

CHAPTER VIII. PLANNED RESIDENTIAL & PLANNED UNIT DEVELOPMENT

Section 8.1 Purpose

(A) In accordance with the Act [§4417] for the purposes of these regulations the following two categories of Planned Unit Development are established:

- (1) Planned Residential Development, and
- (2) Planned Unit Development.

(B) Planned Residential Development (PRD). PRD provisions are intended to allow clustering of residential development and innovative design to promote the most appropriate use of land and the preservation of Areas of High Public Value identified in Table 7.1.

(C) Planned Unit Development (PUD). PUD provisions are intended to allow compact, mixed-use, pedestrian scale development in village centers and commercial districts, innovative design and layout, and more efficient use of land in order to maintain Charlotte's traditional settlement patterns.

Section 8.2 Applicability

(A) To achieve the purposes set forth in Section 8.1, the Development Review Board may modify applicable area and dimensional requirements required elsewhere in these regulations simultaneously with the approval of a subdivision plan and associated plat. [Density requirements cannot be modified except as allowed under Section 4.4 and/or Section 8.4(C)(2)]. Such modifications shall be made in accordance with the following provisions.

(B) **Planned Residential Development (PRD)** provisions shall be applied to any of the following:

- (1) All major subdivisions.
- (2) All subdivisions proposed within the East Charlotte Village District, West Charlotte Village District, the Village Commercial District or the Commercial/Light Industrial District in which the proposed uses of the subdivided parcels are exclusively residential and associated accessory uses.
- (3) Minor subdivisions in the Rural District or Shoreland Districts in which the applicant or the Development Review Board determine that the modification of dimensional standards that allow the clustering of development, such as a reduction in the minimum lot size or building setbacks, is desirable or necessary to meet the standards set forth in Chapter VII.

(C) **Planned Unit Development (PUD)** provisions shall be applied to the following:

- 1) All proposed subdivisions within the East Charlotte Village District, West Charlotte Village District, Village Commercial District and the Commercial/Light Industrial District in which the proposed uses of the subdivided parcels are nonresidential or are a mixture of residential and nonresidential uses and associated accessory uses.
- 2) The development of two or more principle uses on a single parcel within the East Charlotte Village District, West Charlotte Village District, Village Commercial District and the Commercial/Light Industrial District in which the proposed uses are nonresidential or are a mixture of residential and nonresidential uses and associated development is proposed to be located on a single parcel.

Section 8.3 Coordination with Other Review Processes

The Development Review Board, and other applicable Town of Charlotte boards should attempt to coordinate

review processes for all applications for development.

- (A) **Subdivision Review.** Applications for PRDs and PUDs shall be reviewed concurrently with applications for minor or major subdivision review, whichever is applicable, in accordance with the requirements and procedures set forth in Chapter VI.
- (B) **Site Plan Review.** Applications for Site Plan Review may be reviewed concurrently with an application for subdivision for the same lot, including PRD or PUD approval. Approval granted by the Development Review Board under this section for a PRD or PUD that involves a type of development that requires site plan approval under Section 5.5 shall not exempt the proposed development from such site plan review.
- (C) **Conditional Use Review.** Approval granted by the Development Review Board under this section for a PUD or PRD that involves the development of one or more conditional uses shall not exempt the proposed development from conditional use review in accordance with Section 5.4.

Section 8.4 Planned Residential Developments [PRDs]

- (A) **Application Requirements.** Applications for PRDs shall be submitted in accordance with the requirements set forth in Chapter VI. In addition to and simultaneous with the submission of application materials specified in Table 6.2, applications for PRDs must include the following:
 - (1) A statement setting forth the nature of all proposed modifications or changes of existing land use regulations and the standards and criteria which the applicant proposes for the development, including standards for the design, bulk and spacing of buildings and sizes of lots and open spaces; and
 - (2) A brief summary of the project and how it meets the standards set forth in this section.
- (B) **General Standards.** In addition to applicable subdivision standards in Chapter VII, PRDs shall meet the following:
 - (1) The PRD shall be an effective and unified treatment of the development possibilities of the site, which is consistent with the goals and policies of the *Charlotte Town Plan*.
 - (2) A PRD shall include only residential uses and associated accessory structures and uses allowed within the district in which the PRD is located. Dwelling units may, at the discretion of the Development Review Board, be of varied types, including single-family, two-family, or multi-family construction, and may be attached or detached. In no case shall the multi-family dwellings exceed four (4) dwelling units per building, unless the dwelling units are affordable housing as defined in Section 4.4., and meet the requirements of Table 4.1b. Associated uses may include, but not be limited to, those uses allowed within single dwelling units, such as home occupations and home child care.
 - (3) The overall density of the project shall not exceed the density which could be permitted, in the Development Review Board's judgment, if the land were subdivided into lots which meet the standards for the district(s) in which the land is situated, except where specifically allowed in these regulations as provided for in Section 4.4 and/or Subsection (C)(2) below.
 - (4) With the approval of the Development Review Board, two (2) or more contiguous or noncontiguous parcels may be combined in a single application for review as a PRD. The removal of density from one parcel for use on another parcel shall meet the requirements of Subsection (F).

In addition to applying subdivision standards under Chapter VII, the Development Review Board may impose further restrictions on the height and spacing of buildings; and greater setback and screening requirements for structures, parking areas and other development along the perimeter of the project, and between built and conservation/open space areas to mitigate any adverse impacts on adjoining properties, uses or resource areas.

- (5) In order to approve a PRD, the Development Review Board must find:

- a) that the project will minimize adverse affects upon the resources identified as significant in Table 7.1 (Areas of High Public Value); and
- b) the development area is appropriate for the proposed density, in terms of the existing settlement pattern, the zoning district, and the standards in Chapter VII.

(C) Rural District and Shoreland District Standards. In addition to the general standards set forth under Subsection (B), PRDs within the Rural District and Shoreland District shall be designed to blend new development into the historic, agricultural landscape and to maintain important natural, scenic and cultural resources as described in the *Charlotte Town Plan*. To this end, PRDs shall be designed in accordance with the standards for either conservation projects or hamlets, as described below:

- (1) **Conservation Projects.** At the request of the applicant, or as otherwise required under Section 8.2(B), the proposed PRD shall be designed in a manner that maximizes the reduction of lot sizes and modification of setbacks and other dimensional standards to minimize undue adverse impacts to, and fragmentation of, Areas with High Public Value. The conservation subdivision design process described in Table 6.3 shall be followed by the applicant, and modifications to standards shall be allowed by the Board to the extent that such modifications better achieve the standards set forth under Chapter 7. A minimum of 50% of the lot(s) shall be designated as open space in accordance with Section 8.6.
- (2) **Hamlets.** At the request of the applicant, proposed PRDs may be designed in a manner that replicates a traditional hamlet, characterized by a concentration of residential buildings and associated accessory, cultural and/or recreational uses and structures, which are bounded by farmland or forest. To replicate this traditional pattern, hamlets shall be designed in accordance with the following:
 - a) the parcel(s) shall comprise a minimum of 40 acres;
 - b) a contiguous grouping of dwellings, associated accessory, cultural or community buildings, shall be located within a compact area not to exceed 15% of the total project acreage;
 - c) a minimum of 80% of the parcel(s) shall be designated as open space in accordance with Section 8.6 – one or more common or public areas (e.g., village green or park) may be applied toward this requirement;
 - d) a density bonus of up to 25% of the permitted overall density may be allowed;
 - e) building envelopes or footprints shall be configured to front upon road(s) and/or a common green, so that buildings will be oriented toward the road, one another and/or the common green; and
 - f) the project creates a well-defined edge between the hamlet and surrounding open space – in the event that non-contiguous parcels are involved a minimum of 50% of the designated open space shall be located immediately adjacent to the dwellings to ensure the pattern of compact hamlet surrounded by open countryside.

(D) Village Standards. In addition to the general standards set forth under subsection (B), PRDs within the East Charlotte Village District, West Charlotte Village District, Village Commercial District and the Commercial/Light Industrial District shall be designed so that the layout and configuration of lots and the subsequent placement of buildings are consistent with the historic pattern and scale of development found within these villages, and with historic structures in the vicinity. At minimum, PRDs located within these districts shall:

- (1) Incorporate the following features in the subdivision design:
 - a) pedestrian scale and orientation, as determined by the location and size of building envelopes or footprints;
 - b) functional and visual integration with neighboring properties, especially if the site incorporates, or is adjacent to, historic districts, neighborhoods, sites or structures;

- c) an interconnected network of streets and well-defined streetscapes; and
 - d) sidewalks and pathways to facilitate pedestrian circulation.
- 2) Include at least 50% open space, common areas, or land dedicated to public use, such as a village green or park, which serve as a central organizing feature within the subdivision. Where subdivisions abut the Rural District, the location of building envelopes and configuration of lots and open space shall reinforce a well-defined contrast between the compact village and the surrounding rural countryside.
 - 3) Accommodate a scale of development that is compatible with the scale and massing of neighboring structures. To this end, the Board may, as a condition of subdivision approval, establish a maximum gross floor area, building footprint and/or building height for structures to be constructed on the subdivided parcel that are more restrictive than the standards set forth in Chapter II.

(E) PRDS in Two or More Districts. In the event that all or a portion of one or more parcels involved in a single PRD is located in a different zoning district than another involved parcel, the total allowable density shall be calculated based on the dimensional standards for each district established in Chapter II, and the total acreage of each parcel(s) located within the respective district.

(F) PRDs Involving Two or More Parcels. Two or more parcels, whether contiguous or non-contiguous may be combined in a single application for review as a PRD. Prior to approving such an application, the Development Review Board shall determine that the application complies with the standards of this Section as well as the following standards:

- (1) Total density based upon the cumulative acreage of the parcels may be aggregated unto a single parcel to allow for greater concentrations of development and corresponding preservation of open space, providing the overall density for the combined parcels does not exceed that which could be permitted, in the Development Review Board's judgment, if the land were subdivided into lots in conformance with these regulations.
- (2) The application will result in the conservation of resources identified in Table 7.1 and the *Charlotte Town Plan*.
- (3) The area to be developed is appropriate for the proposed density, such as a hamlet, village, or other settlement area.
- (4) Density from parcels located within the Rural and Shoreland Districts may be aggregated onto parcels located within the Rural, Shoreland, East and West Charlotte Village Districts; and density from parcels located within the East and West Charlotte Village District may be aggregated onto parcels located elsewhere within those same village districts. In no case shall density from parcels located in the East and West Charlotte Village Districts be aggregated onto parcels located within the Rural or Shoreland Districts.
- (5) Density from one parcel may be aggregated onto another parcel only in whole increments of one (1) dwelling unit per five (5) acres. The number of units removed from a parcel to be protected as open space shall be added to the maximum number of units allowed on the parcel to be developed as prescribed by applicable district standards. Any parcel(s) which retains a portion of the total allowable density that is not proposed for development as part of an approved PRD shall retain a minimum of five (5) acres per dwelling unit.
- (6) The aggregation of density from one or more parcels onto another parcel shall be administered in accordance with the following:
- (7) The removal of density from a parcel shall be accomplished through a conservation easement, of a form and content approved by the Development Review Board, to be recorded in the Charlotte Land Records. Such easement shall specify that the protected portions of the parcel are to be used only for open space, agriculture, forestry and non-commercial outdoor recreation purposes. No structures or roads are to be allowed within the conservation easement area. Wastewater disposal may be allowed

within the conservation easement area if it does not disrupt, detract from or limit the values for which the conservation area is to be protected. In addition, the easement shall be accompanied by a recordable plat which clearly depicts:

- a) the boundaries of the parcel;
 - b) the boundaries of the portion of the parcel to be designated as open space and restricted by the conservation easement; and
 - c) the total, unallocated density available under current zoning regulations prior to the PRD approval, and shall specify the total reduction of density resulting from that approval, in tabular format.
- (8) The aggregation of density on a parcel shall be accomplished through a written agreement, approved by the Development Review Board concurrently with PRD approval under this Chapter. Said written agreement shall be of a form and content approved by the Board, and may be in the form of a written decision approving the PRD, and shall be recorded in the Charlotte Land Records. Such agreement shall specify the total density being aggregated onto the parcel from other parcels and shall include a deed reference to the easement covering the parcel(s) from which the density originated.
- (9) The density from parcels subject to conservation easements or comparable deed restrictions may not be used to increase the allowable density on another parcel, ie: other than the parcel which is identified in the application as the parcel designated for increased density.

Section 8.5 Planned Unit Developments [PUDs]

(A) **Application Procedure.** Applications for PUD shall be submitted as, or simultaneously with, applications for major subdivision under Chapter VI. In addition to the information required for sketch plan review under Section 6.3, applications for PUDs must include the following:

- (1) A statement setting forth the nature of all proposed modifications or changes of existing land use regulations and the standards and criteria which the applicant proposes for the development, including standards for the design, bulk and spacing of buildings and sizes of lots and open spaces.
- (2) A brief summary of the project and how it meets the standards in this section.
- (3) In instances in which an applicant proposes development of a portion of a larger parcel, or development of a parcel contiguous to another parcel(s) in common or affiliated ownership, a general indication of the intended use of the remaining (undeveloped) portion of the land, in accordance with Section 7.1.
- (4) Any additional information required by the Development Review Board to determine whether the proposed mix of uses, density and scale and intensity of uses will meet the standards set forth in Chapter VII and below.

(B) **General Standards.** In addition to the subdivision standards set forth in Chapter VII, PUDs shall meet the following:

- (1) The PUD shall be an effective and unified treatment of the development possibilities of the site, which is consistent with the goals and policies of the *Charlotte Town Plan*.
- (2) A PUD may include any use allowed within the district(s) in which it is located, including a mix of residential and nonresidential development, and associated accessory structures and uses. Dwelling units within a PUD may, at the discretion of the Development Review Board, be of varied types, including single-family, two-family, or multi-family construction, and may be attached or detached. In no case shall multi-family dwellings exceed six (6) dwelling units per building, except as provided in Section 4.4 for Affordable and Elderly Housing.

- (3) A greater concentration or intensity of development may be located within some portion(s) of the site provided there is an offset by a lesser concentration in another portion(s) or an appropriate reservation of open space on the remaining land in accordance with Section 8.6.
- (4) The overall density of the project shall not exceed the density allowed, in the Development Review Board's judgment, if the land were subdivided into lots in accordance with the standards for the district(s) in which the land is situated, except as provided for in Section 4.4 with regard to PUDs that incorporate affordable housing.
- (5) A PUD may involve the creation of separate building lots, or may include a development in which multiple buildings and uses are constructed on a single parcel in common ownership.
- (6) The PUD shall be designed to establish or extend an interconnected network of streets, and distinct streetscapes defined by consistent building setbacks, sidewalks, and street trees.
- (7) Provision shall be made for year-round pedestrian circulation within the site, and for pedestrian access to adjacent properties. Pedestrian circulation should include a network of pathways and sidewalks connecting existing land uses within and adjacent to the site. Provision for safe and efficient transit access also may be required.
- (8) Buildings envelopes (or footprints) shall front toward and relate to streets, entrance drives and public spaces (e.g., greens, parks, plazas), both functionally and visually, and not be oriented toward parking lots. Proposed building envelopes (or footprints and elevations) shall reflect a diversity of building scale and massing. Excessively large, monolithic buildings shall be avoided. Lots and building envelopes within Village Districts shall be configured to be consistent with the pattern created by historic structures within the district/vicinity.
- (9) Proposed building sites shall be clustered and integrated within a compact village pattern, present a well-defined edge between the built environment and surrounding open space, and visually enhance village entrances.
- (10) Site design and landscaping shall be compatible with neighboring properties. In instances in which a PUD abuts a residential property, greater setback requirements for structures and parking areas and appropriate screening may be required.
- (11) All proposals shall demonstrate the extent to which they protect and utilize renewable energy resources through such means as developing south-facing slopes in lot layout and enabling solar access to all future buildings.

(C) PUDS in Two or More Districts. In the event that a parcel involved in a single PUD is located in two or more zoning districts, the total allowable density shall be calculated based on the dimensional standards for each district established in Chapter II, and the total acreage of each portion of the parcel located within the respective district.

(D) PUDs on Two or More Parcels. Two or more contiguous or non-contiguous parcels may be combined for review as a PUD. For such PUDs that incorporate residential uses, the permitted number of dwelling units on one parcel may be increased as long as the overall number of units for the combined parcels does not exceed that which, in the Development Review Board's judgement, should be permitted if the land were subdivided into lots in conformance with these regulations.

Section 8.6 Open Space & Common Land

(A) PRDs and PUDs shall make adequate provision for the protection of open space and common land in accordance with Section 7.11, Section 7.12 and the following provisions. In determining the appropriateness of the open space and common land, the applicant and the Development Review Board shall consider the location, shape, size, and character of the designated open space and common land relative to the size, density,

topography, and the number and type of units proposed in the PRD or PUD. In designating open space and/or common land, applicants and the Board shall consider the location of the project and associated site features as identified in Table 8.1:

Table 8.1 Open Space and Common Land Guidelines		
Type of Feature	Protection	Applicable Zoning Districts
1. Areas of High Public Value (Section 7.2)	Open Space or Common Land	All districts
2. Common areas (greens, playgrounds, parks)	Common Land	East and West Charlotte Village, Commercial, Commercial/Light Industrial
3. Existing or potential trail corridors, including preservation of established trail networks	Open Space or Common Land	Rural, Shoreland, Conservation East and West Charlotte Village, Village Commercial, Commercial/Light Industrial
4. Pathways (paved & unpaved), sidewalks	Common Land	East and West Charlotte Village, Village Commercial, Commercial/Light Industrial
5. Gateways; open green space defining visual and physical edge of village or hamlet	Open Space	Rural, Shoreland, Conservation, East and West Charlotte Village, Village Commercial, Commercial/Light Industrial
6. Community facilities (e.g., roads, parking areas, water and septic systems, and community buildings)	Common Land	Rural, Shoreland, Conservation, East and West Charlotte Village, Village Commercial, Commercial/Light Industrial

(B) In addition to the considerations set forth in Section 8.6(A) and Table 8.1, open space and common land shall be delineated in accordance with the following standards:

- (1) Open space shall provide for the protection of resources on the site including agricultural land, productive woodland, wildlife habitat, natural areas, aquifer protection areas, wetlands, views and vistas, streams, stream banks, the lake shoreline, and historic and archeological sites.
- (2) The location, shape, size and character of the open space and common area shall be suitable for its intended use.
- (3) Open space land shall be suitably improved and/or maintained for its use, except for open space containing natural resources worthy of preservation, which may be required to be left unimproved. Provisions shall be made to enable lands designated for agriculture and forestry to be utilized for these purposes. Management plans for forestry and wildlife habitat may be required.
- (4) Open space land shall be located to extend existing and potential open space and common areas on adjacent lots.
- (5) Additional measures that may be imposed to protect resources identified on the parcel include, but are not limited to, restrictions on building sites through designation of building envelopes and clearing limits.
- (6) Sewage disposal, water supply areas, and road rights-of-way shall not be counted as open space except where the applicant can prove to the satisfaction of the Development Review Board that the sewage disposal, water supply facility and road right-of-way will in no way disrupt or detract from the values for which the open space is to be protected.
- (7) Fire ponds may be included in open space areas.

- (8) In approving a minor subdivision, the designation of open space may be deferred by the Development Review Board until a further subdivision is proposed; at that time the Board may require that the designated open space include sufficient acreage to account for the original minor subdivision under the open-space requirements of these regulations.