



**DEVELOPMENT STANDARDS**  
December 17, 2010

**General Provisions**

A. These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Music Factory Condominiums, LLC to accommodate the installation of two additional signs on that approximately 1.774 acre site located on the eastern side of Hamilton Street north of Seaboard Street and which is more particularly depicted on the Technical Data Sheet (the "Site").

B. Development of the Site will be governed by the Technical Data Sheet, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District (MUDD) zoning district shall govern the development of the Site subject, however, to the "Optional" provisions provided below.

C. The Site is a portion of an approximately 9.18 acre site (the "Original Rezoning Site") that was rezoned from the I-2 zoning district to the MUDD-O zoning district by the Charlotte City Council on May 16, 2005 pursuant to Rezoning Petition No. 2005-043 to accommodate the re-use, redevelopment and expansion of the old Fiber Mill with residential, restaurant, entertainment, commercial, retail, office, bank or other financial institution, civic and institutional uses and similar uses permitted in the MUDD zoning district.

D. The Site and the Related Parcel are owned by affiliated entities. To insure that development rights are appropriately allocated between the Site and the Related Parcel, in the event that this Rezoning Petition is approved by the Charlotte City Council, the Petitioner will seek and obtain an administrative site plan amendment to the approved conditional rezoning plan relating to Rezoning Petition No. 2005-043 to reduce the amount of the maximum permitted gross building area on the Related Parcel under such conditional rezoning plan as follows:

- No more than 545,000 square feet of non-residential floor area shall be permitted on the Site.
- Of this total amount of non-residential floor area, up to 180,000 square feet of office floor area is permitted, up to 155,000 square feet of retail floor area is permitted and up to 230,000 square feet of entertainment floor area is permitted.
- Any single retail tenant shall not exceed 50,000 square feet of floor area.
- No more than 420 residential units shall be permitted on the Site.
- Structured and/or surface level parking areas shall not be included within the maximum floor areas noted above.
- Buildings located on the Site shall not exceed 120 feet in height.
- Entertainment floor area includes establishments such as restaurants, nightclubs, theaters and similar uses and shall not be considered to be retail uses within the context of this provision.
- Areas devoted to outdoor dining or seating, courtyards, plazas and/or musical performance areas are allowed and will not be included within the maximum floor areas noted above.

E. The Site is currently improved with an approximately 4,450 square foot building and parking and maneuvering areas. The building may be preserved and reused; renovated and reused; and/or removed or replaced as determined by the Petitioner. The parking and maneuvering areas may be renovated, reused, removed or replaced.

F. Future amendments to the Technical Data Sheet and these Development Standards may be applied for by the then Owner or Owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.

**Optional Provisions**

This Petition proposes utilization of the MUDD-O provisions to accommodate the following variations:

A. Due to the plans for the preservation and use of the existing building on the Site until such time as the Site is redeveloped, this MUDD-Optional plan allows parking and maneuvering in front of the building. However, newly created parking areas will not be located between the building and abutting public streets and any new building(s) will be placed such that parking is not located between the new building(s) and abutting public streets. In the event that existing parking is located between new building(s) and public streets, it shall be removed. Parking areas located between public streets and building(s) shall be converted to outdoor plazas, outdoor dining areas, courtyards and/or similar treatments with some parking areas located between public streets and buildings being allowed to remain so long as they are enhanced through the addition of outdoor plazas, outdoor dining areas, courtyards and/or similar treatments within two years of the reuse of a nearby building or within two years of new construction activity in nearby areas.

B. One monument style building/tenant identification sign for each of the buildings located on the Site may be installed. These signs must be located along interior private streets or driveways and may be up to 6 feet in height and 18 square feet in size. Detached project identification signage shall not be located within the required Zoning Ordinance setback. Wall and projecting signage shall conform to the UMUD District standards of the Ordinance.

C. In addition to the signage described in paragraph B above, the following two signs may be installed on the existing building located on the Site:

- An on-premises or off-premises, roof mounted sign may be installed on the northern side of the existing building located on the Site that will face West Brookshire Freeway. The maximum size of this sign shall be 1,056 square feet, and the sign may be illuminated. Attached hereto as Exhibits A and B for illustrative purposes only is an example of a sign that meets the requirements of this subparagraph (a).
- An on-premises or off-premises, roof mounted sign may be installed on the rear of the support structure of the sign referenced above in subparagraph (a) that will have a maximum size of 96 square feet and may be illuminated. This roof mounted sign will face the southern side of the existing building located on the Site. Attached hereto as Exhibit C for illustrative purposes only is an example of a sign that meets the requirements of this subparagraph (b), and attached hereto as Exhibit D for illustrative purposes only is a schematic detail depicting the manner in which this sign could be installed on the support structure of the sign referenced above in subparagraph (a).

**Permitted Uses and Density**

The Site may be devoted to one or more residential, restaurant, entertainment, commercial, retail, office, bank or other financial institution, civic, institutional and other similar principal uses together with any accessory uses as are permitted in the MUDD zoning district subject to the following limitations and provisions:

- No more than 55,000 square feet of non-residential floor area shall be permitted on the Site.
- Of this total amount of non-residential floor area, up to 20,000 square feet of office floor area is permitted, up to 15,000 square feet of retail floor area is permitted and up to 20,000 square feet of entertainment floor area is permitted.
- Any single retail tenant shall not exceed 15,000 square feet of floor area.
- No more than 180 residential units shall be permitted on the Site.
- Structured and/or surface level parking areas shall not be included within the maximum floor areas noted above.
- Buildings located on the Site shall not exceed 120 feet in height.
- Entertainment floor area includes establishments such as restaurants, nightclubs, theaters and similar uses and shall not be considered to be retail uses within the context of this provision.
- Areas devoted to outdoor dining or seating, courtyards, plazas and/or musical performance areas are allowed and will not be included within the maximum floor areas noted above.

**Transportation**

A. The number of vehicular access points shall be limited to that depicted on the Technical Data Sheet. The placement and configuration of these access points are subject to any modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.

B. On-street parking shall be permitted in accordance with City standards.

C. Off-street parking for those portions of any buildings located on the Site that are devoted to restaurants with a floor area of over 2,000 square feet will be provided at a ratio of one parking space per 125 square feet of floor area. The parking ratio for restaurants with a floor area of 2,000 square feet or less shall be one parking space per 175 square feet of floor area. Off-street parking for those portions of buildings located on the Site that are devoted to a nightclub use will be provided at a ratio of one parking space per 400 square feet of floor area so used. Off-street parking for any other uses located on the Site will be provided in accordance with the standards set out in the Ordinance.

D. Bicycle parking spaces shall be provided such that one bicycle parking space is provided for each 20 vehicular parking spaces provided on the Site.

**Design Standards**

A. Any new building(s) will have windows and/or doors oriented to adjoining streets.

B. Outdoor dining and courtyard areas may be located within the "established" (but outside of the "required") setbacks.

C. Internal sidewalks of at least five feet in width shall be provided on the Site so as to provide pedestrian connections between the parking areas and buildings on the Site and to the abutting public sidewalk system.

D. Any parking structures will either be 1) located within the interior of the site and not visible from the adjoining streets or 2) the street edge of any parking structure shall be lined with other uses.

**Setbacks, Side Yards and Rear Yards**

A. All new building and parking areas on the Site shall be located a minimum of 14 feet from the back of the curb line along the abutting public streets.

B. Side and/or rear yards are not required to be provided within the interior of the development or along the project edges/property lines.

**Fire Protection**

Adequate fire protection in the form of fire hydrants and other fire protection devices and measures as required by code will be provided to the Charlotte Fire Marshal's specifications.

**Signs**

See paragraphs B and C under "Optional Provisions".

**Lighting**

A. All new parking lot lighting shall be designed such that direct illumination does not extend past any exterior project edge. All new parking lot lighting shall be capped and not exceed 30 feet in height.

B. Any new lighting attached to a building shall be capped and downwardly directed. New wall pak type lighting shall not be permitted.

C. Wall-mounted decorative light fixtures such as sconces are permitted.

**MISTRI HARDAWAY ARCHITECTS**  
214 WEST TREMONT AVE., SUITE 301, CHARLOTTE, NC 28203  
P. 704.371.4622 F. 704.372.5697

**FIBER MILLS LLC**

**FIBER MILLS**  
1000 SEABOARD ST  
CITY OF CHARLOTTE  
MECKLENBURG COUNTY  
NORTH CAROLINA

**FOR PUBLIC HEARING -- REZONING PETITION NO. 2011-003**

**TECHNICAL DATA SHEET**

**TD-1**

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