

ORDINANCE NO. 3432

Petition No.: 92-18
Petitioner: Dilworth Community Development
Association

A Ordinance AMENDING APPENDIX
A OF THE CITY OF CHARLOTTE
ZONING ORDINANCE

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

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

1. Amend Section 9.203 by deleting item (10) in its entirety, replacing it as follows:
 10. Group homes for up to 6 clients subject to the regulations in Section 12.517.
2. Amend Section 9.303 by deleting item (13) in its entirety, replacing it as follows:
 13. Group homes for up to 10 clients subject to the regulations in Section 12.517.
3. Amend Section 9.502 by deleting item (8) in its entirety.
4. Amend Section 9.503 by adding a new item (23) as follows:
 23. Group homes subject to the regulations in Section 12.517.
5. Amend Section 9.702 by deleting item (15) in its entirety.
6. Amend Section 9.703 by adding a new item (31) as follows:
 31. Group homes subject to the regulations in Section 12.517.
7. Amend Section 9.802 by deleting item (43) in its entirety.
8. Amend Section 9.803 by adding a new item (36) as follows:
 36. Group homes for up to 6 clients subject to the regulations in Section 12.517. (B-1 & B-2 only)
9. Amend Section 12.5 by adding a new Section 12.517 as follows:

Section 12.517. Group Homes

This ordinance provides for the location of group homes in a variety of residential and non-residential districts. However, the public has an interest in providing for the appropriate location and design of group homes that are proposed in or near residential areas to assure a proper integration of these uses into the existing community. Accordingly, the following standards apply to the location of group homes.

1. **Location Criteria.** The following 2 part test must be met for the proposed location of a group home.

If the proposed site is located in or within one quarter mile of a residentially zoned area and if the proposed site is within one quarter mile of any other existing group home, no matter what district the existing group home is located in, then the proposed site is not acceptable for a group home.

2. **Buffer.** Group Homes serving more than 6 persons shall be separated by a Class C buffer from any abutting property located in a residential district.

Section 2. This ordinance shall become effective upon adoption.

APPROVED AS TO FORM:

Henry W. Underhill Jr.
City Attorney

Read, approved, and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of October, 1992, the reference having been made in Minute Book 100 and recorded in full in Ordinance Book 41, at page 151-152

Brenda R. Freeze, City Clerk

APPROVED BY CITY COUNCIL

DATE 10/19/92

CITY CD

Petition No. 92-46
Ronald & Reba Henry

ORDINANCE NO. 3433-Z

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of a 1.94 acre site located at Oak Drive and Oakdale Road; and

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

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on September 21, 1992; and

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

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

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

BEGINNING at a point, said point being the edge of the Oak Drive right-of-way and the northwesterly corner of the parcel listed in the Mecklenburg County Register of Deeds in Book 3646 at Page 857 (tax parcel 037-014-03) running thence S.04-01-00W. 84.05 feet, thence S.40-00-00W. 200.00 feet, thence N.33-00-00W. 100.00 feet, thence N.21-45-00W. 100.00 feet; thence N.18-28-02W. thence S.86-58-00E. 283.40 feet, thence S.86-38-16E. 80.33 feet to the point of BEGINNING.

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:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of October, 19 92, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page 153-154.

Brenda R. Freeze
City Clerk

ORDINANCE NO. 3434-Z

CITY ZONE CHANGE

Petition No. 92-47
Park Ridge Seven Associates

MAP AMENDMENT NO. _____

ZONING REGULATIONS

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

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by change from R-22MF to B-1 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point in the westerly right-of-way line of the proposed Outerbelt, said point being the corner of property described in Deed Book 6039, Page 102 of the Mecklenburg Public Registry and running thence with said right-of-way line, two (2) courses as follows: (1) S.08-27-00E. 223.89 feet; (2) with the arc of a circular curve to the left having a radius of 5,904.58 feet an arc distance of 1,278.33 feet; thence N.67-22-36W. 807.89 feet to a point in the southeasterly right-of-way line of Park Road; thence with said right-of-way S.70-39-30W. 146.79 feet; thence N.33-48-46E. 100.06 feet; thence N.23-04-02E. 1,207.02 feet to the point of BEGINNING and containing 11.508 acres.

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

APPROVED AS TO FORM:

Henry W. Churchill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of October, 19 92, the reference having been made in Minute Book 100, at page _____.

Brenda R. Freeze
City Clerk

THIS SIDE NOT USED

APPROVED BY CITY COUNCIL

DATE 10/19/92

CITY CD

Petition No. 92-48
Steve and Alma Nemrava

ORDINANCE NO. 3435-Z

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of a 4.6 acre site located on the south side of Tuckaseegee Road, north of I-85; and

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

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on September 21, 1992; and

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

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

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

BEGINNING at a point in the southerly right-of-way of Tuckaseegee Road said point being also the northerly right-of-way line of Interstate Highway 85 and running thence with said right-of-way of Tuckaseegee Road, four (4) courses as follows: (1) with the arc of a circular curve to the right having a radius of 777.28 feet an arc distance of 38.05 feet; (2) with the arc of a circular curve to the right having a radius of 923.80 feet an arc distance of 560.21 feet; (3) with the arc of a circular curve to the right having a radius of 1,143.72 feet an arc distance of 107.50 feet; (4) S.83-26-57E. 195.50 feet; thence S.24-06-56W. 254.52 feet; thence N.82-38-50W. 163.29 feet; thence S.23-28-00W. 175.00 feet

to a point in the northerly right-of-way line of Interstate Highway 85; thence with said right-of-way line N.66-32-00W. 573.85 feet to the point of BEGINNING and containing 4.17 acres.

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 19th day of October, 19 92, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page 157-158.

Brenda R. Freeze
City Clerk

APPROVED BY CITY COUNCIL

DATE 10/19/92

ORDINANCE NO. 3436-Z

CITY ZONE CHANGE

Petition No. 92-50
Clifton & Margaret Flowers
et. al.

ZONING REGULATIONS

MAP AMENDMENT NO. _____

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

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by change from O-1 to R-3 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

SEE ATTACHED MAPS

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

APPROVED AS TO FORM:

Henry W. Underhill, Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of October, 19 92, the reference having been made in Minute Book 100, at page 159-160.

Brenda R. Freeze
City Clerk

PETITIONER: Clifton & Margaret Flowers, et al.

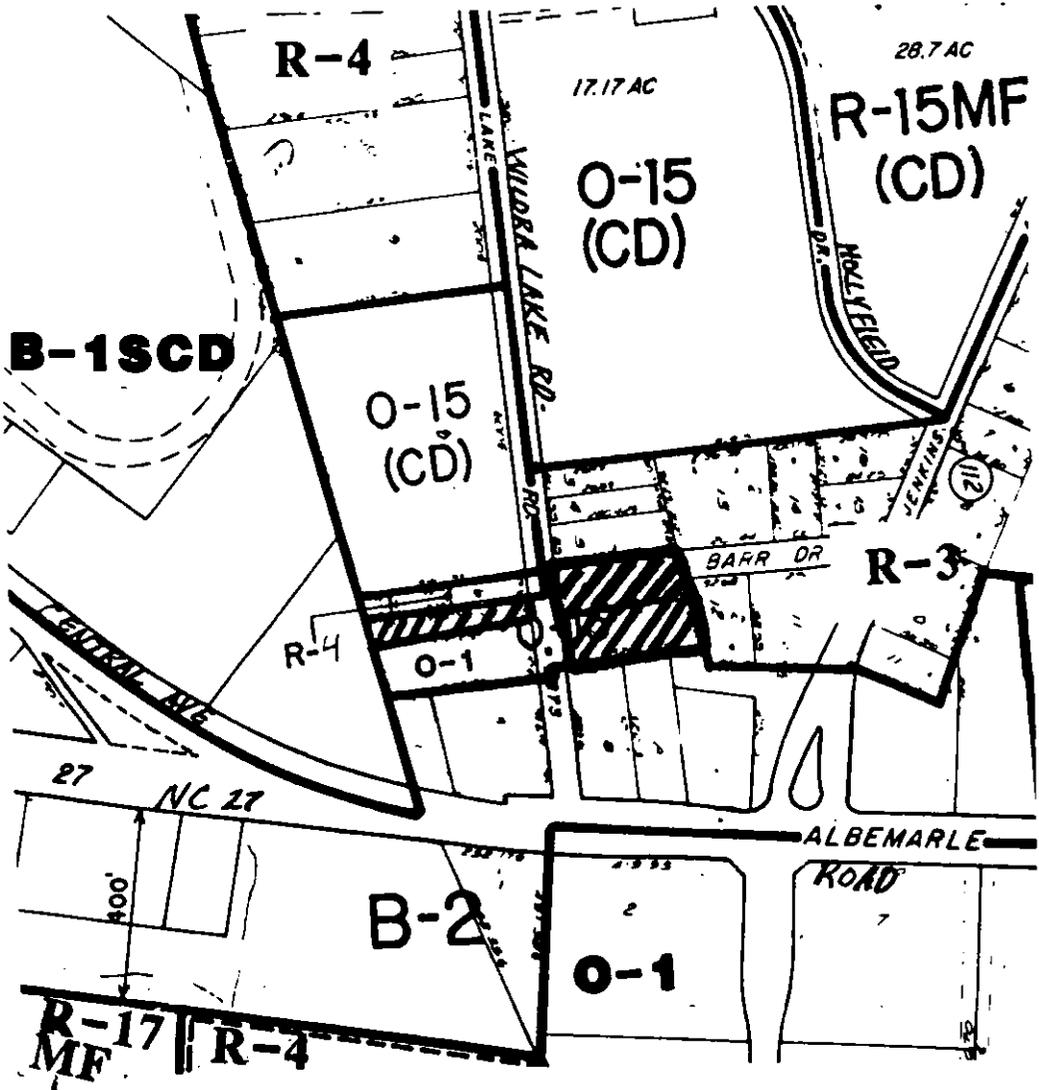
PETITION NO.: 92-50

HEARING DATE: September 21, 1992

ZONING CLASSIFICATION, EXISTING: O-1

ZONING CLASSIFICATION, REQUESTED: R-3

LOCATION: 3 parcels located along both sides of Wilora Lake Road north of Albemarle Road.



ZONING MAP NO(s): 113

SCALE 1" = 400'



PROPERTY PROPOSED FOR CHANGE

Revised 7/15

CITY ZONE CHANGE

Petition No. 92-51
L. Hunter Meacham, Jr. &
Wanda P. Meacham

ORDINANCE NO. 3437-Z

ZONING REGULATIONS

MAP AMENDMENT NO. _____

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

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by change from R-22MF to R-6 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

SEE ATTACHED MAP

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

APPROVED AS TO FORM:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of October, 19 92, the reference having been made in Minute Book 100, at page _____.

Brenda R. Fraze
City Clerk

PETITIONER: L. Hunter Meacham, Jr. and Wanda P. Meacham

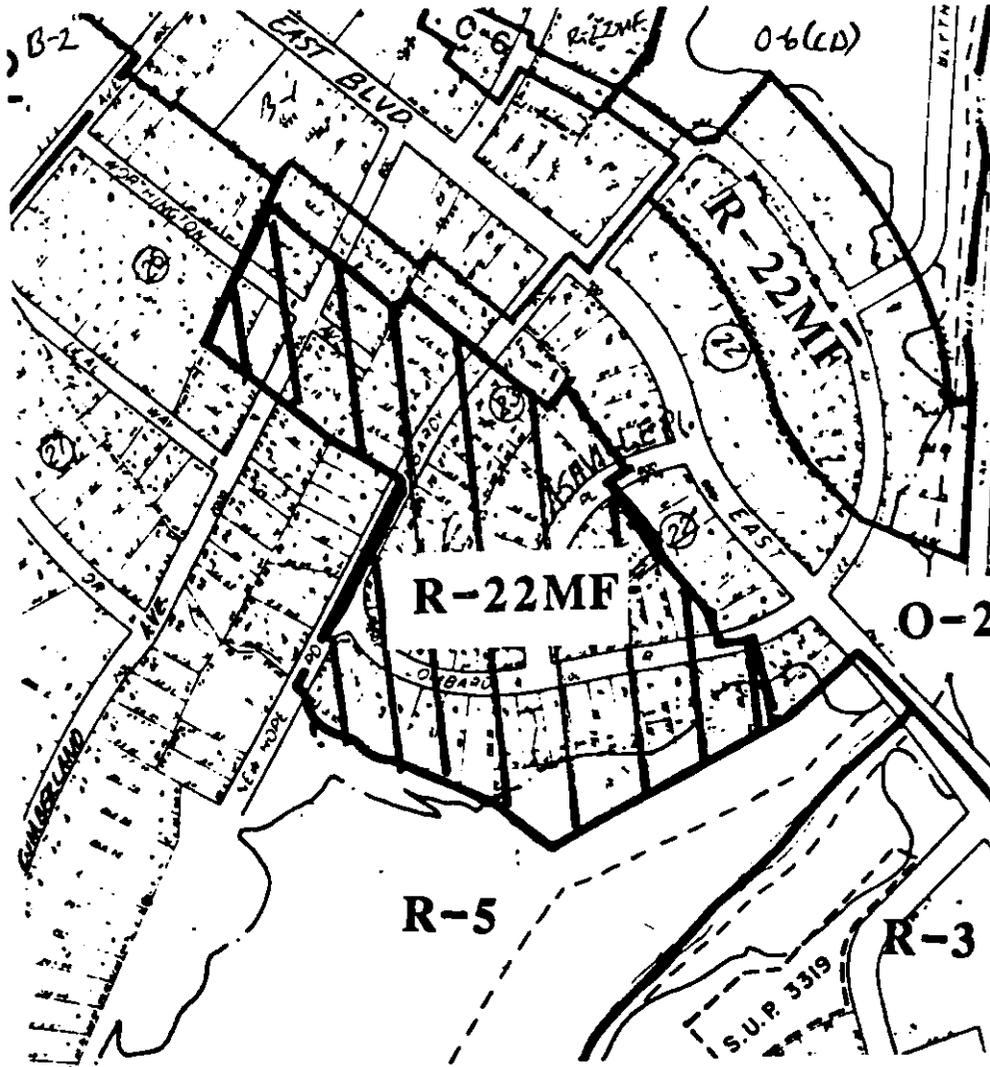
PETITION NO.: 92-51 HEARING DATE: September 21, 1992

ZONING CLASSIFICATION, EXISTING: R-22MF

ZONING CLASSIFICATION, REQUESTED: R-6

LOCATION: Several parcels located off the southwesterly side of East Boulevard extending from Sugar Creek to Cumberland Avenue.

October 19, 1992
 Ordinance Book 41, Page 162



ZONING MAP NO(s): 111

SCALE 1" = 400'



PROPERTY PROPOSED FOR CHANGE

ORDINANCE NO. 3438-Z

APPROVED BY CITY COUNCIL

DATE 10/19/92

CITY ZONE CHANGE

Petition No. 92-52
Charlotte Inn, Inc.

ZONING REGULATIONS

MAP AMENDMENT NO. _____

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

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

BEGINNING at a point which is (a) the northeastern corner of the property, now or formerly, of Richard T. Meek, as Successor Trustee, said property being identified in the tax records of the City of Charlotte, Mecklenburg County, North Carolina as Tax Parcel #061-283-01, and (b) the southeastern corner of the property, now or formerly, of Charlotte Inn, Inc., said property being identified in the tax records of the City of Charlotte, Mecklenburg County, North Carolina as Tax Parcel #061-29-07; and proceeding thence from said point and place of BEGINNING N.12-40-30E. 553.49 feet to point; thence N.76-37-00W. 52.45 feet to a point; thence N.13-25-04W. 74.04 feet to a point; thence N.82-22-50W. 92.90 feet to a point; thence S.65-56-35W. 108. 85 feet to a point; thence S.76-31-49W. 81.07 feet to a point; thence S.52-21-12W. 92.19 feet to a point; thence S.22-25-02W. 140.59 feet to a point; thence S.25-51-03W. 150.27 feet to a point; thence S.22-00-22W. 200.40 feet to a point; thence in a southwesterly direction with the arc of a circular curve to the left having a radius of 4,501.66 feet an arc length of 67.81 feet to a point which is the southwestern corner of the above-referenced property, now or formerly, of Charlotte Inn, Inc. and the northwestern corner of the above-referenced property, now or formerly, of Richard T. Meek, as Successor Trustee; thence with the common boundary of said two properties N.84-06-51E. 553-79 feet to the point and place of BEGINNING, said property containing in its entirety the properties, now or formerly, of Charlotte Inn, Inc., identified in the tax records of the City of Charlotte, Mecklenburg County, North Carolina as Tax Parcel #'s 061-291-02 and 061-291-08.

See deed descriptions attached hereto as (i) Exhibit A-1 for a separate description of Tax Parcel #061-291-02 (taken from the deed into Charlotte Inn, Inc. recorded in Book 3234 at Page 83, Mecklenburg County Public Registry), (ii) Exhibits A-2, and A-4 for separate descriptions of the three (3) portions of Tax Parcel

#061-291-07 (taken from the deeds into Charlotte Inn, Inc. recorded in Book 5839 at Page 35, Book 5547 at Page 815 and Book 5880 at Page 320, Mecklenburg County Public Registry) and (iii) Exhibit A-5 for a separate description of Tax Parcel #061-291-08 (taken from the deed into Charlotte Inn, Inc. recorded in Book 4541 at Page 711, Mecklenburg County Public Registry).

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

APPROVED AS TO FORM:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of October, 19 92, the reference having been made in Minute Book 100, at page _____.

Brenda R. Freeze
City Clerk

CITY CD

Petition No. 92-53
Alexander Children's
Center, Inc. _____

ORDINANCE NO. 3439-7

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 46 acres located on the west side of Thermal Road between Pineburr Road and Rocky Falls Road; and

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

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on September 21, 1992; and

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

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

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

SEE ATTACHED

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

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

APPROVED AS TO FORM:

Harry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of October, 19 92, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41 at page 165-166.

Brenda R. Fraze
City Clerk

72-50

Reed 8/3

ATTACHMENT TO PETITION FOR REZONING (Institutional - CD)
PETITIONER: Alexander Children's Center

Beginning at a point in the eastern margin of Thermal Road, said point being the southeastern corner of property owned by Celia Parra, as described in a deed recorded in Book 6039 at page 843 in the Mecklenburg Public Registry, said Parra tract (now or formerly) being also known as lot 282 as shown on a map recorded in Book 17 at page 228 in the Mecklenburg Public Registry; thence from said beginning point with the eastern margin of Thermal Road five courses and distances: (1) with the arc of a circular curve to the left having a radius of 539.37 feet, an arc distance of 146.60 feet, (2) South 07-51-00 East 447.74 feet, (3) with the arc of a circular curve to the right having a radius of 1564.07 feet, an arc length of 195.98 feet, (4) South 00-40-00 East 382.81 feet, (5) with the arc of a circular curve to the right having a radius of 702.54 feet an arc length of 476.34 feet; thence leaving the eastern margin of Thermal Road and with the common boundary of the property owned now or formerly by Southern Bell Telephone and Telegraph Co. as described in a deed recorded in Book 3526 at Page 35 in the Mecklenburg Public Registry, (1) North 56-36-00 West 115.29 feet, (2) South 18-18-50 West 137.97 feet, and (3) South 28-39-47 West 87.80 feet to a point in the property owned by Stonehaven Homeowners' Association; then with the northern margin of the Stonehaven Homeowners' Association property as shown on maps recorded in Map Book 17 at pages 530 and 585, North 90-00-00 West 997.14 feet to a point; thence with the rear property lines of Lots 4, 5, and 6 in Block 1 on a map recorded in Map Book 17 at page 426, Lots 113, 112, and a portion of Lot 109 as shown on a map recorded in Map Book 19 at 393, the following eight courses and distances: (1) North 30-55-25 West 80.50 feet, (2) North 58-03-34 West 19.42 feet, (3) North 65-54-23 West 84.84 feet, (4) North 13-06-31 West 152.57, (5) North 02-36-11 West 78.68 feet, (6) North 19-42-00 East 110.94 feet, (7) North 35-55-36 East 133.62 feet, (8) North 00-00-00 West 228.35 feet, thence three new lines as follows: (1) North 60-28-52 East 318.28 feet (2) North 27-06-43 East 274.42 feet, (3) North 05-28-49 West 483.38 feet, thence North 84-31-11 East 956.72 feet to the point and place of beginning, and being the same property as shown on a survey for Alexander Children's Center prepared by DPR Associates, Inc. dated July 28 1992.

✓ OK 8/20
MCM

APPROVED BY CITY COUNCIL
DATE 10/19/92

CITY CD

Petition No. 92-54
B.H.B. of Charlotte, Inc.

ORDINANCE NO. 3440-Z

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of .21 acres located on the southwest side of East Boulevard, between Dilworth Road East and Charlotte Drive; and

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

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on September 21, 1992; and

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

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

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

BEING a portion of Lots 1206 and 1208 of Dilworth as the same is shown on map thereof recorded in Map Book 332 at Page 239 in the Mecklenburg County Public Registry and being more particularly described as follows:

BEGINNING at a point in the southwesterly margin of the right-of-way of East Boulevard (70' R/W), said point also being the northernmost corner of Lot 1208 of Dilworth as the same is shown on map thereof recorded in Map Book 332 at Page 239 in the Mecklenburg County Public Registry, and running thence with the

southwesterly margin of the aforesaid right-of-way of East Boulevard S.47-00-E. 47.86 feet to a new iron pin; thence S.43-00W. 149.53 feet to a new iron pin; thence N.47-00W. 59.86 feet to an existing iron pin; thence N.43-00E. 149.53 feet to an existing iron pin in the southwesterly margin of the right-of-way of East Boulevard; thence with the southwesterly margin of the aforesaid right-of-way of East Boulevard S.47-00E. 12.00 feet to a point, the point or place of beginning, containing 0.21 acres, all as shown on survey by R. B. Pharr, N.C.R.L.S., dated June 13, 1983, reference to which survey is hereby made for a more particular description.

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:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of October, 19 92, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page 167-169.

Brenda R. Freeze
City Clerk

APPROVED BY CITY COUNCIL
DATE 10/19/92

EXHIBIT A

Legal Description of Property
Subject to Rezoning Petition No. 92-_____

BEING a portion of Lots 1206 and 1208 of DILWORTH as the same is shown on map thereof recorded in Map Book 332 at Page 239 in the Mecklenburg County Public Registry and being more particularly described as follows:

BEGINNING at a point in the southwesterly margin of the right-of-way of East Boulevard (70' R/W), said point also being the northernmost corner of Lot 1208 of DILWORTH as the same is shown on map thereof recorded in Map Book 332 at Page 239 in the Mecklenburg County Public Registry, and running thence with the southwesterly margin of the aforesaid right-of-way of East Boulevard S 47-00 E 47.86 feet to a new iron pin; thence S 43-00 W 149.53 feet to a new iron pin; thence N 47-00 W 59.86 feet to an existing iron pin; thence N 43-00 E 149.53 feet to an existing iron pin in the southwesterly margin of the right-of-way of East Boulevard; thence with the southwesterly margin of the aforesaid right-of-way of East Boulevard S 47-00 E 12.00 feet to a point, the point or place of beginning, containing 0.21 acres, all as shown on survey by R. B. Pharr, N.C.R.L.S., dated June 13, 1983, reference to which survey is hereby made for a more particular description.

BPJr/ks/1020