

Ordinance No. 660-ZAn Ordinance Amending Chapter 23
of the City Code - Zoning OrdinanceAn Ordinance Amending the City Code
with respect to the Zoning Ordinance

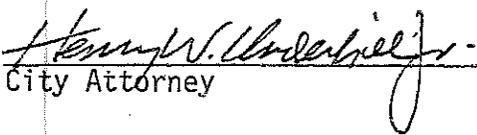
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That, Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from R-9MF to O-15(CD) on the Official Zoning Map, City of Charlotte, N. C. the following described property to be developed in accordance with the site plan attached hereto and other requirements as may have been designated by the Charlotte City Council:

BEGINNING at a point, said point being the easternmost corner of the Charlotte Housing Authority property described in Deed Book 3737, page 582 in the Mecklenburg County Registry; thence run N. 11-39-41 W. 252.41 feet; thence S. 82-03-04 E. 358.51 feet; thence S. 34-56-36 W. 189.97 feet; thence S. 77-58-44W. 200.0 feet to the point of BEGINNING.

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 8th day of August, 1977, the reference having been made in Minute Book 66, and recorded in full in Ordinance Book 24, Page 338.

Ruth Armstrong
City Clerk

ORDINANCE NO. 661

AN ORDINANCE AMENDING CHAPTER 23
 OF THE CITY CODE - ZONING ORDINANCE

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

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

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

- I. Amend Chapter 23 of the Code of the City of Charlotte by deleting Article III Division 3 Special Districts and Conditional Uses and Division 3A Special Use Permits in their entirety and by establishing a new Division 3 entitled "Conditional Zoning Districts and Special Use Permits", to read as follows:

"DIVISION 3. CONDITIONAL ZONING DISTRICTS AND SPECIAL USE PERMITS

Sec. 23-35. Conditional Zoning District Process.

(a) *Purpose.* Section 23-31 sets forth a list of uses that may be established, as a matter of right, in each of the districts. Other sections of the ordinance specify various lot dimensions and space requirements that must accompany each established use. Some urban land uses, however, have a particular impact on the surrounding area that cannot be pre-determined and controlled by general regulations. In order to insure that these uses, in their proposed locations, would be compatible with surrounding development, their establishment shall not be as a matter of right but only after review and approval as hereinafter provided.

(b) *Application.* Petitions for a zoning map amendment to establish a conditional zoning district shall be submitted to the Charlotte-Mecklenburg Planning Commission and administered in accordance with the provisions of Section 23-96 of this Code for zoning amendments as well as this section. A conditional zoning district classification shall be considered only by application of the owner of the subject property or his duly authorized agent. Such applications shall be accompanied by a schematic plan drawn to scale and supporting text which shall become a part of the amending ordinance and shall include the following items:

- (1) A boundary survey showing the total acreage, present zoning classification(s), date and north arrow;
- (2) Adjoining property lines and the names, addresses and tax parcel number of current adjoining property owners;
- (3) All existing easements, reservations and rights-of-way and all yards required for the zoning district requested;

- (4) Proposed use of land and structures. For residential uses this shall include number of units and outline of area within which structures will be located. For non-residential uses, this shall include approximate square footage of structures and outline of area within which structures will be located;
- (5) Traffic, parking and circulation plan, showing proposed locations and arrangement of parking spaces and ingress and egress to adjacent streets; and

(c) *Additional Application Requirements.* When dealing with the conditional zoning process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Commission and/or City Council may request additional information as they deem necessary. Such information may include but not be limited to the following:

- (1) Proposed screening, including walls, fences or planting areas as well as treatment of any existing natural features.
- (2) Delineation of areas within the Regulatory Floodplain as shown on the Charlotte Official Flood Areas map;
- (3) Topography at four (4) foot contour intervals or less (existing and proposed);
- (4) Generalized information as to the number, height, size or in especially critical situations, the location of structures.
- (5) Proposed number of signs and their locations; and
- (6) Proposed phasing, if any, and approximate completion time of the project.

(7) *Review and Approval.* In considering an application for the establishment of a conditional district, the City Council shall consider, evaluate and may attach reasonable and appropriate conditions to the location, nature and extent of the proposed use and its relation to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, and such other matters as the Council may find appropriate or the petitioner may propose, but not including architectural review or controls. The petitioner shall have a reasonable opportunity to consider and respond to such additional requirements prior to final action by the City Council.

In approving an application for the establishment of a conditional district, the City Council shall have considered:

- (1) The policies and objectives of the Comprehensive Plan, particularly in relation to the proposed site and surrounding area; and
- (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.

(e) *Effect of Approval.* If an application is approved, the conditional district thus established and all conditions attached thereto shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved plan and conditions. The intent of this type of zoning is to provide a voluntary alternative procedure for specific development proposals and as such

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it is intended that all property zoned be in accordance with firm plans to develop. Therefore, three (3) years from the date of approval, the Planning Commission shall examine progress made to develop in accordance with approved plans to determine if active efforts to so develop are proceeding. If it is determined by the Planning Commission that active efforts to so develop are not proceeding, a report shall be forwarded to the City Council which may recommend that action be initiated to remove the conditional district in accordance with procedures outlined in Section 23-96.

(f) *Alterations to an Approved Conditional Zoning District.* Changes to approved plans and conditions of development shall be considered the same as changes to the zoning map and shall be processed in accordance with the provisions of Section 23-96, except that paragraph (d) shall not apply. However, changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, or intensity of development or which do not decrease the off-street parking ratio, or reduce the yards provided at the boundary of the site may be authorized by the Director of Planning. Any applicant may appeal the decision of the Director of Planning to the Planning Commission for review and decision as to whether an amendment to the conditional zoning district shall be required.

Section 23-35.1. Parallel conditional use districts.

(a) *Purpose.* The purpose of this section is to provide a voluntary alternative procedure for the rezoning of a property for a specified use. A broad range of uses are permitted in each general (i.e., conventional) zoning district. However, there are instances where a general zoning district designation is clearly inappropriate for a certain property, but a specific use permitted under that district and subject to restrictive conditions would be consistent with the spirit and objectives of this chapter. Parallel conditional use districts, herein established, are intended to accommodate such situations.

This voluntary procedure is intended for firm development proposals, and is neither intended nor suited for securing early zoning for tentative uses which may not be undertaken for a long period of time.

<i>General Zoning District</i>	<i>Parallel Conditional Use District</i>	<i>General Zoning District</i>	<i>Parallel Conditional Use District</i>
R-15	R-15(CD)	UR-100	UR-100(CD)
R-12	R-12(CD)	RE-1	RE-1(CD)
R-9	R-9(CD)	RE-2	RE-2(CD)
R-6	R-6(CD)	INST	INST(CD)
R-15MF	R-15MF(CD)	O-15	O-15(CD)
R-12MF	R-12MF(CD)	O-6	O-6(CD)
R-9MF	R-9MF(CD)	B-1	B-1(CD)
R-6MF	R-6MF(CD)	B-2	B-2(CD)
R-6MFH	R-6MFH(CD)	B-3	B-3(CD)
R-1.OMF	R-1.OMF(CD)	B-D	B-D(CD)
UR-10	UR-10(CD)	I-1	I-1(CD)
UR-30	UR-30(CD)	I-2	I-2(CD)
UR-50	UR-50(CD)	I-3	I-3(CD)

(b) *Application.* Applications for establishment of parallel conditional use districts shall be submitted and reviewed in accordance with Section 23-35. In addition, emphasis will be given to an evaluation of the characteristics of the specific use proposed in relationship to surrounding property.

(c) *Permitted uses and development requirements.* Potential uses which may be requested for a parallel conditional use district shall be restricted to only those uses permitted in the corresponding general zoning district as designated in Section 23-31 "Table of Permitted Uses", except that those uses listed as special permit uses in the general zoning districts shall be exempted from the normal requirement for a special use permit and replaced with a parallel conditional use permit. Uses permitted in parallel conditional use districts shall be subject to all applicable development standards and requirements for that use listed in the corresponding general zoning districts as set forth elsewhere in this code.

(d) *Issuance of a parallel conditional use permit.* If a petition for a parallel conditional use district is approved, the City Council shall issue a parallel conditional use permit authorizing the requested use with such reasonable conditions as the City Council determines to be desirable in promoting public health, safety and general welfare.

(e) *Zoning map designation.* Following City Council approval of a parallel conditional use district, the property for which approval was granted shall be identified on the official zoning map as the appropriate parallel conditional use district designation (for example "O-15(CD)").

Sec. 23-35.2. B-1 Shopping Center District.

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

(b) *Application.* Applications for the establishment of a B-1 shopping center district shall be submitted and reviewed in accordance with Section 23-35 and shall include the following additional information:

- (1) Proposed location of buildings, their general exterior dimensions and total square footage;
- (2) Proposed location of off-street loading facilities.
- (3) Traffic, parking and circulation plan, showing proposed locations and arrangements of ingress and egress to adjacent streets.

(c) *Permitted uses.* Permitted uses within the B-1 shopping center district shall be as specified for the B-1 district in Section 23-31, Table of Permitted Uses.

(d) *Development requirements.* Development requirements within the B-1 shopping center district shall be as specified below:

- (1) The minimum site area shall be three (3) acres:
- (2) The minimum distance from street lines to any building shall be thirty-five (35) feet.

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- (3) The minimum distance from other property lines to any building shall be twenty-five (25) feet for any building under forty (40) feet in height;
 - (4) The minimum distance from other property lines to any building from forty (40) to sixty (60) feet in height shall be thirty-five (35) feet; and
 - (5) For buildings over sixty (60) feet in height the minimum distance from other property lines to any such buildings shall be thirty-five (35) feet, plus one (1) foot for every two (2) feet of building height over sixty (60) feet.
- (e) *Review and approval.* In evaluating applications for B-1 shopping center districts, the City Council shall consider the following:
- (1) Access to public streets and the adequacy of those streets to carry anticipated increased traffic;
 - (2) On-site circulation for both pedestrian and vehicular traffic;
 - (3) Adequacy of existing community facilities such as water, sewer, police and fire protection;
 - (4) Relationship to and impacts upon adjoining and nearby properties and adequacy of proposed measures to minimize any adverse impacts; and
 - (5) For proposed shopping centers, the appropriateness of the proposal in relationship to the policies and objectives of the Comprehensive Plan and to a more detailed area plan, if available.
- (f) *Zoning map designation.* Following City Council approval of a B-1 shopping center district, the property for which approval was granted shall be labeled "B-1 S.C.D." on the official zoning map.

Sec. 23-35.3. R-2OMF multi-family district.

(a) *Purpose.* The purpose of the R-2OMF multi-family district is to provide for low-density apartment development in areas which would be unsuited for multi-family use on a higher density, less restricted basis. By having high dimensional standards and requiring site plan approval, maximum control of development can be achieved through this district. The following procedures and requirements are established for the development of R-2OMF multi-family districts.

(b) *Application.* Application for establishment of an R-2OMF multi-family district shall be submitted and reviewed in accordance with Section 23-35.

(c) *Permitted uses.* Permitted uses within the R-2OMF multi-family district shall be limited to one-family semi-detached, one-family attached, two-family and multi-family use only.

(d) *Development requirements.* Development requirements within the R-2OMF multi-family district shall be as specified below:

- (1) The minimum area requirement shall be twenty thousand (20,000) square feet for the first dwelling unit in the project and five thousand (5,000) square feet for each additional dwelling unit;

- (2) The minimum setback from street, and minimum side and rear yards shall be forty (40) feet;
 - (3) The minimum unobstructed open space shall be seventy percent (70%) of total lot area;
 - (4) The maximum height of structures shall be forty (40) feet except that principal buildings may be erected to a height in excess of forty (40) feet provided minimum side and rear yards at exterior property lines shall be increased by one (1) foot for every two (2) feet of building height in excess of forty (40) feet;
 - (5) Every building shall be separated on every side, from any other building within the building group, by a distance of at least twenty-five (25) feet;
 - (6) Parking of motor vehicles shall not be permitted within the required setback; and
 - (7) Planned multi-family developments, when permitted within the R-2OMF District shall also meet the development standards and procedures of Section 23-32.
- (e) *Review and approval.* In evaluating applications for R-2OMF multi-family districts, the City Council shall consider the following:
- (1) Access to public streets and the adequacy of those streets to carry anticipated increased traffic;
 - (2) On-site circulation for both pedestrian and vehicular traffic;
 - (3) Adequacy of existing community facilities such as water, sewer, police and fire protection;
 - (4) Relationship to and impacts upon adjoining and nearby properties and adequacy of proposed measures to minimize any adverse impacts; and
 - (5) The appropriateness of the proposal in relationship to the policies and objectives of the Comprehensive Plan and to a more detailed area plan, if available.
- (f) *Zoning map designation.* Following City Council approval of an R-2OMF multi-family district, the property for which approval was granted shall be labeled "R-2OMF" on the official zoning map.

Sec. 23-35.4. R-PUD planned unit development district.

(a) *Definition.* For purposes of this ordinance a "planned unit development" shall be a tract of land, residentially zoned but not including R-1.OMF or R-6MFH Districts, at least thirty-six (36) acres in area, under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved outline development plan and a preliminary site plan.

(b) *Purpose.* The purpose of the planned unit development district is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types as well as certain commercial and office uses

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designed to serve the inhabitants of the district. It is recognized that only through ingenuity, imagination and high quality design can residential developments be produced which are in keeping with the intent of this ordinance while departing from the strict application of conventional use and dimensional requirements of the several zoning districts.

Use of the R-PUD procedure is not mandatory for the development of any parcel of ground. Rather, this process will provide a voluntary alternate development procedure which will:

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

(c) *Application.* Application for the establishment of an R-PUD district should be submitted and reviewed in accordance with Section 23-35 and shall include the following additional information:

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

(d) *Permitted uses.* Uses which may be permitted in planned unit developments shall include:

- (1) Those uses set forth in the Table of Permitted Uses, Section 23-31 of the zoning ordinance for the district in which the development is located;
- (2) One-family semi-detached and one-family attached dwellings;

- (3) Multi-family dwellings may be permitted in previously single family districts; and
- (4) B-1 business district uses may be permitted in developments one hundred (100) acres and larger. A list of the uses to be established must be approved by City Council at the same time the outline development plan is approved. Subsequent changes in the list may be made by the City Council upon application by the owner of the property.

(e) *Dimensional requirements.* Dimensional requirements for planned unit developments shall be in accordance with the following:

(1) One-family detached dwellings.

District	Minimum Lot Area (Sq. Feet)	Minimum Lot Width (Feet)	Minimum Side Yard (Feet) (Except as provided in paragraph (5) below)	Setback (Feet) Min.	Setback (Feet) Avg.*	Minimum Rear Yard (Feet)	Minimum Unobstructed Open Space (% Total Lot Area)	Maximum Height (Feet)
R-6	6,000	50		20	25	25	45%	40
R-6MF	6,000	50		20	25	25	45%	40
R-9	6,750	60		20	25	25	50%	40
R-9MF	6,750	60	6 feet	20	25	25	50%	40
R-12	9,000	60	one side;	25	30	30	55%	40
R-12MF	9,000	60	8 feet	25	30	30	55%	40
R-15	11,250	70	other	30	35	35	60%	40
R-15MF	11,250	70		30	35	35	60%	40
R-20MF	15,000	80		30	35	35	65%	40

*Average setback--The arithmetic average of the setbacks of all the lots fronting on one side of a street within one block, or of all lots fronting on a single cul-de-sac.

- (2) One-family semi-detached, one-family attached and multi-family dwellings. Established minimum development requirements for the district (or corresponding multi-family district) in which one-family semi-detached, one-family attached and multi-family dwellings are located shall apply.
- (3) Commercial and office facilities. Commercial and office facilities, when permitted in a planned unit development, shall be developed in accordance with conventional requirements for B-1 Districts.

- (4) Yards forming outer boundary. Yards forming the outer boundary of a planned unit development shall be in conformance with conventional minimum requirements of the district within which the development is located.
- (5) Zero side yards for one-family detached dwellings. A zero side yard, where the side building line is on the side lot line, may be permitted on one side of each lot subject to the following provisions:
- a) Any wall, constructed on the side lot line shall be a solid, windowless wall. If there is an offset of the wall from the lot line, such offset shall be at least six (6) feet.
 - b) The minimum building separation between the sides of adjacent dwellings shall be fourteen (14) feet. This fourteen (14) foot area shall be subject to all restrictions normally applied to conventional side yards.
 - c) A five (5) foot maintenance easement and a maximum eave encroachment easement of two (2) feet within the maintenance easement shall be established in the deed restrictions and covenants of the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance.
 - d) Subdivision preliminary plans submitted to the Planning Commission shall indicate the proposed location and configuration of dwellings, driveways and parking arrangements for each lot. In addition, a draft of proposed encroachment and maintenance easements shall be submitted for review and approval.
 - e) Zero side yards so established shall be continuous, with either the lot line wall or an opaque fence or wall at least five (5) feet in height, extending from the corner of the lot line wall closest to the front building line back to the corner of the lot wall closest to the rear building line.

(f) *Development density and density bonus.* Development area density shall be no greater than that normally permitted for the district in which the planned unit development is located, except as provided under the density bonus provisions. Development area density shall be computed by subtracting sixteen percent (16%) of the gross area (as allowance for street right-of-way) when located in R-6, R-6MF, R-9 or R-9MF districts and fourteen percent (14%) when located in R-12, R-12MF, R-15, R-15MF or R-20MF districts, plus areas designated for nonresidential purposes (such as schools, churches and commercial facilities) from the gross area, and dividing the remaining area by the minimum conventional lot area requirements for the zoning district in which the development is located. Should the development fall into more than one zoning district, the density shall be the combined proportion of each district.

- (1) A density bonus not to exceed twenty-five percent (25%) of the number of dwelling units permitted under the standard applicable district regulations may be approved by the City Council in accordance with the following ratio of residential area to common open space. Tentative application of the density bonus shall be included in the outline development plan for review and approval.

DENSITY BONUS SCALE

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

(g) *Review and approval.* In evaluating an application for an R-PUD district, the City Council shall consider:

- (1) That each individual phase of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses;
- (2) That the primary streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts to overload the street network outside the planned unit development;
- (3) That any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the outline development plan, in accordance with the adopted policy of the Planning Commission and the City Council;
- (4) That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;

- (5) That the planned unit development district is in conformance with the Comprehensive Plan; and
- (6) That existing or proposed utility services are adequate for the population densities proposed.

(h) *Issuance of permits.* No building permit or certificate of occupancy shall be issued in such districts until the Planning Commission or City Council has approved and there is recorded a final plat in accordance with the provisions of Chapter 18, Section 18-8 of this Code for the development as a whole or stages of portions thereof. No structure or use other than as indicated in final approved plans and plats shall be permitted. Approval shall be based on compliance with the Outline Development Plan, "Development Standards for Planned Development" in effect at the time the land was zoned R-PUD, and with applicable general zoning, subdivision or other regulations, subject to such additional requirements as made by the City Council in the zoning action granting R-PUD status to the land or subsequent thereto. Upon approval by the Planning Commission or City Council of the final plat, building permits and certificates of occupancy may be issued in the same manner as for other building permits and certificates of occupancy.

(i) *Additional development standards.* In addition to provisions contained herein, the regulations contained in "Development Standards for Planned Development" hereby adopted and declared to be part of this chapter, shall apply in R-PUD districts, and shall govern in such districts when at variance with general zoning, subdivision or other regulations.

(j) *Zoning map designation.* Following City Council approval of an R-PUD district, the property for which approval was granted shall be labeled R-PUD on the official zoning map.

Sec. 23-35.5. R-MH mobile home district.

(a) *Purpose.* The purpose of this district is to provide for the development of properly located and planned facilities for mobile homes. The mobile home is recognized as a form of housing for which specific provisions should be made. It is further recognized that in urban and urbanizing areas mobile homes should be located in mobile home parks and subdivisions only and that such areas must be carefully located and designed to meet the needs of the residents and to achieve a satisfactory relationship to adjoining and nearby property. Emphasis is given, therefore, to the location of a proposed mobile home district, the relationship of the site and site development plan to adjoining property, and the development plan itself when evaluating an application for this conditional district.

(b) *Application.* Applications for the establishment of R-MH mobile home districts shall be submitted and reviewed in accordance with Section 23-35. In addition, the following information shall be required:

- (1) Proposed mobile home lots or spaces;
- (2) Proposed streets and private drives, parking areas and the total number of parking spaces to be provided;
- (3) Recreation areas and other areas; and

(4) Where water supply or sewage disposal system will be other than by connection to public facilities the petitioner shall secure and submit a statement from the Mecklenburg County Health Department that the proposed systems will meet the needs for the population contemplated.

(c) *Permitted uses.* Permitted uses within the R-MH mobile home district shall be as provided herein:

(1) Mobile homes.

(2) Caretaker's or manager's home or office.

(3) Service building to house services for occupants of the mobile home park only, including management office, rest rooms, vending machines, washing and drying machines for domestic laundry and recreation facilities accessory to the mobile home park, and similar uses.

(4) Mobile home sales for mobile homes to be located within the district shall be permitted only as such mobile homes are located on approved and established mobile home lots or spaces and stands.

(5) All other uses permitted in single family residential districts subject to the R-9 District development requirements.

(d) *Lot requirements.* Lot requirements for mobile home subdivision and for institutional uses in the R-MH District shall be in accordance with the requirements for the R-9 District as specified in Sections 23-41, 23-42.1. and 23-43.

(e) *Development requirements.* Development requirements for mobile homes parks within the R-MH District shall be as specified below:

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

(2) The maximum gross density of a mobile home park or sections thereof shall be eight (8) mobile home living units per gross acre of the tract.

(3) There shall be no less than ten (10) mobile home spaces available at first occupancy.

(4) A mobile home park shall abut a publicly dedicated street for a minimum distance of sixty (60) feet.

(5) The minimum setback from a public street shall be forty (40) feet. There shall be no parking permitted within the required setback.

(6) All buildings, structures, and mobile home stands shall be located at least thirty (30) feet from any exterior property line not a street right-of-way line, except that accessory structures may be located in accordance with the provisions of Section 23-27.

(7) A mobile home park shall be equipped with private drives paved to a width of at least twenty (20) feet, measured from edge of pavement to edge of pavement, and graded to a width of at least thirty (30) feet for two-way

traffic, and paved to a width of ten (10) feet and graded to a width of twenty (20) feet for one-way traffic.

- a) A base course shall be applied the entire required paved width of drives and shall consist of at least four (4) inches of compacted crushed stone.
 - b) A surface course shall be applied the entire required paved width of drives and shall consist of at least one and one-half (1½) inches in thickness of plant mixed asphalt or Class "A" bituminous surface in conformance to North Carolina State Highway Commission specifications, Section 100.
 - c) Permanent street names approved by the Planning Commission shall be assigned to each private drive. Street name signs approved by the Traffic Engineering Department shall be posted. The Department of Public Works shall utilize approved private drives and approved names in the assignment of mobile home space identification numbers.
- (8) The mobile home park shall be designed and graded in such a manner as to allow for the adequate runoff of storm water. Storm drains shall be provided with sufficient inlets located at points of surface water accumulation to adequately intersect surface flow.
- (9) A mobile home park shall be equipped with electricity, water and sanitary waste disposal facilities to the extent that convenient, safe and sanitary connections may be made with each mobile home in the park, in accordance with existing statutes and local ordinances.
- (10) Screening shall be utilized on all sides of a mobile home park. Consideration shall be given to topography, large trees, vegetation, site design and land uses in the evaluation of the extent of required screening. Whenever screening is required either a durable masonry wall, fence or berm, natural planting and landscaping, designed to be compatible with the character of adjoining properties shall be provided. Walls and fences shall be at least five (5) feet in height, but not greater than six (6) feet in height, measured from the ground along the common lot line of adjoining properties. Hedges or comparable natural plantings shall be planted at an initial height of at least three (3) feet and shall be of such variety that an average height of at least six (6) feet could be expected within no later than two (2) years from the time of planting.
- (11) Recreation areas shall be provided to meet the anticipated needs of the residents of the mobile home park. Provision of separate adult and tot lot recreation areas is encouraged. Not less than eight percent (8%) of the gross site area shall be devoted to recreational uses. Recreation area includes space for community buildings and community use facilities, adult and child play areas, swimming pools, and drying yards. The design of recreation areas shall be appropriate for the intended use and location of the activity.
- (12) Site planning and improvements shall provide for the following:
- a) Site planning should adapt to individual site conditions. An informal park type of site planning which conforms to terrain, existing trees and shrubs is preferred. The mobile home space should be fitted to the terrain with a minimum disturbance of the land. Existing trees and

other natural site features shall be preserved to the extent practical. Variations in the street pattern, block shapes and location of mobile home stands should be employed. Excessive repetition of the principal elements of the plan is not acceptable.

- b) Adequate protection shall be provided against any undesirable offsite views or any adverse influence from adjoining streets and areas, and protection of offsite residential areas from undesirable views and adverse influences from areas within the park. Consideration shall be given to the location and arrangement of mobile homes and of buildings, recreation and parking areas, the nature and extent of screening, setbacks, street design, and open space in the evaluation of the site plan and its relation to surrounding areas.

(13) Mobile home space requirements shall be as specified below.

- a) A mobile home park shall be divided into mobile home spaces, the limits of which shall be clearly marked on the ground by permanent flush stakes. Each space shall be of sufficient size to meet minimum dimensional area and separation requirements based upon the anticipated size and character of the mobile home and its additions to be placed on the space. In no case, however, shall a space be less than three thousand (3,000) square feet per living unit in an area and no more than one mobile home shall be erected on one space.
- b) Location of space limits on the ground shall be approximately the same as shown on the approved plans. The degree of accuracy obtainable by working with a scale on the plan and then a tape on the ground is acceptable. Precise engineering of space limits is not required either on the plans or on the ground.
- c) Each mobile home shall be erected or located on a permanently constructed stand of the characteristics as given in the following sections.
 - 1) Each stand shall have two (2) columns of concrete footings placed at eight (8) foot intervals on center and so located to be under each I-beam of the mobile home to be placed on the stand. Four (4) columns of footings shall be required for stands designed for double wide mobile homes. The depth of excavation for footings shall be no less than six (6) inches into undisturbed soil. Each footing shall be a minimum of twenty-two (22) inches by six (6) inches deep. A minimum of three (3) four (4) foot anchors shall be installed on each side of the stand at twenty-five (25) foot intervals beginning at the front of the stand. The remaining area of the stand shall have at least a base of three (3) inches of compacted crushed stone.
 - 2) The location of each mobile home stand shall be at such elevation, distance and angle in relation to the parking bay and the adjacent access drive that placement and removal of the mobile home is practical by means of customary moving equipment.
 - 3) Each mobile home stand shall be situated no nearer than twenty (20) feet from any other stand and no nearer than twenty (20) feet to the right-of-way of any drive which provides common circulation to mobile home sites within the park.

- 4) No mobile home stand shall be located with direct access to a public street.
 - 5) Attached structures such as an awning, cabana, storage cabinet, carport, windbreak, and porch which has a floor area exceeding twenty-five (25) square feet and roofed shall for purposes of all separation requirements be considered to be part of the mobile home stand.
- d) For each mobile home there shall be constructed a permanent patio, located adjacent to or attached to the mobile home stand and such patio shall be of the following characteristics:
- 1) Each patio shall be at least one hundred eighty (180) square feet in area.
 - 2) Each patio shall have sufficient gradient to facilitate adequate drainage away from the mobile home stand.
 - 3) Each patio shall have a well graded, well drained and compacted base and shall be portland cement concrete or masonry construction.
- e) A walkway shall be constructed for each mobile home space and shall connect the parking bay and the patio where parking is provided for on the mobile home space and shall connect the patio and the drive where community parking areas are provided.
- f) Parking areas for motor vehicles shall be provided at a ratio of two (2) parking spaces for each mobile home living unit. Parking may be provided on the mobile home space or in community bays. Each parking space shall be at least one hundred eighty (180) square feet in area, have a minimum width of eight and one-half (8½) feet, and shall be surfaced with at least four (4) inches of compacted crushed stone.
- (f) *Review and approval.* In evaluating applications for R-MH mobile home districts, the City Council shall consider:
- (1) That the proposed site and development plan provide for adequate access to the public street system without causing undue congestion or placing excessive traffic loads on local streets.
 - (2) That the size and shape of the site is adaptable to good mobile home park design and that development of the site for mobile home uses will not unduly obstruct development of adjoining property.
 - (3) That implementation of the development plan will not disrupt unduly any natural features of the site such as topography, streams or tree cover.
 - (4) That the development plan provides effective screening of the park from adjoining single family residential areas so as to minimize adverse effects on these areas.
- (g) *Zoning map designation.* Following City Council approval of a R-MH mobile home district, the property for which approval was granted shall be labeled "R-MH" on the official zoning map.

(h) *Issuance of permits.* Upon approval of a R-MH mobile home district detailed development plans for a mobile home park may then be submitted to the superintendent of building inspection for approval in accordance with the following provisions. Preliminary plans and final plats for mobile home subdivision shall be submitted to the Planning Commission in accordance with the requirements of Chapter 18 of this Code.

- (1) A mobile home park construction permit is required either to establish a mobile home park or to expand an existing park. Application for such permit shall be made to the Superintendent of Building Inspection and shall be accompanied by six (6) copies of a mobile home park final plan.
- (2) A mobile home park final plan shall be prepared by a registered surveyor, engineer or landscape architect, shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet, and shall include at least the following information:
 - a) Name of mobile home park; names and addresses of owners and designer of park and designer's seal.
 - b) Date, north arrow and scale.
 - c) Boundaries of the mobile home park and adjoining property owners.
 - d) The location and dimensions of all existing and proposed streets, drives, accessways, mobile home spaces, stands, parking bays, patios, walkways, service and accessory buildings, utility easements, storm drainage structures, and the location and type of screening to be provided.
 - e) The locations of outlets for utility connections to mobile homes.
 - f) Existing and finished contours at intervals of not more than two (2) feet.
 - g) The location and service connections of fire hydrants, both public and private.
- (3) The Superintendent of Building Inspection shall submit one (1) copy of the mobile home park final plan to each of the following agencies for their approval or disapproval:
 - a) Charlotte-Mecklenburg Planning Commission -- for conformance with site plan requirements.
 - b) Department of Public Works -- for conformance with site improvement and construction specifications.
 - c) Traffic Engineering Department -- for conformance with parking and circulation design requirements.
 - d) Mecklenburg County Health Department -- for conformance with regulations of the Mecklenburg County Health Department and regulations of the North Carolina State Board of Health.
 - e) Fire Department -- for location and adequacy of fire hydrants.

- (4) Upon approval of a mobile home park final plan by the above agencies and by the Superintendent of Building Inspection, the Superintendent of Building Inspection is empowered to issue a mobile home park construction permit. All improvements within the mobile home park shall conform to the approved mobile home park final plan.
- (5) A mobile home park certificate of occupancy, issued by the Superintendent of Building Inspection shall be required prior to the installation or erection of mobile homes on spaces ready for occupancy in a mobile home park which is newly developed or expanded subsequent to the adoption of this ordinance (section). Such certificate of occupancy shall be issued when the park and the mobile home spaces covered by the permit comply with the provisions of this ordinance (section), and other applicable requirements. Such certificate of occupancy shall limit the park to the use of mobile homes approved by the Superintendent of Building Inspection under appropriate regulatory standards therefor.

(i) *Replacement of existing mobile homes.* Mobile homes as principal residential buildings on individual lots, or in mobile home parks in operation at the time of the adoption of this ordinance (section) may be improved by replacement of (the) mobile home with another mobile home even though it is not designated as a permitted use in the district in which it is located, or may be permitted, but has not been developed in accordance with provisions of this ordinance (section), provided the number of mobile home living units is not increased beyond the number available before replacement, and provided that the replacing mobile home will not create nonconforming yards or separation distances or will not increase existing nonconforming yards or separation distances.

Sec. 23-36. Special use permits.

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

(b) *Application.* A request for a special use permit shall be considered only by application of the owners of the subject property or his duly authorized agent. Application for or amendments to approved special use permits shall be filed in the office of the Planning Commission. Application shall be made on forms provided by the Planning Commission and shall be accompanied by a one hundred dollar (\$100) fee to defray administrative and publication expenses, and by a site plan drawn to scale which shall include the following information:

- (1) A boundary survey showing the total acreage, zoning classification(s), date and north arrow;

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- (2) A description of adjoining properties including tax parcel numbers, the names and addresses of the owner and property lines adjacent to the subject parcel;
- (3) All existing easements, reservations and rights-of-way and all yards required for the zoning district requested;
- (4) Proposed location of all structures, their approximate square footage and general exterior dimensions;
- (5) Proposed use of all land and structures;
- (6) Traffic, parking and circulation plan, showing proposed location and arrangement of parking spaces and ingress and egress to adjacent streets; and
- (7) Proposed screening, including walls, fences or planting areas as well as treatment of any existing natural features.

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

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

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

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

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

and vehicular circulation systems, screening and buffer areas, the timing of development, and such other matters as the Council may find appropriate or the petitioner may propose. The petitioner shall have a reasonable opportunity to consider and respond to such additional requirements prior to final action by the City Council.

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

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

(h) *Appeals and variances.* The Board of Adjustment shall have no authority to grant a variance from any decision of the governing body pertaining to a special use permit. Any appeal from the City Council pertaining to special use permits shall be taken to the Superior Court in the same manner as an appeal from a Board of Adjustment decision.

(i) *Modification.* (1) The owner or owners of property subject to a special use permit may petition for a modification of such special use permit in accordance with the same provisions for applying for a special use permit; provided that, the evidence to be considered at the hearing shall be limited to the effect of the proposed modification upon any conditions attached to the special use permit and upon the standards and requirements of the ordinance under which the special use permit was approved. Such hearings shall be conducted in accordance with the "Rules of Hearing Procedures for Special Use Permits" adopted by the City Council and on record in the office of the City Clerk, to the extent those rules are not clearly inapplicable. Application for a modification to an approved special use permit shall be accompanied by a new site plan drawn in accordance with provisions listed in (b) above and shall identify those specific modifications proposed. (2) Any proposed modification or change of an approved special use permit and attached conditions shall be considered in accordance with the provisions of 23-36(i)(1) above; provided that, changes of detail which do not affect basic relationships of the special use to the standards and requirements of the ordinance under which the special use permit was approved or the conditions attached to the approval of the special use permit may be authorized by the Director of Planning. Any applicant may appeal the decision of the Director of Planning to the Planning Commission for review and decision as to whether a modification of the special use permit shall be required.

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

(k) *Conformancy of existing special uses.* Uses which are listed in Section 23-31 as special uses and were already in existence prior to being classified as such shall be considered as conforming uses, except however that any expansion of such uses must first receive special use permit approval as provided under this section

(l) *Recognition of certain previously approved permits.* Previously approved permits for conditional uses or special permit uses listed below, which are no longer a part of this chapter, shall be recognized for building permit and development purposes, provided that construction of at least 50 percent of the development governed by the conditional use or special use permit is substantially completed within one (1) year from the effective date of this amendment.

Shopping centers and commercial establishment exceeding 100,000 square feet or ten acres in land area.	(previously 23-35.1)
Quarries (in residential districts)	(previously 23-38)
Off-street parking in residential districts	(previously 23-39)
Petroleum products storage (in the I-3 district)	(previously 23-40)
Freight terminals and truck terminals	(previously 23-40.1)
Golf driving ranges, Par-3 golf courses, swimming pools, tennis courts and horse riding rings	(previously 23-40.2)
Multi-family use of existing non-residential structures with inadequate yard space in B-3 districts	(previously 23-40.42)
Manufacture of certain items within the research district	(previously 23-40.32)
Parking permitted for multi-family purposes in the required setback in the R-1.OMF district	(previously 23-40.48)

Sec. 23-36.1. Petroleum products storage.

(a) *Special use requirements.* Petroleum products storage of more than one hundred thousand (100,000) gallons aggregate storage capacity may be permitted as a special use in the I-1 and I-2 industrial districts subject to the Fire Prevention Code of the National Board of Fire Underwriters, all appropriate provisions of this chapter and the following supplementary requirements:

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

(b) *Application.* Application for petroleum products storage as a special use shall be submitted and reviewed in accordance with Section 23-36.

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

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

(d) *Zoning map designation.* Following City Council approval of a special use permit application the property for which approval was granted shall be labeled "S.U.P. 23-36.1" on the official zoning map.

Sec. 23-36.2. Amusements, commercial outdoor.

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

(b) *Application.* Application for commercial outdoor amusements as a special use shall be submitted and reviewed in accordance with Section 23-36. And shall include the following additional information:

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

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

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

(d) *Zoning map designation.* Following City Council approval of a special use permit application the property for which approval was granted shall be labeled "S.U.P. 23-36.2" on the official zoning map.

Sec. 23-36.3. Race tracks, raceways, drag strips.

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

- (1) Vehicular access to and from the site shall be provided by a major thoroughfare; and
- (2) No part of such facilities shall be closer than one thousand (1000) feet to a residential district.

(b) *Application.* Application for race tracks, raceways, drag strips and similar facilities shall be submitted and reviewed in accordance with Section 23-36.

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

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

(d) *Zoning map designation.* Following City Council approval of a special use permit application the property for which approval was granted shall be labeled "S.U.P. 23-36.3" on the official zoning map.

Sec. 23-36.4. High rise buildings in residential districts.

(a) *Special use requirements.* High rise buildings in residential districts which would exceed the height allowed by 23-41 and 23-45 may be permitted as a special use subject to all appropriate provisions of this chapter. The side yard shall not be less than an amount equal to the sum of the basic requirement plus one (1) foot for every two (2) feet of building height in excess of forty (40) feet. It is recognized that a high rise building may be appropriately located adjacent to intense nonresidential uses with no adverse effects to either the building or its environs. However, the same building located in an area of predominantly residential uses may have an adverse impact on the neighborhood because of its height and building mass.

(b) *Application.* Application for high rise buildings in residential districts shall be submitted and reviewed in accordance with Section 23-36. In addition, the following information shall be provided:

- (1) Proposed height and number of stories of all buildings, as well as the dimensions of all proposed yard spaces;
- (2) Proposed building exterior features, elevations and architectural renderings;
- (3) The summer and winter sun path diagram and the corresponding shadowing effects to be caused by the buildings; and

(4) A general description of the visual character of the neighborhood and an explanation of the relationship of the proposed high rise building(s) to it.

(c) *Findings.* As a prerequisite to approval of a special permit application the City Council shall find that the evidence submitted at the hearing establishes:

- (1) That the increased height above sixty (60) feet will not unduly shadow adjoining single family homes;
- (2) That the proposed use will not endanger the public health and safety or substantially reduce the value of nearby residential property;
- (3) That the proposed use will not contribute to an undesirable development pattern for the area; and
- (4) That the development plan provides for an acceptable relationship to adjacent properties.

(d) *Zoning map designation.* Following City Council approval of a special use permit application the property for which approval was granted shall be labeled "S.U.P. 23-36.4" on the official zoning map.

Sec. 23-36.5. Uses in the distributive-business district requiring special use permits.

(a) *Special use requirements.* In keeping with the intent of the distributive-business district but at the same time allowing greater flexibility, certain uses as specified in Section 23-31 may be established within this district only by a special use permit. The special use permit process is intended to assure that these uses as developed will not constitute a visual blight, cause traffic hazards or have undesirable effects on adjacent property.

(b) *Application.* Applications for a special use permit for uses in the distributive-business districts shall be submitted and reviewed in accordance with Section 23-36. In addition, the following additional information shall be provided:

- (1) Location, dimensions and outside construction material of all buildings;
- (2) Front, rear and side building elevations;
- (3) Existing and proposed contour lines at four (4) foot intervals or less.

(c) *Findings.* As a prerequisite to approval the City Council shall find that the evidence submitted at the hearing establishes:

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

(3) That the proposed uses will not create or compound traffic problems for the area.

(d) *Zoning map designation.* Following City Council approval of a special permit application, the property for which approval was granted shall be labeled "S.U.P. 23-36.5" on the official zoning map.

Sec. 23-36.6. Uses in the institutional district requiring special use permits.

(a) *Special use requirements.* The institutional district is a specialized zoning district which is intended to recognize a number of diverse non-residential uses which may be permitted as special uses when properly located and designed.

(b) *Application.* Applications for a special use permit for uses in the institutional district shall be submitted and reviewed in accordance with Section 23-36. In addition, the following information shall be provided:

- (1) Location, dimensions and outside construction material of all buildings;
- (2) Front, rear and side building elevations; and
- (3) Existing and proposed topography at four foot intervals or less.

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

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

(d) *Zoning map designation.* Following City Council approval of a special permit application the property for which approval was granted shall be labeled "S.U.P. 23-36.6" on the official zoning map.

Sec. 23-36.7. Institutional uses in residential districts.

(a) *Special use requirements.* The following uses may be established by special use permit in residential districts subject to all appropriate provisions of this chapter:

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

These uses shall be subject to the following additional requirements:

(1) Yard and Height requirements:

Residential District	Setback (feet)	Rear Yard Abutting Residential District (feet)	Rear Yard Abutting Office, Business, and Indus. Districts (feet)	Side Yard Abutting Residential District (feet)	Side Yard Abutting Office, Business, and Indus. Districts (feet)	Minimum Unobstructed Open Space (and total lot area)	Maximum Height (feet)*
R-1.OMF	20	20	20	8	8	45	40
R-6, R-6MF	25	40	20	8	8	50	40
R-6MFH	25	40	20	8	8	50	40
R-9, R-9MF	30	45	25	8	8	60	40
R-12, R-12MF	35	50	30	10	10	65	40
R-15, R-15MF	40	55	30	10	10	70	40
R-20MF	40	55	30	10	10	70	40

*(Except as provided in Section 23-45.)

(2) For day care centers and pre-schools:

Residential District	Minimum Lot Area for First Eight Children (square feet)	Minimum Lot Area for Each Additional Eight Children (or multiple) (square feet)
R-1.OMF	6,000	1,000
R-6, R-6MF	6,000	2,000
R-6MFH	6,000	1,000
R-9, R-9MF	9,000	2,500
R-12, R-12MF	12,000	3,000
R-15, R-15MF	15,000	3,500
R-20MF	20,000	5,000

At least one hundred (100) square feet of outdoor play space per child shall be provided.

Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking area or land unsuited by other usage or natural features for children's play space. Fences shall comply with fence regulations for residential districts in Section 23.44. The minimum height in any case shall be three (3) feet.

- (3) For nursing homes, rest homes, and homes for the aged:

Residential District	Minimum Lot Area for the First Five Resident Patients (square feet)	Minimum Lot Area for Each Additional Five Patients (or multiple) (square feet)
R-1.OMF	6,000	1,000
R-6	6,000	6,000
R-6MF	6,000	2,000
R-6MFH	6,000	1,000
R-9	9,000	9,000
R-9MF	9,000	2,500
R-12	12,000	12,000
R-12MF	12,000	3,000
R-15	15,000	15,000
R-15MF	15,000	3,500
R-20MF	20,000	5,000

- (4) For fraternal organizations, YMCA's and hospitals and sanatoriums, the minimum lot area shall be the same as a single family dwelling for the zoning district in which it is located.

- (5) Group homes shall have a maximum of ten (10) clients.

- (6) For all special uses under this section, the following shall apply:

No parking of motor vehicles shall be permitted in the required setback. No parking of motor vehicles shall be permitted in the required sideyard abutting residential districts. The space within the required setback shall not be used as maneuvering space for parking or unparking of vehicles, except that driveways providing ingress and egress to the parking area may be installed across the setback area.

(b) *Application.* Applications for a special use permit for institutional uses in residential districts shall be submitted and reviewed in accordance with Section 23-36.

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

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

(4) That the proposed use will be compatible with the general living environment of the area, particularly with respect to noise levels.

(d) *Zoning map designation.* Following City Council approval of a special permit application the property for which approval was granted shall be labeled "S.U.P. 23-36.7" on the official zoning map.

Sec. 23-36.8. Day care centers and pre-schools in the I-1 and I-2 industrial districts.

(a) *Special use requirements.* Day care centers and pre-schools may be established by special use permit as a principal use in the I-1 and I-2 industrial districts. The special permit process is intended to assure that such facilities will be so located so as not to constitute a potential danger to the health and safety of the children served in relation to adjoining or nearby industrial facilities. Such facilities shall be subject to all appropriate provisions of this chapter and the following additional requirements:

- (1) At least one hundred (100) square feet of outdoor play space per child shall be provided;
- (2) Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking area or land unsuited by other usage or natural features for children's play space; and
- (3) Fences shall comply with fence regulations for residential districts in Section 23-44. The minimum height in any case shall be three (3) feet.

(b) *Application.* Applications for a special use permit for day care centers and pre-schools in the I-1 and I-2 industrial districts shall be submitted and reviewed in accordance with Section 23-36.

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

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

II. Amend Article III by adding a new Division 4 Historic Districts and Urban Residential Districts as follows:

"Sec. 23-37 Historic Districts.

(a) The purpose of the historic district is to encourage the restoration, preservation and conservation of historically significant areas, structures, sites or objects and their surroundings from potentially adverse elements which may cause the decline, decay or total destruction of important historical features which are a part of the city's total heritage.

(b) No historic district or districts shall be designated until:

- (1) The Charlotte-Mecklenburg Planning Commission has made an investigation and reported on the historic significance of the buildings, structures,

features, sites or surroundings included in any such proposed districts, and shall have prepared a description of the boundaries of such district; and

(2) The Department of Cultural Resources, acting through such agent or employee as may be designated by its secretary, has had an opportunity to make an analysis of and recommendations concerning such report and description of proposed boundaries in accordance with state law.

(c) In designating a historic district, the City Council shall consider:

(1) That the area, structures, sites or objects are significant elements of the cultural, social, economic, political or architectural history of the city; and

(2) That the conservation of such district shall provide for the education, pleasure and enhancement of all residents of the city.

(d) The historic district shall be applied as an overlay zoning district which will overlap other general or specialized zoning districts to insure the compatibility and appropriateness of exterior design within such district. No exterior portion of any building or other structure (including stone walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor aboveground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored or moved within such district until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the Charlotte Historic District Commission. The municipality shall require such a certificate to be issued by the commission prior to the issuance of a building permit or other permit granted for purposes of constructing or altering structures. A certificate of appropriateness shall be required whether or not a building permit is required.

(e) An application for a certificate of appropriateness should be accompanied by sufficient information to fully describe the proposed development, alteration or restoration including, as appropriate, a schematic site plan and/or text presenting the following information:

(1) Property boundary and proposed location of all buildings and structures;

(2) Proposed use of all land;

(3) Proposed architectural design showing front, rear and side elevations; and

(4) A description of the general physical exterior condition of the structure(s), the color, kind and texture of building material, the type and style of all windows, doors, light fixtures, signs and any other appurtenant fixtures.

(f) Prior to issuance or denial of a certificate of appropriateness, the commission shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application.

In approving an application for a certificate of appropriateness, the Charlotte Historic District shall find that:

- (1) Scale and mass of buildings are sympathetic to the surrounding structures and streetscape;
- (2) The exterior features and overall architectural design of proposed buildings shall be compatible with the character of the surrounding buildings and streetscape;
- (3) The proposed development project shall be sensitive to the needs of protecting and preserving the quality and character of the existing environment; and
- (4) The proposed development project shall be designed to adequately maintain pedestrian scale and orientation, as well as provide for safe pedestrian movement.

If from the facts presented the historic district commission is unable to make the necessary findings, the application shall be denied.

(g) Nothing in these provisions shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district which does not involve a change in design, material, color, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the building inspector shall certify is required by the public safety because of an unsafe or dangerous condition.

(h) From and after the designation of a historic district, no building or structure therein shall be demolished or otherwise removed until the owner thereof shall have given the Charlotte Historic District Commission ninety (90) days' written notice of his proposed action. During such ninety (90) day period the Charlotte Historic District Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building. If the commission finds that the building involved has no particular historic significance or value toward maintaining the character of the district, it may waive all or part of such ninety (90) day period and authorize earlier demolition or removal.

(i) An appeal may be taken, at the discretion of the appealing party, to either the City Council or to the Board of Adjustment from the historic district commission's action in granting or denying the certificate. An appeal from the City Council's or the board of adjustment's decision in any such case shall be heard by the Superior Court of Mecklenburg County.

(j) Following City Council approval of a historic district, such area so designated shall be labeled HD on the official zoning map. (Ord. No. 106, §1, 6-7-76)"

"Sec. 23-38 Urban residential districts.

(a) The purpose of the urban residential district is to encourage the development of an urban area that provides for a mix of land uses within a predominantly residential character. It is recognized that the Fourth Ward meets these requirements as well as being an area that further requires special zoning classifications and provisions because of its unique urban characteristics and historical significance.

The urban residential districts are special zoning classifications that may only be considered for application within the Fourth Ward, defined as the area bounded by the centerlines of Church Street, Trade Street, the Southern Railroad and the Northwest Expressway. Emphasis, therefore, is given to provisions which will provide opportunities for imaginative, new urban development compatible with development objectives for the area, while at the same protecting and preserving the older structures, sites, trees and other natural or man-made assets of the area.

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

Urban Residential (UR)	10
Urban Residential (UR)	30
Urban Residential (UR)	50
Urban Residential (UR)	100

(c) Development standards for the urban residential districts shall accomplish the following objectives:

- (1) A mixture of land uses characterized by a predominance of residential development at various densities;
- (2) The re-use of existing housing;
- (3) The opportunities for new housing at urban densities by the use of specialized zoning classifications;
- (4) The conservation of trees;
- (5) The provision of standards consonant with a pedestrian scale and character and with a minimization of dependency on the automobile;
- (6) The provision of adequate but not excessive yard and height requirements;
- (7) The provision of adequate, but not excessive parking requirements; and
- (8) Compatibility of exterior design of structures.

(d) Uses which may be permitted in the urban residential districts shall be in accordance with the following requirements:

- (1) The following uses are permitted in all urban residential districts:
 - a. One-family detached, one-family semidetached, and one-family attached dwelling units;
 - b. Multifamily dwelling units; and
 - c. Nonresidential uses normally permitted in other residential districts.
- (2) In the UR-10 and UR-30 districts, the following nonresidential uses may be permitted provided that the gross floor area of these uses does not exceed fifty (50) percent of the ground floor area of the structure in which they are located, but there shall be no prohibition as to where within the structure these uses may be located:

- a. Handcraft shop;
- b. Bookshop;
- c. Antique shop;
- d. Tea rooms;
- e. Studios;
- f. Museums; and
- g. Offices.

(3) In the UR-50 and UR-100 districts the first floor of residential buildings may be used for business or office purposes, such uses to be limited to those permitted in B-1 Neighborhood Business Districts as listed in section 23-31(b), except that no drive-in windows or service in connection with such uses or vehicular sales, service or repair shall be permitted.

(e) Dimensional requirements for the urban residential districts shall be in accordance with the following table:

ONE-FAMILY AND MULTI-FAMILY DWELLINGS

District	Minimum Lot Area (square feet)	Minimum Side Yard (feet)	Minimum Setback (feet)	Minimum Rear Yard (feet) *****	Maximum Coverage (Structures, Driveways and Parking Areas) (% of Total Lot) ****	Maximum*** F.A.R.	Maximum Height (feet)
UR 10	5,000	5	0	20	60%	.25*	40
UR 30	5,000	5	0	20	60%	.75	40
UR 50	5,000	5	10	20	60%	1.5	40
UR 100	5,000	5	20	20	60%	2.5	40**

*One-, two- or three-family dwelling units shall be exempted from the F.A.R. requirements.

**Principal buildings may be erected to a height in excess of forty (40) feet without additional setback, side or rear yards where such abuts a public right-of-way, public park or public open space such as a cemetery or a public tree easement. Where the side or rear yard abuts any other property, the affected yard shall be increased one (1) foot for every four (4) feet of building height in excess of forty (40) feet. This additional required yard space may be utilized for other residential and certain non-residential uses, provided that these uses have their own primary entrances at exterior grade, as follows:

- (1) Residential uses may be constructed to a height of two (2) stories; and
- (2) Nonresidential uses as permitted in this district may be constructed to a height of one (1) story.

In addition the roof above these uses may be utilized to satisfy parking requirements or is so classified and designed as open space to satisfy the limitations on the amount of permitted land coverage.

***Parking facilities are exempt from Maximum F.A.R. limitations.

****Any roof areas designed as open space may be classified as open space to satisfy the limitations on the amount of permitted land coverage.

*****Minimum rear yard shall be five (5) feet whenever the property adjoining that rear yard is public park or open space such as a cemetery or a public tree easement.

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(f) Accessory structures in the urban residential districts shall be exempted from Section 23-27 to allow carports and garages only when a joint application is made by adjoining property owners.

(g) Parking requirements for uses within the urban residential districts shall be as follows:

- (1) One-family and two-family dwellings shall be required to provide a minimum of one (1) space per dwelling unit. Such space may optionally be provided off-site in grouped facilities, particularly at interior-block parking lots, courts or other convenient locations.
- (2) Off-site grouped facilities or other large (more than sixteen (16) spaces) off-street lots shall be required to submit a parking plan showing that such lots shall be screened by opaque walls or fencing to a height of six (6) feet except entry driveways which shall be made as inconspicuous as possible. Where off-site parking is provided such parking shall be appropriately designated by an identification sign to be no larger than two hundred (200) square inches in size.
- (3) Multi-family dwellings shall be required to provide a minimum of .75 spaces and a maximum of 1.25 spaces per unit, except that the minimum for Senior Citizen Projects is .25 spaces in accordance with Section 23-62, Schedule of off-street parking requirements. Required space may optionally be provided off-site in grouped facilities.
- (4) Nonresidential uses shall not be required to provide off-street parking.
- (5) Grade level parking is allowed in the setback of multi-family housing in urban residential districts.
- (6) Underground parking structures shall be permitted within any required setback, side yard, or rear yard on any lot, provided no portion of the underground structures extends above grade more than five (5) feet at any point nor more than four (4) feet for seventy-five percent (75%) of its length along any lot line. A balustrade, parapet or railing may extend above the permitted structure height provided it is not greater than thirty-two (32) inches in height, is set back from the property line at least three (3) feet and has openings equal to at least thirty percent (30%) of its surface along each side. Along any lot line abutting a street, "grade" shall mean ground elevation at the property line. Such structures shall conform to any corner site distance requirements which may be in effect at the time the underground structure is built and the portion of the structure within the setback area shall be covered with a pedestrian deck. All such deck may be classified as open space to satisfy the limitation on the amount of permitted land coverage.

(h) Many existing significant trees in urban residential districts should be preserved because of their collective value as outstanding urban assets. Thus, alternative dimensional and parking requirements may be utilized in order to preserve such trees when it is clearly demonstrated that the preservation of such trees cannot be realized when the application of the principal dimensional and parking standards as set forth above are employed. Therefore, the following alternative dimensional and parking requirements as herein established may be utilized when the following conditions are met:

- (1) The tree preservation plan is submitted (required as an item for site plan review) showing:
 - a. The relationship between proposed buildings and existing significant foliage;
 - b. Designation of the tree(s) to be preserved; and
 - c. A plan to protect the tree(s) during construction and thereafter.
- (2) A positive recommendation is obtained from the city arborist relative to the potential of said trees given their age and condition.
- (3) The proposed exceptional requirements do not adversely inhibit the provision of safety, light, air and access relative to the proposed land uses.
- (4) The tree preservation plan will reasonably insure the preservation of said trees for their normal life.

ALTERNATIVE DIMENSIONAL REQUIREMENTS

District	Minimum Side Yard (feet)	Minimum Setback (feet)	Minimum Rear Yard (feet)
UR 10	5	0	5
UR 30	0	0	5
UR 50	0	5	10
UR 100	0	5	10

ALTERNATIVE PARKING REQUIREMENTS

Dwelling Type	Parking Space Required Per Dwelling Unit
One-Family	.5
Two-Family	.5
Multi-Family	.35*

*Maximum space that may be provided is 1.25 spaces per dwelling unit.

(i) Development within the urban residential districts shall be regulated by a site plan to be submitted to and approved by the Charlotte-Mecklenburg Planning Commission, and present the following information:

- (1) Location of property boundary and proposed location of all buildings and structures;
- (2) Proposed use of all land;

- (3) Proposed parking plan showing location, arrangement and number of parking spaces and ingress and egress to adjacent streets;
 - (4) Proposed tree preservation plan showing the relationship between proposed building location and existing significant foliage. Additional information shall designate the tree(s) to be preserved as well as a plan to protect the tree(s) during construction and thereafter; and
 - (5) Total amount of floor area and floor area ratio, where applicable.
 - (6) Proposed landscaping plan showing location and types of shrubs, plants or other suitable screening foliage.
- The requirements of Section 23-32, Planned multi-family development in residential districts, shall not apply to urban residential districts except that minimum side and rear yards at exterior property lines shall be a minimum of five (5) feet and minimum setbacks shall be identical to those listed in paragraph (e).
- (j) No building permit may be issued until the Planning Commission has approved the required site plan.

III. Amend Article III Division 2. Special Requirements for Certain Permitted Uses by inserting the following new Section 23-34.07 Quarries:

"Sec. 23-34.07. Quarries.

(a) Quarries may be established in I-1 and I-2 industrial districts subject to all appropriate provisions of this chapter and to the following additional requirements:

- (1) A nonclimbable fence, a minimum of six (6) feet in height, shall be installed around the quarry and all its operations as a safety device. Such fences shall be constructed of wire mesh in rectangular shapes, and the sizes of such rectangles shall not exceed two (2) inches by four (4) inches.

- (2) Access to the quarry shall not make use of established minor residential access streets.
- (3) Any crushing of rock or processing of material shall be done in such a way as to minimize the amount of air-borne dust created.
- (4) The quarry and all its buildings, pits and processing equipment shall be effectively screened from the view of any adjoining property in a residential district with a fence or durable masonry wall six (6) feet in height, or natural planting of comparable opacity at least six (6) feet in height.
- (b) Dimensional requirements for quarries shall be as specified below:

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

(c) During operation of the quarry and after termination of quarrying operations at that site, the following safety features shall be maintained:

- (1) Rock quarries.
 - a) From the edge of the pit, a distance of twenty (20) feet, measured horizontally, shall be maintained free of any soil cover.
 - b) From a point twenty (20) feet from the edge of the pit, the soil cover, if less than twenty (20) feet in depth, shall be graded back to a slope of one (1) foot vertical, or less, to one (1) foot horizontal from the rock level to the top of the soil cover.
 - c) If the soil cover to be stripped away exceeds twenty (20) feet in depth, a ditch eight (8) feet in width and three (3) feet in depth at least ten (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 paragraph (d) below, in connection with the termination of quarrying operations, will suffice in lieu of the backsloping or ditch in that particular area.
 - d) For a distance of one hundred (100) feet from the edge of the pit, all dense underbrush shall be removed from the soil cover.
- (2) Gravel quarries and sand quarries.
 - a) When such pit exceeds a depth of twenty (20) feet from the surface of the ground, all dense underbrush shall be removed from the soil cover for a distance of one hundred (100) feet from the edge of the pit.

(d) Upon termination of quarry operations at any pit that exceeds a depth of twenty (20) feet from the surface of the ground, either the pit shall be backfilled to a slope of one (1) foot vertical, or less, to one (1) foot horizontal from the bottom of the pit to the surface of the ground, or a nonclimbable fence shall be erected and maintained around the pit. The fence will be a minimum of six (6) feet in height and constructed of wire mesh in rectangular shapes, and the sizes of such rectangles shall not exceed two (2) inches by four (4) inches."

IV. Amend Article III Division 2 Special Requirements for Certain Permitted Uses by inserting the following new Section 23-34.08 Retail Sale of food and beverages within certain residential developments.

"Sec. 23-34.08. Retail sale of food and beverages within certain residential developments.

(a) Recreational and similar club facilities are permitted as accessory uses within multi-family projects, planned multi-family developments, planned unit developments and cluster developments when such facilities are designed as an integral part of and incidental to the development and are provided for the use and enjoyment of the residents and their guests. Such facilities may include in their operation the retail sale of food and beverages, but only in accordance with paragraph (b) below. These requirements are designed to assure that such facilities are not operated as a purely commercial use open to the general public.

(b) The retail sale of food and beverages may be permitted within recreational and similar club facilities as defined above subject to the following requirements:

- (1) The dispensation of food and beverages shall be only to residents and registered guests and shall not be opened to the general public;
- (2) An up-to-date register of all resident members shall be maintained on the premises;
- (3) An up-to-date register of all guests shall be maintained on the premises and shall include the name of the guest, the name and address of the sponsoring member and the date of entry; and
- (4) Each individual member may sponsor no more than four (4) guests at any one time and must accompany guests to the social club facility.

(c) The sale of any food and beverage within the club facility shall conform to all applicable laws of the State of North Carolina pertaining to the licensing and dispensation of such food and beverages.

V. Amend Article IV Division 3 Business Districts by inserting a new Section 23-54.1. Maximum Floor Area to read as follows:

"Sec. 23-54.1. Maximum floor area.

In the B-1, B-2, B-3 and B-D business districts, the maximum total floor area of any retail commercial establishment or shopping center shall not exceed 100,000 square feet. Proposed facilities which would exceed 100,000 square feet in floor area may be considered only under the provisions of Section 23-35.2."

VI. Amend Article IV Division 4 Industrial Districts by inserting a new Section 23-59.2. Maximum Floor Area to read as follows:

"Sec. 23-59.2. Maximum floor area.

In the I-1, I-2 and I-3 industrial districts, the maximum total floor area of any retail commercial establishment or shopping center shall not exceed 100,000 square feet. Proposed facilities which would exceed 100,000 square feet in floor area may be considered only under the provisions of Section 23-35.2."

VII. Amend Section 23-32.6. Day Care Homes (small group) as follows:

(a) Change the first paragraph (undesignated) to read:

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

(b) Change Section 23-32.6.(c) to read:

"The minimum lot area for the first eight (8) children shall be six thousand (6,000) square feet in the O-6, B-1, B-2, B-3 and B-D districts and fifteen thousand (15,000) square feet in the O-15 and institutional districts. The minimum additional area for an additional seven (7) children shall be one thousand (1,000) square feet in the O-6, B-1, B-2, B-3 and B-D districts and two thousand five hundred (2,500) square feet in the O-15 and institutional districts."

VIII. Amend Section 23-32.7. Day care centers in institutional, office and research districts as follows:

(a) Change Section 23-32.7 section heading to read:

"Section 23-32.7 Day care centers in institutional, office, research and business districts."

(b) Change the first paragraph (undesignated) to read:

"Day care centers, licensed by proper authority, may be established as a use by right in institutional, office, research and business districts subject to the requirements listed below in addition to all applicable requirements of this chapter for the district in which it is located."

(c) Change Section 23-32.7.(c) to read:

"The minimum lot area for the eight (8) children shall be six thousand (6,000) square feet in the O-6, B-1, B-2, B-3 and B-D districts and fifteen thousand (15,000) square feet in the O-15, institutional and research districts. The minimum additional eight (8) children (or remainder over the multiple of eight (8)) shall be one thousand (1,000) square feet in the O-6, B-1, B-2, B-3 and B-D districts and two thousand five hundred (2,500) square feet in the O-15, institutional and research districts."

IX. Amend Section 23-32.8. Nursing homes, rest homes and homes for the aged" as follows:

(a) Change the first paragraph (undesignated) to read:

"Nursing homes, rest homes and homes for the aged may be established in office and business districts subject to the requirements listed below in addition to all other requirements of this chapter."

(b) Change Section 23-32.8.(a) to read:

"The minimum lot area for the first five (5) patients shall be six thousand (6,000) square feet in the O-6 and business districts and fifteen thousand (15,000) square feet in the O-15 district. The minimum additional area for each additional five (5) patients (or remainder of the multiple of five (5)) shall be one thousand (1,000) square feet in the O-6 and business districts and two thousand five hundred (2,500) square feet in the O-15 district."

X. Amend Section 23-31 Table of Permitted Uses paragraph (a) Residential and Related Uses as follows:

(a) Change the use "Commercial uses in conjunction with certain multi-family and office buildings subject to regulations in Section 23-33.1 and as a special use under Section 23-40.41"

to read:

"Commercial uses in conjunction with certain multi-family and office buildings as a special use under Section 23-36.6."

(b) Change the use "Country clubs and swimming clubs operated on a non-commercial membership basis, as a special use under Section 23-40.41" by changing the phrase "Section 23-40.41" to read "Section 23-36.6."

(c) Delete the use "Day care centers, permitted as a conditional use subject to Section 23-40.01" in its entirety.

(d) Insert the following new use after the use "customary home occupations ...": "Day care centers as a special use under Section 23-36.7" and indicate with the symbol "x" this use is permitted in residential districts "R-6, R-9 ..." and "R-1.OMF, R-6MF ...".

(e) Amend the use "Day care centers, subject to Section 23-32.7" by indicating with the symbol "x" this use is permitted in the B-2, B-3 and B-D districts.

(f) Insert after "Day care centers, subject to Section 23-32.7" the following new use" "Day care centers, as a special use under Section 23-36.8" and indicate with the symbol "x" this use is permitted in the I-1 and I-2 districts.

(g) Amend the use "Day care homes (small groups), subject to Section 23-32.6" by indicating with the symbol "x" this use is permitted in the B-2, B-3 and B-D districts.

(h) Delete the use "Day care homes (small groups), permitted as a conditional use subject to Section 23-40.01." in its entirety.

(i) Delete the use "Day nurseries, day care centers and pre-schools subject to regulations in Section 23-43(e) as a special use under Section 23-40.45." in its entirety.

(j) Change the use "Dormitories, for students of colleges ... as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6."

(k) Change the use "Dwellings, one family attached as a special use under Section 23-40.41." by replacing "Section 23-40.41" with "Section 23-36.6" and by deleting the symbol "x" from the residential district category "R-6, R-9, R-12, R-15".

(l) Change the use "Dwellings, multi-family, a single building ... as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6."

(m) Amend the use "Dwellings, multi-family, planned multi-family developments as a special use under Section 23-40.41." by replacing "Section 23-40.41." with "Section 23-36.6".

(n) Amend the use "Fraternal organizations as a special use under Section 23-40.01" by replacing "Section 23-40.01" with "Section 23-36.7".

(o) Amend the use "Golf courses, public and private as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

(p) Delete the use "Golf driving ranges, par-3 golf courses ... as a conditional use under Section 23-40.2" in its entirety.

(q) Amend the use "Group homes for 7 to 10 clients as a conditional use under Section 23-40.01" to read: "Group homes for seven (7) to ten (10) clients as a special use under Section 23-36.7".

(r) Amend the use "Group homes as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

(s) Amend the use "Hospitals and sanitoriums as a conditional use under Section 23-40.01" to read: "Hospitals and sanitoriums as a special use under Section 23-36.7".

(t) Amend the use "Mobile Homes, in the conditional R-MH District only, as provided under Section 23-37" by replacing "Section 23-37" with "Section 23-35.5".

(u) Amend the use "Nursing homes, rest homes and homes for the aged, subject to Section 23-32.8" by indicating with the symbol "x" this use permitted in the B-2, B-3T and B-3 districts.

(v) Amend the use "Nursing Homes, rest homes and homes for the aged, as a conditional use under Section 23-40.02" to read: "Nursing homes, rest homes and homes for the aged, as a special use under Section 23-36.7" and by deleting the symbol "x" from the B-2, B-3T and B-3 columns.

(w) Delete the use "Off-street parking for Office, Business or Industrial uses as a conditional use under Section 23-39" in its entirety.

(x) Change the use "Young Men's Christian Associations and comparable organizations as a conditional use under Section 23-40.01" by replacing "as a conditional use under Section 23-40.01" with "as a special use under Section 23-36.7".

(y) Change the use "Young Men's Christian Associations and comparable organizations as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

XI. Amend Section 23-31 Table of Permitted Uses paragraph (b) Business Uses as follows:

(a) Change the use "Amusement, commercial, outdoors limited to par-3 golf courses, golf driving ranges and archery ranges as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

(b) Change the use "Amusement, commercial, outdoors such as ... as a conditional use under Section 23-40.02" with "as a special use under Section 23-36.2".

(c) Change the use "Automobile service stations providing minor adjustment, minor repairs and lubrications to any type of motor vehicle, as a special use under Section 23-40.45" by replacing "Section 23-40.45" with "Section 23-36.5".

(d) Change the use "Banks as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

(e) Change the use "Buildings for dramatic, musical or other cultural activities as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

(f) Change the use "Buildings for social fraternal, social service, union and civic organizations as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

(g) Change the use "Buildings for display of sample merchandise, as a special use under Section 23-40.45" by replacing "Section 23-40.45" with "Section 23-36.5".

(h) Change the use "Business and professional offices, provided ... as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

(i) Change the use "Clinics, medical, dental and doctors offices, as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

(j) Change the use "Coliseums and stadiums as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

(k) Change the use "Commercial schools and schools providing ... as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

(l) Change the use "Engraving, excluding textile engraving, as a special use under Section 23-40.45" by replacing "Section 23-40.45" with "Section 23-36.5".

(m) Change the use "Frozen food lockers as a special use under Section 23-40.45" by replacing "Section 23-40.45" with "Section 23-36.5".

(n) Change the use "Laboratories and other facilities ... as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

(o) Change the use "Motels, motor courts and hotels with associated commercial uses subject to regulations in Section 23-32.2 and as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

(p) Change the use "Motels, motor courts and hotels as a special use under Section 23-40.45" by replacing "Section 23-40.45" with "Section 23-36.5" and by deleting the symbol "x" from the 0-15 and 0-6 columns.

(q) Change the use "Office buildings and offices as a conditional use under Section 23-40.2" to read "Office buildings and offices as a special use under Section 23-36.6".

(r) Delete the use "Off-street parking for office, business, or industrial uses as a conditional use under Section 23-39" in its entirety.

(s) Change the use "Post offices as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

(t) Change the use "Restaurants as a special use under Section 23-40.45" by replacing "Section 23-40.45" with "Section 23-36.5".

(u) Delete the use "Retail sales, businesses and professional ... or the total land area exceeds ten (10) acres" in its entirety.

(v) Delete the use "shopping center" in its entirety and insert in its place the use "shopping center subject to the requirements listed in Section 23-54.1 and Section 23-59.2" and indicate with the symbol "x" in the following columns that this use is permitted in the B-1, B-2, B-3, B-D, I-1, I-2 and I-3 districts.

(w) Delete the use "shopping center as a conditional use ... or the total land area exceeds ten (10) acres" in its entirety.

(x) Change the use "Studios for artists, designers, photographers, musicians, sculptors, gymnasts as a special use under Section 23-40.41" by replacing "Section 23-40.41" with "Section 23-36.6".

(y) Change the use "Trade schools provided no outdoor storage or activities, as a special use under Section 23-40.45" by replacing "Section 23-40.45" with "Section 23-36.5".

(z) Change the use "Veterinary hospitals and commercial kennels ... as a special use under Section 23-40.45" by replacing "Section 23-40.45" with "Section 23-36.5".

XII. Amend Section 23-31 Table of Permitted Uses paragraph (c) Industrial Uses as follows:

(a) Change the use "Building materials storage ... as a special use under Section 23-40.45" by replacing "Section 23-40.45" with "Section 23-36.5".

(b) Change the use "Dairy products processing, bottling and distribution on a wholesale basis, as a special use under Section 23-40.45" by replacing "Section 23-40.45" with "Section 23-36.5".

(c) Change the use "Food processing, excluding poultry and animal slaughtering and dressing, as a special use under Section 23-40.45" by replacing "Section 23-40.45" with "Section 23-36.5".

(d) Delete the use "Freight terminals as a conditional use under Section 23-40" in its entirety.

(e) Delete the use "Manufacture of certain items on a limited basis as a special use under Section 23-40.43" in its entirety.

(f) Change the use "Petroleum storage, as a principal use, for wholesale ... as a conditional use, under Section 23-40" by deleting "as a principal use" and by replacing "as a conditional use under Section 23-40" with "as a special use under Section 23-36.1".

(g) Delete the use "Quarries, as a conditional use under Section 23-38" in its entirety.

(h) Delete the use "Quarries, subject to requirements listed in Section 23-38" in its entirety and insert in its place the use "Quarries, subject to requirements listed in Section 23-34.07" and indicate with the symbol "x" in the appropriate columns that this use is permitted in the I-1 and I-2 districts.

(i) Change the use "Race tracks, raceways, dragstrips as a conditional use under Section 23-40.03" by replacing "as a conditional use under Section 23-40.03" with "as a special use under Section 23-36.3".

(j) Delete the use "Truck terminals as a conditional use under Section 23-40.1" in its entirety.

(k) Change the use "Warehousing within an enclosed building as a special use under Section 23-40.45" by replacing "Section 23-40.45" with "Section 23-36.5" and by deleting the symbol "x" in the following columns: I-1, I-2 and I-3.

XIII. Amend "Article I Sec. 23-2 Definitions" by inserting a new sub-section "(19b)" to read as follows:

"(19b) Retail commercial establishment. A retail commercial establishment is a business whose principal use is the sale of goods, merchandise and products directly to the consumer."

XIV. Amend "Article IV, Division 1 Sec. 23-45 Modification of Maximum building height." sub-section (b) by changing the phrase "23-40.3" to read "23-36.4".

- XV. Amend "Article IV, Division 1, Sec. 23-46.1" by deleting the phrase "... except as permitted in the R-1.OMF district by special use permit under section 23-40.48."
- XVI. Amend "Article V, Division 1, Sec. 23-62. Schedule of off-street parking requirements" under the use: "Dwelling, multi-family" by deleting from the column "standards" for this use the following phrase:
- "Parking for multi-family units may be permitted in single family districts only as a conditional use under Section 23-39."
- XVII. Amend "Article VI, Division 1, Sec. 23-76 signs permitted without limitation" by deleting from sub-section (f) the following phrase:
- " ... except for the limitation established for conditional parking residential districts under Section 23-39."
- XVIII. Amend "Article VII Division 3. Sec. 23-96 Amendment to Zoning Ordinance" by deleting sub-sections (b), (c) and (d) and by inserting in their place the following:
- "(b) Petitions for an amendment shall be filed in the office of the Planning Commission prior to the public hearing, and shall be accompanied by a one hundred dollar (\$100.00) fee to defray administrative and publication expenses. A petitioner may amend or withdraw his petition only with the approval of the City Council. Requests for permission to amend or withdraw petitions for rezoning must be filed with the City Council prior to the date established for the public hearing. A decision on the request will be made by the City Council on the day of the public hearing. The City Council shall not permit an amendment which would delete a portion of the land originally included in the petition for rezoning when the effect of such deletion would be to change the percentage of votes required for approval of the rezoning. The City Council shall not permit a withdrawal of a petition when protests in opposition to the proposed rezoning sufficient to invoke the three-fourths (3/4) voting rule have been filed.
- (c) When considering a petition for rezoning to a general zoning district classification the City Council shall not evaluate such petition on the basis of a specific proposed use or proposed development characteristics. Further, the petitioner shall refrain from any graphic description of proposed development features except as would apply to any use within the district requested.
- (d) A petition for an amendment that has been denied shall not be again instituted earlier than two (2) years from the date of denial, unless the City Council, after considering the advice of the Planning Commission, shall find that there have been substantial changes in conditions or circumstances bearing on the application.
- (e) The zoning districts are hereby classified from the highest classification to the lowest classification as follows:

- (1) R-15
- (2) R-12
- (3) R-9
- (4) R-6
- (5) R-MH
- (6) R-20MF
- (7) R-15MF
- (8) R-12MF
- (9) R-9MF
- (10) R-6MF
- (11) R-6MFH
- (12) R-1.OMF
- (13) UR-10
- (14) UR-30
- (15) UR-50
- (16) UR-100
- (17) RE-1
- (18) RE-2
- (19) INST
- (20) O-15
- (21) O-6
- (22) B-1 S.C.D.
- (23) B-1
- (24) B-2
- (25) B-3T
- (26) B-3
- (27) B-D
- (28) I-1
- (29) I-2
- (30) I-3

XIX. Amend Article VII, Division 3 by deleting Sec. 23-97. Special district and conditional use approvals, in its entirety.

XX. Amend Division 5 Miscellaneous Provisions by deleting Section 23-106 in its entirety and by replacing it with the following new section to read as follows:

23-106. Enforcement.

In enforcing the provisions of this chapter, the City may utilize any one, all, or a combination of the following remedies:

(1) Any person, firm or corporation who violates any provision or section of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding thirty (30) days. Each day that a violation continues to exist shall be considered to be a separate offense, provided the violation is not corrected within thirty (30) days after notice of the violation has been given.

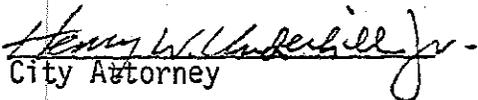
(2) The City may institute a civil action in the appropriate division of the General Court of Justice, in order to enforce the provisions of this Chapter. As a part of such action, the City may apply for any appropriate equitable remedy and it

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shall not be a defense to the application of the City for equitable relief that there is an adequate remedy at law. Further, the City may apply for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. In addition to an injunction, the court may enter an order of abatement as a part of the judgement in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the ordinance. 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 connection therewith.

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 8th day of August, 19 77, the reference having been made in Minute Book 66, and recorded in full in Ordinance Book 24, Page 339-385.

Ruth Armstrong,
City Clerk

August 8, 1977
Ordinance Book 24 - Page 386

ORDINANCE NO. 662-X

AN ORDINANCE TO TRANSFER FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE 1969 PARK FACILITIES BOND FUND AND TO ESTABLISH A REVENUE ESTIMATE FOR FEDERAL GRANT FUNDS UNDER THE HUD OPEN SPACE PROGRAM TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR CONSTRUCTION OF TENNIS COURTS AT TUCKASEEGEE PARK.

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

Section 1. That the sum of \$60,000 is hereby appropriated to the Park and Recreation Capital Projects Account 700.15 - Tuckaseegee Park in accordance with the following schedule:

Transferred From

1969 Recreation Facilities Bond Fund 4182	\$34,000
Federal Grant Revenue (HUD Open Space Grant N.C.-1008-OS)	<u>26,000</u>
Total	\$60,000

These funds will be used to complete the construction of four tennis courts at Tuckaseegee Park.

Section 2. That the Finance Director or his designee is hereby authorized to loan funds in an amount up to \$26,000 from the 1969 Recreation Facilities Bond Fund 4182 to facilitate the completion of the Tuckaseegee Park pending the receipt of federal grant funds. These funds will be returned to the Recreation Facilities Bond Fund upon receipt of federal grant revenues.

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

Section 4. This ordinance shall be 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 8th day of August, 1977, the reference having been made in Minute Book 66, and is recorded in full in Ordinance Book 24, at Page 386.

Ruth Armstrong, City Clerk

August 8, 1977
Ordinance Book 24 - Page 387

ORDINANCE NO. 663-X

AN ORDINANCE TRANSFERRING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE COUNTY WATER BOND FUND TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR THE CONSTRUCTION OF A WATER MAIN IN HIGHWAY 51.

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

Section 1. That the sum of \$9,000 is hereby transferred from the unappropriated balance of Bond Fund 2075.4140 to the Utility Capital Improvement Project Account 635.70 - Main Construction in Highway 51. These funds will be used to provide for engineering and inspection costs during project construction.

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 8th day of August, 1977, the reference having been made in Minute Book 66, and is recorded in full in Ordinance Book 24, at Page 387.

Ruth Armstrong
City Clerk

August 8, 1977
Ordinance Book 24 - Page 388

ORDINANCE NO. 664-X

AN ORDINANCE ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address) 2417 Dundeen Street has been found to be a nuisance by the Supervisor of Community Improvement Division of the Public Works Department, and the owner or those responsible for the maintenance of the premises has/have been ordered to remove the same, pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte; and

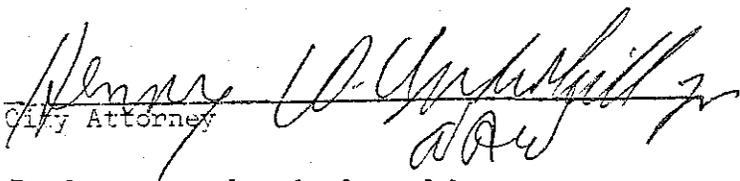
WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on July 7, 1977: and

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid premises are being maintained in a manner which constitutes a public nuisance because of weeds and grass

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division, of the Public Works Department, is hereby ordered to cause removal of weeds and grass from the aforesaid premises in the City of Charlotte, and that the City assess costs incurred, and this shall be a charge against the owner (owners), and shall be a lien against this property, all pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte.

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of August, 1977, the reference having been made in Minute Book 66, and is recorded in full in Ordinance Book 24, at Page 388.

Ruth Armstrong
City Clerk

ORDINANCE NO. 655-X

AN ORDINANCE ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address) 1510 Belle Terre Avenue has been found to be a nuisance by the Supervisor of Community Improvement Division of the Public Works Department, and the owner or those responsible for the maintenance of the premises has/have been ordered to remove the same, pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte; and

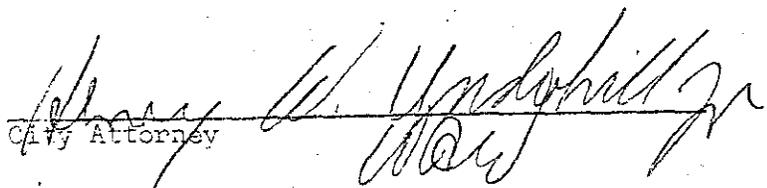
WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on June 21, 1977; and

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid premises are being maintained in a manner which constitutes a public nuisance because of weeds & grass

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division, of the Public Works Department, is hereby ordered to cause removal of weeds & grass from the aforesaid premises in the City of Charlotte, and that the City assess costs incurred, and this shall be a charge against the owner (owners), and shall be a lien against this property, all pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte.

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of August, 1977, the reference having been made in Minute Book 66, and is recorded in full in Ordinance Book 24, at Page 389.

Ruth Armstrong
City Clerk

August 8, 1977
Ordinance Book 24 - Page 390

ORDINANCE NO. 353-K

AN ORDINANCE ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address) vacant lot adjacent to 1509 Mont- has been found to be a nuisance by the gomery St. Supervisor of Community Improvement Division of the Public Works Department, and the owner or those responsible for the maintenance of the premises has/have been ordered to remove the same, pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte; and

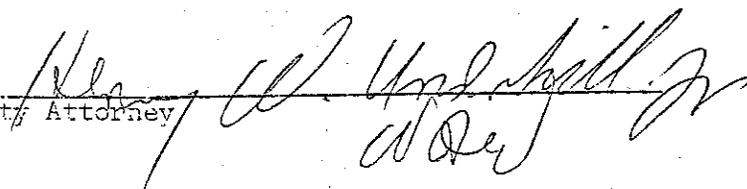
WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on June 29, 1977: and

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid premises are being maintained in a manner which constitutes a public nuisance because of weeds and grass

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division, of the Public Works Department, is hereby ordered to cause removal of weeds and grass from the aforesaid premises in the City of Charlotte, and that the City assess costs incurred, and this shall be a charge against the owner (owners), and shall be a lien against this property, all pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte.

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of August, 1977, the reference having been made in Minute Book 66 and is recorded in full in Ordinance Book 24 at Page 390.

Ruth Armstrong
City Clerk

ORDINANCE NO. 667-N

AN ORDINANCE ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address) vacant lot adjacent to 2111 Gibbs St. has been found to be a nuisance by the Supervisor of Community Improvement Division of the Public Works Department, and the owner or those responsible for the maintenance of the premises has/have been ordered to remove the same, pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte; and

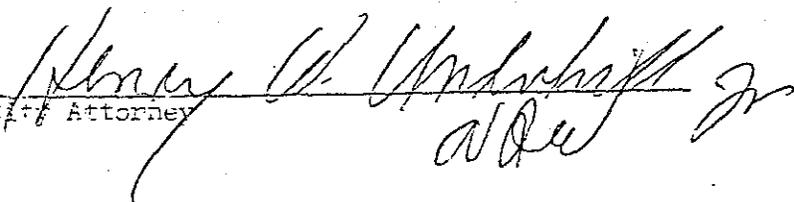
WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on May 24, 1977; and

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid premises are being maintained in a manner which constitutes a public nuisance because of weeds and grass

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division, of the Public Works Department, is hereby ordered to cause removal of weeds and grass from the aforesaid premises in the City of Charlotte, and that the City assess costs incurred, and this shall be a charge against the owner (owners), and shall be a lien against this property, all pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte.

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of August, 1977, the reference having been made in Minute Book 66 and is recorded in full in Ordinance Book 24 at Page 391.

Ruth Armstrong
City Clerk

August 8, 1977
Ordinance Book 24 - Page 392

ORDINANCE NO. 650-A

AN ORDINANCE ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address) vacant lot 2400 Beatties Ford Road has been found to be a nuisance by the Supervisor of Community Improvement Division of the Public Works Department, and the owner or those responsible for the maintenance of the premises has/have been ordered to remove the same, pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte; and

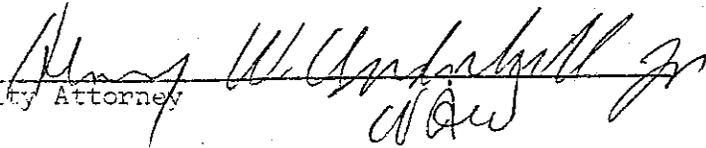
WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on June 23, 1977: and

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid premises are being maintained in a manner which constitutes a public nuisance because of weeds and grass

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division, of the Public Works Department, is hereby ordered to cause removal of weeds and grass from the aforesaid premises in the City of Charlotte, and that the City assess costs incurred, and this shall be a charge against the owner (owners), and shall be a lien against this property, all pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte.

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of August, 1977, the reference having been made in Minute Book 66 and is recorded in full in Ordinance Book 24 at Page 392.

Ruth Armstrong
City Clerk

ORDINANCE NO. 669-X

AN ORDINANCE ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address) 1615 Mimosa Avenue has been found to be a nuisance by the Supervisor of Community Improvement Division of the Public Works Department, and the owner or those responsible for the maintenance of the premises has/have been ordered to remove the same, pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte; and

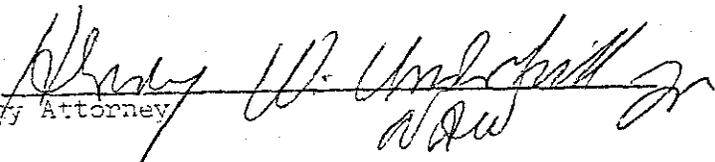
WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on June 21, 1977: and

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid premises are being maintained in a manner which constitutes a public nuisance because of weeds and grass

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division, of the Public Works Department, is hereby ordered to cause removal of weeds and grass from the aforesaid premises in the City of Charlotte, and that the City assess costs incurred, and this shall be a charge against the owner (owners), and shall be a lien against this property, all pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte.

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of August, 1977, the reference having been made in Minute Book 66 and is recorded in full in Ordinance Book 24 at Page 393.

Ruth Armstrong
City Clerk

August 11, 1977
 Ordinance Book 24 at Page 394

ORDINANCE NO. 670-K

AN ORDINANCE ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address) 700 S. Summit Avenue has been found to be a nuisance by the Supervisor of Community Improvement Division of the Public Works Department, and the owner or those responsible for the maintenance of the premises has/have been ordered to remove the same, pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte; and

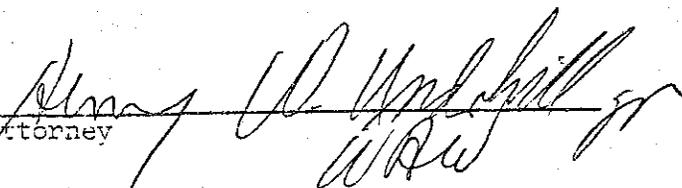
WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on June 9, 1977: and

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid premises are being maintained in a manner which constitutes a public nuisance because of weeds & grass

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division, of the Public Works Department, is hereby ordered to cause removal of weeds & grass from the aforesaid premises in the City of Charlotte, and that the City assess costs incurred, and this shall be a charge against the owner (owners), and shall be a lien against this property, all pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte.

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

Approved as to form:


 City Attorney

Read, approved (and adopted) by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of August, 1977, the reference having been made in Minute Book 66 and is recorded in full in Ordinance Book 24 at Page 394.

Ruth Armstrong
 City Clerk

ORDINANCE NO. 671-X

AN ORDINANCE ORDERING THE REMOVAL OF WEEDS, GRASS & TRASH PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds, grass & trash located on the premises at (address) 2625 Lucena St. has been found to be a nuisance by the Supervisor of Community Improvement Division of the Public Works Department, and the owner or those responsible for the maintenance of the premises has/have been ordered to remove the same, pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte; and

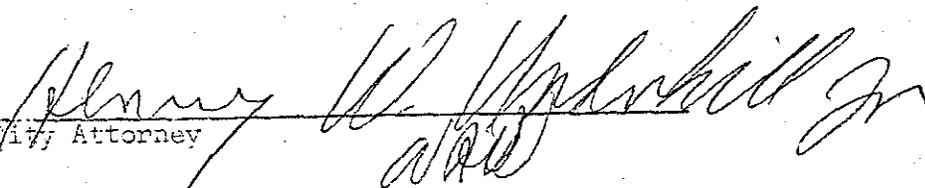
WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on June 16, 1977: and

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid premises are being maintained in a manner which constitutes a public nuisance because of weeds, grass & trash

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division, of the Public Works Department, is hereby ordered to cause removal of weeds, grass & trash from the aforesaid premises in the City of Charlotte, and that the City assess costs incurred, and this shall be a charge against the owner (owners), and shall be a lien against this property, all pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte.

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of August, 1977, the reference having been made in Minute Book 66 and is recorded in full in Ordinance Book 24 at Page 395.

Ruth Armstrong
City Clerk

ORDINANCE NO. 673-X

AN ORDINANCE ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 5.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address) vacant lot adjacent to 5250 Kelly has been found to be a nuisance by the Street Supervisor of Community Improvement Division of the Public Works Department, and the owner or those responsible for the maintenance of the premises has/have been ordered to remove the same, pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte; and

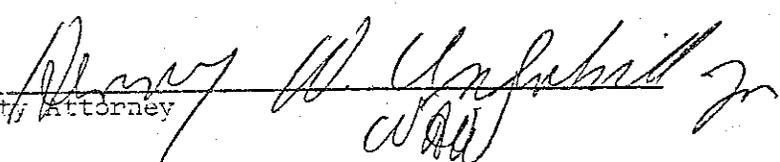
WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on May 10, 1977: and

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid premises are being maintained in a manner which constitutes a public nuisance because of weeds and grass

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division, of the Public Works Department, is hereby ordered to cause removal of weeds and grass from the aforesaid premises in the City of Charlotte, and that the City assess costs incurred, and this shall be a charge against the owner (owners), and shall be a lien against this property, all pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte.

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of August, 1977, the reference having been made in Minute Book 66 and is recorded in full in Ordinance Book 24 at Page 396.

Ruth Armstrong
City Clerk

ORDINANCE NO. 673-X

AN ORDINANCE ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE (s) LOCATED AT 2230 Purser Drive PURSUANT TO THE ARTICLE 10-29 OF THE CODE OF CHARLOTTE AND CHAPTER 160A-303 OF THE GENERAL STATUTES OF NORTH CAROLINA.

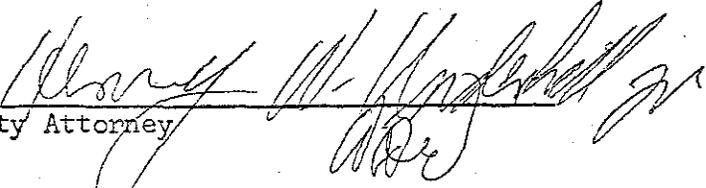
WHEREAS, an abandoned motor vehicle (s) located at 2230 Purser Drive in the City of Charlotte has been found by the Supervisor of the Community Improvement Division of the Public Works Department to be unsafe and to constitute a health hazard, and the owner (s) thereof has/have been ordered to remove said abandoned motor vehicle (s), all pursuant to the Article 10-29 of the Code of the City of Charlotte and Chapter 160A-303 of the General Statutes of North Carolina, and

WHEREAS, said owner (s) has/have failed to comply with said order served by registered mail on June 9, 1977; and,

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid vehicle (s) is unsafe and constitutes a health hazard;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division of the Public Works Department is hereby ordered to cause removal of said abandoned motor vehicle (s) located at 2230 Purser Drive, in the City of Charlotte in accordance with Article 10-29 of the Code of the City of Charlotte and Chapter 160A-303 of the General Statutes of North Carolina.

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 8th day of August, 1977, the reference having been made in Minute Book 66 and is recorded in full in Ordinance Book 24 at Page 397.

Ruth Armstrong
City Clerk

