

Petition No. 2004-064
Petitioner: Childress Klein Properties, LLC

ORDINANCE NO. 2762-Z

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

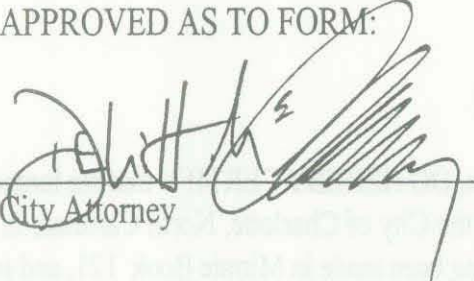
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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, R-17MF(CD), R-3(CD) and R-3 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 18th day of October, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 90-91.

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



Brenda R. Freeze, CMC, City Clerk

Petition #: **2004-064**

Petitioner: Childress Klein Properties, Inc.

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

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

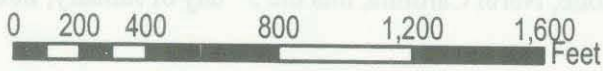
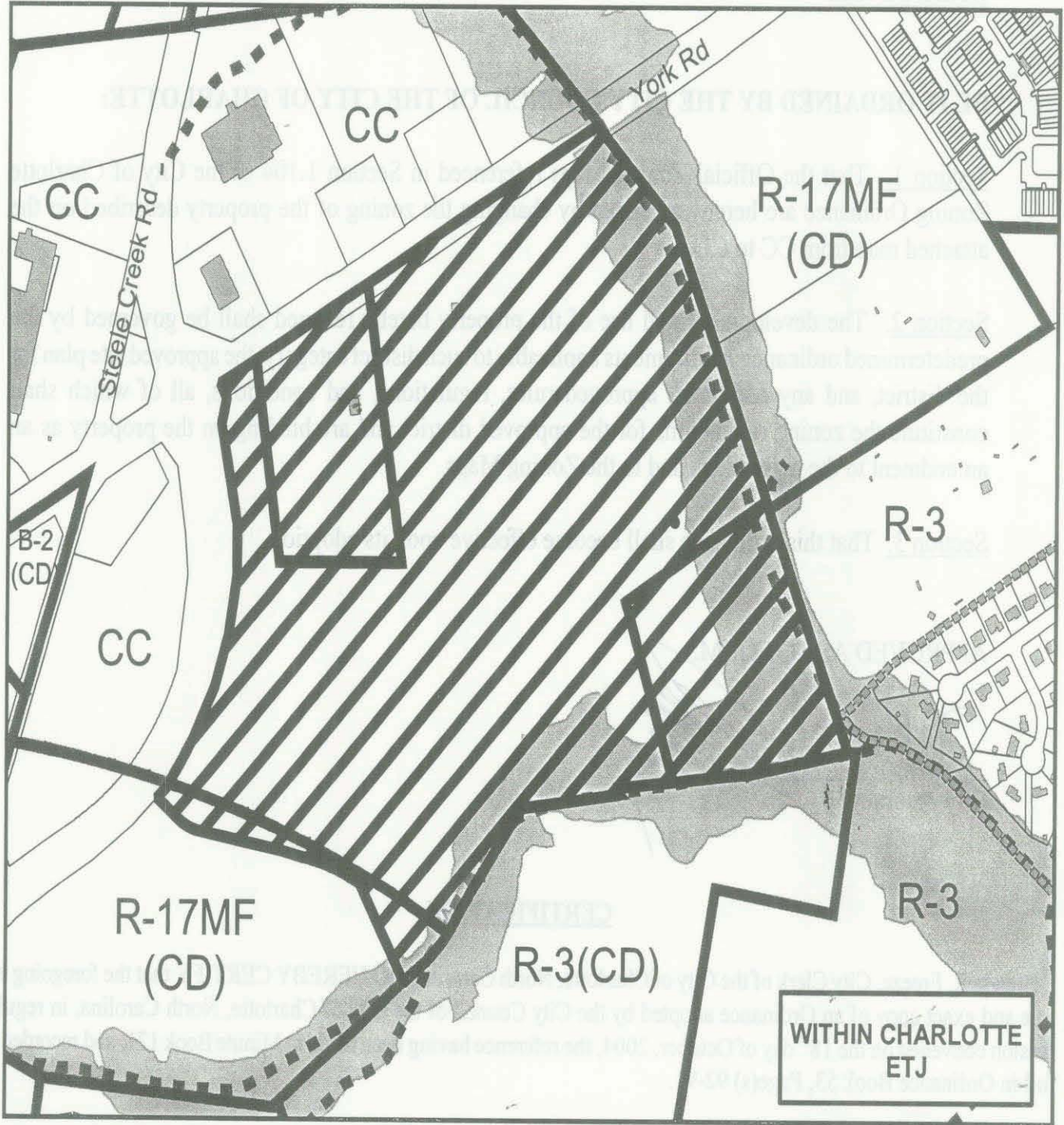
R-3 (Single-family Residential, up to 3 dwelling units per acre)

and R-3(CD) (Single-family Residential, up to 3 dwelling units per acre, Conditional)

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

and CC S.P.A. (Commercial Center, Conditional, Site Plan Amendment)

Acreeage & Location : Approximately 86 acres located southeast of the intersection of York Rd. and Steele Creek Road.



Zoning Map #(s) **154, 171**

Map Produced by the
 Charlotte-Mecklenburg Planning Commission
 08-23-2004



	Requested CC and CC S.P.A. from R-3, R-3(CD), R-17MF(CD), and CC		Fema Flood Plain
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

Petition No. 2004-074
Petitioner: RealtiCorp/Cambridge Properties

ORDINANCE NO. 2763-Z

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

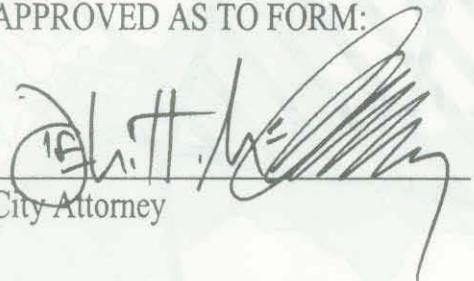
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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.

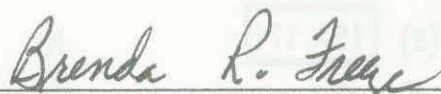
APPROVED AS TO FORM:


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 18th day of October, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 92-93.

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


Brenda R. Freeze, CMC, City Clerk

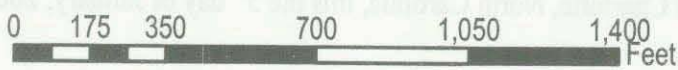
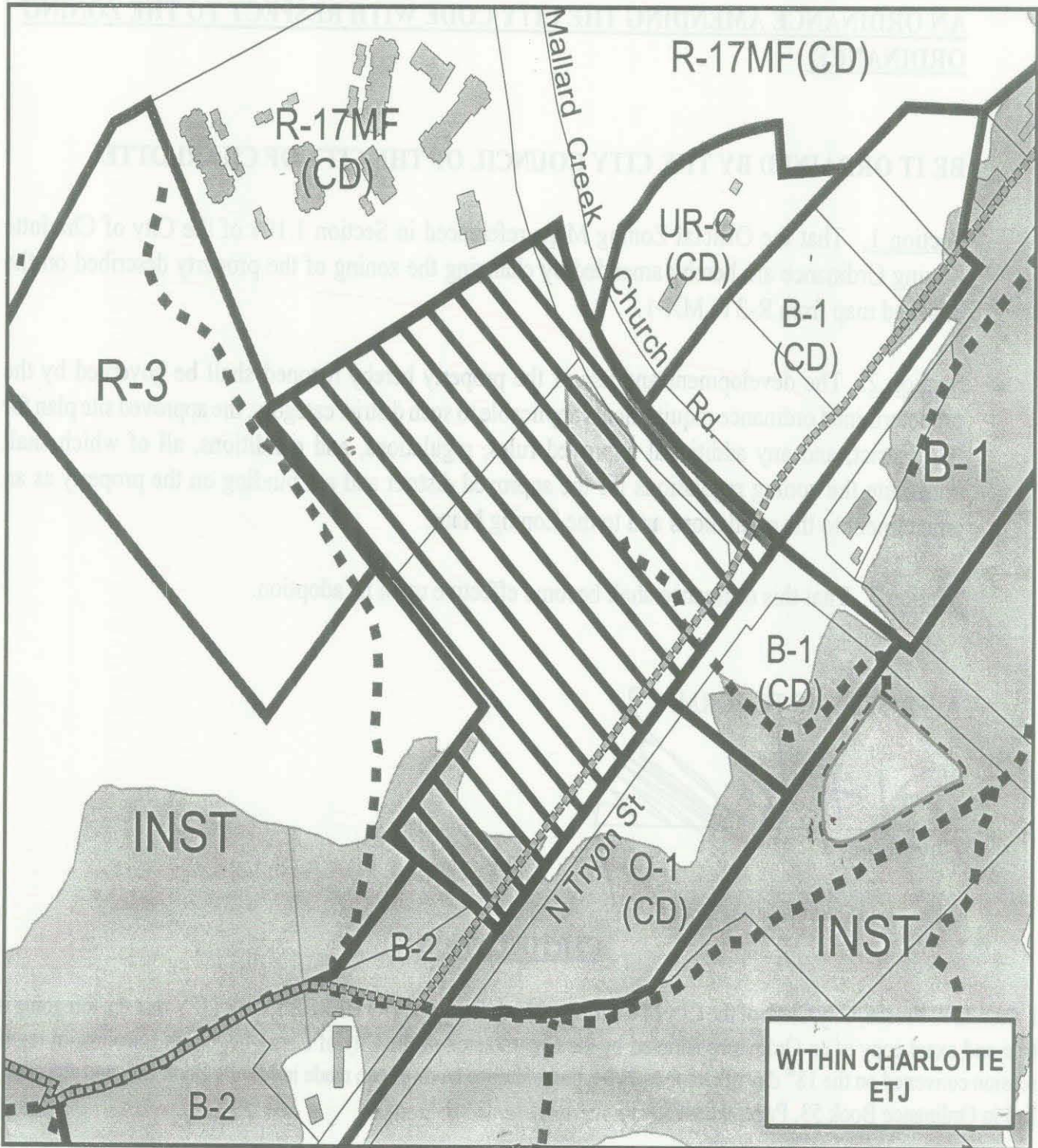
Petition #: **2004-074**

Petitioner: RealtiCorp/Cambridge Properties

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

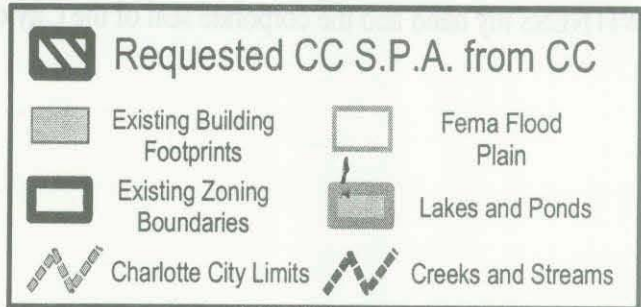
Zoning Classification (Requested): CC S.P.A.
(Commercial Center, Conditional, Site Plan Amendment)

Acreeage & Location : Approximately 27.5 acres located west of the intersection of North Tryon Street (US Hwy 29) and Mallard Creek Church Road



Zoning Map #(s) **54,57**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
04-28-2004



Petition No. 2004-076
Petitioner: KS, Inc., LLC

ORDINANCE NO. 2764-Z

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

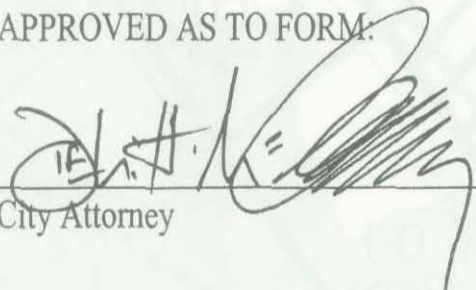
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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.

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.

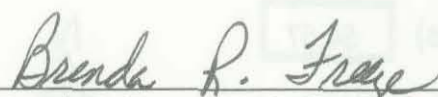
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

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


Brenda R. Freeze, CMC, City Clerk

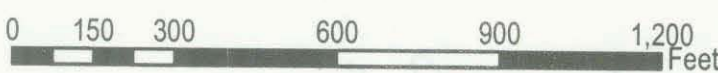
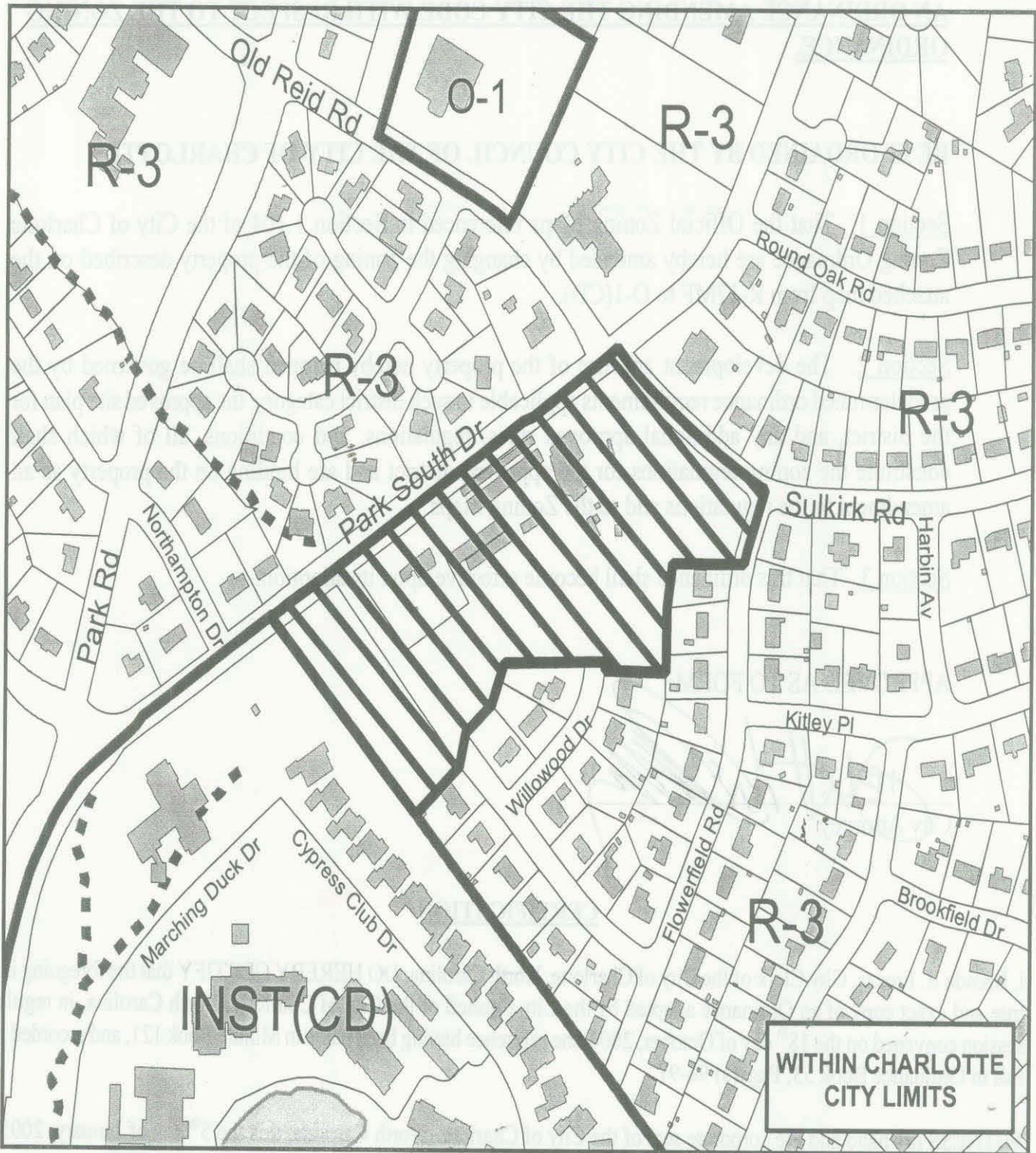
Petition #: **2004-076**

Petitioner: KS, Inc., LLC

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

Zoning Classification (Requested): MX-1
(Mixed-Use Residential, Conditional)

Acreeage & Location : Approximately 11.2 acres located south of the intersection of Park South Drive and Sulkirk Road



Zoning Map #(s) **147**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
10-20-2004



	Requested MX-1 from R-3		Fema Flood Plain
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

Petition No. 2004-084
Petitioner: Carmenza Hoyos

ORDINANCE NO. 2765-Z

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

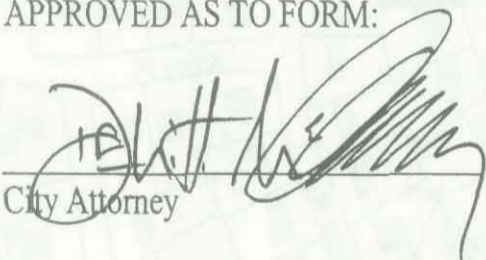
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 O-1(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:

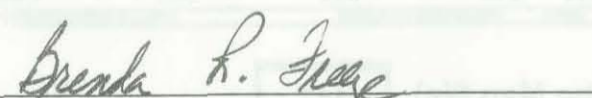


City Attorney

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 18th day of October, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 96-97.

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



Brenda R. Freeze, CMC, City Clerk

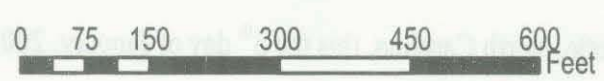
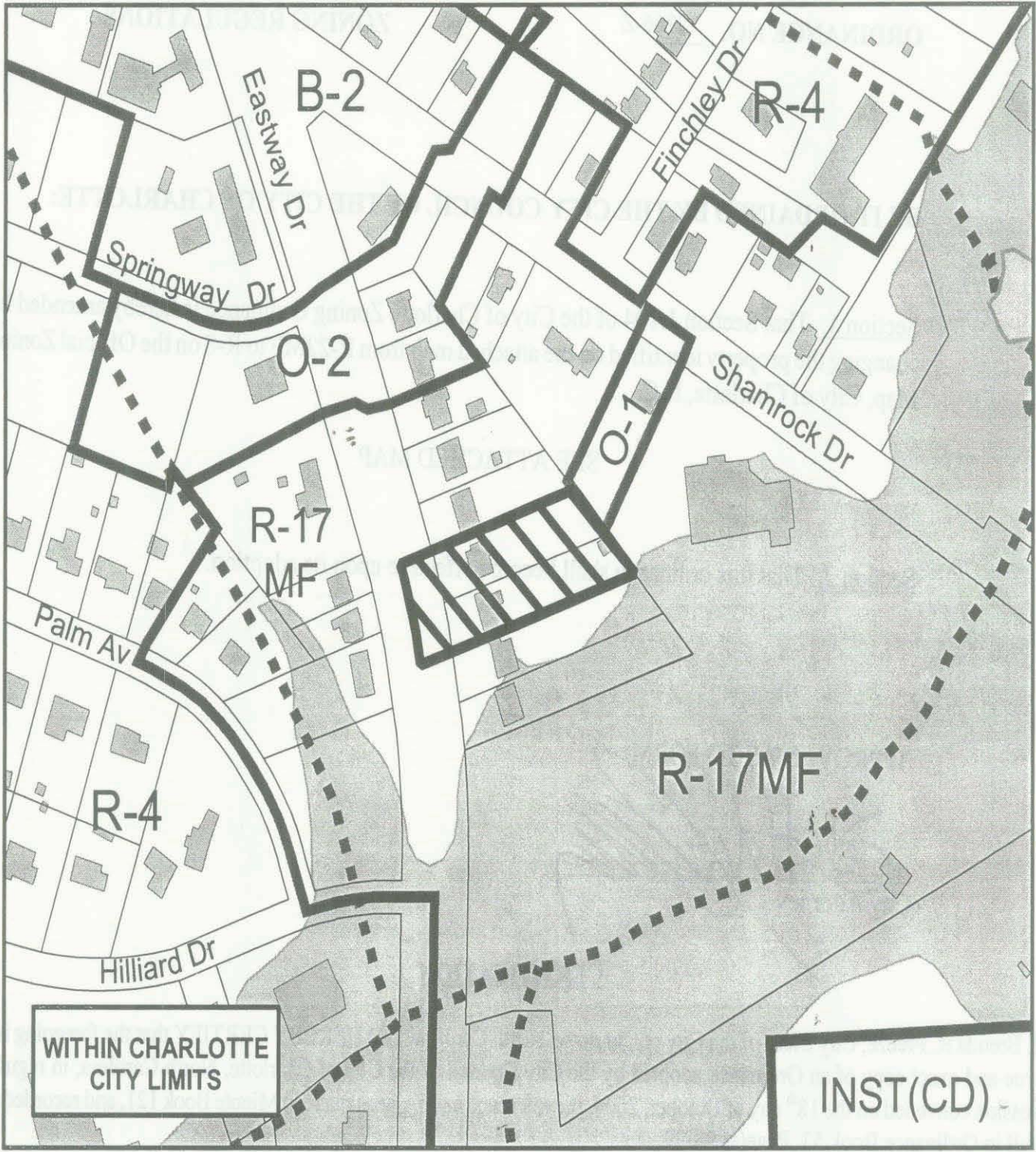
Petition #: **2004-084**

Petitioner: Carmenza Hoyos

Zoning Classification (Existing): R-17MF
(Multi-family Residential, up to 17 dwelling units per acre)

Zoning Classification (Requested): O-1(CD)
(Office, Conditional)

Acreage & Location : Approximately .74 acres located east of Eastway Drive south of Shamrock Drive



Zoning Map #(s) **90, 100**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
06-11-2004



	Requested O-1(CD) from R-17MF		Fema Flood Plain
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

CITY ZONE CHANGE

Petition No. 2004-086

Petitioner: Charlotte-Mecklenburg
Planning Commission

ORDINANCE NO. 2766-Z

ZONING REGULATIONS

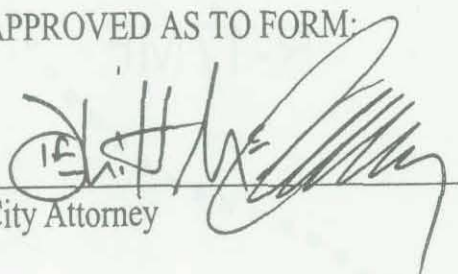
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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-22MF to R-8 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:

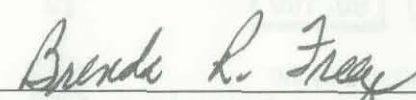


City Attorney

CERTIFICATION

I, 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 18th day of October, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 98-99.

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



Brenda R. Freeze, CMC, City Clerk

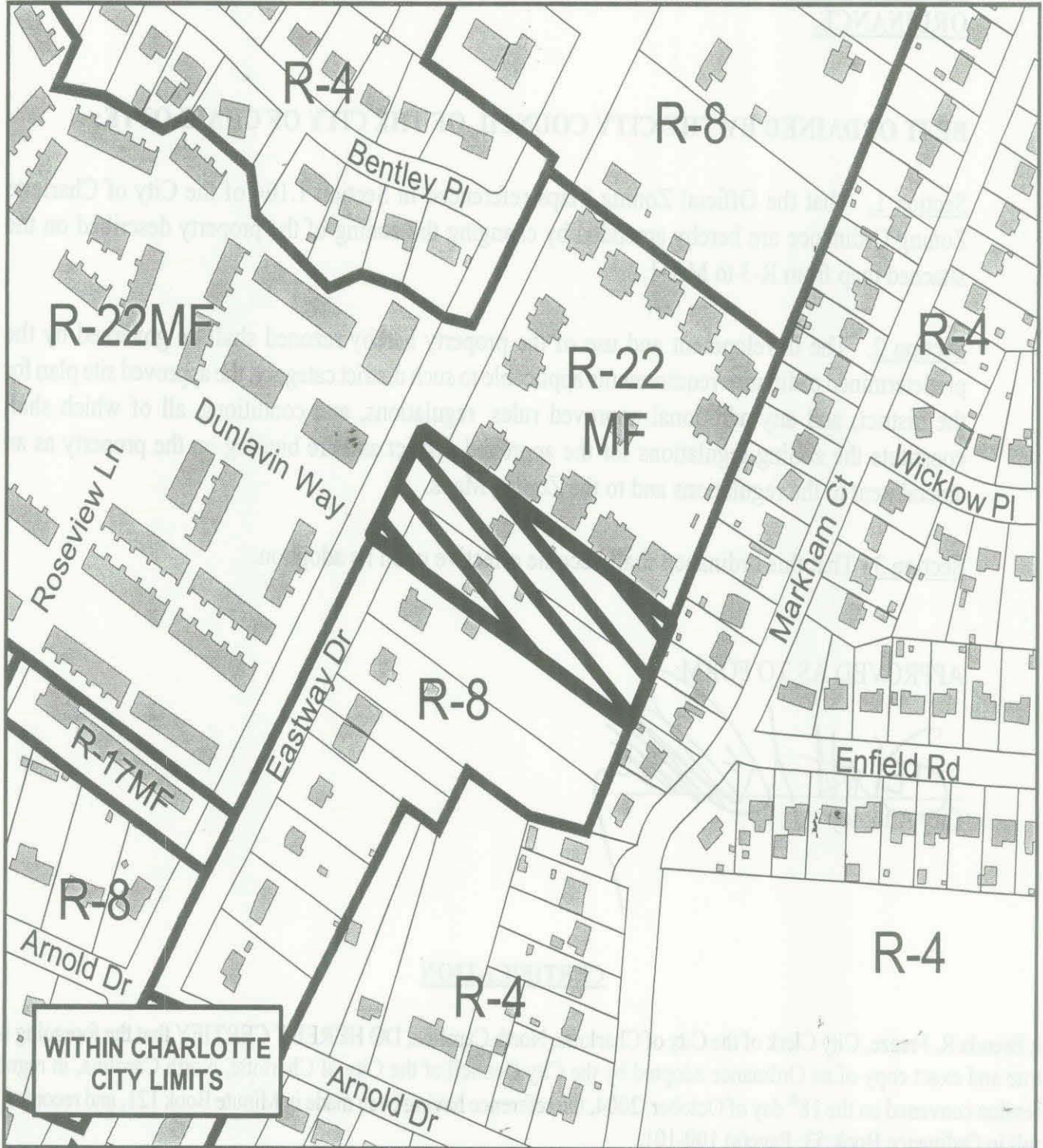
Petition #: **2004-086**

Petitioner: The Charlotte-Mecklenburg Planning Commission

Zoning Classification (Existing): R-22MF
(Multi-family Residential, up to 22 dwelling units per acre)

Zoning Classification (Requested): R-8
(Multi-family Residential, up to 8 units per acre)

Acreage & Location : Approximately 1.9 acres located east of Eastway Drive south of Bentley Place



Zoning Map #(s) **100**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
06-11-2004



	Requested R-8 from R-22MF		Fema Flood Plain
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

2004-088

Petition No. 2004-088
Petitioner: Knotts Development Resources, Inc.

ORDINANCE NO. 2767-Z

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

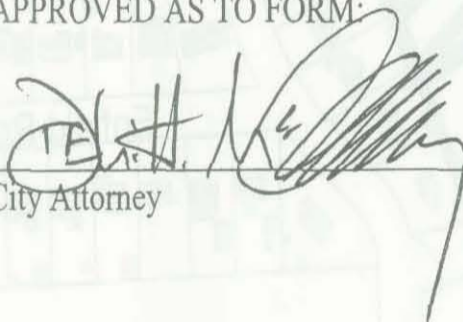
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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.

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.

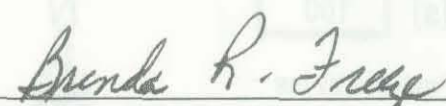
APPROVED AS TO FORM:


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 18th day of October, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 100-101.

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


Brenda R. Freeze, CMC, City Clerk

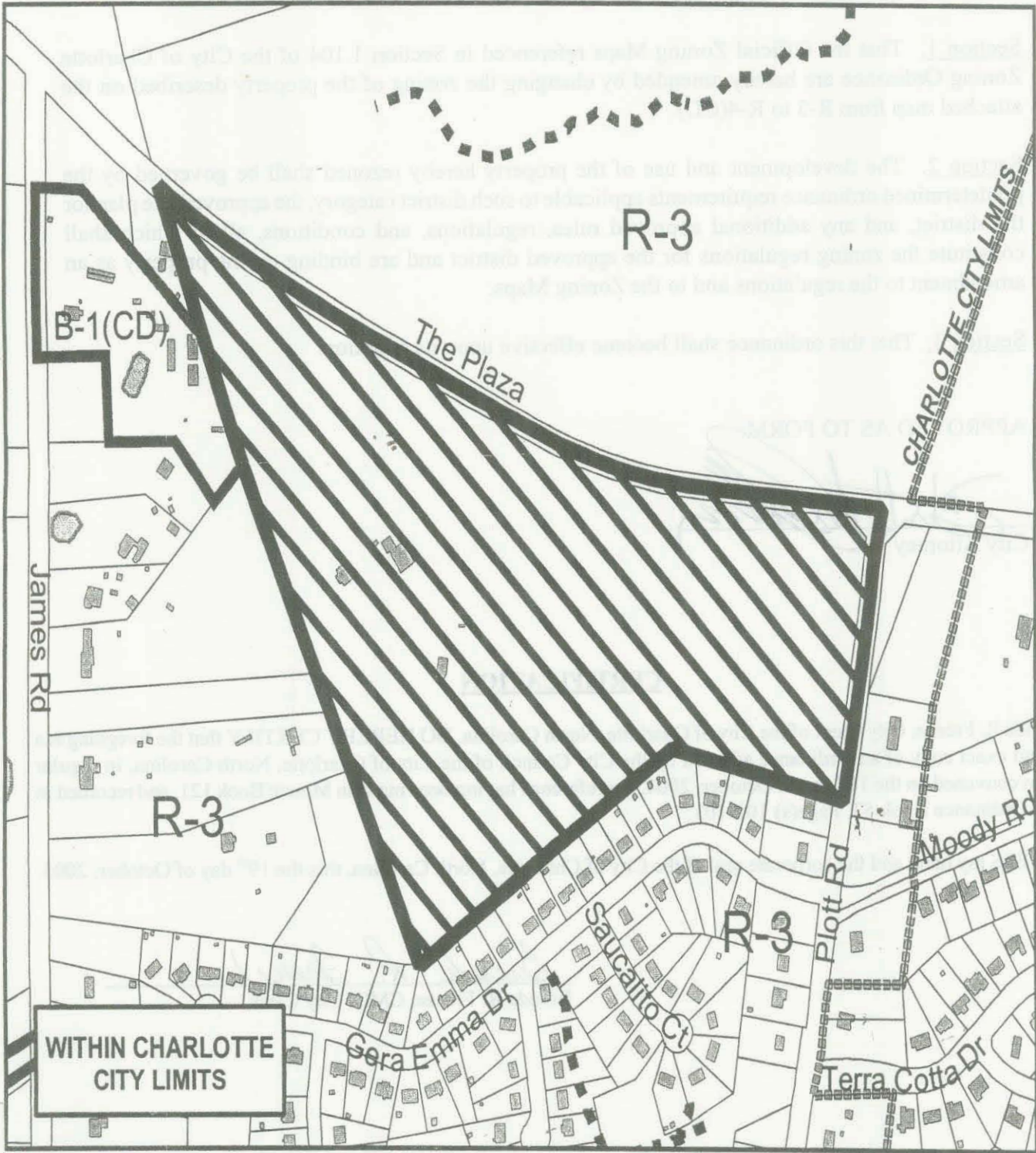
Petition #: **2004-088**

Petitioner: Knotts Development Resources, Inc

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

Zoning Classification (Requested): MX-1
(Mixed-Use Residential, Conditional)

Acreage & Location : Approximately 38.98 acres located south of Plaza Road
west of Plott Road



Zoning Map #(s) **76, 91**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
06-11-2004



	Requested MX-1 from R-3		Fema Flood Plain
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

APPROVED BY CITY COUNCIL
DATE 10/18/04

Petition No. 2004-089
Petitioner: Donald Henderson

ORDINANCE NO. 2768-Z

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

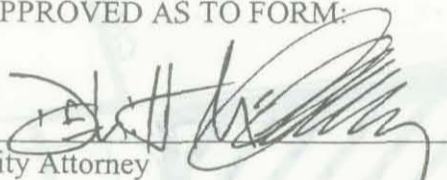
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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-4(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 18th day of October, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 102-103.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of October, 2005.


Brenda R. Freeze, CMC, City Clerk

Requested MX-1 from R-3
Other zoning
Other use
Other

City of Charlotte
City Clerk
10/18/04

October 18, 2004
Ordinance Book 53, Page 103

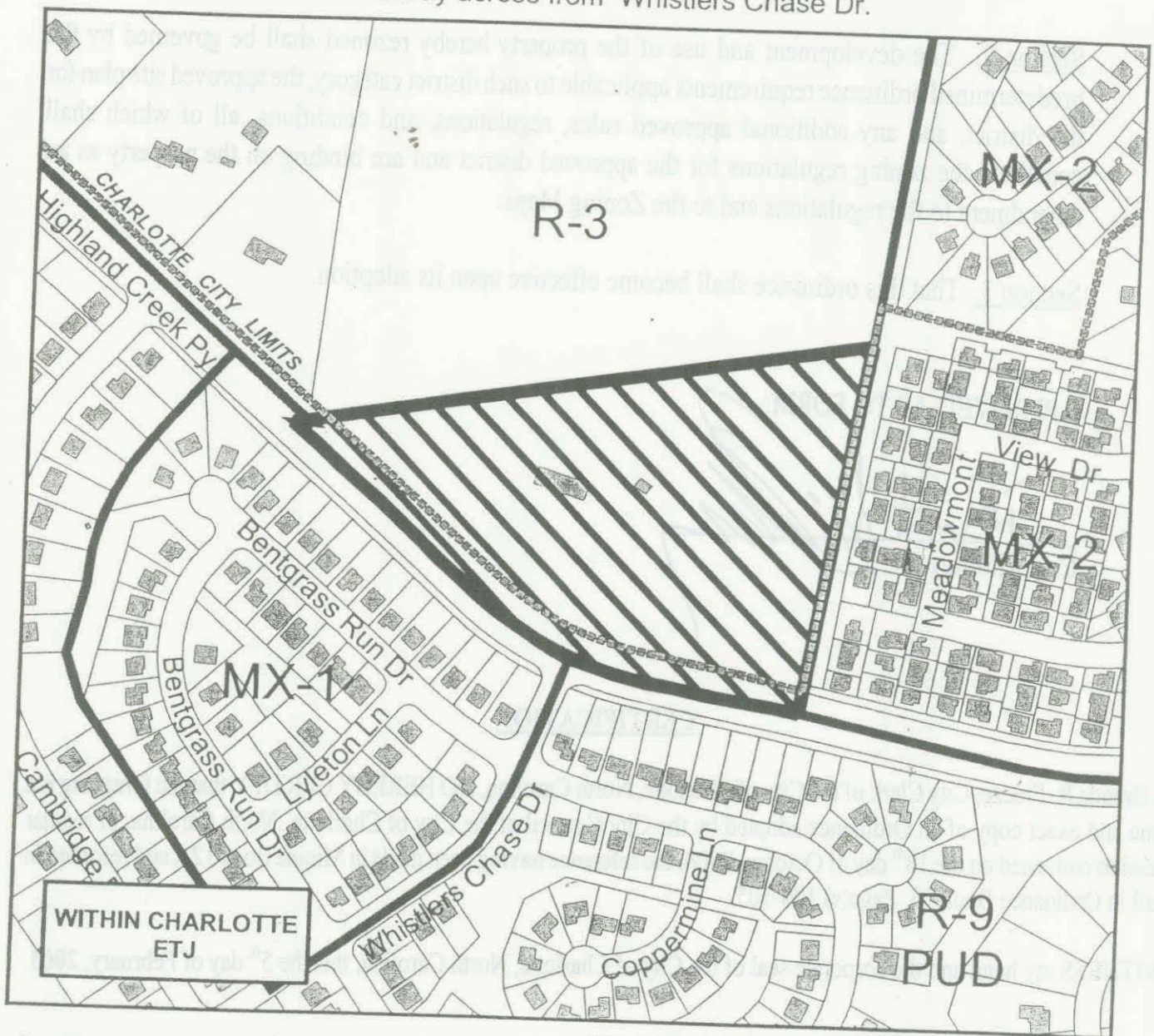
Petition #: **2004-089**

Petitioner: Donald Henderson

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

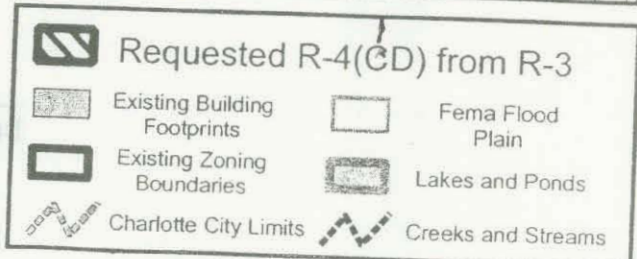
Zoning Classification (Requested): R-4(CD)
(Single-family Residential, up to 4 dwelling units per acre, Conditional)

Acreage & Location : Approximately 9.86 acres located north of Highland Creek Parkway across from Whistlers Chase Dr.



Zoning Map #(s) **28, 39**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
06-11-2004



Petition No. 2004-090
Petitioner: Prifix Properties, LLC

ORDINANCE NO. 2769-Z

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

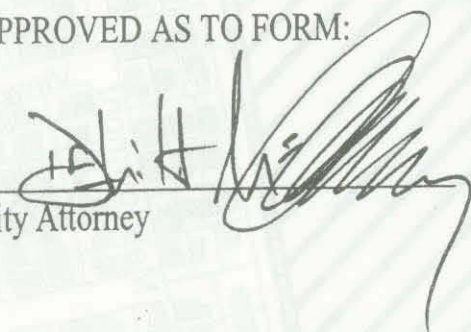
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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-1(CD) 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 18th day of October, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 104-105.

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



Brenda R. Freeze, CMC, City Clerk

Petition #: **2004-090**

Petitioner: Primax Properties, LLC

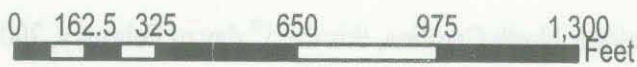
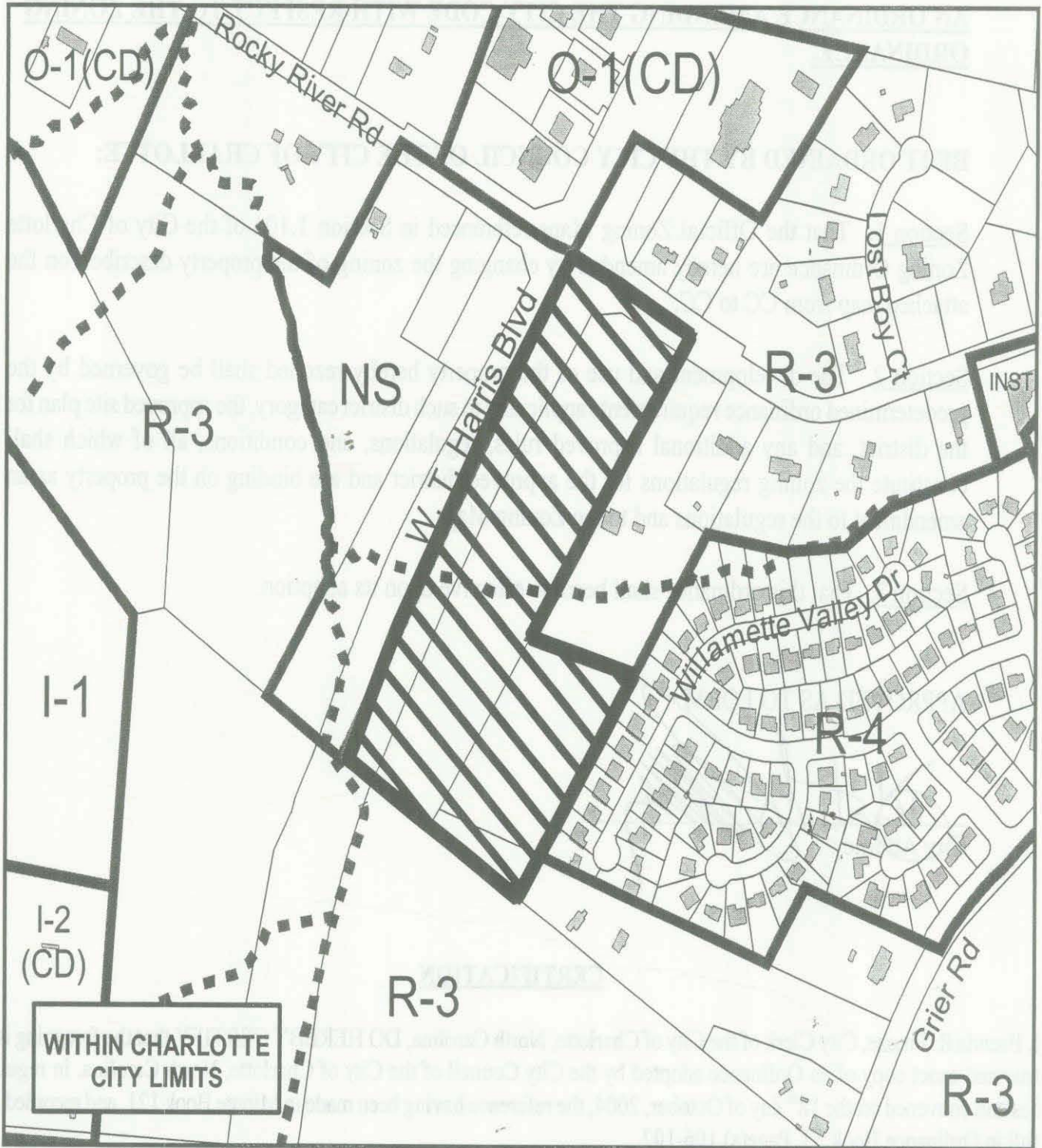
Zoning Classification (Existing): O-1(CD)

(Office, Conditional)

Zoning Classification (Requested): NS

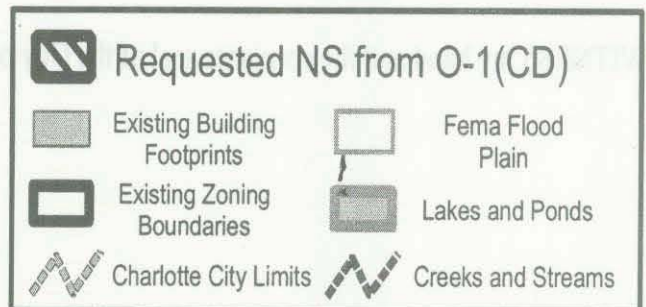
(Neighborhood Services, Conditional)

Acreage & Location : Approximately 12.5 acres located on the southeast corner of Rocky River Road and W.T. Harris Blvd



Zoning Map #(s) **76**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
06-11-2004



Petition No. 2004-091
Petitioner: Suisse Investors, LLC

ORDINANCE NO. 2770-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:

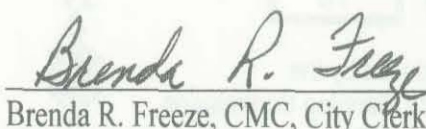


City Attorney

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 18th day of October, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 106-107.

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



Brenda R. Freeze, CMC, City Clerk

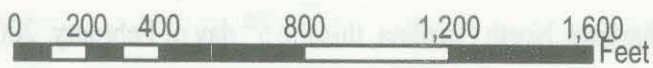
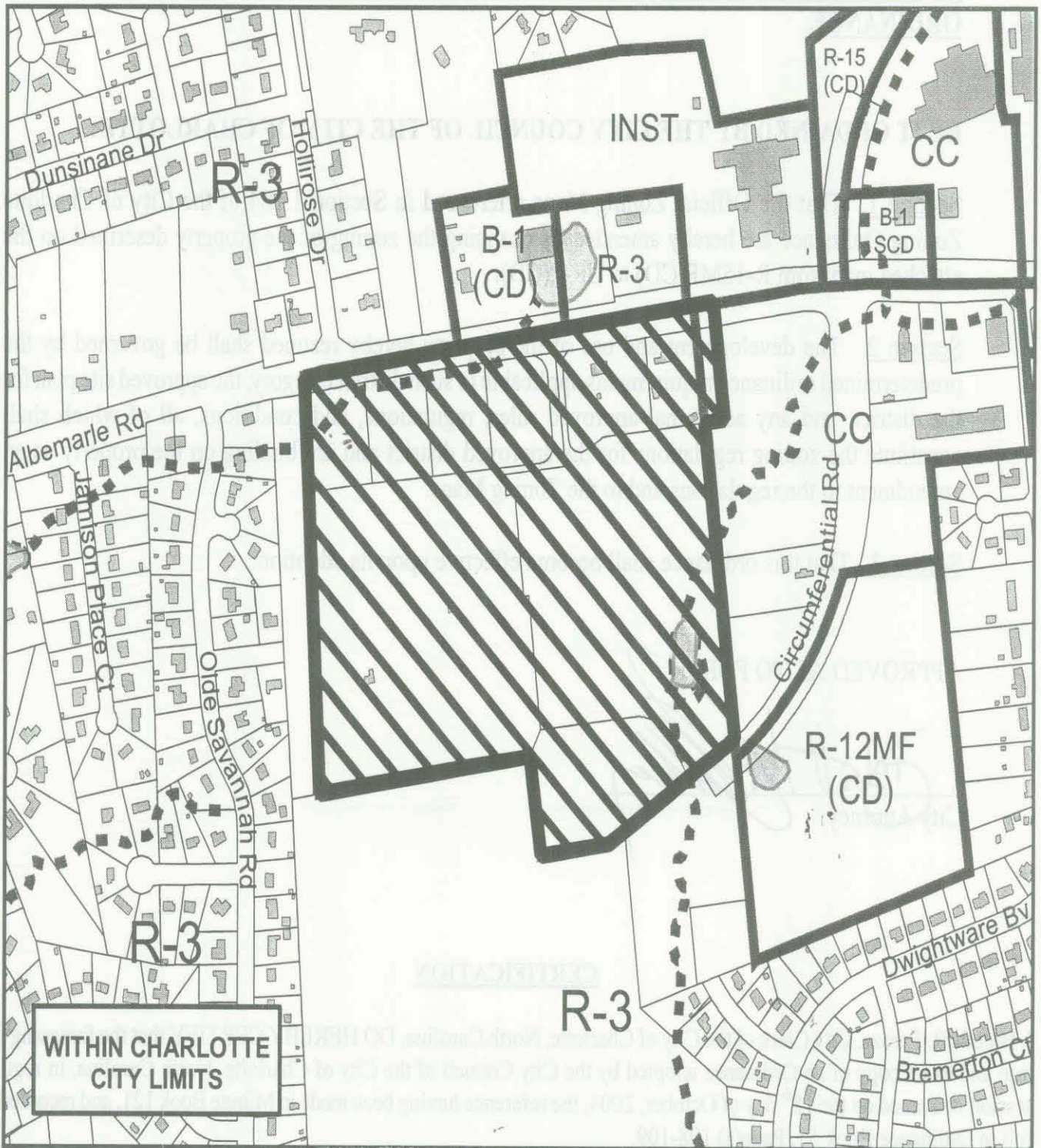
Petition #: **2004-091**

Petitioner: Suisse Investors LLC

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

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

Acreege & Location : Approximately 42.2 acres located on the south of Albemarle Road across from Hollirose Drive



Zoning Map #(s) **115**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
08-23-2004



	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. 2004-092
Petitioner: Charlotte-Mecklenburg Housing Partnership, Inc.

ORDINANCE NO. 2771-Z

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

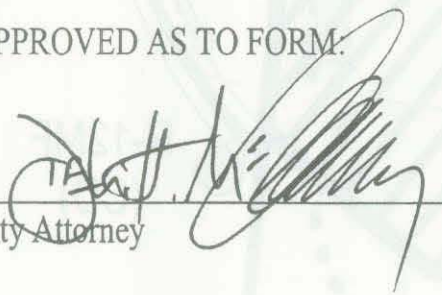
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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-15MF(CD) 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:

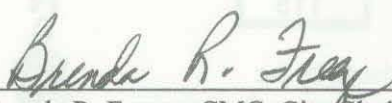


City Attorney

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 18th day of October, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 108-109.

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



Brenda R. Freeze, CMC, City Clerk

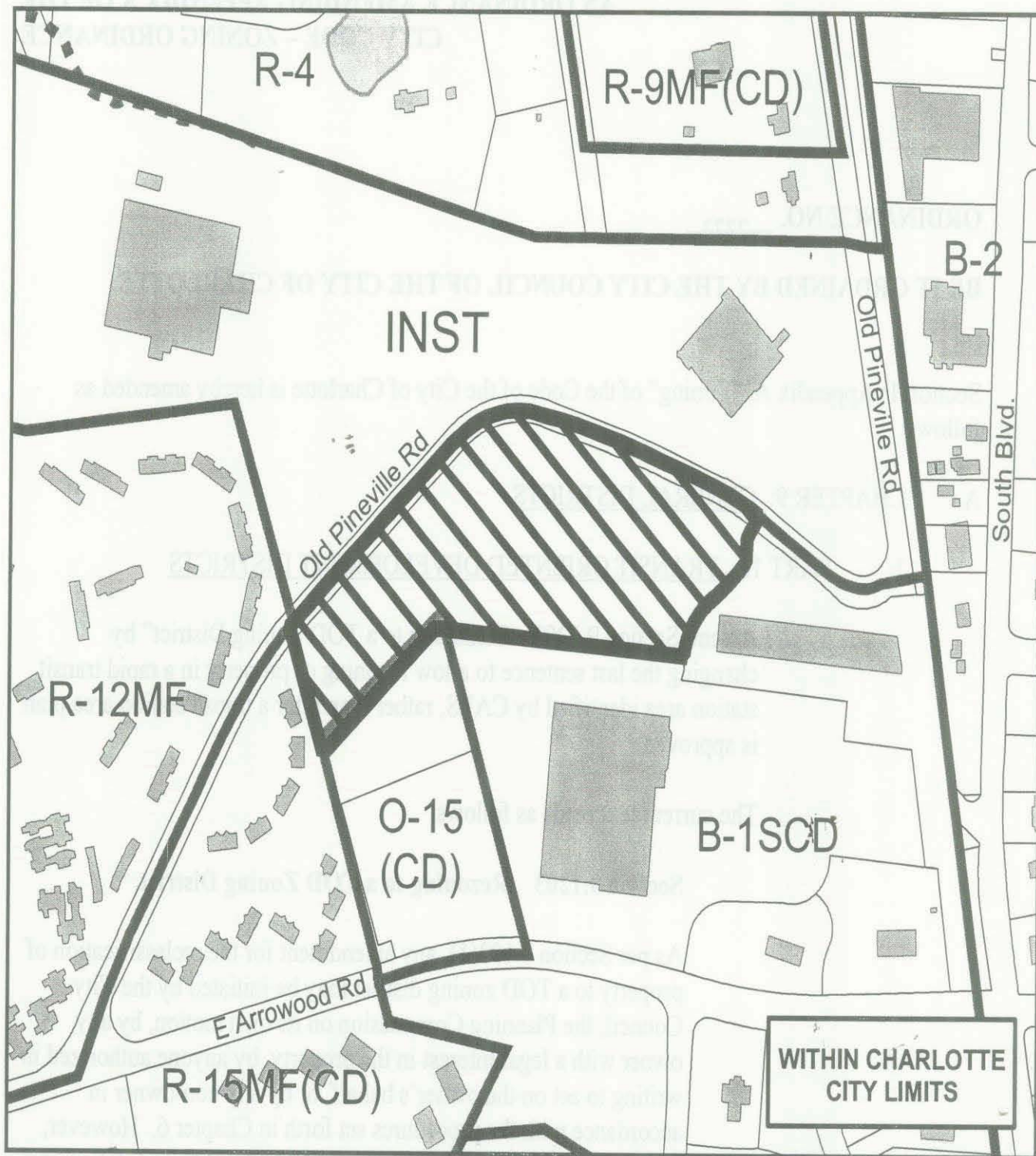
Petition #: **2004-092**

Petitioner: The Charlotte-Mecklenburg Housing Partnership Inc.

Zoning Classification (Existing): R-15MF(CD)
(Multi-family Residential, up to 15 dwelling units per acre, Conditional)

Zoning Classification (Requested): UR-2(CD)
(Urban Residential, Conditional)

Acreage & Location : Approximately 9.836 acres located south of Old Pineville Road north of East Arrowood Road



Zoning Map #(s) **148**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
06-11-2004



2004-093

Petition # 2004-093
Petitioner: Charlotte Mecklenburg Planning Commission
City of Charlotte

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

ORDINANCE NO. 2772

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 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1203. "Rezoning to a TOD Zoning District" by changing the last sentence to allow rezoning of property in a rapid transit station area identified by CATS, rather than after a transit station area plan is approved.

The current text reads as follows:

Section 9.1203 Rezoning to a TOD Zoning District.

As per Section 6.103(1), any amendment for the reclassification of property to a TOD zoning district may be initiated by the City Council, the Planning Commission on its own motion, by any owner with a legal interest in the property, by anyone authorized in writing to act on the owner's behalf, or by any non-owner in accordance with the procedures set forth in Chapter 6. However, the property must be located within an approved transit station area plan or be located adjacent to TOD zoned property.

The new section shall read as follows:

Section 9.1203 Rezoning to a TOD Zoning District.

As per Section 6.103(1), any amendment for the reclassification of property to a TOD zoning district may be initiated by the City Council, the Planning Commission on its own motion, by any owner with a legal interest in the property, by anyone authorized in writing to act on the owner's behalf, or by any non-owner in accordance with the procedures set forth in Chapter 6. However, the property must be located within 1/2 mile of a rapid transit station that is included in a project for which the Federal Transit Administration (FTA), has issued a Record of Decision or be located adjacent to TOD zoned property.

b. Amend Section 9.1208(3), "Maximum height", by revising the entire paragraph for clarity. The current text reads as follows:

(3) Maximum height

The base height for all TOD districts shall be 40 feet. The building may increase one foot in height over 40 feet, for every 10 feet in distance from the property line of the nearest site zoned for single-family residential purposes except for property zoned TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, TOD-MO. The maximum height shall be 120'. The intent of this standard is to allow the height of a portion of a structure to increase as the distance measured from the closest edge of the TOD property to the nearest single-family zoning district.

The following text will replace the existing text:

(3) Maximum height

The permitted maximum height shall be determined by the distance of the structure to the boundary line of the nearest single-family residential districts (R-3, R-4, R-5, R-6, and R-8). This distance shall be the shortest measurable distance between the building footprint edges and nearby single-family residential district boundaries.

The base height for all TOD districts shall be 40 feet. Height increases for portions of the building that are a further distance from single-family residential zoning districts, are allowed at a rate of one additional foot of height for every 10 feet of additional distance the portion of the building is from the edges of nearby single-family zoning districts. The intent of this standard is to allow the

height of a portion of a structure to increase the further away it is from nearby single-family residential zoning districts, resulting in a building with varying heights. The maximum height shall be 120 feet.

- c. Amend Section 9.1209(6), "Canopies" by replacing the word "sidewalk" with "setback", in the third sentence. The current text reads as follows:

(6) Canopies.

Canopies, awnings, cornices and similar architectural accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such feature may extend from the building up to one-half of the width of the sidewalk area in front of the building or 9', whichever is less, and may not be closer than 2' to the back of the curb. 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 8'. Ground supports for these features are not permitted in the minimum setback, sidewalk or in the public right-of-way. 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.

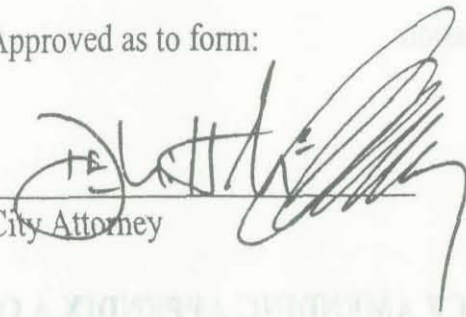
The revised text shall read as follows:

(6) Canopies.

Canopies, awnings, cornices and similar architectural accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such feature may extend from the building up to one-half of the width of the setback area in front of the building or 9', whichever is less, and may not be closer than 2' to the back of the curb. 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 8'. Ground supports for these features are not permitted in the minimum setback, sidewalk or in the public right-of-way. 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 4. 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 18th day of October, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 110-111C.

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



Brenda R. Freeze, CMC, City Clerk

Petition # 2004-096
Petitioner: Charlotte Mecklenburg Planning Commission
City of Charlotte

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

ORDINANCE NO. 2773

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

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

1. **CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION.**

A. **PART 2: DEFINITIONS, Section 2.201, Definitions.**

Add the following definition in alphabetical order:

Short-Term Care Facility.

A not-for-profit organization providing a 24-hour, safe, structured, and monitored environment for up to 8 individuals who need short-term convalescent care services. Services may include any of the following: accommodations with full restroom facilities, meals, secure storage and/or refrigeration for medications, medical observation, nursing care, and/or supervision. A short-term care facility may be an accessory use to an institutional use, however, short-term care provided as part of a hospital or other medical facility is not included in this definition.

2. **CHAPTER 9: GENERAL DISTRICTS.**

A. Amend PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS, Table 9.101 by adding short-term care facilities as a use permitted under prescribed conditions (PC) in the Institutional, O-1, O-2, O-3, B-2, MUDD, UMUD, TOD-E, TOD-M, U-I and I-1 zoning districts.

3. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY.

A. PART 5: SPECIAL REQUIREMENT FOR CERTAIN USES.

Replace Section 12.522 (RESERVED) with the following:

Section 12.522. Short-Term Care Facility.

Short-term care facilities are permitted in the Institutional, O-1, O-2, O-3, B-2, MUDD, UMUD, TOD-E, TOD-M, U-I, and I-1 zoning districts, subject to the standards of the individual district in addition to the following requirements. If any conflict should occur between the standards of the individual district and the following requirements, the following shall apply.

(1) Operation:

- (a) Adequate on-site management shall be provided on a twenty-four hour basis. This includes having staff (employees or volunteers) on the premises twenty-four hours a day. The staff must be accessible to residents, law enforcement personnel, and any other individuals who need to establish communication upon or about the premises. Adequate on-site management also requires that the staff have the authority to exercise control over the premises to ensure that the use of the premise does not result in littering, nuisance activities, noise, or other activities that interfere with the peaceful enjoyment and use of surrounding properties.
- (b) Cleaning services and utilities shall be provided.

(2) Minimum Requirements:

Short-term care facilities shall provide full restroom facilities, common dining areas, and secure storage or refrigerators for medications.

(3) Minimum Bedroom Size:

A bedroom of the following size shall be provided per individual. Bedrooms shall be a minimum of eighty (80) square feet for the first occupant. If more than one occupant is assigned per bedroom, then an additional minimum of fifty (50) square feet shall be provided for each additional occupant.

(4) Minimum Common Space:

The building shall contain not less than two hundred and fifty (250) square feet of common open space such as living rooms, common dining areas, or other congregate living space. Bathrooms, laundries, hallways, vending areas, and kitchens shall not be counted as common space.

(5) Off-Street Parking Requirements:

A minimum of two parking spaces is required, plus one parking space per each employee/volunteer over two in number.

(6) Referral of Individuals and Length of Stay:

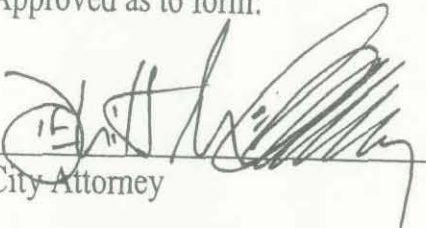
Only individuals requiring short-term convalescent care services and referred by hospitals and emergency rooms shall be allowed. Individuals shall stay no longer than 10 days following a hospital/emergency room discharge.

(7) Signs: Any signage that identifies the use shall not exceed 4 square feet in size, and shall not be illuminated. One identification sign is permitted per street front.

(8) Buffers: All buildings and off-street parking and service areas shall be separated by a Class C buffer from any abutting property zoned or used for residential purposes, except for those districts where buffers are not required.

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

Approved as to form:

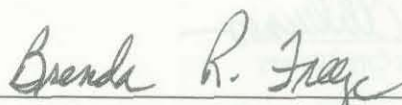


City Attorney

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



Brenda R. Freeze, CMC, City Clerk