

ORDINANCE NO. 3150

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "CHARLOTTE WATER WORKS/VEST STATION" TO INCLUDE THE FOLLOWING: BOTH INTERIOR AND EXTERIOR OF THE BUILDING, THE ONE MILLION GALLON STORAGE TANK, AND PORTIONS OF TAX PARCEL NUMBERS 078-415-01 AND 078-382-01 UPON WHICH CHARLOTTE WATER WORKS/VEST STATION AND TANK ARE LOCATED. THE PROPERTY, OWNED BY THE CITY OF CHARLOTTE, IS LOCATED AT THE CORNER OF BEATTIES FORD ROAD AND PATTON AVENUE, CHARLOTTE, MECKLENBURG COUNTY, N.C.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the Members of City Council of the City of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 15th day of April, 1991, on the question of designating a property known as the "Charlotte Water Works/Vest Station" as a historic landmark; and

WHEREAS, the "Charlotte Water Works" was designed in 1922 by Wm. M. Piatt, a well-known Durham engineer; and

WHEREAS, the "Charlotte Water Works" was the largest and best equipped treatment plant in North Carolina when completed in 1924; and

WHEREAS, the "Charlotte Water Works" addition designed in 1937 by B. Atwood Skinner and T. S. Simpson, Jr. (architects) and George S. Rawlins (engineer) doubled the capacity of the plant and made it a "state of the art" water treatment plant; and

WHEREAS, the "Charlotte Water Works" was named Vest Station in honor of W. E. Vest, General Superintendent of the Charlotte Water Department for more than 30 years; and

WHEREAS, in 1949 Charlotte became the first city in the Southeast United States to use fluoridation fed into the water at the "Charlotte Water Works/Vest Station"; and

WHEREAS, the Moderne style of the "Charlotte Water Works/Vest Station" is an excellent example of the civic and commercial architecture of 1920-1940; and

WHEREAS, the "Charlotte Water Works/Vest Station" provides a stable element in the changing Beatties Ford Road corridor; and

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WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over the interior because consent for interior review has been given by the owners; and

WHEREAS, the current owner, the City of Charlotte, has faithfully maintained the "Charlotte Water Works/Vest Station" and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Charlotte Water Works/Vest Station" possesses a structure having integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Charlotte Water Works/Vest Station" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Charlotte Water Works/Vest Station" is owned by the City of Charlotte,

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

1. That the property known as the "Charlotte Water Works/Vest Station" (including the interior and exterior of the building and the portion of the tax parcel of land upon which it is located listed under Tax Parcel 078-415-01 with the following two roadway right-of-way exceptions: 1) the exception of a strip of land for a future right-of-way adjacent to Beatties Ford Road measuring 65 feet from the centerline for a distance of 500 feet beginning at the future Oaklawn Avenue right-of-way and then transitioning back over a distance of 300 feet at a rate of 20:1 to the minimum required right-of-way measured 50 feet the centerline of Beatties Ford Road, and 2) with the exception of a strip of land for a future right-of-way adjacent to Oaklawn Avenue measuring 40 feet from the centerline for a distance of 300 feet beginning at the future Beatties Ford Road

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right-of-way and then transitioning back over a distance of 175 feet at a rate of 35:1 to the minimum required right-of-way measured 35 feet from the centerline of Oaklawn Avenue; the one million gallon storage tank and the portion of the tax parcel of land upon which it is located, listed under Tax Parcel 078-382-01, are hereby designated as historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at the corner of Beatties Ford Road and Patton Avenue in Charlotte, Mecklenburg County, North Carolina.

For purposes of description only, the location of said building is noted as being situated on a tract of property more specifically described as follows:

Being a portion of the property of the City of Charlotte as shown as Tax Parcel 078-415-01, being more particularly described as follows:

BEGINNING at a P.K. nail on the eastern margin of Beatties Ford Road, said P.K. nail also being on the northern margin of Patton Avenue, thence with the eastern margin of Beatties Ford Road, N 05-28-13 E, 512.47 feet to a concrete right-of-way monument; thence, N 84-31-47 W, 10.00 feet to a drill point in the sidewalk; thence N 05-18-53 E, 407.11 feet to a drill point in the sidewalk, said point also being on the southerly margin of Oaklawn Avenue; thence with the southerly margin of Oaklawn Avenue, S 67-17-12 E, 387.71 feet to an iron on the westerly margin of Washington Avenue; thence with the westerly margin of Washington Avenue, S 05-31-33 W, 441.57 feet to an iron pin; thence S 65-57-14 E, 93.47 feet to an iron pin on the southerly margin of Washington Avenue; thence along a new line of the City of Charlotte property, S 05-39-00 W, 400.96 feet to a P.K. nail on the northern margin of Patton Avenue; thence with the northern margin of Patton Avenue the following two (2) courses and distances: (1) N 66-47-52 W, 216.20 feet, and (2) N 84-05-57 W, 240.17 feet to the point and place of BEGINNING, containing an area of 351,112 square feet or 8.06 acres.

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For purposes of description only, the location of said one million gallon storage tank is noted as being situated on a tract of property more specifically described as follows:

Being a portion of the property of the City of Charlotte shown as Tax Parcel 078-382-01, being described more particularly as follows:  
BEGINNING at a concrete monument at the intersection of (1) the easterly margin of Beatties Ford Road, (2) the southerly margin of Patton Avenue, and (3) the northerly margin of Brookshire Freeway West, thence with the southerly margin of Patton Avenue the following two (2) courses and distances: (1) S 87-23-17 E, 171.47 feet to a spike, and (2) S 76-02-17 E, 69.07 feet to a P.K. nail; thence along a new line within the City of Charlotte property, S 05-26-58 W, 252.91 feet to an iron pin on the northerly margin of Brookshire Freeway West; thence with the northerly margin of Brookshire Freeway West the following two (2) courses and distances: (1) N 37-14-26 W, 233.56 feet to a concrete monument, and (2) N 38-56-07 W, 116.10 feet to the point and place of BEGINNING, containing an area of 31,059 square feet or 0.71 acre.

2. That said designated landmark may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change of design, material, or outer appearance thereof, 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

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that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the landmark owners from making any use of this landmark 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 landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said landmark.

5. That the owners and occupants of the landmark known as the "Charlotte Water Works/Vest Station" 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 landmark shall be subject to Chapter 160A, Article 19, and any amendments to it and any amendments hereinafter adopted.

Adopted the 15th day of April 1991 by the Members of City Council of the City of Charlotte, Mecklenburg County, North Carolina.

Brenda R. Freeze

DEPUTY Clerk to the City Council

Approved as to form:

[Signature]

City Attorney

WZ

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of April, 1991, the reference having been made in Minute Book 98, and is recorded in full in Ordinance Book 40, at page(s) 74-78.

Brenda Freeze,  
Deputy City Clerk

DATE 4/15/91

CITY CD

Petition No. 91-9  
Donald Wilburn &  
Scott Clark

ORDINANCE NO. 3151-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 4.74 acres located off the northeast corner of Independence Boulevard and Margaret Wallace Road; changing from 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 February 18, 1991; 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:

LEGAL DESCRIPTION

BEGINNING at a point, said point being located at the southeast corner of property conveyed to Toyota City, Inc. by deed recorded in Book 5440 at Page 827, Mecklenburg Registry, running then in a generally northerly direction with the arc of a circular curve having a radius of 10,344.08 feet, an arc distance of 393.22 N.47-25-00W. thence N.70-51-09E. 694.52 feet, thence S.22-18-29W. 227.53 feet, thence S.19-41-02W. 36.40 feet, thence S.19-41-02 278.26 feet, thence S.46-33-42W. 127.65 feet, thence N.44-07-12W. 33.57 feet, thence S.76-51-32W. 192.28 feet to the point 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 15th day of April, 19 91, the reference having been made in Minute Book 98, and is recorded in full in Ordinance Book 40, at page 79-80.

Pat Sharkey  
City Clerk





ORDINANCE NO. 3152

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. Appendix A., "Zoning" of the City of Charlotte is hereby amended as follows:

1. Amend the Ordinance by adding a new Section 2110.3 as follows:

**"2110.3 Off-Premises Directional Development Signs**

For the purposes of directing traffic from Class II or III streets (major or minor thoroughfares) to developments located on Class IV or V streets (collectors or local streets) and not having direct access or visibility from the Class II or III streets, and to ensure that visual clutter is minimized, off-premises directional signs may be permitted subject to the following:

- a. Application Requirements: The applicant for a directional sign permit shall submit complete and accurate information to the Zoning Administrator, including:
  1. A form statement prepared by the Building Standards Department and signed by the owner of the parcel of property upon which the sign shall be located, consenting to and authorizing the location of the sign on the premises and the right of authorized City Officials or a designee to enter the property to remove a sign which is in violation of this ordinance.
  2. A sketch showing the location of the proposed sign and manifesting that the sign's erection would be in compliance with the locational requirements contained herein.
  3. ~~Two blueprints~~ or inked drawings to scale of the plans and specifications of the sign to be erected. Such plans shall include but not be limited to details of the design, dimensions, and material, of the proposed sign.
  4. A letter from either the City's Department of Transportation or the North Carolina Department of Transportation, whichever agency has jurisdiction over the road on which the sign is to be located, verifying that the sign will not be in violation of any local or State regulations at its proposed location.

5. Acknowledgement by the applicant that he/she shall be responsible for the cost of removal of a sign for any reasons stated in (h) herein, and that if the City removes the sign the permit holder has five days to retrieve the sign, after which time the City may dispose of such sign.
6. If the sign is proposed in an historic district, approval of such a sign by the Historic District Commission shall be required prior to obtaining a sign permit.
- b. Inspection and conditional approval: If the Zoning Administrator or his designee is satisfied that the applicant has submitted complete and accurate information as required by these provisions, then the Zoning Administrator shall notify the applicant that he/she has priority for that location and has 30 days to submit the following information for the issuance of the permit if not already submitted with (a) above:
1. A hold harmless/indemnification statement as described below in (i).
  2. A cash bond or cash deposit as described in (i).
- c. Use of directional sign: The person to whom the permit is issued is solely and exclusively responsible for the usage and maintenance of the directional sign and shall make the sign available for use by any eligible user. Matters of interpretation such as whether proposed copy is allowed by the provisions of this section, shall be a proper matter for the Zoning Administrator and/or Zoning Board of Adjustment.

The permit holder shall allow developments to be identified on the sign subject to the following:

1. The development is a unified commercial, residential, or institutional use under single ownership or management that has a minimum of 50 parking spaces and/or 50 units of residential dwellings.
2. The entrance that reasonably identifies the development is located no further than one and one half miles along streets from the intersection of the Class II or III Street with the Class IV or V Street.
3. The development does not have direct access or visibility from any Class II or III Streets.
4. The development does not have an identification sign located on a Class II or III Street nor does it have identification on another off-site directional sign. Only one sign per development shall be permitted.

- d. Location and Orientation of Directional Sign: The sign shall be located in any zoning district only at the intersection of a Class II, III, or IV street with a Class V or VI street as defined in the adopted Comprehensive Street Classification System Manual. The sign face(s) shall be oriented toward the traffic flow on the Class IV or V Street, which is generally perpendicular to the Class II, III, or IV street. The sign must be located on the side of the Class II, III, IV street closest to the development(s) identified on the sign.

No portion of any sign shall be situated in such a way as to violate any public ordinances or regulation regarding sight distance or obstruction of vision at street intersections, nor shall any sign be located closer than 11 feet from the pavement edge of any public street; however the Charlotte Department of Transportation or N.C. Dept. of Transportation may require that the sign be located further than 11 feet from the edge of pavement.

- e. Spacing Requirements: No sign shall be located closer than 500 linear feet to any other similar directional sign on the same side of the street. There shall be no more than two signs erected at any intersection. In addition, no directional sign shall be located closer than 20 linear feet to any on-premises sign(s).
- f. Design of Directional Signs: A directional sign shall be constructed as a ground mounted sign designed to accommodate up to 4 panels of equal size for one to 4 separate and distinct development names. It shall be designed in accordance with the requirements stated below:

1. Maximum Size and Height:

Maximum structure width:	5-1/2 feet
Maximum sign face size:	20 sq. feet
Maximum panel size:	5 sq. feet
Maximum height:	6 feet if landscaping is planted at base of sign; otherwise 4-1/2 feet.

2. Construction of Sign

The signs shall be constructed of all-heart grade A wood or of aluminum having a minimum thickness of .090 with the overall depth of the sign frame no less than 3 inches. Copy on wood signs shall be either routed or sandblasted into the face panels. Copy on aluminum signs shall be either routed into the sign or shall be made of vinyl having a minimum five year durability rating.

To implement the requirements for the aesthetic appearance and uniformity of directional signs, the Zoning Administrator shall have the authority to prepare diagrams illustrating the requirements stated above and, further, to adopt any necessary details within the scope of the requirements, herein, to achieve standardized, directional signs.

3. Permitted Copy

Only the name, type, and/or logo under which a development is known or designated and a directional arrow shall be permitted on a sign. The name of the owner or developer or information related to availability of units, space, goods, or services shall not be permitted as copy on a sign.

4. Lighting

Signs shall not be lighted in residential districts.

g. Maintenance: All signs shall be maintained in accordance with Section 2104.3 herein.

h. Posting of bond and removal of sign: If the Zoning Administrator determines that there is a violation of these provisions, he shall issue a notice for violation to the permit holder. If the violation is not corrected or there has been no reversal of the decision of the Zoning Administrator by the Zoning Board of Adjustment or by any Court, then the Zoning Administrator shall have the authority to engage an independent contractor to remove the sign and pay for the removal of such signs from the bond. The sign may be removed for any of the following reasons:

1. A failure to maintain a sign in accordance with (g).
2. The failure to erect the sign within the location shown on the survey.
3. The revocation of the permit for any violation of S2110s.3.
4. Any other violation of this section.

i. Bond and indemnification: The Director of the Building Standards Department shall have the authority to set an amount for a cash bond double the estimated reasonable cost for the removal, the transporting, and the possible storage of a directional sign. Bonds shall be refunded to a permit holder when the permit holder removes the sign.

The applicant shall sign a hold harmless/indemnification statement on behalf of the City to hold the City harmless from any claim or dispute between the permit holder and a person seeking to have use of the directional sign when the dispute or legal matter in no way pertains to the City's Zoning Ordinance provisions.

j. Trees: The permit holder shall not destroy or trim any trees in the public right-of-way nor install a sign in such a manner to impact significant roots on trees in the public domain."

2. Amend the Ordinance by adding a new Section 2110.4 as follows:

"2110.4. Off-Premises Identification Signs.

For the purpose of providing flexibility when a shopping center is located on a Class V or VI street and not visible from a Class II, III, or IV street, an applicant may obtain a permit for an off-premises identification sign subject to the following:

- a. An applicant for an off-premises identification sign must comply with the application requirements specified in Section 2110.3(a), and in addition, provide a statement that the subject property being identified would not be visible from the nearest Class II, III, or IV street.
- b. An approved off-premises identification sign shall be erected instead of (and not in addition to) both an applicant's on-premises identification or business sign and any off-premises directional sign permissible under the provisions herein.
- c. A proposed off-premises sign shall comply with all the requirements in Section 2110.3(b) through (j) with the following exception:

1. SIZE OF CENTER ELIGIBLE FOR USE OF SIGN

The minimum size of a shopping center eligible for the use of an off-premises identification sign shall be 25,000 square feet, and the center must contain five or more businesses.

2. DESIGN OF SIGN

Maximum Size and Height:

The maximum size and height of a sign shall be the same as would be permitted if the sign were located on the premises being identified.

Permitted copy:

Only the name and/or logo of the shopping center and/or names of individual establishments within the shopping center shall be permitted on the sign face(s). No advertising shall be permitted.

Construction of Sign:

Copy on aluminum signs shall be either routed into the sign or shall be made of vinyl or plastic having a minimum five-year durability rating.

Lighting:

Signs shall not be lighted by any method when located in a single-family residential district. When located in other districts, signs may be lighted, but only by internal sources.

Section 2. That 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 15th day of April, 19 91, the reference having been made in Minute Book 98, and recorded in full in Ordinance Book 40, at page 82-87.

Brenda Freeze  
Deputy City Clerk