

ORDINANCE 3215

Amending Chapter 14

AN ORDINANCE AMENDING CHAPTER 14 ENTITLED "MOTOR VEHICLES", OF THE CODE OF THE CITY OF CHARLOTTE

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

Section 1. Chapter 14, Section 131, Subsection (c) shall be amended by adding to those city speed limit ordinances in Schedule X, which Schedule X is incorporated by reference in Section 14-131(c), as listed below, that pertain to the specific city speed limits on the following City system street:

Colony Road between Carmel Road and 200' west of Giverny Drive . . . . .25 mph

Section 2. Section 1 of this ordinance shall become effective upon adoption by the City Council, and after signs are erected, giving notice of the speed limits as required by N.C.G.S. Section 20-141, and as hereafter amended.

Section 3. This ordinance shall become effective upon adoption.

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 1991, the reference having been made in Minute Book 99 and is recorded in full in Ordinance Book 40, at page(s) 227.

Pat Sharkey,  
City Clerk

THIS PAGE NOT  
FOR USE

ORDINANCE NO. 3216-X


AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1929 Woodcrest Avenue PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF Glenn McLaughlin & wife, Carolyn RESIDING AT 505 E. Worthington Ave., Charlotte, NC 28203

WHEREAS, the dwelling located at 1929 Woodcrest Avenue in the City of Charlotte has been found by the Director of the Community Development Department to be unfit for human habitation and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina, and

WHEREAS, said owners have failed to comply with said order served ~~by registered mail~~ on ~~the~~ March 16, 1990 and May 21, 1990 :

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Director of the Community Development Department is hereby ordered to cause the demolition and removal of the dwelling located at 1929 Woodcrest Avenue in the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

APPROVED AS TO FORM:

  
CITY ATTORNEY

CERTIFICATION

I, PAT SHARKEY, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 19 91, the reference having been made in Minute Book 99, and recorded in full in Ordinance Book 40, at Page(s) 228.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of October, 19 91.

\_\_\_\_\_  
PAT SHARKEY, CITY CLERK

ORDINANCE NO. 3217-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2187-X, THE 1991-92 BUDGET ORDINANCE, APPROPRIATING FUNDS TO THE WATER AND SEWER OPERATING FUND FOR THE PURPOSE OF FUNDING THE SEWER BACK-UP CLAIMS POLICY.

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

Section 1. That the sum of \$500,000 is hereby available from the unappropriated Water and Sewer Operating Fund Balance.

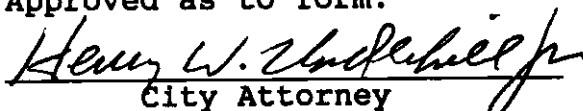
Section 2. That the sum of \$500,000 is hereby appropriated to the Water and Sewer Operating Fund according to the following schedule:

7101; 630.83	General Insurance and Contribution to DIRM	\$320,000
7101; 619.199	Wastewater Collection, Miscellaneous Contractual Services	\$130,000
7101; 619.210	Wastewater Collection, Maintenance/Construction Materials and Supplies	\$ 50,000

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

Section 4. This ordinance shall become effective upon its adoption.

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 1991, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page(s) 229.

Pat Sharkey,  
City Clerk

ORDINANCE NO. 3218-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2187-X, THE 1991-92 BUDGET ORDINANCE, ESTIMATING FEDERAL AND STATE REVENUES AND PROVIDING AN APPROPRIATION FOR THE PURCHASE OF TRANSIT CAPITAL EQUIPMENT.

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

Section 1. That the sum of \$500,000 is hereby estimated to be available from the following sources:

<u>Source</u>	<u>Amount</u>
Urban Mass Transportation Administration	\$400,000
North Carolina Department of Transportation	50,000
1981 Transit Facility Bonds	<u>50,000</u>
Total	\$500,000

Section 2. That the sum of \$500,000 is hereby appropriated to Public Transportation Capital Improvement Fund 2078; 860.20 - FY92 Transit Capital Equipment Purchases.

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

Section 4. This ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Underhill Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 1991, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page(s) 230.

Pat Sharkey,  
City Clerk

ORDINANCE NO. 3219-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2187-X, THE 1991-92 BUDGET ORDINANCE, ESTIMATING FEDERAL AVIATION ADMINISTRATION GRANT FUNDING AND PROVIDING A SUPPLEMENTAL APPROPRIATION TO THE AVIATION FUND TO PROVIDE FUNDING FOR THE FAR PART 150 NOISE COMPATIBILITY PROGRAM SECURITY SYSTEM AND OPERATION'S CENTER IMPROVEMENTS, PURCHASE AN AIRPORT RESCUE AND FIRE FIGHTING VEHICLE, AND REIMBURSEMENT FOR LAND ACQUISITION COSTS.

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

Section 1. That the sum of \$10,918,564 is hereby estimated to be available from the Federal Aviation Administration.

Section 2. That the sum of \$4,000,000 is hereby appropriated to Aviation Fund 2073; 562.28.

Section 3. That the sum of \$6,083,064 is hereby appropriated to Aviation Fund 2077; 562.12.

Section 4. That the sum of \$835,500 is hereby appropriated to Aviation Fund 2083; 528.02.

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

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

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 1991, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page(s) 231.

Pat Sharkey,  
City Clerk

ORDINANCE NO. 3220-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2187-X, THE 1991-92 BUDGET ORDINANCE, ESTIMATING COUNTY ANIMAL CONTROL REVENUES AND PROVIDING AN APPROPRIATION FOR ADDITIONAL STAFF TO ENFORCE THE COUNTY ANIMAL CONTROL ORDINANCE.

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

Section 1. That the sum of \$159,000 is hereby estimated to be available from County Animal Control Ordinance revenues.

Section 2. That the sum of \$159,000 is hereby appropriated to the General Fund 0101 - Animal Control Department Operating Budget (404.00).

Section 3. That the table of organization of the Animal Control Department is hereby amended to reflect the addition of the following positions:

<u>Job Class No.</u>	<u>Pay Range</u>	<u>Position Title</u>
3317	115	Dangerous Dog Task Force Officer
3310	113	2 - Animal Control Officers

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall become effective upon its adoption.

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 1991, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page(s) 232.

Pat Sharkey,  
City Clerk

ORDINANCE NO. 3221-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2187-X, THE 1991-92 BUDGET ORDINANCE, APPROPRIATING AVIATION DISCRETIONARY FUND BALANCE TO PURCHASE EASTERN AIR LINES ASSETS.

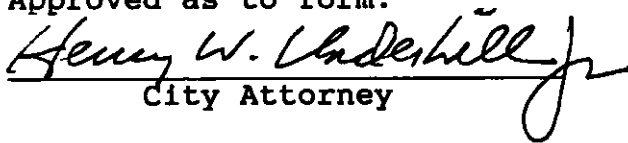
BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina;

Section 1. That the sum of \$296,021 is hereby transferred from Aviation Discretionary Fund Balance 7408 to Aviation Fund 2073; 562.10.

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

Section 3. This ordinance shall become effective upon its adoption.

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 1991, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page(s) 233.

Pat Sharkey,  
City Clerk



ORDINANCE NO. 3222-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2187-X, THE 1991-92 BUDGET ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION FOR ADMINISTRATION OF MECKLENBURG COUNTY'S CABLE TELEVISION AGREEMENTS PER CONTRACT PROVISIONS.

BE IT ORDAINED by the City Council of the City of Charlotte,

North Carolina:

Section 1. That the sum of \$25,000 is hereby estimated to be available from Mecklenburg County.

Section 2. That the sum of \$25,000 is hereby appropriated to the following centers in the General Fund:

<u>Account</u>	<u>Amount</u>
General Services Department, Cable TV Administration Division (406.01)	\$21,320
Non-Departmental (530.01)	3,680
Total	\$25,000

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

Section 4. This ordinance shall become effective upon its adoption.

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 1991, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page(s) 234.

Pat Sharkey,  
City Clerk

ORDINANCE NO. 3223

AN ORDINANCE AMENDING APPENDIX A  
OF THE CITY CODE - ZONING ORDINANCE

AN ORDINANCE ADOPTING A NEW, COMPREHENSIVE ZONING ORDINANCE FOR THE CITY OF CHARLOTTE:

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

WHEREAS, the Generalized Land Plan 2005 (November 25, 1985) called for comprehensively rewriting the city zoning regulations and revising the mapped districts;

WHEREAS, all of the legal prerequisites to adoption of this new, comprehensive zoning ordinance and zoning maps conversion prescribed in Article 19, Chapter 160A of the General Statutes of North Carolina, have been met;

WHEREAS, the City Council has taken into full consideration the statements presented at the public hearing held on the 26th day of September and the 11th day of October, 1990, on the question of this new, comprehensive zoning ordinance and zoning maps conversion; and

WHEREAS, the City Council has further reviewed the proposed text of this new, comprehensive zoning ordinance and the proposed zoning map conversion in a series of public workshops held between March 6, 1991 and July 22, 1991.

Now, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina.

Section 1. The City of Charlotte Zoning Ordinance adopted on January 24, 1962, as amended, is hereby further amended by the deletion of the existing text in its entirety and the adoption of the new Zoning Ordinance attached hereto as Exhibit A and incorporated herein by reference.

Section 2. The existing mapped zoning districts are hereby converted to the new zoning districts as described in Appendix 2 of the new Zoning Ordinance.

Section 3. The Planning Commission is directed to continue to accept for filing and processing rezoning petitions, special use permit applications, and text amendments under the current Zoning Ordinance only for a period of up to 90 days before the new Zoning Ordinance becomes effective. Rezoning petitions, special use permit applications, and text amendments filed thereafter, but prior to January 1, 1992 shall be accepted and processed under the new Zoning Ordinance.

Section 4. Text amendments to the current Zoning Ordinance approved after July 30, 1991 will be automatically included as part of the new Zoning Ordinance, whether approved before the adoption of this Ordinance, after the adoption of this Ordinance, but before the effective date of the new Zoning Ordinance, or after the effective date of the new Zoning Ordinance.

Section 5. For a one year period following the adoption of this Ordinance, the Planning Director of the Charlotte-Mecklenburg Planning Commission is hereby authorized, at his discretion, to make such revisions as necessary to correct any typographical and syntactical errors contained in the new Zoning Ordinance. This authorization shall not include the authority to make any substantive changes to the new Zoning Ordinance. In the event of any ambiguity in the Zoning Ordinance as revised by the Planning Director or any conflict between the provisions of the new Zoning Ordinance attached as Exhibit A and as revised by the Planning Director, the provisions of the new Zoning Ordinance attached as Exhibit A shall control.

Section 6. Sections 1 and 2 of this ordinance shall become effective on January 1, 1992. Sections 3, 4 and 5 of this ordinance shall become effective upon adoption.

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 1991, the reference having been made in Minute Book 99, and recorded in full in Ordinance Book 40, at page 235-236

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of October, 1991.

\_\_\_\_\_  
Pat Sharkey, City Clerk

\*\*The Zoning Ordinance is found in its entirety in Ordinance Book 41, at Page 1.\*\*

APPROVED BY CITY COUNCIL

DATE September 23, 1991

CITY CD

Petition No. 91-37  
George & Lavern Rabb

ORDINANCE NO. 3224-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 58,169 square foot parcel located on the north side of Tom Hunter Road at Log Cabin Road; 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 June 17, 1991; 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-9MF to R-6MF(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BEGINNING at a point on the northerly right-of-way of Tom Hunter Road running thence the following courses: 1) N.02-47-19W. 267.89 feet; 2) N.64-03-47E. 186.00 feet; 3) S.10-00-00E. 325.00 feet; thence 4) N.84-37-58E. 114.37 feet to the point 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 23rd day of September, 19 91, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page 237-238.

Pat Sharkey  
City Clerk

Petition No.: 91-44  
Petitioner: Smith Funeral Home

APPROVED BY CITY COUNCIL

September 23, 1991  
Ordinance Book 40, Page 239

DATE September 23, 1991

ORDINANCE NO. 3225

AN ORDINANCE AMENDING APPENDIX A  
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. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

1. Amend paragraph 24 of Section 3042 of Appendix A "Zoning" of the Code of the City of Charlotte to delete the limitation "(C-6 only)" so that paragraph 24 will now read as follows:

"24. Funeral homes, embalming and crematories."

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

Approved as to form:

Henry W. Underhill Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 1991, the reference having been made in Minute Book 99, and recorded in full in Ordinance Book 40, at page 239.

Pat Sharkey, City Clerk



APPROVED BY CITY COUNCIL  
DATE September 23, 1991

CITY CD

Petition No. 91-46  
Eastland Ltd.

ORDINANCE NO. 3226-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 7.89 acres located on the west side of Wilora Lake Road, north of Hollyfield Road; 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 July 15, 1991; 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-9 to O-15(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:



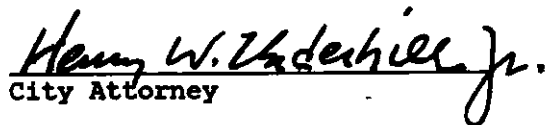
BOUNDARY DESCRIPTION  
EASTLAND LTD.

BEGINNING at a point in the centerline of Wilora Lake Road said point being the southeasterly corner of a tract of land described in Deed Book 4196, Page 033 of the Mecklenburg Public Registry and running thence with said centerline seven (7) courses as follows:  
(1) N.26-19-19W. 98.0 feet; (2) N.27-06-16W. 117.80 feet;  
(3) N.31-00-17W. 84.86 feet; (4) N.38-38-17W. 95.69 feet;  
(5) N.32-44-23W. 97.55 feet; (6) N.17-58-37W. 86.77 feet;  
(7) N.11-53-30W. 131.00 feet; thence S.76-15-40W. 394.55 feet;  
thence S.12-46-01E. 793.93 feet; thence N.65-26-59E. 564.86 feet  
to the BEGINNING and containing 7.894 acres.n

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 23rd day of September, 19 91, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page 241-242.

Pat Sharkey  
City Clerk





APPROVED BY CITY COUNCIL  
DATE September 23, 1991

CITY CD

Petition No. 91-47  
Child Acre Day Care  
Center, Inc.

ORDINANCE NO. 3227-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 7.9 acres located on the west side of Old Pineville Road north of Old Pineville Road; 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 July 15, 1991; 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-9 SUP and Conditional Use to R-9MF(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BOUNDARY DESCRIPTION  
CHILD ACRE DAY CARE, INC.

BEGINNING at a point in the westerly right-of-way line of Old Pineville Road said point being the southeasterly corner of a tract of land described in Deed Book 5019, Page 191 of the Mecklenburg Public Registry and running thence N.87-00-00W. 638.30 feet to the easterly right-of-way line of Greenhill Drive thence with said right-of-way N.08-22-00W. 498.52 feet; thence N.81-44-00E. 615.21 feet to the westerly right-of-way line of Old Pineville Road, thence with said right-of-way S.08-22-00E. 621.12 feet to the BEGINNING and containing 7.9 acres.

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 23rd day of September, 19 91, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page 245-246.

Pat Sharkey  
City Clerk

DATE September 23, 1991

ORDINANCE NO. 3228-Z

CITY ZONE CHANGE

Petition No. 91-48  
City of Charlotte

ZONING REGULATIONS

MAP AMENDMENT NO. \_\_\_\_\_

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 establishing the R-6, R-15, R-12, R-9, R-9(CD), R-12(CD), R-15(CD), R-12MF(CD), R-9MF(CD), R-15MF(CD), B-1SCD, B-1(CD), B-1, RE-1, RE-2, O-15(CD), and O-6 zoning districts on the Official Zoning Map, City of Charlotte, N.C. the following described property:

SEE ATTACHMENT

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

APPROVED AS TO FORM:

Henry W. Underhill Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 19 91, the reference having been made in Minute Book 99, at page \_\_\_\_\_.

Pat Sharkey  
City Clerk

PETITIONER: City of Charlotte

PETITION NO.: 91-48

HEARING DATE: July 15, 1991

REQUEST: Establish zoning on property recently annexed by the City.

LOCATION: Approximately 3,382 acres located between Mallard Creek Road/Prosperity Church Road, and Cheshire Road/Browne Road.

SEE ATTACHED MAP

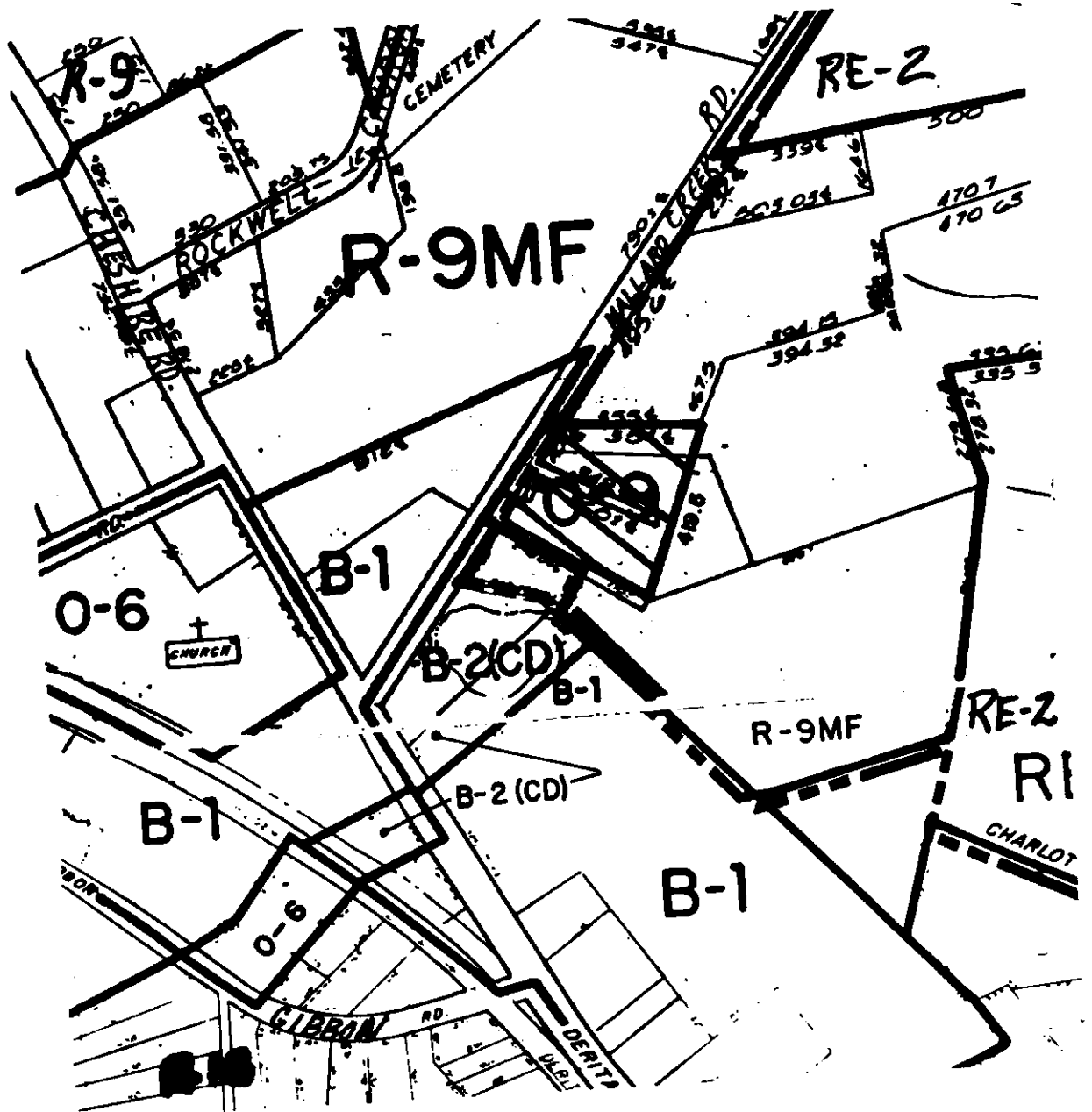
ZONING MAP NO(s): Several

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



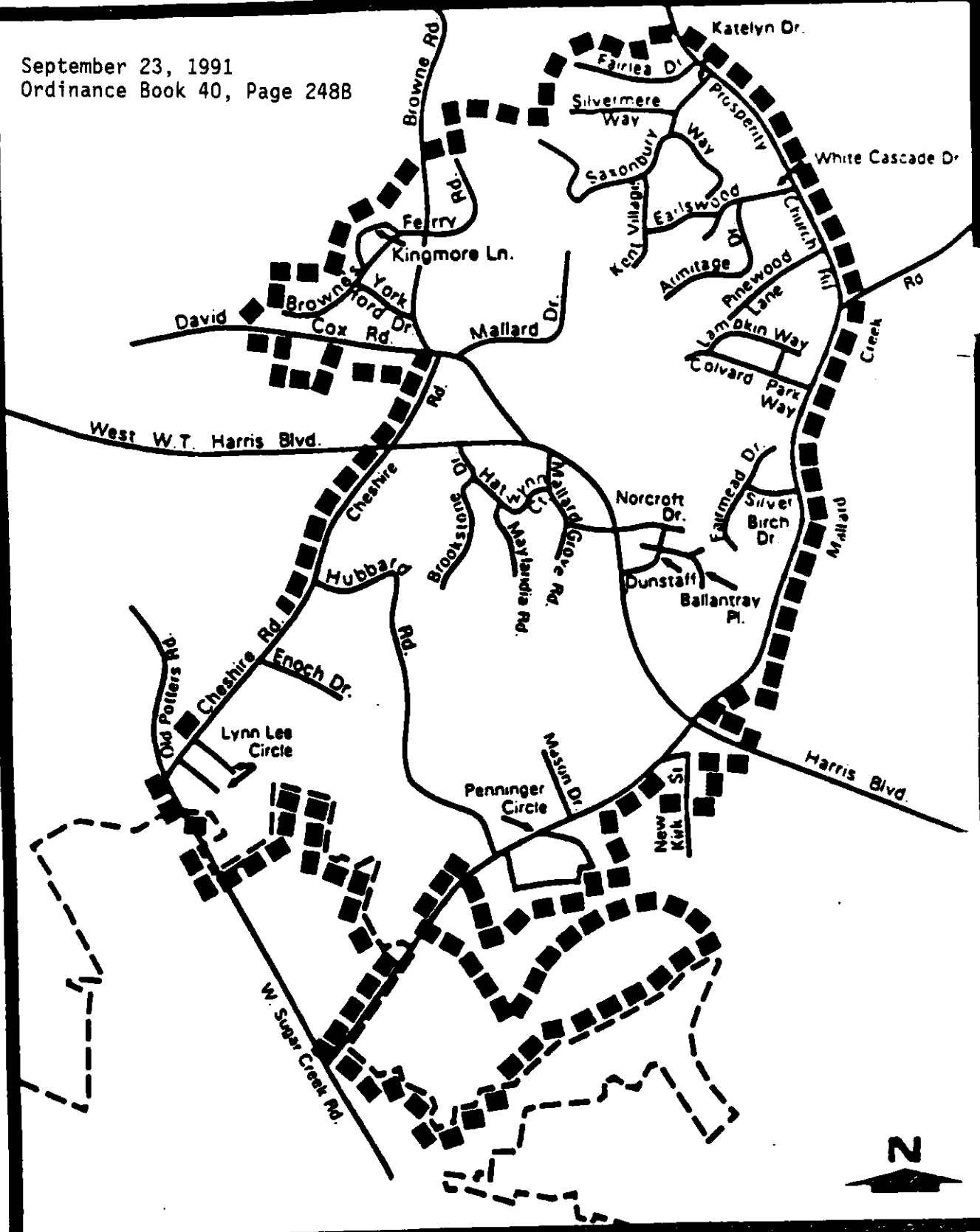
Petition No. 91-48  
Request: 0-9 to 0-6  
Map: 59 and 70





# PROSPERITY CHURCH RD / BROWNE RD

September 23, 1991  
Ordinance Book 40, Page 248B



■ ■ ■ Annexation Area Boundary

--- Present City Limits

## Proposed Annexation Area

91-48

2/4/91

APPENDIX B  
LEGAL DESCRIPTION

PROSPERITY CHURCH ROAD AND BROWN ROAD

Beginning at a point, said point being on the present Charlotte city limit line, said point also being at the intersection of the Northerly right-of-way margin of Christenbury Road and the Westerly right-of-way margin of Cheshire Road (SR 2480); thence, leaving the present Charlotte city limit line following along the Westerly right-of-way margin of Cheshire Road (SR 2480) and Old Potters Road (SR 2493) for approximately 430 feet to a point, said point being the intersection of the Westerly right-of-way margin of Old Potters Road with the extension of a Southerly line as described in Deed Book 5321, page 816; thence, crossing Old Potters Road in a Northeasterly direction with said line extension approximately 100 feet to a point, said point being the intersection of the Easterly right-of-way margin of Old Potters Road with the Westerly right-of-way margin of Cheshire Road, said point also being the Southerly most corner of the property as described in said Deed Book 5321, page 816; thence, following along the Westerly right-of-way margin of Cheshire Road in a Northeasterly direction, crossing a thirty (30) foot unnamed road and a sixty (60) foot unnamed road, approximately 5719.02 feet to a point, said point being the intersection of the Westerly right-of-way margin of Cheshire Road with a Southeasterly line of the property as described in Deed Book 3592, page 481, said point also being the intersection of the Westerly right-of-way margin of Cheshire Road with the centerline of Mallard Creek; thence, along the Westerly right-of-way margin of Cheshire

91-48

Road, North 35-30 West 561.50 feet to a point, said point being the intersection of the Westerly right-of-way margin of Cheshire Road with a Southwesterly line as described in Deed Book 5466, page 362; thence, continuing along the Westerly right-of-way margin of Cheshire Road approximately 970.0 feet to a point, said point being left of and normal to Survey Station 19+50, Y-7, North Carolina State Department of Transportation Roadway Plans of W.T. Harris Boulevard (8.2724501); thence, in a Northwesterly direction with a line normal to Survey Station 19+50 to a point, said point being the intersection of said line with an Easterly line as described in Deed Book 3732, page 987; thence with the Controlled Access line as described in Deed Book 4611, page 747, crossing W.T. Harris Boulevard West to a point being described as 100 feet North (left) of Survey Station 184+00 L line; thence, continuing with the Controlled Access line in a Northeasterly direction approximately 160 feet to a point, said point being described as being 50 feet West (left) of Survey Station 14+00, Y-7 line; thence, in a Northerly direction 50 feet West of and normal to the centerline of Cheshire Road (Y-7) 150 feet to a point; thence, in an Easterly direction with said Controlled Access line 20 feet to a point on the existing Westerly right-of-way margin of Cheshire Road; thence with said Westerly right-of-way margin in a Northerly direction approximately 1,610 feet to a point, said point being the intersection of the Westerly right-of-way margin of Cheshire Road and the Southerly right-of-way margin of David Cox Road; thence, in a Westerly direction along the Southerly right-of-way margin of David Cox Road approximately 350 feet to a point, said point being the Easterly most corner of the property described in Deed Book 4785, page 921; thence, with said deed

North 82-17 West 346.84 feet to a point, said point being the most Northeasterly corner of lot as described in Deed Book 5828, page 902; thence with said deed South 07-43 West 202.66 feet to a point, said point being the Southeasterly corner of property as described in said deed; thence, resuming with Deed Book 4785, page 921, North 82-17 East 700 feet; thence, North 06-59 East 202.67 feet to a point on the Southerly right-of-way margin of David Cox Road; thence with said margin, North 82-17 West 60 feet to a point, said point being the Northeast corner of property as described in Deed Book 3982, page 430; thence, along the boundary lines of said property as follows: 1) South 06-22 West 205.55 feet, 2) South 74-47 West 115.68 feet, and 3) North 20-23 West 278.30 feet to a point, said point being on the Southerly right-of-way margin of David Cox Road; thence with Deed Book 5452, page 313, continuing with the Southerly right-of-way margin of David Cox Road, North 82-21-57 East 369.89 feet to a point, said point being the most northeast corner of property as described in Deed Book 3422, page 471; thence with said property South 19-49 West 502.75 feet to a point, said point being the most Southeast corner of said property, said point also being an Easterly corner of the property described in Deed Book 3723, page 945; thence with said deed North 78-07 West 393.32 feet; thence North 19-48 East 505.70 feet to a point, said point being located on the Southerly right-of-way margin of David Cox Road; thence, crossing David Cox Road with the extension of said line to a point of the Northerly right-of-way margin of David Cox Road; thence with said margin in a Southeasterly direction approximately 260 feet to the Southwesterly corner of Lot 156, Map 14 of Cheshunt Phase 2, Map Book 23, page 303; thence with the Westerly line of Lot 156 and a portion of

Lot 157, North 11-00-07 East 150.81 feet; thence with the Southerly line of Lot 162 of said Map and Lots 163 through 170 of Map 16 of Cheshunt Phase 2, Map Book 23, page 306, North 78-36-17 West 750.97 feet to the Southwesterly corner of Lot 170 of said map; thence, with a Westerly line of Lot 170, North 26-05-58 East 164.54 feet to a point on the Southern right-of-way of Browne's Ferry Road; thence, in a Northerly direction crossing Browne's Ferry Road North 07-56-45 East 64.10 feet to a point, said point being the Southwesterly corner of Lot 247 of said Map; thence, continuing along the Westerly boundary of said Lot North 31-18-28 East 145.55 feet to a point, said point being the Northwesterly corner of said lot, said point also being the Southwesterly corner of Lot 245; thence, North 26-12-32 West 70.90 feet to a point, said point being the Southwesterly corner of Lot 244; thence, following along the Westerly boundary line of Lots 244, 243 and 242, due North 210.00 feet to a point, said point being the Northwesterly corner of Lot 242; thence, continuing along the Northern boundary of said lot, North 90-00-00 East 150 feet to a point, said point being the Northeasterly corner of said lot; thence, crossing Bickham Lane South 56-53-17 East 59.69 feet to a point, said point being the Northwesterly corner of Lot 216; thence, continuing with a line of said lot, North 90-00-00 East 150.00 feet to a point, said point being the Northeasterly corner of Lot 216; thence with a line of said lot due North, 33.66 feet to a point, said point being the Northwesterly corner of Lot 203 as shown on recorded Map Book 23, page 305; thence, continuing along the Northern boundary of Lot 203, crossing Neuhoff Lane, and Lot 180, North 90-00-00 East 350.00 feet to a point, said point being the Northeasterly corner of Lot 180; thence,

North 80-43-04 East 220.53 feet to a point, said point being the most Northwesterly corner of the property as shown on recorded Map Book 23, page 55; thence, continuing along the Northerly boundary of said property as follows: 1) North 40-04-05 East 186.39 feet, 2) North 51-16-57 West 35.00 feet, 3) North 38-43-03 East 160.83 feet, and 4) North 14-33-31 East 202.37 feet to a point, said point being the Westerly most corner of Lot 46 as shown on recorded Map Book 23, page 56; thence, continuing along said lot North 04-00-49 West 47.17 feet to a point, said point being the Southwesterly corner of Lot 45 as shown on recorded Map Book 23, page 33; thence, following along the Western boundary of said lot North 04-00-49 West 56.15 feet to a point; thence continuing along the Western boundary of Lots 44 and 43 North 03-18-00 East 228.22 feet to a point; thence, along the Western boundary of Lot 42 and crossing Neuhoff Lane, North 20-57-19 East 152.74 feet to a point, said point being the Northwesterly corner of Lot 41; thence, North 40-36-44 East 102.24 feet to a point, said point being the Westerly most corner of Lot 40 as shown on recorded Map Book 22, page 800 as having a bearing and distance of North 40-36-44 East 90.64 feet to a point, said point being the Northwesterly corner of Lot 39; thence, running along the Northerly boundary lines of Lots 39 and 38 as follows: North 57-22-30 East 183.88 feet to a point, said point being the Northwesterly corner of Lot 37; thence, following said lot North 74-19-07 East 70.08 feet to a point, said point being the Northwesterly corner lot 36 as shown on recorded Map Book 22, page 589; thence, continuing along the Northerly boundary line of Lots 36 through 32 having a bearing and distance as follows: North 74-19-07 East 368.73 feet to a point, said point being the Northwesterly corner of Lot 31;

thence, continuing with the Northerly boundary of said lot as follows:  
North 38-42-03 East 46.29 feet to a point, said point being the  
Northwesterly corner of Lot 30 as shown in recorded Map Book 23, page  
302; thence, running along the Northerly boundary line of Lots 30-23  
having a bearing and distance as follows: North 38-42-03 East 702.74  
feet to a point, said point being the Southwesterly most corner of the  
property as described in Deed Book 3923, page 167; thence, North 41-07  
East approximately 298.06 feet to a point, said point being located on  
the Westerly right-of-way margin of Browne Road (SR 2480); thence,  
crossing Browne Road approximately 80 feet to the Easterly right-of-way  
margin of Browne Road (SR 2480), said point also being the  
Northwesterly corner of the property as described in Deed Book 2389,  
page 59; thence with a line of said deed, North 38-30 East  
approximately 146.20 feet to a point; thence, North 74-16 East 273 feet  
to a point, said point being the most Northeasterly point of said  
property; thence, continuing in a Northeasterly direction approximately  
550 feet to a point, said point being a corner on the Westerly boundary  
line of property as described in Deed Book 6107, page 683; thence,  
continuing in a Northerly direction along the Westerly boundary of said  
property as follows: North 11-25-35 West 447.34 feet to a point, said  
point being the most Northwesterly corner of said property; thence,  
continuing along the Northerly boundary of said property North 78-45-50  
East 439.67 feet to a point, said point being the Northerly corner of  
said property, said point also being on the centerline of Clarks Creek  
Tributary #1, as shown on recorded Map Book 23, page 478; thence,  
continuing along the centerline of Clarks Creek as shown on said map  
twenty-two courses as follows: 1) South 83-48-30 East 70.18 feet, 2)

South 80-33-20 East 99.46 feet, 3) South 78-07-51 East 90.53 feet, 4)  
South 78-31-49 East 108.80 feet, 5) North 80-43-06 East 67.80 feet, 6)  
North 84-45-16 East 42.58 feet, 7) North 87-09-20 East 125.40 feet, 8)  
South 70-38-09 East 47.07 feet, 9) South 74-50-56 East 83.55 feet 10)  
South 75-55-02 East 43.68 feet, 11) North 60-25-23 East 27.61 feet, 12)  
North 19-13-37 East 9.65 feet, 13) North 52-01-07 East 46.42 feet, 14)  
South 80-00-59 East 29.80 feet, 15) South 71-44-30 West 79.43 feet, 16)  
South 74-47-46 West 63.24 feet, 17) South 85-58-51 East 25.77 feet, 18)  
North 64-45-58 East 29.43 feet, 19) South 85-18-35 East 33.56 feet, 20)  
South 71-34-40 East 45.02 feet, 21) North 85-59-08 East 53.00 feet, 22)  
North 88-39-27 East 24.71 feet to a point; thence, continuing along the  
centerline of Clarks Creek as shown on recorded Map Book 22, page 138,  
five courses as follows: 1) South 22-03-51 West 33.89 feet, 2) South  
03-54-08 East 47.35 feet, 3) South 16-21-22 East 68.28 feet, 4) South  
08-18-48 East 78.85 feet, 5) South 16-22-11 East 53.46 feet to a point,  
said point continuing along the centerline of Clarks Creek as shown on  
recorded Map Book 23, page 747; thence, with said Map continuing along  
the centerline of Clarks Creek ten courses as follows: 1) North  
12-54-57 East 33.40 feet, 2) South 60-14-34 West 63.53 feet, 3) North  
23-08-29 East 69.09 feet, 4) North 09-45-10 East 80.17 feet, 5) North  
51-04-19 East 74.78 feet, 6) North 34-01-36 East 32.31 feet, 7) North  
12-05-08 West 85.39 feet, 8) North 06-16-58 West 91.59 feet, 9) North  
00-47-36 West 122.32 feet, 10) North 08-02-25 West 61.20 feet to a  
point; thence, North 89-54-46 East 216.81 feet to a point, said point  
being the Northwesterly most corner of Block 2, Lot 42 as shown on  
recorded Map Book 23, page 747; thence, continuing with the  
Northeasterly boundary of said lot, South 42-14-00 East 30.00 feet to a



point; thence, South 46-50-00 East 135.00 feet to a point, said point being the Southwesterly corner of Block 2, Lot 43; thence with the Northeasterly boundary of said lot North 70-44-43 East 165.99 feet to a point, said point being the most Northeasterly corner of said lot, said point also being on the Westerly right-of-way margin of Crayton Drive; thence, crossing Crayton Drive South 80-04-30 East 63.85 feet to a point on the Easterly right-of-way margin of Crayton Drive; thence, following along the Northerly boundary of Block 1, Lot 43, North 67-42-24 East 164.40 feet to a point; thence, South 25-31-00 East 92.50 feet to a point, said point being the Southwesterly corner of Lot 43; thence, following the Northerly margin of Block 1, Lot 42, South 68-27-00 East 33.00 feet to a point, said point being the Northwesterly corner of Block 1, Lot 41 as shown on recorded Map Book 23, page 20; thence, continuing along the Northeasterly boundary of Lots 41 through 38, South 68-27-00 East 329.00 feet to a point; thence, with the Northeasterly boundary of Lots 37 through 34, South 72-47-00 East 222.00 feet to a point; thence, South 63-17-21 East 23.00 feet to a point, said point being the Northeasterly corner of Lot 34, said point also being the Northwesterly corner of Block 1, Lot 33; thence with the Northerly boundary of Lot 33, North 77-00-18 East 72.97 feet to a point; thence, continuing along the Easterly boundary of said lot, South 08-44-57 East 77.53 feet to a point, said point being the Northwesterly corner of Block 1, Lot 32 as shown on recorded Map Book 22, page 845; thence with the Northerly boundary of Lot 32, North 87-19-43 East 148.77 feet to a point, said point being located on the Westerly right-of-way margin of Wynborough Lane; thence, crossing Wynborough Lane, South 64-35-08 East 49.44 feet to a point on the

Easterly right-of-way margin of Wynborough Lane; thence with the Westerly boundary of Lot 6, Block 1, North 79-25-00 East 155.50 feet to a point, said point being the Northeasterly corner of Lot 6; thence, following along the Westerly boundary of Block 1, Lot 5, North 13-15-00 West 62.73 feet to a point, said point being the Northwesterly corner of Lot 5, said point also being the Southwesterly corner of property as described in Deed Book 5252, page 118; thence, continuing along the Westerly boundary of said property, North 19-04-46 West 475.10 feet to a point; thence, North 86-27-14 East 356.00 feet to a point, said point being located on the centerline of Prosperity Church Road (SR 2475); thence, crossing Prosperity Church Road (SR 2475) with the extension of said line approximately 30 feet to a point located on the Easterly right-of-way margin; thence, continuing along the Easterly right-of-way margin of Prosperity Church Road (SR 2475) in a southerly direction approximately 6,075.64 feet crossing Katelyn Drive to a point, said point being the intersection of said margin with the Northerly right-of-way margin of Mallard Creek Road (SR 2467); thence, crossing Mallard Creek Road (SR 2467) with the extension of said line approximately 60 feet to a point being on the Southerly right-of-way margin of Mallard Creek Road (SR 2467), said point also being the Northwesterly most corner of property as described in Deed Book 1000, page 177; thence, in a Southerly direction with the Easterly right-of-way margin of Mallard Creek Road approximately 7,774.30 feet crossing Alexander Road, (SR 2635), Govenor Hunt Road, Island Park Circle (SR 2474) to a point, thence, crossing Mallard Creek Road (SR 2467) approximately 150 feet to a point on the Westerly right-of-way margin of Mallard Creek Road (SR 2467); said point also being 40 feet

left of and normal to Survey Station 19+50 Y-10 of W.T. Harris Boulevard West (State Project Number 8.2724502), State Highway Map Book 1, page 885; thence with the Easterly right-of-way margin of relocated Mallard Creek Road, Y-9 to a point 50 feet left of and normal to Station 21+50, Y-9; thence, to a point 60 feet left of and normal to Station 23+00, Y-9; thence to a point 50 feet left of and normal to Station 24+43.23, Y-9; thence, to a point 50 feet left of and normal to Station 26+50, Y-9; thence to a point 80 feet left of and normal to Station 28+00, Y-9; thence, to a point 50 feet left of and normal to Station 28+50, Y-9; thence, to a point 50 feet left of and normal to Station 30+00, Y-9, said point being the beginning point of Control Access; thence with the Control Access line to a point 50 feet left of and normal to Station 32+00, Y-9; thence, to a point 115.0 feet left of and normal to Survey Station 278+50, L; thence, to a point 140.0 feet left of and normal to Station 279+50, L; thence, to a point 100 feet left of and normal to Station 283+00, L; thence, to a point, said point being 100 feet left of and normal to Station 285+87.64, L, said point also being on the existing Easterly right-of-way margin of Mallard Creek Road, said point also being the transition point from Controlled Access to right-of-way on the Northerly margin of W.T. Harris Boulevard West; thence, crossing W.T. Harris normal to said line to a point, said point being on the Southerly right-of-way margin of W.T. Harris, said point also being approximately on the Easterly edge of IBM Drive; thence, in a Westerly direction with said right-of-way margin approximately 400 feet to a point, said point being 66.61 feet left of and normal to Station 10+29.62, Y-LA; thence, in a Northerly direction 38.00 feet to a point, said point 28.61 feet left of an normal to

Station 10+29.62; thence with the existing Southerly right-of-way margin of Mallard Creek Road in a Westerly direction approximately 180 feet to a point, said point also being the Northeasterly most corner of property as described in Deed Book 1969, page 120; thence with said deed, South 86-10 West approximately 170 feet to a point, said point being the Northeasterly most corner of property as described in Deed Book 1880, page 139; thence with said deed two courses as follows: 1) South 01-03 West 200 feet to a point, and 2) South 87-00 West 100 feet to a point, said point being the Southwesterly most corner of said property, said point also being located on the Easterly right-of-way margin of Newkirk Street (SR 2496); thence with Deed Book 2198, page 163, continuing along Newkirk Street (SR 2496), South 01-03 West approximately 364.60 feet to a point, said point being the Southwesterly most corner of property described in said deed; thence with said deed three courses as follows: 1) South 88-57 East 225 feet to a point, 2) South 01-03 West 175 feet to a point, and 3) North 88-57 West 225 feet to a point, said point being located on the Easterly right-of-way margin of Newkirk Street (SR 2496); thence, crossing said street approximately 60 feet to a point on the Westerly right-of-way margin of Newkirk Street (SR 2496), said point also being the Southeasterly most corner of Block 1, Lot 7 as shown on recorded Map Book 7, page 381; thence with said map, North 00-42-00 West 105.00 feet to a point, said point being the Southeasterly most corner of Block 1, Lot 6 as shown on said map; thence with said map two courses as follows: 1) South 89-18-00 West 202.60 feet to a point, and 2) North 04-33-00 West 405.94 feet to a point, said point being the Northwesterly most corner of Block 1, Lot 1 of Map Book 7, page 381,

said point also being on the Easterly right-of-way margin of Mallard Creek Road (SR 2467); thence, continuing along the Easterly right-of-way margin of Mallard Creek Road (SR 2467) in a Westerly direction approximately 154.79 feet to a point, said point being the Northeasterly most corner of property as described in Deed Book 4317, page 139; thence with said deed for three courses as follows: 1) South 09-15-40 East 319.63 feet to a point, 2) South 02-21-07 West 183.84 feet to a point, and 3) South 87-23-55 West 109.30 feet to a point, said point being the most Southwesterly corner of said property; thence with Deed Book 5155, page 797, three courses as follows: 1) North 05-39-32 West 208.41 feet to a point, 2) North 14-26-45 West 234.56 feet to a point, and 3) South 49-42-22 West 523.71 feet to a point, said point being on the Northwesterly most corner of said property, said point also being on the Easterly right-of-way margin of Mallard Creek Road (SR 2467); thence, continuing with the proposed Charlotte city limit line as established in Ordinance 1964-X, said line also recorded in Deed Book 5529, page 252 and 253; thence, said line being on the Westerly boundary of a tract of Elizabeth Mason described in Deed Book 1295, page 594, South 48-12-05 West 207.79 feet to a point; thence, along the said Easterly right-of-way margin of Mallard Creek Road along a circular curve to the right having a radius of 1,568.38 feet, a chord bearing of South 57-18-10 West and a chord distance of 496.18 feet, an arc distance of 498.26 feet to a point; thence, South 66-24-15 West 274.31 feet to a point; thence, along the Easterly line of Richard W. Caskey as described in Deed Book 4341, page 64, South 01-27-50 East 430.05 feet to a point, said point being the Southeasterly corner of Richard W. Caskey, said point also being the

Northeasterly corner of that tract described in deed to Charles E. Tyler in Deed Book 3057, page 114 and Deed Book 3746, page 540; thence, along the East line of Charles E. Tyler, South 28-27-10 East 713.76 feet to a point; thence, South 83-43-08 West 644.35 feet to a point, said point being the Northeasterly corner of Charles W. Wilson as described in Deed Book 3609, page 773; thence, along the Easterly line of Charles W. Wilson, South 01-31-30 East 886.54 feet to a point, said point being the Southeasterly corner of Charles W. Wilson aforementioned above; thence, along the centerline of a creek in a Westerly direction along the Southerly lines of Charles W. Wilson aforementioned above, Harold L. Frazier as described in Deed Book 3697, page 583, Beatrice Penninger as described in Deed Book 2080, page 10, and Madeline H. Garrison in Deed Book 1026, page 383 the following forty-eight courses: 1) South 54-28-16 West 55.62 feet to a point, 2) South 83-33-30 West 62.39 feet to a point, 3) North 17-06-10 West 40.80 feet to a point, 4) North 77-33-38 West 69.63 feet to a point, 5) South 54-02-22 West 63.01 feet to a point, 6) North 75-57-50 West 24.74 feet to a point, 7) South 46-50-51 West 21.93 feet to a point, 8) North 71-48-21 West 150.53 feet to a point, 9) North 15-46-51 East 47.80 feet to a point, 10) North 42-36-51 West 33.97 feet to a point, 11) South 87-16-25 West 63.07 feet to a point, 12) South 52-07-30 West 34.21 feet to a point, 13) North 34-02-45 West 44.65 feet to a point, 14) North 14-30-01 West 59.91 feet to a point, 15) North 85-01-49 West 23.09 feet to a point, 16) South 41-29-47 West 34.71 feet to a point, 17) North 20-51-16 West 22.47 feet to a point, 18) North 79-30-31 West 27.46 Feet to a point, 19) South 42-09-57 West 71.51 feet to a point; 20) North 63-00-15 West 59.48 feet to a point, 21) North 15-22-35 West 41.48 feet

to a point, 22) North 82-52-30 West 96.75 feet to a point, 23) North 11-46-06 West 24.52 feet to a point, 24) North 72-04-19 West 35.74 feet to a point, 25) South 79-55-10 West 91.41 feet to a point, 26) North 57-48-15 West 31.91 feet to a point, 27) South 23-57-45 West 29.55 feet to a point, 28) South 85-50-25 West 55.15 feet to a point, 29) South 39-28-21 West 66.07 feet to a point, 30) North 67-50-01 West 29.15 feet to a point, 31) South 88-27-07 West 74.03 feet to a point, 32) South 67-37-12 West 55.15 feet to a point, 33) North 38-39-35 West 32.02 feet to a point, 34) South 33-41-24 West 57.69 feet to a point, 35) South 54-07-49 West 80.21 feet to a point, 36) South 34-49-28 West 84.05 feet to a point, 37) South 11-32-05 West 100.02 feet to a point, 38) North 88-55-09 West 53.01 feet to a point, 39) South 19-43-20 West 112.61 feet to a point, 40) South 48-25-00 West 94.92 feet to a point, 41) South 83-20-44 West 60.41 feet to a point, 42) South 36-45-13 West 98.60 feet to a point, 43) North 88-43-37 West 45.01 feet to a point, 44) South 88-10-54 West 63.03 feet to a point, 45) South 25-01-01 West 16.55 feet to a point, 46) South 85-36-05 West 65.19 feet to a point, 47) North 30-15-23 West 13.89 feet to a point, 48) South 69-28-20 West 80.22 feet to a point in or near the centerline of said creek, said point being on the Westerly line of Madeline H. Garrison aforementioned above; thence, along said Westerly line North 16-10-43 West 829.63 feet to a point; thence, North 33-00-43 West 165.92 feet to a point; thence, along the right-of-way line of Mallard Creek Road, South 36-14-03 West 757.65 feet to a point, said point being on the Northeasterly line of that tract described in that deed to Walter and Edgar Stevenson in Deed Book 1110, page 455; thence, leaving the Easterly right-of-way margin of Mallard Creek Road, following along the Southerly and Westerly lines

of Walter and Edgar Stevenson for two courses: South 60-21-54 East 706.33 feet to a point, and South 33-31-45 East 763.00 feet to a point, said point being the Southeasterly corner of that tract described in said deed to Walter and Edgar Stevenson aforementioned above; thence, South 33-31-45 East 749.75 feet to a point, said point being in the centerline of a Railroad Spur Track; thence with the proposed Charlotte city limit line along the centerline of said Railroad Spur Track, along a curve to the left having a radius of 1,910.08 feet, a chord bearing of North 28-23-18 East and a chord distance of 121.41 feet, an arc length of 121.41 feet to a point; thence, North 26-34-00 East 705.04 feet to a point; thence, along a circular curve to the right having a radius of 1,432.69 feet, a chord bearing of North 45-59-45 East and a chord distance of 953.14 feet, an arc length of 971.66 feet to a point; thence, North 65-25-30 East 1,008.71 feet to a point; thence, along a circular curve to the right having a radius of 955.37 feet, a chord bearing of South 84-17-15 East, a chord distance of 963.66 feet, an arc length of 1,010.05 feet to a point, said point being in the centerline of a Railroad Spur Track; thence, with the proposed Charlotte City limit line along the centerline of said Railroad Spur Track, South 54-00-00 East 445.44 feet to a point; thence, along the centerline of said Railroad Spur Track, South 54-00-00 East approximately 650 feet to a point; thence, in a Southwesterly direction with the proposed Charlotte city limit line meandering with the centerline of a branch, said branch being a tributary to Doby Creek, a distance of approximately 375 feet to a point, said point being the Southeasterly corner of the lot described in Deed Book 2260, page 381, also the



Northwesterly corner of the lot described in Deed Book 4086, page 602, said point having a North Carolina Grid coordinate of approximately, X 1,469, 648 Y 570, 870 and being in or near said branch, said point also being on the present Charlotte city limit line; thence in a Southerly and or Westerly direction with the present Charlotte city limit line following along the Southerly lines of lot as described in said Deed Book 2260, page 381 in six courses as follows: 1) North 57-54-40 East 41.25 feet to a point, 2) South 83-34 West 164.81 feet to a point, 3) South 42-10-50 West 262.19 feet to a point, 4) North 26-21 East 98.90 feet to a point, 5) South 87-32 West 130.94 feet to a point, and 6) South 32-59-10 West 75.40 feet to a point, said point being the Southwesterly corner of lot as described in said deed; thence, continuing in a Southwesterly direction with the present Charlotte city limit line following along the Northerly lines of Lot 13 through Lot 7 in Block 5 as shown on recorded Map Book 8, page 107 and following along the Northerly lines of Lot 6 through Lot 1 in Block 5 as shown on recorded Map Book 1844, page 449, crossing Brushwood Drive and following along the Northerly lines of Lot 2 and Lot 1 in Block 2 as shown on recorded Map 14, page 79 as having a bearing and distance as follows: South 32-59-10 West 442.52 feet to a point; thence, South 56-34-30 West 290.99 feet to a point; thence, South 63-52-30 West approximately 1805 feet to a point, said point being the Northwest corner of Lot 2 in Block 2 as shown on recorded Map Book 14, page 79; thence, in a Southwesterly direction with the present Charlotte city limit line following along a portion of a line described as 3rd course in Deed Book 1222, page 557, as having a bearing of South 63 West approximately 200 feet to a point; thence, in a Northwesterly direction

following along a portion of the Northerly line of lot as described in Deed Book 2725, page 513 and crossing Rumble Road (SR 2501) as having a bearing and distance of North 54-45 West approximately 191 feet to a point, said point being located where a line 40 feet West of and parallel with the centerline of Rumble Road (SR 2501) intersects with the Northerly line of lot as described in said deed (if extended); thence, in a Southwesterly direction following along a line 40 feet West of and parallel with the centerline of Rumble Road (SR 2501) approximately 1190 feet to a point, said point being 40 feet West of and normal to the centerline of Rumble Road (SR 2501); thence, following along the Northerly lot line of lot as described in Deed Book 3172, page 506 as having a bearing and distance of South 86-06 West approximately 215 feet to a point; thence, following along the Northerly lot line of lot as described in said Deed Book 3172, page 506, as having a bearing and distance of South 03-54 East 10 feet to a point, said point being the Southwesterly corner of lot as described in said Deed Book 3172, page 506; thence, in a Westerly direction with the present Charlotte city limit line following along the Northerly lot line of tract as described in Deed Book 3079, page 263, as having a bearing and distance of South 86-06 West 475 feet to a point; thence, in a Southerly direction following along the Westerly lot line of lot as described in said Deed Book 3079, page 263 as having a bearing and distance of South 3-39-35 West 310 feet to a point, said point being the Southwesterly corner of lot as described in said Deed Book 3079, page 263; thence, in a Southwesterly direction following along the Southerly lot line of lot as described in Deed Book 4854, page 995 as having a bearing and distance of South 86-06 West 457.85 feet to a

point, said point being the Southwesterly corner of lot as described in said Deed Book 4854, page 995; thence, in a Southerly direction following along a portion of the Westerly lot line of lot as described in Deed Book 953, page 137, as having a bearing and distance of South 03-30 West approximately 211 feet to a point, said point being the Northeasterly corner of lot as described in Deed Book 2873, page 165; thence, in a Southwesterly direction following along the Northerly lot line of lot as described in said Deed Book 2873, page 165 as having a bearing and distance as follows: South 72-46-20 West 145.85 feet to a point; thence, South 82-30-30 West 134.76 feet to a point; thence, South 64-08 West 149.19 feet to a point, said point being the Southeasterly corner of the second parcel as described in Deed Book 3278, page 314; thence, following along the Easterly lot lines of parcels one and two as described in said Deed Book 3278, page 314, as having a bearing and distance of North 30-08 West approximately 329 feet to a point, said point being 40 feet Southeast of and normal to the centerline of Hunter Avenue (SR 2607); thence, in a Northeasterly direction following along a line 40 feet Southeast of and parallel with the centerline of Hunter Avenue (SR 2607) approximately 170 feet to a point; thence, in a Northwesterly direction following along a line 40 feet Northeast of and parallel with the centerline of Hunter Avenue (SR 2607) approximately 350 feet to a point; thence, crossing Hunter Avenue to a point 40 feet Northwest of and normal to the centerline of Hunter Avenue (SR 2607) following along the Northerly lot line of lot as described in Deed Book 1772, page 142 as having a bearing and distance of North 62-25-40 West approximately 581 feet to a point; thence, in a Northerly direction following along a portion of the Easterly lot line

of lot as described in Deed Book 3255, page 281 as having a bearing and distance of North 16-26-50 East 199.60 feet to a point, thence, in a Westerly direction following along the Northerly lot line of lot as described in said Deed Book 3235, page 281 as having a bearing and distance of South 77-23-14 West 500 feet to a point, said point being the Southwesterly corner of lot as described in said Deed Book 3235, page 281; thence, in a Northwesterly direction following along a portion of the Southerly lot line of tract B in Section 1 as shown on recorded Map Book 7, page 467, as having a bearing and distance of North 43-49 West approximately 692 feet to a point; thence, in a Westerly direction following along a portion of the Southerly lot line of lot as described in Deed Book 2197, page 145, as having a bearing and distance of North 71-07 West approximately 140 feet to a point, said point being on a line 40 feet Southeast of and parallel with the centerline of Mallard Creek Road (SR 2467); thence, in a Northeasterly direction following along a line 40 feet Southeast of and parallel with the centerline of Mallard Creek Road (SR 2467) approximately 2,297 feet to a point, said point being located where a line 40 feet Southeast of and parallel with the centerline of Mallard Creek Road (SR 2467) intersects with a line 40 feet Northeast of and parallel with the centerline of Rockwell Church Road (SR 2503); thence, in a Westerly direction crossing Mallard Creek Road and following along a line 40 feet North of and parallel with the centerline of Rockwell Church Road (SR 2503) approximately 600 feet to a point, said point being 40 feet Northwest of and normal to the centerline of Rockwell Church Road (SR 2503); thence, in a Northwesterly direction following along the Northeasterly lot line of lot as described in Deed Book 4111, page 40,

as having a bearing and distance of North 28 West approximately 770 feet to a point, said point being the Northern most corner of lot as described in said Deed Book 4111, page 40; thence, in a Northerly direction following along the Easterly lot lines of Lots 83 through 113 in Block H as shown on recorded Map Book 6, pages 943 and 945, as having a bearing of North 19-30 East and a total distance of 1,077.20 feet to a point, said point being the Northeast corner of Lot 113 in Block H as shown on said recorded Map Book 6, page 945; thence, in a Westerly direction following along the Northerly line of Lot 113 in Block H as shown on said recorded Map Book 6, page 945 and crossing Carver Boulevard (SR 2504) dead end as follows: South 65-09 West 438.70 feet to a point; thence, South 89-23 West 70.60 feet to a point, said point being the Southeast corner of Lot 80 in Block D as shown on said recorded Map Book 6, page 945; thence, in a Northerly, Westerly and Southerly direction following three lines of lot as described in Deed Book 3371, page 239 as follows: 1) North 21-44-41 East 70 feet to a point, 2) North 62-40-05 West 200.89 feet to a point, and 3) South 21-44-41 West 128 feet to a point, said point being the Southwest corner of lot as described in said Deed Book 3371, page 239; thence, in a Westerly direction following along the Northerly lines of Lot 63 through Lot 51 in Block D as shown on said recorded Map Book 6, page 945, as having a bearing and distance of North 67-07 West 395 feet to a point; thence, in a Northerly direction following along the Easterly lot lines of Lots 15 through 50 in Block D, crossing Rockwell Boulevard West (SR 2506) and following the Easterly line of Lot 140 in Block A, as shown on said recorded Map Book 6, page 945 as follows: North 12-29 East 670.0 feet to a point; thence, North 18-33 East 189.50 feet to a

point; thence, North 54 East 119.30 feet to a point, said point being the Northeast corner of Lot 140 in Block A, as shown on said recorded Map Book 6, page 945; thence, in an Easterly direction following along the Northerly and Easterly lot lines of lot as described in Deed Book 4804, page 878 as having a bearing and distance as follows: North 75-49-45 West 62.93 feet to a point; thence, North 53-56 East 8.44 feet to a point; thence, North 76-11-47 West 101.68 feet to a point; thence, South 53-27-23 West 10.20 feet to a point, said point being the Northwesterly corner of Lot 139 in Block A as shown on said recorded Map Book 6, page 945; thence, in a Westerly direction with the present Charlotte city limit line following along the Northerly lot lines of lots 138 through 124 in Block A as shown on said recorded Map Book 6, page 945 as having a bearing and distance of North 73-20 West 377.06 feet to a point, said point being the Northwesterly corner of Lot 124 in Block A, as shown on said recorded Map Book 6, page 945; thence, in a Northerly direction following along the Easterly lot line extended of Lot 123 in Block A, as described in Deed Book 3370, page 410, a distance of 7 feet to a point; thence, in a Westerly direction following along a line 7 feet North of and parallel with the Northerly lot lines of Lots 123 through 121 in Block A as described in said Deed Book 3370, page 410 a distance of 75 feet; thence, in a Southerly direction following along the Westerly lot line extended of Lot 121 in Block A, as described in said Deed Book 3370, page 410, a distance of 7 feet to a point, said point being the Northeasterly corner of Lot 120 in Block A as shown on said recorded Map Book 6, page 945; thence, in a Northwesterly direction following along the Northerly lot lines of Lots 120 through 108 in Block A as shown on said recorded Map Book 6, page

945, as having a bearing and distance of North 73-20 West 579 feet to a point, said point being the Northwesterly corner of Lot 108 in Block A as shown on said recorded Map Book 6, page 945; thence, in a Southerly direction following along the Westerly lot lines of Lots 107 through 77 in Block A as shown on recorded Map Book 6, page 945, as having a bearing of South 06-50 West a total distance of approximately 1,000 feet to a point, said point being on the existing Charlotte city limit line; thence, continuing with the existing Charlotte City limit line, with the lines of Lots 22 through 3, and 1 of Block 1 of Map Book 3, page 353, having a bearing of South 57-30-00 West a distance of 1,160 feet to a point, said point being the intersection of the Easterly right-of-way margin of Cheshire Road with the Northerly line of Lot 1 of Block 1, as shown on said recorded Map Book 3, page 353; thence, in a Northerly direction following the Easterly right-of-way margin of Cheshire Road, North 28-30-00 West approximately 550 feet to a point, said point being the Southwesterly most corner of the property as described in Deed Book 1221, page 151; thence, with the Southerly line of said property North 57-30-00 East approximately 430 feet to a point; thence, North 26-30-00 West approximately 485 feet to a point; thence, North 88-45-00 West approximately 410 feet to a point, said point being on the Easterly right-of-way margin of Cheshire Road; thence, continuing along the Easterly right-of-way margin of Cheshire Road, North 28-31 West, approximately 280 feet to a point, said point being the intersection of the Easterly right-of-way margin of Cheshire Road with the Northerly right-of-way margin of Christenbury Road, if extended; thence, in a Westerly direction crossing Cheshire Road approximately 60 feet to a point, said point being the intersection of

the Northerly right-of-way margin of Christenbury Road with the  
Westerly right-of-way margin of Cheshire Raod, said point also being  
the point of beginning.



THIS PAGE NOT  
FOR USE

ORDINANCE NO. 3229-Z

CITY ZONE CHANGE

Petition No. 91-49  
City of Charlotte

ZONING REGULATIONS

MAP AMENDMENT NO. \_\_\_\_\_

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 establishing the R-15, R-12(CD), R-MH, R-9, R-12, R-6, R-9(CD), R-12MF(CD), R-9MF(CD), R-12MF, R-20MF, R-9MF, R-6MF(CD), B-1(CD), B-1, B-2, B-1SCD, B-2(CD), Inst., I-2(CD), I-1, O-15(CD), RE-1, RE-2, O-6, and O-6(CD) zoning districts on the Official Zoning Map, City of Charlotte, N.C. the following described property:

SEE ATTACHMENT

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

APPROVED AS TO FORM:

Henry W. Underhill, Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 19 91, the reference having been made in Minute Book 99, at page \_\_\_\_\_.

Pat Sharkey  
City Clerk

PETITIONER: City of Charlotte

PETITION NO.: 91-49

HEARING DATE: July 15, 1991

REQUEST: Establish zoning on property recently annexed by the City.

LOCATION: Approximately 4,388 acres located between Old Concord Road and I-85  
extending from Rocky River Road to U.S. 29/I-85.

All existing zoning will remain the same, except for the O-9 and O-9(CD) zoning located on the westerly side of U.S. 29, south of W. T. Harris Boulevard. The City does not have an O-9 district; therefore, the property is recommended for O-6 and O-6(CD).

SEE ATTACHED MAP

ZONING MAP NO(s): Several

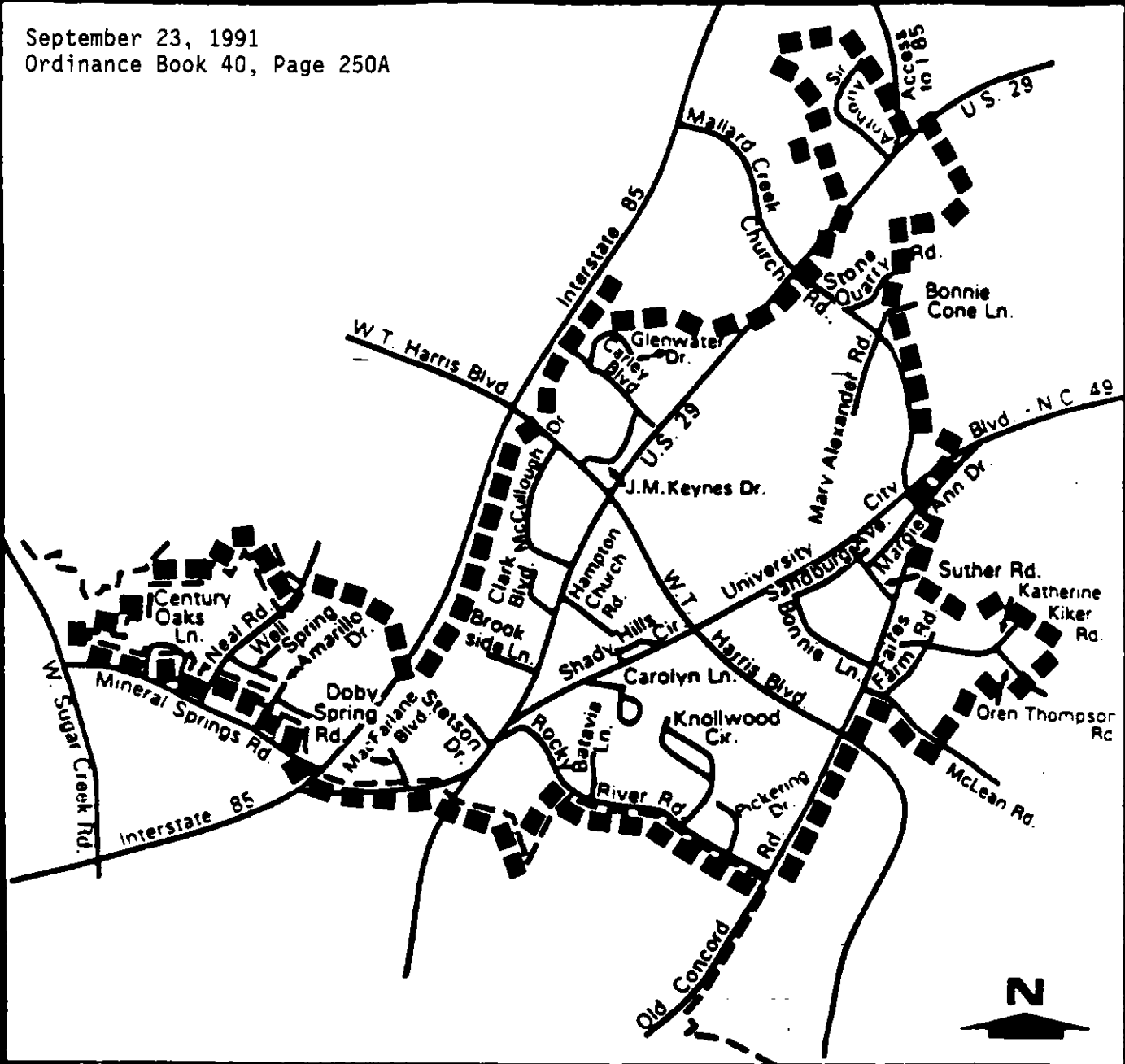
SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



# OLD CONCORD ROAD/I-85

September 23, 1991  
Ordinance Book 40, Page 250A



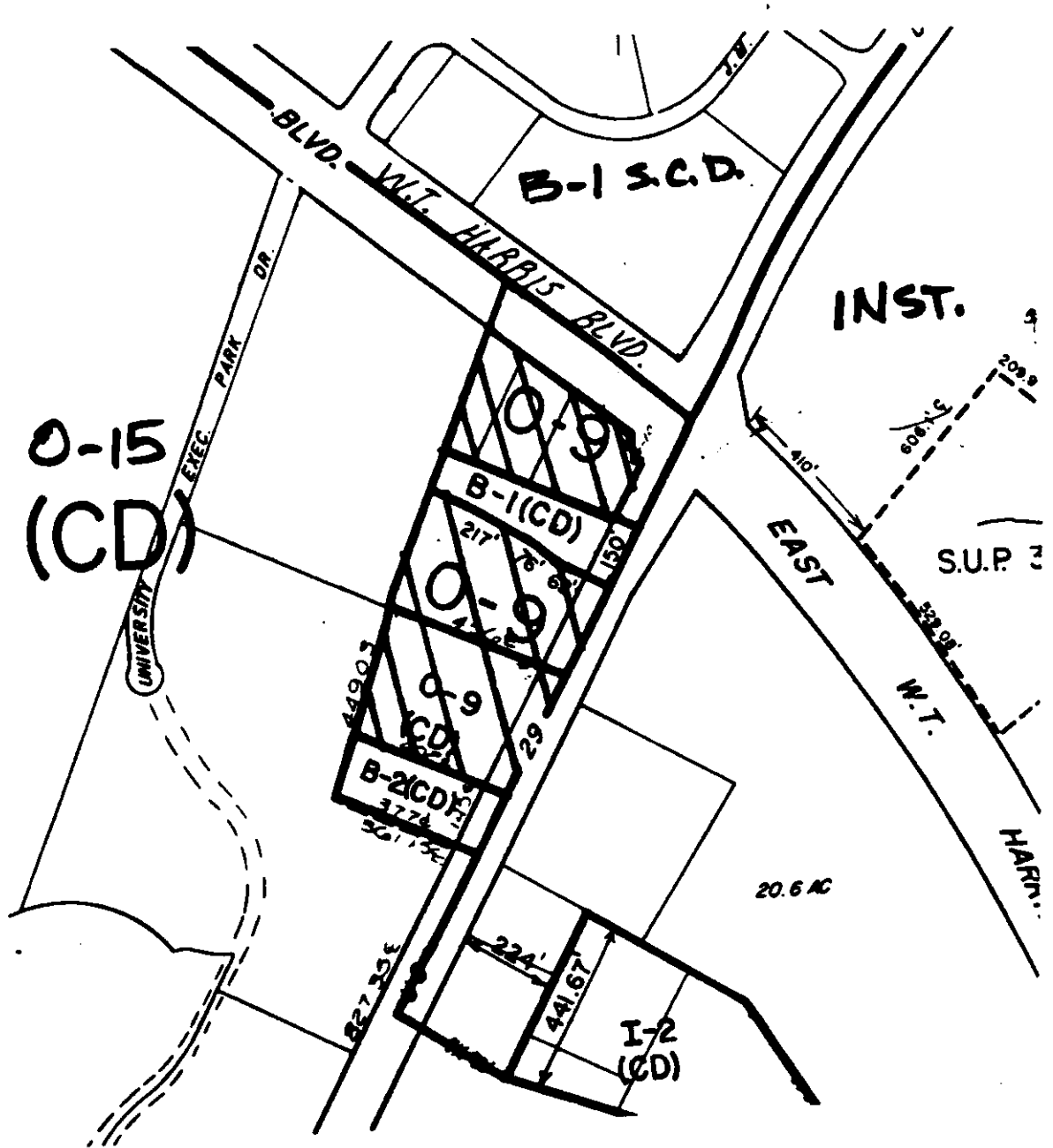
■ ■ ■ Annexation Area Boundary

--- Present City Limits

## Proposed Annexation Area

91-49

Petition No. 91-49  
Request: O-9 and O-9(CD)  
to O-6 and O-6(CD)  
Map: 5E



PROPOSED ANNEXATION

OLD CONCORD ROAD/I-85 AREA

Beginning at a point on the existing Charlotte city limit line, said point being the intersection of the present city limit line, said line being 40 feet East of and normal to the centerline of Neal Road (SR 2498) and the Northerly property line as described in Deed Book 4147, page 378, Tract 1; thence, in a Southeasterly direction following along the Northerly lot lines of the lot described in said Deed Book 4147, page 378 (first tract) for seven courses as follows: 1) South 63-27-37 East approximately 1,421.35 feet to a point, 2) North 34-59-13 East 198 feet to a point, 3) crossing Doby Creek South 33-10-49 East 230.34 feet to a point, 4) South 60-22-09 East 476.42 feet to a point, 5) South 21-37-57 East 809.08 feet to a point, 6) South 11-04-26 East 280.50 feet to a point, 7) South 20-55-34 West 262.71 feet to a point on the Westerly margin of Interstate Highway 85, also being the Northeasterly corner of the lot described in Deed Book 4147, page 378 (first tract); thence, running in a Southeasterly direction following a line perpendicular to and crossing line "L" Interstate Highway 85 at Station 62+12, 342 feet to a point on the Easterly margin of Interstate Highway 85 being 171 feet right of and normal to Station 62+12 Line "L" as shown on recorded State Highway Map Book 1, page 183; thence, with the proposed Charlotte city limit line following the Easterly controlled access line of Interstate Highway 85 as shown on maps recorded in Book 1, pages 183, 184 and 185 for five courses as follows: 1) running in a Northeasterly direction approximately 688 feet to a point on the Easterly margin of Interstate Highway 85, said point being 171 feet

right of and normal to Station 69+00 line "L", 2) running in a Southeasterly direction 25 feet to a point 196 feet right of and normal to Station 69+00 "L", 3) running in a Northeasterly direction 300 feet to a point, 196 feet right of and normal to Station 72+00 line "L", 4) running in a Northwesterly direction 25 feet to a point, 171 feet right of and normal to Station 72+00 line "L", 5) running in a Northeasterly direction 171 feet right of and normal to line "L" approximately 5,465 feet to a point 171 feet right of and normal to Station 126+08.55 line "L"; thence with the proposed Charlotte city limit line following along the Easterly controlled access line of Interstate Highway 85 as shown on Map recorded in Book 1, page 147A for seven courses as follows: 1) running in a Northeasterly direction approximately 91.50 feet to a point on the Easterly margin of the controlled access line of Interstate Highway 85, said point being located 171 feet right of and normal to Station 127+00 line "L" as shown on a Map recorded in the North Carolina State Highway Plans File Book 1, page 185, 2) running in a Southeasterly direction approximately 15 feet to a point 152 feet right of and normal to Station 127+00 North Bound lane, 3) running in a Northerly direction approximately 250 feet to a point, 152 feet right of and normal to Station 129+50± North Bound lane line, 4) running in a Northeasterly direction approximately 132 feet to a point, 115 feet right of and normal to Station 5+05.63 "Ramp C" line, 5) running in a Northeasterly direction approximately 194 feet to a point, 105 feet right of and normal to Station 7+05.63 "Ramp C" line, 6) running in a Northeasterly direction approximately 444 feet to a point, 105 feet right of and normal to Station 11+50 "Ramp C" line, 7) running in a Northeasterly direction approximately 160 feet to a point on the

Southerly margin of the controlled access line of W.T. Harris Boulevard, said point being located 100 feet right of and normal to Station 223+56.66 line "L" W.T. Harris Boulevard and also on the Easterly margin of the controlled access line of Interstate Highway 85: thence, in a Northeasterly direction following a line normal to and crossing line "L" W.T. Harris Boulevard at Station 223+56.66, 200 feet to a point on the Northerly margin of the controlled access line of W.T. Harris Boulevard, said point being 100 feet left of and normal to Station 223+56.66 line "L" W.T. Harris Boulevard; thence, following along the Easterly controlled access line of Interstate Highway 85 as shown on map recorded in Book 1, page 147A for five courses as follows: 1) running in a Northerly direction approximately 217 feet to a point, 110 feet left of and normal to Station 12+13.39 Ramp "D" line, 2) running in a Northerly direction approximately 220 feet to a point, 105 feet left of and normal to Station 10+13.39 Ramp "D" line, 3) running in a Northerly direction approximately 217 feet to a point, 105 feet left of and normal to Station 7+90.50 Ramp "D" line, 4) running in a Northerly direction approximately 194 feet to a point, 120 feet left of and normal to Station 5+90.50 Ramp "D" line, 5) running in a Northeasterly direction approximately 606 feet to a point, said point being located 155 feet right of and normal to Station 155+03.78 Ramp "D" line as shown on map recorded in the North Carolina State Highway Plans File Book 1, page 186 at the Mecklenburg County Public Registry; thence, following the easterly controlled access line, of Interstate Highway 85 as shown on map recorded in Book 1, page 186 for seven courses as follows: 1) running in a Northeasterly direction approximately 604 feet to a point, 189 feet right of and normal to



Station 161+00 Line "L". 2) running in a Northeasterly direction 18 feet to a point, 171 feet right of and normal to Station 161+00 line "L", 3) running in a Northeasterly direction approximately 750 feet to a point, 171 feet right of and normal to Station 168+50 line "L", 4) running in a Southeasterly direction 39 feet to a point, 210 feet right of and normal to Station 168+50 line "L", 5) running in a Northeasterly direction approximately 300 feet to a point 210 feet right of and normal to Station 171+50 line "L", 6) running in a Northeasterly direction 39 feet to a point, 171 feet right of and normal to Station 171+50 line "L", 7) running in a Northeasterly direction approximately 155.50 feet to a point on the Easterly margin of the controlled access line of Interstate Highway 85, said point being located 171 feet right of and normal to Station 173+05.2 line "L", as shown on map recorded in Book 1, page 186; thence, North 37-43-16 East approximately 369.20 feet to a point, said point being the intersection of a point 171 feet right of and normal to the "L" line of Interstate Highway 85 with the centerline of Mallard Creek as shown on State Highway Map Book 1, page 186; thence, with the Northerly property line of the property described in Deed Book 4614, page 412 for the following seven courses: 1) North 79-50-25 East a distance of 489.26 feet to a point in the centerline of Mallard Creek; thence, leaving the creek 2) South 11-30-11 West 25 feet to a point; thence, 3) South 11-30-11 West 107.78 feet to a point; thence, 4) South 31-50-26 West a distance of 724.02 feet; thence, 5) North 79-05-55 East a distance of 694.21 feet to a point; thence, 6) North 82-49-25 East a distance of 417.95 feet to a point in Mallard Creek; thence, 7) South 82-31-51 East a distance of 67.43 feet to a point in the centerline of Mallard Creek; thence, with the Northerly

property line of the property described in Deed Book 5383, page 269 for the following six courses: 1) North 83-03-50 East 164.04 feet to a point; thence, 2) North 63-01-30 East 226.48 feet to a point; thence, 3) South 84-52-00 East 113.91 feet to a point; thence, 4) South 71-14-10 East 537.24 feet to a point; thence, 5) South 72-09-43 East 826.92 feet to a point; thence, 6) South 26-40-20 West 52.39 feet to a point in Mallard Creek; thence, with the Northerly property line of the property described in Deed Book 4327, page 647 for the following seven courses with the centerline of Mallard Creek: 1) North 63-01-30 East 65.81 feet, 2) North 77-37-30 East 100.5 feet, 3) North 69-54-50 East 200.12 feet, 4) North 62-38-20 East 303.97 feet, 5) North 69-37-30 East 100.07 feet, 6) North 88-58-40 East 168.25 feet, 7) South 85-20-40 East approximately 219.4 feet to a point, said point being on the Northerly margin of U.S. Highway 29; thence with the Northerly margin of U.S. Highway 29 approximately 273.22 feet to a point, said point being the intersection of the Northerly right of way margin of U.S. Highway 29 with a Southwesterly line of the property described in Deed Book 4766, page 373; thence, continuing in a Northerly direction along the Northerly right-of-way margin of U.S. Highway 29 for two courses: 1) North 40-35-55 East 331.77 feet to a point and 2) North 40-35-28 East 890.98 feet to a point, said point being the intersection of the Northerly right-of-way margin of U.S. Highway 29 with the Westerly right-of-way margin of Mallard Creek Church Road (SR 2472); thence, crossing Mallard Creek Church Road (SR 2472) approximately 60 feet to a point on the Easterly right-of-way margin of Mallard Creek Church Road (SR 2472), said point being the intersection of the Westerly line of the property as described in Deed Book 3906, page 911 with the

Northerly right-of-way margin of U.S. Highway 29; thence, with the Northerly right-of-way margin of U.S. Highway 29 North 40-36 East approximately 799.64 feet to a point; thence, in a Northerly direction along the Northerly right-of-way margin of U.S. Highway 29 approximately 949.70 feet to a point; thence, in a Westerly direction North 47-36-20 West approximately 93.96 feet to a point, said point being the Southwesterly corner of the property as described in Deed Book 2907, page 218; thence, in a Northeasterly direction approximately 154 feet to a point, said point being the Southwesterly corner of the property as described in Deed Book 4234, page 491; thence with the westerly property lines of said deed as follows: 1) North 26-33-16 West 414.92 feet; thence, 2) North 15-07-32 West 599.96 feet to a point; thence with the Westerly property line of the property as described in Deed Book 5852, page 489 1) North 16-51-21 West 593.02 feet to a point, said point being the Southwesterly corner of the property described in Deed Book 3681, page 929; thence with the Westerly property line of said deed North 17-17-05 West approximately 198 feet to a point, said point being the Southeast corner of the property described in Deed Book 4257, page 336; thence with the Southerly and Westerly property lines of said deed as follows: 1) South 59-33-40 West 286.07 feet to a point; thence 2) North 22-36-20 West 226.43 feet to a point, said point being the Southwesterly corner of the property as described in Deed Book 3514, page 301; thence with said deed for the following eight courses 1) North 54-27 East 425.70 feet to a point; thence 2) North 64-18-30 East 675.94 feet to a point; thence, 3) North 11-32 West 616.15 feet to a point; thence 4) North 48-54-30 West 621.85 feet to a point; thence 5) North 39-24 West 648.17

feet crossing Stony Creek to a point; thence 6) North 61-23 West 231 feet to a point; thence 7) North 86-32-30 West approximately 250 feet to a point; thence 8) North 9-00 West 73 feet to a point, said point being the Northwesterly corner of the property as described in Deed Book 2106, page 472; thence, in a Northeasterly direction approximately 950 feet to a point, said point being the Northwesterly corner of Tract 5 as shown on a map recorded in Deed Book 2101, page 448; thence for two courses as shown on Map 2101, page 448 as follows: 1) North 81 East 495 feet to a point; thence 2) South 39 East 495 feet to a point, said point being the Northeasterly corner of the property described in Deed Book 3147, page 143; thence with the Easterly property lines of the property described in Deed Books 3147, pages 143, 151, 147 and 167; South 37-58 East 495.00 feet to a point, said point being the Northerly corner of the property as described in Deed Book 3799, page 236; thence, South 42-45-50 East 536.11 feet to a point, said point being the Northeasterly corner of the property as described in Deed Book 1189, page 23; thence, with the Easterly property lines of the property described in Deed Books 1189, page 23, 2132, page 238, 2240, page 63, and 2285, page 261 South 30-30 East 822 feet to a point, said point being the Northeasterly corner of the property as described in Deed Book 3147, page 147; thence with the Easterly property lines of Deed Book 3147, page 147 and 3147, page 167 South 30-28 East 273.6 feet to a point, said point being on the Westerly margin of the access highway to Interstate Highway 85; thence, crossing the access highway to Interstate Highway 85, U.S. Highway 29, and U.S. Highway 29 access road approximately 900 feet to a point, said point being the Westerly corner of the property described in Deed Book 5674, page 832, said point also

being on the Southerly right-of-way margin of U.S. Highway 29; thence with the Westerly line of said deed South 27-06-07 East 1,929.75 feet to a point in the centerline of Mallard Creek; thence, in a Southwesterly direction along the Southerly property line of the property described in Deed Book 3658, page 87 and the center of Mallard Creek for four courses: 1) South 85-39 West 646.45 feet, 2) South 57-15 West 134.65 feet, 3) South 35-27 West 231.85 feet, 4) South 14-26 West 122.9 feet to a point, said point being the Southeasterly corner of the property described in Deed Book 1867, page 397; thence with the Southerly property line of said deed as follows: 1) South 85-00 West 120 feet; thence, 2) South 80-00 West 580 feet to a point, said point being the Southwesterly corner of the property described in Deed Book 1867, page 397; thence in a Southwesterly direction approximately 270 feet crossing a 68 foot Duke Power right-of-way to a point, said point being the Northerly most corner described in Deed Book 4521, page 695, Tract Six, Parcel 1; thence, with said deed South 6-48-35 West 835.55 feet to a point; thence, South 12-38-59 West approximately 436.31 feet to a point, said point being on the Southerly right-of-way margin of Stone Quarry Road; thence in a Southwesterly direction also the Southerly right-of-way margin of Stone Quarry Road approximately 519.62 feet to a point, said point being the most Northerly corner of the property described in Deed Book 5647, page 528; thence with said deed for the following three courses: 1) South 69-22-17 East 108.96 feet to a point on the Westerly margin of Bonnie Cone Lane, if extended; thence, 2) with the arc of a circular curve to the left having a radius of 239.90 feet an arc distance of 115.28 feet; thence, 3) South 6-57-40 East 357.01 feet to a point, said point being on the terminus of the

Westerly right-of-way margin of Bonnie Cone Lane; thence, crossing the terminus of Bonnie Cone Lane to a point, said point being the terminus of the Easterly right-of-way margin of Bonnie Cone Lane, said point also being the Northwesterly corner of the property as described in Deed Book 3970, page 619; thence, in a Southeasterly direction along the Easterly right-of-way margin of Bonnie Cone Lane with the Westerly property line of said deed for two courses: 1) South 6-57 East 55.0 feet to a point; thence, 2) along the arc of a circular curve to the left having a radius of 372.15 feet, an arc distance of 65.0 feet to a point, said point being the Northwest corner of the property as described in Deed Book 5529, page 861; thence with the Easterly margin of Bonnie Cone Lane in a Southerly direction with the arc of a circular curve to the left having a radius of 372.15 feet, a distance of 100 feet to a point, said point being the Southwesterly corner of the property as described in Deed Book 5529, page 861; thence with the Southerly property line of said deed South 74-00 East 234.47 feet to a point, said point being on a line as described in Deed Book 4521, page 699, Tract Six, Parcel One; thence with said deed for eight courses: 1) South 24-13-31 West 180.93 feet, 2) South 50-51-54 East 125 feet, 3) South 27-29-06 West approximately 220 feet to a point, said point being on the Northeasterly right-of-way margin of Mallard Creek Church Road (SR 2833); thence, 4) with the Easterly margin of Mallard Creek Church Road South 39-00-11 East 90.12 feet, 5) South 25-57-19 East 179.24 feet, 6) South 17-19-58 East 230.08 feet, 7) South 10-45-15 East 76.95 feet, 8) South 8-01-23 East 174.64 feet to a point located within a Duke Power Company right-of-way; thence, in a Southerly direction running with the Easterly right-of-way margin of Mallard Creek Church

Road (SR 2833) approximately 1,526.99 feet to a point in the said Easterly right-of-way, said point being the Northwesterly corner of the property described in Deed Book 5997, page 73; thence, in a Southeasterly direction along the property lines of the property as described in Deed Book 5997, page 73 for the following courses: 1) South 59-59-04 East 629.89 feet to a point; thence, 2) South 59-45-16 East 147.04 feet to a point; thence, 3) South 41-46-50 West 242.95 feet, 4) South 60-35-57 West 81.87 feet, 5) South 17-35-23 West 95.81 feet to a point on the Northwesterly right-of-way margin of University City Boulevard (NC 49), 6) in a Southwesterly direction with said margin with the arc of a circular curve to the left having a radius of 2,939.79 feet, an arc distance of 24.66 feet, chord bearing and distance of South 48-45-32 West 24.66 feet, 7) South 48-54-50 West 379.90 feet to a point, said point being on the Northerly property line of the property described in Deed Book 4966, page 729; thence, continuing with the right-of-way margin South 50-36-03 West approximately 678.17 feet to a point, said point being the intersection of the Northeasterly right-of-way margin of Mallard Creek Church Road with the Northwesterly right-of-way margin of University City Boulevard; thence, crossing University City Boulevard approximately 150 feet to a point, said point being the intersection of the Southerly right-of-way margin of University City Boulevard with the Westerly property line of the property described in Deed Book 5753, page 785; thence, in a Southeasterly direction with the Northeasterly right-of-way margin of Mallard Creek Road, South 40-35 East 84.80 feet to a point; thence, South 30-35 East 140.20 feet to a point, said point being the intersection of the Northeasterly right-of-way margin of

Mallard Creek Church Road and the Northerly property line of the property as described in Deed Book 6039, page 526; thence, South 38-39-20 East 199.37 feet to a point; thence, South 39-47-20 East 16.54 feet to a point, said point being the intersection of the Easterly margin of Mallard Creek Church Road with the Northerly property line as shown on a boundary survey recorded in Deed Book 6039, page 526; thence, South 39-47-50 East 117.27 feet; thence, South 40-56-00 East 161.96 feet to a point, said point being the intersection of the Easterly right-of-way margin of Mallard Creek Church Road with the Northwesterly right-of-way margin of Old Concord Road (SR 2939); thence, in a Southeasterly direction crossing Old Concord Road (SR 2939) with the extension of said right-of-way margin approximately 160 feet to a point in the centerline of the Southern Railroad; thence, in a Southwesterly direction with the centerline of the railroad approximately 1,440 feet to a point, said point being in the centerline of the railroad and also being the most Northwesterly corner of the property as described in Deed Book 5176, page 547; thence with the property line of said deed for the following 10 courses: 1) South 54-30-12 East 1,982.47 feet to a point; thence, 2) North 58-39-00 East 1,015.00 feet to a point; thence, 3) South 12-32-22 East 456.27 feet to a point; thence, 4) South 51-45-56 East 206.07 feet to a point; thence, 5) South 75-53-18 East 82.28 feet to a point; thence, 6) South 53-46-08 East 271.57 feet; thence, 7) South 53-03-41 East 140.27 feet; thence, 8) South 76-25-40 East 150.00 feet; thence, 9) South 44-37-31 East 620.97 feet; thence, 10) South 43-50-29 West 1,070.18 feet to a point, said point being the Southeasterly corner of Lot 161 in Block B of The Meadows at Faires Farm, Section 1, as shown on map recorded in Map Book



22, page 713; thence, in a Southwesterly direction with the Southerly property lines of Lot 161 Block B and Lot 41 Block C. South 49-16-55 West 355.74 feet to a point as shown on recorded Map Book 22, page 713; thence, running with the rear lot lines of Lots 19 through 9 of Block C of Overlook at Faires Farm, Section 1, Map 2, Map Book 22, page 474 for two courses: 1) South 49-16-55 West 338.19 feet; thence, 2) North 46-11-30 West 760.32 feet to a point, said point being the Southeasterly corner of Lot 8 in Block C of Overlook at Faires Farm, Section 1, Map 1, Map Book 22, page 255; thence with the rear property lines of Lot 8 in Block C and Lot 5 in Block C as shown on said map for two courses: 1) North 46-11-30 West 87.72 feet; thence, 2) South 38-36-50 West 208.02 feet to a point, said point being the Southwesterly corner of Lot 5, Block C, Map Book 22, page 255; thence with the following three courses as shown on a map of Pondsides At Faires Farm, Map Book 21, page 858: 1) South 38-36-50 West 520.0 feet; thence, 2) North 70-28-46 West 125.03 feet; thence, 3) South 22-35-27 West 230.42 feet to a point; thence, for two courses as shown on a map of Pondsides At Faires Farm, Map 4, as recorded in Map Book 21, page 790: 1) South 22-35-27 West 100.06 feet to a point; thence, 2) South 45-16-22 West 603.52 feet to a point, said point being the Easterly corner of the property as described in Deed Book 6066, page 429; thence, in a Southerly direction South 33-43-08 West approximately 610 feet to a point, said point being the intersection of the Easterly boundary line of the property described in Deed Book 6066, page 429 with the Northerly right-of-way margin of McLean Road (SR 2831); thence with the range line of said Easterly property line approximately 60 feet to a point, said point being on the Southerly right-of-way margin

of McLean Road (SR 2831), said point also being the intersection of the Southerly right-of-way margin of McLean Road (SR 2831) with the Easterly property line of the property described in Deed Book 1387, page 287; thence with said Southerly right-of-way margin of McLean Road, North 62-35 West 298.82 feet to a point; thence, in a Northwesterly direction with the arc of a circular curve to the right with a radius of 761.94 feet, a distance of 151.18 feet to a point, said point being the intersection of the Southerly right-of way margin of McLean Road (SR 2831) with the Easterly property line of the property described in Deed Book 1811, page 8; thence continuing in a Northwesterly direction with the Southerly right-of -way margin of McLean Road (SR 2381) along the arc of a circle curve with a radius of 666.8 feet, an arc distance of 207.2 feet to a point; thence, North 30-11 West 42.8 feet to a point, said point being the intersection of the Easterly property line of the property described in Deed Book 4531, page 310 with the Southerly right-of-way margin of McLean Road (SR 2831); thence, North 30-11 West 323.49 feet to a point, said point being the intersection of the Southerly right-of-way margin of McLean Road (SR 2831) with the easterly property line of the property described in Deed Book 1639, page 210; thence, North 30-11 West approximately 135 feet to a point, said point being the intersection of the Westerly property line of said deed with the Southerly right-of-way margin of McLean Road; thence, continuing in a Northwesterly direction with the said right-of-way margin approximately 942.53 feet to a point, said point being in the centerline of the Southern Railroad; thence, in a Southwesterly direction with the centerline of the railroad approximately 5,414 feet crossing the controlled access of W.T. Harris

Boulevard, Rocky River Road East (SR 2828), and SR 2841 to a point being located where the centerline of the Southern Railroad intersects with a line 40 feet North of and parallel with the centerline of Rocky River Road West (SR 2840) if extended; thence, in a Northwesterly and/or Westerly direction with the Charlotte city limit line crossing Old Concord Road (SR 2939) and following along a line 40 feet North of and parallel with the centerline of Rocky River Road West (SR 2840) approximately 5,656 feet, crossing Knollwood Circle to a point, said point being located where a line 40 feet North of and parallel with the centerline of said Rocky River Road West (SR 2840) intersects with the Westerly boundary line of Lot (if extended) as described in Deed Book 3796, page 979; thence, in a Southwesterly direction crossing Rocky River Road West (SR 2840) and following along the Westerly boundary line of lot as described in said Deed Book 3796, page 979 as having a bearing of South 44-02 West, a total distance of approximately 875 feet to a point, said point being the Northwest corner of Lot 11 in Block B as shown on recorded Map Book 12, page 463; thence, in a Southwesterly direction along the Westerly boundary line of Lots 11, 10, 9 in Block B as shown on said recorded Map Book 12, page 463 as having a bearing of South 29-05-02 West, a total distance of 396.80 feet to a point, said point being the Northwesterly corner of Lot 8, Block B, Map Book 12, page 463; thence, continuing in a Southwesterly direction following along the rear lot line of Lots 8 through 4 in Block B as shown in recorded Map Book 12, page 463 as having a bearing of South 29-05-20 West a total distance of 829.35 feet to a point; thence, in a Northwesterly direction following along the Easterly boundary line of Lots 52 and 52-A and along the rear lot line of lots 53, 72, 73, 74,

75, 75-A, 76 as shown on recorded Map Book 7, page 477 as having a bearing of North 22-27-20 West a total distance of 1,180.75 feet to a point; thence, in a Northwesterly direction following along the rear lot line of lots as described in the following Deed Books, 3169 page 579, 1954 page 350, 2132 page 70, 3793 page 450, 2606 page 568, 3316 page 482, 1703 page 112, 1548 page 180, 3784 page 298 as having a bearing and distance as follows: North 22-00 West 75.0 feet, North 71-03 West 328.60 feet, and North 76-00 West 847.52 feet; thence, in a Southwesterly direction along the Westerly boundary line of lot as described in Deed Book 3784, page 298 as having a bearing of South 24-41 West and a distance of approximately 40 feet to a point, said point being located 35 feet North of an normal to the centerline of Sandy Avenue (SR 2843); thence, in a Northwesterly direction following along a line 35 feet North of and parallel with the centerline of Sandy Avenue (SR 2843) approximately 440 feet to a point, said point being located where a line 10 feet East of a parallel with the Easterly right-of-way margin of North Tryon Street (U.S. 29) intersects with a line 35 feet North of and parallel with the centerline of Sandy Avenue (SR 2843); thence, in a Northwesterly direction crossing North Tryon Street (U.S. 29) and Interstate Highway 85 By-Pass approximately 650 feet to a point, said point being located 10 feet North of and normal to the Northerly right-of-way margin of Interstate Highway 85 By-Pass; thence, in a Westerly or Southwesterly direction following along a line 10 feet North of and parallel with the Northerly right-of-way margin of Interstate Highway 85 By-Pass approximately 2,626 feet to a point; thence, continuing in a Westerly direction crossing Interstate Highway 85 approximately 700 feet to a

point on the Westerly right-of-way margin of Interstate 85, said point also being 40 feet North of an normal to the centerline of Mineral Springs Road (SR 2500); thence, in a Northeasterly direction along the Westerly right-of-way margin of Interstate 85 approximately 239 feet to a point; thence, in a Northwesterly direction following along the Easterly line of Lot as described in Deed Book 4147, page 378 (second tract) as follows: 1) North 11-31-57 West 29.82 feet to a point, 2) continuing North 22-31-57 West 573.38 feet to a point; thence, continuing in a Northerly direction following along a portion of the easterly line of Lot 6 in Block E and the Easterly line of Lot 7 in Block E as shown on recorded Map Book 7, page 765, North 15-59-50 East approximately 171 feet to a point; thence, in a Northerly direction along the Easterly line of Lot 1 and Lot 2 in Block 1 as shown on said recorded Map Book 20, page 762 North 15-59-26 East 229.74 feet to a point, said point being the Northeast corner of Lot 2 Block 1, Map Book 20, page 765; thence, in a Northwesterly direction along the Northerly lines of Lots 2 through 12 in Block 1 and Lot 15 in Block 1 as shown on said recorded Map Book 20, page 762 as follows: North 74 West 531.64 feet to a point; thence, North 60-51-30 West 388.37 feet to a point; thence, North 51-53-20 West 145.32 feet to a point; thence continuing in a Northwesterly direction crossing Amarillo Drive (SR 2625) approximately 50 feet to a point in the Westerly right-of-way margin of Amarillo Drive (SR 2625); thence, in a Northwesterly direction along the Northerly line of Lot 1 in Block 2 as shown on Map Book 20, page 762, North 67-51-53 West 159.76 feet to a point, said point being the Northwest corner of Lot 1, Block 2, Map Book 20, page 762; thence, North 21-15-50 East 93.63 feet to a point; thence, with an arc of a

circular curve to the right, having a radius of 1,751.58 feet, an arc distance of 199.02 feet to a point; thence, North 28-08-07 East approximately 60 feet crossing an unnamed 50 foot street (dead end) to a point on the Westerly line of Lot as described in Deed Book 4877, page 635; thence, in a Westerly direction along a line 35 feet North of and parallel with the centerline of an unnamed 50 foot street approximately 1,460 feet crossing Neal Road (SR 2498) to a point, said point being the intersection of a line 35 feet North of and parallel with the centerline of an unnamed 50 foot street (if extended) with a line 40 feet West of and parallel with the centerline of Neal Road (SR 2498); thence, in a Southerly direction along a line 40 feet West of and parallel with the centerline of Neal Road (SR 2498) approximately 100 feet to a point; said point being 40 feet West of and normal to the centerline of Neal Road (SR 2498); thence, in a Westerly direction along the Northerly lot line of Lot 49 as shown on recorded Map Book 6, page 168 as having a bearing and distance of North 65 West approximately 290 feet to a point; said point being the Northwesterly corner of Lot 49 as shown on recorded Map Book 6, page 168; thence, in a Southerly direction along the Westerly lot lines of Lots 49 through 46 as shown on said recorded Map Book 6, page 168 as having a bearing and distance of South 27-30 West 200 feet to a point, said point being the Southwesterly corner of Lot 46 as shown on recorded Map Book 6, page 168; thence, in a Westerly direction along the southerly lot line of Lot 120 as shown in recorded Map Book 6, page 168 as having a bearing and distance of North 65 West 305 feet to a point, said point being the Southwesterly corner of Lot 120 as shown in recorded Map Book 6, page 168; thence, in a Northerly direction along the Westerly line

of Lots 120, 121, 122, and 123 as shown in recorded Map Book 6, page 168 as having a bearing and distance as follows: 1) North 27-30 East 198 feet to a point, said point being the Southwesterly corner of Lot 122, Map Book 6, page 168, 2) North 29 West 300 feet to a point, said point being the Western most corner of Lot 123, Map Book 6, page 168; thence, in a Westerly direction meandering with the centerline of Mallard Creek approximately 1,200 feet to a point; thence, leaving the Creek in a Southerly direction following a portion of the Westerly line of Lot as described in Deed Book 4590, page 996 as having a bearing and distance of South 3-46-27 West approximately 180 feet to a point, said point being in the Westerly line of a lot as described in Deed Book 4590, page 996; thence, in a Westerly direction following along the Northerly line of lots described in Deed Books 4069 page 491, 4626 page 399, 4319 page 92, 4341 page 578, and 4063 page 409 as having a bearing and distance of North 73-05 West a total distance of 1,355.13 feet to a point, said point being the Northwesterly corner of lot as described in Deed Book 4063, page 409; thence, in a Northerly direction following along a portion of the Easterly line of lot as described in Deed Book 3054, page 183 as having a bearing and distance of North 16-00 West approximately 180 feet to a point, said point being in the Easterly line of lot as described in Deed Book 3054, page 183; thence, in an Easterly direction following along the Southerly line of lot as described in Deed Book 1060, page 333 and the Southerly line of lot as described in Deed Book 1060, page 332 as having a bearing and distance of North 86-54 East a total distance of 249 feet to a point, said point being the Southeasterly corner of lot as described in Deed Book 1060, page 332; thence, in an Easterly direction following along the

Southerly line of lot as described in Deed Book 1427, page 130 as having a bearing and distance of South 71-00 East 398.55 feet to a point; thence, in a Northerly direction following along the Easterly line of lot as described in Deed Book 1427, page 130 as having a bearing and distance of North 19-00 East 155.32 feet to a point, said point being the Northeasterly corner of lot as described in Deed Book 1427, page 130; thence, in an Easterly direction following along a portion of the Southerly line of lot as described in Deed Book 1129, page 78 as having a bearing and distance as follows: 1) South 71-00 East approximately 178 feet to a point, 2) South 05-00 East 107.6 feet to a point; thence, 3) South 70-30 East 58 feet to a point, said point being the Southeastern most corner of lot as described in Deed Book 1129, page 78; thence, in a Northerly direction following along the Westerly line of lot as described in Deed Book 4003, page 202 as having a bearing and distance as follows: 1) North 08-05-52 East 194.06 feet to a point; thence, 2) North 8-05-00 West 10 feet to a point; thence, 3) North 07-58-46 East approximately 405.5 feet to a point, said point being in the Westerly line of lot as described in Deed Book 4003, page 202; thence, in a Northerly direction following along a line 40 feet East of and/or South of and parallel with the centerline of Rumble Road (SR 2501) approximately 1,350 feet to a point; thence, in an Easterly direction following along the Southerly lot lines of Lot 3 and Lot 1 in Block 1 as shown in recorded Map Book 14, page 79 crossing Ridge Land Road (SR 2634) and following along the Southerly lot line of Tract 1 as described in Deed Book 3822, page 135 as having a bearing and distance of North 86-23 East, a total distance of approximately 950.6 feet to a point; thence, in an Easterly direction along the southerly lot lines



of Lots 12 through 9 in Block 4 as shown in recorded Map Book 14, page 77 as having a bearing and distance of North 86-13-20 East 571.7 feet to a point; thence, in a Northeasterly direction following along the Easterly lot lines of Lots 9 through 7 in Block 4 as shown on recorded Map Book 14, page 77 as having a bearing and distance of North 14-07-15 East 475.93 feet to a point in the Easterly line of Lot 7; thence, South 56-28-20 East 563.61 feet to a point in a branch; thence, in an Easterly direction following along the Southerly lot lines of the second tract as described in Deed Book 4303, page 749 as having a bearing and distance as follows: North 22-30 East 168.49 feet to a point; thence, North 22-13-30 East 55.31 feet to a point; thence, North 21-45 West 119.0 feet to a point, said point being located in a branch; thence, with the meanderings of said branch North 45-57 East 41 feet to a point; thence, South 78-40 East 22 feet to a point; thence, South 27-52 East 32 feet to a point; thence, South 73-23 East 35.00 feet to a point; thence, North 26-26 East 45 feet to a point; thence, North 20-12 East 132.45 feet to a point; thence, North 37-06 East 42 feet to a point; thence, North 61-54 East 12 feet to a point; thence, North 88-12 East 23 feet to a point; thence, South 46-56 East 29 feet to a point; thence, North 76-48 East 32 feet to a point; thence, North 40-37 East 142 feet to a point, said point being the Southeast corner of lot as described in Deed Book 4193, page 747 (Tract 1); thence, in a Southerly direction with the division line between Lot 4 and Lot 3 as shown on recorded Map Book 4, page 535, South 28-30 East a total distance of approximately 1,660 feet to a point, said point being 40 feet South of and normal to Neal Road (SR 2498); thence, in a Northeasterly direction along a line 40 feet South of and parallel with the centerline of Neal

Road (SR 2498) approximately 790 feet to a point, said point being the point or place of beginning.

THIS PAGE NOT FOR  
USE

APPROVED BY CITY COUNCIL  
DATE September 23, 1991

ORDINANCE NO. 3230-Z

CITY ZONE CHANGE

Petition No. 91-50  
City of Charlotte

MAP AMENDMENT NO. \_\_\_\_\_

ZONING REGULATIONS

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 establishing the R-9, I-1, and I-2 zoning districts on the Official Zoning Map, City of Charlotte, N.C. the following described property:

SEE ATTACHMENT

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

APPROVED AS TO FORM:

Henry W. Underhill, Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 19 91, the reference having been made in Minute Book 99, at page \_\_\_\_\_.

Pat Sharkey  
City Clerk

PETITIONER: City of Charlotte

PETITION NO.: 91-50 HEARING DATE: July 15, 1991

REQUEST: Establish zoning on recently annexed property.

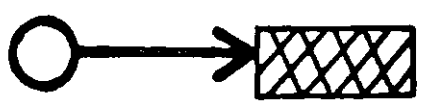
LOCATION: Approximately 101.6 acres located on Dixie Road, West Boulevard, Paul Brown Boulevard, Nannie Price Road (Airport Area), and Ford Street (Oakdale Community).

SEE ATTACHED MAP

ZONING MAP NO(s): Several

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

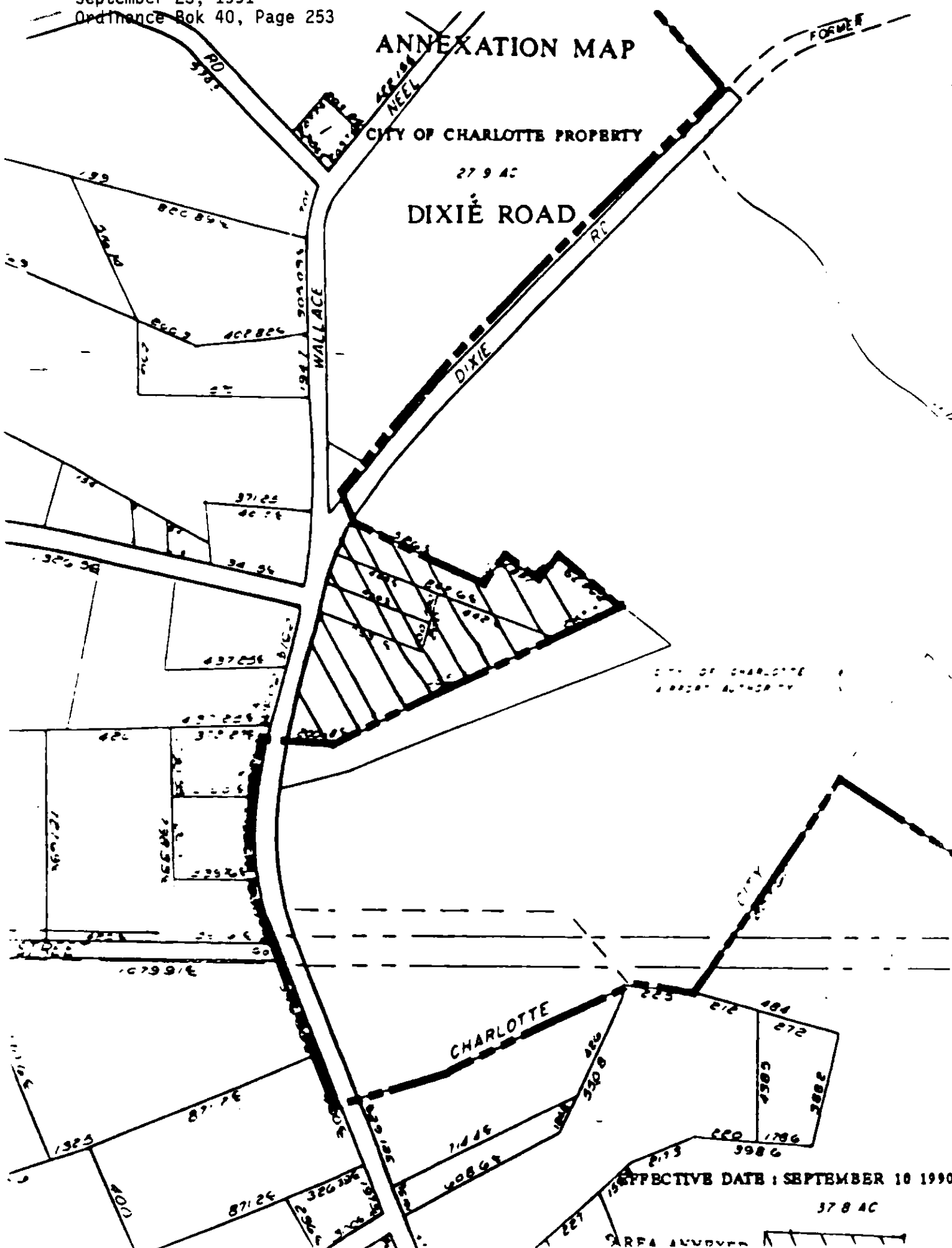


# ANNEXATION MAP

CITY OF CHARLOTTE PROPERTY

27.9 AC

## DIXIE ROAD



CITY OF CHARLOTTE  
LEGISLATIVE AUTHORITY

EFFECTIVE DATE: SEPTEMBER 10 1990

37.8 AC

AREA ANNEXED

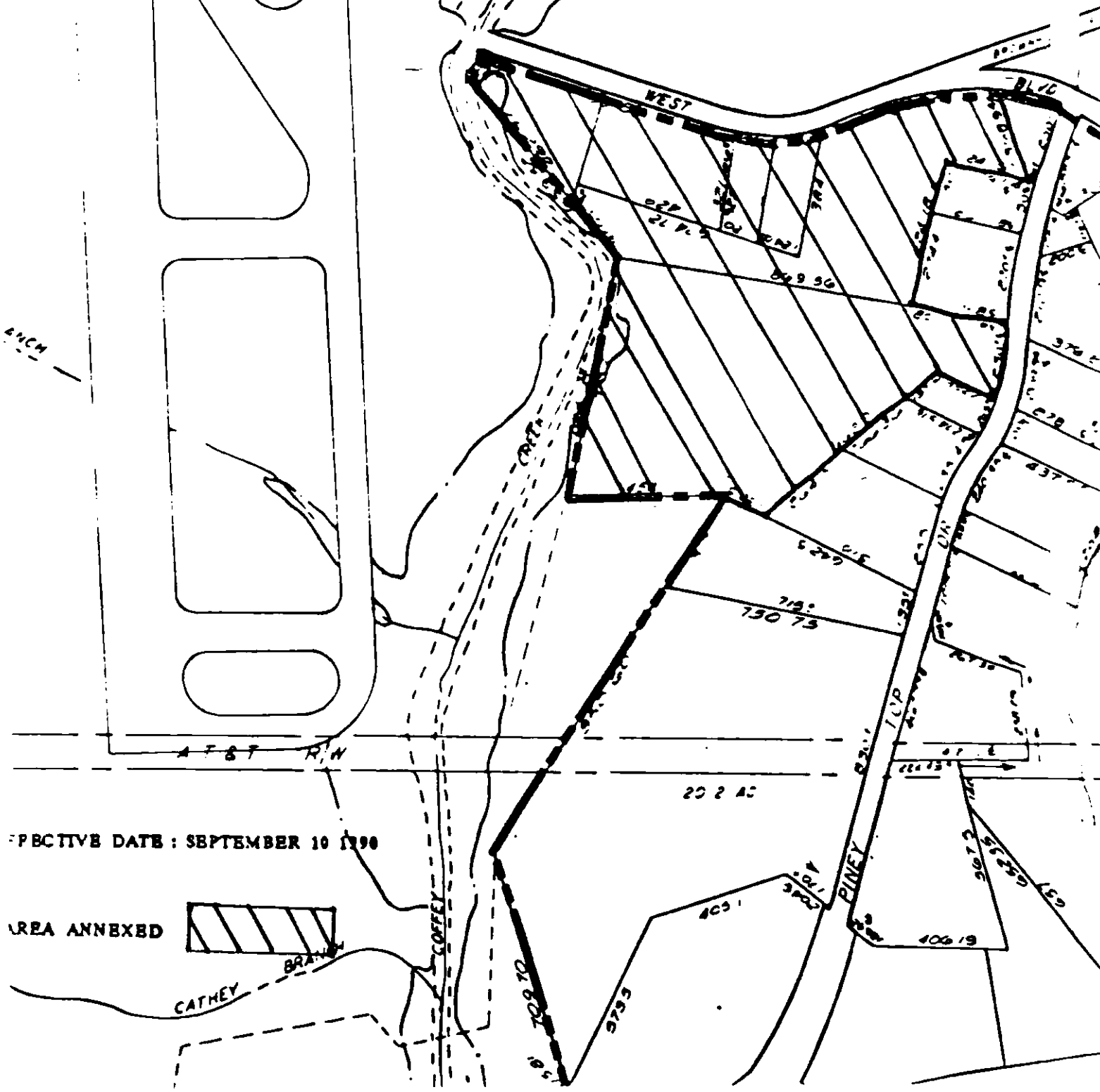
# ANNEXATION MAP

CITY OF CHARLOTTE PROPERTY

DOUGLAS AIRPORT

12 4 3 AC

## WEST BOULEVARD



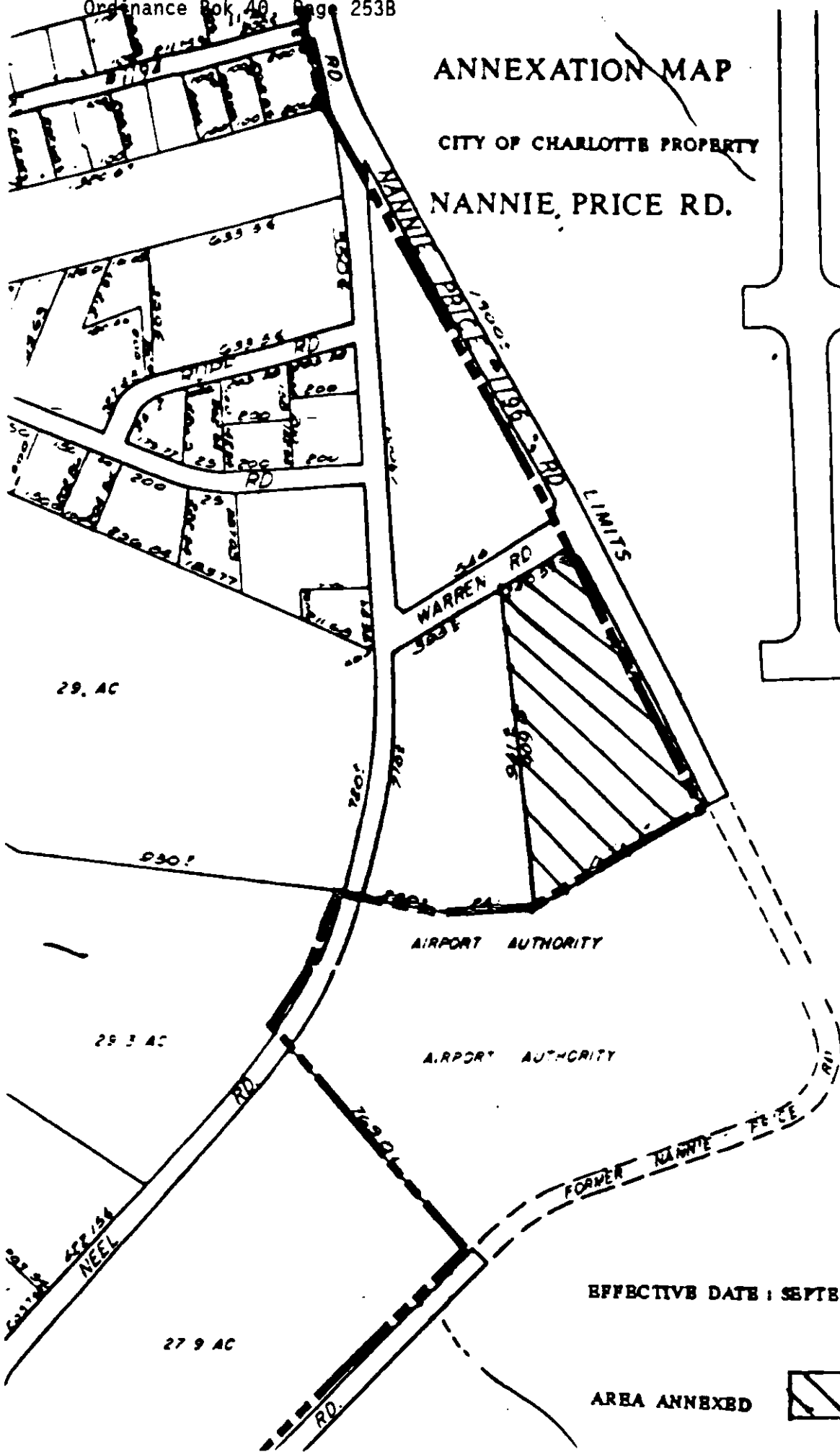
EFFECTIVE DATE: SEPTEMBER 10 1990

AREA ANNEXED

# ANNEXATION MAP

CITY OF CHARLOTTE PROPERTY

## NANNIE PRICE RD.



EFFECTIVE DATE : SEPTEMBER 10 1990

AREA ANNEXED





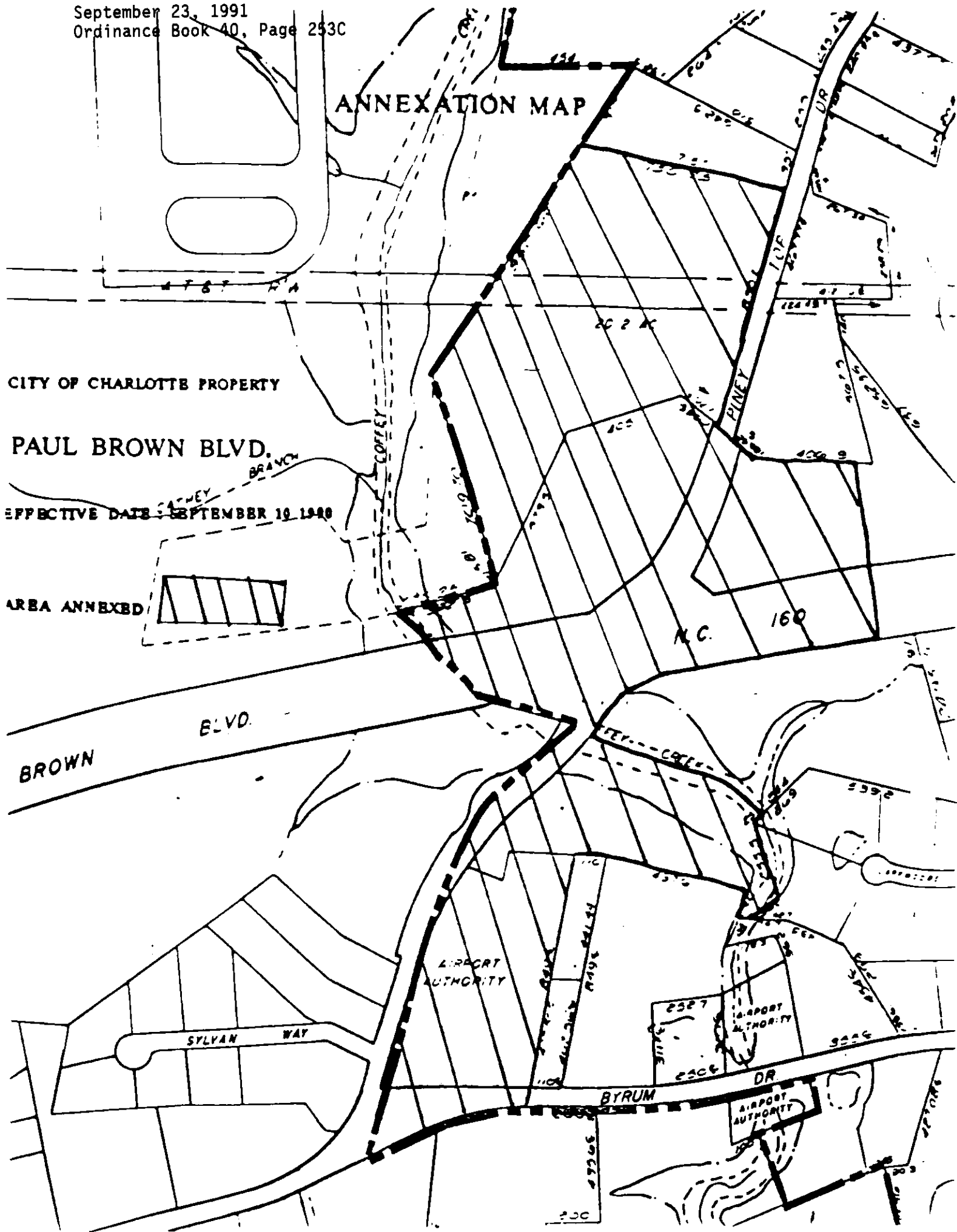
# ANNEXATION MAP

CITY OF CHARLOTTE PROPERTY

PAUL BROWN BLVD.  
BRANCH

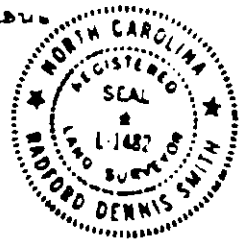
EFFECTIVE DATE: SEPTEMBER 19, 1988

AREA ANNEXED



THIS IS TO CERTIFY THAT ON THE 13<sup>TH</sup> DAY OF SEP 1991 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE SHOWN HEREON

SIGNED R. Simon Smith L-682  
 REGISTERED SURVEYOR  
 115 M... ST  
 CHARLOTTE, N.C. 28204  
 704-344-3176

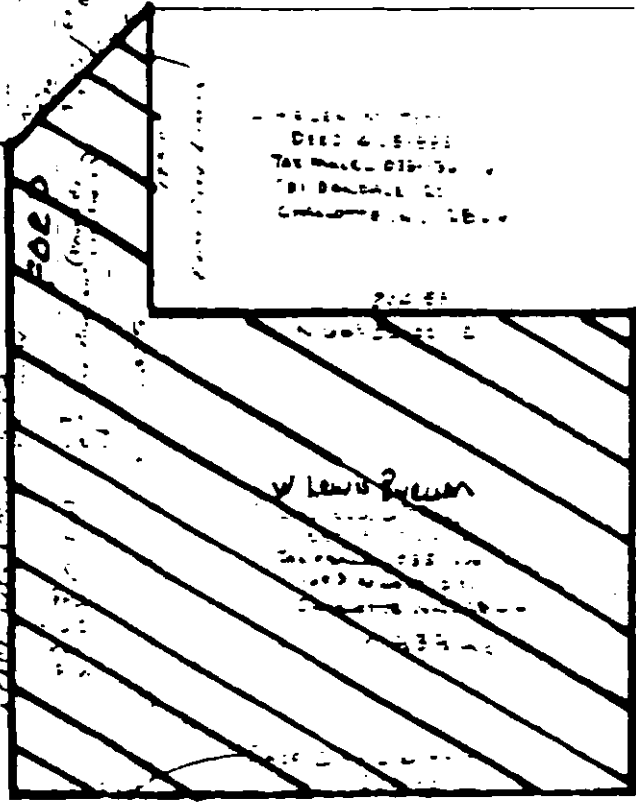


FORMERLY ...  
 GO ...  
 ...

... THOMAS ...  
 DEED 3900-511  
 ...

... DEED 3072-1028  
 ...

STREET



**PROPOSED  
 ANNEXATION SURVEY**

1.349 AC ...

SCALE \_\_\_\_\_  
 THE PROPERTY OF W LEWIS BYRUM & ELDORA TAYLOR BYRUM  
 MAP RECORDED IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ DEED RECORDED IN BOOK 53 PAGE 247

R-1

THIS PAGE NOT  
FOR USE

THIS PAGE NOT  
FOR USE

APPROVED BY CITY COUNCIL  
DATE September 23, 1991

ORDINANCE NO. 3231-Z

CITY ZONE CHANGE

Petition No. 91-51  
City of Charlotte

MAP AMENDMENT NO. \_\_\_\_\_

ZONING REGULATIONS

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 establishing the R-15 and B-1(CD) zoning districts on the Official Zoning Map, City of Charlotte, N.C. the following described property:

SEE ATTACHMENT

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

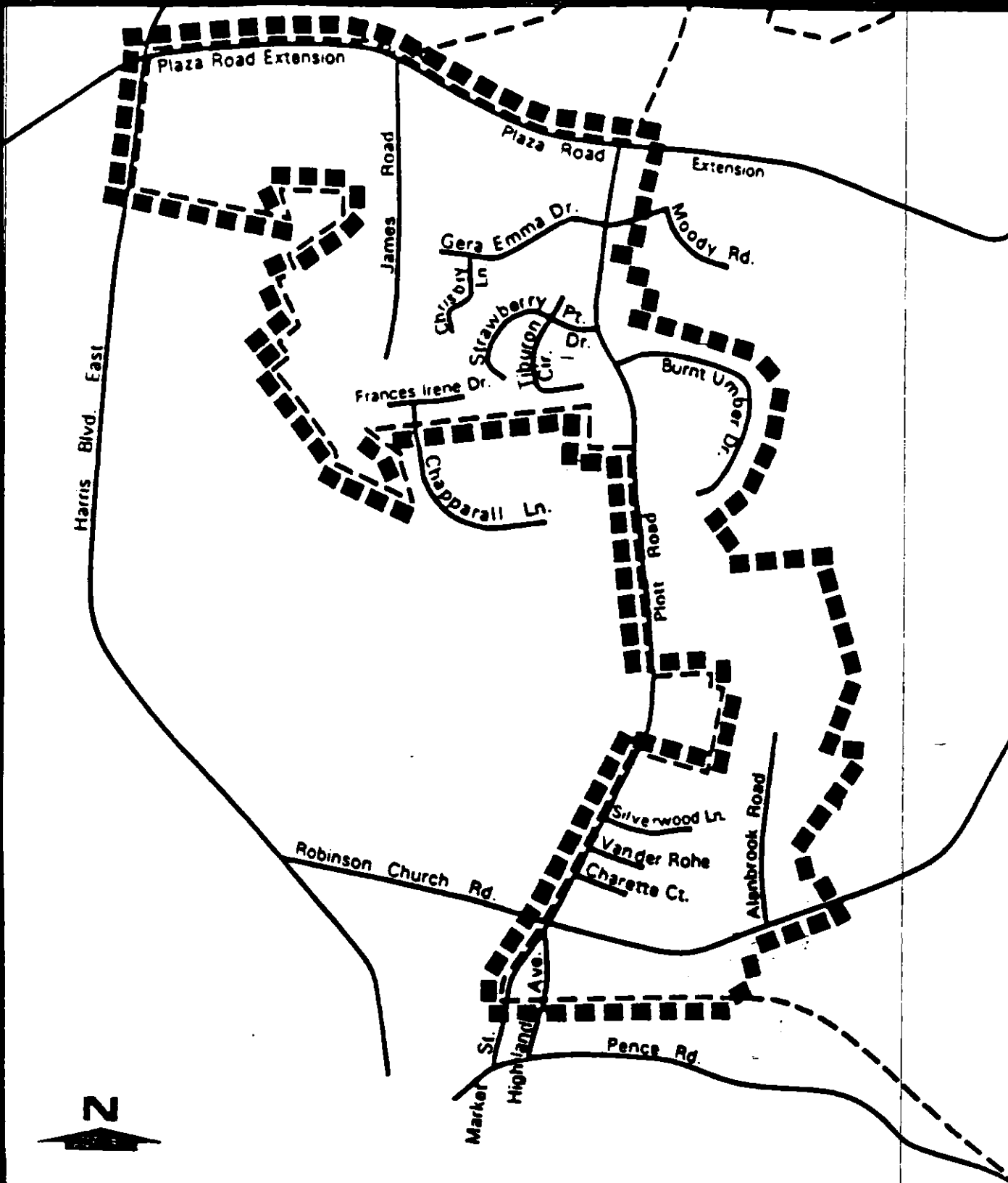
APPROVED AS TO FORM:

Henry W. Underhill Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 19 91, the reference having been made in Minute Book 99, at page \_\_\_\_\_.

Pat Sharkey  
City Clerk

# PLOTT ROAD



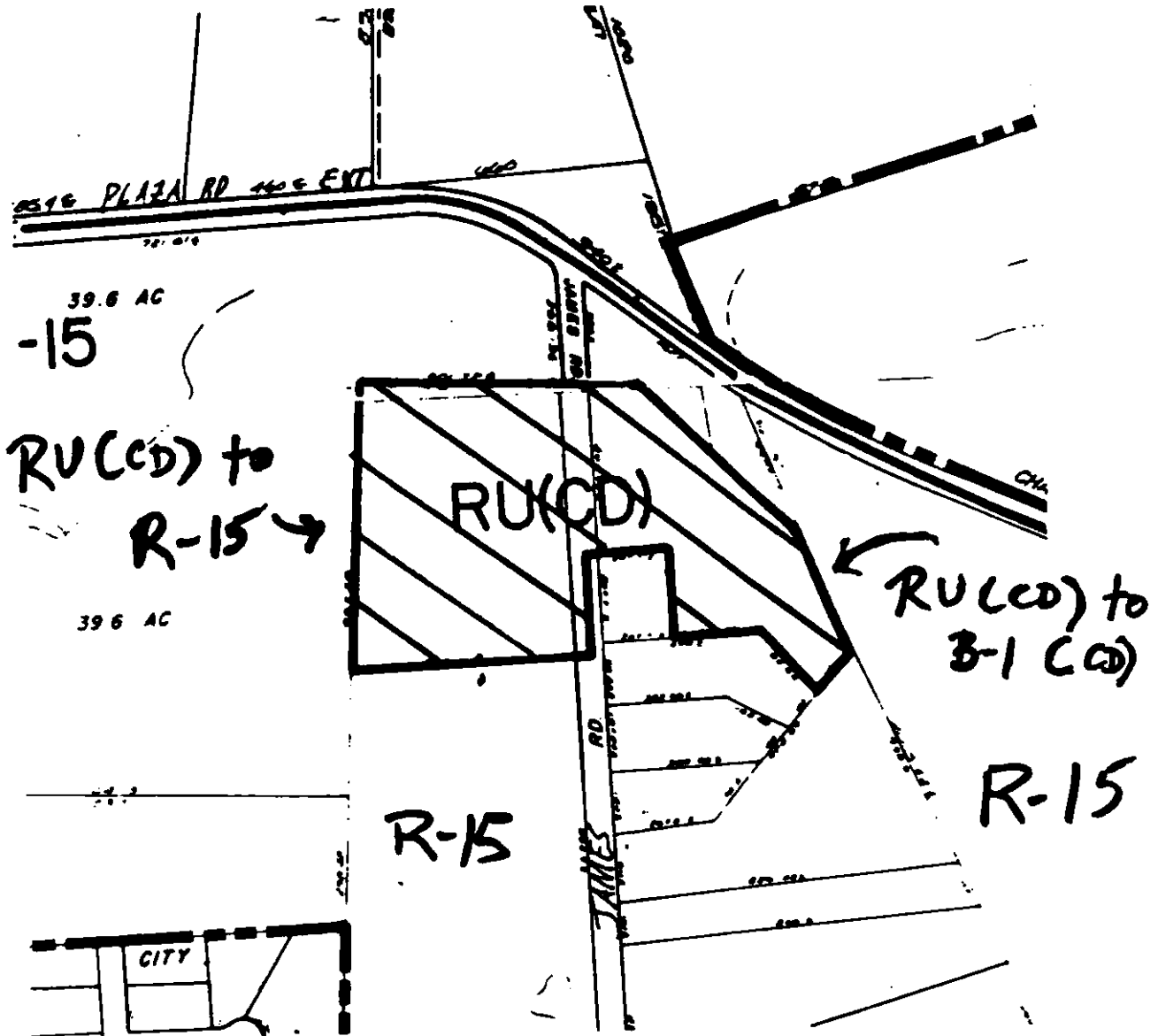
■ ■ ■ Annexation Area Boundary

--- Present City Limits

## Proposed Annexation Area

THIS PAGE NOT  
FOR USE

Petition No. 91-51  
Request: RU(CD) to R-15 & B-1(CD)  
Map: 76 & 91





APPENDIX B  
LEGAL DESCRIPTION

PROPOSED ANNEXATION

PLOTT ROAD

Beginning at a point, said point being on the present Charlotte City limits line; said point being described as a point on the Northeast quadrant at the intersection of W.T. Harris Boulevard, formerly Newell Hickory Grove Road (State Road 2853) with Plaza Road Extension (State Road 2803); said point being more thoroughly described as being the intersection of a line 40 feet East of and normal to the center line of W.T. Harris Boulevard with a line 40 feet North of and parallel with the center line of Plaza Road Extension; said point being a corner described in Ordinance Book 19, page 418, filed in the City Clerk's office; thence, from the point of beginning in a Southeasterly direction approximately 30 feet to a point, said point being on the Northerly right-of-way margin of Plaza Road Extension, said point also being approximately 213.16 feet in a Westerly direction along the Northerly right-of-way margin of Plaza Road Extension from the Easterly property line of the property as described in Deed Book 5019, page 877 in the Mecklenburg County Registry; thence, continuing with the Northerly right-of-way margin of Plaza Road Extension in an Easterly direction approximately 3,364 feet to a point, said point being a point on the existing Charlotte City limits line, said point also been described as the intersection of the Northerly right-of-way margin of Plaza Road Extension with the Westerly line of the property as described in Deed Book 4135, page 629, said point also being the intersection of said right-of-way margin with the Easterly line of the property described in Deed Book 1184, page 199, said point also being on the boundary of Reedy Creek Park; thence, with the present Charlotte

City limits line in an Easterly direction with the Northerly right-of-way margin of Plaza Road Extension 2478.35 feet to a point, said point being the intersection of the Westerly line as described in Deed Book 3609, page 893 with the Northerly right-of-way margin of Plaza Road Extension, said point also being described as the intersection of said right-of-way margin with the Easterly line as described in Deed Book 4135, page 629; thence, continuing with the Northerly right-of-way margin of Plaza Road Extension in an Easterly direction approximately 170 feet to a point, said point being the intersection of said Northerly right-of-way margin with the extension of the Westerly line as described in Deed Book 5252, page 931; thence, with the extension of said line South 5-20 West approximately 30 feet to a point, said point being the center line of Plaza Road Extension; thence, with three lines of the property as described in Deed Book 5252, page 931 as follows: (1) South 5-20 West 30 feet to a point, said point being on the southerly right-of-way margin of Plaza Road Extension; thence, (2) South 14-53-22 West 440.50 feet; thence, (3) South 9-28-27 West 149.91 feet to a point, said point being the the Southwesterly most corner of the property as described in Deed Book 5252, page 931; thence, with a Westerly line of the property as described in Deed Book 3089, page 91, South 9-27 West 264.57 feet to a point, said point being in the center line of Moody Road (State Road 2825); thence, continuing to a point in the Northeasterly corner of the property described in Deed Book 5148, page 767; thence, South 8-42-12 West 247.81 feet to a point; thence, continuing South 88-34-42 West 219.10 feet to a point in the Easterly margin of the right-of-way of Plott Road; thence, with the Easterly margin of the right-of-way of

Plott Road South 9-42-6 West 263.33 feet to a point; said point being described in Deed Book 5478, page 107; thence, North 86-50-20 East 247.65 feet to a point; said point being the Northeasterly corner of the property described in Deed Book 5378, page 411; thence, South 14-2-45 West 206.25 feet to a point, said point described in Deed Book 5378, page 411; thence, with a line as described in Deed Book 5478, page 102, tract 1 South 74-11-05 East 174.29 feet to a point; thence, continuing with said tract South 13-59-55 West 208.60 feet to a point; thence, running North 75-27-52 West 75.64 feet to a point, said point marking the Northwesterly corner of Parcel I described in Deed Book 5478, page 102; thence, running in a Southerly direction approximately 282.02 feet to a point, said point being approximately 14 feet in an Easterly direction from the Northwesterly most corner of Lot 53, Block 1, Map Book 22, page 491; thence, running with the line of Lots 53 through 24 of Block 1 of Amberwood, Map Book 22, page 491, with the following four courses: (1) South 75-31-42 East approximately 310.29 feet; thence, (2) South 53-50-31 East 230.86 to a point; thence, (3) South 70-12-15 East 1,017.23 feet to a point; thence, (4) South 36-29-24 East 460 feet to a point; thence, South 18-41-50 West 107.89 feet to a point, said point being Southeasterly most corner of Lot 30, Block 1 as shown on Map Book 22, page 491; thence, in a Southerly direction approximately 49.27 feet to a point; said point being Northeasterly most corner of Lot 29, Block 1 Map Book 22, page 491; thence, with the rear lines of Lots 29 through 24 Block 1, Map Book 22, page 491 for two courses as follows: (1) South 13-40-38 West 238.21 feet to a point; thence, (2) South 25-18-57 West 249.54 feet to a point, said point being the Southerly most corner of Lot 24, Block 1

Map Book 22, page 491; thence, with the rear lines of Lots 22 through 10 of Block 2 of Map Book 22, page 998 for five courses as follows:

(1) South 30-01-22 West 560.19 feet to a point; thence (2) South 56-37-33 West 345.88 feet to a point, said point being a Southwesterly corner of Lot 12, Block 2 as shown in Map Book 22, page 998; thence, (3) crossing Sky Blue Drive, South 75-57-38 West 50 feet to a point in a Southeasterly corner of Lot 11, Block 2 as shown in Map Book 22, page 998; thence, (4) South 43-52-33 West 50.08 feet to a point; thence, (5) South 86-06-39 West 118 feet to a point; thence, South 3-50-10 East 217.21 feet to a point in the Southeasterly corner of property described in Deed Book 1520, page 252; thence, South 33-08-52 East 547.10 feet to a point as described in Deed Book 5496, page 96; thence, North 86-06 East a distance of 813.59 feet to a point, said point being described in Deed Book 2052, page 405; thence, South 13-38-40 East 1,472.22 feet to a point as described in Deed Book 2052, page 405; thence, South 17-10-21 West 950.93 feet to a point as described in Deed Book 4683, page 420; thence, North 88-10-16 East approximately 358.5 feet to a point in the Northwesterly corner of the property described in Deed Book 946, page 2; thence, in a Southwesterly direction approximately 172 feet to a point in the Northeast corner of property described in Deed Book 4210, page 204; thence, South 37-33-20 West 208.77 feet to a point in the South east corner of the property described in Deed Book 4210, page 204 continuing South 37-33-20 West 208.77 feet to a point in the Southeast corner as described in Deed Book 4210, page 203 continuing South 37-33-20 West 212.02 feet to a point, said point being the Southeast corner of the property described in Deed Book 5363, page 842; thence South 33-09 West 329.48 feet to a

point, said point described in Deed Book 4337, page 799; thence, North 84-46 West 66.15 feet to a point, said point being described in Deed Book 4763, page 318; thence, continuing South 3-26 East 211.02 feet to a point; said point described in Deed Book 4763, page 318; thence, South 16-50 East 120 feet to a point, said point described in Deed Book 3287, page 465; thence, South 16-50 East 106.24 feet to a point, said point described in Deed Book 6121, page 168; thence, South 16-17 East 172.67 feet to a point, said point being described in Deed Book 4883, page 213, continuing South 16-17 East 100.04 feet to a point, said point described in Deed Book 5602, page 498; thence, North 78-03 East 100.10 feet to a point, said point being described in Deed Book 5082, page 448; thence, South 25-06 East 240 feet to the center line of Robinson Church Road to a point, said point being described in Deed Book 5082, page 448; thence, continuing with the range line of said line approximately 30 feet to a point in the Southerly right-of-way margin of Robinson Church Road, said point being approximately 170 feet in a Westerly direction from the intersection of the Southerly right-of-way margin of Robinson Church Road with the Extension of the Westerly right-of-way margin of Ludell Lane; thence, in a Westerly direction along the Southerly right-of-way margin of Robinson Church Road approximately 960 feet to a point, said point being the Northeasterly corner of the property described in Deed Book 4596, page 323; thence, South 16-18 East 150 feet; thence, South 67-54-20 West 150 feet to the Easterly line of St. Paul's Presbyterian Church as described in Deed Book 1527, page 69; thence, South 16-18 East approximately 328 feet to a point in the Southeasterly corner of the property described in Deed Book 1527, page 69; thence, South 53 West

approximately 260 feet to a point in the present Charlotte city limit line, said point being the center line of the Norfolk Southern Railroad; thence, in a Northwesterly direction along the center line of the Norfolk Southern Railroad approximately 2,650 feet to a point in the existing Charlotte city limit line, said point being located 40 feet East of and normal to the center line of Market Street (State Road 2824); thence, running 40 feet East of and normal to the center line of Market Street in a Northerly direction approximately 955 feet to a point, said point being located where a line 40 feet South of and normal to the center line of Robinson Church Road intersects a line 40 feet East of and normal to the center line of Market Street; thence, in a Northerly direction crossing Robinson Church Road following along line 40 feet East of and parallel to the center line of Plott Road to a point in the Southerly property line of Lot 1, Block A, as shown in Map Book 8, page 327; thence, in a Southeasterly direction following the Southerly property line of Lots 1, 3, 4, 5, 6 and 7 in Block A, said property line described in Map Book 8, page 327, as South 74-44 East approximately 918 feet to the Southeasterly corner of Lot 7; thence, in a Northeasterly direction along the Easterly property line of Lot 7 through 16, Block A, described in Map Book 8, page 327 as North 7-21 East 1183.7 feet to the Northerly property line of Lot 16; thence, in a Westerly direction along the Northerly property line of Lot 16, Block A, said line described in Map Book 8, page 327 as North 82-39 West approximately 190 feet to a point 40 feet East of and normal to the center line of Melody Lane; thence, in a Northerly direction 40 feet East of and parallel to the center line of Melody Lane to a point at the intersection of said parallel line and the Easterly extension of

the Northerly property line of Lot 13, Block B, as shown in Map Book 8, page 327 as having a bearing of South 82-39 East; thence, in a Northerly direction following the Northerly property line of Lot 13 to a Northwesterly corner of Lot 13; thence, in a Northerly property line of the property as described in Deed Book 2807, page 174, showing a bearing of South 82-56 West 328 feet to a point, said point being the Northwesterly property corner of said property; thence, in a Southwesterly direction along the Northerly property line and the Westerly extension of said Northerly property line as shown in Map Book 8, page 327 as having a bearing of North 82-23 East approximately 110 feet to a point, said point being 40 feet East of and normal to the centerline of Plott Road; thence in a Northerly direction with a line East of and parallel with Plott Road approximately 2,740 feet to a point; thence with the extension of a Northerly line as described in Deed Book 2117, page 187, North 86-21 West approximately 490 feet crossing Plott Road to a point; thence with said deed as follows: North 4-15 East 305.41 feet; thence North 4-02 East 174.58 feet; thence, South 83-59 West 736.46 feet to a point; thence continuing in a Southwesterly direction following along the Northerly boundary line of a lot as described in Deed Book 3690, page 248, as having a bearing and distance of South 84-26-20 West 395 feet to a point; said point being the Northeasterly corner of Lot 12, Block 6 as shown on recorded Map Book 17, page 538; thence, in a Southwesterly direction with the Northerly boundary line of Lots 12, 19, 20, 24, Block 6, the Northerly boundary line of Lot 5, Block 7, and the rear boundary line of Lots 2 and 1, Block 7, Map Book 17, pages 538, 443, 390 as having a bearing of South 84-26-20 West a total distance of 1,613.71 feet crossing

Chapparral Lane (Dead End) to a point, said point being the  
Northwesterly rear corner of Lot 1, Block 7, Map Book 17, page 390;  
thence, in a Southeasterly direction with the Westerly line of Lot 1,  
Block 7, and Lot 13, Block 4, Map Book 17, page 390, crossing  
Applecross Lane (Dead End), South 52-13-50 East 595.03 feet to a point;  
thence with the Westerly line of Lots 13, 11, 10 and 9, Block 4, Map  
Book 17, pages 390, 538, 333, South 15-09-10 East 487.92 feet to the  
Northeasterly corner of Lot 20, Block I, Map Book 7, page 377; thence,  
in a Northwesterly direction along the Northwesterly property line of  
Lots 21 through 35 Block I described in Map 7, page 377 as having a  
bearing of North 63-00 West 919.0 feet to the Northerly property corner  
of said Lot 35; thence, in a Northeasterly direction along the Easterly  
property line of Lot 36, Block I described in Map Book 7, page 387 as  
having a bearing of South 3-30 West 173.2 feet; thence, in a  
Northwesterly direction along the Northeasterly property line of Lots  
37 through 52, Block I and Lot 25, Block W crossing Linda Lake Drive as  
described in Map Book 7, page 387 as having a bearing of North 41-00  
West 1,187 feet to the Northerly corner of said Lot 25; thence, in a  
Northeasterly direction along the Southerly property line of a lot  
described in Deed Book 1728, page 460 as having a bearing of North  
61-06-20 East approximately 285 feet in the Southeasterly corner of  
said lot; thence, in a Northwesterly direction along the easterly  
property line of said lot, said line is described as North 44-11-10  
West 198.32 feet to a corner of said lot; thence, in an Easterly  
direction along the Southerly property line of a lot described in Deed  
Book 2240, page 276 as having a bearing of North 50-34 East 208.6 feet  
to the Southeasterly corner of said lot; thence, continuing in an



Easterly direction along the Southerly property line of Lot 5, Block G described in Map 8, page 148 as North 50-34 East 112.56 feet to the Easterly corner of said Lot; thence, in a Northerly direction along the Easterly property line of said Lot 5 in two courses described Map Book 8, page 148 as North 24-50-30 West 462.71 feet, North 24-56-30 West 28.27 feet to a point at the intersection of said property line with a Westerly extension of the Southerly property line of lot described in Deed Book 2374, page 488 and having a bearing of North 62-50-10 East, said point being at the center line of Delta Lane; thence, in an Easterly direction along with the Southerly property line and its extension having a bearing of North 62-50-10 East approximately 249 feet to the Easterly property corner of the lot described in Deed Book 2374, page 588; thence, in a Northerly direction along the Easterly property line of the lot mentioned above described in Deed Book 2374, page 588 as North 25-33-50 West 222.42 feet to the Northerly corner of said lot; thence, in a Northeasterly direction in two courses along the rear lot line from Lots 12, 11, 10, 9, 6, 5 and 4 Block F of Delta Park as shown in Map Book 8, page 148, described as: 1) North 57-37-40 East 744.22 feet and 2) North 30-10 East 425.02 feet; thence, in a Westerly direction along the Northern boundary of Delta Park as shown in Map Book 8, page 148 as South 89-49-40 East 837 feet to the Northwesterly corner of Lot 7, Block E of said Delta Park; thence, in a Southerly direction along the boundary of said Delta Park described as South 25-11-30 East 316.90 feet in Map Book 8, page 148 to the Northerly corner of Lot 3 Block E of said Delta Park; thence, in a Westerly direction along the Southerly property line of Lot described in Deed Book 1748, page 92 as having a bearing of North 80-51-10 West

approximately 1,714.8 feet to a point, 40 feet East of and normal to the center line of W.T. Harris Boulevard; thence, in a Northerly direction along the line 40 feet East of and parallel to the center line of W.T. Harris Boulevard to a point 40 feet North of and normal to the center line of Plaza Road Extension to a point, said point being the point of beginning.

APPROVED BY CITY COUNCIL  
DATE September 23, 1991

ORDINANCE NO. 3232-Z

CITY ZONE CHANGE

Petition No. 91-52  
City of Charlotte

ZONING REGULATIONS

MAP AMENDMENT NO. \_\_\_\_\_

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 change from RU(CD) to R-15 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

Being tax parcels 141-055-41 through 48 as shown on the attached tax map.

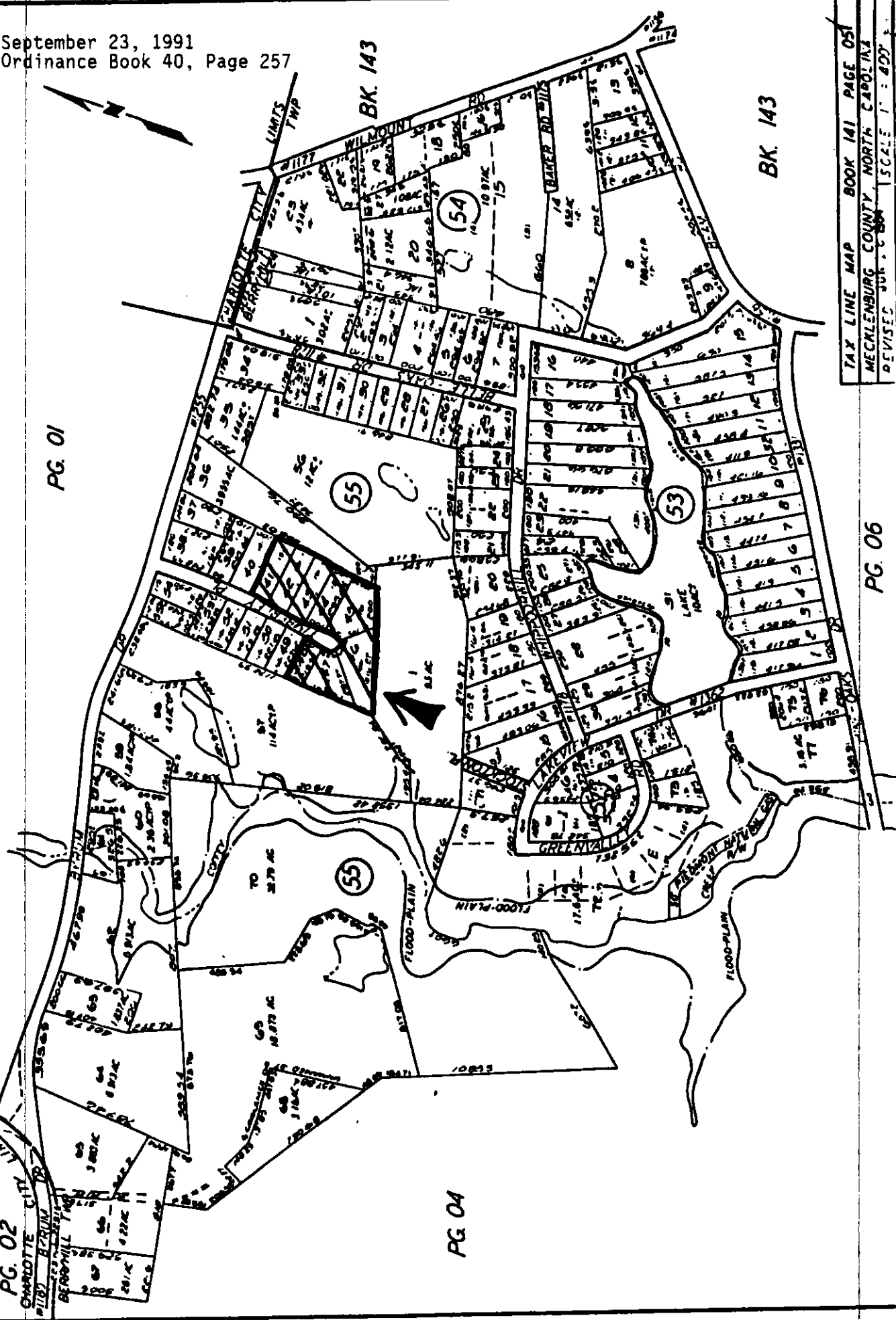
Section 2. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Henry W. Underhill Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 19 91, the reference having been made in Minute Book 99, at page \_\_\_\_\_.

Pat Sharkey  
City Clerk



TAX LINE MAP BOOK 141 PAGE 051  
MECKLENBURG COUNTY NORTH CAROLINA  
REVISED JAN. 1988 SCALE 1" = 400'

PG. 06

PG. 01

PG. 04

PG. 02

PETITIONER: City of Charlotte

PETITION NO.: 91-52 HEARING DATE: July 15, 1991

REQUEST: Establish zoning on property recently annexed by the City.

LOCATION: Approximately 1,445 acres located south of the airport between Billy Graham Parkway and Highway 160.

All existing zoning will remain the same, except for the RU(CD) zoning located at the end of Timberly Place, south of Byrum Drive. The City does not have RU zoning; therefore the property is recommended for R-15.

SEE ATTACHED MAP

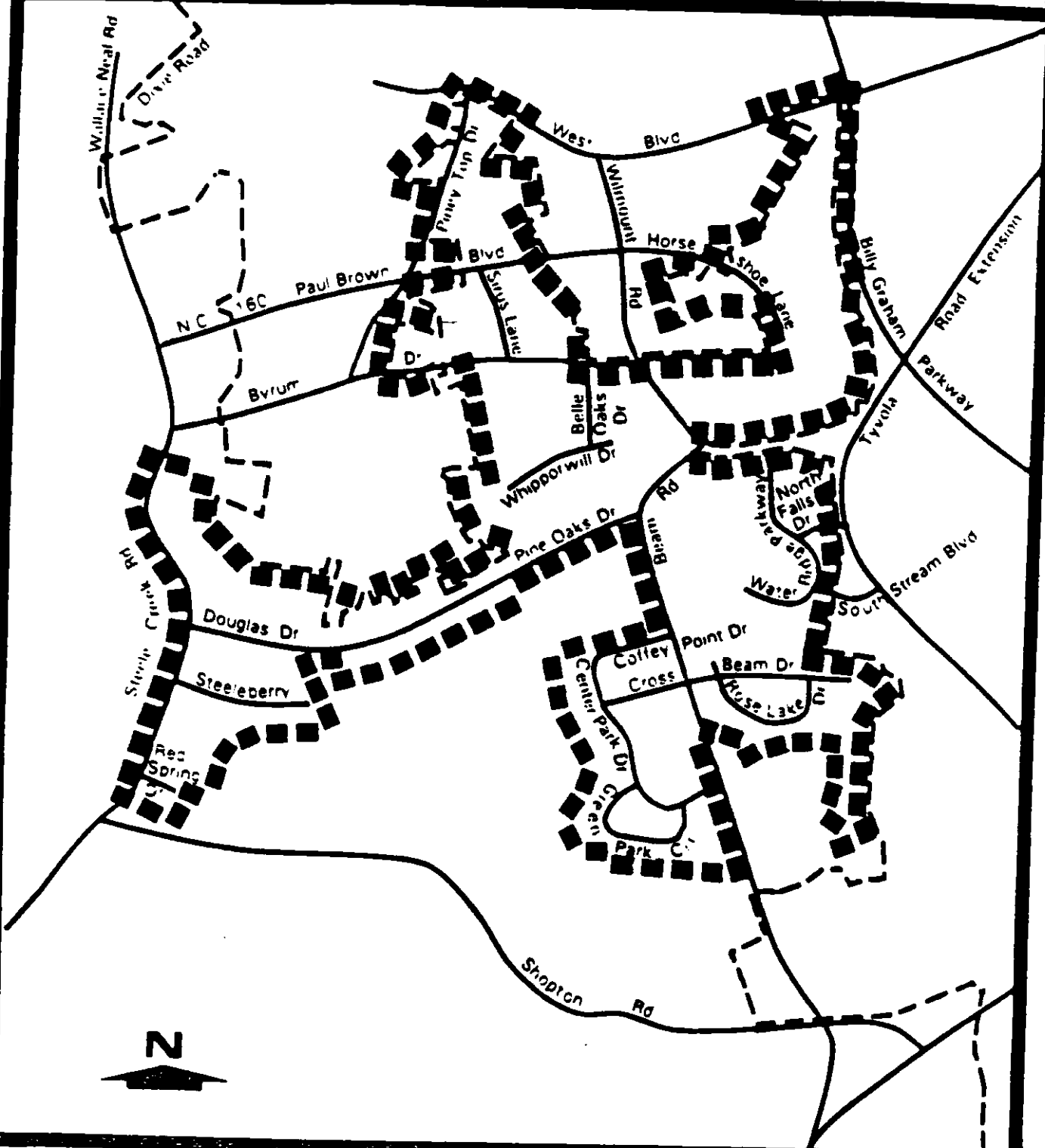
ZONING MAP NO(s).: Several

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



# BEAM ROAD

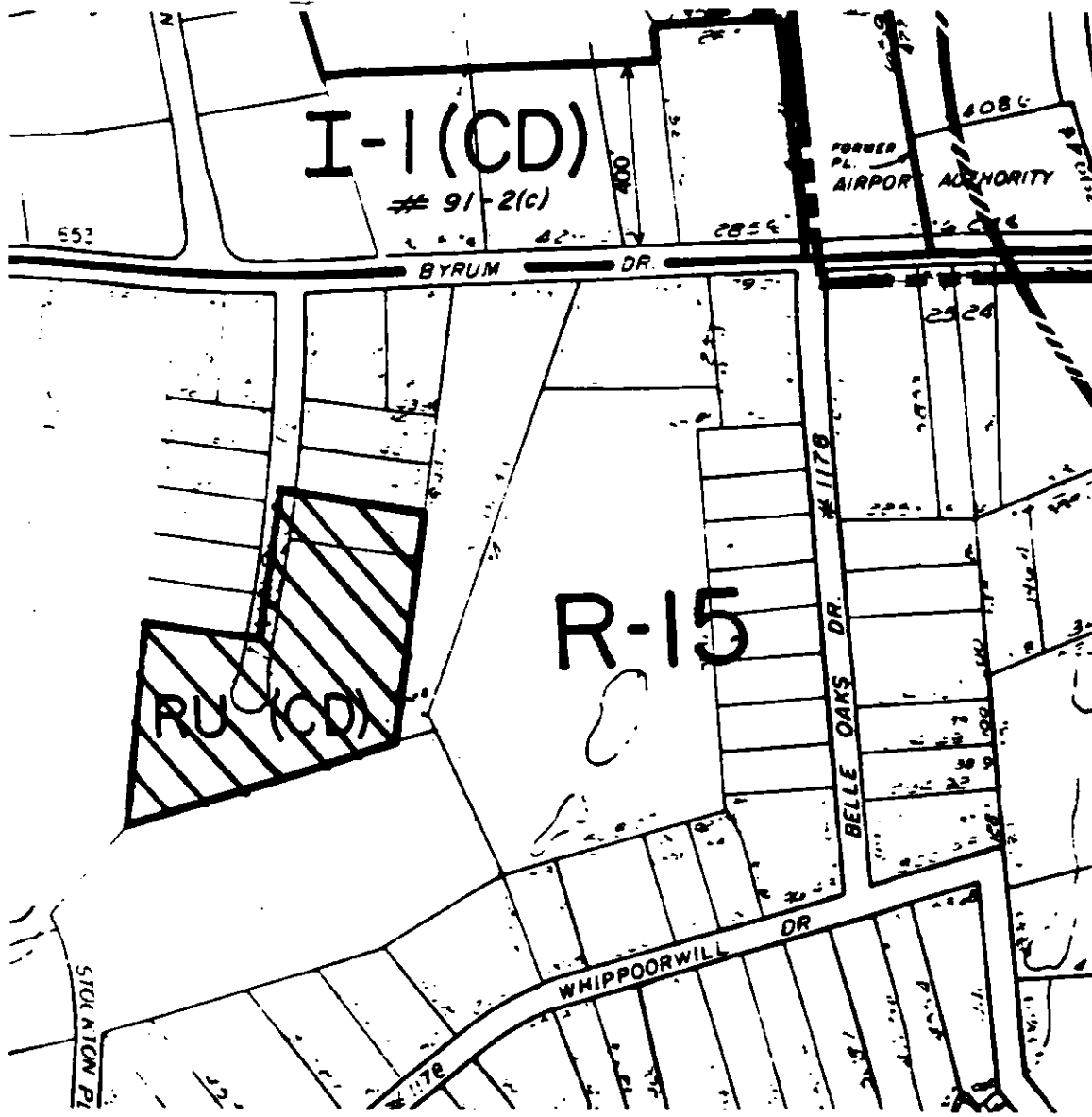


■ ■ ■ Annexation Area Boundary      - - - Present City Limits

## Proposed Annexation Area

0-67-

Petition No. 91-52  
Request: RU(CD) to R-15  
Map: 109



APPENDIX B  
LEGAL DESCRIPTION

PROPOSED ANNEXATION

BEAM ROAD AREA

Beginning at a point, said point being on the present Charlotte city limit line, said point also being the intersection of a Western line of the property as described in Deed Book 3711, page 465 with a Southerly line of the property as described in Deed Book 1588, page 150, said point also-being the Northeasterly most corner of the Steele Creek Presbyterian Church property; thence in a Westerly direction leaving the present Charlotte City limit line following along the Northerly boundary of the Steele Creek Presbyterian Church property and the Southerly boundary of the property as described in Deed Book 1588, page 150 for the following six courses: 1) North 80 West 261 feet, 2) North 77 West 111 feet, 3) South 88-30 West 156 feet, 4) North 80-09 West 138 feet, 5) North 4-25 East 298.7 feet to a point, 6) North 83-00 West approximately 370 feet crossing Steele Creek Road to a point on the Westerly right-of-way margin of Steele Creek Road; thence, in a Southwesterly direction with the Westerly right-of-way margin of Steele Creek Road approximately 460 feet to a point, said point intersecting the Northerly boundary of the property described in Deed Book 5849, page 364; thence, South 14-58-00 West 60 feet to a point; thence, South 00-23-00 West 153.25 feet to a point, said point intersecting the Southerly boundary of the property described in Deed Book 5849, page 364; thence, in a Southeasterly direction approximately 220 feet to a point, said point being the intersection of the Northerly right-of-way margin of Dorcas Lane with the Westerly right-of-way margin of Steele Creek Road; thence, in an Easterly direction approximately 60 feet to a



point, said point being on the Southerly right-of-way margin of Dorcas Lane, said point also being the Northeasterly corner of Lot 2, Block A of Croftdale as shown on recorded Map Book 7, page 759; thence, along the Easterly boundary lines of Lot 2, Block A and Lot 1, Block A as shown on said map South 26-29 East 216.88 feet to a point, said point being the Southeasterly corner of Lot 1, Block A of Croftdale, Map Book 7, page 759; thence, in a Southeasterly direction along the Westerly right-of-way margin of Steele Creek Road (NC 160) approximately 927.66 feet to a point, said point being the Northeasterly corner of the property described in Deed Book 4496, page 721; thence with the Westerly right-of-way margin of Steele Creek Road (NC 160) and the Easterly boundary of the property described in Deed Book 4496, page 721 with the arc of a circular curve to the right, said curve having a radius of 466 feet, a distance of 262.34 feet to a point, said point being on the Northerly right-of-way margin of Markswood Road; thence, in a Southerly direction approximately 60 feet to a point on the Southerly right-of-way margin of Markswood Road, said point being the Northeasterly corner of Lot 44 of Markswood, Map Book 9, page 157; thence, along the Easterly boundary lines of Lot 44 and Lot 45 South 11-16 West 377.98 feet to a point, said point being the Southeasterly corner of Lot 45 of Markswood, Map Book 9, page 157; thence, in a Southwesterly direction along the Westerly right-of-way margin of Steele Creek Road approximately 640 feet to a point, said point being the intersection of the Northerly boundary line of the property described in Deed Book 4781, page 510; thence, South 16-18 West 260 feet to a point, said point intersecting the Northerly boundary of the property described in Deed Book 4069, page 742; thence, South 16-43-30

West 127.93 feet to a point, said point being on the Northerly right-of-way margin of Steeleberry Drive; thence, in a Southerly direction along the Westerly right-of-way margin of Steele Creek Road approximately 60 feet to a point, said point being on the Southerly right-of-way margin of Steeleberry Drive; thence, in a Southerly direction along the Westerly right-of-way margin of Steele Creek Road (NC 160) approximately 1,887.35 feet to a point on the Westerly right-of-way margin of Steele Creek Road (NC 160), said point being the intersection of said right-of-way margin with the extension of the Southerly line of Lot 1, Block A, Map Book 1844, page 413; thence, in an Easterly direction with said line approximately 60 feet to a point on the Easterly right-of-way margin of Steele Creek Road (NC 160), said point being the Southwesterly corner of Lot 1, Block A as shown on a map of the property recorded in Deed Book 1844, page 413; thence, for two courses as shown on said map: 1) South 62-55 East 566.31 feet to a point, 2) North 19-31 East 578.25 feet to a point, said point being on the Southerly boundary of the property described in Deed Book 4323, page 317; thence, South 75-46-21 East approximately 350 feet to a point, said point being the Southerly corner of the property described in Deed Book 4485, page 759; thence, North 08-58 East 340.9 feet to a point, said point being the Southeasterly corner of the property as described in Deed Book 5779, page 483; thence with the Easterly boundary line of said deed for two courses: 1) North 09-06 East 280.3 feet to a point; thence, 2) North 07-40 East 79.6 feet to a point, said point being the Southeasterly corner of Lot 11 of Whispering Pines as shown on recorded Map Book 7, page 341; thence, North 61-02-30 East 731.53 feet to a point as shown on said map, said point being the most

Northeasterly corner of Lot 6 of Whispering Pines, Map Book 7, page 341, said point also being on the Southerly boundary of Lot 8, Block A of Steeleberry Acres, Section 1, Map Book 7, page 47; thence, North 85-00 East approximately 310 feet to a point, said point being the Southwesterly corner of Lot 10, Block A of Steeleberry Acres, Section 2, Map Book 11, page 65; thence, North 85-00 East 760.07 feet along the rear boundary lines of Lots 10 through 14, Block A of said map to a point, said point being the Southeasterly corner of Lot 14, Block A, Map Book 11, page 65; thence, North 21-58 West 266.29 feet to a point, said point being the Northeasterly corner of said lot, said point also being on the Southerly right-of-way margin of Steeleberry Drive; thence in an Easterly direction approximately 30 feet to a point on the Easterly right-of-way margin of Steeleberry Drive, said point being 30 feet normal to a parallel with the Westerly boundary line of the property described in Deed Book 4571, page 386; thence, in a Northwesterly direction 30 feet East of and parallel with said deed North 21-58 West approximately 950 feet to a point, said point being the intersection of the Easterly right-of-way margin of Steeleberry Drive with the Southerly right-of-way margin of Douglas Drive; thence, in a Southeasterly direction along the Southern right-of-way margin of Douglas Drive approximately 820 feet to a point, said point being the Northwesterly corner of Lot 1 of Spratt Acres, Section One, Map Book 11, page 13; thence, for the following four courses as shown on said map: 1) South 08-24-49 East 270 feet to a point; thence, 2) in a Northeasterly direction with the arc of a circular curve with a radius of 3,131.96 feet, and an arc distance of 1,196.83 feet; thence, 3) North 59-41-30 East 1,954.44 feet to a point; thence, 4) North 24-26

West 271.43 feet to a point, said point being the Northeasterly corner of Lot 20 of Spratt Acres, Map Book 11, page 13, said point also being the intersection of the Southerly right-of-way margin of Pine Oaks Drive (SR 1331) with the centerline of Coffey Creek; thence with the Southerly right-of-way margin of Pine Oaks Drive, North 60-33-42 East 180 feet, said line being 30 feet normal to and parallel with the centerline described in Deed Book 4658, page 484, said point being on a Northwesterly line, of the property described in Deed Book 6139, page 962; thence, with the Southerly right-of-way margin of Pine Oaks Drive (SR 1331) North 60-33-42 East 2,135.15 feet to a point, said point being the intersection of the Southerly right-of-way margin of Pine Oaks Drive with the Westerly right-of-way margin of Beam Road; thence with the Westerly right-of-way margin of Beam Road, 30 feet normal to and parallel with the Easterly line described in Deed Book 6139, page 962 for the following six courses: 1) South 04-38-33 West 66.56 feet, 2) South 05-31-14 East 101.53 feet, 3) South 13-43-01 East 98.96 feet; thence, 4) South 17-55-06 East 102.63 feet; thence, 5) South 18-14-45 East 100.27 feet; thence, 6) South 18-36-50 East 778.32 feet to a point, said point being the Northeasterly corner of the property as described in Deed Book 5732, page 106; thence, South 18-26-42 East 449.97 feet to a point, said point being the Southeasterly corner of the property described in Deed Book 5732, page 106; thence continuing with the Westerly right-of-way margin of Beam Road South 18-26-42 East 215.77 feet to a point, said point being a Southeasterly corner of the property as described in Deed Book 6139, page 962; thence, South 71-29-55 West approximately 25 feet to a point, said point being the Northeasterly corner of Lot 48A of Coffey Creek Business Park Phase III

B, Map Book 22, page 846; thence, for the following six courses as shown on said map: 1) South 71-29-55 West 325.03 feet to a point; thence, 2) South 18-30-05 East 200 feet to a point; thence, 3) running with the Northerly margin of Coffey Point Drive, South 71-29-55 West 905.16 feet to a point, said point being on the Northerly margin of Coffey Point Drive; thence, 4) in a Northerly direction with the arc of a circular curve to the right, having a radius of 30 feet, an arc distance of 43.63 feet; thence, 5) continuing with the Northerly margin of Coffey Point Drive North 25-10-28 West 18.38 feet; thence, 6) South 73-36-44 West 60.71 feet to a point, said point being on the Westerly right-of-way margin of Center Park Drive; thence, in a Southwesterly direction approximately 599.87 feet to a point, said point being on the Easterly boundary line of the property described in Deed Book 4658, page 484; thence with said line as described in said deed for the following eight courses: 1) South 15-00-36 East 30.44 feet, 2) South 37-11-51 East 54.59 feet, 3) South 33-49-17 East 32.76 feet, 4) South 51-16-23 East 33.83 feet, 5) South 38-42-04 East 34.60 feet, 6) South 20-15-35 East 24.10 feet, 7) South 46-47-03 West 32.36 feet, 8) South 29-48-44 West 51.37 feet to a point, said point being the Northwesterly corner of Lot 37 of Coffey Creek Business Park Phase III B, Map Book 22, page 522, for the following thirty-six courses as shown on said map: 1) South 45-23-58 West 43.26 feet, 2) South 03-58-12 East 45.34 feet, 3) South 58-40-19 East 71.09 feet, 4) South 13-52-33 East 47.89 feet, 5) South 03-52-12 East 49.47 feet, 6) South 05-50-42 East 34.96 feet, 7) South 06-38-14 West 53.03 feet, 8) South 12-00-56 West 52.27 feet, 9) South 21-42-55 West 52.31 feet, 10) South 07-18-25 West 62.68 feet, 11) South 08-17-14 East 29.16 feet, 12) South 24-41-47 East 33.41

feet, 13) South 34-09-48 East 48.82 feet, 14) South 43-03-57 East 80.03 feet, 15) South 52-52-23 East 38.35 feet, 16) South 18-24-50 East 54.27 feet, 17) South 20-50-36 East 53.20 feet, 18) South 40-28-50 East 76.61 feet, 19) North 49-01-00 East 52.77 feet, 20) South 35-53-08 East 53.00 feet, 21) South 33-25-35 East 30.58 feet, 22) South 25-50-23 East 38.15 feet, 23) South 34-01-04 East 23.69 feet, 24) South 14-06-39 East 91.41 feet, 25) South 23-52-52 East 43.99 feet, 26) South 16-07-19 East 33.01 feet, 27) South 15-06-26 East 54.04 feet, 28) South 38-02-58 East 40.51 feet, 29) South 56-57-32 East 44.01 feet, 30) South 41-29-46 West 22.24 feet, 31) South 52-09-54 East 52.06 feet, 32) South 49-01-22 East 24.94 feet, 33) South 36-11-12 East 38.17 feet, 34) South 29-42-09 East 71.05 feet, 35) South 40-56-38 East 54.57 feet, 36) South 45-45-01 East 41.72 feet to a point, said point being the Northwesterly corner of Lot 35, Coffey Creek Business Park Phase III B, Map Book 22, page 13; thence, for the following fifty-one courses as shown on said map: 1) South 24-29-43 East 44.77 feet, 2) South 06-03-25 East 46.11 feet, 3) South 07-39-36 West 61.67 feet, 4) South 00-07-03 East 78.04 feet, 5) South 13-06-44 West 30.16 feet, 6) South 00-19-34 West 49.33 feet, 7) South 47-02-47 West 32.06 feet, 8) South 37-55-35 West 35.03 feet, 9) South 46-59-14 West 33.40 feet, 10) South 36-11-09 West 41.05 feet, 11) South 33-07-51 West 57.32 feet, 12) South 27-47-50 West 29.57 feet, 13) South 17-25-12 West 44.70 feet, 14) South 10-39-36 West 39.38 feet, 15) South 28-06-34 West 50.39 feet, 16) South 31-05-22 West 53.76 feet, 17) South 32-09-31 West 55.03 feet, 18) South 59-43-05 West 39.66 feet, 19) South 68-13-03 West 48.38 feet, 20) South 81-05-50 West 41.04 feet, 21) South 60-29-09 West 54.72 feet, 22) South 28-30-04 West 77.12 feet, 23) South 02-57-18 East 132.27 feet, 24) South 36-56-17 East 58.06 feet, 25)

South 32-46-50 East 52.33 feet, 26) South 36-33-47 East 72.16 feet, 27)  
South 36-17-46 East 80.84 feet, 28) South 13-37-38 East 31.80 feet, 29)  
South 01-23-11 West 64.06 feet, 30) South 14-43-11 East 59.40 feet, 31)  
South 45-48-18 East 66.27 feet, 32) South 87-23-19 East 61.04 feet, 33)  
South 80-05-33 East 46.19 feet, 34) South 82-55-03 East 81.65 feet, 35)  
North 86-39-56 East 117.15 feet, 36) North 78-55-18 East 78.72 feet,  
37) North 80-45-57 East 96.00 feet, 38) North 71-56-08 East 42.35 feet,  
39) North 36-02-36 East 52.99 feet, 40) North 51-42-22 East 59.53 feet,  
41) North 43-04-53 East 30.41 feet, 42) North 65-36-79 East 28.02 feet,  
43) South 33-47-06 West 27.32 feet, 44) South 30-16-00 West 47.86 feet,  
45) South 31-21-06 West 71.17 feet, 46) South 34-36-30 West 56.41 feet,  
47) South 09-26-36 West 45.33 feet, 48) South 17-38-01 East 59.88 feet,  
49) South 05-54-42 West 25.38 feet, 50) South 00-24-40 East 10.82 feet,  
51) South 86-25-17 East 816.60 feet to a point, said point being the  
Southwesterly corner of Lot 22 of Coffey Creek Business Park Phase III  
B, Map Book 22, page 14; thence, as shown on said map South 86-25-17  
East 390.00 feet to a point, said point being the Southwesterly corner  
of the property described in Deed Book 1833, page 513; thence with the  
Southerly boundary line of said deed North 86-59 East approximately 850  
feet to a point, said point being on the Westerly right-of-way margin  
of Beam Road (SR 1156); thence, crossing Beam Road in an Easterly  
direction approximately 70 feet to a point, said point being the  
intersection of the Easterly right-of-way margin of Beam Road (SR 1156)  
with the Westerly boundary line as described in Deed Book 4634, page  
124; thence, along the Easterly right-of-way margin of Beam Road (SR  
1156) in a Northwesterly direction approximately 2,550.22 feet to a  
point, said point being on the Easterly margin of the right-of-way of

Beam Road; thence with the Southerly boundary line of the property described in Deed Book 5338, page 26 for the following nine courses:

- 1) South 55-43-19 East 120.43 feet to a point, 2) South 55-26-46 East 90.73 feet to a point, 3) South 60-11-19 East 100.74 feet to a point,
- 4) South 73-51-51 East 90.70 feet to a point, 5) South 77-18-48 East 95.65 feet to a point, 6) South 70-37-54 East 91.44 feet to a point, 7) North 38-10-17 East 57.15 feet to a point; thence, 8) North 69-26-51
- East 40.86 feet to a point; thence, 9) North 88-39-32 East 48.18 feet to a point, said point being on the Southerly boundary of the property as described in Deed Book 5007, page 572; thence with the Southerly property lines of said deed for the following twenty-eight courses: 1) South 26-54-14 West 37.10 feet to a point, 2) South 15-52-51 East 51.66 feet to a point, 3) South 63-40-21 East 74.15 feet to a point, 4) South 68-03-19 East 54.11 feet to a point, 5) South 12-16-47 East 55.99 feet to a point, 6) South 14-39-27 West 61.08 feet to a point, 7) South 32-31-39 West 79.59 feet to a point, 8) South 13-26-23 West 37.10 feet to a point, 9) South 00-20-21 East 51.64 feet to a point, 10) North 45-58-44 East 39.23 feet to a point, 11) North 40-26-15 East 55.61 feet to a point, 12) North 56-50-49 East 51.63 feet to a point, 13) North 46-15-30 East 69.72 feet to a point, 14) North 61-39-06 East 47.03 feet to a point, 15) North 89-39-39 East 42.41 feet to a point, 16) South 47-52-56 East 51.63 feet to a point, 17) North 87-52-15 East 62.86 feet to a point, 18) South 53-07-11 East 57.94 feet to a point, 19) North 67-43-01 East 161.30 feet to a point, 20) North 09-20-56 West 63.31 feet to a point, 21) North 84-13-52 East 173.26 feet to a point, 22) South 25-58-31 East 81.23 feet to a point, 23) North 87-40-02 East 31.04 feet to a point, 24) North 24-54-08 East 81.72 feet to a point,



25) South 72-24-53 East 45.29 feet to a point, 26) North 80-40-30 East 197.98 feet to a point, 27) South 89-42-37 East 123.90 feet to a point, 28) North 06-50-25 West 33.75 feet to a point, said point being on the Southeasterly boundary line of the property described in Deed Book 5007, page 572; thence with a Southerly line of Lot 33, Phase I-B, Map Book 21, page 105, North 59-21-57 East 53.74 feet to a point; thence, North 54-24-51 East 0.82 feet to a point, said point being a Westerly corner as described in Deed Book 4658, page 480; thence with 48 courses of said deed as follows: 1) South 59-21-57 West 53.74 feet to a point; thence, 2) North 88-53-28 East 37.92 to a point; thence, 3) South 67-36-49 East 56.90 to a point; thence, 4) South 25-47-16 East 24.24 feet to a point; thence, 5) South 52-52-42 East 26.73 feet to a point; thence, 6) South 47-35-29 East 32.69 feet to a point; thence, 7) South 54-24-09 East 38.64 feet to a point; thence, 8) South 66-12-08 East 26.00 feet to a point; thence, 9) South 69-15-18 East 66.32 feet to a point; thence, 10) South 89-16-37 East 20.00 feet to a point; thence, 11) North 75-15-10 East 34.39 feet to a point; thence, 12) North 81-35-18 East 45.84 feet to a point; thence, 13) South 81-41-44 East 43.43 feet to a point; thence, 14) South 52-47-40 East 22.51 feet to a point; thence, 15) South 41-33-35 East 43.78 feet to a point; thence, 16) South 12-49-50 East 69.59 feet to a point; thence, 17) South 15-36-54 West 42.63 feet to a point; thence, 18) South 08-51-00 West 32.17 feet to a point; thence, 19) South 03-38-48 East 37.34 feet to a point; thence, 20) South 04-56-12 West 27.08 feet to a point; thence, 21) South 03-52-45 East 43.10 feet to a point; thence, 22) South 07-32-48 West 49.66 feet to a point; thence, 23) South 09-10-37 East 57.01 feet to a point; thence, 24) South 24-03-44 East 43.19 feet to a

point; thence, 25) South 00-37-30 West 31.85 feet to a point; thence, 26) South 14-37-08 West 81.54 feet to a point; thence, 27) South 01-53-35 West 60.94 feet to a point; thence, 28) South 22-48-08 West 48.57 feet to a point; thence, 29) South 00-53-42 East 34.80 feet to a point; thence, 30) South 06-24-28 West 40.01 feet to a point; thence, 31) South 24-32-30 West 55.43 feet to a point; thence, 32) South 20-41-38 West 117.18 feet to a point; thence, 33) South 16-31-07 West 44.00 feet to a point; thence, 34) South 19-08-30 West 32.15 feet to a point; thence, 35) South 33-00-58 West 64.56 feet to a point; thence, 36) South 30-27-35 West 90.24 feet to a point; thence, 37) South 30-15-10 West 35.32 feet to a point; thence, 38) South 12-20-04 West 27.59 feet to a point; thence, 39) South 13-43-35 West 45.60 feet to a point; thence, 40) South 01-25-57 East 59.94 feet to a point; thence, 41) South 06-07-35 East 57.41 feet to a point; thence, 42) South 16-26-39 East 31.63 feet to a point; thence, 43) South 54-57-23 East 30.22 feet to a point; thence, 44) South 81-39-47 East 31.34 feet to a point; thence, 45) South 68-18-13 East 96.84 feet to a point; thence, 46) North 66-09-35 East 69.18 feet to a point; thence, 47) South 68-13-04 East 34.01 feet to a point; thence, 48) North 35-58-59 East 25.98 feet to a point, said point being on the Westerly boundary of the property described in Deed Book 5396, page 537; thence, South 43-28-11 West 412.32 feet to a point; said point being the Northwest corner of the property described in Deed Book 2654, page 411; thence with said deed North 72-35 East 839 feet to a point, said point being the Northeasterly corner of said deed, said point also being on the present Charlotte city limit line, said point also being located in the center of Big Sugar Creek; thence with the present Charlotte city limit line

to the point of beginning as follows: continuing with the center of Big Sugar Creek following a Northerly direction approximately 2900 feet to a point, said point being the Southeasterly corner of the property designated as Tax Code 143-121-11 on a map prepared by the City of Charlotte Engineering Department, dated October 21, 1985 and entitled "Map Showing Annexation for the City of Charlotte, Billy Graham Parkway - Wilmount Road Area;" thence, in eight courses as follows: 1) South 75-54-20 West approximately 40 feet to a point; 2) North 79-25-10 West 90 feet to a point, 3) North 49-52-50 West 170 feet to a point, 4) North 24-44-10 West 92 feet to a point, 5) North 01-12-40 West 118 feet to a point, 6) North 82-24-40 West 935.55 feet to a point, 7) North 10-29-20 East 2,149.12 feet to a point, 8) North 08-00-00 East 688.91 feet to a point; thence with the Westerly boundary of lot as described in Deed Book 1109, page 137, North 09-52-07 East 900.45 feet to a point; thence with the Easterly boundary of a lot as described in Deed Book 664, page 255 in two courses as follows: 1) North 07-23-48 East 272.91 feet to a point, 2) North 49-36-10 West 55.53 feet to a point in the Southerly right-of-way margin of Wilmount Road (SR 1156); thence with the Southerly right-of-way margin of Wilmount Road (SR 1156) in eight courses as follows: 1) South 52-26-22 West 363.44 feet to a point, 2) South 52-56-21 West 112.83 feet to a point, 3) with an arc of a circular curve to the right, having a radius of 1,038.05 feet, an arc distance of 282.66 feet to a point, 4) with an arc of a circular curve to the right, having a radius of 1,106.75 feet, an arc distance of 221.80 feet to a point, 5) South 78-47-22 West 586.02 feet crossing Williams Road (SR 1173) to a point, 6) South 78-32-15 West 505.77 feet to a point, 7) South 78-42-42 West 250 feet to a point, 8) with an arc

of a circular curve to the right, having a radius of 2,128.37 feet, an arc distance of 256.14 feet to a point; thence, continuing with the Southerly right-of-way margin of Wilmount Road (SR 1156), approximately 180 feet to a point of intersection with the easterly right-of-way margin of Borden Road (SR 1174); thence, in a Northerly direction crossing Wilmount Road (SR 1156) approximately 60 feet to a point in the Northerly right-of-way margin of Wilmount Road (SR 1156); thence, in an Easterly direction with the Northerly right-of-way margin of Wilmount Road approximately 155 feet to a point; thence, continuing in an Easterly direction with the Northerly right-of-way margin of Wilmount Road (SR 1156) in eight courses as follows: 1) with an arc of a circular curve to the left, having a radius of 2,068.37 feet, an arc distance of 248.92 feet to a point, 2) North 78-42-42 East 249.91 feet to a point, 3) North 78-32-15 East 505.81 feet to a point, 4) North 78-47-22 East 568.15 feet to a point, 5) with an arc of a circular curve to the left, having a radius of 1,046.75 feet, an arc distance of 209.09 feet to a point, 6) with an arc of a circular curve to the left, having a radius of 978.05 feet, an arc distance of 266.32 feet to a point, 7) North 52-56-21 East 112.57 feet to a point, 8) North 52-26-22 East 350.25 feet to a point; thence with the proposed Westerly right-of-way margin of the South bound ramp (Tyvola Road Extension) in five courses as follows: 1) North 37-11-51 East 200.42 feet to a point, 2) North 07-49-01 East 146.03 feet to a point, 3) North 02-39-30 East 350.54 feet to a point, 4) North 10-54-28 West 407.05 feet to a point, 5) North 03-50-42 West 151.89 feet to a point in the Southwesterly right-of-way margin of Billy Graham Parkway; thence with the Westerly right-of-way margin of Billy Graham Parkway in six courses

as follows: 1) with an arc of a circular curve to the right, having a radius of 3,973.71 feet, an arc distance of 2,436.31 feet to a point, 2) with an arc of a spiral curve to the right having a chord bearing and distance of North 03-26-19 East 204.03 feet to a point, 3) North 03-56-37 East 346.79 feet to a point, 4) with an arc of a spiral curve to the left, having a chord bearing and distance of North 2-56-18 East 195.96 feet to a point, 5) with an arc of a circular curve to the left having a radius of 3,665.71 feet, an arc distance of 758.70 feet to a point, 6) North 87-20-05 West 125.23 feet to a point, said point being on the present Charlotte city limit line, said point also being located where a margin 40 feet South of and parallel with the centerline of West Boulevard (SR 1181) (New Dixie Road) intersects with the Westerly right-of-way margin of Billy Graham Parkway; thence with a line 40 feet normal to and parallel with the centerline of West Boulevard (SR 1181) (New Dixie Road) in a Westerly direction approximately 833.11 feet to a point, said point being on the present Charlotte city limit line, said point also being on the boundary line of the property described in Deed Book 3802, page 820, running in a Southerly and/or Westerly direction following along the line of said property having a bearing and distance as follows: South 65-25-00 East approximately 621 feet, South 31-45-10 West 1,768.33 feet, North 13-22-33 West 18.08 feet to a point in the Easterly boundary of a lot as described in Deed Book 2663, page 428 (Tract II); thence, in a Southerly direction following along the boundary line of lot as described in said Deed Book 2663, page 428 (Tract II) as having a bearing and distance as follows: South 18-44-40 East 203.52 feet, South 63-49-20 West 647.03 feet to the Northeasterly rear corner of lot as described in Deed Book 2043, page 253; thence,

continuing in a Southerly direction following along the Easterly boundary line of lot as described in said Deed Book 2043, page 253 as having a bearing of South 03-45 East approximately 296 feet crossing Horseshoe Lane (SR 1176) to a point 40 feet South of and normal to the centerline of Horseshoe Lane (SR 1176); thence, in a Westerly direction following along a line 40 feet South of and parallel with the centerline of Horseshoe Lane (SR 1176) approximately 400 feet to a point in the Westerly-boundary line of lot as described in Deed Book 1857, page 55, said point being located 40 feet South of and normal to the centerline of Horseshoe Lane; thence, with the boundary line of lot as described in said Deed Book 1857, page 55, in fifteen courses as follows: 1) South 17-44 West approximately 299 feet, 2) North 72-16 West 316.18 feet, 3) South 63-42 West 225.70 feet, 4) South 04-05 West 156.56 feet, 5) South 76-46 East 63.80 feet, 6) South 15-07 East 643.5 feet, 7) North 71-40 East 139.18 feet, 8) North 62-15 East 277.18 feet, 9) South 82-33 East 182.54 feet, 10) North 85-38 East 136.96 feet, 11) South 87-06 East 162.79 feet, 12) North 59-15 East 98.85 feet, 13) North 78-31 East 72.85 feet, 14) South 30-00 East 30.00 feet, 15) North 85-29 East 142.96 feet to the Northeasterly corner of lot as described in Deed Book 3289, page 153; thence, in a Southerly direction following along the boundary line of lot as described in said Deed Book 3289, page 153 as having a bearing and distance as follows: South 21-54-50 East 765.22 feet, South 88-05-30 West approximately 2650 feet to a point, said point being located 40 feet East of and normal to the centerline of Wilmount Road (SR 1177); thence, in a Westerly direction crossing Wilmount Road (SR 1177) approximately 80 feet to a point, said point being located where a line 40 feet West of and parallel with the

centerline of Wilmount Road (SR 1177) intersects with a line 40 feet South of and parallel with the centerline of Byrum Drive (SR 1255); thence continuing in a Westerly direction following along a line 40 feet South of and parallel with the centerline of Byrum Drive (SR 1255) approximately 729 feet to a point in or near the centerline of Belle Oakes Drive (SR 1178); thence, in a Northerly direction crossing Byrum Drive (SR 1255) and following along the Easterly boundary line of lot as described in Deed Book 1444, page 510, as having a bearing of North 04-05 West approximately 556 feet to a point; thence, following along the boundary line of lot as described in Deed Book 2814, page 34 as having a bearing and distance as follows: South 89-14 West 150 feet, North 04-05 West 274.2 feet, North 61-14 East 164 feet to a point; thence, in a Northerly direction following along the Westerly boundary line of lots as described in Deed Books 1317 page 400, 1333 page 35 as having a bearing and distance as follows: North 39-04-20 West 574 feet, North 39-04-20 West 382.43 feet, North 61-23 East approximately 156 feet; thence, continuing in a Northerly direction following along the Westerly and a portion of the Northerly boundary line of lot as described in Deed Book 2663, page 428, as having a bearing and distance as follows: North 28-35 West 758.87 feet, North 64-42-30 East approximately 273 feet to a point; thence, continuing in a Northerly direction following along the Easterly boundary line of lot as described in Deed Book 3100, page 145, the Easterly and a portion of the Northerly boundary line of lot as described in Deed Book 3100, page 75, as having a bearing and distance as follows: North 13-26-40 West 462 feet, North 13-26-40 West 465 feet, North 86-40-10 West 272.10 feet, North 89-30-20 East a total distance of 523 feet; thence, in a

Northeasterly direction following along the Westerly boundary line of Lot I and Lot II as described in Deed Book 2689, page 62, having a bearing and distance as follows: North 35-31 East 357.4 feet, North 35-45 East approximately 396 feet to a point, said point being located 40 feet South of and normal to the centerline of New Dixie Road (NC 160); thence, in a Westerly direction following along a line 40 feet South of and parallel with the centerline of New Dixie Road (NC 160) approximately 1,088 feet crossing Piney Top Drive to a point, said point being on the southerly right-of-way margin of West Boulevard (New Dixie Road), said point being the Northwesterly corner of lot as described in Deed Book 5749, page 128; thence, running in Southeasterly direction South 19-30-00 East approximately 225 feet to a point, said point being the most Northeasterly corner of lot as described in Deed Book 3278, page 24; thence, with the line of said deed, North 76-57 West approximately 267.18 feet to a point, said point being the Northwesterly most corner of said lot; thence, continuing along the Westerly boundary of said lot, South 13-46 West 150 feet to a point, said point being the Northwesterly corner of the property described in Deed Book 5875, page 250; thence, with the lines of said deed South 13-47-07 West 272.57 feet; thence, South 76-57-29 East approximately 281.44 feet to a point, said point being on the Westerly right-of-way margin of Piney Top Drive; thence, running with the Westerly right-of-way margin of Piney Top Drive in a Southerly direction approximately 234.6 feet to a point, said point being the Northeasterly corner of the property described in Deed Book 6154, page 257; thence, with the lines of said Deed North 64-24-18 West 194.73 feet; thence, South 51-14-07 West 133.09 feet to a point, said point being the



Northwesterly corner of the property described in Deed Book 6154, page 320; thence, with the line of said Deed South 51-14-07 West 238.36 feet to a point, said point being the Northwesterly corner of the property described in Deed Book 5944, page 429; thence with the line of said deed South 51-25 West 292.42 feet to a point, said point being on the Northeasterly line of the property described in Deed Book 5965, page 664; thence with the line of said deed North 64 West 30.48 feet to a point; thence, with an Easterly line as shown on Map Book 6, page 299 having a bearing of South 34-28 West approximately 317 feet to a point, said point being the Northwesterly corner of the property described in Deed Book 3612, page 4; thence, South 78-07 East, approximately 720.75 feet to a point, said point being on the Westerly right-of-way margin of Piney Top Drive, said point also being the Southeasterly corner of the property described in Deed Book 5965, page 664; thence, running in a Southwesterly direction with the Westerly right-of-way margin of Piney Top Drive approximately 830 feet to a point, said point being on the Westerly margin of Piney Top Drive; thence, in a Southeasterly direction crossing Piney Top Drive approximately 100 feet to a point, said point being on the Easterly right-of-way margin of Piney Top Drive, said point also being on the Northwesterly corner of the property described in Deed Book 6154, page 252; thence, with the lines of said Deed South 50-40-22 East 82.87 feet to a point; thence, South 89-08-44 East 355.32 feet to a point marking the Northeasterly corner of said property; thence, South 6-29-13 East 375.91 feet to a point in the Northerly right-of-way of Paul Brown Boulevard; thence, in a Southerly direction crossing Paul Brown Boulevard with the extension of said line approximately 250 feet to a point, said point being on the

Southerly right-of-way margin of Paul Brown Boulevard; thence, running in a Westerly direction with the right-of-way margin of Paul Brown Boulevard approximately 750 feet to a point; thence, continuing in a Southwesterly direction with the Southerly right-of-way margin of Paul Brown Boulevard, approximately 180 feet to a point; thence, continuing in a Southwesterly direction approximately 160 feet along the Easterly right-of-way of Piney Top Drive to a point in the centerline of Coffey Creek; thence, with the centerline of Coffey Creek as described in Deed Book 5959, page 955 in four courses as follows: 1) South 70-24-07 East 224.15 feet, 2) South 70-45-27 East 162.71 feet, 3) South 65-12-34 East 208.87 feet, and 4) South 34-26-57 East 81.90 feet to a point; thence, South 46-09-10 West 25 feet to a point; thence, continuing with said Deed South 17-10-28 East 255.27 feet to a point; thence, South 54-15-01 West 132 feet to a point; thence, North 86-13-14 West 32 feet to a point; thence, continuing with said Deed in two courses as follows: 1) North 13-28-30 East 103.33 feet to a point; thence, 2) North 76-46-26 West 497.11 feet to a point; thence, South 89-47-12 West approximately 110 feet to a point; thence, in a Southerly direction running along the Westerly boundary of property as described in Deed Book 2239, page 177 as follows: South 13-31 East approximately 800 feet to a point on the Northerly right-of-way margin of Byrum Drive; thence, in a Southerly direction crossing Byrum Drive with the extension of said line approximately 90 feet to a point, said point being along a margin 40 feet South of and parallel with the centerline of Byrum Drive (SR 1180); thence, continuing in an Easterly direction with the Southerly right-of-way margin of Byrum Drive, crossing Coffey Creek approximately 1,000 feet to a point, said point being the intersection of the

Southerly right-of-way margin of Byrum Drive with the Easterly boundary of the property as described in Deed Book 3952, page 701, said property also being shown in Map Book 1166, page 509, said point also being the Northwestern most corner of the property as described in Deed Book 3897, page 990; thence with said property four courses as follows: 1) South 10-00-50 East 103.38 feet to a point, 2) South 67-41-30 West 226.25 feet to a point, 3) South 20-22 East 256.63 feet to a point, 4) North 58-55 East 301.08 feet to a point, said point being the Southeasterly corner of property described in Deed Book 3897, page 990, said point also being the Southwesterly corner of the property described in Deed Book 5508, page 596; thence with the Southerly boundary of the property described in Deed Book 5508, page 596, North 69-26 East 66.35 feet to a point, said point being a Westerly corner of the property described in Deed Book 2658, page 162, said point also being the Easterly corner of the property described in Deed Book 5671, page 612; thence, South 16-59-40 West 427.08 feet to a point, said point being the Westerly corner of the property described in Deed Book 1190, page 217; thence with the Westerly boundary line described in Deed Book 1190, page 217, South 11-30 East approximately 701.42 feet to a point, said point being the Southwesterly corner of the property described in Deed Book 1190, page 217, said point also being the Westerly corner of the property in the Sandy Knoll Subdivision, Lot 2, Block A as described on recorded Map Book 12, page 357; thence, South 12-11 East 224.0 feet to a point, said point being on the Easterly corner of Lot 2, Block C of Whippoorwill Hills as recorded on Map Book 8, page 301, said point also being the Southeastern corner of the City of Charlotte property described in Deed Book 5671, page 612; thence,

North 88-46-00 West 482.60 feet to a point in the centerline of Coffey Creek; thence with the centerline of Coffey Creek for eight courses as follows: 1) South 68-42-50 West 87.73 feet to a point, 2) South 56-32-05 West 73.97 feet to a point, 3) South 08-20-05 East 115.27 feet to a point, 4) South 47-41-15 East 88.19 feet to a point, 5) South 22-31-20 East 67.9 feet to a point, 6) South 31-13-20 East 74.34 feet to a point, 7) South 36-51-05 West 43.90 feet to a point, 8) South 19-59-05 East 140.10 feet to a point, said point being the centerline of Coffey Creek and being a Northeasterly corner of the property as described in Deed Book 4895, page 200; thence, in a Southerly direction with the centerline of Coffey Creek and with the Easterly boundary of the property as described in Deed Book 4895, page 200 for 20 courses as follows: 1) South 10-16 East 20 feet, 2) South 77-44 West 32 feet, 3) South 32-44 West 20 feet, 4) South 04-05-26 East 144.91 feet, 5) South 17-38 East 82.5 feet, 6) South 39-25 East 38 feet, 7) South 80-59 East 60 feet, 8) North 73-25 East 45.90 feet, 9) South 58-15 East 73 feet, 10) South 23-07 East 160.90 feet, 11) South 19-06 East 102.30 feet, 12) South 33-19 East 95.90 feet, 13) South 50-48 East 95.10 feet, 14) North 53-13 East 77.05 feet, 15) South 76-53 East 83.90 feet, 16) South 57-23 East 52.60 feet, 17) South 23-03 East 105.10 feet, 18) South 77-44 East 93 feet, 19) South 40-22 East 112.40 feet, 20) North 67-45 East 127.14 feet to a point, said point being the center of Coffey Creek, said point also being described as the Northeasterly most corner of Lot 24 of Spratt Acres as recorded in Map Book 11, page 13; thence with the Northerly boundary line of Spratt Acres, said line being the Northerly line of Lots 24, 23, 22 and 21 of Map Book 11, page 13, South 53-17-30 West 658.91 feet to a point, said point being the Northwesterly most

corner of Lot 21 of Map Book 11, page 13; thence in a Southerly direction with the Westerly line of Lot 21 of said recorded Map, South 30-18-30 East 261.84 feet to a point, said point being on the Northerly right-of-way margin of Douglas Drive; thence with the Northerly right-of-way margin of Douglas Drive in a Westerly direction South 59-41 West 60 feet to a point, said point being the Southeasterly corner of Lot 3 of Block E of Spruce Forest as shown on Map Book 1844, page 635; thence, with the Easterly line of Lot 5 as shown on said recorded Map, North 30-19 West 200 feet to a point; thence with the Northerly line of Lot 5 through Lot 3 of said recorded map, South 59-41 West 450 feet to a point, said point being the Northwesterly most corner of Lot 3, Map Book 1844, page 635; thence with the Easterly line of Lot 7 of Block E of Spruce Forest as recorded in Map Book 8, page 415, North 30-19 West 200 feet to a point, said point being on the Southerly right-of-way margin of McAlpine Drive; thence with the extension of said margin crossing the terminus of McAlpine Drive 60.22 feet to a point, said point being the Southeasterly most corner of Lot 2, Block J recorded in Map Book 8, page 415; thence with three lines of the property as described in Deed Book 2892, page 559 as follows: 1) North 59-41 East 150 feet to a point, 2) North 30-19 West 200 feet to a point, 3) South 59-41 West 150 feet to a point, said point being the Northeasterly most corner of Lot 2 of Block J of Map Book 8, page 415; thence, continuing with the Northerly boundary of Block J of said recorded map, South 59-41 West 300 feet to a point; thence, continuing with the extension of said line approximately 60 feet crossing the terminus of State Road #1321, an unnamed street to a point, said point being the Northeasterly most corner of Lot 5 of Block H of Map Book 8,

page 415; thence with the Easterly boundary line of said lot South 30-19 East 200 feet to a point, said point being on the Northerly right-of-way margin of McAlpine Drive; thence with the Northerly margin of McAlpine Drive in a Westerly direction, South 59-41 West 420 feet to a point, said point being the Southwesterly most corner of Lot 3 of Block H on said recorded map; thence with the Westerly boundary of Lot 3, North 30-19 West 200 feet to a point, said point being the Northeasterly most corner of Lot 2 of said recorded map; thence with the Northerly boundary line of Lot 2, South 60-30 West 133.50 feet to a point; thence with the Northerly boundary of Lot 1, South 64-35 West 130.70 feet to a point, said point being on the Easterly right-of-way margin of a 60 feet unnamed street; thence with said Easterly right-of-way margin, North 24-33-55 West 157.25 feet to a point; thence, crossing the terminus of said street approximately 60 feet to a point, said point being the Northeasterly most corner of the property described in Deed Book 3963, page 953; thence with three lines of said deed: 1) South 74-00 West 89.35 feet to point, 2) South 14-10 West 150 feet to a point, 3) South 40-04 West 71.10 feet to a point, said point being the common Northerly corner of Lots 2 and 3 of Block G of Map Book 8, page 415; thence with the Northerly boundary of Lot 2, South 74-00 West 126.0 feet to a point, said point being the Northeasterly corner of Lot 1; thence with said Northerly line, South 59-42 West 83.79 feet to a point, said point being on the Easterly margin of a 60 feet unnamed street; thence with the extension of said margin crossing 60 feet unnamed street to a point on the Westerly right-of-way margin of said street, said point being described as the Northeast corner of Lot 2 of Block F of Map Book 8, page 415; thence with the Westerly

right-of way margin of said street, South 14-10 East 200 feet to a point, said point being on the Northerly right-of-way margin of McAlpine Drive; thence with the Northerly right-of-way margin of McAlpine Drive, South 88-58 West 207.24 feet to a point, said point being the Southwesterly corner of Lot 1 of Block F of Map Book 8, page 415; thence with four lines of the property as recorded in Deed Book 4213, page 338: 1) North 14-35 East 1,074.03 feet to a point, 2) North 79-18 West 185.8 feet to a point, 3) South 23-48 West 184 feet to a point, 4) North 85-44 West 854.49 feet to a point, said point being the Northeasterly corner of the property described in Deed Book 3125, page 265; thence with the Northerly boundary of said deed, North 85-44 West 250 feet to a point, said point being the Northwesterly most corner of the property described in said deed, said point also being the Easterly most corner of the property as described in Deed Book 3684, page 177; thence with the Northerly boundary line of said deed, North 44-06-10 West 1,030.22 feet to a point; thence with the Westerly boundary line of the property as described in Deed Book 3711, page 465, North 07-47-30 East approximately 325.48 feet to the point or place of beginning.

APPROVED BY CITY COUNCIL  
DATE September 23, 1991

ORDINANCE NO. 3233-Z

CITY ZONE CHANGE

Petition No. 91-53  
City of Charlotte

ZONING REGULATIONS

MAP AMENDMENT NO. \_\_\_\_\_

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 establishing the R-9(CD), R-9, R-12, R-9MF, R-9MF(CD), R-12MF(CD), R-6MF(CD), B-1, B-1SCD, B-2, B-D, B-1(CD), I-2(CD) and I-1 zoning districts on the Official Zoning Map, City of Charlotte, N.C. the following described property:

SEE ATTACHMENT

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

APPROVED AS TO FORM:

Henry W. Claderhill Jr.  
City Attorney

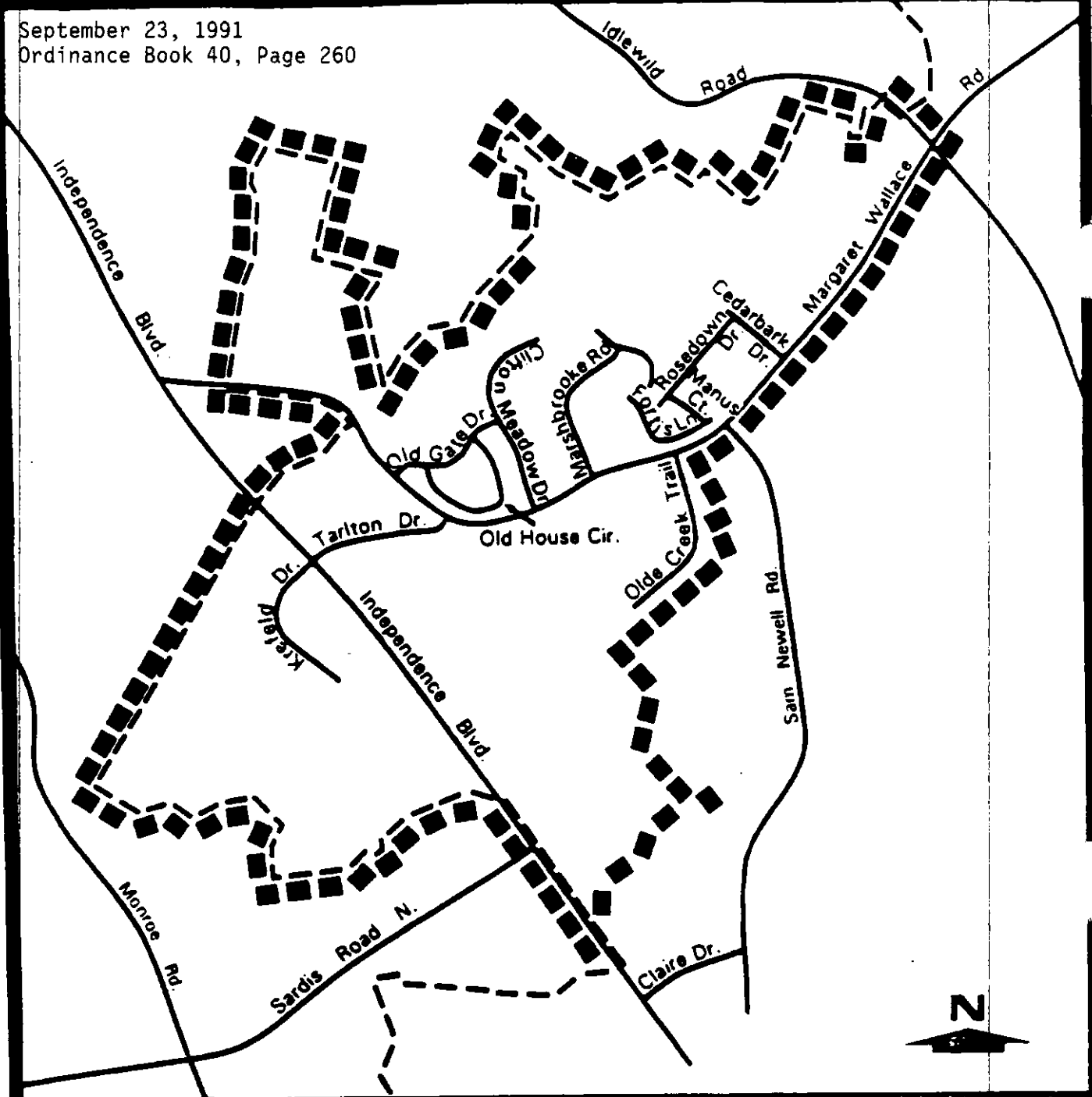
Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of September, 19 91, the reference having been made in Minute Book 99, at page \_\_\_\_\_.

Pat Sharkey  
City Clerk



# MARGARET WALLACE RD./INDEP. BLVD.

September 23, 1991  
Ordinance Book 40, Page 260



■ ■ ■ Annexation Area Boundary

--- Present City Limits

## Proposed Annexation Area

2/4/91

APPENDIX B  
LEGAL DESCRIPTION

MARGARET WALLACE/INDEPENDENCE BLVD.

Beginning at a point on the present Charlotte City limit line, said point being located where a line 40 feet South of and parallel with the centerline of Oak Drive (State Road 3159) intersects with a line 40 feet West of and parallel with the centerline of Idlewild Road (State Road 3143); thence, leaving the present Charlotte city limit line and running in a Southeasterly direction with the Southwesterly right-of-way margin of Idlewild Road (SR 3143) approximately 496 feet to a point in the Northwesterly right-of-way margin of Margaret Wallace Road (SR 3156), said point also being on the present Mint Hill town limit line; thence continuing in a Southeasterly direction crossing Margaret Wallace Road (SR 3156) to the intersection of the Westerly right-of-way margin of Idlewild Road with the Southeasterly right-of-way margin of Margaret Wallace Road; thence, leaving the Mint Hill Town limit line and running in a Westerly direction with the Southwesterly right-of-way margin of Margaret Wallace Road approximately 2,165 feet to a point; thence, in a Northerly direction approximately 30 feet to a point in the centerline of Margaret Wallace Road; thence continuing with the centerline of Margaret Wallace Road in a Westerly direction approximately 400 feet to a point; thence, in a Southerly direction approximately 30 feet to a point, said point being on the Southwesterly right-of-way margin of Margaret Wallace Road; thence, in a Westerly direction with the Southwesterly right-of-way margin of Margaret Wallace Road approximately 168 feet to a point; thence, in a Northerly direction approximately 30 feet to a point in

the centerline of Margaret Wallace Road; thence with the centerline of Margaret Wallace Road in a Westerly direction approximately 41 feet to a point, said point being the centerline intersection of Margaret Wallace Road and Dion Drive; thence, in a Southerly direction with the centerline of Dion Drive approximately 30 feet to a point; thence with the Southwesterly right-of-way margin of Margaret Wallace Road approximately 383 feet to a point; thence, in a Northerly direction approximately 30 feet to a point in the centerline of Margaret Wallace Road; thence with the centerline of Margaret Wallace Road in a Westerly direction approximately 1,293 feet to a point, said point being the centerline intersection of Margaret Wallace Road and Sam Newell Road; thence, in a Southerly direction with the centerline of Sam Newell Road approximately 30 feet to a point, said point being the intersection of the centerline of Sam Newell Road with the extension of the Southwesterly right-of-way margin of Margaret Wallace Road; thence with said right-of-way margin in a Westerly direction approximately 658 feet to a point; thence with the Easterly property lines of Lot 1 through Lot 5, Block B, Map Book 13, page 53, South 28-17-00 West, 639.27 feet to a point; thence with the Easterly line of Lot 6 and 7, Block B, Map Book 13, page 99, South 28-09-10 East, 102.75 feet to a point, said point being the Southeasterly most corner of Lot 7, Block B, Map Book 14, page 181 for the following three courses: 1) South 28-09-10 East 78.70 feet, 2) South 58-45-15 West 171.25 feet, 3) South 21-41-50 East 4,018 feet to a point, said point being on the Northerly right-of-way margin of Oak Tree Trail; thence, along the terminus of Oak Tree Trail South 21-41-50 East 60.12 feet to a point on the Southerly right-of-way margin of Oak Tree Trail, said point being the

Northeasterly corner of Lot 1, Block F, Map Book 14, page 181; thence with the Easterly boundary lines of Lot 1 through Lot 3, Block F, Map Book 14, page 181, South 21-41-50 East 410.09 feet; thence continuing with said Map Book, Lot 3 through Lot 15, Block F, South 47-33-50 West 1,365.96 feet to a point, said point being the Southwesterly most corner of Lot 15; thence with the Southerly line as described in Deed Book 3053, page 522, South 47-33-50 West 178.60 feet to a point; thence with a Southerly line of lot as described in Deed Book 3009, page 579, South 47-21 West 274.31 feet to a point, said point being the Southwest corner of said deed; thence with the Westerly line of the property described in Deed Book 1909, page 134, South 43-45 East 180 feet to a point, said point being the Northwesterly corner of the lot as described in Deed Book 2008, page 34; thence with the Westerly line of said deed, South 43-45 East 306 feet crossing Irving Creek to a point, said point being the Northwesterly corner of Lot 20, Block C, Map Book 9, page 51; thence with the Westerly line of Lot 20 through 11, Block C, Map Book 9, page 51, South 4-39 West 1,000.18 feet to a point; thence with a Southeasterly line of Lot 11 through Lot 6, Block C on Map Book 9, page 51, South 40-56-50 East, 833.20 feet to a point, said point being the Northwesterly corner of the property as described in Deed Book 5922, page 81; thence, with said deed, South 39-27-18 East 646.48 feet to a point, said point being located on a Northerly line of the property as described in Deed Book 2349, page 483; thence, for five courses of said deed as follows: 1) South 70-19-25 West 1229.81 feet, 2) South 32-56-35 East 198.85 feet, 3) South 83-23-15 W 869.23 feet, 4) South 25-24-20 East 713.93 feet; and, 5) South 25-24-20 East approximately 157.97 feet to a point on the Northerly right-of-way

margin of Hayden Way; thence, with said right-of-way margin, if extended, in a Westerly direction approximately 100 feet to a point, said point being where the extension of the Northerly right-of-way margin of Hayden Way intersects with the centerline of East Independence Boulevard (US 74), said point also being on the present Charlotte City limit line to the point of beginning as follows; thence continuing with the present Charlotte City limit line; thence continuing with said centerline of East Independence Boulevard North 33-57-21 West approximately 2,100 feet to a point; thence, North 62-26-42 West, passing an iron at 209.65 feet in the Southerly or Southwesterly margin of the right-of-way of East Independence Boulevard, a total distance of 494.86 feet to a point; thence, North 52-21-54 West 45.88 feet to a point in the centerline of Irving Creek; thence, continuing with said centerline of Irving Creek for the following thirteen (13) courses: 1) South 84-12-12 West 105.23 feet to a point, 2) South 57-06-15 West 377.92 feet to a point, 3) South 89-33-05 West 92.69 feet to a point, 4) North 67-03-06 West 34.44 feet to a point, 5) South 50-23-12 West 131.13 feet to a point, 6) South 88-44-42 West 57.37 feet to point, 7) South 58-36-52 West 115.58 feet to a point, 8) South 12-59-50 West 97.67 feet to a point, 9) South 62-29-39 West 211.18 feet to a point, 10) South 54-24-25 West 156.32 feet to a point, 11) South 13-44-53 West 109.70 feet to a point, 12) South 26-10-23 East 76.76 feet to a point, 13) South 68-06-38 West 111.96 feet to a point which is located at the intersection of the centerline of Irving Creek with the centerline of Beards Creek; thence with the centerline of said Beards Creek for the following two (2) courses: 1) North 63-12-24 West 164.85 feet to a point; and 2) North

55-44-10 West 28.04 feet to a point; thence, leaving Beards Creek South 42-44-13 West 241.0 feet to a point, thence, South 85-55-06 West 997.97 feet to a point; thence, North 08-46-23 West 366.92 feet to a point; thence, North 32-20-52 East 280.55 feet to a point; thence, South 79-59-42 East 19.25 feet to a point; thence, North 30-25-08 West 449.83 feet to a point; thence, South 84-57-57 West 561.49 feet to a point; thence, South 67-54-22 West 412.68 feet to a point; thence, North 52-11-47 West 155.37 feet to a point; thence, South 85-29-09 West 435.85 feet to a point located on the Northeasterly right-of-way margin of the Seaboard Coastline Railroad; thence, South 33-36-36 West 100.0 feet to a point in the centerline of the Seaboard Coastline Railroad; thence, in a Northwesterly direction with said Railroad centerline approximately 650 feet to a point, said point being the intersection of the centerline of the Seaboard Coastline Railroad with the centerline of McAlpine Creek; thence, in a Northeasterly direction following along the centerline of McAlpine Creek crossing Independence Boulevard and Margaret Wallace Road to a point, said point being 30.0 feet North of and normal to the centerline of Margaret Wallace Road; thence, in a Westerly direction with a line 30.0 feet North of and parallel to the centerline of Margaret Wallace Road to a point, said point being the intersection with the Easterly boundary of the first tract described in Deed Book 2873, page 177; thence, in a Northerly direction with said Easterly boundary to a point, said point being the intersection with a Southerly line of the tract devised to Hazeline W. Haigler by will of S. M. Wallace, recorded in Will Book 8, page 454; thence, in a Southeasterly direction along a line of said tract to a point in the center of Campbell Creek; thence, in three courses with the centerline

of Campbell Creek described in Will Book 8, page 454, as having bearings of 1) North 7-01 East 347.2 feet; 2) North 23-27 East 230.0 feet, 3) North 00-42 West 167.9 feet to a point, said point being the Southeasterly corner of a tract described in Deed Book 2985, page 235; thence with the Easterly property line of said tract to a point, said point being the Southwesterly corner of the second tract described in Deed Book 2873, page 177; thence with the Southerly property line of said tract in an Easterly direction approximately 50.0 feet to a point; thence with the Easterly property line of said tract to a point, said point being the centerline of Campbell Creek; thence with the centerline of Campbell Creek in a Northerly direction to a point, said point being an old iron pin, the Northwest corner of a tract described in Deed Book 866, page 133; thence, in an Easterly direction with the Northerly property line described in said Deed Book approximately 1,024.0 feet to a point, said point being the Northwesterly corner of a tract described in Deed Book 1925, page 236; thence, in two courses described in said Deed Book as having bearings of 1) South 16-41-30 West 1,276.28 feet, 2) South 70-53 East 919.08 feet to a point; thence, in two courses described in Deed Book 866, page 133, as having bearings of 1) South 36-15 West approximately 424.0 feet, 2) South 9 East approximately 1,340.0 feet to a point, said point being the centerline of McAlpine Creek; thence with the centerline of McAlpine Creek in a Northeasterly direction approximately 4,655 feet to a point, said point being Northwesterly most corner of Lot 18 as shown on Map Book 7, page 791; thence with the Westerly line of said recorded Map South 50-00-00 East 368.03 feet crossing Drifter Drive to a point, said point being the Southwest corner of Lot 17, Map Book 7, page 791; thence with a

Western line of Deed Book 3625 page 554 for two courses as follows:

1) South 46-51 East 431.4 feet, 2) South 62-03 East 115.6 feet to a point, said point being the Northwesterly corner of the property described in Deed Book 3625, page 542; thence with said property for the following two courses: 1) South 62-03 East 614.3 feet, 2) North 56-02 East 186 feet to a point, said point being the Southwesterly corner of the property as described in Deed Book 1988, page 487; thence with said property North 55-45 East 210 feet to the Southwesterly corner of property described in Deed Book 3625, page 548; thence with said property North 56-02 East 291.3 feet to the Southwesterly corner of property described in Deed Book 1653, page 118; thence with a Southerly line of said property North 55-45 East 200.0 feet to a point, said point being the Westerly corner of Lot 11, Block 2, Map Book 19, page 338; thence with the Southerly lines of Lots 11, 12 and 13 for the following three courses: 1) South 50-35-44 East 143.23 feet, 2) South 58-30-00 East 246.05 feet, 3) South 31-00-00 East 60.98 feet to the Southerly corner of Lot 13; thence, in a Northeasterly direction with Lots 13, 14, and a portion of Lot 15 as follows: North 45 East 231.49 feet, North 50-00-00 East 74.0 feet to a point; thence with a line of Lot 26 having a bearing of South 40-00 East 150 feet to a point on the Northwesterly right-of-way margin of Vicksburg Road; thence, crossing Vicksburg Road approximately 50 feet to a point, said point being the Westerly corner of Lot 40, Block 3, Map Book 19, page 338; thence with the Southerly line of Lots 40 through 47, Block 3 of said Map Book for four courses as follows: 1) South 44-00-00 East 112.66 feet, 2) South 47-30-00 East 328.10 feet, 3) South 77-15-00 East 184.65 feet, 4) North 34-47-12 East 333.43 feet to a point being the Southerly corner of Lot



59, Block 1, Map Book 19, page 322; thence with said Map Book for four courses as follows: 1) North 35-46-50 East 145 feet, 2) crossing Bathurst North 30-04-12 East 50.24 feet, 3) North 35-02-22 East 155.0 feet, 4) North 54-13-10 West approximately 20 feet to a point, said point being the Southwest corner of the property described in Deed Book 4257, page 871; thence with the Southerly lines of said deed North 24-36-20 East 215.53 feet, North 23-56-43 East 544.93 feet to a point, said point being the Westerly corner of the property described in Deed Book 3644, page 125 as Tract 1; thence with said deed South 74-43-00 East 361.76 feet to a point being the Westerly corner as described in Deed Book 3808, page 58; thence with said deed South 73-53 East 264.38 feet to a corner being the Northerly corner of Lot 2, Block 1, Map Book 9, page 431; thence with said lot line South 9-50-50 West approximately 192 feet to a point, said point being 35 feet North of and normal to the centerline of Pinestream Drive (unopened); thence with a line 35 feet north of and parallel to the centerline of Pinestream Drive approximately 120 feet to a point; thence in a Northeasterly direction with a line of Lot 2, Block 1, Map Book 9, page 431, North 5-28-30 East approximately 186 feet to a point, said point being the Southerly corner of property described in Deed Book 3327, page 577; thence with a portion of said property North 19-10 East approximately 200 feet to a point, said point being the Westerly corner of the property described in Deed Book 3673, page 861; thence with two courses of said deed as follows: 1) South 70-56-00 East 62.74 feet, 2) North 35-26-00 East approximately 252 feet to a point, said point being 40 feet South of and normal to the centerline of Idlewild Road; thence with a line in a Southeasterly direction 40 feet Southwest of and parallel with the

centerline of Idlewild Road approximately 400 feet crossing Pinestream  
Drive to the point or place of beginning.

Please note, although headers indicate this is Ordinance Book 41; the correct header should reflect Ordinance Book 40A. Ordinance Book 40A contains the New, Comprehensive Zoning Ordinance for the City of Charlotte referenced in Ordinance Book 40, Pages 235-236.

ORDINANCE NO. 3223

CHAPTER 1:

PURPOSE AND APPLICABILITY

Section 1.101. Title.

These regulations shall be known as the Zoning Ordinance of the City of Charlotte, North Carolina.

Section 1.102. Authority and purpose.

These regulations are adopted pursuant to the authority granted to the City of Charlotte by Chapter 160A, Article 19, of the General Statutes of North Carolina, and by any special local legislation enacted by the General Assembly for the City of Charlotte, in order to carry out the purposes listed below:

- (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, and to facilitate the adequate and economic provision of transportation, water, sewerage, schools, parks and other public facilities and services.
- (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 or more detailed plan or policy for the development of the community, as well as with due consideration of existing development and uses of land in the City of Charlotte.
- (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.

**Section 1.103. Jurisdiction.**

These regulations govern the development and use of all land and structures in the City of Charlotte. No building, structure, or land shall be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered, unless in conformity with all the provisions of these regulations for the district in which it is located and other applicable regulations, except as otherwise provided by these regulations.

**Section 1.104. Zoning Maps.**

The City Council, upon the recommendation of the Planning Commission, shall adopt a series of Zoning Maps which shall set out and delineate into the zoning districts established in Chapters 9, 10, and 11 all land within the jurisdiction of these regulations. The Zoning Maps are hereby designated, established, and incorporated as a part of these regulations and the originals thereof which are on file at the offices of the Planning Commission shall be as much a part of these regulations as if they were fully described in these regulations. The Zoning Maps shall be reviewed and may be amended from time to time through the amendment process, as provided in Chapter 6 of these regulations, to be consistent with the objectives and policies of the "Generalized Land Plan", district plans, area plans, and other public policies related to land development adopted by the City Council provided, however, that nothing herein shall limit the authority of the City Council to approve any petition for reclassification of property in accordance with the procedures set out in the "District Plan General Policies", as the same may be amended from time to time.

**Section 1.105. Exceptions to applicability.**

- (1) These regulations shall not be applicable or enforceable without the consent of the owner with regard to lots, buildings, or structures for which a building permit has been issued prior to the effective date of these regulations so long as the permit has not been revoked pursuant to G.S. Sec. 160A-422. If construction authorized by the permit is not started within 6 months of the permit issuance, or after construction has commenced, it is discontinued for a period of 12 months, the permit shall immediately expire pursuant to G.S. Sec. 160A-418 and any further work shall be subject to these regulations.

- (2) Any amendments, modifications, supplements, repeal, or other changes to these regulations and restrictions or the Zoning Maps shall not be applicable or enforceable without the consent of the owner with regard to buildings and uses for which either (a) a building permit has been issued prior to the effective date of the ordinance making the change, so long as the permit remains valid and unexpired pursuant to G.S. Sec. 160A-418 and the building permit has not been revoked pursuant to G.S. Sec. 160A-422, or (b) a vested right has been established pursuant to Section 1.110 and such vested right remains valid and unexpired pursuant to Section 1.110. A permit issued pursuant to G.S. Sec. 160A-417 shall expire by limitation in six (6) months after the date of issuance if the work authorized by the permit has not been commenced, except that a permit shall not expire or be revoked because of the running time while a vested right under Section 1.110 is outstanding. If after commencement the work is discontinued for a period of twelve (12) months, the permit therefore shall immediately expire except for a permit issued under Section 1.110. Upon issuance of a building permit under Section 1.110, the provisions of G.S. Sec. 160A-418 and G.S. Sec. 160A-422 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under the section is outstanding. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.
- (3) These regulations shall not be applicable or enforced without the consent of the owner with regard to uses previously approved under a parallel conditional district, conditional district or special use permit. Development of these uses will be governed by the previously approved site plans. Any amendments to these approved uses which cannot be approved administratively will be subject to the requirements of these regulations.

**Section 1.106. Relation 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 greater restrictions 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, except as otherwise provided under Section 1.105.

**Section 1.107. 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. With respect to the subject matter of any pending action, all rights and liabilities that have been received or created under any previous zoning ordinances which have been superseded by this ordinance are still valid and may be preserved and enforced.

**Section 1.108. Separability.**

If any section or specific provision or standard of these regulations or any zoning district boundary that now exists or may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations, except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

**Section 1.109. Effective date.**

These regulations shall become effective on January 1, 1992.

**Section 1.110. Procedures for establishing a vested right.**

Pursuant to G.S. Sec. 160A-385.1, Vested Rights, a vested right to undertake and complete the development and use of property under the terms and conditions as approved shall be established with respect to any property upon the approval on or after October 1, 1991, of any one of the following:

- (a) parallel conditional use district
- (b) conditional district
- (c) special use permit
- (d) special purpose district
- (e) Uptown Mixed Use District (optional) UMUD-O

The approved plans and conditions for these districts constitute, for purposes of G.S. Sec. 160A-385.1, site specific development plans.

A right which has been vested as provided for in this section shall remain vested for a period of three years. <sup>Modification</sup> Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the City Council when it approves the modification or amendment. A vested right obtained under this section is not a personal right, but shall attach to and run with the subject property. A right which has been vested as provided in this Section 1.110 shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

CHAPTER 2

DEFINITIONS AND RULES OF CONSTRUCTION

PART 1: RULES OF CONSTRUCTION

Section 2.101. General rules of construction.

For the purposes of these regulations, the following rules of construction shall apply:

- (1) These regulations shall be construed to achieve the purposes for which they are adopted.
- (2) In the event of a conflict between the text of these regulations and any caption, figure, illustration, or table, the text of these regulations shall control.
- (3) In the event of any conflict in limitations, requirements, or standards applying to an individual use or structure, the more stringent or restrictive provision shall apply.
- (4) The words "shall", "must", and "will", are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- (5) The word "may" is permissive in nature, except when the context of the particular use is negative, then it is mandatory.
- (6) Words used in the present tense include the future tense.
- (7) 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.
- (8) Words used in the masculine gender include the feminine gender.

Section 2.102. Interpretation of Zoning Maps.

Where uncertainty exists with respect to the boundaries of the zoning districts shown on the Zoning Maps, the following rules shall be used to interpret the maps:



- (1) Where a map shows a boundary line located within a street or alley right-of-way, railroad or utility line right-of-way, easement, or navigable or non-navigable waterway, it shall be considered to be in the center of the right-of-way, easement, or waterway. If the actual location of such right-of-way, easement, or waterway varies slightly from the location as shown on a map, then the actual location shall control.
- (2) Where a map shows a boundary line as being located a specific distance from a street line or other physical feature, this distance shall control.
- (3) Where a map shows a district boundary to approximately coincide with a property line or city, town, or county border, the property line or city, town, or county border shall be considered to be the district boundary, unless otherwise indicated.
- (4) Where a map shows a district boundary to not coincide or approximately coincide with any street, alley, railroad, waterway, or property line, and no dimensions are shown, the location of the boundary shall be determined by use of the scale appearing on the map.
- (5) If, because of error or omission in the maps, any property within the jurisdiction of this ordinance is not shown as being in a zoning district, such property will be classified as R-3 until changed by amendment.
- (6) In instances when a zoning case file contains detailed information regarding the boundary, that information will be used as the correct boundary location.
- (7) In instances where none of the above methods are sufficient to resolve the boundary location, the reasonable maintenance of a regular boundary will be used to establish the boundary location.
- (8) If it is alleged by any party that an error exists on the zoning maps with respect to any zoning district designation, zoning district boundary, special use permit or conditional district boundary, historical district boundary, the lines showing the effective dates of zoning enactment or any other matter with respect to the provisions of this ordinance relating to zoning information, the party may request a review of the alleged error by the Planning Commission.

The staff of the Planning Commission will evaluate any alleged map error using all available materials and records. These materials may include, but are not limited to, the following:

- (a) The tax map, current or historic.
- (b) Legal descriptions of properties or boundaries.
- (c) Historical zoning maps.
- (d) Zoning case history maps.
- (e) Tax records, current or historic.
- (f) Zoning and special use permit case files.
- (g) Official maps from other jurisdictions.
- (h) Topographic and planimetric maps and aerial photos.
- (i) Other documentable information.

The staff will report to the Planning Commission and present its findings regarding the alleged error. If the staff determines that an error exists as alleged, then the Planning Commission may institute a corrective map amendment at no cost to the complaining party. If the staff determines that no error exists, the complaining party may present evidence or documentation to the Planning Commission sufficient to overturn the finding of the staff. If the Planning Commission accepts the evidence of the complaining party and, thus, overturns the finding of the staff, the Planning Commission will institute a corrective map amendment. If the Planning Commission accepts the findings of the staff, no further action will be taken on the matter.

This provision for Planning Commission review of alleged map errors will be in effect for a period of five (5) years from the effective date of the adoption of the new zoning map set entitled "Charlotte-Mecklenburg County, North Carolina Zoning Maps." After that date, all matters involving interpretation of information on the zoning maps will be made by the Zoning Administrator and the Board of Adjustment.

**Section 2.103. Fractional requirements.**

When any requirement of these regulations results in a fraction of a dwelling unit or other measurement, that fraction will be disregarded and the nearest lower whole number shall apply.

**Section 2.104. Additions to existing development.**

Whenever any increment or addition to existing development results in the total amount of development being greater than a threshold size identified in these regulations, the development shall be treated as a whole in determining the type of review and approval required under these regulations. For any single development which is later subdivided, each increment of development will be treated as a whole.

**PART 2: DEFINITIONS****Section 2.201. Definitions.**

For the purposes of these regulations, the following words and terms have the meanings specified in this part:

**(A1) Abandon.**

To cease the regular use or maintenance of a lot, building, or structure.

**(A2) Abutting.**

Having common property boundaries or lot lines which are not separated by a street or alley.

**(A3) Accessory structure or use.**

A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory use" or "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located.

**(A4) Adjacent.**

Either abutting or being directly across a street, alley or body of water which does not exceed 100 feet in width.

**(A5) Adult care center.**

A facility where an individual, agency or organization provides supervision or care for more than 6 adults in a place other than their usual place of abode.

(A6) Adult care home.

A home where an individual provides supervision or care for no more than 6 adults in their home.

(A7) Agricultural industry.

Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial (except retail) plant nurseries and greenhouses, commercial fish or poultry hatcheries, and other similar activities.

(A8) Airport.

A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft are regularly stored, maintained, or repaired while not in flight with an area that the aircraft may use to take off and land.

(A9) Airport elevation.

The established elevation of the highest point on the useable landing area.

(A10) Airport hazard.

Any structure, tree or use of land which obstructs the airspace required or is otherwise hazardous to the flight of aircraft in landing or taking-off at an airport.

(A11) Airport reference point.

The point established as the approximate geographic center of an airport landing area.

(A12) Alley.

A private or public right-of-way which is less than 30 feet in width and runs between two or more lots or located on a single lot, affording primary or secondary vehicular access to the properties which abut it, but not including a street, utility easement, or railroad right-of-way.

(A13) Amendment.

Any change to the text of these regulations or the official zoning maps by the City Council or an administrative change pursuant to Section 6.206.

(A14) Amusement, commercial outdoor.

Any business establishment operating for profit, which is primarily engaged in providing outdoor recreational activities to the general public. "Commercial outdoor recreation" include such uses as miniature golf courses, skateboard courses, water slides, mechanical rides, go-cart or motorcycle courses, fish ranches, golf driving ranges or other similar uses.

(A15) Arboretum.

A place for the scientific study and public exhibition of trees or shrubs, or both.

(A16) Arena. (See Stadium.)

(A17) Automotive repair. (Also, see Automobile service station.)

A building designed and used for the storage, care, and repair of motor vehicles including both minor and major mechanical overhauling, paint and body work.

(A18) Automobile service station. (Also, see Automotive repair.)

Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

(B1) Board of Adjustment.

The Zoning Board of Adjustment of the City of Charlotte.

(B2) Boarding house.

A dwelling unit on a lot with rooms for boarders that are rented or are designed and intended to be rented, but which rooms individually or collectively do not constitute separate dwelling units. No separate cooking facilities will be provided for any boarder.

(B3) [RESERVED]

(B4) Buffer. (Also, see Screening.)

A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

(B5) Building.

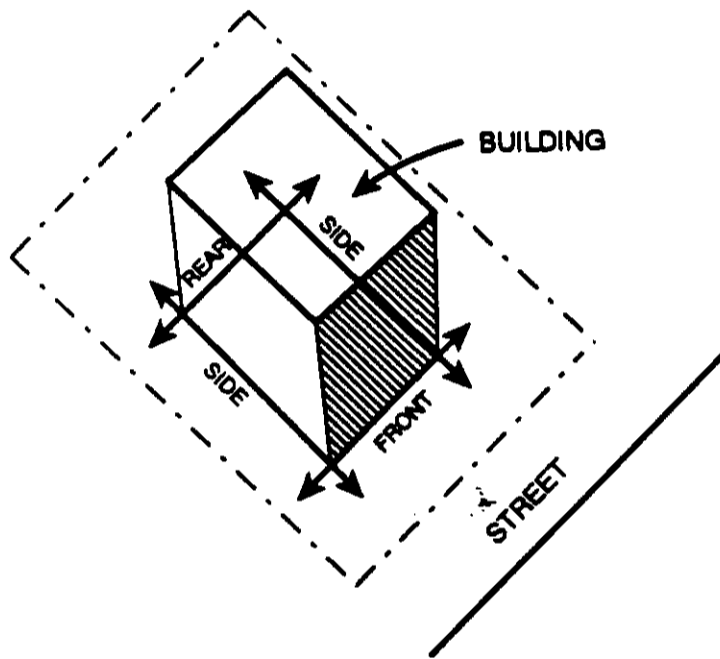
A temporary or permanent structure having a roof supported by columns or walls and which can be used for the shelter, housing, or enclosure of persons, animals, or goods.

(B6) Building height. (See Height.)

(B7) 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.

BUILDING LINES



(B8) Building site. (Also, see Development.)

An area of land or property where development is undertaken.

(B9) Bus stop shelter.

A freestanding structure, of less than 100 square feet located on a bus transit route which is designed to accommodate embarking and disembarking bus transit passengers.

(C1) Child care center.

An individual, agency or organization providing supervision or care on a regular basis to children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

(C2) Child care home.

A facility run by an individual, that provides supervision or care on a regular basis in the individual's home for between 6 to 15 children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

(C3) City Attorney.

The City Attorney or his or her designee.

(C4) City Engineer.

The director of the City Engineering Department or his or her designee.

(C5) Civic, social service, or fraternal facility.

A building or meeting facility, which is restricted to members and guests of members of a non-profit association or corporation, including accessory uses, such as recreational facilities, banquet facilities, and overnight lodging for members, but not including the sale of goods or services to the general public on the premises on a regular basis, or commercial outdoor recreational or entertainment activities involving the use of animals or firearms.

(C6) Clinic, medical, dental, or optical.

A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

(C7) Clinic, veterinary.

A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals or their grooming, but not including the training of animals or outdoor cages, pens, or runs for animals.

(C8) Cluster development.

A tract of land, at least 10 acres in area, under individual, corporate, 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.

**PART 2: DEFINITIONS**

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(C9) Coliseum. (See Stadium.)

(C10) College. (See University, college and junior college.)

(C11) Commercial use.

An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

(C12) Common open space. (Also, see Open space.)

An area of open space within a development site 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 area.

(C13) Conditional use. (See Parallel conditional use district.)

(C14) Condominium.

The ownership of single units in a structure with common areas and facilities.

(C15) 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 is designed for residence, office, the operation of any industry or business, or 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.

(C16) Cultural facility.

An indoor or outdoor theater (excluding commercial motion picture theater), auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other performances, or a museum or gallery operated primarily for the display, rather than the sale of works of art.

(C17) Customary home occupation.

An occupation, service, profession or enterprise carried on by a resident member of a family within a dwelling unit.



(D1) Demolition landfill.

A sanitary landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or recontour land using only soil or a fill operation, as defined by N.C.G.S. 130A-294(m), which consists of used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete or similar nonhazardous material is not construed to be such a landfill.

(D2) Demolition landfill-on-site.

A demolition landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used as an accessory use to the development activity.

(D3) Dependent living facility. (Also, see Independent living facility.)

Nursing homes, rest homes and homes for the aged which are designed for persons who need a wide range of health and support services located on the site, such as medical and nursing care, central dining, and transportation services.

(D4) Density, gross residential.

The number of residential dwelling units per acre of land determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

(D5) Developer.

Any person seeking approval under these regulations for any form of development.

(D6) Development.

Except as limited in this subsection, the carrying out of any building activity, the making of any change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

- (a) Except as provided in Subsection (c) hereof, for the purposes of these regulations, the following activities or uses shall be considered "development:"
- (i) The reconstruction, alteration of the size, or substantial change in the external appearance of a structure on land or water;
  - (ii) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land, but only so long as the increase in the number of such establishments does not materially increase the number of persons occupying or employed on the premises.
  - (iii) Alteration of the shore or bank of a pond, lake, river, or other waterway;
  - (iv) Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
  - (v) Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
  - (vi) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- (b) When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.
- (c) For the purpose of these regulations the following operations or uses shall not be considered "development:"
- (i) Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;

## PART 2: DEFINITIONS

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- (ii) Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
- (iii) A change in use of land or structure from a use within a specified category of use to another use in the same category;
- (iv) A change in the ownership or form of ownership of any parcel or structure;
- (v) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law; or
- (vi) The clearing of survey cuts or other paths of less than four feet in width.

(D7) Dormitory.

A building containing bathroom facilities available for common use by the residents of the building, which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with or employed by the same educational, religious, or health institution. "Dormitory" shall not include a boarding house, motel, hotel, group home, or health institution.

(D8) Drive-in restaurant. (See Restaurant, drive-in.)(D9) Drive-in service windows.

A customer service facility located either within the principal structure of an office or retail establishment or accessory structure thereto, 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.

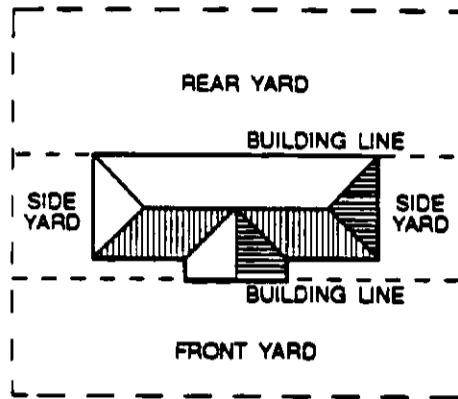
(D10) Dwelling, attached.

Any duplex, triplex, quadraplex or multi-family dwelling developed side by side which are subject to the regulations of subsection 9.303(19) where land is sold with each dwelling unit.

(D11) Dwelling, detached.

A dwelling unit that is developed with open yards on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles.

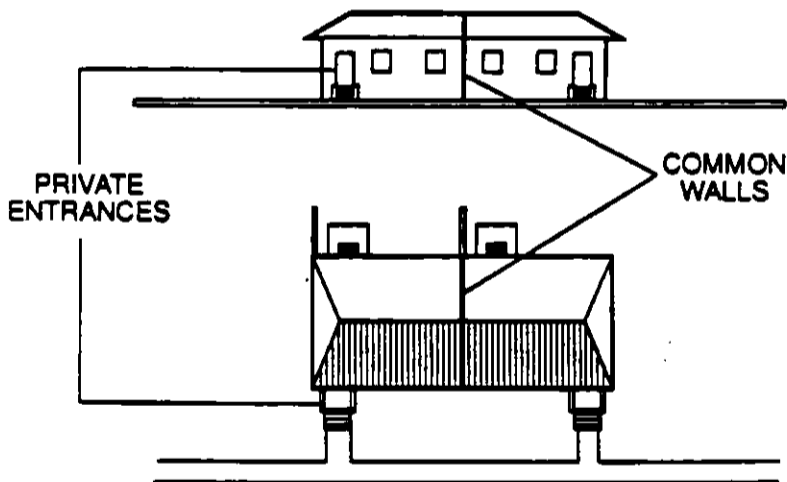
Dwelling, detached



(D12) Dwelling, duplex.

Two dwelling units, including modular homes, placed one on top of another or attached side by side and sharing one or more common walls.

Dwelling, duplex



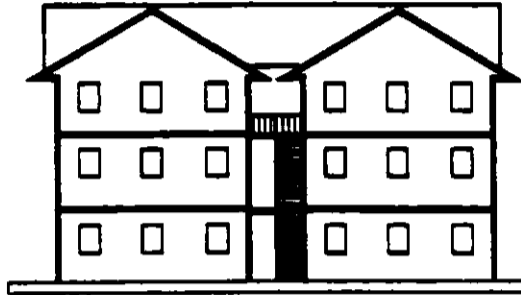
(D13) Dwelling, mixed use.

A dwelling unit included within an office or retail building.

(D14) Dwelling, multi-family.

More than four dwelling units placed one on top of another or side by side and sharing common walls and common floors and ceilings.

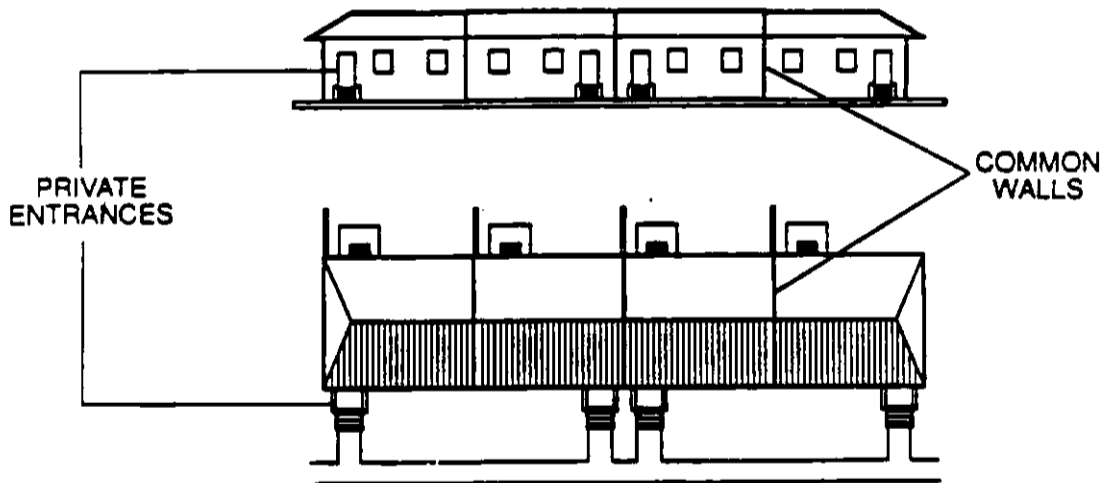
Dwelling, multi-family



(D15) Dwelling, quadraplex.

Four dwelling units, including modular homes, attached side by side or one on top of another and sharing common walls.

Dwelling, quadraplex

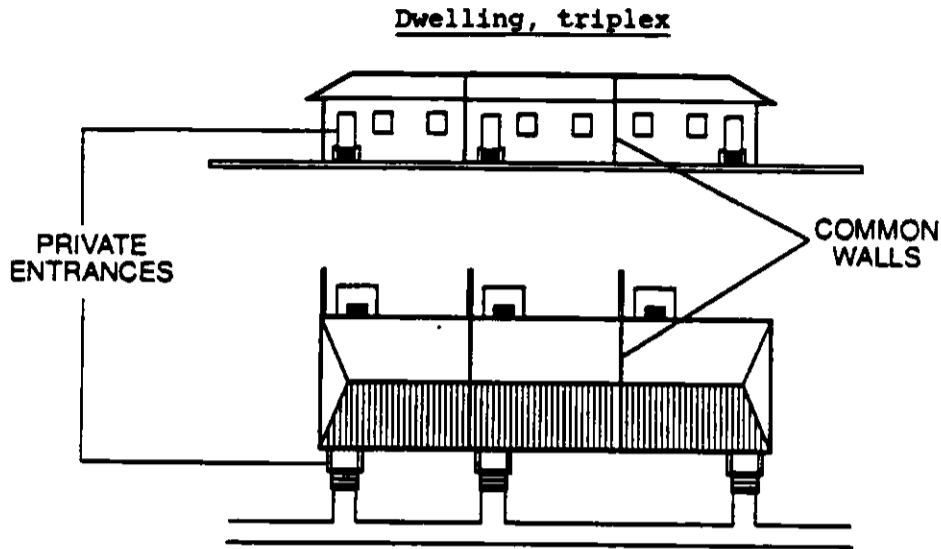


**PART 2: DEFINITIONS**

**SEC. 2.201.**

(D16) Dwelling, triplex.

Three dwelling units, including modular homes, attached side by side and sharing two or more common walls.



(D17) Dwelling unit.

A room or combination of rooms designed for year-round habitation, containing a bathroom and kitchen facilities, and designed for or used as a permanent residence by at least one family.

(E1) Elderly and disabled housing.

A dwelling unit which is located on the same lot as a principal dwelling unit and intended to be used by an occupant who is at least 55 years old or disabled and related to the owner of the principal dwelling by blood, marriage or adoption.

(E2) Elementary and secondary schools.

A privately-owned or publicly-owned pre-school, elementary school, middle school, junior high school, or high school.

(F1) 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 not related by blood, marriage or adoption, living together as a single housekeeping unit.

(F2) [RESERVED](F3) Financial institution.

A use or structure where financial, pecuniary, fiscal or monetary services are made available to the public, including but not limited to depository institutions (i.e., banks, credit unions, savings and loans, etc.) non-depository credit institutions (i.e., credit agencies, loan brokers, etc.), holding companies (but not predominantly operating companies), other investment companies, brokers and dealers in securities and commodity contracts and security and commodity exchanges.

(F4) [RESERVED](F5) [RESERVED](F6) [RESERVED](F7) [RESERVED](F8) Floor.

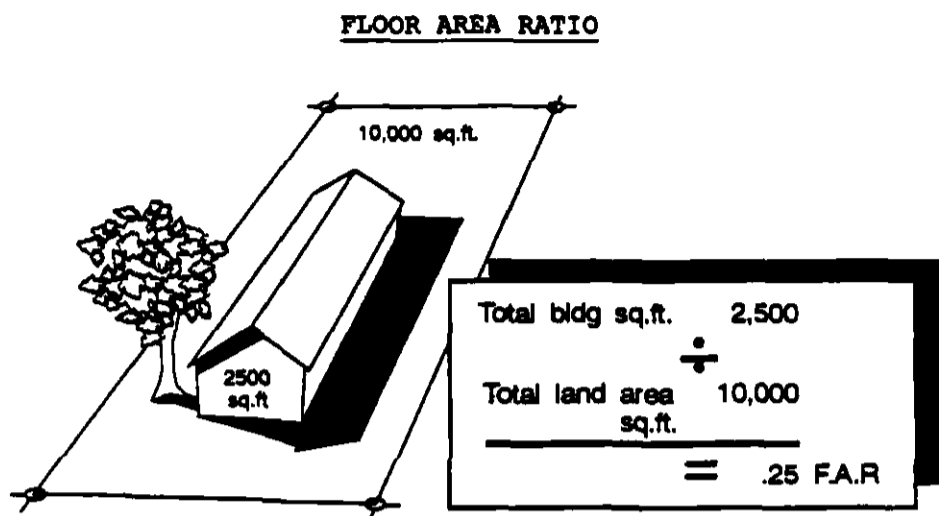
The top surface of an enclosed area in a building (including the basement), such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

(F9) Floor area.

The sum of the gross horizontal areas of each floor of the principal building, and any accessory building or structures measured from outside of the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawlspace.

(F10) Floor Area Ratio (FAR).

The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.



(F11) Freeway or expressway (Class I). (See Street, freeway or expressway (Class I).)

(G1) Government building.

A building, use, or facility owned or operated by a government agency and serving as an agency office, police station, fire station, library, community center, or similar facility, but not including a vehicle storage yard, jail, prison, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

(G2) Grade.

Along any lot line abutting a street, "grade" means the elevation at the higher of either the center line of the street or the property line. Along any lot line not abutting a street, "grade" means the ground elevation at the property line.



(G3) Group home.

A residential home provided by an agency, organization or individual for persons who need sheltered living conditions for rehabilitation, but not including mentally ill persons who are dangerous to others as defined in G.S., Sec. 122C-3(11)b, as amended.

(H1) Halfway house. (See Group Home.)

(H2) Hazardous materials treatment facility.

A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 13B. G.S. 130-166.16), so as to neutralize such material or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

- (a) A facility which manufactures hazardous materials from component nonhazardous materials;
- (b) A facility or location for the long term or perpetual storage of hazardous materials; or
- (c) A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

(H3) Health Institution.

A hospital, clinic, health maintenance organization, or similar use or building, not including a group home, which routinely provides for the care of, treatment of, and testing for physical, emotional, or mental injury, illness, or disability, and for the overnight boarding of patients, either on a for-profit or not-for-profit basis.

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(H4) Heavy manufacturing. (Also, see Light manufacturing.)

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards, or that otherwise do not constitute "light manufacturing", or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot.

(H5) Height.

The vertical distance between the average grade at the base of a structure and the highest part of the structure, but not including sky lights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building.

(H6) Helistop, limited.

A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, but not including the regular repair, fueling or maintenance of such aircraft or the sale of goods or materials to users of such aircraft.

(H7) Heliport or Helistop, unlimited.

A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft including the regular repair, fueling or maintenance of such aircraft or the sale of goods or materials to users of such aircraft.

(H8) Home for the aged. (See Nursing Home.)

(H9) Home occupations. (See Customary home occupations.)

(H10) Hotel or motel.

A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception.

(I1) Impervious ground cover.

Any structure or ground cover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil.

(I2) Independent living facility. (Also, see Dependent living facility.)

Nursing homes, rest homes and homes for the aged which are designed for older or disabled persons who do not require health and support services located on the site, such as medical and nursing care, central dining and transportation services. Each living unit within the facility is a self-contained dwelling unit which is physically accessible to older or disabled persons.

(I3) Indoor recreation.

Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which constitute principal uses and are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation" structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

(J1) Jail. (Also, see Prison.)

A publicly or privately owned building(s), and all accessory uses and structures, used to confine, house, and supervise persons held in lawful custody including those who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station.

(J2) Junkyard.

A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged or sold.

(K1) Kennel, commercial.

A use or structure intended and used for the breeding or storage of animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot.

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(K2) Kennel, private.

A structure used by the occupant of the property for the outdoor storage of animals and not operated on a commercial basis.

(L1) Land Development Standards Manual.

The most recent edition of the manual developed and published jointly by the City of Charlotte Engineering Department and the Mecklenburg County Engineering Department setting forth standard details for the design and construction of various aspects of development.

(L2) Landing area.

The area of an airport used for the landing, taking off, or taxiing of aircraft.

(L3) Large maturing tree.

A tree whose height is greater than 35 feet at maturity and has a minimum caliper of 2½ inches at the time of planting and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurseryman.

(L4) Light manufacturing. (Also, see Heavy manufacturing.)

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25 percent of the floor area of all buildings on the property.

(L5) Limited access arterial street (Class II). (See Street, limited access arterial (Class II).)

(L6) Local street (Class VI). (See Street, local (Class VI).)

(L7) Lot.

A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking areas, yards, and open spaces required in these regulations.

(L8) Lot area.

The total horizontal area within the lot lines of a lot.

(L9) Lot line.

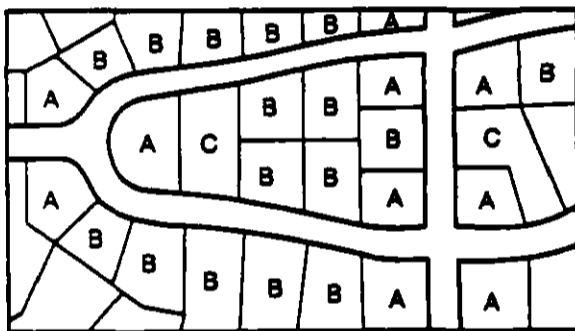
A line dividing one lot from another lot or from a street or alley.

(L10) Lot of record.

A lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds.

(L11) Lot, types.

The diagram (below) illustrates terminology used in this ordinance with reference to corner lots, interior lots and through lots; in the diagram a corner lot (A) is defined as a lot located at the intersection of two (2) or more streets. A lot shall also be considered a corner lot, if it occupies the interior angle at the intersection of two streets, and such angle is less than 135 degrees. See lot marked A in the diagram. An interior lot (B) is defined as a lot other than a corner lot with only one frontage on a street. A through lot (C) is defined as a lot other than a corner lot with a frontage on more than one street. Through lots may be referred to as double frontage lots.

LOT TYPES

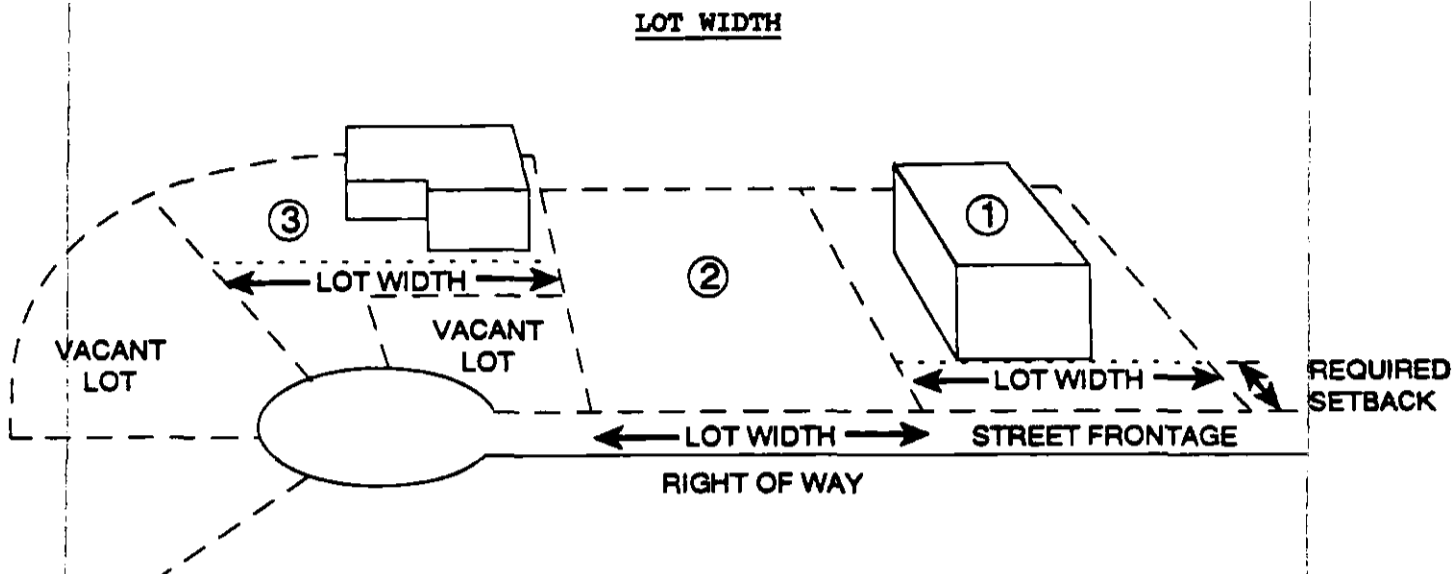
- A - CORNER LOT  
B - INTERIOR LOT  
C - THROUGH (OR DOUBLE FRONTAGE) LOT

(L12) Lot width.

- .1 The distance between the side lot lines measured along the setback line as established by this ordinance; or
- .2 If no setback is established by this ordinance, the lot width is the distance measured between the side lot lines along the street lines; or

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- .3 The distance between the side lot lines measured along a setback line shown on a duly recorded plat when that line is greater than the setback required by this ordinance along the turnaround portion of a cul-de-sac street.



(M1) Major arterial (Class III). (See Street, major arterial (Class III).)

(M2) Minor arterial (Class IV). (See Street, minor arterial (Class IV).)

(M3) Minor residential access street. (See Street, minor residential access street.)

(M4) Manufactured home. (Also, see Mobile home.)

A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which dwelling unit is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standards adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Sec. 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance.

(M5) Manufactured home or mobile home subdivision.

Any parcel of land which is subdivided, sold and utilities are provided for the installation or placement of manufactured or mobile homes.

(M6) [RESERVED]

(M7) [RESERVED]

(M8) [RESERVED]

(M9) Mobile home. (Also, see Manufactured home.)

A movable or transportable dwelling unit, other than a modular home or manufactured home, of at least 8 feet in width and at least 32 feet in length, constructed to be transported on its own chassis and including one or more components that can be retracted for transporting the unit.

(M10) Mobile home park.

Any site or parcel of land under single ownership where land is rented, and utilities are provided for the installation or placement of mobile homes.

(M11) Modular home.

A dwelling unit which is constructed in compliance with the State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

(M12) Mooring or float.

An object or structure secured in the water by cables, lines, chains, anchors or similar devices, and intended or used for securing one or more boats in the water or for navigational purposes.

(M13) [RESERVED]

(N1) Nightclubs.

Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets.

(N2) Nonconforming structure.

Any structure lawfully existing on the effective date of these regulations, or on the effective date of any amendment thereto, which does not comply with these regulations or any amendment thereto, whichever might be applicable.

(N3) Nonconforming use.

Any use lawfully being made of any land, building, or structure on the effective date of these regulations or on the effective date of any amendment thereto rendering such use nonconforming, which does not comply with all of the regulations of these regulations or any amendment thereto, whichever might be applicable.

(N4) Nonconforming vacant lot.

Any lot which does not meet the minimum area or width requirements established in these regulations or any amendment thereto.

(N5) Nursing home. (Also, see Dependent living facilities and Independent living facilities.)

A facility providing care for 3 or more sick, aged or disabled persons not related by blood or marriage to the operator. Nursing homes are classified as "dependent" or "independent" living facilities depending upon the degree of support services on site.

(O1) Office.

A use or structure where business or professional services are conducted or rendered.

(O2) Open space. (Also, see Common open space.)

An area of land or water which is open and unobstructed including areas maintained in a natural or undisturbed character or areas improved for active or passive recreation. "Open space" shall not include water below the mean high water line located adjacent to the Catawba River and its impoundments, or areas covered with buildings, structures, streets or off-street parking areas, but shall include landscaping associated with such parking areas.

(O3) Outdoor lighting.

Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.



(04) Outdoor recreation.

Public or private golf courses, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, club houses, country clubs or similar uses which are designed and intended primarily for the use of patrons of the principal recreational use.

(05) Overnight camping trailer park.

Any lot upon which two or more overnight camp sites and/or overnight camping trailers occupied for temporary shelter, dwelling, recreation or vacation uses may be located on a non-profit or for profit basis.

(06) Owner.

Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or land.

(P1) Parallel conditional use district.

A zoning district which allows the City Council to approve a specific use of land with conditions attached to the property to assure the compatibility of the use with surrounding properties in accordance with the regulations of Section 6.201.

(P2) Parcel.

Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

(P3) Park, public.

Any land owned by the public and open for use by the general public for active (including playgrounds) or passive recreational purposes or as a refuge for wildlife.

(P4) Parking deck.

A building designed and used for the storage of motor vehicles.

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(P5) Parking lot.

An area not within a building designed and used for the storage of motor vehicles.

(P6) Person.

An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

(P7) [RESERVED]

(P8) Pilot plant. (Also, see Prototype production plant.)

A building or operation in which processes planned for use in production elsewhere can be tested, but not including the production of any goods on the premises primarily or customarily for sale or for use in production operations.

(P9) Planned multi-family and attached development.

A group of two or more attached, duplex, triplex, quadraplex, or multi-family buildings, or a single building of more than 12 units constructed on the same lot or parcel of land under single ownership, and planned and developed with a unified design of buildings and coordinated common open space and service areas in accordance with the requirements of Chapter 9 for the zoning district in which it is located.

(P10) Planning Commission.

The Charlotte-Mecklenburg Planning Commission, including any duly appointed committee of that body provided for and authorized to act for the whole Planning Commission by the Interlocal Cooperation Agreement of July 2, 1984, as may be amended.

(P11) Planning Director.

The director of the staff of the Charlotte-Mecklenburg Planning Commission or his or her designee.

(P12) Principal building or structure.

A building or structure containing the primary use of the lot.

(P13) Principal use.

The primary purpose or function that a lot serves or is proposed to serve.

(P14) Prison. (Also, see Jail.)

A publicly or privately owned building(s), and all accessory uses and structures used for long-term confinement housing, and supervision of persons who are serving terms of imprisonment for violation of criminal laws. A prison is distinguished from a jail, in that a prison is considered to be a larger, long term incarceration facility normally operated under the authority or jurisdiction of the State or federal government.

(P15) Project area.

Any area of land, and/or water regardless of the number of individual parcels contained therein on which development is proposed under these regulations.

(P16) Prototype production plant. (Also, see Pilot plant.)

A building or operation in which goods are produced only in a quantity necessary for full investigation of the merits of a product, but not including the production of any goods on the premises primarily or customarily for sale or for use in production operations on the premises.

(P17) Public utility structure.

An electricity or gas substation, water or wastewater pumping station, telephone repeater station, water storage tank, reservoir or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a wastewater treatment plant, but not including satellite dish antennas, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

(Q1) Quarry.

An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

(R1) [RESERVED]

(R2) Redevelopment.

The demolition and reconstruction of a building.

(R3) Reclassification of land.

A change in the zoning district assigned to a lot through a public hearing before the City Council.

(R4) [RESERVED]

(R5) Religious institution.

A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, or dwelling, located on the same lot.

(R6) Research laboratory.

A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the principal site of a health institution or university.

(R7) Residential use.

Any detached, duplex, triplex, quadraplex, attached, or multifamily dwelling, manufactured home, mobile home, group home for up to six clients, boarding house, or dormitory.

(R8) Rest home. (See Nursing home.)

(R9) Restaurant.

An establishment designed, in whole or in part, to cater to or accommodate the consumption of food and/or beverages.

(R10) Restaurant, drive-in.

An establishment designed, in whole or part, to cater to or accommodate the consumption of food and/or beverages in motor vehicles on the premises of such establishment, or a restaurant with a drive-in service window and/or outdoor service window having indoor seating accommodation for fewer than 50 patrons.

(R11) Retail establishment.

A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

(R12) Riding academy.

A facility which provides lessons on horseback riding on a non-profit or for profit basis.

(R13) Road. (See Street.)

(R14) Rooming house. (See Boarding house.)

(R15) Runway.

That paved or unpaved area of an airport designated for the landing and taking-off of aircraft.

(S1) Sanitary landfill.

A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse as defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

(S2) Saw mill.

A mechanized facility for cutting logs into lumber that is suitable for building or for carpentry.

(S3) Schools. (See Elementary and secondary schools and Vocational schools.)

(S4) Screening.

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. Screening may be located on the property line or elsewhere on the site.

(S5) Service station. (See Automobile service station.)

(S6) Setback, established.

The distance between the right-of-way line and the front building line of a principal building or structure, as constructed, projected to the side lines of the lot.

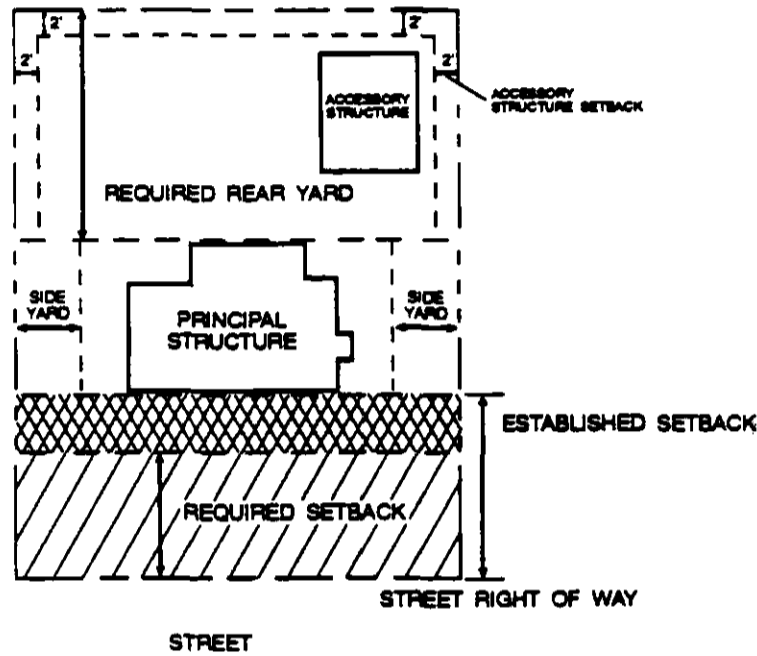
PART 2: DEFINITIONS

SEC. 2.201.

(S7) Setback, required.

The minimum distance required by this ordinance between the street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot. In the case of a through lot, a required setback also will be measured from the right-of-way line at the rear of the lot to the rear building line. In the UMUD and Neighborhood Service districts, the setback is measured from the back of the curb to the building line.

SETBACK, Established and Required



(S8) Shopping center.

A group of two or more retail establishments or restaurants constructed and planned and developed with a unified design of buildings with associated out parcels and coordinated parking and service areas in accordance with the requirements of Chapter 9 for the zoning district in which it is located.

(S9) Shrubs.

Woody branching plants of relatively low height.

(S10) Sign.

Any object, device, or structure, or part thereof, situated outdoors which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product; or scoreboards located on athletic fields.

(S11) Significant tree.

A tree with a caliper of 8 inches or greater.

(S12) Site plan.

A plan, prepared to scale, showing accurately all information required by these regulations with respect to the development proposal.

(S13) Small maturing trees.

A tree the height of which is less than 35 feet at maturity and has a minimum  $1\frac{1}{2}$  inch caliper at the time of planting and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurseryman.

(S14) Solid waste.

Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

- (a) Fowl and animal fecal waste;
- (b) Solid or dissolved material in any of the following:
  - (1) Domestic sewage and sludges generated by the treatment thereof in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters,

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SEC. 2.201.

- (2) Irrigation return flows; or
- (3) Wastewater discharges and the sludges incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.) and permits granted under G.S. 143-215.1 by the Environmental Management Commission;
- (c) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
- (d) Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E-1 through 104E-23); or
- (e) Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 through 74-68), and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).

(S15) Stable, boarding.

A building in which horses are kept for commercial use including boarding, hire, sale or show.

(S16) Stable, private.

An accessory building or parcel of land where horses are kept for private use and not for remuneration, hire or sale.

(S17) Stadium.

A structure or facility designed, intended, or used primarily for outside and/or inside athletic events or other performances and containing seating for spectators of those events, but not including a raceway or dragstrip.

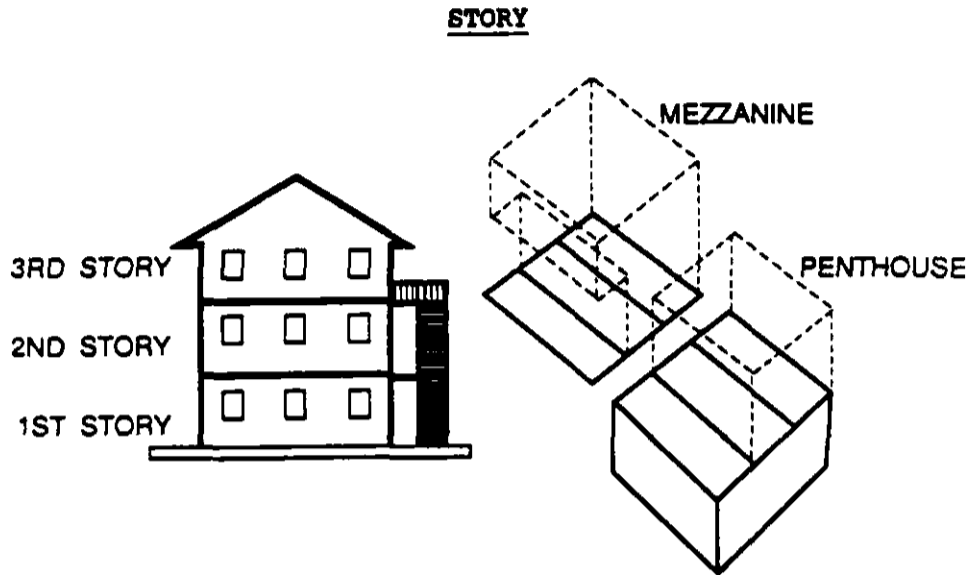
(S18) Storm Drainage Design Manual.

The most recent edition of the manual developed and published by the City Engineering Department setting forth standard details for the design and construction of stormwater management systems.



**(S19) 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 a roof.

**(S20) Street.**

A public right-of-way or fee simple tract of land not less than 30 feet in width, set aside for public travel, which has been accepted for maintenance by the City of Charlotte or the State of North Carolina, has been established as a public street prior to the effective date of these regulations, or has been dedicated to the City of Charlotte or the State of North Carolina for public travel by the recording of a subdivision plat.

**(S21) Street, collector (Class V).**

A roadway which assembles traffic from local streets and distributes it to the nearest arterial street, providing direct primary access to low/medium density land uses and designed to carry low to moderate traffic volumes at low to moderate speeds.

(S22) Street, commercial arterial (Class III-C).

A multi-lane, major roadway connecting Class I or II roads with lesser streets in the network or connecting this region to other regions. It is designed to accommodate large volumes of traffic at moderate speeds while also providing, as a major part of its function, direct access to nonresidential high trip generating land uses. A Class III-C road may be part of state primary or secondary highway systems.

(S23) Street, freeway or expressway (Class I).

A multi-lane, grade-separated limited access major road connecting this region, major activity centers, or major roads with other regions, major activity centers, or major roads and designed to accommodate large traffic volumes at high speeds. Such a facility may be part of the interstate, federal, or state primary highway system. A class I road will be built to or approaching interstate design standards.

(S24) Street, limited access arterial (Class II).

A multi-lane limited access major road connecting major activity centers or major roads and designed to accommodate large volumes of traffic at moderate speeds. Intersections are at grade, with access only at cross streets rather than at individual driveways. All types of land uses are acceptable along this road with proper consideration to environmental stresses related to the road.

(S25) Street line.

The outer boundary of a street right-of-way.

(S26) Street, local (Class VI).

A two-lane roadway which provides access directly to adjoining low/medium density land uses and conducts traffic to local limited and Class V streets which serve the area. The Class VI road is designed to accommodate low volumes of traffic at low speeds. A local limited street (Class VI-L) serves the same system function as the Class VI street but is located in residential environments which have been created through special conditions or design considerations. These unique environments include planned developments and other similar techniques or cul-de-sac streets in conventional subdivisions. A Class VI-L street may not provide vehicular access to elementary, junior or senior high schools, colleges or official sites for such schools or to proposed places of public assembly, including public or private parks, recreation facilities or greenways.

(S27) Street, major arterial (Class III).

A multi-lane major roadway connecting Class I, II or III with lesser streets in the network or connecting the region to other regions. It is designed to accommodate large volumes of traffic at moderate speeds, but it is not intended to provide primary access to adjoining high trip generating uses.

(S28) Street, minor arterial (Class IV).

A roadway, frequently two lanes, providing a connection from Class II and Class III roads to other lesser roads in the system and designed to accommodate moderate volumes of traffic at moderate speeds. It does not have a significant function in connecting different regions and, therefore, it usually only handles trips for short to moderate distances.

(S29) Street, private.

An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to private residences, to parking and service areas and which is not maintained by the public.

(S30) Structure.

Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and other accessory construction.

(T1) Thoroughfare.

Any street designated on the adopted Thoroughfare Plan, or any street which is an extension of any street on the adopted Thoroughfare Plan. The words thoroughfare and arterial are used synonymously and indicate streets which are designed as Class I, II, III, III-C, or IV.

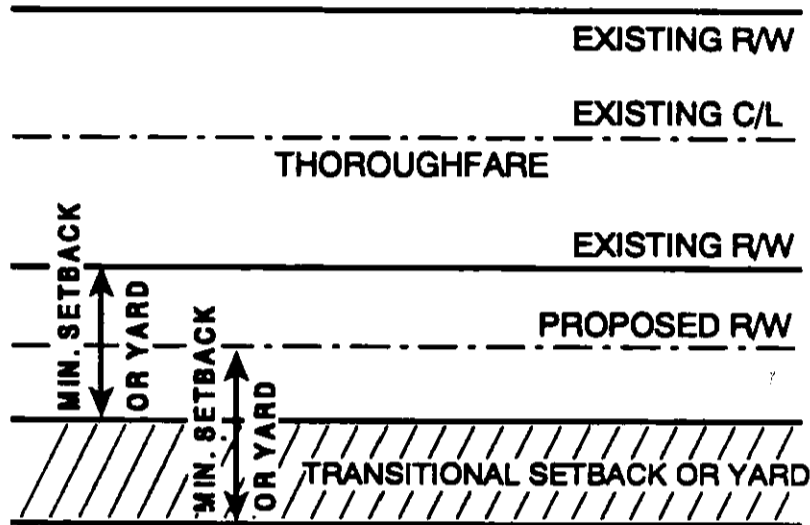
(T2) Thoroughfare Plan.

The most recent map approved by the City Council and the Board of County Commissioners which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation. The words thoroughfare plan and arterial street plan are used interchangeably.

(T3) Transitional setback or yard.

That area, if any, along a thoroughfare which lies between (a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the proposed right-of-way line. There will be no transitional setback or yard when the existing street right-of-way line and the proposed right-of-way line are the same or when the existing right-of-way width exceeds the proposed right-of-way width.

TRANSITIONAL SETBACK OR YARD



(U1) University, college and junior college.

A use, whether privately-owned or publicly-owned, providing education beyond the high school level.

(V1) Vocational school.

A use, whether privately-owned or publicly-owned, that trains persons in specific trades or occupations such as mechanics, stenography, or similar occupations.

(W1) Warehouse.

The indoor storage of goods, materials, or merchandise for shipment to or processing on other property.

(W2) Wastewater treatment facility.

A facility operated by a licensed utility, in compliance with all applicable State and City regulations, intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than four dwelling units or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to four dwelling units.

(W3) Wholesale establishment.

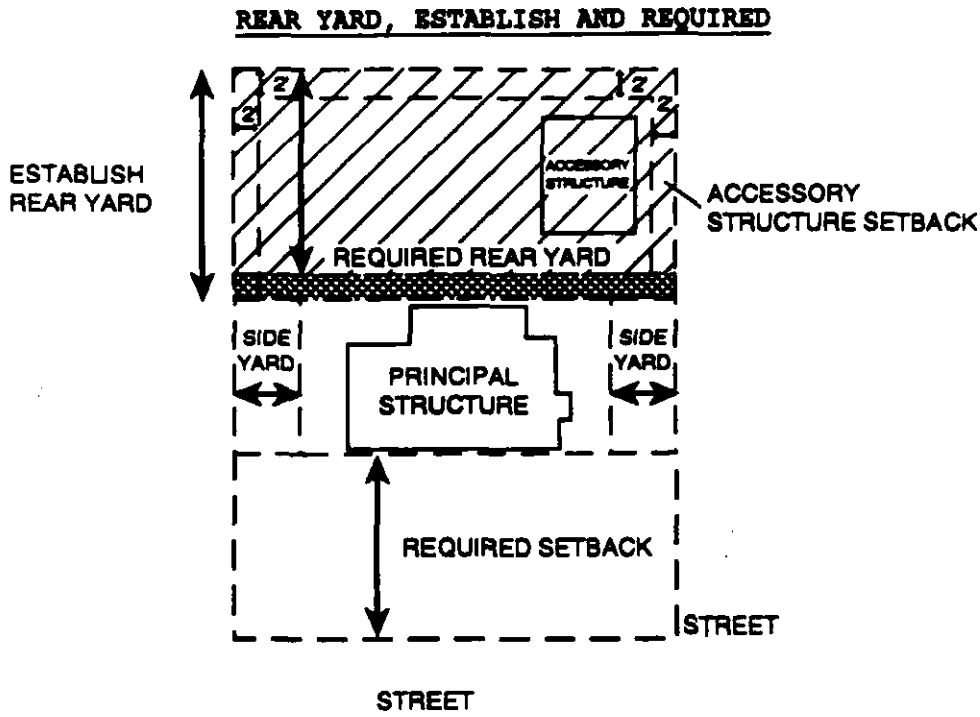
A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

(W4) Working day.

Any day on which the offices of a City agency are officially open, not including Saturdays, Sundays, and other holidays designated by the City Council.

(Y1) Yard, rear required.

The minimum distance required by this ordinance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

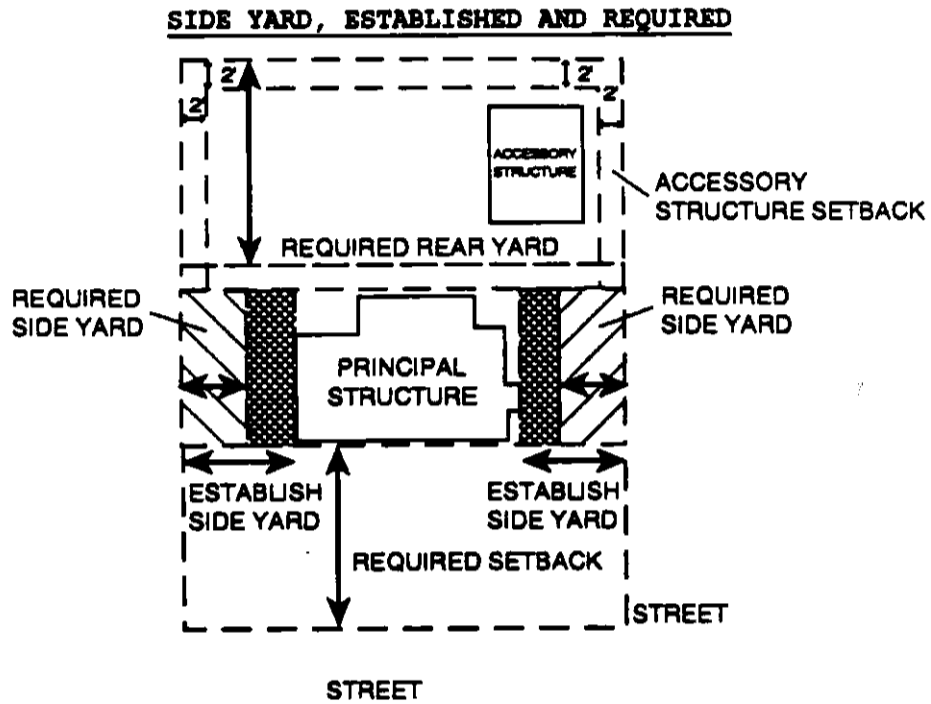


(Y2) Yard, rear, established.

The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

(Y3) Yard, side, required.

The minimum distance required by this ordinance between the side lot line and the side building line, extending from the established setback to the established rear yard. If no setback is required, the side yard shall be defined as extending from the street line to the rear yard.



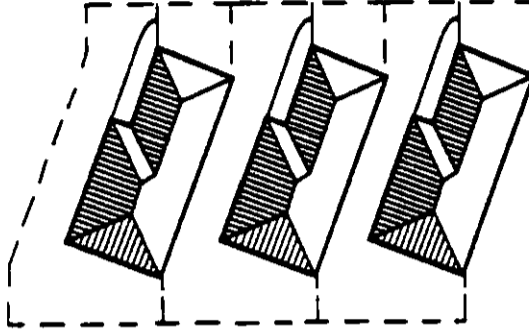
(Y4) Yard, side, established.

The distance between the side lot line and the side building line, extending from the established setback to the established rear yard. If no setback is required, the side yard shall be defined as extending from the street line to the established rear yard.

(Z1) Zero lot line.

The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

ZERO LOT LINE



(Z2) Zoning Administrator.

The employee of the Mecklenburg County Building Standards Department charged with overseeing the administration and enforcement of these regulations or his or her designee.

CHAPTER 3:

DECISION-MAKING AND ADMINISTRATIVE BODIES

PART 1: CITY COUNCIL

Section 3.101. Powers and duties.

The City Council shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To initiate and make amendments to the text of these regulations and to the Zoning Maps.
- (2) To hear, review, and adopt or reject amendments to the text of these regulations and to the Zoning Maps.
- (3) To take such other action not delegated to the Planning Commission or Board of Adjustment as the City Council may deem desirable and necessary to implement the provisions of these regulations.

PART 2: PLANNING COMMISSION

Section 3.201. Powers and duties.

The Planning Commission shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To initiate, review, and make recommendations to the City Council regarding amendments to the text of these regulations and to the Zoning Maps.
- (2) To review the progress of development allowed under the terms of a reclassification of property.
- (3) To adopt such rules of procedure necessary for the administration of its responsibilities not inconsistent with these regulations.

Section 3.202. Membership; officers.

Members and officers of the Planning Commission shall be appointed and removed in accordance with the Interlocal Cooperation Agreement made and entered into as of July 2, 1984, between the City of Charlotte and the County of Mecklenburg, as it may be amended from time to time.



**Section 3.203. Meetings, hearings, and procedures.**

- (1) All meetings and hearings shall be open to the public as required by law and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the Planning Commission in accordance with these regulations and in accordance with the Interlocal Cooperation Agreement of July 2, 1984, as it may be amended from time to time.
- (2) Any rules of procedure adopted by the Planning Commission shall be kept on file by the Planning Commission.
- (3) No meeting or business shall be conducted by the Planning Commission without a quorum, as defined for the Planning Commission and its committees by the Interlocal Cooperation Agreement of July 2, 1984, as it may be amended from time to time.
- (4) In the event that a quorum is not present at any meeting of the Planning Commission, the meeting shall be rescheduled by the Chairman to a date certain, as soon as is practical and in accordance with applicable rules of the Commission.
- (5) The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating the fact that a member is absent or is excused from voting under the rules of the Commission, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Planning Commission as public records.

**Section 3.204. Staff.**

The staff for the Planning Commission shall be provided in accordance with the Interlocal Cooperation Agreement made and entered into as of July 2, 1984, between the City of Charlotte and the County of Mecklenburg, as it may be amended from time to time.

**PART 3: BOARD OF ADJUSTMENT**

**Section 3.301. Powers and duties.**

The Zoning Board of Adjustment shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To hear and decide appeals from and to review any specific order, requirement, decision, or determination made under these regulations by the Zoning Administrator.
- (2) To hear and decide petitions for variances from these regulations in accordance with the provisions of Section 5.108.
- (3) To adopt such rules of procedure necessary for the administration of its responsibilities not inconsistent with these regulations.
- (4) To assume any other duties assigned by the City Council.
- (5) The Board of Adjustment shall not have jurisdiction with respect to Section 6.201 Conditional Districts. The process identified in Section 6.201 Conditional Districts, is the only process available for any changes or amendments to approve conditional districts. The Board of Adjustment shall only have jurisdiction with respect to conditional districts if the request pertains to a variance from specified minimum requirements of the zoning ordinance and is filed with the Board prior to the approval of a conditional district. At no time shall the Board of Adjustment have authority to consider a variance relating to signs in a conditional district.

**Section 3.302. Membership; officers.**

Members and officers of the Zoning Board of Adjustment shall be appointed and removed in accordance with the City Council procedures.

**Section 3.303. Meetings, hearings and procedures.**

- (1) All meetings and hearings shall be open to the public as required by law and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the Board of Adjustment in accordance with these regulations.
- (2) Any rules of procedure adopted by the Board of Adjustment shall be kept on file at the office of the Zoning Administrator, and a current copy or synopsis of such rules shall be provided to each appellant or applicant at the time of filing a notice of appeal or variance application.
- (3) No meeting, hearing, or action shall be conducted by the Board of Adjustment without a quorum, as defined for the Board of Adjustment rules of procedure.

- (4) The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating the fact that a member is absent or is excused from voting under the rules of the Board of Adjustment, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Zoning Administrator as public records.
- (5) The concurring vote of majority of the members of the Board of Adjustment is required to reverse or modify any other, requirement, decision, or determination made by the Zoning Administrator or to grant a variance from the requirements of these regulations.

**Section 3.304. Staff.**

The staff for the Board of Adjustment shall be provided by the Zoning Administrator.

**PART 4: HISTORIC DISTRICT COMMISSION**

**Section 3.401. Powers and duties.**

The Historic District Commission shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to the following:

- (1) To hear, review, and decide on applications for certificates of appropriateness under Chapter 10, Part 2.
- (2) To develop guidelines for development within designated historic districts.

**Section 3.402. Membership; officers.**

Members and officers of the Historic District Commission shall be appointed and removed in accordance with the Interlocal Cooperation Agreement made and entered into as of the effective date of this ordinance between the City of Charlotte and the County of Mecklenburg, as it may be amended from time to time.

**PART 4: HISTORIC DISTRICT COMMISSION**

**SEC. 3.403.**

**Section 3.403. Meetings, hearings, and procedures.**

- (1) All meetings and hearings shall be open to the public as required by law and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the Historic District Commission in accordance with these regulations and in accordance with the Interlocal Cooperation Agreement entered into as of the effective date of these regulations, as it may be amended from time to time.
- (2) Any rules of procedure adopted by the Historic District Commission shall be kept on file at the office of the Historic District Commission.
- (3) No meeting, hearing, or action shall be conducted by the Historic District Commission without a quorum, as defined for the Historic District Commission by the Interlocal Cooperation Agreement entered into as of the effective date of these regulations, as it may be amended from time to time.
- (4) In the event that a quorum is not present at any meeting of the Historic District Commission, the meeting shall be rescheduled by the Chairman to a date certain as soon as is practical and in accordance with applicable rules of the Historic District Commission.
- (5) The Historic District Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating the fact that a member is absent or is excused from voting under the rules of the Historic District Commission, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Historic District Commission as public records.

**Section 3.404. Staff.**

Staff for the Historic District Commission shall be provided in accordance with the Interlocal Cooperation Agreement made and entered into as of the effective date of this ordinance between the City of Charlotte and the County of Mecklenburg, as it may be amended from time to time.

PART 5: PROFESSIONAL STAFF

**Section 3.501. Planning Commission Staff; powers and duties.**

In addition to any authority granted to the staff of the Charlotte-Mecklenburg Planning Commission by other laws and ordinances, the Planning Director and the employees under his or her control shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To serve as staff to the City Council, and the Planning Commission, with regard to their functions under these regulations, and to inform such bodies of all facts and information at their disposal with respect to applications for amendments to the text of these regulations, and amendments to the Zoning Maps, the preparation, adoption, and updating of land use plans, or any other matters brought before them.
- (2) To maintain the text of these regulations and the Zoning Maps.
- (3) To maintain development review files and other public records related to the administration and enforcement of these regulations.
- (4) To review applications for building permits in parallel conditional districts and conditional districts filed under these regulations.
- (5) To recommend and comment on proposed amendments to these regulations and to the Zoning Maps.
- (6) To establish such rules of procedure as are necessary and proper for the administration of their responsibilities under these regulations.

**Section 3.502. Building Standards Department; powers and duties.**

In addition to any authority granted to the Building Standards Department by other laws and ordinances, the Zoning Administrator and the employees under his or her control shall have the following powers and duties, to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To enforce the provisions of these regulations and conduct inspections.
- (2) To distribute applications for building permits and certificates of occupancy as required by these regulations.

- (3) To review for zoning compliance with these regulations all applications for building permits, certificates of occupancy and all rezoning petitions.
- (4) To serve as staff to the Zoning Board of Adjustment with regard to its function under these regulations and inform such body of all facts and information at its disposal with respect to appeals and variances, or any other matter brought before it under these regulations.
- (5) To maintain development review files and other public records related to the administration and enforcement of these regulations.
- (6) To inform applicants in order to facilitate and expedite their compliance with the requirements of these regulations.
- (7) To render interpretations of the provisions of these regulations and the district boundaries indicated on the Zoning Maps.
- (8) To determine the extent of damage or destruction of nonconforming uses and structures.
- (9) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.
- (10) To establish such rules of procedure as are necessary and proper for the administration of their responsibilities under these regulations.

**Section 3.503. Engineering Department; powers and duties.**

In addition to any authority granted to the Engineering Department by other laws and ordinances, the Engineering Department shall have the powers and duties, in accordance with these regulations, which include, but are not limited to, the following:

- (1) To review applications for building permits and rezoning petitions to determine compliance of the proposed development with City requirements for engineering, erosion control, and drainage.
- (2) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.

- (3) To determine street classifications not otherwise provided for in the subdivision ordinance in conjunction with the Charlotte Department of Transportation and Planning Director.

**Section 3.504. Utility Department; powers and duties.**

In addition to any authority granted to the Charlotte-Mecklenburg Utility Department by other laws and ordinances, the Charlotte-Mecklenburg Utility Department shall have the powers and duties in accordance with these regulations which include, but are not limited to, the following:

- (1) When requested, to review applications for rezoning petitions to evaluate the impact of proposed development on the demand for public water and sewer facilities intended to serve that development.
- (2) When requested, to review applications for building permits and rezoning petitions to determine compliance of any water and sewer facilities and improvements to be provided by the developer.
- (3) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with applicable standards and regulations.

**Section 3.505. Parks and Recreation Department; powers and duties.**

In addition to any authority granted to the Parks and Recreation Department by other laws and ordinances, the Parks and Recreation Department shall have the powers and duties, in accordance with these regulations, which include, but are not limited to, the following:

- (1) When requested, to review applications for rezoning petitions to evaluate the impact of the proposed development on the demand for public recreational lands and facilities intended to serve that development.
- (2) When requested, to review applications for building permits to determine the compliance of any public recreational lands and facilities to be provided by the developer with applicable standards and regulations.
- (3) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.

**PART 5: PROFESSIONAL STAFF**

**SEC. 3.506.**

**Section 3.506. Department of Health; powers and duties.**

In addition to any authority granted to the Health Department by other laws and ordinances, the Health Department shall have the powers and duties, in accordance with these regulations, which include, but are not limited to, the following:

- (1) To review applications for rezoning petitions to evaluate the impact of the proposed development on septic tank usage and public health.
- (2) When requested, to review applications for building permits to evaluate septic tank usage for compliance with applicable standards and regulations.
- (3) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.

**Section 3.507. Department of Environmental Protection; powers and duties.**

In addition to any authority granted to the Environmental Protection Department by other laws and ordinances, the Environmental Protection Department shall have the powers and duties, in accordance with these regulations, which include, but are not limited to, the following:

- (1) To review applications for rezoning petitions to evaluate the impact of proposed development on air quality, water quality, public water supplies, and the transportation and disposal of solid and hazardous wastes.
- (2) When requested, to review applications for building permits for compliance with applicable standards and regulations.
- (3) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.

**Section 3.508. Fire Department; powers and duties.**

In addition to any authority granted to the Fire Department by other laws and ordinances, the Fire Department shall have the powers and duties, which include, but are not limited to, the following:



- (1) When requested, to review applications for building permits and rezoning petitions to evaluate the proposed development's risk for fire hazards and accessibility for fire fighting equipment, to determine the compliance of water supplies with applicable standards and regulations to meet fire fighting needs, and to determine the compliance of any hydrants or other fire fighting equipment to be provided by the developer with applicable standards and regulations.
- (2) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.

**Section 3.509. Charlotte-Mecklenburg Schools Staff; powers and duties.**

In addition to any authority granted to the staff of the Charlotte-Mecklenburg Schools by other laws and ordinances, the Superintendent of Schools and the employees under his or her control shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to the following:

- (1) When requested, to review applications for rezoning petitions to evaluate the impact of the proposed development on the demand for school facilities.
- (2) When requested, to review building permits to determine the compliance of any school land or facilities to be provided by the developer with applicable standards and regulations.
- (3) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provision of these regulations.

**Section 3.510. Department of Transportation; powers and duties.**

In addition to any authority granted to the Charlotte Department of Transportation by other laws and ordinances, the Department of Transportation shall have the powers and duties, in accordance with these regulations, which include, but are not limited to, the following:

- (1) When requested, to review applications for building permits and rezoning petitions to determine whether the proposed development complies with the standards in these regulations regarding parking, loading and unloading, internal traffic circulation, and connections to public street rights-of-way.

**PART 5: PROFESSIONAL STAFF**

**SEC. 3.510.**

- (2) To evaluate the traffic generated by a proposed development and any improvements to be provided by the developer to ameliorate the impact of that traffic.
- (3) To determine street classifications not otherwise provided for in the Subdivision Ordinance in conjunction with the Engineering Department and Planning Director.
- (4) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.

## CHAPTER 4:

DEVELOPMENT APPROVALSection 4.101. General.

- (1) The forms of development approval governed by this Chapter concern uses permitted as of right, and uses permitted under prescribed conditions allowed in a zoning district under Chapters 9, 10, and 11.
- (2) Uses permitted by-right and uses permitted under prescribed conditions, and uses and structures accessory thereto, shall require a building permit and a certificate of occupancy.
- (3) Changes in the use of property shall require a certificate of occupancy.
- (4) The procedures and standards of this Chapter shall not apply to signs; rather, signs shall be subject to the permit requirements, procedures, and standards established in Chapter 13 of these regulations.
- (5) Appeals from administrative decisions rendered under this Chapter shall be governed by Chapter 5.
- (6) Variances from these regulations to allow a person to receive approval under this Chapter shall be governed by Chapter 5.
- (7) Amendments to the text of these regulations and to the Zoning Maps, including the reclassification of property to a conditional district or a parallel conditional use district, shall be governed by Chapter 6.

Section 4.102. Building permit required.

- (1) It is illegal for any person to begin the construction, reconstruction or demolition of a structure or any part of a structure, or to begin to excavate a structure, or to make any structural repairs, alterations, or additions to any structure, or to commence construction of any paved area, which will result in an area of more than twenty thousand square feet of impervious cover, without obtaining a building permit from the Director of Building Standards.

- (2) The Director of Building Standards will not issue a building permit unless the plans, specifications, and intended use of the structure conform to the requirements of these regulations. The application for a building permit must be accompanied by information sufficient to allow the Director of Building Standards to act on the request and be filed in the office of Director of Building Standards accompanied by a fee established by the City Council.

**Section 4.103. Certificate of occupancy required.**

It is illegal for any person to occupy or use any land, building, or structure or change the use of any land, building, or structure, except for land used for agricultural purposes, without first obtaining a certificate of occupancy.

**Section 4.104. Zoning review.**

- (1) The Zoning Administrator shall conduct reviews and make approvals of zoning compliance under these regulations for the issuance of building permits, certificates of occupancy, sign permits and zoning use permits.
- (2) For uses which are subject to parallel conditional zoning or the conditional district approval, the Zoning Administrator shall forward a copy of the building permit application and site plan to the Planning Director and shall consult with the Planning Director before issuing an approval.

## CHAPTER 5:

APPEALS AND VARIANCESSection 5.101. Authority of City of Charlotte.

- (1) The Board of Adjustment shall have the authority to hear and decide appeals from and to review any specific order, requirement, decision, or determination made under these regulations by the Zoning Administrator.
- (2) The Board of Adjustment shall have the authority to hear and decide petitions for variances from the requirements of these regulations which relate to uses of land or the establishment, extension, or use of structures.
- (3) The Board of Adjustment shall have the authority to impose reasonable conditions and safeguards that the Board judges ought to be made on the lot involved with respect to the uses of land or the establishment, extension, or use of structures.
- (4) The Board of Adjustment shall not have jurisdiction with respect to Section 6.201 Conditional Districts. The process identified in Section 6.201 Conditional Districts, is the only process available for any changes or amendments to approved conditional districts. The Board of Adjustment shall only have jurisdiction with respect to conditional districts if the request pertains to a variance from specified minimum requirements of the zoning ordinance and is filed with the Board prior to the approval of a conditional district. At no time shall the Board of Adjustment have authority to consider a variance relating to signs in a conditional district.

Section 5.102. Initiation of an appeal or variance.

- (1) An appeal must be initiated by any person aggrieved or by any officer, department, board, or bureau of the City of Charlotte or Mecklenburg County.
- (2) A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

**Section 5.103. Filing of notice of appeal.**

- (1) A notice of appeal, in the form prescribed by the Board of Adjustment, shall be properly filed by a person aggrieved with the Zoning Administrator contesting the specific order, requirement, decision, or determination within 60 days of the day the order, requirement, decision, or determination is made or rendered by the Zoning Administrator. Such period for appeal shall be provided for in the Board of Adjustment rules of procedure. The notice filed with the Zoning Administrator shall be accompanied by a nonrefundable filing fee as established by the City Council. Failure to timely and properly file such notice and fee shall constitute a waiver of any rights to appeal under this Chapter and the Board of Adjustment shall have no jurisdiction to hear the appeal.
- (2) Upon the filing of such notice, the Zoning Administrator shall forthwith transmit to the Board of Adjustment all administrative papers, records, and other information regarding the subject matter of the appeal.
- (3) Except as provided below, the filing of such notice shall stay all proceedings in furtherance of the action being appealed. The Zoning Administrator may certify in writing to the Board of Adjustment that due to facts stated in the certificate, a stay imposes an imminent peril to life or property or that because the violation charged is transitory in nature, a stay would seriously interfere with the enforcement of these regulations. The Board of Adjustment shall then review such certificate and may override the stay of further proceedings. A court of record may also issue a restraining order staying proceedings.

**Section 5.104. Filing of variance petition.**

A petition for variance, in the form prescribed by the Board of Adjustment, shall be filed with the Zoning Administrator, accompanied by a nonrefundable filing fee as established by the City Council.

**Section 5.105. Determination of completeness.**

A notice of appeal or a variance petition will not be deemed properly filed unless it is complete. Upon proper filing, the Board of Adjustment shall schedule the appeal or variance for a hearing.

**Section 5.106. Staff review.**

After proper filing of a completed variance petition or notice of appeal application by the Zoning Administrator, the petition or application shall be reviewed by the Zoning Administrator. A copy of an appeal or variance petition shall be transmitted to the Planning Director for informational purposes.

**Section 5.107. Notice and hearing.**

The Board of Adjustment shall, in accordance with rules adopted by it for such purpose, hold public hearings on any appeal or variance petition which comes before it.

**Section 5.108. Standards for granting a variance.**

- (1) Before granting a variance, the Board of Adjustment shall find:
  - (a) That practical difficulties or unnecessary hardship would result from the strict application of these regulations; and
  - (b) That the spirit of these regulations should be observed by taking into consideration the general intent of these regulations. The Zoning Board of Adjustment may also consider any adopted district plan or area plan covering the property, any other adopted written policies governing land development and the construction and improvement of public facilities; and
  - (c) That the public safety and welfare have been protected and substantial justice done.
- (2) The Board of Adjustment shall 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 or expansion of a nonconforming use, or would change the district boundary, or zoning classification of any or all of the subject property. Except under circumstances described in subsection (3) below, the Board of Adjustment shall not grant a variance.
- (3) Only the following three conditions shall constitute a practical difficulty or unnecessary hardship and all must be met:
  - (a) The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; and

- (b) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties in the same neighborhood and/or used for the same purposes; and
- (c) The difficulty or hardship resulting from the application of these regulations would prevent the owner from securing a reasonable return or making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.

**Section 5.109. Standards for granting an appeal.**

- (1) The Board of Adjustment shall reverse or modify the specific order, requirement, decision, or determination under appeal only upon finding an error in the application of these regulations on the part of the officer rendering the order, requirement, decision, or determination.
- (2) In affirming, reversing, or modifying the order, requirement, decision, or determination, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

**Section 5.110. Action by the Board of Adjustment.**

- (1) The Board of Adjustment shall grant or deny the variance or shall reverse, affirm, or modify the order, decision, requirement, or determination under appeal. The Board of Adjustment shall make findings of fact and conclusions of law to support its decision.
- (2) If any aggrieved party wishes to receive a written copy of the decision of the Zoning Board of Adjustment, then the aggrieved party, as stated in G.S. Sec. 160A-388(e), must file a written request for a copy of the Board's decision with the Secretary or Chairperson of the Zoning Board of Adjustment at the time of the hearing of the case.

**Section 5.111. Effect of grant of variance or reversal or modification of administrative decision.**

After the Board of Adjustment approves a variance, or reverses or modifies an order, requirement, decision, or determination, of the Zoning Administrator, the appellant or petitioner shall be required to follow the applicable procedures of Chapter 4 for the approval of a building permit and certificate of occupancy in order to proceed with development of the subject property.



All orders, requirements, decisions, and determinations made by the Zoning Administrator under those procedures shall be consistent with the variance, reversal, or modification granted to the appellant or petitioner by the Board of Adjustment.

**Section 5.112. Rehearing.**

The Board of Adjustment may rehear an appeal or variance petition that has been denied at any time after two years from the date of the denial. Prior to that two year period, the Board of Adjustment shall refuse to rehear an appeal or variance petition unless it finds that there have been substantial changes in the conditions or circumstances relating to the subject property beyond the control of the appellant or petitioner or in the surrounding area or other extraordinary change.

**Section 5.113. Appeal from Board of Adjustment.**

- (1) If no aggrieved party files a written request for a copy of the decision at the time of the hearing of the case, then any petition for a review of the Board's decision in the nature of certiorari by Superior Court must be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board of Adjustment is filed in the Charlotte-Mecklenburg Building Standards Department. Upon the filing of the decision in the Building Standards Department, the Zoning Administrator will make a notation on the filed decision stating the date upon which the decision has been filed.
- (2) If any aggrieved party has filed a written request for a copy of the decision at the time of the hearing of the case, as stated in G.S. Sec. 160-388(e), then a decision of the Board may be delivered to that aggrieved party either by personal service or by registered or certified mail with return written receipt requested.
- (3) Any aggrieved party, who has filed a written request for a copy of the decision at the time of the hearing of the case, will have thirty (30) days from receipt of the decision of the Board of Adjustment to file the petition for review in the nature of certiorari in Superior Court with the Clerk of Superior Court, or will have thirty (30) days from the date of the filing of the decision in Building Standards Department, by the Zoning Administrator, as stated above in Subsection (1), whichever is later.

CHAPTER 6:

AMENDMENTS

PART 1: PROVISIONS OF GENERAL APPLICABILITY

Section 6.101. Purpose.

The purpose of this Chapter is to provide a means for amending the text of these regulations and the classification of any parcel of land identified on the Official Zoning Maps. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments (i) necessary in light of changed conditions or changes in public policy, or (ii) likely to achieve the purposes of these regulations.

Section 6.102. Authority.

Upon compliance with the provisions of this Chapter, the City Council shall have the authority to amend or repeal the text of these regulations and the classification of any parcel of land, as indicated on the Official Zoning Maps.

Section 6.103. Initiation.

- (1) Any amendment, except for the reclassification of property to a conditional use district or parallel conditional use district, may be initiated by the City Council or Planning Commission on its own motion, or by any owner of a legal interest in the property, anyone else authorized in writing to act on the owner's behalf, or by any non-owner in accordance with the procedures set forth below.
- (2) An amendment for the reclassification of property to a conditional use district or parallel conditional use district may be initiated only by the owner of a legal interest in the affected property, any person having an interest in the property by reason of a written contract with owner, or an agent authorized in writing to act on the owner's behalf.

- (3) When considering a petition for the reclassification of property to any district other than a parallel conditional use district, the Planning Commission and the City Council shall not evaluate the petition based on any specific proposal for the use or development of the affected property and the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development except for those which would apply to any use permitted in the requested district.
- (4) A text amendment to these regulations may be initiated by any person.

**Section 6.104. Preliminary meeting with staff.**

Before filing a petition for the reclassification of property under Section 6.105, the petitioner shall meet with the Planning Commission staff to discuss the nature of the proposed reclassification, the standards for development under the existing and proposed classifications, and concerns that persons residing in the vicinity of the property may have regarding the proposed reclassification, if known.

**Section 6.105. Filing of petitions.**

- (1) A petition for reclassification of property or text amendment must be in a form prescribed by the Planning Commission and accompanied by the fee established by the City Council, and shall be filed with the Planning Director.
- (2) No application for reclassification of property will be accepted until it is complete. A decision by the Planning Director or his or her designee that an application is incomplete may be appealed to the Planning Commission. A decision by the Planning Commission that an application is incomplete may be appealed to the City Council.

**Section 6.106. [RESERVED]**

**Section 6.107. Staff review.**

- (1) The Planning Director shall review the proposed amendment.

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- (2) The Planning Director shall deliver copies of the proposed amendment to other appropriate agencies including, but not limited to, the Building Standards Department, Engineering Department, Health Department, Department of Environmental Protection, Parks and Recreation Department, Transportation Department, Utilities Department, Charlotte-Mecklenburg Schools Staff and Fire Department.
- (3) The Planning Director, based on the Planning Commission staff's review of the proposed amendment and incorporating or summarizing the reports of other agencies, shall deliver to the Planning Commission and City Council, prior to the scheduled hearing, a written report and recommendation setting forth whether the amendment should be granted or denied and the reasons for such recommendation.

Section 6.108. Withdrawal and amendment of petition.

- (1) A petition filed under Section 6.105 may be withdrawn by the petitioner at any time up to adoption of a resolution by City Council scheduling the date of the hearing for the petition. After that time, the petitioner may file a request to withdraw the petition with the Planning Director. The City Council shall decide, on the date scheduled for the hearing, whether to allow the withdrawal.
- (2) It is generally not the intent of this Section to permit the withdrawal of petitions after the resolution date scheduling the public hearing. The City Council may approve a request for withdrawal after the resolution date only if it decides that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition. Withdrawal is a matter of discretion with the City Council and not a matter of right. The City Council will not permit the 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 voters required for approval of the rezoning. Any petition for which a protest petition has been invoked shall not be allowed to be withdrawn, except pursuant to an order of the court.

- (3) The petitioner shall not be allowed to amend the petition after a public hearing has been scheduled for the petition unless such an amendment to the petition is submitted to the Planning Director no later than three weeks prior to the scheduled public hearing. No changes to the petition shall be accepted in the intervening weeks prior to the hearing. Also, no changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, Planning Commission, City Council, and other interested parties may be considered by the City Council at the time of their hearing, if any changes are offered.
- (4) The Planning Commission, upon reviewing any proposed amendments after a public hearing, must first evaluate whether an amendment is substantial enough to require recommending another public hearing. The City Council may, at its discretion, schedule the amended petition for a new public hearing, preceded by the notice required in Section 6.109.
- (5) If the Planning Commission deems any proposed amendment to be a change but not requiring another public hearing of the petition, it may defer action on the petition for at least 30 days in order for staff and other interested parties to have the opportunity to review and comment on the amendment to the petition. After the deferral or new public hearing, the Planning Commission may then consider the amended petition and forward its recommendation to the City Council and other interested parties.

If the petitioner wishes to again amend the petition after the Planning Commission's recommendation and prior to a vote by the City Council, then prior to the time of the vote, the Council shall refer the petition as amended by the petitioner to the Planning Commission for additional review unless the City Council, by a three-fourths (3/4) vote of all members present except members properly excused from voting, determines that the nature of the modification is such that the Planning Commission review is not necessary.

**Section 6.109. Notice of hearing.**

Notice of all public hearings required under this Chapter shall be in accordance with the North Carolina General Statutes and rules and procedures adopted by the City Council.

**Section 6.110. Hearing.**

- (1) No amendment shall be adopted until after the City Council has held a public hearing on the proposed amendment.

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- (2) The hearing shall be conducted in accordance with rules and procedures adopted by City Council.
- (3) No proposed amendment shall be approved until the Planning Commission has made its recommendations, or 30 days after the public hearing, whichever shall first occur. If the Planning Commission does not make a recommendation within 30 days after the petition has been referred to it, then the Planning Commission shall be considered to have made a favorable recommendation, unless action was taken to defer.

Section 6.111. Action by City Council.

- (1) The City Council, after receiving the report and recommendation of the Planning Commission, shall consider the reports and recommendations of the Planning Commission, the Planning Commission staff, and other departments. Within a reasonable time the City Council shall either reject the proposed amendment or adopt an ordinance enacting the proposed amendment with or without modifications.
- (2) In considering any petition to reclassify property, the City Council may consider, although not required to, the following:
  - (a) Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of the adopted "Generalized Land Plan" and any amendment to that plan through an adopted district or area plan covering the subject property;
  - (b) Whether the proposed reclassification is compatible with the overall character of existing development in the immediate vicinity of the subject property;
  - (c) The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater treatment and garbage services; and
  - (d) Whether the proposed reclassification will adversely affect a known archaeological, environmental, historical, or cultural resource.

- (3) In approving an amendment to reclassify property to a district other than a conditional use or parallel conditional use district, or with the consent of the petitioner in the reclassification to a conditional use or parallel conditional use district, the City Council may change the existing classification of the property, or any part of the property covered by the petition, to the classification requested, to a classification or classifications between the existing and the requested classifications, or to any higher classification in the hierarchy of zoning districts established in Section 9.102. This action may occur without the withdrawal or modification of the petition or further public hearings.

In the case where a petitioner requests a text amendment, the City Council may modify any proposed text amendment upon adoption of an ordinance enacting the amendment without the withdrawal or modification of the petition or further public hearings.

**Section 6.112. Effect of denial of petition.**

- (1) A petition for the reclassification of property or amendments to the text of these regulations that has been denied in whole or in part, or approved to a classification other than the one originally requested, shall not be resubmitted within two years of the date of the City Council's action on the original petition, except as permitted in subsection (2) below. However, nothing in this subsection can be deemed to preclude seeking a lower classification in the hierarchy of zoning districts established in Section 9.102 than the district previously requested.
- (2) The City Council may allow resubmission of the petition within the two-year time frame if it determines that, since the date of action on the prior petition, one or more of the following guidelines have been met:
- (a) There has been a similar or more intensive change in the zoning district classification of an adjacent property;
  - (b) The City Council has adopted a public policy plan, including area plan, district plan or transportation plan that changes public policy regarding how the property affected by the amendment should be developed.
  - (c) Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred to serve the property and which infrastructure can accommodate the intensity of development allowed under the proposed classification; or

- (d) There has been some other substantial change in conditions or circumstances which justifies waiver of the two-year restriction on a new petition; this shall not include a change in the ownership of the subject property or, in the case of a petition for reclassification to a conditional use or parallel conditional use district, a change in the scale or features of the development proposed in the prior petition.
- (3) The City Council shall receive a report from the Planning Commission containing its recommendations on resubmission of the petition.
- (4) Any petition allowed by the City Council under subsection (2) above must be reviewed and approved in accordance with the procedures and standards required under this chapter for the review of proposed amendments.

**Section 6.113. Protest petitions.**

- (1) In the event that the City Council receives a petition protesting any reclassification of property, and signed by the owners of 20 percent or more, either of the area of the lots included in a proposed amendment, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots, the amendment shall become effective only upon an affirmative vote of three-fourths (3/4) of the members of the City Council, including the Mayor, who are not excused from voting. The protest petition shall include the signature and address of each protesting property owner and a map showing the location of the property of each owner signing the protest petition in relation to the property which is the subject of the amendment being protested.
- (2) The protest petition shall be filed with the Clerk of the City Council, in a form prescribed by the Clerk, at least three full working days before the scheduled date of the public hearing on the proposed amendment to allow sufficient time to determine the sufficiency and accuracy of the protest petition. [For example, a petition must be filed by the close of business on Tuesday for a hearing taking place the following Monday.]



**PART 2: SPECIAL PROVISIONS FOR  
CONDITIONAL REZONINGS**

**SEC. 6.201.**

**PART 2: SPECIAL PROVISIONS FOR CONDITIONAL REZONINGS**

**Section 6.201. Conditional use and parallel conditional use districts;  
purpose.**

- (1) The conditional rezoning process allows particular uses to be established, but only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted "Generalized Land Plan", and adopted district and area plans. The review process established in this part provides for the accommodation of such uses by a reclassification of property into a "parallel conditional use district" or into one of the "conditional use" districts identified in Chapter 11, subject to specific conditions which ensure compatibility of the use with the use and enjoyment of neighboring properties.
- (2) The "conditional use" district approval process allows particular uses to be established in accordance with specific development standards for each use. The "conditional use" districts governed by this process are established in Chapter 11, which also contains the standards for development in each "conditional use" district.
- (3) The "parallel conditional use" district approval process is established to address those situations when a particular use may be acceptable but the general zoning district 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.

The "parallel conditional use" district is generally not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved district or area plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available in a reasonable time period. Uses which may be proposed and considered for a "parallel conditional use" district shall be restricted to those uses permitted in the general zoning district.

**PART 2: SPECIAL PROVISIONS FOR  
CONDITIONAL REZONINGS**

**SEC. 6.202.**

**Section 6.202. Plans and other information to accompany petition.**

- (1) Every petition for the reclassification of property to a conditional use district or parallel conditional use district shall be accompanied by a site plan, drawn to scale, and any necessary supporting text, which includes the following information, if applicable:
  - (a) A boundary survey and vicinity map showing the property's total acreage, its zoning classification(s), the general location in relation to major streets, railroads, and/or waterways, the date, and north arrow;
  - (b) All existing easements, reservations, and rights-of-way;
  - (c) Areas in which structures will be located;
  - (d) Proposed use of all land and structures, including the number of residential units and the total square footage of any nonresidential development;
  - (e) All yards, buffers, screening, and landscaping required by these regulations or proposed by the petitioner;
  - (f) All existing and proposed points of access to public streets;
  - (g) Delineation of areas within the regulatory floodplain as shown on the Official Flood Hazard Boundary Maps for Mecklenburg County;
  - (h) Proposed phasing, if any;
  - (i) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development;
  - (j) Generalized traffic, parking, and circulation plans; and
- (2) The Planning Director has the authority to waive any application requirement where the type of use or scale of proposal makes providing that information unnecessary or impractical.
- (3) In the course of evaluating the proposed use, the Planning Director, Planning Commission, or City Council may request additional information from the petitioner. This information may include the following:
  - (a) Proposed number and general location of all structures;

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- (b) Proposed screening, buffers and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
  - (c) Existing and general proposed topography, if available, at four-foot contour intervals or less;
  - (d) The location of significant trees on the subject property;
  - (e) Scale of buildings relative to abutting property;
  - (f) Height of structures;
  - (g) Exterior features of proposed development;
  - (h) Any other information needed to demonstrate compliance with these regulations; and
  - (i) Proposed number and location of signs.
- (4) The site plan and any supporting text shall constitute part of the petition for all purposes under this Chapter.
- (5) The Planning Director or his or her designee may require the petitioner to submit more than one copy of the petition and site plan in order to have enough copies available to circulate to other government agencies for review and comment.

Section 6.203. [RESERVED]

Section 6.204. Conditions to approval of petition.

- (1) The City Council may approve the reclassification of property to a conditional use district or parallel conditional use district only upon determining that the proposed use will meet all standards and requirements in these regulations that are applicable to the proposed use.

**PART 2: SPECIAL PROVISIONS FOR  
CONDITIONAL REZONINGS**

**SEC. 6.204.**

- (2) In approving a petition for the reclassification of property to a conditional use or parallel conditional use district, the Planning Commission may recommend and the City Council may request that reasonable and appropriate conditions be attached to approval of the petition. Any such 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, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the City Council may find appropriate or the petitioner may propose. Such conditions to approval of the petition may include dedication to the City, County or State, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. Such conditions shall not include architectural review or controls unless proposed by the petitioner. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the City Council.

**Section 6.205. Effect of approval.**

- (1) If a petition is approved under this Part, the district that is established, the approved petition, and all conditions which may have been attached to the approval are binding on the property as an amendment to these regulations and to the Zoning Maps. All subsequent development and use of the property shall be in accordance with the standards for the approved conditional district, the approved petition, and all conditions attached to the approval.
- (2) If a petition is approved, the petitioner shall comply with all requirements established in Chapter 4 for obtaining a building permit and certificate of occupancy. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. Any development in the district shall comply with all provisions of and conditions to the approved petition and site plan. In the case of a parallel conditional use district, any uses and structures on the subject property shall also comply with all standards and requirements for development in the underlying general zoning district.

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- (3) Following the approval of the petition for a conditional use ~~district~~ district, the subject property shall be identified on the Zoning Maps by the appropriate district designation. A parallel conditional use district shall be identified by the same designation as the underlying general zoning district followed by the letters "CD" (for example, "0-1 (CD)").

Section 6.206. Alterations to approval.

- (1) Except as provided in subsection (2) below, changes to the approved petition or to the conditions attached to the approval shall be treated the same as amendments to these regulations or to the Zoning Maps and shall be processed in accordance with the procedures in this Chapter.
- (2) Minor changes in the detail of the approved petition or site plan which will not alter the basic relationship of the proposed development to surrounding properties or the standards and requirements of these regulations or to any conditions attached to the approval may be approved by the Planning Director at his discretion without going through the amendment process. Such minor changes shall not be subject to protest petitions under Section 6.113. Any changes that increase the intensity of the development are limited for nonresidential development to 10% of the approved requirement or 1,000 square feet, whichever is less. For residential development, increases in density are limited to 10% of the development or no more than 5 dwelling units, whichever is less. The applicant may appeal the decision of the Planning Director to the Planning Commission for review and decision. An unfavorable decision by the Planning Commission may be appealed to the City Council.

Section 6.207. Review of approval of a conditional use district or parallel conditional use district.

It is intended that property shall be reclassified to a conditional use district or parallel conditional use district only in the event of firm plans to develop the property, except as provided in subsection 6.201(3). Therefore, no sooner than three years after the date of approval of the petition, the Planning Commission may examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Planning Commission determines that progress has not been made in accordance with the approved petition and conditions, the Planning Commission shall forward a report to the City Council which may recommend that the property be classified to another district.

CHAPTER 7:

NONCONFORMITIES

Section 7.101. Purpose; applicability.

The purpose of this Chapter is to regulate and limit the continued existence of uses and structures lawfully established prior to the effective date of these regulations that do not conform to these regulations. Any nonconformity created by a change in the classification of property or the text of these regulations shall be regulated by the provisions of this Chapter, with the "effective date" referenced below being the date the text of these regulations or the Zoning Maps are amended to render a particular use, structure, or lot nonconforming.

Section 7.102. Nonconforming uses.

- (1) Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses may continue only in accordance with the provisions of this Section.
- (2) Normal repair and maintenance may be performed to allow the continuation of a nonconforming use.
- (3) A nonconforming use shall not be expanded, nor shall a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located or the occupation of additional lands.
- (4) A structure in which a nonconforming use is located shall not be moved unless the use thereafter shall conform to the standards of the zoning district or districts <sup>to</sup> which it is moved.
- (5) A nonconforming use of a structure may be changed to another nonconforming use of the same classification, 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. Once a nonconforming use is changed to a conforming use, the nonconforming use shall not be re-established.

- (6) Where a nonconforming use is visibly discontinued for 12 consecutive months, then the use shall not be re-established or resumed, and any subsequent use of the land or structure shall conform to the requirements of these regulations.
- (7) Where a structure in which a nonconforming use is located is destroyed or damaged by fire, flood, wind, other act of God, the structure may be repaired or restored to its original dimensions and conditions as long as a building permit for the repair or restoration is issued within 12 months of the date of the damage.

**Section 7.103. Nonconforming structures.**

- (1) A nonconforming structure devoted to a use permitted in the zoning district in which it is located may continue only in accordance with the provisions of this Section.
- (2) Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.
- (3) Except as provided in subsections (4) and (5) below, a nonconforming structure shall not undergo a change of use, renovation or expansion.
- (4) A nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations, provided that:
  - (a) The change in use or renovation does not increase the floor area of the structure;
  - (b) The change in use is to a permitted use within the district; and
  - (c) The number of parking spaces provided for the use is in conformity with the requirements of these regulations.
- (5) A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of these regulations.
- (6) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning district in which it is located.

- (7) Where a nonconforming structure is destroyed or damaged by fire, flood, wind, other act of God, the structure may be repaired or restored to its original dimensions and conditions as long as a building permit for the repair or restoration is issued within 12 months of the date of the damage.
- (8) An existing mobile home or manufactured home located in a nonconforming mobile home or manufactured housing park in operation at the time of adoption of these regulations may be replaced with another mobile home or manufactured home provided the number of mobile home or manufactured home units may not be increased beyond the number available before replacement and the replacing mobile home must not create nonconforming yards, separation distances, or increase existing nonconforming yards or separation distances.

**Section 7.104. Nonconforming accessory uses and accessory structures.**

- (1) No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by discontinuance, damage, or destruction unless, such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located.
- (2) A nonconforming accessory use or accessory structure may be expanded only if the nonconforming features of that use or structure are not expanded so as to increase the degree of nonconformity.

**Section 7.105. Nonconforming vacant lots.**

- (1) Except as provided below in subsection (2), a nonconforming vacant lot may be used for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all limitations and minimum requirements for yards, height, open space, and floor area established in these regulations for the zoning district in which the lot is located.
- (2) A nonconforming vacant lot shall not be used if it could be combined with an adjoining lot owned by the same person on or after the effective date of these regulations in order to create a single lot. If the combination results in the creation of a single lot that is more than one-and-one-half times the width and area required in the zoning district, then the single lot may be divided into two lots of equal width and area without being further classified as nonconforming.



CHAPTER 8:

ENFORCEMENT

Section 8.101. Enforcement by Zoning Administrator.

The provisions of these regulations shall be enforced by the Zoning Administrator.

Section 8.102. Zoning Administrator procedures.

- (1) It shall be the duty of the Zoning Administrator to initiate proceedings for the enforcement of these regulations.
- (2) If the Zoning Administrator discovers a violation of these regulations, the Zoning Administrator shall notify the violator and give the violator a specified time to correct the violation. If the violation continues or is not corrected, the Zoning Administrator shall initiate proceedings for enforcement as described in this Chapter.

Section 8.103. General enforcement provisions.

The provisions of this Chapter may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this Chapter. If a person continues to fail to comply with a particular provision of these regulations after the imposition of any one type of penalty, the person shall continue to remain subject to the remedies prescribed by this Chapter for the continued violation of the particular provision of these regulations. The Zoning Administrator shall have the power to impose fines and penalties for violation of the Zoning Ordinance, as provided herein, and may secure injunctions and abatement orders to further ensure compliance with the Zoning Ordinance as provided for in this Chapter. Each day's continuing violation shall be a separate and distinct offense and may be subject to any one, all, or a combination of the remedies authorized and prescribed by this Chapter.

Section 8.104. Criminal Penalties.

Any person, firm or corporation who knowingly or willfully violates any provision of these regulations shall have committed a misdemeanor, and upon conviction thereof, shall be subject to a fine not exceeding \$500 or by imprisonment for a period not to exceed thirty (30) days.

**Section 8.105. Citations.**

- (1) The Zoning Administrator is empowered to issue citations to any person if there is a reasonable cause to believe that the person has violated any provision of these regulations. A violator shall be deemed to be the owner of the premises, the agent of the owner authorized to be responsible for the premises, or the occupant of the premises. Citations may be directly issued to the occupant, lessee, or person having immediate beneficial use of the property. The non-occupant owner or agent responsible for the premises each has a duty to maintain the premises in compliance with these regulations. A citation shall not be issued to a non-occupant owner, agent or occupant for those premises unless there has been written notice delivered to the owner, agent, or occupant, or mailed to the last known mailing address as shown by public records, or by making other reasonable efforts to communicate the existence of the violation to the owner, agent, or occupant.
- (2) The initial citation for each violation shall be \$50.00. The issuance of a second citation for any violation that has not been corrected shall be in an amount up to \$200.00 upon the day of issuance, up to \$500.00 for the third citation, and up to \$500.00 thereafter. Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator or, if the violator cannot be readily found, then the citation may be mailed.
- (3) The citation shall direct the violator to make payment at the Building Standards Department within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within fifteen (15) days of the issuance, a delinquency charge of ten dollars (\$10.00) shall be added to the amount shown on the citation. The citation shall inform the violator that a civil complaint or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.

**Section 8.106. Civil judicial remedies.**

- (1) If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of these regulations or other regulation made under authority conferred thereby, the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises. The General Court of Justice shall have jurisdiction to issue such orders as may be appropriate.
- (2) If the Zoning Ordinance makes unlawful a condition existing upon or use made of real property, then the Zoning Ordinance may be enforced by injunction and order of abatement and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of such an ordinance occurs the City may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commending the defendant to correct the unlawful condition upon or cease the unlawful use of the property.
- (3) In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed or that any other action be taken that is necessary to bring the property into compliance with the ordinance. 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 may be cited for contempt, and the City may execute the order of abatement. The City shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

CHAPTER 9:

GENERAL DISTRICTS

PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

Section 9.101. Table of uses.

The range of uses permitted as of right and under prescribed conditions in each district established in this Chapter is summarized in Table 9.101. In the event of a conflict between Table 9.101 and the text of these regulations, the text shall control. Uses allowed in the Overlay Districts are set forth in Chapter 10, and uses allowed in the Conditional Districts are set forth in Chapter 11.

Section 9.102. Hierarchy of districts.

The districts established in this Chapter and in Chapter 11 are classified from "highest" to "lowest" in the following order:

("highest")	R-3	UR-1	B-1	
	R-4	R-43MF	MX-2	
	R-5	UR-2	CC	
	R-6	UR-3	MX-3	
	R-8	INST	B-2	
	MX-1	RE-1	UMUD	
	R-MH	RE-2	B-D	
	R-8MF	0-1	BP	
	R-12MF	0-2	U-I	
	R-17MF	0-3	I-1	
	R-22MF	UR-C	I-2	("lowest")
		NS		

For any district where a parallel conditional district is permitted, the parallel conditional district shall have the same order as the general district for the purposes of determining its hierarchy under the table.

CHARLOTTE CODE

TABLE 9.101, PERMITTED USES, BY DISTRICT

GENERAL ZONING DISTRICTS

RESIDENTIAL USES:

- Boarding houses
- Dormitories
- Dwellings, detached
- Dwellings, duplex
- Dwellings, mixed use
- Dwellings, triplex and quadraplex
- Dwellings, attached and multifamily, up to 12 units in a building
- Dwellings, planned multi-family and attached or buildings with more than 12 units
- Equestrian oriented subdivisions
- Manufactured housing
- Manufactured housing parks

INSTITUTIONAL USES:

- Adult care centers
- Adult care homes
- Armories
- Child care centers
- Child care homes
- Civic/social service/fraternal facilities

KEY:

- X - Uses permitted as of right
- PC - Uses permitted under prescribed conditions
- O - Uses permitted as an Overlay District in Chapter 10

	<i>Single Family</i>					<i>Multi-Family</i>					<i>Urban Residential</i>				<i>Inst. Research</i>			<i>Office</i>			<i>Business</i>				<i>UMUD</i>	<i>U-1</i>	<i>Industrial</i>		
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-1	I-1	I-2	
Boarding houses	X	X	X	X	X	X	X	X	X	X								X	X	X	X	X			X				
Dormitories						PC	PC	PC	PC	PC					PC			PC	PC	PC	PC	PC			X				
Dwellings, detached	X	X	X	X	X	X	X	X	X	X	X							X	X	X	X	X			X				
Dwellings, duplex	PC	PC	PC	PC	X	X	X	X	X	X	X	X	X	X				X	X	X	X	X			X				
Dwellings, mixed use												X	X					PC	PC	PC	PC	PC							
Dwellings, triplex and quadraplex				X		X	X	X	X	X	X	X	X					X	X	X	X	X			X				
Dwellings, attached and multifamily, up to 12 units in a building						X	X	X	X	X	X	X	X					X	X	X	X	X			X				
Dwellings, planned multi-family and attached or buildings with more than 12 units						PC	PC	PC	PC	PC	PC	PC	PC					PC	PC	PC	PC	PC			X				
Equestrian oriented subdivisions	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC																			
Manufactured housing	O	O	O	O	O	O	O	O	O	O								O	O	O	O	O							
Manufactured housing parks	See Manufactured Housing District, Section 11.301.																												
Adult care centers													PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	
Adult care homes	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC				PC	PC	PC	PC	PC			PC				
Armories																		X	X	X	X							X	X
Child care centers						PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC	PC	PC	PC		PC			PC	PC
Child care homes	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC					PC	PC	PC	PC	PC			PC				
Civic/social service/fraternal facilities						PC	PC	PC	PC	PC		PC	X		X			X	X	X	X	X			X			X	X



CHARLOTTE CODE

TABLE 9.101, PERMITTED USES, BY DISTRICT

GENERAL ZONING DISTRICTS

**INSTITUTIONAL USES:  
(Continued)**

- Religious institutions,  
750 to 1,200 seats
- Religious institutions,  
more than 1,200 seats
- Stadiums, up to 5,000 seats
- Stadiums, more than 5,000 seats
- Universities, colleges and  
junior colleges
- Vocational schools, within  
enclosed building
- Vocational schools

**OFFICE & BUSINESS USES:**

- Amusement, commercial, outdoor
- Auction sales
- Automobile service stations
- Automobiles, truck and utility  
trailer rental
- Automotive repair garages
- Automotive sales and repairs

	<i>Single Family</i>					<i>Multi-Family</i>					<i>Urban Residential</i>				<i>Inst. Research</i>			<i>Office</i>			<i>Business</i>				<i>UMUD</i>	<i>U-1</i>	<i>Industrial</i>		
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-1	I-1	I-2	
Religious institutions, 750 to 1,200 seats						PC	PC	PC	PC	PC	PC	PC	PC	X	X						X	X	X		X			X	X
Religious institutions, more than 1,200 seats											PC	PC	PC	X	X			X	X	X					X			X	X
Stadiums, up to 5,000 seats											PC	PC	PC	PC	PC	PC	PC							PC	X			PC	PC
Stadiums, more than 5,000 seats															PC										PC				
Universities, colleges and junior colleges	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC					X			X	X	X					X				
Vocational schools, within enclosed building															X			X	X	X					X			X	X
Vocational schools																												X	X
Amusement, commercial, outdoor																													
Auction sales																X	X								X			X	X
Automobile service stations																					X	X	X		X	X		X	X
Automobiles, truck and utility trailer rental																									X	X		X	X
Automotive repair garages																									X	X		X	X
Automotive sales and repairs																									X	X		X	X

**KEY:**

- X - Uses permitted as of right
- PC - Uses permitted under prescribed conditions
- O - Uses permitted as an Overlay District in Chapter 10

CHARLOTTE CODE

TABLE 9.101, PERMITTED USES, BY DISTRICT

GENERAL ZONING DISTRICTS

OFFICE & BUSINESS USES:  
(Continued)

	Single Family					Multi-Family					Urban Residential				Inst. Research			Office			Business				UMUD	U-1	Industrial			
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-1	I-1	I-2		
Bakeries, retail													X	X									X	X					X	X
Bakeries, retail and wholesale, up to 5,000 square feet																									X	X			X	X
Bakeries, wholesale																									X			X	X	
Barber & Beauty shops													X	X				X	X	X		X	X	X	X			X	X	
Boarding stables																								PC						
Boat and ship sales and repairs																								X		X	X	X		
Building maintenance services																								X		X		X	X	
Building material sales, retail																								PC	PC	X	X	X	X	
Building material sales, wholesale																								PC		X	X	X		
Bus and train terminals													X											X	X	X		X	X	
Car washes													PC	PC										PC	PC	PC	X	X	X	
Catalog and mail order houses																								X		X		X	X	
Clinics, medical, dental and optical													X	X	X	PC	PC	X	X	X		X	X		X	X	X	X		
Clinics, veterinary													X	X	X			X	X	X		X	X		X	X	X	X		
Contractor offices and storage, excluding construction equipment																								X	X			X	X	
Contractor offices and storage																												X		
Distributive businesses																								X	X	X	X	X		

KEY:

- X - Uses permitted as of right
- PC - Uses permitted under prescribed conditions
- O - Uses permitted as an Overlay District in Chapter 10



CHARLOTTE CODE

TABLE 9.101, PERMITTED USES, BY DISTRICT

GENERAL ZONING DISTRICTS

	<i>Single Family</i>					<i>Multi-Family</i>					<i>Urban Residential</i>				<i>Inst.</i>	<i>Research</i>			<i>Office</i>			<i>Business</i>				<i>UMUD</i>	<i>U-I</i>	<i>Industrial</i>	
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-I	I-1	I-2	
<b>OFFICE &amp; BUSINESS USES: (Continued)</b>																													
Dry cleaning and laundry establishments, up to 4,500 square feet													X	X							X	X		X	X	X	X	X	
Dry cleaning and laundry establishments, up to 10,000 square feet																						X			X	X	X	X	
Dry cleaning and laundry establishments																									X	X	X	X	
Engraving																						X			X	X	X	X	
Equipment rental and leasing																						X			X	X	X	X	
Equipment rental and leasing, within an enclosed building													X	X							X	X			X	X	X	X	
Fabric sample assembly																						X			X	X	X	X	
Fences and fence materials, retail sales																						X			X	X	X	X	
Fences and fence material, retail sales within and enclosed building													X	X							X	X			X		X		
Financial institutions, up to 25,000 square feet																		X	X	X	X	X		X	X	X	X	X	
Financial institutions, up to 70,000 square feet																		X	X	X	X	X		X	X	X	X		
Financial institutions, up to 100,000 square feet																		X	X	X		X	X	X	X	X			
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-I	I-1	I-2	

KEY:

- X - Uses permitted as of right
- PC - Uses permitted under prescribed conditions
- O - Uses permitted as an Overlay District in Chapter 10

CHARLOTTE CODE

TABLE 9.101, PERMITTED USES, BY DISTRICT

GENERAL ZONING DISTRICTS

OFFICE & BUSINESS USES:  
(Continued)

- Financial institutions, up to 300,000 square feet
- Financial institutions, more than 300,000 square feet
- Florists, retail
- Florists, wholesale
- Funeral homes, embalming and crematories
- Graphics research and production
- Hotels and motels
- Jewelers, retail
- Jewelers, wholesale
- Kennel, commercial
- Laboratories, applied and basic research
- Laboratories, optical, medical and dental
- Laboratories, testing
- Locksmiths and gunsmiths
- Manufactured housing sales and repairs

	Single Family					Multi-Family				Urban Residential				Inst. Research			Office			Business				UMUD	U-1	Industrial		
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-1	I-1	I-2
Financial institutions, up to 300,000 square feet																		X	X	X		X	X	X	X	X		
Financial institutions, more than 300,000 square feet																		PC	PC	PC		PC	PC	PC	X	X		
Florists, retail												X	X									X	X	X	X	X		
Florists, wholesale																						X	X	X	X			
Funeral homes, embalming and crematories												X	X					X	X	X		X	X		X			
Graphics research and production															X	X								X		X	X	X
Hotels and motels																		PC	PC	PC		X	X	X	X	X		X
Jewelers, retail												X	X									X	X		X	X		
Jewelers, wholesale																						X	X	X	X	X	X	X
Kennel, commercial																						X						X
Laboratories, applied and basic research																X	X	X	X	X			X			X	X	X
Laboratories, optical, medical and dental												X	X			X	X	X	X	X		X	X	X	X	X	X	X
Laboratories, testing																X	X									X	X	X
Locksmiths and gunsmiths												X	X									X	X	X	X	X	X	X
Manufactured housing sales and repairs																						X						X
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-1	I-1	I-2

KEY:  
 X - Uses permitted as of right  
 PC - Uses permitted under prescribed conditions  
 O - Uses permitted as an Overlay District in Chapter 10



CHARLOTTE CODE

TABLE 9.101, PERMITTED USES, BY DISTRICT

GENERAL ZONING DISTRICTS

OFFICE & BUSINESS USES:  
(Continued)

- Repair or servicing of any article, which is sold in the district
- Restaurants
- Restaurants, drive-in service
- Retail and shopping centers, up to 10,000 square feet
- Retail and shopping centers, up to 25,000 square feet
- Retail and shopping centers up to 70,000 square feet
- Retail and shopping centers, up to 100,000 square feet
- Retail and shopping centers, more than 100,000 square feet
- Riding academies
- Sign painting, exclusive of manufacture
- Sign painting and manufacturing
- Studios for artists, designers, photographers, etc.
- Subdivision sales offices
- Tire recapping and retreading

Single Family					Multi-Family					Urban Residential				Inst. Research			Office			Business				UMUD	U-I	Industrial			
R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-I	I-1	I-2		
					PC	PC	PC	PC	PC			X	X	PC	PC	PC	PC	PC	PC			X	X	X	X			X	X
																						X	X	X	X			X	X
					PC	PC	PC	PC	PC			X	X	PC	PC	PC	PC	PC	PC			X	X	X			X	X	X
												X	X	PC	PC	PC	PC	PC	PC			X	X			X	X	X	X
												X	X									X	X			X	X	X	X
														PC	PC	PC	PC	PC	PC			X		X	X				
See Commercial Center District, Section 11.401.																													
																						PC							
																						X		X	X	X	X	X	X
																									X	X	X	X	X
												X	X				X	X	X			X	X	X	X	X	X	X	X
PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	X	X	PC	X	X	X	X	X			X	X	X	X	X	X	X	X
																						X			X	X	X	X	X
R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-I	I-1	I-2		

KEY:

- X - Uses permitted as of right
- PC - Uses permitted under prescribed conditions
- O - Uses permitted as an Overlay District in Chapter 10

CHARLOTTE CODE

TABLE 9.101, PERMITTED USES, BY DISTRICT

GENERAL ZONING DISTRICTS

	Single Family					Multi-Family					Urban Residential				Inst. Research			Office			Business				UMUD	U-I	Industrial		
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-I	I-1	I-2	
<b>OFFICE &amp; BUSINESS USES:</b> (Continued)																													
Theaters, motion picture																							X		X			X	
Theaters, motion picture, drive-in																													X
Wholesale sales																													X
Wholesale sales, within an enclosed building																						X	X	X	X	X	X	X	X
<b>INDUSTRIAL USES:</b>																													
Abattoirs																													X
Agricultural industries																													X
Assembly or fabrication of previously manufactured parts																								X	X	X	X	X	X
Foundries																													X
Hazardous materials storage and treatment	See Hazardous Waste District, Section 11.601.																												
Junk yards																													PC
Lumber mills and storage yards																													X
Manufacture (light) of:																													
Bakery products																							X			X	X	X	
Batteries																									X	X	X	X	
Beverages, excluding alcoholic beverages																							X		X	X	X		
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-I	I-1	I-2	

KEY:  
 X - Uses permitted as of right  
 PC - Uses permitted under prescribed conditions  
 O - Uses permitted as an Overlay District in Chapter 10



CHARLOTTE CODE

**TABLE 9.101, PERMITTED USES, BY DISTRICT**  
**GENERAL ZONING DISTRICTS**

	Single Family					Multi-Family					Urban Residential				Inst. Research			Office			Business				UMUD	U-1	Industrial		
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-1	I-1	I-2	
<b>INDUSTRIAL USES:</b> <b>(Continued)</b>																													
Manufacturing (light) continued:																													
Ice																											X	X	X
Jewelry, silverware and plated ware																											X	X	X
Measuring and controlling devices																								X		X	X	X	
Meat products, excluding slaughtering and dressing																							X		X	X	X		
Medical instruments and supplies																							X		X	X	X		
Musical instruments																							X		X	X	X		
Ophthalmic goods																							X		X	X	X		
Pens, pencils, office and art supplies																							X		X	X	X		
Pharmaceuticals																X	X						X		X	X	X		
Preserved fruit and vegetable products																							X		X	X	X		
Pumps																							X		X	X	X		
Search and navigation equipment																							X		X	X	X		
Signs																											X	X	
Toys and sporting goods																							X		X	X	X		
Watches, clocks, watch cases and parts																							X		X	X	X		
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-1	I-1	I-2	

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TABLE 9.101, PERMITTED USES, BY DISTRICT

GENERAL ZONING DISTRICTS

	<i>Single Family</i>					<i>Multi-Family</i>					<i>Urban Residential</i>				<i>Inst. Research</i>			<i>Office</i>			<i>Business</i>				<i>UMUD</i>	<i>U-1</i>	<i>Industrial</i>		
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-1	I-1	I-2	
<b>INDUSTRIAL USES:</b>																													
<b>(Continued)</b>																													
<b>Manufacture (heavy) continued:</b>																													
Fabricated metal products																													X
Farm and garden machinery																													X
Fats and oils processing																													X
Furniture and fixtures																								X					X
Glass and glassware																													X
Guided missiles, space vehicles, etc.																													X
Industrial machinery																								X					X
Leather tanning																													X
Manufactured housing																													X
Meat products, including slaughtering and dressing																													X
Motorcycles and parts																													X
Motor vehicles and equipment																													X
Ordinance and accessories																													X
Paper and allied products																													X
Petroleum and coal products																													X
Plastic and rubber products																													X
Railroad equipment																													X
Refrigerator and service machinery																													X
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-1	I-1	I-2	

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CHARLOTTE CODE

TABLE 9.101, PERMITTED USES, BY DISTRICT

GENERAL ZONING DISTRICTS

	Single Family					Multi-Family				Urban Residential				Inst. Research			Office			Business				UMUD	U-1	Industrial		
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-1	I-1	I-2
<b>INDUSTRIAL USES:</b>																												
(Continued)																												
Manufacture (heavy) continued:																												
Sugar refining																												X
Textile mill products																												X
Tires and inner tubes																												X
Wire products																								X				X
Other similar uses																												X
Petroleum storage facilities, 200,000 gallons or less																										PC	PC	PC
Petroleum storage facilities, more than 200,000 gallons																												PC
Prototype production facilities and pilot plants															X	X											X	X
Railroad freight yards, marshalling yards and repair shops																												X
Recycling centers																											X	X
Recycling centers, drop-off											X	X									X	X	X	X			X	X
Research uses															X	X							X				X	X
Utility operations centers																												X
Truck stops																												X
Truck terminals																												X

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TABLE 9.101, PERMITTED USES, BY DISTRICT

GENERAL ZONING DISTRICTS

	Single Family			Multi-Family			Urban Residential			Inst. Research			Office			Business			UMUD			U-I			Industrial					
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	UMUD	UMUD	U-1	I-1	I-2
INDUSTRIAL USES: (Continued)																														
Warehousing, within an enclosed building																														
Warehousing																														
Waste incinerators																														
OTHER USES:																														
Airports																														
Bus stop shelters																														
Cemeteries																														
Demolition landfills																														
Farms																														
Heliports and helistops, unlimited																														
Highway and railroad right-of-way																														
Indoor recreation																														
Nonconforming structures and uses																														
Open space recreational uses																														
Off-Street parking																														
Outdoor recreation																														
Parks, greenways and arboreta																														

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CHARLOTTE CODE

TABLE 9.101, PERMITTED USES, BY DISTRICT

GENERAL ZONING DISTRICTS

OTHER USES:  
(Continued)

Public utility structures  
Public utility transmission/  
distribution lines  
Quarries  
Raceways & dragstrips  
Radio, telephone, cellular telephone  
and telephone masts, towers,  
antennae and similar structures  
Sanitary landfills  
Telephone booths  
Temporary buildings and  
storage of materials

ACCESSORY USES &  
STRUCTURES:

Automobile, truck and trailer rental  
Bookstores, offices, etc. for  
religious institution  
Car washes  
Customary home occupations  
Dormitories

<i>Single Family</i>					<i>Multi-Family</i>					<i>Urban Residential</i>				<i>Inst. Research</i>			<i>Office</i>			<i>Business</i>				<i>UMUD</i>	<i>U-I</i>	<i>Industrial</i>	
R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-I	I-1	I-2
PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	PC	PC
PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
																										PC	PC
PC	PC	PC	PC	PC	PC	PC	PC	PC	PC					PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
														X	X		X	X	X	X	X	X	X	X	X	X	X
PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
See Section 12.414.																											
PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC			PC	PC	PC	PC	PC			PC	PC	PC	PC
													PC							PC	PC					X	X
PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC				PC	PC	PC	PC	PC			PC			
PC	PC	PC	PC	PC	PC	PC	PC	PC	PC			PC	PC	PC			PC	PC	PC	PC	PC			X			

KEY:

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CHARLOTTE CODE

TABLE 9.101, PERMITTED USES, BY DISTRICT

GENERAL ZONING DISTRICTS

ACCESSORY USES & STRUCTURES:  
(Continued)

- Drive-in service windows
- Dumpster, trash handling areas and service entrances
- Elderly and disabled housing
- Guest houses and servant quarters
- Fences and walls
- Helistops, limited
- Marinas, residential
- On-site demolition landfills
- Outdoor lighting
- Petroleum storage
- Private kennels
- Private stables
- Vending machines, outside
- Vending machines, within an enclosed building
- Other accessory uses and structures

	<i>Single Family</i>					<i>Multi-Family</i>					<i>Urban Residential</i>				<i>Inst. Research</i>			<i>Office</i>			<i>Business</i>				<i>UMUD</i>	<i>U-1</i>	<i>Industrial</i>					
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-1	I-1	I-2				
																		PC	PC	PC	PC	PC	PC					PC	PC	PC	PC	
	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	X	X	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC								PC	PC	PC	PC	PC										
	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
															PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	X
	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC								PC	PC	PC	PC	PC										
	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC								PC	PC	PC	PC	PC									PC	PC
	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC								PC	PC	PC	PC	PC	X								X	X
	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
	See Chapters 9, 11 and 12, Part 4																															
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C	INST	RE-1	RE-2	O-1	O-2	O-3	B-1	B-2	B-D	BP	UMUD	U-1	I-1	I-2				

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PART 2. SINGLE FAMILY

Section 9.201. Single family districts established; purposes.

The R-3, R-4, R-5, R-6 and R-8 districts are hereby established to protect and promote the development of single family housing and a limited number of public and institutional uses. The standards for these districts are designed to maintain a suitable environment for family living at various densities to accommodate preferences for different housing types. The R-3 and R-4 districts are directed toward suburban single family living. The R-5, R-6 and R-8 districts address urban single family living. Densities of development are controlled by maximum number of units per acre requirements which are different for each district and indicated by the numerical identification attached to each district.

Section 9.202. Uses permitted by right.

The following uses are permitted by right in the R-3, R-4, R-5, R-6 and R-8 districts, provided that they meet all requirements of this part and all other requirements established in these regulations:

- (1) Boarding houses, limited to 4 boarders in no more than 2 bedrooms.
- (2) Dwellings, detached.
- (3) (R-8 only) Dwellings, duplex, triplex or quadraplex.
- (4) Farms, including retail sale of produce grown on the premises.
- (5) Highway and railroad rights-of-ways.
- (6) Parks, greenways and arboretums.

Section 9.203. Uses permitted under prescribed conditions.

The following uses shall be permitted in the R-3, R-4, R-5, R-6 and R-8 districts if they meet the standards established in this Section and all other requirements of these regulations:

- (1) Adult care homes, subject to the regulations of Section 12.502.
- (2) Bus stop shelters, subject to the regulations of Section 12.513.
- (3) Cemeteries, subject to the regulations of Section 12.508.

## PART 2: SINGLE FAMILY

SEC. 9.203.

- (4) Child Care homes, subject to the regulations of Section 12.502.
- (5) Demolition landfills, subject to the regulations of Section 12.503.
- (6) Dwellings, duplex (R-3, R-4, R-5, and R-6 only), provided that:
- (a) The dwelling will be located on a corner lot;
  - (b) If more than one entrance, the entrances to each unit in the structure will face different streets; and
  - (c) The dwelling must meet the minimum setback for both streets.
- (7) Elementary and secondary schools, provided that:
- (a) All buildings, outdoor recreational facilities, and off-street parking and service areas will be separated by a Class C buffer for elementary and junior high schools and Class B buffer for senior high schools from any abutting property located in a residential district, used for residential purposes, or low-intensity institutional use (See Section 12.302;
  - (b) The use will be on a lot which fronts a collector, minor thoroughfare or major thoroughfare for elementary schools and junior high schools, and on a minor thoroughfare or major thoroughfare for senior high schools; and
  - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (8) Equestrian oriented subdivisions, subject to regulations of Section 12.514.
- (9) Government buildings, up to 12,500 square feet, provided that:
- (a) All buildings and off-street parking and service areas will be separated by a Class C buffer from abutting property located in the residential district, used for residential purposes, or low-intensity institutional use (See Section 12.302;
  - (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
  - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.

- (10) Group homes, provided that:
  - (a) No more than 6 persons, excluding staff, shall reside in the group home; and
  - (b) The group home shall be separated by a distance of one-fourth mile (1,320 feet), measured in any direction, from any other group home located in a residential zoning district.
- (11) Nonconforming structures and uses, subject to the regulation of Chapter 7.
- (12) Open space recreational uses, subject to the regulations of Section 12.516.
- (13) Outdoor recreation, provided that:
  - (a) The use will be located on a lot that is at least two times the minimum lot area required in the district;
  - (b) Off-street parking and service areas and outdoor recreational facilities will be separated by a Class C buffer from any abutting property located in a residential district; or used for residential purposes (See Section 12.302);
  - (c) No outdoor recreation facilities, such as swimming pools, tennis courts, picnic shelters, etc. shall be located within 100 feet of any lot located in a residential district or adjoining residential use; and
  - (d) Hours of operation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. Eastern Standard Time.
- (14) Public utility structures, subject to regulations of Section 12.504.
- (15) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.
- (16) Quarries, subject to the regulations of Section 12.505.
- (17) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).
- (18) Religious institutions, up to 750 seats, subject to regulations of Section 12.506.
- (19) Sanitary landfills, subject to the regulations of Section 12.507.



(20) Subdivision sales offices, provided that:

- (a) The use serves the subdivision in which it is located and abutting subdivision or subdivisions by the same developer or affiliate; and
- (b) The use shall be terminated upon completion of the sale of 95 percent of the total number of homes and/or lots; provided however, that a model or demonstration home may be used for sales purposes until the last home or lot is sold.

(21) Temporary buildings and storage of materials, provided that:

The use is in conjunction with the construction of a building on the same lot where construction is taking place or on an adjacent lot. Such temporary uses shall be terminated upon completion of construction.

(22) Universities, colleges and junior colleges, provided that:

- (a) All buildings, outdoor recreational facilities and off-street parking and service areas will be separated by a Class B buffer from any abutting property located in a residential district or used for residential purposes (See Section 12.302);
- (b) The use will be on a lot which fronts on a minor or major thoroughfare; and
- (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.

**Section 9.204. Permitted accessory uses and structures.**

The following uses shall be permitted in the R-3, R-4, R-5, R-6 and R-8 districts as accessory uses and structures, subject to the applicable criteria in this Part and in Chapter 12 of these regulations:

- (1) Accessory uses and structures, clearly incidental and related to the permitted principal use or structure on the lot.
- (2) Bookstores, offices, printing and distribution and similar uses as accessories to religious institutions located on the same lot and subject to the regulations of Section 12.506.
- (3) Customary home occupations, subject to the regulations of Section 12.408.

PART 2: SINGLE FAMILY

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- (4) Dormitories, as an accessory use to a university, college or junior college located on the same lot.
- (5) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (6) Elderly and disabled housing as an accessory to a single family detached dwelling, subject to the regulations of Section 12.407.
- (7) Fences and walls, subject to the regulations of Section 12.406.
- (8) Guest houses and employee quarters as an accessory to a single family detached dwelling, subject to the regulations of Section 12.412.
- (9) Marinas, subject to the regulations of Section 12.409.
- (10) On-site demolition landfills, subject to the regulations of Section 12.405.
- (11) Outdoor lighting, subject to the regulations of Section 12.402.
- (12) Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
- (13) Private kennels, subject to the regulations of Section 12.410.
- (14) Private stables, subject to the regulations of Section 12.411.
- (15) 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.

**Section 9.205. Development standards for single family districts.**

All uses and structures permitted in the R-3, R-4, R-5, R-6 and R-8 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

(1) Area, yard and bulk regulations shall be as follows:

	R-3	R-4	R-5	R-6	R-8
(a) Maximum Residential Density (Dwelling (units per acre) 1	3.0	4.0	5.0	6.0	8.0
(b) Maximum floor area ratio for nonresidential buildings	.50	.50	.50	.50	.50
(c) Minimum lot area (square feet) 2					
- Detached dwellings	10,000	8,000	6,000	4,500	3,500
- Duplex dwellings	16,000	13,000	10,000	8,000	6,500
- Triplex dwellings					9,500
- Quadraplex dwellings					11,500
- Nonresidential buildings	12,000	12,000	12,000	12,000	12,000
(d) Minimum lot width (feet)					
- Residential dwellings	70	60	50	40	40
- Nonresidential buildings	70	70	70	70	70
(e) Minimum setback (feet) 3	30	30	20	20	20
(f) Minimum side yard (feet) 4	6	6	6	5	5
(g) Minimum rear yard (feet)	45	40	35	30	20
(h) Minimum open space (%) 5	65	65	65	60	50
(i) Maximum height (feet) 6	40	40	40	40	40

**PART 2: SINGLE FAMILY**

**SEC. 9.205.**

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FOOT NOTES TO CHART 9.205(1):

1. The maximum residential density number controls the allowable number of dwelling units permitted on each acre of land.
2. For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection (4) of this Section. For subdivisions of 5 acres or less, the requirements in subsection (2) of this Section shall apply.
3. For residential subdivisions of 10 or more lots, the minimum setback may be varied subject to the regulations of subsection (4) of this Section.
4. For subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used in lieu of side yards specified, subject to the regulations of subsection (4) of this Section.
5. Floor area ratio requirement applies only to nonresidential development. Religious institutions may have a minimum open space of 25%.
6. A building in any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of 40 feet. However, a building which abuts a residential use or zoning district may not be erected to a height in excess of 40 feet unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

CROSS-REFERENCES:

Applicable buffer requirements may require a larger side or rear yard than the minimum in some districts. See Chapter 12, Part 3. Also, setbacks and yards which are larger than the minimum may be required along certain streets subject to the regulations in Section 12.103.

- (2) Small Subdivisions. Subdivisions of 5 acres or less shall adhere to the following minimum lot area requirements in the R-3 and R-4 districts only:

	R-3	R-4
(a) Minimum lot area (square feet)		
- Detached dwelling	12,000	9,000

- (3) Buffers and Screening. Nonresidential development in the single family residential districts shall comply with applicable buffer and screening requirements in Chapter 12, Part 3.

- (4) Special subdivision lot and yard requirements. The following provisions apply to any residential subdivision of 10 or more lots approved on or after the effective date of these regulations:

- (a) The minimum lot size of any lots within a subdivision may be reduced by 10%, provided that the average size of all lots is at least equal to the minimum lot size for the zoning district, and the total number of lots does not exceed the number that would be allowed if all lots were the minimum size for the zoning district. Other lot size reductions may be applicable, subject to Section 12.105 and subsection (5) of this Section;
- (b) Development on each lot need not meet the minimum setback requirement for the district in which such lot is located, if the average setback of all lots along a street block within a subdivision meet the minimum setback requirement for the district. In no event, shall a structure be located any closer than 20 feet to the right-of-way. The setback for each lot shall be shown on the final plat;
- (c) The minimum side yard may be reduced for a principal building or structure to 5 feet, provided a minimum building separation is maintained between the principal buildings or structures on adjoining lots that is equal to at least two times the minimum side yard required for the district;
- (d) A zero lot line, z-lots, and angled z-lots may be permitted where the building line is on one side of the lot line in a residential district used for single family detached dwellings, provided that:

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- (i) 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 of more than 6 inches, the offset must be at least 6 feet;
  - (ii) The minimum building separation between the sides of adjacent dwellings shall be at least two times the minimum side yard required for the district;
  - (iii) 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;
  - (iv) Preliminary subdivision 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;
  - (v) Zero side yards established under these standards must be continuous along the length of the building. There must be either the lot line wall or a solid wall or fence at least 6 feet high along the lot line adjacent to the building between the established setback and the established rear yard. The wall or fence is used in those cases where the building may be offset as allowed under these standards; and
- (e) Notwithstanding Subdivisions (a), (b), (c), or (d) above, any development on a lot that abuts a street defining the outer boundary of the subdivision, or that abuts a lot which is not within the subdivision, shall meet the minimum yard requirements of the zoning district in relation to that street or abutting lot.
- (5) Cluster Development. Cluster Development, as defined in 2.201(C8), is permitted in all single family residential districts, except the R-8, in accordance with the following regulations:
- (a) A cluster development need not meet the minimum lot area and lot width requirements set out in subsection 9.205(1), provided that the development does not exceed the maximum residential density for the district, and provided that each lot meets the minimum lot area and lot width requirements set forth in Table 9.205(5);

Table 9.205(5)

Zoning Districts	Maximum Dwelling Units Per Acre	Minimum Lot Area (Square feet)	Minimum Lot Width (Feet)
R-3	3.0	8,000	60
R-4	4.0	6,000	60
R-5	5.0	4,500	40
R-6	6.0	3,500	40

- (b) Development qualifying under this subsection need not meet the minimum yard requirements of subsection 9.205(1) if it complies with the requirements of subsection (4) above.
- (c) Cluster development shall have common open space set aside in accordance with the following requirements:
  - (i) At least 10 percent of the total area of the development shall be set aside as common open space;
  - (ii) All common open space shall be set aside and improved no later than the date on which certificates of occupancy are issued for the first 75 percent of the total number of dwelling units to be constructed within the project area;
  - (iii) No more than 50 percent of the required common open space shall be covered by water;
  - (iv) Any structures located in any common open space shall be accessory to the recreational use of the space;
  - (v) The required common open space shall be planned and improved so that it is accessible and usable by persons living in the project area. However, common open space containing natural features worthy of preservation may be left unimproved;

- (vi) All of the common open space required under this Section shall be either conveyed to the City of Charlotte, if the City agrees to accept ownership of and to maintain the space, or conveyed to one or more homeowner associations created for the development, or with respect to outdoor recreation facilities to the owner or operator, thereof; and
  - (vii) Any conveyance to a homeowners association shall be subject to restrictive covenants and easements reviewed by the Planning Director and recorded and filed at the time the subdivision plat for the project area is recorded. The covenants and easements shall provide for the establishment of a homeowner's association before any homes are sold, where membership is mandatory for each home buyer and any successive buyer, the association is responsible for liability insurance and local, taxes on common open space and recreational facilities owned by it, and any fees levied by the association that remain unpaid will become a lien on the individual property in accordance with procedures established under the dedication or organization document. The covenants and easements shall also prohibit future development of any common open space, for other than open space or recreational purposes, and shall provide for continued maintenance of any common open space and recreational facilities.
- (6) Signs. Signs are permitted in all single family residential districts in accordance with Chapter 13.
- (7) Parking and Loading. Development of any use in a single family residential district must conform to the parking and loading standards in Chapter 12, Part 2.



PART 3: MULTI-FAMILY DISTRICTSection 9.301. Multi-family districts established; purposes.

The R-8MF, R-12MF, R-17MF, R-22MF and R-43MF districts are hereby established to protect and promote the development of a variety of housing types, including apartments, condominiums, and other forms of attached housing. These districts allow for housing to be developed at a full range of densities, from high densities accommodating smaller residential units appropriate to individuals and couples without children to the lower densities allowed in single family residential districts. It is intended that these districts, and especially the R-43MF district, be located near employment centers, shopping facilities, and roads capable of handling the traffic generated by higher-density development. These districts may also accommodate limited institutional, public, and commercial uses appropriate within a residential environment. Densities of development are controlled by maximum number of dwelling units per acre requirements which are different for each district and indicated by the numerical identification attached to each district.

Section 9.302. Uses permitted by right.

The following uses are permitted by right in the R-8MF, R-12MF, R-17MF, R-22MF and R-43MF districts, provided that they meet all requirements of this Part, and all other requirements established in these regulations:

- (1) Boarding houses, limited to 8 boarders in no more than 4 bedrooms.
- (2) Dwellings, detached.
- (3) Dwellings, duplex.
- (4) Dwellings, triplex.
- (5) Dwellings, quadraplex.
- (6) Dwellings, attached and multi-family up to 12 units in a building.
- (7) Farms, including retail sale of produce grown on the premises.
- (8) Highway and railroad rights-of-way.
- (9) Parks, greenways and arboretums.

**Section 9.303. Uses permitted under prescribed conditions.**

The following uses shall be permitted in the R-8MF, R-12MF, R-17MF, R-22MF and R-43MF districts if they meet the standards established in this Section and all other requirements of these regulations:

- (1) Adult care centers, subject to the regulations of Section 12.502.
- (2) Adult care homes, subject to the regulations of Section 12.502.
- (3) Bus stop shelters, subject to the regulations of Section 12.513.
- (4) Cemeteries, subject to the regulations of Section 12.508.
- (5) Child care centers, subject to the regulations of Section 12.502.
- (6) Child care homes, subject to the regulations of Section 12.502.
- (7) Civic, social service and fraternal facilities, provided that:
  - (a) All buildings, off-street parking and service areas will be separated by a Class C buffer from any abutting property located in a residential district or abutting residential use (See Section 12.302);
  - (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
  - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (8) Demolition landfills, subject to the regulations of Section 12.503.
- (9) Dormitories, provided that:
  - (a) The dormitory will be located within one-half mile of the institutional use it is designed to serve;
  - (b) Building walls over 200 square feet and facing a public-right-of way shall require a minimum of one large maturing tree per 30 linear feet of wall or one small maturing tree per 20 linear feet of wall no closer than 15 feet to the wall; and
  - (c) If there are more than 12 living units in a single dormitory or more than one dormitory on the same lot, it shall be reviewed and approved in accordance with the regulations for planned multi-family or attached development in subsection (19) of this Section.

- (10) Elementary and secondary schools, provided that:
- (a) All buildings, outdoor recreational facilities and off-street parking and service areas will be separated by a Class C buffer for elementary schools and junior high schools and Class B buffer for senior high schools from any abutting residential use or residential zoning classification or low intensity institutional use (See Section 12.302);
  - (b) The use will be on a lot which fronts a collector, minor thoroughfare or major thoroughfare for elementary schools and junior high schools and, for senior high schools, a lot shall front on a minor thoroughfare or major thoroughfare; and
  - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (11) Equestrian oriented subdivisions, subject to regulations of Section 12.514.
- (12) Government buildings, up to 12,500 square feet, provided that:
- (a) All buildings, off-street parking and service areas will be separated by a Class C buffer from any abutting property located in a residential district or abutting residential use (See Section 12.302);
  - (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
  - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (13) Group homes, provided that:
- (a) No more than 10 persons, excluding staff, shall reside in the group home;
  - (b) The group home shall be separated by a distance of one-fourth mile (1,320 feet), measured in any direction, from any other group home located in a residential zoning district; and
  - (c) Group homes serving more than 6 people shall be separated by a Class C buffer from any abutting property located in a single family residential district or used for single family.

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(14) Nonconforming structures and uses, subject to the regulations of Chapter 7.

(15) Nursing homes, rest homes, homes for the aged and elderly and disabled housing, provided that:

(a) The maximum number of units or beds permitted is as established in the chart below:

<u>District</u>	<u>Independent Living Units per Acre</u>	<u>Dependent Living Beds Per Acre</u>
R-8MF	8	16
R-12MF	12	25
R-17MF	17	40
R-22MF	22	50
R-43MF	43	100

(b) If any nursing home, rest home or home for the aged has more than 12 living units in a single building or if there is more than one building on the lot, it shall be reviewed and approved in accordance with the regulations for planned multi-family or attached development in subsection (19) of this Section.

(16) Open space recreational uses, subject to regulations of Section 12.516.

(17) Orphanages, children's homes and similar nonprofit institutions providing domiciliary care for children, provided that:

(a) Building walls over 200 square feet and facing a public right-of-way shall require a minimum of one large maturing tree per 30 linear feet of wall or one small maturing tree per 20 linear feet of wall no closer than 15 feet to the wall; and

(b) If an orphanage, children's home or similar institution has more than 12 living units or if there is more than one building on the same lot, it must be reviewed and approved in accordance with the regulations for planned multi-family or attached development in subsection (19) of this Section.

(18) Outdoor recreation, provided that:

(a) The use will be located on a lot that is at least two times the minimum lot area required in the district;

- (b) Off-street parking and service areas and outdoor recreational facilities will be separated by a Class C buffer from any abutting property located in a residential district or used for residential purposes (See Section 12.302);
  - (c) No outdoor recreational facilities, such as swimming pools, tennis courts, picnic shelters, etc. shall be located within 100 feet of any lot located in a residential district or abutting single family residential use; and
  - (d) Hours of operation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. Eastern Standard Time.
- (19) Planned multi-family and attached developments, a single multi-family or attached building on a lot with more than 12 units in a building, provided that:

- (a) The site plan must be designed giving adequate consideration to the following factors:
  - (i) The size and shape of the tract.
  - (ii) The topography and necessary grading.
  - (iii) The reasonable preservation of the natural features of the land and vegetation.
  - (iv) The size and relationship of buildings.
  - (v) The character of/or 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, and the design and utilization of streets and open spaces.

- (b) Every residential building on the site will be separated on every side from any other building by at least 16 feet;

- (c) All portions of every residential building will be located within 400 feet of a public street or private street which furnishes direct access to a residential building. 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 Director in consultation with the Charlotte Department of Transportation and Engineering Department. In reaching that decision, consideration should be given to the following:
- (i) Adopted major thoroughfare plan;
  - (ii) Existing and proposed neighborhood streets and circulation needs;
  - (iii) The relationship of the site to adjoining lands;
  - (iv) The size and shape of the tract to be developed;
  - (v) The number of dwelling units to ultimately be constructed on the tract and on adjoining lands; and
  - (vi) 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;

- (d) 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 Director in consultation with the Charlotte Department of Transportation and Engineering Department.
- (i) Construction standards for private streets regarding paving, cross sections, curb and gutter and storm drainage will be as specified in the Charlotte-Mecklenburg Land Development Standards Manual. No specific minimum standards related to radii, vertical curves and longitudinal grades will be stated except that such designs will insure safe, convenient access and circulation for emergency and service vehicles. It will be an objective in the design and review of private streets and parking areas to provide for a residential environment where access and circulation ways are configured for slow speeds and to do minimum disturbance to topography and tree cover.

- (ii) Angled parking areas directly adjoining private streets will be permitted on one side of the street. 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 percent 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.
  - (iii) Permanent street names approved by the Planning Director will be assigned to each private street. Street name signs approved by the Charlotte Department of Transportation must be posted. The assignment of building identification numbers will utilize the approved private street names;
  - (e) Private streets and surface parking areas on the site will be no closer than 15 feet to any side of a residential building used for entry into the building and will be no closer than 5 feet to any other face of a building. Architectural features such as stairs, chimneys, bay windows, and roof overhangs may extend into this 15-foot area, but in no case may they be closer than 5 feet to the private street and surface parking area;
  - (f) All structures and off-street parking and service areas will be separated by a Class C buffer along the side or rear yard from any abutting lot located in a single family residential district or abutting single family use (See Section 12.302);
  - (g) Building wall areas over 200 square feet and facing the public right-of-way shall require a minimum of one large maturing tree per 30 feet of linear wall or one small maturing tree per 20 feet of linear wall no closer than 15 feet to the wall; and
  - (h) No building permit for construction of a planned multi-family or attached development will be issued until a preliminary plan has been approved by the Planning Director in accordance with the requirements of these regulations. After the Planning Director has approved the preliminary plan, the planned multi-family or attached development must proceed through the normal approval process to obtain a building permit.
- (20) Public utility structures, subject to the regulations of Section 12.504.

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- (21) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.
- (22) Quarries, subject to the regulations of Section 12.605.
- (23) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).
- (24) Religious institutions, up to 1,200 seats, subject to the regulations of Section 12.506.
- (25) Retail and office establishments, restaurants and indoor recreation, provided that:
  - (a) The establishment will be located within a building that contains at least 50 dwelling units;
  - (b) The establishment will occupy no more than 25 square feet per dwelling unit in the building up to a maximum of 10,000 square feet;
  - (c) The establishment will have no direct public entrance from the outside of the building; and
  - (d) No merchandise or display of merchandise will be visible from outside the building.
- (26) Sanitary landfills, subject to the regulations of Section 12.507.
- (27) Subdivision sales office, provided that:
  - (a) The use serves the subdivision in which it is located and adjoining subdivision or subdivisions by the same developer or affiliate; and
  - (b) The use shall be terminated upon the completion of the sale of 95 percent of the total number of homes and/or lots; provided, however, that a model or demonstration home may be used for sales purposes until the last home or lot is sold.
- (28) Temporary buildings and storage of materials, provided that:

The use is in conjunction with the construction of a building on the same lot where construction is taking place or on an adjacent lot. Such temporary uses shall be terminated upon completion of construction.



- (29) Universities, colleges and junior colleges, provided that:
- (a) All buildings, outdoor recreation facilities and off-street parking and service areas will be separated by a Class B buffer from any abutting residential use or residential district (See Section 12.302);
  - (b) The use will be on a lot which fronts a minor or major thoroughfare; and
  - (c) Primary vehicular access will not be provided by way of a residential local (Class VI) street.

**Section 9.304. Permitted accessory uses and structures.**

The following uses shall be permitted in the R-8MF, R-12MF, R-17MF, R-22MF and R-43MF districts as accessory uses and structures, subject to the applicable criteria in this Part and in Chapter 12 of these regulations:

- (1) Accessory uses and structures, clearly incidental and related to the permitted principal use or structure on the lot.
- (2) Bookstores, offices, printing and distribution and similar uses and accessories to religious institutions located on the same lot and subject to the regulations of Section 12.506.
- (3) Customary home occupations, subject to the regulations of Section 12.408.
- (4) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (5) Elderly and disabled housing as an accessory to a single family detached dwelling, subject to the regulations of Section 12.407.
- (6) Fences and walls, subject to the regulations of Section 12.406.
- (7) Guest houses and employee quarters as an accessory to a single family detached dwelling, subject to the regulations of Section 12.412.
- (8) Marinas, subject to the regulations of Section 12.409.
- (9) On-site demolition landfills, subject to the regulations of Section 12.405.
- (10) Outdoor lighting, subject to the regulations of Section 12.402.

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- (11) Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
- (12) Private kennels, subject to the regulations of Section 12.410.
- (13) Private stables, subject to the regulations of Section 12.411.
- (14) 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.

Section 9.305. Development standards for multi-family districts.

All uses and structures permitted in the R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

- (1) Area, yard and bulk regulations shall be as follows:

	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
(a) Maximum Residential Density ( Dwelling units per acre) 1	8.0	12.0	17.0	22.0	43.0
(b) Maximum floor area ratio for nonresidential buildings	.50	.50	.50	.50	.50
(c) Minimum lot area (square feet) 2					
- Detached dwellings	3,500	3,500	3,500	3,500	3,500
- Duplex dwellings	6,500	6,500	6,500	6,500	6,500
- Triplex dwellings	9,500	9,500	9,500	9,500	9,500
- Quadraplex dwellings	11,500	11,500	11,500	11,500	11,500
- Attached dwellings	*	*	*	*	*
- Multi-family dwellings	11,500	11,500	11,500	11,500	11,500
- Nonresidential buildings	12,000	12,000	12,000	12,000	12,000
(d) Minimum lot width (feet)					
- Detached dwellings	40	40	40	40	40
- Duplex, triplex and quadraplex dwellings	55	55	55	55	55
- Attached dwellings	None	None	None	None	None
- Multi-family dwellings	55	55	55	55	55
- Nonresidential buildings	80	80	80	80	80
(e) Minimum setback (feet) 3	30	30	30	30	30

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	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
(f) Minimum side yard (feet) 4					
- Detached, duplex, triplex and quadraplex	5	5	5	5	5
- All other buildings	10	10	10	5	5
- Planned multi-family or attached developments adjoining single family developed or zoned land 5	20	20	10	10	10
(g) Minimum rear yard (feet)					
- Detached, duplex, triplex and quadraplex	20	20	20	20	20
- All other buildings	40	40	40	40	40
- Planned multi-family or attached developments adjoining single family developed or zoned land 5	50	50	50	40	40
(h) Minimum open space (%) 6	50	50	45	40	30
(i) Maximum height (feet) 7	40	40	40	40	40

\*If land is sold with an attached unit, the minimum lot size must be sufficient to accommodate dwelling unit and 400 feet of private open space.

FOOTNOTES TO CHART 9.305:

1. The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot.
2. For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).
3. For residential subdivisions of 10 or more lots, the minimum setback may be varied subject to the regulations of subsection 9.205(4).
4. For residential subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used in lieu of side yards specified, subject to the regulations of subsection 9.205(4).

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5. Side and rear yards determinations in planned multi-family or attached developments 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 45 degrees, the area between the building and the property line will be treated as a side yard.
6. Floor area ratio requirement applies only to nonresidential development. Religious institutions may have a minimum open space of 25%.
7. A building in any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a single family residential use or zoning district, it may not be erected to a height in excess of 40 feet unless the side and/or rear yard abutting the single family use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. However, any building over 60 feet in height and abutting a single family residential use or zoning district must increase any side and/or rear yard upon which a building shadow is cast  $1\frac{1}{2}$  feet for each foot above 60 feet. Height requirements for other permitted structures are set forth in Section 12.108.

CROSS-REFERENCES:

Applicable buffer requirements may require a larger side or rear yard than the minimum in some districts. See Chapter 12, Part 3. Also, larger setback and yard requirements may be required along certain streets subject to the regulations of Section 12.103.

- (2) Buffers and Screening. Development of any use in a multi-family residential district must conform to applicable buffer and screening requirements in Chapter 12, Part 3.
- (3) Signs. Signs are permitted in all multi-family residential districts in accordance with Chapter 13.
- (4) Parking and Loading. Development of any use in a multi-family residential district must conform to the parking and loading standards in Chapter 12, Part 2.
- (5) Special subdivision lot and yard requirements. Special lot and yard requirements apply to residential subdivisions of 10 lots or more in accordance with subsection 9.205(4).

PART 4: URBAN RESIDENTIAL

Section 9.401. Urban Residential districts; location; purposes.

- (1) Urban areas are recognized as unique areas with many assets and opportunities. In order to foster the urban characteristics of these areas, development here should promote an environment of diverse uses at higher than normal density which encourages pedestrian activities, needs and movement, while at the same time recognizing the limited supply of urban land. As such this requires special zoning classifications in order to implement the goals and objectives of these vital areas of the community. Further it is necessary and desirable to promote the residential nature of these areas through zoning classifications which are intended to realize the growing opportunities for new infill development and redevelopment. Such residential development, properly located and developed, can enhance and support the overall mix of uses characteristic of urban areas. Therefore, the purpose of this Section is to establish the urban residential districts.
- (2) Urban residential districts are intended for use in special areas of the community and thus may be considered for limited application. Generally, special plans or policy guides will be used to determine applicability. The official Zoning Map of the City of Charlotte will designate urban residential district boundaries.
- (3) 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 predominantly 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, the development objectives are:
  - (a) To maximize residential development potentials in urban areas;
  - (b) To establish a predominantly residential character with residential neighborhoods;
  - (c) To provide for sufficient local retail and office uses to support residential areas;
  - (d) To protect all residential areas from inappropriate and intrusive uses;

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- (e) To maximize open space and other amenities within residential areas;
- (f) To protect and enhance existing single-family residential areas from uses which by their scale and characteristics may be inappropriate;
- (g) To provide for the efficient utilization of scarce urban land; and
- (h) 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.

Section 9.402. Urban Residential Districts; established.

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

- (1) Urban Residential-1 district (UR-1): The intent of this district is to protect and enhance designated single-family areas and to encourage appropriate infill development within these areas.
- (2) Urban Residential-2 district (UR-2): 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 predominant residential district throughout much of the fringe of the uptown area.
- (3) Urban Residential-3 district (UR-3): 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.
- (4) Urban Residential-Commercial district (UR-C): 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 an employment core or to areas designated as community or neighborhood centers where a high level of commercial or other services are desired.

**Section 9.403. Urban Residential Districts; uses permitted by right.**

- (1) **UR-1:** Uses permitted by right within the UR-1 district are detached, duplex and attached dwellings.
- (2) **UR-2:** Uses permitted by right within the UR-2 district are duplex, triplex, quadraplex, attached, and multi-family dwellings. The following nonresidential uses are also permitted provided that the gross floor area of these uses does not exceed 50 percent 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  
 Bookshops  
 Antique shops  
 Tearooms  
 Studios  
 Museums  
 Offices

- (3) **UR-3:** Uses permitted by right within the UR-3 district are duplex, triplex, quadraplex, attached, and multi-family dwellings. Business or office uses limited to those permitted in B-1 neighborhood business districts are also allowed, except that no drive-in windows or automotive 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. Business or office uses are not permitted as free-standing uses but may be combined with residential uses in the same structure.
- (4) **UR-C:** Uses permitted by right within the UR-C district are duplex, triplex, attached, and multi-family dwellings and free-standing nonresidential structures. Freestanding nonresidential 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 automotive sales, service, or repair will be permitted.

**Section 9.404. Urban Residential Districts; uses permitted under prescribed conditions.**

- (1) Buildings for dramatic, musical, or cultural activities with less than 1,000 seats and stadiums and coliseums with less than 5,000 seats, provided that:

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- (a) The perimeter of the parking areas, exclusive of access driveways, will have a planting strip of at least 5 feet in width, and at least 1 tree 2 inches in caliper for each 25 linear feet of parking area perimeter shall be planted;
  - (b) Parking areas will have interior planting areas amounting to at least 10 percent of the paved area in excess of one acre;
  - (c) Access for the development site will be provided from nonresidential streets and shall not require the use of any residential collector (Class V) or residential local (Class VI) streets;
  - (d) The private living areas and associated open spaces of all abutting 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;
  - (e) 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;
  - (f) The use will not generate light of such an intensity or brilliance as to cause glare or to impair the vision of drivers;
  - (g) The use will be designated to allow direct access for transit service;
  - (h) The use will not cause or intensify off-site drainage problems; and
  - (i) The use will not be contradictory to the objectives of any approved plans for the area.
- (2) Customary home occupations. Home occupations are allowed in all urban residential districts in accordance with the requirements of Section 12.408.
  - (3) Off-street parking as a separate use (UR-C only). This parking must be provided with a 5-foot wide landscaped area along all property lines. The landscaped areas may include materials such as grass, planted ground cover, shrubs, vines, hedges, trees or similar materials.



- (4) Planned multi-family and attached dwellings. Residential uses, subject to the provisions of Section 9.303(19), Planned Multi-family and Attached dwellings in residential districts shall be reviewed and approved in accordance with the provision of that Section, except dimensional requirements of that Section do not apply.
- (5) Religious institutions. Religious institutions are permitted subject to the regulations of Section 12.506.
- (6) Uses normally permitted in residential districts. Institutional, nonresidential, accessory or complimentary uses normally permitted in other residential districts are permitted.
- (7) Yard Reduction. Reduction of any required yard by up to 25 percent, provided that the reduction will result in more efficient use of the site, preserve natural features or will not unduly diminish the provision of light, air and privacy to abutting properties.

**Section 9.405. Urban Residential Districts; accessory structures.**

Accessory structures are allowed in all urban residential districts in accordance with Section 12.106. However, accessory structures are exempted from Section 12.106 with respect to shared property lines when a joint application is made by adjoining property owners.

**Section 9.406. Urban Residential Districts; area, yard and height regulations.**

- (1) UR-1: Dimensional requirements for the UR-1 district are listed below:

Minimum lot area (square feet)	5,000
Minimum side yard (feet)	5
Minimum setback (feet )	5
Minimum rear yard (feet)	10
Maximum floor area ratio	0.25*
Maximum height (feet)**	40

\* The maximum floor area ratio 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 floor area ratio limitations.

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

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(2) UR-2: Dimensional requirements for the UR-2 district are listed below:

Minimum lot area (square feet)**	5,000
Minimum side yard (feet)	5
Minimum setback (feet)	5
Minimum rear yard (feet)	10
Maximum floor area ratio	1.0
Maximum height (feet)*	40

\* Maximum height may be increased above 40 feet provided all yards are increased 1 foot for every 10 feet 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.

(3) UR-3: Dimensional requirements for the UR-3 district are listed below:

Minimum lot area (square feet)**	5,000
Minimum side yard (feet)	5
Minimum setback (feet)	5
Minimum rear yard (feet)	20
Maximum floor area ratio	2.0
Maximum height (feet)	60*

\* Maximum height may be increased above 60 feet provided all yards are increased 1 foot for every 10 feet 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.

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- (4) UR-C: Dimensional requirements for the UR-C district are as follows:

Minimum lot area (square feet)	5,000
Minimum side yard (feet)	5
Minimum setback (feet)	5
Minimum rear yard (feet)	20
Maximum floor area ratio	3.0**
Maximum height (feet)	60*

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

\*\* No more than 1.5 floor area ratio may be devoted to nonresidential and/or institutional purposes in mixed use structures.

- (5) Building separation . The minimum building separation between buildings on a multiple building site in any UR district is 10 feet.

Section 9.407. Urban Residential Districts; development standards for various uses.

- (1) Density bonus provisions.

- (a) Objectives . Density bonus provisions are designed to achieve the following specific objectives:

- (i) To enhance and extend public amenities such as parks and public pedestrian ways.
- (ii) To create additional open space for public or semipublic use.
- (iii) To improve the overall quality of life within the larger residential area.
- (iv) 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.

- (b) Bonus limits. Because the sensitivity to increased densities of UR districts will vary with the base floor area ratio, the following upper limits on bonus accumulation are established:

- (i) For UR-1 and UR-2 districts a maximum bonus accumulation of 10 percent of the base floor area ratio.

- (ii) For UR-3 and UR-C districts, a maximum bonus accumulation of 50 percent of the base floor area ratio.
- (iii) For nonresidential uses in the UR-C districts, a maximum bonus accumulation of 25 percent of the base floor area ratio.
- (iv) For development projects located in more than one UR district, the total percent of increase in the base floor area ratio 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 be located.

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

- (c) Bonus permitted. The following density bonuses are established for the provision of the following features:
  - (i) For projects adjacent to a public park or cemetery a density bonus of 10 percent of the base floor area ratio shall apply, but not less than 8 dwelling units, will be granted.
  - (ii) 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 regulations 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.
  - (iii) For the creation of areas and paths (other than those already required) devoted to pedestrians and bicyclists which functionally extend adjacent areawide pedestrian ways or which create convenient access to public open space for residents or visitors, a density bonus of 10 percent of the base floor area ratio, but not less than 8 dwelling units, is granted.

- (iv) For the use of fountains, reflecting pools and similar features in design a density bonus of 5 percent of the base floor area ratio, but not less than 4 dwelling units, is granted.
- (v) For the preservation of a structure and/or land which has been designated as a historic property pursuant to 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 percent of the base floor area ratio, but not less than 4 dwelling units shall be granted. For the preservation of only a building facade or a group or series of facades of a structure or structures which have been designated as a historic property as listed above, a floor area bonus of 2 percent of the base floor area ratio but not less than 2 dwelling units, is granted.
- (vi) For the provision of permitted retail uses in the UR-C districts, a density bonus equal to the amount of square footage devoted to such uses up to a maximum of a 15 percent increase in residential density, but not less than 12 dwelling units, is granted.
- (vii) 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.
- (viii) For the development of residential or mixed use structures which contain more than 5 stories, a density bonus of 10 percent of the base floor area ratio, but not less than 4 dwelling units, is granted.
- (ix) For projects which combine 3 or more parcels into a single lot for development, a density bonus of 5 percent of the base floor area ratio, but not less than 4 dwelling units, is granted.
- (2) 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 Section 9.408. Additional parking may be provided.
- (3) Screening. Screening shall be provided in accordance with the requirements of Section 12.303, of these regulations.

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(4) Streetscape improvements. All development in the UR districts must conform to any adopted streetscape plan for the streets which the project abuts. Improvements relating to sidewalks, tree planting and landscaping as specified by the streetscape plan must be installed during the development process. Setbacks prescribed in the streetscape plan supersede those listed as minimums for the district when the plan specifies a greater setback than the minimum for the district. Developers are strongly encouraged to work with the appropriate utility companies to relocate overhead utilities underground during the development of the site. If the utilities are not relocated at the time the site is developed, the design of the site must provide for the eventual placement of utilities underground, and appropriate easements must be set aside accordingly.

(5) Signs. Signs within urban residential districts are permitted in accordance with Chapter 13 as modified by the following provisions:

(a) 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.<br>Signs must be motionless  |
| Permitted location:        | Behind the street right-of-way line and not more than 8 feet above the floor level at the dwelling unit entry if attached to structure, or not more than 5 feet above grade if not attached to the structure. |

(b) 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.<br>Signs must be motionless. |

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

(c) Signs on the premises of a freestanding nonresidential use.

Types of Signs permitted: Business.  
 Permitted number of signs: One per use.  
 Maximum area of signs: 8 square feet if projection from the structure is less than 6 inches, or 6 square feet if detached or if detached from the structure is more than 6 inches.

Permitted Illumination: Lighted, but not flashing. Signs must be motionless.

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

(d) Signs on the premises of a group of 3 or more nonresidential 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 the street right-of-way line and not more than 10 feet above grade if attached to the structure, or more than 5 feet above if not attached.

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- (e) Signs or bulletin boards providing historical information, information of noncommercial 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 for 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 the street right-of-way line and not more than 10 feet above grade.

Section 9.408. Urban Residential Districts; off-street parking and loading standards.

Requirements for off-street parking and loading are listed below:

- (1) Number of spaces per dwelling unit.

<u>Type of structure</u>	<u>Minimum</u>	<u>Maximum</u>
Detached	1	2
Attached	1	2
Multi-family	1	2
Multi-family (elderly)	.25	.50
Nonresidential use in UR-C	1/1000 gross square feet	1/500 gross square feet
Nonresidential use in UR-2 and UR-3	0	1/500 gross square feet

- (2) 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 must not be less than 7-1/2 feet in width and 14 feet 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:

<u>Use or building</u>	<u>Off-street service/delivery parking spaces</u>
Multi-family and attached dwellings, 1-24 units	0
Multi-family and attached dwellings, 25-74 units	2
Multi-family and attached dwellings, 75 units or more	1
Nonresidential 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 12.213. Any pedestrian decks which are constructed in conjunction with underground parking structures may be classified as open space.

PART 5: INSTITUTIONAL

Section 9.501. Institutional district established; purpose.

The INST district is intended to recognize and permit the creation of defined areas for the unified and orderly development of major cultural, educational, medical, governmental, religious, athletic and other institutions in order to support and enhance their benefit to the community in a manner which protects adjacent residential uses.

Section 9.502. Uses permitted by right.

The following uses shall be permitted by right in the INST district provided that they meet all requirements of this Part and all other requirements established in these regulations:

- (1) Clinics, medical, dental, and optical.
- (2) Clinics, veterinary.
- (3) Civic, social service, and fraternal facilities.
- (4) Cultural facilities.
- (5) Elementary and secondary schools.
- (6) Farms, including retail sale of produce grown on the premises.
- (7) Government buildings.
- (8) Group homes.
- (9) Indoor recreation.
- (10) Parks, greenways and arboretums.
- (11) Religious institutions.
- (12) Universities, colleges, and junior colleges.
- (13) Vocational schools.

**Section 9.503. Uses permitted under prescribed conditions.**

The following uses shall be permitted in the INST district if they meet the standards established in this Section and all other requirements of these regulations:

- (1) Adult care centers, subject to the regulations of Section 12.502.
- (2) Bus stop shelters, subject to the regulations of Section 12.513.
- (3) Cemeteries, subject to the regulations of Section 12.508.
- (4) Child care centers, subject to regulations of Section 12.502.
- (5) Demolition landfills, subject to the regulations of Section 12.503.
- (6) Dormitories, provided that:
  - (a) The dormitory will be located within one-half mile of the institutional use it is designed to serve;
  - (b) Building walls over 200 square feet and facing a public right-of-way shall require a minimum of one large maturing tree per 30 linear feet of wall or one small maturing tree per 20 linear feet of wall no closer than 15 feet to the wall; and
  - (c) If there are more than 12 living units in a single dormitory or more than one dormitory on the same lot, the development shall be reviewed and approved in accordance with the planned multi-family or attached development standards for the R-22MF district in subsection 9.303(19).
- (7) Health institutions, provided that:
  - (a) The maximum floor area ratio is 3.0;
  - (b) Primary vehicular access to the use will not be by way of a residential local (Class VI) street; and
  - (c) The use will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low-intensity institutional use (See Section 12.302).

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- (8) Jails and prisons uses, provided that:
- (a) The minimum lot size shall be as follows:
    - i. Jails within completely enclosed structures - 2 acres
    - ii. Jails with open exercise yards or other unenclosed facilities - 5 acres
    - iii. Prisons - 50 acres;
  - (b) The use and structures shall be separated from the nearest residentially zoned or residentially used property by the following minimum distances:
    - i. any portion of the principal structure - 100 feet
    - ii. any security fence attendant to the principal use - 50 feet
    - iii. any accessory use associated with the principal use - 50 feet;
  - (c) No portion of the principal use or any accessory use may exceed 40 feet in height if located within 100 feet of any residentially zoned or residentially used property;
  - (d) Fencing materials such as barbed wire, razor wire, or electrical fences may not be used when adjacent to residentially zoned or residentially used properties. This standard applies to those fences which are located along or parallel to the property boundary which is nearest to the residential areas. This standard does not apply to fences which are located more than 60 feet from the property line; and
  - (e) All lighting for the facility must be oriented so that direct beams of light shine away from all adjoining properties and into the property so used.
- (9) Nonconforming structures and uses, subject to the regulations of Chapter 7.
- (10) Nursing homes, rest homes, homes for the aged, elderly and disabled housing, provided that:
- (a) Maximum number of independent units is 43 units per acre and maximum number of dependent living units is 100 beds per acre; and

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- (b) If any nursing home, rest home or home for the aged has more than 12 living units in a single building or there is more than one principle building on a lot, it shall be received and approved in accordance with the regulations for planned multi-family and attached development in subsection 9.303(19).
- (11) [RESERVED]
- (12) Open space recreational uses, subject to the regulations of Section 12.516.
- (13) Outdoor recreation, provided that:
- (a) Off-street parking and service areas and outdoor recreational equipment facilities will be separated by a Class C buffer from any abutting property located in a residential district or used for residential purposes (See Section 12.302); and
- (b) No outdoor recreational facilities, such as swimming pools, tennis courts, picnic shelters, etc. shall be located within 100 feet of any lot located in a residential district or abutting single family residential use.
- (14) Public utility structures, subject to regulations of Section 12.504.
- (15) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.
- (16) Quarries, subject to the regulations of Section 12.505.
- (17) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).
- (18) Retail establishments, offices, and restaurants, provided that:
- (a) The principal use of the lot is institutional;
- (b) The principal use of the lot occupies at least 30,000 square feet of floor area;
- (c) Retail establishments, and restaurants, will occupy no more than 10 percent of the gross floor area of all buildings on the lot, and under no circumstances will such uses exceed 25% of the ground floor area;
- (d) The proposed use must be located within the same building as the principal use, and there will be no direct public entrance to the proposed use from outside the building, except for a restaurant use;

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- (e) No merchandise or display of merchandise will be visible from outside the building housing the proposed use; and
  - (f) One wall sign is permitted to identify all internal uses provided that it is no larger than 16 square feet.
- (19) Sanitary landfills, subject to the regulations of Section 12.507.
- (20) Stadiums and arenas, provided that:
- (a) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street;
  - (b) No direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential district or abutting residential use;
  - (c) All buildings and structures and off-street parking and service areas will be separated by a Class B buffer from any abutting property in a residential district, abutting residential use or low-intensity institutional use (See Section 12.302);
  - (d) Off-street parking areas and accessways will be designed to allow direct public transit service to the use; and
  - (e) Stadiums and arenas shall be located a minimum of 100 feet from all exterior property lines.
- (21) Subdivision sales office, provided that:
- (a) The use serves the subdivision in which it is located and adjoining subdivision or subdivisions by the same developer or affiliate; and
  - (b) The use shall be terminated upon the completion of the sale of 95 percent of the total number of homes and/or lots; provided, however, that a model or demonstration unit may be used for sales purposes until the last unit or lot is sold.
- (22) Temporary buildings and storage of materials, provided that:
- The use is in conjunction with the construction of a building on the same lot where construction is taking place or on an adjacent lot. Such temporary uses shall be terminated upon completion of construction.

**Section 9.504. Permitted accessory uses and structures.**

The following uses shall be permitted in the INST district as accessory uses and structures, subject to the applicable criteria in this Part and Chapter 12 of these regulations:

- (1) Accessory uses and structures, clearly incidental and related to the permitted principal use or structure on the lot.
- (2) Drive-in service windows as an accessory to the principal use, subject to the regulations of Section 12.414.
- (3) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (4) Fences and walls.
- (5) Helistops, limited, subject to the regulations of Section 12.415.
- (6) On-site demolition landfills, subject to the regulations of Section 12.405.
- (7) Outdoor lighting, subject to the regulations of Section 12.402.
- (8) Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Protection Code of the National Board of Fire Underwriters.
- (9) Vending machines for cigarettes, candy, soft drinks and similar items and coin-operated laundries within an enclosed building as an accessory to the uses in the principal building or buildings.

**Section 9.505. Development standards for the institutional district.**

All uses and structures permitted in the INST district shall meet the applicable development standards established in this section and other requirements of these regulations:

- (1) Area, yard and bulk regulations shall be as follows:

	<u>INST</u>
(a) Maximum floor area ratio 1	.50
(b) Minimum lot area (square feet)	15,000
(c) Minimum lot width (feet)	80

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	<u>INST</u>
(d) Minimum setback (feet)	40
(e) Minimum side yard (feet)	20
(f) Minimum rear yard (feet)	20
(g) Maximum height (feet) 2	40

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FOOTNOTES TO CHART 9.505(1):

1. If a parking deck is constructed as part of a building, the allowable F.A.R. may be increased by 50 percent.
2. A building in a district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential use or residential zoning, it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential use or zoning is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are in Section 12.108.

CROSS-REFERENCES:

Applicable buffer requirements may require a larger side or rear yard than the minimum. See Chapter 12, Part 3. Also, larger setback and yard regulations may be required along certain streets subject to the regulations of Section 12.103. Larger than minimum setback may be required where a nonresidential use abuts a lot in a residential district. See subsection 12.102(1).

- 
- (2) Buffers and Screening. Development of any use in the INST district must conform to the buffer and screening requirements in Chapter 12, Part 3.
  - (3) Signs. Signs are permitted in the INST district in accordance with Chapter 13.
  - (4) Parking and Loading. Development of any use in the INST district must conform to the parking and loading standards in Chapter 12, Part 2.



PART 6: RESEARCHSection 9.601. Research districts established; purposes.

The RE-1 and RE-2 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. Research districts are heavily oriented toward research, development and high technology manufacturing operations and similar uses that are characterized by a high degree of scientific and technical input, and the employment of professional, technical or kindred workers. Development within these districts should be characterized by spacious and extensively landscaped settings with emphasis on aesthetic and environmental considerations. While permitted uses are similar in both districts, RE-1 is designed to attract supporting facilities through less stringent lot dimensions.

Section 9.602. Uses permitted by right.

The following uses shall be permitted by right in the RE-1 and RE-2 districts provided that they meet all requirements of this Part and all other requirements established in these regulations:

- (1) Applied and basic research laboratories.
- (2) Auction sale of real property and such personal property as is normally located thereon for the purpose of liquidating assets.
- (3) Civic, social service and fraternal facilities.
- (4) Cultural facilities.
- (5) Farms, including retail sale of produce grown on the premise.
- (6) Government buildings, up to 300,000 square feet.
- (7) Graphics research and production facilities.
- (8) Highway and railroad rights-of-ways.
- (9) Indoor recreation.
- (10) Laboratories for testing products and materials.
- (11) Manufacture of electronic, computing and communications equipment and related devices.

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- (12) Optical, dental and medical laboratories.
- (13) Offices, up to 300,000 square feet.
- (14) Parks, greenways and arboretums.
- (15) Pharmaceutical preparations and production facilities.
- (16) Prototype production facilities and pilot plants.
- (17) Radio and television stations and/or offices.
- (18) Research uses.
- (19) Subdivision sales offices.
- (20) Telephone booths.
- (21) Uses similar to those listed above.

Section 9.603. Uses permitted under prescribed conditions.

The following uses shall be permitted in the RE-1 and RE-2 districts if they meet the standards established in this Section and all other requirements of these regulations:

- (1) Adult care center, subject to the regulations of Section 12.502.
- (2) Bus stop shelters, subject to the regulations of Section 12.513.
- (3) Child care centers, subject to the regulations of Section 12.502.
- (4) Demolition landfills, subject to the regulations of Section 12.503.
- (5) Nonconforming structures and uses, subject to the regulations of Chapter 7.
- (6) Offices and government buildings, over 300,000 square feet, provided that:
  - (a) Primary vehicular access to the use will not be by way of a residential local (Class VI) street;
  - (b) The use will be separated by a buffer from any abutting property located in a residential district, or from any abutting residential use or low-intensity institutional use outside the Research districts (See subsection 9.605(5)); and

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- (c) Submission of traffic impact analysis in accordance with the provisions of subdivision 9.703(17)(c) to identify any needed on-site transportation improvements.
- (7) Open space recreational uses, subject to the regulations of Section 12.516.
- (8) Outdoor recreation, provided that:
- (a) Off-street parking and service areas and outdoor recreational facilities will be separated by a buffer from any abutting property located in a residential district or abutting single family residential use outside the Research districts (See subsection 9.605(5)); and
- (b) No outdoor recreational facilities, such as swimming pools, tennis courts, picnic shelter, etc. shall be located within 100 feet of any lot located in a residential district or abutting single family residential use.
- (9) [RESERVED]
- (10) Public utility structures, subject to the regulations of Section 12.504.
- (11) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.
- (12) Quarries, subject to the regulations of Section 12.505.
- (13) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).
- (14) Retail establishments, restaurants, medical, optical and dental clinics, provided that:
- (a) The principal use of the lot is for offices, research laboratories, pilot plants, prototype production plants, or other production facilities;
- (b) The principal use of the lot occupies at least 30,000 square feet of floor area;
- (c) Retail establishments, restaurants, and medical and dental clinics, will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances exceed 25% of the ground floor area, except a restaurant use may occupy up to 50% of the ground floor;

- (d) If the proposed use is to be located within the same building as the principal use, then there will be no direct public entrance to the proposed use from outside the building, except for a restaurant use;
  - (e) If the proposed use is to be located in a building separate from the principal use, then the proposed use will be designed and intended primarily for the use of persons who are employed by the principal use;
  - (f) No merchandise or display of merchandise will be visible from outside the building housing the proposed use; and
  - (g) One wall sign is permitted to identify all internal commercial uses, provided that it is no larger than 16 square feet.
- (15) Sanitary landfills, subject to the regulations of Section 12.507.
- (16) Stadiums and arenas of no more than 5,000 seats, provided that:
- (a) All parking areas will meet the landscaping standards set out in Chapter 12, Part 2;
  - (b) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street;
  - (c) No direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential district, an abutting residential use or low intensity institutional use;
  - (d) Off-street parking areas and accessways will be designed to allow direct public transit service to the use;
  - (e) All building and off-street parking areas and service areas will be separated by a buffer from any abutting property in a residential district, or an abutting residential use or low intensity institutional use outside the Research district (See subsection 9.605(5)); and
  - (f) Stadiums and arenas shall be located a minimum of 100 feet from any exterior property lines.
- (17) Temporary buildings and storage of materials, provided that:
- The use is in conjunction with construction of a building on the same lot where construction is taking place or on adjacent lots. Such temporary uses are to be terminated upon completion of construction.

**Section 9.604. Permitted accessory uses and structures.**

The following uses shall be permitted in the RE-1 and RE-2 districts as accessory uses and structures, subject to the applicable criteria in this Part and Chapter 12 of these regulations:

- (1) Accessory uses and structures clearly incidental and related to the permitted principal use or structure on the lot.
- (2) Drive-in windows as an accessory to the principal use, subject to the regulations of Section 12.414.
- (3) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (4) Fences and walls.
- (5) Helistops, limited, subject to regulations of Section 12.415.
- (6) On-site demolition landfills, subject to the regulations of 12.405.
- (7) Outdoor lighting, subject to the regulations of Section 12.402.
- (8) Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
- (9) Satellite dishes and towers, subject to regulations of subsection 9.605(4).
- (10) 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.

**Section 9.605. Development standards for research districts.**

All uses and structures permitted in the RE-1 and RE-2 districts shall meet the applicable development standards established in this Section and other requirements of these regulations:

- (1) Area, yard and bulk regulations shall be as follows:

	RE-1	RE-2
(a) Maximum floor area ratio (%)	.60	.60
(b) Minimum lot area (acres)	2 acres	4 acres

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	RE-1	RE-2
(c) Minimum lot width (feet)	200*	400*
(d) Minimum setbacks (feet)		
- Lots between 2 and 10 acres	40**	N.A.
- Lots between 4 and 10 acres	40**	100
- Lots greater than 10 acres	100	150
(e) Minimum side and rear yards (feet)		
- Lots between 2 and 10 acres	25***	N.A.
- Lots between 4 and 10 acres	25***	35
- Lots greater than 10 acres	25***	50
(f) Minimum street side yard on corner lots		
- Lots between 2 and 10 acres	40	N.A.
- Lots between 4 and 10 acres	40	75
- Lots greater than 10 acres	40	100
(g) Maximum height (feet) 2	40	40

\*Lots having any part of their frontage on the circular portion of a cul-de-sac right-of-way may use 100 feet in RE-1 and 200 feet in RE-2 as the minimum lot width.

\*\*Minimum setback shall be 100 feet on thoroughfares and collectors.

\*\*\*Minimum sideyard shall be 35 feet when abutting a residential district.

N.A. - Not Applicable

FOOTNOTES TO CHART 9.605(1):

1. If a parking deck is constructed as part of a building, the allowable F.A.R. may be increased by 50 percent.
2. A building in a designed district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential use outside the Research Districts or residential zoning, it may not be constructed above the 40-foot unless if the side and/or rear yard which adjoins the residential use or zoning is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

CROSS-REFERENCES:

Applicable buffer requirements may require a larger side or rear yard than minimum. See subsection 9.605(5). Also, larger setback and yard requirements may be required along certain streets subject to the requirements of Section 12.103. Larger than minimum setback standard may be required where a nonresidential use abuts a lot in a residential district. See subsection 12.102(1).

- (2) Outside Storage. Outside storage of any materials, supplies or products shall not be permitted in the research districts.
- (3) Security gate or station. A gate or security station may be located in a required yard or setback.
- (4) Satellite dishes and towers. Satellite dishes and towers are permitted as an accessory use provided that:
  - (a) They are a necessary part of a permitted use utilizing such equipment as part of its normal operation;
  - (b) Such dishes and towers may not be located within the setback area of any lot or within the street side yard of a corner lot; and
  - (c) Screening shall be installed on the exterior sides of such dishes and towers in accordance with Section 12.303. If walls are chosen for this screening, materials must be compatible with the exterior of other buildings on the site.
- (5) Buffers and Screening. Buffers and screening are required for all uses in accordance with the following:
  - (a) At least one-half of the exterior depth of the setback, side and rear yards, except where driveways access or utility easements are required, must be maintained with existing vegetation and natural features. Under certain circumstances the retention of existing vegetation or natural features may be inappropriate or ineffective. In such cases, an alternative landscaping and screening plan may be submitted to the Planning Director for consideration and approval. These plans must contain sufficient information to indicate why maintenance of existing conditions would be inappropriate or ineffective due to site design, topography, unique relationships to other properties, absence or type of natural vegetation or other special considerations. Details of the proposed landscaping treatment shall indicate topographic

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changes as well as number, type and size of plant material. Within 20 days the Planning Director shall advise the applicant of the disposition of the alternate proposal. If no specific alternative plan can be approved the maintenance of existing features must be observed. It should be understood that the alternative plan procedure is strictly voluntary and that requirements other than those set forth in Section 12.303 may be imposed in order to insure that the intent of this subsection is met; and

- (b) At a minimum, the screening requirements of Section 12.303, shall be enforced for all uses.
- (6) Signs. Signs are permitted in the Research districts in accordance with Chapter 13 except that:
- (a) Signs in the districts may be luminous.
  - (b) Signs lighted internally must be contained within an opaque background with only letters, numbers and symbols being translucent. The intent of this requirement is to provide signs which consist of lighted letters, numbers and symbols on an opaque background.
- (7) Parking and Loading. Development of any use in the research districts must conform to the parking and loading standards in Chapter 12, Part 2 except that:
- (a) Parking of motor vehicles is not permitted in any required setback or in the front one-half of any required exterior side yard of a corner lot or in the exterior one-half of any interior lot line, except that on through lots adjacent to an Interstate Highway, parking is permitted in the setback to within 50 feet of the Interstate right-of-way. The parking area must be paved with a dust-free, all-weather surface and must be properly drained and landscaped. The space within the required setback must not be used as a maneuvering space for the parking of vehicles, except that driveways providing access to the parking area may be installed across the setback area.
  - (b) Underground parking structures are permitted in accordance with Section 12.213.



PART 7: OFFICE

Section 9.701. Office districts established; purposes.

The 0-1, 0-2 and 0-3 districts are hereby established to provide areas which are conducive to the establishment and operation of offices, institutions, and commercial activities not involving the sale of merchandise. Standards are designed so that these districts, in some instances, may serve as transitional uses between residential districts and other commercial districts.

Section 9.702. Uses permitted by right.

The following uses are permitted by right in the 0-1, 0-2 and 0-3 districts, provided they meet all requirements of this Part and all other requirements established in these regulations:

- (1) Armories for meetings and training of military organizations.
- (2) Barber and beauty shops.
- (3) Boarding houses, limited to 12 boarders in no more than 6 bedrooms per lot.
- (4) Civic, social service and fraternal facilities.
- (5) Clinics, medical, dental and optical.
- (6) Clinics, veterinary.
- (7) Cultural facilities.
- (8) Dwellings, detached, duplex, triplex or quadraplex.
- (9) Dwellings, attached and multi-family up to 12 units in a building.
- (10) Elementary and secondary schools.
- (11) Farms, including retail sale of produce grown on premises.
- (12) Financial institutions, up to 300,000 square feet.
- (13) Funeral homes.
- (14) Government buildings, up to 300,000 square feet.

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- (15) Group homes.
- (16) Health institutions (O-1 and O-3 only).
- (17) Highway and railroad rights-of-way.
- (18) Indoor recreation.
- (19) Laboratories, within an enclosed building for basic and applied research.
- (20) Laboratories, medical, dental and optical.
- (21) Offices, up to 300,000 square feet.
- (22) Parks, greenways and arboretums.
- (23) Post offices.
- (24) Radio and television stations and/or offices.
- (25) Religious institutions.
- (26) Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.
- (27) Subdivision sales offices.
- (28) Telephone booths.
- (29) Universities, colleges and junior colleges.
- (30) Vocational schools, within enclosed buildings.

**Section 9.703. Uses permitted under prescribed conditions.**

The following uses shall be permitted in the O-1, O-2 and O-3 districts if they meet the standards established in this Section and all other requirements of these regulations:

- (1) Adult care centers, subject to the regulations of Section 12.502.
- (2) Adult care homes, subject to the regulations of Section 12.502.
- (3) Bus stop shelters, subject to the regulations of Section 12.513.
- (4) Cemeteries, subject to the regulations of Section 12.508.

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- (5) Child care centers, subject to the regulations of Section 12.502.
- (6) Child care homes, subject to the regulations of Section 12.502.
- (7) Demolition landfills, subject to the regulations of Section 12.503.
- (8) Dormitories, provided that:
- (a) Dormitory will be located within one-half mile of the institutional use it is designed to serve;
  - (b) Building wall areas over 200 square feet and facing the public right-of-way shall require a minimum of one large maturing tree for each 30 feet of linear wall or one small maturing tree for each 20 feet of linear wall no closer than 15 feet to the wall; and
  - (c) If there are more than 12 living units in a single dormitory or more than one dormitory on the same lot, the development must be reviewed and approved in accordance with the regulations for planned multi-family and attached development in subsection 9.303(19).
- (9) Dwelling, mixed use, provided that:
- (a) The dwelling units will be located in the same building as an office use permitted in the district;
  - (b) The dwelling units will occupy no more than 75 percent of the total floor area of buildings on the lot;
  - (c) The minimum lot and yard requirements for a building with dwelling units shall be the same as required for the office use; and
  - (d) Development density shall be controlled by the floor area ratio in the district.
- (10) Equestrian oriented subdivisions, subject to the regulations of Section 12.514.
- (11) Health institutions (0-2 only), provided that:
- (a) The maximum floor area ratio is 3.0;
  - (b) Primary vehicular access to the use will not be by way of a residential local (Class IV) street; and

(c) The use will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low-intensity institutional use.

(12) Hotels and motels, provided that:

- (a) All buildings, off-street parking and service areas will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low intensity institutional use (See Section 12.302);
- (b) Retail, nightclubs, bars, lounges and restaurants as accessory uses may be located in a hotel or motel having a minimum of 75 rental units.
- (c) Gross floor area for retail, entertainment and restaurant 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;
- (d) No merchandise or merchandise display window may be visible from outside the building;
- (e) No outside storage or display of merchandise will be permitted; and
- (f) One wall sign is permitted to identify all internal commercial uses, provided that the sign is no larger than 16 square feet.

(13) Jails and prisons, provided that:

- (a) The minimum lot size shall be as follows:
  - i. Jails within completely enclosed structures - 2 acres
  - ii. Jails with open exercise yards or other unenclosed facilities - 5 acres
  - iii. Prisons - 50 acres;
- (b) The use and structures shall be separated from the nearest residentially zoned or residentially used property by the following minimum distances:
  - i. any portion of the principal structure - 100 feet
  - ii. any security fence attendant to the principal use - 50 feet

iii. any accessory use associated with the principal use - 50 feet;

(c) No portion of the principal use or any accessory use may exceed 40 feet in height if located within 100 feet of any residentially zoned or residentially used property;

(d) Fencing materials such as barbed wire, razor wire, or electrical fences may not be used when adjacent to residentially zoned or residentially used properties. This standard applies to those fences which are located along or parallel to the property boundary which is nearest to the residential areas. This standard does not apply to fences which are located more than 60 feet from the property line; and

(e) All lighting for the facility must be oriented so that direct beams of light shine away from all adjoining properties and into the property so used.

(14) [RESERVED]

(15) Nonconforming structures and uses, subject to the regulations of Chapter 7.

(16) Nursing homes, rest homes, homes for the aged, elderly and disabled housing, provided that:

(a) The maximum number of units or beds permitted is as established in the table below:

<u>District</u>	<u>Independent Living Units per Acre</u>	<u>Dependent Living Beds Per Acre</u>
0-1	12	40
0-2	22	70
0-3	43	130

(b) If any nursing home, rest home or home for the aged has more than 12 living units in a single building or there is more than one principal building on the same lot, it shall be reviewed in accordance with the regulations for planned multi-family and attached development in subsection 9.303(19).

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(17) Offices, financial institutions and government buildings, over 300,000 square feet, provided that:

- (a) Primary vehicular access to the use will not be by way of a residential local (Class VI) street;
- (b) The use will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low-intensity institutional use (See Section 12.302); and
- (c) Submission of traffic impact analysis in accordance with the following provisions to identify any needed on-site transportation improvements.
  - (i) Area of analysis for the study shall be limited to the immediate site and adjacent street network;
  - (ii) The traffic impact study will be prepared by a qualified transportation or traffic engineer or planner;
  - (iii) Before beginning the study, the engineer or planner shall meet with the appropriate staff of the Charlotte Department of Transportation to determine the acceptable boundary, target forecasting years, background traffic levels, imminent transportation projects, data collection needs, and the format of the study report.
  - (iv) The traffic impact study shall include the following information:
    - (1) Existing traffic conditions within the study boundary;
    - (2) Traffic volumes generated by the existing and proposed developments on the parcel, including the morning peak, afternoon or evening peak and average annual daily traffic;
    - (3) The distribution of existing and proposed trips through the street network;
    - (4) Capacity analysis of intersections located adjacent to the site;
    - (5) Recommendations for improvements designed to mitigate on-site traffic impacts and to enhance pedestrian access to the development from the public right-of-way; and

- (v) The Zoning Administrator in consultation with the Charlotte Department of Transportation has authority to waive the submission requirement of a traffic impact study or reduce the scope of the study if the scale of proposal or other revision makes submission of the information unnecessary or impractical.
- (18) Off-street parking for offices, business and industrial uses, subject to the regulations of Chapter 12, Part 2.
- (19) Open space recreational uses, subject to the regulations of Section 12.516.
- (20) Orphanages, children's homes and similar nonprofit institutions providing domiciliary care for children, provided that:
- (a) Building walls over 200 square feet and facing a public right of way shall require a minimum of one large maturing tree per 30 linear feet of wall or one small maturing tree per 20 linear feet of wall no closer than 15 feet to the wall; and
- (b) If an orphanage, childrens home or similar institution has more than 12 living units or if there is more than one building on the same lot, it must be reviewed and approved in accordance with the regulations for planned multi-family and attached development in subsection 9.303(19).
- (21) Outdoor recreation, provided that:
- (a) Off-street parking and service areas and outdoor recreational facilities will be separated by a Class C buffer from any abutting property located in a residential district or abutting single family residential use; and
- (b) No outdoor recreational facilities, such as swimming pools, tennis courts, picnic shelter, etc. shall be located within 100 feet of any lot located in a residential district or abutting single family residential use.
- (22) Planned multi-family and attached developments, subject to subsection 9.303(19) and the regulations of this Part.
- (23) Public utility structures, subject to the regulations of Section 12.504.
- (24) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.
- (25) Quarries, subject to the regulations of Section 12.505.

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- (26) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).
- (27) Retail and office establishments, restaurants and indoor recreation in multi-family buildings, subject to the regulations of subsection 9.303(25).
- (28) Retail establishments and restaurants in office buildings, provided that:
- (a) The principal use of the lot is for offices;
  - (b) The principal use of the lot occupies at least 30,000 square feet of floor area;
  - (c) Retail establishments and restaurants, will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances shall exceed 25% of the ground floor area except a restaurant use may occupy up to 50% of the ground floor area;
  - (d) The proposed use must be located within the same building as the principal use, and there will be no direct public entrance to the proposed use from outside the building, except for a restaurant use;
  - (e) No merchandise or display of merchandise will be visible from outside the building housing the proposed use; and
  - (f) One wall sign is permitted to identify internal commercial uses, provided that the sign is no larger than 16 square feet.
- (29) Sanitary landfills, subject to the regulations of Section 12.507.
- (30) Temporary buildings and storage of materials, provided that:
- The use is in conjunction with the construction of a building on the same lot where construction is taking place or on an adjacent lot. Such temporary uses shall be terminated upon completion of construction.



**Section 9.704. Permitted accessory uses and structures.**

The following uses shall be permitted in the 0-1, 0-2 and 0-3 districts as accessory uses and structures, subject to applicable criteria in Chapter 12 of these regulations:

- (1) Accessory uses and structures clearly incidental and related to the permitted principal use or structure on the lot.
- (2) Customary home occupations, subject to the regulations of Section 12.408.
- (3) Drive-in windows as an accessory to the principal use, subject to the regulations of Section 12.413.
- (4) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (5) Elderly and disabled housing as an accessory to a single family dwelling unit, subject to the regulations of Section 12.407.
- (6) Fences and walls.
- (7) Guest houses and employee quarters as an accessory to a single family detached dwelling, subject to the regulations of Section 12.412.
- (8) Heliports and helistops, limited, subject to the regulations of Section 12.415.
- (9) Marinas, subject to the regulations of Section 12.409.
- (10) On-site demolition landfills, subject to the regulations of Section 12.405.
- (11) Outdoor lighting, subject to the regulations of Section 12.402.
- (12) Petroleum storage, accessory to a permitted principal use or structure, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
- (13) Private kennels, subject to the regulations of Section 12.410.
- (14) Private stables, subject to the regulations of Section 12.411.
- (15) Vending machines for cigarettes, candy, soft drinks and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building or buildings.

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**SEC. 9.705.**

**Section 9.705. Development standards for office districts.**

All uses and structures permitted in the 0-1, 0-2 and 0-3 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

(1) Areas, yard and bulk regulations shall be as follows:

	0-1	0-2	0-3
(a) Maximum Residential Density (Dwelling Units Per Acre) 1	12.0	22.0	43.0
(b) Maximum floor area ratio for nonresidential uses 2	.60	1.0	3.0
(c) Minimum lot area (square feet) 3			
- Detached dwellings	3,500	3,500	3,500
- Duplex dwellings	6,500	6,500	6,500
- Triplex dwellings	9,500	9,500	9,500
- Quadraplex dwellings	11,500	11,500	11,500
- Attached dwellings	*	*	*
- Multi-family dwellings	11,500	11,500	11,500
- Nonresidential buildings	15,000	6,000	6,000
(d) Minimum lot width (feet)			
- Detached dwellings	40	40	40
- Duplex, triplex & quadraplex dwellings	55	55	55
- Attached dwellings	None	None	None
- Multi-family dwellings	55	55	55
- Nonresidential buildings	80	50	50
(e) Minimum setback (feet)	20	20	20
(f) Minimum side yard (feet) 4			
- Residential dwelling(s) in a single building up to 12 units	10	5	5
- Planned multi-family attached development adjoining single family developed or zoned land 5	20	10	10
- Nonresidential development	10	5	5

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	0-1	0-2	0-3
(g) Minimum rear yard (feet)			
- Residential dwelling(s) in a single building up to 12 units	30	20	20
- Planned multi-family or planned attached development adjoining single family developed or zoned land 5	50	40	40
- Nonresidential development	20	20	20
(h) Minimum open space for residential development (%)	50	40	30
(i) Maximum height (feet) 6	40	40	40

\*If land is sold with an attached unit, the minimum lot size can be sufficient to accommodate dwelling unit and 400 square feet of private open space.

FOOTNOTES TO CHART 9.705(1):

1. The maximum residential density number, controls the allowable number of residential dwelling units permitted on a lot.
2. If a parking deck is constructed as part of a nonresidential building, the allowable floor area ratio may be increased by 50 percent.
3. For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).
4. For residential subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used subject to subsection 9.205(4).
5. Side and rear yards determinations in planned multi-family or attached developments 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 45 degrees, the area between the building and the property line will be treated as a side yard.

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6. A building in a designated district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential use or residential zoning it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential use or zoning is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

CROSS-REFERENCES:

Applicable buffer requirement may require a larger side and rear yard than the minimum. See Chapter 12, Part 3. Also, larger setback and yard requirements may be required along certain streets, subject to the regulations of Section 12.103. Larger than minimum setback standard may be required where a nonresidential use abuts a lot in a residential district. See subsection 12.102(1).

- (2) Buffer and Screening. Development of any use in the 0-1, 0-2 and 0-3 districts must comply with the applicable buffer and screening requirements in Chapter 12, Part 3.
- (3) Signs. Signs are permitted in the 0-1, 0-2 and 0-3 districts in accordance with Chapter 13.
- (4) Parking and Loading. Development of any use in the 0-1, 0-2 and 0-3 districts must conform to the parking and loading standards in Chapter 12, Part 2.
- (5) Outdoor storage. Outdoor storage is not permitted in the office districts.

PART 8: BUSINESS

Section 9.801. Business districts established; purposes.

- (1) The purpose of the B-1 (Neighborhood Business) district is to create and protect business centers for the retailing of merchandise such as groceries, drugs and household items and the provision of professional services for the convenience of dwellers of nearby residential areas. Standards are designed so that uses within this district may be soundly and permanently developed and maintained in such a way as to be compatible with adjacent residential properties.
- (2) The purpose of the B-2 (General Business) district is to create and protect business areas for the retailing of merchandise, the provision of professional and business services and, in some cases, wholesaling services to serve a large population. This district will generally be located adjacent to major thoroughfares, because establishments within this district are more likely to serve a larger trade area than establishments within the B-1 district.
- (3) The purpose of the B-D (Distributive Business) district is to provide areas in which distributive uses, such as warehousing, office and wholesaling concerns, plus other complementary uses may be established and 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 streets and to aid in protecting nearby residential areas from the detrimental aspects of uses permitted within the district.
- (4) The purpose of the BP (Business Park) district is to provide for a mixture of employment uses of varying types in a single coordinated development. The district might include mixtures of office, retail, distribution, warehouse, manufacturing, and related service uses. It is not intended that this district be used to accommodate single use developments which can be located in other zoning classifications. Development within the district is expected to be of high quality design for buildings, site arrangement, and site amenities. Development will be expected to conform to higher levels of performance standards which are designed to protect adjacent areas, especially residential areas, as well as enhance development within the district. Further, this district provides for substantial flexibility in the internal arrangement of uses on the site while assuring a satisfactory integration of the district into the surrounding area. Emphasis will be placed on the project's relationship to existing and future public facilities such as roads and greenways. In order to

assure that any proposal for a BP district can fulfill the objectives of this ordinance and to encourage well planned, mixed use developments, the minimum area necessary to be considered for the BP district is 20 acres.

The BP district is intended for application in select locations throughout the urban and urbanizing area. It's principal use will be for new development on previously undeveloped land, but it may also be applied to areas which are appropriate for redevelopment or conversion and in which all of the regulation standards may be fulfilled.

In order to assure that areas to be considered for a BP district can accommodate the increased activity which can be expected, the following general criteria will be used to establish the district:

- (a) Direct access to at least one major thoroughfare (Class III or above). Access to a second major thoroughfare is highly desirable. Direct access includes connections directly to the thoroughfare along the boundary of the project, and location along limited access thoroughfares with access provided by intersecting thoroughfares; and
- (b) Availability of adequate water and sewer service, or executed contracts to provide such services to the site. The provision of water and sewer may be by any means which are permitted or accepted by the Charlotte Mecklenburg Utility Department.

Section 9.802. Uses permitted by right.

The following uses shall be permitted by right in the B-1, B-2, B-D and BP districts, provided that they meet the requirements below in addition to all other provisions established in these regulations:

- (1) Amusement, commercial, outdoor limited to par 3 golf courses, golf driving ranges and archery ranges (B-2 only).
- (2) Armories for meetings and training of military organizations (B-2 only).
- (3) Auction sales (B-2 only).
- (4) Automobiles, truck and utility trailer rental (B-2 only).
- (5) Automotive repair garages including engine overhaul, body and paint shops and similar operations (B-2 only).

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- (6) Automotive sales and repair including tractor-trucks, but not accompanying trailer units (B-2 only).
- (7) Automotive service stations including minor adjustments, repairs and lubrication (B-1, B-2 and BP only).
- (8) Bakeries, retail, including manufacturing of goods for sale on premises (B-1, B-2 and BP only).
- (9) Bakeries, wholesale, including manufacturing on the premises, up to 5,000 square feet (B-2 and BP only).
- (10) Bakeries, wholesale (BP only).
- (11) Barber and beauty shops (B-1, B-2 and BP only).
- (12) Boarding houses (B-1 and B-2 only).
- (13) Boat and ship sales and repair (B-2 only).
- (14) Building maintenance services (B-2 only).
- (15) Bus and train terminals (B-1 and B-2 only).
- (16) Catalog and mail order houses (B-2 only).
- (17) Civic, social service and fraternal facilities (B-1 and B-2 only).
- (18) Clinics, medical, dental and optical (B-1, B-2 and BP only).
- (19) Clinics, veterinary (B-1 and B-2 only).
- (20) Contractor offices and accessory storage, excluding the storage of general construction equipment and vehicles (B-2 and B-D only).
- (21) Cultural facilities (B-1, B-2 and BP only).
- (22) Distributive businesses, including warehousing in a single building (B-D and BP only).
- (23) Dry cleaning and laundry establishments, up to 4,500 square feet on a lot (B-1, B-2 and BP only).
- (24) Dry cleaning and laundry establishments, up to 10,000 square feet (B-2 only).
- (25) Dwellings, detached, duplex, triplex or quadraplex (B-1 and B-2 only).
- (26) Dwellings, multi-family and attached, up to 12 units in a building (B-1 and B-2 only).

- (27) Elementary and secondary schools (B-1 and B-2 only).
- (28) Engraving (B-2 only).
- (29) Equipment rental and leasing (B-2 only).
- (30) Equipment rental and leasing, within an enclosed building (B-1 and B-2 only).
- (31) Fabric sample assembly (B-2 only).
- (32) Farms, including retail sale of products grown on premises.
- (33) Fences and fence material, retail sales (B-2 only).
- (34) Fences and fence material, retail sales within an enclosed building (B-1 and B-2 only).
- (35) Financial institutions, up to 70,000 square feet (B-1 only).
- (36) Financial institutions, up to 300,000 square feet on a lot (B-2 , B-D and BP only).
- (37) Florist, retail (B-1, B-2 and BP only).
- (38) Florist, wholesale (B-2, B-D and BP only).
- (39) Funeral homes, embalming and crematories (B-1 and B-2 only).
- (40) Government buildings, up to 100,000 square feet.
- (41) Government buildings, up to 300,000 square feet on a lot (B-2 and B-D and BP only).
- (42) Graphic research and production facilities (BP only).
- (43) Group homes (B-1 and B-2 only).
- (44) Health institutions (B-1 and B-2 only).
- (45) Highway and railroad rights-of-way.
- (46) Hotels and motels (B-2, B-D and BP only).
- (47) Indoor recreation (B-1, B-2 and BP only).
- (48) Jewelers, retail (B-1, B-2 and BP only).
- (49) Jewelers, wholesale (B-2, B-D and BP only).
- (50) Laboratories, dental, medical and optical.



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- (51) Laboratories within an enclosed building for applied and basic research (B-2, B-D and BP only).
- (52) Locksmiths and gunsmiths (B-1, B-2 and BP only).
- (53) Manufacture of: (B-D only)
- Bakery products
  - Beverages, excluding alcoholic beverages
  - Candy and confectionary products
  - Dairy products
  - Grain Mill products
  - Meat products, excluding poultry and animal slaughtering and dressing
  - Preserved fruits and vegetables products
- (54) Manufacture or assembly of: (BP only).
- Communications equipment
  - Component parts of aircraft
  - Computer and office equipment
  - Electrical lighting and wiring equipment
  - Electrical components and accessories
  - Electronic equipment
  - Furniture and fixtures
  - Household audio and visual equipment
  - Household appliances
  - Industrial machinery
  - Measuring and controlling devices
  - Medical instruments
  - Musical instruments
  - Ophthalmic goods
  - Pens, pencils, office and art supplies
  - Pharmaceuticals
  - Pumps
  - Search and navigational equipment
  - Toys and sport goods
  - Watches, clocks, watch cases and parts
  - Wire products
  - Other similar uses
- (55) Manufactured housing sales and repairs (B-2 only).
- (56) Manufacturer's representatives, including offices and repair and service facilities (BP only).
- (57) Merchandise showrooms, including warehousing in a single building (BP only).
- (58) Manufactured housing sales and repair (B-2 only).

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- (59) Nurseries and greenhouses, retail and wholesale (B-1 and B-2 only).
- (60) Offices, up to 100,000 square feet.
- (61) Offices, up to 300,000 square feet (B-2, B-D and BP only).
- (62) Parks, greenways and arboretums.
- (63) Pest control and disinfecting services (B-2 only).
- (64) Post Offices.
- (65) Printing and publishing, up to 5,000 square feet.
- (66) Printing and publishing, up to 100,000 square feet (B-2 and B-D only).
- (67) Printing and publishing, more than 100,000 square feet (BP only).
- (68) Radio and television stations and/or offices.
- (69) Recycling centers, drop-off.
- (70) Religious institutions (B-1 and B-2 only).
- (71) Repair or servicing of any article, within an enclosed building, the sale of which is permitted in the district.
- (72) Repair or servicing of any article, the sale of which is permitted in the district (B-2 only).
- (73) Research uses within an enclosed building (BP only).
- (74) Restaurants.
- (75) Restaurants, drive-in service (B-2 only).
- (76) Retail establishments and business, personal and recreation services, up to 10,000 square feet (B-1, B-2 and BP only).
- (77) Retail establishments, shopping centers and business, personal and recreation services, except for uses permitted only in the B-2 district, up to 70,000 square feet (B-1 and B-2 only).
- (78) Retail establishments, shopping centers and business, personal and recreation services, up to 100,000 square feet on a lot (B-2 only).

- (79) Sign painting, exclusive of manufacture (B-2 only).
- (80) Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry (B-1 and B-2 only).
- (81) Subdivision sales offices.
- (82) Telephone booths.
- (83) Theaters, motion picture (B-2 only).
- (84) Tire recapping and retreading (B-2 only).
- (85) Universities, colleges and junior colleges (B-1 and B-2 only).
- (86) Vocational schools, within an enclosed building (B-1, B-2 and BP only).
- (87) Warehousing, within the enclosed building (B-D only).
- (88) Warehousing, excluding "mini warehousing" (BP only).
- (89) Wholesale sales with related storage and warehousing entirely within an enclosed building, excluding truck terminals (B-2, B-D and BP only).

**Section 9.803. Uses permitted under prescribed conditions.**

The following uses shall be permitted in the B-1, B-2, B-D and BP districts if they meet the standards established in this Section and all other requirements of these regulations:

- (1) Adult care centers, subject to the regulations of Section 12.502.
- (2) Adult care homes (B-1 and B-2 only), subject to the regulations of Section 12.502.
- (3) Boarding stables (B-2 only), subject to the regulations of Section 12.512.
- (4) Building material sales, retail (B-2 only), provided that:
  - (a) All portions of the business including the storage of all materials must be housed within a completely enclosed building; and

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- (b) Only retail sales of building materials will be permitted. For the purpose of this section this means the only sales to the ultimate consumer with sales to a contractor or other intermediate user being prohibited.
- (5) Building material sales, wholesale (B-D only), provided that:  
All portions of the building including storage of all materials must be housed within a completely enclosed building.
- (6) Bus stop shelters, subject to the regulations of Section 12.513.
- (7) Car washes (B-1 and B-2 only), provided that:
- (a) All car washing facilities must be within an enclosed building. Vacuuming facilities may be outside of the building, but may not be located within an required yard or buffer;
- (b) A high-volume facility utilizing a conveyer or chain drag system for moving automobiles through the washing area is permitted in the B-2 only; and
- (c) In B-1 only, at least one attendant must be present whenever the business is open but no more than three attendants may be on duty at the same time, however, these restrictions do not apply where the car wash is an integral and accessory part of a service station operation and attendants serve both facilities.
- (8) Cemeteries (B-1, B-2 and B-D only), subject to the regulations of Section 12.508.
- (9) Child care centers, subject to the regulations of Section 12.502.
- (10) Child care homes (B-1 and B-2 only), subject to the regulations of Section 12.502 .
- (11) Demolition landfills, subject to the regulations of Section 12.503.
- (12) Dormitories (B-1 and B-2 only), provided that:
- (a) Dormitory will be located within one half mile of the institutional use it is designed to serve;

- (b) Building wall areas over 200 square feet and facing a public right-of-way shall require a minimum of one large maturing tree for each 30 feet of linear wall or one small maturing tree for each 20 feet of linear wall no more than 15 feet from the wall; and
- (c) If there are more than 12 living units in a single dormitory or there is more than one dormitory on the same lot, the development shall be reviewed and approved in accordance with the regulations for planned multi-family and attached developments in subsection 9.303(19).
- (13) Equestrian oriented subdivisions, subject to the regulations of Section 12.514.
- (14) Dwellings, mixed use (B-1 and B-2 only), provided that:
- (a) The dwelling units will be located in the same building as a commercial use permitted in the district;
- (b) Dwellings will occupy no more than 75 percent of the total floor area of buildings on the lot;
- (c) Minimum lot and yard requirements for a building with dwelling units shall be the same as required for the business use; and
- (d) Development density shall be governed by the floor area ratio in the district.
- (15) Jails and prisons, provided that:
- (a) The minimum lot size shall be as follows:
- i. Jails within completely enclosed structures - 2 acres
  - ii. Jails with open exercise yards or other unenclosed facilities - 5 acres
  - iii. Prisons - 50 acres;
- (b) The use and structures shall be separated from the nearest residentially zoned or residentially used property by the following minimum distances:
- i. any portion of the principal structure - 100 feet
  - ii. any security fence attendant to the principal use - 50 feet

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- iii. any accessory use associated with the principal use - 50 feet
  - (c) No portion of the principal use or any accessory use may exceed 40 feet in height if located within 100 feet of any residentially zoned or residentially used property;
  - (d) Fencing materials such as barbed wire, razor wire, or electrical fences may not be used when adjacent to residentially zoned or residentially used properties. This standard applies to those fences which are located along or parallel to the property boundary which is nearest to the residential areas. This standard does not apply to fences which are located more than 60 feet from the property line; and
  - (e) All lighting for the facility must be oriented so that direct beams of light shine away from all abutting properties and into the property so used.
- (16) Kennels, commercial (B-2 only), provided that:  
The use is located at least 300 feet from a residential district.
- (17) Marinas, commercial (B-1 and B-2 only), provided that:  
All buildings and off-street parking and service areas will be separated by a Class B buffer from abutting property in a residential district, used for residential or low intensity institutional use (See Section 12.302).
- (18) [RESERVED]
- (19) Nightclubs, bars and lounges (B-1 and B-2 only), provided that:  
Any structure in which a nightclub, bar or lounge is the principal use shall be located at least 400 feet from any residential use or residential district.
- (20) Nonconforming structures and uses, subject to the regulations of Chapter 7.

(21) Nursing homes, rest home and homes for the aged (B-1 and B-2 only), provided that:

(a) The maximum number of units or beds permitted is as established in the table below.

<u>District</u>	<u>Independent Living Units per Acre</u>	<u>Dependent Living Beds Per Acre</u>
B-1 & B-2	22	70

(b) If any nursing home, rest home or home for the aged has more than 12 living units in a single building or there is more than one principal building on the same lot, the development shall be reviewed and approved in accordance with the regulations for planned multi-family and attached developments, in subsection 9.303(19).

(22) Offices, financial institutions and government buildings over 300,000 square feet (B-2, B-D and BP only), provided that:

(a) Primary vehicular access to the use will not be by way of a residential local (Class VI) street;

(b) The use will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low-intensity institutional use (See Section 12.302); and

(c) Submission of traffic impact analysis in accordance with provisions of subdivision 9.703.(17)(c) to identify any needed on-site transportation improvements.

(23) Off-street parking (B-1 and B-2 only), subject to the regulations of Chapter 12, Part 2

(24) Open space recreational uses, subject to the regulations of Section 12.516.

(25) Orphanages, children's homes and similar nonprofit institutions providing domiciliary care for children, provided that:

(a) Building walls over 200 square feet and facing a public right of way shall require a minimum of one large maturing tree per 30 linear feet of wall or one small maturing tree per 20 linear feet of wall no closer than 15 feet to the wall; and

- (b) If an orphanage, children's home or similar institution has more than 12 living units or if there is more than one building on the same lot, the development must be reviewed and approved in accordance with the regulations for planned multi-family or attached development in subsection 9.303(19).
- (26) Outdoor recreation, provided that:
- (a) Off-street parking and service areas and outdoor recreational facilities will be separated by a Class C buffer from any abutting property located in a residential district or abutting single family residential use (See Section 12.302); and
- (b) No outdoor recreational facilities, such as swimming pools, tennis courts, picnic shelter, etc. shall be located within 100 feet of any lot located in a residential district or abutting single family residential use.
- (27) Planned multi-family and attached development (B-1 and B-2 only), subject to subsection 9.303(19) and the regulations of Section 9.805.
- (28) Public utility structures, subject to the regulations of Section 12.504.
- (29) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.
- (30) Quarries, subject to the regulations of Section 12.505.
- (31) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).
- (32) Riding academies (B-2 only), subject to the regulations of Section 12.512.
- (33) Sanitary landfills, subject to the regulations of Section 12.507.
- (34) Stadiums and arenas of no more than 5,000 seats (B-2 only), provided that:
- (a) All parking areas will meet the landscaping standards set out in Chapter 12, Part 2;
- (b) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street;



- (c) No direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential district, an abutting residential use or low intensity institutional use;
  - (d) Off-street parking areas and accessways will be designed to allow direct public transit service to the use;
  - (e) All buildings and off-street parking areas and service areas will be separated by a Class B buffer from any abutting property in a residential district, an abutting residential use or low intensity institutional use (See Section 12.302); and
  - (f) Stadiums and arena buildings shall be located a minimum of 100 feet from any exterior property lines.
- (35) Temporary buildings and storage of materials, provided that:

The use is in conjunction with the construction of a building on the same lot where construction is taking place or on an adjacent lot. Such temporary uses shall be terminated upon completion of construction.

**Section 9.804. Permitted accessory uses and structures.**

The following uses shall be permitted in the B-1, B-2, B-D and BP districts as accessory uses and structures, subject to applicable criteria in Chapter 12 of these regulations:

- (1) Accessory uses and structures clearly incidental and related to the permitted principal use or structure on the lot.
- (2) Customary home occupations, subject to the regulations of Section 12.408 (B-1 and B-2 only).
- (3) Drive-in windows as an accessory to the principal use, subject to the regulations of Section 12.414 (B-1, B-2 and BP only).
- (4) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (5) Elderly and disabled housing as an accessory to a single family dwelling unit, subject to the regulations of Section 12.407. (B-1 and B-2 only)
- (6) Fences and walls.

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- (7) Guest houses and employee quarters as an accessory to a single family dwelling unit, subject to the regulations of Section 12.412. (B-1 and B-2 only)
- (8) Helistops, limited, subject to the regulations of Section 12.415.
- (9) Marinas as an accessory to a residential use, subject to the regulations of Section 12.409.
- (10) On-site demolition landfills, subject to the regulations of Section 12.405.
- (11) Outdoor lighting, subject to the regulations of Section 12.402.
- (12) Outdoor storage of any materials, stocks or equipment subject to the regulations of Section 12.303.
- (13) Petroleum storage, accessory to a permitted use or structure, subject to the Fire Prevention Code of the National Board of Underwriters.
- (14) Petroleum storage, underground, accessory to permitted automotive service stations, subject to the Fire Prevention Code of the National Board of Underwriters (B-1 and B-2 only).
- (15) Private kennels, subject to the regulations of Section 12.410.
- (16) Private stables, subject to the regulations of Section 12.411.
- (17) Vending machines for cigarettes, candy, soft drinks and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building.
- (18) Vending machines, out of doors, subject to yard and setback requirements of the respective district (B-2 only).

**Section 9.805. Development standards for business districts.**

All uses and structures permitted in the B-1, B-2, B-D, and BP districts shall meet the applicable development standards established in this Section and all other requirements of these regulations.

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(1) Areas, yard and bulk regulations shall be as follows:

	B-1	B-2	B-D	BP
(a) Minimum project area (acres)	--	--	--	20
(b) Maximum Residential Density (Dwelling Units Per Acre) 1	22.0	22.0	--	--
(c) Maximum floor area ratio for nonresidential development 2	.50	1.0	.70	.80
(d) Minimum lot area (square feet) 3				
- Detached dwelling	3,500	3,500	--	--
- Duplex dwellings	6,500	6,500	--	--
- Triplex dwellings	9,500	9,500	--	--
- Quadraplex dwellings	11,500	11,500	--	--
- Attached dwellings	*	*	--	--
- Multi-family dwellings	11,500	11,500	--	--
- Nonresidential buildings	8,000	8,000	8,000	43,560
(e) Minimum lot width (feet)				
- Detached dwellings	40	40	--	--
- Duplex, triplex & quadraplex	50	50	--	--
- Attached dwellings	None	None	--	--
- Multi-family dwellings	50	50	--	--
- Nonresidential buildings	50	50	50	--
(f) Minimum project street frontage	--	--	--	100
(g) Minimum setback (feet)	20	20	20	40
(h) Minimum side yard (feet) 4				
- Residential dwelling(s) in a single building	5	5	--	--
- Planned multi-family and attached development adjoining single family developed or zoned land 5	10	10	--	--
- Nonresidential building	None**	None**	10	20

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	B-1	B-2	B-D	BP
(i) Minimum rear yard (feet)				
- Residential dwellings in a single building	20	20	--	--
- Planned multi-family and attached development adjoining single family developed or zoned land 5	40	40	--	--
- Nonresidential building	10	10	10	20
(j) Minimum project edge 6	--	--	--	100
(k) Minimum open space for residential development (%)	40	40	--	--
(l) Maximum height (feet) 7	40	40	40	None***

\*If land is sold with an attached unit, the minimum lot size must be sufficient to accommodate a dwelling unit and 400 square feet of private open space for each unit.

\*\*In B-1 and B-2 districts, no side yard is required, but if they are provided, one must be a minimum of 8 feet and the other 4 feet.

\*\*\*Except no structure may exceed 40 feet in height if located within 200 feet of a residential district.

FOOTNOTES TO CHART 9.805(1):

1. The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units.
2. If a parking deck is constructed as part of a nonresidential building, the allowable floor area ratio may be increased by 50 percent.
3. For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).
4. For residential subdivisions, minimum building separations and zero lot lines may be used subject to subsection 9.205(5).

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5. Side and rear yards determinations in planned multi-family or attached developments 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 45 degrees, the area between the building and the property line will be treated as a side yard.
6. Except as provided for in subsection 9.805(6).
7. A building in a district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential use or residential zoning it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential use or zoning is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108. Special height requirements for the Business Park District are set forth in subsection 9.805(6).

CROSS-REFERENCES:

Applicable buffer requirements may require a larger side or rear yard than the minimum. Also, larger setback and yard requirements may be required along certain streets subject to the regulations of Section 12.103. Larger than minimum setbacks may be required where a nonresidential use abuts a lot in a residential district. See subsection 12.102(1).

- (2) Maximum floor area. In the B-1 district, no retail establishment or shopping center may exceed 70,000 square feet in floor area and no office establishment may exceed 100,000 square feet in floor area on a lot. In the B-2 and B-D districts, no retail establishment or shopping center may exceed 100,000 square feet in floor area, except as under a Commercial Center District as provided for in Chapter 11, Part 4. In the BP district, no retail establishment or shopping center may exceed 10,000 square feet on a lot.
- (3) Buffer and Screening. Development of any use in the B-1, B-2, B-D and BP districts must comply with the applicable buffer and screening requirements in Chapter 12, Part 3.
- (4) Signs. Signs are permitted in the B-1, B-2, B-D and BP districts in accordance with Chapter 13.

- (5) Parking and Loading. Development of any use in the B-1, B-2 and B-D and BP districts must conform to the parking and loading standards in Chapter 12, Part 2.
- (6) Special Development Requirements for the BP district. Additional development requirements for the BP district are specified below:
- (a) Minimum required open space. At least 20 percent of every project in the business park district must be devoted to permanent open space. This area must be used for landscaping, lawns, screening, or buffer areas. It may not contain any parking or loading areas, outdoor storage, trash handling, or utility or service areas. The area devoted to the minimum project edge requirement may be counted toward this requirement.
- (b) Utility lines underground. All utility lines such as electric, telephone, CATV, or other similar lines must be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the project. However, distribution lines which serve the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.
- (c) Outdoor storage is permitted. Outdoor storage is permitted as an accessory use on any individual lot. Any such storage must be completely screened from adjoining development within and without the site as well as from the general public. The screening must be effective at the time that it is installed, even if plant materials are used for all or part of the screening. Access through the screening for vehicles is permitted, but is limited to one 30-foot wide location per street frontage. All setbacks and yards must be observed for outside storage areas. In no case may the amount of land area devoted to outside storage exceed 20 percent of the lot area.
- (d) Covenants required. The developer of any business park project must establish restrictive covenants for the entire project area. The restrictive covenants must be submitted to show compliance, but will not be reviewed as to form, legality, or methods of enforcement. Those covenants must, at a minimum, accomplish the following objectives:
- i. Create a property owners association.
  - ii. Provide for maintenance of individual sites, common areas, open spaces, and private streets.

iii. Provide for minimum development and operational standards for each site which require adherence to local ordinances and establish uniform landscaping, signage, site design, parking, and loading standards. The covenants may include additional restrictions or requirements at the discretion of the developer. However, the minimum standards of this ordinance must always be met.

- (e) Project edge. The protection of the project edge is essential to the proper integration of a business park development into the community, especially when adjoining residential areas. The objective of the standards for the project edge is to provide the appropriate separation, screening, landscaping and transition between the development and the adjoining properties.

The minimum project edge required around the perimeter of the site is 100 feet. However, if the abutting land is zoned and used for business, business park, research or industrial purposes, or if the project adjoins the right-of-way of a railroad, Class I, or Class II thoroughfare, the minimum edge for that part of the project boundary may be reduced to 50 feet.

- (f) Street trees. Street trees must be planted along all public and private streets within and abutting any business park development in accordance with the standards and specifications of the Charlotte Street Tree Planting program and the Charlotte Tree Ordinance (City Code Chapter 21), which are adopted herein by reference.
- (g) Project entrance. The entrance or entrances to the project should receive special emphasis in design and construction. It should set the tone for the development within and should create an identity for the project at the public street frontage. Special attention should be paid to signage, landscaping, street configuration, future transit potential, and traffic circulation. At a minimum, a divided street entrance must be used at the principal entrance to the site.
- (h) Parking and loading standards. Development of any use in the business park district must conform to the parking and loading standards of Chapter 12, Part 2 and with the following additional requirements:
- (i) Parking in the setback is permitted if located at least 20 feet from the curb line and is visually separated from the street with landscaping and tree plantings.

- (ii) An area equal to at least 10 percent of the paved surface of any parking area containing more than 20 spaces must be landscaped with plantings and trees. This requirement is in addition to any perimeter and/or screening requirements for the parking areas and must be placed in the interior of the lot.
  - (iii) The minimum width of landscaped islands or planting strips where provided is 8 feet. If a sidewalk is included in the planting strip, the landscaped area may be reduced to 6 feet. Landscaped islands or planting strips may be used to fulfill the 10 percent landscaping requirement in (ii). above. Tree planting and necessary plant areas must be in accordance with the standards and specifications of the Charlotte Tree Planting Program and the Charlotte Tree Ordinance (City Code Chapter 21), which are adopted herein by reference.
  - (iv) All sidewalks, where provided, must be at least 4 feet wide. Where head-in parking abuts a sidewalk, either bumper curbs placed at least 2 feet from the nearest edge of the sidewalk, or an extra 2 feet of sidewalk width must be provided so that automobile overhang will not intrude on the pedestrian space.
- (7) Administrative site plan approval required for BP district. Once the BP district has been established all development in the business park district must be built in accordance with an administratively approved site plan. 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 minimum standards of these regulations and to the following factors: 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. Consideration should be given to the location and arrangement of parking areas, the nature and extent of screening, the design of and utilization of streets and open spaces. The site plan must be prepared by a registered professional land planner licensed to practice in North Carolina. This registration could include land planners with designations as AICP, ASLA, AIA, PE, or others so long as the designer of record specializes in site design.



- (a) Purpose. In order to assure compliance with minimum ordinance standards and to aid in the review and approval of development proposals, this Section establishes a site plan review process. This process is an administrative process conducted by the Director of the Planning Commission on behalf of the Director of the Building Standards Department. It is intended that this process occur early in the planning of a proposed development in order to streamline the approval process, to assure that ordinance standards will be met, to address any specific hardships which could warrant a variance from specific provisions, to assure that the proposal complies with adopted public policies regarding the area of the proposal, and to promote and protect the public health, safety, and welfare.
- (b) Preliminary site plan. At any time after the approval of the BP district a preliminary site plan may be submitted to the Planning Director. It is intended that the preliminary plan not be detailed or engineered to the level necessary for the issuance of construction permits. Rather, the applicant should submit the preliminary plan at a point in the design process at which fundamental decisions regarding the site layout, arrangement of buildings, parking areas and streets, access points, extent of grading, and yards and open spaces are necessary to proceed. Sufficient information should be included to allow evaluation of the proposal against the standards of this ordinance and to identify potential problem areas when other ordinance regulations may apply. The plan need not cover the entire project area, but must cover the area for which building permits will be requested. Additional site plans may be filed as additional areas are developed. The minimum information required to be included with the preliminary plan is listed below:
- (i) Developer's name, address and phone number;
  - (ii) Designer's name, address, phone number, and registration number;
  - (iii) Project name, address, present zoning, and the label "Preliminary Site Plan";
  - (iv) A vicinity map showing the location of the development site, including a north arrow for site orientation;
  - (v) A plat of the development site including existing and tentatively proposed topography at 2-foot contour intervals;
  - (vi) Area of the proposed development site;

- (vii) The vehicular access point(s) from adjacent public streets;
  - (viii) The location of all existing principal structures on the development site and whether they are to be retained or removed under the proposed development plan;
  - (ix) The location of all existing utility right-of-way(s) on the site and the location of all existing and proposed rights-of-way for public streets and proposed location of private streets;
  - (x) The location of any existing surface waters and the elevation of the 100-year regulatory floodway and floodway fringe if applicable;
  - (xi) The required setbacks and yards for the district;
  - (xii) The approximate building locations as well as information regarding the bulk and height of the buildings;
  - (xiii) The proposed vehicular and pedestrian circulation as well as the proposed parking layout including numbers of required spaces;
  - (xiv) Existing vegetation and that vegetation which is to remain after clearing and grading is completed and protection measures to be used for existing vegetation;
  - (xv) The location of service areas for uses such as trash disposal and loading/delivery areas;
  - (xvi) A conceptual landscaping plan indicating typical building, parking, entrance treatments, as well as screening and street planting plans; and
  - (xvii) Preliminary subdivision plan. The applicant may put the information dealing with the existing condition of the site, surrounding land owners, and existing vegetation on a separate sheet from the proposed development layout for ease of display and review.
- (c) Review and approval. Within 20 business days of the receipt of a complete preliminary site plan, the Planning Director will review the proposal against the standards of this ordinance. In addition, the Planning Director may consult with other governmental agencies regarding the proposal as it relates to the standards of other ordinances in order to avoid unnecessary delays in the approval process.

If the preliminary plan meets the standards of this ordinance and is in general conformity with other applicable regulations, the Planning Director will mark the plan as "Approved for Final Plans" and return the approved plan to the applicant. The applicant is then free to develop any final site plans that may be necessary or required for the issuance of construction permits. In addition, the approval of the preliminary plan is necessary for the applicant to secure the necessary grading permits to begin work on the site.

All final site plans must be submitted to the Charlotte-Mecklenburg Building Standards Department for approval. One copy of the proposed final site plan will be reviewed by the Planning Director to assure compliance with the approved preliminary site plan.

- (8) Outside Storage. Outdoor storage of any material, stocks or equipment, accessory to a principal use on any lot in a business district must be screened from the public right-of-way and adjoining property in accordance with Section 12.303. The street right-of-way screening requirement does not apply to the storage of new and used vehicles which are offered or intended for sale.

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- (2) Dwellings, detached, duplex, triplex, quadraplex, attached, multi-family and planned multi-family developments.
- (3) Non-commercial public recreation parks and playgrounds.
- (4) YMCA's, buildings for social, fraternal, social service, union and civic organizations, and comparable organizations.
- (5) Institutional uses such as churches, synagogues, parish houses, Sunday school buildings, convents, community recreation centers, country and swim clubs, athletic and sports facilities, libraries, museums, theatres, 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.
- (6) 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 secondhand goods, and trucks.
- (7) 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.
- (8) Wholesale sales and rentals for automobiles and trucks, florists, jewelers, and utility trailers.
- (9) 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.
- (10) Hotels; motels; motor courts; room renting; and tourist houses.
- (11) Services such as beauty shops and barbershops, exterminators, funeral homes, embalming and crematories, laundries and dry cleaning establishments, and locksmiths and gunsmiths.
- (12) Restaurants; including open air or sidewalk cafes.
- (13) 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.

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- (7) 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.
- (8) Wholesale sales and rentals for automobiles and trucks, florists, jewelers, and utility trailers.
- (9) 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.
- (10) Hotels; motels; motor courts; room renting; and tourist houses.
- (11) Services such as beauty shops and barbershops, exterminators, funeral homes, embalming and crematories, laundries and dry cleaning establishments, and locksmiths and gunsmiths.
- (12) Restaurants; including open air or sidewalk cafes.
- (13) 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.

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- (14) Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.
- (15) Bus passenger stations.
- (16) Off-street parking as a principal use providing for public parking, private parking, or parking in conjunction with other permitted uses.
- (17) Utility and related facilities such as distribution lines, railroad rights-of-way, telephone repeater stations, and water storage tanks.
- (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 terminated upon the completion of construction.
- (19) Outside, open market on private or public property, not including the streets and sidewalks, for the selling of fresh food, not to be consumed on the premises, and plants, but shall be subject to all applicable State laws and regulations. Such an open air, fresh food market need not comply with the development standards of Section 9.906 nor the parking standards of Section 9.907.
- (20) Telecommunications and telephone switching.
- (21) Health institutions, including hospitals, clinics and similar uses.
- (22) Convention centers and halls, conference centers, exhibition halls, merchandise marts, and other similar uses.

Section 9.903. Uptown Mixed Use District; uses permitted under prescribed conditions.

The following uses are permitted subject to the specific conditions governing each use as set out below:

- (1) Entertainment establishments such as lounges, nightclubs, bars, taverns, and cabarets provided they are located at least 100 feet from any residential structure located in a residential district.
- (2) Day care centers, nursing homes, rest homes and homes for the aged in accordance with the standards of Mecklenburg County and the State of North Carolina for the licensing and operation of such facilities.

(3) Car washes, provided that:

All washing facilities must be within an enclosed building. Vacuuming facilities may be outside of the building, but may not be located within an required yard or buffer.

(4) Drive-in windows as an accessory part of a principal structure or operation subject to the requirements set out in Section 12.514.

(5) Bus stop shelters, subject to the requirements set out in Section 12.513.

(6) Electric and gas substations, subject to the requirements set out in Section 12.504.

(7) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

(8) Buildings for dramatic, musical, or cultural activities and stadiums and coliseums provided that:

- (a) 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 feet shall be planted;
- (b) Parking areas will have interior planting areas amounting to at least 10 percent of the paved area in excess of one acre;
- (c) Access for the development site will be provided from nonresidential streets and shall not require the use of any residential collector (Class V) or residential local streets (Class VI);
- (d) 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;
- (e) The proposed use will not generate light of such an intensity or brilliance as to cause glare or to impair the vision of drivers;
- (f) The proposed use will be designed to allow direct access for transit service; and

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(g) The proposed use will not cause or intensify off-site drainage problems. That the proposed use will not be contradictory to the objectives of any approved plan for the area.

(9) Jails within a completely enclosed building.

Section 9.904. Uptown Mixed Use District; accessory uses.

The following are permitted as accessory uses in the uptown mixed use district:

- (1) Accessory residential uses and structures, clearly incidental and related to the permitted principal use or structure.
- (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.
- (4) Vending machines located within an enclosed building for the convenience of the occupants of the building.
- (5) Signs, bulletin boards, kiosks and similar structures that provide historical information, information for noncommercial activities or space for free use by the general public.

Section 9.905. Uptown Mixed Use District; area, yard and height regulations.

The following requirements apply to all new buildings or uses in the UMUD:

- (1) Minimum lot area: None required.
- (2) Minimum setback: All new buildings or uses shall be 12 feet from the back of the curb, without regard to the location of the property line. However, if new construction incorporates an existing structure and such incorporation of the existing structure necessitates a reduction of the minimum setback from the 12 foot requirement, then the 12 foot minimum setback may be reduced as necessitated because of the incorporation of the existing structure into the new structure but under no circumstances shall the setback of any portion of the new structure be less than 8 feet from the back of the curb. This setback provision applies 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. For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented. The intent of this requirement is to assure the provision of adequate sidewalk and planting strips in all cases.

- (3) Minimum side and rear yards: None required. However, if the adjoining lot contains an existing residential structure, a building separation of at least 8 feet must be maintained to assure the adequate provision of light and air to the existing residential uses. Otherwise, if lot spaces remain in a side or rear yard that are less than 8 feet, those spaces must be closed off from any public street by a wing wall or other architectural extensions of the building facade.
- (4) Maximum height: No structure, fixture or other objects on a lot abutting residentially zoned land may be situated so 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 does 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.

Section 9.906. Uptown Mixed Use District; urban design and development standards.

- (1) The harmonious relationship between land uses and their environment requires that certain areas be addressed during project planning. These relationships deal with 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 this section or in accordance with the requirements of Section 9.909 for the optional Uptown Mixed Use district. The purpose of this section 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.
- (2) 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. All buildings and uses developed in this district, except renovated and rehabilitated buildings, must meet the following minimum standards. For the purpose of these provisions "approved streetscape plan" document approved by the City Council which may include maps, illustrations, and written descriptions which define the relationships between the component elements that

make up the street environment including the space between buildings and streets, paving, signage, trees and street furniture. This includes the adopted Central Area Plan and any more specific or detailed plans which may be adopted in the future.

- (a) Paving. Paving systems in the public right-of-way must 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 must be of a compatible pattern and scale 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, must be designed to encourage and compliment pedestrian-scale activity. It is intended that this be accomplished principally by the use of windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor street frontage. Works of art, fountains and pools, street furniture, landscaping and garden areas, architecturally articulated facades, and display areas may also be considered in meeting this requirements. Where windows are used they must be transparent. Where expanses of solid wall are necessary, they may not exceed 20 feet in length. The first floor and street level must be designed with attention to adjacent public or private open spaces and existing streetscape improvements. The provision of multiple entrances from the public sidewalk or open spaces is encouraged. Structured parking facilities must be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure. The remainder of the street level frontage must be either occupied retail space or an architecturally articulated facade designed to screen the parking areas of the structure, to encourage pedestrian scale activity, and to provide for urban open space.
  
- (c) Screening. All structures and facilities for trash, storage, loading, and outdoor equipment must be screened so as not to be visible from the street and pedestrian circulation areas. Grade level parking lots must be screened from the street and pedestrian areas either by shrubs and/or evergreen trees planted at the most appropriate spacing for the species used or by solid walls or fences not exceeding 4 feet in height. Trees used to fulfill this requirement must be located on private property in planters, a planting strip, berm, or tree lawn, any of which must be at least 8 feet wide

and at least 2 feet deep. The trees must be of a small maturing evergreen variety and be at least 10 feet tall at the time of planting. Plant material used to fulfill this requirement must be provided with an automatic irrigation system which does not rely on drainage from the street, sidewalk, or buildings. All plant material must conform to the "American Standard for Nursery Stock" published by the American Association of Nurserymen. The developer must provide written certification that the plant material meets this standard. Trees employed to meet the screening requirement may not be counted toward the street tree planting or urban open space tree requirements. Any lot which becomes vacant through the removal of a structure for any reason must be screened from all abutting public street rights-of-way in accordance with the provisions of this section. The type of trees used must be consistent with any approved streetscape plan for the area or the City's public street tree planting and landscaping program, whichever takes precedence. All shrubs and bushes must be between 24 inches and 36 inches tall. Maintenance of screening required under these provisions must conform to the requirements of Section 12.406.

- (d) Transit mall. Access for emergency service vehicles will be allowed at all times from the transit mall. The service and utility areas of buildings which have access only from the transit mall will be allowed access from the transit mall anytime between 6:00 p.m. and 7:30 a.m. on Mondays through Saturdays and anytime during Sundays and holidays. No vehicular access from surface or structured parking will be allowed to or from the Transit Mall along Tryon Street. Vehicular access from surface or structured parking will be allowed for "right in" and "right out" access along the Trade Street portion of the Transit Mall.
- (e) Signs, banners, flags and pennants. Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 12, Part 2.
- (f) Conformance with approved streetscape plans. Walking surfaces, street furniture, trees, landscaping, lighting fixtures, information signs, and kiosks constructed in the public right-of-way or required setback must be consistent with the standards specified in the approved transit mall streetscape plan, the Trade Street boulevard streetscape plans, other applicable approved streetscape plans, or the standards of these provisions where no approved streetscape plan exists. Exterior lighting used on private plazas and walkways must be complementary in design motif to that specified in any applicable approved streetscape plan.

Renovated and rehabilitated structures that are already in place do not have to comply with the setback requirements or urban open space requirements, but must not modify or add to the existing structure in any fashion that would result in a reduction in the distance from the back of the curb to the existing building front.

- (g) Street trees. In addition to all other requirements of this Subsection, at least one tree of 4 inches caliper for large maturing trees or 3 inch caliper for small maturing trees must be planted for each 25 feet or fraction over 25 feet for small maturing trees and for each 35 feet or fraction of 35 feet for large maturing trees of the entire building lot which abuts any public street right-of-way. Trees must not be planted closer than 2 feet to the back of the curb. Above ground planters may not be used to fulfill the street tree requirement. For the purposes of this Subsection all specifications for measurement and quality of trees must be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen. The developer must provide written certification that the plant material meets this standard. Trees used to fulfill this requirement may be located on public or private property. Any such trees proposed to be located on public property must conform to the permit requirements in Chapter 21 of the City Code. Any such trees proposed to be located on private property must relate to the street frontage for which they are required. All trees planted to comply with this requirement must be approved as to compliance with the Street Tree Planting program or any adopted streetscape plan for the area and must be irrigated. Trees planted under this Subsection may not be used to satisfy the tree planting requirements for screening or urban open space.
- (h) Reflective surfaces. No development subject to these provisions may have exterior walls with a reflectivity value in excess of 36 percent, as measured under the applicable provisions of Federal Specifications DD-G-451d 1977.
- (i) Street right-of-way. The requirements for street right-of-way in the uptown area vary from street to street due to patterns of existing rights-of-way, existing development, traffic movements and intersection design. In order to assure that adequate land is available to accommodate future public street improvements, right-of-way must be protected. All development and uses in the district, except renovated and/or rehabilitated buildings, must reserve and keep free of development or encroachment the necessary right-of-way for the street or streets which abut the property. The necessary rights-of-way will be determined on a case-by-case basis by the Charlotte Department of

Transportation and the Charlotte-Mecklenburg Planning Commission staff. In making their determination these agencies will be guided by the adopted Central Area Plan and by the approved streetscape plan for the street if such a plan has been adopted. However, the absence of an adopted streetscape plan does not relieve the requirement for the necessary right-of-way to be reserved.

- (j) Building entrances. Doorways must be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape. For structures less than 100,000 square feet the entry way must be 1 square foot for each 1,000 square feet of floor area with a 15 square foot minimum. For buildings over 100,000 square feet, the entry way must be at least 100 square feet.
- (k) Base of High Rise Building. (Those exceeding 5 stories.) The base of high rise buildings (equivalent to the first 3 floors above street grade) must be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as cornices, belt courses, corbelling, molding, stringcourses, ornamentation, changes in material or color, and other sculpturing of the base as are appropriate must be provided to add special interest to the base. In addition, special attention must be given to the design of windows in the base. Band windows are discouraged. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged.
- (l) Overstreet Connections. Any proposed overstreet connections shall be shown on schematic site plans. The purpose in showing the proposed overstreet connections is to be able to properly apply the urban design standards. The overstreet connections shall not be approved by the Planning Commission staff until after the City Council shall have independently and separately approved the overstreet connection according to the City's overstreet connections' policy and the City's granting of air rights and approval of appropriate easement agreements.
- (3) Existing buildings and places. Preservation and rehabilitation of existing buildings and structures are encouraged in order to create diversity of development, accent pedestrian-scale activity, and preserve the heritage of the City of Charlotte.

(4) Urban open spaces. Open spaces for public congregation and recreational opportunities are required and must be equipped or designed to allow pedestrian seating and to be easily observed from the street or pedestrian circulation areas. These provisions apply only to new office uses with a gross floor area greater than 20,000 square feet.

(a) Urban open space sizes. Buildings must be provided with public open space behind the required setback and on private property proportionate to their bulk according to the following schedule:

<u>Lot Size</u> (Square Feet)	<u>Open Space Required</u> (1 square foot/gross square feet of floor area for office use.)
0-20,000 square feet	1 square foot/200 square feet
20,001-40,000 square feet	1 square foot/150 square feet
above 40,000 square feet	1 square foot/100 square feet

A maximum of 30 percent of this required urban open space may be provided on an enclosed ground floor level provided the enclosed space meets all other requirements of these provisions. If a property line of the site is within 200 feet of the property line of a publically-owned and useable open space, then up to 50% of the required urban open space may be provided on an enclosed ground floor level provided the enclosed space meets all the requirements. The 200 feet shall be measured along the public right-of-way line.

(b) Accessibility to the street. Eighty-five percent (85%) of the total urban open space must 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. Walls higher than 3 feet are not allowed along that portion of the frontage that is needed for access to a required urban open space. Required entryways and steps must be at least 15 feet wide. Steps must have a maximum riser height of 6 inches and a minimum tread of 12 inches.

(c) Provision for the handicapped. All urban open spaces must conform with the North Carolina State Building Code, the handicapped section.

- (d) Seating. There must be at least 1 linear foot of seating for each 30 square feet of open space. Seating must be 16 to 24 inches high. In the case of a ledge which rises because of a grade change, the portion of the ledge between 16 inches and 36 inches high can count as seating. Seating must have a minimum depth of 15 inches. Ledges and benches which are sittable on both sides and are 30 inches deep will count double. The rims of planters which are flat and sittable can count as seating if they have a minimum depth of 8 inches, a maximum height of 36 inches, and are not blocked by protruding shrubbery. Movable chairs will count as 30 inches of linear sitting per chair. They can be stacked and stored between 7:00 p.m. and 8:00 a.m. Step space over and beyond the required 15 feet walkway width can count as seating. Corners of steps offer prime seating arrangements and will count as seating if not obstructed by railings.
- (e) Trees. Within the open space area(s), 1 tree must be planted for each 500 square feet or portion thereof up to 2,000 square feet. One additional tree is required for each additional 1,000 square feet of urban open space. Trees planted on unenclosed urban open spaces must have minimum caliper of 4 inches at the time of planting. Trees planted on enclosed urban open spaces must have a minimum caliper of 3 inches at the time of planting. Maintenance of trees required under these provisions must conform to the requirements of Section 12.406. All specifications for measurement and quality of trees must be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen.
- (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-half of the open space may be used for an open-air cafe. Litter receptacles must be provided at a minimum of 4 cubic feet of receptacle capacity for each 800 square feet of open space.
- (g) Amenities. The following amenities are permitted within an urban open space area: ornamental 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 are jointly and severally responsible for the maintenance of the urban open space area including litter control and care and replacement of trees and shrubs.

- (i) Existing plazas and spaces. Buildings and plazas constructed prior to the adoption of this Section may be changed to include any of the amenities and features required or encouraged by these standards such as the provision of food facilities, movable chairs, and alteration of ledges to make them sittable.
- (5) Microclimatic impacts. Applicants must provide an analysis of any proposed new construction over 50 feet tall on surrounding buildings, urban open spaces and pedestrian areas to the Charlotte-Mecklenburg Planning staff. The analysis should include but is not 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 equinoxes and solstices.
- (6) Preliminary review. Applicants planning any development or redevelopment are required to meet with the Charlotte-Mecklenburg Planning staff at two points in the design process: (1) during the conceptual design process in order that the staff may offer input into urban design objectives and to interpret the approved streetscape plan for that area, and (2) during the design development stage to insure that the plans meet the desired objectives and the minimum standards for the district. Building permits will not be issued until the planning staff approves the proposal as in conformance with this ordinance.
- (7) Refuse collection. City Code Section 10-16, "Collection Practices," (4), "Central Business District and Tryon Street Mall," applies to a geographic portion of the Uptown Mixed Use District as described in Code Section 10-16(4).
- (8) First Floor Retail Required. In order to stimulate pedestrian activity at the street level, the first floor (street level) of any new building over 100,000 square feet must devote 50% of the net first floor ~~floor~~ area to retail activities. Any expansion of an existing building which results in more than 100,000 square feet of new floor area must also comply with this requirement unless the new floor area is all in a vertical expansion which results in no new street level floor area. The 50% area will be computed on the new street level floor area only. The term retail includes not only sales of merchandise at retail but will also be construed to mean personal and business services, restaurants, galleries, and similar uses, but not financial institutions. Fifty percent of the required retail space may be met with a hotel lobby. For the purpose of this subsection, net floor area does not include stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas, or service areas. It is encouraged but not mandated that all street level retail tenants which have sidewalk frontage be furnished with direct access to the sidewalk in addition to any other access that may be provided. If individual entrances are provided to street level



retail tenants which have sidewalk frontage, the required retail floor area may be reduced by 5% of the net floor area for each separate entrance up to a maximum of 5 entrances. This standard applies to all new development which occurs in the area bounded by or along either side of College Street, 8th Street, Church Street, and Stonewall Street. This standard does not apply to any building with a street frontage of less than 24 feet. This first floor retail standard is also not applicable to convention centers and halls, conference centers, exhibition halls, merchandise marts, and similar uses.

- (9) Canopies and Other Building Entrances. In addition to being permitted in urban open space areas, canopies, awning and similar appurtenances are permitted at the entrances to buildings. Such a feature may be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such facility may extend from the building up to one half of the width of the sidewalk area in front of the building or nine feet, whichever is less. If this extension would reach into the public right-of-way, an encroachment agreement from the City or State is required. In no case may any such facility extend beyond the curb line of any public street, nor should it interfere with the growth or maintenance of street trees. A minimum overhead clearance of 8 feet from the sidewalk must be maintained.

**Section 9.907. Uptown Mixed Use District; parking and loading standards.**

- (1) Parking standards. Permitted uses within this district are required to provide new off-street parking according to the following minimum standards. Uses not specifically listed do not have any minimum parking requirements.
- (a) New office and commercial uses which contain more than 20,000 square feet of gross floor area and are located on lots with a street frontage greater than 40 feet on any single street must provide parking at the rates specified below:

<u>Floor Area</u>	<u>Parking spaces per 1000 square feet</u>
Up to 200,000	0.5 for each 1000 square feet
200,001-500,000	0.75 for each 1000 square feet over 200,000
500,001-800,000	1.0 for each 1000 square feet over 500,000
Over 800,000	1.25 for each 1000 square feet over 800,000

- (b) Hotels and motels: 0.5 spaces/room
- (c) Dwellings, all types: 1.0 space/unit

- (d) Existing floor area in renovated and rehabilitated buildings is 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.
- (e) 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 section 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 section are not met, the Director of the Building Standards Department will revoke the occupancy permit for the permitted use and will not issue a building or occupancy permit with respect to the permitted use until such requirements are 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 will not be required to find replacement parking to meet the requirements of these provisions. Spaces in parking structures and lots which are owned by a 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.
- (f) The minimum dimensions for parking spaces within this district are 7.5 feet (width) and 15 feet (length) for compact vehicles and 8.5 feet (width) and 17 feet (length) for full-size vehicles.
- (g) The required number of parking spaces for any building within the district, including mixed use buildings, is the sum total of the requirements for each individual use in the building calculated separately.
- (h) No new grade-level or structural parking lots will be allowed to have vehicular access directly from or to the Transit Mall except along the Trade Street portion of the Transit Mall and, then, only "right in" and "right out" access on Trade Street shall be permitted.
- (i) Parking, whether required by this section or not, may be located between the permitted use and the required setback. However, no parking is permitted in the required setback. This limitation does not apply to parking which extends into the setback area in a parking structure above the 20 foot limit.

(2) Loading standards. Buildings and structures, excluding parking structures, subject to the provisions of this section must provide a minimum number of off-street service/delivery parking spaces. These spaces must be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These parking spaces must not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by Section 20-29[14-25] of the City Code. These parking spaces must be provided in accordance with the following list:

(a) Multi-family dwellings (0-24 units): None required.

(b) Multi-family dwellings (25-74 units): 2 spaces.

(c) Multi-family dwellings (75 or more units): 3 spaces.

(d) Nonresidential uses with gross floor area:

Less than 50,000 sq. ft.: None required

50,000-150,000 sq. ft.: 1 space

Each additional 100,000 sq. ft.: 1 space

(e) If a nonresidential use has 5 or more off-street service/delivery parking spaces, 40 percent of the spaces must be large enough to accommodate vehicles greater than 30 feet long.

Section 9.908. Uptown Mixed Use District (Optional); purpose.

The Uptown Mixed Use District (UMUD) establishes minimum standards for design and development in the uptown area. However, circumstances may arise which those regulations do not address or did not foresee. Therefore, this section establishes an alternative process by which the City Council may evaluate and approve development which will not or cannot meet the minimum standards of the UMUD district. The Uptown Mixed Use District (Optional), or UMUD-O, is established to provide a mechanism to review and address new development concepts, innovative design, special problems, public/private ventures, and other unique proposals or circumstances which cannot be accommodated by the standards of the UMUD. The UMUD standards form the basic framework which will be used to evaluate a UMUD-O proposal, but any of the standards in the UMUD district may be modified in the approval of the UMUD-O application.

**Section 9.909. Uptown Mixed Use District (Optional); application.**

Petitions for a zoning map amendment to establish a UMUD-O should be submitted to the Charlotte-Mecklenburg Planning Commission. A UMUD-O classification will be considered only by application of the owner of the subject property or his duly authorized agent. Applications must be accompanied by a schematic plan and by supporting text which becomes a part of the amending ordinance. The application must include at least the following information:

- (1) Access to site for adjacent rights-of-way, streets and arterials.
- (2) Parking and vehicular circulation areas.
- (3) Location and size of buildings and signs.
- (4) Entrances and exits, in relation to vehicular and pedestrian circulation.
- (5) Enclosed, sheltered and unenclosed urban open spaces and plazas.
- (6) Pedestrian circulation.
- (7) Service area for uses such as mail delivery, trash disposal, aboveground utilities, loading and delivery.
- (8) Urban open space, trees, street trees and other plantings, including types, placement and maintenance system.
- (9) Paving systems used on private plazas and walkways.
- (10) Areas to be landscaped or screened.
- (11) Exterior lighting.
- (12) Any information regarding proposed sublots or subdivisions.
- (13) Signs, banners, flags and pennants to be used.
- (14) Seating plans.
- (15) Sun studies and reflectivity studies.
- (16) Other site elements, spaces and information which the applicant feels will assist in the evaluation of site development.

**Section 9.910. Uptown Mixed Use District (Optional); review and approval.**

- (1) In considering an application for the establishment of a UMUD-O, the City Council will consider the potential adverse impacts on the surrounding area, especially in regard to traffic, storm drainage, land values and compatibility of land use activities. The City Council will also consider the extent to which the basic standards of the UMUD are proposed to be modified, the impacts of those modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications.
- (2) In approving an application for the establishment of a UMUD-O, the City Council will consider, evaluate and may attach reasonable and appropriate conditions to the following: 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 City Council may find appropriate or the petitioner may propose, but not including architectural review or controls. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to final action by the City Council.

**Section 9.911. Uptown Mixed Use District (Optional); effect of approval; alterations.**

- (1) If an application is approved, the UMUD-O and all conditions which may have been attached 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 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, 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 development efforts are proceeding. If it is determined by the Planning Commission that active efforts are not proceeding, a report will 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 Chapter 6 of these regulations.

PART 9: UPTOWN MIXED USE DISTRICT

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- (2) Changes to approved plans and conditions of development will be treated the same as changes to the Zoning Map and will be processed in accordance with the procedures of Chapter 6, except that Section 6.114 shall not apply. However, changes of detail which will not alter the basic relationship of the proposed development to adjacent property, which will not alter the uses permitted or increase the density or intensity of development, which will not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site may be authorized by the Charlotte-Mecklenburg Planning staff. Any applicant may appeal the decision of the Charlotte-Mecklenburg Planning Commission staff to the Planning Commission for review and decision as to whether an amendment to the UMUD-0 will be required.

Section 9.912. Uptown Mixed Use District (Optional); relationship to other ordinances.

This section governs the urban design plan provisions for the UMUD-0 and does not prevent any other appropriate or necessary reviews by other city departments from occurring concurrently.

Section 9.913. Previously approved UMUD-0 zoning.

Any UMUD-0 zoning approved as of March 3, 1988, the date of the adoption of amended UMUD standards shall be entitled to continue the project in accordance with the UMUD-0 approved schematic plans or, in the alternative, shall be entitled to comply with the amended UMUD standards. Anyone with an approved UMUD-0 zoning, as of this date, who seeks to utilize UMUD-0 zoned property in accordance with any of these amended UMUD standards must receive Charlotte-Mecklenburg Planning Commission staff approval as provided for in Section 9.906(6) "Preliminary Review".

PART 10: URBAN INDUSTRIAL DISTRICT

Section 9.1001. Urban Industrial District established; location; purposes.

- (1) 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 nearby residential areas which must be addressed. Therefore, in accordance with the adopted Central Area Plan, this district is intended 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.
- (2) The UI district is intended for use in special areas of the community. It may be considered for limited application in the uptown area defined in the adopted Central Area Plan. The official Zoning Map of the City of Charlotte will designate specific boundaries for the urban industrial districts.

Section 9.1002. Urban Industrial District; uses permitted by right.

A building or land may 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
- Electric devices
- Appliances

Electronic equipment, but not including heavy equipment such as is 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 a separate use or in conjunction with permitted uses in order to meet parking needs.

**Section 9.1003. Urban Industrial District; uses permitted under prescribed conditions.**

- (1) Heliports and helistops, limited, subject to applicable FAA regulations.
- (2) Buildings with height in excess of 40 feet, only if located at least 100 feet from any residential district.
- (3) Building for dramatic, musical, or cultural activities with more than 1000 seats and stadiums and coliseums with more than 5000 seats in accordance with the requirements of Section 9.903(9).



**Section 9.1004. Urban Industrial District; permitted accessory uses.**

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

**Section 9.1005. Urban Industrial District; area, yard and height requirements.**

Minimum lot area (square feet)	5,000
Minimum lot width (feet)	50
Minimum setback (feet)	5
Minimum side yard (feet)*	0; except 20 feet when abutting any residential or office district
Minimum rear yard*	0; except 50 feet when abutting any residential or office district
Maximum floor area ratio	2.0
Maximum height (feet)	40; except higher as specified under Section 12.109

\* Subject to all applicable building and fire codes for separation.

**Section 9.1006. Urban Industrial District; 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 setback.
- (4) Screening shall be provided in accordance with the requirements of Section 12.303, of these regulations.
- (5) All development in the UI districts must conform to any adopted streetscape plan for the streets which the project abuts. Improvements relating to sidewalk, tree planting and landscaping as specified by the streetscape plan must be installed during the development process. Setbacks prescribed in the streetscape plan supersede those listed as minimums for the district when the plan specifies a greater setback than the minimum for the district. Developers are strongly encouraged to work with the appropriate utility companies to relocate overhead utilities underground during the development of the site. If the utilities are not relocated at the time the site is developed, the design of the site must provide for the eventual placement of utilities underground, and appropriate easements must be set aside accordingly.

**Section 9.1007. Urban Industrial District; 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) 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 7-1/2 feet in width and 14 feet in length.

**Section 9.1008. Urban Industrial District; signs.**

Signs are permitted in the Urban District in accordance with the provisions of Chapter 13.

PART 11: INDUSTRIALSection 9.1101. Industrial districts established; purposes.

- (1) The primary purpose of the I-1 (Light Industrial) district is to create and protect industrial areas for light manufacturing and the distribution of products at wholesale. The standards established for this district are designed to promote sound and permanent light industrial development and also to protect nearby residential areas from undesirable aspects of industrial development. Whenever possible, this district should be separated from residential districts by natural or structural boundaries such as drainage channels, sharp breaks in topography, strips of vegetation, traffic arteries, and similar features.
- (2) The purpose of the I-2 (General Industrial) district is to create and protect wholesaling and industrial areas for manufacturing, processing and assembling of parts and products, distribution of products at wholesale, transportation terminals, and a broad variety of specialized industrial operations. Whenever possible, areas of this district should be separated from residential districts by natural or structural boundaries such as drainage channels, sharp breaks in topography, strips of vegetation, traffic arteries and similar features.

Section 9.1102. Uses permitted by right.

The following uses shall be permitted by right in the I-1 and I-2 districts, provided that they meet all the requirements of this Part and all other provisions established in these regulations:

- (1) Abattoirs (I-2 only).
- (2) Agricultural industries (I-2 only).
- (3) Airports (I-2 only).
- (4) Amusement, commercial outdoors, limited to par 3 golf courses, golf driving ranges and archery ranges.
- (5) Armories for meetings and training of military organizations.
- (6) Assembly or fabrication of previously manufactured parts, including but not limited to the following:

Apparel and other textile products  
Electronic and other electric equipment, except electrical  
generator and distribution equipment

Fabric samples  
Furniture and fixtures  
Industrial machinery and equipment  
Instruments and related products  
Leather and leather products, excluding tanning or curing of hides  
Lumber and wood products  
Paper and allied products  
Plastic and rubber products  
Metal products  
Transportation equipment  
Other similar uses

- (7) Auction sales.
- (8) Automobiles, truck and utility trailer rental.
- (9) Automotive repair garages.
- (10) Automotive sales and repair (I-1 only).
- (11) Automotive service stations.
- (12) Bakeries, retail and wholesale.
- (13) Barber and Beauty shops.
- (14) Boat and ship sales and repair (I-1 only).
- (15) Building maintenance service.
- (16) Building material sales, retail and wholesale.
- (17) Bus and train terminals.
- (18) Car washes.
- (19) Catalog and mail-order houses.
- (20) Civic, social service and fraternal facilities.
- (21) Clinics, medical, dental and optical.
- (22) Clinics, veterinary.
- (23) Contractor offices and accessory storage (I-2 only).
- (24) Contractor offices and accessory storage, excluding the storage of construction equipment.

- (25) Distributive businesses.
- (26) Dry cleaning and laundry establishments.
- (27) Engraving.
- (28) Equipment rental and leasing.
- (29) Fabric sample sales.
- (30) Farms, including retail sales of products grown on premises.
- (31) Fence and fence materials, retail and wholesale.
- (32) Financial institutions, up to 25,000 square feet (I-2 only).
- (33) Financial institutions, up to 70,000 square feet (I-1 only).
- (34) Florist, retail and wholesale.
- (35) Foundries (I-2 only).
- (36) Government buildings, up to 100,000 square feet (I-2 only).
- (37) Government buildings, up to 300,000 square feet (I-1 only).
- (38) Graphics research and production.
- (39) Heliports and helistops, limited.
- (40) Heliports and helistops, unlimited (I-2 only).
- (41) Highway and railroad rights-of-way.
- (42) Hotels and motels (I-1 only).
- (43) Indoor recreation.
- (44) Laboratories, medical, dental and optical.
- (45) Laboratories, for applied and basic research and testing of products, manufacture, processes or fabrication.
- (46) Locksmiths and gunsmiths.
- (47) Lumber mills and storage yards (I-2 only).

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(48) Manufacture (light) of:

Bakery products  
Batteries  
Beverages, excluding alcoholic beverages  
Boat and ship building  
Brooms and brushes  
Burial caskets  
Candy and confectionary products  
Cigarettes, cigars and chewing tobacco  
Communications equipment  
Computer and office equipment  
Costume jewelry and notions  
Dairy products  
Electrical lighting and wiring equipment  
Electric components and accessories  
Electronic equipment  
Fabricated metal products, excluding use of blast furnaces or drop forges  
Grain mill products  
Household audio and visual equipment  
Household appliances  
Ice  
Jewelry, silverware, and plated ware  
Measuring and controlling devices  
Meat products, excluding slaughtering and dressing  
Medical instruments and supplies  
Musical instruments  
Ophthalmic goods  
Pens, pencils, office and art supplies  
Pharmaceuticals  
Preserved fruits and vegetables  
Pumps  
Search and navigation equipment  
Signs  
Toys and sporting goods  
Watches, clocks, watch cases and parts  
Other similar uses

(49) Manufacture (heavy) in I-2 only of:

All manufacturing operations permitted in I-1  
Abrasive and asbestos products  
Aircraft and parts  
Agricultural chemicals  
Alcoholic beverages  
Asphalt paving and roofing materials  
Brick, tile and clay products  
Chemical manufacture, refining and processing  
Concrete, gypsum and plaster products  
Construction and related machinery

Cut stone and stone products  
Electrical distribution equipment  
Electrical industrial apparatus  
Engines and turbines  
Fabricated metal products  
Farm and garden machinery  
Fats and oils processing  
Furniture and fixtures  
Glass and glassware  
Guided missiles, space vehicles and parts  
Industrial machinery  
Leather tanning  
Manufactured homes  
Meat products, including slaughtering and dressing  
Motor vehicles and equipment  
Motorcycles and parts  
Paper and allied products  
Ordinance and accessories  
Petroleum and coal products  
Plastic and rubber products  
Railroad equipment  
Refrigerator and service machinery  
Sugar refining  
Textile mill products  
Tires and inner tubes  
Wire products  
Other similar uses

- (50) Manufactured housing repair.
- (51) Manufactured housing sales (I-1 only).
- (52) Manufacturer's representatives, including offices, and repair and service facilities.
- (53) Merchandise showrooms, including warehousing in a single building.
- (54) Nursery and green houses, retail and wholesale.
- (55) Offices, up to 100,000 square feet (I-2 only).
- (56) Offices, up to 300,000 square feet (I-1 only).
- (57) Parks, greenways and arboretums.
- (58) Pest control and disinfecting services.
- (59) Post offices.

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- (60) Power generation plants (I-2 only).
- (61) Printing and publishing.
- (62) Prototype production facilities and pilot plants.
- (63) Radio and television stations and/or offices.
- (64) Railroad freight yards, repair shops and marshalling yards (I-2 only).
- (65) Recycling centers, including drop-off centers. .
- (66) Religious institutions.
- (67) Repair of any goods, equipment and vehicles, the manufacture, assembly or sales of which are permitted in that district.
- (68) Research uses.
- (69) Restaurants.
- (70) Restaurants, drive-in services.
- (71) Retail establishments, shopping centers and business, personal and recreational services up to 25,000 square feet.
- (72) Retail establishments, shopping centers and business, personal and recreational services up to 70,000 square feet. (I-1 only).
- (73) Sign painting, exclusive of manufacture.
- (74) Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.
- (75) Subdivision sales offices.
- (76) Telephone booths.
- (77) Theatres, motion picture (I-1 only).
- (78) Theatres, drive in motion picture (I-2 only).
- (79) Tire recapping and retreading.
- (80) Truck stops (I-2 only).
- (81) Truck terminals (I-2 only).



- (82) Vocational schools.
- (83) Utility operations centers (I-2 only).
- (84) Warehousing (I-2 only).
- (85) Warehousing, within an enclosed building (I-1 only).
- (86) Waste incinerator facility (I-2 only).
- (87) Wholesale establishments.

Section 9.1103. Uses permitted under prescribed conditions.

The following uses shall be permitted in the I-1 and I-2 districts if they meet the standards established in this Section and all other requirements of these regulations:

- (1) Adult care centers, subject to the regulations of Section 12.502.
- (2) Bus stop shelters, subject to the regulations of Section 12.513.
- (3) Cemeteries, subject to the regulations of Section 12.508.
- (4) Child care centers, subject to the regulations Section 12.502.
- (5) Demolition landfills, subject to the regulations of Section 12.503.
- (6) Jails and prisons, provided that:
  - (a) The minimum lot size shall be as follows:
    - i. Jails within completely enclosed structures - 2 acres
    - ii. Jails with open exercise yards or other unenclosed facilities - 5 acres
    - iii. Prisons - 50 acres
  - (b) The use and structures shall be separated from the nearest residentially zoned or residentially used property by the following minimum distances:

- i. any portion of the principal structure - 100 feet
  - ii. any security fence attendant to the principal use - 50 feet
  - iii. any accessory use associated with the principal use - 50 feet
- (c) No portion of the principal use or any accessory use may exceed 40 feet in height if located within 100 feet of any residentially zoned or residentially used property;
- (d) Fencing materials such as barbed wire, razor wire, or electrical fences may not be used when adjacent to residentially zoned or residentially used properties. This standard applies to those fences which are located along or parallel to the property boundary which is nearest to the residential areas. This standard does not apply to fences which are located more than 60 feet from the property line; and
- (e) All lighting for the facility must be oriented so that direct beams of light shine away from all adjoining properties and into the property so used.
- (7) Junk yards (I-2 only), provided that:
- (a) The use must be enclosed by a fence which is not easily climbable from six to seven feet in height, and located at least 20 feet from the public street right-of-way; and
  - (b) The use must be screened in accordance with the standards in Section 12.303.
- (8) Kennels, commercial, provided that:
- The use must be located at least 300 feet from a residential use or residential district.
- (9) [RESERVED]
- (10) Nightclubs, bars and lounges, up to 70,000 square feet in I-1 and up to 25,000 square feet in I-2, provided that:
- Any structure in which a nightclub, bar or lounge is the principal use shall be at least 400 feet from any residential use or residential district.
- (11) Nonconforming structures and uses, subject to the regulations of Chapter 7.

- (12) Off-street parking, subject to regulations of Chapter 12, Part 2.
- (13) Offices, and government buildings, over 300,000 square feet (I-1 only), provided that:
- (a) Primary vehicular access to the use will not be by way of a residential local (Class VI) street;
  - (b) The use will be separated by a Class B buffer from any abutting property located in a residential zoning district (See Section 12.302); and
  - (c) Submission of traffic impact analysis in accordance with provision of subdivision 9.703(12)(c) to identify any need on-site transportation improvements.
- (14) Open space recreational uses, subject to the regulations of Section 12.516.
- (15) Outdoor recreation, provided that:
- (a) Off-street parking and service areas and outdoor recreational facilities will be separated by a Class C buffer from any abutting property located in a residential zoning district (See Section 12.302); and
  - (b) No outdoor recreational facilities, such as swimming pools, tennis courts, picnic shelter, etc. shall be located within 100 feet of any lot located in a residential zoning district.
- (16) Petroleum storage facilities with a storage capacity no more than 200,000 gallons, provide that:
- (a) The use meets the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association;
  - (b) All storage tanks and loading facilities will be located at least 100 feet from any exterior property line;
  - (c) Vehicle access to the use will not be provided by way of a residential local (Class VI) street or residential collector (Class V) street; and

- (d) All buildings and structures and off-street parking and service areas will be separated by a Class A buffer from any abutting property in residential, institutional, office or business district or uses in those districts (See Section 12.302).
- (17) Petroleum storage facilities with a storage capacity of more than 200,000 gallons (I-2 only), provided that:
- (a) The use meets the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Prevention Association;
  - (b) All storage tanks and loading facilities will be located at least 100 feet from any exterior property line;
  - (c) Vehicular access to the use will not be provided by way of a residential local (Class VI) street or residential collector (Class V) street; and
  - (d) All buildings and structures and off-street parking and service areas will be separated by a Class A buffer from any abutting property in a residential, institutional, office or business district or uses in those districts (See Section 12.302).
- (18) Public utility structures, subject to the regulations Section 12.504.
- (19) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.
- (20) Quarries, subject to regulations of Section 12.505.
- (21) Raceways and dragstrips, provided that:
- (a) The use will be located on a lot of at least 50 acres;
  - (b) Vehicular access to the use will be provided only by way of a Class II, Class III or Class IV street;
  - (c) No direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential district or abutting residential use;

- (d) Off-street parking areas and accessways will be designed to allow direct public transit service to the use; and
  - (e) Hours of operation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. Eastern Standard Time.
- (22) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).
- (23) Sanitary landfills, subject to the regulations of Section 12.507.
- (24) Stadiums and arenas of no more than 5,000 seats, provided that:
- (a) All parking areas will meet the landscaping standards set out in Section 12.303;
  - (b) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street;
  - (c) No direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential district or abutting residential use or low intensity institutional use;
  - (d) Off-street parking areas and accessways will be designed to allow direct public transit service to the use;
  - (e) All building and off-street parking areas and service areas will be separated by a Class B buffer from any abutting property in a residential district, an abutting residential use or low intensity institutional use (See Section 12.302); and
  - (f) Stadiums and arena buildings shall be located a minimum of 100 feet from any exterior property line.
- (25) Temporary buildings and storage of materials provided that:
- The use is in conjunction with the construction of a building on the same lot where construction is taking place or on an adjacent lot. Such temporary uses shall be terminated upon completion of construction.

**Section 9.1104. Permitted accessory uses and structures.**

The following uses shall be permitted in the I-1 and I-2 districts as accessory uses and structures, subject to the applicable criteria in Chapter 12 of these regulations:

- (1) Accessory uses and structures clearly incidental and related to the permitted principal use or structure on a lot.
- (2) Drive-in windows as an accessory to the principal structure subject to the regulations of Section 12.413.
- (3) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (4) Fences and walls.
- (5) On-site demolition landfills, subject to the regulations of Section 12.405.
- (6) Outdoor lighting, subject to the regulations of Section 12.402.
- (7) Petroleum storage, accessory to a permitted use or structure, subject to the Fire Prevention Code of the National Board of Underwriters.
- (8) Petroleum storage, underground, accessory to permitted automotive stations, subject to the Fire Prevention Code of the National Board of Underwriters.
- (9) Private kennels, subject to the regulations of Section 12.410.
- (10) Private stables, subject to the regulations of Section 12.411.
- (11) Vending machines for cigarettes, candy, soft drinks and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building.
- (12) Vending machines, out of doors, subject to yard and setback requirements of respective districts.

Section 9.1105. Development standards for industrial districts.

All uses and structures permitted in the I-1 and I-2 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

(1) Area, yard and bulk regulations shall be as follows:

	I-1	I-2
(a) Maximum Floor Area Ratio 1	.80	1.00
(b) Minimum lot area (square feet)	8,000	8,000
(c) Minimum lot width (feet)	50	50
(d) Minimum setback (feet)	20	20
(e) Minimum side yard (feet)	0 or 4*	0 or 4*
(f) Minimum rear yard (feet)	10	10
(g) Maximum height (feet) 2	40	40

\*In I-1 and I-2 districts, no sideyard is required, but if one is provided, it must be a minimum of 4 feet.

NOTES TO CHART:

1. If a parking deck is constructed as part of a building, the allowable floor area ratio may be increased by 50 percent.
2. A building in a district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential use or residential zoning it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential use or zoning is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

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CROSS-REFERENCES:

Applicable buffer requirements may require a larger side or rear yard than the minimum. See Chapter 12, Part 3: Also, larger setback and yard requirements may be required along certain streets subject to the regulations of Section 12.103. Larger than minimum setbacks standards may be required where a nonresidential use abuts a residential district. See subsection 12.102(1).

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- (2) Maximum Floor Area. In the I-1 district, no retail establishment or shopping center may exceed 70,000 square feet. In the I-2 district, no retail establishment or shopping center may exceed 25,000 square feet and no office establishment may exceed 100,000 square feet.
- (3) Buffers and Screening. Development of any use in the I-1 and I-2 districts must comply with applicable buffer and screening requirements in Chapter 12, Part 3.
- (4) Signs. Signs are permitted in the I-1 and I-2 districts in accordance with Chapter 13.
- (5) Parking and Loading. Development of any use in the I-1 and I-2 districts must conform to the parking and loading standards in Chapter 12, Part 2.
- (6) Outdoor Storage. Outdoor storage of goods and materials used in the assembly, fabrication or processing is permitted in the I-1 and I-2 districts, but shall not exceed 25% of the floor area of all buildings on a lot in the I-1 district. Outdoor storage shall be screened from the public right-of-way in accordance with Section 12.303.



**PART 1: PURPOSE**

**SEC. 10.101.**

**CHAPTER 10:**

**OVERLAY DISTRICTS**

**PART 1: PURPOSE**

**Section 10.101. Purpose.**

Overlay Districts are zoning districts, which are applied only in conjunction with other zoning districts, and may grant additional use or development requirements upon the underlying zoning districts. The effect is to have both the overlay district and the underlying zoning controlling the use and development of a lot. Overlay Districts are applicable on an area wide basis to support specific public policy objectives and should be consistent with the Generalized Land Plan, District Plans and Area Plans. Overlay districts may be applied to general and special purpose districts. An overlay district may be initiated as an amendment by the City Council, Planning Commission or property owner.

**PART 2: HISTORIC DISTRICTS**

**Section 10.201. Purpose.**

The purpose of a local historic district is to encourage the restoration, preservation, rehabilitation, and conservation of historically, architecturally, and archaeologically significant areas, structures, buildings, sites, and objects and their surroundings from potentially adverse influences which may cause the decline, decay, or total destruction of important historical, architectural, and archaeological features, which are a part of the City's heritage, and to review new construction design to ensure compatibility with the character of the district. The historic district will be applied as an overlay zoning district which will overlap other general or specialized zoning districts to ensure the compatibility and appropriateness of exterior design within the historic district.

**Section 10.202. Designation of Historic Districts.**

- (1) The Historic District Commission shall make an investigation and report on the historical, architectural, or archaeological significance of the buildings, structures, features, sites, objects, or surroundings included in a proposed district, and prepare a description of the boundaries of the district.

- (2) The North Carolina Department of Cultural Resources, or an agent or employee designated by its Secretary, shall make an analysis of, and recommendations concerning this report and description of proposed boundaries in accordance with state law. Failure of the Department to submit its written analysis and recommendations to the City Council within 30 calendar days after a written request for such analysis has been mailed to the department shall relieve the City of any responsibility for awaiting such an analysis, and the City Council may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.
- (3) Historic districts shall consist of areas which are deemed to be of special significance in terms of their history, architecture and/or culture and to possess integrity of design, setting, materials, feeling and association. The area, buildings, structures, sites, or objects shall be significant elements of the cultural, social, economic, political, or architectural history of the City or of the archaeological history or prehistory of the City and the conservation of such a district will provide for the education, pleasure, and enhancement of the quality of life of all residents of the City.
- (4) The City Council shall designate the boundaries of a Historic District in accordance with procedures set forth in Chapter 6, Part 1, for amending the text of these regulations and the zoning map.
- (5) Following the City Council designation and approval of a historic district, the area so designated shall be labeled "HD-O" on the Official Zoning Map.
- (6) With respect to any changes in the boundaries of such district subsequent to its initial establishment or the creation of additional districts within the City, the investigative studies and reports shall be prepared by the Historic District Commission and shall be referred to the Charlotte-Mecklenburg Planning Commission for its review and comment. Changes in the boundaries of an initial district or proposals for additional districts shall also be submitted to the Department of Cultural Resources in accordance with the provisions stated above.

**Section 10.203. Certificate of Appropriateness required.**

- (1) No exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structures, nor any type of outdoor advertising sign or important landscape and natural features may be erected, altered, restored, moved, or demolished within a historic district until after the property

owner or his designated agent has contacted the Historic District Commission staff to determine whether the project will require a certificate of appropriateness ("certificate").

- (2) If a certificate shall be required, then the Historic District Commission staff will provide the applicant with an application form, instructions, and such technical advice as may be deemed necessary. The Historic District Commission shall prepare and adopt principles and guidelines, not inconsistent with Chapter 160A, Part 3C, "Historic Districts", of the General Statutes, for new construction, alterations, additions, moving and demolition. A copy of the adopted principles and guidelines shall be kept at the Historic District Commission's Office and City Clerk's Office.
- (3) Work may not begin until a certificate has been issued. A certificate must be issued by the Historic District Commission prior to the issuance of a building permit or other permit granted, for the purposes of constructing, altering, moving, or demolishing structures, which a certificate may be issued subject to reasonable conditions necessary to carry out the purposes of N. C. General Statutes, Chapter 160A, Article 19, Part 3C. A certificate of appropriateness shall be required whether or not a building permit is required.

#### Section 10.204. Exterior features.

Exterior features include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" means the style, material, size, and location of all such signs. "Exterior features" may also include color and important landscape and natural features of the area.

#### Section 10.205. Minor works.

The Historic District Commission shall have the authority to delegate to their professional staff approval of certain types of minor works consistent with the detailed standards approved by the Historic District Commission. Minor works are defined as not involving substantial alterations, additions, or removals, that could impair the integrity of the property and/or the district as a whole or would be incongruous with the special character of the district. Staff shall not deny a request for a certificate of appropriateness and, therefore, all questionable applications must be submitted to the Historic District Commission.

**Section 10.206. Duration of certificate of appropriateness.**

If the application is approved, the certificate of appropriateness shall be valid for a period of six months from the date of issuance. Failure to procure a building permit within a six-month period shall be considered as a failure to comply with the certificate of appropriateness and the certificate shall become null and void. If a building permit is not required, the approved work shall be completed within a six-month period from the date of issuance. The certificate may be renewed by the staff upon written request of the applicant, with a valid reason for failure to comply with the six-month deadline, if the written request is submitted within six-months immediately following the expiration of the initial six-month period. If the applicant fails to renew an expired certificate during the initial six-month period or during the immediately following six-month period, then the project must be re-submitted to the Historic District Commission.

**Section 10.207. Interior arrangement.**

The Historic District Commission has no jurisdiction over interior arrangement, unless the arrangement of interior features directly affects the integrity of the exterior of the property and, therefore, would be incongruous with the special character of the district as a whole.

**Section 10.208. Procedure.**

- (1) The applicant has the responsibility to submit an application for a certificate of appropriateness that is accurate, complete and accompanied by sufficient information to fully depict the proposed development, alteration, rehabilitation, or restoration. If the applicant fails to submit an application as described herein, then the application shall not be submitted for review to the Historic District Commission until the deficient information has been provided to the satisfaction of the Historic District Commission staff.
- (2) All properly filed applications for a certificate of appropriateness shall be reviewed and acted upon within a reasonable time. In cases where the Historic District Commission deems it necessary, it may hold a public hearing concerning the application.

**Section 10.209. Notice.**

- (1) An applicant for a certificate of appropriateness, at the time of the submission of the application, shall submit the names and addresses of abutting property owners (disregarding public streets and alleys), as shown on the County tax listing.

- (2) The Historic District Commission shall take such steps as may be reasonably required under the particular circumstances, as stated in the "Rules of Procedure", to inform the abutting property owners and any other owners of any property likely to be materially affected by the application, prior to the issuance or denial of a certificate of appropriateness.

**Section 10.210. Standards.**

- (1) In considering an application for a certificate of appropriateness, the Historic District Commission shall first determine that the project is compatible with the district as a whole in terms of size, scale, and massing, as well as maintaining a pedestrian scale and orientation. Further, the Historic District Commission shall apply the Secretary of Interior's Standards for Rehabilitation (See 36 Code of Federal Regulations Section 67.7. Hereinafter: "Secretary's Standards") stated in Sub-section (2) and the principles and guidelines, referred to in Section 10.202(2), and adopted by the Historic District Commission. Although the Historic District Commission will use the "Secretary's Standards" as its guidelines, approval of a certificate of appropriateness by the Historic District Commission should not be interpreted as approval for any other process such as the Investment Tax Credits.
- (2) Secretary's Standards. The Secretary's Standards are listed below:
- (a) A property shall be used for its historical purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  - (b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  - (c) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  - (d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

- (e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- (f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new one shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- (g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (h) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
- (j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Section 10.211. Ordinary maintenance.

Nothing in these provisions should be construed to prevent the ordinary maintenance, repair, or removal of any exterior architectural feature in a historic district which does not involve a change in design, material, or outer appearance nor to prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the building inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition. The Historic District Commission staff shall be consulted and/or the feature shall be well-documented photographically and such documentation shall be made available to the Historic District Commission for its files, if appropriate.

**Section 10.212. Demolition or removal.**

- (1) After the designation of a historic district, no building or structure located in that district shall be demolished or otherwise removed until the owner of the property has applied for a certificate of appropriateness for demolition or removal. If the Historic District Commission determines that the property does not contribute to the character of the historic district because of age or structural condition, the Historic District Commission may grant a certificate of appropriateness for the immediate demolition or removal of the property. However, if the property is determined by the Historic District Commission to be a contributing element in the district, the Historic District Commission may delay demolition or removal for no more than 180 days. During such 180 day period, the Historic District Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building.
- (2) An application for a certificate of appropriateness authorizing the demolition of a building or structure within the district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to 180 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the Historic District Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. If the Historic District Commission finds that the building has no particular significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

**Section 10.213. Appeal to Zoning Board of Adjustment.**

- (1) N. C. General Statutes Section 160A-397 establishes the appeal procedure. An appeal in the nature of certiorari may be taken by any aggrieved party to the Zoning Board of Adjustment from the Historic District Commission's action granting or denying the certificate of appropriateness pursuant to Chapter 5 of these regulations. Any appeal must be filed with the Board of Adjustment within thirty 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 shall be heard by the Superior court of Mecklenburg County.

- (2) If it is necessary to have a verbatim transcript prepared for the Board of Adjustment, then the petitioner shall pay for that expense and any other appropriate, reasonable expenses for the preparation of the record. If the final decision by the Board of Adjustment or by a court is in favor of the petitioner, then the City shall reimburse the petitioner for the costs invoiced by the City for the preparation of the record.

**Section 10.214. Enforcement.**

- (1) It shall be unlawful to erect, alter, restore, move, or demolish any building, structure, site, area, or object without securing a certificate of appropriateness and complying with these provisions. A failure to comply with these provisions shall constitute a violation subject to enforcement action. The Historic District Commission staff is authorized to undertake enforcement of these provisions upon its own initiative. These provisions may be enforced by any one, all, or a combination of the remedies provided herein and authorized by law.
- (2) Pursuant to N. C. General Statutes Section 160A-365, "Enforcement of Ordinances", these Historic Districts' provisions may be enforced by any remedy provided in N. C. General Statutes Section 160A-175 and, also, as specifically described in Chapter 8 of this Zoning Ordinance.

**Section 10.215. Submission of site plan and compliance with the Zoning Ordinance and other applicable laws.**

An applicant shall submit site plans that are in compliance with the Zoning Ordinance and with any other local or State laws designated by the Historic District Commission. If the Historic District Commission's staff or the Historic District Commission determines that submitted site plans are not in compliance with the Zoning Ordinance or other State or local laws designated by the Historic District Commission, then the Historic District Commission's staff or Historic District Commission shall not be required to proceed to review the application for the certificate of appropriateness until site plans have been submitted that are in accordance with the Zoning Ordinance and applicable State or local laws. If site plans have been submitted that are not in compliance with the Zoning Ordinance or other identified State or local laws, then the certificate of appropriateness or any permits or certificates issued by the Zoning Administrator may be revoked.



**Section 10.216. Revocation of building permit.**

Pursuant to N. C. General Statutes Section 160A-422, "Revocation of permits", the Mecklenburg County Building Standards Department shall be notified to revoke any building permits for any substantial departure from the approved application, plans, or specifications, for refusal or failure to comply with the requirements of a certificate of appropriateness. If a certificate of appropriateness is required, then a building permit shall not be issued. If a building permit has been mistakenly issued or issued based upon false statements or misrepresentations made in securing the building permits, then the building permit may be revoked.

**Section 10.217. Citations.**

- (1) The Director of the Historic District Commission or any enforcement officer designated by the director on the staff of the Commission is empowered to issue citations to any person, business, corporation, or other legal entity if there is reasonable cause to believe that any of the above have violated any provisions of Chapter 10, et seq. A "warning" citation shall be issued first. The warning citation shall state the violation and give the alleged violator sixty (60) days to remedy the violation. The staff of the Commission shall have authority to extend the period of the warning citation so long as there are documented, objective, or otherwise visible good faith efforts to comply with the warning citation.
- (2) If there has not been compliance with the warning citation, then a citation in the amount of fifty dollars (\$50.00) may be issued. Each day shall constitute a separate violation and a new citation may be issued for each day of a continuing violation. This citation shall inform the violator that a civil complaint or criminal summons will be filed if the citation is not paid within fifteen (15) days of the date of the citation. The director shall have the authority to void any citations if the offender has taken corrective action satisfactory to the Historic District Director and/or Historic District Commission to ensure compliance with these provisions.

**Section 10.218. Civil penalty.**

- (1) Any person who violates any of the Historic District provisions of this Section may be subject to a civil penalty. The City Council shall determine the specific amount of the civil penalty assessed. The civil penalty is especially provided as a remedy for any significant and/or irreparable damage to a building, structure, object, site, or important and natural features of the particular district in violation of these provisions, but is not limited to just those violations.

PART 2: HISTORIC DISTRICTS

SEC. 10.218.

- (2) If a staff person on the Historic District Commission deems that there is a violation that warrants the remedy of a civil penalty, then the staff person shall report to the Historic District Commission the nature of the violation, the recommended amount of the civil penalty, and the basis for that amount. If the Historic District Commission concludes that it is of the opinion that a civil penalty is appropriate, then the Historic District Commission shall transmit to both the City Manager's Office and to the City Attorney's Office a description of the violation, the recommended amount of the civil penalty, and the basis for that amount. If the City Manager's Office and City Attorney's Office deem the civil penalty the appropriate remedy, then it shall be placed on the agenda of the City Council for their consideration. If the City Manager's Office and City Attorney's Office deem that a civil penalty is not the appropriate remedy, for whatever reason, then a joint recommendation shall be conveyed back to the Historic District Commission.
- (3) The civil penalty shall not exceed ten thousand dollars (\$10,000.00). No penalty shall be assessed until the violator has been notified of the violation and the time for appeal has expired. At least two (2) weeks before the scheduled meeting of the City Council to determine the amount of the civil penalty, the violator shall be invited to the scheduled meeting and shall be given the opportunity to appeal before the City Council at that meeting.
- (4) In determining the amount of the civil penalty, the City Council shall consider the amount of money, at the time of the expiration of the date for appealing the violation, that the violator would be required to spend in order to be in compliance with the requirement of the specific Code provision violated.
- (5) The Director of the Historic District Commission shall make written demand for payment of the penalty assessed upon the person in violation and shall set forth, in detail, a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within sixty (60) days after demand for payment is made, the matter shall be referred to the City Attorney for institution of a civil action in the nature of debt in the name of the City in the appropriate division of the general courts of justice for recovery of the penalty.

**Section 10.219. Denial or revocation of certificate of compliance and occupancy.**

- (1) As stated in the Mecklenburg County Building Ordinance, Section B-114, "Certificates of Compliance and Occupancy", the Mecklenburg County Building Standards Department shall not issue a certificate of occupancy or certificate of compliance unless there has been compliance with any certificate of appropriateness issued by the Historic District Commission. Compliance with a certificate of appropriateness shall include, but not be limited to, meeting all the requirements of the certificate of appropriateness in not doing any act which would have required a certificate of appropriateness.
- (2) Further, pursuant to Section B-115-2, "Revocation of Permits or Certificates", any permit or certificate of occupancy or certificate of compliance issued by the Mecklenburg County Building Standards Department in violation of any of the Historic Districts' provisions, stated herein, also may be revoked by the Mecklenburg County Building Standards Department.

PART 3: AIRPORT ZONE

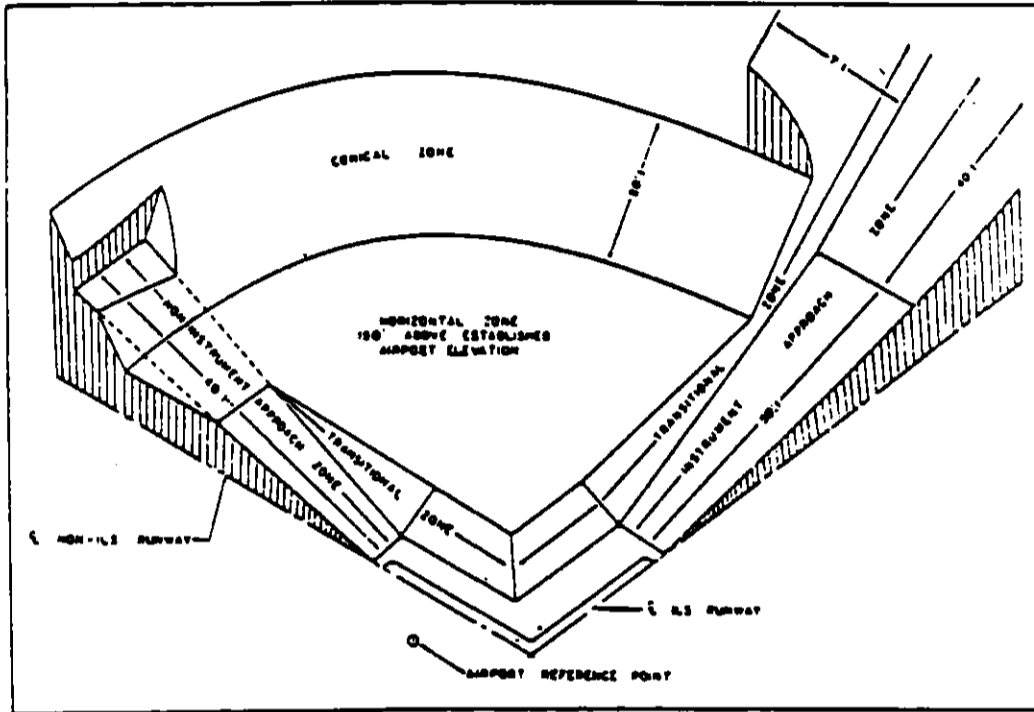
Section 10.301. Airport zones established; purpose.

The zones and restrictions established in this Part are designed to limit the height of structures surrounding Charlotte Douglas International Airport in order to prevent hazards to the lives and property of the users of airports and the occupants of land in its vicinity. For these reasons, the following zones are established, with the boundaries defined below and illustrated in Figure 10.301:

- (1) Approach zones. Approach zones shall be established at each end of a runway used for landings and take-offs. The approach zones shall have a length of fifty thousand (50,000) feet beginning at a point two hundred (200) feet outward from the end of each runway and extending outward to a point fifty thousand two hundred (50,200) feet from the end of the runway on the extended center line of the runway. The width of each approach zone shall be one thousand (1,000) feet at a distance of two hundred (200) feet from the end of the runway, uniformly widening thereafter to a width of sixteen thousand (16,000) feet at a distance of fifty thousand two hundred (50,200) feet beyond each end of the runway. The upper surface of an approach zone shall be an inclined plane sloping one (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from and at the elevation of the end of the runway, extending to a distance of ten thousand two hundred (10,200) feet from the end of the runway and then one (1) foot in height for each forty (40) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.
- (2) Transition zones. The area covered by the transition zones shall be as follows:
  - (a) The length of the transition zones adjacent to each runway shall be equal to the length of the center line of the runway plus two hundred (200) feet at each end extending along the runway center line. The width of these transition zones shall be one thousand fifty (1,050) feet with one side extending along a line which is parallel to, level with, and five hundred (500) feet in horizontal distance from the center line of the runway and the other side extending along a line which is parallel to, level with, and one thousand five hundred fifty (1,550) feet from the center line of the runway.

Figure 10.301.

Figure 10.301. Conceptual Diagram of Approach, Transition, Conical, and Horizontal Zones.



- (b) The length of the transition zones adjacent to each approach zone shall be fifty thousand (50,000) feet measured outward along the runway center line extended from a point two hundred (200) feet outward from the end of the runway to a point fifty thousand two hundred (50,200) feet outward from the end of the runway. The width of these transition zones varies; one side shall extend along the side line of the adjoining approach zone (as described in subparagraph (1) of this section) and the other side shall extend along a line connecting the points on the ground which are normal to the points at which the upper surfaces of the transition zones (as described below) project through the upper surfaces of the horizontal and conical zones (as described below) and, for the distance beyond which the transition zone surfaces project through the conical surfaces, the side shall extend along a line which is five thousand (5,000) feet from the side line of the approach zones.
- (c) The upper surface of a transition zone shall be an inclined plane sloping one (1) foot in height for each seven (7) feet in horizontal distance measured upward and outward in a vertical plane at right angles to the center line of the runway. The surface of that part of the transition zone which is adjacent to a runway shall slope upward and outward from the side line which is five hundred (500) feet in horizontal distance from the center line of the runway until it projects through the surface of the horizontal zone. The surface of that part of the transition zone which is adjacent to an approach zone slopes upward and outward from the edge of the approach zone surface until it projects through the surface of either the horizontal zone or the conical zone. That part of the transition zone surface which extends beyond the periphery of the conical zone shall slope upward and outward from the edge of the approach zone for a horizontal distance of five thousand (5,000) feet.
- (3) Horizontal zone. The horizontal zone shall include that area within a circle whose center is the airport reference point and whose radius is eleven thousand five hundred (11,500) feet. The approach zones and the transition zones included within the area of that circle are not included in the horizontal zone. The upper surface of the horizontal zone is a level surface located directly above the horizontal zone at a height of one hundred fifty (150) feet above the airport elevation or a height of eight hundred ninety-eight (898) feet above mean sea level.

- (4) Conical zone. The conical zone includes that area within a ring, seven thousand (7,000) feet wide, around the horizontal zone, measured from the periphery of the horizontal zone. The approach zones and the transition zones included within the area of that ring are not included in the conical zone. The upper surface of the conical zone is a conical plane sloping one foot in height for each twenty (20) feet of horizontal distance measured upward and outward from the periphery of the horizontal zone surface, and extending to a height of one thousand two hundred forty-eight (1,248) feet above the airport elevation.

**Section 10.302. Height restrictions.**

- (1) No structure or tree shall be erected, altered, allowed to grow, or maintained in an approach zone, transition zone, horizontal zone, or conical zone to a height which projects above the upper surface of any such zone. Any tree or structure may go up to a height of 40 feet.
- (2) The owner of any tree or structure which exceeds the above height limitations and is allowed to continue as nonconforming under the provisions of Chapter 7 shall permit the City of Charlotte to install, operate, or maintain thereon, at the City's expense, any markers and lights necessary to indicate the presence of such a hazard to aircraft operators.

**Section 10.303. Additional use restrictions.**

Notwithstanding any other provisions of these regulations, no use shall be made of land within any zone established by this part in such a manner as to create electrical interference with radio communications between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and other lights, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off, or maneuvering of aircraft.

**PART 4: MANUFACTURED HOME OVERLAY**

**SEC. 10.401.**

**PART 4: MANUFACTURED HOME OVERLAY**

**Section 10.401. Purpose.**

The purpose of the Manufactured Home Overlay is to provide for the development of manufactured housing in established residential zoning districts while maintaining the overall character of those districts. The intent of the prescribed conditions herein is to ensure compatibility with existing housing stock through aesthetically related standards. The Manufactured Home Overlay shall be an overlay in any districts permitting residential development (R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, O-1, O-2, O-3, B-1, B-2, MX-1, MX-2 and MX-3) established in Chapters 9 and 11. The Manufactured Home Overlay supplements the range of uses permitted in the underlying district. All other uses and regulations for the underlying district shall continue to remain in effect for properties classified under the Manufactured Home Overlay.

**Section 10.402. Procedures for district designation; additional application content requirements.**

- (1) A Manufactured Home Overlay district shall only be designated for a contiguous area of at least 2 acres in size.
- (2) Property shall be classified under the Manufactured Home Overlay district only upon a petition filed by an owner of the property, or anyone else authorized in writing to act on the owner's behalf, and approved by the Board of Commissioners under the procedures and standards established in Chapter 6, Part 1, of these regulations. Uses in the Manufactured Home Overlay district shall be subject only to those conditions and standards established in this Part and those conditions and standards established in Chapters 9 and 11, for uses permitted in the underlying district. All uses permitted in the underlying district are permitted in the Manufactured Home Overlay district.
- (3) The petition shall be accompanied by the following information: A site plan is required. The site plan shall acknowledge and demonstrate compliance with the prescribed conditions described in Section 10.403. Once an overlay district is approved, a building permit shall not be issued until the site plan has been approved by the Planning Director.
- (4) Following the Board of Commissioners designation and approval of a Manufactured Home Overlay district, the area so designated shall be labeled "MH-O" on the Official Zoning Maps.



**Section 10.403. Uses permitted under prescribed conditions.**

The following uses shall be permitted as of right in the Manufactured Home Overlay district provided that they meet the standards established in this Section and all other requirements of these regulations.

- (1) Manufactured homes, in accordance with the following standards:
  - (a) The home shall be set up in accordance with the standards set by the North Carolina Department of Insurance, and a continuous, permanent masonry wall, having the appearance of a conventional load-bearing foundation wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home;
  - (b) The home will have all wheels, axles, transporting lights, and towing apparatuses removed;
  - (c) The structure must be at least 24 feet in width along the majority of its length. However, within an underlying R-8 district, the width may be reduced to 22 feet;
  - (d) All roof structures will have a minimum nominal 3/12 pitch and must provide an eave projection of no less than 6 inches, which may include a gutter. The roof must be finished with a type of shingle commonly used in site-built residential construction;
  - (e) Exterior wall materials and finishes must be comparable in composition, appearance and durability to those commonly used in standard residential construction. Vinyl and aluminum lap siding, wood, stucco, brick and similar masonry materials may be used. Reflectivity shall not exceed that of gloss white paint; and
  - (f) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.
- (2) All principal and accessory uses in the underlying district are permitted.

CHAPTER 11:

CONDITIONAL DISTRICTS

PART 1: PURPOSE

Section 11.101. Purpose.

The Conditional Districts allow for the establishment of 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 or controlled by general district standards. In order to accommodate these uses, this Section establishes specific development standards for these uses which allow for flexibility in development while protecting existing developed areas. The permitted uses and development standards are contained within each district. The process for approval of a Conditional District is explained in Chapter 6, Part 2.

PART 2: MIXED USE DISTRICTS (MX-1, MX-2, and MX-3)

Section 11.201. Purpose.

The Mixed Use Districts are hereby established in order to accommodate the development of planned communities that may incorporate a full range of housing types and, in some instances, compatible nonresidential uses that provide goods, services, and employment primarily to serve the residents of the planned community. In order to encourage high quality design and innovative arrangement of buildings and open space uses throughout the project, these districts provide substantial flexibility from the conventional use and dimensional requirements of the general districts. Three mixed use districts are established with varying degrees of development intensity to address the application of mixed use to various locations within the community. The developmental and locational criteria for the districts are as follows:

- MX-1:** This district permits only residential mixed use development and is applicable to developments 10 acres or larger. This district is intended to be located within any residential areas in the community.
- MX-2:** This district permits residential mixed use and nonresidential uses. It is only applicable to develop 36 acres or larger. This district is permitted within the community along major thoroughfares, minor thoroughfares or collector streets having adequate access.

**PART 2: MIXED USE DISTRICTS**  
**(MX-1, MX-2, and MX-3)**

SEC. 11.201.

**MX-3:** This district permits residential mixed use and major commercial institutional and employment uses. This district is applicable to developments 100 acres or larger. It is intended to be located as a component of "Development Enterprise Areas", or similar areas identified in the adopted Generalized Land Plan, and areas of the community along major thoroughfares.

**Section 11.202. Uses permitted by right.**

The following uses shall be permitted by right in the MX-1, MX-2, and MX-3 districts, provided that they meet all requirements of this Part and all other requirements of these regulations:

- (1) Boarding houses, limited to 4 boarders and 2 bedrooms per lot.
- (2) Dwellings, detached, duplex, triplex and quadraplex.
- (3) Dwellings, attached and multi-family up to 12 units in a building.
- (4) Farms, including retail sale of produce grown on the premises.
- (5) Group Homes, for no more than 6 clients.
- (6) Highway and railroad rights of way.
- (7) Parks, greenways and arboretums.

**Section 11.203. Uses permitted under prescribed conditions.**

The following uses shall be permitted in the MX-1, MX-2 and MX-3 districts if they meet the standards established in this Section and all other requirements of these regulations:

- (1) Adult care homes, subject to the regulations of Section 12.502.
- (2) Bus stop shelters, subject to the regulations of Section 12.513.
- (3) Cemeteries, subject to the regulations of Section 12.508.
- (4) Civic, social services and fraternal facilities (MX-2 and MX-3 only), provided that:
  - (a) All buildings, off-street parking and service areas will be separated by a Class C buffer from any abutting property located in a residential zoning district (See Section 12.302);

**PART 2: MIXED USE DISTRICTS**  
**(MX-1, MX-2, and MX-3)**

SEC. 11.203.

- (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
  - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (5) Child care homes, subject to the regulations of Section 12.502.
- (6) Dormitories (MX-2 and MX-3 only), provided that:
- (a) The dormitory will be located within one-half mile of the institutional use it is designed to serve;
  - (b) Building walls over 200 square feet and facing a public right of way shall require a minimum of one large maturing tree per 30 linear feet of wall or one small maturing tree per 20 linear feet of wall no closer than 15 feet to the wall; and
  - (c) If there are more than 12 living units in a single dormitory or if there is more than one dormitory on the same lot, the development must be reviewed and approved in accordance with the regulations for planned multi-family or attached development in subsection 9.303(19).
- (7) Dwellings, mixed use (MX-2 and MX-3 only), provided that:
- (a) The dwelling units will be located in the same building as an office or commercial use permitted in the district;
  - (b) The dwelling units will occupy no more than 75 percent of the total floor area of the buildings on the lot;
  - (c) The minimum lot and yard requirements for the dwelling units shall be the same as the B-1 district; and
  - (d) Development density shall be controlled by the applicable floor area ratio.
- (8) Dwellings, planned multi-family and attached development and one multi-family or attached building on a lot with more than 12 units, subject to the regulations of subsection 9.303(19).

**PART 2: MIXED USE DISTRICTS**  
**(MX-1, MX-2, and MX-3)**

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- (9) Elementary and secondary schools, provided that:
- (a) All buildings, outdoor recreational facilities and off-street parking and service areas will be separated by a Class C buffer for elementary schools and junior high schools and Class B buffer for senior high schools from any abutting residential use or residential zoning (See Section 12.302);
  - (b) The use will be on a lot which fronts a collector, minor thoroughfare or major thoroughfare for elementary schools and junior high schools and on a lot which fronts a minor thoroughfare or major thoroughfare for senior high schools; and
  - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (10) Equestrian oriented subdivisions, subject to the regulations of Section 12.514.
- (11) Government buildings, up to 12,500 square feet, provided that:
- (a) All buildings, off-street parking and service areas will be separated by a Class C buffer from any abutting property located in a residential district or abutting residential use (See Section 12.302);
  - (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
  - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (12) Nonresidential uses permitted in the B-1 or B-2 districts (MX-2 and MX-3 only), provided that:
- (a) Only B-1 uses are permitted in the MX-2 district and such uses shall occupy no more than 5% of the total project area;
  - (b) B-1 and B-2 uses are permitted in the MX-3 district provided such uses shall occupy no more than 15% of the total project area;
  - (c) Such uses shall be provided and operated primarily for the service and convenience of the residents of the project area;

**PART 2: MIXED USE DISTRICTS**  
**(MX-1, MX-2, and MX-3)**

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- (d) Such uses shall occupy no more than one acre per 100 dwelling units within the project area for the first 100 dwelling units or portion thereof above 149 dwelling units, plus an additional one-half acre per 50 dwelling units above 100 dwelling units;
  - (e) The area to be occupied by such uses shall be planned and designed as an integral part of the total project area;
  - (f) Vehicular access to such uses shall not be provided by way of a private or residential local (Class VI) street;
  - (g) All structures and parking/service areas shall be separated from adjacent residential uses within the project area by a Class B buffer (See Section 12.302);
  - (h) All off-street parking areas shall be landscaped to the standards established in Chapter 12, Part 3;
  - (i) Adult care centers and child care centers, shall be subject to the regulations of Section 12.502; and
  - (j) No direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site of the use will shine into any abutting lots occupied by residential uses.
- (13) Outdoor recreation, provided that:
- (a) The use will be located on a lot that is at least two times the minimum lot area required in the district;
  - (b) Off-street parking, service areas and outdoor recreational facilities will be separated by a Class C buffer from any abutting property located in a residential district or an abutting residential use (See Section 12.302);
  - (c) No outdoor recreational facilities, such as swimming pools, tennis courts, picnic shelter, etc. shall be located within 100 feet of any lot located in a residential district or residential use; and
  - (d) Hours of operation for outdoor recreation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. Eastern Standard Time.
- (14) Public utility structures, subject to the regulations of Section 12.504.

**PART 2: MIXED USE DISTRICTS**  
**(MX-1, MX-2, and MX-3)**

SEC. 11.203.

- (15) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.
- (16) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).
- (17) Religious institutions, up to 1200 seats, subject to the regulations of Section 12.506.
- (18) Retail and office establishments and restaurants in multi-family and attached buildings, provided that:
- (a) The establishment will be located within a building that contains at least 50 dwelling units;
  - (b) Such establishments will occupy no more than 25 square feet per dwelling unit in the building up to a maximum of 10,000 square feet;
  - (c) The establishment will have no direct public entrance from the outside of the building, except for a restaurant use; and
  - (d) No merchandise or display of merchandise will be visible from outside the building.
- (19) Subdivision sales office, provided that:
- (a) The use serves the subdivision in which it is located and adjoining subdivision or subdivisions by the same developer or affiliate; and
  - (b) The use shall be terminated upon the completion of the sale of 95 percent of the total number of homes and/or lots; provided however, that a model or demonstration home may be used for sales purposes until the last home or lot is sold.
- (20) Temporary buildings and storage of materials, provided that:
- The use is in conjunction with the construction of the same building on a lot where construction is taking place or on an adjacent lot. Such temporary uses shall be terminated upon completion of construction.

**Section 11.204. Permitted accessory uses and structures.**

The following uses shall be permitted in the MX-1, MX-2 and MX-3 districts as accessory uses and structures, subject to the applicable criteria in Chapter 12 of these regulations:

**PART 2: MIXED USE DISTRICTS**  
**(MX-1, MX-2, and MX-3)**

SEC. 11.204.

- (1) Accessory uses, and structures clearly incidental and related to the permitted principal use or structure on the lot.
- (2) Bookstores, offices, printing and distribution and similar uses as accessories to religious institutions located on the same lot and subject to the regulations of Section 12.506.
- (3) Customary home occupation, subject to the regulations of Section 12.408.
- (4) Drive-in windows as an accessory use to a principal nonresidential use, subject to the regulations of Section 12.404 (MX-2 and MX-3 only).
- (5) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (6) Elderly and disabled housing as an accessory to a single family detached dwelling, subject to the regulations of Section 12.407.
- (7) Fences and walls, subject to the regulations of Section 12.406.
- (8) Guest houses and employee quarters as an accessory to a single family detached dwelling, subject to the regulations of Section 12.413.
- (9) Marinas, subject to the regulations of Section 12.409.
- (10) On-site demolition landfills, subject to the regulations of Section 12.405.
- (11) Outdoor lighting, subject to the regulations of Section 12.402.
- (12) Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
- (13) Private kennels, subject to the regulations of Section 12.410.
- (14) Private stables, subject to the regulations of Section 12.411.
- (15) 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.
- (16) Wastewater treatment facilities, subject to the regulations of Section 12.404.



PART 2: MIXED USE DISTRICTS  
(MX-1, MX-2, and MX-3)

SEC. 11.205.

**Section 11.205. Development standards for MX-1, MX-2 and MX-3 districts.**

All uses and structures in the MX Districts shall meet the development standards established in Section 11.209 of this Part, and the following:

- (1) The minimum total project area for development in a mixed use district must be as follows:

MX-1	10 acres
MX-2	36 acres
MX-3	100 acres

- (2) Residential development within the MX districts shall meet the minimum lot area, lot width, and yard requirements established in Section 9.205 for the R-6 district for single family development and in Section 9.305 for the R-22MF district for attached and multi-family development. Residential development within an MX district need not comply with these requirements if it complies with the provisions of subsection 9.205(4).
- (3) Nonresidential development within the MX districts shall meet the minimum lot area, lot width, and yard requirements established in Section 9.805 for the B-1 district. In no event shall nonresidential development in an MX district exceed a floor-area-ratio of 0.60.

**Section 11.206. Density limitations.**

- (1) Residential development in the MX districts shall not exceed the maximum residential density indicated in Table 11.206. The calculation of maximum density shall be based on the total project area minus any portion of the total project area to be devoted to nonresidential uses. For the purpose of this calculation, public rights-of-way shall be deemed to be a residential use.

Table 11.206

<u>District</u>	<u>Maximum Dwelling Units Per Acre</u>
MX-1	6.0
MX-2	8.0
MX-3	8.0

**PART 2: MIXED USE DISTRICTS**  
**(MX-1, MX-2, and MX-3)**

**SEC. 11.206.**

- (2) Each phase of a multi-phase project within an MX district should be able to stand as an independent project. At no point in the development of a multi-phase project shall the density of residential development in a completed phase of the project area exceed the approved maximum density established by this Section.
- (3) At least 50% of the dwelling units in an MX-1 district shall be detached dwellings.

**Section 11.207. Common open space; density bonus.**

- (1) At least 10 percent of the total project area shall be set aside as common open space.
- (2) A density bonus over and above the density otherwise allowed in the MX district may be approved by the City Council provided that the petitioner increases the percentage of the total project area to be devoted to common open space. This bonus may be granted only if specifically requested by the petitioner. Any such bonus shall consist of a one percent increase in the allowable density for every one percent of land area devoted to common open space in addition to the 10 percent required under subsection (1) above, but in no event shall the bonus exceed 35 percent of the allowable density set out in Section 11.206.
- (3) All common open space shall be set aside and improved no later than the date on which certificates of occupancy are issued for the first 75 percent of the total number of dwelling units to be constructed within the project area.
- (4) No more than 50 percent of all required common open space shall be covered by water.
- (5) Any structures located in any common open space shall be accessory to recreational use of the space and shall cover no more than 5 percent of all common open space.
- (6) The required common open space shall be planned and improved so that it is accessible and usable by persons living in the project area. However, common open space containing natural features worthy of preservation may be left unimproved.
- (7) All of the required common open space shall be either conveyed to the City of Charlotte, if the City agrees to accept ownership of and to maintain the space, or conveyed to one or more homeowner associations created for the project area, or with respect to outdoor recreation facilities, to the owner or operator thereof.

**PART 2: MIXED USE DISTRICTS**  
**(MX-1, MX-2, and MX-3)**

SEC. 11.207.

- (8) Any conveyance to a homeowners association shall be subject to restrictive covenants and easements reviewed by the Planning Director and recorded and filed at the time the subdivision plat for the project area is recorded. The covenants and easements shall provide for the establishment of a homeowner's association before any homes are sold, where membership is mandatory for each home buyer and any successive buyer, the association is responsible for liability insurance and local taxes on common open space and recreational facilities owned by it, any fees levied by the association that remain unpaid will become a lien on the individual property, and the association shall be able to adjust the assessment to meet changing needs. The covenants and easements shall also prohibit future development of any common open space for other than open space or recreation purposes and shall provide for continued maintenance of any common open space and recreational facilities.

**Section 11.208. Innovative development standards.**

After the property has been reclassified to the MX district by the Board of Commissioners, the Planning Commission, as part of the approval process for development of property located in the MX district, may modify the following standards established in these regulations and the Subdivision Ordinance for Mecklenburg County in order to accommodate a development project proposed for the MX district:

- (1) Street right-of-way.
- (2) Street type and construction standards (including width) for public or private streets.
- (3) Sidewalks, curbs, and gutters.
- (4) Minimum lot size.
- (5) Public street frontage.
- (6) Setbacks and yards.
- (7) Open space.
- (8) Height of fences and walls.
- (9) Off-street parking.
- (10) Lot width.
- (11) Building separation.

**PART 2: MIXED USE DISTRICTS  
(MX-1, MX-2, and MX-3)**

**SEC. 11.209.**

**Section 11.209. Development standards of general applicability.**

Except as otherwise provided in this Part, all uses and structures permitted in the MX district shall meet the applicable development standards set out in Chapter 12 of these regulations. Signs shall be permitted in the MX district in accordance with Chapter 13.

**PART 3: MANUFACTURED HOUSING**

**Section 11.301. Purpose.**

The R-MH district is hereby established in order to provide for the proper location and planning of manufactured homes and mobile home parks and subdivisions.

**Section 11.302. Uses permitted by right.**

The following uses shall be permitted by right in the R-MH district, provided that they meet with all requirements of this Part and all other requirements of these regulations:

- (1) Farms, including retail sale of produce grown on the premises.
- (2) Manufactured homes.
- (3) Mobile homes.
- (4) Service buildings to house laundry facilities, recreational facilities, meeting rooms for residents of the park or subdivision, and a caretaker's office.
- (5) Parks, greenways and arboretums.

**Section 11.303. Uses permitted under prescribed conditions.**

The following uses shall be permitted in the R-MH district if they meet the standards established in this Section and all other requirements of these regulations:

- (1) Adult care homes, subject to the regulations of Section 12.502.
- (2) Child care homes, subject to the regulations of Section 12.502.

- (3) Public utility structures, subject to the regulations of Section 12.504.
- (4) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.

**Section 11.304. Development standards; density; common area requirements.**

All uses and structures in the R-MH District shall meet the development standards established in Section 11.307 of this Part, and the following:

- (1) A manufactured home or mobile home park or subdivision located within the R-MH district shall be at least 2 acres in area and the maximum size allowed for any rezoning to the R-MH district is 40 acres.
- (2) No structure shall be located within 30 feet of any property line defining the perimeter of the manufactured home or mobile home park or except as otherwise provided in subsection 12.106.
- (3) Each lot or space within the park shall be at least 5,000 square feet in area and at least 40 feet wide. No more than one home may be erected on one space. In a subdivision, the lot and yards shall be developed to the standards of the R-5 district.
- (4) Any structure shall be located at least 20 feet from any internal street and at least 10 feet from any adjacent lot or space within the park or subdivision except as otherwise provided in Section 12.106.
- (5) The overall density of homes within the park or subdivision shall not exceed 6 units per acre.
- (6) There must be at least 4 spaces available at first occupancy in a manufactured home or mobile home park.
- (7) All manufactured and mobile homes, buildings and service areas will be separated by a Class C buffer from any abutting property located in a residential zoning district.
- (8) At least 8 percent of the total area of a manufactured housing park shall be devoted to recreational use by the residents of the park. Such use may include space for community buildings, gardens, outdoor play areas, swimming pools, ball courts, racquet courts, etc.
- (9) No service building, office, or common recreational area shall be located adjacent to a public street or any property line defining the perimeter of the park or subdivision.

- (9) No service building, office, or common recreational area shall be located adjacent to a public street or any property line defining the perimeter of the park or subdivision.

**Section 11.305. Streets and utilities.**

- (1) Each lot or space shall be equipped with electricity, drinking water, and wastewater disposal facilities.
- (2) A park shall be equipped with paved private streets built to the specifications of the "Charlotte-Mecklenburg Land Development Standards Manual".
- (3) A subdivision shall be equipped with paved public streets built to the specification of the "Charlotte-Mecklenburg Land Development Standards Manual".
- (4) Internal streets and circulation patterns shall be adequate to handle the traffic to be generated by the development.

**Section 11.306. Foundations, patios and walkways.**

- (1) Each home shall be placed on a permanent stand in accordance with standards set by the North Carolina Department of Insurance.
- (2) Each home shall have an area on site for provision of a permanent patio or deck adjacent or attached to the permanent stand of at least 180 square feet.
- (3) A walkway shall be constructed for each lot or space to connect parking spaces to the manufactured home entrance.
- (4) 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 shall be considered part of the stand for purposes of all setback and yard requirements.
- (5) The area beneath a home must be fully enclosed with durable skirting within 60 days of placement in the park or subdivision.

**Section 11.307. Development standards of general applicability.**

Except as otherwise provided in this Part, all uses and structures permitted in the R-MH district shall meet the applicable development standards set out in Chapter 12 of these regulations. Signs shall be permitted in the R-MH district in accordance with Chapter 13.

**Section 11.308. Compliance with other regulations.**

Preliminary plans and final plats for manufactured home or mobile home subdivisions shall be submitted to the Planning Commission for review and approval in accordance with the requirements of the Subdivision Ordinance.

**Section 11.309. Replacement of existing mobile homes and manufactured homes.**

An existing mobile home or manufactured home located in a nonconforming mobile home or manufactured housing park in operation at the time of adoption of these regulations may be replaced with another mobile home or manufactured home provided the number of mobile home or manufactured mobile units may not be increased beyond the number available before replacement and the replacing mobile home must not create nonconforming yards, separation distances, or increase existing nonconforming yards or separation distances.

**PART 4: COMMERCIAL CENTER DISTRICT****Section 11.401. Purpose.**

The Commercial Center Development (CC) district is hereby established in order to accommodate, in areas outside of the Uptown Charlotte expressway loop, the development of shopping centers and individual retail establishments larger than 70,000 square feet of floor area. The location and design of such large-scale developments typically serve the employment, shopping, or service needs of an area ranging from a neighborhood to the entire community. The standards for this district therefore are designed to ensure compatibility of such development with nearby uses and the orderly development of the community.

**Section 11.402. Uses permitted by right.**

The following uses shall be permitted by right in the CC district, provided that they meet all requirements of this Part and all other requirements established in these regulations:

- (1) Automotive service stations, including minor adjustments, repairs and lubrication.
- (2) Barber and beauty shops.
- (3) Civic, social service and fraternal facilities.

**PART 4: COMMERCIAL CENTER DISTRICT**

**SEC. 11.402.**

- (4) Clinics, medical, dental and optical.
- (5) Cultural facilities.
- (6) Dry cleaning and laundry establishments, up to 4,500 square feet.
- (7) Equipment rental and leasing, within an enclosed building.
- (8) Financial institutions.
- (9) Florists.
- (10) Funeral homes, embalming and crematories.
- (11) Government buildings.
- (12) Highway and railroad rights-of-way.
- (13) Hotels and motels.
- (14) Indoor recreation.
- (15) Jewelers.
- (16) Locksmiths and gunsmiths.
- (17) Nurseries and greenhouses.
- (18) Offices.
- (19) Outdoor recreation.
- (20) Parks, greenways and arboretums.
- (21) Post offices.
- (22) Printing and publishing, up to 5,000 square feet.
- (23) Religious institutions.
- (24) Repair or servicing of any article, within an enclosed building, the sale of which is permitted in the district.
- (25) Restaurants.
- (26) Retail establishments, shopping centers, and business, personal and recreation services permitted in the B-1 district.
- (27) Telephone booths.



- (28) Theaters, motion pictures.
- (29) Vocational schools, within an enclosed building.

**Section 11.403. Uses permitted under prescribed conditions.**

The following uses shall be permitted in the CC district, if they meet the standards established in this Section and all other requirements of these regulations:

- (1) Adult care centers, subject to the regulations of Section 12.502.
- (2) Building material sales, retail, provided that:
  - (a) All portions of the business including the storage of all materials must be housed within a completely enclosed building; and
  - (b) Only retail sales of building materials will be permitted. For the purpose of this section this means the sales to the ultimate consumer with sales to a contractor or other intermediate user being prohibited.
- (3) Bus stop shelters, subject to the regulations of Section 12.513.
- (4) Child care centers, subject to the regulations of Section 12.502.
- (5) Dwellings, mixed use, provided that:
  - (a) Any dwelling will be located in the same building as a commercial use permitted in the district;
  - (b) The minimum lot and yard requirements shall be the same as required for the CC district; and
  - (c) Dwellings will occupy no more than 50 percent of the total floor area of all buildings on the lot.
  - (d) Development density will be determined by the floor-area-ratio.
- (6) Nightclubs, bars and lounges, provided that:

Any structure in which the nightclub, bar or lounge is the principal use shall be located at least 400 feet from any residential structure or residential district external to the CC district.

**PART 4: COMMERCIAL CENTER DISTRICT**

**SEC. 11.403.**

- (7) Off-street parking, subject to the regulations of Chapter 12, Part 2.
- (8) Public utility structures, subject to the regulations of Section 12.504.
- (9) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.
- (10) Temporary buildings and storage of materials, provided that:  

The use is in conjunction with the construction of the same building on a lot where construction is taking place or on an adjacent lot. Such temporary uses shall be terminated upon completion of construction.

**Section 11.404. Permitted accessory uses and structures.**

The following uses shall be permitted in the CC district as accessory uses and structures, subject to applicable criteria in Chapter 12 of these regulations:

- (1) Accessory uses and structures clearly incidental and related to the permitted use or structure on the lot.
- (2) Drive-in windows as an accessory to the principal use, subject to the regulations of Section 12.413.
- (3) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (4) On-site demolition landfills, subject to the regulations of Section 12.405.
- (5) Outdoor lighting, subject to the regulations of Section 12.402.
- (6) Petroleum storage, accessory to a permitted use or structure, subject to the Fire Prevention Code of the National Board of Underwriters.
- (7) Petroleum storage, underground, accessory to permitted automotive stations, subject to the Fire Prevention Code of the National Board of Underwriters.
- (8) Vending machines for cigarettes, candy, soft drinks and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building.

**Section 11.405. Development standards.**

All uses and structures in the CC district shall meet the development standards established in Section 11.407 of this Part, and the following:

- (1) Minimum project size must be at least 5 acres.
- (2) All principal buildings and structures located within the project area shall meet a minimum setback of 35 feet, a minimum side yard, and a minimum rear yard of 25 feet from any exterior property line.
- (3) In no event shall the amount of development within the project area exceed a floor-area-ratio of 1.0. If a parking deck is constructed as part of the development, the allowable floor area may be increased by 50 percent.
- (4) All buildings and uses at the project perimeter will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low-intensity institutional use (See Section 12.302).
- (5) A building in a district may not be erected to a height in excess of 40 feet unless the minimum side yard is increased 1 foot for every 2 feet in building height above 40 feet. If a building abuts a residential use or residential zoning, it may not be constructed above the 40-foot limit unless the side and/or rear yard which adjoins the residential use or zoning is increased 1 foot for each foot in building height above 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

**Section 11.406. Accessways.**

In addition to the requirements of Chapter 12, Part 2, the following restrictions shall apply:

- (1) Primary vehicular access to the project area shall not be provided by way of a residential local (Class VI) street.
- (2) One driveway is permitted for the first 300 feet of frontage, two driveways for 300-600 feet of frontage, and three driveways for greater than 600 feet of frontage, unless traffic safety considerations otherwise warrant lesser or greater restrictions.
- (3) No parcel of land removed by the developer from the rest of the project area by subdivision or by metes and bounds description shall be permitted to have driveway access to the street unless an approved site plan provides otherwise.

**Section 11.407. Development standards of general applicability.**

Except as otherwise provided in this Part, all uses and structures permitted in the CC district shall meet the applicable development standards set out in Chapter 12 of these regulations. Signs shall be permitted in the CC district in accordance with Chapter 13.

**PART 5: NEIGHBORHOOD SERVICES DISTRICT**

**Section 11.501. Purpose.**

The purpose of the Neighborhood Services District (NS) is to encourage and accommodate the development and continued existence of mixed use districts, which provide a focus for neighborhood retail and service activities. This district provides for a variety of neighborhood oriented retail and service uses intermixed with high density residential uses. Residential uses on the upper floor of commercial structures are strongly encouraged. Emphasis in the district is placed upon creating a pedestrian scale urban environment with strong linkages to the neighborhood and access to transit.

**Section 11.502. Applicability.**

The delineation of Neighborhood Services Districts will be done primarily through the area planning process. This does not preclude, however, a private sector initiated rezoning petition to establish a district. The following criteria must be considered for the establishment of the Neighborhood Services District:

- (1) The district must be directly adjacent to or within a residential neighborhood.
- (2) The proposed uses are intended to serve the surrounding neighborhood.
- (3) The district must have frontage on a major or minor thoroughfare, unless an approved site plan provides otherwise.
- (4) The district must have proximity to existing and future transit routes.

**Section 11.503. Uses permitted by right.**

The intent of the Neighborhood Services District is to provide for uses that directly serve the neighborhood in which they are located. Uses allowed by right and under prescribed conditions in the B-1 district are allowed.

**Section 11.504. Permitted accessory uses and structures.**

Accessory uses and structures which are permitted in the B-1 district are allowed.

**Section 11.505. Development standards.**

All uses and structures in the Neighborhood Services District shall meet the development standards established in Section 11.508 of this Part, and the following:

- (1) The minimum setback shall be 12 feet from the back of the existing or future curb as established by the "Charlotte-Mecklenburg Thoroughfare Plan" or as prescribed within an approved streetscape plan governing the site.
- (2) Nonresidential buildings are encouraged to be attached with no side yards. If a side yard is provided, it shall be a minimum of 10 feet.
- (3) Side yard adjacent to residential district is 10 feet.
- (4) Rear yard adjacent to nonresidential district is 10 feet.
- (5) Rear yard adjacent to residential district is 20 feet.
- (6) Screening shall be provided next to a residential use or district as required in Section 12.303.
- (7) Maximum floor-area-ratio is 2.0. Any residential use incorporated into a commercial or office structure will not be included in the floor-area-ratio calculation. In addition, a commercial or office structure may receive an additional .50 floor-area-ratio if a residential use is incorporated into the structure. If a parking deck is constructed as part of the building, the allowable floor-area-ratio may be increased by .50. The total maximum allowable floor-area-ratio in this district is 3.0.
- (8) Maximum height is 60 feet in the district. However, the maximum height in the district abutting property used or zoned for single family residential is 40 feet, except the height may exceed 40 feet if there is an increase in side and rear yards of one foot for every foot of building height over 40 feet up to the 60 feet maximum.
- (9) The NS district is exempt from the buffer regulations of Section 12.302, but must be applicable screening requirement of Section 12.303.

**Section 11.506. Parking requirements.**

In addition to the requirements of Chapter 12, Part 2, the following shall apply:

- (1) The minimum parking requirements for the Neighborhood Services District are as follows:
  - Residential - 1 space per dwelling unit
  - Retail - 1 space per 600 square feet
  - Office - 1 space per 600 square feet
- (2) No parking of motor vehicles is permitted within any required setback.
- (3) Shared parking is encouraged pursuant to the regulations Section 12.203.
- (4) Parking decks shall be developed under the regulations of Section 12.212.

**Section 11.507. Streetscape requirements.**

The streetscape requirements of the Neighborhood Services District are as follows:

- (1) Street trees are required in the Neighborhood Services District in accordance with an approved streetscape plan for the area. If no streetscape plan exists, trees are required along the street frontage as follows:
  - Large maturing tree - One tree per 35 linear feet. The minimum caliper shall be 3 inches at the time of planting.
  - Small maturing tree - One tree per 24 linear feet. The minimum caliper shall be 2½ inches at the time of planting.
- (2) Trees must be planted in accordance with the "Charlotte-Mecklenburg Land Development Standards Manual". Trees should be of a type permitted in Appendix 1.
- (3) Sidewalks will be installed accordance with the approved streetscape plan.

**Section 11.508. Development standards of general applicability.**

Except as otherwise provided in this Part, all uses and structures permitted in the NS district shall meet the applicable standards set out in Chapter 12 of these regulations. Signs shall be permitted in the NS district in accordance with Chapter 13.

**PART 6: HAZARDOUS WASTE DISTRICT****Section 11.601. Purpose.**

The Hazardous Waste District (HW) is hereby established in order to ensure that hazardous waste treatment and storage facilities are sited in a manner consistent with protecting the public health, safety and welfare and to ensure that risks to adjoining properties and the community in general are minimized to the greatest extent reasonably possible.

**Section 11.602. Use permitted under prescribed conditions.**

Hazardous waste treatment and storage facilities and associated accessory uses shall be permitted in the HW district, if they meet the following standards established in this Section and all other requirements of these regulations:

- (1) The use shall comply with the Federal Resource Conservation and Recovery Act of 1976, as amended, [PL 94-580] and the North Carolina Solid Waste Management Act, as amended, (Article 13B. G.S. 130-166.16) for design, siting, materials to be stored on treated and monitoring.
- (2) All storage, treatment, and loading facilities handling hazardous materials will be located at least 200 feet from any exterior property line and at least 1,250 feet from any lot located in a residential, research, institutional, or office district.
- (3) Fences, 7 feet or higher, which are not easily climbable, will surround all facilities for the storage and handling of hazardous materials.
- (4) Vehicular access to the operation will be provided only by way of a Class I, Class II, Class III or Class IV street.
- (5) All surface water and groundwater on the property will be protected so as to minimize to the greatest possible extent using the best available technology, the probability of contamination by hazardous materials.

- (6) All sanitary sewer and stormwater management systems on the property will be protected so as to minimize to the greatest possible extent using the best available technology, the probability of contamination by hazardous materials.
- (7) A Class A buffer shall be provided in accordance with Section 12.302.
- (8) The types of soil under and within 30 feet of all portions of the proposed site to be used for storage, treatment, loading and handling of hazardous materials as well as under all paved surfaces or roads leading to these facilities, shall not have a natural percolation rate in excess of  $3.5 \times 10^{-4}$  centimeters per second.

**Section 11.603. Additional application requirements.**

Applications for hazardous waste treatment and storage facilities must be submitted and reviewed in accordance with Chapter 6, Part 2 and shall include the following additional information:

- (1) Maps of the area within one quarter mile of the exterior property lines of the proposed site, and including the proposed site, which show:
  - (a) all dwelling units, other principal buildings and structures and streets;
  - (b) all significant topographical features;
  - (c) all surface water;
  - (d) all sanitary sewer systems;
  - (e) all storm water management systems; and
  - (f) all wells.
- (2) An engineering certification for the proposed site concerning the factors of:
  - (a) depth to seasonal high water table;
  - (b) soil drainage, composition, thickness and permeability;
  - (c) flooding;
  - (d) depth to bedrock; and
  - (e) prevailing wind direction.
- (3) A certification from the appropriate local, State and/or Federal agencies that the use for the proposed site is in compliance with the appropriate local, State and/or Federal regulations governing:
  - (a) air quality standards;
  - (b) water quality standards; and
  - (c) wastewater standards.



Section 11.604. Development standards of general applicability.

Except as otherwise provided in this Part, all uses and structures permitted in the HW district shall meet the applicable development standards set out in Chapter 12 of these regulations. Signs shall be permitted in the HW district in accordance with Chapter 13.

CHAPTER 12:

DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

Section 12.101. Every lot must abut a street.

No building, structure or use of land for any purpose may be placed on a lot which does not abut a street, except for agricultural purposes, and as provided for in Section 11.208 and the following exceptions:

- (1) A single family detached dwelling may be constructed on a lot that does not abut a street, provided that the lot is at least 2 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 detached dwelling, and the easement is maintained in a condition passable for emergency and service vehicles. All lots must be created in accordance with the subdivision ordinance, if they were not recorded prior to May 1, 1989.
- (2) Attached and multi-family dwellings need not abut a street, provided that all portions of every dwelling unit are within 400 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.
- (3) Driveways in a research, institutional, office, business or industrial district may be used to provide access to uses in any of these districts which are located on lots which do not abut a street. Any such lot, which existed prior to the effective date of this Section, may be used as if it abutted a street, provided that it is served with a driveway built to appropriate standards located on a permanent, recorded easement.
- (4) Nothing in this Section exempts any property from the provisions of the subdivision ordinance which regulate the division of land. In any case, when there appears to be contradicting or overlapping standards or requirements, the more restrictive standard or requirement will control.

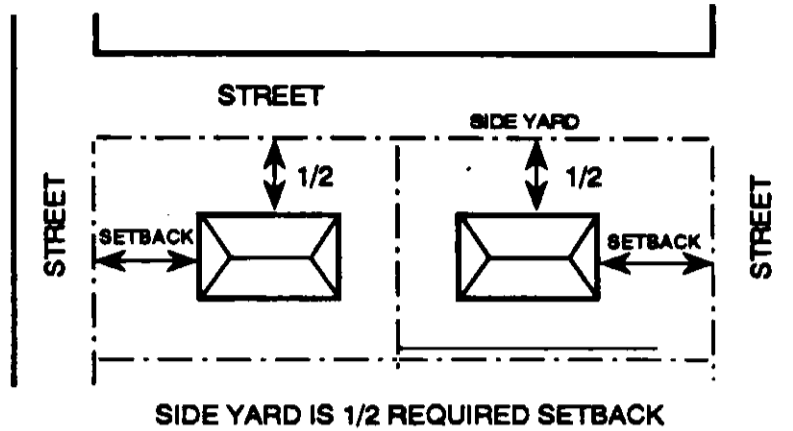
- (5) Lots or building sites which are part of a larger nonresidential development, such as a shopping center, need not abut a street so long as the overall site abuts a street and is designed in such a manner and way that access is furnished to all interior lots or building sites.

**Section 12.102. Special lot, setback and yard requirements.**

The following are various lot setback and yard requirements to address unique land use circumstances and provide development flexibility:

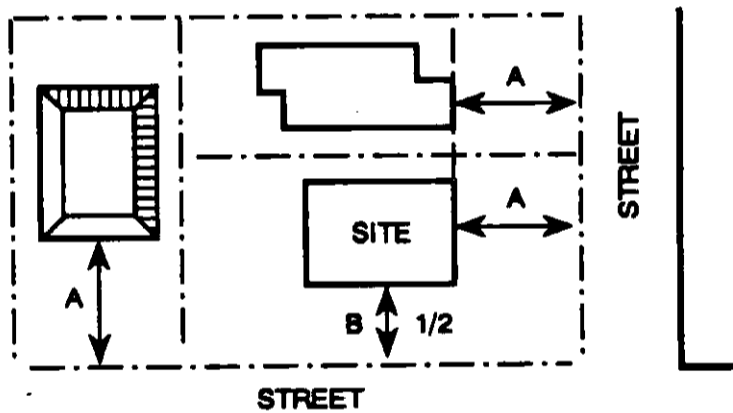
- (1) Any use, building, or structure in a research, office, business, industrial, or institutional district located on a lot abutting a lot in a residential district shall meet the minimum setback requirement for uses permitted by right in the abutting residential district.
- (2) Side and rear yards will not be required for lots used for nonresidential purposes when such side or rear yard would be adjacent to railroad rights-of-way in the research, office, business, and industrial districts.
- (3) Side yards and rear yards may be measured from the center line of public alleys which adjoin lots in any district. However, if the alley separates lots in residential districts from lots in nonresidential districts, this allowance will not apply.
- (4) If both the setback and rear yard of a lot abut public streets, then the required rear yard shall be the same as the required setback in the district.
- (5) Elevated pedestrian walkways may be located in any required yard or setback area provided they 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.
- (6) If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be a minimum of 50 percent of the required setback for the district in which the structure is located as illustrated in Figure 12.102(a).

Figure 12.102(a)



- (7) If, in any district, the rear lot line of a corner lot abuts the side lot line of an abutting lot fronting on a street, then the side yard of the corner lot must be a minimum of 50 percent of the setback for the abutting lot as illustrated in Figure 12.102(b).

Figure 12.102(b)



A: SETBACK  
B: SIDE YARD IS 1/2 SETBACK

- (8) If a lot is abutted on three sides by streets, the setback requirement for the district shall be applied only on the two opposing street fronts. The required setback on the third street front must be at least one-half the required setback in that district. The yard opposite the third street front must be at least the minimum side yard requirement for the district.
- (9) The location of required setback, side and rear yards on irregularly shaped lots will be determined by the Zoning Administrator. 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.

**Section 12.103. Requirements for lots along thoroughfares.**

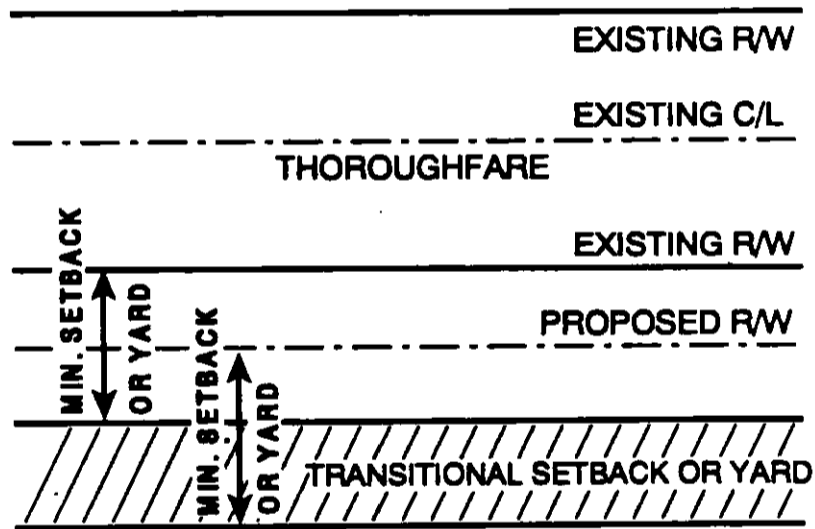
G.S. 160A-306 state that cities shall have authority to (i) classify all or a portion of the streets within their jurisdictions according to their size, present and anticipated traffic loads, and other characteristics relevant to the achievement of the purposes of this Section, and (ii) establish by ordinance minimum distances that buildings and other permanent structures or improvements constructed along each class or type of street shall be setback from the right-of-way line or the center line of an existing or proposed street. Pursuant to that authority, the following requirements shall apply:

- (1) The minimum yards or setbacks prescribed for each zoning district which abuts a thoroughfare shall be measured from the proposed right-of-way line established for each classification of thoroughfare as follows:

<u>Thoroughfare Classification</u>	<u>Distance From Thoroughfare Centerline to "Proposed Right-of-Way Line"</u>
Freeway or Expressway (Class I)	175 feet
Limited Access Arterial (Class II)	100 feet
Commercial Arterial (Class III-C)	75 feet
Major Arterial (Class III)	50 feet
Minor Arterial (Class IV)	35 feet

- (2) A transitional setback or yard shall also be established for each zoning district which abuts a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare as illustrated in Figure 12.103. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for (a) those permanent uses which are prohibited in the required setbacks or yards as established by this ordinance, or (b) to satisfy any minimum parking requirements if parking is not allowed in the setback or yard by the particular zoning district. The area between the existing right-of-way and the proposed right-of-way line may not be used to satisfy any minimum parking requirement, any minimum open space requirements, any minimum lot size requirements or any other minimum requirements, imposed by this ordinance. At the time that the proposed right-of-way is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses from the transitional setback or yard that are not otherwise permitted in the setback or yard by the district regulations. The property owner shall have one (1) year from the date of right-of-way acquisition to remove any such uses.

Figure 12.103



- (3) The standards of subsections 12.103(1) and 12.103(2) will not apply to any development meeting one or more of the following circumstances:
- (a) Any multi-building site or multi-site project which has at least one building built or under construction, or has a valid, unexpired building permit issued for at least one building prior to May 1, 1989.
  - (b) Any project which had a site plan not requiring any additional right-of-way approved prior to May 1, 1989 either:
    - (i) by the Planning Commission and/or Planning Staff; or
    - (ii) under the conditional zoning district and/or special use permit zoning processes of the Zoning Ordinance. However, any change in the site plan requiring a public hearing or the creation of a new parcel of land may subject the project, for which the site plan was revised, or the newly created parcel of land to the provisions of this ordinance.
- (4) An affected property owner shall have the right to appeal transitional yard or setback requirements to the Board of Adjustment for variance or modification as they apply to the particular piece of property. The Board of Adjustment may vary or modify these requirements upon a showing that:
- (a) The peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of the requirement;
  - (b) The property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted; and
  - (c) Balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity.

In granting relief, the Board of Adjustment may impose reasonable and appropriate conditions and safeguards to protect the interest of neighboring properties. The Board of Adjustment's decision shall be subject to review by the superior court by proceedings in the nature of certiorari all in accordance with G.S. Sec. 160A-388(e).

**Section 12.104. Computation of density.**

There may be circumstances when a development proposal includes land in various zoning districts. In that circumstance, the maximum allowable number of dwelling units allowed on the site will be computed by the following method: compute the maximum allowable number of dwelling units allowed for the land area in each zoning classification as if it were being developed independently, and then total the results for all zoning classifications involved. Once the maximum number of dwelling units is computed, the actual placement of the units on the site will not be restricted by the maximum allowable densities in the various districts. Nothing in this Section, however, shall be construed to permit any use or category of uses on a parcel or portion of a parcel which would not otherwise be permitted in the zoning district applicable to such lot or portion of a lot, nor does this requirement change any standards applicable to the use pursuant to the underlying zoning.

**Section 12.105. Effect of certain street and public land dedications on computation of density.**

Land dedicated for certain public street purposes and land dedicated for any public community service facility, including but not limited to public schools, parks, greenways, open space, police and fire stations, libraries, public housing, and other public use sites may be used to compute the number of lots or dwelling units allowed on the entire site. For street dedications, where the subdivision ordinance requires the dedication of up to 100 feet of right-of-way (50 feet on either side of the center line) for public street purposes, all right-of-way in excess of 100 feet must be reserved and may be offered for dedication at the option of the developer or property owner. Except as provided above, all of the area which is dedicated for any public street, except Class V or Class VI streets, may be used to compute the number of lots or dwelling units allowed on the site.

For public community service facilities, the entire dedicated area may be used to compute the number of lots or dwelling units. However, none of the provisions of this Section shall apply to projects developed under the regulations of Chapter 11, Part 2: Mixed Use Districts and subsection 9.205(5). To compute the number of lots or dwelling units that could have been built in the qualifying right-of-way or dedicated area, the following method will be used:

- (1) For single family districts: Total right-of-way area or dedicated area (in acres) multiplied by the maximum permitted density.
- (2) For multi-family districts: Total right-of-way area or dedicated area (in acres) multiplied by the maximum permitted density.



The lots in a single family subdivision outside of the areas to be dedicated may be reduced in size to accommodate the total number of lots which could have been derived from the right-of-way area, so long as no more than 50 percent of the total number of lots in the subdivision are so reduced and so long as the reduction of the lot sizes does not fall below the lot standards of the next least restrictive single family zoning classification. In the case of multi-family development, the total number of units which could have been derived from the right-of-way area may be constructed elsewhere on the site, so long as the overall project density does not exceed the maximum allowable density of the next least restrictive multi-family zoning district or result in a 25 percent increase in the total number of dwelling units on the site, whichever is less.

In order to receive credit, any such computations are a submission requirement for a single family subdivision and must accompany the preliminary plan, and are a mandatory submission requirement for a multi-family development and must accompany the planned multi-family or attached review submission or the rezoning petition, if one is required.

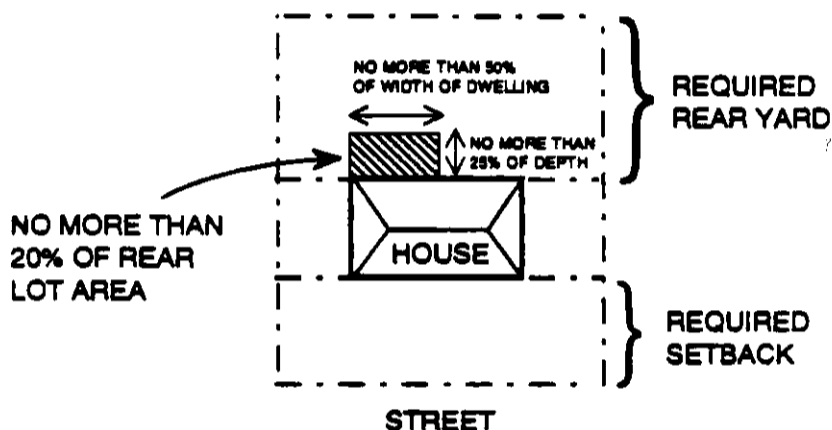
**Section 12.106. Uses and structures prohibited and allowed in required setbacks and yards.**

- (1) No principal building or principal structure shall be located within any setback or yard required by these regulations except as provided in this Section and elsewhere in these regulations.
- (2) Except as otherwise provided in this subsection, no accessory structure shall be located within any setback or side yard required by these regulations, or within 2 feet of a lot line in the established rear yard. This section notwithstanding, no elderly or disabled housing, guest houses, or employee quarters shall be located within 15 feet of a rear property line. In the RE-1, RE-2 and BP districts, a security gate or guard station may be located within the required setback. Piers, docks, and other water-dependent accessory structures may be located in any required setback or yard on lots which abut a body of water. A fence, wall, mailbox, powerpole, light-pole, patio at grade, paths, walkways, or berm may be located in any required setback or yard. Signs may be located in a required setback or yard provided that they are in accordance with Chapter 13 of these regulations. Bus stop shelters may be located in any setback or yard which abuts a street in accordance with Section 12.513.
- (3) Certain portions of the required rear yard on a lot used for a single family detached dwelling may be utilized for extensions of the principal structure in accordance with the following restrictions and as illustrated in Figure 12.106:

- (a) No more than 20% of the area of the required rear yard may be used to accommodate extensions of the principal structure for attached garages, porches, decks, greenhouses, covered patios, or utility rooms;
- (b) No such extension may encroach into the rear yard more than 25% of the depth of the required rear yard; and
- (c) No such extension may be more than 50% of the width of the dwelling at the rear building line.

These extensions must observe the same side yard or building separation as that required for the principal structure. If any portion of the required rear yard is used to accommodate an extension of the principal structure as allowed by this Section, no more than 15% of the remaining required rear yard may be occupied by any detached accessory structure.

Figure 12.106



- (4) No outdoor storage of goods and materials or refuse containers shall be located within any required setback, or within any required side yard which abuts a street, except for the temporary placement of refuse containers for curbside pick-up in residential districts.
- (5) Notwithstanding other provisions of this Section, architectural features such as cornices, eaves, steps, gutters, and fire escapes may project up to 3 feet into any required yard unless they would obstruct driveways which may be used for service and emergency vehicles.

**Section 12.107. More than one principal building per lot.**

- (1) More than one principal building devoted to nonresidential uses may be located on a lot provided that:
  - (a) An unobstructed accessway at least 15 feet wide is maintained from a public street to each building for use by service and emergency vehicles; and
  - (b) Each building on the lot is separated by at least 4 feet from any other building on the lot, unless a lesser standard is established in these regulations.
- (2) No more than one principal building devoted to residential uses shall be located on a lot, except as part of a planned multi-family development and other planned projects, such as manufactured home parks, nursing homes, etc. approved in accordance with these regulations.

**Section 12.108. Height limitations.**

No structure shall exceed a height of 40 feet, except as provided in this Section or elsewhere in these regulations.

- (1) Except as provided for in this Section, a building in any district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet.
- (2) A building which abuts a residential use or residential zoning district may not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet.
- (3) High rise buildings in multi-family districts cannot exceed a height of 60 feet, unless any side and/or rear yard abutting a single family residential use or zoning district upon which a building shadow will be cast is increased 1½ feet for every foot of building height in excess of 60 feet.
- (4) The height limitation established in subsection (1) above shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.

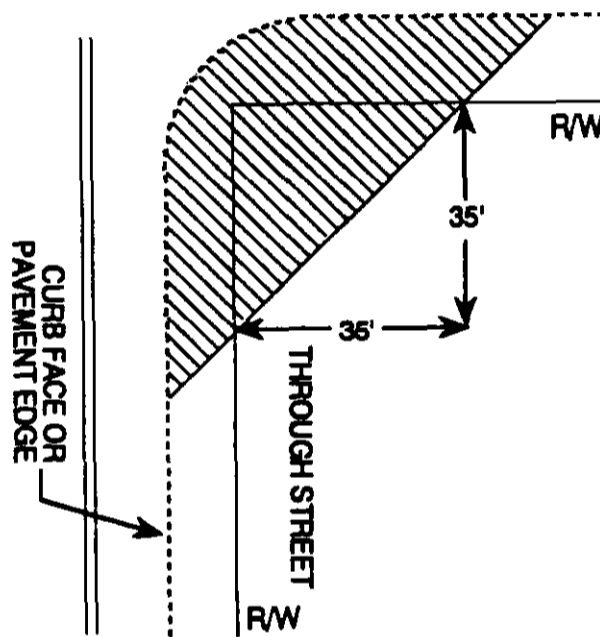
- (5) The following structures are permitted above the height limit on lots in the research, institutional, office, business, and industrial districts which do not abut lots in any residential district: towers, steeples, flagpoles, chimneys, water tanks or similar structures. If this type of structure is on a lot which abuts a residential district, then the part of the structure above the height limit must be separated from any such abutting lot line by a distance equal to its height measured from the ground.
- (6) The structures listed in subsection 12.108(5) 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 abutting property line by a distance equal to its height measured from the ground. Television, amateur radio operators, and similar antennas, which extend above the height limit, may be separated from any abutting property line by one foot for every two feet in height above the permitted height. Otherwise, the structure will be subject to the usual requirements for the particular district.
- (7) Radio and television towers and similar structures, as a principal or accessory use, are permitted above the height limit in any district. If such a structure is located on a lot in or abutting a residential district, it must be located at least 200 feet from all abutting property lines.
- (8) Cellular telephone transmission facilities including, but not limited to towers, masts, antenna and related antenna support structures are permitted above (or below) the height limit in any district. Cellular telephone transmission facilities may be constructed up to a height of 40 feet in any zoning district, and need only to comply with the underlying zoning district's separation standards concerning setback, side and rear yards. Lots and buildings thereon must conform to the minimum area, height and yard requirements for the district in which they are located unless otherwise indicated by subdivision (a) below. If the facility is above 40 feet in height and is located on a lot in or adjacent to a residential district, the facility must comply with subsection (7) above. The maximum required separation for cellular telephone transmission facilities from any adjoining property line in any zoning district shall be 200 feet. The facility plant and/or any related support building shall be allowed in accordance with the provisions of Section 12.504.

- (a) Cellular telephone transmission facilities are permitted above (or below) the height limit in any zoning district as an ancillary or secondary use on a site where another use (other than single family or duplex use) is already established as the principal use of the property, such as a school, church, multi-family residential complex, shopping center, office building, commercial or other similar use. In this case, the cellular facility shall not be required, regardless of the underlying zoning, to separately comply with the normal district standards dealing with lot area, height and yard requirements as well as frontage on a public street and subdivision regulations so long as the principal use complies with such requirements for the underlying district. For lots in or adjoining a residential district, cellular facilities may be constructed over 40 feet in height provided that the minimum setback, side and rear yards adjoining the residentially zoned property are increased by one foot for each one foot of facility height in excess of 40 feet, up to a maximum required separation of 200 feet. Separation from adjoining nonresidentially zoned property shall be controlled by the adjoining property's minimum separation standards concerning setback, side and rear yards, as appropriate. For example, if the cellular facility is located upon residentially zoned property and is 100 feet in height, and the adjoining property to the rear is zoned O-2, the rear yard separation would be 40 feet. However, if the proposed transmission facility is located in a nonresidential district and adjoins only nonresidential districts, the facility may be constructed to any height subject to underlying minimum district requirements for separation from adjoining properties.
- (b) Cellular telephone transmission facilities are permitted above the height limit on lots in research, institutional, office, business, and industrial districts which do not adjoin lots in any residential district. Lots must conform to the minimum area, and yard requirements for the district in which they are located unless otherwise indicated by Subdivision (a) above.
- (c) Cellular telephone transmission facilities are permitted atop any building or structure (other than single family or duplex use) in any district so long as such facilities do not exceed 20 feet in height measured from the base of such facilities.
- (9) The height limitations established in this section shall not apply to structures located in the UMUD, UR, and UI districts unless the districts are located next to a single family use or district as provided for in Chapter 9, Parts 4, 9 and 10.

**Section 12.109. Clear sight triangles at street intersections.**

- (1) The minimum development standards set forth in this Section shall apply to land abutting street intersections delineated as follows:
  - (a) The triangle bounded on two sides by the curb (or pavement edge where there is no curb), measured in each direction along the curb or pavement edge for 50 feet from the midpoint of the radius of the curb or pavement edge, and on the third side by the diagonal line connecting the ends of the 50-foot sides; and
  - (b) The triangle bounded on two sides by the intersecting right-of-way lines, measured 35 feet in each direction from their point of intersection, and on the third side by the diagonal line connecting the ends of the 35-foot sides, as illustrated in Figure 12.109(b); and

Figure 12.109(b)



- (c) On highways maintained by the State of North Carolina, additional sight triangle requirements may apply.

- (2) Within the triangles identified in subsection (1) above, and except as provided in subsection (3) below, no structure, sign, plant, shrub, tree, berm, fence, wall, or other object of any kind shall be installed, constructed, set out or maintained so as to obstruct cross-visibility at a level between 30 and 72 inches above the level of the center of the street intersection.
- (3) The restrictions of this Section shall not apply to:
  - (a) Existing natural grades which, by reason of natural topography, rise 30 or more inches above the level of the center of the adjacent intersection;
  - (b) Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the area between 30 and 72 inches above the level of the center of the abutting intersection; or
  - (c) Fire hydrants, public utility poles, street markers, governmental signs, and traffic control devices.
- (4) In other than 90 degree intersections or where grades mandate, the Charlotte Department of Transportation staff may impose additional sight triangles under the standards adopted by the American Association of State Highway Transportation Officials.
- (5) The clear sight triangles at street intersection restrictions established in this Section shall not apply to structures located in the NS, UMUD, UR and UI districts.
- (6) The administration of this Section shall be under the Director of Charlotte Department of Transportation who shall investigate violations, issue notices and orders, and perform other duties required for enforcement under Chapter 8 of this ordinance.
- (7) The Director of Charlotte Department of Transportation may waive all or part of these requirements of this Section where a waiver could not constitute a traffic hazard or a condition dangerous to public safety. A decision by the Director of the Charlotte Department of Transportation may be appealed to City Council.

**Section 12.110. Obstructions of public right-of-way.**

Except as otherwise permitted by these regulations, no structure shall be permitted which obstructs or otherwise interferes with public use of a street right-of-way or other public easement.

**Section 12.111. [RESERVED]**

**PART 2: OFF-STREET PARKING AND LOADING**

**Section 12.201. Purpose; parking plans.**

- (1) In order to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to ensure the proper and uniform development of parking areas throughout the City of Charlotte, off-street parking and loading spaces for every use shall be provided in accordance with the standards established in this Part.
- (2) For any parking lot, garage, vehicle storage area operated on a commercial basis, reconfiguration of an existing parking lot or any other off-street parking area required under this Part (but excluding off-street parking for detached, duplex, triplex and quadraplex dwellings on a single lot), a plan shall be submitted to the Zoning Administrator to review for compliance with these regulations and any other applicable ordinances. Any such parking plan shall show the number of parking spaces, the percentage of required spaces to be designated for use only by compact cars, the arrangement of parking aisles, the location of driveway entrances, provisions for vehicular and pedestrian circulation, the location of sidewalks and curbs on or abutting the property, the location of utilities, barriers, shelters, and signs, the location of landscaped areas and the types of vegetation to be located in them, typical cross sections of pavement, stormwater drainage facilities, and any other relevant information requested by the Zoning Administrator, as provided in these regulations. The Zoning Administrator shall forward all plans to the Charlotte Department of Transportation for review and comment.

**Section 12.202. Required number of off-street parking spaces.**

- (1) Except as otherwise provided in subsection (2) below and in Section 12.205, each use on a parcel shall be provided with at least the number of off-street parking spaces indicated for that use in Table 12.202. Parking requirements listed are for the principal use.



- (2) In the event that the number of parking spaces required under Table 12.202 cannot be placed on the parcel in accordance with these regulations without the demolition of an existing structure or damage of significant trees on the site or in the public right-of-way to accommodate a parking area, the Planning Director, in consultation with Charlotte Department of Transportation, may authorize up to a 25 percent reduction in the total number of parking spaces required on the lot. The Planning Director may issue such an authorization only upon the request of the applicant and only upon determining that the reduction in the number of required parking spaces will not unreasonably increase parking congestion along public streets or in parking areas located on nearby lots. After such authorization is granted, the Applicant shall not demolish or remove the existing structure or trees unless the full required amount of off-street parking is provided on the lot.
- (3) Use changes or additions may be made to existing buildings and uses that do not meet the minimum requirements for the number of off-street parking spaces if any such use changes or additions do not represent an additional parking requirement of more than 5 off-street parking spaces.
- (4) This section shall not apply to the NS, UMUD, UR, and UI districts established in these regulations.

**Section 12.203. Shared parking.**

- (1) Joint use of up to 50 percent of required parking spaces may be permitted for two or more uses located on the same parcel or adjacent parcels, provided that the developer can demonstrate that the uses will not substantially overlap in hours of operation or in demand for the shared spaces.
- (2) Any sharing of required parking spaces by uses located on different parcels shall be guaranteed by a legally binding written agreement between the owner of the parking area and the owner of any use located on a different parcel and served by the parking area. The agreement shall be reviewed and approved in accordance with subsection (1) above and filed with the Charlotte Department of Transportation.

**Section 12.204. Size of required parking spaces and aisles.**

- (1) Each required parking space shall meet the minimum dimensional requirements as set out in the "Charlotte-Mecklenburg Land Development Standards Manual". The minimum required length of a parking space shall be at least 2 feet longer where there is a wall or fence at the end of the parking space, and may be up to two feet less where a strip of ground at least two feet wide exists at the end of the space and a wheel block or curb is placed at the edge of the space so as to prevent a vehicle from driving onto the strip or hitting any fence or wall at the edge of the parking area.
- (2) In parking lots with 20 or more spaces, no more than 25 percent of all required parking spaces shall be designed and designated for compact cars.
- (3) Each required parking space shall have direct and unrestricted access to an aisle of the minimum width as set out in the "Charlotte-Mecklenburg Land Development Standards Manual".
- (4) Diagonal or perpendicular parking spaces shall be developed as set out in the "Charlotte-Mecklenburg Land Development Standards Manual".
- (5) This Section shall not apply to the UMUD, UR and UI districts established in these regulations.

**Section 12.205. Required carpool spaces for certain employment uses.**

Where these regulations require at least 100 spaces to serve institutional, office and industrial uses on a parcel, a reduction in required parking is permitted provided a minimum of 15% of required parking spaces are dedicated for and restricted to use by carpools. The remaining number of parking spaces can be reduced by 2 for each carpool space provided. The owner may restrict use of any or all carpool spaces to employees.

## PART 2: OFF-STREET PARKING AND LOADING

SEC. 12.204.

TABLE 12.202

## MINIMUM REQUIRED OFF-STREET PARKING SPACES, BY USE\*

PERMITTED USES	REQUIRED NUMBER OF SPACES
<b>RESIDENTIAL USES:</b>	
Boarding houses	1 space per room or 2 boarders
Dormitories	1 space per 2 residents
Dwellings, detached	2 spaces per unit
Dwellings, duplex	2 spaces per unit
Dwellings, triplex	1.5 spaces per unit
Dwellings, quadraplex	1.5 spaces per unit
Dwellings, attached	1.5 spaces per unit
Dwellings, multi-family	1.5 spaces per unit
Dwellings, multi-family elderly or disabled	.25 space per unit
Dwellings, accessory elderly or disabled	1 space per unit
Dwellings, low income	1 space per unit
Dwellings, mixed use	1 space per unit
Manufactured housing	2 spaces per unit
<b>INSTITUTIONAL USES:</b>	
Adult care centers	1 space per employee, plus 1 space per 6 adults
Child care centers	1 space per employee, plus 1 space per 10 children
Civic, social service or fraternal facilities	1 space per 250 square feet
Cultural facilities	1 space per 4 seats
Elementary, middle or junior high schools	1 space per classroom
Government buildings	1 space per 300 square feet
Group homes	1 space per 2 residents
Health institutions	1.2 spaces per bed
High schools	1 space per classroom, plus 1 space per 5 students
Jails	1 space per 2 employees
Nursing homes, retirement homes, etc.	
Dependent living facility	1 space per 3 beds
Independent living facility	1.5 spaces per unit
Religious institutions	1 space per 4 seats
Stadiums, arenas or coliseums	1 space per 3 seats
Universities, colleges or junior colleges	1 space per 2 students
Other institutional uses	1 space per 250 square feet
<b>OFFICE AND BUSINESS USES:</b>	
Bus terminals and train stations	1 space per 4 seats in the terminal
Clinics	1 space per 200 square feet
Nightclubs, lounges and bars	1 space per 75 square feet
Financial institutions	1 space per 200 square feet

\* - All square footage is gross square footage

**PART 2: OFF-STREET PARKING AND LOADING**

**SEC. 12.204.**

**TABLE 12.202**

**MINIMUM REQUIRED OFF-STREET PARKING SPACES, BY USE\***

PERMITTED USES	REQUIRED NUMBER OF SPACES
<b>OFFICE AND BUSINESS USES: (Continued)</b>	
Hotels/motels	
(a) Per room for rent	1 space per room or suite, plus 1 space per 4 seats.
(d) restaurant/entertainment facility	1 space per 250 square feet
Indoor recreation	
-Swimming pool	1 space per 75 square feet of water
-Tennis or racquet court	3 spaces per court
-Other indoor recreation	1 space per 200 square feet
Laboratories	1 space per 400 square feet
Marinas	1 space per boat slip
Offices	1 space per 300 square feet
Medical offices	1 space per 200 square feet
Outdoor recreation	
-Driving range	1.2 spaces per tee
-Golf Course (9 and 18 holes)	90 spaces per 9 holes
-Par 3 golf course	40 spaces per 9 holes
-Riding acadamy	1 space per horse stall
-Swimming pool	1 space per 75 square feet of water
-Tennis or racquet court	3 spaces per court
Post offices	1 space per 400 square feet
Restaurants	1 space per 75 square feet
Retail establishments	
- Motion Picture Theatres	1 space per 3 seats
- Other retail establishments	1 space per 250 square feet
Shopping centers, greater than 50,000 square feet	1 space per 250 square feet
Wholesale establishments	.25 space per 1,000 square for the wholesaling portion plus 1 space per 400 square feet for any accessory office
Other business uses	1 space per 250 square feet
<b>INDUSTRIAL USES:</b>	
Airports	1 space per 4 seats in the terminal
Manufacturers and warehouses	.25 space per 1,000 square feet for the manufacturing or warehousing portion plus 1 space per 400 square feet for any accessory office
Other industrial uses	1 space per 400 square feet

\* - All square footage is gross square footage

**Section 12.206. Location of required parking.**

- (1) Required off-street parking spaces for any use shall be located no more than 400 feet from the use they are intended to serve. This standard does not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly, industrial, wholesaling and manufacturing establishments, and hospitals.
- (2) No off-street parking is permitted in the required setback or within any required side yard which abuts a street in any district nor within 5 feet of any exterior lot line on a lot, except for single family detached, duplex and attached triplex and quadraplex dwellings with individual driveways providing access across the setback, street side yard or perimeter strip.
- (3) This Section shall not apply to the UMUD, UR and UI districts established in these regulations.

**Section 12.207. Parking barriers.**

Barriers, such as wheel blocks, curbs, walls, or fences, shall be located along the perimeter of parking lots, garages, and vehicle storage areas, except at entrances and exits indicated on approved parking plans. These barriers shall be designed and located to prevent parked vehicles from extending beyond property lines and from hanging over any sidewalk or other pedestrian path. All barriers shall be designed and located in accordance with the standards set out in the "Charlotte-Mecklenburg Land Development Standards Manual".

**Section 12.208. Interior landscaping requirements.**

All off-street parking areas shall be landscaped in accordance with the requirements of Chapter 21 of City Code, "Trees".

Section 12.209. [RESERVED]

Section 12.210. Maintenance responsibility for landscaped areas.

The plantings that constitute a landscaped area must be properly maintained in order for the landscaped area to fulfill the purposes for which it is established. The owner of the property shall be responsible for the maintenance of all plant material within the landscaped area. Such maintenance shall include all actions necessary to keep the landscaped areas free of litter and debris and to keep plantings healthy and orderly in appearance. Any required vegetation that constitutes part of a landscaped area shall be replaced in the event that it dies.

Section 12.211. Parking lot screening requirements.

Unless otherwise required by these regulations, except for any detached, duplex, triplex or quadraplex dwelling on a single lot, all off-street parking for more than 10 automotive vehicles or loading area serving a residential or nonresidential use shall be screened in accordance with Section 12.303 from any street right-of-way or abutting lot located in any district. This requirement does not apply to automotive sales lots.

Section 12.212. Parking deck standards.

This Section sets forth development standards to address parking decks as a principal or accessory use within any permitted zoning district, except the UMUD, UR and UI districts. Development options which range from planting requirements to architectural treatments are proposed to lessen the impact of parking decks upon the street environment. All parking decks, unless otherwise provided, shall conform to one of the following development options:

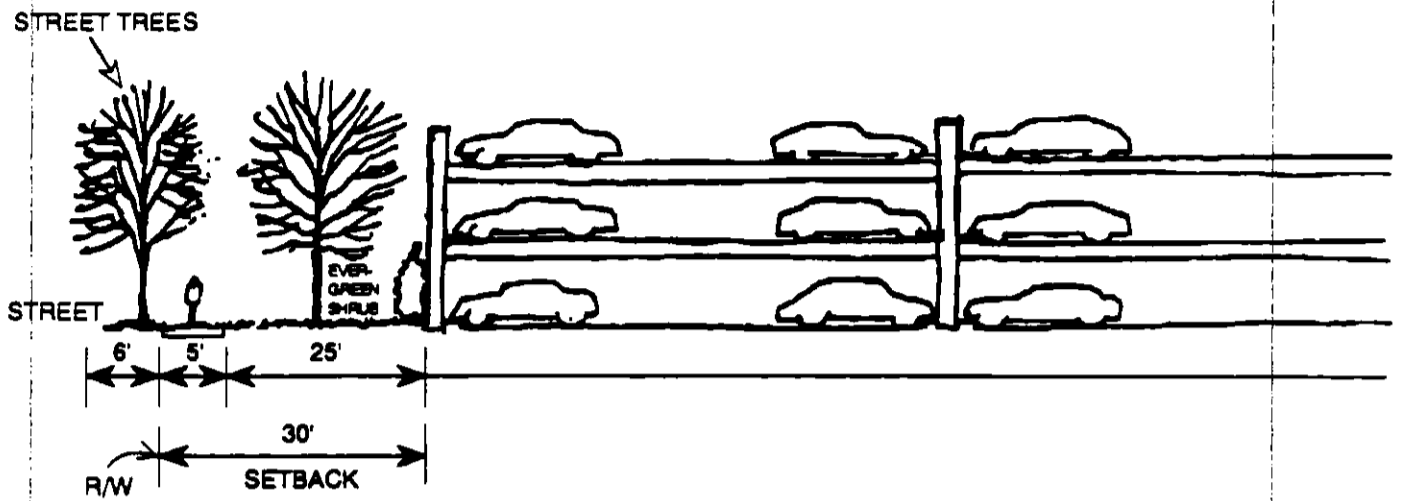
- (1) Option A: Parking decks may be constructed to the following minimum standards indicated below and which are illustrated in Figure 12.212(a):
  - (a) Parking decks shall have a minimum setback 30 feet from the public right-of-way and must meet any more restrictive setback or other yard requirements for the district;
  - (b) A minimum 9 foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces and a minimum 7 foot clearance throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles;

- (c) A minimum 25 foot planting strip shall be provided between the face of the parking deck and the sidewalk. The planting strip shall be planted as follows:
- (i) Large maturing trees shall be planted at a rate of 1 tree per 30 linear feet of street frontage and shall have a minimum caliper of 3 1/2 inches;
  - (ii) Small maturing trees shall be planted at a rate of 1 tree per 30 linear feet of street frontage and shall have a minimum caliper of 2 1/2 inches; and
  - (iii) Evergreen shrubs meeting the requirements of Section 12.302(9)(c) shall be planted along the face of the parking deck with a maximum spacing of 5 feet on center.
- (d) A minimum 5 foot wide sidewalk shall be provided with a minimum 6 foot wide planting strip between the sidewalk and the street.
- (2) Option B: Parking decks may be constructed to the following standards, provided that the parking deck is architecturally treated in a manner that avoids a monolithic appearance. This should be accomplished by treating the facade of the deck as a streetwall and articulating it through a variety of building materials and finishing that gives the deck a pedestrian scale. Development standards are as follows:
- (a) Parking decks shall be setback 20 feet (15 feet from back of curb in Neighborhood Service district) and meet all yard requirements for the district;
  - (b) A minimum 9 foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces and a minimum 7 foot clearance throughout the remainder of the parking deck to ensure the safe movement of vehicles and emergency vehicles;
  - (c) The streetwall of the parking deck shall be treated in such a manner as to partially screen street level parking as well as to provide visual interest to the pedestrian. This can be accomplished through the use of articulated precast concrete panels, or ornamental grillwork as illustrated in Figure 12.212(b), or other means such as utilizing a variety of building materials such as brick or stone;

PART 2: OFF-STREET PARKING AND LOADING

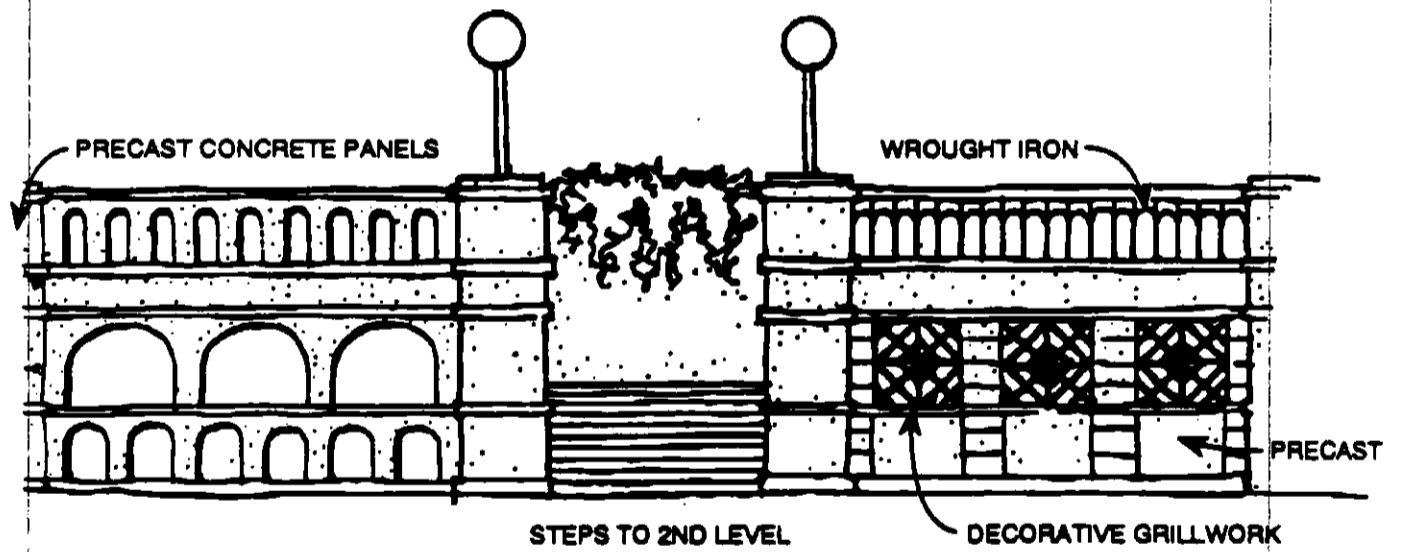
SEC. 12.212.

Figure 12.212 (a)



STREETWALL TREATMENT OPTIONS

Figure 12.212 (b)





- (d) If more than two floors of parking are provided above street level, the third floor above street level and higher floors must be recessed at least 20 feet from the setback of the first and second floors as illustrated in Figure 12.212(c);
  - (e) A minimum 12 foot wide planting strip shall be provided between the sidewalk and the face of the deck. The planting strip shall be planted with large maturing trees at a rate of one tree per 30 linear feet of street frontage or small maturing trees at the rate of 1 tree per 20 linear feet of street frontage;
  - (f) A minimum 5 foot sidewalk shall be provided with a minimum 6 foot wide planting strip between the sidewalk and the street; and
  - (g) In the Neighborhood Services district, the 15 foot setback from the back of the curb shall consist of a minimum 6 foot wide planting strip and minimum 9 foot wide sidewalk behind the planting strip as illustrated in Figure 12.212(e). The planting strip shall be planted with large maturing trees at a rate of 1 tree per 30 feet of street frontage. If overhead utilities exist which cannot be relocated or placed underground, then small maturing trees shall be used at a rate of 1 tree per 20 linear feet of street frontage.
- (3) Option C: Parking decks may be constructed to the following standards, provided that at least 50 percent of the street frontage of the first floor is used for retail or office use, as illustrated in Figures 12.212(d) and 12.212(e):
- (a) Parking deck shall be setback 20 feet (15 feet in the Neighborhood Service district);
  - (b) A minimum 9 foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces and a minimum 7 foot clearance throughout the remainder of the parking deck to ensure the safe movement of vehicles and emergency vehicles.
  - (c) No more than two floors of parking are allowed above the street level use at the setback and subsequent floors shall be recessed a minimum of 20 feet;

PART 2: OFF-STREET PARKING AND LOADING

SEC. 12.212.

Figure 12. 212 (c)

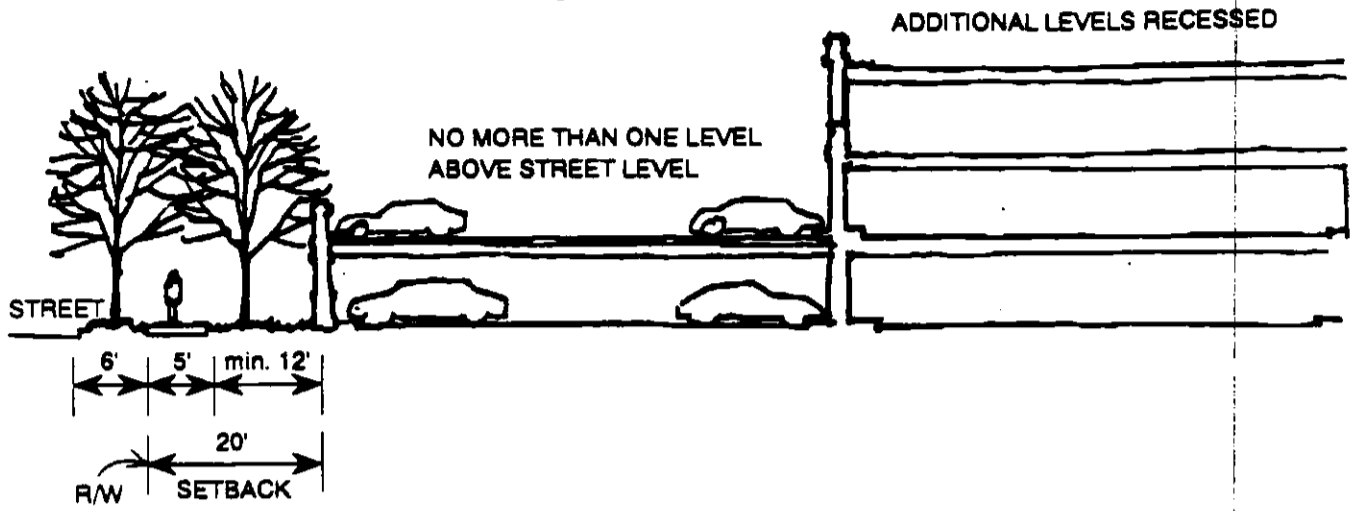


Figure 12. 212 (d)

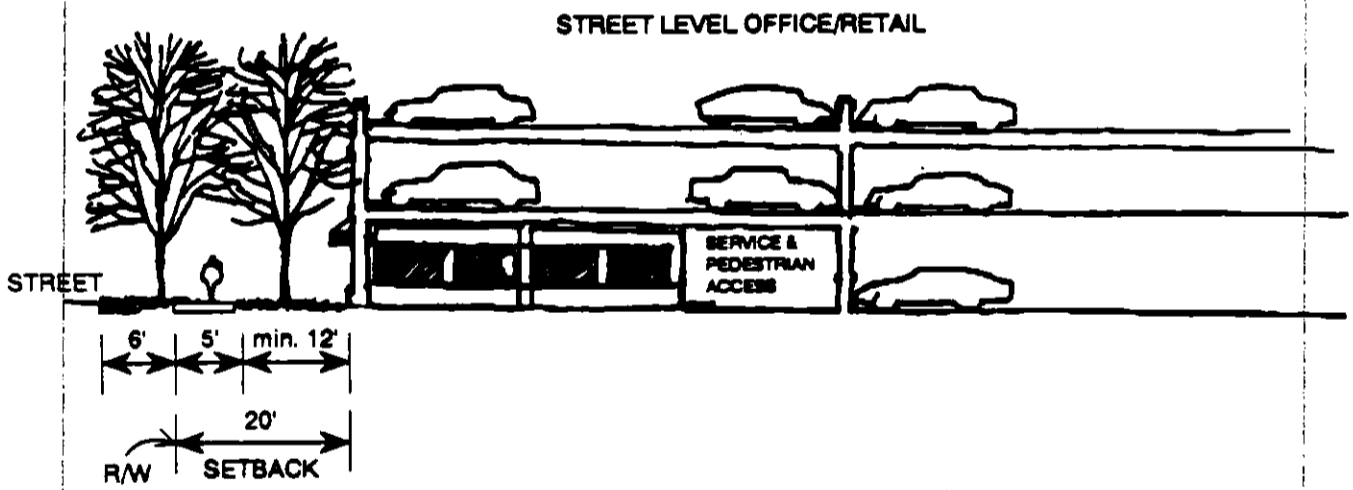
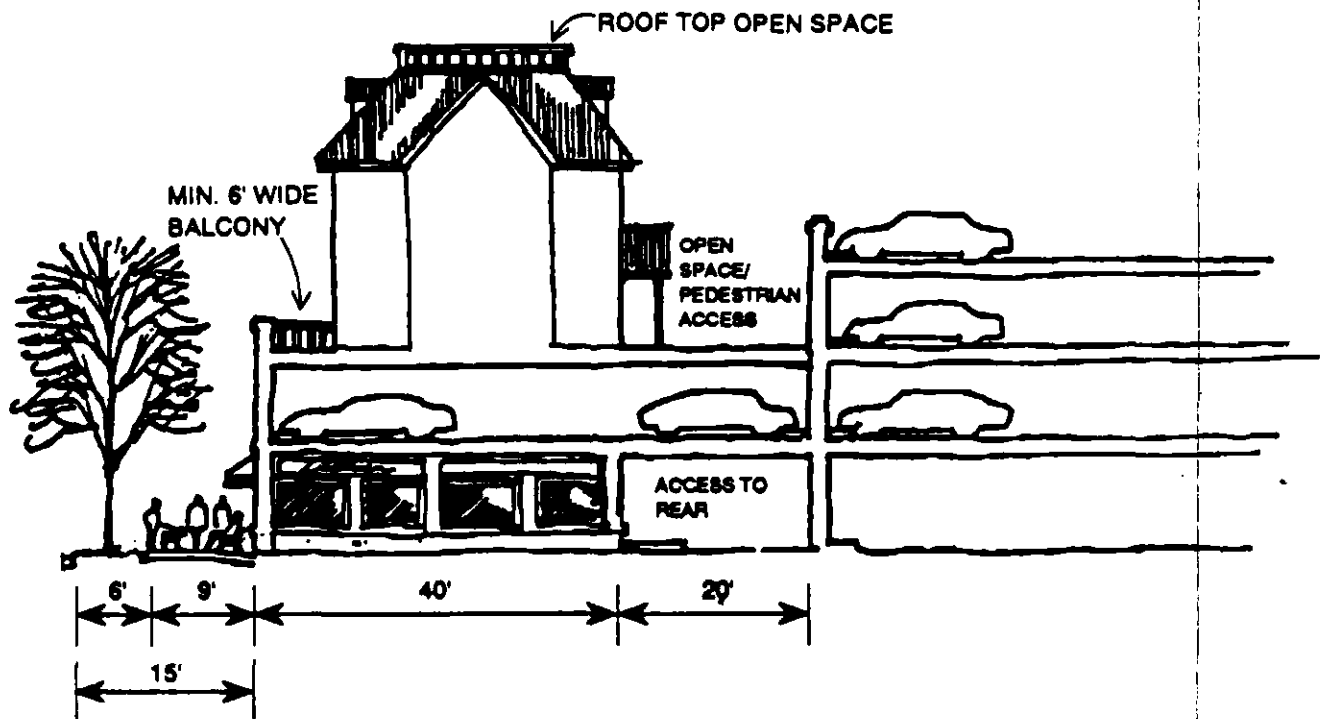


Figure 12.212(e)



- (d) A minimum 12 foot wide planting strip shall be provided between the sidewalk and the face of the deck. The planting strip shall be planted with large maturing trees at a rate of one tree per 30 linear feet of street frontage or small maturing trees at a rate of 1 tree per 20 linear feet of street frontage; and
- (e) In Neighborhood Services district, the 15 foot setback from the back of the curb shall consist of a minimum 6 foot wide planting strip and minimum of 8 foot wide sidewalk. The planting strip shall be planted with large maturing trees at a rate of one tree per 30 linear feet of street frontage. If overhead utilities exist and cannot be relocated or placed underground, then small maturing trees shall be used at a rate of 1 tree per 20 linear feet of street frontage.

**Section 12.213. Underground parking structures.**

Underground parking structures are permitted within any required setback, side yard, and 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 percent of its length along any lot line. A balustrade, parapet or railing may extend above the permitted structure height, provided it is not greater than 32 inches in height, is set back from the property line at least 3 feet and has openings equal to at least 30 percent of its surface along each side. Along any lot line abutting a street, "grade" means the elevation at the center line 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. An underground parking structure may encroach upon any area set aside for the buffer, screening or other planting requirements so long as there is at least 4 feet of soil between the above ground surface and the top of the underground parking structure. The requirements of this section do not apply to the UMUD, UR, or UI districts.

**Section 12.214. Number, size, and location of loading spaces.**

- (1) Loading spaces of the size and number indicated shall be provided in accordance with Table 12.214. These requirements shall not apply in the UMUD, UR and UI districts established in these regulations.
- (2) Any loading space and any area required for maneuvering a vehicle into and out of the loading space shall be located entirely on the same lot as the use it serves, and not on any public right-of-way or other lot.

**Section 12.215. Restriction on use of off-street parking and loading spaces.**

The storage of merchandise or materials, or the repair of motor vehicles or any kind of equipment except for the temporary storage of construction material and equipment while work is taking place on the structure where the off-street parking is located, is prohibited in all off-street parking and loading spaces, including required and unrequired spaces.

Table 12.214

REQUIRED LOADING SPACES, BY USE.

LAND USE	GROSS FLOOR AREA (Square Feet)	LOADING AND UNLOADING SPACES REQUIRED	
		10 feet X 25 feet	10 feet X 50 feet
Office, Restaurant, or Hotel or Motel:	10,000 - 99,999	1	0
	100,000 - 149,999	0	1
	150,000 and over	0	1
Retail establishment, Shopping center, or any Industrial use:	0 - 4,999	1	0
	5,000 - 19,999	0	1
	20,000 - 49,999	0	2
	50,000 - 79,999	0	3
	80,000 - 99,999	0	4
	100,000 - 149,999	0	5
	150,000 and over	0	5
	For each 50,000 over 150,000	0	1

**Section 12.216. Configuration of off-street parking and loading ingress and egress.**

- (1) Access to and from off-street parking and loading spaces shall be provided by means of clearly limited and defined entrance and exit drives from public rights-of-way or private streets to clearly limited and defined maneuvering lanes which, in turn, provide access to individual off-street parking or loading spaces. Loading spaces must be designed so as not to interfere with the normal movement of vehicles and pedestrians on the public right-of-way.
- (2) Layout configurations which require backing directly onto a street from a parking or loading space are prohibited, except for single family or duplex residential uses.

**Section 12.217. Driveways and street access.**

No commercial driveway or street connection to a public street shall be constructed, relocated or altered unless a driveway permit, if required, is obtained from the Charlotte Department of Transportation and [the North Carolina Department of Transportation (State System Street)].

**Section 12.218. Commercial vehicle parking in residential areas.**

Vehicles used primarily for commercial purposes and with more than two axles are prohibited from parking in residential districts. This shall not be construed as to prevent the temporary parking of delivery trucks, moving vans and similar vehicles which deliver goods and services.

**PART 3: BUFFERS AND SCREENING****Section 12.301. Purpose.**

It is recognized that certain land uses, because of their character and intensity, may create an adverse impact when developed adjacent to other less intensive land uses. The general purposes of this Section are to establish regulations protecting and preserving the appearance, character and value of property within the City and to recognize that the transition between certain uses requires attention to protect less intensive land uses. The objectives are to identify those land use relationships that may be incompatible and to specify an appropriate buffer or screen, the function of which is to minimize any adverse impacts. Generally, the requirement for the buffer or screening is the responsibility of the more intensive land use. Developments in the UMUD, UR, UI, RE-1, RE-2, and NS districts are exempted from the requirements of this Part.

**Section 12.302. Buffer requirements.**

- (1) Buffers shall be required in accordance with Table 12.302(a) when any use is being developed abutting an existing developed lot or vacant lot. Where a conflict exists between the buffer requirements for a use and zoning district, the use requirement shall control.
- (2) Buffer requirements may be reduced or waived in their entirety in accordance with the provisions of Section 12.304.
- (3) Buffer requirements include a minimum distance separation from the property line and required planting of trees and shrubs within the buffer. The minimum buffer requirements, which are based on the size of the lot are in accordance with Table 12.302(b):
- (4) One hundred (100%) percent of the applicable buffer requirements shall be the responsibility of the developing land use, except when a residential or institutional use is developed abutting an existing more intensive use developed prior to the approval of this ordinance and for which no buffer is in place. In this case, the residential or institutional use shall be responsible for providing a minimum of 50 percent of the required buffer.
- (5) If an abutting parcel contains a required buffer or screen, it shall count towards the buffer requirements of the developing property, subject to the regulations in Section 12.304.

**PART 3: BUFFERS AND SCREENING**

**SEC. 12.302.**

- (6) If the land use relationships between two abutting lots change so that a lesser buffer would be required under these regulations, the width of the buffer may be reduced accordingly.
- (7) If the required buffer abuts a public alley, up to  $\frac{1}{4}$  of the alley width can be used to satisfy the buffer width requirement in these regulations.
- (8) The width of any required buffer may be reduced by 25% if a wall, fence, or berm is provided that meets the following standards:
  - (a) Any fence or wall shall be constructed in a durable fashion of brick, stone, other masonry materials or wood posts and planks or any combination of such materials. No more than 25 percent of the fence surface shall be left open and the finished side of the fence shall face the abutting property;
  - (b) Walls and fences shall be a minimum height of 6 feet;
  - (c) Berms shall be a minimum height of 4 feet with a maximum slope of 3:1. Berms in excess of 6 feet height shall have a maximum slope of 4:1 as measured from the exterior property line;
  - (d) Berms shall be stabilized to prevent erosion and landscaped; and
  - (e) Shrubs are not required if a fence or wall is built. However, if a berm is constructed, shrubs are required but the number may be reduced by 25%.
- (9) Required trees and shrubs within the buffer shall meet the following standards:
  - (a) Forty percent of the required trees within the buffer shall be large maturing trees and have a minimum caliper of  $2\frac{1}{2}$  inches, measured 6 inches above the ground at the time of planting;
  - (b) Small maturing trees shall have a minimum caliper of  $1\frac{1}{2}$  inches, measured 6 inches above the ground at the time of planting;



Table 12.302(a).

**MINIMUM BUFFER REQUIREMENTS, BY USE AND DISTRICT CATEGORIES**

	EXISTING ADJACENT USES AND DISTRICTS							
	SINGLE FAMILY USE OR ZONING	MULTI-FAMILY USE OR ZONING	INSTITUTIONAL USE INTENSITY OR ZONING			OFFICE USE OR ZONING	BUSINESS USE OR ZONING	PARKS and GREENWAYS
			LOW	MEDIUM	HIGH			
<b>DEVELOPING USES</b>								
<b>1. MULTIFAMILY</b>  Attached and multifamily in one building with more than 12 units; Planned multifamily and attached developments and Manufactured housing parks.  <b>2. INSTITUTIONAL</b>  Low Intensity: Civic, service and fraternal organizations; cultural facilities; Day care center; Dormitories; Elementary schools; Group homes with more than 6 residents; and Nursing homes, rest homes and homes for the aged.  Medium Intensity: Government buildings, less than 12,500 sq. ft.; Health institutions, less than 50,000 sq. ft.; Junior high and Middle schools; Religious institutions, up to 750 seats; Stadiums and arenas, less than 5,000 seats and other institutional uses less 50,000 sq. ft.  High Intensity: Government buildings, 12,500 sq. ft. or more; Health institutions, 50,000 sq. ft. or more; High schools; Religious institutions, 750 seats or more; Stadiums and arenas, 5,000 seats or more; Universities, colleges and junior colleges; and other institutional uses more than 50,000 sq. ft.	C							
	C	C					C	
	C	C	C				C	
	B	B	C				C	
<b>3. RESEARCH (See Sect. 9.505(6))</b>								

**DISTRICT CATEGORIES**

1. Single Family Zoning - R-2, R-3, R-4, R-5, R-6, and R-8
2. Multi-family Zoning - R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, MX-1, MX-2, and R-MH
3. Institutional Zoning - INST.
4. Office Zoning - O-1, O-2, O-3 and MX-3
5. Business Zoning - B-1, B-2, B-D, BP, CC and NS

Sq. Ft. - Square Feet

**PART 3: BUFFERS AND SCREENING**

**SEC. 12.302.**

Table 12.302(a)

**MINIMUM BUFFER REQUIREMENTS, BY USE AND DISTRICT CATEGORIES**

	EXISTING ADJACENT USES AND DISTRICTS							
	SINGLE FAMILY USE OR ZONING	MULTI-FAMILY USE OR ZONING	INSTITUTIONAL USE INTENSITY OR ZONING			OFFICE USE OR ZONING	BUSINESS USE OR ZONING	PARKS and GREENWAYS
			LOW	MEDIUM	HIGH			
<b>DEVELOPING USES</b>								
<b>4. OFFICE</b>								
Clinics, up to 50,000 sq. ft.	C	C	C					C
Clinics, more than 50,000 sq. ft.	B	B	B					C
Offices, up to 50,000 sq. ft.	C	C	C					C
Offices, more than 50,000 sq. ft.	B	B	B					C
Other office uses, up to 50,000 sq. ft.	B	B	B					C
Other office uses, more than 50,000 sq. ft.	C	C	C					C
	B	B	C					C
<b>5. BUSINESS</b>								
Amusement, commercial, outdoor	C	C	C					C
Retail, Shopping Centers and Restaurants, up to 50,000 sq. ft.	B	B	C					C
Retail, Shopping Centers and Restaurants, more than 50,000 sq. ft.	B	B	C	C	C			C
Wholesale trade	B	B	B	C	C			C
Other business uses	B	B	B	C	C			C
<b>6. INDUSTRIAL</b>								
Airport	A	A	A	A	A	A	A	B
Heavy manufacturing	A	A	A	A	A	B	B	B
Light manufacturing	A	A	A	B	B	C	C	B
Warehousing	A	A	A	B	B	C	C	B
Other industrial uses	A	A	A	A	A	B	B	B

**DISTRICT CATEGORIES**

1. Single Family Zoning - R-2, R-3, R-4, R-5, R-6, and R-8
2. Multi-family Zoning - R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, MX-1, MX-2, and R-MH
3. Institutional Zoning - INST.
4. Office Zoning - O-1, O-2, O-3 and MX-3
5. Business Zoning - B-1, B-2, B-D, BP, CC and NS

Sq. Ft. - Square Feet

Table 12.302(b).

**BUFFER REQUIREMENTS**  
(Minimum Widths and Required Plantings)

ACRES	less than 0.5	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5	8.0	8.5	9.0	9.5	10 or more
A CLASS TREES (per 100 ft.)	40	43	46	49	52	55	58	61	64	67	70	73	76	79	82	85	88	91	94	97	100
A CLASS SHRUBS (per 100 ft.)**	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
B CLASS TREES (per 100 ft.)	22	25	27	30	33	36	38	41	43	46	49	51	54	57	59	62	65	67	70	72	75
B CLASS SHRUBS (per 100 ft.)**	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
C CLASS TREES (per 100 ft.)	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46	48	50
C CLASS SHRUBS (per 100 ft.)**	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
ACRES	less than 0.5	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5	8.0	8.5	9.0	9.5	10 or more

- \* - The minimum width of a buffer may be reduced an additional 25% if a fence or wall is constructed in accordance with these regulations.
- \*\* - Shrubs are not required if a fence or wall is constructed in accordance with these regulations.

12 11 10 9 8 7 6 5 4 3 2 1

PART 3: BUFFERS AND SCREENING

SEC. 12.302.

(c) Shrubs shall be evergreen and at least 2½ feet tall when planted with an average height of 5 to 6 feet to be expected as normal growth within four years. However, 25% of the shrubs may vary from the above standard. The allowed variations are as follows:

(i) Shrubs may be deciduous; or

(ii) Shrubs may be 2 feet tall when planted, provided an average height of 3 to 4 feet is expected as normal growth within four years.

Shrubs planted on a berm may be of a lesser height, provided the combined height of the berms and plantings is at least 6 feet after 4 years;

(d) Shrubs and trees shall be on the approved plant list in Appendix 1;

(e) All specifications for the measurement, quality, and installation of trees and shrubs shall be in accordance with the "American Standards for Nursery Stock" published by the American Association of Nurserymen, and free of disease; and

(f) Twenty-five percent of all trees within the buffer shall be evergreen.

(10) Guidelines for landscaping buffers are as follows:

(a) The arrangement of trees and shrubs in the buffer area shall be done in a manner that provides a visual separation between abutting land uses. Shrubs shall be massed in rows or groups to achieve the maximum screening effect; and

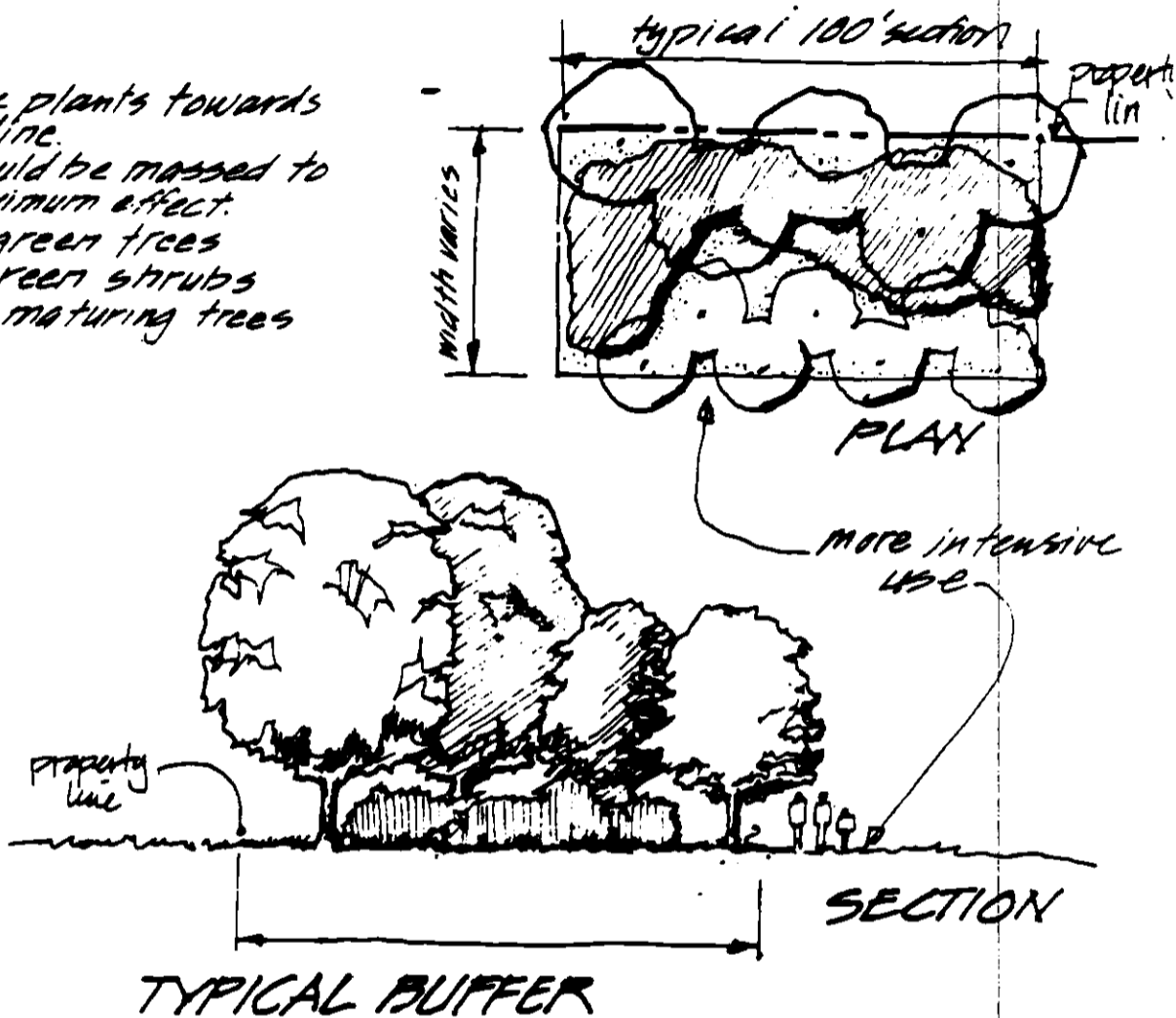
(b) Guidelines for the arrangement of plant materials are illustrated in Figures 12.302.

(11) In the event that it can be demonstrated that existing vegetation meets the intent of this Section, but the plant materials are not on the approved list, the Zoning Administrator may waive the requirements for plant materials. If a plant material is not on the approved list, the Zoning Administrator may determine whether it is acceptable.

(12) Required buffers shall not be disturbed for any reason except for required driveways, sidewalks, or other pedestrian or bicycle paths, walls, fences, or required landscaping, landscaping maintenance and replacement, or maintenance and construction of berms, or utility lines. However, utility lines construction must meet the following requirements:

Figure 12.302

- concentrate plants towards property line.
- plants should be massed to achieve maximum effect.
- 25% evergreen trees
- 75% evergreen shrubs
- 40% large maturing trees



**PART 3: BUFFERS AND SCREENING**

**SEC. 12.302.**

- (a) The removal of any tree larger than 8 inches caliper shall require the approval of the Zoning Administrator;
  - (b) If utility lines run longitudinally within a buffer yard, the width of the buffer yard shall be increased by the same amount that is cleared for placement of the utility lines; and
  - (c) To the extent possible, the path cleared for the utility lines shall be replaced with plant materials which are consistent with those that existed prior in the buffer yard.
- (13) Any required buffer abutting a park or greenway shall be waived in its entirety, if the property owner dedicates the land to be set aside for the required full buffer width to the City for incorporation into the park or greenway. Such land dedication must be acceptable to the Parks and Recreation Department.

**Section 12.303. Screening requirements.**

The provisions of this Section must be met at the time that land is developed or land and structures are redeveloped. A buffer required in Section 12.302 may be used to meet the requirements of this Section. The requirements of this Section do not apply to lots or portions of lots which are vacant or undeveloped.

- (1) The following uses must be screened from abutting property and from public view from a public street:
  - (a) Parking lots for more than 10 automotive vehicles and parking decks, excluding new and used automotive sales lots and parking areas for detached, duplex, triplex or quadraplex dwellings on a single lot;
  - (b) Dumpsters or trash handling areas;
  - (c) Service entrances or utility structures associated with a building;
  - (d) Loading docks or spaces;
  - (e) Outdoor storage of materials, stock and equipment; and
  - (f) Any other uses for which screening is required under these regulations.

- (2) Any screening or buffer areas used to comply with the provisions of this Section or other ordinance provisions for uses other than parking decks must consist of a planted area which is at least 5 feet wide. This area may contain any type screening materials sufficient to separate visually the land uses, provided such materials meet the requirements of this Section. If only a wall or fence is used, then the area devoted to the screen need only be wide enough to accommodate the wall or fence 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 property owner, so long as the purpose and requirements of this Section are satisfied. The following list contains specific standards to be used in installing screening:
- (a) Fences and walls used for screening shall be constructed in a durable fashion of brick, stone, other masonry materials or wood post and planks or any combination thereof with no more than 25 percent of the fence surface area left open. The finished side of the fence shall face the abutting property.
  - (b) The maximum height for a wall or fence which is located along a side yard in a residential district is 6 feet;
  - (c) The maximum height for a wall, fence, or an earth berm, which is located in any required setback in a residential district, is 5 feet, unless it is part of a zero-lot line subdivision, then it may be 6 feet;
  - (d) The minimum height for screening will be whatever is sufficient to separate visually the uses, but not less than 4 feet;
  - (e) The height of any screening materials on a corner lot must also comply with the provisions of Section 12.109;
  - (f) Any earth berm used to meet the requirements of this Section must be a minimum of 4 feet with a maximum slope of 3:1. Berms in excess of 6 feet in height shall have a maximum slope of 4:1 as measured from the exterior property line;
  - (g) Shrubs used in any screening or landscaping 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 4 years of planting; and
  - (h) There are other landscaping and tree planting requirements contained in Chapter 21 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.

**Section 12.304. Alternative buffer and screening requirements.**

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or other sub-surface condition on the site, or the presence of required buffer or screening on adjacent developed property would make strict adherence to the requirements of this Part serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer or screen, the Zoning Administrator may alter the requirements of this Part as long as the existing features of the development site comply with the spirit and intent of this Part. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the Zoning Administrator showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer or screen the proposed use. The Zoning Administrator shall not alter the requirements of this Part unless the developer demonstrates that existing site features and any additional buffer materials will screen the proposed use as effectively as the required buffer or screening. In deciding whether to approve such a plan, the Zoning Administrator shall consult with the Planning Director.

**Section 12.305. Maintenance responsibility for buffers and screening.**

In order for any buffers or screening to fulfill the purpose for which it was established it must be properly maintained. The owner of the property where buffers or screening is required will be responsible for the maintenance of all buffers and screening materials. Any required plant materials such as shrubs and trees which may die must be replaced in compliance with the minimum standards of this Section and fences or walls should be repaired. The Zoning Administrator may reduce or waive the requirement that plant materials be replaced if the buffer or screening which remains effectively buffers or screens the site. All buffers, screening and landscaping areas must be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the screening.

**Section 12.306. Letter 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 the year to ensure the best chance of survival. In order to ensure 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 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 buffer or screening requirements which may apply to his or her property and that he or 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 the Zoning Ordinance.

#### PART 4: ACCESSORY USES AND STRUCTURES

##### Section 12.401. General requirements.

No land or structure shall be used, developed, or occupied unless all accessory uses and structures conform to all applicable requirements of these regulations. The remaining sections of this Part establish additional requirements and restrictions for particular accessory uses and structures. Any accessory use or structure may be approved in conjunction with approval of the principal use. No accessory use or structure shall be approved, established, or constructed before the principal use is approved in accordance with these regulations.

##### Section 12.402. Outdoor lighting.

The following restrictions shall apply to any outdoor lighting located in any district:

- (1) All outdoor lighting for any nonresidential use shall be located, screened, or shielded so that abutting lots located in any residential district are not directly illuminated.
- (2) All outdoor lighting shall be located, screened or shielded in a manner as not to cause glare or impair the vision of motorists.

##### Section 12.403. Dumpsters, trash handling areas, and service entrances.

The following requirements shall apply to all dumpsters, trash handling areas and service entrances accessory to any multi-family or nonresidential use:

- (1) Except as provided in subsection (2) below, any such accessory use or structure shall be screened on three sides by a fence, wall or planting materials from the public view from public streets and any abutting properties located in a residential, research, office, or business district in accordance with Section 12.303.

- (2) Screening in accordance with Section 12.303 shall not be required where any buffer, as set out in Section 12.302, separates such accessory uses and structures from the public street or abutting property.

Section 12.404. [RESERVED]

Section 12.405. On-site demolition landfill.

On-site demolition landfill shall be permitted as an accessory use in any district in accordance with the following requirements:

- (1) Any on-site demolition landfill site must obtain a permit from and comply with the standards of the Mecklenburg County Environmental Protection Department and the State of North Carolina.
- (2) Any such site may not be operated for more than 24 months, after which time it must be closed in an approved fashion.
- (3) The location of any such site must be indicated on any required final subdivision plat. Further, any parcel or lot which contains any part of any such site must have notification of the existence and extent of the site recorded as part of the deed for the lot or parcel, even if no subdivision plan is required for development of the property.
- (4) No portion of any such site may be located within 15 feet of any exterior property lines. This includes structures, equipment storage, parking areas and fill areas, except that access drives may cross this area.
- (5) Any on-site demolition landfill site which is located in an industrial district is exempted from the 24 month requirement, provided that no portion of the landfill is located within 100 feet of any adjoining residentially zoned or used property.

**Section 12.406. Fences and walls in residential districts.**

The following restrictions shall apply to all fences and walls located in any residential district, except for fences and walls surrounding public utility structures or radio, television, or microwave transmission or relay towers:

- (1) No fence or wall located in the required setback shall be built to a height greater than 5 feet above grade, unless it is a part of a zero lot line subdivision, then it may be 6 feet.
- (2) No fence or wall located in the required side yard between the required setback and established rear yard shall be built to a height greater than 6 feet above grade.
- (3) No fence or wall located in the established rear yard shall be greater in height than 8 feet above grade height in the rear yard.
- (4) Any fence or wall serving as a retaining wall shall be solid cement, masonry or wood and constructed to the standards of the State Building Code.
- (5) The capital of a fence post or column may extend up to 2 feet above the maximum height limit.
- (6) No fence or wall shall be constructed within a storm drainage easement which will block or materially impede the flow of stormwater runoff.

[Editor Note: Any fence or wall constructed within the site distance triangle at an intersection must conform to the cross visibility requirement regulated in City Code, Section 14-16 and Section 12.109 of these regulations.]

**Section 12.407. Elderly and disabled housing.**

Elderly and disabled housing shall be permitted as an accessory to any single family detached dwelling unit in accordance with the following requirements:

- (1) Elderly and disabled housing may be attached, within or separate from the principal dwelling.
- (2) The principal use of the lot shall be a detached single family dwelling.
- (3) No more than one elderly or disabled unit shall be located on a lot.
- (4) The elderly and disabled housing and principal dwelling shall be owned by the same person.

**PART 4: ACCESSORY USES AND STRUCTURES**

**SEC. 12.407.**

- (5) The elderly and disabled housing shall not be served by a driveway separate from that serving the principal dwelling.
- (6) The elderly and disabled housing shall have a floor area no greater than 50% of the principal structure and under no circumstances cover more than 30% of the rear yard.
- (7) Elderly and disabled housing shall be located in the rear yard and not be any closer than 15 feet to the rear property line.
- (8) If the elderly and disabled housing is in a detached accessory structure, then the minimum lot size shall be 2 times the minimum for the district and the structure shall be no taller, as measured from grade, than the principal dwelling.
- (9) The occupant of an elderly or disabled housing unit must be at least 55 years old or disabled and related to the owner of the principal dwelling by blood, marriage or adoption.
- (10) Roof and exterior wall materials and finishes of the elderly housing or disabled housing must be comparable in composition and appearance to that of the principal dwelling on the lot.
- (11) The owner of elderly and disabled housing must register annually with the Zoning Administrator.

**Section 12.408. Customary home occupations.**

A customary home occupation shall be permitted as an accessory to any dwelling unit in accordance with the following requirements:

- (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.
- (2) Use of the dwelling for this purpose must be limited to 25 percent of one floor of the principal building.
- (3) No accessory building or outside storage may be used in connection with the home occupation.
- (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, dental, and office equipment used for professional purposes.

- (5) Machinery that causes noises or other interference in radio or television reception is prohibited.
- (6) No internal or external alterations inconsistent with the residential use of the building will be permitted.
- (7) Only residents of the dwelling may be engaged in the home occupation.
- (8) No display of products may be visible from the street and only articles made on the premises may be sold on the premises.
- (9) Instruction in music, dancing and similar subjects must be limited to two students at a time.
- (10) Vehicles used primarily as passenger vehicles only will be permitted in connection with the conduct of the customary home occupation.
- (11) Signs are subject to the regulations in Chapter 13.

**Section 12.409. Marinas.**

A marina shall be permitted as an accessory to any residential use in accordance with the following requirements:

- (1) No sale of goods or services or other commercial activities shall occur at the marina.
- (2) The number of boat slips shall not exceed 110 percent of the number of dwelling units in the residential development which the marina serves.
- (3) Any off-street parking, service, and outdoor storage areas shall be separated by a Class C buffer from any abutting lot located in a residential district (See Section 12.302).
- (4) Marinas may include any pump out facilities required by Federal or State Water Quality Regulations.
- (5) Any accessory marina serving more than 50 dwelling units shall have a boat launching facility for use by residents only.

**PART 4: ACCESSORY USES AND STRUCTURES**

**SEC. 12.410.**

**Section 12.410. Private kennels.**

Pens, runs, cages, houses, or other facilities for the keeping of any dogs, cats, and other small animals shall be permitted as an accessory use in any district, except INST, RE-1, RE-2, B-D and BP, in accordance with the following requirements:

- (1) Any structure for the keeping of animals that is not completely enclosed, except for fences along property lines, shall be located between the principal structure and the rear lot line, shall occupy no more than 20 percent of the rear yard and shall be located no closer than 10 feet to any side lot line.
- (2) Extensions of or additions to property line fences to confine animals to a part of the property abutting the lot line shall not be permitted.
- (3) No such accessory use shall be operated for commercial purposes.

**Section 12.411. Private stables.**

Structures, pasture areas, corrals, and other enclosed areas for the keeping of horses shall be permitted as an accessory use in any district, except INST, RE-1, RE-2, B-D and BP, in accordance with the following requirements:

- (1) Minimum lot size shall be 1 acre.
- (2) Maximum number of horses is 1 horse per acre.
- (3) All structures for the keeping and maintenance of animals, equipment, or manure and all manure piles, pits, or bins shall be located at least 100 feet from any lot line.
- (4) There shall be no outdoor storage of equipment related to training or maintenance of horses.
- (5) No such accessory use shall be operated for commercial purposes.

**Section 12.412. Guest houses and employee quarters.**

A detached guest house or employee quarters shall be permitted as an accessory to any detached single family dwelling unit in accordance with the following requirements:

- (1) The guest house or employee quarters should be clearly subordinate to the principal structure.

- (2) The minimum lot size for the lot on which the guest house or employee quarters is located shall be 2 times the minimum lot requirement for the district.
- (3) Guest houses and employee quarters shall have floor area no greater than 50% of the principal structure.
- (4) No more than one housing unit serving as a guest house or employee quarters shall be located on a lot.
- (5) Guest houses or employee quarters shall be owned by the same person who owns the principal dwelling.
- (6) Guest houses or employee quarters shall not be served by a driveway separate from that serving the principal dwelling.
- (7) Guest houses or employee quarters shall be located in the rear yard and not be any closer than 15 feet to the rear property line and adhere to the minimal side yards for the district.
- (8) Guest houses and employee quarters shall be no taller than the principal dwelling as measured from grade.

**Section 12.413. Drive-in service windows.**

A drive-in service window shall be permitted only as an accessory use in the MX-2, MX-3, Inst., RE-1, RE-2, O-1, O-2, O-3, B-1, B-2, BP, CC, I-1, and I-2 districts. Approval will be granted if it is determined 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. Facilities must be developed in accordance with the following requirements:

- (1) A plan for a proposed drive-in facility must be approved by the Charlotte Department of Transportation.
- (2) The amount of stacking distance provided on the lot shall be in accordance with the minimum vehicle storage requirements in Table 12.413 below. No portion of the required vehicle stacking distance is permitted within public rights-of-way.
- (3) A separate circulation drive must be established for the drive-in service window. The drive-through lane must be distinctly marked by special striping, pavement markings, or traffic islands.

- (4) Menu boards and other signage associated with drive-in service windows will be governed by Chapter 13.

Table 12.413

MINIMUM VEHICLE STORAGE REQUIREMENTS\*

<u>TYPE OF FACILITY</u>	<u>VEHICLE STORAGE</u>
Drive-in Bank	6 spaces per window (1)
Drive-in Restaurant	8 spaces per window (2)
Automatic Car Wash	10 spaces per wash line
Self-service Car Wash	3 spaces per wash line
Drive-in Theater	15% of the total parking capacity
Hospital (3)	1% of the total parking capacity
Service Stations	4 spaces per service position
Drive-in Dry Cleaners	3 spaces per window (2)
Other Drive-in Uses	5 spaces per window

\*(1 vehicle space equals 20 feet)

FOOTNOTES TO TABLE:

- (1) This requirement will be reduced to 3 spaces per window for savings and loan institutions and credit unions. For banks with more than 5 drive-up windows, the storage requirements shall not exceed a total of 20 vehicles.
- (2) As measured from the pick-up window.
- (3) At the main entrance to the hospital.

Section 12.414. Automobile, truck and trailer rental.

- (1) Automobile rental shall be permitted as an accessory use where the principal use is an airport, automobile dealership, hotel or motel or in any district where automobile rental is permitted as a principal use.
- (2) Where the principal use is a hotel or motel, automobile rental shall be permitted as an accessory use only in accordance with the following requirements:



## PART 4: ACCESSORY USES AND STRUCTURES

SEC. 12.414.

- (a) No sign advertising the rental of automobiles shall be located outside the hotel or motel building; and
- (b) No more than 10 automobiles, which are not currently leased to customers, shall be parked on the same property as the hotel or motel.
- (3) Truck and trailer rental is permitted as an accessory use in any district where it is permitted as a principal use.

**Section 12.415. Helistops, limited.**

A helistop, limited shall be permitted as an accessory use only in the O-1, O-2, O-3, INST, RE-1, RE-2, B-2, B-D, BP, UMUD, CC, U-I, I-1, and I-2 districts provided it complies with all applicable Federal Aviation Administration regulations.

**PART 5: SPECIAL REQUIREMENT FOR CERTAIN USES**

**SEC. 12.501.**

**PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES**

**Section 12.501. Purpose.**

This Part provides for the regulation of certain land uses which because of their utilitarian nature or unique locational requirements may be found in a number of zoning districts. Circumstances under which these uses are allowed and what approval process is required are indicated for each use.

**Section 12.502. Adult care center, adult care homes, child care center and child care homes.**

For the purposes of this ordinance, facilities for the temporary care of adults and children are divided into four classes - adult care center, adult care home, child care center, and child care home. Adult care centers serve more than 6 adults and adult care homes up to 6 adults. A child care center serves more than 15 children and a child care home serves between 6 and 15 children. The development requirements for each class of facility is indicated below:

- (1) Child Care Centers and homes, registered by the North Carolina Department of Human Resources, may be established as a principal or accessory use in the multi-family, institutional, research, office, business, UMUD, U-I and I-1 districts, and as an accessory use in the I-2 district. Child care centers are permitted as accessory uses in religious institutions, elementary, junior and senior high schools and government buildings permitted in single family zoning districts.
- (2) Child care homes registered with the North Carolina Department of Human Resources may be established as an permitted use in the single family residential districts. All child care facilities shall meet the following standards:
  - (a) Play space must be provided in accordance with the regulations of the North Carolina Department of Human Resources;
  - (b) Any required outdoor play space as required by the Department of Human Resources 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 in Section 12.406;

- (c) In single family districts, the small child care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling;
  - (d) Setback, yard and height requirements will be the minimum required for the district in which it is located; and
  - (e) There is no limit on the hours of operation of a child care center, but no outdoor play shall be permitted after sundown.
- (3) Adult Care Centers at homes, registered with the North Carolina Department of Human Resources, may be established as a principal use or as an accessory use in the multi-family, institutional, office, business, UMUD, U-I and I-1 districts and as an accessory use in the I-2 district. An adult care home may be established as a permitted use in the single family district. All facilities must meet the setback, yard and height requirements which will be the minimum required for the district in which it is located.

Section 12.503. Demolition landfills.

A demolition landfill may be established in any district subject to the following specific conditions:

- (1) Any demolition landfill must obtain a grading permit from City Engineering and maintain a valid permit from and comply with the standards of the Mecklenburg County Environmental Protection Department and the State of North Carolina.
- (2) No portion of any such landfill may be located within 75 feet of any exterior property line. This includes structures, equipment storage, parking areas, and fill areas, except that access drives and utilities may cross this area.
- (3) The actual fill area must be located at least 300 feet from any existing residential structure. The 300 feet requirement from a residential structure may be waived if the residential structure and the landfill are on the same property and the owner of the property waives the separation requirement in writing.
- (4) Vehicular access to the facility must be paved and may be provided from any Class II, III, III-C, or IV street or from any other street that is not part of a residential local or residential collector street. A metal fence and gate must be constructed at the entrance to the landfill site and be closed when the landfill is not in operation. All driveways which serve the site must be

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wide enough to accommodate two-way traffic at all times, and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.

- (5) The use of the site for any purpose is limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday, if the site adjoins or is across the street from any property which contains any existing residential dwelling units.
- (6) No filling of any type is allowed in any portion of a regulatory flood plain, including both the floodway and the floodway fringe area.
- (7) There must be a plan submitted to the Zoning Administrator that specifies the anticipated future use of the property, upon the cessation of landfilling activities, which anticipated use must not be inconsistent with the "Generalized Land Use Plan" or any district or area plan as adopted by the City Council, if one exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the landfill.

The Zoning Administrator, with the assistance of the City of Charlotte Director of Engineering, should the Zoning Administrator request such assistance, must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the landfill site. No more than 25% of the total area to be filled may be actively used at any one time.

The owner must place funds in the reserve fund annually, in amounts equal to (a) the estimate of the present costs of the capital expenses increased by the assumed annual inflationary rate of 5%, divided by (b) the number of years the landfill is anticipated to be open. The first such annual payment into the reserve fund must be made by the property owner prior to commencement of landfilling operations, and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the Zoning Administrator prior to the commencement of landfilling operations. On or before each subsequent anniversary date of such notarized statement, the property owner must make the required annual payment into the

reserve fund and present to the Zoning Administrator a notarized statement from the property owner showing that the payment has been made for the next year of operations of the landfill, and showing the total amount held in the reserve fund. In addition, if the property owner prepares annual financial statements, a copy of the annual financial statement, showing the amount held in the reserve fund, must be sent annually to the Zoning Administrator during each year the landfill is in operation. In the event that the landfilling operations at the site cease prior to the estimated number of years of operation as shown on the submitted timetable, prior to ceasing operations the property owner must pay all remaining amounts into the reserve fund and present to the Zoning Administrator a notarized statement showing that such payment has been made and showing the total amount in the reserve fund.

- (8) Any demolition landfill which existed prior to the adoption of this Section, but which does not comply with the standards of this Section must be brought into compliance with those standards according to the following schedule:

<u>Size of Site</u>	<u>Compliance Required Within this Time After June 16, 1986</u>
0-10 acres	2 years
Over 10 acres	3 years
Over 20 acres	4 years
Over 30 acres	5 years

- (9) The applicant must provide a list of the names and addresses, as shown on the County tax abstract for all property owners which adjoin or are across the street from the proposed use, and envelopes with the names, addresses, and proper postage affixed. The Zoning Administrator will mail a notification to the affected property owners advising them of the proposed development and when and where the plans may be inspected. The Zoning Administrator will not determine whether a permit will be issued for the proposed use until at least 15 working days from the date of mailing of the notices. The Zoning Administrator will consider all comments received on the application in making a determination on the application. The Zoning Administrator will cause the site to be posted with a notice stating that the proposed use has been requested and where additional information about the request can be obtained. The applicant will be responsible for the cost of the posting of the site. Within five business days after making a decision on the issuance of a permit, the Zoning Administrator

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will mail a notice of his decision to the affected property owners and any other persons who commented on the proposed issuance of the permit whose addresses are known.

**Section 12.504. Public utility structures.**

Public utility structures are permitted within any district as a principal use subject to the following specific conditions:

- (1) Lots must conform to minimum setback and yard requirements of the district in which they are located. Unmanned utility structures with internal floor space of less than 300 square feet are exempted from the minimum lot size requirement.
- (2) Electric and gas substations and sewage treatment plants will be separated by a Class A buffer from the street and any abutting property located in a residential district, residential use or from institutional use, and screened from any use in any other district, in accordance with Section 12.302.
- (3) Control houses, pump and lift stations, cellular transmission facilities and other similar uses shall be screened in accordance with Section 12.303 from the street and any abutting property located in a residential district, abutting residential use or abutting institutional use.
- (4) A fence not easily climbable or comparable safety devices must be installed and maintained in order to make the facility inaccessible to the public.
- (5) The design of buildings, structures and facilities on a site should conform as closely as possible to the character of the area or neighborhood.
- (6) Any public utility structures not specifically listed are exempt from the requirements of this Section.
- (7) Cellular telephone transmission facilities including, but not limited to, transmission structures, equipment shelters and related facilities may be established in accordance with the provisions of subsection 12.108(8) and the provision of this Section.

**Section 12.505. Quarries.**

Quarries may be established in any district subject to the requirements of this Section:

- (1) The minimum site size is 20 acres.
- (2) There must be a plan submitted to the Zoning Administrator that specifies the anticipated future use of the property, upon the cessation of quarrying activities, which anticipated use must not be inconsistent with the Generalized Land Use Plan or district or area plan as adopted by the City Council, if such a plan exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the quarry.

The Zoning Administrator, with the assistance of the City of Charlotte Director of Engineering, should the Zoning Administrator request such assistance, must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the quarry site proposed to be quarried.

The owner must place funds in the reserve fund annually, in amounts equal to (a) the estimate of the present costs of the capital expenses increased by the assumed annual inflationary rate of 5%, divided by (b) the number of years the quarry is anticipated to be open. The first such annual payment into the reserve fund must be made by the property owner prior to commencement of quarrying operations, and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the Zoning Administrator prior to the commencement of quarrying operations. On or before each subsequent anniversary date of such notarized statement, the property owner must make the required annual payment into the reserve fund and present to the Zoning Administrator a notarized statement from the property owner showing that the payment has been made for the next year of operations of the quarry, and showing the total amount held in the reserve fund. In addition, if the property owner prepares annual financial statements, a copy of the annual financial statement, showing the amount held in the reserve fund, must be sent annually to the Zoning Administrator during each year the quarry is in operation. In the event that the quarrying operations at the site are permanently discontinued

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prior to the estimated number of years of operation as shown on the submitted timetable, prior to ceasing operations the property owner must pay all remaining amounts into the reserve fund and present to the Zoning Administrator a notarized statement showing that such payment has been made and showing the total amount in the reserve fund. Any funds paid to the State of North Carolina pursuant to G. S. §74-54 will be credited toward the amount required to be established under this section. The funds required by this section will be reduced by an amount equal to the amount of any bond posted with the state for so long as the facility is permitted by the state for its operation. The total amount of funds on deposit with the state and the total amount established under these standards must always be at least equal to the amount required by this ordinance.

(3) Dimensional requirements for quarries are specified below.

Required minimum distance from any public right-of-way or from adjacent property that is zoned:	Residential, Institutional, Research, Office, or Business	Industrial
To any building or extraction area, road, or pit.	100 feet	50 feet
To any crushing of rock, processing of stone, gravel or other material	300 feet	200 feet
To any blasting	500 feet	400 feet

(4) During operation of the quarry and after termination of quarrying operations at that site, the following safety features, consistent with the reuse plan for the site, must be maintained if the applicant does not elect to install a permanent fence of the type described under Subsection (7) around the entire perimeter of the quarry operations:

(a) Rock quarries.

(i) From the edge of the pit, an area 20 feet wide must be maintained free of any soil cover.

(ii) From a point 20 feet from the edge of the pit, the soil cover, if less than 20 feet in depth, 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.



(iii) If the soil cover to be stripped away exceeds 20 feet in depth, a ditch 8 feet wide and 3 feet 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 expansion in any direction, however, the permanent fence as described in Subsection (7) below, in connection with termination of quarrying operations, will suffice instead of the backsloping or ditching in that particular area.

(b) Gravel quarries and sand quarries.

When the 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 20 feet from the edge of the pit.

- (5) The quarry and all its buildings, pits and processing equipment must provide a Class A buffer to any abutting property in a residential district. Existing trees and vegetation must be maintained within one hundred feet of abutting property lines and any public street right-of-way. This buffer may be reduced to a Class C buffer if the site is located in an industrial district. Where the natural growth within one hundred feet of the abutting property line or right-of-way is inadequate to materially screen the quarry site from the view from abutting properties, screening, in accordance with the requirements of Section 12.303, must be provided. Access to the site and utilities serving the site may cross this 100 foot area. However, underground utility areas should be replanted after installation to the extent possible.
- (6) Except in cases of emergency involving safety on the site, quarries may not be operated on Sunday, and may not operate earlier than 7:00 a.m. nor later than 6:00 p.m. on any other day. This restriction does not apply to quarries located in industrial districts or to office or maintenance operations conducted within an enclosed building.
- (7) 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 the 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 fence designed to prevent access must be erected and maintained around the pit, or the site must be otherwise reclaimed in accordance with the reuse plan for the property. If a fence is used, it must be a minimum 6 feet high, and a maximum of 7 feet high, and be constructed of wire mesh in rectangular shapes, and the sizes of the rectangles may not exceed 2 inches by 4 inches.

- (8) Vehicular access to the facility must be paved and may be provided from any Class II, III, III-C, or IV street or from any other street that is not a residential local or residential collector street. A metal fence and gate must be constructed at the entrance to the quarry site and be closed when the quarry is not in operation. All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.
- (9) An application for a quarry site must provide a list of the names and addresses, as shown on the County tax abstracts, for all property owners which abut or are across the street from the proposed use and envelopes with the names, addresses, and proper postage affixed. The Zoning Administrator will mail a notification to the affected property owners advising them of the proposed development and when and where the plans may be inspected. The Zoning Administrator will not determine whether a permit will be issued for the proposed use until at least 15 working days from the date of mailing of the notices. The Zoning Administrator will consider all comments received on the application in making a determination on the application. The Zoning Administrator will cause the site to be posted with a notice stating that the proposed use has been requested and where additional information about the request can be obtained. The applicant will be responsible for the cost of the posting of the site. Within five business days after making a decision on the issuance of a permit, the Zoning Administrator will mail a notice of his decision to the affected property owners and any other persons who commented on the proposed issuance of the permit whose addresses are known.

**Section 12.506. Religious institutions in residential districts.**

Churches, synagogues, temples, mosques and other places of religious worship, along with their accessory uses, are permitted in residential districts subject to the following development approvals based upon size limitations:

	<u>Permitted Districts</u>
Religious Institutions, less than 750 seats	All residential districts
Religious Institutions, 750 to 1200 seats	Multi-family and MX districts

All religious institutions in residential districts must meet the standards of this Section and all other requirements of these regulations:

- (1) Maximum floor area ratio is .50.
- (2) Minimum open space is 25%.
- (3) The principal building and accessory uses must be on a contiguous site.
- (4) Offices associated with the activities or business of the religious institution will occupy no more than 25 percent of the total floor area of buildings on the lot. In cases where the total floor area developed on the site is less than 4,000 square feet, office activities may occupy as much as 1,200 square feet.
- (5) All buildings, outdoor recreational facilities, and off-street parking and service areas will be separated by a Class C buffer for religious institutions less than 750 seats, and a Class B buffer for religious institutions between 750 and 1,200 seats, which abut property located in a residential district or abutting residential use (See Section 12.302).
- (6) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare.
- (7) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (8) Any structure will be set back from the street no less than any existing dwelling on an abutting lot.
- (9) 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 these regulations:
  - (a) No merchandise or merchandise display window shall be visible from outside the building;
  - (b) No business or identification sign pertaining to the accessory uses shall be visible from outside the building;
  - (c) All parking shall be screened in accordance with Section 12.303; and
  - (d) Accessory uses must not violate the yards, separation or buffer requirements which apply to the principal structure(s).

- (10) Except as noted above, accessory uses shall be governed by other provisions of these regulations 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 multipurpose facilities, a part of whose function may include recreation and sports activities.

**Section 12.507. Sanitary Landfills.**

Sanitary landfills are permitted in all districts in City of Charlotte subject to the development standards listed below. The establishment and operation of any landfill must comply with Solid Waste Management Rules of the State of North Carolina and the "Regulations Governing the Storage, Collection, Transporting and Disposal of Garbage and Refuse in Mecklenburg County" as adopted by the City Council under authority granted by the General Statutes of North Carolina.

- (1) Minimum site size is 150 acres.
- (2) There must be a plan submitted to the Zoning Administrator that specifies the anticipated future use of the property upon the cessation of landfilling activities, which anticipated use must not be inconsistent with the Generalized Land Plan or district or area plan as adopted by the City Council, if such a plan exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the landfill.

The Zoning Administrator, with the assistance of the City of Charlotte Director of Engineering, should the Zoning Administrator request such assistance, must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the landfill site.

The owner must place funds in the reserve fund annually, in amounts equal to (a) the estimate of the present costs of the capital expenses increased by the assumed annual inflationary rate of 5%, divided by (b) the number of years the landfill is anticipated to be open. The first such annual payment into the

reserve fund must be made by the property owner prior to commencement of landfilling operations, and evidence of such payment in the form of a notarized statement by the property owner, must be presented to the Zoning Administrator prior to the commencement of landfilling operations. On or before each subsequent anniversary date of such notarized statement, the property owner must make the required annual payment into the reserve fund and present to the Zoning Administrator a notarized statement from the property owner showing that the payment has been made for the next year of operations of the sanitary landfill, and showing the total amount held in the reserve fund. In addition, if the property owner prepares annual financial statements, a copy of the annual financial statement, showing the amount held in the reserve fund, must be sent annually to the Zoning Administrator during each year the landfill is in operation. In the event that the landfilling operations at the site cease prior to the estimated number of years of operation as shown on the submitted timetable, prior to ceasing operations, the property owner must pay all remaining amounts into the reserve fund and present to the Zoning Administrator a notarized statement showing that such payment has been made and showing the total amount in the reserve fund.

- (3) Office uses must be a minimum of 100 feet from any abutting property line. All other activities on the landfill site must be located a minimum of 100 feet from any abutting property lines and a minimum of 500 feet from any existing residence or any residence under construction on abutting property at the time landfilling operations begin anywhere on the landfill site. Roads for access to the site may cross the 100 foot area and monitoring wells may be located within the 100 feet area.
- (4) A Class A buffer must be provided between the sanitary landfill and any abutting property line or public street right-of-way. Existing trees and vegetation must be maintained within 100 feet of abutting property lines and any public street right-of-way. Where the natural growth within 100 feet of the abutting property line or right-of-way does not effectively screen the landfill site from the view from abutting properties or right-of-way, then screening, in accordance with the requirements of Section 12.403, must be provided. Access to the site and utilities may cross this 100 foot area.
- (5) Landfills may not be operated on Sunday, earlier than 7:00 a.m. or later than 6:00 p.m. on any other day. This restriction does not apply to landfills located in industrial districts.

- (6) Vehicular access to the facility must be paved and may be provided from any Class II, III, III-C, or IV street or from any other street that is not a residential local or residential collector street. A metal fence and gate must be constructed at the entrance to the landfill site and be closed when the landfill is not in operation. All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.
- (7) The applicant must provide a list of the names and addresses, as shown on the County tax abstracts, for all property owners which abut or are across the street from the proposed use and envelopes with the names, addresses, and proper postage affixed. The Zoning Administrator will mail a notification to the affected property owners advising them of the proposed development and when and where the plans may be inspected. The Zoning Administrator will not determine whether a permit will be issued for the proposed use until at least 15 working days from the date of mailing of the notices. The Zoning Administrator will consider all comments received on the application in making a determination on the application. The Zoning Administrator will cause the site to be posted with a notice stating that the proposed use has been requested and where additional information about the request can be obtained. The applicant will be responsible for the cost of the posting of the site. Within five business days after making a decision on the issuance of a permit, the Zoning Administrator will mail a notice of his decision to the affected property owners and any other persons who commented on the proposed issuance of the permit whose addresses are known.

**Section 12.508. Cemeteries, public and private.**

Private or public cemeteries are permitted in all districts in accordance with the requirements listed below:

- (1) Tombstones, crypts, monuments and mausoleums must be located at least 25 feet from any side or rear lot line which adjoins lots in a residential district and at least 10 feet from any side or rear lot line which adjoins lots in nonresidential districts. In any case, they must be at least 40 feet from any street right-of-way.
- (2) Buildings for the maintenance, management, rent and/or sale of cemetery lots must be located at least 100 feet from any lot lines which adjoin lots in any residential district. Otherwise any such buildings must conform to the requirements for principal uses in the district where they are located.

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**Section 12.509. Public utility transmission and distribution lines.**

All electricity, telephone, CATV, and other utility distribution lines, which deliver service to the end user from a transmission line providing service to an area larger than the individual parcel or project area in developing or redeveloping areas, shall be installed underground in all districts unless terrain, subsurface or surface obstructions inhibit installation. This provision does not apply to the Research, Institutional and BP districts.

**Section 12.510. [RESERVED]**

**Section 12.511. [RESERVED]**

**Section 12.512. Riding academies and boarding stables.**

Riding academies are permitted in the B-2 district provided that:

- (1) All buildings and structures related to care of animals and to the conduct of the academies must be located at least 100 feet from any lot in an abutting residential district or residential use.
- (2) Maximum number of horses boarded is 2 per acre.
- (3) The use will locate on a lot that fronts a collector, minor thoroughfare or major thoroughfare.
- (4) All buildings, structures and off-street parking and service areas will be separated by a Class C buffer from any abutting property located in a residential district or abutting residential use (See Section 12.302).

**Section 12.513. Bus stop shelters.**

Bus stop shelters may be constructed and maintained in any district, in conformance with the standards listed below.

- (1) Bus stop shelters may be located within any street right-of-way or within the required setback of property which abuts a street, but may not be located so that they might obstruct the vision of drivers on the street as regulated in City Code, Section 14-16 and Section 12.109. However, only governmental signs are permitted in association with a bus stop shelter.

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- (2) A schematic plan must be submitted and approved by the Charlotte Department of Transportation and Planning Commission for the construction of a bus shelter. The plan must include the following information.
  - (a) The location of the proposed shelter relative to street, property, and setback lines; and
  - (b) The size and design of the shelter, including all four elevations, building materials, and any public convenience or safety features such as a telephone, lighting, heating or trash containers.
- (3) A building permit will be issued for a bus stop shelter only after all of the following conditions are met:
  - (a) The plan has been approved by the Charlotte Department of Transportation regarding the design, location, construction, and transit service used for the shelter; and
  - (b) 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.
- (4) A bus stop shelter may be removed if the Charlotte Department of Transportation determines that it no longer serves the best interest of the public.

**Section 12.514. Equestrian oriented subdivisions.**

Equestrian oriented subdivisions are residential developments which are designed with particular emphasis placed on equestrian activities and which provide such facilities as non-profit community stables, riding rings, pastures, and riding trails. In addition, private stables may be located on individual residential lots. Equestrian oriented subdivisions are permitted in all residential districts subject to the provisions listed below.

- (1) All buildings and structures related to the care of horses and to the operation of the riding facilities must be located at least 100 feet from any residential property line at the perimeter of the development.
- (2) Sites for community riding stables and similar facilities will be subject to the normal lot and yard requirements of the zoning district, and subsection (1) above.
- (3) Private stables for less than 4 horses on residential lots must be located in accordance with the requirements for accessory structures in subsection (2) above.



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- (4) Generally, riding trails should be located in the interior of the development and should not extend along adjoining residential property lines. Where a proposed trail is to be located along the exterior property line of the project, the trail must be a minimum of 30 feet wide with adequate fencing provided to confine all equestrian activities to the project.
  - (5) All stables and riding areas must be maintained according to the standards and requirements of the Mecklenburg County Health Department.
  - (6) An equestrian oriented subdivision may be established through the submission of the subdivision plans to the Charlotte-Mecklenburg Planning Commission. The Planning Commission will approve the plans in accordance with the provisions of this section, all applicable provisions of the Subdivision Ordinance of City of Charlotte and the additional standards listed below.
    - (a) Lots that will have private stables must be designated and the general area in which such stables may be located must be indicated; and
    - (b) All proposed community riding facilities, including community stables, riding rings, pastures, and riding trails must be indicated on the plans. A written statement describing the proposed means of ownership and proposed program for maintenance of these facilities and a copy of the proposed maintenance program must be included. A copy of the proposed maintenance program will be kept on file at the Zoning Administrator's office.

Section 12.515. [RESERVED]

Section 12.516. Open space recreational uses.

Open space recreational uses, such as but not limited to, hot air balloon rides, bungee jumping, parachute jumping (not including airplane take-off or landing), polo matches, activities involving various athletic and ball fields and similar outdoor recreation, shall be permitted in all zoning districts subject to the following requirements.

- (1) Such uses shall not involve the use of motorized vehicles, such as dirt bikes, go carts, motorcycles, etc.

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- (2) The recreational use shall be temporary in nature. For purposes of this Section temporary shall mean seasonal, certain hours of the day and/or week. It is intended that the use shall only operate at the site a minority of the time. In this regard the use shall not be allowed to operate more than 180 days per year. The operator of the use shall be required to maintain an account of the days and hours of operation and shall make such records available upon request.
- (3) The use shall not involve or require the construction of a permanent building unless the building is permitted in the underlying zoning district.
- (4) A minimum of five acres shall be required for the use, and, further, no portion of the use shall be allowed to be closer than fifty feet to any adjoining line.
- (5) Ancillary support activities, such as the provision of food and beverages, parking and other concessions or vending operations shall be permitted on a temporary basis and only during the operation of the use.
- (6) Any signage which identifies the use shall be in accordance with the standards of the underlying zoning district. Furthermore, an area to support a minimum of eight off-street parking spaces shall be provided.
- (7) These provisions shall be effective for a period of three years from the date of adoption unless measures are taken otherwise to permanently adopt and regulate the uses in this Section.

PART 6: STORMWATER DRAINAGESection 12.601. Drainage plan approval required.

- (1) No development or use of land which involves or would create more than 20,000 square feet of impervious ground cover, except for land developed or used for agricultural purposes, shall be permitted without the submission and approval of a drainage plan, in accordance with the requirements of this part. No certificate of zoning compliance, certificate of occupancy, or building permit for such development shall be issued until the drainage plan is approved by the City Engineer.
- (2) Impervious ground cover in existence prior to October 1, 1978 of these regulations shall not be used in measuring the 20,000 square feet identified in Subsection (1) above.
- (3) The City Engineer may 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)(20-34(j)) of the City Code, but only if the runoff from the total project will not exceed that which was previously approved. The City Engineer may also waive any requirements under this part when stormwater from the site would drain via an approved, permanent easement or directly onto land located within a Floodway District.

Section 12.602. Required contents of drainage plan.

The drainage plan submitted for approval under this Part shall include a site plan showing existing and proposed buildings, stormwater drainage facilities and impervious 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 cover, and total land area; and any other appropriate information requested by the City Engineer.

Section 12.603. Standards for plan approval.

The following standards shall be met for approval of a stormwater drainage plan:

- (1) The City Engineer shall review the drainage plan for compliance with the standards contained in the current edition of the "Charlotte-Mecklenburg Land Development Standards Manual", the "Storm Drainage Design Manual", and all other relevant and appropriate standards established by the Engineering Department.

**PART 6: STORMWATER DRAINAGE**

**SEC. 12.603.**

- (2) The City Engineer shall not approve a drainage plan if the impervious ground cover proposed in the plan would increase the peak level of stormwater runoff from the site, unless the drainage plan identifies measures to control and limit runoff to peak levels no greater than would occur from the site if left in its natural, undeveloped condition.
- (3) All stormwater collection and drainage systems shall be designed in compliance with the Charlotte-Mecklenburg Land Development Standards Manual.

**PART 7: NUISANCES**

**Section 12.701. Noise.**

No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities. No nonresidential use shall be operated so as to generate any noise in an adjacent residential, research, office, or institutional district, as detected in that district without instruments, that is louder than the noise which could be generally expected from uses permitted in that district. Noise occurring activities shall also be in conformance with Chapter 15, Article III of the City Code.

**Section 12.702. Fumes and odors.**

No use shall emit fumes, gasses, or odors in concentrations or amounts that cause injury or create a nuisance to any person of ordinary sensitivities on another property.

**Section 12.703. Vibration.**

No use shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line which create a nuisance to any person of ordinary sensitivities on another property.

## CHAPTER 13:

SIGNSSection 13.101. Intent and purpose.

The purpose of this Section is intended to accomplish the following objectives:

- (1) To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised.
- (2) To minimize the distractions and the obstructing-of-view that contribute to traffic hazards and endanger public safety.
- (3) To encourage a high standard for signs in order that they should be appropriate to and enhance the aesthetic appearance and attractiveness of the community and, further, create an aesthetic environment that contributes to the ability of the community to attract sources of economic development and growth.
- (4) To allow for adequate and effective signs for communicating identification while preventing signs from dominating the visual appearance of the area in which they are located.

Section 13.102. Definitions.

For the purposes of these regulations, the following words and phrases shall be defined as specified below.

(A1) Amortization.

A provision requiring nonconforming signs, as determined in Section 13.112 of these regulations, to either become conforming or be removed within a set period of time, otherwise known as the amortization period.

(A2) Awning.

A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

(B1) Building wall.

The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of these regulations, the area of a wall will be calculated for only the first three stories, or 45 feet in height of a building, whichever is less.

(C1) Canopy.

A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

(C2) Changeable copy.

Copy that is or can be changed manually in the field or through mechanical means. [e.g. readerboards with changeable letters.]

(C3) Commercial message.

A message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.

(C4) Copy.

Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

(F1) Farm product sales.

Seasonal sale of farm products raised on the premises where products are raised as an accessory to an agricultural use.

(G1) Grade.

The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the sign.

(L1) Linear frontage.

The length of a property abutting a public right-of-way from one side lot line to another.

(L2) Logo.

A business trademark or symbol.

(01) Outparcel.

A parcel of land associated with a shopping center or multi-tenant property development, which is designated on an approved site plan as a location for a free standing structure with an intended use such as, but not limited to banks, saving and loans, dry cleaners, service stations, vehicle repair garages, offices, restaurants, retail establishments, or combination of uses thereof and adjoins the shopping center or multi-tenant property development or the parking and service drives associated with it on any side, other than the side fronting the public right-of-way.

(P1) Parapet.

That portion of a building wall or false front that extends above the roof line.

(P2) Planned development.

A tract of land under single, corporation, 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 development plan.

(P3) Premises.

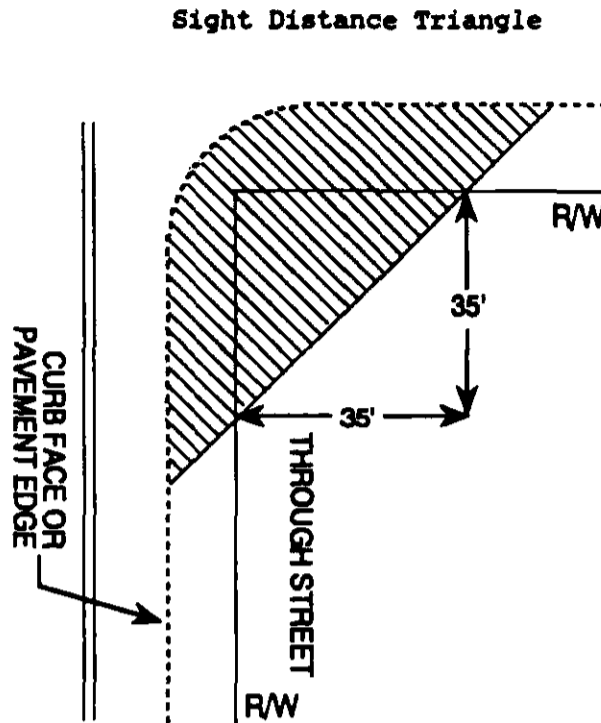
A parcel of real property with a separate and distinct number of designation shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable zoning. Outparcels of shopping centers shall be considered on the premises of the shopping center for the purpose of these regulations.

(R1) Roof line.

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

(S1) Sight distance triangle.

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 the curb or 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), or 50 feet back from the curb line, whichever is greater. On some occasions, the County Engineering Department may require additional sight zones as deemed necessary to provide adequate safety for motorist.



(S2) Sign.

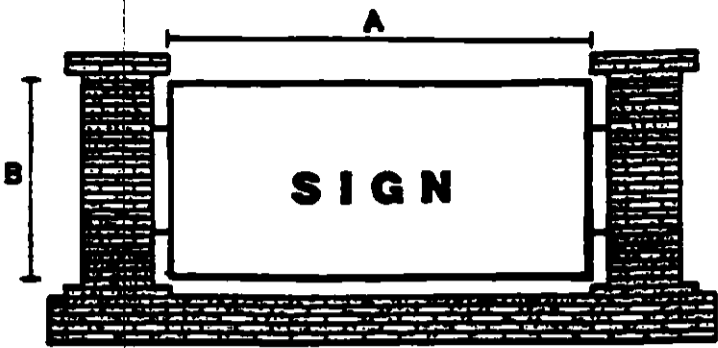
Any object, device, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product; or scoreboards located on athletic fields.

(S3) Sign face area.

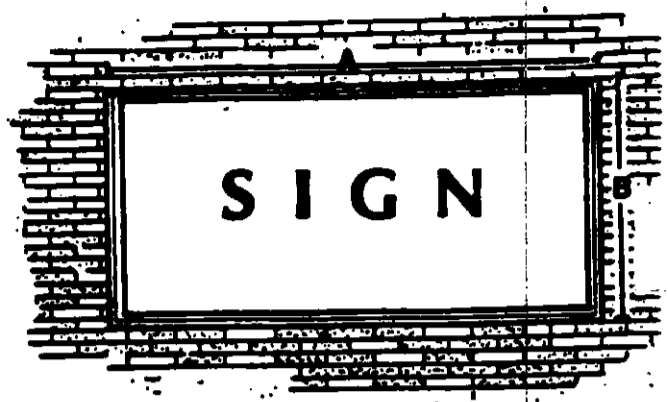
The area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustrations, or ornamentations, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area. Only one side of a sign shall be included in the calculation.



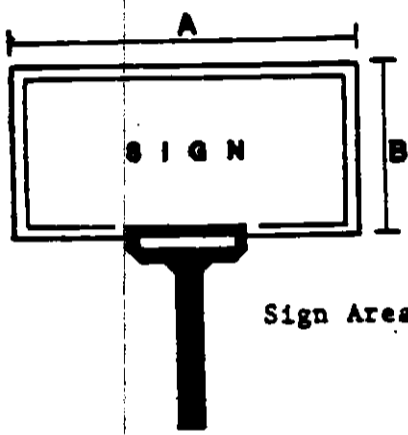
SIGN AREA MEASUREMENT



Ground Sign  
Sign Area = (A)x(B)



Wall Sign  
Sign Area = (A)x(B)

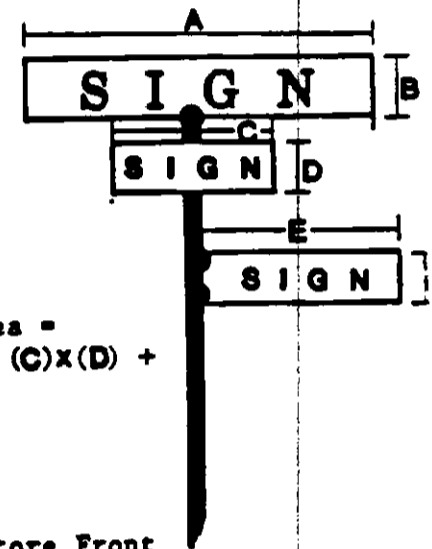


Sign Area = (A)x(B)

Pole Signs



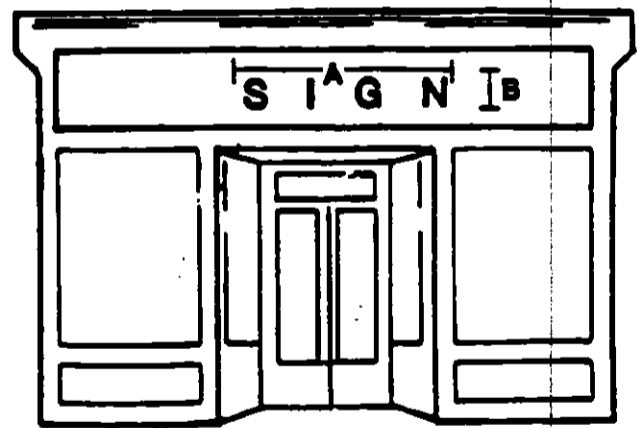
Sign Area =  $\pi R^2$



Sign Area = (A)x(B) + (C)x(D) + (E)x(F)

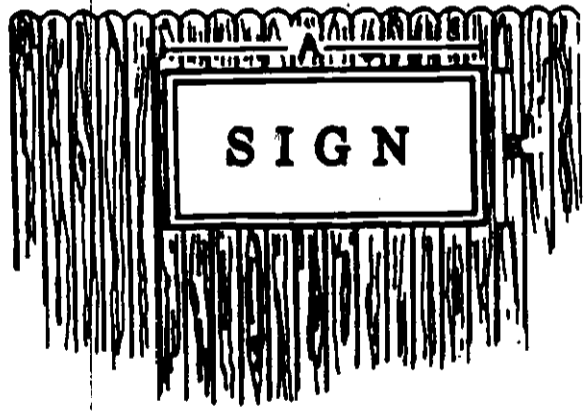
Store Front

individual letters attached to wall



Sign Area = (A)x(B)

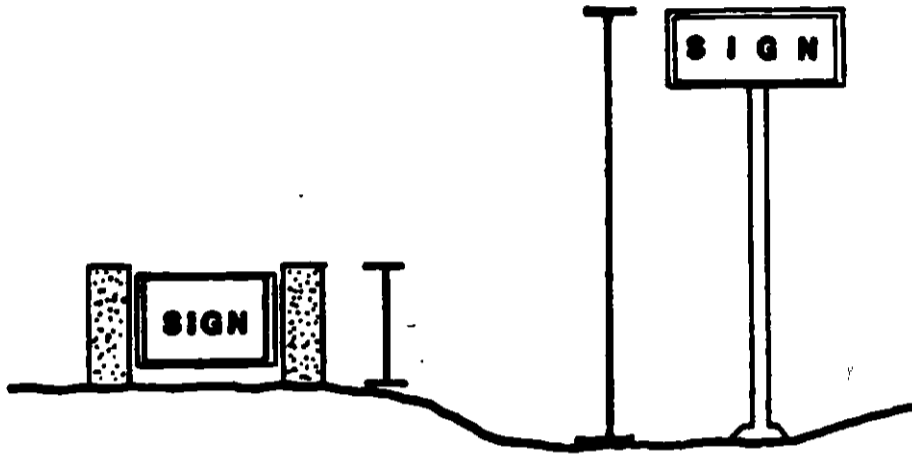
Fence Sign



Sign Area = (A)x(B)

(S4) Sign height.

The distance measured from the highest point of a sign to the base of the sign at the ground.



(S5) Sign structure or support.

Any structure that supports or is capable of supporting a sign, including decorative cover.

(S6) Special event.

A planned, temporary activity.

(S7) Sign types.

The following are types of signs included in these regulations:

(a) Banner

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, education, or corporate organizations.

(b) 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 noncommercial places of public assembly.

(c) Business Sign

A sign that 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 services 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.

(d) Campaign or Election Sign

A sign that advertises a candidate or issue to be voted upon on a definite election day.

(e) Canopy and Awning Signs

A sign attached to or painted or printed onto a canopy or awning. For the purposes of these regulations, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

(f) Construction Sign

A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

(g) Detached Sign

Any sign that is not affixed or attached to a building and is securely and permanently mounted in the ground. Such sign may be a ground mounted sign, pole sign, or monument sign.

- (h) Directional or Instructional Sign: On-Premises  
A sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.
- (i) Directional Development Sign: Off-Premises  
A sign used to direct traffic from Class II or III streets to unified developments such as residential subdivisions, apartments or condominium projects shopping centers, office/business/ industrial parks, and/or churches that are located on Class IV or V streets.
- (j) Directory Sign  
A secondary sign on which the names and locations of occupants or the use of a building or property is identified.
- (k) Ground Mounted Sign  
A sign which extends from the ground or which has a support which places the bottom thereof less than 2 feet from the ground.
- (l) Government Sign  
Any temporary or permanent sign erected and maintained for any governmental purposes.
- (m) Flag  
A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.
- (n) Flashing Sign  
A sign that uses an intermittent or flashing light source to attract attention.
- (o) Identification Sign  
A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.
- (p) Illuminated Sign  
A sign either internally or externally illuminated.
- (q) Incidental Sign  
A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

- (r) Memorial Sign or Plaque  
A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.
- (s) Monument Sign  
A monolithic sign in which the bottom of the sign is flush with the ground and the vertical dimension of the sign is greater than the horizontal dimension.
- (t) Nonconforming Sign  
Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of these regulations, and which fails to conform to all applicable standards and restrictions of these regulations.
- (u) Off-Premises Sign  
A sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered at a location other than the premises on which the sign is erected.
- (v) On-Premises Sign  
A sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered on the premises on which the sign is erected.
- (w) Outdoor Advertising Sign  
A type of sign, generally, but not limited to, a rigidly assembled sign, display, or devise, usually free standing, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. Such signs commonly referred to as "billboards" are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease.
- (x) Planned Development Sign  
A sign used in conjunction with an approved planned residential, office, businesses, industrial or mixed use development.
- (y) Pole Sign  
A detached sign erected and maintained on a freestanding frame, mast, or pole and not attached to any building but not including ground-mounted signs.

- (z) Portable or Movable Sign  
A sign that is not permanently attached to the ground, a structure, or a building that can easily be moved from one location or another. For example, a sign on wheels.
- (aa) Projecting Sign  
Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.
- (ab) Public Interest Sign  
A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.
- (ac) Real Estate Sign  
A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.
- (ad) Primary Sign  
The main or principal sign located on a premises.
- (ae) Roof Sign  
A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.
- (af) Secondary Sign  
A sign used in addition to a primary sign on a premises.
- (ag) Temporary Sign  
A sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of time as permitted in this ordinance.
- (ah) Temporary Planned Development Sign  
A sign that pertains to the development of a new subdivision, planned multi-family development, planned shopping center, industrial, office, or business park, or similar land parcel.
- (ai) Vehicular Sign  
Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of these regulations vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

(aj) Wall Sign

Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

(ak) Window Sign

Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of such building.

**Section 13.103. Procedures.**(1) Permit Required

Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from the Zoning Administrator as required by these regulations.

Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of these regulations.

(2) Application and Issuance of Permit

Applications for permits shall contain or have attached to the following information:

- (a) The street name and street number of the building of the structure to which the sign is to be erected, or the tax parcel number for the zoning lot onto which the sign is to be located;
- (b) Names, addresses, and telephone numbers of the applicant, owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the licensed contractor erecting or affixing the sign;
- (c) If the applicant is not the owner of the property on which the sign will be located, written permission from the property owner or a designated representative stating agreement that the sign may be erected on the parcel for which the permit has been applied shall be required;

- (d) A site or plat plan of the property involved, showing accurate placement of the proposed sign;
- (e) Two (2) blueprints or inked, scaled drawings of the plans and specifications of the sign to be erected or affixed as deemed necessary by the Zoning Administrator. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and the size of existing wall signs shall also be included;
- (f) Applications for permits for outdoor advertising signs, in addition to the above information, shall contain a survey prepared by a registered surveyor showing at least the following: the location of all outdoor advertising signs within 1,000 feet on the same side of the street and within 500 feet on the opposite side of the street; structures within 20 feet; residential districts and institutional uses within 500 feet; and applicable setbacks and side or rear yards in the zoning district;
- (g) Locations of addresses in accordance with the City of Charlotte or Mecklenburg County Street Address Ordinances. No permit for a sign shall be issued unless the provisions of the Street Address Ordinances have been met or will be met with the erection of the sign; and
- (h) Other information as the Zoning Administrator may require to determine full compliance with this and other applicable codes.

(3) Issuance of Permits

Upon the filing of an application for a sign permit, the Zoning Administrator shall examine the plans and specifications, and as deemed necessary, may inspect the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of these regulations and other applicable codes, a permit may be issued. Any permit issued in accordance with this section shall automatically become null and void unless the work for which it was issued has visibly been started within 6 months of the date of issue or if the work authorized by it is suspended or abandoned for one year.

(4) Fees

To obtain a sign permit, all fees, in accordance with the associated fee schedule shall be paid.



(5) Final Inspection

Upon notification of completion by the permit holder, the Building Standards Department shall make a final inspection of the sign to verify conformance with applicable codes.

Section 13.104. General provisions.

The following provisions shall apply to all signs.

(1) Construction Standards

All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.

(2) Electrical Standards

All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and all detached signs shall be so illuminated by an underground electrical source.

(3) Maintenance of Signs

All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance. The Zoning Administrator shall enforce this provision in accordance with Section 13.113 of these regulations.

(4) Content

If a commercial sign is allowed by any provision of these regulations, then a noncommercial sign shall likewise be permitted subject to the applicable standards herein. In addition, any commercial sign permitted by these regulations may display or publish noncommercial message. This includes signs requiring and not requiring a permit.

Section 13.105. Prohibited signs.

The following signs are prohibited under any circumstance:

- (1) Signs extending into the public right-of-way other than those permanent signs approved by the Charlotte Department of Transportation along the City Street System, or the North Carolina Department of Transportation along the State System Streets.

- (2) Roof signs.
- (3) Portable signs.
- (4) Flashing, fluttering, swinging, or rotating signs other than time and/or temperature signs.
- (5) Signs that are similar in color, design, and appearance to traffic control signs.
- (6) Vehicular signs as defined in Section 13.102.
- (7) Off-premise signs other than those permitted in Section 13.111 of these regulations.
- (8) Nonconforming signs, except as permitted in Section 13.112 of these regulations.
- (9) Other signs not expressly allowed by these regulations.

Section 13.106. Signs not requiring a permit.

The following types of signs are exempted from permit requirements and allowed in all zones, but shall be in conformance with all other requirements of these regulations.

- (1) Memorial signs, plaques, or grave markers that are noncommercial in nature.
- (2) Public interest signs.
- (3) On premises directional and instructional signs not exceeding 6 square feet in area, unless such sign is a monument sign in which case it shall not exceed 9 square feet.
- (4) Identification signs not exceeding 1½ square feet in area, that indicate the name and/or address of the occupant.
- (5) Window signs with a total copy area not exceeding 50 percent of the window or glass door onto which the sign(s) are located.
- (6) Incidental signs, however in no case shall a drive-in service window menu board sign be oriented to the public right-of-way or exceed 32 square feet in size.
- (7) Flags on permanent poles.

- (8) Campaign or Election signs provided:
- (a) Individual signs shall not exceed 16 square feet in area;
  - (b) All signs shall be removed within 7 days after the election for which they were made;
  - (c) Prior to the erection of any campaign or election sign, the candidate or an authorized representative shall post a bond with Building Standards in the amount of \$50.00 guaranteeing the removal of such signs within 7 days after the election for which they are used;
  - (d) Property owners shall be held responsible for violations; and
  - (e) No signs shall be permitted in the public right-of-way.
- (9) Real estate signs other than temporary planned development signs, provided:
- (a) Signs advertising individual single family lots and duplexes under 3 acres in size or individual units within attached housing shall not exceed 6 square feet. Rider signs not exceeding a total of 2 square feet in sign face area shall be permitted in addition to the 6 square feet;
  - (b) Signs advertising all other uses shall not exceed one square foot for every 5 linear feet of frontage of the advertised property, up to a maximum of 64 square feet in sign face area;
  - (c) Only one sign per street front of the advertised property shall be erected;
  - (d) Properties having a continuous frontage in excess of 850 linear feet may be allowed an additional sign so long as such sign is no closer than 850 feet from another real estate sign on the property;
  - (e) Signs shall not be illuminated; and
  - (f) Signs shall be removed within 7 days after the sale is closed or, rent or lease transaction is finalized.

- (10) Construction signs, other than temporary project development signs provided:
- (a) Signs located on single family lots or duplex lots shall not exceed 6 square feet in area. Rider signs not exceeding 2 square feet in area shall be permitted in addition to the 6 square feet;
  - (b) Signs for all other uses shall not exceed one square foot for every 5 linear feet of frontage of property under construction, up to a maximum of 64 square feet in sign area;
  - (c) Signs are confined to the site of construction;
  - (d) Only one sign per street front of the property under construction shall be erected;
  - (e) Signs shall not be illuminated; and
  - (f) Signs shall be removed within 7 days after the completion of a project.
- (11) Temporary farm products signs provided:
- (a) Signs are located on the premises where the products are sold in conjunction with a permitted farm use in that district;
  - (b) Signs shall not exceed 32 square feet in area;
  - (c) Only one sign shall be erected; and
  - (d) Signs shall be removed within 7 days of the termination of sale activities.
- (12) Temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations, provided:
- (a) No more than one sign per street front shall be permitted per event;
  - (b) Signs shall be located on the property on which the event will occur; and
  - (c) Signs shall be erected no sooner than 14 days before and removed 7 days after the event.

(13) Temporary banners in non-residential districts, provided:

- (a) Only one banner per establishment shall be allowed at a time;
- (b) All banners shall be attached in total to a building wall or permanent canopy extending from a building;
- (c) No paper banners shall be allowed;
- (d) Banners shall be erected for a period not to exceed 2 weeks;
- (e) No more than 6 such signs per establishment shall be erected within a calendar year; and
- (f) No banner shall extend above the second floor level of a building or 45 feet above grade, whichever is less.

(14) Freestanding, temporary off-premises real estate signs.

Signs providing information as to the location of real estate that is for sale or for rent shall be allowed subject to the following:

- (a) No sign shall exceed 3 square feet in area or 4 feet in height;
- (b) Such signs shall not exceed 2 in number per property being advertised and shall not be located further than one half mile from the property being advertised.
- (c) Such a sign shall not be located closer than 11 feet from the edge of any public street in accordance with code § 10-17, nor shall it violate the sight distance triangle requirements specified in 13.102(S1) herein;
- (d) It shall be unlawful to place a temporary, off-premises real estate sign before 8:00 a.m. of a holiday or of a Saturday or to allow a sign to remain after 6:00 p.m., on a Sunday or a designated holiday.

If such a sign continues to remain after 6:00 p.m, it shall be deemed an abandoned sign and shall be subject to penalties established in Section 13.113 herein. Such signs may be removed by a designee of the County and destroyed if not retrieved within 24 hours after the sign owner has been notified that the sign has been removed; and

- (e) Nothing in this provision shall be construed to authorize the posting of such signs upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein; and

**Section 13.107. Temporary signs requiring permits.**

The following temporary signs shall be allowed subject to the applicable standards in lieu of real estate or construction signs.

(1) Temporary Planned Development Signs, provided:

- (a) Only one primary sign and two secondary signs shall be allowed per street front of development;
- (b) The maximum sign face area of a primary sign shall not exceed 48 square feet for residential districts, and 64 square feet in nonresidential districts;
- (c) The maximum sign face area of secondary signs shall not exceed 12 square feet;
- (d) Only one permit shall be required for all temporary planned development signs for each planned development. Permits shall be valid until a project is completed or two years, whichever comes first. Completion shall be evidenced by the issuance of all certificates of occupancy for a development by the Zoning Administrator. If a project is not completed in two years, a new permit must be obtained. However, in no instance shall more than 5 permits be issued for a development. Additional permits shall not allow secondary signs. All secondary signs shall be removed when the first permit issued expires; and
- (e) Temporary directional signs within a planned development, but not visible from the road(s) fronting the overall development shall be permitted so long as such signs do not exceed 12 square feet in sign area, and signs are removed upon completion of the portion of the project to which the signs are giving direction.

**Section 13.108. Specifications for permanent signs requiring a permit.**

The following are general specifications applicable to the various permanent signs permitted. Additional specifications regarding size, number, location, and permitted types of signs are set forth in Section 13.109, District Regulations.

**(1) Wall Signs**

Wall signs shall be permitted on the wall of a building as follows:

- (a) Signs may be located on any building wall of a nonresidential structure so long as the maximum sign surface area of all signs on one wall does not exceed 10% of the area of the building wall to which the sign is attached up to a maximum of 200 square feet;
- (b) The size and number of wall signs in residential districts shall be regulated in accordance with subsection 13.109(1) herein;
- (c) The maximum allowable wall sign area per wall shall not be transferrable to another wall;
- (d) The total area of wall signs may be increased by 10% if such wall signs consists only of individual, outlined alphabet, numeric, and/or symbolic characters without background, except the background provided by the building surface to which the sign is affixed;
- (e) The total area of wall signs may be increased by 10% if no detached sign is used on the premises;
- (f) No wall sign shall extend above the parapet or roof line of the building to which the sign is attached, nor shall a wall sign project more than 18 inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window; and
- (g) Lamps and fixtures used to illuminate a wall sign shall not project into a required yard more than 2 feet beyond building walls and shall have a minimum clearance of 10 feet from grade.

**(2) Canopy and Awning Signs**

Signs may be attached, painted, or printed upon a canopy or awning, provided:

The maximum allowable area for canopy or awning signs or a combination of canopy, awning, and/or wall signs shall not exceed that maximum permitted in subsection 13.108(1) above. Canopys and awnings shall not be calculated in the total square footage of a building wall.

(3) Projecting Signs

A projecting sign may be used in lieu of a detached sign. Such sign shall be permitted, provided:

- (a) A projecting sign shall not project more than 4 feet from a building wall;
- (b) A projecting sign shall not extend vertically above the roof line or parapet wall of a building; and
- (c) The minimum height from grade to the lowest edge of a projecting sign shall be 9 feet.

(4) Detached Signs

Detached signs shall be permitted, as follows:

- (a) The maximum size and permitted location of detached signs shall be regulated in accordance with Section 13.109 herein;
- (b) Unless otherwise specified in Section 13.109, no detached sign shall exceed 7 feet in height;
- (c) No ground mounted or monument sign greater than 2½ feet in height as measured from the grade of the road or pole sign having a vertical clearance less than 10 feet between grade and the bottom of the sign face shall be located in the site distance triangle;
- (d) All portions of a sign shall be located behind the street right-of-way; however, all signs greater than 2½ feet in height as measured from the grade of the road or having a vertical clearance less than 10 feet shall be located a minimum of 5 feet behind a right-of-way; and
- (e) The maximum angle of a double-faced sign shall be 45°, except for signs located at corners in which case the angle may be 90°. This refers to the distance between sign faces on a single structure.



**Section 13.109. District regulations for permanent on-premises signs.**

Permanent signs shall conform to the standards established in this Section, in addition to those applicable standards set forth elsewhere in these regulations.

**(1) Residential Districts**

- (a) Signs on the premises of single family, detached duplex, group homes, and on the premises of mobile homes shall conform to subsection 13.106(5) of these regulations.
- (b) Signs on the premises of a multi-family building not associated with a planned multi-family development shall be regulated as follows:

Type of Sign Permitted: Identification

Permitted Number: 1 per premises

Maximum Size: 6 square feet

- (c) Signs on the premises of planned residential developments including subdivisions, multi-family, manufactured housing parks, and retirement centers shall be regulated as follows:

Type of Sign Permitted: Identification

Permitted Number: 1 per street front; where a sign is allowed, 2 separate sign faces may be used in conjunction with a wall, fence, or other architectural entrance feature.

Maximum Size: 24 square feet

Flexibility Option: Signs for these uses may be regulated in accordance with Planned Development Flexibility Option provisions as described in Section 13.110 herein.

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(d) Detached signs for other uses in Residential Districts shall be permitted in accordance with the following schedule of regulations:

USE	TYPE PERMITTED	MAXIMUM NUMBER (per premises unless otherwise noted)	MAXIMUM SIZE
Churches, synagogues, elementary, junior high and senior high schools, and similar uses; convents, monasteries, dormitories, YMCA's and similar organizations, orphanages, commercial day care centers, museums, art galleries, hospitals, sanatoriums, libraries, and similar uses	Identification:		
	Primary Sign	1	32 sq. ft.
	Secondary Sign	1 per bld.	16 sq. ft.
	Bulletin Board	1	16 sq. ft.
Golf courses, country clubs swimming clubs, community recreation centers, tennis clubs and similar uses	Identification	1	32 sq. ft.
Small group day care homes, and nursing homes housed in a residential structure	Identification	1	4 sq. ft.
Cemeteries	Identification	1	16 sq. ft.
All other nonresidential uses	Identification	1	6 sq. ft.

(2) Office and Research Districts

(a) Signs on the premises of residential uses shall be regulated in accordance with subsection 13.109(1) above.

- (b) Detached signs on the premises of all other uses shall be regulated as follows:

Type of Sign Permitted: Identification

Maximum Number: Identification: 1 per premises

Maximum Size: Identification: 1 square foot for every 2 linear feet of frontage up to a maximum of 50 square feet. The size of a sign may be increased by 25% if the sign is setback a minimum of 30 feet behind the right-of-way.

- (c) Detached signs on outparcels or planned developments shall be regulated as follows:

Type of Sign Permitted: Ground Mounted Identification

Maximum Number: One per outparcel

Maximum Size: 1/2 square foot for every 2 linear feet of frontage up to a maximum of 25 square feet.

Maximum Height: 4 feet

Location: At least 5 feet behind right-of-way

- (d) Office and Research Park Development Signs shall be regulated as follows:

Type of Sign Permitted: Identification & Directory

Maximum Number: One detached sign per street front.

One directory sign per street front.

Maximum Size: Detached Sign: 50 square feet  
Directory Sign: 24 square feet

Location: Directory signs shall be located behind the setback.

**Flexibility Option:** Signs for these uses may be regulated in accordance with Planned Development Flexibility Option provisions as described in Section 13.110 herein.

**(3) Institutional District**

(a) All signs in the Institutional district will be regulated in accordance with subdivision 13.109(2)(b) with the following additions:

- i. Hospitals, colleges, cultural, civic, and recreation centers, and similar large scale complexes may be considered for the Planned Development Flexibility Option as described in Section 13.110 herein.
- ii. One Bulletin Board, not to exceed 16 square feet, shall be permitted in addition to or in conjunction with a permanent identification sign.

**(4) Business Districts**

Detached signs in business districts shall be regulated as follows:

(a) Signs for businesses other than shopping centers:

**Type of Sign Permitted:** Identification or Business Sign; the changeable copy on a business sign shall not exceed 25% of the total sign face area.

**Maximum Number:** One per premises

Maximum Size & Height: In accordance with the following schedule:

STREET CLASSIFICATION (In Accordance with Adopted Street Classification System)	MAXIMUM SIGN FACE AREA	MAXIMUM SIGN HEIGHT
CLASS I. Freeway or Expressway	128 sq. ft.	40 ft.
CLASS II. Limited Access Arterial	100 sq. ft.	30 ft.
CLASS III. Major Arterial	100 sq. ft.	30 ft.
CLASS IV. Minor Arterial	64 sq. ft.	20 ft.
CLASS V. Collector	48 sq. ft.	20 ft.
CLASS VI. Local	48 sq. ft.	20 ft.

(b) Signs for shopping centers and other multi-tenant properties:

Type of Sign Permitted: Identification or Business Signs; the changeable copy on a business sign shall not exceed 25% of the total sign face area.

Maximum Number: One per street front

Maximum Size & Height: In accordance with the following schedule:

SIZE OF CENTER (Gross Building Area)	MAXIMUM SIGN FACE AREA	MAXIMUM HEIGHT
50,000 sq. ft. or less	100 sq. ft.	30 ft.
50,001 sq. ft. - 200,000 sq. ft.	128 sq. ft.	30 ft.
Over 200,000 sq. ft.	150 sq. ft.	30 ft.

- (c) Detached signs on outparcels of shopping centers shall be regulated as follows:

Type of Sign Permitted: Ground Mounted Identification

Maximum Number: One per outparcel

Maximum Size: 50% of the permissible detached sign face square footage permitted in subdivision 13.109(4)(a).

Maximum Height: 4 feet

Location: At least 10 feet behind right-of-way

- (d) Signs on the premises of business parks shall be regulated in accordance with subdivision 13.109(2)(c) herein.

- (e) Menu board signs in associated with drive-thru windows shall be regulated as follows:

Maximum Size: 32 square feet

Location: Oriented towards drive-thru window traffic

(5) Industrial Districts

- (a) Detached signs in industrial districts shall be regulated in accordance with subdivision 13.109(4)(a).

- (b) Industrial Park Development Signs shall be regulated in accordance with subdivision 13.109(2)(c).

(6) Uptown Mixed Use District (UMUD)

- (a) Signs in the uptown mixed use district 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.

(b) In addition to the standards above, signs may be mounted on canopies and similar devices which meet the provisions of Subdivision 9.906(2)(h) with regard to placement and height. Where signs are mounted on canopies, they must include the street address (maximum 6-inch high characters), and may also include the business name (maximum 6-inch high characters) and/or the business logo or emblem (maximum area of 3 square feet). There may be no more than 2 such signs on any canopy.

(7) Urban Residential Districts (UR-1, UR-2, UR-3, and UR-C)

Signs in Urban Residential Districts shall be regulated in accordance with subsection 9.407(5) of the City of Charlotte Zoning Ordinance.

(8) Urban Industrial District

Signs in the Urban Industrial District shall be permitted in accordance with subsection 13.109(5).

**Section 13.110. Creation of Special Sign Regulations.**

(1) Sign Districts

For the purpose of establishing, enhancing, preserving, and developing the character, quality, and property values of areas of unique character and special development potential, districts which signs are regulated by special provisions may be established subject to the following conditions:

(a) As a prerequisite to the establishment of such a special sign district, it must be determined that the modified rules established for said district shall:

- i. Preserve and enhance the special character of the particular area.

- ii. Not contravene the intent of these regulations.
- iii. Cause no disturbance to neighboring property lying outside the proposed district.
- (b) Without changing the basic structure of these regulations, the modified rules for special sign districts may impose sign regulations which are in addition to or more stringent than those provided for elsewhere in these regulations.
- (c) Districts for which special sign regulations may be imposed may include, but shall not be limited to the following:
  - i. Historic Overlay District  
Reserved.
  - ii. Neighborhood Mixed Use Overlay District  
Reserved.
  - iii. Billboard Free Overlay District  
No outdoor advertising sign shall be allowed in this district regardless of zoning classification.

(2) Planned Development Flexibility Option

For the purpose of providing flexibility and incentives for coordinated, well designed signs systems for large scale development, special provisions varying the standards of these regulations may be approved by the Charlotte-Mecklenburg Planning Commission staff subject to the following:

- (a) The development is a planned residential, nonresidential, or mixed use development, 36 acres or greater in size or 150 units for multi-family developments; a hospital or other large scale institutional complex; a large scale cultural, civic or recreational facility; or a similar large scale development.
- (b) A Master Sign Program that includes the following information in booklet form is submitted:
  - i. Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs.



- ii. Proposed locations and number of proposed signs.
  - iii. Sign Illumination Plans.
  - iv. Plans for landscaping or architectural features to be used in conjunction with such plans.
- (c) It is determined that the proposed signs shall meet the following criteria:
- i. All signs are coordinated in terms of design features.
  - ii. The maximum size of detached signs is not varied by more than 25%.
  - iii. The number of detached signs along a street frontage does not exceed 3.
  - iv. The maximum height of a detached sign does not exceed 12 feet.
  - v. Multi-information directional signs are no greater than 16 square feet and are located in the interior of a development.
  - vi. Changeable copy highlighting special events on signs for cultural, civic, or recreational facilities shall not exceed 25% of the sign face area of a sign.

(3) Off-Premises Directional Development Signs

For the purposes of directing traffic from Class II or III streets (major or minor thoroughfares) to developments located on Class IV or V streets (collectors or local streets) and not having direct access or visibility from the Class II or III streets, and to ensure that visual clutter is minimized, off-premises directional signs may be permitted subject to the following:

- (a) Application Requirements: The applicant for a directional sign permit shall submit complete and accurate information to the Zoning Administrator, including:
- i. A form statement prepared by the Zoning Administrator and signed by the owner of the parcel of property upon which the sign shall be located, consenting to and authorizing the location of the sign on the premises and the right of authorized City Officials or a designee to enter the property to remove a sign which is in violation of these regulations.

- ii. A sketch showing the location of the proposed sign and manifesting that the sign's erection would be in compliance with the locational requirements contained herein.
  - iii. Two blueprints or inked drawings to scale of the plans and specifications of the sign to be erected. Such plans shall include but not be limited to details of the design, dimensions, and material, of the proposed sign.
  - iv. A letter from either the City's Department of Transportation or the North Carolina Department of Transportation, whichever agency has jurisdiction over the road on which the sign is to be located, verifying that the sign will not be in violation of any local or State regulations at its proposed location.
  - v. Acknowledgement by the applicant that he/she shall be responsible for the cost of removal of a sign for any reasons stated in (i) herein, and that if the City removes the sign the permit holder has five days to retrieve the sign, after which time the City may dispose of such sign.
  - vi. If the sign is proposed in an historic district, approval of such a sign by the Historic District Commission shall be required prior to obtaining a sign permit.
- (b) Inspection and conditional approval: If the Zoning Administrator or his designee is satisfied that the applicant has submitted complete and accurate information as required by these provisions, then the Zoning Administrator shall notify the applicant that he/she has priority for that location and has 30 days to submit the following information for the issuance of the permit if not already submitted with (a) above:
- i. A hold harmless/indemnification statement as described below in (i).
  - ii. A cash bond or cash deposit as described in (i).
- (c) Use of directional sign: The person to whom the permit is issued is solely and exclusively responsible for the usage and maintenance of the directional sign and shall make the sign available for use by any eligible user. Matters of interpretation such as whether proposed copy is allowed by the provisions of this section, shall be a proper matter for the Zoning Administrator and/or Zoning Board of Adjustment.

The permit holder shall allow developments to be identified on the sign subject to the following:

- i. The development is a unified commercial, residential, or institutional use under single ownership or management that has a minimum of 50 parking spaces and/or 50 units of residential dwellings.
  - ii. The entrance that reasonably identifies the development is located no further than one and one half miles along streets from the intersection of the Class II or III Street with the Class IV or V Street.
  - iii. The development does not have direct access or visibility from any Class II or III Streets.
  - iv. The development does not have an identification sign located on a Class II or III Street nor does it have identification on another off-site directional sign. Only one sign per development shall be permitted.
- (d) Location and Orientation of Directional Sign: The sign shall be located in any zoning district only at the intersection of a Class II, III, or IV street with a Class V or VI street as defined in the adopted Comprehensive Street Classification System Manual. The sign face(s) shall be oriented toward the traffic flow on the Class IV or V Street, which is generally perpendicular to the Class II, III, or IV street. The sign must be located on the side of the Class II, III, IV street closest to the development(s) identified on the sign.

No portion of any sign shall be situated in such a way as to violate any public ordinances or regulation regarding sight distance or obstruction of vision at street intersections, nor shall any sign be located closer than 11 feet from the pavement edge of any public street; however the Charlotte Department of Transportation, or N. C. Department of Transportation may require that the sign be located further than 11 feet from the edge of pavement.

- (e) Spacing Requirements: No sign shall be located closer than 500 linear feet to any other similar directional sign on the same side of the street. There shall be no more than two signs erected at any intersection. In addition, no directional sign shall be located closer than 20 linear feet to any on-premises sign(s).

(f) Design of Directional Signs: A directional sign shall be constructed as a ground mounted sign designed to accommodate up to 4 panels of equal size for one to 4 separate and distinct development names. It shall be designed in accordance with the requirements stated below:

i. Maximum Size and Height:

Maximum structure width:	5-1/2 feet
Maximum sign face size:	20 sq. feet
Maximum panel size:	5 sq. feet
Maximum height:	6 feet if landscaping is planted at base of sign; otherwise 4-1/2 feet.

ii. Construction of Sign

The signs shall be constructed of all-heart grade A wood or of aluminum having a minimum thickness of .090 with the overall depth of the sign frame no less than 3 inches. Copy on wood signs shall be either routed or sandblasted into the face panels. Copy on aluminum signs shall be either routed into the sign or shall be made of vinyl having a minimum five year durability rating.

To implement the requirements for the aesthetic appearance and uniformity of directional signs, the Zoning Administrator shall have the authority to prepare diagrams illustrating the requirements stated above and, further, to adopt any necessary details within the scope of the requirements, herein, to achieve standardized, directional signs.

iii. Permitted Copy

Only the name, type, and/or logo under which a development is known or designated and a directional arrow shall be permitted on a sign. The name of the owner or developer or information related to availability of units, space, goods, or services shall not be permitted as copy on a sign.

iv. Lighting

Signs shall not be lighted in residential districts.

- (g) Maintenance: All signs shall be maintained in accordance with Section 13.104(3) herein.
- (h) Posting of bond and removal of sign: If the Zoning Administrator determines that there is a violation of these provisions, he shall issue a notice for violation to the permit holder. If the violation is not corrected or there has been no reversal of the decision of the Zoning Administrator by the Zoning Board of Adjustment or by any Court, then the Zoning Administrator shall have the authority to engage an independent contractor to remove the sign and pay for the removal of such signs from the bond. The sign may be removed for any of the following reasons:
- i. A failure to maintain a sign in accordance with (g) above.
  - ii. The failure to erect the sign within the location shown on the survey.
  - iii. The revocation of the permit for any violation of Section 13.110(3).
  - iv. Any other violation of this section.
- (i) Bond and indemnification: The Zoning Administrator shall have the authority to set an amount for a cash bond double the estimated reasonable cost for the removal, the transporting, and the possible storage of a directional sign. Bonds shall be refunded to a permit holder when the permit holder removes the sign.
- The applicant shall sign a hold harmless/indemnification statement on behalf of the City to hold the City harmless from any claim or dispute between the permit holder and a person seeking to have use of the directional sign when the dispute or legal matter in no way pertains to the City's Zoning Ordinance provisions.
- (j) Trees: The permit holder shall not destroy or trim any trees in the public right-of-way nor install a sign in such a manner to impact significant roots on trees in the public domain.

(4) Off-Premises Identification Signs.

For the purpose of providing flexibility when a shopping center is located on a Class V or VI street and not visible from a Class II, III, or IV street, an applicant may obtain a permit for an off-premises identification sign subject to the following:

- (a) An applicant for an off-premises identification sign must comply with the application requirements specified in subdivision 13.110(3)(a), and in addition, provide a statement that the subject property being identified would not be visible from the nearest Class II, III, or IV street.
- (b) An approved off-premises identification sign shall be erected instead of (and not in addition to) both an applicant's on-premises identification or business sign and any off-premises directional sign permissible under the provisions herein.
- (c) A proposed off-premises sign shall comply with all the requirements in subdivision 13.110(3)(b) through (j) with the following exception:

i. Size of Center Eligible for Use of Sign

The minimum size of a shopping center eligible for the use of an off-premises identification sign shall be 25,000 square feet, and the center must contain five or more businesses.

ii. Design of Sign

Maximum Size and Height:

The maximum size and height of a sign shall be the same as would be permitted if the sign were located on the premises being identified.

Permitted Copy:

Only the name and/or logo of the shopping center and/or names of individual establishments within the shopping center shall be permitted on the sign face(s). No advertising shall be permitted.

Construction of Sign:

Copy on aluminum signs shall be either routed into the sign or shall be made of vinyl or plastic having a minimum five-year durability rating.

Lighting:

Signs shall not be lighted by any method when located in a single family residential district. When located in other districts, signs may be lighted, but only by internal sources.

Section 13.111. Regulations for Outdoor Advertising Signs.(1) New Outdoor Advertising Signs

Permits for new outdoor advertising signs may be issued only in the following locations and in accordance with the following standards:

Permitted Location:	I-1 and I-2 within 150 feet of the right-of-way of Class I Roads.
Maximum Sign Face Area:	380 sq. ft.
Maximum Height:	50 ft.
Maximum Number of Sign Faces:	1 per side of sign
Spacing:	<ul style="list-style-type: none"> <li>(a) 400 feet from any residential district or institutional use;</li> <li>(b) 1,000 linear feet between outdoor advertising signs on the same side of the street as measured from the centerline of the street;</li> <li>(c) 500 feet from any other outdoor advertising sign on the opposite side of the street;</li> <li>(d) 20 feet from an existing building;</li> <li>(e) 500 feet from any part of the principal use being advertised;</li> <li>(f) No two sign structures within 300 feet of any street right-of-way on the same side of the road shall be spaced less than 1,000 feet apart, regardless of the street from which the sign is intended to be viewed.</li> </ul>

**Setback** Behind the required setback and side and rear yards of the district.

**Structural Construction:** Only unipole construction shall be allowed.

**Tree Cutting:** Vegetation cutting in the public rights-of-way for the purposes of clearing views of outdoor advertising signs shall be prohibited unless approved by the City Arborist.

**(2) Existing Outdoor Advertising Signs**

Existing outdoor advertising signs that conform to the following standards shall be allowed to remain so long as they maintain a conforming status. Signs may be rebuilt to conform to the following standards; however, no existing sign shall be increased in size or height when rebuilt. All signs that do not conform to the regulations shall be removed in accordance with Section 13.112 of these regulations.

**Permitted Location:** B-2, I-1, and I-2 Districts

**Maximum Sign Face Area and Sign Height:** In accordance with the following schedule:

ZONING DISTRICT	ROAD CLASSIFICATION	MAXIMUM SIGN FACE AREA	MAXIMUM SIGN HEIGHT
I-1 & I-2	Class I	380 sq. ft.	50 ft.
I-1 & I-2	Class II, III, IV, V & VI	380 sq. ft.	40 ft.
B-2	Class I, II, III, IV, V, & VI	300 sq. ft.	30 ft.

**Maximum Number of Sign Faces:** 1 per side of sign

**Spacing** (a) 400 feet from any residential district or institutional use such as a school, park, hospital, or cemetery;



- (b) 1,000 linear feet between outdoor advertising signs on the same side of the street as measured from the centerline of the street;
- (c) 500 feet from any other outdoor advertising sign on the opposite side of the street;
- (d) 20 feet from an existing building;
- (e) 500 feet from any part of the principal use being advertised;
- (f) No two sign structures within 300 feet of any street right-of-way on the same side of the road shall be spaced less than 1,000 feet apart, regardless of the street from which the sign is intended to be viewed.

**Setback**

Behind the required setback and side and rear yards of the district.

**Illumination:**

No outdoor advertising sign shall remain lighted between the hours of 12:00 a.m. and 5:00 a.m. except those signs located along Class I and II streets.

**Tree Cutting:**

Vegetation cutting in the public rights-of-way for the purposes of clearing views of outdoor advertising signs shall be prohibited unless approved by the City Arborist.

**Section 13.112. Removal of Certain Signs.**

**(1) Nonconforming Signs**

- (a) All existing signs that exceed the maximum sign face size, sign height, or spacing requirements of these regulations by more than 25% or number of allowed signs shall be brought into compliance with the requirements of these regulations or removed entirely, which means the entire sign and any associated equipment, within 8 years of the adoption of these regulations (February 1, 1988). When two or more signs are made nonconforming because of not adhering to spacing requirements, the age of permit shall determine which sign shall be removed; the sign with the oldest valid permit shall be permitted to stay.

All signs not permitted in a zoning district shall also be removed entirely within 8 years of the adoption of these regulations.

All roof signs shall be removed entirely within 8 years of the adoption of these regulations.

If for any reason, such as a rezoning, a sign becomes nonconforming after the adoption of these regulations, such sign shall be removed 8 years from the date the sign becomes nonconforming.

**(b) Exceptions to Amortization:**

North Carolina General Statute §136-131.1 requires that "just compensation" be paid upon removal of certain outdoor advertising adjacent to the highway on the national system of interstate and defense highways or a highway on the federal-aid primary highway system for which there is in effect a valid permit issued by the department of transportation. Section 13.112 shall not require that any sign be removed if cash compensation must be paid upon removal of such sign due to any state or federal law that mandates such form of "just compensation" upon removal. Should any such state or federal requirement become inoperative or otherwise fail to apply to a given sign, then such sign shall be removed within five and one-half years of such state or federal requirement becoming inoperative or otherwise failing to apply to such sign.

- (c) Normal maintenance of all nonconforming signs, including necessary nonstructural repairs, incidental alterations, or copy alterations which do not extend or intensify the nonconforming features of the sign, shall be permitted during the amortization period for such sign. However, no structural alteration, enlargement, or extension shall be made to a nonconforming sign unless the alteration, enlargement, or extension will result in the elimination of the nonconforming features of the sign or by an order of the Zoning Administrator to ensure the safety of the structure.

**Section 13.113. Enforcement.**

**(1) Inspections and Investigations**

- (a) The Zoning Administrator will periodically inspect signs in order to determine whether there are any violations of this Ordinance.
- (b) The Zoning Administrator shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in these regulations, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting signs. No person shall refuse entry or access to any authorized representative of the Zoning Administrator who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.
- (c) The Zoning Administrator may require written statements, or the filing of reports with respect to pertinent questions relating to signs.

**(2) Civil Penalties**

If, through inspection, it is determined that a person has failed to comply with the provisions of these regulations, the Zoning Administrator shall issue a warning citation to the violator. Violations shall be corrected within ten days of the issuance of such citation. If the violation is not corrected within the specified time period, a citation subject to a \$25.00 civil penalty shall be issued.

If the offender does not pay the penalty within 72 hours after being cited, a second citation subject to a \$25.00 civil penalty for the same violation shall be issued. Failure to pay this civil penalty within 72 hours shall subject the offender to a third citation of \$50.00 for the same violation. Subsequent citations subject to a \$50.00 civil penalty for each day the penalty is not paid shall be issued.

These civil penalties are in addition to any other penalties or actions imposed by a court for violation of the provisions of these regulations.

(3) Other Enforcement Methods

In addition to the civil penalties, the provisions of these regulations may be enforced by one or more of the methods described in Chapter 8 of the Zoning Ordinance.

Section 13.114. Variances and Appeals.

- (1) In accordance with the procedures stated in Chapter 5 of the Zoning Ordinance, the Board of Adjustment shall have the power to hear and act upon applications for a variance from the requirements of these regulations after making the following finding:
  - (a) That a variance is necessary because of unique features of the site such as its terrain or existing landscaping, or because of unique structural circumstances involved that are not applicable to other structures in the same zoning district. The fact that the sign may be utilized more profitably should a variance be granted will not be considered grounds for a variance.
  - (b) That the special conditions do not result from the actions of the applicant or of a previous owner of the property.
  - (c) That granting the variance requested shall not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.
  - (d) That granting the variance requested shall not confer on the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.

- (e) That the variance granted is the minimum variance that shall make possible the reasonable use of the land, building, or structure.
  - (f) That granting a variance shall not conflict with the stated purposes of these regulations.
  - (g) That granting a variance shall not have a adverse impact upon neighboring properties.
- (2) The Board of Adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be started or completed or both.
  - (3) The Board of Adjustment may consider any special features of the land, including but not limited to, historic landmarks, special zoning districts and buildings listed on the National Historic Registry.
  - (4) The Board of Adjustment may grant one extension of time for conformance or removal relative to the 8 year amortization provision, not to exceed 2 years, provided:
    - (a) The applicant has demonstrated by substantial, competent evidence that the initial economic investment in the sign has not been recovered; or
    - (b) Allowing the extension will result in substantial justice being done, considering both the public benefits intended to be secured by these regulations and the individual hardships that will be suffered by a failure of the Board to grant an extension.
  - (5) 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 welfare. Those conditions may relate to the location, design and other features of the proposed sign for which the variance is sought.
  - (6) Appeals to the Board of Adjustment may be heard in accordance with procedures defined in Chapter 5 of the Zoning Ordinance.

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Large Maturing Trees

<u>Botanical Name</u>	<u>Common Name</u>
Acer rubrum	Red maple
Acer saccharum	Sugar Maple
Amelanchier Canadensis	Serviceberry
Betula nigra	River birch
Carya illinoensis	Pecan
Carya ovata	Shagbark hickory
Carya glabra	Pignut hickory
Carya cordiformis	Bitternut hickory
Cedrus deodara	Deodar Cedar
Celtis occidentalis	Hackberry
Cupressocyparis leylandii	Leyland cypress
Diospyros virginiana	Persimmon
Fagus grandiflora	American beech
Fraxinus americana	White ash
Fraxinus pennsylvanica	Green ash
Ginkgo biloba	Ginkgo
Juniperus virginiana	Eastern red cedar
Liquidambar styraciflua	Sweetgum
Liriodendron tulipifera	Tulip poplar
Magnolia grandiflora	Southern magnolia
Nyssa sylvatica	Black gum
Pinus echinata	Short leaf pine
Pinus nigra	Austrian pine
Pinus thunbergi	Japanese black pine
Pinus taeda	Loblolly pine
Pinus virginiana	Virginia pine
Platanus acerifolia	London planetree
Quercus acutissima	Sawtooth oak
Quercus alba	White oak
Quercus bicolor	Swamp white oak
Quercus coccinea	Scarlet oak
Quercus falcata	Southern red oak
Quercus laurifolia	Laurel oak
Quercus nigra	Water oak
Quercus phellos	Willow oak
Quercus borealis	Northern red oak
Quercus shumardi	Shumard oak
Quercus velutina	Black oak
Quercus virginiana	Live oak
Sophora japonica regent	Japanese pagoda tree
Taxodium distichum	Bald cypress
Tsuga Canadensis	Eastern hemlock
Ulmus parvifolia	Lacebark elm
Ulmus alata	Winged elm
Zelkova serrata	Japanese zelkova



## Small Maturing Trees

<u>Botanical Name</u>	<u>Common Name</u>
Acer campestre	Hedge maple
Carpinus betulus	European hornbeam
Carpinus caroliniana	American hornbeam
Cornus florida	Flowering dogwood
Cornus kousa	Kousa dogwood
Cercis canadensis	Eastern redbud
Crataegus phaenopyrum	Washington hawthorne
Eleganus angustifolia	russian olive
Eriobotrya japonica	loquat
Halesia carolina	Carolina silverbell
Hammamelis mollis	Chinese witch-hazel
Ilex fosteri	Foster holly
Ilex opaca	American holly
Ilex opaca hume	Hume holly
Ilex x attenuata savannah	Savannah holly
Koelreutaria paniculata	Golden rain-tree
Magnolia soulangeana	Saucer magnolia
Magnolia stellata	Star Magnolia
Malus floribunda	Flowering crabapple
Myrica cerifera	Wax myrtle
Ostrya virginiana	Ironwood
Oxydendrum arboreum	Sourwood
Prunus cerasifera pissardii	Purpleleaf plum
Prunus serrulata kwanzan	Kwanzan cherry
Prunus subhirtella pendula	Weeping cherry
Prunus yedoensis	Yoshino cherry
Prunus caroliniana	Carolina cherry laurel
Pyrus calleryana Bradfordi	Bradford pear
Pyrus calleryana 'Redspire'	Redspire pear
Pyrus calleryana 'Capital'	Capital pear

## Shrubs

<u>Botanical Name</u>	<u>Common Name</u>
Abelia grandiflora	Glossy abelia
Aucuba japonica	Japanese aucuba
Azalea hybrida	Glenn dale azalea
Azalea indica	Indian azalea
Azalea obtusum Kaempferi	Kaempferi azalea
Bambusa multiplex	Hedge bamboo
Berberis julianae	Wintergreen barberry
Berberis thunbergii	Japanese barberry
Camellia japonica	Camellia
Camellia sasanqua	Sasanqua Camellia
Chaenomeles speciosa	Flowering quince
Cleyera japonica	Cleyera
Euonymus alatus	Winged euonymus
Euonymus japonicus	Evergreen euonymus
Eleagnus pungens	Eleagnus

Forsythia intermedia  
Hamamelis virginiana  
Hydrangea quercifolia  
Ilex aquifolium  
Ilex cornuta  
Ilex cornuta burfordi  
Ilex cornuta burfordi nana  
Ilex crenata 'convexa'  
Ilex crenata 'hetzi'  
Ilex crenata 'rotundifolia'  
Ilex "Emily Brunner"  
Ilex glabra  
Ilex latifolia  
Ilex pernyi  
Ilex vomitoria  
Jumperus chinensis pfitzeriana  
Jumperus chinensis hetzi  
Laurus nobilis  
Ligustrum japonicum  
Ligustrum lucidum  
Ligustrum vicaryi  
Loropetalum chinense  
Mahonia bealei  
Nandina domestica  
Osmanthus fortunei  
Osmanthus fragrans  
Osmanthus heterophyllus  
Osmanthus heterophyllus rotundifolius  
Photinia fraseri  
Photinia glabra  
Photinia serrulata  
Pieris floribunda  
Pieris japonica  
Pittosporum tobira  
Prunus laurocerasus  
Podocarpus macrophyllus maki  
Prunus laurocerasus angustifolia  
Pyracantha coccinea  
Raphiolepis umbellata  
Spirea cantoniensis  
Spirea thunbergi  
Spirea prunifolia plena  
Spirea vanhouttei  
Taxus cuspidata  
Viburnum rhytidophyllum  
Viburnum tinus

Forsythia  
Witch-hazel  
Oakleaf hydrangea  
English holly  
Chinese holly  
Burford holly  
Dward burford holly  
Convex japanese holly  
Hetzi japanese holly  
Roundleaf japanese holly  
Emily brunner holly  
Inkberry holly  
Lusterleaf holly  
Perny holly  
Yaupon holly  
Pfitzer jumper  
Hetzi jumper  
Laurel  
Japanese privet  
Glossy privet  
Vicary golden privet  
Loropetalum  
Leatherleaf mahonia  
Nandina  
Fortune tea olive  
Fragrant tea olive  
Holly osmanthus  
Curly leaf tea olive  
Fraser photinia  
Red-tipped photinia  
Chinese photinia  
Mountain andromeda  
Japanese andromeda  
Pittosporum  
English laurel  
Podocarpus  
Narrow leafed english laurel  
Scarlet firethorn  
Yeddo-hawthorn  
Reves spirea  
Thunberg spirea  
Bridalwreath spirea  
Vanhoutte spirea  
Japanese yew  
Leatherleaf viburnum  
Laurestinus viburnum

APPENDIX 2: ZONING MAPS CONVERSION PROCESS

The new zoning districts recommended in this ordinance will be applied to the zoning maps as a text amendment to this zoning ordinance. On the following page is a chart showing the proposed conversions.

Through the conversion, existing zoning districts are being changed to the most closely comparable zoning district (i.e., a district allowing similar uses, restrictions, densities, etc.) in the new zoning ordinance. However, all existing conditional districts, parallel conditional districts and special use permits with approved site plans will continue to exist with their adopted site plans controlling development on those properties. The one existing district which is not convertible is the R-1.OMF. The Planning Commission will initiate a rezoning to change properties in this district to a suitable district under the new zoning ordinance.

Newly created zoning districts, such as the NS and O-3, will not be applied as part of the conversion. These districts be placed on the ground either through public initiated rezonings through the area planning process or private initiated rezoning petitions.

	Existing Districts	New Districts	
GENERAL DISTRICTS	R-15	R-3	
	R-12	R-3	
	R-9	R-4	
	---	---	
	R-6	R-5	
	---	R-6	
	---	R-8	
	R-20MP w/Site Plans	R-8MP	
	R-15MP	R-12MP	
	R-12MP	R-17MP	
	R-9MP	R-17MP	
	R-6MP	R-22MP	
	R-6MPH	R-43MP	
	R-1.OMF	Rezone	
	UR-1	UR-1	
	UR-2	UR-2	
	UR-3	UR-3	
	RE-1	RE-1	
	RE-2	RE-2	
	Inst	Inst	
	O-15	O-1	
	O-9	O-2	
	O-6	O-2	
	---	O-3	
	UR-C	UR-C	
	B-1	B-1	
	B-2	B-2	
	UMUD	UMUD	
	B-D	B-D	
	UI	UI	
	I-1	I-1	
	I-2	I-2	
	I-3	I-2	
	DISTRICTS	HD	HD-O (Historic District)
		---	A-O (Airport)
		---	C-O (Corridor)
---		MH-O (Manufactured Home)	
DISTRICTS	---	MX-1	
	---	MX-2	
	---	MX-3	
	---	R-MH	
	---	CC	
	BP	BP	
	---	ES	
	UDC-V	HW	
DISTRICT/SUB/s	R-MH	Continue * (Also, See Special Purpose Districts)	
	R-20MP Innovative	Continue *	
	R-20MP w/Site Plans	Continue *	
	R-I	Continue *	
	R-PUD	Continue *	
	B-1SCD	Continue *	
	Special Use Permits Parallel Conditional Use Districts	Continue *	

\* Development of these uses will be governed by the previously approved site plans. The new ordinance shall not be applicable or enforced without the consent of the owner with regard to uses previously approved under a parallel conditional district, special use permit, R-PUD, R-20MP Innovative, R-I, or B-1SCD. Any substantial amendments to these approved uses will be subject to the requirements of the new ordinance.

Notes: (1) New districts which do not have a reasonable equivalent existing district (e.g. R-3 and R-8) will not be established through the zoning map conversion process. In order to establish these districts, an individual or the government would have to petition for a reclassification of property to these new districts.

(2) Rezoning of the R-1.OMF will involve only one parcel of land.

**APPENDIX 3: AMENDMENTS**

The following amendments have occurred since the initial printing.