

ORDINANCE NO. 2631-X

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "NEWELL ROSENWALD SCHOOL" (THE EXTERIOR OF THE BUILDING, THE INTERIOR OF THE BUILDING, AND THE ENTIRE PARCEL OF LAND RECORDED UNDER TAX PARCEL NUMBER 049-051-16) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED ON TORRENCE GROVE CHURCH ROAD, CHARLOTTE, NORTH CAROLINA, AND RECORDED UNDER TAX PARCEL NUMBER 049-051-16 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 15th day of May, 1989, on the question of designating a property known as the "Newell Rosenwald School" as historic property; and

WHEREAS, the "Newell Rosenwald School" is one of the best-preserved of the twenty-one Rosenwald School buildings that survive in Mecklenburg County; and

WHEREAS, the former Rosenwald School buildings, including the "Newell Rosenwald School", are the earliest black school buildings known to survive in Mecklenburg County; and

WHEREAS, the Rosenwald Schools are a reminder of the Julius Rosenwald Fund's commitment to the improvement of black education and racial cooperation in the South in the early

twentieth century; and

WHEREAS, the former Rosenwald School buildings, including the "Newell Rosenwald School", denote the locations of black farm communities in Mecklenburg County, often now vanished; and

WHEREAS, the former Rosenwald School buildings, including the "Newell Rosenwald School", are local examples of one of America's largest non-residential experiments of standardized architecture in the early twentieth century; and

WHEREAS, the Rosenwald Schools are testimonials to the important contributions made to black education by Dr. George E. Davis; and

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

WHEREAS, the property known as the "Newell Rosenwald School" is vested in fee simple to the Trustees of Silver Set Lodge 327 F & A M.

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

North Carolina:

1. That the property known as the "Newell Rosenwald School" (the exterior of the building, the interior of the building, and the entire parcel of land recorded under Tax Parcel Number 049-051-16 in the Mecklenburg County Tax Office) 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 on Torrence Grove Church Road, Charlotte, North Carolina, and recorded under Tax Parcel Number 049-051-16 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

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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.

5. That the owners and occupants of the property known as the "Newell Rosenwald School" 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 15th day of May, 1989, the reference having been made in Minute Book 93, and is recorded in full in Ordinance Book 37, at page(s) 471-474.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th day of May, 1989.

Pat Sharkey, City Clerk

CITY CD

Petition No. 89-19
Mr. Harvey Gouch

ORDINANCE NO. 2632-7

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 .50 acres located on the southeasterly side of Dawn Circle between Old Concord Road and Orr Road northwest of North Tryon Street, changing R-9 to B-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 March 20, 1989; 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-2(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BOUNDARY DESCRIPTION
HARVEY W. GOUCH

BEGINNING at the intersection point of the southeasterly right-of-way line of Dawn Circle and the centerline of Eloise Avenue (unopened) and running thence with said centerline; S.48-00-26E. 114.57 feet; thence S.43-34-13W. 108.34 feet; thence S.30-58-47E. 10.06 feet; thence S.62-56-00W. 75.0 feet; thence N.30-58-47W. 146-39 feet to the aforementioned right-of-way of Dawn Circle; thence with said right-of-way; N.60-12-56E. 145.73 feet to the BEGINNING and containing .51 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:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of May, 19 89, the reference having been made in Minute Book 93, and is recorded in full in Ordinance Book 37, at page(s) 475-475A.

Pat Sharkey
City Clerk

APPROVED BY CITY COUNCIL

DATE MAY 15 1989

CITY CD

Petition No. 89-20
Optima Capital, Ltd.

ORDINANCE NO. 2633-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 4.92 acres located on the southerly side of N.C. Highway 51 between Blue Heron Drive and McMullen Creek, changing from R-12 to O-6(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 20, 1989; 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-12 to O-6(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BOUNDARY DESCRIPTION
OPTIMA CAPITAL, LTD.

BEGINNING at the southeasterly corner of a tract of land described in Deed Book 1913, Page 22 of the Mecklenburg Public Registry and running thence N.16-27-05E. 357.69 feet to the southerly right-of-way of North Carolina Highway 51; thence with said right-of-way two (2) courses as follows: (1) N.89-49-27W. 837.58 feet; (2) thence with a curve to the right having a radius of 2,914.79 feet an arc distance of 179.47 feet; thence S.04-25-31W. 105.28 feet; thence S.76-23-46E. 695.09 feet; thence S.07-24-55E. 261.17 feet to the BEGINNING and containing 4.92 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. 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 15th day of May, 19 89, the reference having been made in Minute Book 93, and is recorded in full in Ordinance Book 37, at page (s) 476-477.

Pat Sharkey
City Clerk

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3025. Area, Yard and Height Regulations. The following standards apply to uses in the research districts.

	<u>RE-1</u>	<u>RE-2</u>
Min. Lot Area	2 acres	4 acres
Min. Lot Width	200'*	400'*
Min. Side and Rear Yards	25' except 35' when adjacent to Resid. Zoning	35' for lots 4-10 acres; 50' for lots greater than 10 acres
Min. Street Side Yards on Corner Lots	40'	75' on lots 4-10 acres; 100' on lots greater than 10 acres
Min. Setback	40' except 100' on thoroughfares and collectors.	100' for lots 4-10 acres; 150' for lots greater than 10 acres
Max. Height	40'**	40'**
Min. Unobstructed Open Space	70%	70%

*Lots having any part of their frontage on the circular portion of a cul-de-sac right-of-way may use 100' in RE-1 and 200' in RE-2 as the minimum lot width.

**The height may be increased if minimum side and rear yards are increased by one foot for each two feet in building height over 40'.

3026. Development Standards for Various Uses. Uses in the research districts must be developed in accordance with the following standards.

- .1 Outside storage and utility lines.
 - .1 Outside storage of any materials, supplies or products shall not be permitted in the research districts.
 - .2 All non-public utility distribution lines must be placed underground in the research districts.
 - .3 A gate or security station may be located in a required yard or setback.
- .2 The following standards apply to satellite dishes and towers in the research districts.

- .1 Satellite dishes and towers are permitted only when they are a necessary part of a permitted use utilizing such equipment as part of its normal operation.
 - .2 Such dishes and towers may not be located within the setback area of any lot or within the street side yard of a corner lot.
 - .3 Screening shall be installed on the exterior sides of such dishes and towers in accordance with Section 1601. If walls are chosen for this screening, materials must be compatible with the exterior of other buildings on the site.
- .3 The following standards apply to all uses in the research districts.
- .1 At least one-half of the exterior depth of the setback, side and rear yards, except where driveway access or utility easements are required, must be maintained with existing vegetation and natural features. Under certain circumstances the retention of existing vegetation or natural features may be inappropriate or ineffective. In such cases an alternative landscaping and screening plan may be submitted to the Planning Director for consideration and approval. These plans must contain sufficient information to indicate why maintenance of existing conditions would be inappropriate or ineffective due to site design, topography, unique relationships to other properties, natural vegetation or other special considerations. Details of the proposed landscaping treatment shall indicate topographic changes as well as number, type and size of plant material. Within 20 days the Planning Director shall advise the applicant of the disposition of the alternate proposal. If no specific alternative plan can be approved the maintenance of existing features must be observed. It should be understood that the alternative plan procedure is strictly voluntary and that requirements other than those normally associated with the screening Section 1601 may be imposed in order to insure that the intent of this section is met.
 - .2 As a minimum the requirements of Section 1601, screening shall be enforced for all uses.
 - .3 An area equal to at least 10% of the paved surface of any parking area containing more than 20 spaces must be landscaped with plantings and trees. This requirement is in addition to any perimeter screening requirements for the parking areas and must be placed in the interior of the lot. The minimum width of landscaped islands or planting strips where provided shall be 8 feet. If a sidewalk is included in the planting strip, the landscaped area may be reduced to 6 feet.

3027. Signs. Signs are permitted in all research districts in accordance with the provisions of Section 2100 and in accordance with those standards below.
- .1 Signs in the Research District may be luminous.
 - .2 Signs lighted internally must be contained within an opaque background with only letters, numbers and symbols being translucent. The intent of this requirement is to provide signs which consist of lighted letters, numbers and symbols on an opaque background.
3028. Parking and Loading Standards. Development of any use in a research district must conform to the parking and loading standards in Section 2000 and with those standards below.
- .1 Parking of motor vehicles is not permitted in any required setback or in the front one half of any required exterior side yard of a corner lot or in the exterior one half of any interior lot line, except that on through lots adjacent to an Interstate Highway parking is permitted in the setback to within 50' of the Interstate right-of-way. The parking area must be paved with dust-free, all-weather surface and must be properly drained and landscaped. The space within the required setback must not be used as a maneuvering space for the parking of vehicles, except that driveways providing access to the parking area may be installed across the setback area.
 - .2 Underground parking structures are permitted in accordance with Section 2014."

2. Delete Section 3108 in its entirety.

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 15th day of May, 19 89, the reference having been made in Minute Book 93, and recorded in full in Ordinance Book 37, at page 478-482

Pat Sharkey, City Clerk