

DEVELOPMENT STANDARDS

1. General Provisions.
 - 1.1 Unless more stringent standards are established by the Technical Data Sheet or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the Mixed Use Development District (Optional) ("MUDD-O") classification shall be followed in connection with the use and development of the Site.
 - 1.2 The Technical Data Sheet indicates conditions governing the development rights of this plan such as the total amount of building square footage, points of access, setbacks and yards, etc.
2. Permitted Uses.

The Site may be devoted to any use (including any accessory use) which is permitted by right or under prescribed conditions in the MUDD-O zoning district that is set out below:

Uses Permitted By Right

 - Barber and beauty shops;
 - Buildings for dramatic, musical, or cultural activities;
 - Dwellings, detached, duplex, triplex, quadraplex, attached, multi-family and mixed use buildings;
 - Health institutions, including clinics and similar uses;
 - Institutional uses such as churches, synagogues, parish houses, Sunday school buildings, convents, community recreation centers, libraries, museums, theaters, and art galleries;
 - Laboratories, dental, medical and optical;
 - Laboratories within an enclosed building for applied and basic research;
 - Outside, open market on private property, for the selling of fresh food, and plants, but shall be subject to all applicable State laws and regulations. Such an open air, fresh food market need not comply with the development standards of Section 9.906 nor the parking standards of Section 9.907;
 - Post offices;
 - Professional business and general offices such as banks, clinics, medical, dental and doctors' offices, veterinary clinics, government, post offices, opticians' offices, and similar uses;
 - Restaurants, including open air or sidewalk cafes;
 - Retail sales limited to uses permitted in the B-1 district;
 - Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potter, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry;
 - Temporary buildings and storage of materials subject to the provisions of Section 9.8502 of the Ordinance; and
 - Theaters, motion pictures.

Uses Permitted Under Prescribed Conditions

 - Bed and breakfasts, maximum of 8 guest rooms;
 - Boarding houses, maximum of 8 boarders in no more than 4 bedrooms;
 - Day care centers; and
 - Entertainment establishments such as lounges, nightclubs, bars, taverns and cabarets, provided they are located at least 100 feet from any residential structure located in a residential district.
3. Roadway Improvements/Sidewalks.
 - 3.1 Subject to the approval of the Charlotte Department of Transportation, Petitioner shall construct and install on street parking spaces on Pecan Avenue immediately adjacent to the Site as more particularly depicted on the Technical Data Sheet, and curb and gutter on Pecan Avenue in the location depicted on the Technical Data Sheet.
 - 3.2 Petitioner shall install a 6 foot sidewalk and an 8 foot planting strip on the western edge of the Site along Pecan Avenue in the location set out on the Technical Data Sheet.
 - 3.3 Petitioner shall install a 10 foot sidewalk with no planting strip on the western edge of the Site along Pecan Avenue in the location set out on the Technical Data Sheet.
4. Side Yards and Rear Yards.

All buildings and structures located on the Site shall satisfy or exceed the rear yard and side yard requirements established under the Ordinance for the MUDD-O zoning district as shown on this Technical Data Sheet.
5. Screening and Landscaping.
 - 5.1 Screening will conform to the applicable standards of Section 12.303 of the Ordinance.
 - 5.2 Landscaping shall meet or exceed the requirements of the Ordinance and the City of Charlotte Tree Ordinance.
 - 5.3 Petitioner shall install the following plants and shrubs in the landscaped area designated on the Technical Data Sheet:
 - 5.3.1 Large Maturing Trees: White Oak or Southern Red Oak
 - 5.3.2 Shrubs: Wax Myrtle and Indian Azalea
6. Parking.
 - 6.1 Minimum Number of Parking Spaces Required: 6
Number of Parking Spaces Provided: 16
 - 6.2 The minimum parking requirements of the MUDD-O zoning district will be satisfied by the on street parking spaces located immediately adjacent to the Site on Pecan Avenue and Gordon Street as depicted on the Technical Data Sheet pursuant to Section 9.8507(d) of the Ordinance.
 - 6.3 Notwithstanding the foregoing, in the event that the Site is utilized by a bar, nightclub or restaurant, Petitioner shall maintain a parking ratio of 1 parking space per 125 square feet of usable building space by securing the use of 14 parking spaces located on adjacent or nearby parcels through a shared parking arrangement. The use of these 14 parking spaces will be guaranteed by legally binding written agreements between Petitioner, its successors or assigns, and the owner or owners of the parcels on which these 14 parking spaces are located.
7. Lighting.
 - 7.1 All direct lighting within the Site shall be designed such that direct illumination does not extend past any property line.
 - 7.2 Wall pack type lighting shall be prohibited.
8. Signs.

All signs placed on the Site will be erected in accordance with the requirements of the Ordinance.
9. Variation from MUDD Development Standards.

The Petitioner is requesting the following variation from the MUDD minimum standards for development as part of this MUDD (Optional) application:

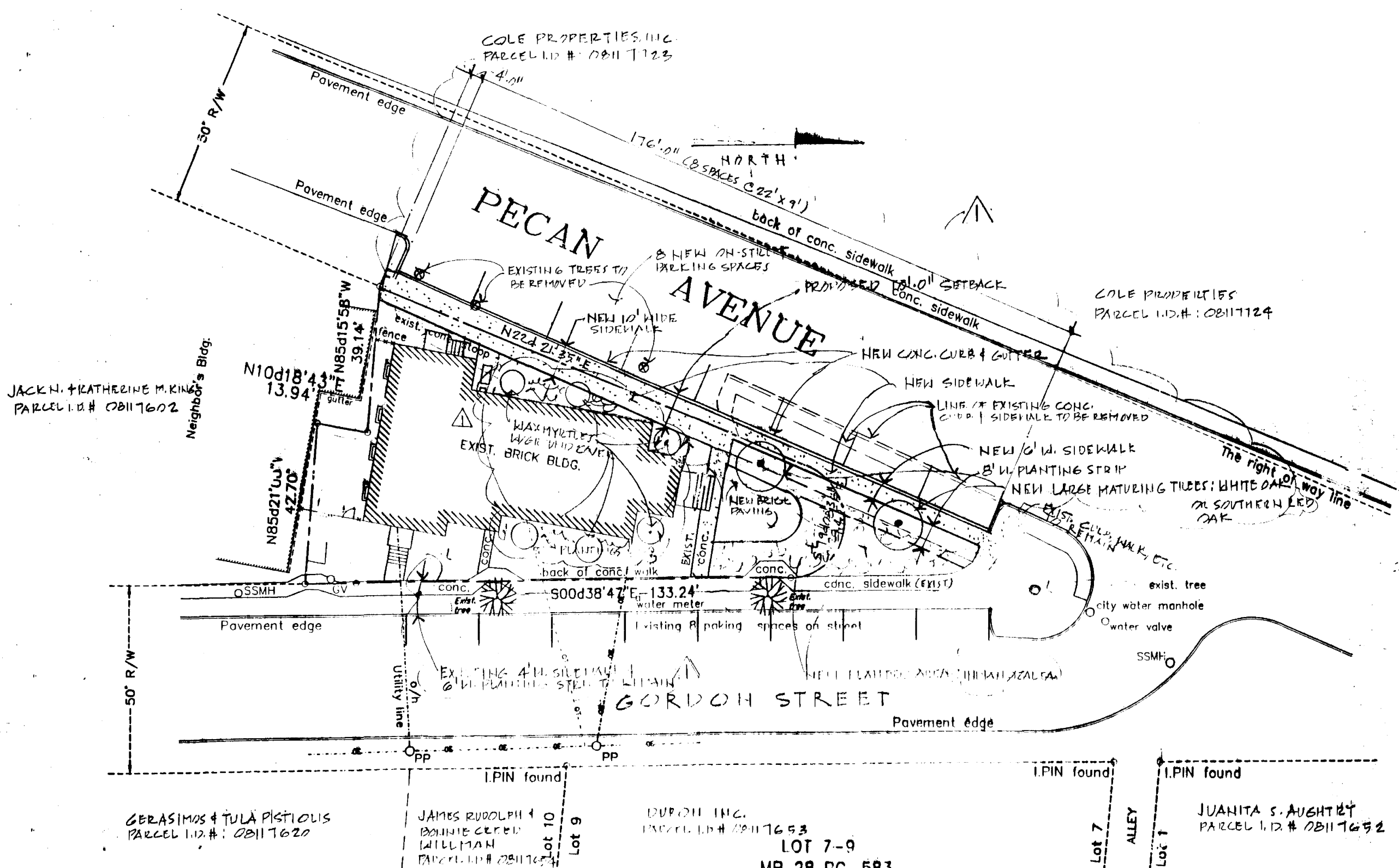
Minimum Setback: 10 feet as set out on the Technical Data Sheet.
10. Amendments to Rezoning Plan.

Future amendments to the Technical Data Sheet and these Development Standards may be applied for by the then owner or owners of the Site in accordance with Section 6 of the Ordinance.
11. Binding Effect of the Rezoning Application.
 - 11.1 If the Petitioner's Rezoning Petition is approved, the development program established under these Development Standards and the Technical Data Sheet shall, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the owners (from time to time) of the Site and their respective heirs, devisees, personal representatives, successors in interest and assigns.
 - 11.2 Throughout this Rezoning Petition, the terms "Petitioner," "Owner" or "Owners," shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the owner of the Site.

Addendum to Note 2:

The Site may be devoted to the following Accessory Uses:

- Accessory uses and structures, clearly incidental and related to the permitted principal use or structure.
- Dumpsters, trash handling areas and service entrances, subject to the regulations of 12.403.



SITE PLAN
1" = 20' 0"

FOR PUBLIC HEARING
PETITION NUMBER: 2002-25

PROJECT DATA

PETITIONER: RUSS-MAR PROPERTIES, LLC
1506-A CENTRAL AVENUE
CHARLOTTE, NC 28205
704-372-1116

TAX PARCEL #: 08117601

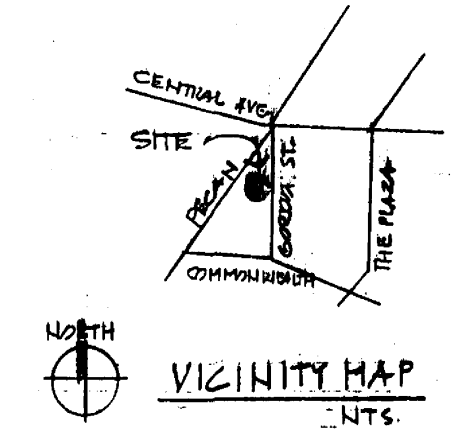
CURRENT ZONING: B-2

PROPOSED ZONING: MUDD-O

PROPERTY AREA: 7,370 S.F.

BUILDING AREA: 3,868 S.F. +/-

NOTE: SITE INFORMATION TAKEN FROM A SURVEY BY ANDREW G. ZOLTE WELLS. DATE: 8.27.01.



APPROVED BY CITY COUNCIL
DATE 4/15/02



- 12-21-01
- 02-14-02
- 04-15-02

W. STANLEY RUSSELL ARCHITECT

1506-A CENTRAL AVE
CHARLOTTE, NC 28205
TEL 704.372.1116
FAX 704.372.1428

ALTERATIONS TO
1212 PECAN AVENUE
RUSS-MAR PROPERTIES
CHARLOTTE, NC