

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition #:	<u>99-03</u>
Date Filed:	<u>10-23-98</u>
Received By:	<u>SLS</u>

Section #: Chapter 9, Part 2, Section 9.203 (7a) and Part 3, Section 9.303(10a); and Chapter 12, Part 3, Table 12.302(a)
(Title)

Purpose of Change:

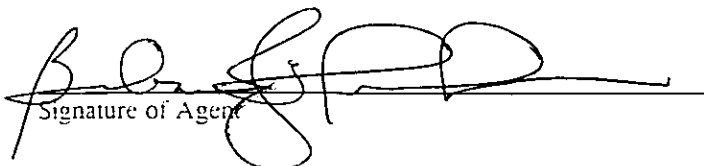
The Zoning Ordinance contains explicit details regarding buffer requirements between schools and adjacent properties. Specifically, it stipulates that Class C buffers for elementary and junior high schools and Class B buffers for senior high schools must separate "any abutting property located in a residential district, used for residential purposes, or low-intensity institutional use (See Section 12.302)."

These requirements are appropriate for uses adjacent to schools such as residential neighborhoods and certain low-intensity institutional uses such as nursing homes and rest homes. However, the Board of Education considers joint use opportunities with other governmental agencies, specifically the Park and Recreation Department, whenever possible. In addition, it is becoming increasingly common for more than one school to be located on one site or on adjacent sites. As the ordinance stands, when placing more than one school adjacent to one another or a school adjacent to a park or greenway, the school system is required to separate the two uses with a buffer at the expense of the taxpayers.

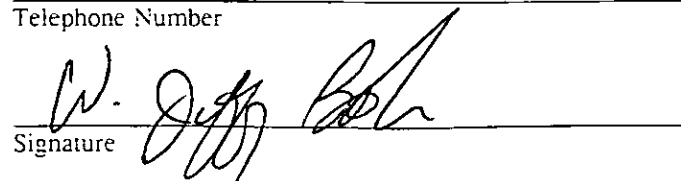
The only method available to eliminate the buffer requirement is by applying to the Zoning Board of Adjustment for a variance. The variance procedure creates an unnecessary process which is a burden to both the Board of Education as well as the Board of Adjustment.

In order to eliminate the need to go through the variance process for these types of situations, we propose to amend the Zoning Ordinance.

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ORDINANCE NO. _____ AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE – ZONING ORDINANCE

AN ORDINANCE AMENDING THE CITY CODE
WITH RESPECT TO THE ZONING ORDINANCE

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. Amend Chapter 9: General Districts, Part 2, Single Family, Section 9.203(7), Elementary and Secondary Schools, as follows:

Modify sub-section 7(a) as follows:

“(a) All buildings, outdoor recreational facilities, and off-street parking and service areas will be separated by a Class C buffer for elementary and junior high schools and a Class B buffer for senior high schools from any abutting property located in a residential district, used for residential purposes, or low-intensity institutional use (See Section 12.302), except that buffers shall not be required to separate adjacent public elementary schools; junior high or middle schools; senior high schools; or public parks and greenways;

2. Amend Chapter 9: General Districts, Part 3, Multi-Family District, Section 9.303(10)a, Elementary and Secondary Schools as follows:

Modify sub-section 10(a) as follows:

“(a) All buildings, outdoor recreational facilities and off-street parking and service areas will be separated by a Class C buffer for elementary schools and junior high schools and Class B buffer for senior high schools from any abutting residential use or residential zoning classification or low intensity institutional use (See Section 12.302), except that buffers shall not be required to separate adjacent public elementary schools; junior high or middle schools; senior high schools; or public parks and greenways;

3. Amend Chapter 12: Development Standards of General Applicability, Part 3, Buffers and Screening, Table 12.302(a), Minimum Buffer Requirements, by Use and District Categories as follows:

Modify column heading “Developing Uses” sub-category “2. Institutional” as follows:

“Low Intensity: Civic, service and fraternal organizations; cultural facilities; Day care center; Dormitories; Elementary schools *; Group homes with more than 6 residents; and Nursing homes, rest homes and homes for the aged.”

"Medium Intensity: Government buildings, less than 12,500 sq. ft.; Health institutions, less than 50,000 sq. ft.; Junior high and Middle schools *; Religious institutions, up to 750 seats; Stadiums and arenas, less than 5,000 seats and other institutional uses less 50,000 sq. ft.

"High Intensity: Government buildings, 12,500 sq. ft. or more; Health institutions, 50,000 sq. ft. or more; High schools *; Religious institutions, 750 seats or more; Stadiums and arenas, 5,000 seats or more; Universities, colleges and junior colleges; and other institutional uses more than 50,000 sq. ft.

Modify footer to include:

* Except that buffers shall not be required to separate adjacent public elementary schools, junior high or middle schools; senior high schools; or public parks and greenways.

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

Approved as to form:

City Attorney

Read, approved, and adopted by the City Council of the City of Charlotte, NC, in regular session convened on the ____ day of _____, 1998, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, at page _____.

Brenda Freeze, City Clerk