

Petition No.: 2013-075  
Petitioner: Charlotte-Mecklenburg  
Planning Department

CITY ZONE CHANGE

ORDINANCE NO. 5487-Z

ZONING REGULATIONS

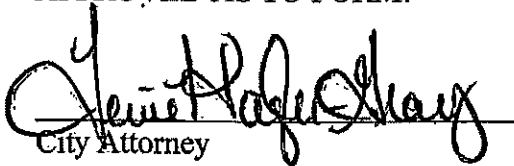
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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 (General Industrial) to TOD-M (Transit-Oriented Development Mixed-Use).

SEE ATTACHED MAP

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

APPROVED AS TO FORM:

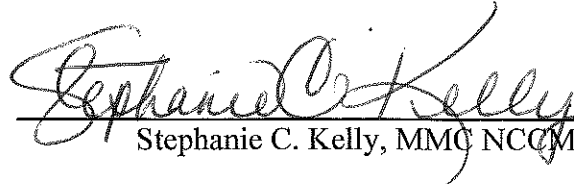
  
City Attorney

**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 20th day of October, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 40-41.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 20th day of October, 2014.



  
Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2013-075**

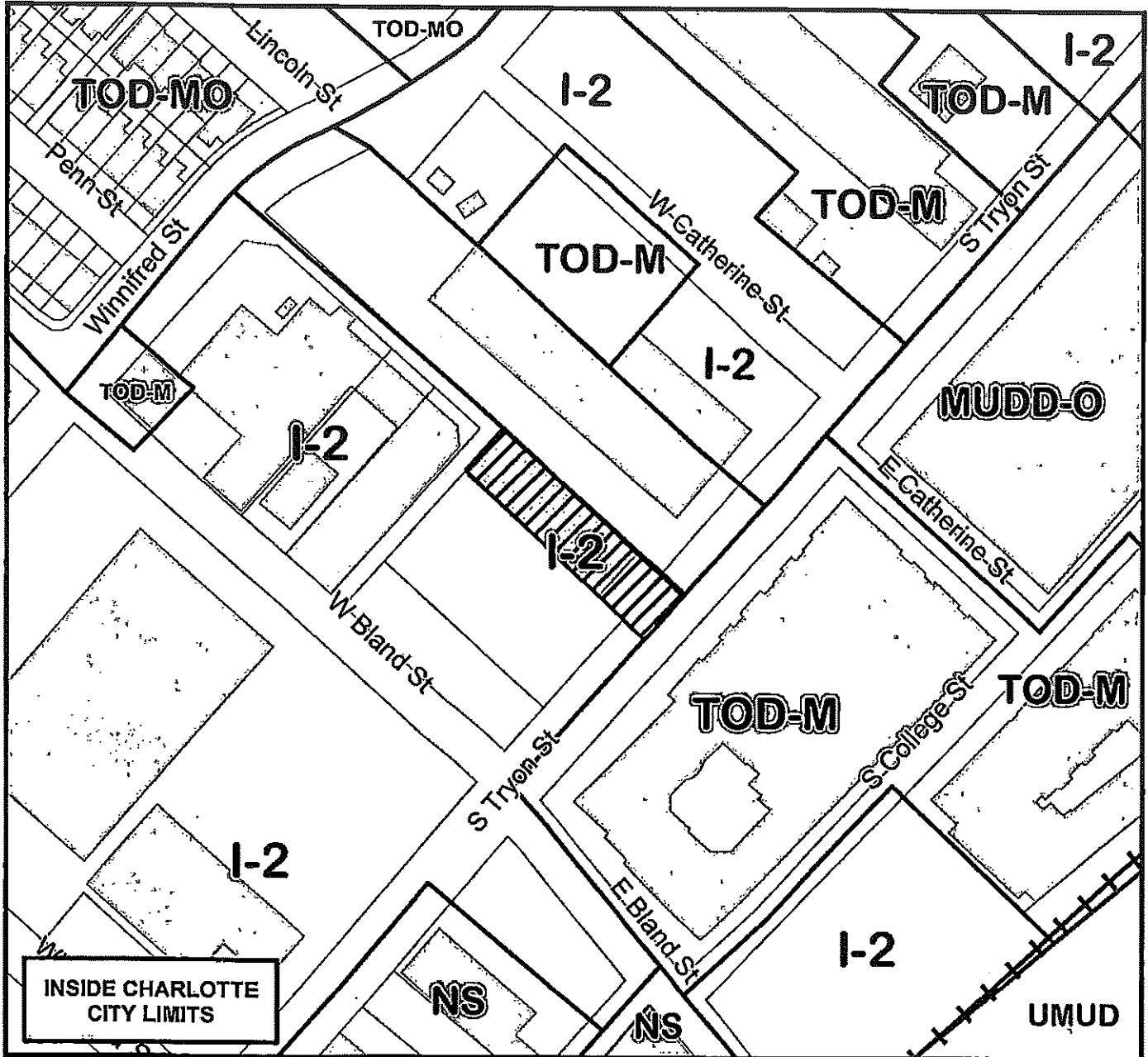
Petitioner: **Charlotte-Mecklenburg Planning Department**

Ordinance No. 5487-Z

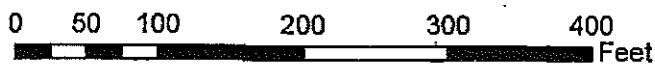
Zoning Classification (Existing): I-2  
(General Industrial)

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

Acreeage & Location: Approximately 0.214 acres located on the west side of South Tryon Street between West Catherine Street and West Bland Street.



**INSIDE CHARLOTTE CITY LIMITS**



Zoning Map #(s) **102**



Map Produced by the  
Charlotte-Mecklenburg Planning Department  
7-1-2013

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

Petition No.: 2014-058  
Petitioner: Switzenbaum & Associates

ORDINANCE NO. 5488-Z

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

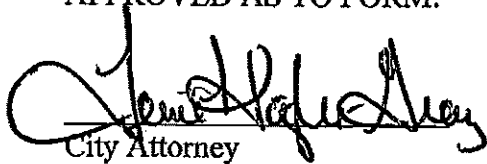
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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 BP (Business Park, Conditional) to R-12MF(CD) (Multi-Family Residential, Conditional).

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.

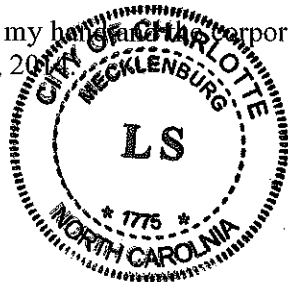
APPROVED AS TO FORM:

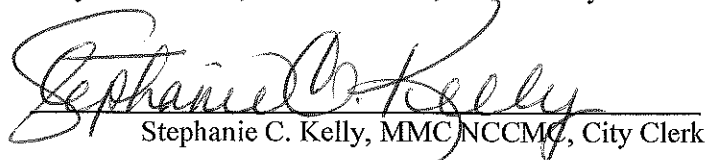
  
City Attorney

**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 20th day of October, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 42-43.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 20th day of October, 2014.



  
Stephanie C. Kelly, MMCNCCMC, City Clerk

Petition #: **2014-058**

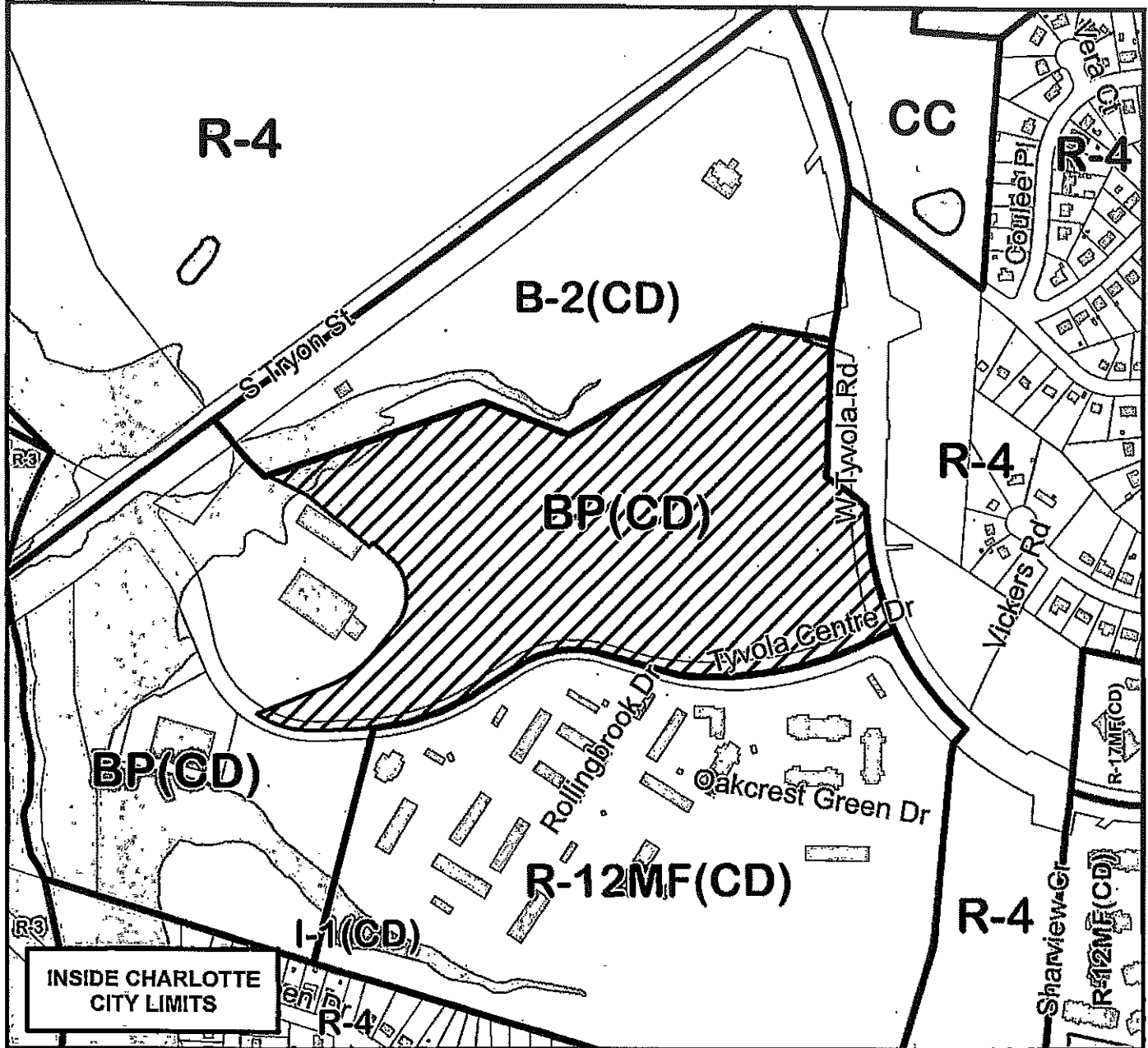
Petitioner: **Switzenbaum & Associates**

Ordinance No. 5488-Z

Zoning Classification (Existing): BP(CD)  
(Business Park, Conditional)

Zoning Classification (Requested): R-12MF(CD)  
(Multi-Family Residential, Conditional)

Acreage & Location: Approximately 30.9 acres located on the northwest corner at the intersection of West Tyvola Road and Tyvola Centre Drive



Map Produced by the Charlotte-Mecklenburg Planning Department, 5-22-2014.



Zoning Map #(s)

**133**

	Requested R-12MF(CD) from BP(CD)		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams
	Pedestrian Overlay		Historic District

Petition No: 2014-72  
Petitioner: Tony Feimster (T'Afo)

ORDINANCE NO. 5489

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

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

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

A. CHAPTER 9: GENERAL DISTRICTS

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

- a. Amend Section 9.101, "Table of Uses" by adding "cultural facilities", in alphabetical order, as a use allowed by right in the I-1, I-2, and UI districts, under the "Industrial Uses" header.

<b>INDUSTRIAL USES</b>			
	U-1	I-1	I-2
Cultural facilities	X	X	X

2. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend 9.1002, "Urban Industrial District; uses permitted by right" by adding a new item (2.5) titled, "Cultural facilities" to the list of uses. The new entry shall read as follows:

(2.5) Cultural facilities.

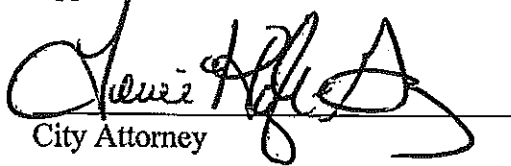
3. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1102, "Uses permitted by right" by adding a new item (21.5) titled, "Cultural facilities" to the list of uses. The new entry shall read as follows:

(21.5) Cultural facilities.

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

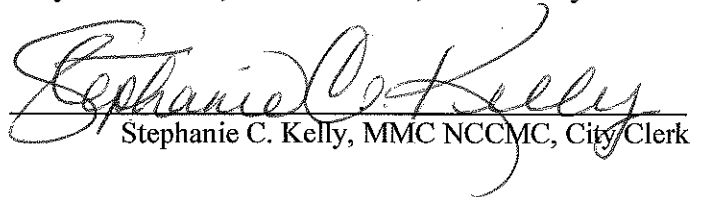
Approved as to form:

  
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 20th day of October, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 44-45.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 20th day of October, 2014.

  
Stephanie C. Kelly, MMC NCCMC, City Clerk



Petition No.: 2014-076  
Petitioner: Northlake Health Investors, LLC

**ORDINANCE NO. 5490-Z**

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

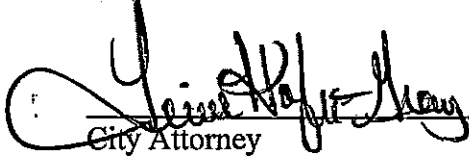
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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 (Single-Family Residential) to INST(CD) (Institutional, Conditional).

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.

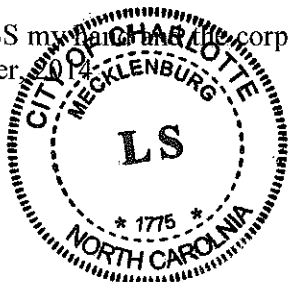
APPROVED AS TO FORM:

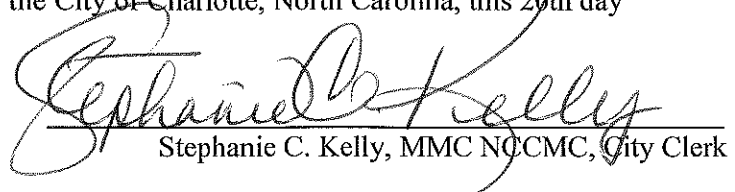
  
City Attorney

**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 20th day of October, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 46-47.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 20th day of October.



  
Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-076**

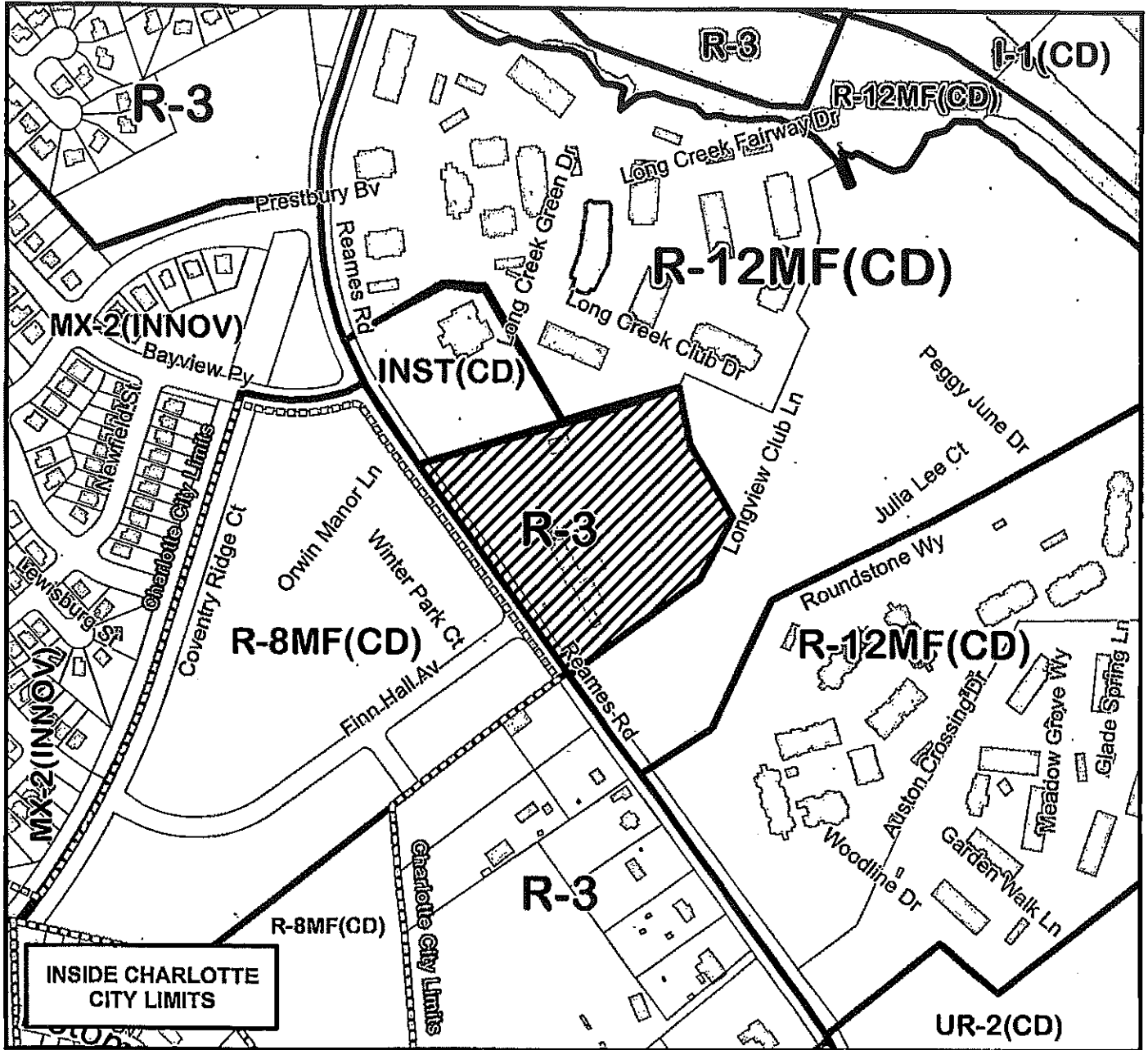
Petitioner: **Northlake Health Investors, LLC**

Ordinance No. 5490-Z

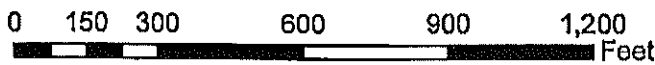
Zoning Classification (Existing): **R-3**  
(Single Family, Residential)

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

Acreage & Location: Approximately 6.94 acres located on the east side of Reames Road between Bayview Parkway and Finn Hall Avenue.



Map Produced by the Charlotte-Mecklenburg Planning Department, 6-27-2014.



Zoning Map #(s)

**51**

	Requested INST(CD) from R-3		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams
	Pedestrian Overlay		Historic District



Petition No.: 2014-082  
Petitioner: Brookwood Capital Partners

**ORDINANCE NO. 5491-Z**

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

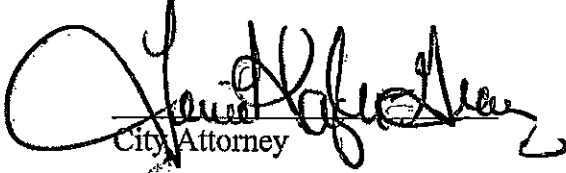
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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(LWPA) (Single-Family Residential, Lake Wylie Protected Area), I-1(LWPA) (Light Industrial, Lake Wylie Protected Area), and I-2(LWPA) (General Industrial, Lake Wylie Protected Area) to I-2(CD)(LWPA) (General Industrial, Conditional, Lake Wylie Protected Area).

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.

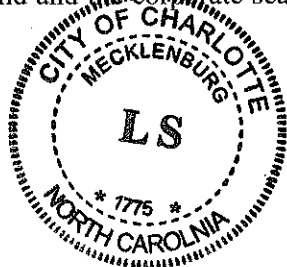
APPROVED AS TO FORM:

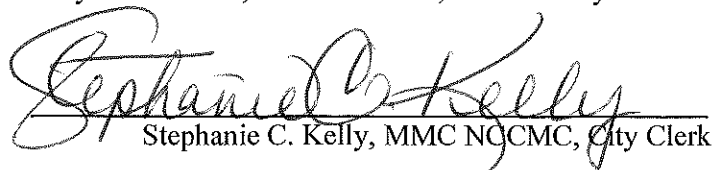
  
City Attorney

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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 20th day of October, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 48-49.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 20th day of October, 2014.



  
Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-082**

Ordinance No. 5491-Z

Petitioner: Brookwood Capital Partners

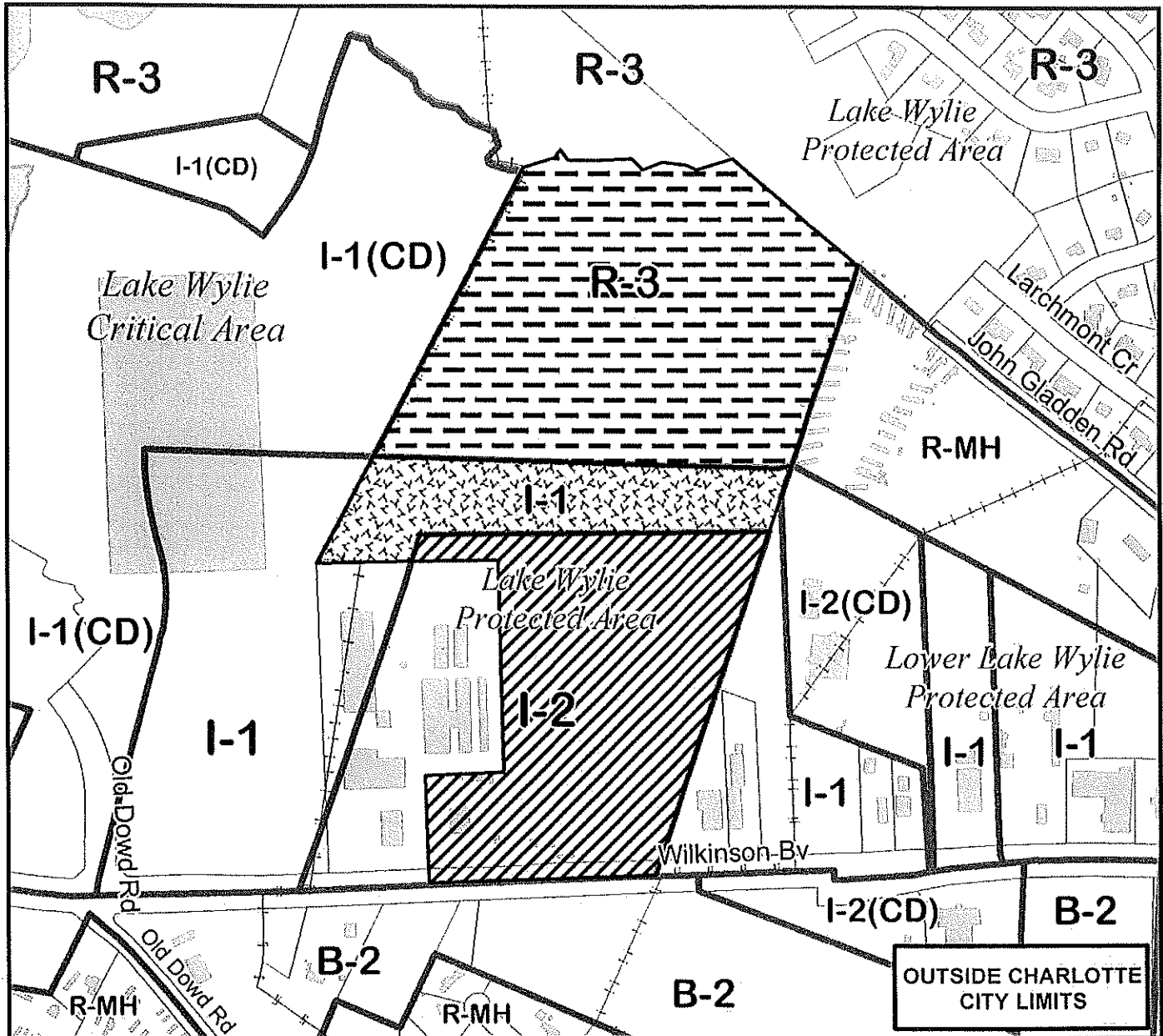
Zoning Classification (Existing): R-3(LWPA), I-1(LWPA), I-2(LWPA)

(Single Family, Residential, Lake Wylie Protected Area; Light Industrial, Lake Wylie Protected Area; General Industrial, Lake Wylie Protected Area)

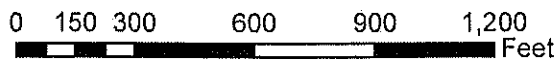
Zoning Classification (Requested): I-2(CD) (LWPA)

(General Industrial, Conditional, Lake Wylie Protected Area)

Acreeage & Location: Approximately 46.34 acres located on the north side of Wilkinson Boulevard near the intersection of Old Dowd Road and Wilkinson Boulevard.



Map Produced by the Charlotte-Mecklenburg Planning Department, 6-27-2014.



Zoning Map #(s)

**84**

- |  |  |  |                    |
|--|--|--|--------------------|
|  | Requested I-2(CD)(LWPA) from R-3(LWPA) |  | FEMA flood plain   |
|  | Requested I-2(CD)(LWPA) from I-1(LWPA) |  | Watershed          |
|  | Requested I-2(CD)(LWPA) from I-2(LWPA) |  | Lakes and Ponds    |
|  | Existing Building Footprints           |  | Creeks and Streams |
|  | Existing Zoning Boundaries             |  | Historic District  |
|  | Charlotte City Limits                  |  |                    |
|  | Pedestrian Overlay                     |  |                    |

Petition No.: 2014-083  
Petitioner: Childress Klein Properties

**ORDINANCE NO. 5492-Z**

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

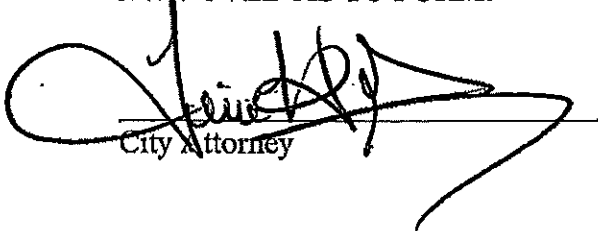
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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(CD) (Urban Residential, Conditional) to UR-2(CD)SPA (Urban Residential, Conditional, Site Plan Amendment).

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:

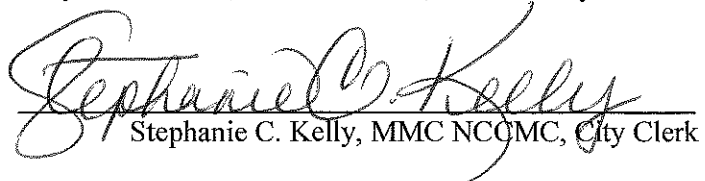
  
City Attorney

**CERTIFICATION**

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 20th day of October, 2014.



  
Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-083**

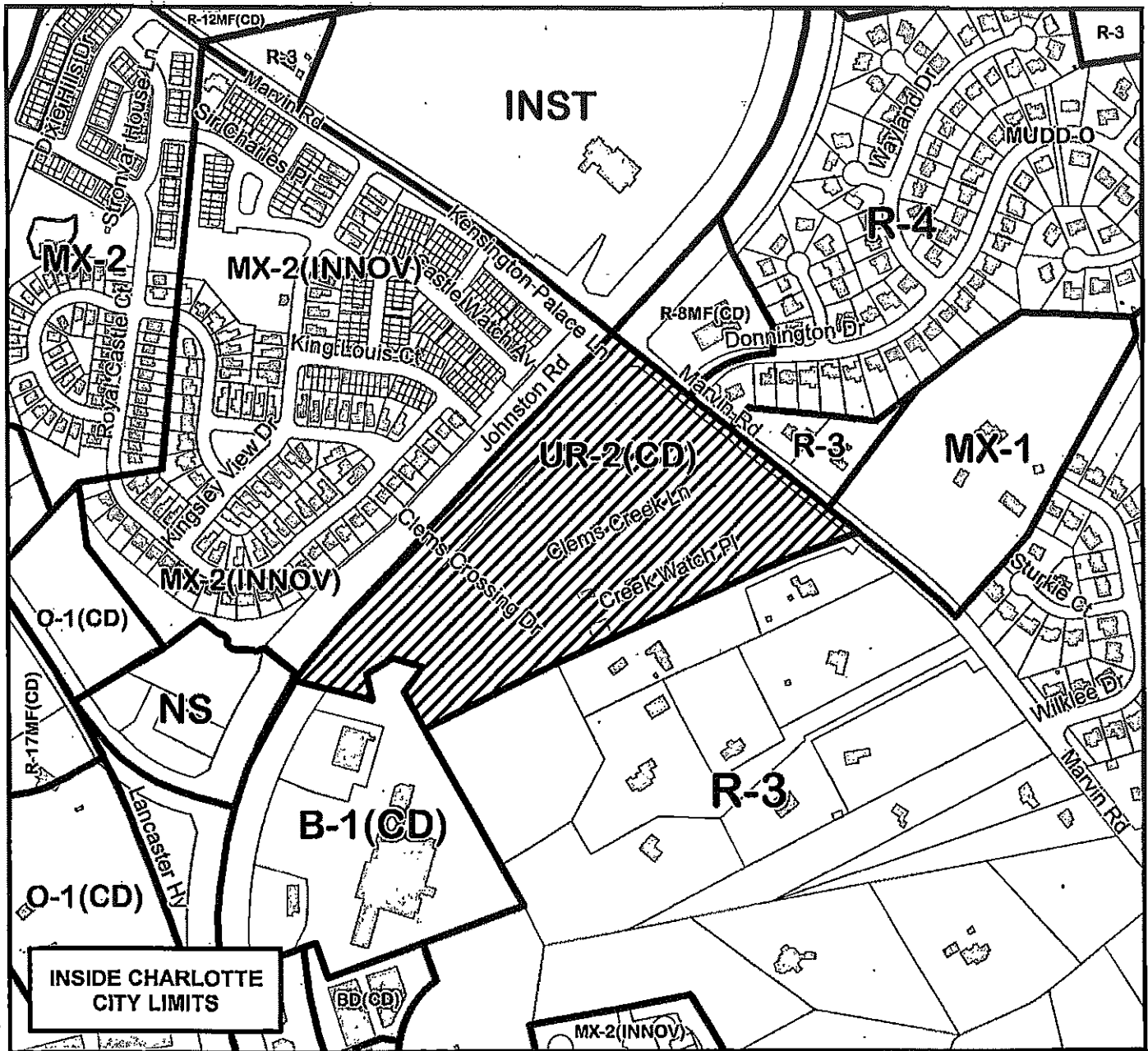
Petitioner: **Childress Klein Properties**

Ordinance No. 5492-Z

Zoning Classification (Existing): UR-2(CD)  
(Urban Residential, Conditional)

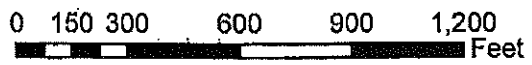
Zoning Classification (Requested): UR-2(CD) S.P.A.  
(Urban Residential, Conditional, Site Plan Amendment)

Acresage & Location: Approximately 18.8 acres located on the southeast corner at the intersection of Johnston Road and Marvin Road.



INSIDE CHARLOTTE CITY LIMITS

Map Produced by the Charlotte-Mecklenburg Planning Department, 10-14-2014.



Zoning Map #(s)  
**185**

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

Petition No.: 2014-086  
Petitioner: Charlotte-Mecklenburg  
Planning Department

CITY ZONE CHANGE

ORDINANCE NO. 5493-Z

ZONING REGULATIONS

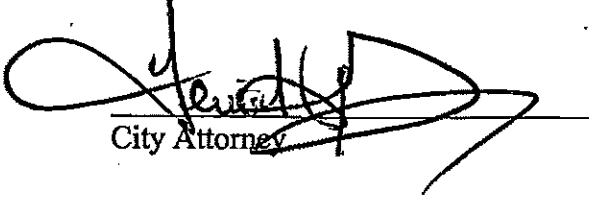
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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 INST (Institutional) and I-2(CD) (General Industrial, Conditional) to TOD-M (Transit-Oriented Development, Mixed-Use).

SEE ATTACHED MAP

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

APPROVED AS TO FORM:

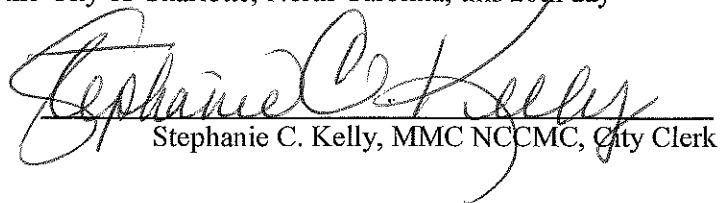
  
City Attorney

**CERTIFICATION**

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 20th day of October, 2014.



  
Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-086**

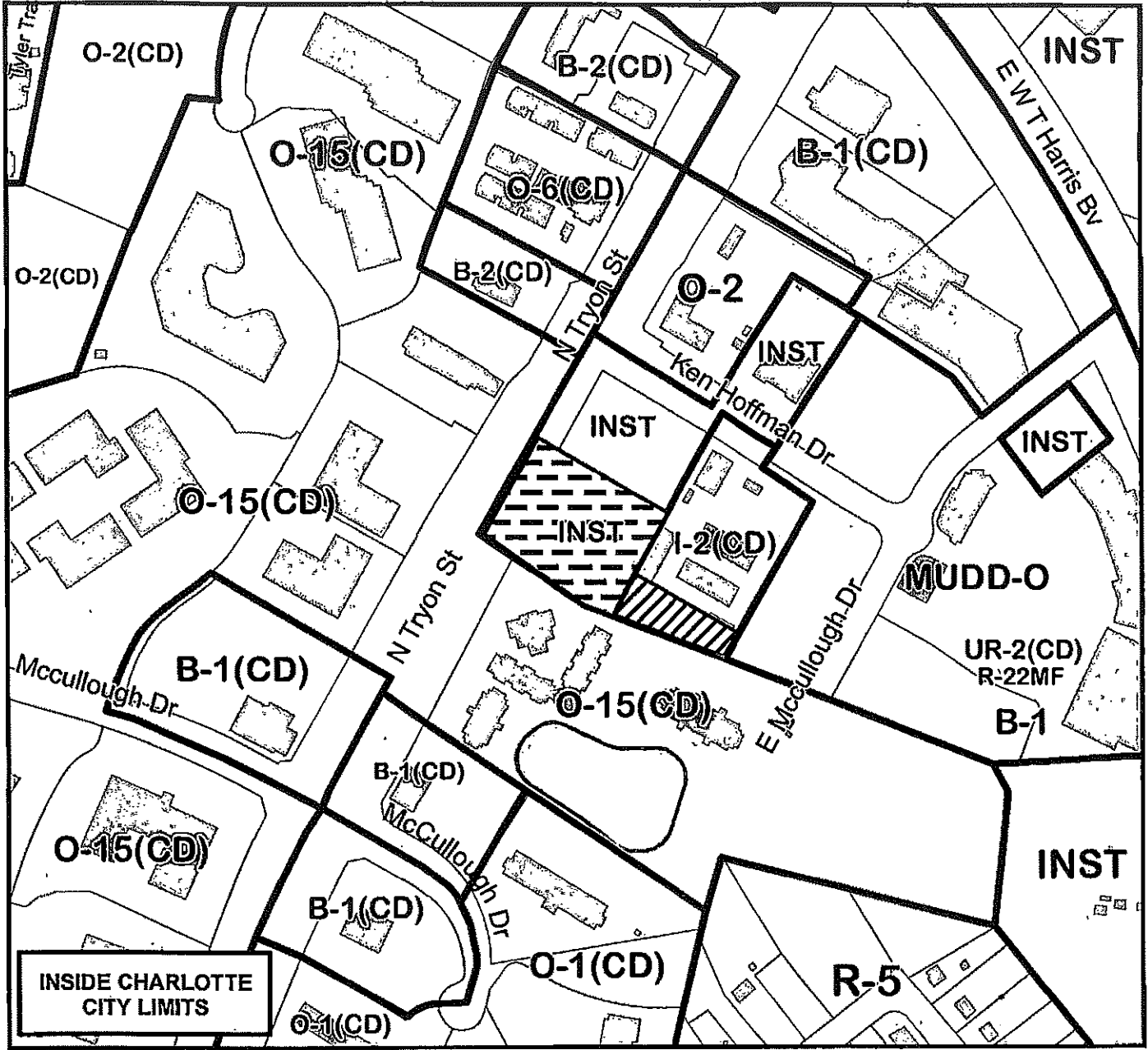
Ordinance No. 5493-Z

Petitioner: **Charlotte-Mecklenburg Planning Department**

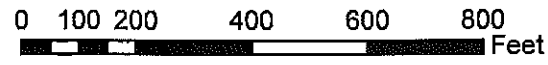
Zoning Classification (Existing): INST and I-2(CD)  
(Institutional and General Industrial, Conditional)

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

Acreeage & Location: Approximately 1.83 acres located on the east side of North Tryon Street between McCullough Drive and Ken Hoffman Drive.



Map Produced by the Charlotte-Mecklenburg Planning Department, 8-27-2014.



Zoning Map #(s)  
**58**

	Requested TOD-M from I-2(CD)		FEMA flood plain
	Requested TOD-M from INST		Watershed
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		Historic District
	Pedestrian Overlay		

Petition No. 2014-87  
Petitioner: Charlotte-Mecklenburg Planning Department

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

**ORDINANCE NO. 5494**

**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 3: BOARD OF ADJUSTMENT

1. Amend Section 3.301, "Powers and duties", subsection (1) by adding "or by his or her authorized designee" to the sentence to clarify that appeals can be made to any specific order, requirement, decision, or determination made by the Zoning Administrator, or designee. This also matches the language used in Section 5.101, subsection (1). All remaining subsections shall remain unchanged. The revised subsection shall read as follows:

**Section 3.301. Powers and duties.**

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

- (1) To hear and decide appeals from and to review any specific order, requirement, decision, or determination made under these regulations by the Zoning Administrator, or by his or her authorized designee.
2. Amend Section 3.303, "Meetings, hearings and procedures", subsection (5) by updating the language to match that of the modernized language adopted by the State. The revised subsection shall read as follows:
  - (5) ~~The concurring vote of majority of the members of the Board of Adjustment is required to reverse or modify any other, requirement, decision or determination made by the Zoning Administrator or to grant a variance from the requirements of these regulations. The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to~~

determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

B. CHAPTER 5: APPEALS AND VARIANCES

1. Amend Section 5.101, "Authority of City of Charlotte", subsection (2), by updating the language to match that of the modernized language adopted by the State. Also modify the reference to the N.C. General Statutes in subsection (5). All other subsections remain unchanged. The two revised subsections shall read as follows:

**Section 5.101. Authority of City of Charlotte.**

- (2) The Board of Adjustment shall have the authority to hear and decide petitions for variances from the requirements of these regulations so that the spirit, purpose, and intent of the Zoning Ordinance is met, of the ordinance is observed, such that public safety and welfare is secured, and substantial justice done is achieved.
  - (5) Pursuant to G.S. §160A-388**(b) and (d)**, the Board of Adjustment only has the statutory authority to grant or to deny variances and to determine if the zoning administrator correctly or incorrectly interpreted and applied the zoning ordinance in rendering a decision. The Board of Adjustment does not have jurisdiction to address or rule upon constitutional and federal and state statutory issues or any other legal issues beyond its statutory authority.
2. Amend Section 5.107, "Notice and hearing" by adding language that clarifies that the Board of Adjustment holds quasi-judicial hearings on variances and appeals. In addition, add new language that describes the mailing of notices of hearings, as per the new legislation. The revised section shall read as follows:



**Section 5.107. Notice and hearing.**

The Board of Adjustment shall, in accordance with rules adopted by it for such purpose, hold ~~public~~ quasi-judicial hearings on any appeal or variance petition, which comes before it.

As per G.S. § 160A-388(a2), notices of hearings shall be mailed to (1) the person or entity whose appeal, application or request is the subject of the hearing; (2) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and (3) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing.

In the absence of evidence to the contrary, the county tax listing shall be used to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

3. Amend Section 5.108, “Standards for granting a variance”, subsection (1) by deleting the current language and replacing it with the modernized language in Session Law 2013-126 approved by the state in June of 2013. Also remove the last sentence in subsection (2), and delete subsection (3) and replace it with new text allowing the Board of Adjustment to add appropriate conditions to a variance. The entire revised section shall read as follows:

**Section 5.108. Standards for granting a variance.**

- ~~(1) Before granting a variance, the Board of Adjustment shall find:~~
- ~~(a) That practical difficulties or unnecessary hardship would result from the strict application of these regulations; and~~
- ~~(b) That the spirit of these regulations should be observed by taking into consideration the general intent of these regulations. The Zoning Board of Adjustment may also consider any adopted district plan or area plan covering the property, any other~~

~~adopted written policies governing land development and the construction and improvement of public facilities; and~~

~~(c) That the public safety and welfare have been protected and substantial justice done.~~

~~(1) When unnecessary hardships would result from carrying out the strict letter of the Zoning Ordinance, the Board of Adjustment shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following:~~

~~(a) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.~~

~~(b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.~~

~~(c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.~~

~~(d) The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, such that public safety is secured, and substantial justice is achieved.~~

(2) The Board of Adjustment shall not grant a variance which would allow the establishment of a use which is not otherwise permitted in the district, would result in the extension or expansion of a nonconforming use, or would change the district boundary, or zoning classification of any or all of

the subject property. ~~Except under circumstances described in subsection (3) below, the Board of Adjustment shall not grant a variance.~~

~~(3) Only the following three conditions shall constitute a practical difficulty or unnecessary hardship and all must be met:~~

~~(a) The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; and~~

~~(b) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties in the same neighborhood and/or used for the same purposes; and~~

~~(c) The difficulty or hardship resulting from the application of these regulations would prevent the owner from securing a reasonable return or making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.~~

~~(3) Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.~~

4. Amend Section 5.110, "Action by the Board of Adjustment", subsection (1) by deleting the last sentence and (2) by updating references to the General Statutes and replacing the word, "must" to "should". Subsection (1) remains unchanged. The new section shall read as follows:

**Section 5.110. Action by the Board of Adjustment.**

- (1) The Board of Adjustment shall grant or deny the variance or shall reverse, affirm, or modify the order, decision, requirement, or determination under appeal. ~~The Board of Adjustment shall make findings of fact and conclusions of law to support its decision.~~

- (2) The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board.
- (23) If any aggrieved party wishes to receive a written copy of the decision of the Zoning Board of Adjustment pursuant to Section 5.113(1), then the aggrieved party, as stated in G.S. Sec. 160A-388(e2)(1), ~~must~~ should file a written request for a copy of the Board's decision with the Secretary or Chairperson of the Zoning Board of Adjustment at the time of the hearing of the case prior to the date the decision becomes effective.
5. Amend Section 5.113, "Appeal from the Board of Adjustment", by deleting subsections (1), (2), and (3) and replacing them with updated modernized language, new regulations for delivery of decisions and time-frames to file a petition for review, and updated N.C. General Statutes references.

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

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

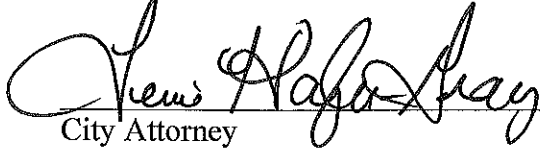
- ~~(2) — If any aggrieved party has filed a written request for a copy of the decision at the time of the hearing of the case, as stated in G.S. Sec. §160A-388(e), then a decision of the Board may be delivered to that aggrieved party either by personal service or by registered or certified mail with return written receipt requested.~~
  
- ~~(3) — Any aggrieved party, who has filed a written request for a copy of the decision at the time of the hearing of the case, will have thirty (30) days from receipt of the decision of the Board of Adjustment to file the petition for review in the nature of certiorari in Superior Court with the Clerk of Superior Court, or will have thirty (30) days from the date of the filing of the decision in the Charlotte-Mecklenburg Planning Department, by the Zoning Administrator, as stated above in Subsection (1), whichever is later.~~
  
- (1) The decision of the Board of Adjustment shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.
  
- (2) Every quasi-judicial decision of the Board shall be subject to judicial review by the superior court by proceedings in the nature of certiorari pursuant to G.S. § 160A-393. Any petition for a review of the Board's decision in the nature of certiorari by the superior court must be filed with the clerk of superior court by the later of (1) 30 days after the decision is effective, or (2) 30 days after a written copy of the decision is given in accordance with subsection (1) of this section. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

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(4-3) If a petition for review pursuant to G.S. §160A-388(e2) is filed, then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the secretary of the Zoning Board of Adjustment for preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the City shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed.

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 20th day of October, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 54-61.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 20th day of October, 2014.



  
Stephanie C. Kelly, MMC NCCMC, City Clerk

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

**ORDINANCE NO. 5495**

**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 2: SINGLE FAMILY DISTRICTS**

- a. Amend Section 9.205, "Development standards for single family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (e1) by adding three new footnote references, and bolding the word, "thoroughfare". The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(e1) Minimum setback from the right-of-way along a designated <b>thoroughfare</b> (feet) <sup>1, 3, 10, 11</sup>	30	30	20	20	20

- b. Amend Section 9.205, "Development standards for single family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (e2) by 1) modifying the setback numbers and deleting "existing or future back of curb" and replacing it with "the right-of-way"; 2) adding three new footnote references; 3) adding new setback requirements for "lots along right-of-way approved prior to 12-20-2010"; and 4) bolding the words, "local and collector street" and "Approved prior to 12-20-2010". The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(e2) Minimum setback from <del>existing or future back of curb</del> <u>the right-of-way</u> along <b>local and collector streets</b> (feet) <sup>1, 3, 8, 9, 10, 11</sup>	<del>42</del> <u>27</u>	<del>42</del> <u>27</u>	<del>32</del> <u>17</u>	<del>32</del> <u>17</u>	<del>32</del> <u>17</u>

**or**  
**Lots along right-of-way Approved prior to 12-20-2010 below:**

- c. Amend Section 9.205, “Development standards for single family districts”, subsection (1), “Density, area, yard and bulk regulations”, subsection (f) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(f) Minimum side yard (feet) <sup>4,10</sup>					
- Residential	6	5	5	5	5
- Non-residential	20	20	20	20	20

- d. Amend Section 9.205, “Development standards for single family districts”, subsection (1), “Density, area, yard and bulk regulations”, subsection (g) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(g) Minimum rear yard (feet) <sup>10</sup>					
- Residential	45	40	35	30	20
- Non-residential	45	40	35	35	35

- e. Amend Footnotes to Section 9.205(1) by modifying footnote 1 and 8 and adding two new footnotes 10 and 11. All other footnotes remain unchanged. The revised and new footnotes shall read as follows:

<sup>1</sup> Reserved. Setbacks shown on a plat recorded at the Register of Deeds shall supersede required zoning setbacks.

<sup>8</sup> As prescribed by Chapter 20 (Subdivision Ordinance) public streets approved after 12-20-2010 may have a right-of-way width that varies from the total width for a Residential Medium Street. If so, the minimum setback from the right-of-way will be shown, and recorded on the final plat. Along a local street where no curb exists, the default street type shall be a Local Residential Medium. The future back of curb for a Local Residential Narrow shall be measured 10’ from the existing centerline, Local Residential Medium shall be measured 13.5’ from the existing centerline, and Local Residential Wide shall be measured 17.5’ from the existing centerline. The future back of curb for a collector street shall be measured 18’ from the existing centerline.

<sup>10</sup> For lots which abut more than one public street refer to Section 12.102.



- f. Amend Section 9.205, “Development standards for single family districts”, subsection (9), “Mixed Income Housing Development”, subsection (d), “Development Standards”, subsection (iii) by 1) removing text regarding street frontage types; 2) adding a section number reference; and 3) removing subsection (b) in its entirety. The revised subsection shall read as follows:

- (iii) The minimum setbacks are as follows ~~based on the street frontage type:~~
- a. ~~Along a designated thoroughfare~~ The setback shall be 20 feet for front loaded garages and 15 feet for all other portions of the structure from the right-of-way. (Section 12.206(3))
- b. ~~Along local and collector streets the setback shall be 32 feet for front loaded garages and 27 feet for all other portions of the structure from the existing or future back of curb.~~

## 2. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.303, “Uses permitted under prescribed conditions”, item (19), “Planned multi-family and attached developments, a single multi-family or attached building on a lot with more than 12 units in a building”, subsection (f) by modifying the separation distances in subsections (i) through (v) as well as how they are measured. Also add a section number reference in subsection (iii). The revised section shall read as follows:
- (f) The following standards shall apply when a public street, other than a thoroughfare abuts the site, or when both sides of a public street, other than a thoroughfare, are located within or runs through the boundaries of a project subject to this Section:
- (i) All buildings may have a minimum ~~27~~ 15-foot separation from the existing or future ~~back of curb~~ right-of-way provided the conditions listed below are met.
- (ii) Architectural features such as cornices, eaves, steps, gutter, and fire escapes may project up to 3 feet into this ~~27~~ 15-foot separation area.
- (iii) All garages must have a minimum separation of ~~33~~ 20 feet from the existing or future ~~back of curb~~ right-of-way while the remainder of the structure

may be located at the minimum ~~27~~ 15-foot separation from the existing or future ~~back of curb~~ right-of-way. (Section 12.206(3))

- (iv) All dwelling units with the ~~27~~ 15-foot minimum street separation must have the building elevation facing the street as a front architectural facade with an entrance doorway. Rear and back facades are not permitted to face the street.
- (v) No parking or maneuvering space is permitted in the ~~27~~ 15-foot separation area, except that common driveways providing access to parking areas may be installed across it. However, parking behind garages is allowed so long as the parking is out of the required planting strip and sidewalk area or the right-of-way, whichever is greater.

b. Amend Section 9.305, "Development standards for multi-family districts", subsection (1), "Area, yard and bulk regulations", subsection (e1) by adding text regarding public streets and adding three footnote references. The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
e1) Minimum setback from the right-of-way along a designated thoroughfare <del>and public streets</del> (feet) <sup>3,11,13,14</sup>					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as provided for in Section 9.303(19)(f))	30	30	30	30	30

c. Amend Section 9.305, "Development standards for multi-family districts", subsection (1), "Area, yard and bulk regulations", subsection (e2) by 1) replacing "existing or future back of curb" with "right-of-way"; 2) modifying the setbacks; 3) adding four new footnote references; 4) adding a new section and setbacks for "lots along right-of-way approved prior to 12-20-2010"; and 5) bolding the words, "Approved prior to 12-20-2010". The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(e2) Minimum setback from <del>existing or future back of curb</del> <u>right-of-way</u> along local and collector streets (feet) <sup>3,10,11,12,13,14</sup>					
- Detached, duplex, triplex and quadraplex dwellings	<del>32</del> <u>17</u>	<del>32</del> <u>17</u>	<del>32</del> <u>17</u>	<del>32</del> <u>17</u>	<del>32</del> <u>17</u>
- All other buildings, including planned multi-family developments	<del>42</del> <u>27</u>	<del>42</del> <u>27</u>	<del>42</del> <u>27</u>	<del>42</del> <u>27</u>	<del>42</del> <u>27</u>

or  
Lots along right-of-way Approved prior to 12-20-2010 below:

- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as provided for in Section 9.303(19)(f))	30	30	30	30	30

- d. Amend Section 9.305, “Development standards for multi-family districts”, subsection (1), “Area, yard and bulk regulations”, subsection (f) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(f) Minimum side yard (feet) <sup>4,11</sup>					
-Detached, duplex, triplex and quadraplex dwellings	5	5	5	5	5
- Planned multi-family developments adjoining single family developed or zoned land <sup>5</sup>	20	20	10	10	10
-Non-residential buildings adjoining single family zoning districts	20	20	20	20	20
-All other planned multi-family developments and all other nonresidential buildings <sup>5</sup>	10	10	10	5	5

- e. Amend Section 9.305, “Development standards for multi-family districts”, subsection (1), “Area, yard and bulk regulations”, subsection (g) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(g) Minimum rear yard (feet)					
-Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
-All other buildings, including planned multi-family developments (except as required below)	40	40	40	40	40
-Planned multi-family developments adjoining single family developed or zoned land <sup>5, 8,11</sup>	50	50	50	40	40

- f. Amend Footnotes to Section 9.305(1) by modifying footnote 10 and adding four new footnotes. All other footnotes remain unchanged. The revised and new footnotes shall read as follows:

<sup>10</sup> As prescribed by Chapter 20 (Subdivision Ordinance) public streets approved after 12-20-2010 may have a right-of-way width that varies from the total width for a Residential Medium Street. If so, the minimum setback from the right-of-way will be shown, and

~~recorded on the final plat. Along a local street where no curb exists, the default street type shall be a Local Residential-Medium. The future back of curb for a Local Residential-Narrow shall be measured 10' from the existing centerline, Local Residential-Medium shall be measured 13.5' from the existing centerline, and Local Residential-Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline.~~

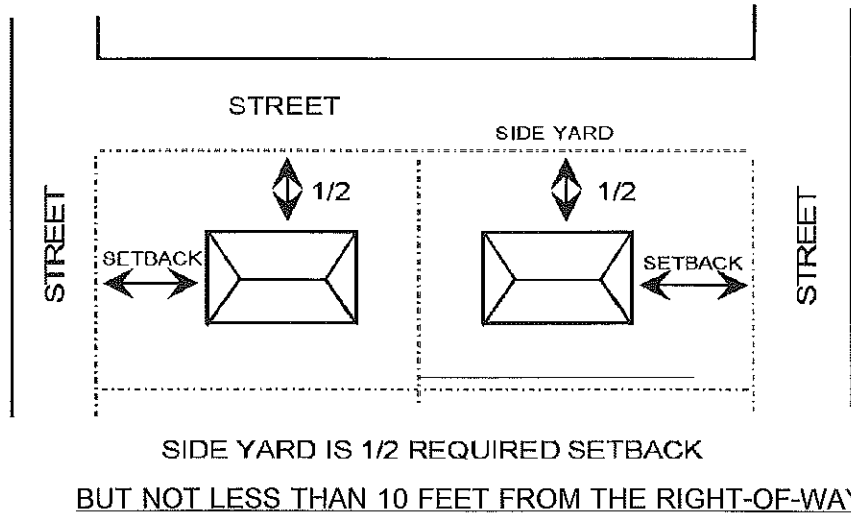
- <sup>11</sup> ~~For lots which abut more than one public street refer to Section 12.102.~~
- <sup>12</sup> ~~The location of parking shall meet the minimum standards in Section 12.206(3).~~
- <sup>13</sup> ~~Alternative Setback: The following setback standards may be used for an established block face that is at least 25 percent developed, or has at least four existing dwellings:~~
- ~~(a) A single-family detached dwelling in an established block face may be located no closer to the street than the two closest structures on the same block face.~~
- ~~(b) In no case shall the minimum setback be less than 10 feet, or intrude into a required clear sight triangle at an intersection.~~
- ~~(c) The location of parking shall meet the minimum setback standards in Section 12.206(3).~~
- <sup>14</sup> Setbacks shown on a plat recorded at the Register of Deeds shall supersede required zoning setbacks.

## B. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

### 1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.102, "Special lot, setback, yard and building envelope requirements", by modifying subsection (6); Figure 12.102(a); subsection (7); Figure 12.102(b); and subsection (8) by adding text that reads: "but not less than 10 feet from the right-of-way" to all subsections and figures. Also add two new subsections 11 and 12. All remaining subsections are unchanged. The revised subsections and figures shall read as follows:
- (6) If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be a minimum of 50 percent of the required setback for the district but not less than 10 feet from the right of way in which the structure is located as illustrated in Figure 12.102(a).

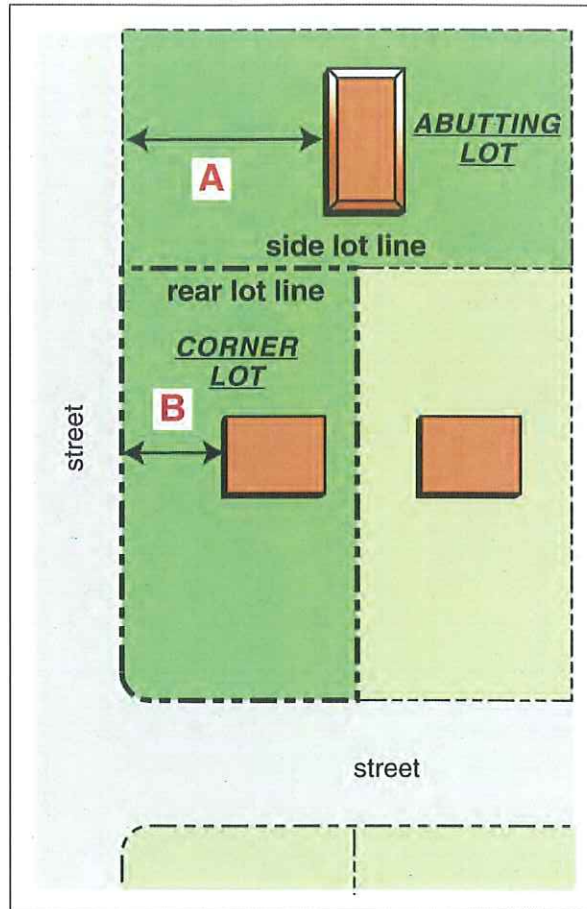
Figure 12.102(a)



*(Continued on next page)*

- (7) If, in any district, a corner lot has a rear lot line in common with a side lot line of an abutting lot, then the side yard on the street side of the corner lot must be at least 50 percent of the required setback for the abutting lot but not less than 10 feet from the right of way as illustrated in Figure 12.102(b).

**FIGURE 12.102(b)**



- A** Setback
- B** Side yard for corner lot shall be at least 50 percent of Setback A but not less than 10 feet from the right-of-way

- (8) If a lot is fronted on three sides by streets, the setback requirement for the district shall be applied only on the two opposing street fronts. The required side yard on the third street front must be at least one-half the required setback in that district but not less than 10 feet from the right of way.

The yard opposite the third street front must be at least the minimum side yard requirement for the district. If the lot is fronted on four sides by streets, two opposing streets shall have the minimum required setbacks and the other two streets must have side yards of one-half the required setback, but not less than 10 feet from the right-of-way.

- (9) The location of required setback, side and rear yards on irregularly shaped lots will be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings on individual lots.
- (10) All residential lots shall have a building envelope sufficient to meet the requirements of the Minimum Housing Code.
- (11) The location of parking shall meet the minimum standards in Section 12.206(3).
- (12) Setbacks measured from right-of-way shall be measured from the total right-of-way as defined by Chapter 20 (Subdivision Ordinance).

## 2. PART 8: S.W.I.M (SURFACE WATER IMPROVEMENT AND MANAGEMENT STREAM BUFFERS)

- a. Amend Section 12.805, "Incentives", subsection (3)(a) by 1) deleting "along a designated thoroughfare or 27 feet from the existing or future back-of-curb for all lots"; 2) add a section number reference, and 3) delete the entire second paragraph. All other subsections remain unchanged. The revised section shall read as follows:

### (3) Relax lot setback requirements

For all lots within a development requiring a SWIM buffer, setback requirements as specified in Section 9.205(4) are reduced as follows:

- (a) Front setbacks can be reduced to a minimum of 15 feet as measured from the right-of-way line for all lots ~~along a designated thoroughfare or 27 feet from the existing or future back-of-curb for all lots~~ along local and collector streets. However, front loaded garages must maintain a minimum setback of 20 feet measured from the back of sidewalk or back of right-of-way, whichever is greater. (Section 12.206(3)).

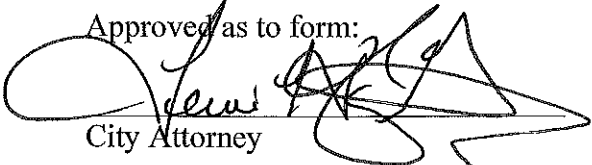
~~Along a local street where no curb exists, the default street type shall be a Local Residential-~~

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~~Medium. The future back of curb for a Local Residential Narrow shall be measured 10' from the existing centerline, Local Residential Medium shall be measured 13.5' from the existing centerline, and Local Residential Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline.~~

- (b) Rear yards can be located 100 % within a SWIM buffer. Rear yards can be reduced to 30 feet on all internal lots. Rear yards forming the outer boundary of a project must conform to the minimum of subsection 9.205(1)(g) for the zoning district in which the development is located.

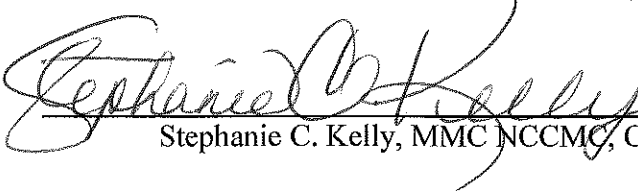
Section 2. That this ordinance shall become effective upon its adoption.

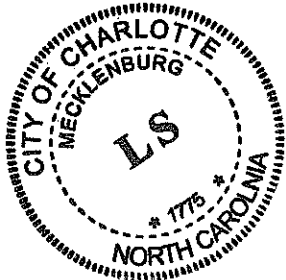
Approved as to form:  
  
 City Attorney

**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 20th day of October, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 62-71.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 20th day of October, 2014.

  
 Stephanie C. Kelly, MMC NCCMC, City Clerk





Petition No.: 2014-094  
Petitioner: Eastway II Holdings LLC

**ORDINANCE NO. 5496-Z**

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

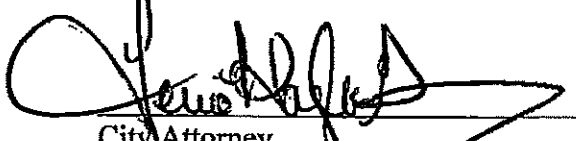
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from B-1SCD (Shopping Center) and BD(CD) (Distributive Business) to BD(CD) (Distributive Business, Conditional) and BD(CD) SPA (Distributive Business, Conditional, Site Plan Amendment).

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:

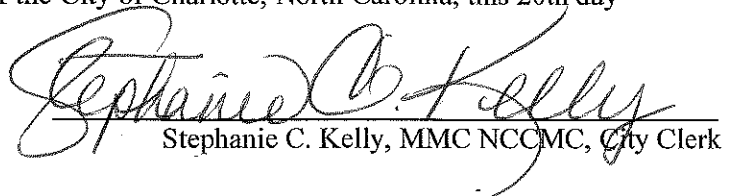
  
City Attorney

**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 20th day of October, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 72-73.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 20th day of October, 2014.



  
Stephanie C. Kelly, MMC NCCMC, City Clerk

Petition #: **2014-094**

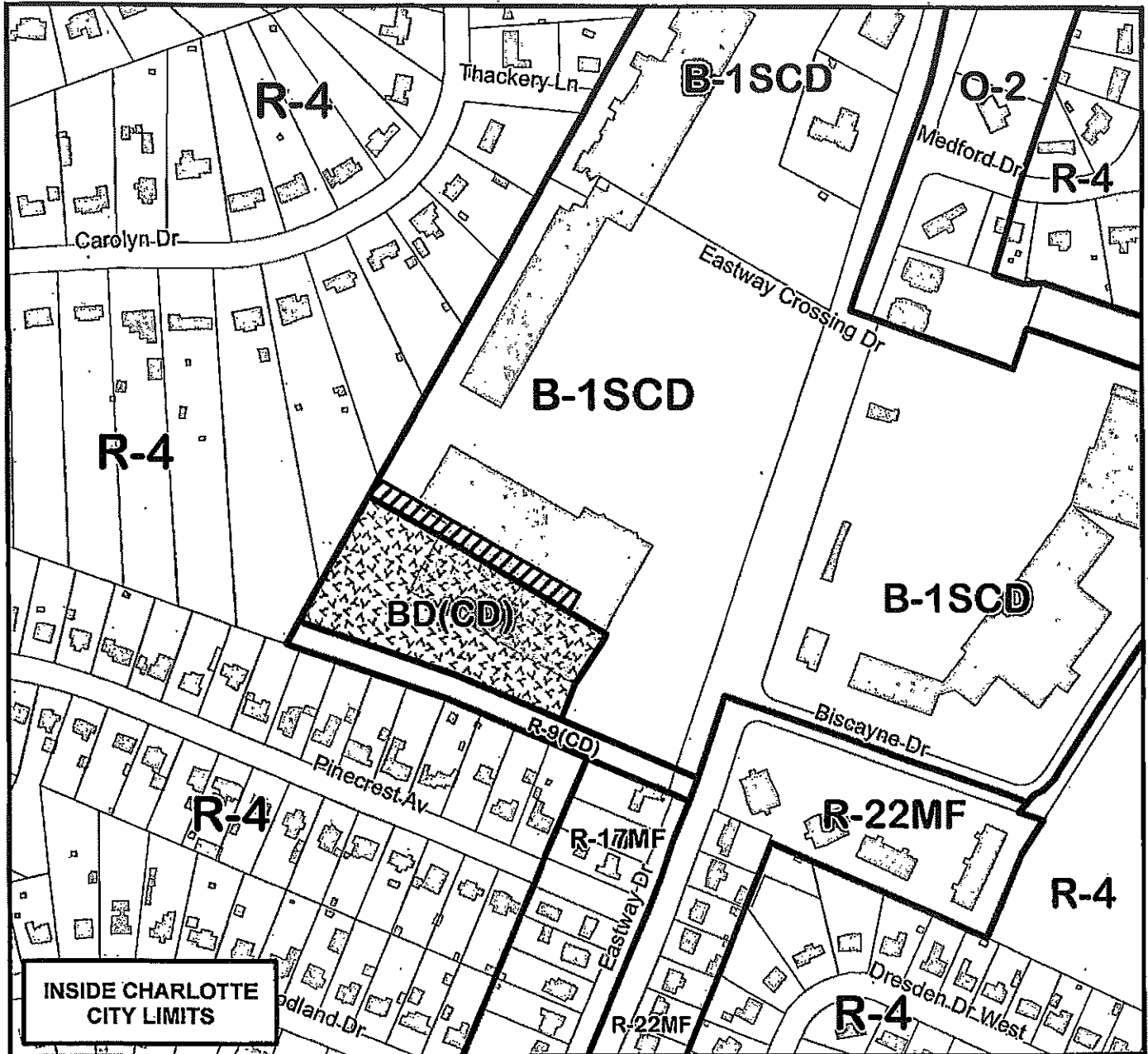
Ordinance No. 5496-Z

Petitioner: **Eastway II Holdings, LLC**

Zoning Classification (Existing): **B-1SCD & BD(CD)**  
(Business Shopping Center District and Distributive Business, Conditional)

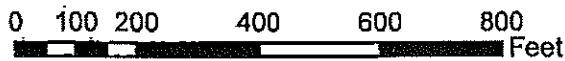
Zoning Classification (Requested): **BD(CD) & BD(CD) S.P.A.**  
(Distributive Business, Conditional and Distributive Business, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 3.74 acres located on the west side of Eastway Drive at the intersection of Eastway Drive and Biscayne Drive.












**INSIDE CHARLOTTE CITY LIMITS**

Map Produced by the Charlotte-Mecklenburg Planning Department, 8-13-2014.



Zoning Map #(s)

**101, 112**

	Requested BD(CD) from B-1SCD
	Requested BD(CD) S.P.A. from BD(CD)
	Existing Building Footprints
	Existing Zoning Boundaries
	Charlotte City Limits
	FEMA flood plain
	Watershed
	Lakes and Ponds
	Creeks and Streams