

DEVELOPMENT STANDARDS

Site Development Data:

BVA Homes, LLC
Development Standards
01/15/16
Rezoning Petition No. 2016-025

- Average ±9.52
- Tax Parcel #: 199-551-05
- Existing Zoning: R-3
- Proposed Zoning: R-12MF(CD) & BD(CD)
- Existing Uses: Vacant.
- Proposed Uses: Up to 74 attached dwelling units (town homes for sale) together with accessory uses, as allowed in the R-12MF zoning district, and (ii) on the portion of the Site to be zoned BH(CD), a public street to serve the townhome community, or portions of a climate controlled storage building to be constructed on the adjoining property, and accessory uses associated with a climate controlled storage facility, such as but not limited to buffers, screening, storm water and water quality structures, and parking areas and maneuvering areas for parking as allowed in the BD zoning district.
- Maximum Building Height: Not to exceed two (2) stories or 38 feet on the portion of the Site zoned R-12MF(CD) and per the Ordinance on the portion of the Site zoned BD(CD); height will be measured as defined by the Ordinance.

1. General Provisions:

- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by BVA Homes, LLC ("Petitioner") to accommodate the development of a 74 townhome for sale community (attached dwellings), and a public street to serve the townhome community; or portions of the proposed climate controlled building and accessory uses associated with a climate controlled storage facility that may be developed on the adjoining parcel (tax parcel #199-551-06) on approximately 9.24 acre site located on the north side of S. Tryon Street between Wright's Ferry Drive and Grandfiera Drive (the "Site").
 - b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards: (i) the regulations established under the Ordinance for the R-12MF zoning classification shall govern for the portion of the Site zoned R-12MF; and (ii) the regulations established under the Ordinance for the BD zoning classification shall govern for the portion of the Site zoned BD.
 - c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.
- Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

- i. minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
- ii. modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties in a residential district or abutting residential use but no closer than the "external building line" (in this case the external setbacks, rear yards or buffer areas) indicated on the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 5.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

- d. **Number of Buildings Principal and Accessory.** The total number of principal residential buildings to be developed on the Site shall not exceed 18 on the portion of the Site zoned R-12MF(CD), and one (1) on the portion of the Site zoned BD(CD). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal buildings located on the Site.

2. Permitted Uses & Development Area Limitation:

- a. For ease of reference, the Rezoning Plan sets forth two (2) development areas as generally depicted on the Technical Data Sheet as Development Area A and B (each a "Development Area" and collectively the "Development Areas").
- b. Development Area A may be developed with up to 74 attached dwelling units (town homes for sale) together with accessory uses allowed in the R-12MF zoning district as generally depicted on the Rezoning Plan.
- c. Development Area B may be developed with: (i) a public street to serve the town home Community located in Development Area A (the "Alternate Access"); or (ii) a portion of a climate controlled storage building and accessory uses such as, but not limited to, buffers, screening, storm water and water quality structures, and parking areas and maneuvering areas for parking associate with a climate controlled storage facility as allowed in the BD zoning district as generally depicted on the Rezoning Plan. Development Area B is proposed to be developed in conjunction with the adjoining parcel (tax parcel # 199-551-06) (the "Storage Parcel") as part of separate rezoning petition filed for the Storage Parcel to allow the development of climate controlled storage facility.
- d. In the event that the Storage Parcel is not rezoned to allow the development of a climate controlled storage facility then Development Area B will be developed with a public street that will provide access to Development Area A the "Alternate Access".

3. Access and Transportation:

- a. Access to the Site will be from S. Tryon Street via a public street to be constructed on the Storage Parcel in the manner generally depicted on the Rezoning Plan. Or via a public street constructed within Development Area B (the "Alternate Access").
- b. A future connection to Wright's Ferry Road will also be allowed as an extension of the proposed internal public street.
- c. The Petitioner will as part of the development of the Site construct an internal public street that connects the Site to the adjoining parcels located on the east and west sides of the Site as generally depicted on Rezoning Plan (these streets will be constructed to meet the standards for a "Local Residential Medium Street"). The final alignment and configuration of the internal Public Streets may change to accommodate changes to the building placement and to accommodate other modifications required due to final site grading, and utility installations. If this street is extended in the future access to the Site from the extension of the street will be allowed.
- d. The 27 foot building and parking setbacks along the internal public streets may be measured from the minimum 42 foot right-of-way line established on the Rezoning Plan.
- e. The placement and configuration of the vehicular access point is subject to minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT and NCDOT in accordance with applicable published standards.
- f. The Petitioner will dedicate to the NCDOT a minimum of 67 feet of right-of-way from the existing center line of S. Tryon Street as part of the development of Parcel B.
- g. Minor modifications to the alignment of the internal vehicular circulation and driveways may be made by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

4. Architectural Standards, Court Yards/Amenity Areas:

- a. The building materials used on the principal buildings constructed on Site will be one or more of the following materials: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, vinyl, aluminum, stucco, EIFS, decorative block and/or wood.
 - b. The entrances (front door entrances) for the proposed townhomes located within 15 feet of a sidewalk will be raised 24 inches above the average grade of the sidewalk.
 - c. Picketed 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.
 - d. Porches shall form a predominate motif of the building design. Each unit will be constructed with a front porch with a minimum depth of six (6) feet as generally indicated on the Rezoning Plan.
 - e. The proposed units located on the interior of the Site that have end elevations directly across the proposed private street from units that front the same private street will be constructed with corner porches. Corner porches will extend a minimum of six (6) feet from the front elevation and will have a minimum depth of six (6) feet. These units are indicated on the Rezoning plan with the letters CP (Corner Porch).
 - f. Garage doors visible from the public or private streets will be recessed at least one (1) foot behind the front most building line to minimize the visual impact of the garage doors on the public and private streets.
5. Streetscape, Buffers, Yards, Open Space and Landscaping:
- a. A 30 foot setback as measured from the right-of-way of S. Tryon Street will be provided within Development Area B as generally depicted on the Rezoning Plan.
 - b. Along the Site's internal parking areas the Petitioner will provide a sidewalk and cross-walk network that links to the building on the Site and to the sidewalks along S. Tryon Street and the internal public streets in the manner depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be five (5) feet.
 - c. Within Development Area A, a Class C Buffer reduced with a fence will be provided where the Site abuts existing single-family zoning as generally depicted on the Rezoning Plan. If the use or zoning on the adjoining parcel changes so a buffer is no longer required by the Ordinance then buffer may be eliminated. Utilities may cross the proposed buffer at angles no greater than 75 degrees. Storm water drainage swales with and without rip rap may also cross the buffer at angles no greater than 75 degrees. Storm water drainage swales with and without rip rap may also cross the buffer at angles no greater than 75 degrees.
 - d. Within Development Area B, a Class B Buffer as required by the Ordinance will be provided if Development Area B is developed as part of the Storage Parcel. The Petitioner serves the right to reduce the width of the buffer as allowed by the Ordinance. If the use or zoning on the adjoining parcel changes so a buffer is no longer required by the Ordinance then buffer may be eliminated. Utilities may cross the proposed buffer at angles no greater than 75 degrees. Storm water drainage swales with and without rip rap may also cross the buffer at angles no greater than 75 degrees.
 - e. If Development Area B is not developed as part of the Storage Parcel but is instead developed with a Public Street a buffer is not required to be provided.
 - f. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

6. 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 full development plan submitted 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.

7. Lighting:

- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.
- b. Detached lighting on the Site will be limited to 20 feet in height. No wall pak type lighting will be allowed, but architectural lighting on building facades will be permitted.

8. Amendments to the Rezoning Plan:

- a. 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.

9. Binding Effect of the Rezoning Application:

- a. 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 representatives, successors in interest or assigns.