

ORDINANCE NO. 3575-X

An Ordinance designating as Historic Landmark a property known as "Bishop Edwin D. Mouzon House" (listed under Tax Parcel Number 123-093-01 and including the entire exterior and the entire interior of the Bishop Edwin D. Mouzon House and the entire exterior and the entire interior of the garage located within the boundaries of said tax parcel). The parcel of land to be designated is listed under Tax Parcel Number 123-093-01 in the Mecklenburg County Tax Office, Charlotte, North Carolina. The property, owned by Charles Thomas Humphries and Nancy E. Humphries, is located at 800 Mt. Vernon Avenue, Charlotte, Mecklenburg County, North Carolina.

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of the City of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 21st day of June, 1993, on the question of designating a property known as the Bishop Edwin D. Mouzon House (listed under tax parcel Number 123-093-01) as historic landmark; and

WHEREAS, Bishop Edwin D. Mouzon, born in Spartanburg, South Carolina in 1869, began his service as a Methodist minister in 1889 in the Texas conference; and

WHEREAS, Bishop Edwin D. Mouzon was elected to the office of bishop in May, 1910; and

WHEREAS, Bishop Edwin D. Mouzon presided over most of the conferences of the Methodist Church in the United States, as well as those of Mexico and South America; and

WHEREAS, Bishop Edwin D. Mouzon served as a delegate to the ecumenical conferences of the world in Toronto (1911), London (1921), and Atlanta (1931); and

WHEREAS, Bishop Edwin D. Mouzon set up the Methodist Church of Brazil in 1930; and

ORDINANCE - Bishop Edwin D. Mouzon House

WHEREAS, Bishop Edwin D. Mouzon and his second wife, Mary Pearl Langdon Mouzon, moved to Charlotte in 1927; and

WHEREAS, Bishop Edwin D. Mouzon was one of the country's most prominent churchmen and the senior bishop of the Southern Methodist Church at the time of his death in 1937; and

WHEREAS, the Bishop Edwin D. Mouzon House was designed by the Charlotte architect, Marvin W. Helms; and

WHEREAS, Marvin W. Helms, a Mecklenburg County native who was associated with C. C. Hook, learned architecture by apprenticeship; and

WHEREAS, Marvin W. Helms designed hundreds of rural Methodist churches funded by the Duke Foundation; and

WHEREAS, Marvin W. Helms was particularly adept at Gothic detail and designed the 1926 sanctuary for the Dilworth Methodist Church; and

WHEREAS, the Bishop Edwin D. Mouzon House, completed in 1927, is architecturally significant as an Eclectic House built in the Tudor style; and

WHEREAS, the Bishop Edwin D. Mouzon House is architecturally significant for the many exterior features and appointments, such as the Tudor false half-timbering with stucco infill, intact and in very good condition; and

WHEREAS, the Bishop Edwin D. Mouzon House is architecturally significant for the many interior features and appointments, such as the fireplaces and the woodwork, intact and in very good condition; and

WHEREAS, the Bishop Edwin D. Mouzon House can provide valuable insight into "life in the streetcar suburb" of Dilworth; and

WHEREAS, the original historic fabric of the exterior and the interior of the Bishop Edwin D. Mouzon House is largely intact and visible; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over the interior of the Bishop Edwin D. Mouzon House because consent for interior design review has been given by the Owners; and

WHEREAS, the current Owners, Charles Thomas Humphries and Nancy E. Humphries, have faithfully maintained the Bishop Edwin D. Mouzon House and have thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County; and

ORDINANCE - Bishop Edwin D. Mouzon House

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property, known as the Bishop Edwin D. Mouzon House (listed under tax parcel Number 123-093-01), possesses a structure having integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Bishop Edwin D. Mouzon House possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the Bishop Edwin D. Mouzon House is owned by Charles Thomas Humphries and Nancy E. Humphries,

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

1. That the property known as the Bishop Edwin D. Mouzon House (listed under tax parcel Number 123-093-01 and including the exterior and the interior of the Bishop Edwin D. Mouzon House and the exterior and the interior of the garage) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 800 Mt. Vernon Avenue, Charlotte, in Mecklenburg County, North Carolina. Interior and exterior features are more completely described in the *Survey and Research Report of Bishop Edwin D. Mouzon House* (28 December 1992).

2. That said interior is more specifically defined as the historic and structural fabric of the arched foyer, halls, stairway, sun porch, basement, attic, and rooms of the Bishop Edwin D. Mouzon House and includes the following items in those areas: the original floors, the woodwork and moldings, the plaster walls, the plaster decorative elements, the Corinthian columns set on built-in cabinets, the built-in cupboards, the large windows, the fire surrounds, the glass paneled doors, the wooden doors, the glass door knobs, the brass keyholes, the hardware

ORDINANCE - Bishop Edwin D. Mouzon House

and fixtures, the volume and shapes of the interior spaces provided in the Eclectic House built in the Tudor style and other interior features that are part of the original historic fabric of the building.

3. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3C, and amendments thereto.

4. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the landmark owner from making any use of this landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated "Historic Landmarks" are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

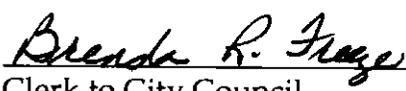
5. That a suitable sign may be posted indicating that said property has been designated as historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said landmark.

6. That the Owner and occupants of the landmark known as the Bishop Edwin D. Mouzon House be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

ORDINANCE - Bishop Edwin D. Mouzon House

7. That which is designated as historic landmark shall be subject to Chapter 160A, Article 19, and any amendments to it and any amendments hereinafter adopted.

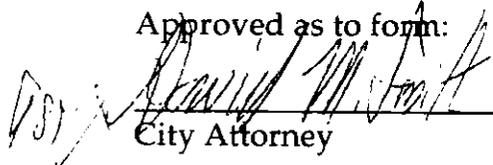
Adopted the 21st day of June 1993 by the City Council of the City of Charlotte, North Carolina.


Clerk to City Council

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of June, 1993, the reference having been made in Minute Book 102, and is recorded in full in Ordinance Book 43, at page(s)91-95.

Brenda R. Freeze
City Clerk

Approved as to form:


City Attorney

ORDINANCE NO. 3576-X

An Ordinance designating as Historic Landmark a property known as "Morgan School" (listed under Tax Parcel Number 125-225-02 and including the exterior and the interior of the Morgan School located within the boundaries of said tax parcel). The parcel of land to be designated is listed under Tax Parcel Number 125-225-02 in the Mecklenburg County Tax Office. The property, owned by the Charlotte-Mecklenburg Board of Education, is located at 500 South Torrence Street, Charlotte, Mecklenburg County, North Carolina.

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of the City of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 21st day of June, 1993, on the question of designating a property known as the Morgan School (listed under tax parcel Number 125-225-02) as historic landmark; and

WHEREAS, the Morgan School was constructed in 1925 and opened in 1927; and

WHEREAS, the Morgan School is an important institutional landmark in the African-American community of Cherry and is one of the few such historical landmarks to remain in the neighborhood; and

WHEREAS, the Morgan School is associated with the history of education for African-Americans; and

WHEREAS, the Morgan School is the work of an important regional architect, Louis H. Asbury, Sr., one of the first professional architects in Charlotte and a founding member of the North Carolina Chapter of the American Institute of Architects; and

WHEREAS, the Morgan School is architecturally significant for the many exterior features and appointments, such as the molded stone cornice and the decorative concrete panels, intact and in very good condition; and

ORDINANCE - Morgan School

WHEREAS, the Morgan School is architecturally significant for the many interior features and appointments, such as the hardwood floors and steam radiators, intact and in very good condition; and

WHEREAS, the Morgan School is significant as a fine example of early 20th century school construction reflecting Beaux Arts classicism and Revival detailing; and

WHEREAS, the original historic fabric of the exterior and the interior of the Morgan School is largely intact and visible; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over the interior of the Morgan School because consent for interior design review has been given by the Owner; and

WHEREAS, the current Owner, the Charlotte-Mecklenburg Board of Education, has faithfully maintained the Morgan School and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property, known as the Morgan School (listed under tax parcel Number 125-225-02), possesses a structure having integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Morgan School possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the Morgan School is owned by the Charlotte-Mecklenburg Board of Education,

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

1. That the property known as the Morgan School (listed under tax parcel Number 125-225-02 and including the exterior and the interior of the Morgan School) is hereby designated as an historic landmark pursuant to

ORDINANCE - Morgan School

Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 500 South Torrence Street, Charlotte, in Mecklenburg County, North Carolina. Interior and exterior features are more completely described in the *Survey and Research Report of Morgan School* (23 October 1992).

2. That said interior is more specifically defined as the historic and structural fabric of the entrance, halls, stairways, restrooms, offices, cafeteria, kitchen and classrooms of the Morgan School and includes the following items in those areas: the original floors, the woodwork and moldings, the plaster walls, the inset cupboards, the large windows, the built-in bulletin boards and blackboards, the cloak rooms, the doors, the hardware and fixtures, the volume and shapes of the interior spaces provided by the Beaux Arts style of school construction and other interior features that are part of the original historic fabric of the building.

3. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3C, and amendments thereto.

4. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the landmark owner from making any use of this landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated "Historic Landmarks" are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-

ORDINANCE - Morgan School

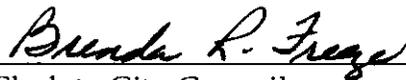
Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said property has been designated as historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said landmark.

6. That the Owner and occupants of the landmark known as the Morgan School be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as historic landmark shall be subject to Chapter 160A, Article 19, and any amendments to it and any amendments hereinafter adopted.

Adopted the 21st day of June 1993 by the City Council of the City of Charlotte, North Carolina.


Clerk to City Council

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of June, 1993, the reference having been made in Minute Book 102, and is recorded in full in Ordinance Book 43, at page(s)96-99.

Brenda R. Freeze
City Clerk

Approved as to form:


City Attorney

ORDINANCE NO. 3577-X

An Ordinance designating as Historic Landmark a property known as the "John and Idella Mayes House" (listed under Tax Parcel Number 125-137-04 and including the exterior and the interior of the John and Idella Mayes House located within the boundaries of said tax parcel). The parcel of land to be designated is listed under Tax Parcel Number 125-137-04 in the Mecklenburg County Tax Office, Charlotte, North Carolina. The property, owned by JFW Realty Incorporated, is located at 435 East Morehead Street, Charlotte, Mecklenburg County, North Carolina.

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of the City of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 21st day of June, 1993, on the question of designating a property known as the John and Idella Mayes House (listed under tax parcel Number 125-137-04) as historic landmark; and

WHEREAS, the John and Idella Mayes House was built ca. 1902; and

WHEREAS, the John and Idella Mayes House is one of the last vestiges of the grand residential boulevard that formed the northern boundary of Dilworth; and

WHEREAS, the career of John H. Mayes was intertwined with that of Stuart W. Cramer, a Morehead Street neighbor; and

WHEREAS, John H. Mayes, with Cramer and three other men, organized the Mayes Manufacturing Company in 1906 with Mayes as president; and

WHEREAS, the group built a cotton mill and the mill village of Mayesworth in 1907; and

WHEREAS, in 1922, Mayes Manufacturing Company was absorbed into Cramerton Mills, Incorporated, and the name of the mill village, Mayesworth, was changed to Cramerton; and

WHEREAS, the John and Idella Mayes House can provide valuable insight into the era when Charlotte's citizens were building the industries that brought growth and prosperity to the entire region; and

ORDINANCE - John and Idella Mayes House

WHEREAS, the John and Idella Mayes House has survived through the years with most exterior appointments, such as the slate roof and leaded glass windows, intact and in very good condition; and

WHEREAS, the John and Idella Mayes House has survived with most interior appointments, such as wood paneling, embossed wall coverings and wooden pocket doors, intact and in very good condition; and

WHEREAS, the John and Idella Mayes House is architecturally significant as one of the finest examples of the Shingle Style house to be found in Charlotte and Mecklenburg County; and

WHEREAS, the original historic fabric of the exterior and the interior of the John and Idella Mayes House is largely intact and visible; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over the interior of the John and Idella Mayes House because consent for interior design review has been given by the Owner; and

WHEREAS, the current Owner, JFW Realty Incorporated, has faithfully maintained the John and Idella Mayes House and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property, known as the John and Idella Mayes House (listed under tax parcel Number 125-137-04), possesses a structure having integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the John and Idella Mayes House possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the John and Idella Mayes House is owned by JFW Realty Incorporated,

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

1. That the property known as the John and Idella Mayes House (listed under tax parcel Number 125-137-04 and including the exterior and the interior of the John and Idella Mayes House is hereby designated as an historic landmark

ORDINANCE - John and Idella Mayes House

pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 435 East Morehead Street, Charlotte, in Mecklenburg County, North Carolina. Interior and exterior features are more completely described in the *Survey and Research Report of John and Idella Mayes House* (22 February 1993).

2. That said interior is more specifically defined as the historic and structural fabric of the first floor, the second floor, the cellar and the attic of the John and Idella Mayes House to include the ceiling beams, the hardwood floors, the mosaic tile floors, the original windows and glazing, the stained glass windows, the plaster walls, the tile walls, the embossed wall coverings and dados, the wooden pocket doors, the "cascade stairway" in the main entry hall, the wood paneled doors, the woodwork and moldings (including the crown moldings, door surrounds, balustrades, newels, wainscot, and panels), the fire surrounds and fire tiles, the mirrors installed in fire surrounds, the annunciator panel and servants quarters' bell, the plumbing fixtures, the original electrical fixtures, the hardware and other fixtures, the volume and shapes of the interior spaces provided in the free-form and variable Shingle Style, and other interior features that are part of the original historic fabric of the structure.

3. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3C, and amendments thereto.

4. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the landmark owner from making any use of this landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated "Historic

ORDINANCE - John and Idella Mayes House

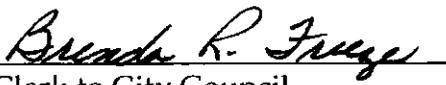
Landmarks" are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said property has been designated as historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said landmark.

6. That the Owner and occupants of the landmark known as the John and Idella Mayes House be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as historic landmark shall be subject to Chapter 160A, Article 19, and any amendments to it and any amendments hereinafter adopted.

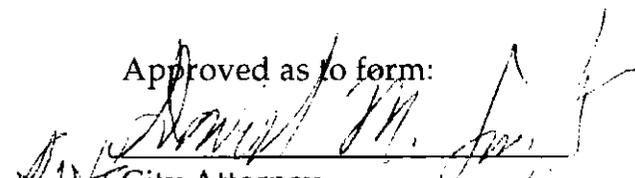
Adopted the 21st day of June 1993 by the City Council of the City of Charlotte, North Carolina.


Clerk to City Council

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of June, 1993, the reference having been made in Minute Book 102, and is recorded in full in Ordinance Book 43, at page(s)100-103.

Brenda R. Freeze
City Clerk

Approved as to form:


City Attorney

Approved 6/21/93

ORDINANCE NO. 3578

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 Section 1.110. Procedures for establishing a vested right, to read as follows:

"Section 1.110. Procedures for establishing a vested right.

Pursuant to G.S. Sec. 160A-385.1, Vested Rights, a vested right to undertake and complete the development and use of the property under the terms and conditions as approved shall be established with respect to any property upon the approval on or after October 1, 1991, of any of the following:

- (a) parallel conditional use district
- (b) conditional district
- (c) special use permit
- ~~(d) special purpose district~~
- ~~(e)~~ (d) Uptown Mixed Use District (optional) UMUD-0

The approved plans and conditions for these districts constitute, for purposes of G.S. Sec. 160A-385.1, site specific development plans.

A right which has been vested as provided for in this section shall remain vested for a period of ~~three~~ from two to five years. The approving authority in its sound discretion may establish a vesting period exceeding the two year minimum where the applicant or petitioner shows such extended period is warranted in light of all relevant circumstances, including but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions.

Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the City Council when it approves the modification or amendment. A vested right obtained under this section is not a personal right, but shall attach and run with the subject property.

A right which has been vested as provided in this Section 1.110 shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permits have been filed."

2. Amend Section 6.205. Effect of Approval., by adding a new subsection (4) thereto as follows:

"(4) Any conditional district approved on or after October 1, 1991, shall have vested rights pursuant to G.S. Section 160A-385.1 for the period of time established pursuant to 1.110 of these rules, except as such vested rights may be altered as allowed by G.S. Section 160A-385.1(e). Vested rights shall remain effective beyond the end of the period of time established pursuant to 1.110 of these rules for any buildings or uses for which a valid building permit had been issued during the vested rights period, so long as such building permit is valid."

Section 2. These amendments shall become effective upon adoption.

Approved as to form:

Asst. Anthony J. [Signature]
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of June, 1993, the reference having been made in Minute Book 102, and recorded in full in ordinance Book 43, at page 104-105

Brenda R. [Signature]
City Clerk

(Rev. 5/28/93)

DATE June 21, 1993

Petition No. 93-16
Lance, Inc.

ORDINANCE NO. 3579-Z

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of 1.65 acres located on the north side of Westinghouse Boulevard extension, east of Kings Branch Creek; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on May 17, 1993; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from I-2(CD) and R-12MF to I-2 and I-2(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of June, 19 93, the reference having been made in Minute Book 102, and is recorded in full in Ordinance Book 43 at page 110-112.

Brenda R. Freese
City Clerk

93-16

Lying and being in Charlotte Township, Mecklenburg County, North Carolina, and being more particularly described as follows:

BEGINNING at a new iron pin, said Beginning Point being located in the northwesterly right-of-way margin of Westinghouse Boulevard (said Westinghouse Boulevard having a total right-of-way of 70 feet at this point), said Beginning Point being in the easterly line of the property of Mecklenburg County (now or formerly) as its property is described in a Deed recorded in Book 5015, at Page 241 in the Office of the Register of Deeds for Mecklenburg County, North Carolina; thence from the Beginning Point so established, and with the easterly line of the property of Mecklenburg County as described in the aforesaid Deed, N. 0-30-10 W. 13.23 feet to a new iron pin, said point being in the southeasterly line of the property of Lance, Inc. (now or formerly), as its property is described in Deed recorded in Book 4492, at Page 963 of said Mecklenburg Registry; thence with a line of the property of Lance, Inc., as described in the aforesaid Deed, N. 66-45-0 E. 461.82 feet to an existing iron pin, this point being in a common corner of the property of Lance, Inc., as described in the aforesaid Deed, and the property of Lance, Inc. (now or formerly), as its property is described in Deed recorded in Book 4167, at Page 664 of said Mecklenburg Registry; thence with the southerly line of the property of Lance, Inc., as described in the latter referenced Deed, N. 66-45 E. (passing through a control point - existing concrete monument at a distance of 248.33 feet) a total distance of 470.22 feet to a control point - existing concrete monument, this terminus point being in the northwesterly corner of the property of Rea Investment Partners (now or formerly) as its property is described in Deed recorded in Book 5434, at Page 990 of the Mecklenburg Registry; thence with the westerly line of Rea Investment Partners property as described in the aforesaid Deed, S. 20-29-13 E. 172.22 feet to a new iron pin located in the northerly right-of-way margin of Westinghouse Boulevard; thence with the northerly right-of-way margin of Westinghouse Boulevard in two calls and distances as follows: (1) with the arc of a curve to the left having a radius of 1,076.74 feet for a linear distance of 498.86 feet to a new iron pin, this call also being on a chord of S. 82-52-4 W. 494.41 feet; and (2) S. 69-35-42 W. 454.43 feet to a new iron pin, the point and place of BEGINNING; and containing 1.169 acres, or 50,939.69 square feet, according to a survey prepared for Lance, Inc., by R. B. Pharr & Associates, P.A., Surveying and Mapping, dated September 2, 1992, to which survey further reference is hereby made.

AND BEING a portion of the property conveyed to the Grantor by Deeds recorded in Book 4167, at Page 664, and Book 3708, at Page 703 of the Mecklenburg Public Registry.

ORDINANCE NO. 3580

AN ORDINANCE AMENDING CHAPTER 20, OF THE CODE OF THE CITY OF CHARLOTTE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA:

Section 1. Chapter 20, is hereby amended by adding new Article IV as follows:

Article IV. Watershed Protection Area.

Section 20-69 Lots Within Catawba River/Lake Wylie Watershed Protection Area

The purpose of the Catawba River/Lake Wylie Watershed Protection Area is to provide for the protection of public water supplies as required by the North Carolina Water Supply Watershed Classification and Protection Act (G. S. 143-214.5) and regulations promulgated thereunder.

The Catawba River/Lake Wylie Watershed Protection Area is that area within Mecklenburg County which contributes surface drainage into the Catawba River and its tributaries.

A map showing the Catawba River/Lake Wylie Watershed Protection Area and its subareas (if any) is incorporated herein as Appendix A. Should the area be more specifically defined in the City of Charlotte Zoning Ordinance by use of major landmarks such as roads and property lines to adjust the boundary, the boundary as described in the Zoning Ordinance shall control over those described in this ordinance.

For the purpose of this section, the following terms will have the definitions indicated below.

BMP's. Best Management Practices. A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMP's. non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMP's. engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

BUFFER. A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

BUILT-UPON AREA (B.U.). Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts) etc. (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

CLUSTER DEVELOPMENT. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project.

CRITICAL AREAS. The area adjacent to a water supply intake where risk associated with pollution is greater than from the remaining portions of the watershed.

NORMAL POOL ELEVATION. The Catawba River/Lake Wylie normal pool elevation as determined by the United States Geological Survey (U.S.G.S.) Datum.

PERENNIAL STREAM. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. Such streams are identified on United States Geological Survey Quadrangle Maps.

PROTECTED AREA. The area adjoining and upstream of the Critical Areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Areas.

SEPTIC TANK SYSTEM. A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

WATER DEPENDENT STRUCTURES. Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

WATERSHED. The entire land area contributing surface drainage into a stream, creek, lake or other body of water.

1. Critical Area Development Standards:

(not used)

2. Protected Area Development Standards:

Minimum lot area -

minimum required in underlying zoning district

Maximum Allowable Built Upon Area Per project (% B.U.)

low density option - 24%
high density option - 70%
(structural BMP's)*

- * STRUCTURAL BMP's. We detention ponds are required under the High Density Option. Other types of Structural BMP's may also be required.

Cluster Development is allowed within the Protected Area.

BUFFER AREA REQUIREMENTS. Vegetative buffers are required along all perennial streams measured from the bank on each side of the stream. In the Protected Area the minimum buffer widths are as follows:

low density option - 30'
high density option - 100'

No permanent structures, built upon area, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

- a. No trees larger than 2 inch caliper are to be removed except for dead or diseased trees. Trees less than 2 inch caliper and undergrowth may be removed to be replaced by an effective stabilization and filtering ground cover based upon Mecklenburg County Environmental Protection Department guidelines and as approved by the County Environmental Protection Department.
- b. Streambank or shoreline stabilization is allowed as approved on a plan submitted to the applicable Engineering Department and the County Environmental Protection Department.
- c. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternative exists. These activities should minimize built-upon surface area, direct run off away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials. Non-impervious recreational uses are permitted provided they are located a minimum of 30 feet from the stream bank.

- d. The City can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions based on Mecklenburg County Environmental Protection Department guidelines.
 - e. In the protected area non-impervious recreational development and non-impervious pedestrian trails may be allowed in the required buffer if located a minimum of thirty feet (30') from the stream bank.
3. INSTALLATION OF STRUCTURAL BMP's.

A. SUBDIVISION - POSTING OF FINANCIAL SECURITY REQUIRED

When Structural BMP's (wet detention ponds and all other BMP's) are required under the High Density Option, the approval of the High Density Development Permit will be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to the City Engineering Department in an amount to be determined by the City Engineering Department in consultation with other agencies, such as the Environmental Protection Department, in a form which is satisfactory to the City Attorney, guaranteeing the installation and maintenance of the required Structural BMP's until issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the wet detention pond, allowing credit for improvements completed prior to the submission of the final plat. Upon issuance of certificates of occupancy for seventy-five percent (75%) of all anticipated construction relative to the required Structural BMP's, written notice thereof must be given by the owner to the City Engineering Department. The City Engineering Department will arrange for an inspection of the Structural BMP's and if found satisfactory, will within 30 days of the date of notice notify the owner in writing.

4. MAINTENANCE RESPONSIBILITY OF STRUCTURAL BMP's

- A. For single family developments, the owner may petition the City Council for acceptance of maintenance responsibilities of the Structural BMPs. The City will accept maintenance responsibilities if the Structural BMPs have been built according to standards contained in the Land Development Standards Manual or other published standard of the City Engineer and are functioning as designed, provided, however, that the City Council may attached reasonable conditions to its acceptance of maintenance responsibilities including

requiring the granting of appropriate easements for ingress and egress.

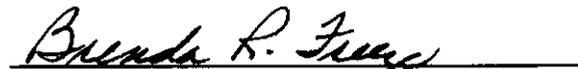
- B. Maintenance of Structural BMPs other than those in single family developments which have been accepted by the City shall be the responsibility of the property owner. The property owner may apply for a credit to the property's storm water fee according to the policies of Charlotte-Mecklenburg Storm Water Services to compensate for this responsibility. The property owner will be responsible for the ongoing maintenance of the Structural BMPs. If at any time the BMPs are not properly maintain, the credit will be suspended.

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:


City Attorney

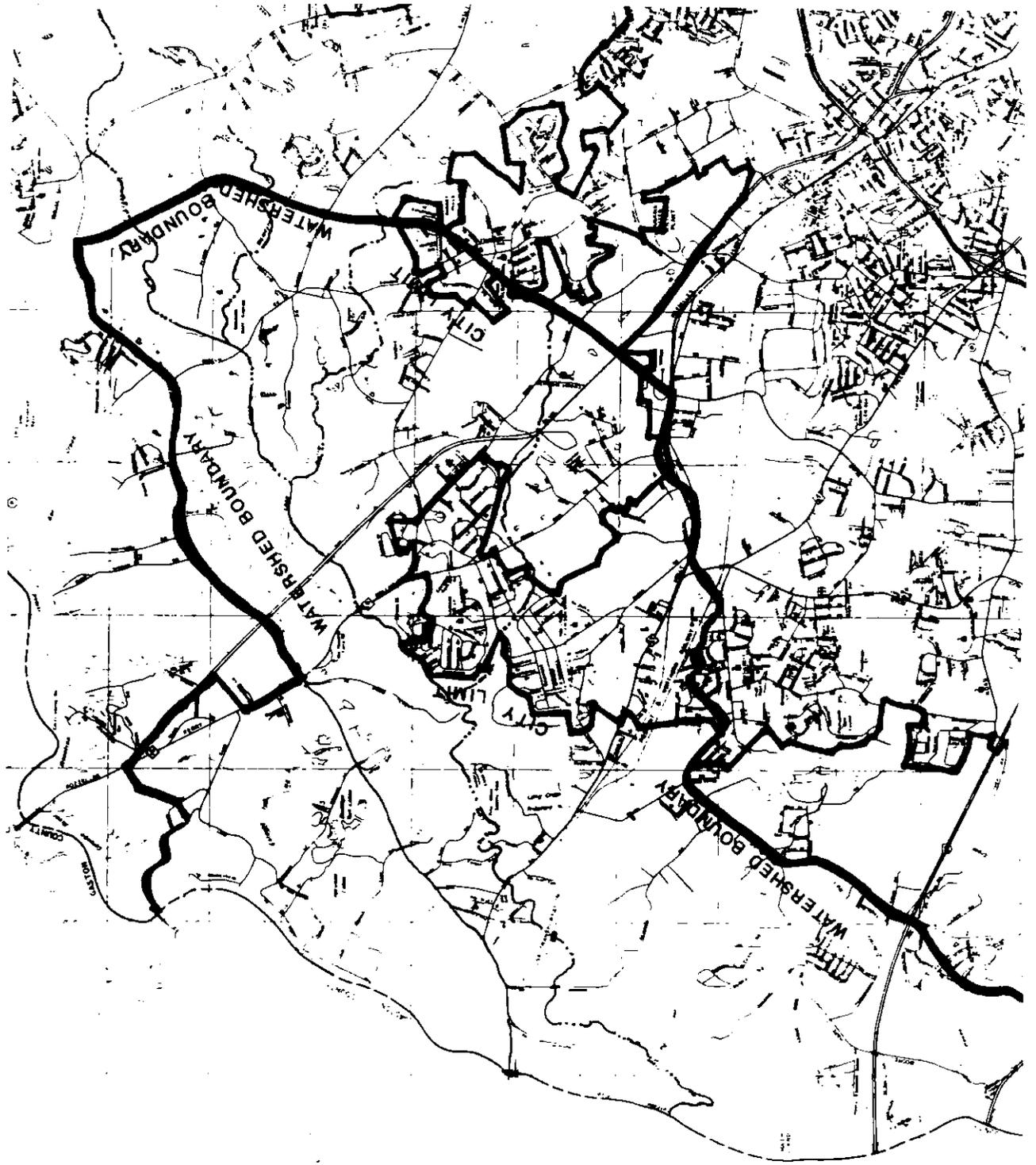
Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of June, 1993, the reference having been made in Minutes Book 102, and recorded in full in Ordinance Book 43, beginning on Page 113-118.


Brenda Freeze, City Clerk

CATAWABA RIVER / LAKE WYLIE WATERSHED PROTECTION AREA



Appendix A (Ref. Section 7.200.11)



Scale:
1" = 6,000'

APPROVED BY CITY COUNCIL
DATE June 21, 1993

Petition No. 93-19
Petitioner: CMPC

ORDINANCE NO. 3581

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 10: OVERLAY DISTRICTS by:

A. Adding a new PART 6: CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY

Part 6: CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY

Section 10.601 Purpose

The purpose of the Catawba River/Lake Wylie Watershed Overlay District is to provide for the protection of public water supplies as required by the N.C. Water Supply Watershed Classification and Protection Act (G.S. 43-214.5) and regulations promulgated thereunder. The Catawba River/Lake Wylie Watershed Overlay may be an overlay in any district established in Chapters 9 and 11. The Catawba River/Lake Wylie Watershed Overlay District supplements the uses or development requirements of the underlying zoning district within the Catawba River/Lake Wylie Watershed Protection Area to ensure protection of public water supplies. All other uses and regulations for the underlying district shall continue to remain in effect for properties classified under the Catawba River/Lake Wylie Watershed Overlay District.

The Catawba River/Lake Wylie Watershed Protection Area is that area within Mecklenburg County which contributes surface drainage into the Catawba River and its tributaries. The Catawba River/Lake Wylie Watershed Protection subareas are specifically defined on the City of Charlotte Zoning Maps.

Section 10.602 General Definitions

For the purposes of Chapter 10 Part 6, the following words and phrases shall be defined as specified below.

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

Best Management Practices (BMP's). A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMP's. non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMP's. engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

Buffer. A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Built-upon area (B.U.). Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed.

Discharge. The addition of any man induced waste effluent either directly or indirectly to N.C. surface waters.

Existing Development. Existing development, as defined for the purposes of this Part, means projects for which a certificate of compliance has been issued, projects for which a building permit has been issued, property which has been subdivided by a recorded instrument, or projects which have obtained vested rights under Section 1.105 and/or Section 1.110 as of the date of adoption of the amendment incorporating this subpart into this Ordinance.

Existing Lot (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Hazardous Material. Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Industrial Discharge. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

- (1) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
- (2) wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants;
- (3) stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or
- (4) wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Nonresidential Development. All development other than residential development, agriculture and silvilculture.

Normal Pool Elevation. The Catawba River, Lake Wylie normal pool elevation as determined by United States Geological Survey (U.S.G.S.) Datum.

Perennial Stream. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. Such streams are identified on United States Geological Survey Quadrangle Maps.

Protected Area. The area adjoining and upstream of the Critical Area and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Area.

Septic Tank System. A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development of any type, including both residential and nonresidential multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the Register of Deeds and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition nor be subject to the requirements of this ordinance:

1. The combination or recombination of portions of parcels created and recorded prior to January 1, 1988, or portions of lots platted in compliance with this ordinance after January 1, 1988, where the total

- number of parcels or lots is not increased and the resultant parcels are equal to the standards of this ordinance.
2. The division of land into parcels greater than 5 acres where no street right-of-way dedication is involved.
 3. The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way.
 4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.
 5. The division of land plots or lots for use as a cemetery.
 6. Creation of a separate lot or building site by a less than fee simple instrument, such as a ground lease, when the property interest created is divided from the original parcel for ten years or less, including options to renew.
 7. The lease of space or other area within a building owned by the landlord.
 8. Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes.
 9. The division of a tract or parcel into separate tracts or parcels, or the creation of interests in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
 10. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
 11. Transfers of tracts or parcels by inheritance or bona fide gift.
 12. Condemnation or deed in lieu of condemnation, by either a public or private condemnor; provided, however, that the condemnor must comply with the requirements of this ordinance as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever date first occurs.

Water Dependent Structures. Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its

basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

Watershed. The entire land area contributing surface drainage into a stream, creek, lake or other body of water.

Section 10.603 Exceptions to Applicability

1. Existing Development, as defined in this part is not subject to the requirements of this part. Expansion to structures classified as existing development must meet the requirements of this part, however, the built upon area of the existing development is not required to be included in the calculations.
2. An existing lot, as defined in this Part, owned prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes subject only to the buffer requirements of Section 10.608 of this part; however, this exemption is not applicable to multiple contiguous lots under single ownership.
3. Existing public utilities may expand without being subject to the restrictions of this part provided that:
 - a. Such expansion complies with all applicable laws of the State of North Carolina and the United States of America; and
 - b. Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.

Section 10.604 not used

Section 10.605 Uses and Standards established

1. Critical Areas (not used)
2. Protected Area

The intent is to allow development with fewer restrictions in the protected area than in a critical area because the risk of water quality degradation from pollution is less in the protected area than in a critical area. These uses and standards shall apply to the protected area and shall be permitted if they meet the standards of this Part and all other requirements of this ordinance.

(A) Uses Permitted By Right

All those permitted in the underlying zoning district.

(B) Uses Permitted under Prescribed Conditions

All those permitted in the underlying zoning district and:

1. Storage of Hazardous Materials, subject to the filing of a spill/failure containment plan with the City of Charlotte Fire Department.
2. Structural BMP's, where allowed under the High Density Option, subject to regulations of Section 10.609

(C) Permitted Accessory Uses and Structures

All those permitted in the underlying zoning district except as provided in Section 10.605.2(D).

Section 10.606 Development Standards for the Catawba River/Lake Wylie Watershed Overlay

All uses permitted in the Catawba River/Lake Wylie Watershed Overlay shall meet the applicable development standards established in this section and all other requirements of these regulations.

1. Critical Area (not used)

2. Protected Area

A. Area, yard, and bulk regulations shall be as follows:

1. Maximum Residential Density (D.U./AC)

Maximum allowed in underlying district

2. Minimum lot area

Minimum required in underlying district

3. Maximum Allowable Built Upon Area (% B.U.)

a. Residential

1. low density option - 24%
2. high density option (1) - 70%

b. Nonresidential

1. low density option - 24%
2. high density option (1) - 70%

Footnote to Chart 10.606.2(A3)

(1) High Density Option - See Section 10.609

Section 10.607 Cluster Development

Cluster Development, as defined in Section 2.201(C6) is permitted in the Protected Area in accordance with the following regulations.

1. Subject to all the cluster requirements of the underlying zoning district.
2. % B.U. shall not exceed the allowed % B.U. for the watershed area. [Section 10.606.2(A1)]
3. The remainder of the tract shall remain in a vegetated or natural state as common open space except that non-impervious recreational uses are permitted provided that they are located a minimum of 30 feet from the stream bank. Impervious recreational uses are permitted if they are located outside of any required buffer and do not exceed the allowable percentage built upon for the project.
4. Subject to the buffer area requirements of Section 10.608.

Section 10.608 Buffer areas Required

Vegetative buffers are required along all perennial streams measured from the bank on each side of the stream.

1. Critical Area (not used)
2. Protected Area

In the protected area the minimum buffer areas are as follows:

- a. All areas adjacent to perennial streams:
 1. low density option - 30'
 2. high density option - 100'
3. Additional buffer requirements:

No permanent structures, built upon areas, septic tanks systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

- a. No trees larger than 2 inch caliper are to be removed except for dead or diseased trees. Trees less than 2 inch caliper and undergrowth may be removed to be replaced by an effective stabilization and filtering ground cover based upon Mecklenburg County Environmental Protection Department guidelines and as approved by the County Environmental Protection Department.

- b. Streambank or shoreline stabilization is allowed as approved on a plan submitted to the applicable Engineering Department and the County Environmental Protection Department.
- c. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternative exists. These activities should minimize built-upon surface area, direct run off away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials.
- d. During new development or the expansion of existing development the City can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions based on Mecklenburg County Environmental Protection Department guidelines.
- e. Non-impervious recreational development and non-impervious pedestrian trails may be allowed in the required buffer if located a minimum of 30 feet from the stream bank.

Section 10.609 High Density Option

The High Density Option allows for a greater development density provided engineered controls (structural BMP's) are used to manage stormwater runoff. Wet detention ponds are required under the High Density Option. Their function is to provide storage and treatment of the pollutants contained in stormwater. Other types of structural BMP's may also be required. High density development shall meet the requirements of this section, the Land Development Standards Manual and other published standards of the City Engineering Department.

1. High Density Permit Application.

- A. A High Density Development Permit shall be required for new development exceeding the requirements of the low density option.
- B. Application for a High Density Development Permit shall be submitted as follows:
 - 1. Development plans subject to the Subdivision Ordinance and the Sediment and Erosion Control Ordinance and reviewed through the Charlotte-Mecklenburg Planning Commission will submit the High Density Development Permit to the Subdivision Administrator as part of the subdivision review application process.
 - 2. Development plans not subject to the Subdivision Ordinance will submit the High Density Development Permit to the City Engineer as part of the Sediment and Erosion Control requirements of the building permit application process.
 - 3. Applications for the High Density Option shall be made on the proper form and shall include the following information:

- a. A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization.
- b. Required number of development plans and specifications of the stormwater control structure.
- c. Submittal of a sediment and erosion control plan to the appropriate agency.
- d. Permit application fees.

2. Stormwater Control Structures

- A. All stormwater control structures shall be designed and stamped by either a North Carolina registered professional engineer or landscape architect.
- B. All stormwater controls shall use wet detention ponds as a primary treatment system. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with the design criteria and standards contained in the Land Development Standards Manual and other published standards of the City Engineering Department.
- C. Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.
- D. The design of the stormwater control structure shall include the appropriate easements for ingress and egress necessary to perform inspections, maintenance, repairs and reconstruction.

3. Installation of Structural BMP's

- A. SUBDIVISIONS - Posting of Financial Security Required
 - a. When Structural BMP's (wet detention pond and all other BMP's) are required under the High Density Option for subdivisions, the approval of the High Density Development Permit will be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to the City Engineering Department in an amount to be determined by the City Engineering Department in consultation with other agencies, such as the Environmental Protection Department, in a form which is satisfactory to the City Attorney, guaranteeing the installation and maintenance of the required Structural BMP's until issuance of certificates of occupancy for seventy-five percent (75%) of

all construction which might reasonably be anticipated to be built within the area which drains into the wet detention pond, allowing credit for improvements completed prior to the submission of the final plat. Upon issuance of certificates of occupancy for seventy-five percent (75%) of all anticipated construction relative to the required Structural BMP's, written notice thereof must be given by the owner to the City Engineering Department. The City Engineering Department will arrange for an inspection of the Structural BMP's and if found satisfactory, will within 30 days of the date of notice notify the owner in writing.

B. Property Other Than SUBDIVISIONS - Civil Penalties

- a. Any person who fails to install or maintain the required structural BMP in accordance with this chapter, shall be subject to a civil penalty of not more than \$500. No penalties shall be assessed until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, or other means which are reasonably calculated to give actual notice. The notice shall describe the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. Each day that the violation continues shall constitute a separate violation.

4. Maintenance Responsibility of Structural BMP's

- A. For single family developments, the owner may petition the City Council for acceptance of maintenance responsibilities of the Structural BMP's. The City will accept maintenance responsibilities if the Structural BMP's have been built according to standards contained in the Land Development Standards Manual or other published standard of the City Engineer and are functioning as designed, provided, however, that the City Council may attach reasonable conditions to its acceptance of maintenance responsibilities including requiring the granting of appropriate easements for ingress and egress.
- B. Maintenance of Structural BMP's other than those in single family developments which have been accepted by the City shall be the responsibility of the property owner. The property owner may apply for a credit to the property's storm water fee according to the policies of Charlotte-Mecklenburg Storm Water Services to compensate for this responsibility. The property owner will be responsible for the on-going maintenance of the Structural BMP's. If at any time the BMP's are not properly maintain, the credit will be suspended.

5. Additional Requirements

- A. An Occupancy Permit shall not be issued for any building within the permitted development until the City Engineering Department has

approved the stormwater control structure, as provided in Section 10.608.3(A).

Section 10.610 Appeals and Variances

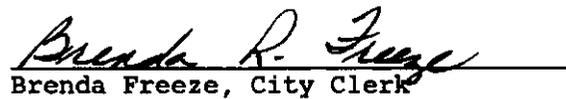
- A. Appeals and variances from this part that do not exceed the minimum statewide water supply watershed management requirements established by the North Carolina Environmental Management Commission shall be subject to Chapter 5 of these regulations.
- B. Appeals and variances from this part that exceed the minimum statewide water supply watershed management requirements established by the North Carolina Environmental Management Commission will be subject to Chapter 5 of these regulations and subject to the review and approval by the North Carolina Environmental Management Commission.

Section 2. That this resolution 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 21st day of June, 1993, the reference having been made in Minute Book 102, and recorded in full in Ordinance Book 43, at page 119-129


Brenda Freeze, City Clerk

APPROVED BY CITY COUNCIL
DATE June 21, 1993

Petition No. 93-20
Charlotte-Mecklenburg Planning
Commission

ORDINANCE NO. 3582-Z

ZONING REGULATIONS

MAP AMENDMENT NO. _____

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by establishing the Catawba River/Lake Wylie Watershed Overlay on the Official Zoning Map, City of Charlotte, N.C. the following described property:

SEE ATTACHED MAP

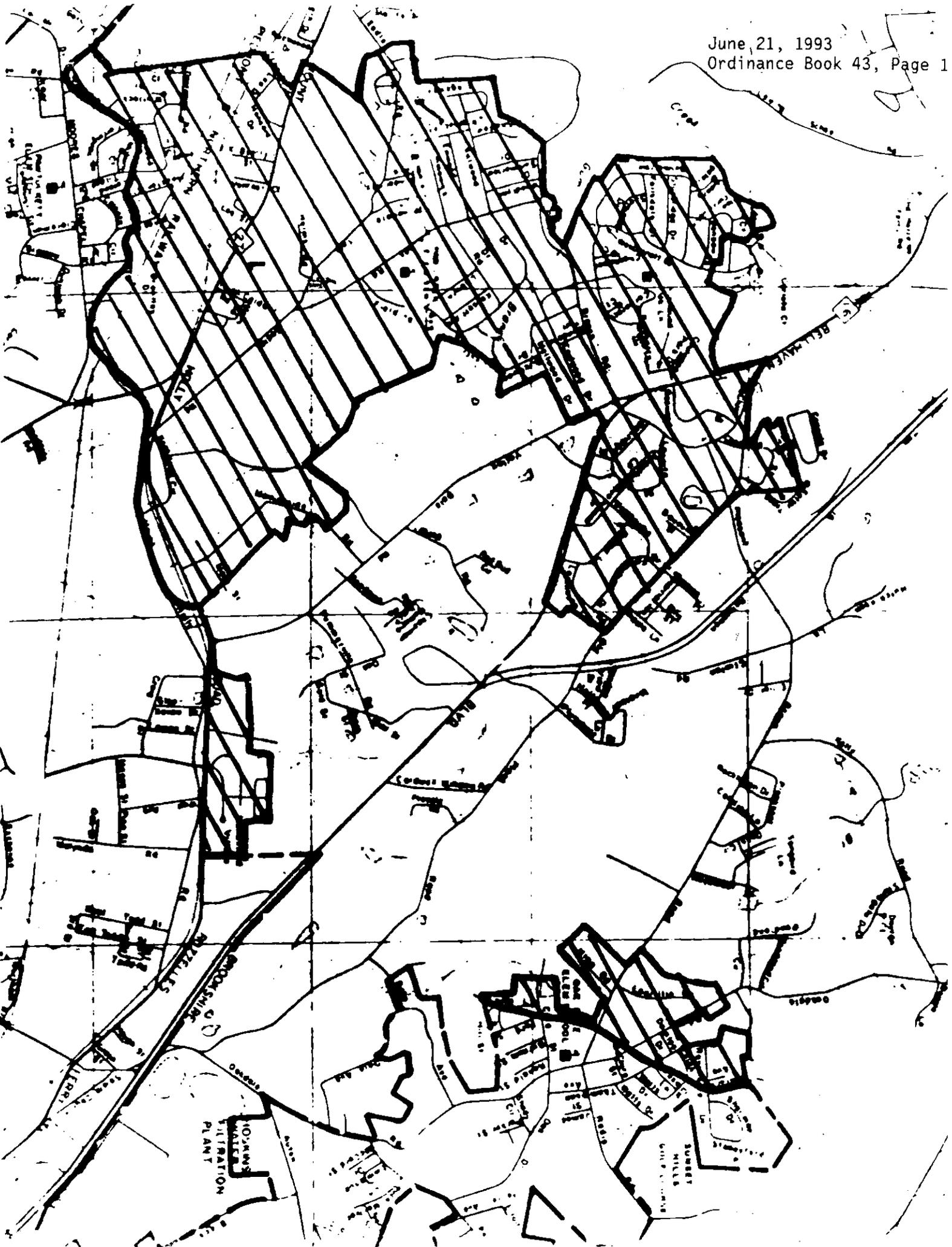
Section 2. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of June, 19 93, the reference having been made in Minute Book 102, at page ~~xxxxxx~~ and is recorded in full in Ordinance Book 43, Page(s) 128-129.

Brenda R. Freese
City Clerk



APPROVED BY CITY COUNCIL

DATE June 21, 1993

Petition No. 93-25

David R. Krug

ORDINANCE NO. 3583-Z

ZONING REGULATIONS

MAP AMENDMENT NO. _____

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by change from B-1 to NS on the Official Zoning Map, City of Charlotte, N.C. the following described property:

SEE ATTACHED MAP

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

APPROVED AS TO FORM:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of June, 19 93, the reference having been made in Minute Book 102, ~~at page xxxxxx~~ and recorded in full in Ordinance Book 43, Page(s) 131-132.

Brenda R. Frege
City Clerk

Petition #: 93-25

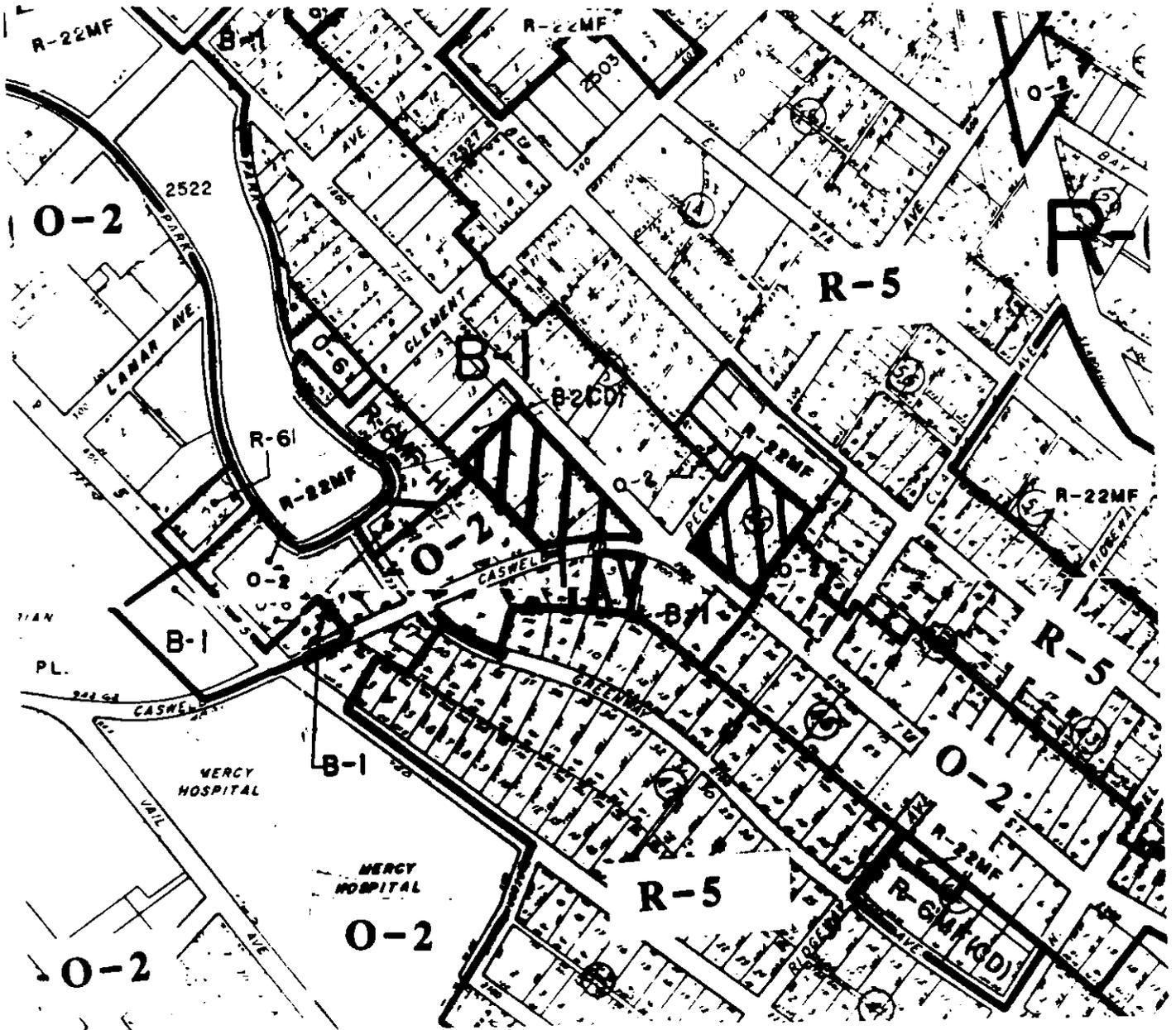
Petitioner: David R. Krug

Hearing Date: May 17, 1993

Zoning Classification (Existing): B-1

Zoning Classification (Requested): NS (Neighborhood Services)

Location: Several parcels located at the intersection of 7th Street & Caswell Road and 7th Street & Pecan Street.



Zoning Map #(s): 101,102,111,112

Scale: 1" = 400'