

Petition # 2005-063

**Approved by City Council  
June 20, 2005**

Petitioner: Mecklenburg County  
Park and Recreation Department

**AN ORDINANCE AMENDING APPENDIX A OF THE  
CITY CODE – ZONING ORDINANCE**

**ORDINANCE NO. \_\_\_\_\_**

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

Section 1: Appendix A, “Zoning” of the Code of the City of Charlotte is hereby amended as follows:

1. CHAPTER 1: PURPOSE AND APPLICABILITY

A. PART 2. DEFINITIONS

- 1. Amend Section 2.201 by revising the definition of Government Building to specifically exclude recreation centers from the definition. The current definition reads as follows:

Government Building.

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

The revised definition shall read as follows:

Government Building.

A building, use, or facility owned or operated by a government agency and serving as an agency office, police station, fire station, library, community center, or similar facility, and a building, use or facility serving as a volunteer fire station, but not including a vehicle storage yard, jail, prison, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, recreation center, or housing for persons who are participating in work

release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

2. Amend Section 2.201 entitled Definitions by adding a definition of “Recreation “Center” following the definition of Reclassification of land. The new definition shall read as follows:

Recreation Center.

A building, use, or facility owned or operated by a governmental agency and serving as a facility where recreation programs are offered to the public, including office space for the agency which owns or operates the facility, or a similar facility.

2. CHAPTER 9: GENERAL DISTRICTS

A. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS.

1. Amend Table 9.101, “Permitted Uses, by District” by adding “Recreation Centers” to the first column under the heading “Other Uses”. Add a “PC” under single family districts (R-3, R-4, R-5, R-6), multi-family districts (R-8MF, R-12MF, R-17MF, R-22MF, R-43MF). Add an “X” under the institutional district (INST). Add a “PC” under research districts (RE-1, RE-2), office districts (O-1, O-2, O-3), business districts (B-1, B-2, B-D, B-P), and industrial districts (I-1, I-2). [Note: Table 9.101 does not have a column for MUDD]

B. PART 2. SINGLE FAMILY

1. Amend Section 9.203, “Uses allowed under prescribed conditions”, subsection (16), by adding language that would allow Recreation Centers as a use allowed under prescribed conditions. The current subsection reads as follows:

(16) Reserved

The revised subsection shall read as follows:

(16) Recreation Centers, provided that:

- (a) All buildings and off-street parking and service areas shall be separated by a Class C buffer from any abutting property used and/or zoned residential, as per the requirements of Section 12.302;
- (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and

- (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
  - (d) The use contains not more than thirty thousand (30,000) square feet.
- 2. Amend Section 9.204, “Permitted accessory uses and structures”, subsection (16), by adding “Recreation Centers” to the list of uses permitted in single-family zoning districts. The current subsection reads as follows:

(16) [RESERVED]

The revised subsection shall read as follows:

- (16) Recreation Centers as an accessory use to a school, provided that:
  - (a) All buildings and off-street parking and service areas shall be separated by a Class C buffer from any abutting property used and/or zoned residential, as per the requirements of Section 12.302;
  - (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
  - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
  - (d) The use contains not more than thirty thousand (30,000) square feet.

## B. PART 3: MULTIFAMILY DISTRICT

- 1. Amend Section 9.303, “Uses permitted under prescribed conditions” subsection (22), by adding language that would allow Recreation Centers as a principal use with prescribed conditions. The current subsection reads as follows

(22) RESERVED

The revised subsection shall read as follows:

(22) Recreation Centers, provided that

- (a) All buildings and off-street parking and service areas shall be separated by a Class C buffer from any abutting property used and/or zoned residential, as per the requirements of Section 12.302;
- (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
- (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (d) It contains not more than thirty thousand (30,000) square feet.

2. Amend Section 9.304, “Permitted accessory uses and structures”, subsection (15) by adding language that would add Recreation Centers as an accessory use to a school, with prescribed conditions. The current subsection reads as follows:

(15) RESERVED

The revised subsection shall read as follows:

- (15) Recreation Centers, as an accessory use to a school, provided that:
- (a) All buildings and off-street parking and service areas shall be separated by a Class C buffer from any abutting property used and/or zoned residential, as per the requirements of Section 12.302;
  - (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
  - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
  - (d) It contains not more than thirty thousand (30,000) square feet.

C. PART 5: INSTITUTIONAL

1. Amend Section 9.502(7) to allow Recreation Centers on the same basis as Government Buildings. The current subsection reads as follows:

(7) Government buildings.

The revised subsection shall read as follows:

(7) Government buildings and Recreation Centers.

**D. PART 6: RESEARCH**

1. Amend Section 9.602(6) to allow Recreation Centers on the same basis as Government Buildings except for size limitations. The current subsection reads as follows:

(6) Government buildings, up to 300,000 square feet.

The revised subsection shall read as follows:

(6) Government buildings, up to 300,000 square feet and Recreation Centers up to 30,000 square feet.

**E. PART 7: OFFICE**

1. Amend Section 9.702(14) to allow Recreation Centers on the same basis as Government Buildings except for size limitations. The current subsection reads as follows:

(14) Government buildings, up to 300,000 square feet.

The revised subsection shall read as follows:

(14) Government buildings, up to 300,000 square feet and Recreation Centers up to 30,000 square feet.

**F. PART 8: BUSINESS**

1. Amend Section 9.802(40) to allow Recreation Centers on the same basis as Government buildings except for size limitations. The current subsection reads as follows:

(40) Government buildings, up to 100,000 square feet.

The revised subsection shall read as follows:

(40) Government buildings, up to 100,000 square feet and Recreation Centers up to 30,000 square feet.

G. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- 1. Amend Section 9.8502, "Mixed-Use Development District, uses permitted by right" to allow Recreation Centers by adding it to the list of permitted uses.

The revised language shall read as follows:

Noncommercial public recreation parks and playgrounds and Recreation Centers up to 30,000 square feet.

H. PART 11. INDUSTRIAL

- 1. Amend Section 9.1102, "Uses permitted by right", subsection (36) and (37) to allow Recreation Centers on the same basis as Government buildings except for size limitations. The current language to be amended reads as follows:

(36) Government buildings, up to 100,000 square feet (I-2 only).

(37) Government buildings, up to 300,000 square feet (I-1 only).

The revised language shall read as follows:

(36) Government buildings, up to 100,000 square feet and Recreation Centers up to 30,000 square feet (I-2 only).

(37) Government buildings, up to 300,000 square feet and Recreation Centers up to 30,000 square feet (I-1 only).

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

Approved as to form:

\_\_\_\_\_  
City Attorney

I, \_\_\_\_\_, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the \_\_\_\_ day of \_\_\_\_\_, 2005 the reference having been made in Minute Book \_\_\_\_\_, and recorded in full in Ordinance Book \_\_\_\_\_, Page(s)\_\_\_\_\_.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this \_\_\_\_ day of \_\_\_\_\_, 2005