REQUEST FOR COMMITTEE REVIEW

HENDERSON COUNTY TECHNICAL REVIEW COMMITEE

MEETING DATE:	February 18, 2020
SUBJECT:	Rezoning Application #R-2020-01-C Tap Root Farms
PRESENTER:	Autumn Radcliff, Planning Director Matt Champion, Project Development Planner

ATTACHMENTS: 1.) Site/Master Plan

SUMMARY OF REQUEST:

Rezoning Application #R-2020-01-C was initiated on January 31, 2020 and requests that the County conditionally rezone approximately 297 acres of land from Regional Commercial (RC) to a Conditional District (CD-2020-01). The project consists of 3 parcels located off Butler Bridge Road with a total acreage of 319.66 acres. The proposed rezoning does not include approximately 22.66 acres located directly adjacent to Butler Bridge Road. The property owners and applicants are the same, Mary Louise Corn et al.

The applicant is proposing a residential development with a mix of single-family lots and townhomes that total 699 units. The development is required to be approved as a conditional rezoning due to the number of units. Conditional rezonings allows for the Board of Commissioners to place conditions on the property to address community concerns and make the proposed development compatible with adjacent uses. As required by the LDC, a neighbor compatibility meeting is scheduled for Friday, February 21, 2020 in the King Street Meeting Room. A copy of the meeting report will be available at the TRC meeting on March 3rd.

TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

No motion is suggested at this time. Staff wishes to present the Tap Root site plan for a preliminary review. TRC will review the application during their March 3, 2020 meeting where a formal recommendation will be request.

Suggested Motion:

N/A

TAP ROOT SUBDIVISION

HENDERSON COUNTY, NORTH CAROLINA MASTER PLAN - PRELIMINARY FOR APPROVAL

DEVELOPMENT DATA

OWNER/DEVELOPER:

CONTACT:

CIVIL ENGINEER:

CONTACT:

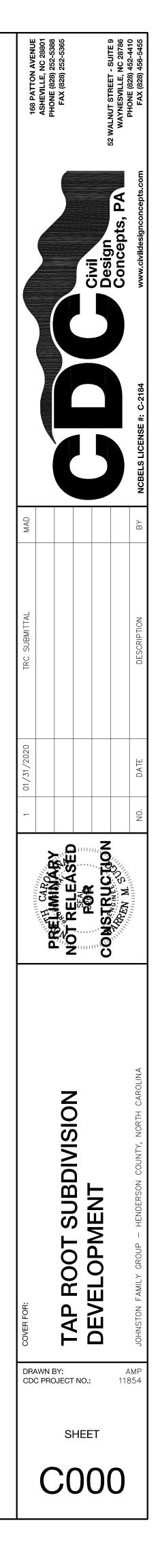
JOHNSTON FAMILY GROUP 735 BUTLER BRIDGE ROAD FLETCHER, NC 28732 WILLIAM ALEXANDER (828) 697-6022 CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE

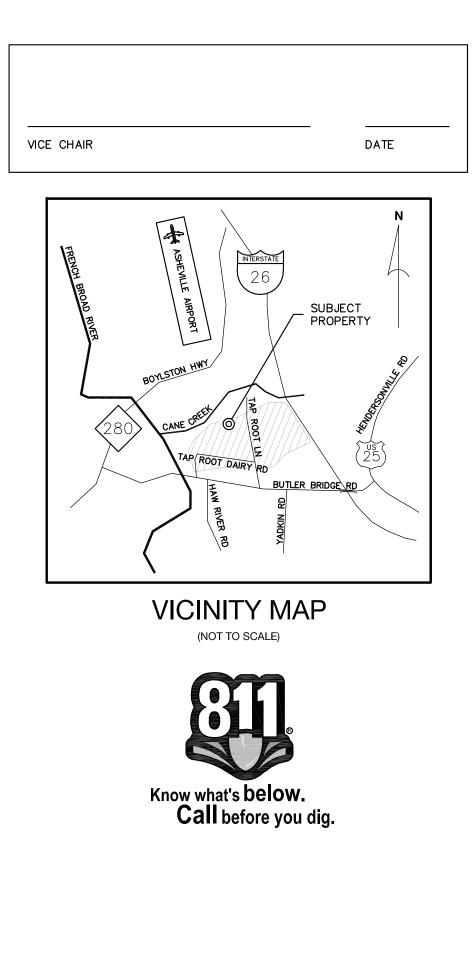
ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252–5388

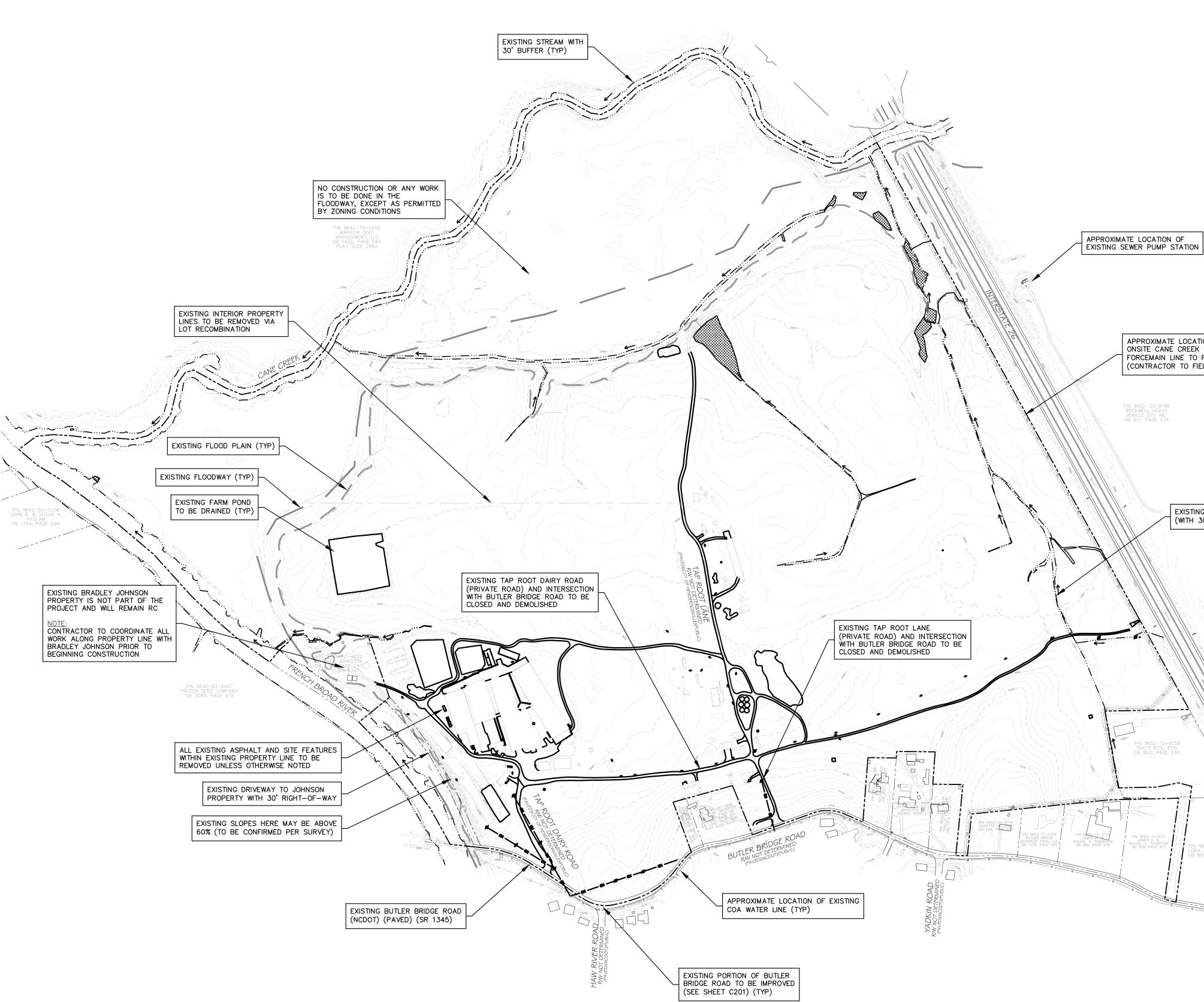
JANUARY 31, 2020

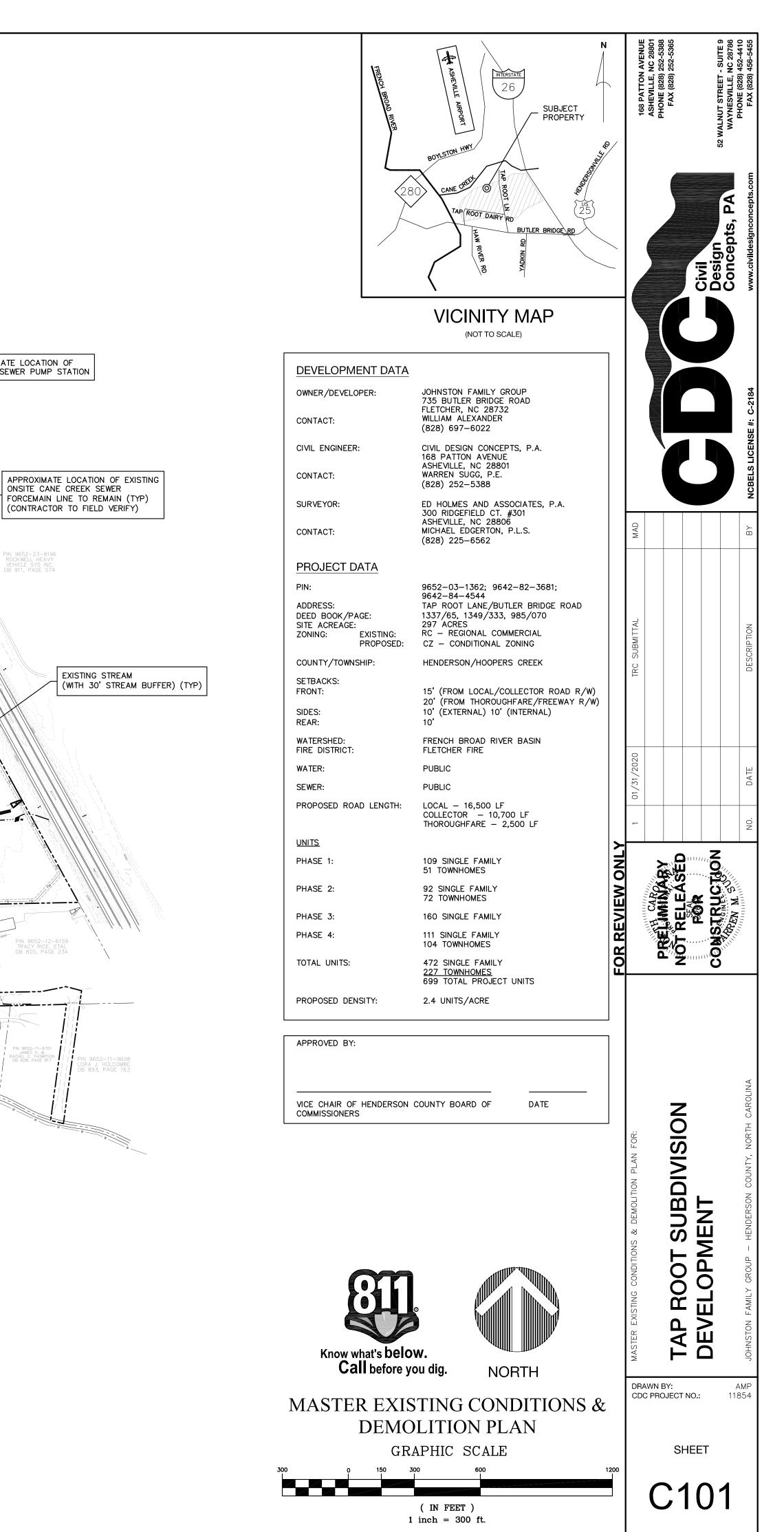
PREPARED FOR: JOHNSTON FAMILY GROUP 735 BUTLER BRIDGE ROAD FLETCHER, NC 28732 WILLIAM ALEXANDER (828) 697-6022

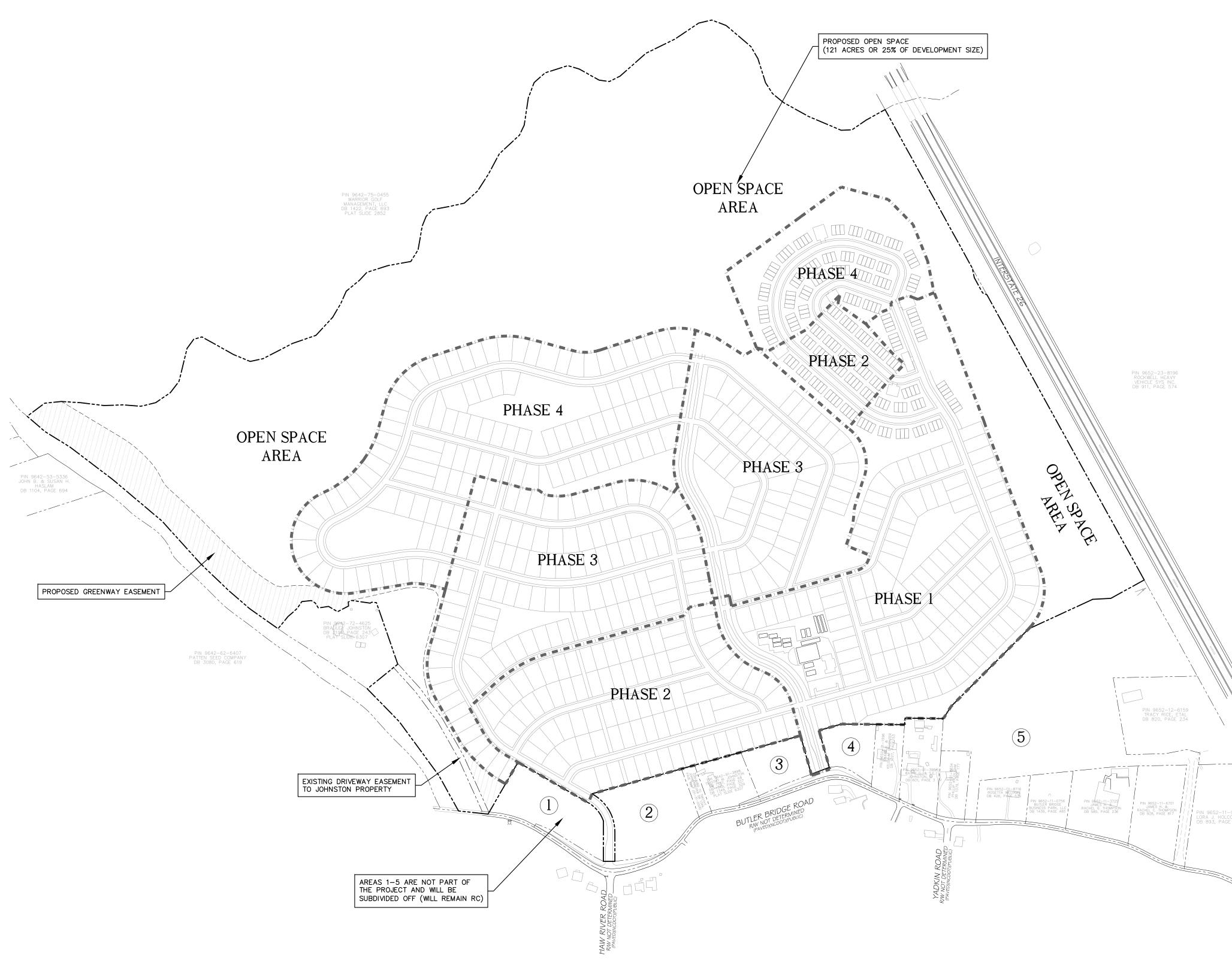
Sheet List Table		
Sheet Number Sheet Title		
C000	COVER	
C101	MASTER EXISTING CONDITIONS & DEMOLITION PLAN	
C200	MASTER PHASE PLAN	
C201	MASTER SITE PLAN	
C202	SITE CROSS SECTIONS PLAN	
C400	MASTER STORM PLAN	
C600	MASTER SEWER PLAN	
C700	MASTER WATER PLAN	

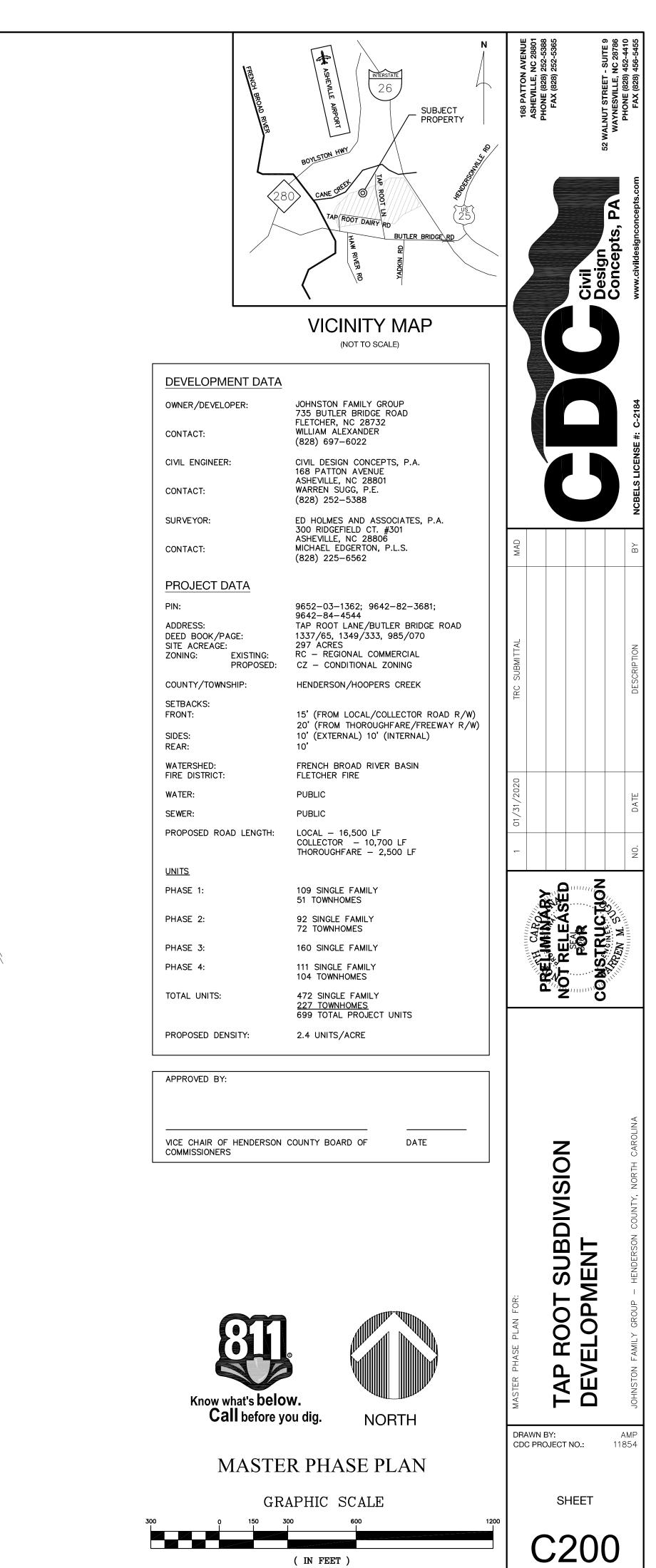






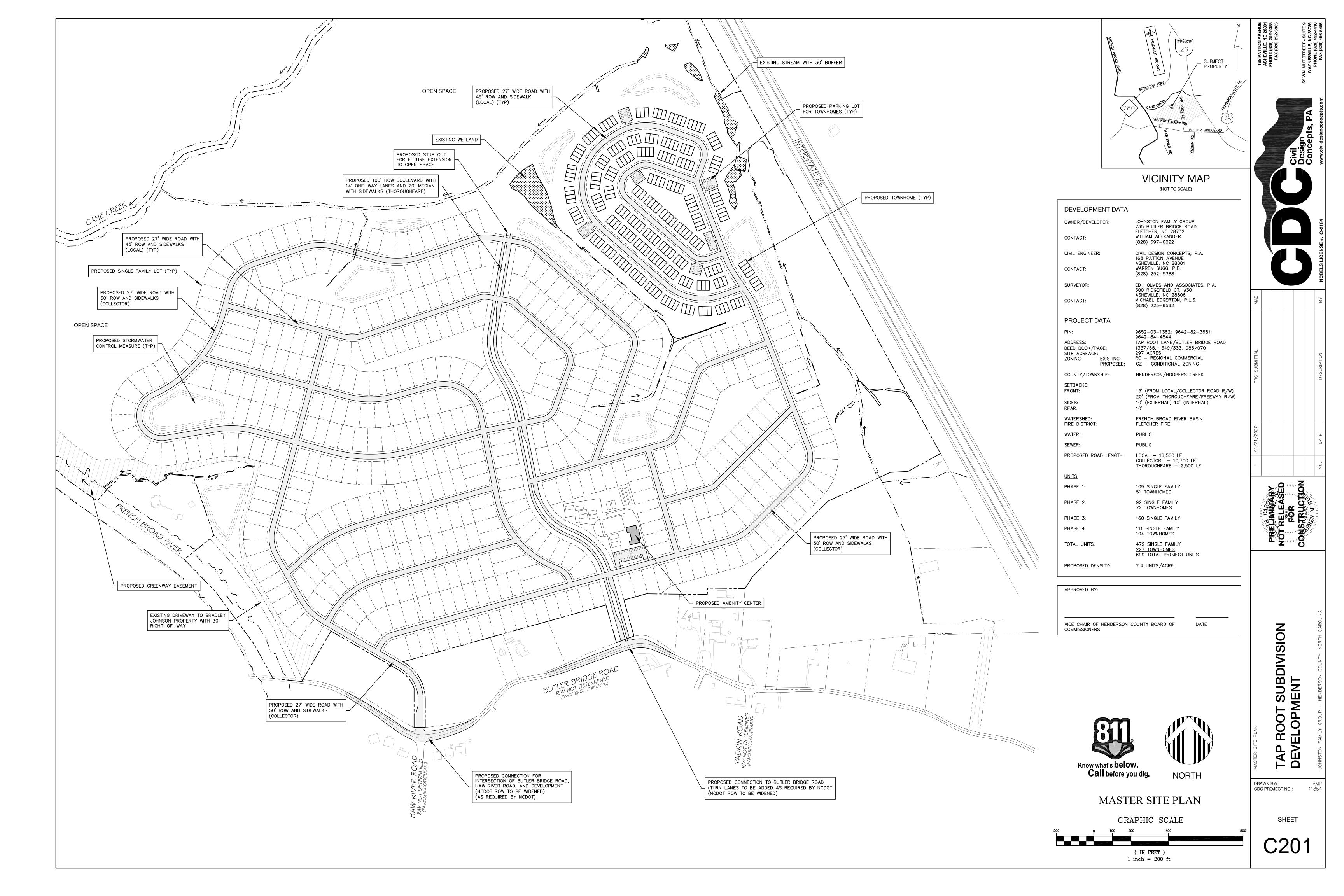






(IN FEET) 1 inch = 300 ft.

PIN 9652-11-9608 LORA J. HOLCOMBE DB 893, PAGE 763



GENERAL NOTES FOR HENDERSON COUNTY

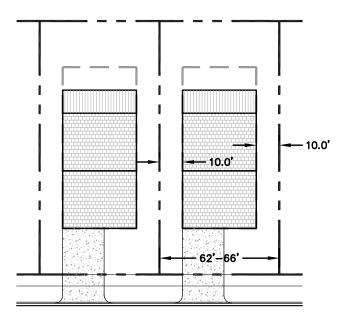
GENERAL CHARACTERISTICS AND PROPOSED CONDITIONS

THE FOLLOWING CONDITIONS ARE PROPOSED BY THE APPLICANT AND ARE IN ADDITION TO AND INTENDED TO SUPPLEMENT THE APPROVED SITE PLAN AND THE HENDERSON COUNTY LAND DEVELOPMENT CODE (HEREIN "HENDERSON COUNTY LDC"). IN CASE OF ANY CONFLICT BETWEEN THIS DOCUMENT. THE LDC. AND THE SITE PLAN. THE APPROVED SITE PLAN IS INTENDED TO CONTROL. TO THE EXTENT THAT ANY SPECIFICATION OR DEVELOPMENT STANDARD HAS BEEN OMITTED FROM OR IS NOT ADDRESSED IN THE SITE PLAN OR THIS DOCUMENT, THE PRESUMPTION IS THAT THE STANDARD OR SPECIFICATION IN THE LDC SHALL APPLY.

- 1. THE SUBJECT PROPERTY CONSISTS OF 297 ACRES LOCATED ON BUTLER BRIDGE ROAD IN HENDERSON COUNTY (PINS: 9652-03-1362, 9642-82-3681, 9642-84-4544). THE SUBJECT PROPERTY CURRENTLY CONSISTS OF THREE TRACTS, SHOWN AS TRACT 1, 2 AND 3 ON EXHIBIT A HERETO. THOSE TRACTS FOR PURPOSES OF CONSIDERATION OF THIS APPLICATION WILL BE RECOMBINED INTO ONE TRACT, THE PERIMETER OF WHICH IS ILLUSTRATED ON THE SITE PLAN.
- 2. THE SUBJECT PROPERTY IS REZONED FROM RC TO R-1 (CD)
- 3.SIZE AND SCOPE OF PROJECT (NUMBERS ARE APPROXIMATE, SUBJECT TO CONFIRMATION WHEN SITE PLAN IS FINAL):
- a.SIZE OF PROJECT: 297 ACRES. b.AS SHOWN ON THE SITE PLAN: MAXIMUM OF 699 TOTAL RESIDENTIAL UNITS, INCLUDING 472 SINGLE FAMILY HOMES (67.67%) AND 227 TOWN HOMES (32.33%); SINGLE FAMILY LOT SIZES SHALL BE A MINIMUM OF 7,100 SQUARE FEET FOR AT LEAST 354 LOTS (75%) OF THE TOTAL SINGLE FAMILY LOTS ON THE SUBJECT PROPERTY. ALL BUILDINGS TO HAVE A MINIMUM 20 FOOT SEPARATION. ALL SINGLE FAMILY LOTS WILL HAVE SIDE SETBACKS OF TEN FEET.
- C. OVERALL PROJECT DENSITY WILL NOT EXCEED 2.4 UNITS PER ACRE, INCLUDING FLOODPLAIN, GREENWAY EASEMENTS, OR OTHER OPEN SPACE AREAS PROPOSED FOR CONVEYANCE TO COUNTY OR THIRD PARTY CONSERVATION ORGANIZATION.
- 4.1-26 AND OUTER BOUNDARY OF PROJECT: ALL BUILDINGS MUST MAINTAIN 50 FOOT MINIMUM SETBACK FROM THE 1-26 RIGHT OF WAY; NO LANDSCAPE BUFFER REQUIRED ALONG OUTER PROJECT BOUNDARY.
- 5. THE DEVELOPMENT PLAN WILL PROVIDE FOR FOUR SEPARATE PHASES OF CONSTRUCTION, WITH EACH PHASE BEING THOSE AREAS DEPICTED AS SUCH ON THE SITE PLAN. THE SPECIFIC PROVISIONS AND CONDITIONS FOR DEVELOPMENT SET OUT BELOW SHALL APPLY TO EACH PHASE. UNIT SALES SHALL BE ALLOWED FROM AN INDIVIDUAL PHASE AT SUCH TIME AS THE INDIVIDUAL PHASE HAS COMPLIED WITH THE REQUIREMENTS OF CHAPTER 42, ARTICLE III, SUBPART A OF THE LAND DEVELOPMENT CODE (42-74 ET SEQ.), FOR THE REZONED CONDITIONAL DISTRICT, SUBJECT TO SUCH MODIFICATIONS AND REQUIREMENTS AS MAY BE IMPOSED ON THAT DISTRICT PURSUANT TO THIS APPLICATION.

STREETS, TRAFFIC AND PARKING

- 6.SIDEWALKS NOT LESS THAN 5 FEET IN WIDTH SHALL BE INSTALLED ON AT LEAST ONE SIDE OF EACH ROADWAY WITHIN THE DEVELOPMENT, WITH A PLANTED STRIP AT LEAST 2 FEET IN WIDTH BETWEEN SIDEWALK AND CURB.
- 7.INTERIOR ROADS SHALL BE BUILT TO HENDERSON COUNTY DESIGN STANDARDS FOR RESIDENTIAL SUBDIVISIONS; MINIMUM ROADWAY WIDTH OF 27 FEET INCLUDING 2' VALLEY CURB & GUTTER. THE CENTRAL "SPINE" ROAD WILL HAVE A CENTRAL PLANTED MEDIAN, WITH PAVED SURFACE OF 14' MINIMUM PAVED LANES AND 30" CURB AND GUTTER AND WILL BE BUILT TO NCDOT STANDARDS WITH MINIMUM 60 FOOT ROAD RIGHT OF WAY. NO PERVIOUS PAVEMENT SHALL BE REQUIRED WITHIN THE DEVELOPMENT.
- 8. TRAFFIC IMPACTS ON BUTLER BRIDGE ROAD THE PROJECT WILL ADHERE TO ALL RECOMMENDATIONS OF TRAFFIC IMPACT ANALYSIS APPROVED BY NCDOT. ALL NCDOT- REQUIRED IMPROVEMENTS MUST BE COMPLETE NOT LATER THAN THE COMPLETION OF CONSTRUCTION OF 50 % + 1 OF THE TOTAL UNITS IN EACH PHASE OF THE PROJECT, UNLESS NCDOT DIRECTS OTHERWISE. HOWEVER, ENTRANCE IMPROVEMENTS FOR EACH PHASE OF THE PROJECT SHALL BE COMPLETED BEFORE A CERTIFICATE OF OCCUPANCY IS ISSUED FOR ANY STRUCTURE IN THAT PARTICULAR PHASE OF THE PROJECT
- 9.0FF-STREET PARKING: EACH UNIT SHALL HAVE SUFFICIENT OFF STREET PARKING FOR AT LEAST TWO AUTOMOBILES. AN ADDITIONAL 114 OFF-STREET SPACES (.5 SPACE PER TOWNHOME UNIT) SHALL BE PROVIDED, WITH LOCATIONS AS SHOWN ON THE SITE PLAN. ALL OF THE TOWNHOME UNITS AND ASSOCIATED OFF-STREET PARKING ARE LOCATED IN PHASE 1, PHASE 2, AND PHASE 4. ON-STREET PARKING. WITHIN THE SINGLE FAMILY AREA, ON-STREET PARKING SHALL BE ALLOWED ON ONLY ONE SIDE OF THE STREET.
- NO ON-STREET STORAGE OF BOATS, CAMPERS, RECREATIONAL VEHICLES, OR TRAILERED APPARATUS SHALL BE ALLOWED. INFRASTRUCTURE
- 10. STORMWATER DRAINAGE FACILITIES SHALL BE BUILT TO NCDOT DESIGN STANDARDS FOR RESIDENTIAL SUBDIVISIONS; NO STANDING WATER DETENTION FACILITIES ALLOWED, ONLY SUBSURFACE 11. FIRE HYDRANT LOCATIONS SHALL BE PROVIDED PER HENDERSON COUNTY FIRE STANDARDS WITHIN DEVELOPMENT AND BE APPROVED BY THE FIRE MARSHALL AND INDICATED ON THE
- DEVELOPMENT PLAN. 12. SUBSURFACE UTILITIES ARE REQUIRED FOR ALL PHASES OF THE DEVELOPMENT.
- LANDSCAPING, OPEN SPACE AND AMENITIES
- 13. LANDSCAPING---INCLUDING STREET TREES, BUFFERS, AND NATURAL AREAS--WILL BE PROVIDED AS REQUIRED BY THE HENDERSON COUNTY LDC AND NOTED ON MASTER PLAN 14. GREENWAY: A PERMANENT EASEMENT WILL BE RESERVED ALONG THE FRENCH BROAD RIVER FOR USE BY THE COUNTY AS A GREENWAY, IN THE APPROXIMATE LOCATION SHOWN ON THE MASTER PLAN. THE EASEMENT WILL BE 50 FEET IN WIDTH WHERE NOT RESTRICTED BY TOPOGRAPHY OR INDIVIDUAL LOT OWNERSHIP, BUT IN NO CASE MAY THE EASEMENT BE LESS THAN 20 FEET IN WIDTH. LOTS THAT ADJOIN THE GREENWAY MAY BE SMALLER THAN STANDARD IN ORDER TO ACCOMMODATE THE GREENWAY. THIS EASEMENT SHALL NOT BE DEFEASIBLE. LOTS ABUTTING THE PROPOSED FUTURE PUBLIC GREENWAY SHALL EXECUTE A DISCLOSURE STATEMENT. OTHER GREENWAYS AND TRAILS SHALL BE AS SHOWN ON THE MASTER PLAN.
- 15. OPEN SPACE:
- a. THE APPLICANT WILL SET ASIDE APPROXIMATELY 121 ACRES OF THE SUBJECT PROPERTY AS OPEN SPACE. A MINIMUM OF 10% OF THE TOTAL AREA IN THE TOWNHOME SECTIONS SHALL BE OPEN SPACE.
- b.OPEN SPACE AREAS (APPROXIMATE SIZE AND LOCATION) SHALL BE SHOWN ON THE MASTER PLAN. THESE AREAS SHALL BE DESIGNATED AND (WHERE APPLICABLE) DEDICATED FOR EACH PHASE OF THE PROJECT AS PLATS ARE RECORDED. THE OPEN SPACE DOES NOT HAVE TO BE OWNED BY THE HOA, BUT CAN BE HELD BY AN INDIVIDUAL, ORGANIZATION OR NON-PROFIT OR THE COUNTY, SUBJECT TO RESTRICTIONS TO PREVENT DEVELOPMENT.
- C. ALL AREAS OF OPEN SPACE LOCATED IN THE 100 YEAR FLOOD PLAIN OR THE FLOOD WAY SHALL BE USED ONLY FOR THOSE PURPOSES ALLOWED FOR CONSERVATION AREAS UNDER CHAPTER 42, WITH THE FOLLOWING EXCEPTIONS: (I) THE GREENWAY AREA PROVIDED FOR IN SECTION 14, ABOVE, WHICH SHALL UPON REQUEST OF THE COUNTY BE CONVEYED TO THE COUNTY, AND (II) PASSIVE RECREATION OF ALL TYPES, AND (III) MOTOR VEHICLE TRAFFIC SHALL BE ALLOWED FOR SPECIAL EVENT PARKING AUTHORIZED BY THE HOA OR DEVELOPER, MAINTENANCE OF THE PROPERTY AND/OR ENVIRONMENTAL ENHANCEMENT OR CLEANUP PROJECTS (INCLUDING PROJECTS TO IMPROVE THE BANK CONDITION, SUBSURFACE STREAMBED CONDITION, WATER QUALITY, NAVIGABILITY, OR FISH AND WILDLIFE HABITAT IN AND ALONG THE EXISTING WATER COURSES), FOR HANDICAP ACCESS AND PARKING FOR AND AT WATER ACCESS AND ENJOYMENT SITES ALONG CANE CREEK AND THE FRENCH BROAD RIVER, (IV) OWNERS, DEVELOPER, OR SUBSEQUENT OWNERS MAY USE ANY PORTION OF THE OPEN AREAS FOR THE TRANSMISSION OF PUBLIC OR PRIVATE UTILITIES TO SERVICE THE DEVELOPMENT OR SURROUNDING PROPERTIES AND IN CONJUNCTION THEREWITH MAY CONVEY INTERESTS AND EASEMENTS IN THE LANDS TO PUBLIC UTILITIES, BRANCHES OF GOVERNMENT, OR OTHER APPROPRIATE PARTIES, (V) FOR CONVEYANCE TO THIRD PARTIES OR GOVERNMENTAL ENTITIES AS MAY NECESSARY AND REASONABLE FOR THE ESTABLISHMENT OF, REPAIR OF, CONSTRUCTION OF OR USE OF ROADS AND STREETS, AND (VI) PUBLIC USES OF THE LAND FOR PUBLIC RECREATION IF THE COUNTY, A NON-PROFIT APPROVED BY THE COUNTY, OR ANY MUNICIPALITY TAKES OWNERSHIP AND CONTROL THEREOF FOR THE PUBLIC GOOD. THE EXACT LOCATION & SIZE OF THE GREENWAY AREAS TO BE CONVEYED TO THE COUNTY SHALL BE APPROVED BY THE COUNTY. THE DEVELOPER SHALL PREPARE AND DELIVER TO THE COUNTY A PROPERLY PREPARED SURVEY PLAT OF THAT AREA. THERE SHALL BE RETAINED TO THE LAND OWNER (DEVELOPER) REASONABLE POINTS OF ACCESS TO THE FRENCH BROAD RIVER AND TO CANE CREEK ALONG AND THROUGH THE GREENWAY AREA. OWNER SHALL HAVE THE AUTHORITY TO DESIGNATE THOSE AREAS OF ACCESS. THE COUNTY WILL COVER ALL CLOSING COSTS. THE DEVELOPER (LAND OWNER) SHALL PROVIDE A CLEAR & UNENCUMBERED TITLE TO THE PROPERTY SHOWN ON THE PLAT. A REASONABLE EASEMENT FOR ACCESS TO THE GREENWAY FOR MAINTENANCE OF THE GREENWAY SHALL BE CONVEYED TO THE COUNTY ACROSS THE ROADS OF THE SUBDIVISION, AND ACROSS ANY OPEN SPACE AREA NECESSARY TO ACCESS THE GREENWAY, WITH THE COURSE THEREOF BEING DETERMINED BY OWNER, BUT WHICH IN ANY EVENT SHALL ALLOW MOTOR VEHICLE ACCESS TO THE GREENWAY. FOLLOWING CONVEYANCE OF THE GREENWAY AREA, APPLICANT SHALL HAVE NO FURTHER RESPONSIBILITY FOR THESE AREAS.



TYPICAL SINGLE FAMILY SITE LAYOUT

d.A PERPETUAL RESTRICTION SHALL BE IN LEGAL FORM IMPOSED UPON TITLE TO ALL OF THE OPEN AREAS, PREVENTING THE ESTABLISHMENT OF ANY NEW OPEN WATER IMPOUNDMENTS. THIS IS FOR THE PURPOSE OF PREVENTING INCREASED POPULATIONS OF WILDFOWL WHICH COULD CREATE A DANGER TO AVIATION IN THE LOCAL AREA. NOTHING HEREIN SHALL APPLY TO CANE CREEK OR THE FRENCH BROAD RIVER. AND APPLICANT IS NOT REQUIRED TO DESTROY OR MITIGATE EXISTING WETLANDS. 9.RESIDENT AMENITIES:

C.CENTRAL AMENITY AREA MEASURING AT LEAST 2.5 ACRES, INCLUDING: (1) OLYMPIC SIZE (25 METERS BY 50 METERS) SWIMMING POOL, WITH SMALLER SPLASH POOL; (2) CLUBHOUSE OF AT LEAST 5,000 SQUARE FEET OF COVERED AREA, WITH STORAGE SPACE, RESTROOMS AND MEETING SPACE WITH TABLES, CHAIRS, AND RESTROOM FACILITIES; (3) PATIO/DECK AREA WITH TABLES AND CHAIRS; (4) PLAYGROUND WITH EQUIPMENT; (5) PICKLEBALL COURTS. OTHER AMENITIES INCLUDE PLAYGROUNDS DISPERSED THROUGH THE SITE, AND A TRAIL SYSTEM AS SHOWN ON THE MASTER PLAN, WITH BENCHES AND VIEWING PLATFORMS.

d.AMENITY AREAS SHALL BE CONSTRUCTED AND OPEN TO RESIDENTS (TRANSFERRED TO HOA OR THIRD PARTY ORGANIZATION) NOT LATER THAN THE COMPLETION OF CONSTRUCTION OF 50 % + 1 OF THE TOTAL UNITS IN TRACT 1 OF THE PROJECT, UNLESS THE HOA ELECTS TO RECEIVE TITLE AT A LATER TIME OR HIGHER PERCENTAGE.

10. ATTACHED AS EXHIBIT "A-3" TO THE APPLICATION IS AN EXAMPLE OF THE AVIGATION EASEMENT, WHICH APPLICANT SHALL EXECUTE IN SUBSTANTIALLY IDENTICAL FORM BY ALL THE OWNER(S) OF PROPERTY MAKING UP THE SUBJECT DEVELOPMENT PRIOR TO THE SALE OF ANY LOTS IN THE DEVELOPMENT. FURTHER, ANY OWNER (INCLUDING THE DEVELOPER) OF RESIDENTIAL PROPERTY WHO SELLS PROPERTY WITHIN THE TAP ROOT DEVELOPMENT IS REQUIRED TO DISCLOSE TO BUYERS THAT: (1) THE PROPERTY IS LOCATED IN CLOSE PROXIMITY TO THE ASHEVILLE REGIONAL AIRPORT; (2) THE PROPERTY IS SUBJECT TO THE AVIGATION EASEMENT (TOGETHER WITH THE RECORDING INFORMATION REGARDING THE AVIGATION EASEMENT IN THE HENDERSON COUNTY, NORTH CAROLINA REGISTRY

STANDARD CONDITIONS

AIRPORT

17. STREET LIGHTING: LIGHTING WILL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING:

- LIGHT LEVEL .5 FC AVERAGE WITH 4-6 AVG/MIN UNIFORMITY (OR COMPLIANT WITH CURRENT IES/ANSI STANDARDS FOR
- RESIDENTIAL STREET LIGHTING REFERENCE RP-8-18)
- POLE MOUNTING HEIGHT MAX 25 FT (SPACING DEPENDENT ON DESIGN LAYOUT TO MEET RECOMMENDED LIGHT LEVEL) • POLE MATERIAL - ALUMINUM OR CONCRETE PREFERRED
- B-U-G RATING (BACK-UP-GLARE) NOT TO EXCEED B2-U0-G2 (B1-U0-G1 PREFERRED) LIGHT SOURCE LED, 3500K OR 4000K COLOR TEMP (NOT TO EXCEED 4000K)

18. STREET TREES – STREET TREES SHALL BE INSTALLED PER HENDERSON COUNTY LDC REQUIREMENTS, USING COUNTY – APPROVED SPECIES.

19. BUILDING CODE - BUILDER/ DEVELOPER TO ADHERE TO HENDERSON COUNTY LDC WHENEVER IT EXCEEDS THE NC BUILDING CODE REQUIREMENTS. 20. THERE MUST BE A MINIMUM SEPARATION OF 20 FEET BETWEEN BUILDINGS IN THE TOWNHOME AREA. ALL SINGLE FAMILY LOTS

SHALL HAVE A 10 FOOT SIDE SETBACK. 21. SUBMIT TO AND RECEIVE APPROVAL OF A WATER UTILITIES PLAN FROM THE CITY OF HENDERSONVILLE AND COMPLY WITH CITY OF HENDERSONVILLE REGULATIONS, OR IN THE ALTERNATIVE FROM ANY OTHER PUBLIC WATER UTILITY PROVIDER OR AUTHORITY. 22. SUBMIT TO AND RECEIVE APPROVAL OF A SEWER UTILITIES PLAN FROM THE CANE CREEK SEWER DISTRICT AND PROVIDE PROOF OF MSD WASTEWATER TREATMENT ALLOCATION.

23. APPLY FOR AND RECEIVE A SWIMMING POOL PERMIT FROM THE HENDERSON COUNTY DEPARTMENT OF PUBLIC HEALTH DIVISION OF ENVIRONMENTAL HEALTH PRIOR TO THE POOL CONSTRUCTION. 24.SUBMIT FOR PRIOR APPROVAL ALL BUILDING PLANS FOR ALL STRUCTURES TO THE COUNTY INSPECTIONS DEPARTMENT.

25. APPLY FOR A FLOODPLAIN, STORMWATER, AND SOIL EROSION CONTROL PERMIT FROM THE COUNTY FOR EACH PHASE OF DEVELOPMENT. 26. REQUIRE CLUSTER MAILBOXES PER THE STANDARDS AND REQUIREMENTS OF THE USPS AND IDENTIFY ON THE DEVELOPMENT PLAN

AN AREA WITH APPROPRIATE VEHICLE ACCESS AND PARKING. 27.APPLY FOR AND EXECUTE AN ENCROACHMENT AGREEMENT WITH NCDOT FOR UTILITY WORK WITHIN THE RIGHT OF WAY OF BUTLER BRIDGE ROAD AND 1-26 28. APPLY FOR AND RECEIVE A NCDOT STREET ACCESS PERMIT AND COMPLY WITH ALL REQUIRED ROAD IMPROVEMENTS IDENTIFIED BY

THE TIA AND NCDOT. 29.PAY IN FULL ALL FEES FOR PERMITS, AS EACH FEE IS ASSESSED OR BECOMES DUE. 30.PER CHAPTER 42 OF THE HENDERSON COUNTY CODE. THE APPROVAL AUTHORITY FOR EACH PHASE OF THE PROJECT IS DELEGATED

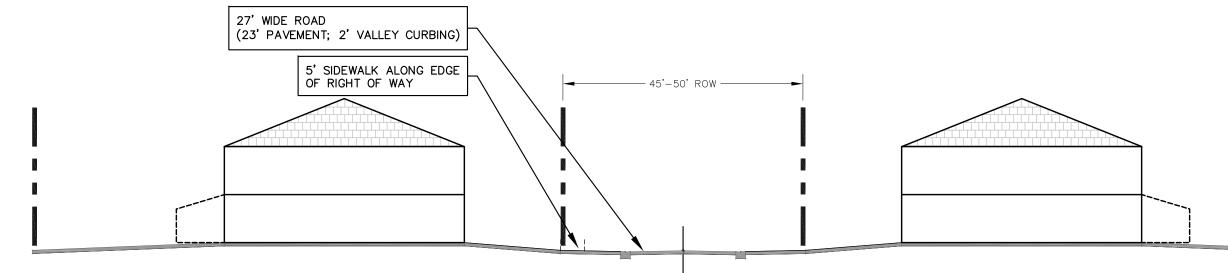
TO THE HENDERSON COUNTY PLANNING BOARD. TO THE DEGREE ANY PHASE EXCEEDS 300 UNITS OR LOTS, AS SHOWN ON THE MASTER SITE PLAN, THE SAME ARE DEEMED APPROVED AND THE COMMISSION ASSIGNS TO THE PLANNING BOARD IT'S AUTHORITY TO REVIEW AND APPROVE. 31. THE COUNTY SHALL RETAIN THE RIGHT TO SUSPEND CONSTRUCTION AND THE ISSUANCE OF BUILDING PERMITS IF THE DEVELOPER

IS FOUND BY THE COUNTY TO BE IN NONCOMPLIANCE WITH ANY ONE OF THE CONDITIONS IMPOSED ON THE TAP ROOT PROJECT BY THE BOARD OF COMMISSIONERS. REQUIREMENT FOR HOME OWNERS ASSOCIATION AND RESTRICTIVE COVENANTS

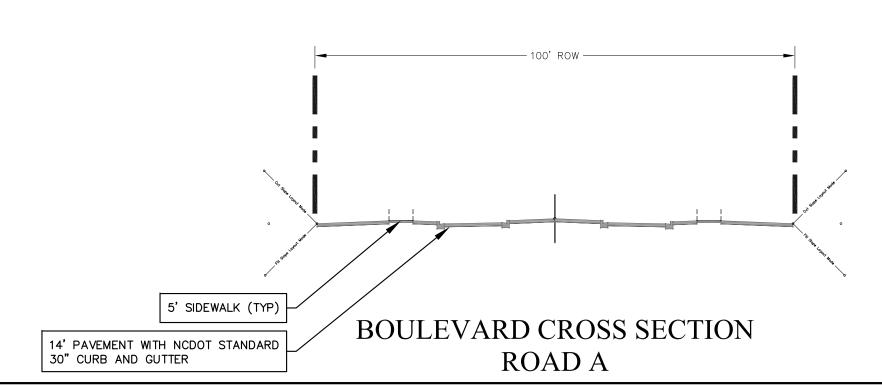
APPLICANT IS RESPONSIBLE FOR IMPLEMENTING THE DEVELOPMENT PLAN AND MAINTAINING COMPLIANCE WITH ALL OF THE CONDITIONS SET OUT HEREIN, ALL OF THE FEATURES OF THE APPROVED MASTER PLAN, AND ALL APPLICABLE PROVISIONS OF THE HENDERSON COUNTY LDC TO THE EXTENT NOT WAIVED OR MODIFIED HEREIN

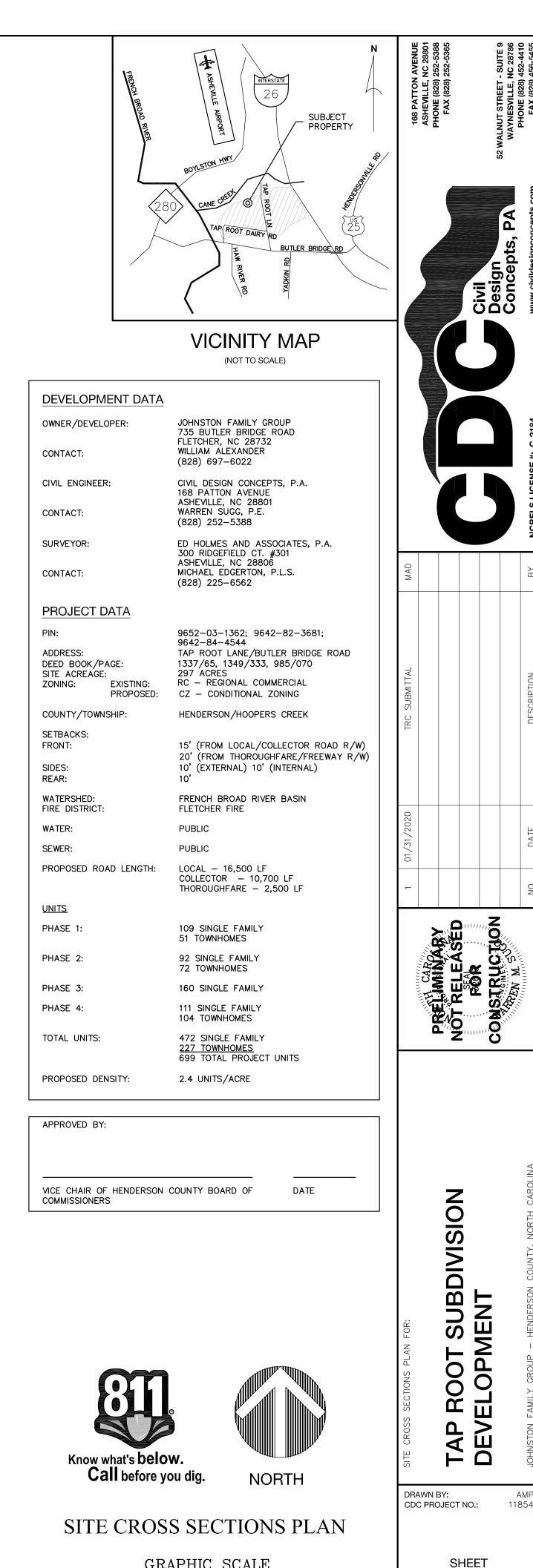
APPLICANT HAS ELECTED TO CARRY OUT SOME OF ITS RESPONSIBILITIES THROUGH A HOME OWNERS ASSOCIATION (HOA). AND THE USE OF PRIVATE RESTRICTIVE COVENANTS, AS ALLOWED BY THE HENDERSON COUNTY CODE. THE FORMS OF THE ORGANIZATIONAL DOCUMENTS AND BYLAWS FOR THE HOA, AS WELL AS THE RESTRICTIVE COVENANTS, AND OTHER DOCUMENTS GOVERNING THE OPERATION OF THE HOA AND THE PROJECT (HEREIN COLLECTIVELY "HOA DOCUMENTS") SHALL BE REVIEWED BY THE COUNTY ATTORNEY AS TO THEIR LEGAL SUFFICIENCY TO SATISFY THIS LIMITED PURPOSE PRIOR TO ISSUANCE OF THE PERMISSION OF THE PLANNING OFFICE TO RECORD THE FINAL PLAT. TO THIS END, THE COUNTY RESERVES THE RIGHT TO REVIEW ANY AMENDMENT OR REVISION TO THE HOA DOCUMENTS PRIOR TO ITS EFFECTIVENESS TO ENSURE CONTINUED COMPLIANCE WITH THIS CONDITIONAL ZONING ORDINANCE, AND OTHER APPLICABLE COUNTY ORDINANCES.

FAILURE TO COMPLY WITH ANY OF THE PROVISIONS OF THIS CONDITIONAL ZONING ORDINANCE OR THE HENDERSON COUNTY LDC, OR OTHER APPLICABLE PROVISIONS OF THE COUNTY ORDINANCES, SHALL SUBJECT THE APPLICANT OR ITS SUCCESSORS TO PENALTIES AT LAW OR IN EQUITY AS PROVIDED FOR IN THE HENDERSON COUNTY LDC, OTHER COUNTY ORDINANCES, OR NORTH CAROLINA LAW, INCLUDING REPEAL OR AMENDMENT TO THIS CONDITIONAL ZONING ENACTMENT.



TYPICAL SINGLE FAMILY CROSS SECTION STANDARD ROAD





GRAPHIC SCALE

(IN FEET) 1 inch = 20 ft. C202

