

January 21, 2003
Ordinance Book 52, Page 8

Petition No. 2002-128
Petitioner: Park South, LLC

ORDINANCE NO. 2215-Z

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

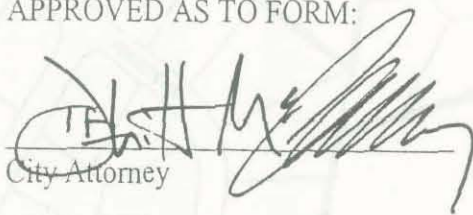
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-3 to UR-C(CD).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Ordinance Book 52, Pages 8-9.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 2003.


Nancy S. Gilbert, CMC, Deputy City Clerk

Petition #: **2002-128**

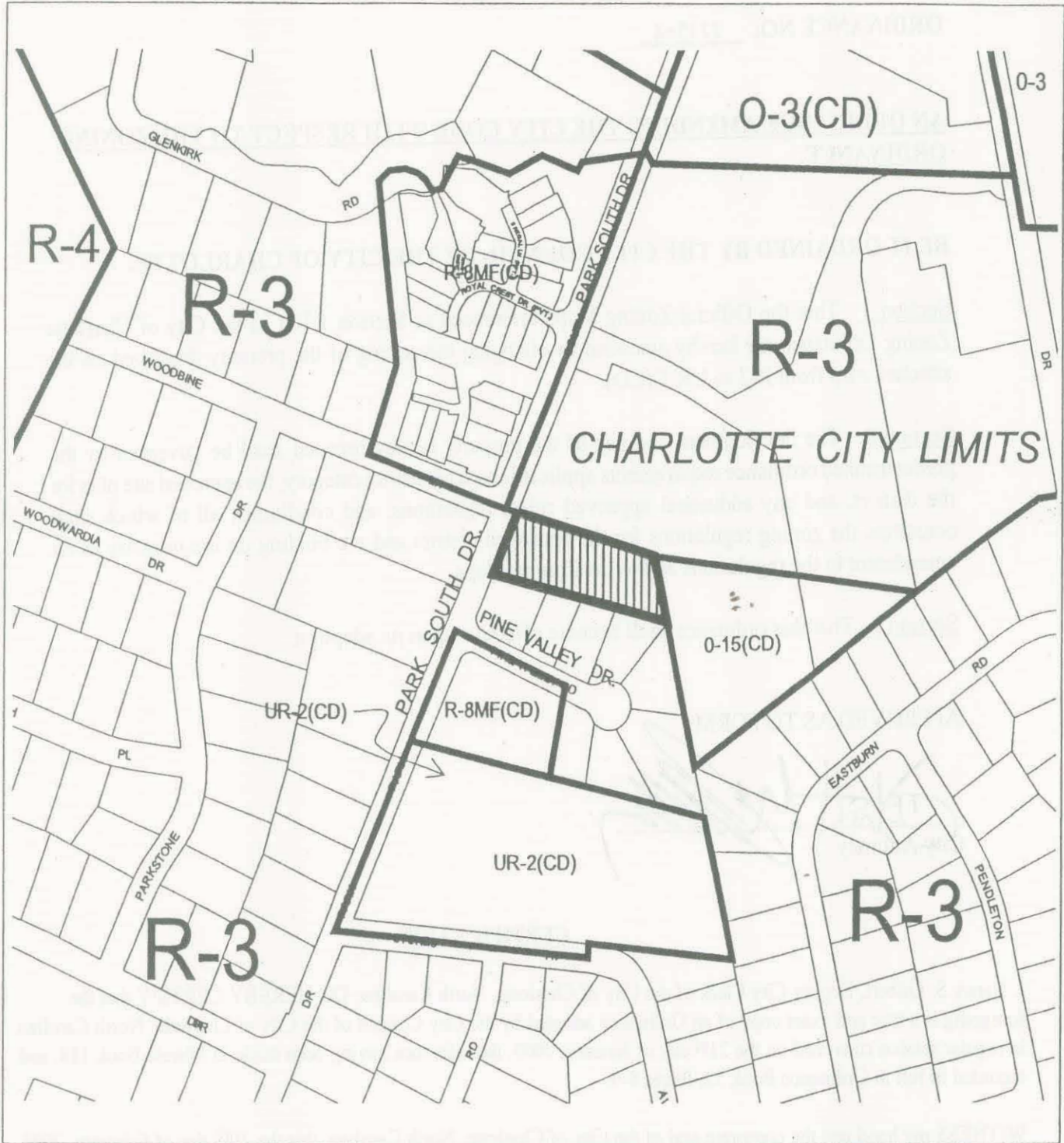
Petitioner: Park South, LLC

Hearing Date: November 18, 2002

Zoning Classification (Existing): R-3

Zoning Classification (Requested): UR-C(CD)

Acresage & Location Approximately 1.17 acres located on the east side of Park South Drive, north of Pine Valley Drive.



Zoning Map #(s):

135

Map Legend

	ETJ		Floodplain.shp
	Altitude.shp		County Line
	Watershed		City Limits.shp
	Historic District		

February 24, 2003
Ordinance Book 52, Page 10

Petition No. 2002-129
Petitioner: Grubb Properties, Inc.

ORDINANCE NO. 2216-Z

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

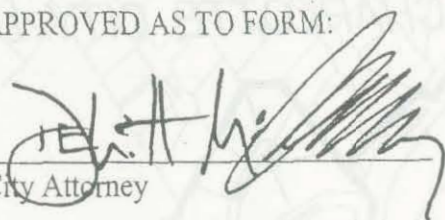
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-17MF to MUDD-O.

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

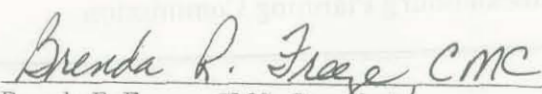
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of February, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Pages 10-11.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of July, 2003.


Brenda R. Freeze, CMC, City Clerk

February 24, 2003

Ordinance Book 52, Page 11

Petition #: 2002-129

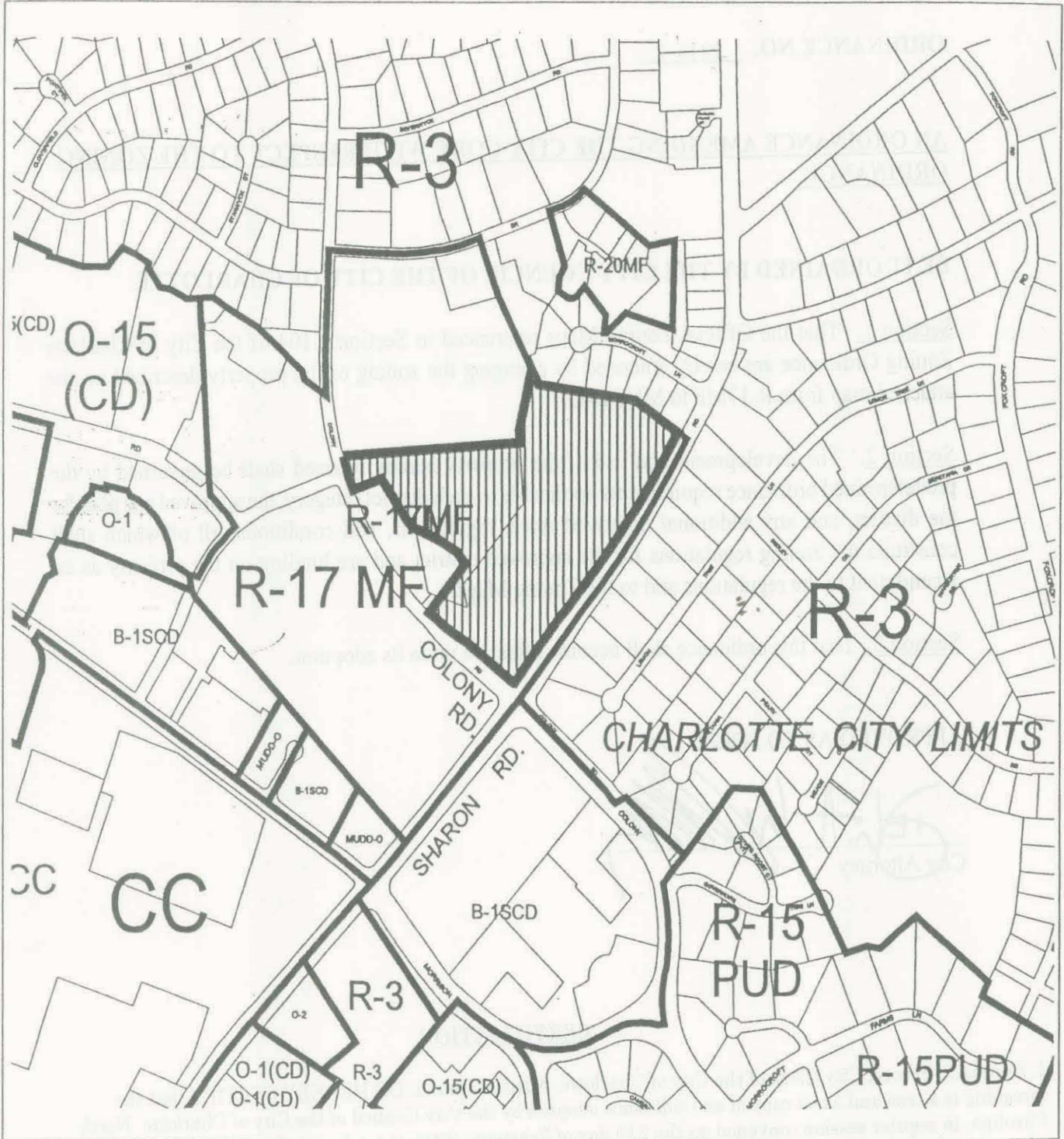
Petitioner: Grubb Properties, Inc.

Hearing Date: November 18, 2002

Zoning Classification (Existing): R-17 MF

Zoning Classification (Requested): MUDD-O

Acres & Location Approximately 23 acres located on the northeast corner of Colony Road and Sharon Road



Zoning Map #(s);

135

Map Legend

	ETU		Floodplain
	Alameda		County Line
	Watershed		City Limits
	Historic District		

Charlotte-Mecklenburg Planning Commission

02-129

January 21, 2003
Ordinance Book 52, Page 12

Petition No. 2002-130
Petitioner: Richter & Associates

ORDINANCE NO. 2217-Z

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

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

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-22MF and O-2 to MUDD-O.

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of January, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Pages 12-13.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of May, 2003.


Nancy S. Gilbert, CMC, Deputy City Clerk

Petition #: 2002-130

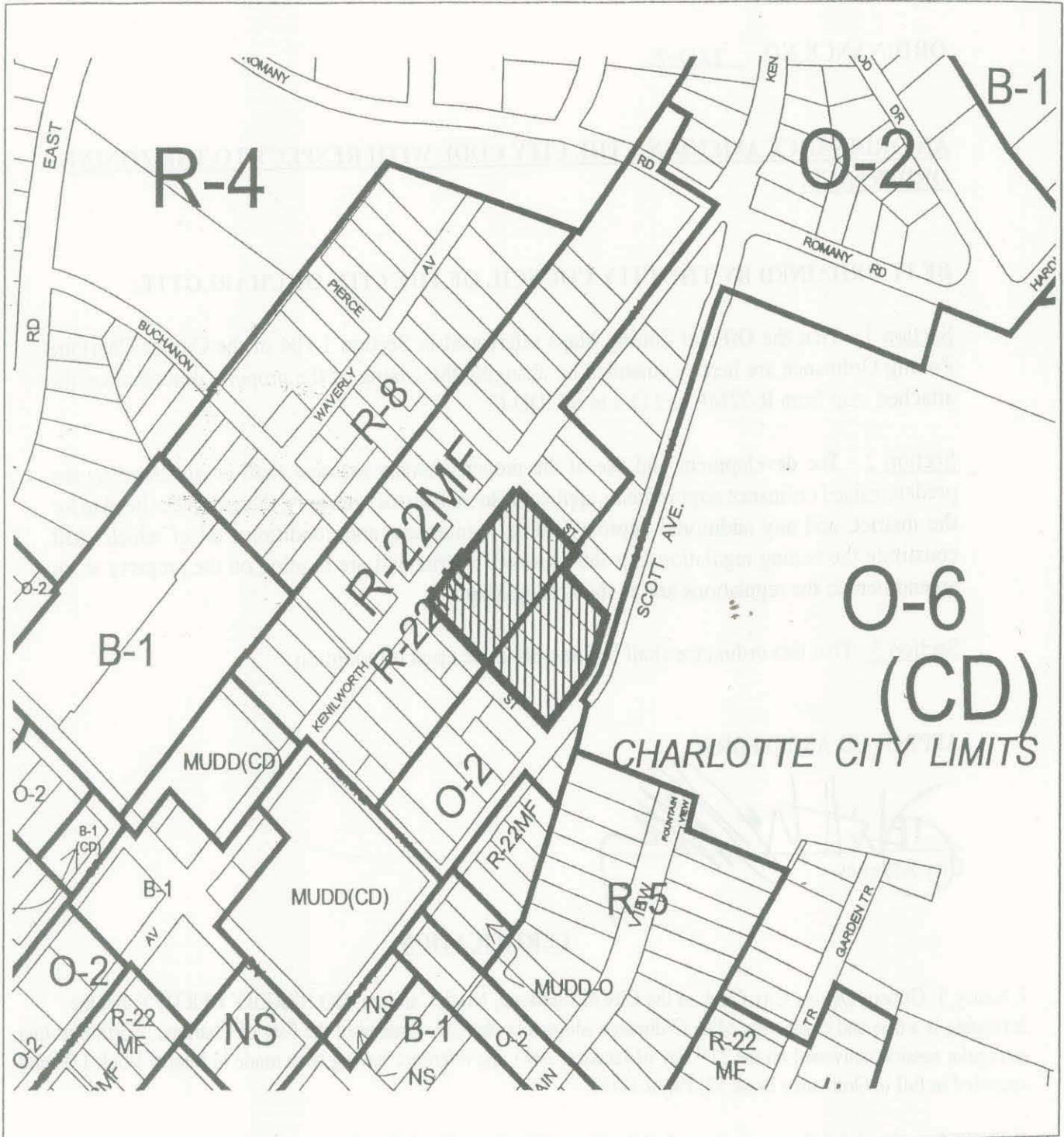
Petitioner: Richter & Associates

Hearing Date: November 18, 2002

Zoning Classification (Existing): R-22MF and O-2

Zoning Classification (Requested): MUDD-O

Acreeage & Location Approximately 2.26 acres bounded by Kenilworth Avenue, Scott Avenue, Buchanon Street and Pierce Street



Zoning Map #(s);

111

Map Legend

	ETJ		Floodplain (sfp)
	Almetec (sfp)		County Line
	Watershed		City Lines (arc)
	Historic District		

January 21, 2003
Ordinance Book 52, Page 14

Petition No. 2002-133
Petitioner: Afshar Nader

ORDINANCE NO. 2218-Z

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

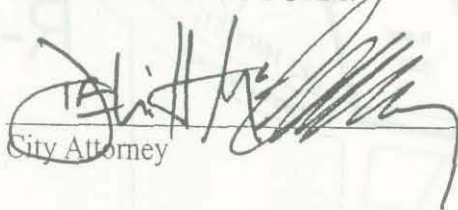
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-3 to R-8MF(CD).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

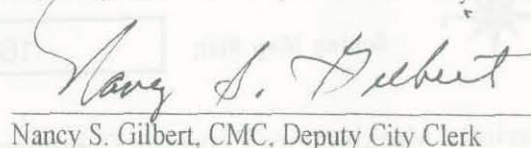
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Ordinance Book 52, Pages 14-15.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 2003.


Nancy S. Gilbert, CMC, Deputy City Clerk

Petition #: **2002-133**

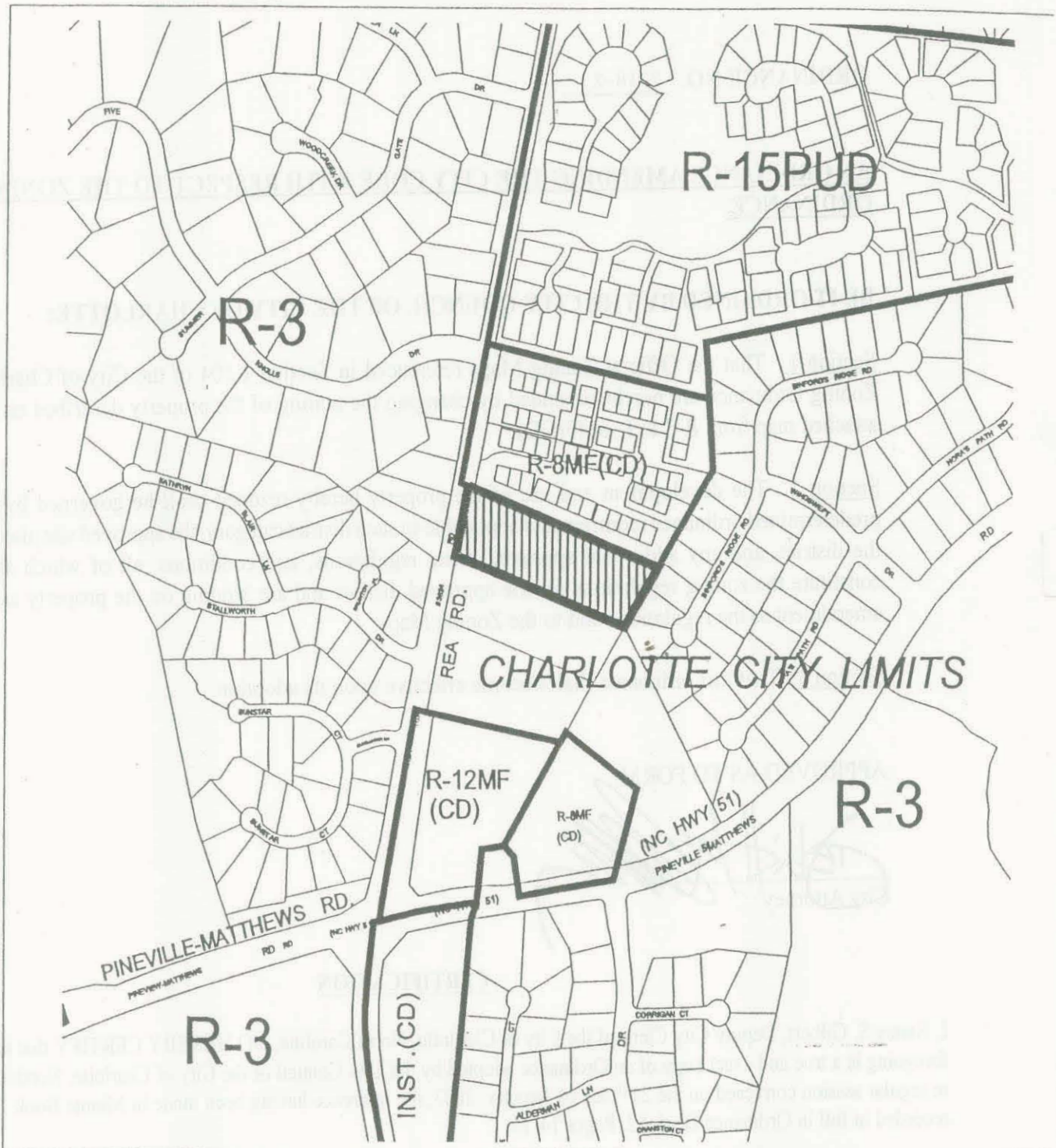
Petitioner: Afshar Nader

Hearing Date: December 16, 2002

Zoning Classification (Existing): R-3

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

Acresage & Location Approximately 4 acres located on the east side of Rea Road, north of Pineville-Matthews Road (NC Hwy 51)



Zoning Map #(s); **166**

Map Legend

	EU		Floodplain/Map
	Alameda/Map		County Line
	Watershed		City Limits/Map
	Historic District		

January 21, 2003
Ordinance Book 52, Page 16

CITY ZONE CHANGE

Petition No. 2002-137

Petitioner: Crescent Resources, LL
Larry Wilson

ORDINANCE NO. 2219-Z

ZONING REGULATIONS

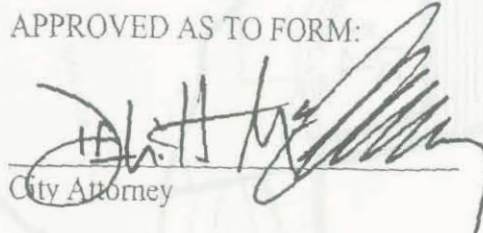
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing property identified as approximately 11.2 acres located on the south side of West Mallard Creek Road of Legranger Road, (tax parcel 047-38-108) from R-4 to RE-1 on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

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

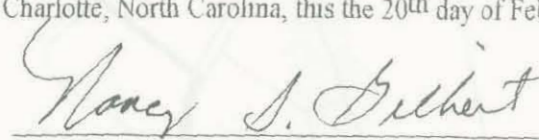
APPROVED AS TO FORM:


City Attorney

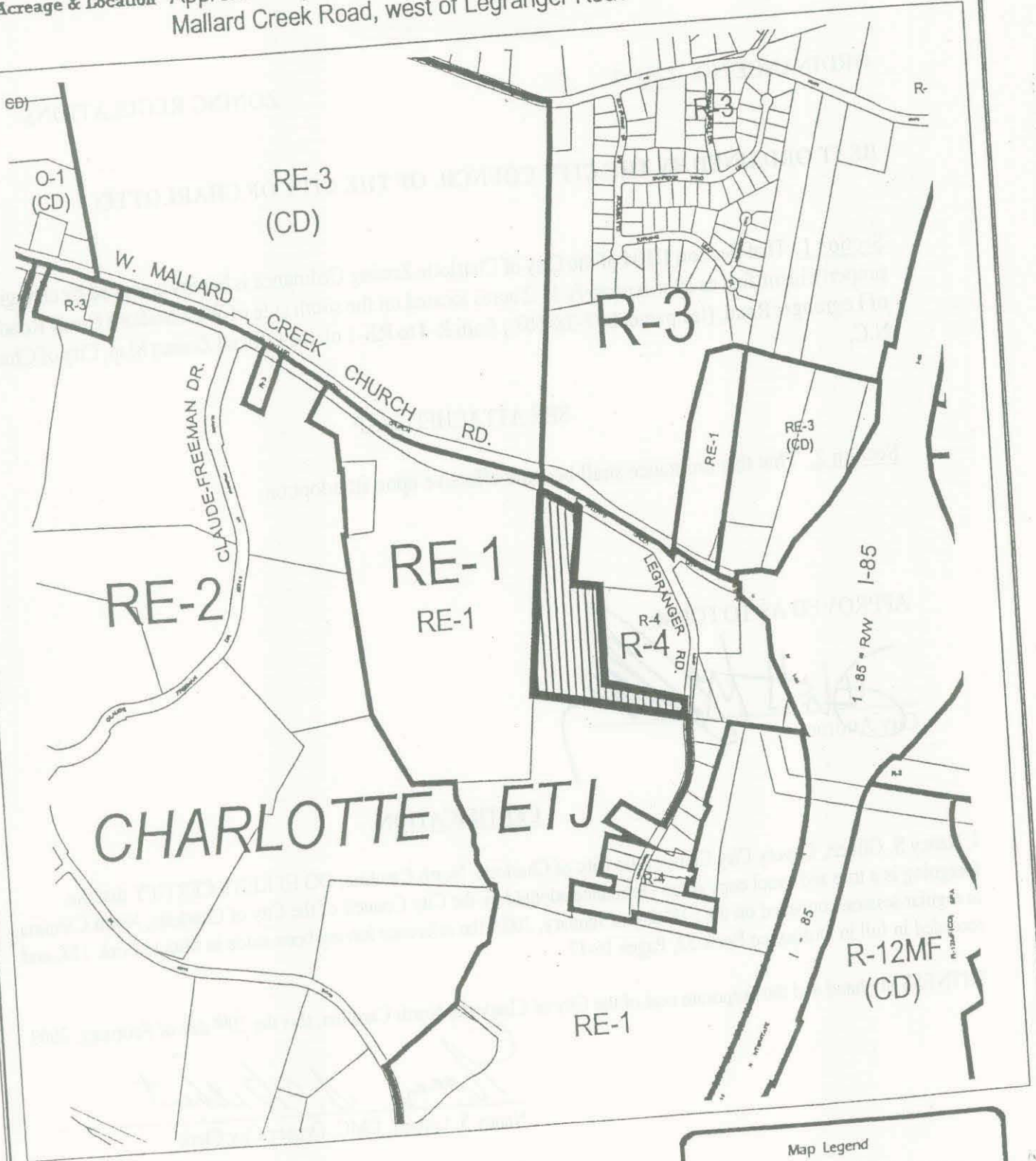
CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Ordinance Book 52, Pages 16-17.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 2003.


Nancy S. Gilbert, CMC, Deputy City Clerk

Petition #: 2002-137
 Petitioner: Crescent Resources, LLC/Wilson
 Hearing Date: December 16, 2002
 Zoning Classification (Existing): R-4
 Zoning Classification (Requested): RE-1
 Acreage & Location: Approximately 11.22 acres located on the south side of West Mallard Creek Road, west of Legranger Road



Zoning Map #(s); 53

Map Legend

	ETJ		Floodplain
	Aesthetic		County Line
	Waterbody		City Lines
	Historic District		

January 21, 2003
Ordinance Book 52, Page 18

Petition No. 2002-138
Petitioner: David Drye Construction Co.

ORDINANCE NO. 2220-Z

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

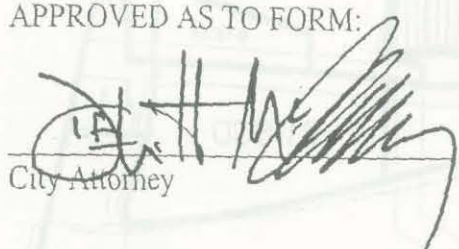
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from MX-2 to MX-2.

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Ordinance Book 52, Pages 18-19.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 2003.


Nancy S. Gilbert, CMC, Deputy City Clerk

Petition #: 2002-138

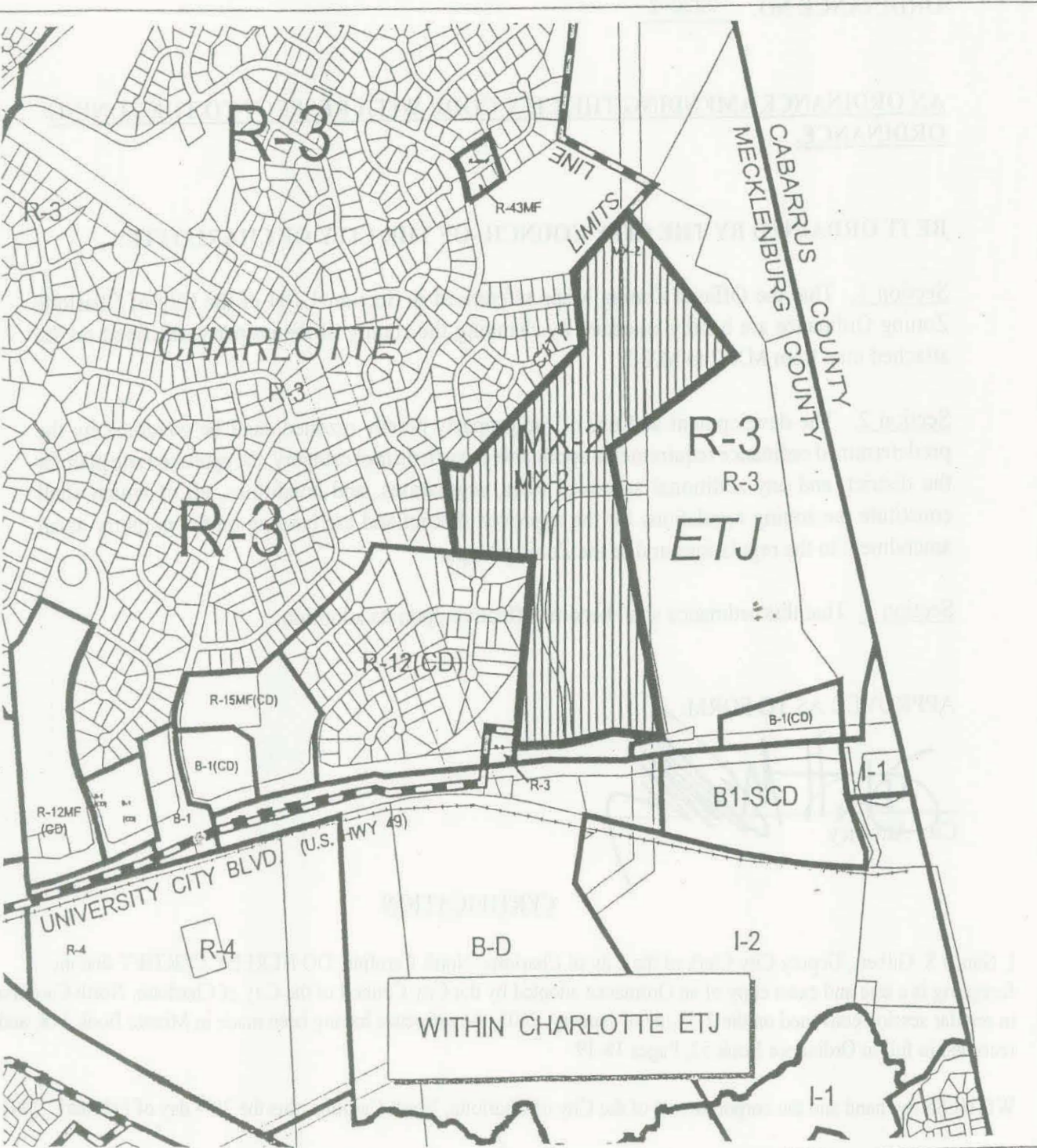
Petitioner: David Drye Construction Co.

Hearing Date: December 16, 2002

Zoning Classification (Existing): MX-2

Zoning Classification (Requested): MX-2 Site Plan Amendment

Acresage & Location Approximately 80 acres located on the north side of University City Boulevard (NC Hwy. 49), west of the Mecklenburg County Line



Zoning Map #(s): 56

Map Legend

	ETJ		Plat/Plat/Map
	Historic District		County Line
	Watershed		City Limits(anc)
	MX-2		

Petition No. 2002-144
Petitioner: The Boulevard 2000, LLC

ORDINANCE NO. 2221-Z

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

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

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-43MF to UR-3(CD).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

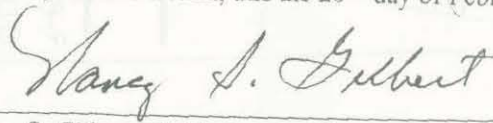
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Ordinance Book 52, Pages 20-21.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 2003.


Nancy S. Gilbert, CMC, Deputy City Clerk

Petition #: 2002-144

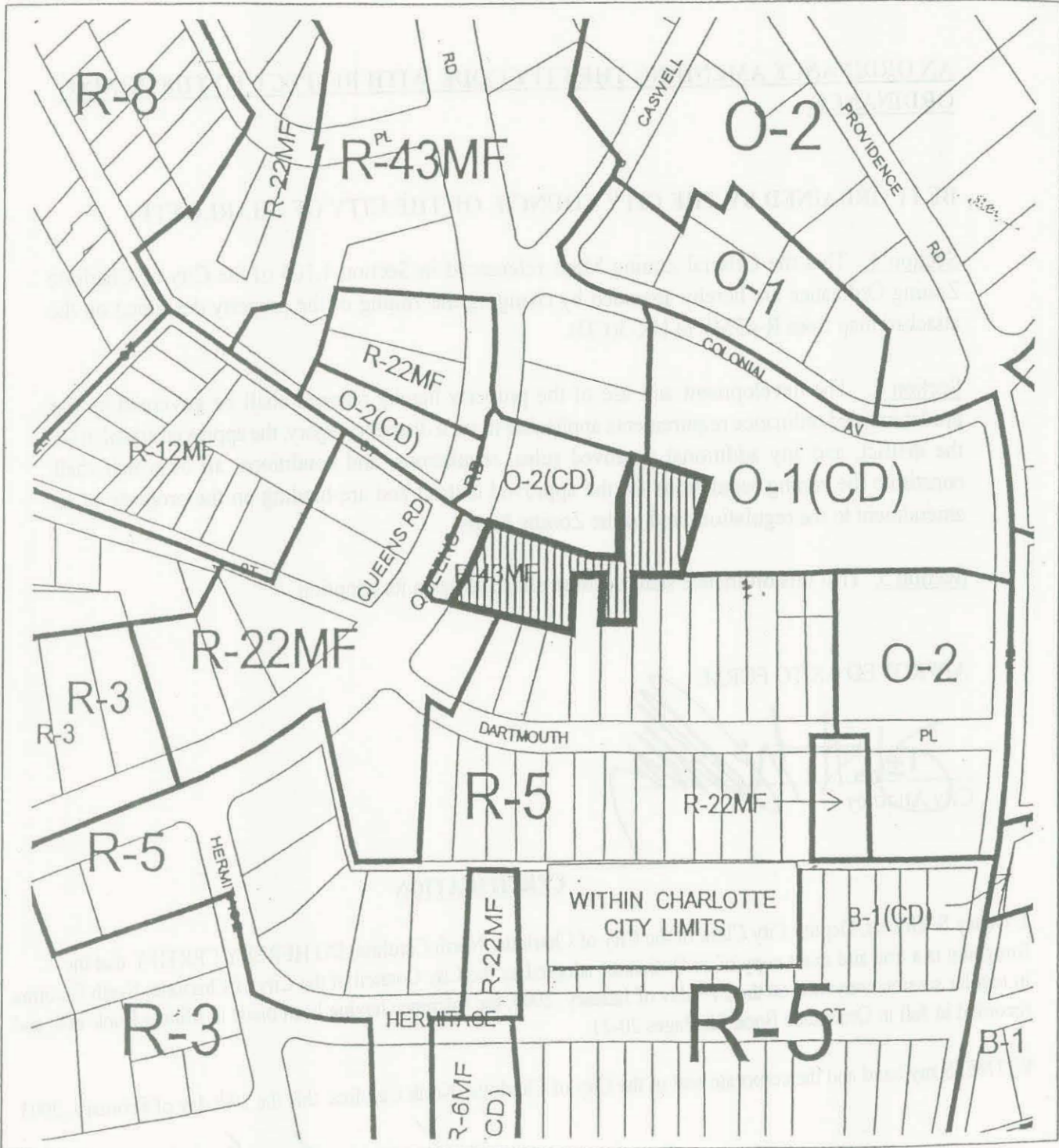
Petitioner: The Boulevard 2000, LLC

Hearing Date: December 16, 2002

Zoning Classification (Existing): R-43MF

Zoning Classification (Requested): UR-3(CD)

Acresage & Location Approximately 1.43 acres located on the east side of Queens Road, north of Dartmouth Place



Zoning Map #(s);

111

Map Legend

	EU		Watershed
	Alameda		County Line
	Watershed		City Limit(s)
	Historic District		

January 21, 2003
Ordinance Book 52, Page 22

Petition No. 2002-145
Petitioner: Showmars of America, Inc.

ORDINANCE NO. 2222-Z

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

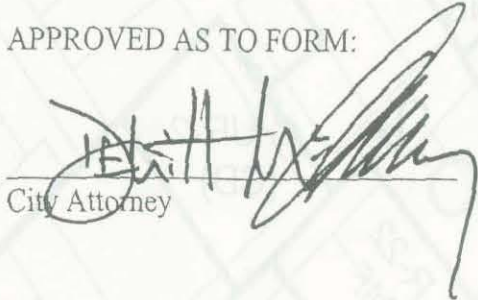
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from B-1 to NS.

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

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

APPROVED AS TO FORM:



City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Ordinance Book 52, Pages 22-23.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 2003.



Nancy S. Gilbert, CMC, Deputy City Clerk

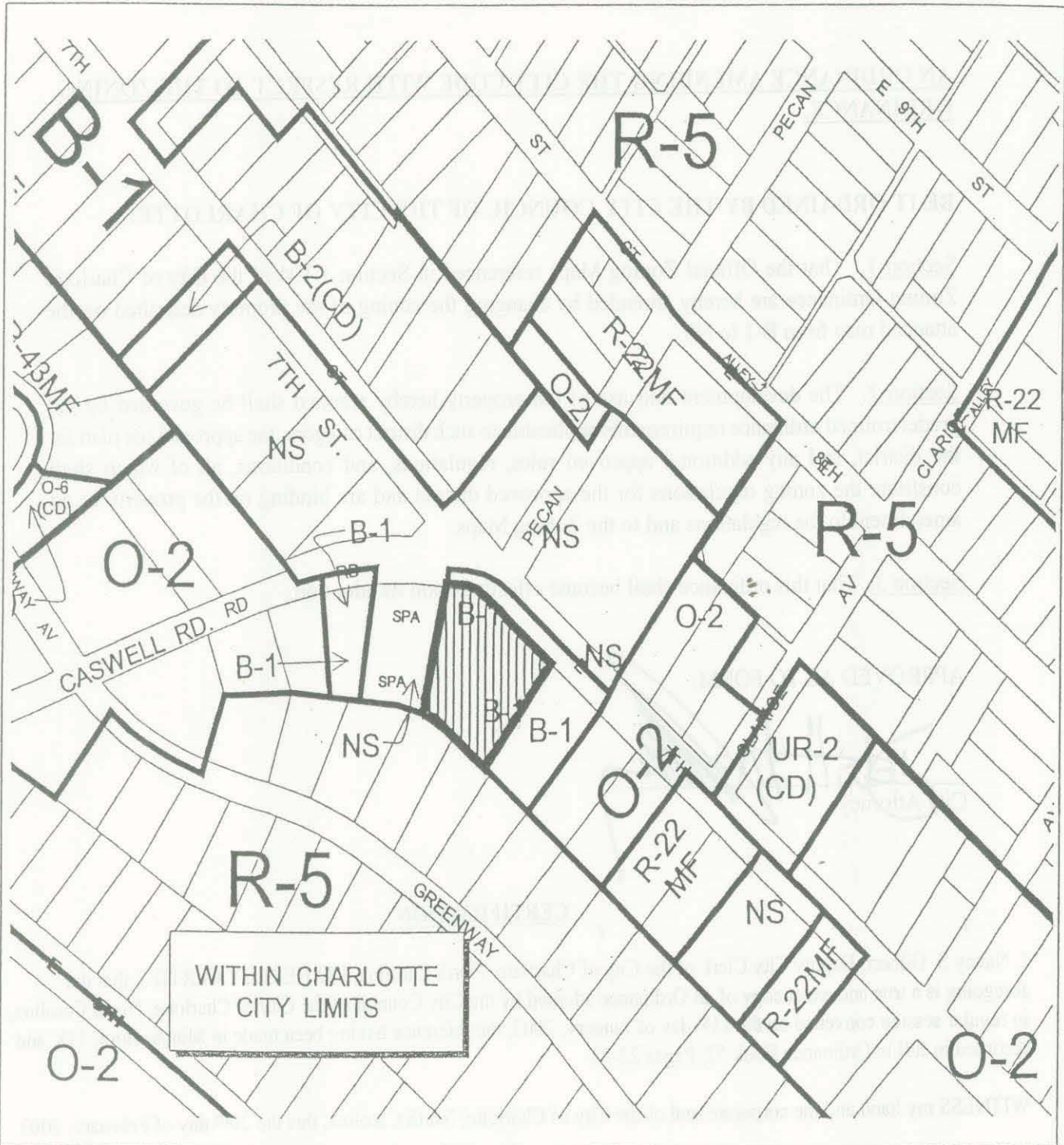
Petition #: 2002-145
Petitioner: Showmars of America, Inc

Hearing Date: December 16, 2002

Zoning Classification (Existing): B-1

Zoning Classification (Requested): NS

Acresage & Location Approximately .650 acres located at the intersection of Seventh Street and Caswell Road, across from Pecan Avenue



Zoning Map #(s);

101,112

Map Legend			
	ETL		Floodplain.shp
	Airphoto.shp		County Line
	Watershed		City Unistart
	Historic District		

Petition No: 2002-147
Petitioner: Charlotte Mecklenburg Planning Commission
City of Charlotte

**AN ORDINANCE AMENDING CHAPTER 9, PART 4;
CHAPTER 10, PART 8; CHAPTER 12, PART 4, AND
CHAPTER 13 OF THE CITY CODE – ZONING
ORDINANCE**

ORDINANCE NO. 2223

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

Section 1: CHAPTER 10, Part 8, is hereby amended as follows:

1. Section 10.802(2), "Uses" to be amended to read as follows:

(2) Drive-through service windows for offices must be located to the rear of the building, **and are limited to no more than four (4) drive-through stations, including lanes servicing Automatic Teller Machines (ATM's).**

2. Section 10.803, "Development Standards", first paragraph to be amended as follows:

The following PED Overlay standards and requirements have precedence over the underlying zoning district standards and requirements. The PED development standards shall apply to all buildings or uses in PED unless specified otherwise in Section 10.805.

3. Section 10.803(5), "Maximum height" to be amended to read as follows:

(5) Maximum height

The permitted height shall be determined by the distance of the structure from property used and/or zoned for residential purposes. The base height for this district is 40 feet. The building height may increase one foot in height, over 40 feet, for every 10 feet in distance from the property line of the nearest site used and/or zoned for residential purposes, except for property zoned PED, MUDD, or UMUD. **For purposes of this Ordinance, distances shall be measured in a straight line from the closest edge of the PED property to the nearest residentially used/zoned property.** The intent of this standard is to allow the height of a portion of a structure to increase as the distance from residential properties increases. The maximum height shall be 100 feet.

2. Valet Parking plans shall be submitted to the Charlotte Department of Transportation (CDOT) for review. Approval of the valet parking plan shall be obtained from CDOT.
 3. Valet parking is not permitted on streets or thoroughfares where on-street parking/loading is not permitted.
 4. No reduction in the width of the sidewalk or the planting strip is allowed for valet cutouts. If special valet parking is desired, it shall be incorporated into the parking lot or parking structure area.
10. Amend Section 10.805(h), "Removal of Required Buffer or Screening for Additional Parking" to read as follows:

(h) Removal of Required Buffer for Additional Parking

If an existing buffer or screening area is removed for more than five (5) additional parking spaces, an equal number of existing non-conforming parking spaces within the established setback must be removed and replaced with landscaping, patios and/or other related amenities, in addition to the requirements of Section 10.804(1)(f). The additional parking must meet the requirements of this overlay district.

11. Eliminate Section 10.805(i), "Previously approved plans".

Section 2: CHAPTER 9, Part 4, "Urban Residential Districts" is hereby amended as follows:

1. Amend Section 9.408(4), "Grade level parking" to read as follows:

- (4) Grade level parking and driveways. Grade level parking is subject to the requirements of Section 12.206(3) **excluding the requirement that off-street parking and driveways must be five (5) feet from any exterior lot line.**

Section 3: CHAPTER 12, is hereby amended as follows:

1. Amend Section 12.413, "Drive-in service windows", to read as follows:

Section 12.413. Drive-in service windows.

A drive-in service window shall be permitted only as an accessory use in the **UMUD, NS, PED, MX-2, MX-3, Inst., RE-1, RE-2, O-1, O-2, O-3, B-1, B-2, BP, CC, I-1, and I-2** districts. **Drive-in service windows are not allowed in the UR-1, UR-2, UR-3, U-C or MUDD districts.**

Section 4: CHAPTER 13, is hereby amended as follows:

1. Amend the title of Section 13.108a, and the first sentence to read as follows:

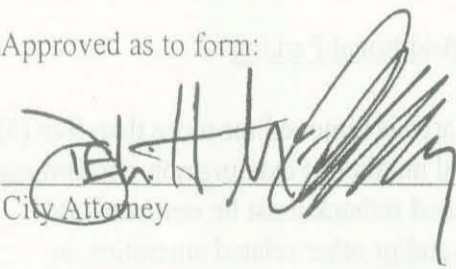
Section 13.108a. Specifications for permanent signs in Uptown Mixed Use District **and Pedestrian Overlay District** requiring a permit.

The following are specifications applicable to the various permanent signs permitted in the Uptown Mixed Use District (UMUD) **and Pedestrian Overlay District (PED)**.

2. Delete the reference to "12-foot" in the following sentences: Section 13.108a(1) (d) and (e); Section 13.108a(2)(a) and (g); and in Section 13.108a(3)(c).

Section 5. That this ordinance shall become effective upon its adoption.

Approved as to form:

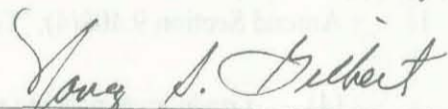


City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, ~~DO~~ HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Ordinance Book 52, Pages 24-25B.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 2003.



Nancy S. Gilbert, CMC, Deputy City Clerk

Petition No: 2002-148
Petitioner: Vantage Senior Care Services and
Charlotte Mecklenburg Planning Commission
City of Charlotte

**AN ORDINANCE AMENDING; CHAPTER 2, PART 2;
CHAPTER 9, PART 1, CHAPTER 9, PART 2,
CHAPTER 9, PART 3, AND CHAPTER 12, PART 4 OF
THE CITY CODE – ZONING ORDINANCE**

ORDINANCE NO. 2224

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

Section 1: CHAPTER 2, PART 2, Section 2.201, "Definitions" to include the following definition in alphabetical order:

Active Adult Retirement Community.

A housing development that contains a variety of housing types, that is designed for and restricted to occupancy by households having at least one member who is 55 years of age or older. Active adult retirement housing includes at least 5 of the following related facilities or services for residents: security entrance/registered access; exterior home maintenance; lawn maintenance; clubhouse with wellness and/or fitness facility, computer resources, central meeting areas, recreation/social director; condominium association comprised of homeowners who govern services for the community; walkways with 5% or less grade on average; and home designs using AARP Universal Design guidelines, or equivalent.

Section 2: CHAPTER 9, PART 1, Table 9.101, "Permitted Uses by District" is amended as follows:

1. Add "Dwellings, Active Adult Retirement Community" to the first column, under "Residential Uses" as a "Use Permitted under Prescribed Conditions" in alphabetical order as follows:

PC in R-8MF, R-12MF, R-17MF, R-22MF, R-43MF
PC in UR-2, UR-3, UR-C
PC in INST
PC in O-1, O-2, O-3
PC in B-1, B-2, BP

2. Add "Dwellings, Active Adult Retirement Community" to the first column, under "Residential Uses" as a "Use Permitted by Right" in alphabetical order as follows:

X in MUDD

Section 3: CHAPTER 9, PART 3, "Multi-Family Districts". Add a new Section 9.303(.5) to read as follows. This use shall be the first on the list, above "Adult care centers".

- (.5) Active adult retirement communities subject to the requirements of Section 12.404. If a portion of the development contains attached or multi-family dwelling units, then the attached/multi-family development shall have no more than 12 units in a building. If more than 12 units are proposed in a building, then the multi-family portion of the development is subject to the requirements of Section 9.303(19).

Section 4: CHAPTER 9, PART 4, "Urban Residential Districts". Add a new Section 9.404(.5) to read as follows. This use shall be the first on the list, above "Bed and Breakfasts".

- (.5) Active adult retirement communities subject to the requirements of Section 12.404. If a portion of the development contains attached or multi-family dwelling units, then the attached/multi-family development is subject to the requirements of Section 9.303(19) except dimensions requirements of that section shall not apply.

Section 5: CHAPTER 9, PART 5, "Institutional District". Add a new Section 9.503(.5) to read as follows. This use shall be the first on the list, above "Adult care centers".

- (.5) Active adult retirement communities subject to the requirements of Section 12.404. If a portion of the development contains attached or multi-family dwelling units, with more than 12 units per single building, or if there is more than one principal building on a lot, then the multi-family development is subject to the requirements of Section 9.303(19) for that portion of the development.

Section 6: CHAPTER 9, PART 7, Section 9.703, "Office Districts". Add a new Section 9.703(.5) to read as follows. This use shall be the first on the list, above "Adult care centers".

- (.5) Active adult retirement communities subject to the requirements of Section 12.404. If a portion of the development contains attached or multi-family dwelling units, then the attached/multi-family development is subject to the requirements of Section 9.703(22).

Section 7: CHAPTER 9, PART 8, Section 9.803, "Business Districts". Add a new Section 9.803(.5) to read as follows. This use shall be the first on the list, above "Adult care centers".

(.5) Active adult retirement communities (B-1, B-2 and BP only) subject to the requirements of Section 12.404. If a portion of the development is subject to the requirements of Section 9.303(19) and 9.805.

Section 8: CHAPTER 9, PART 8.5, "Mixed Use Development District". Add a new use to Section 9.8502, in alphabetical order to read as follows. This use shall be the first on the list, above "Amusement, commercial, outdoor".

Active adult retirement communities.

Section 9: CHAPTER 12, Part 4, Section 12.404, "Reserved" is hereby amended as follows:

Section 12.404. ACTIVE ADULT RETIREMENT COMMUNITY

Active adult retirement communities shall be permitted in accordance with the following requirements:

- (1) The minimum size shall be ten (10) acres.
- (2) Up to 10% of the community may be available to households with members under 55 years of age.
- (3) Children under 18 years of age shall not reside on the property for more than 90 days per calendar year.
- (4) Up to 60% of the dwelling units may be single-family detached.

Section 10. That this ordinance shall become effective upon its adoption.

Approved as to form:

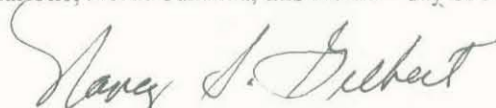


City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21ST day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Ordinance Book 52, Pages 26-27A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of February, 2003.



Nancy S. Gilbert, CMC, Deputy City Clerk