

CITY ZONE CHANGE

Petition No. 00-41
N.C. Med, LLC & Center City, LLC

ORDINANCE NO. 1504-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 as approximately 0.26 acres located north on the southwest corner of North Church Street and West Sixth Street (tax parcel 078-012-02) from UR-3 to UMUD on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

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

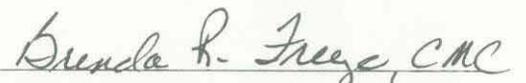
APPROVED AS TO FORM:



City Attorney

I, Brenda R. Freeze City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of April, 2000, the reference having been made in Minute Book 114, and recorded in full in Ordinance Book 50, Page(s) 139-140.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 3rd day of May, 2000.



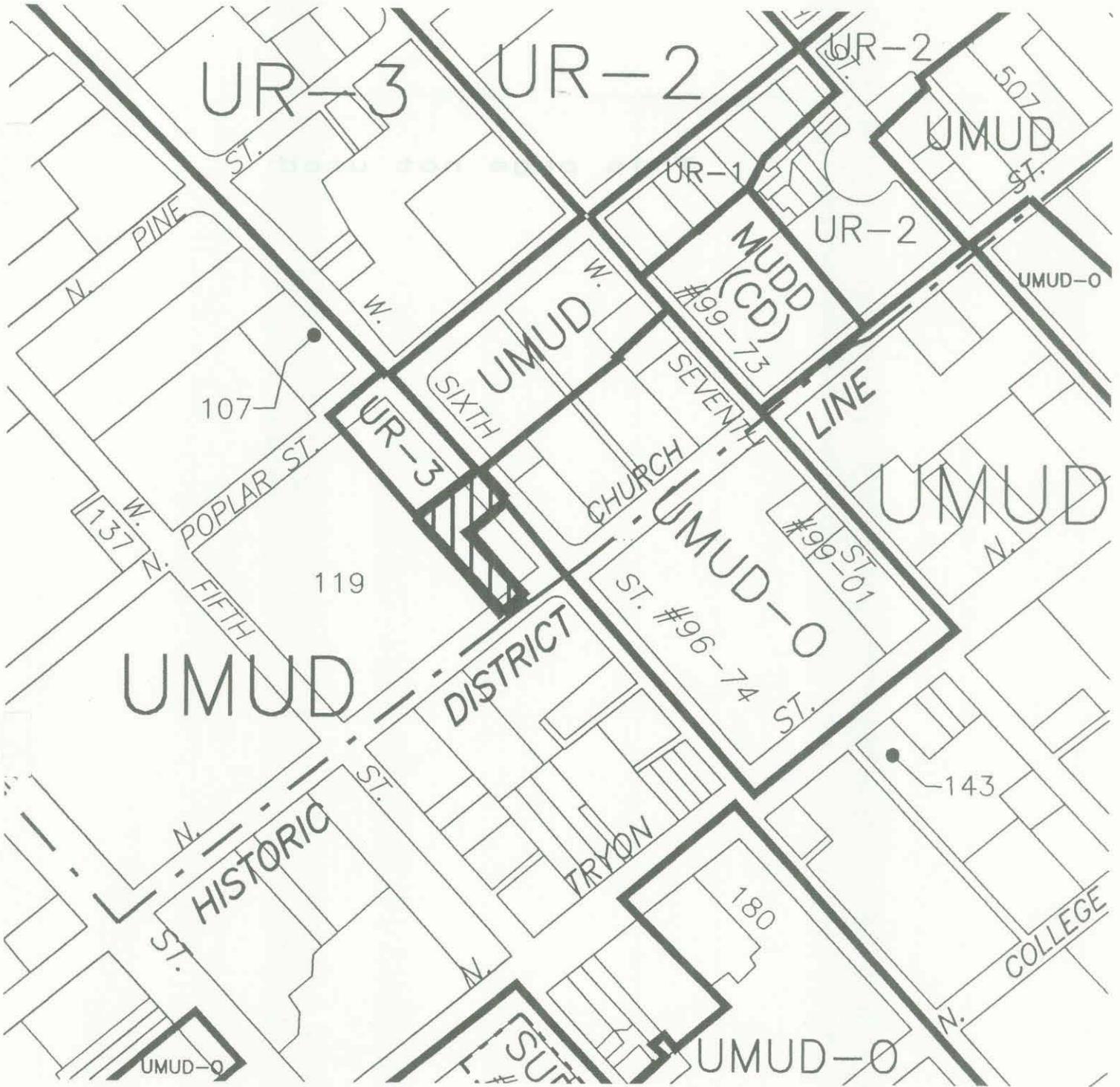
Brenda R. Freeze, CMC, City Clerk

Hearing Date: March 20, 2000

Classification (Existing): UR-3

Zoning Classification (Requested): UMUD

Location: Approximately .26 acres located on the southwest corner of North Church Street and West Sixth Street.



Zoning Map #(s): 102

Scale: 1" = 220'

This page not used



Scale 1" = 250'

zoning map file: 103

CITY ZONE CHANGE

Petition No. 00-42

Michael O'Brien

ORDINANCE NO. 1505-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 as approximately 0.73 acres located between Morehead Street and Bryant Street, south of Calvert Street and west of Interstate 77 (tax parcels 073-254-07 and 11) from I-2 to MUDD on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

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

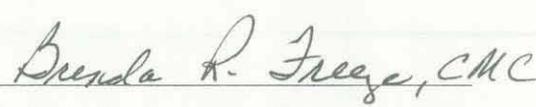
APPROVED AS TO FORM:



City Attorney

I, Brenda R. Freeze City Clerk of the City of Charlotte, North Carolina, DO
HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the
City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day
of April, 2000, the reference having been made in Minute Book 114, and recorded in full
in Ordinance Book 50, Page(s) 142-143.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the
3rd day of May, 2000.



Brenda R. Freeze, CMC, City Clerk

Petition #: 2000-42

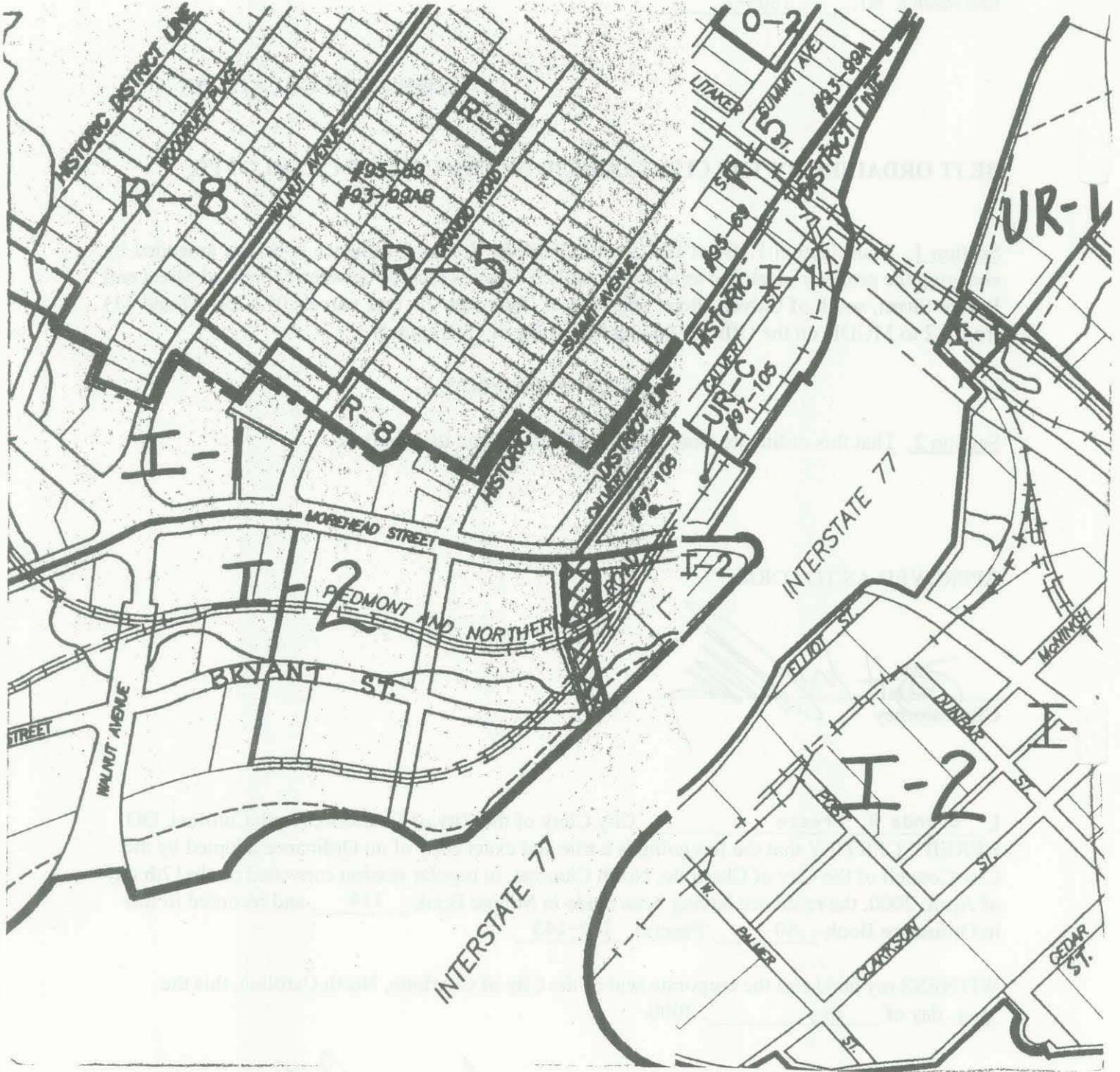
Petitioner: Michael O'Brien

Hearing Date: March 20, 2000

Classification (Existing): I-2

Zoning Classification (Requested): MUDD

Location: Approximately .73 acres located between Morehead Street and Bryant Street, south of Calvert Street and west of Interstate 77.



Zoning Map #(s): 103,

Scale: 1" = 400'

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF CHICAGO

Section 1. The City of Chicago Zoning Ordinance is amended in the following manner:

Section 9-302. Temporary Storage of Materials on Lots in Residential Districts. (a) Temporary storage of materials on a lot where construction is taking place shall be permitted only if the following conditions are met:

The following are the conditions that must be met:

This page not used

(1) Temporary storage of materials shall be limited to the construction of a building on a lot where construction is taking place on an adjacent lot, with temporary use to be terminated upon the completion of construction.

This section shall be revised to read as follows:

(1) Temporary buildings and storage of materials in conjunction with construction of a building is allowed on (1) a lot where construction is taking place, (2) an adjacent lot, or (3) an approved lot under common ownership or lease agreement, subject to administrative approval by the City of Chicago, Department of Transportation (CDOT) and Department of Public Works (DPW) and temporary storage shall be limited to the following:

- (a) The storage site is located a distance of at least 100 feet from any residential lot use or property with a residential zoning classification.
- (b) Location of approved temporary storage is to the alternative storage site.
- (c) Location of temporary storage is subject to mitigate impacts to surrounding lot and adjacent lot use.
- (d) Loading and unloading signs.
- (e) Loading of materials shall be limited to facilitate safe movement of materials between the two sites during construction.
- (f) A traffic control and associated operations plan for use of the site during the course of construction.
- (g) The applicant, not of the site and the preparation of an approved site restoration plan to be implemented prior to the issuance of a certificate of occupancy for the principal use.
- (h) Posting of any additional signs to guarantee the safety of any public improvements that may be impacted during the construction process.

Such temporary use shall be terminated upon the completion of construction.

ORDINANCE NO. 1506

AN ORDINANCE AMENDING
THE CITY CODE - ZONING ORDINANCE

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

Section 1. The City of Charlotte Zoning Regulations as embodied in the Zoning Ordinance are hereby amended as follows:

1. Amend Chapter 9: GENERAL DISTRICTS, Part 9: Uptown Mixed Use District (UMUD), Section 9.902. Uptown Mixed use District: uses permitted by right., which stipulates:

The following uses are permitted by right in the uptown mixed use district:

(18) Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, such temporary uses to be terminated upon the completion of construction.

This section shall be revised to read as follows:

(18) Temporary buildings and storage of materials in conjunction with construction of a building is allowed on, 1) a lot where construction is taking place, 2) an adjacent lot, or 3) an approved lot under common ownership or lease agreement, subject to administrative approval by the City of Charlotte, Department of Transportation (CDOT) and Engineering and Property Management staff to determine compliance with the following criteria:

- (a) That the storage site is located a distance of at least 200 feet from any residential land use or property with a residential zoning classification.
- (b) Location of approved temporary access to the alternative storage site;
- (c) Installation of temporary opaque screening to mitigate impacts to surrounding less intense land uses;
- (d) Fencing and required signage;
- (e) Leasing of necessary right of way or easements to facilitate safe movement of materials between the two sites during construction;
- (f) A traffic control and associated operational plan for use of the site during the course of construction;
- (g) Timetable for use of the site and the preparation of an approved site restoration plan to be implemented prior to the issuance of a certificate of occupancy for the principal use;
- (h) Posting of any additional surety to guarantee the repair of any public improvements that may be impacted during the construction process.

Such temporary uses shall be terminated upon the completion of construction.

2. Amend Chapter 9: GENERAL DISTRICTS, PART 8.5: MIXED USE DEVELOPMENT DISTRICT MUDD, Section 9.8502. Mixed Use Development District; uses permitted by right.

The following uses are permitted by right in the Mixed Use Development District (MUDD):

Temporary buildings and storage of materials in conjunction with construction of the same building on a lot where construction is taking place or on adjacent lots, such temporary uses to be terminated upon the completion of construction.

This section shall be revised to read as follows:

Temporary buildings and storage of materials provided that:

The use is only allowed in conjunction with construction of the same building on; 1) a lot where construction is taking place, 2) an adjacent lot, or 3) an approved lot under common ownership or lease agreement subject to administrative approval by the City of Charlotte, Department of Transportation (CDOT) and Engineering and Property Management staff to determine compliance with the following criteria:

- (a) That the storage site is located a distance of at least 200 feet from any residential land use or property with a residential zoning classification.
- (b) Location of an approved temporary access to the alternative storage site;
- (c) Installation of temporary opaque screening to mitigate impacts to surrounding less intense land uses;
- (d) Fencing and required signage;
- (e) Leasing of necessary right of way or easements to facilitate safe movement of materials between the two sites during construction;
- (f) A traffic control and associated operational plan for use of the site during the course of construction;
- (g) Timetable for use of the site and the preparation of an approved site restoration plan to be implemented prior to the issuance of a certificate of occupancy for the principal use;
- (h) Posting of any additional surety to guarantee the repair of any public improvements that may be impacted during the construction process.

Such temporary uses shall be terminated upon the completion of construction.

3. Amend CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION, PART 2: DEFINITIONS, Section 2.201 Definitions,

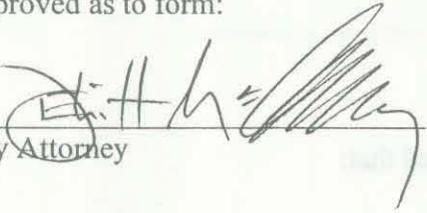
This section shall be revised to include the following definition:

Site Restoration Plan.

A plan, prepared to scale, showing accurately all information necessary to illustrate the return of site conditions to a level and graded state with contours consistent with elevations of adjacent properties. Site shall be free of inorganic debris. Methods for proper grading, soil erosion control, soil stabilization and establishment of approved ground cover vegetation shall be consistent with Chapter 18 of the City of Charlotte's Codes of Laws and Ordinances.

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

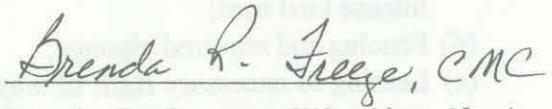
Approved as to form:



City Attorney

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO
HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted
by the City Council of the City of Charlotte, North Carolina, in regular session convened
on the 17th day of April, 2000, the reference having been made in Minute Book 114, and
recorded in full in Ordinance Book 50, Page(s) 145-147.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this
the 3rd day of May, 2000.



Brenda R. Freeze, CMC, City Clerk

Petition No. 00-48

Petitioner: Charlotte Historic District Commission

ORDINANCE NUMBER: 1507 AMENDING APPENDIX A- ZONING

AN ORDINANCE AMENDING APPENDIX A "ZONING" OF THE CODE OF THE CITY OF CHARLOTTE.

BE IT ORDAINED, by the City Council of the City of Charlotte, North Carolina that:

Section 1. Chapter 3: Decision-Making and Administrative Bodies, Section 3.402.

Membership; officers. is amended by deleting:

"Interlocal Cooperation Agreement made and entered into as of the effective date of this ordinance between the City of Charlotte and the County of Mecklenburg, as it may be amended from time to time."

and replacing this language with:

"resolutions adopted by the Charlotte City Council and the Mecklenburg County Board of Commissioners."

Section 2. Chapter 3: Decision-Making and Administrative Bodies, Section 3.403. Meetings, hearings, and procedures. subsections (1) and (3) are amended by deleting:

"Interlocal Cooperation Agreement entered into as of the effective date of these regulations as it may be amended from time to time."

and replacing this language with:

"resolutions adopted by the City Council from time to time."

Section 3. Chapter 3: Decision-Making and Administrative Bodies, Section 3.404. Staff. is amended by deleting:

"Interlocal Cooperation Agreement made and entered into as of the effective date of this ordinance between the City of Charlotte and the County of Mecklenburg, as it may be amended from time to time."

and replacing this language with:

“resolutions adopted by the Charlotte City Council and the Mecklenburg Board of County Commissioners.”

Section 4. Chapter 10: Overlay Districts, Section 10.209. Notice. is amended by deleting subsection (1) in its entirety and removing the number designation “(2)” from the current subsection (2).

Section 5. Chapter 10: Overlay Districts, Section 10.210. Standards. is amended by deleting from the second sentence in subsection (1) the number “10.202(2) and replacing it with “10.203(2)” and by adding a new subsection (3) providing:

(3) Parking Standards. All structures within a historic district shall comply with the regulations of the underlying zoning district, except where the Historic District Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking spaces and/or design standards for parking lots specified in the underlying zoning district would render the site incompatible with the historic aspects of the district. In such case, the Historic District Commission may recommend to the Board of Adjustment a variance to the provisions of the off-street parking requirements and/or design standards. The Board of Adjustment shall authorize as a variance a reduced standard concerning off-street parking provided it finds:

- (a) That the lesser standard will not create serious problems due to increased on-street parking; and
- (b) That the lesser standard will not create a threat to the public safety.

Section 6. Chapter 10: Overlay Districts, Section 10.212. Demolition or removal. is amended (a) by deleting the number “180” in subsections (1) and (2) and replacing it with the number “365” and (b) by adding a new subsection (3) providing:

“(3) If the Commission has voted to recommend designation of an area as an Historic District and final designation has not been made by City Council, the demolition or destruction of any building, site, or structure located in the proposed District may be delayed by the Commission for a period of up to 180 days or until City Council takes final action on the designation, whichever occurs first. Should City Council approve the designation prior to the expiration of the 180-day delay period, an application for a certificate of appropriateness for demolition must then be filed; however, the maximum period of delay for such demolition certificate shall be reduced by the Commission by the period of delay while the designation was pending.”

Section 7. Chapter 10: Overlay Districts, Section 10.213. Appeal to Zoning Board of Adjustment. is amended

- (a) by deleting the first sentence of subsection (1), which states “N.C. General Statutes Section 160A-397 establishes the appeal procedure” and
- (b) deleting the word “thirty” from the third sentence of subsection (1) and replacing it with the word “sixty.”

Section 8. Chapter 10: Overlay Districts, Section 10.214. Enforcement. is amended by deleting it in its entirety and replacing it with the following:

Section 10.214. Enforcement

(1) Failure to comply with these provisions shall constitute a violation subject to enforcement action. Violations include but are not limited to:

- A. Performing any work (including erecting, altering, restoring, moving, and/or demolishing any building, structure, street, sidewalk, site, area or object) that requires a certificate of appropriateness without first obtaining a certificate.
- B. A Certificate of Appropriateness is denied and the project is carried out in defiance of the denial.
- C. Work is approved and a certificate is issued and the work is carried out in a manner inconsistent with the approval.

(2) Upon recognition of a violation, a *Notice of Violation* will be issued to the violator. The violator will have 30 days to either correct the violation, or appeal the citation to the Charlotte Zoning Board of Adjustment through the Zoning Board of Adjustment's normal hearing procedure. If the violator corrects the violation, no further action will be taken. If the violator, in the opinion the Historic District Commission staff, is making a good faith effort to bring the violation into compliance, further enforcement action can be held in abeyance as long as that effort is continuing.

(3) If the violation is not corrected within 30 days and the violator has not appealed to the Zoning Board of Adjustment, a Misdemeanor Criminal Summons may be issued to the violator and the matter will be placed on the docket for the Mecklenburg County Environmental Court. In addition, the Zoning Administrator or his designee may take any enforcement action provided for in NCGS 160A-175 and as specifically described in Chapter 8 of this Zoning Ordinance.

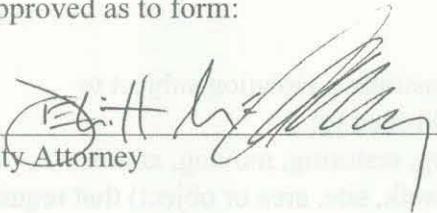
Section 9. Chapter 10: Overlay Districts, Section 10.217 Citations. is deleted in its entirety.

Section 10. Chapter 10: Overlay Districts, Section 10.218 Civil Penalty. is deleted in its entirety.

Section 11. Chapter 10: Overlay Districts, Section 10.219 Denial or revocation of certificate of compliance and occupancy. is renumbered as Section 10.217.

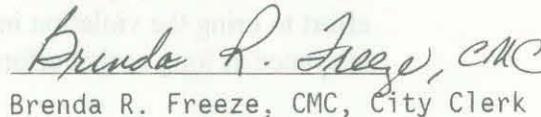
Section 12. That this ordinance shall become effective upon its adoption.

Approved as to form:


City Attorney

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of April, 2000, the reference having been made in Minute Book 114, and recorded in full in Ordinance Book 50, Page(s) 148-151.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 3rd day of May, 2000.


Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 1988 AMENDING APPENDIX A-ZONING

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

BE IT ORDAINED by the City Council of the City of Charlotte, NC, that

Section 17.02.01 of the City Code of the City of Charlotte

This page not used

shall be amended as follows:

1. Amend § 17.02, "Fractional requirements," by deleting that section in

its entirety and substituting in lieu thereof the following:

Whenever any requirement of this Ordinance results in a fraction of a unit, a fraction of a half or more will be rounded up to the next whole unit and a fraction of less than a half will be disregarded. When any requirement of this Ordinance results in a fraction of a dwelling unit, that fraction will be disregarded and the nearest lower whole number shall apply. Whenever a density calculation for a lot of record existing prior to January 1, 1992, results in less than one dwelling unit being permitted, the fractional requirement will be disregarded and one dwelling unit will be permitted subject to § 17.105.

2. Amend Chapter 17, "Development approval," by adding a new

§ 17.107 entitled, "Delegated authority for development approval based upon existing

conditions," and that read as follows:

(f) Delegated authority for quantifiable ordinance standards. The zoning administrator has the authority to grant an administrative approval of deviations from minimum and quantifiable standards of the ordinance, except for density requirements set forth in the ordinance, in accordance with the conditions listed below. The approval cannot be in a deviation of more than 5% of the ordinance requirements. The administrative approval must be in accordance with any one of the following four conditions:

(a) The physical contour of the street, the front or some other topographical or geographical feature is the basis for a surveying or other measurement error.

ORDINANCE NO. 1508 AMENDING APPENDIX A-ZONING

AN ORDINANCE AMENDING APPENDIX A-ZONING OF THE CITY CODE OF
THE CITY OF CHARLOTTE.

BE IT ORDAINED by the City Council of the City of Charlotte, NC, that:

Section 1. Appendix A-Zoning of the City Code of the City of Charlotte

shall be amended as follows:

1. Amend §2.103, "Fractional requirements", by deleting that section in its entirety and substituting in lieu thereof the following:

"Whenever any requirement of this Ordinance results in a fraction of a unit, a fraction of a half or more will be rounded up to the next whole unit and a fraction of less than a half will be disregarded. When any requirement of these regulations results in a fraction of a dwelling unit, that fraction will be disregarded and the nearest lower whole number shall apply. Whenever a density calculation for a lot of record existing prior to January 1, 1992, results in less than one dwelling unit being permitted, the fractional requirement will be disregarded and one dwelling unit will be permitted subject to §7.105."

2. Amend Chapter 4, "Development approval", by adding a new §4.107 entitled, "Delegated authority for development approval based upon existing conditions", and shall read as follows:

"(1) Delegated authority for quantifiable ordinance standards: The zoning administrator has the authority to grant an administrative approval of deviations from measurable and quantifiable standards of this ordinance, except for density requirements and signs, if the deviations are in accordance with the conditions listed below. The approval cannot be for a deviation of more than 5% of the ordinance requirements. The administrative approval must be in accordance with any one of the following four conditions:

- (a) The physical contours of the street, the land, or some other topographical or geographical feature is the basis for a surveying or other inadvertent error.

- (b) The physical layout of the land and the structures upon the land are such that the ordinance requirement cannot be met.
- (c) Because of the nature of the abutting property or intervening topographical or geographical features, the application of the ordinance requirement would not serve a useful purpose.
- (d) The applicant has agreed to measures that would ameliorate the deviation from complete compliance with the ordinance requirement.

(2) Yard, Buffers, and Appurtenant Encroachments: The zoning administrator shall also have the administrative authority to approve deviations from yard and buffer requirements. To approve a deviation, the zoning administrator must determine that there has been a surveying error, a misunderstanding about a property line, an action of the Building Standards Department, or other similar basis that demonstrates an inadvertent error. Any approval for a reduction shall not exceed two feet, except an approval for air conditioning units, which shall not exceed three feet. The zoning administrator shall have the authority to apply subsection (1) or (2) but not both sections. The zoning administrator shall have the authority to attach any condition for a fence, screening, or a similar requirement, if deemed necessary.

(3) Handicapped ramps: The zoning administrator shall have the authority to approve a handicapped ramp or other encroachment into a yard, if the encroachment is required by law and there is no other reasonable location.

(4) Procedure:

- (a) Before granting any administrative approval, the zoning administrator shall take reasonable steps to inform the owners of the property abutting on that side of the location of the requested approval or on all sides, if all sides would be affected. The zoning administrator shall inform the relevant abutting owner(s) that the owner is entitled to object. The abutting owner shall have three working days to make comments to the zoning administrator. The zoning administrator shall take into consideration any comments received.
- (b) If the zoning administrator determines that there is not a basis for administrative approval, then the applicant must seek a variance.

- (c) If any person who is deemed to have the status of an aggrieved person objects to the administrative approval with a stated reason before the zoning administrator's written decision, then the zoning administrator shall deny the request for an administrative approval and the applicant must file for a variance."

Section 3. Amend §5.103, "Filing of notice of appeal", by deleting subsection (1) in its entirety and substituting in lieu thereof the following:

"(1) A notice of appeal, in the form prescribed by the Board of Adjustment, shall be properly filed by a person aggrieved with the zoning administrator's decision within thirty (30) days of the decision. Pursuant to N.C.G.S. §160A-388(d), when passing upon appeals, the Board shall have jurisdiction to grant variances for any violations but shall have that jurisdiction for variances only at that time. If an applicant fails to request variances at that time, then the applicant shall forfeit the right to seek variances for the stated violations. The Board shall not have jurisdiction to grant variances. The notice filed with the zoning administrator shall be accompanied by a non-refundable filing fee as established by City Council. Failure to timely and properly file such notice and the fee shall constitute a waiver of any rights to appeal under this chapter and the Board of Adjustment shall no jurisdiction to hear the appeal.

Section 4. Amend §5.106, "Staff review", shall be deleted in its entirety and substituted in lieu thereof shall be a new section to read as follows:

"Within three days after the proper filing of a completed variance petition or notice of appeal application, the zoning administrator shall transmit the variance petition and notice of appeal application to the Planning staff. As soon as reasonably practical upon receiving the variance petition and appeal application, the Planning staff shall make comments, if any, to the zoning administrator about the filed applications. The zoning administrator's shall take into consideration any such comments from the Planning staff whether a variance appears to be necessary or whether an appeal application appears to be necessary.

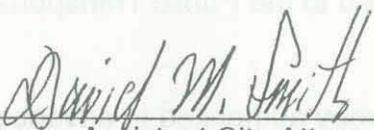
Section 5. Amend §5.111, "Effect of grant of variance or reversal of modification of administrative decision", by deleting, in the first paragraph, the second sentence which begins with the words "Unless otherwise..." and ends with

the words "its decision" in its entirety and replacing that sentence with the following sentence:

"Unless otherwise specified by the Board, a decision of the Board granting a variance shall automatically expire if a building permit is required, pertaining to the need for the variance, and is not obtained within two years from the date of the meeting of the Board at which the Board rendered its decision. In addition, if two years have expired, the zoning administrator shall have the authority to issue the permit if the zoning administrator determines that, based upon the Board's decision, the circumstances for the granting of the variance have not changed and would allow the issuance of the permit. In exercising that authority, the zoning administrator shall comply with the procedures of §4.107(4), 'Procedure'."

Section 6. This ordinance shall become effective upon adoption.

Approved as to form:



Senior Assistant City Attorney

I, Brenda R. Freeze City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of April, 2000, the reference having been made in Minute Book 114, and recorded in full in Ordinance Book 50, Page(s) 153-156.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 3rd day of May, 2000.



Brenda R. Freeze, CMC, City Clerk