

**REZONING NOTES**

1. **General Provisions:**

a. These Development Standards form a part of the rezoning plan associated with this MUDD-O SPA petition which includes certain Optional Provisions to accommodate development on approximately 7.81 acres located on Carnegie Boulevard as more particularly shown on the Rezoning Plan (the "Rezoning Plan"). The development of the Site will be governed by the attached site plan and these Development Standards (together with the site plan referred to as the "Rezoning Plan"). Use of the Site as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Zoning Ordinance") shall be subject to the Rezoning Plan (including these Development Standards) establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District (MUDD) Zoning Classification, subject to the Optional Provisions provided below, shall govern development on the Site.

b. Consequently, except as otherwise expressly specified on the Rezoning Plan, the layout of the development, the exact alignments of streets and portions of the site, the numbers, the size, configuration and placements of building(s) and parking areas, and the depictions of such elements on the Rezoning Plan are graphic representations of the proposed development. They may, therefore, be altered or modified subject to the accompanying Development Standards and Section 6.207 of the Ordinance. Parking layouts for surface and structured parking may be modified to accommodate changes to the extent permitted by the Ordinance.

c. Notwithstanding the number of buildings shown on the Rezoning Plan, up to four (4) principal buildings may be constructed on the Site within the building envelope illustrated on the Rezoning Plan. If the number of buildings is increased from the number illustrated on the Rezoning Plan the change will be reviewed by the planning staff.

d. This Rezoning Petition and the Rezoning Plan will supersede and replace all prior rezoning petitions.

2. **Optional Provisions**

a. The Petitioner seeks the optional provision to allow a detached sign with 24 square feet of copy area and up to seven feet high.

b. The Petitioner seeks the optional provision to allow five (5) foot sidewalks along the future public street as well as a reduction of the proposed planting strips to two (2) feet on the eastern side (adjacent to existing Piedmont Town Center) and five (5) feet along the western side (adjacent to the proposed multi-family building).

c. The Petitioner seeks the optional provision to reduce the setback along the future public street to 11 feet.

3. **Permitted Uses:**

a. The Site may be developed with the following uses: up to 350 multi-family dwellings units; and general and medical office uses, retail uses, business service uses, and restaurants; provided that the non-residential uses shall be on the ground floor of the proposed building, along with accessory uses and structures allowed in the MUDD district.

b. If general and medical office uses, retail uses, business service uses and/or restaurants are located on the ground floor of the proposed building these uses must have an individual door to a public street.

4. **Setbacks, Side Yards, and Rear Yards:**

a. The Petitioner will establish a 30 foot landscape setback along Carnegie Boulevard. Balconies will be allowed to encroach up to five (5) feet into the 30 foot landscape setback. This setback will be measured from the existing or future back of curb. A double row of trees will be planted within this 30 foot landscape setback.

b. An 11 foot setback, as allowed by the optional provisions above, will be established along the future public street, this setback will be measured from the back of curb as generally depicted on the Rezoning Plan.

c. A landscape edge will be established along the northwesterly boundary of the Site abutting existing residential development as generally depicted on the Rezoning Plan. This area will include a 1/4" 8' 8" zone measured 100 feet from such property boundary. Within this 100 foot wide 1/4" 8' 8" zone, the following treatment will occur as generally depicted on the Rezoning Plan.

d. The 75 foot zone immediately adjacent to the exterior boundary line will remain undisturbed and shall, at a minimum adhere to the shrub requirements under the Ordinance for a Class C buffer. However, the Petitioner will be able to remove from the 75 foot buffer dead and dying trees as well as invasive vines and ground cover so as to improve the appearance of the 75 foot buffer. Within the 75 foot buffer area a fence as described below will be constructed.

e. No buildings, parking or maneuvering may occur within the interior 25 feet of the 100 buffer zone. However, this area may be used for grading, utilities, retaining walls, a walking trail and storm water facilities.

f. The Petitioner will erect a black vinyl coated chain link fence no closer than 10 feet from the northwesterly property line as generally depicted on the Rezoning Plan. When this fence is erected, any required plantings of shrubs will take place on the exterior side of such fence.

5. **Building Heights:**

a. Building height will not exceed 100 feet as defined by the Ordinance.

6. **Unified Development:**

a. The Site shall be viewed as a unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan and as to current and future improvements located within adjacent parcels known as Tax Parcels #177-06C-97 and 177-06C-98. As such, side and rear yards, setbacks, and other similar zoning standards will not be required internally between improvements located on the Site and Tax Parcels #177-06C-97 and 177-06C-98. Furthermore, the Petitioner reserves the right to subdivide the Site and create lots within the interior of the development of the Site without regard to any such internal separation standards, provided, however, all such yards and separation standards along the exterior boundary of the Site shall be adhered to.

7. **Parking/Internal Vehicular Circulation:**

a. Off street parking spaces will be provided at the following ratios for the Site:

(i) Residential uses: 1.5 spaces per unit.

(ii) Professional business and general and medical office uses: one space per 300 square feet;

(iii) Retail uses (non-restaurant): one space per 600 feet;

(iv) Restaurant uses: one space per 125 square feet; and

(v) Other non-residential uses: one space per 600 square feet.

b. Required parking may be provided on the parcel created for the proposed use or by a reciprocal parking easement allowing parking that serves the use on such parcel on abutting properties, including without limitation, Tax Parcels #177-06C-96, 97 and Tax Parcel 177-06C-98 to the southeast of the Site.

8. **Access Points: Future Public Street & Circulation:**

a. Access to the Site will be from Carnegie Boulevard and from a future public street as generally depicted on the Rezoning Plan.

b. The right-of-way illustrated on the Rezoning plan for the future public street will be dedicated to the City when requested. This right-of-way will be used by the City for the construction of a public street that will link Carnegie Blvd. to Fairview Road.

c. The alignment of the future public street, the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns and parking layout.

d. Petitioner is working with Piedmont Town Center property owner to secure the rights to use the portion its property for access as illustrated on the Rezoning Plan.

9. **Internal Sidewalk:**

a. Sidewalks that link the building(s) to Carnegie Boulevard shall be provided. Such sidewalks shall be five (5) feet in width.

10. **Stormwater:**

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance in effect at the time of approval of this Petition.

b. In addition, the Petitioner shall control the difference between the pre and post development storm water runoff discharge leaving the Project Site for the 50-year, 6-hour storm (Project Site means the area indicated on the approved conditional for rezoning petition no. 2004-142).

11. **Lighting:**

a. All new lighting shall be full cut-off type lighting fixtures with the exception of lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site will be limited to 25 feet in height.

c. No "wall pak" lighting will be allowed, however architectural lighting on building facades, such as scones, will be permitted.

d. Pedestrian scale lighting will be installed on the Site along interior streets and streets that border the Site.

e. If a trail is constructed along the top of the water quality/storm water detention pond it may be illuminated with low path lighting.

12. **Signage:**

a. All wall signs placed on the building will be erected in accordance with the requirements of the MUDD district.

b. A detached sign as specified in the Optional Provisions may be constructed.

13. **Screening and Tree Ordinance:**

a. A double row of trees will be planted within the 30 foot setback along Carnegie Boulevard.

b. All roof mounted mechanical equipment will be screened from view from adjoining public streets and abutting properties as viewed from grade.

c. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the building. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.

d. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

14. **Architectural Controls:**

a. All sides of all buildings will be built using four sided architecture. Vinyl siding will not be allowed.

b. The height of the parking structure will not exceed the height of the residential portions of the building, except that elevator mechanical rooms and stair towers associated with the parking structure may exceed the height of the residential portions of the building. The portion of the parking structure that faces Carnegie Boulevard will be wrapped with units and/or an enclosed corridor.

c. The attached illustrative building elevation is included to reflect an architectural style and a quality of the building that may be constructed on the Site (the actual building constructed on the Site may vary from this illustration).

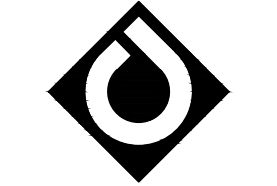
d. Meter banks will be hidden from public view.

15. **Amendments to the Rezoning Plan:**

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

16. **Blinding Effect of the Rezoning Application:**

If this Rezoning Petition is approved, all conditions applicable to the 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 the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



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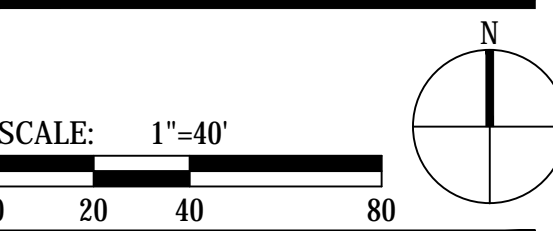
**REZONING PLAN  
Petition #: 2011-009**

Project No.  
4031

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11/22/10

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11/21/11 - ADDRESS CITY COMMENTS



**RZ1.0 of 1**

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**FOR PUBLIC HEARING  
PETITION #2011-009**

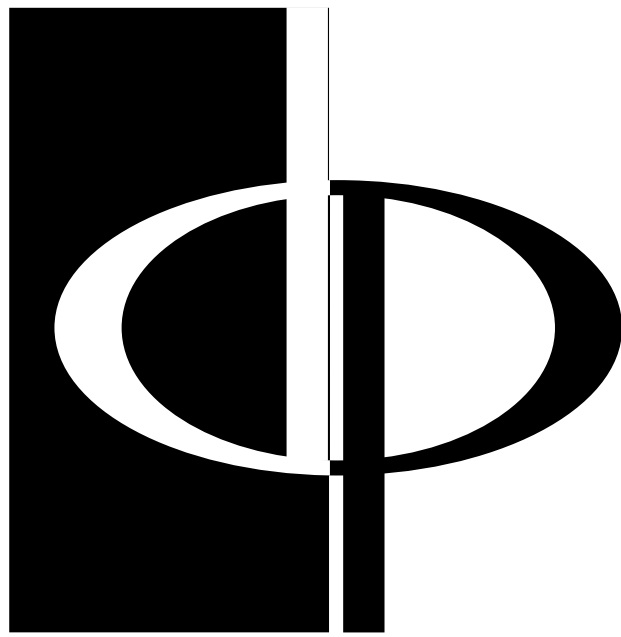




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EXTERIOR PERSPECTIVE

THIS ILLUSTRATIVE BUILDING ELEVATION REFLECTS AN ARCHITECTURAL STYLE AND A QUALITY OF THE BUILDING THAT MAY BE CONSTRUCTED ON THE SITE (THE ACTUAL BUILDING CONSTRUCTED ON THE SITE MAY VARY FROM THIS ILLUSTRATION).



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