



**SITE DATA**  
 DEED 9237, PAGE 723  
 5.5954 ACRES  
 CURRENT ZONING: R3  
 PROPOSED ZONING: NS  
 MAX RETAIL: 15,000 SF  
 MAX RESIDENTIAL: 16 UNITS  
 MIN PARKING:  
 TRACK A: 50 SPACES  
 TRACK B: 24 SPACES

3007-145

APPROVED BY  
 CITY COUNCIL  
 APR 21 2009

**DEVELOPMENT STANDARDS**  
 April 4, 2008

**GENERAL PROVISIONS**

- Unless more stringent standards are established by the Rezoning Plan or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the NS zoning district shall be followed in connection with development taking place on the site.
- The development depicted on the Rezoning Plan is intended to reflect the arrangement of proposed uses on the Site, but the final configuration, placement and size of individual site elements may be altered or modified within the limits prescribed by the Ordinance and the standards established by the Rezoning Plan and these Development Standards during design development and construction phases. Street layouts may be modified to accommodate final building locations.
- The division of the Site into Tract A and Tract B on the Rezoning Plan is solely for the purposes of this Rezoning Petition and may or may not represent any future property lines in the event that the Site is subsequently subdivided. The Petitioner does, however, reserve the right to subdivide the Site in the future.

**PERMITTED USES/MAXIMUM GROSS BUILDING AREA/MAXIMUM NUMBER OF DWELLING UNITS/ARCHITECTURAL COMMITMENTS**

**Tract A**

I. The portion of the Site designated as Tract A on the Rezoning Plan may be developed to any use (including any accessory use) which is permitted under the Ordinance by right or under prescribed conditions in the NS zoning district, provided, however, that the following uses shall not be permitted on Tract A:

- ABC Stores/Liquor Stores
- Adult entertainment/commercial
- Adult care centers
- Adult care homes
- Automotive service stations, including minor adjustments, repairs and lubrication
- Bed and breakfast inns
- Boarding houses
- Bus and train terminals
- Care washes
- Cemeteries
- Clubs, social service or fraternal facilities
- Commercial recycling centers
- Dormitories
- Dwellings, duplex, triplex or quadplex
- Developing vacant land for multi-family planned multi-family residential development and/or attached residential development
- Elementary and secondary schools
- Family childcare homes
- Restaurants with drive-through facilities
- Recreation and fitness facilities
- Funeral homes, embalmers, or crematories
- Gasoline sales
- Locksmiths and gunsmiths
- Large childcare centers
- Large commercial centers
- Nightclubs, bars or lounges
- Nursing homes, convalescent homes and homes for the aged
- Veterinary Clinics

2. The building to be located on Tract A may contain up to 15,000 gross feet of gross floor area.

For purposes of the development limitations set forth in this Paragraph 1, the term "gross floor area" shall mean and refer to the sum of the gross horizontal area of each floor of the proposed building, and any accessory building or structures on the site, measured from the outside of the exterior walls or from the center line of party walls, provided, however, such term shall include any surface parking facilities or related access areas and areas used for building and equipment areas (such as stairs, elevator shafts and maintenance crawl spaces), and provided, further, that areas devoted to outdoor dining shall not be included in the calculation of gross floor area.

4. The primary exterior building materials for the building to be located on Tract A shall be brick, stone, precast concrete or similar masonry products, stone, hand-plank or a combination thereof.

**Tract B**

- That portion of the Site designated as Tract B on the Rezoning Plan may be developed to include single-family attached townhome dwelling units and to any incidental or accessory use in connection therewith which is permitted by right or under prescribed conditions in the NS zoning district.
- No more than 16 for sale, single-family attached townhome dwelling units may be developed on Tract B.
- All buildings to be located on Tract B will be constructed such that at least 5% of the exterior square vertical surface on at least three of the four building sides below the eaves (not including the doors and windows) will be composed of brick.
- The elevation of any building located on Tract B that fronts or faces Harris Boulevard shall not have expanses of solid walls greater than 30 feet in length. Expanses of solid walls greater than 20 feet in length shall be avoided through the use of doors, windows and articulated facades.
- Sublots will include 400 feet of private open space.

**Tract A and Tract B**

- The maximum height of any building constructed on the Site shall be 30 feet.
- The Petitioner may elect to develop Tract A and/or Tract B of the Site for single family detached houses in accordance with the development standards of the R3 zoning district.

**II. SETBACKS, SIDE YARDS AND REAR YARDS**

1. Development of the Site shall comply with the setbacks, side yard and rear yard requirements established under the Ordinance for the NS zoning district, which requirements are more particularly depicted on the Rezoning Plan.

2. No buildings, parking spaces, manouvering areas or surface level storm water detention or surface level storm water quality treatment areas may be located within the setbacks along Mount Holly - Huntersville Road and Harris Boulevard as required by the Ordinance.

3. Eight foot planting strips and six foot sidewalk shall be installed along the Site's frontage on Mount Holly - Huntersville Road and Harris Boulevard. The 20 foot rear yard and landscaped area shall meet the tree and shrub requirements of a Class B buffer. Additionally, either an 8 foot masonry wall or a berm shall be installed within the 20 foot rear yard and landscaped area. The 30 foot rear yard and landscaped area and either the 8 foot masonry wall or berm shall be established and installed at the time that Tract B is developed with for-sale, single-family attached townhome dwelling units. A detail of the 8 foot masonry wall is set out on the Rezoning Plan.

**III. SCREENING AND LANDSCAPE AREAS**

- Screening shall conform with the standards and treatments specified in Section 12.30 of the Ordinance. All landscaping installed on the Site will meet or exceed the requirements of the Ordinance.
- Any dumpsters visible from a public street or from an adjoining parcel of land will be screened from view by a solid enclosure with gates. If one or more sides of a dumpster area adjoin a rear wall of a building, the rear wall must be substituted for the fence along each such side.
- All roof mounted mechanical equipment will be screened from view at grade from adjacent public rights of way.
- Townhome buildings on Tract B shall be located a minimum of 65 feet from the commercial building on Tract A.

**IV. BUFFERS**

- The Petitioner shall establish a 45 foot buffer along Tract A's western boundary line as more particularly depicted on the Rezoning Plan. Existing trees within this buffer area that are 4 inches in caliper or larger shall remain unless they must be removed in connection with the installation of the fence described below. This buffer shall include a minimum 15' evergreen shrubs per 100 linear feet and a six foot solid wood or solid vinyl fence. Each evergreen shrub shall be at least 6 feet high at the time of installation. A detail of the fence is set out on the Rezoning Plan. This buffer area and the fence shall be installed at the time that Tract A is developed.

2. The Petitioner shall establish a 45 foot buffer along Tract B's western and southern boundary lines as more particularly depicted on the Rezoning Plan. Existing trees and vegetation within this buffer shall remain unaltered, provided, however, that supplemental plant materials may be installed within the buffer. This buffer shall include at a minimum 3' x 1/2" Caliper Cypress trees per 100 linear feet and a six foot solid wood or solid vinyl fence. Each 1/2" Caliper Cypress tree shall be at least 6 feet in height at the time of installation. A detail of the fence is set out on the Rezoning Plan. This buffer area and the fence shall be installed at the time that for-sale, single-family attached townhome dwelling units are developed on Tract B.

3. The buffers and the fences described above in D1 and D2 are to be maintained at all times by the property owner(s) and/or the property owners' association. The property owner(s) and/or the property owners' association will be required to replace dead or diseased trees and shrubs. Replacement trees and shrubs must meet the relevant height requirements set out above in D1 and D2.

4. The Petitioner reserves the right to install a solid wood or solid vinyl fence within the buffer areas described in D1 and D2.

5. The Petitioner reserves the right to utilize existing trees and natural vegetation to meet the planting requirements as noted above for the buffers on the Site.

6. Storm water detention and storm water quality treatment areas may not be located within the buffer areas described in D1 and D2.

**E. TREE ORDINANCE**

Development of the Site shall comply with the City of Charlotte Tree Ordinance as of the date of the approval of this Rezoning Petition.

**F. STORM WATER MANAGEMENT**

- The Petitioner shall file the existing public storm water system. The Petitioner shall have the existing public storm water system analyzed to ensure that it will not be taken out of standard due to the proposed development. If it is found that the proposed development will create the public storm drainage system(s) to be taken out of standard, the Petitioner shall provide alternate methods to prevent this from occurring. If the existing public drainage system(s) is already out of standard, the Petitioner's proposed development will be designed so as to not place the downstream public system(s) further out of standard.
- For projects with defined watersheds greater than 24 % BUA, control of the entire watershed for the year 24 hour storm. Runoff volume drawdown time shall be a minimum of 24 hours but not more than 120 hours.
- For residential projects with greater than 24 % BUA, control the peak to match the development runoff rates for the 10-year 6-hour storm and perform a downstream analysis to determine whether additional peak control is needed and if so, for what level of storm frequency.
- For commercial projects with greater than 24 % BUA, control the peak to match the development runoff rates for the 10-year 6-hour storm and perform a downstream 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-year and 25-year return storms.

For commercial projects with less than or equal to 24 % BUA but greater than one acre of disturbed area, control the peak to match the development runoff rates for the 2 and 10-year 6-hour storms.

3. For projects with defined watersheds greater than 24% built-up area that are designed to achieve 85% total suspended solids removal for the entire post-development runoff volume generated from the first 1 inch of rainfall. BMP's shall be designed and constructed in accordance with the Mecklenburg County BMP Design Manual, July 2007 or North Carolina Division of Water Quality Stormwater Best Management Practices Manual July 2007. Design standards shall meet according to City of Charlotte Best Management Practices Manual when available. Use of LID techniques is approved.

4. The following agencies must be contacted prior to construction regarding wetland and water quality permits:  
 Section 401 Permit: NCDWR - Raleigh office  
 Section 404 Permit: US Army Corps of Engineers

5. Storm water detention and storm water quality treatment areas may not be located within the buffer areas noted above in D1 and D2.

**G. LIGHTING**

- The maximum height of any freestanding light fixture installed on Tract A (other than street lights on public rights-of-way) including its base, shall not exceed 30 feet.

All lighting will be capped and fully shielded to direct lighting downward and/or away from adjoining residential properties.

2. Decorative, pedestrian scale, freestanding lighting fixtures will be installed throughout Tract B. The decorative, pedestrian scale, freestanding lighting fixtures will be uniform in design, and the final spacing of each lighting fixture shall be determined by the Petitioner. The maximum height of any decorative, pedestrian scale, freestanding lighting fixture installed on Tract B, including its base, shall not exceed 15 feet. The light fixtures to be located on Tract B will be installed at the time that for-sale, single-family attached townhome dwelling units are developed on Tract B.

3. No wall post light fixtures will be permitted on the Site, and any wall mounted light fixtures installed on the Site shall be capped and fully shielded so that illumination does not extend past the property line of the Site.

**II. SIGNS**

All signs placed on the Site will be erected in accordance with the requirements of the Ordinance.

**I. ACCESS POINTS/SIDEWALKS**

- The number of vehicular access points to the Site shall be limited to the number depicted on the Rezoning Plan.
- The placement and configuration of each access point are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation and the North Carolina Department of Transportation.
- Sidewalks will be provided within the interior of the Site in accordance with the Ordinance.
- Development of the Site shall comply with the requirements of Section 12.529 of the Ordinance.

A vehicular connection shall be provided between Tract A and Tract B in accordance with the Rezoning Plan.

**RIGHT OF WAY/TRANSPORTATION IMPROVEMENTS**

- Prior to the issuance of a building permit for any building to be constructed on the Site, the Petitioner shall dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) those portions of the Site located immediately adjacent to Mount Holly-Huntersville Road as required to provide right of way measuring 50 feet from the existing centerline of Mount Holly-Huntersville Road as generally depicted on the Rezoning Plan. Additionally, as generally depicted on the Rezoning Plan, the Petitioner shall reserve for future acquisition by the applicable authorities an additional 20 foot portion of the Site located along Mount Holly-Huntersville Road so that the ultimate right of way shall measure 70 feet from the existing centerline of Mount Holly-Huntersville Road. The purchase price for the additional 20 foot portion of the Site shall be the B3 value of such portion of the Site as of the date it is acquired by the applicable authority.
- Prior to the issuance of a building permit for any building to be constructed on the Site, the Petitioner shall dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) those portions of the Site located immediately adjacent to Harris Boulevard as required to provide right of way measuring 50 feet from the proposed centerline of Harris Boulevard as generally depicted on the Rezoning Plan.
- The Rezoning Plan depicts and accommodates the future centerline of the Harris Boulevard as depicted on the adopted Mount-Holly/Union Metropolitan Planning Organization (MUMPO) Thoroughfare Plan, and the development of the Site has been planned so as to dedicate and reserve right of way needed for realigned Harris Boulevard. Nevertheless, the Rezoning Plan will review any construction plans relating to the Site to be sure that the location of the future centerline of realigned Harris Boulevard as depicted on the adopted MUMPO Thoroughfare Plan is accurately depicted on such construction plans prior to the issuance of a building permit for the Site.
- The driveway from Harris Boulevard into Tract A (the westernmost driveway on Harris Boulevard) will be limited to right-of-way movements. A raised concrete median will be installed by the developer at its sole cost and expense to prohibit left turns into and left turns out of Tract A at this driveway. Notwithstanding the foregoing, if a left-turn can be engineered and is approved by the North Carolina Department of Transportation and the Charlotte Department of Transportation, a left-turn may be constructed at this driveway to allow left turns into Tract A at this driveway.

**K. PARKING**

- Vehicular and bicycle parking will satisfy the minimum standards established under the Ordinance.
- Parking pads and driveways will have a minimum length of 20 feet, measured from the back of the sidewalk, or edge of pavement, whichever is greater.

**L. FIRE PROTECTION**

Adequate fire protection in the form of fire hydrants will be provided to the City of Charlotte Fire Code's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of that building commences.

**M. BINDING EFFECT OF THE REZONING PETITION**

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under these Development Standards and this 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.

**N. AMENDMENTS TO REZONING PLAN**

Future amendments to this Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.

REVISIONS			
NO.	DATE	BY	DESCRIPTION
CERTIFICATION AND SEAL			
PROJECT NAME <b>UNITY BAPTIST CHURCH SITE</b> HARRIS BLVD. & MT. HOLLY - HUNTERSVILLE ROAD CHARLOTTE, NORTH CAROLINA			
DRAWING TITLE <b>SITE PLAN</b>			
CADD PLOT: 06127	SCALE: NTS	DRAWING NO.:	SP.100
VOID PLOT:	DRAWN BY: TJH	DATE: 04/04/08	
	REVIEWED BY:		
			1 OF 1 DWGS.