

Proposed Riverfront Urban Mixed Use Zone Terms & Conditions

KFJ Development Group LLC- 1100 Point Harbor Road

1. Conditions to approval of the application for the Riverfront Urban Mixed Use zoning district classification:
 - a. The uses and density shall be in accordance with the Master Development Plan and this Terms & Conditions document. Maximum building heights shall be in accordance with the approved Riverfront Urban Mixed Use District (RUMXZ) in place on the date of adoption. Building height is defined as that measured from the base plate of the building to the highest point on the roof, excluding antennas.
 - b. The use and development of the project with all applicable regulations and requirements imposed by the New Hanover County Unified Development Ordinance (UDO), and any other applicable federal, state, or local law;
 - c. Approval of this rezoning does not constitute technical approval of the site plan. Issuance of all required permits must occur prior to construction commencing.

2. Reference to the RUMXZ, including any density/intensity standards, dimensional standards, and development standards:
 - a. Maximum density permitted in the Riverfront Urban Mixed Use (RUMXZ) District is unlimited for residential units in a vertically integrated mixed-use building.
 - b. Proposed maximum density of combined residential and hospitality units(which can be used for hotel/motel rooms or residential units) on this master development plan is 1,183 or 141.8 units per acre.
 - c. Maximum of 56,500 square feet of commercial/nonresidential uses (excluding hotel/motel units)
 - d. The project shall be developed in accordance with County, State, and Federal building, and environmental regulations, including compliance with current open space and storm water runoff requirements.

- e. Riverfront shoreline is to be of a “living shoreline” design per all applicable USACE and CAMA standards, except where a river ferry or taxi dock is applicable. Approved bulkhead sheeting is permitted in the dock area only. This project shall be developed and engineered in accordance with all County, State, and Federal building, and environmental regulations.
 - f. A Riverwalk length equal to a minimum of ninety percent (90%) the river frontage is required in the RUMXZ district. The project will be developed with a River walk length of a minimum of ninety-two (92%) of the river frontage.
 - g. Sidewalks will be provided along one side of the roads within the development at a width of six feet (6’) except where existing wetlands preclude the six-foot (6’) width therein the widest sidewalk possible up to six feet (6’) will be utilized.
 - h. Open space shall be a minimum of 25% of the site.
 - i. The Riverwalk will be privately maintained but for public use.
 - j. Walking paths that fully envelope the site to provide the ability to take advantage of the restored environment of the site.
3. Conditions related to the approval of the RUMXZ plan, including any conditions related to the form and design of development shown on the Master Development Ordinance:
- a. Vehicular access from the Riverfront Urban Mixed-Use site will be from existing, street scaped Harbor Point Road;
 - b. Bicycle and Pedestrian access will be from Harbor Point Road;
 - c. Uses to be excluded from consideration in this application are as follows: Dwelling, Dual-Unit attached; Dwelling, Quadraplex; Dwelling, Single Family Detached; Dwelling Two-Family; and Dwelling, Row-Style.
 - d. River access will be available from a dedicated river ferry component via the ferry dock;
 - e. The Riverwalk will be in place prior to the issuance of the first Certificate of Occupancy for the second building constructed.
 - f. To the extent necessary to satisfy County and State standards additional vegetation and fencing will be added in the buffer area of State Route 421.

4. Provisions addressing how transportation, portable water, wastewater, stormwater management and other infrastructure will be provided to accommodate the proposed development:
 - a. Transportation will be provided by access to a public right of way.
 - b. Potable water will be provided by Cape Fear Public Utility Authority (CFPUA)
 - c. Wastewater will be provided by CFPUA.
 - d. Stormwater will be managed on site in accordance with NCDEQ and CAMA restrictions and regulations, will comply with all County, State regulations and any permit issued for the site. The engineers who will design and implement the stormwater plan have not been selected to date.
 - e. Infrastructure will be designed in accordance with the North Carolina building and energy codes, all other applicable government regulations, laws, and ordinances will be developed to be consistent with the approved RUMXZ.
5. Provisions related to environmental protection and monitoring:
 - a. Any 404 wetlands and Costal Marsh determined to exist on the site will be handled in accordance with all CAMA and USACE requirements. The developer will comply with all applicable regulations, laws, and ordinances from local, state, and federal sources with jurisdiction over the site.
 - b. Flood related design and mitigation is outlined in the attached design standard.
6. Any other provisions relevant and necessary to the development of the Riverfront Urban Mixed-Use Zone in accordance with the applicable standards and regulations:
 - a. All uses outlined for the RUMXZ district will be allowed, except as outlined in Note #2 above.
7. Identify the proposed community benefits. They may include but are not limited to, improved design, natural preservation, rebuilding and recharging of the riverfront ecology, improved public access, improved transportation access, mixed-used development, green building practices, and improved riverfront access.

The community will benefit from the development contemplated herein for the following reasons identified in the New Hanover County Unified Development Ordinance.

a. Improved design: The use of architectural design that exceeds any minimum standards established in the UDO or any other County regulation, or the use of building design that projects a sleek contemporary exterior mainly consisting of solar filtering glass, a dedication encouraging pedestrian access from both the riverfront and non-vehicular internal access, the design philosophy of a raised first floor occupiable elevation to counter potential flooding issues, and the developers dedication to the environmental and ecological restoration of the riverfront. The location of the high-density multifamily uses in the center of the site to promote easier resident friendly access to lifestyle amenities without additional vehicle trips.

b. Natural Preservation: The preservation of sensitive lands such as natural habitats, natural features, or landscaping that exceed the requirements of this UDO, located throughout the site. The cleanup of the riverfront along with the recharging of the riverfront through a natural living shoreline philosophy. The general site cleanup which includes a “Brownfield” regulated raw site remediation will combine to create a site which will exceed the “as is” condition existing and serve as a model of the County’s commitment to the smart well thought out rebirth of the west bank of The Cape Fear River.

c. Improved access for vehicles and county residents: The combination of the River Ferry, which provide additional connectivity to and from the development will allow for the public to benefit from this development without additional vehicular trips.

d. Mixed Use Development: The proposed development will have a mixture of residential and commercial uses within the property boundaries, integrated through primarily pedestrian paths to promote interconnectivity. Integration is primarily vertical, but there is a substantial horizontal mixed-use structure included in the proposed development plan.

e. Additional to the health and economy of the citizens and visitors of the county. The proposed development would be an example of successful High Density intelligent and environmentally sensitive mixed-use philosophy by repurposing a current inactive polluted industrial site into an example of the growth and maturity of the New Hanover County market. This project is designed to add substantially to the commercial and residential floorspace in the county while providing for the environmental remediation of the area's most valuable resource, The Cape Fear River. Additionally, this project expands greatly services and amenities to a current barren section of the county while seamlessly integrating into the Future Master Plan of the County.

While specific tenants have not been determined, it is the developers desire to include multiple and varied dining establishments, a premiere full-service hotel, grocery store, multiple car-charging stations, lifestyle amenities and a vibrant active riverfront with open spaces and a marine amenity where today there is none.