

November 15, 1982

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ORDINANCE NO. 1265-X

AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE "CHARLES W. PARKER HOUSE" (INTERIOR AND EXTERIOR OF THE BUILDING) AND THE LAND ASSOCIATED THEREWITH, AS HISTORIC PROPERTY, AT 901 CENTRAL AVENUE, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 080-211-07 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Part 3B, Article 19, Chapter 160A, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the 15th day of November, 1982, on the question of designation the property known as the "Charles W. Parker House" (interior and exterior of the building) and the land associated therewith as historic property; and

WHEREAS, the "Charles W. Parker House" was built in 1903-04 and is one of the earliest houses in Piedmont Park, a streetcar suburb which opened in 1902, and which was developed by F. C. Abbott and George Stephens; and

WHEREAS, the "Charles W. Parker House" is one of the finest examples of the Four Square style of architecture; and

WHEREAS, Charles W. Parker (1886-1950), the original owner, was a businessman of local and regional importance; and

WHEREAS, the grounds of the "Charles W. Parker House" retain their original ambience; and

WHEREAS, the property known as the "Charles W. Parker House" is vested in fee simple to Mr. Michael W. Normile and his wife, Mediana Normile,

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

1. That the property known as the "Charles W. Parker House" (interior and exterior of the building) and the land associated therewith, is hereby designated as historic property pursuant to Part 3B, Article 19, Chapter 160A, of the General Statutes of North Carolina. For purposes of description only, the location of

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"Charles W. Parker House"

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said property is noted as being situated on a tract of property at 901 Central Avenue, Charlotte, North Carolina, as recorded on Parcel Number 080-211-07 in the Tax Office of Mecklenburg County, North Carolina.

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

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, 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 property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign shall be placed on said property. If the owner objects, the sign shall be placed on a nearby public right-of-way.

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"Charles W. Parker House"

5. That the owners and occupants of the property known as the "Charles W. Parker House" be given the 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 Inspection Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

*Henry W. Underhill Jr.*  
City Attorney

I, Pat Sharkey, 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 15th day of November, 1982, the reference having been made in Minute Book 79, and recorded in full in Ordinance Book 31, at Pages 395-397.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th day of November, 1982.

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Pat Sharkey, City Clerk

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AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE "CROWELL-BERRYHILL STORE" (INTERIOR AND EXTERIOR OF THE BUILDING, EXCLUDING THE CINDER BLOCK ADDITION AT THE REAR OF THE BUILDING) AND THE LAND ASSOCIATED THEREWITH, AS HISTORIC PROPERTY, AT 401 WEST NINTH STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 078-074-15 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Part 3B, Article 19, Chapter 160A, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the 15th day of November, 19 82, on the question of designating the property known as the "Crowell-Berryhill Store" (interior and exterior of the building, excluding the cinder block addition at the rear of the building), and the land associated therewith as historic property; and

WHEREAS, the "Crowell-Berryhill Store" was built in 1897 as a branch of the Star Mills Grocery Company; and

WHEREAS, the "Crowell-Berryhill Store" is the only turn-of-the-century grocery store which survives in uptown Charlotte; and

WHEREAS, Earnest Wiley Berryhill, long-time resident of the Berryhill House, acquired the "Crowell-Berryhill Store" in 1907 and operated it until his death in 1931; and

WHEREAS, the "Crowell-Berryhill Store" is an excellent example of adaptive reuse; and

WHEREAS, the grounds of the "Crowell-Berryhill Store: retain their original ambience; and

WHEREAS, the property known as the "Crowell-Berryhill Store" is vested in fee simple to Mr. Cullie M. Tarleton and his wife, Sylvia D. Tarleton,

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

1. That the property known as the "Crowell-Berryhill Store" (interior and exterior of the building, excluding the cinder block addition at the rear of the

"Crowell-Berryhill Store"

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of the building) and the land associated therewith, is hereby designated as historic property pursuant to Part 3B, Article 19, Chapter 160A, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated on a tract of property at 401 West Ninth Street, Charlotte, North Carolina, as recorded on Parcel Number 078-074-15 in the Tax Office of Mecklenburg County, North Carolina.

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

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, 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 property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign shall be placed on said property. If the owner objects, the sign shall be placed on a nearby public right-of-way.

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"Crowell-Berryhill Store"

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5. That the owners and occupants of the property known as the "Crowell-Berryhill Store" be given the 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 Inspection Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Underhill Jr.  
City Attorney

I, Pat Sharkey, 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 15th day of November, 1982, the reference having been made in Minute Book 79, and recorded in full in Ordinance Book 31, at Pages 398-400.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th day of November, 1982.

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Pat Sharkey, City Clerk

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Ordinance No. 1267

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

An Ordinance Amending the City Code  
with respect to the Zoning Ordinance

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

Section 1. Chapter 23, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

1. Amend Article III, Division 1, Section 23-31(a). Business Uses in the Table of Permitted Uses by denoting with an "X" in the columns labelled "Residential District" and by adding in the proper order the following:

Churches and synagogues - accessory uses such as bookstores; offices; printing and distribution; and similar uses on the same lot in Residential Districts subject to the requirements in Section 23-34.10.

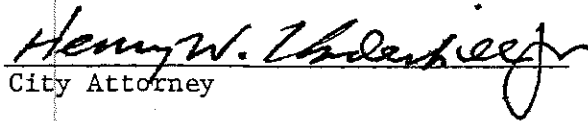
2. Amend Article III, Division 2. Special Requirements for Certain Permitted Uses by adding a new Section 23-34.10. Accessory uses associated with churches on the same lot in residential districts as follows:

Certain limited uses may be established as accessory uses on the same lot with churches and synagogues in any Residential Districts. The following requirements shall apply in addition to any other applicable requirements of this ordinance.

- (a) No merchandise or merchandise display window shall be visible from outside the building.
- (b) No business or identification sign pertaining to the accessory uses shall be visible from outside the building.
- (c) All parking shall be screened in accordance with Section 23-30.10.
- (d) Accessory uses must not violate the yards, separation or open space requirements which apply to principal church structures.

Section 2. 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 15th day of November, 1982, the reference having been made in Minute Book 79, and recorded in full in Ordinance Book 31, at page 401.

Pat Sharkey, City Clerk

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ORDINANCE NO. 1268

AMENDING CHAPTER 18  
ARTICLE II

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE II, SECTION 26 (SUBDIVISION REGULATIONS) OF THE CODE OF THE CITY OF CHARLOTTE:

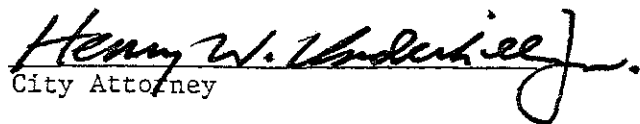
BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina:

Section 1. Chapter 18, Article II Improvements, Section 26(c), is amended by replacing the entire paragraph with the following paragraph to read as follows:

"Sec. 18-26(c). Where a subdivider elects to establish a public roadway divided with a center strip, the width of the roadway on each side of the center strip divider shall be determined on an individual need basis, but shall not be less than sixteen (16) feet wide from face of curb to face of curb except a lesser width may be acceptable at intersections due to traffic control considerations. Except for specific provisions to the contrary contained in this section, the requirements of Section 18-18 shall apply to divided roadways and related street rights-of-way."

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of November, 19 82, the reference having been made in Minute Book 79, and recorded in full in Ordinance Book 31, beginning on Page 402.

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City Clerk



ORDINANCE NO. 1269-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 a 36.87 acre parcel located between Sugar Creek and Colchester Place from R-9 and R-12 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 Section 23-96 and a public hearing was held on July 19, 1982; 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-9 and R-12 to R-15MF(CD) on the Official Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point on the northwest right-of-way of Old Reid Road, said point being the southerly most corner of the Incarnation Lutheran Church property, deed 2404-195; 1) thence S.25-32-30W. 216.0 feet; 2) thence S.49-43-30E. 103.40 feet; 3) thence S.26-32-30W. 123.50 feet; 4) thence S.52-23-30E. 85.09 feet; 5) thence S.34-30E. 595.76 feet; 6) thence S.55-30W. 1,055.0 feet; 7) thence S.44-11-45W. 221.12 feet; 8) thence N.61-00W. 600.35 feet; 9) thence S.07-34-50W. 113.71 feet; 10) thence S.11-00W. 48.0 feet;

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11) thence N.86W. 50.0 feet; 12) thence N.03-52-30W. 211.0 feet; 13) thence N.18-22-30E. 157.50 feet; 14) thence N.67-07-30E. 66.0 feet; 15) thence N.74-22-30E. 134.0 feet; 16) thence N.23-52-30E. 366.0 feet; 17) thence N.25-82-30W. 90.0 feet; 18) thence N.77-22-30W. 75.0 feet; 19) thence N.19-37-30W. 130.0 feet; 20) thence N.65-07-30E. 138.0 feet; 21) thence N.72-37-30E. 150.0 feet; 22) thence N.04-37-30W. 270.0 feet; 23) thence N.10-22-30E. 162.50 feet; 24) thence N.71-22-30E. 172.50 feet; 25) thence N.59-22-30E. 433.60 feet; 26) thence S.25-07W. 138.01 feet; 27) thence S.68-40-40E. 427.87 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:

Henry W. Zander III Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of November, 1982, the reference having been made in Minute Book 79; and is recorded in full in Ordinance Book 31, at pages 403-404.

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City Clerk

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Petition No. 82-65  
Mecklenburg ABC Board

ORDINANCE NO. 1270-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 a 114.54 foot by 169.24 foot site located on the east side of Carmel Road about 208 feet south of Hwy. 51 from O-15 to B-1(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 denial 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 18, 1982; 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 O-15 to B-1(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 of Carmel Road, said point being approximately 30.89 feet northeast along the right-of-way from the most westerly corner of the North Carolina National Bank Branch Office property at Carmel Commons, tax parcel 221-201-09; 1) thence N.27-19-10E. 114.54 feet; 2) thence S.62-40-50E. 175.98 feet; 3) thence S.22-32-35W. 98.79 feet; 4) thence at a radius to the northwest 15.0 feet; 5) thence N.62-40-50W. 169.24 feet to the point or place of BEGINNING.

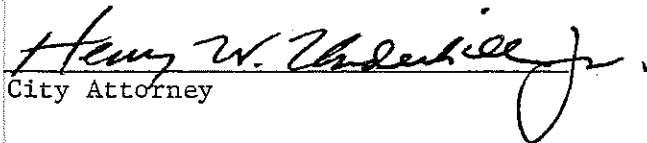
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Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

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

APPROVED AS TO FORM:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of November, 1982, the reference having been made in Minute Book 79, and is recorded in full in Ordinance Book 31, at page s 405-406.

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Pat Sharkey, City Clerk