

CITY CD

Petition No. 95-95
High Equity XX Limited Partnership

ORDINANCE NO. 471-Z

APPROVED BY CITY COUNCIL
DATE February 19, 1996

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 29 acres located on the west side of Reddman Road south of 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 December 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-15MF(CD) 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:

H. Muralidharan
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 19th day of February, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 225-227.

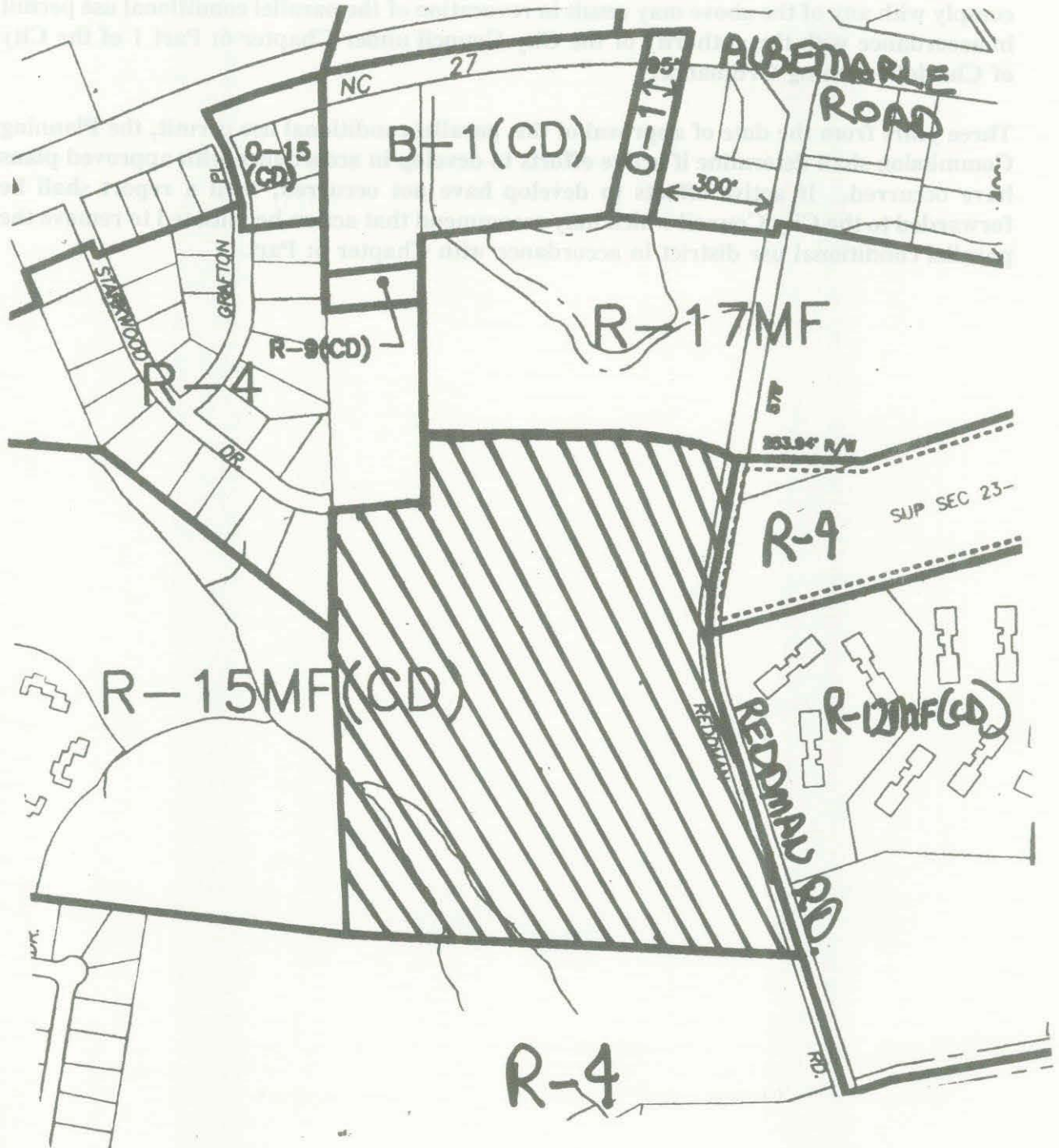
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of February, 1996.

Nancy S. Gilbert
Nancy S. Gilbert, Deputy City Clerk

95-95
LEGAL DESCRIPTION

Being all of Tax Parcel 133-051-02 as shown on a map in the Mecklenburg County Tax Office and containing 29 Acres ±.

Petition #: 95-95
Petitioner: High Equity XX Limited Partnership
Hearing Date: December 19, 1995
Zoning Classification (Existing): R-15MF(CD)
Zoning Classification (Requested): R-8MF(CD)
Location: Approximately 29 acres located on the west side of Reddman Road south of Albemarle Road.



Petition No. 95-95
High Equity XX Limited Partnership

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to High Equity XX Limited Partnership owner(s) and successors-in-interest of the property described as tax parcel 133-051-02 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. 96-1
The Dept. of Brotherhood Pensions &
Ministerial Relief

ORDINANCE NO. 472-Z

APPROVED BY CITY COUNCIL
DATE February 19, 1996

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 86.53 acres located on the west side of West Sugar Creek Road north of Nevins 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 January 22, 1996; 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:

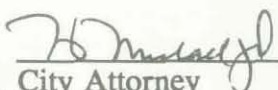
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-4 and R-17MF to Inst. (CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

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 19th day of February, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 228-233.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of February, 1996.


Nancy S. Gilbert, Deputy City Clerk

Petition #: 96-1

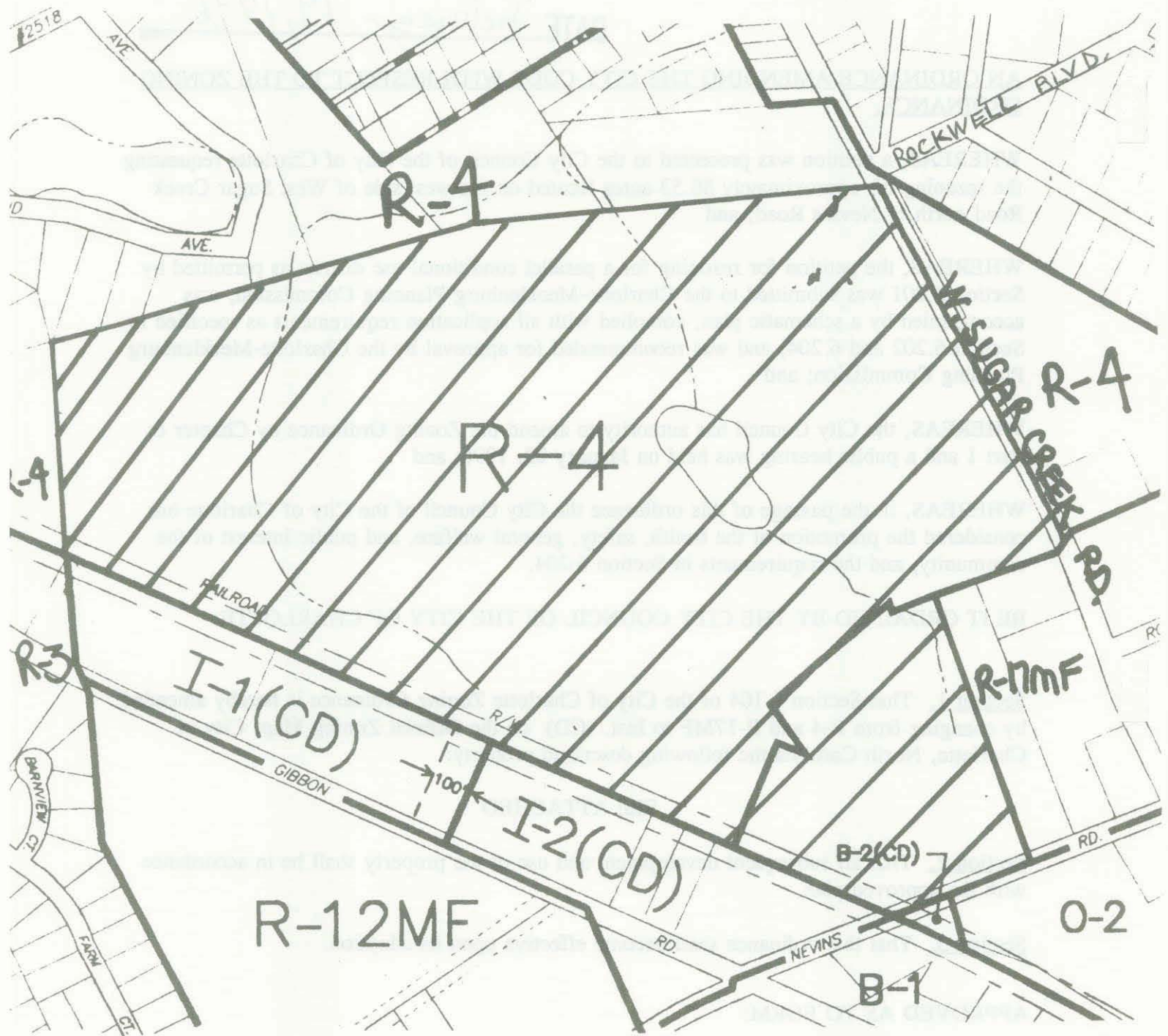
Petitioner: The Dept. of Brotherhood Pensions & Ministerial Relief

Hearing Date: January 16, 1996

Zoning Classification (Existing): R-4 and R-17MF

Zoning Classification (Requested): Inst. (CD)

Location: Approximately 86.53 acres located on the west side of West Sugar Creek Road north of Nevins Road.



Zoning Map #(s): 59

Scale: 1" = 400'

[Handwritten signature]

EXHIBIT A

PARCEL TWO

BEGINNING, at point in the center line of the right-of-way of West Sugar Creek Road, said point being located at the southeastern corner of the 43.265 acre parcel of land known as Parcel One as shown on revised survey dated April 17, 1995, by F. Donald Lawrence & Associates, P.A., RLS, to which survey reference is hereby made, and running; thence S. 25-35-16 E. 99.67 feet to a point; thence S. 23-38-14 E. 132.85 feet to a point; thence S. 72-13-07 W. 271.27 feet to an iron; thence S. 72-15-22 W. 124.03 feet to a iron; thence S. 21-13-11 E. 752.37 feet to an iron in the northern margin of Nevins Road; thence S. 67-55-47 W. 489.35 feet to a point located in the center line of the Southern Railway right of way;* thence with the centerline of the railroad track N. 66-43-02 W. 666.62 feet to a point; thence continuing with the centerline of the Southern Railway right-of-way N. 66-43-02 W. 1191.52 feet to a point; thence continuing with said centerline N. 66-43-02 W. 642.43 feet to a nail; thence N. 76-02-52 E. 1522.03 feet to a point; thence S. 45-03-01 E. 530.49 feet to a point; thence N. 75-20-39 E. 936.14 feet to the point and place of beginning; containing 43.265 acres more or less; all as shown on revised survey dated April 17, 1995, by F. Donald Lawrence & Associates, P.A., RLS, to which survey reference is hereby made.

Being a portion of the property conveyed to T. Bragg McLeod, by a number of deeds duly recorded in the Mecklenburg County Public Registry.

* (Said point being the point of intersection of the northerly margin of the right-of-way of Nevin Road with the center line of the Southern Railway right-of-way).

State of North Carolina, County of Mecklenburg

The foregoing certificate(s) of Zenobia McGowan

Notary(ies) Public is/are certified to be correct. This 9th day of June 19 95.

JUDITH A. GIBSON, REGISTER OF DEEDS By: Barbara P. Young Deputy Register of Deeds

96-1

BK: 08174 PG: 0066/0068 #:0396 12.00
*** NC EXCISE TAX: 950.00 ***
JUDITH A GIBSON REG OF DEEDS MECK NC
FILED FOR REGISTRATION 06/09/95 16:53

MECKLENBURG COUNTY

JUN 9 1995



950.00

TRAN EE



Real Estate
Excise Tax

Excise Tax \$950.00

Recording Time, Book and Page

Tax Lot No. Part of 043-026-26 Parcel Identifier No.
Verified by County on the day of 19
by

Mail after recording to Calvin L. Brown, Attorney 401 E. 2nd St, Ste. 205
Charlotte, NC 28202

This instrument was prepared by John S. Freeman

Brief description for the Index



NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 9th day of June, 19 95, by and between

GRANTOR

GRANTEE

T. BRAGG McLEOD (unmarried)

THE DEPARTMENT OF BROTHERHOOD
PENSIONS AND MINISTERIAL RELIEF
AFRICAN METHODIST EPISCOPAL
ZION CHURCH, an unincorporated
religious association

P.O. Box 34454
Charlotte, NC 28234-4454

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of

Township,

Mecklenburg County, North Carolina and more particularly described as follows:

BEING all of the property which is described on Exhibit A, which is attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in _____

A map showing the above described property is recorded in Plat Book _____ page _____

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Subject to all such valid and enforceable easements, conditions, restrictions and reservations as may appear of record, including, without limitation, the right-of-way of the Southern Railway and any public streets or roads abutting or traversing said property. Subject also to the lien of ad valorem property taxes for 1995.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

President

TEST:

Secretary (Corporate Seal)

USE BLACK INK ONLY

T. Bragg McLeod

T. Bragg McLeod (SEAL)

(SEAL)

(SEAL)

(SEAL)



SEAL-STAMP

NORTH CAROLINA, Mecklenburg County.
I, a Notary Public of the County and State aforesaid, certify that T. Bragg McLeod

Grantor,
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this 9th day of June, 1995
My commission expires: September 4, 1995
[Signature] Notary Public

NORTH CAROLINA, _____ County.
I, a Notary Public of the County and State aforesaid, certify that _____
personally came before me this day and acknowledged that _____ he is _____ Secretary of
_____ a North Carolina corporation, and that by authority duly
given and as the act of the corporation, the foregoing instrument was signed in its name by its _____
President, sealed with its corporate seal and attested by _____ as its _____ Secretary.

Petition No. 96-1
The Department of Brotherhood
Pensions & Ministerial Relief

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to The Department of Brotherhood Pensions & Ministerial Relief owner(s) and successors-in-interest of the property described as a portion of tax parcel 043-026-26 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 Inst.(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 February 19, 1996

CITY ZONE CHANGE

Petition No. 96-4
Charlotte-SAMP, L.L.C. and SAMP, Inc.

ZONING REGULATIONS

ORDINANCE NO. 473-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 I-2 to I-1 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:

H. Michael J. [Signature]
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 19th day of February, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 234-235.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of February, 1996.

Nancy S. Gilbert [Signature]
Nancy S. Gilbert, Deputy City Clerk

Petition #: 96-4

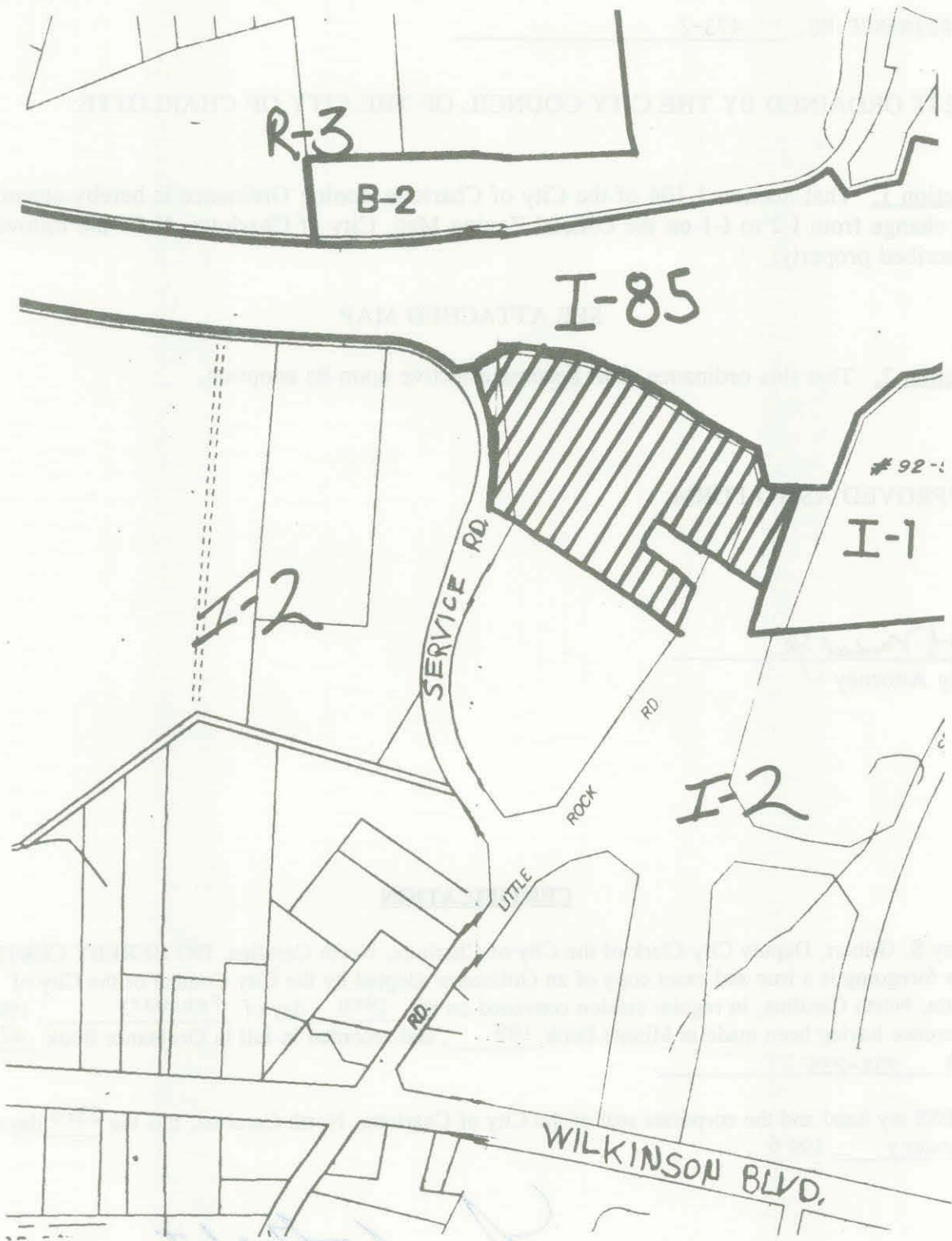
Petitioner: Charlotte-SAMP, L.L.C. and SAMP, Inc.

Hearing Date: January 16, 1996

Zoning Classification (Existing): I-2

Zoning Classification (Requested): I-1

Location: Approximately 6.139 acres located on the west side of Little Rock Road north of Wilkinson Boulevard.



Zoning Map #(s): 85,86

Scale: 1" = 400'

APPROVED BY CITY COUNCIL

August 28, 1995
Revised 8/31/95

DATE February 19, 1996

Ordinance No. 474

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:

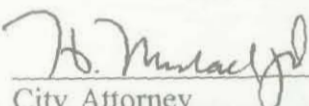
Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

1. Amend CHAPTER 13: SIGNS, Section 13.108. Specifications for permanent signs requiring a permit, (1) Wall Signs by adding the following:
 - (h) Special circumstances
There may be special circumstances because of typography that make the above standards impractical for wall signs. Therefore, signs may be placed on the roof instead of a building wall if they meet the following provisions:
 1. At least 50% of the entire plane of the building facing the street, including the roof plane and any wall plane, must be below the grade of the adjoining street from which the sign(s) will face and from which the building gets its direct vehicular access.
 2. Any such sign(s) placed on the roof of a building must meet the same requirements for wall signs in terms of area, size, number, projection and lighting.
 3. Such sign(s) shall not extend above the highest ridge of the roof so placed or beyond any other edge of the roof or building. These signs may not be placed on flat roofs.
 4. Any roof or wall sign(s) which existed on a pitched roof prior to January 1, 1995 and meets the requirements of item 1 of this subsection may remain in place under the nonconforming provisions of Section 13.112(1)(c) of this ordinance. In addition, these existing nonconforming signs will be exempt from any of the amortization provisions of Section 13.112.

February 19, 1996
Ordinance Book 47, Page 237

Section 2. This ordinance shall become effective upon adoption.

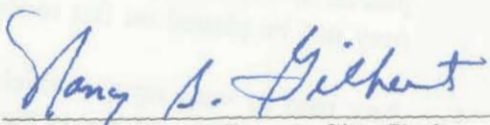
Approved as to form:


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 19th day of February, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 236-237.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of February, 1996.


Nancy S. Gilbert, Deputy City Clerk

CITY CD

Petition No. 96-8
Fairfield Residential, Inc.

ORDINANCE NO. 475-Z

APPROVED BY CITY COUNCIL

DATE February 19, 1996

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 69.14 acres located on the south side of NC Hwy 51 at Bannington 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 January 22, 1996; 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-12MF(CD) Parcel 1 and 2 and R-3(CD) Parcel 3 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.

-continued-

APPROVED AS TO FORM:

J. H. Marshall, Jr.
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 19th day of February, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 238-242.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of February, 1996.

Nancy S. Gilbert, Deputy City Clerk

96-8
R-3(CDD)

LEGAL DESCRIPTION
PARCEL 3
FAIRFIELD RESIDENTIAL, INC.
N.C. HIGHWAY 51

BEGINNING at a point in the southerly right-of-way line of N.C. Highway 51 (Pineville-Matthews Road), said point being at the intersection of said right-of-way line with the center line of McAlpine Creek and also being the northeasterly corner of a tract of land described in Deed Book 4534, Page 327, of the Mecklenburg Public Registry; and running thence with said center line of McAlpine Creek seven courses and distances as follows: (1) S. 40-05-00 W. 262.48 feet; (2) S. 40-34-59 W. 2,080.42 feet; (3) S. 24-59-43 W. 120.13 feet; (4) S. 08-49-21 W. 261.76 feet; (5) S. 19-21-42 E. 243.05 feet; (6) S. 09-59-50 E. 277.65 feet; (7) S. 03-26-46 E. 72.35 feet; thence N. 21-35-27 W. 72.96 feet; thence N. 66-24-17 W. 99.02 feet; thence N. 74-54-58 W. 282.51 feet; thence N. 08-11-30 W. 197.99 feet; thence N. 07-54-56 E. 199.00 feet; thence N. 16-19-27 W. 190.00 feet; thence N. 58-30-33 E. 143.00 feet; thence N. 30-59-32 E. 200.05 feet; thence N. 52-16-11 W. 680.39 feet; thence N. 62-58-10 W. 182.07 feet; thence N. 27-01-50 E. 150.00 feet; thence S. 62-58-10 E. 182.07 feet; thence S. 52-16-11 E. 311.94 feet; thence S. 68-44-49 E. 256.98 feet; thence N. 46-44-49 E. 354.57 feet; thence N. 38-11-33 E. 344.23 feet; thence N. 68-19-40 E. 416.40 feet; thence N. 43-00-43 E. 310.88 feet; thence N. 21-59-20 E. 252.44 feet; thence N. 54-42-32 W. 118.04 feet; thence N. 04-49-16 E. 142.62 feet; thence N. 57-58-32 E. 163.69 feet; thence N. 44-35-33 E. 354.08 feet to a point in the southerly right-of-way line of N.C. Highway 51; thence with said right-of-way line and with the arc of a circular curve to the right having a radius of 1,382.39 feet and a chord bearing and distance of S. 44-02-54 E. 95.95 feet, an arc distance of 95.97 feet; thence S. 42-03-34 E. 187.47 feet to the point of BEGINNING and containing 21.7051 acres.

96-8
R-12 MF(CD)

LEGAL DESCRIPTION
PARCEL 2
FAIRFIELD RESIDENTIAL, INC.
N.C. HIGHWAY 51

To establish the BEGINNING point, begin at a concrete monument in the southerly right-of-way line of N.C. Highway 51, which monument marks the northwest corner of the property conveyed to George D. Collie by deed recorded in Deed Book 4534, Page 327, of the Mecklenburg County Public Registry, and run thence with said right-of-way line S. 79-00-34 E. 596.14 feet to the point of BEGINNING; and running thence from the BEGINNING point with said highway right-of-way line, S. 79-00-34 E. 135.47 feet; thence continuing with said right-of-way line and with the arc of a circular curve to the right having a radius of 1,382.39 feet and a chord bearing and distance of S. 75-35-38 E. 164.72 feet, an arc distance of 164.82 feet; thence S. 10-59-26 W. 311 feet; thence N. 79-00-34 W. 346.29 feet to a point in the centerline of a new street right-of-way; thence with the centerline of said right-of-way, two courses and distances as follows: (1) with the arc of a circular curve to the left having a radius of 300 feet and a chord bearing and distance of N. 27-07-00 E. 166.65 feet, an arc distance of 168.87 feet and (2) N. 10-59-26 E. 160.72 feet to the point on BEGINNING and containing 2.252 acres.

96-8
R-12 MF(CD)

LEGAL DESCRIPTION
PARCEL 1
FAIRFIELD RESIDENTIAL, INC.
N.C. HIGHWAY 51

To establish the BEGINNING point, begin at an iron pin located at the westernmost corner of the property conveyed to George C. Collie by deed recorded in Book 4534, page 327, of the Mecklenburg Public Registry, and run thence two lines as follows: (1) S. 62-58-10 E. 533.1 feet and (2) N. 27-01-50 E. 150 feet to the point of BEGINNING; and running thence from said BEGINNING point, S. 62-58-10 E. 182.07 feet; thence S. 52-16-11 E. 311.94 feet; thence S. 68-44-49 E. 256.98 feet; thence N. 46-44-49 E. 354.57 feet; thence N. 38-11-33 E. 344.23 feet; thence N. 68-19-40 E. 416.40 feet; thence N. 43-00-43 E. 310.88 feet; thence N. 21-59-20 E. 252.44 feet; thence N. 54-42-32 W. 118.04 feet; thence N. 04-49-16 E. 142.62 feet; thence N. 57-58-32 E. 163.69 feet; thence N. 44-35-33 E. 354.08 feet to a point in the southerly right-of-way line of N.C. Highway 51; thence with said right-of-way line and with the arc of a circular curve to the left having a radius of 1,382.39 feet and a chord bearing and distance of N. 59-06-28 W. 625.26 feet, an arc distance of 630.72 feet; thence S. 10-59-26 W. 311 feet; thence N. 79-00-34 W. 309.6 feet to a point in the southeast right-of-way line of a new street; thence with said right-of-way line four courses and distances as follows: (1) S. 45-30-01 W. 224.63 feet; (2) with the arc of a circular curve to the left having a radius of 770 feet and a chord bearing and distance of S. 35-49-23 W. 258.87 feet, an arc distance of 260.1 feet; (3) S. 26-08-45 W. 182.6 feet; and (4) with the arc of a circular curve to the right having a radius of 730 feet and a chord bearing and distance of S. 56-58-35 W. 748.25 feet, an arc distance of 785.62 feet; thence S. 27-01-50 W. 484.83 feet to the point of BEGINNING, and containing 40.1978 acres.

Petition #: 96-8

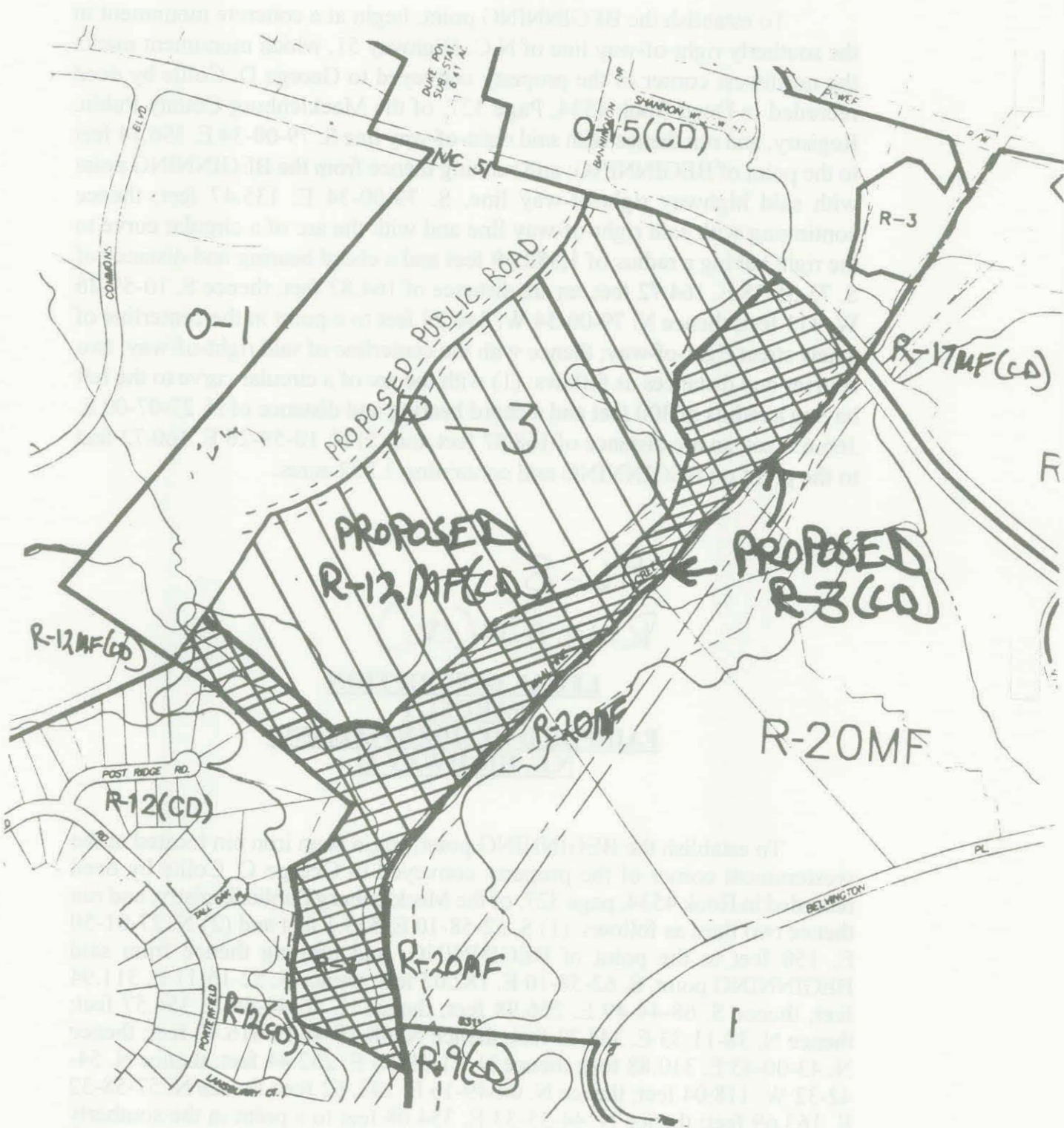
Petitioner: Fairfield Residential, Inc.

Hearing Date: January 16, 1996

Zoning Classification (Existing): R-3

Zoning Classification (Requested): R-12MF(CD) AND R-3(CD)

Location: Approximately 69.14 acres located on the south side of NC Hwy 51 at Bannington Drive.



Zoning Map #(s): 167, 176

Scale: No Scale

Petition No. 96-8
Fairfield Residential, Inc.

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Fairfield Residential, Inc. owner(s) and successors-in-interest of the property described as a portion of tax parcel 221-201-04 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-12MF(CD) Parcel 1 and 2 and R-3(CD) Parcel 3 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.

SEE ATTACHED

Section 1. That all subsequent development and use of the property shall be in accordance with the approved plan.

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

APPROVED AS TO FORM

[Signature]
City Attorney

RECOMMENDATION

Section 3. That the City Council be and it is hereby recommended that the City Council approve the parallel conditional use permit for the property described in the ordinance as amended, subject to the conditions set forth in the ordinance as amended, and that the City Council amend Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map to change from R-1, R-2 and R-3(CD) to R-12MF(CD) and R-3(CD) on the property described in the ordinance as amended.

[Signature]
City Council

CITY CD

Petition No. 96-9
International Airport Centers, Inc.

ORDINANCE NO. 476-Z

APPROVED BY CITY COUNCIL

DATE February 19, 1996

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 40.042 acres located on the southwest corner of the intersection between West Boulevard and Yorkmont 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 January 22, 1996; 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:

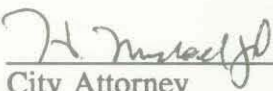
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-3, I-1 and I-1(CD) to I-2(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

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 19th day of February, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 243-247.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of February, 1996.


Nancy S. Gilbert, Deputy City Clerk

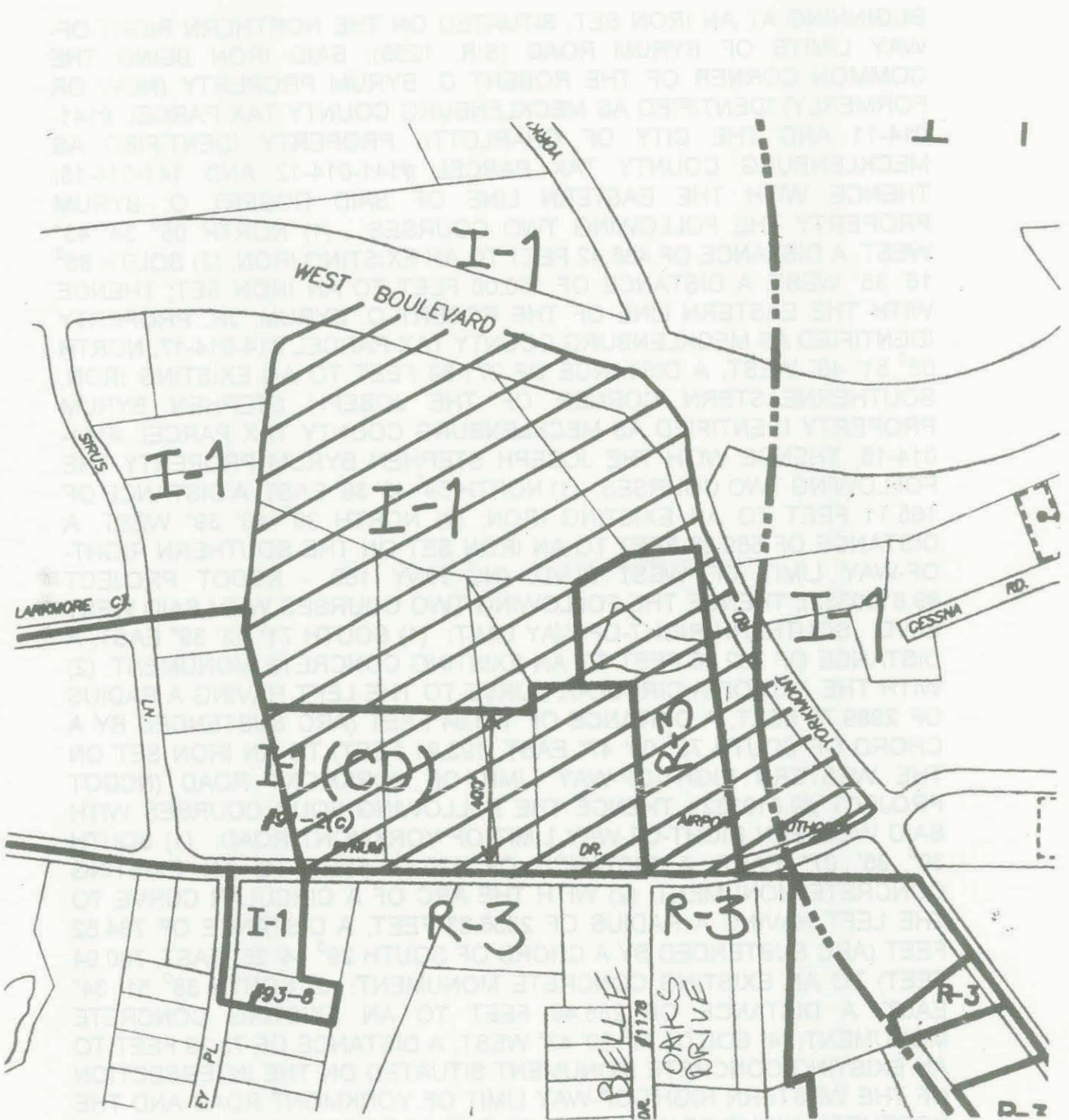
Petitioner: International Airport Centers, Inc.

Hearing Date: January 16, 1996

Zoning Classification (Existing): R-3, I-1 and I-1(CD)

Zoning Classification (Requested): I-2(CD)

Location: Approximately 40.042 acres located on the southwest corner of the intersection between West Boulevard and Yorkmont Road.



Zoning Map #(s): 109

Scale: 1" = 400'

LEGAL DESCRIPTION

BEGINNING AT AN IRON SET, SITUATED ON THE NORTHERN RIGHT-OF-WAY LIMITS OF BYRUM ROAD (S.R. 1255); SAID IRON BEING THE COMMON CORNER OF THE ROBERT O. BYRUM PROPERTY (NOW OR FORMERLY) IDENTIFIED AS MECKLENBURG COUNTY TAX PARCEL #141-014-11 AND THE CITY OF CHARLOTTE PROPERTY IDENTIFIED AS MECKLENBURG COUNTY TAX PARCEL #141-014-12 AND 141-014-15; THENCE WITH THE EASTERN LINE OF SAID ROBERT O. BYRUM PROPERTY THE FOLLOWING TWO COURSES: (1) NORTH $05^{\circ} 34' 43''$ WEST, A DISTANCE OF 486.42 FEET TO AN EXISTING IRON; (2) SOUTH $88^{\circ} 16' 35''$ WEST, A DISTANCE OF 150.00 FEET TO AN IRON SET; THENCE WITH THE EASTERN LINE OF THE ROBERT O. BYRUM, JR. PROPERTY IDENTIFIED AS MECKLENBURG COUNTY TAX PARCEL #14-014-17, NORTH $05^{\circ} 51' 46''$ WEST, A DISTANCE OF 271.89 FEET TO AN EXISTING IRON, SOUTHERNEASTERN CORNER OF THE JOSEPH STEPHEN BYRUM PROPERTY IDENTIFIED AS MECKLENBURG COUNTY TAX PARCEL #141-014-16; THENCE WITH THE JOSEPH STEPHEN BYRUM PROPERTY THE FOLLOWING TWO COURSES: (1) NORTH $59^{\circ} 42' 38''$ EAST, A DISTANCE OF 165.11 FEET TO AN EXISTING IRON; (2) NORTH $39^{\circ} 40' 39''$ WEST, A DISTANCE OF 569.88 FEET TO AN IRON SET ON THE SOUTHERN RIGHT-OF-WAY LIMIT OF WEST BLVD. (NC HWY 160 - NCDOT PROJECT #9.8100332); THENCE THE FOLLOWING TWO COURSES WITH SAID WEST BLVD. SOUTHERN RIGHT-OF-WAY LIMIT: (1) SOUTH $71^{\circ} 13' 39''$ EAST, A DISTANCE OF 202.38 FEET TO AN EXISTING CONCRETE MONUMENT; (2) WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2989.79 FEET, A DISTANCE OF 193.94 FEET (ARC SUBTENDED BY A CHORD OF SOUTH $75^{\circ} 09' 47''$ EAST, 193.91 FEET) TO AN IRON SET ON THE WESTERN RIGHT-OF-WAY LIMIT OF YORKMONT ROAD (NCDOT PROJECT #9.810332); THENCE THE FOLLOWING FOUR COURSES WITH SAID WESTERN RIGHT-OF-WAY LIMIT OF YORKMONT ROAD: (1) SOUTH $39^{\circ} 35' 07''$ EAST, A DISTANCE OF 120.44 FEET TO AN EXISTING CONCRETE MONUMENT; (2) WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2338.83 FEET, A DISTANCE OF 784.62 FEET (ARC SUBTENDED BY A CHORD OF SOUTH $29^{\circ} 14' 26''$ EAST, 780.94 FEET) TO AN EXISTING CONCRETE MONUMENT; (3) SOUTH $38^{\circ} 51' 34''$ EAST, A DISTANCE OF 255.49 FEET TO AN EXISTING CONCRETE MONUMENT; (4) SOUTH $11^{\circ} 30' 47''$ WEST, A DISTANCE OF 73.29 FEET TO AN EXISTING CONCRETE MONUMENT SITUATED ON THE INTERSECTION OF THE WESTERN RIGHT-OF-WAY LIMIT OF YORKMONT ROAD AND THE NORTHERN RIGHT-OF-WAY LIMIT OF BYRUM ROAD (S.R. 1255); THENCE THE FOLLOWING TWO COURSES WITH SAID NORTHERN RIGHT-OF-WAY LIMIT OF BYRUM ROAD: (1) WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 522.96 FEET, A DISTANCE OF 258.07 FEET (ARC SUBTENDED BY A CHORD OF SOUTH $73^{\circ} 16' 41''$ WEST, 255.46

FEET) TO AN IRON SET; (2) SOUTH $82^{\circ} 27' 24''$ WEST, A DISTANCE OF 294.57 FEET TO THE BEGINNING; CONTAINING 10.4221 ACRES.

EXHIBIT A

Lying and being in the City of Charlotte, County of Mecklenburg, State of North Carolina and being more particularly described as follows:

BEGINNING at an iron found located in the southwesterly margin of the right-of-way of West Boulevard at the northeastern corner of that property owned by Aubrey J. Elam (now or formerly) as described in that instrument recorded in Book 7713 at Page 472 of the Mecklenburg County Public Registry and running thence with the aforesaid southwesterly margin of the right-of-way of West Boulevard the following two (2) courses and distances: (1) S. 74-03-18 E. 288.71 feet to a point; and (2) S. 71-07-58 E. 236.55 feet to an iron set in a westerly corner of that property owned by the City of Charlotte (now or formerly) (no deed found); running thence with a westerly boundary line of that property owned by the City of Charlotte (now or formerly) S. 39-35-35 E. 564.62 feet to an iron found at a common corner of the aforesaid property owned by the City of Charlotte (now or formerly) and that property owned by the City of Charlotte (now or formerly) as described in that instrument recorded in Book 2818 at Page 34 of the aforesaid Registry; running thence with the boundary of the aforesaid property of the City of Charlotte as described in that instrument recorded in Book 2818 at Page 34 of the aforesaid Registry the following four (4) courses and distances: (1) S. 59-45-14 W. 165.08 feet to an iron found; (2) S. 05-48-11 E. 271.89 feet to an iron set; (3) N. 87-51-11 E. 150.00 feet to an iron found; and (4) S. 05-27-49 E. 488.09 feet to an iron set in the northerly margin of the right-of-way of Byrum Road (SR #1255); running thence with the aforesaid northerly margin of the right-of-way of Byrum Road the following four (4) courses and distances: (1) S. 87-25-55 W. 285.00 feet to an iron found; (2) S. 87-30-17 W. 119.89 feet to an iron found; (3) S. 87-30-07 W. 308.76 feet to an iron found; and (4) S. 87-48-06 W. 243.97 feet to an iron found in a southeasterly corner of that property owned by Kenneth A. Kelly, III (now or formerly) as described in that instrument recorded in Book 6197 at Page 13 of the aforesaid Registry; running thence with an easterly boundary line of the aforesaid property owned by Kenneth A. Kelly, III and that property owned by Gene Maye (now or formerly) as described in that instrument recorded in Book 7296 at Page 138 of the aforesaid Registry and that property owned by Clyde E. Moore, Jr. (now or formerly) as described in that instrument recorded in Book 7280 at Page 64 of the aforesaid Registry N. 16-23-13 W. 612.04 feet to an iron set; running thence with an easterly boundary line of the aforesaid property owned by Clyde E. Moore, Jr. and that property owned by Abbey Ray Management Co. (now or formerly) as described in that instrument recorded in Book 6936 at Page 767 of the aforesaid Registry, that property owned by Aubrey J. Elam (now or formerly) as described in that instrument recorded in Book 7574 at Page 329 and and that instrument recorded in Book 7350 at Page 646 and that instrument recorded in Book 7713 at Page 472 of the aforesaid Registry the following two (2) courses and distances: (1) N. 02-04-09 E. 790.87 feet to an

BY:

9-11-95 : 4:51PM :

SMITH. HELMS-

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iron found; and (2) N. 60-30-58 E. 181.83 feet to the point and place of BEGINNING and containing 29.062 acres as shown on that survey titled "Boundary Survey 30.941 Acres For: International Airport Centers, Inc.", dated April 14, 1995, revised July 11, 1995, and prepared by Tim E. Williams, RLS L-3591 of Tarheel Surveying Company, reference to which survey is hereby made for a more particular description.

Petition No. 96-9
International Airport Centers, Inc.

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to International Airport Centers, Inc. owner(s) and successors-in-interest of the property described as tax parcels 141-014-08,09,10,11,12,15,16,17 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-2(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. 96-10
Collins & Aikman Corp.

ORDINANCE NO. 477-Z

APPROVED BY CITY COUNCIL
DATE February 19, 1996

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 85.62 acres located to the west of McCullough Drive south of West W.T. Harris 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 January 22, 1996; 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 B-1(CD) and O-15(CD) to B-1(CD) and O-2(CD) and amending the B-1(CD) 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.

-continued-

APPROVED AS TO FORM:

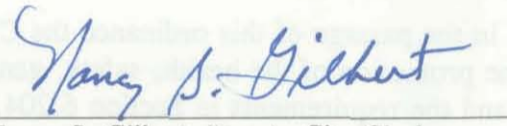


City Attorney

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 19th day of February, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 248-250B.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of May, 1996.



Nancy S. Gilbert, Deputy City Clerk

96-10

AREA 1 — B-1 (CD)

Beginning at an iron pin, said iron pin being located in the northernmost corner of Tract 1 of that certain tract or parcel or property shown on that certain map recorded in Map Book 26 at Page 475 in the Mecklenburg County Public Registry, and thence from said point or place of Beginning S. 41-33-57 W. 346.60 feet to a point; thence N. 48-26-03 W. 659.53 feet to a point; thence N. 37-12-11 E. 208.32 feet to a point; thence N. 70-49-06 E. 160.13 feet to a point; thence S. 50-09-39 E. 199.06 feet to a point; thence S. 48-26-03 E. 389.18 feet to a point, the point or place of Beginning containing approximately 5.17 acres, more or less, according to the Rezoning Plan for University Center dated October 23, 1995, last revised January 31, 1996, prepared by Odell Associates.

AREA 2a, 2b, and 2c — 0-2 (CD)

Beginning at an iron pin, said iron pin being located in the southernmost corner of that certain tract or parcel of property described as Area 1 above and being located in the westernmost corner of Tract 1 of that certain tract or parcel of property shown on that certain map recorded in Map Book 26 at Page 475 in the Mecklenburg County Public Registry, and thence from said point or place of Beginning S. 41-33-57 W. 38.59 feet to a point; thence S. 48-26-03 E. 520.78 feet to a point; thence S. 48-26-03 E. 20.24 feet to a point; thence S. 58-51-24 E. 365.35 feet to a point; thence S. 31-08-36 W. 213.51 feet to a point; thence S. 58-50-27 E. 417.52 feet to a point; thence S. 23-46-51 W. 758.73 feet to a point; thence S. 21-55-49 W. 611.46 feet to a point; thence S. 71-05-31 W. 505.57 feet to a point; thence S. 71-05-31 W. 31.83 feet to a point in the centerline of the right-of-way of McCullough Drive; thence continuing with the centerline of the right-of-way of McCullough Drive N. 00-35-10 E. 509.49 feet to a point; thence leaving the right-of-way of McCullough Drive N. 74-51-32 W. 33.01 feet to a point; thence N. 74-51-32 W. 1239.01 feet to a point; thence N. 16-14-08 E. 622.30 feet to a point; thence N. 16-13-04 E. 682.54 feet to a point; thence S. 72-46-34 E. 15.00 feet to a point; thence N. 16-40-37 E. 250.83 feet to a point; thence N. 37-12-11 E. 560.22 feet to a point; thence S. 48-26-03 E. 659.53 feet to a point, the point or place of Beginning, containing approximately 77.40 acres, more or less, according to the Rezoning Plan for University Center dated October 23, 1995, last revised January 31, 1996, prepared by Odell Associates.

AREA 3 — B-1 (CD)

To find the point or place of Beginning begin at an iron pin, said iron pin being located in the southernmost corner of that certain tract or parcel of property described as Area 1 above and being located in the westernmost corner of Tract 1 of that certain tract or parcel of property shown on that certain map recorded in Map Book 26 at Page 475 in the Mecklenburg County Public Registry; thence S. 41-33-57 W. 38.59 feet to a point; thence S. 48-26-03 E. 520.78 feet to a point, the point or place of Beginning, and thence from said point or place of Beginning

RWW/shf/1088

S. 48-26-03 E. 20.24 feet to a point; thence S. 58-51-24 E. 365.35 feet to a point; thence N. 31-08-36 E. 339.19 feet to a point; thence N. 48-26-03 W. 294.24 feet to a point; thence N. 48-26-03 W. 70.71 feet to a point; thence in a southwesterly direction with the arc of a circular curve to the left having a radius of 2,298.33 feet and an arc distance of 387.29 feet to a point, the point or place of Beginning, containing approximately 13.17 acres, more or less, according to the Rezoning Plan for University Center dated October 23, 1995, last revised January 31, 1996, prepared by Odell Associates.

Petition #: 96-10

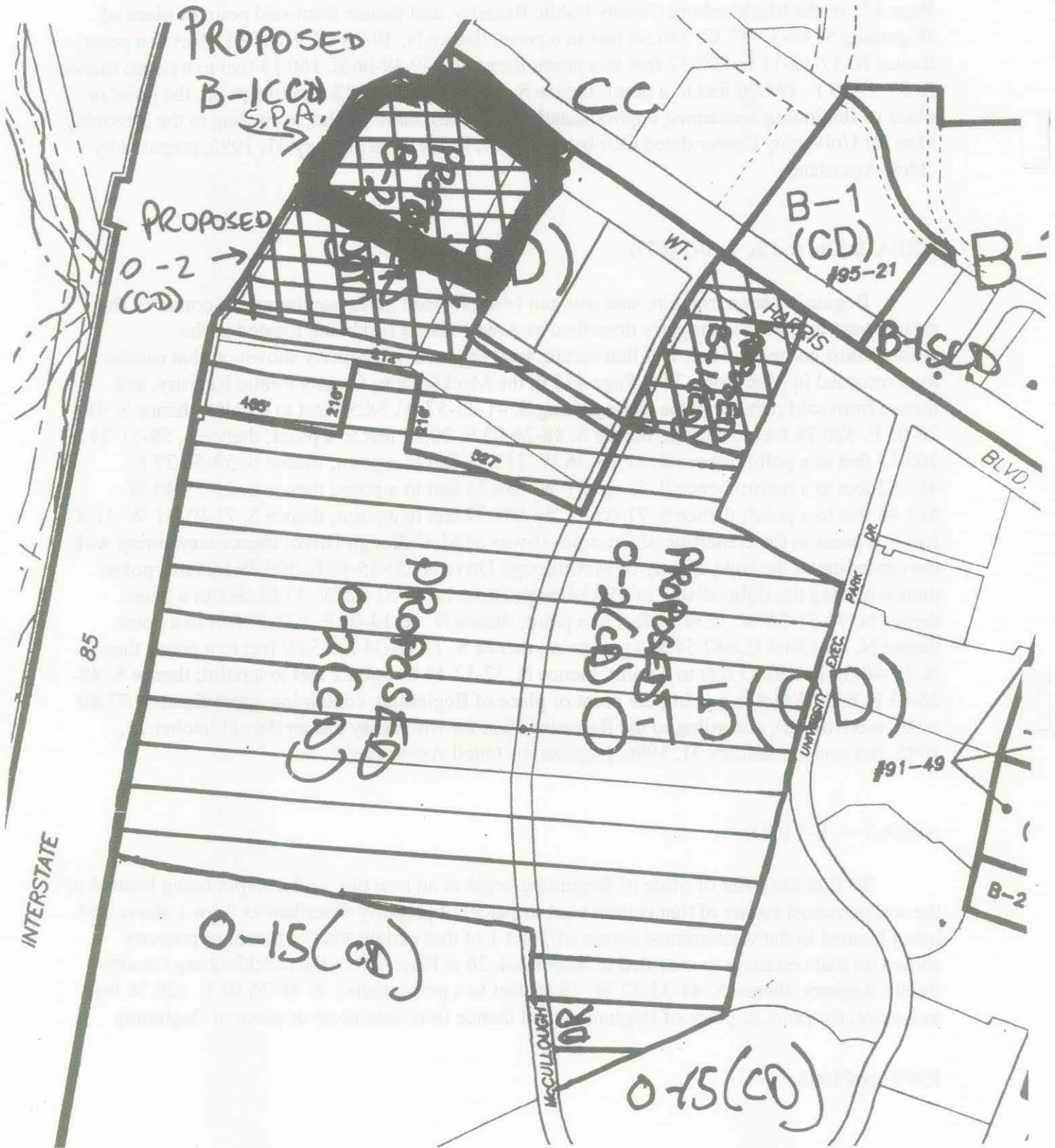
Petitioner: Collins & Aikman Corp.

Hearing Date: January 22, 1996

Zoning Classification (Existing): B-1(CD) and O-15(CD)

Zoning Classification (Requested): B-1(CD) and O-2(CD) AND B-1(CD) Site Plan Amendment

Location: Approximately 85.62 acres located to the east and west of McCullough Drive south of West W.T. Harris Boulevard.



Zoning Map #(s): 58

Scale: 1" = 400'

Petition No. 96-10
Collins & Aikman Corp.

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Collins and Aikman Corp. owner(s) and successors-in-interest of the property described as tax parcels 047-211-12, 047-212-03, 05, 06 and 07 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-2(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.

Revised 11/06/95

PETITIONER: CHARLOTTE CITY COUNCIL
PETITION NUMBER: 96-11

APPROVED BY CITY COUNCIL AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE - ZONING ORDINANCE

DATE February 19, 1996

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 CHAPTER 13: SIGNS, Section 13.102. Definitions, (S7) Sign Types by adding the following in proper alphabetical order and redesignating the existing definitions in alphabetical order where appropriate:

(a) Landmark Sign

An existing on-premise sign which exhibits unique characteristics that enhances the streetscape or identity of a neighborhood and as such contributes to the historical or cultural character of the streetscape or the community at large.

2. Amend Section 13.110. Creation of Special Sign Regulations by adding the following in proper numerical order:

(5) Landmark Signs

When revised sign regulations were adopted on February 1, 1988, changes were made which caused many signs to be nonconforming and subject to an eight-year amortization. Some of these nonconforming signs may have special significance to a section of the community or to the entire City. Therefore, the Zoning Administrator may designate certain signs as "landmark signs" which will permit them to remain and not be subject to the eight-year amortization.

(a) Application

Any persons may apply for designation of an existing on-premise sign as a landmark sign. Such application shall be submitted to and on a form determined by the Zoning Administrator. Applications for landmark sign designation must be made no later than one (1) year from the adoption date of this amendment.

(b) Criteria

The Zoning Administrator may designate an existing on-premise sign as a landmark sign if it meets the following criteria:

(1) The sign is an on-premise sign which meets at least three (3) of the following:

(a) It was expressly designed for the business, institution, or other establishment at that location; or

- (b) It bears a national or local emblem, logo, or other graphic that is unique to the property or the establishment; or
 - (c) It is a remnant of an advertising program that is no longer used by the parent company; or
 - (d) The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood; or
 - (e) The sign contributes to the historical or cultural character of the streetscape or the community at large.
- (2) The sign was erected at least 15 years prior to the adoption date of this amendment.
 - (3) The sign complies with the appropriate provisions of the North Carolina State Building and Electrical Codes. If any portion of the sign is permitted to remain on or over a public right-of-way, a City or State approved encroachment agreement is executed.

(c) Designation

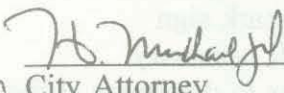
- (1) The Zoning Administrator shall have the authority to approve or to disapprove the designation of landmark signs based upon the criteria stated above. At the time of the filing of a landmark sign designation application, the applicant must file all necessary information in order for the Zoning Administrator to determine if the sign meets the criteria. The Zoning Administrator has the authority to request whatever other information is necessary in order to make a decision. The burden of proof for meeting the criteria is upon the applicant. In approving or disapproving a landmark sign application, the Zoning Administrator shall state the reasons in writing. An appeal of the Zoning Administrator's decision to the Zoning Board of Adjustment must be properly filed within sixty (60) days of the date of the Zoning Administrator's decision as shown on the face of the decision.
- (2) If the sign being considered for landmark designation is associated with a designated local landmark or in an established Historic District, the Zoning Administrator shall receive a recommendation from the appropriate Charlotte-Mecklenburg Historic Landmark Commission or the Historic District Commission before making a decision.
- (3) After a sign is designated as a landmark sign, it shall be maintained in its original condition, shape and size, except for minor changes required for structural enhancements or changes required to comply with minimum Electrical or Building Codes, or to remove portions

from a public right-of-way. Where original materials are unavailable, substitute materials which are as near as possible for the original material may be used.

- (4) Once designated as a landmark sign, it shall be considered to be in compliance with any zoning regulation and will be exempt from any amortization provisions of Section 13.112. If the sign is moved on the premise, it shall be subject to the location standards of this ordinance. The Zoning Administrator will then issue a certificate to the applicant stating that the sign has been duly designated as a landmark sign.
- (5) While a designated landmark sign shall be deemed to be in compliance with the zoning regulations, this Section 13.110 is not intended to prevent the Zoning Administrator from enforcing the zoning ordinance if the Zoning Administrator determines that there is a violation of any provisions, or the intent and purposes of any provisions of the zoning ordinance.

Section 2. This ordinance shall become effective upon 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 19th day of February, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 251-253.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of February, 1996.



Nancy S. Gilbert, Deputy City Clerk