

APPROVED BY CITY COUNCIL
APRIL 27, 2009

ORDINANCE NO. 4154-Z
Petition No.: 2008-112

Petitioner: Westlake Holdings, LLC

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

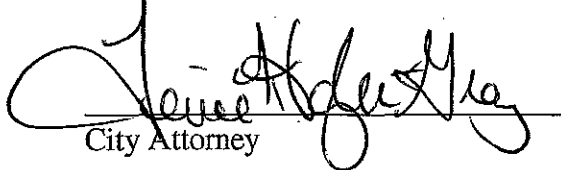
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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(LWPA) and B-1SCD(LWPA) to B-1(CD)(LWPA).

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.

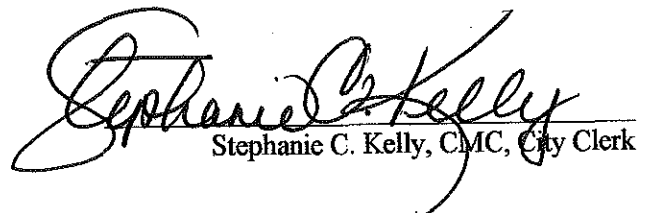
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, 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 27th April, 2009, the reference having been made in Minute Book 128, and recorded in full in Ordinance Book 56, Page(s) 136-137.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of July, 2009.


Stephanie C. Kelly, CMC, City Clerk

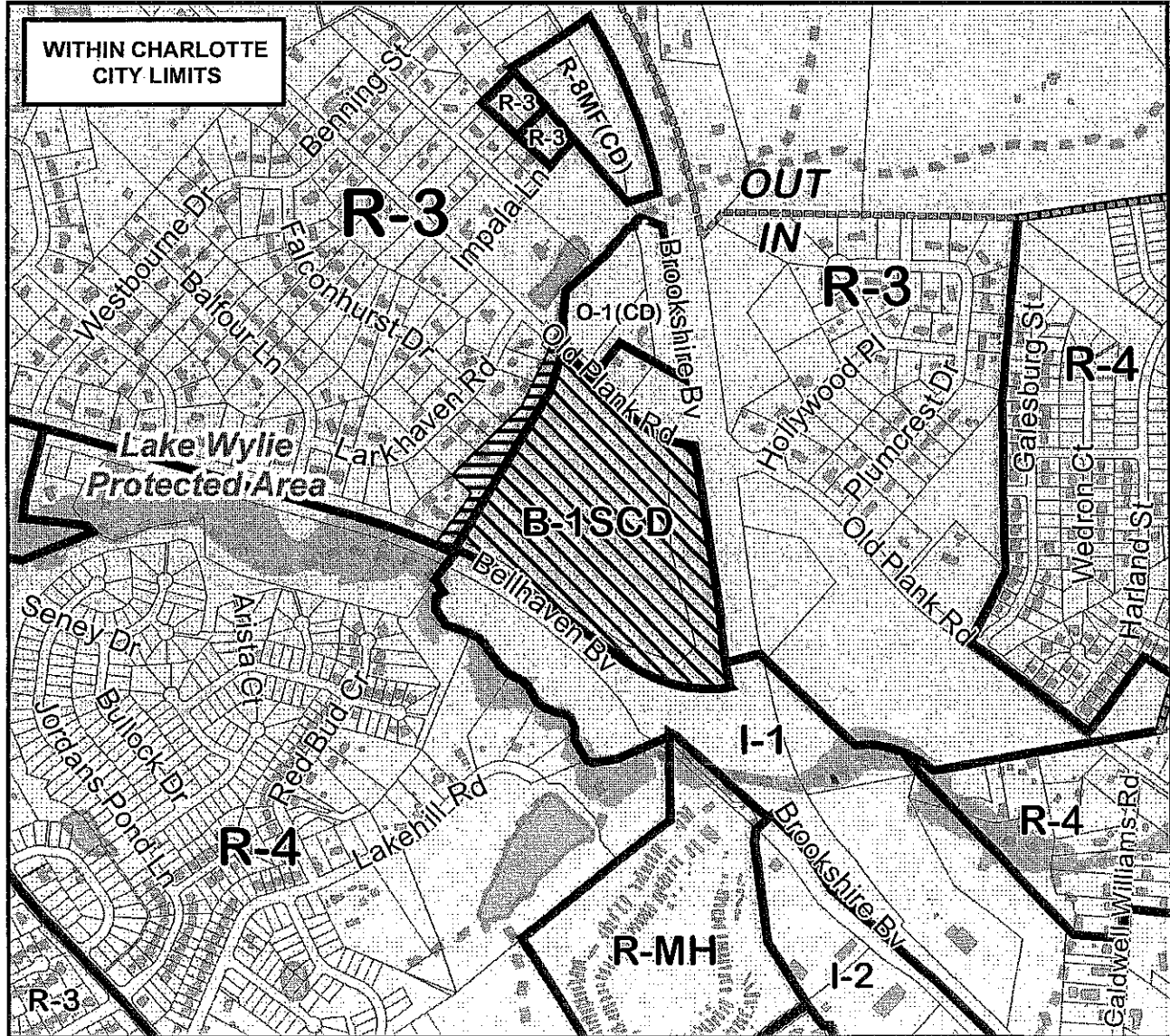
Petition #: **2008-112**

Petitioner: Westlake Holdings, LLC

Zoning Classification (Existing): R-3(LWPA) and B-1SCD (LWPA)
 (Single Family Residential, up to 3 dwelling units per acre, Lake Wylie Protected Area and Shopping Center District, Lake Wylie Protected Area)

Zoning Classification (Requested): B-1(CD) (LWPA)
 (Neighborhood Business, Conditional, Lake Wylie Protected Area)

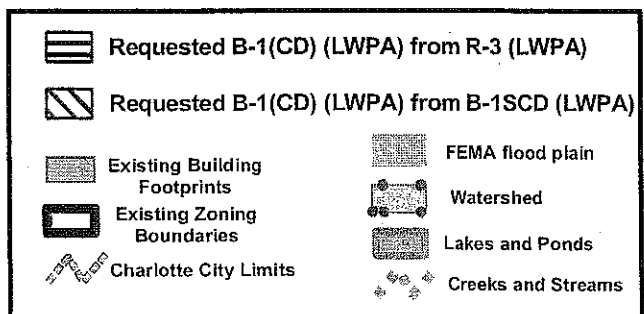
Acreage & Location : Approximately 24.81 acres located on the southwest corner of Brookshire Boulevard and Old Plank Road.



Zoning Map #(s) **62, 67**



Map Produced by the
 Charlotte-Mecklenburg Planning Department
 10-22-2008



ORDINANCE NO. 4157-X


AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2215 YADKIN AVENUE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF FRANCELLE B. MASON 232 AUTEN STREET CHARLOTTE, NC 28208

WHEREAS, the dwelling located at 2215 Yadkin Avenue in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 2215 Yadkin Avenue in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

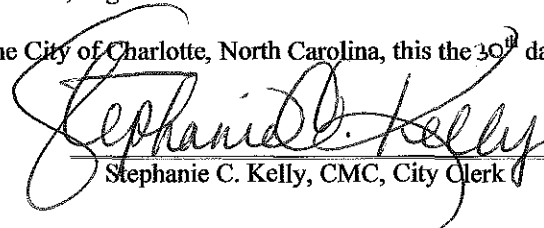
APPROVED AS TO FORM

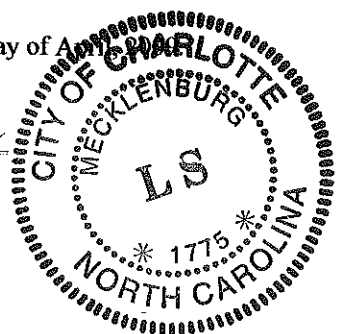

Assistant City Attorney

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of April, 2009.


Stephanie C. Kelly, CMC, City Clerk



ORDINANCE NO. 4158-X

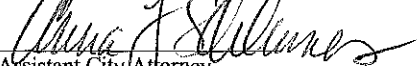
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1716 BERRYHILL ROAD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF ROBERT WOOD 1716 BERRYHILL ROAD CHARLOTTE, NC 28208

WHEREAS, the dwelling located at 1716 Berryhill Road in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 1716 Berryhill Road in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

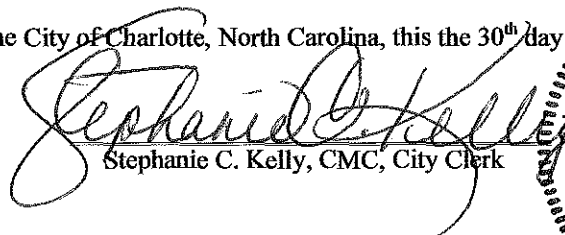
APPROVED AS TO FORM:

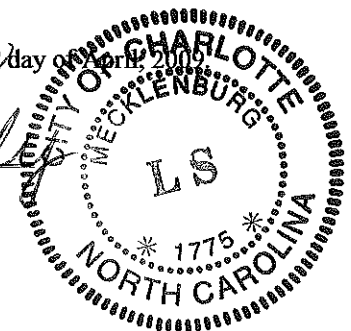

Assistant City Attorney

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of April, 2009.


Stephanie C. Kelly, CMC, City Clerk



APPROVED BY CITY COUNCIL
APRIL 27, 2009

Petition No.: 2009-021
Petitioner: Bellmore Hall, LLC

ORDINANCE NO. 4155-Z

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

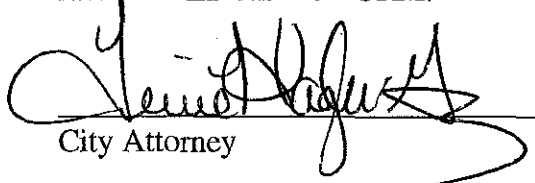
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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

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

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

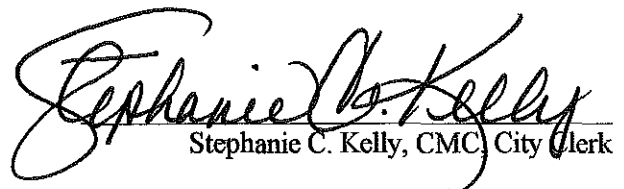
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City Attorney

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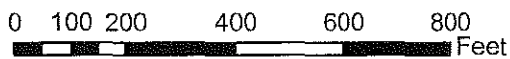
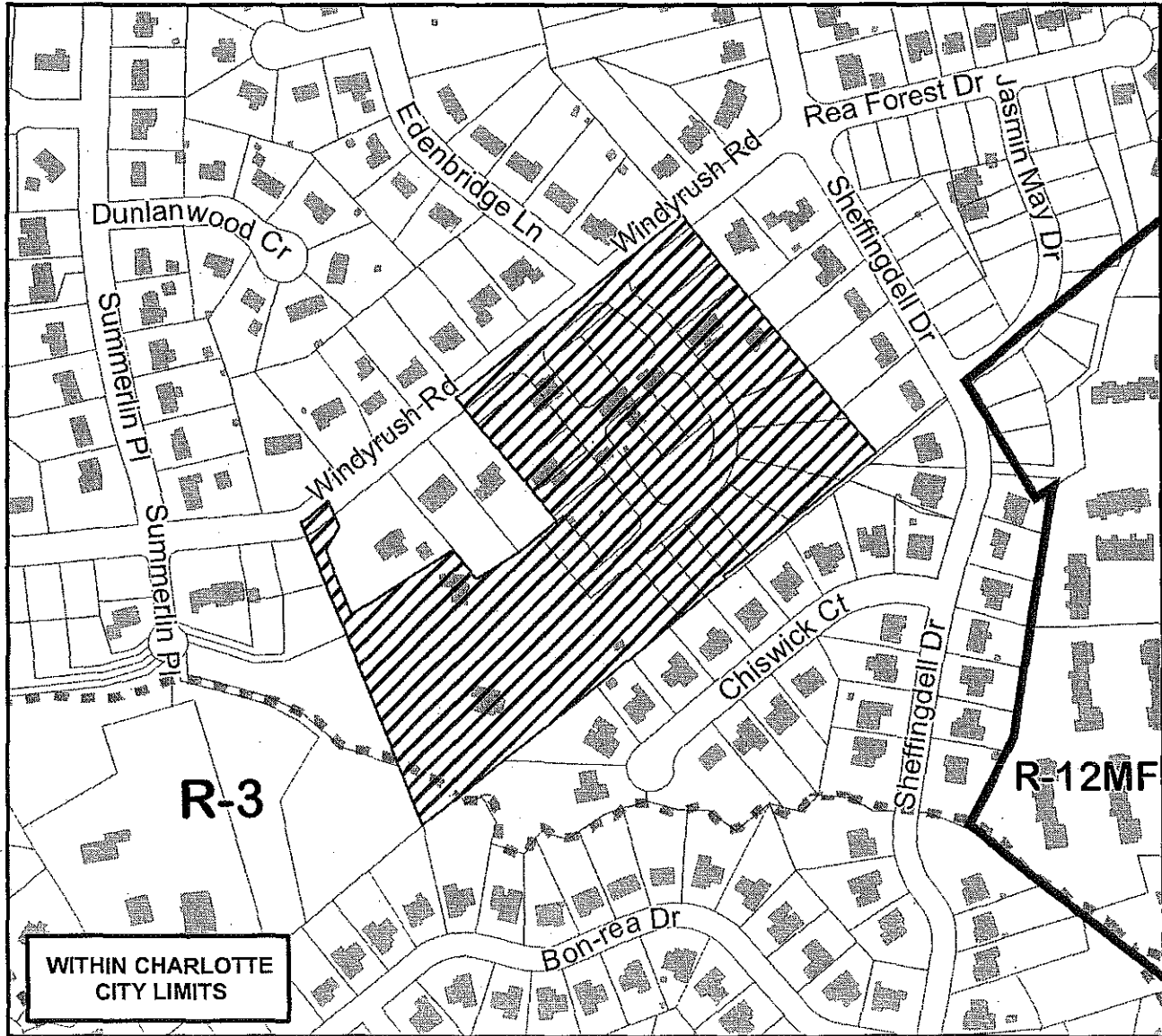
Petition #: **2009-021**

Petitioner: Bellmore Hall, LLC, Jeff Devine & Jack Donovan

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

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

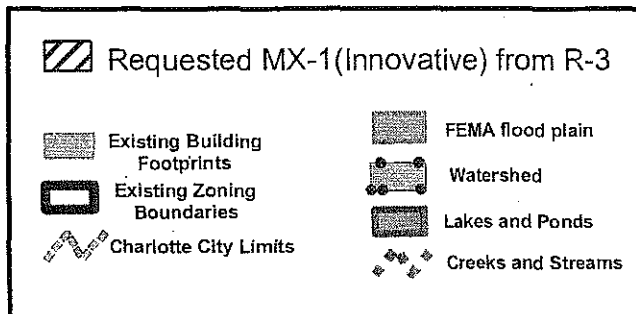
Acreeage & Location : Approximately 13.18 acres located on the south side of
Windyrush Road between Sheffingdell Drive and Summerlin Place.



Zoning Map #(s) **159**



Map Produced by the
Charlotte-Mecklenburg Planning Department
1-29-2009



ORDINANCE NO. 4159-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 6818 DUNMURRY LANE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF OTIS EUGENE DOUGLAS AND WIFE ANNIE C. DOUGLAS 6818 DUNMURRY LANE CHARLOTTE, NC 28217-3409

WHEREAS, the dwelling located at 6818 Dunmurry Lane in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 6818 Dunmurry Lane in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

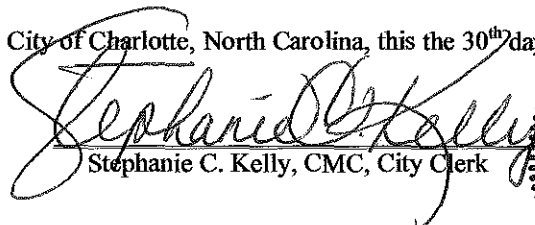
APPROVED AS TO FORM:

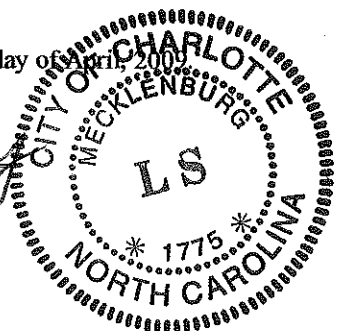

Assistant City Attorney

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of April, 2009.


Stephanie C. Kelly, CMC, City Clerk



ORDINANCE NO. 4160-X


AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1001 FERN AVENUE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF PAUL GODWIN 1935 ACADEMY STREET CHARLOTTE, NC 28205

WHEREAS, the dwelling located at 1001 Fern Avenue in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 1001 Fern Avenue in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

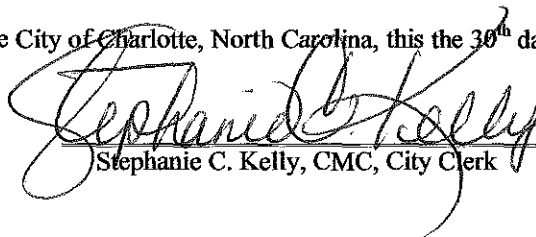
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Assistant City Attorney

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Stephanie C. Kelly, CMC, City Clerk



ORDINANCE NO. 4161-X

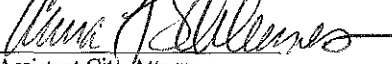
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2411/13 MARLOWE AVENUE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF JERRY E. HAYDEN P.O BOX 470086 CHARLOTTE, NC 28247

WHEREAS, the dwelling located at 2411/13 Marlowe Avenue in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 2411/13 Marlowe Avenue in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

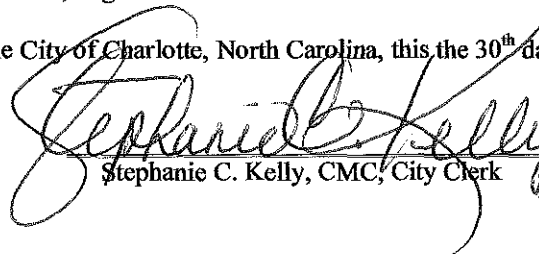
APPROVED AS TO FORM

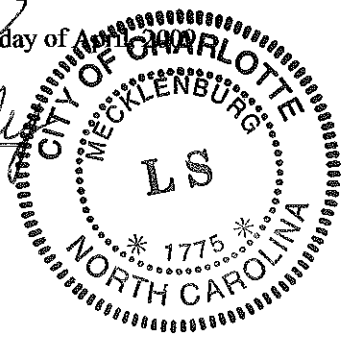

Assistant City Attorney

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of April, 2009


Stephanie C. Kelly, CMC, City Clerk



ORDINANCE NO. 4162-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 5520 VICTORIA AVENUE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF ANDREW REID PICKENS 1101 ROANOKE AVE CHARLOTTE, N.C. 28205

WHEREAS, the dwelling located at 5520 Victoria Avenue in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 5520 Victoria Avenue in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

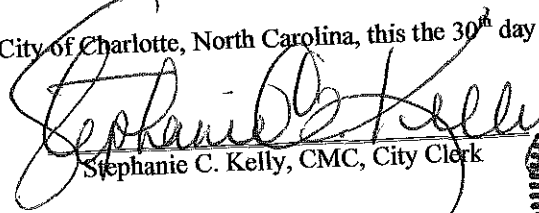
APPROVED AS TO FORM

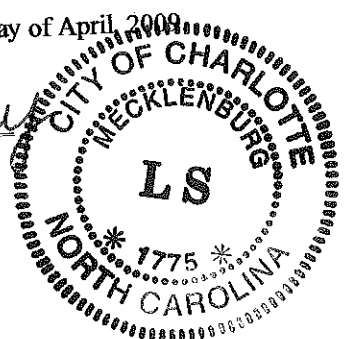

Assistant City Attorney

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of April, 2009


Stephanie C. Kelly, CMC, City Clerk



ORDINANCE NO. 4163-X

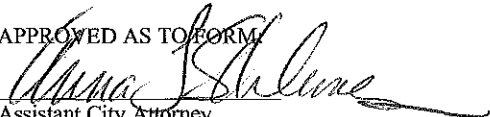
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 6042 FOX CROSSING DRIVE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF TARA PROPERTIES INC 4400 MORRIS PARK DRIVE SUITE-A CHARLOTTE, NC 28227-8256

WHEREAS, the dwelling located at 6042 Fox Crossing Drive in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 6042 Fox Crossing Drive in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

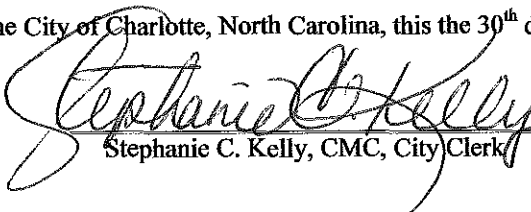
APPROVED AS TO FORM


Assistant City Attorney

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of April, 2009.


Stephanie C. Kelly, CMC, City Clerk



ORDINANCE NO. 4164-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 300 CROMER STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF HOSKINS PARK MINISTRIES, INC 107 CROMER STREET CHARLOTTE, NC 28208

WHEREAS, the dwelling located at 300 Cromer Street in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 300 Cromer Street in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

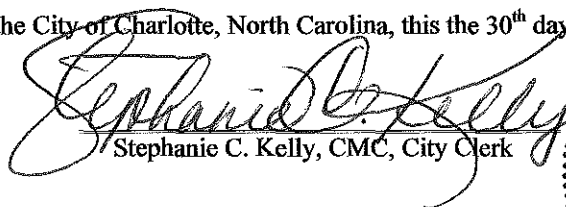
APPROVED AS TO FORM

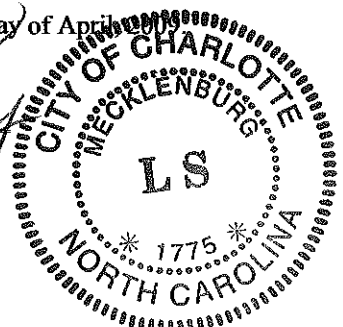

Assistant City Attorney

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of April, 2009


Stephanie C. Kelly, CMC, City Clerk



ORDINANCE NO. 4165-X

O-48

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3937-X, THE 2008-2009 BUDGET ORDINANCE PROVIDING AN APPROPRIATION FOR TRAFFIC SIGNAL INSTALLATION AND IMPROVEMENTS

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$284,000 is hereby estimated to be available from the following private development sources:

Crescent Resources, LLC	\$ 284,000
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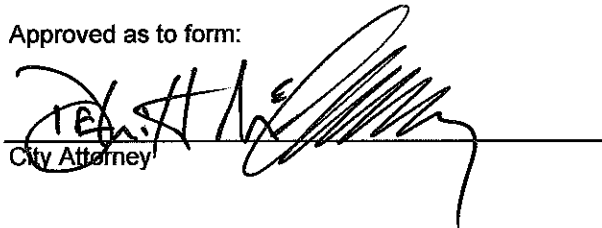
Section 2. That the sum of \$284,000 is hereby appropriated in the General Capital Investment Fund (2010) to the Developer Contributions Project (281.52).

Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.

Section 5. All ordinances in conflict with this ordinance are hereby repealed.

Section 6. This ordinance shall be effective upon adoption.

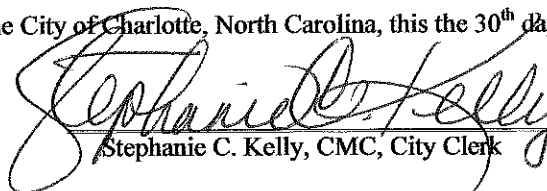
Approved as to form:

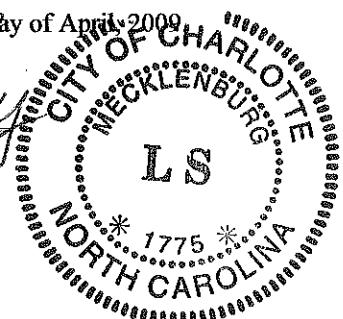

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of April, 2009.


Stephanie C. Kelly, CMC, City Clerk



PART "B"

STAFF RECOMMENDED CHANGES TO ZONING ORDINANCE

ORDINANCE NO. 4186
Petition #: 2009-038
Petitioner: City of Charlotte

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

ORDINANCE NO.

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 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.103, "Requirements for lots along thoroughfares" subsection (1) by adding new transitional setback standards for Independence Boulevard, and placing the information into a table format. The remaining subsections shall remain unchanged. The revised subsection (1) shall read as follows:

Section 12.103. Requirements for lots along thoroughfares.

G.S. 160A-306 state that cities shall have authority to (i) classify all or a portion of the streets within their jurisdictions according to their size, present and anticipated traffic loads, and other characteristics relevant to the achievement of the purposes of this Section, and (ii) establish by ordinance minimum distances that buildings and other permanent structures or improvements constructed along each class or type of street shall be setback from the right-of-way line or the center line of an existing or proposed street. Pursuant to that authority, the following requirements shall apply:

- (1) The minimum yards or setbacks prescribed for each zoning district, which abuts a thoroughfare shall be measured from the proposed right-of-way line established for each classification of thoroughfare as follows:

Thoroughfare Classification	Distance From Thoroughfare Centerline to "Proposed; Right-of-Way Line"
Freeway or Expressway (Class I) <u>other than U.S. 74 from Briar Creek southeast to the City limits</u>	175 feet
<u>U.S. 74 between Briar Creek and W.T. Harris Boulevard</u>	125 feet
<u>U.S. 74 from W.T. Harris Boulevard southeast to the City limits</u>	140 feet

*The right-of-way widths for urban Class III and IV thoroughfares located within the area bounded by Route 4 and I-85 shall be a minimum of 80 feet for Class III streets and 60 feet for Class IV streets and as provided for in Section 12.103 of the City of Charlotte Zoning Ordinance.

Along existing streets less than 60 feet wide, there is no requirement that right-of-way greater than 30 feet on each side of the centerline be dedicated. Along all other existing streets, there is no requirement that any right-of-way be dedicated or reserved.
(amendment effective May 1, 1989)

The Charlotte-Mecklenburg Planning Commission, after consulting applicable plans and programs, and after consulting with appropriate city, county, state and/or federal officials will be responsible for the determination of the classifications of streets or segments of streets. These standards represent the normally required rights-of-way. Additional right-of-way may be necessary in the area of interchanges, intersections, cut/fill areas, or areas where horizontal or vertical alignments must be improved and will be determined on a case by case basis. When a subdivider elects to establish a roadway divided with a center strip or median, the right-of-way width must be at least the proposed width of the center strip or median plus 62 feet. The Class VI-L street may only be used subject to the following conditions:

1. It serves no more than 50 dwelling units.
2. All land which touches the street must be subdivided into lots or is otherwise platted so that a further street extension is not possible.
3. It is designed to be permanently dead-ended or is a loop street with no additional street connections except at the ends.

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

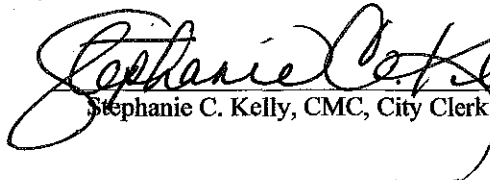
Approved as to form:

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 27th day of April, 2009, the reference having been made in Minute Book 128, and recorded in full in Ordinance Book 56, Pages (192-193).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of June, 2009.


Stephanie C. Kelly, CMC, City Clerk

