

ORDINANCE NO. 279-Z

AMENDING CHAPTER 23

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 property located on the northerly side of Marsh Road about 554 feet west of Park Road from R-9 and Conditional Parking to R-15MF(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 23-35.1 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 23-35(b), and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by the provisions of Section 23-96 of the Code and Article 19, Part 3 of Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, the City Council held a public hearing on this petition on December 17, 1979; 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 each of the following, which are required by Section 23-35(d):

1. The policies and objectives of the Comprehensive Plan of the City, and particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts of the establishment of the conditional district upon the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities; and

WHEREAS, in addition to the forgoing, the City Council has considered the following factors in the passage of this ordinance:

1. The property in question is adjacent on one side to an already existing multi-family development and, therefore, can be considered an extension of an already existing multi-family site.

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2. The 49 units proposed for this site are less than the number of single-family lots which could be developed on the same size parcel of land assuming that the minimum lot size under the existing R-9 zoning could be utilized throughout.
3. The proposed density of development is 3.68 dwelling units per acre which is within the range reflected in the Comprehensive Plan.
4. The traffic generated by the proposed development would be considerably less than that if the site were developed entirely for single-family usage.
5. The site in question has excellent access to the public transportation system, access to shopping facilities, and also to day care and job opportunities in the surrounding area.
6. The site in question conforms to the locational criteria established in the City's Housing Assistance Plan.

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

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from R-9 and Conditional Parking to R-15MF(CD) on the Official Zoning Map, City of Charlotte, N.C., the following described property:

BEGINNING at a point in the centerline of Marsh Road, said point being the southerly-most corner of the Wallace D. Gibbs, Jr. property recorded in Deed Book 3820 on Page 20 in the Mecklenburg County Registry of Deeds;

- (1) thence following the centerline of Marsh Road for the following calls:
 - (a) an arc line with a radius of 258.79 feet for a distance of 42.82 feet;
 - (b) an arc line with a radius of 431.72 feet for a distance of 250.58 feet;
 - (c) an arc line with a radius of 169.43 feet for a distance of 176.14 feet;
 - (d) an arc line with a radius of 1,613.55 feet for a distance of 99.97 feet;
 - (e) N. 53-53-00 W., 555.0 feet;

- (2) thence leaving the centerline of Marsh Road and crossing the right of way of said road N. 18-39-00 E., 466.30 feet;
- (3) thence S. 85-24-00 E., 760.80 feet;
- (4) thence S. 0-31-00 W., 549.2 feet to a point on the centerline of Marsh Road which is the point of BEGINNING.

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 19th day of February, 1980, the reference having been made in Minute Book 72, and is recorded in full in Ordinance Book 29, at pages 10-13.

Ruth Armstrong
City Clerk

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to _____
Housing Authority of the City of Charlotte
owner(s) and successors-in-interest of the property described as tax parcel 147-101-70 and 71
and described in detail further in the ordinance, identified below, approved by the City Council.

In approving this parallel conditional use permit, the Charlotte City Council amended chapter 23 of the code of Charlotte and the official zoning map. The property now has a parallel conditional use district zoning classification of R-15MF(CD) for a multi-family housing project

This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and sections 23-35, 23-35.1, and 23-96 of the code, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the city council under section 23-96 of the code.

Three years from the date of approval of this parallel conditional use permit, the planning commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the city council which may recommend that action be initiated to remove the parallel conditional use district in accordance with section 23-96.

Approved by the City Council in meeting on Tuesday, February 19, 1980
under Ordinance No. 279-Z.

Ruth Armstrong
City Clerk

ORDINANCE NO. 280-Z

AMENDING CHAPTER 23

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 property located on the easterly side of Sharon Road about 490 feet south of Fairview Road Extension from R-15 and Q-6 to R-15MF(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 23-35.1 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 23-35(b), and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by the provisions of Section 23-96 of the Code and Article 19, Part 3 of Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, the City Council held a public hearing on this petition on December 17, 1979; 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 each of the following, which are required by Section 23-35(d);

1. The policies and objectives of the Comprehensive Plan of the City, and particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts of the establishment of the conditional district upon the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities; and

WHEREAS, in addition to the forgoing, the City Council has considered the following factors in the passage of this ordinance:

1. This site is proposed to have 32 units giving a gross density of 3.5 dwelling units per acre versus a maximum of 2.9 dwelling units per acre as allowed under the present zoning. The SouthPark land use study, previously adopted by the

City Council, indicates that multi-family zoning and use for this site would be appropriate.

2. The site is served by all the required supporting facilities, including utilities and public transportation. Additionally, shopping facilities and job opportunities are abundantly available in the immediate vicinity of the subject site.
3. The site in question is in compliance with the locational criteria established in the City's Housing Assistance Plan.

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

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from R-15 and O-6 to R-15MF (CD) on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point within the right of way of Savings Place, said point being the southeasterly corner of the Mutual Savings and Loan Association property recorded in Deed Book 2988 at Page 412 in the Mecklenburg County Registry of Deeds;

- (1) thence S. 68-00-40 E., 30.17 feet;
- (2) thence running with the easterly right of way line of Savings Place for the following calls:
 - (a) N. 21-59-20 E., 67.26 feet;
 - (b) an arc line with radius = 42.20 for a distance of 69.12 feet;
 - (c) S. 64-10-20 E., 62.92 feet;
 - (d) an arc line with radius = 82.32 for a distance of 125.0 feet +;
 - (e) N. 26-34-40 E., 102.05 feet;
- (3) thence S. 54-43-50 E., 315.30 feet;
- (4) thence S. 8-52-40 W., 462.90 feet;
- (5) thence N. 56-21-20 W., 224.14 feet;
- (6) thence S. 13-45-45 W., 188.03 feet;
- (7) thence N. 61-50-35 W., 212.44 feet;
- (8) thence N. 68-33-30 W., 528.87 feet to a point on the easterly right of way of Sharon Road;
- (9) thence following the easterly right of way line of said road for the following calls:
 - (a) N. 25-57-00 E., 168.03 feet;
 - (b) N. 28-29-50 E., 150.29 feet;
 - (c) N. 23-55-00 E., 54.65 feet;
- (10) thence S. 68-49-50 E., 256.67 feet to the point of BEGINNING.

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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 19th day of February, 1980, the reference having been made in Minute Book 72, and is recorded in full in Ordinance Book 29, at Pages 14 - 17.

Ruth Armstrong
City Clerk

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to _____
Housing Authority of the City of Charlotte
owner(s) and successors-in-interest of the property described as tax parcel 183-133-07
and described in detail further in the ordinance, identified below, approved by the City Council.

In approving this parallel conditional use permit, the Charlotte City Council amended chapter 23 of the code of Charlotte and the official zoning map. The property now has a parallel conditional use district zoning classification of R-15MF(CD) for a multi-family housing project

This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and sections 23-35, 23-35.1, and 23-96 of the code, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the city council under section 23-96 of the code.

Three years from the date of approval of this parallel conditional use permit, the planning commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the city council which may recommend that action be initiated to remove the parallel conditional use district in accordance with section 23-96.

February 19, 1980
Ordinance Book 29 - Page 18

Petition No. 79-50

ORDINANCE NO. 281-Z

AMENDING CHAPTER 23

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 property located on the southerly side of Lillington Avenue about 335 feet south of East Third Street from R-6MF to O-6(CD) for a family support center; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 23-35.1 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 23-35(b), and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 23-96 and a public hearing was held on October 15, 1979; 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 each of the following, which are required by Section 23-35(d):

1. The policies and objectives of the Comprehensive Plan of the City, and particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts of the establishment of the conditional district upon the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.

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

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from R-6MF to O-6(CD) on the Official Zoning Map, City of Charlotte, N. C. the following described property:

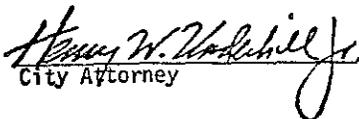
BEGINNING at a point on the southerly right of way line of Lillington Avenue, said point being the northerly corner of the N.C.N.B. Trustee U/W Katherine A. Armstrong property recorded in Deed Book 2630 at Page 114 in the Mecklenburg County Registry of Deeds;

- (1) thence following the southerly right of way of Lillington Avenue N. 45-53-24 E. 100.0 feet;
- (2) thence S. 48-26-26 E. 167.62 feet;
- (3) thence S. 31-17-33 W. 132.0 feet;
- (4) thence N. 31-37-26 W. 204.87 feet to the point or place of BEGINNING.

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:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of February, 19 80, the reference having been made in Minute Book 72, and is recorded in full in Ordinance Book 29, at page 18.



Petition No. 79-50

February 19, 1980
Ordinance Book 29 - Page 18

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to _____
Family Support Center, Inc.
owner(s) and successors-in-interest of the property described as tax parcel 125-231-22 and 23
and described in detail further in the ordinance, identified below, approved by the City Council.

In approving this parallel conditional use permit, the Charlotte City Council amended chapter 23 of the code of Charlotte and the official zoning map. The property now has a parallel conditional use district zoning classification of R-6MF to O-6(CD) for a family support center.

This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and sections 23-35, 23-35.1, and 23-96 of the code, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the city council under section 23-96 of the code.

Three years from the date of approval of this parallel conditional use permit, the planning commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the city council which may recommend that action be initiated to remove the parallel conditional use district in accordance with section 23-96.

Approved by City Council in meeting on February 19, 1980 under
Zoning Ordinance No. 281-Z.

Ruth Armstrong
City Clerk