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ORDINANCE NO. 1687

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 23-1005 by deleting all of the first sentence after the word "entitled" and by substituting the following new language.

"Charlotte-Mecklenburg County, North Carolina Zoning Maps" adopted by the Charlotte City Council May 1, 1985.

- 2. Amend Section 1006 by adding two new paragraphs as follow:

1006.6. In instances when a zoning case file contains detailed information regarding the boundary, that information will be used as the correct boundary location.

1006.7. In instances where none of the above methods are sufficient to resolve the boundary location, the reasonable maintenance of a regular boundary will be used to establish the boundary location.

- 3. Amend Section 23-1006 by adding a new paragraph as follows:

1006.8. If it is alleged by any party that an error exists on the zoning maps with respect to any zoning district designation, zoning district boundary, special use permit or conditional district boundary, historical district boundary, the lines showing the effective dates of zoning enactment, or any other matter with respect to the provisions of this ordinance relating to zoning information, the party may request a review of the alleged error by the Planning Commission.

The staff of the Planning Commission will evaluate any alleged map error using all available materials and records. These materials may include, but are not limited to the following:

- .1 tax map, current or historic
- .2 legal descriptions of properties or boundaries
- .3 historical zoning maps
- .4 zoning case history maps
- .5 tax records, current or historic
- .6 zoning and special use permit case files

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- .7 official maps from other jurisdictions
- .8 topographic and planimetric maps and aerial photos
- .9 other documentable information

The staff will report to the Planning Commission and present its findings regarding the alleged error. If the staff determines that an error exists as alleged, then the Planning Commission may institute a corrective map amendment at no cost to the complaining party. If the staff determines that no error exists, the complaining party may present evidence or documentation to the Planning Commission sufficient to overturn the finding of the staff. If the Planning Commission accepts the evidence of the complaining party and thus overturns the finding of the staff, the Planning Commission will institute a corrective map amendment. If the Planning Commission accepts the findings of the staff, no further action will be taken on the matter.

This provision for Planning Commission review of alleged map errors will be in effect for a period of five years from the effective date of the adoption of the new zoning map set entitled "Charlotte-Mecklenburg County, North Carolina Zoning Maps". After that date, all matters involving interpretation of information on the zoning maps will be made by the Zoning Administrator and the Board of Adjustment.

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

Approved as to form:

*Henry W. Clendinning, Jr.*  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of March, 1985, the reference having been made in Minute Book 83, and recorded in full in Ordinance Book 33, at page 428-429.

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Pat Sharkey, City Clerk

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Petition No. 84-91  
OHM Investments, Inc.

ORDINANCE NO. 1688-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 2.69 acre site at Waffle House Drive and Blairhill Road bounded by I-77 and Bowman Road from B-D 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 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 December 17, 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 B-D to B-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BEGINNING at a point in the southerly margin of Bowman Road, said point being the northwesterly corner of Lot 21 as shown on a map of York Road Park, Section 2, recorded in Map Book 6, Page 63 of the Mecklenburg County Registry, and running thence from said point of beginning with the southerly margin of Bowman Road N.32-54W. 33.93 feet to a point; thence with the arc of a curve to the right having a radius of 75 feet, an arc distance of 82.16 feet to a point; thence N.29-52E. 83.84 feet; thence with the arc of a curve to the left, having a radius of 25 feet, an arc distance of 31.72 feet; thence N.42-50W. 143.64 feet to a point located at the westerly terminus of Bowman Road; thence N.45-48E. 110.15 feet to a point located in the centerline of an unpaved 30 foot road known as Blairhill Road;

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thence with the centerline of said Blairhill Road N.72-45W. 146.32 feet to a point; thence N.69-50W. 5 feet, more or less, to the southeasterly right-of-way line of Project #8.165703 of North Carolina State Highway Commission, said Project being more fully described in that certain Civil Action known as Summons Docket No. 64-638 in the office of the Clerk of Superior Court of Mecklenburg County, North Carolina, and running thence with said right-of-way line 480 feet, more or less, to the point of intersection of said right-of-way line with the northerly margin of Lot 11 in Block 4 as shown on a map of a portion of York Road Park, Section 2, recorded in Map Book 1580, at page 411, of the Mecklenburg County Registry; thence with the northerly margin of said Lot 11 N.86-57-50E. 60 feet, more or less, to a point located at the common corners of Lots 11 and 10 as shown on said map of York Road Park, Section 2; thence with the rear or northeasterly margin of Lot 10 as shown on said map, S.51-45-10E. 182.96 feet to a point; thence with the northerly margin of Lot 2 in Block 4 as shown on a map of York Road Park, Section 2, recorded in Map Book 6, page 63 of the Mecklenburg County Registry; N.48-39E. 189.28 feet to the point or place of BEGINNING; containing 2.69 acres, more or less, and being a portion of the property described as the Fourth Tract in that certain deed dated January 10, 1962, from Realty Investment and Building Company to the party of the first part herein, recorded in Book 2335, page 498, Mecklenburg Registry.

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.*  
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 18th day of March, 1985, the reference having been made in Minute Book 83, and recorded in full in Ordinance Book 33, beginning on Page 430-431.

Pat Sharkey  
City Clerk

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Petition No. 84-92  
OHM Investments, Inc.

ORDINANCE NO. 1689-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 R-6MF to B-1 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

The BEGINNING POINT is an iron located on the right-of-way margin of Waffle House Drive, also being the northeasterly corner of Lot 17, Block 10-A, as shown on the map of WHISPERING PINES Subdivision, recorded in Map Book 4, Page 261 of the Mecklenburg County Register of Deeds' Office. The BEGINNING POINT is also the northeasterly corner of the property conveyed to Ravindra C. Patel, by Deed from Charles M. Carroll, such Deed being dated August 9, 1984, and recorded August 10, 1984, in Book 4883, Page 626 of the Mecklenburg County Register of Deeds' Office. Running from the BEGINNING POINT N.49-12-17W. 141.65 feet to a new iron on the easterly right-of-way margin of Interstate Highway 77; thence with the easterly right-of-way margin of Interstate Highway 77 N.42-06-16E. 56.76 feet to a new iron; thence S.49-12-17E. 156.65 feet to an old iron on the westerly right-of-way margin of Waffle House Drive; thence with the westerly right-of-way margin of Waffle House Drive S.56-50-04W. 59.05 feet to the BEGINNING POINT, containing 0.194 acres as more particularly shown and delineated on a boundary and physical survey dated August 29, 1984, by Robert Earl Stephenson.

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. Clendenhill Jr.*  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of March, 1985, the reference having been made in Minute Book 83, and is recorded in full in Ordinance Book 33, at page 432.

Pat Sharkey  
City Clerk

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Petition No. 85-4  
Charlotte-Mecklenburg  
Planning Commission

ORDINANCE NO. 1690-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 B-2 to U-MUD on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEING various tracts of land located in the Uptown area of the City of Charlotte and more specifically shown on the attached map.

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.

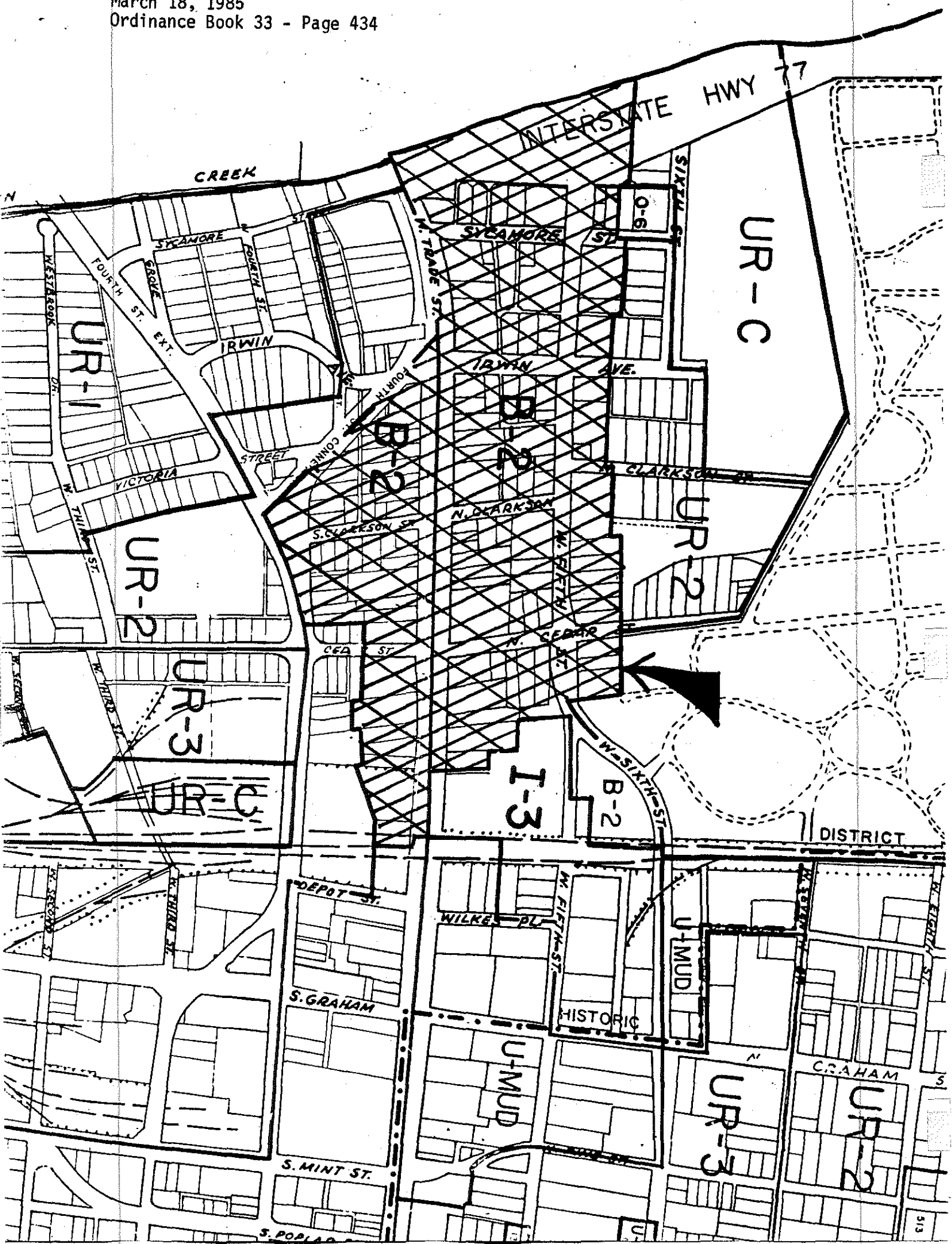
APPROVED AS TO FORM:

*Henry W. Clendenen Jr.*  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of March, 19 85, the reference having been made in Minute Book 83, and is recorded in full in Ordinance Book 33, at page 433-434.

Pat Sharkey  
City Clerk

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Petition No. 85-11  
Robert Young and  
T. Redmond

ORDINANCE NO. 1691-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 R-9MF to R-9 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEING various tracts of land located along Finchley Drive between Shamrock Drive and Jennie Linn Drive in the City of Charlotte and more specifically shown on the attached map.

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. Chadwick Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of March, 1985, the reference having been made in Minute Book 83, and is recorded in full in Ordinance Book 33, at page 435-436.

Pat Sharkey  
City Clerk



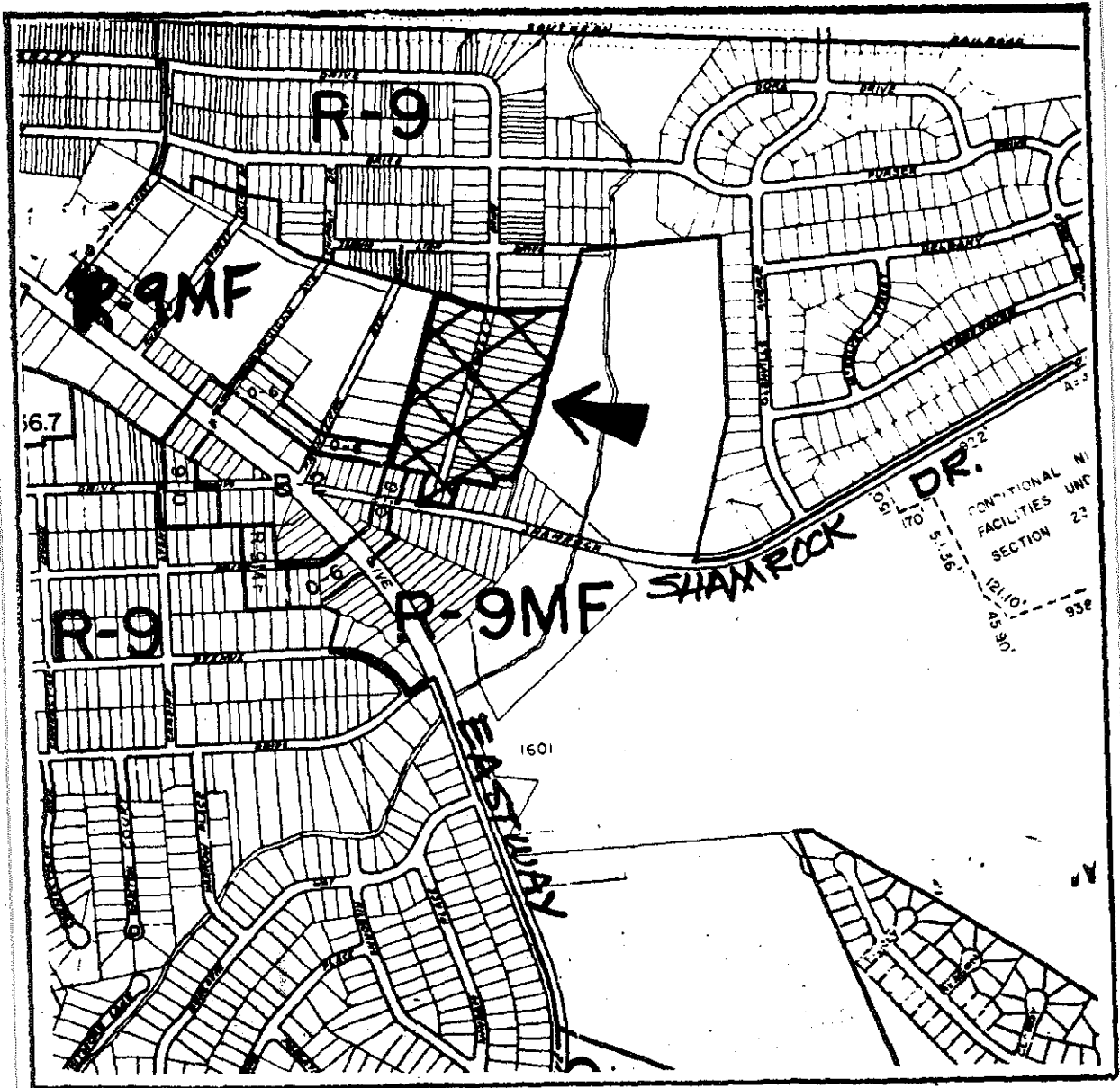
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PETITIONER Robert Young and T. Redmond

PETITION NO. 85-11 HEARING DATE February 18, 1985

ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED R-9

LOCATION The area along both sides of Finchley Drive between  
Shamrock Drive and Jennie Linn Drive



ZONING MAP NO. 20

SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

