

ORDINANCE NO. 2996-X

2005-2006 BUDGET ORDINANCE NO. 2996-X  
 ADOPTED JUNE 20, 2005

BE IT ORDAINED by the City of Charlotte, North Carolina;

**Section 1.** The following amounts are hereby appropriated for the operation of the City government and its activities for the fiscal year beginning July 1, 2005 and ending June 30, 2006 according to the following schedules:

SCHEDULE A. GENERAL OPERATING FUND (0101)	
TOTAL GENERAL OPERATING FUND	414,456,622
SCHEDULE B. UTILITIES OPERATING FUND (7101)	
TOTAL WATER AND SEWER OPERATING FUND	198,310,013
SCHEDULE C. CHARLOTTE AREA TRANSIT SYSTEM OPERATING FUND (7801)	
TOTAL CHARLOTTE AREA TRANSIT SYSTEM OPERATING FUND	99,653,189
SCHEDULE D. AVIATION OPERATING FUNDS- CONSOLIDATED	
TOTAL AVIATION OPERATING FUND	117,088,703
SCHEDULE E. STORM WATER OPERATING FUND (7701)	
TOTAL STORM WATER OPERATING FUND	35,088,224
SCHEDULE F. UTILITIES DEBT SERVICE FUND (5501)	
TOTAL WATER AND SEWER DEBT SERVICE FUND	104,883,000
SCHEDULE G. MUNICIPAL DEBT SERVICE FUND (5101)	
TOTAL MUNICIPAL DEBT SERVICE FUND	66,860,911
SCHEDULE H. AVIATION DEBT SERVICE FUNDS - CONSOLIDATED	
TOTAL AVIATION DEBT SERVICE FUNDS	47,147,253
SCHEDULE I. CONVENTION CENTER DEBT SERVICE FUND (5104)	
TOTAL CONVENTION CENTER DEBT SERVICE FUND	16,110,000
SCHEDULE J. STORM WATER DEBT SERVICE FUND (5201)	
TOTAL STORM WATER DEBT SERVICE FUND	7,233,000
SCHEDULE K. CATS DEBT SERVICE FUND (5301)	
TOTAL CATS DEBT SERVICE FUND	19,728,269
SCHEDULE L. TOURISM DEBT SERVICE FUND (5106)	
TOTAL TOURISM DEBT SERVICE FUND	11,445,600
SCHEDULE M. POWELL BILL FUND (0120)	
TOTAL POWELL BILL FUND	19,562,000
SCHEDULE N. CONVENTION CENTER TAX FUND (0132)	
TOTAL CONVENTION CENTER TAX FUND	28,677,130
SCHEDULE O. SAFELIGHT FUND (0180)	
TOTAL SAFELIGHT FUND	1,500,000
SCHEDULE P. INSURANCE AND RISK MANAGEMENT FUND (6302)	
TOTAL INSURANCE AND RISK MANAGEMENT FUND	2,190,416
SCHEDULE Q. TOURISM OPERATING FUND (0136)	
TOTAL TOURISM OPERATING FUND	315,000
SCHEDULE R. CEMETERY TRUST FUND (6381)	
TOTAL CEMETERY TRUST FUND	120,000
SCHEDULE S. SAFESPEED FUND (0190)	
TOTAL SAFESPEED FUND	1,312,718

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**Section 2.** The following amounts are hereby appropriated for capital projects by City Government and its activities for the fiscal year beginning July 1, 2005 according to the following Schedules:

<b>SCHEDULE A. WORKFORCE INVESTMENT ACT FUND (6346)</b>	
<b>TOTAL WORKFORCE INVESTMENT ACT FUND</b>	<b>3,723,103</b>
<b>SCHEDULE B. NEIGHBORHOOD DEVELOPMENT GRANTS FUND (6807)</b>	
<b>TOTAL NEIGHBORHOOD DEVELOPMENT GRANTS FUND</b>	<b>769,783</b>
<b>SCHEDULE C. PUBLIC SAFETY GRANTS FUND (0413)</b>	
<b>TOTAL PUBLIC SAFETY GRANTS FUND</b>	<b>114,971</b>
<b>SCHEDULE D. PUBLIC SAFETY 911 SERVICES FUND (0911)</b>	
<b>TOTAL PUBLIC SAFETY 911 SERVICES FUND</b>	<b>4,063,267</b>
<b>SCHEDULE E. HOME GRANT FUND (6910)</b>	
Home Grant Projects	3,533,283
<b>TOTAL HOME GRANT FUND</b>	<b>3,533,283</b>
<b>SCHEDULE F. COMMUNITY DEVELOPMENT FUND (6911)</b>	
Community Development Capital Projects	5,844,260
<b>TOTAL COMMUNITY DEVELOPMENT FUND</b>	<b>5,844,260</b>
<b>SCHEDULE G. PAY AS YOU GO FUND (2011)</b>	
Contribution to General Capital Projects Fund	10,778,454
Contribution to Charlotte Area Transit System Fund	18,400,000
Contribution to HOME Grant Fund	683,593
<b>TOTAL PAY AS YOU GO FUND</b>	<b>29,862,047</b>
<b>SCHEDULE H. GENERAL CAPITAL PROJECTS FUND (2010)</b>	
Small Area Plan Capital Projects	251.00 300,000
Neighborhood Traffic Calming	477.00 250,000
Pedestrian and Traffic Safety Sidewalk Program	474.72 2,000,000
Neighborhood Improvement Program	331.00 5,000,000
Affordable Housing Program	478.00 8,800,000
Innovative Housing Program	481.01 15,000,000
In Rem Remedy	380.00 3,517,311
Cindy Lane Extension	377.10 500,000
Nevin Road Extension	249.13 5,350,000
Fred D. Alexander Boulevard - ROW	249.09 2,325,000
Future Road Planning and Design	249.04 5,800,000
Freedom Drive Widening	474.00 975,000
Minor Roadway Improvements	385.00 5,000,000
Traffic Equipment Replacement Program	245.00 2,200,000
Bikeways	264.30 800,000
Participation in State Highway Projects	274.76 1,000,000
Public-Private Road Participation	281.50 2,000,000
Bridge Repair/Replacement Program	281.00 1,000,000
Railroad Crossing Improvements	248.00 1,200,000
East Boulevard Improvements	372.00 150,000
Coordinated Arterial Signal Systems	281.52 1,000,000
Business Corridor Revitalization	291.00 3,000,000
Business Grant Program	493.00 1,000,000
South Corridor Transit Station Area Infrastructure	369.00 400,000
Building Maintenance Program	494.00 16,000,000
Roof Replacement Program	480.40 2,600,000
Parking Lot and Deck Repairs	480.45 1,250,000
Government Plaza Building Maintenance	485.00 500,000
Annexation Fire Stations	474.75 500,000
Arboretum Fire Station	367.00 2,000,000
Central Yard	367.75 800,000
Technology Investments	264.40 9,000,000
Ovens/Cricket Maintenance	231.10 500,000
	249.40 515,000
<b>TOTAL GENERAL CAPITAL PROJECTS FUND</b>	<b>102,232,311</b>
<b>SCHEDULE I. TOURISM CAPITAL PROJECTS FUND (2036)</b>	
Arena Maintenance Reserve	500,000
<b>TOTAL GENERAL CAPITAL PROJECTS FUND</b>	<b>500,000</b>

**SCHEDULE J. STORM WATER CAPITAL PROJECT FUND (2701)**

Storm Water Repairs	359.00	5,000,000
Storm Water Neighborhood Fund	359.20	9,030,000
Storm Water Channel Program	359.40	3,323,000
Storm Water Flood Control Projects	358.00	10,736,000
Storm Water Transit	359.41	5,512,000
Storm Water Transportation	359.42	2,618,000
Storm Water Economic Development	358.50	3,028,000
Storm Water Pollution Control	358.70	867,000
Storm Water Stream Restoration/Mitigation	359.21	726,000
<b>TOTAL STORM WATER CAPITAL PROJECTS FUND</b>		<b>40,840,000</b>

**SCHEDULE K. UTILITIES CAPITAL PROJECTS FUND (2071)**

Southwest Water Supply	63,539	20,000,000
Water Line Rehabilitation/Replacement	63,538	7,000,000
Street and Minor Water Main Extensions	63,579	4,500,000
New Service Installation Water	63,430	4,000,000
Sardis Road Tank and Booster Pump Station	63,447	3,750,000
W.T. Harris/Albemarle Rd. WM	63,558	1,191,000
Water Lines for Street Improv.	63,529	1,000,000
Technology Improvements	63,432	750,000
North Meck WTP Generator	63,449	750,000
Land Acquisition for Watershed Protection	63,728	740,000
Developer Constructed Water- Reimbursable	63,435	600,000
Franklin Lab Renovations	63,448	500,000
WM Tyvola / S Tryon - Nations Ford Rd	63,750	500,000
WM Main St Hville from Gilead to Ramah Church	63,904	400,000
Admin/Eng Bldg. Upgrades	63,780	400,000
Water Distribution Operations Center	63,547	320,000
Elevated Water Storage Tank Rehabilitation	63,725	280,000
Safety Upgrades-OSHA Compliance/Water	63,722	200,000
Water Dist. System Study	63,770	200,000
Security Improvements-Water System	63,445	100,000
Briar Creek Relief Sewer	63,140	72,000,000
Sanitary Sewer Line Rehabilitation	63,644	7,000,000
Street and Minor Sewer Main Extension	63,379	8,300,000
McAlpine Relief Sewer	63,351	6,000,000
McAlpine Nutrient Reduction	63,131	4,000,000
Reedy Creek Interceptor	63,147	4,800,000
Reedy Creek Basin Sanitary Sewer	63,148	3,122,500
Lift Station Improvements	63,334	2,600,000
Irwin WWTP Dewatering Bldg. Improv.	63,163	2,000,000
New Service Installation Sewer	63,216	2,000,000
Steele Creek LS Replacement	63,221	2,000,000
Sewer Lines in Streets to be Widened	63,324	750,000
McKee Creek Basin Sanitary Sewer	63,146	660,000
Developer Constructed Sewer- Reimbursable	63,161	600,000
Back-up Generators-Pump Stations	63,155	500,000
Mallard WWTP Rehab and Upgrades	63,235	500,000
Sugar WWTP Rehab and Upgrades	63,249	500,000
Mallard Creek WWTP Flood Protection	63,158	500,000
Biosolids Handling at all WWTPs	63,377	500,000
VW System Evaluation	63,271	500,000
System Protection Optimization Plan	63,290	350,000
South Davidson LS Replacement	63,376	300,000
Odor Management - Irwin Creek WWTP	63,375	250,000
Odor Management - Mallard Creek WWTP	63,368	250,000
Security Improvements - Sewer System	63,291	200,000
Safety Upgrades-OSHA Compliance/Sewer	63,259	120,000
Mallard WWTP Effluent Filter Expansion	63,336	100,000
McAlpine WWTP Equipment Storage Facility	63,354	100,000
ROW Recovery Program	63,274	100,000
Field Operations Satellite Offices	63,275	100,000
McDowell WWTP Rehab and Upgrades	63,233	80,000
Steele Creek Parallel Outfall	63,220	1,000,000
<b>TOTAL UTILITIES CAPITAL PROJECTS FUND</b>		<b>168,963,500</b>

**Section 3.** It is estimated that the following revenues will be available during the fiscal year beginning on July 1, 2005 and ending on June 30, 2006 to

meet the appropriations shown in Section 1 according to the following schedules:

**SCHEDULE A. GENERAL OPERATING FUND (0101)**

<b>Taxes</b>	
Property Tax	232,827,576
Sales Tax	48,445,116
Utilities Franchise Tax	29,800,000
Tax Reimbursements	2,321,386
<b>Police Services</b>	14,229,143
Solid Waste Disposal Fees	9,670,000
Business Privilege Licenses	11,172,000
<b>Other Revenues</b>	
Licenses and Permits	14,240,126
Fines, Forfeits and Penalties	1,904,966
Interlocal Grants and Agreements	3,441,167
Federal Grants and State Shared Revenues	3,650,031
General Government	9,057,981

Public Safety	3,633,778
Cemeteries	410,376
Use of Money and Property	512,870
Other Revenues	2,325,914
Intragovernmental Revenues	16,875,023
Transferred Revenues	5,366,181
Transfers from Other Funds	3,100,911
Fund Balance- unappropriated	1,472,077
<b>TOTAL GENERAL FUND</b>	<b>414,456,622</b>

**SCHEDULE B. UTILITIES OPERATING FUND (7101)**

Variable Rate Revenues	166,399,291
Fixed Rate Revenues	8,379,563
Specific Service and Capacity Revenues	20,402,710
Industrial Waste Surcharge	3,488,373
Interest on Investments	1,875,000
Other Revenues	621,594
<b>TOTAL UTILITIES OPERATING FUND</b>	<b>201,166,531</b>

**SCHEDULE C. CHARLOTTE AREA TRANSIT SYSTEM OPERATING FUND (7801)**

Half-Percent Sales Tax	59,682,218
Maintenance of Effort:	
Town of Huntersville	17,500
Mecklenburg County	181,866
City of Charlotte	18,400,000
Passenger Revenues	13,638,793
State Operating Assistance Grants	13,466,712
Service Reimbursements	881,346
Interest on Investments	1,150,000
Other Revenues	350,000
<b>TOTAL CHARLOTTE AREA TRANSIT SYSTEM FUND</b>	<b>107,768,435</b>

**SCHEDULE D. AVIATION OPERATING FUNDS- CONSOLIDATED**

Terminal	22,349,378
Parking	20,200,000
Concessions	21,600,000
Interest on Investments	2,064,753
Airfield Usage	11,775,000
Cargo Area and Ground Rents	23,800,160
Contributions from Reimbursement Agreements	0
Other	3,194,744
Passenger Facility Charges	12,104,668
<b>TOTAL AVIATION OPERATING FUND</b>	<b>117,088,703</b>

**SCHEDULE E. STORM WATER OPERATING FUND (7701)**

Storm Water Fees	31,746,762
Interest on Investments	473,145
Fund Balance- Unappropriated	2,868,317
<b>TOTAL STORM WATER OPERATING FUND</b>	<b>35,088,224</b>

**SCHEDULE F. UTILITIES DEBT SERVICE FUND (5501)**

Contribution from Water and Sewer Operating Fund	101,759,000
Interest on Investments	824,000
Interest Transferred from Other Funds	2,300,000
<b>TOTAL WATER AND SEWER DEBT SERVICE FUND</b>	<b>104,883,000</b>

**SCHEDULE G. MUNICIPAL DEBT SERVICE FUND (5101)**

Property Tax	30,362,514
Sales Tax	9,377,824
State Reimbursements	336,910
Interest on Investments	2,749,000
Interest Transferred from Other Funds	
General	2,875,000
Other	750,000
Contribution from Other Funds	
General - Equipment and CMGC	14,595,404
General - Public Safety Communications	1,532,386
Powell Bill	603,634
Public Safety Grants	336,910
County Share - CMGC and Park and Rec. L/P	1,184,000
Proceeds from Bonds	117,000
Other	688,340
Fund Balance	1,351,989
<b>TOTAL MUNICIPAL DEBT SERVICE FUND</b>	<b>66,860,911</b>

**SCHEDULE H. AVIATION DEBT SERVICE FUNDS - CONSOLIDATED**

Contribution from Aviation Operating Fund & PFC Fund	37,828,053
Contribution from Airlines	8,240,350
Proceeds from Sale of Debt	0
Interest on Investments	1,078,850
Transferred from Capital Project Fund	0
Fund Balance	0
<b>TOTAL AVIATION DEBT SERVICE FUNDS</b>	<b>47,147,253</b>

**SCHEDULE I. CONVENTION CENTER DEBT SERVICE FUND (5104)**

Contribution from Convention Center Tax Fund	16,110,000
Interest on Investments	0
<b>TOTAL CONVENTION CENTER DEBT SERVICE FUND</b>	<b>16,110,000</b>

**SCHEDULE J. STORM WATER DEBT SERVICE FUND (5201)**

Contribution from Storm Water Operating Fund	7,233,000
Proceeds from Sale of Bonds	0
<b>TOTAL STORM WATER DEBT SERVICE FUND</b>	<b>7,233,000</b>

**SCHEDULE K. CATS DEBT SERVICE FUND (5301)**

Transfers from Other Funds	18,028,269
Sale of Debt	1,700,000
Interest on Investments	0
Fund Balance	0
<b>TOTAL CATS DEBT SERVICE FUND</b>	<b>19,728,269</b>

**SCHEDULE L. TOURISM DEBT SERVICE FUND (5106)**

Contribution from Tourism Operating Fund	40,000
Debt Proceeds	3,141,513
Interest on Investments	180,000
Fund Balance- unappropriated	8,084,087
<b>TOTAL TOURISM DEBT SERVICE FUND</b>	<b>11,445,600</b>

**SCHEDULE M. POWELL BILL FUND (0120)**

State Gas Tax Refund	19,062,000
Interest on Investments	500,000
<b>TOTAL POWELL BILL FUND</b>	<b>19,562,000</b>

**SCHEDULE N. CONVENTION CENTER TAX FUND (0132)**

Taxes	25,105,867
Interest on Investments	1,125,000
Fund Balance	2,446,263
<b>TOTAL CONVENTION CENTER TAX FUND</b>	<b>28,677,130</b>

**SCHEDULE O. SAFELIGHT FUND (0180)**

Traffic Fines and Penalties	1,450,000
Interest on Investments	50,000
<b>TOTAL SAFELIGHT FUND</b>	<b>1,500,000</b>

**SCHEDULE P. INSURANCE AND RISK MANAGEMENT FUND (6302)**

Intergovernmental Revenues	
General Fund	746,001
Other Funds	526,728
Mecklenburg County, Board of Education and Other Agencies	917,687
<b>TOTAL INSURANCE AND RISK MANAGEMENT FUND</b>	<b>2,190,416</b>

**SCHEDULE Q. TOURISM OPERATING FUND (0136)**

Occupancy Tax	3,801,400
Rental Car Tax	1,714,950
Parking Fees	199,000
Retail Leases	75,000
Interest on Investments	600,000
<b>TOTAL TOURISM OPERATING FUND</b>	<b>6,389,350</b>

**SCHEDULE R. CEMETERY TRUST FUND (6381)**

Fund Balance	120,000
<b>TOTAL CEMETERY TRUST FUND</b>	<b>120,000</b>

**SCHEDULE S. SAFESPEED FUND (0190)**

Traffic Fines and Penalties	1,312,718
<b>TOTAL SAFESPEED FUND</b>	<b>1,312,718</b>

**Section 4.** It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2005 and ending on June 30, 2006 to meet the appropriations shown in Section 2 according to the following Schedules:

**SCHEDULE A. WORKFORCE INVESTMENT ACT FUND (6346)**

Workforce Investment Act (WIA) Grants	3,723,103
<b>TOTAL WORKFORCE INVESTMENT ACT FUND</b>	<b>3,723,103</b>

**SCHEDULE B. NEIGHBORHOOD DEVELOPMENT GRANTS FUND (6807)**

Federal-HOPWA Grant	565,000
Federal-Emergency Shelter Grant	204,783
<b>TOTAL NEIGHBORHOOD DEVELOPMENT GRANTS FUND</b>	<b>769,783</b>

**SCHEDULE C. PUBLIC SAFETY GRANTS FUND (0413)**

Federal and State Grants	57,000
Triad Foundation	30,000
Coverdell NFSIA FY04	22,971
N.C. Department of Insurance	5,000
<b>TOTAL PUBLIC SAFETY GRANTS FUND</b>	<b>114,971</b>

**SCHEDULE D. PUBLIC SAFETY 911 SERVICES FUND (0911)**

Wireless Fee (State Reimbursement)	800,000
Wired Fee	4,000,000
Interest on Investments	10,000
<b>TOTAL PUBLIC SAFETY 911 SERVICES FUND</b>	<b>4,810,000</b>

**SCHEDULE E. HOME GRANT FUND (6910)**

HUD HOME Grant Funds	2,849,690
Contribution from Pay As You Go Fund	683,593
<b>TOTAL HOME GRANT FUND</b>	<b>3,533,283</b>

**SCHEDULE F. COMMUNITY DEVELOPMENT FUND (6911)**

Community Development Block Grant	5,299,260
Community Development Program Income	545,000
<b>TOTAL COMMUNITY DEVELOPMENT FUND</b>	<b>5,844,260</b>

**SCHEDULE G. PAY AS YOU GO FUND (2011)**

Property Tax	10,435,074
Interest on Investments	200,000
Sales Tax	9,550,750
Auto Tax	11,106,602
<b>TOTAL PAY AS YOU GO FUND</b>	<b>31,292,426</b>

**SCHEDULE H. GENERAL CAPITAL PROJECTS FUND (2010)**

Contribution from Pay As You Go Fund	10,778,454
Contribution from Other Funds -	
General Fund	800,000
Municipal Debt Service Fund	975,000
Innovative Housing Loan Repayments	53,857
Neighborhood Improvement Bonds	8,800,000
Affordable Housing Bonds	15,000,000
Street Bonds	54,825,000
Certificates of Participation (Central Yard)	9,000,000
Certificates of Participation (Annexation Fire Stations)	2,000,000
<b>TOTAL GENERAL CAPITAL PROJECTS FUND</b>	<b>102,232,311</b>

**SCHEDULE I. TOURISM CAPITAL PROJECTS FUND (2036)**

Contribution from Tourism Operating Fund	250,000
Contribution from Charlotte Bobcats	250,000
<b>TOTAL STORM WATER CAPITAL PROJECTS FUND</b>	<b>500,000</b>

**SCHEDULE J. STORM WATER CAPITAL PROJECTS FUND (2701)**

Contribution from Storm Water Operating Fund	11,800,000
Storm Water Revenue Bonds	29,040,000
<b>TOTAL STORM WATER CAPITAL PROJECTS FUND</b>	<b>40,840,000</b>

**SCHEDULE K. UTILITIES CAPITAL PROJECTS FUND (2071)**

Water Revenue Bonds	41,831,000
Sewer Revenue Bonds	119,182,500
Contribution from Water and Sewer Operating Fund	7,950,000
<b>TOTAL UTILITIES CAPITAL PROJECTS FUND</b>	<b>168,963,500</b>

**Section 5.** That the sum of up to \$25,000,000 is estimated to be available from the proceeds of the FY06 Installment Payment Contract (Lease/Purchase) and is hereby appropriated to the funds listed below. Interest earnings on these lease purchase proceeds are hereby appropriated to the respective funds' Control Centers for allocation for future capital equipment needs in the current and future years until the funds are depleted.

General Capital Equipment Fund	\$ 12,000,000
Water & Sewer Capital Equipment Fund	11,000,000
Powell Bill (Street Maintenance) Capital Equipment Fund	1,200,000
Issuance Expense	800,000
<b>Total</b>	<b>\$ 25,000,000</b>

**Section 6.** The following tax rates are hereby levied on each one hundred dollars (\$100) valuation of taxable property, as listed for taxes as of January 1, 2005, for the purpose of raising revenue from property taxes as set forth in the foregoing revenue estimates, and in order to finance the Funds' appropriations:

	<u>Tax Rates</u>
General Fund (for the general expenses incidental to the proper government of the City)	\$0.3570
Municipal Debt Service (for the payment of interest and principal on outstanding debt)	\$0.0470
Pay As You Go Fund (for dedication to the General Capital Projects Fund for capital improvements)	\$0.0160
<b>TOTAL RATE PER \$100 VALUATION OF TAXABLE PROPERTY</b>	<b>\$0.4200</b>

Such rates of tax are based on an estimated total appraised valuation of property for the purpose of taxation of \$65,219,209,806 and an estimated rate of collection of ninety-seven and five tenths percent (97.5%).

**Section 7.** That the sum of \$704,904 is hereby appropriated to the Municipal Service District 1; that the sum of \$188,286 is hereby appropriated to the Municipal Service District 2; and that the sum of \$539,922 is hereby appropriated to Municipal Service District 3. These funds will provide for planning, promotion, and revitalization activities within the designated center city Municipal Service Districts for the period beginning July 1, 2005 and ending June 30, 2006.

**Section 8.** That the sum of \$319,965 is hereby appropriated to the Municipal Service District 4. These funds will provide for planning, promotion, and revitalization activities within the designated South End Municipal Service District for the period beginning July 1, 2005 and ending June 30, 2006.

**Section 9.** That the sum of \$163,690 is hereby appropriated to the Municipal Service District 5. These funds will provide for planning, promotion, and revitalization activities within the designated University City Municipal Service District for the period beginning July 1, 2005 and ending June 30, 2006.

**Section 10.** That the following estimated revenues are hereby available from the following sources to finance the operations of the Municipal

Service Districts:		
	<b>SCHEDULE A. MUNICIPAL SERVICE DISTRICT 1 (0130)</b>	
Property Taxes	\$	704,904
<b>TOTAL DISTRICT 1</b>	<b>\$</b>	<b>704,904</b>
	<b>SCHEDULE B. MUNICIPAL SERVICE DISTRICT 2 (0130)</b>	
Property Taxes	\$	188,286
<b>TOTAL DISTRICT 2</b>	<b>\$</b>	<b>188,286</b>
	<b>SCHEDULE C. MUNICIPAL SERVICE DISTRICT 3 (0130)</b>	
Property Taxes	\$	539,922
<b>TOTAL DISTRICT 3</b>	<b>\$</b>	<b>539,922</b>

	<b>SCHEDULE D. MUNICIPAL SERVICE DISTRICT 4 (0130)</b>	
Property Taxes		\$ 319,965
<b>TOTAL DISTRICT 4</b>		<b>\$ 319,965</b>
	<b>SCHEDULE E. MUNICIPAL SERVICE DISTRICT 5 (0130)</b>	
Property Taxes		\$ 178,384
<b>TOTAL DISTRICT 5</b>		<b>\$ 178,384</b>

**Section 11.** The following tax rates are hereby levied on each one hundred dollars (\$100) valuation of taxable property, as listed for taxes as of January 1, 2005, for the purpose of raising the revenue from property taxes to finance the foregoing appropriations in the Municipal Service Districts Funds. Such tax rates are based on estimated total appraised valuations at collection rates as follows.

	<u>Tax Rates</u>		<u>Valuation</u>	<u>Collection Rate (%)</u>
Municipal Service District 1	\$ 0.0174	\$	4,155,050,149	97.50%
Municipal Service District 2	\$ 0.0124	\$	1,557,369,723	97.50%
Municipal Service District 3	\$ 0.0271	\$	2,043,417,829	97.50%
Municipal Service District 4	\$ 0.0668	\$	491,270,580	97.50%
Municipal Service District 5	\$ 0.0300	\$	609,860,577	97.50%

**Section 12.** That the sum of \$219,489 is estimated to be available from a Governor's Crime Commission grant and is hereby appropriated in General Fund 0101- Community Relations Committee for the Community Relations Dispute Settlement Program.

**Section 13.** That the sum of \$300,000 is estimated to be available from miscellaneous grants, donations, and other external parties during the fiscal year and is hereby appropriated to Public Safety Grants Fund 0413.

**Section 14.** That the sum of \$208,800 is available from the following General Capital Project Fund (2010) for FY2006 art eligible projects and is hereby appropriated to the General Capital Project Fund 2010; 246.10- Public Art.

<u>Project</u>	<u>Center Number</u>	<u>Source of Funds</u>	<u>1% Allocation</u>
Pedestrian and Traffic Safety	474.72	Street Bonds	\$20,000
Innovative Housing Program	380.00	Pay-As-You-Go	10,000
Business Corridor Revitalization	493.00	Street Bonds	10,000
Business Grant Program - Facades	369.00	Street Bonds	2,000
South Corridor Infrastructure	494.00	Street Bonds	96,000
Arboretum Fire Station	367.75	General Fund	4,800
Central Yard	264.40	Certificates of Participati	54,000
Annexation Fire Stations	367.00	Certificates of Participati	12,000
<b>TOTAL</b>			<b>\$208,800</b>

**Section 15.** That the sum of \$222,767 is available from Assets Forfeiture funds and is hereby appropriated to the Public Safety Grants Fund 0413 for Police projects.

**Section 16.** That the sum of \$356,639.02 is available from reimbursements from North Carolina Emergency Management and is hereby appropriated to General Fund 0101- Fire Department.

**Section 17.** That the sum of \$33,120 is available from the General Fund 0101 and is hereby appropriated for transfer to the Public Safety Grants Fund 0413 for the local match to a United States Fire Administration grant.

**Section 18.** That the sum of \$750 is available from a donation from Wal-Mart and is hereby appropriated to General Fund 0101- Fire Department.

**Section 19.** That the additional sum of \$10,385 is available from private contributions and is hereby appropriated to General Fund 0101- Community Relations Committee.

**Section 20.** That the sum of \$375,620 is hereby estimated to be available from NCDOT grant revenues for signal maintenance schedules C and D and is appropriated to General Fund Traffic Operations (0101; 51800; 298).

**Section 21.** That the additional sum of \$1,004,786 is available from FEMA for Winter Storm 2002 reimbursements and is hereby appropriated to Fund 0131; \$462,594 of this amount is hereby returned to General Fund 0101.

**Section 22.** That Ordinance No. 2620-x dated June 14, 2004, Sections 1 and 3 are hereby amended to increase the revenues and appropriations for the Fair Housing Grant by \$644; for payment from Mecklenburg County for the Storm Water back billing project by \$73,043.12; and for the transfer received from the Convention Center Tax Fund's fund balance by \$42,433.32 for the payments to Mecklenburg towns for tourism subsidy.

**Section 23.** That the sum of \$1,610,000 is hereby estimated to be available from NCDOT for road construction performed by the City for three "NC Moving Ahead" projects and is hereby appropriated to General Capital Improvement Fund 2010; 281.50 - Participation in State Highway Projects.

**Section 24.** That the sum of \$1,000,000 is available from the Municipal Debt Service Fund (MDSF) 5101 fund balance and is hereby appropriated for transfer to the General Capital Improvement Fund 2010 for planning and design for the Afro American Cultural Center (\$400,000) and Discovery Place (\$600,000). These funds will be returned to the MDSF upon approval of permanent financing through a Cultural Facilities Plan.

**Section 25.** That the sum of \$296,800 is hereby estimated to be available from the NCDOT for a Clanton Road Pedestrian Safety Project and is hereby appropriated to the General Capital Project Fund 2010; 331.00 - Sidewalk Program.



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**Section 26.** That the sum of \$700,000 is hereby estimated to be available from Street Improvement Bonds and is hereby appropriated to General Capital Project Fund 2010; 331.00- Sidewalk Program.

**Section 27.** That the sum of \$805,946 is hereby estimated to be available from private developers (0101;52200;5669) for signal and sign modifications to the City road system and is hereby appropriated for transfer to the General Capital Improvement Fund 2010 for Public-Private Participation (281.00).

**Section 28.** That the sum of \$548,520.87 is hereby available from the projects listed below and is hereby transferred and appropriated to General Capital Improvement Fund 2010; 329.00 - West Side Strategy Plan.

Project	Amount
2010; 385.07 - Brookshire Freeway Landscaping	\$437,040.85
2010; 385.09 - Wilkinson Boulevard Gateway	111,480.02
<b>Total</b>	<b>\$548,520.87</b>

**Section 29.** That the sum of \$400,000 is available from the following projects and is hereby appropriated to 2010; South Blvd and Hill Street Left Turn Signal (281.71).

Source	Amount
2010; 331.00 - Sidewalk Program	\$200,000
2010; 474.70 - School Pedestrian Safety Program	200,000
<b>Total</b>	<b>\$400,000</b>

**Section 30.** That the sum of \$330,000 is available from Fund 2010; 281.50 - Participation in State Highway Projects from Street Bonds and is hereby transferred to the following projects to replace uncollectable estimated NCDOT grants:

Project	Amount
387.01 - Toddville Road and CSX Railroad	\$15,000
387.02 - Tom Sadler Road and CSX Railroad	315,000
<b>Total</b>	<b>\$330,000</b>

**Section 31.** That the sum of \$168,806.25 is available from private developers as reimbursements to the City for road work performed for the developer in conjunction with City road projects. That the reimbursements are hereby appropriated to the following General Capital Improvement Fund 2010 projects.

Project	Amount
494.00 - South Corridor Infrastructure	\$69,649.00
249.00 - 2002 Road Planning	35,600.00
331.00 - Sidewalk Program	45,697.00
474.32 - Pence Road Streetscape	17,860.25
<b>Total</b>	<b>\$168,806.25</b>

**Section 32.** That the sum of \$100,000 is hereby estimated to be available from FY06 Pay-As-You-Go Fund (2011) revenues and is hereby transferred and appropriated to Capital Projects Fund 2010; 471.00 - Productivity Improvements.

**Section 33.** That \$2,491,164.24 is available from the listed sources and is hereby appropriated to the indicated projects in General Capital Fund 2010.

Center	Source	Amount
369.19 City within a City Loan Pgm	Program Income	\$139,754.55
380.51 Lead-Based Paint Pgm	Donation from Lowes	\$3,500.00
380.59 Innovative Housing	Program Income	\$190,790.71
481.01 Affordable Housing	Program Income	\$14,488.98
481.01 Affordable Housing	Sale of Land	\$2,142,630.00
<b>Total</b>		<b>\$2,491,164.24</b>

**Section 34.** That the sum of \$1,215,286.71 is hereby available from Urban Development Action Grant Repayments in Fund 2010 and is hereby appropriated for transfer to the Community Development Fund 6911 for appropriation to Relocation (923.93).

**Section 35.** That \$555,431.46 is available from the listed sources and is hereby appropriated to the indicated projects in Neighborhood Development Grants Fund 6807.

Center	Source	Amount
900.34 Wingate Community	Donation from Sisters of Mercy	\$23,921.00
900.36 Section 108 Loan Program	Program Income	\$368,909.70
900.80 Villages of Hope Haven	Program Income	\$116,930.19
900.90 Enterprise Community Grants	Program Income	\$45,670.57
<b>Total</b>		<b>\$555,431.46</b>

**Section 36.** That \$619,902.32 is available from the listed sources and is hereby appropriated to the indicated projects and Funds.

Fund and Center	Source	Amount
6346; 797.40 In-School Program	WIA Grant	\$426,224.57
6902; 900.95 Interest to HUD	Interest on Investments	\$22,000.00
6911; 921.93 Residential Rehab	Program Income	\$171,677.75
<b>Total</b>		<b>\$619,902.32</b>

**Section 37.** That the additional sum of \$10,497,105 is available for transfer from excess non-airline revenues in Aviation Operating Fund 7402 to the Aviation Discretionary Fund 7408.

**Section 38.** That the additional sum of \$8,030 is available from the Aviation Discretionary fund 7408 and is hereby appropriated to Aviation Capital Projects Fund 2073- 562.27 for art projects in accordance with the Art Ordinance.

**Section 39.** That the sum of \$19,130,995.32 is estimated to be available from a State Grant and is hereby appropriated to Trackwork (2098; 896.69).

**Section 40.** That the sum of \$22,492,837 is estimated to be available from a Federal Grant and is hereby appropriated to center 89669 (2098).

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**Section 41.** That the sum of \$9,195,694.98 is estimated to be available from a Federal Grant and is hereby appropriated to the following projects in Fund 2098.

Project	Amount
897.11 - Traction Power	\$8,497,234.00
898.10 - Art In Transit	\$327,382.42
898.69 - Final Design- Direct	\$272,878.98
898.70 - Final Design- Indirect	\$97,525.22
898.71 - Final Design	\$674.36
<b>Total</b>	<b>\$9,195,694.98</b>

**Section 42.** That Ordinance 2341-x dated July 28, 2003 is hereby amended for North Corridor Preliminary Engineering (2097; 897.95) as follows and that \$214,947 of the remaining State grant loan is transferred to 2097.897.97.

Sources of Funding	Original	Revised
Federal Transit Administration	2,000,000	2,000,000
NCDOT	464,947	250,000
City Contribution	35,053	250,000
<b>Total</b>	<b>\$2,500,000</b>	<b>\$2,500,000</b>

**Section 43.** That Ordinance 2385-x dated September, 2003 is hereby amended for the Second Bus Garage (2078; 841.03) and that revised funding sources are transferred to the TECH 80/20 project (2078; 841.10).

Sources of Funding	Original	Revised
Federal Transit Administration	16,957.60	\$16,957.60
NCDOT	2,119.70	\$0.00
City Contribution	2,119.70	\$4,239.40
<b>Total</b>	<b>\$21,197.00</b>	<b>\$21,197.00</b>

**Section 44.** That the sum of \$606,796 is hereby estimated to be available from CATS Operating Fund 7801 fund balance and is hereby appropriated to the Second Bus Garage (2078; 851.00) to provide for the local 10% share. Federal and State cost shares were reflected in Ordinance 2592-x dated May 10, 2004.

**Section 45.** That the sum of \$4,500,000 is available for transfer from the following projects in Fund 2078 to Fund 2098 Final Design (896.00).

Projects	Source	Amount
877.01 - Rehabilitation of Facility	Fund 7801 fund balance	\$392.07
877.02 - Rehabilitation of Car #85	Fund 7801 fund balance	\$36,967.40
877.03 - Capital Purchases	Fund 7801 fund balance	\$4,000.00
877.04 - Purchase 3 Replica Trolleys	Fund 7801 fund balance	\$6,000.00
877.05 - Historic Trolley Barn	Fund 7801 fund balance	\$4,452,640.53
<b>Total</b>		<b>\$4,500,000.00</b>

**Section 46.** That the sum of \$1,446,186.50 is estimated to be available from South Corridor State Grant 04-42 and is hereby appropriated to CATS Capital Fund 2098 Final Design (896.00).

**Section 47.** That the sum of \$200,000 is estimated to be available as follows and is hereby appropriated to Bus Operations (7801; 800.00) for Job Access and Reverse Commute programs.

Sources of Funding	Amount
State JARC Grant	100,000.00
City Contribution	100,000.00
<b>Total</b>	<b>\$200,000.00</b>

**Section 48.** That the sum of \$780,000 is estimated to be available from a State grant and is hereby appropriated to Fund 2096 for the following projects.

Project	Amount
897.97 - Preliminary Engineering (SE)	390,000.00
897.98 - Preliminary Engineering (W)	390,000.00
<b>Total</b>	<b>\$780,000.00</b>

**Section 49.** That the entire sum available from MSD Fund 0130 fund balance as of June 30, 2005 for MSDs #1, #2, #3, and #4 is hereby appropriated for payment to Charlotte Center City Partners (CCCP).

**Section 50.** That the sum of \$1,324,195 is available from Arena related revenues and is hereby appropriated to the Tourism Capital Fund 2036- City Revenue Collections.

Source	Amount
Tourism Operating Fund 0136 fund balance (parking)	\$300,000
Utilities Reimbursement	902,425
Other Revenues	121,770
<b>Total</b>	<b>\$1,324,195</b>

**Section 51.** That Ordinance No. 2213-x dated January 13, 2003 is amended to read: That the sum of \$300,000 is hereby appropriated to the Tourism Capital Fund 2036. That Ordinance No. 2471-x dated January 12, 2004 is hereby amended to read center 419.61 rather than 530.26. That Ordinance No. 2577-x dated April 12, 2004 is hereby amended to read that \$75,000 be appropriated to Fund 6807 center 900.09 rather than Fund 2010. That Ordinance No. 2614-x dated May 24, 2004, Section 2 is hereby amended to read center 530.26 rather than center 532.26. That Ordinance No. 2615-x dated May 24, 2004 is hereby amended to read center 531.17 rather than center 532.26. That Ordinance No. 2818-x dated June 14, 2004, Section 3 is hereby amended to read center 529.58 rather than center 529.57. That Ordinance No. 2738-x dated September 27, 2004 is hereby amended to change the estimated revenues and appropriations to \$81,103.69.

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Ordinance Book 53, Page 634

<b>Section 52.</b> That Ordinance No. 2620-x dated June 14, 2004 is hereby amended to reflect the following corrections:			
<b>Sections 1 and 3:</b>		<b>Sections 2 and 4:</b>	
Schedule M Total Appropriations	\$20,859,562	Schedule A	\$4,516,630
Schedule M Fund Balance	\$ 2,459,562	Schedule B	\$ 777,784
		Schedule C	\$4,758,786
		Schedule D	\$6,783,464
		Schedule D Interest on Investments	\$2,600,000
		Schedule D Other	\$3,781,945
		Schedule H Contribution from Aviation	
		Operating Fund	\$38,411,600
<b>Section 52:</b> Center 840.31 in Fund 2078			

**Section 53.** That Ordinance No. 2838-x dated December 13, 2004 is hereby amended to read \$250,000 for Fund 2073; center 562.54 rather than Fund 7402; center 576.99.

**Section 54.** That General Capital Improvement Fund 2010 centers are hereby redesignated as follows:

Current	Revised
281.52 - Developer Contributions	281.01 - Developer Contributions
281.58 - Eastfield Village Reimbursement	281.02 - Eastfield Village Reimbursement
281.59 - Shopton Road Reimbursement	281.03 - Shopton Road Reimbursement
281.60 - Developer Performance Bond	281.04 - Developer Performance Bond
281.61 - Morehead Street Development	281.05 - Morehead Street Development

**Section 55.** That the Finance Director or his designee is hereby authorized to carry forward the authorizations for any Federal, State, Local, other third party grants, or program- specific community contributions for the duration of the grants' or contributions' authorized performance periods; and that any appropriation of local funding required, such as a grant match, is authorized to be carried forward as well.

**Section 56.** That the Finance Director or his designee is hereby authorized to appropriate interest earnings for any Federal, State, Local, or other third party grants for the duration of the grants' authorized performance periods.

**Section 57.** That the Finance Director or his designee is hereby authorized to appropriate interest on investments on HUD-related revolving loan funds as required by HUD to return related interest earnings to HUD at fiscal years' end.

**Section 58.** That the Finance Director or his designee is hereby authorized to advance cash from the General Capital Project equity of the City's cash pool account to general capital projects that are bond financed (unissued) and that have City Council authorized appropriations. Upon issuance of permanent financing, the funds will be repaid to the General Capital Project equity of the City's cash pool account.

**Section 59.** That the Finance Director or his designee is hereby authorized to advance cash from the Utilities equity of the City's cash pool account to water and sewer projects that are bond financed (unissued) and that have City Council authorized appropriations. Upon issuance of permanent financing, the funds will be repaid to the Utilities equity of the City's cash pool account.

**Section 60.** Sections 39 through 41 above revise the current funding allocation in the center string 896.xx in Fund 2098. The changes are a result of an amendment of the State Full Funding Grant Agreement to increase the State's share of the South Corridor project to \$106.7 million (BOT passed on April 5, 2005) and the execution of the Federal Full Funding Grant Agreement signed May 6, 2005.

**Section 61.** Sections 47 and 48 above estimate State grant participation. Upon receipt of the grant assistance, the sources and levels of funding for the project specified may be adjusted to reflect permanent financing. Until permanent financing is realized, the Finance Director is hereby authorized to advance funding from Fund 7801 fund balance to cover estimated grant revenues specified above. Upon receipt of grant revenues, funds advanced to the project shall revert back to Fund 7801 fund balance. If grant funding is not realized, the advance may be designated as the permanent source of funding. The project appropriations level will not exceed the amounts specified unless authorized by subsequent ordinance.

**Section 62.** That the Finance Director or his designee is hereby authorized to transfer interest earnings from the City's various operating and capital funds to the appropriate debt service funds according to Council policy, except where specific exceptions have been authorized.

**Section 63.** That the Finance Director or his designee is hereby authorized to appropriate amounts needed to fund current fiscal year debt issues that have been approved by Council.

**Section 64.** That the Finance Director or his designee is hereby authorized to appropriate amounts needed to satisfy federal government regulations related to interest earnings on debt issues.

**Section 65.** That the Finance Director or his designee is hereby authorized to transfer revenues from the Convention Center Tax Fund to the Charlotte Regional Visitors Authority as stipulated in State of North Carolina General Statutes.

**Section 66.** That occupancy and prepared food and beverage tax revenues are hereby available and are authorized to be appropriated in the amounts needed to make payments to Charlotte Regional Visitors Authority as specified in the Council- authorized agreement.

**Section 67.** That 911 wired surcharge fees are hereby available and are authorized to be appropriated in the amounts needed to make payments to Mecklenburg County as specified in Council- authorized interlocal agreements.

**Section 68.** That as annual wireless communications user fees exceed annual debt service and other operating expenditures for wireless infrastructure system operations in General Fund 0101 the excess is hereby authorized to be appropriated for transfer to the General Capital Improvement Fund 2010 for future digital communications upgrades as specified in Council- authorized interlocal agreements. This ordinance applies retroactively to the initial year of the agreements.

**Section 69.** Copies of this ordinance shall be furnished to the Director of Finance, City Treasurer, and Chief Accountant to be kept on file by them for their direction in the disbursement of City funds.

**Section 70.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 71.** It is the intent of this ordinance to be effective July 1, 2005, except for Sections 15 through 54, which are to be effective upon adoption.

Approved as to form:

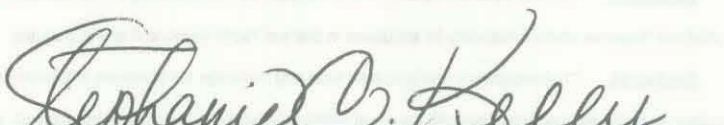


*J.A.S.H.* City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 624-635.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of June, 2005



Stephanie C. Kelly, CMC, Deputy City Clerk

June 20, 2005  
Ordinance Book 53, Page 636

FOR REGISTRATION JUDITH A. GIB  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, NC  
2005 JUL 08 02:14 PM  
BK: 19008 PG: 286-291 FEE: \$0.00  
INSTRUMENT # 2005128670



ORDINANCE NO. 2997-X

Ordinance designating as a Historic Landmark a property known as the "Carolina Cadillac Company" (listed under Tax Parcel Number 07307208 as of January 1, 2005, and including the interior and exterior of the building, and the parcel of land listed under Tax Parcel Number 07307208 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2005). The building is owned by Packard Tryon, LLC, and is located at 1310 South Tryon Street in Charlotte, North Carolina.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 20th day of June, 2005, on the question of designating a property known as the Carolina Cadillac Company as a historic landmark; and

CHARLOTTE-MECKLENBURG  
HISTORIC  
LANDMARKS COMMISSION  
2100 RANDOLPH RD

return To:

WHEREAS, the Carolina Cadillac Company was constructed in 1926 and was designed by local architect, M. R. Marsh, who was also responsible for a number of downtown commercial buildings during the early twentieth century; and

WHEREAS, the Carolina Cadillac Company was the first Charlotte automobile dealer to build an automobile showroom on the outskirts of the central business district; and

WHEREAS, the Carolina Cadillac Company is now a rare and well-preserved example of an early twentieth century automobile showroom in Charlotte and is one of the last examples of a 1920s commercial style building remaining on South Tryon Street; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Carolina Cadillac Company possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over portions of the property known as the Carolina Cadillac Company, because consent for interior design review has been given by the Owner; and

WHEREAS, the property known as the Carolina Cadillac Company is owned by Packard Tryon, LLC.

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

1. That the property known as the "Carolina Cadillac Company" (listed under Tax Parcel Number 07307208 as of January 1, 2005, and including the interior and exterior of the building, and the parcel of land listed under Tax Parcel Number 07307208 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2005) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 1310 South Tryon Street in the City of Charlotte, Mecklenburg County, North Carolina. Features of the property are more completely described in the "Survey and Research Report on the Carolina Cadillac Company" (2004).

2. That said exterior and interior are more specifically defined as the historic and structural fabric, especially including all original exterior and interior architectural features and the original contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

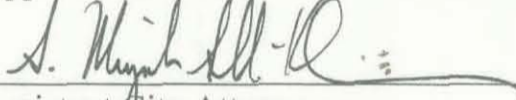
5. That a suitable sign may be posted indicating that said property has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the historic landmark known as the "Carolina Cadillac Company" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.



7. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

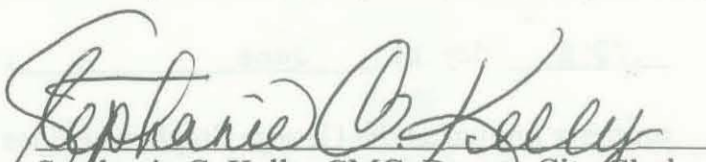
Approved as to form:

  
Assistant City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 636-640.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of June, 2005.

  
Stephanie C. Kelly, CMQ, Deputy City Clerk

June 20, 2005  
Ordinance Book 53, Page 641

FOR REGISTRATION JUDITH A. ISC  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, N.C.  
2005 JUL 08 02:14 PM  
BK: 19008 PG: 280-285 FEE: \$0.00  
INSTRUMENT # 2005128669



ORDINANCE NO. 2998-X

Ordinance designating as a Historic Landmark a property known as the "George Stephens House" (listed under Tax Parcel number 15505310 as of January 1, 2005, and including the interior and exterior of the house and the parcel of land listed under Tax Parcel Number 15505310 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2005). The property is owned by William and Catherine Dawson and is located at 821 Harvard Place in the City of Charlotte, Mecklenburg County, North Carolina.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 20th day of June, 2005, on the question of designating a property known as the George Stephens House as a historic landmark; and

turn to:  
CHARLOTTE-MECKLENBURG  
HISTORIC  
LANDMARKS COMMISSION  
2100 RANDOLPH RD.

WHEREAS, the George Stephens House, erected ca. 1916, occupies a prominent place in the Myers Park neighborhood; and

WHEREAS, the George Stephens House, probably designed by local architect L. L. Hunter, is an important example of a sophisticated blending of Bungalow and Colonial Revival styles; and

WHEREAS, George Stephens, founder of the Stephens Company and developer of Myers Park, was a seminal figure in the development of Charlotte in the early 20<sup>th</sup> century; and

WHEREAS, the exterior and the front yard of the George Stephens House were designated as a historic property in 1985; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the George Stephens House possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the George Stephens House possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over portions of the property known as the George Stephens House, because consent for interior design review has been given by the Owner; and

WHEREAS, the property known as the George Stephens House is owned by William and Catherine Dawson.

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

1. That the property known as the "George Stephens House" (listed under Tax Parcel number 15505310 as of January 1, 2005, and including the interior and exterior of the house and the parcel of land listed under Tax Parcel Number 15505310 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2005) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 821 Harvard Place in the City of Charlotte, Mecklenburg County, North Carolina. Features of the property are more completely described in the "Survey and Research Report on the George Stephens House" (1984).

2. That said exterior and interior are more specifically defined as the historic and structural fabric, especially including all original exterior and interior architectural features and the original contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However,

the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

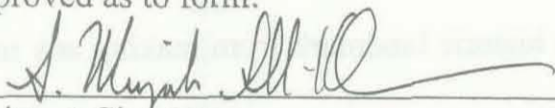
5. That a suitable sign may be posted indicating that said property has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the historic landmark known as the "George Stephens House" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards

Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19 of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

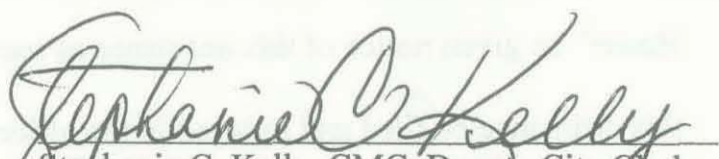
Approved as to form:

  
Assistant City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 641-645.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of June, 200

  
Stephanie C. Kelly, CMC, Deputy City Clerk

FOR REGISTRATION JUDITH A. GIE  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, NC  
2005 JUL 08 02:14 PM  
BK:19008 PG:274-279 FEE:\$0.00  
INSTRUMENT # 2005128668



ORDINANCE NO. 2999-X

Ordinance designating as a Historic Landmark a property known as the "Hovis Funeral Home Building" (listed under Tax Parcel Number 08003314 as of January 1, 2005, and including the exterior of the building, and the parcel of land listed under Tax Parcel Number 08003314 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2005). The building is owned by Five Hundred Sixteen N. Tryon St., LLC, and is located at 516 North Tryon Street in Charlotte, North Carolina

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 20th day of June, 2005, on the question of designating a property known as the Hovis Funeral Home Building as a historic landmark; and

Return To:

CHARLOTTE-MECKLENBURG  
HISTORIC  
LANDMARKS COMMISSION  
2100 RANDOLPH RD.  
CHARLOTTE NC 28207

Charlotte Mecklenburg  
Historic Landmarks Com.  
2100 Randolph Road

June 20, 2005

Ordinance Book 53, Page 647

WHEREAS, the Hovis Funeral Home Building was designed by regionally important architect William H. Peeps and is one of the few buildings designed by Peeps that survive in Center City Charlotte; and

WHEREAS, the Hovis Funeral Home Building reflects the importance of Tryon Street as the principal upscale commercial street in early twentieth century Charlotte; and

WHEREAS, the Hovis Funeral Home Building is the only extant building in Center City Charlotte that once served as a funeral home; and

WHEREAS, the Hovis Funeral Home Building is architecturally significant for its incorporation of elements of the Gothic Revival and Beaux Arts styles; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Hovis Funeral Home Building possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the Hovis Funeral Home Building possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the property known as the Hovis Funeral Home Building is owned by Five Hundred Sixteen N. Tryon St., LLC.

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

1. That the property known as the "Hovis Funeral Home Building" (listed under Tax Parcel Number 08003314 as of January 1, 2005, and including the exterior of the



building, and the parcel of land listed under Tax Parcel Number 08003314 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2005) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 516 North Tryon Street in the City of Charlotte, Mecklenburg County, North Carolina. Features of the property are more completely described in the "Survey and Research Report on the Hovis Funeral Home Building" (2005).

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the original contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not

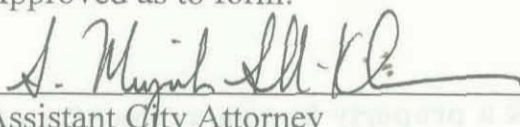
involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said property has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the historic landmark known as the "Hovis Funeral Home Building" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

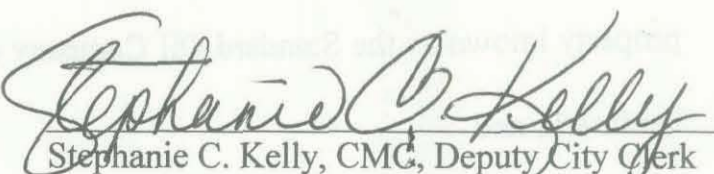
Approved as to form:

  
Assistant City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 646-650.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of June, 2005.

  
Stephanie C. Kelly, CMG, Deputy City Clerk

June 20, 2005  
Ordinance Book 53, Page 651

FOR REGISTRATION JUDITH A. 301  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, NC  
2005 JUL 08 02:14 PM  
BK:19008 PG:268-273 FEE:\$

INSTRUMENT # 2005128667



2005128667

ORDINANCE NO. 3000-X

Ordinance designating as a Historic Landmark a property known as the "Standard Oil Company of New Jersey Filling Station" (listed under Tax Parcel Number 08102413 as of January 1, 2005, and including the exterior of the building, and the parcel of land listed under Tax Parcel Number 08102413 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2005). The building is owned by John and Louise McDow, and is located at 1010 North Tryon Street in Charlotte, North Carolina.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 20th day of June, 2005, on the question of designating a property known as the Standard Oil Company of New Jersey Filling Station as a historic landmark; and

Returned:

Charlotte Mecklenburg  
Historic Landmarks Com.  
2100 Randolph Road  
Charlotte, NC 28207

WHEREAS, the Standard Oil Company of New Jersey Filling Station is the sole surviving pre-World War Two automobile filling station surviving in Center City Charlotte; and

WHEREAS, the Standard Oil Company of New Jersey Filling Station is a reflection of the historical growth of the automobile in Charlotte's transportation mix; and

WHEREAS, the Standard Oil Company of New Jersey Filling Station possesses significance as a rare example of early twentieth-century commercial retail architecture with elements of the Craftsman Style; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Standard Oil Company of New Jersey Filling Station possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the Standard Oil Company of New Jersey Filling Station possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the property known as the Standard Oil Company of New Jersey Filling Station is owned by John and Louise McDow.

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

1. That the property known as the "Standard Oil Company of New Jersey Filling Station" (listed under Tax Parcel Number 08102413 as of January 1, 2005, and including the exterior of the building, and the parcel of land listed under Tax Parcel Number 08102413 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2005) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 1010 North Tryon Street in the City of Charlotte, Mecklenburg County, North Carolina. Features of the property are more completely described in the "Survey and Research Report on the Standard Oil Company of New Jersey Filling Station" (2005).

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the original contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However,

the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

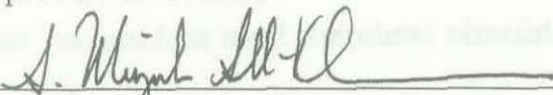
5. That a suitable sign may be posted indicating that said property has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the historic landmark known as the "Standard Oil Company of New Jersey Filling Station" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk,

Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

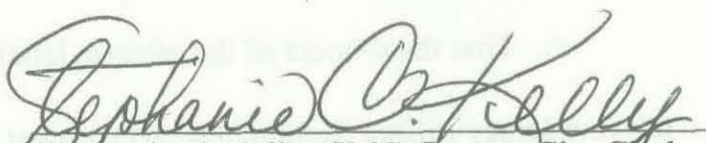
Approved as to form:

  
Assistant City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 651-655.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of June, 2005.

  
Stephanie C. Kelly, CMC, Deputy City Clerk



June 20, 2005  
Ordinance Book 53, Page 656

APPROVED BY CITY COUNCIL  
DATE 6/20/05

Petition No. 2005-08  
Petitioner: Charles M. Antonucci & Victoria Gonzalez

ORDINANCE NO. 3001-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 G-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.

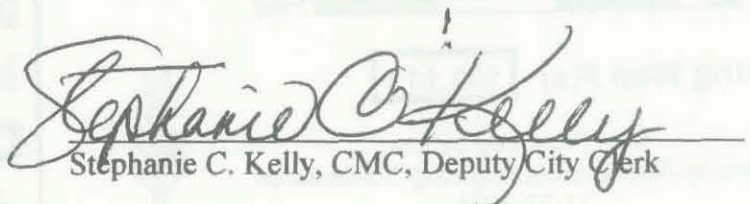
APPROVED AS TO FORM:

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

**CERTIFICATION**

Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 656-657.

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

  
\_\_\_\_\_  
Stephanie C. Kelly, CMC, Deputy City Clerk

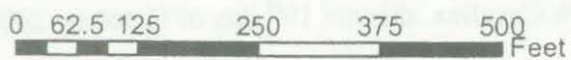
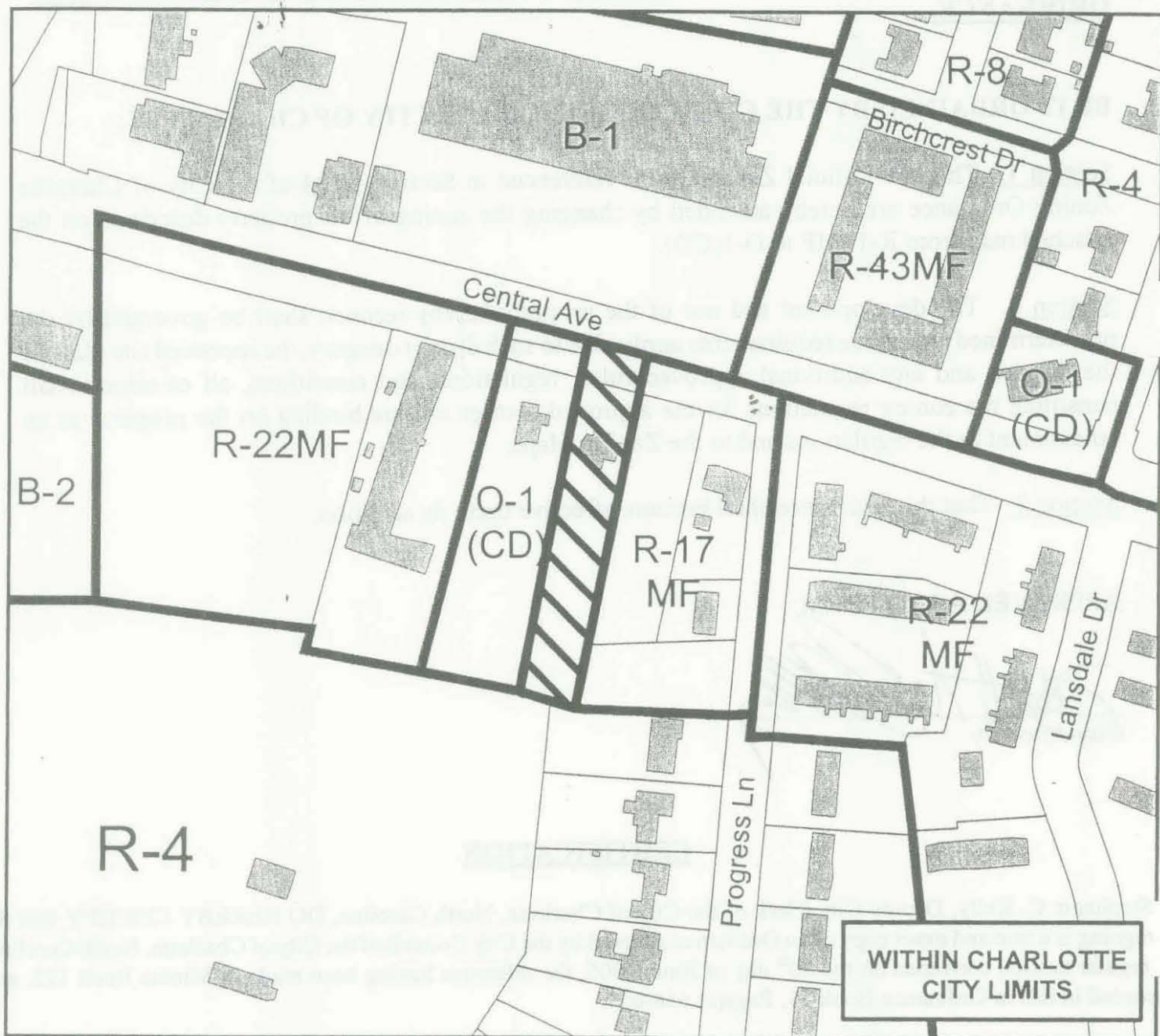
Petition #: **2005-008**

Petitioner: Charles M. Antonucci and Victoria Gonzalez

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

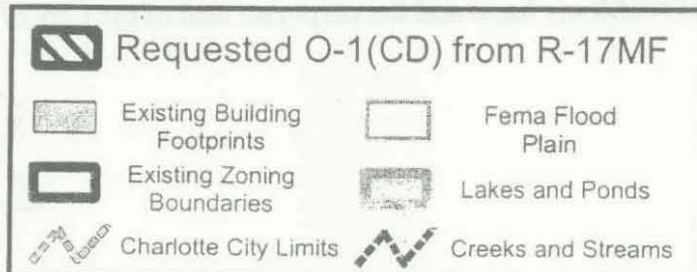
Zoning Classification (Requested): O-1(CD)  
(Office, Conditional)

Acreage & Location : Approximately .80 acres located on the southside of Central Avenue, west of Progress Lane



Zoning Map #(s) **100,113**

Map Produced by the  
Charlotte-Mecklenburg Planning Commission  
11-22-2004



June 20, 2005  
Ordinance Book 53, Page 658

APPROVED BY CITY COUNCIL

DATE 6/20/05

Petition No. 2005-24  
Petitioner: Landcraft/Joseph W. Grier, Jr.

ORDINANCE NO. 3002-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-1, O-1(CD) and R-3 to O-1(CD) and 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. That this ordinance shall become effective upon its adoption.

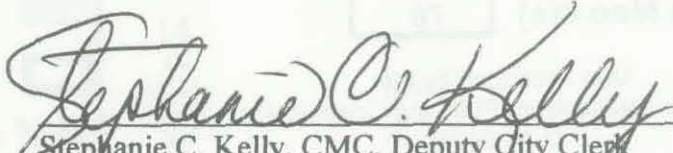
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 658-659.

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

  
Stephanie C. Kelly, CMC, Deputy City Clerk

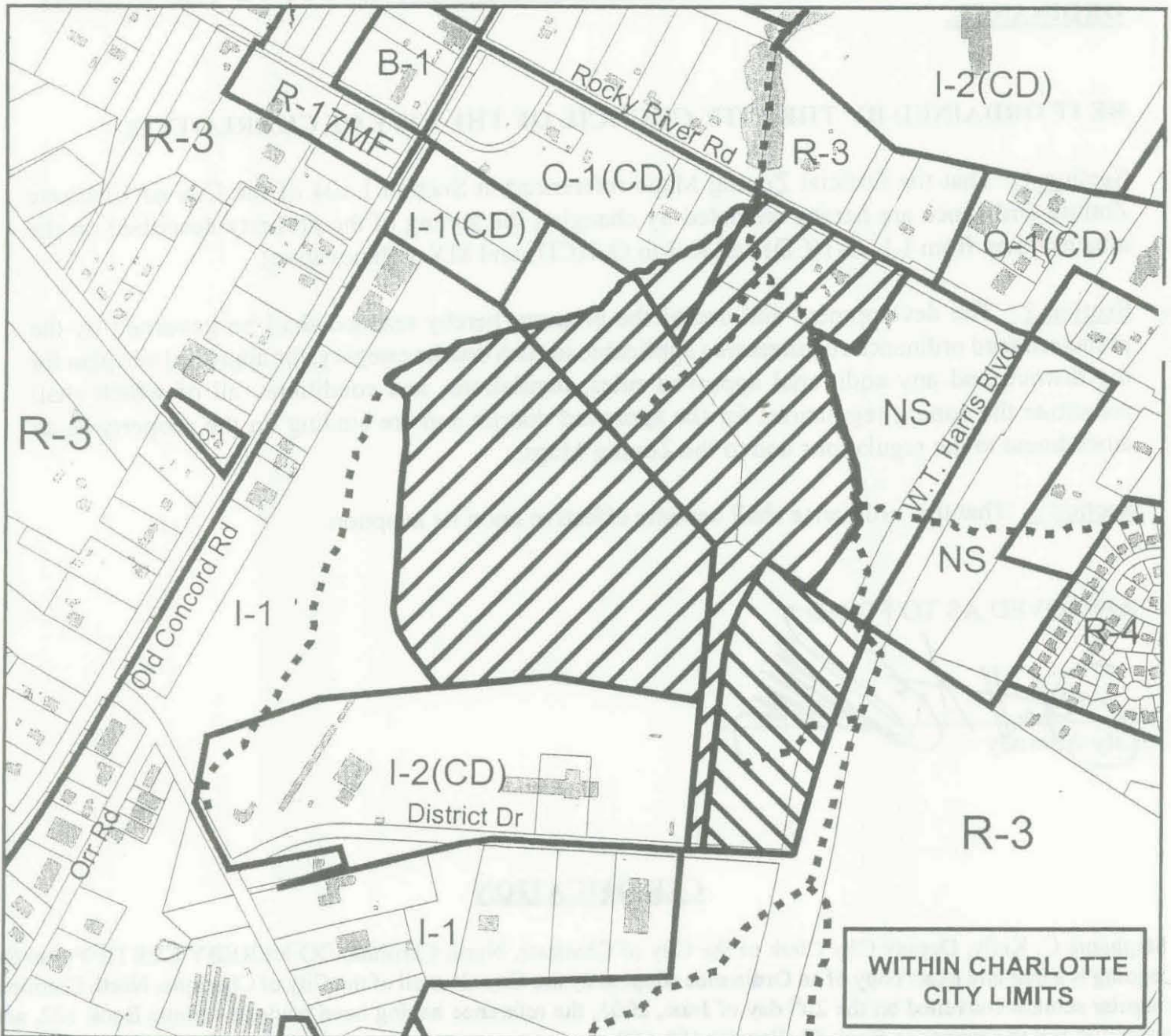
Petition #: **2005-024**

Petitioner: Landcraft / Joseph W. Grier Jr.

Zoning Classification (Existing): I-1 (Light Industrial) O-1(CD) (Office, Conditional)  
and R-3 (Single-family Residential, up to 3 dwelling units per acre)

Zoning Classification (Requested): O-1(CD) (Office, Conditional)  
MX-1(Innovative) (Mixed-Use Residential, Conditional, Innovative Design Standards)

Acreage & Location : Approximately 78.4 acres located west of W.T. Harris,  
 south of Rocky River Road



Zoning Map #(s) **76**

Map Produced by the  
 Charlotte-Mecklenburg Planning Commission  
 12-16-2004



- |   |                            |
|---|----------------------------|
| Requested MX-1(Innov) from I-1, R-3 and O-1(CD) | Requested O-1(CD) from R-3 |
| Existing Building Footprints                    | Fema Flood Plain           |
| Existing Zoning Boundaries                      | Lakes and Ponds            |
| Charlotte City Limits                           | Creeks and Streams         |

June 20, 2005

Ordinance Book 53, Page 660

CITY ZONE CHANGE

Petition No. 2005-53

Petitioner: Liberty Oak, Inc

**APPROVED BY CITY COUNCIL**

DATE 6/20/05

ORDINANCE NO. 3003-Z

**ZONING REGULATIONS**

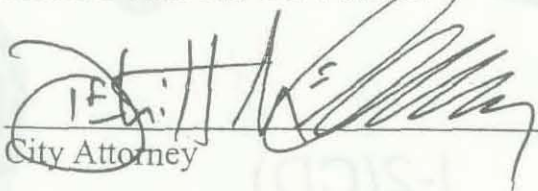
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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 I-2 (CD) 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, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 660-661.

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

  
Stephanie C. Kelly, CMC, Deputy City Clerk

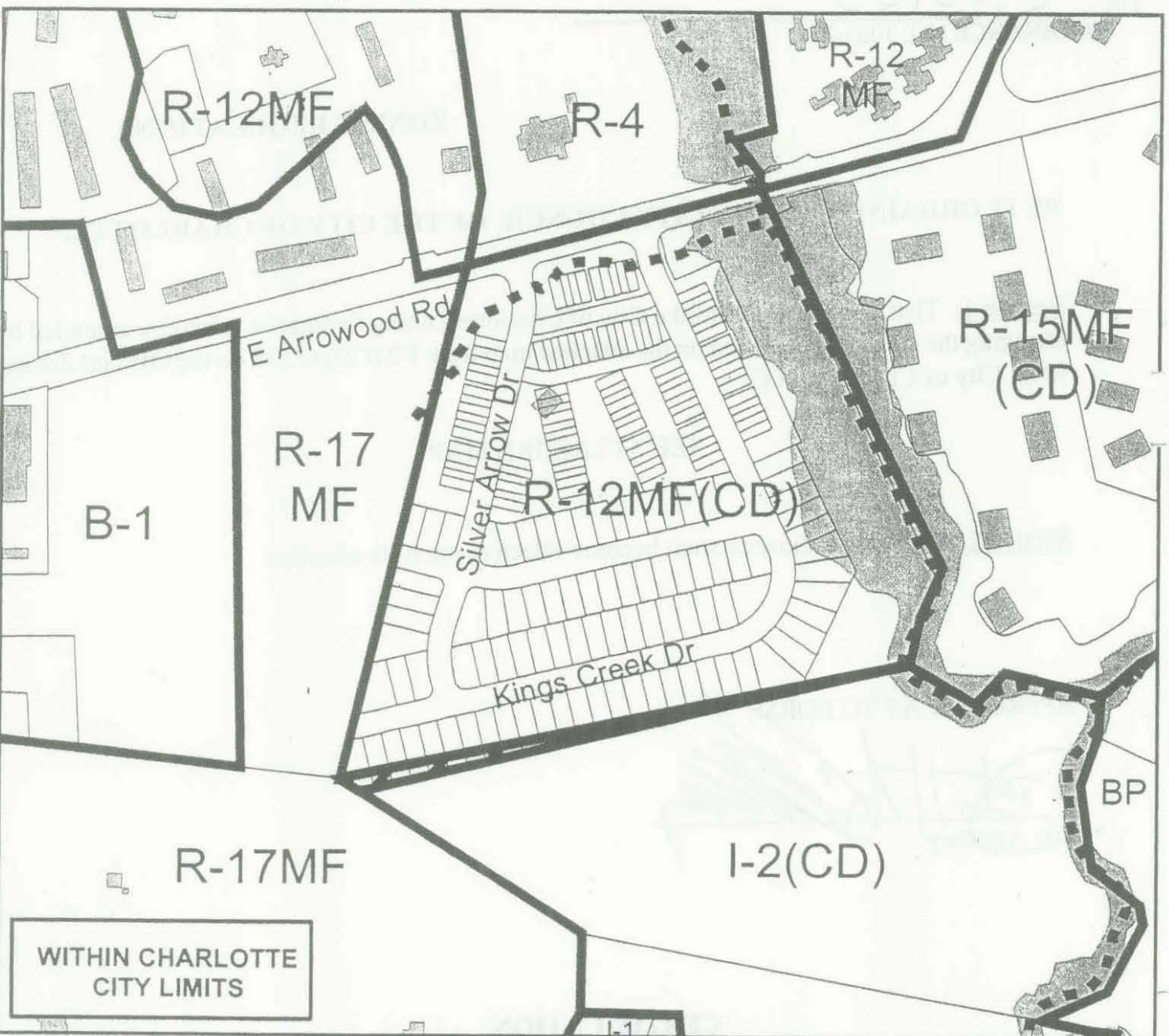
Petition #: **2005-053**

Petitioner: Liberty Oak, Inc.

Zoning Classification (Existing): I-2(CD)  
(General Industrial, Conditional)

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

Acreage & Location : Approximately .51 acres located south of Arrowood Road, along Kings Creek Drive



Zoning Map #(s) **148**

Map Produced by the  
Charlotte-Mecklenburg Planning Commission  
01-27-2005



	Requested R-8 from I-2(CD)		Fema Flood Plain
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

June 20, 2005  
Ordinance Book 53, Page 662

APPROVED BY CITY COUNCIL  
DATE 6/20/05

Petition No. 2005-54  
Petitioner: Performance Road, LP

ORDINANCE NO. 3004-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 LW-PA to I-1(CD) LW-PA.

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.

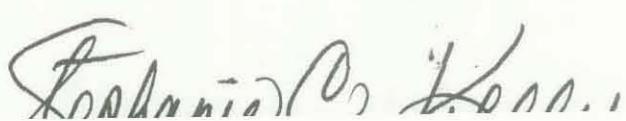
APPROVED AS TO FORM.

  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 662-663.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of January, 2006.



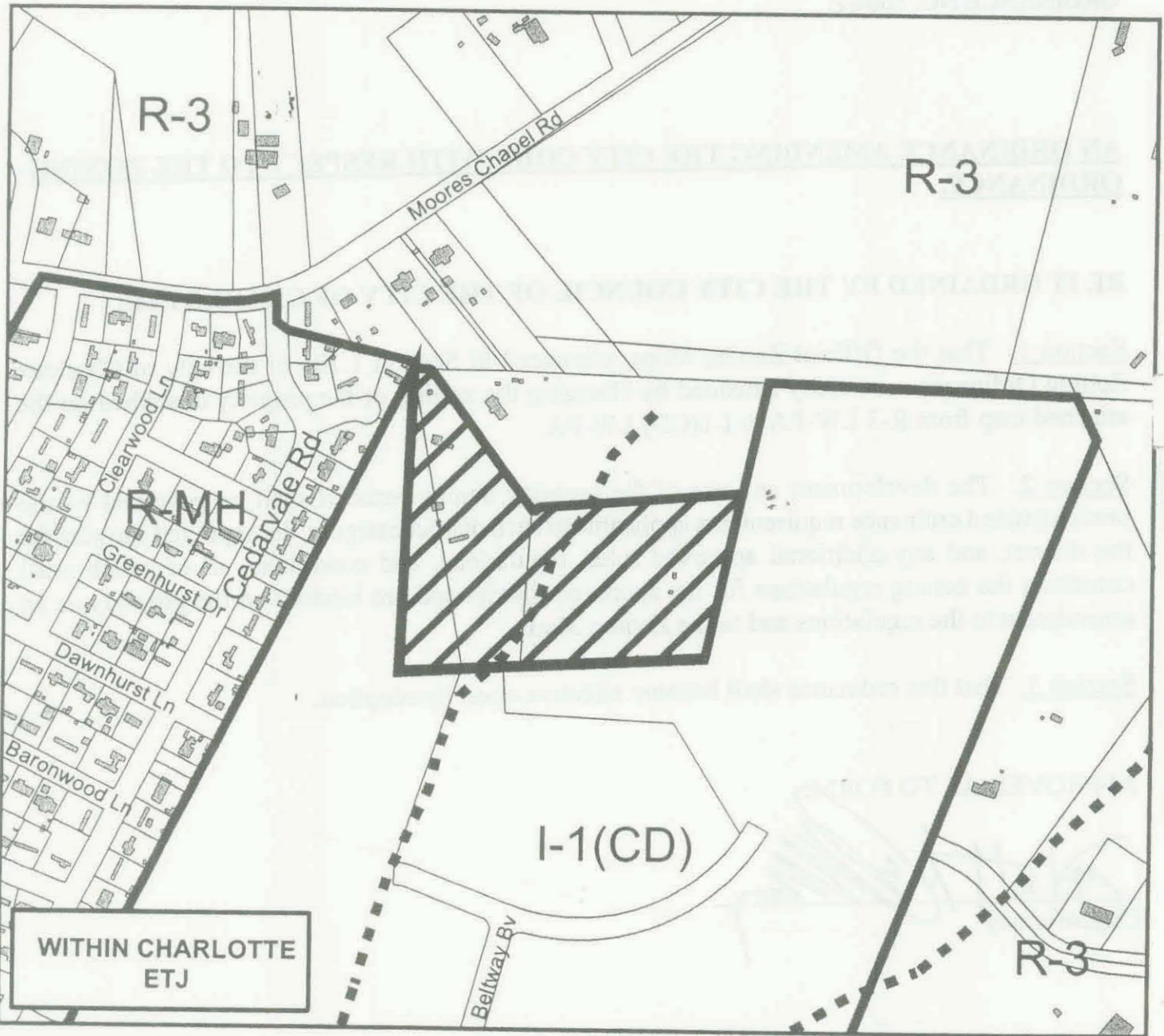
Petition #: **2005-054**

Petitioner: Performance Road LP

Zoning Classification (Existing): R-3 LW-PA (Single-family Residential, up to 3 dwelling units per acre, Lake Wylie Protected Area, Watershed Overlay District)

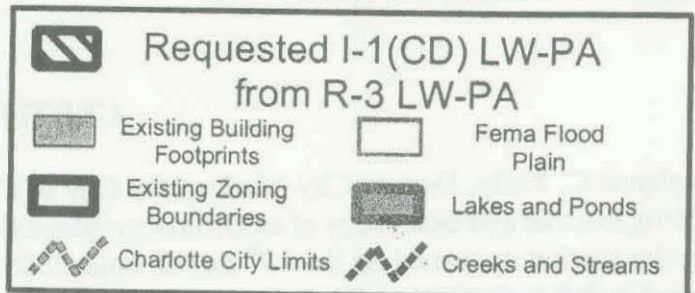
Zoning Classification (Requested): I-1(CD) LW-PA (Light Industrial, Conditional, Lake Wylie Protected Area, Watershed Overlay District)

Acres & Location : Approximately 10 acres located south of Moores Chapel Road, east of Cedarvale Road



Zoning Map #(s) **82,83**

Map Produced by the  
Charlotte-Mecklenburg Planning Commission  
02-18-2005





June 20, 2005  
Ordinance Book 53, Page 664

APPROVED BY CITY COUNCIL  
DATE 6/20/05

Petition No. 2005-56  
Petitioner: Young Men's Christian Assn. Of Charlotte, Inc.

ORDINANCE NO. 3005-Z

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

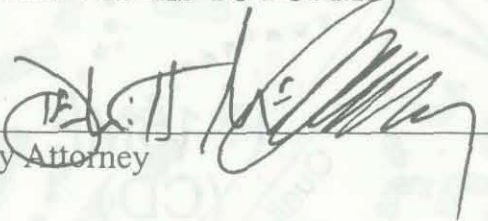
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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 INST (CD) to INST. (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.

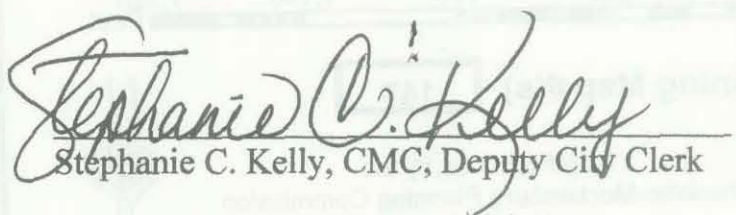
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 664-665.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of November, 2005.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

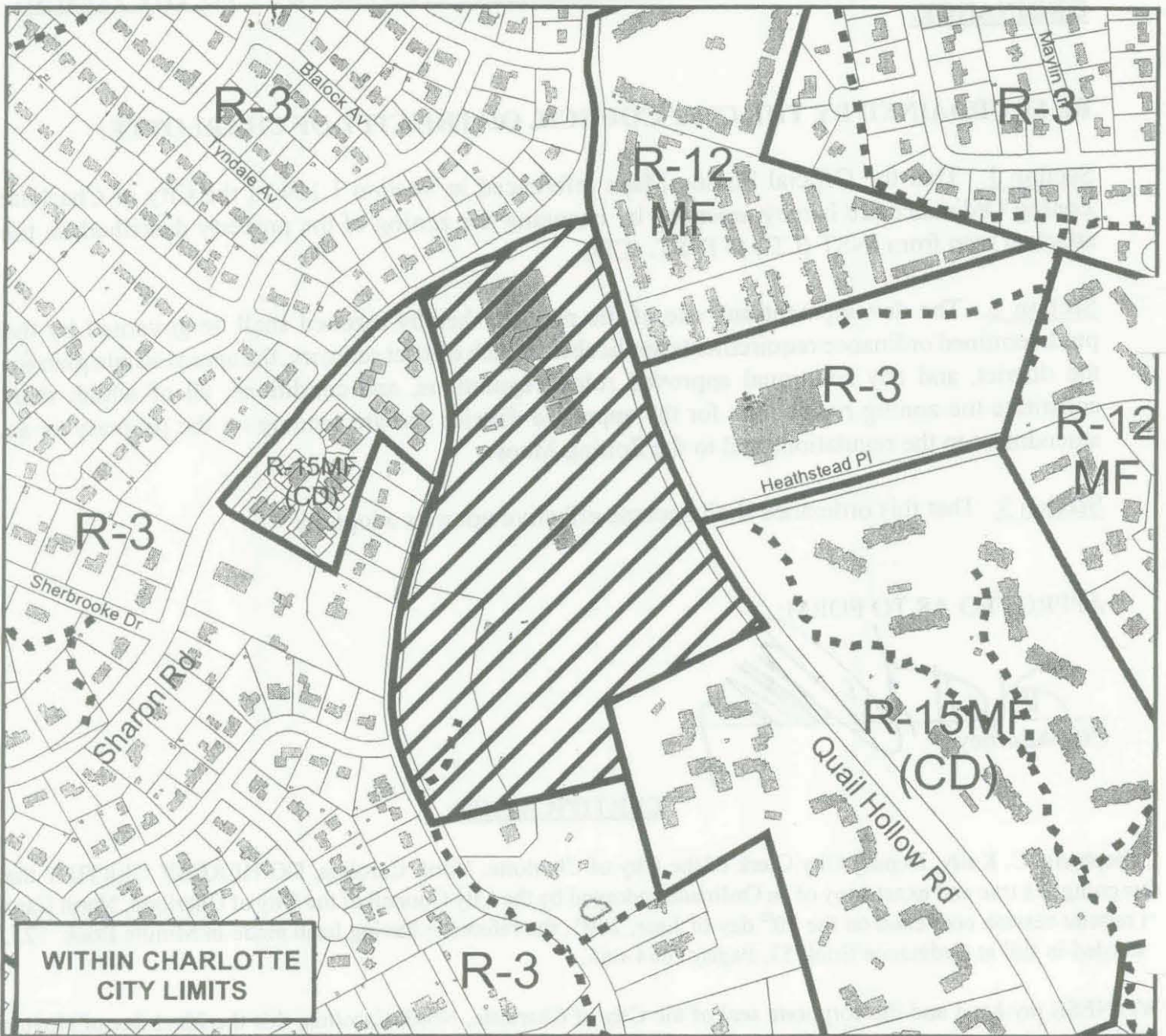
Petition #: **2005-056**

Petitioner: The Young Man's Christian Assn. of Greater Charlotte, Inc.

Zoning Classification (Existing): INST (CD)  
(Institutional, Conditional)

Zoning Classification (Requested): INST(CD) S.P.A.  
(Institutional, Conditional, Site Plan Amendment)

Acreage & Location : Approximately 30.43 acres located on the west side of Quail Hollow Road, south of Sharon Road



Zoning Map #(s) **147**



Map Produced by the  
Charlotte-Mecklenburg Planning Commission  
01-27-2005

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

June 20, 2005  
Ordinance Book 53, Page 666

APPROVED BY CITY COUNCIL

Petition No. 2005-62  
Petitioner: The Drakeford Company

Date: 6/20/05

ORDINANCE NO. 3006-Z

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

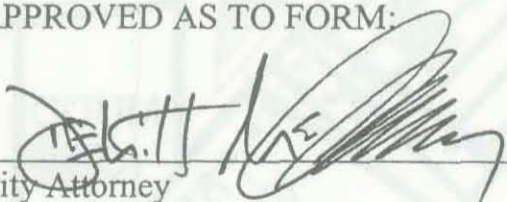
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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

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.

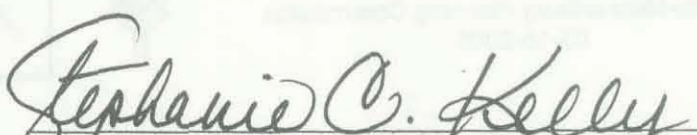
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 666-667.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of January, 2006.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

June 20, 2005

Ordinance Book 53, Page 667

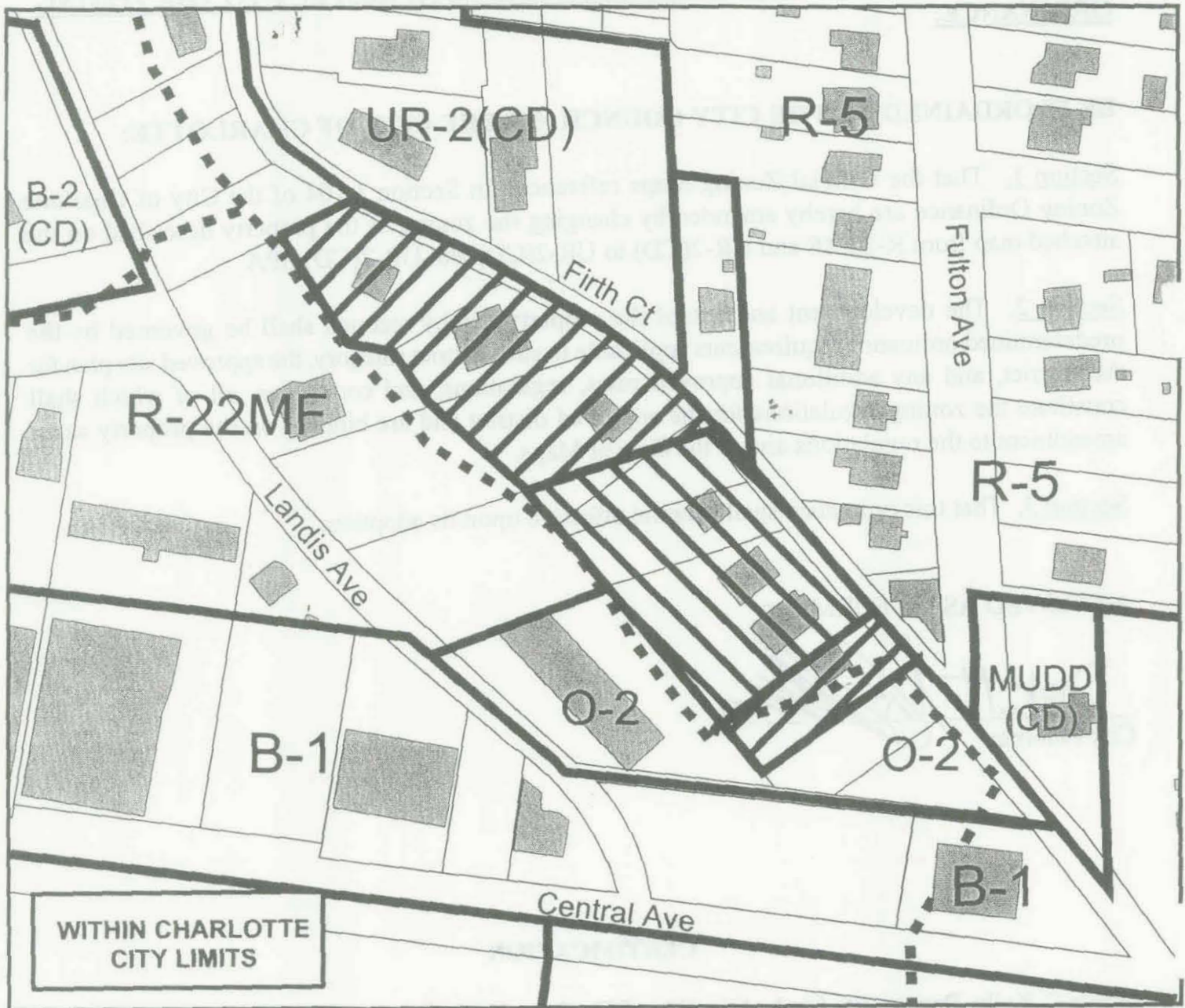
Petition #: **2005-062**

Petitioner: The Drakeford Company

Zoning Classification (Existing): R-22MF (Multi-family Residential, up to 22 per acre) and UR-2(CD) (Urban Residential, Conditional)

Zoning Classification (Requested): UR-2 (CD) (Urban Residential, Conditional) and UR-2(CD) SPA (Urban Residential, Conditional, Site Plan Amendment)

Acreage & Location : Approximately 1.61 acres located on the west side of Firth Court, north of Central Avenue



WITHIN CHARLOTTE CITY LIMITS

0 50 100 200 300 400 Feet

Zoning Map #(s) **101**

Map Produced by the  
Charlotte-Mecklenburg Planning Commission  
03-15-2005



	Requested UR-2(CD) from R-22MF		Requested UR-2(CD) S.P.A. from UR-2(CD)
	Existing Building Footprints		Fema Flood Plain
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams

June 20, 2005

Ordinance Book 53, Page 668

APPROVED BY CITY COUNCIL

6/20/05

Petition # 2005-063

Petitioner: Mecklenburg County Park and Recreation Department

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

**ORDINANCE NO. 3007**

**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 1: PURPOSE AND APPLICABILITY**

A. **PART 2. DEFINITIONS**

1. Amend Section 2.201 by revising the definition of Government Building to specifically exclude recreation centers from the definition. The current definition reads as follows:

**Government Building.**

A building, use, or facility owned or operated by a government agency and serving as an agency office, police station, fire station, library, community center, or similar facility, and a building, use or facility serving as a volunteer fire station, but not including a vehicle storage yard, jail, prison, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

The revised definition shall read as follows:

**Government Building.**

A building, use, or facility owned or operated by a government agency and serving as an agency office, police station, fire station, library, community center, or similar facility, and a building, use or facility serving as a volunteer fire station, but not including a vehicle storage yard, jail, prison, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, recreation center, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

- 2. Amend Section 2.201 entitled Definitions by adding a definition of "Recreation "Center" following the definition of Reclassification of land. The new definition shall read as follows:

Recreation Center.

A building, use, or facility owned or operated by a governmental agency and serving as a facility where recreation programs are offered to the public, including office space for the agency which owns or operates the facility, or a similar facility.

2. CHAPTER 9: GENERAL DISTRICTS

A. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS.

- 1. Amend Table 9.101, "Permitted Uses, by District" by adding "Recreation Centers" to the first column under the heading "Other Uses". Add a "PC" under single family districts (R-3, R-4, R-5, R-6), multi-family districts (R-8MF, R-12MF, R-17MF, R-22MF, R-43MF). Add an "X" under the institutional district (INST). Add a "PC" under research districts (RE-1, RE-2), office districts (O-1, O-2, O-3), business districts (B-1, B-2, B-D, B-P), and industrial districts (I-1, I-2). [Note: Table 9.101 does not have a column for MUDD]

B. PART 2. SINGLE FAMILY

- 1. Amend Section 9.203, "Uses allowed under prescribed conditions", subsection (16), by adding language that would allow Recreation Centers as a use allowed under prescribed conditions. The current subsection reads as follows:

(16) Reserved

The revised subsection shall read as follows:

(16) Recreation Centers, provided that:

- (a) All buildings and off-street parking and service areas shall be separated by a Class C buffer from any abutting property used and/or zoned residential, as per the requirements of Section 12.302;
- (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and

June 20, 2005

Ordinance Book 53, Page 670

- (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
  - (d) The use contains not more than thirty thousand (30,000) square feet.
2. Amend Section 9.204, "Permitted accessory uses and structures", subsection (16), by adding "Recreation Centers" to the list of uses permitted in single-family zoning districts. The current subsection reads as follows:

(16) [RESERVED]

The revised subsection shall read as follows:

- (16) Recreation Centers as an accessory use to a school, provided that:
  - (a) All buildings and off-street parking and service areas shall be separated by a Class C buffer from any abutting property used and/or zoned residential, as per the requirements of Section 12.302;
  - (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
  - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
  - (d) The use contains not more than thirty thousand (30,000) square feet.

#### B. PART 3: MULTIFAMILY DISTRICT

1. Amend Section 9.303, "Uses permitted under prescribed conditions" subsection (22), by adding language that would allow Recreation Centers as a principal use with prescribed conditions. The current subsection reads as follows

(22) RESERVED

The revised subsection shall read as follows:

(22) Recreation Centers, provided that

- (a) All buildings and off-street parking and service areas shall be separated by a Class C buffer from any abutting property used and/or zoned residential, as per the requirements of Section 12.302;
- (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
- (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (d) It contains not more than thirty thousand (30,000) square feet.

2. Amend Section 9.304, "Permitted accessory uses and structures", subsection (15) by adding language that would add Recreation Centers as an accessory use to a school, with prescribed conditions. The current subsection reads as follows:

(15) RESERVED

The revised subsection shall read as follows:

(15) Recreation Centers, as an accessory use to a school, provided that:

- (a) All buildings and off-street parking and service areas shall be separated by a Class C buffer from any abutting property used and/or zoned residential, as per the requirements of Section 12.302;
- (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
- (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (d) It contains not more than thirty thousand (30,000) square feet.

#### C. PART 5: INSTITUTIONAL

1. Amend Section 9.502(7) to allow Recreation Centers on the same basis as Government Buildings. The current subsection reads as follows:



- (7) Government buildings.

The revised subsection shall read as follows:

- (7) Government buildings and Recreation Centers.

D. PART 6: RESEARCH

- 1. Amend Section 9.602(6) to allow Recreation Centers on the same basis as Government Buildings except for size limitations. The current subsection reads as follows:

- (6) Government buildings, up to 300,000 square feet.

The revised subsection shall read as follows:

- (6) Government buildings, up to 300,000 square feet and Recreation Centers up to 30,000 square feet.

E. PART 7: OFFICE

- 1. Amend Section 9.702(14) to allow Recreation Centers on the same basis as Government Buildings except for size limitations. The current subsection reads as follows:

- (14) Government buildings, up to 300,000 square feet.

The revised subsection shall read as follows:

- (14) Government buildings, up to 300,000 square feet and Recreation Centers up to 30,000 square feet.

F. PART 8: BUSINESS

- 1. Amend Section 9.802(40) to allow Recreation Centers on the same basis as Government buildings except for size limitations. The current subsection reads as follows:

- (40) Government buildings, up to 100,000 square feet.

The revised subsection shall read as follows:

- (40) Government buildings, up to 100,000 square feet and Recreation Centers up to 30,000 square feet.

G. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

June 20, 2005

Ordinance Book 53, Page 672A

1. Amend Section 9.8502, "Mixed-Use Development District, uses permitted by right" to allow Recreation Centers by adding it to the list of permitted uses.

The revised language shall read as follows:

Noncommercial public recreation parks and playgrounds  
and Recreation Centers up to 30,000 square feet.

#### H. PART 11. INDUSTRIAL

1. Amend Section 9.1102, "Uses permitted by right", subsection (36) and (37) to allow Recreation Centers on the same basis as Government buildings except for size limitations. The current language to be amended reads as follows:

(36) Government buildings, up to 100,000 square feet (I-2 only).

(37) Government buildings, up to 300,000 square feet (I-1 only).

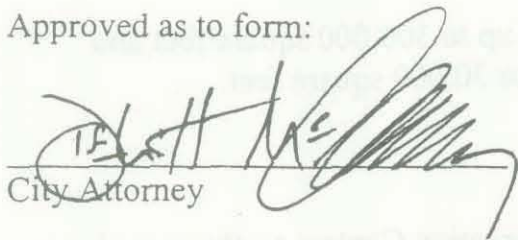
The revised language shall read as follows:

(36) Government buildings, up to 100,000 square feet and  
Recreation Centers up to 30,000 square feet (I-2 only).

(37) Government buildings, up to 300,000 square feet and  
Recreation Centers up to 30,000 square feet (I-1 only).

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

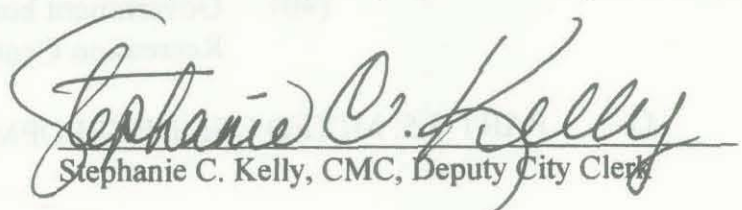
Approved as to form:

  
City Attorney

#### CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, as recorded in full in Ordinance Book 53, Page(s) 668-672A.

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

  
Stephanie C. Kelly, CMC, Deputy City Clerk

June 20, 2005  
Ordinance Book 53, Page 673

Petition # 2005-008

Petition No. 2005-66  
Petitioner: Morris Holdings LLC

APPROVED BY CITY COUNCIL  
DATE 6/20/05

ORDINANCE NO. 3008-Z

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

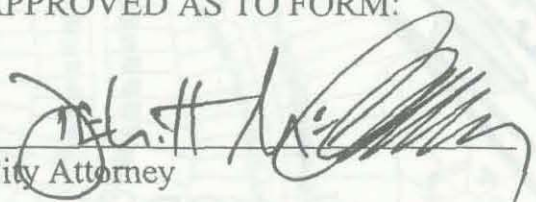
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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 RE-2 to RE-3.

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.

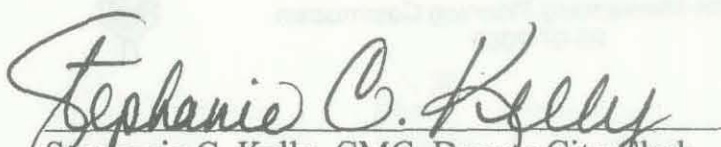
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 673-674.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of January, 2006.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

June 20, 2005

Ordinance Book 53, Page 674

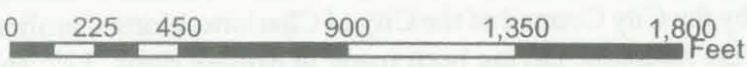
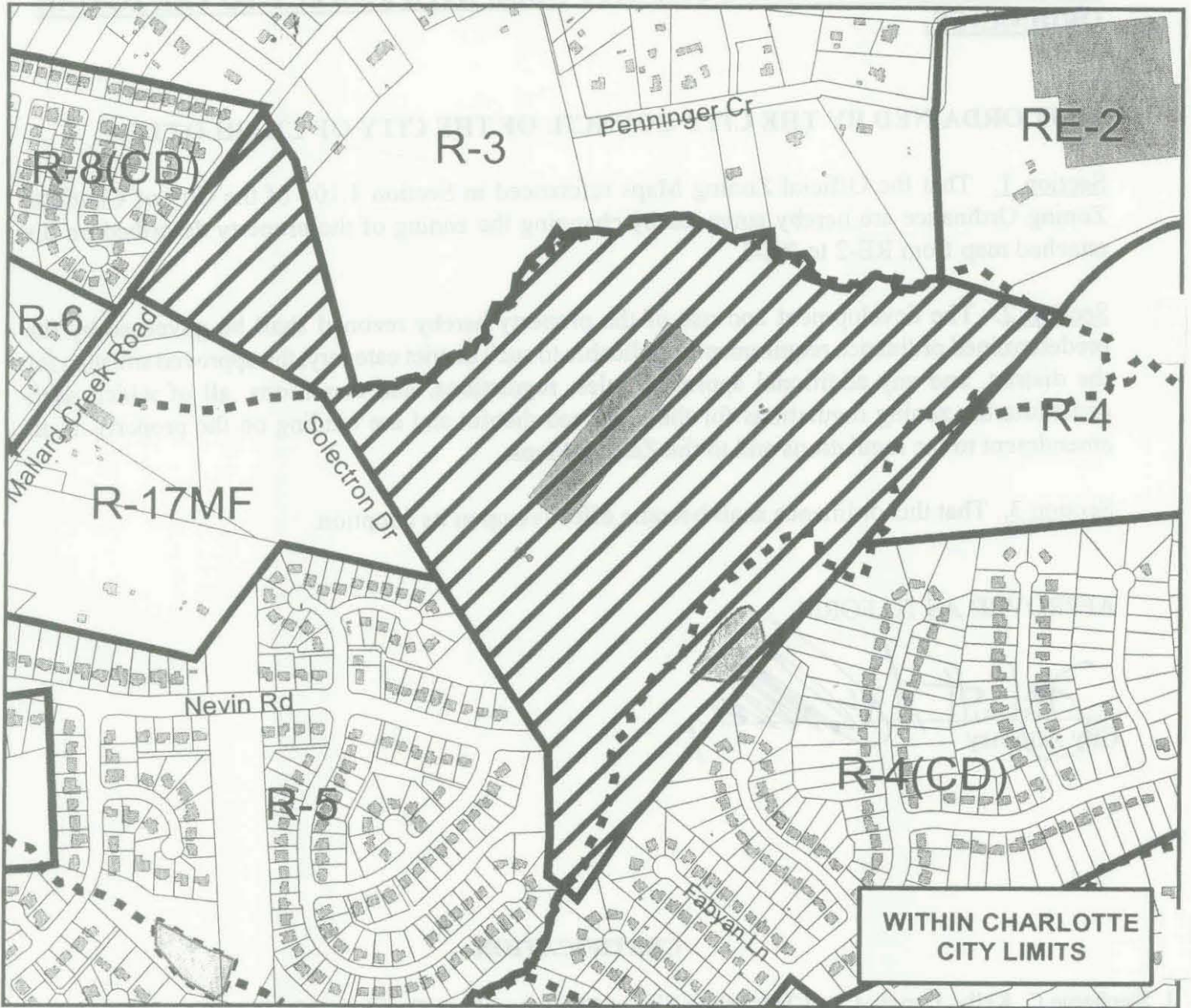
Petition #: **2005-066**

Petitioner: Morris Holdings, LLC

Zoning Classification (Existing): RE-2  
(Research District, Conditional)

Zoning Classification (Requested): RE-3  
(Research District, Conditional)

Acreage & Location : Approximately 73.02 acres located on the east side of Mallard Creek Road at Solectron Drive



Zoning Map #(s) **59**

Map Produced by the  
Charlotte-Mecklenburg Planning Commission  
03-07-2005



	Requested RE-3 from RE-2		Fema Flood Plain
	Existing Building Footprints		Existing Zoning Boundaries
	Charlotte City Limits		Lakes and Ponds
	Creeks and Streams		

APPROVED BY CITY COUNCIL

Petition #: 2005-067  
Petitioner: TRG CHARLOTTE, LLC

DATE 6/20/05

ORDINANCE NO. 3009

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 13: SIGNS

1. Amend Section 13.110(2)(c)(v) by adding a sentence at the end of this subsection that allows multi-information directional signs located within the interior of the development of a regional mall, a shopping center, an office complex or a mixed use development containing over 500,000 square feet of gross building area to have a maximum size of 57 square feet per sign face and a maximum height of 14 feet. Also, add a new subsection (vii) that allows a regional mall, a shopping center, an office complex or a mixed use development containing over 500,000 square feet of gross building area to have detached signs identifying the pedestrian entrances into the building(s) and guiding pedestrians. These signs would not be considered detached signs along a street frontage for the purposes of Section 13.110(2)(c)(iii), and such signs would not count towards the maximum of 3 detached signs along a street frontage. The current subsection 13.110(2) reads as follows:

(2) Planned Development Flexibility Option

For the purpose of providing flexibility and incentives for coordinated, well designed signs systems for large scale development, special provisions varying the standards of these regulations may be approved by the Charlotte-Mecklenburg Planning Commission staff subject to the following:

- (a) The development is a planned residential, nonresidential, or mixed use development, 36 acres or greater in size or 150 units for multi-family developments; a hospital or other large scale institutional complex; a large scale cultural, civic or recreational facility; or a similar large scale development.
- (b) A Master Sign Program that includes the following information in booklet form is submitted:
  - i. Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs.

- ii. Proposed locations and number of proposed signs.
- iii. Sign Illumination Plans.
- iv. Plans for landscaping or architectural features to be used in conjunction with such plans.

(c) It is determined that the proposed signs shall meet the following criteria:

- i. All signs are coordinated in terms of design features.
- ii. The maximum size of detached signs is not varied by more than 25%.
- iii. The number of detached signs along a street frontage does not exceed 3.
- iv. The maximum height of a detached sign does not exceed 12 feet except when located along a Class I, II or III street, the height does not exceed 16 feet.
- v. Multi-information directional signs are no greater than 16 square feet and are located in the interior of a development.
- vi. Changeable copy highlighting special events on signs for cultural, civic, or recreational facilities shall not exceed 25% of the sign face area of a sign.

The revised text shall read as follows:

(2) Planned Development Flexibility Option

For the purpose of providing flexibility and incentives for coordinated, well designed signs systems for large scale development, special provisions varying the standards of these regulations may be approved by the Charlotte-Mecklenburg Planning Commission staff subject to the following:

- (a) The development is a planned residential, nonresidential, or mixed use development, 36 acres or greater in size or 150 units for multi-family developments; a hospital or other large scale institutional complex; a large scale cultural, civic or recreational facility; or a similar large scale development.
- (b) A Master Sign Program that includes the following information in booklet form is submitted:

- i. Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs.
- ii. Proposed locations and number of proposed signs.
- iii. Sign Illumination Plans.
- iv. Plans for landscaping or architectural features to be used in conjunction with such plans.

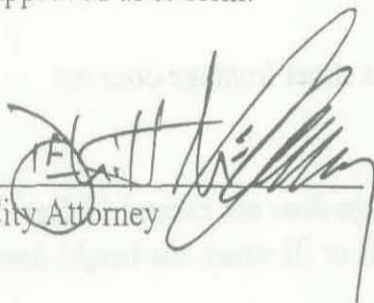
(c) It is determined that the proposed signs shall meet the following criteria:

- i. All signs are coordinated in terms of design features.
- ii. The maximum size of detached signs is not varied by more than 25%.
- iii. The number of detached signs along a street frontage does not exceed 3.
- iv. The maximum height of a detached sign does not exceed 12 feet except when located along a Class I, II or III street, the height does not exceed 16 feet.
- v. Multi-information directional signs are no greater than 16 square feet and are located in the interior of a development. Notwithstanding the foregoing, the maximum sign area of multi-information directional signs serving a regional mall, a shopping center, an office complex or a mixed use development containing over 500,000 square feet of gross building area and located within the interior of the development shall be 37 square feet per side, and the maximum height of such signs shall be 14 feet.
- vi. Changeable copy highlighting special events on signs for cultural, civic, or recreational facilities shall not exceed 25% of the sign face area of a sign.
- vii. Notwithstanding the terms of Section 13.110(2)(c)(iii) and subject to the sign criteria set out below, a regional mall, a shopping center, an office complex or a mixed use development containing over 500,000 square feet of gross building area may have detached signs identifying the pedestrian entrances into the building(s) and guiding pedestrians thereto. Such signs shall not be considered to be detached signs along a street frontage for the purposes of Section 13.110(2)(c)(iii), and such signs shall not count towards the maximum of 3 detached signs along a street frontage.

- (a) Each sign must be located a minimum of 400 feet from any public street.
- (b) Each sign must be located within the relevant building's curb line.
- (c) Each sign must be located within 150 feet of the pedestrian entrance it identifies.
- (d) The maximum height of each sign shall be 18 feet, and the maximum sign area shall be 70 square feet per side."

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

Approved as to form:

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

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 675-675C.

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

  
 \_\_\_\_\_  
 Stephanie C. Kelly, CMC, Deputy City Clerk



June 20, 2005

Ordinance Book 53, Page 676

APPROVED BY CITY COUNCIL

Petition # 2005-068

Petitioners: Howard White, David White,

DATE 6/20/05

ORDINANCE NO. 3010

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 9: GENERAL DISTRICTS

1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS.

- a. Amend Table 9.101 by adding a new use titled "Outdoors Seasonal Fresh Produce Stands" and adding a "PC" in columns for UR-C, B-1, B-2 and CC.

2. PART 4: URBAN RESIDENTIAL DISTRICTS (UR-1, UR-2, UR-3, UR-C)

- a. Amend Section 9.404: "Uses permitted under prescribed conditions" by adding a new subsection (3.1) to read as follows:

(3.1) Outdoors Seasonal Fresh Produce Stands (UR-C only), subject to the regulations of Section 12.536.

3. PART 8: BUSINESS DISTRICTS (B-1, B-2, B-D AND BP)

- a. Amend Section 9.803: "Uses permitted under prescribed conditions" by adding a new subsection (26.1) to read as follows:

(26.1) Outdoors Seasonal Fresh Produce Stands (B-1 and B-2 only), subject to the regulations of Section 12.536.

B. CHAPTER 11: CONDITIONAL DISTRICTS

1. PART 4: COMMERCIAL CENTER DISTRICT (CC)

- a. Amend 11.403, "Uses permitted under prescribed conditions" by adding a new subsection (8.1) to read as follows:

(8.1) Outdoors Seasonal Fresh Produce Stands, subject to the regulations of Section 12.536.

C. CHAPTER 12: DEVELOPMENT STANDARDS

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Amend Section 12.519, "Outdoors Seasonal Sales" by amending the first paragraph to clarify that "Outdoor Seasonal Fresh Produce Stands" are not included in "Outdoor Seasonal Sales". The current text reads as follows:

Section 12.519 Outdoor Seasonal Sales.

Outdoors seasonal sales are temporary uses, which include but are not limited to Christmas tree sales, pumpkin sales, plant sales, fresh produce sales and similar uses. Outdoors seasonal sales are not intended to include the sale of manufactured items such as furniture, bedding, automobile parts, or household goods. Such sales are permitted in all nonresidential zoning districts as a use by right subject to the standards of the underlying zoning district. Outdoors seasonal sales shall be permitted in all residential districts subject to the following conditions.

The revised text shall read as follows:

Section 12.519 Outdoor Seasonal Sales.

Outdoors seasonal sales are temporary uses, which include but are not limited to Christmas tree sales, pumpkin sales, plant sales, fresh produce sales (Outdoors Seasonal Fresh Produce Stands are not considered to be Outdoor Seasonal Sales, nor an Outside Open Market), and similar uses. Outdoors seasonal sales are not intended to include the sale of manufactured items such as furniture, bedding, automobile parts, or household goods. Such sales are permitted in all nonresidential zoning districts as a use by right subject to the standards of the underlying zoning district. Outdoors seasonal sales shall be permitted in all residential districts subject to the following conditions.

- b. Add a new Section 12.536, titled, "Outdoors Seasonal Fresh Produce Stands", that adds prescribed conditions for outdoor seasonal fresh produce stands to read as follows:

Section 12.536: Outdoors Seasonal Fresh Produce Stands

Because outdoors seasonal fresh produce stands encourage greater consumption of fruits and vegetables, thereby improving the quality of life in the communities within the city and contributing to the nutritional health of the people of Charlotte, they are treated as a special case in the Charlotte Zoning Code. Regulations for these activities are specific. Furthermore, the 90-day limit at a site, which is associated with "temporary use," is expanded to 180 days (April 15 to October 15) for, and only for, outdoors seasonal fresh produce stands.

Outdoors seasonal fresh produce stands are limited to the natural season time-span, and may sell all types of fresh produce, including but not limited to tomatoes, squash, corn, cucumbers, beans, berries, melons, apples, pears, peaches, citrus fruit, root vegetables, green vegetables, pie pumpkins, nuts, or other fruits or vegetables. In addition to fresh produce, up to 10% of the total sales area may be used to sell fruit or vegetable derived products or baked goods. Outdoor seasonal fresh produce stands are not intended to include the sale of Christmas trees, Halloween pumpkins, plants or flowers, which are regulated in Section 12.519. Outdoors seasonal fresh produce stands shall be subject to the following prescribed conditions:

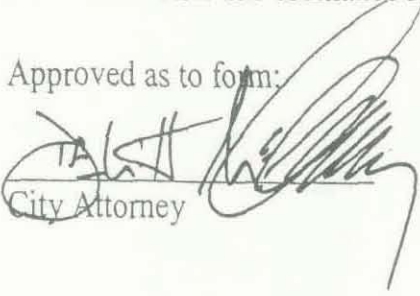
- (1) The produce stand operator must obtain a permit from the Zoning Administrator, which describes the type of sales involved, the location, and the duration of the sales operation.
- (2) Outdoors seasonal fresh produce stands are permitted in the UR-C, B-1, B-2 and CC zoning districts.
- (3) The outdoors seasonal fresh produce stand operator/owner must be located on a lot occupied by another non-residential use.
- (4) The owner of the property, if not the same as the outdoor seasonal fresh produce stand operator/owner, shall give written permission to the operator/owner.
- (5) The use shall be located on a Class III, III-C, or IV street.
- (6) Outdoor seasonal fresh product stands may operate at a site for up to 180 days, but only between April 15 and October 15.
- (7) The use shall not involve or require the construction of a permanent building.
- (8) Five off-street parking spaces shall be provided for the use. Shared parking agreements are permitted, as per Section 12.203.
- (9) The produce stand must not exceed 360 square feet in area, but may include awnings that extend up to 5 feet beyond the base area.

- (10) The produce stand shall be open on two or more sides and shall be consistent with the design and architecture of surrounding structures.
- (11) Customers shall purchase from the outside perimeter of the stand, while only operators are permitted inside.
- (12) Permitted produce stand designs for stands allowed up to 90 days include 1) a grouping of display counters, without walls, that are sheltered by a fabric-covered roof, or tent, and 2) a stand mounted on a licensed and road-worthy trailer (wheels may remain in place, but the towing hitch and tongue shall be covered or removed so it does not pose a safety hazard and is not visible on the perimeter of the stand).
- (13) Permitted produce stand designs allowed up to 180 days is limited to a stand mounted on a licensed and road worthy trailer. The following requirements apply to the produce stand:
  - (a) The stand portion shall consist of a finished wooden structure with a pitched roof, built on a steel trailer with wheels and axles remaining in place.
  - (b) During setup, the towing hitch and tongue shall be covered or removed so it does not pose a safety hazard and is not visible on the perimeter of the stand.
  - (c) During setup, finished, wooden display counters and skirting materials shall be provided to conceal tires, axles, and the tongue for a more aesthetic appearance. Finished display counters may be added around the perimeter of the trailer, in such a way that they are integrated into the design of the stand.
  - (d) The license plate shall remain visible at all times.
  - (e) A commercially manufactured refrigerator or walk-in cooler may be provided inside the stand.
  - (f) A removable or folding awning may be added or erected during setup to shield the produce from sun and rain.

- (14) Hours of operation shall be from one-half hour after sunrise to one-half hour after sunset.
- (15) One identification sign not exceeding 15 square feet may be attached to the produce stand. This sign may remain in place throughout the sales season.
- (16) The use, including all sale items, parking, and maneuvering shall observe a setback of 20 feet and shall not be located in the sight distance triangle.
- (17) There shall be only one Outdoors Seasonal Fresh Produce Stand or Periodic Retail Sales Event (either off-premise or on-premise), or Outdoor Seasonal Sales event held at any one time on a lot.
- (18) The produce stand operator is responsible for the removal of all trash and spoiled product on a daily basis, and, at the conclusion of the season, must remove all vestige of the operation, including tents, tables, counters, coolers, trailers and signs.

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

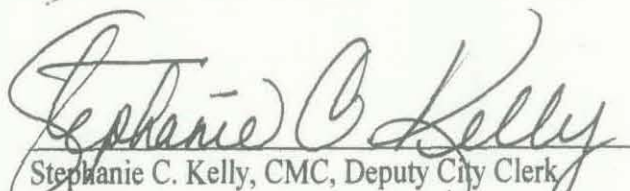
Approved as to form:

  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 676-680.

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

  
Stephanie C. Kelly, CMC, Deputy City Clerk

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~~CITY ZONE CHANGE~~  
**APPROVED BY CITY COUNCIL**

DATE 6/20/05  
ORDINANCE NO. 3011-Z

Petition No. 2005-69  
Petitioner: Charlotte Area Transit System

**ZONING REGULATIONS**

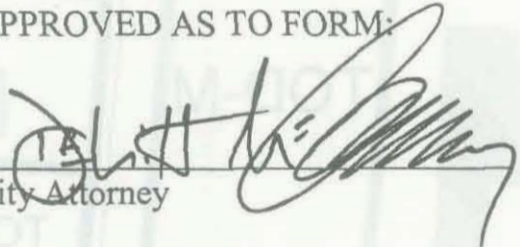
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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-4 to TOD-M on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

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

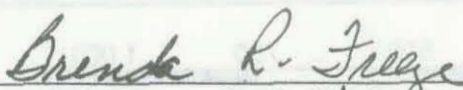
APPROVED AS TO FORM:

  
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 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 681-682.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of July, 2006.

  
Brenda R. Freeze, CMC, City Clerk

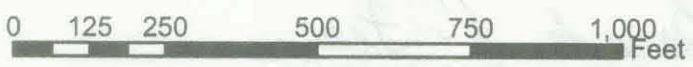
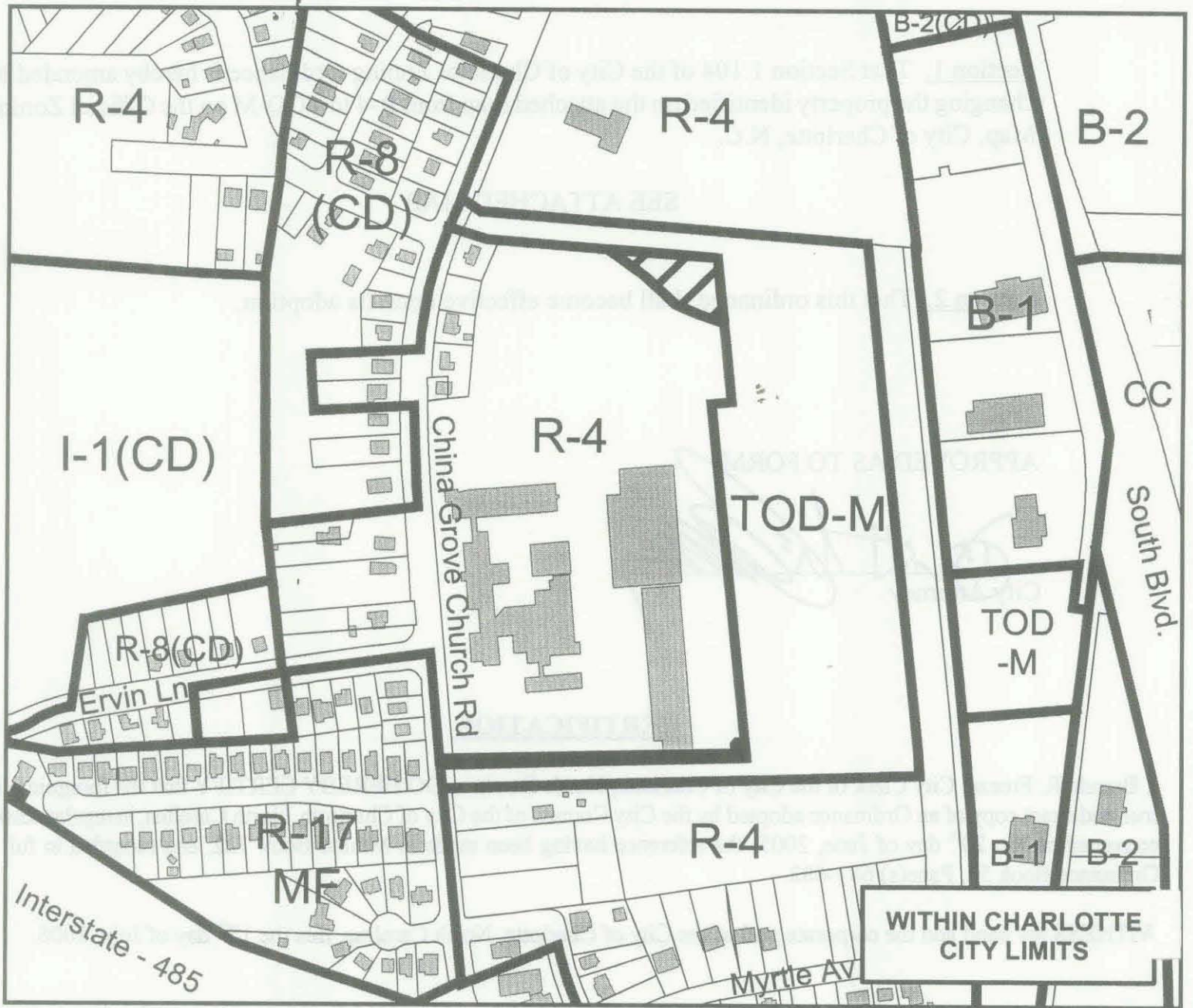
Petition #: **2005-069**

Petitioner: The Charlotte Area Transit System

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

Zoning Classification (Requested): TOD-M  
(Transit Oriented Development, Mixed-use)

Acreeage & Location : Approximately .472 acres located east of China Grove Church Road across from Erwin Lane



Zoning Map #(s) **157**

Map Produced by the  
Charlotte-Mecklenburg Planning Commission  
03-07-2005



	Requested TOD-M from R-4		Fema Flood Plain
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		



Petition No. 2005-70  
Petitioner: Beacon Partners

APPROVED BY CITY COUNCIL  
DATE 6/20/05

ORDINANCE NO. 3012-Z

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

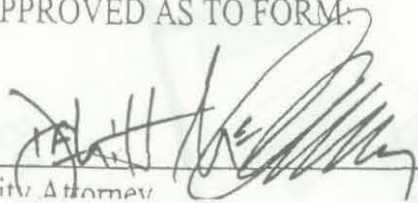
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 to I-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.

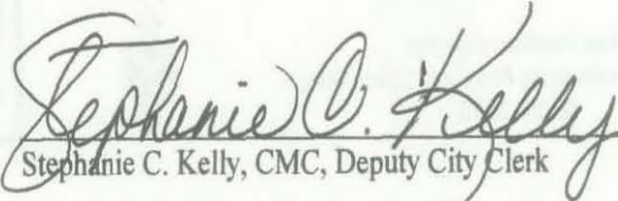
APPROVED AS TO FORM:

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

CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 683-684.

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

  
\_\_\_\_\_  
Stephanie C. Kelly, CMC, Deputy City Clerk

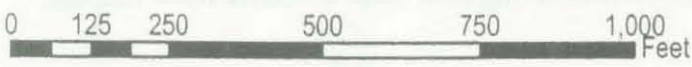
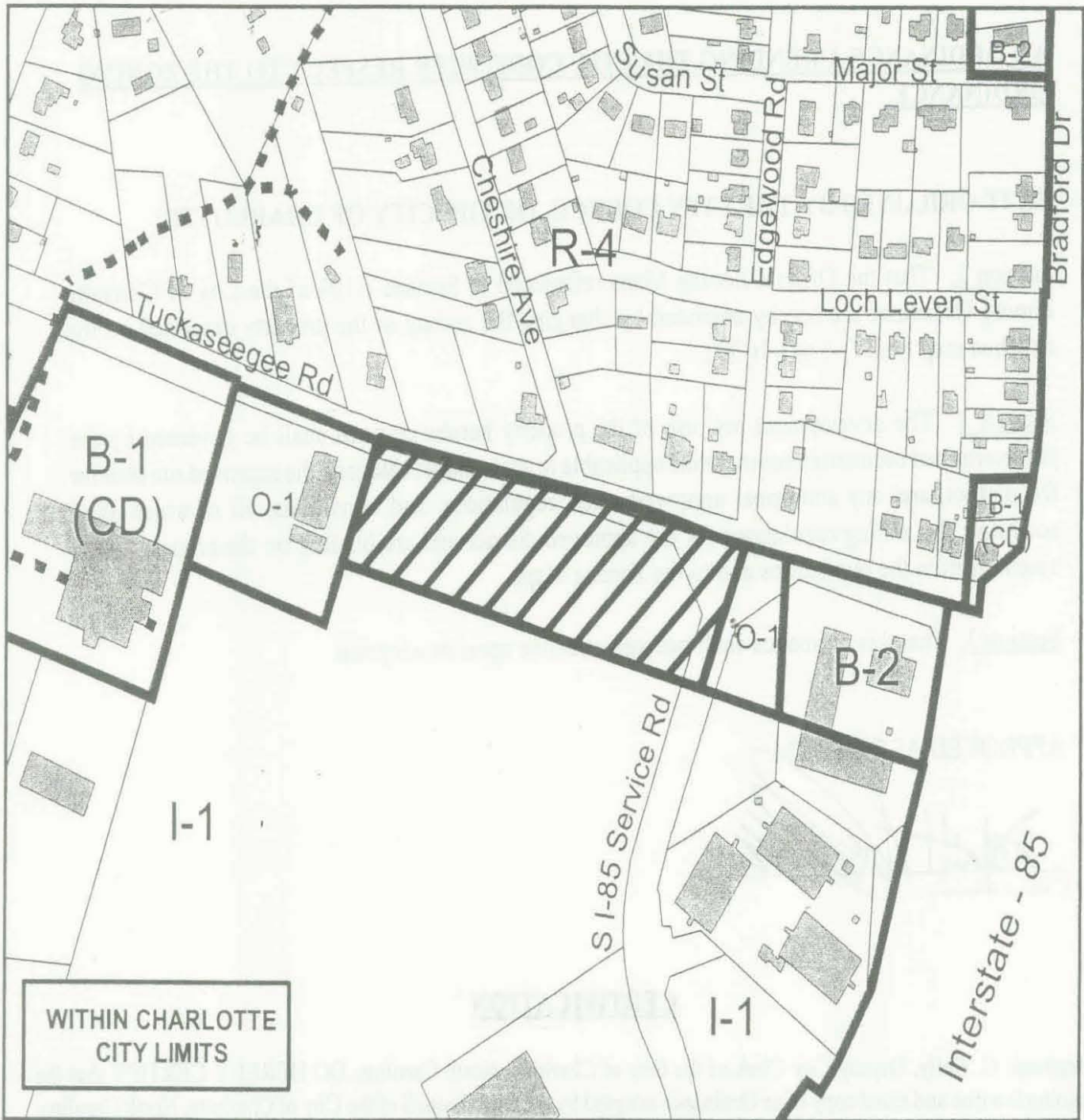
Petition #: **2005-070**

Petitioner: Beacon Partners

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

Zoning Classification (Requested): I-1(CD)  
(General Industrial, Conditional)

Acreeage & Location : Approximately 3.2 acres located south of Tuckaseegee Road,  
west of the I - 85 Service Road



Zoning Map #(s) **87**

Map Produced by the  
Charlotte-Mecklenburg Planning Commission  
03-03-2005



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

Petition No. 2005-71  
Petitioner: Happy Feet Holdings, LLC

APPROVED BY CITY COUNCIL  
DATE 6/20/05

ORDINANCE NO. 3013-Z

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

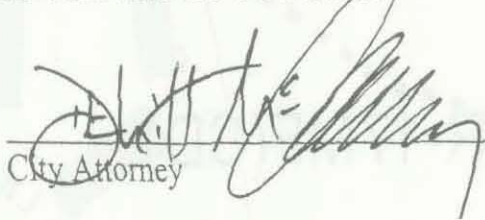
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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 INST (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.

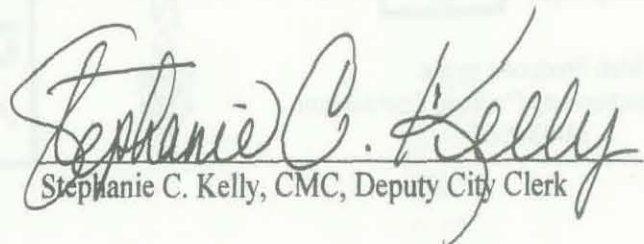
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 685-686.

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

  
Stephanie C. Kelly, CMC, Deputy City Clerk

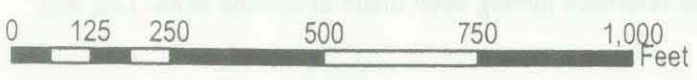
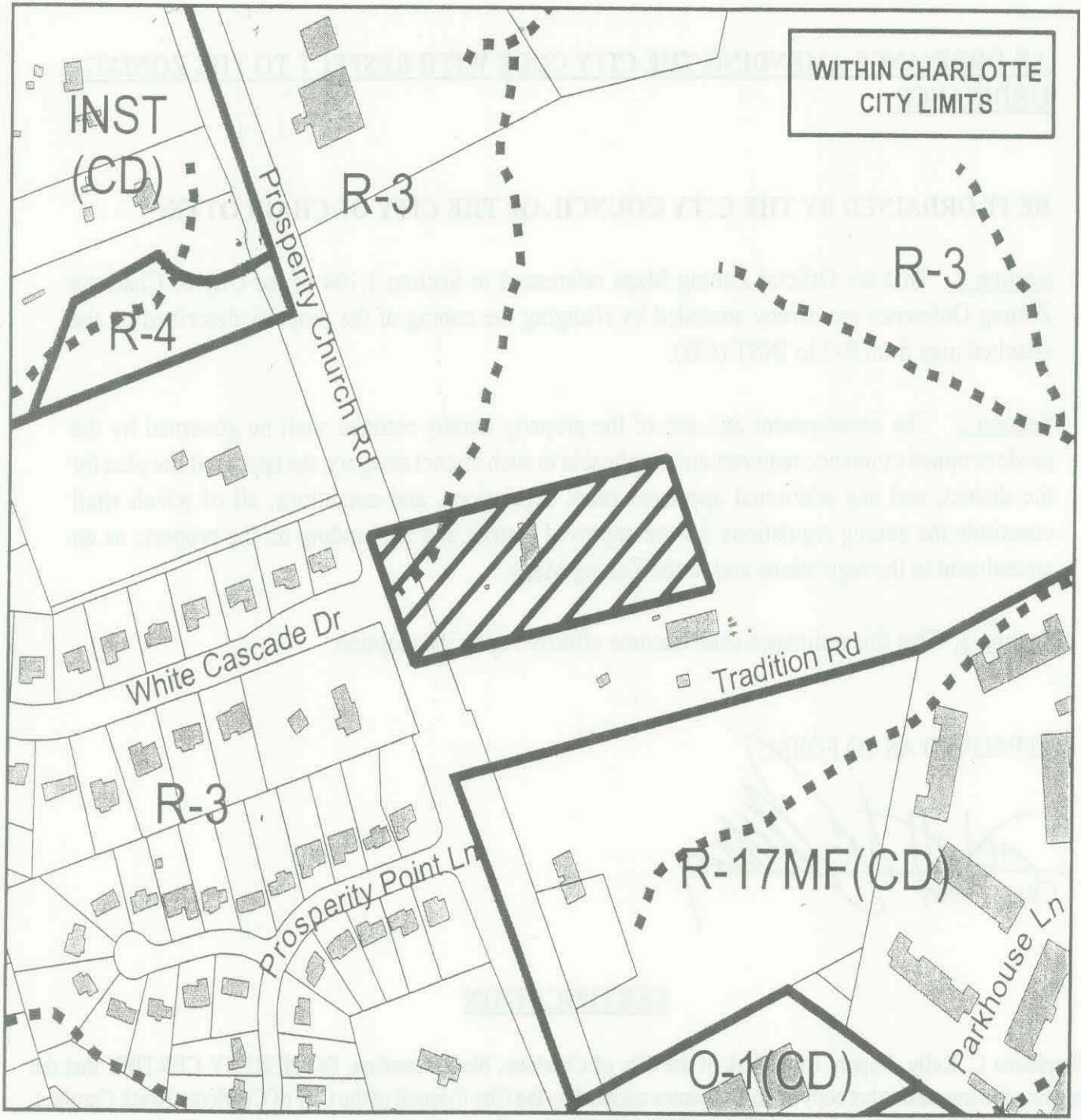
Petition #: **2005-071**

Petitioner: Happy Feet Holdings, LLC

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

Zoning Classification (Requested): INST(CD)  
(Institutional, Conditional)

Acreage & Location : Approximately 3.004 acres located on the east side of Prosperity Church Road, across from White Cascade Drive



Zoning Map #(s) **42**

Map Produced by the  
Charlotte-Mecklenburg Planning Commission  
03-03-2005



	Requested INST(CD) from R-3		Fema Flood Plain
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

June 20, 2005 APPROVED BY CITY COUNCIL

Ordinance Book 53, Page 687

DATE 6/20/05

CITY ZONE CHANGE

Petition No. 2005-72

Petitioner: Neighborhood  
Development

ORDINANCE NO. 3014-Z

ZONING REGULATIONS

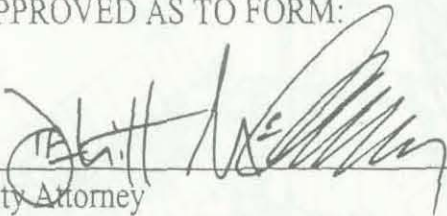
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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-8 and R-22 MF to R-5 and 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, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 687-688.

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

  
Stephanie C. Kelly, CMC, Deputy City Clerk

Petition #: **2005-072**

Petitioner: The City of Charlotte - Neighborhood Development

Zoning Classification (Existing): R-8 (Single family Residential, up to 8 dwelling units per acre) and R-22MF (Multi-family Residential, up to 22 dwelling units per acre)

Zoning Classification (Requested): R-5 (Single-family Residential, up to 5 dwelling per acre) and R-8 (Single-family Residential, up to 8 dwelling units per acre)

Acreeage & Location : Approximately 67.39 acres located west of Old Steele Creek Road, south of Primrose Ave



Zoning Map #(s) **104**

Map Produced by the  
 Charlotte-Mecklenburg Planning Commission  
 03-07-2005



	Requested R-8 from R-22MF		Requested R-5 from R-22MF and R-8
	Existing Building Footprints		Fema Flood Plain
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams

APPROVED BY CITY COUNCIL

Petition No. 2005-73  
Petitioner: Clayton Properties, Inc.

DATE 6/20/05

ORDINANCE NO. 3015-Z

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

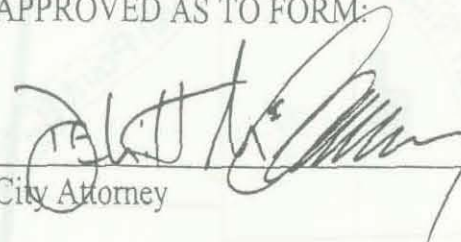
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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-1 (CD) 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, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 689-690.

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

  
\_\_\_\_\_  
Stephanie C. Kelly, CMC, Deputy City Clerk

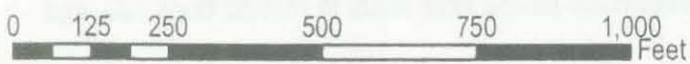
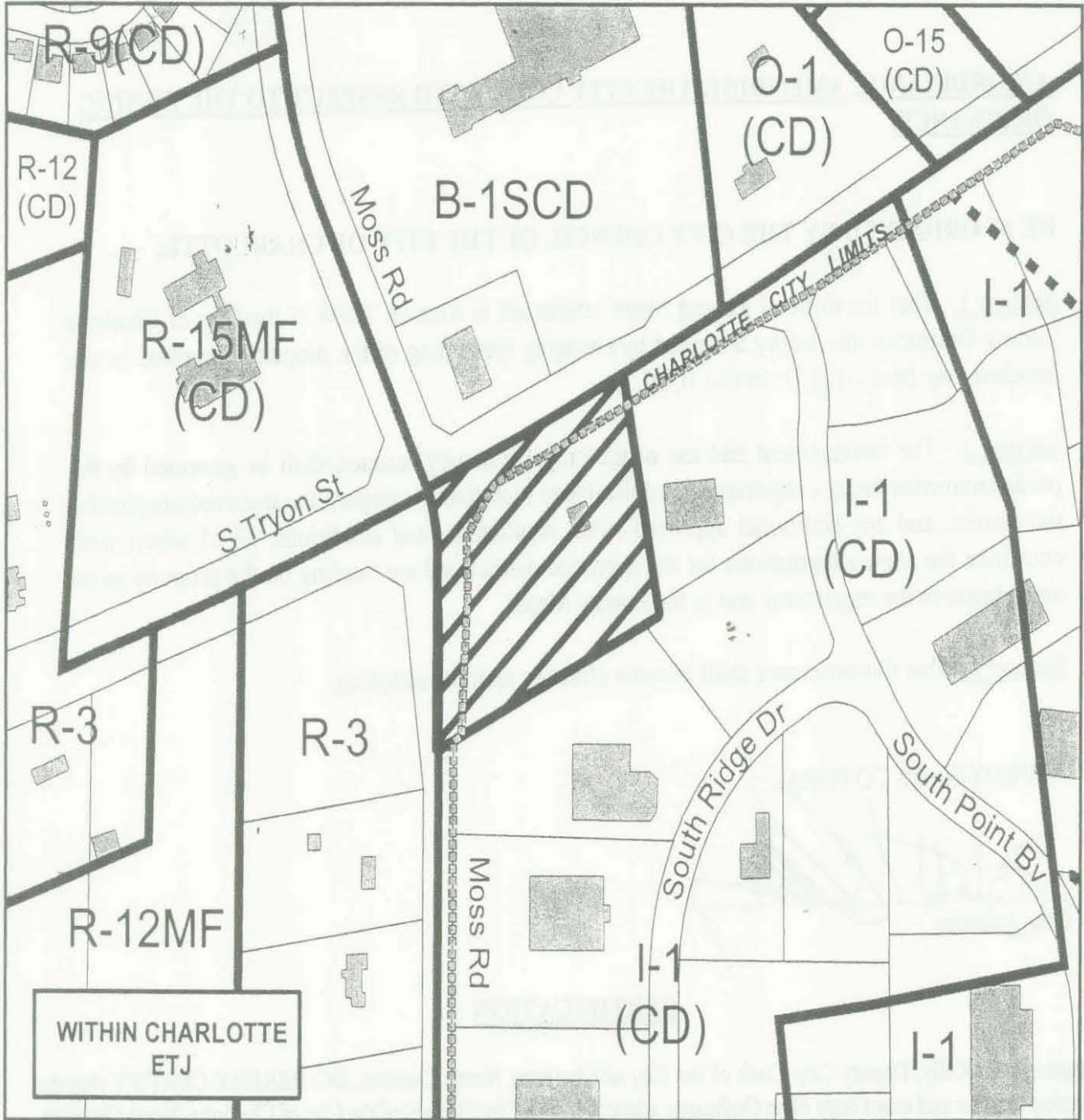
Petition #: **2005-073**

Petitioner: Clayton Properties Inc.

Zoning Classification (Existing): I-1(CD)  
(Light Industrial, Conditional)

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

Acreage & Location : Approximately 3.13 acres located on southeast corner of the intersection of South Tryon Street and Moss Road



Zoning Map #(s) **155**

Map Produced by the  
Charlotte-Mecklenburg Planning Commission  
03-03-2005



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



June 20, 2005

Ordinance Book 53 Page 693

Petition #: 2005-078

Petitioner: Charlotte Mecklenburg Planning Commission  
City of Charlotte

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

**ORDINANCE NO. 3017**

**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 2: DEFINITIONS AND RULES OF CONSTRUCTION.

1. PART 2, DEFINITIONS.

- a. Amend Section 2.201, "Definitions" by revising the definition of "Zoning Administrator" by inserting the "Charlotte Mecklenburg Planning Commission" in the place of "Mecklenburg County Building Standards Department". The Zoning Administrator will no longer have enforcement duties. The current text reads as follows:

Zoning Administrator.

The employee of the Mecklenburg County Building Standards Department charged with the administration and enforcement of these regulations or his or her designee.

The revised text shall read as follows:

Zoning Administrator.

The employee of the Charlotte-Mecklenburg Planning Commission charged with the administration and interpretation of these regulations or his or her designee.

B. CHAPTER 3: DECISION MAKING AND ADMINISTRATIVE BODIES

1. PART 2, PLANNING COMMISSION.

- a. Amend Section 3.201, "Powers and duties" by adding new duties to the Planning Commission, as per the Interlocal Agreement. The current text reads as follows:

**Section 3.201. Powers and duties.**

The Planning Commission shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To initiate, review, and make recommendations to the City Council regarding amendments to the text of these regulations and to the Zoning Maps.
- (2) To review the progress of development allowed under the terms of a reclassification of property.
- (3) To adopt such rules of procedure necessary for the administration of its responsibilities not inconsistent with these regulations.

The revised text shall read as follows:

**Section 3.201. Powers and duties.**

The Planning Commission shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To initiate, review, and make recommendations to the City Council regarding amendments to the text of these regulations and to the Zoning Maps.
- (2) To review the progress of development allowed under the terms of a reclassification of property.
- (3) To adopt such rules of procedure necessary for the administration of its responsibilities not inconsistent with these regulations.
- (4) Any such other duties and responsibilities transferred from the County to the City as per the Interlocal Cooperation Agreement as amended May 2005.

2. PART 5, PROFESSIONAL STAFF

- a. Amend Section 3.501, "Planning Commission Staff: powers and duties" by adding the powers and duties assigned to the City agencies. The current text reads as follows:

**Section 3.501. Planning Commission Staff; powers and duties.**

In addition to any authority granted to the staff of the Charlotte-Mecklenburg Planning Commission by other laws and ordinances, the Planning Director and the employees under his or her control shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To serve as staff to the City Council, and the Planning Commission, with regard to their functions under these regulations, and to inform such bodies of all facts and information at their disposal with respect to applications for amendments to the text of these regulations, and amendments to the Zoning Maps, the preparation, adoption, and updating of land use plans, or any other matters brought before them.
- (2) To maintain the text of these regulations and the Zoning Maps.
- (3) To maintain development review files and other public records related to the administration and enforcement of these regulations.
- (4) To review applications for building permits in conditional zoning districts filed under these regulations.
- (5) To recommend and comment on proposed amendments to these regulations and to the Zoning Maps.
- (6) To establish such rules of procedure as are necessary and proper for the administration of their responsibilities under these regulations.
- (7) To determine street classifications not otherwise specified on the adopted Charlotte-Mecklenburg Thoroughfare Plan.

The revised text shall read as follows:

**Section 3.501. Planning Commission Staff; powers and duties.**

In addition to any authority granted to the staff of the Charlotte-Mecklenburg Planning Commission by other laws and ordinances, the Planning Director and the employees under his or her control shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To serve as staff to the City Council, and the Planning Commission, with regard to their functions under these regulations, and to inform such bodies of all facts and information at their disposal with respect to applications for amendments to the text of these regulations, and amendments to the Zoning Maps, the preparation, adoption, and updating of land use plans, or any other matters brought before them.
- (2) To maintain the text of these regulations and the Zoning Maps.

- (3) To maintain development review files and other public records related to the administration and enforcement of these regulations.
- (4) To review applications for building permits in conditional zoning districts filed under these regulations.
- (5) To recommend and comment on proposed amendments to these regulations and to the Zoning Maps.
- (6) To establish such rules of procedure as are necessary and proper for the administration of their responsibilities under these regulations.
- (7) To determine street classifications not otherwise specified on the adopted Charlotte-Mecklenburg Thoroughfare Plan.
- (8) To review rezoning petitions for zoning compliance with these regulations.
- (9) To serve as staff to the Zoning Board of Adjustment with regard to its function under these regulations and inform such body of all facts and information at its disposal with respect to appeals and variances, or any other matter brought before it under these regulations.
- (10) To maintain development review files and other public records related to the administration and enforcement of these regulations.
- (11) To inform applicants in order to facilitate and expedite their compliance with the requirements of these regulations.
- (12) To render interpretations of the provisions of these regulations and the district boundaries indicated on the Zoning Maps.
- (13) Any such other duties and responsibilities transferred from the County to the City as per the Interlocal Cooperation Agreement as amended May 2005.

- b. Amend Section 3.502 by modifying the powers and duties assigned to LUESA, as per the Interlocal Cooperation Agreement. The current text reads as follows:

**Section 3.502 Building Standards Department; powers and duties.**

In addition to any authority granted to the Building Standards Department by other laws and ordinances, the Zoning Administrator and the employees under his or her control shall have the following powers and duties, to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To enforce the provisions of these regulations and conduct inspections.
- (2) To distribute applications for building permits and certificates of occupancy as required by these regulations.
- (3) To review for zoning compliance with these regulations all applications for building permits, certificates of occupancy and all rezoning petitions.
- (4) To serve as staff to the Zoning Board of Adjustment with regard to its function under these regulations and inform such body of all facts and information at its disposal with respect to appeals and variances, or any other matter brought before it under these regulations.
- (5) To maintain development review files and other public records related to the administration and enforcement of these regulations.
- (6) To inform applicants in order to facilitate and expedite their compliance with the requirements of these regulations.
- (7) To render interpretations of the provisions of these regulations and the district boundaries indicated on the Zoning Maps.
- (8) To determine the extent of damage or destruction of nonconforming uses and structures.
- (9) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.
- (10) To establish such rules of procedure as are necessary and proper for the administration of their responsibilities under these regulations.

The revised text shall read as follows:

Section 3.502. Land Use and Environmental Services Agency (LUESA); powers and duties.

In addition to any authority granted to the Land Use and Environmental Services Agency (LUESA) by other laws and ordinances, the Land Use and Environmental Services Agency shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To distribute applications for building permits, and certificates of occupancy as required by these regulations.

- (2) To review applications for building permits, and certificates of occupancy, and issue building permits and certificates of occupancy as required by City and County ordinances.
- (3) To maintain files and other public records related to the administration of these regulations.
- (4) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.

b. Amend Section 3.503, "Engineering and Property Management; powers and duties" by adding powers and duties as per the Interlocal Cooperation Agreement. The current text reads as follows:

**Section 3.503 Engineering and Property Management; powers and duties.**

In addition to any authority granted to the Engineering and Property Management by other laws and ordinances, the Engineering and Property Management shall have the powers and duties, in accordance with these regulations, which include, but are not limited to, the following:

- (1) To review applications for building permits and rezoning petitions to determine compliance of the proposed development with City requirements for engineering, erosion control, and drainage.
- (2) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.

The revised text shall read as follows:

**Section 3.503 Engineering and Property Management; powers and duties.**

In addition to any authority granted to Engineering and Property Management by other laws and ordinances, Engineering and Property Management shall have the powers and duties, in accordance with these regulations, which include, but are not limited to, the following:

- (1) **To review rezoning petitions to determine compliance of the proposed development with the Zoning Ordinance requirements and other City ordinances, including** engineering, erosion control, urban forestry, and drainage.
- (2) To review applications for building permits to determine compliance of the proposed development with City requirements for engineering, erosion control, urban forestry, and drainage.

- (3) To distribute applications for zoning permits, change of use permits, signs, and other miscellaneous zoning permits as required by these regulations.
- (4) To review zoning permit applications and plans for commercial land development projects (including but not limited to office, retail, and industrial projects) and planned multi-family projects, subsequent field inspections and monitoring through construction to ensure compliance with the Zoning Ordinance.
- (5) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.
- (6) Any such other duties and responsibilities transferred from the County to the City as per the Interlocal Cooperation Agreement as amended May 2005.

- c. Add a new Section 3.511, titled, "Neighborhood Development; powers and duties" to detail the duties and responsibilities transferred to the City by the Interlocal Cooperation Agreement. The new section shall read as follows:

**Section 3.511 Neighborhood Development; powers and duties.**

In addition to any authority granted Neighborhood Development by other laws and ordinances, Neighborhood Development shall have the powers and duties, in accordance with these regulations, which include, but are not limited to, the following:

- (1) To enforce the provisions of Zoning Ordinance regulations and conduct inspections.
- (2) To review rezoning petitions to determine compliance of the proposed development with the Zoning Ordinance requirements and other City ordinances.
- (3) To distribute applications for zoning permits, change of use permits, customary home occupations, signs, and other miscellaneous zoning permits as required by these regulations.
- (4) To review zoning permit applications and plans for residential land development projects (excluding planned multi-family projects) and subsequent field inspections and monitoring through construction to ensure compliance with the Zoning Ordinance.
- (5) To provide the City Council and Planning Commission with reports and recommendations, at their direction, with respect to matters before those bodies under the provisions of these regulations.
- (6) Any such other duties and responsibilities transferred from the

County to the City as per the Interlocal Cooperation  
Agreement as amended May 2005.

C. CHAPTER 4, "DEVELOPMENT APPROVAL

1. Amend Section 4.104, "Zoning review" by replacing "Zoning Administrator" with Engineering and Property Management and Neighborhood Development powers. The current section reads as follows:

**Section 4.104. Zoning review.**

The Zoning Administrator shall conduct reviews and make approvals of zoning compliance under these regulations for the issuance of building permits, certificates of occupancy, sign permits and zoning use permits.

The revised section shall read as follows:

**Section 4.104. Zoning review.**

Engineering and Property Management shall conduct reviews and make approvals of zoning compliance under these regulations for the issuance of zoning permits, change of use permits, and sign permits related to planned multi-family projects and commercial projects, including office, institutional, retail and industrial projects. Neighborhood Development shall conduct reviews and make approvals of zoning compliance under these regulations for the issuance of zoning permits, change of use permits, and sign permits related to all other residential projects, and all existing land uses.

2. Amend Section 4.106, "Public notification process for certain land uses", subsection (2), by replacing "Zoning Administrator" with the names of the agencies that will be responsible for the notifications. The current section reads as follows:

**Section 4.106. Public notification process for certain land uses.**

(2) Notification process

In order to facilitate the exchange of information and dialogue, the following process is established for certain land uses so specified:

- (a) The Zoning Administrator will cause the subject site to be posted with a notice stating that the proposed use has been requested, where additional information may be obtained, and establishing a date, time and place for a public forum. The Zoning Administrator will also mail a notice to affected property owners, as shown on the current City tax abstracts, within 100 feet of the proposed site including those across a street as well as those neighborhood leaders, as listed by the Planning department, within one mile of the proposed site. Such notice will be posted and mailed within 10 working days from the time that the Zoning Administrator determines that the application is complete.



The public forum should be held within 30-calendar days of the posting of the sign(s) and the mailing of the notices.

- (b) Any applicant shall be responsible for supplying the Zoning Administrator with postage paid envelopes addressed to adjacent property owners and neighborhood leaders as noted above. Any error in an owner's or neighborhood leaders' list or any other procedural error or omission shall not invalidate the issuance of an otherwise properly issued permit.
- (c) The Zoning Administrator shall not render a decision on the proposed use until a minimum of 21 calendar days has elapsed following the date of the forum. The 21-day period may be used by all parties to submit written statements of rebuttal to the Zoning Administrator. The Zoning Administrator will consider only those rebuttal statements that relate to the compliance of the proposed use with the provisions of this ordinance.
- (d) Within five business days after making a decision on the proposed use, the Zoning Administrator will mail a notice of his decision to the affected property owners and any other persons who commented on the proposed issuance of the permit whose addresses are known.

The revised section reads as follows:

(2) Notification process

In order to facilitate the exchange of information and dialogue, the following process is established for certain land uses so specified:

- (a) Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential projects) will cause the subject site to be posted with a notice stating that the proposed use has been requested, where additional information may be obtained, and establishing a date, time and place for a public forum. Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential **projects**) will also mail a notice to affected property owners, as shown on the current City tax abstracts, within 100 feet of the proposed site including those across a street as well as those neighborhood leaders, as listed by the Planning department, within one mile of the proposed site. Such notice will be posted and mailed within 10 working days from the time that the **Engineering and Property Management** or Neighborhood Development staff determines that the application is complete. The public forum should be held within 30-calendar days of the

posting of the sign(s) and the mailing of the notices.

- (b) Applicant's shall be responsible for supplying Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential projects) with postage paid envelopes addressed to adjacent property owners and neighborhood leaders as noted above. Any error in an owner's or neighborhood leaders' list or any other procedural error or omission shall not invalidate the issuance of an otherwise properly issued permit.
- (c) The designated agency shall not render a decision on the proposed use until a minimum of 21 calendar days has elapsed following the date of the forum. The 21-day period may be used by all parties to submit written statements of rebuttal to the designated agency. The designated agency will consider only those rebuttal statements that relate to the compliance of the proposed use with the provisions of this ordinance.
- (d) Within five business days after making a decision on the proposed use, Engineering and Property Management or Neighborhood Development staff will mail a notice of the decision to the affected property owners and any other persons who commented on the proposed issuance of the permit whose addresses are known.

- 3. Amend Section 4.107, "Delegated authority for development approval based upon existing conditions" by replacing the term "Building Standards" with "Land Use and Environmental Services Agency (LUESA), Neighborhood Development, Engineering and Property Management and/or the Planning Commission". The current section reads as follows:

**Section 4.107. Delegated authority for development approval based upon existing conditions.**

- (2) Yard, Buffers, and Appurtenant Encroachments.

The Zoning Administrator shall also have the administrative authority to approve deviations from yard and buffer requirements. To approve a deviation, the Zoning Administrator must determine that there has been a surveying error, a misunderstanding about a property line, an action of the Building Standards Department, or other similar basis that demonstrates an inadvertent error. Any approval for a reduction shall not exceed two feet, except an approval for air conditioning units, which shall not exceed three feet. The Zoning Administrator shall have the authority to apply subsection (1) or (2) but not both sections. The Zoning Administrator shall have the authority to attach any condition for a fence, screening, or a similar requirement, if deemed necessary.

The revised section shall read as follows:

**Section 4.107. Delegated authority for development approval based upon existing conditions.**

(2) **Yard, Buffers, and Appurtenant Encroachments.**

The Zoning Administrator shall also have the administrative authority to approve deviations from yard and buffer requirements. To approve a deviation, the Zoning Administrator must determine that there has been a surveying error, a misunderstanding about a property line, an action of Land Use and Environmental Services Agency (LUESA), Neighborhood Development, Engineering and Property Management, and/or the Planning Commission, or other similar basis that demonstrates an inadvertent error. Any approval for a reduction shall not exceed two feet, except an approval for air conditioning units, which shall not exceed three feet. The Zoning Administrator shall have the authority to apply subsection (1) or (2) but not both sections. The Zoning Administrator shall have the authority to attach any condition for a fence, screening, or a similar requirement, if deemed necessary.

D. **CHAPTER 5: APPEALS AND VARIANCES.**

1. Amend Section 5.104, "Filing of variance petition" by replacing the "County Commissioners" with the Charlotte City Council". The current text reads as follows:

**Section 5.104. Filing of variance petition.**

A petition for variance, in the form prescribed by the Board of Adjustment, shall be filed with the Zoning Administrator, accompanied by a nonrefundable filing fee as established by the Mecklenburg County Board of County Commissioners.

The revised section shall read as follows:

**Section 5.104. Filing of variance petition.**

A petition for variance, in the form prescribed by the Board of Adjustment, shall be filed with the Zoning Administrator, accompanied by a nonrefundable filing fee as established by the Charlotte City Council.

2. Amend Section 5.113, "Appeal from the Board of Adjustment" by changing references in subsection (1) and (3) to the "Building Standards Department" to the Charlotte-Mecklenburg Planning Commission". In subsection (4), change the word "County" to "City", and add "or his designee". The current text reads as follows:

**Section 5.113. Appeal from Board of Adjustment.**

- (1) If no aggrieved party files a written request for a copy of the decision at the time of the hearing of the case, then any petition for a review of the Board's decision in the nature of certiorari by

Superior Court must be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board of Adjustment is filed in the Charlotte-Mecklenburg Building Standards Department. Upon the filing of the decision in the Building Standards Department, the Zoning Administrator will make a notation on the filed decision stating the date upon which the decision has been filed.

- (2) If any aggrieved party has filed a written request for a copy of the decision at the time of the hearing of the case, as stated in G.S. Sec. §160A-388(e), then a decision of the Board may be delivered to that aggrieved party either by personal service or by registered or certified mail with return written receipt requested.
- (3) Any aggrieved party, who has filed a written request for a copy of the decision at the time of the hearing of the case, will have thirty (30) days from receipt of the decision of the Board of Adjustment to file the petition for review in the nature of certiorari in Superior Court with the Clerk of Superior Court, or will have thirty (30) days from the date of the filing of the decision in Building Standards Department, by the Zoning Administrator, as stated above in Subsection (1), whichever is later.
- (4) If a petition for review pursuant to G.S. §160A-388(e) is filed, then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the secretary of the Zoning Board of Adjustment for preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the County shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed.

The revised section shall read as follows:

**Section 5.113. Appeal from Board of Adjustment.**

- (1) If no aggrieved party files a written request for a copy of the decision at the time of the hearing of the case, then any petition for a review of the Board's decision in the nature of certiorari by Superior Court must be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board of Adjustment is filed in the Charlotte-Mecklenburg Planning Commission. Upon the filing of the decision in the Planning Commission, the Zoning Administrator, or his designee will make a notation on the filed decision stating the date upon which the decision has been filed.
- (2) If any aggrieved party has filed a written request for a copy of the decision at the time of the hearing of the case, as stated in

G.S. Sec. §160A-388(e), then a decision of the Board may be delivered to that aggrieved party either by personal service or by registered or certified mail with return written receipt requested.

- (3) Any aggrieved party, who has filed a written request for a copy of the decision at the time of the hearing of the case, will have thirty (30) days from receipt of the decision of the Board of Adjustment to file the petition for review in the nature of certiorari in Superior Court with the Clerk of Superior Court, or will have thirty (30) days from the date of the filing of the decision in the Charlotte-Mecklenburg Planning Commission, by the Zoning Administrator, as stated above in Subsection (1), whichever is later.
- (4) If a petition for review pursuant to G.S. §160A-388(e) is filed, then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the secretary of the Zoning Board of Adjustment for preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the City shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed.

E. CHAPTER 6: AMENDMENTS

1. PART 1: PROVISIONS OF GENERAL APPLICABILITY

- a. Amend Section 6.107, "Staff Review", subsection (2) by updating the names of various city and county departments and agencies according to current terminology and to reflect the transfer of power and duties to the City. The current text reads as follows:

**Section 6.107. Staff review.**

- (2) The Planning Director shall deliver copies of the proposed amendment to other appropriate agencies including, but not limited to, Building Standards Department, Engineering and Property Management, Health Department, Department of Environmental Protection, Parks and Recreation Department, Transportation Department, Utilities Department, Charlotte-Mecklenburg Schools Staff and Fire Department.

The revised text shall read as follows:

**Section 6.107. Staff review.**

- (2) The Planning Director shall deliver copies of the proposed amendment to other appropriate agencies including, but not

limited to, Land Use and Environmental Services Agency (LUESA), Engineering and Property Management, Health Department, Mecklenburg County Parks and Recreation Department, Charlotte Department of Transportation, Charlotte Mecklenburg Utilities, Charlotte-Mecklenburg Schools and the Charlotte Fire Department.

F. CHAPTER 8: ENFORCEMENT.

1. Amend Section 8.101, "Enforcement by Zoning Administrator" by adding references to other City agencies involved in the enforcement process. The current title and section reads as follows:

**Section 8.101. Enforcement by Zoning Administrator.**

The provisions of these regulations shall be enforced by the Zoning Administrator.

The revised text shall read as follows:

**Section 8.101. Enforcement**

After a building permit has been issued by the Land Use and Environmental Services Agency (LUESA), and through the construction period, zoning compliance for commercial and planned multi-family projects shall be monitored and enforced by Engineering and Property Management.

After a Certificate of Occupancy has been issued, monitoring and enforcement of these regulations, for all types of land uses, shall be handled by Neighborhood Development.

2. Amend Section 8.102, "Zoning Administrator procedures" by adding references to other City staff involved in the enforcement process, and changing the title of the section to refer to "enforcement procedures", not "Zoning Administrator procedures". Change the term "Zoning Administrator" to reference the designated agencies. The current title and section reads as follows:

**Section 8.102. Zoning Administrator procedures.**

- (1) It shall be the duty of the Zoning Administrator to initiate proceedings for the enforcement of these regulations.
- (2) If the Zoning Administrator discovers a violation of these regulations, the Zoning Administrator shall notify the violator and give the violator a specified time to correct the violation. If the violation continues or is not corrected, the Zoning Administrator shall initiate proceedings for enforcement as described in this Chapter.

The revised text shall read as follows:

**Section 8.102. Enforcement procedures**

- (1) It shall be the duty of Engineering and Property Management (for commercial and planned multi-family projects, change of use permits, and associated signs) to monitor and initiate compliance for the enforcement of these regulations from the time a building permit has been issued through the time a Certificate of Occupancy is issued. Thereafter, it shall be the duty of Neighborhood Development to monitor and enforce zoning compliance for such uses.
- (2) It shall be the duty of Neighborhood Development to monitor and initiate compliance for zoning permits, change of use permits, and sign permits, except as provided for in subsection (1) above.
- (3) It shall be the duty of Neighborhood Development to monitor and initiate compliance for the enforcement of these regulations for all existing development and land uses.
- (4) If Neighborhood Development shall discover a violation of these regulations, Neighborhood Development shall notify the violator and give the violator a specified time to correct the violation. If the violation continues or is not corrected, Neighborhood Development shall initiate proceedings for enforcement as described in this Chapter.

3. Amend Section 8.103, "General enforcement provisions" by adding references to other agencies involved in the enforcement process. The current section reads as follows:

**Section 8.103. General enforcement provisions.**

The provisions of this Chapter may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this Chapter. If a person continues to fail to comply with a particular provision of these regulations after the imposition of any one type of penalty, the person shall continue to remain subject to the remedies prescribed by this Chapter for the continued violation of the particular provision of these regulations. The Zoning Administrator shall have the power to impose fines and penalties for violation of the Zoning Ordinance, as provided herein, and may secure injunctions and abatement orders to further ensure compliance with the Zoning Ordinance as provided for in this Chapter. Each day's continuing violation shall be a separate and distinct offense and may be subject to any one, all, or a combination of the remedies authorized and prescribed by this Chapter.

The revised section shall read as follows:

**Section 8.103. General enforcement provisions.**

The provisions of this Chapter may be enforced by any one, all, or a

combination of the remedies authorized and prescribed by this Chapter. If a person continues to fail to comply with a particular provision of these regulations after the imposition of any one type of penalty, the person shall continue to remain subject to the remedies prescribed by this Chapter for the continued violation of the particular provision of these regulations.

Neighborhood Development shall have the power to impose fines and penalties for violation of the Zoning Ordinance, as provided herein, and may secure injunctions and abatement orders to further ensure compliance with the Zoning Ordinance as provided for in this Chapter. Each day's continuing violation shall be a separate and distinct offense and may be subject to any one, all, or a combination of the remedies authorized and prescribed by this Chapter.

4. Amend Section 8.105, "Citations", subsection (3) by replacing "Building Standards Department" with "Charlotte-Mecklenburg Planning Commission" to match the transfer arrangements agreed to by the City and County. Also reference the designated agency in subsections (1) and (3). The current text reads as follows:

§ **Section 8.105. Citations.**

- (1) The Zoning Administrator is empowered to issue citations to any person if there is a reasonable cause to believe that the person has violated any provision of these regulations. A violator shall be deemed to be the owner of the premises, the agent of the owner authorized to be responsible for the premises, or the occupant of the premises. Citations may be directly issued to the occupant, lessee, or person having immediate beneficial use of the property. The non-occupant owner or agent responsible for the premises each has a duty to maintain the premises in compliance with these regulations. A citation shall not be issued to a non-occupant owner, agent or occupant for those premises unless there has been written notice delivered to the owner, agent, or occupant, or mailed to the last known mailing address as shown by public records, or by making other reasonable efforts to communicate the existence of the violation to the owner, agent, or occupant.
- (2) The initial citation for each violation shall be \$50.00. The issuance of a second citation for any violation that has not been corrected shall be in an amount up to \$200.00 upon the day of issuance, up to \$500.00 for the third citation, and up to \$500.00 thereafter. Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator or, if the violator cannot be readily found, then the citation may be mailed.
- (3) The citation shall direct the violator to make payment at the Building Standards Department within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within fifteen (15) days of the issuance, a delinquency charge of ten dollars (\$10.00) shall be added to the



amount shown on the citation. The citation shall inform the violator that a civil complaint or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.

The revised section shall read as follows:

**Section 8.105. Citations.**

- (1) Neighborhood Development is empowered to issue citations to any person if there is a reasonable cause to believe that the person has violated any provision of these regulations. A violator shall be deemed to be the owner of the premises, the agent of the owner authorized to be responsible for the premises, or the occupant of the premises. Citations may be directly issued to the occupant, lessee, or person having immediate beneficial use of the property. The non-occupant owner or agent responsible for the premises each has a duty to maintain the premises in compliance with these regulations. A citation shall not be issued to a non-occupant owner, agent or occupant for those premises unless there has been written notice delivered to the owner, agent, or occupant, or mailed to the last known mailing address as shown by public records, or by making other reasonable efforts to communicate the existence of the violation to the owner, agent, or occupant.
- (2) The initial citation for each violation shall be \$50.00. The issuance of a second citation for any violation that has not been corrected shall be in an amount up to \$200.00 upon the day of issuance, up to \$500.00 for the third citation, and up to \$500.00 thereafter. Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator or, if the violator cannot be readily found, then the citation may be mailed.
- (3) The citation shall direct the violator to make payment to Neighborhood Development within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within fifteen (15) days of the issuance, a delinquency charge of ten dollars (\$10.00) shall be added to the amount shown on the citation. The citation shall inform the violator that a civil complaint or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.

1. PART 5: INSTITUTIONAL DISTRICT

- a. Amend Section 9.504, "Permitted accessory uses and structures", subsection (4.1) by replacing the term "Zoning Administrator" with the designated agency. The current text reads as follows:

(4.1) Guest accommodations, provided by a conference center for persons who are attending functions or activities taking place within its facilities may also be made available to guests who are not participating in the principal activities of the conference center so long as the number of rooms so utilized does not exceed 20 rooms; and, on an annual average, no more than 30% of the rooms per night are occupied by such guests. Any conference center which elects to offer accommodations to unrelated guests must maintain accurate records sufficient to demonstrate to the Zoning Administrator, compliance with this standard and must produce copies of these records for the Zoning Administrator within 3 business days following the Zoning Administrator's request.

The revised text shall read as follows:

(4.1) Guest accommodations, provided by a conference center for persons who are attending functions or activities taking place within its facilities may also be made available to guests who are not participating in the principal activities of the conference center so long as the number of rooms so utilized does not exceed 20 rooms; and, on an annual average, no more than 30% of the rooms per night are occupied by such guests. Any conference center which elects to offer accommodations to unrelated guests must maintain accurate records sufficient to demonstrate compliance with this standard and must produce copies of these records for Neighborhood Development within three (3) business days following a request by Neighborhood Development.

2. PART 7, OFFICE DISTRICTS

- a. Amend Section 9.703, "Uses permitted under prescribed conditions", subsection (17), "Offices, financial institutions and government buildings, over 300,000 square feet", subsection (v) by replacing the term "Zoning Administrator" with "Director of Engineering and Property Management, or his or her designee(s)". The current subsection reads as follows:

(v) The Zoning Administrator in consultation with the Charlotte Department of Transportation has authority to waive the submission requirement of a traffic impact study or reduce the scope of the study if the scale of proposal or other revision makes submission of the information unnecessary or impractical.

The revised subsection shall read as follows:

(v) The Director of Engineering and Property Management, or his or her designee(s) in consultation with the Charlotte Department of

Transportation has authority to waive the submission requirement of a traffic impact study or reduce the scope of the study if the scale of proposal or other revision makes submission of the information unnecessary or impractical.

### 3. PART 8.5, MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8507, "Mixed Use Development District; parking and loading standards", subsection (6), "Parking Standards" by replacing "Director of the Building Standards Department" with "Neighborhood Development will initiate enforcement of this provision and instruct the Director of Land Use and Environmental Services Agency, or his or her designee". The current section reads as follows:

- (6) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 1,600 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease having a term of not less than five (5) years excluding renewals and need not be located within this district. If at any time the parking arrangements of this section are not met, the Director of the Building Standards Department will revoke the occupancy permit for the permitted use and will not issue a building or occupancy permit with respect to the permitted use until such requirements are met. If through no fault of the building owner or management the required parking that is provided through a lease arrangement is lost through condemnation procedures, the building owner or management will not be required to find replacement parking to meet the requirements of these provisions. Spaces in parking structures and lots which are owned by a developer and which exist on the date these provisions become effective, and which are in excess of the requirements for the building(s) with which they are associated, may be used to satisfy the requirements for new or expanded buildings.

The revised section shall read as follows:

- (6) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 1,600 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease having a term of not less than five (5) years excluding renewals and need not be located within this district. If at any time the parking arrangements of this section are not met, Neighborhood Development will initiate enforcement of this provision and instruct the Director of Land Use and Environmental Services Agency, or his or her designee, to revoke the occupancy permit for the permitted use and will not issue a building or occupancy permit with respect to the permitted use until such requirements are met. If through no fault of the building owner or management the required parking that is provided through a lease arrangement is lost through condemnation procedures, the building owner or management will not be required

to find replacement parking to meet the requirements of these provisions. Spaces in parking structures and lots which are owned by a developer and which exist on the date these provisions become effective, and which are in excess of the requirements for the building(s) with which they are associated, may be used to satisfy the requirements for new or expanded buildings.

4. PART 9, "UPTOWN MIXED USE DISTRICT"

a. Amend Section 9.906, "Uptown Mixed Use District; urban design and development standards", subsection (2), "Streetscape Design Standards", item (e), "Signs, banners and pennants", by modifying (1)(g) and (1)(i) to refer to the "Neighborhood Development" instead of the "Zoning Administrator". The current text reads as follows:

- (g) A banner permit from the Zoning Administrator is required for each major event, or seasonal event. If sports related, each game or competition shall be considered a separate event. Seasonal events such as regional team sporting events (i.e. Bobcats, Panthers, Checkers, etc.) may be issued one permit for the season.
- (i) Due to the short-term nature of banners, any violation of the provisions of these regulations shall be cited by the Zoning Administrator. A one-day warning notice of violation requesting immediate compliance will be issued first. Citations can then be issued for any violation that has not been corrected.

The revised section shall read as follows:

- (g) A banner permit from Neighborhood Development is required for each major event, or seasonal event. If sports related, each game or competition shall be considered a separate event. Seasonal events such as regional team sporting events (i.e. Bobcats, Panthers, Checkers, etc.) may be issued one permit for the season
- (i) Due to the short-term nature of banners, any violation of the provisions of these regulations shall be cited by Neighborhood Development. A one-day warning notice of violation requesting immediate compliance will be issued first. Citations can then be issued for any violation that has not been corrected.

b. Amend Section 9.907, "Uptown Mixed Use District; parking and loading standards", subsection (e) by replacing "Director of Building Standards Department" with "Neighborhood Development will initiate enforcement of this provision and instruct the Director of Land Use and Environmental Services Agency, or his or her designee". The current text reads as follows:

- (e) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 1600 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease having a term of not less

than 5 years excluding renewals and need not be located within this district. If at any time the parking arrangements of this section are not met, the Director of the Building Standards Department will revoke the occupancy permit for the permitted use and will not issue a building or occupancy permit with respect to the permitted use until such requirements are met. If through no fault of the building owner or management the required parking that is provided through a lease arrangement is lost through condemnation procedures, the building owner or management will not be required to find replacement parking to meet the requirements of these provisions. Spaces in parking structures and lots which are owned by a developer and which exist on the date these provisions become effective, and which are in excess of the requirements for the building(s) with which they are associated, may be used to satisfy the requirements for new or expanded buildings.

The revised text shall read as follows:

- (e) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 1600 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease having a term of not less than 5 years excluding renewals and need not be located within this district. If at any time the parking arrangements of this section are not met, Neighborhood Development will initiate enforcement of this provision and instruct the Director of Land Use and Environmental Services Agency, or his or her designee, to revoke the occupancy permit for the permitted use and will not issue a building or occupancy permit with respect to the permitted use until such requirements are met. If through no fault of the building owner or management the required parking that is provided through a lease arrangement is lost through condemnation procedures, the building owner or management will not be required to find replacement parking to meet the requirements of these provisions. Spaces in parking structures and lots which are owned by a developer and which exist on the date these provisions become effective, and which are in excess of the requirements for the building(s) with which they are associated, may be used to satisfy the requirements for new or expanded buildings.

5. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1205, "Uses Permitted by Right", subsection (18) by replacing the term "Zoning Administrator" by the designated agency. The current subsection reads as follows:

(18) Parking lots (temporary surface lots), over one (1) acre, subject to the following:

- (a) Any operator of a temporary parking lot shall apply for a permit from the Zoning Administrator, or his designee.

The Zoning Administrator, or his designee shall not issue the permit until the Planning Director, or his designee has granted approval. The permit shall authorize a temporary parking lot for a period of five (5) years from the date the permit is issued.

The revised section shall read as follows:

- (18) Parking lots (temporary surface lots), over one (1) acre, subject to the following:
  - (a) Any operator of a temporary parking lot shall apply for a permit from Engineering and Property Management. The Engineering and Property Management staff shall not issue the permit until the Planning Director, or his or her designee has granted approval. The permit shall authorize a temporary parking lot for a period of five (5) years from the date the permit is issued.
- b. Amend Section 9.1208, "Development Standards", subsection (6), "Parking Standards", item (f), by replacing the term "Zoning Administrator" with the designated agency. The current subsection reads as follows:
  - (f) The vehicular parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the Zoning Administrator.

The revised text shall read as follows:

- (f) The vehicular parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of Engineering and Property Management (for commercial and planned multi-family projects, change of use permits), or Neighborhood Development (for all other residential projects, change of use permits).

## H. CHAPTER 10: "OVERLAY DISTRICTS"

### 1. PART 2, "HISTORIC DISTRICTS".

- a. Amend Section 10.214, "Enforcement" subsection (3) by replacing the term "Zoning Administrator" with "Neighborhood Development". The current text reads as follows:
  - (3) If the violation is not corrected within 30 days and the violator has not appealed to the Zoning Board of Adjustment, a Misdemeanor Criminal Summons may be issued to the violator and the matter will be placed on the docket for the Mecklenburg County Environmental Court. In addition, the Zoning Administrator or his

designee may take any enforcement action provided for in NCGS 160A-175 and as specifically described in Chapter 8 of this Zoning Ordinance.

The revised text shall read as follows:

- (3) If the violation is not corrected within 30 days and the violator has not appealed to the Zoning Board of Adjustment, a Misdemeanor Criminal Summons may be issued to the violator and the matter will be placed on the docket for the Mecklenburg County Environmental Court. In addition, Neighborhood Development may take any enforcement action provided for in NCGS 160A-175 and as specifically described in Chapter 8 of this Zoning Ordinance.

- b. Amend Section 10.215, "Submission of the site plan and compliance with the Zoning Ordinance and other applicable laws" by replacing the term "Zoning Administrator" with "City". The current text reads as follows:

**Section 10.215. Submission of the site plan and compliance with the Zoning Ordinance and other applicable laws**

An applicant shall submit site plans that are in compliance with the Zoning Ordinance and with any other local or State laws designated by the Historic District Commission. If the Historic District Commission's staff or the Historic District Commission determines that submitted site plans are not in compliance with the Zoning Ordinance or other State or local laws designated by the Historic District Commission, then the Historic District Commission's staff or Historic District Commission shall not be required to proceed to review the application for the certificate of appropriateness until site plans have been submitted that are in accordance with the Zoning Ordinance and applicable State or local laws. If site plans have been submitted that are not in compliance with the Zoning Ordinance or other identified State or local laws, then the certificate of appropriateness or any permits or certificates issued by the Zoning Administrator may be revoked.

The revised text shall read as follows:

**Section 10.215. Submission of the site plan and compliance with the Zoning Ordinance and other applicable laws**

An applicant shall submit site plans that are in compliance with the Zoning Ordinance and with any other local or State laws designated by the Historic District Commission. If the Historic District Commission's staff or the Historic District Commission determines that submitted site plans are not in compliance with the Zoning Ordinance or other State or local laws designated by the Historic District Commission, then the Historic District Commission's staff or Historic District Commission shall not be required to proceed to review the application for the certificate of appropriateness until site plans have been submitted that are in accordance with the Zoning Ordinance and applicable State or local laws. If site plans

have been submitted that are not in compliance with the Zoning Ordinance or other identified State or local laws, then the certificate of appropriateness or any permits or certificates issued by the City may be revoked.

- c. Amend Section 10.216, "Revocation of building permit" by replacing "Building Standards Department" with "Land Use and Environmental Services Agency". Add a reference to the fact that the City may direct LUESA to revoke any permits. The current text reads as follows:

**Section 10.216. Revocation of building permit.**

Pursuant to N. C. General Statutes Section 160A-422, "Revocation of permits", the Mecklenburg County Building Standards Department shall be notified to revoke any building permits for any substantial departure from the approved application, plans, or specifications, for refusal or failure to comply with the requirements of a certificate of appropriateness. If a certificate of appropriateness is required, then a building permit shall not be issued. If a building permit has been mistakenly issued or issued based upon false statements or misrepresentations made in securing the building permits, then the building permit may be revoked.

The revised text shall read as follows:

**Section 10.216. Revocation of building permit.**

Pursuant to N. C. General Statutes Section 160A-422, "Revocation of permits", the Land Use and Environmental Services Agency shall be notified to revoke any building permits for any substantial departure from the approved application, plans, or specifications, for refusal or failure to comply with the requirements of a certificate of appropriateness. If a certificate of appropriateness is required, then a building permit shall not be issued. If a building permit has been mistakenly issued or issued based upon false statements or misrepresentations made in securing the building permits, then the building permit may be revoked by the Land Use and Environmental Services Agency, or as directed by the City.

- d. Amend Section 10.217, "Denial or revocation of certificate of compliance and occupancy", subsection (1) and (2) by replacing "Mecklenburg County Building Standards Department" with "Land Use and Environmental Services Agency, on its own authority or as directed by the City". The current text reads as follows:

**Section 10.217. Denial or revocation of certificate of compliance and occupancy.**

- (1) As stated in the Mecklenburg County Building Ordinance, Section B-114, "Certificates of Compliance and Occupancy", the Mecklenburg County Building Standards Department shall not issue a certificate of occupancy or certificate of compliance unless there has been compliance with any certificate of appropriateness issued by the Historic District Commission. Compliance with a



certificate of appropriateness shall include, but not be limited to, meeting all the requirements of the certificate of appropriateness in not doing any act, which would have required a certificate of appropriateness.

- (2) Further, pursuant to Section B-115-2, "Revocation of Permits or Certificates", any permit or certificate of occupancy or certificate of compliance issued by the Mecklenburg County Building Standards Department in violation of any of the Historic Districts' provisions, stated herein, also may be revoked by the Mecklenburg County Building Standards Department.

The revised text shall read as follows:

**Section 10.217. Denial or revocation of certificate of compliance and occupancy.**

- (1) As stated in the Mecklenburg County Building Ordinance, Section B-114, "Certificates of Compliance and Occupancy", the Land Use and Environmental Services Agency, on its own authority or as directed by the City, shall not issue a certificate of occupancy or certificate of compliance unless there has been compliance with any certificate of appropriateness issued by the Historic District Commission. Compliance with a certificate of appropriateness shall include, but not be limited to, meeting all the requirements of the certificate of appropriateness in not doing any act, which would have required a certificate of appropriateness.
- (2) Further, pursuant to Section B-115-2, "Revocation of Permits or Certificates", any permit or certificate of occupancy or certificate of compliance issued by the Land Use and Environmental Services Agency, in violation of any of the Historic Districts' provisions, stated herein, also may be revoked by the Land Use and Environmental Services Agency, on its own authority or as directed by the City.

2. PART 3: AIRPORT ZONE

- a. Amend Section 10.314, "Building permit and certificate of occupancy notice" by replacing "Mecklenburg County Engineering and Building Standards Department" with "Mecklenburg County Land Use and Environmental Services Agency, as directed by the appropriate City agency. The current text reads as follows:

**Section 10.314. Building permit and certificate of occupancy notice.**

The Mecklenburg County Engineering and Building Standards Department and Zoning Administrator shall include the Airport Noise

Disclosure Overlay District Notice with every building permit and certificate of occupancy issued for residential construction and use located in the Airport Noise Disclosure Overlay District.

The revised text shall read as follows:

**Section 10.314. Building permit and certificate of occupancy notice.**

The Land Use and Environmental Services Agency, as directed by Engineering and Property Management and Neighborhood Development, shall include the Airport Noise Disclosure Overlay District Notice with every building permit and certificate of occupancy issued for residential construction and use located in the Airport Noise Disclosure Overlay District.

3. PART 5: MOUNTAIN ISLAND LAKE WATERSHED OVERLAY

- a. Amend Section 10.508, "Buffer Areas Required", subsection (4) "Mitigations of disturbed buffers required" by replacing the term "Zoning Administrator" with the designated agency. The current subsection reads as follows:

4. Mitigations of disturbed buffers required.

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation, which was added to a buffer pursuant to the requirement that existing vegetation in the buffer be enhanced, be disturbed (except as allowed by this Ordinance), the Zoning Administrator shall require that any vegetation remaining in the buffer be enhanced in accordance with the "Watershed Buffer Guidelines for Mecklenburg County" contained in Appendix 5 so that the buffer can effectively perform its filtering and absorption functions.  
(Petition No. 2001-130, § 10.508(4), 11-19-01)

The revised text shall read as follows:

4. Mitigations of disturbed buffers required.

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation, which was added to a buffer pursuant to the requirement that existing vegetation in the buffer be enhanced, be disturbed (except as allowed by this Ordinance), the Engineering and Property Management (for commercial and planned multi-family projects and change of use permits) or Neighborhood Development (for all other residential projects and change of use permits) shall require that any vegetation remaining in the buffer be enhanced in accordance with the "Watershed Buffer Guidelines for Mecklenburg County" contained in Appendix 5 so that the buffer can effectively perform its filtering and absorption functions.  
(Petition No. 2001-130, § 10.508(4), 11-19-01)

4. PART 6: CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY

- a. Amend 10.608, "Buffer areas required", subsection (4), "Mitigations of disturbed buffers required" by replacing the term "Zoning Administrator" with the designated agency. The current subsection reads as follows:

4. Mitigations of disturbed buffers required.

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation, which was added to a buffer pursuant to the requirement that existing vegetation in the buffer be enhanced, be disturbed (except as allowed by this Ordinance), the Zoning Administrator shall require that any vegetation remaining in the buffer be enhanced in accordance with the "Watershed Buffer Guidelines for Mecklenburg County" contained in Appendix 5 so that the buffer can effectively perform its filtering and absorption functions.

The revised text shall read as follows:

4. Mitigations of disturbed buffers required.

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation, which was added to a buffer pursuant to the requirement that existing vegetation in the buffer be enhanced, be disturbed (except as allowed by this Ordinance), Engineering and Property Management (for commercial and planned multi-family projects and change of use permits) or Neighborhood Development (for all other residential projects and change of use permits) shall require that any vegetation remaining in the buffer be enhanced in accordance with the "Watershed Buffer Guidelines for Mecklenburg County" contained in Appendix 5 so that the buffer can effectively perform its filtering and absorption functions.

5. PART 7: LOWER LAKE WYLIE WATERSHED OVERLAY

- a. Amend Section 10.708, "Buffer area required", subsection (4)", "Re-Vegetation of disturbed buffers required" by replacing the term "Zoning Administrator" with the designated agency. The current text reads as follows:

4. Re-Vegetation of disturbed buffers required.

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation which was added to a buffer pursuant to the requirement that existing vegetation in the buffer be enhanced be disturbed (except as allowed by this Ordinance), the Zoning Administrator shall require that any vegetation remaining in the buffer be enhanced in accordance with the Watershed Buffer Guidelines for Mecklenburg County contained in Appendix 5 so that the buffer can

effectively perform its filtering and absorption functions.

The revised text shall read as follows:

4. Re-Vegetation of disturbed buffers required.

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation which was added to a buffer pursuant to the requirement that existing vegetation in the buffer enhanced be disturbed (except as allowed by this Ordinance), the Engineering and Property Management (for commercial and planned multi-family projects and change of use permits) or Neighborhood Development (for all other residential projects and change of use permits) shall require that any vegetation remaining in the buffer be enhanced in accordance with the Watershed Buffer Guidelines for Mecklenburg County contained in Appendix 5 so that the buffer can effectively perform its filtering and absorption functions.

6. ~~PART 8:~~ PEDESTRIAN OVERLAY DISTRICT

- a. Amend Section 10.803, "Development Standards", subsection (6), "Parking standards", subsection (g) by replacing the term "Zoning Administrator with the designated agencies. The current text reads as follows:

(g) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the Zoning Administrator.

The revised text shall read as follows:

(g) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the Director of Engineering and Property Management (for commercial and multi-family projects, change of use permits) or the Director of Neighborhood Development (for residential projects, and change of use permits), or their designee(s).

7. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT.

- a. Amend Section 10.907, "Development Standards", subsection (6)(f) by replacing the term "Zoning Administrator with "designed agency". The current text reads as follows:

(f) The vehicular parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the Zoning Administrator.

The revised text shall read as follows:

- (f) The vehicular parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of Engineering and Property Management (for commercial and planned multi-family projects, change of use permits) or Neighborhood Development (for all other residential projects, and change of use permits).
- b. Amend Section 10.907, "Standards", subsection (6)(m) by replacing the term "Zoning Administrator with the designed agency. The current text reads as follows:
  - (m) Parking lots (temporary surface lots), over one (1) acre, shall meet the following requirements:
    - 1. An operator of a temporary parking lot shall apply for a permit from the Zoning Administrator, or his designee. The Zoning Administrator, or his designee shall not issue the permit until the Planning Director, or his designee has granted approval. The permit shall authorize a temporary parking lot for a period of ten (10) years from the date the permit is issued.

The revised section shall read as follows:

- (m) Parking lots (temporary surface lots), over one (1) acre, shall meet the following requirements:
  - 1. An operator of a temporary parking lot shall apply for a permit from Engineering and Property Management. A permit shall not be issued until the Planning Director, or his or her designee has been consulted and supports approval. The permit shall authorize a temporary parking lot for a period of ten (10) years from the date the permit is issued.

## I. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

### A. PART 7: RE-3 RESEARCH DISTRICT

- a. Amend Section 11.705 "Development standards", subsection (3)(a) by replacing the term "Zoning Administrator with the designated agency.
  - (4) Modifications to these requirements may be made if unique site conditions exist on renovated or previously developed sites. A plan shall be submitted showing what is proposed instead of the standard requirements. The purpose and intent of this section must be demonstrated before a modification can be granted. The Zoning

Administrator or designee may grant a modification.

The revised section shall read as follows:

- (4) Modifications to these requirements may be made if unique site conditions exist on renovated or previously developed sites. A plan shall be submitted showing what is proposed instead of the standard requirements. The purpose and intent of this section must be demonstrated before a modification can be granted. The Director of Engineering and Property Management, or his or her designee(s), may grant a modification.

J. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

A. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.101, "Every lot must abut a street", subsection (b) by replacing the term "Zoning Administrator" with the designated agency. The current section reads as follows:

- (b) Interior lots that do not abut property outside of the unified development, shall be required to meet the minimum yard and screening requirements of the Zoning Ordinance, unless that location or configuration of the existing development on the site (such as buildings, parking areas, loading docks, etc.) would be in conflict with these requirements. If the required minimum yard and minimum screening can not be met, the Planning Director may waive the requirements, after consulting with the Zoning Administrator.

*(Petition No. 2004-77, §12.101, (6)(a)(b), 9/20/04)*

The revised section shall read as follows:

- b) Interior lots that do not abut property outside of the unified development, shall be required to meet the minimum yard and screening requirements of the Zoning Ordinance, unless that location or configuration of the existing development on the site (such as buildings, parking areas, loading docks, etc.) would be in conflict with these requirements. If the required minimum yard and minimum screening can not be met, the Planning Director may waive the requirements, after consulting with the Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential projects). *(Petition No. 2004-77, §12.101, (6)(a)(b), 9/20/04)*

- b. Amend Section 12.108 "Height limitations" subsection (8)(d)(4) by replacing the term "Zoning Administrator" with the designated agency. The current section reads as follows:

4. The Wireless Communications facility owner must provide the Zoning Administrator with an affidavit signed by at least one other wireless communications carrier stating that it needs a wireless

communications facility within 1000 feet of the subject site and agreeing to co-locate on the replacement tower.

The revised text shall read as follows:

4. The Wireless Communications facility owner must provide Engineering and Property Management with an affidavit signed by at least one other wireless communications carrier stating that it needs a wireless communications facility within 1000 feet of the subject site and agreeing to co-locate on the replacement tower.
- c. Amend Section 12.108 "Height limitations" subsection (8)(e)(4) by replacing the term "Zoning Administrator" with the designated agency. The current section reads as follows:

4. If the new facility is to be used for the co-location of two or more wireless communications carriers at the time of its construction, the wireless communications facility owner must provide the Zoning Administrator with an affidavit signed by at least one other wireless communications carrier stating that it needs a wireless communications facility within 1000 feet of the subject site and agreeing to co-locate on the new tower for the remainder of the term of the existing lease, if the property on which the tower is located is leased.

The revised text shall read as follows:

4. If the new facility is to be used for the co-location of two or more wireless communications carriers at the time of its construction, the wireless communications facility owner must provide Engineering and Property Management with an affidavit signed by at least one other wireless communications carrier stating that it needs a wireless communications facility within 1000 feet of the subject site and agreeing to co-locate on the new tower for the remainder of the term of the existing lease, if the property on which the tower is located is leased.
- d. Amend Section 12.108 "Height limitations" subsection (8)(f)(4) by replacing the term "Zoning Administrator" with the designated agency. The current section reads as follows:
- (f) The wireless communications facility equipment building or buildings used in connection with facilities permitted under Section 8(a) (d) or (e) shall be limited to 500 sq. ft. per communications company using said facility and be limited to 15 feet in height; provided however, that the building height limitation may be waived by the Zoning Administrator up to a maximum height of 25 feet in order to accommodate architectural design, screening or similar special needs.

The revised section shall read as follows:

- (f) The wireless communications facility equipment building or buildings used in connection with facilities permitted under Section 8(a) (d) or (e) shall be limited to 500 sq. ft. per communications company using said facility and be limited to 15 feet in height; provided however, that the building height limitation may be waived by the Director of Engineering and Property Management, or his or her designee, up to a maximum height of 25 feet in order to accommodate architectural design, screening or similar special needs.
- e. Amend Section 12.108, "Height limitations" subsections (8)(g), "Public Notification Process for Certain Wireless Communications Transmission Facilities" subsection (3) "Notification Process", subsection (a), (b), and (c) by replacing the term "Zoning Administrator" with the designated agency. The current section reads as follows:
  - (a) The Zoning Administrator shall mail a notice to all property owners, as shown on the County tax listing, within 100 feet of the proposed facility site including those across a street. In addition, the Zoning Administrator shall mail a notice to neighborhood leaders, as determined by the list at the Planning Commission staff office, within one mile of the proposed facility site.
  - (b) Any permit applicant shall be responsible for supplying the Zoning Administrator with postage paid envelopes addressed to adjacent property owners and neighborhood leaders as noted above. Any error in an owner's or neighborhood leader's list or any other procedural error or omission shall not invalidate the issuance of an otherwise properly issued permit.
  - (c) The Zoning Administrator shall not render a decision on the application until 30 calendar days has elapsed following the date of the mailing of the notification letters. The 30-day notification period may be used by any interested party to discuss the proposed wireless communication transmission facility with the permit applicant. The permit applicant shall in good faith consider any comments from such adjoining property owners concerning landscaping and screening and other design issues of the facility.

The revised subsections shall read as follows:

- (a) Engineering and Property Management shall mail a notice to all property owners, as shown on the County tax listing, within 100 feet of the proposed facility site including those across a street. In addition, Engineering and Property Management shall mail a notice to neighborhood leaders, as determined by an updated list provided at Charlotte-Mecklenburg Planning Commission staff office, within one mile of the proposed facility site.
- (b) Any permit applicant shall be responsible for supplying Engineering and Property Management with postage paid envelopes addressed to adjacent property owners and



neighborhood leaders as noted above. Any error in an owner's or neighborhood leader's list or any other procedural error or omission shall not invalidate the issuance of an otherwise properly issued permit.

- (c) Engineering and Property Management shall not render a decision on the application until 30 calendar days has elapsed following the date of the mailing of the notification letters. The 30-day notification period may be used by any interested party to discuss the proposed wireless communication transmission facility with the permit applicant. The permit applicant shall in good faith consider any comments from such adjoining property owners concerning landscaping and screening and other design issues of the facility.

- f. Amend Section 12.108, "Height limitations" subsection (h) by replacing the term "Zoning Administrator" with the designated agency. The current section reads as follows:

- (h) Wireless Communication Transmission Facilities Data Base:

Any permit applicant shall submit the following information to the Zoning Administrator as part of the application process for any new or replacement tower or for any modifications to an existing tower. For this purpose, the changing, adding to or taking from antenna on any existing tower shall not be considered a modification to an existing tower.

The revised subsections shall read as follows:

- (h) Wireless Communication Transmission Facilities Data Base:

Any permit applicant shall submit the following information to Engineering and Property Management as part of the application process for any new or replacement tower or for any modifications to an existing tower. For this purpose, the changing, adding to or taking from antenna on any existing tower shall not be considered a modification to an existing tower.

## B. PART 2: OFF-STREET PARKING AND LOADING

- a. Amend Section 12.201, "Purpose; parking plans", subsection (2) by replacing the term "Zoning Administrator" with the designated agency. The current text reads as follows:

- (2) For any parking lot, garage, vehicle storage area operated on a commercial basis, reconfiguration of an existing parking lot or any other off-street parking area required under this Part (but excluding off-street parking for detached, duplex, triplex and quadraplex dwellings on a single lot), a plan shall be submitted to the Zoning Administrator to review for compliance with these regulations and any other applicable ordinances. Any such parking plan shall show

the number of motor vehicle parking spaces, the percentage of required spaces to be designated for use only by compact cars, the required number of existing spaces for bicycle parking and the location of bike parking facilities, the arrangement of parking aisles, the location of driveway entrances, provisions for vehicular and pedestrian circulation, the location of sidewalks and curb on or abutting the property, the location of utilities, barriers, shelters, and signs, the location of landscaped areas and the types of vegetation to be located in them, typical cross sections of pavement, storm water drainage facilities, and any other relevant information requested by the Zoning Administrator, as provided in these regulations. The Zoning Administrator shall forward all plans to the Charlotte Department of Transportation for review and comment.

*(Petition No. 2005-013, § 12.201(2), 3/21/05)*

The revised section shall read as follows:

- (2) For any parking lot, garage, vehicle storage area operated on a commercial basis, reconfiguration of an existing parking lot or any other off-street parking area required under this Part (but excluding off-street parking for detached, duplex, triplex and quadraplex dwellings on a single lot), a plan shall be submitted to Engineering and Property Management to review for compliance with these regulations and any other applicable ordinances. Any such parking plan shall show the number of motor vehicle parking spaces, the percentage of required spaces to be designated for use only by compact cars, the required number of existing spaces for bicycle parking and the location of bike parking facilities, the arrangement of parking aisles, the location of driveway entrances, provisions for vehicular and pedestrian circulation, the location of sidewalks and curb on or abutting the property, the location of utilities, barriers, shelters, and signs, the location of landscaped areas and the types of vegetation to be located in them, typical cross sections of pavement, storm water drainage facilities, and any other relevant information requested by Engineering and Property Management as provided in these regulations. Engineering and Property Management shall forward plans to the Charlotte Department of Transportation for review and comment, as appropriate.

*(Petition No. 2005-013, § 12.201(2), 3/21/05)*

### C. PART 3: BUFFERS AND SCREENING

- a. Amend Section 12.304, "Alternative buffer and screening requirements" to reflect the changes to the designated agency. The current section reads as follows:

#### **Section 12.304. Alternative buffer and screening requirements.**

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or other sub-surface condition on the site, or the presence of required buffer or screening on

adjacent developed property would make strict adherence to the requirements of this Part serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer or screen, the Zoning Administrator may alter the requirements of this Part as long as the existing features of the development site comply with the spirit and intent of this Part. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the Zoning Administrator showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer or screen the proposed use. The Zoning Administrator shall not alter the requirements of this Part unless the developer demonstrates that existing site features and any additional buffer materials will screen the proposed use as effectively as the required buffer or screening. In deciding whether to approve such a plan, the Zoning Administrator shall consult with the Planning Director.

The revised section shall read as follows:

**Section 12.304. Alternative buffer and screening requirements.**

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or other sub-surface condition on the site, or the presence of required buffer or screening on adjacent developed property would make strict adherence to the requirements of this Part serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer or screen, the Director of Engineering and Property Management (for commercial and planned multi-family projects and change of use permits) or the Director of Neighborhood Development (for all other residential projects and change of use permits), or their designee(s) may alter the requirements of this Part as long as the existing features of the development site comply with the spirit and intent of this Part. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the designated agency showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer or screen the proposed use. The Director of Engineering and Property Management (or the Director of Neighborhood Development, or their designee(s) shall not alter the requirements of this Part unless the developer demonstrates that existing site features and any additional buffer materials will screen the proposed use as effectively as the required buffer or screening. In deciding whether to approve such a plan, the designated agency shall consult with the Planning Director.

**D. PART 4: ACCESSORY USES AND STRUCTURES**

- a. Amend Section 12.407, "Elderly and disable housing", subsection (11) by requiring the owner of such an accessory use to a single family detached dwelling unit to register annually with the designated agency. The current section reads as follows:

(11) The owner of elderly and disabled housing must register annually

with the Zoning Administrator.

The revised subsection shall read as follows:

- (11) The owner of elderly and disabled housing must register annually with Neighborhood Development.

E. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Amend Section 12.502, "Adult care homes, adult care centers, childcare centers, childcare centers in a residence, family childcare homes, and large childcare centers", subsection (1) by replacing the term "Zoning Administrator" with the designated agency. [NOTE: The items listed under subsection (1) remain unchanged]. The current section reads as follows:

- (1) Family childcare homes

All family childcare homes for eight (8) or fewer children are required to obtain a required to obtain a change of use permit from the Zoning Administrator. Family childcare homes, licensed by the North Carolina Department of Health and Human Services, may be established as an accessory use to a single family detached dwelling unit in all single family districts, all multi-family districts, UR-1, UR-2, UR-3, UR-C, all office, B-1 and B-2, MUDD, UMUD, MX-1, MX-2, MX-3, and R-MH districts, according to the following requirements:

The revised subsection shall read as follows:

- (1) Family childcare homes

All family childcare homes for eight (8) or fewer children are required to obtain a required to obtain a change of use permit from Neighborhood Development. Family childcare homes, licensed by the North Carolina Department of Health and Human Services, may be established as an accessory use to a single family detached dwelling unit in all single family districts, all multi-family districts, UR-1, UR-2, UR-3, UR-C, all office, B-1 and B-2, MUDD, UMUD, MX-1, MX-2, MX-3, and R-MH districts, according to the following requirements:

- b. Amend Section 12.502, "Adult care homes, adult care centers, childcare centers, childcare centers in a residence, family childcare homes, and large childcare centers", subsection (2) by replacing the term "Zoning Administrator" with the designated agency. [NOTE: The items listed under subsection (2) remain unchanged]. The current section reads as follows:

- (2) Childcare centers in a residence.

All childcare centers in a residence for six (6) to twelve (12) pre-school children are required to obtain a change of use permit from the Zoning Administrator. Childcare centers in a residence, licensed by the North Carolina Department of Health and Human Services, may be established as an accessory use to

a single family detached dwelling unit in all single family districts, all multi-family districts, UR-1, UR-2, UR-3, UR-C all office, B-1 and B-2, MUDD, UMUD, MX-1, MX-2, MX-3, and R-MH districts, according to the following requirements:

The revised subsection shall read as follows:

(2) Childcare centers in a residence.

All childcare centers in a residence for six (6) to twelve (12) pre-school children are required to obtain a change of use permit from Neighborhood Development. Childcare centers in a residence, licensed by the North Carolina Department of Health and Human Services, may be established as an accessory use to a single family detached dwelling unit in all single family districts, all multi-family districts, UR-1, UR-2, UR-3, UR-C all office, B-1 and B-2, MUDD, UMUD, MX-1, MX-2, MX-3, and R-MH districts, according to the following requirements:

- c. Amend Section 12.503, "Land clearing and inert debris landfill (LCID): off-site" by replacing the term "Zoning Administrator" with the designated agency. The current section reads as follows:

**Section 12.503. Land clearing and inert debris landfill (LCID): off-site.**

Application. Applications for an off-site LCID zoning permit must be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in Section 12.503. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications, which will not alter the basic relationship to surrounding properties, will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered as part of the request, the notification period and public forum requirements will apply.

The revised section shall read as follows:

**Section 12.503. Land clearing and inert debris landfill (LCID): off-site.**

Application. Applications for an off-site LCID zoning permit must be submitted to Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential projects). The designated agency will consider and determine entitlement to the permit based upon the regulations contained in this Section 12.503. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106. Public notification process for certain land uses. Applications

for minor changes or modifications, which will not alter the basic relationship to surrounding properties, will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered as part of the request, the notification period and public forum requirements will apply.

- d. Amend Section 12.503, "Land clearing and inert debris landfill (LCID): off-site", subsection (7) by replacing the term "Zoning Administrator" with the designated agency. The current section reads as follows:

(7) There must be a plan submitted to the Zoning Administrator that specifies the anticipated future use of the property, upon the cessation of land filling activities, which anticipated use must not be inconsistent with the "Generalized Land Use Plan" or any district or area plan as adopted by the City Council, if one exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the landfill.

The Zoning Administrator, with the assistance of the City of Charlotte Director of Engineering, should the Zoning Administrator request such assistance, must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the landfill site. No more than 25% of the total area to be filled may be actively used at any one time.

The owner must place funds in the reserve fund annually, in amounts equal to (a) the estimate of the present costs of the capital expenses increased by the assumed annual inflationary rate of 5%, divided by (b) the number of years the landfill is anticipated to be open. The first such annual payment into the reserve fund must be made by the property owner prior to commencement of land filling operations, and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the Zoning Administrator prior to the commencement of land filling operations. On or before each subsequent anniversary date of such notarized statement, the property owner must make the required annual payment into the reserve fund and present to the Zoning Administrator a notarized statement from the property owner showing that the payment has been made for the next year of operations of the landfill, and showing the total amount held in the reserve fund. In addition, if the property owner prepares

annual financial statements, a copy of the annual financial statement, showing the amount held in the reserve fund, must be sent annually to the Zoning Administrator during each year the landfill is in operation. In the event that the land filling operations at the site cease prior to the estimated number of years of operation as shown on the submitted timetable, prior to ceasing operations the property owner must pay all remaining amounts into the reserve fund and present to the Zoning Administrator a notarized statement showing that such payment has been made and showing the total amount in the reserve fund.

The revised subsection shall read as follows:

- (7) There must be a plan submitted to Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential projects) that specifies the anticipated future use of the property, upon the cessation of land filling activities, which anticipated use must not be inconsistent with the "Generalized Land Use Plan" or any district or area plan as adopted by the City Council, if one exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the landfill.

Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential projects), with the assistance of the Director of Engineering, should such assistance be requested, must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the landfill site. No more than 25% of the total area to be filled may be actively used at any one time.

The owner must place funds in the reserve fund annually, in amounts equal to (a) the estimate of the present costs of the capital expenses increased by the assumed annual inflationary rate of 5%, divided by (b) the number of years the landfill is anticipated to be open. The first such annual payment into the reserve fund must be made by the property owner prior to commencement of land filling operations, and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the designated agency prior to the commencement of land filling operations. On or before each subsequent anniversary date of such notarized statement, the property owner must make the required annual payment into the reserve fund and present to the designed agency a notarized statement from the property owner showing

that the payment has been made for the next year of operations of the landfill, and showing the total amount held in the reserve fund. In addition, if the property owner prepares annual financial statements, a copy of the annual financial statement, showing the amount held in the reserve fund, must be sent annually to the designated agency during each year the landfill is in operation. In the event that the land filling operations at the site cease prior to the estimated number of years of operation as shown on the submitted timetable, prior to ceasing operations the property owner must pay all remaining amounts into the reserve fund and present to the designated agency a notarized statement showing that such payment has been made and showing the total amount in the reserve fund.

- e. Amend Section 12.505, "Quarries" by replacing the term "Zoning Administrator" with the designated agency. The current section reads as follows:

**Section 12.505. Quarries.**

Application. Applications for a quarry zoning permit must be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in this Section 12.505. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications, which will not alter the basic relationship to surrounding properties, will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations but without the notification period and public forum. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.

Quarries may be established in the General Industrial (I-2) district subject to the requirements of this Section:

- (1) The minimum site size is 100 acres.
- (2) There must be a plan submitted to the Zoning Administrator that specifies the anticipated future use of the property, upon the cessation of quarrying activities, which anticipated use must not be inconsistent with the Generalized Land Use Plan or district or area plan as adopted by the City Council, if such a plan exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the



expected life of the quarry.

The Zoning Administrator, with the assistance of the City of Charlotte Director of Engineering, should the Zoning Administrator request such assistance, must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the quarry site proposed to be quarried.

The owner must place funds in the reserve fund annually, in amounts equal to (a) the estimate of the present costs of the capital expenses increased by the assumed annual inflationary rate of 5%, divided by (b) the number of years the quarry is anticipated to be open. The first such annual payment into the reserve fund must be made by the property owner prior to commencement of quarrying operations, and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the Zoning Administrator prior to the commencement of quarrying operations. On or before each subsequent anniversary date of such notarized statement, the property owner must make the required annual payment into the reserve fund and present to the Zoning Administrator a notarized statement from the property owner showing that the payment has been made for the next year of operations of the quarry, and showing the total amount held in the reserve fund. In addition, if the property owner prepares annual financial statements, a copy of the annual financial statement, showing the amount held in the reserve fund, must be sent annually to the Zoning Administrator during each year the quarry is in operation. In the event that the quarrying operations at the site are permanently discontinued prior to the estimated number of years of operation as shown on the submitted timetable, prior to ceasing operations the property owner must pay all remaining amounts into the reserve fund and present to the Zoning Administrator a notarized statement showing that such payment has been made and showing the total amount in the reserve fund. Any funds paid to the State of North Carolina pursuant to G. S. §74-54 will be credited toward the amount required to be established under this section. The funds required by this section will be reduced by an amount equal to the amount of any bond posted with the state for so long as the facility is permitted by the state for its operation. The total amount of funds on deposit with the state and the total amount established under these standards must always be at least equal to the amount required by this ordinance.

The revised text shall read as follows:

**Section 12.505. Quarries.**

Application. Applications for a quarry zoning permit must be submitted to Engineering and Property Management to consider and determine entitlement to the permit based upon the regulations contained in this Section 12.505. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications, which will not alter the basic relationship to surrounding properties, will be submitted to Engineering and Property Management to consider and determine entitlement based upon these same regulations but without the notification period and public forum. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.

Quarries may be established in the General Industrial (I-2) district subject to the requirements of this Section:

- (1) The minimum site size is 100 acres.
- (2) There must be a plan submitted to the Engineering and Property Management that specifies the anticipated future use of the property, upon the cessation of quarrying activities, which anticipated use must not be inconsistent with the Generalized Land Use Plan or district or area plan as adopted by the City Council, if such a plan exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the quarry.

Engineering and Property Management must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the quarry site proposed to be quarried.

The owner must place funds in the reserve fund annually, in amounts equal to (a) the estimate of the present costs of the capital expenses increased by the assumed annual inflationary rate of 5%, divided by (b) the number of years the quarry is anticipated to be open. The first such annual

payment into the reserve fund must be made by the property owner prior to commencement of quarrying operations, and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to Engineering and Property Management prior to the commencement of quarrying operations. On or before each subsequent anniversary date of such notarized statement, the property owner must make the required annual payment into the reserve fund and present to Engineering and Property Management a notarized statement from the property owner showing that the payment has been made for the next year of operations of the quarry, and showing the total amount held in the reserve fund. In addition, if the property owner prepares annual financial statements, a copy of the annual financial statement, showing the amount held in the reserve fund, must be sent annually to the Engineering and Property Management during each year the quarry is in operation. In the event that the quarrying operations at the site are permanently discontinued prior to the estimated number of years of operation as shown on the submitted timetable, prior to ceasing operations the property owner must pay all remaining amounts into the reserve fund and present to Engineering and Property Management a notarized statement showing that such payment has been made and showing the total amount in the reserve fund. Any funds paid to the State of North Carolina pursuant to G. S. §74-54 will be credited toward the amount required to be established under this section. The funds required by this section will be reduced by an amount equal to the amount of any bond posted with the state for so long as the facility is permitted by the state for its operation. The total amount of funds on deposit with the state, and the total amount established under these standards must always be at least equal to the amount required by this ordinance.

- f. Amend Section 12.507, "Sanitary landfills", and subsections (1) and (2) by replacing the term "Zoning Administrator with the designated agency. The current section reads as follows:

**Section 12.507. Sanitary landfills.**

Sanitary landfills are permitted in the General Industrial (I-2) district in the City of Charlotte subject to the development standards listed below. The establishment and operation of any landfill must comply with Solid Waste Management Rules of the State of North Carolina and the "Regulations Governing the Storage, Collection, Transporting and Disposal of Garbage and Refuse in Mecklenburg County" as adopted by the City Council under authority granted by the General Statutes of North Carolina.

Applications for a sanitary landfill zoning permit must be submitted to the

Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in this Section 12.507.

Before a decision is rendered there shall be a notification period and public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications, which will not alter the basic relationship to surrounding properties, will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.

- (1) Minimum site size is 150 acres.
- (2) There must be a plan submitted to the Zoning Administrator that specifies the anticipated future use of the property upon the cessation of land filling activities, which anticipated use must not be inconsistent with the Generalized Land Plan or district or area plan as adopted by the City Council, if such a plan exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the landfill.

The Zoning Administrator, with the assistance of the City of Charlotte Director of Engineering, should the Zoning Administrator request such assistance, must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the landfill site.

The revised section and subsections shall read as follows:

**Section 12.507. Sanitary landfills.**

Sanitary landfills are permitted in the General Industrial (I-2) district in the City of Charlotte subject to the development standards listed below. The establishment and operation of any landfill must comply with Solid Waste Management Rules of the State of North Carolina and the "Regulations Governing the Storage, Collection, Transporting and Disposal of Garbage and Refuse in Mecklenburg County" as adopted by the City Council under authority granted by the General Statutes of North Carolina.

Applications for a sanitary landfill zoning permit must be submitted to Engineering and Property Management which will consider and determine entitlement to the permit based upon the regulations contained in this Section 12.507. Before a decision is rendered there shall be a notification period and public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications, which will not alter the basic relationship to surrounding properties, will be submitted to Engineering and Property Management which will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.

- (1) Minimum site size is 150 acres.
- (2) There must be a plan submitted to Engineering and Property Management that specifies the anticipated future use of the property upon the cessation of land filling activities, which anticipated use must not be inconsistent with the Generalized Land Plan or district or area plan as adopted by the City Council, if such a plan exists. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the landfill.

Engineering and Property Management must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of the proposed capital expenses. The applicant must, at a minimum, estimate present capital expenses in an amount equal to \$1,000 times the number of acres in the landfill site.

- g. Amend Section 12.514, "Equestrian oriented subdivisions", subsection (6)(b) by replacing the term "Zoning Administrator with the designated agency. The current section reads as follows:

- (b) All proposed community riding facilities, including community stables, riding rings, pastures, and riding trails must be indicated on the plans. A written statement describing the proposed means of ownership and proposed program for maintenance of these facilities and a copy of the proposed maintenance program must be included. A copy of the proposed maintenance program will be kept on file at the Zoning Administrator's office.

The revised subsection shall read as follows:

(b) All proposed community riding facilities, including community stables, riding rings, pastures, and riding trails must be indicated on the plans. A written statement describing the proposed means of ownership and proposed program for maintenance of these facilities and a copy of the proposed maintenance program must be included. A copy of the proposed maintenance program will be kept on file at Neighborhood Development .

h. Amend Section 12.515, "Special requirements for facilities located on or adjacent to the Catawba River and its impoundments (Lake Norman, Lake Wylie and Mountain Island)", subsection (8)(a) and (8)(b) by replacing the term "Zoning Administrator" with the designated agency. The current section reads as follows:

(a) The Zoning Administrator shall submit one copy of any plans for a pier, mooring, float, marine railway, breakwater, sign, or swimming area to the Lake Norman Marine Commission for review and approval in accordance with adopted standards of the Lake Norman Marine Commission. Failure of the Lake Norman Marine Commission to respond to the plans within 30 days after receiving them shall be interpreted as an approval.

(b) The Zoning Administrator shall refer requests for variances from the requirements of this Part to the Lake Norman Marine Commission for its written opinion. The Lake Norman Marine Commission will evaluate the variance request as to the potential effect of the request on public recreation and water safety. The Zoning Administrator shall transmit the Lake Norman Marine Commission's opinions to the Board of Adjustment along with other pertinent information."

*(Petition 2002-23, § 12.515, 3/18/02)*

The revised subsection shall read as follows:

(a) The Engineering and Property Management (for commercial and planned multi-family projects) or Neighborhood Development (for all other residential projects), shall submit one copy of any plans for a pier, mooring, float, marine railway, breakwater, sign, or swimming area to the Lake Norman Marine Commission for review and approval in accordance with adopted standards of the Lake Norman Marine Commission. Failure of the Lake Norman Marine Commission to respond to the plans within 30 days after receiving them shall be interpreted as an approval.

(b) The Zoning Administrator, or his or her designee shall refer requests for variances from the requirements of this Part to the Lake Norman Marine Commission for its written opinion. The Lake Norman Marine Commission will evaluate the variance request as to the potential effect of the request on public recreation and water safety. The Zoning Administrator, or his or her designee shall transmit the Lake Norman Marine Commission's opinions to the Zoning Board of Adjustment along with other pertinent information.

(Petition 2002-23, § 12.515, 3/18/02)

- i. Amend Section 12.519, "Outdoors Seasonal Sales", subsection (1) by replacing the term "Zoning Administrator with the designated agency. The current section reads as follows:

- (1) Any operator of a seasonal sales use must receive a permit from the Zoning Administrator, which describes the type of sales involved, and the duration of the sales operation.

The revised subsection shall read as follows:

- (1) Any operator of a seasonal sales use must receive a permit from Engineering and Property Management, which describes the type of sales involved, and the duration of the sales operation.

- j. Amend Section 12.525, "Medical waste disposal facilities" subsection (3) by replacing the term "Zoning Administrator with the designated agency. [NOTE: The items listed under subsection (3) remain unchanged]. The current subsection reads as follows:

- (3) Application. Applications for medical waste disposal facility zoning permit must be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in this Section. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications which will not alter the basic relationship to surrounding properties will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations but without the notification period and public forum. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum.

However, if additional land is being considered, the notification period and public forum requirements will apply.

Applications for medical waste disposal facility must include the following information:

The revised subsection shall read as follows:

- (3) Application. Applications for medical waste disposal facility zoning permit must be submitted to Engineering and Property Management, which will consider and determine entitlement to the permit based upon the regulations contained in this Section. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications which will not alter the basic relationship

to surrounding properties will be submitted to Engineering and Property Management which will consider and determine entitlement based upon these same regulations but without the notification period and public forum. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum.

However, if additional land is being considered, the notification period and public forum requirements will apply.

Applications for medical waste disposal facility must include the following information:

- k. Amend Section 12.525, "Medical waste disposal facilities" subsection (5) by replacing the term "Zoning Administrator" with the designated agency. [NOTE: The items listed under subsection (b) remain unchanged]. The current subsection reads as follows:

- (5) Factors. As a prerequisite to approval of an application for a medical waste disposal facility zoning permit, the Zoning Administrator will take into consideration in reviewing the application and submitted material that:

The revised subsection shall read as follows:

- (5) Factors. As a prerequisite to approval of an application for a medical waste disposal facility zoning permit, Engineering and Property Management will take into consideration in reviewing the application and submitted material that:

- l. Amend Section 12.526, "Solid Waste Transfer Stations", subsection (1) by replacing the term "Zoning Administrator" with the designated agency. The current subsection reads as follows:

**Section 12.526. Solid Waste Transfer Stations.**

- (1) Applications for a solid waste transfer station must be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in this Section. Before a decision is rendered there shall be a notification period and public forum as described in Section 4.106. Public notification process for certain land uses. Application for minor changes or modifications which will not alter the basic relationship to surrounding properties will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.



The revised subsection shall read as follows:

**Section 12.526. Solid Waste Transfer Stations.**

- (1) Applications for a solid waste transfer station must be submitted to Engineering and Property Management which will consider and determine entitlement to the permit based upon the regulations contained in this Section. Before a decision is rendered there shall be a notification period and public forum as described in Section 4.106. Public notification process for certain land uses. Application for minor changes or modifications which will not alter the basic relationship to surrounding properties will be submitted to Engineering and Property Management which will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.
- m. Amend Section 12.528, "Enclosure at foundation for structures" by replacing the term "Zoning Administrator with the designated agency. The current subsection reads as follows:

**Section 12.528. Enclosure at foundation for structures.**

All structures for residential and nonresidential occupancy must have a solid wall enclosure at the foundation that is of a material that is properly installed and complies with all state codes. If not required by state code, the structure must nevertheless have a continuous, permanent masonry wall, having the appearance of a conventional load-bearing foundation wall, unpierced except for required ventilation and access, which must be installed under the perimeter of any modular structure. The designated agency is authorized to waive the applicability of this section in its entirety or with conditions attached, if the local administrator of Chapter 9, "Floodway Regulations," of the City Code recommends to the Zoning Administrator that a structure must be elevated because of the location of the structure in an area of a floodway or of a flood hazard. This section shall only be applicable to new construction, except, notwithstanding the foregoing, this section shall not apply to any mobile or module units, including without limitation mobile classrooms, used at any school (public or private) or a place of worship.

*(Petition No. 2001-033, § 12.528, 10-17-01)*

The revised text shall read as follows:

**Section 12.528. Enclosure at foundation for structures.**

All structures for residential and nonresidential occupancy must have a

solid wall enclosure at the foundation that is of a material that is properly installed and complies with all state codes. If not required by state code, the structure must nevertheless have a continuous, permanent masonry wall, having the appearance of a conventional load-bearing foundation wall, unpierced except for required ventilation and access, which must be installed under the perimeter of any modular structure. The Director of Engineering and Property Management (for commercial and planned multi-family projects) or the Director of Neighborhood Development (for all other residential projects), or their designee(s) are authorized to waive the applicability of this section in its entirety or with conditions attached, if the local administrator of Chapter 9, "Floodway Regulations," of the City Code recommends to the designated agency that a structure must be elevated because of the location of the structure in an area of a floodway or of a flood hazard. This section shall only be applicable to new construction, except, notwithstanding the foregoing, this section shall not apply to any mobile or module units, including without limitation mobile classrooms, used at any school (public or private) or a place of worship. (Petition No. 2001-033, § 12.528, 10-17-01)

- n. Amend Section 12.532, "Donation drop-off facilities", subsection (2) by replacing the term "Zoning Administrator with the designated agency. The current subsection reads as follows:

- (2) If the drop-off facility is a principal use, it shall meet the setback and yard of the zoning district in which it is located. The location of the facility, parking, and unloading areas are subject to approval by the Zoning Administrator.

The revised text shall read as follows:

- (2) If the drop-off facility is a principal use, it shall meet the setback and yard of the zoning district in which it is located. The location of the facility, parking, and unloading areas are subject to approval by Engineering and Property Management.

- o. Amend Section 12.534, "Periodic Retail Sales Events, Off-Premise", subsection (e) by replacing the term "Zoning Administrator with the designated agency. The current subsection reads as follows:

- (e) Any operator of a periodic retail sales event must receive a permit from the Zoning Administrator, which describes the type of event involved, and the duration of the sales operation or event. As part of the application, the operator shall submit to the Zoning Administrator proof of property owner permission to use the property.

The revised section shall read as follows:

- (e) Any operator of a periodic retail sales event must receive a permit from Neighborhood Development which describes the type of event involved, and the duration of the sales operation or event. As part of the application, the operator shall submit to

Neighborhood Development proof of property owner permission to use the property.

K. CHAPTER 13: SIGNS.

1. Amend Section 13.103, "Procedures", subsection (1), "by deleting reference to the Building Standards Department by replacing the term "Zoning Administrator with the designated agency. The current subsection reads as follows:

(1) Permit Required

Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from the Zoning Administrator as required by these regulations.

Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of these regulations

The revised subsection shall read as follows:

(1) Permit Required

Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from Neighborhood Development, unless the sign is part of a commercial or planned multi-family development application. If signage is part of a commercial or planned multi-family project package submitted to Engineering and Property Management, then Engineering and Property Management shall review the sign and issue the sign permit, as required by these regulations.

Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of these regulations.

2. Amend Section 13.103, "Procedures", subsection (2), "Application and Issuance of Permit", subsection (e), (h), and (i) by replacing the term "Zoning Administrator with the designated agency. [NOTE: Items (a), (b), (c), (d), (f), and (g) listed under subsection (2) remain unchanged]. The current subsection reads as follows:

- (e) Two (2) blueprints or inked, scaled drawings of the plans and specifications of the sign to be erected or affixed as deemed necessary by the Zoning Administrator. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and the size of existing wall signs shall also be included;

(h) Other information as the Zoning Administrator may require to determine full compliance with this and other applicable codes.

(i) An applicant for a permit for sponsorship sign(s) may submit one application that covers multiple proposed sponsorship signs for one or more athletic fields within a given Facility. In such cases, the copy for each individual sponsorship sign shall not be required.

The applicant shall submit with the application a list of property owners within 100 feet of the proposed location of the sign(s), including those across a street, as shown on the current City tax abstracts. Also included will be postage paid envelopes addressed to these surrounding property owners.

The Zoning Administrator will mail a notice describing the sign application to these property owners within 10 working days from the time the Zoning Administrator determines that the application is complete.

If within 30 days of such mailing the Zoning Administrator receives in writing any objection to such sign(s), the objection will be forwarded to the Planning Commission's Zoning Committee. The Zoning Committee will consider any objections at the earliest time the matter can be considered at one of their regularly scheduled meetings.

Before issuing a permit for any sign(s) in an application where objections have been forwarded to the Zoning Committee, the Zoning Administrator will receive a written favorable approval by a simple majority of the Zoning Committee.

*(Petition No. 2000-050, § 13.103(2)(i), 04-17-01)*

The revised subsections shall read as follows:

(e) Two (2) blueprints or inked, scaled drawings of the plans and specifications of the sign to be erected or affixed as deemed necessary by Neighborhood Development or Engineering and Property Management. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and the size of existing wall signs shall also be included;

(h) Other information as Engineering and Property Management or Neighborhood Development may require in order to determine full compliance with this and other applicable codes.

(i) An applicant for a permit for sponsorship sign(s) may submit one application that covers multiple proposed sponsorship signs for one or more athletic fields within a given Facility. In such cases, the copy for each individual sponsorship sign shall not be required.

The applicant shall submit with the application a list of property owners within 100 feet of the proposed location of the sign(s), including those

across a street, as shown on the current City tax abstracts. Also included will be postage paid envelopes addressed to these surrounding property owners.

The designated agency will mail a notice describing the sign application to these property owners within 10 working days from the time the designated agency determines that the application is complete.

If within 30 days of such mailing the designated agency receives in writing any objection to such sign(s), the objection will be forwarded to the Planning Commission's Zoning Committee. The Zoning Committee will consider any objections at the earliest time the matter can be considered at one of their regularly scheduled meetings.

Before issuing a permit for any sign(s) in an application where objections have been forwarded to the Zoning Committee, the designated agency will receive a written favorable approval by a simple majority of the Zoning Committee.

*(Petition No. 2000-050, § 13.103(2)(i), 04-17-01)*

3. Amend Section 13.103, "Procedures", subsection (3), "Issuance of Permits" by replacing the term "Zoning Administrator with the designated agency. The current subsection reads as follows:

(3) Issuance of Permits

Upon the filing of an application for a sign permit, the Zoning Administrator shall examine the plans and specifications, and as deemed necessary, may inspect the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of these regulations and other applicable codes, a permit may be issued. Any permit issued in accordance with this section shall automatically become null and void unless the work for which it was issued has visibly been started within 6 months of the date of issue or if the work authorized by it is suspended or abandoned for one year.

The revised text shall read as follows:

(3) Issuance of Permits

Upon the filing of an application for a sign permit, Neighborhood Development or Engineering and Property Management (for signage associated with a commercial or planned multi-family project submitted to Engineering and Property Management for review) shall examine the plans and specifications, and as deemed necessary, may inspect the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of these regulations and other applicable codes, a permit may be issued. Any permit issued in accordance with this section shall automatically become null and void unless the work for which it was issued has visibly been started within 6 months of the date of issue or if the work authorized by it is suspended or abandoned for one year.

4. Amend Section 13.103, "Procedures", subsection (5), "Final Inspection" by deleting reference to the Building Standards Department, and replacing it with the designated agency. Add the option that a City agency may, at its discretion, initiate a final inspection of a sign, if the permit holder does not notify the City of the completion of the sign. The current subsection reads as follows:

**Section 13.103. Procedures.**

(5) Final Inspection

Upon notification of completion by the permit holder, the Building Standards Department shall make a final inspection of the sign to verify conformance with applicable codes.

The revised subsection shall read as follows:

**Section 13.103. Procedures.**

(5) Final Inspection

Upon notification of completion by the permit holder, Neighborhood Development or Engineering and Property Management (for signage associated with a commercial or planned multi-family project submitted to Engineering and Property Management for review), shall make a final inspection of the sign to verify conformance with applicable codes.

5. Amend Section 13.104, "General provisions", subsection (3), "Maintenance of signs" by replacing the term "Zoning Administrator" with "Neighborhood Development". The current subsection reads as follows:

(3) Maintenance of Signs

All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance. The Zoning Administrator shall enforce this provision in accordance with Section 13.113 of these regulations.

The revised section shall read as follows:

(3) Maintenance of Signs

All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance. Neighborhood Development shall enforce this provision in accordance with Section 13.113 of these regulations.

6. Amend Section 13.106, "Signs not requiring a permit", subsection (8)(c), "Campaign or Election signs" by replacing "Buildings Standards" with "Neighborhood Development". The current section reads as follows:

**Section 13.106. Signs not requiring a permit.**

- (c) Prior to the erection of any campaign or election sign, the candidate or an authorized representative shall post a bond with Building Standards in the amount of \$50.00 guaranteeing the removal of such signs within 7 days after the election for which they are used;

The revised section shall read as follows:

**Section 13.106. Signs not requiring a permit.**

- (c) Prior to the erection of any campaign or election sign, the candidate or an authorized representative shall post a bond with Neighborhood Development in the amount of \$50.00 guaranteeing the removal of such signs within 7 days after the election for which they are used;

- 7. Amend Section 13.107, "Temporary signs and banners requiring permits", subsection (2) "Off-premise Major Event Banners", subsection (g) and (i) by replacing the term "Zoning Administrator with "Neighborhood Development". The current subsection reads as follows:

- (g) A banner permit from the Zoning Administrator is required for each major event, or seasonal event. If sports related, each game or competition shall be considered a separate event. Seasonal events such as regional team sporting events (i.e. Bobcats, Panthers, Checkers, etc.) may be issued one permit for the season.
- (i) Due to the short-term nature of banners, any violation of the provisions of these regulations shall be cited by the Zoning Administrator. A one-day warning notice of violation requesting immediate compliance will be issued first. Citations can then be issued for any violation that has not been corrected.

The revised subsections shall read as follows:

- (g) A banner permit from Neighborhood Development is required for each major event, or seasonal event. If sports related, each game or competition shall be considered a separate event. Seasonal events such as regional team sporting events (i.e. Bobcats, Panthers, Checkers, etc.) may be issued one permit for the season.
- (i) Due to the short-term nature of banners, any violation of the provisions of these regulations shall be cited by Neighborhood Development. A one-day warning notice of violation requesting immediate compliance will be issued first. Citations can then be issued for any violation that has not been corrected.

- 8. Amend Section 13.110, "Creation of Special Sign Regulations", subsection (3), "Off-premise Directional Development Signs", subsection (a), Application Requirements",

subsection (i) by replacing the term, "Zoning Administrator" with "Neighborhood Development", and replace "county" with "city". The current section reads as follows:

- (a) Application Requirements: The applicant for a directional sign permit shall submit complete and accurate information to the Zoning Administrator, including:
  - i. A form statement prepared by the Zoning Administrator and signed by the owner of the parcel of property upon which the sign shall be located, consenting to and authorizing the location of the sign on the premises and the right of authorized County Officials or a designee to enter the property to remove a sign which is in violation of these regulations.

The revised text shall read as follows:

- (a) Application Requirements: The applicant for a directional sign permit shall submit complete and accurate information to Neighborhood Development, including:
  - i. A form statement prepared by Neighborhood Development and signed by the owner of the parcel of property upon which the sign shall be located, consenting to and authorizing the location of the sign on the premises and the right of authorized City Officials or a designee to enter the property to remove a sign which is in violation of these regulations.

9. Amend Section 13.110, "Creation of Special Sign Regulations", subsection (3)(b), "Inspection and conditional approval" by replacing the term, "Zoning Administrator" with "Neighborhood Development". [NOTE: The items listed under subsection (b) remain unchanged]. The current section reads as follows

- (b) Inspection and conditional approval: If the Zoning Administrator or his designee is satisfied that the applicant has submitted complete and accurate information as required by these provisions, then the Zoning Administrator shall notify the applicant that he/she has priority for that location and has 30 days to submit the following information for the issuance of the permit if not already submitted with (a) above:

The revised subsection shall read as follows:

- (b) Inspection and conditional approval: If Neighborhood Development is satisfied that the applicant has submitted complete and accurate information as required by these provisions, then Neighborhood Development shall notify the applicant that he/she has priority for that location and has 30 days to submit the following information for the issuance of the permit if not already submitted with (a) above:

10. Amend Section 13.110, "Creation of Special Sign Regulations", subsection (3), "Off-premise Directional Development Signs", subsection (ii), "Construction of Sign" by



replacing the term, "Zoning Administrator" with "Neighborhood Development". The current section reads as follows

ii. Construction of Sign

The signs shall be constructed of all-heart grade A wood or of aluminum having a minimum thickness of .090 with the overall depth of the sign frame no less than 3 inches. Copy on wood signs shall be either routed or sandblasted into the face panels. Copy on aluminum signs shall be either routed into the sign or shall be made of vinyl having a minimum five-year durability rating.

To implement the requirements for the aesthetic appearance and uniformity of directional signs, the Zoning Administrator shall have the authority to prepare diagrams illustrating the requirements stated above and, further, to adopt any necessary details within the scope of the requirements, herein, to achieve standardized, directional signs.

The revised text shall read as follows:

ii. Construction of Sign

The signs shall be constructed of all-heart grade A wood or of aluminum having a minimum thickness of .090 with the overall depth of the sign frame no less than 3 inches. Copy on wood signs shall be either routed or sandblasted into the face panels. Copy on aluminum signs shall be either routed into the sign or shall be made of vinyl having a minimum five-year durability rating.

To implement the requirements for the aesthetic appearance and uniformity of directional signs, Neighborhood Development shall have the authority to prepare diagrams illustrating the requirements stated above and, further, to adopt any necessary details within the scope of the requirements, herein, to achieve standardized, directional signs.

11. Amend Section 13.110, "Creation of Special Sign Regulations", subsection (h), "Posting of bond and removal of sign" and subsection (i), "Bond and indemnification" by replacing the term, "Zoning Administrator" with "Neighborhood Development", and replacing "county" with "city". [NOTE: The items listed under subsection (b) remain unchanged]. The current section reads as follows:

- (h) Posting of bond and removal of sign: If the Zoning Administrator determines that there is a violation of these provisions, he shall issue a notice for violation to the permit holder. If the violation is not corrected or there has been no reversal of the decision of the Zoning Administrator by the Zoning Board of Adjustment or by any Court, then the Zoning Administrator shall have the authority to engage an independent contractor to remove the sign and pay for the removal of such signs from the bond. The sign may be removed for any of the following reasons:
- (i) Bond and indemnification: The Zoning Administrator shall have the authority to set an amount for a cash bond double the estimated reasonable cost for the removal, the transporting, and the possible storage of a directional sign. Bonds

shall be refunded to a permit holder when the permit holder removes the sign.

The applicant shall sign a hold harmless/indemnification statement on behalf of the County to hold the County harmless from any claim or dispute between the permit holder and a person seeking to have use of the directional sign when the dispute or legal matter in no way pertains to the County's Zoning Ordinance provisions.

The revised subsections shall read as follows:

- (h) Posting of bond and removal of sign: If Neighborhood Development determines that there is a violation of these provisions, a notice of violation shall be issued to the permit holder. If the violation is not corrected or there has been no reversal of the decision of Neighborhood Development by the Zoning Board of Adjustment or by any Court, then the Neighborhood Development shall have the authority to engage an independent contractor to remove the sign and pay for the removal of such signs from the bond. The sign may be removed for any of the following reasons:
- (i) Bond and indemnification: Neighborhood Development shall have the authority to set an amount for a cash bond double the estimated reasonable cost for the removal, the transporting, and the possible storage of a directional sign. Bonds shall be refunded to a permit holder when the permit holder removes the sign.

The applicant shall sign a hold harmless/indemnification statement on behalf of the City to hold the City harmless from any claim or dispute between the permit holder and a person seeking to have use of the directional sign when the dispute or legal matter in no way pertains to the City's Zoning Ordinance provisions.

- 12. Amend Section 13.110, "Creation of Special Sign Regulations", subsection (5), "Landmark Signs", subsection (c), "Designation", subsection (5) by replacing the term, "Zoning Administrator" with "Neighborhood Development". The current section reads as follows:

- (5) While a designated landmark sign shall be deemed to be in compliance with the zoning regulations, this Section 13.110 is not intended to prevent the Zoning Administrator from enforcing the zoning ordinance if the Zoning Administrator determines that there is a violation of any provisions, or the intent and purposes of any provisions of the zoning ordinance.

The revised text shall read as follows:

- (5) While a designated landmark sign shall be deemed to be in compliance with the zoning regulations, this Section 13.110 is not intended to prevent Neighborhood Development from enforcing the zoning ordinance if the Zoning Administrator, or another City agency determines that there is a violation of any provisions, or the intent and purposes of any provisions of the zoning ordinance.

- 13. Amend Section 13.112, "Removal of Certain Signs", subsection (1), "Nonconforming Signs", subsection (b), "On-Premise Signs", subsection (4) by replacing the term,

June 20, 2005

Ordinance Book 53 Page 751

“Zoning Administrator” with the designated agency. The current section reads as follows:

4. Any change in the existing use of the property requiring a change of use permit from the Zoning Administrator.

The revised section shall read as follows:

4. Any change in the existing use of the property requiring a change of use permit from Neighborhood Development or Engineering and Property Management.

14. Amend Section 13.112, “Removal of Certain Signs”, subsection (1), Nonconforming Signs”, subsection (d) by replacing the term, “Zoning Administrator” with “Neighborhood Development”. The current section reads as follows:

- (d) Normal maintenance of all nonconforming signs, including necessary nonstructural repairs, incidental alterations, or copy alterations which do not extend or intensify the nonconforming features of the sign, shall be permitted during the amortization period for such sign. However, no structural alteration, enlargement, or extension shall be made to a nonconforming sign unless the alteration, enlargement, or extension will result in the elimination of the nonconforming features of the sign or by an order of the Zoning Administrator to ensure the safety of the structure.

The revised section shall read as follows:

- (d) Normal maintenance of all nonconforming signs, including necessary nonstructural repairs, incidental alterations, or copy alterations which do not extend or intensify the nonconforming features of the sign, shall be permitted during the amortization period for such sign. However, no structural alteration, enlargement, or extension shall be made to a nonconforming sign unless the alteration, enlargement, or extension will result in the elimination of the nonconforming features of the sign or by an order of Neighborhood Development to ensure the safety of the structure.

15. Amend Section 13.113, “Enforcement”, subsection (1) Inspections and Investigations” and (2), “Citations” by replacing the term, “Zoning Administrator” with “Neighborhood Development”. The current section reads as follows:

**Section 13.113. Enforcement.**

(1) Inspections and Investigations

- (a) The Zoning Administrator will periodically inspect signs in order to determine whether there are any violations of this Ordinance.
- (b) The Zoning Administrator shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in these regulations, and for this purpose to enter at reasonable times upon any

property, public or private, for the purpose of investigating and inspecting signs. No person shall refuse entry or access to any authorized representative of the Zoning Administrator who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.

- (c) The Zoning Administrator may require written statements, or the filing of reports with respect to pertinent questions relating to signs.

(2) Citations

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

The revised section shall read as follows:

**Section 13.113. Enforcement.**

(1) Inspections and Investigations

- (a) Neighborhood Development will periodically inspect signs in order to determine whether there are any violations of this Ordinance.
- (b) Neighborhood Development shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in these regulations, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting signs. No person shall refuse entry or access to any authorized representative of Neighborhood Development or Engineering and Property Management who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.
- (c) Neighborhood Development may require written statements, or the filing of reports with respect to pertinent questions relating to signs.

(2) Citations

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

16. Amend Section 13.114. "Variances and Appeals", subsection (7) by deleting the section in its entirety since the section has expired as of 4-1-98. The current section reads as follows:

- (7) Pursuant to G.S. § 160A-361(7), the City Council designates the Mecklenburg County Zoning Board of Adjustment as a planning agency, authorized and directed to grant variances pursuant to § 13.114(1)-(3) and (5) and one-time extensions not to exceed two years pursuant to § 13.114(4) with respect to signs within the corporate limits of the City of Charlotte that do not comply with the regulations of Chapter 13 and are subject to the 8-year amortization period of § 13.112(1)(a).

This designation and authorization of the County Board shall not affect in any way the jurisdiction of the City Board. The City Board shall have the authority to adopt guidelines for the City Board clerk in assigning applications with respect to the above-referred to signs to the City or County Board.

Notwithstanding any ordinance provision or rules of procedure to the contrary, the Zoning Administrator shall have the authority to designate in the notice the time within which applications must be timely and properly filed being no less than 60 days and no more than 120 days from the date of the notice.

Any appeals from the County Board to superior court for City applications shall be pursuant to G. S. § 160A-388(e). This subsection (7) shall automatically expire as of April 1, 1998.

The revised section shall read as follows:

- (7) (Reserved, expired as of April 1, 1998)

L. CHAPTER 14, SPECIAL USE PERMITS

1. PART 3: CANCELLATION BY SURRENDER AND TERMINATION, MODIFICATION AND REVOCATION OF SPECIAL USE PERMITS

- a. Amend Section 14.304, "Revocation", subsection (1) by replacing "Zoning Administrator" with the designated agency. The current section reads as follows:

- (1) The Zoning Administrator will have the authority to issue a notice of violation of a special use permit. The notice of violation will provide 30 days to correct the violation. If the violation is not corrected to the satisfaction of the Zoning Administrator, then the Zoning Administrator has the authority to send a letter of revocation of the special use permit. The owner of the property will have 30 days from receipt of the letter of revocation of the special use permit to appeal the violation determination to the Zoning Board of Adjustment.

Subsequent to the completion of any appeals provided for in pertaining to the revocation of a special use permit, the special use for which the special use permit was granted must cease and the future use of the property must be in conformance with the standards of this ordinance for the district where the property is located. Any use or development of the property commenced pursuant to the special use permit must conform or be brought into conformance with the standards of the district where the property is located.

The revised section shall read as follows:

- (1) The Director of the Charlotte-Mecklenburg Planning Commission, or his or her designee, will have the authority to issue a notice of violation of a special use permit. The notice of violation will provide 30 days to correct the violation. If the violation is not corrected to the satisfaction of the Planning Director, then the Planning Director, or his or her designee, has the authority to send a letter of revocation of the special use permit. The owner of the property will have 30 days from receipt of the letter of revocation of the special use permit to appeal the violation determination to the Zoning Board of Adjustment.

Subsequent to the completion of any appeals provided for in pertaining to the revocation of a special use permit, the special use for which the special use permit was granted must cease and the future use of the property must be in conformance with the standards of this ordinance for the district where the property is located. Any use or development of the property commenced pursuant to the special use permit must conform or be brought into conformance with the standards of the district where the property is located.

M. CHAPTER 15: SUBJECT INDEX.

1. Amend the Subject Index by changing the following entries as follows:
  - a. Delete the following entries:

Building Standards Department; powers and duties <u>see</u> Zoning Administrator	3.502
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Departments  
Building Standards 3.502

- b. Add a new entries to read as follows:

Neighborhood Development, powers and duties 3.502

Engineering and Property Management, powers and duties 3.511

N. TABLE OF CONTENTS

1. Amend the Table of Contents by replacing the entry in "Chapter 3", Section 3.502. Renumber the pages accordingly. The current entry reads as follows:

3.502. Building Standards Department; powers and duties

The revised entries shall read as follows:

3.502 Neighborhood Development; powers and duties

3.511 Engineering and Property Management; powers and duties

O. APPENDIX 5: WATERSHED BUFFER GUIDELINES FOR MECKLENBURG COUNTY, NC.

1. PART I: GENERAL REQUIREMENTS AND PROHIBITIONS

- a. Amend Section 2, "Requirements/Allowances", subsection (d) by replacing "Building Standards" with the correct terminology. The current section reads as follows:

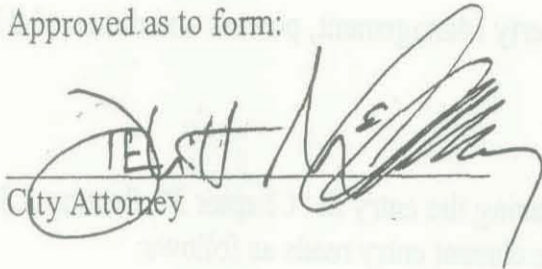
- d. Shoreline stabilization is allowed as long as minimal disturbance of the existing buffer occurs. Other required permits for shoreline maintenance, dredging or filling, and dock construction (401/404 State permits, Duke Power, Building Standards) need to be obtained prior to construction.

The revised section shall read as follows:

- d. Shoreline stabilization is allowed as long as minimal disturbance of the existing buffer occurs. Other required permits for shoreline maintenance, dredging or filling, and dock construction (401/404 State permits, Duke Power, Land Use and Environmental Services Agency) need to be obtained prior to construction.

Section 2. That this ordinance shall become effective on July 1, 2005.

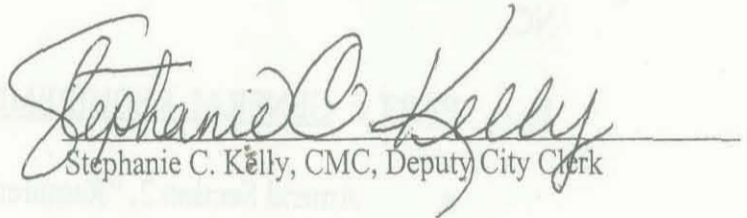
Approved as to form:

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

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 693-756.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10<sup>th</sup> day of October, 2005.

  
\_\_\_\_\_  
Stephanie C. Kelly, CMC, Deputy City Clerk



**This page was not used.**

APPROVED BY CITY COUNCIL

DATE 6/20/05

Petition #: 2005-079

Petitioner: Charlotte Mecklenburg Planning Commission  
City of Charlotte

ORDINANCE NO. 3018

AN ORDINANCE AMENDING CHAPTER 20  
OF THE CITY CODE - SUBDIVISION  
ORDINANCE

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

Section 1: Chapter 20, "Subdivision Ordinance" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 20: SUBDIVISION ORDINANCE

1. Amend Section 9.000, "Enforcement" by changing the reference to "Building Standards" to the current terminology used for this department, and include the designated City agencies. The current section reads as follows:
  3. In order to properly enforce the provisions of the subdivision regulations as stated in this ordinance prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permit must be obtained from the Building Standards Department. No permit will be issued unless there has been a determination made that the proposed use, building, or structure complies with the requirements of this ordinance.

The revised section shall read as follows:

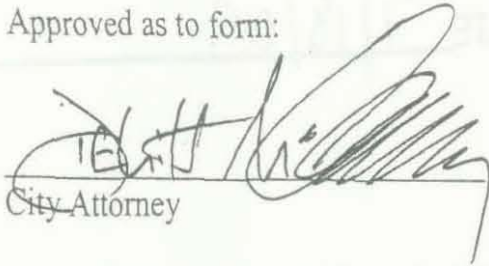
3. In order to properly enforce the provisions of the subdivision regulations as stated in this ordinance prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permits must be obtained from the Mecklenburg County Land Use and Environmental Services Agency (LUESA), Engineering and Property Management, and Neighborhood Development. No permit will be issued unless there has been a determination made that the proposed use, building, or structure complies with the requirements of this ordinance.

June 20, 2005

Ordinance Book 53, Page 759

Section 2. That this ordinance shall become effective on July 1, 2005.

Approved as to form:

  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20<sup>th</sup> day of June, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 78-759.

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

  
Stephanie C. Kelly, CMC, Deputy City Clerk