

**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 UR-2 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.

**PERMITTED USES**

The Site may be devoted to a maximum of 53 for sale 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 UR-2 zoning district.

**BUFFERS**

- A six foot masonry wall has been constructed along the Site's westerly and northerly edges approximately two feet from the respective property lines.
- The Petitioner shall provide evergreen tree planting along the Site's western boundary line as more particularly depicted on the Rezoning Plan. The plant material shall be between 10'-12' in height at the time of planting and shall be placed horizontally at a space no greater than 15' apart.
- The Petitioner shall establish a 24 foot buffer along the Site's northern boundary line as more particularly depicted on the Rezoning Plan. Trees located within such buffer will be preserved except to the extent necessary to install additional evergreen trees by removing the undergrowth and dead vegetation from the buffer. Trees planted in the buffer will be of the evergreen species with a height of 10'-12' and placed horizontally to fill voids in between the existing trees. Homeowners of the properties adjoining the Site's northern boundary line will work together with the Petitioner for existing tree removal and tree replacement in the buffer.
- The Petitioner reserves the right to grade and to install a wall and utility lines within the above noted buffer areas located along the Site's western and northern boundary lines, provided, however, that utility lines and facilities may only cross the buffer areas at interior angles measured at the property line which are not less than 75 degrees.
- No buildings, parking spaces or maneuvering areas may be located within the buffer areas.
- No above ground detention facilities or water quality facilities may be located within the 24 foot buffer area outlined in Paragraph 3 above.

**SETBACKS, SIDE YARDS AND REAR YARDS**

- All principal structures constructed on the Site shall satisfy or exceed the setback, side yard and rear yard requirements under the Ordinance for the UR-2 zoning district as depicted on the Rezoning Plan.

**COMMON OPEN SPACE**

Common open space on the Site shall be maintained by a homeowners association.

**SCREENING AND LANDSCAPE AREAS**

Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance.

**TREE ORDINANCE**

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

**PARKING**

Vehicular and bicycle parking will satisfy the minimum standards established under the Ordinance.

**ARCHITECTURAL AND DESIGN COMMITMENTS**

- Attached hereto are schematic architectural renderings of the front elevation of the single family attached townhome buildings proposed to be constructed on the Site that are intended to depict the general conceptual architectural style, character and elements of these buildings. Accordingly, the front elevation of any single family attached townhome building constructed on the Site must be substantially similar in appearance to the relevant attached schematic architectural renderings in terms of their architectural style, character and elements. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings.
- The maximum height of the single family attached townhome buildings proposed to be constructed on the Site shall be 40 feet. Units shall include no more than two habitable floors plus attic space under a dormer on the front elevations.
- The permitted exterior building materials for the single family attached townhome buildings to be constructed on the Site shall be a combination of brick, stone and similar masonry products, stucco, wood and wood products, shake and hard-plank and fiber cement board. Notwithstanding the foregoing, vinyl may be utilized on the soffits of the single family attached townhome buildings.
- The side elevation of each townhome building constructed on the Site shall have brick, stone or a combination of brick and stone.
- The side elevation of each townhome dwelling unit located on an end of a single family attached townhome building to be constructed on the Site shall be substantially similar to the front elevation of such townhome dwelling unit in terms of the exterior building materials.
- No more than three (3) consecutive individual townhome units located in the same building may have the same front building elevation in terms of primary exterior building materials.
- Flat panel garage doors may not be utilized on the garages.
- Vinyl fences shall be permitted on the Site.
- Trash collection will be provided through roll out containers rather than through dumpsters.

**LIGHTING**

- Decorative, pedestrian scale, freestanding lighting fixtures will be installed throughout the Site. The decorative, pedestrian scale, freestanding lighting fixtures will be uniform in design, and the final spacing of such lighting fixtures shall be determined by the Petitioner.
- The maximum height of the decorative, pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed 15 feet.
- All exterior detached light fixtures (except street lights along public or private streets) shall be capped, full cut off fixtures.

**SIGNS**

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

**ACCESS POINTS/SIDEWALKS/RIGHT OF WAY DEDICATION**

- Vehicular access to the Site is limited to that depicted on the Rezoning Plan.
- The placement and configuration of the access point is 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/or the North Carolina Department of Transportation.
- 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 immediately adjacent to Ballantyne Commons Parkway as required to provide right of way measuring 50 feet from the existing centerline of Ballantyne Commons Parkway if such right of way does not currently exist.
- The Petitioner will construct new curb along the Site's immediate frontage along the northerly side of Ballantyne Commons Parkway. The new curb will be located 36 feet from centerline to face of curb.
- The Petitioner will provide an 8-foot planting strip and a 6-foot sidewalk along the Site's immediate frontage on the northerly side of Ballantyne Commons Parkway as measured from the back of the new curb.
- The Petitioner will provide a 5 foot sidewalk along one side of the access driveway located to the east of the Site.
- Sidewalks will be provided on the Site in accordance with the Ordinance. A continuous safe pedestrian connection will be provided between the sidewalks on the Site and the existing sidewalk to the east along Ballantyne Commons Parkway.
- Any required modifications to the existing pavement markings and curb ramp on the Lowe's driveway will be the responsibility of the petitioner/developer.

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

**STORM WATER MANAGEMENT**

- The Petitioner will tie into the existing public storm water system(s). The Petitioner shall have the receiving public drainage system(s) 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 cause 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 receiving 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% built upon area, construct water quality best management practices (BMPs) that are designed to achieve 85% Total Suspended Solid removal for the entire post-development runoff volume for the runoff generated from the first 1-inch of rainfall. BMPs must be designed and constructed in accordance with the Mecklenburg County BMP Design Manual, July 2007 or N.C. Division of Water Quality Stormwater Best Management Practices Manual, July 2007. (Design Standards shall be met according to the City of Charlotte Best Management Practices Manual, when available). Use of Low Impact Development (LID) techniques is optional.
- The Petitioner shall control the peak to match the predevelopment runoff rates for the 10 year and 25 year, 6 hour storms or perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency.
- The following agencies must be contacted prior to construction regarding wetland and water quality permits. Section 401 Permit NCDEHNR 919-733-1786 Section 404 Permit US Army Corps of Engineers 704-271-4854

**EASEMENT**

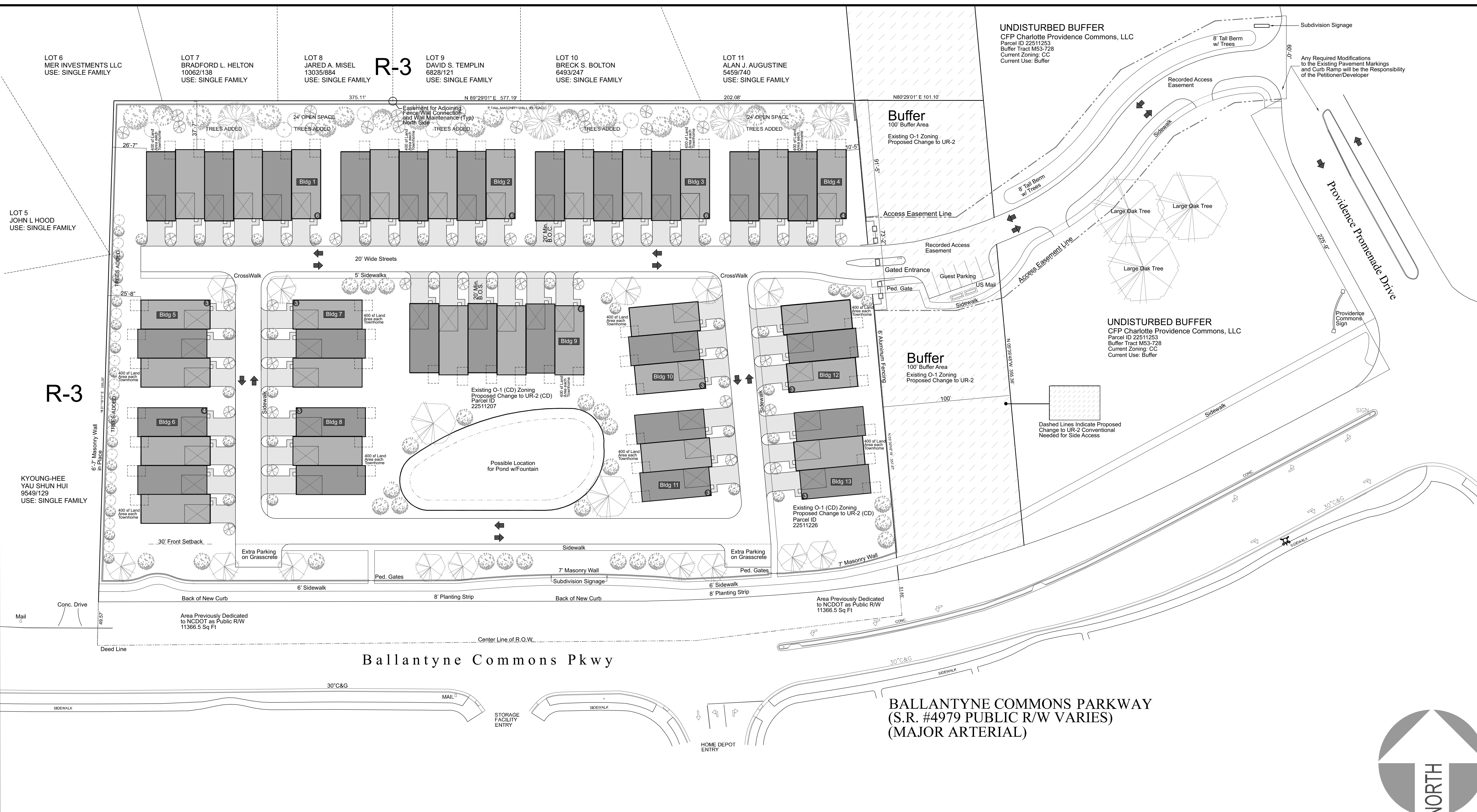
A reciprocal easement will be established allowing for 1), extension of walls or fences located on abutting properties to the north and west onto the Site in order to allow such walls or fences to connect to the wall within the buffer along the northerly and westerly edges of the Site by the owners of said abutting properties to the north and west and 2) access by the petitioner/developer onto these abutting properties for the purpose of maintenance of the wall.

**BINDING EFFECT OF THE REZONING PETITION**

If this Rezoning Petition is approved, all conditions applicable to 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.

**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.



**PROJECT NAME**

Ballantyne  
*Fifty-Five*  
Luxury Townhomes in a Gated Community

**PROPOSED REZONE PETITION 2013 -**

**DEVELOPMENT DATA**

Site Area: . . . . .	6.50 +/- Gross Acres 6.24 +/- Net of R.O.W.
Tax Parcel ID: . . . . .	22511226 & 22511207 .8 +/- Acres of 22511253
Jurisdiction: . . . . .	City of Charlotte, NC
Current Zoning: . . . . .	0-1 (CD) & O-1 Conventional (Petition #010-068)
Proposed Zoning: . . . . .	UR-2 (CD)
Proposed Use: . . . . .	Townhomes for Sale
Total Proposed Units: . . . . .	53
Total Proposed Buildings: . . . . .	13
Height of Buildings: . . . . .	40 Feet
Proposed Density: . . . . .	8.15 DU/Acre
Tree Save: Required: . . . . .	.62 +/- Acres (10%)
Minimum Proposed: . . . . .	.79 +/- Acres (12.7%)

**LWP**

LightWay Properties, LLC  
PO Box 7892  
Charlotte, NC 28277  
704.201.8412

**SITE PLAN S1**

DATE: July 19, 2013  
REVISION DATES:

DRAWN BY: RJM

Charlotte NC **VICINITY MAP** Not to scale

**BALLANTYNE COMMONS PARKWAY**  
(S.R. #4979 PUBLIC R/W VARIES)  
(MAJOR ARTERIAL)