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Petition No. 83-85
Charlotte-Mecklenburg Planning Comm.

ORDINANCE NO. 1504

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:

Amend Section 3048 by adding a new subsection as follows:

- .3 Screening of parking provided for business and industrial uses. The purpose of this section is to provide protection for residential uses on residentially zoned properties which abut office districts where the office zoned property is used to provide parking for business and industrial uses. When this type of relationship between office and residentially zoned properties exists, one of two screening mechanisms must be used to protect the residentially zoned property from visual and noise intrusions from the parking lot.
 - .1 A brick wall, at least 6'8" tall must be constructed either on the property line or at least four feet from the property line. The wall must run the entire length of the common property line if the rear yard of the office zoned lot abuts the residential lot. If the side yard of the office zoned land abuts the residential lot the wall must extend from the actual setback or the required setback of the principal structure on the residential lot, whichever is greater to the rear lot line of the office zoned lot. Lights may not be placed on the top of the wall.
 - .2 Screening other than a brick wall may be used to meet the requirements of this section and will be approved on a case by case basis by the Planning Commission. An applicant seeking approval of alternative screening must submit a plan to the Planning Commission which demonstrates how the proposal will accomplish the purpose of this section. The plan must include the following information.
 - .1 The boundary of the parking lot which is to be screened and the location of contiguous existing streets, railroad lines, watercourses, easements or other significant features of the area.
 - .2 The location of the zoning district boundaries in the area.
 - .3 The location of all existing dwelling units on residentially zoned property which abut the proposed parking lot, and the names and addresses of the owners of those dwelling units.

- .4 The scale of the plan, which should not be smaller than one hundred feet to the inch, a north arrow, and the date of submittal.
- .5 The original and the finished contours for the proposed parking lot and all abutting residentially zoned dwelling units, at intervals of not less than 2 feet. All elevations and contours should be referenced to Mean Sea Level Datum as established by the U. S. Coast and Geodetic Survey and extended by the City of Charlotte through its primary control system.
- .6 Elevation sketches and plan views, drawn to a scale of not less than one hundred feet to the inch, which show how the proposed screening method will shield the view from the abutting residentially zoned dwelling units of the proposed parking lot.
- .7 A small vicinity map showing the location of the site with respect to adjacent streets and properties.

Plans which fulfill the purpose of this section and comply with the information above will be reviewed and approved by the Planning Commission within 35 days of submission. The applicant may waive this time limit and request or consent to an extension. Failure by the Planning Commission to respond within the 35 day period constitutes approval of the application and a certificate to that effect must be provided to the applicant on demand.

If the Planning Commission disapproves the application, the reasons for the disapproval will be recorded in the minutes of the meeting. The decision of the Planning Commission may be appealed to the City Council. The City Council may modify or overturn any or all of the Planning Commission's action.

A building permit for the use with which the parking area is associated may not be issued until the alternate screening plan is approved.

- .3 This screening requirement does not apply if the parking area is located more than 40 feet from the property line of the residentially zoned property.
- .4 Nothing in this section exempts any property from complying with the screening standards of Section 1601 of this ordinance, or the standards in Chapter 22 of the City code relating to trees and other planting requirements to the extent that these other provisions apply to the property in question.

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

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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 March, 1984, the reference having been made in Minute Book 81, and recorded in full in Ordinance Book 33, at page 42-44.

Pat Sharkey, City Clerk

ORDINANCE NO. 1505-Z

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 .50 acre site off Park Road southwest of the Dilworth Kroger Sav-On from O-6 and B-1 to B-1(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 3201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 3202.1 and 3202.2, 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 1300 and a public hearing was held on January 30, 1984; 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 3202.3:

1. The policies and objectives of the comprehensive plan, particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts on 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 Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from O-6 and B-1 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 northwesterly corner of the Paul David Fisher property, tax parcel 121-101-26; 1) thence S.00-04E. 44.0 feet; 2) thence S.33-15E. 88.60 feet; 3) thence due east 61.0 feet; 4) thence S.24-41-29W. 49.3 feet; 5) thence S.65-11-29W. 158.0 feet; 6) thence N.04-50-22W. 225.0 feet; 7) thence N.86-00-00E. 70.0 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.

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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 March, 19 84, the reference having been made in Minure Book 81, and is recorded in full in Ordinance Book 33, at page 45-46.

Pat Sharkey
City Clerk

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Petition No. 84-8
City of Charlotte -
Community Development
Department

ORDINANCE NO. 1506-Z

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

Section 1. That Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from O-6 to U-MUD on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point, said point being the most northwesterly corner of East Third Street and South Alexander Street; 1) thence N.42-44-57W. 298.64 feet; 2) thence R. 20 feet. 32.95 feet; 3) thence N.50-56-14E. 307.10 feet; 4) thence R. 20 feet. 30.12 feet; 5) thence S.42-44-57E. 298.64 feet; 6) thence R. 20 feet. 32.62 feet; 7) thence S.50-41-23W. 303.23 feet; 8) thence R. 20 feet. 29.97 feet to the point or place of BEGINNING.

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 19th day of March, 19 84, the reference having been made in Minute Book 81, and is recorded in full in Ordinance Book 33, at page 47.

Pat Sharkey
City Clerk