

ORDINANCE NO. 1006-X

(CORRECTED BY COUNCIL  
ACTION ON DECEMBER 14, 1998)  
THROUGH

**Ordinance designating as a Historic Landmark a property known as the "Atherton Cotton Mills" (listed under Tax Parcel Numbers 121-031-21 ~~and~~ 121-031-56 of December 23, 1997, and including the entire exterior of the Atherton Cotton Mills and the entire parcel of land listed under Tax Parcel Numbers 121-031-21 ~~and~~ 121-031-56 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of December 23, 1997). The property is owned by the Atherton Lofts Condominium Association, Inc. and is located at 2108 South Boulevard in the City of Charlotte, Mecklenburg County, North Carolina.**

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

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 16th day of March, 1998, on the question of designating a property known as the Atherton Cotton Mills as a historic landmark; and

WHEREAS, the Atherton Cotton Mills was one of only three spinning mills owned and operated by Daniel Augustus Tompkins (1851-1911), a New South industrialist of profound importance in the economic development of Charlotte and its environs; and

WHEREAS, the Atherton Cotton Mills documents the emergence of Charlotte as a major textile manufacturing center in the late nineteenth and early twentieth centuries; and

WHEREAS, the Atherton Cotton Mills was the first industrial plant in the industrial district of Dilworth, Charlotte's initial streetcar suburb; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as Atherton Cotton Mills possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the Atherton Cotton Mills is owned by Atherton Lofts Condominium Association, Inc.

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

1. That the property known as the "Atherton Cotton Mills" (including the entire exterior of the Atherton Cotton Mills and the entire parcel of land listed under Tax Parcel Numbers 121-031-21 ~~and~~ <sup>THROUGH</sup> 121-031-56 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of December 23, 1997) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 2108 South Boulevard in the City of Charlotte, Mecklenburg County, North Carolina. Exterior features are more completely described in the *Survey and Research Report on the Atherton Cotton Mills* (July 14, 1997).

2. That said exterior features are more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the original contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a



Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the this historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said property has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners and occupants of the historic landmark known as the Atherton Cotton Mills be given notice of this ordinance as required by applicable law and that

## 21. Typographical Error in Ordinance #1006-X

**Action:**

**Correct a typographical error in Ordinance #1006-X, the ordinance designating Atherton Cotton Mills as a Historic Landmark.**

**Explanation:**

- Ordinance #1006-X, adopted by City Council on March 16, 1998, designated property known as "Atherton Cotton Mills" as a Historic Landmark. The Survey and Research Report on the Atherton Cotton Mills (which was part of Council's agenda materials) reflects that Tax Parcel Numbers 121-031-21 through 121-031-56 were intended to be designated.
- The adopted ordinance currently on file with the City Clerk, the Building Standards Department, the Mecklenburg County Register of Deeds, and the Tax Supervisor, however reads Tax Parcel Numbers 121-031-21 and 121-031-56.
- This error needs to be corrected so that the property owners of Tax Parcel Numbers 121-031-022 through 121-031-55 may apply for their automatic 50% property tax deferral.

**APPROVED BY CITY COUNCIL**

DEC 14 1998

Nancy S. Gilbert OMC  
Deputy City Clerk

**21. Typographical Error in Ordinance #1006-X**

**Action:** Correct a typographical error in Ordinance #1006-X, the ordinance designating Atherton Cotton Mills as a Historic Landmark.

**Explanation:**

- Ordinance #1006-X, adopted by City Council on March 16, 1998, designated property known as "Atherton Cotton Mills" as a Historic Landmark. The Survey and Research Report on the Atherton Cotton Mills (which was part of Council's agenda materials) reflects that Tax Parcel Numbers 121-031-21 through 121-031-56 were intended to be designated.

- The adopted ordinance currently on file with the City Clerk, the Building Standards Department, the Mecklenburg County Register of Deeds, and the Tax Supervisor, however reads Tax Parcel Numbers 121-031-21 and 121-031-56.

- This error needs to be corrected so that the property owners of Tax Parcel Numbers 121-031-022 through 121-031-55 may apply for their automatic 50% property tax deferral.

**APPROVED BY CITY COUNCIL**

DEC 14 1998

*NS*  
Nancy S. Gilber (MC)  
Deputy City Clerk



Ordinance - Atherton Cotton Mills

copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the 16th day of March, 1998, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

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

Approved as to form:  
David M. Smith  
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 16th day of March, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 449-452.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17th day of March, 1998.

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

**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 a **REVISED** Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 16th day of March, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 449-452.

Council revised this ordinance on December 14, 1998.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of December, 1998.

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

ORDINANCE NO. 1007-X

**Ordinance designating as a Historic Landmark a property known as the "Addison Apartments Building" (listed under Tax Parcel Number 125-173-22 as of January 9, 1998, and including the entire exterior of the Addison Apartments Building and the entire parcel of land listed under Tax Parcel Number 125-173-22 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 9, 1998). The property is owned by MPI-Addison, Inc. and is located at 831 East Morehead Street in the City of Charlotte, Mecklenburg County, North Carolina.**

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

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 16th day of March, 1998, on the question of designating a property known as the Addison Apartments Building as a historic landmark; and

WHEREAS, the Addison Apartments Building was built and owned by prominent local builder J. A. Jones in 1926; and

WHEREAS, the Addison Apartments Building is one of the few elegant high-rise apartment buildings built in Charlotte in the early twentieth century; and

WHEREAS, the Addison Apartments Building was designed by local architect Willard G. Rogers, who designed a number of important buildings in the City; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as Addison Apartments Building possesses special significance in terms of its history, architecture, and/or cultural importance; and



WHEREAS, the property known as the Addison Apartments Building is owned by MPI-Addison, Inc.

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

1. That the property known as the "Addison Apartments Building" (including the entire exterior of the Addison Apartments Building and the entire parcel of land listed under Tax Parcel Number 125-173-22 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 9, 1998) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 831 East Morehead Street in the City of Charlotte, Mecklenburg County, North Carolina. Exterior features are more completely described in the *Survey and Research Report on the Addison Apartments Building* (July 1, 1994, updated September 8, 1997).

2. That said exterior features are more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the original contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However,



the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the this historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said property has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners and occupants of the historic landmark known as the Addison Apartments Building be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

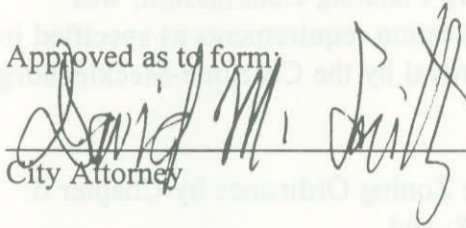
Ordinance - Addison Apartments Building

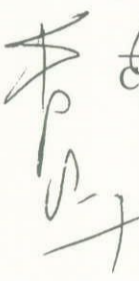
7. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the 16th day of March, 1998, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

\_\_\_\_\_  
Clerk to City Council, Brenda R. Freeze, CMC

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 16th day of March, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 453-456.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17th day of March, 1998.

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



CITY CD

Petition No. 98-07  
Studio Plus Properties, Inc.

ORDINANCE NO. 1008-Z

APPROVED BY CITY COUNCIL  
DATE March 16, 1998

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 3.4 acres located on the south side of Matthews-Pineville Road (NC 51), just west of McMullen Creek Parkway; 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 20, 1998; 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-6(CD) to O-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

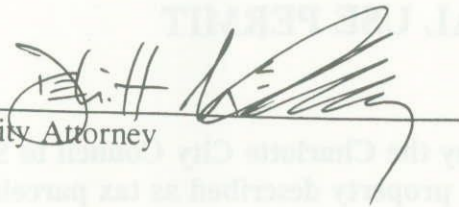
SEE ATTACHED

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

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

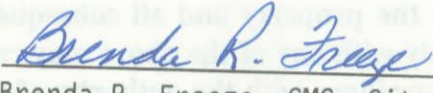
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APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

I, Brenda R. Freeze, CMC, 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 16th day of March, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 457-459B.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23th day of March, 1998.

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



Petition No. 98-07  
Studio Plus Properties, Inc.

## PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Studio Plus Properties, Inc. and successors-in-interest of the property described as tax parcels 221-221-71 & 72 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 O-1(CD) on the official zoning map.

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

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

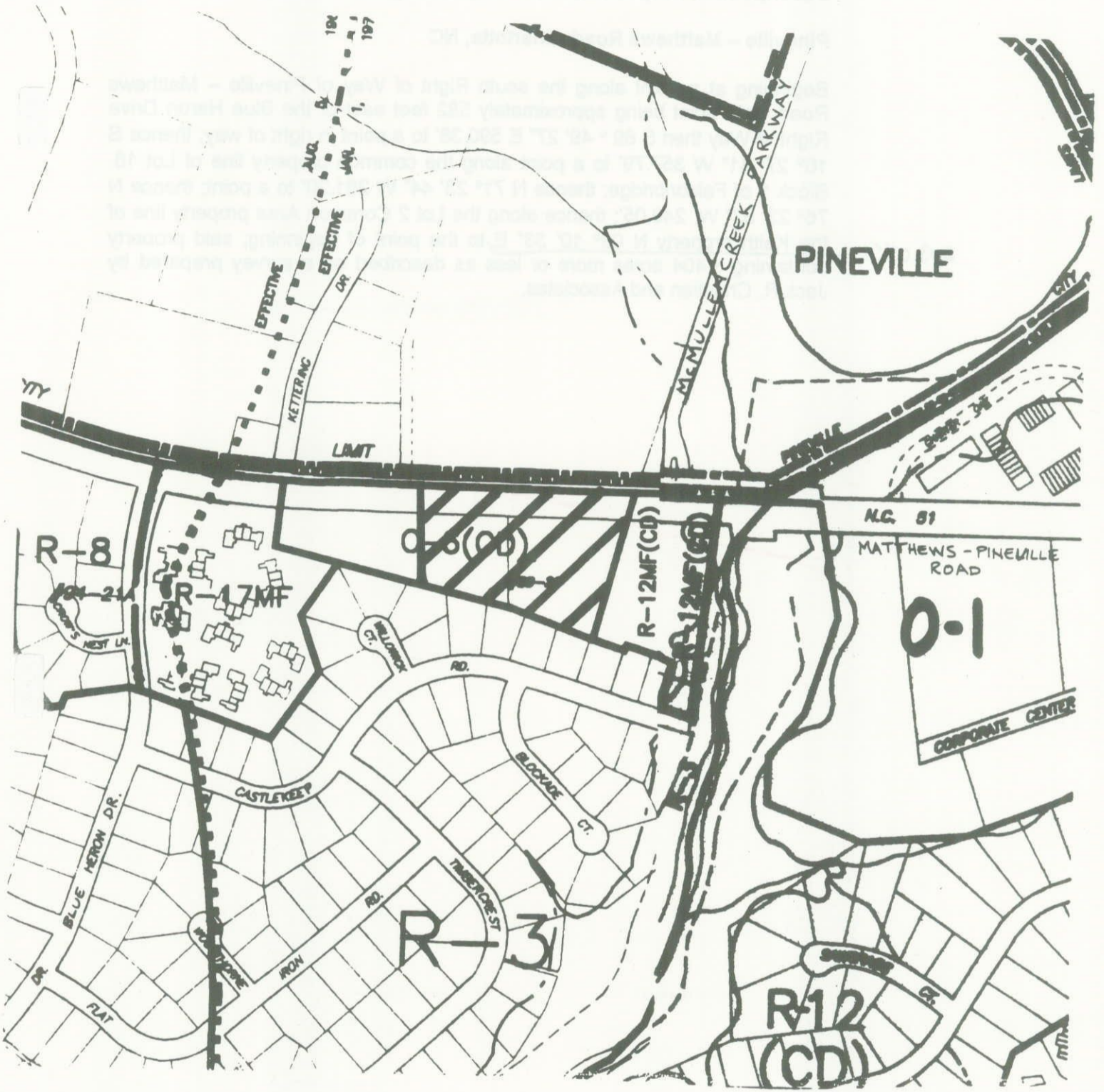
Petitioner: Studio Plus Properties, Inc.

Hearing Date: January 20, 1998

Zoning Classification (Existing): O-6(CD)

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

Location: Approximately 3.4 acres located on the south side of Matthews-Pineville Road (NC 51), just west of McMullen Creek Parkway.



Zoning Map #(s): 168 & (167)

Scale: 1" = 400'



98-07

**Description of Proposed StudioPLUS Hotel Site**

**Pineville – Matthews Road, Charlotte, NC**

Beginning at a point along the south Right of Way of Pineville – Matthews Road, said point being approximately 582 feet east of the Blue Heron Drive Right of Way then S 89 ° 49' 27" E 590.38' to a point in right of way; thence S 16° 27' 41" W 357.79' to a point along the common property line of Lot 18. Block 1 of Falconbridge; thence N 71° 23' 44" W 261.20' to a point; thence N 76° 23' 57" W, 249.05'; thence along the Lot 2 Common Area property line of the Keith property N 00° 10' 33" E, 203.04' to the point of beginning; said property containing 3.404 acres more or less as described on a survey prepared by Jack R. Christian and Associates.

CITY CD

Petition No. 98-13  
Nevins Center, Inc., Steve D. Sellers

ORDINANCE NO. 1009-Z

**APPROVED BY CITY COUNCIL**  
DATE *March 16, 1998*

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 25.1 acres located on the north side of Nevin Road, approximately 1/4 mile east of Statesville Road (Highway 21); 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 February 16, 1998; 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 INST(CD) to INST(CD) and INST(CD) S.P.A. on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

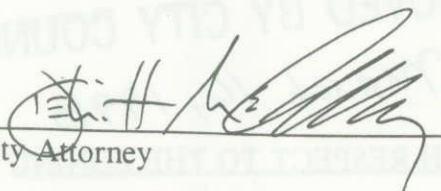
Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

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

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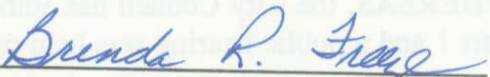


APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

I, Brenda R. Freeze, CMC 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 16th day of March, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 460-462B.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of March, 1998.

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

Petition No. 98-13  
Nevins Center, Inc., Steve D. Sellers

## PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Nevins Center, Inc., Steve D. Sellers and successors-in-interest of the property described as tax parcels 045-281-06, 07 & 08 and as portions of tax parcels 045-291-01 & 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-4 and 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.



**Petition #:** 98-13

**Petitioner:** Nevins Center, Inc., Steve D. Sellers

**Hearing Date:** February 16, 1998

**Zoning Classification (Existing):** R-4 and INST(CD) with Special Use Permit

**Zoning Classification (Requested):** INST(CD), INST(CD) S.P.A., and termination of Special Use Permit

**Location:** Approximately 30 acres located on the north side of Nevin Road, approximately 1/4 mile east of Statesville Road (Highway 21).



Zoning Map #(s): 69

Scale: No Scale



**LEGAL DESCRIPTION OF AREA TO BE REZONED:**

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

BEGINNING at a found iron on the northern right-of-way of Nevin Road (60' right-of-way), said iron being a common corner with Statesville Avenue Presbyterian Church (Deed Book 7780 Page 975, Mecklenburg County Register of Deeds, all deed references are to Mecklenburg County Register of Deeds) and running with the line of Statesville Avenue Presbyterian Church, N 15-39-45 W 851.01 feet to a 36" blazed oak tree, a common corner with J.E. and P.B. Wike (Deed Book 4731 Page 238), said blazed oak tree being located N 23-16-50 E 128.22 feet from a found iron, a corner of Wike; thence with the Wike line, N 01-00-04 W 233.80 feet to a point (passing a found iron at 192.48 feet) on the southern right-of-way reservation for Nevin Road Extension; thence with the southern right-of-way reservation for Nevin Road Extension, N 59-20-01 E 1216.70 feet to a point; thence S 43-15-03 E 162.51 feet to a point; thence S 23-06-35 W 686.48 feet to a found iron; thence S 13-17-34 E 246.18 feet to a found iron in the line of S.W. Carter (Deed Book 1876 Page 216); thence with two lines of Carter, (1) S 70-21-50 W 103.70 feet to a set iron, and (2) S 40-00-10 E 284.08 feet to a set iron on the northern right-of-way of Nevin Road; thence with the northern right-of-way of Nevin Road the following 2 (two) calls, (1) S 45-53-30 W 138.82 feet to a found iron (passing a found iron at 13.36 feet), and (2) S 45-46-08 W 185.72 feet to a set iron; thence with 3 (three) lines of the City of Charlotte (Deed Book 4056 Page 570), (1) N 03-47-42 W 80.69 feet to a set iron, (2) S 86-12-18 W 300.00 feet to a set iron, and (3) S 03-51-06 E 233.88 feet to a point on the northern right-of-way of Nevin Road, said point being located N 03-51-06 W 0.65' from a found iron; thence with the northern right-of-way of Nevin Road the following 2 (two) calls, (1) with the arc of a circular curve to the right having a radius of 446.65 feet an arc distance of 24.58 feet (chord: S 81-40-53 W 24.57 feet) to a set iron, and (2) S 83-15-27 W 251.85 feet to a found iron, THE POINT AND PLACE OF BEGINNING; all as shown on Boundary Survey of Nevins Center, Inc. by Michael S. Miller dated 7-9-97, except for the description of the right-of-way reservation for Nevin Road Extension which does not shown on said survey; containing 25.102 acres; and also being all of Tax Parcels 045-281-06 and 07, and part of Tax Parcels 045-281-01 and 04.

SEE ATTACHED



DATE March 16, 1998

CITY CD

Petition No. 98-14  
Thomas and Hazel Robinson, James  
Houser Jr., and Steele Limited  
Partnership

ORDINANCE NO. 1010-Z

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 36.4 acres located on the east side of Providence Road West north of the Blakeney Heath 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 February 16, 1998; 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-8MF(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

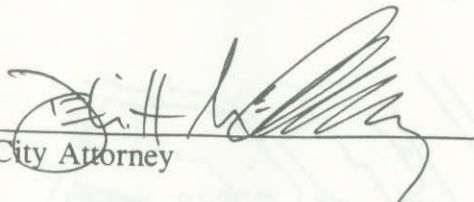
SEE ATTACHED

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.


-continued-

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

I, Brenda R. Freeze, CMC 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 16th day of March, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 463-465A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of March, 1998.

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



Petition #: 98-14

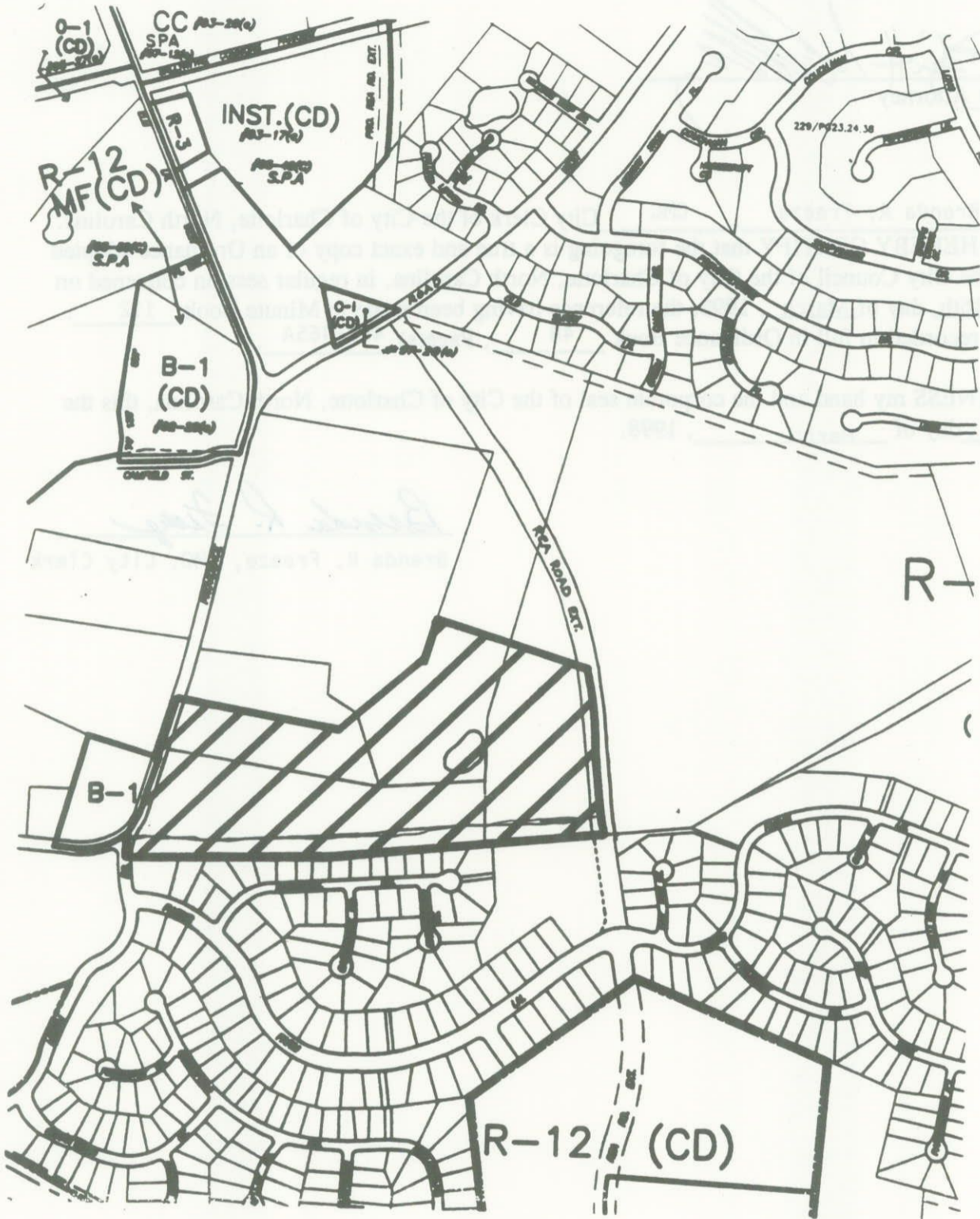
Petitioner: Thomas and Hazel Robinson, James Houser Jr., and Steele Limited Partnership

Hearing Date: February 16, 1998

Zoning Classification (Existing): R-3

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

Location: Approximately ~~3.5~~<sup>3.3</sup> acres located on the east side of Providence Road West north of the Blakeney Heath Road intersection.



Zoning Map #(s): 181

Scale: No Scale



Petition No. 98-14  
Thomas and Hazel Robinson, James  
Houser Jr., and Steele Limited  
Partnership

## PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Thomas and Hazel Robinson, James Houser Jr., Steele Limited Partnership and successors-in-interest of the property described as tax parcels 229-101-05 & 06 and as a portion of tax parcel 229-101-07 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 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.





**APPROVED BY CITY COUNCIL**

**DATE** March 16, 1998

CITY ZONE CHANGE

Petition No. 98-16  
Universal Service

ORDINANCE NO. 1011-Z

**ZONING REGULATIONS**

MAP AMENDMENT NO. \_\_\_\_\_

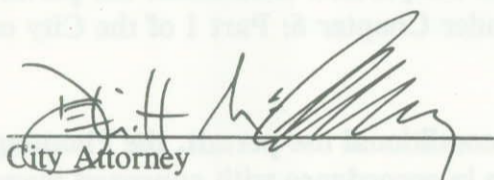
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing the property identified as approximately 5.1 acres located on the south side of Cannon Avenue just east of Graham Street (tax parcels 045-062-03, 04, 05 and 06) from R-4 to I-1 on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

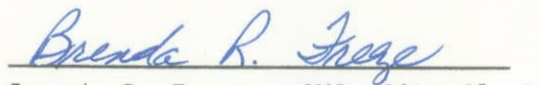
Section 2. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

I, Brenda R. Freeze, CMC 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 16th day of March, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 466-467.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of March, 1998.

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

Petition #: 98-16

March 16, 1998  
Ordinance Book 48, Page 467

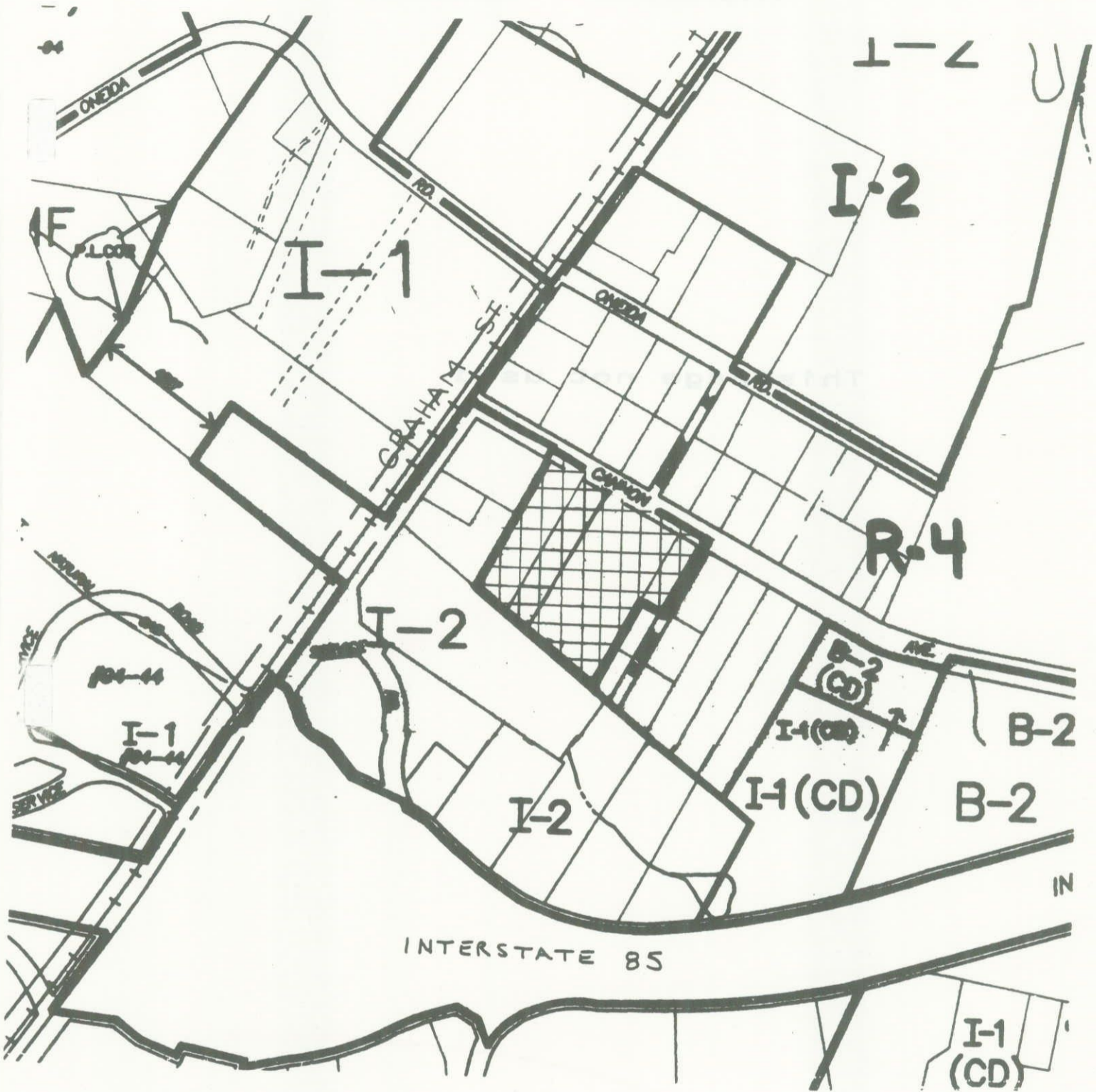
Petitioner: Universal Service

Hearing Date: February 16, 1998

Zoning Classification (Existing): R-4

Zoning Classification (Requested): I-1

Location: Approximately 5.1 acres located on the south side of Cannon Avenue just east of Graham Street.



Zoning Map #(s): 70 & (78)

Scale: 1" = 400'



Location: Aggravated 2 - Area located on the south side of Canyon Avenue just east of Garden Street  
Zoning Classification (Proposed): I-1  
Zoning Classification (Existing): B-1  
Hearing Date: February 16, 1998  
Petitioner: Lawry Services  
Ordinance Book 48, Page 468  
March 16, 1998

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Scale: 1" = 100'  
Zoning Map No. 70 & 1701

**APPROVED BY CITY COUNCIL**

*Relation  
98-18*

DATE March 16, 1998

ORDINANCE NO. 1012

**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:

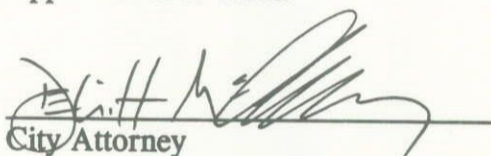
1. Amend Chapter 9: General Districts, Part 2, Single Family, Section 9.203(7), Elementary and Secondary Schools and Multi-Family, Section 9.303(10), Elementary and Secondary Schools, as follows:

Add new subsections 7(f) as follows:

- "(f) Except as modified by the requirements of subsection 7(d) of this section, subsections 7(b) and 7(c) of this section shall not apply to additions, modifications, or improvements to any school that is nonconforming with respect to these provisions which was constructed, or where a building permit for the school was issued, prior to January 1, 1992."


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

Approved as to form:

  
 \_\_\_\_\_  
 City Attorney

I, Brenda R. Freeze, CMC 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 16th day of March, 19 98, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 469.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of March, 19 98

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



DATE March 16, 1998

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

ORDINANCE NO. 1015

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:

Amend Chapter 9, General District, Part 2, Single-Family, Section 9.300(C),  
Elementary and Secondary Schools and Single-Family, Section 9.300(D),  
Elementary and Secondary Schools, as follows:

**Pages 470-471**

**Not Used**  
(C) Except by the repeal of subsection (C) of this section, subsection (B) and (D) of this section shall not apply to additional, modifications, or improvements to any school that is constructed with respect to those provisions which was constructed or where a building permit for the school was issued prior to January 1, 1991.

Section 2. This ordinance shall become effective upon its adoption.

Approved as to form



I, Frank E. Frazier, 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 16th day of March, 1998, the reference having been made to Article 11C, and recorded in full in Ordinance Book 48, Page(s) 469.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 16th day of March, 1998.



**APPROVED BY CITY COUNCIL**

*Petition  
98-20*

**DATE** March 16, 1998

**ORDINANCE NO.** 1013

**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 9: GENERAL DISTRICTS, PART I: TABLES OF USES AND HIERARCHY OF DISTRICTS, Section 9.101. TABLES OF USES, OFFICE AND BUSINESS USES, by adding Orthotics - Prosthetics Facilities and inserting the symbol "X" under the I-1 and I-2 districts and inserting the symbol "PC" under the O-1, O-2, O-3, B-1, and B-2 districts.
2. Amend CHAPTER 9: GENERAL DISTRICTS, PART 7: OFFICE, Section 9.703. USES PERMITTED UNDER PRESCRIBED CONDITIONS, by adding the following:
  - (20.1) ORTHOTICS - PROSTHETICS FACILITIES, provided that:
    - (a) Not more than 50% of space be allotted to the fabrication of orthotics and prosthetics.
    - (b) The overall purpose of the facility be patient oriented. No less than 50% of the facility be dedicated to patient services.
    - (c) The fabrication of orthotics and prosthetics in no more than 50% of the floor area of any medical office is restricted to a maximum of 4,000 square feet.

Section 2. Same as 2 except Part 8: Business Section 9.803, and (25.1).

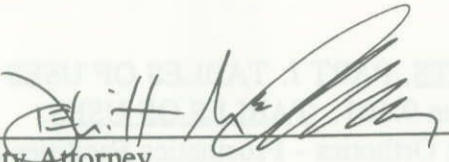
Section 3. Same as 2 except Part II: Industrial, Section 9.1102. Uses permitted by right by adding the following:

(56.1) Orthotics - Prosthetics Facilities.




Section 4. That this ordinance shall become effective upon its adoption.

Approved as to form:

  
City Attorney

I, Brenda R. Freeze, CMC 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 16th day of March, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 472-473.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of March, 1998.

  
Brenda R. Freeze, CMC, City Clerk

DATE March 16, 1998

Ordinance No. 98-21  
Barwood Homes

CITY ZONE CHANGE

ZONING REGULATIONS

ORDINANCE NO. 98-21

MAP AMENDMENT NO. \_\_\_\_\_

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

Section 1. That Section 1 of the City of Charlotte Zoning Ordinance is hereby amended by changing the property identified as approximately 2.118 acres located on the north side of Mount Holly Road (NC 27) between the intersection of the intersection of tax parcel 091-048-03) from F-1 to R-4 on the Official Zoning Map, City of Charlotte, N.C.

**This page not used**

SEE ATTACHED MAP

Section 2. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

  
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 16th day of March, 1998, the reference having been made in Minute Book 112 and recorded in full in Ordinance Book 48, Page(s) 473-474.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 16th day of March, 1998.

  
Brenda R. Freeze, City Clerk



APPROVED BY CITY COUNCIL

DATE March 16, 1998

CITY ZONE CHANGE

Petition No. 98-21  
Eastwood Homes

ORDINANCE NO. 1014-Z

ZONING REGULATIONS

MAP AMENDMENT NO. \_\_\_\_\_

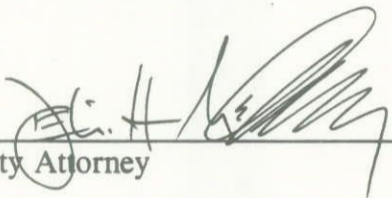
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing the property identified as approximately 2.118 acres located on the north side of Mount Holly Road (NC 27), between Lee Drive and Rockwood Drive (a portion of tax parcel 031-048-03) from I-1 to R-4 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:

  
\_\_\_\_\_  
City Attorney

I, Brenda R. Freeze, CMC 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 16th day of March, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 475-477.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of March, 1998.

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

Petition #: 98-21

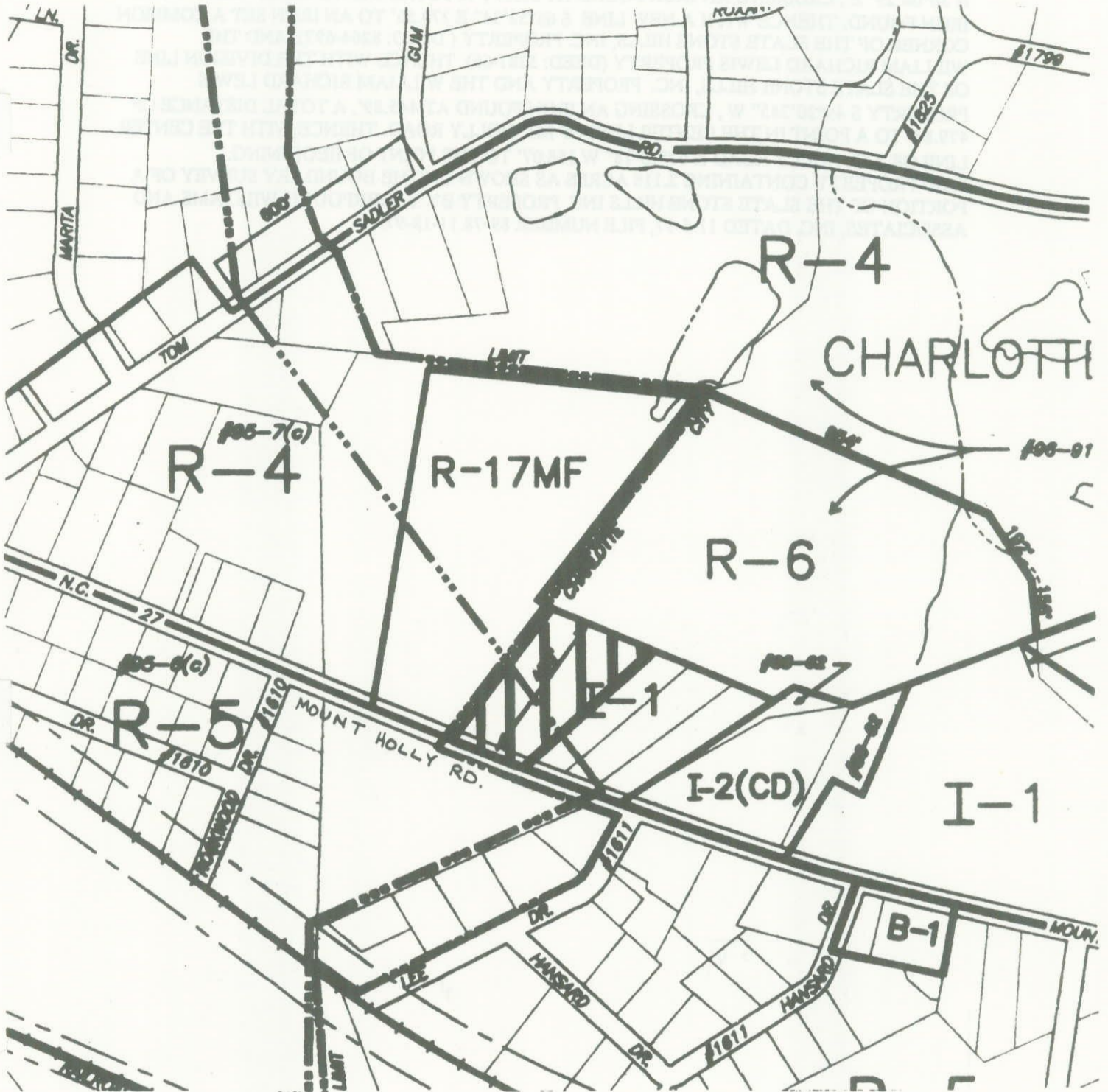
Petitioner: Eastwood Homes

Hearing Date: February 16, 1998

Zoning Classification (Existing): I-1

Zoning Classification (Requested): R-4

Location: Approximately 2.118 acres located on the north side of Mount Holly Road (NC 27), between Lee Drive and Rockwood Drive.



Zoning Map #(s): 66

Scale: 1" = 400'



REZONING DESCRIPTION

COMMENCING AT A NAIL SET IN MT. HOLLY ROAD (N.C. 27), THENCE N 65°55'21" W 506.97' TO A NAIL FOUND IN MT. HOLLY ROAD; THENCE N 50°13'58" W 53.50' TO A NAIL SET IN THE CENTER LINE OF MT. HOLLY ROAD, THE POINT OF BEGINNING. THENCE WITH THE COMMON PROPERTY LINE OF THE OAK GROVE BAPTIST CHURCH PROPERTY (DEED: 3697-484), AND THE SLATE STONE HILLS, INC. PROPERTY ( DEED:8264-697), N 36°06'29" E, CROSSING AN IRON FOUND AT 30.83', A TOTAL DISTANCE OF 442.81' TO AN IRON FOUND. THENCE WITH A NEW LINE S 66°52'34" E 270.56' TO AN IRON SET A COMMON CORNER OF THE SLATE STONE HILLS, INC. PROPERTY ( DEED: 8264-697), AND THE WILLIAM RICHARD LEWIS PROPERTY (DEED: 5281-66). THENCE WITH THE DIVISION LINE OF THE SLATE STONE HILLS, INC. PROPERTY AND THE WILLIAM RICHARD LEWIS PROPERTY S 49°20'345" W, CROSSING AN IRON FOUND AT 445.89', A TOTAL DISTANCE OF 479.81' TO A POINT IN THE CENTER LINE OF MT. HOLLY ROAD. THENCE WITH THE CENTER LINE OF MT. HOLLY ROAD N 67°15'18" W 158.07' TO THE POINT OF BEGINNING. SAID PROPERTY CONTAINING 2.118 ACRES AS SHOWN ON THE BOUNDARY SURVEY OF A PORTION OF THE SLATE STONE HILLS INC. PROPERTY BY YARBROUGH-WILLIAMS AND ASSOCIATES, INC. DATED 11-5-97, FILE NUMBER 89-78 11-18-97.

