

INSTRUMENT # 2008104273



2008104273

ORDINANCE NO. 3879-Z

Ordinance – Wing Haven Gardens and Bird Sanctuary

**Ordinance designating as a Historic Landmark a property known as “Wing Haven Gardens and Bird Sanctuary” (listed under Tax Parcel Numbers 151-142-19, 151-142-40 and 151-142-41 and including the interior and exterior of the house, and the land as shown on the attached Exhibit “A” and listed under Tax Parcel Numbers 151-142-19, 151-142-40 and 151-142-41 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of February 1, 2008). The property is owned by the Wing Haven Foundation, Inc., and is located at 248 Ridgewood Avenue in the City of Charlotte, North Carolina.**

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

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 21st day of April, 2008, on the question of designating a property known as the Wing Haven Gardens and Bird Sanctuary (“Wing Haven”) as a historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 14th day of April, 2008, on the question of designating a property known as the Wing Haven Gardens and Bird Sanctuary as a historic landmark;

and

*Return To:*

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

Ordinance – Wing Haven Gardens and Bird Sanctuary

WHEREAS, the Wing Haven is exceptional in terms of Charlotte-Mecklenburg, containing a well preserved early-twentieth-century home surrounded by over two acres of formal gardens that are predominately unchanged from the original design as conceived by the owners Edwin and Elizabeth Clarkson; and

WHEREAS, the Wing Haven is significant for its association with Elizabeth Clarkson who wrote Birds of Charlotte and Mecklenburg County, NC, as well as local and national articles on birds; and

WHEREAS, the Wing Haven has evolved into a private urban bird sanctuary with the founding of the Mecklenburg Audubon Club occurring on the property in 1940, public tours of the garden and bird sanctuary beginning in the 1950s, and with Wing Haven officially opening to the public in 1975; and

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

WHEREAS, the property known as the Wing Haven is owned by the Wing Haven Foundation, Inc.

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

1. That the property known as the “Wing Haven Gardens and Bird Sanctuary” (listed under Tax Parcel Numbers 151-142-19, 151-142-40 and 151-142-41 and including the interior and exterior of the house, and the land as shown on the attached Exhibit “A”

Ordinance – Wing Haven Gardens and Bird Sanctuary

and listed under Tax Parcel Numbers 151-142-19, 151-142-40 and 151-142-41 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of February 1, 2008) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 248 Ridgewood Avenue in the City of Charlotte, Mecklenburg County, North Carolina. Features of the property are more completely described in the “Survey and Research Report on the Wing Haven Gardens and Bird Sanctuary” (2007).

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

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

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay

Ordinance – Wing Haven Gardens and Bird Sanctuary

the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

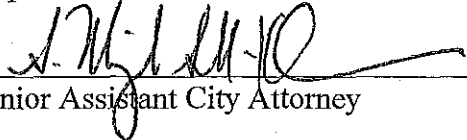
5. That a suitable sign may be posted indicating that said property has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

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

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

Ordinance – Wing Haven Gardens and Bird Sanctuary

Approved as to form:

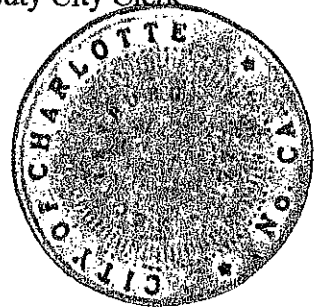
  
\_\_\_\_\_  
Senior Assistant City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21<sup>st</sup> day of April, 2008, the reference having been made in Minute Book 127, and recorded in full in Ordinance Book 55, Pages (517-522).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of April, 2008.

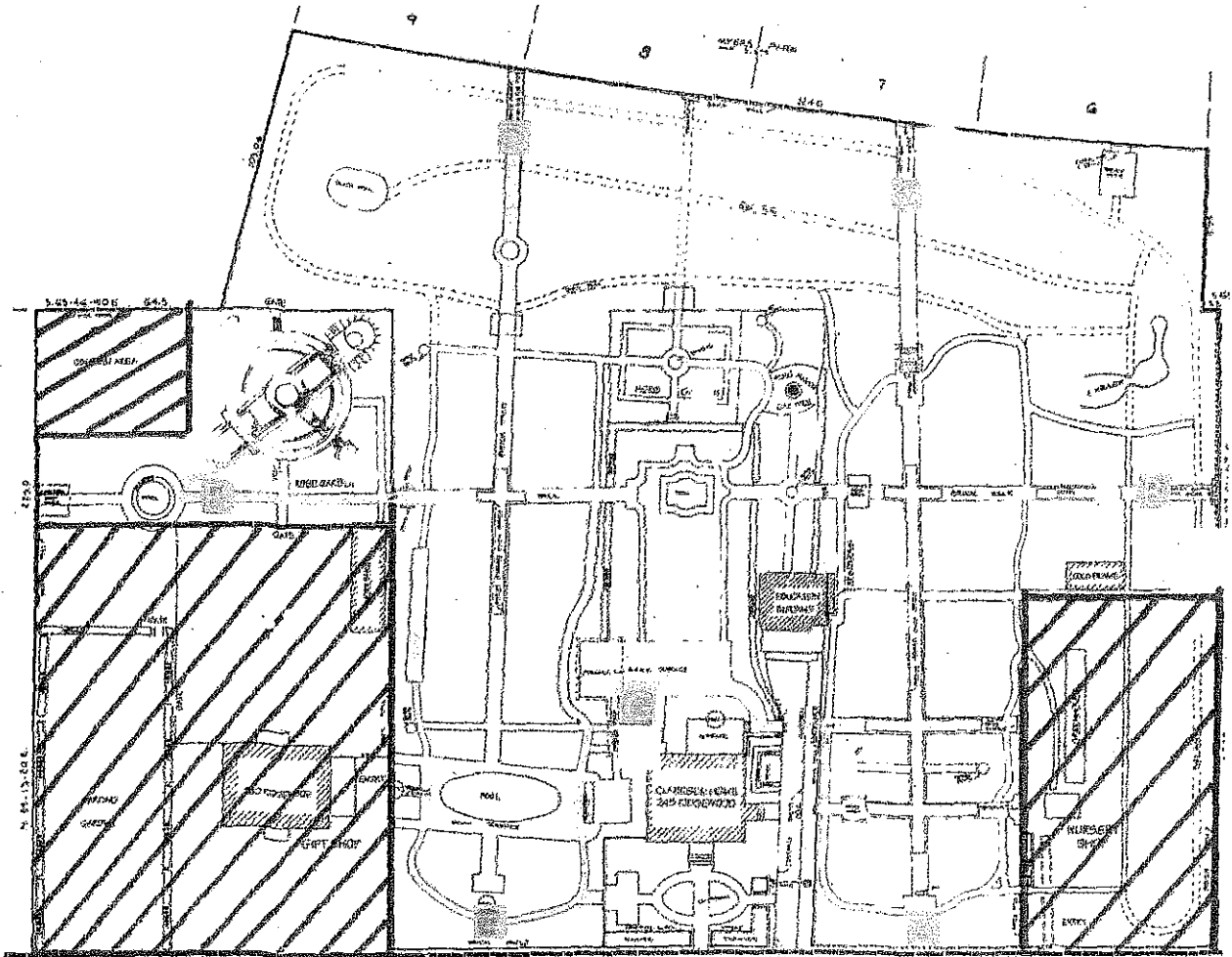
for   
\_\_\_\_\_  
Stephanie C. Kelly, CMC, Deputy City Clerk



Ordinance – Wing Haven Gardens and Bird Sanctuary

**Exhibit A**

This map shows the area of Wing Haven recommended for local landmark designation. Hatch-marked areas are not included in the recommendation.





JUDITH A. GIBSON  
REGISTER OF DEEDS, MECKLENBURG  
COUNTY & COURTS OFFICE BUILDING  
720 EAST FOURTH STREET  
CHARLOTTE, NC 28202

**PLEASE RETAIN YELLOW TRAILER PAGE**

It is part of the recorded document, and must be submitted with original for re-recording  
and/or cancellation.

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Filed For Registration: 06/13/2008 12:13 PM

Book: RE 23859 Page: 134-139

*J. A. Gibson*

Document No.: 2008104273

ORD 6 PGS

Recorder: KAMIL COOPER



2008104273

**APPROVED BY  
CITY COUNCIL.**

Petition No.2007-040  
Petitioner: The Boulevard Company

APR 21 2008

**ORDINANCE NO. 3880-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 UR-2 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.

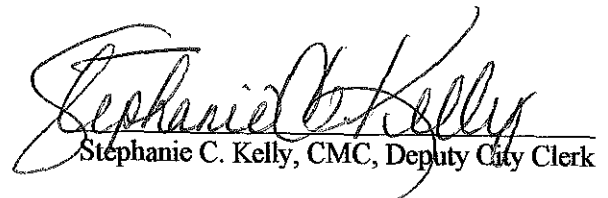
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

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 21<sup>st</sup> day of April, 2008, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page(s) 523-524.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of June, 2008.

  
Stephanie C. Kelly, CMC, Deputy City Clerk



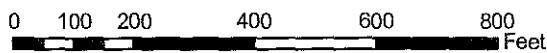
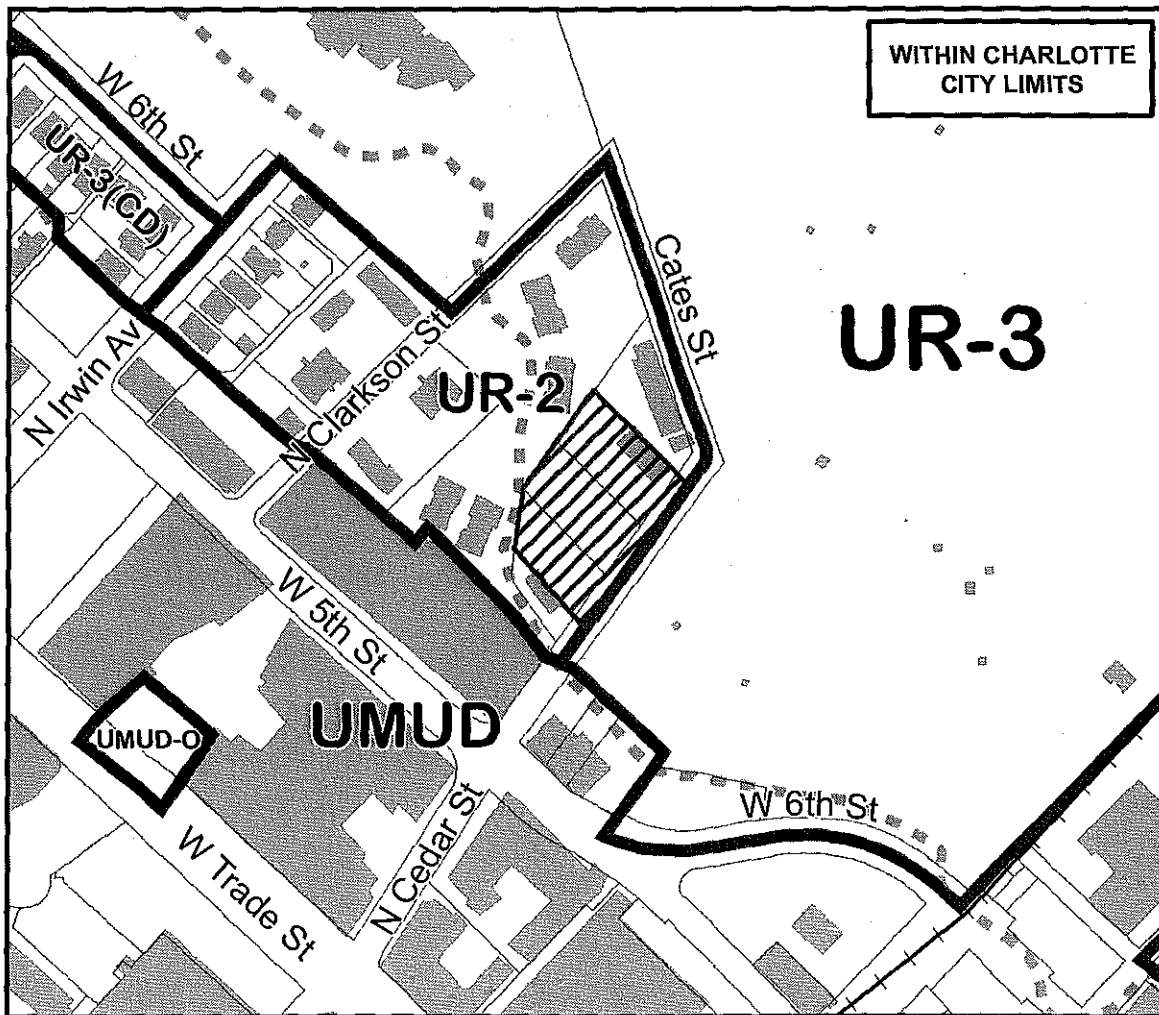
Petition #: **2007-040**

Petitioner: The Boulevard Company

Zoning Classification (Existing): UR-2  
(Urban Residential)

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

Acreage & Location : Approximately 1.19 acres located on the west side of  
N Cedar Street between W 5th Street and Cates Street.



Zoning Map #(s) **88**

Map Produced by the  
Charlotte-Mecklenburg Planning Department  
03-07-2008



	Requested MUDD(CD) from UR-2		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams

**APPROVED BY  
CITY COUNCIL.**

APR 23 2008

Petition No. 2007-076  
Petitioner: Novant Health, Inc

**ORDINANCE NO. 3881-Z**

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

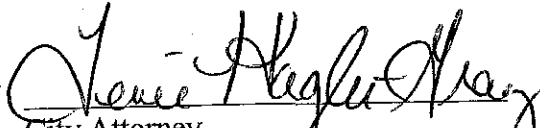
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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-2 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.

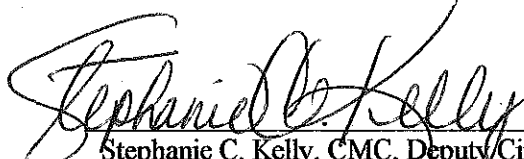
APPROVED AS TO FORM:

  
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 21<sup>st</sup> day of April, 2008, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page(s) 525-526.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of June, 2008.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

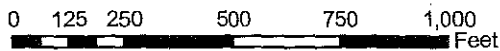
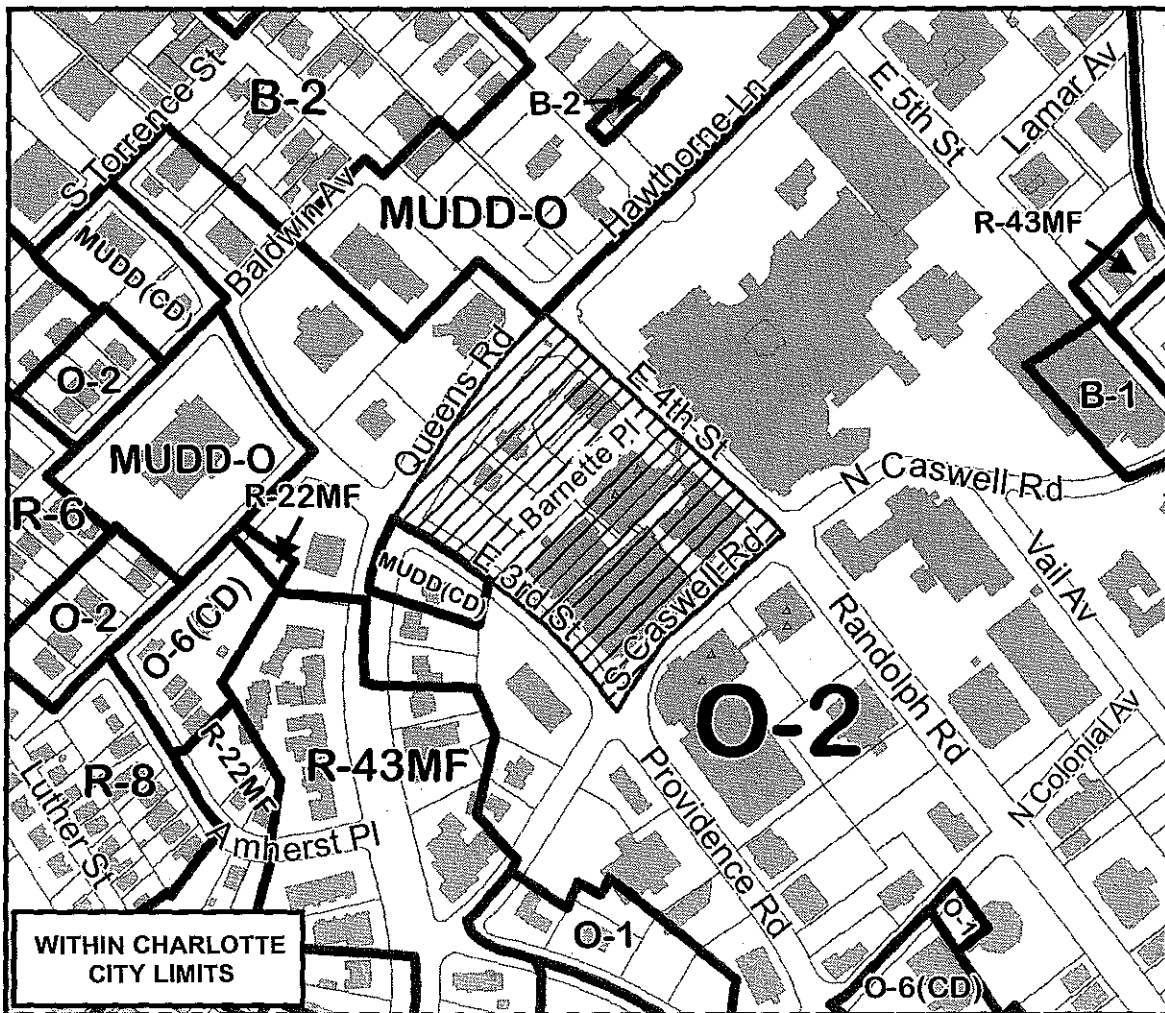
Petition #: **2007-076**

Petitioner: Novant Health, Inc.

Zoning Classification (Existing): O-2  
(Office)

Zoning Classification (Requested): MUDD-O  
(Mixed-Use Development District, Optional)

Acresage & Location : Approximately 6.40 acres bounded by E 3rd Street,  
E 4th Street, Queens Road and S Caswell Road.



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

Map Produced by the  
Charlotte-Mecklenburg Planning Department  
02-05-2008



	Requested MUDD-O from O-2		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams

Petition No. 2007-145  
Petitioner: Tribek Properties

**APPROVED BY  
CITY COUNCIL.**

APR 21 2008

**ORDINANCE NO. 3882-Z**

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

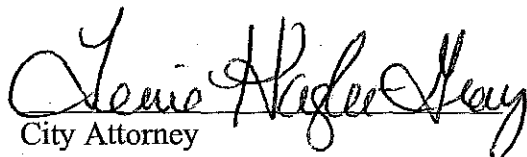
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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

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

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

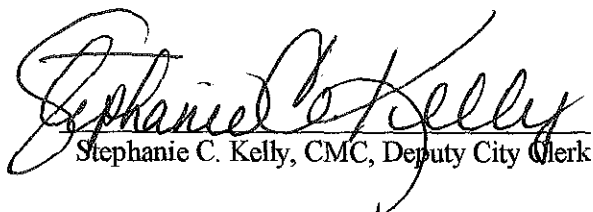
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

I, 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 21<sup>st</sup> day of April, 2008, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page(s) 527-528.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of July, 2008.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

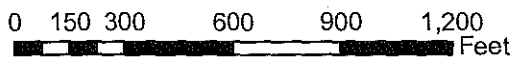
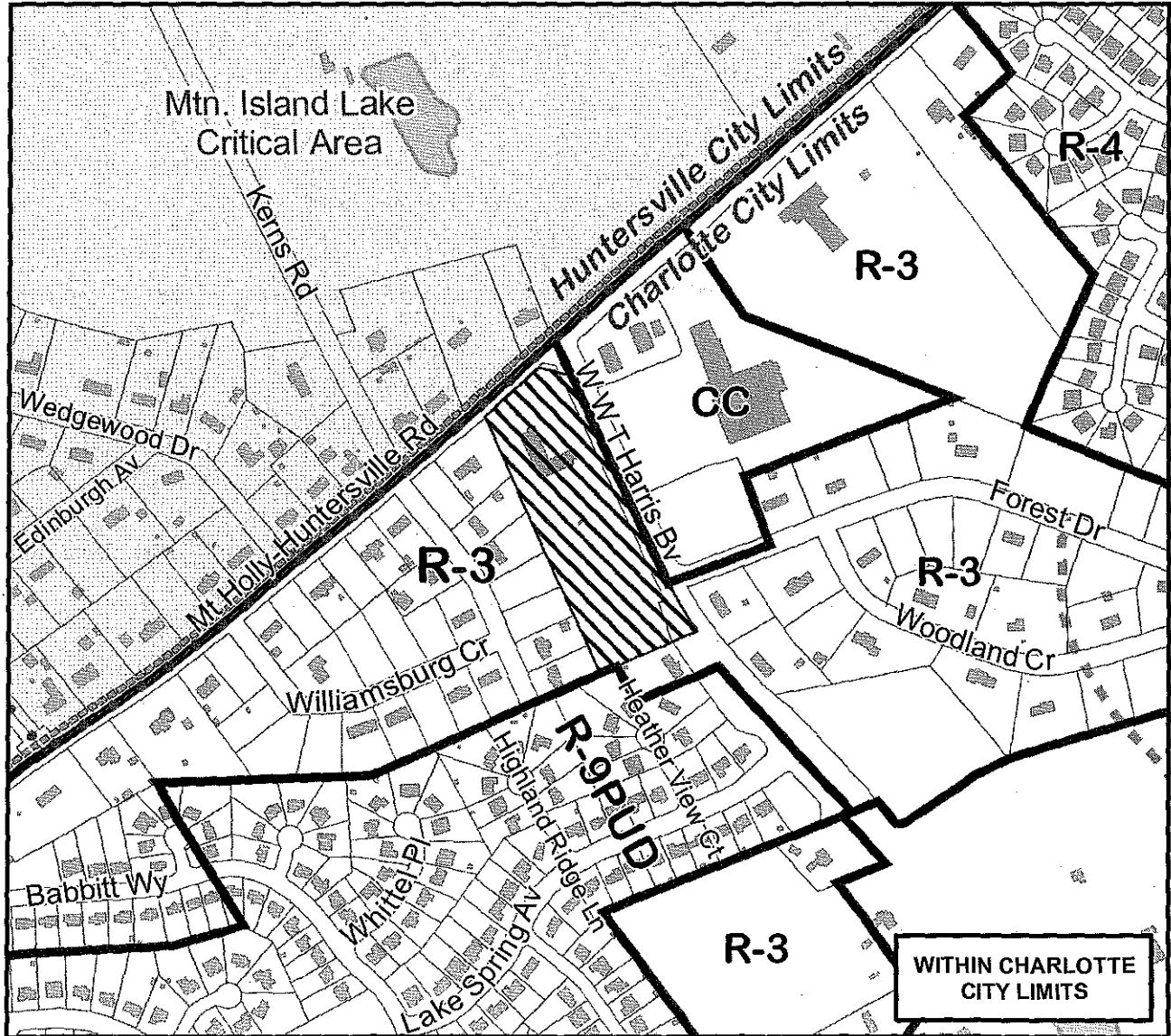
Petition #: **2007-145**

Petitioner: Tribek Properties

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

Zoning Classification (Requested):     NS      
(Neighborhood Services)

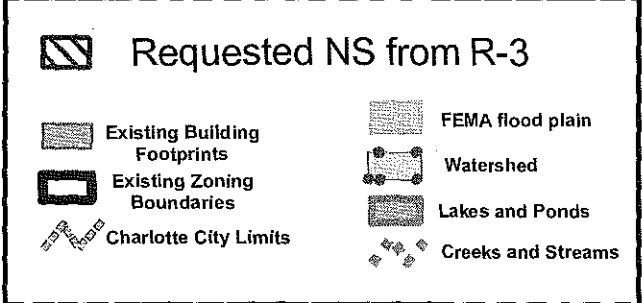
Acres & Location : Approximately 6.35 acres located on the southwest corner  
of Mt. Holly-Huntersville Road and W WT Harris Boulevard.



Zoning Map #(s) **45**



Map Produced by the  
Charlotte-Mecklenburg Planning Department  
12-19-2007



APPROVED BY  
CITY COUNCIL.  
APR 21 2008

Petition No.2008-014  
Petitioner: Rocky River Road Associates, LLC

**ORDINANCE NO. 3883-Z**  
**AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING**  
**ORDINANCE.**

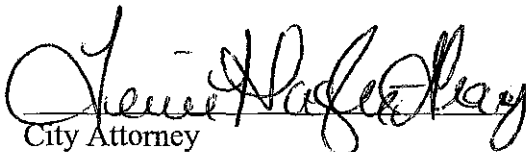
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-3 to R-8MF(CD), R-12MF(CD) and O-2(CD).

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

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

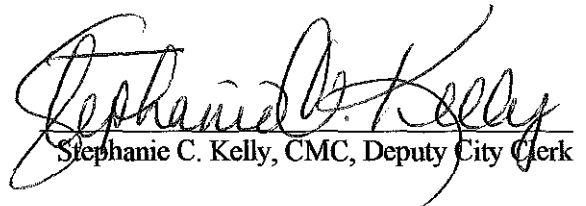
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

I, 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 21<sup>st</sup> day of April, 2008, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page(s) 529-530.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of June, 2008.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

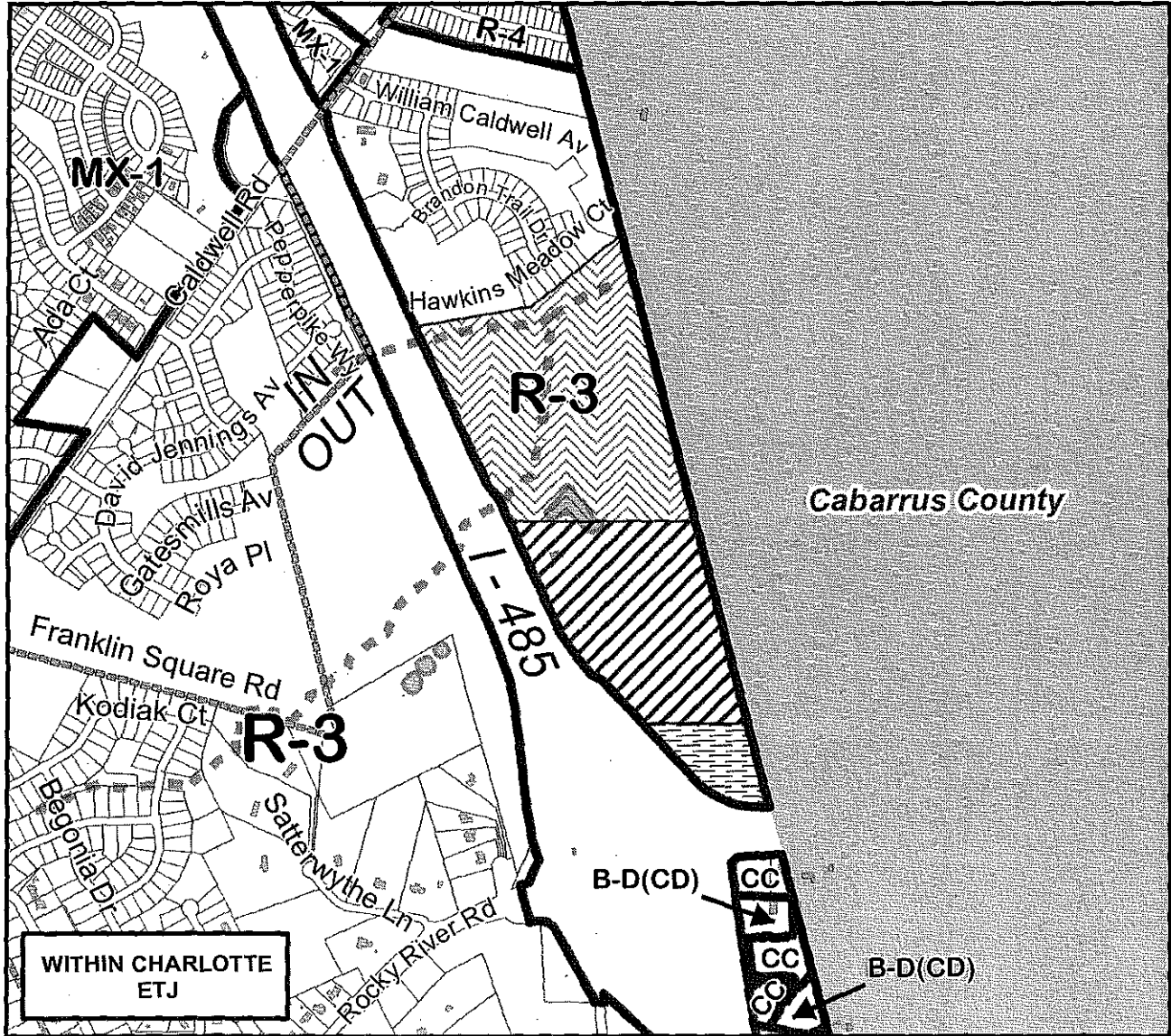
Petition #: **2008-014**

Petitioner: Rocky River Road Associates LLC

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

Zoning Classification (Requested): R-8MF(CD), R-12MF(CD) and O-2(CD)  
 (Multi-Family Residential, up to 8 dwelling units per acre, Conditional; Multi-Family Residential, up to 12 dwelling units per acre, Conditional and Office, Conditional)

Acreage & Location : Approximately 72.41 acres located on the northeastern quadrant of the Rocky River Road / I-485 interchange.



0 300 600 1,200 1,800 2,400 Feet

Zoning Map #(s) **73**



Map Produced by the  
 Charlotte-Mecklenburg Planning Department  
 10-03-2007

	Requested R-8MF(CD) from R-3		FEMA flood plain
	Requested R-12MF(CD) from R-3		Watershed
	Requested O-2(CD) from R-3		Lakes and Ponds
	Existing Building Footprints		Creeks and Streams
	Existing Zoning Boundaries		
	Charlotte City Limits		

**APPROVED BY  
CITY COUNCIL.**  
APR 21 2008

Petition No.2008-020  
Petitioner: Beacon Partners  
**ORDINANCE NO. 3884-Z**

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

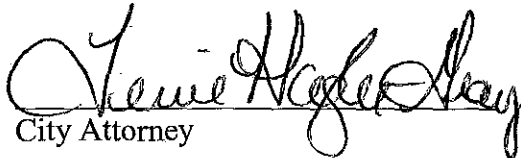
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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

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

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

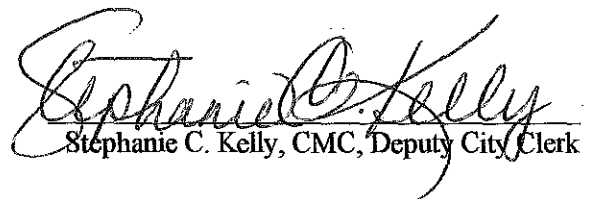
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21<sup>st</sup> day of April, 2008, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page(s) 531-532.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of June, 2008.

  
Stephanie C. Kelly, CMC, Deputy City Clerk



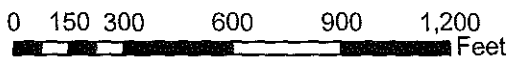
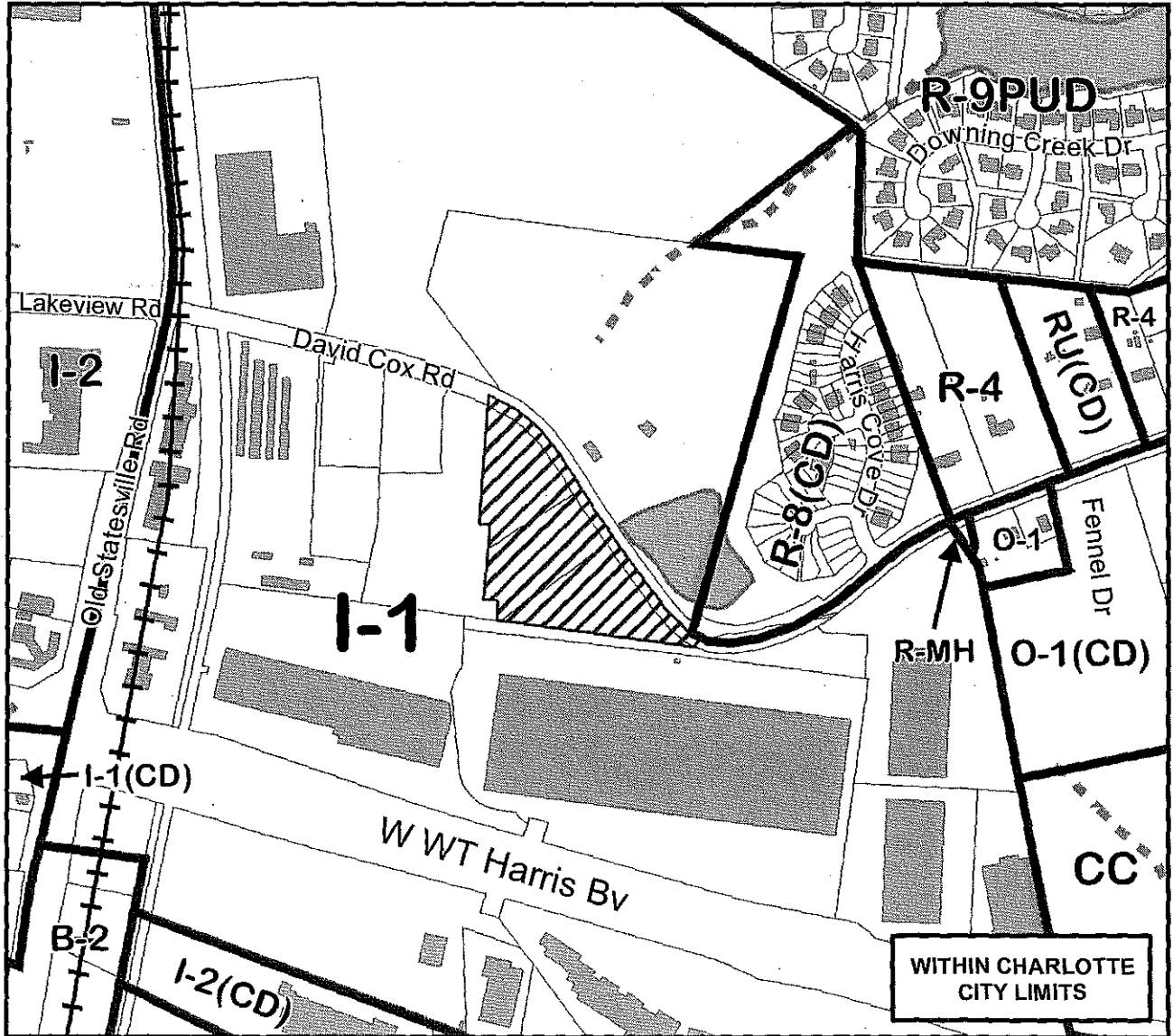
Petition #: **2008-020**

Petitioner: Beacon Partners

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

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

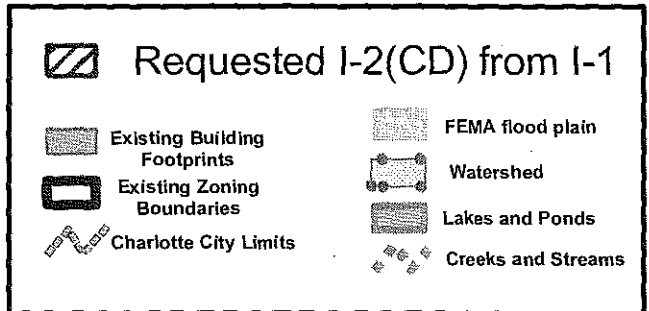
Acreeage & Location : Approximately 4.80 acres located on the south side of David Cox Road between Old Statesville Road and Harris Cove Drive.



Zoning Map #(s) **52**



Map Produced by the  
Charlotte-Mecklenburg Planning Department  
10-31-2007



APPROVED BY  
CITY COUNCIL.

APR 21 2008

Petition No. 2008-036  
Petitioner: Commercial Transportation, Inc  
**ORDINANCE NO. 3885-Z**

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

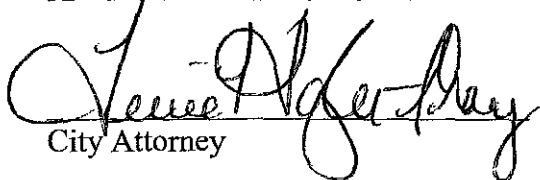
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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

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

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

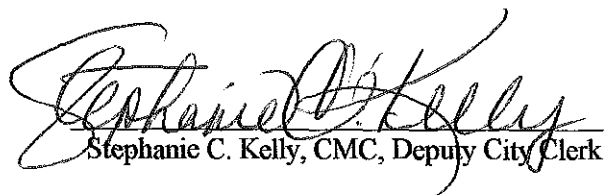
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21<sup>st</sup> day of April, 2008, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page(s) 533-534.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of June, 2008.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

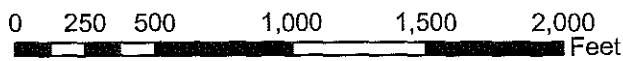
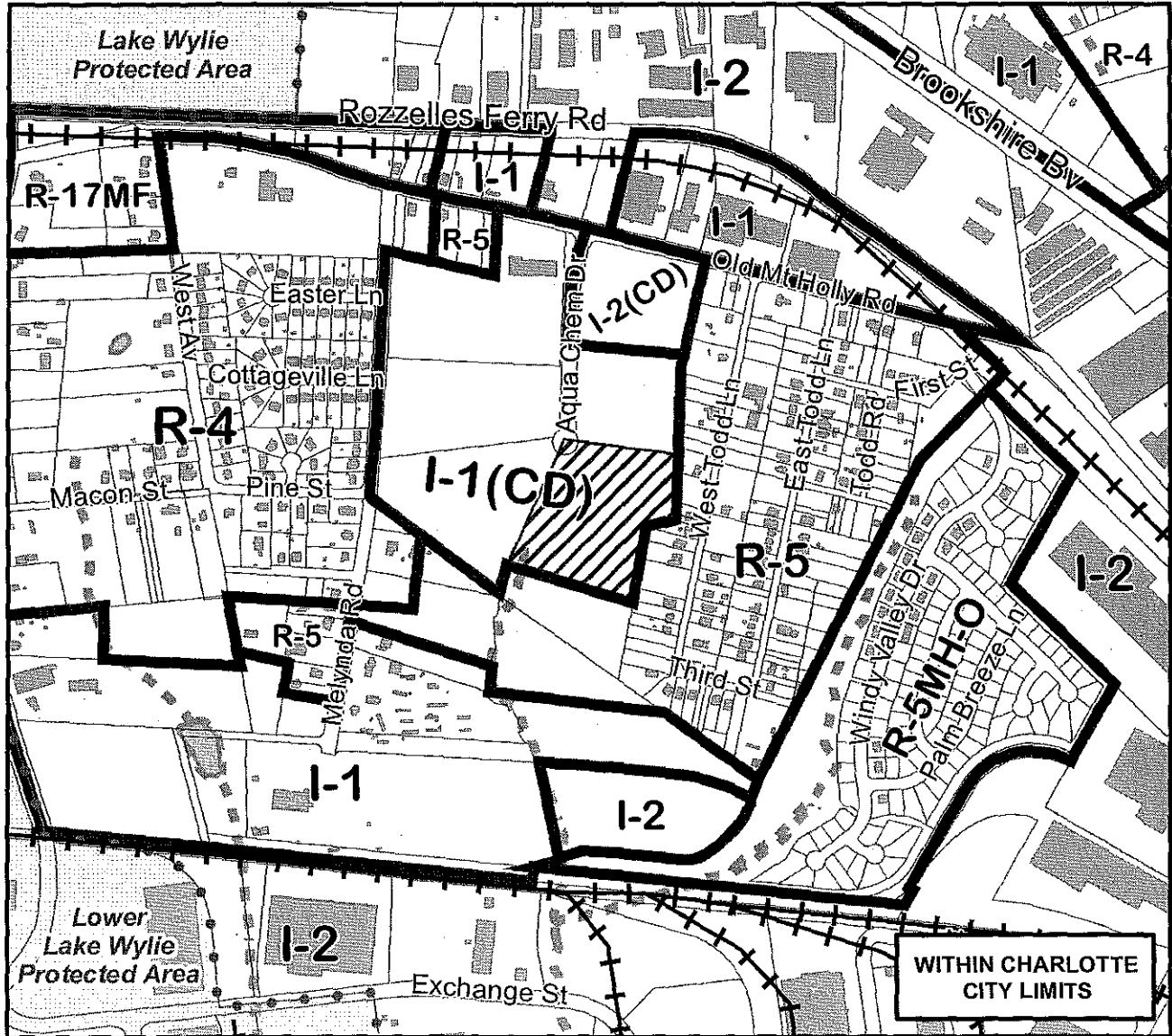
Petition #: **2008-036**

Petitioner: Commercial Transportation, Inc.

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

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

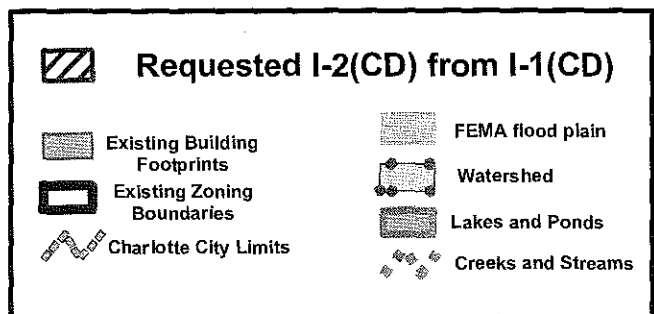
Acreage & Location : Approximately 6.91 acres located south of Old Mt. Holly Road,  
on the southeast end of Aqua Chem Drive.



Zoning Map #(s) **67**



Map Produced by the  
Charlotte-Mecklenburg Planning Department  
02-28-2008



~~CITY ZONE CHANGE~~  
~~APPROVED BY~~  
**CITY COUNCIL.**  
ORDINANCE NO. 3886-Z  
APR 21 2008

Petition No. 2008-038  
Petitioner: CMPC

## ZONING REGULATIONS

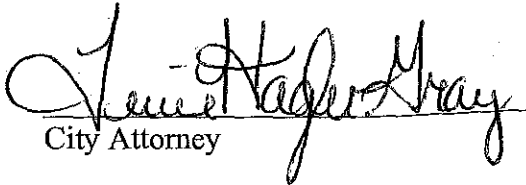
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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.

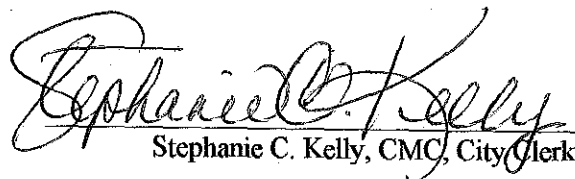
APPROVED AS TO FORM:

  
City Attorney

### CERTIFICATION

I, Stephanie C. Kelly, 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 21<sup>st</sup> day of April, 2008, the reference having been made in Minute Book 127, and recorded in full in Ordinance Book 55, Page(s) 535-536.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31<sup>st</sup> day of December, 2008.

  
Stephanie C. Kelly, CMC, City Clerk

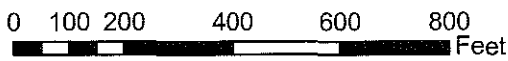
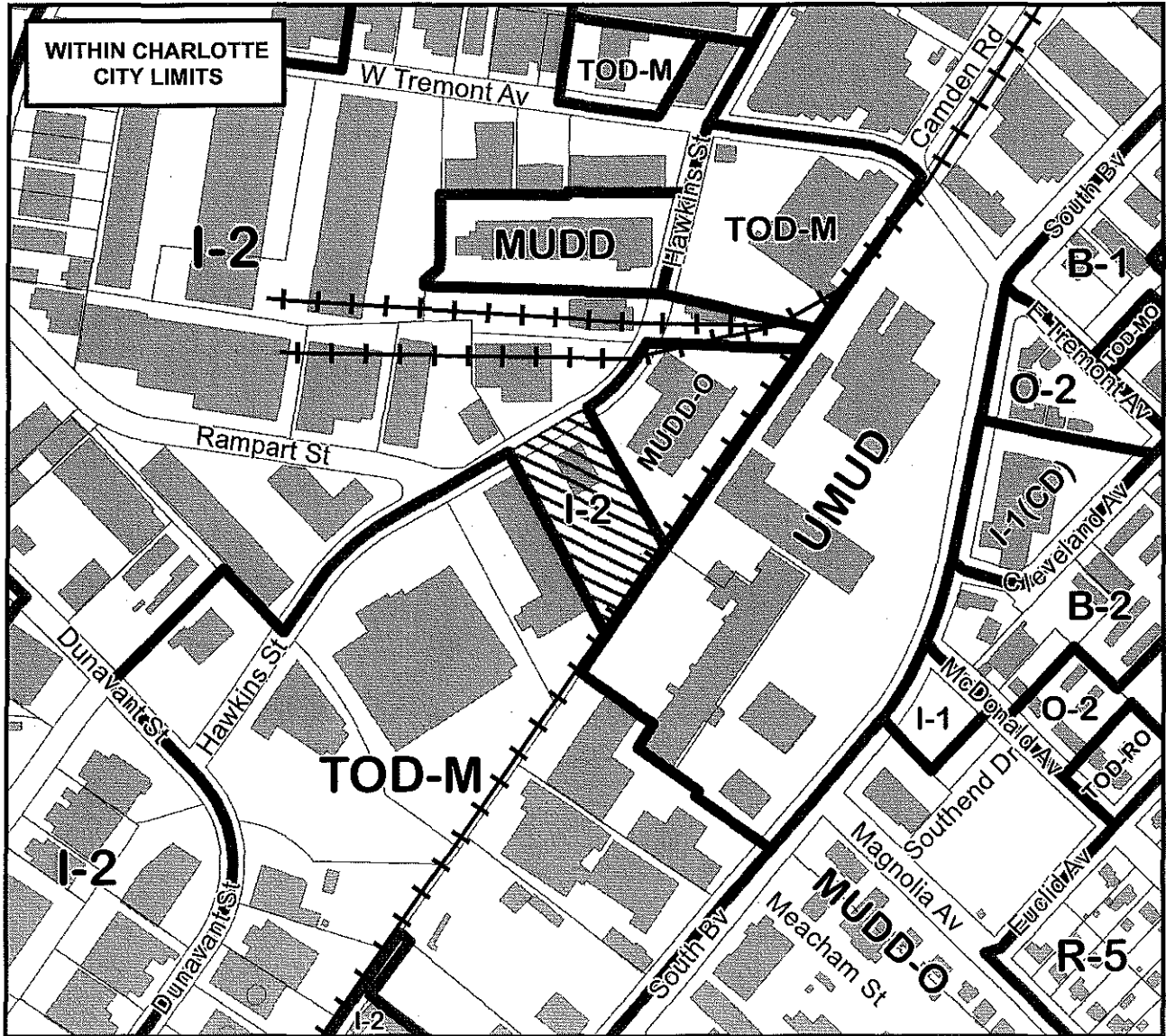
Petition #: **2008-038**

Petitioner: Charlotte-Mecklenburg Planning Commission

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

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

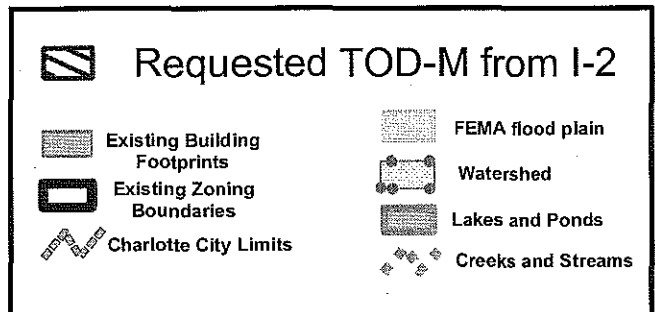
Acreeage & Location : Approximately 1.54 acres located on the east side of Hawkins Street between W Tremont Avenue and Rampart Street.



Zoning Map #(s) **110**



Map Produced by the  
 Charlotte-Mecklenburg Planning Department  
 12-14-2007



**APPROVED BY  
CITY COUNCIL.**

APR 21 2008

Petition No.2008-042  
Petitioner: Crescent Resources, LLC  
**ORDINANCE NO. 3887-Z**

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

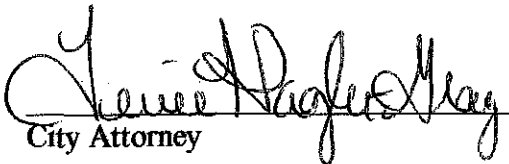
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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-15(CD) to O-2(CD).

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

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

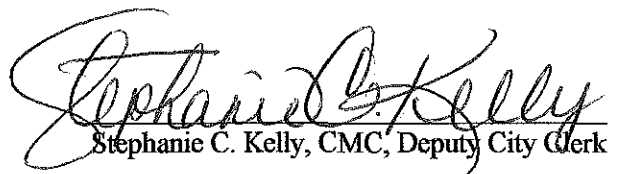
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

I, 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 21<sup>st</sup> day of April, 2008, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page(s) 537-538.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of June, 2008.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

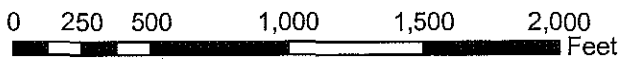
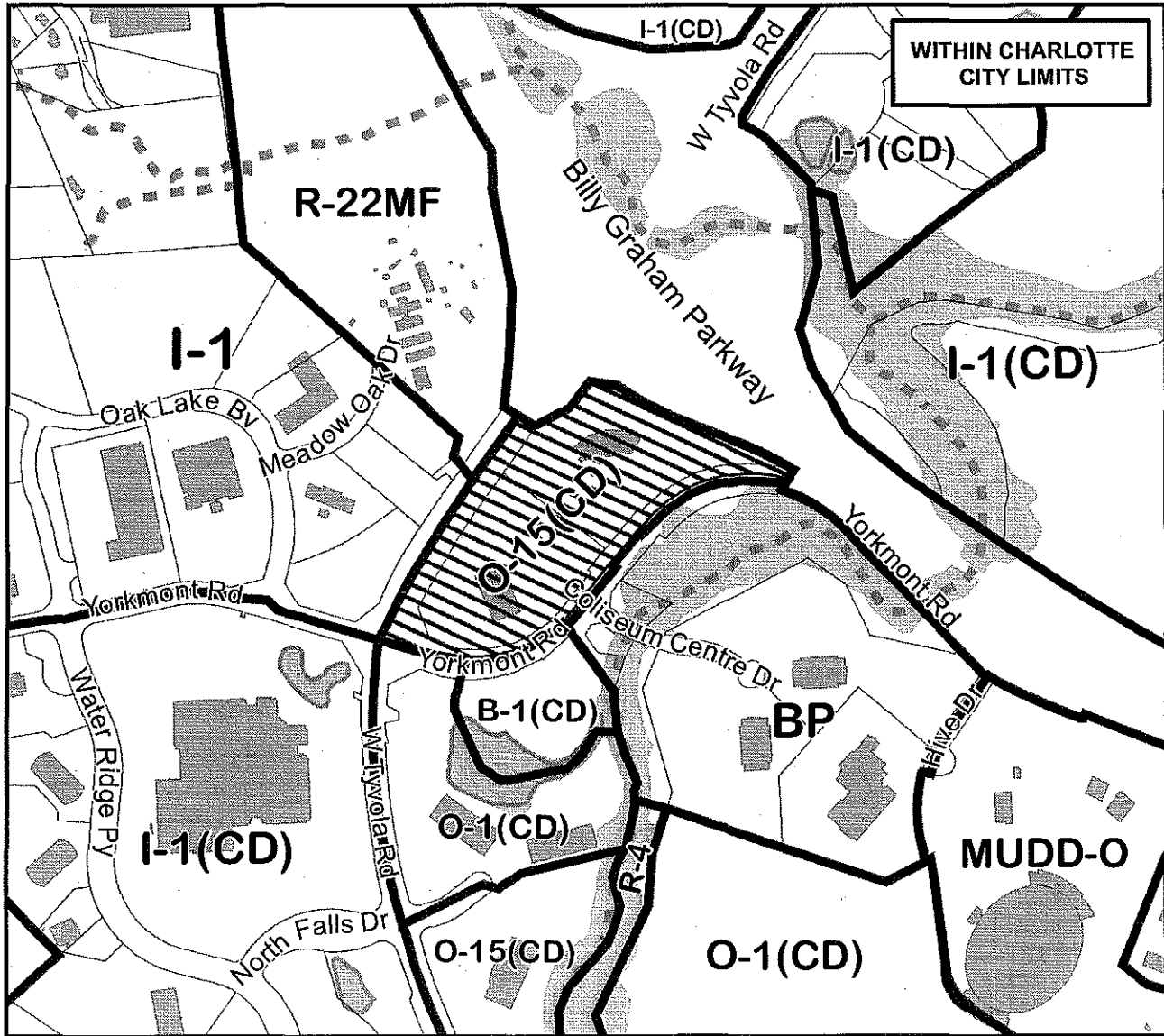
Petition #: **2008-042**

Petitioner: Crescent Resources, LLC

Zoning Classification (Existing): O-15(CD)  
 (Office, Conditional)

Zoning Classification (Requested): O-2(CD)  
 (Office, Conditional)

Acres & Location : Approximately 15.06 acres bounded by W Tyvola Road, Yorkmont Road and Billy Graham Parkway.



Zoning Map #(s) **109**



Map Produced by the  
 Charlotte-Mecklenburg Planning Department  
 01-02-2008

	Requested O-2(CD) from O-15(CD)		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams

CITY ZONE CHANGE

Petition No. 2008-043  
Petitioner: Mark S. Engel

**APPROVED BY  
CITY COUNCIL.**

**ORDINANCE NO. 3888-Z**

**ZONING REGULATIONS**

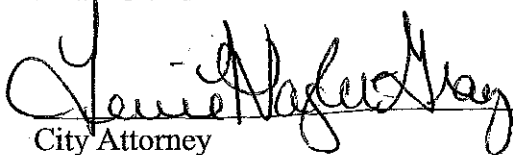
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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.

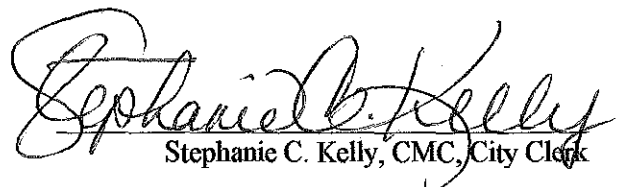
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 21<sup>st</sup> day of April, 2008, the reference having been made in Minute Book 127, and recorded in full in Ordinance Book 55, Page(s) 539-540.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31<sup>st</sup> day of December, 2008.

  
Stephanie C. Kelly, CMC, City Clerk



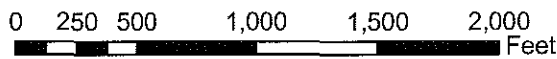
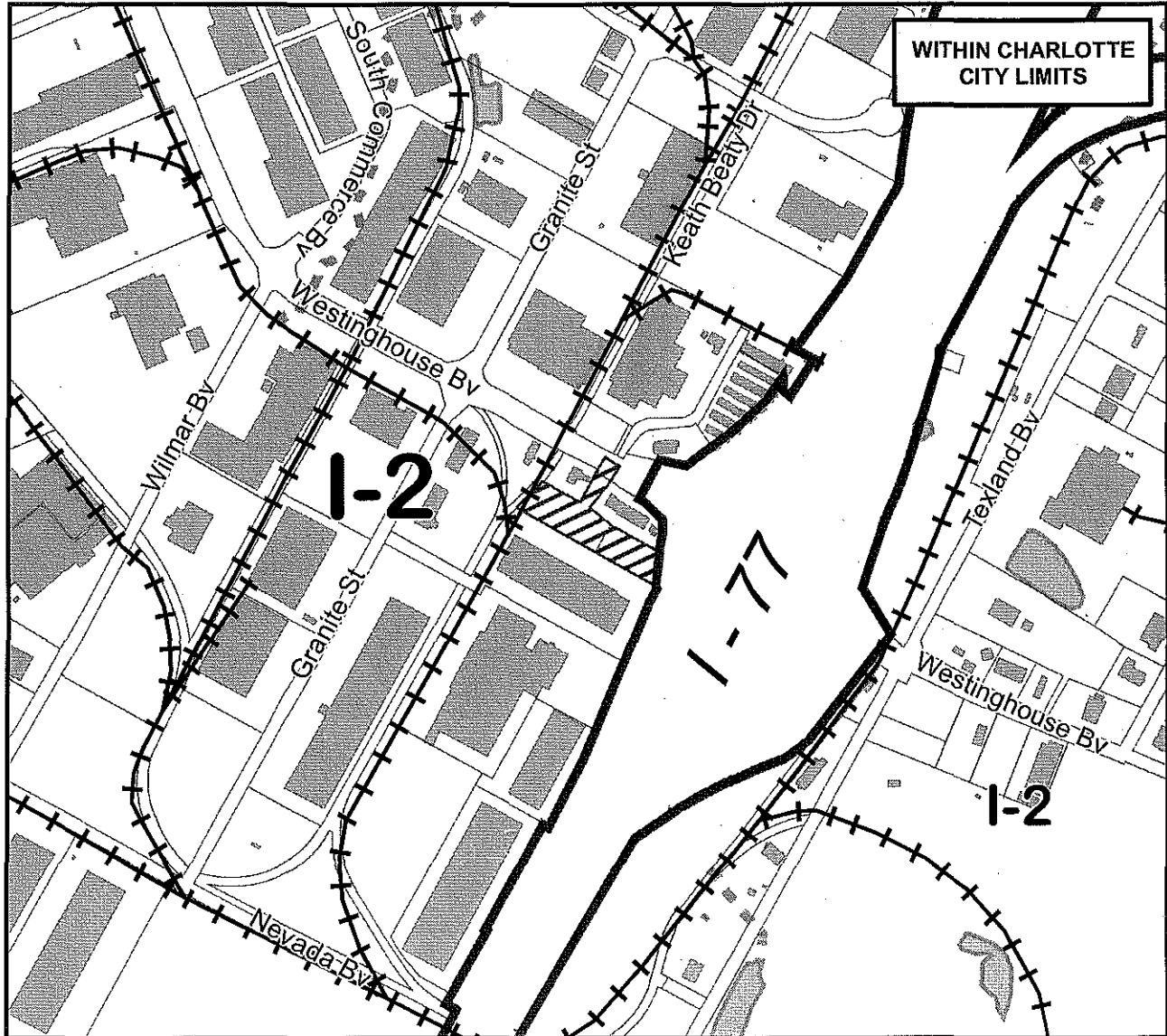
Petition #: **2008-043**

Petitioner: Mark S. Engel

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

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

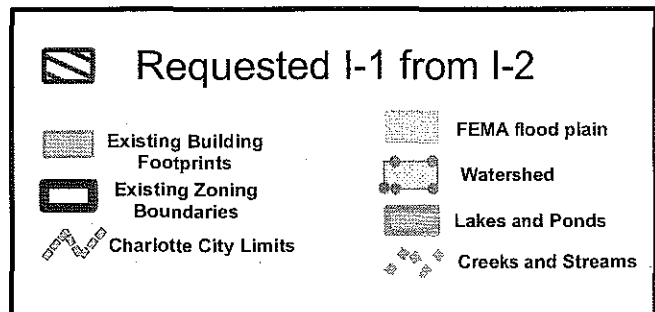
Acreeage & Location : Approximately 2.65 acres located on the south side of Westinghouse Boulevard between I-77 and Granite Street.



Zoning Map #(s) **156**



Map Produced by the  
Charlotte-Mecklenburg Planning Department  
01-02-2008



Petition No. 2008-61

Petitioner: ~~Charlotte~~-Mecklenburg Planning Commission

**APPROVED BY  
CITY COUNCIL.**

APR 21 2008

**ORDINANCE NO. 3889**

**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. Amend Section 2.201, "Definitions", by modifying the definition of elementary and secondary schools to include kindergarten, and deleting the term "pre-school", and requiring that schools be licensed by the state as a school. The revised definition shall read as follows:

Elementary and secondary schools.

A privately-owned or publicly-owned kindergarten (where students are 4 or more years in age), elementary school, middle school, junior high school, or high school, licensed by the state of North Carolina as a school.

**B. CHAPTER 4: DEVELOPMENT APPROVAL**

1. Amend Section 4.105, "RESERVED" by deleting all text. Replace it with new text titled, "Public notification process for institutional uses locating adjacent to, and abutting a single-family residential zoning district". The new section shall read as follows:

**Section 4.105.** Public notification process for institutional uses locating adjacent to, or abutting single family residential zoning districts (R-3, R-4, R-5, R-6, and R-8).

(1) Purpose

Institutional uses, because of their nature or scale, may have some impacts on adjacent and abutting property owners. While these uses may be permitted under prescribed conditions, property owners shall receive a courtesy notification when a change of use permit or a commercial building permit has been issued for a structure

previously used as a residence so that they may be aware of upcoming land use changes.

(2) Notification process

- (a) The Zoning Administrator, individually, or by and through his or her authorized designees in Engineering and Property Management, shall mail a notice to adjacent and abutting property owners, as shown on the current City tax abstracts, including those across a street. Such notice shall provide the applicants name and information on the type of institutional use for which the permit was issued. The courtesy notice shall be mailed within 10 working days from the time that the Engineering and Property Management staff issues a change of use permit or a building permit. (Note: this is a courtesy notification of a permit being issued; not an opportunity for public input).

C. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: Special Requirements For Certain Uses

- a. Amend Section 12.506, "Religious institutions in residential districts" by classifying churches into three categories: small, medium and large. In addition: modify the maximum floor area ratios, based on the classification of the religious institution and the type of road on which it fronts; rename the church by size; address the type of street a lot must face; and clarify that accessory uses shall be subordinate to the principal use on a lot. The revised text amendment shall read as follows:

Section 12.506. Religious institutions in residential districts.

Churches, synagogues, temples, mosques and other places of religious worship, along with their accessory uses, are permitted in residential districts subject to the following development approvals based upon size limitations:

	Permitted Districts
Small Religious Institutions, up to 400 seats in the largest place of assembly	All residential zoning districts
Medium Religious Institutions, 401 to 750 seats in the largest place of assembly	All residential zoning districts
Large Religious Institutions, 751 to 1200 seats in the largest place of assembly	Multi-family and MX zoning districts

All religious institutions in residential districts shall meet the standards of this Section and all other requirements of these regulations:

- (1) Maximum floor area ratio:
  - (a) Small Religious Institutions
    - (1) Located in a single family residential zoning districts (R-3, R-4, R-5, R-6, R-8) and
      - a. Located on a collector street (as classified on the most recent *Collector Road System*) and as defined in the Subdivision Ordinance and the Zoning Ordinance): Maximum FAR: .25
      - b. Located on a minor or major thoroughfare (as classified on the most recent *Mecklenburg-Union County Metropolitan Planning Organization Thoroughfare Plan*): Maximum FAR: .50
    - (2) Located in all other residential districts: Maximum FAR: .50
  - (b) Medium Religious Institutions: Maximum FAR: .50
    - (1) Located in a single family residential zoning districts (R-3, R-4, R-5, R-6, R-8), and located on a collector street (as classified on the most recent *Collector Street Plan*), and as defined in the Subdivision Ordinance and the Zoning Ordinance: Maximum FAR: .25
    - (2) Located on a minor or major thoroughfare (as classified on the most recent *Mecklenburg-Union County Metropolitan Planning Organization Thoroughfare Plan*): Maximum FAR: .50
  - (c) Large Religious Institutions: Max. FAR: .50
- (2) Minimum open space is 25%.
- (3) The principal building and accessory uses must be on a contiguous site.
- (4) Offices associated with the activities or business of the religious institution will occupy no more than 25 percent of the total floor area of buildings on the lot. In cases where the total floor area developed on the site is less than 4,000 square feet, office activities may occupy as much as 1,200 square feet.
- (5) All buildings, outdoor recreational facilities, and off-street parking and service areas will be separated by a Class C buffer for small and medium size religious institutions, and a Class B buffer for large religious institutions which abut property located in a residential district or abutting residential use (See Section 12.302).

- (6) Small religious institutions shall only be permitted on a lot that fronts onto, a collector, minor, or major thoroughfare (as classified on the most recent *Mecklenburg-Union County Metropolitan Planning Organization Thoroughfare Plan*), the *Collector Road System*, and as defined in the Subdivision Ordinance and the Zoning Ordinance). Medium and large religious institutions shall only be permitted on a lot that fronts onto a minor or major thoroughfare.
- (7) Primary vehicular access to the use shall not be provided by way of a residential local (Class VI) street.
- (8) **[RESERVED]**
- (9) Office and non-office accessory uses which are permitted in residential districts under these provisions shall meet the following requirements in addition to any other applicable requirements of these regulations:
  - (a) No merchandise or merchandise display window shall be visible from outside the building;
  - (b) No business or identification sign pertaining to the accessory uses shall be visible from outside the building;
  - (c) All parking shall be screened in accordance with Section 12.303; and
  - (d) Accessory uses shall meet the following requirements:
    - 1. Accessory uses shall be subordinate in area, extent, and purpose to the principal use.
    - 2. Accessory uses shall meet the yard, separation and buffer requirements that apply to the principal structure(s).
    - 3. Except as noted above, accessory uses shall be governed by other provisions of these regulations for the underlying district. Where accessory uses such as television stations, radio stations, printing presses, or sports complexes are forbidden in association with non-religious uses, they shall also be forbidden in association with religious uses. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.

D. CHAPTER 9: GENERAL DISTRICTS

- 1. Amend Table 9.101, "Table of Uses" by deleting the current entries for "religious institutions" and "religious institutions, up to 1,200 seats" and replacing the entries for religious institutions by the three new size categories. Modifications will be made in single-family, multi-family, urban

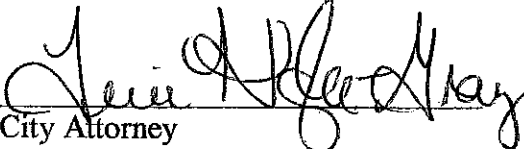
residential, and mixed-use zoning districts entries for religious institutions.  
 The revisions shall read as follows:

	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
Religious Institutions, up to 400 seats	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Religious Institutions, 401-750 seats	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Religious Institutions, 751 to 1,200 seats						PC	PC	PC	PC	PC

	UR-1	UR-2	UR-3	UR-C	MX-1	MX-2	MX-3
Religious Institutions, up to 400 seats	PC	PC	PC	PC	PC	PC	PC
Religious Institutions, 401-750 seats	PC	PC	PC	PC	PC	PC	PC
Religious Institutions, 751 to 1,200 seats					PC	PC	PC

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

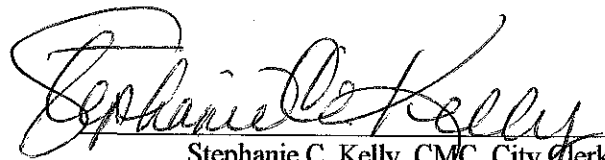
Approved as to form:

  
 City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 21<sup>st</sup> day of April, 2008, the reference having been made in Minute Book 127, and recorded in full in Ordinance Book 55, Page(s) 541-545.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31<sup>st</sup> day of December, 2008.

  
 Stephanie C. Kelly, CMC, City Clerk