

ORDINANCE NO. 3050

ORDINANCE AMENDING APPENDIX A-ZONING

AN ORDINANCE AMENDING THE ZONING ORDINANCE, APPENDIX A-ZONING OF THE CODE OF THE CITY OF CHARLOTTE.

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

Section 1. Appendix A-Zoning, § 1202, "Enforcement Methods", of the City Code shall be amended by adding a new § 1202.5, "Citations", to read as follows:

"§ 1202.5 Citations.

.1 Issuance of citation and violator. The Zoning Administrator and Zoning Inspectors on the staff of the Zoning Administrator are empowered to issue citations to any person if there is a reasonable cause to believe that the person has violated any provision of this Zoning Ordinance, Appendix A-Zoning. A violator shall be deemed to be the owner of the premises, the agent of the owner authorized to be responsible for the premises, or the occupant of the premises. Citations may be directly issued to the occupant, lessee, or person having immediate beneficial use of the property. The non-occupant owner or agent responsible for the premises both have a duty to maintain the premises in compliance with the City's Zoning Ordinance. A citation shall not be issued to a non-occupant owner or agent for those premises unless there has been written notice delivered to the owner or agent, mailed to the last known mailing address as shown by public records, or by making other reasonable efforts to communicate the existence of the violation to the owner or agent.

.2 Amount of the citation. The initial citation for a violation shall be \$25.00. The violation shall be deemed to be a continuing violation and each day shall be deemed a separate violation. The issuance of a second citation for a violation that has not been corrected shall also be in the amount of \$25.00 upon the day of issuance, \$50.00 for the third citation, \$75.00 for the fourth citation, \$100.00 for the fifth citation, and \$100.00 thereafter. Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator or if the violator cannot be readily found, then the citation may be mailed.

.3 Delinquency charge. The citation shall direct the violator to make payment at the Mecklenburg County

Building Standards Department within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail. If the violator does not make such payment or does not pay the citation by mail within fifteen (15) days of the issuance, a delinquency charge of ten dollars (\$10.00) shall be added to the amount shown on the citation. The citation shall inform the violator that a civil complaint or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.

.4 Records. All citation forms shall be serially numbered in triplicate. Records of all citations shall be maintained so that all such forms shall be capable of being accounted for."

Section 2. This ordinance shall become effective upon 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 19th day of November, 1990, the reference having been made in Minute Book 97, and is recorded in full in Ordinance Book 39, at page(s) 259-2

Pat Sharkey,
City Clerk

APPROVED BY CITY COUNCIL
DATE 11/19/90

CITY B-1SCD

Petition No. 90-78
Faison Nesbitt Arrowood
Venture

ORDINANCE NO. 3051-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 26.827 acres located on the east side of I-77 extending from Nations Ford Road to Arrowood Road, changing from R-9(CD) & O-15(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 October 15, 1990; 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-9 to B-1SCD on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point which is located within the right-of-way of Nations Ford Road (60 foot right-of-way), which point is located S.77-24-04W. 9.04 feet from the intersection of the centerline of Farmhurst Drive with the centerline of the right-of-way of Nations Ford Road; thence, from said point of BEGINNING and running S.72-30-00W. 158.72 feet to a point; thence, with the arc of a circular curve to the left having a radius of 255.00 feet and an arc distance of 142.42 feet (chord bearing and distance of S.56-30-00W. 140.58 feet) to a point; thence S.40-30-00W. 10.63 feet to a point; thence, with the arc of a circular curve to the right having a radius of 245.00 feet and an arc distance of 149.66 feet (chord bearing and distance of S.58-00-00W. 147.35 feet) to a point; thence, S.75-30-00W. 854.22 feet to a point; thence, with the arc of a circular curve to the left having a radius of 495.00 feet and an arc distance of 298.06 feet (chord bearing and distance of @.58-15-00W. 293.58 feet) to a point; thence, S.41-00-00W. 47.78 feet to a point; thence, N.35-38-31W. 580.12 feet to a point which is located in the southerly margin of the right-of-way of Interstate 77; thence, continuing with said margin of Interstate 77 the following two (2) courses and distance: 1) N.27-33-14E. 60.25 feet to a point; and 2) N.41-35-25E. 569.32 feet to a point; thence, N.83-31-39E. 1,279.18 feet to a point which is located within the right-of-way of Nations Ford Road (60 foot right-of-way); thence, continuing within said right-of-way S.19-30-35E. 508.14 feet to the point and place of BEGINNING, containing 26.827 acres, more or less.

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 19th day of November, 19 90, the reference having been made in Minute

Book 96, and is recorded in full in Ordinance Book 39, at page 261-262.

Pat Sharkey
City Clerk

APPROVED BY CITY COUNCIL

DATE 11/19/90

CITY CD

Petition No. 90-79
Trenton Properties, Inc.

ORDINANCE NO. 3052-Z

A RESOLUTION 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 10.08 acres located on the easterly side of 36th Street north of Davidson Street, changing from I-2 to UR-3(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, 1990; 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 I-2 to UR-3(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BEGINNING at a railroad spike, said point being located on the easterly margin of East 36th Street, with the center line of the Norfolk and Southern Railroad track right-of-way land, running thence along the easterly margin of East 36th Street in a northerly direction N.36-15-00W. 356.51 feet to an iron pin; thence in an easterly direction N.80-08-44E. 300.0 feet to a point; thence N.36-07-08W. 49.49 feet to a point, said point being located on the southerly line of a 200 foot Southern Railroad right-of-way; thence along the southerly margin of the Southern Railroad right-of-way in an easterly direction N.81-09-10E. 1,079.61 feet to a point; thence S.25-57-30E. 10.54 feet to an iron pin located in the northerly margin of North Davidson Street; thence with the northerly margin of North Davidson Street in the following five (5) courses and distances; (1) S.81-22-30W. 69.44 feet to an iron pin; (2) with the arc of a circular curve to the left having a radius of 213.40 feet, an arc distance of 180.75 feet to an iron pin; (3) S.32-50-39W. 64.65 feet to an iron pin; (4) with the arc of a circular curve to the right having a radius of 219.20 feet, an arc distance of 83.50 feet to an iron pin; and (5) S.55-58-39W. 577.32 feet to an iron pin located in the northerly margin of N. Davidson Street where it intersects with the center line of the Norfolk and Southern Railroad track right-of-way and running thence in a northwesterly direction along the center line of the Norfolk and Southern Railroad track right-of-way in the following four (4) courses and distances: (1) N.83-56-00W. 108.84 feet to a tack; (2) N.85-58-00W. 75.0 feet to a point; (3) S.89-55-20W. 75.0 feet to a point (5) S.85-23-09W. 78.19 feet to a railroad spike located in the easterly margin of East 36th Street, the point or place of BEGINNING, and containing 7.581 acres as shown on plat of R. B. Pharr and Associates dated March 10, 1980.

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 day of November 19, 19 90, the reference having been made in Minute Book 97, and is recorded in full in Ordinance Book 39, at page 263-264.

Pat Sharkey
City Clerk

CITY CD

Petition No. 90-80
Hoskins Mill Assoc. Ltd.
Partnership

ORDINANCE NO. 3053-Z

A RESOLUTION 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 approximately 11 acres located on the southerly side of South Hoskins Road at Gossett Avenue, changing from R-9MF(CD) to R-6MF(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, 1990; 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-9MF(CD) to R-6MF(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

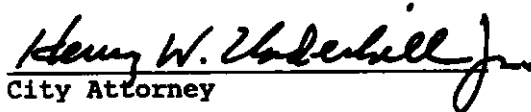
EXHIBIT A
BOUNDARY DESCRIPTION

BEGINNING at an iron located at the point of intersection of the southerly margin of Hoskins Avenue and the westerly margin of Gossett Avenue and runs thence with the westerly margin of Gossett Avenue S.25-02-E. 275.0 feet to an old iron making the northeasterly corner of the Duke Power Company substation lot and runs thence with two lines of said Duke Power Company lot: (1) S.56-32W. 159.0 feet to a stake; (2) S.33-28E. 85.07 feet to a stake; thence S.56-32W. 135.21 feet to an iron; thence S.32-10E. 218.67 feet to an iron in the rear line of Lot 206 of the Spatex Property as shown on map recorded in Map Book 6 at Page 182 in the Mecklenburg Registry; thence following the rear lines of Lots 206 through Lot 236 as shown on said map S.58-22W. 910.65 feet to a stake in the northeasterly corner of Lot 238 as shown on said map recorded in Map Book 6 at Page 182 in said Registry; thence with three lines of said Lot 238: (1) S.34-20E. 149.62 feet; (2) S.55-30W. 48.29 feet; (3) N.26-27-20W. 152.44 feet to a stake; thence N.26-2520W. with the easterly margin of Hoskins Avenue Drive 142.98 feet to a point, the southwest corner of Lot 243 as shown on map recorded in Map Book 6 at Page 222 in the Mecklenburg Public Registry; thence with the south boundary of Lots 243 and 241, N.55-37-40E. 159.9 feet to a point; thence with the east boundary of Lot 241, and an extension thereof, N.34-22-20W. 147.74 feet to an iron; thence N.55-37-40E. 246.16 feet to an iron; thence N.33-43-20W. 247.95 feet to the southerly margin of Hoskins Avenue; thence with the southerly margin of Hoskins Avenue N.55-26-10E. 856.92 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.

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 19th day of November, 19 90, the reference having been made in Minute Book 98, and is recorded in full in Ordinance Book 40, at page 265-266.

Pat Sharkey
City Clerk