

- Revised: 7/1/97 (Planning Committee Recommendation)
- Revised: 7/9/97 (Planning Committee Recommendation)
- Revised: 8/8/97 (Planning Committee Recommendation)
- Revised: 8/18/97 (As Per Planning Staff/City Attorney)
- Revised: 10/22/97 (City Council)

PETITION NO. 97-12

**APPROVED BY CITY COUNCIL**

**DATE** OCTOBER 22, 1997

ORDINANCE NO. 933

AN ORDINANCE AMENDING APPENDIX A  
OF THE CITY CODE - 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 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY, PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS, Section 12.108 "Height Limitations" as follows:

- (8) Wireless communications transmission facilities including, but not limited to towers, masts, antennae and related antenna support structures are permitted above (or below) the height limit in any district. Wireless communications transmission facilities may be constructed up to a height of 40 feet in any zoning district, and need only comply with the underlying zoning district's separation standards concerning setback, side and rear yards. All wireless communications transmission facilities of up to 150 feet in height, whether permitted as a principal use on a site or as an ancillary or secondary use on a site, must be designed and equipped with the technological and structural capability to accommodate at least two wireless communications carriers. All such towers over 150 feet in height must be designed and equipped with the technological and structural capability to accommodate at least three wireless communication carriers. Lots and buildings thereon must conform to the minimum area, height and yard requirements for the district in which they are located unless otherwise indicated by subsection (a) below. If the facility is above 40 feet in height and is located on a lot in or adjacent to residential district, the facility must comply with subsection (7) above, unless otherwise indicated by subsections (d) and (e) below. The maximum required separation for wireless communication transmission facilities from any abutting property line in any zoning district shall be 200 feet. The facility plant and/or any related support building shall be allowed in accordance with the provision of Section 12.504. Replacement of existing wireless communication transmission facilities to increase the height of

such facilities shall be allowed in accordance with the separate provisions of subdivision (d) below.

- (a) Wireless communications transmission facilities are permitted above (or below) the height limit in any zoning district as an ancillary or secondary use on a site where another use (other than single family or duplex use) is already established as the principal use of the property, such as a school, church, multi-family residential complex, shopping center, office building, commercial, golf courses, parks or other similar use. In this case, the wireless communications facility shall not be required, regardless of the underlying zoning, to separately comply with the normal district standards dealing with lot area, height and frontage on a public street and subdivision regulations so long as the principal use complies with such requirements for the underlying district nor shall the facility be required to comply with requirements of the Tree Ordinance. For lots in or adjacent to a residential district, wireless communications facilities may be constructed over 40 feet in height provided that the minimum setback, side and rear yards adjacent to the residentially zoned property are increased by one foot for each one foot of facility height in excess of 40 feet, up to a maximum required separation 200 feet. If a proposed wireless communications facility is located on residentially zoned property, separation from adjoining nonresidential zoned property shall be controlled by the adjoining nonresidential zoned property's minimum separation standards concerning setback, side and rear yards, as appropriate. However, if the proposed wireless communications transmission facility is located in a nonresidential district and adjoins only nonresidential districts, the facility may be constructed to any height subject to underlying minimum district requirements for separation from adjoining properties. A properly permitted wireless communications transmission facility, established as an ancillary or secondary use, may remain in its present location if the principal use of the site is abandoned, demolished or removed. However, if the wireless communication transmission tower is ever replaced, it must then comply with all applicable yards, setbacks, and separation standards as a principal use in the district. The changing of, additions to, or removal of antenna on the tower as well as the co-location of additional carriers on the tower shall be permitted and shall not require the tower to be brought into compliance with current separation requirements.
- (b) Wireless communications facilities are permitted above the height limit on lots in research, institutional, office, business, and industrial districts which do not adjoin lots in a residential district. Lots must conform to the minimum area and yard requirements for the district in which they are located unless otherwise indicated by subsection (a) above.



(c) Wireless communications transmission facilities are permitted atop any building or structure (other than single family or other residential structure of less than two stories in height) in any district so long as such facilities do not exceed 20 feet in height measured from the top of the highest point of the existing structure.

(d) Replacement of Existing Wireless Communication Towers With Additional Height

Wireless communications transmission facilities existing at the time of the adoption of this ordinance amendment may be replaced in any zoning district with replacement facilities containing taller towers or antennae and shall not be required to conform to the separation standards concerning setback, side and rear yard requirements applicable to a tower or antenna of such increased height as provided in section (a) provided that:

1. The height of the replacement tower may not exceed the height of the original tower by more than 50 feet. (The addition of up to 50 feet in height under this section may occur only once).
2. The replacement tower must conform to the separation standards concerning setback, side and rear yard requirements applicable to the original tower at the time it was originally constructed.
3. The replacement tower must utilize monopole construction. Any tower up to 150 feet in height must be designed and equipped with the technological and structural capability to accommodate at least two wireless communications carriers. Any tower over 150 feet in height must be designed and equipped with the technological and structural capability to accommodate at least three wireless communication carriers.
4. The Wireless Communications facility owner must provide the Zoning Administrator with an affidavit signed by at least one other wireless communications carrier stating that it needs a wireless communications facility within 1000 feet of the subject site and agreeing to co-locate on the replacement tower.
5. The replacement tower must conform to the landscaping and buffering requirements in force at the time of the replacement tower permit application, and

6. Notification of adjacent property owners and neighborhood leaders is required as outlined in section 12.108(g). However, notification of adjoining properties which are zoned for non-residential purposes is not required.

(e) Replacement of Existing Wireless Communication Towers at the Same Height

Any existing wireless communications transmission facility, including but not limited to towers, masts, antennae and related antenna support structures, may be removed and replaced with a new facility within 100 feet of the same location without being required to conform to the current zoning standards applicable to the underlying zoning district at the time of such replacement so long as such replacement is no closer to the setback, side or rear yards than the existing facility and provided that:

1. The height of the replacement facility does not exceed that of the original facility.
2. The replacement facility must utilize monopole construction. Any tower up to 150 feet in height must be designed and equipped with the technological and structural capability to accommodate at least two wireless communication carriers. Any tower over 150 feet in height must be designed and equipped with the technological and structural capability to accommodate at least three wireless communication carriers.
3. The replacement facility shall comply with the landscaping and buffering requirements applicable at the time of replacement.
4. If the new facility is to be used for the co-location of two or more wireless communications carriers at the time of its construction, the wireless communications facility owner must provide the Zoning Administrator with an affidavit signed by at least one other wireless communications carrier stating that it needs a wireless communications facility within 1000 feet of the subject site and agreeing to co-locate on the new tower for the remainder of the term of the existing lease, if the property on which the tower is located is leased.
5. The applicant has up to 90 calendar days to remove the original tower after the new facility is installed.



(f) The wireless communications facility equipment building or buildings used in connection with facilities permitted under Section 8(a) (d) or (e) shall be limited to 500 sq. ft. per communications company using said facility and be limited to 15 feet in height; provided however, that the building height limitation may be waived by the Zoning Administrator up to a maximum height of 25 feet in order to accommodate architectural design, screening or similar special needs.

(g) Public Notification Process for Certain Wireless Communications Transmission Facilities

(1) Purpose of Notification

Wireless communication transmission facilities may have impacts on nearby properties. While the use can be permitted subject to certain standards, neighboring residential property owners should have the opportunity to learn about these uses to hear an explanation of the proposed facility, present relative information that may affect the design of the facility, and to furnish information on the permit application.

(2) Applicability of Notification

Any application for a permit for a wireless communication facility as outlined under Section 12.108(8) (8a) or (8d) for a site that is in or within 100 feet of a residential district is subject to the following notification process.

(3) Notification Process

The following notification process is required for certain wireless communication facilities or replacement of an existing tower with additional height except that notification of abutting properties which are zoned for non-residential purposes is not required and except as provided under section 12.108(8b),(8c), (8e) and (8i). The notification process is designed to facilitate the exchange of information between the permit applicant and affected nearby property owners.

(a) The Zoning Administrator shall mail a notice to all property owners, as shown on the County tax listing, within 100 feet of the proposed facility site including those across a street. In addition, the Zoning Administrator shall mail a notice to neighborhood leaders, as determined by the list at the Planning Commission staff office, within one mile of the proposed facility

site.

(b) Any permit applicant shall be responsible for supplying the Zoning Administrator with postage paid envelopes addressed to adjacent property owners and neighborhood leaders as noted above. Any error in an owner's or neighborhood leaders list or any other procedural error or omission shall not invalidate the issuance of an otherwise properly issued permit.

(c) The Zoning Administrator shall not render a decision on the application until 30 calendar days has elapsed following the date of the mailing of the notification letters. The 30 day notification period may be used by any interested party to discuss the proposed wireless communication transmission facility with the permit applicant. The permit applicant shall in good faith consider any comments from such adjoining property owners concerning landscaping and screening and other design issues of the facility.

(h) Wireless Communication Transmission Facilities Data Base

Any permit applicant shall submit the following information to the Zoning Administrator as part of the application process for any new or replacement tower or for any modifications to an existing tower. For this purpose, the changing, adding to or taking from antenna on any existing tower shall not be considered a modification to an existing tower.

1. Street addresses for all existing wireless communication towers owned, leased, or operated by the permit applicant in Mecklenburg County.
2. Height of all existing wireless communication towers owned, leased, or operated by the permit applicant in Mecklenburg County.
3. The ground elevation above sea level for all existing wireless communication towers owned, leased, or operated by the permit applicant in Mecklenburg County, and
4. The longitude and latitude for all existing wireless communication towers owned, leased, or operated by the permit applicant in Mecklenburg County.



- (i) Wireless communication transmission facilities may be installed on other non-wireless transmission towers (such as public utility towers, television towers and radio towers) as long as such facilities do not exceed 25 feet in height above the utility transmission tower height. Such facilities do not trigger the notification provisions or the separation or yard requirements
- (j) All new or replacement wireless communication transmission facilities as well as modifications to existing facilities shall comply with all applicable regulations of the Federal Communications Commission.
- (k) Any wireless communications transmission facility that is unused for a continuous period of twelve months shall be removed by the tower owner or the property owner.
- (l) Wireless Communications Facilities, Towers and Antenna, as used in the preceding sections and sub-sections shall not include television and radio broadcast towers, personal or company owned and used communications towers and facilities or common carrier micro wave towers. It is the intent of this ordinance that Wireless Communications Facilities, Towers and Antenna include those operations which are commonly referred to as Cellular and PCS services.

2. Amend CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY, PART 5: SPECIAL REQUIREMENT FOR CERTAIN USES, Section 12.504 "Public Utility Structures" as follows:

Section 12.504. Public utility structures.

- (7) Wireless communications transmission facilities including, but not limited to, transmission structures, equipment shelters and related facilities may be established in accordance with the provisions of subsection 12.108(8) and the provisions of this Section. Wireless Communications transmission facilities may also be established as accessory or secondary uses in accordance with the provisions of subsection 12.108(8).

October 22, 1997  
Ordinance Book 48, Page 262B

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

Approved as to form:

H. Michael Jr

Sr. City Attorney

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 22nd day of October, 19 97, the reference having been made in Minute Book 111, and recorded in full in Ordinance Book 48, Page(s) 257-262B. WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of November, 19 97

Brenda R. Freeze

Brenda R. Freeze, CMC, City Clerk



October 22, 1997  
Ordinance Book 48, Page 263

CITY CD

Petition No. 97-51  
Beacon Development Company

ORDINANCE NO. 934-Z

**APPROVED BY CITY COUNCIL**

**DATE** OCTOBER 22, 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 22.3 acres located on the southwest corner of W.T. Harris Boulevard and Highway 115 (Old Statesville 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 September 15, 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-2, B-2(CD), I-1, and I-1(CD) to I-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

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

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

-continued-

October 22, 1997  
Ordinance Book 48, Page 264

APPROVED AS TO FORM:

H. Michael J.  
Sr. Atty. City Attorney

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 22nd day of October, 1997, the reference having been made in Minute Book 111, and recorded in full in Ordinance Book 48, Page(s) 263-265A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of November, 1997.

Brenda R. Freeze  
Brenda R. Freeze, CMC, City Clerk



October 22, 1997  
Ordinance Book 48, Page 265

Petition No. 97-51  
Beacon Development Company

### **PARALLEL CONDITIONAL USE PERMIT**

This is a parallel conditional use permit approved by the Charlotte City Council to Beacon Development Company and successors-in-interest of the property described as tax parcels 037-252-(16, 17, 18, 21, 23, and 24) and described in detail further in the ordinance, identified below, approved by the City Council.

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

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

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

October 22, 1997  
Ordinance Book 48, Page 265A  
Petition #: 97-51

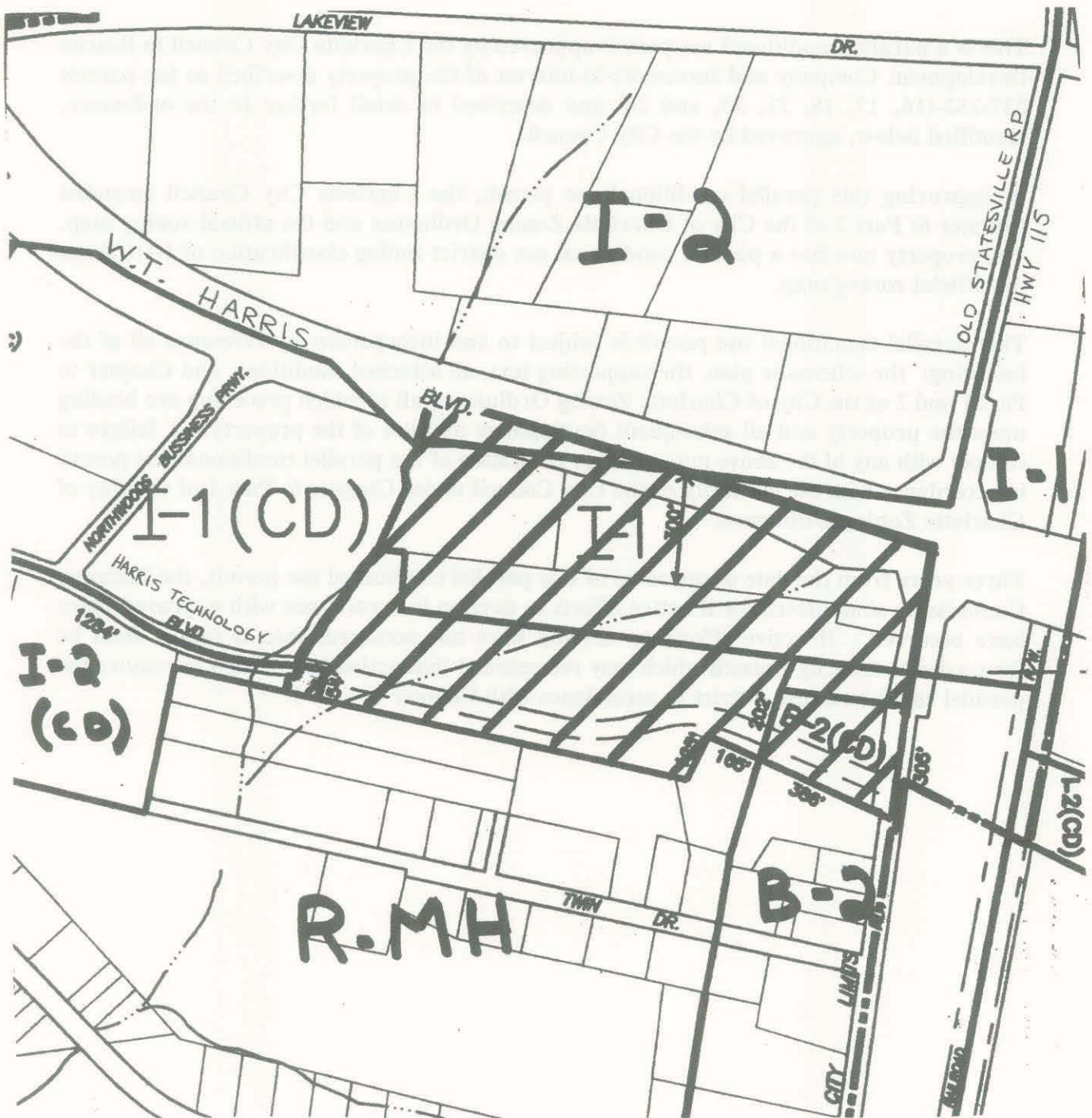
**Petitioner:** Beacon Development Company

**Hearing Date:** June 16, 1997

**Zoning Classification (Existing):** B-2, B-2(CD), I-1, and I-1(CD)

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

**Location:** Approximately 22.3 acres located on the southwest corner of W.T. Harris Boulevard and Highway 115 (Old Statesville Road).





October 22, 1997  
Ordinance Book 48, Page 266

ORDINANCE NO. 935-Z

CITY ZONE CHANGE

Petition No. 97-55

The Cathedral at Charlotte, Inc.

**APPROVED BY CITY COUNCIL**

**DATE** OCTOBER 22, 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 the property identified as approximately 1.3 acres located on the western corner of North College Street and the College Street/Tryon Street Connector from I-2 to UMUD on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

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

APPROVED AS TO FORM:

*H. Munnery*  
City Attorney

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 22nd day of October, 1997, the reference having been made in Minute Book 111, and recorded in full in Ordinance Book 48, Page(s) 266-268.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of November, 1997.

*Brenda R. Freeze*  
Brenda R. Freeze, CMC, City Clerk

October 22, 1997  
Ordinance Book 48, Page 267

97-55

**SCHEDULE 2 to Rezoning Application of The Cathedral at Charlotte, Inc. Regarding Tax Parcel #081-011-01 filed April 18, 1997**

*Legal Description of Property*

BEING all that certain tract or parcel of land lying, being and situate in the City of Charlotte, County of Mecklenburg and State of North Carolina, and being more particularly described as follows:

BEGINNING at an iron marking the intersection of the northwesterly right-of-way margin of North Tryon Street and the southwesterly right-of-way of the College - Tryon Street Connector; thence from said beginning point with the southwesterly margin of the College - Tryon Street Connector South 41-31-19 East 320.70 feet to an elm tree; thence South 48-28-41 West 5.00 feet to a new iron pipe; thence following the arc of a circular curve to the right having a radius of 55.00 feet and a chord bearing of South 4-41-51 West 79.42 feet, an arc distance of 88.73 feet to a new iron pin in the northwesterly right-of-way margin of College Street; thence North 39-5-00 West 4.50 feet to a nail; thence continuing with the northwesterly right-of-way margin of North College Street South 50-55-00 West 216.35 feet to a nail in the northwesterly right-of-way margin by Brookshire Freeway East; thence with the northeasterly right-of-way margin of Brookshire Freeway East three (3) courses and distances, as follows: (1) North 41-57-10 West 204.25 feet to a nail; (2) North 48-02-50 East 15.0 feet to a nail and (3) North 41-57-42 West 170.85 feet to a new iron pin in the southwesterly right-of-way margin of North Tryon Street; thence with the southwesterly right-of-way margin of North Tryon Street North 51-19-40 East 266.48 feet to the POINT AND PLACE OF BEGINNING, said tract containing 101,549.2 square feet or 2.331 acres as shown on that certain plat of survey dated July 5, 1994 prepared by C. Clark Neilson (NCRLS #3212) of R.B. Pharr & Associates, P.A.

Being in all respects that certain property conveyed to The Cathedral at Charlotte, Inc. by deed of Romel Motor Inns Associates, Inc., Liquidating Trust dated December 23, 1994, filed for registration December 28, 1994 at 1:15 P.M. and recorded in Book 8013 at Page 366 in the Mecklenburg County Public Registry.



October 22, 1997  
Ordinance Book 48, Page 268  
Petition #: 97-55

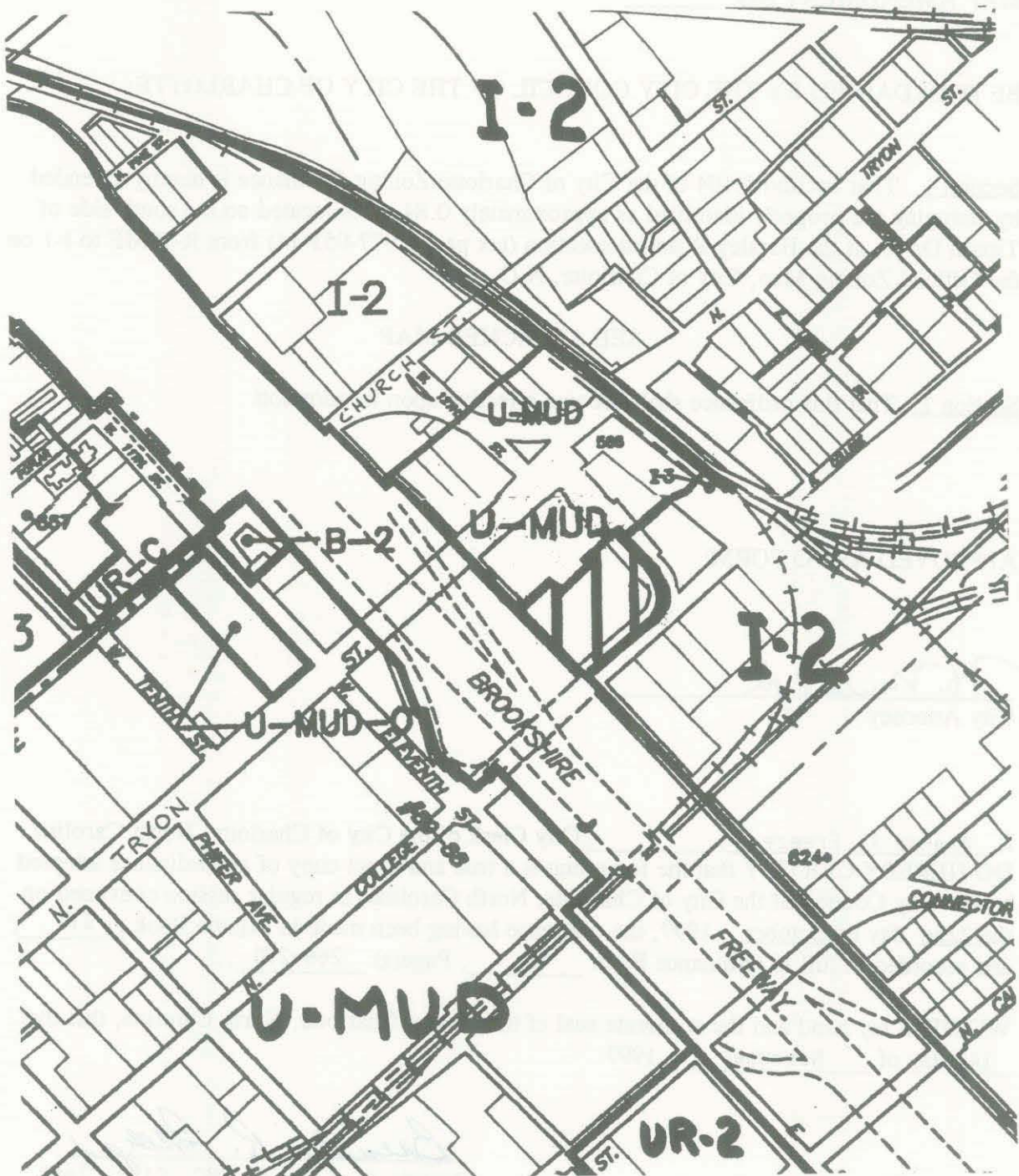
**Petitioner:** The Cathedral at Charlotte, Inc.

**Hearing Date:** July 21, 1997

**Zoning Classification (Existing):** I-2

**Zoning Classification (Requested):** UMUD

**Location:** Approximately 1.3 acres located on the western corner of North College Street and the College Street-Tryon Street Connector.



October 22, 1997  
Ordinance Book 48, Page 269

ORDINANCE No. 936-Z  
CITY ZONE CHANGE

Petition No. 97-68  
Carolina's Auto Supply House

**APPROVED BY CITY COUNCIL**

**DATE** OCTOBER 22, 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 the property identified as approximately 0.84 acres located on the south side of Tipton Drive, at the Beasley Road intersection (tax parcel 077-053-14) from R-22MF to I-1 on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

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

APPROVED AS TO FORM:

J. H. Minter, Jr.  
City Attorney

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 22nd day of October, 1997, the reference having been made in Minute Book 111, and recorded in full in Ordinance Book 48, Page(s) 269-270.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of November, 1997.

Brenda R. Freeze  
Brenda R. Freeze, CMC, City Clerk



October 22, 1997  
Ordinance Book 48, Page 270  
Petition #: 97-68

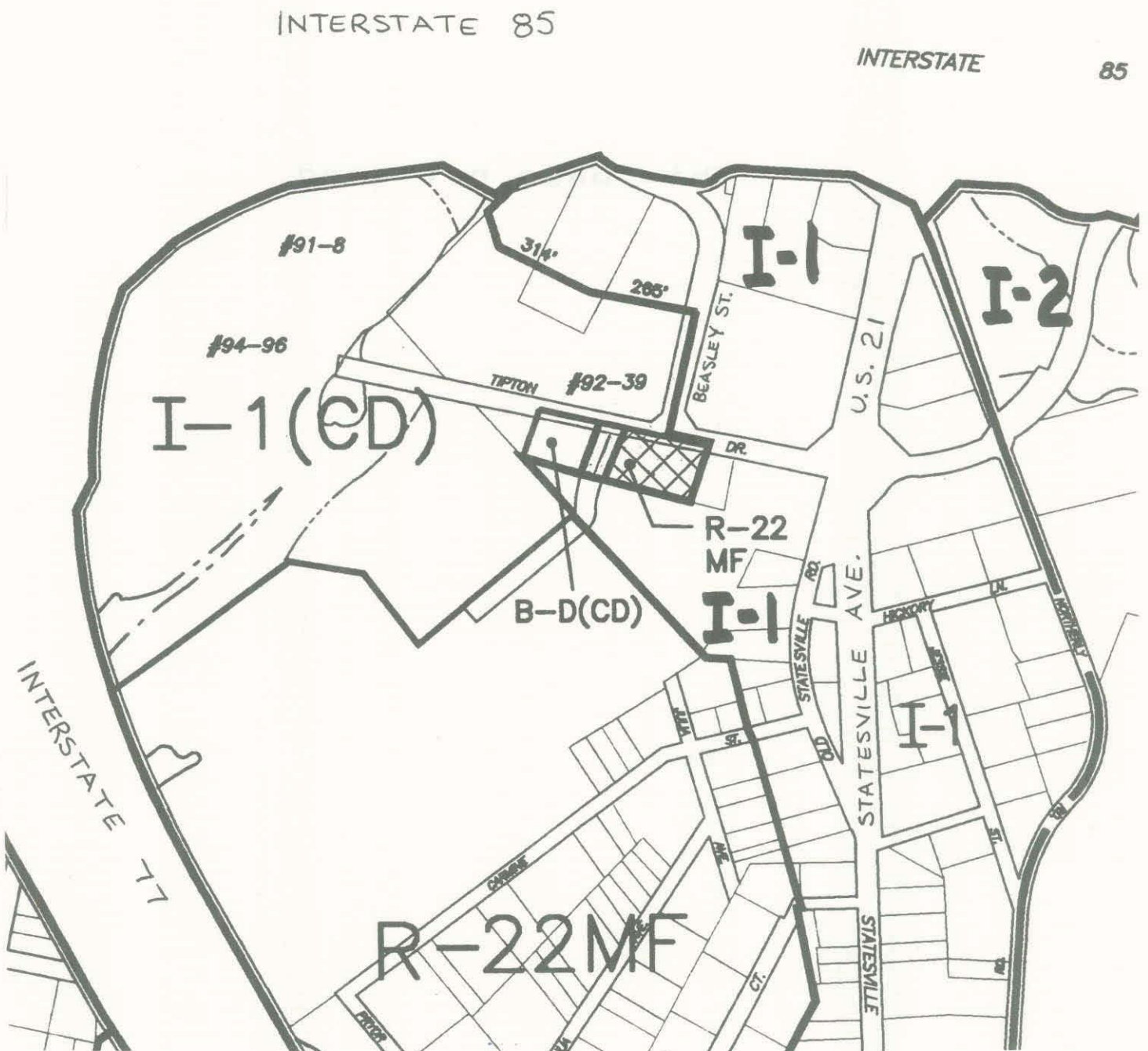
Petitioner: Carolina Auto Supply House

Hearing Date: September 15, 1997

Zoning Classification (Existing): R-22MF

Zoning Classification (Requested): I-1

Location: Approximately 0.84 acres located on the south side of Tipton Drive, at the Beasley Road intersection.



October 22, 1997  
Ordinance Book 48, Page 271

October 22, 1997  
Ordinance Book 48, Page 271  
Planning Commission  
Planning Department  
Planning Commission  
Planning Department  
Planning Commission  
Planning Department  
Planning Commission  
Planning Department

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CITY CD

Petition No. 97-70  
Morehead Street Inn, L.L.C.

ORDINANCE NO. 937-Z

**APPROVED BY CITY COUNCIL**

**DATE OCTOBER 22, 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 0.876 acres located on the western corner of East Morehead Street and Berkeley Avenue; and

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

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on September 15, 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(CD) to B-2(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

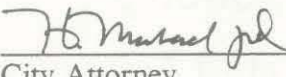
SEE ATTACHED

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.

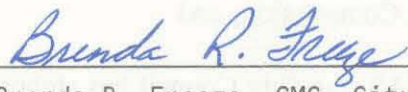
October 22, 1997  
Ordinance Book 48, Page 273

APPROVED AS TO FORM:

  
H. Michael J. J. J.  
City Attorney

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 22nd day of October, 1997, the reference having been made in Minute Book 111, and recorded in full in Ordinance Book 48, Page(s) 272-274B.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of November, 1997.

  
Brenda R. Freeze, CMC, City Clerk



Petition No. 97-70  
Morehead Street Inn, L.L.C.

### **PARALLEL CONDITIONAL USE PERMIT**

This is a parallel conditional use permit approved by the Charlotte City Council to Morehead Street Inn, L.L.C. and successors-in-interest of the property described as tax parcel 123-102-08 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.

October 22, 1997  
Ordinance Book 48, Page 274A

97-70

**LEGAL DESCRIPTION**  
**MOREHEAD INN**

BEGINNING at the intersection of the southwesterly right-of-way line of Morehead Street and the northwesterly right-of-way line of Berkeley Avenue and running thence with said right-of-way of Berkeley Avenue two courses as follows: (1) S. 53-21-30 W. 100.00 feet; (2) with the arc of a circular curve to the right, having a radius of 955.37 feet, an arc distance of 150.62 feet; thence N. 36-38-30 W. 143.30 feet; thence N. 53-21-30 E. 250.00 feet to the right-of-way of Morehead Street; thence with said right-of-way S. 36-38-30 E. 155.15 feet to the point of intersection and containing .876 acres.



October 22, 1997  
Ordinance Book 48, Page 274B  
Petition #: 97-70

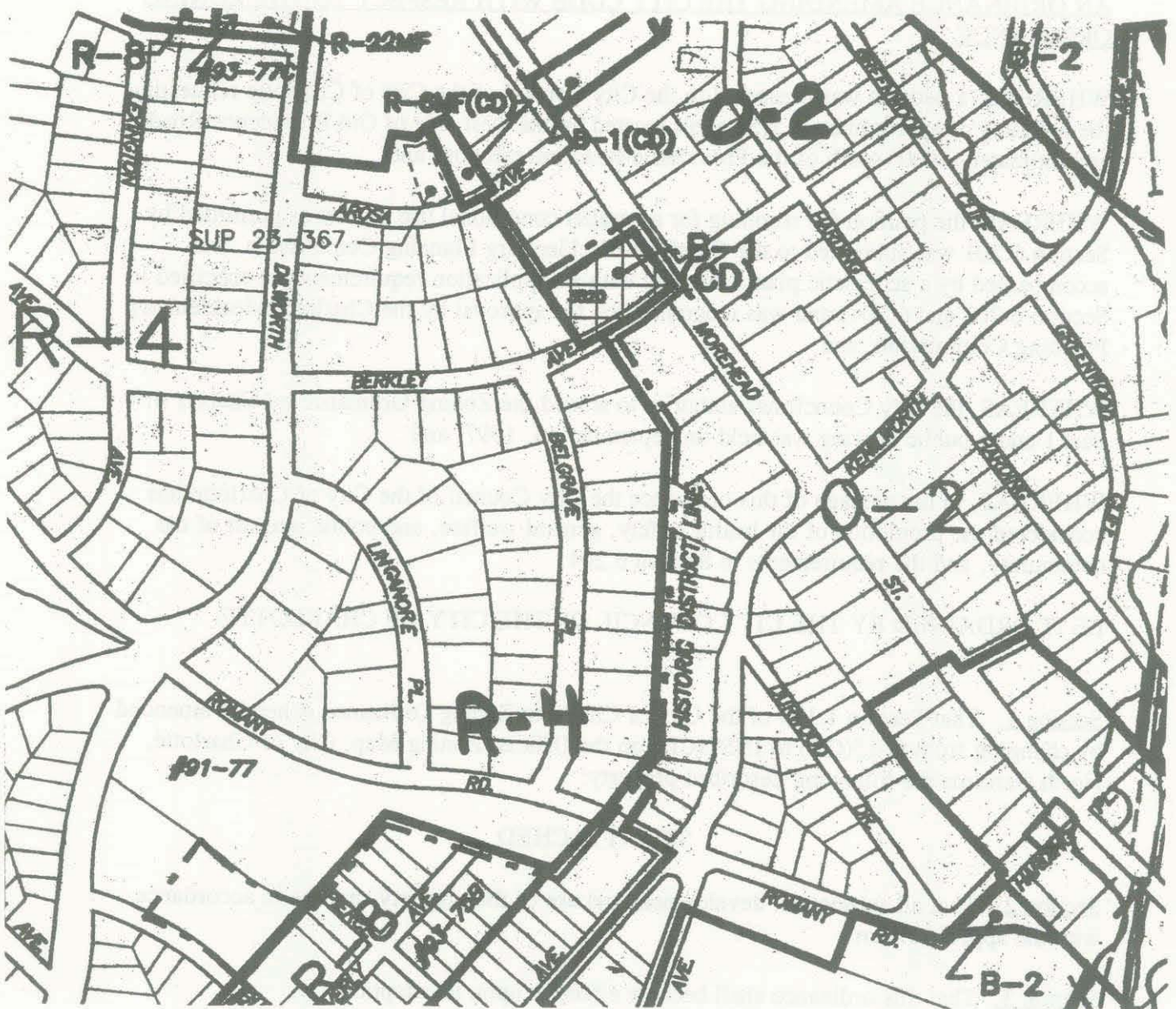
Petitioner: Morehead Street Inn, L.L.C.

Hearing Date: September 15, 1997

Zoning Classification (Existing): B-1(CD)

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

Location: Approximately 0.876 acres located on the western corner of East Morehead Street and Berkeley Avenue.





CITY CD

Petition No. 97-75  
ARC, L.P. - Charlotte, L.L.C.

ORDINANCE NO. 938-Z

**APPROVED BY CITY COUNCIL**

**DATE** OCTOBER 22, 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 1.53 acres located on the west side of Old Providence Road, approximately 1000' south of the Providence Road intersection; 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 September 15, 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 O-15(CD) 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.

October 22, 1997  
Ordinance Book 48, Page 276

APPROVED AS TO FORM:

H. Michael  
City Attorney

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 22nd day of October, 1997, the reference having been made in Minute Book 111, and recorded in full in Ordinance Book 48, Page(s) 275-277B.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of November, 1997.

Brenda R. Freeze  
Brenda R. Freeze, CMC, City Clerk

Petition No. 97-75  
ARC, L.P. - Charlotte, L.L.C.

## PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to ARC, L.P. - Charlotte, L.L.C. and successors-in-interest of the property described as a portion of tax parcel 187-251-20 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.



October 22, 1997  
Ordinance Book 48, Page 277A

97-75

**BOUNDARY DESCRIPTION**  
**AMERICAN RETIREMENT CORPORATION**  
**CARRIAGE CLUB OF CHARLOTTE**

BEGINNING at a point in the center line of Old Providence Road, said point being located N. 06-31-09 E. 188.36 feet distant from the southeasterly corner of a tract of land described in Book 5918, Page 671, of the Mecklenburg Public Registry and running thence N. 65-36-00 W. 142.67 feet; thence N. 55-33-00 W. 42.41 feet; thence N. 43-45-00 W. 39.58 feet; thence N. 30-11-00 W. 71.83 feet; thence N. 10-30-00 E. 68.91 feet; thence N. 42-24-00 E. 53.33 feet; thence N. 35-34-00 E. 107.50 feet; thence S. 62-48-00 E. 215.25 feet to the center line of Old Providence Road; thence along said center line, with the arc of a circular curve to the left, having a radius of 736.37 feet, an arc distance of 276.07 feet to the BEGINNING and containing 1.53 acres.

October 22, 1997  
Ordinance Book 48, Page 277B

**Petition #:** 97-75

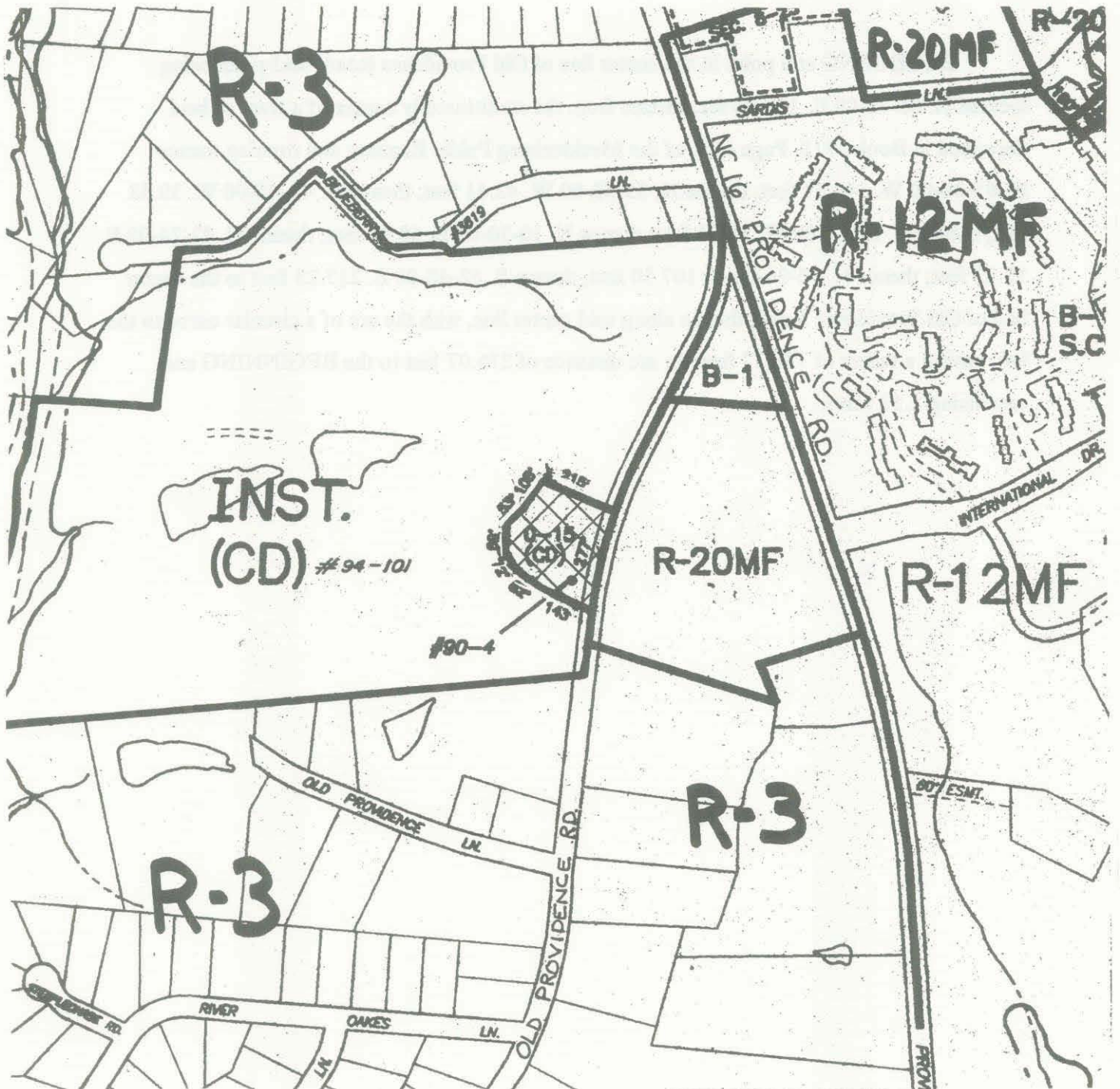
**Petitioner:** ARC, L.P.-Charlotte, L.L.C.

**Hearing Date:** September 15, 1997

**Zoning Classification (Existing):** O-15(CD)

**Zoning Classification (Requested):** INST(CD)

**Location:** Approximately 1.53 acres located on the west side of Old Providence Road, approximately 1000' south of the Providence Road intersection.





October 22, 1997  
Ordinance Book 48, Page 278

CITY UMUD-O DISTRICT

Petition No. 97-84  
Childress Klein Properties

ORDINANCE NO. 939-Z

**APPROVED BY CITY COUNCIL**

**DATE** OCTOBER 22, 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 UMUD-O district for approximately 1.8 acres located between South Tryon Street and South College Street, south of East 2nd Street (tax parcel 125-052-08); 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 September 15, 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 UMUD to UMUD-O 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-



October 22, 1997  
Ordinance Book 48, Page 279

APPROVED AS TO FORM:

*John M. ...*  
City Attorney

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 22nd day of October, 1997, the reference having been made in Minute Book 111, and recorded in full in Ordinance Book 48, Page(s) 278-280A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of November, 1997.

*Brenda R. Freeze*  
Brenda R. Freeze, CMC, City Clerk

97-84

**LEGAL DESCRIPTION**

Being a parcel of property located in Charlotte, Mecklenburg County, North Carolina, and being more particularly described as follows:

BEGINNING at a new nail set at the intersection of the easterly margin of South Tryon Street with the southerly margin of East Second Street and runs thence with the southerly margin of East Second Street South 45-37-24 East 401.74 feet to a new nail at the intersection of the southerly margin of East Second Street with the westerly margin of South College Street; thence with the westerly margin of South College Street the following two (2) courses and distances: 1.) South 48-44-30 West 192.18 feet to an existing punch hole; 2.) South 48-48-21 West 5.69 feet to a new nail at the northeasterly corner of the R. L. Smart Property as described in Deed Book 1110, Page 328 of the Mecklenburg County Public Registry; thence with Smart's northerly line North 46-09-47 West 402.79 feet to a new nail in the easterly margin of South Tryon Street; thence with the easterly margin of South Tryon Street, North 48-57-00 East 196.04 feet to the point and place of BEGINNING, containing 80,095 square feet or 1.8387 acres as shown on a map by R. B. Pharr and Associates, P.A., dated April 7, 1997, and last revised July 18, 1997 (Map File W-2111).

NORTH 48-57-00 EAST 5.69' TO AN EXISTING IRON PIN; THENCE...



October 22, 1997  
Ordinance Book 48, Page 280A  
**Petition #: 97-84**

**Petitioner:** Childress Klein Properties

**Hearing Date:** September 15, 1997

**Zoning Classification (Existing):** UMUD

**Zoning Classification (Requested):** UMUD-O

**Location:** Approximately 1.8387 acres located between South Tyron Street and South College Street, south of East 2nd Street.

