

**Key Harbor
Master Planned Community
Planned Development (PD) Conditional Notes**

This petition proposes the development of a master planned community containing a mixture of residential and open space uses. This concept has been developed to further the objectives of the adopted Sherrills Ford Small Area Plan. It has been designed taking into account the difficult topography common to this part of the county and has incorporated open space elements throughout the site. It will provide for a variety of residential types and densities. It creates an opportunity for Catawba County to develop a significant well planned development to utilize sewer which is being brought to the area to serve the new residents of this development as well as the entire Sherrills Ford community. The plan is proposed in two different configurations: one that would be permitted if sewer is available and a second that would be permitted if sewer is not available.

1. Development of the site will be controlled by the standards depicted on this site plan, the Approved Development Agreement and by the standards of the Catawba County Unified Development Ordinance (UDO). The development depicted on this plan is intended to reflect the arrangement of proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases. This proposal is intended to enable the development of a master planned community composed of single family attached and single family detached housing interconnected with open space, pedestrian, amenity areas and vehicular linkages.
2. The Property shall be used only for residential purposes, together with the accessory buildings and structures permitted pursuant to Section 6 and Section 8 below. No apartment uses are permitted on the Property. Further, no camper, trailer, motor home, boat (including, without limitation, any boat docked adjacent to the Property), recreational vehicle, or similar habitable or transportable unit or structure shall be allowed to remain on or adjacent to the Property as a place of residence. Condominiums, townhomes, duplexes and cluster homes are permitted on the Property. The restrictions set forth above shall not prohibit the construction of marinas, docks, pools, tennis courts or other recreational facilities or amenities such as are commonly constructed and maintained for the benefit of lot owners within residential developments. Such recreational facilities or amenities shall be solely for the common use of the owners of lots subdivided from the Property. Temporary structures used for sales and construction management will be permitted but must be removed within 90 days of the conclusion of construction or sales activities on the site.
3. The Petitioner, as part of the application, has included a printed document entitled "Key Harbor" that provides a conceptual framework for the overall Key Harbor community. This document illustrates the type, general sizes, anticipated lot development patterns, design concepts, amenities, and development phases for the

community. This document represents a guideline for the community and will be used by the Petitioner as a frame of reference for the buildout of the various sites. However, the details of the actual development may vary from the concepts represented in this document so long as the overall concepts represented and the details of the site plan conditions are fulfilled. Minor variations in the details of the development that may be proposed by the Petitioner during the development review process, such as the modification of a setback or the layout or composition of an individual amenity element, may be approved by the Planning Director. Although the “Key Harbor” document represents a guideline for the community and will be used by the Petitioner as a frame of reference for the build out of the various sites, it is understood that the site plan and conditions adopted through the zoning process shall control over the site plan illustrated and conditions depicted in the Booklet.

4. The following activities and uses are specifically prohibited on the site so long as such prohibition is not inconsistent with any laws that may regulate or protect such use.
 - a. Raising, breeding, or keeping of animals, livestock or poultry of any kind, except that dogs, cats, or other usual and common household pets (which are registered, licensed and inoculated as required by law) may be permitted on the Property;
 - b. Any activity which violates local, state, or federal laws or regulations;
 - c. Institutional uses, including but not limited to group homes, day care centers, churches, temples or shrines, rest homes, schools, medical care facilities, lodges, inns, beds and breakfasts; and
 - d. Any business or trade, except that a commercial marina will be permitted and an owner or occupant residing on the Property may conduct business activities within a dwelling on the Property so long as such activity is conducted in accordance with (i) any applicable zoning restrictions that apply to home occupations and (ii) any applicable restrictions contained within any restrictions or conditions imposed through private contracts.
5. Residential densities may vary in different portions of the site in keeping with the various dwelling types and lot sizes provided that the total number of dwelling units proposed on the site plan is not exceeded. The numbers and types of residential units are contained on the site plans for the two development options.
6. Required buffers or open space and project edges on the site may not be eliminated or reduced if the adjoining parcels are rezoned unless approved by staff for connectivity purposes.
7. A lighting plan, including locations, types of uniform fixtures and theme banners affixed to the light poles shall be submitted by the Petitioner for approval by the County.

8. Signage will be permitted in accordance with applicable UDO standards. Freestanding signs shall be monument style. Pennants or flags along the road frontage of the development or entranceway(s) are not permitted.
9. Parking will be provided which will meet or exceed the standards of the UDO.
10. The Petitioner will dedicate right-of-way for existing streets, where applicable, and construct new streets within the site to meet the standards of NCDOT and Catawba County. All streets will be dedicated to the public. The Petitioner reserves the right to seek the abandonment of existing public streets that may fall within the site if those streets are not needed for the development of the site.

The Petitioner will, through the subdivision and site development process, develop a series of interconnections between various components of the overall site that will provide for increased connectivity within and through the development. However, the Petitioner reserves the right to develop such connections in a fashion that will not be overly costly (such as stream crossings). The Petitioner may be required to provide stub street connections to adjoining tracts as determined by the Subdivision Review Board based upon the provisions of the UDO relating to such connections. Vehicular and pedestrian connectivity shall be constructed to the 22-acre site being conveyed to the Sherrills Ford Optimist Club from Cove A.

11. Access to the site will be provided by numerous connections to the newly constructed streets within the site as generally depicted on the site plan. All driveway and street connections are subject to approval by NCDOT.
12. All dumpsters that may be provided in the amenity areas on the site will be screened with a solid enclosure with gates that are architecturally compatible with the principal building. Chain link fence may not be used for the dumpster enclosure.
13. A pedestrian and bicycle network to connect the various elements within the site will be developed as the various site elements are constructed. Linkages will be established to connect buildings and uses on the site to this pedestrian network.
14. Open space areas depicted on the site plan represent the approximate location and extent to the areas set aside to provide open space for the development. The exact location and extent of the open space areas will be determined through the detailed design and subsequent review of development plans by the Subdivision Review Board. The open space plan shall attempt to provide pocket parks/green space within Coves A, G and J without the loss of the total number of lots in the overall development. The open space areas will be developed with a combination of active and passive recreation areas, sidewalks, trails, pathways, and other amenities consistent with the purpose and provisions of this Petition. Public sidewalks, a minimum of 5 feet wide, shall be constructed along each side of the road frontage where homes are constructed. Pedestrian street crossings shall be textured or stamped asphalt. The internal pedestrian system, including sidewalks

and trails through the open space areas, shall be approved by the County. Consideration for pedestrian access to connect Cove K to the main development shall be incorporated into the pedestrian plan.

15. The Petitioner will comply with the applicable portions of the Floodplain Management Overlay and Watershed Protection Overlay standards of the UDO. The provisions of this site plan and conditional notes will supplant the Catawba River Corridor standards.
16. The following special development standards will apply to residential structures built within the Key Harbor community. The square footage requirements set forth below are for enclosed heated floor area and are exclusive of the areas in heated or unheated basements, vaulted ceiling areas and attics, unheated porches of any type, attached or detached garages, porte-cocheres and unheated storage areas, decks and patios.
 - a. Except for condominiums, townhomes, and duplexes, non-water front dwellings shall not be less than 2,000 square feet of heated living area for one story and 2,400 square feet for 1 ½ and two story;
 - b. Except for condominiums, townhomes, and duplexes, water front dwellings shall not be less than 2,200 square feet of heated living area for one story and 2,800 square feet for 1 ½ and two story;
 - c. All dwellings and accessory structures shall be completely supported with solid brick, brick or stone covered block, or stucco covered foundation;
 - d. Roofs shall have not less than a 6 in 12 inch pitch, and not less than a 12 inch overhang, and shall be covered with asphalt or fiberglass shingles, terra cotta tile, real or man-made slate, copper sheathing or wood shingles or pre-painted metal roofing;
 - e. The front façade of all dwellings and accessory structures shall be covered only with brick, stone, hard stucco (synthetic stucco is not permitted), wood, or siding consisting of wood or composite material; provided, that any horizontal siding must be completely supported to maintain a straight and even outer surface and must be fully and properly finished. Vinyl products will be permitted on the remaining 3 sides of the structures and on the front façade as soffit, fascia, window trim, door trim at roof gables, etc.
 - f. Exteriors of all dwellings and accessory structures must be completed within one year after the commencement of construction, and a certificate of occupancy issued within two years after commencement of construction.
 - g. No mobile, manufactured or modular home or structure having the characteristics or appearance of a mobile, modular or manufactured home, including, without limitation, any mobile, modular or manufactured home as defined by the building codes or other applicable laws of the state in which the Property is located, shall be located upon the Property.
 - h. Storage and shop outbuildings, including detached garages, workshops, storage and utility buildings, greenhouses and similar buildings, shall not exceed the height of the roof of the residence on the Property. The total

square footage contained within all such outbuildings combined shall not exceed 50% of the size of the dwelling or 2000 square feet, whichever is less. All outbuildings shall be permanently affixed to the Property and shall be covered with the approved exterior materials described in f. above. Further, no outbuildings shall be located wholly or partially within any Buffer Area.

17. The following features or uses and specifically prohibited within the community.
 - a. Structures, equipment or other items which are visible from any road or adjacent property which have become rusty, dilapidated, or otherwise fallen into disrepair;
 - b. Towers, antennas, or other apparatus for the transmission or reception of television, radio, satellite, or other signals of any kind which are located outside of any dwelling on the Property other than (i) a customary antenna, which shall not extend more than ten (10) feet above the top roof ridge of the dwelling; and (ii) a satellite disc or dish no larger than eighteen inches (18") in diameter;
 - c. Any freestanding transmission or receiving towers or any non-standard television antennae; and
 - d. Chain-link fences.
18. Throughout this Rezoning Petition, the terms "Owner", "Owners", "Petitioner" or "Petitioners," shall, with respect to the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.
19. The Petitioner shall submit a landscaping plan for street trees (types and locations), amenity areas, boat storage and attached residential units for approval by the County staff.
20. The two community lake access sites shall incorporate low-impact development (LID) design standards to minimize stormwater runoff to the lake. The sites also shall incorporate development amenities, such as park benches, picnic tables, gazebos and trails.
21. The Petitioner shall provide a non-access easement for lots with double frontage in Coves G, H, I, J and L along Azalea Road and Cove D and E along Raccoon Track Drive to restrict those lots from accessing Azalea Road and Raccoon Track Drive.
22. The Petitioner shall provide details for access to the boat storage area for review and approval by the County.

23. Unless conditions herein are more restrictive than the Approved Development Agreement or the Key Harbor Restrictive Covenants, then the more restrictive of the Development Agreement or the Restrictive Covenants shall control.