

ORDINANCE NO. 1623AN ORDINANCE AMENDING CHAPTER 23
OF THE CITY CODE - ZONING ORDINANCEAN 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 the following sections to correct errors in typing and printing.

1102. Change "Family day care home" to "Day care home, small group".

1102. Change numerous definitions into proper alphabetical order.

1102. Add the following definition in proper alphabetical order.

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

1102. Change number .1 under Sign by adding the words "on a commercial basis" between "offered" and the colon in line three.1102. Correct the spelling of the word "constructed" in the first line of the definition of structure.

1205.1. Change by replacing the word "or" in the first line with a comma, adding " or demolition" between "reconstruction" and "of" in the second line and adding the phrase "of any paved area" between "construction" and "which" in the fifth line.

1205.4. Change by changing the first line to read in part "...Chapter 5, Buildings, of the".

1206.1. Change by adding "erection," between the and construction in the first line.

1207. Add as a new section and show as "not used".

1301.4. Change by correcting the spelling of "filed" in the 1st sentence of the second paragraph.

1301.4. Change "3 business" to "2 normal work" in the first line of the second paragraph.

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1401. Change by placing a period after the word "members" in line 3 and rewriting the remainder of the sentence to read "Three of the members and two of the alternate members will be appointed by the City Council and two members and one alternate member will be appointed by the Mayor."
1406. Change by deleting the words "for a variance" from the second line.
- 1504.4. Change the word "that" to "than" in the second line.
- 1505.4. Change by deleting the words "business or" from the eighth line.
1506. Change by adding the word "or" before "Act" in the third line, and by deleting the words "or condemnation proceedings" from the third line.
- 1507.3. Change by correcting the spelling of "repairs" in the sixth line.
- 1605.2. Change by deleting the words "or rural" in the sixth line.
- 1605.5. Delete entire section.
1611. Change by deleting the word "residential" in the second line and adding the word "any" in its place, deleting the "s" from the word "districts" in the second line, adding the word "However," at the beginning of the second sentence and changing the capital I to a lower case i in the word "If" in the second line.
- 1616.2. Change by adding the phrase ", in the residential, research, institutional or office districts," between the words "If" and "the" in the first line, adding the word "but" after the word "lot" in the fourth line, delete "be" from the fifth line, and add a new sentence to the section as follows: "In the commercial and industrial districts, the side yard of such a lot must comply with the standards 1616.1 above."
1619. Change by placing a period after the word "Developments" in the eighth line and deleting the remainder of the sentence.
1624. Add the word "line" between "street" and "and" in the second line.
1625. Change by deleting "R-9, R-6, R-12, R-15" from the chart.
2004. Change "use" to "used" in the last line of the first paragraph.
2008. Change by adding the word "and" between the words "building" and "uses" in the third line.
- 2010.1. Change by deleting the words "Engineering Department" and substituting the words "Charlotte Department of Transportation" in the fourth line.

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2105. Change by adding the phrase "except as noted" between the word "limitation" and the colon in the second line.
- 2105.8. Change by adding a new sentence which would read "A sign permit under Section 1206 is required for each sign."
- 2110.3.2. Correct the spelling of "Freeway" in the third line.
- 3002.8. Delete and insert "Reserved".
- 3003.12. Change "minor" to "major".
- 3003.16. Change "3101" to "3102" in the fourth line.
- 3003.20. Change "1626" to "3123" in the second line.

Add a new 3003.27 to read as follows:

27. Subdivision sales office to serve the subdivision in which it is located and adjoining subdivision or subdivisions by the same developer or affiliate, provided that the sales office must be terminated upon completion of the sale of 95% of the total number of homes and/or lots.

Add a new 3003.28 to read as follows:

28. Boarding stables, subject to regulations in Sec. 3121.

- 3004.1. Change the word "residential" to "incidental" in the first line.
- 3004.2. Change the word "residential" to "incidental" in the first line.

Add a new 3004.7 to read as follows:

7. Private stables, as an accessory to a residential use, for the care and maintenance of horses or ponies for the sole use and enjoyment of the owner or occupant of the premises, but not for compensation, provided that all buildings and facilities for the care of horses or ponies be located at least 100 feet from any property line.

Add a new 3004.8 to read as follows:

8. Private kennel, subject to the standards in Section 3120.

- 3005.2. Change by making "dwelling" plural in the second line.
- 3012.12. Delete and insert "Reserved".
- 3013.6. Change "3101" to "3102".
- 3013.10. Change "minor" to "major".

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3013.13. Change "minor" to "major".

Add a new 3013.29 to read as follows:

29. Subdivision sales office to serve the subdivision in which it is located and adjoining subdivision or subdivisions by the same developer or affiliate, provided that the sales office shall be terminated upon completion of the sale of 95% of the total number of homes and/or lots.

Add a new 3013.30 to read as follows:

30. Boarding stables, subject to the regulation in Sec. 3121.

Add a new 3014.7 to read as follows:

7. Private stables, as an accessory to a residential use, for the care and maintenance of horses or ponies for the sole use and enjoyment of the owner or occupant of the premises, but not for compensation, provided that all buildings and facilities for the care of horses or ponies be located at least 100 feet from any property line.

Add a new 3014.8 to read as follows:

8. Private kennel, subject to the standards in Section 3120.

3015.3. Change the line labled "Min. Lot Width" by replacing "16" with "12" in the entire line.

3015.4. Change the line labled "Area required for each additional unit" by moving "(See Note)" into the column for R-1.OMF and by inserting "1000" in the column for R-6MFH.

3016.2. Change by correcting the spelling of the word "Planned" in the first line.

3023.2. Change "3111" to "3105" in the second line.

3033.2. Change by adding "subject to the regulations in Sec. 3104" to the end of the sentence.

3033.11, .12 & .13. Change "Not Used" to "Reserved".

3033.14. Delete "Not Used" and add the following: "Boarding stables, subject to the regulations in 3121."

3033.21. Correct the spelling of the word "archery" in the second line.

3033.25. Change "minor" to "major" in the second line.

3033.26. Delete "with more than 5000 seats."

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3033.27. Change by adding "with more than 5000 seats" between the comma and "as" in the second line and by changing "minor" to "major" in the second line.

Add a new 3034.3 to read as follows:

3. Private kennel, subject to the standards in Section 3120.

3043.18. Change "3102" to "3104" in the third line.

3043.20. Change "3104" to "3111" in the second line.

Add a new 3043.26 to read as follows:

26. Boarding Stables subject to the regulations in 3121.

Add a new 3044.5 to read as follows:

5. Private kennel, subject to the standards in Section 3120.

3053.7.1. Change "2110" to "2111" in the fourth line.

3054.2. Change "rezoning" to "zoning" in the first line.

3062.37. Delete and substitute "Reserved:".

3062.71. Delete the word "window".

3062.76. Add "B-1 and " between "in" and "B-D".

3062.80. Change by deleting "Trucks, retail and wholesale sales" and adding in its place the following:

Trucks, retail and wholesale sales and rental, including accessory service and repair (including tractor-trucks, but not accompanying detachable trailer units).

Add a new 3062.104 to read as follows:

104. Book binding (only in B-D).

Add a new 3062.105 to read as follows:

105. Bottling and canning works for soft drinks (only in B-D).

3063.3. Change "B-D" to "B-1" in the third line.

3063.25. Change "3125" to "3123".

Add a new 3063.29 to read as follows:

29. Boarding stables, subject to regulations in Sec. 3121.

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Add a new 3064.8 to read as follows:

.8 Private kennel, subject to the standards in Section 3120.

3065.3.2. Change the reference in the chart under the heading "Duplex and Multi-family" for floor area ratio from "2.2" to "2.0".

3068. Add the words "and the " between "2000" and "following" in the second line.

3072.26. Delete and substitute "Reserved".

3072.64. Add "(tractor and trailer units)" before the word "retail" and add "and rental, including accessory service and repair" after the word "sales".

3072.80. Correct the spelling of the words "gypsum" in the fourth line and the word "oxygen" in the fifth line.

3072.87. Delete "only in I-1" and add in its place "except in I-3".

3072.88. Delete "except in I-3" and add in its place "only in I-2".

3073.11. Correct the spelling of the word "miniature".

3073.14 Change 3075.3 to 3076.3.

Add a new 3073.25 to read as follows:

25. Boarding stables, subject to regulations in Sec. 3121.

Add a new 3074.7 to read as follows:

.7 Private kennel, subject to the standards in Section 3120.

3076.3. Change 3075.3 to 3076.3 in number heading.

3101.2. Change several references in the chart as follows:

Change "B-3" to "UMUD" in the first line; under the heading for 0-15, change "20" to "30" in line 13, change "35" to "45" in line 21, and change "55" to "60" in line 29.

3104.6. Correct the spelling of the words "uses" in the fourth line and "dispensing" in the fifth line.

3111.2. Change by adding the phrase "occupied by any part of the use" between "property" and "may" in the third line.

3116.3. Change 2116.2 to 3116.2 in number heading.

3119.1. Change by adding ",RE" after "INST" in the last line of the chart in paragraph .6.

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- 3119.2. Change by adding the word "and" and deleting the comma between the words "research" and "business" in the second line, by deleting "and industrial" in the second and third lines, and by correcting the spelling of the word "listed" in the third line.
- 3119.2. Change by adding the word "and" between ".1" and ".2" and by placing a period after ".2" in the fourth line of paragraph .1, and by adding a new sentence to paragraph .1 to read as follows:
- "Day care centers, which may be permitted in residential districts with a minor special use permit, must comply with the minimum requirements of Section 3119.1 in paragraphs .1, .2, and .5.
- 3119.2. Change by deleting the period after ".6" in the third line and adding a phrase to read as follows:
- "except that the additional lot area requirement will be for the next 8 children or fraction of 8."
- 3120.3. Correct the spelling of the word "extensions" in the first line.
- 3210.3. Change by adding the following phrase to the end of the sentence:
- "and theaters within an enclosed building".
- 3305.1. Change "Mecklenburg County" to "City of Charlotte" in the second line.
- 3311.1. Change "Board of County Commissioners" to "City Council" in the fifth line.
- 3319.3.2. Delete the word "and" in the second line.
- 3320.1. Change by adding an "s" to the word "Section" and adding ",3015," in the second line after the number "3005".

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

Approved as to form:

Harry W. Underhill Jr.
City Attorney

November 19, 1984
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Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of November, 19 84, the reference having been made in Minute Book 83, and recorded in full in Ordinance Book 33, at page 282-289

Pat Sharkey, City Clerk

November 19, 1984
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Petition No. 84-85
CMPC

ORDINANCE NO. 1624

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 the following sections to correct errors in typing and printing.

1206.4. Change by omitting the 1st sentence.

1403.2. Change by adding the word "aggrieved" between "any" and "person" in the fourth line and deleting the remainder of the sentence after the word "persons" up to and including the word "affected" in the fifth line.

1502.2. Change by adding the word "area" after the word "lot" in the first line.

1617. Change by deleting the last sentence.

3005.2. Change the table by changing the line labled "Min. lot width" to read from left to right "50', 60', 70', 80'" and by changing the R-6 unobstructed open space requirement from "40%" to "50%".

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

Approved as to form:

Henry W. Underhill, Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of November, 19 84, the reference having been made in Minute Book 83, and recorded in full in Ordinance Book 33, at page 290.

Pat Sharkey, City Clerk

November 19, 1984
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Petition No. 84-69
Warren & Jane Redd

ORDINANCE NO. 1625-Z

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 24.0 acre site along the east side of Reddman Road south of Albemarle Road from 0-15(CD) to R-9MF(CD) and an R-9MF(CD) Site Plan Amendment; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 3201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 3202.1 and 3202.2, 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 1300 and a public hearing was held on October 15, 1984; 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 3202.3:

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.

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

Section 1. That Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from 0-15(CD) to R-9MF(CD) and an R-9MF(CD) Site Plan Amendment on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BEGINNING at a point, said point being the most southwesterly corner of the Lenoir Kessler property, tax parcel 133-101-01; 1) thence N.69-50-44E., 42.40 feet; 2) thence N.81-41-57E., 1924.72 feet; 3) thence N.81-41-57E., 360.0 feet; 4) thence S.28-03-54W., 442.8 feet; 5) thence S.24-48-48W., 1223.32 feet; 6) thence N.52-00-00W., 335.0 feet; 7) thence N.78-35-00W., 258.0 feet; 8) thence N.85-40-00W., 314.0 feet; 9) thence N.66-45-00W.,

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316.0 feet; 10) thence S.86-00-00W., 200.0 feet; 11) thence N.14-59-54W.,
288.0 feet; 12) thence N.89-08-55W., 24.20 feet; 13) thence N.16-50-11W.,
76.04 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.
Henry Underhill, City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North
Carolina, in regular session convened on the 19th day of November,
19 84, the reference having been made in Minute Book 83, and
recorded in full in Ordinance Book 33, beginning on Page 292.

Pat Sharkey
City Clerk

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Petition No. 84-72
Bartholomew

ORDINANCE NO. 1626

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 3062, Permitted Uses by adding a new subsection 104 as follows:

104. New and Used Clothing, retail sales (except in B-D).

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

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of November, 1984, the reference having been made in Minute Book 83, and recorded in full in Ordinance Book 33, at page 293.

Pat Sharkey, City Clerk

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Petition No. 84-74
Moehring Investments, Inc.

ORDINANCE NO. 1627-Z

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 4.1 acre site at 8700 Fairview Road adjacent to McMillan Place apartments from R-15 to R-15MF(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 3201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 3202.1 and 3202.2, 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 1300 and a public hearing was held on October 15, 1984; 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 3202.3:

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.

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

Section 1. That Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-15 to R-15MF(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BEGINNING at a point, said point being the most westerly corner of the Fairview/Providence Associates, Inc. property, tax parcel 187-061-37; 1) thence S.13-13-30E., 910.74 feet; 2) thence S.65-45-50W., 141.69 feet; 3) thence S.65-57-00W., 159.94 feet; 4) thence N.02-25-00W., 119.81 feet; 5) thence N.02-30-30W., 155.08 feet; 6) thence N.02-34-40W., 160.24 feet; 7) thence N.02-27-10W., 160.27 feet; 8) thence N.49-07-10E., 81.21 feet; 9) thence N.28-41-00W., 110.24 feet; 10) thence N.35-39-40W., 121.62 feet; 11) thence N.43-00-00E., 227.56 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:

Henry W. Underhill Jr.
Henry Underhill, City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of November, 19 84, the reference having been made in Minute Book 83, and recorded in full in Ordinance Book 33, beginning on Page 294-295.

Pat Sharkey
City Clerk

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Petition No. 84-75
CMPC

ORDINANCE NO. 1628

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 1013 Fractional Requirements by adding two new sentences at the end of the existing language:

The fractional rule does not apply to duplexes. The standards of the ordinance for duplexes represent minimum standards which must be met for each duplex.

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

Approved as to form:

Henry W. Zanderlee Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of November, 19 84, the reference having been made in Minute Book 83, and recorded in full in Ordinance Book 33, at page 296.

Pat Sharkey, City Clerk

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ORDINANCE NO. 1629

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 3100. Special Requirements for Certain Uses by adding a new Section 3139. Churches with a capacity of fewer than 750 seats and their accessory uses in residential districts.

3139. Churches with a capacity of fewer than 750 seats, and their accessory uses, in residential districts.

3139.1. Churches, synagogues, temples, mosques and other places of religious worship with a capacity of fewer than 750 seats in the largest place of assembly are permitted, along with their accessory uses, in residential districts subject to the following prescribed conditions and development standards above and beyond those normally effective in the underlying district. Sites which are used for such churches or their accessory uses and that are not abutting the main site, including sites separated from the main site by a public street, shall be subject to the regulations in Section 3215. For the purposes of these provisions, accessory use may be placed on non-contiguous parcels. Such non-contiguous parcels shall require a rezoning to the Residential Institutional (R-I) district. These provisions do not apply to development existing before the date upon which they become effective. These provisions specifically shall apply only to new development and the expansion of existing development undertaken on or after the date upon which they become effective. Churches with a capacity of 750 to 1,200 seats, in the largest place of assembly, shall only be developed in a residential zoning district as a minor special use under Section 3333. Churches with a capacity of more than 1,200 seats in the place of largest assembly shall require either a rezoning to the Residential Institutional (R-I) district or a major special use permit under Section 3334.

3139.2. Site development requirements.

	Min. Lot	Setback	Lot Width	Side ¹ Yard	Side ² Yard	Rear ¹ Yard	Rear ² Yard
R-1.OMF	6000	20'	50'	20'	8'	20'	20'
R-6MF	6000	25'	50'	25'	8'	25'	25'
R-6MFH	6000	20'	50'	25'	8'	25'	20'
R-6	6000	25'	50'	25'	8'	20'	25'
R-9/R-9MF	9000	30'	60'	30'	8'	30'	30'
R-12/R-12MF	12000	35'	70'	35'	10'	35'	35'
R-15/R-15MF	15000	40'	80'	40'	10'	55'	40'

1 - abutting residential district
2 - abutting non-residential district

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- 3139.3. Structures and parking lots subject to these provisions shall not cover more than 75% of the total lot area. Landscaped areas and areas used for screening may count as a part of the 25% minimum required open space.
- 3139.4. For each two foot of building height over 40 feet, excluding steeples, the required sideyards for any structure subject to these provisions shall be increased by at least one foot.
- 3139.5. Parking lots may occupy up to one-half of the required sideyards and rear yards on sites of two acres or less. On sites of more than two acres, parking lots may not be located in the required sideyards and rear yards. Passive recreational uses such as ballfield outfields and other open spaces that are not intensively used are allowed in all required yards. In all cases abutting residentially zoned land shall be screened from parking and service areas, exterior lighting and signs, driveways and vehicular maneuvering areas, and other portions of the site which are actively used in accordance with the requirements and techniques noted in Section 1601, Screening.
- 3139.6. In addition to meeting the requirements of Section 1601, Screening, of these provisions, all parking lots that exceed one acre in area shall have interior landscaped and planted areas equal to at least 10% of their paved areas.
- 3139.7. Dwelling units for persons associated with or employed by the church may be provided at a ratio of 1 unit for each 3 acres of site. Such dwellings shall meet all standards for development in the underlying district. However, such standards shall in no way be interpreted so as to prevent the placement of convents, rectories, parsonages, or similar uses on the site.
- 3139.8. Offices, whether freestanding or included within the principal structure(s), associated with church business, ministries and activities, shall be permitted as accessory uses provided that they do not collectively exceed 25% of the total floor area of the buildings developed on the site. In cases where the total floor area developed on the site is less than 4,000 square feet, office accessory uses may occupy as much as 1,200 square feet. In any other case where office accessory uses exceed the permitted percentage of total floor area, they must be considered principal uses on their own lots and meet all applicable standards for developing such uses, including the proper zoning category - where applicable.
- 3139.9. Non-office accessory uses, whether freestanding or included within the principal structure(s) - i.e. primary schools, secondary schools and similar uses - shall be permitted in accordance with provisions of this ordinance regulating such uses in residential districts. Day care centers and similar uses shall be allowed as accessory uses without additional regulation under these provisions.
- 3139.10. Office and non-office accessory uses which are permitted in residential districts under these provisions shall meet the following requirements in addition to any other applicable requirements of this ordinance.

- .1 No merchandise or merchandise display window shall be visible from outside the building.
- .2 No business or identification sign pertaining to the accessory uses shall be visible from outside the building.
- .3 All parking shall be screened in accordance with Section 3139.5 and 3139.6, above.
- .4 Accessory uses must not violate the yards, separation or open space requirements which apply to the principal structure(s).

3139.11. Except as noted above, accessory uses shall be governed by other provisions of this ordinance for the underlying district. Where accessory uses such as television stations, radio stations, printing presses, or sports complexes are forbidden in association with non-religious uses, they shall also be forbidden in association with religious uses. This provision shall in no way restrict accessory use family life centers and multi-purpose facilities, a part of whose function may include recreation and sports activities.

- 2. Amend Section 1626. Institutional Uses in Residential Districts by deleting the words "Churches, synagogues, convents..." and capitalizing the word "monasteries" in Section 1626.1.
- 3. Amend Section 1626. Institutional Uses in Residential Districts by deleting in its entirety Section 1626.4 regarding day care centers in accessory uses to churches and replacing it with the note "Reserved".
- 4. Amend Section 3000. Single family residential districts by deleting the words "churches, synagogues and Sunday school buildings" from Section 3003.1 Uses under prescribed conditions and by adding the following entries to the end of Section 3003.
 - 27. Churches, synagogues, temples, mosques and other places of religious worship with a capacity of fewer than 750 seats subject to the regulations in Section 3139.
 - 28. Churches, synagogues, temples, mosques and other places of religious worship with a capacity of 750 to 1,200 seats as a minor special use under Section 3333.
 - 29. Churches, synagogues, temples, mosques and other places or religious worship with a capacity of more than 1,200 seats in residential districts subject to the regulations in Section 3215 or as a major special use under Section 3334.
 - 30. Accessory uses for churches of any size, when the accessory uses are on parcels that are non-contiguous to the main sites in residential districts, subject to the regulations in Section 3215.
- 5. Amend Section 3010. Multi-family residential districts by deleting the words "Churches, synagogues and Sunday school buildings" from Section 3013.1 Uses under prescribed conditions and by adding the following entries to the end of Section 3013.

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29. Churches, synagogues, temples, mosques and other places of religious worship with a capacity of fewer than 750 seats subject to the regulations in Section 3139.
 30. Churches, synagogues, temples, mosques and other places of religious worship with a capacity of 750 to 1,200 seats as a minor special use under Section 3333.
 31. Churches, synagogues, temples, mosques and other places or religious worship with a capacity of more than 1,200 seats in residential districts subject to the regulations in Section 3215 or as a major special use under Section 3334.
 32. Accessory uses for churches of any size, when the accessory uses are on parcels that are non-contiguous to the main sites in residential districts, subject to the regulations in Section 3215.
6. Amend Section 3300. Special Uses Permits by adding a new Section 3333. Churches with a capacity of between 750 and 1,200 seats and their accessory uses in residential districts.
3333. Churches with a capacity of between 750 and 1,200 seats and their accessory uses in residential districts.
- 3333.1. Special Use Requirements. Churches, synagogues, temples, mosques and other places of religious worship with a capacity of between 750 and 1,200 seats have the potential for being disruptive to the communities in which they are located. However, such uses may be permitted as minor special uses when properly located and designed so as to diminish these disruptive impacts. Such minor special use permits are applicable to new construction and to the entire site of existing facilities when they are expanded. Existing churches with a capacity between 750 and 1,200 seats prior to the effective date of this ordinance shall not be required to obtain a permit hereunder unless and until they expand their seating capacity to more than 1,200 seats, but all other improvements constructed by such churches must be in compliance with all other standards applicable hereunder. After a church obtains a permit under this section, it shall not be required to obtain additional permits hereunder to construct other improvements on the approved site within the development area approved in the site plan (provided such construction complies with all other standards applicable hereunder) unless and until such construction expands the capacity of that church to more than 1,200 seats, at which time the sections relating to such construction shall apply. Any non-contiguous parcels upon which accessory uses are placed, either as new construction or as an expansion of existing facilities, shall require a rezoning to the Residential Institutional District. Should the petition for a minor special use permit be denied, the applicants may not resubmit a petition for a minor special use permit under Section 3333 for a period of two years from the date of the action on the original request. However, upon request of the property owner the City Council may, at it's discretion, determine that there have been sufficient changes in conditions or circumstances bearing on the property to warrant a re-application before

the two year period expires. Such re-application shall be in conformance with Section 3309.

3333.2. Application. Application for a minor special use permit for those uses must be submitted and reviewed in accordance with Section 3300.

3333.3. Standards. As a prerequisite to the granting of a minor special use permit, large churches shall meet the following prescribed conditions.

- .1 Comply with the standards of Section 1603, Drainage.
- .2 Have planting and landscaped areas which are interior to parking lots and amount to at least 10% of the paved area of these parking lots in excess of one acre.
- .3 Screen all abutting residential properties from parking and services areas, driveways and vehicular maneuvering areas, exterior lighting and signs, and other portions of the site which are actively used.
- .4 Comply with the standards for churches in residential districts with 750 or fewer seats.
- .5 Have a comprehensive site plan for the main site and all abutting holdings that address the required standards and findings.

3333.4. Findings. As a prerequisite to approval of a minor special use permit, the Special Use Permit Board must find that the evidence presented at the hearing establishes.

- .1 That the comprehensive site plan for the main site and all abutting holdings addresses the required standards and findings.
- .2 That the proposed site plan provides for adequate access to the public street system without causing undue congestion or placing excessive traffic or parking loads on local streets.
- .3 That the proposed use will be compatible with any approved land use plan for the area such as the Generalized Land Use Plan, Small Area Plan, a Special Project Plan or a District Plan.

3333.5. 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. 3333" on the Official Zoning Map.

7. Amend Section 3200. Conditional Districts by adding a new Section 3215. Residential Institutional.

3215. Residential Institutional (R-I).

3215.1. Purpose. The purpose of the Residential Institutional district is to provide for sites in residential districts where churches and other religious institutions with 1,200 or more seats in the largest place of assembly, and their accessory uses, may be located. This district also

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provides for sites in residential districts where accessory uses to churches and other religious institutions, including either new construction or the expansion of existing facilities, may be located on parcels not contiguous to the main site. To insure that the impacts of these institutional uses are not detrimental to the surrounding residential area to orderly development or to the peace, quiet and comfort associated with residential development extreme care must be taken. By having stringent development performance standards and requiring site plan approval, significant control can be exercised over the development of large institutional uses and their non-contiguous accessory uses in residential areas. Should the petition for rezoning be denied, the applicant may not resubmit a petition for rezoning to the Residential Institutional District for a period of two years from the date of the action on the original rezoning 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. In addition, the applicant may not submit a petition for a major special use permit under Section 3334 within a period of two years from the date of the action on the original rezoning request.

- 3215.2. Application. Applications for the establishment of a Residential Institutional 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 floor area.
 - .2 A traffic, parking and circulation plan showing proposed locations and arrangements of access points to nearby streets, as well as the measures to be taken to effectively screen contiguous residential areas from parking, circulation and service areas.
 - .3 The location of active recreational areas.
- 3215.3. Permitted uses. Permitted uses within the Residential Institutional district are limited to churches and other places of religious worship and their accessory uses as defined in Section 3139.
- 3215.4. Development requirements. Minimum lot sizes, required yards and setbacks, landscaping, screening, use of required yards, minimum required open space and other development requirements must be in accordance with the provisions of Sections 3139 and 3333.
- 3215.5. Review and approval. In evaluating an application for a Residential Institutional district, the City Council will consider the following relationships.
- .1 Does the proposed site plan provide for adequate access to the public street system without causing undue congestion or placing excessive traffic or parking loads on local streets?

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- .2 Does the proposed site plan provide for adequate protection of contiguous residential areas from the detrimental effects of storm water run-off, exterior lighting, and the noise from active recreational and service/utility areas?
- .3 Does the proposed site plan provide for reasonable and appropriate land use relationships with contiguous residential areas, such as building mass, bulk and scale?

8. Amend Section 3300. Special Uses Permits by adding a new Section 3334. Churches with a capacity of 1,200 or more seats and their accessory uses in residential districts.

3334. Churches with a capacity of 1,200 or more seats and their accessory uses in residential districts.

3334.1. Special Use Requirements. Churches, synagogues, temples, mosques and other places of religious worship with a capacity of 1,200 or more seats have the potential for being 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. Such major special use permits are applicable to new construction and to the entire site of existing facilities when they are expanded. Existing churches with a capacity of 1,200 or more seats prior to the effective date of this ordinance shall not be required to obtain a permit hereunder unless and until they expand their seating capacity, but all other improvements constructed by such churches must be in compliance with all other standards applicable hereunder. After a church obtains a permit under this section, it shall not be required to obtain additional permits hereunder to construct other improvements on the approved site within the development area approved in the site plan (provided such construction complies with all other standards applicable hereunder) unless and until such construction expands the capacity of that church beyond the level previously approved under this section. Any non-contiguous parcels upon which accessory uses are placed, either as new construction or as an expansion of existing facilities, shall require a rezoning to the Residential Institutional District. Should the petition for a major special use permit be denied, the applicant may not resubmit a petition for a major special use permit under Section 3334 for a period of two years from the date of the action on the original request. In addition the applicant may not submit a petition for rezoning under Section 3215, Residential Institutional District, within a period of two years from the date of action on the original major special use permit request. However, upon request of the property owner the City Council may, at it's discretion, determine that there have been sufficient changes in conditions or circumstances bearing on the property to warrant a re-application before the two year period expires. Such re-application shall be in conformance with Section 3309.

3334.2. Application. Application for a major special use permit for those uses must be submitted and reviewed in accordance with Section 3300.

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3334.3. Standards. As a prerequisite to the granting of a major special use permit, large churches shall meet the following prescribed conditions.

- .1 Comply with the standards of Section 1603, Drainage.
- .2 Have planting and landscaped areas which are interior to parking lots and amount to at least 10% of the paved area of these parking lots in excess of one acre.
- .3 Screen all abutting residential properties from parking and services areas, driveways and vehicular maneuvering areas, exterior lighting and signs, and other portions of the site which are actively used.
- .4 Comply with the standards for churches in residential districts with 750 or fewer seats.
- .5 Have a comprehensive site plan for the main site and all abutting holdings that address the required standards and findings.

3334.4. 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 comprehensive site plan for the main site and all abutting holdings addresses the required standards and findings.
- .2 That the proposed site plan provides for adequate access to the public street system without causing undue congestion or placing excessive traffic or parking loads on local streets and provides adequate protection from the detrimental effects of vehicular traffic on adjacent residential streets.
- .3 That the proposed use will be compatible with any approved land use plan for the area such as the Generalized Land Use Plan, Small Area Plan, a Special Project Plan or a District Plan.
- .4 That the exterior lighting, active recreational areas, parking lots, driveways and service/utility areas of the proposed use are located and/or screened so as to protect the privacy of the private living areas and associated open spaces of abutting residential properties.
- .5 That the proposed site plan provides for adequate protection of contiguous residential areas from the detrimental effects of unreasonable and inappropriate land use relationships such as building mass, bulk, and scale.
- .6 That the proposed site plan provides for adequate protection of contiguous residential areas from the detrimental effects of storm water run-off.

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3334.5. 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. 3334" on the Official Zoning Map.

Section 2. That this ordinance shall become effective February 18, 1985.

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 19th day of November, 19 84, the reference having been made in Minute Book 83, and recorded in full in Ordinance Book 33, at pages 297-305

Pat Sharkey, City Clerk