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FLOOD 88-1  
ORDINANCE AMENDING  
CHAPTER 9

ORDINANCE NO. 2378

AN ORDINANCE AMENDING CHAPTER 9, (FLOODWAY REGULATIONS) OF THE CODE OF THE CITY OF CHARLOTTE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA:

Section 1. Chapter 9, is hereby amended as follows:

- 1. Amend Chapter 9 of the Charlotte City Code entitled Floodway Regulations by adopting a new chapter which supersedes the existing chapter.

ARTICLE 1 FLOODWAY REGULATIONS IN GENERAL

SECTION 9-1 SHORT TITLE

The regulations set out in this chapter shall be known and may be cited as the "Floodway Regulations of Charlotte, North Carolina".

SECTION 9-2. STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in Parts 3, 5, and 8 Article 19 of Chapter 160A; and Article 8 of Chapter 160A of N. C. General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

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SECTION 9-3. FINDINGS OF FACT.

- (1) The flood hazard areas of Charlotte are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
  
- (2) These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

SECTION 9-4. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

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- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damage; and,
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION 9-5. LEGISLATIVE INTENT

- (1) The regulations of the floodway district and floodway-fringe district herein set forth, are intended to protect areas of designated flood plains subject to and necessary for regulating flood waters, and to permit and encourage the retention of open-land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the city as provided in the comprehensive plan.

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- (2) The specific intent in establishing the floodway and floodway-fringe district includes the following:
  - (a) to control in flood hazard areas uses such as fill dumping, storage of materials, structures, buildings, and any other works which acting alone or in combination with other existing or future uses would cause damaging flood heights and velocities by obstructing flows and reducing valley storage;
  - (b) to protect human life and health;
  - (c) to minimize expenditure of public money for costly flood control projects;
  - (d) to minimize the need for rescue and relief efforts associated with floods and generally undertaken at the expense of the general public;
  - (e) to permit certain uses which can be appropriately located in flood hazard areas and to assure such permitted uses will not impede the flow of flood waters, or otherwise cause danger to life and property at or above or below their locations along the floodway;
  - (f) to minimize prolonged business interruptions;
  - (g) to provide sufficient drainage courses to carry abnormal flows of storm water in periods of heavy precipitations;

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- (h) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
- (i) to meet the needs of the stream to carry flood waters and protect the creek channels and flood plains from encroachment so that flood heights and flood damage will not be increased;
- (j) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and,
- (k) to insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2. DEFINITIONS.

This chapter is intended to permit only that development within the flood plain which is appropriate in light of the probability of flood damage and presents a reasonable social and economic use of land in relation to the hazards involved. The regulations hereinafter set forth in this chapter shall apply to all property located within the floodway district, and the floodway-fringe district as shown on the Official Flood Areas Map Series. It is the intent of this chapter that these regulations combine with and qualify the zoning ordinance regulations for the zoning district in which such property is located. Any use not permitted by the zoning regulations shall not be permitted in the floodway

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district or the floodway-fringe district, and any use permitted by the zoning regulations shall be permitted in these districts only upon meeting conditions and requirements as prescribed in this chapter.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request from a review of the local administrator's interpretation of any provision of this ordinance or a request for a variance.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year and with a drainage area of one square mile (640 ac) or greater.

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"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that lowest level or story which has its floor subgrade on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. A wall with loading resistance of more than 20 pounds per square foot requires a architect or professional engineer's certificate.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage, including a gas or liquid storage tank.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

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"Existing manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including at a minimum installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and,
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

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Flood protection elevation. The elevation to which structures and uses regulated by this chapter are required to be elevated or flood proofed. This elevation is shown on the Official Flood Areas Map Series.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway encroachment lines. Lateral limits of a floodway district along stream or other bodies of water, within which, in the direction of the stream or other body of water, no structure or fill may be added, unless specifically permitted herein. Their purpose is to preserve the flood-carrying capacity of the floodway. Their location is such that the floodway between them including the channel, will handle the base flood flow.

Floodway fringe district. The land area located between the encroachment lines of the floodway district and maximum elevation subject to inundation by the base flood as defined herein.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to

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water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement and/or attached garage see "floor". An unfinished or flood resistant enclosures, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a

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permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Official Flood Areas Map Series. These maps show the location of the defined floodway and floodway-fringe districts and other pertinent data within the City of Charlotte and Mecklenburg County.

"Remedy a Violation" means to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this

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is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, where the cost equals or exceeds fifty percent of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure

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or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

ARTICLE 3.        GENERAL PROVISIONS

SECTION 9-6      COMPLIANCE WITH CHAPTER REQUIRED.

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

SECTION 9-7.    LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all lands within the area shown on the Official Flood Areas Map Series as being located within the boundaries of the floodway and/or floodway-fringe districts or land adjacent to the floodway-fringe if it is effected by the work that is taking place.

SECTION 9-8.    BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its FIRM MAPS and the City of Charlotte and Mecklenburg County in

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their Official Flood Areas Map Series, with accompanying maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of this ordinance.

SECTION 9-9. ESTABLISHMENT OF FLOODLANDS DEVELOPMENT PERMIT.

A Floodlands Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

SECTION 9-10. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION 9-11. ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this chapter to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued, in conformity with law, relating to the use of buildings or premises; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided,

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however, that, where this chapter imposes a greater restriction upon the use of buildings or premises or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinances, or by such rules, regulations, or permits, or by such easements, covenants, or agreements, the provisions of this chapter shall control.

SECTION 9-12. INTERPRETATION.

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 9-13. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Charlotte or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

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SECTION 9-14. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Charlotte from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION 9-15. DESIGNATION OF LOCAL ADMINISTRATOR.

The Mecklenburg County Engineer or his designated agent is hereby appointed to administer and implement the provisions of this ordinance (hereinafter referred to as the County Engineer).

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SECTION 9-16. FLOODLANDS DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.

Application for a Floodlands Development Permit shall be made to the County Engineer on forms furnished by him or her prior to any development activities.

The Floodlands Permit may include, but not be limited to three sets of plans drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill, materials storage areas and drainage facilities. Specifically, the following information is required:

- (1) Where base flood elevation data is provided in accordance with Article 4, Section 9-17 (10), the application for a development permit within the Zone A on the Flood Insurance Rate Map shall show:
  - (a) the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
  - (b) if the structure has been flood-proofed in accordance with Article 5, Section 9-24 (2), the elevation (in relation to mean sea level) to which the structure was flood-proofed.
- (2) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least 2 feet above the highest adjacent grade.

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- (3) Where any watercourse will be altered or relocated as a result of proposed development, the application for a Floodlands Development Permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.
- (4) When a structure is flood-proofed, the applicant shall provide a certificate from a registered professional engineer or architect that the non-residential flood-proofed structures meets the flood-proofing criteria in Article 5, Section 9-21 (2).
- (5) A floor elevation or flood-proofing certification is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification

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shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

**SECTION 9-17. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR.**

Duties of the Mecklenburg County Engineer or his designated agent shall include, but not be limited to:

- (1) Review all floodlands development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the N.C. Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

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- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article 5 are met.
- (6) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section 9-16 (5).
- (7) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section 9-16 (5).
- (8) When flood-proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 5, Section 9-21 (2).
- (9) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

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- (10) When base flood elevation data or floodway data has not been provided in accordance with Article 3, Section 9-9, obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, including data developed pursuant to Article 5, Section 9-23 (4), in order to administer the provisions of this ordinance.
- (11) All records pertaining to the provisions of this ordinance shall be maintained in the office of the local administrator and shall be open for public inspection.

SECTION 9-18. ADMINISTRATIVE PROCEDURES.

- (1) Inspections of Work in Progress: As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- (2) Stop Orders: Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this ordinance, the administrator may order the work to be immediately stopped. The stop

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order shall be in writing and directed to the person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop order constitutes a misdemeanor.

- (3) Revocation of Permits: The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- (4) Periodic Inspections: The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (5) Violations to be Corrected: When the local administrator finds violations of applicable state and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall each immediately remedy the violations of law in the property he owns or occupies.

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- (6) Actions in Event of Failure to take Corrective Action: If the owner or occupant of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service,
- (a) That the building or property is in violation of the Flood Damage Prevention Ordinance;
  - (b) That a hearing will be held before the local administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner or occupant shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
  - (c) That following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (7) Order to take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Floodway Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation, within such period, not less than 60 days, the administrator may prescribe; provided, that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

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- (8) Appeal: Any owner who has received an order to take corrective action may appeal from the order to City Council by giving notice of appeal in writing to the administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. City Council shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (9) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the City Council following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

SECTION 9-19. VARIANCE PROCEDURES.

- (1) The Zoning Board of Adjustment as established by the City of Charlotte shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Court, as provided in Chapter 7A of the N.C. General Statutes.

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- (3) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
- (4) In passing upon such application, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
  - (a) the danger that materials may be swept onto other lands to the injury of others;
  - (b) the danger to life and property due to flooding or erosion damage;
  - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (d) the importance of the services provided by the proposed facility to the community;
  - (e) the necessity to the facility of a waterfront location, where applicable;
  - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

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- (g) the compatibility of the proposed use with existing and anticipated development;
  - (h) the relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;
  - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result, with the exception of stream crossings, which shall not raise the base flood elevation level more than one foot.

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(7) Conditions for Variances:

- (a) Variances shall only be issued upon a determination that the variances is the minimum necessary, considering the flood hazard, to afford relief.
- (b) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
- (d) The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

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ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

Section 9-20. GENERAL STANDARDS.

In all areas of special flood hazard the following provisions are required:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

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- (6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
- (9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

SECTION 9-21. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Article 3, Section 9-8 and Article 4, Section 9-17

(10), the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, and attached garages elevated no lower than (one foot) above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.

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- (2) Nonresidential Construction. New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than (one foot) above the level of the base flood elevation. Structures located in the floodway-fringe or the floodway may be flood-proofed in lieu of elevation provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section 9-16 (5).
- (3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

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- (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (ii) The bottom of all openings shall be no higher than one foot above grade; and,
  - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (b) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or enter to the living area (stairway or elevator).
- (d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclosed storage areas.
- (4) Floodways. Located within areas of special flood hazard established in Article 3, Section 9-8, are areas designated as floodways. The floodway

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is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

- (a) With the exception of stream crossings which shall not raise the base flood elevation level more than one foot, no encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless certification (with supporting technical data) by a registered professional engineer and approval by the local administrator is provided demonstrating that such encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- (b) The following uses shall be permitted by right within the floodway district to the extent that they are otherwise permitted by the zoning ordinance and provided they do not employ structures, fill or storage of materials or equipment except as provided herein.
  - (1) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife and related uses;
  - (2) Loading areas, parking areas, rotary aircraft ports, and other similar uses, provided they are no closer than twenty-five (25) feet to the stream bank;

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- (3) Lawns, gardens, play areas, bikeways, pedestrian pathways and other similar uses;
- (4) Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, swimming pools, hiking or horseback riding trails, open space and other similar private and public recreational uses;
- (5) Streets, bridges, overhead utility lines, creek and storm drainage facilities, sewage or waste treatment plant outlets, water supply intake structures and other similar public community or utility uses;
- (6) Temporary facilities (for a specified number of days), such as displays, circuses, carnivals, or similar transient amusement enterprises;
- (7) Boat docks, ramps, piers, or similar structures;
- (8) Dams, provided they are constructed in accordance with specifications approved by the public works department.

Uses not listed above or not permitted elsewhere in this ordinance may not be established in the floodway area.

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- (c) If Article 5, Section 9-21 (4)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

SECTION 9-22. STANDARDS FOR STREAMS WITH DRAINAGE AREAS OF ONE SQUARE MILE OR GREATER NOT HAVING ESTABLISHED BASE FLOOD ELEVATIONS AND/OR-FLOODWAYS

Located within the areas of special flood hazard established in Article 3, Section 9-8, are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of the stream bank equal to one times the width of the stream at the top of bank or twenty feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) Article 5, Section 9-22 (1) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article 5 and shall be elevated or flood-

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proofed in accordance with elevations established in accordance with Article 4, Section 9-17 (10). When base flood elevation data is not available from a federal, state or other source, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

SECTION 9-23. STANDARDS FOR SUBDIVISION PROPOSALS.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water system located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development.

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SECTION 9-24. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Located within the areas of special flood hazard are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.

The following provisions shall apply within such areas:

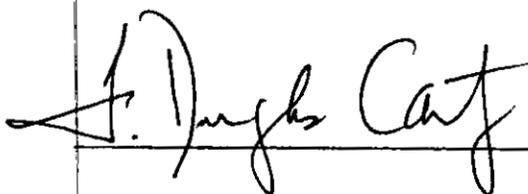
- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of nonresidential structures shall:
  - (a) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or ,

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(b) be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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

Approved as to form:

  
\_\_\_\_\_  
Sen. Asst.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in meeting on the 23rd day of March, 1988.

The reference having been made in Minute Book 90, and is recorded in full in Ordinance Book 36 at pages 340-376.

\_\_\_\_\_  
Pat Sharkey, City Clerk

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ORDINANCE NO. 2379-X

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "CHARLOTTE COCA-COLA BOTTLING COMPANY PLANT" (THE EXTERIOR OF THE ORIGINAL 110 FOOT BY 185 FOOT BUILDING, THE INTERIOR OF THE ORIGINAL 110 FOOT BY 185 FOOT BUILDING, AND THE ACTUAL GROUND UPON WHICH THE ORIGINAL 110 FOOT BY 185 FOOT BUILDING SITS, BEING A PORTION OF THE PROPERTY RECORDED UNDER TAX PARCEL NUMBER 067-012-04) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 1401-09 WEST MOREHEAD STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 067-012-04 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the 23rd day of March, 1988, on the question of designating a property known as the "Charlotte Coca-Cola Bottling Company Plant" as historic property; and

WHEREAS, the "Charlotte Coca-Cola Bottling Company Plant", erected in 1930, is an especially bold and striking example of commercial building Art Deco style architecture in pre-World War II Charlotte; and

WHEREAS, the "Charlotte Coca-Cola Bottling Company Plant" was designed by M. R. "Steve" Marsh (1901-1977), an architect of local and regional significance, and is an important example of Marsh's work; and

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WHEREAS, the "Charlotte Coca-Cola Bottling Company Plant" contains distinctive decorative detail fashioned by Ornamental Stone Company of Charlotte; and

WHEREAS, J. Luther Snyder, the founder of the Charlotte Coca-Cola Bottling Company, was a leader in the civic and business life of Charlotte during the first half of the twentieth century; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Charlotte Coca-Cola Bottling Company Plant" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Charlotte Coca-Cola Bottling Company Plant" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Charlotte Coca-Cola Bottling Company Plant" is vested in fee simple to the Charlotte Coca-Cola Bottling Company.

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

1. That the property known as the "Charlotte Coca-Cola Bottling Company Plant" (the exterior of the original 110 foot

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by 185 foot building, the interior of the original 110 foot by 185 foot building, and the actual ground upon which the original 110 foot by 185 foot building sits, being a portion of the property recorded under tax parcel number 067-012-04) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 1401-09 West Morehead Street, Charlotte, North Carolina, and recorded on Tax Parcel Number 067-012-04 in the Mecklenburg County Tax Office.

2. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Properties Commission. An application for a Certificate of Appropriateness authorizing the demolition of said property may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto, and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency

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repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign may be placed on said property.

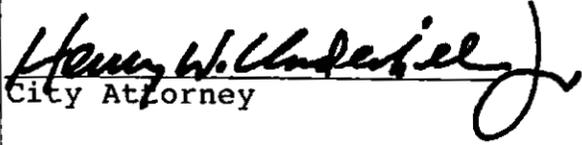
5. That the owners and occupants of the property known as the "Charlotte Coca-Cola Bottling Company Plant" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

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City Attorney

CERTIFICATION

I, Pat Sharkey, 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 23rd day of March, 1988, the reference having been made in Minute Book 90, and is recorded in full in Ordinance Book 36, at page(s) 377-381.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of March, 1988.

---

Pat Sharkey, City Clerk

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ORDINANCE NO. 2380-X

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "THAD A. ADAMS HOUSE" (THE EXTERIOR OF THE HOUSE, THE INTERIOR OF THE HOUSE, AND THE ENTIRE TRACT OF LAND RECORDED UNDER TAX PARCEL NUMBER 127-015-01) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 604 CLEMENT AVENUE, CHARLOTTE, NORTH CAROLINA, AND RECORDED UNDER TAX PARCEL NUMBER 127-015-01 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the 23<sup>rd</sup> day of March, 1988, on the question of designating a property known as the "Thad A. Adams House" as historic property; and

WHEREAS, the "Thad A. Adams House", erected in 1908, was the home of Thaddeus Awasaw Adams (1877-1958), a prominent lawyer in Charlotte for nearly fifty years and a president of the Mecklenburg Bar Association; and

WHEREAS, the "Thad A. Adams House" is one of the oldest surviving "period houses" in the Clement Avenue section of the Elizabeth neighborhood, one of Charlotte's earliest and most prestigious streetcar suburbs; and

WHEREAS, the "Thad A. Adams House" is situated at an

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especially strategic location in terms of the Clement Avenue streetscape, which is the most intact historic streetscape in this section of the Elizabeth neighborhood;

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Thad A. Adams House" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Thad A. Adams House" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Thad A. Adams House" is vested in fee simple to John W. Hazel and wife, Elizabeth P. Hazel.

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

1. That the property known as the "Thad A. Adams House" (the exterior of the house, the interior of the house, and the entire tract of land on Tax Parcel Number 127-015-01) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 604 Clement

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Avenue, Charlotte, North Carolina, and recorded on Tax Parcel Number 127-015-01 in the Mecklenburg County Tax Office.

2. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Properties Commission. An application for a Certificate of Appropriateness authorizing the demolition of said property may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto, and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

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4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign may be placed on said property.

5. That the owners and occupants of the property known as the "Thad A. Adams House" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Whitaker Jr.  
City Attorney

CERTIFICATION

I, Pat Sharkey, 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 23rd day of March, 1988, the reference having been made in Minute Book 90, and is recorded in full in Ordinance Book 36, at page(s) 382-385.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of March, 1988.

\_\_\_\_\_  
Pat Sharkey, City Clerk

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APPROVED BY CITY COUNCIL  
DATE March 23, 1988

ORDINANCE NO. 2381

ORDINANCE AMENDING APPENDIX A-ZONING

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

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

Section 1. Appendix A-Zoning, § 1629, et seq., "Historic Districts", of the City Code shall be deleted in its entirety.

Section 2. Appendix A-Zoning, § 1629, of the City Code shall be amended by adding a new § 1629, "Historic Districts", to read as follows:

"1629. Historic Districts

1629.1 Purpose and designation of historic district.

1629.1.1. Purpose. The purpose of a local historic district is to encourage the restoration, preservation, rehabilitation, and conservation of historically, architecturally, and archaeologically significant areas, structures, buildings, sites, and objects and their surroundings from potentially adverse influences which may cause the decline, decay, or total destruction of important historical, architectural, and archaeological features which are a part of the city's heritage and to review new construction design to ensure compatibility with the character of the district. The historic district will be applied as an overlay zoning district which will overlap other general or specialized zoning districts to ensure the compatibility and appropriateness of exterior design within the historic district.

1629.1.2. Designation of Historic District. The process to designate a historic district or districts requires that the Historic District Commission ("Commission") makes an investigation and reports on the historical, architectural, or archaeological significance of the buildings, structures, features, sites, objects, or surroundings included in such proposed districts, and prepare a description of the boundaries of the district.

The North Carolina Department of Cultural Resources, or an agent or employee designated by its Secretary, shall make an analysis of and recommendations concerning this report and description of proposed boundaries in accordance with state law. Failure of the Department to submit its written analysis and recommendations to the City Council within 30 calendar days after a written request for such analysis has been mailed to it shall relieve the City of any responsibility for awaiting such analysis, and the City Council may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.

Historic districts shall consist of areas which are deemed to be of special significance in terms of their history, architecture and/or culture and to possess integrity of design, setting, materials, feeling and association. The area, buildings, structures, sites, or objects shall be significant elements of the cultural, social, economic, political, or architectural history of the City or of the archaeological history or prehistory of the City and the conservation of such a district will provide for the education, pleasure, and enhancement of the quality of life of all residents of the City.

With respect to any changes in the boundaries of such district subsequent to its initial establishment or the creation of additional districts within the City, the investigative studies and reports shall be prepared by the Historic District Commission and shall be referred to the Charlotte-Mecklenburg Planning Commission for its review and comment. Changes in the boundaries of an initial district or proposals for additional districts shall also be submitted to the Department of Cultural Resources in accordance with the provisions stated above. Following the City's approval of a historic district, the area will be shown on the official zoning map following the normal zoning map amendment process.

1629.2 Certificate of Appropriateness.

1629.2.1. Certificates of appropriateness required. No exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structures, nor any type of outdoor advertising sign or important landscape and natural features may be erected, altered, restored, moved, or demolished within a historic district until after the property owner or his designated agent has contacted the Historic District Commission staff to determine whether the project will require a certificate of appropriateness ("certificate").

If a certificate shall be required, then the Historic District Commission staff will provide the applicant with an application form, instructions, and such technical advice as may be deemed necessary. The Historic District Commission shall prepare and adopt principles and guidelines, not inconsistent with Chapter 160A, Part 3A, "Historic Districts", of the North Carolina General Statutes, for new construction, alterations, additions, moving and demolition. A copy of the adopted principles and guidelines shall be kept at the Historic District Commission's Office and City Clerk's Office.

Work may not begin until a certificate has been issued. A certificate must be issued by the Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out

the purposes of N. C. General Statutes, Chapter 160A, Article 19, Part 3A. A certificate of appropriateness shall be required whether or not a building permit is required.

1629.2.2. Exterior features. "Exterior features" includes the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" means the style, material, size, and location of all such signs. "Exterior features" may also include color and important landscape and natural features of the area.

1629.2.3. Minor works. The Historic District Commission shall have the authority to delegate to their professional staff approval of certain types of minor works consistent with the detailed standards approved by the Historic District Commission. Minor works are defined as not involving substantial alterations, additions, or removals, that could impair the integrity of the property and/or the district as a whole or would be incongruous with the special character of the district. Staff shall not deny a request for a certificate of appropriateness and, therefore, all questionable applications must be submitted to the Commission.

1629.2.4. Duration of certificate of appropriateness. If the application is approved, the certificate of appropriateness shall be valid for a period of six months from the date of issuance. Failure to procure a building permit within a six-month period shall be considered as a failure to comply with the certificate of appropriateness and the certificate shall become null and void. If a building permit is not required, the approved work shall be completed within a six-month period from the date of issuance. The certificate may be renewed by the staff upon written request of the applicant with valid reason for failure to comply with the six-month deadline, if the written request is submitted within six-months immediately following the expiration of the initial six-month period. If the applicant fails to renew an expired certificate during the initial six-month period or during the immediately following six-month period, then the project must be resubmitted to the Commission.

1629.2.5 Interior arrangement. The Historic District Commission has no jurisdiction over interior arrangement, unless the arrangement of interior features directly affects the integrity of the exterior of the property and, therefore, would be incongruous with the special character of the district as a whole.

1629.3 Procedure.

1629.3.1. An accurate and complete application. The applicant has the responsibility to submit an application for a certificate of

appropriateness that is accurate, complete and accompanied by sufficient information to fully depict the proposed development, alteration, rehabilitation, or restoration. If the applicant fails to submit an application as described herein, then the application shall not be submitted for review to the Commission until the deficient information has been provided to the satisfaction of the Commission staff.

1629.3.2. Timely review of applications. All properly filed applications for a certificate of appropriateness shall be reviewed and acted upon within a reasonable time. In cases where the Commission deems it necessary, it may hold a public hearing concerning the application.

1629.4. Notice.

1629.4.1. Notice. An applicant for a certificate of appropriateness, at the time of the submission of the application, shall submit the names and addresses of abutting property owners (disregarding public streets and alleys), as shown on the County tax listing.

The Commission shall take such steps as may be reasonably required under the particular circumstances, as stated in the Rules of Procedure, to inform the abutting property owners and any other owners of any property likely to be materially affected by the application, prior to the issuance or denial of a certificate of appropriateness.

1629.5 Standards.

1629.5.1. Applicable standards. In considering an application for a certificate of appropriateness, the Commission shall first determine that the project is compatible with the district as a whole in terms of size, scale, and massing as well as maintaining a pedestrian scale and orientation. Further, the Commission shall apply the Secretary of Interior's Standards for Rehabilitation (See 36 Code of Federal Regulations § 67.7. Hereinafter: "Secretary's Standards") stated in § 1629.5.2 and the principles and guidelines, referred to in § 1629.2, and adopted by the Commission. Although the Commission will use the Secretary's Standards as its guidelines, approval of a certificate of appropriateness by the Commission should not be interpreted as approval for any other process such as the Investment Tax Credits.

1629.5.2. Secretary's Standards. The Secretary's Standards are listed below:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

1629.6 Ordinary maintenance.

1629.6.1. Ordinary maintenance. Nothing in these provisions should be construed to prevent the ordinary maintenance, repair, or removal of any exterior architectural feature in a historic district which does not involve a change in design, material, or outer appearance nor to prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the building inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition. The Historic District Commission staff shall be consulted and/or the feature shall be well-documented photographically and such documentation shall be made available to the Historic District Commission for its files if appropriate.

1629.7 Demolition or removal.

1629.7.1. Demolition or removal. After the designation of a historic district, no building or structure located in that district shall be demolished or otherwise removed until the owner of the property has applied for a certificate of appropriateness for demolition or removal. If the Commission determines that the property does not contribute to the character of the historic district because of age or structural condition, the Commission may grant a certificate of appropriateness for the immediate demolition or removal of the property. However, if the property is determined by the Commission to be a contributing element in the district, the Commission may delay demolition or removal for no more than 180 days. During such 180 day period, the Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building.

An application for a certificate of appropriateness authorizing the demolition of a building or structure within the district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to 180 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. If the historic district commission finds that the building has no particular significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

1629.8 Appeal to Zoning Board of Adjustment.

1629.8.1. Appeal to Zoning Board of Adjustment. N.C. Gen. Stat. § 160A-397 establishes the appeal procedure. An appeal in the nature of certiorari may be taken by any aggrieved party to the

Zoning Board of Adjustment from the Commission's action granting or denying the certificate of appropriateness. Any appeal must be filed with the Board of Adjustment within thirty days from the date of the issuance or denial of the certificate. An appeal from the Board of Adjustment's decision in any such case shall be heard by the superior court of Mecklenburg County.

1629.8.2. Costs. If it is necessary to have a verbatim transcript prepared for the Board of Adjustment, then the petitioner shall pay for that expense and any other appropriate, reasonable expenses for the preparation of the record. If the final decision by the Board or by a court is in favor of the petitioner, then the City shall reimburse the petitioner for the costs invoiced by the City for the preparation of the record.

1629.9 Enforcement.

1629.9.1. Violation of Historic District provisions. It shall be unlawful to erect, alter, restore, move, or demolish any building, structure, site, area, or object without securing a certificate of appropriateness and complying with these provisions. A failure to comply with these provisions shall constitute a violation subject to enforcement action. The Historic District Commission staff is authorized to undertake enforcement of these provisions upon its own initiative. These provisions may be enforced by any one, all, or a combination of the remedies provided herein and authorized by law.

1629.9.2. Submission of site plan and compliance with City's Zoning Ordinance and other applicable laws. An applicant shall submit site plans that are in compliance with the City's Zoning Ordinance and with any other local or State laws designated by the Commission. If the Commission's staff or the Commission determines that submitted site plans are not in compliance with the Zoning Ordinance or other State or local laws designated by the Commission, then the Commission's staff or Commission shall not be required to proceed to review the application for the certificate of appropriateness until site plans have been submitted that are in accordance with the Zoning Ordinance and applicable State or local laws. If site plans have been submitted that are not in compliance with the Zoning Ordinance or other identified State or local laws, then the certificate of appropriateness or any permits or certificates issued by the Mecklenburg County Building Standards Department may be revoked.

1629.9.3. Revocation of building permit. Pursuant to N.C. Gen. Stat. § 160A-422, "Revocation of permits", the Mecklenburg County Building Standards Department shall be notified to revoke any building permits for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of a certificate of appropriateness. If a certificate of appropriateness is required, then a building permit shall not be issued. A building permit has been mistakenly issued or issued based upon false statements or

misrepresentations made in securing the building permits, then the building permit may be revoked.

1629.9.4. Enforcement authority. Pursuant to N.C. Gen. Stat. § 160A-365, "Enforcement of ordinances", these Historic Districts' provisions may be enforced by any remedy provided in N.C. Gen. Stat. § 160A-175 and, also, as specifically described in Code § 1200 of this Zoning Ordinance.

1629.9.5. Citations. The director of the Historic District Commission or any enforcement officer designated by the director on the staff of the Commission is empowered to issue citations to any person, business, corporation, or other legal entity if there is reasonable cause to believe that any of the above has violated any provisions of § 1629, et seq. A "warning" citation shall be issued first. The warning citation shall state the violation and give the alleged violator sixty (60) days to remedy the violation. The staff of the Commission shall have authority to extend the period of the warning citation so long as there are documented, objective, or otherwise visible good faith efforts to comply with the warning citation.

If the warning citation is not heeded, a second citation in the amount of fifty dollars (\$50.00) shall be issued. The procedure for the issuance, collection, and enforcement of the citation is described in City of Charlotte Code § 3-24, "Notice of violation", which is incorporated by reference herein as if fully stated in this section. The director shall have the authority to void any citations if the offender has taken corrective action satisfactory to the director and/or Commission to ensure compliance with these provisions.

1629.9.6. Civil penalty. Any person who violates any of the Historic District provisions of this section may be subject to a civil penalty. The City Council shall determine the specific amount of the civil penalty assessed. The civil penalty is especially provided as a remedy for any significant and/or irreparable damage to a building, structure, object, site, or important and natural features of the particular district in violation of these provisions, but is not limited to just those violations.

If a staff person on the Commission deems that there is a violation that warrants the remedy of a civil penalty, then the staff person shall report to the Historic District Commission the nature of the violation, the recommended amount of the civil penalty, and the basis for that amount. If the Commission concludes that it is of the opinion that a civil penalty is appropriate, then the Commission shall transmit to both the City Manager's Office and to the City Attorney's Office a description of the violation, the recommended amount of the civil penalty, and the basis for that amount. If the City Manager's Office and City Attorney's Office deem the civil penalty the appropriate remedy, then it shall be placed on the agenda of the City Council for their consideration. If the City Manager's Office and City Attorney's Office deem that a civil penalty is not the appropriate remedy, for whatever reason, then a joint recommendation shall be conveyed back to the Commission.

The civil penalty shall not exceed ten thousand dollars (\$10,000.00). No penalty shall be assessed until the violator has been notified of the violation and the time for appeal has expired. At least two (2) weeks before the scheduled meeting of the City Council to determine the amount of the civil penalty, the violator shall be invited to the scheduled meeting and shall be given the opportunity to appeal before the City Council at that meeting.

In determining the amount of the civil penalty, the City Council shall consider the amount of money, at the time of the expiration of the date for appealing the violation, that the violator would be required to spend in order to be in compliance with the requirement of the specific Code provision violated.

The director of the Historic District Commission shall make written demand for payment of the penalty assessed upon the person in violation and shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within sixty (60) days after demand for payment is made, the matter shall be referred to the city attorney for institution of a civil action in the nature of debt in the name of the City in the appropriate division of the general courts of justice for recovery of the penalty.

1629.9.7. Denial or revocation of certificate of compliance and occupancy. As stated in the Mecklenburg County Building Ordinance, Section B-114, "Certificates of Compliance and Occupancy", the Mecklenburg County Building Standards Department shall not issue a certificate of occupancy or certificate of compliance unless there has been compliance with any certificate of appropriateness issued by the Charlotte Historic District Commission. Compliance with a certificate of appropriateness shall include, but not be limited to, meeting all the requirements of the certificate of appropriateness in not doing any act which would have required a certificate of appropriateness.

Further, pursuant to Section B-115-2, "Revocation of Permits or Certificates", any permit or certificate of occupancy or certificate of compliance issued by the Mecklenburg County Building Standards Department in violation of any of the Historic Districts' provisions, stated herein, also may be revoked by the Mecklenburg County Building Standards Department.

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

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of March, 19 88, the reference having been made in Minute Book 90, and recorded in full in Ordinance Book 36, at page 386-394

\_\_\_\_\_  
Pat Sharkey, City Clerk

This page  
not used

APPROVED BY CITY COUNCIL

DATE March 23, 1988

ORDINANCE NO. 2382

ORDINANCE AMENDING APPENDIX A-ZONING

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

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

Section 1. Appendix A-Zoning, the Zoning Ordinance of the  
City of Charlotte, in the City Code of the City of Charlotte shall  
be amended as follows:

1. Amend § 3053.5, "Area, yard and height regulations", by  
deleting the first sentence beginning with the words "Twelve feet"  
and ending with "property line." of the first paragraph and by  
substituting in lieu thereof the following:

"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 incor-  
porates 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."

2. Amend § 3053.6.1, "Streetscape design standards", .4,  
"Transit mall", by deleting the last complete sentence beginning  
with the words "No vehicular" and ending with "transit mall." and  
by substituting in lieu thereof the following:

"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."

3. Amend §3053.6.1, "Streetscape design standards", .12, "Overstreet connections", by deleting it in its entirety and by substituting in lieu thereof the following:

".12 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."

4. Amend §3053.6.3, "Urban open spaces", .1, "Urban open space sizes", by deleting it in its entirety and by substituting in lieu thereof the following:

".1 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:

<u>Lot Size</u>	<u>Open Space Required</u>
(Square Feet)	(1 square foot/gross square feet of floor area for office use.)
0-20,000 sq. ft.	1 sq. ft./200 sq. ft.
20,001-40,000 sq. ft.	1 sq. ft./150 sq. ft.
above 40,000 sq. ft.	1 sq. ft./100 sq. ft.

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-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."

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5. Amend §3053.6.3, "Urban open spaces", .2, "Accessibility to the street", by deleting the first sentence thereof beginning with the words "Urban open" and ending with the words "right-of-way" and by substituting in lieu thereof the following:

"Eighty-five percent (85%) of the total urban open space must be accessible to and visible from the street, but in no instance more the 3 feet above or below the level of an adjoining right-of-way."

6. Amend §3053.6.7, "First floor retail required", by inserting a new sentence after the sentence ending with the words "financial institutions." and before the sentence beginning with the words, "For the purposes", which new sentence shall read as follows:

"Fifty percent of the required retail space may be met with a hotel lobby."

7. Amend §3053.8.1, "Parking standards", by deleting .8, which begins with the words "No new grade" and ends with the words "from the transit mall.", in its entirety, and by substituting in lieu thereof the following:

"No new grade-level or structural parking lots will be allowed to have vehicular access directly from or to the Transit Mall except along the Trade Street portion of the Transit Mall and, then, only 'right in' and 'right out' access on Trade Street shall be permitted.

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8. Amend §3056 by adding a new 3056 to read as follows:  
"3056. Previously approved UMUD-O zonings. Any UMUD-O zoning approved as of \_\_\_\_\_, 1988, the date of the adoption of amended UMUD standards shall be entitled to continue the project in accordance with the UMUD-O approved schematic plans or, in the alternative, shall be entitled to comply with the amended UMUD standards. Anyone with an approved UMUD-O zoning, as of this date, who seeks to utilize UMUD-O zoned property in accordance with any of these amended UMUD standards must receive Planning staff approval as provided for in §3053.6.5, 'Preliminary Review'."

9. Amend §3066.1, "Maximum floor area", by deleting the word, "UMUD", which appears in the second line, after "B-2" and before "and B-D".

Section 2. These amendments shall be effective upon adoption.

Approved as to form:

Henry W. Underhill Jr. City Attorney

CERTIFICATION

I, Pat Sharkey, 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 meeting held on the 23rd day of March, 1988, and recorded in full in Ordinance Book 36, beginning on page 396.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of July, 1988.

Pat Sharkey, City Clerk

APPROVED BY CITY COUNCIL

DATE 3/23/88City R-20MFPetition No. 88-12  
Harlon, Inc.ORDINANCE NO. 2383-ZAN 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 a 29.15 acre site located on the east side of Delta Road across from Wallace Road from R-12MF(CD) to R-20MF; and

WHEREAS, the petition for rezoning for a parallel conditional use district a permitted by Section 3211 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 3202.1 and 3202.2, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 1300 and a public hearing was held on February 15, 1988; 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 each of the following which are required by Section 3211.5:

- .1 Access to public streets and the adequacy of those streets to carry anticipated increased traffic.
- .2 On-site circulation for both pedestrian and vehicular traffic.
- .3 Adequacy of existing community facilities such as water, sewer, police and fire protection.
- .4 Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
- .5 The appropriateness of the proposal in relationship to the policies and objectives of the Comprehensive Plan and to a more detailed area plan, if available.

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

Section 1. That Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-12MF(CD) to R-20MF on

the Official Zoning Map, City of Charlotte, NC the following described property:

Beginning at a point in the center of Delta Road having North Carolina Grid System Coordinates of  $Y = 536,854.90 + X = 1,484,381.09$  thence S.00-13-59E. 1,642.09 feet to the point of beginning of this tract; thence from said point beginning in the center line of Delta Road N.89-17-07W. 657.98 feet; thence N.27-34-35W. 417.67; thence N.10-38-33E. 784.15 feet; thence N.10-30-39E. 58.89 feet; thence N.7-74-38W. 278.0 feet; thence N.83-54-17W. 530.54 feet; thence N.0-87-52W. 165.0 feet; thence N.83-54-17E. 545.07 feet to the center line of Delta Road; thence S.1-46-24W. 150.0 feet; thence N.0-42-53E. 1,195.15 feet to the point of beginning and containing approximately 29.9 acres more or less.

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

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of March, 19 88, the reference having been made in Minute Book 91, and is recorded in full in Ordinance Book 36, at page 400-401.

Pat Sharkey  
City Clerk

CITY CDPetition No. 88-15  
Target PropertiesORDINANCE NO. 2384-ZAN 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 a 15,750 square foot parcel located at 516 East 35th Street on the westerly corner of the intersection of Yadkin Avenue and East 35th Street from R-6MF to UR-2(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 3201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 3202.1 and 3202.2, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 1300 and a public hearing was held on February 15, 1988; 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 each of the following which are required by Section 3202.3:

1. The policies and objectives of the comprehensive plan, particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts on the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.

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

Section 1. That Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-6MF to UR-2(CD) on the

Official Zoning Map, City of Charlotte, North Carolina the following described property:

BEING all of Lot 178 of the HIGHLAND PARK MANUFACTURING PROPERTY, as same is shown in Map Book 6 at Page 901 of the Mecklenburg County Public Registry.

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

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of March, 19 88, the reference having been made in Minute Book 91, and is recorded in full in Ordinance Book 36, at page 402-403.

Pat Sharkey  
City Clerk