

May 20, 1985
Ordinance Book 33 - Page 483

Petition No. 85-15
Susan and William
Williamson

ORDINANCE NO. 1725-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-15 to R-12 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point in the center line of Sharon View Road, said point being the southeasterly corner of the property conveyed to Edward A. Baker by Deed recorded in Book 2246, at page 166 of the Mecklenburg Public Registry, and running thence from said BEGINNING point with the line of Baker (now or formerly) in three (3) courses as follows: (1) N. 36-46 E. 265.0 feet to an old iron; (2) N. 56-34 E. 120.33 feet to an iron; (3) N. 41-25-30 E. 339.04 feet to an old iron; thence S. 78-12 E. 154.24 feet to a point; thence S. 25-45-30 E. 123.18 feet to a point in Swan Run Branch; thence with Swan Run Branch in four (4) courses as follows: (1) S. 14-25-20 W. 258.63 feet; (2) S. 10-35-10 W. 91.66; (3) 32-19 W. 44.18 feet; and, (4) S. 9-45 W. 165-96 feet to a point in the center line of Sharon View road; thence with said center line of Sharon View Road in two (2) courses as follows: (1) N. 84-47-30 W. 54.90 feet; and, (2) in a westerly direction with the arc of a circular curve to the right having a radius of 823.54 feet a distance of 424.65 feet to the point and place of BEGINNING; and, CONTAINING 4.864 acres, all as shown by survey of Reece F. McRorie, R.S., dated November 19, 1980.

BEING the same property conveyed to the parties of the first part of Deeds recorded in Book 4028, at pages 458 and 460 of the Mecklenburg Public 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. Chandler 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 May, 19 85, the reference having been made in Minute Book 84, and is recorded in full in Ordinance Book 33, at page 483.

Pat Sharkey
City Clerk

May 20, 1985
Ordinance Book 33 - Page 484

Petition No. 85-17
Issac and Abraham
Luski, et. al.

ORDINANCE NO. 1726-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 7.2 acre site along the northeast side of Pence Road, west of Harrisburg Road from R-15 to R-12MF(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 March 18, 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 on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BEGINNING at a point, said point being the most southwesterly corner of the property conveyed to Issac and Abraham Luski, tax parcel 108-031-28; and running thence from said beginning point with the property line of Pierce Realty Co., Inc. N. 56-31-20 E; thence heading easterly following the Southern Railroad track; thence to a point southeasterly N. 20-57 E.; thence to a point west following Pence Road to the point and place of beginning.

May 20, 1985
Ordinance Book 33 - Page 485

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 20th day of May, 19 85, the reference having been made in Minute Book 84, and recorded in full in Ordinance Book 33, beginning on Page 484.

Pat Sharkey
City Clerk

May 20, 1985
Ordinance Book 33 - Page 486

Petition No. 85-19
City of Charlotte
Community Development
Department

ORDINANCE NO. 1727-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 I-2 to R-9MF on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point, said point being the most northeasterly corner of the property conveyed to the City of Charlotte and running thence to a point northwesterly S. 79-44-25 E.; to a point northerly S. 19-57-53 E.; thence to a point northwesterly S. 79-25-31 E.; thence northerly to a point S. 25-15-30 E.; S. 02-37-13 E.; thence to a point northwesterly S. 53-23-44 E.; S. 53-19-30 E.; thence to a point westerly N. 75-06-00 E.; N. 73-15-04 E.; thence to a point southerly following Condon Street N. 27-34-13 W.; thence to a point northeasterly S. 16-29-43 W.; following the City of Charlotte Pinewood Cemetery property 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.

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

APPROVED AS TO FORM:

Henry W. Zanderbee 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 May, 19 85, the reference having been made in Minute Book 84, and is recorded in full in Ordinance Book 33, at page 486.

Pat Sharkey
City Clerk

May 20, 1985
Ordinance Book 33 - Page 487

Petition No. 85-23
Patrick M. Nesbitt

ORDINANCE NO. 1728-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 71± acre site along I-77 at Nations Ford Road from R-9 to B-D(CD), 0-15(CD), and R-9(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 April 15, 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 B-D(CD), 0-15(CD), and R-9(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

R-9 to R-9(CD)

BEGINNING at a point, said point being in the most northwesterly corner and running 1) thence N.27-03-46E., 552.69 feet; 2) thence S.84-15E., 161.68 feet; 3) thence N.65-42-15E., 328.35 feet; 4) thence N.62-04E., 134 feet; 5) thence N.56-35E., 165 feet; 6) thence N.53-12E., 445 feet; 7) thence N.49-55E., 257 feet; 8) thence N.47-37-36E., 270 feet; 9) thence R=272.26, L=216.55 feet; 10) thence N.80-30-E., 337.34 feet; 11) thence R=575.73, ARC=568.74 feet; 12) thence N.23-54E., 176.22 feet; 13) thence R=209.40, ARC=186.60 feet; 14) thence N.74-56-13E. 170 feet; 15) thence

May 20, 1985
Ordinance Book 33 - Page 488

S.15-20-13E., 543.28 feet; 16) thence S.81-36-17W., 18.86 feet; 17) thence R=1716.78, L=375.23 feet; 18) thence S.80-04-38W., 269.84 feet; 19) thence N.12-14-17W., 35.05 feet; 20) thence S.82-19-40W., 1403.97 feet; 21) thence S.57-06-12W., 95.28 feet; 22) thence S.49-51-35W., 47.53 feet; 23) thence S.54-09-37W., 80.48 feet; 24) thence S.38-03-16W., 107.07 feet; 25) thence S.87-07-05W., 33.22 feet; 26) thence S.22-35-33W., 55.93 feet; 27) thence S.81-36-59W., 47.54 feet; 28) thence S.57-50-05W., 59.33 feet; 29) thence S.38-12-43W., 64.27 feet; 30) thence S.56-39-58W., 48.10 feet; 31) thence S.50-21-55W., 290.73 feet; 32) thence S.78-31-37W., 114.27 feet; 33) thence S.59-36-30W., 56.78 feet; 34) thence N.87-18-54W., 18.08 feet; 35) thence S.57-06-37W., 35.29 feet; 36) thence S.85-18-60W., 45.94 feet; 37) thence S.57-15-10W., 25.99 feet; 38) thence S.14-04-50W., 35.48 feet; 39) thence N.79-09-32W., 28.59 feet; 40) thence S.55-57-12W., 32.18 feet; 41) thence S.66-52-40W., 92.39 feet; 42) thence S.87-49-05W., 42.55 feet; 43) thence N.41-14-35W., 13.49 feet; 44) thence S.73-03-36W., 15.49 feet; 45) thence N.78-37-56W., 71.54 feet; 46) thence N.27-03-46W., 414.58 feet; 47) thence N.88-39-44W., 100 feet to the point or place of BEGINNING.

R-9 to B-D(CD)

BEGINNING at a point and said point being in the most northwesterly corner and running 1) thence N.32-22-31E., 501.52 feet; 2) thence N.33-42-40E., 194.59 feet; 3) thence N.39-03-53E., 127.85 feet; 4) thence N.44-24-45E., 194.78 feet; 5) thence N.45-45-49E., 1136.66 feet; 6) thence S.41-39-26E., 9.8 feet; 7) thence N.45-46-24E., 499.27 feet; 8) thence N.40-20-49W., 10 feet; 9) thence N.45-52-20E., 400.03 feet; 10) thence N.87-42-01E., 280 feet; 11) thence S.2-17-59E., 782.01 feet; 12) thence S.80-30W., 70 feet; 13) thence L=216.55, R=272.26 feet; 14) thence S.47-37-36W., 270 feet; 15) thence S.49-55W., 257 feet; 16) thence S.53-12W., 445 feet; 17) thence S.56-35W., 165 feet; 18) thence S.62-04W., 134 feet; 19) thence S.65-42-15E., 328.35 feet; 20) thence N.84-15W., 161.68 feet; 21) thence S.27-03-46W., 552.69 feet; 22) thence S.88-39-44E., 358.23 feet to the point or place of BEGINNING.


R-9 to 0-15(CD)

BEGINNING at a point, said point being in the most northwesterly corner and running 1) thence N.87-42-01E., 1028.85 feet; 2) thence S.15-20-13E., 125 feet; 3) thence S.74-56-13W., 170 feet; 4) thence R=209.40, ARC=186.60 feet; 5) thence S.23-54W., 176.22 feet; 6) thence R=575.73, ARC=568.74 feet; 7) thence S.80-30W., 267.34 feet; 8) thence N.2-17-59W., 782.01 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.

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

APPROVED AS TO FORM:


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 20th day of May, 19 85, the reference having been made in Minute Book 84, and recorded in full in Ordinance Book 33, beginning on Page 487

Pat Sharkey
City Clerk

May 20, 1985
Ordinance Book 33 - Page 489

Petition No. 85-25
W. J. Hilton, Jr.

ORDINANCE NO. 1729-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 4.2 acre site at the west of Philemon Street off Craighead Road from I-1 to I-2(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 April 15, 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 on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BEGINNING at a point, said point being the most northwesterly corner of the property conveyed to W. J. and Frances V. Hilton, and running thence southwesterly N. 8-49-00 W.; N. 7-45-00 W.; thence to a point easterly S. 82-15-00 W.; thence to a point southwesterly N. 8-49-00 W.; thence to a point easterly S. 82-15-00 W.; thence to a point northeasterly S. 82-15-00 W.; thence to a point southeasterly N. 8-49-00 W.; thence to a point easterly S. 82-15-00 W.; thence northwesterly following the branch and the property of Abernethy Lumber Company; thence southwesterly 85.03 feet along the Floyd Benton Long property to the point and place of beginning.

May 20, 1985
Ordinance Book 33 - Page 490

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 Underhill by J. H. [Signature]
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 20th day of May, 1985, the reference having been made in Minute Book 84, and recorded in full in Ordinance Book 33, beginning on Page 489.

Pat Sharkey
City Clerk

May 20, 1985
Ordinance Book 33 - Page 491

Petition No. 84-68
Francis C. Proctor, Jr.
John S. Proctor, Jr.

ORDINANCE NO. 1730-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 1.1 acre site along the easterly side of Statesville Avenue about 325 feet north of Kohler Avenue from I-2(CD) to I-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 October 15, 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 on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BEGINNING at a point, said point being the most northwesterly corner of the property conveyed to Francis C. Proctor, Jr. and John S. Proctor, Jr., tax parcel 79-48-52; thence following Statesville Avenue southerly 149.10 feet 52-5-20 E. to a point; thence easterly 302.43 feet N. 87-03-40 E. following the property line of Damon Stinson, tax parcel 079-48-22; thence northeasterly 180.87 feet S. 39-56-00 W. following the property line of Robert Taft et. al., tax parcel 079-48-28; thence westerly 413.02 feet N. 87-56-10 E. following the property line of Arthur E. Grier Jr., tax parcel 079-48-21 to the point and place of beginning.

May 20, 1985
Ordinance Book 33 - Page 492

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 20th day of May, 1985, the reference having been made in Minute Book 84, and recorded in full in Ordinance Book 33, beginning on Page 491.

Pat Sharkey
City Clerk

May 20, 1985
Ordinance Book 33 - Page 493

ORDINANCE NO. 1731

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 1302 by deleting the last sentence and by substituting the following new language

The filing fees for various types of petitions are set out below.

Size of Parcel	Application Fee
5 acres or less	\$100.00
Over 5 acres but not more than 50 acres	\$300.00
Over 50 acres but not more than 100 acres	\$400.00
Over 100 acres	\$500.00

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 20th day of May, 1985, the reference having been made in Minute Book 84, and recorded in full in Ordinance Book 33, at page 493.

Pat Sharkey, City Clerk

May 20, 1985
Ordinance Book 33 - Page 494

ORDINANCE NO. 1732

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 1012 by adding the following new language:

1012.4. Driveways in a research, institutional, office, business or industrial district may be used to provide access to uses in any of these districts which are located on lots which do not abut a street. Any such lot, which existed prior to the effective date of this section, may be used as if it abutted a street provided that it is served with a driveway built to appropriate standards located on a permanent, recorded easement.

Nothing in this section exempts any property from the provisions of the subdivision ordinance which regulate the division of land. In any case when there appears to be contradicting or overlapping standards or requirements, the more restrictive standard or requirement will control.

2. Add a new Section 1207 as follows

1207. Citation for Certain Violations. In addition to the other remedies cited in this section for the enforcement of the provisions of this ordinance, the regulations and standards in Section 2100 relating to signs may be enforced through the issuance of citations by the Zoning Administrator. These citations are in the form of a civil penalty. The City may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within 72 hours after being cited for a violation. In addition, failure to pay the civil penalty within 72 hours may subject the violator to criminal charges. The following civil penalties are established for violations under this section.

Warning citation	Correct violation within 10 days
First citation	\$10.00
Second citation for same offense	\$25.00
Third and subsequent citations for same offense	\$50.00

These civil penalties are in addition to any other penalties which may be imposed by a court for violation of the provisions of the zoning ordinance.

3. Amend Section 1405 by adding the following new language:

If any aggrieved party wishes to receive a written copy of the decision of the Board, then the aggrieved party, as stated in N. C. General Statutes § 160A-388(e), must file a written request for a copy of the Board's decision with the Secretary or Chairperson of the Board at the time of the hearing of the case.

If no aggrieved party files a written request for a copy of the decision at the time of the hearing of the case, then any petition for a review of the Board's decision in the nature of certiorari by Superior Court must be filed with the Clerk of Superior Court within thirty days after the decision of the Board is filed in the Charlotte-Mecklenburg Building Standards Department. Upon the filing of the decision in the Building Standards Department, the Zoning Administrator will make a notation on the filed decision stating the date upon which the decision has been filed.

If any aggrieved party has filed a written request for a copy of the decision at the time of the hearing of the case as stated in N. C. General Statutes § 160-388(e), then a decision of the Board may be delivered to that aggrieved party either by personal service or by registered or certified mail return written receipt requested.

That aggrieved party, who has filed a written request for a copy of the decision at the time of the hearing of the case, will have 30 days from receipt of the decision of the Board to file the petition for review in the nature of certiorari in Superior Court with the Clerk of Superior Court, or will have 30 days from the date of the filing of the decision in Building Standards Department, by the Zoning Administrator, as stated above, whichever is later.

4. Amend Section 1624 by adding a new sentence as follows:

The provisions of this section do not apply to fences and walls in the Urban Residential districts.

5. Amend Section 1629.2 by deleting the third sentence and by substituting the following new language:

A certificate of appropriateness must be issued by the commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of G. S. Chapter 160A, Article 19, Part 3A.

and by adding the following new paragraph:

"Exterior features" includes the architecture style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor

May 20, 1985
Ordinance Book 33 - Page 496

advertising signs, "exterior features" means the style, material, size, and location of all such signs. "Exterior features" also includes color and important landscape and natural features of the area.

6. Amend Section 2109.1 by making the word "building" singular in lines 6 and 8, and by adding the word "principal" before the word "building" in lines 6 and 8.

7. Amend Section 3051.2.3 by adding the following new language.

Business or office uses are not permitted as free standing uses but may be combined with residential uses in the same structure.

8. Amend Section 3051 by adding a new paragraph as follows:

3051.5.5. Building Separation. The minimum building separation between buildings on a multiple building site in any UR district is 10 feet.

9. Amend Section 3053.6.6 by deleting the present language and by substituting the following new language:

City Code § 10-16, "Collection practices," (4), "Central Business District and Tryon Street Mall" applies to a geographic portion of the Uptown Mixed Use District as described in Code § 10-16(4)."

10. Amend Section 3062 by deleting items 50 and 90 and by indicating that 50 and 90 are reserved.

11. Amend Section 3310.1 by deleting the third sentence and by substituting in its place the following new language:

Evidence presented at the hearing on the proposed modification will be limited to the effect of the proposal on the original special use permit, any plans or conditions which were a part of the original special use permit, and the present standards and requirements in this zoning ordinance. If there are no standards and requirements in this zoning ordinance applicable to the original special use permit that was approved, then the standards and requirements at the time of the adoption of the original special use permit will be applied.

12. Amend Section 3311.1 by deleting the present language in its entirety and substituting in its place the following new language.

The superintendent of the Building Standards Department will have the authority to issue a notice of violation of a special use permit. The notice of violation will provide 30 days to correct the violation. If the violation is not corrected to the satisfaction of the superintendent, then the superintendent has the authority to send a letter of revocation of the special use permit. The owner of the property will have 30 days from receipt of the letter of revocation of the special use permit to appeal the violation determination of the superintendent to the violation to the Zoning Board of Adjustment pursuant to Section 1400.

May 20, 1985
Ordinance Book 33 - Page 497

Subsequent to the completion of any appeals provided for in Section 1400 pertaining to the revocation of a special use permit, the special use for which the special use permit was granted must cease and the future use of the property must be in conformance with the standards of this ordinance for the district where the property is located. Any use or development of the property commenced pursuant to the special use permit must conform or be brought into conformance with the standards of the district where the property is located.

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

Approved as to form:

Henry W. Chandler 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 May, 1985, the reference having been made in Minute Book 84, and recorded in full in Ordinance Book 33, at page 494.

Pat Sharkey, City Clerk





