

Revised 2-14-08

**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. Amend Section 2.201, "Definitions", by modifying the definition of elementary and secondary schools to include kindergarten, and deleting the term "pre-school", and requiring that schools be licensed by the state as a school. The revised definition shall read as follows:

Elementary and secondary schools.

A privately-owned or publicly-owned ~~pre-school~~, kindergarten (where students are 4 or more years in age), elementary school, middle school, junior high school, or high school, licensed by the state of North Carolina as a school.

B. CHAPTER 4: DEVELOPMENT APPROVAL

1. Amend Section 4.105, "RESERVED" by deleting all text. Replace it with new text titled, "Public notification process for institutional uses locating adjacent to, and abutting a single-family residential zoning district". The new section shall read as follows:

**Section 4.105. RESERVED. Public notification process for institutional uses locating adjacent to, or abutting single family residential zoning districts (R-3, R-4, R-5, R-6, and R-8).**

(1) Purpose

Institutional uses, because of their nature or scale, may have some impacts on adjacent and abutting property owners. While these uses may be permitted under prescribed conditions, property owners shall receive a courtesy notification when a change of use permit or a

commercial building permit has been issued for a structure previously used as a residence so that they may be aware of upcoming land use changes.

(2) Notification process

- (a) The Zoning Administrator, individually, or by and through his or her authorized designees in Engineering and Property Management, shall mail a notice to adjacent and abutting property owners, as shown on the current City tax abstracts, including those across a street. Such notice shall provide the applicants name and information on the type of institutional use for which the permit was issued. The courtesy notice shall be mailed within 10 working days from the time that the Engineering and Property Management staff issues a change of use permit or a building permit. (Note: this is a courtesy notification of a permit being issued; not an opportunity for public input).

C. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: Special Requirements For Certain Uses

- a. Amend Section 12.506, “Religious institutions in residential districts” by classifying churches into three categories: small, medium and large. In addition: modify the maximum floor area ratios, based on the classification of the religious institution and the type of road on which it fronts; rename the church by size; address the type of street a lot must face; and clarify that accessory uses shall be subordinate to the principal use on a lot. The revised text amendment shall read as follows:

**Section 12.506. Religious institutions in residential districts.**

Churches, synagogues, temples, mosques and other places of religious worship, along with their accessory uses, are permitted in residential districts subject to the following development approvals based upon size limitations:

|                                                                                                   | <u>Permitted Districts</u>                  |
|---------------------------------------------------------------------------------------------------|---------------------------------------------|
| <u>Small Religious Institutions, up to 400 seats in the largest place of assembly</u>             | <u>All residential zoning districts</u>     |
| <u>Medium Religious Institutions, 401 to less than 750 seats in the largest place of assembly</u> | <u>All residential zoning districts</u>     |
| <u>Large Religious Institutions, 751 750 to 1200 seats in the largest place of assembly</u>       | <u>Multi-family and MX zoning districts</u> |

All religious institutions in residential districts ~~must~~ shall meet the standards of this Section and all other requirements of these regulations:

(1) Maximum floor area ratio: ~~is .50~~

(a) Small Religious Institutions

(1) Located in a single family residential zoning districts (R-3, R-4, R-5, R-6, R-8) and

a. Located on a collector street (as classified on the most recent *Collector Road System and as defined in the Subdivision Ordinance and the Zoning Ordinance*): Maximum FAR: .25

b. Located on a minor or major thoroughfare (as classified on the most recent *Mecklenburg-Union County Metropolitan Planning Organization Thoroughfare Plan*): Maximum FAR: .50

(2) Located in all other residential districts: Maximum FAR: .50

(b) Medium Religious Institutions: Maximum FAR: .50

(1) Located in a single family residential zoning districts (R-3, R-4, R-5, R-6, R-8), and located on a collector street (as classified on the most recent *Collector Road System and as defined in the Subdivision Ordinance and the Zoning Ordinance*): Maximum FAR: .25

(2) Located on a minor or major thoroughfare (as classified on the most recent *Mecklenburg-Union County Metropolitan Planning Organization Thoroughfare Plan*): Maximum FAR: .50

(c) Large Religious Institutions: Max. FAR: .50

(2) Minimum open space is 25%.

(3) The principal building and accessory uses must be on a contiguous site.

(4) Offices associated with the activities or business of the religious institution will occupy no more than 25 percent of the total floor area of buildings on the lot. In cases where the total floor area developed on the site is less than 4,000 square feet, office activities may occupy as much as 1,200 square feet.

(5) All buildings, outdoor recreational facilities, and off-street parking and service areas will be separated by a Class C buffer for small and medium size religious institutions, ~~less than 750 seats~~, and a Class B buffer for

large religious institutions ~~between 750 and 1,200 seats~~, which abut property located in a residential district or abutting residential use (See Section 12.302).

- (6) ~~The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare.~~ Small religious institutions shall only be permitted on a lot that fronts onto, a collector, minor, or major thoroughfare (as classified on the most recent *Mecklenburg-Union County Metropolitan Planning Organization Thoroughfare Plan*, *The Collector Road System*, and as defined in the Subdivision Ordinance and the Zoning Ordinance). Medium and large religious institutions shall only be permitted on a lot that fronts onto, a minor or major thoroughfare.
- (7) Primary vehicular access to the use ~~will~~ shall not be provided by way of a residential local (Class VI) street.
- (8) [RESERVED]
- (9) Office and non-office accessory uses which are permitted in residential districts under these provisions shall meet the following requirements in addition to any other applicable requirements of these regulations:
  - (a) No merchandise or merchandise display window shall be visible from outside the building;
  - (b) No business or identification sign pertaining to the accessory uses shall be visible from outside the building;
  - (c) All parking shall be screened in accordance with Section 12.303; and
  - (d) Accessory uses shall meet the following requirements:
    - 1. Accessory uses shall be subordinate in area, extent, and purpose to the principal use.
    - 2. ~~Accessory uses must not violate the yards, separation or buffer requirements, which apply to the principal structure(s).~~ Accessory uses shall meet the yard, separation and buffer requirements that apply to the principal structure(s).
    - 3. ~~(10)~~ Except as noted above, accessory uses shall be governed by other provisions of these regulations for the underlying district. Where accessory uses such as television stations, radio stations, printing presses, or sports complexes are forbidden in association with non-religious uses, they shall also be forbidden in association with religious uses. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.

D. CHAPTER 9: GENERAL DISTRICTS

1. Amend Table 9.101, "Table of Uses" by deleting the current entries for "religious institutions" and "religious institutions, up to 1,200 seats" and replacing the entries for religious institutions by the three new size categories. Modifications will be made in single-family, multi-family, urban residential, and mixed-use zoning districts entries for religious institutions. The revisions shall read as follows:

|                                                   | R-3       | R-4       | R-5       | R-6       | R-8       | R-8MF     | R-12MF    | R-17MF    | R-22MF    | R-43MF    |
|---------------------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <u>Religious Institutions, up to 400 seats</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>Religious Institutions, 401-750 seats</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>Religious Institutions, 751 to 1,200 seats</u> |           |           |           |           |           | <u>PC</u> | <u>PC</u> | <u>PC</u> | <u>PC</u> | <u>PC</u> |

|                                                   | UR-1      | UR-2      | UR-3      | UR-C      | MX-1      | MX-2      | MX-3      |
|---------------------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <u>Religious Institutions, up to 400 seats</u>    | <u>PC</u> | <u>PC</u> | <u>PC</u> | <u>PC</u> | <u>PC</u> | <u>PC</u> | <u>PC</u> |
| <u>Religious Institutions, 401-750 seats</u>      | <u>PC</u> | <u>PC</u> | <u>PC</u> | <u>PC</u> | <u>PC</u> | <u>PC</u> | <u>PC</u> |
| <u>Religious Institutions, 751 to 1,200 seats</u> |           |           |           |           | <u>PC</u> | <u>PC</u> | <u>PC</u> |

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 \_\_\_\_\_, 2008, 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 \_\_\_\_\_, 2008.

\_\_\_\_\_