

Petition No. 2004-123
Petitioner: S & R Development Co. LLC

ORDINANCE NO. 2842-Z

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

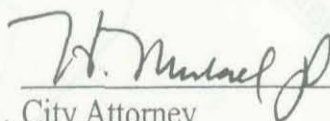
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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-12MF and R-3 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, 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 20th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 289-290.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of February, 2005.


Brenda R. Freeze, CMC, City Clerk

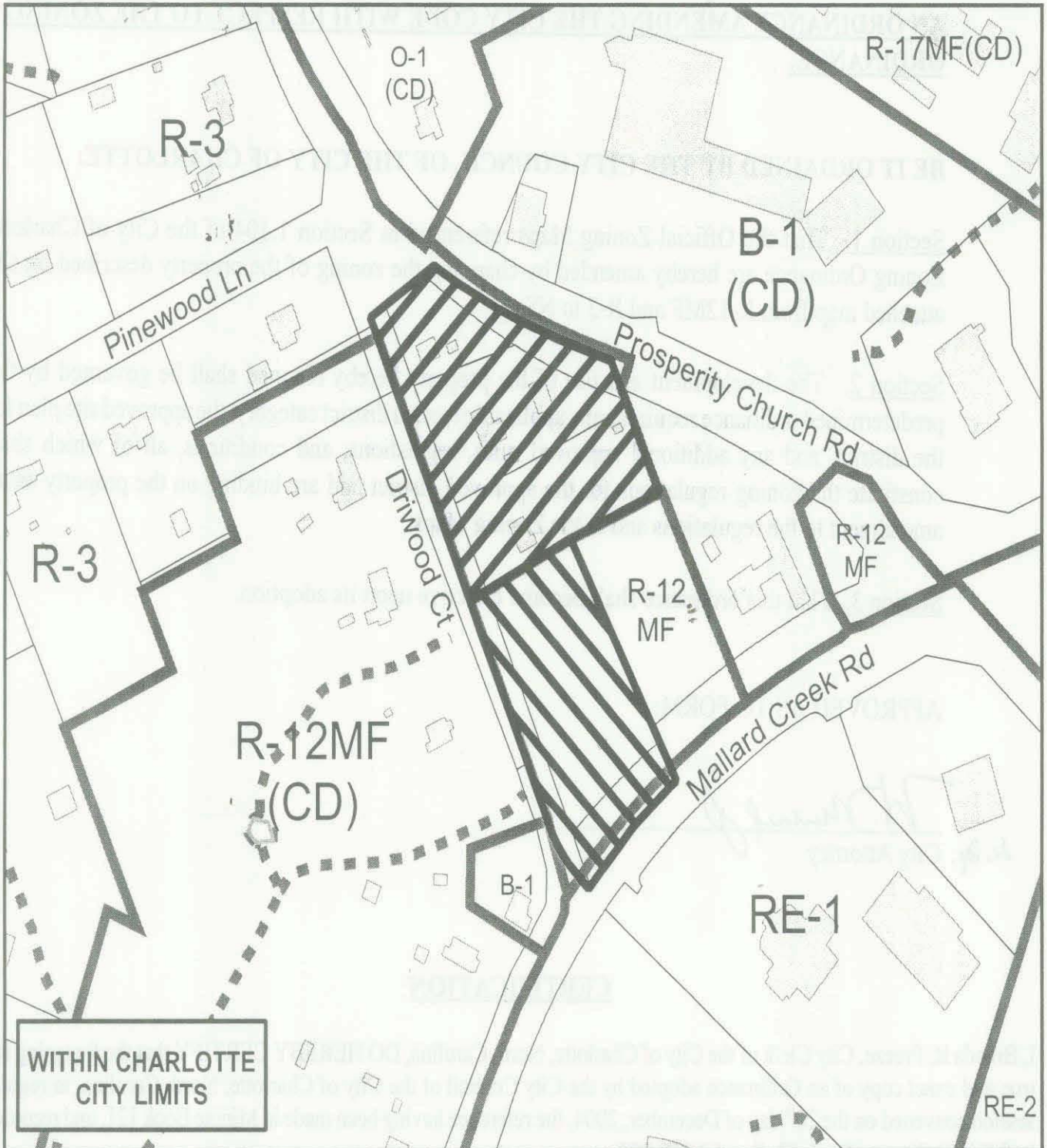
Petition #: **2004-123**

Petitioner: S & R Development Company LLC

Zoning Classification (Existing): R-12MF (Multi-family Residential, Up to 12 dwelling units per acre) and R-3 (Single-family Residential, up to 3 dwelling units per acre)

Zoning Classification (Requested): NS
(Neighborhood Services)

Acreage & Location : Approximately 4 acres located on the northeast intersection of Driwood Ct and Mallard Creek Rd



Zoning Map #(s) **53**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
08-25-2004



	Requested NS from R-12MF		Requested NS from R-3
	Existing Building Footprints		Fema Flood Plain
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams

Petition No. 2004-094
Petitioner: Claude E. Long

ORDINANCE NO. 2843-Z

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

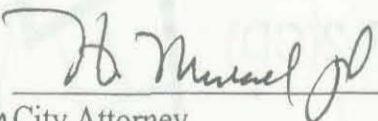
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 MUDD(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:

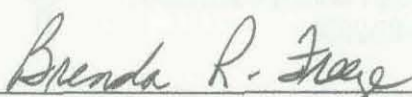


Sr. Asst. City Attorney

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 20th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 291-292.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of May, 2005.



Brenda R. Freeze, CMC, City Clerk

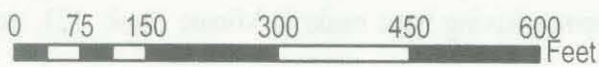
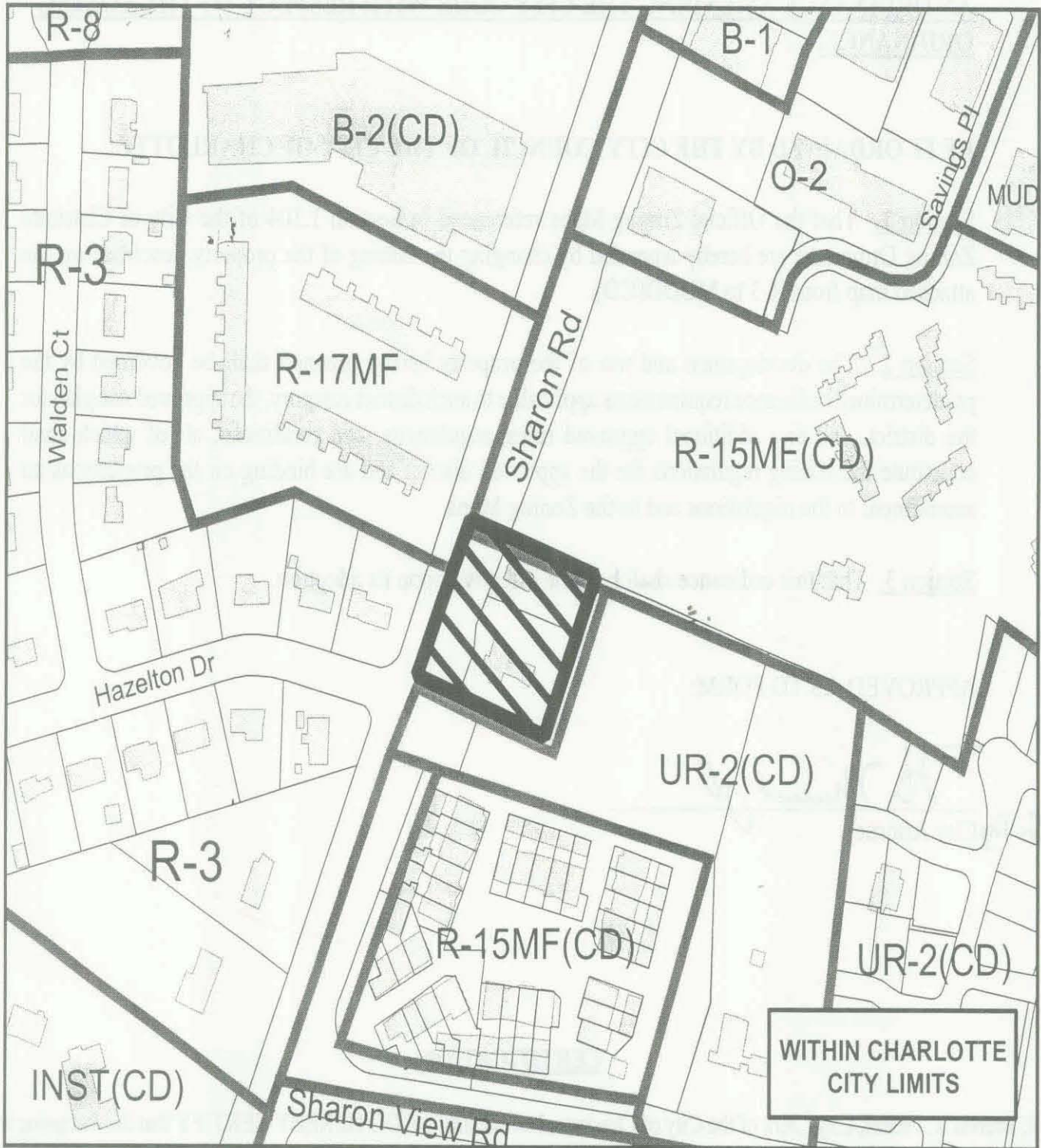
Petition #: **2004-094**

Petitioner: Mr. Claude Long

Zoning Classification (Existing): R-3
(Single-family Residential, up to 3 dwelling units per acre)

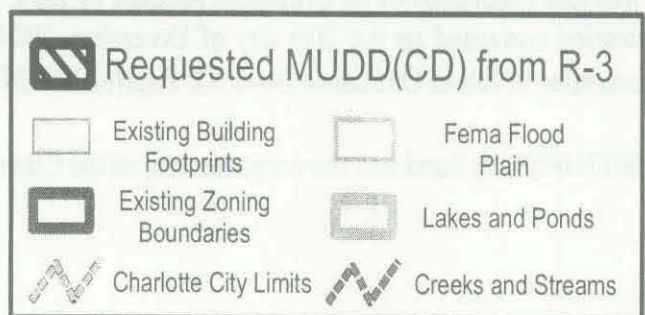
Zoning Classification (Requested): MUDD(CD)
(Mixed-Use Development District, Conditional)

Acres & Location : Approximately .66 acres located east of Sharon Road north of Hazelton Drive



Zoning Map #(s) **135, 147**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
08-02-2004



Petition No. 2004-099
Petitioner: City of Charlotte,
Charlotte Area Transit System

ORDINANCE NO. 2844-Z

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

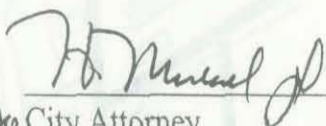
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 I-2 to TOD-M(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:


Sr. Asst. 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 20th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 293-294.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of February, 2005.


Brenda R. Freeze, CMC, City Clerk

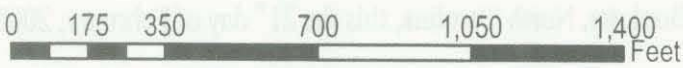
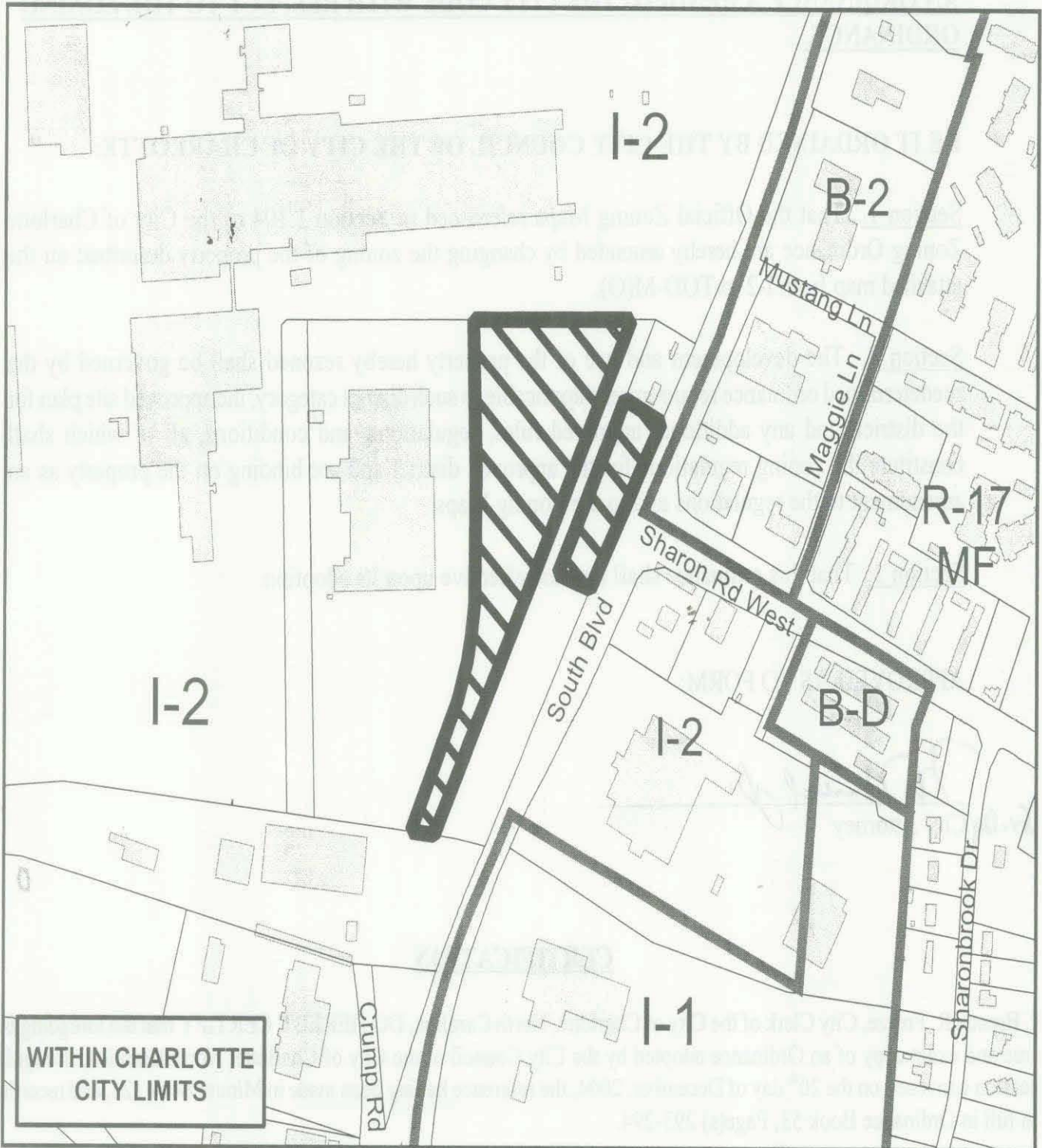
Petition #: **2004-099**

Petitioner: The City of Charlotte, The Charlotte Area Transit System

Zoning Classification (Existing): I-2
(General Industrial)

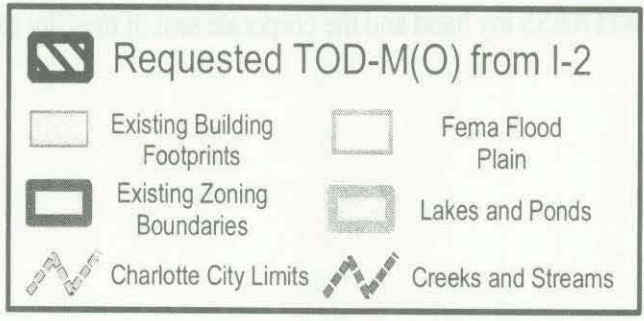
Zoning Classification (Requested): TOD-M(O)
(Transit Oriented Development, Mixed-Use, Optional)

Acreage & Location : Approximately 6.934 acres located west of South Blvd across from Sharon Road West



Zoning Map #(s) **157**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
09-07-2004



Petition No. 2004-100
Petitioner: City of Charlotte,
Charlotte Area Transit System

ORDINANCE NO. 2845-Z

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

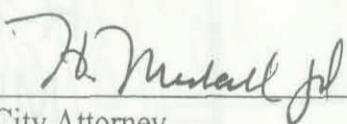
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 I-2 and B-2 to TOD-M(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.

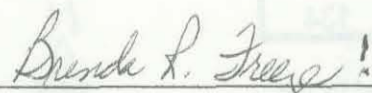
APPROVED AS TO FORM:


H. D. McNeill
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 20th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 295-296.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of February, 2005.


Brenda R. Freeze, CMC, City Clerk

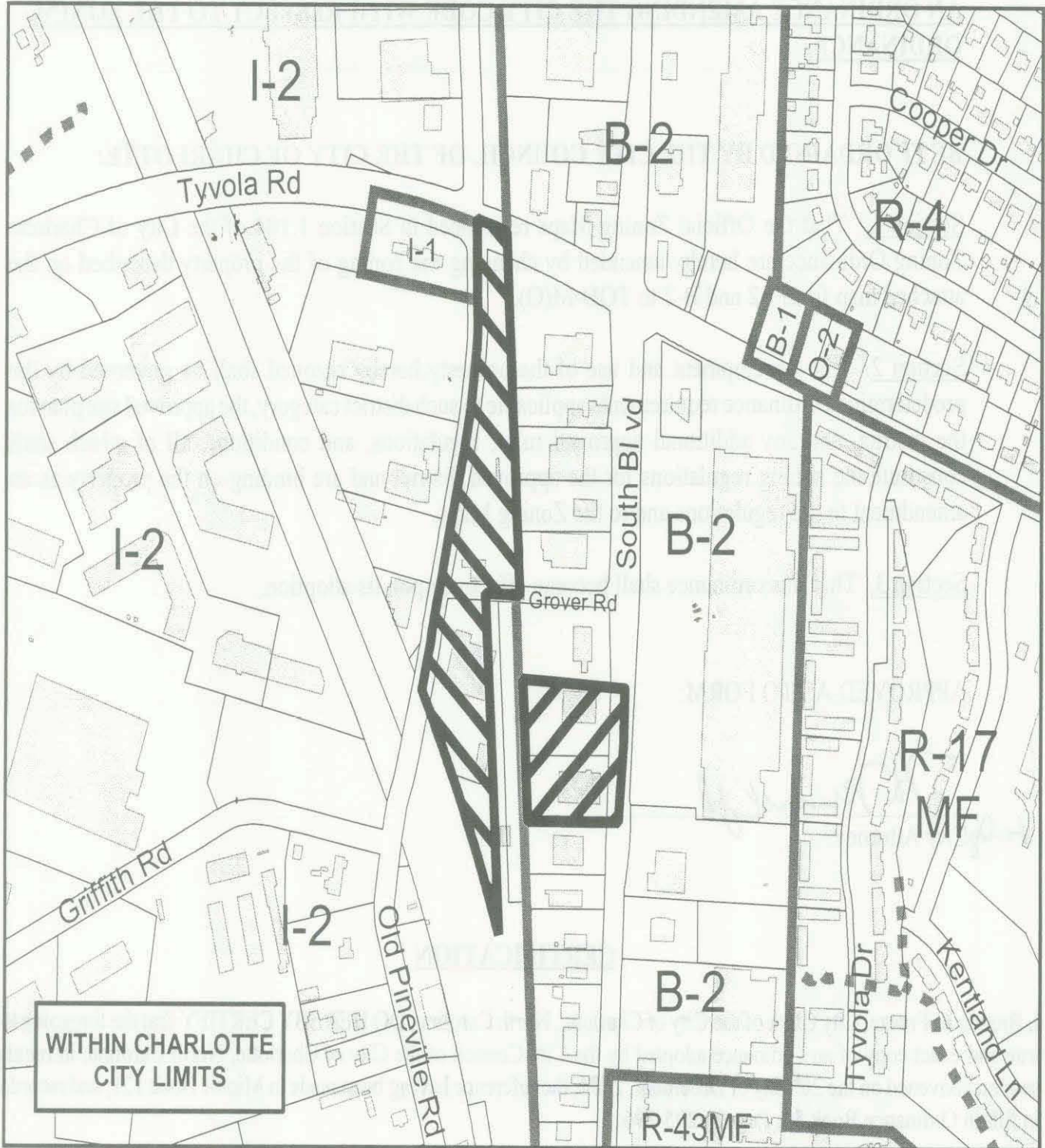
Petition #: **2004-100**

Petitioner: The City of Charlotte, The Charlotte Area Transit System

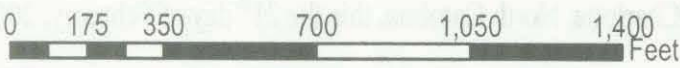
Zoning Classification (Existing): I-2 (General Industrial) and B-2 (General Business)

Zoning Classification (Requested): TOD-M(O)
(Transit Oriented Development, Mixed-Use, Optional)

Acreage & Location : Approximately 9.32 acres located to the east of Old Pineville Road, south of Tyvola Road and west of South Blvd.



WITHIN CHARLOTTE CITY LIMITS



Zoning Map #(s) **134**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
09-13-2004



	Requested TOD-M(O) from I-2		Requested TOD-M(O) from B-2
	Existing Building Footprints		Fema Flood Plain
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams

Petition #: 2004-119
Petitioner: Charlotte-Mecklenburg
Planning Commission

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE
ORDINANCE NO. 2846

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:

A. CHAPTER 9: GENERAL DISTRICTS

1. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8502, "Mixed Use Development District; uses permitted by right" by removing a number of uses, shown below with a bold ~~striketrough~~ over the word, and adding some new uses, shown in **bold** text:

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

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

Active adult retirements communities.

~~Amusement, commercial, outdoor.~~

~~Armories for meetings and training of military organizations.~~

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

Auction sales or auction houses not to exceed 10,000 square feet, excluding any associated outdoor storage and the sales of automobiles, trucks, trailers and construction equipment.

Automotive service stations, including minor adjustments, repairs, and lubrication and accessory car washes.

Barber and beauty shops.

Buildings for dramatic, musical, or cultural activities.

Bus passenger stations.

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

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

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

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

Equipment rental and leasing within an enclosed building.

Group homes for up to 10 residents.

Health institutions, including hospitals, clinics and similar uses.

Hotels and motels.

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

Indoor recreation.

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

Laboratories, dental, medical and optical.

Laboratories within an enclosed building for applied and basic research.

Non-commercial public recreation parks and playgrounds.

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

Structured parking decks as a principal or accessory use.

Outdoor recreation.

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

Parks, greenways and arboretums.

~~Pest control and disinfecting services.~~

Post offices.

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

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

Repair or servicing of any article, the sale of which is permitted in the district, within an enclosed building up to 5,000 square feet.

Restaurants; including open air or sidewalk cafes.

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

Services such as beauty shops and barbershops, ~~exterminators~~, funeral homes, ~~embalming and crematories~~, laundries and dry cleaning establishments up to 4,500 square feet, and locksmiths. ~~and gunsmiths.~~

Showrooms, up to 70,000 square feet

Shopping centers.

Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.

Subdivision sales offices.

Telecommunications and telephone switching.

Telephone booths.

Temporary buildings and storage of materials provided that:

The use is only allowed in conjunction with construction of the same building on; 1) a lot where construction is taking place, 2) an adjacent lot, or 3) an approved lot under common ownership or lease agreement subject to administrative approval by the City of Charlotte, Department of Transportation (CDOT) and Engineering and Property Management staff to determine compliance with the following criteria:

- (a) That the storage site is located a distance of at least 200 feet from any residential land use or property with a residential zoning classification.
- (b) Location of an approved temporary access to the alternative storage site;
- (c) Installation of temporary opaque screening to mitigate impacts to surrounding less intense land uses;
- (d) Fencing and required signage;
- (e) Leasing of necessary right-of-way or easements to facilitate safe movement of materials between the two sites during construction;
- (f) A traffic control and associated operational plan for use of the site during the course of construction;
- (g) Timetable for use of the site and the preparation of an approved site restoration plan to be implemented prior to the issuance of a certificate of occupancy for the principal use;
- (h) Posting of any additional surety to guarantee the repair of any public improvements that may be impacted during the construction process.

Such temporary uses shall be terminated upon the completion of construction.

Theaters, motion pictures.

Transit stations (bus or rail) and associated parking facilities, including "Park and Ride" and "Kiss and Ride" facilities.

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

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

- b. Amend Section 9.8503, "Mixed Use Development District; uses permitted under prescribed conditions by removing a number of uses from this zoning district, shown below with a bold **strikethrough** over the use, and adding new uses, shown in **bold** text.

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

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

Adult establishments, subject to the regulations of Section 12.518.

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

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

Building materials sales, retail, provided that:

- (a) **All portions of the business including the storage of all materials must be housed within a completely enclosed building; and**
- (b) **Only retail sales of building materials will be permitted. For the purpose of this section this means the sales to the ultimate consumer with sales to a contractor or other intermediate user being prohibited.**

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

- (a) ~~Not outside storage shall be located within the required setback or within any required side yard.~~
- (b) ~~Any outside storage shall be screened from abutting properties and from public view along a public street in accordance with the standards of Section 12.303.~~
- (c) ~~Within any outside storage area material shall be stacked no higher than the height of the screening.~~

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

Car washes, provided that:

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

~~Cemeteries, subject to the requirements of Section 12.508.~~

Commercial Rooming Houses, subject to the regulations of Section 12.531

Childcare centers, subject to the regulations of Section 12.502

Childcare centers in a residence, subject to the regulations of Section 12.502

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

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

Family childcare homes, subject to the regulations of Section 12.502.

Large childcare centers, subject to the regulations of Section 12.502.

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

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

- c. Amend Section 9.8506(6), "Canopies and Other Building Entrances" by replacing the existing text with new text that provides consistency in requirements for canopies across other zoning districts. The new language also amends how far a canopy may extend from the building by changing the language from "any such facility may extend from the building up to one half of the width of the sidewalk area....." to "any facility may extend from the building up to one half of the width of the setback area...". The existing text reads as follows:

- (6) Canopies and Other Building Entrances. In addition to being permitted in urban open space areas, canopies, awning and similar appurtenances are permitted at the entrances to buildings. Such a feature may be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such facility may extend from the building up to one half of the width of the sidewalk area in front of the building or nine feet, whichever is less. If this extension would reach into the public right-of-way, an encroachment agreement from the City or State is required. In no case may any such facility extend beyond the curb line of any public street, nor should it interfere with the growth or maintenance of street trees. A minimum overhead clearance of 8 feet from the sidewalk must be maintained.

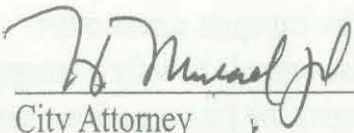
The amended text would read as follows:

- (6) **Canopies and Other Building Entrances.** Canopies, awnings, and similar architectural accents are encouraged at entrances to buildings and in open space areas. Such features may be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such facility may extend from the building up to one half of the width of the setback area in front of the building, or nine (9) feet, whichever is less, and may not be closer than two (2) feet to the back of the curb. Ground supports for these features are not permitted in the minimum setback,

sidewalk or in the public right-of-way. In no instance shall such features extend over or interfere with the growth or maintenance of any required tree plantings. Minimum overhead clearance shall be eight (8) feet. If a canopy, awning, cornice, or other appurtenance extends into the public right-of-way, an encroachment agreement from CDOT or the State shall be required.

Section 2. 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 20th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 297-302C.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of February, 2005.


Brenda R. Freeze, CMC, City Clerk

Petition No. 2004-122
Petitioner: KB Homes

ORDINANCE NO. 2847-Z

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

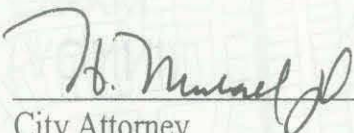
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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.

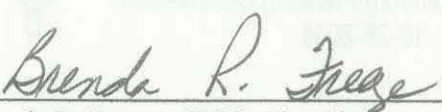
APPROVED AS TO FORM:


Sr. 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 20th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 303-304.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of May, 2005.


Brenda R. Freeze, CMC, City Clerk

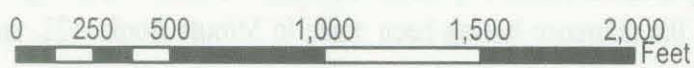
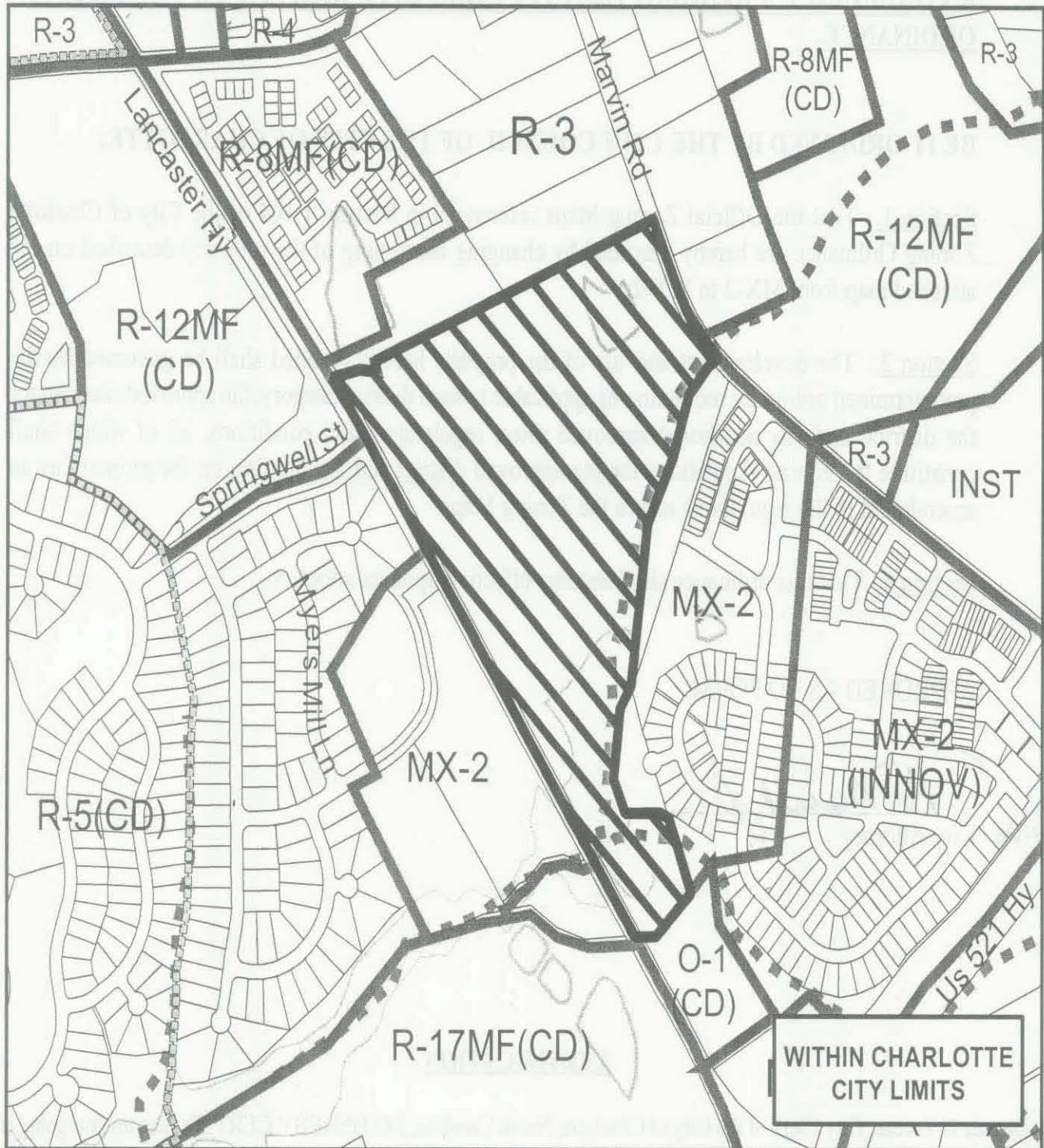
Petition #: **2004-122**

Petitioner: KB Homes

Zoning Classification (Existing): MX-2
(Mixed-Use Residential / Retail, Conditional)

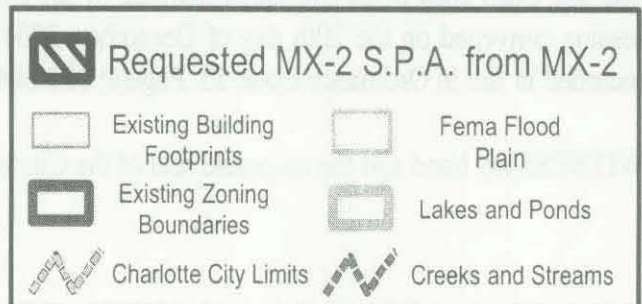
Zoning Classification (Requested): MX-2 S.P.A.
(Mixed-Use Residential / Retail, Conditional, Site Plan Amendment)

Acreage & Location : Approximately 39.8 acres located east of Lancaster Highway,
west of Marvin Road



Zoning Map #(s) **182,183,185**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
10-26-2004



APPROVED BY CITY COUNCIL

Petition No. 2004-124
Petitioner: Patrick Sutherland

DATE 2/26/04

ORDINANCE NO. 2848-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-5 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:

Dr. Og.
W. Mansel Jr.
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 20th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 305-306.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of May, 2006.

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

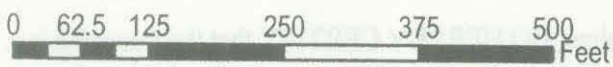
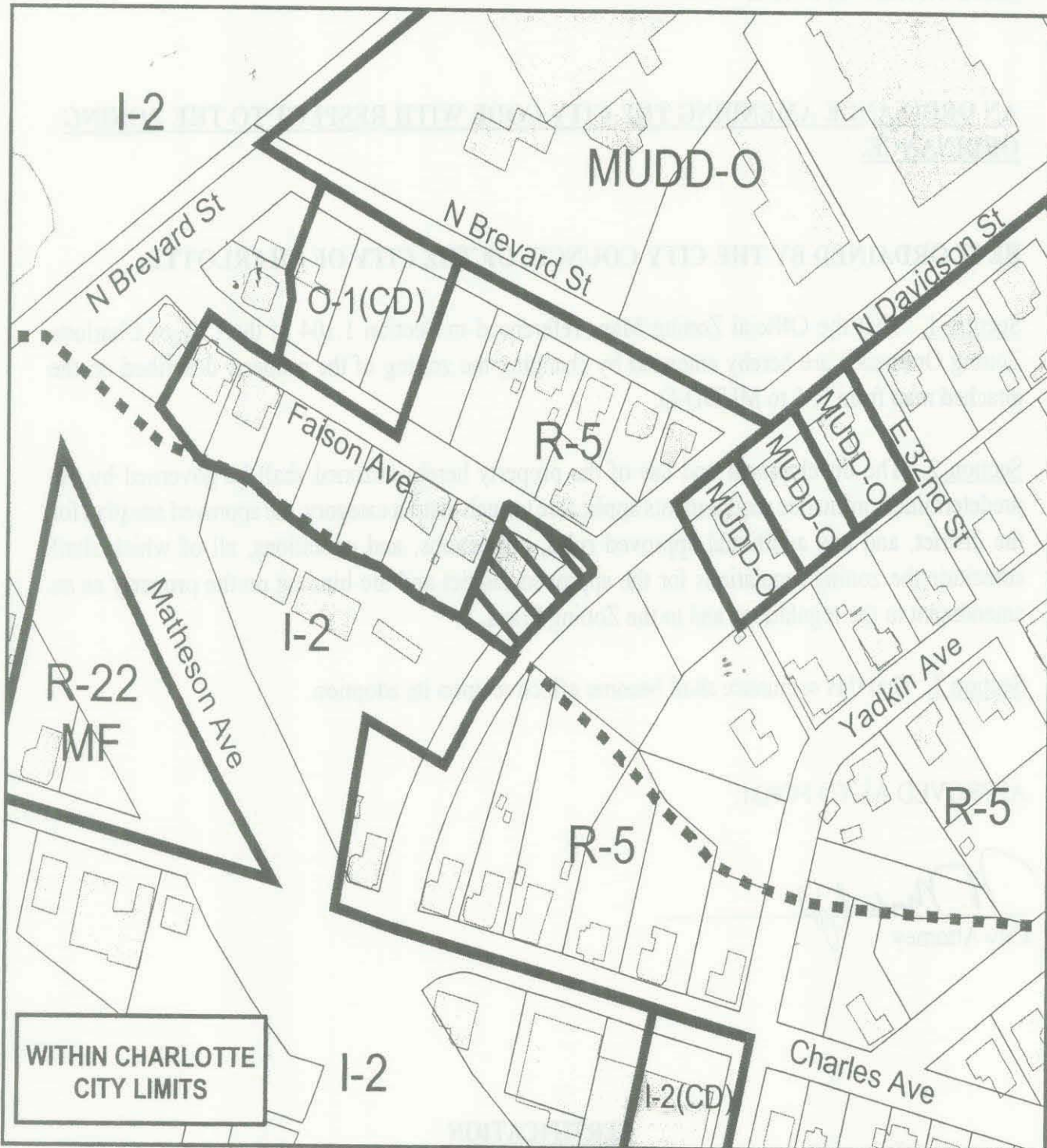
Petition #: **2004-124**

Petitioner: Patrick Sutherland

Zoning Classification (Existing): R-5
(Single-family Residential, up to 5 dwelling units per acre)

Zoning Classification (Requested): MUDD-O
(Mixed-Use Development District, Optional, Conditional)

Acreeage & Location : Approximately .26 acres located on the southwest corner of North Davidson Street and Faison Avenue



Zoning Map #(s) **89**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
08-25-2004



	Requested MUDD-O from R-5		Fema Flood Plain
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

Petition No. 2004-127

Petitioner: Marc H. Silverman & Lorin Silverman Stiefel

ORDINANCE NO. 2849-Z

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

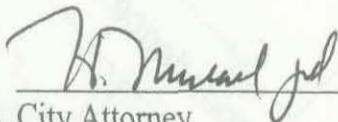
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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-2 to MUDD(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, 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 20th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 307-308.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of February, 2005.


Brenda R. Freeze, CMC, City Clerk

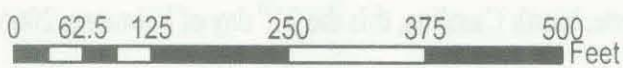
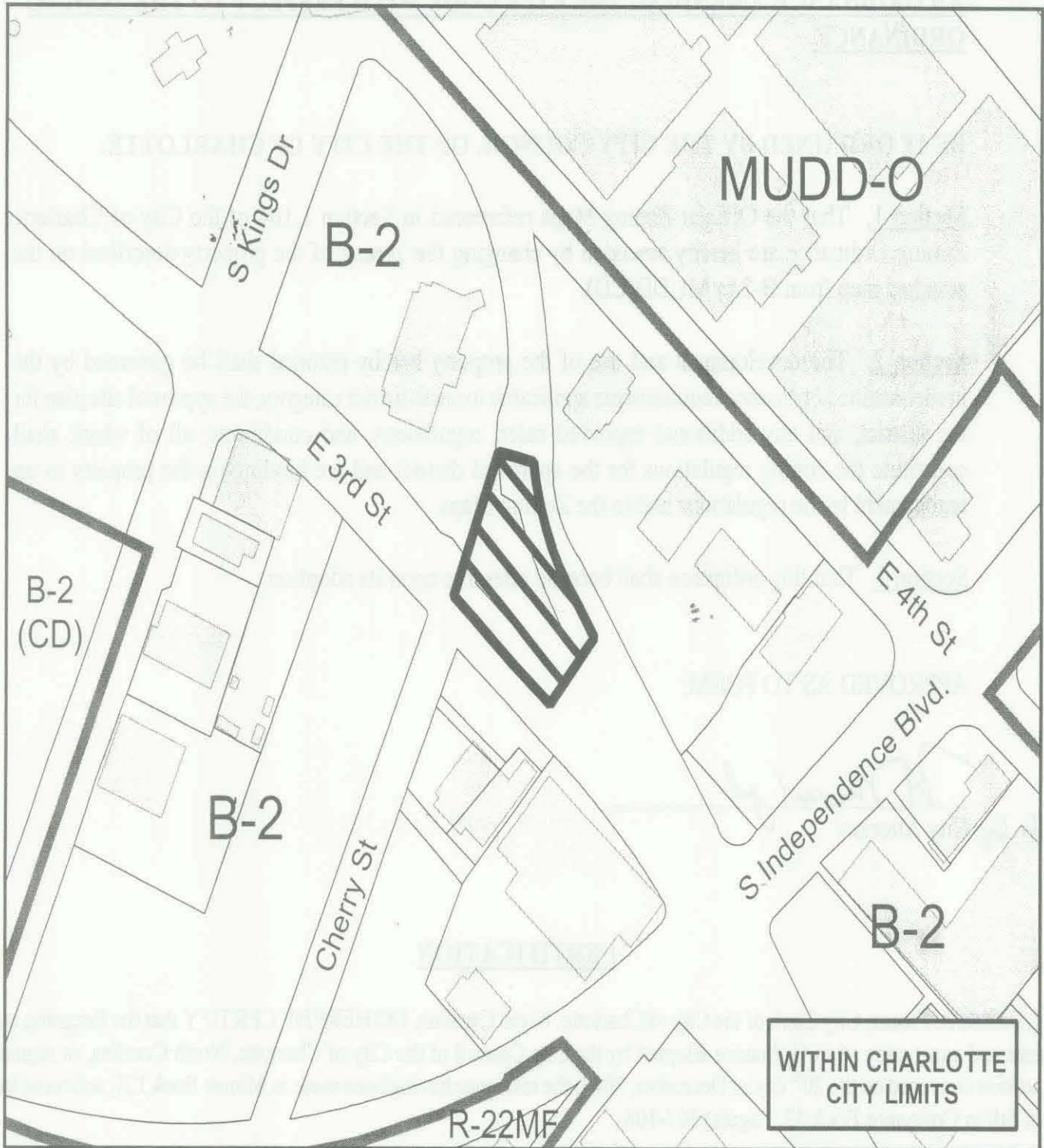
Petition #: **2004-127**

Petitioner: Marc H. Silverman & Lorin Silverman Stiefel

Zoning Classification (Existing): B-2
(General Business)

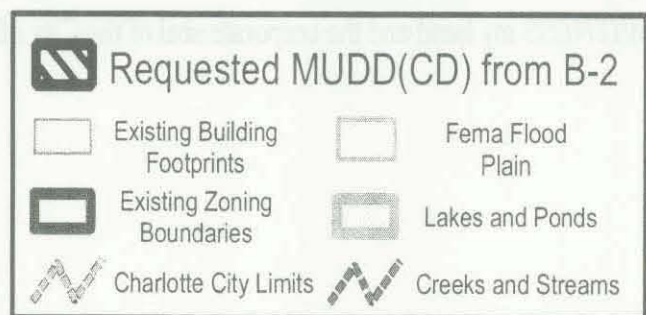
Zoning Classification (Requested): MUDD(CD)
(Mixed-Use Development District, Conditional)

Acreage & Location : Approximately .24 acres located on the northwest corner of the intersection of East 3rd Street and the 3rd/4th Street Connector



Zoning Map #(s) **102**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
08-25-2004



Petition No. 2004-131

Petitioner: Land Use and Environmental Services Agency

ORDINANCE NO. 2850

**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:

A. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 4: ACCESSORY USES AND STRUCTURES

- a. Amend Section 12.403 by replacing the word "dumpster" with the word "solid waste container", which is the current term. In addition, amend subsection (4) to require equal space for recycling and solid waste containers.

The current section reads as follows:

Section 12.403. Dumpsters, compactors, recycling containers, trash handling areas, and service entrances.

The following requirements shall apply to all dumpsters, recycling containers, solid waste handling areas and service entrances accessory to any multi-family or nonresidential use and shall be shown on submitted plans:

- (1) Except as provided in subsection (2) below, any such accessory use or structure shall be screened on three sides by a fence, wall or planting materials from the public view from public streets and any abutting properties located in a residential, research, office, or business zoning district in accordance with Section 12.303.
- (2) Screening in accordance with Section 12.303 shall not be required where any buffer, as set out in Section 12.302, separates such accessory uses and structures from the public street or abutting property.

(3) All Uses

When a recycling container is placed on a property permitted before October 17, 2001, the minimum number of parking spaces required by these regulations may be reduced by up to three (3) spaces for each recycling container, if necessary, to provide space for the location and servicing of the recycling container. This provision is included in these regulations to allow existing uses or uses for which building permits have been obtained prior to the date set forth above to place recycling containers on the property without the location of such recycling containers creating a violation of these regulations.](*Petition 2002-13, § 12.403(3), 4/15/02*)

Residential uses only

When a dumpster or compactor is placed on a property permitted before October 17, 2001, the minimum number of parking spaces required by these regulations may be reduced by up to three (3) spaces for each compactor and two (2) spaces for each dumpster if necessary, to provide space for the location and servicing of the compactor and dumpster. [This provision is included in these regulations to allow existing uses or uses for which building permits have been obtained prior to the date set forth above to place compactors, and/or dumpsters on the property without the location of such compactors and/or dumpsters creating a violation of these regulations.] (*Petition 2002-31, § 12.403(3), 4/15/02*)

- (4) All non-residential uses that are permitted after October 17, 2001, shall be required to set aside space for recycling containers and for dumpsters used for the collection of solid waste. Equal space shall be allocated for both recycling and solid waste containers. Space for each of these containers must be indicated on the submitted plans even if containers are not proposed as the primary method of solid waste collection.
(*Petition 2002-31, § 12.403(4), 4/15/02*)

All multi-family complexes, which are permitted after October 17, 2001, shall be required to set aside space for recycling containers and dumpsters used for the collection of solid waste as follows:

Space for Solid Waste Containers - At a minimum, space for an 8- cu.yd. container per each 30 units or

8-cu.yd. compactor per each 90 units. If there are less than 30 units, no space allocation is required unless dumpster service is the primary method of collection

Space for Recycling Containers shall be allocated as follows:

Required space allocation for recycling containers in multi-family units.		
Number of Units	Allocate space for:	Approximate Sq. footage required
0-29	No space required	No space required
30-80	One recycling station	144 sq. ft.
81-160	Two recycling stations	2 x 144 sq. ft. (288 sq. ft. total)
161-240	Three recycling stations	3 x 144 sq. ft. (432 sq. ft. total)
241-320	Four recycling stations	4 x 144 sq. ft. (576 sq. ft. total)
321-400	Five recycling stations	5 x 144 sq. ft. (720 sq. ft. total)
401-480	Six recycling stations	6 x 144 sq. ft. (864 sq. ft. total)
For each subsequent group of 80 units, space for one recycling station must be added.		
Each recycling station represents space for five 96-gallon carts and is approximately 144 sq. ft. Space for recycling stations may be distributed throughout the complex, however, space for each individual station must equal 144 sq. ft. with a minimum width of 34 inches and accommodate five 96-gallon carts.		

All locations for recycling containers, solid waste handling areas, and/or compactors and their serviced entrances as required under Section 12.403 shall be shown on site plans for their review and approval.
 (Petition 2002-31, § 12.403, 4/15/02)

Exceptions to section 12.403, item (4). A permit shall not be denied if (a) the project for which the permit is sought is for the renovation or redevelopment of an existing building or facility and (b) the existing building or facility does not have sufficient exterior property available for a recycling container/s. The minimum number of parking spaces required by these regulations may be reduced by up to three (3) spaces, if necessary, to provide space for the location and servicing of recycling container/s.
 (Petition No. 2001-113, § 12.403, 10-17-01)

The revised Section 12.403 shall read in its entirety as follows:

Section 12.403. Solid waste containers, compactors, recycling containers, solid waste and recycling handling areas, and service entrances.

The following requirements shall apply to all **solid waste containers (including dumpsters), compactors, recycling containers, solid waste and recycling handling areas and service entrances** accessory to any multi-family or nonresidential use and shall be shown on submitted plans:

- (1) Except as provided in subsection (2) below, any such accessory use or structure shall be screened on three sides by a fence, wall or planting materials from the public view from public streets and any abutting properties located in a residential, research, office, or business zoning district in accordance with Section 12.303.
- (2) Screening in accordance with Section 12.303 shall not be required where any buffer, as set out in Section 12.302, separates such accessory uses and structures from the public street or abutting property.
- (3) All Uses
When a recycling container is placed on a property permitted before October 17, 2001, the minimum number of parking spaces required by these regulations may be reduced by up to three (3) spaces for each recycling container, if necessary, to provide space for the location and servicing of the recycling container. This provision is included in these regulations to allow existing uses or uses for which building permits have been obtained prior to the date set forth above to place recycling containers on the property without the location of such recycling containers creating a violation of these regulations.](Petition 2002-13, § 12.403(3), 4/15/02)

Residential uses only

When a **solid waste container** or compactor is placed on a property permitted before October 17,

2001, the minimum number of parking spaces required by these regulations may be reduced by up to three (3) spaces for each compactor and two (2) spaces for each **solid waste container** if necessary, to provide space for the location and servicing of the compactor and **solid waste containers**. [This provision is included in these regulations to allow existing uses or uses for which building permits have been obtained prior to the date set forth above to place compactors, and/or **solid waste containers** on the property without the location of such compactors and/or **solid waste containers** creating a violation of these regulations.] (*Petition 2002-31, § 12.403(3), 4/15/02*)

(4) All non-residential uses that are permitted after October 17, 2001, shall be required to set aside space for **recycling and solid waste containers**. Equal space shall be allocated for both recycling and solid waste containers. Space for each of these containers **shall** be indicated on the submitted plans even if containers are not proposed as the primary method of solid waste **or recycling** collection. (*Petition 2002-31, § 12.403(4), 4/15/02*)

All multi-family complexes, which are permitted after October 17, 2001, shall be required to set aside space for recycling containers and **solid waste containers** used for the collection of solid waste as follows:

Space for Solid Waste Containers - At a minimum, space for an 8- cu.yd. container per each 30 units or 8-cu.yd. compactor per each 90 units. If there are less than 30 units, no space allocation is required unless **solid waste container** service is the primary method of collection

Space for Recycling Containers shall be allocated as follows:

Required space allocation for recycling containers in multi-family units.		
Number of Units	Allocate space for:	Approximate Sq. footage required
0-29	No space required	No space required
30-80	One recycling station	144 sq. ft.
81-160	Two recycling stations	2 x 144 sq. ft. (288 sq. ft. total)
161-240	Three recycling stations	3 x 144 sq. ft. (432 sq. ft. total)
241-320	Four recycling stations	4 x 144 sq. ft. (576 sq. ft. total)
321-400	Five recycling stations	5 x 144 sq. ft. (720 sq. ft. total)
401-480	Six recycling stations	6 x 144 sq. ft. (864 sq. ft. total)
For each subsequent group of 80 units, space for one recycling station must be added.		
Each recycling station represents space for five 96-gallon carts and is approximately 144 sq. ft. Space for recycling stations may be distributed throughout the complex, however, space for each individual station must equal 144 sq. ft. with a minimum width of 34 inches and accommodate five 96-gallon carts.		

All locations for recycling containers, solid waste and recycling handling areas, solid waste containers and/or compactors and their service entrances as required under Section 12.403 shall be shown on site plans for their review and approval. *(Petition 2002-31, § 12.403, 4/15/02)*

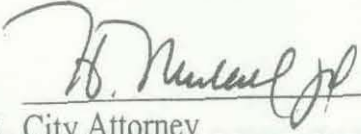
Exceptions to section 12.403, item (4).

A permit shall not be denied if (a) the project for which the permit is sought is for the renovation or redevelopment of an existing building or facility and (b) the existing building or facility does not have sufficient exterior property available for a recycling container(s). The minimum number of parking spaces required by these regulations may be reduced by up to three (3) spaces, if necessary, to provide space for the location and servicing of recycling containers.

(Petition No. 2001-113, § 12.403, 10-17-01)

Section 2. 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 20th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 309-315.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of February, 2005.


Brenda R. Freeze, CMC, City Clerk

Petition No. 2004-132
Petitioner: South 49 Partners, LLC

ORDINANCE NO. 2851-Z

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

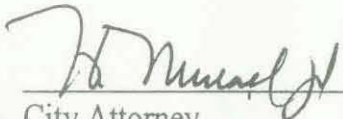
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 CC to CC.

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 20th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 316-317.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of February, 2005.


Brenda R. Freeze, CMC, City Clerk

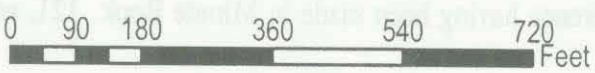
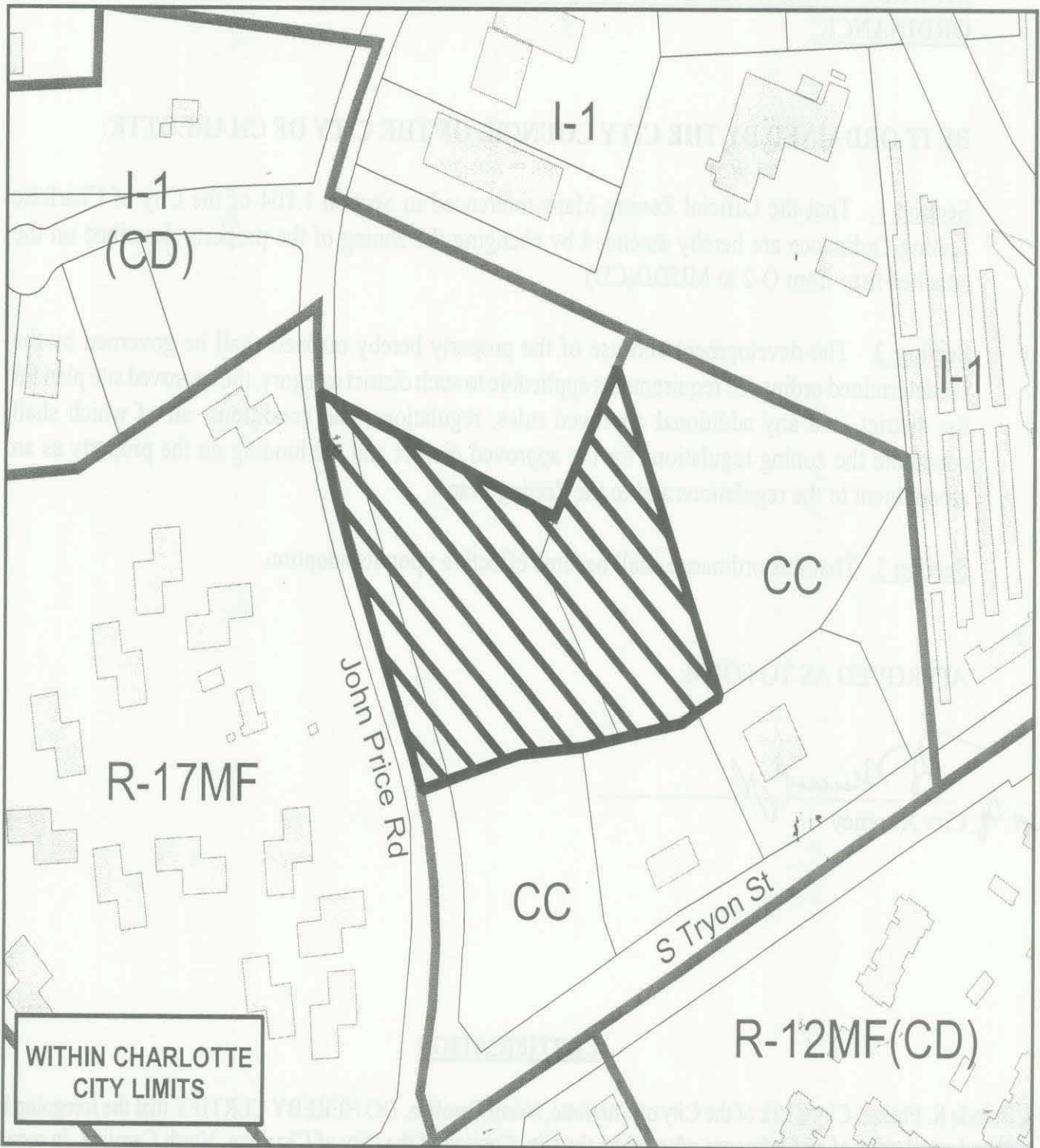
Petition #: **2004-132**

Petitioner: South 49 Partners LLC

Zoning Classification (Existing): CC
(Commercial Center, Conditional)

Zoning Classification (Requested): CC S.P.A.
(Commercial Center, Conditional, Site Plan Amendment)

Acreeage & Location : Approximately 5.06 acres located on the east side of John Price Road, north of South Tryon Road



Zoning Map #(s) **155**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
08-25-2004



	Requested CC S.P.A. from CC		Fema Flood Plain
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

Petition No. 2004-133
Petitioner: NSP Queens Road, LLC

ORDINANCE NO. 2852-Z

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

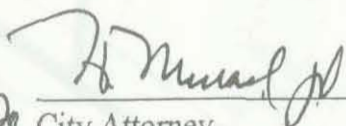
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 O-2 to MUDD(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.

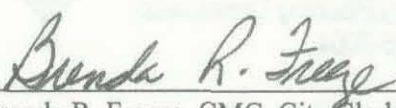
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, 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 20th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 318-319.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of May, 2005.


Brenda R. Freeze, CMC, City Clerk

Petition #: **2004-133**

Petitioner: NSP Queens Road LLC

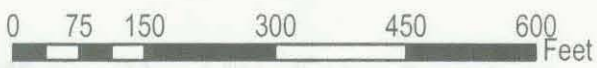
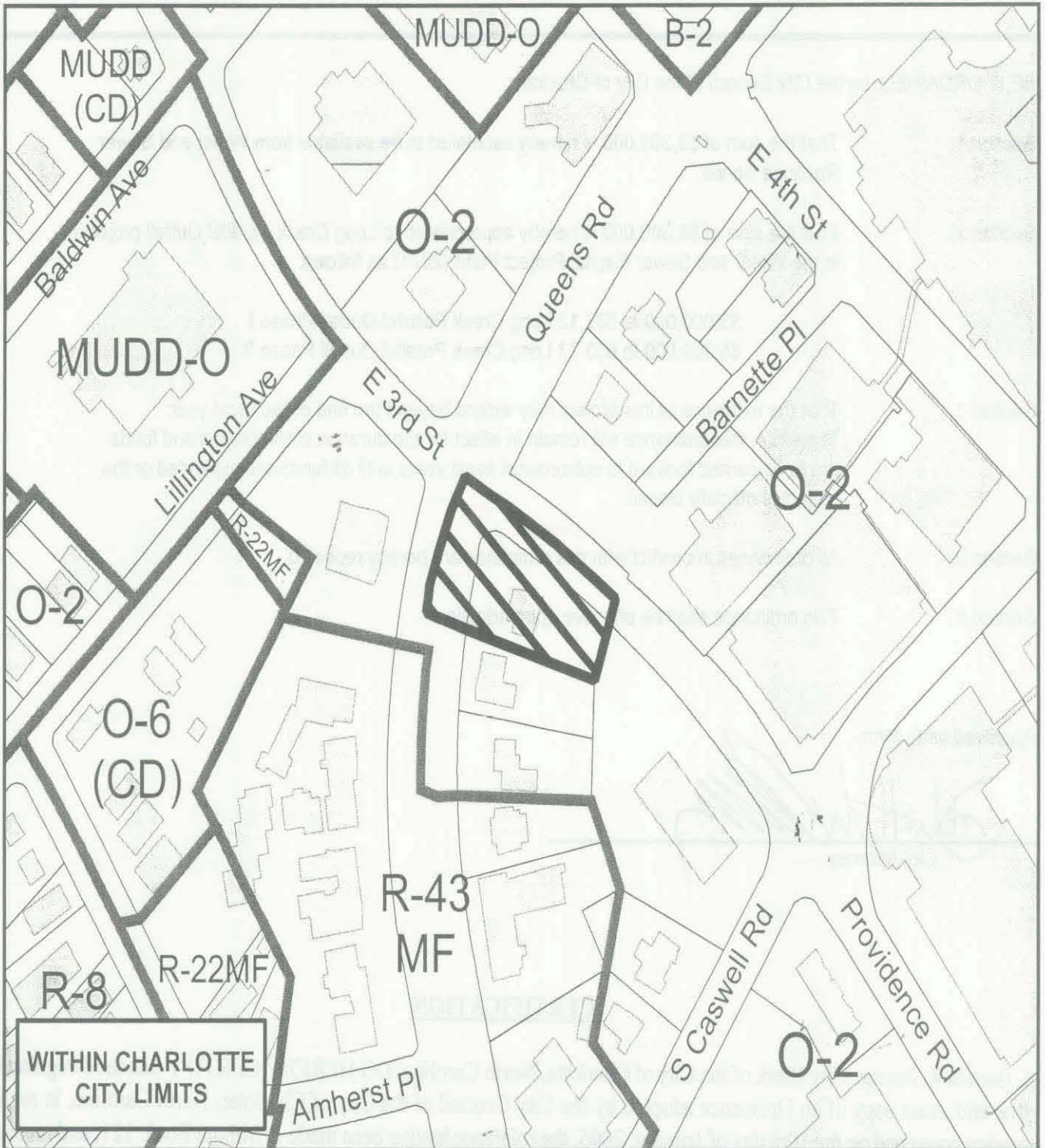
Zoning Classification (Existing): O-2

(Office)

Zoning Classification (Requested): MUDD(CD)

(Mixed-Use Development District, Conditional)

Acreeage & Location : Approximately .45 acres located on the southeast corner of East 3rd Street and Queens Road



Zoning Map #(s) **111**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
11-03-2004

