

CITY CD

Petition No. 96-97
Faison Arrowood Property, Inc.

ORDINANCE NO. 756-Z

APPROVED BY CITY COUNCIL

DATE FEBRUARY 17, 1997

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 35.92 acres located on the northeast corner of the intersection of Arrowood Road and I-77; 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 16, 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-D(CD) to B-2(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

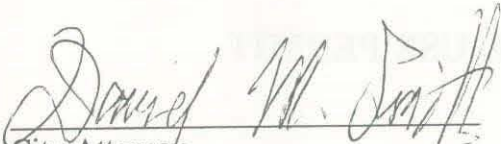
Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

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February 17, 1997
Ordinance Book 47, Page 770

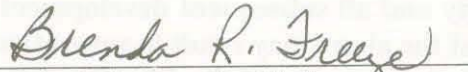
APPROVED AS TO FORM:


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 17th day of February, 1997, the reference having been made in Minute Book 110, page _____ and recorded in full in Ordinance Book 47, Page(s) 769-773.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 1997.


Brenda R. Freeze, City Clerk

**Petition No. 96-97
Faison Arrowood Property, Inc.**

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Faison Arrowood Property, Inc. owner(s) and successors-in-interest of the property described as tax parcels 167-191-01, 167-193-06, ~~167-192-49 (part of)~~, and 167-193-05 (part of) 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-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.

96-97

BOUNDARY DESCRIPTION
FAISON ARROWOOD PROPERTY, INC.

BEGINNING at a point which is the intersection of the westerly right-of-way line of Interstate Highway 77 and the northerly right-of-way line of Arrowood Road and running thence with said right-of-way of Interstate 77 sixteen courses as follows: (1) N. 28-17-25 E. 113.08 feet; (2) N. 27-04-37 E. 71.42 feet; (3) N. 36-03-03 E. 100.13 feet; (4) N. 30-43-02 E. 237.20 feet; (5) N. 39-25-31 E. 250.96 feet; (6) N. 45-31-14 E. 291.64 feet; (7) N. 52-53-51 E. 102.00 feet; (8) N. 37-17-54 E. 200.60 feet; (9) N. 36-03-31 E. 260.37 feet; (10) N. 41-37-08 E. 205.42 feet; (11) N. 49-55-12 E. 44.41 feet; (12) N. 36-57-17 E. 185.07 feet; (13) N. 32-44-52 E. 100.00 feet; (14) N. 34-04-16 E. 192.95 feet; (15) 41-38-03 E. 161.87 feet; (16) N. 27-33-14 E. 42.81 feet; thence S. 35-38-31 E. 580.12 feet to a point in the center line of Forest Point Boulevard; thence approximately with said center line six courses as follows: (1) S. 41-00-00 W. 464.03 feet; (2) with the arc of a circular curve to the right, having a radius of 500.00 feet, an arc distance of 71.80 feet; (3) S. 49-13-39 W. 309.39 feet; (4) with the arc of a circular curve to the right, having a radius of 500.00 feet, an arc distance of 119.95 feet; (5) S. 62-58-17 W. 912.42 feet; (6) with the arc of a circular curve to the left, having a radius of 250.00 feet, an arc distance of 401.16 feet; thence N. 87-11-36 E. 218.73 feet; thence N. 85-20-31 E. 1,079.90 feet; thence S. 07-16-22 W. 729.53 feet; thence N. 60-44-33 W. 376.48 feet; thence S. 89-30-00 W. 130.00 feet to a point in the easterly right-of-way line of Forest Point Boulevard and running thence with said right-of-way three courses as follows: (1) S. 00-30-00 E. 133.00 feet; (2) S. 07-25-00 W. 165.00 feet; (3) S. 29-15-12 W. 38.00 feet to a point in the northerly right-of-way line of Arrowood Road; thence with said right-of-way four courses as follows: (1) N. 60-44-48 W. 564.49 feet; (2) N. 51-45-53 W. 64.05 feet; (3) N. 51-45-53 W. 447.31 feet; (4) N. 11-59-00 W. 24.44 feet to the point of BEGINNING and containing 35.92 acres.

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To SHAD SPENCER	From FRED BAYANT
Co. PLAK Comm.	Co.

February 17, 1997
Ordinance Book 47, Page 773
Petition #: 96-97

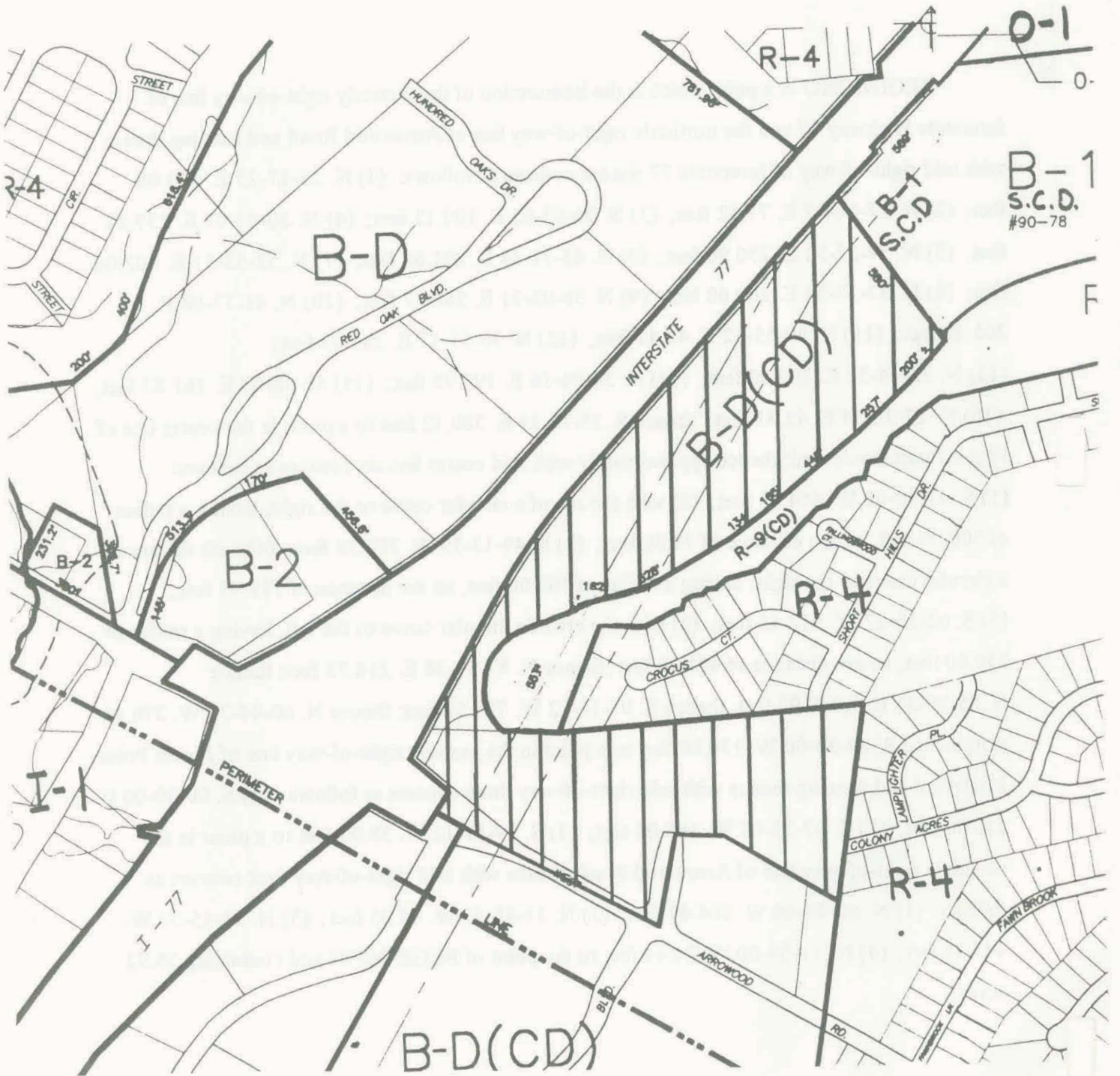
Petitioner: Faison Arrowood Property, Inc.

Hearing Date: December 16, 1996

Zoning Classification (Existing): B-D(CD)

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

Location: Approximately 35.92 acres located on the northeast corner of the intersection of Arrowood Road and I-77.



Zoning Map #(s): 148 and 149

Scale: No Scale

ORDINANCE NO. 757-Z

CITY ZONE CHANGE

APPROVED BY CITY COUNCIL

DATE FEBRUARY 17, 1997

MAP AMENDMENT NO. _____

Petition No. 96-101
Charlotte-Mecklenburg
Planning Commission

ZONING REGULATIONS

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-17MF to R-8MF and R-5 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:

96-101 (Oakhurst Land Use and Zoning Plan)
for a change in zoning for approximately
96 acres located north of Monroe Rd.,
east of Wendover Rd and south of Independence Blvd

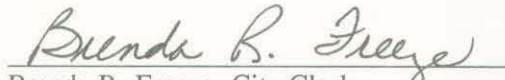


City Attorney

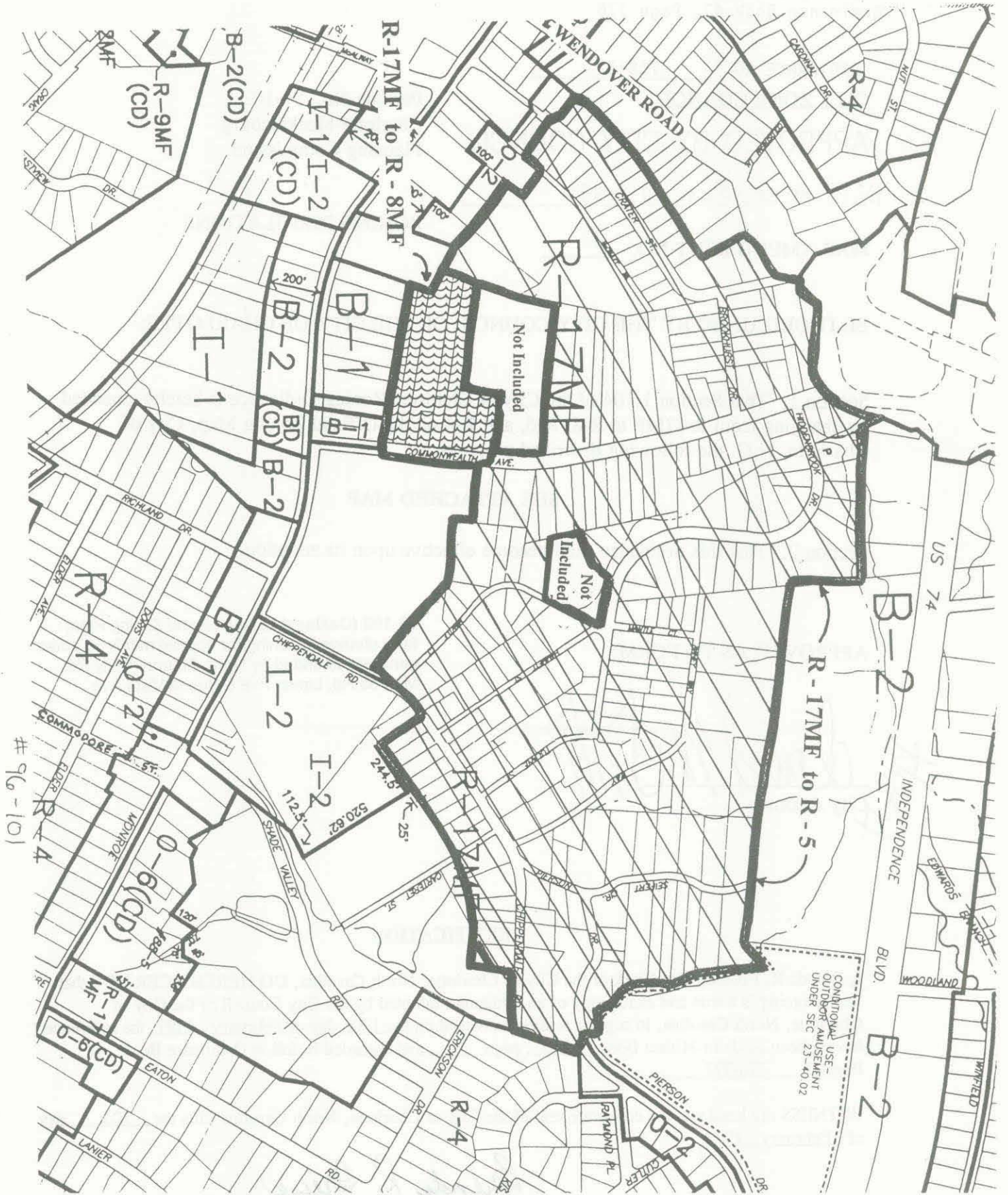
CERTIFICATION

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 17th day of February, 1997, the reference having been made in Minute Book 110, page _____ and recorded in full in Ordinance Book 47, Page(s) 774-775.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 1997.



Brenda R. Freeze, City Clerk



February 17, 1997
Ordinance Book 47, Page 776

ORDINANCE NO. 758-Z

CITY ZONE CHANGE

APPROVED BY CITY COUNCIL

DATE FEBRUARY 17, 1997

MAP AMENDMENT NO. _____

Petition No. 96-102
Charlotte-Mecklenburg
Planning Commission

ZONING REGULATIONS

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

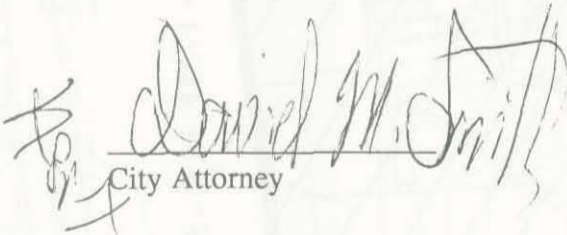
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-17MF to R-8, R-6, and R-4 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

SEE ATTACHED MAP

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

APPROVED AS TO FORM:

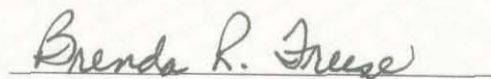
96-102 (Oakhurst Land Use and Zoning Plan)
for a change in zoning for approximately 12 acres
generally bounded by North Sharon Amity Rd,
Monroe Rd, Lanier Ave & Buena Vista Ave

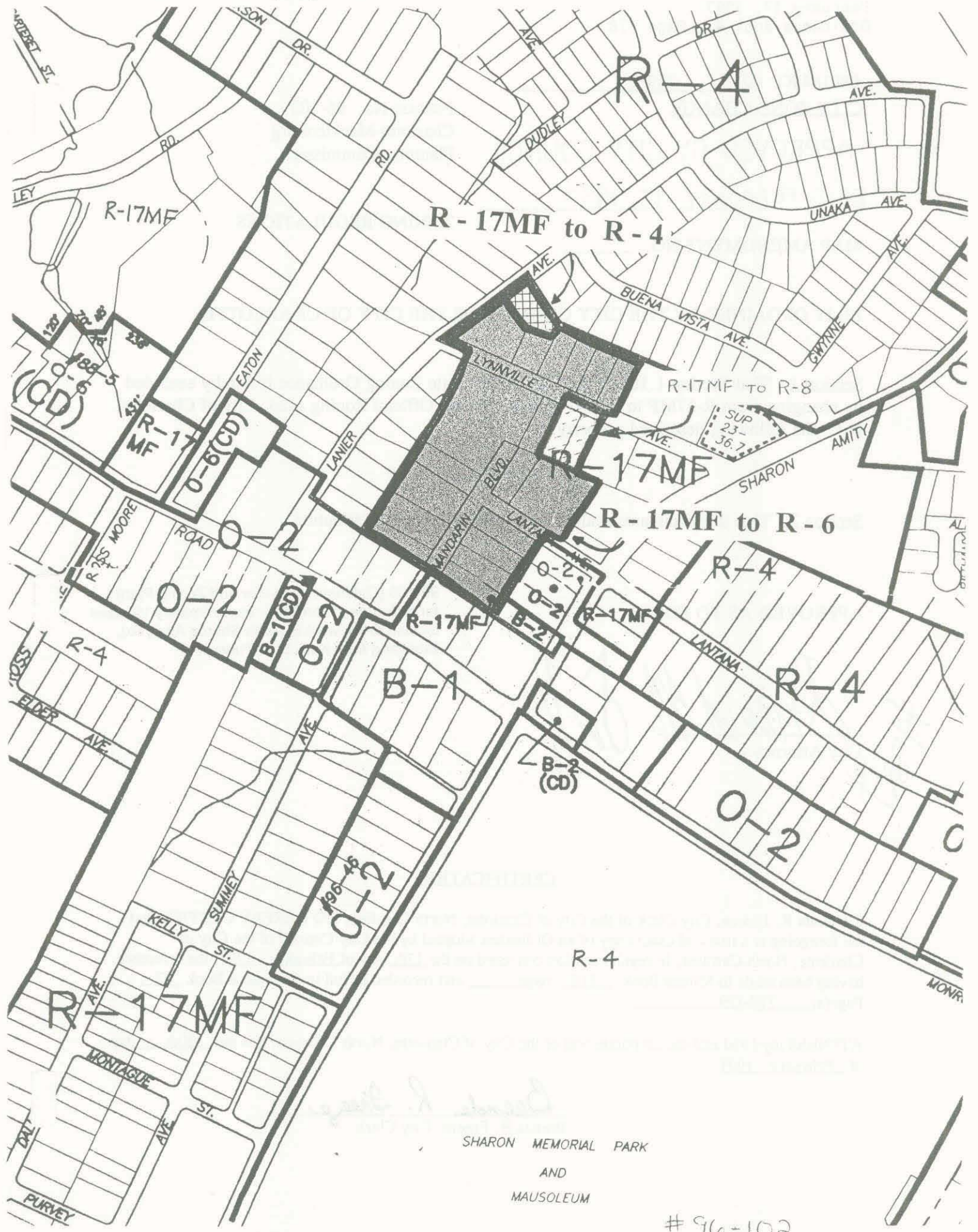

City Attorney

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 17th day of February, 1997, the reference having been made in Minute Book 110, page _____ and recorded in full in Ordinance Book 47, Page(s) 776-777.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 1997.


Brenda R. Freeze, City Clerk



February 17, 1997
Ordinance Book 47, Page 778

ORDINANCE NO. 759-Z

CITY ZONE CHANGE

Petition No. 96-103
Charlotte-Mecklenburg
Planning Commission

APPROVED BY CITY COUNCIL

DATE FEBRUARY 17, 1997

ZONING REGULATIONS

MAP AMENDMENT NO. _____

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-17MF to R-8MF and R-5 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:

96-103 (Oakhurst Land Use and Zoning Plan)
for a change in zoning for approximately 15 acres
located to the west of North Sharon Amity Rd,
extending from Kelly St to Purvey Rd




City Attorney

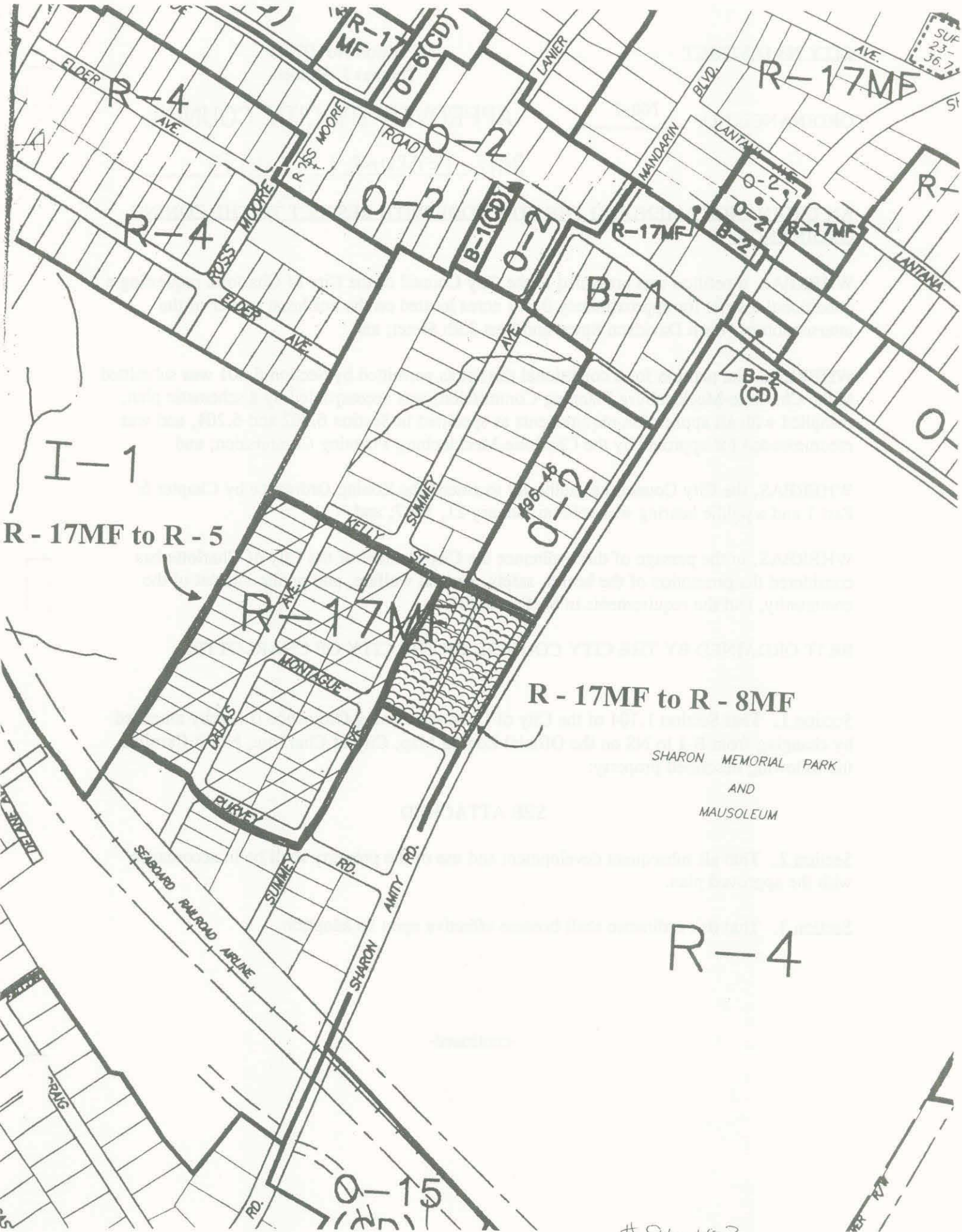
CERTIFICATION

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 17th day of February, 1997, the reference having been made in Minute Book 110, page _____ and recorded in full in Ordinance Book 47, Page(s) 778-779.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 1997.



Brenda R. Freeze, City Clerk



#96-103

CITY NS DISTRICT

Petition No. 97-03
Thomas J. Holden

ORDINANCE NO. 760-Z

APPROVED BY CITY COUNCIL

DATE FEBRUARY 17, 1997

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 conditional district for approximately 0.091 acres located on the northeast corner of the intersection of North Davidson Street and East 35th Street; and

WHEREAS, the petition for a conditional 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 21, 1997; 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 to NS on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

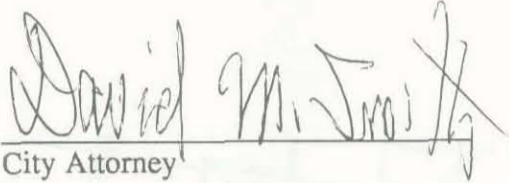
Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

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February 17, 1997
Ordinance Book 47, Page 781

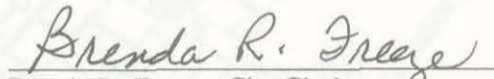
APPROVED AS TO FORM:


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 17th day of February, 1997, the reference having been made in Minute Book 110, page _____ and recorded in full in Ordinance Book 47, Page(s) 780-782.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 1997.


Brenda R. Freeze, City Clerk

Case # 97-03 Boundary Description

The tract of land depicted as the property described as Tax Parcel # 083-084-10 and deed #8685 0196 in the Mecklenburg County Public Registry is the boundary description for the property owned by Lance and Lenore Jones Deutsch and being proposed for rezoning by Thomas J. Holden.

February 17, 1997
Ordinance Book 47, Page 782
Petition #: 97-03

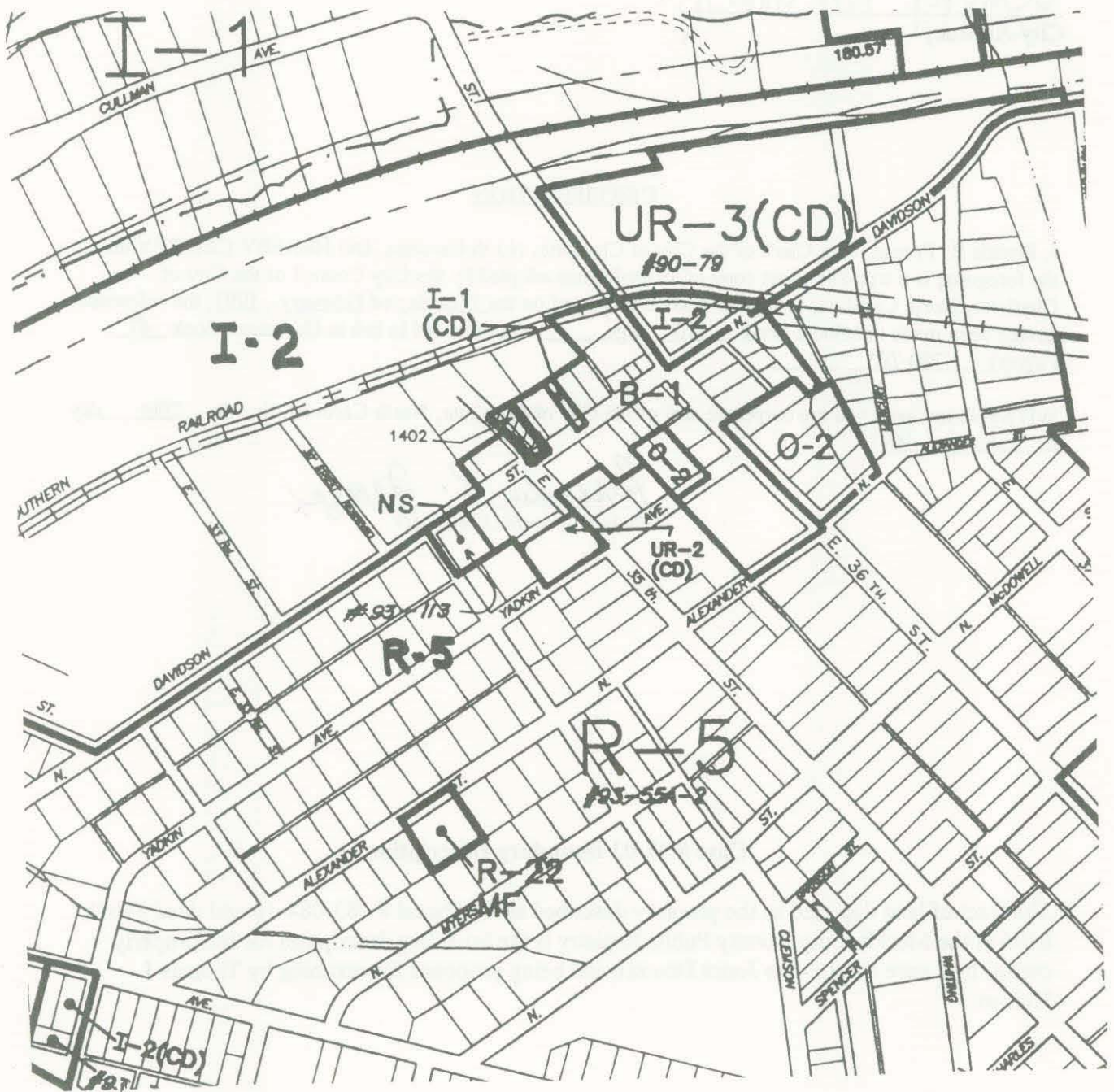
Petitioner: Thomas J. Holden

Hearing Date: January 21, 1997

Zoning Classification (Existing): B-1

Zoning Classification (Requested): NS

Location: Approximately 0.091 acres located on the northeast corner of the intersection of N. Davidson Street and E. 35th Street.



Zoning Map #(s): 89

Scale: 1" = 400'

CITY CD & CD SITE PLAN AMENDMENT

Petition No. 97-05
Karen A.C. Shaw

ORDINANCE NO. 761-Z

APPROVED BY CITY COUNCIL

DATE FEBRUARY 17, 1997

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 1.35 acres located on the east side of China Grove Church Road along the northern boundary of the I-485 right-of-way; and

WHEREAS, the petition for rezoning for a parallel conditional use district and 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 January 21, 1997; 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-17MF to R-17MF(CD) and by amending the R-17MF(CD) site plan on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

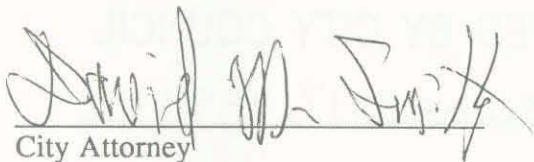
Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

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February 17, 1997
Ordinance Book 47, Page 784

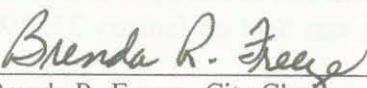
APPROVED AS TO FORM:


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 17th day of February, 1997, the reference having been made in Minute Book 110, page _____ and recorded in full in Ordinance Book 47, Page(s) 783-788.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 1997.


Brenda R. Freeze, City Clerk

Petition No. 97-05
Karen A.C. Shaw

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to the Karen A.C. Shaw owner(s) and successors-in-interest of the property described as tax parcel 205-104-22 and a portion of abandoned right-of-way on China Grove Church Road 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-17MF(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.

LEGAL DESCRIPTION

A Portion of China Grove Church Road
To Be Removed From Dedication

Being a portion of the 40-foot wide right-of-way of China Grove Church Road located in Charlotte, Mecklenburg County, North Carolina, said portion of China Grove Church Road being more particularly described as follows:

TRACT 1

BEGINNING at an existing iron pin on the westerly margin of China Grove Church Road (40-foot right-of-way), said iron being the southeasterly rear corner of Lot 49, Sterling Forest Subdivision, Phase 2, as shown in Map Book 26, Page 557 of the Mecklenburg County Public Registry, and runs thence from said **BEGINNING** point with a new line North 81-51-21 East 21.83 feet to a new nail in the center line of China Grove Church Road; thence with the center line of China Grove Church Road with the arc of a circular curve to the left having a radius of 642.86 feet for an arc distance of 135.95 feet (chord: South 14-12-09 East 135.70 feet) to a new iron pin in the northerly margin of Interstate Highway 485 (variable right-of-way); thence with the northerly margin of Interstate Highway 485 the following two (2) courses and distances: 1.) North 61-08-31 West 34.16 feet to a new iron pin; 2.) with the arc of a circular curve to the right having a radius of 697.37 feet for an arc distance of 30.63 feet (chord: North 16-02-16 West 30.63 feet) to a new iron pin on the westerly margin of China Grove Church Road, said iron also being the southeasterly corner of the North Carolina Department of Transportation Property; thence with the westerly margin of China Grove Church Road with the arc of a circular curve to the right having a radius of 697.37 feet for an arc distance of 114.85 feet to the point and place of **BEGINNING**, containing 2,932 square feet or 0.064 acre as shown on a map by R. B. Pharr & Associates, P.A., dated May 5, 1996.

TRACT 2

BEGINNING at an existing iron pin marking the intersection of the westerly margin of China Grove Church Road (40-foot right-of-way) with the northerly margin of Interstate Highway 485 (variable right-of-way), said iron being the southwesterly corner of the Miller Cureton Associates, Inc. Property as described in Deed Book 7800, Page 821 of the Mecklenburg County Public Registry and runs thence with the northerly margin of Interstate Highway 485 North 61-08-31 West 34.16 feet to a new iron pin in the center line of China Grove Church Road; thence with the center line of China Grove Church Road with the arc of a circular curve to the right having a radius of 642.86 feet for an arc distance of 135.95 feet (chord: North 14-12-09 West 135.70 feet) to a new nail; thence North 81-51-21 East 21.80 feet to a new iron pin on the easterly margin of China Grove Church Road; thence with the easterly margin of China Grove Church Road with the arc of a circular curve to the left having a radius of 635.00 feet for an arc distance of 157.15 feet (chord: South 15-24-01 East 156.75 feet) to the point and place of **BEGINNING**, containing 3,356 square feet or 0.074 acre as shown on a map by R. B. Pharr and Associates, P.A., dated May 5, 1996.

February 17, 1997
Ordinance Book 47, Page 787

TRACT 3

Description:

BEGINNING at an existing iron pin in the westerly margin of China Grove Church Road (40-foot public right-of-way), said point being the southeast corner of lot 49, Sterling Forest Subdivision, Phase 2 as shown in Map Book 26, Page 557 of the Mecklenburg County Public Registry and runs thence with the former westerly margin of China Grove Church Road in a southerly direction with the arc of a circular curve to the left having a radius of 697.37 feet, a distance of 84.22 feet (chord: N. 11-19-10 W. 84.17 feet) to a new iron pin in the northerly margin of the Interstate 485 (Outer Loop-variable public right-of-way); thence with the northerly margin of Interstate 485 right-of-way in two (2) courses and distances as follows: 1) N. 63-07-40 W. 104.69 feet to a new iron pin; 2) N. 79-30-38 W. 7.14 feet to an existing iron pin, said point being the southeast corner of Lot 48 of the aforesaid subdivision; thence with the southerly line of Lot 48, N. 69-37-10 E. 8.21 feet to an existing iron pin, said point being the southwest corner of Lot 49; thence with the southerly line of Lot 49, N. 69-37-10 E. 79.58 feet to the point and place of **BEGINNING**. Containing 0.084 acre or 3,835 square feet of land as shown on a map prepared by R.B. Pharr & Associates, P.A. dated May 5, 1996.

TRACT 4

Description:

Being all of Lots 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59 and parts of lots 40, 41, 42, 43, 60, 61, 62, and 63, Block B, Speedway Addition and Speedway Addition Revised as shown in Map Book 3, Page 117 and Map Book 3, Page 489 of the Mecklenburg County Public Registry and more particularly described as follows:

BEGINNING at the northwest corner of Lot 49, Block B, Speedway Addition, Revised as shown in Map Book 3, Page 489 of the Mecklenburg County Public Registry and runs thence with the southerly lines of Lots 48 and 51, N. 83-22-20 E. 175.00 feet to a new iron pin in the westerly margin of Packard Street (40-foot public right-of-way); thence with the westerly margin of Packard Street in two courses and distances as follows: 1) with the arc of a circular curve to the left having a radius of 460.00 feet, an arc distance of 186.30 feet (chord: S. 18-13-52 E. 185.03 feet) to an existing iron pin; 2) S. 29-50-03 E. 122.40 feet to a new iron pin, said point being the northerly most corner of the R.S. Ross property as described in deed book 3182, page 474 of said registry; thence with the northerly line of R.S. Ross property S. 60-09-54 W. 45.96 feet to a new iron pin in the northerly margin of the Outer Loop (variable right-of-way); thence with the northerly margin of the Outer Loop N. 61-08-31 W. 238.30 feet to a new iron pin at the

northeast intersection of China Grove Church Road and the Outer Loop; thence with the easterly line of China Grove Church Road in a northerly direction with the arc of a circular curve to the right having a radius of 635.00 feet, an arc distance of 175.76 feet (chord: N. 14-33-28 W. 175.20) feet to the point and place of **BEGINNING**. Containing 1.1661 acre or 50,795.78 square feet of land as shown on a map prepared by R.B. Pharr & Associates, P.A. dated April 12, 1993.

February 17, 1997
Ordinance Book 47, Page 788
Petition #: 97-05

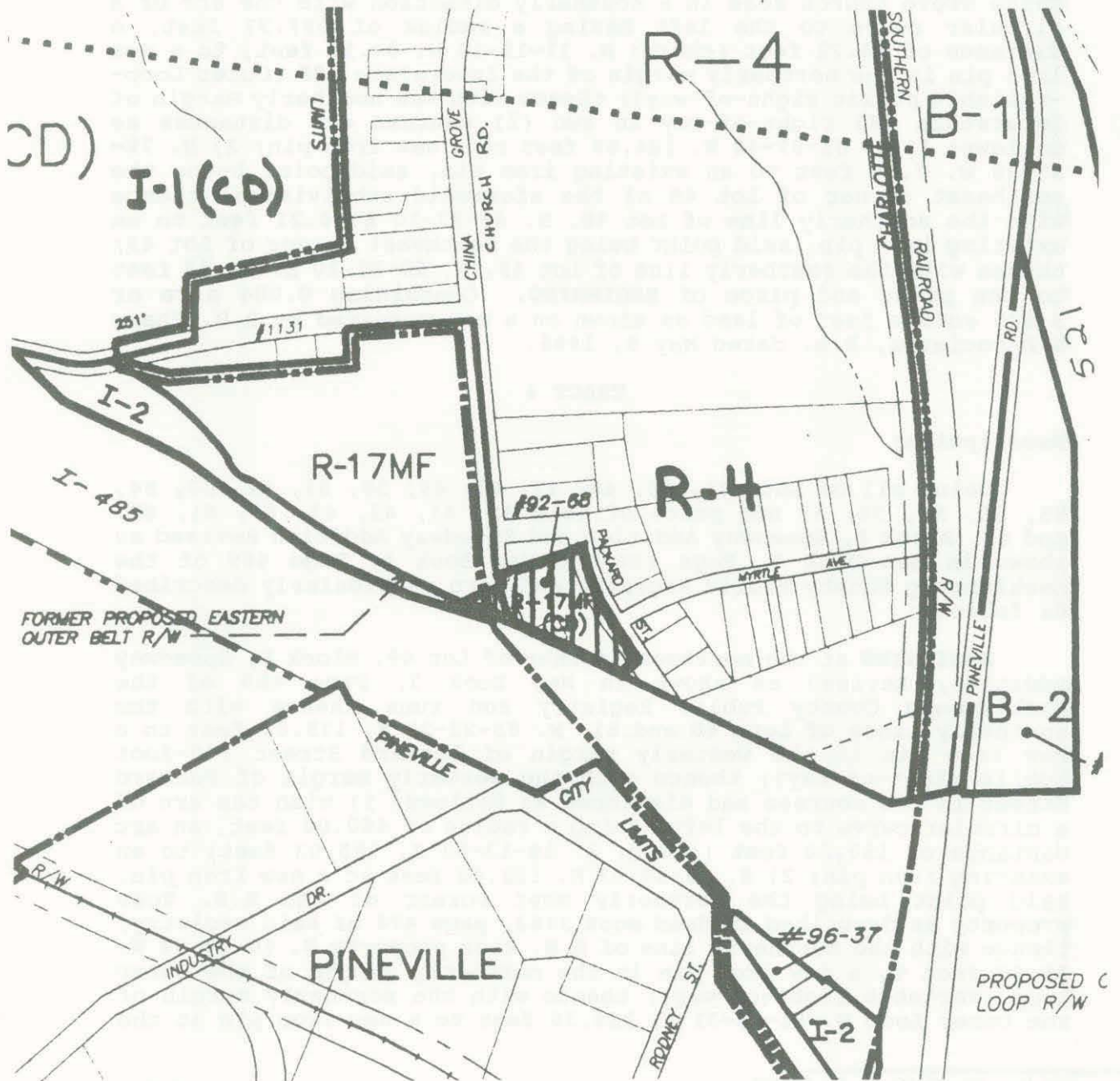
Petitioner: Karen A.C. Shaw

Hearing Date: January 21, 1997

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

Zoning Classification (Requested): R-17MF(CD) and R-17MF(CD)SPA

Location: Approximately 1.35 acres located on the east side of China Grove Church Road and along the northern boundary of the I-485 right-of-way.



Zoning Map #(s): 157

Scale: 1" = 400'

CITY NS DISTRICT

Petition No. 97-06
Neighborhood Development Dept.

ORDINANCE NO. 762-Z

APPROVED BY CITY COUNCIL

DATE FEBRUARY 17, 1997

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 conditional district for approximately 0.36 acres located on the northwest corner of the intersection of East 35th Street and Yadkin Avenue; and

WHEREAS, the petition for a conditional 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 21, 1997; 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 UR-2(CD) to NS on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

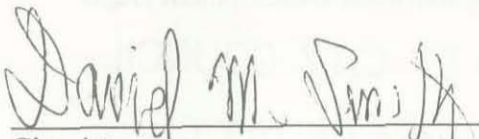
Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

-continued-

February 17, 1997
Ordinance Book 47, Page 790

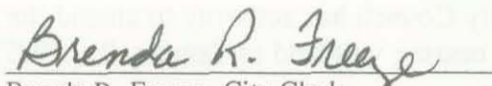
APPROVED AS TO FORM:


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 17th day of February, 1997, the reference having been made in Minute Book 110, page _____ and recorded in full in Ordinance Book 47, Page(s) 789-791.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 1997.


Brenda R. Freeze, City Clerk

Boundary Description

The tract of land depicted as the property described as Tax Parcel # 083-083-04 and deed #7413 0120 in the Mecklenburg County Public Registry is the boundary description for the property currently owned by The Community Works and being proposed for rezoning by The Charlotte Neighborhood Development Department.

February 17, 1997
Ordinance Book 47, Page 791
Petition #: 97-06

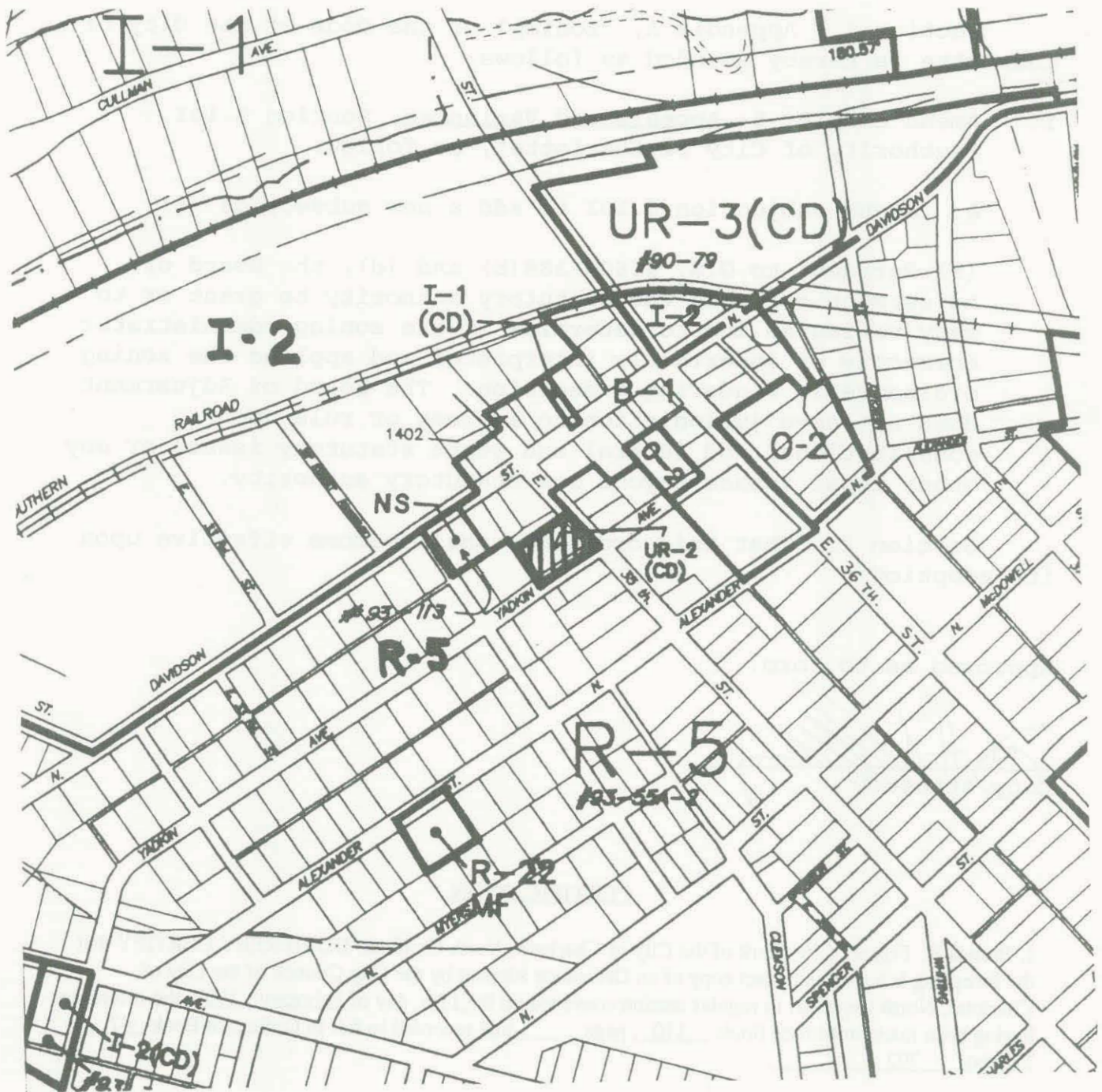
Petitioner: Neighborhood Development Department

Hearing Date: January 21, 1997

Zoning Classification (Existing): UR-2(CD)

Zoning Classification (Requested): NS

Location: Approximately 0.36 acres located on the northwest corner of the intersection of E. 35th Street and Yadkin Avenue.



Zoning Map #(s): 89

Scale: 1" = 400'

APPROVED BY CITY COUNCIL

DATE FEBRUARY 17, 1997

97-8

ORDINANCE NO. 763

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:

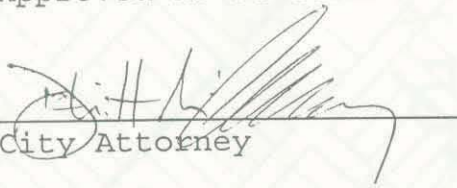
1. Amend Chapter 5: Appeals and Variances, Section 5.101, "Authority of City of Charlotte", as follow:

A. Amend subsection 5.101 to add a new subsection (5)

(5) Pursuant to G.S. §160A-388(b) and (d), the Board of Adjustment only has the statutory authority to grant or to deny variances and to determine if the zoning administrator correctly or incorrectly interpreted and applied the zoning ordinance in rendering a decision. The Board of Adjustment does not have jurisdiction to address or rule upon constitutional and federal and state statutory issues or any other legal issues beyond its statutory authority.

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

Approved as to form:

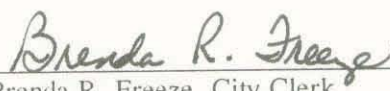


City Attorney

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 17th day of February, 1997, the reference having been made in Minute Book 110, page _____ and recorded in full in Ordinance Book 47, Page(s) 792.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 1997.



Brenda R. Freeze, City Clerk

APPROVED BY CITY COUNCIL

February 17, 1997
Ordinance Book 47, Page 793

DATE FEBRUARY 17, 1997 AN ORDINANCE AMENDING APPENDIX A
97-9

ORDINANCE NO. 764 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:

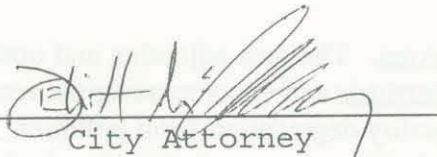
1. Amend Chapter 5: Appeal and Variances, Section 5.113, appeal from Board of Adjustment as follow:

A. Section 5.113 by adding a new subsection (4)

(4) If a petition for review pursuant to G.S. §160A-388(e) is filed, then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the secretary of the Zoning Board of Adjustment for preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the County shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed.

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

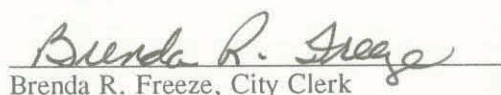
Approved as to form:


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 17th day of February, 1997, the reference having been made in Minute Book 110, page _____ and recorded in full in Ordinance Book 47, Page(s) 793.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 1997.


Brenda R. Freeze, City Clerk

97-21
ORDINANCE NO. 765

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

APPROVED BY CITY COUNCIL

DATE FEBRUARY 17, 1997

EDITOR'S NOTE: Wording that is thusly ~~crossed thru~~ is being deleted and that which is thusly underlined is being added in the context of sentences.

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 10, PART 6: CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY, SECTION 10.602. GENERAL DEFINITIONS, as follows:

a. Under the definition of Best Management Practices (BMP's), Structural BMP's, delete the last sentence which reads:

These may include wet detention ponds detention basins, grass swales and ditches and infiltration devices.

and replace with the following;

Structural BMP's allowed for use under the High Density Option are those which have been approved by the North Carolina Division of Water Quality and the City of Charlotte.

b. Protected Area. The area adjoining and upstream of the Critical Areas of water supply watersheds and encompassing the remainder of the watershed where risk of water quality degradation from pollution, while still greater than non watershed designated areas, is less than in the Critical Areas...

- c. Variance, Major Watershed. A variance from the requirements of this part that would result in the relaxation of a State Standard and any one or more of the following.
 1. The relaxation, by a factor of ~~more~~ greater than ten (10%) percent, of any ~~State Standard that takes the form of a numerical standard management requirement under the low density option.~~
 2. The complete waiver of a State Standard relaxation, by a factor greater than five (5%) percent, of any buffer, density, or built-upon area requirement under the high density option.
 3. Any request to increase the maximum density or built-upon area as specified in a State Standard variation in the design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system.
 4. The relaxation of any State Standard that applies to a development proposal intended to qualify under the high density option.
 - d. Variance, Minor Watershed. A variance from the requirements of this part which would result in the relaxation of a State Standard, by a factor of ten (10%) percent or less, that takes the form of a numerical standard. However, any request to increase the maximum density or built-upon area from a State Standard shall be considered a major variance request: minimum statewide watershed protection rules that results in a relaxation, by a factor of up to and including five (5) percent, of any buffer, density, or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to and including ten (10) percent, of any management requirement under the low density option.
2. Amend Watershed Sections 10.609, High Density Option, as follows:
 - a. The High Density Option allows for a greater development density provided engineered controls (Structural BMP's) are used to manage stormwater runoff. ~~Wet detention ponds~~ Structural BMP's are required under the High Density Option. Their function is to provide storage and treatment of the pollutants contained in stormwater. ~~Other types of structural BMP's may also be required.~~ High density development shall meet the requirements of this section, the Land Development Standards Manual and other published standards of the City Engineering Department.
 - b. Change the subsection heading of item number 2 from "Stormwater Control Structures" to "Structural BMP's." Wherever the term "Stormwater Control Structures" appears, replace it with "Structural BMP's."

- c. Amend Section 2.B. as follows:

~~All stormwater controls shall use wet detention ponds as a primary treatment system. Wet detention ponds~~ Structural BMP's shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management Water Quality. Specific...

- d. Whenever the term "North Carolina Division of Environmental Management" is used in these sections or any other section of the Zoning Ordinance, change to read "North Carolina Division of Water Quality."

- e. Amend Subsection 3.A.(a) by deleting from the first line the parenthesized wording as follows:

(wet detention ponds and all other BMP's)

and further into the paragraph delete "wet detention pond" and replace with "Structural BMP."

3. Amend Watershed Section 10.610, Appeals and Variances as follows:

- a. Revise subsection C3a as follows:

If the Board of Adjustment recommends that the major variance be granted, the Zoning Administrator shall within thirty (30) working days forward a preliminary record of the Board's hearing ~~finds, and conclusions, including and conditions and stipulations imposed by the Board,~~ to the North Carolina Environmental Management Commission ("EMC") for final decision in accordance with the State's rules and regulations. The preliminary record of the hearing shall include:

- (a) The variance application;
- (b) The hearing notices;
- (c) The evidence presented;
- (d) Motions, offers of proof, objections to evidence, and rulings on them;
- (e) Proposed findings and exceptions;
- (f) The proposed decision, including all conditions proposed to be added to the permit.

1. When the EMC approves or denies the variance, the EMC will prepare an EMC decision and send it to the Board. The Board shall then prepare a final decision granting or denying the proposed variance. If the EMC approves the variance with condition and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

The EMC decision shall constitute the final decision on the major variance request and the applicant shall be notified of the decision by the Zoning Administrator.

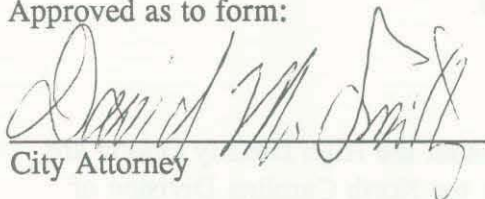
2. Any further appeal of the EMC's decision of a major watershed variance shall be pursuant to the authority and enabling legislation of the EMC.

b. Revise subsection C4. as follows:

The Zoning Administrator shall keep a record, including a description of each project receiving a variance and any reasons stated for granting the variance, of all approved major and minor watershed variances. The Zoning Administrator shall submit a record of the variances granted during the previous calendar year to the North Carolina Division of Environmental Management on or before January 1 of the following year. This record shall provide a description of each project receiving a variance and the reasons for granting the variance.

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 17th day of February, 1997, the reference having been made in Minute Book 110, page _____ and recorded in full in Ordinance Book 47, Page(s) 794-797.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 1997.


Brenda R. Freeze, City Clerk

EDITOR'S NOTE: Wording that is thusly ~~crossed thru~~ is being deleted and that which is thusly underlined is being added in the context of sentences.

SUB 97-1
ORDINANCE NO. 766 AMENDING CHAPTER 20
APPROVED BY CITY COUNCIL
DATE FEBRUARY 17, 1997

AN ORDINANCE AMENDING CHAPTER 20, (SUBDIVISION REGULATIONS) OF THE CODE OF THE CITY OF CHARLOTTE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA:

Section 1. Chapter 20, is hereby amended as follows:

1. Amend Section 7.200. Design Standards for Lots.

11. Lots within Catawba River/Lake Wylie Watershed Protection Area as follows:

a. Under the definition of BMP's, Best Management Practices, Structural BMP's, delete the last sentence which reads:

These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

and replace with the following;

Structural BMP's allowed for use under the High Density Option are those which have been approved by the North Carolina Division of Water Quality and the City of Charlotte.

b. Protected Area. The area adjoining and upstream of the Critical Areas of water supply watersheds and encompassing the remainder of the watershed where risk of water quality degradation from pollution, while still greater than non watershed designated areas, is less than in the Critical Areas...

- c. Structural BMP's. Structural BMP's ~~Wet detention ponds or other storm water management measures which have been approved by the North Carolina Division of Water Quality~~ are required under the High Density Option within the Protected Area. ~~Other types of Structural BMP's may also be required.~~

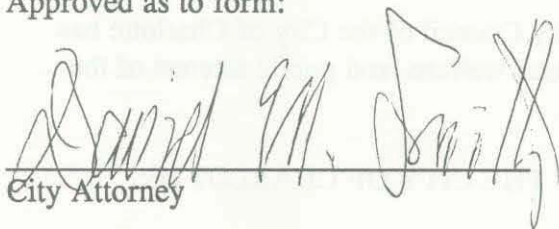
- d. Amend Subsection 3, by deleting from the first line of the parenthesized wording as follows:

(wet detention ponds and all other BMP's)

and under item (b) delete "wet detention pond" and replace with "Structural BMP."

Section 2. This ordinance shall become effective upon adoption.

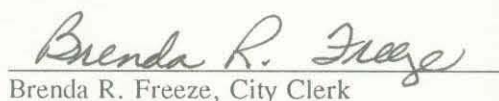
Approved as to form:


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 17th day of February, 1997, the reference having been made in Minute Book 110, page and recorded in full in Ordinance Book 47, Page(s) 798-799.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 1997.


Brenda R. Freeze, City Clerk