Petition No. 2005-047 Petitioner: Charlotte-Mecklenburg Planning Commission

ORDINANCE NO. 3177

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

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

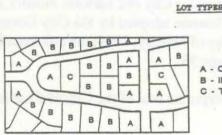
Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

- 1. PART 2: DEFINITIONS
  - a. Section 2.201, "Definitions"
    - (1) Amend the definition of "Lots, types" to include a reserve frontage lot definition. The diagram would remain unchanged. The current definition reads as follows:

#### Lot, types.

The diagram below illustrates terminology used in these regulations with reference to corner lots, interior lots and through lots. In the diagram a corner lot (A) is defined as a lot located at the intersection of two (2) or more streets. A lot shall also be considered a corner lot, if it occupies the interior angle at the intersection of two streets, and such angle is less than 135 degrees. See lot marked A in the diagram. An interior lot (B) is defined as a lot other than a corner lot with only one frontage on a street. A through lot (C) is defined as a lot other than a corner lot with a frontage on more than one street. Through lots may be referred to as double frontage lots.



A - CORNER LOT B - INTERIOR LOT C - THROUGH (OR DOUBLE FRONTAGE) LOT

The revised definition reads as follows:

#### Lot, types.

The diagram below illustrates terminology used in these regulations with reference to corner lots, interior lots, through lots, and reverse frontage lots. In the diagram, a corner lot (A) is defined as a lot located at the intersection of two (2) or more streets. A lot shall also be considered a corner lot, if it occupies the interior angle at the intersection of two streets, and such angle is less than 135 degrees. See lot marked A in the diagram. An interior lot (B) is defined as a lot other than a corner lot with only one frontage on a street. A through lot (C) is defined as a lot other than a corner lot with a frontage on more than one street. Through lots may be referred to as double frontage lots, or reverse frontage lots. A double frontage lot is a lo which runs through a block from street to street and which has two non-intersecting sides abutting on two or more streets, as lot (C). A reverse frontage lot is a through lot o double frontage lot, other than a corner lot, where the lots have direct vehicular access provided by an interior publi or private street, and where direct vehicular access to the abutting federal or state highway, major or minor thoroughfare, or commercial arterial is prohibited. A bloc containing reverse frontage lots is composed of one tier of lots rather than the standards two tiers. Reverse frontage does not relate to the structure's orientation to the street.

	8 8	B	8	A	-	-	
TA	-	в	8	A	A	в	
E	C	-	-	B	C		A - CORNER B - INTERIO
IAX-		8	8	A	A	L	C - THROUG
KB/B	в	8	В		-	T	

LOT TYPES

A - CORNER LOT B - INTERIOR LOT C - THROUGH (OR DOUBLE FRONTAGE) LOT

(2) Amend the definition of "Non-conforming vacant lots" l clarifying which lots fall under the category for no conforming vacant lots. The current definition reads follows:

Nonconforming vacant lot.

> Any lot which does not meet the minimum area width requirements established in these regulaties or any amendment thereto.

The revised definition shall read as follows:

Nonconforming vacant lot.

Any lot, existing on the effective date of these regulations (January, 1992) which does not meet the minimum area or width requirements established in these regulations or any amendment thereto.

Amend the definition of "common open space" by clarifying that "the area" may be a lot or a parcel of land. The current definition reads as follows:

Common open space. (Also, see Open space.)

An area of open space within a development site designed and intended for the use and enjoymen f residents of the development or for the general public, not including streets or off-street parking area.

The revised definition shall read as follows:

Common open space. (Also, see Open space.)

A lot or parcel of open space within a development site designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking area.

### B. CHAPTER 7: NONCONFORMITIES

1. Section 7.105, "Nonconforming vacant lots"

- a. Amend Section 7.105(1) to define which non-conforming vacant lots r / be used for any of the uses permitted in the Zoning Ordinance. The current section reads as follows:
  - (1) Except as provided below in subsection (2), a nonconforming vacant lot may be used for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all limitations and minimum requirements for setback and

(3)

> yards, height, open space, buffers, screening parking, and floor area required in these regulations for the zoning district in which the lot is located.

The revised section shall read as follows:

(1)

Except as provided below in subsection (2), a nonconforming vacant lot (as of the effective date of these regulations) may be used for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all limitations and minimum requirements for setback and yards, height, open space, buffers, screening parking, and floor area required i these regulations for the zoning district in which the lot is located.

b. Amend Section 7.105(2) to allow combinations with more than one adjoining lot and remove the last sentence. Replace the word "after" with "before", which was the original intent. The current section reads as follows:

(2)

A nonconforming vacant lot shall not be used if it could b combined with an adjoining lot owned by the same persor on or after the effective date of these regulations in order create a single lot. If the combination results in the creation of a single lot that is more than one-and-one-half times the width and area required in the zoning district, then the single lot may be divided into two lots of equal width and area without being further classified as nonconforming.

The revised section shall read as follows:

(2) A nonconforming vacant lot shall not be used if it could b combined with adjoining lot(s) owned by the same persor on or before the effective date of these regulations in  $ord\epsilon$ to create one or more conforming lots. When a single property owner owns two, and only two, existing adjoinir non-conforming lots, and the combination would result in the creation of a single lot that is more than one-and-onehalf times the width and area required in the zoning distrithen the single lot may be divided into two lots of equal width and area without being further classified as nonconforming.

#### B. CHAPTER 9: GENERAL DISTRICTS

PART 2: SINGLE-FAMILY DISTRICTS 1.

> a. Amend Section 9.201, by adding a sentence to clarify that any division of property into two or more new lots shall meet the density requirements of the underlying zoning district. The current section reads as follows:

### Section 9.201. Single Family Districts established; purposes.

The R-3, R-4, R-5, R-6 and R-8 districts are hereby established to protect and promote the development of single family housing and a limited number of public and institutional uses. The standards for these districts are designed to maintain a suitable environment for family living at various densities to accommodate preferences for different housing types. The R-3 and R-4 districts are directed toward suburban single family living. The R-5, R-6 and R-8 districts address urban single family living. Densities of development are controlled by maximum number of units per acre requirements, which are different for each district and indicated by the numerical identification attached to each district.

The revised section shall read as follows:

Section 9.201. Single Family Districts established; purposes.

The R-3, R-4, R-5, R-6 and R-8 districts are hereby established to protect and promote the development of single family housing and a limited number of public and institutional uses. The standards for these districts are designed to maintain a suitable environment for family living at various densities to accommodate preferences for different housing types. The R-3 and R-4 districts are directed toward suburban single family living. The R-5, R-6 and R-8 districts address urban single family living. Densities of development are controlled by maximum number of units per acre requirements, which are different for each district and indicated by the numerical identification attached to each district. Any division of property into two or more lots must meet the density requirements of the underlying zoning district.

b. Amend Section 9.205, "Development standards for single family districts", subsection (1) by clarifying footnote #1 by inserting it into subsection (1) and retitling subsection (1). The current section reads as follows:

Section 9.205. Development standards for single family districts.

All uses and structures permitted in the R-3, R-4, R-5, R-6 and R-8 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

(1) Area, yard and bulk regulations shall be as follows:

<u>R-3</u> <u>R-4</u> R-5 R-6 **R-8** 

		Density (Dwelling	2.0	10	5.0	6.0	0.0
		(units per acre) 1	3.0	4.0	5.0	6.0	8.0
	(b)	Maximum floor area r	ratio				
		for nonresidential	50	50	50	50	50
		buildings	.50	.50	.50	.50	.50
	(c)	Minimum lot area					
		(square feet) 2					
		- Detached dwelling				4,500	3,500
		- Duplex dwellings - Triplex dwellings	16,000**	13,000**	10,000**	* 8,000**	6,500** 9,500**
		- Quadraplex dwelli	ngs				11,500**
		- Nonresidential		12,000	12,000	12,000	12,000
		buildings					
	(d)	Minimum lot width (f	eet)				
		- Residential	70	60	50	40	40
		dwellings					
		- Nonresidential buildings	70	70	70	70	70
		oundings					
	(e)	Minimum setback	30	30	20	20	20
		(feet) 3					
	(f)	Minimum side yard	6	5	5	5	5
	(-)	(feet) 4					
	$(\alpha)$	Minimum room	45	40	35	30	20
	(g)	Minimum rear yard (feet)	43	40	33	30	20
		, ()					
	(h)	Minimum open	65	65	65	60	50
		space (%) 5					
	(i)	Maximum height	40	40	40	40	40
		(feet) 6	and in some	in develop	sally a	10	
	*		(2)				
11.5		Also, see Section 9.205 f land is sold with an a					

# FOOTNOTES TO CHART 9.205(1):

1.

open space.

The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lc

2

3.

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6.

Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district. (*Petition No. 2001-128, § 9.205(1.1), 11-19-01*)

- For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection (4) of this Section. For subdivisions of 5 acres or less, the requirements in subsection (2) of this Section shall apply.
  - For residential subdivisions of 10 or more lots, the minimum setback may be varied subject to the regulations of subsection (4) of this Section.
- For subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used in lieu of side yards specified, subject to the regulations of subsection (4) of this Section.
- 5. Religious institutions may have a minimum open space of 25%.
  - A building in any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of 40 feet. However, a building which abuts a residential use or zoning district may not be erected to a height in excess of 40 feet unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

The revised text shall read as follows:

### Section 9.205. Development standards for single family districts.

All uses and structures permitted in the R-3, R-4, R-5, R-6 and R-8 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

(1) **Density**, area, yard and bulk regulations shall be as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(a) Maximum Residenti	al				
Density (Dwelling	3				
(units per acre)	3.0	4.0	5.0	6.0	8.0

(i) Density is the first standard. Density controls the total number of dwelling units allowed. Once density is

determined, lots must meet the requirements of subsection (1)(b) through (1)(i), except as provided in subsection (iii), below.

(ii)

Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way or established public street(s), incorporated within the property, times the maximum density number established for the zoning district For lots located on an existing publicly maintained street tha does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.

(iii) Existing lots of record as of the effective date of these regulations do not have to meet the density requirements if they are 1) a corner lot in the R-3, R-4, R-5, or R-6 zoning districts and are to be used for a duplex dwelling; or 2) an existing lot in the R-8 zoning district to be used for duplex, triplex, or quadraplex dwellings

(iv) Legal, previously recorded single family lot(s) may be reestablished or reconfigured if the total number of lots or units is not increased and if the lots can meet all the development standards of the district in which they are located, with the exception of density. If the lots were legally combined, they may not be subdivided unless the density requirements are met.

(b) Maximum floor area for nonresidential buildings	ratio .50	.50	.50	.50	.50
(c) Minimum lot area					
(square feet) 2					
- Detached dwelling	gs10,000*	8,000*	6,000	4,500	3,500
- Duplex dwellings - Triplex dwellings				* 8,000**	6,500** 9,500**
- Quadraplex dwell	ings				11,500**
- Nonresidential buildings	12,000	12,000	12,000	12,000	12,000
(d) Minimum lot width (	feet)				
- Residential dwellings	70	60	50	40	40
- Nonresidential	70	70	70	70	70

#### buildings

(e) Minimum setback (feet) 3	30	30	20	20	20
(f) Minimum side yard (feet) 4	6	5	5	5	5
(g) Minimum rear yard (feet)	45	40	35	30	20
(h) Minimum open space (%) 5	.65	65	65	60	50
(i) Maximum height (feet) 6	40	40	40	40	40

\* Also, see Section 9.205(2)

\*\* If land is sold with an attached dwelling, the minimum sub lot size must be sufficient to accommodate the dwelling unit and 400 square feet of privopen space.

### FOOTNOTES TO CHART 9.205(1):

#### Reserved.

2.

3.

4

5.

6.

- For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection (4) of this Section. For subdivisions of 5 acres or less, the requirements in subsection (2) of this Section shall apply.
- For residential subdivisions of 10 or more lots, the minimum setback may be varied subject to the regulations of subsection (4) of this Section.

For subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used in lieu of side yards specified, subject to the regulations of subsection (4) of this Section.

Religious institutions may have a minimum open space of 25%.

A building in any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of 40 feet. However, a building which abuts a residential use or zoning district may not be erected to a height in excess of 40 feet unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

### OFF-STREET PARKING AND LOADING

Amend Table 12.202, "Minimum Required Off-Street Parking Spaces by Use" a) adding a new subcategory under "Retail establishments". The current parking requirements are:

Retail establishments

- Motion Picture Theatres
- All Other retail establishments
- 1 space per 5 seats 1 space per 250 square feet

The revised parking requirements shall read as follows:

Retail establishments

- Motion Picture Theatres
- Retail establishments over 100,000 square feet
  - All Other retail establishments
- 1 space per 5 seats
- 1 space per 330 square fe
- 1 space per 250 square feet

Section 2. 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 th foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 17th day of January, 2006, the reference having been made in Minute Book 123, an recorded in full in Ordinance Book 54, Page(s) 94-98E.

January 17, 2006

Ordinance Book 54, Page 99

Petition No. 2005-129 Petitioner: Gandy Communities, Inc.

ED BY CITY COUNCIL

#### ORDINANCE NO. 3178-Z

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

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

<u>Section 1.</u> That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-3, R-4 and I-1 to MX-3.

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

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

APPROVED AS TO FORM:

CERTIFICATION

I, 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 Carol, in regular session convened on the 17th day of January, 2006, the reference having been made in Minute Book 123, 1 recorded in full in Ordinance Book 54, Page(s) 99-100.

Stephanie C. Kelly Deput



Petition No. 2005-140 Petitioner: The Boulevard 2000, LLC.

ORDINANCE NO. 3179-Z

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

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

<u>Section 1.</u> That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-3 to UR-2(CD).

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

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

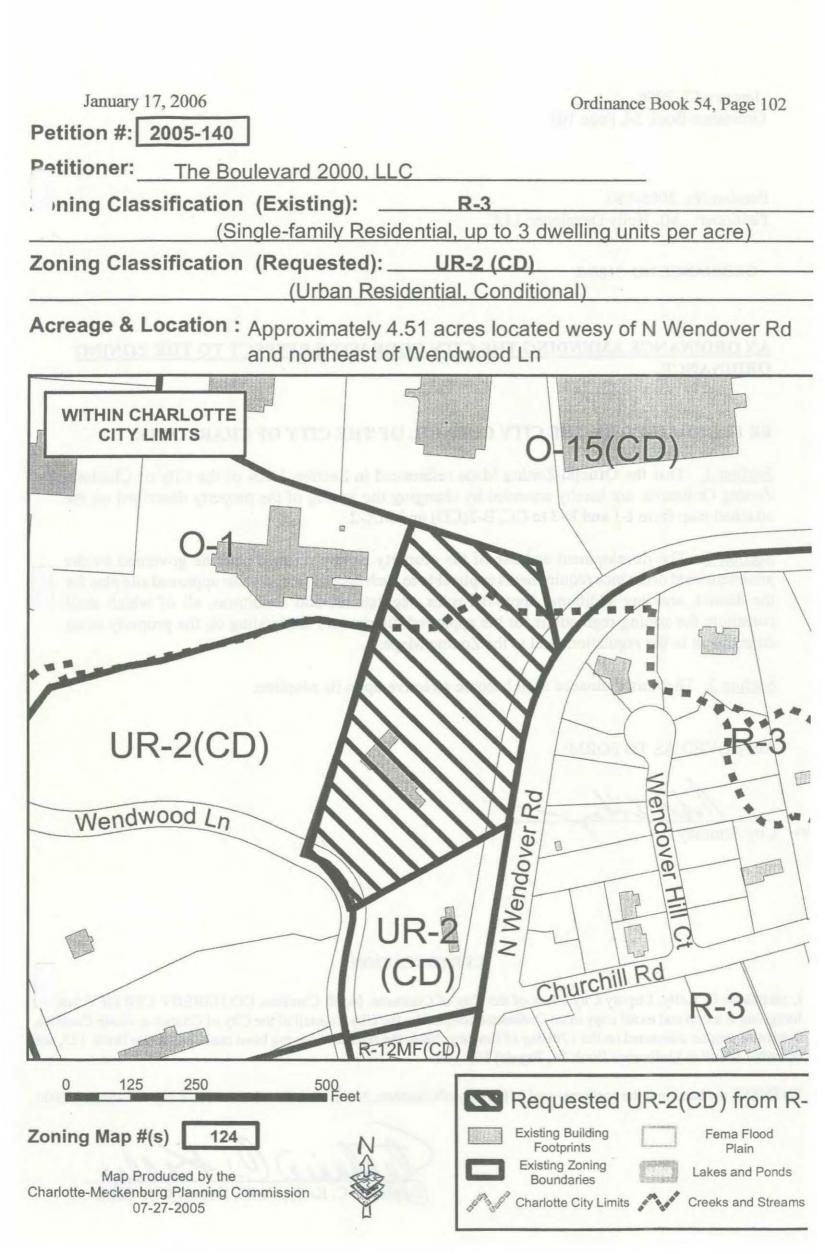
APPROVED AS TO FORM:

City Attorney

### CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that ; foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carol., in regular session convened on the 17th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 101-102.

tephanie C. Kelly, CMC, Deputy City Clerk



Petition No. 2005-150 Petitioner: Mt. Holly Developer, LLC.

ORDINANCE NO. 3180-Z

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

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

<u>Section 1.</u> That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from I-1 and R-3 to CC, B-2(CD) and MX-2.

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

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

APPROVED AS TO FORM:

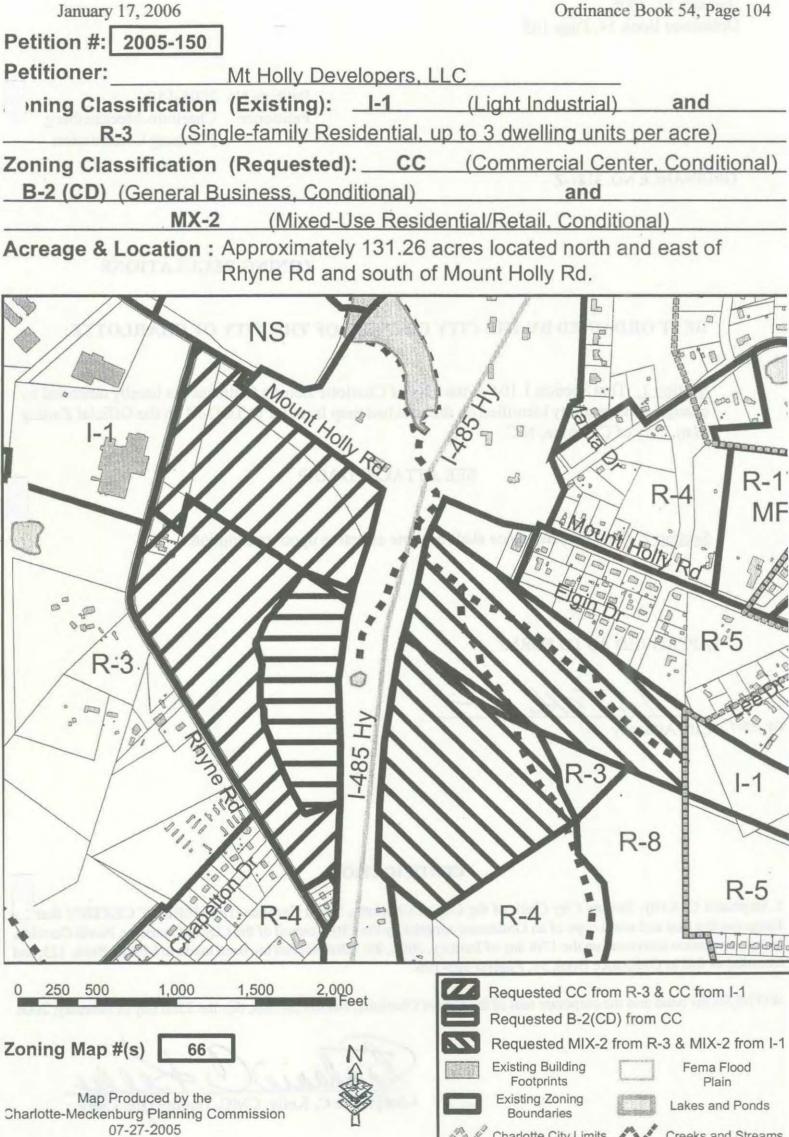
KST City Attorney

#### CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 103-104.

phanie C. Kelly, CMC, Deputy

Ordinance Book 54, Page 104



Charlotte City Limits

Creeks and Streams

> Petition No. 2005-155 Charlotte-Mecklenburg Petitioner: Planning Commission

ORDINANCE NO. 3181-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:

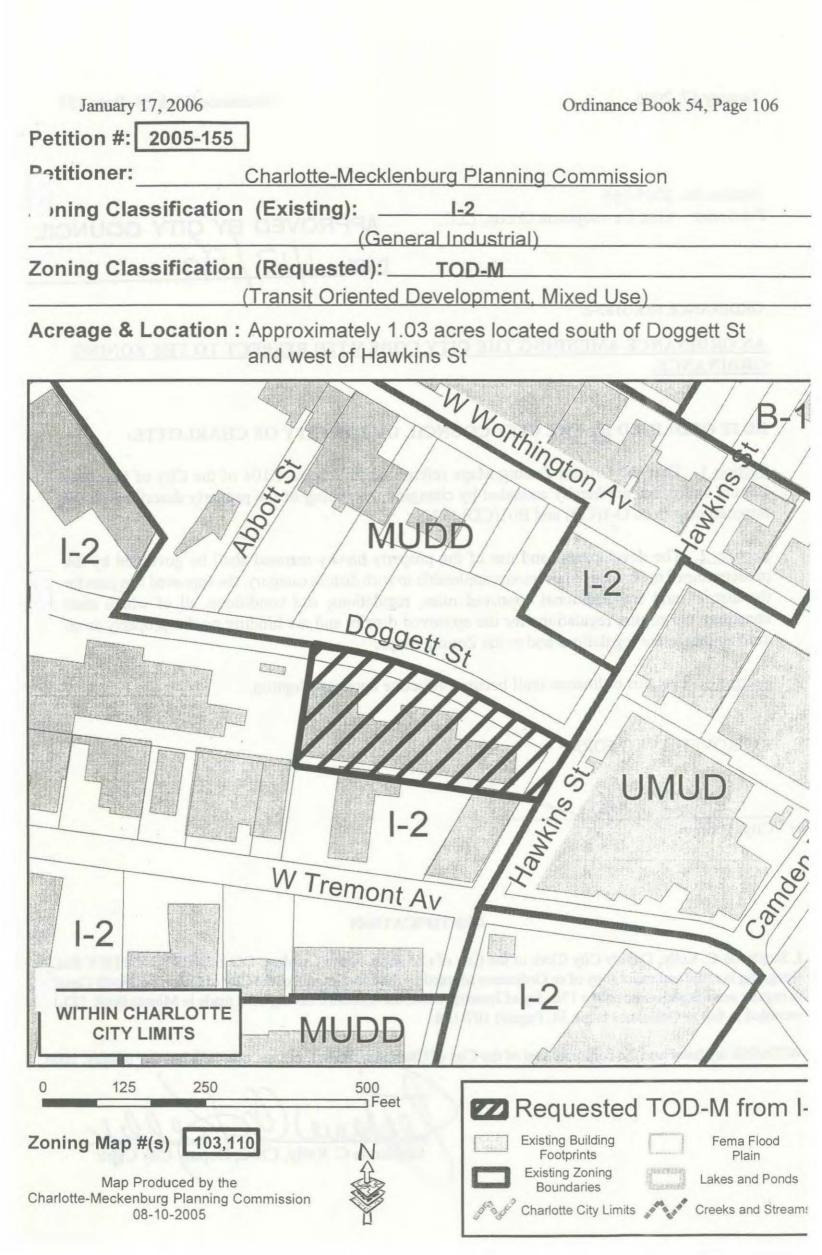
Sn Asst City Attorney

#### CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 105-106.

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

phanie C. Kelly, CMC, Deputy



January 17, 2006

Ordinance Book 54, Page 107

Petition No. 2005-156 Petitioner: York Development Group, LLC.

APPROVED BY CITY COUNCIL

### ORDINANCE NO. 3182-Z

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

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

<u>Section 1.</u> That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from O-1(CD) and B01(CD) to NS.

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

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

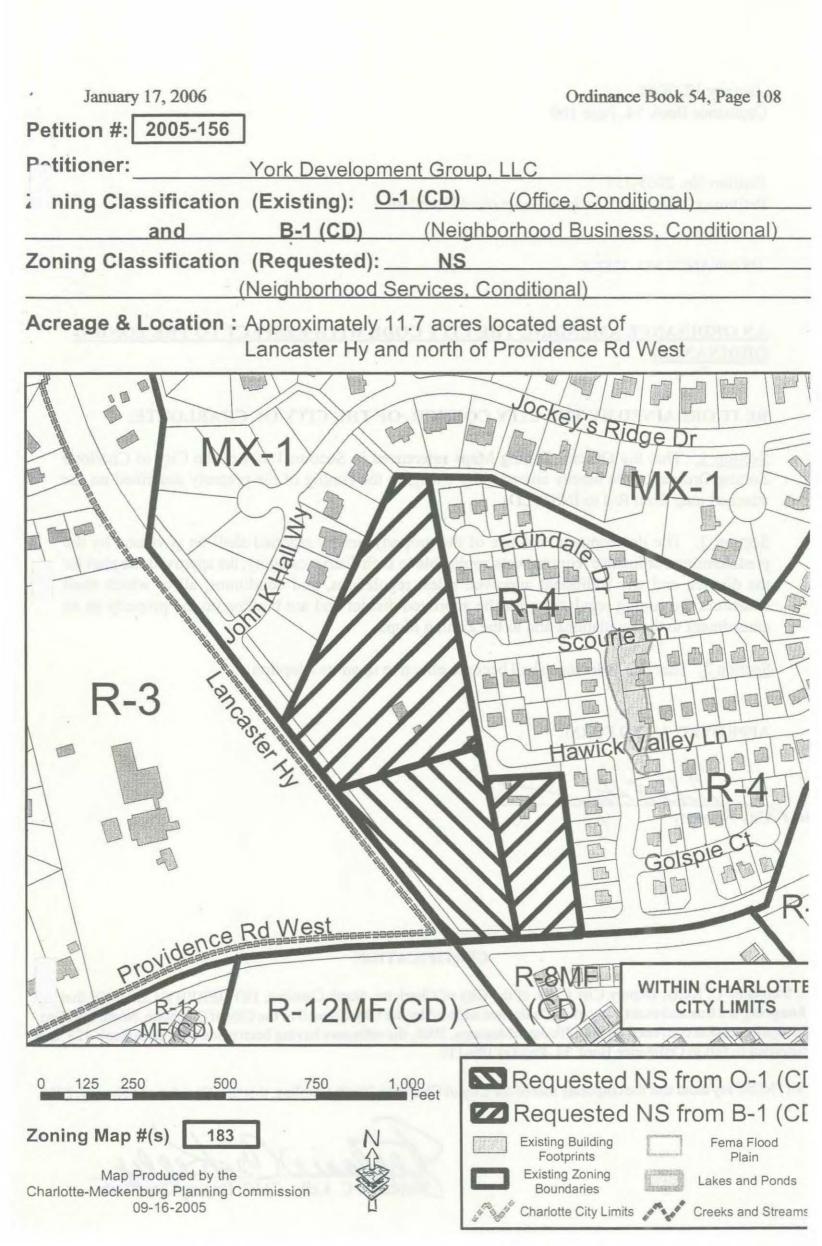
APPROVED AS TO FORM:

City Attorney

### CERTIFICATION

I, 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 Carol, in regular session convened on the 17th day of January, 2006, the reference having been made in Minute Book 123, 1 recorded in full in Ordinance Book 54, Page(s) 107-108.

Stephanie C. Kelly, CMC Deput



Petition No. 2005-157 Petitioner: Zetas of Charlotte Benevolent Foundation.

ORDINANCE NO. 3183-Z

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

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

<u>Section 1.</u> That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-4 to INST(CD).

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

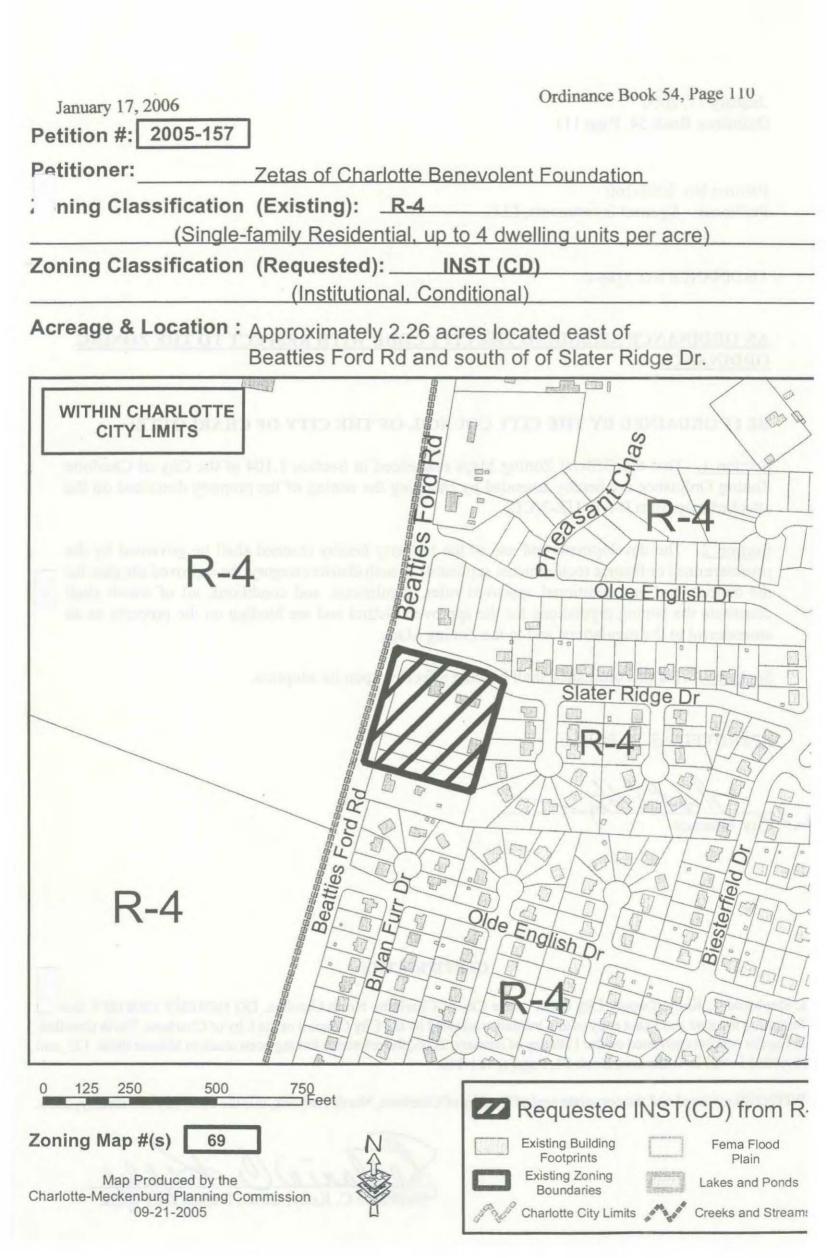
Section 3. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

#### 4557 City Attorney

#### CERTIFICATION

tephanie C. Kelly, CMC Deputy City Clerk



Petition No. 2005-160 Petitioner: Squirrel Investments, LLC.

ORDINANCE NO. 3184-Z

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

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

<u>Section 1.</u> That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-5 to UR-3(CD).

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

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

APPROVED AS TO FORM:

City Attorney

#### CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 111-112.

January 17, 2006 Ordinance Book 54, Page 112 Petition #: 2005-160 Petitioner: Squirrel Investments, LLC ning Classification (Existing): R-5 (Single-family Residential, up to 5 dwelling units per acre) Zoning Classification (Requested): UR-3 (CD) (Urban Residential, Conditional) Acreage & Location : Approximately 0.231 acres located south of North Davidson St and east of E 37th St. I-2(CD) 1-2 WITHIN CHARLOTTE **CITY LIMITS** 1-2 N Davidson St UR-3 **UR-3** (CD)(CD)R-5 Pattel rson N Davidson St C Chagall ₹-5 Π Mercury C 37th S R-5 S 125 250 0 Feet Requested UR-3(CD) from R-89 Existing Building Fema Flood Zoning Map #(s) Footprints Plain **Existing Zoning** Lakes and Ponds Map Produced by the Boundaries Charlotte-Meckenburg Planning Commission Creeks and Streams Charlotte City Limits 09-21-2005

Petition No. 2005-161 Petitioner: Terry Birch

ORDINANCE NO. 3185-Z

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

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

<u>Section 1.</u> That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-8 MF(CD) to UR-2(CD).

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

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

APPROVED AS TO FORM:

City Attorney

#### CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that \_\_\_\_\_ foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 113-114.

techanie C. Kelly, CMC Deputy

January 17, 2006 Ordinance Book 54, Page 114 Petition #: 2005-161 Petitioner: **Terry Birch** ning Classification (Existing): R-3 (Single-family Residential, up to 3 dwelling per acre) and R-8MF (CD) (Multi-family Residential, up to 8 units per acre, Condition Zoning Classification (Requested): UR-2 (CD) (Urban Residential, Conditional) Acreage & Location : Approximately 10.83 acres located east of Rea Rd and North of Pineville-Matthews Rd Sm Dr 20115 0 stallwork R-3 unst Pineville-Matth -12MF R-8MF (CD Rea WITHIN CHARLOTTI **CITY LIMITS** 0 N Requested UR-2 (CD) from R-8MF ( 500 250 1,000 0 Feet Requested UR-2 (CD) from R-3 Zoning Map #(s) 166 Existing Building Fema Flood Footprints Plain **Existing Zoning** Map Produced by the Lakes and Ponds Boundaries Charlotte-Meckenburg Planning Commission 09-16-2005 Creeks and Stream: Charlotte City Limits

Petition No. 2005-162 Petitioner: Tuscan Developments

APPROVED BY CITY COUN

ORDINANCE NO. 3186-Z

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

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

<u>Section 1.</u> That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-3 to UR-2(CD).

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

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

APPROVED AS TO FORM:

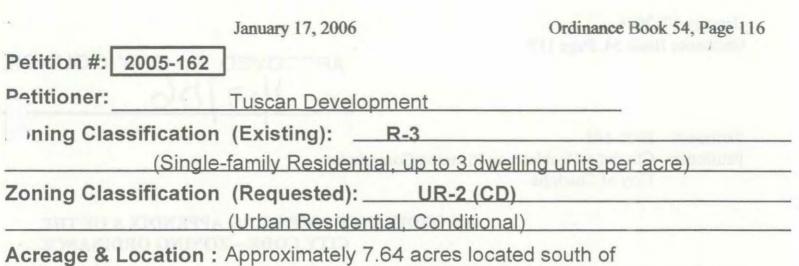
St EHa

Assi City Attorney

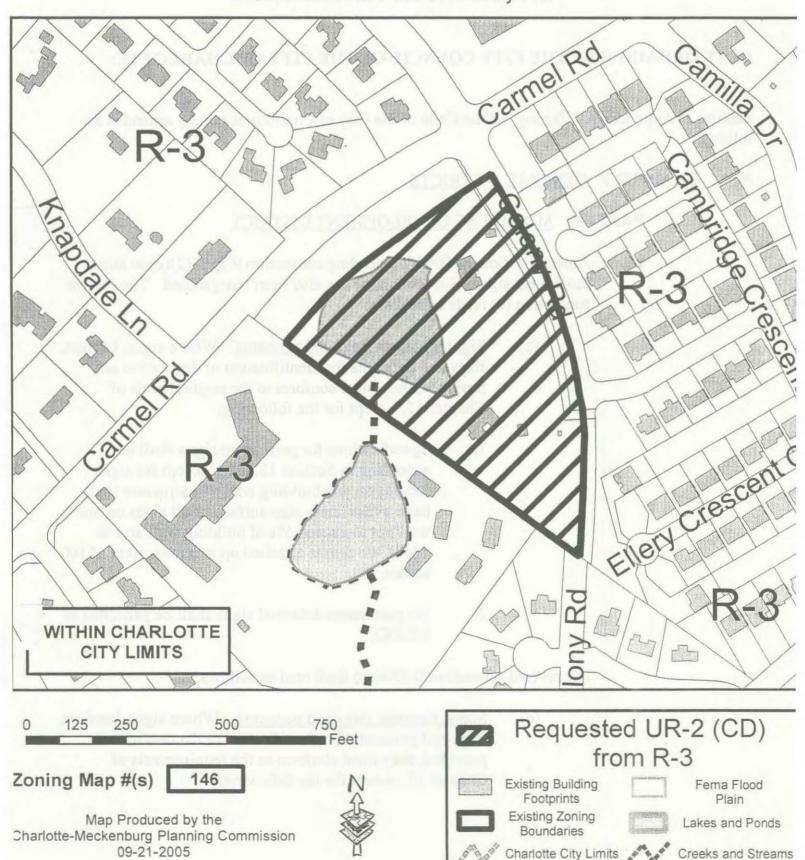
#### CERTIFICATION

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Stephanie C. Kelly, CMC, Deputy City Cle



Carmel Rd and west of Colony Rd.



APPROVED BY CITY COUNCIL

Petition # 2005-163 Petitioner: Charlotte Mecklenburg Planning Commission City of Charlotte

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

ORDINANCE NO. 3187

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

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

### A. CHAPTER 9: GENERAL DISTRICTS

#### 1. PART 8.5: MIXED-USE DEVELOPMENT DISTRICT

- Amend Section 9.8506 by amending subsection 9.8506(2)(c) to allow monument signs. Subsection (c) has also been reorganized. The current subsection (c) reads as follows:
  - (c) <u>Signs, banners, flags and pennants.</u> Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 13, except for the following:
    - 1. Specifications for permanent signs shall be according to Section 13.108a, except for signs located on any building wall of a structure shall have a maximum sign surface of all signs on one wall not to exceed 5% of building wall area to which the sign is attached up to a maximum of 100 square feet.
    - No permanent detached signs shall be permitted in MUDD.

The revised subsection 9.8506(c) shall read as follows:

(c) <u>Signs, banners, flags and pennants.</u> Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 13, except for the following:

1. Specifications for permanent signs shall be according to Section 13.108a, with the following exceptions:

Signs located on any building wall of a structure shall have a maximum sign surface of all signs on one wall not to exceed 5% of building wall area to which the sign is attached up to a maximum of 100 square feet, and ground mounted or monument signs

b.

a.

Ground mounted or monument signs shall be permitted in MUDD as follows:

- Signs shall not exceed 5 feet in height an 20 square feet in area. A bonus of 4 square feet in size (20%) shall be permitted if the sign is lit 100% by neon light.
- (2) Signs shall be located a minimum of 5 feet behind the proposed right-of-way an out of any sight distance triangle prescribed by the Charlotte Department c Transportation (CDOT).
- (3) Signs shall be located behind the minimum setback.

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

Approved as to form:

15 EHay 1-555 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 17th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 117-119.

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

Stephanie C. Kelly, CMC Deputy

Report abail for invalual a minimum of 3 fact behind the proposal right of ring an out of any wight domine triangle presented by the Olariotic Department Transportion (COOT)

> Bigns shall be located behind the minimum estimate.

> > "hered on an investment.

Petition No. 2005-165 Petitioner: Solus Carnegie Charlotte, LLC

### ORDINANCE NO. 3188-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 MUDD-O.

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

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

APPROVED AS TO FORM:

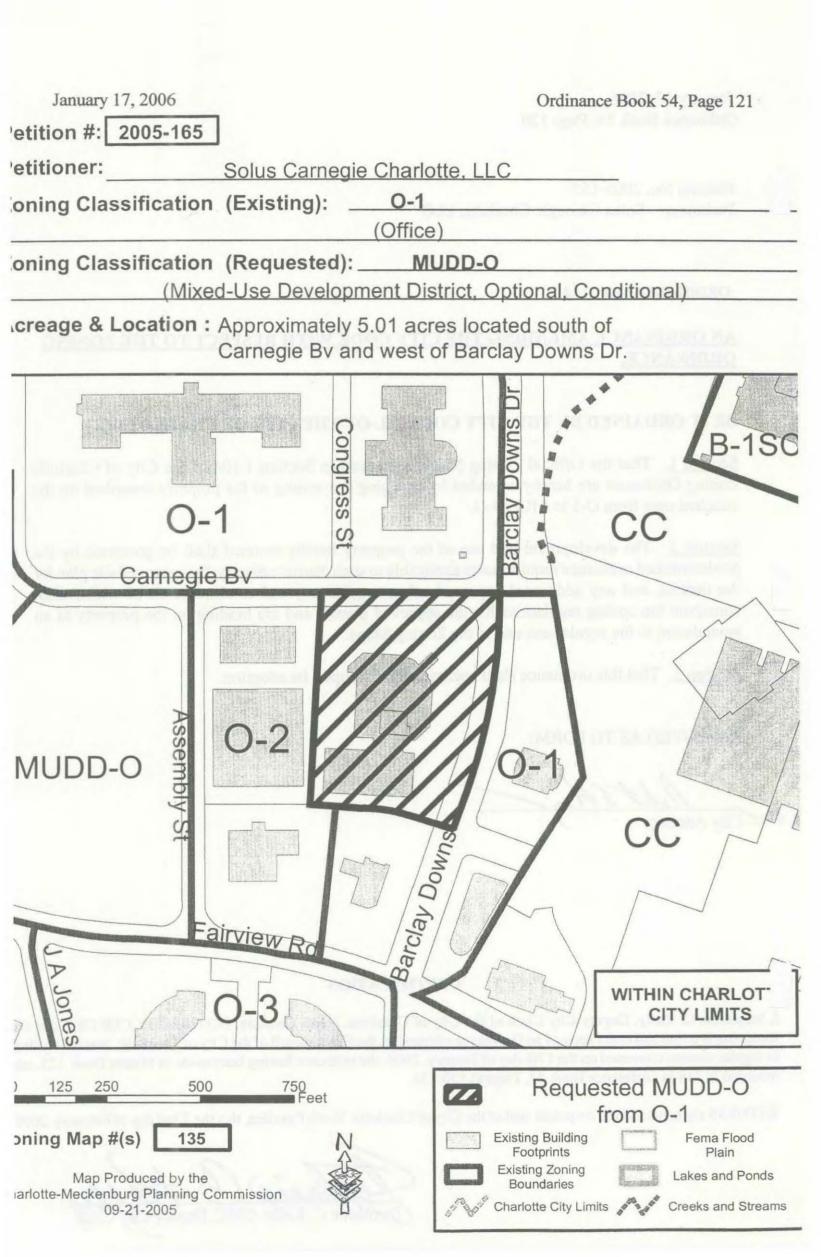
Asso City Attorney

#### CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that th foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 17th day of January, 2006, the reference having been made in Minute Book 123, an recorded in full in Ordinance Book 54, Page(s) 120-121.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of February, 2000

anie C. Kelly, CMC, Deputy



Petition #: 2005-166 Petitioner: Trinity Partners

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

#### **ORDINANCE NO. 3189**

a.

### BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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

A. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

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

Amend Section 12.206(1), "Location of required parking" by adding a new parking standard for sites with certain characteristics. The remaining subsections shall remain unchanged. The existing subsection reads as follows:

### Section 12.206. Location of required parking.

(1) Required off-street parking spaces for any use shall be located no more than 400 feet from the use they are intended to serve. This standard does not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly, industrial, wholesaling and manufacturing establishments, and hospitals.

The revised subsection shall read as follows:

### Section 12.206, Location of required parking

(1) Required off-street parking spaces for any use shall be located no more than 400 feet from the use they are intended to serve. This standard does not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly industrial, wholesaling and manufacturing establishments and hospitals. Development or redevelopment of a site with at least one of the characteristics described in subsection (a) below may be considered for a deviation from the 400 foot maximum spacing requirement up to no more than a 1200 foot separation subject to th following provisions.

(a) The site must meet one or more of the following characteristics in order to be considered for deviation from the spacing requirement:

> Feature unusual natural features that are being preserved, such as but not limited to, steep slopes, streams or environmentally sensitive areas, tree cluster areas and/or open spaces or landscape elements in excess of the required minimums; or
> Feature an unusual configuration; or
> Be located on a spacious and extensively landscaped

setting such as those found in a research park; or
(4) Feature an existing facility that has undergone a change of use resulting in the application of the provisions of this Section 12.206(1) and the opportunity to utilize existing parking areas.

(b)

For sites that feature at least one of the above characteristics, as determined by the Planning Director, specific site plans which propose deviations from the 400 foot maximum spacing requirement up to a 1200 foot separation may be permitted by the Planning Director, based upon the provision of at least two (2) of the following heightened pedestrian amenities:

- (1) Pedestrian lighting,
- (2) A well-defined pedestrian pathway system including sidewalks of no less than six-feet in width, or
- (3) A circulatory bus system throughout the site.

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 \_\_\_\_\_\_ foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 122-123.

phanie C. Kelly, CMC Deputy

Petition No. 2005-168 Petitioner: Beacon Harris Ridge, LLC

ORDINANCE NO. 3190-Z

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

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

<u>Section 1.</u> That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from I-1 and I-2 to I-1 (CD).

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

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

APPROVED AS TO FORM:

#### CERTIFICATION

, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that th foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 17th day of January, 2006, the reference having been made in Minute Book 123, an recorded in full in Ordinance Book 54, Page(s) 124-125.

hanie C. Kelly, CMC, Deputy

