

ORDINANCE NO. 314-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 4816 HOVIS ROAD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF LONNIE C. PACE, JR. HEIRS RESIDING AT C/O ROY L. PACE, 5941 AMITY PLACE, CHARLOTTE, NC 28212.

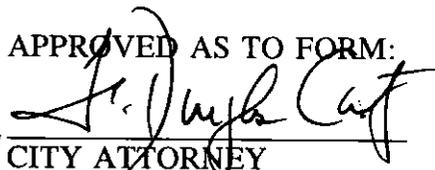
WHEREAS, the dwelling located at 4816 Hovis Road in the City of Charlotte has been found by the Director of the Community Development Department to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by advertisement on March 19, 1995 and April 9, 1995.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Director of the Community Development Department is hereby ordered to cause the demolition and removal of the dwelling located at 4816 Hovis Road in the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

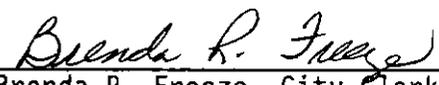
APPROVED AS TO FORM:

xx. Carl

CITY ATTORNEY

CERTIFICATION

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 26th day of June, 19 95, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, at Page(s) 422.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 19 95.



Brenda R. Freeze, City Clerk

ORDINANCE NO. 315-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 4221 PLATO CIRCLE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF JOHN EDDIE WILLIAMS, DORIS EVELYN W. TAYLOR, ELLAR WE WILLIAMS AND EDDIE JOHNSON, JR. HEIRS RESIDING AT 2809 MAYFAIR AVENUE, CHARLOTTE, NC 28208.

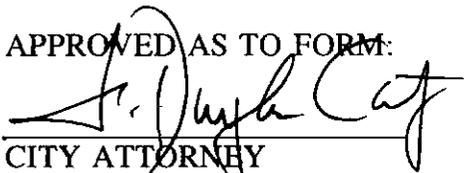
WHEREAS, the dwelling located at 4221 Plato Circle in the City of Charlotte has been found by the Director of the Community Development Department to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by advertisement on March 16, 1992 and September 28, 1993.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Director of the Community Development Department is hereby ordered to cause the demolition and removal of the dwelling located at 4221 Plato Circle in the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

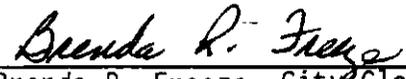
APPROVED AS TO FORM:

See. Asst. 
CITY ATTORNEY

CERTIFICATION

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 26th day of June, 19 95, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, at Page(s) 423.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 19 95.


Brenda R. Freeze, City Clerk

ORDINANCE NO. 316-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1727 PEGRAM STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF R & L ENTERPRISES, INC. RESIDING AT P. O. BOX 1846, MATTHEWS, NC 28105.

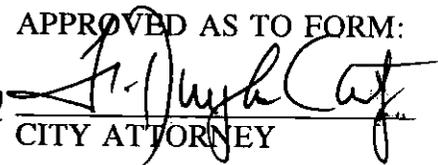
WHEREAS, the dwelling located at 1727 Pegram Street in the City of Charlotte has been found by the Director of the Community Development Department to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by advertisement on December 17, 1993 and March 1, 1994.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Director of the Community Development Department is hereby ordered to cause the demolition and removal of the dwelling located at 1727 Pegram Street in the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

2. Cond 
CITY ATTORNEY

CERTIFICATION

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 26th day of June, 19 95, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, at Page(s) 424.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 19 95.



Brenda R. Freeze, City Clerk

ORDINANCE NO. 317-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1521 HARRILL STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF TOMMY HUNT, JR. RESIDING AT 2600 E. RENNER ROAD #175, RICHARDSON, TEXAS 75082.

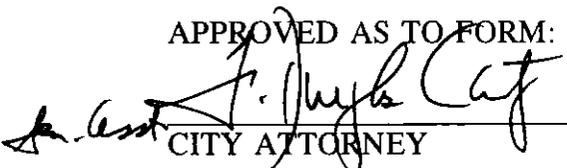
WHEREAS, the dwelling located at 1521 Harrill Street in the City of Charlotte has been found by the Director of the Community Development Department to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by advertisement on April 2, 1995 and May 21, 1995.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Director of the Community Development Department is hereby ordered to cause the demolition and removal of the dwelling located at 1521 Harrill Street in the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

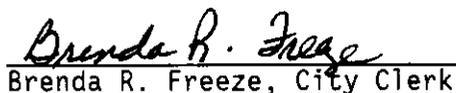
APPROVED AS TO FORM:


CITY ATTORNEY

CERTIFICATION

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 26th day of June, 19 95, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, at Page(s) 425.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 19 95.


Brenda R. Freeze, City Clerk

ORDINANCE NO. 318-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2201 YADKIN AVENUE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF ANNIE F. WHITE (DECEASED), ADDRESS UNKNOWN.

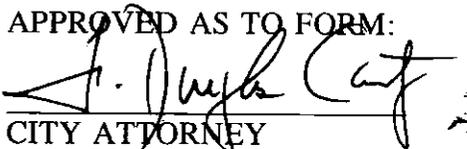
WHEREAS, the dwelling located at 2201 Yadkin Avenue in the City of Charlotte has been found by the Director of the Community Development Department to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by advertisement on February 24, 1995 and April 2, 1995.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Director of the Community Development Department is hereby ordered to cause the demolition and removal of the dwelling located at 2201 Yadkin Avenue in the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

* *Arch*

CITY ATTORNEY

CERTIFICATION

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 26th day of June, 19 95, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, at Page(s) 426.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 19 95.


Brenda R. Freeze, City Clerk

ORDINANCE NO. 319-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE STRUCTURE AT 1128-30 BELMONT AVENUE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF CATHERINE A. WHITE RESIDING AT 6042 IDLEBROOK DRIVE, CHARLOTTE, NC 28212.

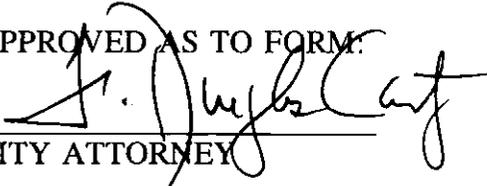
WHEREAS, the structure located at 1128-30 Belmont Avenue in the City of Charlotte has been found by the Director of the Community Development Department to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said structure, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by registered mail on March 31, 1995 and April 29, 1995.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Director of the Community Development Department is hereby ordered to cause the demolition and removal of the structure located at 1128-30 Belmont Avenue in the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

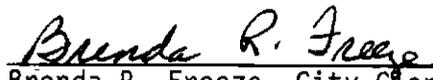
APPROVED AS TO FORM:

Jan. A. ...

CITY ATTORNEY

CERTIFICATION

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 26th day of June, 19 95, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, at Page(s) 427.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 19 95.


Brenda R. Freeze, City Clerk

ORDINANCE 320

**AN ORDINANCE AMENDING CHAPTER 14, SECTION 131
OF THE CHARLOTTE CITY CODE**

WHEREAS, on May 14, 1984, the Charlotte City Council approved a policy to provide for a 25 miles per hour speed limit on non-thoroughfare residential streets; and,

WHEREAS, it has been determined, upon the basis of an engineering and traffic investigation, that a lowered speed limit on certain streets of the City of Charlotte is not inappropriate; and,

WHEREAS, G.S. 20-141 (speed restrictions) requires adoption of a speed limit ordinance to amend Chapter 14, Section 131(c) of the Charlotte City Code,

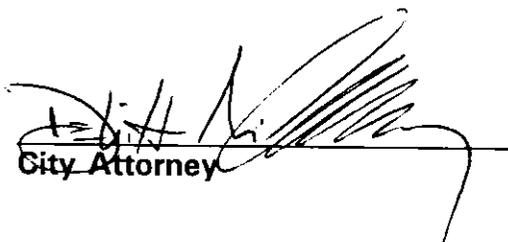
NOW THEREFORE BE IT ORDAINED by the City Council of the City of Charlotte,

SECTION 1: That Schedule X referred to in Chapter 14-131(c) of the Charlotte City Code be amended by declaring a speed limit on the following City System streets as described below:

- Norcross Place between Mecklenburg Avenue and Mimosa Avenue 25 MPH

SECTION 2: Section 1 shall become effective upon adoption by Charlotte City Council and after signs are erected giving notice of the speed limits, as required by N.C.G.S. Section 20-141.

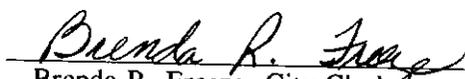
Approved as to form:


City Attorney

CERTIFICATION

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 26th day of June, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, Page(s) 428.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 19 95.


Brenda R. Freeze, City Clerk

ORDINANCE NO. 321-X

B-48

AN ORDINANCE TO AMEND ORDINANCE NO. 3890-X, THE 1994-95 BUDGET ORDINANCE, APPROPRIATING \$66,098 TO THE CHARLOTTE CONVENTION AND VISITOR'S BUREAU.

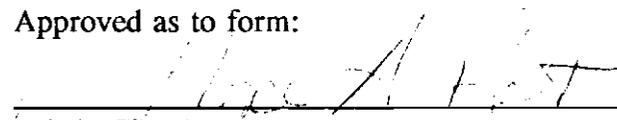
BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina;

Section 1. That the sum of \$66,098 from the Dedicated Revenue Reserve Account to the General Fund 0101; Center 530.27.179 for the Charlotte Convention and Visitor's Bureau.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. It is the intent of this ordinance to be effective upon its adoption.

Approved as to form:

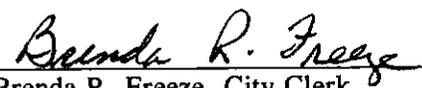


City Attorney

CERTIFICATION

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 26th day of June, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, Page(s) 429.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 1995.



Brenda R. Freeze, City Clerk

AN ORDINANCE TO AMEND ORDINANCE NO. 304 – X, THE 1995–96 BUDGET ORDINANCE,
PROVIDING A SUPPLEMENTAL APPROPRIATION FOR THE AVIATION FUEL FARM.

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

- Section 1. That the sum of \$500,000 is hereby estimated to be available from the Airport Excluded Centers Fund – 7402 (7404).
- Section 2. That the sum of \$500,000 is hereby appropriated to the Airport Capital Projects Fund 2083;528.00 – Construction Control Center.
- Section 3. All ordinances in conflict with this ordinance are hereby repealed.
- Section 4. This ordinance shall be effective immediately.

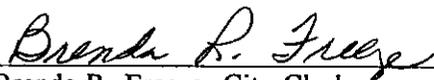
Approved as to form:


City Attorney

CERTIFICATION

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 26th day of June, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, Page(s) 430.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 1995.


Brenda R. Freeze, City Clerk

ORDINANCE NUMBER : 323-X

0-3

AN ORDINANCE TO AMEND ORDINANCE NO. 304 – X, THE 1995–96 BUDGET ORDINANCE, ADVANCING AIRPORT FUNDING AND PROVIDING AN APPROPRIATION FOR DESIGN OF AIRPORT RAMP "B".

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

Section 1. That the sum of \$625,000 is hereby estimated to be available from the Airport Discretionary Fund (7408).

Section 2. That the sum of \$625,000 is hereby advanced to Airport Capital Project Fund 2083;528.00 – Construction Control Center until permanent financing is arranged.

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective immediately.

Approved as to form:

[Signature]
City Attorney

CERTIFICATION

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 26th day of June, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, Page(s) 431.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 1995.

[Signature]
Brenda R. Freeze, City Clerk

APPROVED BY CITY COUNCIL
DATE June 26 1995

CITY CD

Petition No. 95-7
Childress Klein Properties

ORDINANCE NO. 324-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 18.6 acres located on the south side of Highway 51 east of Raintree Lane; and

WHEREAS, the petition for rezoning for a 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 denial 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 March 20, 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:

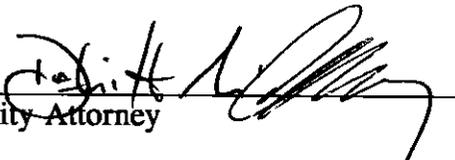
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from B-1 SCD to CC on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

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.

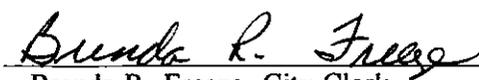
APPROVED AS TO FORM:


City Attorney

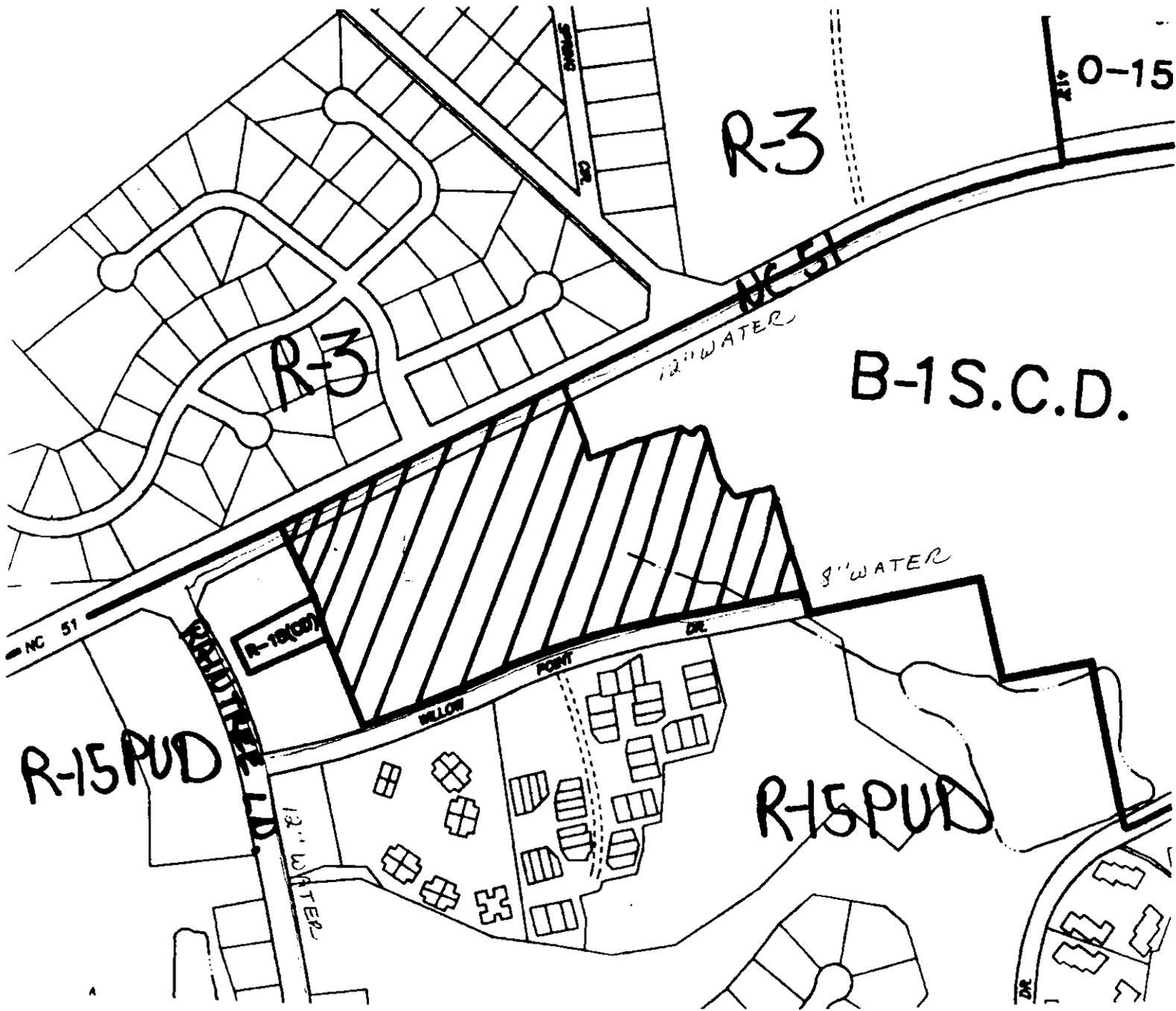
CERTIFICATION

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 1995.


Brenda R. Freeze, City Clerk

Petition #: 95-7
Petitioner: Childress Klein Properties
Hearing Date: January 17, 1995
Zoning Classification (Existing): B-1 S.C.D.
Zoning Classification (Requested): CC
Location: Approximately 18.6 acres located on the south side of NC Hwy 51 east of Raintree Lane.



Zoning Map #(s): 165 and 166

Scale: 1" = 400'

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition #: 95-7
Date Filed: 3/1/94
Received By: [Signature]
OFFICE USE ONLY

OWNERSHIP INFORMATION:

Property Owner: AAC - Arboretum Joint Venture #3
Owner's Address: 2800 One First Union Center, 301 S. College Street, Charlotte, NC 28202
Date Property Acquired: 1990 and 1993
Tax Parcel Number(s): 225-151-04 and part of 225-151-10

LOCATION OF PROPERTY (Address or Description): Within southwest quadrant of N.C. 16 and N.C. 51 - adjoins the existing Arboretum shopping center
Size (Sq.Ft. or Acres): 18.6 acres Street Frontage (Ft.): N.C. 51-1,105± feet Willow Point Dr.-1,312± feet
Current Land Use: Vacant

ZONING REQUEST:

Existing Zoning: B-1 (SCD) Proposed Zoning: Arboretum (Rezoning Pet. No. 86-112)
Purpose of Zoning Change: To accelerate timing of construction of the final 200,000 square feet approved for development within the B-1(SCD) Site located at the Southwest Quadrant of the Arboretum

Bailey Patrick, Jr.
Name of Agent
2200 The Carillon
227 W. Trade Street, Charlotte, NC 28202
Agent's Address
(704) 372-1120 (704) 372-9635
Telephone Number Fax Number

Childress Klein Properties
Name of Petitioner(s)
2800 One First Union Center
301 S. College Street, Charlotte, NC 28202
Address of Petitioner(s)
(704) 342-9000 (704) 342-9039
Telephone Number Fax Number

[Signature]
Signature of Property Owner ACC-Arboretum Joint
if other than Petitioner Venture #3, a North
Carolina Limited Partnership

[Signature]
Signature

DESCRIPTION OF DEVELOPED AND UNDEVELOPED
PORTIONS OF ARBORETUM SOUTHWEST

SITUATED in the City of Charlotte, Mecklenburg County, North Carolina, and being more particularly described as follows:

Begin at a point located in the northeastern corner of that property owned (now or formerly) by the Raintree Homeowners Association, Inc. described as tax parcel 225-151-02; thence from said Beginning Point along the southerly margin of Pineville-Matthews Road - N.C. Hwy. 51 (right-of-way varies) N 59-32-08 E 1,105.49 feet to a point; thence departing said southern right-of-way line the following eight (8) courses and distances: (1) S 29-13-46 E 174.55 feet to a point; (2) N 62-14-48 E 195.82 feet to a point; (3) S 47-50-07 E 32.66 feet to a point; (4) with the arc of a circular curve to the right having a radius of 15.17 feet, a chord bearing and distance of S 67-38-02 E 24.1 feet, an arc distance of 27.85 feet to a point; (5) S 15-01-23 E 162.84 feet to a point; (6) S 32-21-51 E 32.82 feet to a point; (7) S 75-08-08 W 65.66 feet to a point; and (8) S 14-47-01 E 347.01 feet to a point in the northerly margin of Willow Point Drive; thence along the northerly margin of Willow Point Drive the following four (4) courses and distances: (1) S 75-12-59 W 526.59 feet to a point; (2) with the arc of a circular curve to the left having a radius of 997.22 feet, a chord bearing and distance of S 69-18-50 W 205.1 feet, an arc distance of 205.47 feet to a point; (3) S 63-24-39 W 493.65 feet to a point; and (4) with the arc of a circular curve to the right having a radius of 1,045.54 feet, a chord bearing and distance of S 65-55-11 W 91.54 feet, an arc distance of 91.57 feet to a point located in the southeastern corner of that property owned (now or formerly) by the Raintree Homeowners Association, Inc. described as tax parcel 225-151-02; thence departing said northern right-of-way line and with the eastern boundary of the Raintree Homeowners Association, Inc. property the following three (3) courses and distances: (1) N 26-44-47 W 295.97 feet to a point; (2) N 28-12-21 W 182.34 feet to a point; and (3) N 30-27-31 W 80 feet to the POINT OF BEGINNING, containing 18.2425 acres as shown on the Composite Boundary Survey of Arboretum Southwest, prepared by E.S.P. Associates, P.A. of Pineville, North Carolina (Drawing No. ARB-T), dated June 29, 1994, last revised July 21, 1994, to which survey reference is hereby made.

BP/gb/1441

APPROVED BY CITY COUNCIL
DATE June 26, 1995

CITY CD

Petition No. 95-16
Home Depot U.S.A., Inc.

ORDINANCE NO. 325-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 12.12 acres located between McAlway Road and Wendover Road south of Monroe Road; and

WHEREAS, the petition for rezoning for a 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 I-2 to CC 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 BY CITY COUNCIL
DATE June 26, 1995
Petition No. 95-16
Home Depot U.S.A. Inc.

CITY ZONE CHANGE

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 change from R-22MF to B-2 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.

DESCRIPTION:

BEGINNING AT A NEW IRON PIN IN THE SOUTHEASTERLY MARGIN OF WENDOVER ROAD (80-FOOT PUBLIC DEDICATED RIGHT-OF-WAY), SAID POINT BEING THE NORTHWEST CORNER OF THE VINSON REALTY CO., INC. PROPERTY AS DESCRIBED IN DEED BOOK 5472, PAGE 202 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY AND RUNS THENCE WITH THE SOUTHEASTERLY MARGIN OF WENDOVER ROAD IN THREE COURSES AND DISTANCES AS FOLLOWS: 1) NORTH 33-14-23 EAST 205.11 FEET TO A POINT; 2) WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1678.87 FEET, AN ARC DISTANCE OF 318.99 FEET (CHORD: NORTH 38-41-12 EAST 318.73 FEET) TO A NEW IRON PIN AT THE INTERSECTION OF THE SOUTHERLY MARGIN OF THE 200-FOOT SEABOARD COASTLINE RAILROAD RIGHT OF WAY WITH THE SOUTHEASTERLY MARGIN OF WENDOVER ROAD; 3) THENCE CONTINUING WITH THE AFOREMENTIONED CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1678.87 FEET AN ARC DISTANCE OF 104.06 FEET (CHORD: NORTH 45-54-33 EAST 104.04 FEET) TO A POINT IN THE CENTERLINE OF THE SEABOARD COASTLINE RAILROAD TRACK (CENTER OF THE 200-FOOT RIGHT-OF-WAY); THENCE WITH THE CENTERLINE OF SAID TRACK AND SEABOARD COASTLINE RAILROAD RIGHT-OF-WAY SOUTH 60-07-00 EAST 790.70 FEET TO A NAIL IN THE CENTERLINE OF MCALWAY ROAD (60-FOOT PUBLIC DEDICATED RIGHT-OF-WAY); THENCE WITHIN THE RIGHT-OF-WAY OF MCALWAY ROAD IN TWO COURSES AND DISTANCES AS FOLLOWS: 1) SOUTH 29-50-40 WEST 474.89 FEET TO A NAIL; 2) SOUTH 37-08-22 WEST 144.65 FEET TO A NAIL, SAID POINT BEING THE NORTHEAST CORNER OF THE VINSON REALTY CO., INC. PROPERTY; THENCE NORTH 60-06-56 WEST, PASSING AN EXISTING IRON PIN IN THE WESTERLY MARGIN OF MCALWAY ROAD AT 15.01 FEET, A TOTAL DISTANCE OF 739.52 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING 12.0446 ACRES OR 524,680.67 SQUARE FEET AS SHOWN ON A SURVEY BY R. B. PHARR & ASSOCIATES, P.A. DATED NOVEMBER 3, 1994. (FILE NO. W-1669A)

Petition #: 95-16

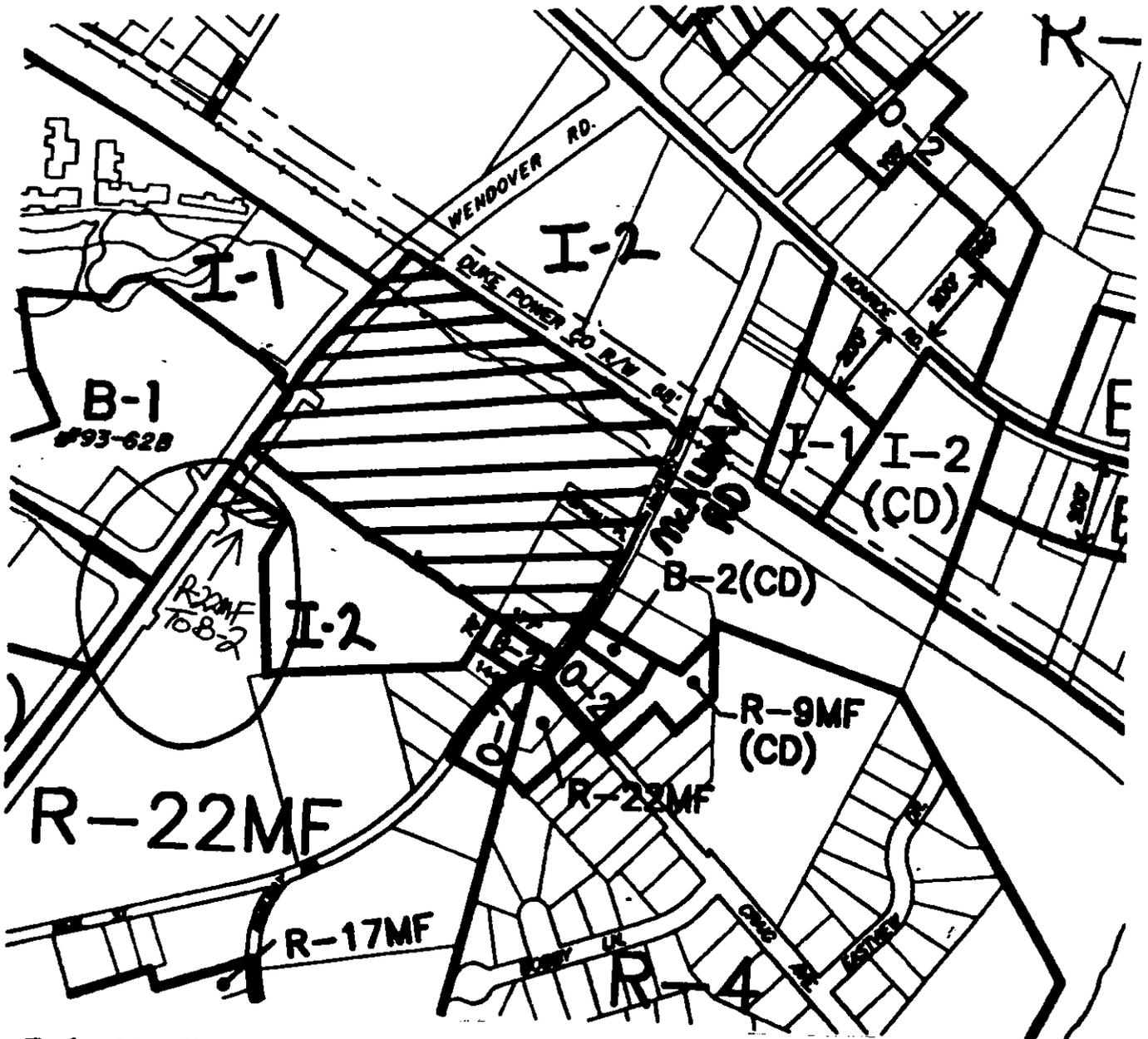
Petitioner: Home Depot U.S.A., Inc.

Hearing Date: APRIL 17, 1995

Zoning Classification (Existing): I-2 + R-22MF

Zoning Classification (Requested): CC + B-2

Location: Approximately 12.12 acres located between McAlway Road and Wendover Road south of Monroe Road.



Size (Sq.Ft. or Acres): Total Site 12.27 ac. (M.O.L.) Street Frontage (Ft.): 628'± along Wendover Rd. 240'± along McAlway Rd. 130' McAlway

Current Land Use: Abandoned Asphalt Plant

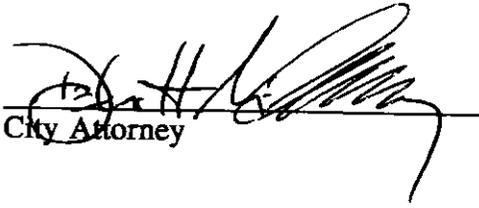
ZONING REQUEST:

Existing Zoning: I-2 + R-22MF Proposed Zoning: CC + B-2

Purpose of Zoning Change: To construct and operate a proposed Home Depot Retail Store
(131,725) s.f.

Name of Agent: Tim Johnson, Greiner, Inc. DICK STOEVER Name of Petitioner(s): HOME DEPOT U.S.A., INC.
333-4483

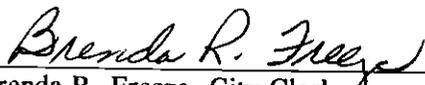
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

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 26th day of June, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, Page(s) 435-437.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of June, 1995.


Brenda R. Freeze, City Clerk

DATE _____

CITY ZONE CHANGE

Petition No. 95-36
Louis P. Lagana

ORDINANCE NO. 326-Z

ZONING REGULATIONS

MAP AMENDMENT NO. _____

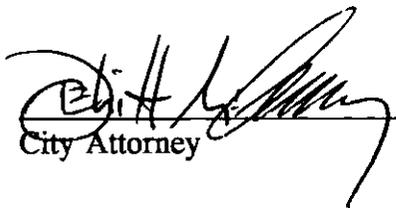
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by change from R-17MF to O-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.

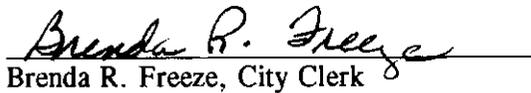
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, 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 26th day of June, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, Page(s) 438- 439.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of June, 1995.


Brenda R. Freeze, City Clerk

Petition #: 95-36

June 26, 1995

Petitioner: Louis P. Lagana

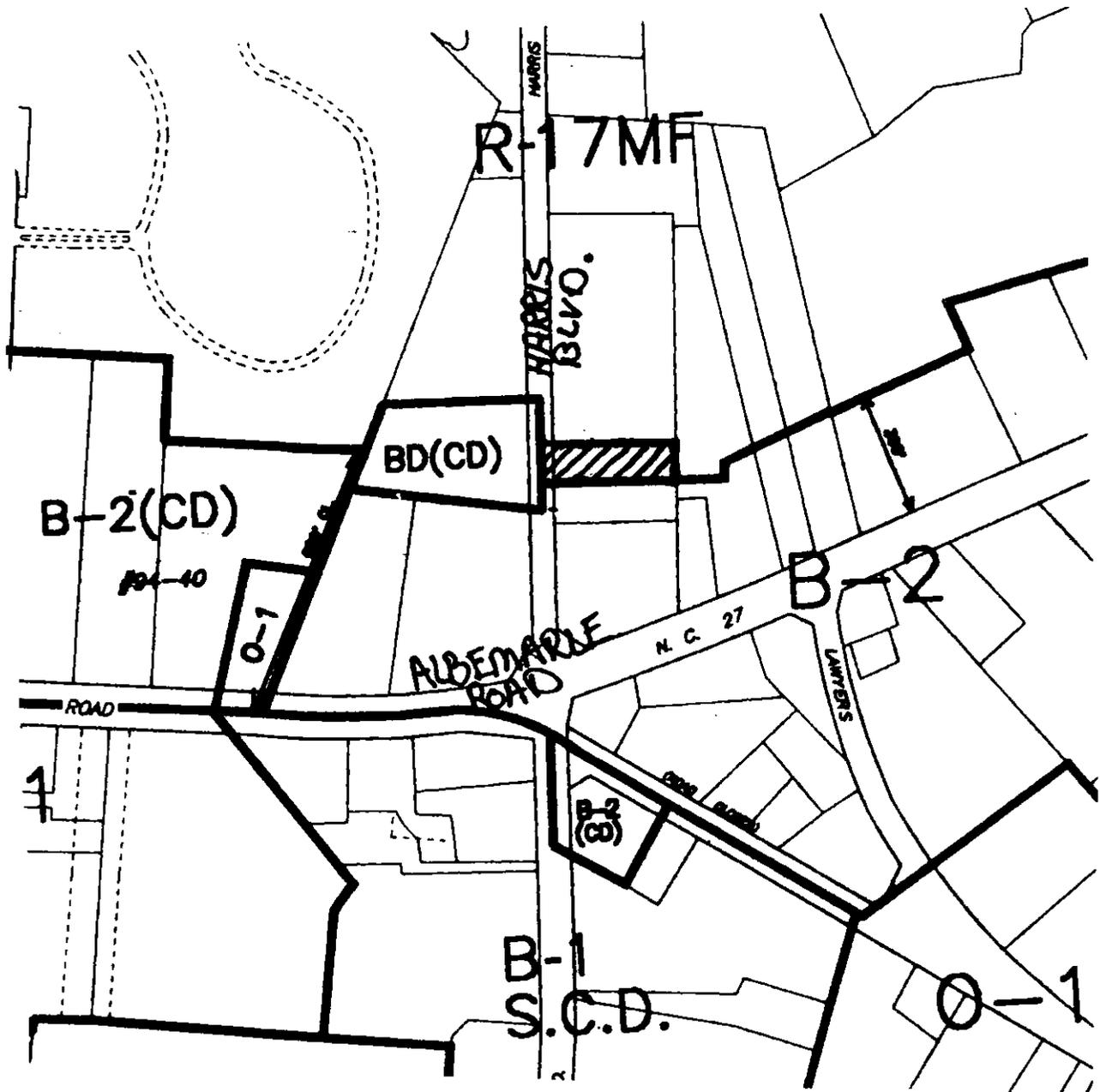
Ordinance Book 46, Page 439

Hearing Date: May 15, 1995

Zoning Classification (Existing): R-17MF

Zoning Classification (Requested): O-1

Location: Approximately 0.60 acres located on the east side of Harris Boulevard north of Albemarle Road.



Zoning Map #(s): 114

Scale: 1" = 400'

**OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: 95-36
Date Filed: February 24, 1995
Received By: T. P. Jones
OFFICE USE ONLY

OWNERSHIP INFORMATION:

Property Owner: Estate of Mabel Williams; Margaret E. Greer, Executrix

Owner's Address: 8529 E WT Harris Blvd Charlotte NC 28227

Date Property Acquired: 1/13/93

Tax Parcel Number(s): 10917106

LOCATION OF PROPERTY (Address or Description): 8529 E WT Harris Blvd
Charlotte, NC 28227

Size (Sq.Ft. or Acres): 27,000 sq ft (.6 acre) Street Frontage (Ft.): 100 ft

Current Land Use: Single Family Residence

ZONING REQUEST:

Existing Zoning: R17 MF Proposed Zoning: 01 Office

Purpose of Zoning Change: Allow use of current house as a State Farm Insurance Agent's
office.

Name of Agent _____
Agent's Address _____
Telephone Number _____ Fax Number _____
Margaret E Greer - Executrix
Signature of Property Owner
if other than Petitioner

Louis P Lagana
Name of Petitioner(s)
7100 Lawyers Rd Charlotte, NC 28227
Address of Petitioner(s)
567-0014 567-0015
Telephone Number Fax Number
Louis P Lagana
Signature

APPROVED BY CITY COUNCIL
DATE June 26 1995

APP.
DATE June 26, 1995
Ordinance Book 46, Page 441

CITY CD

Petition No. 95-43
Whitehall Development Limited
Partnership, Crosland Investors, Inc.

ORDINANCE NO. 327-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 24.74 acres located on the west side of York Road (NC 49) and the north side of Coffey Creek; 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 May 15, 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:

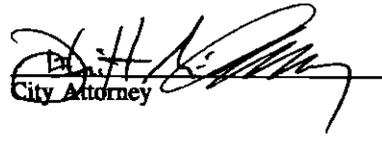
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-3 and B-1S.C.D. to R-17MF(CD) and B-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

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, 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 26th day of June, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, Page(s) 441-443A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of June, 1995.


Brenda R. Freeze, City Clerk

LEGAL DESCRIPTION

PARCEL I

BEGINNING at the point formed by the intersection of the centerline of York Road (N.C. Highway 49) and the centerline of Arrowood Road/Proposed Arrowood Road Extension and running thence from said Beginning Point in a westerly direction with the centerline of Proposed Arrowood Road Extension the following two calls and distances: (1) N 55-28-04 W 173.35 feet and (2) in a northwesterly direction with the arc of a circular curve to the left having a radius of 955 feet, an arc distance of 413.65 feet; thence N 12-58-16 W 168.12 feet; thence N 52-46-49 W 360.41 feet; thence N 37-52-21 W 361.24 feet; thence N 50-44-45 E 985.75 feet; thence S 16-15-15 E 1,373.93 feet to a point located in the centerline of York Road; thence with the centerline of York Road two calls and distances as follows: (1) S 19-14-12 W 205.37 feet and (2) in a southwesterly direction with the arc of a circular curve to the right having a radius of 2,510.83 feet, an arc distance of 32.40 feet to the point or place of beginning, containing 19.64 acres, more or less.

PARCEL II

BEGINNING at the point formed by the intersection of the centerline of York Road (N.C. Highway 49) and the centerline of Arrowood Road/Proposed Arrowood Road Extension and running thence from said Beginning Point in a westerly direction with the centerline of Proposed Arrowood Road Extension the following two calls and distances: (1) N 55-28-04 W 173.35 feet and (2) in a northwesterly direction with the arc of a circular curve to the left having a radius of 955 feet, an arc distance of 413.65 feet; thence S 06-11-38 E 389.27 feet; thence S 31-25-08 E 425.68 feet to a point located on the centerline of York Road; thence in a northerly direction with the centerline of York Road with the arc of a circular curve to the left have an arc distance of 2510.83 feet an arc distance of 573.61 feet to the point or place of beginning, containing 5.10 acres, more or less.

Petition #: 95-43

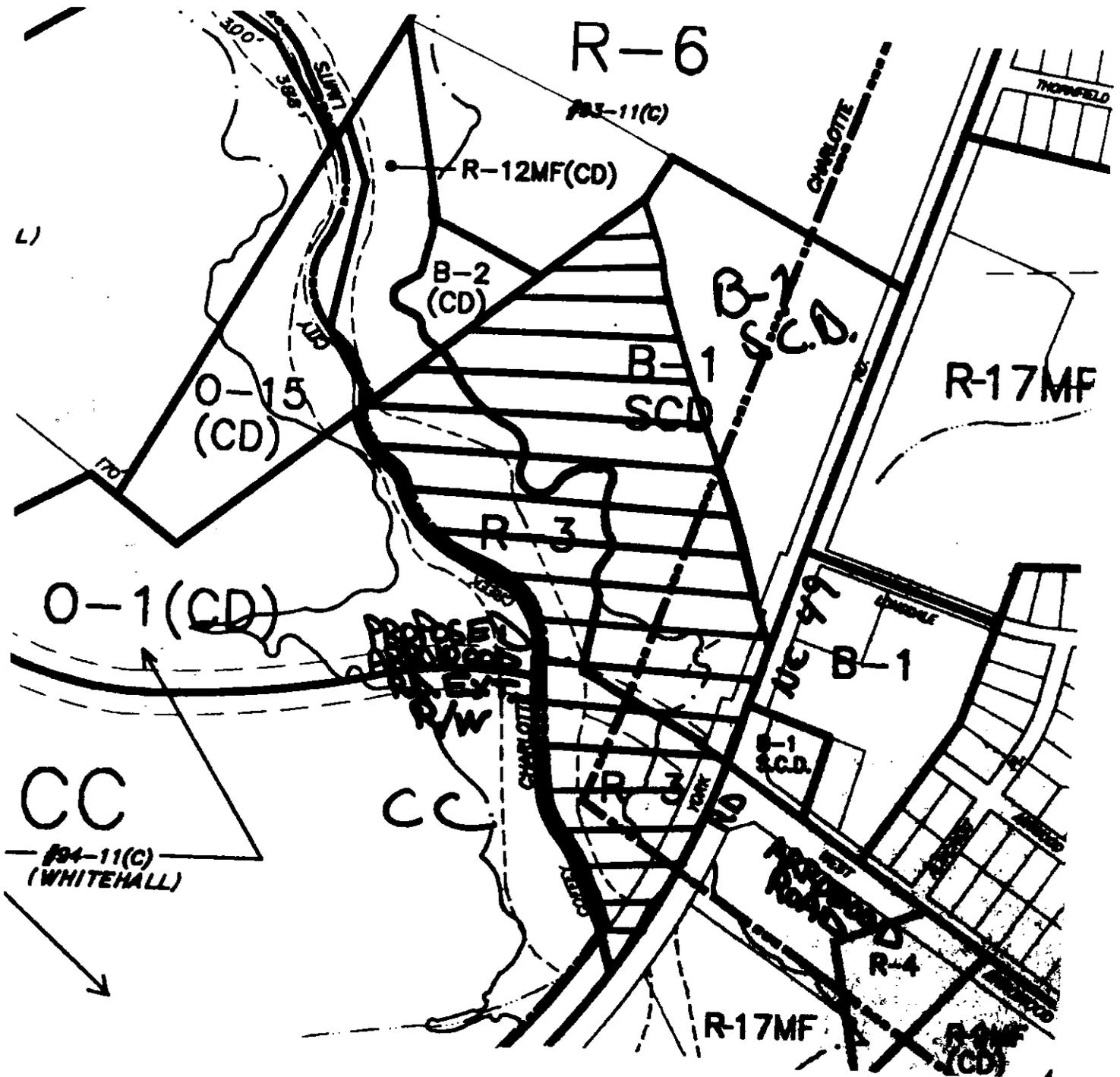
Petitioner: Whitehall Development Limited Partnership, Crosland Investors, Inc.

Hearing Date: May 15, 1995

Zoning Classification (Existing): R-3 and B-1S.C.D.

Zoning Classification (Requested): R-17MF(CD) and B-1(CD)

Location: Approximately 24.74 acres located on the west side of York Road (NC 49) and the north side of Coffey Creek..



Zoning Map #(s): 133

Scale: 1" = 400'

OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

Petition #:	<u>95-43</u>
Date Filed:	<u>February 27, 1995</u>
Received By:	<u>T. Jones</u>
OFFICE USE ONLY	

OWNERSHIP INFORMATION:

Property Owner: Whitehall Development Limited Partnership (Attention: James E. Merrifield)
Owner's Address: 125 Scaleybark Road, Charlotte, NC 28209
Date Property Acquired: November 1994
Tax Parcel Number(s): 201-301-08A

LOCATION OF PROPERTY (Address or Description): Property located at the northwest and southwest corners of the intersection between NC 49 and Arrowood Road Extension

Size (Sq.Ft. or Acres): 24.74 AC Parcel I: 824.77
Street Frontage (Ft.): Parcel II: 1192.20
Current Land Use: Vacant

ZONING REQUEST:

Existing Zoning: Parcel I R-3 & B1SCD Parcel I: R-12A(CD)
Parcel II R-3 Proposed Zoning: Parcel I & II R-12A(CD)

Purpose of Zoning Change: To obtain the zoning necessary to accommodate development of the City portion of the Whitehall Project in accordance with the Master Plan for Whitehall and the Southwest 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

Whitehall Development Limited Partnership
Crosland Investors, Inc. General Partner
By: James E. Merrifield
Name of Petitioner(s) Vice President
125 Scaleybark Road
Charlotte, NC 28209
Address of Petitioner(s)
(704) 561-5241 (704) 523-2946
Telephone Number Fax Number

Signature James E. Merrifield

**Petition No. 95-43
Whitehall Development Limited
Partnership, Crosland Investors, Inc.**

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Whitehall Development Limited Partnership, Crosland Investors, Inc. owner(s) and successors-in-interest of the property described as tax parcel 201-301-08A 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 B-1(CD) and R-17MF(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.

ORDINANCE NO. 328

ORDINANCE AMENDING CHAPTER 11, ARTICLES I AND II OF THE CITY CODE

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DESIGNATE THE HOUSING CODE ENFORCEMENT OFFICIAL.

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

Section 1. Section 11-4 of the Code of the City of Charlotte shall be amended by the deletion therefrom of the term "Director" and its definition.

Section 2. Section 11-4 of the Code of the City of Charlotte shall be amended by the addition thereto, at the appropriate alphabetical position, of the following:

"Code Enforcement Official shall mean the person who has been designated, in writing, by the City Manager to enforce the provisions of this chapter."

Section 3. Section 11-4 of the Code of the City of Charlotte shall be amended by the deletion therefrom of the definition of the term "Inspector" and by the substitution therefor of the following:

"Inspector shall mean any person who is authorized by the Code Enforcement Official to conduct inspections for the purpose of enforcing the provisions of this chapter."

Section 4. Article 2 of Chapter 11 of the Code of the City of Charlotte shall be amended by the deletion therefrom, at every place at which it appears, of the term "director" and the substitution therefor, at each instance of deletion, of the term "Code Enforcement Official."

Section 5. This ordinance shall become effective July 1, 1995.

This the 26th day of June, 1995.

APPROVED AS TO FORM:

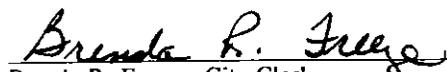


City Attorney

CERTIFICATION

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 26th day of June, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, Page(s) 444.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 1995.



Brenda R. Freeze, City Clerk

ORDINANCE NO. 329
AN ORDINANCE CREATING A NEW ARTICLE VI TO CHAPTER 23 OF THE
CHARLOTTE CITY CODE ENTITLED "PERMITS FOR EXTENSIONS OR
MODIFICATIONS OF WATER OR SEWER SYSTEM."

BE IT ORDAINED by the City Council of the City of Charlotte:

Section 1. That a new Article VI of Chapter 23 of the Code of the City of Charlotte is hereby enacted as hereinafter set forth:

ARTICLE VI. PERMITS FOR EXTENSIONS OR
MODIFICATIONS OF WATER OR SEWER SYSTEM.

Sec. 23-120. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated:

- (a) "CMUD water or sewer system," when referring to the CMUD water system, shall mean the portion of the facilities owned by the City which are used for the distribution of treated water to fire hydrants and service connections.
- (b) "CMUD water or sewer system," when referring to the CMUD sewer system, shall mean the portion of the facilities owned by the City which are used to collect and carry wastewater to a Publicly Owned Treatment Works treatment plant but does not include such plant, pumping stations and force mains.
- (c) "CMUD Standards" refers to the document entitled "Charlotte-Mecklenburg Utility Department Water and Sewer Policies Procedures Standards and Specifications" as prepared, published and amended from time to time by the Director in accordance with Section 23-121(c), together with the CMUD Extension Policy as approved and amended from time to time by the Council.

Sec. 23-121. Permit for extension, modification of water or sewer system.

- (a) No person shall do any of the following things or carry out any of the following activities concerning a water or sewer facility which is proposed to become a part of the CMUD water or sewer system or modify any existing portion of the CMUD water or sewer system unless such person shall have applied for and shall have received from the CMUD a permit for such extension or modification and shall have complied with such conditions, if any, as are prescribed by such permit:
 - (1) Construct any water or sewer facility;

- (2) Alter, extend, or change the construction or method of construction of any water or sewer facility; or
 - (3) Enter into a contract for the construction and installation of any water or sewer facility or for the alteration or extension of such a facility.
- (b) Any person proposing to undertake any thing or activity described in sub-section (a) of this Section shall make timely and proper application on such form(s) as may be prescribed by the Director and provide such information as may be required by the Director. CMUD shall not undertake any thing or activity set forth in sub-section (a) of this Section unless CMUD first complies with the provisions of this Section. A copy of all applications for permits subject to this Section and of all approved permits and plans (including applications and related documents submitted by CMUD) shall be provided to the North Carolina Department of Environment Health and Natural Resources ("DEHNR") as DEHNR in accordance with applicable law.
- (c) All water or sewer facilities proposed for inclusion in the CMUD water or sewer system and all proposed modifications to any existing portion of the CMUD water or sewer system shall be designed, constructed and installed in conformance with applicable provisions of the CMUD Standards. The plans and specifications for such facilities and modifications shall be prepared by or under the direct supervision of an engineer licensed to practice in North Carolina. The Director shall maintain a copy of the current CMUD Standards for public inspection. The Director shall have full authority to modify the CMUD Standards, except for the CMUD Extension Policy which shall require Council approval for any change. The Director shall make such changes in the CMUD Standards (except in the CMUD Extension Policy) as may be necessary to maintain certification from appropriate agencies of the State of North Carolina under G.S. 130A-317(d) and 143-215.1(f) and applicable rules and regulations implementing the provisions thereof and any changes thereto. No modification to the CMUD Standards shall be effective until approved in writing by DEHNR. The acquisition and connection to the CMUD water or sewer system of all or any portion of a water or sewer system owned or operated by any city, county or water or sewer authority as defined in Chapter 162A of the General Statutes or by a public utility under the jurisdiction of the North Carolina Utilities Commission shall not be subject to the provisions of this Section; provided that, under no circumstances shall the City be required to acquire or otherwise permit the connection of such a system to the CMUD water or sewer system except under such terms and conditions as the City may determine to be acceptable in its sole and absolute discretion.

- (d) The denial of an application for a permit subject to the provisions of this Section shall be made in writing and shall contain each reason for the denial and CMUD's estimate of the changes in the applicant's proposed activities or plan which will be required in order that the applicant may obtain a permit. Nothing in such estimate shall preclude or otherwise bar CMUD from denying a permit which incorporates such changes, based upon changed circumstance or information not previously known by CMUD.

Sec. 23-122. Processing of applications.

- (a) Each application subject to Section 23-121 shall be accompanied by a fee in the amount which would apply, if the application were being submitted to DEHNR under such schedule or fees as it may establish. A copy of the current fee schedule for DEHNR shall be maintained by the Director and made available for inspection upon request. Any application which is not accompanied by a fee in the proper amount may be considered incomplete.
- (b) CMUD shall review the fee, plans, specifications and other project data accompanying an application and shall determine if the application and accompanying material are complete and in a form acceptable to CMUD. CMUD shall acknowledge receipt of a complete application.
- (c) The Director shall take final action on all applications not later than 90 days following receipt of a complete application. All permits shall be issued in writing. A permit may contain such conditions as the Director determines to be reasonably necessary, considering the factors on which final action on a permit can be based. Final action on any permit shall be based upon: the design, capacity and manner of operation of the appropriate CMUD water or sewer system; effectuating the purposes of all applicable rules, regulations, statutes and ordinances of the City, State of North Carolina, and the United State of America; and the CMUD Standards.
- (d) If the application is not complete, the application shall be returned to the applicant. CMUD shall advise the applicant in writing:
 - (1) How the application can be modified to make it complete and acceptable; and
 - (2) That the time for CMUD to take final action on an application does not begin until receipt of a complete, corrected application.
- (e) Any permit issued by CMUD pursuant to Section 23-121 is

subject to revocation or modification upon 30 days written notice by the Director in whole or in part for good cause including, but not limited to:

- (1) Violation or any term or condition of the permit;
 - (2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;
 - (3) Refusal of the permittee or its contractors, agents or employees to allow authorized employees of CMUD upon presentation of credentials to inspect or observe any activity, facility or other work required by the permittee's permit.
- (f) A notice of revocation or modification issued pursuant to Section 23-122(e) shall contain each reason for the revocation or modification.

Sec. 23-123. Enforcement.

- (a)
 - (1) Any person that violates, fails to comply or continues to violate any provision of Section 23-121 or a permit issued thereunder shall be liable to the CMUD for a maximum civil penalty of Ten Thousand Dollars (\$10,000), per violation per day for as long as the violation(s) continues. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In determining the amount of the civil penalty, the CMUD shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the person's violation, the person's efforts to correct the violation, the compliance history of the person against whom the violation is assessed, cost of enforcement to the CMUD, whether the violation was committed willfully or intentionally, and any other factor as justice requires.
 - (2) CMUD shall provide written notification to any person assessed a civil penalty of the assessment and the reasons therefor.
- (b) If any person violates the provisions of Section 23-121 or the terms or conditions of any permit issued pursuant thereto, a civil action may be commenced in the General Court of Justice in the name of the City for such legal and equitable relief as may be appropriate.
- (c) The remedies provided herein are not exclusive. The CMUD may take any one, all or any combination of these actions against

any person in violation of one or more provisions of Section 23-121 or terms or conditions of any permit issued pursuant thereto.

Sec. 23-124. Hearing.

- (a) The following persons are entitled to hearing pursuant to this Section:
- (1) Any person whose application for a permit under Section 23-121 is denied or granted subject to conditions which are unacceptable to such person.
 - (2) Any person to whom a permit has been issued and which is revoked or modified pursuant to this Article.
 - (3) Any person who is assessed a civil penalty pursuant to Section 23-123(a).
- (b)
- (1) Any person entitled to a hearing pursuant to this section shall exercise such right as set forth in Sec. 23-124(b)(2). Such demand shall be in writing and state separately each issue to be considered and such other matters as are hereinafter required.
 - (2) Any person making a demand for a hearing shall deliver the demand to the Director within the following applicable time limits after receipt of notice of the action to be heard:
 - (a) 30 days for the denial of a permit required by this Article or for the grant of a permit required by this Article subject to conditions which are unacceptable to the person applying for the permit;
 - (b) 30 days for the assessment of a civil penalty; and
 - (c) 10 days for the modification or revocation of a permit required by this Article.
- (c) In the demand for a hearing to consider:
- (1) the denial of a permit, the applicant must identify separately each reason for denying the permit which the applicant contends to be improper and every basis for such contention.
 - (2) a permit granted subject to unacceptable conditions, the applicant must identify separately each unacceptable condition and every basis for such contention.
 - (3) the modification or revocation of a permit, the person to

whom such permit was issued must state separately each reason for modifying or revoking the permit which such person contends to be improper and every basis for such contention;

- (4) a civil penalty assessment, the person to whom such penalty was assessed must state separately each reason why such penalty should not be assessed or, if the person contends that the civil penalty was assessed in an improper amount, each reason why the amount of the penalty is improper.
- (d) (1) The hearing shall be conducted by the Director and shall be subject to such rules as have been approved by the Council or the Director as hereinafter set forth. If the demand for a hearing is not made in accordance with the provisions of this Section, the Director shall reject the demand and any right to a hearing shall be terminated. If any person demanding a hearing shall fail to comply with an order of the Director or with any rules issued by the Director or approved by the Council concerning the conduct of the hearing, the Director may reject the demand and any right to a hearing shall be terminated. Within 90 days of the receipt of the written demand for a hearing, the Director shall conduct a hearing and issue a final order or decision; provided that, a hearing to consider the modification or revocation of a permit shall be held and a final order or decision issued within ten (10) days of the receipt of the written demand for a hearing. The Director shall transmit a copy of the final order or decision to the person demanding the hearing by registered or certified mail. No further review of the Director's final order or decision will be allowed, except as set forth in Sec. 23-124(f).
- (2) The Director may submit rules to the Council for approval concerning the conduct of the hearing and any other matter associated with the hearing. Such rules may impose requirements in addition to the provisions of this Section. Upon approval by the Council, such rules shall be as effective as if set forth in this Section. The Director shall make a copy of such rules available for inspection upon the request of any person.
 - (3) The Director is authorized to take any action which is reasonably necessary or convenient in considering a demand for hearing and in resolving the issues raised therein so long as such action is not contrary to the provisions of this Article, any rules approved by the Council or other applicable law.
 - (4) The Director may appoint a hearing officer to conduct any

hearing authorized by this Section. A hearing officer shall have the same authority to conduct a hearing and reach a decision as is provided to the Director; provided that, the decision of the hearing officer shall not be final but shall be a recommended decision for consideration by the Director. The Director may approve such decision without change, reject the decision and require a new or continued hearing, or issue a different or revised decision which is supported by evidence presented at the hearing. The Director may refer a recommended decision of a hearing officer to the City Manager or his designee. In the event of a referral, the City Manager or his designee shall have the same authority to act upon a recommended decision of a hearing officer as is provided to the Director. The decision of the Director or, in the event of a referral, of the City Manager or his designee shall be final. A final order may provide that the action which is the basis for the demand for a hearing is approved without change or may modify such action in any manner that is supported by the evidence presented at the hearing.

- (5) The Director may provide for any part of the hearing to be recorded by any reasonable means, including but not limited to, audio and/or video recording, stenographer, or court reporter. A transcript of any hearing, or part thereof, which is recorded need not be prepared unless requested. The original of a requested transcript shall be filed with the Director. Each person shall bear the cost of the transcript which said person requests, including any copy thereof.
- (e) (1) (a) Each assessment of a civil penalty which has been included in a demand for a hearing in accordance with the provisions of this Section is stayed and shall not take effect until the earliest occurrence of any one of the following circumstances: the assessment of the civil penalty is approved or is modified at a hearing conducted pursuant to this Section; or the person who is assessed the civil penalty and the Director agree on the assessment.
- (b) If the assessment of a civil penalty against any person is approved or modified by the Director at a hearing conducted pursuant to this Section, the Director may require the payment of said penalty within the (10) days or such additional time as the Director may specify.
- (f) Any person against whom a final order or decision of the Director is made pursuant to the hearing conducted under this Section, may seek judicial review of the order or decision by

filing a written petition within thirty (30) days after receipt of notice of the order or decision, but not thereafter, with the Superior Court of Mecklenburg County. If not previously requested, said person shall request in writing that a transcript be prepared for every part of the hearing which was recorded. Said request shall be made at or before the time that the petition is filed. A copy of the petition shall be served on the City in the manner required by law. Within thirty (30) days after service of a copy of the petition upon the City or such other time as may be ordered by the Court, the City shall prepare and transmit to the Court the original or a certified copy of the official record of the hearing as hereinafter set forth. The official record of the hearing shall consist of:

- (1) all notices, motions and other similar documents;
 - (2) all documentary and tangible service tendered at the hearing; and
 - (3) the final order or decision. A transcript of each part of the hearing that was recorded shall be included in the official record as an exhibit, if available at the time the remaining portion of the official record is transmitted to the Court. If the transcript is not available at that time, it shall be transmitted to the Court as soon as reasonably possible after the transcript has been prepared. If testimony is taken and not recorded, a narrative summary of any testimony taken shall be prepared and transmitted to the court as an exhibit to the official record.
- (g) (1) The Director may consider petitions for remission of civil penalties assessed pursuant to this Article. A petition for remission shall be in writing and shall be signed by the person against whom the civil penalty was assessed. The petition shall include: a waiver of any and all rights of the petitioner to a hearing and judicial review of the assessment; and a stipulation that the facts are correct as set forth in the document(s) assessing the civil penalty. The decision of the Director on the petition shall be final and shall not be subject to further administrative or judicial review. In determining whether a petition for remission will be approved, the Director shall consider the following factors:
- (A) whether one or more of the factors concerning the assessment of a civil penalty in Sec. 23-123(a) were wrongly applied to the detriment of the petitioner;

- (B) whether the petitioner promptly abated continuing environmental damage resulting from the violation giving rise to the assessment;
 - (C) whether the violation giving rise to the assessment was inadvertent or the result of an accident;
 - (D) whether the petitioner has been assessed civil penalties for any prior violations pursuant to this Article or by any State or Federal authority enforcing substantially similar provisions;
 - (E) whether payment of the civil penalty by the petitioner will prevent payment for any remaining, necessary remedial action.
- (2) After submitting a petition for remission, the petitioner shall provide such additional information and records as may be reasonably necessary or convenient to the Director's consideration of the petition. The Director may remit the entire amount of a civil penalty only when the petitioner has not been assessed civil penalties for any prior violation of this Article or by State or Federal authority enforcing substantially similar provisions and the payment of the civil penalty will prevent payment of any remaining, necessary remedial action.

Sec. 23-125. Permits not transferrable.

Permits issued pursuant to this Article are issued to a specific applicant. A permittee may not assign, transfer, or sell a permit, or any right or obligation in a permit, to another person.

Section 2. This ordinance shall take effect on July 31, 1995; provided that prior to said date this ordinance shall have been approved by the North Carolina Environmental Management Commission and by DEHNR in accordance with applicable law.

Approved as to form:


City Attorney

CERTIFICATION

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 26th day of June, 1995, the reference having been made in Minute Book 108, and recorded in full in Ordinance Book 46, Page(s) 445-453.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 1995.


Brenda R. Freeze, City Clerk