

DEVELOPMENT STANDARDS

April 22, 2019

1. GENERAL PROVISIONS

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by VLE Partners, LLC for an approximately 2.7982 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 Site is comprised of Tax Parcel No. 095-061-30. The purposes of this rezoning request include to accommodate the development of certain non-residential uses allowed in the MUDD zoning district on the Site and to maintain the existing Estate Building and the existing Orangerie Building on the Site.
- B. The development and use 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 and use 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. The existing Estate Building depicted on the Rezoning Plan shall be maintained on the Site and may be devoted to the uses permitted under the Rezoning Plan. The existing Orangerie Building depicted on the Rezoning Plan shall also be maintained on the Site.
- E. Two new buildings may be constructed on the Site, and any new building shall be located in Building Envelope A or in Building Envelope B depicted on the Rezoning Plan.
- F. 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.
- G. The Site is located in the Plaza-Midwood Historic District and the Site and the Estate Building have been designated as an historic landmark by the Charlotte City Council.
- H. 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.

2. OPTIONAL PROVISIONS

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

- A. Parking, vehicular circulation and vehicular maneuvering space may be located between the buildings and structures located on the Site and the required setbacks from all adjacent public streets as depicted on the Rezoning Plan.
- B. The existing sidewalks, planting strips and streetscape located along the Site's public street frontages shall remain in place.
- C. 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.
- D. Valet parking service area(s) may be located between the buildings and structures located on the Site and the adjacent public streets.

3. PERMITTED USES/DEVELOPMENT LIMITATIONS

- A. Subject to the limitations set out below, the Site may be devoted to any use or uses allowed by right or under prescribed conditions in the MUDD zoning district (including any combination of such uses), together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the MUDD zoning district.

- B. Notwithstanding the terms of paragraph A above, the following uses shall be prohibited on the Site:

- (1) Dormitories.
- (2) Civic, social service and fraternal facilities.
- (3) Country and swim clubs.
- (4) Elementary and secondary schools.
- (5) Theaters, motion picture.
- (6) Breweries.
- (7) Outdoor fresh produce stands.
- (8) Veterinary clinics.
- (9) Laboratories, applied and basic research within an enclosed building.
- (10) Orphanages, children's homes and similar non-profits.
- (11) Police and fire stations.
- (12) Post offices.
- (13) Stadiums, coliseums.
- (14) Adult establishments.
- (15) Automotive service stations, including minor adjustments, repairs, lubrication and accessory car washes.
- (16) Dry cleaning and laundry establishments, up to 4,500 square feet.
- (17) Equipment rental and leasing, within an enclosed building.
- (18) Showrooms, up to 70,000 square feet.
- (19) Accessory shelters.
- (20) Bus passenger stations.
- (21) Bust stop shelters.
- (22) Donation drop-off facility.
- (23) Electric and gas substations.
- (24) Homeless shelter.
- (25) Parking decks, structured.
- (26) Crematory.

- C. A maximum of three principal buildings (which includes the Estate Building) may be located on the Site. Accessory structures, such as the Orangerie Building, may also be located on the Site.
- D. The maximum size of any building located in Building Envelope A shall be 18,000 square feet of gross floor area.
- E. The maximum size of any building located in Building Envelope B shall be 5,000 square feet of gross floor area.
- F. The Estate Building currently contains 6,634 square feet of rentable space. The rentable space in the Estate Building may be increased to a maximum of 8,000 square feet of rentable space.
- G. All amplified outdoor music on the Site must end by 10:30 PM on weekdays and 11:00 PM on weekends.
- H. 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 southern and eastern boundary lines of the Site. 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 except in the case of an emergency.

- I. With the exception of one event per calendar year, the maximum number of guests or attendees at a single event held in the Estate Building, the Orangerie or on the grounds of the Site shall be 325. Staff shall not be counted towards the maximum number of guests or attendees.

- J. Drive-in and drive-through windows are prohibited on the Site.

4. 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 ("CDOT").

- B. The alignments of the internal driveways and the vehicular circulation areas may be modified by Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with applicable published standards.

5. ARCHITECTURAL AND DESIGN STANDARDS

- A. The maximum height of any building constructed in Building Envelope A shall be 40 feet as measured under the Ordinance.
- B. The maximum height of any building constructed in Building Envelope B shall be 40 feet as measured under the Ordinance.
- C. The exterior design and building materials of any building constructed in Building Envelope A or in Building Envelope B and any addition to the Estate Building are subject to the review and approval of the Charlotte-Mecklenburg Historic Landmarks Commission and the Charlotte Historic District Commission, and a certificate of appropriateness must be issued by the Charlotte-Mecklenburg Historic Landmarks Commission and the Charlotte Historic District Commission prior to the issuance of building permits or other approvals authorizing the construction of these improvements.

6. SETBACK AND YARDS/STREETSCAPE/SCREENING

- A. The existing sidewalks, planting strips and streetscape located along the Site's public street frontages shall remain in place.

7. ENVIRONMENTAL FEATURES

- A. Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance.

8. 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 and landscaping lighting) 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, excluding street lights.
- C. Any new lighting fixtures attached to the structures on the Site shall be decorative, capped and downwardly directed.

9. 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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**DEVELOPMENT
STANDARDS**

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