

Pulte Belmont
Development Standards
5/10/2021
South Fork Rezoning Petition

Site Development Data:

--**Acreage:** ± 462.3 acres

--**Tax Parcel #:** 188444

--**Existing Zoning:** G-R/TND

--**Proposed Zoning:** G-R/NC-C/CD

--**Existing Uses:** Vacant

--**Proposed Uses:** Up to 809 age-restricted single-family detached dwelling units as allowed by right and under prescribed conditions in the G-R/ NC-C zoning district as further described in Section 2 below.

1. General Provisions:

a. Site Location. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Pulte (“Petitioner”) to accommodate the development of up to eight hundred nine (809) single-family detached dwelling units as generally depicted on the Rezoning Plan. The proposed development will be on an approximately 462.3 acre site located on Armstrong Ford Road (the "Site").

b. Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the Belmont Land Development Code (the “Ordinance”). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the G-R/NC-C zoning classification shall govern.

c. Graphics and Alterations. The schematic depictions lots, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the “Development/Site Elements”) set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 15.6 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed per Section 15.6 of the Ordinance. These instances would include changes to graphics if they are minor and don’t materially change the overall design intent depicted on the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow Section 15.6.6 of the Ordinance; in each instance, however, subject to the Petitioner’s appeal rights set forth in the Ordinance.

2. Conditions:

The following provisions vary from the base standards of the Land Development Ordinance and are further described in Sections 3, 5, 6, and 7 below in connection with single-family detached development taking place within Development Area 1 to accommodate a variety of setback and yard widths and other development elements so as to allow for a pedestrian-friendly residential community.

- a. The minimum lot width shall be permitted as follows and as set forth in Section 2 below.
 - i. 42' wide lots: a maximum of 212 lots
 - ii. 52' wide lots: a maximum of 398 lots
 - iii. 72' lots: a minimum of 199 lots

It is understood that in no event shall the number of 42' or 52' lots increase, however the number of 72' lots are flexible subject to the overall maximum number of lots.

b. Except as set forth in Section 5 below and/or as approved by the City Council, the Petitioner shall not be required to comply with the residential Architectural Requirements set forth in Chapter 4, Section 4.2 of the Land Development Code in Development Area 1. It is understood that development within the NC-C/CD, Development Area 2, shall adhere to the provisions of Chapter 4.

c. Front loaded garages are permitted as set forth in Section 5 below and/or as approved by the City Council.

d. Due to topographic constraints and existing features on the site, the minimum block length of 660' may be exceeded as generally depicted on the Rezoning Plan and set forth in Section 6 below.

3. Permitted Uses & Development Areas:

For ease of reference, the Rezoning Plan sets forth various development areas as generally depicted on [Sheet RZ-1] as Development Area 1 and Development Area 2 (each a "Development Area" and collectively the "Development Areas").

a. **Development Area 1.** The principal buildings constructed within Development Area 1 on the Site may be developed with up to eight hundred nine (809) age-restricted single-family detached dwelling units subject to the following provision(s):

- i. The minimum lot size shall be 4,000 square feet with a minimum lot width of forty-two (42) feet at the front setback.

Per current department of HUD standards, age restricted or an age restricted community shall mean: (i) a community intended and operated for occupancy by persons 55 years of age or older; (ii) a community where at least 80% of the units have at least one occupant who is 55 years of age or older; (iii) the community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and (iv) the community must comply with HUD's regulatory requirements for age verification of residents.

b. **Development Areas 2.** The principal buildings constructed within Development Area 2 on the Site may be developed with up to 130,000 square feet of commercial center uses permitted

in the NC-C zoning district excluding residential uses and shall be master planned following the site plan review process outlined in Section 15.4 of the Land Development Code (LDC) subject to the following:

- i. The approved TIA evaluated the center based on a maximum of 130,000 square foot town-center building form with approximate square footage for uses as:
 - o 50,000 SF grocery store
 - o 15,000 SF pharmacy
 - o 10,000 SF fast-food restaurant space
 - o 30,000 SF general retail space
 - o 25,000 SF of medical office space

Changes to the anticipated square footages by use and/or changes in use may require an update of the approve TIA. All mitigation improvements associated with the commercial center (Phase 3), are required in compliance with the approved TIA and/or as conditioned.

4. Access and Transportation:

I. Proposed Access.

- a. Access to the Site will be from Armstrong Ford Road via Public Street A as generally depicted on the Rezoning Plan; it is understood that the access may be provided at Eastwood Drive in lieu of the intersection with Cimarron subject to further evaluation and Belmont and NCDOT approval. In no event shall sidewalk, curb and gutter installation be required by the Petitioner along Armstrong Ford Road.
- b. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the City of Belmont and/or NCDOT in accordance with applicable published standards.
- c. The overall street network is conceptual in nature and may be adjusted during the permitting process subject to the standards and approvals of NCDOT and the City of Belmont as applicable.

II. Proposed Improvements.

- a. The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth in the approved Transportation Impact Analysis (TIA) subject to the provisions set forth in Section III.

III. Standards, Phasing and Other Provisions.

- a. **City of Belmont and NCDOT Standards.** All of the foregoing public roadway improvements will be subject to the standards and criteria of the City of Belmont and/or NCDOT (as it relates 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 area, by way of a private/public partnership effort or other public sector project support.

b. Phasing.

Notwithstanding the commitments of the Petitioner to provide for the roadway improvements described in the approved Traffic Impact Study, the following provisions shall permit development to take place prior to completion of all of the above-referenced improvements:

(i) The Petitioner has the right to construct up to the maximum amount of units and/or square footage shown below by constructing the appropriate roadway improvements listed, or by submitting construction plans for the appropriate roadway improvements as indicated in a particular phase, for each level of development without being required to construct the remainder of the required transportation improvements listed in the approved Traffic Impact Study until the development density levels shown below are exceeded:

Phase 1: 401 single family units

Phase 2: 408 single family units

Phase 3: 130,000 of commercial uses

c. Substantial Completion. Reference to “substantial completion” for certain improvements as set forth in the provisions of the approved TIA shall mean completion of the roadway improvements in accordance with the standards set forth in the approved TIA provided, however, in the event certain non-essential roadway improvements (as reasonably determined by the City of Belmont) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then the City of Belmont will instruct applicable authorities and/or departments to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

d. Right-of-way Availability. It is understood that some of the public roadway improvements referenced in the approved TIA may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts over a minimum of a 60 day period, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then the City of Belmont, NCDOT or other applicable agency, department or governmental body may agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in the approved TIA are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then the City of Belmont will instruct applicable authorities and/or departments to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

In addition to the foregoing, in the event the right of way is not available for any reason after the good faith efforts of the Petitioner, the Petitioner will work with the City of Belmont and/or NCDOT as applicable to either (i) identify alternative improvements to implement traffic mitigation in lieu of the improvements impacted by the lack of right of way as described in subsection f. below; or (ii) contribute to the City of Belmont and/or NCDOT as applicable, an amount equal to the estimated cost of the road improvements not completed due to the lack of available right of way, such funds to be used to complete such alternative roadway improvements in the general area of the Site in a manner reasonable agreeable to the Petitioner, the City of Belmont and/or NCDOT as applicable. It is understood that alternative improvements and/or payment in lieu shall not require rezoning however, it shall require City Council approval.

e. Right-of-way Conveyance. Subject to the provisions above regarding d. Right-of-Way above, the Petitioner will dedicate via fee simple conveyance any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, the additional right-of-way will be dedicated when the development plans are platted. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way where ROW dedication is not provided.

For example, transportation improvements may be substituted and/or payment in lieu for other improvements in the overall area of the rezoning may be implemented as described in subsection (d) above.

5. Architectural Standards:

a. Except as set forth below and/or approved by the City Council, the Petitioner shall not be required to comply with the residential Architectural Requirements set forth in Chapter 4, Section 4.2 of the Land Development Code.

b. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, cementitious fiber shake, stucco, decorative block and/or wood.

c. Vinyl or Aluminum shall not be used as a primary siding material however it may be used on windows, soffits, fascia and/or similar roof overhang elements, handrails/railings, and/or other miscellaneous trim elements.

d. The proposed roofing materials will be architectural shingles, slate, tile and/or metal.

e. All residential units shall include the following garage door treatments:

- i. wall sconce lighting on at least one side of the garage door or one large wall sconce above the garage door,
- ii. windows and/or a vent detail above the garage door,
- iv. a minimum of two siding materials on the façade, and
- vi. windows

The use of white garage doors is prohibited.

f. Residential units on the 42' wide lots shall provide one of the following treatments:

- i. an architectural trellis over the walkway to the front door
- ii. a low wall and gated entry along the walkway to the front door

f. The elevations and precedent images set forth on Sheet RZ-0 are conceptual in nature and are intended to reflect the overall quality of the residential uses to be constructed on the site. The actual homes constructed may vary so long as the general architectural character and quality are maintained.

6. Streetscape, Setbacks, Buffers, and Yards:

a. A fifty (50) foot perimeter buffer shall be provided to support the overall character of the community as generally depicted on the Rezoning Plan. Grading and clearing within the fifty (50) foot buffer is permitted subject to approval by applicable regulatory agencies.

b. A minimum five (5) foot side yard or 20% of the lot width, whichever is greater, shall be provided.

c. Due to topographic constraints and existing features on the site, the minimum block length of 660' may be exceeded as generally depicted on the Rezoning Plan.

d. Street trees shall be provided on each side of the street spaced forty (40) feet on center or based on tree species in compliance with Chapter 11.

7. Environmental Features and Open Space:

a. The Site shall comply with the minimum Stormwater and Water Quality requirements as set forth in the Land Development Ordinance and municipal code.

b. The location of the proposed stormwater areas are conceptual in nature and the exact size and location of these areas are subject to change depending upon final layout, product allocation, and/or other site plan elements. The overall layout and unit count may be altered as a result of final stormwater locations.

c. The Site shall comply with the minimum Open Space and Tree Save requirements as set forth in Chapter 7 and 11 of the Ordinance. The Open Space and Tree Save areas generally depicted on the Rezoning Plan are conceptual in nature and subject to change depending upon final layout, product allocation, and other spatially dependent project components such as but not limited to stormwater areas, wetland areas, utilities, and buffers (as applicable).

d. The Petitioner shall provide an eight (8) foot wide natural surface trail within a twenty (20) foot trail easement along the South Fork River as generally depicted on the Rezoning Plan. The trail easement shall be dedicated to the City of Belmont prior to the issuance of the 400th certificate of occupancy.

e. The Petitioner shall provide an average one hundred (100) foot buffer along the South Fork River as measured from the property line subject to the following:

- i. It is noted that the minimum buffer shall be seventy (70) feet and the buffer may be replanted.
- ii. The proposed greenway/trail may be installed within the buffer.

- iii. The potential connection to Cimarron may encroach into the buffer.
- iv. Sanitary sewer and silt fence may be installed in the 50'-100' zone of the buffer if necessary due to topography.

f. The Petitioner shall implement the following enhanced storm water measures subject to the provisions set forth herein and subject to approval by Gaston County:

i. **Post Construction Storm Water:** Development areas over 24% built upon area (BUA) shall implement storm water control measures (SCMs) capable of retaining the 25-year storm runoff volume with an outfall sized to convey the 10-year storm volume over a period of 3-5 days. The governmental jurisdictional authority may permit modifications to this provision subject to site constraints and/or other considerations.

ii. **Active Construction/Erosion Control Measures**

- Provide sediment forebays, temporary baffles, and temporary skimmer dewatering devices with shut off valves in erosion control phase sediment basins.
- Provide double high hazard silt fence installation along site construction activities if the proposed land disturbance is within 100 feet of jurisdictional streams and wetlands. Standard silt fence may be installed in construction areas greater than 100 feet from jurisdictional streams, jurisdictional wetlands, and in other upland areas.
- Provide temporary sediment basins capable of accommodating the storm water runoff volume from a 25-year storm event. The spillway on the sediment basin shall be designed to pass the 25-year 24-hour storm.
- Installation of temporary seeding shall occur within five (5) working days of completion of construction activities for the applicable area. It is noted that additional construction activities post grading may delay seeding.
- Provide third party inspection of site development construction activities to occur after each ½" (or greater) rainfall event
- The use of filter bags at sediment basin outlet discharges shall be used where feasible due to topography and buffers. It is noted the use of filter bags may not be feasible in high flow areas or subject to other site constraints.

7. **Amendments to the Rezoning Plan:**

a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable portion of the Site affected by such amendment in accordance with the provisions of the Ordinance.

8. **Binding Effect of the Rezoning Application:**

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