

DEVELOPMENT STANDARDS

September 24, 2015

GENERAL PROVISIONS

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Unique Southern Estates, LLC for an approximately 4.54 acre site located at the southeastern corner of the intersection of The Plaza and Belvedere Avenue, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site"). The purpose of this rezoning request is to accommodate the development of up to 18 for sale single family attached dwelling units along portions of the perimeter of the Site and a private neighborhood pool and swim club operated on a membership basis within the interior of the Site, and to maintain the existing Estate structures and grounds for use as a hotel, conference center, event facility and other uses.
- B. The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Subject to the optional provisions 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.
- C. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback and yard requirements set forth on this Rezoning Plan and the development standards, provided, however, that any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan.
- D. Internal sidewalks generally depicted on the Rezoning Plan may be altered provided that such alterations do not materially change the design intent generally depicted on the Rezoning Plan.
- E. The parcels of land that comprise the Site may be recombined into one parcel at the option of the Petitioner.
- F. The Site is located in the Plaza Midwood Historic District and the Site and the existing principal structure (the "Main House") have been designated as a historic landmark by the Charlotte City Council. Additionally, the Site has been designated as a National Historic Landmark.
- G. Future amendments to the Rezoning Plan and/or 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. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

OPTIONAL PROVISIONS

The following optional provisions shall apply to the development of the Site:

- A. Parking and maneuvering space may be located between the buildings and structures located on the Site and the required setbacks from all adjacent public streets as more particularly depicted on the Rezoning Plan.
- B. Parking and maneuvering space may be located between those single family attached dwelling units designated as Units 10, 11 and 12 on the Rezoning Plan and the required setback from Thurmond Place as more particularly depicted on the Rezoning Plan.
- C. The existing sidewalks, planting strips and streetscape located along the Site's public street frontages shall remain in place.
- D. As depicted on the Rezoning Plan, screening hedges located in portions of the setback.
- E. Notwithstanding the provisions of Section 12.529 of the Ordinance, only the internal pedestrian sidewalks and sidewalk connections that are more particularly depicted on the Rezoning Plan shall be required on the Site.
- F. Valet parking service area(s) may be located between the buildings and structures located on the Site and the adjacent public streets.

PERMITTED USES

- A. The Site may be devoted only to the uses set out below and to any incidental or accessory uses associated therewith that are permitted under the Ordinance in the MUDD zoning district.
- (1) A maximum of 18 for sale single family attached dwelling units, provided, however, that the for sale single family attached dwelling units may only be located on the perimeter portions of the Site as generally depicted on the Rezoning Plan.
- (2) A hotel with a maximum of 9 rooms for the overnight lodging of guests (5 rooms in the Main House and 4 rooms in the structure known as the "Carriage House"), including the serving of breakfast, other meals from time to time and beverages to guests.
- (3) The Main House, the enclosed porch of the Carriage House, the Orangerie and the grounds of the Estate may also be used for the following purposes:
- (a) Conferences and meetings.
- (b) Private events that are catered by the owner of the Main House from the Main House which shall include, but not be limited to, weddings and wedding receptions, dinner parties, corporate meetings, social gatherings and events, symposia, seminars, birthday parties, family reunions and other types of events.
- (c) Social gatherings and other special events sponsored by a not-for-profit or charitable organization.

Food and beverages (non-alcoholic and alcoholic) may be served at the above described events and functions.

- (4) The sale of food for off-site consumption during the Thanksgiving and Christmas Holidays.
- (5) A spa located within the Main House.
- (6) A private neighborhood pool and swim club and accessory uses (including a snack bar, locker room and restroom facilities) operated on a membership basis (the "Swim Club").

USE RESTRICTIONS

- A. Notwithstanding anything contained herein to the contrary, the use limitations and restrictions set out below shall apply to the Site.
- (1) In no event shall the Site function as a public restaurant.
- (2) Except as provided above in paragraph 4 under Permitted Uses, no on-site food preparation for off-site food sales or consumption, including off-site catering services, shall be allowed.
- (3) The Site shall comply with the City of Charlotte Noise Ordinance.
- (4) All amplified music on the Site must end by 10:30 PM on weekdays and 11:00 PM on weekends.
- (5) Temporary structures such as stages and event tents will be located at least 40 feet from the right of way along The Plaza and Belvedere Avenue and 20 feet from the right of way of Thurmond Place and the southwest property line. All temporary structures shall be erected no sooner than 24 hours prior to events and dismantled no later than 24 hours following events, and in no case shall they be erected or dismantled before 8:00 AM or after 9:00 PM.
- (6) The Swim Club will be open for use by its members only during the following hours: 10 AM to 8 PM on Mondays through Saturdays, and 10 AM to 6 PM on Sundays.
- (7) Swim meets or swimming competitions involving a swim team or swim teams that are not comprised solely of Swim Club members and their families are prohibited. Notwithstanding the foregoing, the Swim Club may hold swimming competitions that are limited to Swim Club members and their families.

- (8) Conferences, meetings, events and/or social gatherings may not be held in the Main House, the enclosed porch of the Carriage House, the Orangerie and/or on the grounds of the Estate at the same time that a party or event is being held at the Swim Club to which the entire membership of the Swim Club is invited, such as a 4th of July party or a Labor Day party.
- (9) The Swim Club may have a maximum of 420 members. A family that has a family membership shall be considered to be a single member.
- (10) With the exception of one event per calendar year, the maximum number of guests or attendees at a single event held in the Main House, the enclosed porch of the Carriage House, the Orangerie and/or on the grounds of the Estate shall be 325. Staff shall not be counted towards the maximum number of guests or attendees. This use restriction shall not apply to the Swim Club, and members and their guests visiting the Swim Club shall not be counted towards the maximum number of guests or attendees.

- (11) A bubble or other enclosure shall not be installed over the swimming pool to allow off-season swimming in the swimming pool.

TRANSPORTATION

- A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by the Charlotte Department of Transportation.
- B. The Site shall comply with the minimum parking requirements of the MUDD zoning district under the Ordinance. Notwithstanding the foregoing, a minimum of 128 parking spaces shall be provided for the permitted uses on the Site in the manner provided below in paragraph C.
- C. The 128 parking spaces shall be comprised of the following:
- (1) A minimum of 87 parking spaces located on the Site.
- (2) Pursuant to and in accordance with the requirements of Section 9.8507(6) of the Ordinance, a minimum of 41 off-site parking spaces.
- D. A parking attendant shall be provided to direct guests to on-site or off-site parking for each event for which more than 40 guests are expected. At least 2 parking attendants shall be provided for each event for which more than 75 guests are expected. At least 1 off-duty police officer shall be provided for each event for which more than 200 guests are expected.
- E. The requirements set out in paragraph D above shall not apply to the Swim Club.
- F. Petitioner shall install 7 public on-street parking spaces on the north side of Belvedere Avenue between The Plaza and Thurmond Place as generally depicted on the Rezoning Plan.
- G. On-street parking shall not be allowed on the side of Belvedere Avenue that abuts the Site as depicted on the Rezoning Plan.

ARCHITECTURAL AND DESIGN STANDARDS

- A. The maximum height of the single family attached dwelling units to be constructed on the Site shall be 35 feet.
- B. Architectural renderings of the elevations of the single family attached dwelling units to be constructed on the Site and the exterior building materials have been approved by the Charlotte-Mecklenburg Historic Landmarks Commission and the Charlotte Historic District Commission.
- Attached hereto on Sheet RZ-300 are the approved architectural renderings of those elevations of the single family attached dwelling units to be constructed on the Site that face The Plaza, Belvedere Avenue, Thurmond Place and the private drive running between The Plaza and Nassau Boulevard. These architectural renderings are intended to reflect the architectural style and character of the relevant elevations of the single family attached dwelling units to be constructed on the Site. Accordingly, the relevant elevations of the single family attached dwelling units shall be designed and constructed so that such elevations are substantially similar in appearance to the relevant architectural renderings with respect to architectural style and character. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings. The elevations of the single family attached dwelling units to be constructed on the Site that are not depicted on the attached architectural renderings shall be compatible to and complementary with the attached architectural renderings in terms of architectural style and character.
- C. The exterior building materials used on the single family attached dwelling units to be constructed on Site shall include stained or painted wood lap siding, painted hardi-soffit at upper roof eaves, painted hardi-board fascia at upper roof eaves, stone or simulated stone foundation walls and water tables with 4 inch brick rowlock coping, stained or painted wood overhead garage doors, simulated divided light double-hung and fixed windows and 30 year architectural composition roof shingles. Vinyl shall not be a permitted exterior building material.
- D. Attached hereto are schematic architectural renderings of the front, side and rear elevations of the pool house proposed to be constructed on the Site for the Swim Club that are intended to depict the general architectural style, character and elements of the front, side and rear elevations of the pool house. Accordingly, the front, side and rear elevations of the pool house shall be designed and constructed so that they are substantially similar in appearance to the relevant schematic architectural renderings attached hereto. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings.

SETBACK AND YARDS/STREETSCAPE/SCREENING

- A. Subject to any optional provisions, development of the Site shall comply with the setback, side yard and rear yard requirements of the MUDD zoning district.
- B. The existing sidewalks, planting strips and streetscape located along the Site's public street frontages shall remain in place.
- C. The private neighborhood pool shall be screened from The Plaza as generally depicted on the Rezoning Plan.
- D. The private neighborhood swimming pool shall be enclosed by a fence that meets the requirements of the applicable codes and ordinances.

ENVIRONMENTAL FEATURES

- A. Development of the Site shall be in compliance with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- B. Development of the Site shall comply with the City of Charlotte Tree Ordinance.

SIGNS

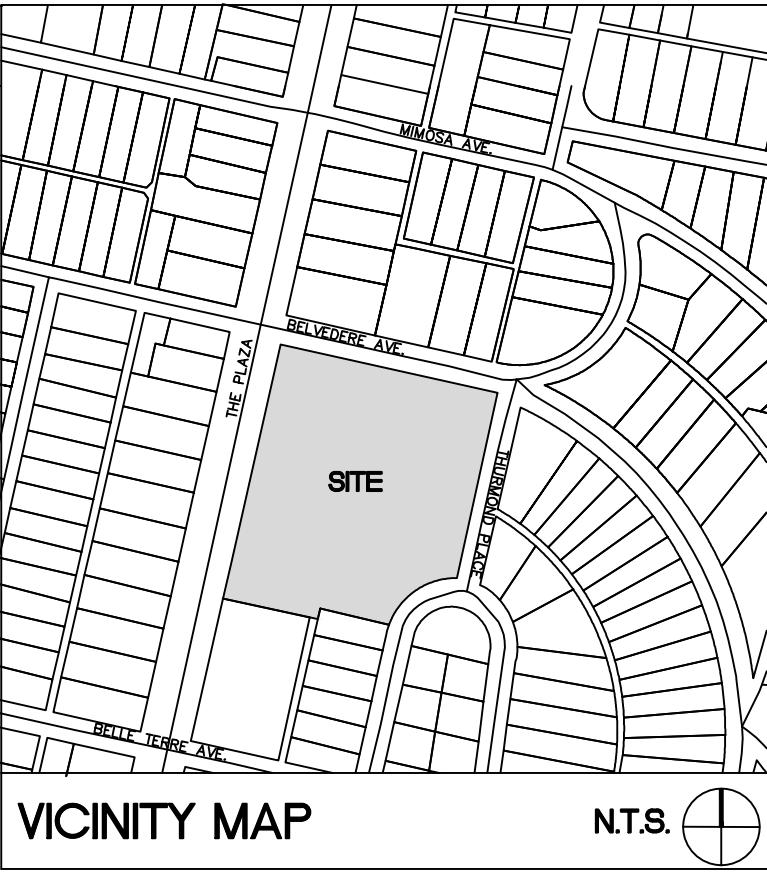
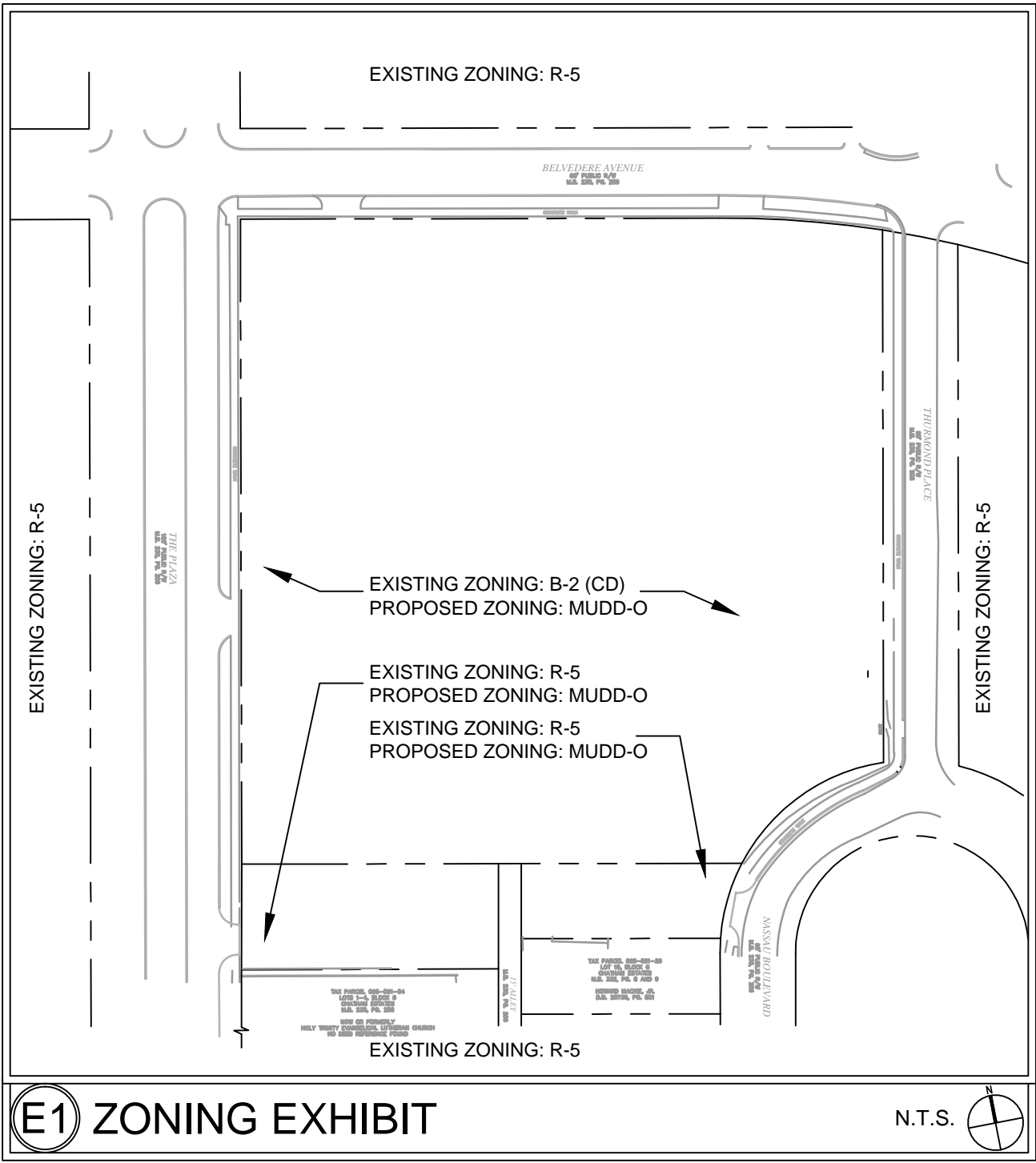
All signs installed on the Site shall comply with the requirements of the Ordinance.

LIGHTING

- A. All new freestanding lighting fixtures installed on the Site (excluding street lights and lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas) 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.
- B. The maximum height of any newly installed freestanding lighting fixtures on the Site shall be 20 feet.
- C. Any new lighting fixtures attached to the structures on the Site shall be decorative, capped and downwardly directed.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- A. If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- B. Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- C. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.



SURVEY DISCLAIMER
BOUNDARY SURVEY, ISSUE DATE AUGUST 14, 2014. PROVIDED BY R.B. PHARR & ASSOCIATES, P.A., 420 HAWTHORNE LANE, CHARLOTTE, NC 28204, (336) 782-3796



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CONDITIONAL REZONING NOTES

Project No.

4344.00

Issued

08/25/14

Revised

1 12/18/14 - CITY OF CHARLOTTE COMMENTS

2 6/18/15 - CITY OF CHARLOTTE COMMENTS

3 7/8/15 - ZONING COMMITTEE WORK SESSION COMMENTS

4 9/24/15 - CITY OF CHARLOTTE COMMENTS



RZ-200

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4 9/24/15 - CITY OF CHARLOTTE COMMENTS



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