

Petition No. 2012-0  
Petitioner: Charlotte-Mecklenburg Planning Commission

**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:

A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Add four new definitions related to “amateur radio station facility” in Section 2.201, “Definitions”, in alphabetical order. The new definitions shall read as follows:

Amateur radio station facility.

Any structure, including but not limited to ladders, poles, towers or other supporting structure(s), including antenna(s) installed for the purpose of transmitting and receiving radio signals, operated by an amateur radio operator licensed by the Federal Communications Commission. Cables, guy wires, masts, cranks, winches and bases shall be considered part of the amateur radio station facility.

Amateur radio operator.

An individual, licensed by the Federal Communications Commission, who sends and receives radio signals on radio frequencies reserved for amateur radio operation by means of an amateur radio station facility.

B. CHAPTER 9: GENERAL DISTRICTS

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

- a. Amend Table 9.101, by adding “amateur radio station facility” in the “accessory uses and structures” section of the following zoning districts as a use allowed with prescribed conditions. The use shall be added in alphabetical order.

Accessory Uses and Structures								
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF
<u>Amateur radio station facility</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Accessory Uses and Structures						
	R-22MF	R-43MF	UR-1	UR-2	UR-3	UR-C
<u>Amateur radio station facility</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Accessory Uses and Structures							
	MX-1	MX-2	MX-3	INST	RE-1	RE-2	RE-3
<u>Amateur radio station facility</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Accessory Uses and Structures										
	O-1	O-2	O-3	B-1	B-2	BD	BP	CC	NS	MUDD
<u>Amateur radio station facility</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Accessory Uses and Structures							
	UMUD	TOD-R	TOD-E	TOD-M	U-I	I-1	I-2
<u>Amateur radio station facility</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

- b. Amend Table 9.101 by modifying the entry under the “Other Uses” heading, for “radio, telephone, cellular telephone, telephone masts, towers, antennae and similar structures” by clarifying that these uses are “for commercial use”. The revised entry in each of the zoning districts shall read as follows:

Other Uses							
	MX-1	MX-2	MX-3	INST	RE-1	RE-2	RE-3
Radio, telephone, cellular telephone, telephone masts, towers, antennae and similar structures <u>for commercial use.</u>	PC	PC	PC	PC	PC	PC	PC

Other Uses							
	O-1	O-2	O-3	B-1	B-2	BD	BP
Radio, telephone, cellular telephone, telephone masts, towers, antennae and similar structures <u>for commercial use.</u>	PC	PC	PC	PC	PC	PC	PC

Other Uses				
	MUDD	UMUD	I-1	I-2
Radio, telephone, cellular telephone, telephone masts, towers, antennae and similar structures <u>for commercial use.</u>	PC	PC	PC	PC

2. PART 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.203, “Uses permitted under prescribed conditions”, item (17), by clarifying that radio, telephone, cellular telephone and television masts, towers, antenna and similar structures are for commercial use. The revised text shall read as follows:

**Section 9.203. Uses permitted under prescribed conditions.**

- (17) Radio, telephone, cellular telephone and television masts, towers, antenna and similar structures for commercial use, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

- b. Amend Section 9.204, “Permitted accessory uses and structures”, by adding a new item (1.5), titled, “amateur radio station facility”, after item (1). The revised text shall read as follows:

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

- (1.5) Amateur radio station facility, including amateur radio station antenna(s) and amateur radio station supporting structure(s) and similar antenna(s), subject to the regulations of Section 12.108(10).

3. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.303, “Uses permitted under prescribed conditions”, item (23), by clarifying that radio, telephone, cellular telephone and television masts, towers, antenna and similar structures are for commercial use. The revised text shall read as follows:

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

(23) Radio, telephone, cellular telephone and television masts, towers, antenna and similar structures for commercial use, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

- b. Amend Section 9.304, “Permitted accessory uses and structures”, by adding a new item (1.5), titled, “amateur radio station facility”, after item (1). The revised text shall read as follows:

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

(1.5) Amateur radio station facility, including amateur radio station antenna(s) and amateur radio station supporting structure(s) and similar antenna(s), subject to the regulations of Section 12.108(10).

4. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.405, “Urban Residential Districts; accessory structures”, by numbering the accessory structures permitted, and adding a new item (2), titled, “amateur radio station facility”, after item (1). The revised text shall read as follows:

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

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

(2) Amateur radio station facility, including amateur radio station antenna(s) and amateur radio station supporting structure(s) and similar antenna(s), subject to the regulations of Section 12.108(10).

(3) Land clearing and inert landfills (LCID): on-site, are permitted subject to the regulations of Section 12.405.

5. PART 5: INSTITUTIONAL DISTRICTS

- a. Amend Section 9.503, “Uses permitted under prescribed conditions”, item (18), by clarifying that radio, telephone, cellular telephone and television masts, towers,

antenna and similar structures are for commercial use. The revised text shall read as follows:

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

(18) Radio, telephone, cellular telephone and television masts, towers, antenna and similar structures for commercial use, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

- b. Amend Section 9.504, “Permitted accessory uses and structures”, by adding a new item (1.5), titled, “amateur radio station facility”, after item (1). The revised text shall read as follows:

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

(1.5) Amateur radio station facility, including amateur radio station antenna(s) and amateur radio station supporting structure(s) and similar antenna(s), subject to the regulations of Section 12.108(10).

6. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.603, “Uses permitted under prescribed conditions”, item (19), by clarifying that radio, telephone, cellular telephone and television masts, towers, antenna and similar structures are for commercial use. The revised text shall read as follows:

**Section 9.603. Uses permitted under prescribed conditions.**

(19) Radio, telephone, cellular telephone and television masts, towers, antenna and similar structures for commercial use, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

- b. Amend Section 9.604, “Permitted accessory uses and structures”, by adding a new use (1.5), “amateur radio station facility”. The revised text shall read as follows:

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

(1.5) Amateur radio station facility, including amateur radio station antenna(s) and amateur radio station supporting structure(s) and similar antenna(s), subject to the regulations of Section 12.108(10).

7. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.703, “Uses permitted under prescribed conditions”, item (26), by clarifying that radio, telephone, cellular telephone and television masts, towers, antenna and similar structures are for commercial use. The revised text shall read as follows:

**Section 9.703. Uses permitted under prescribed conditions.**

(26) Radio, telephone, cellular telephone and television masts, towers, antenna and similar structures for commercial use, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

- b. Amend Section 9.704, “Permitted accessory uses and structures”, by adding a new item (1.5), titled, “amateur radio station facility”, after item (1). The revised text shall read as follows:

**Section 9.704. Permitted accessory uses and structures.**

(1.5) Amateur radio station facility, including amateur radio station antenna(s) and amateur radio station supporting structure(s) and similar antenna(s), subject to the regulations of Section 12.108(10).

8. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.803, “Uses permitted under prescribed conditions”, item (31), by clarifying that radio, telephone, cellular telephone and television masts, towers, antenna and similar structures are for commercial use. The revised text shall read as follows:

**Section 9.803. Uses permitted under prescribed conditions.**

(31) Radio, telephone, cellular telephone and television masts, towers, antenna and similar structures for commercial use, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

- b. Amend Section 9.804, “Permitted accessory uses and structures”, by adding a new item (1.5), titled, “amateur radio station facility”, after item (1). The revised text shall read as follows:

**Section 9.804. Permitted accessory uses and structures.**

(1.5) Amateur radio station facility, including amateur radio station antenna(s) and amateur radio station supporting structure(s) and similar antenna(s), subject to the regulations of Section 12.108(10).

9. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8503, “Mixed Use Development District; uses permitted under prescribed conditions”, by clarifying that radio, telephone, cellular telephone and television masts, towers, antenna and similar structures are for commercial use. The revised text shall read as follows:

**Section 9.8503. Mixed Use Development District; uses permitted under prescribed conditions.**

Radio, telephone, cellular telephone and television masts, towers, antenna and similar structures for commercial use, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

- b. Amend Section 9.8504, “Mixed Use Development District; accessory uses and structures”, by adding a new item in alphabetical order titled, “amateur radio station facility”. The revised text shall read as follows:

**Section 9.8504. Mixed Use Development District; accessory uses.**

Amateur radio station facility, including amateur radio station antenna(s) and amateur radio station supporting structure(s) and similar antenna(s), subject to the regulations of Section 12.108(10).

10. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.903, “Uptown Mixed Use District; uses permitted under prescribed conditions”, item (14.5), by clarifying that radio, telephone, cellular telephone and television masts, towers, antenna and similar structures are for commercial use. The revised text shall read as follows:

**Section 9.903. Uptown Mixed Use District; uses permitted under prescribed conditions.**

(14.5) Radio, telephone, cellular telephone and television masts, towers, antenna and similar structures for commercial use, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

- b. Amend Section 9.904, “Uptown Mixed Use District; accessory uses”, by adding a new item (1.2), titled, “amateur radio station facility”, after item (1). The revised text shall read as follows:

**Section 9.904. Uptown Mixed Use District; accessory uses.**

(1.2) Amateur radio station facility, including amateur radio station antenna(s) and amateur radio station supporting structure(s) and similar antenna(s), subject to the regulations of Section 12.108(10).

11. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1004, “Urban Industrial District; permitted accessory uses”, by numbering the uses in alphabetical order and adding a new item (2), “amateur radio station facility”, in alphabetical order. The revised text shall read as follows:

**Section 9.1004. Urban Industrial District; permitted accessory uses.**

- (1) Adult care centers and homes, subject to the regulations of Section 12.502(5).
- (2) Amateur radio station facility, including amateur radio station antenna(s) and amateur radio station supporting structure(s) and similar antenna(s), subject to the regulations of Section 12.108(10).
- (3) Land clearing and inert landfills (LCID): on-site, are permitted subject to the regulations of Section 12.405.
- (4) Storage of goods used in or produced by permitted industrial uses or related activities, subject to applicable district regulations.

12. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1103, “Uses permitted under prescribed conditions”, item (43), by clarifying that radio, telephone, cellular telephone and television masts, towers, antenna and similar structures are for commercial use. The revised text shall read as follows:

**Section 9.1103. Uses permitted under prescribed conditions.**

- (43) Radio, telephone, cellular telephone and television masts, towers, antenna and similar structures for commercial use, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

- b. Amend Section 9.1104, “Permitted accessory uses and structures”, by 1) renumbering “childcare centers”, item (1.1) to (1.5) and replacing the term “of” with “or”, and 2) adding a new item (1.5), titled, “amateur radio station facility”, after item (1). The revised text shall read as follows:

**Section 9.1104. Permitted accessory uses and structures.**

- (1.3) Amateur radio station facility, including amateur radio station antenna(s) and amateur radio station supporting structure(s) and similar antenna(s), subject to the regulations of Section 12.108(10).

(1.45) Childcare centers, as an accessory use ~~of~~ or structure in I-2.

13. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1207, “Accessory Uses” by adding a new item titled, “amateur



radio station facility”, in alphabetical order. The revised text shall read as follows:

**Section 9.1207. Accessory Uses.**

(1.5) Amateur radio station facility, including amateur radio station antenna(s) and amateur radio station supporting structure(s) and similar antenna(s), subject to the regulations of Section 12.108(10).

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED-USE DISTRICTS (MX-1, MX-2, and MX-3)

- a. Amend Section 11.203, “Uses permitted under prescribed conditions”, item (16), by clarifying that radio, telephone, cellular telephone and television masts, towers, antenna and similar structures are for commercial use. The revised text shall read as follows:

**Section 11.203. Uses permitted under prescribed conditions.**

(16) Radio, telephone, cellular telephone and television masts, towers, antenna and similar structures for commercial use, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

- b. Amend Section 11.204, “Permitted accessory uses and structures”, by adding a new item (1.5), titled, “amateur radio station facility”, after item (1). The revised text shall read as follows:

**Section 11.204. Permitted accessory uses and structures.**

(1.5) Amateur radio station facility, including amateur radio station antenna(s) and amateur radio station supporting structure(s) and similar antenna(s), subject to the regulations of Section 12.108(10).

2. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.404, “Permitted accessory uses and structures”, by adding a new item (1.5), titled, “amateur radio station facility”, after item (1). The revised text shall read as follows:

**Section 11.404. Permitted accessory uses and structures.**

(1.5) Amateur radio station facility, including amateur radio station antenna(s) and amateur radio station supporting structure(s) and similar antenna(s), subject to the regulations of Section 12.108(10).

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.108, "Height limitations", by 1) removing the term "amateur radio operators" from subsection (6); 2) clarifying subsection (7) to apply to radio, and television towers and similar structures for commercial use; and 3) adding a new subsection (10) titled, "Amateur Radio Station Facility". All other subsections remain unchanged. The revised text shall read as follows:

**Section 12.108. Height limitations.**

- (6) The structures listed in subsection 12.108(5) above are also permitted above the height limit in residential districts. However, any part of such a structure, which extends above the height limit, must be separated from any abutting property line by a distance equal to its height measured from the ground. Television, ~~amateur radio operators~~, and similar antennas, which extend above the height limit, may be separated from any abutting property line by one foot for every two feet in height above the permitted height. Otherwise, the structure will be subject to the usual requirements for the particular district.
- (7) Radio and television towers and similar structures for commercial use, as a principal or accessory use, are permitted above the height limit in any district. If such a structure is located on a lot in or abutting a residential district, it must be located at least 200 feet from all abutting property lines.
- (10) Amateur radio station facility
- (a) Purpose and Intent.

The purpose of this subsection is to establish development standards and procedures for the permitting of an amateur radio station facility consistent with the following:

1. To reasonably accommodate the construction and operation an amateur radio station facility in accordance with federal and state law;
2. To minimize the impacts an amateur radio station facility may cause, including, but not

limited to: impacts on aesthetics, environmentally sensitive areas, and historical locations; obstruction of flight corridors; injurious accidents; potential damage to abutting properties; property damage; and diminution of property values; and

3. The provisions of this subsection are not intended and shall not be interpreted to prohibit or to have the effect of prohibiting an amateur radio station facility.

The provisions of this subsection shall control in the event of a conflict with other sections of these regulations.

(b) Applicability.

1. No amateur radio station facility shall be constructed or installed without first obtaining the proper zoning permit.
2. Permits granted pursuant to this subsection are not transferable and may not be conveyed with ownership of a permitted amateur radio station facility.
3. An amateur radio station facility 40' in height or greater, measured at grade, must be separated from any abutting property line by a distance equal to its fully extended height measured from the ground.
4. All portions of an amateur radio station facility shall meet the setback and yard requirements of the zoning district.
5. An amateur radio station facility permitted under this subsection may only be used by amateur radio

operators for non-commercial purposes.

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 \_\_\_\_\_, 2012, 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 \_\_\_\_\_, 2012.

\_\_\_\_\_