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ORDINANCE NO. 1232

AMENDING CHAPTER 18  
ARTICLE I

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE I, (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 I IN GENERAL, SECTION 18-12., STANDARDS OF DESIGN: STREETS, is amended by adding a new paragraph between the existing (C) and (D) as follows:

"(D) Freeways. Whenever a tract of land to be subdivided includes any part of the proposed right-of-way of a freeway as shown on a Thoroughfare Plan approved by the Planning Commission and adopted by the City Council, or adopted by the North Carolina Board of Transportation, and whenever said proposed right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, the right-of-way for the freeway shall be reserved and remain undeveloped pending future acquisition by the State of North Carolina or other governmental unit. The subdivider shall reserve the proposed right-of-way for a period not to exceed three (3) years from the date of tentative approval of the preliminary subdivision plat, after which the land shall be considered as free of reservation."

Additional Roadways. The provisions of the above paragraph (D) shall also apply to additional roadways not classified as Freeways that are specifically approved for right-of-way protection by the City Council.

and re-letter the remaining paragraphs as (E) through (L) respectively.

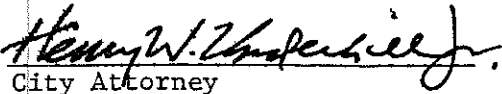
SECTION 2. Amend Chapter 18, Article I IN GENERAL, Section 18-2., DEFINITIONS, by adding a new paragraph between the existing (i) and (j) as follows:

"(j) Freeway - A freeway is a divided, multi-lane road with full control of access, grade separation at interchanges, designed to carry very high traffic volumes and accessible only via other thoroughfares.

and re-letter the existing paragraph (j) as (k)."

SECTION 3. 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 20th day of September, 1982, the reference having been made in Minute Book 78, and recorded in full in Ordinance Book 31, beginning on Page 352.

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City Clerk

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ORDINANCE NO. 1233-X

AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE "JOHN HUNTER HOUSE" (INTERIOR AND EXTERIOR) AND A PORTION OF THE LAND ASSOCIATED THEREWITH, AS HISTORIC PROPERTY, AT 5607 SARDIS ROAD, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 185-142-39 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 the joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the 20th day of September, 1982, on the question of designating the property known as the "John Hunter House" (interior and exterior) as historic property; and

WHEREAS, the "John Hunter House" was erected ca. 1869 for Reverend John Hunter, a prominent and long-time pastor of Sardis Associated Reformed Presbyterian Church (now Sardis Presbyterian Church); and

WHEREAS, the house is a well-preserved example of a vernacular Greek Revival style farmhouse; and

WHEREAS, the "John Hunter House" is one of the older houses in the Sardis neighborhood; and

WHEREAS, the grounds of the "John Hunter House" possess their original ambience; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated the historic, architectural, and/or cultural significance of the property known as the "John Hunter House"; and

WHEREAS, the property known as the "John Hunter House" is vested in fee simple to Mr. James P. Hammond and his wife, Ann A. Hammond.

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

1. That the property known as the "John Hunter House" (interior and exterior) and a portion of the land associated therewith is hereby designated as

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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 5607 Sardis Road, in Charlotte, North Carolina, as recorded on Parcel Number 185-142-39 in the Tax Office of Mecklenburg County, North Carolina. The portion of land included herein is the land from the right-of-way of the proposed widening of Sardis Road, assuming that such edge of right-of-way will be no more than twenty feet from the edge of the present pavement, and extending to a line forty feet behind the house and running parallel with the existing rear property line.

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.

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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.

5. That the owners and occupants of the property known as the "John Hunter 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:

*H. Muehl*  
Deputy City Attorney

CERTIFICATION

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 20th day of September, 1982, the reference having been made in Minute Book 78, and recorded in full in Ordinance Book 31 at Pages 353-355.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of September, 1982.

Pat Sharkey, City Clerk

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ORDINANCE NO. 1234-X

AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE "WILLIAM LEE HOUSE" (INTERIOR AND EXTERIOR) AND THE LAND ASSOCIATED THEREWITH AS HISTORIC PROPERTY, AT 5520 SHARON VIEW ROAD, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 211-112-03 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 20th day of September, 1982, on the question of designating the property known as the "William Lee House" (interior and exterior) as historic property; and

WHEREAS, the "William Lee House" was built ca. 1828 and is one of the older plantation houses in Mecklenburg County and the only extant plantation house in this section of Mecklenburg County; and

WHEREAS, members of the same family resided in the "William Lee House" from ca. 1828 until 1956; and

WHEREAS, the "William Lee House" represents a rare remnant of ante-bellum society in the Sharon community of Mecklenburg County; and

WHEREAS, the grounds of the "William Lee House" possess their original ambience; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated the historic, architectural, and/or cultural significance of the property known as the "William Lee House; and

WHEREAS, the property known as the "William Lee House" is vested in fee simple to Mr. Eric C. Clark.

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

1. That the property known as the "William Lee House" (interior and exterior) and the land associated therewith is hereby designated as historic property pursuant to

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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 5520 Sharon View Road, in Charlotte, North Carolina, as recorded on Parcel Number 211-112-3 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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5. That the owners and occupants of the property known as the "William Lee 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:

*H. Michael J.*  
Deputy City Attorney

CERTIFICATION

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 20th day of September, 1982, the reference having been made in Minute Book 78, and recorded in full in Ordinance Book 31 at Pages 356-358.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of September, 1982.

Pat Sharkey, City Clerk

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Petition No. 82-44  
Galaxy Homes, Inc.

ORDINANCE NO. 1235-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 10.06 acre tract located at the terminus of Rolling Hill Road just west of Lake Forest Drive from R-20MF to R-12MF(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 September 20, 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-20MF to R-12MF(CD) on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point on the southerly side of the right-of-way line of Rolling Hill Road, said point being located 165.7 feet west of the intersection of Lake Forest Road and Rolling Hill Road; 1) thence S.14-07-15E. 500.60 feet; 2) thence S.10-08-00E. 117.92 feet; 3) thence S.71-14-33W. 505.93 feet; 4) thence N.08-17-11W. 1121.40 feet; 5) thence S.71-14-53E. 481.30 feet; 6) thence S.09-18-15E. 145.00 feet; 7) thence S.21-17-23E. 51.11 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:

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 20th day of September, 1982, the reference having been made in Minute Book 78, and is recorded in full in Ordinance Book 31, at pages 359-360.

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City Clerk

ORDINANCE NO. 1236-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 at 715 Providence Road from O-6 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 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 August 24, 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:

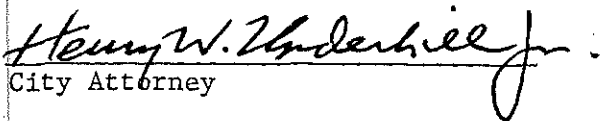
Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from O-6 to B-1(CD) on the Official Zoning Map, City of Charlotte, N. C. the following described property:

BEGINNING at a point 260 feet east of Providence Road, said point being on a call of S.85-18-30E. from a point in the easterly right-of-way of Providence Road, said point being 145.37 feet southwesterly of Fenton Place; 1) thence S.4-41-30W. 97.77 feet; 2) thence N.85-21-00W. 50.03 feet; 3) thence N.31-47-09E. 109.86 feet to the place or 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:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of September, 1982, the reference having been made in Minute Book 78, and is recorded in full in Ordinance Book 31, at page 361.

Pat Sharkey, City Clerk

ORDINANCE NO. 1237-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 south side of Fenton Road approximately 234 feet east of Providence Road from 0-6 to 0-6(CD) and Site Plan Amendment; 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 0-6 to 0-6(CD) on the Official Zoning Map, City of Charlotte, N. C. the following described property:

BEGINNING at a point on the south right-of-way of Fenton Place, said point being located 353.93 feet east of the intersection of Providence Road and Fenton Place; 1) thence S.85-18-30E. 60 feet; 2) thence S.4-41-30W. 143 feet; 3) thence N.85-18-30W. 60 feet; 4) thence N.4-41-30E. 143 feet to the place or 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 20th day of September, 1982, the reference having been made in Minute Book 78, and is recorded in full in Ordinance Book 31, at page 362.

Pat Sharkey, City Clerk

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Petition No. 82-54  
John Crosland Realty  
Company

ORDINANCE NO. 1238-Z

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

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 I-1 to I-2 on the Official Zoning Map, City of Charlotte, N. C. the following described property:

BEGINNING at a point 389.10 feet northeast of Starita Road, said point being on a call of N.33-16E. from a point in the northerly right-of-way of Starita Road, said point being approximately 750 feet northwest from the northerly right-of-way of Interstate 85; 1) thence N.33-28-13W. 424.93 feet; 2) thence N.11-15-46E. 132.09 feet; 3) thence S.82-09-00E. 397.86 feet; 4) thence S.23-21-37W. 468.03 feet to the place or point of BEGINNING.

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

APPROVED AS TO FORM:

*Henry W. Zanderhill*  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 20th day of September, 1982, the reference having been made in Minute Book 78, and recorded in full in Ordinance Book 31, page 363.

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Pat Sharkey, City Clerk