

GENERAL PROVISIONS

THESE DEVELOPMENT STANDARDS FORM A PART OF THE TECHNICAL DATA SHEET ASSOCIATED WITH THE REZONING PETITION FILED BY FAIRVIEW PLAZA ASSOCIATES TO ACCOMMODATE THE DEVELOPMENT OF THAT APPROXIMATELY 1.0593 ACRE SITE LOCATED ON THE SOUTH SIDE OF FAIRVIEW ROAD BETWEEN PARK SOUTH DRIVE AND PIEDMONT ROW DRIVE SOUTH AND WHICH IS MORE PARTICULARLY DEPICTED ON THE TECHNICAL DATA SHEET (THE "SITE").

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"). SUBJECT TO THE OPTIONAL PROVISION SET OUT BELOW, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MIXED USE DEVELOPMENT DISTRICT ("MUDD") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT OF THE SITE.

2. 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 PROVISION

DRIVE THROUGH SERVICE LANES AND WINDOWS SHALL BE PERMITTED AS AN ACCESSORY USE TO A BANK OR FINANCIAL INSTITUTION PURSUANT TO SECTION 12.413 OF THE ORDINANCE.

PERMITTED USES

THE SITE MAY BE DEVOTED TO THE FOLLOWING USES AND TO ANY ACCESSORY USES ALLOWED IN THE MUDD ZONING DISTRICT:

- ART GALLERIES.
- BANK OR FINANCIAL INSTITUTION WITH ACCESSORY DRIVE THROUGH SERVICE LANES AND WINDOWS.
- BARBER AND BEAUTY SHOPS.
- COLLEGES, UNIVERSITIES, COMMERCIAL SCHOOLS, SCHOOLS PROVIDING ADULT TRAINING IN ANY OF THE ARTS, SCIENCES, TRADES AND PROFESSIONS,
- EQUIPMENT RENTAL AND LEASING WITHIN AN ENCLOSED BUILDING.
- INDOOR RECREATION.
- LABORATORIES, DENTAL, MEDICAL AND OPTICAL.
- PROFESSIONAL BUSINESS AND GENERAL OFFICES SUCH AS BANKS, CLINICS, MEDICAL, DENTAL AND DOCTORS' OFFICES, VETERINARY CLINICS, GOVERNMENT OFFICES, POST OFFICES, OPTICIANS' OFFICES, AND SIMILAR USES, PROVIDED, HOWEVER, THAT VETERINARY CLINICS WITH OUTDOOR RUNS SHALL NOT BE PERMITTED.
- REPAIR OR SERVICING OF ANY ARTICLE, THE SALE OF WHICH IS PERMITTED IN THE DISTRICT, WITHIN AN ENCLOSED BUILDING UP TO 5,000 SQUARE FEET.
- RESTAURANTS, INCLUDING ROOFTOP TERRACES FOR DINING AND BAR AREAS, OUTDOOR DINING AND OPEN AIR OR SIDEWALK CAFES.
- RETAIL SALES LIMITED TO THOSE USES PERMITTED IN THE B-1 ZONING DISTRICT, PROVIDED, HOWEVER, THAT GAS STATIONS, CONVENIENCE STORES AND RESTAURANTS WITH DRIVE THROUGH WINDOWS SHALL NOT BE PERMITTED ON THE SITE.
- STUDIOS FOR ARTISTS, DESIGNERS, PHOTOGRAPHERS, MUSICIANS, SCULPTORS, GYMNASTS, POTTERS. WOOD AND LEATHER CRAFTSMEN. GLASS BLOWERS. WEAVERS. SILVERSMITHS. AND DESIGNERS OF ORNAMENTAL AND PRECIOUS JEWELRY.

TRANSPORTATION

- 1. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. THE PLACEMENT AND CONFIGURATION OF EACH ACCESS POINT ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND ARCHITECTURAL CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT AND/OR NCDOT.
- 2. VEHICULAR PARKING SHALL BE PROVIDED AT THE FOLLOWING RATE:
- a. A MINIMUM OF 1 PARKING SPACE PER 150 SQUARE FEET OF FLOOR AREA SHALL BE PROVIDED FOR ANY RESTAURANT USE LOCATED ON THE SITE. FOR PURPOSES OF CALCULATING THE PARKING REQUIREMENTS ONLY, OUTDOOR DINING AREAS SHALL BE CONSIDERED TO BE RESTAURANT FLOOR
- b. A MINIMUM OF 1 PARKING SPACE PER 350 SQUARE FEET OF FLOOR AREA SHALL BE PROVIDED FOR ALL OTHER USES LOCATED ON THE SITE.
- VEHICULAR PARKING REQUIREMENTS SHALL BE MET BY THE PROVISION OF PARKING SPACES ON THE SITE AND IN ACCORDANCE WITH SECTIONS 9.8507 AND 12.203 OF THE ORDINANCE, VEHICULAR PARKING SPACES WILL BE PROVIDED ON THE ADJOINING PARCELS OF LAND LOCATED WITHIN 1,600 FEET OF THE PERMITTED USE(S) PURSUANT TO A WRITTEN PARKING LEASE WITH A MINIMUM TERM OF NINE YEARS. PETITIONER SHALL SUBMIT THE WRITTEN PARKING LEASE TO THE ZONING ADMINISTRATOR AND/OR THE CHARLOTTE DEPARTMENT OF TRANSPORTATION TOGETHER WITH PARKING CALCULATIONS FOR THE SITE AND THE ADJOINING PARCELS OF LAND THAT ARE SUBJECT TO THE SHARED PARKING ARRANGEMENT FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY NEW BUILDING CONSTRUCTED ON THE SITE.
- BICYCLE PARKING WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE.
- 4. PETITIONER WILL FILE WITH CDOT A PETITION TO ABANDON THE EXCESS RIGHT OF WAY FOR PIEDMONT ROW DRIVE SOUTH LOCATED ALONG THE EASTERN EDGE OF THE SITE AND MORE PARTICULARLY DEPICTED ON THE TECHNICAL DATA SHEET. IF THIS RIGHT OF WAY AREA IS ABANDONED BY THE CITY OF CHARLOTTE, THEN THE BUILDING PROPOSED TO BE CONSTRUCTED ON THE SITE MAY EXTEND INTO THE ABANDONED RIGHT OF WAY AREA AS MORE PARTICULARLY DEPICTED ON THE TECHNICAL DATA SHEET
- 5. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE BUILDING TO BE CONSTRUCTED ON THE SITE, PETITIONER SHALL CONSTRUCT A CONCRETE WAITING PAD ADJACENT TO THE SITE ON FAIRVIEW ROAD AT THE LOCATION OF THE EXISTING BUS STOP (CATS STOP ID # 10470). THE CONCRETE WAITING PAD SHALL BE CONSTRUCTED TO CATS DEVELOPMENT STANDARDS 60.01A. PETITIONER'S OBLIGATION TO CONSTRUCT A CONCRETE WAITING PAD AS DESCRIBED ABOVE SHALL BE SUBJECT TO PETITIONER'S ABILITY TO OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO CONSTRUCT THE CONCRETE WAITING PAD.
- ACCESSORY DRIVE THROUGH SERVICE LANES AND WINDOWS ASSOCIATED WITH A BANK OR FINANCIAL INSTITUTION SHALL BE LOCATED ON THE REAR OR SOUTHERN SIDE OF THE BUILDING TO BE CONSTRUCTED ON THE SITE.

ARCHITECTURAL STANDARDS

- AS MORE PARTICULARLY DEPICTED ON THE TECHNICAL DATA SHEET, ONE FREESTANDING BUILDING MAY BE CONSTRUCTED ON THE SITE. THE MAXIMUM GROSS BUILDING AREA OF THE BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE 17,000 SQUARE FEET. THE AREA OF ANY ROOFTOP TERRACE FOR DINING AND BAR AREAS SHALL BE CONSIDERED AND COUNTED TOWARDS THE MAXIMUM GROSS BUILDING AREA OF THE BUILDING TO BE CONSTRUCTED ON THE SITE. HOWEVER, OTHER OUTDOOR PORCHES, PATIOS, SEATING AND DINING AREAS SHALL NOT BE CONSIDERED TO BE A PART OF AND SHALL NOT BE COUNTED TOWARDS THE MAXIMUM GROSS BUILDING AREA OF THE BUILDING TO BE CONSTRUCTED ON THE SITE.
- 2. THE BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE LIMITED TO TWO STORIES AND A MAXIMUM HEIGHT OF 60 FEET ABOVE AVERAGE GRADE ALONG FAIRVIEW ROAD.
- NOTWITHSTANDING THE TERMS OF PARAGRAPH 1 ABOVE, A ROOFTOP TERRACE FOR DINING AND BAR AREAS MAY BE LOCATED ON THE BUILDING TO BE CONSTRUCTED ON THE SITE.
- 4. THE NEW BUILDING TO BE CONSTRUCTED ON THE SITE SHALL CONFORM TO SECTION 9.8506 OF THE ORDINANCE.
- 5. ALL ROOF MOUNTED MECHANICAL EQUIPMENT PLACED ON THE NEW BUILDING TO BE CONSTRUCTED ON THE SITE WILL BE SCREENED FROM VIEW AT GRADE FROM ADJOINING PUBLIC RIGHTS-OF-WAY AND ABUTTING PROPERTIES.
- 6. ANY DUMPSTER VISIBLE FROM A PUBLIC STREET OR FROM AN ADJOINING PARCEL OF LAND WILL BE SCREENED FROM VIEW BY A SOLID ENCLOSURE WITH GATES. IF ONE OR MORE SIDES OF THE DUMPSTER AREA ADJOIN A REAR WALL OF A BUILDING, THE REAR WALL MAY BE SUBSTITUTED FOR THE FENCE ALONG EACH SUCH SIDE.
- 7. THE BUILDING ELEVATIONS ATTACHED TO THE TECHNICAL DATA SHEET AS SHEETS TDS 3.0 AND TDS 3.1 ARE INTENDED TO PORTRAY THE GENERAL CONCEPTUAL ARCHITECTURAL STYLE. CHARACTER AND ELEMENTS OF THE NEW BUILDING TO BE CONSTRUCTED ON THE SITE. ACCORDINGLY, THE NEW BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE SUBSTANTIALLY SIMILAR IN APPEARANCE TO THE BUILDING DEPICTED ON THE ELEVATION SET OUT ON SHEET TDS 3.0 OR TO THE BUILDING DEPICTED ON THE ELEVATION SET OUT ON SHEET TDS 3.1 IN TERMS OF ITS ARCHITECTURAL STYLE, CHARACTER AND ELEMENTS. CHANGES AND ALTERATIONS WHICH DO NOT MATERIALLY CHANGE THE OVERALL CONCEPTUAL ARCHITECTURAL STYLE AND CHARACTER ARE PERMITTED BASED UPON FINAL DESIGN/CONSTRUCTION DRAWINGS.
- 8. NEW BUILDING WALLS FACING FAIRVIEW ROAD WILL INCLUDE WINDOWS AND DOORS WITH CLEAR GLASS. ANY OBSTRUCTION TO THE GLASS TO BLOCK OUT KITCHENS, STORAGE AREAS, ETC. WILL CONSIST OF ARTWORK THAT MUST BE APPROVED BY THE CHARLOTTE-MECKLENBURG PLANNING STAFF. SPANDREL GLASS WILL NOT BE PERMITTED.

STREETSCAPE AND LANDSCAPING

- 1. PETITIONER SHALL INSTALL A MINIMUM 6 FOOT SIDEWALK AND A MINIMUM 8 FOOT PLANTING STRIP ALONG THE SITE'S FRONTAGE ON FAIRVIEW ROAD AND PIEDMONT ROW DRIVE SOUTH.
- 2. LANDSCAPING ALONG THE SITE'S FRONTAGE ON FAIRVIEW ROAD AND PIEDMONT ROW DRIVE SOUTH WILL MEET THE MINIMUM STANDARDS OF THE ORDINANCE.

SETBACKS, SIDE YARDS AND REAR YARDS

AS MORE PARTICULARLY DEPICTED ON THE TECHNICAL DATA SHEET, THE BUILDING AND PARKING AREAS LOCATED ON THE SITE SHALL BE SETBACK A MINIMUM OF 14 FEET FROM THE BACK OF THE EXISTING OR PROPOSED CURB LINES ALONG FAIRVIEW ROAD AND PIEDMONT ROW DRIVE SOUTH. THE BUILDINGS TO BE LOCATED ON THE SITE SHALL ALSO SATISFY OR EXCEED THE REAR YARD AND SIDE YARD REQUIREMENTS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD ZONING DISTRICT.

CANOPIES, AWNINGS AND SIMILAR ARCHITECTURAL ACCENTS MAY BE CONSTRUCTED OF RIGID OR FLEXIBLE MATERIAL DESIGNED TO COMPLEMENT THE STREETSCAPE OF THE AREA, AND THEY MAY EXTEND FROM THE BUILDINGS UP TO ONE HALF OF THE WIDTH OF THE SETBACK AREA IN FRONT OF THE BUILDINGS, OR NINE FEET, WHICHEVER IS LESS, AND THEY MAY NOT BE CLOSER THAN TWO FEET TO THE BACK OF THE CURB. GROUND SUPPORTS FOR THESE FEATURES ARE NOT PERMITTED IN THE MINIMUM SETBACK, SIDEWALK OR IN THE PUBLIC RIGHT OF WAY. IN NO INSTANCE SHALL SUCH FEATURES EXTEND OVER OR INTERFERE WITH THE GROWTH OR MAINTENANCE OF ANY REQUIRED TREE PLANTINGS. MINIMUM OVERHEAD CLEARANCE SHALL BE EIGHT FEET. IF A CANOPY, AWNING, CORNICE OR OTHER APPURTENANCE EXTENDS INTO THE PUBLIC RIGHT OF WAY, AN ENCROACHMENT AGREEMENT FROM CDOT OR NCDOT, AS THE CASE MAY BE. SHALL BE REQUIRED.

FIRE PROTECTION

ADEQUATE FIRE PROTECTION IN THE FORM OF FIRE HYDRANTS WILL BE PROVIDED TO THE CHARLOTTE FIRE MARSHAL'S SPECIFICATIONS.

SIGNS

ALL SIGNS SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 9.8506(2)(C) OF THE ORDINANCE AND THE APPLICABLE REQUIREMENTS OF THE CITY OF CHARLOTTE SIGN ORDINANCE.

LIGHTING

- THE MAXIMUM HEIGHT OF ANY NEW FREESTANDING LIGHTING FIXTURES (INCLUDING ITS) BASE) INSTALLED WITHIN THE PARKING AREAS LOCATED ON THE SITE SHALL BE 20 FEET ALL SUCH FREE STANDING LIGHTING FIXTURES SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE. CONSIDERATION WILL BE GIVEN TO THE IMPACT OF LIGHTING BOTH WITHIN AND WITHOUT THE PERIMETER OF THE SITE. ITEMS FOR CONSIDERATION WILL INCLUDE INTENSITY, CUT-OFF ANGLES, COLOR, ENERGY EFFICIENCY AND SHIELDING OF SOURCES OF LIGHT, THE INTENT BEING TO ELIMINATE GLARE TOWARDS PUBLIC STREETS AND ADJACENT PROPERTIES.
- 2. ANY LIGHTING ATTACHED TO THE NEW BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED. STANDARD "WALL-PAK" TYPE LIGHTING WILL NOT BE PERMITTED.
- WALL-MOUNTED DECORATIVE LIGHT FIXTURES SUCH AS SCONCES SHALL BE PERMITTED
- 4. PEDESTRIAN SCALE LIGHTING SHALL BE INSTALLED ON THE SITE PURSUANT TO SECTION II.B.3 OF THE SOUTHPARK SMALL AREA PLAN.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE TECHNICAL DATA SHEET AND THESE DEVELOPMENT STANDARDS WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.

THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS, "PETITIONER" AND "OWNER" OR "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF THE PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

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AIRVIEW DEVELOPMENT

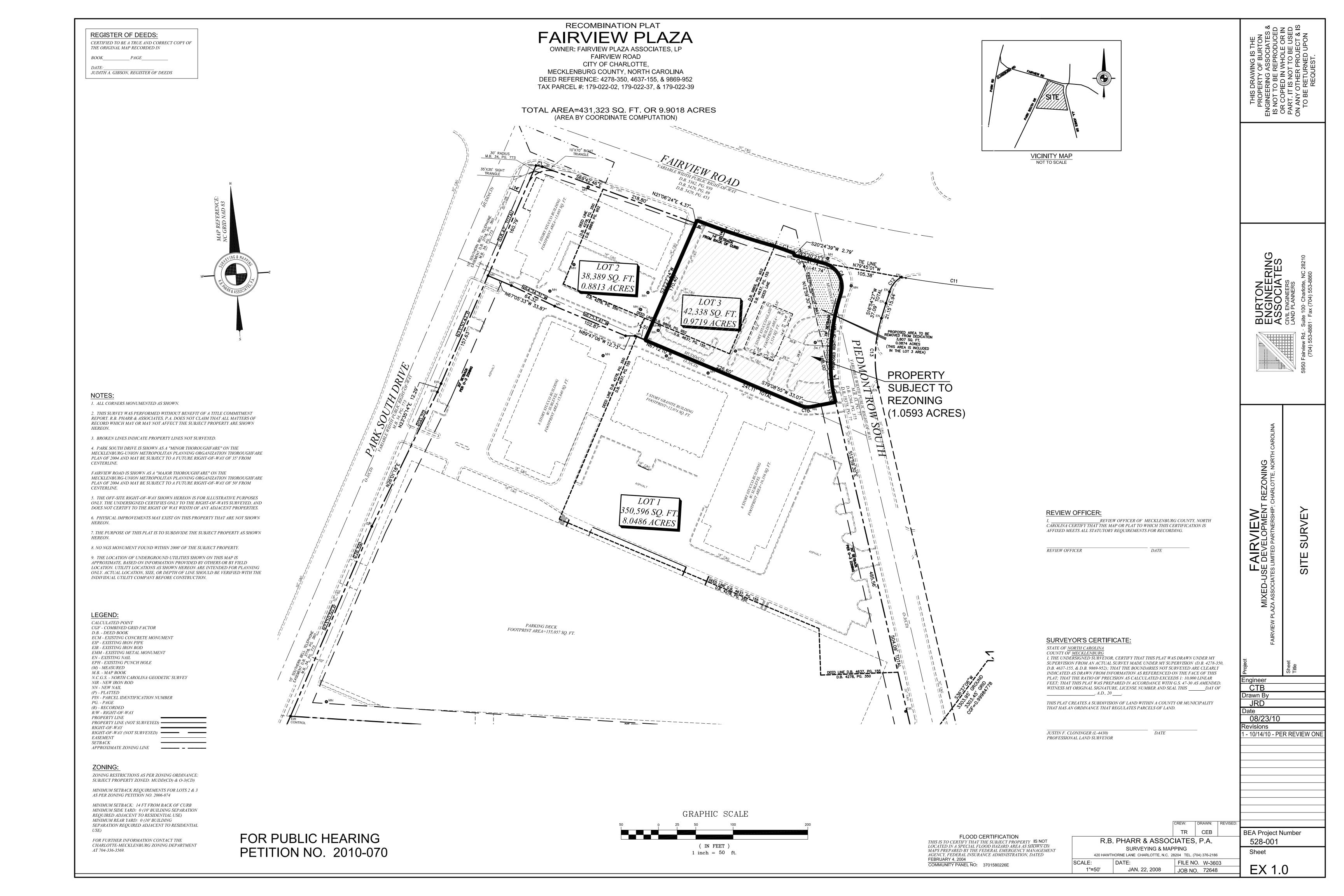
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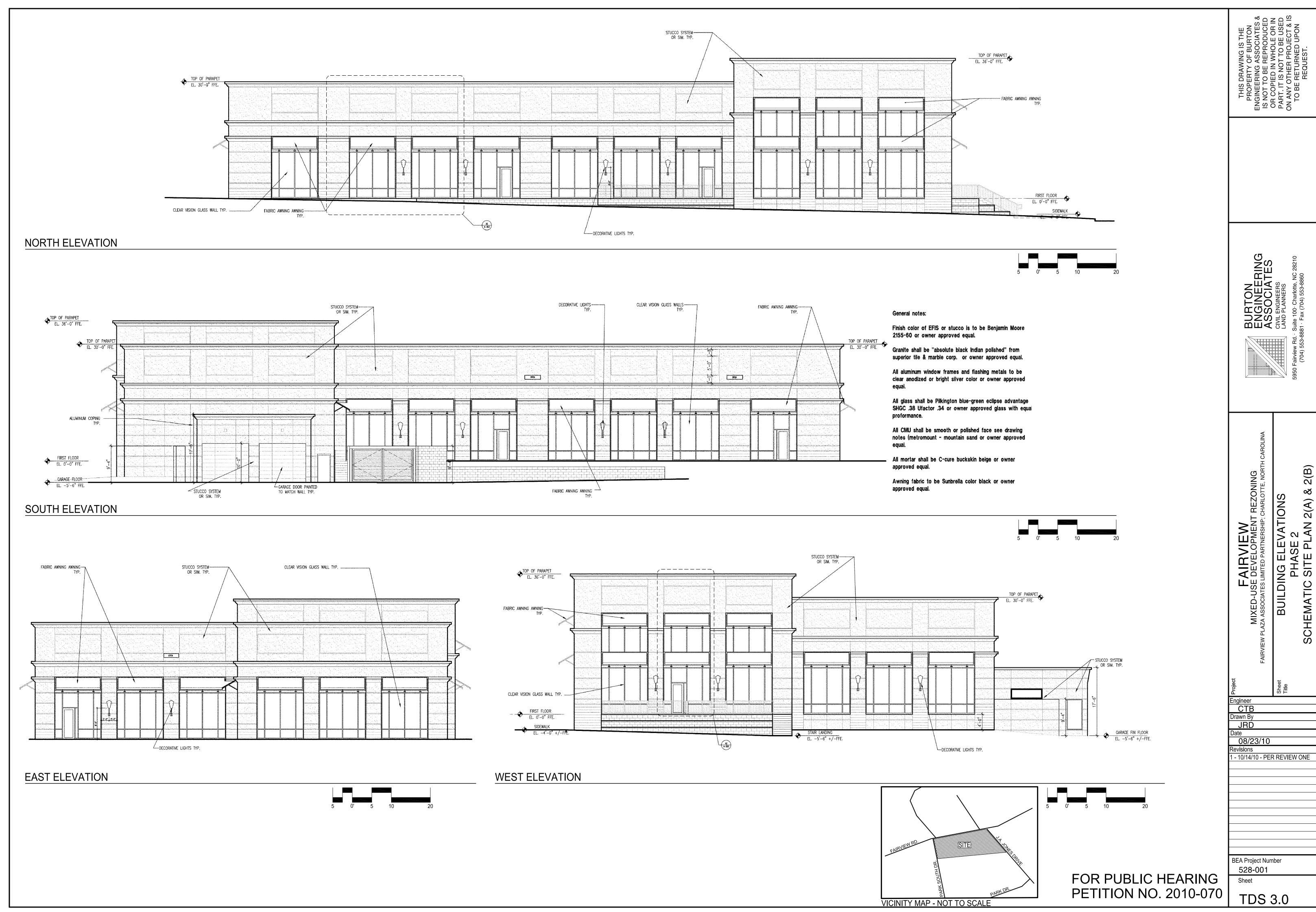
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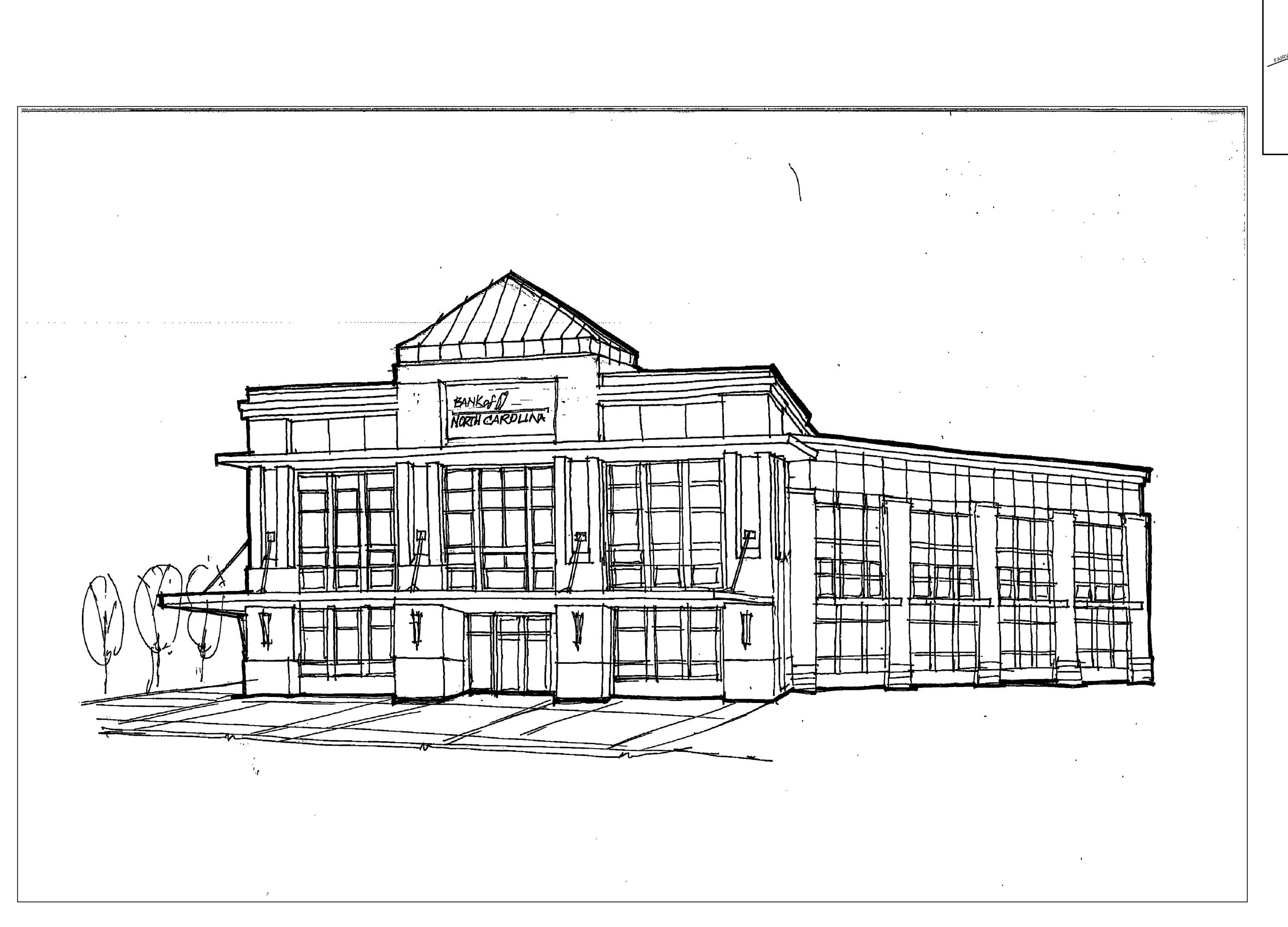
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TDS 1.2







VICINITY MAP - NOT TO SCALE

08/23/10

Revisions
1 - 10/14/10 - PER REVIEW ONE

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TDS 3.1