

APPROVED BY CITY COUNCIL
DATE September 18, 1995

CITY CD

Petition No. 95-44
Chris and Cathy Azar

ORDINANCE NO. 374-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 approximately 1.22 acres located on the north side of Archdale Drive west of Old Reid Road; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on June 19, 1995; 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 the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-4 to R-8MF(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

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

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 18th day of September, 19 95, the reference having been made in Minute Book 108 and recorded in full in Ordinance Book 47, at Page(s) 34-36.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of October, 19 95.



Nancy S. Gilbert, Deputy City Clerk

Petition #: 95-44

September 18, 1995

Petitioner: Chris and Cathy Azar

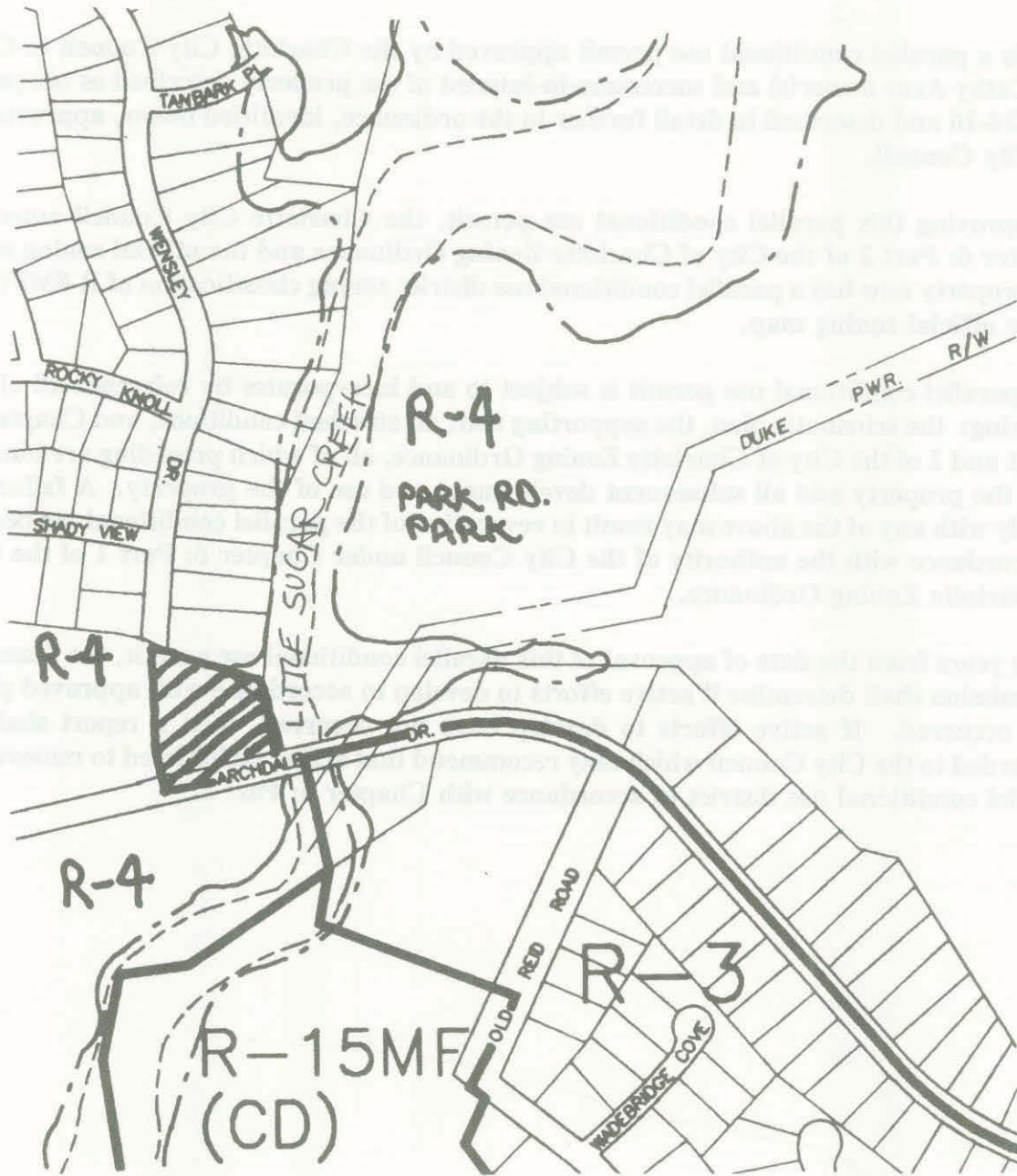
Ordinance Book 47, Page 35

Hearing Date: June 19, 1995

Zoning Classification (Existing): R-4

Zoning Classification (Requested): R-8MF(CD)

Location: Approximately 1.22 acres located on the north side of Archdale Drive west of Old Reid Road.



Zoning Map #(s): 135

Scale: 1" = 400'

95-44

LEGAL DESCRIPTION

BEING ALL OF TAX PARCEL 171-724-16 AS SHOWN IN THE MECKLENBURG COUNTY TAX OFFICE.

Petition No. 95-44
Chris and Cathy Azar

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Chris and Cathy Azar owner(s) and successors-in-interest of the property described as tax parcel 171-224-16 and described in detail further in the ordinance, identified below, approved by the City Council.

In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of R-8MF(CD) on the official zoning map.

This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.

Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.

CITY CD

Petition No. 95-55
Shirline B. Smith/The Iola Group, Inc.

ORDINANCE NO. 375-Z

APPROVED BY CITY COUNCIL

DATE September 18, 1995

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 approximately .459 acres located on the south side of Nevin Road east of Statesville Avenue; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on July 17, 1995; 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 the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:


Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-4 to R-8MF(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

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

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 18th day of September, 19 95, the reference having been made in Minute Book 108 and recorded in full in Ordinance Book 47, at Page(s) 37-39.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of October, 19 95.


Nancy S. Gilbert, Deputy City Clerk

Petition #: 95-55

September 18, 1995

Ordinance Book 47, Page 38

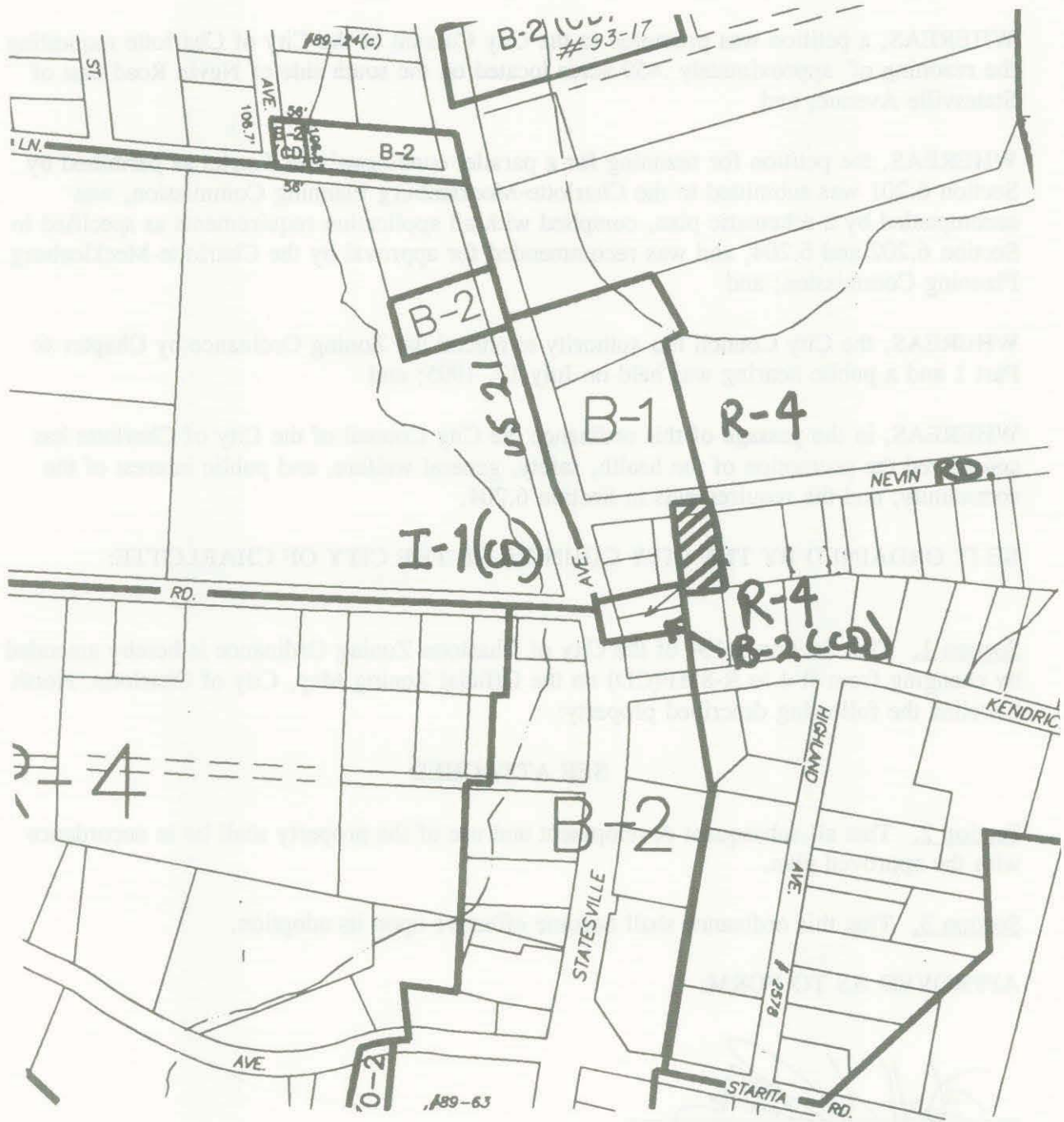
Petitioner: Shirline B. Smith/ The Iola Group, Inc.

Hearing Date: July, 17, 1995

Zoning Classification (Existing): R-4

Zoning Classification (Requested): R-8MF(CD)

Location: Approximately .459 acres located on the south side of Nevin Road east of Statesville Avenue.



Zoning Map #(s): 69

Scale: 1" = 400'

Shirline B. Smith
 Petitioner

95-55-

LEGAL DESCRIPTION

Lots 9 & 10, Block 2, Kendrick Property

Being a parcel of property located in Charlotte, Mecklenburg County, North Carolina, said parcel being Lots 9 and 10, Block 2, Kendrick Property, as recorded in Map Book 3, Page 81 of the Mecklenburg County Public Registry, and being more particularly described as follows:

BEGINNING at an existing iron pin on the southerly margin of Nevins Road (60-foot public right-of-way), said iron being the northwesterly corner of Lot 11, Block 2, Kendrick Property as shown in Map Book 3, Page 81 of the Mecklenburg County Public Registry, said iron furthermore being located South 83-27-40 West 99.35 feet along the northerly margin on Nevins Road from an existing iron pin at the northeasterly corner of Lot 11, and runs from said **BEGINNING** point with the westerly line of Lot 11 South 06-24-46 East 199.90 feet to an existing iron pin at the northeasterly corner of Lot 29; thence with the northerly line of Lot 29 South 83-30-00 West 100.16 feet to a new iron pin in the easterly line of Lot 4; thence with the easterly line of Lot 4, and continuing along the easterly line of Lots 5 through 8, North 06-21-15 West 199.91 feet to an existing iron pin on the southerly margin of Nevins Road; thence with the southerly margin of Nevins Road North 83-30-00 East 99.95 feet to the point and place of **BEGINNING**, containing 20,001.84 square feet or 0.459 acre as shown on a map prepared by R. B. Pharr and Associates, P.A., dated March 20, 1995 (Map File XX-1858).

Petition No. 95-55
Shirline B. Smith/The Iola Group,
Inc.

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Shirline B. Smith/The Iola Group, Inc. owner(s) and successors-in-interest of the property described as tax parcel 045-271-13 and described in detail further in the ordinance, identified below, approved by the City Council.

In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of R-8MF(CD) on the official zoning map.

This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.

Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.

CITY CD

Petition No. 95-56
Hannaford Brothers Company

ORDINANCE NO. 376-Z

APPROVED BY CITY COUNCIL
DATE September 18, 1995

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 approximately 8.844 acres located on the west side of Wilora Lake Road and the north side of the intersection between Central Ave. and Albemarle Road; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on July 17, 1995; 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 the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

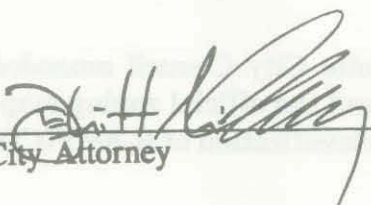
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from O-15(CD), R-3, O-1, B-1SCD and R-4 to B-1(CD) and O-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

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:

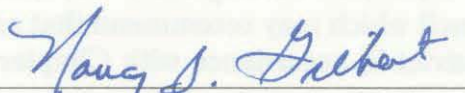


City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 18th day of September, 19 95, the reference having been made in Minute Book 108 and recorded in full in Ordinance Book 47, at Page(s) 40-42.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of October, 19 95.



Nancy S. Gilbert, Deputy City Clerk

Petition #: 95-56

Petitioner: Hannaford Brothers Company

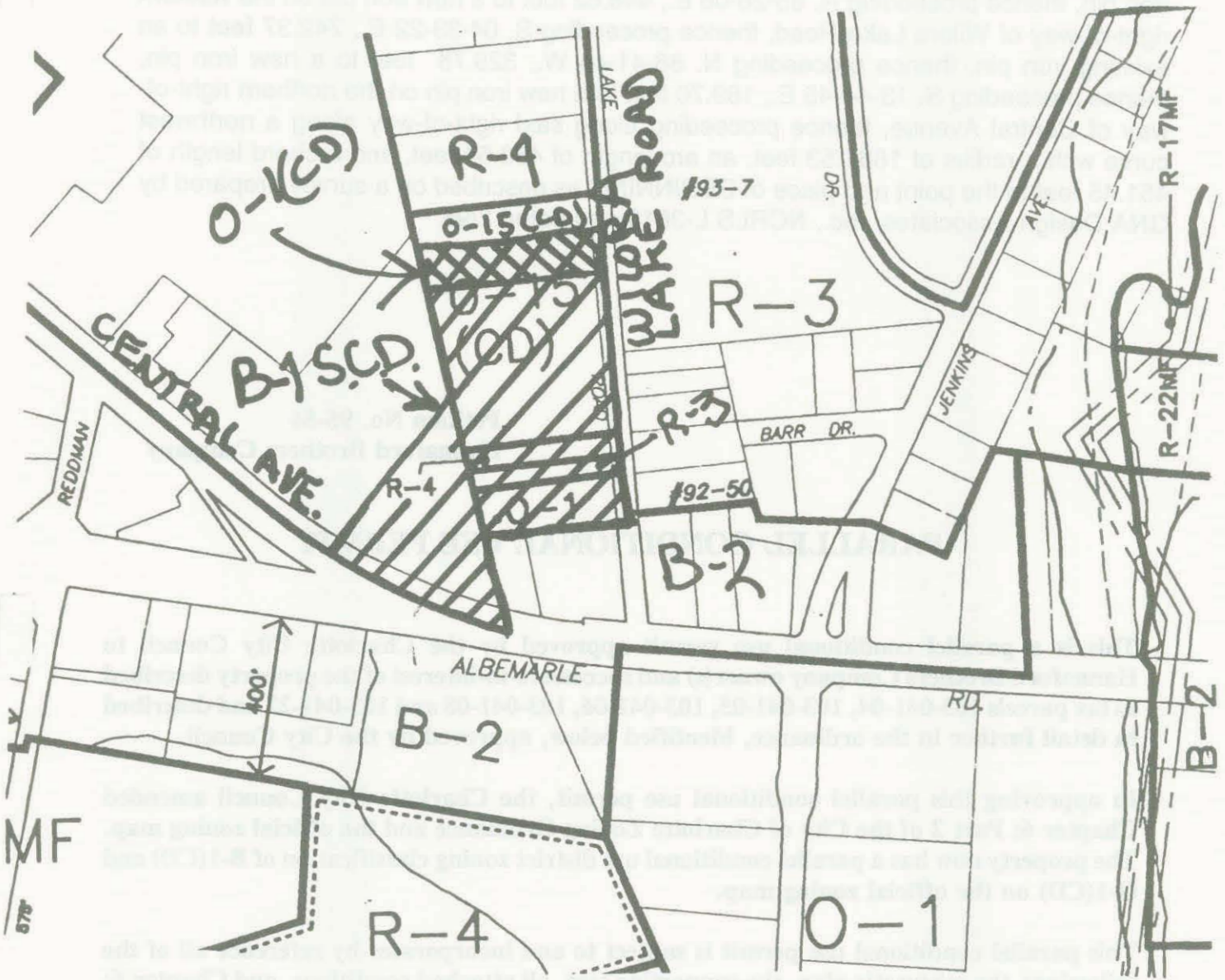
Hearing Date: July, 17, 1995

Zoning Classification (Existing): O-15(CD), R-3, O-1, B-1SCD and R-4

Zoning Classification (Requested): B-1(CD) + O-1(CD)

Location: Approximately 8.844 acres located on the west side of Wilora Lake Road and the north side of the intersection between Central Ave. and Albemarle Road.

September 18, 1995
Ordinance Book 47, Page 41



Zoning Map #(s): 113

Scale: 1" = 400'

✓ 95-56

**HANNAFORD BROTHERS
EASTLAND MALL/WILORA LAKE ROAD REZONING REQUEST
LEGAL DESCRIPTION FOR B-1(CD) PARCEL**

BEGINNING at an existing iron pin on the northern right-of-way of Central Avenue on common property corner of a parcel owned now or formerly by Eastland Mall Associates (Deed Book 6714 Page 241, as recorded with the Mecklenburg County Register of Deeds), and parcel owned now or formerly by Eastland, Ltd. (Deed Book 3658 Page 634, as recorded with the Mecklenburg Register of Deeds), thence proceeding N. 41-02-18 E., 433.80 feet to a new iron pin, thence proceeding N. 09-20-57 W., 404.55 feet to a new iron pin, thence proceeding N. 85-26-06 E., 448.62 feet to a new iron pin on the western right-of-way of Wilora Lake Road, thence proceeding S. 04-33-22 E., 742.37 feet to an existing iron pin, thence proceeding N. 86-41-44 W., 329.78 feet to a new iron pin, thence proceeding S. 13-44-45 E., 189.70 feet to a new iron pin on the northern right-of-way of Central Avenue, thence proceeding along said right-of-way along a northwest curve with a radius of 1881.53 feet, an arc length of 452.54 feet, and a chord length of 451.45 feet to the point and place of BEGINNING as described on a survey prepared by GNA Design Associates, Inc., NCRLS L-3610 and dated 2/95.

**Petition No. 95-56
Hannaford Brothers Company**

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Hannaford Brothers Company owner(s) and successors-in-interest of the property described as tax parcels 103-041-04, 103-041-05, 103-041-06, 103-041-08 and 103-041-22 and described in detail further in the ordinance, identified below, approved by the City Council.

In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of B-1(CD) and O-1(CD) on the official zoning map.

This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.

Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.

CITY CD

Petition No. 95-57
Tommy Lee Nasekos

ORDINANCE NO. 377-Z

APPROVED BY CITY COUNCIL
DATE September 18, 1995

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 approximately 3.67 acres located on the north side of Sharon View Road west of Gaywind Drive; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on July 17, 1995; 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 the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-3 to R-8(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

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

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 18th day of September, 19 95, the reference having been made in Minute Book 108 and recorded in full in Ordinance Book 47, at Page(s) 43-45.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of October, 19 95.



Nancy S. Gilbert, Deputy City Clerk

Petition #: 95-57

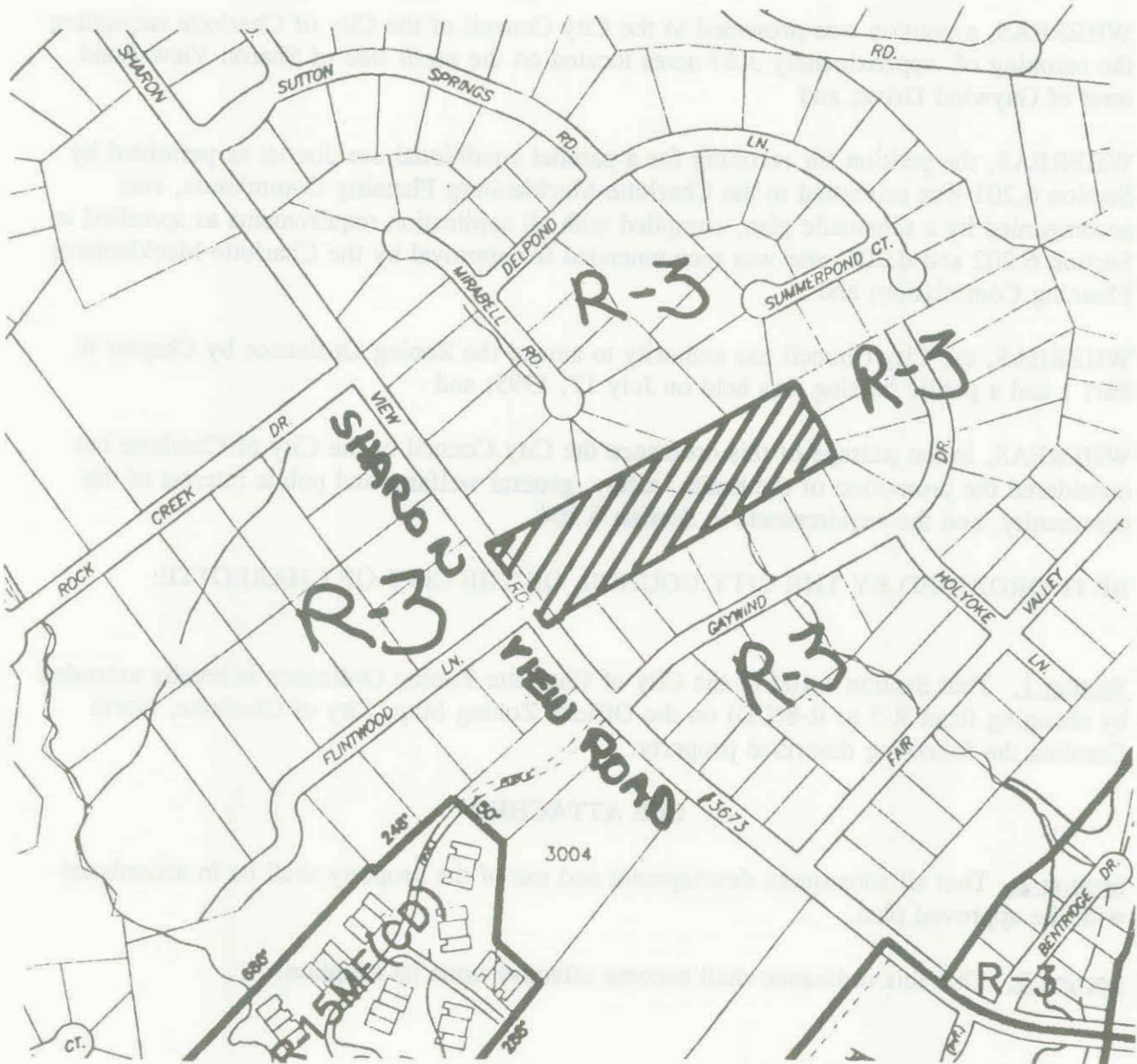
Petitioner: Tommy Lee Nasekos

Hearing Date: July, 17, 1995

Zoning Classification (Existing): R-3

Zoning Classification (Requested): R-8 (CD)

Location: Approximately 3.67 acres located on the north side of Sharon View Road west of Gaywind Drive.



Zoning Map #(s): 146

Scale: 1" = 400'

Tommy Lee Nasekos

95-57 ✓

NASEKOS PROPERTY

**METES AND BOUNDS DESCRIPTON
CONDITIONAL REZONING REQUEST BY TOMMY LEE NASEKOS
SHARON VIEW ROAD**

BEGINNING at a point in the center line of Sharon View Road, the southwesterly corner of the A. K. Sutton property as described in deed recorded in Book 879 at page 128, in the Mecklenburg Registry, and runs thence with the A. K. Sutton line, N. 60-33-00 E., 810.65 feet to a point, the northwesterly corner of Lot 10, Block 3, of Singing Springs as shown on a map recorded in Map Book 12 at page 85 of the Mecklenburg Registry; thence with the rear lot lines of Lots 10, 9 and 8 of said Block 3 of Singing Springs, S. 29-18-00 E., 208.89 feet to a point in the rear lot line of Lot 7 of Block 3 of Singing Springs, shown on map recorded in Map Book 10 at page 157, of the Mecklenburg Registry; thence with the rear lot lines of Lots 7, 6, 5, 4, 3, 2 and 1 of said Block 3 of Singing Springs, S. 60-33-00 W., 784.27 feet to a point in the center line of Sharon View Road; thence with the center line of Sharon View Road N. 46-47-00 W., 210.0 feet to the point of BEGINNING.

BEING in all respects the same property conveyed to the parties of the first part by deed recorded in Book 2853, at page 115 of the Mecklenburg Public Registry.

**Petition No. 95-57
Tommy Lee Nasekos**

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Tommy Lee Nasekos Company owner(s) and successors-in-interest of the property described as tax parcel 187-261-01 and described in detail further in the ordinance, identified below, approved by the City Council.

In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of R-8(CD) on the official zoning map.

This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.

Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.

[Handwritten signature and notes at the bottom of the page]

APPROVED BY CITY COUNCIL

DATE September 18, 1995

CITY CD

Petition No. 95-58
Shonac Corporation

ORDINANCE NO. 378-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 a site plan amendment for approximately 13.609 acres located on the south side of Sardis Road North west of Independence Boulevard; and

WHEREAS, the petition for a site plan amendment as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on July 17, 1995; 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 the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by amending the CC site plan on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

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

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 18th day of September, 19 95, the reference having been made in Minute Book 108 and recorded in full in Ordinance Book 47, at Page(s) 46-48.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of October, 19 95.



Nancy S. Gilbert, Deputy City Clerk

93-116
95-58

LEGAL DESCRIPTION

BEING A PARCEL OF LAND IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, STATE OF NORTH CAROLINA AND BEING A PORTION OF THAT PROPERTY CONVEYED TO CROWN POINT PLAZA ASSOCIATES, DEED BOOK 5657 PAGE 902 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO GET TO THE PLACE OF BEGINNING COMMENCE AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SARDIS ROAD NORTH (IF EXTENDED) AND THE WESTERN RIGHT OF WAY OF INDEPENDENCE BOULEVARD; THENCE WITH THE RIGHT OF WAY OF SARDIS ROAD NORTH S 58-28-21 W 210.83 FEET TO A POINT; THENCE S 53-09-24 W 359.40 FEET TO NORTHWESTERN CORNER OF LOT 1 OF CROWN POINT PLAZA, AS RECORDED IN MAP BOOK 23 AT PAGE 125 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY, THE TRUE POINT AND PLACE OF BEGINNING; THENCE S. 34-50-36 E. 47.30 FEET TO A POINT; THENCE S. 55-09-24 W. 12.00 FEET TO A POINT; THENCE S. 34-50-36 E. 78.50 FEET TO A POINT; THENCE WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 212.00 FEET AN ARC DISTANCE OF 111.00 FEET (SUBTENDED BY A CHORD BEARING S 49-50-38 E 109.74 FEET) TO A POINT; THENCE S. 64-50-36 E. 59.96 FEET TO A POINT; THENCE WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 155.00 FEET AN ARC DISTANCE OF 81.15 FEET (SUBTENDED BY A CHORD BEARING S 49-50-34 E 80.23 FEET) TO A POINT; THENCE S. 34-50-36 E. 91.59 FEET TO A POINT IN THE NORTHERLY LINE OF CROWN PLAZA ASSOCIATES PROPERTY AS RECORDED IN DEED BOOK 5944 AT PAGE 546 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY; THENCE S. 55-09-24 W. 8.80 FEET TO CROWN POINT PLAZA ASSOCIATES NORTHWESTERN CORNER; THENCE ALONG CROWN POINT PLAZA ASSOCIATES LINE S 34-50-36 E. 647.95 FEET TO A POINT; THENCE S 55-09-24 W 84.79 FEET TO A POINT; THENCE S 34-50-36 E 142.50 FEET TO A POINT ON THE NORTHERN LINE OF LOT 5 CROWN POINT BUSINESS PARK AS RECORDED IN MAP BOOK 22 AT PAGE 587 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY; THENCE WITH THE REAR LINE OF LOTS 1-5 OF CROWN POINT BUSINESS PARK S 55-09-24 W 93.00 FEET TO A POINT; THENCE N 84-24-29 W 870.00 FEET TO A POINT; THENCE N 35-07-03 W 303.73 FEET TO A POINT THE SOUTHEASTERN CORNER OF PROPERTY OWNED BY BRENDLES AS RECORDED IN DEED BOOK 5326 AT PAGE 681 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY; THENCE WITH BRENDLES LINE FOUR (4) CALLS AS FOLLOWS: (1) N 55-09-24 E 307.50 FEET TO A POINT; (2) S 34-50-36 E 31.00 FEET; (3) N 55-09-24 E 212.00 FEET TO A POINT; (4) N 34-50-36 W 200.00 FEET TO A POINT THE SOUTHEASTERN CORNER OF PROPERTY OWNED BY WILLIAM B. DUKES & WIFE JOANN L. DUKES AS RECORDED IN DEED BOOK 5890 AT PAGE 642 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY; THENCE WITH DUKE'S LINE FIVE (5) CALLS AS FOLLOWS: (1) N 55-09-24 E 144.65 FEET TO A POINT; (2) WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 246.03 FEET AN ARC DISTANCE OF 28.98 FEET (SUBTENDED BY A CHORD BEARING N 51-46-56 E 28.96 FEET TO A POINT; (3) N 34-50-36 W 181.79 FEET TO A POINT; (4) S 55-09-24 W 10.00 FEET TO A POINT; (5) N 34-50-36 W 42.50 FEET TO A POINT ON THE SOUTHERN RIGHT-OF-WAY OF SARDIS ROAD NORTH; THENCE WITH THE RIGHT OF WAY OF SARDIS ROAD NORTH N 55-09-24 E 20.00 FEET TO A POINT; THENCE S 34-50-36 E 42.50 FEET TO A POINT; THENCE N 55-09-24 E 60.00 FEET TO A POINT; THENCE N 34-50-36 W 42.50 FEET TO A POINT; THENCE N 55-09-24 E 20.00 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 13.609 ACRES.

Petition #: 95-58

September 18, 1995
Ordinance Book 47, Page 48

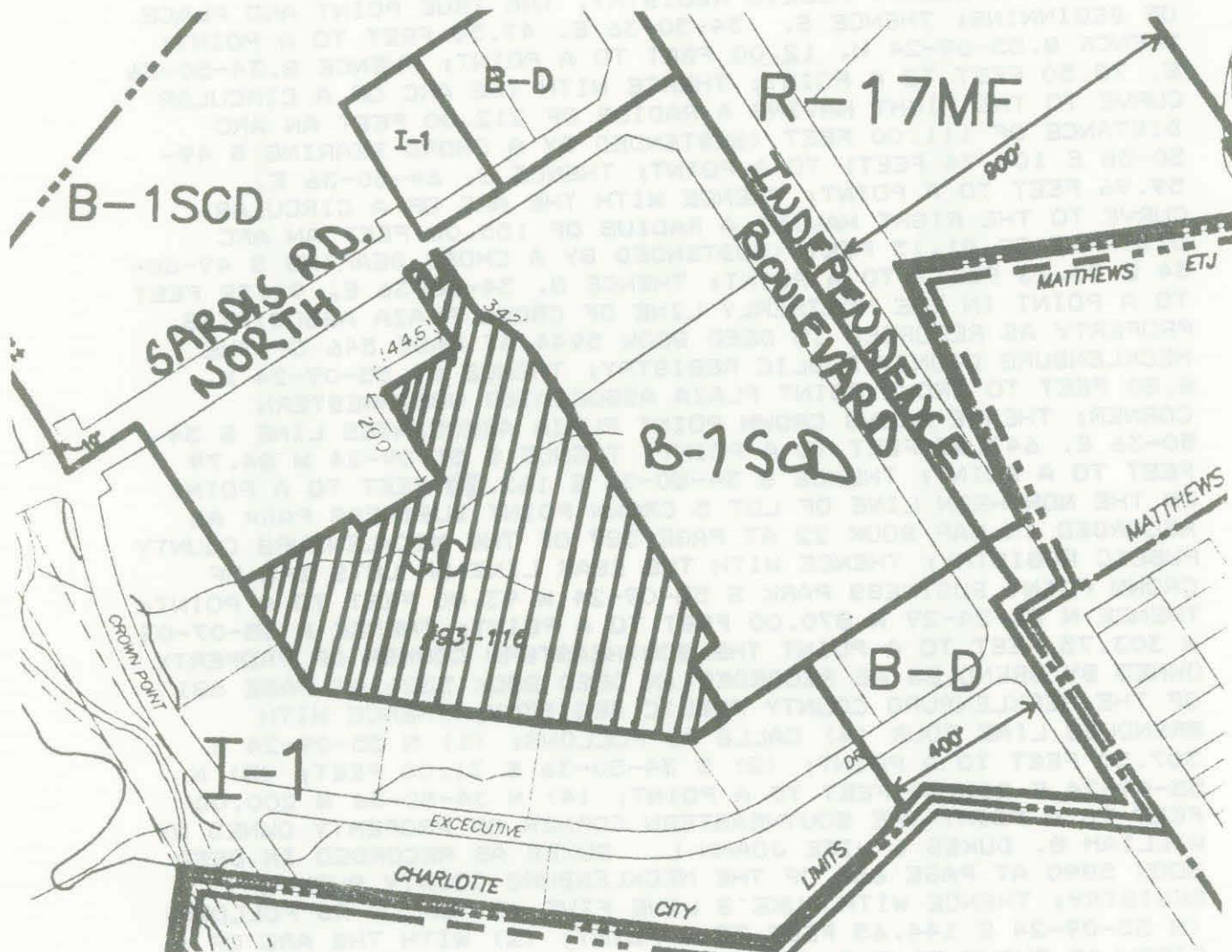
Petitioner: Shonac Corporation

Hearing Date: July, 17, 1995

Zoning Classification (Existing): CC

Zoning Classification (Requested): CC Site Plan Amendment

Location: Approximately 13.609 acres located on the south side of Sardis Road North west of Independence Boulevard.



Zoning Map #(s): 144

Scale: 1" = 400'

APPROVED BY CITY COUNCIL
DATE September 18, 1995

CITY CD

Petition No. 95-59
Graybar Electric Co., Inc.

ORDINANCE NO. 379-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 approximately 3.4 acres located on the northwest corner of the intersection between Remount Road and Wilkinson Boulevard; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on July 17, 1995; 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 the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

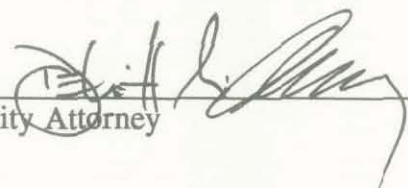
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from I-1 and O-2 to I-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

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

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 18th day of September, 19 95, the reference having been made in Minute Book 108 and recorded in full in Ordinance Book 47, at Page(s) 49-51.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of October, 19 95.



Nancy S. Gilbert, Deputy City Clerk

Petition #: 95-59

September 18, 1995

Petitioner: Graybar Electric Co., Inc.

Ordinance Book 47, Page 50

Hearing Date: July, 17, 1995

Zoning Classification (Existing): I-1 and O-2

Zoning Classification (Requested): I-1(CD)

Location: Approximately 3.4 acres located on the northwest corner of the intersection between Remount Road and Wilkinson Boulevard.



Zoning Map #(s): 103

Scale: 1" = 400'

[Handwritten signature]
 Mayor

LEGAL DESCRIPTION:

95-59 ✓

BEGINNING AT AN EXISTING IRON PIN IN THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF REMOUNT ROAD (40 FOOT RIGHT-OF-WAY), SAID POINT BEING THE SOUTHEAST CORNER OF LOT 8, BLOCK 3A, DOWD HEIGHTS AS SHOWN IN MAP BOOK 3, PAGE 101 OF THE MECKLENBURG COUNTY REGISTRY AND RUNS THENCE WITH THE WESTERLY MARGIN OF REMOUNT ROAD IN TWO COURSES AND DISTANCES AS FOLLOWS: 1) S. 06-26-50 W. 105.96 FEET TO AN EXISTING IRON PIN; 2) S. 00-00-46 E. 341.41 FEET TO A NAIL IN THE NORTHERLY MARGIN OF THE RIGHT-OF-WAY OF WILKINSON BOULEVARD (VARIABLE RIGHT-OF-WAY); THENCE WITH THE NORTHERLY MARGIN OF WILKINSON BOULEVARD N. 86-16-41 W. 331.36 FEET TO A NAIL, SAID POINT BEING THE NORTHEAST INTERSECTION OF WILKINSON BOULEVARD AND CAMP GREEN AVENUE (50 FOOT RIGHT-OF-WAY); THENCE WITH THE EASTERLY MARGIN OF CAMP GREEN AVENUE N. 03-54-00 E. 478.03 FEET TO AN EXISTING IRON PIN, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 14, BLOCK 1, MARSH ESTATES AS SHOWN ON IN MAP BOOK 3, PAGE 244 OF SAID REGISTRY; THENCE WITH THE SOUTHERLY LINE OF LOT 14, S. 86-16-50 E. 150.03 FEET TO AN EXISTING IRON PIN IN THE WESTERLY LINE OF LOT 8, BLOCK 3A, DOWD HEIGHTS AS SHOWN IN MAP BOOK 3, PAGE 101 OF SAID REGISTRY; THENCE WITH THE WESTERLY AND SOUTHERLY LINES OF LOT 8 IN TWO COURSES AND DISTANCES AS FOLLOWS: 1) S. 04-50-46 W. 23.63 FEET TO AN EXISTING CONCRETE MONUMENT; 2) S. 83-30-51 E. 163.30 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING 149,174.08 SQUARE FEET OR 3.425 ACRES AS SHOWN ON SURVEY PREPARED BY R.B. PHARR & ASSOCIATES, P.A. DATED DECEMBER 3, 1993. (FILE #W-1460)

Petition No. 95-59
Graybar Electric Co., Inc.

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Graybar Electric Co., Inc. owner(s) and successors-in-interest of the property described as tax parcels 067-062-07, 067-062-06 and 067-062-05 and described in detail further in the ordinance, identified below, approved by the City Council.

In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of I-1(CD) on the official zoning map.

This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.

Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.

APPROVED BY CITY COUNCIL

DATE September 18, 1995

PETITIONER: CMPC
Petition No. 95-63
Revised 5/8/95, 6/30/95, 7/20/95

ORDINANCE NO. 380

AN ORDINANCE AMENDING APPENDIX A
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. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

1. Amend Section 2.201. Definitions, Abutting by deleting the word "alley" from the first sentence in the phrase, "not separated by a street or alley."

The amended definition will then read as follows:

Abutting.

Having common property boundaries or lot lines which are not separated by a street. For purposes of this ordinance adjoining shall have the same meaning as abutting.

2. Amend Section 5.104. Filing of variance petition, by deleting the wording "City Council" and replacing it with "Mecklenburg County Board of County Commissioners".

The amended section will then read as follows:

A petition for variance, in the form prescribed by the Board of Adjustment, shall be filed with the Zoning Administrator, accompanied by a nonrefundable filing fee as established by the Mecklenburg County Board of County Commissioners.

3. Amend Section 9.101. Table of Uses, TABLE 9.101, PERMITTED USES, BY DISTRICT:

- (a) **RESIDENTIAL USES:** Dwellings, planned multi-family and attached or buildings with more than 12 units, by deleting the X's from the RE-1 and RE-2 districts.

- (b) OFFICE & BUSINESS USES: Car Washes, by deleting the PC designations from the UR-3 and UR-C districts, and deleting the PC designation from the B-2 district and replacing it with an X.

4. Amend Section 9.205. Development standards for single family districts, by:

- (a) Deleting the word "block" from the first sentence of (b) under (4) Special subdivision lot and yard requirements. The revised item (b) will then read in its entirety as follows: (The word "block" which is to be deleted is shown here with lines through it.)
 - (b) Development on each lot need not meet the minimum setback requirement for the district in which such lot is located, if the average setback of all lots along a street ~~block~~ within a subdivision meet the minimum setback requirement for the district. In no event, shall a structure be located any closer than 20 feet to the right-of-way. The setback for each lot shall be shown on the final plat;
- (b) Changing the lot width for the R-4 district from 60 feet to 50 feet in item (5) Cluster Development, Table 9.205(5).

The amended Table 9.205(5) will then read as follows:

Table 9.205(5)

Zoning Districts	Maximum Dwelling Units Per Acre	Minimum Lot Area (Square feet)	Minimum Lot Width (Feet)	Minimum Rear Yard (Ft.) Interior Lots*
R-3	3.0	8,000	60	30
R-4	4.0	6,000	50	30
R-5	5.0	4,500	40	20
R-6	6.0	3,500	40	20

5. Amend Section 9.305. Development standards for multi-family districts, (e) Minimum setback (feet)³, by deleting the present standards which are as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(e) Minimum setback (feet) ³	30	30	30	30	30

and replacing with the following:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(e) Minimum setback (feet) ³					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments	30	30	30	30	30

6. Amend footnote (5) for planned multi-family family developments in Footnotes to Charts 9.305(1), 9.705(1), 9.805(1), by adding the following after the first sentence:

except in a single building planned multi-family development where side and rear yards will be determined based upon the configuration of the lot.

The revised footnote will then read in its entirety as follows:

5. Side and rear yard determinations in planned multi-family developments will be based on the orientation of each proposed building to the adjoining project property line, except in a single building planned multi-family development where side and rear yards will be determined based upon the configuration of the lot. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.

7. Amend Section 9.405. Urban Residential Districts; area, yard and height regulations, (1) UR-1, (2) UR-2, (3) UR-3, (4) UR-C, by adding the following after each of the maximum height footnotes:

"over 40 feet."

In addition add the words, "side and rear," after the word "required."

Each amended footnote will then read as follows:

Maximum height may be increased above 40 feet provided all required side and rear yards are increased 1 foot for every 10 feet of building height over 40 feet.

8. Amend PART 8: BUSINESS, Section 9.802. Uses permitted by right, by adding the following at the end of the section in proper numerical order:

Car washes (B-2 only).

9. Amend PART 8: BUSINESS, Section 9.803. Uses permitted under prescribed conditions, (7) by deleting the present language which reads as follows:

(7) Car washes (B-1 and B-2 only), provided that:

- (a) All car washing facilities must be within an enclosed building. Vacuuming facilities may be outside of the building, but may not be located within an required yard or buffer;
- (b) A high-volume facility utilizing a conveyer or chain drag system for moving automobiles through the washing area is permitted in the B-2 only; and
- (c) In B-1 only, at least one attendant must be present whenever the business is open but not more than three attendants may be on duty at the same time however, these restrictions do not apply where the car wash is an integral and accessory part of a service station operation and attendants serve both facilities.

and replacing with the following:

(7) Car washes (B-1 only), provided that:

- (a) All washing facilities must be within an enclosed building. Vacuuming facilities may be outside the building but may not be located in any required yard or buffer;
- (b) A high-volume facility utilizing a conveyer or chain drag system for moving automobiles through the washing area is not permitted.
- (c) At least one attendant must be present whenever the business is open but not more than three attendants may be on duty at any time. These attendant requirements do not apply where the laundry facility is an integral and accessory part of a service station operation and attendants serve both facilities.

10. Amend Section 12.102. Special lot, setback and yard requirements, (3), by deleting the word "public" from the first sentence in the phrase, "measured from the center line of public alleys."

The amended item (3) will read as follows:

- (3) Side yards and rear yards may be measured from the centerline of alleys which adjoin lots in any district. However, if the alley separates lots in residential districts from lots in nonresidential districts, this allowance will not apply.

11. Amend Section 12.105. Effect of certain street and public land dedications on computation of density by:

- (a) Combining the two statements numbered (1) and (2) into one statement without distinguishing between single family and multi-family regarding how to compute the permitted number of lots or dwelling units for dedicated land. The revised statement will read as follows when in context with its preceding sentence:

To compute the number of lots or dwelling units that could have been built in the qualifying right-of-way or dedicated area, the following method will be used:

Total dedicated land area (in acres) multiplied by the maximum permitted density for the zoning district.

- (b) Deleting the third paragraph which reads as follows:

The lots in a single family subdivision outside of the areas to be dedicated may be reduced in size to accommodate the total number of lots which could have been derived from the right-of-way area, so long as no more than 50 percent of the total number of lots in the subdivision are so reduced and so long as the reduction of the lot sizes does not fall below the lot standards of the next least restrictive single family zoning classification. In the case of multi-family development, the total number of units which could have been derived from the right-of-way area may be constructed elsewhere on the site, so long as the overall project density does not exceed the maximum allowable density of the next least restrictive multi-family zoning district or result in a 25 percent increase in the total number of dwelling units on the site, whichever is less.

and replacing it with the following:

The resulting number of units when added to what can be built on the remainder of the site can not total more than the permitted density of the entire site before dedication.

The entire revised Section 12.105 will read as follows:

Section 12.105. Effect of certain street and public land dedications on computation of density.

Land dedicated for future streets or thoroughfares may be used to compute the number of lots or dwelling units allowed on an entire site. This does not apply to any right-of-way for existing streets, but only to the dedication of additional or new right-of-way.

Land dedicated to the public for any community service facility including but not limited to public schools, parks, greenways, open space, police and fire stations, libraries, public housing, and other public use sites may be used to compute the number of lots or dwelling units allowed on the entire site. However, in the Mixed Use Districts and Cluster developments any land so dedicated may count towards the total site area in computation of the total number of lots or dwelling units, but it shall not be credited towards any additional lots, dwelling units, or further reductions in lot sizes other than those already permitted by the regulations specifically applying to them. To compute the number of lots or dwelling units that could have been built in the qualifying right-of-way or dedication area, the following method will be used:

Total dedicated land area (in acres) multiplied by the maximum permitted density for the zoning district.

The resulting number of units when added to what can be built on the remainder of the site can not total more than the permitted density of the entire site before dedication.

In order to receive credit, any such computations are a submission requirement for a single family subdivision and must accompany the preliminary plan, and are a mandatory submission requirement for a multi-family development and must accompany the planned multi-family or attached review submission or the rezoning petition, if one is required.

12. Amend Section 12.106. Uses and structures prohibited and allowed in required setbacks and yards, (2), by adding the following sentence after the first sentence:

No accessory structure shall be located within any established setback in any residential district, except as otherwise provided.

The first 2 sentences in the paragraph will then read as:

- (2) Except as otherwise provided in this subsection, no accessory structure shall be located within any setback or side yard required by these regulations, or within 2 feet of a lot line in the established rear yard. No accessory structure shall be located within any established setback in any residential district, except as otherwise provided.

13. Amend Section 12.302. Buffer requirements, (8) The width of any required buffer may be reduced by 25% if a wall, fence, or berm is provided that meets the following standards, by adding an additional standard (f) as follows:

- (f) Walls and fences must be located on the interior side of the buffer. However, the location of the fence or wall may be varied on sites that feature unusual topography as per Section 12.304.

14. Amend Section 12.303. Screening requirements, (2)(a) by adding the words "and public streets" to the last sentence. The amended sentence will then read as follows:

A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this section when abutting residential uses and districts, and public streets;

15. Amend Section 12.303. Screening requirements, (2)(g) by citing a range for the height of shrubs at time of planting from the current 2½ feet, to 2 to 2½ feet along with a specification of a 2 foot spread.

Also, add a provision that the height of screening may be reduced along a public

street from the current requirement of 5 to 6 feet, to 4 feet.

The amended section will then read as follows:

- (g) Shrubs used in any screening or landscaping must be evergreen at least 2 to 2½ feet tall with a minimum spread of 2 feet when planted and no further apart than 5 feet. They must be of a variety and adequately maintained so that an average height of 5 to 6 feet could be expected as normal growth within 4 years of planting. The average expected height may be reduced to 4 feet for screening along public streets. Shrubs and trees shall be on the approved list in Appendix 1; and

- 16. Amend Section 13.106. Signs not requiring a permit, (5) Window signs, by adding the following to the end of the sentence:

except in residential districts, limited to one non-illuminated sign per building not exceeding 1½ square feet in area.

The amended subsection will then read as follows:

- (5) Window signs with a total copy area not exceeding 50 percent of the window or glass door onto which the sign(s) are located, except in residential districts, limited to one non-illuminated sign per building not exceeding 1½ square feet in area.

- 17. Amend CHAPTER 14: SPECIAL USE PERMITS, PART 3: CANCELLATION BY SURRENDER AND TERMINATION OF SPECIAL USE PERMITS by:

- (a) Adding the following to the title of PART 3 after the word TERMINATION,
 ,MODIFICATION AND RENOVATION

The revised title will then read:

PART 3: CANCELLATION BY SURRENDER AND TERMINATION,
 MODIFICATION AND RENOVATION OF SPECIAL USE PERMITS

- (b) Add the following new sections to PART 3:

Section 14.303. Modification of an Approved Special Use Permit. In certain limited circumstances modifications of an approved special use permit may be allowed by the Planning Director. Changes of detail which do not affect the basic relationships of the special use to the standards and requirements of the ordinance under which the special use permit was approved, affect the

conditions attached to the approval of the special use permit, or require a variance of the standards of the underlying zoning district may be authorized by the Planning Director. In the case of a major special use permit, the decision of the Planning Director may be appealed to the Planning Commission for review and decision as to whether a modification may be approved in this manner. In the case of a minor special use permit, the decision of the Planning Director as to whether the special use permit may be modified in this manner is final.

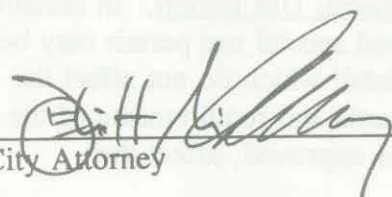
Section 14.304. Revocation.

- (1) The Zoning Administrator 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 Zoning Administrator, then the Zoning Administrator 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 to the Zoning Board of Adjustment.

Subsequent to the completion of any appeals provided for in 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:



City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 18th day of September, 1995, the reference having been made in Minute Book 108 and recorded in full in Ordinance Book 47, at Page(s) 52-54F.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of October, 1995.



Nancy S. Gilbert, Deputy City Clerk

APPROVED BY CITY COUNCIL
DATE September 18, 1995

CITY ZONE CHANGE

Petition No. 95-64A and B
City of Charlotte.

ZONING REGULATIONS

ORDINANCE NO. 381-Z

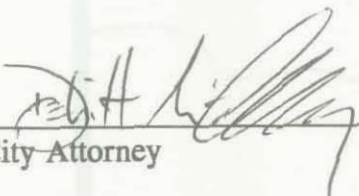
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by change from R-3, B-2(CD), I-1(CD), I-1, I-2, I-2(CD), B-2 and R-MH to Same on the Official Zoning Map, City of Charlotte, N.C. the following described property:

SEE ATTACHED MAP

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

APPROVED AS TO FORM:


City Attorney

CERTIFICATION

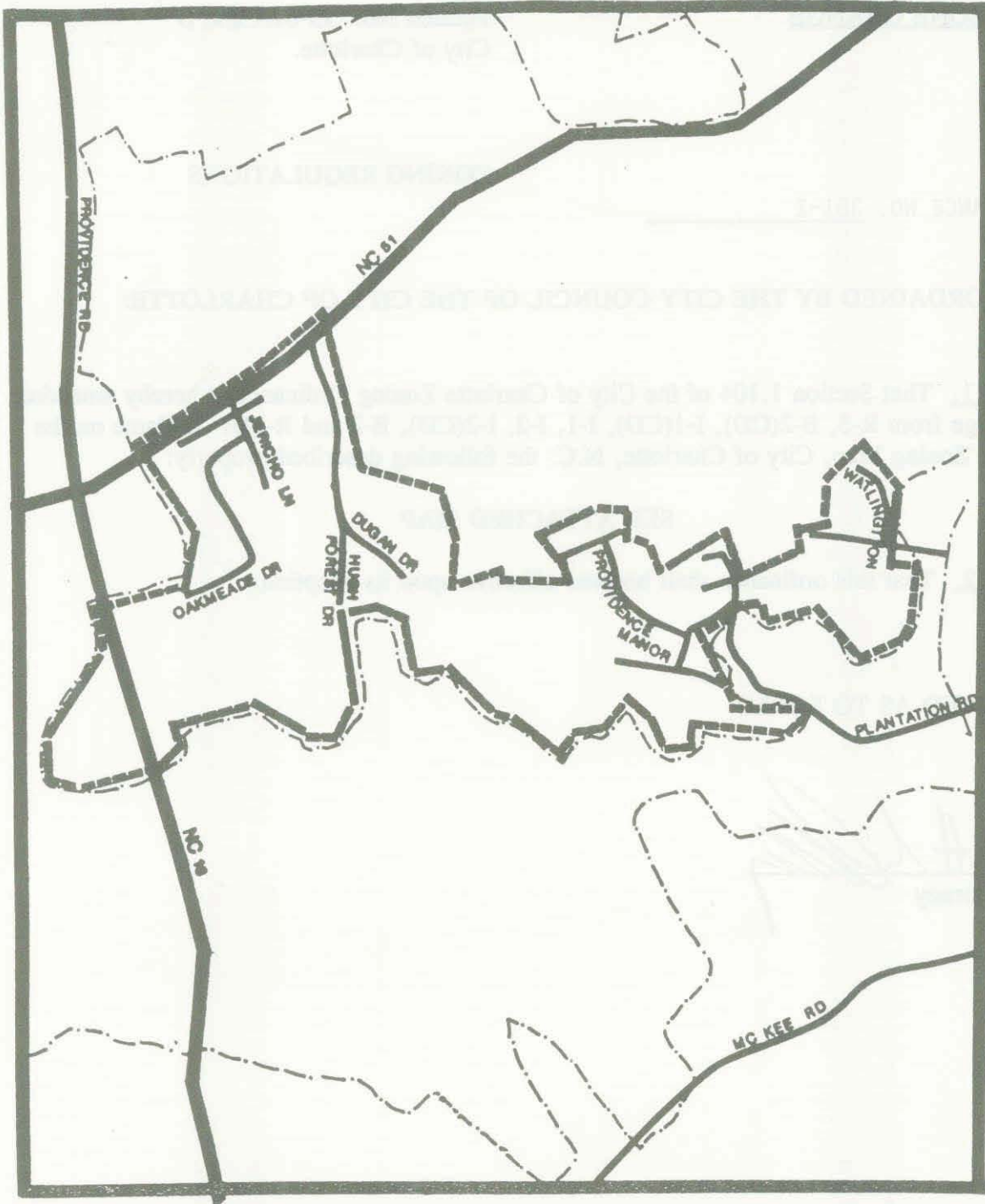
I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of September, 19 95, the reference having been made in Minute Book 108 and recorded in full in Ordinance Book 47, at Page(s) 55-57.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of October, 19 95.


Nancy S. Gilbert, Deputy City Clerk

95-715

HEMBSTEAD/ PROVIDENCE PLANTATION

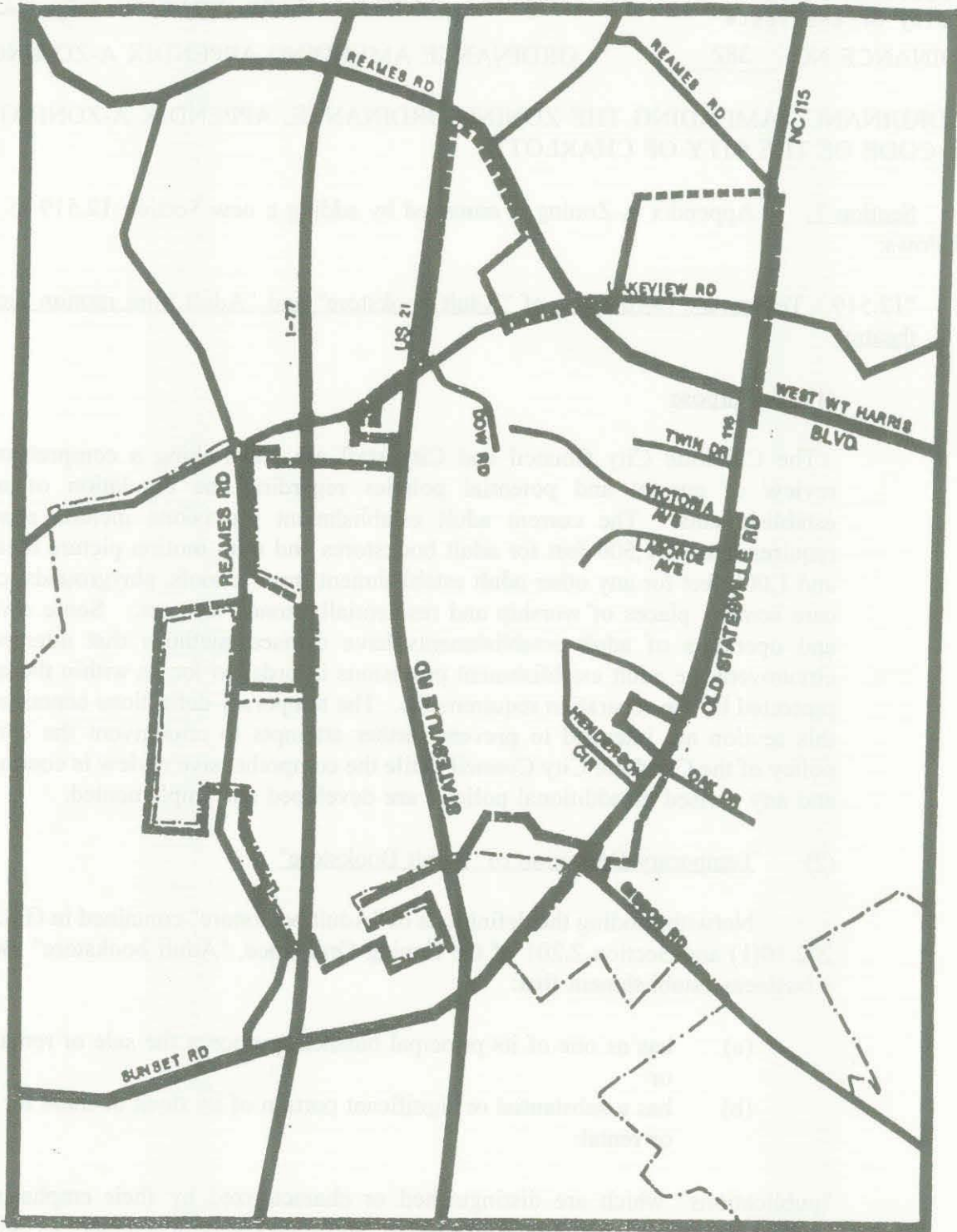


— Annexation Area Boundary

- - - Present City Limits

Proposed Annexation Area

95-09A



———— Annexation Area Boundary

- - - - Present City Limits

Proposed Annexation Area

Petition 95-86
City of Charlotte

REVISED

DATE September 18, 1995

ORDINANCE NO. 382

ORDINANCE AMENDING APPENDIX A-ZONING

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

Section 1. Appendix A-Zoning is amended by adding a new Section 12.519 to read as follows:

"12.519. Temporary Definitions of "Adult bookstore" and "Adult mini motion picture theatre"

(1) Purpose

The Charlotte City Council and City staff are undertaking a comprehensive review of current and potential policies regarding the regulation of adult establishments. The current adult establishment provisions include spacing requirements of 1,500 feet for adult bookstores and mini-motion picture theatres and 1,000 feet for any other adult establishment from schools, playgrounds, child care centers, places of worship and residentially zoned districts. Some owners and operators of adult establishments have devised methods that attempt to circumvent the adult establishment provisions in order to locate within the areas protected by the separation requirements. The temporary definitions contained in this section are intended to prevent further attempts to circumvent the current policy of the Charlotte City Council while the comprehensive review is conducted and any revised or additional policies are developed and implemented.

(2) Temporary Definition of "Adult Bookstore"

Notwithstanding the definitions of "Adult bookstore" contained in G.S. 14-202.10(1) and Section 2.201 of the Zoning Ordinance, "Adult bookstore" means a business establishment that:

- (a) has as one of its principal business purposes the sale or rental of;
or
- (b) has a substantial or significant portion of its stock or trade for sale or rental:

"publications" which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas", as defined in G.S. 14-202.10(10), or "specified sexual activities", as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices", as defined in G.S. 14-202.10(9).

As used in this definition, "publications" include, by way of illustration, books, magazines, other periodicals, movies, video-tapes, and other products offered in photographic, electronic, magnetic, digital or other imaging medium.

In addition of all other information available to the Zoning Administrator in making a determination whether a particular use is an "Adult bookstore", any of the following shall be indicia that an establishment has as one of its principal business purposes the sale or rental of "publications" which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities", as defined in G.S. 14-202.10(10), or "specified anatomical areas", as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices", as defined in G.S. 14-202.10(9):

- (a) restricted access to the business establishment or portions of the business establishment by persons under 16 years of age;
- (b) posted signs or notices outside and/or inside the business establishment indicated that the material offered for sale or rental might be offensive;
- (c) the building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental.

(3) Temporary Definition of "Adult Mini Motion Picture Theatre"

Notwithstanding the definition of "Adult mini motion picture theatre" contained in G.S. 14-202.10(6), "Adult mini motion picture theatre" means an enclosed building with one or more viewing booths or partitioned areas designed to hold patrons for the presentation and viewing of motion pictures (film, videotape, laser disc, CD-ROM or other imaging media), where:

- (a) one of the principal business purposes is the presentation and viewing of motion pictures in the viewing booths that;
- (b) a substantial or significant portion of the stock of motion pictures available for viewing or that are actually viewed in the viewing booths:

are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas", as defined in G.S. 14-202.10(11); or "specified sexual activities", as defined in G.S. 14-202.10(10); and/or (ii) "sexually oriented devices", as defined in G.S. 14-202.10(9).

In addition of all other information available to the Zoning Administrator in making a determination whether a particular use is an "Adult mini motion picture theatre", any of the following shall be indicia that the business establishment has as one of its principal business purposes the presentation and viewing in viewing booths motion pictures which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities", as defined in G.S. 14-202.10(10), or "specified anatomical areas", as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented

devices", as defined in G.S. 14-202.10(9):

- (a) restricted access to the business establishment or portions of the business establishment where viewing booths are located by persons under 16 years of age;
- (b) posted signs or notices outside and/or inside the business establishment indicated that the material offered for presentation and viewing in the viewing booths might be offensive;
- (c) the portion of the building containing the viewing booths is screened or otherwise located or situated in a manner that restricts or limits complete visual access to the booths from the primary or principal clerk or cashier area.

Section 2. In any clause or other portion of this ordinance is held invalid, that decision shall not affect the validity of the remaining portions of this ordinance, which are severable.

Section 3. This ordinance is effective upon adoption.

Approved as to form:

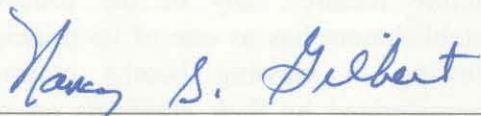


 ASST. City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 18th day of September, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 47, Page(s) 58-60.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of October, 1995.



 Nancy S. Gilbert, Deputy City Clerk

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE - ZONING ORDINANCE

ORDINANCE NO. 383

AN ORDINANCE AMENDING THE CITY CODE
WITH RESPECT TO THE ZONING ORDINANCE

APPROVED BY CITY COUNCIL
DATE September 18, 1995

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

1. Amend Section 2.201 Definitions by deleting the present definition for Group Home and by substituting the following new definition.

Group Home

A group home as used throughout this ordinance, means a "family care home" as ~~found only as defined in Chapter 168, Article 3, "Family Care Homes"~~ of the General Statutes. A group home means a home with support and supervisory personnel that provides room and board, personal care and rehabilitation service in a family environment for not more than six resident handicapped persons. A handicapped person means a person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. § 122C-3(11)b. In addition, a group home ~~will shall also be construed to mean a residential use, even if it does not conform to the language above, that provides a residential environment for no more than six residents~~ clients which may require various services, living assistance, or supervision but does not include any facility that provides medical services requiring or comparable to on-site, ~~round-the-clock skilled-nursing, physician, or medical care for the occupants which is only permitted in a dependent living facility or health institution.~~ *All group homes must comply with all applicable Federal, State, local licensing requirements and health regulations. The limit of 6 residents applies to group homes located in single family districts. Group homes located in any other district may house up to 10 residents.*

2. Amend Section 2.201 Definitions by deleting the present definition for Halfway house.
3. Amend Table 9.101 Permitted Uses by changing the key symbol for Group Homes, up to 6 clients to indicate that such uses are permitted as a use by right in all multifamily districts.

4. Amend Table 9.101 Permitted Uses by changing the key symbol for Group Homes, 7 to 10 clients to indicate that such uses are permitted as a use by right in all multifamily districts.
5. Amend Section 9.302 Uses Permitted By Right (in Multifamily Districts) by adding a new use in proper alphabetical order as follows

Group Homes for up to 10 clients residents.

6. Amend Section 9.303 Uses Permitted Under Prescribed Conditions by deleting item (13) Group Homes, for up to 10 clients subject to the regulations in Section 12.517.
7. Amend Section 9.702 Uses Permitted by Right (Office Districts) by adding a new use in the proper alphabetical order as follows.

Group Homes for up to 10 residents.

8. Amend Section 9.703 Uses Permitted Under Prescribed Conditions (Office Districts) by deleting item (31) Group homes, subject to the regulations in Section 12.517.
9. Amend Section 9.802 Uses Permitted by Right (Business Districts) by adding a new use in the proper alphabetical order as follows.

Group Homes for up to 10 residents.

10. Amend Section 9.803 Uses Under Prescribed Conditions (Business Districts) by deleting item (37) Group homes, for up to 6 clients subject to the regulations in Section 12.517 (B-1 and B-2 only).

11. Amend Section 9.403 Urban Residential Districts: Uses by Right as follows:

In paragraph (1) add "Group homes for up to 6 residents" to the list of permitted uses in the UR-1 district.

In paragraph (2) add "Group homes for up to 10 residents" to the list of permitted uses in the UR-2 district.

In paragraph (3) add "Group homes for up to 10 residents" to the list of permitted uses in the UR-3 district.

In paragraph (4) add "Group homes for up to 10 residents" to the list of permitted uses in the UR-C district.

12. Amend Section 9.502 Uses permitted by right (Institutional District) by adding a new use in the proper alphabetical order as follows.

Group Homes for up to 10 residents.

13. Amend Section 9.503 by deleting item (23) Group homes, subject to the regulations in Section 12.517.

14. Amend Section 9.902 Uptown Mixed Use District; uses permitted by right by adding a new use as follows.

(23) Group Homes for up to 10 residents.

15. Amend Table 12.202 by deleting the present parking standard for Group Homes and by substituting the following new standard.

2 spaces per unit

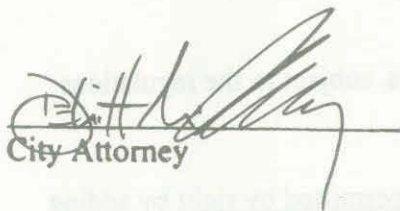
16. Amend Section 12.517 Group Homes by deleting the existing language and by substituting the following revised language.

Section 12.517 Group Homes.

This Ordinance provides for the location of group homes in a wide variety of residential and non-residential districts. However, the public has an interest in assuring that a concentration of group homes within ~~certain~~ neighborhoods or along ~~certain~~ streets in residential ~~areas~~ districts be minimized. Accordingly the following standard will apply to the location of group homes in single family residential districts. New group homes must be separated from existing group homes in a single family residential district by a distance of 800' (~~roughly 2 city blocks~~) *measured from the closest point of each lot property line in a straight line*. This standard will not apply in circumstances when the sites are separated by a major thoroughfare, major topographical feature such as a major stream floodway, or by major non-residential or public uses such as a park school, church, or shopping or office area. ~~The location of a group home within 800' shall not be considered if that group home is located in a non-residential or multifamily district.~~

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

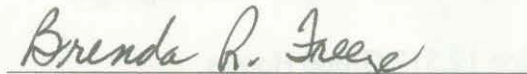
Approved as to form:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 18th day of September, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 47, Page(s) 61-63A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of September, 1995.


Brenda R. Freeze, City Clerk

Planning Committee Discussion Draft 11/15/94

Planning Committee Report Draft with minor staff clarifications 12/12/94.