

ORDINANCE NO. 503-X

AN ORDINANCE TO TEMPORARILY CLOSE A CERTAIN PORTION OF WEST NINTH STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

WHEREAS, the Redevelopment Plan for the Fourth Ward Redevelopment Area as approved by the City Council of the City of Charlotte requires that a portion of West Ninth Street at North Poplar Street * * * shall have its access limited to pedestrian traffic by ordinances and appropriate additional development by the City * * * *";

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina;

Section 1. That the Council hereby orders that all of the street right-of-way shall and is hereby temporarily closed to all vehicular traffic as to that portion of West Ninth Street in the City of Charlotte, Mecklenburg County, North Carolina, as same is shown on a plat entitled Proposed Temporary Closing Portion of West Ninth Street at Poplar Street prepared by the City of Charlotte, Department of Public Works, Engineering Division, dated December 15, 1978, revised December 20, 1978, and January 23, 1979, a copy of which is hereto attached and marked Exhibit "A" and incorporated by this reference, said portion of said street being more particularly described in Exhibit "B" hereto attached and made a part hereof, it appearing to the satisfaction of the City Council that the closing of that portion of said street is not contrary to the public interest and that no individual, firm, or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

Section 2. That portion of the street described in Section 1. of this ordinance which has been temporarily closed shall remain open to all pedestrian traffic.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

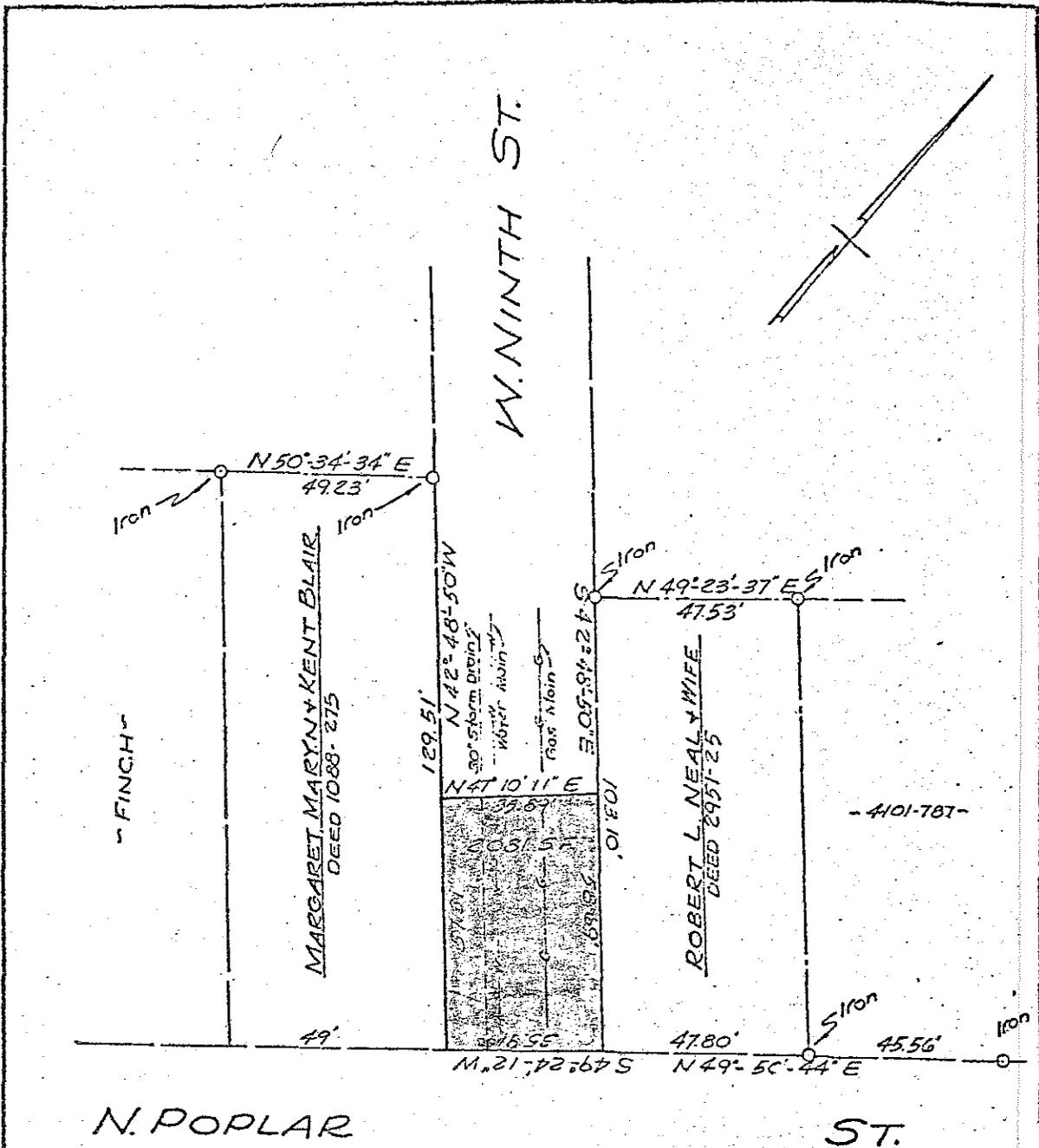
Section 4. This ordinance shall become effective upon its adoption.

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 5th day of February, 1979, the reference having been made in Minute Book 70, and is recorded in full in Ordinance Book 26, at page 455.

Ruth Armstrong, City Clerk



DEED 4101-787

Plot and prepared under City

City Engineer No.

CITY OF CHARLOTTE
NORTH CAROLINA
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

REVISIONS	Proposed Temporary Closing Portion of	JOB NO.
12/10/78 Utilizing Within 5' Right Property Owner	W. NINTH ST. @ N. POPLAR ST.	FILE NO.
1/23/77 Temporary Closing	FOURTH WARD NINTH STREET MALL	SHEET 1
DRAWN BY: N		OF 1
CHECKED BY:		
CITY ENGINEER	DATE 12/15/78 SCALE 1" = 30'	

Fourth Ward Redevelopment Area
Temporary Closing of Portions of Existing Street Right-of-Way

1. That certain portion of West Ninth Street in the City of Charlotte, Mecklenburg County, North Carolina, as same is shown on a plat entitled "Proposed Temporary Closing of Portion of West Ninth Street at North Poplar Street", prepared by City of Charlotte, Department of Public Works, Engineering Division, dated December 15, 1978, Revised December 20, 1978, and revised January 23, 1979, being more specifically described as follows:

BEGINNING at a point where the present southwesterly right-of-way margin of West Ninth Street intersects with the present northwesterly right-of-way margin of North Poplar Street and runs thence in a northwesterly direction following along said present southwesterly right-of-way margin of West Ninth Street, N. 42-48-50 W. 57.31 feet to a point; thence with a new line crossing West Ninth Street, N. 47-10-11 E. 35.89 feet to a point in the present northeasterly right-of-way margin of West Ninth Street; thence in a southeasterly direction following along said present northeasterly right-of-way margin of West Ninth Street, S. 42-48-50 E., 58.69 feet to a point; thence S. 49-24-12 W. 35.91 feet to the point or place of Beginning.

AMENDING CHAPTER 17,
ARTICLE IVORDINANCE 504AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF THE CITY
OF CHARLOTTE.

BE IT ORDAINED by the City Council of the City
of Charlotte, North Carolina that:

Section 1. Chapter 17 is hereby amended by the deletion
of Article IV in its entirety and substituting in lieu thereof
the following:

"ARTICLE IV.

SIDEWALK AND DRAINAGE
FACILITIES CONSTRUCTION

Sec. 17-60. Purpose.

The City Council finds that certain uses of property
within the City of Charlotte generate significant levels of
vehicular or pedestrian traffic along public streets abutting
the property used for those purposes; that convenient and safe
pedestrian passageways should be provided in the public interest
so as to separate such traffic; and that property which may be
used for such purposes along public streets are without adequate,
convenient and safe pedestrian sidewalks.

Further, the City Council finds that certain uses of
property generate appreciable levels of surface water runoff
which in turn collects trash and litter; that
adequate drainage facilities should be provided in the public
interest so as to allow the proper regulation and disposal of

surface water runoff; and that property which may be used for such purposes along public streets are without adequate and necessary drainage facilities such as concrete curb and gutter, catch basins, storm drainage pipes and the like so as to control surface water runoff.

Therefore, the City Council pursuant to the authority conferred by 160A-174 of the General Statutes of North Carolina does ordain and enact this Article into law which requires the construction of sidewalks and necessary drainage facilities in conjunction with the construction of structures or buildings for certain uses.

Sec. 17-61. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Article:

- (1) Addition shall mean any new structure or building which is added to an existing building by an enclosed usable connector, such connector having the same type of heating, plumbing and utility fixtures as the existing building or structure and does not attract or generate appreciable levels of pedestrian or vehicular traffic.
- (2) Auxiliary building shall mean a detached, subordinate building, the use of which is clearly incidental and related to that of the principal structure or use of the land, which does not attract or generate appreciable levels of pedestrian or vehicular traffic, and which is located on the same lot as that of the principal building or use. By way of illustration only,

auxiliary buildings may include maintenance shops and lawn care storage areas.

- (3) Building shall mean any structure built for the support or enclosure of persons, goods, or equipment, having a roof supported by walls.
- (4) Necessary drainage facilities shall mean and include such improvements as concrete curb and gutter, catch basins, storm drainage pipes, junction boxes and such other improvements in accordance with the Manual of Standard Details for Land Development maintained by the Engineering Division of the Public Works Department of the City of Charlotte.
- (5) Industrial building shall mean any building whose primary function is the performance of work or labor in connection with the fabrication, assembly, processing or manufacture of products or materials.
- (6) Sidewalk shall mean permanent all weather pedestrian ways in accordance with the Manual of Standard Details for Land Development maintained by the Engineering Division of the Public Works Department of the City of Charlotte.
- (7) Warehouse shall mean a building which is used for the storage of goods, wares, or merchandise, excepting limited storage incidental to the display, sale or manufacture of such items.

Sec. 17-62. Construction of sidewalks and drainage facilities.

(a) Except as provided in subsections 17-62(b) and (c) below, construction of sidewalks and necessary drainage facilities shall be required in conjunction with the construction of any new building used for any of the following purposes:

- (1) Office
- (2) Institutional
- (3) Multi-family residential where any building contains three or more dwelling units
- (4) Retail sales
- (5) Retail services
- (6) Business

Except sidewalk and drainage facilities may not be required along streets scheduled and funded for improvement by either the City or the North Carolina Department of Transportation when these improvements include all sidewalk and drainage facilities normally required by this Chapter.

(b) Except as required by Sec. 17-59 and Chapter 18 of the Charlotte City Code, sidewalk facilities shall not be required in conjunction with the construction of any new buildings used solely for the following purposes:

- (1) Warehouse
- (2) Industrial
- (3) Auxiliary building

However, necessary drainage facilities as provided herein shall be required except for auxiliary buildings.

(b) If the new building as referred to in Sec. 17-62(a) above is an addition as defined in this Article, the

construction of sidewalk facilities shall not be required except as provided by § 17-59 and Chapter 18 of the Charlotte City Code. However, necessary drainage facilities as provided herein shall be required.

- (d) Construction of sidewalks or necessary drainage facilities required by this Article shall be accomplished along the entire length of the frontage of the property abutting each publicly maintained street.

Sec. 17-63. Standards of construction.

Sidewalks and drainage facilities shall be constructed in accordance with the construction standards established by the Engineering Division of the Public Works Department of the City of Charlotte.

Sec. 17-64. Approval of plans.

Approval of sidewalks and drainage construction plans shall be obtained from the Engineering Division of the Public Works Department of the City of Charlotte upon application for a building permit with the City of Charlotte Building Inspection Department. When sidewalk or drainage facilities are required, the City Engineer will specify the location of the required facilities. If existing public street right of way is not available, the City Engineer may require the sidewalk to be constructed outside the street right of way.

Sec. 17-65. Variance.

- (a) Where, because of the topography, geography or other unusual physical conditions relating to the land, strict compliance with the provisions of this Article shall cause an unusual and unnecessary hardship on the applicant, the Director of the Public Works Department of the City of Charlotte may vary the requirements set forth herein.
- (b) In cases where the proposed developed area will be less than 50% of the total area of the property under single ownership, the Director of the Public Works Department may vary the requirements set forth herein.
- (c) Every request for a variance of any provision of this Article must be submitted in writing to the Director of the Public Works Department of the City of Charlotte not later than thirty (30) days after the initial building permit is issued for the building concerned. Each request for a variance shall set forth in detail the grounds upon which the request is asserted and such other documents and information as the Director may require. Each request for a variance shall be acted upon by the Director within a reasonable time, not exceeding sixty (60) days after receipt of a request in proper form.

- (d) In granting variances, the Director may require such conditions as will secure, insofar as practicable, the objectives of the requirement varied. Variances granted by the Director shall be reported to the City Council on an annual basis.

Sec. 17-66. Occupancy of any building in violation of this Article is prohibited.

No person, firm, corporation or unincorporated association shall occupy or allow the occupancy or use of any building which is in violation of this Article.

Sec. 17-67. Enforcement.

- (a) Any person, firm, corporation or unincorporated association which causes or allows or engages in the construction, occupancy or use of any building in violation of this Article shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty dollars (\$50.00) and/or imprisoned not exceeding thirty (30) days. Each day that a violation continues to exist shall be considered to be a separate offense, provided the violation is not corrected within thirty (30) days after initial notice of the violation has been given.
- (b) Any person, firm or corporation which causes or allows or engages in the construction, occupancy or use of any building in violation of this Article

shall be subject to a civil penalty of \$100.00.

Each day that the violation continues shall subject the offender to an additional \$100.00 penalty provided the violation is not corrected within thirty (30) days after the initial notice of the violation is given.

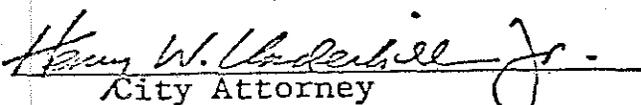
- (c) Neither this Article nor any of its provisions shall be construed to impair or limit in any way the power of the City to define and declare nuisances and cause their abatement through summary action or otherwise. This Article may be enforced by any and every method provided pursuant to § 160A-175 of the General Statutes of the State of North Carolina or as it may be amended.

Sec. 17-68. Effective date.

This Article shall apply to new construction commenced pursuant to building permits issued and approved on and after the date of its adoption."

Section 2. This ordinance shall become effective upon adoption."

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 5th day of February, 1979, the reference having been made in Minute Book 70, and is recorded in full in Ordinance Book 26, at Page 458-465.

Ruth Armstrong, City Clerk

ORDINANCE NO. 505-X

AN ORDINANCE TO AMEND ORDINANCE NO. 91-X, THE 1978-79 BUDGET ORDINANCE, AMENDING REVENUE ESTIMATES AS A RESULT OF A STATE CLEAN WATER GRANT INCREASE TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR METRO 201 WASTEWATER FACILITIES CONSTRUCTION.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina;

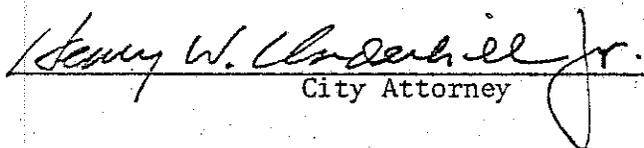
Section 1. That the sum of \$391,773 is estimated to be available as the result of a State grant increase based on revised eligible costs for the construction of Phase II of the Metro 201 Wastewater Facilities Project.

Section 2. That the sum of \$391,773 is hereby appropriated to the Utilities Capital Improvement Projects account 632.24 - Phase II - Construction - Metro 201. Sufficient local funds were appropriated to this project account in Ordinance No. 908-X, adopted on February 13, 1978, which can be used to provide the local match for this grant increase.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. 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, North Carolina, in regular session convened on the 5th day of February, 1979, the reference having been made in Minute Book 70, and is recorded in full in Ordinance Book 26, at page 466.

Ruth Armstrong
City Clerk