

#### **DEVELOPMENT STANDARDS**

#### August 23, 2006

### **GENERAL PROVISIONS**

Unless more stringent standards are established by the Technical Data Sheet or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the MX-2 zoning district classification, subject to the innovative development standards set out below, shall be followed in connection with development taking place on the Site.

Schematic Site Plan Alternate A, Schematic Site Plan Alternate B and Schematic Site Plan Alternate C are schematic representations of the development alternatives for the Site, and the approval of this Rezoning Petition by the City of Charlotte City Council shall constitute the approval of each of these development alternatives, and the Petitioner shall have the right to develop the Site in accordance with Schematic Site Plan Alternate A, Schematic Site Plan Alternate B or Schematic Site Plan Alternate C. Schematic Site Plan Alternate A, Schematic Site Plan Alternate B and Schematic Site Plan Alternate C are hereinafter collectively referred to as the "Alternative Schematic Site Plans".

The developments depicted on the Alternative Schematic Site Plans are intended to reflect the arrangement of proposed uses on the Site, but the final configuration, placement and size of individual Site elements may be altered or modified within the limits prescribed by the Ordinance and the standards established by the Technical Data Sheet and these Development Standards during design development and construction phases. Street layouts may be modified to accommodate final building and lot locations.

#### PERMITTED USES

#### Schematic Site Plan Alternate A

Subject to the provisions set out below, the Site may be devoted to a maximum of 364 for sale dwelling units and to any incidental or accessory use in connection therewith which is permitted by right or under prescribed conditions in the MX-2 zoning district.

- A maximum of 152 for sale single family duplex dwelling units may be developed on those portions
  of the Site depicted on Schematic Site Plan Alternate A.
- A maximum of 212 for sale single family attached townhome dwelling units may be developed on those portions of the Site depicted on Schematic Site Plan Alternate A. The for sale single family attached townhome dwelling units may be front loaded or rear loaded units at the discretion of the Petitioner
- 3. Notwithstanding the foregoing and subject to the maximum number of dwelling units that may be developed on the Site (364), the Petitioner may, at its discretion, construct for sale single family duplex dwelling units in lieu of for sale single family attached townhome dwelling units on the relevant portions of the Site.

#### Schematic Site Plan Alternate B

Subject to the provisions set out below, the Site may be devoted to a maximum of 381 for sale dwelling units and to any incidental or accessory use in connection therewith which is permitted by right or under prescribed conditions in the MX-2 zoning district.

- A maximum of 126 for sale single family duplex dwelling units may be developed on those portions
  of the Site depicted on Schematic Site Plan Alternate B.
- A maximum of 255 for sale single family attached townhome dwelling units may be developed on those portions of the Site depicted on Schematic Site Plan Alternate B. The for sale single family attached townhome dwelling units may be front loaded or rear loaded units at the discretion of the Petitioner.
- 3. Notwithstanding the foregoing and subject to the maximum number of dwelling units that may be developed on the Site (381), the Petitioner may, at its discretion, construct for sale single family duplex dwelling units in lieu of for sale single family attached townhome dwelling units on the relevant portions of the Site.

## Schematic Site Plan Alternate C

The Site may be devoted to a maximum of 439 for sale single family attached townhome dwelling units and to any incidental or accessory use in connection therewith which is permitted by right or under prescribed conditions in the MX-2 zoning district. The for sale single family attached townhome dwelling units may be front loaded or rear loaded units at the discretion of the Petitioner.

## Adjacent School's Sports Field

The Site that is the subject of this Rezoning Petition includes a portion of the adjacent school's property on which the school's existing sports field is located, and the location of the school's existing sports field is more particularly depicted on the Technical Data Sheet (the "Existing Sports Field Location"). It is the Petitioner's intent to relocate the adjacent school's existing sports field from the Existing Sports Field Location to the location designated on the Technical Data Sheet and the Alternative Schematic Site Plans as the "Potential Sports Field" (the "Potential Sports Field Location").

In the event that the adjacent school's existing sports field is relocated from the Existing Sports Field Location to the Potential Sports Field Location, then the Existing Sports Field Location will be developed in accordance with the Alternative Schematic Site Plans, and the Potential Sports Field Location will be devoted to the adjacent school's sports field, and the sports field shall meet the requirements of the Ordinance.

In the event that the adjacent school's existing sports field is not relocated from the Existing Sports Field Location to the Potential Sports Field Location, then the Existing Sports Field Location will continue to be devoted to the adjacent school's sports field, and the Petitioner may relocate the dwelling units planned to be developed on the Existing Sports Field Location under the Alternative Schematic Site Plans to the Potential Sports Field Location.

# BUFFER AREA

- 1. The Class C buffer areas established on those portions of the Site depicted on the Technical Data Sheet shall conform to the standards of Section 12.302 of the Ordinance, subject, however, to the provisions of Section 12.304 thereof. In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, then the Petitioner may reduce or eliminate, as the case may be, the relevant portions of the Class C buffer areas set out on the Technical Data Sheet accordingly. As depicted on the Technical Data Sheet, the width of the Class C buffer areas has been reduced from 50 feet to 37.5 feet, and this reduction in width shall be achieved through the installation of a wall, fence or berm pursuant to Section 12.302(8) of the Ordinance. Notwithstanding the foregoing, the Petitioner may, at its discretion, install a 50 foot Class C buffer in lieu of the 37.5 foot Class C buffer in all of the buffer areas or portions thereof.
- 2. The Petitioner shall establish 25 foot Class C buffer areas on those portions of the Site depicted on the Technical Data Sheet pursuant to Section 12.302(4) of the Ordinance, and these areas shall conform to the standards of Section 12.302 of the Ordinance, subject, however, to the provisions of Section 12.304 thereof. In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, then the Petitioner may reduce or eliminate, as the case may be, the relevant portions of the 25 foot Class C buffer areas set out on the Technical Data Sheet accordingly.
- 3. The Petitioner reserves the right to grade and to install a wall, fence, berm, pedestrian sidewalks and utility lines and facilities within the Class C buffer areas located on the Site, provided, however, that utility lines and facilities may only cross the Class C buffer areas at interior angles measured at the property line which are not less than 75 degrees.
- 4. Where existing trees and natural vegetation have been cleared within the Class C buffer areas to accommodate the installation of a wall, fence, berm, pedestrian sidewalks or utility lines and facilities, the cleared, unimproved areas will be landscaped with trees and shrubs in accordance with the requirements of the Ordinance.
- 5. No buildings, parking spaces or maneuvering areas may be located within the Class C buffer areas.

## SETBACKS, SIDE YARDS AND REAR YARDS

Subject to the innovative development standards set out below, all principal structures constructed on the Site shall satisfy or exceed the setback, side yard and rear yard requirements under the Ordinance for the MX-2 zoning district.

### COMMON OPEN SPACE AND AMENITY AREA

- Common open space shall be provided in various locations as depicted on the Technical Data Sheet and the Alternative Schematic Site Plans. At a minimum, 26 acres of the Site shall be devoted to common open space.
- For purposes of calculating the amount of required common open space, common open space shall be deemed to include, among other things, any tree save areas, any water quality ponds, buffers, urban parks, the recreational amenity area, stream buffers and floodplains.
- 3. That portion of the common open space designated on the Technical Data Sheet as the amenity shall, at a minimum, be improved with a clubhouse and a swimming pool.
- 4. The common open space areas shall be maintained by a to be formed homeowners association.

#### SCREENING AND LANDSCAPE AREAS

- Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance.
- Any dumpsters located within the Site that are visible from a public street or from an external adjoining parcel of land will be screened from view by a solid-enclosure with gates.

#### TREE ORDINANCE

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

## PARKING

- 1. Vehicular parking will satisfy the minimum standards established under the Ordinance.
- The Petitioner may, at its discretion, install on street parking spaces on one or both sides of the public street and the private streets to be located within the Site.

## LIGHTING

The maximum height of any freestanding lighting fixture installed on the Site, including its base, shall not exceed 20 feet.

## SIGNS

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

#### ACCESS POINTS /STREETS

- The number of vehicular access points to the Site shall be limited to the number depicted on the Technical Data Sheet.
- The placement and configuration of each access point are subject to any minor modifications
  required to accommodate final site and architectural construction plans and designs and to any
  adjustments required for approval by the Charlotte Department of Transportation and/or the North
  Carolina Department of Transportation.
- The internal public street shall be constructed in accordance with the relevant cross section attached to the Technical Data Sheet.
- 4. The internal private streets shall be constructed in accordance with the relevant cross section(s) attached to the Technical Data Sheet.
- 5. The private streets shall be maintained by a to be formed homeowners association.
- 6. The private streets located within the Site may be gated at the option of the Petitioner.

## FIRE PROTECTION

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

## WETLANDS/PERMITS

The following agencies will be contacted prior to construction regarding wetlands permits if determined to be applicable during the design development phase of the project:

Section 401 Permit NCDEHNR-Raleigh Office
Section 404 Permit US Army Corps of Engineers

## 5 YEAR VESTED RIGHT

Pursuant to Section 1.110 of the Ordinance, the Petitioner hereby requests a 5 year vested right in the event that the corresponding Rezoning Petition is approved by City Council. The Petitioner requests a 5 year vested right due to the size and phasing of the proposed development and the level of the Petitioner's investment.

## BINDING EFFECT OF THE REZONING PETITION

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and this Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

## AMENDMENTS TO REZONING PLAN

Future amendments to this Technical Data Sheet and these Development Standards may be applied for by the then Owner or Owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.

15 feet

## INNOVATIVE DEVELOPMENT STANDARD

Pursuant to Section 11.208 of the Ordinance, the Petitioner seeks to obtain the approval of the use of the following Innovative Development Standards concurrently with the approval of this Rezoning Petition:

Minimum Setback Along Internal Public Street: 5 feet

Minimum Setback Along Internal Private Streets: 5 feet

Minimum Setback Along External Public Streets: 30 feet

Rear Yards (External-Adjacent to Existing Residential): 40 feet

Rear Yards (External-Adjacent to Existing Commercial): 25 feet

Side Yards:

Rear Yards (Internal):

No buildings, parking spaces or maneuvering areas may be located within the Class C buffer areas.

Minimum Building setback separation between Duplexes is 8 feet.

## ColeJenest & Stone

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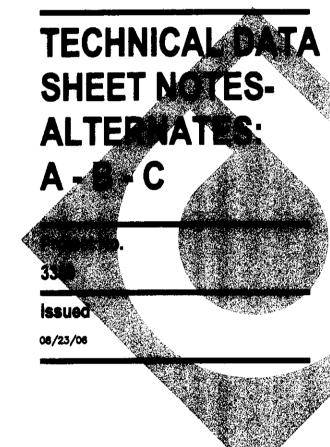
Land Planning
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Civil Engineering

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**CENTEX HOMES** 

# JOHNSTON ROAD RESIDENTIAL

Charlotte
North Carolina 28262



**RZ4.0** 

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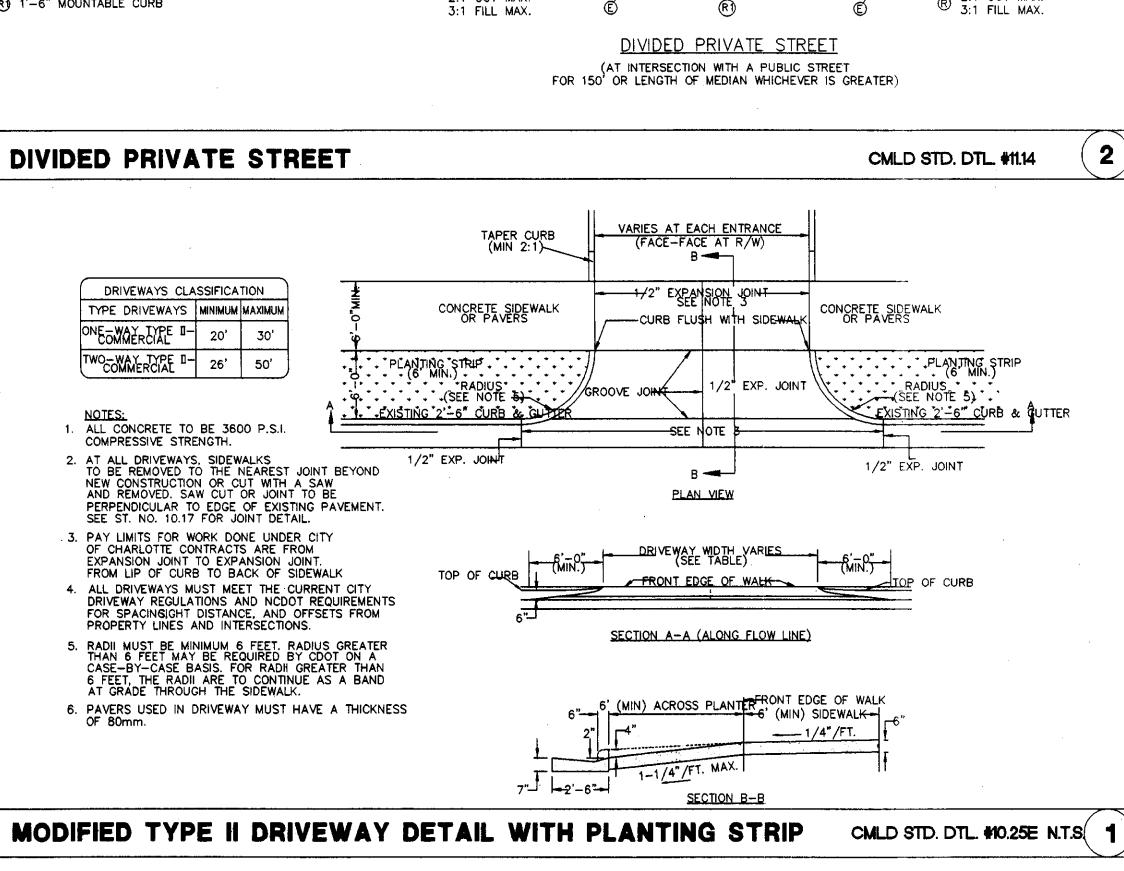
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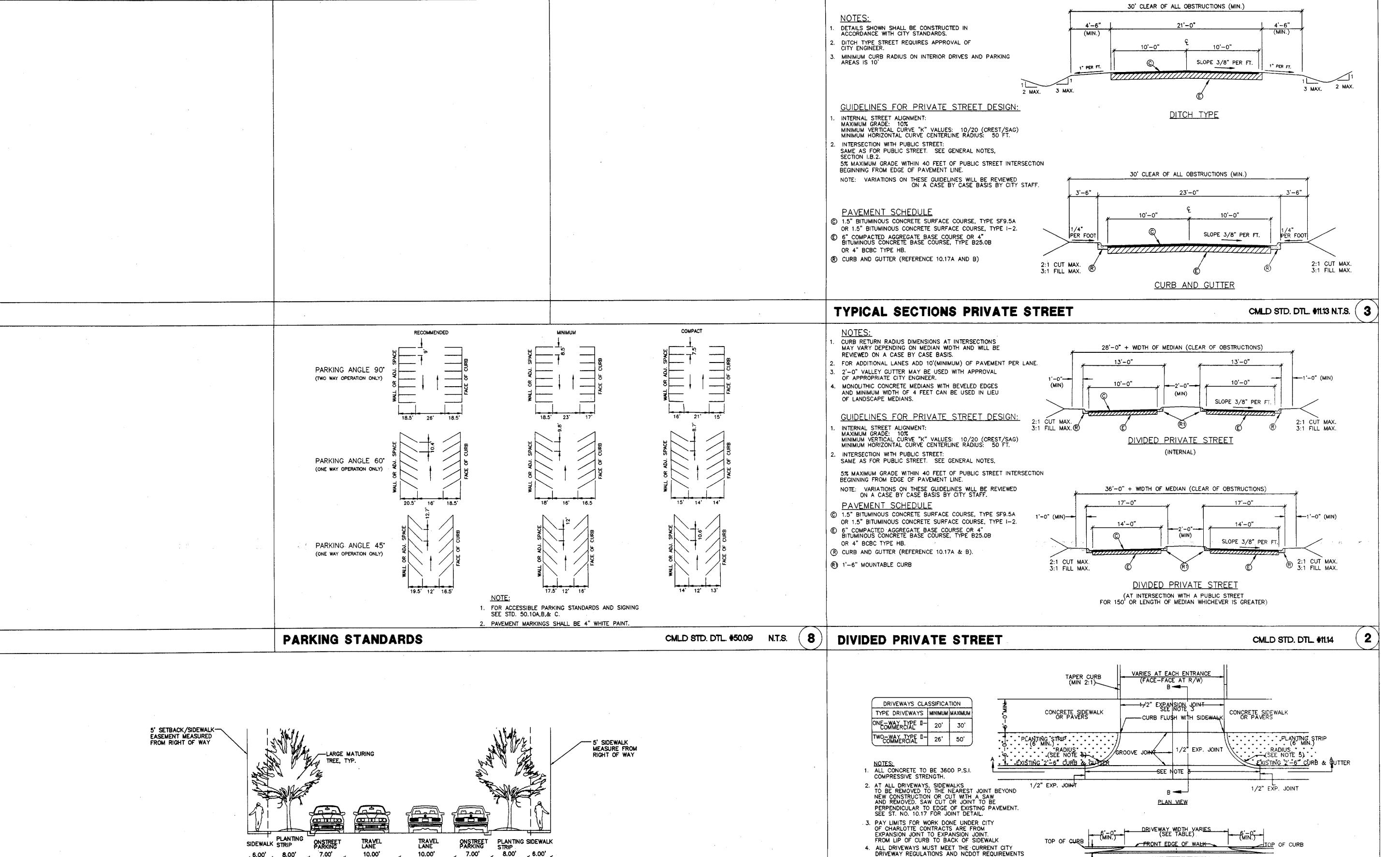
**RZ5.0** 

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1. THIS CROSS SECTION IS PER THE URBAN

THE PUBLIC STREET.

STREET GUIDELINES FOR A "WIDE RESIDENTIAL

2. ON STREET PARKING MAY BE PROVIDED ALONG ONE SIDE, BOTH SIDES OR NEITHER SIDE OF

RIGHT OF WAY

**PUBLIC STREET** 

