

Ordinance No. 5515-X

Ordinance – James A. Blakeney House

Ordinance to de-designate portions of the land associated with the Historic Landmark known as the “James A. Blakeney House.” The portions of the land to be de-designated are limited to 7.829 acres of land in tax parcel 22922212 (listed as of October 1, 2014 in the Mecklenburg County Tax Office, Charlotte, North Carolina), and 2.244 acres of land in tax parcel 22908334 (listed as of October 1, 2014 in the Mecklenburg County Tax Office, Charlotte, North Carolina) as shown on the attached plans. The property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Meritage Homes of the Carolinas Inc. The property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Classica Homes LLC.

WHEREAS, all of the prerequisites to the 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 members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 20th day of October, 2014, on the question of de-designating a portion of the land associated with the historic landmark known as the “James A. Blakeney House”; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 13th day of October, 2014, on the question of de-designating a portion of the land associated with the historic landmark known as the “James A. Blakeney House”; and

Ordinance – James A. Blakeney House

WHEREAS, on November 17, 1986, the Mecklenburg County Board of Commissioners adopted an ordinance designating the property known as the “James A. Blakeney House” as a Historic Landmark; and

WHEREAS, the property known as the “James A. Blakeney House” was annexed by the City of Charlotte on June 30, 1999, and the City of Charlotte now has historic landmarks jurisdiction over the property pursuant to Part 3C of Article 19 of Chapter 160A of the General Statutes; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that to de-designate 7.829 acres of land in tax parcel 22922212, and to de-designate 2.244 acres of land in tax parcel 22908334 is appropriate because portions of the property have been approved for new development under the Certificate of Appropriateness process.

WHEREAS, Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the James A. Blakeney House possesses special significance in terms of its history, and/or cultural importance; and

WHEREAS, the property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Meritage Homes of the Carolinas Inc., and the property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Classica Homes LLC. .

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

1. That portions of the land associated with the Historic Landmarks knows as the “James A. Blakeney House,” (limited to 7.829 acres of land in tax parcel 22922212, and 2.244 acres of land in tax parcel 22908334 as shown on the attached plans, and listed as of October 1, 2014, in

Ordinance – James A. Blakeney House

the Mecklenburg County Tax Office, Charlotte, North Carolina) be de-designated pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and the property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina. Features of the property are more completely described in the “Survey and Research Report on the James A. Blakeney House” (1986).

2. That said designated historic landmark may be materially altered, restored, moved or demolished only following 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, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

3. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in 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 owner of the historic landmark from making any use of the historic 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

Ordinance – James A. Blakeney House

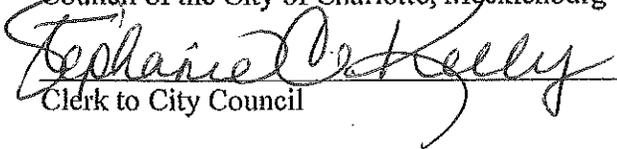
Guidelines for Rehabilitating Historic Buildings, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

4. That the owners of the historic landmark known as the “James A. Blakeney 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.

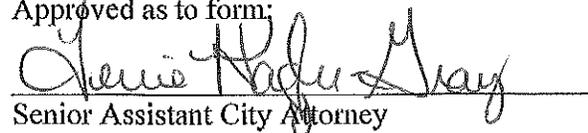
5. That which is designated as an historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the 17th day of November, 2014, by the members of the City

Council of the City of Charlotte, Mecklenburg County, North Carolina.


Clerk to City Council

Approved as to form:


Senior Assistant City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 98-103.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.




Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition No.: 2013-094
Petitioner: Halvorsen Development

ORDINANCE NO. 5516-Z

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

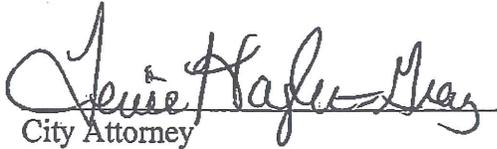
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from CC (Commercial Center) and R-3 (Single-Family Residential) to CC SPA (Commercial Center Site Plan Amendment) with five-year vested rights.

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

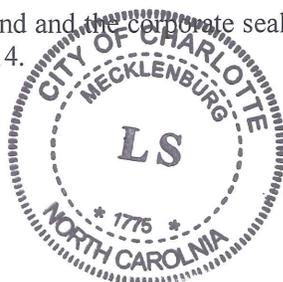
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 104-105.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.




Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2013-094**

Ordinance No. 5516-Z

Petitioner: **Halvorsen Development Corporation**

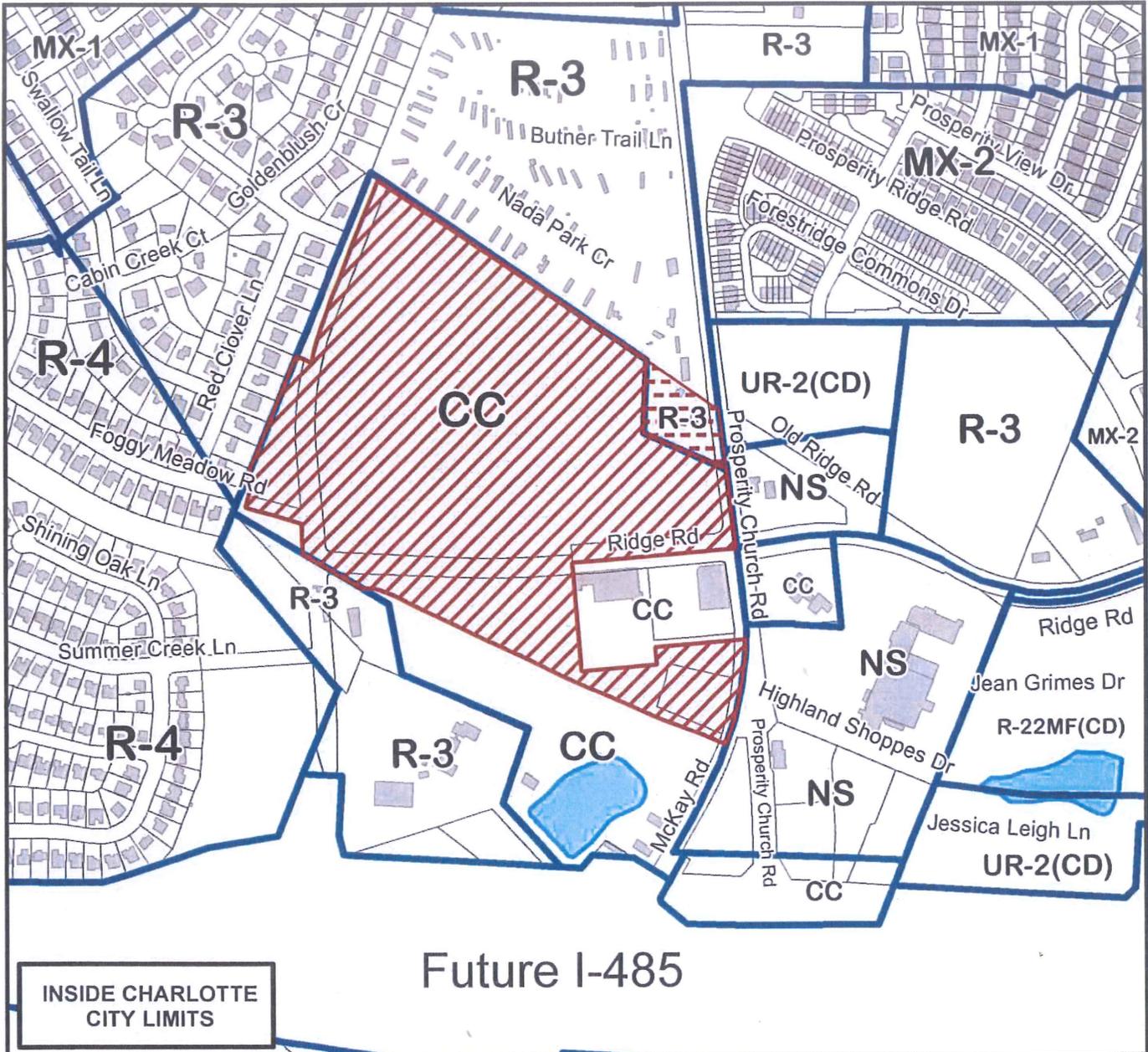
Zoning Classification (Existing): **R-3 & CC**

(Single Family Residential and Commercial Center)

Zoning Classification (Requested): **CC & CC SPA (5-Year Vested Rights)**

(Commercial Center and Commercial Center, Site Plan Amendment and Five Year Vested Rights)

Acreage & Location: Approximately 33.84 acres located on the west side of Prosperity Church Road across from Ridge Road.



Future I-485

INSIDE CHARLOTTE CITY LIMITS

Map Produced by the Charlotte-Mecklenburg Planning Department, 10-7-2014.



Zoning Map #(s)

38



Petition No.: 2014-003
Petitioner: George M. Macon

ORDINANCE NO. 5517-Z

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

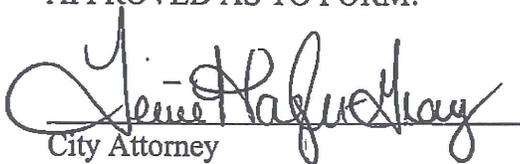
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-3 (Single-Family Residential) and MX-2 (Mixed-Use) to O-1(CD) (Office, Conditional).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

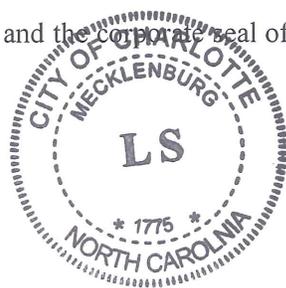
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 106-107.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.




Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-003**

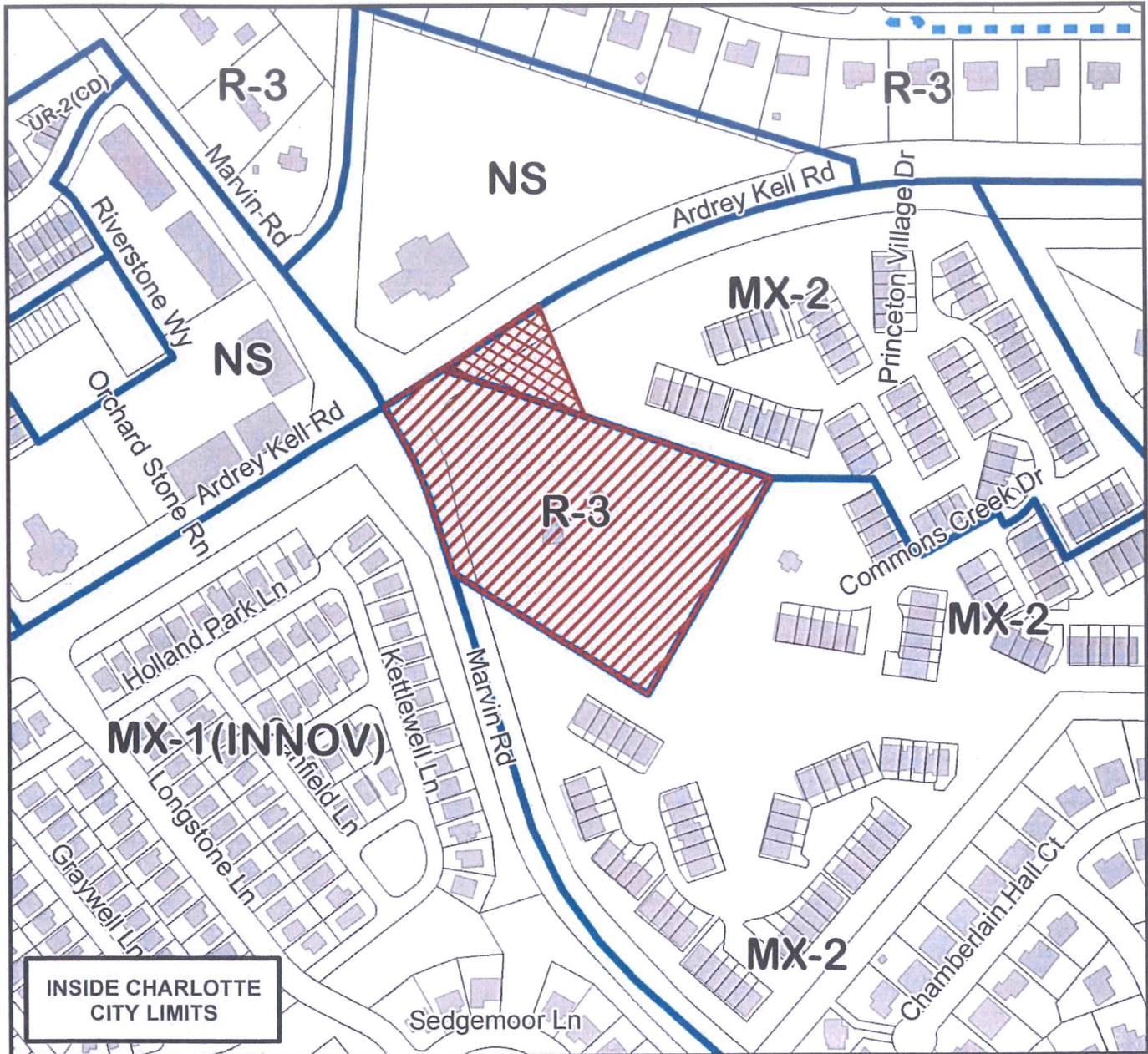
Ordinance No. 5517-Z

Petitioner: **George W. Macon**

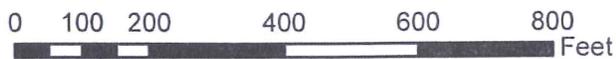
Zoning Classification (Existing): **R-3 and MX-2**
(Single Family, Residential and Mixed Use)

Zoning Classification (Requested): **O-1(CD)**
(Office, Conditional)

Acres & Location: Approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road.



Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-14.



Zoning Map #(s)

185

	Requested O-1(CD) from R-3
	Requested O-1(CD) from MX-2
	Existing Building Footprints
	FEMA flood plain
	Existing Zoning Boundaries
	Watershed
	Charlotte City Limits
	Lakes and Ponds
	Creeks and Streams

November 17, 2014
Ordinance Book 59

PAGES 108-109 ARE INTENTIONALLY BLANK

Petition No.: 2014-051
Petitioner: Eastgroup Properties, LP

ORDINANCE NO. 5519-Z

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

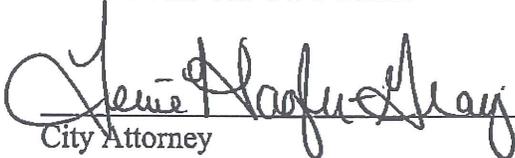
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-3 (Single-Family Residential), I-2 (General Industrial), and I-2(CD) (General Industrial, Conditional) to I-2(CD) (General Industrial, Conditional) and I-2(CD) SPA (General Industrial, Conditional, Site Plan Amendment).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

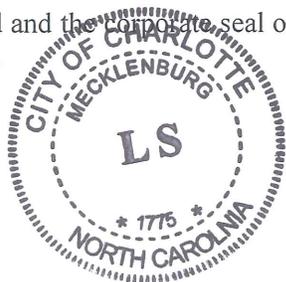
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 110-111.

WITNESS my hand and the seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.




Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-051**

Petitioner: **Eastgroup Properties, LP**

Ordinance No. 5519-Z

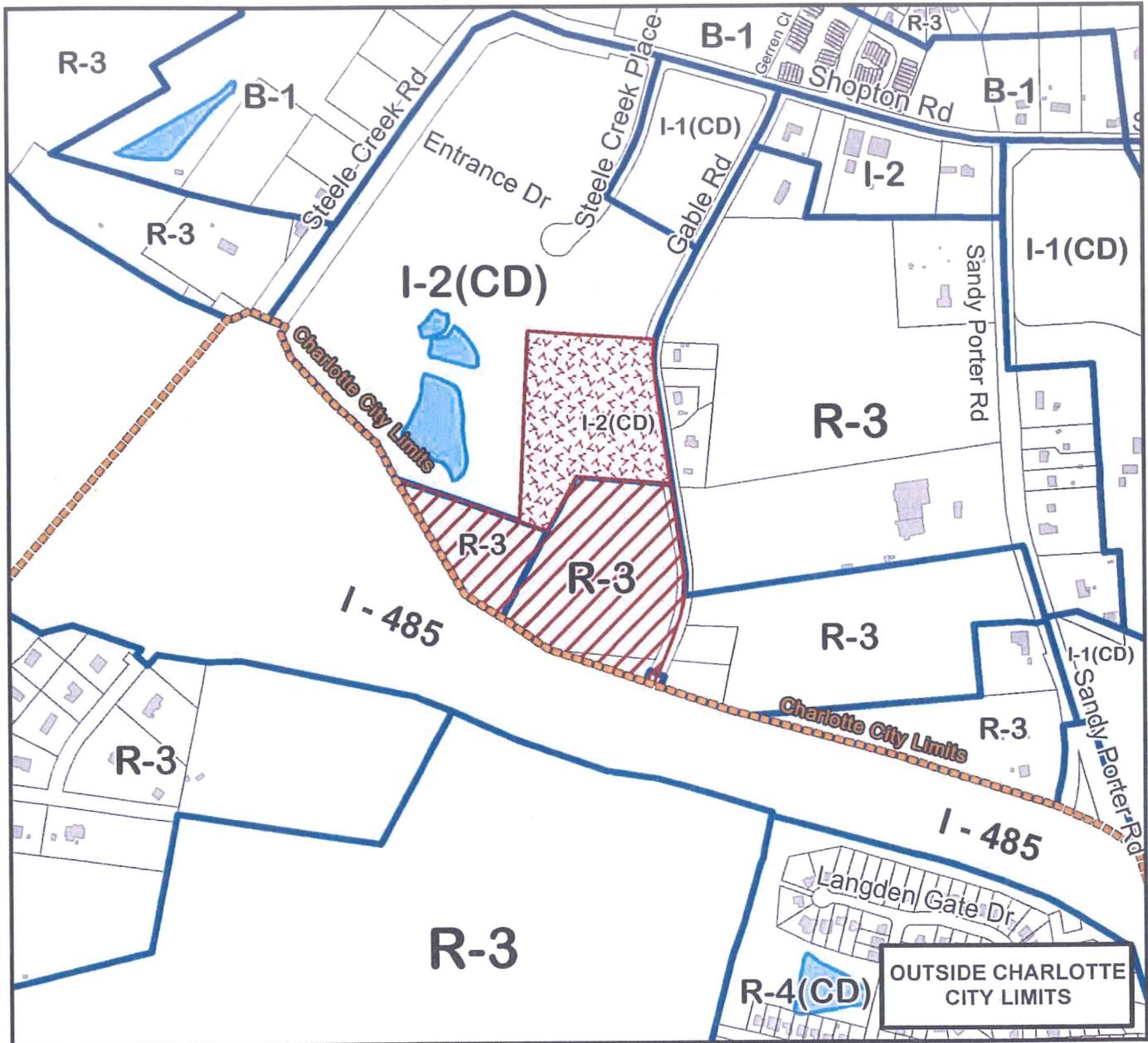
Zoning Classification (Existing): **R-3 & I-2(CD)**

(Single Family, Residential and General Industrial, Conditional)

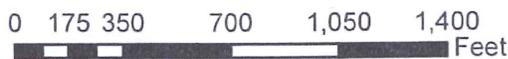
Zoning Classification (Requested): **I-2(CD) & I-2(CD)(SPA)**

(General Industrial, Conditional and General Industrial, Conditional, Site Plan Amendment)

Acres & Location: Approximately 20.32 acres located on the west side of Gable Road between Shopton Road and Interstate 485.

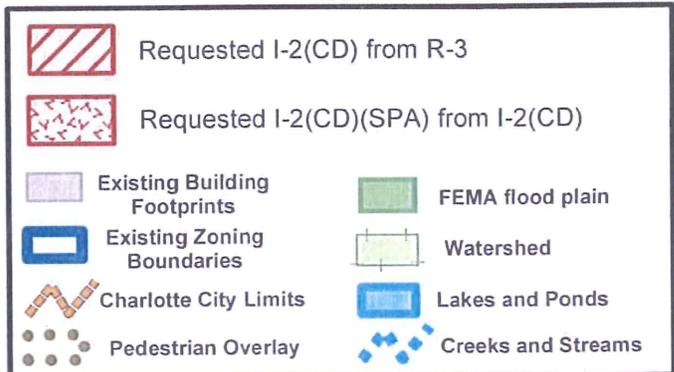


Map Produced by the Charlotte-Mecklenburg Planning Department, 11-13-14.



Zoning Map #(s)

128, 132



Petition No.: 2014-055
Petitioner: Andrew Klenk

ORDINANCE NO. 5520-Z

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

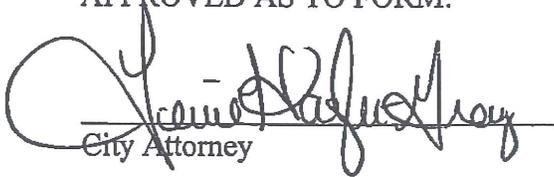
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-5 (Single-Family Residential) to MUDD-O (Mixed-Use Development, Optional).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

APPROVED AS TO FORM:

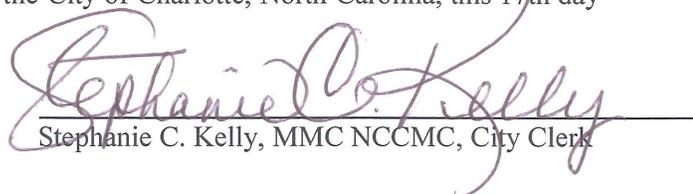

City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 112-113.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.




Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-055**

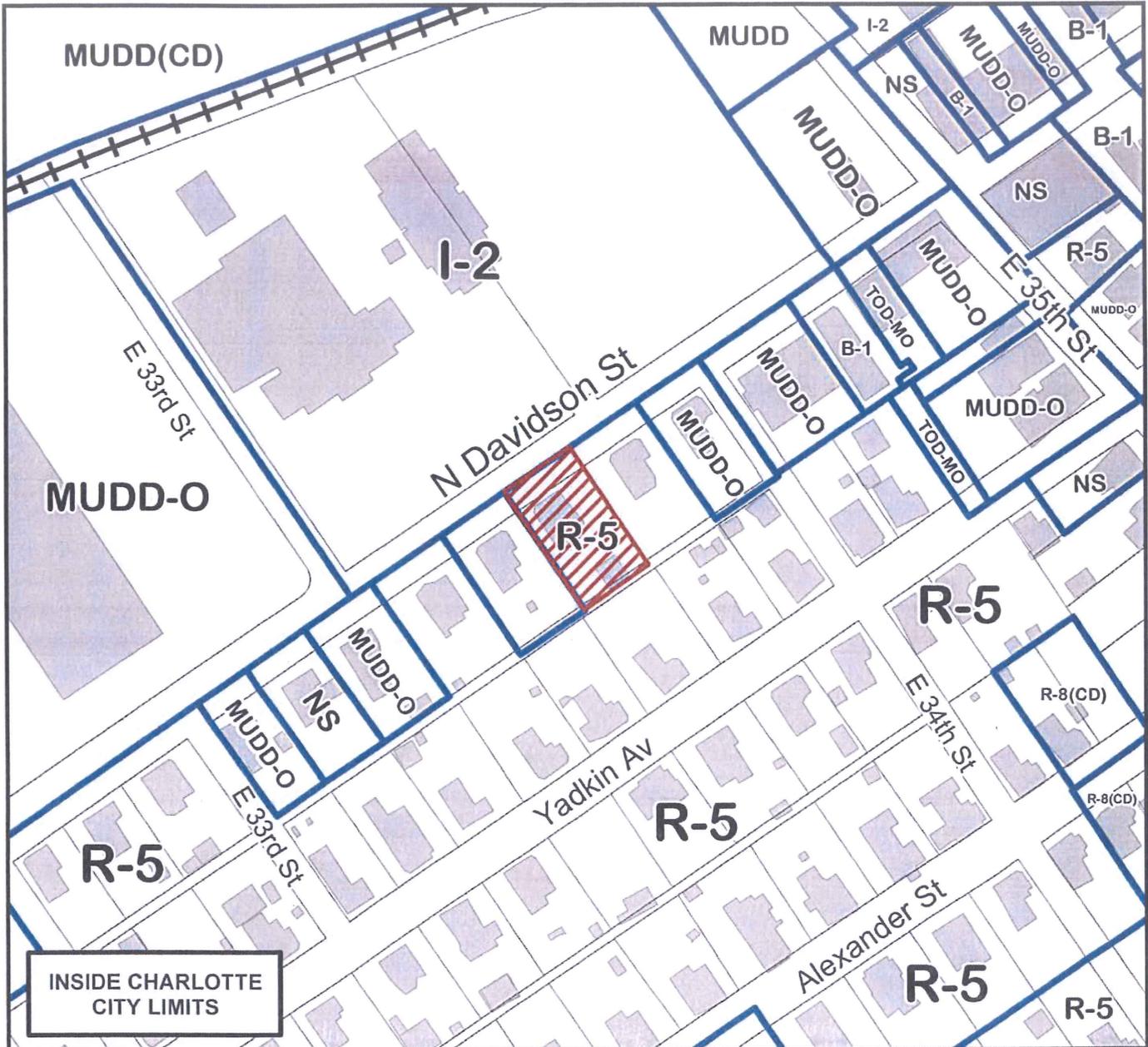
Petitioner: **Andrew Klenk**

Ordinance No. 5520-Z

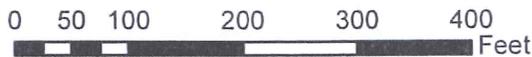
Zoning Classification (Existing): **R-5**
(Single Family, Residential)

Zoning Classification (Requested): **MUDD-O**
(Mixed Use Development District, Optional)

Acreage & Location: Approximately 0.23 acres located on the east side of North Davidson Street between East 33rd Street and East 34th Street.



Map Produced by the Charlotte-Mecklenburg Planning Department, 5-22-2014.



Zoning Map #(s)

89

	Requested MUDD-O from R-5		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams
	Pedestrian Overlay		Historic District

Petition No.: 2014-064
Petitioner: Marsh Properties, LLC

ORDINANCE NO. 5521-Z

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

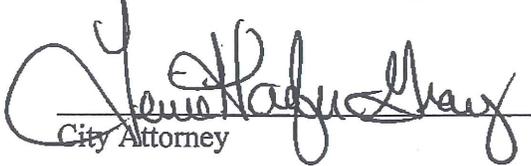
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from B-1 (Neighborhood Business), B-2 (General Business), O-2 (Office), R-17MF (Multi-Family Residential), and R-8 (Single-Family Residential) to MUDD-O (Mixed-Use Development, Optional) and UR-2(CD) (Urban Residential, Conditional) with five-year vested rights.

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 114-115.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.




Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-064**

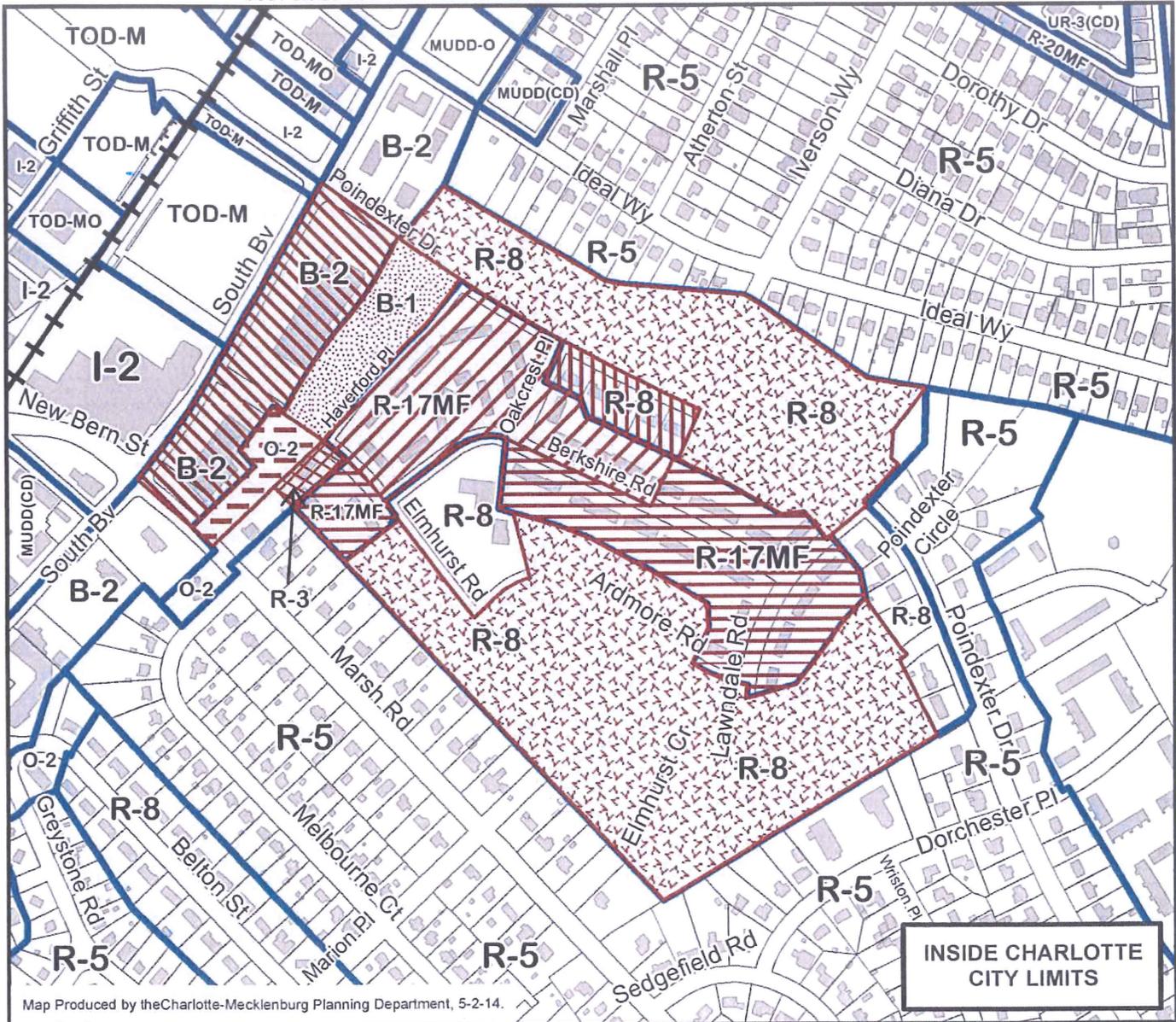
Ordinance No. 5520-Z

Petitioner: **Marsh Properties, LLC**

Zoning Classification (Existing): B-1, B-2, O-2, R-17MF and R-8
(Neighborhood Business, General Business, Office, Multi-Family, Residential, and Single Family, Residential)

Zoning Classification (Requested): MUDD-O 5-Year Vested Rights and UR-2(CD) 5-Year Vested Rights
(Mixed Use Development District, Optional, Five Year Vested Rights and Urban Residential, Conditional Five Year Vested Rights)

Acresage & Location: Approximately 59.4 acres generally located on the east side of South Boulevard between and on both sides of Poindexter Drive and Elmhurst Road.



Map Produced by the Charlotte-Mecklenburg Planning Department, 5-2-14.



Zoning Map #(s)

110, 111

	Requested MUDD-O from B-1 (5-Year Vested Rights)		Existing Building Footprints
	Requested MUDD-O from B-2 (5-Year Vested Rights)		Existing Zoning Boundaries
	Requested MUDD-O from O-2 (5-Year Vested Rights)		Charlotte City Limits
	Requested UR-2(CD) from O-2 (5-Year Vested Rights)		Pedestrian Overlay
	Requested MUDD-O from R-17MF (5-Year Vested Rights)		FEMA flood plain
	Requested UR-2(CD) from R-17MF (5-Year Vested Rights)		Watershed
	Requested MUDD-O from R-8 (5-Year Vested Rights)		Lakes and Ponds
	Requested UR-2(CD) from R-8 (5-Year Vested Rights)		Creeks and Streams

Petition No. 2014-73
 Petitioner: Brazwells Premium Pub, Britton McCorkle

**AN ORDINANCE AMENDING APPENDIX A
 OF THE CITY CODE ZONING ORDINANCE**

ORDINANCE NO. 5522

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

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 9: GENERAL DISTRICTS

1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

- a. Amend Section 9.101, "Table of Uses", by adding a new row titled "Outdoor dining associated with an Eating, Drinking and Entertainment Establishment", either Type 1 and/or Type 2, under the "Accessory Uses & Structures headers of the multi-family, urban residential, institutional, research office, business, mixed use, MUDD, UMUD, TOD, urban industrial and industrial zoning districts with a "PC" under the designated districts. The revised table entries shall read as follows:

MULTI-FAMILY					
	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
ACCESSORY USES & STRUCTURES					
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1)</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

URBAN RESIDENTIAL				
	UR-1	UR-2	UR-3	UR-C
ACCESSORY USES & STRUCTURES				
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)</u>		<u>PC</u>	<u>PC</u>	<u>PC</u>

INSTITUTIONAL	
	INST
ACCESSORY USES & STRUCTURES	
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only)</u>	<u>PC</u>

RESEARCH			
	RE-1	RE-2	RE-3
ACCESSORY USES & STRUCTURES			
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 and Type 2)</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

OFFICE BUSINESS							
	O-1	O-2	O-3	B-1	B-2	B-D	BP
ACCESSORY USES & STRUCTURES							
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)</u>	<u>PC</u>						

MIXED USE			
	MX-1	MX-2	MX-3
ACCESSORY USES & STRUCTURES			
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

MUDD & UMUD COMMERCIAL CENTER TRANSIT ORIENTED DEVELOPMENT						
	MUDD	UMUD	CC	TOD-R	TOD-E	TOD-M
ACCESSORY USES & STRUCTURES						
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

URBAN INDUSTRIAL INDUSTRIAL			
	U-I	I-1	I-2
ACCESSORY USES & STRUCTURES			
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only) operated by an employer on the site for the convenience of his employees only</u>	<u>PC</u>		
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)</u>		<u>PC</u>	<u>PC</u>

2. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.304, "Permitted accessory uses and structures", by adding a new item (9.5), "Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 only)". All other entries remain unchanged. The new entry shall read as follows:

(25) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only).

3. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.405, "Urban Residential Districts; accessory structures" by modifying the title to read "Urban Residential Districts; accessory uses and structures", and adding a new paragraph allowing outdoor dining associated with an Eating, Drinking and Entertainment Establishment, as an accessory use. The

revised section shall read as follows:

Section 9.405. Urban Residential Districts; accessory uses and structures.

Accessory structures are allowed in all urban residential districts in accordance with Section 12.106. However, accessory structures are exempted from Section 12.106 with respect to shared property lines when a joint application is made by adjoining property owners.

Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

Land clearing and inert landfills (LCID): on-site, are permitted subject to the regulations of Section 12.405.

4. PART 5: INSTITUTIONAL DISTRICT

- a. Amend Section 9.504, "Permitted accessory uses and structures", by adding a new item (6.5), titled "Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only)". The new entry shall read as follows:

(6.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only).

5. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.604, "Permitted accessory uses and structures" by adding a new item (9.5) titled, "Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only)". The new entry shall read as follows:

(9.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only).

6. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.704, "Permitted accessory uses and structures", by amending item (10) by replacing "RESERVED" with "outdoor dining associated with an Eating, Drinking and Entertainment Establishment" and a reference to Section 12.546. The revised entry shall read as follows:

- (10) ~~(RESERVED)~~ Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

7. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.804, "Permitted accessory uses and structures", by adding a new item (10.5) titled, "Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)", and a reference to Section 12.546. Other items remain unchanged. The new entry shall read as follows:

(10.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

8. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8504, "Mixed Use Development District; accessory uses" by adding a new entry, in alphabetical order, titled, "Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)"), and a reference to Section 12.546. The new entry shall read as follows:

Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

9. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.904, "Uptown Mixed Use District; accessory uses" by adding a new entry (1.8)) titled, "Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)"), and a reference to Section 12.546. The new entry shall read as follows:

(1.8) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

10. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1004, "Urban Industrial District; permitted accessory uses", by adding a new item (2.5) titled, "Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 only)" operated by an employer on the site for the convenience and use of employees only. The new entry shall read as follows:

(2.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 only) operated by an employer on the site for the convenience and use of employees only.

11. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1104, "Permitted accessory uses and structures", by adding a new item (2.5) titled, "Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 or Type 2)"", and a reference to Section 12.546. All other entries remain unchanged. The new entry shall read as follows

(2.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

12. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1207, "Accessory Uses" by adding a new item (4.5), titled, "Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)"", and a reference to Section 12.546. The new entry shall read as follows:

(4.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

- a. Amend Section 10.811, "Uses" by modifying item (3), "Eating, Drinking and Entertainment Establishments (Type 2)" by adding "and outdoor dining

associated with an Eating, Drinking and Entertainment Establishment (Type 2) are...” to the sentence. The revised item (3) shall read as follows:

- (3) Eating, Drinking and Entertainment Establishments (Type 2), and outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 2), are subject to the regulations of Section 12.546.

2. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

- a. Amend Section 10.906, “Accessory Uses”, by adding an introductory sentence and numbering the items. Add a new item (2) that allows “outdoor dining associated with an Eating, Drinking and Entertainment Establishment” to the list of permitted accessory uses”, and adds a reference to Section 12.546. The revised section shall read as follows:

Section 10.906. Accessory Uses.

The following accessory uses are permitted:

- (1) Accessory uses and structures clearly incidental and related to the principal use or structure on the lot are allowed, with the following exception:

Drive-through service lanes are only permitted if allowed in the underlying zoning district. Drive-through windows shall only be located on the same site as the principal use, and shall be located to the rear of the principal use, to minimize visibility along public rights-of-way. Freestanding drive-through lanes are prohibited. Principal uses with drive-through service windows shall meet the following requirements:

- (a) For professional business and general office uses, no more than four (4) drive-through service lanes shall be permitted per individual use.
- (b) For retail uses, no more than one (1) drive-through service window with no more than two (2) service lanes shall be permitted per individual use.

- (2) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2) is only

permitted if allowed in the underlying zoning district. Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED USE DISTRICTS (MX-1, MX-2, and MX-3)

- a. Amend Section 11.204, "Permitted accessory uses and structures", by adding a new item (10.5), "Outdoor dining associated with an Eating, Drinking and Entertainment Establishment. The new entry shall read as follows:

(10.5) Outdoor dining associated an Eating, Drinking and Entertainment Establishments:

- a. Type 1 only in multi-family and attached buildings.
- b. Type 2 allowed in MX-2 and MX-3 only, subject to the regulations of Section 12.546.

2. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.404, "Permitted accessory uses and structures", by adding a new item (5.3), titled, "Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)"), and a reference to Section 12.546. All other entries remain unchanged. The revised entry shall read as follows:

(5.3) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

D. CHAPTER 12: DEVELOPMENT REGULATIONS OF GENERAL APPLICABILITY

1. PART 4: ACCESSORY USES AND STRUCTURES

- a. Add a new Section 12.419, titled, "Outdoor dining". The new section shall read as follows:

Section 12.419 Outdoor dining

Outdoor dining associated with an Eating, Drinking and Entertainment

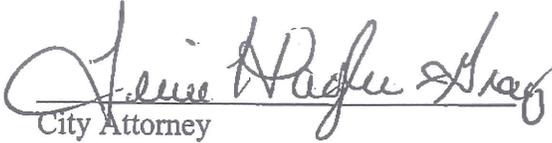
Establishment shall meet the following prescribed conditions:

- (1) Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment that is allowed in the zoning district shall meet the prescribed conditions of Section 12.546;
- (2) All outdoor dining areas shall be located on private property, behind the public sidewalk and out of the public right-of-way, unless a public right-of-way encroachment agreement is approved by the Charlotte Department of Transportation, in accordance with Chapter 19, Article IX of the City code, allowing outdoor dining in the public right-of-way. If no public sidewalk exists, then the outdoor dining area shall be located a minimum of 10' from the existing or proposed back of curb;
- (3) Outdoor dining areas located in the required setback shall be located on a patio, at grade, and contain no temporary or permanent roof with roof supporting structures;
- (4) Outdoor dining areas shall be located outside of all sight-distance triangles, and shall not block fire hydrants, driveway access, doors, or utilities;
- (5) Awnings that are supported only by a building wall and umbrellas are permitted, but shall not interfere or conflict with Tree Ordinance required plantings;
- (6) The square footage area of outdoor dining areas shall be calculated in the square footage of the establishment, for parking requirements;
- (7) Outdoor dining shall be permitted to encroach into the setback or yards, according to the public street type abutting the property according to the following table:

<u>Thoroughfare Classification</u>	<u>Maximum Encroachment Percentage</u>
<u>Freeway or Expressway (Class I)</u>	<u>0</u>
<u>Limited Access Arterial (Class II)</u>	<u>0</u>
<u>Commercial Arterial (Class III-C)</u>	<u>0</u>
<u>Major Arterial (Class III)</u>	<u>50</u>
<u>Minor Arterial (Class IV)</u>	<u>75</u>
<u>Collector (Class V)</u>	<u>100</u>
<u>Local (Class VI)</u>	<u>100</u>

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

Approved as to form:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 116-125.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.


Stephanie C. Kelly, MMC NCCMC, City Clerk



Petition No.: 2014-080
Petitioner: Campus Works/Mallie Colavita

CITY ZONE CHANGE

ORDINANCE NO. 5523-Z

ZONING REGULATIONS

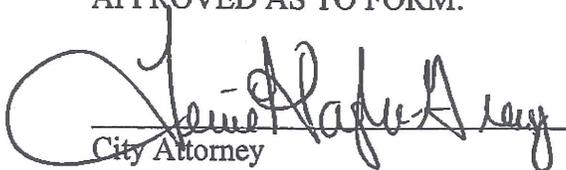
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing the property identified on the attached map from I-2 (General Industrial) to B-2(PED) (General Business, Pedestrian Overlay).

SEE ATTACHED MAP

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

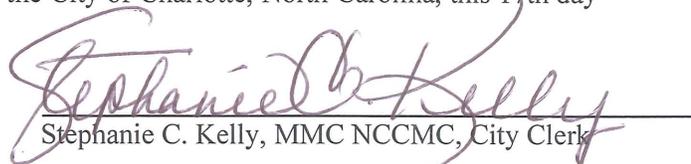
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 126-127.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.


Stephanie C. Kelly, MMC NCCMC, City Clerk



Petition #: **2014-080**

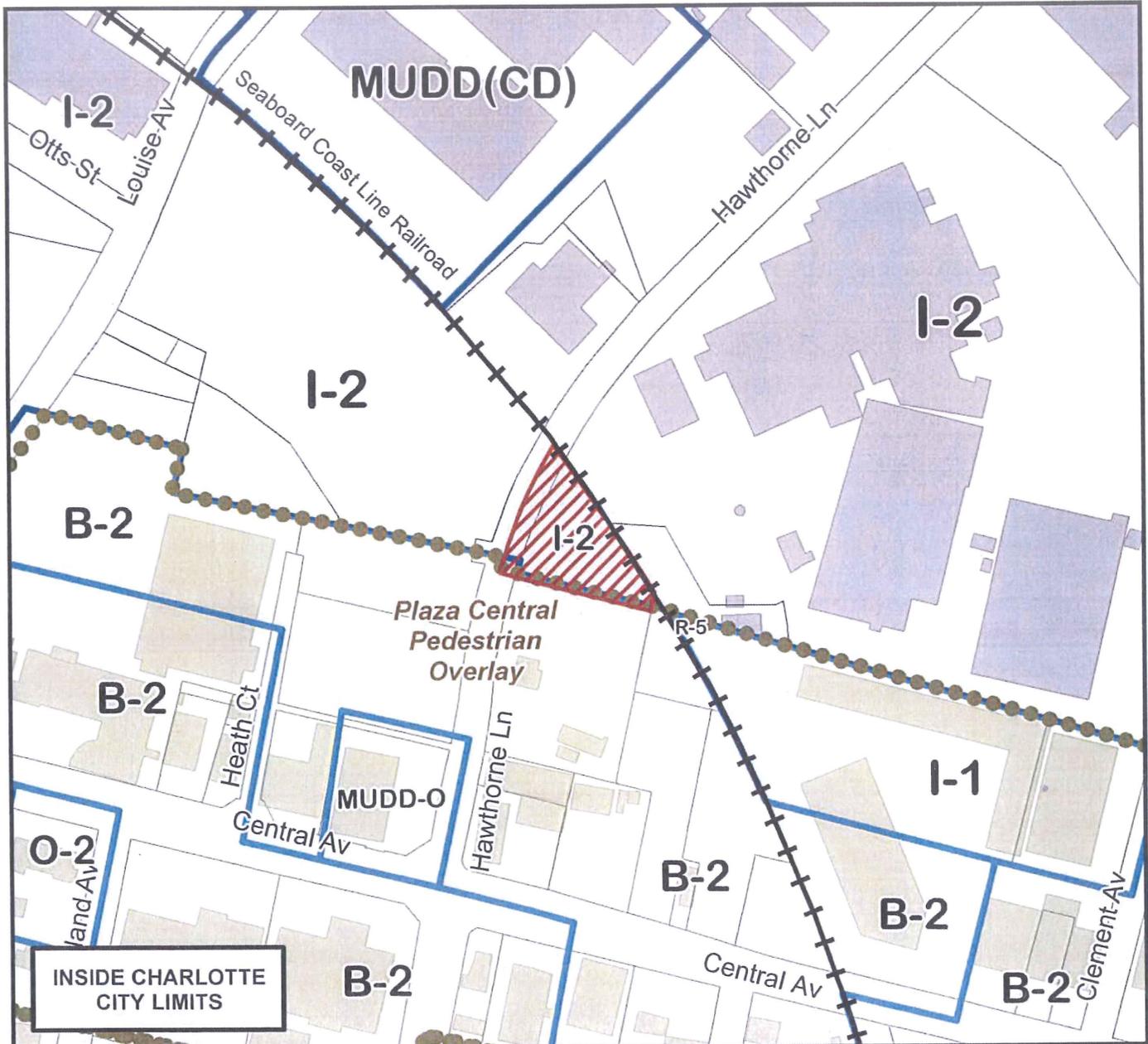
Ordinance No. 5523-Z

Petitioner: **Campus Works / Mallie Colavita**

Zoning Classification (Existing): **I-2**
(General Industrial)

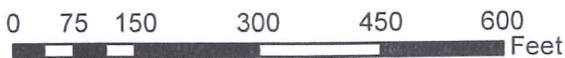
Zoning Classification (Requested): **B-2(PED)**
(General Business, Pedestrian Overlay District)

Acreage & Location: Approximately 0.497 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad.



INSIDE CHARLOTTE CITY LIMITS

Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-2014.



Zoning Map #(s)

101

	Requested B-2(PED) from I-2		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams
	Pedestrian Overlay		Historic District

Petition No.: 2014-081
Petitioner: Provident Land Services

ORDINANCE NO. 5524-Z

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

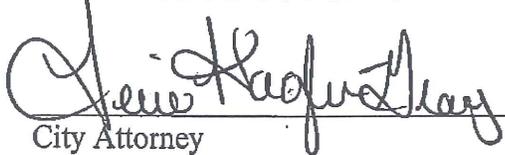
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from MX-2(INNOV)(LWCA) (Mixed-Use, Innovative, Lake Wylie Critical Area), MX-2(INNOV)(LLWCA) (Mixed-Use, Innovative, Lower Lake Wylie Critical Area), and NS(LLWCA) (Neighborhood Services, Lower Lake Wylie Critical Area) to MX-2(INNOV)(LWCA) SPA (Mixed-Use, Innovative, Lake Wylie Critical Area, Site Plan Amendment), MX-2 (INNOV)(LLWCA) SPA (Mixed-Use, Innovative, Lower Lake Wylie Critical Area, Site Plan Amendment, and NS(LLWCA) SPA (Neighborhood Services, Lower Lake Wylie Critical Area, Site Plan Amendment).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

APPROVED AS TO FORM:

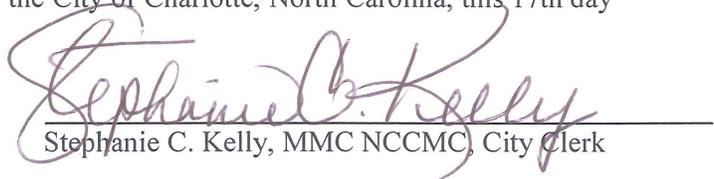

City Attorney

CERTIFICATION



I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 128-129.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.


Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-081**

Ordinance No. 5524-Z

Petitioner: **Provident Land Services**

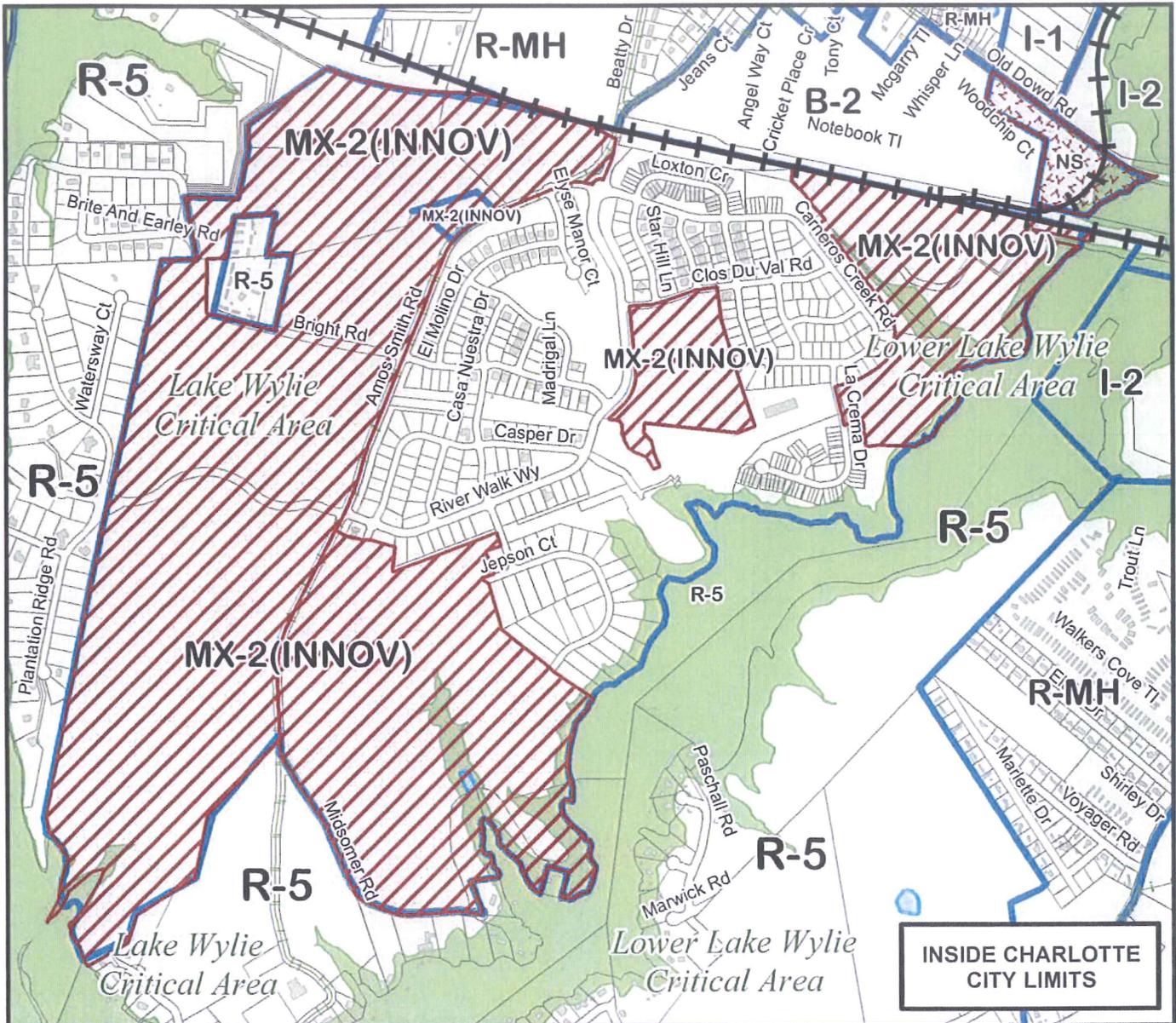
Zoning Classification (Existing): MX-2(INNOV)(LWCA), MX-2(INNOV)LLWCA, & NS(LLWCA)

(Mixed Use, Innovative, Lake Wylie Critical Area; Mixed Use, Innovative, Lower Lake Wylie Critical Area; and Neighborhood Services, Lower Lake Wylie Critical Area)

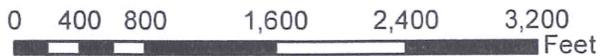
Zoning Classification (Requested): MX-2(INNOV) S.P.A.(LWCA), MX-2(INNOV) S.P.A.(LLWCA), & NS(S.P.A.)(LLWCA)

(Mixed Use, Innovative, Site Plan Amendment, Lake Wylie Critical Area; Mixed Use, Innovative, Site Plan Amendment, Lower Lake Wylie Critical Area; and Neighborhood Services, Site Plan Amendment, Lower Lake Wylie Critical Area)

Acreeage & Location: Approximately 391 acres generally located on the east and west side of Amos Smith Road, south of Old Dowd Road and south of the Southern Railroad in this area.



Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.



Zoning Map #(s)

84, 106

-  Requested MX-2(INNOV) S.P.A. (LWCA & LLWCA) from MX-2(INNOV) (LWCA & LLWCA)
-  Requested NS S.P.A. (LLWCA) from NS (LLWCA)
-  Existing Building Footprints
-  Existing Zoning Boundaries
-  Charlotte City Limits
-  Pedestrian Overlay
-  FEMA flood plain
-  Watershed
-  Lakes and Ponds
-  Creeks and Streams
-  Historic District

Petition No.: 2014-084
Petitioner: 7th Street Progression Partners, LLC

ORDINANCE NO. 5525-Z

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

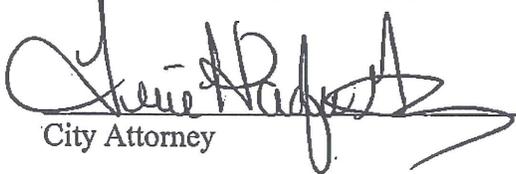
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from B-1 (Neighborhood Business) to MUDD-O (Mixed-Use Development, Optional).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

APPROVED AS TO FORM:

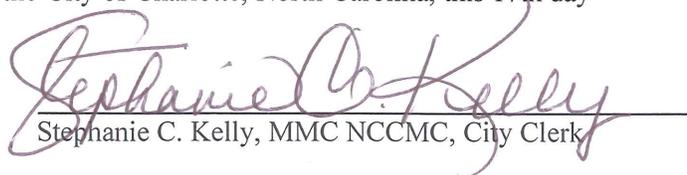
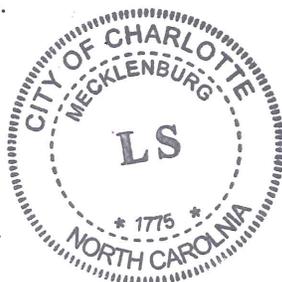


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 130-131.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.



Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-084**

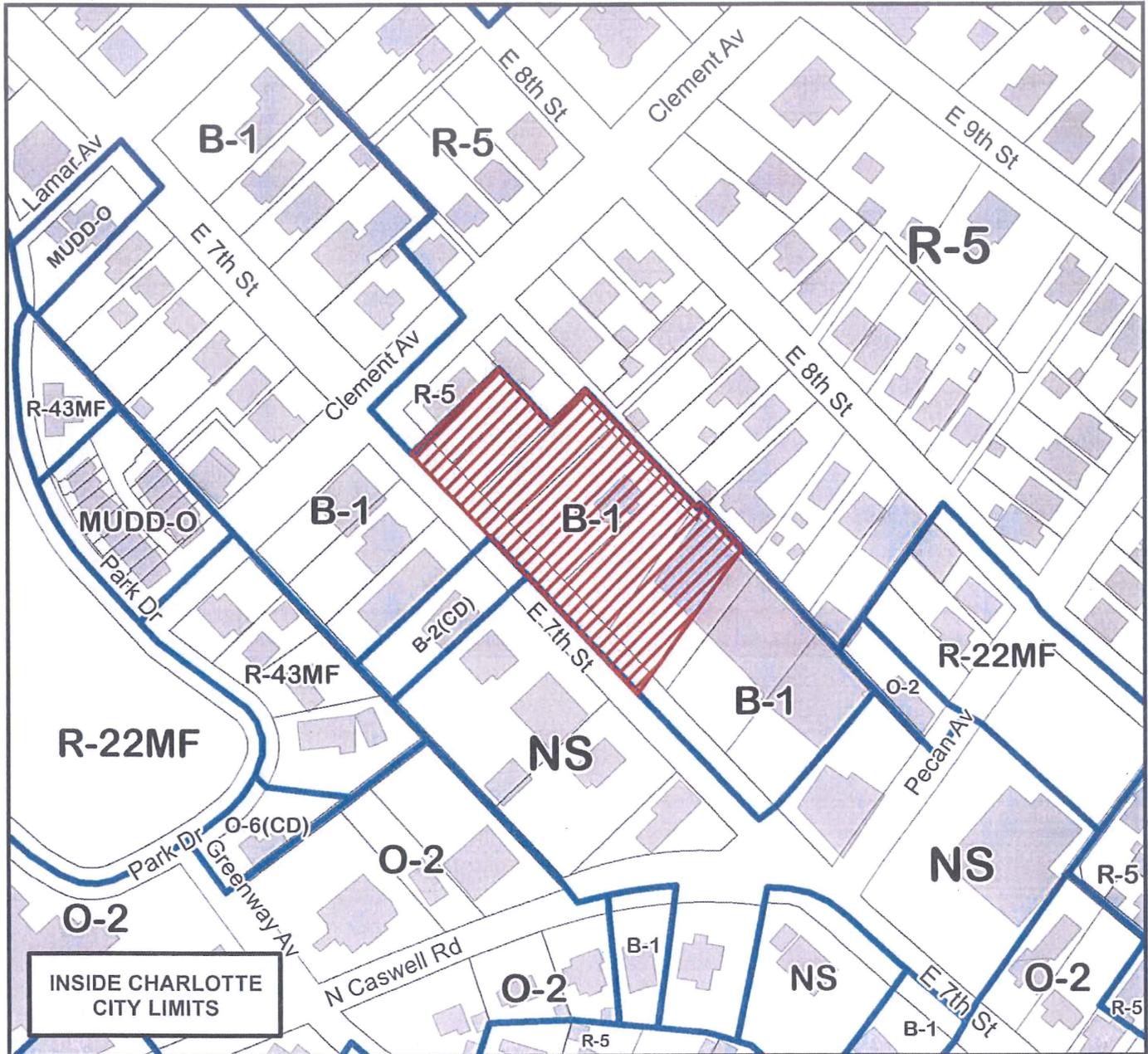
Petitioner: **7th Street Progression Partners, LLC**

Ordinance No. 5525-Z

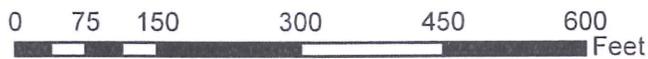
Zoning Classification (Existing): **B-1**
(Neighborhood Business)

Zoning Classification (Requested): **MUDD-O**
(Mixed Use Development District, Optional)

Acreage & Location: Approximately 1.5 acres located on the north side of East 7th Street between Clement Avenue and Pecan Avenue.



Map Produced by the Charlotte-Mecklenburg Planning Department, 6-27-2014.



Zoning Map #(s)

101



Petition No.: 2014-085
Petitioner: New Carolina Income Properties, LLC

ORDINANCE NO. 5526-Z

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

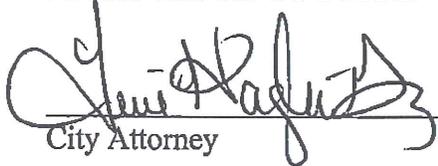
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from UR-2(CD) HD (Urban Residential, Conditional, Historic Overlay) to TOD-RO HD (Transit-Oriented Development – Residential, Optional, Historic Overlay).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

APPROVED AS TO FORM:

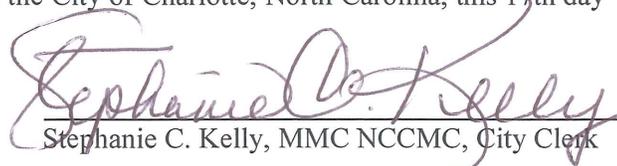

City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 132-133.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.




Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-085**

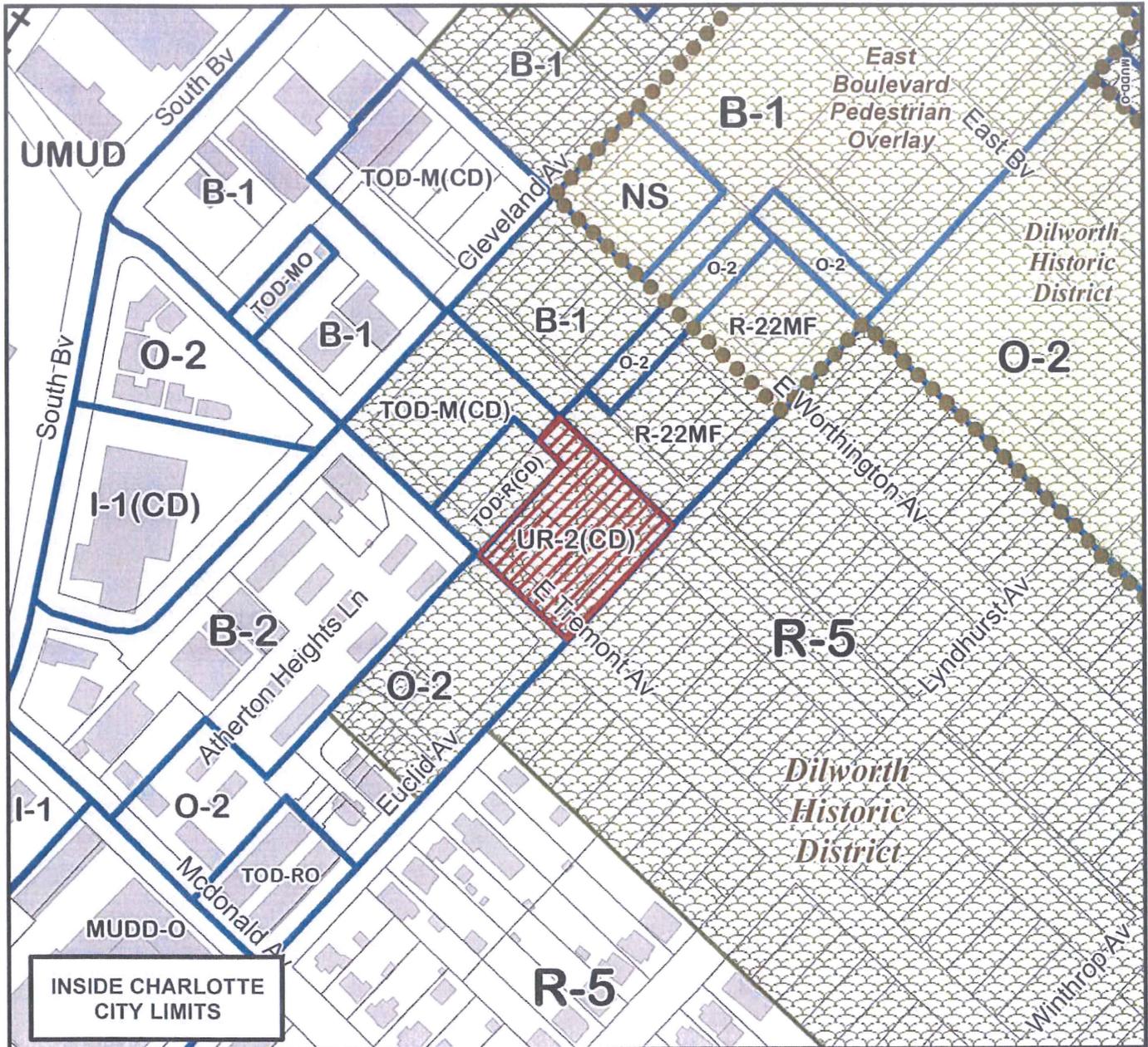
Ordinance No. 5526 -Z

Petitioner: **New Carolina Income Properties, LLC**

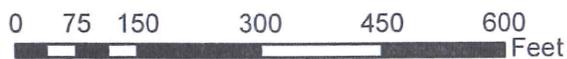
Zoning Classification (Existing): **UR-2(CD) (HD-O)**
 (Urban Residential, Conditional, Historic District Overlay)

Zoning Classification (Requested): **TOD-RO (HD-O)**
 (Transit Oriented Development, Residential, Optional, Historic District Overlay)

Acreage & Location: Approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue.



Map Produced by the Charlotte-Mecklenburg Planning Department, 10-10-2014.



Zoning Map #(s)

111

	Requested TOD-RO (HD-O) from UR-2(CD) (HD-O)		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams
	Pedestrian Overlay		Historic District

Petition No.: 2014-089
Petitioner: Hopper Communities

ORDINANCE NO. 5527-Z

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

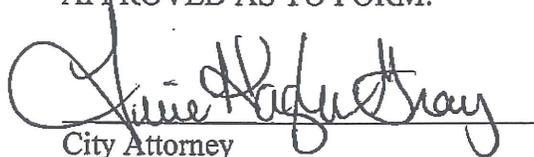
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-8MF(HD) (Multi-Family Residential, Historic Overlay) and R-22MF(HD)(PED) (Multi-Family Residential, Historic Overlay, Pedestrian Overlay) to UR-2(CD)(HD) (Urban Residential Conditional, Historic Overlay) and UR-2(CD)(HD)(PED) (Urban Residential Conditional, Historic Overlay, Pedestrian Overlay).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

APPROVED AS TO FORM:

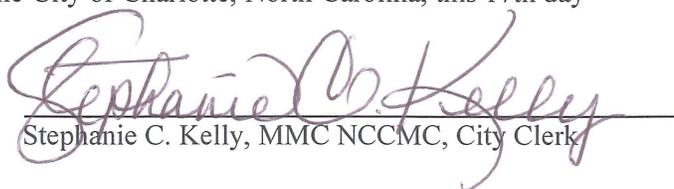

City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 134-135.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.




Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-089**

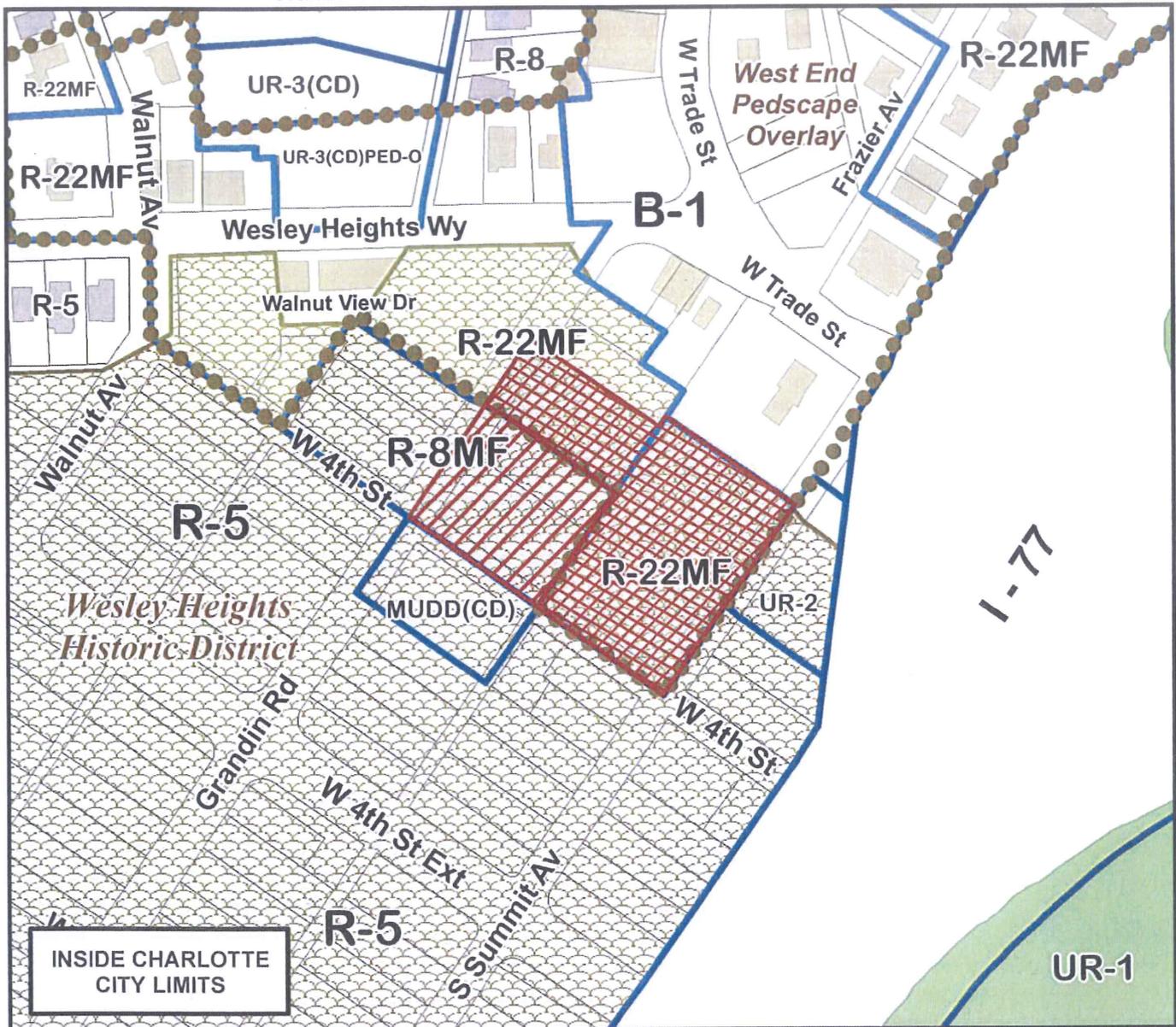
Ordinance No. 5527-Z

Petitioner: **Hopper Communities**

Zoning Classification (Existing): R-8MF(HD) and R-22MF(HD)(PED)
(Multi-Family, Residential, Historic District Overlay and Multi-Family, Residential, Historic District Overlay, Pedestrian District Overlay)

Zoning Classification (Requested): UR-2(CD)(HD) and UR-2(CD)(HD)(PED)
(Urban Residential, Conditional, Historic District Overlay and Urban Residential, Conditional, Historic District Overlay, Pedestrian District Overlay)

Acres & Location: Approximately 2.69 acres located on the north side of West 4th Street between Grandin Road and South Summit Avenue.



INSIDE CHARLOTTE CITY LIMITS

Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.



Zoning Map #(s)

88

	Requested UR-2(CD)(HD) from R-8MF(HD)		FEMA flood plain
	Requested UR-2(CD)(HD)(PED) from R-22MF(HD)(PED)		Watershed
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		Historic District
	Pedestrian Overlay		

Petition No.: 2014-090
Petitioner: HSREI, LLC

ORDINANCE NO. 5528-Z

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

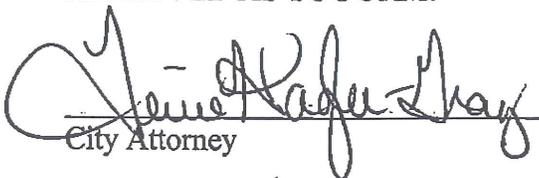
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-3 (Single-Family Residential) and I-1(CD) (Light Industrial, Conditional) to I-1(CD) (Light Industrial, Conditional) and I-1(CD) SPA (Light Industrial, Conditional, Site Plan Amendment).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

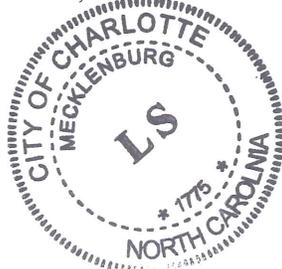
APPROVED AS TO FORM:

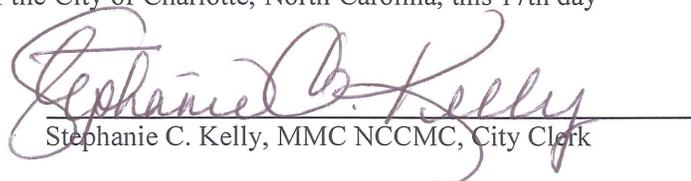

City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session, convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 136-137.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.




Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-090**

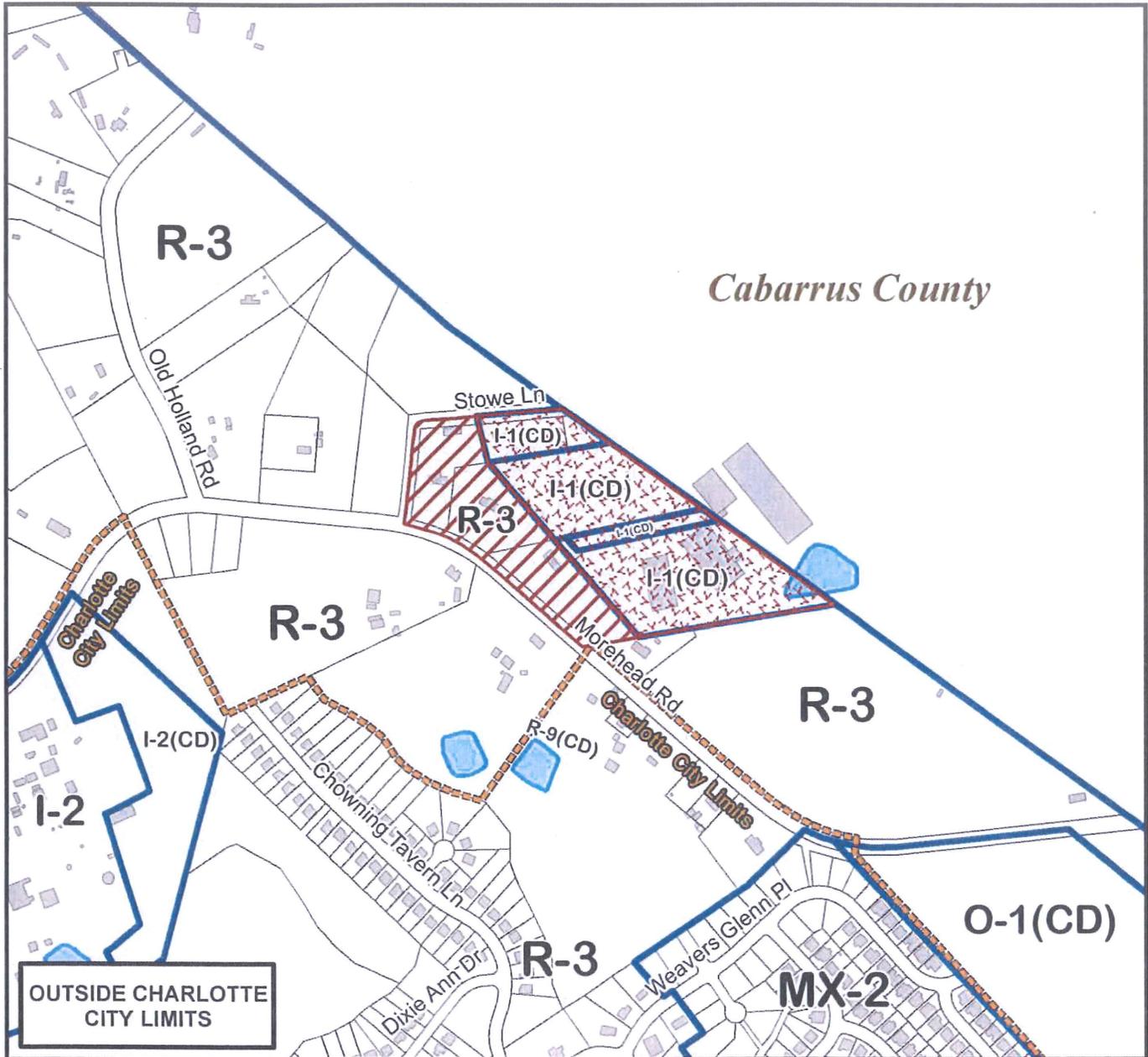
Petitioner: **HSREI, LLC**

Ordinance No. 5528-Z

Zoning Classification (Existing): **R-3 & I-1(CD)**
 (Single Family, Residential and Light Industrial, Conditional)

Zoning Classification (Requested): **I-1(CD) & I-1(CD) S.P.A. (5-Year Vested Rights)**
 (Light Industrial, Conditional and Light Industrial, Conditional, Site Plan Amendment, Five Year Vested Rights)

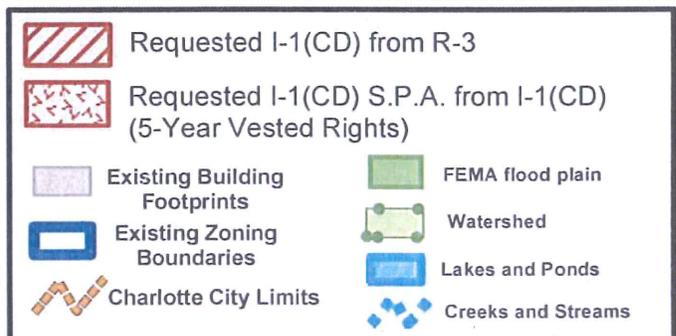
Acreage & Location: Approximately 17.66 acres located on the east side of Morehead Road at the intersection of Stowe Lane and Morehead Road.



Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.



Zoning Map #(s)
41



Petition No.: 2014-091
Petitioner: Time Warner Cable

ORDINANCE NO. 5529-Z

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

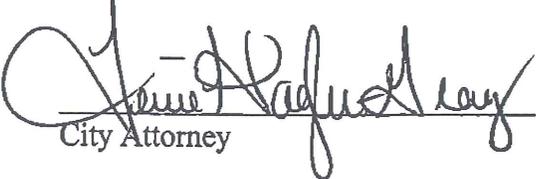
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from B-1(CD) (Neighborhood Business, Conditional) and O-1(CD) (Office, Conditional) to O-1(CD) (Office, Conditional) and O-1(CD) SPA (Office, Conditional, Site Plan Amendment).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

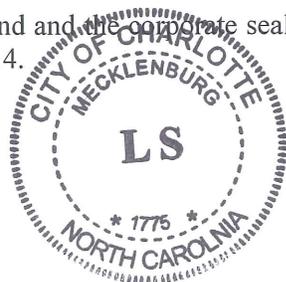
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 138-139.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.




Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-091**

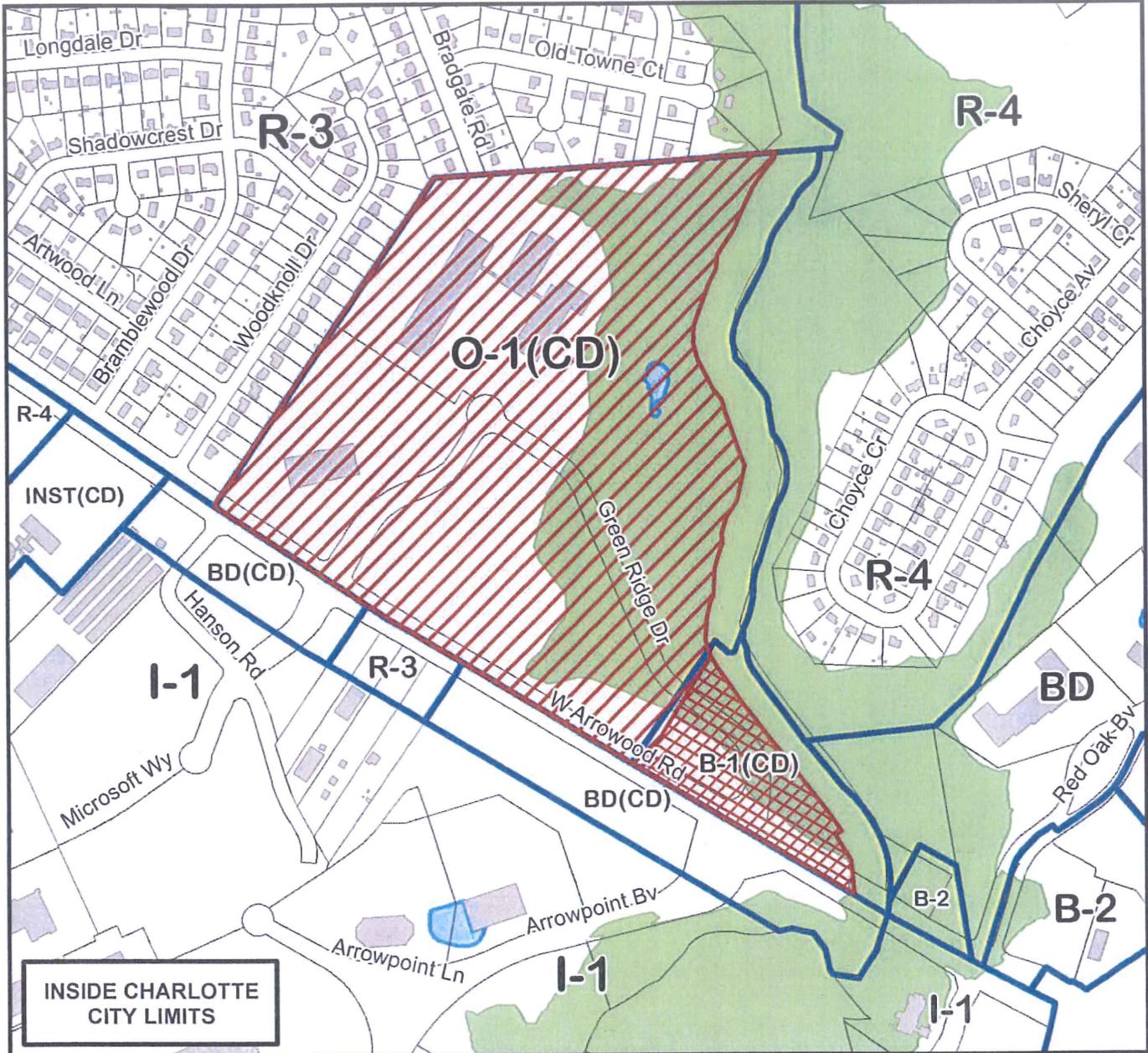
Ordinance No. 5529-Z

Petitioner: **Time Warner Cable**

Zoning Classification (Existing): **B-1(CD) & O-1(CD)**
(Neighborhood Business, Conditional and Office, Conditional)

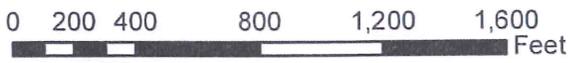
Zoning Classification (Requested): **O-1(CD) & O-1(CD) S.P.A.**
(Office, Conditional and Office, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 85.3 acres located on the north side of West Arrowood Road between Woodknoll Drive and Red Oak Boulevard.



INSIDE CHARLOTTE CITY LIMITS

Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.



Zoning Map #(s)
133, 149

	Requested O-1(CD) S.P.A. from O-1(CD)		FEMA flood plain
	Requested O-1(CD) from B-1(CD)		Watershed
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

Petition No.: 2014-093
Petitioner: Merrifield Patrick Vermillion, LLC

ORDINANCE NO. 5530-Z

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

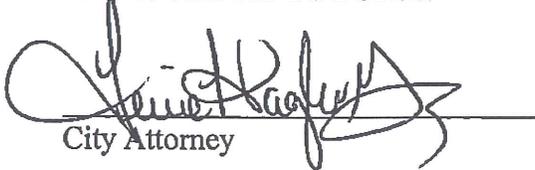
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from O-15(CD) (Office, Conditional) to MUDD-O (Mixed-Use Development, Optional).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

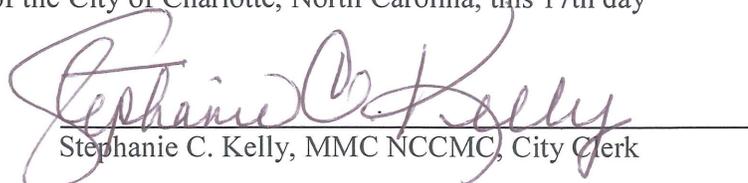
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 140-141.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.


Stephanie C. Kelly, MMC NCCMC, City Clerk



Petition #: **2014-093**

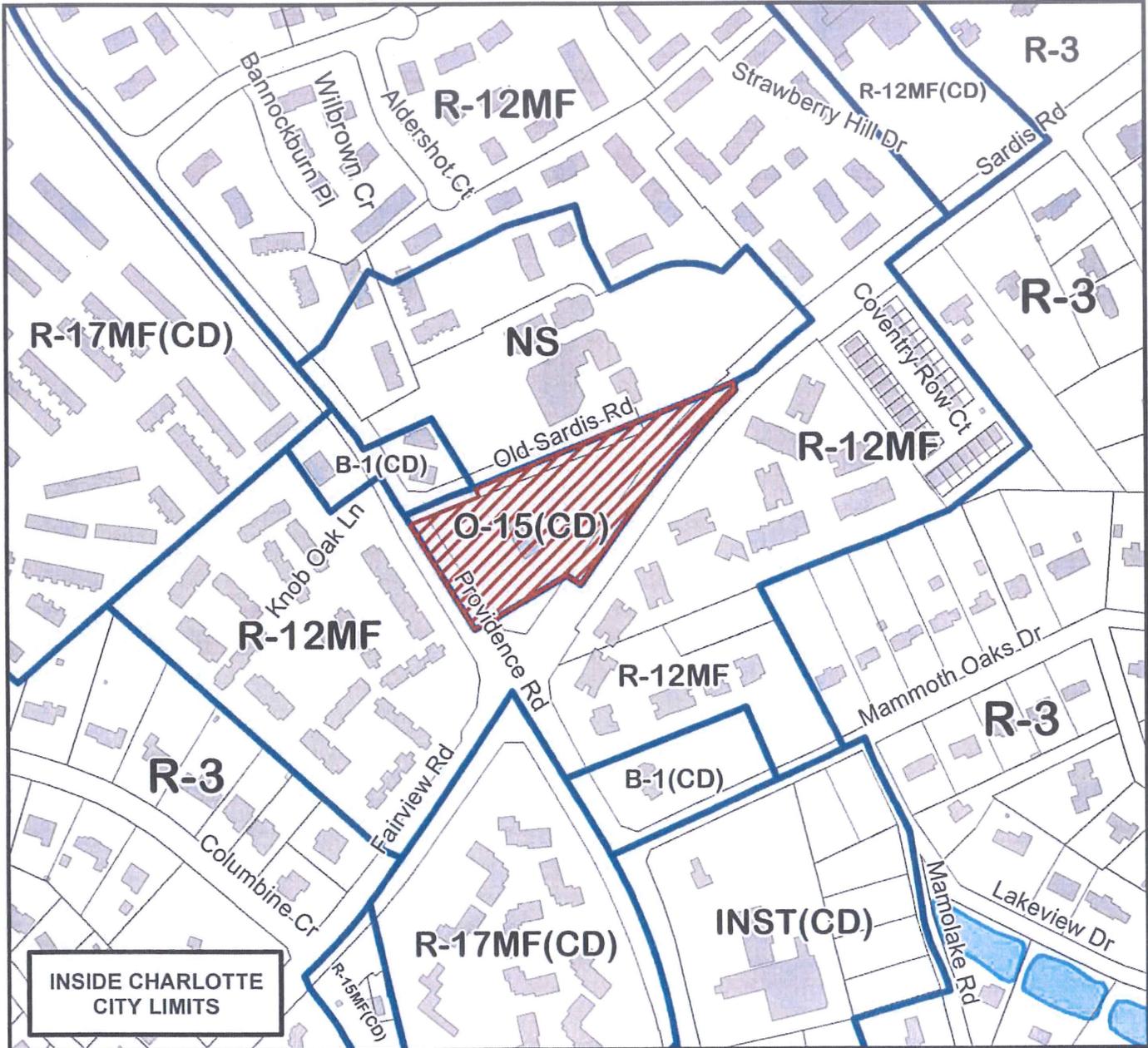
Ordinance No. 5530-Z

Petitioner: **Merrifield Patrick Vermillion, LLC**

Zoning Classification (Existing): **O-15(CD)**
(Office, Conditional)

Zoning Classification (Requested): **MUDD-O**
(Mixed Use Development District, Optional)

Acreage & Location: Approximately 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road, and Fairview Road.



INSIDE CHARLOTTE CITY LIMITS

Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.



Zoning Map #(s)

136

	Requested MUDD-O from O-15(CD)		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams
	Pedestrian Overlay		Historic District

Petition No. 2014-098
Petitioner: Charlotte-Mecklenburg Planning Department

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE -ZONING ORDINANCE

ORDINANCE NO. 5531

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

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 9: GENERAL DISTRICTS

I. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.406, "Urban Residential Districts; area, yard and height requirements" subsection (4), "UR-C" by 1) adding a new footnote reference for maximum height, and 2) adding a new footnote #5, that reads as follows:

- (4) UR-C: Dimensional requirements for the UR-C district are as follows:

Minimum lot area (square feet)	3,000
Minimum side yard (feet) ⁴	5
Minimum setback (feet) ^{3,4}	14 from back of existing or proposed curb, whichever is greater
Minimum rear yard (feet) ⁴	20
Maximum floor area ratio ²	3.0
Maximum height (feet) ¹⁻²	60
Minimum lot width (feet)	20

¹ Maximum height may be increased above 60 feet provided all required side and rear yards are increased 1 foot for every 10 feet of building height over 40 feet.

² No more than 1.5 floor area ratio may be devoted to nonresidential and/or institutional purposes in mixed use structures.

³ Minimum setback: 14 feet minimum from back of existing or proposed curb, whichever is greater, or as specified in a City Council adopted streetscape plan for the streets that the project abuts. If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line will become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined by the Charlotte Department of Transportation in conjunction with the Planning Department staff. However, if new construction incorporates an existing structure located within the

required setback, the setback for the addition may be reduced to the established setback but in no event be less than 10 feet from the back of the existing curb.

For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented. All new transformer vaults, utility structures, air vents, backflow preventers, or any other similar devices, including such facilities when located below grade, must be behind the setback. No new doors shall be allowed to swing into the setback except emergency exit doors.

⁴ Reduction of any required yard by up to 25 percent is permitted, provided that the reduction will result in more efficient use of the site, preserve natural features or will not unduly diminish the provision of light, air and privacy to abutting properties.

⁵ Height requirements for other permitted structures are set forth in Section 12.108.

2. PART 8: BUSINESS DISTRICTS

a. Amend Section 9.805, "Development standards for business districts", footnote #7, by deleting the last sentence in the footnote. All other footnotes remain unchanged. The revised footnote shall read as follows:

7. A building in a district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential zoning district, it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential zoning district is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108. ~~Special height requirements for the Business Park District are set forth in subsection 9.805(6).~~

3. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

a. Amend Section 9.8505, "Mixed Use Development District; area, yard and height regulations", subsection (5) by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

(5) Maximum height: 120'

Height requirements for other permitted structures are set forth in Section 12.108.

4. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.905, "Uptown Mixed Use District; area, yard and height regulations", subsection (4) by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

(4) Maximum height: With the exception of the Brevard Street area (see Section 9.906(2)(d)(2)(c)) and other permitted structures identified in Section 12.108, there is no maximum height, however, no structure, fixture or other objects over 60 feet in height on a lot abutting residentially zoned land which has residential structure of 40 feet or less in height may be situated so that it casts a shadow at a distance greater than 20 feet across any property line on either time of solstice between the hours of 9:00 a.m. and 3:00 p.m. Eastern Standard Time.

Height requirements for other permitted structures are set forth in Section 12.108.

- b. Amend Section 9.906, "Uptown Mixed Use District; urban design and development standards" subsection (2)(d)(2)(c), "Building Height" by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

(a) Building Height. Building heights shall be a maximum of 60 feet along Brevard Street and Caldwell Street. Building heights can exceed 60 feet if the upper portion of the building is stepped back 20 feet from the minimum setback, as illustrated below. See also Section 9.905(4).

Height requirements for other permitted structures are set forth in Section 12.108.

5. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1005, "Urban Industrial District; area, yard and height requirements", by adding three new footnotes for maximum height that clarify the references. The revised section shall read as follows:

Section 9.1005. Urban Industrial District; area, yard and height requirements.

Minimum lot area (square feet)	5,000
Minimum lot width (feet)	50
Minimum setback (feet)	5
Minimum side yard (feet)*	0; except 20 feet when abutting any residential or office district
Minimum rear yard*	0; except 50 feet when abutting any residential

or office district

Maximum floor area ratio 2.0

Maximum height (feet)^{1,2,3} 40 within 100 feet of any residential district ; ~~except higher as specified under Section 12.108.~~

* Subject to all applicable building and fire codes for separation.

¹ A building that is not adjacent to and located greater than 100 feet from a residential district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet.

² A building which abuts a residential zoning district that is greater than 100 feet from such building or abuts a residential use shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet.

³ Height requirements for other permitted structures are set forth in Section 12.108.

6. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

a. Amend Section 9.1208, "Development standards", subsection (3), "Maximum height" by adding a new subsection (b) that shall read as follows:

(b) Height requirements for other permitted structures are set forth in Section 12.108(4), (5), and (6).

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

a. Amend Section 10.812, "Development standards" by modifying footnote #7 by adding a reference to Section 12.108.

⁷ Base Height	<p>The base height for this district is 40 feet.</p> <p>For new development across a local (public or private) street from existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40' base height shall be measured at the minimum setback line. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the minimum setback line.</p> <p>For new development abutting on the same side of a local (public or private) street as existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40' base height shall be measured at the required yard. The height may increase one foot in height, over 40 feet,</p>
--------------------------	---

	<p>for every 10 feet in distance the portion of the building is from the required yard.</p> <p>For all other parcels, the permitted maximum height shall be determined by the distance from the building to the boundary line of the nearest single family residential district (R-3, R-4, R-5, R-6, and R-8). The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from single family zoning district(s).</p> <p><u>Height requirements for other permitted structures are set forth in Section 12.108.</u></p>
--	--

2. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

- a. Amend Section 10.907, "Development Standards", subsection (3), "Maximum height", by adding a new subsection (b) that shall read as follows:

(b) Height requirements for other permitted structures are set forth in Section 12.108.

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED-USE DISTRICTS (MX-1, MX-2, and MX-3)

- a. Amend Section 11.205, "Development standards for MX-1, MX-2 and MX-3 districts" by adding "height" in subsection (3). The revised subsection shall read as follows:

(3) Nonresidential development within the MX districts shall meet the minimum lot area, lot width, height, and yard requirements established in Section 9.805 for the B-1 district. In no event shall nonresidential development in an MX district exceed a floor-area-ratio of 0.60.

2. PART 3: MANUFACTURED HOUSING DISTRICT

- a. Amend Section 11.304, "Development standards; density; common area requirements", by adding "height" in subsection (3). The revised subsection shall read as follows:

(3) Each lot or space within the park shall be at least 5,000 square feet in area and at least 40 feet wide. No more than one home may be erected on one space. In a subdivision, the lot, and yards, and height shall be developed to the standards of the R-5 district.

3. PART 5: NEIGHBORHOOD SERVICES DISTRICT

- a. Amend Section 11.505, "Development standards", subsection (8) by adding an additional sentence referencing Section 12.108. The revised subsection shall read as follows:

Maximum height is 60 feet in the district. However, the maximum height in the district abutting property used or zoned for single family residential is 40 feet, except the height may exceed 40 feet if there is an increase in side and rear yards of one foot for every foot of building height over 40 feet up to the 60 feet maximum.

Height requirements for other permitted structures are set forth in Section 12.108.

4. PART 7: RE-3 RESEARCH DISTRICT

a. Amend Section 11.705, "Development standards", subsection (8), by adding a new subsection (c). The revised section shall read as follows:

(1) Maximum height: 90'.

(a) If a building abuts a residential zoning district or residential use that is not zoned RE-3, it shall not be erected to a height in excess of 40 feet unless the side and/or rear yard which adjoins the residential zoning district or use is increased one (1) foot for every foot of building height in excess of 40 feet.

(b) If a building abuts a non-residential zoning district or residential use that is zoned RE-3, no increase in side/and or rear yard is required.

(c) Height requirements for other permitted structures are set forth in Section 12.108.

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

a. Amend Section 12.108, "Height limitations" by deleting subsections (1), (2) and (9) and replacing them with "Reserved". In subsection (4), delete the phrase "subsection (1) above" and replace it with "in each zoning district". All remaining subsections shall remain unchanged. The revisions shall read as follows:

Section 12.108. Height limitations.

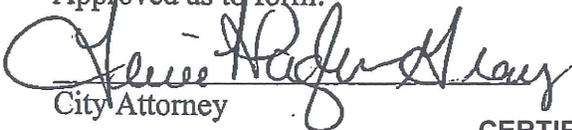
Height limitations are established to allow maximum development potential without adversely impacting the character of established single family neighborhoods and ensuring the development respects and complements the surrounding development.

No structure shall exceed a height of 40 feet, except as provided in this Section or elsewhere in these regulations.

No structure shall exceed a height of 40 feet, except as provided in this Section or elsewhere in these regulations.

- (1) ~~A building that is not in or adjacent to a residential district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet. Reserved.~~
- (2) ~~A building located in any zoning district, except the residential districts, which abuts a residential use or residential zoning district shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Reserved.~~
- (4) The height limitations established in subsection (1) above in each zoning district shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, firewalls, chimneys, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.
- (9) ~~The height limitations established in this section shall not apply to structures located in the PED, UI, UMUD, or UR-C, districts unless the districts are located next to a single family use or district as provided for in Chapter 9, Parts 4, 9 and 10. Reserved.~~

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

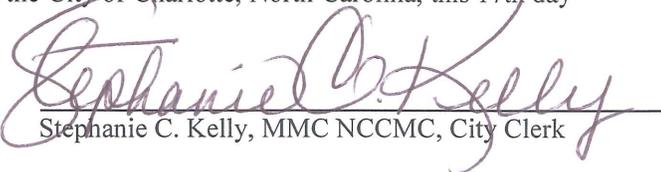
Approved as to form:

 City Attorney

CERTIFICATION



I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 142-148.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.


 Stephanie C. Kelly, MMC NCCMC, City Clerk 7

Petition No: 2014-99
Petitioner: Charlotte-Mecklenburg Planning Department

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE ZONING ORDINANCE**

ORDINANCE NO. 5532

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

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 9: GENERAL DISTRICTS

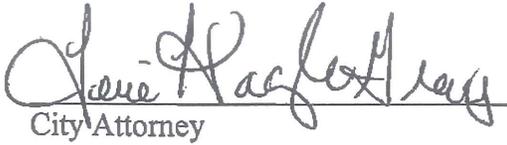
1. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.907, "Uptown Mixed Use District; parking and loading standards", subsection (1), "Parking standards", by adding a new subsection (l). All remaining subsections shall remain unchanged. The new subsection shall read as follows:

- (l) The reconfiguration of an existing parking lot by expanding the parking area onto abutting UMUD zoned land and eliminating an equal area of existing parking shall be allowed if the following standards are met:
- (a) Any parking lot reconfiguration shall not increase the square footage of the parking lot and shall not increase the number of parking spaces by more than 5% from the original number of parking spaces.
- (b) All parking spaces shall be located outside of the required setbacks; and
- (c) The existing and reconfigured portions of the parking lot shall meet the screening standards of Section 9.906(2)(c) for grade level parking lots as a principal use.

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

Approved as to form:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 149-150.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.


Stephanie C. Kelly, MMC NCCMC, City Clerk

