

- I. DEVELOPMENT TABLE:  
 I. PROPOSED ZONING: MUDD-O  
 II. CURRENT ZONING: R-2.2 MF  
 III. PROPOSED USE: NON-RESIDENTIAL USES AS ALLOWED BY RIGHT OR UNDER DESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT  
 IV. PROPOSED BUILDING AREA: NOT TO EXCEED 6000 SF  
 V. FAR: PER ORDINANCE REQUIREMENTS  
 VI. PARKING REQUIRED: NONE

**DEVELOPMENT CONDITIONS**  
**GENERAL PROVISIONS**

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED IN accordance with the provisions of the ordinance to ACCOMMODATE THE ADAPTIVE REUSE OF THE EXISTING BUILDING ON AN APPROXIMATE 0.147 ACRE SITE LOCATED AT 1425 KENNON ST., THE NORTHWEST CORNER OF THE INTERSECTION OF HAWTHORNE LN AND KENNON ST. THE SITE IS COMPRISED OF TAX PARCEL 08116409.  
 B. 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.  
 C. 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.  
 D. 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 STRICK 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.  
 E. 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(S) 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(S) ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT(S) 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**

- A. THE EXISTING BUILDING SHALL REMAIN, AND MAY BE RENOVATED, IMPROVED, EXPANDED AND REPAIRED IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN. THE DESTRUCTION OR SUBSTANTIAL IMPAIRMENT OF THE BUILDING ACONE 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.  
 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 PRESERVE OR REMOVE THE EXISTING NON-COMPLIANT PARKING IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN.  
 D. PETITIONER SHALL NOT BE REQUIRED TO MEET THE PARKING SCREENING REQUIREMENTS OF 2.2.300 AND ALL OTHER PARKING SCREENING REQUIREMENTS FOR THE EXISTING PARKING AS GENERALLY SHOWN ON THE SITE PLAN.  
 E. IN ORDER TO FACILITATE THE RENOVATION 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 "BUILDING EXPANSION AND OUTDOOR PATIO AREA" ON THE REZONING PLAN.  
 F. THE EXISTING SIDEWALKS SHALL REMAIN AND BE MAINTAINED AND PETITIONER SHALL NOT BE REQUIRED TO INCLUDE PLANTING STRIPS OR MODIFY THE EXISTING CURBS.

**ALONG HAWTHORNE LN AND KENNON ST AS GENERALLY DEPICTED ON THE REZONING PLAN.**

**PERMITTED USES**

- 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, 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:  
 I. UP TO 6000 SQUARE FEET OF NON-RESIDENTIAL USES AS ALLOWABLE WITHIN THE MUDD DISTRICT.  
 II. A MAXIMUM HEIGHT OF FORTY FEET (40') SHALL BE PERMISSIBLE AND SHALL BE MEASURED AS DEFINED WITHIN THE ZONING ORDINANCE.  
 III. THE FOLLOWING USES SHALL BE PROHIBITED: GAS STATION, CAR WASH, ADULT ESTABLISHMENT AND ACCESSORY DRIVE-IN WINDOW.

**TRANSPORTATION**

- A. THE SITE WILL HAVE VEHICULAR ACCESS VIA DRIVEWAY CONNECTION TO HAWTHORNE LN, AS GENERALLY IDENTIFIED ON THE SITE PLAN. THE FINAL PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINT 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 CONTRACTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.  
 D. 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.

**ARCHITECTURAL**

- A. AREAS MARKED AS BUILDING EXPANSION AND OUTDOOR PATIO AREA MAY BE UTILIZED FOR OUTDOOR AMENITIES, SUCH AS ENTERTAINMENT AND SERVICE AREAS ASSOCIATED WITH EATING DRINKING AND ENTERTAINMENT USES AND/OR BUILDING EXPANSION.  
 B. PETITIONER MAY INCREASE THE SIZE OF THE EXISTING BUILDING, ADD ADDITIONAL FLOORS OR EXPANDED FOOTAGE TO THE BUILDING, SUBJECT TO ORDINANCE REQUIREMENTS AND SUBJECT TO A LIMITATION ON HEIGHT OF 40' OR LESS, IN THE EVENT THAT PETITIONER DOES EXPAND THE BUILDING.

**STREETSCAPE, SCREENING AND LANDSCAPING**

- A. THE EXISTING SIDEWALKS SHALL REMAIN BE MAINTAINED ALONG HAWTHORNE LN AND KENNON ST AS GENERALLY DEPICTED ON THE REZONING PLAN.  
 B. THE SITE SHALL COMPLY WITH SECTION 12.401 OF THE ZONING ORDINANCE. TRASH AND RECYCLING SERVICE AREAS SHALL BE SCREENED FROM PUBLIC VIEW AS REQUIRED BY THE ORDINANCE.  
 C. THE PARKING AREA SHALL NOT REQUIRE SCREENING UNLESS THE PARKING AREA IS INTENDED.

**ENVIRONMENTAL FEATURES**

- A. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

**LIGHTING**

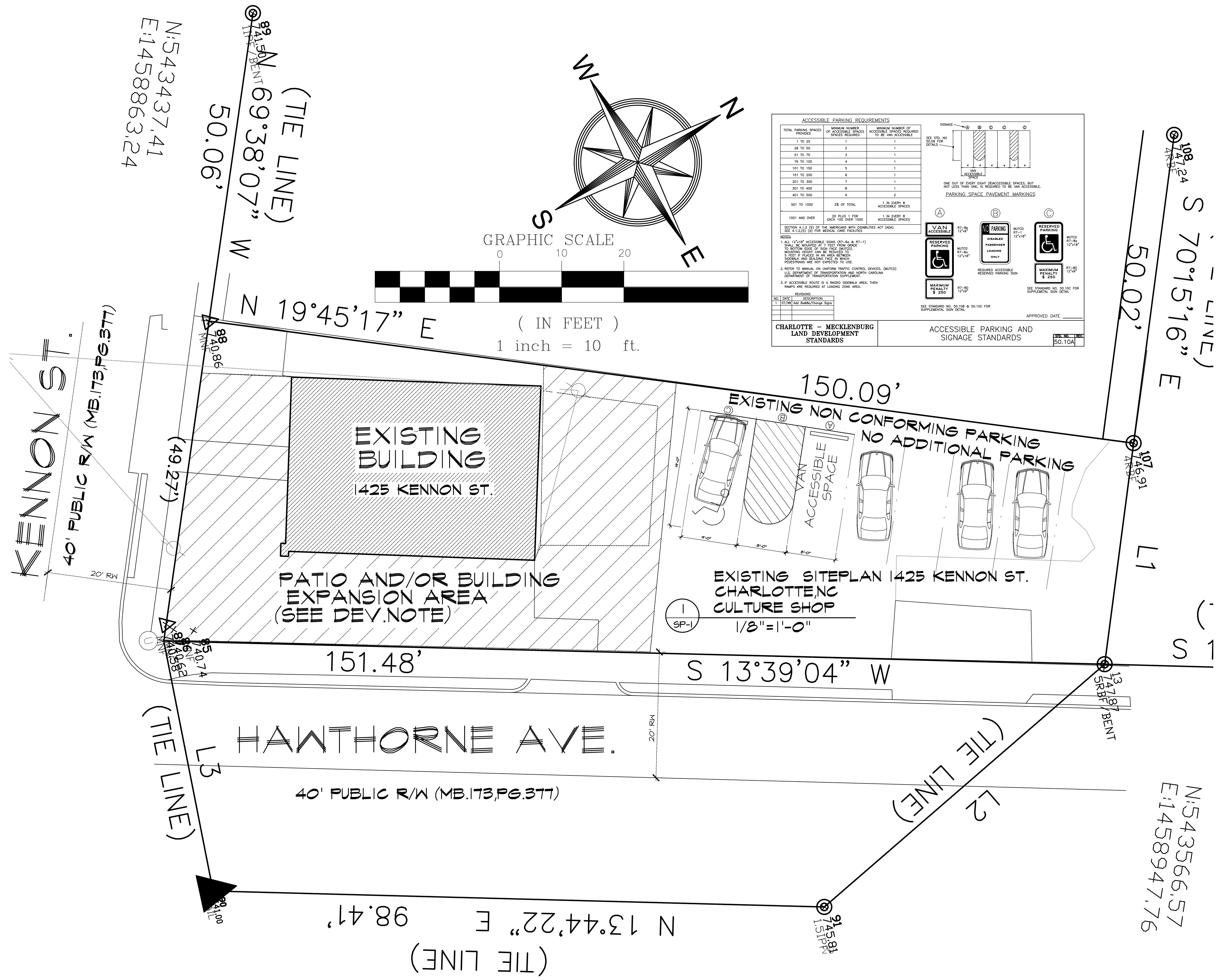
- A. ALL NEW LIGHTING SHALL BE FULL CUT-OFF TYPE FIXTURES, EXCLUDING LOWER DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE INTERNAL DRIVE AISLES, SIDEWALK, COURTYARDS, AND LANDSCAPE ACCENT LIGHTING.  
 B. DECORATIVE PATIO AND PEDESTRIAN SCALDED LIGHTS MAY BE PROVIDED WITHIN THE SITE.

**AMENDMENTS TO REZONING PLAN:**

- A. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE REQUESTED FOR BY THE PETITIONER 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**

- 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.



**CULTURE SHOP**  
 REZONING TO ALLOW FOR COMMERCIAL USE  
 1425 KENNON ST.  
 Charlotte, North Carolina 28205