

APPROVED BY CITY COUNCIL

DATE May 18, 1998

CITY CD \_\_\_\_\_

Petition No. 98-24  
Hewitt Drive Properties

ORDINANCE NO. 1037-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 27.5 acres located on the north and south sides of Hewitt Drive west of Sugar Creek Road in Derita; 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 March 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-6(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

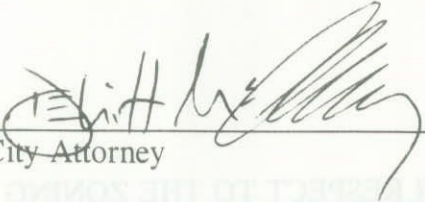
SEE ATTACHED

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, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of May, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 515-517D.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of May, 1998.

\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk

SEE ATTACHED

-continued-

Petition No. 98-24  
Hewitt Drive Properties, LLC

## PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Hewitt Drive Properties, LLC and successors-in-interest of the property described as tax parcels 045-122-04 & 05, 045-142-63, 64, 65 and a portion of 045-122-06 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-6(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.

# Sam Malone & Associates

SURVEYING • ENGINEERING  
RESIDENTIAL & COMMERCIAL



98-24

116-B W. JOHN ST. P.O. BOX 1139 MATTHEWS, NC 28106 1-800-287-8978 704-847-9026 FAX 704-847-5188

045-122-04

Legal Description  
11.516 acres, Hewitt Drive

Being the George William Bates and wife, Lillian S. Bates property as recorded in Book 1149, Page 0190 in the Mecklenburg County public registry. Being situated in the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

BEGINNING at an existing iron pipe, the southwesterly property corner of the aforementioned Bates property, said iron pipe also being the southeasterly corner of the Lawrence Dewey Skidmore, Sr. property recorded in Book 1212, Page 199 and on the northerly property line of the Bonded Distribution, Inc. property as recorded in Book 5078, Page 355 in the Mecklenburg County public registry. Thence, from the said BEGINNING point and with the easterly line of the aforementioned Skidmore property, North 03-01-26 East 383.45 feet to an existing iron rebar, said point being the southeasterly corner of Lot 2 as shown on Map Book 24, Page 304. Thence with the line of the aforesaid Lot 2; North 03-01-26 East 243.26 feet to an existing iron rebar being the southeasterly corner of Lot 1 as shown on Map Book 24, Page 304. Thence with the line of the aforesaid Lot 1; North 03-09-00 East 225.40 feet to an existing iron rebar the northeasterly corner of the aforesaid Lot 1. Thence, continuing with said line North 03-09-00 East 16.93 feet to a new iron rebar on the southerly right-of-way line of Hewitt Drive (a thirty foot right-of-way per Map Book 3, Page 63). Thence with said right-of-way in an easterly direction South 88-44-33 East 604.75 feet to a new iron rebar being the common northwesterly property corner with the John L. Hunter et al property as recorded in Book 2105, Page 95. Said new iron rebar also being located South 02-53-59 West 30.00 feet from an existing iron rebar on the northerly right-of-way line of Hewitt Drive. Thence, from the aforesaid new iron rebar and with the westerly line of the aforementioned John L. Hunter et al property South 02-53-59 West 787.00 feet to a new iron rebar on the northerly line of the aforementioned Bonded Distribution, Inc. property. Thence with the line of the Bonded Distribution, Inc. property South 83-36-07 West 615.00 feet to the POINT AND PLACE OF BEGINNING. Containing 11.516 acres more or less, all as shown on a plat of survey entitled "Boundary Survey for Hewitt Drive Properties" prepared by Sam Malone and Associates and dated: December 23, 1997.

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EXHIBIT A

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

Beginning for reference point at North Carolina Grid Monument "Derita2", said monument having North Carolina grid coordinates of N. 172,928.889 - E. 446,116.798 runs thence S. 71-33-24 W. 1843.97 feet to an existing iron pin situate in the line of George W. Bates, now or formerly, as described in Deed Book 1149, Page 190 the true point of Beginning and running thence two lines with Bates as follows: (1) S. 3-9-00 W. 383.47 feet to an existing iron pin on the south side of the creek; (2) S. 84-9-51 W. 453.52 feet to an existing iron pin in the line of Arthur Allen, Jr. and wife, Marlene W. Allen, now or formerly; running thence from the said beginning point with the lines of Arthur Allen, Jr. and wife, Marlene W. Allen and Jeffrey H. Hollis and wife, Maureen Hollis and Stephen Alan Williams, now or formerly and Steven Bryan Mullis, now or formerly, N. 32-45-49 W. 886.70 feet to an existing iron pin in the southern right-of-way line of Allen Road East and running thence with the right-of-way lines of Allen Road East and Hewitt Road (SR #2524) four (4) calls as follows: (1) with the arc of a circular curve to the right having a radius of 1269.99 feet and having chord bearing of N. 60-51-38 E. and a chord length of 85.38 feet an arc distance of 85.38 feet to a point; (2) thence N. 64-29-25 E. 214.86 feet to a point; (3) thence with the arc of a circular curve to the right having a radius of 270 feet, a chord bearing N. 77-49-29 E. and a chord length of 140.50 feet an arc distance of 142.13 to a point; (4) thence S. 88-44-43 E. 122.37 feet to an existing iron pin in the right-of-way line Hewitt Road (State Road 2524); thence with the westerly line of Everett Monroe Lovette and wife, Edith Hart Lovette, now or formerly, S. 3-14-25 W. 496.16 feet to an existing iron pin a corner of said Lovette; running thence with the southerly line of said Lovette, S. 88-49-13 E. 450.42 feet to an existing iron pin, the point of place of Beginning and containing 10.0382 acres as more particularly shown on a Boundary Survey for Gayle Skidmore Smith by Baucom-Davis & Associates dated July 14, 1997.

Written Boundary Description - 45-122-05  
Jane Higgs & George Bates Property

Written Boundary Description - 045-122-06 (PORTION OF)  
Everett & Edith Lovett Property

Lot 2A according to the plat thereof as recorded in Deed Reference Book 23, Page 858, Mecklenburg County. Beginning at an existing iron pin at the northeast corner of the property thence run S 88-47-40 E 225.1 feet to a point; thence S 11-38-0 W 203.42 feet to a point; thence S 7-23-45 W 269.99 feet to a point; thence N 88-47-40 W 449.81 feet to an existing iron pin; thence S 3-09-00 W 243.57 to an existing iron pin; thence S 88-47-39 E 124.99 feet to an existing iron pin; thence S 3-08-55 W 225.00 feet to the point of beginning as more particularly shown on a Boundary Survey for Everett Monroe Lovett and Edith Hart Lovett by Baucom - Davis & Associates dated July 14, 1997

Written Boundary Description - 45-122-02  
Jane Hipp & George Bates Property

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**NEXCO, Inc. and Allan R. Newcomb**  
**Description - 2.535 acres, Hewitt Drive**

Being all of Lots 8,9, and 10 according to the Record Map of Newcomb Property Map 2 as recorded in Map Book 28, Page 122 in the Mecklenburg County Public Registry and being more particularly described as follows:

Beginning at an existing iron pipe in the northeast property corner as a point of beginning, thence run S04-32-50W 100.07 feet to a point, thence S82-00-48E 36.14 feet to a point, thence S05-14-00W 116.72 feet to a point, thence S84-44-53E 92.00 feet to a point, thence S08-41-20W 111.45 feet to a point, thence S00-16-47W 67.80 feet to a point, thence N84-43-38W 232.47 feet to a point, thence N05-16-22E 411.19 feet to a point, thence S81-57-52E 288.10 feet to the point and place of beginning, containing 2.535 acres more or less.

PART 2.2 MIXED USE DEVELOPMENT DISTRICT

Section 2.2501 Mixed Use Development District established, purpose, intent.

(1) Purpose. The adopted Center City-Charlotte Urban Design Plan calls for a development district outside the central employment core in which coordinated mixed use development will be permitted in order to encourage alternative development possibilities. The Mixed Use Development District (MUD) encourages mixed use development and its accompanying support commercial and office uses while maintaining a strong emphasis on pedestrian scale, urban development, and amenities.

(2) District. Since this kind of urban development can not always be evaluated on a specific listing of standards, it is possible to consider zoning to the district not only as a "by right" district but also as a "permitted" district or to the "optional" district.

Section 2.2502 Mixed Use Development District uses permitted by right.

The following uses are permitted by right in the Mixed Use Development District (MUD):

- Amusement, commercial, outdoor.
- Arenas for meetings and training of military organizations.
- Auction sales excluding automobiles, trucks, trailers and construction equipment.

APPROVED BY CITY COUNCIL

98-26

Revised 1/02/98  
Revised 2/19/98  
Revised 4/01/98  
Revised 4/22/98  
Revised 5/04/98  
5/18/98

DATE May 18, 1998

ORDINANCE NO. 1038

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

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

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 by adding a new district to CHAPTER 9: GENERAL DISTRICTS, between PART 8 and PART 9 as follows:

PART 8.5: MIXED USE DEVELOPMENT DISTRICT

Section 9.8501. Mixed Use Development District established; purpose; options.

- (1) Purpose. The adopted Center City Charlotte Urban Design Plan calls for a development district outside the central employment core in which coordinated mixed use development will be permitted in order to encourage alternative development possibilities. The Mixed Use Development District (MUDD) encourages mixed use development and its accompanying support commercial and office uses while maintaining a strong emphasis on pedestrian scale, urban development, and amenities.
- (2) Options. Since this kind of urban development can not always be evaluated on a specific listing of standards, it is possible to consider zoning to this district not only as a "by right" district but also to a "parallel condition" district, or to the "optional" district.

Section 9.8502. Mixed Use Development District; uses permitted by right.

The following uses are permitted by right in the Mixed Use Development District (MUDD):

Amusement, commercial, outdoor.

Armories for meetings and training of military organizations.

Auction sales excluding automobiles, trucks, trailers and construction equipment.



Automotive service stations, including minor adjustments, repairs and lubrication.

Barber and beauty shops.

Buildings for dramatic, musical, or cultural activities.

Bus passenger stations.

Colleges, universities, commercial schools, schools providing adult training in any of the arts, sciences, trades and professions, and dormitories for the students of colleges, commercial schools, schools providing adult training and for the staff of hospitals.

Conference centers, exhibit halls, merchandise marts, and other similar uses.

Dormitories for the students of colleges, commercial schools, schools providing adult training and for the staff of hospitals.

Dwellings, detached, duplex, triplex, quadraplex, attached, multi-family and planned multi-family developments, and mixed use buildings.

~~Entertainment establishments such as lounges, nightclubs, bars, taverns and cabarets.~~

Equipment rental and leasing within an enclosed building.

Group homes for up to 10 residents.

Health institutions, including hospitals, clinics and similar uses.

Hotels and motels.

Indoor commercial amusement, such as bowling alleys, arcades, indoor playgrounds.

Indoor recreation.

Institutional uses such as churches, synagogues, parish houses, Sunday school buildings, convents, community recreation centers, country and swim clubs, athletic and sports facilities, libraries, museums, theaters, art galleries, orphanages, children's homes and similar non-profit institutions providing domiciliary care for children, police and fire stations, public and private elementary, junior and senior high schools, and pumping stations.

Laboratories, dental, medical and optical.

Laboratories within an enclosed building for applied and basic research.

Non-commercial public recreation parks and playgrounds.

Off-street parking as a principal use providing for public parking, private parking, or parking in conjunction with other permitted uses.

Outdoor recreation.

Outdoor seasonal sales.

Outside, open market on private or public property, for the selling of fresh food, and plants, but shall be subject to all applicable State laws and regulations. Such an open air, fresh food market need not comply with the development standards of Section 9.906 nor the parking standards of Section 9.907.

Parks, greenways and arboretums.

Pest control and disinfecting services.

Post offices.

Professional business and general offices such as banks, clinics, medical, dental and doctors offices, veterinary clinics, government, post offices, opticians' offices, and similar uses.

Repair or servicing of any article within an enclosed building, the sale of which is permitted in the district.

Restaurants; including open air or sidewalk cafes. ~~and drive-in service.~~

Retail sales limited to uses permitted in B-1 district.

Services such as beauty shops and barbershops, exterminators, funeral homes, embalming and crematories, laundries and dry cleaning establishments, and locksmiths and gunsmiths.

Shopping centers.

Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and

designers of ornamental and precious jewelry.

Subdivision sales offices.

Telecommunications and telephone switching.

Telephone booths.

Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, such temporary uses to be terminated upon the completion of construction.

Theaters, motion pictures.

Utility and related facilities such as distribution lines, railroad rights-of-way, telephone repeater stations, and water storage tanks.

YMCA's, buildings for social, fraternal, social service, union and civic organizations, and comparable organizations.

Section 9.8503. Mixed Use Development District: uses permitted under prescribed conditions.

The following uses are permitted subject to the specific conditions governing each use as set out below:

Adult establishments, subject to the regulations of Section 12.518.

Bed and breakfasts (B&B's), maximum of 8 guest rooms, subject to other regulations of Section 12.521.

Boarding houses, maximum of 8 boarders in no more than 4 bedrooms, subject to other regulations of Section 15.520.

Building materials sales, (wholesale and retail), provided that:

- (a) Not outside storage shall be located within the required setback or within any required side yard.
- (b) Any outside storage shall be screened from abutting properties and from public view along a public street in accordance with the standards of Section 12.303.

- (c) Within any outside storage area material shall be stacked no higher than the height of the screening.

Bus stop shelters, subject to the requirements set out in Section 12.513.

Car washes, provided that:

All washing facilities must be within an enclosed building. Vacuuming facilities may be outside of the building, but may not be located within a required yard or buffer.

Cemeteries, subject to the requirements of Section 12.508.

Day care centers, nursing homes, rest homes and homes for the aged in accordance with the standards of Mecklenburg County and the State of North Carolina for the licensing and operation of such facilities.

~~Drive-in windows as an accessory part of a principal structure or operation, subject to the requirements of Section 12.413.~~

Electric and gas substations, subject to the requirements set out in Section 12.504.

Entertainment establishments such as lounges, nightclubs, bars, taverns, and cabarets, provided they are located at least 100 feet from any residential structure located in a residential district.

Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

Section 9.8504. Mixed Use Development District; accessory uses.

The following are permitted as accessory uses in the Mixed Use Development District:

Accessory uses and structures, clearly incidental and related to the permitted principal use or structure.

~~Drive-in windows as an accessory to the principal use, subject to the regulations of Section 12.413.~~

Dumpsters, trash handling areas and service entrances, subject to the regulations of 12.403.

Outdoor lighting, subject to regulations of Section 12.402.

Petroleum storage, accessory to a permitted principal use or building subject to the Fire Prevention Code of the National Board of Fire Underwriters.

Petroleum storage, underground, accessory to permitted automobile service stations, subject to the Fire Prevention Code of the National Board of Fire Underwriters.

Signs, bulletin boards, kiosks and similar structures that provide historical information, information for noncommercial activities or space for free use by the general public.

Vending machines.

**Section 9.8505. Mixed Use Development District.**

The following requirements apply to all new buildings or uses in the MUDD:

- (1) Minimum lot area: None required.
- (2) Minimum setback: 12' minimum from back of existing or proposed curb.
- (3) Minimum side yards: None, but 10' building separation required adjacent to a residential use.
- (4) Minimum rear yard: None, but 10' building separation required adjacent to a residential use.
- (5) Maximum height: 120'

**Section 9.8506. Mixed Use Development District: urban design and development standards.**

- (1) The harmonious relationship between land uses and their environment requires that certain areas be addressed during project planning. These relationships deal with the streetscape, historic buildings and places, and open spaces. Development subject to these provisions may be built either in accordance with the minimum urban design standards specified in this section or in accordance with the requirements of Section 9.8508 for the optional Mixed Use Development District. The purpose of this section is to define the minimum urban design standards for development subject to these provisions. Additional illustrative detail on how urban design standards may be met is provided in the booklet "Uptown Mixed Use

District Ordinance and Urban Design Guidelines.”

(2) Streetscape design standards. The relationship between a building and areas for pedestrian or vehicular circulation must be carefully planned in order to avoid negative impacts of one upon the other. All buildings and uses developed in this district, except renovated and rehabilitated buildings, must meet the following minimum standards. For the purpose of these provisions "approved streetscape plan" document approved by the City Council which may include maps, illustrations, and written descriptions which define the relationships between the component elements that make up the street environment including the space between buildings and streets, paving, signage, trees and street furniture. This includes the adopted "Center City Charlotte Urban Design Plan" and any more specific or detailed plans which may be adopted in the future.

(a) Street walls. The first floors of all buildings, including structured parking, must be designed to encourage and compliment pedestrian-scale activity. It is intended that this be accomplished principally by the use of windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor street frontage. Works of art, fountains and pools, street furniture, landscaping and garden areas, architecturally articulated facades, and display areas may also be considered in meeting this requirements. Where windows are used they must be transparent. Where expanses of solid wall are necessary, they may not exceed 20 feet in length. The first floor and street level must be designed with attention to adjacent public or private open spaces and existing streetscape improvements. The provisions of multiple entrances from the public sidewalk or open spaces is encouraged. Structured parking facilities must be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure. In the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building facade then they must be decorative and must be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances must be designed so that cars parked inside are not visible from the street. The remainder of the street level frontage must be either occupied retail space or an architecturally articulated facade designed to screen the parking areas of the structure, to encourage pedestrian scale activity, and to provide for urban open space.

Cars on all levels of a structured parking facility must be screened from view from the street utilizing decorative elements such as grill work or louvers. In no instance will cabling alone be sufficient to meet this screening requirement.

The design requirements of this section apply to all building facades which are visible from any public right-of-way.

(b) Screening. Screening is required per Section 12.303.

Any expansion or change of use to a property will require that all screening requirements be met. If an existing building or parking area is located in the planting strip, a masonry wall shall be constructed outside of any public right-of-way to meet the screening requirement. Any expansion or change of use will also require streetscaping and sidewalk improvements to be installed unless an existing building interferes. In that event, the streetscape plantings and sidewalk shall be installed where space allows. ~~None of the urban design requirements will apply to any expansion or change of use to existing buildings with the exception of pedestrian scale lighting.~~ However, any elements of the existing building which comply with the urban design requirements cannot be eliminated.

(c) Signs, banners, flags and pennants. Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 13, except for the following:

1. Specifications for permanent signs shall be according to Section 13.108a, except for signs located on any building wall of a structure shall have a maximum sign surface of all signs on one wall not to exceed 5% of building wall area to which the sign is attached up to a maximum of 100 square feet.
2. No permanent detached signs shall be permitted in MUDD.

(d) Conformance with approved streetscape plans. Walking surfaces, street furniture, trees, landscaping, lighting fixtures, information signs, and kiosks constructed in the public right-of-way or required setback must be consistent with the standards specified in the applicable approved streetscape plans, or the standards of these provisions where no approved streetscape plan exists. Exterior lighting used on private plazas and walkways must be complementary in design motif to that specified in any applicable approved streetscape plan. Renovated and rehabilitated structures that are already in place do not have to comply with the setback requirements or urban open space requirements, but must not modify or add to the existing structure in any fashion that would result in a reduction in the distance from the back of the curb to the existing building front.

Street trees are required in accordance with an approved streetscape plan

for the area.

If no streetscape plan exists, trees are required along the street and transportation corridor frontage as follows:

Large maturing tree - One tree per 35 linear feet. The minimum caliper be 2 inches measured 6 inches above ground at the time of planting.

Small maturing tree - One tree per 24 linear feet. The minimum caliper shall be 2 inches measured 6 inches above ground at the time of planting.

Trees must be planted in accordance with the "Charlotte-Mecklenburg Land Development Standards Manual". Trees should be of a type permitted in Appendix 1.

Sidewalks will be installed in accordance with the approved streetscape plan. If no streetscape plan exists, as a minimum there shall be a 6 foot sidewalk separated by a 6 foot planting strip from the curb.

(e) Street trees. Along street and transportation corridors that have been identified by the City Council in adopted plans as existing or future transportation corridors, there shall be a 12-foot sidewalk with trees located in tree grates at the outer edge of the corridor. Trees must not be planted closer than 2 feet to the back of the curb. Above ground planters may not be used to fulfill the street tree requirement and quality of trees must be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen. Any such trees proposed to be located on public property must conform to the permit requirements in Chapter 21 of the City Code. Any such trees proposed to be located on private property must relate to the street frontage for which they are required. All trees planted to comply with this requirement must be approved as to compliance with the Street Tree Planting program or any adopted streetscape plan for the area and must be irrigated.

(f) Reflective surfaces. No development subject to these provisions may have exterior walls with a reflectivity value in excess of 36 percent, as measured under the applicable provisions of Federal Specifications DD-G-451d 1977.

(g) Transportation corridor rights-of-way. The requirements for transportation corridor rights-of-way in an urban area vary due to patterns of existing rights-of-way, existing development, traffic movements and intersection



design. In order to assure that adequate land is available to accommodate future public transportation corridor improvements, right-of-way must be protected. All development and uses in the district, except renovated and/or rehabilitated buildings, must reserve and keep free of development or encroachment the necessary rights-of-way which abut the property. The necessary rights-of-way will be determined on a case-by-case basis by the Charlotte Department of Transportation and the Charlotte-Mecklenburg Planning Commission staff. In making their determination these agencies will be guided by the adopted Central Area Plan and by the approved streetscape plan for the street if such a plan has been adopted. However, the absence of an adopted streetscape plan does not relieve the requirement for the necessary right-of-way to be reserved.

- (h) Building entrances. Doorways must be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape. For structures less than 100,000 square feet the entry way must be 1 square foot for each 1,000 square feet of floor area with a 15 square foot minimum. For buildings over 100,000 square feet, the entry way must be at least 100 square feet.
  - (i) Base of High Rise Building. (Those exceeding 5 stories.) The base of high rise buildings (equivalent to the first 3 floors above street grade) must be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as cornices, belt courses, corbelling, molding, stringcourses, ornamentation, changes in material or color, and other sculpturing of the base as are appropriate must be provided to add special interest to the base. In addition, special attention must be given to the design of windows in the base. Band windows are discouraged. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged.
- (3) Existing buildings and places. Preservation and rehabilitation of existing buildings and structures are encouraged in order to create diversity of development, accent pedestrian-scale activity, and preserve the heritage of the City of Charlotte. Existing non-conforming buildings may remain. However, any expansion must conform to the requirements of this district.
- (4) Urban open spaces. Open space is required for new buildings with a gross floor area greater than 50,000 square feet.

Open space sizes. Such buildings must be provided with open space behind the required setback and on private property proportionate to their

bulk according to the following schedule:

<u>Lot Size</u> (Square Feet)	<u>Open Space Required</u>
0-20,000 square feet	(1 square foot/gross square feet of floor area) 1 square feet/200 square feet
20,001-40,000 square feet	1 square feet/150 square feet
above 40,000 square feet	1 square feet/100 square feet

A maximum of 30 percent of this required open space may be provided on an enclosed ground floor level. This required open space may also be located on the roofs of buildings. The required open space must be accessible to the users of the building and be improved with seating and plantings.

- (5) Preliminary review. Applicants planning any development or redevelopment are required to meet with the Charlotte-Mecklenburg Planning staff at two points in the design process: (1) during the conceptual design process in order that the staff may offer input into urban design objectives and to interpret the approved streetscape plan for that area, and (2) during the design development stage to insure that the plans meet the desired objectives and the minimum standards for the district. Building permits will not be issued until the planning staff approves the proposal as in conformance with this ordinance.
- (6) Canopies and Other Building Entrances. In addition to being permitted in urban open space areas, canopies, awning and similar appurtenances are permitted at the entrances to buildings. Such a feature may be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such facility may extend from the building up to one half of the width of the sidewalk area in front of the building or nine feet, whichever is less. If this extension would reach into the public right-of-way, an encroachment agreement from the City or State is required. In no case may any such facility extend beyond the curb line of any public street, nor should it interfere with the growth or maintenance of street trees. A minimum overhead clearance of 8 feet from the sidewalk must be maintained.

Section 9.8507. Mixed Use Development District: parking and loading standards.

The requirements of Chapter 12, Part 2 shall apply except the following standards will take precedence.

Parking Standards

- (1) The minimum parking requirements for the Mixed Use Development District are as follows:

Residential - 1 space per dwelling unit

All Other Uses - 1 space per 600 gross square feet

- (2) No surface parking or maneuvering space of motor vehicles is permitted within any required setback, nor between the permitted use and the required setback, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible.

- (3) Shared parking is encouraged pursuant to the regulations Section 12.203.

- ~~(4) Parking decks shall be developed under the regulations of Section 12.212.~~

- (4) Existing non-conforming parking shall be removed if the property undergoes a change of use or expansion. However, no additional parking is required for the reuse of an existing building, or due to the removal of non-conforming parking.

- (5) On-street parking spaces located along the portion of a public street (s) abutting the use may be counted toward the minimum number of parking spaces as required by this ordinance. Those on-street parking spaces must be located on the same side(s) of the street as the use and dimension at least 22 feet in length. In the event that any on-street parking that was allowed to count toward the minimum requirement is removed by the City, the existing use will not be required to make up the difference.

- (6) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 1,600 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease having a term of not less than five (5) years excluding renewals and need not be located within this district. If at any time the parking arrangements of this section are not met, the Director of the Building Standards Department will revoke the occupancy permit for the permitted

use and will not issue a building or occupancy permit with respect to the permitted use until such requirements are met. If through no fault of the building owner or management the required parking that is provided through a lease arrangement is lost through condemnation procedures, the building owner or management will not be required to find replacement parking to meet the requirements of these provisions. Spaces in parking structures and lots which are owned by a developer and which exist on the date these provisions become effective, and which are in excess of the requirements for the building(s) with which they are associated, may be used to satisfy the requirements for new or expanded buildings.

Loading Standards.

Buildings and structures, excluding parking structures, subject to the provisions of this section, must provide a minimum number of off-street service/delivery parking spaces. These spaces must be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These parking spaces must not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by Section 20-29(14-25) of the City Code. These parking spaces must be provided in accordance with the following list:

- (1) Multi-family dwellings (0-24 units):      None required.
- (2) Multi-family dwellings (25-74 units):      Two (2) spaces.
- (3) Multi-family dwellings (75 or more units):      Three (3) spaces.
- (4) Non-residential uses with gross floor area:
  - Less than 50,000 square feet:      None Required
  - 50,000 - 150,000 square feet:      One (1) space
  - Each additional 100,000 square feet:      One (1) space
- (5) If a non-residential use has five (5) or more off-street service/delivery parking spaces, 40 percent of the spaces must be large enough to accommodate vehicles greater than 30 feet long.

Section 9.8508. Mixed Use Development District (Optional); purpose.

The Mixed Use Development District (MUDD) establishes minimum standards for design and development in the uptown area. However, circumstances may arise which those regulations do not address or did not foresee. Therefore, this section establishes an alternative process by which the City Council may evaluate and approve development which will not or cannot meet the minimum standards of the MUDD.

The Mixed Use Development District (Optional), or MUDD-O, is established to provide a mechanism to review and address new development concepts, innovative design, special problems, public/private ventures, and other unique proposals or circumstances which cannot be accommodated by the standards of the MUDD. It also serves as a mechanism for appealing interpretations of these minimum design standards as they relate to a specific development. The Charlotte Zoning Board of Adjustment shall have no authority to grant a variance from the interpretation of these minimum design standards.

The MUDD standards form the basic framework which will be used to evaluate a MUDD-O proposal, but any of the standards in the MUDD may be modified in the approval of the MUDD-O application.

Section 9.8509. Mixed Use Development District (Optional); application.

Petitions for a zoning map amendment to establish a MUDD-O should be submitted to the Charlotte-Mecklenburg Planning Commission. A MUDD-O classification will be considered only by application of the owner of the subject property or his duly authorized agent. Applications must be accompanied by a schematic plan and by any supporting text which becomes a part of the amending ordinance. The application must include at least the following information:

- (1) Access to site for adjacent rights-of-way, streets and arterials.
- (2) Parking and vehicular circulation areas.
- (3) Location and size of buildings.
- (4) Entrances and exits, in relation to vehicular and pedestrian circulation.
- (5) Enclosed, sheltered and unenclosed urban open spaces and plazas.
- (6) Pedestrian circulation.
- (7) Service area for uses such as mail delivery, trash disposal, aboveground utilities, loading and delivery.

- (8) Urban open space, trees, street trees and other plantings, including types, placement and maintenance system.
- (9) Paving systems used on private plazas and walkways.
- (10) Areas to be landscaped or screened.
- (11) Exterior lighting.
- (12) Any information regarding proposed sublots or subdivisions.
- (13) Signs, banners, flags and pennants to be used.
- (14) Seating plans.
- (15) Other site elements, spaces and information which the applicant feels will assist in the evaluation of site development.

Section 9.8510. Mixed Use Development District (Optional); review and approval.

- (1) In considering an application for the establishment of a MUDD-O, the City Council will consider the potential adverse impacts on the surrounding area, especially in regard to traffic, storm drainage, land values and compatibility of land use activities. The City Council will also consider the extent to which the basic standards of the MUDD-O are proposed to be modified, the impacts of those modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications.
- (2) In approving an application for the establishment of a MUDD-O, the City Council will consider, evaluate and may attach reasonable and appropriate conditions to the following: the location, nature and extent of the proposed use and its relation to surrounding property; proposed support facilities such as parking areas and driveways; pedestrian and vehicular circulation systems; screening and buffer areas; the timing of development; and such other matters as the City Council may find appropriate or the petitioner may propose, but not including architectural review or controls. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to final action by the City Council.

Section 9.8511. Mixed Use Development District (Optional); effect of approval; alterations.

- (1) If an application is approved, the MUDD-O and all conditions which may have

been attached are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions. The intent of this type of zoning is to provide a voluntary alternative procedure for specific development proposals and as such it is intended that all property zoned be in accordance with firm plans to develop. Therefore, 3 years from the date of approval, the Planning Commission will examine progress made to develop in accordance with approved plans to determine if active development efforts are proceeding. If it is determined by the Planning Commission that active efforts are not proceeding, a report will be forwarded to the City Council which may recommend that action be initiated to remove the MUDD-O designation in accordance with procedures outlined in Chapter 6 of these regulations.

- (2) Changes to approved plans and conditions of development will be treated the same as changes to the Zoning Map and will be processed in accordance with the procedures of Chapter 6, except that Section 6.114 shall not apply. However, changes of detail which will not alter the basic relationship of the proposed development to adjacent property, which will not alter the uses permitted or increase the density or intensity of development, which will not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site may be authorized by the Charlotte-Mecklenburg Planning staff. Any applicant may appeal the decision of the Charlotte-Mecklenburg Planning Commission staff to the Planning Commission for review and decision as to whether an amendment to the MUDD-O will be required.

Section 9.8512. Mixed Use Development District (Optional); relationship to other ordinances.

This section governs the urban design plan provisions for the MUDD-O and does not prevent any other appropriate or necessary reviews by other City departments from occurring concurrently.

Section 2. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY is hereby amended as follows:

1. PART 2: OFF-STREET PARKING AND LOADING.

- (a) Section 12.202. Required number of off-street, (4), by adding MUDD before the NS district.

Subsection (4) will read thusly as amended:

This section shall not apply to the MUDD, NS, UMUD.

UR and UI districts established in these regulations.

- (b) Section 12.204. Size of required parking spaces and aisles, (5) by adding MUDD before UMUD district.

Subsection (5) will read thusly as amended:

This section shall not apply to the MUDD, UMUD, UR and UI districts established in these regulations.

- (c) Section 12.206. Location of required parking, (4), by adding MUDD before the UMUD district.

Subsection (4) will read thusly as amended:

This section shall not apply to the MUDD, UMUD, UR and UI districts established in these regulations.

- (d) Section 12.212. Parking deck standards, first sentence of first paragraph, by adding MUDD before the UMUD district.

The first sentence will read thusly as amended:

This section sets forth development standards to address parking decks as a principal or accessory use within any permitted zoning district, except the MUDD, UMUD, UR and UI districts.

- (e) Section 12.213. Underground parking structures, last sentence, by adding MUDD before the MUDD district.

The last sentence will read thusly as amended:

The requirements of this section do not apply to the MUDD, UMUD, UR or UI districts.

- (f) Section 12.214. Number, size and location of loading spaces, (1), second sentence, by adding MUDD before the UMUD district.

Subsection (1) will read thusly as amended:

(1) Loading spaces of the size and number indicated



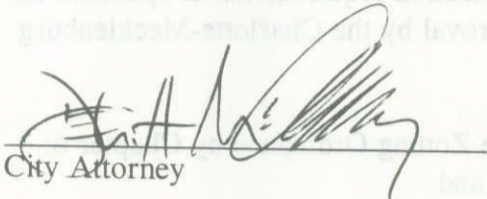
shall be provided in accordance with Table 12.214.  
These requirements shall not apply in the MUDD,  
UMUD, UR and UI districts established in these  
regulations.

2. PART 3: BUFFERS AND SCREENING, Section 12.301. Purpose by adding the following  
sentence to the end of the existing paragraph:

The buffer requirements of this section will not apply to the MUDD district.

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

Approved as to form:

  
City Attorney

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO  
HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the  
City Council of the City of Charlotte, North Carolina, in regular session convened on the 18<sup>th</sup>  
day of May, 1998, the reference having been made in Minute Book 112,  
and recorded in full in Ordinance Book 48, Page(s) 518-520 "0".

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the  
27th day of May, 1998

Nancy S. Gilbert, CMC, Deputy City Clerk

APPROVED BY CITY COUNCIL

DATE May 18, 1998

CITY CD \_\_\_\_\_

Petition No.98-34

Western North Carolina Church of God

ORDINANCE NO. 1039-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 2.8 acres located on the south side of University City Boulevard between East W. T. Harris Boulevard and Mark Twain 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 April 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 INST S.U.P. 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.

-continued-

APPROVED AS TO FORM:

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

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of May, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 521-523.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of May, 1998.

\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk

Petition No. 98-34  
Western North Carolina Church of God

## PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Western North Carolina Church of God and successors-in-interest of the property described as tax parcels 049-341-19 & 28 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.

APPROVED BY CITY COUNCIL  
DATE May 18, 1998

CITY CD

Petition No. 98-35  
The Conformity Corporation

ORDINANCE NO. 1040-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 0.58 acres located on the eastern corner of East 7th Street and Clarice 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 April 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 R-5 and O-2 to UR-2(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

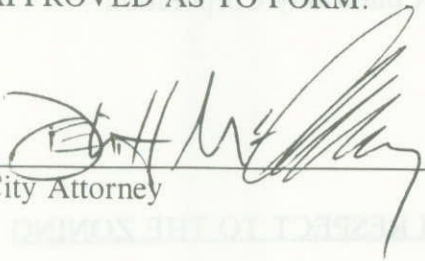
Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

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

-continued-

APPROVED BY CITY COUNCIL  
DATE May 19, 1998  
Page 525

APPROVED AS TO FORM:

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

ORDINANCE NO. 1040-1

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of May, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 524-526.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of May, 1998.

\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk

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-

Petition No. 98-35  
The Conformity Corporation

## PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to The Conformity Corporation and successors-in-interest of the property described as tax parcels 127-044- 04 & 06 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 UR-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.

SEE ATTACHED

**APPROVED BY CITY COUNCIL**

CITY CD \_\_\_\_\_ DATE May 18, 1998 Petition No.98-37  
Fairfield Development, Inc.

ORDINANCE NO. 1041-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 24.7 acres located on the southwest corner of Pineville-Matthews Road (Highway 51) and Bannington Drive; and

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

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on April 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 R-3 to R-17MF(CD) and O-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

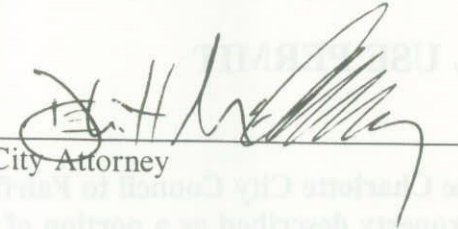
Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

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

-continued-



APPROVED AS TO FORM:

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

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of May, 1998, the reference having been made in Minute Book \_\_\_\_\_, and recorded in full in Ordinance Book 48, Page(s) 527-529.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of May, 1998.

\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk

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 42 Part 1.

Petition No. 98-37  
Fairfield Development, Inc.

## PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Fairfield Development, Inc. and successors-in-interest of the property described as a portion of tax parcel 221-201-04 and described in detail further in the ordinance, identified below, approved by the City Council.

In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of R-17MF(CD) and O-1(CD) on the official zoning map.

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

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

APPROVED BY CITY COUNCIL

DATE May 18, 1998

CITY CD

Petition No. 98-38

Idlewild Crossing Limited Partnership

ORDINANCE NO. 1042-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 5.0 acres located on the southeast corner of W. T. Harris Boulevard and Idlewild 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 April 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 B-1(CD) to B-1(CD) S.P.A. on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

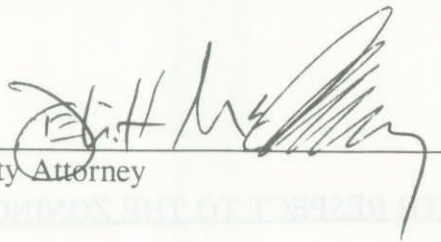
Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

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

-continued-

APPROVED BY CITY COUNCIL  
DATE May 18, 1998  
CITY CLERK

APPROVED AS TO FORM:

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

ORDINANCE NO. 1998-5

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of May, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 530-532.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of May, 1998.

\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk

SEE ATTACHED

-continued-

Petition No. 98-38  
Idlewild Crossing Limited Partnership

## PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Idlewild Crossing Limited Partnership and successors-in-interest of the property described as tax parcels 165-036-01 & 165-036-03 and described in detail further in the ordinance, identified below, approved by the City Council.

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

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

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

SEE ATTACHED

-continued-

**APPROVED BY CITY COUNCIL**  
DATE May 18, 1998

CITY CD

Petition No. 98-39  
Collins & Aikman Products Co.

ORDINANCE NO. 1043-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 18.7 acres located on the east side of McCullough Drive and the west side of University Executive Park Drive just south of W. T. Harris Boulevard and;

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

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

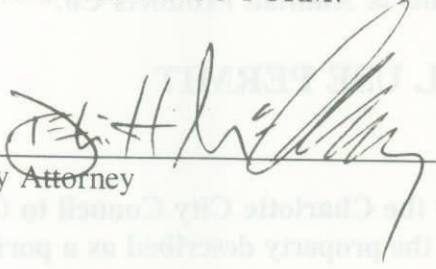
SEE ATTACHED

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.

-continued-

APPROVED AS TO FORM:

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

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of May, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 533-535.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of May, 1998.

\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk

Petition No. 98-39  
Collins & Aikman Products Co.

## PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Collins & Aikman Products Co. and successors-in-interest of the property described as a portion of tax parcel 047-211-12 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-2(CD) S.P.A. 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**

CITY CD \_\_\_\_\_ DATE May 18, 1998 Petition No. 98-41  
Garden District Investments

ORDINANCE NO. 1044-Z

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 1.5 acres located on the east side of University Executive Park Drive one lot south of W. T. Harris Boulevard and;

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

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

SEE ATTACHED

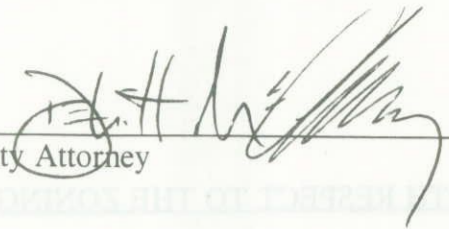
Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

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

-continued-

APPROVED BY CITY COUNCIL  
DATE May 18, 1998  
CITY CLERK  
ORDINANCE NO. 1044-1

APPROVED AS TO FORM:

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

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of May, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 536-538A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of May, 1998.

\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6  
in April 30, 1998, and  
WHEREAS, in the passage of the 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 B-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.

Petition No. 98-41  
Garden District Investments

**PARALLEL CONDITIONAL USE PERMIT**

This is a parallel conditional use permit approved by the Charlotte City Council to Garden District Investments and successors-in-interest of the property described as tax parcel 047-211-23 and described in detail further in the ordinance, identified below, approved by the City Council.

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

98-41

**GARDEN DISTRICT INVESTMENTS**

**PROPERTY DESCRIPTION**

**Beginning at a point along the eastern side of University Executive Park Drive approximately 296.34 feet south of the intersection of University Executive Park Drive and W.T. Harris Boulevard; and thence in a southerly direction along the eastern side of University Executive Park Drive S 24 25 26 W for a distance of approximately 180.0 feet to a point; and thence in an easterly direction S 65 42 36 E for a distance of approximately 69.5 feet to a point; and thence in a southerly direction S 24 17 24 W for a distance of approximately 36 feet to a point; and thence in a easterly direction S 65 42 35 E for a distance of approximately 245.58 feet to a point; and thence in a northerly direction S 24 17 24 W for a distance of approximately 216.0 feet to a point; and thence in a westerly direction S 65 42 36 E for a distance of approximately 289.87 feet to a point; and thence in a southerly direction for a distance of approximately 4.0 feet to a point; and thence in a westerly direction for a distance of approximately 6.0 feet; and thence in a northerly direction for a distance of approximately 4.0 feet to a point; and thence in a westerly direction for a distance of approximately 10.0 feet to the point of beginning; being all of Mecklenburg County tax parcel number 047-211-23.**