

Petition No. 2012-012
Petitioner: Charlotte-Mecklenburg Planning 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:

A. CHAPTER 9: GENERAL DISTRICTS

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

- a. Amend Table 9.101, "Table of Uses" by adding "Crematory facilities" as a permitted principal use with prescribed conditions in the following designated zoning districts, under the "Office & Business Uses" category. The new table insertion shall read as follows:

Office & Business Uses:			
	B-2	I-1	I-2
<u>Crematory facilities</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

- b. Amend Table 9.101, "Table of Uses" by 1) adding "Crematory, within a cemetery" as a permitted accessory use with prescribed conditions in the following designated zoning districts, under the "Accessory Use" category, and 2) adding "Crematory, accessory to a funeral home" as a permitted use with prescribed conditions in the institutional, office, B-1, and B-2 zoning districts, under the "Accessory Use" category. The revised table insertions shall read as follows:

Accessory Uses:										
	R-3	R-4	R-5	R-6	R-8	R8-MF	R-12MF	R-17MF	R-22MF	R43-MF
<u>Crematory, within a cemetery</u>	<u>PC</u>									

Accessory Uses:										
	Institutional	O-1	O-2	O-3	B-1	B-2	BD	MX-1	MX-2	MX-3
<u>Crematory, within cemetery</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>
<u>Crematory, accessory to a funeral home</u>		<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>				

Accessory Uses:							
	UMUD	MUDD	CC	NS	I-1	I-2	
<u>Crematory, within a cemetery</u>				<u>PC</u>	<u>PC</u>	<u>PC</u>	
<u>Crematory, accessory to a funeral home</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>			

- c. Amend Table 9.101, “Table of Uses” by removing the word “crematories” from “Funeral homes, embalming and crematories”, under the “Office and Business Use” category and adding “and”. The revised table shall read as follows.

Office & Business Uses:								
	O-1	O-2	O-3	B-1	B-2	UMUD	CC	NS
Funeral homes; <u>and</u> embalming <u>and crematories</u>	X	X	X	X	X	X	X	X

2. PART 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.204, “Permitted accessory uses and structures” by adding “crematory facilities” as an accessory use with prescribed conditions. The new item shall read as follows:

Section 9.204. Permitted accessory uses and structures.

(2.5) Crematory facilities, within a cemetery, subject to the regulations of Section 12.542.

3. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.304, “Permitted accessory uses and structures” by adding “crematory facilities” as an accessory use with prescribed conditions. The new item shall read as follows:

Section 9.304. Permitted accessory uses and structures.

(2.5) Crematory facilities, within a cemetery, subject to the regulations of Section 12.542.

4. PART 5: INSTITUTIONAL DISTRICT

- a. Amend Section 9.504, “Permitted accessory uses and structures” by adding “crematory facilities” as an accessory use with prescribed conditions. The new item shall read as follows:

Section 9.504. Permitted accessory uses and structures.

(1.5) Crematory facilities, within a cemetery, subject to the regulations of Section 12.542.

5. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.702, “Uses permitted by right,” to remove “and crematories” from “Funeral homes, embalming and crematories”. The remaining entries shall remain the same. The revised text shall read as follows:

Section 9.702. Uses permitted by right.

(14) Funeral homes, and embalming. ~~and crematories~~

- b. Amend Section 9.704, “Permitted accessory uses and structures” by adding new item (1.5) and (1.6) for “crematory facilities”. The revised text shall read as follows:

Section 9.704. Permitted accessory uses and structures

(1.5) Crematory facility, within a cemetery, subject to the regulations of 12.542.

(1.6) Crematory facility, accessory to a funeral home, subject to the regulations of Section 12.542.

6. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.802, “Uses permitted by right,” item (41) “Funeral homes, embalming and crematories” by removing the phrase “and crematories” and adding the term “and”

between “Funeral homes” and “embalming”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.802. Uses permitted by right.

(41) Funeral homes; and embalming. ~~and crematories~~-(B-1 and B-2 only)

- b. Amend Section 9.803, “Uses permitted under prescribed conditions”, to add “Crematory facilities” as a permitted use with prescribed conditions, only in B-2, in alphabetical order as a new item (8.5). The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.803. Uses permitted under prescribed conditions

(8.5) Crematory facilities, (only in B-2) subject to the regulations of 12.542.

- c. Amend Section 9.804, “Permitted accessory uses and structures” by adding new items (1.5) and (1.6) for “Crematory facilities” as new accessory uses. The revised text shall read as follows:

Section 9.804. Permitted accessory uses and structures.

(1.5) Crematory facilities, within a cemetery (only in B-1, B-2, and BD), subject to the regulations of 12.542.

(1.6) Crematory facility accessory to a funeral home (only in B-1 and B-2) , subject to the regulations of Section 12.542.

7. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.902, “Uses permitted by right,” to remove the phrase “and crematories” from “Services such as beauty shops and barbershops, exterminators, funeral homes, embalming and crematories, laundries and dry cleaning establishments, and locksmiths and gunsmiths”, and to add the word “and” between “funeral homes” and “embalming”. The remaining entries shall remain the same. The revised text shall read as follows:

Section 9.902. Uses permitted by right.

(12) Services such as beauty shops and barbershops, exterminators, funeral homes; and embalming ~~and crematories~~, laundries and dry cleaning establishments, and locksmiths and gunsmiths.

- b. Amend Section 9.904, “Uptown Mixed Use District; accessory uses”, by adding a new item (1.7) for “crematory facilities” as an accessory use. The remaining subsections shall

remain unchanged. The revised text shall read as follows:

Section 9.904. Uptown Mixed Use District; accessory uses

(1.7) Crematory facility accessory to a funeral home, subject to the regulations of Section 12.542.

8. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1103, “Uses permitted under prescribed conditions,” to add “Crematory facilities” as a permitted use with prescribed conditions, in alphabetical order as a new item (13.5). The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.1103. Uses permitted under prescribed conditions

(13.5) Crematory facilities, subject to the regulations of 12.542.

- b. Amend Section 9.1104, “Permitted accessory uses and structures” by adding a new item (1.5) titled, “Crematory facilities”. The revised text shall read as follows:

Section 9.1104. Permitted accessory uses and structures

(1.5) Crematory facilities, within a cemetery, subject to the regulations of 12.542.

B. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

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

- a. Amend Section 11.204, “Permitted accessory uses and structures” by adding a new item (2.5) allowing “crematory facilities” as an accessory use. The new item shall read as follows:

Section 11.204. Permitted accessory uses and structures

(2.5) Crematory facilities, within a cemetery, subject to the regulations of 12.542.

2. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.402, “Uses permitted by right,” to remove the phrase “and crematories” from item (11) “Funeral homes, embalming and crematories”, and to add the word “and” between “Funeral homes” and “embalming”. The remaining subsections

shall remain the same. The revised text shall read as follows:

Section 11.402. Uses permitted by right.

(11) Funeral homes; and embalming. ~~and crematories~~

- b. Amend Section 11.404, “Permitted accessory uses and structures” by adding “crematory facilities” as a new accessory use. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 11.404. Permitted accessory uses and structures.

(1.7) Crematory facility, accessory to a funeral home, subject to the regulations of Section 12.542.

C. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL STANDARDS

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Amend Section 12.508, “Cemeteries, public and private”, by modifying subsection (3) regarding crematory services, to provide a cross-reference to regulations moved into a new Section 12.542. The revised subsection shall read as follows. All remaining subsections shall remain unchanged.

(3) Crematory services may be provided for human corpses as an accessory use within cemetery ~~use property~~ of 100 acres or more ~~in residential districts~~ subject to the standards of Section 12.542. ~~the following prescribed conditions:~~

(a) ~~All applicable local, state, and federal laws and regulations shall be complied with.~~

(b) ~~The crematory shall be enclosed within a building meeting Building and Fire Code requirements.~~

(c) ~~The placement of crematory facilities within the property in any residential district shall be 100 feet or more from any exterior property line.~~

- b. Amend Part 5 “SPECIAL REQUIREMENTS FOR CERTAIN USES”, by adding a new section 12.542 titled “Crematory facilities”. The new text shall read as follows:

Section 12.542 Crematory facilities.

Crematory facilities for human corpses, are permitted in accordance with the following regulations:

- (1) Crematory facilities as a principal use.
 - (a) Permitted with prescribed conditions in the B-2, I-1, and I-2 zoning districts.
 - (b) Crematory facilities shall be located a minimum of 400 feet from any residential zoning district, measured from the closest point of the building to the nearest residential district.
- (2) Crematory facilities as an accessory use within a cemetery of 100 acres or more.
 - (a) Permitted with prescribed conditions in the single-family, multi-family, institutional, office, B-1, B-2, BD, MX-1, MX-2, MX-3, NS, I-1 and I-2 zoning districts.
 - (b) Crematory facilities located in a residential zoning district shall be located a minimum of 100 feet or more from any exterior property line of the cemetery.
- (3) Crematory facilities are allowed as an accessory use to a funeral home when the funeral home is the principal use.
- (4) All crematory facilities shall be located within an enclosed building that meets Building and Fire Code requirements.
- (5) The off-street parking and loading requirements of Chapter 12 shall be met.
- (6) All applicable local, state, and federal laws and regulations shall be met.

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.
