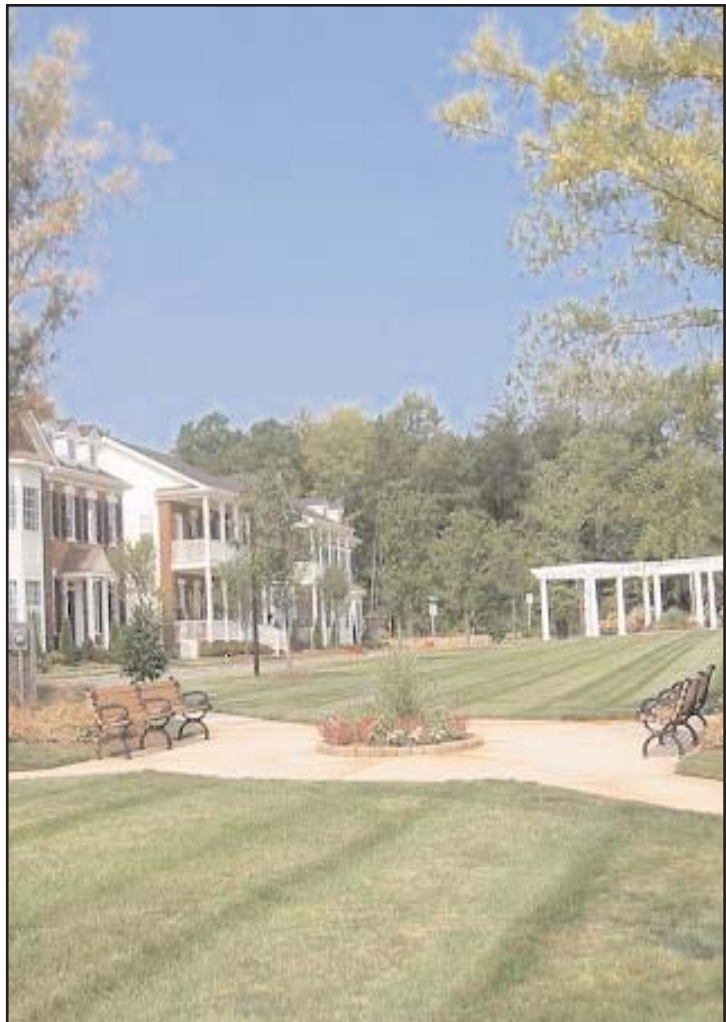


6.0 Improvements Required for Development



The measure of any great civilization is its cities and a measure of a city's greatness is to be found in the quality of its public spaces, its parks and squares.

John Ruskin

6.1 Required Improvements

Prior to submission of an application for plan review, all new development shall meet the following requirements:

- ♦ A minimum of one means of vehicular access to the site, via public rights-of-way. Access must meet Town of Davidson's minimum right-of-way width and surfacing specifications for subdivisions other than rural, farmhouse cluster, low-impact, and conservation easement.

All new development shall include the following improvements:

- Public water supply distribution and fire hydrants per CMUD and county fire marshal requirements.
- Public sewer per CMUD requirements. Minor subdivisions are exempt from this requirement if gravity flow or low pressure system is not available within 250 feet of a property line.
- Public streets (paved) and other public rights-of-way and improvements to adjacent existing streets per Section 11. See 6.4.
- Easements (as required).
- Sidewalks per Section 11.
- Curb and gutter per Section 11.
- Street lights per Section 11.
- Pedestrian crossings (as applicable) per Section 11.
- Underground utilities per Section 9.
- Landscaping per Section 12.
- Affordable housing per 6.3.
- Neighborhood or mini parks. Minor subdivisions are exempt. See 6.6
- Transit shelters as required.
- Reservation of school sites. See 6.5.

6.2 Development Prohibitions

- ♦ Gates guardhouses, or other impediments to public accessibility on any streets, whether publicly or privately maintained.
- ♦ Private community water systems.
- ♦ Private wastewater treatments plants.



Gated communities and neighborhood entry monuments are not allowed

6.3 Affordable Housing Requirement

12.5% of all residential units in all developments except farmhouse cluster, low-impact subdivision, and conservation easement subdivision shall be affordable according to the following standards:

At least 30% of the affordable housing required by this ordinance will be affordable to persons or households whose annual gross income does not exceed 50% of the area median family income, as defined by HUD in its income limits. The balance will be affordable to persons or households whose annual gross income does not exceed 80% of the area median family income using the same definition.

The intent is to provide a variety of housing types to serve families of diverse size, composition, and economic means. Dispersion of affordable housing units throughout the neighborhood is highly recommended.

6.3.1 Options for Provision of Affordable Housing

For applications with eight or more dwelling units, the applicant shall comply with either subsection (a) or (b) below. For applications with fewer than eight dwelling units, the applicant shall comply with subsections (a), (b),

or (c) below.

(a) Construct affordable dwelling units for sale or rent within the proposed development. Affordable dwelling units shall include a deed restriction or a binding contractual obligation to a state agency, federal agency or a town affordable housing agency that ensures that the dwelling units will remain affordable housing and will be occupied by target households for a period of not less than 30 years.

(b) Convey developed lots within the development to a town affordable housing agency, to be determined by the Town, that will assume responsibility for conveyance and maintenance of dwelling units constructed on these lots.

(c) Pay to the Town a sum determined by the following formula:

$P = (L \times 0.125) \times V$, where

P = Mitigation payment to be remitted

L = Number of residential units proposed. In a straight subdivision, one unit per lot will be assumed, Subsequent development activity will incur the appropriate fee.

V = Average appraised value of 1/8 acre in the proposed development as developed for residential uses. The value of the lots shall be determined by an M.A.I. appraiser selected and paid for by the applicant, and in accordance with generally accepted appraisal techniques. In the event the Planning Director accepts the methodology of the appraisal but disagrees with the appraised value, he may engage another M.A.I. appraiser at the Town's expense and the value shall be an amount equal to the average of the two appraisals. If either party does not accept the average of the two appraisals, a third appraisal shall be obtained, with the cost of said third appraisal being shared equally by the Town and the property owner. The third appraiser shall be selected by the first two appraisers and the third appraisal shall be binding on both parties.

The Town shall apply any mitigation payments paid pursuant to this subsection (c) to a reserve fund, that shall be used solely and exclusively for the acquisition of land for, or the construction of, affordable dwelling units. These funds shall not be commingled with the general funds of the Town.

6.3.2 Parcels Under Common Ownership

For purposes of determining whether an applicant may pay mitigation fees pursuant to this subsection (c), all adjacent parcels under common ownership shall be considered. Parcels shall not be subdivided in order to avoid compliance with the subsections (a) or (b).

The policy of the Town of Davidson is to avoid any evasion of subsections (a) or (b). Parcels under common ownership shall not qualify for mitigation payments pursuant to subsection (c) hereto where the total area of all such parcels is at least two acres.

The mitigation payment option set forth in subsection (c) above shall be used only once for any parcel or parcels under common ownership.

6.4 Town Street and Thoroughfare Plans

Where a development proposal includes any part of a town street or thoroughfare which has been designated as such on the official comprehensive plan map adopted by the Town or North Carolina Department of Transportation Mecklenburg-Union Metropolitan Planning Organization (MPO) or as part of any Transportation Plan adopted by the Town of Davidson, a right-of-way shall be reserved in the location shown on the plan at the width specified in this ordinance.

6.5 Reservation of School Sites and Other Public Buildings

If the Board of County Commissioners of Mecklenburg County or the Charlotte-Mecklenburg Board of Education have determined the specific location and size of any school site or other public building to be reserved and if this information appears in any comprehensive plan over which other local governments have jurisdiction, the Planning Director shall immediately notify the appropriate authority if all or part of the reserved location is included in the proposed subdivision. The responsible authority shall promptly decide whether it still wishes the site to be reserved. The responsible authority shall then have 18 months beginning upon the date of master plan approval within which to acquire the site by purchase or by condemnation as provided in G.S. 160A-372. If the Town Board

of Commissioners, the Board of Education, or any other local government having jurisdiction has not purchased or begun proceedings to condemn the site within 18 months, the developer may treat the land as freed from reservation.

If the total development size exceeds 200 acres or 500 housing units, the developer shall reserve for future purchase adequate (minimum of 18 usable acres) prominent sites for the location of schools. Sites reserved for civic uses may include up to one-half of their total area towards the open space dedication requirement.

6.6 Neighborhood or Mini Parks Requirement

A neighborhood or mini park (as defined in the Park and Recreation Master Plan) is required within 1/4 mile of every residential dwelling unit. A linear park (as defined in the Parks and Recreation Master Plan) may be substituted upon approval of the Planning Director.

6.7 Improvement Guarantees

6.7.1 Alternatives to Completion of Infrastructure

In lieu of meeting the requirement for the completion, installation and dedication of any and all public infrastructure improvements (e.g., water, sewer, streets, sidewalks, storm drainage, trees, supplemental buffer plantings, street lights, etc.) prior to final plat approval for subdivisions or Certificate of Occupancy for site plans, the Town of Davidson or its authorized agent may enter into a written agreement with the developer whereby the developer shall agree to complete all required improvements. Once this agreement is signed by both parties and the financial security required herein is provided, the final plat or Certificate of Occupancy may be approved by the Planning Director, if all other requirements of this ordinance are met. To secure this agreement, the developer shall provide either one, or a combination of the following guarantees.

A. Surety Performance Bond(s):

The developer shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina, and approved by the Board of Commissioners or its designee. The bond shall be payable to the Town of Davidson (or its authorized agent) and shall be in an amount equal to 1.5 times the entire cost, as estimated by the developer and verified by Mecklenburg County, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are approved by the Town of Davidson's Director of Public Works, Mecklenburg County, or other proper authorities, and, if applicable, a maintenance guarantee is posted. See Section 6.9. Any expenses associated with the cost verification by the Town shall be paid entirely by the developer.

B. Cash or Equivalent Security:

The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town (or its authorized agent) or in escrow with a financial institution designated as an official depository of the Town. The amount of deposit shall be equal to 1.5 times the entire cost, as estimated by the developer, and verified by the County, of installing all required improvements.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Town of Davidson (or its authorized agent) an agreement between the financial institution and the developer guaranteeing the following:

1. That said escrow amount will be held in trust until released by the Town of Davidson and may not be used or pledged by the developer in any other transaction during the term of the escrow; and
2. That in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification of the Town to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

C. Funds in Lieu of Construction

At the option of the developer and with the consent of the Board of Commissioners, a developer may, in lieu of the construction of the portion of a street which crosses over a water course located at the boundary of the development, deposit with the Town the sum sufficient (in the Town's determination) to construct such

portion of the street. This option shall not be available when such street connects to an existing street at the boundary of the development or serves as a necessary means of access to a lot within the new development.

Funds may be paid in lieu of construction of improvements for minor subdivisions upon approval of the Town Manager.

6.7.2 Default:

Upon default, meaning failure on the part of the developer to complete the required improvements in the time required by this ordinance or as spelled out in the performance bond or escrow agreement, then the surety, or financial institution holding the escrow account, shall, if requested by the Town, pay all or any portion of the bond or escrow fund to the Town of Davidson up to the amount needed to complete the improvements based on an estimate by the Town. Upon payment, the Town, at its discretion, may expend such portion of said funds, as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the developer any funds not spent in completing the improvements.

6.7.3 Release of Guarantee Security:

The Town may release a portion of any security posted as the improvements are completed according to the provisions of Section 11. When the Town of Davidson approves these improvements, it shall immediately release the portion of the security posted which covers the cost of such improvements.

6.8 Maintenance Guarantee

The developer may, at their discretion, deposit with the Town the funds equal to the amount required for 1" of asphalt topping and 1/3 of the replacement cost of all curb, gutter, sidewalk, and asphalt paving.

This is the end of Section 6