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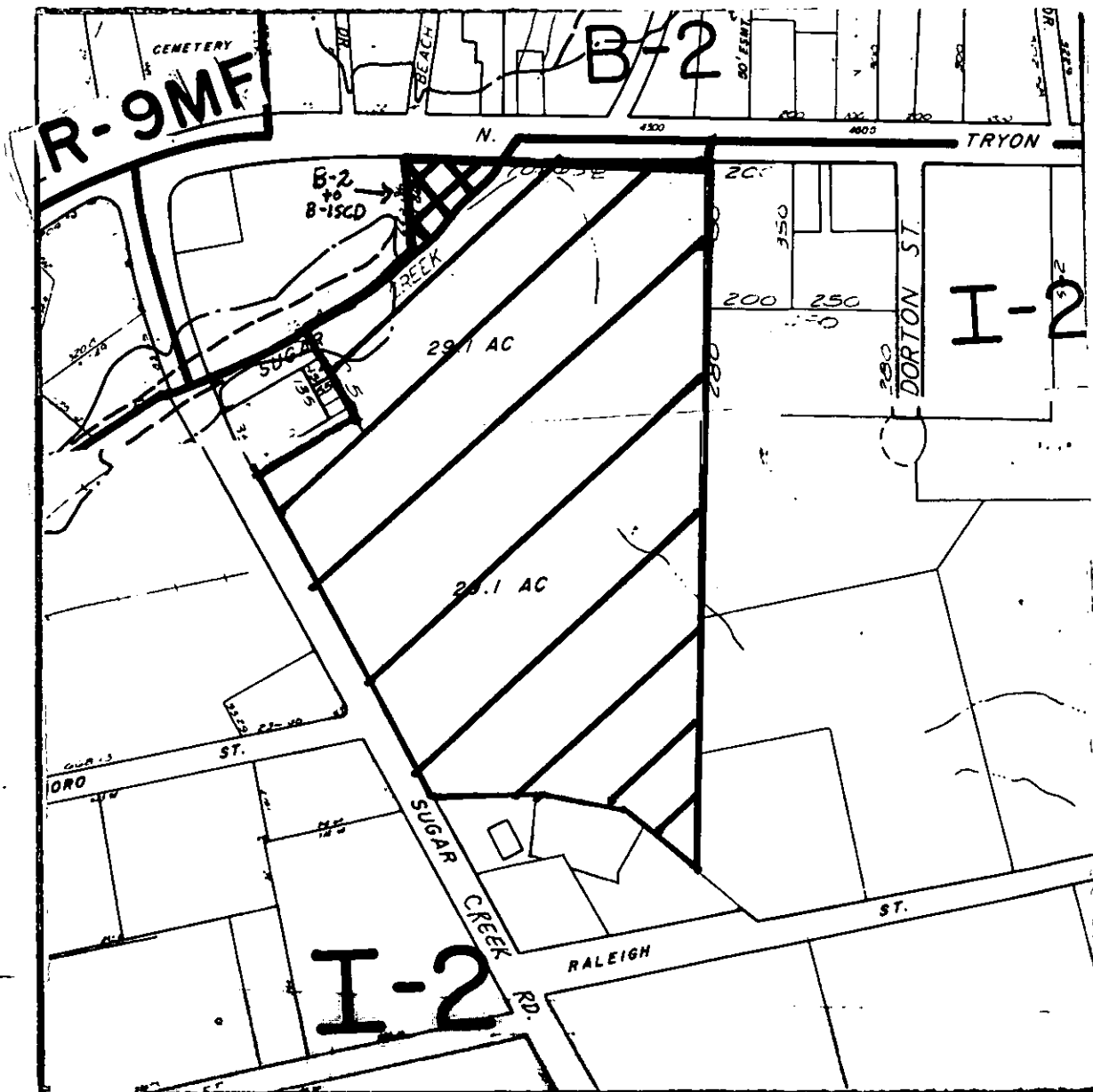
PETITIONER CK Land Development, Inc.

PETITION NO. 90-74

HEARING DATE September 17, 1990

ZONING CLASSIFICATION, EXISTING I-2 & B-2 REQUESTED B-1SCD

LOCATION Approximately 30.6 acres located on the southeast corner of North Tryon Street and Sugar Creek Road.



ZONING MAP NO. 78 & 89

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



IT REQUIREMENTS

CONSTRUCTED ON THE SITE WILL BE LOCATED IN THE BUILDING ENVELOPE LINES ESTABLISHED IN THE PLAN. THE CONFIGURATION, PLACEMENTS OF THE BUILDINGS DEPICTED ARE SCHEMATIC IN NATURE, BE MODIFIED DURING DESIGN DEVELOPMENT AND DOCUMENT PHASES, AS LONG AS THEIR LOCATION DOES NOT VIOLATE THE MAXIMUM BUILDING ENVELOPE LINES. PARKING LOT LAYOUTS AND DRIVES ARE NOT TO BE MODIFIED TO ACCOMMODATE FINAL CONDITIONS.

REAS DEPICTED ON THIS REZONING PLAN MAY BE MODIFIED IN ALL EVENTS WILL BE SATISFIED BY THE MINIMUM OFF-STREET PARKING REQUIREMENTS UNDER THE APPLICABLE ORDINANCES. THE MINIMUM BUILDING ENVELOPE LINES MAY BE MODIFIED INSIDE AND OUTSIDE THE ENVELOPE.

THE MINIMUM SIDE YARD, SETBACK AND REAR YARD REQUIREMENTS UNDER THIS REZONING PLAN ARE GREATER, IN WHICH CASE SUCH REQUIREMENTS WILL BE SATISFIED BY THE APPLICABLE ORDINANCES.

NORTH TRYON STREET AND SUGAR CREEK ROAD ARE NOT TO BE MODIFIED TO ACCOMMODATE ACCESS POINTS TO THE SITE UNDER THIS REZONING PLAN. ACCESS POINTS TO THE SITE ARE DEPICTED AS CURRENTLY SHOWN OR

D. PERMITTED USES

BUILDABLE AREA MAY BE DEVOTED TO ANY USE APPROVED UNDER THE APPLICABLE ORDINANCES IN A B-1 S.C.D. ZONING DISTRICT UNDER THE APPLICABLE ORDINANCE, SUPPLEMENTED WITH ACCESSORY USES SUCH AS OUTDOOR GARDEN CENTERS AND SALES AREAS.

MAXIMUM OUTPARCEL SQUARE FOOTAGE TO BE 10,000 SF. PER OUTPARCEL.

MAXIMUM DEVELOPABLE SQUARE FOOTAGE INCLUDING OUTPARCELS TO BE 350,000 SF. ALLOCATED TO ALL BUILDING AREAS IN A MANNER DETERMINED BY DEVELOPER.

E. LANDSCAPING

LANDSCAPING SHALL COMPLY WITH REQUIREMENTS OF THE CHARLOTTE TREE ORDINANCE. LANDSCAPE AREAS AND TREES DEPICTED ON THIS REZONING PLAN ARE SCHEMATIC IN NATURE AND MAY BE MODIFIED TO ACCOMMODATE FINAL PARKING LOT CONFIGURATIONS AND BUILDING LOCATIONS.

STREET TREES SHOWN ARE SPACED 30' ON CENTER. DUE TO EXISTING POWER POLES, SMALL MATURING TREES ARE PROPOSED. ACTUAL LOCATIONS MAY BE MODIFIED IN ORDER TO ALLOW ADEQUATE DISTANCE FROM POLES. LARGE MATURING TREES MAY BE SPACED 40' ON CENTER WHERE ELECTRICAL LINES DO NOT EXIST.

STREET TREES ALONG NORTH TRYON TO BE 'CAROLINA EASTERN HORNBEAM' TO MATCH PROPOSED NORTH TRYON CORRIDOR IMPROVEMENTS OR TREE OF SIMILAR GROWTH AND APPEARANCE CHARACTERISTICS.

50% OF TREES WILL BE LARGE MATURING TREES.

FINAL LANDSCAPING PLANS TO BE REVIEWED BY CITY ENGINEERING STAFF FOR CONFORMITY WITH THIS PLAN.

F. SIGNS

ALL SIGNS ERRECTED WITHIN THE SITE SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY SIGN ORDINANCE. THE OWNER RESERVES THE RIGHT TO INSTALL ANY SIGNS PERMITTED UNDER THE CITY SIGN ORDINANCE, REGARDLESS OF WHETHER THEY ARE SHOWN ON THIS REZONING PLAN.

EXISTING NON-CONFORMING SIGNS CAN REMAIN. ALL NEW SIGNS TO MEET CITY STANDARDS.

G. UTILITIES

ALL ON-SITE UTILITIES TO BE UNDERGROUND, I.E., SECONDARY LINES. UTILITIES PRESENTLY ADJACENT TO RIGHT-OF-WAY MAY REMAIN OVERHEAD.

H. FIRE HYDRANTS

FIRE HYDRANTS TO BE LOCATED ON-SITE TO MEET BUILDING/FIRE

CHARLOTTE CODE

ordinance making the change, so long as the permit remains valid and unexpired pursuant to G.S. Sec. 160A-418 and the building permit has not been revoked pursuant to G.S. Sec. 160A-422, or (b) a vested right has been established pursuant to Section 1.110 and such vested right remains valid and unexpired pursuant to Section 1.110. A permit issued pursuant to G.S. Sec. 160A-417 shall expire by limitation in six (6) months after the date of issuance if the work authorized by the permit has not been commenced, except that a permit shall not expire or be revoked because of the running time while a vested right under Section 1.110 is outstanding. If after commencement the work is discontinued for a period of twelve (12) months, the permit therefore shall immediately expire except for a permit issued under Section 1.110. Upon issuance of a building permit under Section 1.110, the provisions of G.S. Sec. 160A-418 and G.S. Sec. 160A-422 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under the section is outstanding. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.

- (3) These regulations shall not be applicable or enforced without the consent of the owner with regard to uses previously approved as a conditional zoning district (including those districts which previously were described variously as conditional district, conditional use district, parallel conditional district, and parallel conditional use district) or approved pursuant to a special use permit, except as provided in subsection (4) below. Development of those uses, cited above, will be governed by the previously approved site plans and the regulation in effect at time that such uses were approved, except that, if such uses are subject to a Pedestrian Overlay District ("PED"), described in Chapter 10, Part 8, then those uses must comply with the streetscape improvements that are required for a PED. Any amendments to these approved uses, which cannot be approved administratively, will be subject to the requirements of these regulations. An exception is that an adult establishment shall not be a permitted use as a vested right unless the site-specific development plan explicitly provides that the adult establishment is a permitted use or the site meets the standards of Section 12.518.
- (4) Those uses previously approved as a conditional zoning district (including those districts which previously were described variously as conditional district, conditional use district, parallel conditional district, and parallel conditional use district) or special use permit that are located within a Watershed Overlay District and that have not met the requirements of subsections (1) or (2) above, may be developed if they comply with the minimum State watershed regulations (G.S. §143-214.5) adopted by the North Carolina Environmental Management Commission. Amendments to the previously approved site plan in order to comply with the adopted minimum State watershed regulations may be approved

Following the approval of a conditional district rezoning request the property will be identified on the zoning maps with the appropriate designation which is listed with the requirements for each use.

3205-3209. Reserved.

→ 3210. *B-1 Shopping Center District (B-1SCD).*

3210.1. *Purpose.* The purpose of the B-1 shopping center district is to provide conditional districts for the development of integrated shopping centers or for those retail sales establishments which exceed 100,000 square feet of total floor area. The location of such developments is of major importance to a wide area. To ensure that these developments are not detrimental to adjacent uses or the orderly and well-planned development of the community, the proposed uses are regulated through the conditional zoning process.

3210.2. *Application.* Applications for the establishment of a B-1 shopping center district must be submitted and will be reviewed in accordance with Section 3202 and must include the following additional information:

- 1 The proposed location of buildings, their general exterior dimensions and total square footage.
- 2 The proposed location of off-street loading facilities.
- 3 A traffic, parking and circulation plan, showing proposed locations and arrangements of access points to nearby streets.

3210.3. *Permitted uses.* The uses permitted in the B-1 shopping center district are as follows:

→ Those specified for the B-1 district;
Theaters within an enclosed building; and
Building materials sales, subject to the following limitations:

- 1 All portions of the business, including the storage of all materials, must be housed within a completely enclosed structure.

2 Only retail sales of building materials will be permitted. For the purpose of this section, this means sales to the ultimate consumer with sales to a contractor or other intermediate user being prohibited.

3 The operator of the business will not be permitted to provide for the delivery of building materials from the site.
(Ord. No. 2690, § 1, 8-28-89)

(Ord. No. 1623, § 1, 11-19-84)

3210.4. *Development requirements.* Development requirements for the B-1 shopping center district are specified below:

- 1 The minimum site area must be at least 3 acres.
- 2 The minimum distance from street lines to any building must be at least 35 feet.
- 3 The minimum distance from other property lines to any building must be at least 25 feet for any building under 40 feet high.
- 4 The minimum distance from other property lines to any building from 40 to 60 feet high must be at least 35 feet.
- 5 For buildings over 60 feet high the minimum distance from other property lines must be 35 feet plus 1 foot for every 2 feet of building height over 60 feet.

3210.5. *Review and approval.* In evaluating applications for B-1 shopping center districts, the city council will consider the following:

B-1SCD includes uses specified for B-1

Charlotte-Mecklenburg Planning staff. Any applicant may appeal the decision of the Charlotte-Mecklenburg Planning staff to the planning commission for review and decision as to whether an amendment to the UMUD-O will be required.

3055. *Relationship to Other Ordinances*. This section governs the urban design plan provisions for the UMUD-O and does not prevent any other appropriate or necessary reviews by other city departments from occurring concurrently.

3056. *Previously approved UMUD-O zonings*. Any UMUD-O zoning approved as of March 3, 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 Section 3053.6.5, preliminary review.
(Ord. No. 2382, § 1(8), 3-23-88)

3060. Business Districts

3061. *Purpose*. Business districts serve a variety of functions and permit a wide range of uses. The purpose of each district is stated below:

- 1 *B-1 neighborhood business district*. This district is designed primarily for business centers for retailing of merchandise such as groceries, drugs and household items and for furnishing certain personal, business and professional services for the convenience of residents of adjacent residential areas. The standards established for these business areas are designed to promote sound, permanent business development and also to protect abutting or surrounding residential areas from undesirable aspects of nearby business development. These districts are located at accessible places with respect to traffic circulation in order to conveniently serve the resident population of surrounding areas by protecting and/or promoting

the grouping of several places of business at locations so designated.

- 2 *B-2 general business district*. This district is primarily for businesses and services of all types at locations on major thoroughfares for the convenience of residents of entire sections of the metropolitan area. Wholesale trade is also permitted subject to certain restrictions. Retail trade and services for the convenience of residents of nearby residential areas are also functions of this district.
- 3 *B-D distributive business district*. The purpose of this district is to provide areas in which distributive uses, such as warehouses, office and wholesaling concerns, plus other complementary uses, may be established and may be given assurance of wholesome surroundings in the future. The development standards for this district are designed also to aid in preventing the creation of traffic congestion and traffic hazards on highways and to aid in protecting nearby residential areas from detrimental aspects of uses permitted within this district.
- 4 *B-3T transitional central business district*. This district is designed to provide locations for high-density structures in the area surrounding the central business district. High rise structures are encouraged by the limited sideyard requirements but setback and parking requirements are maintained to provide some open space and reduce congestion along the streets. Locations for the use of this district should be related to major streets serving as access into the central

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area. This district is designed primarily for offices, retail trade and business, professional and financial services.

3062. *Permitted Uses.* The following uses are permitted by right in business districts except as noted.

1. Cemeteries, public and private (except in B-D).
2. Colleges and universities (except in B-1 and B-D).
3. Dormitories for the students of colleges, commercial schools, schools providing adult training and for the staffs of hospitals.
4. Dwellings, one-family attached.
5. Dwellings, one-family detached.
6. Dwellings, one-family semidetached.
7. Dwelling, condominium.
8. Dwellings, two-family.
9. Dwellings, multifamily, a single building on a separate lot (except in B-D).
10. Dwellings, multifamily, planned multifamily developments (except in B-D).
11. Farms, either in conjunction with or separate from dwellings, which may conduct retail sales of products produced on the premises.
12. Group homes.
13. Hospitals and sanitariums.
14. Parks and playgrounds, operated on a non-commercial basis for purposes of public recreation (except in B-D).
15. Room renting (except in B-D).
16. Young Men's Christian Associations and comparable organizations.
17. Amusement, commercial, outdoors limited to par 3 golf courses, golf driving ranges and archery ranges (except in B-1).
18. Armories for meetings and training of military organizations (except in B-D).
19. Auction sales (except in B-1 and B-D).
20. Automobile rentals, provided no more than ten (10) vehicles for rent are available on the site at any time (only in B-1).
21. Automobile and truck rental (except in B-1 and B-D).
22. Automobile repair garages including engine overhaul, body and paint shops, and similar operations (except in B-1 and B-D).

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Amusement etc. are not allowed in B-1.

95. Radio, telephone and television masts, towers, antennae and similar structures (only in B-D).
96. Radio and television stations and/or offices.
97. Reservoirs, municipal (only in B-D).
98. Railroad rights-of-way.
99. Signs as permitted in the districts (only in B-D).
100. Telephone repeater stations.
101. Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots; such temporary use to be terminated upon completion of construction.
102. Water storage tanks.
103. Book binding (only in B-D).
104. Bottling and canning works for soft drinks (only in B-D).
105. New and used clothing, retail sales (except in B-D).
- (Ord. No. 1623, § 1, 11-19-84; Ord. No. 1626, § 1, 11-19-84)
- 3063. *Uses under Prescribed Conditions.* The following uses are permitted subject to the conditions governing each use as specified in the appropriate section:
1. Churches, synagogues, parish houses, Sunday school buildings, convents and similar uses, subject to regulations in Section 1626 (except in B-D).
 2. Colleges and universities with all accessory facilities except stadiums subject to regulations in Section 1626 (only in B-1).
 3. Commercial uses in conjunction with certain multifamily and office buildings subject to regulations in Section 3104 (only in B-1).
 4. Community recreation centers, subject to regulations in Section 1626 (except in B-D).
 5. Country clubs and swimming clubs operated on a noncommercial basis, and subject to regulations in Section 1626 (except in B-D).
 6. Day care centers, subject to Section 3119 (except in B-3T).
 7. Day care homes (small groups), subject to Section 3119 (except in B-3T).
 8. Golf courses, public and private, for daytime use only, subject to regulations in Section 1626 (except in B-D).
 9. Libraries, subject to regulations in Section 1626 (except in B-D).
 10. Museums and art galleries, subject to regulations in Section 1626 (except in B-D).
 11. Nursing homes, rest homes, and homes for the aged, subject to Section 3122 (except in B-D).
 12. Orphanages, children's homes and similar nonprofit institutions providing domiciliary care for children, subject to regulations in Section 1626 (except in B-D).
 13. Police and fire stations, subject to regulations in Section 1626.
 14. Schools, elementary, junior and senior high, public and private, subject to regulations in Section 1626 (except in B-D).
 15. Sewage treatment plants and pumping stations, subject to regulations in Section 3123.
 - 16. Amusements, commercial, outdoors such as miniature golf, rides, slides and similar commercial amusement enterprise, except as regulated elsewhere in this list (only in B-2).
 17. Automobile laundries, subject to regulations in Section 3112.
 18. Building material sales, limited, subject to regulations in Section 3113 (only in B-2).
 19. Cafeterias and snack bars to serve the employees of office buildings within which they are located, subject to the regulations in paragraphs .3, .4, .5 and .6 in Section 3104 (only in B-D).

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Prescribed Conditions for Business Districts
allows amusements etc. only in B-2.