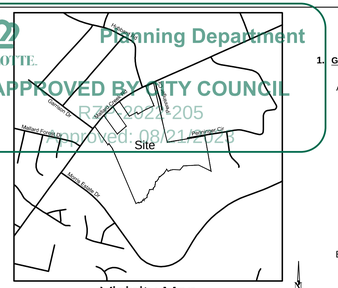
CHARLOTTE.
Planning Department
APPROVED BY CITY COUNCIL
RZ 2022-205
Approved: 08/21/2023



Vicinity Map
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DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS

A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Application filed by DR Horton ("Applicant") for an approximately 21 ac. site located along Mallard Creek Road and Penninger Road. This site is depicted on the Rezoning Plan (hereinafter referred to as the "Rezoning Site"). The Rezoning Site is comprised of Tax Parcel No. 04705303, 04705307, 04705313, and 04705323. This rezoning plans to add 20 additional units to permitted project number SDRMF-2021-00152. These conditional notes will govern the future development of this site. If there is a standard established in these conditional notes that is in conflict with City of Charlotte ordinances, these conditional notes will govern. Any notes from the prior rezoning of the site in RZP #2020-099 shall apply for this rezoning.

B. The development and use of the Rezoning Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the R-8 MF CD zoning classification shall govern.

C. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of the uses and improvements on the Rezoning Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, 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. All changes to the approved site plan will be in accordance with Section 6.207 of the Ordinance.

2. PERMITTED USES/DEVELOPMENT LIMITATIONS

A. The Rezoning Site may only be devoted to a residential community containing a maximum of 116 dwelling units and to any incidental or accessory uses relating thereto that are permitted in the R-8 MF CD zoning district.

B. Development of the Rezoning Site shall generally comply with the dimensional standards of the R-8 MF CD zoning district set out in the Ordinance and the dimensional standards set out in the Site Data table.

3. TRANSPORTATION

A. All roads depicted on this plan have been approved and permitted by the Charlotte-Mecklenburg Planning Department as of 08/18/2022. The subsequent notes in this section were included in the original rezoning which was approved 9/21/21 under rezoning petition number RZ 2020-099.

B. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access point is subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the City of Charlotte.

C. All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued.

D. Penninger Circle will be improved along the project side to include curb and gutter, sidewalks and street trees. Only curb and gutter will be provided on the off-site side of Penninger Circle. All road improvements will end at project boundary.

E. A right turn lane shall be constructed at the proposed Mallard Creek Road right-in/right-out access point. The proposed right turn lane shall have 100 LF of storage and 100 LF of bay taper length, per NCDOT design standards.

F. Adequate intersection sight distance, according to CDOT's Sight Distance Policy, exists for access proposed on Mallard Creek Road.

G. Dedication and fee simple conveyance of all rights-of-way to the City must occur before the site's first building certificate of occupancy is issued. CDOT requests right-of-way set at 2' behind back of sidewalk where feasible.

H. Additional 2' of right-of-way shall be dedicated from the back of the 12' multi-use path along Mallard Creek Road.

I. New driveway aprons shall be provided along Penninger Circle for the Fang, Helms, and Petit properties.

4. ARCHITECTURAL STANDARDS

A. The primary exterior building materials for the one-family attached dwelling units to be constructed on the Rezoning Site will include one or more of the following: brick veneer or similar masonry products, stone, manufactured stone, cementitious siding, and vinyl.

B. EIFS or masonite may not be used as an exterior building material on the one-family attached dwelling units to be constructed on the Rezoning Site.

C. To provide privacy, all residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 12 inches.

D. 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.

E. Usable porches and stoops shall form a predominant feature of the building design and be located on the front of the building. Usable front porches should be covered and be at least 4 feet deep. Stoops and entry-level porches may be covered but should not be enclosed.

F. All corner/end units that face a public or private street should have windows, a bay window, etc. on the front and side of the unit or provide blank wall provisions that limit the maximum blank wall expanse to 10 feet on all building levels.

G. Sidewalks will be provided as depicted on the site plan as required by the City of Charlotte.

H. All units will use roll out carts. However, this plan will still show room for solid waste containers per code section 12.402.

I. All units will be front garage access.

5. ENVIRONMENTAL FEATURES

A. The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance.

B. Development within the SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance.

C. 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.

D. This site will comply with the Tree Ordinance.

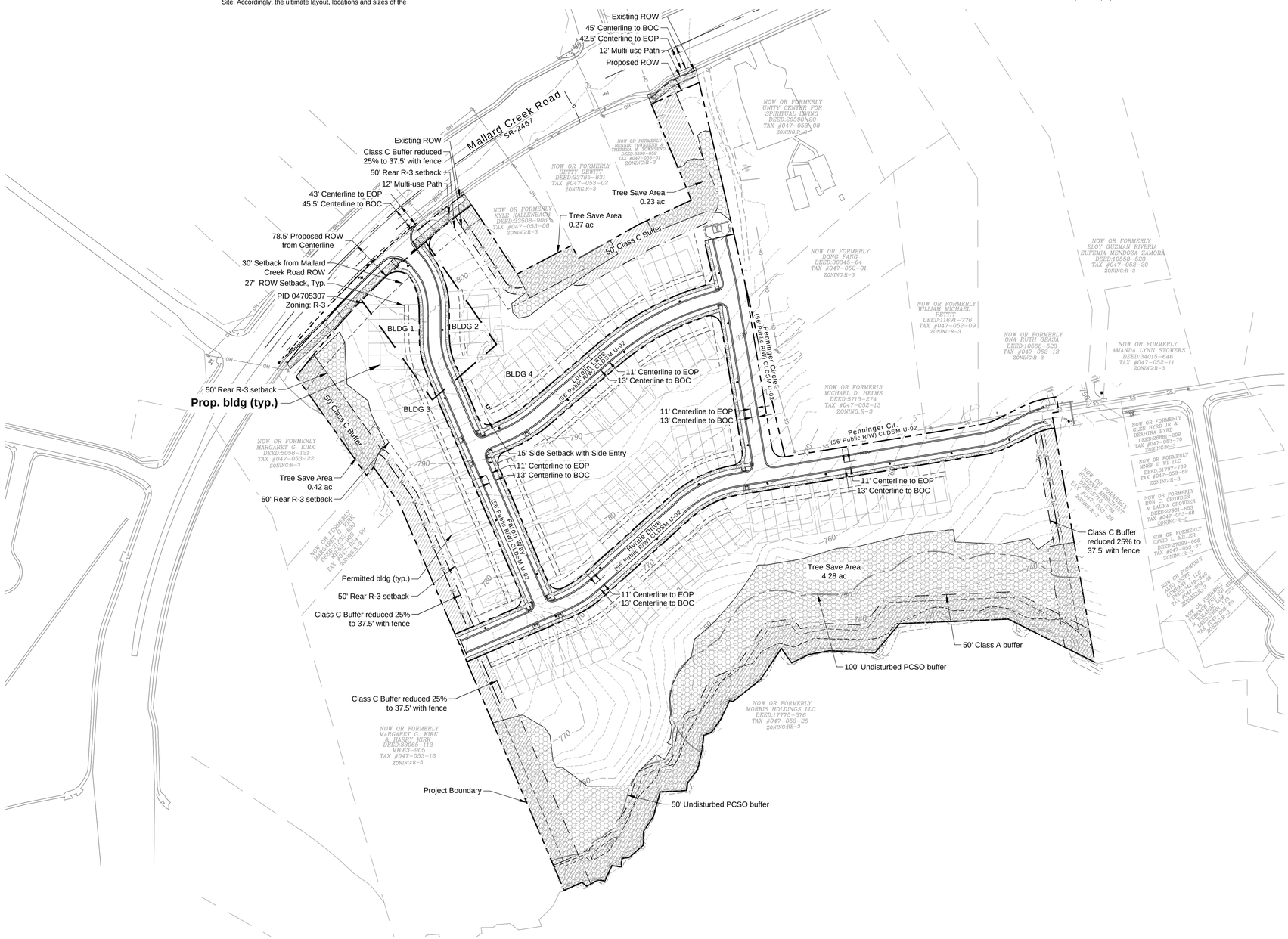
E. The existing trees located within those portions of the Rezoning Site that are designated as Tree Preservation Areas on the Rezoning Plan shall be preserved. Notwithstanding the foregoing, dead and diseased trees may be removed from these Tree Preservation Areas.

F. The Tree Preservation Areas shall be designated as such on the plat(s) to be recorded for this residential community.

G. Dedication and fee simple conveyance of all ROW before site's first building certificate of occupancy is issued.

6. BINDING EFFECT OF THE REZONING APPLICATION

A. If this Rezoning Application is approved, all conditions applicable to the development and/or use of the Rezoning Site imposed under this Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Applicant and the current and subsequent owners of the Rezoning Site and their respective successors in interest and assigns. Throughout these Development Standards, the terms, "Applicant" and "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Applicant or the owner or owners of the Rezoning Site from time to time who may be involved in any future development thereof.



Notes

This rezoning plan was previously approved under rezoning petition number RZ 2020-099 and subsequent site plan amendment approved on 10/19/2021. This rezoning proposes to rezone parcel #04705307 from R-3 to R-8MF CD and to add an additional 4 townhome buildings for a total of 20 additional townhome units to the project.

- This rezoning does not propose any new roads. All roads depicted in this plan have been permitted.
- This rezoning proposes adding 4 townhome buildings to the site plan.
- The four new buildings will provide 20 additional townhome units to the site.
- The proposed townhomes will be of the same size, style and design as the previously permitted buildings.
- All buildings shown on plan with the exception of the 4 newly proposed buildings are permitted.
- All tree save area depicted on this plan has been permitted.

CDOT Notes

- 78.5' from center line to be committed to right of way on Mallard Creek Road
- A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City-maintained street right-of-way by a private individual, group, business, or homeowner's/business association. An encroachment agreement must be approved by CDOT prior to construction/installation. Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.
- All public roadway improvements 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 broad north eastern Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

Site Data

Existing Site Area:	21.12 ac
Wedge/Corridor:	Wedge
Tax Parcel ID:	04705303, 04705313 & 04705323, 04705307
Current Zoning:	R-3, R-8 MF CD
Proposed Zoning:	R-8 MF CD
Existing Use:	Existing Residential
Proposed Use:	Single family attached townhomes with land for sale
Unit Size:	22'x50' Townhome Product
Permitted Units:	96 Units
Proposed Units:	20 Units
Total Site Units:	116 Units
Existing Permitted DUA:	4.11 du/ac
Proposed DUA:	5.5 du/ac
Max DUA:	8.0 du/ac
Max. Building Height:	40' at setbacks, 100' center (1:2)
Min. Private OPS:	400 SF per lot, or 10% of site as COS
Front Setback from ROW:	27' (local/collector)
Side Property Setback:	15' with side entry, 20' (adjacent to R-3)
Rear Property Setback:	50' (adjacent to R-3)
Min. Dim. Between Buildings:	16'
Required Off-Street Parking:	1.5 spaces per unit (attached dwellings)
Provided Off-Street Parking:	2 spaces per unit
Required Tree Save (Commercial):	3.16 ac (15% overall site)
Provided Tree Save:	5.21 ac (25%)
Open Space Required:	50% of total project area (10.64 ac)
Open Space Provided:	57.75% (12.29 ac)
Solid Waste Required:	(1) 8 CY compactor per 90 units 20 proposed units + 96 permitted units = 116 units
Solid Waste Provided:	(2) 8 CY Compactors
Recycling Required:	One Recycling Station of 144 SF per 80 Units
Recycling Provided:	Two Recycling Stations of 144 SF each

Legend

- Project Boundary
- Property Line
- Right of Way
- Class C Buffer Fence
- Class A / C Buffer
- Tree Save Area

Scale: 1" = 100'

0 50 100 200 300 400

MERRICK®
301 S. MCDOWELL STREET, SUITE 300
CHARLOTTE, NC 28204
704-522-0928 PHONE: 704.503.5500
THE MERRICK FIRM, PLLC LICENSE # C-2683
THE MERRICK FIRM, PLLC HEREBY STATES THAT THE INFORMATION AND DESIGN SHOWN ON THIS PLAN IS BASED ON THE BEST OF OUR KNOWLEDGE AND BELIEF, AND THAT IT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE ON ANOTHER PROJECT OR ADDITIONS TO THIS PROJECT BY OTHERS WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY THE ORIGINAL DESIGN PROFESSIONAL. ANY REUSE, ALTERATION, OR MODIFICATION WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY THE ORIGINAL DESIGN PROFESSIONAL SHALL BE AT THE SOLE RISK OF THE UNDERSIGNED USER WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE ORIGINAL DESIGNER.

D·R·HORTON DHI HYBE
America's Builder
8001 Arrowridge Boulevard
Charlotte, NC 28273

REVISIONS:

REV.	REVISION DESCRIPTION	DATE:	DRAWN BY:	CHECKED BY:	APPROVED BY:

DESIGN BY:
DRAWN BY:
CHECKED BY:
APPROVED BY:
DATE:

Mallard Creek Townhomes
Charlotte, NC

Rezoning Plan
Petition # 2022-205

JOB NO: 6512032404
DATE: 10/12/22
SHEET RZ-1

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