Petition No: 2002-033

Petitioner: Charlotte-Mecklenburg Police Department

ORDINANCE NO. 2599

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:

CHAPTER 9: GENERAL DISTRICTS, PART 9: UPTOWN MIXED USE DISTRICT, Section 9.906. Uptown Mixed Use District; urban design and development standards, (2) Streetscape design standards, (c) Screening,

1. Delete the Section 9.906(2)(c) Screening, in its entirety that reads thusly:

Section 9.906(2)(c) Screening. All structures and facilities for trash, storage, loading, and outdoor equipment must be screened so as not to be visible from the street and pedestrian circulation areas. Grade level parking lots must be screened from the street and pedestrian areas either by shrubs and/or evergreen trees planted at the most appropriate spacing for the species used or by solid walls or fences not exceeding 4 feet in height.

Trees used to fulfill this requirement must be located on private property in planters, a planting strip, berm, or tree lawn, any of which must be at least 8 feet wide and at least 2 feet deep. The trees must be of a small maturing evergreen variety and be at least 10 feet tall at the time of planting. Plant material used to fulfill this requirement must be provided with an automatic irrigation system, which does not rely on drainage from the street, sidewalk, or buildings. All plant material must conform to the "American Standard for Nursery Stock" published by the American Association of Nurserymen. The developer must provide written certification that the plant material meets this standard. Trees employed to meet the screening requirement may not be counted toward the street tree planting or urban open space tree requirements.

Any lot, which becomes vacant through the removal of a structure for any reason must be screened from all abutting public street rights-of-way in accordance with the provisions of this section or cleared of rubbish and debris and seeded with grass.

However, if the lot is to be used for parking either as a transitional or permanent use, it must meet all the minimum requirements for that use as established by this ordinance.

The type of trees used must be consistent with any approved streetscape plan for the area or the City's public street tree planting and landscaping program, whichever takes precedence. All shrubs must be between 24 inches and 36 inches tall at time of planting. Maintenance of screening required under these provisions must conform to the requirements of Section 12.305.

2. The revised Section 9.906(c) Screening, will read in its entirety as follows:

Section 9.906(2)(c) <u>Screening</u>. All structures and facilities for trash, storage, loading, and outdoor equipment must be screened so as not to be visible from the street and pedestrian circulation areas. Solid walls shall be faced with brick or other decorative finish with the decorative side adjacent to the public right-of way. Fences shall be opaque and either painted or stained with the decorative side to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable.

Grade level parking lots, as principal uses, must be screened on all sides by a fence not less than 5 feet or no higher than 6 feet in height. The fence must be constructed of wrought iron, tubular aluminum, PVC plastic, or other approved fencing material. The fence must be constructed to allow for 75% surveillance from passing vehicles and/or pedestrian traffic. Spaces between, bars, or slats shall be no greater than 6 inches apart. In no instance will a chain link or barbed wire fence be acceptable. Fencing will not be required on the non-street side of a parking lot if the abutting parcel also has a fence or other barrier that prohibits entry onto the lot. In no instance will shrubbery be used to substitute for fencing. Shrubbery is required in addition to fencing. All shrubs must be no higher than 24 inches at the time of planting and be maintained at that level. Such planting shall consist of an area with a minimum width of 3 feet and a maximum spacing of 5 feet between shrubs.

Grade level parking lots, as accessory uses, must be screened from the street and pedestrian areas either by the above screening requirement for grade level parking lots as principal uses, or evergreen shrubs or by solid walls or fences. The evergreen shrubs shall not exceed 3 feet in height, but be a minimum of 2 feet in height at time of planting and have a maximum spacing of 5 feet between plants. Such shrubbery shall be planted in an area with a minimum width of 5 feet. The solid walls or fences shall not exceed 3 feet in height. Solid walls shall be faced with brick or other decorative finish with the decorative side adjacent to the public right-of-way. Fences shall be opaque and either painted or stained with the decorative side adjacent to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable.

Any lot, which becomes vacant through the removal of a structure for any reason, must be screened from all abutting public street rights-of-way in accordance with the provisions of this section or cleared of rubbish and debris and seeded with grass.

The above regulations of this subsection (c) <u>Screening</u>, will be applicable to existing surface parking lots, as principal uses, as follows:

- (1) A conforming lot with fence and no shrubs:
- (a) Must conform within 3 years of the effective date of this amendment or when fence requires major maintenance or replacement.
 - (b) No shrubbery required.
 - (2) A conforming lot with shrubbery meeting ordinance spacing standards:
 - (a) Must have fence as required under this section within 3 years of the effective date of this amendment.
 - (b) Shrubbery must be trimmed to 24 inches high within 6 months of the effective date of this amendment.
 - (3) A nonconforming lot, but in existence prior to the effective date of the Uptown Mixed Use District (UMUD) (effective date November 11, 1983):
 - (a) Fencing required within 3 years of the effective date of this amendment and located at current parking lot edge, but not in existing public street right-of-way.
 - (b) No shrubbery required.
 - (4) A lot in violation must comply with the requirements of this section within 6 months of the effective date of this amendment. If compliance is not achieved within that time frame, the lot will be considered an illegal use and must be terminated.

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

Approved as to form:

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 17th day of May, 2004, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 810A – 810D

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of August, 2004.

Petition No. 2003-016
Petitioner: Leonard Stern

ORDINANCE NO. 2600-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-4 to UR-2(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:

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 17th day of May, 2004, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) | 810E-810F

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of August, 2004.

May 17, 2004

Ordinance Book 52, Page 810F

Petition #:

2003-16

Petitioner: Mr. Leonard Stern

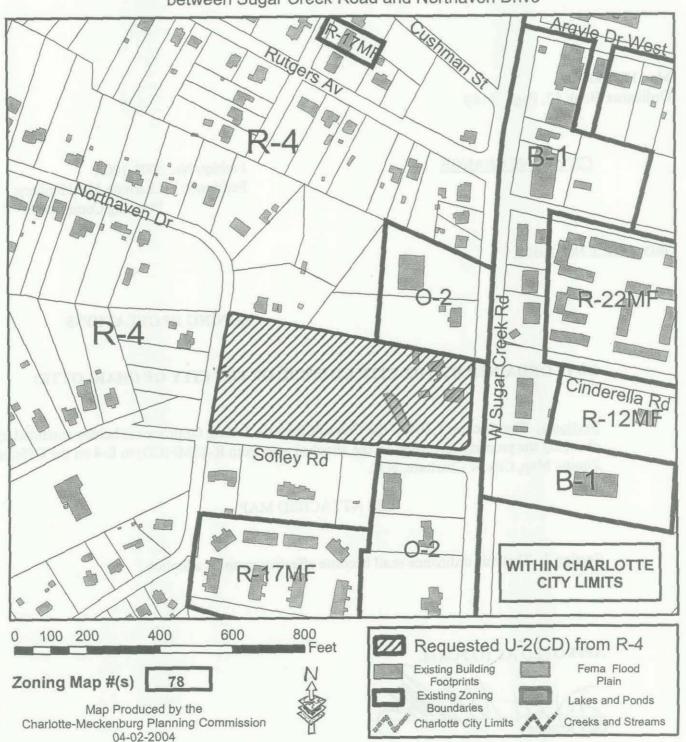
Zoning Classification (Existing): R-4

(Single-family Residential, up to 4 dwelling units per acre)

Zoning Classification (Requested): UR-2(CD)

(Urban Residential, Conditional)

Acreage & Location : Approximately 5.68 acres located on the north side of Sofley Road between Sugar Creek Road and Northaven Drive



CITY ZONE CHANGE

Petition No. 2003-100A

Petitioner: Charlotte-Mecklenburg

Planning Commission

ORDINANCE NO. 2601-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 on the attached map from R-12MF(CD) 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.

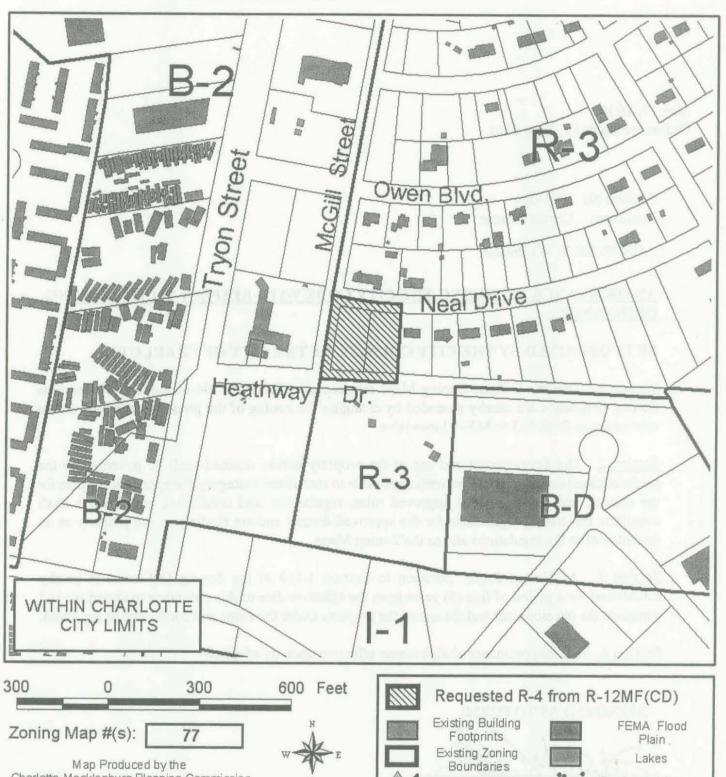
APPROVED AS TO FORM

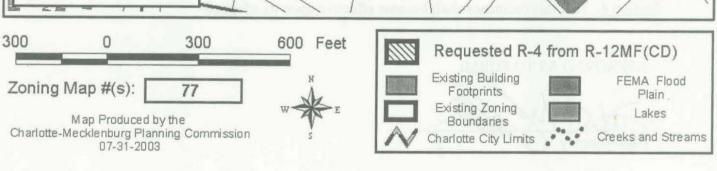
CERTIFICATION

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 17th day of May, 2004, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 810G-810H.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of August, 2004.

May 17, 2004 Ordinance Book 52, Page 810H Petition #: 2003-100A Petitioner: The Charlotte-Mecklenburg Planning Commission Zoning Classification (Existing): R-12MF(CD) (Multi-family Residential, up to 12 dwelling units per acre, Conditional) Zoning Classification (Requested): R-4 (Single-family Residential, up to 4 dwelling units per acre) Acreage & Location: Approximately 1.4 acres located between Neal Drive and Heathway Drive, on the east side of McGill Street





Petition No. 2004-014
Petitioner: Centex Homes

ORDINANCE NO. 2602-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 MX-1 Innovative.

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. A "Vested Right" pursuant to Section 1.110 of the Zoning Ordinance is hereby established for a period of five (5) years from the effective date of this ordinance to undertake and complete the development and the use of the property under the terms and conditions as approved.

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

APPROVED AS TO FORM

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 17th day of May, 2004, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 8101–811.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of August, 2004.

Petition #: 2004-014

Petitioner: Centex Homes

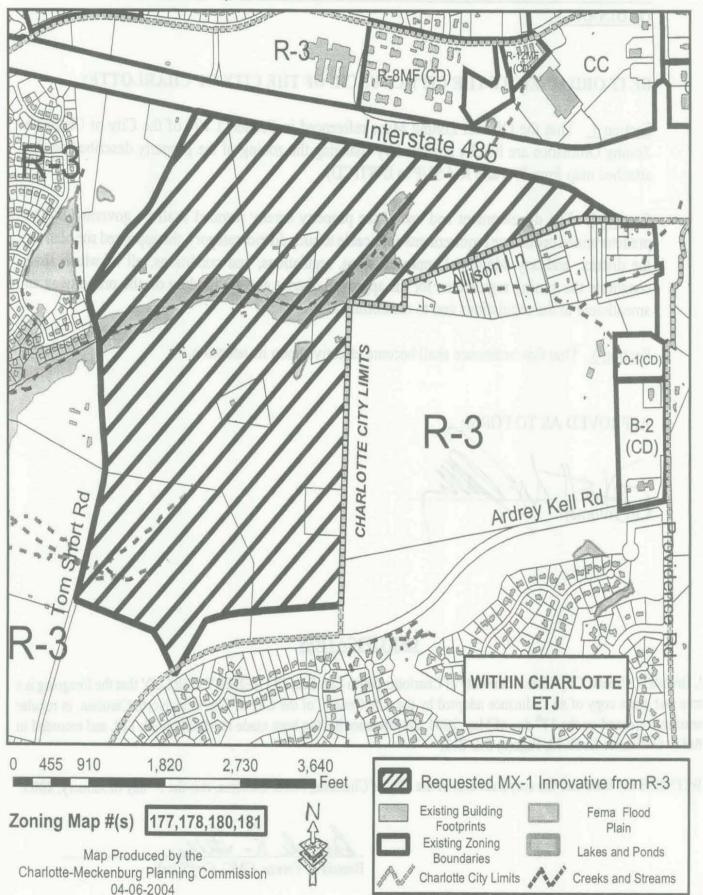
Zoning Classification (Existing): R-3

(Single-family Residential, up to 3 dwelling units per acre)

Zoning Classification (Requested): MX-1(Innovative)

(Mixed-Use Residental, Conditional)

Acreage & Location : Approximately 401 acres located between Interstate 485 and Audrey Kell Road, on the east side of Tom Short Road



Petition No. 2004-024

Petitioner: B & F Holdings, Inc.

ORDINANCE NO. 2603-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:

<u>Section 1.</u> 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-4 and R-4 SUP to INST(CD).

<u>Section 2</u>. 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:

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 17th day of May, 2004, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 812-813.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 5th day of January, 2005.

Petition #: 2004-024

Petitioner: B&F Holdings, Inc.

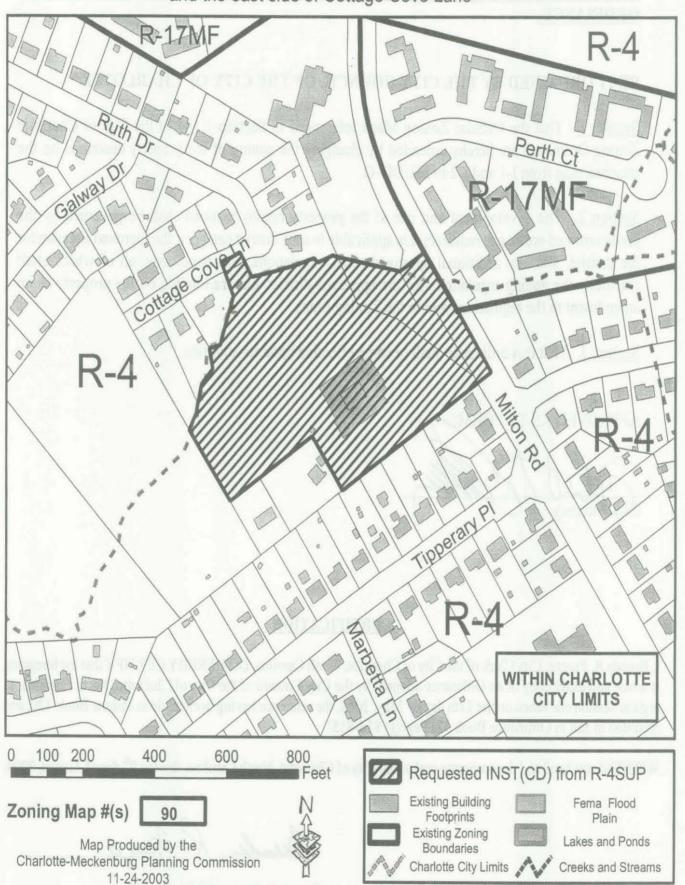
Zoning Classification (Existing): R-4SUP and R-4

(Single-family Residential, up to 4 dwelling units per acre, Special Use Permit)

Zoning Classification (Requested): INST(CD)

(Institional, Conditional)

Acreage & Location : Approximately 6.73 acres located on the southside of Milton Road, and the east side of Cottage Cove Lane



Petition No. 2004-042

Petitioner: Half Moon of Union, LLC

ORDINANCE NO. 2604-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:

<u>Section 1.</u> 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-1 and I-2 to MUDD-O.

<u>Section 2</u>. 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:

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 17th day of May, 2004, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 814-815.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of August, 2004.

Petition #: 2004-042

Petitioner: Half Moon of Union, LLC

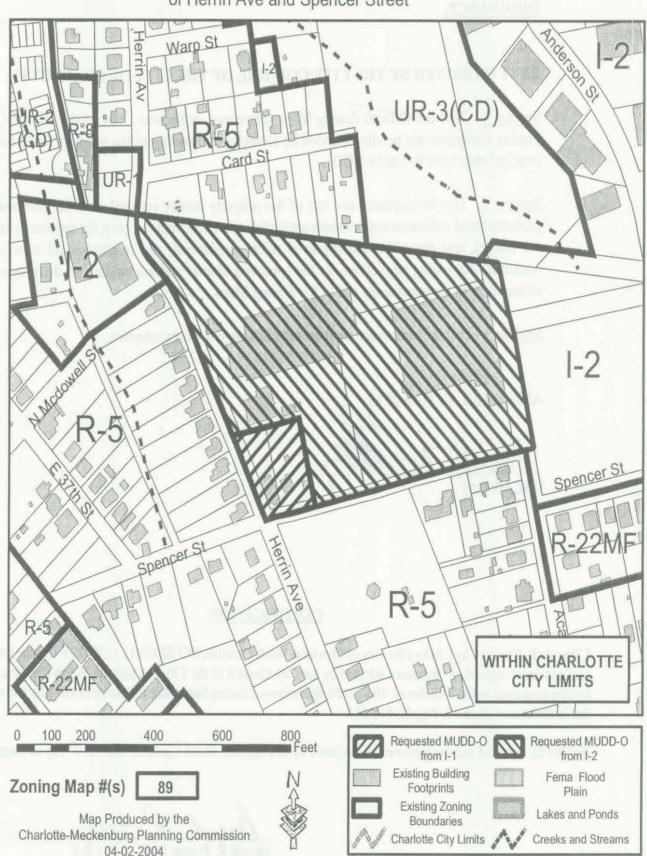
Zoning Classification (Existing): I-1 (Light Industrial)

and I-2 (General Industrial)

Zoning Classification (Requested): MUDD-O

(Mixed-Use Development District, Optional, Conditional)

Acreage & Location: Approximately 11.6 acres located at the Northeast intersection of Herrin Ave and Spencer Street



Petition No. 2004-044

Petitioner: Berkley Group, LLC

ORDINANCE NO. 2605-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:

<u>Section 1.</u> 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 O-1(CD).

<u>Section 2</u>. 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 17th day of May, 2004, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 816-817.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of August, 2004.

Petition #: 2004-044

Petitioner: Berkley Group, LLC

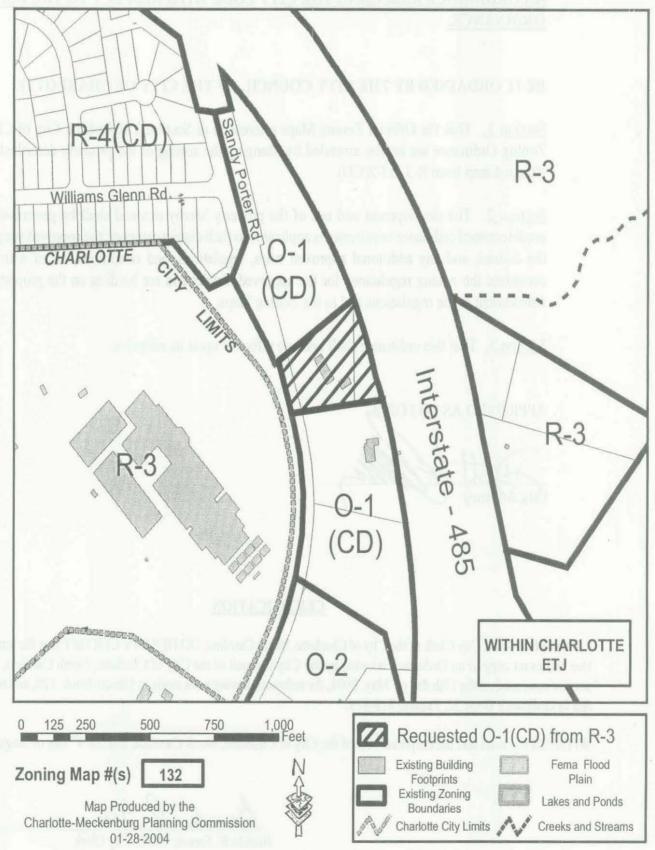
Zoning Classification (Existing): R-3

(Single-family Residential, up to 3 dwelling units per acre)

Zoning Classification (Requested): 0-1(CD)

(Office, Conditional)

Acreage & Location: Approximately 2.27 acres located between Sandy Porter Road and Interstate-485, Southeast of Williams Glen Road



Petition No. 2004-045

Petitioner: Mecklenburg County Solid Waste Department

ORDINANCE NO. 2606-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:

<u>Section 1.</u> 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 I-2(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 FORMA

Sity Afforney

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 17th day of May, 2004, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 818-819.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of August, 2004.

Petition #: 2004-045

Petitioner: Mecklenburg County

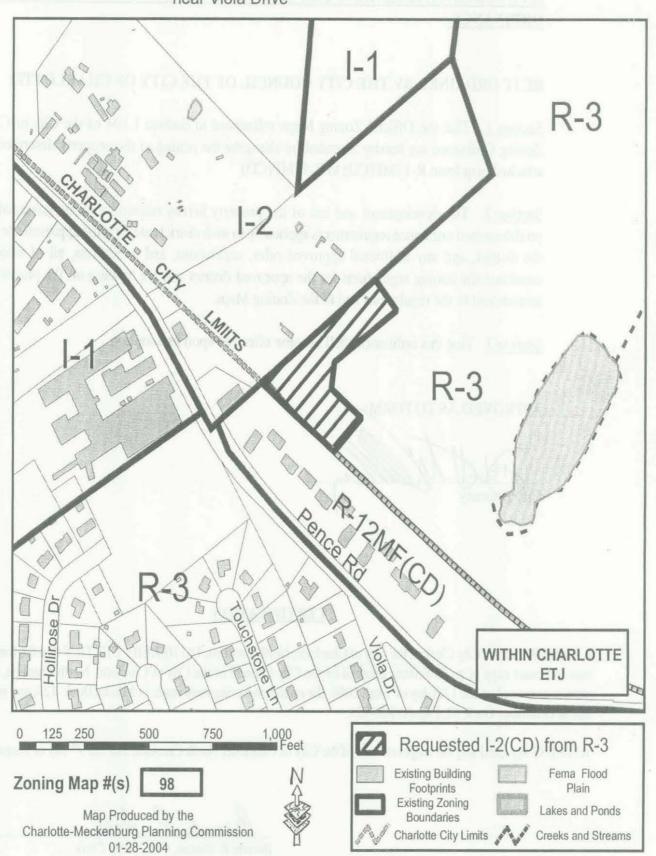
Zoning Classification (Existing): R-3

(Single-family Residential, up to 3 dwelling units per acre)

Zoning Classification (Requested): I-2(CD)

(General Industrial, Conditional)

Acreage & Location: Approximately 5 acres located on the North side of Pence Road near Viola Drive



Petition No. 2004-047

Petitioner: St. Luke's Village II, LLC

ORDINANCE NO. 2607-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(CD) to R-17MF(CD).

<u>Section 2</u>. 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 Astornay

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 17th day of May, 2004, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 820-821.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of August, 2004.

Petition #: 2004-047

Petitioner: St. Luke's Village II, LLC

Zoning Classification (Existing): R-17MF(CD)

(Multi-family Residential, up to 17 dwelling units per acre, Conditional)

Zoning Classification (Requested): R-17MF(CD) S.P.A. (Multi-family

Residential, up to 17 dwelling units per acre, conditional, Site Plan Amendment)

Acreage & Location: Approximately 3.79 acres located South of Marsh Road, East of

Little Hope Road R-12MF (CD) R-43M Marsh Rd. R-15MF(CD Clawson Ct 17 R-12MF(CD) WITHIN CHARLOTTE **R-4** CITY LIMITS 100 200 800 Feet 600 Requested R-17MF(CD) S.P.A from R-3 R-17MF(CD) Existing Building Fema Flood Zoning Map #(s) Footprints Plain **Existing Zoning** Map Produced by the Lakes and Ponds Boundaries Charlotte-Meckenburg Planning Commission Charlotte City Limits Creeks and Streams 03-19-2004