CITY OF CHARLOTTE

ORDINANCE NO. 485-Z

APPROVED BY CITY COUNCIL

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 2.91 acres located at the end of Torrence Grove Church Road west of Old Concord Road; and

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

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on February 19, 1996; and

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

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

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

SEE ATTACHED

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

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

-continued-
CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of March, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 266-268A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of March, 1996.

Nancy S. Gilbert, Deputy City Clerk
Petition #: 96-3
Petitioner: Silverset Lodge
Hearing Date: January 16, 1996
Zoning Classification (Existing): R-3
Zoning Classification (Requested): Inst. (CD)
Location: Approximately 23/4 acres located at the end of Torrence Grove Church Road west of Old Concord Road.

Zoning Map #(s): 71,77
Scale: 1' = 400'
Petition No. 96-3
Silverset Lodge

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Silverset Lodge owner(s) and successors-in-interest of the property described as tax parcels 049-151-16, 049-151-22 and 049-151-15-13 as shown on tax maps in the Mecklenburg County Tax Office.

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

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

Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.
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 1.2 acres located on the northerly side of the intersection between Plank Road 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 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 February 19, 1996; 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-4 to O-2(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

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

Section 3. That this ordinance shall become effective upon its adoption.
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of March, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Pages 269-271A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of March, 1996.

Nancy S. Gilbert, Deputy City Clerk
Petitioner: Steven D. Hecht
Hearing Date: February 19, 1996
Zoning Classification (Existing): R-4
Zoning Classification (Requested): O-2(CD)
Location: Approximately 1.2 acres located on the northerly side of the intersection between Plank Road and Oakdale Road.
This is a parallel conditional use permit approved by the Charlotte City Council to Steven D. Hecht owner(s) and successors-in-interest of the property described as a portion of tax parcel 035-031-11 and described in detail further in the ordinance, identified below, approved by the City Council.

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

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

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 26 acres located on the east side of Park Road south of Smithfield Church 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 I and a public hearing was held on February 19, 1996; 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 with a special use permit to Inst.(CD) with the termination of the special use permit 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.

-continued-
APPROVED AS TO FORM:

City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of March, 1996, the reference having been made in Minute Book 129, and recorded in full in Ordinance Book 47, Page(s) 272-274A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of March, 1996.

Nancy S. Gilbert, Deputy City Clerk
Petition #: 96-14
Petitioner: Southminster, Inc.
Hearing Date: February 19, 1996
Zoning Classification (Existing): R-3 with a Special Use Permit
Zoning Classification (Requested): Inst.(CD) with termination of Special Use Permit
Location: Approximately 26.00 acres located on the east side of Park Road south of Smithfield Church Road.

Zoning Map #(s): 158
Scale: 1" = 400'
PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Southminster, Inc., owner(s) and successors-in-interest of the property described as tax parcels 209-511-34, 209-511-33 and described in detail further in the ordinance, identified below, approved by the City Council.

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

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

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

LEGAL DESCRIPTION

Located in Sharon and Pineville Townships, Mecklenburg County, North Carolina, and more particularly described as follows:

BEGINNING at an iron pipe which is located in the centerline of the 60-foot right-of-way of Smithfield Church Road, said iron being South 83-09-50 East 705.00 feet from the point of intersection of the centerlines of the 60-foot right-of-way of Park Road and the centerline of the 60-foot right-of-way of Smithfield Church Road; and runs thence with the centerline of Smithfield Church Road South 85-09-50 East 610.00 feet to an iron located at the northwesterly corner of the property conveyed to Sunrise Limited Partnership by deed recorded in Book 4999 at Page 11; thence with the northwesterly line of said Sunrise property South 15-29-00 West 1,330.53 feet to an iron; thence North 77-15-13 West 1,301.54 feet to a point in the centerline of the right-of-way of Park Road; thence continuing with said centerline of Park Road North 15-29-00 East 465.00 feet to an iron located at the southwesterly most corner of the property of Quail Hollow Presbyterian Church (now or formerly) as shown on the map recorded in Map Book 16 at Page 207 in the Mecklenburg Public Registry; thence continuing with the line of said Quail Hollow Presbyterian Church property the following two (2) courses as follows: (1) South 88-09-50 East 705.00 feet to an existing iron pipe; and (2) North 15-29-00 East 730.00 feet to the point and place of BEGINNING, containing 26.00 acres, more or less, all as shown on that survey dated October 16, 1984 and prepared by Maurice B. Seaver.

Less and except, that portion of the property lying within the right-of-way of Park Road, including that portion of the right-of-way acquired by the City of Charlotte by deed dated April 19, 1991, recorded in Book 6506, Page 120, Mecklenburg Public Registry.
CITY OF CHARLOTTE

ORDINANCE NO. 488-Z

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 2.06 acres located on the southeast corner of the intersection between Alleghany Street and Ashley 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 February 19, 1996; and

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

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

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

SEE ATTACHED

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

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

-continued-
CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of March, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 275-277.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of March, 1996.

Nancy S. Gilbert, Deputy City Clerk
Petition #: 96-18
Petitioner: Everette B. Curlee and W.D. Cornwell
Hearing Date: February 19, 1996
Zoning Classification (Existing): B-D(CD)
Zoning Classification (Requested): Inst. (CD)
Location: Approximately 0.06 acres located on the southeast corner of the intersection between Alleghany Street and Ashley Road.
I, Nellie CAROUA, do solemnly swear that the foregoing is true and that the same is not inconsistent with the records of this office.

JUDITH A GIBSON REG OF DEEDS MECK NC
FILED FOR REGISTRATION 11/15/95 10:41

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made 02/1996, by and between

GRANTOR
CITYVIEW DEVELOPMENT CORP.
P. O. Box 36007
Charlotte, NC 28226

GRANTEE
William D. Cornwall
2523 Beretania Circle
Charlotte, NC 28211

Everette Curlee
9636 Sardis Road
Charlotte, NC 28270

The designations GRantor and GRANTEE as used herein shall include said parties, their heirs, successors, and assigns, and each shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Charlotte, Township, Mecklenburg County, North Carolina and more particularly described as follows:

BEGINNING at an iron rod on the easterly right of way of Ashley Road, being 100.82 feet from the southwesterly corner of the CityView Development Corp. tract (being on the easterly right of way of Ashley Road). Thence from said beginning point with the easterly right of way of Ashley Road, N. 08°39'25" E. 127.42 feet; thence with a curve to the right with a radius of 30.00 feet and an arc of 41.84 feet (Chord: N. 08°36'47" E. 38.53') to a point the southerly right of way of Allexhams Road; thence with the said right of way two (2) miles - 1: N. 08°34'02" 280.02'; 2: N. 06°41'45" E. 141.44'; thence with two (2) new lines: 1: S. 01°24'58" E. 174.63'; 2: N. 08°05'06" 485.66'; an iron rod on the point of BEGINNING containing 1.760 acres, which is described in survey prepared by Theale Surveying Co., 4326 Squarod Way, Charlotte, North Carolina 28265, which said survey is dated November 9, 1994, and reference to which is hereunto made.
this is a parallel conditional use permit approved by the charlotte city council to everette b. curlee and w.d. cornwell inc. owner(s) and successors-in-interest of the property described as a portion of tax parcel 067-144-03 and described in detail further in the ordinance, identified below, approved by the city council.

in approving this parallel conditional use permit, the charlotte city council amended chapter 6: part 2 of the city of charlotte zoning ordinance and the official zoning map. the property now has a parallel conditional use district zoning classification of inst.(cd) on the official zoning map.

this parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and chapter 6: part 1 and 2 of the city of charlotte zoning ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. a failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the city council under chapter 6: part 1 of the city of charlotte zoning ordinance.

three years from the date of approval of this parallel conditional use permit, the planning commission shall determine if active efforts to develop in accordance with approved plans have occurred. if active efforts to develop have not occurred, then a report shall be forwarded to the city council which may recommend that action be initiated to remove the parallel conditional use district in accordance with chapter 6: part 1.
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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

1. Amend Section 12.518. Adult establishments as follows:

A. Amend subsection (a) by deleting the following sentence:

The Charlotte Zoning Board of Adjustment shall have no authority to grant a variance from the 1,500 foot separation standard.

The revised subsection will then read as follows:

(a) Any structure in which an adult bookstore or adult mini motion picture theatre establishment is the principal or accessory use shall be separated by a distance of at least 1,500 feet from any residential district, school, church, child care center, park or playground. An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a residential district, school, church, child care center, park or playground within the 1,500 foot separation distance.

B. Amend subsection (b) by deleting the following sentence:

The Charlotte Zoning Board of Adjustment shall have no authority to grant a variance from the 1,000 foot separation standard.

The revised subsection will then read as follows:

(b) Any structure in which an adult establishment, other than an adult bookstore or adult mini motion picture theatre, is the principal or accessory use shall be separated by a distance of at least 1,000 feet from any residential district, school, church, child care center, park or playground. An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a residential district, school, church, child care center, park or playground within the 1,000 foot separation distance.
C. Amend subsection (e) by inserting the phrase "in a straight line" after the word "measured" in two instances. The revised subsection will then read as follows:

(e) The distance for the separation from residential zoning and protected uses shall be measured in a straight line from the closest edge of the building occupied by an adult use to the nearest residential zoning district or to the property line of a protected use. The distance for the separation between adult uses shall be measured in a straight line from the closest edges of the buildings occupied by adult uses.

D. Add a new subsection as follows:

(g) In addition to the standards set forth in Section 5.108, before granting a variance from the separation requirements set forth in subsection (a) or (b) of this section, the Board of Adjustment shall find that thoroughfares, traffic circulation patterns, structures or other natural or man-made geographic or topographic features are likely to provide an adequate measure of protection for the protected zoning or use from any secondary effects of the adult establishment.

Section 2. This ordinance shall become effective upon adoption.

Approved as to form

[Signature]
City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 18th day of March, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 278-279.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of March, 1996.

[Signature]
Nancy S. Gilbert, Deputy City Clerk