.

- k. Banks as a special use under Section 23-36.6 in the Institutional District.
- l. Buildings for dramatic, musical or other cultural activities as a special use under Section 23-36.6 in the Institutional District.
- m. Buildings for social, fraternal, social service, union and civic organizations as a special use under Section 23-36.6 in the Institutional District.
- n. Business and professional offices, provided that retail sales and deliveries of merchandise are not made from the premises and merchandise is visible only within the building, as a special use under Section 23-36.6 in the Institutional District.
- o. Clinics, medical, dental and doctors' offices, as a special use under Section 23-36.6 in the Institutional District.
- p. Coliseums and stadiums, as a special use under Section 23-36.6 in the Institutional District.
- q. Commercial schools and schools providing adult training in any of the arts, sciences, trades and professions, provided that no retail sales of merchandise or services are made on the premises, as a special use under Section 23-36.6 in the Institutional District.
- r. Laboratories and other facilities for research, both basic and applied, in enclosed buildings, conducted by or for any individual, organization or concern, whether public or private, subject to the requirements of Section 23-46.5 and as a special use under Section 23-36.6 in the Institutional District.
- s. Motels, motor courts and hotels with associated commercial uses subject to regulations in Section 23-32.2 and as a special use under Section 23-36.6 in the Institutional District.
- t. Office buildings and offices as a special use under Section 23-36.6 in the Institutional District.
- u. Post offices as a special use under Section 23-36.6 in the Institutional District.
- v. Studios for artists, designers, photographers, musicians, sculptors, gymnasts as a special use under Section 23-36.6 in the Institutional District.
- w. Day care centers as a special use under Section 23-36.7 in residential districts.
- x. Nursing homes, rest homes and homes for the aged, as a special use under Section 23-36.7 in the residential districts.
- y. Hospitals and sanitoriums as a special use under Section 23-36.7 in the residential districts.

- z. Fraternal organizations as a special use under Section 23-36.7 in the residential districts.
 - aa. Group homes for 7 to 10 clients as a special use under Section 23-36.7 in the residential districts.
 - bb. Minor exceptions in yard requirements as a special use under Section 23-36.9 in the urban residential districts.
7. Amend Section 23-31. Table of Permitted Uses by adding the following categories of uses in the appropriate places and the notation "X" in the indicated column:
- a. Petroleum storage as a principal use, for wholesale or retail distribution of more than 200,000 gallons aggregate storage capacity subject to the latest edition of the "Flammable and Combustible Liquids Code", NFPA 30, National Fire Protection Association as a minor special use under Section 23-36 in the I-2 District.
 - b. Racetracks, raceways and dragstrips as a major special use under Section 23-36 in the I-1 and I-2 Districts.
 - c. High rise buildings as a minor special use under Section 23-36 in all residential districts.
 - d. Dormitories for the students of colleges, commercial schools, schools providing, adult training and for the staff of hospitals other than those operated by and located on the principal site of the institution served as a minor special use under Section 23-36 in the Institutional District.
 - e. Dwellings: one-family attached; condominiums; multi-family, a single building on a separate lot; multi-family in planned multi-family developments, as a minor special use under Section 23-36 in the Institutional District.
 - f. YMCA's, fraternal, social, social service, civic, union and comparable organizations as a minor special use under Section 23-36 in the Institutional District.
 - g. YMCA's, fraternal, social, social service, civic, union and comparable organizations as a minor special use under Section 23-36 in the residential districts.
 - h. Outdoor commercial amusements limited to par-3 golf courses, golf driving ranges and archery ranges as a minor special use under Section 23-36 in the Institutional District.
 - i. Banks as a minor special use under Section 23-36 in the Institutional District.
 - j. Offices, business offices, office buildings, government offices, post offices, public utility buildings and professional offices provided with no retail sales, deliveries or display windows visible from outside the building.

- k. Clinics, medical, dental and doctors' offices as a minor special use under Section 23-36 in the Institutional District.
 - l. Buildings for dramatic, musical or other cultural activities, with a capacity of more than 1,000 seats as a major special use under Section 23-36 in every district.
 - m. Coliseums and stadiums with a capacity of more than 5,000 seats as a major special use under Section 23-36 in every district.
 - n. Commercial schools and schools providing adult training in any of the arts, sciences, trades and professions, provided that no retail sales of merchandise or services are made on the premises as a minor special use under Section 23-36 in the Institutional District.
 - o. Laboratories and other facilities for research, both basic and applied, in enclosed buildings, conducted by or for any individual, organization or concern, whether public or private, subject to the requirements of Section 23-46.5 and as a minor special use under Section 23-36 in the Institutional District.
 - p. Motels, motor courts and hotels, with associated commercial uses subject to regulations in Section 23-32.2, and as a minor special use under Section 23-36 in the Institutional District.
 - q. Studios for artists, designers, photographers, musicians, sculptors and gymnasts as a minor special use under Section 23-36 in the Institutional District.
 - r. Hospitals and sanitoriums as a major special use under Section 23-36 in all residential districts.
 - s. Day care centers and pre-schools as a minor special use under Section 23-36 in all residential districts.
 - t. Nursing homes, rest homes and homes for the aged as a minor special use under Section 23-36 in all residential districts.
 - u. Group homes for 7 to 10 clients as a minor special use under Section 23-36 in all residential districts.
 - v. Minor exceptions in yard requirements as a minor special use under Section 23-36 in the urban residential districts.
8. Amend Article III, Division 2, Section 23-34.04. Building material sales, limited, by adding a new paragraph (c) as follows:
- (c) Building materials storage, as well as wholesale and retail sales, may be conducted in the Distributive Business District subject to the area, yard and height limitations of that district. Materials included in this category are lumber, bricks, tile, stone, concrete, cement, and similar materials. In addition to the requirements noted above, such uses shall also be within enclosed buildings, tanks or similar devices.

- 9. Amend Article III, Division 2, Special Requirements for Certain Permitted Uses. by adding a new Section 23-34.11. Country clubs, swim clubs and golf courses in the Institutional District. as follows:

Sec. 23-34.11. Country clubs, swim clubs and golf courses in the Institutional District. Country clubs and swim clubs, operated on a non-commercial basis, and golf courses, whether private or public, may be established in the institutional district subject to the area, yard and height limitations of that district. In addition to those requirements any structures, buildings, swimming pools and tennis courts shall be located at least 100 feet from lot lines which are adjoined by lots in any residential district.

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

Approved as to form:

Henry W. Haddell Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 1983, Ordinance Book 32, at pages 378-399

Pat Sharkey, City Clerk

ORDINANCE NO. 1431-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 a 56.068 acre site fronting on the eastern side of Reddman Road north of Greenway Nursery from R-9 to R-12MF(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, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 23-35(b), and was recommended for approval by 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 September 19, 1983; 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-9 to R-12MF(CD) on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point, said point being the most southwesterly corner of the Unifour Medical Management, Inc. property, tax parcel 133-101-12; 1) thence N.76-40-52E. 1788.43 feet; 2) thence S.23-37-22E. 1326.25 feet; 3) thence S.27-59-32W. 84.15 feet; 4) thence S.81-38-35W. 1926.67 feet; 5) thence S.69-59-40W. 12.35 feet; 6) thence N.16-50-50W. 996.42 feet; 7) thence R=611.47 feet 211.1 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.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 1983, the reference having been made in Minute Book 81, and is recorded in full in Ordinance Book 32, at page 400-401.

October 17, 1983
Ordinance Book 32 - Page 401

Petition No. 83-64
Crow-Childress-Klein #6

ORDINANCE NO. 1432-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 a 4.958 acre site located on the southerly side of Albemarle Road adjacent to Casa Gallardo restaurant from 0-15 to B-1(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, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 23-35(b), and was recommended for approval by 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 September 19, 1983; 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 0-15 to B-1(CD) on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point, said point being the most northwesterly corner of the Bryan W. Pittman, et al property, tax parcel 133-051-05; 1) thence S.10-53-19W. 405.49 feet; 2) thence R=2389.03 feet Arc.=504.04 feet; 3) thence N.0-52-46E. 407.83 feet; 4) thence R=2789.79 feet Arc.=573.66 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:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 1983, the reference having been made in Minure Book 81, and is recorded in full in Ordinance Book 32, at page 401.

Pat Sharkey
City Clerk

October 17, 1983
Ordinance Book 32 - Page 402

Petition No. 83-66
J. W. Hill, Jr.

ORDINANCE NO. 1433-Z

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

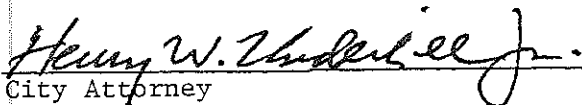
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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

BEGINNING at a point, said point being the northwest corner of Monroe Road and Glendora Drive; 1) thence N.64-49-30W. 180.58 feet; 2) thence N.29-04-00E. 248.0 feet; 3) thence S.58-20W. 181.27 feet; 4) thence R=1253.9 feet Arc=202.8 feet; 5) thence S.25-10-30W. 20.0 feet to the point or place of BEGINNING.

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 17th day of October, 1983, the reference having been made in Minute Book 81, and recorded in full in Ordinance Book 32, page 402.

Pat Sharkey
City Clerk