

February 21, 1983
Ordinance Book 31 - Page 473

Petition No. 83-7
Charlotte-mecklenburg Planning
Commission

Ordinance No. 1303

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 Section 23-36, Special Use Permits, by replacing subsection (h) Appeals and Variances, and by adding a new subsection 23-36(m), respectively, as follows:
 - (h) Appeals and variances. The Board of Adjustment shall have not authority to grant a variance from any decision of the governing body pertaining to a special use permit except as allowed by Section 23-36(m)(4). Any appeal from the City Council pertaining to special use permits shall be taken to the Superior Court in the same manner as an appeal from a Board of Adjustment decision.
 - (m) Termination of permit. This ordinance provides that if a special use permit is approved, all subsequent development and use of the property shall be in accordance with the permit. The following procedure is designed to allow the owner of property for which a special use permit has been granted to have the special use permit terminated, cease the special use if the property had been developed pursuant to the permit, and thereafter use and develop the property as if no special use permit had been granted.
 - (1) A request for termination of a special use permit shall be considered upon application of the owners of the subject property or their duly authorized agent. Applications for termination of an approved special use permit shall be filed in the office of the Planning Commission. Application shall be made on forms provided by the Planning Commission and shall be accompanied by two copies of the approved special use permit and all corresponding plans, specifications and conditions. In the application and on the special use permit site plans, the applicant should indicate the extent of the use and development of the property at the time of the application for termination. Only those applicants who can prove that the use and development of the property at the time of consideration of the application are not inconsistent with the requirements of this ordinance applicable to the underlying zoning district of the property shall be entitled to termination of a special use permit. Any development of the property pursuant to a variance granted by the Board of-Adjustment shall be considered development consistent with the requirements of this ordinance applicable to the underlying zoning district.

February 21, 1983
Ordinance Book 31 - Page 474

- (2) Upon receipt of an application for termination, the Director of Planning shall forward a copy of the application materials to the Superintendent of Building Inspection for his review. Within thirty (30) days after receipt of these materials, the Superintendent of Building Inspection shall inspect the property to determine the extent of the use and development of the property in order to verify the accuracy of the information supplied by the applicant, shall certify in writing to the Director of Planning his findings as to the use of the property and the nature and extent of the development of the property, and shall state whether his review establishes that there is at that time any use or development of the property which is inconsistent with the requirements of this ordinance applicable to the underlying zoning district of the property.
- (3) If the Superintendent of Building Inspection certifies to the Director of Planning that there is at the time of his inspection no use or development of the property inconsistent with the requirements of this ordinance applicable to the underlying zoning district of the property, and the Director of Planning finds that the information presented to him establishes such facts, then the Director of Planning shall terminate the special use permit. If the Director of Planning finds that there is any use or development of the property inconsistent with the requirements of this ordinance applicable to the underlying zoning district of the property, he shall not terminate the special use permit.
- (4) If any time after the Director of Planning refuses to terminate a special use permit the applicant ceases any inconsistent use and/or corrects any deviation from the development standards by physical change or by obtaining a variance from the Board of Adjustment, then upon notification by the applicant and verification by the Superintendent of Building Inspection of such conformance with the requirements of the underlying zoning district, the Director of Planning shall terminate the special use permit. Any requests for a variance shall be considered using the standards set forth in Section 23-95 of this chapter and any variance granted shall take effect simultaneously with the termination of the special use permit.
- (5) The applicant may appeal a refusal by the Director of Planning to terminate a special use permit by requesting a hearing before the City Council. Such hearing shall be conducted in accordance with the "Rules of Hearing Procedure for Special Use Permits" adopted by the City Council and on record in the office of the City Clerk, to the extent these rules are not clearly inapplicable. A request for a hearing before the City Council shall be accompanied by a one hundred dollar (\$100) fee to defray administrative and publication expenses. At any such hearing before the City Council the issue shall be whether the evidence presented at the hearing establishes that at that time there is any use of the property or is any development of the property which is inconsistent with the requirements of this ordinance applicable to the underlying

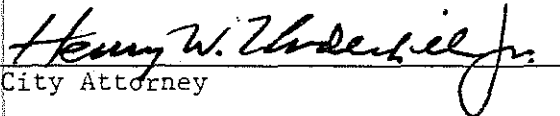
February 21, 1983
Ordinance Book 31 - Page 475

zoning district of the property. The City Council shall terminate the special use permit if it finds that the evidence presented establishes the facts to be proved by the applicant.

- (6) Following termination of the special use permit by the Director of Planning or the City Council, the special use permit designation shall be removed from the Official Zoning Map and thereafter the use and development of the property shall be subject to the requirements of this ordinance applicable to the underlying zoning district of the property.

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 21st day of February, 19 83, the reference having been made in Minute Book 79, and recorded in full in Ordinance Book 31, at page s 473-475

Pat Sharkey, City Clerk

February 21, 1983
Ordinance Book 31 - Page 476

Petition No. 83-10
Charlotte-Mecklenburg Planning
Commission

Ordinance No. 1304

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:

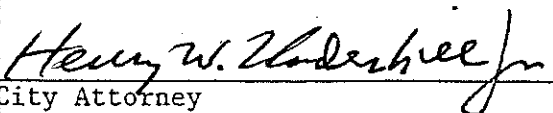
1. Amend Article III, Division 3, Section 23-35 (c) by deleting the present language in its entirety and substituting in its place the following new language.

(C) Permitted Uses and Development Requirements

Potential uses which may be considered for a parallel conditional use district are restricted to those uses permitted in the corresponding general zoning district. Those uses listed as special permit uses in the general zoning districts will be exempted from the normal requirement for a Special Use Permit and replaced with a parallel conditional use permit. Uses permitted in parallel conditional use districts shall be subject to all applicable development standards and requirements for that use listed in the corresponding general zoning districts. The application for a parallel conditional use district must contain information and/or site plans which indicate all of the principal and accessory uses which are proposed to be developed on the site. Subsequent to the approval of a parallel conditional use district, only those principal and accessory uses indicated on the approved plan may be constructed on the site. Any modifications to an approved plan or any changes in the permitted principal or accessory uses must comply with the provisions of Section 23-35 (f).

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 21st day of February, 1983, the reference having been made in Minute Book 79, and recorded in full in Ordinance Book 31, Page 476.

Pat Sharkey, City Clerk

February 21, 1983
Ordinance Book 31 - Page 477

ORDINANCE NO. 1305-X

AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE "CRUTCHFIELD-BOMAR-BREM HOUSE" (INTERIOR AND EXTERIOR AND THE .241 ACRES OF LAND ASSOCIATED THEREWITH) AS HISTORIC PROPERTY, AT 307 EAST BOULEVARD, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 123-075-02 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 21st day of February, 1983, on the question of designating the property known as the "Crutchfield-Bomar-Brem House" (interior and exterior and the .241 acres of land associated therewith) as historic property; and

WHEREAS, the "Crutchfield-Bomar-Brem House" was built in 1903 and is one of the oldest houses on East Boulevard and was built by the Charlotte Consolidated Construction Company or 4Cs, the developers of Dilworth; and

WHEREAS, Dr. Edward E. Bomar, pastor of Pritchard Memorial Baptist Church, was an early owner, and Walter V. Brem, a leading businessman in Charlotte, and an early associate of George S. Stephens, who later developed Myers Park, lived in the house for many years and died there in 1925; and

WHEREAS, the house is one of the finer local examples of the Queen Anne style; and

February 21, 1983
Ordinance Book 31 - Page 478

"Crutchfield-Bomar-Brem House"
Page Two

WHEREAS, the .241 acres of land associated with the "Crutchfield-Bomar-Brem House" are essential to the historical setting of the structure; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has found the "Crutchfield-Bomar-Brem House" to be of special significance in terms of its history, architecture, and/or cultural importance, and to possess integrity of design, setting, workmanship, materials, fellingings and/or association; and

WHEREAS, the property known as the "Crutchfield-Bomar-Brem House" and the .241 acres of land associated therewith are vested in fee simple to Mr. Jack E. Apple.

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

1. That the property known as the "Crutchfield-Bomar-Brem House" (interior and exterior and the .241 acres of 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 307 East Boulevard, in Charlotte, North Carolina, as recorded on Parcel Number 123-075-02 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

February 21, 1983
Ordinance Book 31 - Page 479

"Crutchfield-Bomar-Brem House"
Page Three

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.

February 21, 1983
Ordinance Book 31 - Page 480

"Crutchfield-Bomar-Brem House"
Page Four

5. That the owners and occupants of the property known as the "Crutchfield-Bomar-Brem 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

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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of February, 1983, the reference having been made in Minute Book 79, and recorded in full in Ordinance Book 31, at Pages 477-480.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of March, 1983.

Pat Sharkey, City Clerk

February 21, 1983
Ordinance Book 31 - Page 481

Petition No. 82-36
Warren Redd and Jane B. Redd

ORDINANCE NO. 1306-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 39.2 acre site along the easterly side of Reddman Road about 1/2 mile south of Albemarle Road from R-9 to B-1(CD), O-15(CD) and R-9MF(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 16, 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 to B-1(CD), O-15(CD) and R-9MF(CD) on the Official Zoning Map, City of Charlotte, N. C. the following described property:

BEGINNING at a point, said point being the most southwesterly corner of the Lenoir Keesler property, tax parcel 133-101-01; 1) thence N.69-50-44E. 42.40 feet; 2) thence N.81-41-57E. 1924.72 feet; 3) thence S.28-03-54W. 442.8 feet; 4) thence S.24-48-48W. 1223.32 feet; 5) thence N.69-13-16W. 772.64 feet; 6) thence N.74-05-13W. 327.53 feet; 7) thence N.09-44-40E. 156.14 feet; 8) thence N.14-59-54W. 639.49 feet; 9) thence N.89-08-55W. 24.20 feet; 10) thence N.16-50-11W. 76.04 feet to the point or place of BEGINNING.

February 21, 1983
Ordinance Book 31 - Page 482

- 2 -

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 21st day of February, 1983, the reference having been made in Minute Book 79, and is recorded in full in Ordinance Book 31, at page s 481-482.

City Clerk

February 21, 1983
Ordinance Book 31 - Page 483

Petition No. 82-72
Colonial Storage
Centers II, Ltd.

ORDINANCE NO. 1307-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 2.1 acre site located at the southeast corner of Pineville Road and Sharon Lakes Road from B-2 to B-D(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 December 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 B-2 to B-D(CD) on the Official Zoning Map, City of Charlotte, N. C. the following described property:

BEGINNING at a point, said point being the most southwesterly corner of Cities Services Company property, tax parcel 173-241-17; 1) thence S.58-02-33E. 275.00 feet; 2) thence N.31-57-41E. 150.00 feet; 3) thence S.58-02-33E. 75.00 feet; 4) thence S.31-57-47W. 380.0 feet; 5) thence N.58-02-33W. 350.0 feet; 6) thence R=1989.79 A=111.5 feet; 7) thence N.31-57-47E. 118.59 feet to the point or place of BEGINNING.

February 21, 1983
Ordinance Book 31 - Page 484

- 2 -

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 21st day of February, 19 83, the reference having been made in Minute Book 79, and is recorded in full in Ordinance Book 31, at pages 483-484.

City Clerk

February 21, 1983
Ordinance Book 31 - Page 485

Petition No. 82-74
James R. McKee

ORDINANCE NO. 1308-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 .69 acre site at the northeast corner of Oaklawn Avenue and Wayt Street from R-6MF 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 December 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-6MF to B-1(CD) on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point, said point being the most southwesterly corner of Charlotte Housing Authority property, tax parcel 075-105-27; 1) thence N.68-05W. 80.10 feet; 2) thence R=20 feet. L=31.31; 3) thence N.21-55E. 280.10 feet; 4) thence S.68-05E. 100.00 feet; 5) thence S.21-55W. 300.00 feet to the point or place of BEGINNING.

February 21, 1983
Ordinance Book 31 - Page 486

- 2 -

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 21st day of February, 19 83, the reference having been made in Minute Book 79, and is recorded in full in Ordinance Book 31, at pages 485-486.

City Clerk

February 21, 1983
Ordinance Book 31 - Page 487

Petition No. 82-76
Province Development, Ltd.

ORDINANCE NO. 1309-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 15.5 acre site at the southerly end of Valleyview Drive and north of Verndale Road about 1/4 mile from N. Sharon Amity from 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 December 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-12 to R-15MF(CD) on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point, said point being the most southwesterly corner of the Mrs. Virginia M. Mullaney property, tax parcel 103-142-12; 1) thence S.54-59-20E. 484.01 feet; 2) thence S.55-13-10E. 359.02 feet; 3) thence S.34-46-50W. 225.00 feet; 4) thence S.84-18-51W. 479.42 feet; 5) thence N.39-27-10W. 24.00 feet; 6) thence N.38-00-00W. 50.00 feet; 7) thence S.67-40-25W. 181.40 feet; 8) thence N.36-37-50W. 250.00 feet; 9) thence N.74-55-00W. 251.30 feet; 10) thence N.21-55-40W. 237.72 feet; 11) thence N.32-45-30W. 161.79 feet; 12) thence N.59-30-50E. 532.74 feet; 13) thence S.54-48-40E. 289.97 feet to the point or place of BEGINNING.

February 21, 1983
Ordinance Book 31 - Page 488

- 2 -

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 21st day of February, 19 83, the reference having been made in Minute Book 79, and is recorded in full in Ordinance Book 31, at pages 487-488.

City Clerk