DEVELOPMENT STANDARDS

DEVELOPMENT DATA TABLE: SITE AREA: TAX PARCELS: EXISTING ZONING: PROPOSED ZONING: MX-1 INNOV EXISTING USE: PROPOSED USES: MAXIMUM BUILDING HEIGHT: PARKING:

±30.73 ACRES 201-221-03 AND 201-221-17 R-3 AND R-12MF(CD)VACANT; SINGLE FAMILY RESIDENTIAL-ACREAGE UP TO 210 RESIDENTIAL DWELLING UNITS UP TO FORTY (40) FEET SHALL MEET OR EXCEED ORDINANCE STANDARDS

I. GENERAL PROVISIONS

- 1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY MIDDLEBURG COMMUNITIES (THE 'PETITIONER') TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 30.73-ACRE SITE LOCATED ON THE NORTHWEST SIDE OF SOUTH TRYON STREET AND SOUTHEAST SIDE OF ERWIN ROAD, MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NUMBERS 201-221-03 AND 201-221-17.
- 2. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE")
- 3. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, OR AS OTHERWISE OUTLINED IN THE INNOVATIVE PROVISIONS BELOW. THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MX-1 INNOV ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
- 4. THE DEVELOPMENT AND STREET LAYOUT DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF SUCH 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, YARD, LANDSCAPING AND TREE SAVE REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS, PROVIDED, HOWEVER, THAT ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL BE MINOR IN NATURE AND NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.
- 5. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER(S) OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. MINOR ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

II. PERMITTED USES

THE SITE MAY BE DEVOTED ONLY TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF 210 DWELLING UNITS AND ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE MX-1 ZONING DISTRICT.

III. INNOVATIVE PROVISIONS

THE PETITIONER PROPOSES TO UTILIZE THE INNOVATIVE PROVISIONS UNDER THE MX-1(INNOV) ZONING DISTRICT TO ALLOW FOR THE FOLLOWING DEVIATIONS FROM ORDINANCE STANDARDS:

1. STREET TYPE AND CONSTRUCTION STANDARDS:

- a. INTERNAL, PRIVATE STREETS WILL EXIST WITHOUT RIGHT OF WAYS OR PUBLIC ACCESS EASEMENTS;
- b. INTERNAL PRIVATE ROADS MAY OR MAY NOT HAVE ON STREET PARKING. IN AREAS WITHOUT ON STREET PARKING, THE SECTION WILL BE TWO 10' LANES AND 2'-6" CURB AND GUTTER ON BOTH SIDES (25' FROM BACK OF CURB TO BACK OF CURB). WHERE ON STREET PARKING IS PROPOSED, THE ON STREET PARKING WILL BE 5' WIDE, RESULTING IN A PAVEMENT SECTION OF 30' FROM BACK OF CURB TO BACK OF CURB WITH ON STREET PARKING ON JUST ONE SIDE OR 35' WITH ON STREET PARKING ON BOTH SIDES.
- C. HORIZONTAL AND VERTICAL ROAD DESIGN WILL NOT BE REQUIRED TO MEET ANY CITY/STATE STANDARDS

2. MINIMUM LOT SIZE: a. NO MINIMUM

3. PUBLIC STREET FRONTAGE:

- a. SHALL NOT BE REQUIRED FOR INDIVIDUAL UNITS. FRONTAGE WILL BE REVIEWED AS ONE UNIFIED DEVELOPMENT;
- b. INDIVIDUAL UNITS WILL NOT BE REQUIRED TO HAVE FRONTAGE ON PRIVATE STREETS; AND
- c. ALL UNITS WILL COMPLY WITH SECTION 9.303(19)(C) REQUIRING THAT ALL UNITS BE LOCATED WITHIN 400' OF A PUBLIC OR PRIVATE STREET.

4. SETBACKS AND YARDS:

- a. REDUCTION OF PUBLIC ROAD A TO A 16' SETBACK MEASURED FROM BACK OF CURB, NOT 27' FROM RIGHT OF WAY AS SHOWN IN REZONING PETITION 2019-030 FOR THIS SITE;
- b. ALL PRIVATE STREETS TO HAVE A SETBACK OF 13' FROM BACK OF CURB (8' PLANTING STRIP, 5' SIDEWALK); AND
- c. ALL YARDS AND SETBACKS WILL BE PROVIDED FOR THE OVERALL PARCEL AND NOT APPLIED TO INDIVIDUAL UNITS. MORE SPECIFICALLY:
- i. ERWIN ROAD: 30' SETBACK FROM PROPOSED RIGHT OF WAY.
- ii. SOUTH TRYON STREET 30' SETBACK FROM EXISTING RIGHT OF WAY.
- iii. ALONG SOUTHERN PROPERTY LINE 30' REAR YARD (OVERLAPPING WITH THE 37.5' CLASS C BUFFER SHOWN IN THE REZONING) iv. NO OTHER SETBACKS WILL BE PROVIDED.

5. LOT WIDTH:

a. NONE

6. BUILDING SEPARATION:

a. 7' MINIMUM (NOTWITHSTANDING BUILDING CODE, FIRE AND OTHER ORDINANCE REQUIREMENTS)

IV. TRANSPORTATION

- 1. VEHICULAR ACCESS WILL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENTS AND CONFIGURATIONS OF THE VEHICULAR ACCESS POINTS SHOWN ON THE REZONING PLAN ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED BY CDOT FOR APPROVAL. THE TOTAL NUMBER OF ACCESS POINTS FROM SOUTH TRYON STREET SHALL BE LIMITED TO ONE (1).
- 2. AS DEPICTED ON THE REZONING PLAN, THE SITE WILL BE SERVED BY INTERNAL PUBLIC AND/OR PRIVATE DRIVES, AND MINOR ADJUSTMENTS TO THE LOCATIONS OF THE INTERNAL PRIVATE DRIVES SHALL BE ALLOWED DURING THE CONSTRUCTION PERMITTING PROCESS.
- 3. THE PETITIONER SHALL CONSTRUCT A LEFT TURN LANE ON ERWIN ROAD AT THE SITE'S PROPOSED ACCESS WITH ONE HUNDRED FIFTY (150) FEET OF STORAGE.
- 4. IN COORDINATION WITH CDOT AND NCDOT DURING THE PERMITTING PHASE OF DEVELOPMENT, THE PETITIONER SHALL CONSTRUCT A RIGHT TURN LANE ON ERWIN ROAD AT THE INTERSECTION WITH STEELE CREEK ROAD, AS GENERALLY DEPICTED ON THE REZONING PLAN. HOWEVER, BUILDING CERTIFICATES OF OCCUPANCY SHALL NOT BE WITHHELD IN THE EVENT THAT NCDOT DETERMINES THAT THE PROPOSED RIGHT TURN LANE IS NOT CONSISTENT WITH PROPOSED STEELE CREEK ROAD WIDENING PLANS OR DEEMS THIS IMPROVEMENT OTHERWISE UNWARRANTED.
- 5. THE PETITIONER SHALL CONSTRUCT THE REQUIRED CURB AND GUTTER ON THE SITE'S FRONTAGE OF ERWIN ROAD, AS GENERALLY DEPICTED ON THE REZONING PLAN.
- 6. THE PETITIONER SHALL CONSTRUCT A NORTHBOUND LEFTOVER ON SOUTH TRYON STREET AT THE SITE'S PROPOSED PUBLIC ROAD.
- 7. THE PETITIONER SHALL CONSTRUCT A CONCRETE PAD FOR A BUS STOP ALONG SOUTH TRYON STREET, LOCATION OF WHICH TO BE DETERMINED IN COORDINATION WITH CATS DURING THE PERMITTING PHASE OF DEVELOPMENT.
- 8. PETITIONER SHALL DEDICATE ALL RIGHTS-OF-WAY IN FEE SIMPLE CONVEYANCE TO THE CITY OF CHARLOTTE BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.
- 9. PETITIONER SHALL SUBSTANTIALLY COMPLETE ALL TRANSPORTATION IMPROVEMENTS BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.

- a. SUBSTANTIAL COMPLETION SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE STANDARDS SET FORTH HEREIN PROVIDED, HOWEVER, IN THE EVENT CERTAIN NON-ESSENTIAL ROADWAY IMPROVEMENTS (AS REASONABLY DETERMINED BY CDOT) ARE NOT COMPLETED AT THE TIME THAT THE PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE IN CONNECTION WITH RELATED DEVELOPMENT PHASING DESCRIBED ABOVE, THEN CDOT WILL INSTRUCT APPLICABLE AUTHORITIES TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS, AND IN SUCH EVENT THE PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH A CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF THE APPLICABLE IMPROVEMENTS.
- 10. RIGHT-OF-WAY AVAILABILITY. IT IS UNDERSTOOD THAT SOME OF THE PUBLIC ROADWAY IMPROVEMENTS REFERENCED HEREIN MAY NOT BE POSSIBLE WITHOUT THE ACQUISITION OF ADDITIONAL RIGHT-OF-WAY. IF AFTER EXERCISE OF DILIGENT GOOD FAITH EFFORTS, AS SPECIFIED BY THE CITY OF CHARLOTTE RIGHT-OF-WAY ACQUISITION PROCESS AS ADMINISTERED BY THE CITY OF CHARLOTTE'S ENGINEERING AND PROPERTY MANAGEMENT DEPARTMENT, THE PETITIONER IS UNABLE TO ACQUIRE ANY LAND NECESSARY TO PROVIDE FOR ANY SUCH ADDITIONAL RIGHT-OF-WAY UPON COMMERCIALLY REASONABLE TERMS AND AT MARKET PRICES, THEN CDOT, THE CITY OF CHARLOTTE ENGINEERING DIVISION OR OTHER APPLICABLE AGENCY, DEPARTMENT OR GOVERNMENTAL BODY AGREE TO PROCEED WITH ACQUISITION OF ANY SUCH LAND. IN SUCH EVENT. THE PETITIONER SHALL REIMBURSE THE APPLICABLE AGENCY, DEPARTMENT OR GOVERNMENTAL BODY OR THE COST OF ANY SUCH ACQUISITION PROCEEDINGS INCLUDING COMPENSATION PAID BY THE APPLICABLE AGENCY, DEPARTMENT OR GOVERNMENTAL BODY FOR ANY SUCH LAND AND THE EXPENSES OF SUCH PROCEEDINGS. FURTHERMORE, IN THE EVENT ASSOCIATED PUBLIC ROADWAY IMPROVEMENTS ARE DELAYED BECAUSE OF DELAYS IN THE ACQUISITION OF ADDITIONAL RIGHT-OF-WAY AS CONTEMPLATED HEREIN, THEN THE PETITIONER WILL CONTACT THE PLANNING DEPARTMENT AND CDOT REGARDING AN APPROPRIATE INFRASTRUCTURE PHASING PLAN THAT APPROPRIATELY MATCHES THE SCALE OF THE DEVELOPMENT PROPOSED TO THE PUBLIC INFRASTRUCTURE MITIGATIONS. IF AFTER CONTACTING THE PLANNING DEPARTMENT AND CDOT TO DETERMINE THE APPROPRIATE INFRASTRUCTURE PHASING PLAN, DELAYS IN THE ACQUISITION OF ADDITIONAL RIGHT-OF-WAY EXTENDS BEYOND THE TIME THAT THE PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE IN CONNECTION WITH RELATED DEVELOPMENT PHASING DESCRIBED ABOVE, THEN CDOT WILL INSTRUCT APPLICABLE AUTHORITIES TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDING(S): PROVIDED. HOWEVER, PETITIONER CONTINUES TO EXERCISE GOOD FAITH EFFORTS TO COMPLETE THE APPLICABLE ROADWAY IMPROVEMENTS: IN SUCH EVENT THE PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH A CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF THE APPLICABLE IMPROVEMENTS.

V. ARCHITECTURAL STANDARDS

- 1. BUILDING HEIGHT SHALL BE LIMITED TO TWO (2) STORIES FOR ALL BUILDINGS.
- 2. ALL GROUND FLOOR ENTRANCES SHALL INCLUDE A DIRECT PEDESTRIAN CONNECTION BETWEEN STREET FACING DOORS TO ADJACENT ON-SITE SIDEWALKS.
- 3. VINYL SHALL BE A PROHIBITED BUILDING MATERIAL, EXCEPT FOR WINDOWS, TRIM, AND SOFFITS.
- 4. BAND OR STRIP-WINDOW FENESTRATION DESIGN SHALL BE PROHIBITED.
- 5. DUMPSTERS SHALL BE SCREENED FROM VIEW FROM ALL NETWORK REQUIRED STREETS. 6. PITCHED ROOFS, IF PROVIDED, SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12, EXCEPT THAT ROOFS OF PORCHES, ATTACHED SHEDS, AND DETACHED GARAGES MAY
- BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED. 7. 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. STOOPS AND ENTRY-LEVEL PORCHES MAY BE COVERED BUT SHALL NOT BE ENCLOSED.
- 8. ALL CORNER/END UNITS THAT FACE A PUBLIC OR PRIVATE STREET SHALL HAVE A PORCH, STOOP OR BLANK WALL PROVISION THAT WRAPS A PORTION OF THE FRONT AND SIDE OF THE UNIT TO LIMIT THE MAXIMUM BLANK WALL EXPANSE TO TEN (10) FEET ON ALL BUILDING LEVELS.
- VI. STREETSCAPE AND LANDSCAPING
- 1. A MINIMUM TWELVE (12) FOOT WIDE MULTI-USE PATH SHALL BE CONSTRUCTED ALONG THE SITE'S FRONTAGE OF SOUTH TRYON STREET, AS GENERALLY DEPICTED ON THE REZONING PLAN. A MINIMUM EIGHT (8) FOOT WIDE PLANTING STRIP AND A MINIMUM SIX (6) FOOT WIDE SIDEWALK SHALL BE PROVIDED ALONG THE SITE'S FRONTAGE OF ERWIN ROAD AND A MINIMUM FIVE (5) FOOT WIDE SIDEWALK SHALL BE PROVIDED ALONG THE SITE'S PROPOSED INTERNAL PUBLIC ROAD CONNECTION, AS GENERALLY DEPICTED ON THE REZONING PLAN. SIDEWALKS MAY MEANDER TO SAVE EXISTING TREES, UTILITIES OR OTHER SITE FEATURES.
- a. STREET TREES ALONG THE SITE'S FRONTAGE OF SOUTH TRYON STREET MAY BE LOCATED BEHIND THE MULTI-USE PATH, IN COORDINATION WITH NCDOT.
- b. FOR THE SAKE OF CLARITY, THE PROPOSED 12-FOOT MULTI-USE PATH ALONG THE SITE'S FRONTAGE OF SOUTH TRYON STREET SHALL SATISFY SUBDIVISION ORDINANCE REQUIREMENTS RELATED TO SIDEWALK IMPROVEMENTS ALONG PROJECT FRONTAGES.

VII. ENVIRONMENTAL FEATURES

1. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE. THE LOCATION, SIZE, AND TYPE OF STORMWATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL 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.

VIII. OPEN SPACE & AMENITIES

- 1. THE PETITIONER SHALL COMPLY WITH TREE SAVE REQUIREMENTS.
- 2. THE PETITIONER SHALL PROVIDE A MINIMUM OF FIVE (5) ACRES OF PRESERVATION AREA, IN LOCATIONS AS GENERALLY DEPICTED ON THE REZONING PLAN.
- 3. THE PETITIONER SHALL INSTALL AND MAINTAIN A MINIMUM 37.5-FOOT CLASS C BUFFER ADJACENT TO EXISTING SINGLE-FAMILY HOMES, IN THE AREA AS GENERALLY DEPICTED ON THE REZONING PLAN, TO INCLUDE AN OPAQUE FENCE, WALL OR BERM.
- 4. THE PETITIONER SHALL PROVIDE A MINIMUM OF 20,000 SQUARE FEET OF COMMON OPEN SPACE AND AMENITY AREAS WITHIN THE SITE, AS GENERALLY DEPICTED ON THE REZONING PLAN, TO INCLUDE, BUT NOT BE LIMITED TO, LANDSCAPING, HARDSCAPING, BENCHES, GARDEN ARTWORK, POOLS, CLUBHOUSES, PET PARKS, WASHING STATIONS, AND/OR WALKING PATHS.

IX.LIGHTING

- 1. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS AND SIDEWALKS AS 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.
- 2. THE MAXIMUM HEIGHT OF ANY PEDESTRIAN SCALE, FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE, INCLUDING ITS BASE, SHALL NOT EXCEED TWENTY-ONE (21) FFFT.

X. AMENDMENTS TO REZONING PLAN

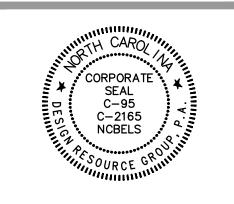
FUTURE AMENDMENTS TO THE REZONING PLAN AND THESE DEVELOPMENT STANDARDS THE ORDINANCE.

MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF A PARTICULAR TRACT WITHIN THE SITE INVOLVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF XI. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN AND THESE DEVELOPMENT STANDARDS 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 SUCCESSORS IN INTEREST AND ASSIGNS. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS, 'PETITIONER' AND 'OWNER' OR 'OWNERS' SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF THE PETITIONER OR THE OWNER OR OWNERS OF ANY PART OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.



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REZONING PETITION FOR PUBLIC HEARING 2021-XXX

REZONING DOCUMENTS



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DEVELOPMENT STANDARDS

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SCALE: N.T.S.	

661-005 SVK

DECEMBER 4, 2020

REVISIONS:

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