

APPROVED BY CITY COUNCIL  
DATE July 17, 1995

CITY CD

Petition No. 95-29  
William G. Curlin/The Roman Catholic  
Diocese

ORDINANCE NO. 330-Z

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 10 acres located on the south side of Suther Road west of Old Concord Road; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on April 17, 1995; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

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

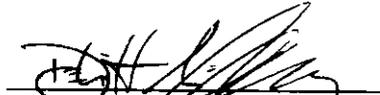
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-3 to Inst.(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

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

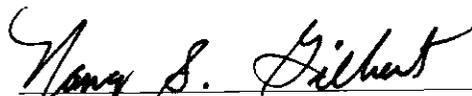
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of July, 1995. the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46 at Page(s) 454-456.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of July, 1995.

  
\_\_\_\_\_  
Nancy S. Gilbert, Deputy City Clerk



**OFFICIAL REZONING APPLICATION  
CITY OF CHARLOTTE**

Petition #: 95-29  
Date Filed: January 30, 1995  
Received By: T. Jones  
**OFFICE USE ONLY**

**OWNERSHIP INFORMATION:**

Property Owner: WILLIAM G. CURLIN, BISHOP OF THE ROMAN CATHOLIC DIOCESE OF CHARLOTTE, NC  
Owner's Address: P. O. BOX 36776, CHARLOTTE, NC 28236  
Date Property Acquired: JUNE, 1973  
Tax Parcel Number(s): 049-343-04

**LOCATION OF PROPERTY (Address or Description):** 1400 SUTHER ROAD, CHARLOTTE, NC 28213

Size (Sq.Ft. or Acres): 10.0001 ACRES Street Frontage (Ft.): 435.60  
Current Land Use: CHURCH USE

**ZONING REQUEST:**

Existing Zoning: R-3 Proposed Zoning: INSTITUTIONAL (CD)  
Purpose of Zoning Change: FOR CHURCH EXPANSION

RICHARD A. LUCEY  
Name of Agent  
1524 EAST MOREHEAD STREET  
CHARLOTTE, NC 28207  
Agent's Address

704/334-4137 704/358-1208  
Telephone Number Fax Number

Signature of Property Owner  
if other than Petitioner

WILLIAM G. CURLIN  
Name of Petitioner(s)  
P. O. BOX 36776  
CHARLOTTE, NC 28236  
Address of Petitioner(s)

704/331-1700 704/358-1208  
Telephone Number Fax Number

X William G. Curlin  
Signature

95-29

**LEGAL DESCRIPTION OF ST. THOMAS AQUINAS CHURCH PROPERTY**

BEGINNING at the point marking the northeasterly corner of Lot 1, Block 3, of COLLEGE DOWNS SUBDIVISION as shown in Map Book 10, Page 187 of the Mecklenburg Public Registry and from said point or place of Beginning along the southerly edge of the right-of-way of Suther Road, S. 28-51-00 E. 435.50 feet to a point; thence with the line of University Hill Baptist Church property (Deed Book 3914, Page 480 of the Mecklenburg Public Registry) S. 51-28-23 W. 999.63 feet to a point; thence N. 28-51-08 W. 22.15 feet to a point; thence N. 31-48-26 W. 435.42 feet to a point; thence N. 51-38-54 E. 1021.89 feet to the point of place of BEGINNING, containing approximately 10.0001 acres as shown on Survey of R. B. Pharr & Associates, P.A. dated January 13, 1995.

**Petition No. 95-29  
William G. Curlin/The Roman  
Catholic Diocese**

**PARALLEL CONDITIONAL USE PERMIT**

**This is a parallel conditional use permit approved by the Charlotte City Council to William G. Curlin/The Roman Catholic Diocese owner(s) and successors-in-interest of the property described as tax parcel 049-343-04 and described in detail further in the ordinance, identified below, approved by the City Council.**

**In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of Inst.(CD) on the official zoning map.**

**This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.**

**Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.**

APPROVED BY CITY COUNCIL

DATE July 17, 1995

Revised 6/5/95  
Revised 4/3/95

PETITION NO. 95-41  
AN ORDINANCE AMENDING APPENDIX  
OF THE CITY CODE - ZONING ORDINANCE  
JUL 20 1995



ORDINANCE NO. 331

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

OFFICE OF CITY CLERK

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:

Underlined words and sentences are proposed additions, and overscored words and sentences are proposed deletions.

1. Amend Section 9.901 Uptown Mixed Use District established; purpose; periodic review.

The amended section will read as follows:

- (1) Purpose. The adopted ~~Central Area Plan~~ Center City Charlotte Urban Design Plan calls for a mixed use development district to strengthen the high density core of the central area and its environs. The uptown mixed use district (UMUD) permits and encourages the coordinated development of retail and wholesale trade; business, professional and financial services, offices, hotels, convention and conference centers, merchandise markets, high density residential developments, and parking as a separate business. The optional uptown mixed use district review process facilitates the coordination of these developments by stressing sensitivity to the pedestrian environment, urban design, open spaces, signs and street furniture where the development subject to these provisions does not conform to the ~~streetscape~~ urban design standards of these provisions.
- (2) Periodic Review. In order to assure that the regulations contained in this Section are functioning in an efficient fashion to accomplish the purpose of the district, the Charlotte Uptown Development Corporation and other interested parties may furnish suggestions and comments to the Charlotte-Mecklenburg Planning Commission. These suggestions may be submitted ~~every two years on the anniversary of the adoption of this Section (November 17, 1983)~~ periodically. The Planning Commission will evaluate any comments or suggestions that it receives and will consider whether amendments are appropriate. If the Planning Commission concludes that amendment of the ordinance is necessary or desirable, an amendment will be initiated by the Planning Commission. If the Planning Commission concludes that amendment is not necessary or desirable, ~~a report to that affect will be transmitted to the~~

City Council. Nothing in this section prevents the City Council or the Planning Commission from initiating an amendment to this ordinance at any time, nor does it prevent any party from filing a petition for an amendment to this ordinance at any time.

2. Amend Section 9.902 Uptown Mixed Use District; uses permitted by right.

Amend this section by adding "shopping centers" to the list of uses permitted by right in UMUD at the end of the section in proper numerical order.

In addition amend Table 9.101, Permitted Uses by District to add an "x" in the UMUD column allowing retail and shopping centers, more than 100,000 square feet as a permitted by right use in UMUD.

3. Amend Section 9.902 Uptown Mixed Use District; uses permitted by right. (13)

Amend (13) by deleting the words "for sale on the premises only"

The amended section will read as follows:

- (13) Production, manufacturing, storage, warehousing and display uses such as manufacture of bakery goods ~~for sale on the premises only~~, blueprinting and photostating, buildings for the display of sample merchandise, engraving, fabric samples assembling, frozen food lockers, dental, medical and optical laboratories, mail order houses, nurseries and greenhouses, printing and photoprocessing, sign printing and manufacturing, storage and warehousing related to wholesale sales, entirely within enclosed buildings, excluding truck terminals, crating services, and warehousing.

4. Amend Section 9.905. Uptown Mixed Use District; area, yard and height regulations. (2) minimum setback: of this section.

The amended requirement will read as follows:

- (2) Minimum setback: All new buildings or uses shall be 12 feet from the back of the curb, without regard to the location of the property line. However, if new construction incorporates an existing structure and such incorporation of the existing structure necessitates a reduction of the minimum setback from the 12 foot requirement, then the 12 foot minimum setback may be reduced as necessitated because of the incorporation of the existing structure into the new structure but under no circumstances shall the setback of any portion of the new structure be less than 8 feet from the back of the curb. ~~This setback provision applies only to the first 20 feet of building height. Above that height buildings may be built out to the property line. Columns may be placed in that portion of that sidewalk area on private property to support any building above the 20-foot height which extends out to the property line. In addition all transformer vaults, utility structures, air vents, backflow preventers, or any other similar devices which may obstruct the sidewalk must be behind the 12 foot setback in order to leave the sidewalk clear for pedestrian circulation. No doors shall be allowed to swing into this 12 foot setback except emergency exit doors.~~ For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented. The intent of this requirement is to assure the provision of adequate sidewalk and planting strips in all cases.

Amend (3) Minimum side and rear yards: by adding the following sentence to the end of the paragraph. "If a space of greater than 8 feet is left in a side or rear yard, then it may either be closed off by a wing wall or other architectural extension or must be maintained and well-lighted."

The amended requirement will read as follows:

- (3) Minimum side and rear yards: None required. However, if the adjoining lot contains an existing residential structure, a building separation of at least 8 feet must be maintained to assure the adequate provision of light and air to the existing residential uses. Otherwise, if lot spaces remain in a side or rear yard that are less than 8 feet, those spaces must be closed off from any public street by a wing wall or other architectural extensions of the building facade.

If a space of greater than 8 feet is left in a side or rear yard then it may either be closed off by a wing wall or other architectural extension or must be maintained and well lighted.

Amend (4) Maximum height: by deleting "September 1 or" and adding "either time of" in the middle of the first sentence.

The amended requirement will read as follows:

- (4) **Maximum height:** No structure, fixture or other objects on a lot abutting residentially zoned land may be situated so that it casts a shadow at a distance greater than 20 feet across any property line on ~~September 1~~ or either time of solstice between the hours of 9:00 a.m. and 3:00 p.m. Eastern Standard Time. This restriction does not apply to utility wires and similar objects which obstruct little light and which are needed and situated for the reasonable use of the property.

5. Amend Section 9.906. Uptown Mixed Use District; urban design and development standards.

Amend the last sentence in the first paragraph (1) to read as follows:

The purpose of this section is to define the minimum urban design standards for development subject to these provisions. Additional illustrative detail on how urban design standards may be met is provided in the booklet ~~Urban Design Standards Guidelines~~. UPTOWN MIXED USE DISTRICT ORDINANCE AND URBAN DESIGN GUIDELINES.

Amend (2) Streetscape design standards to read as follows:

- (2) Streetscape design standards. The relationship between a building and areas for pedestrian or vehicular circulation must be carefully planned in order to avoid negative impacts of one upon the other. All buildings and uses developed in this district, except renovated and rehabilitated buildings, must meet the following minimum standards. For the purpose of these provisions "the approved streetscape plan" document ~~adopted~~ approved by the City Council ~~April 22, 1988~~ which may include maps, illustrations, and written descriptions which define the relationships between the component elements that make up the street environment including the space between buildings and streets, paving, signage, trees and street furniture. This includes the adopted ~~Central Area Plan~~ Center City Charlotte Urban Design Plan and any more specific or detailed plans which may be adopted in the future.
- (a) Paving. Paving systems in the public right-of-way must conform to the standards of the applicable approved streetscape plan. The paving systems used on private plazas and walkways that are not in the public right-of-way may be different in color, material and texture from those specified in any applicable approved streetscape plan. These paving systems must be of a compatible pattern and scale to provide a transition into the paving system specified on any applicable approved streetscape plan.
- (b) Street walls. The first floors of all buildings, including structured parking, must be designed to encourage and ~~complement~~ complement pedestrian-scale interest and activity.

It is intended that this be accomplished principally by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor street frontage.

In addition a combination of design elements must be used on the building facade and/or in relationship to the building at street level to animate and enliven the streetscape. These design elements may include but not be limited to the following: ornamentation; molding; string courses; belt courses; changes in material or color; architectural lighting; works of art; fountains and pools; street furniture; landscaping and garden areas; and display areas. In the event that ventilation grates or emergency exit doors are located at the first floor level in the building facade then they must be decorative.

Any design elements which extend into the public right-of-way on city or state maintained streets require an encroachment agreement with the City of Charlotte Department of Transportation (CDOT) or North Carolina Department of Transportation (NCDOT) respectively.

Where expanses of ~~solid wall~~ blank wall are necessary, they may not exceed 20 feet in length. A blank wall is a facade which does not add to the character of the streetscape and does not contain transparent windows or doors or sufficient ornamentation, decoration or articulation as listed in the above paragraph.

The first floor and street level must be designed with attention to adjacent public or private open spaces and existing streetscape improvements. The provision of multiple entrances from the public sidewalk or open spaces is encouraged.

#### Structured Parking Facilities

In addition to the above listed requirements, structured parking facilities must be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure.

In the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building facade then they must be decorative and must be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances must be designed so that cars parked inside are not visible from the street. The remainder of the street level frontage must be either occupied retail space or an architecturally articulated facade designed to screen the parking areas of the structure, to encourage pedestrian scale activity, and to provide for urban open space.

Cars on all levels of a structured parking facility must be screened from view from the street utilizing decorative elements such as grill work or louvers. In no instance will cabling alone be sufficient to meet this screening requirement.

The design requirements of this section apply to all building facades which are visible from any public right-of-way.

- (c) Screening. All structures and facilities for trash, storage, loading, and outdoor equipment must be screened so as not to be visible from the street and pedestrian circulation areas. Grade level parking lots must be screened from the street and pedestrian areas either by shrubs and/or evergreen trees planted at the most appropriate spacing for the species used or by solid walls or fences not exceeding 4 feet in height.

Solid walls shall be faced with brick or other decorative finish with the decorative side adjacent to the public right-of-way. Fences shall be opaque and either painted or stained with the decorative side adjacent to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable.

Trees used to fulfill this requirement must be located on private property in planters, a planting strip, berm, or tree lawn, any of which must be at least 8 feet wide and at least 2 feet deep. The trees must be of a small maturing evergreen variety and be at least 10 feet tall at the time of planting. Plant material used to fulfill this requirement must be provided with an automatic irrigation system which does not rely on drainage from the street, sidewalk, or buildings. All plant material must conform to the "American Standard for Nursery Stock" published by the American Association of Nurserymen. The developer must provide written certification that the plant material meets this standard. Trees employed to meet the screening requirement may not be counted toward the street tree planting or urban open space tree requirements.

Any lot which becomes vacant through the removal of a structure for any reason must be screened from all abutting public street rights-of-way in accordance with the provisions of this section or cleared of rubbish and debris and seeded with grass. However if the lot is to be used for parking either as a transitional or permanent use, it must meet all the minimum requirements for that use as established by this ordinance.

The type of trees used must be consistent with any approved streetscape plan for the area or the City's public street tree planting and landscaping program, whichever takes precedence. All shrubs ~~and~~ bushes must be between 24 inches and 36 inches tall at time of planting. Maintenance of screening required under these provisions must conform to the requirements of Section ~~12.406.~~ 12.305.

- (d) Transit mall. The Transit Mall is defined as the area contained within Stonewall Street and 8th Street along Tryon Street including one block on either side of Tryon Street along Trade Street. Access for emergency service vehicles will be allowed at all times from the transit mall. The service and utility areas of buildings which have access only from the transit mall will be allowed access from the transit mall anytime between 6:00 p.m. and 7:30 a.m. on Mondays through Saturdays and anytime during Sundays and holidays. No vehicular access from surface or structured parking will be allowed to or from the Transit Mall along Tryon Street. Vehicular access from surface or structured parking will be allowed for "right in" and "right out" access along the Trade Street portion of the Transit Mall.
- (e) Signs, banners, flags and pennants. Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 13.
- (f) Conformance with approved streetscape plans. Walking surfaces, street furniture, trees, landscaping, lighting fixtures, information signs,

and kiosks constructed in the public right-of-way or required setback must be consistent with the standards specified in the approved transit mall streetscape plan, the Trade Street boulevard streetscape plans, other applicable approved streetscape plans, or the standards of these provisions where no approved streetscape plan exists. Exterior lighting used on private plazas and walkways must be complementary in design motif to that specified in any applicable approved streetscape plan.

Renovated and rehabilitated structures that are already in place do not have to comply with the setback requirements or urban open space requirements, but must not modify or add to the existing structure in any fashion that would result in a reduction in the distance from the back of the curb to the existing building front.

- (g) Street trees. In addition to all other requirements of this Subsection, at least one tree of 3-3½ inches caliper minimum measured 6 inches above ground for large maturing trees or 3-3½ inches caliper minimum measured 6 inches above ground for small maturing trees must be planted for each 25 feet ~~or fraction over 25 feet~~ for small maturing trees and for each 35 feet ~~or fraction of 35 feet~~ for large maturing trees of the entire building lot which abuts any public street right-of-way with a minimum of one (1) tree required for any distance up to 35 feet. Trees must not be planted closer than 2 feet to the back of the curb. Above ground planters may not be used to fulfill the street tree requirement.

For the purposes of this Subsection all specifications for measurement and quality of trees must be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen. All trees planted to meet this requirement must be well matched specimen and must be limbed up 6'. The developer must provide written certification that the plant material meets this standard.

Trees used to fulfill this requirement may be located on public or private property. Any such trees proposed to be located on public property must conform to the permit requirements in Chapter 21 of the City Code. Any such trees proposed to be located on private property must relate to the street frontage for which they are required.

All trees planted to comply with this requirement must be approved as to compliance with the Street Tree Planting program or any adopted streetscape plan for the area and must be irrigated. Trees planted under this Subsection may not be used to satisfy the tree planting requirements for screening or urban open space.

Maintenance of trees required under these provisions must conform to the requirements of Section 12.305.

The owner will be responsible for all maintenance related to required streetscape improvements along their property frontage. The exception to this will be that the city will be responsible for pruning to maintain a uniform canopy and sight clearance.

- (h) Reflective surfaces. No development subject to these provisions may have exterior walls with a reflectivity value in excess of 36 percent, as measured under the applicable provisions of ~~Federal Specifications DD-G 451d 1977.~~ ASTM C-1036. No reflective surfaces may be used on street level exterior facades.
- (i) Street right-of-way. The requirements for street right-of-way in the uptown area vary from street to street due to patterns of existing rights-of-way, existing development, traffic movements and intersection design. In order to assure that adequate land is available to accommodate future public street improvements, right-of-way must be protected. All development and uses in the district, except renovated and/or rehabilitated buildings, must reserve and keep free of development or encroachment the necessary right-of-way for the street or streets which abut the property. The necessary rights-of-way will be determined on a case-by-case basis by the Charlotte Department of Transportation and the Charlotte-Mecklenburg Planning Commission staff. In making their determination these agencies will be guided by the adopted ~~Central Area Plan~~ Center City Charlotte Urban Design Plan and by the approved streetscape plan for the street if such a plan has been adopted. However, the absence of an adopted streetscape plan does not relieve the requirement for the necessary right-of-way to be reserved.

Sidewalk easements for public ingress and egress will be required if not within the public right-of-way.

- (j) Building entrances. Doorways must be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape. For structures less than 100,000 square feet the entry way must be 1 square foot for each 1,000 square feet of floor area with a 15 square foot minimum. For buildings over 100,000 square feet, the entry way must be at least 100 square feet.
- (k) Base of High Rise Building. (Those exceeding 5 stories.) The base of high rise buildings (equivalent to the first 3 floors above street grade) must be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as cornices, belt courses, corbelling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting and other sculpturing of the base as are appropriate must be provided to add special interest to the base. In the

design of the building facade attention must be paid to the appearance both during the day and at night. Material and color changes alone do not meet the requirements of this section and design elements which are used to meet the requirements of this section must be visually continuous around the building. In the event that a building facade is not visible from a public street or right-of-way then the Planning Director has the option of waiving this requirement.

In addition, special attention must be given to the design of windows in the base. Band windows are discouraged. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged.

- (1) Overstreet Connections. Any proposed overstreet connections shall be shown on schematic site plans. The purpose in showing the proposed overstreet connections is to be able to properly apply the urban design standards. The overstreet connections shall not be approved by the Planning Commission staff until after the City Council shall have independently and separately approved the overstreet connection according to the City's overstreet connections' policy and the City's granting of air rights and approval of appropriate easement agreements.
- (3) Existing buildings and places. Preservation and rehabilitation of existing buildings and structures are encouraged in order to create diversity of development, accent pedestrian-scale activity, and preserve the heritage of the City of Charlotte.
- (4) Urban open spaces. Open spaces for public congregation and recreational opportunities are required and must be equipped or designed to allow pedestrian seating and to be easily observed from the street or pedestrian circulation areas. These provisions apply only to new office uses with a gross floor area greater than 20,000 square feet. All urban open spaces must comply with the minimum required design standards of this ordinance. If urban open space is provided but not required it must also meet the minimum urban open space design standards.
  - (a) Urban open space sizes. Buildings must be provided with public open space behind the required setback and on private property proportionate to their bulk according to the following schedule:

Lot Size

Open Space Required

(Square Feet)

(1 square foot/gross square feet of floor area for office use.)

0-20,000 square feet	1 square feet <u>foot</u> /200 square feet
20,001-40,000 square feet	1 square feet <u>foot</u> /150 square feet
above 40,000 square feet	1 square feet <u>foot</u> /100 square feet

A maximum of 30 percent of this required urban open space may be provided on an enclosed ground floor level provided the enclosed space meets all other requirements of these provisions. If a property line of the site is within 200 feet of the property line of a ~~publically~~ publicly owned and useable open space, then up to 50% of the required urban open space may be provided on an enclosed ground floor level provided the enclosed space meets all the requirements. The 200 feet shall be measured along the public right-of-way line.

- (b) Accessibility to the street. Eighty-five percent (85%) of the total urban open space must be accessible to and visible from the street, but in no instance more than 3 feet above or below the level of an adjoining right-of-way. Walls higher than 3 feet are not allowed along that portion of the frontage that is needed for access to a required urban open space. Required entryways and steps must be at least 15 feet wide. Steps must have a maximum riser height of 6 inches and a minimum tread of 12 inches.
- (c) Provision for the ~~handicapped~~ disabled. All urban open spaces must conform with the North Carolina State Building Code, the ~~handicapped disabled~~ section and American Disabilities Act (ADA).
- (d) Seating. There must be at least 1 linear foot of seating for each 30 square feet of open space. In the event that the open space exceeds 20,000 square feet then 1 linear foot of seating shall be provided for each 100 square feet of open space above 20,000 square feet. Required seating must be an integral part of the overall open space design. Twenty-five percent of the required seating must be permanent. Seating must be 16 to 24 inches high. In the case of a ledge which rises because of a grade change, the portion of the ledge between 16 inches and 36 inches high can count as seating. Seating must have a minimum depth of 15 inches. Ledges and benches which are sittable on both sides and are 30 inches deep will count double. The rims of planters which are flat and sittable can count as seating if they have a minimum depth of 8 inches, a maximum height of 36 inches, and are not blocked by protruding shrubbery. Movable chairs will count as 30 inches of

~~linear sitting seating per chair. They can be stacked and stored between 7:00 p.m. and 8:00 a.m. The seating requirement may be reduced by 25% if expanses of lawn with an area of greater than 5,000 square feet are provided. Lawn areas shall be provided with automatic irrigation. Step space over and beyond the required 15-foot walkway width can count as seating. Corners of steps offer prime seating arrangements and will count as seating if not obstructed by railings.~~

- (e) Trees. Within the open space area(s), 1 tree must be planted for each 500 square feet or portion thereof up to 2,000 square feet. One additional tree is required for each additional 1,000 square feet of urban open space. In the event the required or provided open space exceeds 20,000 square feet then one tree shall be provided for each additional 2,000 square feet over 20,000 square feet. Trees must have a minimum caliper of 3-3½ inches measured 6 inches above ground at the time of planting. The planting of and specifications for all trees must be approved by the designated representative of the City of Charlotte Engineering and Property Management Department prior to planting. Maintenance of trees required under these provisions must conform to the requirements of Section 12.305. All specifications for measurement and quality of trees must be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen. Tree requirements may be reduced by 25% if expanses of lawn with an area of greater than 2,000 square feet are provided. Lawn areas shall be provided with automatic irrigation.
- (f) Food. The provision of food facilities is encouraged. Food kiosks can count as open space provided they do not exceed 150 square feet in area. No more than one-half of the open space may be used for an open air cafe. Litter receptacles must be provided at a minimum of 4 cubic feet of receptacle capacity for each 800 square feet of open space.
- (g) Amenities. The following amenities are permitted within an urban open space area: ornamental fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, clock pedestals, public telephones, awnings, canopies, and similar structures.
- (h) Maintenance. The building owner, lessee, management entity or authorized agent are jointly and severally responsible for the maintenance of the urban open space area including litter control and care and replacement of trees and shrubs.
- (i) Existing plazas and spaces. Buildings and plazas constructed prior to the adoption of this Section may be changed to include any of the amenities and features required or encouraged by these standards such as the provision of food facilities, movable chairs, and alteration of ledges to make them sittable.

- (5) ~~Microclimatic impacts.~~ Applicants must provide an analysis of any proposed new construction over 50 feet tall on surrounding buildings, urban open spaces and pedestrian areas to the Charlotte-Mecklenburg Planning staff. The analysis should include but is not limited to sun studies to determine the shadow patterns that will be cast by the proposed building at 9:00 a.m., 12:00 noon and 3:00 p.m. at the equinoxes and solstices.
- (6) Preliminary review. Applicants planning any development or redevelopment are required to meet with the Charlotte-Mecklenburg Planning staff at two points in the design process: (1) during the conceptual design process in order that the staff may offer input into urban design objectives and to interpret the approved streetscape plan for that area, and (2) during the design development stage to insure that the plans meet the desired objectives and the minimum standards for the district. Prior to final UMUD approval all applicants are also required to meet with the City of Charlotte Department of Transportation and City of Charlotte Engineering and Property Management Department. Building permits will not be issued until the planning staff approves the proposal as in conformance with this ordinance.
- (7) ~~Refuse collection.~~ City Code Section 10-16, "Collection Practices," (4), "Central Business District and Tryon Street Mall," applies to a geographic portion of the Uptown Mixed Use District as described in Code Section 10-16(4).
- (8) First Floor Retail Required. In order to stimulate pedestrian activity at the street level, the first floor (street level) of any new building over 100,000 square feet must devote 50% of the net first floor area to retail activities which promote a visual relationship to the street and encourage movement and activity at street level. Any expansion of an existing building which results in more than 100,000 square feet of new floor area must also comply with this requirement unless the new floor area is all in a vertical expansion which results in no new street level floor area. The 50% area will be computed on the new street level floor area only.

Retail activity refers to any use which encourages street level activity in the building beyond the normal business day and is in addition to the daily work activities of the building tenants.

The term retail includes not only sales of merchandise, at as retail but will also be construed to mean personal and business services, restaurants, galleries, and similar uses but not financial institutions except 25% of the total square footage of required retail space may be utilized by retail banking, stock brokerage offices and other financial services.

Fifty percent of the required retail space may be met with a hotel lobby. of the square footage of a hotel lobby may be counted towards the required retail space.

For the purpose of this subsection, net floor area does not include stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas, or service areas. It is strongly encouraged but not mandated that all street level retail tenants which have sidewalk frontage be furnished with direct access to the sidewalk in addition to any other access that may be provided. If individual entrances are provided to street level retail tenants which have sidewalk frontage, the required retail floor area may be reduced by 5% of the net floor area for each separate entrance up to a maximum of 5 entrances. This standard applies to all new development which occurs in the area bounded by or along either side of College Street, 8th Street, Church Street, and Stonewall Street. This standard does not apply to any building with a street frontage of less than 24 feet. This first floor retail standard is also not applicable to convention centers and halls, conference centers, exhibition halls, merchandise marts, and similar uses.

- (9) Canopies and Other Building Entrances. In addition to being permitted in urban open space areas, canopies, awning and similar appurtenances are permitted at the entrances to buildings. Such a feature may be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such facility may extend from the building up to one half of the width of the sidewalk area in front of the building or nine feet, whichever is less. If this extension would reach into the public right-of-way, an encroachment agreement from the City or State is required. In no case may any such facility extend beyond the curb line of any public street, nor should it interfere with the growth or maintenance of street trees. A minimum overhead clearance of 8 9 feet from the sidewalk must be maintained.

(10) Utility Lines

All utility lines along all project street frontages must be placed underground in projects over 100,000 square feet as part of the streetscape improvements.

6. Amend Section 9.907. Uptown Mixed Use District; parking and loading standards.  
(1) (i) by deleting the sentence "This limitation does not apply to parking which extends into the setback area in a parking structure above the 20 foot limit."

The amended paragraph will read as follows:

- (i) Parking, whether required by this section or not, may be located between the permitted use and the required setback. However, no parking is permitted in the required setback. ~~This limitation does not apply to parking which extends into the setback area in a parking structure above the 20 foot limit.~~

7. Amend Section 9.908. Uptown Mixed use District (optional); purpose.

by adding the following two sentences after the fourth sentence in the paragraph. "It also serves as a mechanism for appealing interpretations of these minimum design

standards as they relate to a specific development. The Charlotte Zoning Board of Adjustment shall have no authority to grant a variance from the interpretation of these minimum design standards."

The amended section will then read as follows:

The Uptown Mixed Use District (UMUD) establishes minimum standards for design and development in the uptown area. However, circumstances may arise which those regulations do not address or did not foresee. Therefore, this section establishes an alternative process by which the City Council may evaluate and approve development which will not or cannot meet the minimum standards of the UMUD district.

The Uptown Mixed Use District (Optional), or UMUD-O, is established to provide a mechanism to review and address new development concepts, innovative design, special problems, public/private ventures, and other unique proposals or circumstances which cannot be accommodated by the standards of the UMUD. It also serves as a mechanism for appealing interpretations of these minimum design standards as they relate to a specific development. The Charlotte Zoning Board of Adjustment shall have no authority to grant a variance from the interpretation of these minimum design standards.

The UMUD standards form the basic framework which will be used to evaluate a UMUD-O proposal, but any of the standards in the UMUD district may be modified in the approval of the UMUD-O application.

8. Amend Chapter 13: Signs as follows:

- a. Section 13.102 Definitions (S1) Sight Distance Triangle by omitting the entire paragraph and adding in its place "see Section 12.109(1)(a)(b)(c) and (2)."

The revised item (S1) will then read as follows:

(S1) Sight distance triangle.

~~The triangular area formed by a diagonal line connecting two points located on intersecting right of way lines (or a right of way line and the curb or a driveway), each point being 35 feet from the intersection, and the two intersecting right of way lines (or a right of way line and a driveway), or 50 feet back from the curb line, whichever is greater with no obstruction of vision between 32" and 72" in height. On some occasions, the Charlotte Department of Transportation may require additional sight zones as deemed necessary to provide adequate safety for motorist. see Section 12.109(1)(a)(b)(c) and (2)~~

- b. Section 13.102. Definitions, (S7) Sign types, by adding three new definitions at the end of the section as follows:

(al) Decorative Sign

A sign in municipal service districts 1, 2 and 3 that is a pictorial representation (including illustrations, words, numbers, or decorations) emblem, flag, banner or pennant. These signs are regulated in Section 10-25 of Chapter 10 of the Charlotte City Code.

(am) Marquee Sign

A rooflike structure, bearing a sign, projecting over an entrance to a theater or building providing changeable copy that relates to the principal use on the premises. Marquee signs are only permitted in UMUD on buildings over 100,000 square feet and for purposes of development specifications are considered projecting signs.

(an) Message Center

A computer generated, moving message which displays information which is pertinent to the primary use on the premises. Message centers are only permitted in UMUD on buildings over 100,000 square feet and for purposes of development specifications are considered either a wall or projecting sign.

- c. Section 13.105. Prohibited signs. The following signs are prohibited under any circumstance; is amended by adding after the last sentence in (1) the following new sentence.

"This does not apply to decorative signs which are regulated by Section 10-25 of Chapter 10 of the Charlotte City Code."

The revised item (1) will read as follows:

- (1) Signs extending into the public right-of-way other than those permanent signs approved by the Charlotte Department of Transportation along the City Street System, or the North Carolina Department of Transportation along the State System Streets. This does not apply to decorative signs which are regulated by Section 10-25 of Chapter 10 of the Charlotte City Code.

Amend (4) by adding the following to the beginning of item (4)

"except in the Uptown Mixed Use District (UMUD),

The revised item (4) will then read as follows:

- (4) Except in the Uptown Mixed Use District (UMUD), flashing, fluttering, swinging, or rotating signs other than time and/or temperature signs.

- d. Section 13.106. Signs not requiring a permit, (10) Construction signs, other than temporary project development signs provided; is amended by adding the following to the end of item (e):

"except in the Uptown Mixed Use District (UMUD)"

The revised item (e) will then read as follows:

- (e) Signs shall not be illuminated, except in the Uptown Mixed Use District (UMUD); and

Amend by adding in proper numerical order at the end of the list of signs not requiring a permit:

"Decorative banners and signs as regulated by Section 10-25 of Chapter 10 of the Charlotte City Code."

- e. Section 13.108. Specifications for permanent signs requiring a permit, by adding the following to the end of the first sentence:

"except for the Uptown Mixed Use District (UMUD), see Section 13.108a."

The revised working will then read as follows:

The following are general specifications applicable to the various permanent signs permitted, except for the Uptown Mixed Use District (UMUD), see Section 13.108a. Additional specifications regarding size, number, location, and permitted types of signs are set forth in Section 13.109. District regulations.

Amend Section 13.108 Specifications for permanent signs requiring a permit. (4) Detached signs (c)

by changing "2½ feet" to "30 inches" and "10 feet" to "72 inches"

by omitting "grade of the road" and replacing it with "level of the center of the adjacent street intersection"

by omitting "grade and" and adding after sign face "and the level of the center of the adjacent intersection".

The revised Section 13.108(4)(c) will then read as follows:

- (c) No ground mounted or monument sign greater than ~~2½ feet~~ 30 inches in height as measured from the ~~grade of the road~~ level of the center of the adjacent street

intersection or pole sign having a vertical clearance less than ~~10 feet~~ 72 inches between ~~grade and~~ the bottom of the sign face and the level of the center of the adjacent intersection shall be located in the sight distance triangle.

Amend Section 13.108(4)(d)

by changing "2½ feet" to "30 inches"

by omitting "grade of the road" and adding in its place "level of the center of the adjacent street intersection and"

by changing "10 feet" to "72 inches"

by adding after 72 inches "from the level of the center of the adjacent street intersection."

The amended Section 13.108(4)(d) will then read as follows:

- (d) All portions of a sign shall be located behind the street right-of-way; however, all signs greater than ~~2½ feet~~ 30 inches in height as measured from the ~~grade of the road or~~ level of the center of the adjacent street intersection and having a vertical clearance less than ~~10 feet~~ 72 inches from the level of the center of the adjacent street intersection shall be located a minimum of 5 feet behind a right-of-way; and
- f. Insert a new section following Section 13.108. as follows:

Section 13.108a. Specifications for permanent signs in Uptown Mixed Use District requiring a permit.

The following are specifications applicable to the various permanent signs permitted in the Uptown Mixed Use District (UMUD).

(1) Wall Signs

Wall signs shall be permitted on the wall of a building as follows:

- (a) Signs may be located on any building wall of a structure so long as the maximum sign surface area of all signs on one wall does not exceed 10% of the area of the building wall to which the sign is attached up to a maximum of 200 square feet;
- (b) The maximum allowable wall sign area per wall shall not be transferrable to another wall;

- (c) The total area of wall signs may be increased by 10% if no detached sign is used on the premises;
- (d) No wall sign shall extend above the parapet or roof line of the building to which the sign is attached, nor shall a wall sign project into the required 12 foot setback as measured from the back of curb. Further, no wall sign or its supporting structure shall cover any window or part of a window; and
- (e) Lamps and fixtures used to illuminate a wall sign shall not project into the required 12 foot setback as measured from the back of curb and shall have a minimum clearance of 10 feet from grade.

(2) Projecting Signs

A projecting sign shall be permitted, provided:

- (a) A projecting sign shall not project into the 12 foot required setback as measured from the back of curb;
- (b) A projecting sign shall not extend vertically above the roof line or parapet wall of a building; and
- (c) The minimum height from grade to the lowest edge of a projecting sign shall be 9 feet.
- (d) A projecting sign, wall sign, or combination of both may be located on any building wall of a structure so long as the maximum sign surface area of all signs on one wall does not exceed 10% of the area of the building wall to which the sign or signs are attached up to a maximum of 200 square feet.
- (e) There can be only one projecting sign per building wall.
- (f) The maximum allowable sign area per wall shall not be transferable to another wall;
- (g) The total area of wall and projecting signs may be increased by 10% if no detached sign is used on the premises;

- (h) Lamps and fixtures used to illuminate a projecting sign shall not project into the 12 foot required setback as measured from the back of curb and shall have a minimum clearance of 10 feet from grade.

(3) Detached Signs

Detached signs shall be permitted, as follows:

- (a) Unless otherwise specified in Section 13.109, no detached sign shall exceed 7 feet in height;
- (b) No ground mounted or monument sign greater than 32 30 inches in height as measured from the grade of the road or pole sign having a vertical clearance less than 72 inches between grade and the bottom of the sign face shall be located in the sight distance triangle;
- (c) Types of sign permitted: Identification and/or Business

Permitted number of signs: No limit

Maximum area of signs: No limit

Permitted illumination: Luminous

Permitted location: Anywhere on the property, but not in the required 12 foot setback as measured from the back of curb, unless the sign is ten feet above the street grade, in which case it may project eighteen inches into the required setback.

(4) Canopy an Awning Signs

Canopy and awning signs shall be permitted, as follows:

- (a) The maximum allowable area for canopy or awning signs or a combination of canopy, awning, and/or wall signs shall not exceed that maximum permitted in subsection 13.108a(1) above. Canopies and awnings shall not be calculated in the total square footage of a building wall.
- (b) Signs may be mounted on canopies and similar devices which meet the provisions in subsection 9.906(9) with regard to placement and height. Where signs are mounted on canopies, they must include the street address and may also include the business name and/or the

business logo or emblem. There may be no more than 2 such signs on any canopy.

(c) Signs may be attached, painted, or printed upon a canopy or awning.

- f. Amend Section 13.109 District regulations for permanent on-premises signs. (6) Uptown Mixed Use District (UMUD) (a) Signs in the uptown mixed use district on premises of any permitted uses are regulated as follows:

by adding at the end of the statement:

"See Section 13.108a Specifications for permanent signs in Uptown Mixed Use District requiring a permit.

The amended section will then read:

- (a) Signs in the uptown mixed use district on premises of any permitted uses are regulated as follows: See Section 13.108a Specifications for permanent signs in Uptown Mixed Use District requiring a permit.

Amend the same section by omitting

~~Types of Signs Permitted: Identification and/or Business~~

~~Permitted Number of Signs: No limit~~

~~Maximum Area of Signs: No limit~~

~~Permitted Illumination: Luminous~~

~~Permitted Location: Anywhere on the property, but projecting not more than six inches into the street right of way, unless the sign is ten feet above the street grade, in which case it may project eighteen inches into the street right of way.~~

- ~~(b) In addition to the standards above, signs may be mounted on canopies and similar devices which meet the provisions of Subdivision 9.906(2) (h) with regard to placement and height. Where signs are mounted on canopies, they must include the street address (maximum 6 inch high characters), and may also include the business name (maximum 6 inch high characters) and/or the business logo or emblem (maximum area of 3 square feet). There may be no more than 2 such signs on any canopy.~~

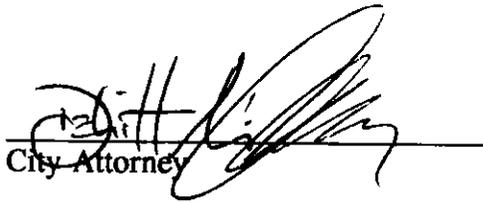
The amended section will read as follows:

- (6) Uptown Mixed Use District (UMUD) (a) Signs in the uptown mixed use district on premises of any permitted uses are regulated as follows:

See Section 13.108a Specifications for permanent signs in Uptown Mixed Use District requiring a permit.

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

Approved as to form:

  
City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of July, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, at Page(s) 457-476.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of July, 1995.

  
\_\_\_\_\_  
Nancy S. Gilbert, Deputy City Clerk

APPROVED BY CITY COUNCIL

DATE July 17, 1995

CITY CD

Petition No. 95-45  
Pyramid East Corporation

ORDINANCE NO. 332-Z

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 7.63 acres located on the south side of Radio Road east of James Street; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on June 19, 1995; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

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

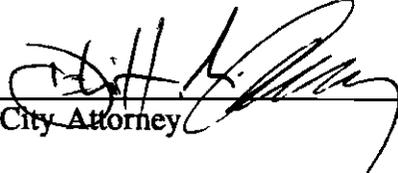
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from O-6(CD) to O-2(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of July, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, at Page(s) 477-480.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of July, 1995.



\_\_\_\_\_  
Nancy S. Gilbert, Deputy City Clerk

Petition #: 95-45

Petitioner: Pyramid East Corporation

Hearing Date: June 19, 1995

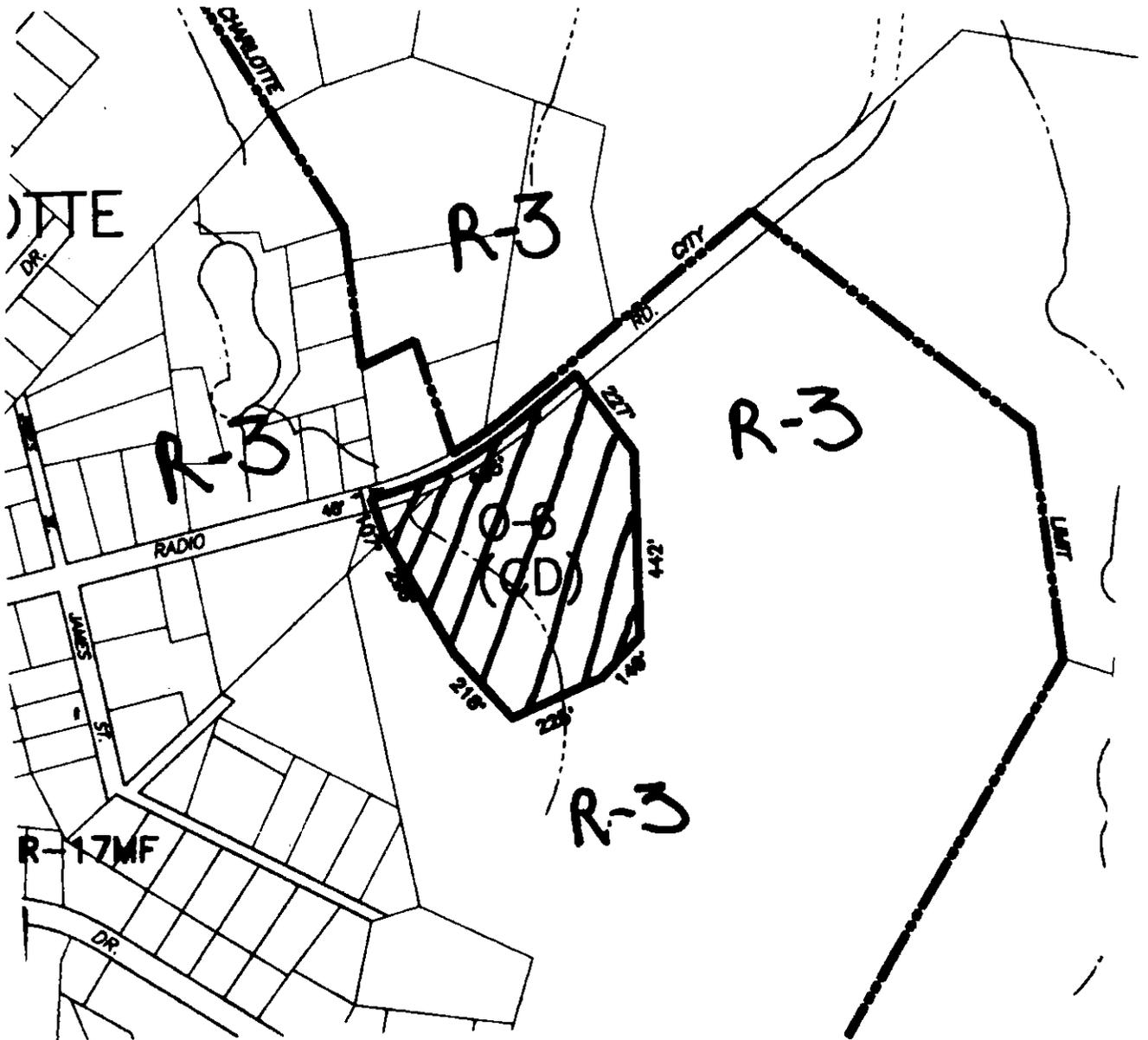
Zoning Classification (Existing): O-6(CD)

Zoning Classification (Requested): O-2(CD)

Location: Approximately 7.63 acres located on the south side of Radio Road east of James Street..

July 17, 1995

Ordinance Book 46, Page 478



Zoning Map #(s): 61

Scale: 1" = 400'

OFFICIAL REZONING APPLICATION  
CITY OF CHARLOTTE

Petition No.	95-45
Date Filed	February 27, 1995
Received By	T. Thores
OFFICE USE ONLY	

**Ownership Information**

Property Owner Pyramid East Corporation

Owner's Address 99 Revere Beach Parkway, Medford, MA 02155

Date Property Acquired August 1, 1994

Tax Parcel Number 037-011-02 PORTION

Location of Property (address or description) 400 Radio Road, Charlotte, North Carolina

**Description of Property**

Size (Sq. Ft.-Acres) 7.63 acres Street Frontage (ft.) 210.68

Current Land Use Commercial radio office and station

**Zoning Request**

Existing Zoning O-6(CD) Requested Zoning O-2 (CD)

Purpose of Zoning Change To amend existing conditional district to allow expansion of existing office and studio structure, and to provide additional parking.

William P. Farthing, Jr.

Name of Agent

2500 Charlotte Plaza, Charlotte, NC 28244

Agent's Address

(704) 372-9000

Telephone Number

Pyramid East Corporation

Name of Petitioner(s)

99 Revere Beach Parkway, Medford, MA 0215

Address of Petitioner(s)

(617) 395-1070

Telephone Number

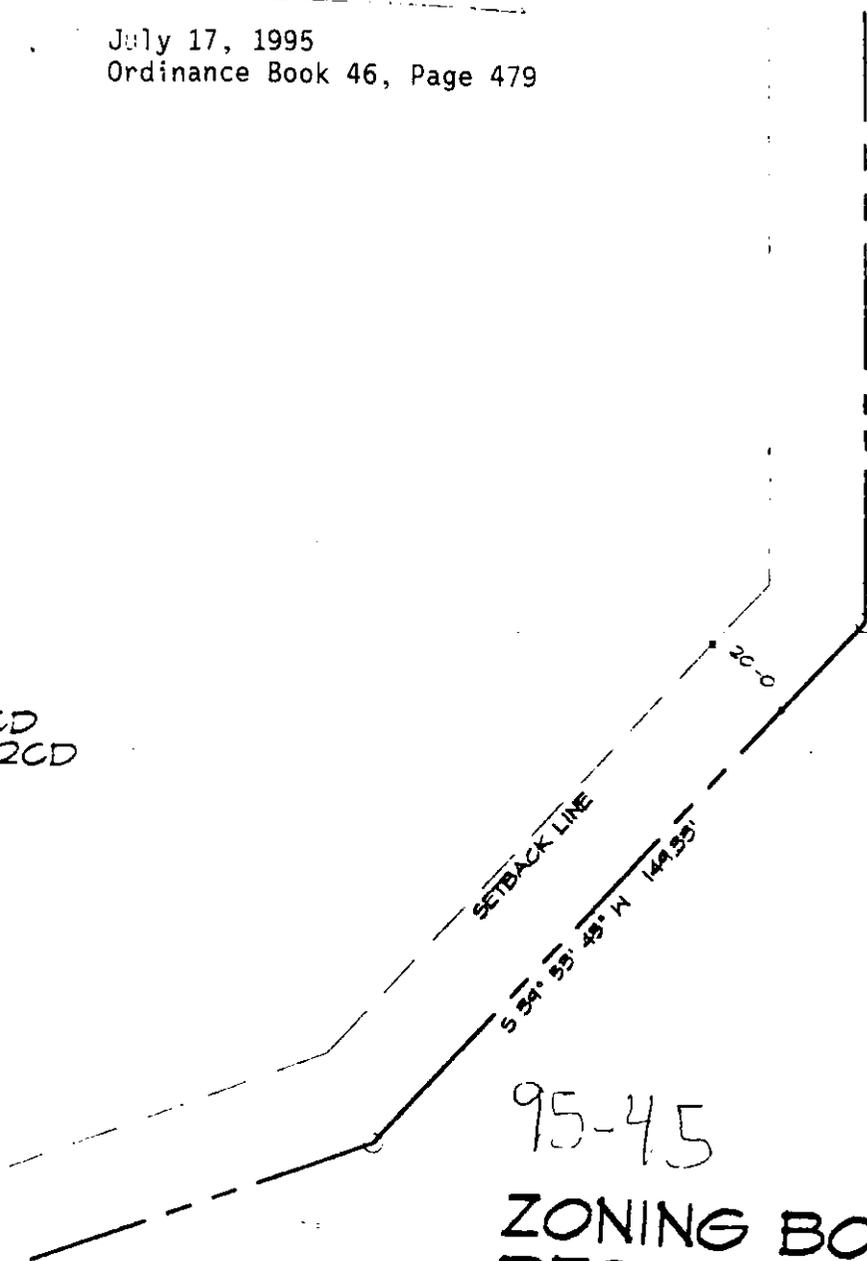
Macon Meyer

Signature

N/A

Signature of Property Owner if Other Than Petitioner

CD  
-2CD



3
Z-1

95-45

### ZONING BOUNDARY DESCRIPTION

ZONED R-3

BEGINING AT THE NORTHWEST CORNER OF THE PROPERTY ZONED O-9CD(O-2CD) PROCEEDING NORTHEAST. THE PROPERTY BOUNDARY IS DESCRIBED AS; N 72° 12' 36" E 210.68', N 47° 12' 55" E 50.94', N 51° 20' 33" E 332.5', THEN S 38° 11' 19" E 206.75', S 3° 56' 27" E 442.15', S 39° 53' 45" W 149.33', S 67° 15' W 225.25', THEN N 45° W 218.5', N 33° 28' 20" W 298.20', THEN TO CLOSE, N 20° 40' 18" W 107.31'

\*  
\*\*

**Petition No. 95-45  
Pyramid East Corporation**

## **PARALLEL CONDITIONAL USE PERMIT**

**This is a parallel conditional use permit approved by the Charlotte City Council to Pyramid East Corporation owner(s) and successors-in-interest of the property described as a portion of tax parcel 037-011-02 and described in detail further in the ordinance, identified below, approved by the City Council.**

**In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of O-2(CD) on the official zoning map.**

**This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.**

**Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.**

APPROVED BY CITY COUNCIL  
DATE July 17, 1995  
Petition No. 95-47  
Mint Museum of Art/City of Charlotte

CITY CD

ORDINANCE NO. 333-Z

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 26.76 acres located on the west side of Randolph Road north of Drenan Street; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on June 19, 1995; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

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

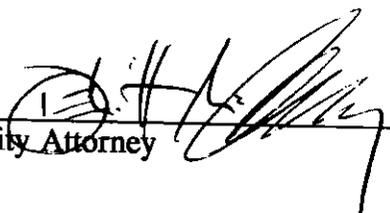
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-3 to Inst.(CD) Parcel A and B and R-3(CD) Parcel C on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of July, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, at Page(s) 481-483.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of July, 1995.

  
\_\_\_\_\_  
Nancy S. Gilbert, Deputy City Clerk



Petition #: 95-47

July 17, 1995  
Ordinance Book 46, Page 482

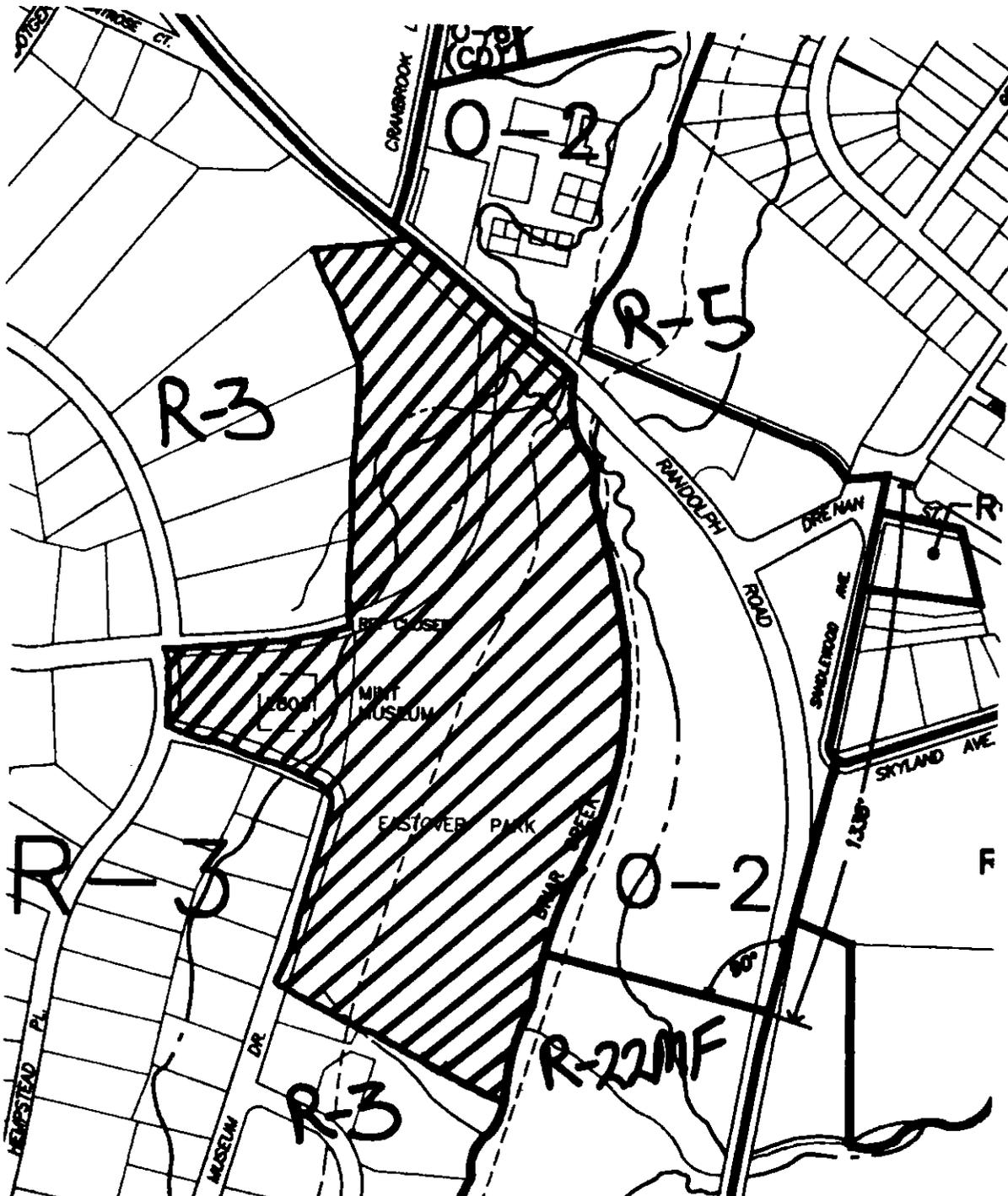
Petitioner: Mint Museum of Art/City of Charlotte

Hearing Date: June 19, 1995

Zoning Classification (Existing): R-3

Zoning Classification (Requested): Inst.(CD) + R-3(CD)

Location: Approximately 26.76 acres located on the west side of Randolph Road north of Drenan Street.



Zoning Map #(s): 112

Scale: 1" = 400'

**OFFICIAL REZONING APPLICATION  
CITY OF CHARLOTTE**

Petition #: 95-47  
Date Filed: March 20, 1995  
Received By: T. Thomas  
**OFFICE USE ONLY**

**OWNERSHIP INFORMATION:**

Property Owner: City of Charlotte  
Owner's Address: 600 East 4th Street, Charlotte, NC 28202  
Date Property Acquired: Parcel A: 2.20 acres - 1937  
19.28 acres - 1981 Parcel B: 1995 (by condemnation)  
155-081-01  
Tax Parcel Number(s): Parcel A: 155-151-03 Parcel B: 155-082-13

**LOCATION OF PROPERTY** (Address or Description): 2730 Randolph Road, Charlotte, NC

Size (Sq.Ft. or Acres): 26.76 acres Street Frontage (Ft.): Hempstead Place: 185 feet±  
Museum Place: 420 feet±  
Museum Drive: 527 feet±  
Randolph Road: 312 feet±  
Current Land Use: Parcel A: Museum of Art  
Parcel B: Vacant

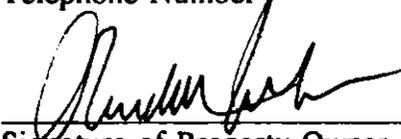
**ZONING REQUEST:**

Existing Zoning: R-3 Proposed Zoning: Institutional (CD)

Purpose of Zoning Change: To bring the zoning classification of the property in line with its current use as a Museum of Art and the Central District Plan.

Bailey Patrick, Jr.  
Name of Agent  
227 West Trade Street, Suite 2200  
Charlotte, NC 28202  
Agent's Address

(704) 372-1120 (704) 372-9635  
Telephone Number Fax Number

  
Signature of Property Owner  
if other than Petitioner

Mint Museum of Art City of Charlotte  
Name of Petitioner(s)  
2730 Randolph Road 600 East 4th Street  
Charlotte, NC 28207 Charlotte, NC 28202  
Address of Petitioner(s)

(704) 337-2000 (704) 336-2241  
Telephone Number Fax Number

Fax: (704) 337-2101

  
Signature  
Bruce H. Evans Wendell White  
President & CEO City Manager  
Mint Museum of Art

Petition No. 95-47  
Mint Museum of Art/City of  
Charlotte

## PARALLEL CONDITIONAL USE PERMIT

**This is a parallel conditional use permit approved by the Charlotte City Council to Mint Museum of Art/City of Charlotte owner(s) and successors-in-interest of the property described as tax parcels 155-081-01, 155-151-03 and 155-082-13 and described in detail further in the ordinance, identified below, approved by the City Council.**

**In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of Inst.(CD) Parcel A and B and R-3(CD) Parcel C on the official zoning map.**

**This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.**

**Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.**

APPROVED BY CITY COUNCIL

DATE July 17, 1995

CITY ZONE CHANGE

Petition No. 95-48  
Housing Authority of The City of Charlotte

ORDINANCE NO. 334-Z

ZONING REGULATIONS

MAP AMENDMENT NO. \_\_\_\_\_

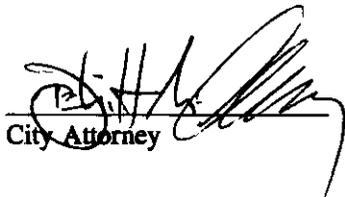
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by change from UR-2 to UR-C on the Official Zoning Map, City of Charlotte, N.C. the following described property:

SEE ATTACHED MAP

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

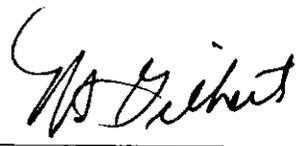
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of July, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, at Page(s) 484-485.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of July, 1995.



\_\_\_\_\_  
Nancy S. Gilbert, Deputy City Clerk

**Petition #:** 95-48

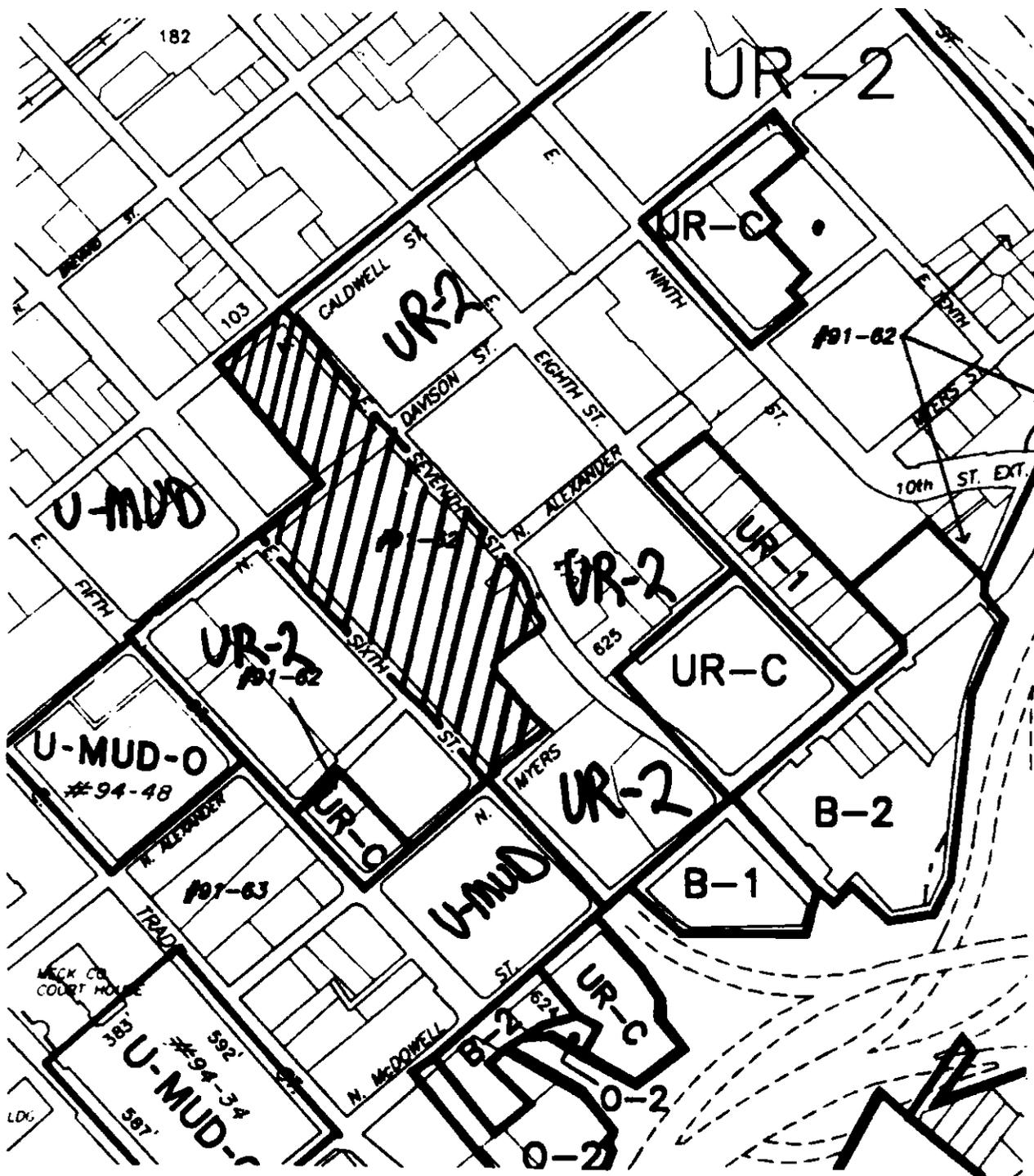
**Petitioner:** Housing Authority of The City of Charlotte

**Hearing Date:** June 19, 1995

**Zoning Classification (Existing):** UR-2

**Zoning Classification (Requested):** UR-C

**Location:** Approximately 7.2 acres located between E. Sixth Street and E. Seventh Street east of Caldwell Street.



Zoning Map #(s): 102

Scale: 1" = 400'

# OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

Petition #:	<u>95-48</u>
Date Filed:	<u>March 15, 1995</u>
Received By:	<u>T. News</u>
<b>OFFICE USE ONLY</b>	

## OWNERSHIP INFORMATION:

Property Owner: HOUSING AUTHORITY OF THE CITY OF CHARLOTTE

Owner's Address: 1301 South Boulevard, Charlotte, NC 28203

Date Property Acquired: 1962

Tax Parcel Number(s): PORTION 080-056-01  
TRACT #1..Book 80, Page 5, Block 56, Lot #1: TRACT #2..Book 80, Page 08  
Block 81, Lots #1, 2, and 5

LOCATION OF PROPERTY (Address or Description): 1st Ward of uptown Charlotte,  
Tract I being Southwest Quadrant of E. 7th Street & Davidson Street; Tract II being the  
Southeast Quadrant of East 7th Street & Davidson Street

Size (Sq.Ft. or Acres): TRACT I 1.51 acres  
TRACT II 5.753 acres Street Frontage (Ft.): TRACT II 180 ft. on N. Davids  
TRACT II 329 ft. on N. Davids

Current Land Use: The current site is presently used for Multi-family housing. Public  
Housing (Earle Village)

## ZONING REQUEST:

Existing Zoning: UR-2 Proposed Zoning: UR-C

Purpose of Zoning Change: Charlotte Housing Authority recently approved a Master Site Plan  
for the revitalization of Earle Village. As a part of the process, a Day Care Center,  
Multi-Purpose facility, & Multi-Family Housing is planned for the sites proposed for rezoning.

JOHN KINSEY  
Name of Agent  
1301 SOUTH BOULEVARD, CHARLOTTE, NC 28203  
Agent's Address  
704/336-7742 704/336-7767  
Telephone Number Fax Number  
Signature of Property Owner  
if other than Petitioner

HOUSING AUTHORITY OF THE CITY OF CHARLOTTE  
Name of Petitioner(s)  
1301 SOUTH BOULEVARD, CHARLOTTE, NC 28203  
Address of Petitioner(s)  
704/336-7742 704/336-7767  
Telephone Number Fax Number  
Hanson  
Signature

APPROVED BY CITY COUNCIL  
DATE July 17, 1995  
Petition No. 95-49  
Charlotte Management Corp.

CITY ZONE CHANGE

ORDINANCE NO. 335-Z

ZONING REGULATIONS

MAP AMENDMENT NO. \_\_\_\_\_

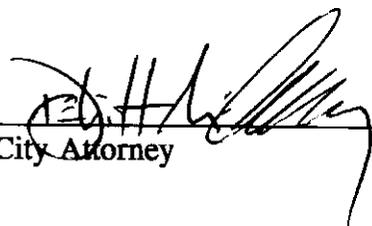
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by change from B-D to B-1 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

SEE ATTACHED MAP

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of July, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46 at Page(s) 486-487.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of July, 1995.

  
\_\_\_\_\_  
Nancy S. Gilbert, Deputy City Clerk



Petition #: 95-49

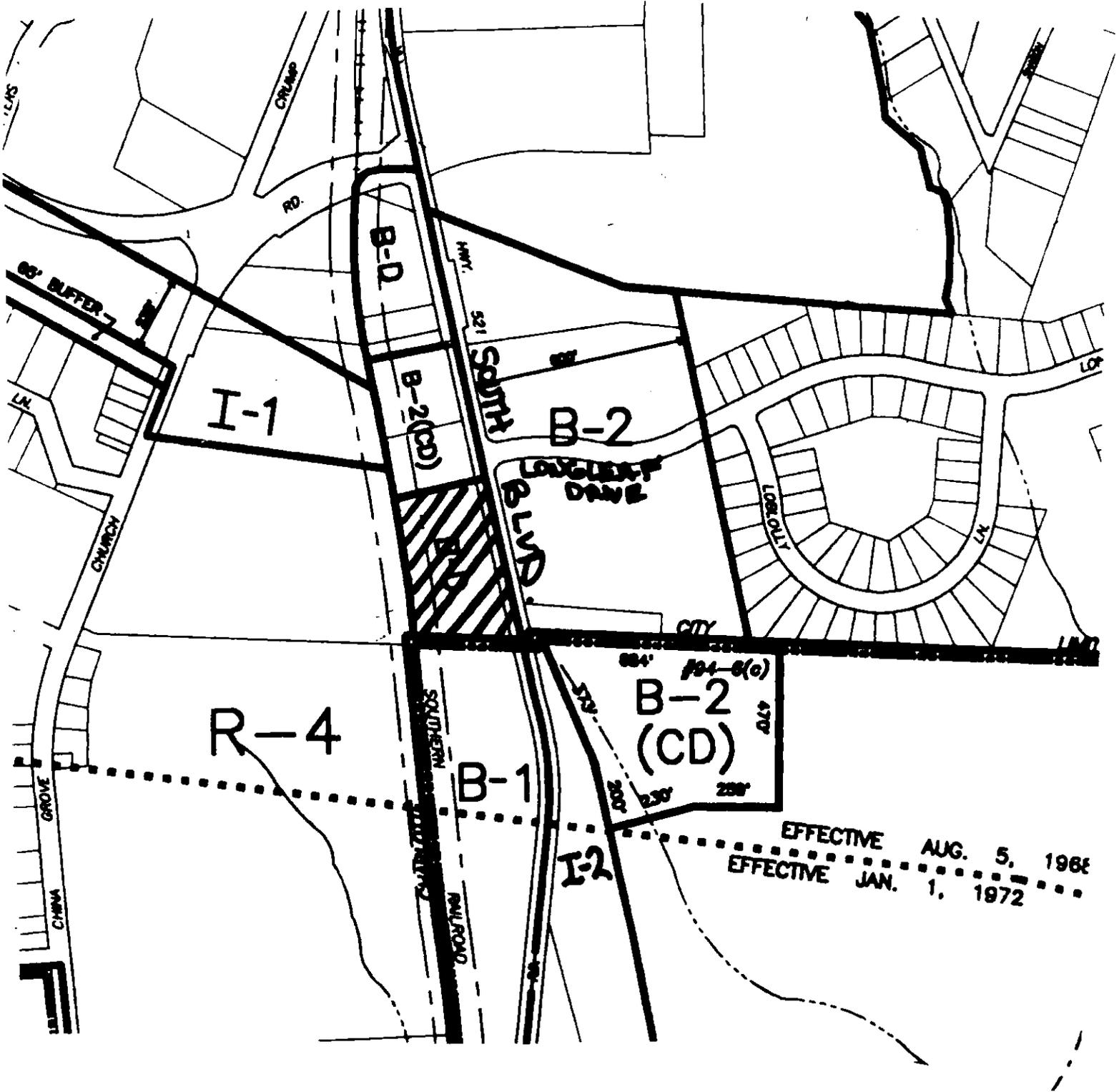
Petitioner: Charlotte Management Corp.

Hearing Date: June 19, 1995

Zoning Classification (Existing): B-D

Zoning Classification (Requested): B-1

Location: Approximately 2.62 acres located on the west side of South Boulevard south of Longleaf Drive.



Zoning Map #(s): 157

Scale: 1" = 400'

**OFFICIAL REZONING APPLICATION  
CITY OF CHARLOTTE**

Petition #: 95-49  
Date Filed: March 24, 1995  
Received By: T. Maes  
**OFFICE USE ONLY**

**OWNERSHIP INFORMATION:**

Property Owner: CHARLOTTE MANAGEMENT CORP.  
Owner's Address: 5701 COUNTRY CLUB DRIVE, MYRTLE BEACH, S.C. 29577  
Date Property Acquired: 1978  
Tax Parcel Number(s): 205-111-01

**LOCATION OF PROPERTY (Address or Description):** \_\_\_\_\_

9300 SOUTH BOULEVARD, CHARLOTTE, N.C.  
Size (Sq.Ft. or Acres): 2.62 ACRES Street Frontage (Ft.): 501.24 FEET  
Current Land Use: VACANT (NO STRUCTURES)

**ZONING REQUEST:**

Existing Zoning: BD Proposed Zoning: B-1  
Purpose of Zoning Change: TO CONSOLIDATE PROPERTY ZONING FOR ONE USE (B-1)

**W. CRUTCHER ROSS ASSOCIATES**  
Name of Agent  
1735 DILWORTH ROAD EAST  
CHARLOTTE, N.C. 28203  
Agent's Address  
(704) 377-0099 (704) 376-4027  
Telephone Number Fax Number

**CHARLOTTE MANAGEMENT CORP.**  
Name of Petitioner(s)  
5701 COUNTRY CLUB DRIVE  
MYRTLE BEACH, S.C. 29577  
Address of Petitioner(s)  
(803) 448-9471 (803) 626-0003  
(803) 449-6250  
Telephone Number Fax Number

SEE FILE  
Signature of Property Owner  
if other than Petitioner

Signature

APPROVED BY CITY COUNCIL  
DATE July 17, 1995

CITY CD

Petition No. 95-51  
Annie Helen Knox

ORDINANCE NO. 336-Z

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately .379 acres located on the northwesterly corner of the intersection of West Boulevard and James Street; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on June 19, 1995; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

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

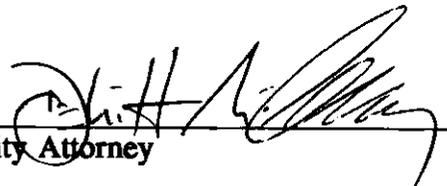
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-8 to R-8MF(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of July, 19 95, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, at Page(s) 488-490.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of July, 19 95.

  
\_\_\_\_\_  
Nancy S. Gilbert, Deputy City Clerk



**Petition #:** 95-51

**Petitioner:** Annie Helen Knox

**Hearing Date:** June 19, 1995

**Zoning Classification (Existing):** R-8

**Zoning Classification (Requested):** R-8MF(CD)

**Location:** Approximately .379 acres located on the northwest corner of the intersection between West Boulevard and James Street.



Zoning Map #(s): 103

Scale: 1" = 400'

**OFFICIAL REZONING APPLICATION  
CITY OF CHARLOTTE**

Petition #: 95-51  
Date Filed: March 27/1995  
Received By: T. J. [Signature]  
**OFFICE USE ONLY**

**OWNERSHIP INFORMATION:**

Property Owner: ANNIE HELEN KNOX  
Owner's Address: 2301 OLDE WHITEHALL ROAD, CHARLOTTE, NC 28217  
Date Property Acquired: JANUARY 12th, 1995  
Tax Parcel Number(s): # 117-061-18

**LOCATION OF PROPERTY (Address or Description):** Being on the common line between lots 6 and 7, block 1, W.M. McCombs Property as shown in map book 332, page 463. as surveyed by; R.B. Pharr and Associates dated; Jan. 27, 1995.

Size (Sq.Ft. or Acres): 16,456 SF/0.379 acre Street Frontage (Ft.): 100 (ft)  
Current Land Use: 0100

**ZONING REQUEST:**

Existing Zoning: R8 (single family) Proposed Zoning: R8-MF (CO)

**Purpose of Zoning Change:** This proposal would offer more compatible functioning land use to construct a well design DayCare Facility. In addition to being a valuable source, Mr. Larry Johnson and Mrs. Annie Knox team initiative to provide a benchmark and overall impact of investments to foster the Urban Characteristics of this areas. However, a Multi-Family design here should promote an enviroment of diverse uses at higher than normal density which encourages other agencies make sound investment decisions..

SIR CORP. FINANCIAL GROUP  
Name of Agent  
Garland Knox  
P.O. BOX 31541, CHARLOTTE, NC 28231  
Agent's Address  
(704) 376-3092 (704) 347-5227  
Telephone Number Fax Number

ANNIE HELEN KNOX  
Name of Petitioner(s)  
2301 OLDE WHITEHALL RD. CHARLOTTE, NC  
Address of Petitioner(s) 28217  
(704) 529-6828  
Telephone Number Fax Number

Contact: Garland Knox  
529-6828 or 866-7734  
Signature of Property Owner  
if other than Petitioner

Annie Helen Knox  
Signature

**Petition No. 95-51  
Annie Helen Knox**

## **PARALLEL CONDITIONAL USE PERMIT**

**This is a parallel conditional use permit approved by the Charlotte City Council to Annie Helen Knox owner(s) and successors-in-interest of the property described as tax parcel 117-061-18 and described in detail further in the ordinance, identified below, approved by the City Council.**

**In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of R-8MF(CD) on the official zoning map.**

**This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.**

**Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.**