

GENERAL DEVELOPMENT STANDARDS FOR RIVER DISTRICT – REZONING
PETITION #2016-056
November 2, 2016

Site Development Data – Master Plan Site:

- Acres:** ± 1,380 gross acres
- Tax Parcel #s:** [See Sheet RZ-13]
- Existing Zoning:** [See Sheet RZ-14]
- Proposed Zoning:** MUDD-O; and MX-2 Innovative with five (5) year vested rights, as described on [Sheets RZ-2A & B], in the General Development Standards and applicable District Development Sheets
- Existing Uses:** Undeveloped with some single-family homes.
- Proposed Uses:** Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD-O zoning district and the MX-2 Innovative zoning district (as more specifically described below in the individual District Development Sheets).
- Maximum Gross Square feet of Development (e.g. development levels):** Set forth with respect to each individual District in the District Development Sheets and on [Sheet RZ-2A & B].
- Maximum Building Height:** Set forth with respect to each individual District in the District Development Sheets. Building height will be measured as defined by the Ordinance as modified by the Optional Provisions below and in the District Development Standards.
- Parking:** As required by the Ordinance for the MX-2 Innovative portion of the Site; and as specified in the MUDD parking and loading standards of the Ordinance for the portion of the Site zoned MUDD-O.

I. General Provisions:

a. Rezoning Plan Description. The following items form the rezoning plan (the “Rezoning Plan”) for Rezoning Petition #2016-056 (the “Petition” or “Rezoning Petition”) filed by Crescent Communities and Lincoln Harris, as Petitioners (hereinafter collectively the “Petitioner” along with those successors and assigns, and any other parties described below) for the large area located generally west of I-485, east of the Catawba River, south of Wilkinson Boulevard/Old Dowd Road and north of the Berewick Park and Berewick community (as more particularly set forth on [Sheet RZ 13] below, the “Site”, “Rezoning Site” or the “Master Plan Site”):

1. Sheet RZ-1 – Cover Sheet, Vision Statement and Sheet Index
2. Sheet RZ-2A & 2B - the Technical Data Sheet identifying the Districts making up the Master Plan Site and Development Levels
3. Sheet RZ-3 – General Development Standards & Transportation Notes
4. Sheet RZ-4A, 4B and 4C- Environmental Commitments & Notes describing approach to environmental matters and Stream Buffer Plan
5. Sheet RZ-5A & 5B - Illustrative Road Network for Design Guidance Only, Urban Street Design Guidelines Classifications, and Streetscape by District
6. Sheet RZ-6A & 6B - Employment District map & District Development Standards
7. Sheet RZ-7A & 7B - Gateway District map & District Development Standards
8. Sheet RZ-8A & 8B - Transitional District map & District Development Standards
9. Sheet RZ - 9A & 9B - Town Center District map & District Development Standards
10. Sheet RZ - 10A & 10C - Residential District map & District Development Standards

11. Sheet RZ-11 - Phased Development Levels & Transportation Network/Improvements (see also General Development Standards Section V)
12. Sheet RZ-12 - General Utilities Extension/Infrastructure Plan
13. Sheet RZ 13 - Internal Parcel Data setting forth existing ownership and parcel data
14. Sheet RZ 14A – 14B - Adjacent Parcel Owners and Internal Parcel Data of the Master Plan Site

Each of the above Sheet RZ items are referred to herein as a “Sheet” or collectively the “Sheets”.

b. Zoning Classifications/Ordinance. Development of the Master Plan 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 MUDD-O zoning classification for the portion of the Master Plan Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Master Plan Site, subject to the Optional Provisions provided below and in the District Development Sheets; and (ii) the regulations established under the Ordinance for the MX-2 Innovative zoning classification for the portion of the Master Plan Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Master Plan Site, subject to any applicable Innovative Provisions.

c. Development Districts. For ease of reference and as an organizing principle associated with the master planned nature of the development associated with the Rezoning Plan, a series of five (5) development districts as generally depicted on certain of the Sheets as: 1. Employment District (zoned MUDD-O); 2. Gateway District (zoned MUDD-O); 3. Transitional District (zoned MUDD-O); 4. Town Center District (zoned MUDD-O); and 5. Residential District (zoned MX-2 Innovative) (each a “District” and collectively “Districts”). The exact boundaries of the Districts zoned MUDD-O may be subject to minor modifications to account for natural features such as creeks and locations of roads where such roads or creeks serve as a boundary for such Districts. Any such minor changes shall be requested through an administrative amendment per Section 6.207 of the Ordinance. All such other changes in the boundaries of the Districts zoned MUDD-O and any changes in the District boundaries between the Districts zoned MUDD-O and the Residential District which is zoned MX-2 shall be subject to a site plan amendment or a rezoning.

d. Graphics and Alterations/Modifications/Planning Director Authority.

1. Any schematic depictions, as applicable, of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, greenway and trail network, open space and other development matters and site elements (collectively the “Development/Site Elements”) that may be set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these General Development Standards and the District Development Standards (collectively the “Development Standards”). The layout, locations, sizes and formulations of the Development/Site Elements that may be depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Except as otherwise expressly set forth in the Development Standards, including, without limitation this subsection 1.d., 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.
2. Since the project has not undergone the design development and construction phases and given the long term master planned nature of this Rezoning Petition, 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 shown on the Rezoning Plan

upon initial approval or as the same may be amended from time to time. 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) expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a *minor* modification for the purposes of these Development Standards); or
 - (ii) *minor* and do not materially change the overall design intent that may be depicted on the Rezoning Plan; or
 - (iii) *minor* modifications to move structures graphically depicted on the Rezoning Plan (either on the Rezoning Plan initially approved or as the same may be amended from time to time) closer to adjacent properties in a residential zoning district or abutting a residential use but no closer than the “external building line” indicated on the Sheets (in this case the external setbacks or buffer areas or other stated distance constraints set forth on the Rezoning Plan); or
 - (iv) modifications to allow *minor* increases in the mass of the buildings, to the extent such mass of buildings are in fact shown on the Rezoning Plan initially approved or on future amendments of the same as may be approved from time to time, that do not materially change the design intent depicted on or described in the Rezoning Plan but only to the extent such massing is set forth on the Rezoning Plan as described above.
3. The Planning Director, or designee, will determine if such *minor* modifications are allowed per this amended process, and if the Planning Director, or designee, determines that the alteration does not meet the criteria described above, Petitioner, or owner of the applicable parcel in question, shall then follow the administrative amendment process per Section 6.207 of the Ordinance or seek a site plan amendment or rezoning; in each instance, however, subject to the Petitioner’s appeal rights set forth in the Ordinance.
4. In addition to the foregoing, it is acknowledged that the Rezoning Plan contains design guidelines/standards that in their application to the development taking place could result in interpretation questions or requests for alterations to the application of such design guidelines/standards that are appropriate without resulting in a material deviation from the applicable design intent. These design guidelines/standards include those set forth in (i) Section VI of these General Development Standards, (ii) Sections VI and VII of the District Development Standards for the Employment, Gateway, Transitional, and Town Center Districts, and (iii) such other provisions of the Rezoning Plan dealing with design treatment and related standards for the MUDD-O Districts added in the future. Accordingly, as an *Optional Provision*, the Planning Director, or designee, in conjunction with the Zoning Administrator, shall have discretion to address the application of such design guidelines/standards to development taking place within the MUDD-O Districts that result in interpretation questions or requests for alterations to such application that the Planning Director, or designee, in conjunction with the Zoning Administrator, believes: (i) are reasonable and the public interest in light of the overall objectives and design intent set forth in the Rezoning Plan; (ii) follow appropriate design considerations as may be articulated in applicable design journals and standards issued by well-regarded planning organizations such as Urban Land Institute or the American Association of Planners; and (iii) are in keeping with updated design principles and guidelines associated with any future City of Charlotte Unified Development Ordinances or major design policy documents intended to

guide design for the City of Charlotte; each of which as may be appropriately applied taking into consideration the applicable District and the uses/issues in question.

5. Furthermore and in addition to the foregoing, at any time the Petitioner, or assigns, may seek approval of the development sought by filing of a site plan amendment rezoning pursuant to the requirements of Section 6.207 of the Ordinance.

e. Number of Buildings Principal and Accessory. Given the master planned nature of the Rezoning, the Petitioner is not required to set forth the number of buildings and structures on the Rezoning Plan and an unlimited number of buildings and structures may be allowed.

f. Planned/Unified Development. Each District shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan for such District. As such, except where design guidelines or standards are set forth within portions of such Districts in the Rezoning Plan, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other Development/Site Elements located within an applicable District. Furthermore, the Petitioner and/or owner of the portion of a Site within a District reserve the right to subdivide the portions or all of the Site within such District and create lots within the interior of the portion of the Site within such District without regard to any such internal separation standards and FAR requirements, provided, however, all such separation standards along the exterior boundary of the applicable District and such separation standards expressly set forth on the Rezoning Plan for such portion of the Site within such District shall be adhered to. In addition, all FAR requirements will be regulated by any development limitations set forth in this Rezoning Plan for each District as to the Master Plan Site and each District as a whole and not individual portions or lots located therein.

g. Five Year Vested Rights. Per Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development & its timing, and the level of investment, among other factors, this Petition includes vesting of the Rezoning Plan and conditional zoning districts for a five (5) year period, but such provisions shall not limit any other vested rights at common law or otherwise.

h. Definitions & Clarifications. In addition to certain defined terms set forth in the Development Standards, the following apply to certain definitions:

1. **Gross Floor Area Clarification.** When determining the maximum development levels set forth in this Rezoning Plan, the term gross floor area shall exclude any surface or structured parking facilities (including, without limitation, corridors and elevators within such facilities), enclosed loading dock/service areas, and outdoor dining and gathering areas whether on the roof of the building or at street level.
2. **Personal Services.** The terms “personal service uses” and/or “personal services” (whether capitalized or not) will mean and refer to uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or merchandised but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to: beauty salons and barber shops, Spas, Yoga and exercise studios, fitness and wellness facilities, nail salons, martial art training studios, laundries and dry cleaning establishments, locksmiths, funeral homes and the like.

3. **Limited Service Restaurant.** A “Limited Service Restaurant” or “limited service restaurant” (whether capitalized or not) shall mean a restaurant with no more than 3,000 square feet of gross floor area serving primarily items such as coffee, ice cream, yogurt, juices, bagels, muffins, pastries, sandwiches and similar foods that do not require on-premise cooking of food (other than heating and the baking of premixed dough).
4. **Open Space.** References to the term “open space” or “Open Space” (whether capitalized or not) shall have the meaning ascribed to such term in the Ordinance but for further clarification shall include parks, nature trails, greenways, buffers, gathering places, preserves, floodplains (other than the water below the mean high water line located adjacent to the Catawba River and impoundments), storm water ponds and facilities, plazas, tree save areas, wildlife hubs and habitats, and other similar open and unobstructed areas of land or water.
5. **EDEE Uses.** References to the term “EDEE” shall mean “Eating Drinking Entertainment Establishments” as defined in the Ordinance and shall include without limitation restaurants.
6. **Commercial Uses.** References to the term “commercial uses” or “Commercial Uses” (whether capitalized or not) shall mean office uses, retail uses, EDEE uses and personal services uses, and the term “non-office commercial uses” or “Non-office Commercial Uses”) (whether capitalized or not) shall mean retail uses, EDEE uses and personal services uses.
7. **Development Levels.** Reference is made to the District Development Standards, [Sheet RZ-2B] and the applicable District Sheets for the permitted uses and development levels permitted within the Districts. Development levels listed in the same category defined by applicable letter “a”, “b”, “c”, “d” or “e” shall govern the total maximum development level for all such listed uses, subject to the conversion and transfer rights set forth in Section III of these General Development Standards. For example and illustration, a reference to “b. Retail, EDEE, personal services up to 50,000 sf of gross floor area;” shall mean that the total aggregate amount of all such listed uses shall not exceed 50,000 sf of gross floor area.”
8. **Institutional, recreation and civic uses.** Reference in the District Development Standards, [Sheet RZ-2B] and the applicable District Sheets to the permitted uses of: “institutional” or “Institutional” use (whether capitalized or not) shall mean and refer to all uses permitted by right or under prescribed conditions in the Institutional zoning district as set forth in the Ordinances together, to the extent necessary and for clarity, schools, religious institutions and similar uses; “recreation (indoor and outdoor)” (whether capitalized or not) shall mean “indoor recreation” and/or “outdoor recreation” as defined in the Ordinance; and “civic” uses (whether capitalized or not) shall mean uses characterized by “civic, social service, or fraternal uses and facilities” as referenced in the Ordinance. Given the nature of these uses, it is understood that in there shall be no development level limits on these uses EXCEPT that (i) each indoor recreation use/facility of greater than 120,000 sf of gross floor area shall count against the development levels allowed within the applicable District for office uses in the MUDD-O Districts, and (ii) the provisions governing such uses set forth in the Ordinance for the MX District shall govern the portions of the Master Planned Site zoned MX; provided, further, however, it is expressly understood that indoor recreation uses associated with schools or religious institutions shall be excluded from the above-referenced exception.

9. **Campus Style Format.** References in the General Development Standards and the District Development Standards to the term “campus style format” shall mean and refer to an office based development characterized by a cluster of buildings for one entity on a site that is 15 acres or greater and containing several of the following features: clustered buildings, shared parking, shared open spaces, setbacks that exceed the applicable zoning district standards, emphasis on internal site connectivity and building to building relationship where parking is primarily located between the building and the street.

II. Optional Provisions for MUDD-O Districts & MX-2 Innovative Standards for Residential District.

a. Optional Provisions for All MUDD-O Zoned Districts. These General Development Standards set forth certain *Optional Provisions* which apply to the portions of the Master Plan Site designated MUDD-O on the Rezoning Plan and which allow variations from the minimum standards for development under MUDD. These Optional Provisions are identified in various portions of the General Development Standards with reference to “*Optional Provision(s)*”. In addition, the following optional provisions shall apply to all Districts that are zoned MUDD-O (the “MUDD-O Districts”), many details of which are set forth within each of the District Development Standards for the MUDD-O Districts and identified with “*Optional Provisions*” references:

1. To allow vehicular parking, maneuvering and service between and to the side of the proposed buildings and the street in the manner as further described (i) under Street Frontage and Other Architectural Standards provisions of Sections VI and VII of each District Development Standards for the MUDD-O Districts, (ii) in Section VI of these General Development Standards, and (iii) and on [Sheet RZ-2B] for Streetscape by District. (See Section 9.8507.(2) *Parking and Loading Standards of the Ordinance among other provisions*).
2. To allow accessory drive thru windows in the manner as indicated in Section VI of the Development District Standards and Section VI of these General Development Standards. (See Section 9.8504 *Accessory Uses*).
3. To allow certain deviations from MUDD standards with respect to certain specialty uses or conditions as more particularly described in Section VI of these General Development Standards such as Campus office buildings, auto-oriented uses, larger format uses among others. (See Section 9.8506.(2)(a) *Street Walls*; and 9.8506.(2)(b) *Screening of the Ordinance among other provisions*).
4. To not require doorways to be recessed into the face of buildings within the Town Center Core portion of the Town Center District, when the abutting sidewalk width is greater than ten (10) feet or as defined in the specific District. (See Section 9.8506.(2)(h) *Building Entrances of the Ordinance among other provisions*).
5. To allow required long term bike parking spaces for the uses to be located within the parking decks constructed within the MUDD-O Districts. (See Section 9.8507.(7) *Bicycle Parking of the Ordinance among other provisions*).
6. To allow buildings to use limited instances (as defined below) of window like openings with non-clear glazing to help break up building facades and meet blank wall requirements except in the Town Center Core portion of the Town Center District. The intent of this provision is

to allow wall treatments other than windows with clear glass to be used to meet the fenestration standards in instances (“Limited Instances”) when the use or uses located within the building are for areas related to storage rooms, bathrooms, mechanical equipment areas and alike and are not related to active retail/EDEE customer floor areas or active office areas. (See Section 9.8506(2)(a) *Street Walls of the Ordinance among other provisions*).

7. To allow ground floor retail integrated into a mixed use building or multi-story office building within the MUDD-O Districts not to be included in the maximum development level for retail, EDEE or personal services uses for such District up to a maximum amount of gross floor area of such uses so excluded of 75,000 square feet for each such District.
8. To allow multi-tenant office buildings constructed on the Master Plan Site, except for the Town Center Core portion of the Town Center, to have one ground mounted detached sign each with up to 50 square feet of sign area and up to seven (7) feet in height. (See Section 9.8506.(2)(c) *Signs of the Ordinance among other provisions*).
9. To allow detached ground mounted identification signs for each building that is located on streets with a lower classification than Parkways and Boulevards (as defined on [Sheet RZ-5B]), provided that (i) these detached identification signs shall not exceed five (5) feet in height nor greater than 36 square feet of sign area and (ii) this Optional Provision exception may not be used in combination with Optional Provision 7. above. (See Section 9.8506.(2)(c) *Signs of the Ordinance among other provisions*).
10. To allow wall signs to have up to 200 square feet of sign surface area per walls or 10% of the wall area to which they are attached, whichever is less. The sign area of the wall signs may be increased by 10% if individual letters are used. (See Section 9.8506.(2)(c) *Signs of the Ordinance among other provisions*).
11. To allow temporary signs and/or banners, for a period not to exceed six (6) months, when located along public or private streets with up to 150 square feet of sign face area and with a maximum height of seven (7) feet. (See Section 9.8506.(2)(c) *Signs of the Ordinance among other provisions*).
12. To allow any of the detached signs allowed by the Ordinance or these Optional Provisions to be placed within the setback when building and/or parking setback is a minimum of 35’ provided that the sign shall be a minimum 5’ from the back of sidewalk. (See Section 9.8506.(2)(c) *Signs of the Ordinance among other provisions*).

Note: The optional provisions regarding signs are additions/modifications to the standards for signs in the MUDD district and are to be used with the remainder of MUDD standards for signs not modified by these optional provisions.

b. MX-2 Innovative Development Standards for Residential District. The Petitioner, or assigns, reserves the right to seek Innovative Provisions or other innovative development standards in the future pursuant to the applicable process set forth in the Ordinance.

III. Permitted Uses, Development Level Limitations, Transfer & Conversion Rights:

a. Development/Entitlement Levels Shown on District Development Standards. Subject to the restrictions, limitations, and transfer/conversion rights listed below, development on the Master Plan Site shall be subject to the development level limitations set forth with respect to each District in the applicable District Development Standards.

b. Process & Record-keeping for Development Levels within Districts & Master Planned Site. Given the large master planned nature of the development contemplated for the Districts and the Master Planned Site, Petitioner, or assigns, and owners of portions of the Master Planned Site, will follow a process for recording entitlement taking place in accordance with the Rezoning Plan as part of a written summary table and report (the “Entitlement Summary”), a sample copy of the same being set forth as a Table/Chart on [Sheet RZ-2B], filed on no less than a calendar year basis and within 10 business days of the issuance, as applicable of MUDD urban review approval, building permit or certificate of occupancy for specific development taking place within each District and the Master Planned Site as a whole. Such Entitlement Summary shall also reflect adjustments to applicable development levels allowed based on approved Site Plan Amendments and approved Administrative Site Plan Amendments, and shall include the following information in a format reasonably acceptable to the Planning Director, or designee:

1. The then current (as of date of each required filing of the Entitlement Summary) maximum development levels (“Maximum Development Levels”) by use with reference to gross floor area, hotel rooms, or dwelling units/lots, as applicable, allowed for each District and the Master Planned Site;
2. The amount of then current development levels (the “Completed Development Levels”) by use with reference to gross floor area, hotel rooms, or dwelling units/lots, as applicable, for each District and the Master Planned Site, which: (i) for the MUDD-O Districts have received MUDD approvals and (ii) for the MX District have received subdivision approval, planned multi-family approval or for which building permits (respecting commercial uses) have been issued (in connection with such approval requests the amount of then Current Development Levels shall also include the development requested by such approval;
3. The amount of the development level proposed to be developed in connection with the specific development plan sought for approval (“Proposed Development Level”) by use with reference to gross floor area, hotel rooms, or dwelling units/lots, as applicable, for the parcel or site in question;
4. The amount of the development levels remaining within each District and the Master Planned Site overall (“Remaining Development Levels”) when comparing the Maximum Development Levels and the Completed Development Levels.
5. The Maximum Development Levels, the Completed Development Levels and the Proposed Development Levels shall take into consideration the development levels and limitations for each District and all conversions and transfers development levels allowed pursuant to the provisions of this Section III. In other words, the amount of transfers and/or conversions of uses described below, both those exercised and those remaining with respect to each District and the Master Planned Site overall (the “Transfers/Conversions Levels”) shall be set forth as part of the Entitlement Summary.

6. Such adjustments to the transportation/roadway improvements described in Section V. as may be approved by CDOT in accordance with the provisions of Section V.i. of these General Development Standards.

The Petitioner shall provide written notice to the Planning Director, or designee, of two (2) individuals who are designated and charged for keeping the Entitlement Summary up to date accurately on a timely basis for the portion of the Master Planned Site zoned MUDD-O (the “MUDD-O Recording Parties”) and one (1) individual who is so designated and charged for the portion of the Master Planned Site zoned MX-2 (the “MX-2 Recording Party”, and with the MUDD-O Recording Parties each a “Recording Party” and collectively the “Recording Parties”). Errors resulting from failure of a Recording Party to keep the Entitlement Summary up to date accurately on a timely basis shall be remedied promptly with reasonable cooperation of the Planning Department, but the Planning Department shall not be responsible for updating the Entitlement Summary. Any failure of a Recording Party to keep the Entitlement Summary up to date may adversely affect development levels and rights as well as the timing when at odds with the actual approved entitlements. As indicated above, the Entitlement Summary shall be updated as development received the MUDD-O approvals, subdivision approvals, planned multi-family approvals and building permits, as applicable.

Furthermore, in addition to required updates of the Entitlement Summary as set forth above, annually as of January 1st of each year, the Recording Parties shall ensure that the Rezoning Plan or portions of the Rezoning Plan for parcels within the Master Planned Site are evidenced by administrative site plan amendments for the applicable Districts to show the then current Maximum Development Levels, the Completed Development Levels, the Remaining Development Levels and the Transfers/Conversions Levels as of such date. It is understood that approvals of these administrative site plan amendments being ministerial in nature, such approvals shall not be unreasonably delayed or denied if the information set forth comports with the requirements of this Section III.

c. Conversion of Commercial Uses in MUDD-O Zoned Districts. As further described on [Sheet RZ-2B] within the Districts zoned MUDD-O, retail, EDEE, and Personal Services uses (“non-office commercial uses”) may exceed the applicable development level specifications set forth in the applicable District Development Standards by up to 25% and office commercial uses may exceed the applicable development level specifications by up to 25% by converting non-office commercial uses into office commercial uses and vice versa at a ratio of 1.0 square foot of gross floor area of such uses so converted. In such event the total gross floor area of commercial uses (office and non-office) allowed for the applicable District shall not exceed the total specified amount as a result of such conversions, rather only the mix of such uses shall change but not by greater than 25%; *provided, however, changes in the total amount of such commercial uses within a District may occur pursuant to the conversion rights set forth in subsection c. below and pursuant to the transfer rights among Districts set forth in subsection d. below.* The conversions described above are in addition to other conversions set forth herein and include both the conversions properly exercised and those remaining shall be set forth as part of the Transfers/Conversions Levels on the Entitlement Summary and related Chart described on [Sheet RZ-2B].

d. Conversion of Hotel Rooms & Residential Units in MUDD-O Zoned Districts. As further described on [Sheet RZ-2B] additional hotel rooms may be developed within each of the Districts zoned MUDD-O by converting residential dwelling units into hotel rooms at the rate of one (1) residential unit so converted into one (1) hotel room, up to a maximum of 300 hotel rooms created in the aggregate within such Districts zoned MUDD-O by such conversion, and additional

residential dwelling units may be developed within the Districts zoned MUDD-O by converting hotel rooms into residential dwelling units at the rate of one (1) hotel room so converted into one (1) residential dwelling unit up to a maximum of 300 residential dwelling units created by such conversion in the aggregate within such Districts zoned MUDD-O. The conversions described above are in addition to other conversions set forth herein and include both the conversions properly exercised and those remaining shall be set forth as part of the Transfers/Conversions Levels on the Entitlement Summary and related Chart described on [Sheet RZ-2B].

e. Conversion of Hotel Rooms & Commercial Uses in MUDD-O Zoned Districts. As further described on [Sheet RZ-2B] additional hotel rooms may be developed within each of the Districts zoned MUDD-O by converting commercial uses (e.g. office, retail, EDEE and Personal Services uses) into hotel rooms at the rate of 500 square feet of gross floor area of such commercial uses so converted for one (1) hotel room added, up to a maximum of 300 hotel rooms created in the aggregate within such Districts zoned MUDD-O by such conversion, and additional commercial uses may be developed within the Districts zoned MUDD-O by converting hotel rooms into commercial uses at the rate of one (1) hotel room so converted into 500 square feet of gross floor area of commercial uses so created up to a maximum of 300 hotel rooms so converted in the aggregate within such Districts zoned MUDD-O. The conversions described above are in addition to other conversions set forth herein and include both the conversions properly exercised and those remaining shall be set forth as part of the Transfers/Conversions Levels on the Entitlement Summary and related Chart described on [Sheet RZ-2B].

f. Transfers of Development Level/Entitlement Among the MUDD-O Districts. (see [Sheet RZ-2B]) The development/entitlement levels specified for each District zoned MUDD-O in the applicable District Development Standards may be adjusted by transferring permitted development/entitlement levels for certain uses from one such District to another District in accordance with the following:

1. The development levels for commercial uses (office commercial uses and non-office commercial uses- e.g. retail, EDEE and personal services uses) for the applicable receiving District resulting from any such transfers shall not be increased by more than 25% from the original development levels specified as of the date of approval of the Rezoning Petition, unless such increase occurs in connection with a site plan amendment approval or rezoning.
2. The development levels for residential uses (single family detached, single family attached and multi-family uses) for the applicable receiving District resulting from any such transfers shall not be increased by more than 30% from the original development levels specified as of the date of approval of the Rezoning Petition, unless such increase occurs in connection with a site plan amendment approval or rezoning.
3. In no event shall aggregate development levels for the commercial and residential uses within the entire Master Plan Site as set forth in the Rezoning Plan as of the date of approval of the Rezoning Petition be increased, except as same may be increased in connection with a site plan amendment approval or rezoning.

The transfers described above, including both the transfers properly exercised and those remaining shall be set forth as part of the Transfers/Conversions Levels on the Entitlement Summary and related Chart described on [Sheet RZ-2B].

g. Transfers of Entitlements Between Town Center District & Residential District.

1. The development levels specified for residential uses (single family detached, single family attached and multi-family uses) for the Town Center District and the Residential District in the applicable District Development Standards may be adjusted by transferring permitted development levels from one such District to the other. In such event, however, the development levels for residential uses for the receiving District shall not be increased by more than 30% from the original development levels specified as of the date of approval of the Rezoning Petition, unless such increase occurs in connection with a site plan amendment approval or rezoning.
2. The development levels for commercial uses (office and non-office commercial uses) and hotel uses for the Town Center District and the Residential District in the applicable District Development Standards may be adjusted by transferring permitted development levels from one such District to the other. In such event, however, the development levels for commercial uses and hotels for the receiving District shall not be increased by more than 25% from the original development levels specified as of the date of approval of the Rezoning Petition, unless such increase occurs in connection with a site plan amendment approval or rezoning.

The transfers described above, including both the transfers properly exercised and those remaining shall be set forth as part of the Transfers/Conversions Levels on the Entitlement Summary and related Chart described on [Sheet RZ-2B].

h. Written Requests & Records for Conversions & Transfers; Administrative Amendments. Prior to any conversions of entitlement pursuant to subsections c., d. and e. above and prior to any transfers of development levels/entitlement pursuant to subsections f. and g. above, the Petitioner or owner of the portion of the District(s) involved in the conversion or transfer under request shall provide to the Planning Department a written request for such conversion and transfer as well as an updated Entitlement Summary in accordance with subsection b. above, including the applicable Transfers/Conversions Levels. Furthermore, the results of such conversions and transfers shall be evidenced by an administrative site plan amendment for the applicable Districts involved as described above in subsection b.

IV. Commitments regarding Infrastructure & Civic/Community Uses & Services

a. Petitioner Commitments to Infrastructure & Civic Uses/Services Generally. As set forth below in this Section IV (and as to roadway improvements in Section V below), Petitioner commits to:

1. Undertake certain **roadway improvements** associated with development of the Master Plan Site (**Section V. below**);
2. Work with Charlotte Water regarding **extension of water and sewer service** to the Master Plan Site (**subsection b. below**);
3. Work with Charlotte Mecklenburg Schools regarding **public school capacity needs** for the identification of land for a school site within the Master Plan Site (**subsection c. below**);
4. Work with Mecklenburg County Parks & Recreation to identify park sites, dedicate Beaver Dam Creek greenway areas and other commitments (**see subsection d. below**); and

5. Work with City Neighborhood Development and other appropriate stakeholders to develop a framework for the **inclusion of workforce housing** within the Master Plan Site, including providing for a certain number of workforce housing residential rental/dwelling units within the Phase I Development (**subsection e. below**).
6. Work with Charlotte Mecklenburg Police Department and Charlotte Mecklenburg Fire Department in connection with supporting public safety needs regarding a police and a fire station serving the area (**subsection f. below**).

It is contemplated that the commitments of Petitioner and work of local governmental entities/departments, including possible funding aspects will be documented in a Memorandum of Understanding or Memoranda of Understandings (“MOU”).

b. Utility Infrastructure Extensions. Utility installations will take place over time as private development occurs and as warranted and supported by Charlotte Water and the Petitioner, or assigns. Reference is made to [Sheet RZ-12] which sets forth a general utility plan (“Utility Plan”) for the extension of water and sewer from existing utility connections in a manner that will result in water and sewer service being made available to the portions of the Master Plan Site designated for the Phase I Development and other Phases of the Master Planned Site. Petitioner, or assigns commits to work with Charlotte Water and other applicable agencies to ensure that acceptable levels of water and sewer service are made available to serve the Phase I Development. Petitioner, or assigns understands that it shall be responsible for extension of utilities within the Master Plan Site in addition to the extensions contemplated by the Utility Plan. This excludes already identified CIP projects or other public/private funding options that may be mutually agreed upon. The Petitioner, or assigns also recognizes that such water and sewer service needed to serve the Development may constitute an impediment on the level of such development that can take place.

c. Public Schools Support. Petitioner, or assigns recognizes the importance of school capacity and related aspects. As such, to help address the most pressing anticipated school needs, the Petitioner, or assigns, will identify two (2) areas within the Residential-MX District portion of River District from which two (2) approximately 15 to 25 acre parcels will be reserved school sites. Petitioner, or assigns, commits to work with CMS to further refine the locations of the above referenced school sites within 3 years of the agreement of the parties regarding the school sites, and shall reserve the school sites for a period of 10 years from the mutual agreement of the parties regarding the school site locations, to allow CMS to obtain or set aside applicable funding for acquisition of the school site(s). When the school sites are identified, Petitioner, or assigns, will promptly notify the Planning Staff as to such locations once determined.

d. Parks & Recreation Facilities. The Petitioner, or assigns, recognizes that transformative communities with exceptional livability are benefitted by quality public parks and recreation facilities. Accordingly the Petitioner, or assigns, provides the following commitments in connection with park and recreation facilities, open space and greenways:

1. **Reservation of Park Sites.** To help support public park uses and services, the Petitioner, or assigns, will identify two (2) general areas, one within the Residential District portion of River District and one within the Employment/Transition/Gateway Districts, from which parcels/land aggregating 10 acres (e.g. one area in Residential District at 10 acres and one area in other Districts at 10 acres) will be reserved for neighborhood park land and facilities. The park facilities areas will be within the designated Districts and may be divided into

smaller parcels of no less than 2 acres, and if requested by Parks & Rec one such parcel shall contain at least 5 acres, but all together aggregating 10 acres for each of the two (2) areas (for a total of 20 acres). These neighborhood park sites will have reasonable vehicular and pedestrian access to and will be in close proximity of the developed portions of the Master Planned Site as the applicable Districts are built out over time. Petitioner, or assigns, commits to reserve the park sites for a period of 7 years from the date that Petitioner, or assigns, provides written identification of such park sites to Park & Rec, provided that Petitioner, or assigns, must provide such written identification within 3 years of approval of the Rezoning Plan to allow Park & Rec to obtain or set aside applicable funding for acquisition of the park sites.

2. **Dedication of Beaver Dam Creek Greenway.** [Sheet RZ-4A] sets forth the general proposed location of the Beaver Dam Creek greenway areas, which are subject to adjustment as described in the District Development Standards. Petitioner, or assigns, will work with Park & Rec to finalize the greenway areas locations in a manner reasonably consistent with development plans for the Master Planned Site; but it is understood that the greenway area locations will be a minimum of 20 feet in width and adjacent to, and on one side of, the water supply water buffer. Greenway trails can be located in buffers where acceptable. Greenway trails with a width of 12 feet shall be located within the Beaver Dam Creek greenway areas with the cost of such installation being borne by Park & Rec. The Beaver Dam Creek greenway land dedication will take place without compensation for land value prior to the last certificate of occupancy for Phase I Development, subject to Park & Rec's commitment to bear the cost of the greenway improvements and otherwise cooperate in a manner that incorporates the projects within future capital improvement plans and does not materially delay development plans for the Master Planned Site.
3. **Overland Trail Location.** [Sheet RZ-4A] sets forth the proposed location of the planned "Overland Trail" along Dixie River Road, which is contemplated by the County Greenway Master Plan Update as well as a linear park to be installed by Petitioner, or assigns, within the extension of West Boulevard (subject to CDOT and NCDOT approval). Petitioner, or assigns, agrees to include the proposed Overland Trail and West Boulevard linear park within the Master Planned Site and such trail and linear park shall be installed as associated roadway segments and adjacent development occur. It is noted, however, that the Overland Trail and the linear park could be adjusted over the life of the Master Planned Site to accommodate potential long range transit plans for the area.
4. **Catawba River Access; Greenway Connection.** Petitioner, or assigns, will provide within the Residential District an area for public access to the Catawba River in order to allow recreational access for the County's planned "Blueway". This recreational access shall be installed prior to the first certificate of occupancy for the 1,000th residential unit in the MX District. Once the location for the recreational access to the Catawba River is determined, Petitioner, or assigns, will work with Park & Rec to locate an appropriate greenway or sidewalk connection from Beaver Dam Greenway to the recreational access. Upon such determination, Petitioner, or assigns, shall provide for dedication of such greenway trail easements to Park & Rec and Park & Rec shall bear the cost of the greenway improvements associated therewith.
5. **Future Master Planning.** The Petitioner, or assigns, and Park & Rec may modify the above referenced commitments as a result of further master planning involving the parties; any such modifications shall be mutually agreed upon. By way of example only, such

modifications might include a combination of Park & Rec designated land and CMS designated land resulting in changes to applicable acreage commitments (but not resulting in less acreage than as described herein without Park & Rec and CMS consent); the combining of park related areas to support efforts for a larger community park facility; or the combination of park related trails with the Overland Trail, the West Boulevard linear park, greenway trails or similar features.

e. Affordable & Workforce Housing. The Petitioner, or assigns, recognizes that transformative communities with exceptional livability are benefitted by a variety of housing opportunities to promote a vibrant community accessible to residents who will make up the broad-based workforce associated with the community vision. Accordingly, Petitioner agrees to the following commitments:

1. **Phase I Affordable/Workforce Housing Commitment.** 85 workforce housing residential rental units (the “Phase I Housing Commitment”) will be provided prior to the issuance of certificates of occupancy for greater than 850 residential dwelling units as part of the residential development allowed in the Phase I Development. The Phase I Housing Commitment will be subject to and based on approval by applicable governmental entities of an appropriate tax credit housing grants pursuant to North Carolina Housing Finance Agency, other possible public funding support in the form of tax increment grants and/or other such workforce housing funding vehicles (“Tax Credit/Housing Support Vehicles”) associated with such commitment. The Phase I Housing Commitment will provide that the 85 designated workforce/affordable housing rental units maintain monthly rents that are income restricted for households earning 80% or less of the area median income, for a period of not less than 30 years after occupancy, or some other metric mutually acceptable to the Petitioner, or assigns, and the City of Charlotte Neighborhood Development Department. Petitioner, or assigns, including without limitation experienced providers of workforce/affordable housing, will use diligent good faith efforts to comply in a timely manner with the Phase I Housing Commitment (including approval of an appropriate Tax Credit/ Housing Support Vehicle(s)).
2. **Additional Phases Affordable/Workforce Housing.** Petitioner, or assigns, including without limitation experienced providers of workforce housing, commit that 8% of the total number of residential dwelling units built in connection with Phase II and future phases (the “Additional Phases Housing Commitment”) will consist of residential rental dwelling units that maintain monthly rents that are income restricted for households earning 80% or less of the area median income, for a period of not less than 30 years after occupancy, or some other metric mutually acceptable to the Petitioner, or assigns, and the City of Charlotte Neighborhood Development Department. It is understood that the Additional Phases Housing Commitment will be subject to and based upon approval of applicable Tax Credit/Housing Support Vehicle(s). Furthermore, it is understood that the implementation of such future Additional Phases Housing Commitment shall be based on overall housing deliveries of 1,000 dwelling units or more, such that 80 such workforce/affordable rental housing units shall be under development prior to the second installment of 1,000 residential dwelling units (e.g. the first installment being the Phase I Development residential dwelling units) and an additional 80 workforce/affordable rental housing units shall be under development prior to the third installment of 1,000 residential dwelling units, etc.

f. Public Safety.

1. **Police Services.** In order to support master planning needs, Petitioner, or assigns, agree to reserve within the Master Planned Site 3.5 acres of land for a future police station that could serve the broader community. The location of the land for this station will be determined in good faith by the parties within 3 years of approval of the Rezoning by City Council, and the location will be based on customary guidelines of CMPD that reflect response times among other factors. The land so designated shall be reserved by Petitioner, or assigns, for the benefit of CMPD for a period of 10 years from such approval.
2. **Fire Department Service.** In order to support master planning needs, Developers agree to reserve within the Master Planned Site 3.5 acres of land for a future fire station that could serve the broader community. The location of the land for this station will be determined in good faith by the parties within 3 years of approval of the Rezoning by City Council, and the location will be based on customary guidelines of CMFD that reflect response times among other factors. The land so designated shall be reserved by Petitioner, or assigns, for the benefit of CMPD for a period of 10 years from such approval.

g. **Administrative Amendments regarding Commitments for Civic/Community Uses & Services.** It is acknowledged that given the large master planned nature and long timeline of development for the Master Planned Site, changes in the various civic services/community uses described in subsections IV.c, d., e., and f. above, may take place over time or commitments regarding the same may be met on property beyond the Master Planned Site or by parties other than Petitioner, or assigns, with the approvals of the applicable governmental authorities authorized for such services/community uses (e.g. CMS as to subsection c., Park & Rec as to subsection d., the Charlotte City Council as to subsections e. and f.). In such event, the Petitioner, or assigns, with the written approval by the applicable governmental authorities, may request an administrative amendment to the Rezoning Petition to address the changes associated with the civic services/community uses in question.

V. Transportation/Roadway Improvements & Implementation.

a. **Transportation Framework & General Provisions.** The following provisions of this Section V.a. set forth the overall methodology/framework for the roadway improvements to be installed in connection with development of the Master Planned Site as well as other general provisions governing the transportation components of the Rezoning Plan.

1. **Transportation Network.** Due to the large master planned nature of the development of the Master Plan Site which will occur over many years, the applicable transportation network generally depicted on [Sheet RZ-11] will be implemented over time and will adapt to the timing of development, availability of public and private funding and other factors. Sections V.b.-d. below set forth a description of the roadway improvements to be installed in connection with certain phases of development of the Master Plan Site, but the exact locations and alignments of the roadway improvements set forth on [Sheet RZ-11] and described below are subject to change, per the provisions of this Section V. The provisions of this Section V shall govern to the extent of a conflict between the graphic depictions of [Sheet RZ-11] and the provisions of this Section V.
2. **Multiple Phases & Transportation Analysis; Adjustments/Sub-phases; Completion of Improvements Prior to Certificates of Occupancy.** The transportation improvements required for the Master Planned Site will be accomplished in multiple phases, including

“Phase I Improvements,” “Phase II Improvements” and “Phase III Improvements,” as defined below (each being a “major phase”), or “sub-phases” of such major phases. The development levels for the major phases of the development are described on [Sheet RZ-11], but adjustments to the mix and amount of such development levels and the accompanying roadway improvements associated with development for such major phases or sub-phases may be permitted in accordance with the provisions of this Section V. Such adjustments and/or sub-phases shall be allowed administratively subject to review and approval by CDOT (or as applicable NCDOT) of appropriate transportation analysis in the form of existing or future transportation impact studies or technical transportation memoranda (hereinafter “transportation analysis”). Such adjustments and/or sub-phases resulting from approval of appropriate transportation analysis may result in more or fewer transportation improvements, in alternative improvements being deemed suitable to address transportation adequacy and/or in increases or decreases in the applicable levels of development. Approval by NCDOT as referenced herein shall only be applicable to the extent necessary per customary approval practice of NCDOT. All roadway improvements for each major phase, or sub-phase, are required to be completed prior to the issuance of the first certificate of occupancy for development within each major phase, or each sub-phase, as applicable, that is approved by CDOT (or as applicable NCDOT) per appropriate transportation analysis.

- 3. Phase I Development/Sub-phases & Phase I Improvements – See Description in Section V.b.** Reference is made to [Sheet RZ-11] for the development levels allowed for Phase I (the “Phase I Development”) and the roadway improvements required in connection with such development (the “Phase I Improvements”) per that certain Traffic Impact Study prepared by Design Resource Group, last updated as of February, 2016 (the “Phase I Traffic Impact Study”). The Phase I Improvements are more particularly described in Section V.b. below and may be subject to alteration and to sub-phasing through administrative approvals as described above.
- 4. Phase II Development/Sub-phases & Phase II Improvements – See Description in Section V.c.** Reference is made to [Sheet RZ-11] for development levels associated with Phase II development (the “Phase II Development”) and the roadway improvements required in connection with such development (the “Phase II Improvements”). The required Phase II Improvements are more particularly described in Section V.c. below. The Phase II Development and Phase II Improvements have been subjected to regional transportation modeling, but may be subject to alteration and to sub-phasing through administrative approvals as described above.
- 5. Phase III Development/Sub-phases & Phase III Improvements – See Description in Section V.d.** Reference is made to [Sheet RZ-11] for development levels beyond the Phase I Development and Phase II Development (referenced as the “Phase III Development”) and for associated required roadway improvements that are more particularly described in Section V.d. below (the “Phase III Improvements”). The Phase III Development and Phase III Improvements have been subjected to regional transportation modeling, but may be subject to alteration and to sub-phasing through administrative approvals as described above.
- 6. Impact of Permitted Uses/Development Levels & Transportation Adequacy Assessments.** The levels of development associated with the Phase I Development, the Phase II Development and the Phase III Development, as well as sub-phases of such major

phases, are intended to reflect limitations on allowed development levels tied to certain required roadway improvements; provided, however, such development levels and associated roadway improvements may be adjusted, at the request of Petitioner, or assigns, with reference to the varying traffic impact of such permitted uses based on appropriate transportation analysis approved by CDOT (and, as applicable, NCDOT). By way of illustration only, the amount of residential dwelling units allowed as part of the Phase I Development associated with the required implementation of the Phase I Improvements may be increased above the limits listed for Phase I Development residential uses on [Sheet RZ-11] provided that there is a reduction in other permitted development levels associated with Phase I Development so as to account for the differing transportation impact as reflected in appropriate transportation analysis.

- 7. Completion of Improvements by Others.** The listing of required roadway improvements associated with Phase I Development in Section V.b. below, Phase II Development in Section V.c. below and Phase III Development in Section V.d. below are not intended to suggest that they must be completed by Petitioner; rather such roadway improvements, whether associated with a major phase or a sub-phase, may be completed by Petitioner, or assigns, or by others, such as governmental bodies by way of a public private partnerships, Community Investment Plan funding (e.g. CIP) or otherwise. Accordingly, references to “Petitioner,” or “Petitioner or assigns” in this Section V may include such other third parties, and a listing of required improvements needed to allow certain development to take place does not mean that the Petitioner is exclusively responsible for such improvements. The applicable requirements, however, must be satisfied prior to issuance of the applicable certificates of occupancy associated with such development regardless of which party is involved in such development or commits to make such improvements, unless adjusted in accordance with the provisions of this Section V.
- 8. CRTPO Review.** It is acknowledged that currently the Charlotte Regional Transportation Planning Organization (CRTPO) must approve any required changes to the adopted Thoroughfare Plan or Comprehensive Transportation Plan, as applicable.
- 9. Communication; Record-Keeping/Tracking.** Petitioner, or assigns, and/or such other individual developers/owners, shall provide such communication and approvals related to the improvements to be done and completed as CDOT shall reasonably request so as to properly track the roadway improvements and associated development levels for record keeping purposes. CDOT, Planning Director, or designee, and Petitioner, its successors and assigns, may mutually agree on appropriate notice and record-keeping procedures in the future as part of an administrative amendment.
- 10. CDOT/NCDOT Standards; Local Streets Per Subdivision Ordinance.** All of the roadway improvements contemplated by the Rezoning Plan, as may be adjusted from time to time as provided herein, will be subject to the standards and criteria of CDOT and/or NCDOT, as applicable, related to such roadway improvements within their respective road system authority.
- 11. Thoroughfare Improvements.** Development along existing roadways having a “Thoroughfare” designation must be improved to applicable “Thoroughfare” standards along the frontage being developed; provided, however, if such roadways associated with the development are within an identified and budgeted community improvement project of the City or NCDOT (as applicable), Petitioner, or assigns, may elect to contribute the

estimated cost of the applicable improvements toward funding of the approved community improvement project.

- 12. Substantial Completion.** Reference to term “substantial completion” for certain improvements as set forth in the provisions of this Section V shall mean a determination by CDOT that the applicable roadway improvements are deemed “substantially complete” for the purpose of the issuance of certificates of occupancy for building(s) on the Master Plan Site in connection with development/improvements phasing. The Petitioner, or assigns, may be asked to post a letter of credit or a bond for any improvements not in place at the time of any such substantial completion to secure completion of the applicable improvements in instances where CDOT has deemed certain improvements as substantially complete.
- 13. Alternative Improvements; Design Changes.** The Phase I Improvements, Phase II Improvements, and Phase III Improvements and other roadway improvements deemed necessary as described herein, are anticipated to take place over the long term development horizon contemplated by this Rezoning Plan. As a result, changes in circumstances or conditions (e.g. increased transit service and the like) may arise as to the ability or advisability of the construction of the roadway improvements. In addition, certain design changes or alternative roadway improvements may make sense under future circumstances. Accordingly, it is understood that the roadway improvements may be altered with alternate improvements, design changes or other adjustments upon approval by CDOT (and, as applicable, NCDOT). The above-referenced adjustments or design changes may be approved administratively upon CDOT’s approval and shall be documented in accordance with the process set forth in Section III.b. of these General Development Standards.
- 14. Right-of-Way Dedications for Areas within Master Plan Site.** Except as otherwise set forth in this paragraph, Petitioner, and assigns, agree to dedicate, without compensation, the applicable right-of-way for public arterial streets located land situated within the Master Plan Site upon the earlier of (i) the commencement of construction the applicable required roadway improvements being undertaken by Petitioner, or assigns, or (ii) the commencement of construction of required roadway improvements being undertaken by other parties such as the City. Notwithstanding the foregoing, the rights-of-way for arterial streets to be located on the following parcels within the Gateway District of the Master Planned Site (the “Gateway Right of Way Parcels”) shall be exempted from the above-referenced commitment and the provisions associated with acquisition of rights of way in Section V.14 below may apply to the right of way acquisitions for such Gateway Right of Way Parcels: Tax Parcel #s - 141-131-18, 141-143-15, 141-143-02, 141-143-03, 141-143-07, 141-143-06, 141-143-10; 141-143-19, 141-142-06, 141-142-07, 141-142-08, 141-142-02, 141-143-01, 141-143-01, 141-142-03, 141-143-05 and 141-131-19.
- 15. Off-site Right-of-way Availability.** It is understood that some of the public roadway improvements referenced in this Section V, when being implemented by the Petitioner, or assigns, may not be possible without the acquisition of land not located within the Master Plan Site for additional right of way. If, upon the election of the Petitioner, or assigns, and upon such election after the exercise of diligent good faith efforts, as specified and administered by the City of Charlotte right-of-way acquisition process, the Petitioner, or assigns, 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 Petitioner, or assigns, may request that CDOT, the City of Charlotte Engineering Division or other applicable agency proceed with acquisition of any such land including acquisition by condemnation

proceeding. Petitioner, or assigns, shall not be obligated to seek to acquire land off-site from the Master Plan Site (nor land within the Gateway Right of Way Parcels) for right-of-way as described above, and instead third parties or governmental agencies may acquire such right-of-way as part of development by parties other than Petitioner, or assigns, or by way of governmental improvements. Requests by Petitioner, or assigns, or unrelated third parties, as applicable, shall be subject to a decision by the City or other such agency that such an acquisition/condemnation is not appropriate due to the size and scale of the acquisition/condemnation unduly interfering with a larger impact area that desirable. In the event the City elects to proceed with such acquisition/condemnation efforts, (unless otherwise agreed by the Petitioner, or assigns, such unrelated third parties or the City, as applicable), the applicable responsible party shall reimburse the City or other such agency, for the cost of any such acquisition proceedings including compensation paid by the City or other such agency, for any such land and the expenses of such proceedings. Furthermore, in the event roadway improvements referenced in this Section V are delayed because of delays in the acquisition of additional right-of-way as contemplated herein, then the applicable responsible party may contact CDOT and the Planning Director, or designee, regarding an appropriate infrastructure mitigation phasing plan that appropriately matches the scale of the development proposed. Upon approval of such infrastructure mitigation phasing plan by CDOT/Planning Director, or designee, CDOT, in its discretion, may inform applicable authorities that it is comfortable with allowing the issuance of certificates of occupancy for the applicable buildings in light of approved infrastructure mitigation phasing plan; and in such event the applicable responsible party shall continue to exercise good faith efforts to complete the applicable roadway improvements and 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 in order to secure completion of the applicable improvements. It is understood that the above provisions are not to be construed as a limitation on the ability of the City or State of North Carolina to seek condemnation for right of way needed for installation of public streets that are to be constructed in connection with the overall street/roadway network needs; in such instances the Petitioner, or assigns, shall not be obligated to provide for the reimbursement of any such acquisition costs for public roads/streets to sought by the City or State, whether by public funding or a public support/reimbursement approach.

b. Description of Phase I Roadway Improvements. As part of the Phase I Development, the following Phase I Improvements will be constructed in accordance with the implementation provisions set forth in Section V.a. above, including those dealing with sub-phasing of such improvements and adjustments in permitted development levels/roadway improvements based on differing transportation impact for such permitted uses.

1. West Blvd./Byrum Drive & Steele Creek Road/West Blvd. (signalized)

- Extend the existing northbound left turn lane storage on Steele Creek Road from 375 feet to 450 feet and construct a 2nd northbound left turn lane with 450 feet of storage and appropriate bay taper. This will require a 2nd receiving lane on West Boulevard with 400 feet of storage and a 400-foot taper (to an existing guardrail/bridge deck) (by others).
- Extend the existing southbound right turn lane storage on West Blvd. from 275 feet to 325 feet and construct a 2nd southbound right turn lane with 325 feet of storage and appropriate bay taper. A 2nd westbound receiving lane will be constructed on West Blvd. with the inclusion of the 2nd northbound left turn lane at the intersection described previously (by others).

- Construct an eastbound right turn lane on West Boulevard with 225 feet of storage and appropriate bay taper.
- Construct a 2nd eastbound left turn lane on West Blvd. with 175 feet of storage and an appropriate bay taper (into the existing thru lane taper located to the west).
- It should be noted that there are no pedestrian amenities at or within the immediate vicinity of the intersection; however, improvements such as high-visibility crosswalks, pedestrian signal heads and pushbuttons should be considered.

Alternative to #1 Above. If on or before the commencement of construction by Petitioner, or assigns or other parties as permitted above, of the above-referenced West Blvd/Byrum Drive & Steele Creek Road/West Blvd improvements described in #1 above (the “West Blvd/Byrum/Steele Creek Improvements”), the City of Charlotte notifies Petitioner, or assigns, of the approval of final plans for the relocation of West Boulevard with a new alignment (the “West Blvd Relocation Improvements”), Petitioner, or assigns, shall not proceed with construction of the West Blvd/Byrum/Steele Creek Improvements. Instead, Petitioner, or assigns, shall deliver to City of Charlotte the sum of \$393,000, representing the estimated costs associated with the West Blvd/Byrum/Steele Creek Improvements (the “West Blvd Relocation Contribution Payment”). The West Boulevard Relocation Contribution Payment shall be applied by City of Charlotte to the cost of completion of construction of the West Blvd Relocation Improvements, and upon delivery of the West Blvd Contribution Payment to City of Charlotte, any requirement for completion of the West Blvd/Byrum/Steele Creek Improvements shall be waived. If City of Charlotte does not apply the West Blvd Contribution Payment to the cost of the West Blvd Relocation Improvements within four (4) years of deposit of the same with City of Charlotte, the City of Charlotte shall return such amount to Petitioner, or assigns or designee.

2. West Blvd. & Wallace Neel Road (recommended signalization)

- The installation of a traffic signal.
- Construct a westbound right turn lane on West Boulevard with 300 feet of storage and appropriate bay taper (by others).
- Modify the southbound combined left-right lane on Wallace Neel Road to a left turn lane and construct a southbound right turn lane on Wallace Neel Road with 275 feet of storage and appropriate bay taper (by others).
- Construct an eastbound left turn lane on West Boulevard with 350 feet of storage and appropriate bay taper (into the existing thru lane taper located to the west for the intersection of West Blvd. & I-485 Inner Loop Ramps).
 - This will also require an appropriate thru lane taper on the east side of the intersection.
- It should be noted that there are no pedestrian amenities at or within the immediate vicinity of the intersection; however, improvements such as high-visibility crosswalks, pedestrian signal heads and pushbuttons should be considered.

3. West Blvd. & I-485 Inner Loop Ramps (recommended signalization)

- The installation of a traffic signal.
- Extend the existing eastbound left turn lane storage on West Blvd. from 275 feet to terminate at the I-485 Outer Loop Ramps intersection and construct a 2nd eastbound left turn lane on West Boulevard with 350 feet of storage and a 200-foot bay taper (this improvement is located on the existing bridge deck over I-485 - no widening is necessary [10-foot wide

lane]).

- This will require a 2nd receiving lane on the I-485 Inner Loop Entrance Ramp with a minimum of 500 feet of full lane and a 400-foot taper.
- Extend the existing northbound left turn lane storage on the I-485 Inner Loop Exit Ramp from 140 feet to 650 feet with an appropriate bay taper.
- It should be noted that there are no pedestrian amenities at or within the immediate vicinity of the intersection; however, improvements such as high-visibility crosswalks, pedestrian signal heads and pushbuttons should be considered.

4. West Blvd./West Blvd. Extension & I-485 Outer Loop Ramps (recommended signalization)

- Realign West Boulevard to the north to better line up with the existing bridge deck over I-485.
- The installation of a traffic signal.
- Construct a short (300-foot) 2nd westbound thru lane on West Blvd. east of the intersection starting with a 150-foot taper (to an existing guardrail for the bridge deck over I-485).
- Construct a 2nd westbound left turn lane on West Boulevard with 250 feet of storage and a 200-foot bay taper.
 - This will require a 2nd receiving lane on the I-485 Outer Loop Entrance Ramp with a minimum of 500 feet of full lane and a 400-foot taper.
- Extend the existing southbound right turn lane from 140 feet to 400 feet of storage.
- Construct a southbound left turn lane with 400 feet of storage.
- Construct a second southbound right turn lane with 400 feet of storage.
 - The proposed West Blvd. Extension will include a five-lane section (two thru lanes in each direction with left turn lanes) – a 2nd de-facto receiving lane will be in place with the inclusion of this additional southbound right turn lane.
- Construct the eastbound approach of West Blvd. Extension with a thru lane and combined thru-right turn lane.
- It should be noted that there are no pedestrian amenities at or within the immediate vicinity of the intersection; however, improvements such as high-visibility crosswalks, pedestrian signal heads and pushbuttons should be considered.

5. West Blvd. Extension & Realigned Garrison Road/Garrison Road Extension (recommended signalization)

- The installation of a traffic signal.
- West Blvd. Extension is expected to include a five-lane section (two travel lanes in each direction with a center median or left turn lanes); the two westbound lanes will terminate as separate left and right lanes at Realigned Dixie River Road.
- Realigned Garrison Road is expected to contain the following cross-section:
 - Two southbound receiving lanes
 - A northbound left turn lane with 150 feet of storage and appropriate bay taper
 - A northbound thru lane
 - A 2nd northbound thru lane that terminates as a right turn lane at West Blvd. Extension.
- Garrison Road Extension is expected to contain the following cross-section:
 - A northbound receiving lane
 - Dual southbound left turn lanes (the inner lane should contain a minimum 175 feet of storage and the outer lane should terminate as a left turn lane) with an appropriate bay

- taper
 - A southbound combined thru-right turn lane
 - Install pedestrian amenities such as sidewalks, high-visibility crosswalks, pedestrian signal heads and pushbuttons.
- 6. Dixie River Road & West Blvd. Extension (recommend signalization as part of West Blvd. Extension)**
- Installation of a traffic signal (upon meeting warrants).
 - Construct a northbound right turn lane on Dixie River Road with 325 feet of storage and appropriate bay taper.
 - Construct a southbound left turn lane on Dixie River Road with 325 feet of storage and appropriate bay taper.
 - This will also require an appropriate thru lane taper on the south side of the intersection.
 - West Blvd. Extension is expected to include a five-lane section (two travel lanes in each direction with a center median or left turn lanes); the two westbound lanes will terminate as separate left and right lanes at Dixie River Road.

c. **Phase II Development & Phase II Improvements.** As part of the Phase II Development, the following Phase II Improvements will be constructed in accordance with the implementation provisions set forth in Section V.a. above, including those dealing with sub-phasing of such improvements and adjustments in permitted development levels/roadway improvements based on differing transportation impact for such permitted uses.

1. West Blvd. & I-485 Inner Loop Ramp (shifted signalization)

- Loop ramp on the southeast quadrant of the intersection for eastbound West Blvd. to northbound I-485 vehicular;
- Shift the existing northbound I-485 Inner Loop Exit Ramp to the east.
- Reevaluation of intersection improvements to include turn lanes and signalization.

2. West Boulevard & I-485 Outer Loop Ramps (signalized)

- Loop ramp on the northwest quadrant of the intersection for westbound West Boulevard to southbound I-485;
- Reevaluation of intersection improvements to include turn lanes and signalization.

3. New I-485 Partial North Interchange and East-West Connector Road

- East-West Connector Road over I-485 between Wallace Neel Road and Garrison Road Extension;
- I-485 northbound and southbound interchange ramps on north side of partial interchange;
- Modifications to southbound I-485 Outer Loop West Boulevard exit ramp to incorporate new southbound East-West Connector I-485 exit ramp;
- Modifications to northbound I-485 Inner Loop West Boulevard entrance ramp to incorporate new northbound East-West Connector I-485 entrance ramp;
- Modifications to Wallace Neel Road north of partial interchange;
- Evaluation of new intersections for turn lanes and signalization.

4. Garrison Road Extension north

- Garrison Road Extension north to Dixie River Road from end of Phase 1 improvements or East-West Connector intersection;
- Garrison Road – Dixie River Road intersection improvements to include evaluation of turn lanes and signalization.

5. Dixie River Road north

- Improvements along Dixie River Road from end of Phase I Roadway Improvements limits north to Garrison Road.

6. Dixie River Road south

- Improvements along Dixie River Road south from end of Phase I Roadway Improvements limits to new intersection of future Catawba Crossing;
- Dixie River Road & Catawba Crossing intersection improvements to include evaluation of turn lanes and signalization.

7. Garrison Road Extension south

- Garrison Road extension south from end of Phase I Roadway Improvements to new intersection with Catawba Crossing.

8. Catawba Crossing east

- Catawba Crossing from intersection with Dixie River Road east to new intersection with southern extension of Garrison Road;
- Catawba Crossing & Garrison Road intersection improvements to include evaluation of turn lanes and signalization.

9. Dixie River Road south

- Improvements along Dixie River Road south from new intersection of future Catawba Crossing to southern limit of the Master Plan Site.]

10. Sadler Road west

- Improvements along Sadler Road west from improved intersection with Dixie River Road to western limit of rezoning (note the distance to be confirmed);
- Dixie River Road & Sadler Road intersection improvements to include evaluation of turn lanes and signalization.

11. Sadler Road west (not within Master Plan Site)

- Prior to platting of the 101st lot within the Residential District 5 portion of the Residential District bordering Sadler Road, road improvements will be installed to include:
 - 2 eleven (11) foot travel lanes including a full overlay of the pavement or as otherwise may be directed by CDOT or as applicable NCDOT.

12. East-West Connector west

- East-West Connector from intersection with Garrison Road Extension west to Dixie River Road and Sadler Road intersection;
- East-West Connector Road – Sadler Road and Dixie River Road intersection improvements to include evaluation of turn lanes and signalization.

13. Extension of West Boulevard

- Extension of West Boulevard west from Dixie River Road intersection to the approximate location/boundary of Watershed Critical Area.
- Extension of West Boulevard east to Billy Graham Parkway in the form of a 2-lane section initially but with ultimate full build-out of a 4-lane section (such timing to be determined); such improvements shall be planned and implemented in coordination with the West Boulevard/Airport related realignment project, the applicable Catawba Crossings study work and subject to applicable future transportation analysis regarding these improvements and the timing of the same.

d. Phase III Development & Phase III Improvements. As part of the Phase III Development, except as may be expressly noted below, the following Phase III Improvements will be constructed in accordance with the implementation provisions set forth in Section V.a. above, including those dealing with sub-phasing of such improvements and adjustments in permitted development levels/roadway improvements based on differing transportation impact for such permitted uses.

1. West Boulevard Extension west

- West Boulevard Extension west to its intersection with the Catawba Crossing.

2. Dixie River Road south

- Dixie River Road south to new intersection with Garrison Road extension;
- Evaluation of intersection improvements to include turn lanes and signalization.

3. Garrison Road Extension south

- Garrison Road Extension south to new intersection with Dixie River Road.

4. Catawba Crossing east and new partial southern interchange with I-485

- Catawba Crossing east from its intersection with Garrison Road Extension to east of new partial southern interchange with I-485;
- Catawba Crossing and I-485 Outer Loop ramp entrance ramp;
- Catawba Crossing and I-485 Inner Loop ramp exit ramp;
- Catawba Crossing and I-485 intersection improvements to include evaluation of turn lanes and signalization;
- Catawba Crossing east of I-485 to be coordinated with the Airport and the relocation of West Boulevard.

5. Catawba Crossing west

- Catawba Crossing west from intersection with Dixie River Road to West Boulevard Extension intersection.

VI. Design Standards/Guidelines Applicable to all MUDD-O Districts & Some Uses within MX Districts. The following sets forth certain design standards for specific types of conditions and building types/uses and they are in addition to and will control in the event of a conflict or discrepancy with those standards/guidelines set forth in the applicable District Development Standards. Unless expressly noted below, the following provisions apply to the MUDD-O District and MX-2 District. The following provisions are subject to the application of any applicable MUDD *Optional Provisions* set forth in the Rezoning Plan.

a. *Optional Provision.* The following *Optional Provisions* dealing with **side and rear building elevations** fronting Boulevards or Parkways may use landscaping, with a minimum installed height of 1/2 the height of the first story', to address blank walls and/or screen service areas and such landscaping shall be planted at installation in a manner to prevent views of the walls at grade where the landscaping is used.

b. *Optional Provision.* The following *Optional Provisions* dealing with **Loading docks, truck doors and service areas. Loading docks, truck doors and service areas** shall not be located between the primary building and the primary street. Loading docks, truck doors and service areas shall be screened, with landscaping, screen walls or other architectural features, from public view except when topographic and/or environmental site conditions exist making such limitation impractical or if there is a demonstrated public benefit reasonably acceptable to the Planning Director to deviate from this standard.

c. *Optional Provision.* The following *Optional Provision shall apply.* If the final architectural design cannot meet the design standards for blank wall articulation, **alternative innovative design solutions** may be considered for the reasonable approval of the Planning Director, or designee, under Section I.d. of these General Development Standards.

d. *Optional Provision.* The following *Optional Provision shall apply.* The **maximum contiguous area without windows or doors** on any floor shall not exceed 20 feet in length. Where blank or unarticulated walls 20' or greater cannot be addressed principally with doors or windows, they shall be treated with a combination the following options:

1. Provide a higher level of transparency/active use on the ground floor (exaggerated or larger windows indicative of habitable living areas) than the level of transparency provided for on upper stories;
2. Utilize horizontal and vertical variations in wall planes that are a minimum 8 inches in depth;
3. Change in building materials;
4. Display windows a minimum depth of 12"; and/or
5. Landscaping on non-network required streets or secondary street frontages.

e. The following standards apply to **vertical mixed-use and/or multi-story office buildings:**

1. Where a building is served by common entrances (not individual unit entrances) common usable open spaces, site amenity areas or courtyards can be utilized to break up the wall plane.
2. The ground floor shall be architecturally differentiated from upper stories i.e. taller ground floor windows, variations in building materials, increased pedestrian level detail etc.
3. The ground floor height (floor to ceiling) shall be a minimum of 15 feet. At least 50% of the ground floor per linear street frontage should meet this provision.
4. **Office buildings provided in the campus style format** (as defined in Section I.h above) may have larger setbacks from public and private streets than those set forth in the District Development Standards and may be oriented to common open spaces, greenways, I-485 and/or other buildings within the campus.

f. The following standards apply in the *MUDD-O Districts and the MX District* to **multi-family buildings 3 stories or taller**:

1. The scale and massing of buildings longer than 150' along a street shall be minimized by utilizing a combination of the following options: (a) varied roof lines through the use of slopes, modulated buildings heights, gables, dormers or innovative architectural solutions; (b) utilize building corners to provide visual interest at the pedestrian level as well as to differentiate roof lines or highlight ground floor uses; (c) utilize horizontal and vertical variations in wall planes; (d) provide architectural protrusion to accentuate enclosed balconies, and/or (e) a significant change in color and/or material accompanied with a minimum building articulation.
2. Common and private individual entrances will be provided along public streets at intervals of no more than 100 feet or as defined in the Streetscape by District Standards on [Sheet RZ-5C]. Where a building is served by common entrances (not individual unit entrances) and cannot achieve the interval spacing, common ground level usable open spaces, site amenity areas or courtyards can be utilized to break up the wall plane.
3. When outdoor living area in the form of a porch is provided, individual residential unit entrances shall orient to Local Public Streets with sidewalk connections so as to have a direct pedestrian connection to adjacent public sidewalks or greenways.
4. The ground floor shall architecturally differentiate active ground floor uses such as common areas, lounges, amenity areas or leasing offices from the residential uses and upper stories and shall maintain a high level of visibility through the use of clear glass, larger windows and an unobstructed view from adjacent public or private streets or common open spaces.
5. Balconies will be designed so that their size and location maximize their intended use for open space. The balconies may encroach into the 4-foot setback transition zone above the first story of the building with a clearance from grade of a minimum of 12 feet when the building is located along and the balcony is facing a public street.
6. All facades shall incorporate windows, arches, balconies or other architectural details along with varying build materials, or roof lines or building offsets.

7. Common building entrances (defined as serving an entire building or majority of the building) for multi-family residential uses shall be at or slightly (1' or less) above grade; entrances serving individual units or small number of units shall be typically 2 feet above grade unless unusual site conditions make this impractical; and common entrances shall be highly visible and architecturally treated as prominent pedestrian entrances through a combination of at least three (3) of the following features:
 - i. Decorative pedestrian lighting/sconces;
 - ii. Architectural details carried above the ground floor;
 - iii. Covered porches, canopies, awnings or sunshades;
 - iv. Archways;
 - v. Transom windows;
 - vi. Terraced or raised planters that can be utilized as seat walls;
 - vii. Common outdoor seating enhanced with specialty details, paving, landscaping or water features;
 - viii. Double doors;
 - ix. Stoops or stairs; and/or
 - x. Contrasting pavement from primary sidewalk.

g. *Optional Provision.* The following design standards apply to **Auto-oriented Uses** (defined as 30,000 square foot or less detached/ freestanding EDEE, retail (including without limitation convenience stores and gas stations) and office uses (including without limitation financial institutions) with or without an accessory drive-thru window:

1. A minimum of 60% of the principle entrance facade and 30% of one of the secondary street frontage façades, if located on a corner, shall be designed to have such pedestrian level façade be transparent with clear glass windows and doors that animate the façade edge and/or window box treatments and other similar features.
2. Landscaping shall be installed in the the area in front of blank walls that face streets in such as manner as to screen from view the walls covered with such landscaping, and projections, recesses, arcades, awnings, color, and texture shall be used to reduce the visual size of any unglazed walls; the landscaping at the time of planting shall be a minimum three (3) feet in height.
3. Locate drive-thru windows, service and loading areas to the rear or side interior side yards, away from the primary streets, to reduce their visibility. The drive thru lane and bail out lanes shall adhere to the standards referenced above in Section VI.h below.
4. Reinforce the street edge along parking areas by constructing segments of permanent, architectural walls with a minimum height of 48 inches in combination with or in alternating sequence with landscaping having a minimum installed height of 36 inches.

5. When multiple drive-through lanes are provided, design any canopies over them so that they are integrated with the overall architectural design of the primary buildings and appear to be an extension of the primary building mass, cornice and or roof type with similar architect design. Material deviations are permitted, however shall be complimentary.
6. Canopy locations for fuel sales shall not be located between the building and the primary street frontage; provided, however, deviations to this standard are contemplated and allowed with the approval of the Planning Director, or designee, when such facility is located at a corner or other site conditions or shape of site dictate, provided further that landscaping and screening requirements shall apply in each such deviation instance.

h. Optional Provision. The following Optional Provision shall apply. **Accessory drive-thru windows** facilities are permitted (with the exception of the Town Center Core) on Parkways, Boulevards or secondary streets (secondary streets being non-primary streets and principally auto-oriented with less emphasis on pedestrian features), subject to the following standards:

1. Drive thru windows shall not be oriented to primary streets. However, one drive thru lane and one bail out lane are permitted between the building and the street with screening achieved through a combination of low landscape solid walls ranging from 36 to 42 inches in height articulated no less than every 20 feet and landscaping.
2. Multilane drive thrus such as those for banks or fast food restaurants shall not face the primary street unless canopied and with an articulated building edge.
3. No more than 2 uses with accessory drive thru windows per block face are permitted and the uses with accessory drive thru windows may not be located adjacent to each other on the same block unless they share central parking facilities.
4. When multiple drive-through lanes are provided, any canopies over them shall be designed so that they are integrated with the overall architectural design of the primary buildings and appear to be an extension of the primary building mass, cornice and or roof type with similar architect design. Material deviations are permitted, however shall be complimentary

i. *Optional Provision – Larger Format Users.* The following *Optional Provision* shall apply within the MUDD-O Districts for **non-office commercial uses, indoor recreation uses unrelated to schools or civic uses, each of greater than 30,000 sf of gross floor area:**

1. Non primary street facing side and rear facades can utilize landscaping with an installed height of ½ the height of the first story of and plant grouping gaps no larger than 20 feet to address blank walls.
2. Parking fields will be minimized to no more than 2 full bays of parking between the building and the primary street, and larger parking areas may be provided to the side or rear of the building. Deviations from this standard may be allowed on thoroughfares with enhanced pedestrian connections through parking areas. Deviations are not allowed in the Town Center Core.
3. A primary pedestrian entrance will be located facing a public or private street, or located on a street facing corner. Only one primary pedestrian entrance is required for the building (not one for each street).

j. The following design standards shall apply to **structured parking facilities**:

1. Building materials associated with facades on parking structures shall be generally compatible in character and quality with materials used on nearby buildings, plazas and streetscapes, taking into consideration differences associated with parking structures;
2. Parking structures shall be designed to materially screen the view of parked cars from adjacent public or private streets or publicly accessible open spaces or plazas. Screening of cars on the ground level and second level will be accomplished primarily through the use of decorative louvers and similar features, and landscaping. Cars shall not be visible from the street and/or adjacent sidewalk. Deviations are permitted along I-485 and Boulevards and Parkways where landscaping or walls a minimum of 42 inches tall are permitted screening.
3. Screening of cars parked on the upper level will be accomplished by a solid wall, at least 36 inches in height, designed as part of the parking deck structure except in the Town Center Core where all levels facing a public street shall be screened with decorative louvers or glazing.
4. Architectural detailing should minimize large expanses of horizontal openings in excess of 20 feet and should provide vertical breaks from ground level to top level every 50 feet.

k. The following design standards shall apply to **Continuing Care Retirement Centers (CCRC)**:

1. Parking areas for the CCRC uses will be located to the rear of the buildings or between the buildings;
2. The CCRC buildings located will have at least one primary building entrance oriented to applicable street.
3. If pitched roofs are utilized the roof pitch must be greater than 6:12.
4. Stucco or EFIS with a smooth or sandy finish may be used as secondary material only on the 2nd and 3rd floors and such material shall be less than 40% of the aggregate wall area excluding roofs and siding.
5. Building façade materials, with the exception of corner treatments and columns, shall be combined only horizontally, with the heavier below the lighter.

l. Urban Design Townhouse Design Guidelines: The following design provisions shall apply to single family attached townhomes or multi-family units designed in a townhome formal:

1. 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, subject to applicable deviations to address site constraints.
2. Pitched roofs, if provided, shall be symmetrically sloped no less than 6:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.

3. Usable porches and stoops shall form a predominate feature of the building design and be located on the front and/or side of the building. Usable front porches are covered and are at least 6 feet deep. Stoops and entry-level porches may be covered but not be enclosed.
4. All corner/end units that face a public or private street should have a porch or stoop that wraps a portion of the front and side of the unit or blank wall provisions shall be implemented that limit the maximum blank wall expanse to 10 feet on all building levels and/or allows acceptable landscaping treatments along such areas.
5. Garage doors visible from public or private streets should 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.
6. Sidewalks should be provided to connect one residential entrances to sidewalks along public and private streets.

VII. Lighting Standards Applicable to All MUDD-O Districts.

- a. All lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along driveways, sidewalks and park areas.
- b. Detached lighting in these Areas, except street lights located along public and private streets, will be limited to 26 feet in height in portions of the Areas used for non-residential uses and 21 feet in height for portions used for residential uses.
- c. No “wall pak” lighting will be allowed, however architectural lighting on building facades, such as sconces, will be permitted and in loading dock areas or at the rear of the buildings where “wall pak” lighting that is designed as down lighting will be allowed.

VIII. Signage Standards Applicable to All MUDD-O Districts.

- a. *See the Optional Provisions related to signs in Section II of these General Development Standards.*

IX. Environmental Vision Plan & Environmental Features; PCCO:

- a. **Environmental Vision Plan.** Reference is made to [Sheets RZ 4A,B and C] which sets forth the Environmental Vision Plan for development taking place on the Master Plan Site and certain other guidelines related to environmental and sustainability aspects associated with the Rezoning Plan. The Environmental Vision Plan provides overarching context, intent and requirements for the addressing certain environmental aspects contemplated for the Master Plan Site.
- b. **Post Construction Ordinance.** The Petitioner shall comply with the Charlotte City Council adopted Post Construction Stormwater Ordinance.

X. CATS.

a. Petitioner, or assigns, will provide for locations within dedicated rights of way for on-street bus stops in a manner consistent with CATS guidelines upon review and approval of CATS. Petitioner, or assigns, will provide for the concrete pads associated with such bus stops and will seek to provide for site designs that promote pedestrian connectivity to such bus stops from nearby uses. These efforts will occur during the land development process for development taking place along the applicable rights of way.

b. Petitioner, or assigns, will work with CATS in connection 2030 Transit Plan efforts to plan for a future community transit center to be strategically located as much as practicable to serve future rapid transit within the MUDD-O portions of the Master Plan Site. In as much as Petitioner, or assigns, is committed to support rapid transit service to the Master Plan Site but in as much as plans for rapid transit to the Master Plan Site have not been formulated even at a rudimentary level, the location of such a community transit center will be determined over time included in the 2030 Transit Plan efforts.

XI. Amendments to the Rezoning Plan; Binding Effect:

a. **Amendments.** Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable portions or parcels of the Master Plan Site affected by such amendment in accordance with the provisions the Development Standards, including without limitation Section II of these General Development Standards, and of Chapter 6 of the Ordinance, as applicable.

b. **Binding Effect.** If this Rezoning Petition is approved, all conditions applicable to the development of the Master Plan Site imposed under the Rezoning Plan will, unless amended in the manner provided herein, be binding upon and inure to the benefit of the Petitioner, or assigns, and subsequent owners of portions or parcels of the Master Plan Site, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns. These provisions are in addition to the other provisions of these General Development Standards that reference completion of commitments by Petitioner, or assigns, or Petitioner including assigns of same.