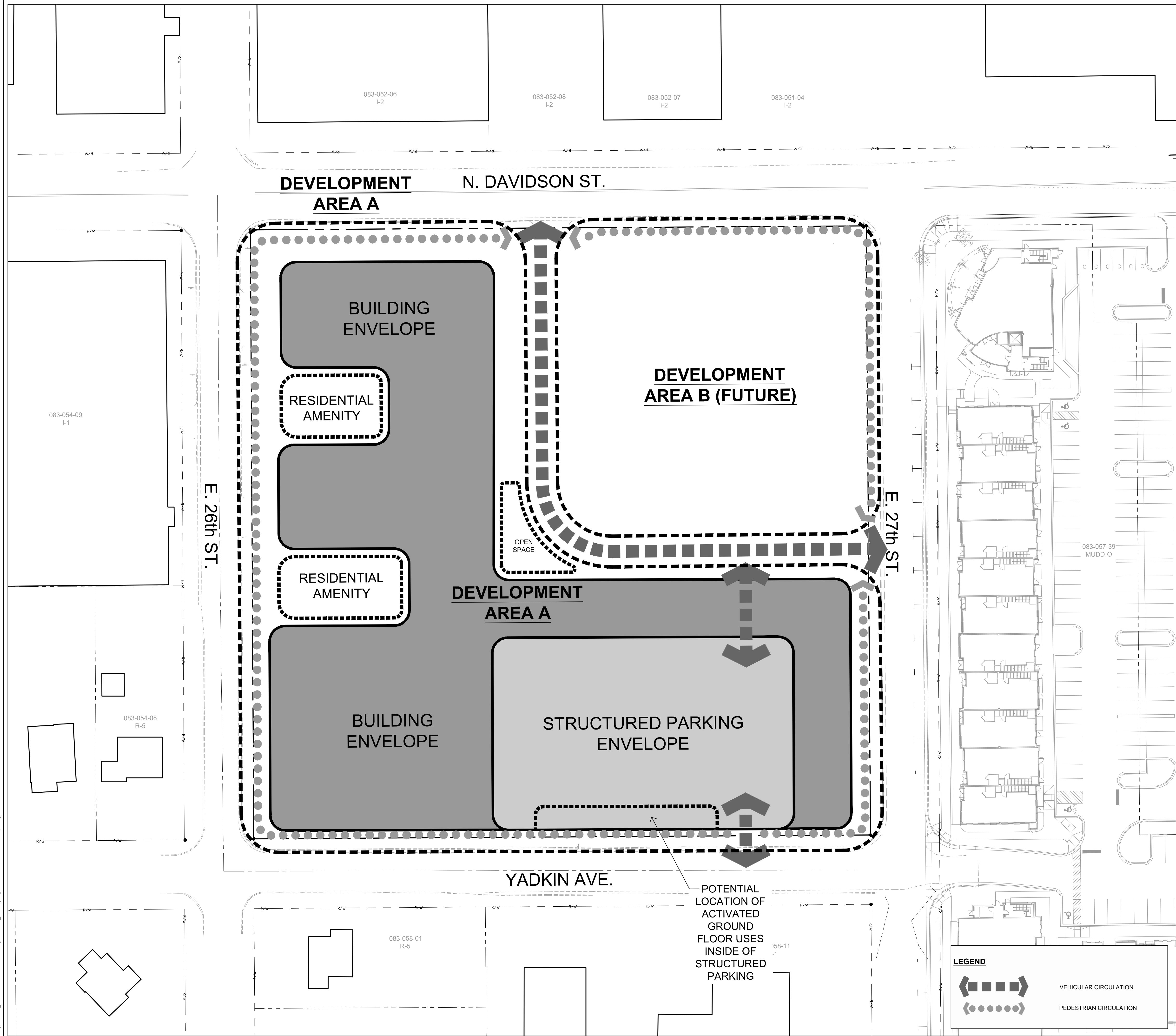


Drawing name: N:\2014\14306\09\Exhibit\Zoning\Plan\0306 Rezoning.dwg Z:\10 Mar 23, 2015 9:07am by amcquire



Site Development Data:

Acreage: ± 3.627 acres
Tax Parcel #s: 083-055-01
Existing Zoning: MUDD-O by Rezoning Petition No. 2008-070
Proposed Zoning: TOD-MO
Existing Uses: Retail and warehouse uses.
Proposed Uses: Residential dwellings units; and non-residential uses as permitted by right, under prescribed conditions and by the Optional provisions on Z3.0 together with accessory uses, as allowed in the TOD-M zoning district (as more specifically described and restricted below in Section 3).

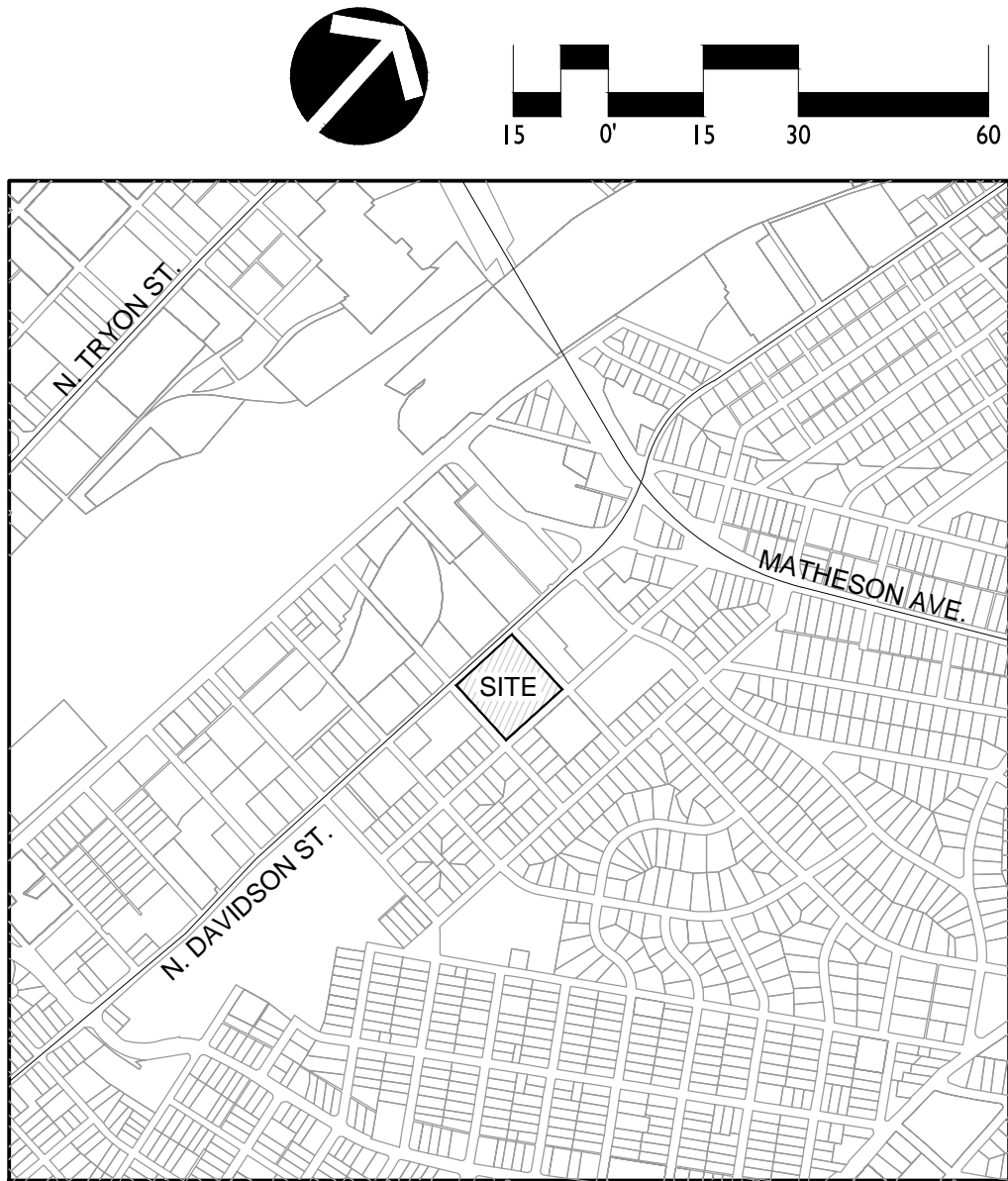
Maximum Gross Square feet of Development: In Development Area A up to 250 residential dwelling units and up to 7,500 square feet of gross floor area of non-residential uses as permitted by right and under prescribed conditions in the TOD-M zoning district subject to the limitations described in on Z3.0. In Development Area B residential and non-residential uses as permitted by right and under prescribed conditions in the MUDD zoning district.

Maximum Building Height: Within Development Area A: building height will be limited to five (5) stories and 55 & 60 feet as: (i) described below; (ii) allowed by the Optional provisions; and (iii) generally depicted on the Rezoning Plan. Within Development Area A, a maximum building height of 55 feet will be established and measured from proposed grade at the base of the building at the intersection of Yadkin Avenue and E. 26th Street and Yadkin Avenue and E. 27th Street; and a maximum building height of 60 feet will be established and measured from proposed grade at the base of the building at the intersection N. Davidson Street and E. 26th Street (for the purposes of these height limits, parapet walls (five (5) feet or less), roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment, spires, mansards, domes, or other architectural features will not be considered for the calculation of allowed building height).
- Within Development Area B, the maximum allowed building height will be 60 feet as allowed by the Optional provisions below (for the purposes of these height limits, roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment, spires, mansards, domes, or other architectural features will not be considered for the calculation of allowed building height, otherwise building height will be measured as defined by the Ordinance).

Parking: Parking as required by the Ordinance for Development Area A. Parking for Development Area B will comply with the minimum parking requirements of the MUDD zoning district and the maximum parking requirements of the TOD-M zoning district as allowed by the Optional provisions below.

Open Space: Open space as required by the Ordinance will be provided.

NOTE:
THE REZONING PLAN IS ILLUSTRATIVE IN NATURE AND IS INTENDED TO DEPICT BUILDING, PARKING AND CIRCULATION RELATIONSHIPS.



Drawing name: N:\2014\14330\CA09\Exhibit\Zoning\Plan043306 Rezoning.dwg Z-3.0 Mar 23, 2015 9:28am by amcquire

Site Development Data:

- Acreage:** ± 3.627 acres
--**Tax Parcel #s:** 083-055-01
--**Existing Zoning:** MUDD-O by Rezoning Petition No. 2008-070
--**Proposed Zoning:** TOD-MO
--**Existing Uses:** Retail and warehouse uses.
--**Proposed Uses:** Residential dwellings units; and non-residential uses as permitted by right, under prescribed conditions and by the Optional provisions below together with accessory uses, as allowed in the TOD-M zoning district (as more specifically described and restricted below in Section 3).
--**Maximum Gross Square feet of Development:** In Development Area A up to 250 residential dwelling units and up to 7,500 square feet of gross floor area of non-residential uses as permitted by right and under prescribed conditions in the TOD-M zoning district subject to the limitations described in Section 3 below. In Development Area B residential and non-residential uses as permitted by right and under prescribed conditions in the TOD-M zoning district.
--**Maximum Building Height:** Within Development Area A, building height will be limited to five (5) stories and 55 & 60 feet as: (i) described below; (ii) allowed by the Optional provisions; and (iii) generally depicted on the Rezoning Plan. Within Development Area A, a maximum building height of 55 feet will be established and measured from proposed grade at the base of the building at the intersection of Yadkin Avenue and E. 26th Street and Yadkin Avenue and E. 27th Street; and a maximum building height of 60 feet will be established and measured from proposed grade at the base of the building at the intersection N. Davidson Street and E. 26th Street (for the purposes of these height limits, parapet walls, roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment, spires, mansards, domes, or other architectural features will not be considered for the calculation of allowed building height).
- Within Development Area B, the maximum allowed building height will be 60 feet as allowed by the Optional provisions below (for the purposes of these height limits, roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment, spires, mansards, domes, or other architectural features will not be considered for the calculation of allowed building height, otherwise building height will be measured as defined by the Ordinance).
--**Parking:** Parking as required by the Ordinance for Development Area A. Parking for Development Area B will comply with the minimum parking requirements of the MUDD zoning district and the maximum parking requirements of the TOD-M zoning district as allowed by the Optional provisions below.

1. General Provisions:

- a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan and other graphics set forth on attached Sheets Z-1 and Z-2 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Southern Apartment Group, LLC, ("Petitioner") to accommodate the development of a residential and non-residential mixed use development on an approximately 3.627 acre site located on the east side N. Davidson Street between E. 27th Street and E. 26th Street (the "Site").
- b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the TOD-MO zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.
- c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:
- i. expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or,
- ii. minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
- iii. modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties but no closer than the "external building line" (in this case the external setbacks) as indicated on Sheet Z-1; or
- iv. modifications to allow minor increases or decreases in the mass of the buildings that do not materially change the design intent depicted on or described in the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

- d. **Number of Buildings Principal and Accessory.** Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site within Development Area A will be limited three (3) and within Development Area B will be limited to three (3). Accessory buildings and structures located on the Site (Development Area A or B) shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building.

2. Optional Provisions.

1. The following optional provisions shall apply to the Development Area A of the Site:

- a. To allow 14 foot setbacks along East 27th Streets and Yadkin Avenues from the existing back of curb as generally depicted on the Rezoning Plan.
- b. To allow a 14 foot setback from: (i) the new back for curb along E. 26th Street, where the curb is relocated to allow recessed on-street; and (ii) from the existing back of curb where recessed on street parking is not provided, all as generally depicted on the Rezoning Plan.
- c. To allow the sidewalk width along East 26th Street, East 27th Street and Yadkin Avenue to be six (6) feet.

- d. To allow the setback along N. Davidson Street to be 16 feet as measured from the existing back of curb as generally depicted on the Rezoning Plan.

- e. To allow the building(s) constructed in Development Area A to have a maximum height of five (5) stories and 55 & 60 feet as: (i) described below; (ii) and generally depicted on the Rezoning Plan. Within Development Area A, a maximum building height of 55 feet will be established and measured from proposed grade at the base of the building at the intersection of Yadkin Avenue and E. 26th Street and Yadkin Avenue and E. 27th Street; and a maximum building height of 60 feet will be established and measured from proposed grade at the base of the building at the intersection N. Davidson Street and E. 26th Street (for the purposes of these height limits, parapet walls, roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment, spires, mansards, domes, or other architectural features will not be considered for the calculation of allowed building height).

- f. To allow the parapet wall(s) constructed as part of the building(s) constructed within Development Area A which screen or may partially screen roof top mechanical equipment to not be counted toward the allowed building height.

- g. To allow the parking structure located along Yadkin Avenue to be constructed; with 50% of its linear street frontage containing street level active accessory uses associated with the allowed residential uses, such as but not limited to a dog wash, bicycle repair station etc., and not with retail, office or residential uses; and to:

- h. To allow 50% of the parking deck located along Yadkin Avenue to be wrapped with only 50% of the street frontage with active accessory uses associated with the allowed residential uses such as but not limited to a dog wash, bicycle repair station, etc., and not with active uses such as residential, office and retail uses.

- hi. To allow the building along East 26th Street and Yadkin Avenue to not provide façade variations that visually separate each individual unit in the proposed building when located across from single-family zoning.

- ij. To allow the portions of the building across from single-family zoning to have more than four units share a common access to the abutting streets.

II. The following Optional Provisions shall apply to Development Area B of the Site:

- a. To allow the existing parking located in Development Area B within the established setback on N. Davidson Street and E. 27th Street to remain until Development Area B is redeveloped.

- b. To allow parking and vehicular maneuvering between the existing building located on Development Area B and N. Davidson Street and E. 27th Street as is generally depicted on the Rezoning Plan. Once the existing building located on Development Area B is demolished and Development Area B is redeveloped, Development Area B will comply with the TOD-M regulations and parking and vehicular maneuvering will not be allowed between the buildings and existing public streets.

- c. To allow uses (existing or new) located within the existing building located in Development Area B to meet the minimum parking requirements of the MUDD Zoning District and the Maximum Parking Requirements of the TOD-M zoning district.

- d. To allow the on-street parking spaces located along the Site's frontage on E. 26th Street and Yadkin Avenue to be counted toward the minimum parking requirements for Development Area B as required by the Optional provisions.

- e. To allow the building(s) constructed in Development Area B to have a maximum height of 60 feet (for the purposes of this height limit, roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment, spires, mansards, domes, or other architectural features will not be considered for the calculation of allowed building height, otherwise building height will be measured as defined by the Ordinance).

- f. To not require screening of the existing parking located within Development Area B, until Development Area B is redeveloped.

- g. To not require the installation of sidewalk connections from the existing building to the abutting streets. Sidewalk connections will be provided when Development Area B is redeveloped.

3. Permitted Uses, Development Area Limitations:

- a. Subject to the restrictions and limitations listed below, Development Area A may be developed with up to 250 residential dwelling units, and up to 7,500 square feet of gross floor area non-residential uses as permitted by right and under prescribed conditions in the TOD-M Zoning district together with accessory uses as allowed in the TOD-M zoning district. In addition within Development Area A, the Petitioner may develop up to 7,500 square feet of gross floor area non-residential uses as allowed in:

- b. The Petitioner will develop the ground floor portion of the building constructed along N. Davidson Street within Development Area A with non-residential uses (e.g. office, retail, institutional, civic, restaurants (EDEE), etc.) as allowed by the TOD-M zoning regulations on the ground floor of the building(s) located along N. Davidson Street may also include the leasing office associated with the allowed residential dwellings units.

- bc. Subject to the restrictions and limitations listed below, Development Area B may be developed with residential and non-residential uses as permitted by right and under prescribed conditions in TOD-M zoning district together with allowed accessory uses as permitted in the TOD-M zoning district.

For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), the term "gross floor area" or "GFA" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas whether on the roof of the building(s) or

at street level (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).

4. Access:

- a. Access to the Site will be from N. Davidson Street, E 27th Street and Yadkin Ave as generally depicted on the Rezoning Plan, subject to adjustments as set forth below. The Petitioner may request additional access point to E. 27th Street, Yadkin Avenue and E. 26th Street through the Administrative Amendment process of the Ordinance.

- b. The alignment of the vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards so long as the street network set forth on the Rezoning Plan is not materially altered.

5. Streetscape, Landscaping Open Space and Screening:

- a. Along N. Davidson Street a 16 foot setback as measured from the existing back of curb along will be provided, as allowed by the Optional provisions.

- b. Along Development Area A's street frontage on E. 26th Street, E. 27th Street and Yadkin Avenue a 14 foot setback as measured from the back of the existing curb or future curb will be provided as allowed by the Optional provisions above.

- c. As part of the redevelopment of Development Area A, the Petitioner will provide the following streetscape improvements along Development Area A's frontage on N. Davidson Street: (i) an eight (8) foot amenity zone with street trees; and (ii) an eight (8) foot Sidewalk as generally depicted on the Rezoning Plan.

- d. The Petitioner will restripe the existing bike lane located along the Site's front on N. Davidson Street to provide parallel on-street parking as recommended by the Blue Line Extension Transit Station Area Plan, if approved by the City during the Urban Approval/Building Permit process for the Development Area A.

- e. As part of the redevelopment of Development Area A, an eight (8) foot planting strip and a six (6) foot sidewalk will be provided along E. 26th Street, E. 27th Street and Yadkin Avenue as generally depicted on the Rezoning Plan and as allowed by the Optional provisions above.

- cf. Along Development Area B's street frontage on N. Davidson Street the Petitioner will provide the following streetscape improvements along Development Area B's frontage on N. Davidson Street: (i) an eight (8) foot planting strip with street trees; and (ii) an eight (8) foot Sidewalk as generally depicted on the Rezoning Plan. These streetscape improvements will be provided when Development Area A is redeveloped or when the existing building in Development Area B is redeveloped whichever occurs first.

- dg. Along Development Area B's frontage on E. 27th Street an eight (8) foot planting strip and a six (6) foot sidewalk will be provided when Development Area A is redeveloped or when the existing building in Development Area B is redeveloped whichever occurs first.

- eh. Urban Open Space will be provided on the Site (Development Area A and B) as required by the Ordinance.

- i. The open space areas on the Site will be improved with landscaping, lighting, seating and hardscape elements.

- fj. Meter banks will be screened where visible from public view at grade level.

- gk. Roof top HVAC and related mechanical equipment will be screened from public view at grade level.

6. Architectural Standards.

- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding (such as hardi-plank), stucco, EIFS, decorative metal panels, decorative block and/or wood. Vinyl as a building material may only be used on windows, soffits, and on handrails/railings

- b. The residential buildings constructed within Development Area A will have pedestrian entrances from the building to each of the adjoining public streets.

- c. The proposed non-residential uses as allowed by the Rezoning Plan are developed located on ground floor of the building constructed along N. Davidson Street, within Development Area A, these non-residential uses will provide pedestrian entrances from N. Davidson Street, will orient a primary entrance to the sidewalk along N. Davidson Street. The entrances to the sidewalk along N. Davidson Street will be open and operable during the business hours of the associated use. This standard will also apply to Development Area B when Development Area B undergoes redevelopment that is subject to the standards of the TOD-M zoning district as described by the Optional Provisions above.

- d. The building constructed along N. Davidson Street, within Development Area A, will provide a Fenestration Area of at least 50% of the area of the building edge along N. Davidson Street. The Fenestration Area is calculated as a percentage of the wall area zone from three (3) feet above finished floor to eight (8) feet above finished floor for the length of the building. This Fenestration Area standard will also apply to Development Area B when Development Area B undergoes redevelopment that is subject to the standards of the TOD-M zoning district as described by the Optional Provisions above.

A fenestration is an opening in the exterior building wall with windows allowing light and views between the interior and exterior and not screened from view. Glazing of windows shall be transparent under all lighting conditions; however, spandrel or colored glass may be used in the area above the height of the door head. The fenestration area shall extend from a height of no more than three (3) feet from the exterior average grade at the base of the building to at least the height of the door head.

- ce. The first floor (street level) of the proposed parking deck structure located along Yadkin Avenue will be treated with a combination of decorative grill work, active ground floor uses (as allowed by the Optional provisions) and art work. The decorative grill work, active ground floor uses and art work will be installed so that the parking deck Street Wall does not have any blank walls that exceed 20 feet in

length.

- f. Art work will be part of the Street Wall treatment of the proposed parking structure located along Yadkin Avenue. The proposed Art work will be installed either: (i) as part of a partnership between the Petitioner and the Art and Science Council; or (ii) by the Petitioner. The Petitioner has discussed and will continue to discuss with the Art and Science Council the possibility of developing a partnership to create and implement the art work that will be installed on the parking deck Street Wall along Yadkin Avenue.

- dg. The upper floors of the proposed parking deck elevation along Yadkin Avenue will have openings to allow air and light into the parking deck and may not be constructed as a solid wall. Cars on all levels of the structure will be screened as required by the Ordinance.

7. Parking and Maneuvering Restrictions.

- a. As allowed by the Optional Provisions above the existing parking and maneuvering for parking located in the setbacks and between the public streets and existing building on Development Area B may remain until such time as Development Area B is redeveloped.

8. Environmental Features:

- a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

- b. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustment may be necessary to accommodate actual storm water treatment requirements and natural discharge points.

- c. The Site will comply with the Tree Ordinance.

9. Signage:

- a. Signage as allowed by the Ordinance may be provided.

10. Lighting:

- a. All new detached and attached lighting shall be full cut-off type lighting fixtures excluding lower, low landscape decorative, specialty, and accent lighting that may be installed along the driveways, sidewalks, open space/amenity areas, and parking areas.

- b. Detached lighting on the Site, except street lights located along public streets, will be limited to 15 feet in height.

11. Amendments to the Rezoning Plan:

- a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

12. Binding Effect of the Rezoning Application:

- a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.



REVISIONS:

- 01/05/2015 - REVISION PER REZONING COMMENTS
03/13/2015 - REVISION PER REZONING COMMENTS
03/23/2015 - REVISION PER REZONING COMMENTS

DATE: OCTOBER 3, 2014
DESIGNED BY: AJM
DRAWN BY: AJM
CHECKED BY: NLD
SCALE: 1"=30'
PROJECT #1014336

SHEET #:

Z-3.0

NoDa 27th
MULTI-FAMILY DEVELOPMENT

DEVELOPMENT NOTES

PETITION NO.

2015-001

LandDesign

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