



GENERAL PROVISIONS

THESE DEVELOPMENT STANDARDS FORM PART OF THE ZONING PLAN ASSOCIATED WITH THE ZONING PETITION FILED BY KINGER HOMES, LLC (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL, TOWNHOME COMMUNITY ON APPROXIMATELY 2.056-ACRE SITE LOCATED ON 9203 MALLARD CREEK ROAD, WHICH IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NUMBERS 027-25-103.

DEVELOPMENT OF THE SITE SHALL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE R-8MF ZONING DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE BUILDING FOOTPRINTS AS WELL AS THE INTERNAL, PUBLIC STREETS AND THE INTERNAL PRIVATE STREETS, ALLEYS OR DRIVES DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, ARE SUBJECT TO MINOR ALTERATIONS OR MODIFICATIONS DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.

FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6.207 OF THE ORDINANCE.

2. PERMITTED USES AND MAXIMUM DEVELOPMENT

THE SITE MAY BE DEVELOPED WITH UP TO 16 SINGLE-FAMILY ATTACHED DWELLING UNITS (TOWNHOMES), TOGETHER WITH ANY INCIDENTAL AND ACCESSORY USES RELATED THERETO THAT ARE ALLOWED IN THE R-8MF ZONING DISTRICT.

3. TRANSPORTATION

A) VEHICULAR ACCESS WILL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINT SHOWN ON THE REZONING PLAN IS SUBJECT TO ANY MINOR ROADWAY PROJECTS TAKING PLACE WITHIN THE BROAD NORTH EASTERN MECKLENBURG AREA, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC STREET PROJECT SUPPORT.

B) AS DEPICTED ON THE REZONING PLAN, THE SITE WILL BE SERVED BY PUBLIC AND/OR PRIVATE STREETS.

C) SFT INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ALONG ALL PUBLIC AND PRIVATE STREETS THROUGHOUT THE SITE. THE INTERNAL SIDEWALKS MAY MEANDER TO SAVE EXISTING TREES.

D) ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. WHERE NECESSARY, PETITIONER SHALL DEDICATE AND CONVEY IN FEE SIMPLE ALL RIGHTS-OF-WAY TO THE CITY OF CHARLOTTE BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED OR PHASED PER THE SITE'S DEVELOPMENT PLAN. THE RIGHT-OF-WAY SHALL BE SET AT 2 FEET BEHIND THE BACK OF SIDEWALK WHERE FEASIBLE. THE PETITIONER MAY PHASE TRANSPORTATION IMPROVEMENTS IF SAID IMPROVEMENTS AND PHASING ARE EXPLICITLY DESCRIBED IN SITE PLAN NOTES.

E) ALL TRANSPORTATION IMPROVEMENTS SHALL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR PRINCIPAL BUILDINGS WITHIN THE SITE.

F) PETITIONER COMMITS TO CONSTRUCT AN 8-FOOT PLANNING STRIP, AND 12-FOOT MULTI-USE PATH ON MALLARD CREEK ROAD. ROAD IMPROVEMENTS ALONG MALLARD CREEK ROAD WILL BE GENERALLY DEPICTED ON THE REZONING PLAN. FINAL DESIGN AND CONFIGURATION IS SUBJECT TO ANY MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE DESIGN AND CONSTRUCTION PLANS TO ANY ADJUSTMENTS REQUIRED BY NCDOT FOR APPROVAL.

G) PETITIONER COMMITS TO CONSTRUCT AN BUS STOP MEETING ADA STANDARDS LOCATED ALONG THE FRONTAGE OF PARCEL #027-25-103. LOCATION AND FINISH TO BE COORDINATED WITH CHARLOTTE AREA TRANSIT SYSTEM. BUS STOP TO BE REVIEWED AND APPROVED DURING CONSTRUCTION DOCUMENT SUBMITTAL.

H) ALL PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AND NCDOT, AS APPLICABLE, TO THE ROADWAY IMPROVEMENTS WITHIN THEIR RESPECTIVE ROAD SYSTEM AUTHORITY. IT IS UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY THE PETITIONER ON ITS OWN OR IN CONNECTION WITH ANY OTHER ROADWAY PROJECTS TAKING PLACE WITHIN THE BROAD NORTH EASTERN MECKLENBURG AREA, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC STREET PROJECT SUPPORT.

I) A RIGHT-OF-WAY ENCROACHMENT AGREEMENT IS REQUIRED FOR THE INSTALLATION OF ANY NON-STANDARD ITEMS (IRRIGATION SYSTEMS, DECORATIVE CONCRETE PAVEMENT, BRICK PAVING, ETC.) WITHIN A PROPOSED/EXISTING CITY-MAINTAINED STREET RIGHT-OF-WAY BY A PRIVATE INDIVIDUAL, GROUP, BUSINESS, OR HOMEOWNERS/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.

4. ARCHITECTURAL STANDARDS

A) THE PRINCIPAL BUILDINGS USED FOR RESIDENTIAL USES CONSTRUCTED ON THE SITE MAY USE A VARIETY OF BUILDING MATERIALS. THE BUILDING MATERIALS USED FOR BUILDINGS MAY BE A COMBINATION OF THE FOLLOWING: GLASS, BRICK, STONE, SIMULATED STONE, PRE-CAST STONE, PRE-CAST CONCRETE, SYNTHETIC STONE, STUCCO, CEMENTITIOUS SIDING (SUCH AS HARDI-PANEL), VINYL, EIFS OR WOOD.

B) EACH ATTACHED RESIDENTIAL DWELLING UNIT SHALL BE PROVIDED WITH AT LEAST 2 CAR GARAGE.

C) TOWNHOUSE BUILDINGS WILL BE LIMITED TO 5 INDIVIDUAL UNITS OR FEWER AND WILL BE DIFFERENTIATED BETWEEN UNITS, INCLUDING, BUT NOT LIMITED TO, FORWARD OFFSETS IN THE FRONT WALLS OF UNITS, VERTICAL HEIGHT DIFFERENCES, OR ARCHITECTURAL DIFFERENCES IN ELEVATIONS (SUCH AS WINDOWS, DOORS, BAYS, TRIM, OR MATERIALS).

D) USABLE PORCHES AND STOOPS SHALL FORM A PREDOMINANT FEATURE OF THE BUILDING DESIGN AND BE LOCATED ON THE FRONT AND/OR SIDE OF THE BUILDING. USABLE FRONT PORCHES, WHEN PROVIDED, SHALL BE COVERED AND BE AT LEAST 6 FEET DEEP. STOOPS AND ENTRY-LEVEL PORCHES MAY BE COVERED BUT SHOULD NOT BE ENCLOSED.

E) TO PROVIDE PRIVACY, ALL RESIDENTIAL ENTRANCES WITHIN 15 FEET OF THE SIDEWALK MUST BE RAISED FROM THE AVERAGE SIDEWALK GRADE A MINIMUM OF 24 INCHES.

F) FITCHED ROOFS, IF PROVIDED, SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12, EXCEPT THAT ROOFS FOR PORCHES AND ATTACHED SHEDS MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED.

G) ALL CORNER/END UNITS THAT FACE A PUBLIC OR PRIVATE STREET SHALL HAVE A PORCH OR STOOP THAT WRAPS A PORTION OF THE FRONT AND SIDE OF THE UNIT OR PROVIDE BLANK WALL PROVISIONS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO 10 FEET ON ALL BUILDING LEVELS.

H) GARAGE DOORS VISIBLE FROM PUBLIC OR PRIVATE STREETS SHALL MINIMIZE THE VISUAL IMPACT BY PROVIDING A SETBACK OF 12 TO 24 INCHES FROM THE FRONT WALL PLANE AND ADDITIONAL ARCHITECTURAL TREATMENTS SUCH AS TRANSLUCENT WINDOWS OR PROJECTING ELEMENTS OVER THE GARAGE DOOR OPENING. (THIS IS IMPORTANT SINCE THE GARAGE DOORS ARE FORMING A PREDOMINANT FEATURE WITH THESE UNITS (TWO-CAR GARAGE). PLEASE CONSIDER RECESSING AND ADDING TRANSPARENCY).

I) WALKWAYS SHALL BE PROVIDED TO CONNECT ALL RESIDENTIAL ENTRANCES TO SIDEWALKS ALONG PUBLIC AND PRIVATE STREETS.

5. OPEN SPACE, STREETScape AND LANDSCAPING

A) THE PETITIONER SHALL COMPLY WITH THE TREE ORDINANCE AND POST CONSTRUCTION STORMWATER ORDINANCE.

B) THE PETITIONER SHALL COMPLY WITH THE ORDINANCE FOR REQUIRED OPEN SPACE.

C) IN THE EVENT LAND IS SOLD WITH ATTACHED UNITS, THE PETITIONER WILL PROVIDE EITHER 400 SQFT OF PRIVATE OPEN SPACE PER UNIT OR PROVIDE USABLE COMMON OPEN SPACE EQUAL TO AT LEAST 10% OF THE SITE AS REQUIRED BY THE ZONING ORDINANCE. IF COMMON OPEN SPACE IS PROVIDED, AMENITIES SHALL INCLUDE AT LEAST TWO (2) OF THE FOLLOWING ENHANCEMENTS: SOFT TRAILS, HARDCAPE SEQUENCES, SEATING AREAS, BENCHES, AND/OR ENHANCED LANDSCAPING.

6. LIGHTING

A) ALL PRESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS AND SIDEWALKS AND LANDSCAPING LIGHTING) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.

B) THE MAXIMUM HEIGHT OF ANY PRESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE, EXCLUDING STREET LIGHTS LOCATED ALONG PUBLIC STREETS, SHALL BE 21 FEET.

7. AMENDMENTS TO REZONING PLAN

FUTURE AMENDMENTS TO THE TECHNICAL DATA SHEET OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PARCEL OR PARCELS WITHIN THE SITE INVOLVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

FURTHER ALTERATIONS OR MODIFICATIONS TO THIS REZONING PLAN WHICH, IN THE OPINION OF THE PLANNING DIRECTOR, SUBSTANTIALLY ALTER THE CHARACTER OF THE DEVELOPMENT OR SIGNIFICANTLY ALTER THE TECHNICAL DATA SHEET OR ANY OF ITS CONDITIONS OR WHICH INCREASE THE INTENSITY OF DEVELOPMENT SHALL NOT BE DEEMED TO BE MINOR AND MAY ONLY BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTIONS 6.201(1) OR (2) OF THE ORDINANCE, AS APPLICABLE.

8. ENVIRONMENTAL FEATURES

A) THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

B) DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE TREE ORDINANCE.

C) STORM WATER QUALITY TREATMENT

FOR DEFINED WATERSHEDS GREATER THAN 10% BUILT-UPON AREA (BUA), CONSTRUCT WATER QUALITY STORMWATER CONTROL MEASURES (SCMS) DESIGNED FOR THE RUNCHEF GENERATED FROM THE FIRST INCH OF RAINFALL FOR ALL NEW AND REDEVELOPED BUA ASSOCIATED WITH THE PROJECT. SCMS MUST BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE CHARLOTTE-MECKLENBURG BMP DESIGN MANUAL.

D) VOLUME AND PEAK CONTROL

FOR DEFINED WATERSHEDS GREATER THAN 10% BUILT-UPON AREA, CONTROL THE ENTIRE VOLUME FOR THE 1-YEAR, 24-HOUR STORM FOR ALL NEW AND REDEVELOPED BUA ASSOCIATED WITH THE PROJECT. RUNOFF VOLUME DRAWDOWN TIME SHALL BE IN ACCORDANCE WITH THE CHARLOTTE-MECKLENBURG BMP DESIGN MANUAL.

FOR COMMERCIAL PROJECTS WITH GREATER THAN 10% BUA, CONTROL THE PEAK TO NOT EXCEED THE PREDEVELOPMENT RUNOFF RATES FOR THE 10-YR, 6-HR STORM AND PERFORM A DOWNSTREAM FLOOD ANALYSIS TO DETERMINE WHETHER ADDITIONAL PEAK CONTROL IS NEEDED AND IF SO, FOR WHAT LEVEL, OF STORM FREQUENCY, OR IF A DOWNSTREAM ANALYSIS IS NOT PERFORMED, CONTROL THE PEAK FOR THE 10-YR AND 25-YR, 6-HOUR STORMS.

FOR RESIDENTIAL PROJECTS WITH GREATER THAN 10% BUA, CONTROL THE PEAK TO NOT EXCEED THE PREDEVELOPMENT RUNOFF RATES FOR THE 10-YEAR AND 25-YEAR, 6-HOUR STORMS OR PERFORM A DOWNSTREAM ANALYSIS TO DETERMINE WHETHER PEAK CONTROL IS NEEDED, AND IF SO, FOR WHAT LEVEL, OF STORM FREQUENCY.

E) ALL APPLICATIONS FOR GRADING, BUILDING, DEMOLITION, LAND USE, CHANGE OF USE OR REZONING PERMITS ON ALL PROPERTY, EXCEPT SINGLE-FAMILY DEVELOPMENT SHALL REQUIRE A TREE SURVEY. THE SURVEY SHALL IDENTIFY ALL TREES OF EIGHT-INCH DBH OR GREATER AND ALL PLANTED TREES OF TWO-INCH CALIPER OR GREATER AND SIX FEET IN HEIGHT THAT GROW PARTIALLY OR WHOLLY WITHIN THE CITY RIGHT-OF-WAY.

9. FIRE AND LIFE SAFETY

A) FIRE DEPARTMENT ACCESS ROAD INCLUDING ISLAND OFF MALLARD CREEK SHALL HAVE A MIN. 20' UNOBSTRUCTED CLEAR WIDTH AND SHALL BE CAPABLE OF SUPPORTING 85,000 POUNDS.

B) TURN RADIUS 39' INSIDE AND 42'-3.5' OUTSIDE.

C) FIRE HYDRANT SHALL BE LOCATED WITHIN 750' TO THE MOST REMOTE POINT OF BUILDING AS TRUCK TRAVEL.

D) FOR TOWNHOMES, ISO NEEDED FIRE FLOW TOWNHOMES:

(1) TOWNHOMES NOT EXCEEDING 2 STORIES IN HEIGHT, THE REQUIRED FIRE FLOW IS 1500 GPM

(2) TOWNHOMES NOT EXCEEDING 3 STORIES IN HEIGHT AND A FIRE AREA OF 2500 SQ. FT. OR LESS, THE REQUIRED FIRE FLOW IS 1750 GPM

(3) TOWNHOMES NOT EXCEEDING 3 STORIES IN HEIGHT AND A FIRE AREA OF GREATER THAN 2500 SQ. FT., THE REQUIRED FIRE FLOW IS 2000 GPM

10. SOLID WASTE

TRASH AND RECYCLE TO BE PROVIDED VIA ROLL-OUT CANS STORED IN GARAGES OF UNITS. IN THE EVENT THAT CITY WASTE MANAGEMENT WILL NOT COLLECT TRASH AND RECYCLE PRIVATE COLLECTION WILL BE SOUGHT AFTER BY OWNERSHIP. PETITIONER COMMITS TO RESERVING AN AREA FOR FUTURE COMMUNAL DUMPSTER/RECYCLE AREA TO BE REVIEWED DURING CONSTRUCTION DOCUMENT PROCESS.

B) GARAGE SEPARATION ALONG PRIVATE ALLEYS: 5-7' FROM BACK OF ALLEY, OR 20' OR GREATER FROM BACK OF SIDEWALK ALONG ALLEY

11. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

A) IF THE REZONING PLAN IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE TECHNICAL DATA SHEET WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.

B) THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS, "PETITIONER" AND "OWNER" AND "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF THE PETITIONER OR THE OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

