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Kernersville, NC 27285-0728134 East Mountain Street
Telephone (336) 996-3121
Fax (336) 996-4822

November 8, 2006

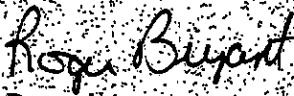
Penniston Corp
2110 Cloverdale Avenue
Winston Salem, NC 27103

Dear Sir:

At their regular monthly meeting on November 7, 2006, the Board of Aldermen approved the rezoning request for property located on Carlisle Park Drive also known as Kensington Village, Phase II being all of Lot(s) 101C of Tax Block 5345Z containing 5.56 acres more or less. This property was rezoned per your request from RM8-S PRD (Residential Multifamily maximum density 8 units per acre - Special Use District) to RM8-S PRD (Residential Multifamily maximum density 8 units per acre - Special Use District) amending number of units. A list of conditions is attached.

If you have any questions, please feel free to call Jeff Hatling at 992-0704.

Sincerely,

Roger Bryant
Interim Town Manager

/jd

cc Jeff Hatling, Community Development Director
Tim Shields, Public Works Director

ALDERMEN

Brooke W. Cashion - Inez A. Davis - Dana Caudill Jones - James G. Memory - Dawn H. Morgan

NORTH CAROLINA'S
PIEDMONT
TRIANGLE

**ORDINANCE NO. O-2006-35
AN ORDINANCE AMENDING THE
KERNERSVILLE ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF THE
TOWN OF KERNERSVILLE, NC**

BE IT ORDAINED by the Board of Aldermen of the Town of Kernersville as follows:

SECTION 1. The Kernersville Zoning Map be amended by changing from RM8-S PRD (Residential Multifamily maximum density 8 units per acre – Special Use District) to RM8-S PRD (Residential Multifamily maximum density 8 units per acre – Special Use District) for property located on Carlisle Park Drive, also known as Kensington Village, Phase II, being all of Tax Lot(s) 101C of Tax Block 5345Z containing 5.56 acres more or less and being further described as follows:

BEING KNOWN AND DESIGNATED as all of Tax Lot(s) 101C of Tax Block 5345Z containing 5.56 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina.

SECTION 2. This ordinance is adopted after approval of and upon condition of compliance with the site plan entitled Kensington, Phase II, identified as "Attachment A of the Special Use District Permit" issued by the Board of Aldermen the 7th day of November 2006, to Pennston Corporation.

SECTION 3. The Board of Aldermen hereby directs the issuance of a Special Use District Permit pursuant to Chapter 19 of the Town code for Pennston Corporation. Said Special Use District Permit and site plan with associated documents attached hereto and incorporated herein.

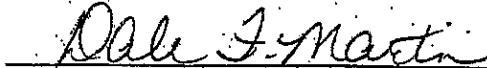
SECTION 4: This Ordinance shall be effective from and after its adoption.

Adopted this the 7th day of November, 2006.



Mayor

ATTEST:



Town Clerk



SPECIAL USE DISTRICT PERMIT

Issued by

Board of Aldermen of the Town of Kernersville

The Board of Aldermen of the Town of Kernersville has issued a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Pennston Corporation. The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit" for Kensington, Phase II, approved by the Board of Aldermen the 7th day of November 2006 and signed, provided the property is developed in accordance with requirements of the zoning district of RM8-S PRD (Residential Multifamily maximum density 8 units per acre – Special Use District), Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws.

Site Plan Conditions: Approval with the following conditions.

- Asterisk delineates standard conditions.

Public Works

1. The private alleyway, including turning radii, shall be constructed to standard sufficient to support service vehicles.
2. A 10-foot public utility and drainage easement shall be recorded behind the private alleyway corridor.
3. Developer shall post signage in the alleyway stating - "Resident Drivers shall yield to Service Vehicles".
4. *All public streets and utilities within the subdivision shall be designed and constructed to the Town of Kernersville Design and Construction Specifications Manual.
5. *All water and sanitary sewer drawings, with appropriate easements, shall be approved by the City-County Utilities Commission.
6. *All storm drainage easements meeting the Town's easement requirements as outlined in the Design and Construction Specifications Manual shall be shown on the final plat.
7. A note on the Final Plat shall state: "All storm drainage devices including but not limited to; pipes, drainage boxes, inlets, outlets, and open channel conveyances located outside of the public right-of-way shall be maintained by the Homeowners Association."
8. *All detailed construction plans must be submitted and approved by the Public Works Department and other agencies with jurisdictional authority prior to construction.
9. *A stormwater management plan prepared by a professional engineer, submitted for review and approval by the Public Works Department, is required for each phase of development. When final development plan(s) are submitted, the design engineer will include provisions for treatment of stormwater runoff where feasible. Treatment options may include, but are not limited to: curb cuts, grass-lined swales and waterways, and natural stormwater conveyance buffers. If the developer has elected to develop under the high-density option, impervious surfaces within each phase of development shall be collected and properly treated in an approved stormwater best management practice (BMP). Further, any off-site stormwater drainage which cannot be bypassed must also be treated in the BMP. Should a watershed protection pond be a BMP of choice, a good faith effort by the designing engineer shall be made to minimize its potential classification as a high hazard dam. All other provisions of the Town's Watershed Protection Ordinance shall be met. Once the development reaches 24%, all permanent stormwater management devices shall be installed

prior to issuance of the next "Certificate of Occupancy" permit. All stormwater management requirements and regulations that are applicable and adopted by the Town and/or NCDENR and/or other regulatory agencies with jurisdiction over the site at the time of submittal of final development plans shall be followed. Also, a good faith effort should be made to obtain off-site easements where pond discharges onto adjacent developed properties up to a defined channel.

10. *In addition to the above, a detailed grading plan for lot drainage shall be submitted with construction plans for roadways, storm drainage systems, and the water and sewer systems. The detailed grading plan shall include, among other things, consideration of and provisions for adequate drainage of surface water between and around dwelling units. Finish grading in the vicinity of the building foundation shall result in a minimum slope away from the building of six (6) inches in 10-feet and be in compliance with the most current requirements of the North Carolina Building Code. Shallow, grassed drainage swales provided to transport surface water drainage between and around dwelling units shall have a minimum slope of two (2) percent.

Other Conditions:

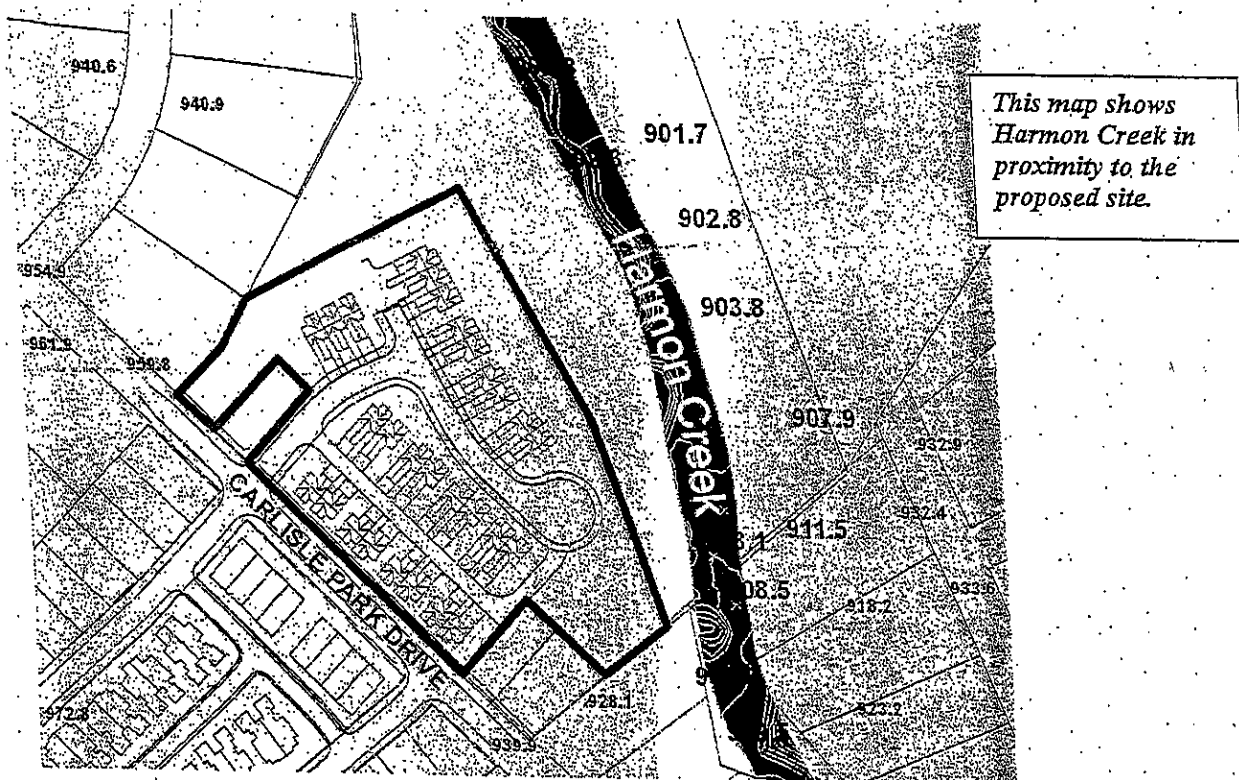
11. Architectural construction shall meet the requirements of the PRD and RM8; architectural components of each unit and the single-family structure proposed shall keep in the same characteristics as the existing Kensington Village Development. This language shall be incorporated by the developer into the restrictive covenants of Kensington Village. The petitioner has offered the following conditions:

- Heights up to 1½-story, duplex or triplex units with a combination of brick, vinyl shakes, round and or square columns, with vinyl siding on the rear of units (Exhibit A).
- The structures shall be built in the architectural style and incorporate architectural features as presented by the original petitioner. The architectural style is "neoclassical" (neoclassical incorporates a variety of classical architectural features into a structure). The architectural features include, but are not limited to:
 - Windows that shall include the use of bay windows, cameo windows, eyebrow dormers, round-head windows and clerestory windows. The windows trim incorporate the use of decorative shutters, heads, aprons and cornices.
 - The doors shall be paneled style with transom and /or sidelight trim.
 - Porches shall be used on all townhomes and the majority of single-family homes. The porches are one and two bay porch styles with column supports.
 - The roof type shall be hip and gabled, with a minimum of three off set roof pitches. Dormers shall be considered a roof pitch.



12. Prior to construction, a temporary public greenway easement shall be delineated upon the designated Kensington Village common area along Kerner Mill Creek, up to Kenville Green Court turn-around between units 66 and 65 shown on the submitted site plan. The temporary public greenway easement shall be recorded at the time of the first final plat recording of Phase II.

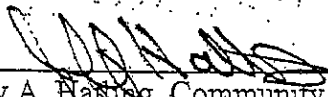
13. A 30' permanent greenway easement shall be created after construction of the public Town greenway.
14. A walking trail shall be created from the Kenville Green Court turnaround that serves units 64-65 to Kerner Mill Creek.
15. * All Fire Department requirements shall be met during and after the construction process. Fire hydrant locations shall be submitted to the Fire Marshall for review and approval prior to submittal to City-County Utilities Commission.
16. Outdoor street lights shall be the same style as the existing Kensington Village.



Existing Conditions (Remain in effect):

17. Install 30' Type II bufferyard along the perimeter of the site. No parking, loading, or access facilities are permitted in the bufferyard.
18. Carlisle Park Drive must be constructed to Town standards with curb and gutter and sidewalks.
19. Provide Engineered Stormwater Plan for the entire site.
20. Prepare plans and profiles for streets, utilities, drainage for review by Town of Kernersville and City/County Utilities.
21. Pay all assessments as required by City County Utilities..
22. Form Homeowners Association for maintenance of common areas.
23. Plat in accordance with Subdivision Ordinance requirements.
24. *Developer shall submit a recorded plat(s) to the Register of Deeds Office.
25. *All landscape requirements for parking lot, streetyard and bufferyard shall be met. Landscape must be installed or cash bond will be allowed if planting is delayed. Provide a landscape plan at the request of the first building permit.
26. All UDO Planned Residential Development standards apply to this site.
27. Site easements of 120' x 20' must be provided at the 90 degree turns on private streets.

28. *Submit all street names, private included, to CCPB per approval prior to recordation of final plat. Street signs to be paid for by developer prior to signatures on final plat.
29. Developer shall provide to the Planning Office, elevations and standards for architectural style(s), and/or standard construction features that will be a part of the Homeowners Association.


Jeffrey A. Hasing, Community Development Director

(C) **ACCESS**

In the AG, RS, and IP Districts, the site shall have direct access to a major or minor thoroughfare.

(D) **PERMITTED DENSITY IN RS DISTRICTS**

In the RS Districts, the maximum density shall be eighteen (18) beds per acre.

(E) **CALCULATION OF DENSITY IN RM DISTRICTS**

In the RM Districts, density shall be calculated with three (3) beds equaling one dwelling unit.

2-5.53 OUTDOOR DISPLAY RETAIL

(A) **LB DISTRICT**

In the LB District, outdoor display retail is only permitted in Growth Management Areas 4B and 5 and limited to a maximum zoning lot size of one acre (Section 2-1.3(G)(3)(a)).

(B) **MOTOR VEHICLE STORAGE YARDS**

Any outdoor area meeting the definition of a motor vehicle storage yard shall comply with the requirements of Section 2-5.51.

2-5.54 PARK AND SHUTTLE LOT

(A) **IN RESIDENTIAL DISTRICTS**

Where any newly constructed park and shuttle lot abuts residentially zoned land or a residential use, said parking shall be set back a minimum of fifteen (15) feet. All parking shall comply with the design standards and requirements in Section 3-3.3.

(B) **IN BUSINESS, OFFICE AND INDUSTRIAL DISTRICTS**

Park and shuttle lots in business and industrial zoning districts shall comply with the design standards and requirements in Section 3-3.5(C).

2-5.55 PARKING, OFF-SITE, FOR MULTIFAMILY OR INSTITUTIONAL USES IN RS AND RM DISTRICTS

Off-site parking in RS or RM District for multifamily or institutional uses not permitted in the applicable zoning district must meet the requirements of Section 3-3.4(A).

2-5.56 PLANNED RESIDENTIAL DEVELOPMENT

(A) **PURPOSE**

The purpose of the planned residential development is to encourage the development of living environments which meet the needs of the people who live in them by providing certain development privileges in exchange for preplanning and design considerations and to allow developments that are similar in character and/or enhancement to the surrounding area. The planned residential development provides flexibility in utilizing new development concepts and in introducing variety into neighborhoods by encouraging mixed uses, private roads, variable lot size, and environmentally sensitive design which promotes the conservation of open space.

(B) **MINIMUM SIZE**

A planned residential development shall be located on a site containing at least five (5) contiguous acres, except where single family residential is the only use in the planned residential development.

(C) **LAND OWNERSHIP**

At the time of application for a planned residential development, all land, structures and other real property shall be in single or joint ownership of whatever form, or the petitioner shall have the right to acquire ownership under a valid option, and this information shall be included in the submission of an application for a planned residential development.

(D) PERMITTED PRINCIPAL USES

- (1) Uses in Applicable Zoning Districts.** Land may be used and buildings erected, altered, enlarged, or used to include all uses permitted within the applicable zoning district. In addition, in the RSQ and RS-7 Districts, up to twenty-five percent (25%) of the total number of units may be multifamily residential units with approval of a special use permit from the Elected Body.
- (2) Additional Uses.** Nonresidential uses permitted in the NO and NB Districts shall be permitted in a planned residential development containing at least one hundred (100) dwelling units and located in a residential zoning district other than the YR or AG Districts.

(E) RELATIONSHIP TO OTHER APPLICABLE REGULATIONS

A planned residential development shall be subject to all applicable standards, procedures, and regulations of these Ordinances and the zoning district in which it is located unless otherwise set forth in this section.

(F) MAXIMUM DENSITY

Maximum residential density shall be in accordance with the zoning district in which the planned residential development lies, unless the incentives for density bonuses as set forth in Section 2-5.57(G) below apply.

(G) INCENTIVES FOR DENSITY BONUS

- (1) Protection of Steep Slopes.** If the developer of a planned residential development proposes to permanently prohibit development on portions of the site with average slopes of twenty percent (20%) or greater, the density bonus provision of Section 2-5.57(G)(2) below may be utilized.
- (2) Density Bonus.** The permitted density of the planned residential development shall be computed by including in the land area of the site an assumed additional area equal to fifty percent (50%) of the permanently restricted land identified in Section 2-5.57(G)(1) above.
- (3) Limitation of Density Bonus.** The density with the bonus density provision shall not increase by more than twenty-five percent (25%) the maximum density otherwise computed in Section 2-5.57(F) above without reference to this Section 2-5.57(G). In the YR District, the permitted density shall not exceed two (2) units per acre of developable land not restricted by floodplain or hillsides.
- (4) Applicability of Density Bonus Provisions.** The computation allowed by this section shall be used solely for purposes of computing permitted density, and shall not apply to the development standards of Section 2-5.57(H) below.

(H) DEVELOPMENT STANDARDS

A planned residential development shall meet the following standards:

(1) Bufferyard.

- (a) Width and Location of Bufferyard and Streetyard.** A minimum thirty (30) foot wide type II bufferyard shall be provided around the entire perimeter of the zoning lot, except at such locations where residential lots within the planned residential development:
 - (i)** equal or are less in density than the density of the adjacent residential lot; or,
 - (ii)** meet or exceed the minimum lot requirements of a single family residential zoning district adjacent to and outside the planned residential development.

A streetyard tree shall be placed either within twenty (20) feet of the right-of-way or easement, or within the right-of-way of a Public Works approved utility corridor plan.

The minimum planting intervals shall be one tree per lot or fifty foot on center whichever is less.

- (b) **Access Drives.** No loading space, parking space, or access drive to a parking space shall be permitted within the required bufferyard, with the following exceptions:
 - (i) An access drive to off-street parking serving a single family detached dwelling, whether inside or outside of a carport or garage attached to or detached from such dwelling. Such access drives shall not constitute off-street parking as required in Section 3-3.
 - (ii) Drives not longer than fifty (50) feet which provide access to the planned residential development.

(2) **Required Parking**

- (a) **Off-Street Parking.** Off-street parking shall be provided in compliance with Section 3-3, except that the parking requirements may be met through group parking located on commonly owned land.
- (b) **Special Accommodations.** Special accommodations for recreational vehicles, including boats, may be provided in group parking areas. Such special parking areas shall be designated and screened from adjacent residential uses.

(3) **Private Streets.** Private streets are permitted according to the following requirements:

- (a) **Width.** Access easements for roads must be a minimum of thirty (30) feet in width.
- (b) **Utilities Easements.** Utilities easements at a minimum width of seven and one-half (7.5) feet must be provided on each side of the road.
- (c) **Road Construction Materials Standards.** Town of Kernersville road construction materials standards must be met.

(4) **Pedestrian Access.** Pedestrian and other modes of nonvehicular movement shall be provided and separated from vehicular traffic, and shall provide a safe connection between major uses on the site.

(5) **Impervious Surface Cover.** Buildings and improvements on single family lots in a planned residential development which have at least five thousand (5,000) square feet shall not be calculated as impervious surface cover in RM Districts.

(6) **Nonresidential Uses.** Nonresidential uses as permitted by Section 2-5.57(D)(2) shall meet the following requirements:

- (a) **Orientation.** A nonresidential use in a planned residential development shall be designed and located to serve primarily the residents of the planned residential development. Such use shall be located on and shall face an internal street of the development, and shall not access directly on a street outside the planned residential development.
- (b) **Amount.** No more than twenty-five (25) square feet of gross floor area per dwelling unit, up to a maximum of twenty thousand (20,000) square feet, shall be permitted for nonresidential uses in the planned residential development.
- (c) **Size of Nonresidential Structures.** Structures containing only nonresidential uses shall

be limited to a gross floor area no greater than fifteen hundred (1,500) square feet each.

- (7) **Lot Dimensional Requirements and Spacing of Structures.** The lot and setback dimensional requirements of the zoning district for individual lots within the planned residential development are waived except for a minimum twenty (20) foot building setback from public rights-of-way and a minimum thirty (30) foot building setback from the centerline of private streets. Minimum distances between townhouse and multifamily structures shall be those set forth in Section 3-1.2(K). Minimum distances between single family, duplex, and twin home structures shall be as follows:
- (a) **Front facing front.** The minimum distance between the front wall of structures oriented so as to face each other shall be not less than thirty (30) feet from one another, provided neither shall be closer than ten (10) feet from the nearest right-of-way line of a public street or private access easement.
 - (b) **Rear facing rear.** Dwellings oriented back to back shall be subject to the following provisions:
 - (i) The minimum distance between rear walls of the dwellings shall be no less than thirty (30) feet.
 - (ii) Carports or garages shall be permitted in the intervening space between dwellings oriented back to back provided:
 - [A] Carports or garages shall be no more than one story and of a total dimension not greater than twenty-four (24) feet by twenty-four (24) feet, whether attached or detached from the dwelling.
 - [B] The rear walls of two carports or garages oriented back to back shall not be closer than six (6) feet.
 - [C] The rear wall of the carport or garage of one dwelling shall be no less than thirty (30) feet from the rear wall of another dwelling to which it is oriented back to back. For the purpose of this provision, the rear wall of the carport or garage shall be that wall opposite the front wall of the dwelling it serves, whether or not it shall be the entrance wall of such carport or garage.
 - (c) **Front facing side.** The minimum distance between the front wall of the structure and the side wall of another structure shall not be less than fourteen (14) feet.
 - (d) **Side facing side.** The minimum distance between side walls of structures shall not be less than fourteen (14) feet.
 - (e) **Rear facing side.** The minimum distance between the rear of a structure and the side of another structure shall not be less than ten (10) feet.
 - (f) **Rear facing front.** The minimum distance between the front wall of one structure and the rear wall of another structure shall be not less than thirty (30) feet, provided neither shall be closer than ten (10) feet from the nearest right-of-way line of a public street or private access easement.
- (8) **Common Recreation Areas.** Common recreation areas shall be required in accordance with Section 3-6 for a planned residential development containing forty (40) units or greater. Life Care Developments and other housing occupied by persons who are at least fifty-five (55) years of age or disabled are exempt from this requirement.

(9) **Common Open Space:**

- (a) **Area.** Common open space shall not be less than the following percentages of the land area of the planned residential development, excluding dedicated public rights-of-way or private access easements.

UNDERLYING ZONING DISTRICT	OPEN SPACE
YR	50%
AG	35%
RS-40	25%
RS-30	25%
RS-20	15%
RS-15	10%
RS-12	10%
RS-9	10%
RS-7	10%
RSQ	10%
RM	10%
IP	10%
MU-S	10%

- (b) **Minimum Average Open Space Quotient.** The minimum average open space quotient shall be determined by dividing the square footage of open space used to satisfy the requirement in Section 2-5.57(H)(10)(a) above, by one quarter (0.25) of the lineal footage of its periphery. The minimum average quotient throughout the development shall not be less than one hundred (100) feet.
- (c) **Location.** The open space area required in Section 2-5.57(H)(10)(a) above and which is held by a non-profit homeowners association shall adjoin the planned residential development for at least fifty (50) percent of the periphery of such required open space.

(10) **Development Standards**

- (a) **Building Design.** Applicant shall submit at the time of submittal the following design details:
- ☐ Building Design
 - ☐ Facade Materials
 - ☐ Window/Door Materials
 - ☐ Roof Materials
 - ☐ Architectural Features
 - ☐ Lighting
 - ☐ Walkways
 - ☐ Parking and Driveways Building Setbacks

- ☐ Building Orientation (location of primary entrance)
- ☐ Building-to-Land Ratio
- ☐ Garage Location
- ☐ Accessory Building Size/Placement on Lot (includes gazebos, sheds, and other outbuildings)
- ☐ Minimum/Maximum Lot Widths
- ☐ Minimum/Maximum Lot Size.
- ☐ Building Width
- ☐ Building Height
- ☐ Roof Shape
- ☐ Deck Size/Location
- ☐ Type of entrance ways and porches
- ☐ Screening and Landscaping
- ☐ Signage
- ☐ Street entrance

(b) **Findings.** Findings shall be made to determine if the proposed design is similar in character and/or enhancement to the surrounding area.

(I) **RESPONSIBILITY FOR COMMON OPEN SPACE AND AMENITIES.** Land not to be held in private ownership shall be owned by a nonprofit corporation in which all owners of property within the development have automatic membership rights and assessment obligations for the maintenance of these areas. These automatic membership rights and assessment obligations shall be covered by covenants running with the land and other contractual provisions as to insure the proper maintenance of all commonly owned areas, and shall include provision for liens against the individual properties and legally enforceable personal obligations on the part of the individual property owners in the development. Such covenants shall be recorded in the office of the Register of Deeds and such contractual rights and obligations shall be established prior to the issuance of a building permit.

(J) **PLATTING REQUIREMENTS.** All planned residential developments shall meet the requirements of the *Subdivision Ordinance*. In addition, prior to a permit being issued for the construction of any building, there shall have been recorded in the office of the Register of Deeds, a plat of the property or section thereof, showing: easement and right-of-way widths, street widths, the actual or approximate location of single family lots, commonly owned tracts, and lots and buildings to be occupied by other uses.

(K) **Special Use District.** PRD's are only allowed in a Special Use District.

2-5.57 POLICE OR FIRE STATION

The site shall have direct access to a major or minor thoroughfare.

2-5.58 RECREATION SERVICES, INDOOR OR RECREATION SERVICES, OUTDOOR

(A) **Prohibited Recreation Services, Indoor:**
Bowling Centers, Coin-Operated Amusement Devices and Amusement and Recreation.

(B) **The following conditions shall be met in the IP District:**

(1) **OPERATION BY A PUBLIC OR NOT-FOR-PROFIT ORGANIZATION**
The recreation services facility must be operated by a public or not-for-profit organization.

(2) **MINIMUM SITE SIZE**
The minimum site size shall be two (2) acres.

(3) **ACCESS**
The site shall have direct access to a collector street, a minor thoroughfare, or a major

CEBENERSVILLE NC 27284
BLOCK 5345Z LOT 22

City Project # 1200
20' Sanitary Sewer Estmt.

55° 70° 55°

55° 70° 55°

30' Private Access Easement

10' Utility Easement	15' min.
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10' Utility Easement

C. M. WOODWARD
CONSTRUCTION INC
362 CARULE PARK DR
KERNERSVILLE NC 27284
BLOCK 5345Z LOT 23

Proposed
Lot 24

20' Public Sanitary Sewer Easement

10' Utility Easement