

ORDINANCE NO. 1021-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 Queens Road and about 270 feet north of Dartmouth Place from R-6MF-H to O-6(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; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 23-96 and a public hearing was held on June 16, 1980; 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-H to O-6(CD) on the Official Zoning Map, City of Charlotte, N. C. the following described property:

BEGINNING at a point on the easterly right-of-way line of Queens Road, said point being the northwesterly corner of the Robert Gillis Company property recorded in Deed Book 3043 at Page 185 in the Mecklenburg County Registry of Deeds; 1) thence running with the easterly right-of-way line of Queens Road an arc with a radius of 729.69 feet for a distance of 168.42 feet; 2) thence S.72-58-40E. 220.0 feet; 3) thence S.16-56W. 62.29 feet; 4) thence S.0-14-15W. 96.16 feet; 5) thence in a westerly direction along the property line being on a radius of 186.55 feet, a distance of 43.55 feet; 6) thence N.74-57-45W. 206.6 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:

Henry W. Underhill, Jr. by H. M. ...
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day of August, 1981, the reference having been made in Minute Book 76, and is recorded in full in Ordinance Book 30, at page 471 and 472.

Menta Detwiler
Deputy City Clerk

ORDINANCE NO. 1022-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 westerly side of Queens Road at Luther Street from R-6MF to O-6(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; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 23-96 and a public hearing was held on March 16, 1981; 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, said point being the intersection of the westerly right-of-way line of Queens Road with the northerly right-of-way line of Luther Street; 1) thence running with the northerly right-of-way line of Luther Street N.58-16-45W. 303.82 feet; 2) thence N.31-34-05E. 50.0 feet; 3) thence S.67-41-19E. 285.76 feet to a point on the westerly right-of-way of Queens Road; 4) thence running with said right-of-way an arc with a radius of 619.69 feet for a distance of 100.0 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:

Henry W. Underhill, Jr. by H. H. Neuge
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day of August, 19 81, the reference having been made in Minute Book 76, and is recorded in full in Ordinance Book 30, at page 473 and 474.

Menta C. Detwiler
Deputy City Clerk

August 10, 1981
Ordinance Book 30 - Page 475

ORDINANCE NO. 1023-X

AN ORDINANCE TO AMEND ORDINANCE NO. 980-X, THE 1981-82 BUDGET ORDINANCE, TO PROVIDE AN APPROPRIATION TO FINANCE PARTICIPATION IN THE NATIONAL MUNICIPAL LEGAL DEFENSE FUND OF THE NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICERS.

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

Section 1. That the sum of \$7,500 is hereby transferred from the General Fund Contingency Account to the City Attorney's Department (501.00.191) to finance participation in the National Municipal Legal Defense Fund operated by the National Institute of Municipal Law Officers.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. 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 10th day of August, 1981, the reference having been made in Minute Book 76, and recorded in full in Ordinance Book 30 at Page 475.

Menta C. Detwiler
Deputy City Clerk

August 10, 1981
Ordinance Book 30 - Page 476

ORDINANCE NO. 1024-X

AN ORDINANCE TO AMEND THE 1982-82 BUDGET ORDINANCE TO TRANSFER FUNDS AND ESTABLISH POSITIONS IN THE GENERAL SERVICES DEPARTMENT, CENTRAL SERVICES DIVISION TO PROVIDE MAINTENANCE SERVICE TO DISCOVERY PLACE.

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

Section 1. That the sum of \$225,000 is hereby transferred from the General Fund Contribution to Discovery Place (530.50) to the General Services Department (505.00). These funds were approved in the FY82 budget to provide maintenance services at Discovery Place. This transfer will allow the Central Services Division to administer the maintenance program.

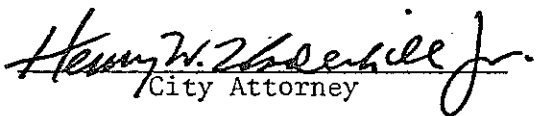
Section 2. That the Table of Organization for the General Services Department, Central Services Division is hereby amended to add the following positions:

<u>Class No.</u>	<u>Title</u>	<u>No. of Positions</u>
1605	Assistant Field Operation Supervisor	2
1048	Maintenance Mechanic	2
1310	Building Maintenance Assistant	<u>1</u>
	Total Positions	5

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

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day of August, 1981, the reference having been made in Minute Book 76, and recorded in full in Ordinance Book 30, at Page 476.

Menta C. Detwiler
Deputy City Clerk

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

Ordinance No. 1041

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. Chapter 23, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

- 1. Amend Article III. Division 3. Conditional Zoning Districts and Special Use Permits by adding the following new Section 23-36.8.:

"Section 23-36.8. Minor Exceptions: Yard, Parking, Sign, and Open Space Requirements:

- (a) Special Use Requirements. In conjunction with Section 23-40 and other appropriate provisions of this chapter certain minor exceptions as herein defined may be permitted as a Special Use Permit. For purposes of this section a minor exception shall be limited to the specific items contained herein and is intended to be used to facilitate development or site arrangement in accordance with Section 23-40. It is not intended to be confused with or used as a variance as described in Section 23-95. No minor exception shall be greater than twenty-five percent of the requirement from which the exception is granted. The following standards or requirements may be considered for a minor exception:

- (1) Dimensional standards for yards as required in the primary district;
- (2) Standards for minimum or maximum number and/or size of off-street parking spaces as required in the primary district;
- (3) Dimensional standards for signs as required in the primary district; and
- (4) Open space requirements of residential uses.

- (b) Application. An application for a minor exception as a special use shall be submitted and reviewed in accordance with Section 23-36.

- (c) Findings. As a prerequisite to approval of an application for this special use, the City Council shall find that the facts submitted with the application and presented at the hearing establish the following.

- 1. In the case of a minor yard exception, the City Council shall find that approval will result in at least one of the following:
 - a. more efficient use of the site;
 - b. preservation of natural features; or
 - c. improved provision of light, air and privacy to adjoining properties.

2. In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required or maximum allowed number of off-street parking spaces, the following factors shall be considered:
- Special characteristics of users which indicate low or high demand for off-street parking;
 - Opportunities for joint use of nearby off-street parking facilities;
 - Availability of public transit;
 - Natural features of the site which would be adversely affected by application of required parking standards.

In evaluating a minor exception for off-street parking spaces, the City Council shall find that approval will assure adequate off-street parking in relation to user demands.

3. In the case of a minor exception to the dimensional standards for signs, the following factors shall be considered: location, texture, lighting, movement, materials and size of all signs.

In evaluating a minor exception to the dimensional standards for signs, the City Council shall find that the exception is necessary for adequate identification of the use on the property and will be compatible with the character of the surrounding area with respect to the size and visual characteristics of the sign.

4. In the case of a minor exception to the dimensional standards for open space, the City Council shall find that the approval will result in at least one of the following:

- the open space which is created maintains a sense of privacy; or
- the open space which is created maintains its function as recreational open space.

(d) City Council Approval. Following City Council approval of a Special Use Permit application the Special Use Permit shall be issued.

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

APPROVED AS TO FORM:

Henry W. Underhill, Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 10th day of August, 1981, the reference having been made in Minute Book 76, and recorded in full in Ordinance Book 30, Pages 493-494.

Ruth Armstrong,