



Town of Jamestown
Planning Board

Welcome to the Town of Jamestown Planning Board meeting. We appreciate your interest and we encourage public participation in our meeting. Your comments are important to our decision making process. Please note that there will be opportunities during the meeting for you to address the Board members. The first opportunity will come if there is a public hearing on the agenda, when the Chairman declares the hearing open for comment. The second opportunity to address the Board will come near the end of the agenda when the Chairman will inquire if anyone wishes to address the members of the Board. Anyone addressing the Board will approach the podium; give your first and last name and your complete physical address. Comments may be limited to three minutes.

TO: Planning Board Members

FROM: Ty Cheek – Planning Technician

RE: **Regular Meeting**
January 9, 2023 – 6:00 PM
Jamestown Town Hall, Civic Center

Items on the agenda:

1. Call to Order – Matthew Johnson, Town Manager
2. Election of Chair of the Planning Board – Matthew Johnson, Town Manager
3. Election of Vice-Chair of the Planning Board – Chair of the Planning Board
4. Roll Call – Ty Cheek, Planning Technician
5. Setting Regular Meeting Schedule for 2023 – Chair of the Planning Board
6. Approval of minutes from July 18, 2022, regular meeting – Chair of the Planning Board
7. Public Hearings:
*Procedure: Staff will present the case to the Board. The Chair will open the public hearing and request to hear from both those in favor and those opposed. If you wish to address the Board during the public hearing, please come to the podium and state your name and address for the record. Speakers may have up to 3 minutes to address the Board. Please note, this is not a time for dialogue or discussion and the Board may or may not engage with you at this time, even if direct questions are asked. **Once the public hearing is closed, no one may speak on the issue unless specifically requested by the Board Chair.***
 - A. LDO Amendments – Matthew Johnson, Town Manager
 - a. Vote on recommendation to Town Council –Chair of the Planning Board

b. Adoption of the Statement of Consistency –Chair of the Planning Board

8. Public Comment Period: (Limited to a total of 30 minutes)

*Procedure: The Board Chair will ask the Town Clerk if anyone has signed up to speak to the Board. **It is advisable that if you wish to address the Board that you see the Town Clerk prior to the start of the meeting.** Once you have been recognized by the Chair, please come to the podium and state your name and address for the record. Speakers may have up to 3 minutes to address the Board. Please note, this is not a time for dialogue or discussion and the Board may or may not engage with you, even if direct questions are asked.*

9. Adjourn

10. Next regularly scheduled meeting will be February 13, 2023, at 6PM in the Civic Center Chambers.

The meeting will be broadcast live on the Town’s YouTube channel at:

<https://www.youtube.com/townofjamestownnc>

Click “Subscribe” and tap the “bell” icon to be notified when we go live.

**Planning Board Meeting
July 18, 2022
6:00 pm in the Civic Center
Minutes & General Account**

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Planning Board Members Present: Sarah Glanville, Chair; Kerry Miller, Pamaila Burgess, Jane Walker Payne, Russ Walker, Donald Dale, Jr. (ETJ), Peggy Levi (ETJ), & Sherrie Richmond (ETJ)

Planning Board Members Absent: Ed Stafford, Vice Chair; Dennis Sholl, & Robert Coon (recusal)

Council Member Representative: Rebecca Mann Rayborn

Staff Members Present: Matthew Johnson, Katie M. Weiner, Anna Hawryluk, & Jim Lanik (Planning Board Attorney)

Visitors Present: Martha Wolfe, Kevin Keslar, Dionne Brown, Charlie Hall, Tom Hall, Rich Glover, Michael Auman, Pat Auman, Steve Auman, Davey Auman, William McLean, Brian Stevenson, & Teresa Alden

Call to Order- Glanville called the meeting to order.

Roll Call- Hawryluk took roll call as follows:

Sarah Glanville- Present
Ed Stafford- Absent
Dennis Sholl- Absent
Kerry Miller (Alt.)- Present
Pamaila Burgess (Alt.)- Present
Jane Walker Payne- Present
Russ Walker- Present
Donald Dale, Jr. (ETJ)- Present
Robert Coon- Absent due to recusal
Peggy Levi (ETJ)- Present
Sherrie Richmond (ETJ)- Present

Council Member Rayborn- Present

Hawryluk stated that a quorum was present.

Meeting Overview- Johnson explained the rezoning process. He noted that staff reviewed applications that were submitted and made recommendations to the Board. He stated that it was the Planning Board's role to make recommendations to Town Council based on whether or not the rezoning request was consistent with the Comprehensive Plan. He added that Council would take the Planning Board's recommendation into consideration when making the final decision on the request. He also highlighted that the public had the opportunity to speak about any request that had been submitted at public hearings held by the Planning Board and Town Council. Johnson encouraged community members to reach out to Town staff if they had any questions.

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Public Hearing on rezoning request for property located at 4718 Harvey Road (Parcel #223271) Approx. 31.4 +/- acres from Agricultural (AG) to Conditional Zoning-Bypass (CZ-B) - Hawryluk presented her staff report to the Planning Board. She provided an overview of the request that had been submitted by Windsor Homes. She explained the difference between conditional and conventional zoning. She noted that conditional zoning allowed the municipality and the applicant to agree on additional regulations that may be appropriate for a particular project. Hawryluk stated that the conditions must be acceptable to the property owner and the government. She provided details of allowable uses in the bypass district. Hawryluk stated that the conditions included within the request from Windsor Homes was as follows:

- The area of potential commercial use shall be limited to 2.5 acres with the remainder of the site being limited to residential uses only.
- No apartments shall be allowed.
- The maximum number of residential lots shall be 95.
- Maximum front setback of 30' along the internal roads and 65' along Harvey Road
- Architectural standards- Vinyl exterior with some element of stone or brick wainscot on the front. Decorative vinyl shakes or board and batten in front gable. Shutters per plan and elevation. A variety of elevations and neutral exterior colors.
- Commercial shall be limited to: post office, medical/dental/related office, real estate office or other professional office such as insurance/legal/accounting, bank/financial institution, florist/gift shop, hardware store
- Type A Buffer between commercial and residential uses
- A Traffic Impact Analysis (TIA) shall be completed before this rezoning is heard by Town Council. The developer shall comply with requirements identified in the TIA.

Hawryluk stated that the Comprehensive Plan had identified the property as a growth area. She added that it was considered a mixed use area within the Future Land Use map. She said that the request met Guiding Principles #1, #2, #4, #10, and #11 included in the Comprehensive Plan.

Hawryluk stated that the developer had agreed to add a TIA as one of the conditions of the rezoning request because of the concerns regarding traffic. She said that she had spoken with Donna Bell, Guilford County Schools Representative, about the pick up and drop off of students in the area. Hawryluk provided the contact information for Guilford County School's Planning Department. She encouraged those that had concerns about school traffic to reach out to Donna Bell.

Hawryluk stated that Town staff had reviewed the request and believed that it was consistent with the Town's Comprehensive Plan.

Glanville called the applicant forward to speak.

Charlie Hall came forward. He stated that his address was 5603 New Garden Village Drive, Greensboro, NC 27410. He introduced members of the development team. He thanked Hawryluk for providing an overview of the request. He asked Dionne Brown to come forward and explain how a TIA worked. Hall reiterated that Windsor Homes would abide by any requirements identified in the TIA.

Dionne Brown came forward. She stated that she worked for Davenport and that her address was 4600 Marriott Drive in Raleigh. She said that she had been in contact with NCDOT. Brown added that the

project would not generate enough trips to require a TIA. However, the development would be located near the bypass so NCDOT wanted the team to determine the annual daily trips along the road. Brown stated that they had gathered the requested information for NCDOT and was waiting on their approval. She explained the methods used to generate the numbers submitted to NCDOT. She stated that they would likely require a turn lane on Harvey to mitigate any traffic impacts.

Planning Board Members discussed the details of the traffic report with Brown.

Planning Board Members spoke about the traffic issues that resulted from pick up and drop off at the schools along the road.

Hawryluk stated that the TIA had not yet been completed. She noted that the condition was that the applicant would receive a completed TIA for the Council to review before their decision. She stated that Brown had presented preliminary estimates of daily trips.

Glanville provided an overview of the public hearing process. She opened the public hearing to anyone that would like to speak about the rezoning request.

- Teresa Alden, 100 Hethwood Road- Alden stated that her daughter attended Haynes-Inman. She said that it was a special needs school and the children were on a very strict schedule. She added that the potential development would impact the special needs community and the entire Town. Alden said that it would not be responsible planning to allow the development and that it should not be recommended for approval. She was concerned about the length of time for construction and traffic impacts.
- Brian Stevenson, 100 Hethwood Road- Stevenson said that there were three schools close to the proposed development. He was frustrated that Haynes-Inman was not called about the proposal. He said that the property owners lived in Texas and would not be concerned about any negative impacts as long as they made a profit. Stevenson noted that Haynes-Inman had several buses that would be traveling along the road.
- Steve Auman, 4710 Harvey Road- Auman was concerned about the dead end roads and number of townhomes included in the proposal. He thought there may be an issue in regard to public safety and emergency access.

Glanville asked if anyone else would like to speak about the rezoning request. Nobody came forward. Glanville closed the public hearing and opened the floor to the Board for discussion.

Levi stated that the proposed development exceeded the standards required by the Town ordinances.

Richmond said that the townhomes were designed well and that the development included several natural features. She was a little concerned about the amount of available parking.

Glanville called Glover back up to speak about the number of parking spaces.

Glover stated that there would be four parking spaces available per unit. He noted that the townhomes had two car garages and space for two additional cars in the driveway. He also added that the streets were wide enough for emergency vehicles to turn around.

Glanville and Glover discussed sidewalks within the community. Glover stated that there would be sidewalks constructed within the community and along Harvey Road.

Richmond complimented the design of the homes. She stated that she would be more comfortable with the development if it were just townhomes without a commercial component. She stated her concerns regarding the increased traffic. She also spoke with Glover about the number of trees within the development.

Glanville stated that it was the Planning Board's job to balance the Comprehensive Plan and the concerns of those that live within the community. She added that Hawryluk had communicated with Guilford County Schools and that the developer was willing to mitigate the traffic concerns. She added that she was pleased that everyone was working together to resolve the issues.

Miller made a motion to recommend the approval of the rezoning request to the Town Council with the requested conditions. Burgess made a second to the motion.

Weiner took a roll call vote as follows:

- Sherrie Richmond- Aye
- Peggy Levi- Aye
- Jane Walker Payne- Aye
- Kerry Miller- Aye
- Russ Walker- Aye
- Pamaila Burgess- Aye
- Donald Dale, Jr.- Aye

The motion passed by unanimous vote.

Miller made the following motion:

"I make a motion that the proposed zoning amendment be approved based on the following:

1. The proposed zoning amendment is consistent with the adopted comprehensive plan of the Town of Jamestown. The Planning Board further finds that the proposed zoning amendment is consistent with the comprehensive plan because conditional zoning-bypass fits the future land use category mixed use as identified in the Envision Jamestown Comprehensive Plan. And
2. The proposed zoning amendment is reasonable. The Planning Board considers the proposed zoning amendment to be reasonable because:
 - A. The report of the Town staff finding the proposed zoning amendment to be reasonable is adopted by reference.
 - B. The Planning Board further finds that the proposed zoning amendment is reasonable because the property is located in Jamestown's preliminary growth area due to its size and location along a major transportation corridor and conditional zoning-bypass allows for reasonable growth along the bypass. And
3. The proposed zoning amendment is in the public interest. The Planning Board considers the proposed zoning amendment to be in the public interest because:
 - A. The report of the Town staff finding the proposed zoning amendment to be in the public interest is adopted by reference.

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- B. The Planning Board further finds that the proposed zoning amendment is in the public interest because it meets multiple Guiding Principles as identified in the Comprehensive Plan.”

Levi made a second to the motion. The motion passed by unanimous vote.

Public Comment- Nobody spoke.

Adjournment- Payne made a motion to adjourn. Levi made a second to the motion. The motion passed by unanimous vote.

The meeting ended at 7:12 pm.



Town of Jamestown
Planning Board
2023 Meeting Schedule

All meetings shall begin at 6pm in the Civic Center (301 E. Main St) unless advertised differently prior to the meeting.

January 9, 2023
February 13, 2023
March 13, 2023
April 10, 2023
May 8, 2023
June 12, 2023
July 10, 2023
August 7, 2023
September 11, 2023
October 9, 2023
November 13, 2023
December 11, 2023



The following items must be submitted with this form before the application may be processed.
Please bring the following items with you when submitting your application form:

1. Copy of survey plat(s) and/or deed(s) or map to the parcel(s) requested for rezoning.
2. Completed *Adjoining Property Owner(s) List* form.
3. Completed *Project Questionnaire* included on page three of the application.
4. A site plan/development plan outlining features of the proposed use of the property (if new construction is proposed). The following items should be included on the plan:
 - Title, preparer, and date of plan
 - Property lines and dimensions
 - Easements affecting the property
 - Physical features such as flood plains
 - Setbacks, dimensions, floor area, and height of all existing and proposed buildings
 - Dimensions and locations of existing and proposed roads, driveways, entrances/exits, and parking areas (please label number of parking spaces on plan)
 - Location and description of site features such as landscaping, lighting, and signage (if proposed).

Additional Notes:

- Following approval of the rezoning application, your project may require additional permits. Please contact the Planning Department to discuss permits that may be required for the construction of your project at (336) 454-1138.
- BY SIGNING THIS FORM, YOU ARE GRANTING PERMISSION FOR MEMBERS OF THE STAFF OR ANY APPOINTED OR ELECTED BOARD THE RIGHT TO ACCESS YOUR PROPERTY, INCLUDING BUT NOT LIMITED TO THE USE OF UNMANNED AERIAL SYSTEMS TO OVERFLY YOUR PROEPERTY.
- You (or a designated representative) are strongly encouraged to attend all public hearings for your project. Failure to appear may result in the delay of the application.

Applicant Information

Applicant Name: D.R. Horton, Inc.

2008 Aerial Center Parkway, Suite 110 Morrisville, NC 27560
Street Address or P.O. Box City/State/Zip Code
bclunnen@drhorton.com
Email

Home/Work Phone Number _____ Mobile Number _____ Email _____

Is the applicant the owner of the parcel(s) to be rezoned? Yes No

Owner Information

Owner Name: D.R. Horton, Inc.

2008 Aerial Center Parkway, Suite 110 Morrisville, NC 27560
Street Address or P.O. Box City/State/Zip Code
bclunnen@drhorton.com
Email

Home/Work Phone Number _____ Mobile Number _____ Email _____

Applicant and Owner Certification and Signature

(If Applicant and Owner are different individuals, both must sign. If Applicant and Owner are the same, please sign as Owner.)

Applicant Signature: [Signature] Date: 11/30/22

I, THE UNDERSIGNED, AM AN OWNER OF THE ABOVE-DESCRIBED PARCEL(S) AND CERTIFY I AM LEGALLY AUTHORIZED TO MAKE THIS APPLICATION FOR REZONING, HAVING THE PERMISSION OF ALL OTHER OWNERS (IF ANY).

Owner Signature: [Signature] Date: 11/30/22

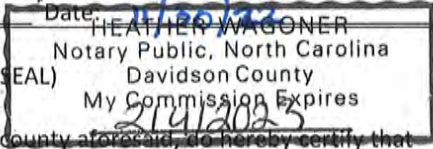
NOTARY STATEMENT:

State of North Carolina County of Guilford to wit: (SEAL)

I, Heather Wagner a notary public in and for the state and county aforesaid, do hereby certify that Eric R Wall whose name(s) is (are) signed to the foregoing statement, personally appeared before me in my state and county and acknowledged the same.

My commission expires 2/4/2023

Given under my hand this 30th Day of November, 2022
Notary Signature Heather Wagner Printed Name of Notary: Heather Wagner



Permit Information					
Owner Requests Rezoning of the Following Parcel(s): N/A					
Parcel #1: _____ Parcel Size: _____					
Tax Map ID	Acres/Square Ft	Street Address			
Current Parcel Zoning: _____ Request to Rezone to: _____					
Current Parcel Use: Agricultural Commercial Industrial Residential Vacant/Unused					
Owner Requests Rezoning of the Following Parcel(s):					
Parcel #2: _____ Parcel Size: _____					
Tax Map ID	Acres/Square Ft	Street Address			
Current Parcel Zoning: _____ Request to Rezone to: _____					
Current Parcel Use: Agricultural Commercial Industrial Residential Vacant/Unused					
Owner Requests Rezoning of the Following Parcel(s):					
Parcel #3: _____ Parcel Size: _____					
Tax Map ID	Acres/Square Ft	Street Address			
Current Parcel Zoning: _____ Request to Rezone to: _____					
Current Parcel Use: Agricultural Commercial Industrial Residential Vacant/Unused					

If you are requesting a Zoning Text Amendment, please provide proposed new language or uses below. Add additional sheets if necessary.

SEE ATTACHED FOR TEXT AMENDMENT

Adjoining Property Owner(s)		Tax Map Numbers
Please list ALL property owner(s) and street address(es) of parcel(s) immediately adjoining AND directly across street(s), road(s), and highway(s) from parcel(s) requested for rezoning.		
Adjoining Property Owner	Street Address of Adjoining Property (if none, list 'Vacant')	
Adjoining Property Owner	Street Address of Adjoining Property (if none, list 'Vacant')	
Adjoining Property Owner	Street Address of Adjoining Property (if none, list 'Vacant')	
Adjoining Property Owner	Street Address of Adjoining Property (if none, list 'Vacant')	
Adjoining Property Owner	Street Address of Adjoining Property (if none, list 'Vacant')	

Project Questionnaire

Rezoning requests involve analysis by Town staff, Planning Board, and Town Council members. The information provided below will help staff members review the application for compliance with town regulations. The questionnaire will also serve as an introduction to the Planning Board, as a copy of the application will be included in information delivered to each member prior to the meeting date. Please use additional sheets and attach photographs if necessary.

Why are you requesting this rezoning?

N/A

Please provide a description of the site before and after development (if construction is proposed).

N/A

Please describe the operation proposed including number of employees and hours of operation, if applicable.

N/A

Please describe how the properties around your site are used (residential, churches, business, schools) and how the proposed project may impact the surrounding area (e.g. noise, traffic, light, impact on environmental or other unique features).

N/A

Please describe potential impacts on public facilities and infrastructure such as the water/wastewater system, public schools, and roads.

N/A

Will your project require a permit from other licensing agencies (e.g. NCDENR, NC Department of Transportation, US Army Corps of Engineers, etc). Yes No If yes, please explain.

N/A

For Town Use Only

Date Application Received: _____

**Town of Jamestown, North Carolina
301 E. Main St.
Jamestown, NC 27282
(336) 454-1138**

Section 8.3 Description of Zoning Districts

The Planned Unit Development (PUD) district recognizes that some projects on large tracts require much greater flexibility to enable applicants to create higher quality projects than are otherwise possible under the strict applications of the LDO and to promote a compatible mix of uses to instigate an integrated and sustainable development consistent with the Town's unique character. This district shall also encourage and make possible design flexibility; multi-modal connectivity between uses; sensitivity to natural resources and environmental features; and facilitate the efficient provisions of infrastructure, utilities and adequate public facilities. The PUD district is not intended for use with subdivisions or developments which can be developed under the strict application of the minimum standards of the LDO, thereby resulting in a unique, high quality overall development. The specific procedures for review and approval of a PUD are found in Section 8.4-5.1, Planned Unit Development. Above all, every PUD established, shall demonstrate consistency with the goals and policies established in the Town of Jamestown Land Development Plan and be designed to achieve greater protections of environmentally sensitive areas, architectural controls not normally associated with rezoning conditions, and other higher-quality standards. Most commonly, the PUD district would serve as a base zoning for larger-scale commercial, residential and mixed-use developments which may include overlay districts such as the Traditional Neighborhood (TND) Overlay District. A PUD shall enable an applicant the freedom to create its own development standards and not to be restricted by existing LDO provisions if the result is a project that is found by the Town Council to be a higher quality project.

8.4-5.1 Planned Unit Development (PUD).

(A) Intent. The Planned Unit Development District is established to accommodate commercial, residential and a mixed-use pattern of development on large-scale sites. Development in this district accommodates a range of uses, generally transitioning from commercial to residential districts throughout a site per an overall site-specific master development plan. The district is not limited to mixed-uses and may be entirely residential or entirely commercial in nature. Allowed building/lot types are detached house, attached house, highway commercial, shopfront commercial, multi-family cluster, urban workplace, accessory structures, fences and civic building. Standards in the PUD district are established to encourage new development and infill development in a manner that accommodates a range of uses while preserving historic development patterns and being sensitive to the adjacent districts. A wide range of uses is permitted. In return for greater flexibility in site design, PUD Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. It is expected but not required that the details of a PUD shall be carefully outlined and described in a Development Agreement negotiated with the town.

(B) *General applicability.* Parcels of land which may be considered for PUD developments must exceed ten acres in size. Unless preempted or required by state or federal law, any LDO development standard may be modified upon approval by the town council and a finding that the result is a development of higher quality. The determination of what constitutes a higher quality development may include considerations such as mitigations of project impact, environmental protections, public dedications, architectural controls, provisions for open space, landscaping plans, access and network connectivity, and creation of trails or other facilities available to the broader public. Modifications to requirements in the town's *Technical Standards Manual* shall also be considered if the result is a project with equal or better performance. The requirements in subsections (C) through (F) below shall apply unless modified by the town council through a Development Agreement.

(C) *Permitted uses.* In return for greater flexibility in site design, PUD Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. Thus, there are no inherent uses permitted by right. The applicant and town council shall consider a request for land uses during the course of the application for the zoning district.

(D) *Permitted residential density.* To be submitted as part of overall site-specific master development plan which shall be reviewed by staff, recommended by planning board and approved by town council.

(E) *General requirements and development standards.*

1. An overall site-specific master development plan is required to be adopted as a condition of the base zoning and shall guide development throughout the parcel.
2. Arrangement shall be controlled by the overall site-specific master development plan adopted as part of the zoning district.
3. Building setbacks shall be adopted as part of the overall site-specific master development plan.
4. Landscaping and open space regulations shall be adopted as part of the overall site-specific master development plan.
5. Sites shall conform to the Land Development Ordinance requirements with respect to watershed, soil erosion, and flood damage prevention. The provisions of these ordinances may not be altered by the PUD zoning district.
6. Items not specifically addressed by the overall site-specific master development plan shall defer to the Jamestown Land Development Ordinances for guidance.

7. All site-specific master development plans shall specify development standards applicable to each permitted use in the PUD. Development standards applicable to the PUD shall be those specified in the site-specific master development plan filed with the zoning map change. The site-specific master development plan shall establish the following development standards:

a. The location of uses proposed by the PUD must be shown in the site-specific master development plan with a maximum density for each type of residential use; a maximum number of units for multi-family dwellings; and a maximum square footage for each type of non-residential use.

b. The PUD shall demonstrate compliance with all North Carolina Building Codes and North Carolina Fire Codes.

c. Pedestrian ways, bikeways and other transportation systems that encourage cluster and compact development.

d. Land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be minimized to the greatest extent possible.

e. Identified active open space areas and those significant natural and environmental features that will be protected and preserved in their natural state, with special attention to be paid to preserving heritage and/or mature trees on the site.

f. Architectural and design criteria that provide higher quality than routine developments. At least ten business days prior to the public hearing for approval, all residential uses proposed shall provide typical architectural elevations representative of the residential structures to be built to ensure the standards of this section are met.

g. Phasing. The site-specific master development plan shall include a phasing plan for the development and associated infrastructure improvements. If development of the PUD is proposed to occur in more than one phase, then guarantees shall be provided that project improvements, including improvements required by the TIA and NCDOT. In phases that include residential, amenities that are necessary and desirable of the project, or that are of benefit to the Town, are constructed within that phase of the project.

(F) *Other minimum requirements.*

1. *Off-street parking and loading.* The site-specific master development plan shall demonstrate compliance with the standards of the Jamestown Land Development Ordinances, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD is submitted as part of the PUD site-specific master development plan that is determined to be suitable for the PUD, and generally consistent with the intent and purpose of the off-street parking and loading standards.

2. *Signs.* Signage shall demonstrate compliance with the Jamestown Land Development Ordinances, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the site-specific master development plan and it is reviewed by town staff, recommended by the planning board and approved by town council to be suitable for the PUD and generally consistent with the intent and purpose of the sign standards of the LDO.

3. *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with the Jamestown land development ordinances as well as the following standards:

a. The site-specific master development plan demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. A traffic impact analysis (TIA) shall be required.

b. The site-specific master development plan demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development and are efficiently integrated into off-site potable water and wastewater public improvement plans. The site-specific master development plan shall include a proposed water and wastewater plan.

c. Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the site-specific master development plan.

d. The development is conveniently located in relation to schools and public safety protection services.

4. *Natural resources and environmental protection.* The site-specific master development plan must demonstrate compliance with the current regulatory standards of this ordinance related to natural resource and environmental protection in the Jamestown Land Development Ordinances.

Section 5.5 Development Agreements

5.5.1 Purpose. Development Agreements may be used to define the rights and obligations of the town, developers, and property owners in large-scale, multi-phased projects where mitigation of impacts, quality of design, and integration with town resources are better secured through a document that enables all parties to work out details through deliberate discussions prior to review by the town council.

5.5.2 Approval. Development Agreements shall be approved as provided in N.C. Gen. Stat. §160D-1001 et. seq. A copy of the Development Agreement in final form shall be posted on the town's website for public inspection for the length of time required by statute. The posting of a Development Agreement in final form does not prevent the town from making changes in response to public input or council deliberation.

5.5.3 Authority and limitations. Consistent with the purposes of PUD zoning, Development Agreements that accompany a PUD zoning district application may be used to create alternative development and technical standards provided that the result is a development of greater or higher quality as described in LDO Section 8.4-5.1(B). Any development standard in the LDO may be supplanted by other requirements in a Development Agreement to achieve the intended purposes of the PUD zoning district if approved by the town council. Development Agreements may not be used to alter the public review and approval processes established in the LDO or required by statute.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE
OF THE TOWN OF JAMESTOWN, NORTH CAROLINA

Text Amendment 2023-01

WHEREAS, the Town of Jamestown, North Carolina pursuant to the authority conferred by the North Carolina General Statute §160D-601 enacted an Official Zoning Ordinance, also referred to as the Land Development Ordinance, for the Town of Jamestown, North Carolina;

WHEREAS, the Town of Jamestown, North Carolina, pursuant to the authority conferred by the North Carolina General Statutes may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zoned boundaries; and

WHEREAS, the Town Council of the Town of Jamestown, North Carolina pursuant to the authority conferred by the North Carolina General Statutes does hereby recognize a need to amend the text of certain articles of the Town of Jamestown Land Development Ordinance.

WHEREAS, the Town Council finds that it is necessary to update the Land Development Ordinance to clarify the definition of the "Planned Unit Development".

NOW, THEREFORE, IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JAMESTOWN, NORTH CAROLINA:

Part 1. That Article VIII, Sec. 8.3 "Description of Zoning Districts" is hereby amended by replacing the following language in that section:

The Planned Unit Development (PUD) district recognizes that some projects on large tracts require much greater flexibility to enable applicants to create higher quality projects than are otherwise possible under the strict applications of the LDO and to promote a compatible mix of uses to instigate an integrated and sustainable development consistent with the Town's unique character. This district shall also encourage and make possible design flexibility; multi-modal connectivity between uses; sensitivity to natural resources and environmental features; and facilitate the efficient provisions of infrastructure, utilities and adequate public facilities. The PUD district is not intended for use with subdivisions or developments which can be developed under the strict application of the minimum standards of the LDO, thereby resulting in a unique, high quality overall development. The specific procedures for review and approval of a PUD are found in Section 8.4-5.1, Planned Unit Development. Above all, every PUD established, shall demonstrate consistency with the goals and policies established in the Town of Jamestown Land Development Plan and be designed to achieve greater protections of environmentally sensitive areas, architectural controls not normally associated with rezoning conditions, and other higher-quality standards. Most commonly, the PUD district would serve as a base zoning for larger-scale commercial, residential and mixed-use developments which may include overlay districts such as the Traditional Neighborhood (TND) Overlay District. A PUD shall enable an applicant the freedom to create its own development standards and not to be restricted by existing LDO provisions if the result is a project that is found by the Town Council to be a higher quality project.

Part 2. That Article VIII, Sec. 8.4-5.1 "Planned Unit Development" is hereby amended by replacing the following language in that section:

(A) Intent. The Planned Unit Development District is established to accommodate commercial, residential and a mixed-use pattern of development on large-scale sites. Development in this district accommodates a range of uses, generally transitioning from commercial to residential districts throughout a site per an overall site-specific master development plan. The district is not limited to mixed-uses and may be entirely residential or entirely commercial in nature. Allowed building/lot types are detached house, attached house, highway commercial, shopfront commercial, multi-family cluster, urban workplace, accessory structures, fences and civic building. Standards in the PUD district are established to encourage new development and infill development in a manner that accommodates a range of uses while preserving historic development patterns and being sensitive to the adjacent districts. A wide range of uses is permitted. In return for greater flexibility in site design, PUD Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. It is expected, but not required, that the details of a PUD shall be carefully outlined and described in a development agreement negotiated with the town.

(B) *General applicability.* Parcels of land which may be considered for PUD developments must exceed ten acres in size. Unless preempted or required by state or federal law, any LDO development standard may be modified upon approval by the town council and a finding that the result is a development of higher quality. The determination of what constitutes a higher quality development may include considerations such as mitigations of project impact, environmental protections, public dedications, architectural controls, provisions for open space, landscaping plans, access and network connectivity, and creation of trails or other facilities available to the broader public. Modifications to requirements in the town's Technical Standards Manual shall also be considered if the result is a project with equal or better performance. The requirements in subsections (C) through (F) below shall apply unless modified by the town council through a development agreement.

(C) *Permitted uses.* In return for greater flexibility in site design, PUD Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. Thus, there are no inherent uses permitted by right. The applicant and town council shall consider a request for land uses during the course of the application for the zoning district.

(D) *Permitted residential density.* To be submitted as part of overall site-specific master development plan which shall be reviewed by staff, recommended by planning board and approved by town council.

(E) *General requirements and development standards.*

1. An overall site-specific master development plan is required to be adopted as a condition of the base zoning and shall guide development throughout the parcel.
2. Arrangement shall be controlled by the overall site-specific master development plan adopted as part of the zoning district.
3. Building setbacks shall be adopted as part of the overall site-specific master development plan.
4. Landscaping and open space regulations shall be adopted as part of the overall site-specific master development plan.
5. Sites shall conform to the Land Development Ordinance requirements with respect to watershed, soil erosion, and flood damage prevention. The provisions of these ordinances may not be altered by the PUD zoning district.
6. Items not specifically addressed by the overall site-specific master development plan shall defer to the Jamestown Land Development Ordinances for guidance.
7. All site-specific master development plans shall specify development standards applicable to each permitted use in the PUD. Development standards applicable to the PUD shall be those specified in the site-specific master development plan filed with the zoning map change. The site-specific master development plan shall establish the following development standards:
 - a. The location of uses proposed by the PUD must be shown in the site-specific master development plan with a maximum density for each type of residential use; a maximum number of units for multi-family dwellings; and a maximum square footage for each type of non-residential use.
 - b. The PUD shall demonstrate compliance with all North Carolina Building Codes and North Carolina Fire Codes.
 - c. Pedestrian ways, bikeways and other transportation systems that encourage cluster and compact development.
 - d. Land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be minimized to the greatest extent possible.
 - e. Identified active open space areas and those significant natural and environmental features that will be protected and preserved in their natural state, with special attention to be paid to preserving heritage and/or mature trees on the site.

f. Architectural and design criteria that provide higher quality than routine developments. At least ten business days prior to the public hearing for approval, all residential uses proposed shall provide typical architectural elevations representative of the residential structures to be built to ensure the standards of this section are met.

g. Phasing. The site-specific master development plan shall include a phasing plan for the development and associated infrastructure improvements. If development of the PUD is proposed to occur in more than one phase, then guarantees shall be provided that project improvements, including improvements required by the TIA and NCDOT. In phases that include residential, amenities that are necessary and desirable of the project, or that are of benefit to the Town, are constructed within that phase of the project.

(F) *Other minimum requirements.*

1. *Off-street parking and loading.* The site-specific master development plan shall demonstrate compliance with the standards of the Jamestown Land Development Ordinances, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD is submitted as part of the PUD site-specific master development plan that is determined to be suitable for the PUD, and generally consistent with the intent and purpose of the off-street parking and loading standards.

2. *Signs.* Signage shall demonstrate compliance with the Jamestown Land Development Ordinances, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the site-specific master development plan and it is reviewed by town staff, recommended by the planning board and approved by town council to be suitable for the PUD and generally consistent with the intent and purpose of the sign standards of the LDO.

3. *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with the Jamestown land development ordinances as well as the following standards:

a. The site-specific master development plan demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. A traffic impact analysis (TIA) shall be required.

b. The site-specific master development plan demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development and are efficiently integrated into off-site potable water and wastewater public improvement plans. The site-specific master development plan shall include a proposed water and wastewater plan.

c. Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the site-specific master development plan.

d. The development is conveniently located in relation to schools and public safety protection services.

4. *Natural resources and environmental protection.* The site-specific master development plan must demonstrate compliance with the current regulatory standards of this ordinance related to natural resource and environmental protection in the Jamestown Land Development Ordinances.

Part 3. That Article V, Sec. 5 “Amendments to Development Ordinance and Zoning Map” is hereby amended by inserting the following new language:

Section 5.5 Development Agreements

5.5-1 Purpose. Development agreements may be used to define the rights and obligations of the town, developers, and property owners in large-scale, multi-phased projects where mitigation of impacts, quality of design, and integration with town resources are better secured through a document that enables all parties to work out details through deliberate discussions prior to review by the town council.

5.5-2 Approval. Development agreements shall be approved as provided in N.C. Gen. Stat. §160D-1001 et. seq. A copy of the development agreement in final form shall be posted on the town’s website for public inspection for the length of time required by statute. The posting of a development agreement in final form does not prevent the town from making changes in response to public input or council deliberation.

5.5-3 Authority and limitations. Consistent with the purposes of PUD zoning, development agreements that accompany a PUD zoning district application may be used to create alternative development and technical standards provided that the result is a development of greater or higher quality as described in LDO Section 8.4-5.1(B). Any

development standard in the LDO may be supplanted by other requirements in a development agreement to achieve the intended purposes of the PUD zoning district if approved by the town council. Development agreements may not be used to alter the public review and approval processes established in the LDO or required by statute.

Part 4. This Ordinance shall be effective immediately upon its adoption.

Adopted this the _____ day of _____, 2023.

Attest:

Town Council
Town of Jamestown, North Carolina

Lynn Montgomery, Mayor

Katie M. Weiner, CMC, Town Clerk