

December 16, 1985
Ordinance Book 34 - Page 178

ORDINANCE NO. 1835

AN ORDINANCE AMENDING APPENDIX A
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. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

1. Amend Section 3003 by deleting items .6, .9, .11, and .15 and indicate that those numbers are reserved.
2. Amend Section 3013.7 by deleting all of the language after the word "centers" and by substituting the following new language.

Subject to the regulations in Section 3119

3. Amend Section 3013.10 and 3013.12 by deleting all of the language after the word "organizations" in .10 and all of the language after the word "clients" in .12 and by substituting the following new language to each.

Subject to the regulations in Section 1626

4. Amend Section 3013.16 by deleting all of the language after the word "aged" and by substituting the following new language.

Subject to the regulations in Section 3122

5. Amend Section 3033 by deleting items .10 and by indicating that that number is reserved.
6. Amend Section 3119.2 by inserting the words "multifamily residential," between the words "in" and "institutional" in the first sentence.
7. Amend Section 3122 by adding the words "multifamily," between the words "the" and "office" and by deleting the following language from the first sentence.

and as a Minor Special Use in residential districts

8. Amend Section 3122.1 by deleting second sentence.
9. Amend Section 3122.1 by deleting all references to any single family district and the R-2OMF district as well as any and all accompanying standards from the chart.
10. Amend Section 3304 by substituting the word "any" for the words "a major" in the 4th sentence, and by deleting the 5th sentence in its entirety.

- 11. Amend Section 3317.1.9 by deleting this item and by renumbering the remaining items .9 through .12 respectively.
- 12. Amend Section 3319.1 by deleting items .1, .2, and .4 completely, by deleting the word "fraternal" from item .3, and by redesignating items .3 and .5 as .1 and .2.
- 13. Amend Section 1626.1 by adding the words "fraternal organization," after the words "art galleries" in the first sentence.
- 14. Amend Section 3313 by deleting the existing title and language and by substituting the following new title and language.

Recognition of certain approved special use permits.

Approved special use permits for uses listed below, which are no longer allowed by Section 3300, will be recognized for building permit and other administrative purposes provided that construction of at least 50% of the project governed by the special use permit is completed within two years after the effective date of any amendment which deletes a special use permit use. If, however, at least 50% of the project governed by the special use permit is not completed within two years of the effective date of any amendment which deletes a special use permit use, the special use permit will be considered null and void and an application for rezoning and approval of the rezoning would be required to be able to complete the proposed project.

- 1. Day care centers in single family and resort residential districts - 12/16/85.
- 2. Fraternal organizations in single family and resort residential districts - 12/16/85.
- 3. Group homes for 7 to 10 clients in single family and resort residential districts - 12/16/85.
- 4. Nursing homes, rest homes and homes for the aged in single family and resort residential districts - 12/16/85.
- 5. Dwellings, one family attached; dwelling, condominium; dwellings, multifamily, a single building on a lot; and dwellings, Planned Multifamily Developments in the Institutional District - 12/16/85.

[Editor's Note. The date following each of the above listed deleted uses is the date of the amendment which deleted that use.]

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Section 2. That all applications for special use permits properly filed with the Planning Commission before October 21, 1985 shall be considered and either granted or denied within one year of filing by the Minor Special Use Permit Board or the Charlotte City Council pursuant to the regulations in effect on the date that the application is filed, and to this extent and to this extent only and for this purpose only the portions of the Charlotte Zoning Ordinance which are deleted hereby shall remain in full force and effect after the effective date of the adoption of this ordinance.

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 16th day of December, 1985, the reference having been made in Minute Book 85, and recorded in full in Ordinance Book 34, at page 178.

Pat Sharkey, City Clerk

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Petition No. 85-70
Rice Development Corp.

ORDINANCE NO. 1846-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 17.65 acre site southwest of Lawyers Road, northwest of McAlpine Creek from R-9 to R-9MF(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 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 October 21, 1985; 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 R-9 to R-9MF(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BEGINNING at a point, said point being the northwest corner of parcel 135-132-07 which is the northeast corner of said parcel at Lawyers Road right-of-way; 1) thence S.31-17-51W. 1046.16 feet to a point; 2) thence N.48-15-00W. 603.85 feet to a point; 3) thence N.28-02-05E. 1082.08 feet to a point; 4) thence S.46-33-06E. 215.00 feet to a point; 5) thence S.48-33-08E. 554.48 feet to the point and place of BEGINNING.

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

180(b)

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

APPROVED AS TO FORM:

Henry W. Underhill Jr.
Henry Underhill, City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 16th day of December, 1985, the reference having been made in Minute Book 85, and recorded in full in Ordinance Book 34, beginning on Page 180(a).

Pat Sharkey
City Clerk