

**Proposed Conditions for the Narrow Passage Condition Rezoning**  
**August 11, 2015**

Unless otherwise noted, the Davidson Planning Ordinance (DPO) in effect as of 9/5/2014 shall apply to the development of the property (Property) shown on the attached plans (Plans). Any development of the Property or any portion of the Property which is not included in this application for a Conditional Planning Area, shall be regulated by the Planning Ordinance in effect as of the date an application for such development activity is filed with the Town. The proposed zoning is Conditional Planning Area with the underlying zoning being Rural Planning Area (RPA); except as specifically modified by these conditions, exceptions, and notes, all provisions of the DPO, including provisions for property in the RPA, shall apply to the development and use of the Property.

**Conditions:**

- 1. Mix of Building Types:** All structures constructed or placed on the Property shall be detached single family and one structure containing two duplex residences and such accessory structures as are permitted by the DPO in the RPA. This includes relief from the Storefront/Workplace and other Attached House requirements listed in DPO Section 4.8.3.
- 2. Lot Width:** Pursuant to DPO Section 4.8.15.2, no minimum or maximum lot sizes are required of the project.
- 3. Infrastructure:**
  - a. Road Standards:** All roads, drainage swales, and walking trails within right-of-way areas shall be constructed to conform to the approved cross section and other details for such improvements as shown on the Plans. Horizontal and vertical alignments for the roadways will be in accordance with the latest edition of the manual for Subdivision Roadways of the NCDOT.
  - b. Multi- Use Path Bridge:** As part of the multi-use path that the Developer has agreed to construct on the south side of the East Rocky River Road, as shown on the Plan, Developer is obligated to deposit with the Town a sum equal to its share to construct a bridge across a water course up to the Developer's property line. The Developer's share of the cost to construct the bridge is based upon the percentage of the bridge

located on the Developer's property. Accordingly, Developer may either (1) pay to the Town the sum of \$80,000 as a payment in lieu of constructing the bridge over the West Branch of the Rocky River, or (2) if Developer requires an appropriate easement, Developer may elect to construct the entire bridge. In the event that the Developer elects to construct the bridge as set forth in (2), Developer shall provide to the Town the estimate for such cost and the Town shall reimburse the Developer for the portion of the bridge located on the adjoining property (PID # 00725133) upon completion of the bridge, not to exceed \$15,000. If the Developer elects to construct the entire bridge, but is unable to secure the easement on the adjoining property, the Town will either obtain the easement or will reduce the payment in (1) above from \$80,000 to \$20,000. [Note: the estimated cost for the developer to construct the bridge is significantly lower than the estimated cost for the Town to construct to the bridge, which accounts for the disparity in the above payment amounts.]

- c. **Street Lights:** The locations of street lights shall be as shown on the Plans. Fixtures and specifications shall be in accordance with the DPO.
- d. **Sewer/Septic Systems:** On-site sewage disposal systems will conform to the standards of, and will be permitted by, the Groundwater and Wastewater Services section, Environmental Health division of the Mecklenburg County Health Department.
- e. **Landscaping:** All street trees and landscaping shall be provided with at least the quantity of and standard of landscaping shown on the Schematic Landscape Design, Typical Lot Design and Narrow Passage Naturalization and Restoration Guide attached to the Plans; provided, however, the hamlet pod shall contain more formalized landscaping in accordance with the Plans.
- f. **Crossing Beacons:** The developer shall install a lighted crossing beacon, which will contain flashers to the east and west, at the crosswalk on the southern boundary of East Rocky River Road where the greenway/multi-purpose path connects to the southern boundary of the crosswalk, subject to NCDOT approval of use, location and design.
- g. **Greenway (Southern Parcel):** The Developer shall satisfy the greenway obligation on the southern parcel (PID #00725101) and adjacent parcels (where necessary) according to one of the following three options:

**Option A:** The greenway shall be constructed to run north-south along the southern parcel's eastern boundary, connecting to the multi-use path to the north at E. Rocky River Rd. and to the Summit at River Run property to the south.

**Option B:** In lieu of constructing a greenway, the multi-use path shall be extended along E. Rocky River Rd. east of the southern parcel until the first available connection can be made to Dembridge Dr. through PID #00724316. The Developer will secure an easement from River Run to make the connection to Dembridge Dr.

**Option C:** Should an easement for option B not be viable, the Developer shall extend the multi-use path along E. Rocky River Rd. east of the southern parcel to terminate at Winged Oak Way.

- h. Sidewalks:** Sidewalks are not required; instead, walking paths as shown on the Plans shall replace sidewalks. ADA compliant surface materials shall be installed on walking paths on both sides of the streets within the Hamlet pod and on walking paths within those portions of the Common Open Space as noted on the Plan.
- i. Parking:** Parking for greenway access as shown on the Plan shall contain at least six (6) spaces.
- j. Conveyance of Land:** The developer shall convey the southern parcel below East Rocky River Road (PID #00725101) to the Town of Davidson at final plat, provided, such conveyance shall not affect the calculation of open space.

**4. Affordable Housing:** Affordable housing units shall be provided in compliance with DPO Section 6.3, except that (all of the following):

- a. No very low income (up to 50% AMI) units are required;
- b. 2 units shall be included, either as separate and detached single-family homes or together as a duplex, for the moderate income buyer (between 100% and 120% AMI); and
- c. Payment in lieu of providing affordable housing units is permitted at the rate of \$26,550 each in place of three of the required affordable units.

5. **Annexation:** The property owner shall file a petition for annexation of the Property on the standard town form contemporaneously with, and as a condition of approval of, the Preliminary Plans and prior to commencement of any land disturbing activity. The effective date of the annexation will be the first June 30 following the filing of the petition. After the filing of such annexation petition, no action or inaction of the Town Board shall have any bearing on the progress of the development and the petition for annexation shall not be revoked or withdrawn prior to action on it by the Board of Commissioners.
6. **Walking Paths and Common Open Space:** Walking paths and Common Open Space shown on the Plan are privately owned, but shall be accessible by the public and such use shall be subject to the rules and regulations of the recorded Declaration of Protective Covenants for the Property ("Declaration"), which rules and regulations shall not treat the public differently than it treats property owners. These matters shall be acknowledged on the final plat and the recorded Declaration shall provide that the walking paths and Common Open Space shall be maintained by the property owners' association ("HOA") established pursuant to the Declaration. In the event the HOA does not maintain the walking paths and Common Open Space and the Town provides written notice to the HOA which details the lack of maintenance, if the HOA does not commence and diligently pursue maintenance on or before thirty (30) days after the receipt of such notice, the Town may elect to maintain the walking paths and Common Open Space, which maintenance shall be accomplished in a good and workmanlike manner. The Town shall be reimbursed by the HOA for the costs of such maintenance as evidenced by paid invoices. The location of walking paths is schematic in nature and shall be field located.
7. **HERS Rating.** Houses will be designed to target a HERS rating of 65.
8. **Permanent Open Space.** A metes and bounds description of the open space shall be recorded on the subdivision plat and in the protective covenants for Narrow Passage. The protective covenants shall limit uses in the open space to recreational uses.
9. **Open Space Deficiency Contribution.** A contribution to the Town's Open Space Fund, which is a fund to be established by the Town for purchase by the Town of open space and greenway property and for installation by the Town of greenways, shall be made at the time of closing of each lot. The contribution required for each lot shall be \$1,928.36 and is based on a goal of 70% open space: the actual open space provided in the Property is 64.17, resulting

in a deficiency from the goal of  $5.8\% \times 59.29 = 3.4$  acres of open space deficiency. The per-acre price of \$21,500.00 is applied to the 3.4 acres of open space deficiency to arrive at the open space deficiency contribution of  $\$73,100.00/38 = \$1,923.68$  per lot. The open space deficiency acreage of 3.4 shall be reduced for each acre of open space Developer assists in securing from other properties toward extending greenway access to Fisher Farm.

- 10. Sewer Connection.** Once the location of a sewer line along Rocky River is determined, if the sewer line is to be along the River within any part of the Property, the Developer/Owner shall grant an easement for a sewer line at that location.
- 11. Design Standards.** The Developer voluntarily consents to the condition that all homes constructed in the development shall comply with the DPO criteria governing building design, including aesthetics; provided, however, 25% of the garages in the development are exempt from the placement criteria listed in DPO Section 5 (Garages & Accessory Structures, Rural Planning Area). To qualify, the garage must be side-loaded ( i.e. oriented at least 90 degrees to any road abutting the lot) or rear-loaded.