

# GENERAL DEVELOPMENT STANDARDS FOR RIVER DISTRICT – REZONING

## PETITION #2016-056

September 19, 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-O 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;
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-11A & B - 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 – 15B - Adjacent Parcel Owners setting forth adjacent owners to Master Plan Site & Existing Zoning

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 are reasonable and the public interest in light of the overall objectives and design intent set forth in the Rezoning Plan.
  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, Spa’s, 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 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.

## **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.
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.
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.
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.
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.
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.
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.
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.

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.
11. To allow temporary signs and/or banners 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.
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.

**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 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 1<sup>st</sup> 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**).

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. 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 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 understands that it shall be responsible for extension of utilities to portions of the Master Plan Site in addition to the extensions contemplated by the Utility Plan. The Petitioner 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 recognizes the importance of school capacity and related aspects. As such, to help address the most pressing anticipated school needs, the Petitioner 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 commits to work with CMS to further refine the locations of the above referenced school sites within 10 years

of approval of the Rezoning Plan and shall reserve the school sites for a period of 10 years from approval of the Rezoning Plan to allow CMS to obtain or set aside applicable funding for acquisition of the school site(s). When the school sites are identified, Petitioner will promptly notify the Planning Staff as such locations once determined.

**d. Parks & Recreation Facilities.** The Petitioner recognizes that transformative communities with exceptional livability are benefitted by quality public parks and recreation facilities. Accordingly the Petitioner 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 will identified 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  $\pm 10$  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. 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 commits to reserve the park sites for a period of 7 years from 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 will work with Park & Rec to finalize the greenway areas locations in a manner reasonably consistent with development plans for the Master Planned Site. 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 so that development plans for the Master Planned Site are not delayed.
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 Petitioners within the extension of West Boulevard (subject to CDOT and NCDOT approval). . Petitioner 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.

**e. Affordable & Workforce Housing.** The Petitioner 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, will use diligent good faith efforts to support implementation of a Workforce/Affordable Housing Strategy in connection with Phase II and in future phases. It is contemplated that delivery of 8% of the residential dwelling units provided for 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 menu of options available to Petitioner, or assigns, in future phases for addressing the workforce/affordable housing framework shall remain available as a condition to compliance to the parties including without limitation the Tax Credit/Housing Support Vehicle(s). Furthermore, it is understood that the implementation of such future Additional Phases Housing Commitment shall be based on increments reflecting total market deliveries of 2,000 dwelling units or more. In particular and for example, the required 8% eligible housing rental units beyond the Phase I Housing Commitment shall be under development no later than 6 months after total delivery of 3,000 dwelling units (which includes 1,000 dwelling units within Phase I Development). City agrees to work in good faith regarding discussions for certain City support in connection with permitting and fees for delivery of such workforce housing units.

**V. Transportation/Roadway Improvements & Implementation.**

a. **Transportation Methodology & Framework.** The overall transportation methodology framework for the transportation/roadway improvements associated with the Master Planned Site will include specific and/or outlined roadway improvements by phase and/or District and will provide a technical approach to determine mitigation for those phases/sub-phases over the life of the Master Planned Site. The general outline and other provisions related to this phased mitigation approach is as follows:

1. **Transportation Network.** Due to the large master planned nature of the development of the Master Plan Site which will occur over many years, it is understood that the roadway & street network associated with the development will be implemented over time and will adapt to timing of development, availability of public and private funding and other factors. Accordingly, the transportation network set forth on [Sheets RZ-11A and 11B] is conceptual and sets forth an illustrative of the roadway and street network that may be constructed over time as development occurs, and the exact locations of the roadways and streets set forth are subject to change. Changes to the roadway network and alignments may also take place per the actions or input of the Charlotte Regional Transportation Planning Organization, CDOT and/or NCDOT.
2. **Multiple Phases.** The transportation improvements required for the Master Planned Site will be accomplished in multiple phases, the development levels/entitlements for portion of the development of the Master Planned Site are described on [Sheets RZ-11A and 11B] but subject to the provisions of these transportation notes.
3. **Phase I Development & Phase I Improvements Generally.** Reference is made to [Sheet RZ-11A] for the development levels allowed for Phase I (the “Phase I Development”) associated with the roadway improvements determined to be required in connection with the Phase I Development (the “Phase I Improvements”) per that certain Traffic Impact Study prepared by Design Resource Group (“DRG”), last updated as of February, 2016 (the “Phase I Traffic Impact Study”). The Phase I Improvements are more particularly described below in Section V.b. and will be required pursuant to the provisions of this Section V.
4. **Sub-phasing of Phase I Improvements.** Sub-phasing of Phase I Improvements by Development District will be allowed through administrative approvals subject to appropriate technical analysis as determined by CDOT (and NCDOT to the extent necessary per customary approved practice) in the form of Traffic Impact Analysis (TIA) or Transportation Technical Memorandum (TTM). It is contemplated that multiple sub-phases of the Phase I Improvements tied to appropriate levels of the Phase I Development will take place in accordance with such transportation analysis work, and such transportation analysis work and approvals may result in adjustments to the nature of the Phase I Improvements as may be reflected in the applicable TIA or TTM and as approved by CDOT (and NCDOT to the extent necessary by customary approved practice). By way of illustration only, Petitioner, or assigns, may proposed to develop residential or commercial uses at levels below the total amount of the Phase I Development and upon delivery and approval of applicable TIA or TTM the Petitioner, or assigns, will be entitled to develop the levels approved for such sub-phase on an administrative basis.
5. **Phase II Development/Sub-phases & Phase II Improvements Generally.** Reference is made to [Sheet RZ-11A] for development levels allowed for Phase II development (the “Phase II Development”) associated with the roadway improvements determined to be required in connection with the Phase II Development (the “Phase II Improvements”). The Phase II Improvements are generally as set out below in Section V.c.2 below, and the Phase II Development and related Phase II Improvements have been subject to regional transportation modeling analysis undertaken by the City and the Petitioner. It is understood, however, that the Phase II Improvements, and the applicable sub-phases of the Phase II Improvements described below are subject to change as part of further appropriate technical analysis as determined by CDOT (and NCDOT to the extent necessary per customary approved practice) in the form of TIA or TTM submittals. Changes to the Phase II

Improvements and the sub-phases of development for the Phase II Development resulting from such transportation analysis and approvals may result in more or fewer transportation improvements or in alternative improvements being deemed suitable to address transportation adequacy. This could include increases in the level of development above the Phase II Development. It is acknowledged, however, that based upon the regional modeling and transportation analysis undertaken to date regarding the Phase II Development, the entire amount of development levels associated with Phase II Development may require improvements to the West Boulevard Interchange in the manner generally described below but again as may be modified in accordance with appropriate TIA measures described and subject to appropriate Phase II Development sub-phases approved pursuant to applicable TIA and related traffic assessments.

- 6. Future Phase Development & Future Phase Improvements.** Reference is made to [Sheet RZ-11B] for development levels allowed beyond the Phase I Development and Phase II Development (referenced as the “Future Phase Development”) associated with roadway improvements conceptually outlined on such [Sheet RZ-11B] and which shall, subject to additional transportation analysis, shall be determined as required in connection with such Future Phase Development (the “Future Phase Improvements”). The Future Phase Improvements have been subject to regional transportation modeling analysis undertaken by the City and the Petitioner. It is understood, however, that the Future Phase Development and Future Phase Improvements, and any applicable sub-phases, are subject to change as part of further appropriate technical analysis as determined by CDOT (and NCDOT to the extent necessary per customary approved practice) in the form of TIA and/or TTM assessments.
- 7. 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 Future Phase Development as well as sub-phases of development set forth herein are intended to reflect limitations that may vary with reference to the individual permitted uses and their traffic impact based on appropriate transportation impact metrics for the applicable uses such as the International Transportation Engineers’ manual and the like. Accordingly, references in connection to major phasing or sub-phasing to a certain development level for office uses, retail/EDEE/personal services uses and residential uses may be adjusted during the development phases of the Master Planned Site and the completion and approvals of applicable TIA and/or TTM assessments to reflect the differing transportation impacts of such permitted uses. By way of illustration only, the amount of residential units allowed as part of the Phase I Development and the required implementation of the Phase I Improvements may be increased above the limits listed for Phase I Development residential uses on [Sheet RZ-11A] 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 in the applicable transportation assessments.
- 8. Completion of Improvements Prior to Certificates of Occupancy.** All improvements for each major phase are required to be completed prior to the issuance of the first certificate of occupancy for each phase, or in connection with each sub-phase approved by CDOT as may be requested by the Petitioner, or assigns, in connection with submittal and approval by CDOT (or NCDOT to the extent necessary per customary approved practice) of accompanying technical (TIA/TTM) information that allow for sub-phasing (as noted above) in order to proportionally allocate the improvements and entitlements within each such phase.

**9. Completion of Improvements by Others; Public/Private Funding; Design/Alternative Improvements.** Some of the roadway improvements (e.g. the Phase I Improvements, Phase II Improvements and/or the Future Phase Improvements, as the same may be adjusted) may be completed by Petitioner, or assigns, by others, by governmental bodies on through governmental funding, or by way of a public private partnership with public and/or private funds. Accordingly, a listing of required improvements needed to allow certain development to take place whether in this Section V or future transportation assessments does not mean that the Petitioner is exclusively responsible for such improvements, but the applicable requirements such as required roadway improvements associated with various major phases or sub-phases of development 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 roadway improvements. As project planning occurs for these improvements, design variations in designated roadway improvements and/or alternative roadway improvements, as well as adjustments in corresponding development levels for major or sub-phases, may occur from what is described in the Rezoning Plan with the consent of CDOT (and NCDOT to the extent necessary per customary approved practice) based upon appropriate technical analysis as described herein.

**10. 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.

**11. References to Petitioner; Responsibility for Improvements; Communication; Record-Keeping/Tracking.** It is acknowledged that individual developers or owners will cause individual portions of the Master Planned Site to be developed pursuant to this Rezoning Plan. This may include the Petitioner but in many instances such development will not include the Petitioner but rather third parties referred to often herein as assigns. Furthermore, roadway improvements described in the Rezoning Plan as required to be completed or as required by future transportation analysis may be undertaken by governmental bodies either by way of public funding or in a public private partnership funding/reimbursement model. So references in the Rezoning Plan, including this Section V regarding roadway improvements, to commitments of the “Petitioner” or “Petitioner, or assigns”, or references to roadway improvements in other areas of the Rezoning Plan may be implemented or executed by other developers or owners or governmental bodies, and not the Petitioner; but the applicable requirements such as required roadway improvements associated with various major phases or sub-phases of development 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 roadway improvements. Petitioner and such individual developers/owners shall provide such communication and approvals related to the improvements to be done as CDOT shall reasonably request so as to properly track the roadway improvements and associated development levels for record keeping purposes, including adherence to the Section III. b. recording keeping requirements. 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.

**Description of Phase I Roadway Improvements.** [Sheet RZ-11A] sets forth development to be undertaken in connection with Phase I Development of the Master Plan Site (as defined above). As



part of the Phase I Development, the Petitioner will provide or cause to be provided on its own or in cooperation with other parties, including without limitation local or state governmental bodies by way of public/private partnerships or otherwise, the improvements set forth below (e.g. the “Phase I Roadway Improvements” as defined above) to benefit overall traffic patterns throughout the area. These Phase I Roadway Improvements will be constructed or administered in accordance with the implementation provisions set forth in this Section V., including without limitation the provisions of Section V.a. above dealing with sub-phasing of such improvements and adjustments in permitted development levels for such major phasing and sub-phasing based on differing transportation impact for such permitted uses; so that, as indicated above, for example a larger amount of residential uses than listed for an applicable phase or sub-phase may be develop if there is a reduction in the level of other permitted uses that reflects applicable transportation impact metrics as part of transportation assessments.

**b.**

*The following Phase I Roadway Improvements are also on [Sheet RZ-11A] of the Rezoning Plan. [Sheet RZ-11A] is to be used in conjunction with the following notes to determine the extent of the proposed improvements but the following notes shall control in the event of a conflict or discrepancy.*

**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 2<sup>nd</sup> northbound left turn lane with 450 feet of storage and appropriate bay taper. This will require a 2<sup>nd</sup> 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 2<sup>nd</sup> southbound right turn lane with 325 feet of storage and appropriate bay taper. A 2<sup>nd</sup> westbound receiving lane will be constructed on West Blvd. with the inclusion of the 2<sup>nd</sup> 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 2<sup>nd</sup> 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.

**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 2<sup>nd</sup> 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 2<sup>nd</sup> 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) 2<sup>nd</sup> 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 2<sup>nd</sup> westbound left turn lane on West Boulevard with 250 feet of storage and a 200-foot bay taper.
  - This will require a 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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. Realigned Dixie River Road & West Blvd. Extension (unsignalized)**

- Construct a northbound right turn lane on Realigned Dixie River Road with 325 feet of storage and appropriate bay taper.
- Construct a southbound left turn lane on Realigned 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 Realigned Dixie River Road.

**c. Phase II Development & Phase II Improvements.**

As referenced in Section V.a. above, [Sheet RZ-11A] references development levels for the Phase II Development. This sub-section V.c. sets out a description of the Phase II Improvements and additional transportation assessment of such Phase II Improvements and the corresponding sub-phases set forth below will be required to reconfirm or alter the level of suitable roadway improvements to be installed to address transportation adequacy, all as set forth in Section V.a. above. Items #s 1-6 reference certain phased Phase II Improvements that relate to the West Boulevard Interchange and related improvements as generally depicted on [Sheet RZ-11A] (the “West Blvd Interchange Phase II Improvements”). The West Blvd Interchange Phase II Improvements are not tied to specific Districts but are recommended to allow the Phase II Development (i.e. beyond Phase I Development to occur. The West Blvd Interchange Improvements listed below are accompanied by levels of Phase II Development that would be expected to be permitted based on the corresponding improvements.

In addition, the Phase II Improvements shown for individual Districts as set forth in item #7 below (the “Phase II District Improvements”), shall be completed for each such District to allow the levels of development referenced in sub-phases for Phase II (i.e. Phase II.A., Phase II.B, and Phase II.C set forth below in connection with the West Blvd Interchange Phase II Improvements; but as set forth in Section V.a.8 & 10 above, this does not require the Petitioner to undertake all improvements but rather these improvements may be done by assigns of Petitioner/third parties including governmental bodies. Furthermore, the following Phase II Roadway Improvements will be constructed or administered in accordance with the implementation provisions set forth in this Section V., including without limitation the

provisions of Section V.a. above dealing with sub-phasing of such improvements and adjustments in permitted development levels for such major phasing and sub-phasing based on differing transportation impact for such permitted uses so that, as indicated above, for example a larger amount of residential uses than listed for an applicable phase or sub-phase may be develop if there is a reduction in the level of other permitted uses that reflects applicable transportation impact metrics as part of transportation assessments.

### **West Boulevard Interchange & Related Improvements - #s 1-6 Below**

**Phase II.A Development & Improvements:** The following roadway improvements listed in item #1 below will permit up to (including the Phase I Development): (i) 1,500,000 sf of gross floor area of office uses; (ii) 115,000 sf of gross floor of retail, EDEE and/or personal services uses; (iii) 1,350 residential dwellings; and (v) 200 hotel rooms, together with all institutional, recreational and civic uses allowed under this Rezoning Plan; subject to adjustments to reflect applicable transportation implications for various uses listed as described in Section V.a.

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

- Install a loop ramp on the southeast quadrant of the intersection for eastbound West Blvd. to northbound entering I-485 vehicular movements (free-flow).
- Eliminate the dual eastbound left turn lanes as they will be replaced by the loop ramp.
- Shift the existing northbound I-485 Inner Loop Exit Ramp to the east.
- Shift the existing northbound I-485 Inner Loop Entrance Ramp to the east.
- Shift traffic signal location to the east to align with realigned ramps.

**Phase II.B Development & Improvements:** The following roadway improvements listed in item #2 below will permit up to (including the Phase I Development and sub-phase II.A development levels): (i) 1,800,000 sf of gross floor area of office uses; (ii) 135,000 sf of gross floor of retail, EDEE and/or personal services uses; (iii) 1,620 residential dwellings; and (iv) 270 hotel rooms, together with all institutional, recreational and civic uses allowed under this Rezoning Plan; subject to adjustments to reflect applicable transportation implications for various uses listed as described in Section V.a.

#### **2. West Blvd./West Blvd. Extension & I-485 Outer Loop Ramps (signalized)**

- Install a loop ramp on the northwest quadrant of the intersection for westbound West Boulevard entering southbound I-485 vehicular movements (free-flow).
- Eliminate the dual westbound left turn lanes as they will be replaced by the loop ramp.
- Construct an eastbound right turn lane (“Yield” control with the inclusion of a raised median island).
- With these new loop ramps the bridge deck will be reconfigured to two lanes in each direction to allow for free-flow loop ramp vehicular movements. The two inside lanes will continue to the I-485 ramp intersection.

**Phase II.C Development & Improvements:** The following roadway improvements listed in items #3 – 6 below will permit up to (including the Phase I Development and Sub-phases Phase II.A. and B. development levels): (i) 4,000,000 sf of gross floor area of office uses; (ii) 200,000 sf of gross floor of retail, EDEE and/or personal services uses; (iii) 2,250 residential dwellings; and (iv) 400 hotel rooms, together with all institutional, recreational and civic uses allowed under this Rezoning Plan; subject to adjustments to reflect applicable transportation implications for various uses listed as described in Section V.a..

#### **3. West Blvd. Extension & Realigned Garrison Road/Garrison Road Extension (signalized)**

- Construct a westbound right turn lane on West Blvd. Extension with 150 feet of storage

and an appropriate bay taper. This will be a free-flow movement with the installation of a raised median/pedestrian island and utilization of the 2<sup>nd</sup> northbound thru lane on Garrison Road Extension as a receiving lane.

- Modify the northbound outer travel lane on Realigned Garrison Road to terminate as a right turn lane (“Yield” control with the inclusion of a raised median/pedestrian island).

#### **4. Garrison Road Extension & East-West Connection Road (required signalization)**

- Install a traffic signal.
- Construct East-West Connection Road as a five-lane section (two travel lanes in each direction with a center median or left turn lanes).
- Construct a westbound left turn lane on East-West Connection Road.
- Modify the westbound inner travel lane on East-West Connection Road to terminate as a 2<sup>nd</sup> left turn lane. A 2<sup>nd</sup> de-facto receiving lane will be in place with the construction of Garrison Road Extension as a five-lane section.
- Construct a westbound right turn lane on East-West Connection Road.
- Construct an eastbound left turn lane on East-West Connection Road.
- Construct an eastbound right turn lane on East-West Connection Road.
- Construct Garrison Road Extension north of East-West Connection Road as a three-lane section (one travel lane in each direction with a center median or left turn lanes).
- Construct a northbound left turn lane on Garrison Road Extension.
- Modify the northbound outer travel lane on Garrison Road Extension to terminate as a right turn lane (“Yield” control with the inclusion of a raised median/pedestrian island).
- Construct dual southbound left turn lanes on Garrison Road Extension.
- Construct a southbound right turn lane on Garrison Road Extension.

#### **5. East-West Connection Road & New I-485 Outer Loop North Interchange Exit Ramp (required signalization)**

- Install a traffic signal.
- Construct East-West Connection Road as a four-lane section (two travel lanes in each direction) west of the North Interchange Exit Ramp and a three-lane section (two eastbound travel lanes and one westbound travel lane as a new bridge deck over I-485) east of the North Interchange Exit Ramp.
- Construct the North Interchange Exit Ramp to terminate as a southbound right turn lane at East-West Connection Road.
- Construct a southbound right turn lane on North Interchange Exit Ramp. A 2<sup>nd</sup> de-facto receiving lane will be in place with the construction of East-West Connection Road as a four-lane section west of North Interchange Exit Ramp.
- Construct a southbound left turn lane on North Interchange Exit Ramp.

#### **6. East-West Connection Road & Wallace Neel Road/New I-485 Inner Loop North Interchange Entrance Ramp (required signalization)**

- Install a traffic signal.
- Construct East-West Connection Road over I-485 as a three-lane section (two eastbound travel lanes that terminate as left turn lanes at New I-485 Inner Loop North Interchange Entrance Ramp and one westbound travel lane).
- Construct an eastbound right turn lane on East-West Connection Road.
- Construct New I-485 Inner Loop North Interchange Entrance Ramp with two northbound receiving lanes (the inner lane will include a minimum 500 feet of full lane storage and a 500-foot taper).
- Construct a northbound left turn lane on Wallace Neel Road.

- An alternative intersection configuration includes a dual-lane roundabout (vs. signalization).

7. **District Related Phase II Roadway Improvements.** In addition to the West Blvd Phase II Interchange Improvements described above in item #s 1-6, the additional Phase II Improvements and the Districts to which they relate are more particularly described as follows:

- Employment District:
  - Development within the Employment District beyond the development levels set out for the Phase I Development and Phase I Roadway Improvements above is expected to require the construction of the following roadway improvements prior to completion of 70% of allowed Phase II Development within the Employment District:
    - The extension of Garrison Road north to Dixie River Road;
    - Garrison Road – Dixie River Road intersection improvements to include evaluation of turn lanes and signalization.
- Gateway District:
  - Development within the Gateway District is expected to be fully covered by way of the Phase I Roadway Improvements;
- Transitional District:
  - Development within the Transitional District beyond the development levels set out for the Phase I Development and the Phase I Roadway Improvements above is expected to require the construction of the following roadway improvements:
    - Improvements along Dixie River Road from end of Phase I Roadway Improvements limits north to Garrison Road;
    - Dixie River Road – Garrison Road intersection improvements to include evaluation of turn lanes and signalization (if not completed with improvements associated with the Employment District).
- Town Center District:
  - Development within Town Center District beyond the development levels set out for the Phase I Development and Phase I Roadway Improvements above is expected to require the construction of the following roadway improvements:
    - Improvements along Dixie River Road south from end of Phase I Roadway Improvements limits to new intersection of future Catawba Crossing or such other connector road;
    - Dixie River Road & Catawba Crossing intersection improvements to include evaluation of turn lanes and signalization;
    - 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;
    - Garrison Road extension south from end of Phase I Roadway Improvements to new intersection with Catawba Crossing.
- Residential District:
  - Development within Residential District beyond the development levels set out for the Phase I Development and Phase I Roadway Improvements above is expected to require the construction of the following roadway improvements:

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

**8. Additional Sub-Phases for Phase II Development & Phase II Improvements.** As indicated above, portions of the Phase II Development may be undertaken in sub-phases per the levels described with appropriate Phase II Roadway Improvements that support the transportation adequacy associated with such sub-phases as may be further reviewed and approved by CDOT (and NCDOT to the extent necessary per customary practice) in accordance with applicable transportation assessment provisions set forth in Section V.a. above, including possible adjustments to reflect applicable transportation implications for various uses listed as described in Section V.a..

**d. Development Beyond Phase I & II Development – Future Phase Development & Improvements.**

As set forth in Section V.a. above, [Sheet RZ-11B] sets forth development levels allowed beyond the Phase I Development and Phase II Development as the Future Phase Development with reference to associated Future Phase Improvements conceptually outlined on such [Sheet RZ-11B]. The Future Phase Improvements have been subject to regional transportation modeling analysis undertaken by the City and the Petitioner. It is understood, however, that the Future Phase Development and Future Phase Improvements, and any applicable sub-phases, are subject to change as part of further appropriate technical analysis as determined by CDOT (and NCDOT to the extent necessary per customary practice) in the form of TIA and/or TTM assessments.

**e. CDOT/NCDOT Standards; Local Streets Per Subdivision Ordinance.** All of the transportation/roadway improvements contemplated now or in the future by the Rezoning Plan, as may be amended from time to time, including without limitation the Phase I Roadway Improvements, the Phase II Roadway Improvements and the Future Phase Improvements, and unless otherwise expressly noted, will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the Airport/West Corridor, by way of a private/public partnership effort or other public sector project support, including for instance improvements approved in connection with the CIP (as defined in Section IV). Furthermore, local streets serving the Master Planned Site shall be install as development takes place and in accordance with subdivision regulations

**f. Substantial Completion.** Reference to “substantial completion” for certain improvements as set forth in the provisions of this Section V above and otherwise set forth in these General Development Standards shall mean completion of the roadway improvements in accordance with the standards set forth herein provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Master Plan Site in connection with related development phasing described above, then Petitioner may seek approval from CDOT and the Planning Director, or designee to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a

letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

**g. Right-of-way Availability.** It is understood that some of the public roadway improvements referenced in Section V may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts, as specified by the City of Charlotte right-of-way acquisition process as administered by the City of Charlotte's Engineering & Property Management Department, 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, department or governmental body proceed with acquisition of any such land, subject to a decision by such parties that such condemnation is not appropriate due to the size and scale of the condemnation unduly interfering with a larger impact area that desirable. In the event such efforts for condemnation take place, unless otherwise agreed by the Petitioner, or assigns, and the City, the Petitioner, or assigns, shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceedings including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein above, then the Petitioner, or assigns, will contact the Planning Department and CDOT regarding an appropriate infrastructure phasing plan that appropriately matches the scale of the development proposed to the public infrastructure mitigations. If after contacting the Planning Department and CDOT to determine the appropriate infrastructure phasing plan, delays in the acquisition of additional right-of-way extends beyond the time that the Petitioner, or assigns, seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then Petitioner, or assigns, may request that CDOT inform applicable authorities that it is comfortable with allowing the issuance of certificates of occupancy for the applicable buildings; provided, however, in such event Petitioner, or assigns, shall continue to exercise good faith efforts to complete the applicable road-way improvements; and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements. 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 pursuant to public purposes of such bodies in connection with the overall street/roadway network needs; in such event 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.

**h. Alternative Improvements; Design Changes.** The above referenced Phase I Improvements, Phase II Improvements, Future Phase Improvements and other roadway improvements to be deemed necessary as described herein are anticipated to take place over the long term development horizon contemplated by this Rezoning Plan which can result in changes in circumstances or conditions (e.g. increased transit service and the like) that may arise as to the ability or advisability of the construction of the transportation/roadway improvements contemplated herein. In addition, as indicated in Section V.a. above, certain design changes or alternative roadway improvements may make sense under future circumstances. Accordingly, it understood that some transportation/roadway improvements may be altered with alternate improvements, design changes or other adjustments upon suitable review and approval administratively by CDOT, and if applicable NCDOT, in a manner as CDOT may reasonably determine will provide (in the



aggregate) based on upon comparable transportation network benefits to the improvements contemplated by this Rezoning Plan or other appropriate circumstances. The above-referenced adjustments or design changes referenced in this subsection 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.

**i. Access to Master Plan Site; Street Alignments.** Access to the portions of the Master Plan Site will be from various roadways and streets as described in the District Development Standards for the respective District. The alignment of the internal public and private streets, vehicular circulation and driveways as described on the District Development Standards may be modified by the Petitioner, subject to CDOT's final approval, to accommodate minor changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT and NCDOT in accordance with published standards and industry best practices.

**j. Arterial Streets Right-of-Way Dedication.** Petitioner agrees to dedicate the applicable right-of-way for public arterial streets concurrently with improvements made by Petitioner.

**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 only apply to the MUDD-O Districts. 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** (cluster of buildings for one entity on a site that is 15 acres or greater) 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. Building entrances multi-family residential uses shall be at or slightly (1' or less) above grade and 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. *[Applicable to multi-family residential uses and commercial uses within the MX District as well as the same uses within the MUDD-O Districts.]*

**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.

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.a.8. above.
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, 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. Larger parking areas may be provided to the side or rear of the building. Deviations from this standard are permitted and shall not apply to non-local streets with enhanced pedestrian connections through parking areas except for those streets within 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).

i. 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 2<sup>nd</sup> and 3<sup>rd</sup> 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.

**1. 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.

#### **VII. Signage Standards Applicable to All MUDD-O Districts.**

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

#### **X. 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.

**XI. CATS Bus Stops.** Applicable commitments regarding appropriate bus stops within the MUDD-O Districts may be incorporated upon discussions and input from CATS.

**IX. 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 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 provisions of Section V.a.11 of these General Development Standards.

**AIRPORT/BERRYHILL DEVELOPMENT STANDARDS FOR DISTRICTS -  
UPDATED September 19, 2016**

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**EMPLOYMENT DISTRICT – UPDATED 9/19/16**

**OUTLINE**

- I. Employment District Zoning District**
- II. Employment District Permitted Uses**
- III. Employment District Optional Provisions**
- IV. Design Intent**
- V. Access | USDG Classification | Connectivity**
- VI. Building Orientation | Street Frontage**
- VII. Height and Transitions**
- VIII. Greenways/Trails, Open Space & Tree Save**

**DEVELOPMENT STANDARDS**

(see additional General Development Standards on [Sheet RZ-3A-3B])

**I. EMPLOYMENT DISTRICT ZONING – MUDD-O**

**II. EMPLOYMENT DISTRICT PERMITTED USES/DEVELOPMENT LEVELS:**

- a.** Office up to 4.5 Million sf of gross floor area;
- b.** Retail/Eating, Drinking and Entertainment Establishments (EDEE)/personal services up to 50,000 sf of gross floor area;
- c.** Hospitality up to 250 rooms;
- d.** Residential up to 500 multi-family and/or single family attached units; and
- e.** Institutional, recreation (indoor and outdoor) and civic uses.

Each of above together with accessory uses and uses allowed under prescribed conditions in the MUDD-O district.

Retail, EDEE, personal service uses that are located within buildings primarily used for office purposes shall be excluded from the above level development level limitations for such uses as accessory uses to the office uses.

See Section III of the General Development Standards for certain rights to transfer development levels and uses among various Districts and to increase the level of certain permitted uses by decreasing the level of other permitted uses (i.e. conversion rights).

**III. EMPLOYMENT DISTRICT OPTIONAL PROVISIONS**

(See additional General Optional Provisions under Section II of the General Development Standards on [Sheet RZ- 3A-3B])



The following optional provisions shall apply to the Employment District, many details of which are set forth below and identified with “*Optional Provisions*” references:

- a. Reference is made to the Optional Provisions regarding height in Section VII below
- b. For buildings located within 300 linear feet of I-485, to allow wall signs to have up to 200 square feet of sign surface area per wall for the portions of the building located 5 stories or taller.
- c. In connection with office uses developed in a “campus format”, as defined below, ground mounted signs up to 12 feet in height and containing up to 100 square feet of sign area at shared driveway entrances at public or private streets, but limited to one per entrance. A “campus format” shall have the following characteristics: 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.

**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.

#### **IV. EMPLOYMENT DISTRICT DESIGN INTENT:**

- a. **Overall Intent.** The Employment District shall be characterized by a high concentration of office and employment uses so as to take advantage of the District’s proximity to I-485 and Charlotte Douglas International Airport. Other uses referenced above shall also be allowed as support for the primary employment nature of the District. The Office development may be developed in a more urban and concentrated form or may take on a campus style. In all instances, the uses within the Employment District will provide connectivity to other portions of the Master Plan through street networks, bike/pedestrian links, multi-use trails and the like. The urban and concentrated form will follow the building Streetscape by District standards on [Sheet RZ-5B]. The “campus format” will have setbacks that exceed the applicable zoning district standards with less emphasis on the relationship between the building and the street, rather an emphasis on internal site connectivity and building to building relationships.

#### **V. EMPLOYMENT DISTRICT ACCESS/USDG STREETS & CONNECTIVITY:**

- a. **Access:** Access to the Employment District shall be primarily by way of full movement signalized access off of new West Boulevard Extension followed by access north/south via new street/road (i.e. new Garrison Rd) with connectivity to north, access to and from the west and the Transitional District, as well as future access to I-485 at Dixie River Road, as generally depicted on [Sheet RZ-6A].
- b. In addition to the crossing associated with West Boulevard extension, a minimum of 2 additional street crossings over Beaver Dam Creek described on [Sheets RZ-6A, RZ-7A and RZ-8A] shall be provided in the Employment, Gateway or Transitional Districts; the

locations of such crossings shall reflect environmental, topographical and other site/development considerations.

- c. Access will be provided in the Employment District per the Subdivision Ordinance block spacing requirements, however, provisions will be made to accommodate modifications that provide connectivity that may traverse through above ground parking structures or alternative routes limited to that portion of the Site that is bounded by I-485 and Garrison Road.

The street crossings over Beaver Dam Creek shall take place as development occurs in the applicable Area from which the crossing will occur but in any event prior to development of greater than seventy percent (70%) of the permitted gross floor area for commercial uses within the District.

## **VI. EMPLOYMENT DISTRICT BUILDING ORIENTATION/STREET FRONTAGE**

The following provisions address certain design aspects related to the orientation of buildings and site elements to streets and streetscape matters. Certain *Optional Provisions* that permit deviations from the MUDD minimum standards will be allowed as described herein.

- a. **Setbacks and Streetscape (See Streetscape by District table)**
  - 1. Building setbacks shall not apply on non-network required private streets, driveways and drive aisles.
  - 2. Minimum building setback is 20 feet subject to a variation in the maximum setback of 5 feet for site related conditions such as topography or environmental constraints. Where off-street surface parking is provided, the parking area setback is a minimum of 25' from the future back of curb for parking areas greater than two parking bays.
  - 3. A transitional 4' zone behind the sidewalk is required in the Employment District and can be used toward outdoor dining areas, wider sidewalks, landscape areas, semi-private courtyards, stoops and/or similar. Balconies may encroach 4 feet into the 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.
  - 4. It is acknowledged that roads/streets governed by NCDOT may require an alternative streetscape treatment than described herein and such alternative streetscape treatment shall be subject to the approval of CDOT/Planning Department, such approval not to be unreasonably delayed or withheld.
  - 5. Parking and maneuvering are permitted to the side and rear of buildings.

6. Parking and maneuvering are permitted between building fronts and streets as follows:
  - i. Limited to 1 bay of parking on Main Streets, Avenues or Local Streets except where primary orientation is to a greenway, in which case 2 bays of parking will be permitted; and
  - ii. Permitted without limitation on Boulevards or Parkways.
7. A minimum of fifty percent (50%) of a block face on a Main Street, Avenue, or Local Street shall be building edge, such that, a maximum of fifty percent (50%) of a block face on a Main Street, Avenue, or Local Street may be utilized for parking, driveways and maneuvering.
8. Buildings within the Employment District are not required to have a percentage of building edge with ground floor active use, however buildings must meet the transparency requirements.
9. Buildings within the Employment District fronting a Main Street, Avenue, or Local Street shall have a minimum of fifty percent (50%) transparency on the ground floor. Sixteen percent (16%) of the required transparency may be display windows or opaque glass.
10. Buildings within the Employment District fronting a Boulevard or Parkway shall have a minimum of twenty-five percent (25%) transparency on the ground floor. Fifty percent (50%) of the required transparency may be display windows or opaque glass.
11. Drive-thru facility uses are permitted throughout the Employment District subject to the building design standards set forth in Section VI of the General Development Standards.

*Reference is made to [Sheet RZ-5C] regarding “Streetscape by District” chart. To the extent of any discrepancy between the provisions above and the application of the Streetscape by District Chart, the above provisions will control.*

Deviations from the above provisions are permitted upon approval by the Planning Department based upon the greenway trail location, environmental or topographical constraints or for public benefit, such as, public realm amenities beyond approved standards, additional enhanced urban open space, increased pedestrian connectivity, integration of green infrastructure elements or innovative planning techniques.

**b. Orientation Options**

1. Buildings adjacent to Beaver Dam Creek Greenway (to be built by others) and/or open space may contain one of the following characteristics:

- (i) pedestrian connections from non-residential buildings to the trail network or open space;
- (ii) pedestrian connections from individual ground floor units or common building entrances through a common connection to the trail network or open space;
- (iii) service and loading that will not orient to or be located directly adjacent to Beaver Dam Creek Greenway or public open space.

## **VII. EMPLOYMENT DISTRICT HEIGHT AND TRANSITIONS**

**a. Overall Intent.** The buildings within the Employment District will have a range of height with concentrations along I-485 and in pockets throughout the District. The scale and massing of office/commercial buildings, multi-family residential buildings or single family attached buildings will be less intensive as described below in 2. along the single family lots/homes located along Goodman Road, but only to the extent such property remains zoned for single family detached residential use.

### **b. Height**

**1. *Optional Provision.*** Height shall be measured as set forth in the Ordinance except it will be exclusive of ornamental roof structures such as parapets, spires, mansards, domes, dormers or other architectural features. Building height of 120' will be permitted throughout the Employment District, except when within 100' of a single-family detached zoning district or use as described in 2. below. In addition, building height may exceed 120 feet upon approval of the Planning Director or designee up to a maximum building height of 175 feet in areas adjacent to I-485, in accordance with one of the following provisions:

- (i) the design meets the intent of varied massing (i.e one portion of the building is 175', the other portion steps down to 160');
- (ii) changes in building material that creates the appearance of a building base at 3 stories and mimics a horizontal change in wall plane; and/or
- (iii) a greater, 10' or more, setback distance is provided behind the sidewalk to create an open space amenity area (e.g. outdoor seating, ornamental landscaping, public art and/or water features).

**2. *Adjacent to Single Family.*** Buildings located adjacent to single family detached uses will not exceed 6 stories or eighty feet in height within a distance of 100' of the abutting single family detached uses. Buildings that exceed 3 stories or forty-five feet in height will provide a Class C 50' buffer between single family detached uses located along the edge of the Employment District along Goodman Road, but such buffer may be reduced per the Ordinance standards when such property is no longer zoned for single family detached uses. At such time, the maximum allowable height may be increased to 120' unless approved for a higher height by the Planning Director or designee as set forth above.

**VIII. EMPLOYMENT DISTRICT GREENWAYS/TRAILS, OPEN SPACE & TREE SAVE**

- a. **Overall Intent:** The vision is to create a place that emphasizes the natural environment and connections at every level through a diverse network of open space experiences. Open space in the Employment District will be predominantly natural in form and will serve as the amenity area for adjacent developments as well as provide links to more formal gathering spaces and to the overall Master Plan Site. Sidewalks and direct connections will be provided from uses and amenity areas within the Employment District to the trail and/or greenway system.
- b. **Reference Environmental Commitments and [Sheet RZ-4A] and associated text.**

**TOWN CENTER DISTRICT – UPDATED AS OF 9/19/16**

**OUTLINE**

- I. **Zoning District**
- II. **Town Center District Permitted Uses**
- III. **Town Center District Optional Provisions**
- IV. **Design Intent**
- V. **Access | USDG Classification | Connectivity**
- VI. **Building Orientation | Street Frontage**
- VII. **Height and Transitions**
- VIII. **Greenways/Trails, Open Space & Tree Save**

**DEVELOPMENT STANDARDS**

(see additional General Development Standards on [Sheet RZ-3A-3B])

**I. TOWN CENTER ZONING – MUDD-O**

**II. TOWN CENTER PERMITTED USES/DEVELOPMENT LEVELS:**

- a. Office up to 2 Million sf of gross floor area;
- b. Retail/Eating, Drinking and Entertainment Establishments (EDEE)/personal services up to 300,000 sf of gross floor area;
- c. Hospitality up to 500 rooms;
- d. Residential up to 1,700 multi-family and/or single family attached or detached units;
- e. Institutional, recreation (indoor and outdoor) and civic uses.

Each of above together with other uses, accessory uses and uses allowed under prescribed conditions in the MUDD-O district.

Retail, EDEE, and personal service uses that are located within buildings primarily used for office purposes shall be excluded from the above development level limitations.

See Section III of the General Development Standards for certain rights to transfer development levels and uses among various Districts and to increase the level of certain permitted uses by decreasing the level of other permitted uses (i.e. conversion rights).

### **III. TOWN CENTER OPTIONAL PROVISIONS**

The following optional provisions shall apply to the Town Center District, many details of which are set forth below and identified with “*Optional Provisions*” references:

- a. To allow single family detached residential uses to comply with the MX standards set forth in the Residential District.
- b. To allow along public and private streets ground mounted signs up to 20 feet in height and containing up to 150 square feet of sign area. The number and locations of these signs will be limited as follows: (i) at the intersection of primary development entrances and public streets, and (ii) no more than 3 such signs shall be provided within a 1,200 foot length along a development’s frontage.
- c. To allow two detached ground mounted signs for each building in the Town Center Edge. These detached signs may be up to five (5) feet high and contain up to 36 square feet of sign area.
- d. To allow short term signs and banners along public and private streets within the Town Center District provided that the banners will be attractive, well-designed professionally fabricated, made of fabric or plastic of any type; and provided that paper banners will not be allowed.
- e. To allow one digital wall signs per block when located within the Town Center Core with up to 250 square feet of sign area; these signs shall be in addition to the allowed tenant and shopping center signs.

**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.

### **IV. TOWN CENTER DESIGN INTENT:**

- a. **Overall Intent.** The Town Center District shall be characterized by a mixture of office, retail, restaurant/EDEE, personal services, office uses and a variety of residential uses that are in a concentrated town center format. The Town Center District will be organized with a compact network of public and private streets and a range of open spaces and pedestrian amenities with connectivity to other Districts within the Master Plan Site. The Town Center is a primary area where employment, retail, living and playing come together. The Town Center is the confluence of a variety of uses. At its core, it is the pedestrian scaled center that offers higher density living, within biking or walking distance to one’s office, retail and all amenities on the Master Plan Site.
- b. **Town Center Classifications.** The Town Center District has two classifications for the general development pattern: *Town Center Core and the Town Center Edge.*

**1. Town Center Core.** The Town Center Core is the heart of the mixed-use walkable center with the highest intensity of uses and greatest emphasis on buildings oriented to streets. When feasible, a vertical mix of uses may be provided to promote active ground floor uses; however, active ground floor uses are not required so long as transparency requirements are met. *See Streetscape by District Table (RZ-5B).* The core area of the Town Center will occur in an area within the “Potential” area as generally depicted on [Sheet RZ-9]. The specific area may vary in exact size and location.



*Sample Town Center Core Development Form and Public Realm*

**2. Town Center Edge.** The Town Center Edge addresses the majority of the Town Center District land area. Town Center Edge will be a mix of uses that are generally less intense than those in the Town Center Core. There will be nodes of pedestrian activity and corridors of auto-oriented uses, however the Town Center Edge will maintain emphasis on the pedestrian in balance with automobiles through a collection of multi-modal streets and bike and pedestrian corridors and trails.



*Sample Town Center Edge Development Form*

**V. TOWN CENTER ACCESS/USDG STREETS & CONNECTIVITY:**

**a. Access:** Access to the Town Center District shall be primarily by way of Dixie River Road, West Boulevard Extension and as generally depicted on [Sheet RZ-9].

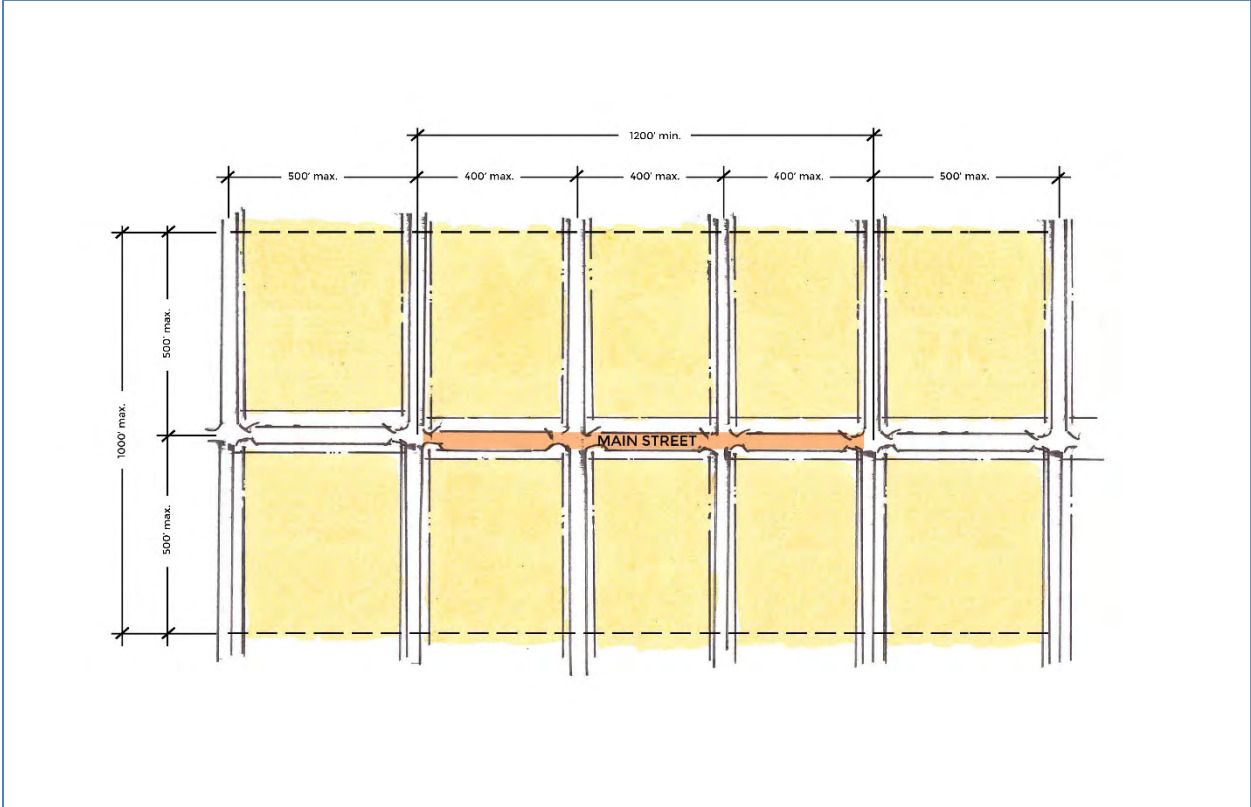
1. The Main Street classification will be used in the Town Center Core to support pedestrian-scaled, street-oriented, ground floor active uses (any use visible from the street through clear glass and accessible to interior users). Parking areas will

be located behind or to the side of buildings. (See Section VI. Building Orientation/Street Frontage for additional development standards)

**VI. TOWN CENTER BUILDING ORIENTATION/STREET FRONTAGE**

The following provisions address certain design aspects related to the orientation of buildings and site elements to streets and streetscape matters. Certain *Optional Provisions* that permit deviations from the MUDD minimum standards will be allowed as described herein (such as, for example, deviations from the requirement in MUDD that there be no parking between buildings and public streets).

**a. Town Center Core Overall Intent.** The Town Center Core will be located within the area generally depicted as “Potential Town Center Core” on [Sheet RZ-9]. The Town Center Core is referenced as a 4 block area primarily accessed from and oriented to a Main Street as defined by USDG. The Secondary streets and the network beyond the first block of the Town Center Core will transition to a combination of Avenues, Boulevards, Local Office/Commercial wide and narrow and Local Residential streets. The exact location of the Town Center Core will be determined during the design and development and also possibly as future phases are developed and in conjunction with the determination of the local street network.



*Town Center Core minimum*

**b. Main Street Streetscape in Town Center Core (See Streetscape by District)**



1. Building setbacks shall not apply on non-network required private streets, driveways and drive aisles.
2. Minimum building setback is 20 feet subject to a variation in the maximum setback of 5 feet for site related conditions such as topography or environmental constraints. Where off-street surface parking is provided, the parking area setback is a minimum of 25' from the future back of curb for parking areas greater than two parking bays. The minimum sidewalk is 8' and trees are required in grates or using suspended pavement with open planting areas no larger than a standard grate opening.
3. A transitional 4' zone behind the sidewalk is required in the Town Center District and can be used toward outdoor dining areas, wider sidewalks, landscape areas, semi-private courtyards, stoops and/or similar. Balconies may encroach 4 feet into the 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.
4. It is acknowledged that roads/streets governed by NCDOT may require an alternative streetscape treatment than described herein and such alternative streetscape treatment shall be subject to the approval of CDOT/Planning Department, such approval not to be unreasonably delayed or withheld.
5. Parking and maneuvering are permitted to the side and rear of buildings so long as the parking is behind the established building setback of the adjacent buildings and is screened. See Streetscape by District table for limitations.
6. Parking and maneuvering is not permitted between building fronts and streets on the Main Street in the Town Center Core or 200' off of the first block perpendicular to Main Street.
7. A minimum of eighty percent (80%) of a block face on a Main Street shall be building edge, such that, a maximum of twenty percent (20%) of a block face on a Main Street may be utilized for parking, driveways and maneuvering. If a building is located on a corner, twenty percent (20%) of the block must be building edge on the secondary street. Publicly accessible urban open spaces may count towards the block face percentage requirements in the Town Center Core. See Streetscape by District Table.
8. Buildings within the Town Center Core are required to have seventy-five percent (75%) of a building edge with ground floor active use on a Main Street.
9. Buildings within the Town Center Core fronting a Main Street shall have a minimum of seventy percent (70%) transparency on the ground floor. None of the required transparency may be display windows or opaque glass on a Main Street.

10. Buildings within the Town Center Core shall provide common entrances for residential or multi-tenant buildings on Main Street with entrance spacing a maximum of 50' apart. Deviations are permitted for topographic, environmental or changes that will enhance the public realm.
11. Drive-thru facility uses are not permitted in the Town Center Core unless interior or internal to a building.
12. Exposed ground floor structured parking (not wrapped with uses) is not permitted on Main Street, however entrances to the structured parking are permitted (see Streetscape by District).
13. Driveways and vehicular entrances shall be limited to 2 per block.

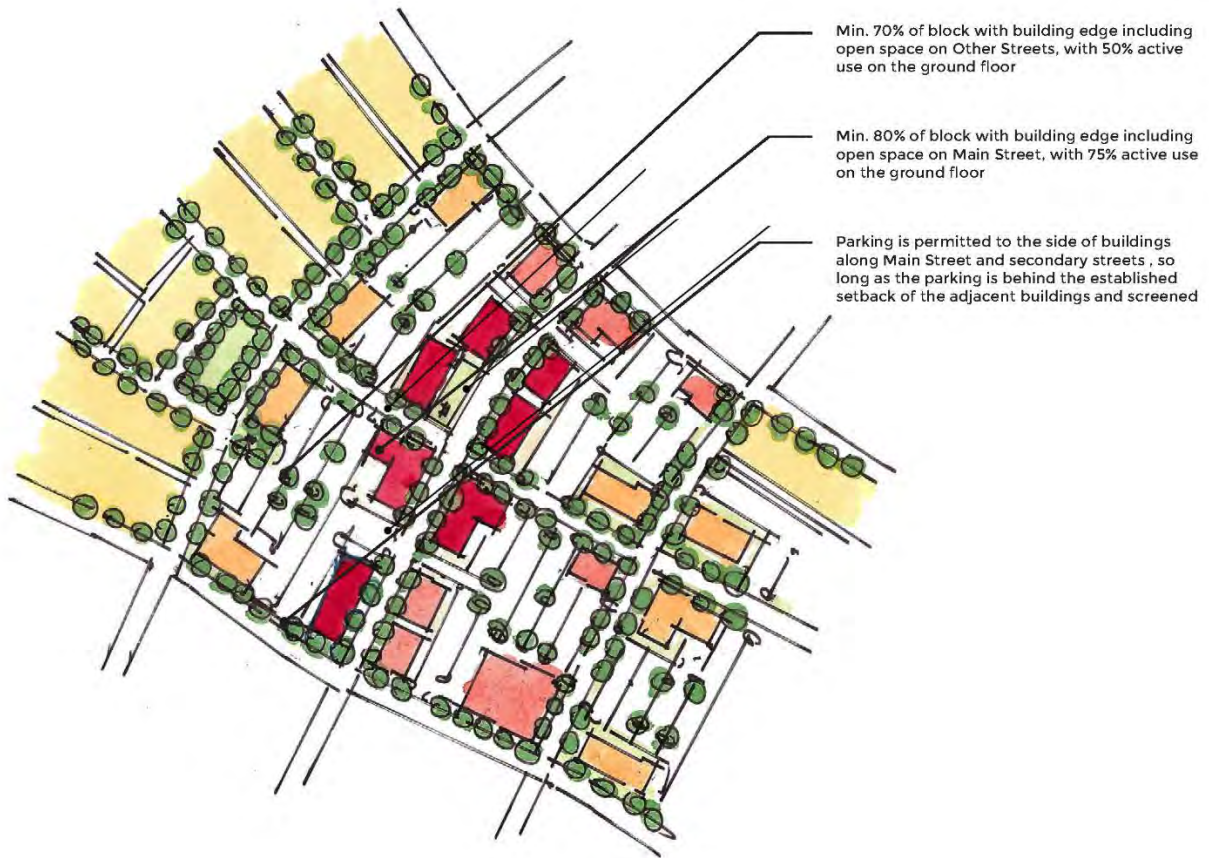
**c. Secondary Streets Streetscape in Town Center Core (not Main Street) (See Streetscape by District)**

1. Building setbacks shall not apply on non-network required private streets, driveways and drive aisles.
2. Minimum building setback is 20 feet subject to a variation in the maximum setback of 5 feet for site related conditions such as topography or environmental constraints. Where off-street surface parking is provided, the parking area setback is a minimum of 25' from the future back of curb for parking areas greater than two parking bays. The minimum sidewalk is 8' and trees are required in grates or using suspended pavement with open planting areas no larger than a standard grate opening.
3. A transitional 4' zone behind the sidewalk is required in the Town Center District and can be used toward outdoor dining areas, wider sidewalks, landscape areas, semi-private courtyards, stoops and/or similar. Balconies may encroach 4 feet into the 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.
4. It is acknowledged that roads/streets governed by NCDOT may require an alternative streetscape treatment than described herein and such alternative streetscape treatment shall be subject to the approval of CDOT/Planning Department, such approval not to be unreasonably delayed or withheld.
5. Parking and maneuvering are permitted to the side and rear of building fronts so long as the parking is behind the established building setback of the adjacent buildings and is screened.
6. Parking and Maneuvering is permitted between the building and secondary streets in the Town Center Core limited to one full bay of parking.

7. A minimum of sixty percent (60%) of a block face on a Secondary Street shall be building edge. A maximum of forty percent (40%) of a block face on a Secondary Street may be utilized for parking, driveways and maneuvering. Publicly accessible urban open spaces may count towards the block face percentage requirements in the Town Center Core.
8. Buildings within the Town Center Core are required to have fifty percent (50%) of a building edge with ground floor active use on a Secondary Street.
9. Buildings within the Town Center Core fronting a Secondary Street shall have a minimum of fifty percent (50%) transparency on the ground floor. Sixteen percent (16%) of the required transparency may be display windows or opaque glass on a Secondary Street.
10. Buildings within the Town Center Core shall provide common residential building or multi-tenant Secondary Street Frontage entrance spacing a maximum of 75' apart. Deviations are permitted for topographic, environmental or for the benefit of the public realm.
11. Drive-thru facility uses are not permitted in the Town Center Core unless interior or internal to a building.
12. Exposed ground floor structured parking (not wrapped with uses) is permitted with screening and is limited by the required percentage of active ground floor uses.

*Reference is made to [Sheet RZ-5B] regarding “Streetscape by District” chart. To the extent of any discrepancy between the provisions above and the application of the Streetscape by District Chart, the above provisions will control.*

Deviations from the above provisions are permitted upon approval by the Planning Department based upon the overland trail location, environmental or topographical constraints or for public benefit, such as, public realm amenities beyond approved standards, additional enhanced urban open space, increased pedestrian connectivity, integration of green infrastructure elements or innovative planning techniques.



Town Center Core Diagram

**b. Town Center Edge Overall Intent.** The Town Center Edge will be defined as the area between the Town Center Core and the adjacent Districts as generally depicted on [Sheet RZ-9]. The Town Center Edge will include a wide range of uses integrated through a system of park/trails and open spaces. Principle emphasis will still be placed on the pedestrian experience, however auto-oriented uses will be permitted in this area. The primary streets will be Avenues with a secondary network that includes a combination of Boulevards, Local Office/Commercial wide and narrow and Local Residential streets. The Town Center Edge will provide a transitional height treatment between more intense uses and adjacent lower intensity residential development. See Section VII.

**c. Town Center Edge Setbacks and Streetscape (See Streetscape by District table RZ-5B)**

1. Building setbacks shall not apply on non-network required private streets, driveways and drive aisles.

2. Minimum building setback is 20 feet subject to a variation in the maximum setback of 5 feet for site related conditions such as topography or environmental constraints. Where off-street surface parking is provided, the parking area setback is a minimum of 25' from the future back of curb for parking areas greater than two parking bays.
3. A transitional 4' zone behind the sidewalk is required in the Town Center District and can be used toward outdoor dining areas, wider sidewalks, landscape areas, semi-private courtyards, stoops and/or similar. Balconies may encroach 4 feet into the 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.
4. It is acknowledged that roads/streets governed by NCDOT may require an alternative streetscape treatment than described herein and such alternative streetscape treatment shall be subject to the approval of CDOT/Planning Department, such approval not to be unreasonably delayed or withheld.
5. Parking and maneuvering are permitted to the side and rear of buildings so long as the parking is behind the established building setback of the adjacent buildings and is screened.
6. Parking and maneuvering is permitted between the building and the street in the Town Center Edge limited to two full bay of parking.
7. A minimum of fifty percent (50%) of a block face in the Town Center Edge shall be building edge, such that, a maximum of fifty percent (50%) of a block face in the Town Center Edge may be utilized for parking, driveways and maneuvering. Publicly accessible urban open spaces may count towards the block face percentage requirements in the Town Center Edge.
8. Buildings within the Town Center Edge are required to have thirty percent (30%) of a building edge with ground floor active use.
9. Buildings within the Town Center Edge fronting a Street shall have a minimum of fifty percent (50%) transparency on the ground floor. Sixteen percent (16%) of the required transparency may be display windows or opaque glass.
10. Buildings within the Town Center Edge shall provide common residential building or multi-tenant entrance spacing a maximum of 100' apart. Deviations are permitted for topographic, environmental or for the benefit of the public realm.
11. Drive-thru facility uses are permitted in the Town Center Edge subject to the General Development Standards Section VII Architectural Standards.

12. Exposed ground floor structured parking (not wrapped with uses) is permitted with screening and is limited by the required percentage of active ground floor uses.

*Reference is made to [Sheet RZ-5B] regarding “Streetscape by District” chart. To the extent of any discrepancy between the provisions above and the application of the Streetscape by District Chart, the above provisions will control.*

Deviations from the above provisions are permitted upon approval by the Planning Department based upon the overland trail location, environmental or topographical constraints or for public benefit, such as, public realm amenities beyond approved standards, additional enhanced urban open space, increased pedestrian connectivity, integration of green infrastructure elements or innovative planning techniques.

## **VII. TOWN CENTER HEIGHT AND TRANSITIONS**

**a. Overall Intent.** The buildings within the Town Center District will be designed to reflect a more compact pattern with primary height being located in the Town Center Core and Town Center Edge, and with a sensitivity to the transition to the areas adjacent to the Residential District and nearby existing single family detached development.

### **b. Height**

1. **Optional Provision:** Height shall be measured as set forth in the Ordinance except it will be exclusive of ornamental roof structures such as parapets, spires, mansards, domes, dormers or other architectural features.
2. A building height of 120’ will be permitted throughout the Town Center District, except when within 150’ of a single-family detached zoning district or use as described in 3. and 4. below.
3. Buildings located in the Town Center Core and Town Center Edge within 100’ of a single-family detached zoning district or use will not exceed eighty feet or six stories.
4. If buildings exceed 3 stories and are on sites that are adjacent to the Residential District and/or a single family zoning district or use, a 50’ Class C buffer shall be provided along the property edges that are adjacent to the Residential District and/or single family zoning district or use. If the zoning district or use changes result in a property no longer being adjacent to the Residential District and/or a single family zoning district or use, the buffer may be eliminated.

## **VIII. TOWN CENTER GREENWAYS/TRAILS, OPEN SPACE & TREE SAVE**

**a. Overall Intent:** The vision is to create a place that emphasizes the natural environment and connections at every level through a diverse network of open space experiences.

1. **Town Center Core:** Open space in the Town Center Core will be predominantly urban in form and will serve as the amenity area for adjacent developments as well as

provide common gathering space for the overall Master Plan Site. Typical open spaces will include plazas, lawns, outdoor dining, multifamily amenity areas and greenways and trails that are part of the overall Master Plan trail and/or greenway system. Sidewalks and direct connections will be provided from uses and amenity areas within the Town Center Core to the trail and/or greenway system.

**2. Town Center Edge:** Open space in the Town Center Edge will be predominantly serve as amenity areas for adjacent development. Typical open spaces will include plazas, lawns, outdoor dining, multifamily amenity areas and greenways and trails that are part of the overall Master Plan trail and/or greenway system. Portions of areas closest to the Residential District will have open space that is predominantly undeveloped and typically set aside for tree save, passive recreation, natural habitat preservation and trails that are part of the overall Master Plan trail and/or greenway system.

**b. Reference Environmental Commitments and [Sheet RZ-4A-4B] and associated text.**

**GATEWAY DISTRICT- UPDATED 9/19/16**

**OUTLINE**

- I. Zoning District**
- II. Gateway District Permitted Uses**
- III. Gateway District Optional Provisions**
- IV. Design Intent**
- V. Access | USDG Classification | Connectivity**
- VI. Building Orientation | Street Frontage**
- VII. Height and Transitions**
- VIII. Greenways/Trails, Open Space & Tree Save**

**DEVELOPMENT STANDARDS**

(see additional General Development Standards on [Sheet RZ-3A-3B])

**I. GATEWAY DISTRICT ZONING– MUDD-O**

**II. GATEWAY DISTRICT PERMITTED USES/DEVELOPMENT LEVELS:**

- a.** Office up to 500,000 sf of gross floor area;
- b.** Retail/Eating, Drinking and Entertainment Establishments (EDEE)/personal services up to 50,000 sf of gross floor area;
- c.** Hospitality up to 250 rooms;
- d.** Residential up to XX multi-family and or single family attached or detached units; *uses are allowed the per conversion and transfer rights*
- e.** Institutional, recreation (indoor and outdoor) and civic uses.

Each of above together with other uses, accessory uses and uses allowed under prescribed conditions in the MUDD-O district.

Retail, EDEE, personal service uses that are located within buildings primarily used for office purposes shall be excluded from the above level development level limitations for such uses as accessory uses to the office uses.

See Section III of the General Development Standards for certain rights to transfer development levels and uses among various Districts and to increase the level of certain permitted uses by decreasing the level of other permitted uses (i.e. conversion rights).

### **III. GATEWAY DISTRICT OPTIONAL PROVISIONS**

The following optional provisions shall apply to the Gateway District, many details of which are set forth below and identified with “*Optional Provisions*” references:

**a.** For buildings fronting West Boulevard extension to allow wall signs to have up to 200 square feet if sign surface area per wall for the portions of the building located 5 stories or taller,

**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.

### **IV. GATEWAY DISTRICT DESIGN INTENT:**

**a. Overall Intent.** The Gateway District shall be characterized by a mix of office and employment uses so as to take advantage of the District’s proximity to I-485 and Charlotte Douglas International Airport & Intermodal Facility. Commercial uses such as retail, restaurant/EDEE, personal services and hotel uses may be developed in mixed or multi-use format along West Boulevard Extension. In all instances, the uses within the Gateway District will provide connectivity to other portions of the Master Plan through street networks, bike/pedestrian links, multi-use trails and the like.

### **V. GATEWAY DISTRICT ACCESS/USDG STREETS & CONNECTIVITY:**

**a. Access:** Access to the Gateway District shall be primarily by way of full movement signalized access off of new West Boulevard Extension as generally depicted followed by access north/south via new street/road (i.e. new Garrison Rd) with connectivity to north, access to and from the west and the Town Center District, as well as future access to I-485 at Dixie River Road as generally depicted on [Sheet RZ-7].

1. The Local Office/Commercial Wide Street classification will be used in portions of the Gateway District to support pedestrian-scaled, street-oriented, ground floor active uses (any use visible from the street through clear glass and accessible to interior users)

2. In addition to the crossing associated with West Boulevard extension, a minimum of 2 additional street crossings over Beaver Dam Creek described on [Sheets RZ-6, RZ-7 and RZ-8] shall be provided in the Employment, Gateway or Transitional Districts; however, the locations of such crossings can be adjusted during the design development



phase based on environmental, topographical and other site/development considerations.

The street crossings over Beaver Dam Creek shall take place as development occurs in the applicable Area from which the crossing will occur but in any event prior to development of greater than seventy percent (70%) of the permitted gross floor area for commercial uses within the District.

## **VI. GATEWAY DISTRICT BUILDING ORIENTATION/STREET FRONTAGE**

The following provisions address certain design aspects related to the orientation of buildings and site elements to streets and streetscape matters. Certain Optional Provisions that permit deviations from the MUDD minimum standards will be allowed as described herein (such as, for example, deviations from the requirement in MUDD that there be no parking between buildings and public streets).

### **a. Setbacks and Streetscape (See Streetscape by District table)**

1. Building setbacks shall not apply on non-network required private streets, driveways and drive aisles.
2. Minimum building setback is 20 feet. Where off-street surface parking is provided, the parking area setback is a minimum of 25' from the future back of curb for parking areas greater than two parking bays.
3. A transitional 4' zone behind the sidewalk is required in the Gateway District and can be used toward outdoor dining areas, wider sidewalks, landscape areas, semi-private courtyards, stoops and/or similar. Balconies may encroach 4 feet into the 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.
4. It is acknowledged that roads/streets governed by NCDOT may require an alternative streetscape treatment than described herein and such alternative streetscape treatment shall be subject to the approval of CDOT/Planning Department, such approval not to be unreasonably delayed or withheld.
5. Parking and maneuvering are permitted to the side and rear of buildings.
6. Parking and Maneuvering is permitted between the building and the street as follows:
7. Limited to 1 bay on Main Streets, Avenues or Local Streets, however it is not permitted between the building and Garrison or West Boulevards extensions.
8. Permitted without limitation on Boulevards or Parkways

9. A minimum of forty percent of a block face on a Main Street, Avenue, or Local Street shall be building edge, such that, a maximum of sixty percent of a block face on a Main Street, Avenue, or Local Street may be utilized for parking, driveways and maneuvering.
10. Uses within the Gateway District are not required to have a percentage of building edge with ground floor active use.
11. Uses within the Gateway District fronting a Main Street, Avenue, or Local Street shall have a minimum of fifty percent (50%) transparency on the ground floor. Sixteen percent (16%) of the required transparency may be display windows or opaque glass.
12. Uses within the Gateway District fronting a Boulevard or Parkway shall have a minimum of twenty-five (25%) transparency on the ground floor. One hundred percent (100%) of the required transparency may be display windows or opaque glass.
13. Drive-thru facility uses are not permitted to front window facilities Garrison or West Boulevard extensions.
14. Exposed ground floor structured parking (not wrapped with uses) is permitted with screening and is limited by the required percentage of active ground floor uses.

*Reference is made to [Sheet RZ-5B] regarding “Streetscape by District” chart. To the extent of any discrepancy between the provisions above and the application of the Streetscape by District Chart, the above provisions will control.*

Deviations from the above provisions are permitted upon approval by the Planning Department based upon the overland trail location, environmental or topographical constraints or for public benefit, such as, public realm amenities beyond approved standards, additional enhanced urban open space, increased pedestrian connectivity, integration of green infrastructure elements or innovative planning techniques.

**b. Orientation Options**

1. Buildings adjacent to Beaver Dam Creek Greenway and/or open space areas as shall contain the following characteristics:
  - (i) buildings that address the Beaver Dam Creek Greenway/trail portions of the Site in accordance with design standards set forth below and provide for pedestrian connections from buildings to the trail network;
  - (ii) parking decks that adhere to the design standards described in General Development Standards Section VI (Architectural Standards);
  - (iii) parking decks that adhere to the design standards set forth and contain landscaping and/or wall treatment features along portions of the decks; and
  - (iv) service and loading will not orient to or be located directly adjacent to Beaver Dam Creek Greenway.

2. Buildings at intersections with Garrison Road Extension and new streets will have building edges on three out of four corners of each new intersection except when challenging environmental or topography conditions exist, when difficulties in compliance result from conflicts in compliance with greenway/open space and/or other challenging site conditions or when there is a greater opportunity to create a strong relationship and orientation to the Beaver Dam Creek Greenway, creeks or multi-use trails.

## **VII. GATEWAY DISTRICT HEIGHT AND TRANSITIONS**

### **a. Height.**

1. ***Optional Provision*** Buildings in the Gateway District will have a maximum building height of 120' unless otherwise limited by 2. and 3. below regarding single family detached uses. However, an ***Optional Provision*** is hereby provided to allow buildings within the portion of the Gateway District abutting I-485 to be up to 150 feet in height. Height shall be measured as set forth in the Ordinance except it will be exclusive of ornamental roof structures such as parapets, spires, mansards, domes, dormers or other architectural features.
2. Buildings located in the Gateway District within 100' of a single-family detached zoning district or use will not exceed eighty feet or six stories.
3. If buildings exceed 4 stories and are on sites that are adjacent to the Residential District and/or a single family zoning district or use, a 50' Class C buffer shall be provided along the property edges that are adjacent to the Residential District and/or single family zoning district or use. If the zoning district or use changes result in a property no longer being adjacent to a single family zoning district or use, the buffer may be eliminated. At such time, the maximum height may be increased to 120' unless located along I-485 which allows 150' in height.

## **VIII. GATEWAY DISTRICT GREENWAYS/TRAILS, OPEN SPACE & TREE SAVE**

- a. **Overall Intent:** The vision is to create a place that emphasizes the natural environment and connections at every level through a diverse network of open space experiences. Open space in the Gateway District will be predominantly natural in form and will serve as the amenity area for adjacent developments as well as provide links to more formal gathering spaces and to the overall Master Plan Site. Sidewalks and direct connections will be provided from uses and amenity areas within the Employment District to the trail and/or greenway system.
- b. **Reference Environmental Commitments [Sheet RZ-4A] and associated text.**

### **TRANSITIONAL DISTRICT—UPDATED 9/19/16**

#### **OUTLINE**

- I. **Zoning District**
- II. **Transitional District Permitted Uses**
- III. **Transitional District Optional Provisions**
- IV. **Design Intent**
- V. **Access | USDG Classification | Connectivity**
- VI. **Building Orientation | Street Frontage**
- VII. **Height and Transitions**
- VIII. **Greenways/Trails, Open Space & Tree Save**

**DEVELOPMENT STANDARDS**

(see additional General Development Standards on [[Sheet RZ-3A and 3B](#)])

- I. **TRANSITIONAL DISTRICT ZONING– MUDD-O**
- II. **TRANSITIONAL DISTRICT PERMITTED USES/DEVELOPMENT LEVELS:**

- a. Office up to 1 Million sf of gross floor area;
- b. Retail/Eating, Drinking and Entertainment Establishments (EDEE)/personal services up to 25,000 sf of gross floor area;
- c. Hospitality up to XX rooms; *use is allowed per conversion and transfer rights*;
- d. Residential up to 300 multi-family and/or single family attached or detached units; and
- e. Institutional, recreation (indoor and outdoor) and civic uses.

Each of above together with other uses, accessory uses and uses allowed under prescribed conditions in the MUDD-O district.

Retail, restaurant/EDEE, personal service uses that are located within buildings primarily used for office purposes shall be excluded from the above level development level limitations for such uses as accessory uses to the office uses.

See Section III of the General Development Standards for certain rights to transfer development levels and uses among various Districts and to increase the level of certain permitted uses by decreasing the level of other permitted uses (i.e. conversion rights).

**III. TRANSITIONAL DISTRICT OPTIONAL PROVISIONS**

The following optional provisions shall apply to the Transitional District, many details of which are set forth below and identified with *Optional Provision* references:

- a. To allow in connection with office uses developed in a clustered campus format to locate ground mounted signs up to 12 feet in height and containing up to 100 square feet of sign area at shared driveway entrances at the public or private street

**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.

**IV. TRANSITIONAL DISTRICT DESIGN INTENT:**

- a. **Overall Intent.** The Transitional District shall be characterized by mixture of residential and office/commercial uses with an overall approach that is in a less intense format than the Employment District or the Gateway District in recognition of the transition nature of the District between area closer to I-485 and the predominantly single family uses of the Residential District. For most of the Transition District Office uses shall be developed in less of an urban format with less use of structured parking facilities, while preserving connectivity to other portions of the Master Plan through street networks, bike/pedestrian links, multi-use trails and the like. More dense office format may be located closer to Beaver Dam Creek. Residential uses shall be characterized by a mixture of multi-family and single family attached and detached units with mid to moderate densities, but greater density may be allowed along thoroughfares. In all instances, the uses within the Transitional District will provide connectivity to other portions of the Master Plan through street networks, bike/pedestrian links, multi-use trails and the like.

**V. TRANSITIONAL DISTRICT ACCESS/USDG STREETS & CONNECTIVITY:**

- a. **Access:** Access to the Transitional District shall be primarily by way of Dixie River Road and internal streets and roads as generally depicted on [Sheet RZ -8A], provided the locations of streets as shown are subject to change and are illustrative in nature.
  - 1. The Local Office/Commercial Wide Street classification will be used in portions of the Transitional District to support pedestrian-scaled, street-oriented, ground floor active uses (any use visible from the street through clear glass and accessible to interior users)
  - 2. In addition to the crossing associated with West Boulevard extension, a minimum of 2 additional street crossings over Beaver Dam Creek described on [Sheets RZ-6A, RZ-7A and RZ-8A] shall be provided in the Employment, Gateway or Transitional Districts; however, the locations of such crossings can be adjusted during the design development phase based on environmental, topographical and other site/development considerations.

The street crossings over Beaver Dam Creek shall take place as development occurs in the applicable Area from which the crossing will occur but in any event prior to development of greater than seventy percent (70%) of the permitted gross floor area for commercial uses within the District.

**VI. TRANSITIONAL DISTRICT BUILDING ORIENTATION/STREET FRONTAGE**

The following provisions address certain design aspects related to the orientation of buildings and site elements to streets and streetscape matters. Certain Optional Provisions that permit deviations from the MUDD minimum standards will be allowed as described herein (such as, for example, deviations from the requirement in MUDD that there be no parking between buildings and public streets).

- a. **Setbacks and Streetscape**

1. Building setbacks shall not apply on non-network required private streets, driveways and drive aisles.
2. Minimum building setback is 20 feet. Where off-street surface parking is provided, the parking area setback is a minimum of 25' from the future back of curb for parking areas greater than two parking bays.
3. A transitional 4' zone behind the sidewalk is required in the Transitional District and can be used toward outdoor dining areas, wider sidewalks, landscape areas, semi-private courtyards, stoops and/or similar. Balconies may encroach 4 feet into the 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.
4. It is acknowledged that roads/streets governed by NCDOT may require an alternative streetscape treatment than described herein and such alternative streetscape treatment shall be subject to the approval of CDOT/Planning Department, such approval not to be unreasonably delayed or withheld.
5. Parking and maneuvering are permitted to the side and rear of buildings.
6. Parking and Maneuvering is permitted between the building and the street as follows:
  7. Limited to 2 bays on Main Streets, Avenues or Local Streets
  8. Permitted without limitation on Boulevards or Parkways
9. A minimum of forty percent (40%) of a block face on a Main Street, Avenue, or Local Street shall be building edge.
10. A maximum of sixty percent (60%) of a block face on a Main Street, Avenue, or Local Street may be utilized for parking, driveways and maneuvering.
11. Uses within the Transitional District are not required to have a percentage of building edge with ground floor active use.
12. Uses within the Transitional District fronting a Main Street, Avenue, or Local Street shall have a minimum of fifty percent (50%) transparency on the ground floor. Sixteen percent (16%) of the required transparency may be display windows or opaque glass.
13. Uses within the Transitional District fronting a Major Thoroughfare shall have a minimum of twenty-five percent (25%) transparency on the ground floor. One hundred percent (100%) of the required transparency may be display windows or opaque glass.

*Reference is made to [Sheet RZ-5B] regarding “Streetscape by District” chart. To the extent of any discrepancy between the provisions above and the application of the Streetscape by District Chart, the above provisions will control.*

Deviations from the above provisions are permitted upon approval by the Planning Department based upon the overland trail location, environmental or topographical constraints or for public benefit, such as, public realm amenities beyond approved standards, additional enhanced urban open space, increased pedestrian connectivity, integration of green infrastructure elements or innovative planning techniques.

**b. Orientation Options**

1. Buildings adjacent to Beaver Dam Creek Greenway and/or open space areas as generally depicted on [Sheet RZ-8A] may contain one of the following characteristics:
  - (i) buildings that address the Beaver Dam Creek Greenway portions of the Site in accordance with design standards set forth below and provide for pedestrian connections from buildings to the trail network;
  - (ii) parking decks that adhere to the design standards described in General Development Standards Section VI (Architectural Standards);
  - (iii) parking decks that adhere to the design standards set forth and contain landscaping and/or wall treatment features along portions of the decks;
  - (iv) service and loading will not orient to or be located directly adjacent to Beaver Dam Creek Greenway.

**VII. TRANSITIONAL DISTRICT HEIGHT AND TRANSITIONS**

- a. Overall Intent.** The buildings within the Transitional District will have a range of height with concentrations along the Dixie River and in pockets throughout the District. The scale and massing of office/commercial buildings, multi-family residential buildings will be less intensive along the single family lots/homes located in the Residential District or adjacent existing single-family detached uses, but only to the extent such property remains zoned for single family detached residential use.

**b. Height**

1. **Optional Provision:** Building height of 120’ will be permitted throughout the Transitional District, except buildings located along Dixie River shall be limited to a height of 95’ and when adjacent to single family detached residential uses as described in 2.and 3. below. Height shall be measured as set forth in the Ordinance except it will be exclusive of ornamental roof structures such as parapets, spires, mansards, domes, dormers or other architectural features.
2. Buildings located in the Transitional District within 100’ of a single-family detached zoning district or use will not exceed 95 feet or six stories.

3. If buildings exceed 3 stories and are on sites that are adjacent to the Residential District and/or a single family zoning district or use, a 50' Class C buffer shall be provided along the property edges that are adjacent to the Residential District and/or single family zoning district or use. If the zoning district or use changes result in a property no longer being adjacent to the Residential District and/or a single family zoning district or use, the buffer may be eliminated. At such time, the maximum height may be increased to 120'.

## **VIII. TRANSITIONAL DISTRICT GREENWAYS/TRAILS, OPEN SPACE & TREE SAVE**

- a. **Overall Intent:** The vision is to create a place that emphasizes the natural environment and connections at every level through a diverse network of open space experiences. Open space in the Employment District will be predominantly natural in form and will serve as the amenity area for adjacent developments as well as provide links to more formal gathering spaces and to the overall Master Plan Site. Sidewalks and direct connections will be provided from uses and amenity areas within the Employment District to the trail and/or greenway system.
- b. **Reference Environmental Commitments [Sheet RZ-4A] and associated text.**

## **RESIDENTIAL DISTRICT – UPDATED 7/24/16**

**DEVELOPMENT STANDARDS** (see additional General Development Standards on Sheet RZ-3A-3B)

### **I. RESIDENTIAL DISTRICT ZONING – MX-2**

### **II. RESIDENTIAL DISTRICT PERMITTED USES/DEVELOPMENT LEVELS:**

- a. Single family detached lots/homes of up to 1,700 lots;
- b. Single family attached units and/or multi-family units up to 300 units;
- c. Retail/Eating, Drinking and Entertainment Establishments (EDEE)/personal services and/or office uses of up to 75,000 sf;
- d. Marina and related active uses along the Catawba River;
- e. A continuing care retirement community (CCRC) with up to 200 units (*a CCRC is a nursing home made up both independent and/or dependent living facilities*);
- f. Institutional, recreation (indoor and outdoor) and civic uses.

Each of above together with other uses, accessory uses and uses allowed under prescribed conditions in the MX-2 district.

See Section III of the General Development Standards for certain rights to transfer development levels and uses among various Districts and to increase the level of certain permitted uses by decreasing the level of other permitted uses (i.e. conversion rights).



**III. RESIDENTIAL DISTRICT INNOVATIVE PROVISIONS FOR MX -2 RESIDENTIAL DISTRICTS**

- a. The Petitioner 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.

**IV. RESIDENTIAL DISTRICT DESIGN INTENT:**

- a. The Residential District shall be characterized by a walkable residential community with limited convenience retail/EDEE/personal services and/or office uses, where residents of the community will have convenient and easy access to a series of passive and active open spaces that are interconnected by a network of streets, sidewalks and trails.
- b. The Residential District shall include a variety of residential uses including primarily single family attached units and detached lots as well as limited amount of multi-family units in a walkable interconnected community format.
- c. The emphasis of the design of the Residential District will be to provide connect the residents to a series of multi-use trails located within open space areas and to other amenities supporting the Residential District.
- d. The limited amount of commercial uses shall be neighborhood oriented supporting the needs of residents of the Residential District and the design of such uses will also emphasize walkability with buildings oriented where possible toward streets and will be integrated into the residential uses with a network of internal interconnected streets and sidewalks.
- e. The Residential District shall particularly sensitive to the environment in which it is located including the proximity to the Catawba River. As such significant portions of the Residential District shall consist of open space and the density of the residential uses will be less the closer to the River and the series of creeks located within the District.
- f. Connectivity to other portions of the Master Plan shall be provided through street networks, bike/pedestrian links, multi-use trails and the like.

**V. RESIDENTIAL DISTRICT ACCESS:**

Access to the Residential District shall be primarily by way of Dixie River Road, West Boulevard Extension, Tom Sadler Road and other streets/roadways as determined through the subdivision process and/or as generally depicted on Sheet RZ-5A.

**VI. RESIDENTIAL DISTRICT HEIGHT AND TRANSITIONS**

- a. Per the Ordinance.

**VII. RESIDENTIAL DISTRICT STREETScape, LANDSCAPING & BUFFERS:**

- a. Setbacks, yards and buffers as required by the MX-2 (Innovative) zoning district and as allowed by the Innovative Provisions above will be provided.
- b. Within areas developed for commercial uses, a minimum building and parking setback of 20 feet as measured from the existing right-of-way will be provided along Main Streets, Avenues or Local Streets and for such uses the setback along the other internal public streets will be provided as required by the Ordinance.
- c. Along the Residential District's non-network required streets, sidewalks and a cross-walk network that links the residential and commercial buildings on the Site with one another by way of links to sidewalks along the abutting public and private streets and/or other pedestrian features such as multi-use trails will be provided. The minimum width for these internal sidewalks will be a minimum of six (6) feet.

**VIII. RESIDENTIAL DISTRICT GREENWAYS/TRAILS, OPEN SPACE & TREE SAVE**

- a. **Overall Intent:** The vision is to create a place that emphasizes the natural environment and connections at every level through a diverse network of open space experiences. Open space in the Residential District will be predominantly natural in form and will serve as the amenity area for adjacent developments as well as provide links to more formal gathering spaces and to the overall Master Plan Site. Sidewalks and direct connections will be provided from uses and amenity areas within the Employment District to the trail and/or greenway system.
- b. **Reference Environmental Commitments [Sheet RZ-4A] and associated text.**

**ENVIRONMENTAL COMMITMENT STANDARDS:**

River District will honor the unique resources and character of the +/- 1,380 acre master planned community by preserving significant natural areas, land features and environmentally sensitive lands. This effort will cultivate accessibility, stewardship and education opportunities related to nature for the residents as well as serve as a regional amenity. From neighborhood parks to an extensive trail system that traverses along streams, through wooded areas and connects destinations, there will be tremendous opportunities to appreciate the natural environment within 5 minutes of every destination or neighborhood. River District will maintain high standards for water quality practices as well as exceed required tree save measures.

River District will create a one-of-a-kind community that keeps natural resources and open space preservation as the cornerstone of its built environment.

**OUTLINE**

- I. Environmental Intent**
- II. Overall Stewardship Commitments**
- III. Water Quality**
- IV. Open Space**
- V. Recreation and Connectivity**
- VI. Tree Save**

**I. ENVIRONMENTAL INTENT:**

The land use pattern will respect the natural resources and recognize the opportunity to integrate natural features and open space amenities as a primary organizing element. River District will concentrate development in districts, while intentionally maintaining open space areas and providing greenway connections. The opportunity to focus development in these districts allows for minimized environmental impact.

Higher intensity districts, such as the Employment and Town Center will be developed in a condensed pattern away from challenging topography and the river. All districts will be linked by a thoughtful transportation system of sidewalks and trails that promotes walkability and pedestrian activity.

As the River District develops closer to the water and topography becomes more challenging, lower density residential uses will become more prevalent. Large swaths of tree save and open space will link these areas to the Town Center District and the Employment District.

The River District Environmental Vision includes various stewardship commitments related to Open Space, (defined in General Standards reference section I. h, water quality, recreation and connectivity, and tree save aspects, as more particularly set forth below:

## II. WATER QUALITY

The enhanced water quality protection measures committed to by the Petitioner, or assigns, include:

**a. Erosion Control** - A commitment to basin sizing on storm events detaining the 2 year storm for five (5) days and the 25 year storm for three (3) days while routing the 50 year storm through the water quality skimmer outlet. Additional specific measures to be employed in concert with increased basin capacity will include that all plans follow the requirements of the Critical and Protected Area Enhanced Erosion Control Measures Checklist, including polyacrylamide (PAM) plans. PAM shall be specified for use with seeding mixtures and to treat sheet flow runoff to basins including type, amount and frequency of application. All plan submittals will also include an earthwork cut/fill analysis. A qualified individual dedicated solely to the protection of surface water resources with duties to include the periodic inspection of erosion control measures and land disturbing activities, the routine inspection of surface waters and all activities necessary to ensure the compliance with all water quality regulations and rezoning conditions.

**b. Enhanced Water Quality Protection** - The commitment to enhanced water quality protection will be based on collaborative best practices and exceeding several current regulatory requirements as follows.

1. In collaboration with the City of Charlotte Storm Water Services and Charlotte Department of Transportation, the evaluation of innovative storm water treatment options in concert with the design of the River District roadway infrastructure. Implementation of innovative options will be subject to City concurrence in meeting the PCCO Ordinance.
2. Where topography and proximity to enhanced stream buffers permit, and upon the cooperation and concurrence of City of Charlotte Storm Water Services, the evaluation and implementation of tiered storm water treatment through dispersion of storm water through the enhanced buffer as noted in iii below.
3. Petitioner, or assigns commits to increase the horizontally measured width of stream buffers in accordance with [Sheet RZ-4B].
4. Increased buffer widths identified as an extension of the "Upland Zone", on [Sheet RZ-4B] shall follow the "Buffer Disturbance" as defined in the Charlotte Mecklenburg Water Quality Buffer Implementation Guidelines, last revised September 2014.
5. Commitment to a minimum horizontal buffer of 50 feet around all delineated jurisdictional wetlands.
6. In collaboration with Mecklenburg County Land Use and Environmental Services Agency (LUESA), a commitment to fund the provision, installation, and operation of up to four (4) water

quality monitoring stations before construction activities commence as approved by LUESA. Perform continuous onsite monitoring in streams which are immediately downstream of active construction. Monitoring should begin prior to land disturbing activity and continue throughout construction until the applicable portion of the site is stabilized and grading permit is closed. Parameters to be measured are turbidity, water level, and rainfall. Data must be immediately available via a network communication system and be able to provide immediate alerts to LUESA staff when thresholds are exceeded, which may indicate a failure of erosion control devices. This monitoring will be performed by Mecklenburg County Storm Water Services. Petitioner to pay all costs associated with the installation and maintenance of the monitoring sites. Sites will be in the cores identified in vii.

7. For the purposes of establishing a benchmark of existing conditions of the lake bottom, Petitioner, or assigns will conduct a bathymetric survey of Little Paw Creek, Lochfoot Drive, Lynn Parker Lane and Browns Coves. Petitioner, or assigns, will provide these surveys to LUESA prior to the initiation of any construction within the respective drainage basins. Alternately, Petitioner, or assigns may elect to retain and pay LUESA to conduct these surveys. The frequency of monitoring is as follows: Pre development (6 months prior to any land disturbing activities) and then 6 months starting after land disturbing activity is complete. If continuous activity lasts over five years, then another survey will be conducted at the fifth year. If surveys are self-performed then the procedure/methodology must be pre-approved by LUESA.
8. Perform chemical analyses on water in 2 coves (Little Paw and Lochfoot Cove) per standard Mecklenburg County lake sampling protocol. Parameters include: Temperature, DO, pH, Specific Conductance, Secchi, Fecal Coliform, E. Coli, Chlorophyll A, Nutrient Suite, Turbidity. Monitoring frequency to be 8 months per year (Jan, March, May, June, July, Aug, Sept, Nov). Monitoring to begin at least one year prior to land disturbing activity and continue until one year after development is complete. This monitoring is to be performed by Mecklenburg County Storm Water Services while conducting routine lake monitoring activities and the Petitioner, or assigns, is to pay the analytical costs associated with the added monitoring for development in drainage areas contributing to these cores.
9. Conduct baseline biological monitoring in all stream draining greater than 50 acres prior to construction activities. Monitoring should include a full assessment of fish and macroinvertebrate diversity. Monitoring results to be provided to LUESA.

#### **IV. OPEN SPACE**

Open Space (as defined in the General Development Standards on [Sheet RZ-4]) will be utilized to enhance the quality of life for residents and visitors to the River District. Petitioners, or assigns, commit to a minimum total of 40% of the overall acreage of 1,377.68 acres, or 551 acres of open space. Significant focus will be placed on providing wildlife and habitat corridors that are interconnected and

respond to both adjacent properties and the water. The Open Space commitment is conceived as multi-faceted endeavor providing preservation of wildlife corridors, meeting or exceeding tree save requirements, and allowing area for an extensive trail and greenway system. Open Space shown on [Sheet RZ-5A] represents generally where additional Open Space is anticipated. Outside of required buffers, the final location and area for the additional preserved Open Space will be identified at the time of permitting of each development.

a. Other specific Open Space commitments include:

1. Preservation of one “wildlife preserve” greater than 75 acres that will be located within the Residential District. Exact location will be identified after the issuance of certificates of occupancy for 1,000 residential dwellings have been developed.
2. Preservation of all land within the 100 year floodplain (zone AE) and the future 100 year floodplain (zone X) as Open Space.

## **V. RECREATION & CONNECTIVITY**

Developers commit to create an extensive trail and greenway network as part of the Open Space system and integrated into the physical development to provide a pedestrian and non-vehicular connectivity throughout the Master Planned Site (ie. River District). Natural trails, greenway paths, linear parks, bike routes and a carefully designed street and pedestrian network will enable a more active and connected lifestyle. Section IV. Of the General Development Standards (set forth on [Sheet RZ-3]) described certain commitments of the Petitioner, or assigns, regarding park sites, greenway dedication and other trails.

## **VI. Tree Save**

a. Certain areas within the Residential District portion of the Master Planned Site , of approximately 102 acres are shown as dedicated tree save for the benefit of the +/- 675 acre area associated with the MUDD-O Districts. The tree save area for the benefit of the MUDD-O District will be dedicated prior to issuance of the first certificate of occupancy for development within the MUDD-O Districts. Tree save commitments for the MX-2 portion of the Master Planned Site shall be dedicated as development occurs within the MX-2 District. The Tree Save commitments shall be implemented subject to the following provisions:

1. The areas depicted on [Sheet RZ-4A] are conceptual in nature and the boundaries may shift due to development, infrastructure, utility needs or other programmatic elements provided, that the tree save areas will represent a total of a minimum of 102 acres.

2. In the event that the development levels in the MUDD-O Districts do not exhaust all of the dedicated tree save areas, the remaining tree save areas can be used for the benefit of the MX-2 District.
3. Upon approval of development permits, a notification/letter of approval shall be sent from Urban Forestry to the owner of record of the dedicated tree save areas and the developer applying for development permits in the MUDD-O District. A letter of approval from the Tree Save owner of record in the MX-2 area must accompany any MUDD-O development permit.