

VICINITY MAP

Site Development Data:	
Tax Parcel ID:	083-122-06
Parcel Acreage:	±0.19 AC
Proposed Zoning:	MUDD-O (O)
Current Zoning:	R-5
Proposed Use:	Non-Residential uses as allowed by right or under prescribed conditions in the MUDD Zoning District
Proposed Building Area:	Not to exceed 3,000 SF
Parking Required:	None



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Local Lead  
Adam Spears

2017 E 5th St  
Charlotte, NC 28204

# 800 E 35th Street

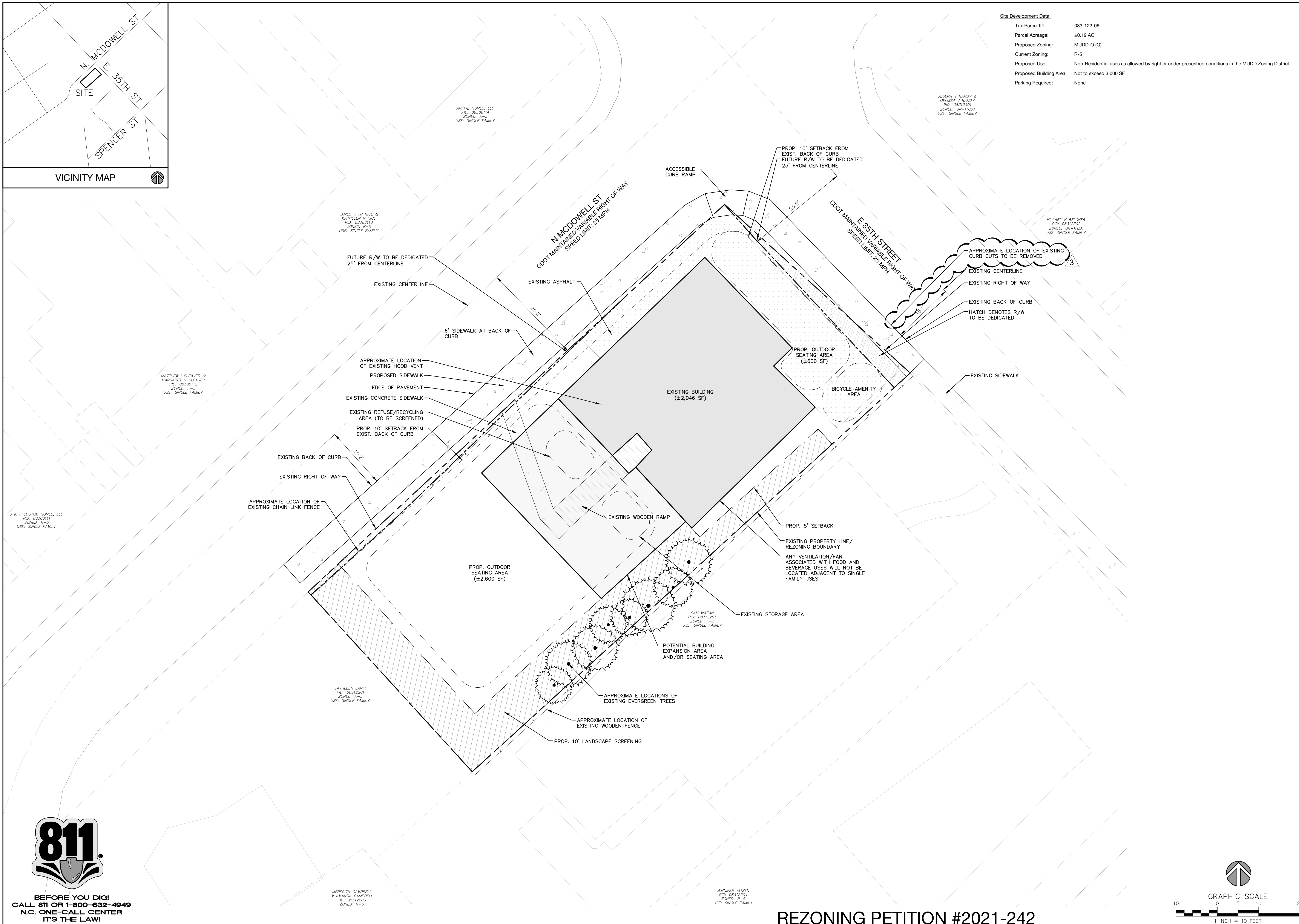
## Rezoning Site Plan

800 E 35th St, Charlotte, NC 28205

NO. DATE: BY: REVISIONS:

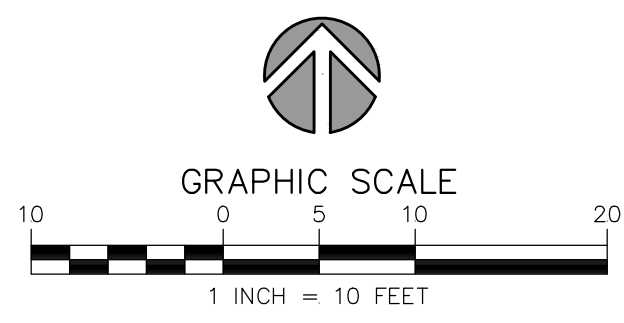
Project No: 21-CLT-117  
Date: 09.10.2021  
Designed By: UDP  
Checked By: UDP  
Sheet No:

# RZ-1.0



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### REZONING PETITION #2021-242



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Current Zoning: R-5
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General Provisions:

- 1. These development standards form a part of the rezoning plan associated with the rezoning petition filed by Robert D Dovsky LLC ("petitioner") to accommodate the adaptive reuse of the existing building on an approximate 0.19 acre site located at the southwest corner of the intersection of E. 35th St and N. McDowell St. (the "site"). The site is comprised of tax parcel 08312206.
2. 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 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.
3. 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.
4. 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.
5. 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.

Optional Provisions

- 1. The existing building shall remain, and may be renovated, improved, expanded and replaced in the manner generally depicted on the rezoning plan. The destruction or substantial impairment of the building alone shall not require rezoning and the building may be 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.
2. 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.
3. To facilitate the retention of the existing building, the petitioner may preserve or remove the existing non-compliant parking in the manner generally depicted on the rezoning plan.
4. Petitioner shall not be required to meet the parking screening requirements of 12.303 and all other parking screening requirements for the existing parking as generally shown on the site plan.
5. In order to facilitate the rehabilitation and use of the existing building, the building and outdoor areas may be renovated, improved and expanded into the areas generally marked on the site plan as "Outdoor Seating Area" on the rezoning plan.
6. The existing sidewalks on E. 35th St shall remain and be maintained and petitioner shall not be required to include planting strips or modify the existing curbs.
7. No sidewalk or planting strip shall be required on N. McDowell St.
8. The existing building is exempt from the MUDD setback requirements only to the extent necessary to allow the retention of the existing building and to allow reasonable minor changes required for repairs to the building and its fixtures, however, new building shall comply with the applicable setbacks as set forth in the ordinance.
9. In order to facilitate the retention of the existing building the petitioner shall have a setback of 10ft from the back of the existing curbs on both 35th St. and N. McDowell St.

Permitted Uses

- 1. The site may be devoted to the following uses as permitted by right or under prescribed conditions in the MUDD zoning district together with any incidental or accessory uses associated therewith:
a. EDEE type I and EDEE type II;
b. Office;
c. Professional business and general office;
d. Retail sales as allowed in the b-1 district;
e. Single family residential;
f. Buildings for dramatic musical or cultural activities;
g. Outdoor produce markets;
h. Services such as beauty shops and barber shops;
i. Artist studios and/or galleries;
j. Bicycle services;
k. Bicycle sharing stations;
l. Small-scale class learning businesses;
m. Food establishments; and
n. Ymcas, buildings for social, fraternal, social service, union and civic organizations, and comparable organizations.
2. Restriction on use:
a. The site uses shall be subject to the following limitations
b. The total area of combined indoor and outdoor use shall be limited to a maximum of 6,000 square feet of allowable uses.
c. A maximum height of forty feet (40') shall be permissible and shall be measured as defined within the zoning ordinance.
d. Outdoor uses shall be restricted to the hours of 7:00 am to 10:00 pm.
e. Outdoor music and entertainment shall be limited to the hours of
1. Sunday through Thursday: 8:00 am - 8:30 pm and
2. Friday and Saturday 8:00 am - 9:30 pm.
3. Live amplified outdoor performances shall be further limited to the hours of 12:00 pm (noon) until 8:30 pm and shall only be allowed on Friday - Sunday and weekdays that are designated as federal or state holidays.
f. If onsite alcohol consumption is provided, then the use must also include food service.

Transportation

- 1. 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.
2. Parking shall not be required but petitioner may retain existing parking as set forth in the optional provisions.
3. All public related transportation improvements shall be approved and constructed at the time that the building or site is permitted for an expansion of greater than 25% of the building area and shall be completed before the issuance of a certificate of occupancy for the expansion project. The transportation improvements will not be triggered by minor permits or permitting necessary to repair or replace the building or premises, nor shall it be required by expansion of outdoor seating areas.
4. When required per these conditional notes, petitioner shall:
a. Provide a 6 ft wide sidewalk on the back of the curb on E. 35th St. as generally shown on the site plan when required by expansion of the building by more than 25% as set forth above.
b. Provide a 6 ft wide sidewalk on the back of the curb on N. McDowell St. As generally shown on the site plan when required by expansion of the building by more than 25% as set forth above.
5. In order to preserve the existing building, the area between the building and sidewalk on N. McDowell shall not be required to have a planting strip, however this area shall not be exempt from perimeter tree calculations.
6. In order to preserve the existing mature oak tree on the adjacent residential lot and provide for bicycle parking area, the area indicated as bicycle amenity area shall not be required to have a planting strip or landscape screening, however this area shall not be exempt from perimeter tree calculations.
7. Petitioner shall construct an ADA compliant corner ramp and connect to the existing sidewalk as generally shown on the site plan.
8. Petitioner shall provide a sidewalk utility easement set at two feet behind back of sidewalk where feasible, and shall update the sidewalk utility easement upon additional sidewalk completion.
9. Petitioner shall remove the non-compliant curb cuts on 35th St.
10. The existing curbline is to remain on 35th St and N. McDowell St, with the exception of changes to the corner necessary for installation of an ADA compliant corner ramp.

Architectural

- 1. 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.
2. 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.
3. Building updates and expansions will not increase the existing degree of non-conformity.
4. Any additional or replacement hood vents shall remain in the same quadrant of the building as the existing hood vent.

Streetscape, Screening and Landscaping

- 1. The existing sidewalks may remain until the building is expanded by more than 25%.
2. The site shall comply with section 12.403 of the zoning ordinance, trash and recycling service areas shall be screened from public view as required by the ordinance.
3. The site shall comply with the Charlotte Tree Ordinance.

Environmental Features

- 1. The site shall comply with the Charlotte city council approved and adopted post construction controls ordinance.

Lighting

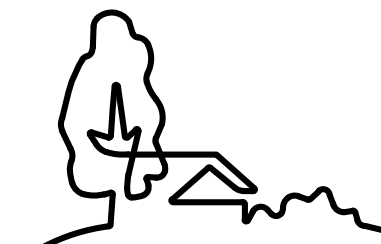
- 1. All new lighting shall be full cut-off type fixtures; excluding, lower decorative lighting that may be installed along the internal drive aisles, sidewalk, courtyards, and landscape accent lighting.
2. Decorative patio and pedestrian scaled lights may be provided within the site.

Amendments to Rezoning Plan:

- 1. 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.

Binding Effect of the Rezoning

- 1. 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.



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Development Notes & Standards

800 E 35th St, Charlotte, NC 28205

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