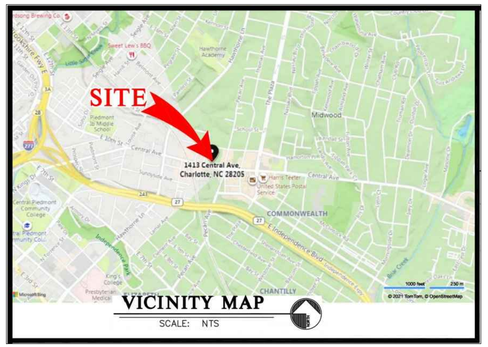

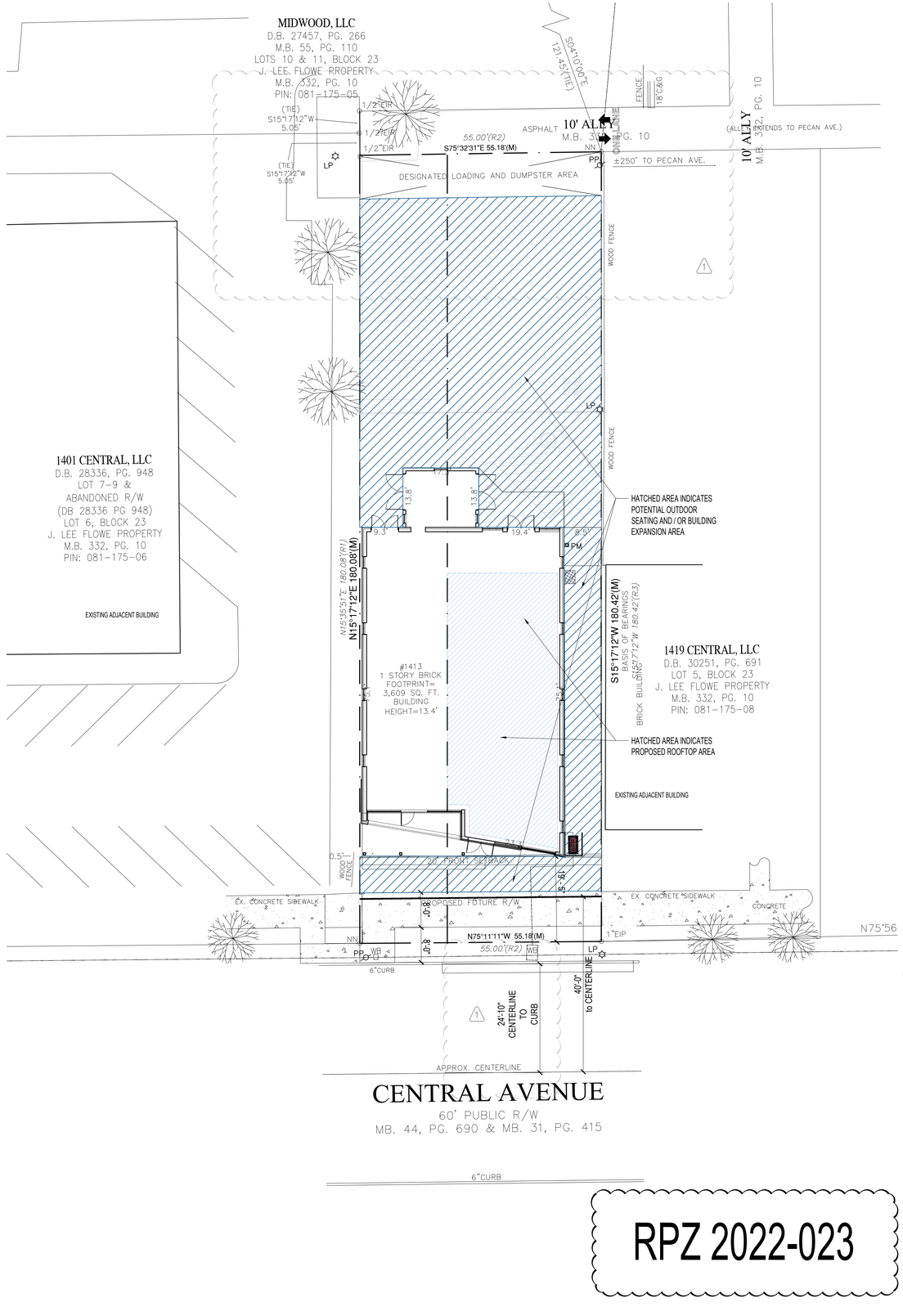

Revisions

#	Description	Date
1	CHANGES PER REVIEW COMMENS	08/12/2022
2	SECOND REVISION	09/27/2022

SHEET RZ-1

1. RZP 2022-023 DEVELOPMENT TABLE :

a. PROPOSED ZONING: MUDD-O PED-O
b. CURRENT ZONING: B-2 PED
c. PROPOSED USE: NON-RESIDENTIAL USES AS ALLOWED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT AND EXCLUDING THE PROHIBITED USES LISTED IN
d. THE DEVELOPMENT NOTES.
e. PROPOSED BUILDING AND OUTDOOR AREA: NOT TO EXCEED 10,000 SF
f. PARKING REQUIRED: NONE

2. DEVELOPMENT CONDITIONS / GENERAL PROVISIONS:

a. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY KINDREDFRUIT PROPERTIES LLC ("PETITIONER") TO
b. ACCOMMODATE THE ADAPTIVE REUSE OF THE EXISTING BUILDING ON AN APPROXIMATE 0.224 ACRE SITE LOCATED AT 1413 CENTRAL AVENUE. (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL 08117507.
c. 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").
d. UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS OR OPTIONAL PROVISIONS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MIXED USE DEVELOPMENT DISTRICT (MUDD) ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE. THROUGHOUT THIS REZONING PETITION, THE TERMS "OWNER" AND "PETITIONER" SHALL, WITH RESPECT TO THE SITE, BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNEES OF THE OWNER OR OWNERS OF THE SITE WHO MAY BE INVOLVED IN ITS DEVELOPMENT FROM TIME TO TIME.
e. 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 CHANGES THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.
f. THIS REZONING PLAN ILLUSTRATES SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, ACCESS DRIVEWAYS, OPEN SPACE, STREETSCAPE 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 MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ZONING ORDINANCE. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

3. OPTIONAL PROVISIONS :

a. THE EXISTING BUILDING SHALL REMAIN, AND MAY BE RENOVATED, IMPROVED, EXPANDED AND REPLACED IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN, AND WITHOUT LIMITATION MAY INCLUDE THE UPWARD EXPANSION OF THE BUILDING TO INCLUDE ADDITIONAL STORIES AND/OR ROOFTOP PATIO TYPE USE. THE DESTRUCTION OR SUBSTANTIAL IMPAIRMENT OF THE BUILDING ALONE SHALL NOT REQUIRE REZONING AND THE BUILDING MAY REPLACED IN A MATERIALLY SIMILAR FORM IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN. IN THE EVENT THE BUILDING IS PERMANENTLY REMOVED FOR REDEVELOPMENT THEN THE PARCEL SHALL BE REZONED.
b. THE PARKING REQUIREMENTS OF THE ZONING ORDINANCE SHALL BE REDUCED TO ZERO, AND NO PARKING SHALL BE REQUIRED FOR USE OF THE EXISTING BUILDING, BUILDING EXPANSION AND OUTDOOR PATIO AREA.
c. TO FACILITATE THE RETENTION OF THE EXISTING BUILDING, THE PETITIONER MAY ELECT TO PRESERVE OR REMOVE THE EXISTING NON-COMPLIANT PARKING IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN WITHOUT REQUIREMENT TO MODIFY OR BRING THE EXISTING SPACES INTO COMPLIANCE.
d. IN ORDER TO FACILITATE THE REHABILITATION AND USE OF THE EXISTING BUILDING, THE BUILDING AND OUTDOOR AREAS MAY BE USED, RENOVATED, IMPROVED AND EXPANDED INTO THE AREAS GENERALLY MARKED ON THE REZONING PLAN AS "POTENTIAL OUTDOOR SEATING AND/OR BUILDING EXPANSION AREAS." THIS IS IN ADDITION TO THE POTENTIAL UPWARD EXPANSION OF THE BUILDING.
e. TO ALLOW THE CHANGE OF USE OF THE PROPERTY AND/OR ADDITION OF OUTDOOR DINING AREAS, INCLUDING ROOF TOP DINING AREAS WITHOUT REQUIRING ANY ADDITIONAL PARKING TO BE PROVIDED.

4. PERMITTED USES :

a. SUBJECT TO THE LIMITATIONS SET OUT BELOW, THE SITE MAY BE DEVOTED TO ANY NON-RESIDENTIAL USE OR USES ALLOWED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT, TOGETHER WITH AN INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT.
b. THE SITE MAY CONTAIN AND BE DEVELOPED WITH: UP TO 10,000 SQUARE FEET TOTAL OF NON-RESIDENTIAL USES AS ALLOWABLE WITHIN THE MUDD DISTRICT. THIS LIMITATION SHALL SERVE AS A TOTAL ALLOWABLE USE OF THE PARCEL WHETHER THE USE IS EXPANDED BY BUILDING EXPANSION OR PERMANENT OUTDOOR USE.
c. A MAXIMUM HEIGHT OF FORTY FEET (40') SHALL BE PERMISSIBLE AND SHALL BE MEASURED AS DEFINED WITHIN THE ZONING ORDINANCE.
d. THE FOLLOWING USES SHALL BE PROHIBITED: ADULT ESTABLISHMENTS, SELF-STORAGE, DRIVE -THROUGH WINDOWS (EXCLUDING WALK-UP WINDOWS), AND GAS STATIONS.

5. TRANSPORTATION :

a. THE FINAL PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS SHOWN ON THE REZONING PLAN ARE SUBJECT TO MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED BY CDOT FOR FINAL APPROVAL.
b. PARKING SHALL NOT BE REQUIRED BUT PETITIONER MAY RETAIN EXISTING PARKING AS SET FORTH IN THE OPTIONAL PROVISIONS.
c. ALL PUBLIC RELATED TRANSPORTATION IMPROVEMENTS SHALL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.

6. ARCHITECTURAL:

a. AREAS MARKED AS OUTDOOR SEATING AREA MAY BE UTILIZED FOR OUTDOOR AMENITIES, SUCH AS ENTERTAINMENT AND SERVICE AREAS ASSOCIATED WITH EATING DRINKING AND ENTERTAINMENT USES AND/OR BUILDING EXPANSION AS GENERALLY SHOWN ON THE SITE PLAN.
b. PETITIONER MAY INCREASE THE SIZE OF THE EXISTING BUILDING, ADD ADDITIONAL FLOORS OR SQUARE FOOTAGE TO THE BUILDING, SUBJECT TO ORDINANCE REQUIREMENTS AND THE RESTRICTIONS OF THIS REZONING PLAN.
c. IN THE EVENT PETITIONER INSTALLS A ROOF TOP PATIO, THEN PETITIONER SHALL INCLUDE A SCREENING WALL OF AT LEAST 8'-0" IN HEIGHT ALONG THE NORTHERN LINEAR BOUNDARY OF THE OCCUPIED ROOF DECK.
d. RENOVATIONS OR ADDITIONS SHALL NOT INCREASE THE EXISTING DEGREE OF NONCONFORMITY

7. STREETSCAPE, SCREENING AND LANDSCAPING:

a. THE SIDEWALK ON CENTRAL AVENUE SHALL BE IMPROVED AS GENERALLY DEPICTED ON THE REZONING PLAN AND SHALL INCLUDE AN 8 FT PLANTING STRIP AND 8 FT SIDEWALK AS GENERALLY SHOWN ON THE SITE PLAN.
b. PETITIONER SHALL PROVIDE A SIDEWALK EASEMENT SET AT TWO FEET BEHIND BACK OF SIDEWALK WHERE FEASIBLE, PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.
c. STREETSCAPE IMPROVEMENTS SHALL COMPLY WITH THE APPROVED LAND DEVELOPMENT PLANS LDUPED-2021-00062.

8. ENVIRONMENTAL FEATURES:

a. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.
b. SITE WILL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.

9. LIGHTING:

a. ALL NEW LIGHTING SHALL BE FULL CUT-OFF TYPE FIXTURES; EXCLUDING, LOWER DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE INTERNAL DRIVE AISLES, SIDEWALK, COURTYARDS, AND LANDSCAPE ACCENT LIGHTING.
b. DECORATIVE PATIO AND PEDESTRIAN SCALED LIGHTS MAY BE PROVIDED WITHIN THE SITE.

10. **AMENDMENTS TO 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 OF CHAPTER 6 OF THE ORDINANCE.

11. BINDING EFFECT OF THE REZONING:

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 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.

RPZ 2022-023

1413 CENTRAL AVENUE- RZ PLAN

CHARLOTTE, North Carolina
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