

1. GENERAL PROVISIONS
 THESE DEVELOPMENT STANDARDS FORM PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY KINGER HOMES, LLC (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL TOWNHOME COMMUNITY ON APPROXIMATELY 2.056-ACRE SITE LOCATED ON 9203 MALLARD CREEK ROAD, WHICH IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NUMBERS 027-25-103.

DEVELOPMENT OF THE SITE SHALL 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 OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS. THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE R-8MF ZONING DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

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 PUBLIC STREETS AND THE INTERNAL PRIVATE STREETS, ALLEYS OR DRIVES 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.

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 SECTION 6.207 OF THE ORDINANCE.

2. PERMITTED USES AND MAXIMUM DEVELOPMENT
 THE SITE MAY BE DEVELOPED WITH UP TO 14 SINGLE-FAMILY ATTACHED DWELLING UNITS (TOWNHOMES), TOGETHER WITH ANY INCIDENTAL AND ACCESSORY USES RELATED THERETO THAT ARE ALLOWED IN THE R-8MF ZONING DISTRICT.

3. TRANSPORTATION
 A) VEHICULAR ACCESS WILL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINT SHOWN ON THE REZONING PLAN IS SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED BY NCDOT FOR APPROVAL.

B) AS DEPICTED ON THE REZONING PLAN, THE SITE WILL BE SERVED BY PUBLIC AND/OR PRIVATE STREETS.
 C) INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ALONG ALL PUBLIC AND PRIVATE STREETS THROUGHOUT THE SITE. THE INTERNAL SIDEWALKS MAY MEANDER TO SAVE EXISTING TREES.

D) ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. WHERE NECESSARY, PETITIONER SHALL DEDICATE AND CONVEY IN FEE SIMPLE ALL RIGHTS-OF-WAY TO THE CITY OF CHARLOTTE BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED OR PHASED PER THE SITE'S DEVELOPMENT PLAN. THE RIGHT-OF-WAY SHALL BE SET AT 2 FEET BEHIND THE BACK OF SIDEWALK WHERE FEASIBLE. THE PETITIONER MAY PHASE TRANSPORTATION IMPROVEMENTS IF SAID IMPROVEMENTS AND PHASING ARE EXPLICITLY DESCRIBED IN SITE PLAN NOTES.

E) UNLESS OTHERWISE STATED HEREIN, ALL TRANSPORTATION IMPROVEMENTS SHALL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR PRINCIPAL BUILDINGS WITHIN THE SITE.

F) ROAD IMPROVEMENTS ALONG MALLARD CREEK ROAD WILL BE GENERALLY DEPICTED ON THE REZONING PLAN. FINAL DESIGN AND CONFIGURATION IS SUBJECT TO ANY MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE DESIGN AND CONSTRUCTION PLANS TO ANY ADJUSTMENTS REQUIRED BY NCDOT FOR APPROVAL.

G) 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.

4. ARCHITECTURAL STANDARDS
 A) THE PRINCIPAL BUILDINGS USED FOR RESIDENTIAL USES CONSTRUCTED ON THE SITE MAY USE A VARIETY OF BUILDING MATERIALS. THE BUILDING MATERIALS USED FOR BUILDINGS MAY BE A COMBINATION OF THE FOLLOWING: GLASS, BRICK, STONE, SIMULATED STONE, PRE-CAST STONE, PRE-CAST CONCRETE, SYNTHETIC STONE, STUCCO, CEMENTITIOUS SIDING (SUCH AS HARDI-PLANK), VINYL, EPS OR WOOD.

B) EACH ATTACHED RESIDENTIAL DWELLING UNIT SHALL BE PROVIDED WITH AT LEAST A 2 CAR GARAGE.
 C) TOWNHOUSE BUILDINGS WILL BE LIMITED TO 6 INDIVIDUAL UNITS OR FEWER AND WILL BE DIFFERENTIATED BETWEEN UNITS, INCLUDING, BUT NOT LIMITED TO, FORWARD OFFSETS IN THE FRONT WALLS OF UNITS, VERTICAL HEIGHT DIFFERENCES, OR ARCHITECTURAL DIFFERENCES IN ELEVATIONS (SUCH AS WINDOWS, DOORS, BAYS, TRIM, OR MATERIALS).

D) USABLE PORCHES AND STOOPS SHALL FORM A PREDOMINANT FEATURE OF THE BUILDING DESIGN AND BE LOCATED ON THE FRONT AND/OR SIDE OF THE BUILDING. USABLE FRONT PORCHES, WHEN PROVIDED, SHOULD BE COVERED AND BE AT LEAST 6 FEET DEEP. STOOPS AND ENTRY-LEVEL PORCHES MAY BE COVERED BUT SHOULD NOT BE ENCLOSED.

E) 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. (THIS IS IMPORTANT, ESPECIALLY FOR THE MIDDLE UNITS, AS THERE IS NO PARKING PAD PROVIDED AND THIS IS WHERE FRONTS OF UNITS START TO FACE BACKS OF UNITS. OVERALL, WOULD LIKE TO SEE THIS INCORPORATED IS THE OVERALL SITE)

F) 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.

G) ALL CORNER/END UNITS THAT FACE A PUBLIC OR PRIVATE STREET SHALL HAVE A PORCH OR STOOP THAT WRAPS A PORTION OF 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.

H) GARAGE DOORS VISIBLE FROM PUBLIC OR PRIVATE STREETS SHALL 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. (THIS IS IMPORTANT SINCE THE GARAGE DOORS ARE FORMING A PREDOMINANT FEATURE WITH THESE UNITS (TWO-CAR GARAGE). PLEASE CONSIDER RECESSING AND ADDING TRANSPARENCY).

I) WALKWAYS SHALL BE PROVIDED TO CONNECT ALL RESIDENTIAL ENTRANCES TO SIDEWALKS ALONG PUBLIC AND PRIVATE STREETS.
 J) TOWNHOUSE AND ATTACHED SINGLE FAMILY BUILDINGS FRONTING PUBLIC OR PRIVATE NETWORK REQUIRED STREETS SHALL BE LIMITED TO 6 INDIVIDUAL UNITS OR FEWER.

5. OPEN SPACE, STREETScape AND LANDSCAPING
 A) THE PETITIONER SHALL COMPLY WITH THE TREE ORDINANCE AND POST CONSTRUCTION STORMWATER ORDINANCE.
 B) 15% TREE SAVE TO BE PRESERVED ON SITE.

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

7. AMENDMENTS TO REZONING PLAN
 FUTURE AMENDMENTS TO THE TECHNICAL DATA SHEET OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PARCEL OR PARCELS WITHIN THE SITE INVOLVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.
 FURTHER ALTERATIONS OR MODIFICATIONS TO THIS REZONING PLAN WHICH, IN THE OPINION OF THE PLANNING DIRECTOR, SUBSTANTIALLY ALTER THE CHARACTER OF THE DEVELOPMENT OR SIGNIFICANTLY ALTER THE TECHNICAL DATA SHEET OR ANY OF ITS CONDITIONS OR WHICH INCREASE THE INTENSITY OF DEVELOPMENT SHALL NOT BE DEEMED TO BE MINOR AND MAY ONLY BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTIONS 6.207(1) OR (2) OF THE ORDINANCE, AS APPLICABLE.

8. ENVIRONMENTAL FEATURES
 A) 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.
 B) THE CURRENT REQUESTED LOCATION OF THE STORMWATER MANAGEMENT SYSTEM WILL NEED TO PROVIDE ENHANCED LANDSCAPING ALONG SIDES THAT ABOUT RESIDENTIAL DWELLINGS. THE ENHANCED LANDSCAPING AT MINIMUM SHALL BE 5FT WIDE PLANTED TO 2 TREES PER 100LF AND 10 SHRUBS PER 100LF. THE ENHANCED LANDSCAPING SHALL BE OMITTED OR ADJUSTED PER FINAL ENGINEERING DESIGN.

C) DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE TREE ORDINANCE.

D) STORM WATER QUALITY TREATMENT
 FOR DEFINED WATERSHEDS GREATER THAN 10% BUILT-UPON AREA (BUA), CONSTRUCT WATER QUALITY STORMWATER CONTROL MEASURES (SCMS) DESIGNED FOR THE RUNOFF GENERATED FROM THE FIRST INCH OF RAINFALL FOR ALL NEW AND REDEVELOPED BUA ASSOCIATED WITH THE PROJECT. SCMS MUST BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE CHARLOTTE-MECKLENBURG BMP DESIGN MANUAL.

E) VOLUME AND PEAK CONTROL
 FOR DEFINED WATERSHEDS GREATER THAN 10% BUILT-UPON AREA, CONTROL THE ENTIRE VOLUME FOR THE 1-YEAR, 24-HOUR STORM FOR ALL NEW AND REDEVELOPED BUA ASSOCIATED WITH THE PROJECT. RUNOFF VOLUME DRAWDOWN TIME SHALL BE IN ACCORDANCE WITH THE CHARLOTTE-MECKLENBURG BMP DESIGN MANUAL.

FOR COMMERCIAL PROJECTS WITH GREATER THAN 10% BUA, CONTROL THE PEAK TO NOT EXCEED THE PREDEVELOPMENT RUNOFF RATES FOR THE 10-YR, 6-HR STORM AND PERFORM A DOWNSTEAM FLOOD ANALYSIS TO DETERMINE WHETHER ADDITIONAL PEAK CONTROL IS NEEDED AND IF SO, FOR WHAT LEVEL OF STORM FREQUENCY, OR IF A DOWNSTEAM ANALYSIS IS NOT PERFORMED, CONTROL THE PEAK FOR THE 10-YR AND 25-YR, 6-HOUR STORMS.

FOR RESIDENTIAL PROJECTS WITH GREATER THAN 10% BUA, CONTROL THE PEAK TO NOT EXCEED THE PREDEVELOPMENT RUNOFF RATES FOR THE 10-YEAR AND 25-YEAR, 6-HOUR STORMS OR PERFORM A DOWNSTEAM ANALYSIS TO DETERMINE WHETHER PEAK CONTROL IS NEEDED, AND IF SO, FOR WHAT LEVEL OF STORM FREQUENCY.

9. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS
 A) IF THIS REZONING PLAN IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE 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 THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.

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

- FIRE**
- 1- FIRE DEPARTMENT ACCESS ROAD INCLUDING ISLAND OFF MALLARD CREEK SHALL HAVE A MIN. 20' UNOBSTRUCTED CLEAR WIDTH AND SHALL BE CAPABLE OF SUPPORTING 85,000 POUNDS.
 - 2- TURN RADIUS 39' INSIDE AND 42-3.5' OUTSIDE.
 - 3- FIRE HYDRANT SHALL BE LOCATED WITHIN 600' TO THE MOST REMOTE POINT OF BUILDING AS TRUCK TRAVEL.
 - 4- FOR TOWNHOMES, ISO NEEDED FIRE FLOW TOWNHOMES
 - (A) TOWNHOMES NOT EXCEEDING 2 STORIES IN HEIGHT, THE REQUIRED FIRE FLOW IS 1500 GPM
 - (B) TOWNHOMES NOT EXCEEDING 3 STORIES IN HEIGHT AND A FIRE AREA OF 2500 SQ. FT. OR LESS, THE REQUIRED FIRE FLOW IS 1750 GPM
 - (C) TOWNHOMES NOT EXCEEDING 3 STORIES IN HEIGHT AND A FIRE AREA OF GREATER THAN 2500 SQ. FT, THE REQUIRED FIRE FLOW IS 2000 GPM

NORTH ARROW

**PRELIMINARY
NOT FOR
CONSTRUCTION**

ENGINEER'S SEAL

**LATITUDE 35
DESIGN GROUP**
 1109 DAVENPORT DRIVE
 KANNAPOLIS, NC 28081
 P: 704-956-1800
 NCDRE Lic. # C-850



REZONING DRAFT FOR REVIEW V2.DWG
 PROJECT NUMBER: 2021-002
 DATE: 11/01/2021 DRAWN BY: TSG

REVISIONS:

SITE CONDITIONS
9203 MALLARD CREEK ROAD
 9203 MALLARD CREEK ROAD, CHARLOTTE, NC



EX03



For Registration
 Fredrick Smith
 Register of Deeds
 Mecklenburg County, NC
 Electronically Recorded
 2020 Jul 09 03:26 PM RE Excise Tax: \$ 550.00
 Book: 34786 Page: 996 - 997 Fee: \$ 26.00
 Instrument Number: 2020103754

Fredrick Smith

Submitted electronically by Lancaster, Trotter & Poe PLLC in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Mecklenburg County Register of Deeds.

**NORTH CAROLINA
 GENERAL WARRANTY DEED**

Excise Tax: \$550.00

Recording Time, Book and Page

Tax Map No.

Parcel Identifier No. 027-251-03

Mail after recording to: **Grantee**

This instrument was prepared by Lancaster, Trotter & Poe PLLC, a licensed North Carolina attorney. Delinquent taxes, if any, will be paid by the closing attorney to the county tax collector from seller proceeds at the time of disbursement.

THIS DEED made this 9th day of July, 2020, by and between

**GRANTOR
 WILLIAM MOWRY (unmarried)**

**GRANTEE
 VALUE INVESTMENTS CAPITAL, LLC
 10117 Coley Drive
 Huntersville, NC 28078**

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of CHARLOTTE, MECKLENBURG County, North Carolina, and more particularly described as follows:

Beginning at an iron the easterly common corner of Lot 1 as shown on the plat recorded in Map Book 27 at Page 236 of the Mecklenburg Public Registry and the northerly line of the property shown as Common Area on the plat recorded in Map Book 27 at Page 236 of said Registry; thence with lines of the said Lot 1 three courses and distances as follows: (1) N 04-59-09 E 104.92 feet to an iron, (2) N 05-02-04 E 235.97 feet (passing an iron at 131.00 feet) to an iron and (3) S 67-28-34 E 323.47 feet to a new iron on the westerly right of way margin of Mallard Creek Road; thence with the westerly right of way margin of Mallard Creek Road two courses and distances as follows: (1) with the arc of a circular curve to the right having a radius of 905.00 feet (and a chord bearing of S 21-24-51 W) an arc distance of 53.33 feet (and a chord distance of 53.32 feet) to a point and (2) S 22-30-51 W 271.70 feet (passing an iron at 45.35 feet) to a new iron on the northerly line of the property shown as Common Area on the plat recorded in Map Book 27 at Page 236; thence with the northerly line of the said property shown as Common Area, N 67-29-57 W 222.02 feet to an iron the point and place of Beginning, and containing 2.039 acres, all as shown on survey by Jeff S. Illadun, NCRLS dated April 24, 2007.

LESS AND EXCEPT that portion of the premises conveyed to the North Carolina Department of Transportation recorded in Book 7162, Page 760, Mecklenburg County Public Registry.



The property hereinabove described was acquired by Grantor by instrument recorded in Book 26799, 822.

A map showing the above described property is recorded in Plat Book , Page .

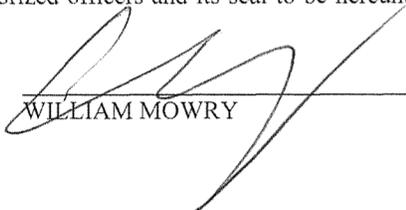
The above described property does does not include the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claim of all persons whomsoever, other than the following exceptions:

- 1. Ad Valorem taxes for the current year (prorated through the date of settlement).
- 2. Utility easements and unviolated covenants, conditions, or restrictions that do not materially affect the value of the Property.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.


 _____ (SEAL)
 WILLIAM MOWRY

NORTH CAROLINA Mecklenburg COUNTY

I, certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: WILLIAM MOWRY, Grantor(s). Witness my hand and official stamp or seal, this the 9th day of July, 2020.

My Commission Expires: 5-22-23

Notary Public

Print Notary Name: HARVEY L ROUSE

