

DATE August 11, 1998

ZONING REGULATIONS  
TEXT AMENDMENT NO. 63

A RESOLUTION AMENDING  
THE MECKLENBURG COUNTY  
ZONING REGULATIONS

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MECKLENBURG  
/ COUNTY, NORTH CAROLINA:

Section 1. The Mecklenburg County Zoning Regulations as embodied in the Zoning Ordinance are hereby amended as follows:

1. Amend Section 12.508. Cemeteries, public and private by adding a subparagraph (3) to permit crematories, and read thusly:

(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 following prescribed conditions:

- a) All applicable local, state, and federal laws and regulations shall be complied with.
- b) The cremator 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 ft. or more from any exterior property line.

2. Amend Section 12.603, Standards for plan approval, (1) by updating the name of the drainage manual and the reference to the State General Statutes, thus deleting the following wording:

(1) The County Engineer shall review the drainage plan for compliance with the standards contained in the current edition of the "Charlotte-Mecklenburg Land Development Standards Manual", the "Storm Drainage Design Manual", and all other relevant and appropriate standards established by the Engineering Department.

and replacing it with the following:

(1) The County Engineer shall review the drainage plan for compliance with the standards contained in the current edition of the "Charlotte-Mecklenburg Land Development Standards Manual", the "Charlotte-Mecklenburg Storm Water

Design Manual", which is to be adopted in its entirety pursuant to G.S. 153A-47, and all other relevant and appropriate standards established by the Engineering Department.

3. Amend Section 12.413. Drive-in service windows and other drive-through uses, Table 12.413, by adding the following after restaurant;

Single Vehicle Automatic	4 spaces per wash line
Accessory Use Car Wash	

4. Amend CHAPTER 13: SIGNS, Section 13.108. Specifications for permanent signs requiring a permit, (1) Wall Signs by adding the following:

(h) Special circumstances

There may be special circumstances because of typography that make the above standards impractical for wall signs. Therefore, signs may be placed on the roof instead of a building wall if they meet the following provisions:

1. At least 50% of the entire plane of the building facing the street, including the roof plane and any wall plane, must be below the grade of the adjoining street from which the sign(s) will face and from which the building gets its direct vehicular access.
2. Any such sign(s) placed on the roof of a building must meet the same requirements for wall signs in terms of area, size, number, projection and lighting.
3. Such sign(s) shall not extend above the highest ridge of the roof so placed or beyond any other edge of the roof or building. These signs may not be placed on flat roofs.
4. Any roof or wall sign(s) which existed on a pitched roof prior to January 1, 1995 and meets the requirements of item 1 of this subsection may remain in place under the nonconforming provisions of Section 13.112(1)(c) of this ordinance. In addition, these existing nonconforming signs will be exempt from any of the amortization provisions of Section 13.112.

5. Amend CHAPTER 13: SIGNS, SECTION 13.102 Definitions, subsection S7 Sign types, to read as follows:

(ae) Roof Sign. A sign erected or maintained in whole or in part upon, over, or above the roof or parapet of a building.

(ak) Wall Sign. Any sign directly attached to an exterior wall or exterior parapet of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plan of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

6. Amend CHAPTER 13: SIGNS, SECTION 13.108 Specifications for Permanent Signs Requiring a Permit, subsection (1) Wall Signs, as follows:

(f) No wall sign shall extend above the parapet or roof line of the building to which the sign is attached, nor shall a wall sign project more than 18 inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window, and may not extend more than 6' above the roof line.

Parapets added to existing buildings for the purpose of attaching signs must match the architecture of the rest of the building, be of the same thickness, and on the same plane as the wall to which it is added, and no more than 6' above the roof line. Additions to a parapet for the purpose of signage cannot be braced back to the roof; and

7. Amend CHAPTER 9, GENERAL DISTRICTS, regarding contractor's offices as follows:

PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS, TABLE 9.101 - PERMITTED USES, BY DISTRICT by inserting an "x" under the BP column opposite the "contractor offices and storage, excluding construction equipment" use category in the "OFFICE & BUSINESS USES" section.

Section 9.802 - Uses permitted by right, by deleting all the provisions of subsection 9.802(20) and substituting the following in lieu thereof:

(20) Contractor offices and accessory storage, excluding the storage of general construction equipment and vehicles (B-2, B-D and BP).

8. Amend CHAPTER 9, GENERAL DISTRICTS, regarding expansion of existing nonconforming hotels and motels in I-2 only as follows:

PART 1, TABLE OF USES AND HIERARCHY OF DISTRICTS, TABLE 9.101 - PERMITTED USES, BY DISTRICT by inserting the symbol "PC" under the I-2 district.

PART 11 - INDUSTRIAL, Section 9.1103. Uses permitted under prescribed conditions, by adding the following in proper alphabetical order;

Hotels and motels, expansion of existing nonconforming uses (I-2 only), provided that:

- (a) Building permits for the use were issued before January 1, 1992, therefore, being rendered a legally nonconforming use after the effective date of this zoning ordinance;
- (b) Expansion of the nonconforming use takes place within the confines of the property as comprised before January 1, 1992;
- (c) Any expansion shall be subject to the applicable development standards of the I-2 district.

9. Amend CHAPTER 5, APPEALS AND VARIANCES, as follows:

A. Section 5.101, Authority of Mecklenburg County Board of Adjustment by adding a new subsection (5),

- (5) Pursuant to G.S. §153A-345(b) and (d), the Board of Adjustment only has the statutory authority to grant or to deny variances and to determine if the zoning administrator correctly or incorrectly interpreted and applied the zoning ordinance in rendering a decision. The Board of Adjustment does not have jurisdiction to address or rule upon constitutional and federal and state statutory issues or any other legal issues beyond its statutory authority.

B. Section 5.113, Appeal from Board of Adjustment by adding a new subsection (4),

- (4) If a petition for review pursuant to G.S. §153A-345(e) is filed, then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the secretary of the Zoning Board of Adjustment for preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the County shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the County shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed.

10. Amend various sections of the ordinance as follows to allow the fabrication of orthotics and prosthetics under prescribed conditions in business and office districts and a use by right in industrial districts:

- A. Amend CHAPTER 9: GENERAL DISTRICTS, PART 1: TABLES OF USES AND HIERARCHY OF DISTRICTS, Section 9.101. TABLES OF USES, OFFICE AND BUSINESS USES, by adding Orthotics - Prosthetics Facilities and inserting the symbol "X" under the I-1 and I-2 districts and inserting the symbol "PC" under the O-1, O-2, O-3, B-1, and B-2 districts.
- B. Amend CHAPTER 9: GENERAL DISTRICTS, PART 7: OFFICE, Section 9.703. USES PERMITTED UNDER PRESCRIBED CONDITIONS, by adding the following:
- (20.1) Orthotics - Prosthetics Facilities, provided that:
    - (a) Not more than 50% of space be allotted to the fabrication of orthotics and prosthetics.
    - (b) The overall purpose of the facility be patient oriented. No less than 50% of the facility be dedicated to patient services.
    - (c) The fabrication of orthotics and prosthetics in no more than 50% of the floor area of any medical office is restricted to a maximum of 4,000 square feet.
- C. Same as B except Part 8: Business Section 9.803, and (25.1).
- D. Amend Part 11: Industrial, Section 9.1102. Uses permitted by right by adding the following:
- (56.1) Orthotics - Prosthetics Facilities.

Section 2. That this resolution shall become effective upon adoption.

Approved as to form:

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County Attorney

Read, approved and adopted by the Board of County Commissioners of Mecklenburg County, North Carolina, in meeting on the 14th day of August, 19 98.

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Clerk, Board of County Commissioners