

3.7.11 CONDITIONS OF APPROVAL - PLANNED DEVELOPMENT MAP AMENDMENTS

The petitioner and/or the Town or its agencies, may propose specific conditions applicable to PD districts. Only those conditions mutually approved by the Town and the petitioner may be incorporated into the PD approval ordinance. Conditions and site-specific standards imposed on a PD district are limited to those addressing conformance of the project's development and use to Town ordinances, Comprehensive Plan or other applicable officially adopted plans, and those addressing reasonably expected impacts generated by the development project. Conditions shall be recorded and outlined in a formal development agreement presented at the time of rezoning submittal.

4.6.1 PLANNED DEVELOPMENT (PD)

4.6.1.1 Intent

In return for greater flexibility in site design requirements, PDs (Planned Developments) are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide above-average open space and recreational amenities; incorporate creative design in building, open space and circulation layout; assure compatibility with surrounding land use and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure. This will be accomplished through application of performance standards ensuring:

1. integration and mixing, rather than separation of uses, so that retail, office, recreational and educational facilities are conveniently located in relation to housing;
2. interconnectivity between uses and adjoining developments;
3. design of development occurs at a scale that is consistent with Hillsborough's character;
4. establishment of land use patterns that promote and expand opportunities for public transportation and efficient, compact networks of streets and utilities that lower development and maintenance costs and conserve energy;
5. preservation of natural features and the natural environment;
6. public facilities are available to serve the proposed development.

4.6.1.2 Application Criteria

This district will usually be applied where the following conditions exist:

- 4.6.1.2.a** The property is classified as Attached Residential, Employment, Mixed Residential, Mixed Use, Neighborhood mixed Use or Suburban Office on the Town's adopted Future Land Use Map. However, application of the PD district may be allowed within other land use categories at the discretion of the Town Board.
- 4.6.1.2.b** The property is six acres or greater in area. Application of the PD designation to properties less than six acres may be considered where the Town Board, upon recommendation of the Planning Board, finds:
- (a) the project qualifies as "infill development"; or
 - (b) unusual physical or topographic features of importance to the area as a

whole or the Town in general exist on-site or within the surrounding neighborhood that will contribute to and be protected by the PD; or

(c) the property or surrounding area has an historic character of community importance that the PD will protect; or

(d) the proposed PD is adjacent to an approved, completed PD and will contribute to the amenities and values of the neighboring PD.

4.6.1.2.c The property has direct access to streets classified by the North Carolina Department of Transportation or the Town as arterial or collector.

4.6.1.2.d Public water and sewer service are available or capable of being extended to the property.

5.2.39 PLANNED DEVELOPMENT

5.2.39.1 Standards of Evaluation

The following specific standards shall be used in evaluating applications for PDs (Planned Developments):

- 5.2.39.1.a Master Development Plan:** The plan shall divide the PD into land-use categories and/or pods, and indicate density and specific uses permitted in each area for projects 6 acre and larger. For projects 1-5 acres in size a site development plan may be submitted with uses assigned more specifically to buildings or areas of the site.
- 5.2.39.1.b Compliance with Ordinance Requirements:** Unless specified otherwise in this subparagraph, PDs shall comply with all applicable standards of Section 6, Development Standards.
- 5.2.39.1.c Permitted Uses:** PDs may include residential and nonresidential uses; cluster housing; common areas; unusual arrangements of structures on site; or other combinations of structures and uses that depart from standard development layouts. Uses permitted in a PD are those designated in the approved master development plan. Density limits will be used to determine the maximum number of permitted dwelling units.
- 5.2.39.1.d Mix and Arrangement of Uses Required:**
- (1) Required Mix of Uses: PDs shall contain a mix of at least two or more residential uses (e.g., single-family dwellings and attached dwellings) or residential and nonresidential uses (e.g., attached dwellings and offices).
 - (2) Use Arrangement: Uses may be arranged horizontally or vertically within the PD as follows:
 - (a) Residential uses must be separated from major vehicular traffic flows and other disquieting influences, and
 - (b) Non-residential uses must be concentrated at areas within the PD for maximum pedestrian convenience and accessibility.
- 5.2.39.1.e Density Allowances:**
- (1) Overall maximum residential density is 13 persons per acre of gross residential and associated commercial areas.
 - (2) The following factors will be used in computing density: A factor of 3.0 persons per single-family detached dwelling; 2.5 persons per single-family

attached dwelling or stacked townhouse; and 2 persons per multiple-family dwelling.

- (3) Residential densities in a PD must be designated as low, medium, or high on the approved master development plan. "Density area" as used herein means a development unit within an area designated on the approved development plan for low-, medium- or high-density.

(a) Low: The maximum density in any one low-density area is 5 dwelling units per acre.

(b) Medium: The maximum density in any one medium-density area is 15 dwelling units per acre.

(c) High: The maximum density in any one high-density area is 25 dwelling units per acre. An application that proposes housing that is affordable to households making 80% AMI or less at the time of construction may propose up to 40 units per acre as a maximum density (subject to rounding as defined in Section 9.1.4). Where affordable housing is proposed the preference is that this housing type be dispersed throughout the planned development instead of clustered together in one area.

- (4) In computing average density on any development plan, subsequent PD plan or final plat of a part of a PD, the density may include any excess in land area over that required to support an average density of 13 persons per acre in any previously recorded final plat. As each plan and subsequent final plat is submitted, the overall density of all areas shown on recorded final plats within the PD is recomputed so that average density within the recorded plats of sections of the PD will never exceed a density of 13 persons (see subparagraph 5.2.39.1.j(2), Density Variation Between Phases, below).

5.2.39.1.f Development at Perimeter of PD: Where a PD district is 25 acres or more and adjoins a residential district without an intervening street or permanent open space:

(a) Densities and intensities within 200 feet of the perimeter of the development shall be stepped down 20% from the average density and intensity of the PD; or

(b) An area of 200 feet in width shall be planned and developed only for uses compatible with the adjoining residential district and in accordance with the lot area, width, setbacks/yards, and height requirements of that district; or

- (c) Open space with a depth of at least 50 feet shall be provided, and no intensive recreational use or off-street parking permitted within 100 feet of the district boundary.

5.2.39.1.g Dimensional Requirements: Dimensional requirements for interior lots and buildings shall be governed by the approved development plan, subject to the following exceptions:

- (1) Compliance with State Building Code: There are no setbacks or yards for interior lots provided requirements of the State building code are met.
- (2) Garage/Carport Access: If access to a garage or carport is provided from the front or side of a lot, then the garage/carport shall maintain a 15 foot setback from the back of the sidewalk, or curb if there is no sidewalk, as measured along the centerline of the driveway.

5.2.39.1.h Infill Projects: PDs designed on smaller tracts located within developed neighborhoods are permitted. Applicants are encouraged to design projects with architecture and building materials consistent with adjacent neighborhoods and to locate such developments close to existing schools, retail, entertainment and employment centers.

5.2.39.1.i Nonresidential Component Completion: Nonresidential portions of PDs may not be occupied until all residential portions of the development are completed, or their completion assured by any of the mechanisms provided in paragraph 3.14.12, Authorizing Occupancy Before Completion of Development, guaranteeing their completion.

5.2.39.1.j Phasing, Density Variation and Abandonment:

- (1) Phasing: Generally, all PDs shall be phased so the density/intensity of any phase, when combined with previously constructed phases, does not exceed overall project density/intensity.
- (2) Density Variation Between Phases: A greater concentration of density/intensity of land uses within a phase, whether it is earlier or later in the development than other phases, may be allowed provided it is offset by:
 - (a) a smaller concentration in any completed prior phase, or
 - (b) a dedication or reservation of open space on the remaining land by grant of an easement or covenant in favor of the Town, County, State, or land trust. The precise location of the dedication or reservation shall be deferred until an application for final approval is filed so flexibility of development can be maintained.

(3) Abandonment Before Project Completion: Applicants for PDs shall provide agreements, contracts, covenants, deed restrictions and sureties acceptable to the Town Attorney for:

- (a) completion of the development according to the approved development plan and other documents of record, and
- (b) maintenance of such areas, functions, and facilities as are not to be provided, operated, or maintained at public expense.

Covenants shall be placed on the property binding any successors in title to any commitments made as part of the project approval.

disaster.