

Ordinance No. 106

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

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

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

1. Amend Article III Division 3 Special Districts and Conditional Uses by adding a new Section 23-40.04 Historic Districts as follows:

"Section 23-40.04 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 district, 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 find:
 - 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 above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, or moved within such

Ordinance No. 106 (contd.)

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.

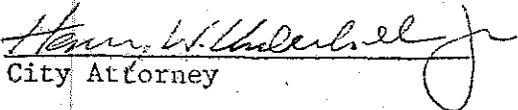
June 7, 1976
Ordinance Book 23 - Page 124

Ordinance No. 106 (contd.) - 3 -

- 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 an 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."

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 7th day of June, 19 76, the reference having been made in Minute Book 63, and recorded in full in Ordinance Book 23, at Page 122-124.

Ruth Armstrong,
City Clerk

Ordinance No. 107

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

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

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

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

- 1. Amend Article III Division 3 "Special Districts and Conditional Uses" by adding a new Section 23-40.05 Urban Residential Districts as follows:

"Section 23-40.05 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 semi-detached and one-family attached dwelling units;
 - b) multi-family dwelling units; and
 - c) non-residential uses normally permitted in other residential districts.
 - 2) In the UR-10 and UR-30 districts, the following non-residential 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:

ONE-FAMILY AND MULTI-FAMILY DWELLINGS

District	Min. Lot Area (sq. ft.)	Min. Side Yard (ft.)	Min. Setback (feet)	Min. Rear Yard (ft.)	Max. Coverage (Structures, Driveways & Parking Areas (% of Total Lot))	Max.*** F.A.R.	Max. 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**

Ordinance No. 107 (contd.)

*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 feet, provided that minimum rear yards and setback shall be increased by one foot for every two feet of building height in excess of forty feet. This additional required setback and rear yard space may be utilized as follows as a bonus area for other residential and certain non-residential uses provided that these uses have their own exterior grade access:

- 1) residential uses may be constructed to a height of two stories;
- 2) non-residential uses as permitted in this district may be constructed to a height of one story.

In addition the roof above these uses may be utilized to satisfy parking requirements or if 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.

- 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 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 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.
 - 4) non-residential uses shall not be required to provide off-street parking.
 - 5) Parking is allowed in the setback of multi-family housing in Urban Residential Districts as provided in Section 23-40.48.

June 7, 1976
Ordinance Book 23 - Page 128

Ordinance No. 107 (contd.)

- 4 -

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 of said trees for their normal life.

ALTERNATIVE DIMENSIONAL REQUIREMENTS

District	Min. Side Yard (Feet)	Min. Setback (Feet)	Min. 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

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

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

Ordinance No. 107 (contd.)

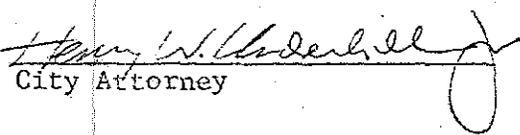
- i. Development within the Urban Residential Districts shall be regulated by a site plan to be submitted to and approved by the Charlotte-Mecklenburg Planning Commission and present the following information:
 - 1) property boundary and proposed location of all buildings and structures;
 - 2) proposed 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;
 - 5) total amount of floor area and floor area ratio, where applicable; and
 - 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 developments 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 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."

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 7th day of June, 19 76, the reference having been made in Minute Book 63, and recorded in full in Ordinance Book 23, Page 125-129.

Ruth Armstrong,
City Clerk

June 7, 1976
Ordinance Book 23 - Page 130

Ordinance No. 108-Z

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

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

WHEREAS, the City Council of the City of Charlotte in considering the area described in Section 1. below for designation as a Historic District as authorized by Chapter 23, Section 23-40.04 of the City Code finds that 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 the proposed district, and has prepared a description of the boundaries of such district; and

WHEREAS, the City Council finds that 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; and

WHEREAS, the City Council finds that the area, structures, sites or objects within the proposed district are significant elements of the cultural, social, economic, political or architectural history of the City; and

WHEREAS, the City Council finds that the conservation of such district shall provide for the education, pleasure and enhancement of all residents of the City.

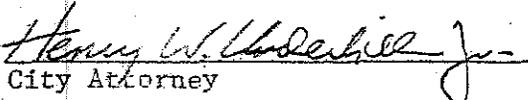
NOW, THEREFORE, be it ordained by the City Council of the City of Charlotte:

Section 1. That, pursuant to the provisions of Chapter 23, Section 23-40.04 of the Code of the City of Charlotte, the following described area is hereby designated the Fourth Ward Historic District:

BEGINNING at the centerline intersection of West Trade Street and North Graham Street and running thence with the centerline of West Trade Street to the centerline of North Church Street; thence with said centerline of North Church Street to the centerline of the Brookshire Freeway; thence with said centerline of Brookshire Freeway to the centerline of Smith Street; thence with said centerline of Smith Street to the centerline of West Ninth Street; thence with the centerline of West Ninth Street to the easterly margin of the Southern Railroad right-of-way; thence with said margin to the centerline of West Seventh Street; thence with the centerline of West Seventh Street to the centerline of Smith Street; thence with said centerline of Smith Street to the centerline of Hearn Street; thence with the centerline of Hearn Street to the centerline of North Graham Street; thence with said centerline of North Graham Street to the 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 7th day of June, 1976, the reference having been made in Minute Book 63, and recorded in full in Ordinance Book 23, at Page 130.

Ruth Armstrong, City Clerk

June 7, 1976

Ordinance Book 23 - Page 131

Ordinance No. 109-Z

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

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

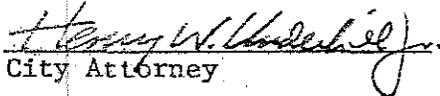
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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

BEING various tracts of land located in the Fourth Ward of the City of Charlotte and more specifically shown on the attached map.

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 7th day of June, 19 76, the reference having been made in Minute Book 63, and recorded in full in Ordinance Book 23, Page 131.

Ruth Armstrong,
City Clerk

June 7, 1976
Ordinance Book 23 - Page 132

ORDINANCE NO. 110

AMENDING CHAPTER 18
ARTICLE I

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE I, SECTION 18-13(c) (SUBDIVISION REGULATIONS) OF THE CODE OF THE CITY OF CHARLOTTE:

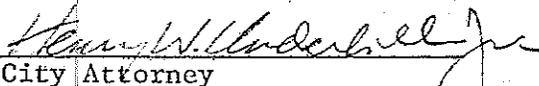
BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina:

Section 1. Chapter 18, Article I, Section 18-13(c) is hereby amended as follows:

"Minimum Sizes. Lots for residential use shall not be less in width, depth or area than required by the zoning chapter for the district in which the proposed subdivision is located, but in no event, except as provided for in planned unit developments, cluster developments and Section 23-40.05, shall lots designed for one-family detached dwellings be less than fifty (50) feet in width at the building line, be less than one hundred (100) feet in average depth, nor contain less than six thousand five hundred (6,500) square feet in area."

Section 2. This ordinance shall become effective upon adoption and shall apply to preliminary subdivision plans submitted for approval thereafter.

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 7th day of June, 19 76, the reference having been made in Minute Book 63, and recorded in full in Ordinance Book 23, beginning on Page 132.

Ruth Armstrong,
City Clerk

June 7, 1976
Ordinance Book 23 - Page 133

ORDINANCE NO. 111-X

AN ORDINANCE TO TRANSFER FUNDS WITHIN THE GENERAL CAPITAL IMPROVEMENT PROJECTS FUND TO PROVIDE AN APPROPRIATION FOR THE SARDIS ROAD WIDENING PROJECT.

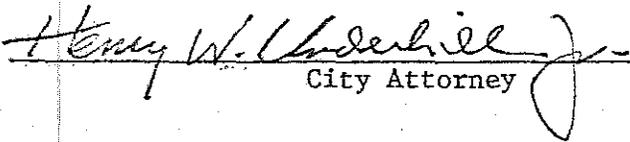
BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina;

Section 1. That the sum of \$100,000 is hereby transferred from the General Capital Improvement Projects Account 537.24, Remount Road Widening to Account 537.90, Sardis Road Widening. These funds will be used to finance the City's obligation with the North Carolina Department of Transportation for a Municipal Agreement on the Sardis Road Widening project.

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 7th day of June, 1976, the reference having been made in Minute Book 63, and recorded in full in Ordinance Book 23, at Page 133.

Ruth Armstrong
City Clerk

June 7, 1976
Ordinance Book 23 - Page 134

AMENDING CHAPTER 11

ORDINANCE 112

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE TO AMEND
CHAPTER 11 OF THE CITY CODE.

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

Section 1. Chapter 11, section 11-18, classification number (47),
"Manufacturers, Producers, Bottlers and Distributors of Soft Drinks" be
deleted.

Sec. 2. This ordinance shall become effective upon adoption.

Approved as to form:

Henry W. Underhill, Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session convened on the 7th day of June, 1976,
the reference having been made in Minute Book 63, and recorded in full in
Ordinance Book 23, at Page 134.

Ruth Armstrong
City Clerk