

CITY CD

Petition No. 96-3
SILVERSSET LODGE

ORDINANCE NO. 485-Z

APPROVED BY CITY COUNCIL
DATE March 10 1996

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:

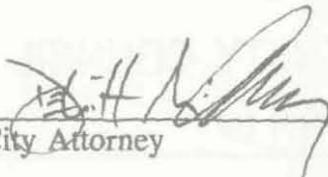
SEE ATTACHED

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-

APPROVED AS TO FORM:

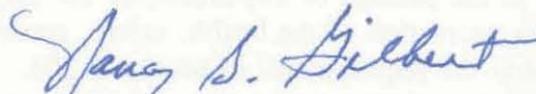


City Attorney

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, 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

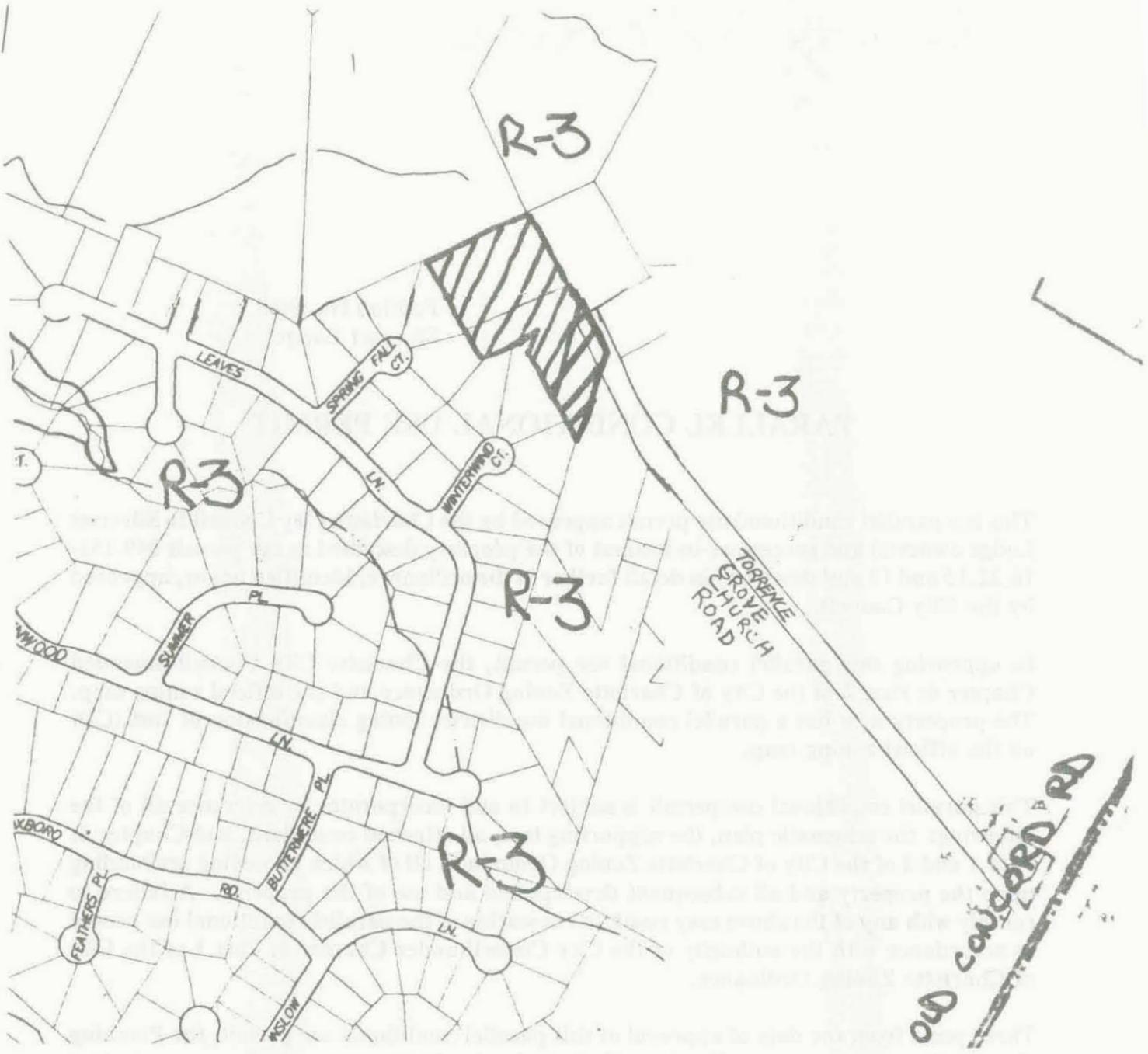
Petitioner: Silverset Lodge

Hearing Date: January 16, 1996

Zoning Classification (Existing): R-3

Zoning Classification (Requested): Inst. (CD)

Location: Approximately 2.91 acres located at the end of Torrence Grove Church Road west of Old Concord Road.



Zoning Map #(s): 71,77

Scale: 1" = 400'

96-3

Legal Description

Being all of tax parcels 049-151-16,
049-151-22 and 049-151-15+13as shown
on tax maps in the Mecklenburg
County Tax Office

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 049-151-16,22,15 and 13 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.

CITY CD

Petition No. 96-12
Steven D. Hecht

ORDINANCE NO. 486-Z

APPROVED BY CITY COUNCIL

DATE March 18, 1996

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:

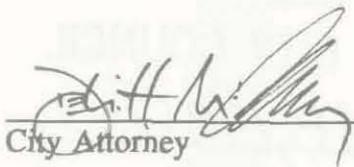
SEE ATTACHED

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.

-continued-

APPROVED AS TO FORM:

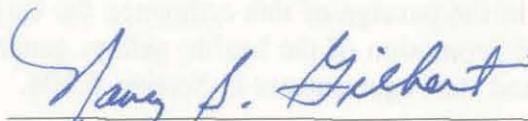


City Attorney

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 109, and recorded in full in Ordinance Book 47, Page(s) 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

Petition #: 96-12

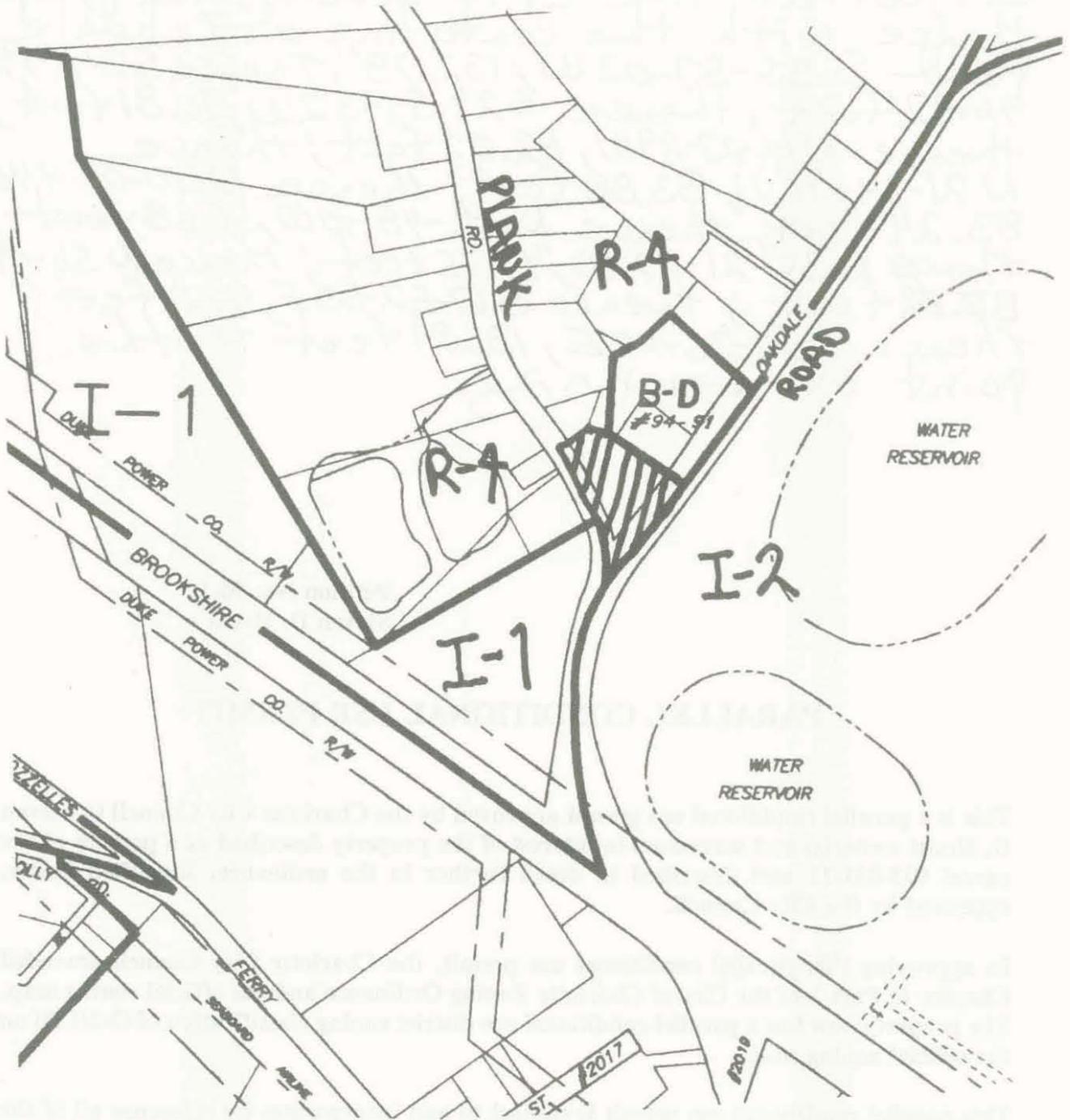
Petitioner: Steven D. Hecht

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.



Zoning Map #(s): 68

Scale: 1" = 400'

96-12 Legal Description

Beginning at a point in Oakdale Road said point being the southeast corner of the Ltk Development property thence with the centerline of Oakdale Road S 35-57-03 W, 132.78'; thence S 34-19-22 W, 96.92' feet; thence S 29-54-32 W, 40.81 feet; thence N 12-27-29 W, 82.02 feet; thence N 21-34-41 W, 83.88 feet; thence N 30-07-44 W, 83.24 feet; thence N 35-48-10 W, 51.68 feet; thence N 35-21-02 W, 47.75 feet; thence N 56-09-04 E, 87.62 feet; thence S 67-52-53 E, 83.14 feet; thence S 54-35-00 E, 183.89 feet to the point of beginning.

Petition No. 96-12
Steven D. Hecht

PARALLEL CONDITIONAL USE PERMIT

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.

CITY CD

Petition No. 96-14
Southminster, Inc.

ORDINANCE NO. 487-Z

APPROVED BY CITY COUNCIL
DATE March 18, 1996

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 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 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:

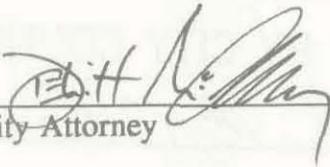
SEE ATTACHED

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:

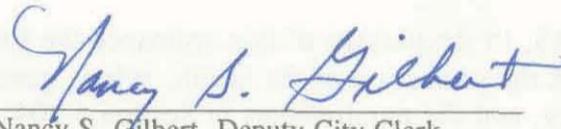


City Attorney

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 109, 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

March 18, 1996

Ordinance Book 47, Page 274

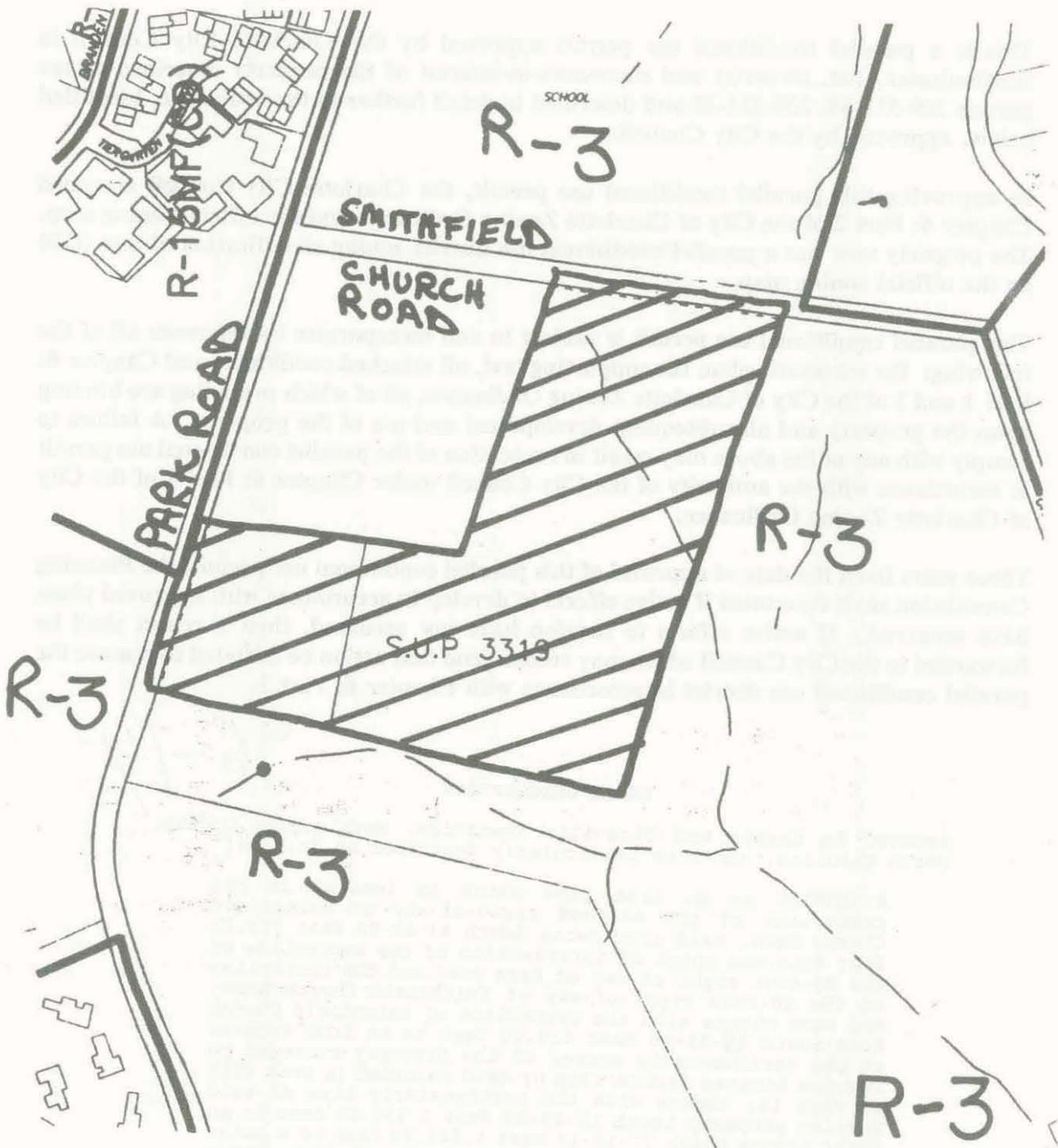
Petitioner: Southminster, Inc.

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'

Petition No. 96-14
Southminster, Inc.

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 centerline 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 77-15-18 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 85-09-50 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 CD

Petition No. 96-18
Everette B. Curlee and W.D. Cornwell

ORDINANCE NO. 488-Z

APPROVED BY CITY COUNCIL
DATE March 18, 1996

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:

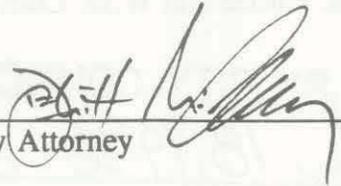
SEE ATTACHED

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-

APPROVED AS TO FORM:

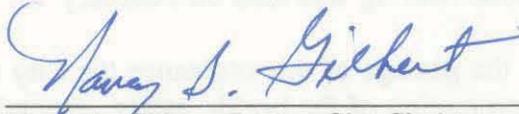


City Attorney

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, 199 6, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 275-277C.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of March, 199 6.



Nancy S. Gilbert, Deputy City Clerk

Petition #: 96-18

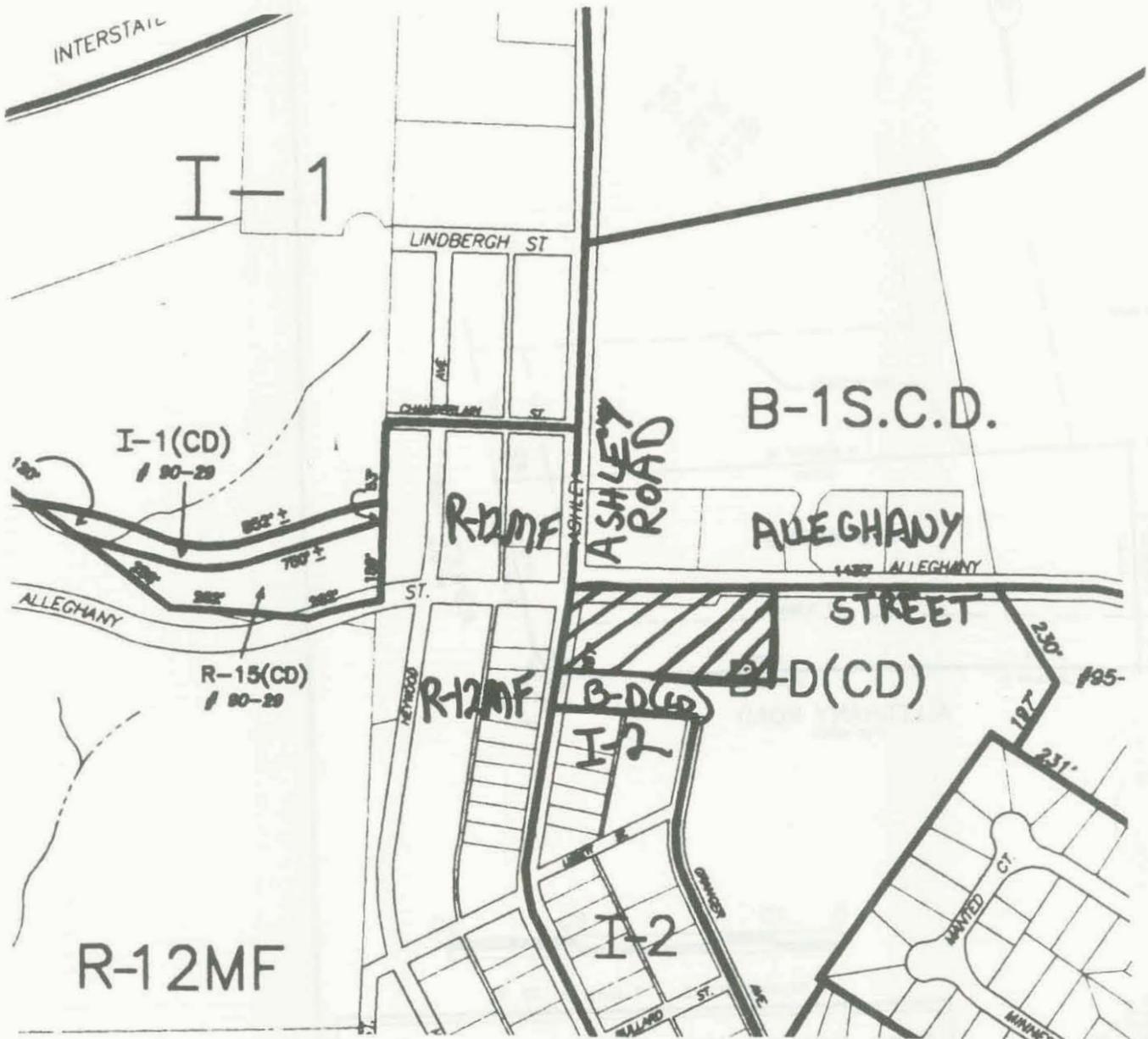
Petitioner: Everette B. Curlee and W.D. Cornwell

Hearing Date: February 19, 1996

Zoning Classification (Existing): B-D(CD)

Zoning Classification (Requested): Inst. (CD)

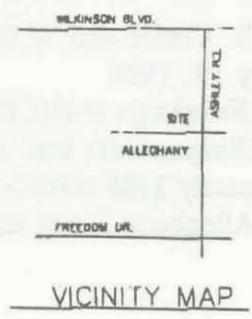
Location: Approximately ~~1.06~~ acres located on the southeast corner of the intersection between Alleghany Street and Ashley Road.



Zoning Map #(s): 87

Scale: 1" = 400'

96-18



89.06
01.25
90.31

OR FORMERLY
VIEW DEVELOPMENT CO. P.
3 579



THIS PLAN IS SUBJECT TO ANY
AGREEMENTS OF RECORD
PRIOR TO DATE OF
RECORD WHICH WAS NOT VISIBL
AT THE TIME OF INSPECTION.
THIS MAP NOT FOR RECORDATION.
BASED ON RECORD PL
LOR.
BY THAT ON THE DATE SPECIFIED
I SURVEYED THE PROPERTY SHOWN ON
THIS MAP AND ALL OF WHICH WAS DONE IN ACCORDANCE WITH
THE REQUIREMENTS OF THE NORTH CAROLINA SURVEYING ACT.
T.M.E. WILSON
NCR 2

MAP FOR W.D. CORNWELL AND EVCO CONSTRUCTION CO. INC.				
SCALE	TOWNSHIP	COUNTY	STATE	DATE
" = 30'	CITY	MECK.	N.C.	11-09-94
ALLEGHANY ROAD 1.75 ACRE TRACT				
DESIGNED T.E.G.	TARHEEL SURVEYING CO. 4176 SAXONBURY WAY CHARLOTTE, N.C. 28288 O: (704) 547-8880 FAX: (704) 548-9328			MAP NO. 24-623 FIELD NO. 2000

0011

March 18, 1996
Ordinance Book 47, Page 277B
BK: 08363 PG: 0956/0957 #:0137 10.00
JUDITH A GIBSON REG OF DEEDS MECK NC
FILED FOR REGISTRATION 11/15/95 10:41

Recording Time, Book and Page

Excise Tax \$ 250.00

Tax Lot No. 067-144-03 Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 19____
by _____

Mail after recording to James H. Wade, Attorney, 1322 E. 4th Street, Suite 201, Charlotte, NC 28204
This instrument was prepared by James H. Wade

Brief Description for the index Alleghany Street

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made 02/ /95, by and between

GRANTOR	GRANTEE						
CITYVIEW DEVELOPMENT CORP. P. O. Box 36007 Charlotte, NC 28236	<table border="0"> <tr> <td style="padding-right: 20px;">William D. Cornwell</td> <td>Everette Curlee</td> </tr> <tr> <td style="padding-right: 20px;">2623 Beretania Circle</td> <td>8636 Sardis Road</td> </tr> <tr> <td style="padding-right: 20px;">Charlotte, NC 28211</td> <td>Charlotte, NC 28270</td> </tr> </table>	William D. Cornwell	Everette Curlee	2623 Beretania Circle	8636 Sardis Road	Charlotte, NC 28211	Charlotte, NC 28270
William D. Cornwell	Everette Curlee						
2623 Beretania Circle	8636 Sardis Road						
Charlotte, NC 28211	Charlotte, NC 28270						

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and 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 here acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all the 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 set on the easterly right of way of Ashley Road, being 100.92 feet from the southwest 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 circular curve to the right with a radius of 30.00 feet and an arc of 41.84 feet (Chord: N. 48-36-47 E. 38.53) to a point on the southerly right of way of Alleghany Road; thence with the said right of way two (2) calls - 1: N. 88-34-02 E. 290.03; 2: N. 86-41-45 E. 141.44; thence with two (2) new lines - 1: S. 01-26-58 E. 174.63; 2: N. 89-05-05 E. 493.66 to an iron found being the point of BEGINNING containing 1.750 acres which is described in survey prepared by Texheel Surveying Co., 4326 Saxonbury Way, Charlotte, North Carolina 28269, which said survey is dated November 9, 1994 and reference to which is hereunto made.

5478960

Petition No. 96-18
Everette B. Curlee and W.D.
Cornwell

PARALLEL CONDITIONAL USE PERMIT

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.

APPROVED BY CITY COUNCIL

Petition No. 96-21
Petitioner: City of Charlotte

DATE March 18, 1996

Ordinance No. 489

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE - ZONING ORDINANCE

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:

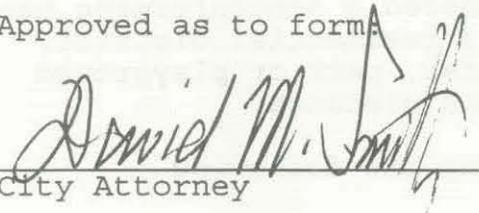
(e) The distance for the separation from residential zoning and protected uses shall be measured in a straight line from the closest edge of the building occupied by an adult use to the nearest residential zoning district or to the property line of a protected use. The distance for the separation between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

Ass. X


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.



Nancy S. Gilbert, Deputy City Clerk