

G:\NCA\Projects\NVR\5527-00 - Mallard Creek Multifamily\03 - DWG\PlanSheets\REZONING\RZ-2 REZONING NOTES.dwg Layout: RZ-2.0 Plotted: 12/12/2018 1:51:58 PM

5

DEVELOPMENT STANDARDS
DECEMBER 12, 2018

5

DEVELOPMENT STANDARDS
DECEMBER 12, 2018

A. GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY NVR, INC. (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 18.06 ACRE SITE LOCATED ON THE NORTH SIDE OF MALLARD CREEK ROAD, WEST OF CAROLINA LILY LANE, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF PORTIONS OF TAX PARCEL NOS. 029-191-13, 029-191-14 AND 029-191-15.

2. THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE").

3. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE UR-2 ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.

4. THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE BUILDING FOOTPRINTS AS WELL AS THE INTERNAL DRIVES AND PARKING AREAS DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, ARE SUBJECT TO MINOR ALTERATIONS OR MODIFICATIONS DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.

5. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

B. PERMITTED USES/DEVELOPMENT LIMITATIONS

1. THE SITE MAY BE DEVOTED ONLY TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF 186 FOR SALE SINGLE FAMILY ATTACHED DWELLING UNITS AND TO ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE UR-2 ZONING DISTRICT.

C. TRANSPORTATION

1. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION ("CDOT") AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT").

2. AS DEPICTED ON THE REZONING PLAN, THE SITE WILL BE SERVED BY INTERNAL PUBLIC AND/OR PRIVATE STREETS AND INTERNAL PRIVATE ALLEYS, AND MINOR ADJUSTMENTS TO THE LOCATIONS OF THE INTERNAL PUBLIC AND/OR PRIVATE STREETS AND THE INTERNAL PRIVATE ALLEYS SHALL BE ALLOWED DURING THE CONSTRUCTION PERMITTING PROCESS.

3. PETITIONER SHALL PROVIDE A MINIMUM 5 FOOT WIDE SIDEWALK CONNECTING EACH UNIT TO THE PUBLIC STREET NETWORK AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN. INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE INTERNAL SIDEWALKS MAY MEANDER TO SAVE EXISTING TREES.

4. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE OR TO NCDOT (AS APPLICABLE) THOSE PORTIONS OF THE SITE LOCATED IMMEDIATELY ADJACENT TO MALLARD CREEK ROAD, ASPIRE STREET, PUBLIC ROAD A, THE ASPIRE STREET EXTENSION AND THE KINGS GRANT DRIVE EXTENSION AS REQUIRED TO PROVIDE RIGHT OF WAY MEASURING, WHERE FEASIBLE, TO TWO FEET BEHIND THE BACK OF SIDEWALK AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST.

5. PETITIONER SHALL SUBSTANTIALLY COMPLETE THE CONSTRUCTION OF PUBLIC ROAD A AS GENERALLY DEPICTED ON THE REZONING PLAN PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE.

5

6. PETITIONER SHALL SUBSTANTIALLY COMPLETE THE CONSTRUCTION OF ASPIRE STREET PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY APPLICABLE TO THE 60TH ATTACHED DWELLING UNIT CONSTRUCTED ON THE SITE.

7. PETITIONER SHALL SUBSTANTIALLY COMPLETE THE CONSTRUCTION OF THE ASPIRE STREET EXTENSION AND THE KINGS GRANT DRIVE EXTENSION PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY APPLICABLE TO THE 80TH ATTACHED DWELLING UNIT CONSTRUCTED ON THE SITE; PROVIDED, HOWEVER, THAT NOTHING IN THIS NOTE C.6 SHALL PREVENT OR DELAY ISSUANCE OF THE CERTIFICATE OF OCCUPANCY APPLICABLE TO THE 80TH OR ANY SUBSEQUENT ATTACHED DWELLING UNIT CONSTRUCTED ON THE SITE IN THE EVENT THAT PETITIONER IS UNABLE TO SUBSTANTIALLY COMPLETE THE CONSTRUCTION OF THE ASPIRE STREET EXTENSION AND THE KINGS GRANT DRIVE EXTENSION BECAUSE OF WORK BEING PERFORMED BY NCDOT ON MALLARD CREEK ROAD. IN NO EVENT SHALL PETITIONER BE RESPONSIBLE FOR PROVIDING A TRAFFIC SIGNAL AT THE INTERSECTION OF THE KINGS GRANT DRIVE EXTENSION AND MALLARD CREEK ROAD.

8. ANY REFERENCE TO THE TERM "SUBSTANTIALLY COMPLETE" IN THIS SECTION C OF THE DEVELOPMENT STANDARDS SHALL MEAN A DETERMINATION BY CDOT AND/OR NCDOT THAT THE APPLICABLE ROADWAY IMPROVEMENTS ARE DEEMED "SUBSTANTIALLY COMPLETE" FOR THE PURPOSE OF THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR BUILDING(S) ON THE SITE. HOWEVER, IN THE EVENT THAT CERTAIN NON-ESSENTIAL ROADWAY IMPROVEMENTS (AS REASONABLY DETERMINED BY CDOT) ARE NOT COMPLETED AT THE TIME THAT PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE, THEN CDOT WILL INSTRUCT APPLICABLE AUTHORITIES TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS, AND IN SUCH EVENT PETITIONER MAY BE REQUIRED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH CERTIFICATES OF OCCUPANCY ARE ISSUED TO SECURE THE COMPLETION OF THE RELEVANT IMPROVEMENTS.

9. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE, PETITIONER SHALL CONSTRUCT A NEW BUS STOP WAITING PAD ALONG THE SITE'S FRONTAGE ON MALLARD CREEK ROAD; PROVIDED, HOWEVER, THAT NOTHING IN THIS NOTE C.8 SHALL PREVENT OR DELAY THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE OR ANY SUBSEQUENT BUILDING OR ATTACHED DWELLING UNIT CONSTRUCTED ON THE SITE IN THE EVENT THAT PETITIONER IS UNABLE TO SUBSTANTIALLY COMPLETE THE CONSTRUCTION OF THE BUS STOP WAITING PAD BECAUSE OF WORK BEING PERFORMED BY NCDOT ON MALLARD CREEK ROAD. THIS NEW BUS STOP WAITING PAD SHALL BE LOCATED ENTIRELY WITHIN THE RIGHT OF WAY, AND THE PRECISE LOCATION OF THIS NEW BUS STOP WAITING PAD SHALL BE DETERMINED DURING THE PERMITTING PROCESS. THE NEW BUS STOP WAITING PAD SHALL BE CONSTRUCTED TO CATS DEVELOPMENT STANDARD 60.01B. PETITIONER'S OBLIGATION TO CONSTRUCT THIS NEW BUS STOP WAITING PAD SHALL BE SUBJECT TO PETITIONER'S ABILITY TO OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO CONSTRUCT THE NEW BUS STOP WAITING PAD. CATS SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ANY BENCH OR SHELTER THAT MAY BE LOCATED ON THE NEW BUS STOP WAITING PAD.

10. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE, PETITIONER SHALL CONSTRUCT AN EASTBOUND LEFT TURN LANE WITH 100 FEET OF STORAGE AT THE INTERSECTION OF MALLARD CREEK ROAD AND PUBLIC ROAD A; PROVIDED, HOWEVER, THAT NOTHING IN THIS NOTE C.9 SHALL PREVENT OR DELAY THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE OR ANY SUBSEQUENT BUILDING OR ATTACHED DWELLING UNIT CONSTRUCTED ON THE SITE IN THE EVENT THAT PETITIONER IS UNABLE TO SUBSTANTIALLY COMPLETE THE CONSTRUCTION OF THIS LEFT TURN LANE BECAUSE OF WORK BEING PERFORMED BY NCDOT ON MALLARD CREEK ROAD.

D. ARCHITECTURAL STANDARDS

1. THE MAXIMUM HEIGHT IN STORIES OF THE SINGLE FAMILY ATTACHED DWELLING UNITS TO BE LOCATED ON THE SITE SHALL BE 3 STORIES.

2. THE MAXIMUM HEIGHT OF THE SINGLE FAMILY ATTACHED DWELLING UNITS TO BE LOCATED ON THE SITE SHALL CONFORM TO THE REQUIREMENTS OF TABLE 9.406(2)(A) OF THE ORDINANCE, BUT IN NO EVENT SHALL EXCEED 50 FEET.

3. ALL RESIDENTIAL ENTRANCES WITHIN 15 FEET OF A SIDEWALK SHALL BE RAISED FROM THE AVERAGE SIDEWALK GRADE A MINIMUM OF 24 INCHES.

4. PITCHED ROOFS, IF PROVIDED, SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12, EXCEPT THAT ROOFS FOR PORCHES AND ATTACHED SHEDS MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED.

5. USABLE PORCHES AND STOOPS SHALL FORM A PREDOMINANT FEATURE OF THE BUILDING DESIGN FOR THE PUBLIC STREET-FACING FRONT/SIDE OF ANY BUILDINGS THAT ABUT A PUBLIC STREET OR A PEDESTRIAN ACCESSWAY. STOOPS AND ENTRY-LEVEL PORCHES MAY BE COVERED BUT SHALL NOT BE ENCLOSED.

6. ALL CORNER/END UNITS THAT FACE A PUBLIC STREET SHALL HAVE A PORCH OR STOOP OR ENTRY FEATURE ON THE FRONT AND SIDE OF THE UNIT OR, IN THE ALTERNATIVE, THE MAXIMUM BLANK WALL EXPANSE OF ANY CORNER/END UNITS THAT FACE A PUBLIC STREET SHALL BE 10 FEET ON ALL OF SUCH UNITS BUILDING LEVELS.

E. STREETScape AND LANDSCAPING

1. A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 12 FOOT WIDE MULTI-USE PATH SHALL BE INSTALLED ALONG THE SITE'S FRONTAGE ON MALLARD CREEK ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

2. A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 6 FOOT WIDE SIDEWALK SHALL BE INSTALLED ALONG ASPIRE STREET AS GENERALLY DEPICTED ON THE REZONING PLAN.

3. A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 6 FOOT WIDE SIDEWALK SHALL BE INSTALLED ALONG THE SOUTHERN SIDE OF THE ASPIRE STREET EXTENSION AND THE WESTERN SIDE OF THE KINGS GRANT DRIVE EXTENSION AS GENERALLY DEPICTED ON THE REZONING PLAN.

4. PETITIONER SHALL CONSTRUCT A 6 FOOT WOODEN OR VINYL FENCE ALONG THE SITE'S EASTERN BOUNDARY IN THE LOCATIONS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN.

F. OPEN SPACE

1. EACH INDIVIDUAL SUB-LOT ON WHICH A SINGLE FAMILY ATTACHED DWELLING UNIT IS LOCATED MUST INCLUDE A MINIMUM OF 400 SQUARE FEET OF PRIVATE OPEN SPACE.

2. PETITIONER SHALL PROVIDE PASSIVE AMENITIES IN THOSE LOCATIONS MORE PARTICULARLY IDENTIFIED ON THE REZONING PLAN.

3. PETITIONER SHALL CONSTRUCT A 4 FOOT WIDE WALKING TRAIL ALONG THE NORTHERN PORTION OF THE SITE IN THE LOCATIONS GENERALLY DEPICTED ON THE REZONING PLAN. THE PRECISE LOCATIONS OF THE 4 FOOT WIDE WALKING TRAIL WILL BE DETERMINED DURING THE PERMITTING PROCESS, AND THE 4 FOOT WIDE WALKING TRAIL MAY BE CONSTRUCTED OF A PERVIOUS SURFACE.

G. LIGHTING

1. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS AND SIDEWALKS AND LANDSCAPING LIGHTING) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.

2. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE, EXCLUDING STREET LIGHTS LOCATED ALONG PUBLIC STREETS, SHALL BE 21 FEET.

H. ENVIRONMENTAL FEATURES

1. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

2. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE TREE ORDINANCE.

3. THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS

I. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

1. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.

2. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

3. ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQUIREMENTS OF THE ORDINANCE IN EFFECT AS OF THE DATE THIS REZONING PETITION IS APPROVED.

4. THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

5. DEVELOPMENT WITHIN THE PCSO BUFFER SHALL BE SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES AND MITIGATED IF REQUIRED BY CITY ORDINANCE.

PER CITY COMMENTS	PER CITY COMMENTS	PER CITY COMMENTS	PER CITY COMMENTS	PER CITY COMMENTS	DESCRIPTION
12/12/2018	11/29/2018	11/26/2018	10/15/2018	9/21/2018	DATE
△	△	△	△	△	REV
DESIGNED BY: LL					
DRAWN BY: LL					
REVIEWED BY: AB					
BCE 121 W. TRADE STREET, SUITE 1030 CHARLOTTE, NC 28202 www.bceinc.com NC LICENSE #C-4397					
NVR, INC. 10710 SIKES PLACE, SUITE 200 CHARLOTTE, NC 28277					
MALLARD CREEK MULTIFAMILY MALLARD CREEK ROAD CHARLOTTE, NC					
REZONING NOTES PETITION #2018-067					
NOT FOR CONSTRUCTION					
FILE NUMBER: 5527-00					
DATE: 12/12/2018					
RZ-2.0					