



**Site Development Data:**  
 Acreage: +/- 0.22 AC  
 Tax Parcel: 083-071-13  
 Existing Zoning: TOD-MO  
 Proposed Zoning: MUDD-O  
 Existing Uses: Residential (Vacant)  
 Proposed Uses: EDEE and Other Allowable Uses in the MUDD District

**General Provisions:**  
 These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by 3024 N Davidson St - BOH LLC/AJ Klien (the "Petitioner") to accommodate the adaptive re-use of an existing structure on site to an eating, drinking and entertainment establishment on an approximately 0.22-acre site located on the south side of North Davidson Street, between E 34<sup>th</sup> Street and E 33<sup>rd</sup> Street (the "Site").

Development of the site will be controlled by the standards depicted on this site plan and by the standards of the Charlotte Zoning Ordinance. The development depicted on this plan is intended to reflect the arrangement of proposed uses on the Site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases as allowed under the provisions of Section 6.2 of the Zoning Ordinance.

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.

- Optional Provisions:**
1. Allow for three (3) on-street parking spaces and one (1) on-site vehicular pad to satisfy the required parking spaces associated with the proposed development.
  2. Allow for existing structure to encroach into the 14' setback along North Davidson Street.
  3. Allow for existing 4' planting strip and proposed 5' wide sidewalk to satisfy the required public sidewalk associated with the proposed development as generally depicted on the site plan.

**Purpose:**  
 The purpose of this Rezoning application is to provide for the adaptive re-use of an existing structure and associated structural additions on site.

**Permitted Uses:**  
 Uses allowed on the property included in this Petition will be those uses, and related accessory uses, as are permitted in the MUDD zoning district, including Eating, Drinking, and Entertainment Establishments, unless otherwise restricted by the provisions of this plan.

Petitioner will comply with Section 12.546 of the Zoning Ordinance regarding allowable hours for outdoor dining and entertainment.

**Transportation and Access:**

1. The Site will have a single vehicular access via existing driveway connection to North Davidson Street as generally identified on the Site plan.
2. A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City-maintained street right-of-way by a private individual, group, business, or homeowner's/business association. An encroachment agreement must be approved by CDOT prior to construction/installation. Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.
3. Petitioner shall Reserve for future use Right-of-Way measuring 30' from the existing centerline of North Davidson Street as generally depicted on the rezoning plan. The Petitioner shall place property between existing Right of Way and reservation limit in a recorded permanent Sidewalk and Utility Easement prior to the first Certificate of Occupancy is issued.
4. All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.

**Architectural Standards:**

1. The existing primary structure on site shall be adaptively reused and improved to accommodate the proposed and/or other allowable uses.
2. The existing detached greenhouse structure in the rear of the site as noted on the site plan shall be allowed to remain in place on the Site
3. Solid waste facilities shall be provided on site per Section 12.403 of the Zoning Ordinance. The Petitioner has illustrated two location options on the Site plan; either option may be used singularly or both options may be used simultaneously.

**Streetscape and Landscaping:**

1. A 14' setback shall be provided on site measured from the existing back of curb. Per section 9.1208(1)(c) the minimum setback shall be reduced to the existing face of structure as generally depicted on the rezoning site plan.
2. Street trees will be provided by the Petitioner per the Charlotte Tree Ordinance.
3. Above ground backflow preventers will be screened from public view and will be located behind existing right-of-way and out of the required setbacks along abutting public streets.
4. Existing fencing and gates on site will remain. However, the Petitioner reserves the right to relocate any fencing and/or gates on site within the constraints of the Ordinance.

**Environmental Features:**

1. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
2. The Site will comply with the City of Charlotte Tree Ordinance.
3. Due to the Site being located within a Transit Station Area, tree save mitigation/payment-in-lieu options will be available to the Petitioner as described by the City of Charlotte Tree Ordinance.

4. A 5' buffer will be provided along the southwestern side property line as generally depicted on the rezoning plan. The existing 6' privacy fence will remain in place as screening. All existing structures, including the existing greenhouse and decking, that may currently extend into the buffer may remain. This buffer may be removed at such time that the adjoining property (PID #08307114) is rezoned or changes to a non-residential use that does not require a buffer. Additionally, this buffer may be removed at such time that the subject Site property is no longer an EDEE use.
5. A 10' buffer will be provided along the rear property line as generally depicted on the rezoning plan. The existing 6' privacy fence located on the property will remain in place as screening. The buffer will be measured from the centerline of the adjacent 10' wide public alley with 5' of buffer width being within the alley and the remaining 5' width being on site. All existing structures, including the existing shed and a bocce court, that may currently extend into the buffer may remain. This buffer may be removed at such time that the subject property is no longer an EDEE use.

**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, sidewalks, parking areas, courtyards, and landscape accent lighting.
2. Decorative pedestrian scaled lights may be provided within the site.

**Signage:**  
 The Site shall comply with signage requirements per The Ordinance.

**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 Documents and Definitions:**  
 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



PRELIMINARY DRAWING FOR REVIEW PURPOSES ONLY

AJ Klien  
 1009 Leigh Ave  
 Charlotte, NC 28205

# 3024 N. Davidson

## Rezoning Site Plan

3024 N. Davidson St. Charlotte, NC 28205

NO.	DATE	BY:	REVISIONS:
01	04/10/2023	UDP	PER RZ SUBMITTAL #1 COMMENTS
02	05/18/2023	UDP	PER RZ SUBMITTAL #2 COMMENTS
03	06/06/2023	UDP	PER RZ SUBMITTAL #3 COMMENTS

Project No: 22-CLT-081  
 Date: 08.31.2022  
 Designed By: UDP  
 Checked By: UDP  
 Sheet No:

# RZ-1.0

