

DEVELOPMENT STANDARDS

GENERAL PROVISIONS

Unless more stringent standards are established by the Rezoning Plan or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the MX-2 zoning district classification shall be followed in connection with development taking place on the Site, except that the 100 foot project edge located along the western boundary line of the Site shall be located within the Business Park zoning district classification and shall comply with the requirements thereof.

The development depicted on the Rezoning Plan is 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 Rezoning Plan and these Development Standards during design development and construction phases. Street layouts may be modified to accommodate final building and lot locations.

PERMITTED USES

The Site may be devoted to a maximum of 195 for sale single family attached townhome dwelling units or for sale single family detached 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.

BUFFER AREA/PROJECT EDGE

- The Petitioner shall establish a 50 foot Class C buffer along that portion of the Site's eastern boundary line that is more particularly depicted on the Rezoning Plan, which buffer 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 50 foot Class C buffer depicted on the Rezoning Plan accordingly. The Petitioner may reduce the width of the 50 foot Class C buffer by 25% by installing a wall, fence or berm pursuant to Section 12.302(8) of the Ordinance.
- The Petitioner reserves the right to grade and to install a wall, fence, berm, pedestrian sidewalks and utility lines and facilities within the 50 foot Class C buffer, provided, however, that utility lines and facilities may only cross the buffer at interior angles measured at the property line which are not less than 75 degrees.
- Where existing trees and natural vegetation have been cleared within the 50 foot Class C buffer to accommodate grading or 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.
- A 100 foot project edge shall be established along the Site's western boundary line within that portion of the Site located in the Business Park zoning district as more particularly depicted on the Rezoning Plan. This 100 foot project edge shall meet the tree and shrub requirements of a Class B buffer and shall remain undisturbed, provided, however, that the Petitioner shall be permitted to install trees and shrubs to the extent that the 100 foot project edge does not meet the tree and shrub requirements of a Class B buffer.
- No buildings, parking spaces or maneuvering areas may be located within the 50 foot Class C buffer or within the 100 foot project edge.
- No above ground detention facilities or water quality facilities may be located within the 50 foot Class C buffer, the 100 foot project edge or the front setbacks.

SETBACKS, SIDE YARDS AND REAR YARDS

- 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 as depicted on the Rezoning Plan.
- A 50 foot building and parking setback and landscaped area shall be established along the Site's frontage on Tyvola Road.
- A 30 foot building and parking setback and landscaped area shall be established along the Site's frontage on Tyvola Centre Drive.
- Any garages built on site shall be setback a minimum of 20 feet from the back of the sidewalk or the back of curb where no sidewalk exists.

COMMON OPEN SPACE/PRIVATE OPEN SPACE

- Common open space shall be provided in various locations as depicted on the Rezoning Plan. At a minimum, 4 acres of the Site shall be devoted to common open space.
- At its option, the Petitioner may construct an amenity area in lieu of a townhome building or buildings in either of the locations designated on the Rezoning Plan. In the event that the Petitioner elects to construct an amenity area, the amenity area shall contain passive and/or active recreational improvements.
- For purposes of calculating the amount of required common open space, common open space shall be deemed to include, among other things, the tree save areas, any water quality ponds, the buffer area, the floodplain, the 30 foot building and parking setback and landscaped area along Tyvola Centre Drive and the 50 foot building and parking setback and landscaped area along Tyvola Road.
- Notwithstanding anything contained herein to the contrary, the 100 foot project edge located along the Site's western boundary line shall not be considered when determining the Site's compliance with the minimum common open space requirement.
- The common open space areas shall be maintained by a to be formed homeowners association.
- Pursuant to the requirements of the Ordinance, if land is sold with an individual townhome dwelling unit, the minimum subplot size shall be sufficient to accommodate the dwelling unit and 400 feet of private open space.

SCREENING/LANDSCAPING

- 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.
- The 30 foot building and parking setback along Tyvola Centre Drive shall be maintained as a landscaped area and shall meet the tree and shrub requirements of a Class C buffer. Existing trees and shrubs can be considered when determining compliance with the tree and shrub requirements of a Class C buffer. This 30 foot building and parking setback shall be a part of the Site's common open space.
- The 50 foot building and parking setback along Tyvola Road shall be maintained as a landscaped area and shall meet the tree and shrub requirements of a Class C buffer. Existing trees and shrubs can be considered when determining compliance with the tree and shrub requirements of a Class C buffer. This 50 foot building and parking setback shall be a part of the Site's common open space.

TREE ORDINANCE/TREE SAVE AREAS

- 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.
- A minimum of 10% of the Site shall be devoted to tree save areas. The required rear yards, the setbacks and the 100 foot project edge located along the western boundary line of the Site shall be tree save areas and shall be considered when calculating the Site's tree save areas. Tree save areas may be relocated provided that the minimum tree save requirement is satisfied.

PARKING

- Vehicular parking will satisfy the minimum standards established under the Ordinance.
- Bicycle parking will satisfy the minimum standards established under the Ordinance.

LIGHTING

- Pedestrian scale, freestanding lighting fixtures will be installed throughout the Site along the internal streets. The pedestrian scale, freestanding lighting fixtures will be uniform in design, and the final spacing of such lighting fixtures shall be determined by the Petitioner.
- The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed 15 feet.
- All exterior light fixtures shall be capped and fully cut off and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
- Wall-pak type light fixtures may not be installed on the Site, however, wall-mounted decorative light fixtures such as sconces are permitted.
- Site lighting is not permitted in tree islands.

SIGNS

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

BUS SHELTER PAD

Petitioner shall install a bus shelter pad on West Tyvola Road in the location generally depicted on the Rezoning Plan. The bus shelter pad shall be constructed to CATS Development Standard 60.03A subject to approval of all governmental authorities and the obtaining of any required easements.

RIGHT OF WAY DEDICATION

Prior to the issuance of a building permit for any building to be constructed on the Site, the Petitioner shall dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) those portions of the Site immediately adjacent to Tyvola Road as required to provide right of way measuring 50 feet from the existing centerline of Tyvola Road if such right of way does not currently exist.

STORM WATER MANAGEMENT

- The Petitioner shall tie into the existing storm water system(s). The Petitioner shall have the receiving drainage system(s) analyzed to ensure that it will not be taken out of standard due to the proposed development. If it is found that the proposed development will cause the storm drainage system(s) to be taken out of standard, the Petitioner shall provide alternate methods to prevent this from occurring. If the receiving drainage system(s) is already out of standard, the Petitioner's proposed development will be designed so as to not place the downstream system(s) further out of standard.
- Water quality best management practices (BMPs) will be incorporated into the Site to achieve 85% Total Suspended Solid removal for the entire post-development runoff volume for the runoff generated from the first 1-inch of rainfall. BMPs must be designed and constructed in accordance with the Mecklenburg County BMP Design Manual, July 2007 or North Carolina Division of Water Quality Stormwater Best Management Practices Manual, July 2007. (Design Standards shall be met according to the City of Charlotte Best Management Practices Manual, when available). Use of Low Impact Development techniques is optional.
- The Petitioner shall control the entire volume for the 1-year, 24 hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.
- The Petitioner shall control the peak to match the predevelopment runoff rates for the 10 year, 6 hour storm and perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, or if a downstream analysis is not performed, control the peak for the 10 year and 25 year, 6 hour storms.

ACCESS POINTS /STREETS/SIDEWALKS

- The number of vehicular access points to the Site shall be limited to the number depicted on the Rezoning Plan.
- 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.
- The Petitioner reserves the right to construct and utilize public or private streets within the Site.
- Sidewalks and planting strips shall be installed as depicted on the Rezoning Plan.
- The existing 4 foot sidewalk and 6 foot planting strip located along the Site's frontage on Tyvola Centre Drive shall remain.
- The Petitioner shall install a 5 foot sidewalk and an 8 foot planting strip along the Site's frontage on Tyvola Road.
- The Petitioner shall install a 4 foot sidewalk and a 5 foot planting strip on one side of the Site's internal private streets.

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 townhome building will be submitted to the Fire Marshal's office for approval before the construction of that building commences.

WETLANDS/PERMITS

Any jurisdictional wetlands or streams, if present, will be protected or proper environmental permits obtained prior to their disturbance. For 401 permits contact NC DENR. For 404 permits contact the Army Corps of Engineers.

INNOVATIVE DEVELOPMENT STANDARDS

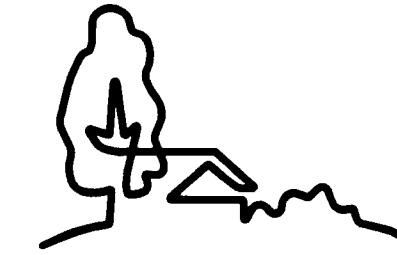
The Petitioner reserves the right to seek the approval and use of innovative development standards pursuant to Section 11.208 of the Ordinance during the development of the Site.

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 Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

AMENDMENTS TO REZONING PLAN

Future amendments to this Rezoning Plan 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.



URBAN
DESIGN
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Tyvola Townhomes

Rezoning Petition #2008-022
Development Standards
Charlotte, NC

| NO. | DATE | BY: | REVISIONS: |
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Project No: 07-058
Date: December 6, 2007
Designed by: udp
Drawn By: mek
Scale: N/A
Sheet No:

REZONING PETITION #2008-022

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