

CITY CD

Petition No. 99-53  
Crosland Retail

APPROVED BY CITY COUNCIL  
DATE 11-15-99

ORDINANCE NO. 1387-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 26.9 acres located on the northwest corner of Providence Road West and Providence Road (NC 16).

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 which complied with all application requirements as specified in Section 6.202 and 6.204; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on October 18, 1999; 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-1SCD to CC 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.

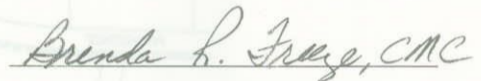
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APPROVED AS TO FORM:

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

I, Brenda R. Freeze, \_\_\_\_\_ 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 15th  
day of November, 1999, the reference having been made in Minute Book 114, and  
recorded in full in Ordinance Book 49, Page(s) 686-688A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the  
18th day of January, 2000.

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

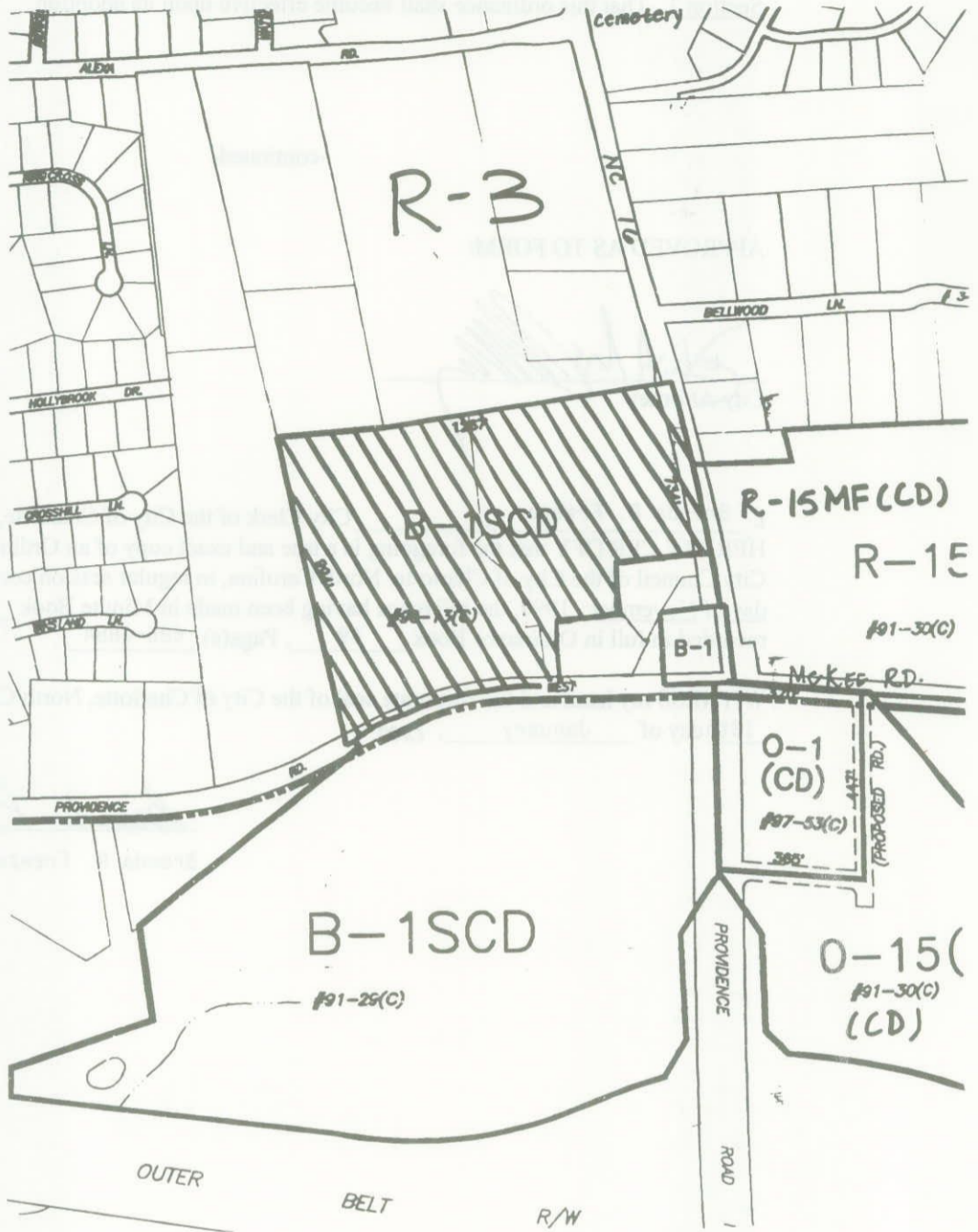
Petitioner: Crosland Retail

Hearing Date: May 17, 1999

Classification (Existing): B-1S.C.D.

Zoning Classification (Requested): CC

Location: Approximately 26.9 acres located on the northwest corner of Providence Road West and Providence Road (NC 16).



Zoning Map #(s): 178

Scale: No Scale

Petition No. 99-53  
Crosland Retail

## CONDITIONAL USE DISTRICT PERMIT

The Petitioner (owner or on behalf of the owner) is Crosland Retail.

This conditional use permit pertains to tax code parcel numbers 225-112-30 and 225-112-09 ("the property"). The petitioner filed a rezoning petition for a conditional use district. A rezoning petition for a conditional use district is a voluntary procedure. For a conditional use district, the petitioner requests approval for specified uses.

Pursuant to Ordinance Section 6.204, the City Council determined that those requested uses met the standards of the City's Zoning Ordinance ("Ordinance"). Therefore, pursuant to Chapter 6 (Part 2) and Chapter 11, "Conditional Districts", the City Council approved the petitioner's rezoning to classify the property as a conditional use district, specifically, a Commercial Center District (CC).

That rezoning approved the requested, specific uses upon the property. The property is described in detail in the ordinance approving the rezoning petition. As a result of that rezoning, The City's Zoning Maps have been amended accordingly.

In approving the conditional use district, the City Council concurrently, pursuant to Ordinance Section 6.204, also approved appropriate conditions. The conditions are attached to the petition. The conditions ensure that the approved uses are compatible with surrounding properties.

Thereby, the City Council has issued this conditional use district permit to petitioner/owner and successors-in-interest. This conditional use district permit incorporates by reference the site plan, the supporting text, and attached conditions. This permit authorizes only the uses permitted on the approved site plan. This permit requires compliance with the applicable conditions, as if the conditions are a provision of the Ordinance.

The site plan, supporting text, and attached conditions are binding upon the development and use of the property. A failure to comply with any of the foregoing may result in revocation of this conditional use permit pursuant to Ordinance Section 6.205.

Pursuant to Ordinance Section 6207, three years from the date of approval of this conditional use district permit, the Planning Commission may determine if active efforts to develop the property pursuant to the approved rezoning and this permit have occurred. If active efforts to develop the property have not occurred, then a report shall be forwarded to the City Council. The Planning Commission may recommend that action be initiated to remove the conditional use district zoning and to reclassify the property to another zoning district.

CITY CD

Petition No. 99-79  
City of Charlotte

APPROVED BY CITY COUNCIL  
DATE 11-15-99

ORDINANCE NO. 1388-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 26 acres located on the northwest corner of Shopton Road and Beam Road. 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, and complied with all application requirements as specified in Section 6.202 and 6.204; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on July 19, 1999; 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, R-1MF and O-1, to B-2(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

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

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

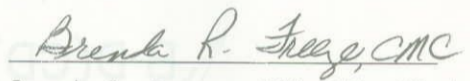
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APPROVED AS TO FORM:

  
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 15<sup>th</sup>,  
day of October, 1999, the reference having been made in Minute Book 114, and recorded  
in full in Ordinance Book 49, Page(s) 689-691A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the  
18th day of January, 2000.

  
Brenda R. Freeze, CMC, City Clerk

**Petition #:** 99-79

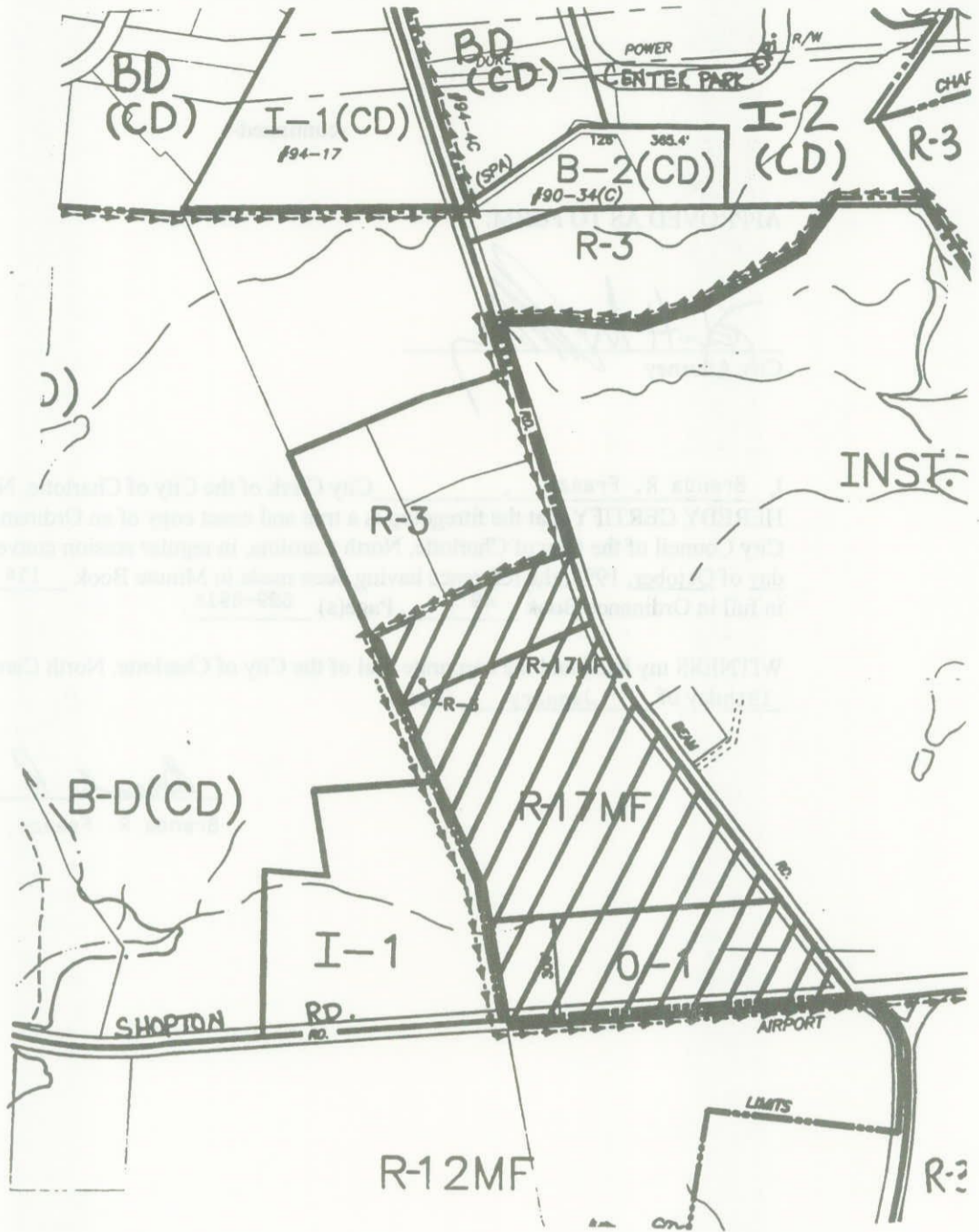
**Petitioner:** City of Charlotte

**Hearing Date:** July 19, 1999

**Classification (Existing):** R-3, R-17MF and O-1

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

**Location:** Approximately 26 acres located on the northwest corner of Shopton Road and Beam Road.



**Zoning Map #(s):** 127 & 133

**Scale:** No Scale

Petition No. 99-79  
City of Charlotte

### PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to the City of Charlotte and successors-in-interest of the property described as tax parcel 141-071-12, 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 B-2(CD) on the official zoning map.

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

Three years from the date of approval of this parallel conditional use permit, the Planning Commission may 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.



DATE 11-15-99

ORDINANCE NO. 1389

AMENDING APPENDIX A-ZONING

*Petition 99-100*

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

BE IT ORDAINED by the City Council of the City of Charlotte, NC, that:

Section 1. Appendix A-Zoning Ordinance of the City Code of the City of Charlotte shall be amended as follows:

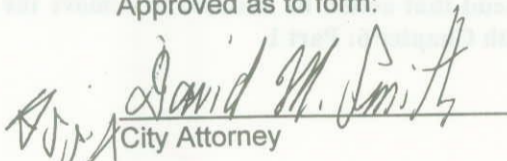
1. Amend §13.113, subsection (2), entitled "Civil Penalties", of "Enforcement" by deleting only subsection (2) in its entirety and by substituting a new subsection (2) to read as follows:

(2) Citations

If, through inspection, it is determined that a person has failed to comply with the provisions of these regulations, the Zoning Administrator shall issue a warning citation to the violator. Violations shall be corrected within ten days of the issuance of such citation. If the violation is not corrected within the specified time period, the violator is subject to Section 8.105, 'Citations', of this Ordinance which is incorporated by reference herein as if fully stated.

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

  
City Attorney

DATE  
Position No. 99-100  
Charlotte-Mecklenburg Planning  
Commission

CITY ZONE CHANGE

ORDINANCE NO. 1390-3  
ZONING REGULATIONS

**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 15th day of November, 1999, the reference having been made in Minute Book 114, and recorded in full in Ordinance Book 49, Page(s) 692-693.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2000.

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

[Signature]  
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 15th day of November, 1999, the reference having been made in Minute Book 114, and recorded in full in Ordinance Book 49, Page(s) 692-693.  
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 1999.

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

APPROVED BY CITY COUNCIL

DATE 11-15-99

CITY ZONE CHANGE

Petition No. 99-106  
Charlotte-Mecklenburg Planning  
Commission

ORDINANCE NO. 1390-Z

ZONING REGULATIONS

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

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing the property identified as approximately 18 acres located on the east side of Lawing School Road, west of Belmorrow Drive and south of Belhaven Boulevard (tax parcel 031-131-09) from R-3 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, \_\_\_\_\_ 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 15th day of November, 1999, the reference having been made in Minute Book 114, and recorded in full in Ordinance Book 49, Page(s) 694-695  
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 18th day of January, 1999.

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

Petition #: 99-106

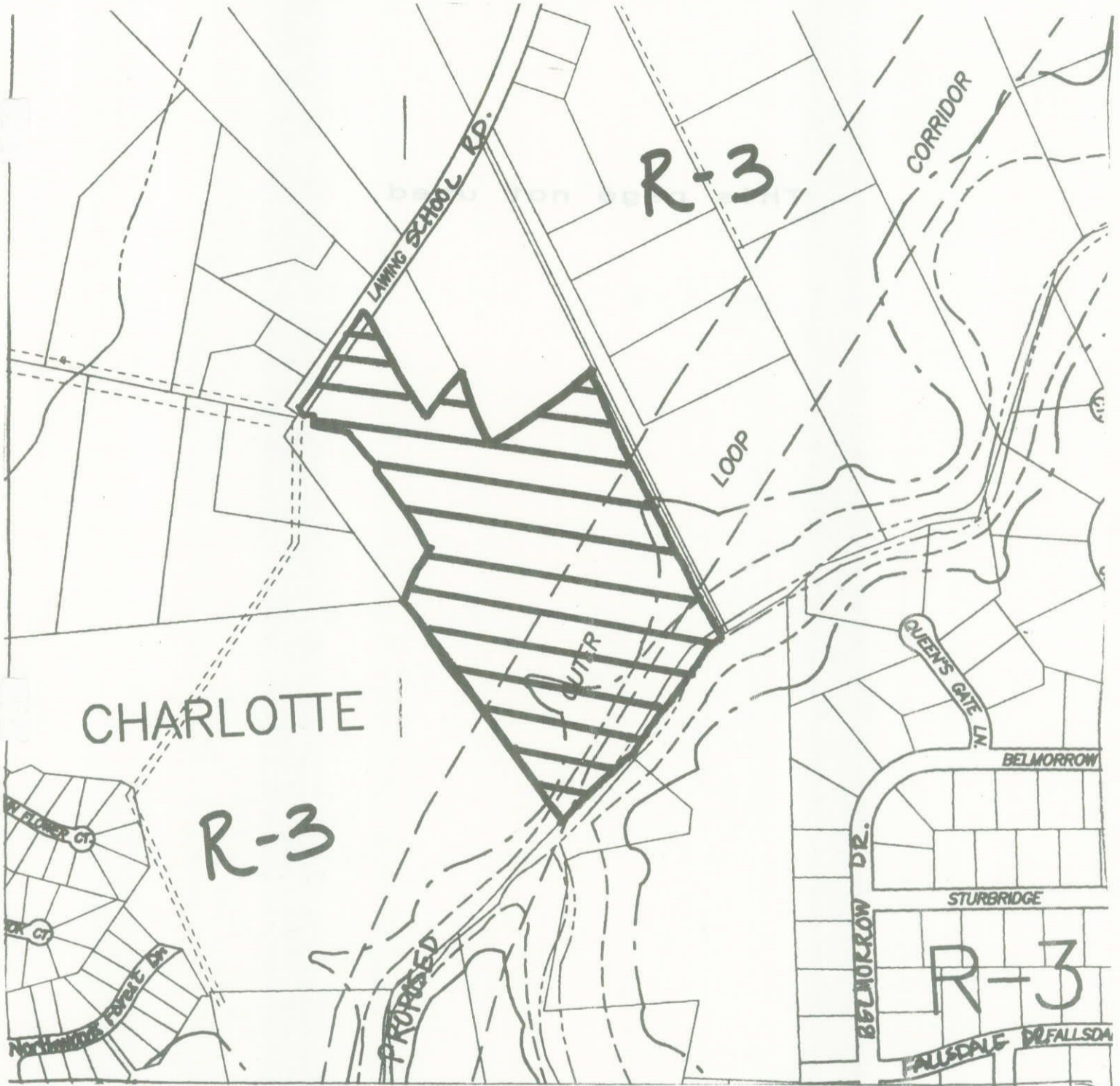
Petitioner: Land Development & Consulting Services, Inc

Hearing Date: October 18, 1999

Classification (Existing): R-3

Zoning Classification (Requested): R-4

Location: Approximately 18 acres located on the east side of Lawing School Road, west of Belmorrow Drive, and south of Bellhaven Boulevard.



Zoning Map #(s): 63

Scale: 1" = 400'

Petitioner: Land Development & Consulting Services, Inc.  
Hearing Date: October 14, 1999  
Classification (Request): R-3  
Zoning Classification (Requested): R-4  
Location: Approximately 13 acres located on the east side of Lawson School Road, west of  
Belknap Drive, east south of Belknap Boulevard.

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Scale: 1" = 400'

Zoning Map 501 (S)

CITY ZONE CHANGE

Petition No. 99-107  
The Conformity Group

APPROVED BY CITY COUNCIL  
DATE 11-15-99

ORDINANCE NO. 1391-Z

ZONING REGULATIONS

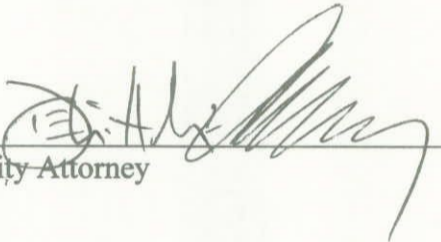
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing the property identified as approximately 0.85 acres located on the southeast corner of west Morehead Street and Elliot Street, east of I-77 (tax parcel 073-252-12) from I-2 to MUDD 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, \_\_\_\_\_ 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 15th  
day of November, 1999, the reference having been made in Minute Book 114, and  
recorded in full in Ordinance Book 49, Page(s) 697-698  
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the  
18th day of January, 2000.

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

Section No. 99-107  
The Ordinance Group

CITY ZONE CHANGE

APPROVED BY CITY COUNCIL

DATE 11-15-99

ORDINANCE NO. 1391-2

ZONING REGULATIONS

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

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing the property lines of the southeast corner of west Morehead Street and Elliot Street, east of I-77 (tax parcel 073-523-12) from I-5 to MIDD on the Official Zoning Map, City of Charlotte, N.C.

This page not used

SEE ATTACHED MAP

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

APPROVED AS TO FORM:

  
City Attorney

I, Brenda R. Frazee, 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 15th day of November, 1999, the reference having been made to Ordinance Book 49, and recorded in full in Ordinance Book 49, Packet 691-692. WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 15th day of January, 2000.

  
Brenda R. Frazee, City Clerk

CITY CD

Petition No.99-108  
LandCraft Properties

APPROVED BY CITY COUNCIL

DATE 11-15-99

ORDINANCE NO. 1392-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 19.5 acres located on the north side of Hayden Drive, west of Mallard Ridge Drive.

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 which complied with all application requirements as specified in Section 6.202 and 6.204; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on October 18, 1999; 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-4(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.



Petition No. 99-108  
Land Use Department

CITY CLERK

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

APPROVED BY CITY COUNCIL

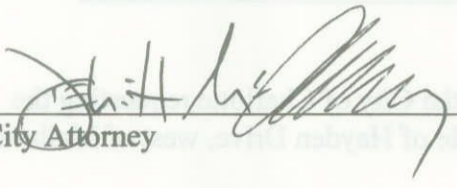
11-15-99

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ORDINANCE NO. 1385-2


APPROVED AS TO FORM:

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

  
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 15th day of November, 1999, the reference having been made in Minute Book 114, and recorded in full in Ordinance Book 49, Page(s) 700-702A

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 18th day of January, 2000.

  
Brenda R. Freeze, CMC, City Clerk

SEE ATTACHED

Section 3. That all subsequent development and use of the property shall be in accordance with the approved plan.

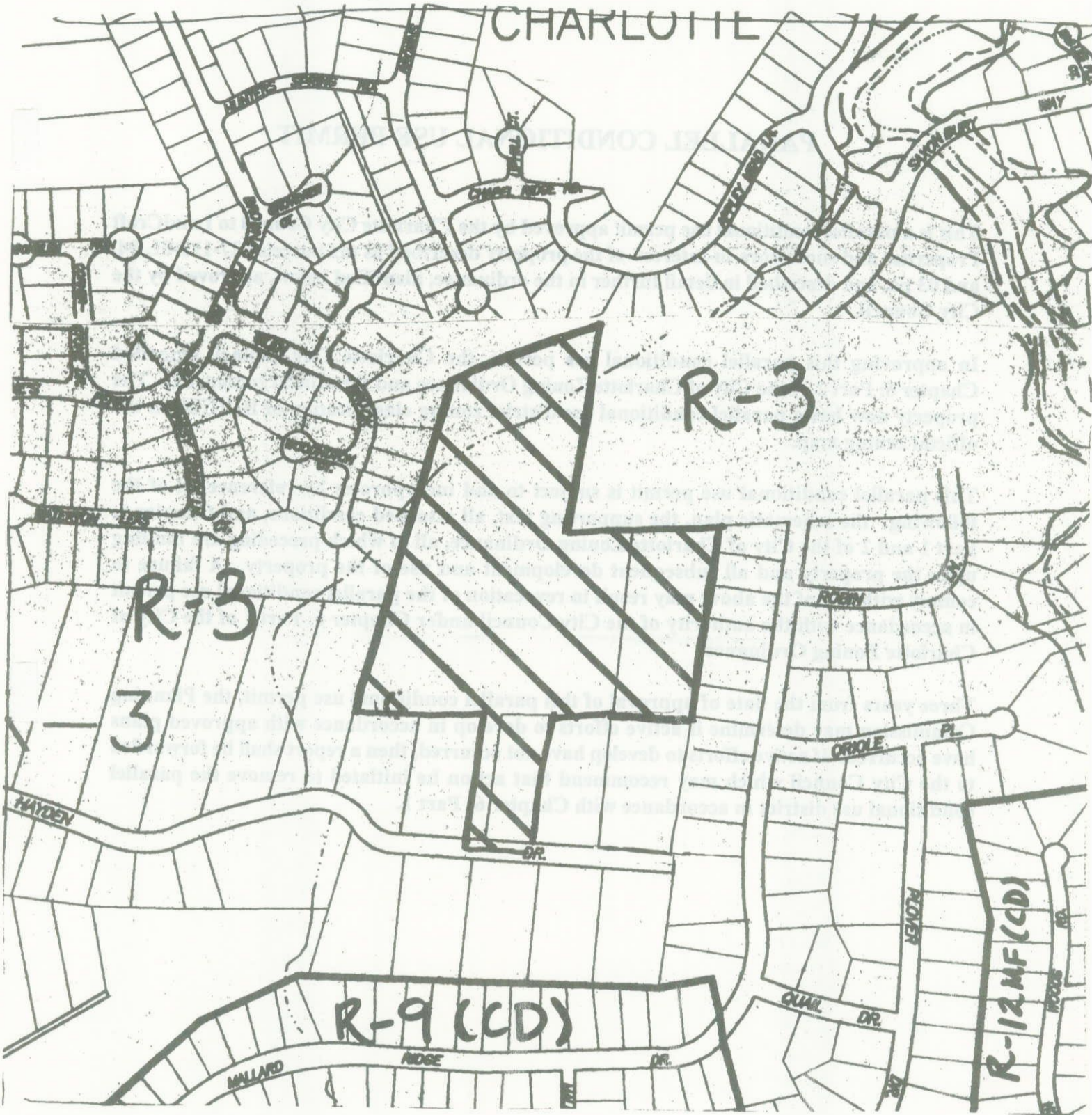
**Petitioner:** LandCraft Properties

**Hearing Date:** October 18, 1999

**Classification (Existing):** R-3

**Zoning Classification (Requested):** R-6(CD)

**Location:** Approximately 19 acres located on the north side of Hayden Drive, west of Mallard Ridge Drive.



**Zoning Map #(s):** 52, (43)

**Scale:** 1" = 400'

**Petition No. 99-108  
LandCraft Properties**

**PARALLEL CONDITIONAL USE PERMIT**

**This is a parallel conditional use permit approved by the Charlotte City Council to LandCraft Properties and successors-in-interest of the property described as tax parcels 027-113-01, 04, and 03 po, and described in detail further in the ordinance, identified below, approved by the City Council.**

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

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

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

CITY CD

Petition No. 99-110  
Diamond Oak Development, Inc.

APPROVED BY CITY COUNCIL

DATE 11-15-99

ORDINANCE NO. 1393-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 22 acres located on the west side of Nations Ford, east of Lenoir Road.

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 which complied with all application requirements as specified in Section 6.202 and 6.204; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on October 18, 1999; 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 to R-8MF(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

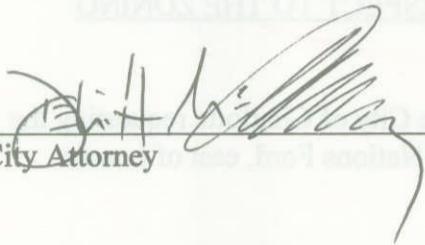
SEE ATTACHED

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.

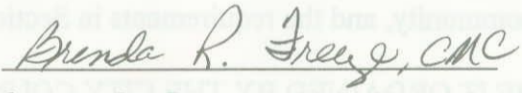
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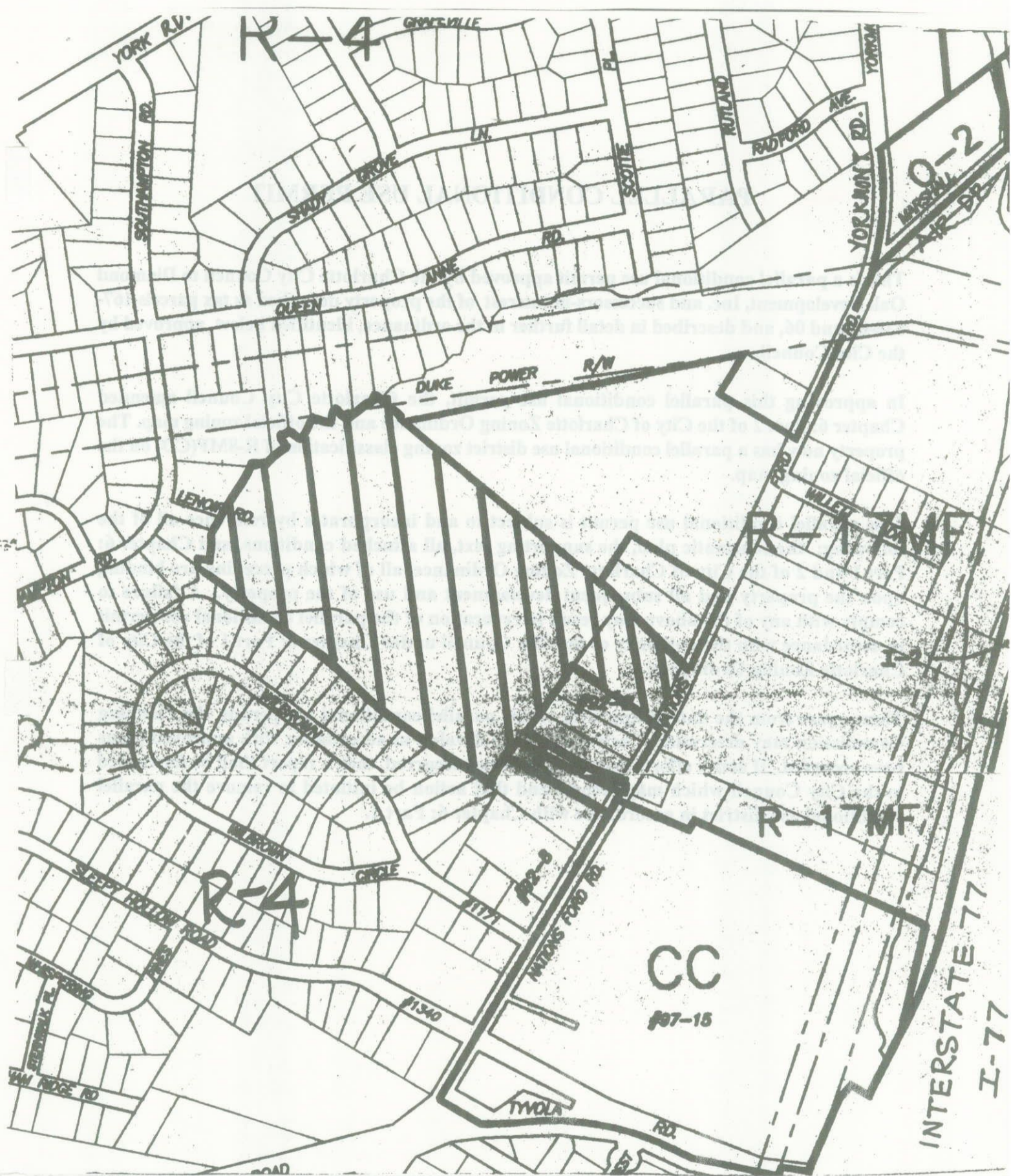
APPROVED AS TO FORM:

  
\_\_\_\_\_  
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 15th  
day of November, 1999, the reference having been made in Minute Book 114, and  
recorded in full in Ordinance Book 49, Page(s) 703-705A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the  
18th day of January, 2000.

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



Petition No. 99-110  
Diamond Oak Development, Inc.

## PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Diamond Oak Development, Inc. and successors-in-interest of the property described as tax parcels 167-034-03 and 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-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 may determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.

CITY CD

Petition No. 99-111  
Dr. Rufus G. Pettis

APPROVED BY CITY COUNCIL  
DATE 11-15-99

ORDINANCE NO. 1394-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 1.8 acres located on the southwest corner of Clark Boulevard and Tryon Street.

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 which complied with all application requirements as specified in Section 6.202 and 6.204; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on October 18, 1999; 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 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.



Ordinance No. 99-111  
Dr. John G. Fouts

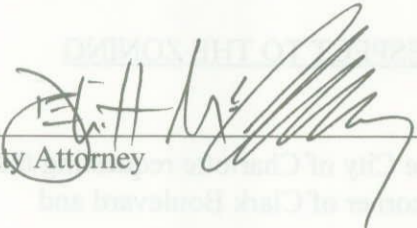
CITY CLERK

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

11-12-99

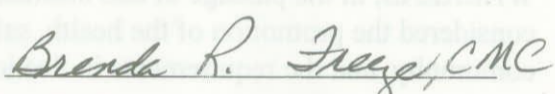
ORDINANCE NO. 99-111

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 15th  
day of November, 1999, the reference having been made in Minute Book 114, and  
recorded in full in Ordinance Book 49, Page(s) 706-708A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the  
18th day of January, 2000.

  
Brenda R. Freeze, CMC, City Clerk

SEE ATTACHED

Section 3. That all subsequent development and use of the property shall be in accordance with  
the approved plan.

Petition #: 99-111

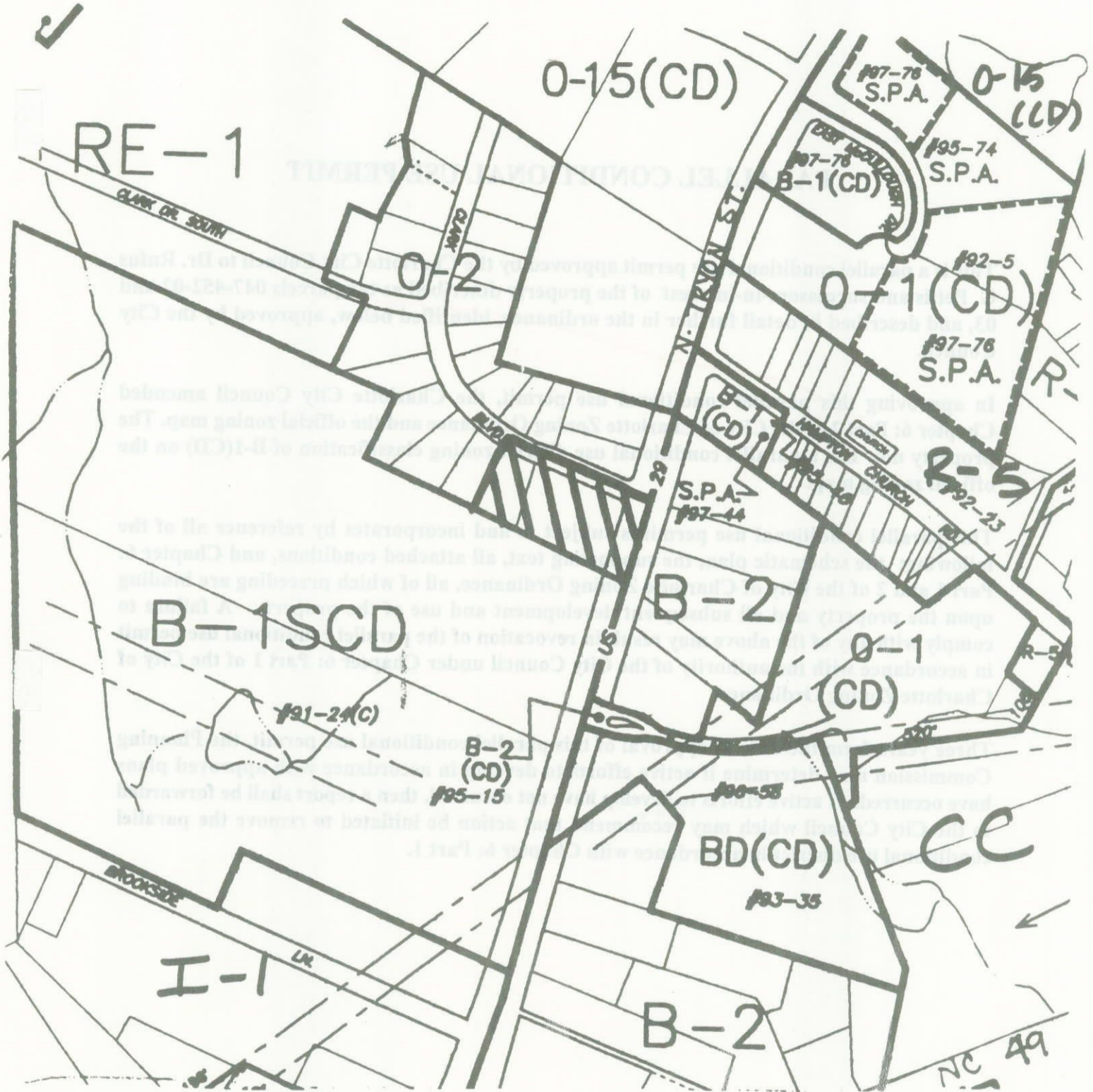
Petitioner: Dr. Rufus G. Pettis

Hearing Date: October 18, 1999

Classification (Existing): O-2

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

Location: Approximately 1.8 acres located on the southwest corner of Clark Boulevard and North Tryon Street.



Zoning Map #(s): 71

Scale: 1" = 400'

Petition No. 99-111  
Dr. Rufus G. Pettis

## PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Dr. Rufus G. Pettis and successors-in-interest of the property described as tax parcels 047-452-02 and 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) 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 may determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.

CITY CD

Petition No.99-114  
Albemarle Land Company, LLC.

ORDINANCE NO. 1395-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 42.18 acres located on the south side of Albemarle Road, west of Harrisburg Road and east of Olde Savannah Road; and

WHEREAS, the petition for rezoning for a 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

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on October 18, 1999; 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 CC 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:

*Atty*  
David M. Smith  
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 15th day of November, 1999, the reference having been made in Minute Book 114,  
and recorded in full in Ordinance Book 49, Page(s) 709-711.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the  
7th day of December, 1999.

Brenda R. Freeze, CMC  
Brenda R. Freeze, CMC, 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 #: 99-114

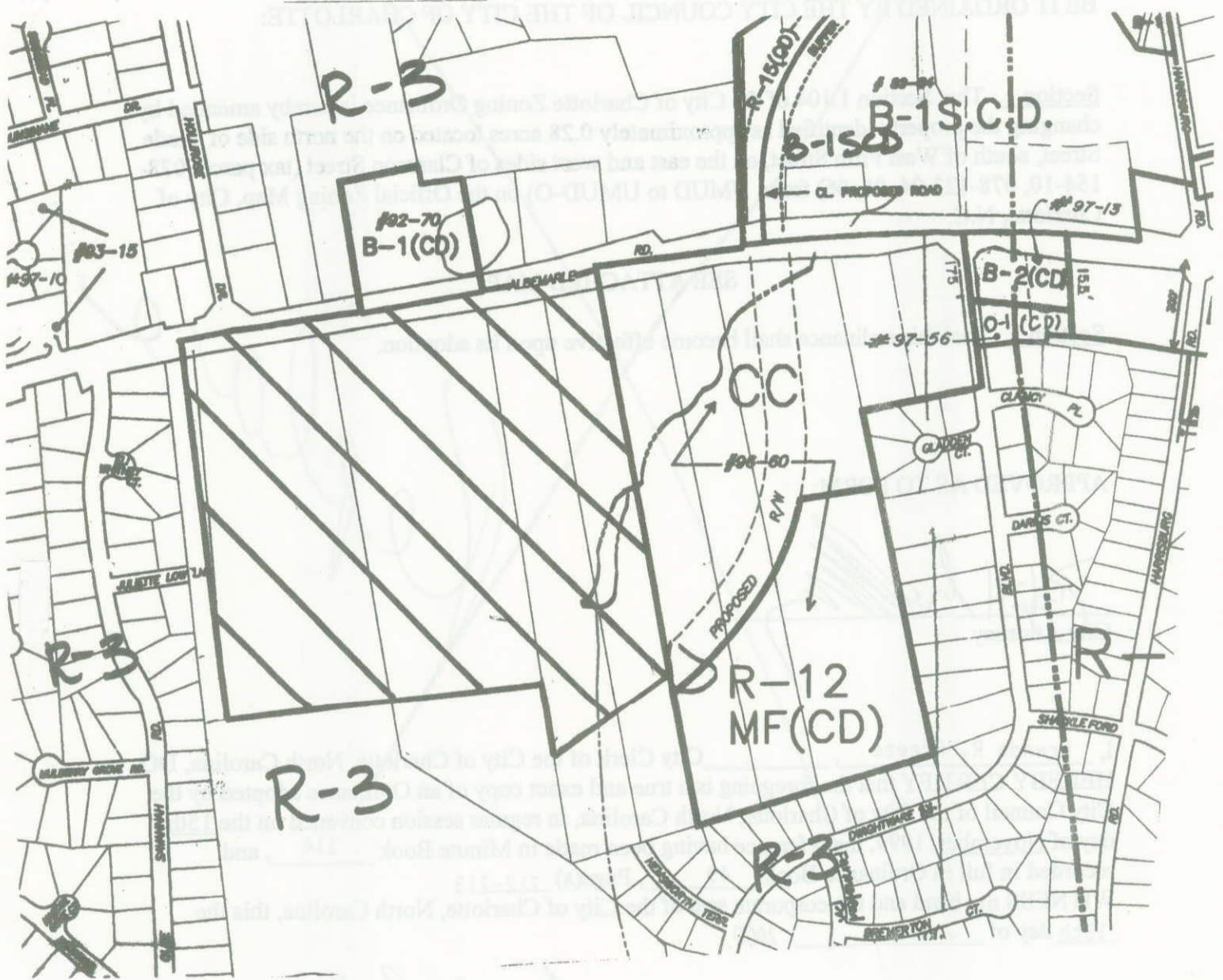
Petitioner: Albemarle Land Company, LLC.

Hearing Date: October 18, 1999

Classification (Existing): R-3

Zoning Classification (Requested): CC

Location: Approximately 4.16 acres located on the south side of Albemarle Road, west of Harrisburg Road and east of Olde Savannah Road.



Zoning Map #(s): 115

Scale: No Scale

CITY ZONE CHANGE

Petition No. 99-115  
ColeJenest & Stone

**APPROVED BY CITY COUNCIL**

ORDINANCE NO. 1396-Z

DATE 11-15-99  
ZONING REGULATIONS

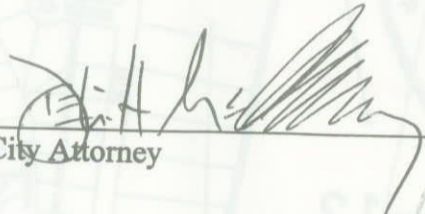
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing the property identified as approximately 0.28 acres located on the north side of Trade Street, south of West Fifth Street, on the east and west sides of Clarkson Street (tax parcel 078-154-10, 078-123-04, 05, 06) from UMUD to UMUD-O) on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

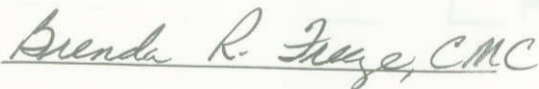
Section 2. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

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



I, Brenda R. Freeze, \_\_\_\_\_ 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 15th  
day of November, 1999, the reference having been made in Minute Book 114, and  
recorded in full in Ordinance Book 49, Page(s) 712-713  
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the  
18th day of January, 2000.



Brenda R. Freeze, CMC, City Clerk

Petition #: 99-115

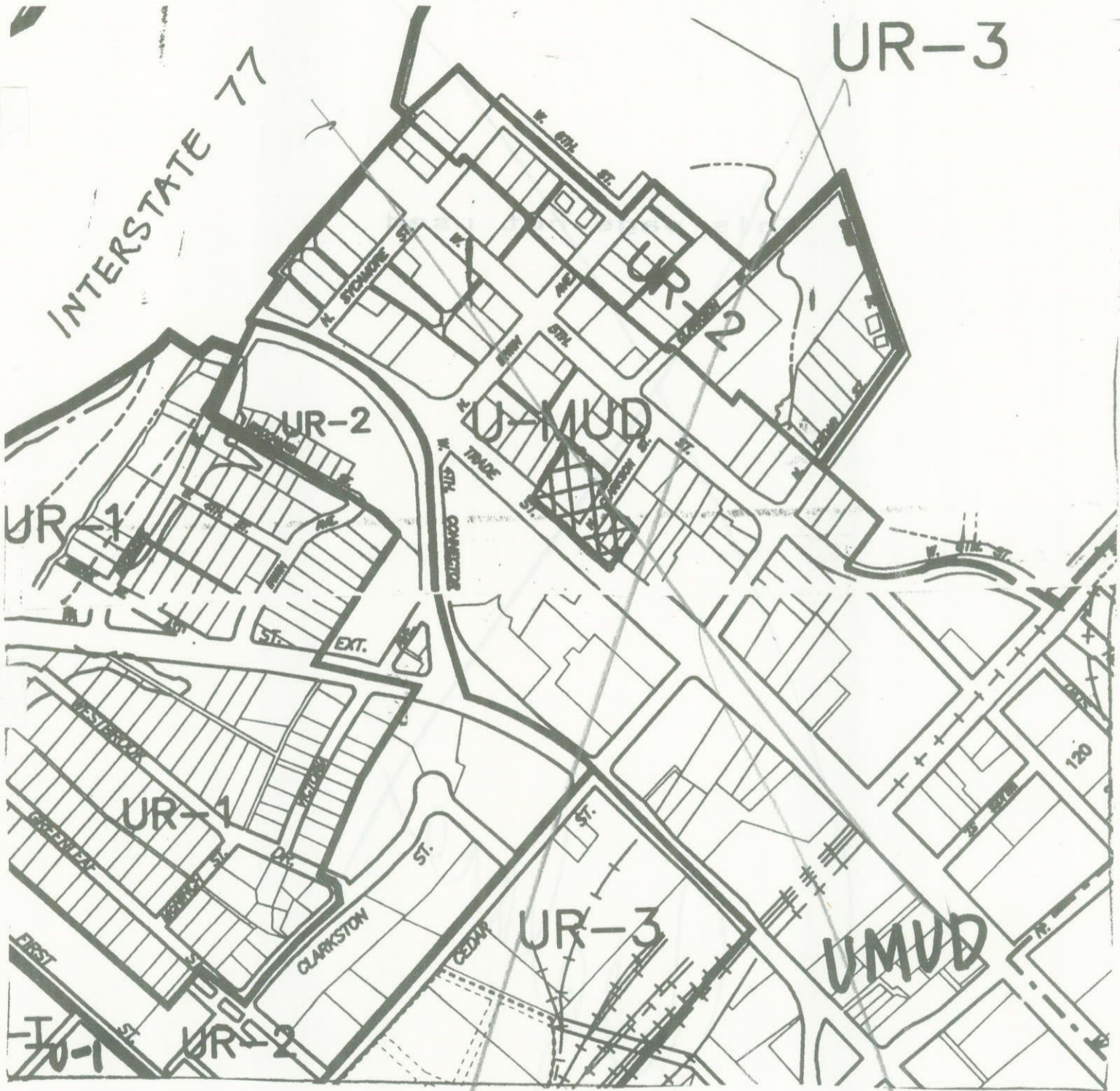
Petitioner: ColeJenest & Stone

Hearing Date: October 18, 1999

Classification (Existing): UMUD

Zoning Classification (Requested): UMUD-O

Location: Approximately .28 acres located on the north side of Trade Street, south of W. Fifth Street, on the east and west sides of Clarkson Street.



Zoning Map #(s): 88

Scale: 1" = 400'

*Signature*



Location: Approximately 38 acres located on the north side of Trade Street, south of W. Fifth Street on the east and west sides of Clarkson Street.  
Zoning Classification (Requestor): UMUD-O  
Classification (Existing): UMUD  
Hearing Date: October 18, 1999  
Petitioner: Colman & Sons  
Petition #: 99-412  
Ordinance Book 49, Page 714  
November 15, 1999

UR-3

INTERSTATE 77

This page not used

A large, stylized handwritten signature in black ink, appearing to read "M. J. [unclear]".

Scale 1" = 400'

Zoning Map No. 88

A large, faint handwritten scribble or signature in the bottom left corner of the page.

CITY CD

Petition No. 99-116  
The Methodist Home, Inc.

ORDINANCE NO. 1397-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 80 acres located on the south side of Shamrock drive, east of Eastway Drive and north of Sudbury Road.

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 which complied with all application requirements as specified in Section 6.202 and 6.204; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on October 18, 1999; 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 (CD) to INST(CD) Site Plan Amendment 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.


The Methodist Home, Inc.  
Personnel Dept.

CITY CD

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

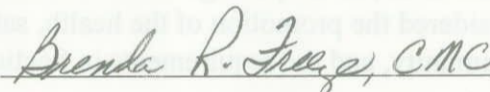
ORDINANCE NO. 1997-1

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 15th  
day of November, 1999, the reference having been made in Minute Book 114, and  
recorded in full in Ordinance Book 49, Page(s) 715-717A.

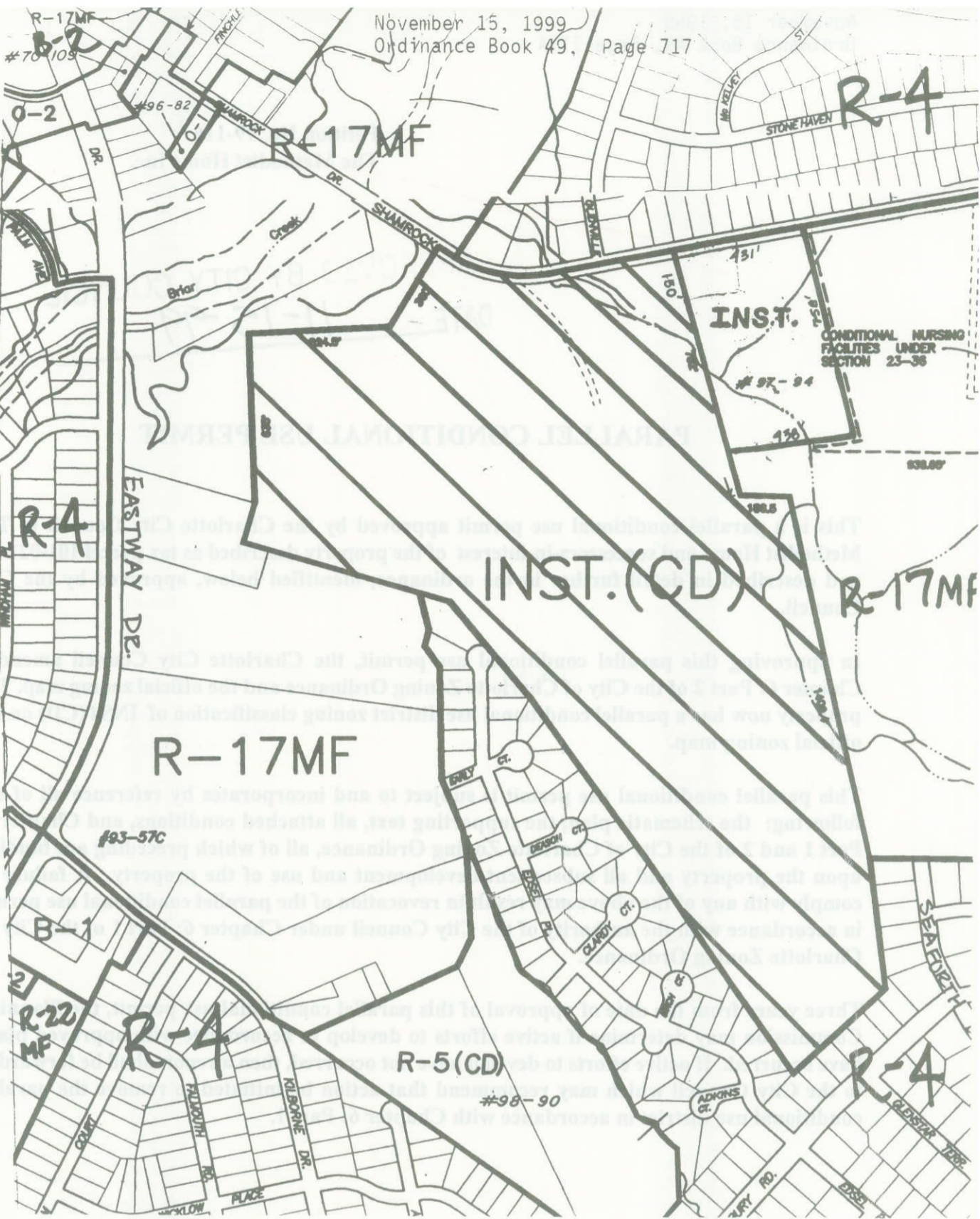
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the  
18th day of January, 2000.

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

SEE ATTACHED

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





Petition No. 99-116  
The Methodist Home Inc.

APPROVED BY CITY COUNCIL  
DATE 11-15-99

## PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to The Methodist Home and successors-in-interest of the property described as tax parcel 101-021-01, and described in detail further in the ordinance, identified below, approved by the City Council.

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

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

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

CITY CD

Petition No. 99-117  
Fisher Harriss Development Company

APPROVED BY CITY COUNCIL  
DATE 11-15-99

ORDINANCE NO. 1398-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 4 acres located on the east side of Prosperity Church Road, west of Mallard Creek Road.

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 which complied with all application requirements as specified in Section 6.202 and 6.204; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on October 18, 1999; 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:

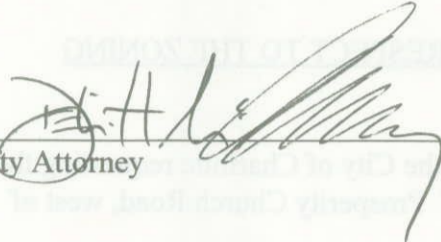
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-3 to O-1(CD) Site Plan Amendment on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

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

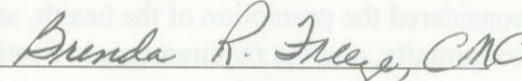
Section 3. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

  
City Attorney

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 15th  
day of November, 1999, the reference having been made in Minute Book 114, and  
recorded in full in Ordinance Book 49, Page(s) 718-720A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the  
18th day of January, 2000.

  
Brenda R. Freeze, CMC, City Clerk

SEE ATTACHED

Petition #: 99-117

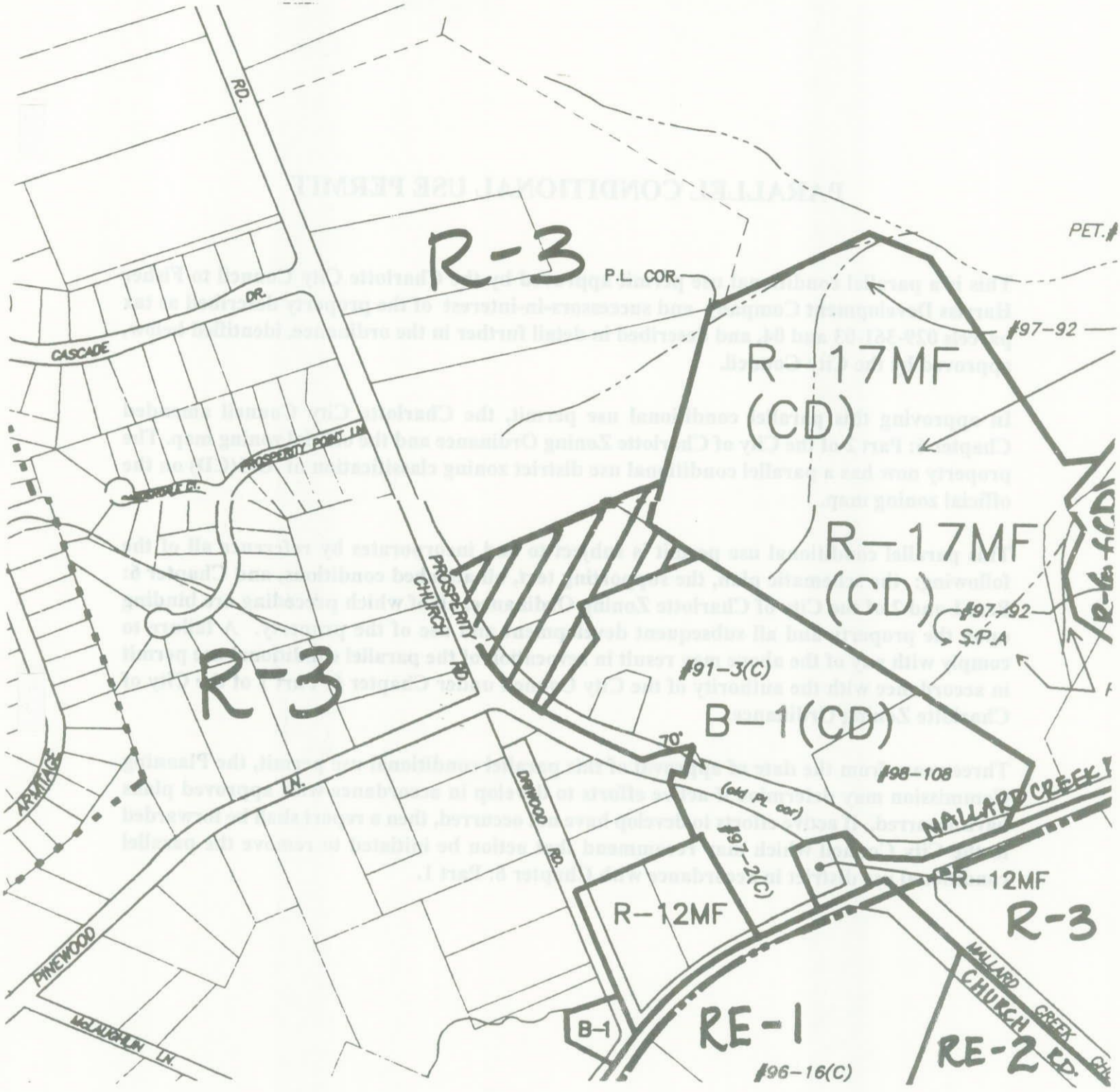
Petitioner: Fisher Harriss Development Company

Hearing Date: October 18, 1999

Classification (Existing): R-3

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

Location: Approximately 4 acres located on the east side of Prosperity Church Road, west of Mallard Creek Road.



Zoning Map #(s): 42 & 53

Scale: 1" = 400'



**Petition No. 99-117  
Fisher Harriss Development Company**

**PARALLEL CONDITIONAL USE PERMIT**

**This is a parallel conditional use permit approved by the Charlotte City Council to Fisher Harriss Development Company and successors-in-interest of the property described as tax parcels 029-361-03 and 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 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 may 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.**

Draft 3/12/99  
Revised 4/15/99  
5/13/99  
5/21/99  
6/04/99  
6/21/99  
7/30/99  
8/09/99

Petition No. 99-118  
Petitioner: Charlotte-Mecklenburg Planning Commission

**APPROVED BY CITY COUNCIL**  
**DATE November 15, 1999**

ORDINANCE NO. 1399

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:

Amend CHAPTER 9: GENERAL DISTRICTS, PART 9: UPTOWN MIXED USE DISTRICT, Section 9.906. Uptown Mixed Use District; urban design and development standards, by adding a new subsection (9) as follows:

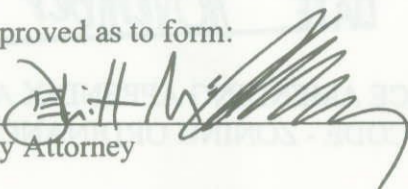
- (9) Rail Transit Corridors. Rail transit corridors will play an increasingly critical role in strengthening the high-density core of the central area and its environs. The purpose of this subsection is to protect the South End-Uptown Rail Corridor and to preserve it for use by multi-modal transportation facilities such as rail-trolley, bus, and pedestrianways while preserving the opportunity to add other transit related facilities in the future.

The following regulations and standards shall apply to all property zoned UMUD along the rail right-of-way extending from I-277 (John Belk Freeway) to Twelfth Street lying between Brevard and College Streets:

- (a) Minimum Rail Transit Setback  
The City Council has approved the South End-Uptown Rail Corridor Plan. The City Engineering and Property Management Department shall establish the centerline for the rail transit corridor. The setback from the centerline shall be a minimum of 35 feet or the width of the right-of-way, whichever is greater.
- (b) Setback Uses  
The 35-foot rail corridor setback shall permit only transit related facilities necessary to support a transit system, including but not limited to, terminals, shelters, schedule and information bulletin boards, kiosks, utility or similar structures and related amenities such as walkways, plazas, benches, fountains and other landscaping features. Trash receptacles are permitted, but dumpsters are prohibited. No other structures or buildings, privately owned mechanical or utility accessory uses such as transformers and backflow preventers, vehicle parking, driveways or loading areas with related maneuvering shall be permitted in this rail transit corridor setback.

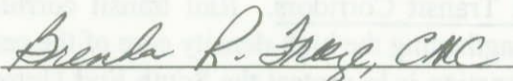
Section 2. That this ordinance shall become effective upon its adoption.

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 15th  
day of November, 1999, the reference having been made in Minute Book  
114, and recorded in full in Ordinance Book 49, Page(s) 721-722.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the  
18th day of January, 2000

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

h:\users\pc\share\textamend\umudrail

**APPROVED BY CITY COUNCIL**

ORDINANCE NO. 1400

**DATE** Nov. 15, 1999

Petition No. 99-119

Petitioner: Mecklenburg County Department of Environmental Protection

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

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

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

1. Amend CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY, by adding a new PART as follows:

**PART 8: S.W.I.M. (SURFACE WATER IMPROVEMENT AND MANAGEMENT)  
STREAM BUFFERS**

Section 12.801. Purpose.

The purpose of the stream buffer network in Charlotte is to ensure that the stream and adjacent lands will fulfill their natural functions. Stream systems are comprised of the stream and their drainage basins. Streams have the primary natural functions of conveying storm and ground water, storing floodwater and supporting aquatic and other life. Vegetated lands adjacent to the stream channel in the drainage basin serve as a "buffer" to protect the stream system's ability to fulfill its natural functions. Primary natural functions of the buffer include:

- Protect water quality by filtering pollutants;
- Provide storage for floodwaters;
- Allow channels to meander naturally; and
- Provide suitable habitats for wildlife.

Section 12.802. Definitions.

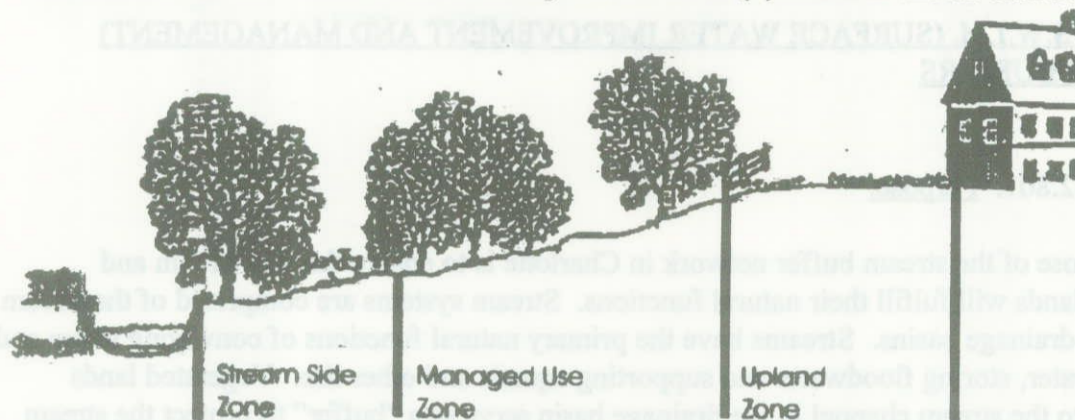
For the purposes of Chapter 12, Part 8, the following words and phrases shall be defined as specified below.

1. Best Management Practices (BMPs): A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

**Non-structural BMPs.** Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

**Structural BMPs.** Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

2. **Buffer:** A natural or vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.
3. **Buffer Zones:** The stream buffer is comprised of three (3) zones as shown below.



4. **Buffer Widths:** Viewed aerially, the stream buffer width is measured horizontally on a line perpendicular to the surface water, landward from the top of the bank on each side of the stream.
5. **Drainage Basin:** The area of land which drains to a given point on a body of water.
6. **Floodplain Land Use Map (FLUM):** A locally developed floodplain map which is used for regulation of new development.
7. **FLUM Floodway:** The channel of a stream or other watercourse draining equal to or greater than 640 acres (Federal Emergency Management Agency (FEMA) regulated) and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.1 feet, based on July 1999 land use conditions.
8. **FLUM Floodway Encroachment Lines:** The lateral limits of a floodway district, based on July 1999 land use conditions, as shown on the Floodplain Land Use Map (FLUM),

along streams or other bodies of water, within which, in the direction of the stream or other body of water, no structure or fill may be added, unless specifically permitted herein. Their purpose is to preserve the flood-carrying capacity of the floodway. Their location is such that the floodway between them including the channel will handle the base flood flow.

9. **FEMA Fringe:** The land area of a stream draining equal to or greater than 640 acres located between the limits of the FLUM floodway encroachment lines and the maximum elevation subject to inundation by the base (1% chance) flood based on July 1999 land use conditions.
10. **Floodplain:** The low, periodically flooded lands adjacent to streams. For land use planning purposes, the regulatory floodplain is usually viewed as all lands that would be inundated by the Regulatory Flood.
11. **Mitigation:** Actions taken either on-site or off-site as allowed by this Part to offset the effects of temporary or permanent loss of the buffer.
12. **Stream:** A channel on the land surface for conveying water. As used in this Part, the main channel of the Catawba River, Lake Norman, Mountain Island Lake and Lake Wylie, is not a stream and this Part does not apply.
13. **Top Of Bank:** The landward edge of the stream channel during high water or bankfull conditions at the point where the water begins to overflow onto the floodplain.

**Section 12.803. Applicability.**

1. All properties shall be subject to the buffer requirements of this PART 8 except those properties which, as of the effective date of November 15, 1999, fit into one of the following categories:
  - (a) Have been issued a Certificate of Building Code Compliance.
  - (b) Have a valid building permit.
  - (c) Have been subdivided by a recorded subdivision plat.
  - (d) Have been described by metes and bounds in a recorded deed which:
    - If to be used for residential purposes:  
Are 1 acre or less in size.
    - If to be used for nonresidential purposes:  
Are 4 acres or less in size if located on a non-FEMA regulated floodway, or  
Are 7 acres or less in size if located on a FEMA regulated floodway.
  - (e) Are included on a valid preliminary subdivision plan.
  - (f) Have otherwise secured a vested property right under State law or local ordinance.

2. Redevelopment or expansions to uses included in the above categories are not subject to the buffer requirements of this Part unless it would result in an increase in the total impervious area within the buffer.
3. In the event that stream buffers are required by another Section of this Ordinance, the more stringent stream buffer requirements apply.

**Section 12.804. Buffer Standards.**

Required stream buffer widths vary based on the size of the upstream drainage basin. Mecklenburg County's Geographic Information System (GIS) will serve as a tool to delineate the size of drainage basins and specify the corresponding buffer widths. S.W.I.M. stream buffer requirements specified in this PART 8 begin at the point where the stream drains 100 acres or greater. Refer to the Charlotte-Mecklenburg Storm Water Design Manual for optional buffers on streams which drain less than 100 acres.

**1. Buffer widths for streams draining equal to and greater than 100 acres**

Buffers are required for streams draining areas equal to or greater than 100 acres as specified below. Buffer widths for these streams are measured horizontally on a line perpendicular to the surface water, landward from the top of the bank on each side of the stream.

Drainage Area Designation	Stream Side Zone	Managed Use Zone	Upland Zone	Total Width of Buffer on each side of Stream
≥ 100 acres	20 feet	None	15 feet	35 feet
≥ 300 acres	20 feet	20 feet	10 feet	50 feet
≥ 640 acres <sup>(1)</sup>	30 feet	45 feet	25 feet PLUS 50% of the <u>area</u> of the FEMA fringe beyond 100 feet	100 feet PLUS 50% of the <u>area</u> of the FEMA fringe beyond 100 feet

**Footnotes:**

- <sup>(1)</sup> Buffer widths for drainage areas of ≥ 640 acres:
1. The FEMA fringe and FLUM floodway encroachment lines will be used for floodplain and buffer calculations.
  2. If the floodplain is less than 100 feet wide, the total width of the buffer on that side of the stream will be 100 feet except as provided in 4. below.
  3. The landowner/developer has discretion to designate the buffer zone

- beyond the 100-foot minimum. The additional buffer area beyond 100 feet must be contiguous with at least a portion of the required 100-foot buffer and be configured in such a manner as to benefit water quality.
4. So long as the total buffer width is maintained, the buffer may vary in width on either side of the stream based on individual stream side topography provided that the owner(s) control both sides of the stream and the stream side zone is maintained on both sides of the stream.
  5. Buffer requirements do not apply to the main channel of the Catawba River including Lake Norman, Mountain Island Lake and Lake Wylie.

2. Buffer description

Buffer function, vegetation and use vary according to the different buffer zones as described in the following table.

Characteristics	Stream Side Zone	Managed Use Zone	Upland Zone
Function	Protect the integrity of the ecosystems	Provide distance between upland development and the stream side zone	Prevent encroachment and filter runoff
Vegetative Targets <sup>(1)</sup>	<b>Undisturbed (no cutting or clearing allowed)</b> - If existing tree density is inadequate, reforestation is encouraged	<b>Limited clearing</b> - Existing tree density must be retained to a minimum of 8 healthy trees of a minimum 6 inch caliper per 1000 square feet - If existing tree density is inadequate, reforestation is encouraged	<b>Grass</b> or other herbaceous ground cover allowed - Forest is encouraged
Uses <sup>(2)</sup>	<b>Very restricted</b> - Permitted uses limited to: flood control structures and bank stabilization as well as installation of utilities and road crossings with stabilization of disturbed areas as specified in Section 12.806.2	<b>Restricted</b> - Permitted uses limited to: all uses allowed in the Stream Side Zone, as well as storm water best management practices (BMPs), bike paths, and greenway trails (not to exceed 10 feet in width)	<b>Restricted</b> - Permitted uses limited to: all uses allowed in the Stream Side and Managed Use Zones, as well as grading for lawns, gardens, and gazebos and storage buildings (non-commercial and not to exceed 150 square feet)



**Footnotes:**

- (1) Re-vegetation of disturbed buffers is required as specified in the Charlotte-Mecklenburg Land Development Standards Manual when such disturbances result in the failure of the buffer system to comply with the vegetative targets specified above. The manual also contains recommended tree densities for each zone for voluntary reforestation efforts.
- (2) Fill material can not be brought into the buffer. Grading is allowed only in the Upland Zone. Commercial buildings or occupied structures are not allowed in the buffer. Permitted uses within the buffer zones should be coordinated to ensure minimal disturbance of the buffer system. For example, if it is necessary to install utilities within the buffer, every attempt should be made to build greenway trails so they follow the cleared areas instead of additional clearing.

**3. Diffuse flow requirement**

Diffuse flow of runoff shall be maintained in the buffer by dispersing concentrated flow and reestablishing vegetation. Techniques for providing diffuse flow are specified in the Charlotte-Mecklenburg Land Development Standards Manual.

- (a) Concentrated runoff from ditches or other manmade conveyances shall be converted to diffuse flow before the runoff enters the buffer.
- (b) Periodic corrective action to restore diffuse flow shall be taken by the property owner as necessary to prevent the formation of erosion gullies.

**4. Ponds**

Ponds which intersect the stream channel shall have the same buffers as the original stream measured from the top of the bank of the pond. Buffer requirements shall not apply to wet ponds used as structural BMPs.

**5. Buffer delineation**

The following buffer delineations are required:

- (a) Streams and buffer boundaries including all buffer zones must be clearly delineated on all construction plans, including grading and clearing plans, erosion, drainage and sediment control plans and site plans.
- (b) Outside buffer boundaries must be clearly marked on-site prior to any land disturbing activities.
- (c) The outside boundary of the buffer must be permanently marked at highway stream crossings.
- (d) Streams and buffer boundaries including the delineation of each buffer zone must be specified on all surveys and record plats.
- (e) Buffer requirements must be referenced in homeowners' association documents.

**Section 12.805. Incentives.**

**1. Purpose**

The purpose of this section is to set forth incentives to offset restrictions that buffer requirements place on development. These incentives promote open space development that incorporates smaller lot sizes to minimize total impervious area within the development, reduce total construction costs, conserve natural areas, provide community recreational space, and promote protection of streams.

**2. Reduction in lot size**

Allow a one-for-one credit in lot size reduction in addition to what is allowed in Section 9.205(4)(a) provided this is not below the minimum requirement for the next lower zoning classification.

**3. Relax lot setback requirements**

For all lots within a development requiring a SWIM buffer, setback requirements as specified in Section 9.205(4) are reduced as follows:

- (a) Front setbacks can be reduced to a minimum of 15 feet for all lots except front loaded garages must maintain a minimum setback of 20 feet.
- (b) Rear setbacks can be 100 % within a SWIM buffer. Rear setbacks can be reduced to 30 feet on all internal lots. Rear yards forming the outer boundary of a project must conform to the minimum of subsection 9.205(1)(g) for the zoning district in which the development is located.
- (c) Side setbacks can be reduced to a minimum of 3 feet provided all fire code requirements are satisfied.

**4. Open space**

- SWIM buffer areas can be used toward satisfying the required open space minimums for the development if dedicated.

**5. Density bonus**

In addition to the provisions 1 through 4 above:

- (a) Single family development projects may be granted a density bonus provided the entire required SWIM buffer area or the entire SWIM buffer area plus any additional buffer area is dedicated as common open space. Such dedication must be to a homeowners' association or a public or private agency that agrees to accept ownership and maintenance responsibilities for the space. The density bonus is calculated as follows:

The entire dedicated buffer area in acres multiplied by the maximum residential density number of the underlying zoning district.

- (b) Lots within single family projects that meet the above density bonus need not meet the minimum lot width requirements set out in subsection 9.205(1) provided that each lot meets the minimum lot width requirements set forth in Table 9.205(5).

**Section 12.806. Mitigation.**

**1. Purpose**

The purpose of this section is to set forth the basis on which mitigation is required for unavoidable or approved buffer impacts within any of the buffer zones. This mitigation basis shall allow the property owner or other entity the opportunity to disturb a buffer, provided that steps are taken to offset the buffer loss. Prior to any buffer impact, any person or entity seeking approval of a buffer impact shall submit the requisite site and mitigation information for approval to the Mecklenburg County Department of Environmental Protection as specified below, to the extent approval is required by this Part.

**2. Buffer impacts not requiring mitigation**

The following buffer impacts do not require mitigation or specific plan approval but are required to comply with the specifications provided in the Charlotte-Mecklenburg Land Development Standards Manual for stabilization of disturbed areas to minimize negative water quality impacts.

- (a) Road crossings for connectivity or transportation links where the Charlotte-Mecklenburg Planning Commission has granted site plan approval.
- (b) Utility crossings.
- (c) Parallel water and sewer utility installation as approved by Charlotte-Mecklenburg Utilities.
- (d) Public paths and trails parallel to the stream outside the Stream Side Zone and stream crossings. Pathways must use existing and proposed utility alignments or previously cleared areas and minimize tree cutting to the maximum extent practicable. To the extent possible, pathways shall preserve existing drainage patterns and avoid drainage structures that concentrate storm water.
- (e) Incidental drainage improvements/repairs for maintenance.
- (f) Individual pedestrian paths connecting homeowners to the stream in the form of narrow, pervious footpaths with minimal tree disturbance.
- (g) New domesticated animal trails (farming) where existing trails are lost as a result of action beyond the farmer's control. Stream crossings should be constructed and maintained to minimize impacts to the Stream Side Zone with fencing perpendicular and through the buffer to direct animal movement.

- (h) Mitigation approved by a State or federal agency acting pursuant to Sections 401 or 404 of the federal Clean Water Act.

3. Buffer impacts requiring mitigation

Impacts to stream buffers not specified in Section 12.806.2, proposed to allow development or other land use in a buffer, shall be required to mitigate or offset the proposed impact in accordance with this Section. Buffer impacts requiring mitigation and plan approval include:

- Filling or piping of streams
- Removal of vegetation from the Stream Side or Managed Use Zones other than as specified by Section 12.804.2 "Vegetative Targets."
- Paths proposed within the Stream Side Zone
- Stream relocations
- Fences and walls requiring tree removal in the Stream Side or Managed Use Zones
- Other buffer impacts not permitted under Section 12.804.2.

The landowner or other entity proposing any of the impacts specified above shall prepare and submit for approval a site specific plan to the Mecklenburg County Department of Environmental Protection. This site plan shall show the extent of the proposed impact and clearly specify the proposed mitigation technique.

4. Pre-approved mitigation techniques

The following techniques are available to landowners for mitigation of buffer impacts upon review and approval of a specific site mitigation plan by the Mecklenburg County Department of Environmental Protection. Specifications for these pre-approved mitigation techniques are provided in the Charlotte-Mecklenburg Land Development Standards Manual.

- (a) Installation of Structural BMPs: The installation of an on-site structural BMP designed to achieve specified pollutant removal targets will allow for stream buffer impacts on the specific site. The BMP should remain outside the Stream Side Zone if practical. A detailed BMP design plan must be submitted to the Mecklenburg County Department of Environmental Protection for approval based on specifications and pollutant removal targets contained in the Charlotte-Mecklenburg Land Development Standards Manual. This plan must also include a long term maintenance strategy for the BMP complete with the establishment of adequate financing to support the proposed maintenance practices.
- (b) Stream Restoration: The owner may restore and preserve the buffer area on any stream of equivalent or greater drainage area the condition of which is determined to be qualified for restoration by the Mecklenburg County Department of Environmental Protection on a 1:1 basis in linear feet of stream. This restoration shall include stream bank improvements and Stream Side and Managed Use Zone

- re-vegetation, in accordance with the Charlotte-Mecklenburg Land Development Standards Manual.
- (c) **Stream Preservation**: The owner may purchase, fee simple, other stream segments at equivalent or greater drainage area on a 1:1 linear foot basis and convey fee simple and absolute title to the land to the City/County or other conservation organization.
  - (d) **Wetlands Restoration**: On a 2:1 acreage basis for disturbed stream and buffer area (2 acres of wetland for each acre of disturbed area), the owner may provide a combination of the preservation and/or restoration of wetlands with protective easements, and the implementation of structural or non-structural BMPs to achieve specific pollutant removal targets within the impacted area as specified in the Charlotte-Mecklenburg Land Development Standards Manual.
  - (e) **Bottom Land Hardwood Preservation**: On a 2:1 acreage basis for impacted stream and buffer area (2 acres of bottomland hardwood for each acre of disturbed area), the owner may provide a combination of the preservation of existing bottom land hardwood forest or other specifically approved natural heritage area by conservation easement or other legal instrument, and the implementation of structural or non-structural BMPs to achieve specific pollutant removal targets within the impacted area as specified in the Charlotte-Mecklenburg Land Development Standards Manual.
  - (f) **Controlled Impervious Cover**: The owner may commit to, and provide, a specific site development plan that limits overall site impervious cover equal to or less than 24%. Development on this basis shall allow for stream buffer impacts on the specific site. Preservation of the Stream Side Zone is encouraged.
  - (g) **Open Space Development**: The submission of a specific site development plan which preserves 50% of the total land area as undisturbed open space shall allow for stream buffer impacts on the specific site.
  - (h) **Mitigation Credits**: The purchase of mitigation credits on a 1:1 basis utilizing linear feet of stream impacted and the prevailing rate of purchase as established by the Mecklenburg County Department of Environmental Protection shall allow for stream buffer impacts on the specific site. Mitigation credits purchased under any other program (i.e., U.S. Army Corp of Engineers) shall not cover this requirement unless the issuing agency agrees to relinquish the funds to the appropriate City/County agency.

##### 5. **Other mitigation techniques**

No provision of this Part shall prevent the creative development of alternative mitigation plans. The owner shall submit such plan with proposed buffer impacts and detailed mitigation information to the Mecklenburg County Department of Environmental Protection for approval. The criteria used to judge the acceptability of any alternative plan shall be the degree to which the plan addresses the preservation of the four primary natural functions of stream buffers. Such plans may be submitted in conjunction with a

mitigation plan submission to the U.S. Army Corp of Engineers and N.C. Department of Environment and Natural Resources for proposed stream or wetland impacts. The Mecklenburg County Department of Environmental Protection, when considering proposed mitigation alternatives, shall give equal weight to proposals which utilize the preservation of unique or endangered habitat or natural areas against proposed buffer impacts.

**6. Posting of financial security required for structural BMPs**

When structural BMPs (wet detention ponds and other BMPs) are approved for mitigation of a buffer disturbance, the approval shall be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to the Mecklenburg County Department of Environmental Protection, in a form which is satisfactory to the City Attorney, guaranteeing the installation and maintenance of the required structural BMPs until the issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the BMPs, allowing credit for improvements completed prior to the submission of the final plat. At such time that this level of occupancy is achieved, written notice thereof must be given by the owner to the Mecklenburg County Department of Environmental Protection. The owner must also verify the adequacy of the maintenance plan for the BMPs including the necessary financing to support the proposed maintenance practices. The Mecklenburg County Department of Environmental Protection will inspect the structural BMPs and verify the effectiveness of the maintenance plan and if found satisfactory, will within 30 days of the date of the notice notify the owner in writing.

**7. Maintenance responsibilities for structural BMPs - Civil Penalties**

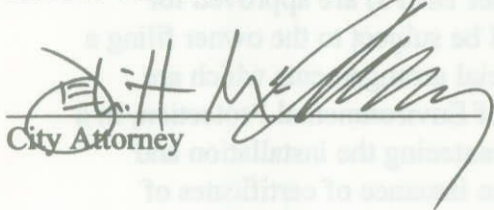
Maintenance of all structural BMPs shall be the responsibility of the property owner or his designee. Any person who fails to maintain the required BMPs in accordance with the approved maintenance plan shall be subject to a civil penalty of not more than \$500. Each day that the violation continues shall constitute a separate violation. No penalties shall be assessed until the person alleged to be in violation has been notified in writing of the violation by registered or certified mail, return receipt requested, or by other means which are reasonably calculated to give actual notice. The notice shall describe the nature of the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period shall result in assessment of a civil penalty or other enforcement action.

**Section 12.806. Appeals and Variances.**

Appeals and variances from this Part shall be subject to Chapter 5 of these regulations.

**Section 2. That this Part shall become effective upon its adoption.**

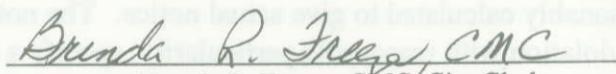
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of November, 1999, the reference having been made in Minute Book 114, and recorded in full in Ordinance Book 49, Page(s) 723-733.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 18th day of January, 2000.

  
Brenda R. Freeze, CMC, City Clerk

CITY CD

Petition No. 99-120  
Crosland Retail

**APPROVED BY CITY COUNCIL**

ORDINANCE NO. 1401-Z

**DATE** 11-15-99

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 15.3 acres located on the northeast corner of John Price Road and York Road.

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 which complied with all application requirements as specified in Section 6.202 and 6.204; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on October 18, 1999; 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 CC to CC Site Plan Amendment on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

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



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

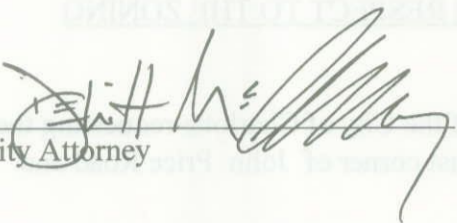
APPROVED BY CITY COUNCIL

11-15-99

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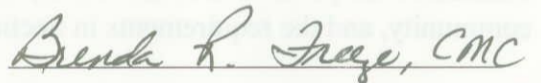
ORDINANCE NO. 1901-3

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 15th  
day of November, 1999, the reference having been made in Minute Book 114, and  
recorded in full in Ordinance Book 49, Page(s) 734-736A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the  
18th day of January, 2000.

  
Brenda R. Freeze, CMC, City Clerk

SEE ATTACHED

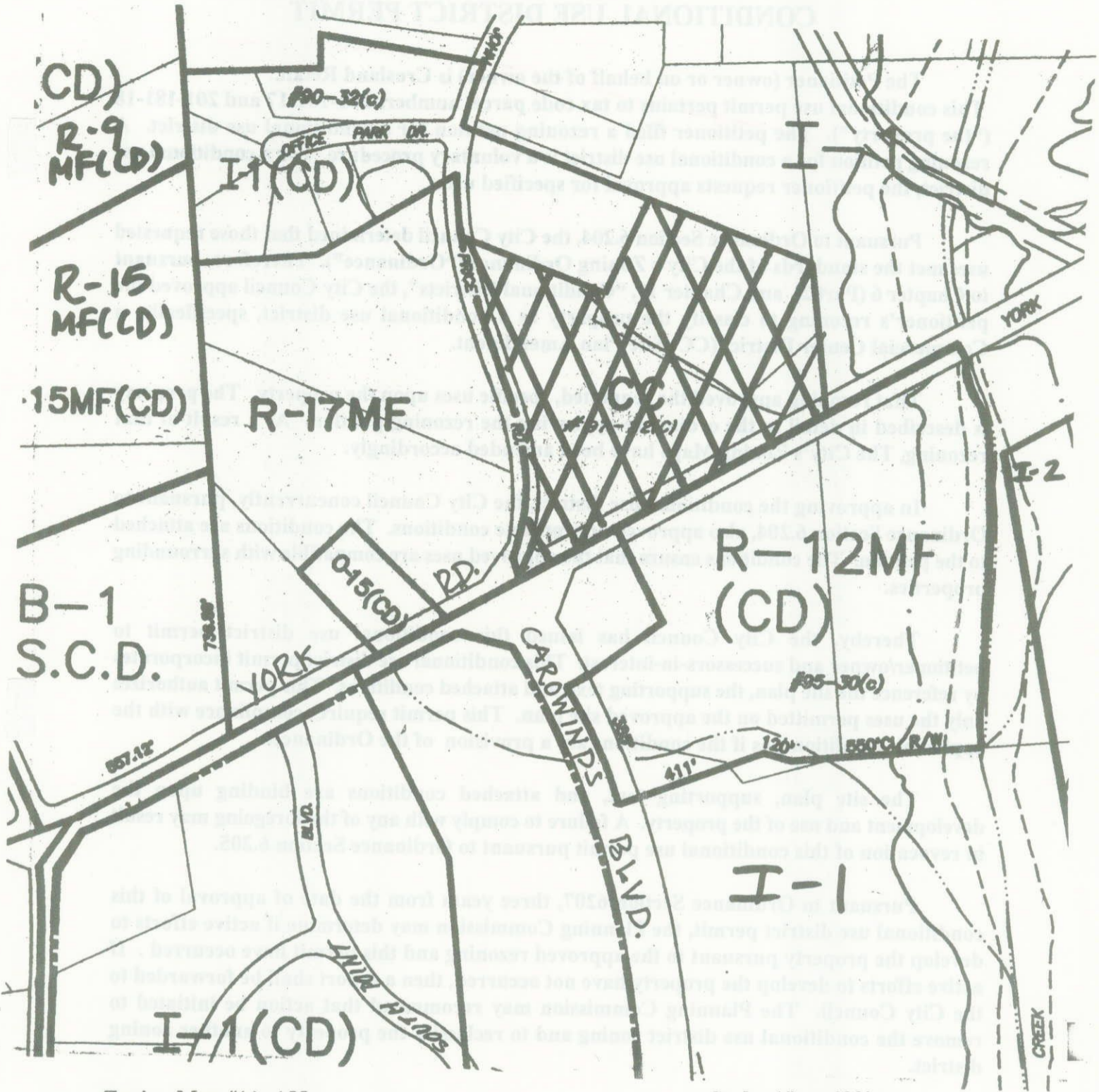
Petitioner: Crosland Retail

Hearing Date: October 18, 1999

Zoning Classification (Existing): CC

Zoning Classification (Requested): CC S.P.A.

Location: Approximately 15 acres located on the northeast corner of John Price Road and York Road.



Zoning Map #(s): 155

Scale: 1" = 400'

**Petition No. 99-120  
Crosland Retail**

**CONDITIONAL USE DISTRICT PERMIT**

**The Petitioner (owner or on behalf of the owner) is Crosland Retail.**

**This conditional use permit pertains to tax code parcel numbers 201-181-17 and 201-181-18 (“the property”). The petitioner filed a rezoning petition for a conditional use district. A rezoning petition for a conditional use district is a voluntary procedure. For a conditional use district, the petitioner requests approval for specified uses.**

**Pursuant to Ordinance Section 6.204, the City Council determined that those requested uses met the standards of the City’s Zoning Ordinance (“Ordinance”). Therefore, pursuant to Chapter 6 (Part 2) and Chapter 11, “Conditional Districts”, the City Council approved the petitioner’s rezoning to classify the property as a conditional use district, specifically, a Commercial Center District (CC) Site Plan Amendment.**

**That rezoning approved the requested, specific uses upon the property. The property is described in detail in the ordinance approving the rezoning petition. As a result of that rezoning, The City’s Zoning Maps have been amended accordingly.**

**In approving the conditional use district, the City Council concurrently, pursuant to Ordinance Section 6.204, also approved appropriate conditions. The conditions are attached to the petition. The conditions ensure that the approved uses are compatible with surrounding properties.**

**Thereby, the City Council has issued this conditional use district permit to petitioner/owner and successors-in-interest. This conditional use district permit incorporates by reference the site plan, the supporting text, and attached conditions. This permit authorizes only the uses permitted on the approved site plan. This permit requires compliance with the applicable conditions, as if the conditions are a provision of the Ordinance.**

**The site plan, supporting text, and attached conditions are binding upon the development and use of the property. A failure to comply with any of the foregoing may result in revocation of this conditional use permit pursuant to Ordinance Section 6.205.**

**Pursuant to Ordinance Section 6207, three years from the date of approval of this conditional use district permit, the Planning Commission may determine if active efforts to develop the property pursuant to the approved rezoning and this permit have occurred . If active efforts to develop the property have not occurred, then a report shall be forwarded to the City Council. The Planning Commission may recommend that action be initiated to remove the conditional use district zoning and to reclassify the property to another zoning district.**

APPROVED BY CITY COUNCIL  
DATE November 15, 1999

ORDINANCE NO. 1402

ORDINANCE AMENDING APPENDIX A-ZONING

99-121

AN ORDINANCE AMENDING THE ZONING ORDINANCE, APPENDIX A-ZONING OF THE CODE OF THE CITY OF CHARLOTTE.

Section 1. The definition of "Adult establishment" found in Section 2.201 of Appendix A-Zoning is amended to read as follows:

*Adult establishment.* An adult bookstore, adult motion picture theatre, adult mini motion picture theatre, or adult live entertainment business as defined in this section, or massage business as defined in G.S. 14-202.10(8). (Health massage/body work therapists licensed under Article VII, Chapter 6 of the City Code or pursuant to G.S.90-620 *et seq.* shall not be considered to be a massage business.)

Section 2. Section 2.201 of Appendix A-Zoning is amended to add a new definition to read as follows:

*Adult bookstore.*

- (a) A retail establishment that has: (1) as one of its principal business purposes the sale or rental of; or (2) a substantial or significant portion of its stock in trade for sale or rental:
  - (i) "publications" which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas", as defined in G.S. 14-202.10(10), or "specified sexual activities", as defined in G.S. 14-202.10(11); and/or
  - (ii) "sexually oriented devices", as defined in G.S. 14-202.10(9).
- (b) As used in this definition, "publications" include, by way of illustration, books, magazines, other periodicals, movies, video tapes, and other products offered in photographic, electronic, magnetic, digital or other imaging medium.
- (c) Any of the following shall be indicia that an establishment has as one of its principal business purposes the sale or rental of: (i) "publications" which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities", as defined in G.S. 14-202.10(10), or "specified anatomical areas", as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices", as defined in G.S. 14-202.10(9):
  - (i) the business advertises the sale or rental of adult publications and/or sexually oriented devices;
  - (ii) access by persons under eighteen (18) years of age to the business

establishment or portions of the business establishment is restricted;

- (iii) signs or notices are posted outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive;
- (iv) the building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental.

Such indicia shall be considered along with all other factors and available information.

(d) Notwithstanding the foregoing, a general circulation video store that does not offer for sale any sexually oriented devices shall not constitute an "adult bookstore" even though it offers for sale and/or rental video tapes which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas", as defined in G.S. 14-202.10(10), or "specified sexual activities", as defined in G.S. 14-202.10(11) so long as:

- (i) such described video tapes are stocked and displayed in a room separate from the area of the business establishment where general circulation video tapes are stocked and displayed;
- (ii) access by persons under eighteen (18) years of age to the room where such described video tapes are stocked and displayed is restricted;
- (iii) the square footage of the separate room where such described video tapes are stocked and displayed is no more than ten (10) percent of the square footage of the area where general circulation video tapes are stocked and displayed; and
- (iv) the general circulation video tape portion of the business establishment offers a quantity and selection of new release general circulation video tapes that is typical of a general circulation video store and offers a quantity and selection of other general circulation video tapes that are organized and displayed in a manner that is typical of a general circulation video store.

Section 3. Section 2.201 of Appendix A-Zoning is amended to add a new definition to read as follows:

*Adult live entertainment business.* Any establishment or business which has as one of its principal business purposes the presentation of "adult live entertainment" for observation by patrons. "Adult live entertainment" means any performance of or involving the actual presence of real people which exhibits "specified sexual activities", as defined in G.S. 14-

202.10(10), or "specified anatomical areas", as defined in G.S. 14-202.10(11).

**Section 4.** Section 2.201 of Appendix A-Zoning is amended to add a new definition to read as follows:

*Adult mini motion picture theatre.*

- (a) A commercial establishment with one or more "adult mini motion picture booths" where:
  - (i) one of the principal business purposes is the presentation and viewing of still or motion pictures in the viewing booths that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas", as defined in G.S. 14-202.10(10), or "specified sexual activities", as defined in G.S. 14-202.10(11); or
  - (ii) a substantial or significant portion of the stock of still or motion pictures available for viewing or that are actually viewed in the viewing booths are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas", as defined in G.S. 14-202.10(10), or "specified sexual activities", as defined in G.S. 14-202.10(11).
  
- (b) Any of the following shall be indicia that the business establishment has as one of its principal business purposes the presentation and viewing in viewing booths motion pictures which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities", as defined in G.S. 14-202.10(10), or "specified anatomical areas", as defined in G.S. 14-202.10(11):
  - (i) restricted access to the business establishment or portions of the business establishment where viewing booths are located by persons under 18 years of age;
  - (ii) posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive.

Such indicia shall be considered along with all other factors and available information.

- (c) "Adult mini motion picture booth" means any booth or partitioned area of less than one-hundred fifty (150) square feet in an adult mini motion picture theatre that is designed to hold patrons for the presentation and viewing of still or motion pictures (slides, film, video tape, laser disc, CD-ROM or other imaging media) that are

distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas", as defined in G.S. 14-202.10(10), or "specified sexual activities", as defined in G.S. 14-202.10(11).

Section 5. Section 2.201 of Appendix A-Zoning is amended to add a new definition to read as follows:

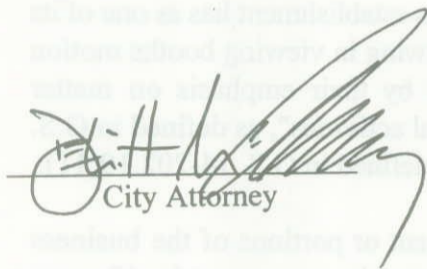
*Adult motion picture theatre.* A commercial establishment that regularly presents motion pictures which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified anatomical areas", as defined in G.S. 14-202.10(10), or "specified sexual activities", as defined in G.S. 14-202.10(11), whether enclosed or not, of one-hundred fifty (150) square feet or greater, for observation by patrons therein.

Section 6. Section 12.522 of Appendix A-Zoning is repealed.

Section 7. If any clause or other portion of this ordinance is held invalid, that decision shall not affect the validity of the remaining portions of this ordinance, which are severable.

Section 8. This ordinance is effective upon adoption.

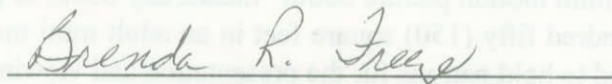
Approved as to form:

  
City Attorney

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of November, 1999, the reference having been made in Minute Book 114, and recorded in full in Ordinance Book 49, Page(s) 737-740.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2000.

  
Brenda R. Freeze, CMC, City Clerk