

May 16, 2005
Ordinance Book 53, Page 569

Petition No. 2005-25
Petitioner: Pearson Properties – Cainhoy 1, LLC

ORDINANCE NO. 2958-Z

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

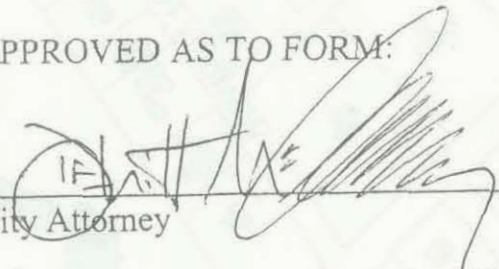
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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

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

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


APPROVED AS TO FORM:


City Attorney

CERTIFICATION

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 16th day of May, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 569-570.

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


Brenda R. Freeze, CMC, City Clerk

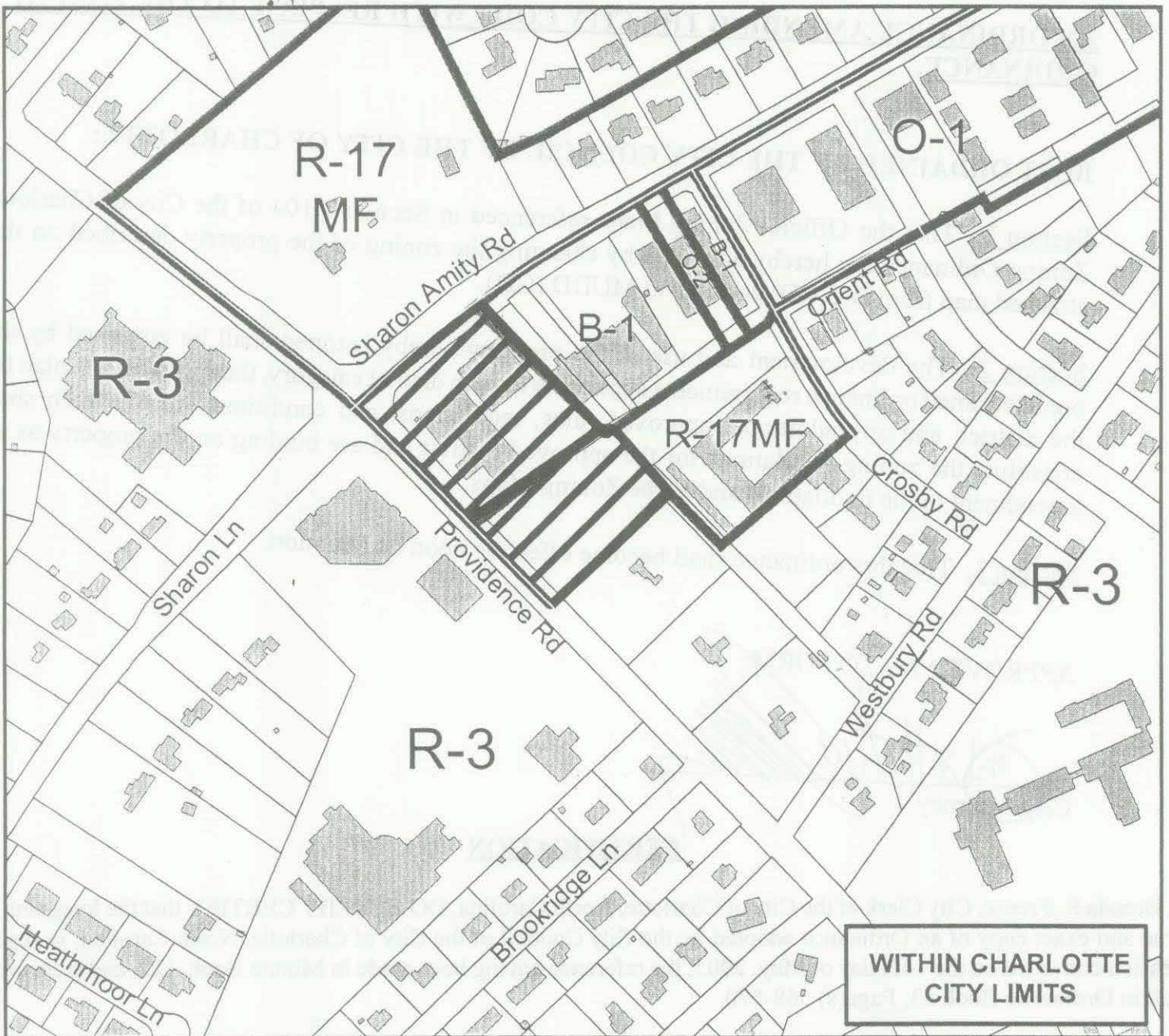
Petition #: **2005-025**

Petitioner: Pearson Properties - Cainhoy 1, LLC

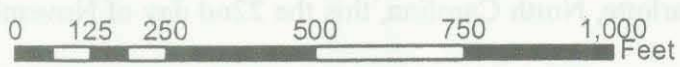
Zoning Classification (Existing): B-1(CD) (Neighborhood Business, Conditional)
and R-3 (Single-family Residential, up to 3 dwelling units per acre)

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

Acres & Location : Approximately 3.14 acres located on the east side of Providence Road, south of Sharon Amity Road



WITHIN CHARLOTTE CITY LIMITS



Zoning Map #(s) **124**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
03-30-2005



	Requested MUDD(CD) from B-1(CD)		Requested MUDD(CD) from R-3
	Existing Building Footprints		Fema Flood Plain
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams

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Petition #: 2005-048

Petitioner: Charlotte-Mecklenburg Planning Commission

ORDINANCE NO. 2960

AN ORDINANCE AMENDING CHAPTER 2
(SUBDIVISION REGULATIONS) OF THE CITY CODE

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

Section 1. Chapter 20, SUBDIVISIONS, of the Code of the City of Charlotte is hereby amended as follows:

1. Amend Section 2.100, "Definitions" by adding the following definitions in alphabetical order

Hearing Committee: The Charlotte-Mecklenburg Planning Commission can serve as the Hearing Committee to hear and decide variances and appeals, or it can appoint the Zoning Committee to serve as the Hearing Committee.

Zoning Committee: The Charlotte-Mecklenburg Planning Commission is divided into two major working committees: the Zoning Committee and the Planning Committee.

2. Amend Section 3.200, "Charlotte Mecklenburg Planning Commission" by adding a sentence at the end of 3.200.2, 3.200.3, and the end of the last paragraph that states The Planning Commission may appoint the Zoning Committee to serve as the Hearing Committee comprised of not less than three members of the Planning Commission. The current section reads as follows:

3.200. Charlotte-Mecklenburg Planning Commission

In addition to any authority granted to the Charlotte- Mecklenburg Planning Commission (hereinafter "Planning Commission) by other ordinances of the City of Charlotte or Mecklenburg County, and in accordance with the provisions of the Interlocal Agreement regarding the structure and responsibilities of the Planning Commission, the Planning Commission will have the following powers and duties to be carried out in accordance with these regulations.

1. To hear appeals filed regarding the action of the Planning staff in the approval or disapproval of any subdivision proposed under these regulations.
2. To hear and decide requests for variances from the standards of this ordinance in accordance with the provisions of Section 4.000.
3. To hear and decide appeals from the interpretation of any provisions of this ordinance from the Planning staff.

In all of these matters, the Planning Commission may approve the request, deny the request, or approve the request with conditions relating to the intent and standards of the ordinance.

The amended section shall read as follows:

3.200. Charlotte-Mecklenburg Planning Commission

In addition to any authority granted to the Charlotte- Mecklenburg Planning Commission (hereinafter "Planning Commission) by other ordinances of the City of Charlotte or Mecklenburg County, and in accordance with the provisions of the Interlocal Agreement regarding the structure and responsibilities of the Planning Commission, the Planning Commission will have the following powers and duties to be carried out in accordance with these regulations.

1. To hear appeals filed regarding the action of the Planning staff in the approval or disapproval of any subdivision proposed under these regulations.
2. To hear and decide requests for variances from the standards of this ordinance in accordance with the provisions of Section 4.000. The Planning Commission may appoint the Zoning Committee to serve as the Hearing Committee to hear and decide requests for variances.
3. To hear and decide appeals from the interpretation of any provisions of this ordinance from the Planning staff. The Planning Commission may appoint the Zoning Committee to serve as the Hearing Committee to hear and decide appeals.

In all of these matters, the Planning Commission, or the Hearing Committee, may approve the request, deny the request, or approve the request with conditions relating to the intent and standards of the ordinance.

3. Amend Section 4.101, "Authority of Planning Commission" by adding a sentence at the end of 4.101.1 and 4.101.2 that states The Planning Commission may appoint the Zoning Committee to serve as the Hearing Committee comprised of not less than three members of the Planning Commission. The current section reads as follows:

4.101. Authority of Planning Commission

1. The Planning Commission will have the authority to hear and decide appeals from any order, decision, determination, or interpretation made by any administrative officer pursuant to or

regarding these regulations.

2. The Planning Commission will have the authority to hear and decide petitions for variances from the requirements of these regulations, which relate to subdivision of land or any development standards and requirements of this ordinance not inconsistent with other codes or ordinance.

The revised section shall read as follows:

4.101. Authority of Planning Commission

1. The Planning Commission will have the authority to hear and decide appeals from any order, decision, determination, or interpretation made by any administrative officer pursuant to or regarding these regulations. The Planning Commission may appoint the Zoning Committee to serve as the Hearing Committee to hear and decide appeals.
 2. The Planning Commission will have the authority to hear and decide petitions for variances from the requirements of these regulations, which relate to subdivision of land or any development standards and requirements of this ordinance not inconsistent with other codes or ordinance. The Planning Commission may appoint the Zoning Committee to serve as the Hearing Committee to hear and decide appeals.
4. Amend Section 4.104, "Standards for Granting an Appeal" by adding a clause to the first sentence of 4.104.1 and 4.104.2 referencing the fact that a Hearing Committee may be appointed by the Planning Commission. The current section reads as follows:

4.104. Standards for Granting an Appeal

1. The Planning Commission may reverse or modify the order, decision, determination, or interpretation under appeal upon finding an error in the application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.
2. In modifying the order, decision, determination, or interpretation, the Planning Commission will have all the powers of the officer from whom the appeal is taken.

The revised section shall read as follows:

4.104. Standards for Granting an Appeal

1. The Planning Commission, or the Hearing Committee, may reverse or modify the order, decision, determination, or interpretation under appeal upon finding an error in the application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.
 2. In modifying the order, decision, determination, or interpretation, the Planning Commission, or the Hearing Committee, will have all the powers of the officer from whom the appeal is taken.
5. Amend Section 4.106, "Standards for Granting a Variance" by adding a clause to the first sentence of the paragraph referencing the fact that the Planning Commission may appoint a Hearing Committee. The current section reads as follows:

4.106. Standards for Granting a Variance

Before granting a variance, the Planning Commission must determine that:

1. The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; or
2. The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or
3. The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or
4. The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance;
5. The granting of a variance would permit the preservation of an historic structure or site.

The revised section shall read as follows:

4.106. Standards for Granting a Variance

Before granting a variance, the Planning Commission, or the Hearing

Committee, must determine that:

1. The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; or
 2. The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or
 3. The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or
 4. The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or
 5. The granting of a variance would permit the preservation of an historic structure or site.
6. Amend Section 4.107, "Determination of Completeness" by adding a clause to the last sentence of 4.107.1 and 4.107.2 referencing the fact that a Hearing Committee may be appointed by the Planning Commission. The current section reads as follows:

4.107. Determination of Completeness

1. Within 10 days of receiving a notice of appeal or a variance petition, the Planning Director will determine whether the notice or petition is complete. If the Planning Director determines that the notice or petition is not complete, he or she will notify the appellant or petitioner specifying the notice's or petition's deficiencies. The Planning Director will take no further action on the petition until the deficiencies are remedied. If the Planning Director fails to notify the appellant or petitioner, the notice or petition will be deemed complete. If the notice or petition is deemed complete, the Planning Director will schedule the appeal or variance for consideration at a hearing before the Planning Commission within 30 days.
2. A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the appeal of variance to proceed under this section. In the event that the notice or petition is automatically deemed

complete due to the failure of the Planning Director to notify the appellant or petitioner of any deficiencies in the notice or petition, the deficiency of information may result in rejection of the appeal or variance by the Planning Commission.

The revised section shall read as follows:

4.107. Determination of Completeness

1. Within 10 days of receiving a notice of appeal or a variance petition, the Planning Director will determine whether the notice or petition is complete. If the Planning Director determines that the notice or petition is not complete, he or she will notify the appellant or petitioner specifying the notice's or petition's deficiencies. The Planning Director will take no further action on the petition until the deficiencies are remedied. If the Planning Director fails to notify the appellant or petitioner, the notice or petition will be deemed complete. If the notice or petition is deemed complete, the Planning Director will schedule the appeal or variance for consideration at a hearing before the Planning Commission, or the Hearing Committee, within 30 days.
2. A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the appeal or variance to proceed under this section. In the event that the notice or petition is automatically deemed complete due to the failure of the Planning Director to notify the appellant or petitioner of any deficiencies in the notice or petition, the deficiency of information may result in rejection of the appeal or variance by the Planning Commission, or the Hearing Committee.

7. Amend Section 4.108, "Staff Review" by adding a clause to the first sentence of 4.108 referencing the fact that the Planning Commission may appoint a Hearing Committee. The current section reads as follows:

4.108. Staff Review

After receipt of a complete variance petition or notice of appeal from an action taken, the Planning Director will review the notice or petition and send a written recommendation to the Planning Commission setting forth whether the appeal or variance should be granted or denied and the reasons for such recommendation. In making such recommendation, the Planning Director may consult with other City and County agencies and may allow them to review the

notice of appeal or variance petition. The recommendation of the Planning Director will be submitted to the Planning Commission and mailed to the appellant or petitioner at least 5 days prior to the scheduled public hearing.

The revised section shall read as follows in its entirety:

4.108. Staff Review

After receipt of a complete variance petition or notice of appeal from an action taken, the Planning Director will review the notice or petition and send a written recommendation to the Planning Commission, or the Hearing Committee, setting forth whether the appeal or variance should be granted or denied and the reasons for such recommendation. In making such recommendation, the Planning Director may consult with other City and County agencies and may allow them to review the notice of appeal or variance petition. The recommendation of the Planning Director will be submitted to the Planning Commission and mailed to the appellant or petitioner at least 5 days prior to the scheduled public hearing.

8. Amend Section 4.109, "Notice and Hearing" by adding a clause to the first sentence of 4.109, referencing the fact that the Planning Commission may appoint a Hearing Committee. The current section reads as follows:

4.109. Notice and Hearing

1. The Planning Commission will hold public hearings on any appeal or variance petition which comes before it in accordance with rules adopted by it for such purpose.
2. The Planning Commission will mail written notice of the time place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing.

The revised section shall read as follows:

4.109. Notice and Hearing

1. The Planning Commission, or the Hearing Committee, will hold public hearings on any appeal or variance petition which comes before it in accordance with rules adopted by it for such purpose.

2. The Planning Commission will mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing.

9. Amend Section 4.110, "Action by the Planning Commission" by adding a clause to the first sentence of 4.110 referencing the fact that the Planning Commission may appoint a Hearing Committee: The current section reads as follows:

4.110. Action By The Planning Commission

The Planning Commission will grant or deny the variance or will reverse, affirm, or modify the order, decision, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting. The resolution must state the reasons that the Planning Commission used to reach its decision.

The revised section shall read as follows:

4.110. Action By The Planning Commission

The Planning Commission, or the Hearing Committee, will grant or deny the variance or will reverse, affirm, or modify the order, decision, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting. The resolution must state the reasons that the Planning Commission used to reach its decision.

10. Amend Section 4.111, "Rehearing" by adding a clause to the first sentence of 4.111 referencing the fact that a Hearing Committee may be appointed by the Planning Commission. The current section reads as follows:

4.111. Rehearing

The Planning Commission, or the Hearing Committee, will refuse to hear an appeal or variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

11. Amend Section 4.112, "Appeal from Planning Commission" by adding a clause to the first and second sentence of 4.112 referencing the fact that a Hearing Committee may be appointed by the Planning Commission. The current section reads as follows:

4.112 Appeal from Planning Commission

Any appeal of a decision rendered by the Planning Commission, under this section must be to the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the clerk of superior court within 30 days after the decision of the Planning Commission is filed in the office of the Planning Director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the Planning Director at the time of the hearing, whichever is later.

The revised text shall read as follows:

4.112. Appeal from Planning Commission

Any appeal of a decision rendered by the Planning Commission, or the Hearing Committee under this section must be to the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the clerk of superior court within 30 days after the decision of the Planning Commission, or the Hearing Committee is filed in the office of the Planning Director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the Planning Director at the time of the hearing, whichever is later.

12. Amend Section 4.113, by adding two clauses to the first sentence of 4.113 referencing the fact that a Hearing Committee may be appointed by the Planning Commission. The current section reads as follows:

4.113. If there is an appeal from the decision of the planning staff taken to the Planning Commission, then the person filing the appeal may not file a revised preliminary plan or revised final plat for the portion of the subject site affected by the appeal until the completion of the appeal to the Planning Commission or any final judicial determination. The planning staff may approve a preliminary plan or final plat for that portion of the property not affected by the action of the appeal.

The revised section shall read as follows:

4.113. If there is an appeal from the decision of the planning staff taken to the Planning Commission, or the Hearing Committee, then the person filing the appeal may not file a revised preliminary plan or revised final plat for the portion of the subject site affected by the appeal until the completion of the appeal, or any final judicial determination. The planning staff may approve a preliminary plan or final plat for that portion of the property not affected by the action of the appeal.

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13. Amend Section 4.114, "Effect of Grant of Variance" by adding a clause to the first and last sentence of 4.114 referencing the fact that the Planning Commission may appoint a Hearing Committee. The current section reads as follows:

4.114. Effect of Grant of Variance

After the approval of a variance by the Planning Commission, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the variation in these regulations granted to the petitioner by the Planning Commission or court.

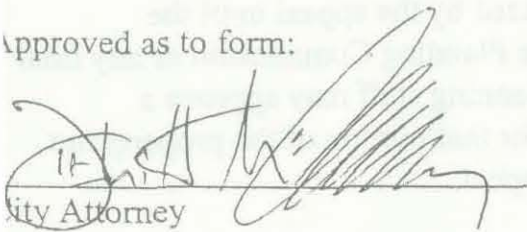
The revised section shall read as follows:

4.114. Effect of Grant of Variance

After the approval of a variance by the Planning Commission, or the Hearing Committee, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the variation in these regulations granted to the petitioner by the Planning Commission, Hearing Committee, or court.

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

Approved as to form:

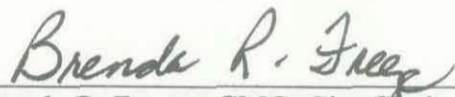

City Attorney

May 16, 2005
Ordinance Book 53, Page 574i

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 16th day of May, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 573-574i.

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



Brenda R. Freeze, CMC, City Clerk

Petition #: 2005-049
Petitioner: Charlotte-Mecklenburg Planning Commission

**AN ORDINANCE AMENDING CHAPTER 20,
(SUBDIVISION REGULATIONS) OF THE CITY CODE
ORDINANCE NO. 2961**

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

Section 1. Chapter 20, SUBDIVISIONS, of the Code of the City of Charlotte is hereby amended as follows:

1. Amend Section 2.100, "Definitions" by replacing the definition of "reverse frontage". The current definition, to be deleted, reads as follows:

REVERSE FRONTAGE. The configuration of lots or a development site so that vehicular access to the lots or development site does not involve individual driveway connections to the street for which the access is restricted, but rather is from another means such as a public street which either intersects or runs parallel to the street for which access is restricted or a private street or easement. Reverse frontage does not relate to any particular orientation of the structure to the street.

The revised definition would read as follows:

REVERSE FRONTAGE. A "reverse frontage" lot is a through lot or "double frontage" lot, other than a corner lot, where vehicular access is restricted to the abutting federal or state highway, major or minor thoroughfare, or commercial arterial, and where the lots have vehicular access provided by an interior public or private street. A block containing reverse frontage lots is comprised of one tier of lots rather than the standard two tiers. Reverse frontage does not relate to the structure's orientation to the street.

2. Amend Section 2.100, "Definitions" by correcting the reference to the Zoning Ordinance. The current definition reads as follows:

SUBDIVISION. A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development of any type, including both residential and nonresidential multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the Register of Deeds and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition nor be subject to the requirements of this ordinance: (amendment effective May 1, 1989)

1. The combination or recombination of portions of parcels created and recorded prior to January 1, 1988, or portions of lots platted in compliance with this ordinance after January 1, 1988, where the total number of parcels or lots is not

- increased and the resultant parcels are equal to the standards of this ordinance.
2. The division of land into parcels greater than 5 acres where no street right-of-way dedication is involved.
 3. The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way.
 4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.
 5. The division of land into plots or lots for use as a cemetery.
 6. Creation of a separate lot or building site by a less than fee simple instrument, such as a ground lease, when the property interest created is divided from the original parcel for ten years or less, including options to renew.
 7. The lease of space or other area within a building owned by the landlord.
 8. Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes.
 9. The division of a tract or parcel into separate tracts or parcels, or the creation of interests in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
 10. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
 11. Transfers of tracts or parcels by inheritance or bona fide gift.
 12. Condemnation or deed in lieu of condemnation, by either a public or private condemnor; provided, however, that the condemnor must comply with the requirements of this ordinance as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever date first occurs.

The revised definition shall read as follows, with a change in item #2:

SUBDIVISION. A subdivision will include all divisions of a tract or parcel of land into

two or more lots, building sites, or other divisions for the purpose, whether immediate future, of sale, or building development of any type, including both residential and nonresidential multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the Register of Deeds and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition nor be subject to the requirements of this ordinance: (amendment effective May 1, 1989)

1. The combination or recombination of portions of parcels created and recorded prior to January 1, 1988, or portions of lots platted in compliance with this ordinance after January 1, 1988, where the total number of parcels or lots is not increased and the resultant parcels are equal to the standards of the Zoning Ordinance.
2. The division of land into parcels greater than 5 acres where no street right-of-way dedication is involved.
3. The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.
5. The division of land into plots or lots for use as a cemetery.
6. Creation of a separate lot or building site by a less than fee simple instrument, such as a ground lease, when the property interest created is divided from the original parcel for ten years or less, including options to renew.
7. The lease of space or other area within a building owned by the landlord.
8. Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes
9. The division of a tract or parcel into separate tracts or parcels, or the creation of interests in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
10. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.

11. Transfers of tracts or parcels by inheritance or bona fide gift.
12. Condemnation or deed in lieu of condemnation, by either a public or private condemnor; provided, however, that the condemnor must comply with the requirements of this ordinance as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever date first occurs.

3. Add the following definitions to Section 2.100 in alphabetical order:

THROUGH LOTS. A lot other than a corner lot, with a frontage on more than one street. A "through lot" may also be referred to as a "double frontage lot", or a "reverse frontage lot"

DOUBLE FRONTAGE LOT. A lot with street frontage along two opposite boundaries. A "double frontage lot" may also be referred to as a "through lot" or a "reverse frontage lot".

4. Amend Section 6.600, "Final Plat Requirements", item 5 to match the state requirements for the type of North arrow to place on final plats. The current section reads as follows:

5. The name of the township in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and north point, with indication of whether the north point is true, magnetic, or grid, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties .

The revised section shall read as follows:

5. The name of the township in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and a north point oriented as per state statutes, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties .

5. Amend Section 6.600, "Final Plat Requirements", item 6 to require a minimum of two monuments per map instead of per block on the final plat, and to delete the reference to a concrete monument. The current section reads as follows:

6. The accurate location of monuments which must be established along the rear property lines of lots with a minimum of 2 per block located along a common line, including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended therefrom. Design and material of the concrete monument must be in accordance with the standard detail contained in the Charlotte-Mecklenburg Land Development Standards Manual.

The revised section shall read as follows:

6. The accurate location of monuments which must be established along the rear property lines of lots with a minimum of 2 per map including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended there from. Design and materials shall be in accordance with the standard detail contained in the Charlotte-Mecklenburg Land Development Standards Manual.
6. Amend Section 7.200, "Design Standards for Lots" by replacing subsection 7.200.3 with new text that states that the first requirement for subdividing land into lots is to verify the density requirements of the underlying zoning district are met. The current subsection reads as follows:

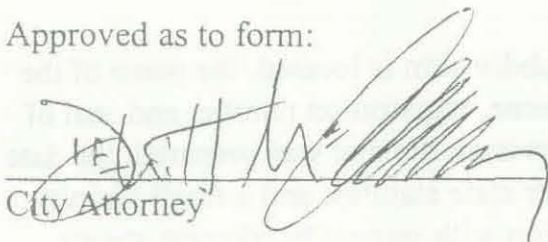
3. Minimum sizes. Lots may not be less in width or are than required by the zoning ordinance for the district in which the proposed subdivision is located. Larger lots may be required to accommodate on-site sewer disposal systems.

The revised text shall read as follows:

3. Maximum density and minimum lot requirements. Density controls the maximum number of lots that can be created when subdividing property. Once the maximum density is established, lots must meet all the development standards of the underlying zoning district in which the proposed subdivision is located. Larger lots may be required to accommodate on-site sewer disposal systems.

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

Approved as to form:


City Attorney

May 16, 2005
Ordinance Book 53, Page 580

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 16th day of May, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 575-580.

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



Brenda R. Freeze, CMC, City Clerk

CITY ZONE CHANGE

Petition No. 2005-50
Petitioner: ADESA Charlotte, LLC

ORDINANCE NO. 2962-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 to I-1 on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

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

APPROVED AS TO FORM:




City Attorney

CERTIFICATION

I, 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 16th day of May, 2005, the reference having been made in Minute Book 122, and recorded full in Ordinance Book 53, Page(s) 581-582.

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



Brenda R. Freeze, CMC, City Clerk

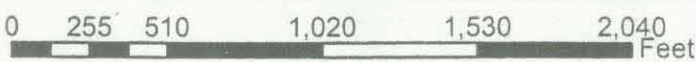
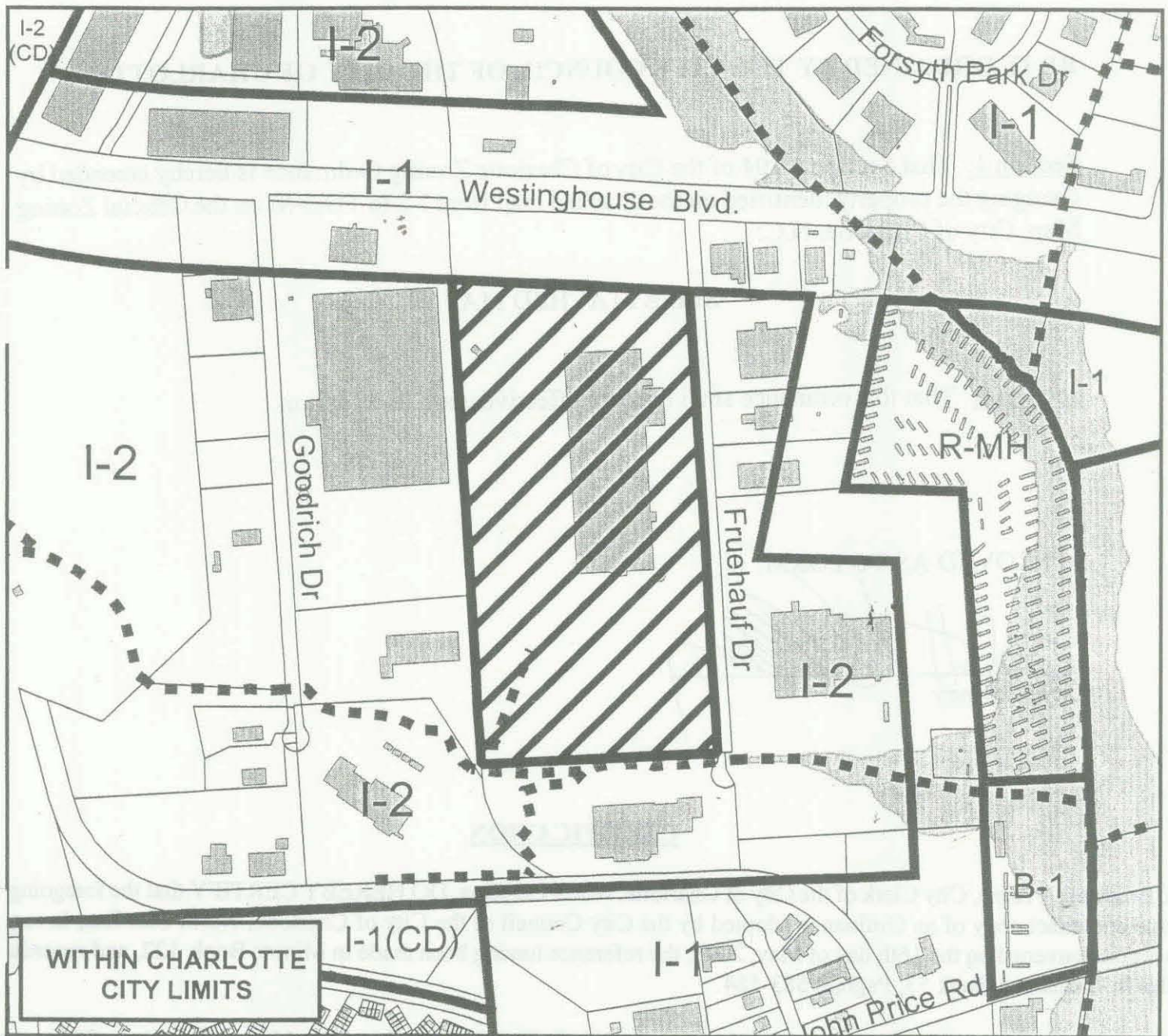
Petition #: **2005-050**

Petitioner: ADESA Charlotte LLC

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

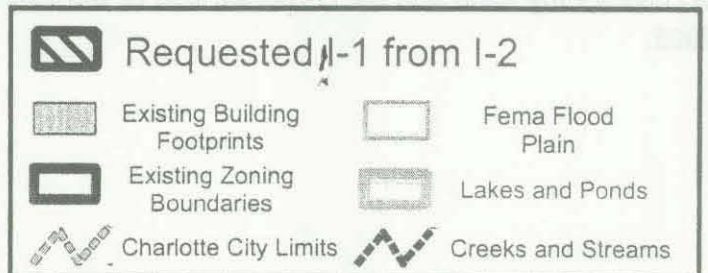
Zoning Classification (Requested): I-1
(Light Industrial)

Acreeage & Location : Approximately 50 acres located on the south side of Westinghouse Blvd, west of Fruehauf Drive



Zoning Map #(s) **150**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
02-08-2005



CITY ZONE CHANGE

Petition No. 2005-51
Petitioner: Charlotte-Mecklenburg
Planning Commission

ORDINANCE NO. 2963-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 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:

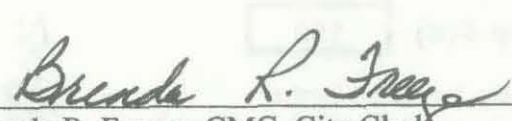


City Attorney

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 16th day of May, 2005, the reference having been made in Minute Book 122, and recorded full in Ordinance Book 53, Page(s) 583-584.

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



Brenda R. Freeze, CMC, City Clerk

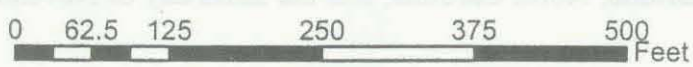
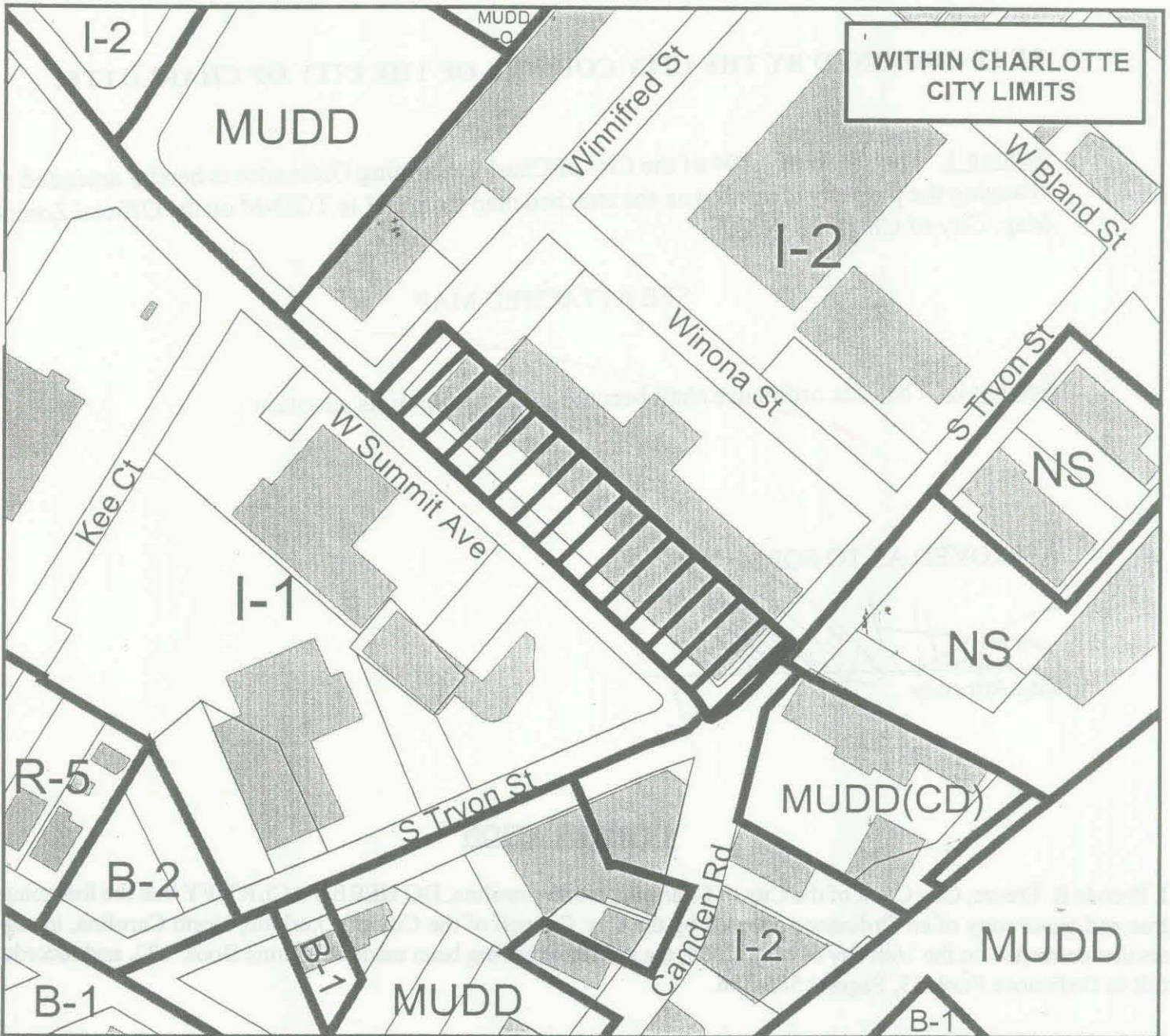
Petition #: **2005-051**

Petitioner: The Charlotte-Mecklenburg Planning Commission

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

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

Acreage & Location : Approximately .82 acres located on the west side of South Tryon Street, north of West Summit Avenue



Zoning Map #(s) **102**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
01-14-2005



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

CITY ZONE CHANGE

Petition No. 2005-52
Petitioner: Charlotte-Mecklenburg
Planning Commission

ORDINANCE NO. 2964-Z

ZONING REGULATIONS

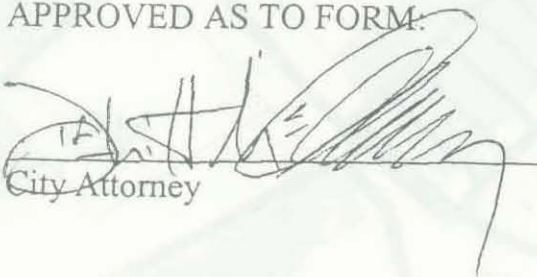
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 B-1 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 16th day of May, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 585-586.

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


Brenda R. Freeze, CMC, City Clerk

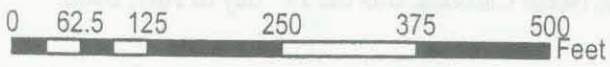
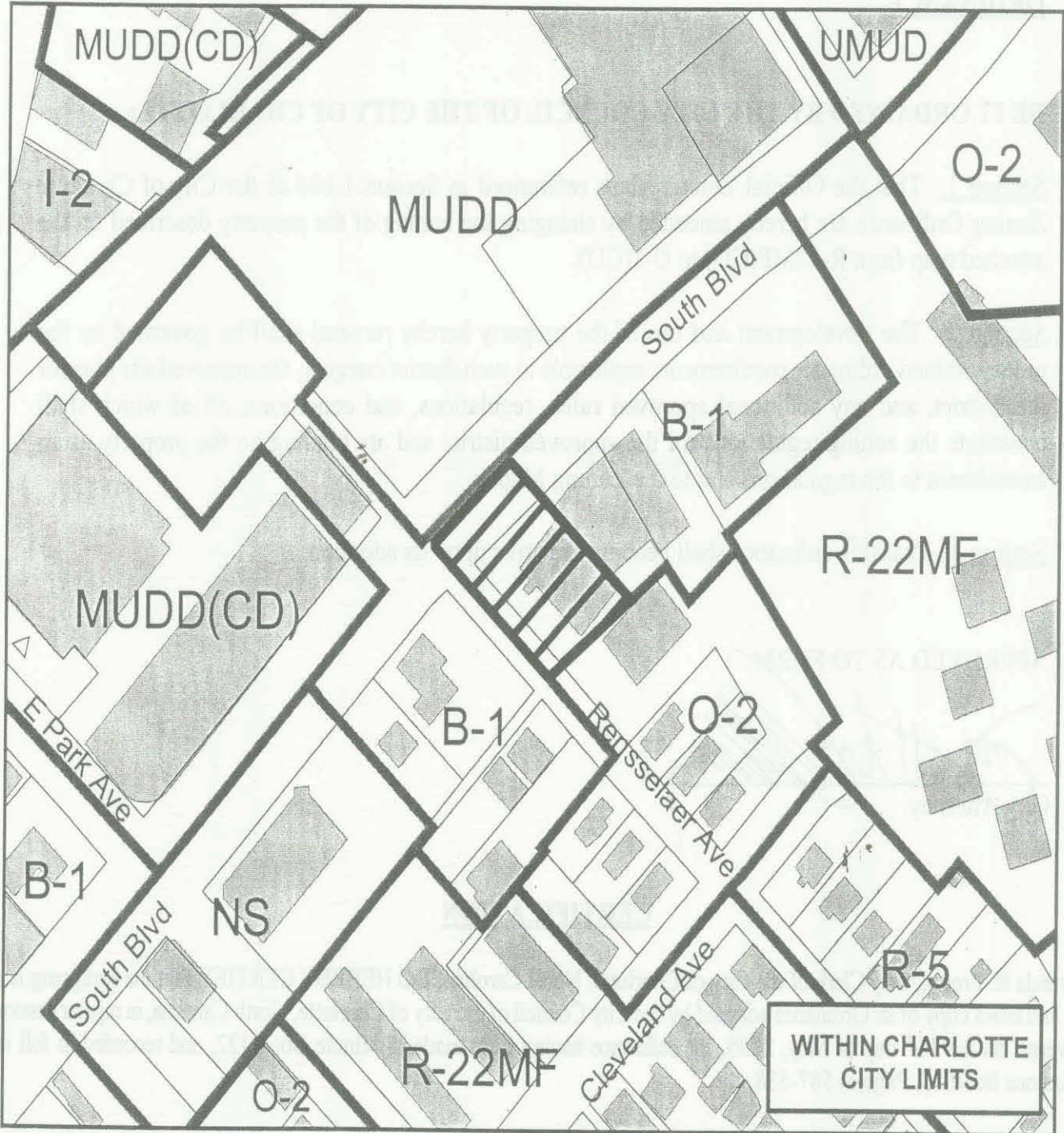
Petition #: **2005-052**

Petitioner: The Charlotte-Mecklenburg Planning Commission

Zoning Classification (Existing): B-1
(Neighborhood Business)

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

Acreeage & Location : Approximately .28 acres located on the east corner of the intersection of South Blvd and Rensselaer Ave



Zoning Map #(s) **102**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
01-14-2005



	Requested TOD-M from B-1		Fema Flood Plain
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

Petition No. 2005-58
Petitioner: Magnolia Station Apts, LLC

APPROVED BY CITY COUNCIL
DATE 5/16/05

ORDINANCE NO. 2965-Z

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

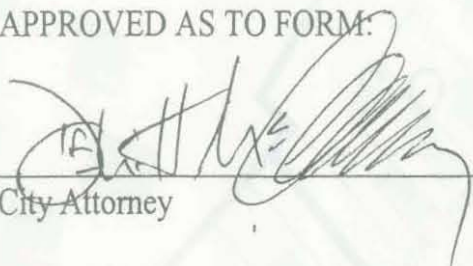
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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

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

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

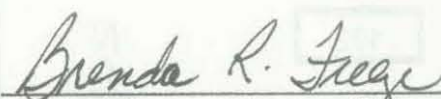
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 16th day of May, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 587-588.

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


Brenda R. Freeze, CMC, City Clerk

APPROVED BY CITY COUNCIL
DATE 5/16/05

Petition No. 2005-60
Petitioner: Pappas Properties Development, LLC

ORDINANCE NO. 2966-Z

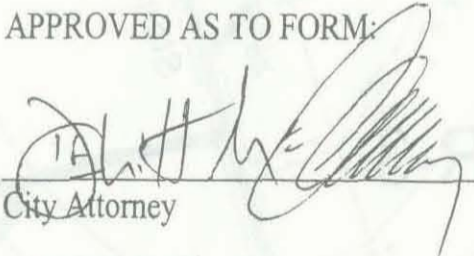
AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

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

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from B-1, B-2 and B-2(CD) to MUDD-O and UR-C (CD).

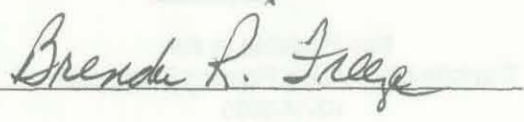
Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute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

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

APPROVED AS TO FORM:

City Attorney

I, _____, 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 16TH of May 2005 the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s) _____.

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


Brenda R. Frazer

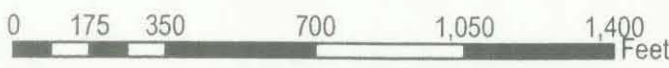
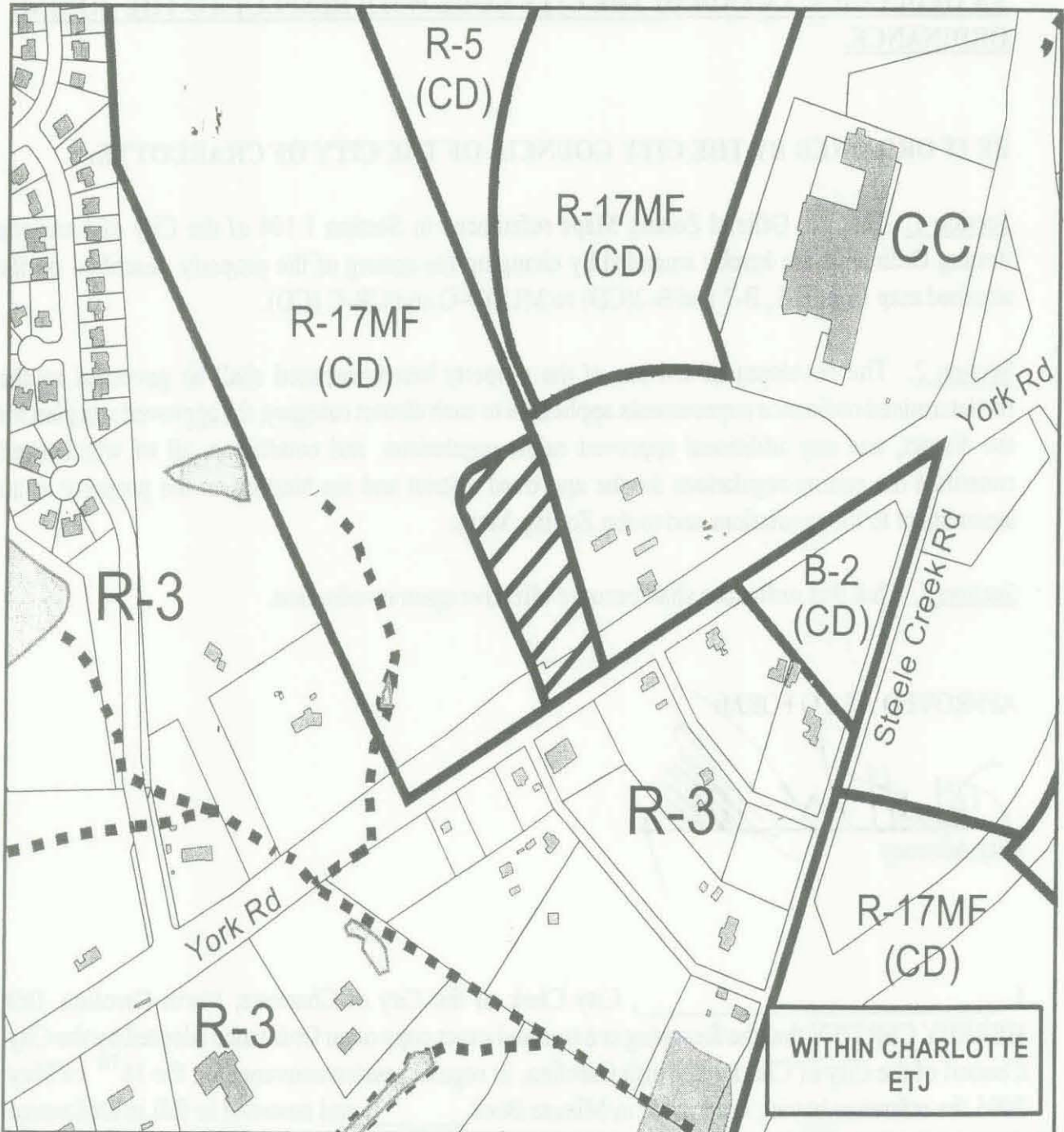
Petition #: **2005-058**

Petitioner: Magnolia Station Apt, LLC

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

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

Acreeage & Location : Approximately 2.722 acres located on the north side of York Road, west of Steele Creek Road



Zoning Map #(s) **154**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
02-14-2005



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

Petition No. 2005-61
Petitioner: JDH Capital

ORDINANCE NO. 2967-Z

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

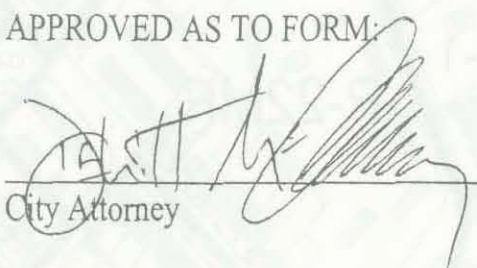
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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

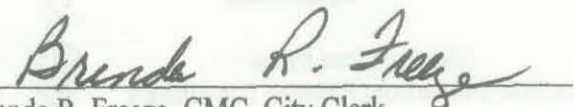
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, 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 16th day of May, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 591-592.

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


Brenda R. Freeze, CMC, City Clerk

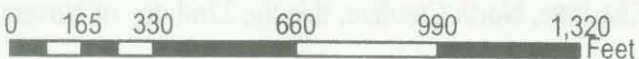
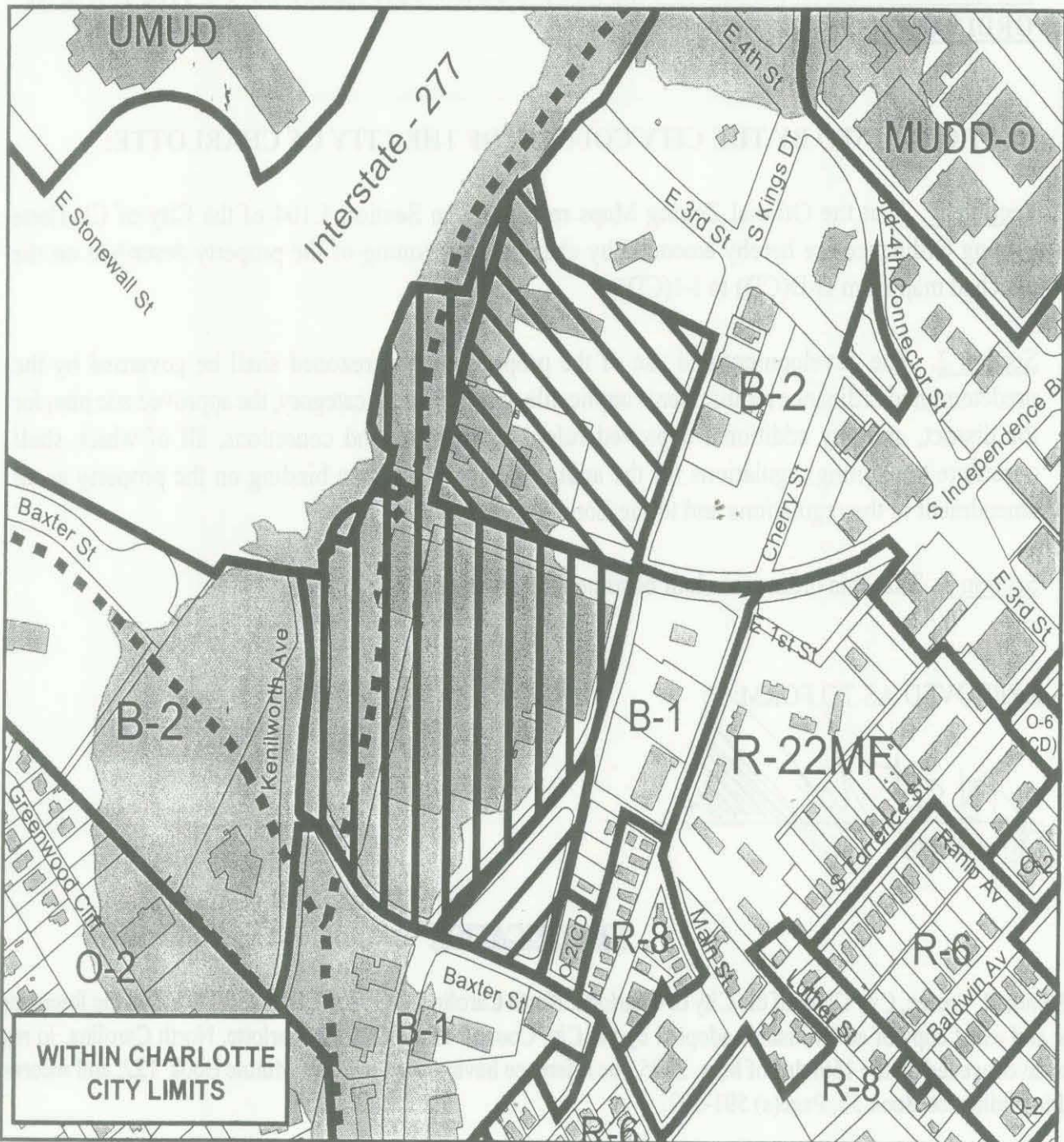
Petition #: **2005-060**

Petitioner: Pappas Properties Development, LLC

Zoning Classification (Existing): B-1 (Neighborhood Business) B-2 (General Business) and B-2(CD) (General Business, Conditional)

Zoning Classification (Requested): MUDD-O (Mixed Use Development District, Optional, Conditional) and UR-C(CD) (Urban Commercial District, Conditional)

Acreeage & Location : Approximately 26.6 acres located on the west side of South Kings Drive, south of East 3rd Street, north of Baxter Street



Zoning Map #(s) **102,111**

Map Produced by the
 Charlotte-Mecklenburg Planning Commission
 03-22-2005



	Requested MUDD-O from B-2(CD)		Requested MUDD-O from B-2
	Requested UR-C(CD) from B-1		Fema Flood Plain
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams

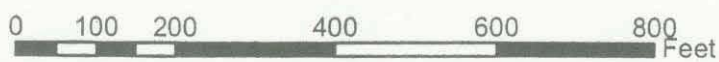
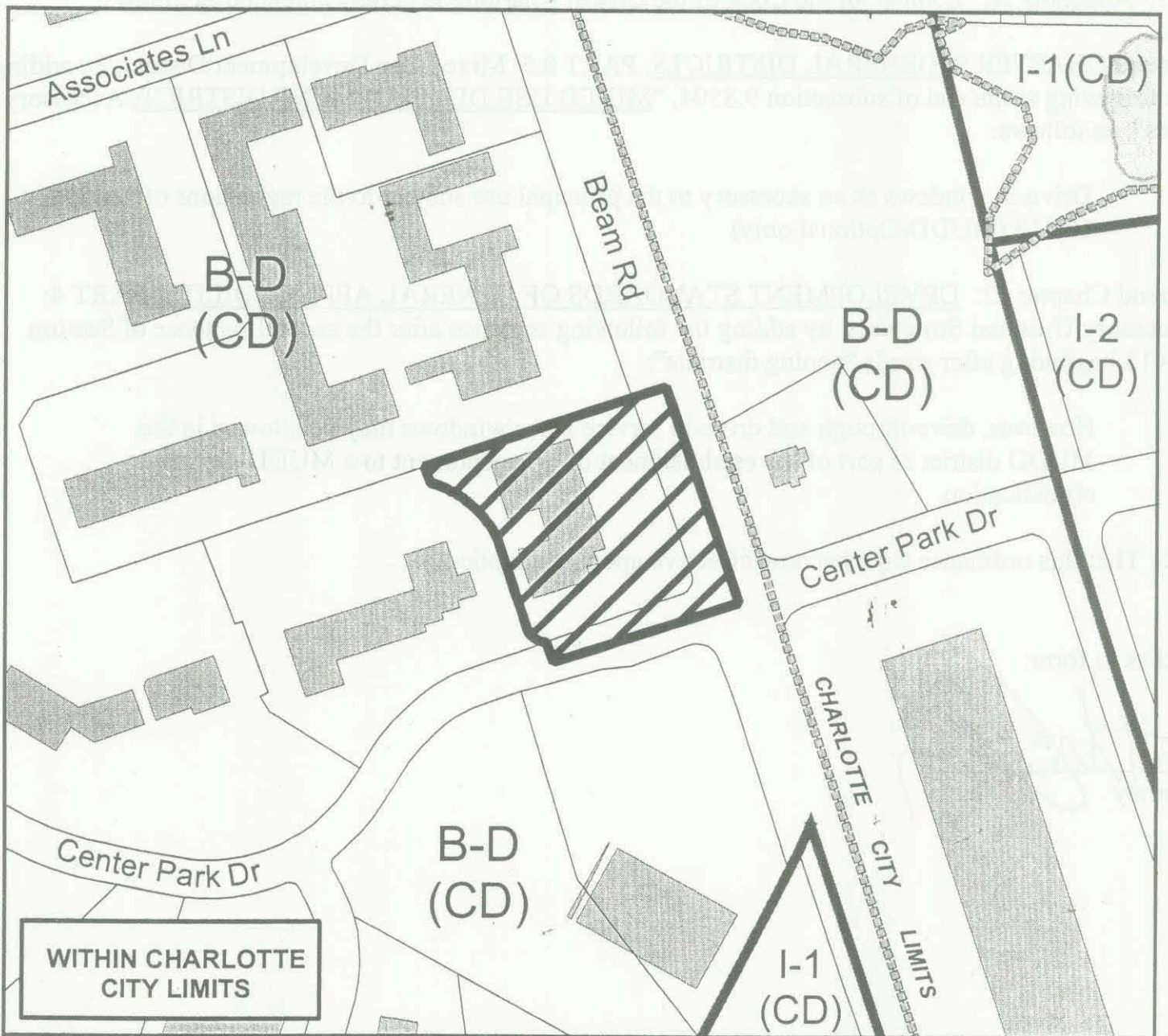
Petition #: **2005-061**

Petitioner: JDH Capital

Zoning Classification (Existing): B-D(CD)
(Distributive Business, Conditional)

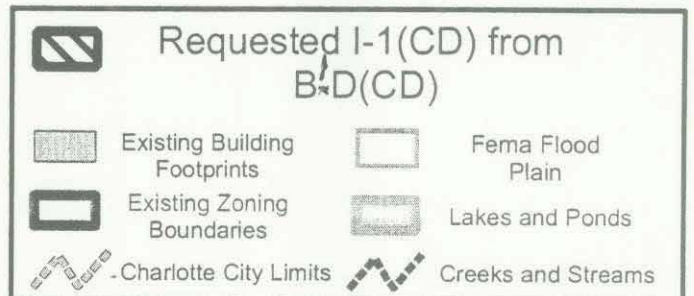
Zoning Classification (Requested): I-1(CD)
(Light Industrial, Conditional)

Acreage & Location : Approximately 2.24 acres located west of Beam Road, north of Center Park Drive



Zoning Map #(s) **127**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
01-26-2005



2005-007

OFFICIAL

on #:2005- 98

on: Charlotte-Mecklenburg Planning Commission

ORDINANCE NO. 2968

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

ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE

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

Amend CHAPTER 9: GENERAL DISTRICTS, PART 8.5: Mixed Use Development District, by adding the following at the end of subsection 9.8504, "MIXED USE DEVELOPMENT DISTRICT; Accessory Uses", as follows:

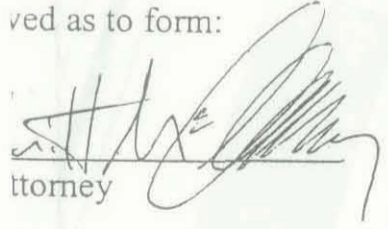
Drive-in windows as an accessory to the principal use subject to the regulations of Section 12.413 (MUDD-Optional only)

Amend Chapter 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY, PART 4: Accessory Uses and Structures, by adding the following sentence after the second sentence of Section 12.413 beginning after words "zoning districts":

However, drive-through and drive-in service lanes/windows may be allowed in the MUDD district as part of the establishment of or amendment to a MUDD-Optional classification.

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

Approved as to form:

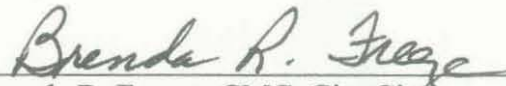

Attorney



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 16th day of May, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 593-594.

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



Brenda R. Freeze, CMC, City Clerk

MADE AND DONE BY THE CITY CLERK OF THE CITY OF CHARLOTTE, NORTH CAROLINA, IN WITNESS WHEREOF, SHE HAS HEREUNTO SET HER HAND AND SEAL OF OFFICE ON THE 22ND DAY OF NOVEMBER, 2005.

WITNESSED BY THE CITY CLERK OF THE CITY OF CHARLOTTE, NORTH CAROLINA, IN WITNESS WHEREOF, SHE HAS HEREUNTO SET HER HAND AND SEAL OF OFFICE ON THE 22ND DAY OF NOVEMBER, 2005.

WITNESSED BY THE CITY CLERK OF THE CITY OF CHARLOTTE, NORTH CAROLINA, IN WITNESS WHEREOF, SHE HAS HEREUNTO SET HER HAND AND SEAL OF OFFICE ON THE 22ND DAY OF NOVEMBER, 2005.



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 16th day of May, 2005, the reference having been made in Minute Book 122, and recorded in full in Ordinance Book 53, Page(s) 593-594.

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

