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ORDINANCE NO. 2077-X

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "DAVID HENDERSON HOUSE" (THE EXTERIOR AND THE INTERIOR OF THE HOUSE AND THE ENTIRE LOT UPON WHICH THE HOUSE IS LOCATED) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 1510 RUSSELL AVENUE, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 075-061-04 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, Part 3B, 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 17th day of November, 1986, on the question of designating a property known as the "David Henderson House" as historic property; and

WHEREAS, the "David Henderson House", erected c. 1830, is one of the few ante-bellum plantation houses which survive within the current boundaries of the City of Charlotte;; and

WHEREAS, the "David Henderson House" is a locally significant example of a Federal Style plantation house; and

WHEREAS, David Henderson (1805-1879), the original owner and occupant, was a prominent cotton planter of the nineteenth century, who also participated in the economic life of Charlotte; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the

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"David Henderson House" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "David Henderson House" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "David Henderson House" is vested in fee simple to Matthew Brown and wife, Lillie Mae Brown.

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

1. That the property known as the "David Henderson House" (the exterior and the interior of the house and the entire lot upon which the house is located) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 1510 Russell Avenue, Charlotte, North Carolina, and recorded on Tax Parcel Number 075-061-04 in the Mecklenburg County Tax Office.

2. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the

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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 may be placed on said property.

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5. That the owners and occupants of the property known as the "David Henderson House" be given 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 Standards 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 an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 1986, the reference having been made in Minute Book 87, and recorded in full in Ordinance Book 35, at Page(s) 212 - 215.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of November, 1986.

PAT SHARKEY, CITY CLERK

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ORDINANCE NO. 2078-X

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "HAMILTON C. JONES HOUSE" (THE EXTERIOR AND THE INTERIOR OF THE HOUSE AND THE ENTIRE LOT UPON WHICH THE HOUSE IS LOCATED) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 201 CHEROKEE ROAD, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 155-074-01 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, Part 3B, 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 17th day of November, 1986, on the question of designating a property known as the "Hamilton C. Jones House" as historic property; and

WHEREAS, the "Hamilton C. Jones House" is one of the finest local examples of the Tudor Revival style of architecture"; and

WHEREAS, the "Hamilton C. Jones House" was designed by Martin Boyer, an important figure in the history of architecture in Charlotte-Mecklenburg; and

WHEREAS, the "Hamilton C. Jones House" occupies a pivotal position in terms of the townscape of Eastover, one of Charlotte's premier suburbs, designed for the E. C. Griffith Company by Earle Sumner Draper; and

WHEREAS, the initial owner of the "Hamilton C. Jones House",

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Hamilton C. Jones (1884-1957), was a prominent attorney, jurist, civic leader, and, from 1946 until 1952, member of the United States House of Representatives; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Hamilton C. Jones House" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Hamilton C. Jones House" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Hamilton C. Jones House" is vested in fee simple to James A. Risser & Wife, Virginia C. Risser.

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

1. That the property known as the "Hamilton C. Jones House" (the exterior and the interior of the house and the entire lot upon which the house is located) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 201 Cherokee Road, Charlotte, North

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Carolina, and recorded on Tax Parcel Number 155-074-01 in the Mecklenburg County Tax Office.

2. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a 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.


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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 may be placed on said property.

5. That the owners and occupants of the property known as the "Hamilton C. Jones House" be given 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 Standards 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:


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 an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of November, 1986, the reference having been made in Minute Book 87, and recorded in full in Ordinance Book 35, at Page(s) 216 - 219.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of November, 1986.

PAT SHARKEY, CITY CLERK

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Petition No. 86-78
J. D. Sims and Company

APPROVED BY CITY COUNCIL

ORDINANCE NO. 2079-Z

DATE November 17, 1986

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 24.204 acre site adjoining I-77 north of Tyvola Road Extension and east of Nations Ford Road from R-9MF to B-1SCD; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 3210 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 and 3210.2 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 July 21, 1986; 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 3210.5:

- .1 Access to public streets and the adequacy of those streets to carry anticipated increased traffic.
- .2 On-site circulation for both pedestrian and vehicular traffic.
- .3 Adequacy of existing community facilities such as water, sewer, police and fire protection.
- .4 Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
- .5 For proposed shopping centers, the appropriateness of the proposal in relationship to the policies and objectives of the comprehensive plan and to a more detailed area plan, if available.

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 B-1SCD on the Official Zoning Map, City of Charlotte, N.C. the following described property:

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Tract A - R-9MF to B-1SCD

BEGINNING at a point located at the northeast intersection of the rights-of-way of Nations Ford Road (60 foot right-of-way) and Tyvola Road (60 foot right-of-way); thence with the eastern margin of Nations Ford Road right-of-way N.33-43-14E., 739.55 feet to an iron; thence N.32-12-43E., 129.14 feet to an iron; thence S.64-28-51E., 223.52 feet to an iron; thence N.25-31-09E., 30.00 feet to an iron; thence S.64-28-51E., 811.20 feet to an iron; thence S.16-45-35W., 479.74 feet to an iron on the right-of-way of Interstate 77; thence S.29-22-50W., 122.90 feet to an iron; thence N.60-36-22W., 65.84 feet to a concrete monument; thence S.50-50-20W., 55.01 feet to a concrete monument; thence S.25-38-57W., 230.49 feet to an iron; thence N.78-52-40W., 175.12 feet to an iron; thence N.64-30-00W., 250.45 feet to an iron; thence N.73-23-50W., 149.29 feet to an iron; thence N.68-43-51W., 70.30 feet to an iron; thence with a curved line to the right having a radius of 2,277.24, an arc length of 255.63 feet to an iron; thence N.56-32-27W., 240.33 feet to the point and place of BEGINNING, containing 23.321 acres.

Tract B - R-9MF to B-1SCD

BEGINNING at a point located at the southeast intersection of the rights-of-way of Nations Ford Road (60 foot right-of-way) and Tyvola Road (60 foot right-of-way); thence with the southern right-of-way of Tyvola Road S.56-32-27E., 239.20 feet to an iron; thence with a curved line to the left having a radius of 2,337.24, an arc length of 95.55 feet to an iron; thence S.33-37-04W., 18.08 feet to an iron; thence N.66-45-30W., 160.22 feet to an iron; thence S.51-56-03W., 119.01 feet to an iron; thence N.56-13-57W., 140.01 feet to an iron; thence with the right-of-way of Nations Ford Road N.33-43-14E., 156.67 feet to the point and place of BEGINNING, containing 0.702 acres.

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 17th day of November, 19 86, the reference having been made in Minute Book 87, and is recorded in full in Ordinance Book 35, at page 220.

Pat Sharkey
City Clerk

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APPROVED BY CITY COUNCIL
DATE November 17, 1986

Petition No. 86-100
Schurgin Development
Corporation

ORDINANCE NO. 2080-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 7.0995 acre site located on East Independence Boulevard north of Idlewild Road from B-2 and B-2(CD) to B-1SCD; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 3210 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 and 3210.2 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 September 15, 1986; 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 3210.5:

1. Access to public streets and the adequacy of those streets to carry anticipated increased traffic.
2. On-site circulation for both pedestrian and vehicular traffic.
3. Adequacy of existing community facilities such as water, sewer, police and fire protection.
4. Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
5. For proposed shopping centers, the appropriateness of the proposal in relationship to the policies and objectives of the comprehensive plan and to a more detailed area plan, if available.

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 and B-2(CD) to B-1SCD on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point in the easterly margin of the right-of-way of East Independence Boulevard, said Beginning Point marking the westerly corner

of the property owned by Carlson Properties, Inc. as described in deed recorded in Deed Book 4313, Page 395 in the Mecklenburg County Registry; thence from said Beginning Point with said easterly margin of the right-of-way of East Independence Boulevard N.34-23-40W., 295.17 feet to a point; thence N.55-36-20E. 750.0 feet to a point; thence S.34-23-40E., 480.17 feet to a point; thence S.55-36-20W., 475 feet to a point; thence with two (2) lines of Carlson Properties, Inc. as follows: (1) N.34-23-40W., 185.0 feet and (2) S.55-36-20W., 275.0 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.

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 17th day of November, 19 86, the reference having been made in Minute Book 87, and is recorded in full in Ordinance Book 35, at page 222.

Pat Sharkey
City Clerk