Town of Pittsboro, North Carolina

Department of Planning
(919) 542-4621, Ext. 34

MEMORANDUM

TO: Bryan Gruesbeck, Town Manager

FROM: Stuart W. Bass, Planning Director

SUBJECT: Text Amendments
ZTA-1013-01 Planned Development District
ZTA-2013-02 Associated Amendment to the Subdivision Ordinance

DATE: March 6, 2013

Please find attached two separate text amendments for review and consideration; (1) creating a new zoning district and, (2) a minor change to the Subdivision Ordinance.

These amendments have been submitted by Chatham Park, LLC in anticipation of future development.

This proposal was reviewed by the Town Planning Board at its regularly scheduled meeting on Monday, March 4, 2013, and is being forwarded to the Town Commissioners with a positive recommendation for approval.

Recommendation

The request before you is to establish a Public Hearing date of March 25, 2013 for consideration of this text amendment.

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A summary of the specific objective of the proposed text change.

A Zoning Ordinance text amendment is proposed to create a new zoning district. This proposed new district is a Planned Development District (PDD). The objective of the text change is further explained in the description of that new district. The description of the proposed new district is as follows:

PDD Planned Development District

This district is established and intended to promote innovative land planning, design and layout of large development projects that may not otherwise be permitted under general zoning district standards, subdivision regulations, or other development requirements. (The words "standards", "requirements", and "regulations" are used interchangeably in Article V when referring to development standards). The PDD district promotes innovative land planning, design and layout by:

(1) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards or regulations that were designed primarily for individual lots;
(2) Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
(3) Allowing greater freedom for a broad mix of various land uses in the same development;
(4) Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses;
(5) Encouraging quality urban design by allowing higher densities when such increases are supported by superior design or the provision of additional amenities; and
(6) Advancing public health, safety and general welfare.

In return for greater flexibility, planned developments in this district are expected to deliver communities of exceptional design, character and quality that preserve critical environmental resources and provide open space amenities. Such communities incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. Because flexibility is essential for the development of such communities, variations from otherwise applicable regulations and standards may be granted with the adoption of the required Planned Development District Master Plan (PDD Master Plan).

PROPOSED NEW PLANNED DEVELOPMENT DISTRICT (PDD)
TEXT OF THE PROPOSED ORDINANCE AMENDMENT

(Items in italics are instructions and not part of the proposed text. Text is now presented as it would be placed in specific sections of the Zoning Ordinance, June 2012.)

ARTICLE IV

4.1 Zoning Districts
(Add the following to the list of zoning districts.)

PDD Planned Development District

ARTICLE V

5.1 Description of Districts
(Add the following section.)

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5.2.2 NOTES TO THE TABLE OF PERMITTED USES
(Add the following section.)

NOTE 10. Planned Development Districts (PDD)
A Planned Development District may contain any use listed in the Permitted Use Table (Section 5.2.1) and specified in the approved PDD Master Plan. All uses that are set out in the approved PDD Master Plan shall be treated as a "Use By Right" within the PDD, including those identified in this ordinance as "permitted by right" and those "permitted by SUP (Special Use Permit) only." The PDD Master Plan shall establish the general locations for permitted uses. The permitted uses may vary for different areas or phases of the PDD Master Plan.

The PDD Master Plan shall identify the total number of residential units and the maximum square footage for non-residential uses. The form for presenting these quantities shall be determined by the applicant, but the form shall be clearly presented and easy to track. If the measure used includes density, gross density is the applicable standard. (Gross residential density is defined as the total number of dwelling units divided by the total acreage in the PDD. Gross non-residential density is defined as the total square footage of non-residential uses divided by the total acreage in the PDD.) The identified quantities for both residential and non-residential uses may be moved between or within areas or phases shown in the PDD Master Plan so long as neither the maximum number of residential units nor the maximum square footage for non-residential uses in the PDD Master Plan is exceeded.

For uses listed as "permitted by SUP (Special Use Permit) only" in the Table of Permitted Uses and included as permitted uses in the PDD Master Plan, the PDD Master Plan will establish the development standards to mitigate, if necessary, the impacts of each such use, especially with regard to property adjacent to the PDD.

5.4.1 NOTES TO THE TABLE OF AREA, YARD AND HEIGHT REQUIREMENTS
(Add the following section.)

NOTE 15. Planned Development Districts

(a) Development standards established by the approved PDD Master Plan shall be the applicable development standards within the PDD. Such standards may include, but are not limited to, building height, building separations, building setbacks, lot size, yard, buffer and landscape requirements or other development standards.

Except as otherwise provided by the approved PDD Master Plan, property within an approved PDD shall be subject to all applicable regulations, subdivision plan approvals, site plan approvals, and other permits and approvals required by Town ordinances.

(b) Development in a PDD district is subject to applicable overlay district regulations unless amended, waived or modified in accordance with the terms of the approved PDD Master Plan.

(c) The development standards within the PDD may be varied for and within different areas or phases of the PDD. Such variations in standards shall be identified in the PDD Master Plan.

(Add the following section.)

5.8 PLANNED DEVELOPMENT DISTRICT (PDD)

5.8.1 The PDD is a base-zoning district, not an overlay district. Except as modified by specific procedures set forth herein, a PDD zoning district shall be established through the process for rezoning property pursuant to the procedures for a "General Use" rezoning as contained in Article X of this ordinance. An application to rezone to a PDD must be signed by the property owner(s) or agent of the owner(s).

The Town Board of Commissioners may recommend revisions or additions to a proposed PDD Master Plan, or to a proposed amendment to a PDD Master Plan, that promote the intentions of the Planned Development District identified in Section 5.1.P of this ordinance. The applicant, at anytime prior to the Board's vote, may amend a proposed PDD Master Plan, or a proposed amendment to a PDD Master Plan.

5.8.2 Size of a PDD

A PDD shall be one hundred (100) acres or more in size.

5.8.3 Required PDD Master Plan

Submittal of an application to rezone property to a PDD shall include submission of a Planned Development District Master Plan (PDD Master Plan). The PDD and the PDD Master Plan shall be treated as a single item when acted on by the Board of Commissioners. The form and elements of the PDD Master Plan are listed below.

The PDD Master Plan shall include the following:

- a map, including parcel numbers, showing the parcels proposed for the PDD (County GIS maps are adequate);
- a topographic map(s), for the property included in the proposed PDD (County GIS maps are adequate);
- a list of permitted uses proposed in the PDD;
- the general locations of the proposed uses;
- a summary of the amount, quantity, or gross density of those uses proposed in the PDD;
- a map(s) showing the locations of water bodies appearing on USGS or NRCS Soil Survey maps within or adjacent to the boundary of the proposed PDD;
- a map(s) showing the locations of wetlands, stream buffers, the 100 year floodplain, and slopes greater than 20%;
- a utility plan that includes the type and general location of the following existing and proposed public utilities:
  - water
  - wastewater
  - reuse water;
- a general plan addressing stormwater within the proposed PDD;
- a public service plan for the PDD that evaluates potential impacts on:
  - police service
  - fire service
  - schools;
- a multi-modal transportation plan for the PDD that includes:
  - the location of existing and proposed major roads in and adjacent to the PDD;
  - a general plan for an on-site transportation system that addresses vehicular, bicycle, transit and pedestrian circulation;
- the location of known historic structures or sites within the PDD;

- a recreation and open space plan(s) that includes the locations and standards for greenways, open spaces, and recreation areas within the PDD;
- a boundary buffer plan showing transition treatments between the proposed PDD and adjacent properties;
- proposed land development standards/regulations for the PDD; and,
- a plan for development phasing within the PDD.

Further explanations of some of the foregoing required elements are listed in Sections 5.2.2, Note 10; 5.4.1, Note 15; and 5.8.4 through 5.8.8 below.

In addition the applicant may choose to include other items or plans. The elements of the PDD Master Plan may be presented in various forms and can include any combination of text and illustrations deemed appropriate by the applicant. The form(s) chosen should clearly illustrate the element of the PDD Master Plan being presented.

5.8.4 Land Use Mix

(a) A mix of land uses is expected in the PDD zoning district. The PDD Master Plan shall identify how uses will be mixed within the PDD. Uses may vary for and within areas or phases of the PDD and it is acknowledged that the mix of uses may need to change over time.

(b) Planned developments containing both residential and non-residential uses shall be designed, located, and oriented on the site(s) so that non-residential uses are accessible to residents of the development. In general, the proposed development shall provide for connectivity of land uses through a network of roadway improvements and pedestrian sidewalks and/or trails and/or bicycle facilities, the final layout of which will be determined as specific site plans or subdivision plans are approved.

5.8.5 Utility, Stormwater and Public Service Plans

The PDD Master Plan shall identify the types and locations of existing public utilities and public services (police, fire services, and schools) within the PDD. Additionally, proposed facilities included in the Town's Capital Improvement Program or County Schools Plans shall be identified. Adopted municipal plans related to public water, wastewater, reuse water and stormwater shall also be identified. The PDD Master Plan shall consider how these facilities, utilities, and services, both existing and planned, might be used or incorporated into development of the PDD. The

PDD Master Plan may propose revisions, alternatives, and/or clarifications to these plan. These plans will, by necessity, become more specific as development progresses. In addition, the PDD Master Plan shall include a timeline or phasing plan, so that public infrastructure is installed as needed to serve the PDD. The installation of utility infrastructure shall not be required before it is needed to service property subject to the PDD Master Plan.

5.8.6 Multi-modal Transportation Plan

The PDD Master Plan shall include an on-site transportation system plan addressing vehicular, bicycle, transit and pedestrian circulation. The PDD Master Plan shall show the location of existing and proposed major roads within the PDD as shown in the adopted Town Comprehensive Transportation Plan. To the extent practicable, the on-site transportation system shall be integrated with the off-site transportation system shown on the adopted Town Comprehensive Transportation Plan. The PDD Master Plan may propose revisions, alternatives, and/or clarifications to this plan. A traffic impact analysis (TIA) is not required for the approval of a PDD. The installation of transportation infrastructure shall be required in developing areas of the PDD only as needed to serve that portions of the PDD.

5.8.7 Greenways, Recreation Space, and Open Space

(a) General Requirement

The general location and proposed amount or lengths of greenways, open space and recreation space, shall be identified in the PDD Master Plan. The open space within a PDD shall contain areas for both active and passive uses. Open space may include active and passive recreation areas, including "community recreation areas" as defined in the Town's Subdivision Regulations and may be used to satisfy the requirements for such recreation areas. The PDD Master Plan, or subsequent agreements, may provide for restrictions on the Town's ability to sell land dedicated for community recreation areas. The PDD Master Plan shall consider adopted Town plans for greenways, recreation space, and open space, but may propose revisions, alternatives, and/or clarifications to this plan.

(b) Conservation and/or Preservation Areas

The PDD Master Plan may provide for utilization of portions of the PDD that are subject to conservation easements or otherwise

set aside for preservation, to satisfy Town requirements for open space and/or recreation.

(c) Management of Greenways, Recreation and Open Space

Because these areas may be placed under the control of a public entity such as the Town, or a private entity, such as a property owners association, the PDD Master Plan shall identify which areas are to be public and which are to be private. The PDD Master Plan shall include a management plan for those areas that will be privately controlled addressing long-term maintenance responsibility for these areas.

5.8.8 Landscaping, Transitions, and Buffers

(a) Compliance with General Landscaping Requirements

Landscaping shall comply with the standards of Article XVIII of this ordinance, except that variations from or modifications to these standards may be permitted in accordance with the PDD Master Plan or when a site plan or subdivision plan is presented for approval. The proposed landscaping should ensure compatibility with land uses on surrounding properties, create attractive streetscapes and parking areas, and be consistent with the urban design objectives and/or character of the PDD.

(b) Perimeter Boundary Transitions

The PDD Master Plan shall address transitions between land uses along the perimeter boundary of the PDD and dissimilar land uses on properties adjoining the perimeter boundary of the PDD. These boundary transitions may include buffers, specific compatible land uses, and/or other transitions. These boundary transitions may be varied over their length and/or width.

(c) Internal Transitions

No buffers or transitions are required between land uses within the PDD.

5.8.9 Interpreting the PDD Master Plan

The Town Manager, or Town Manager's designee is authorized, when necessary, to interpret the development standards and/or plans contained in the PDD Master Plan. In such cases, the interpretation should be

applied in a way that most closely meets the original intent of the PDD Master Plan.

5.8.10 Amendments to the PDD and PDD Master Plan

Both the Planned Development District (PDD) and the Planned Development District Master Plan (PDD Master Plan) may be amended by the approval of a request to the Town Board of Commissioners. Amendments requiring a rezoning shall follow the process for rezoning property pursuant to the procedures for a "General Use" rezoning as contained in Article X of this ordinance, except as modified by specific procedures set forth herein.

(a) Amendments Requiring Rezoning

- additions or deletions of land that is subject to the PDD
- additions to the uses permitted or changes to their locations
- increases in the total number of residential units
- increases in the maximum square footage of non-residential uses
- reductions in the width of or standards of the treatment in boundary buffers, other than those allowed by Article 5.8.9
- reductions in the amount of recreation or open space
- changes to the development standards in the PDD Master Plan

(b) Other Amendments

Other amendments to, or revisions of the approved PDD Master Plan including, but not limited to, revisions of the utility plan, stormwater plan, circulation plan, or phasing plan, shall not be subject to a rezoning. The Town Manager is authorized to approve these amendments. Such amendments should meet the original intent of Section 5.1P of this ordinance.

A summary of the specific objective of the proposed text change.

A text amendment to the Subdivision Regulations is proposed. This proposed amendment will permit the flexibility needed for applying the development standards identified in an approved Master Plan for a Planned Development District.

Proposed Amendment to the Town of Pittsboro Subdivision Regulation

Add the following to the existing Subdivision Regulations:

SECTION 9. DESIGN STANDARDS FOR A PLANNED DEVELOPMENT DISTRICT

Design standards set out in these subdivision regulations may be waived for Planned Development Districts (PDD) provided that the intent of these regulations is not nullified or lessened and provided that sufficient proof is given substantiating the adequacy of the alternative design. An approved Master Plan for a Planned Development District shall constitute sufficient proof to substantiate the adequacy of the alternative design, and the development standards in the Master Plan shall be the development standards for that Planned Development District.