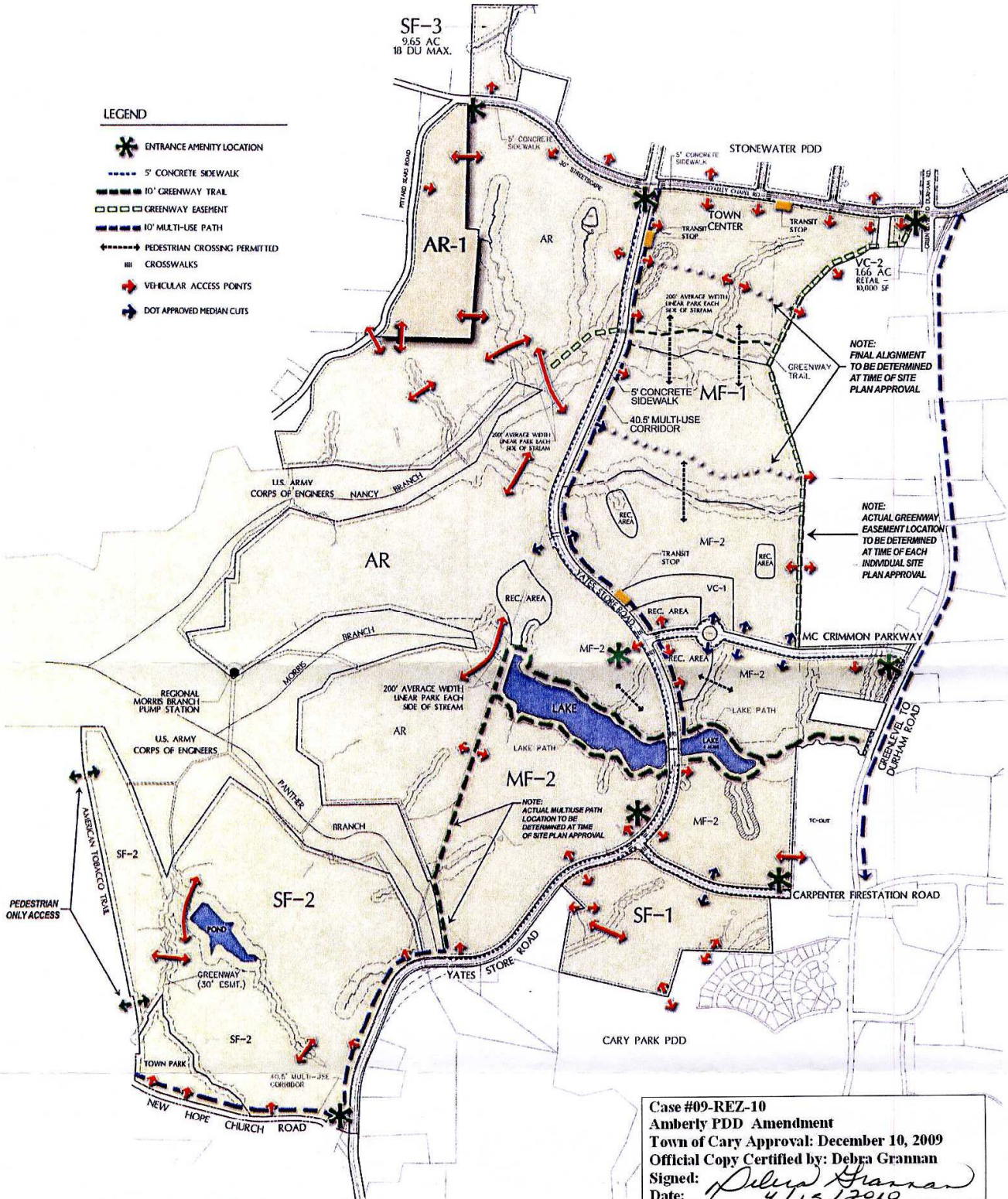


LEGEND

- ENTRANCE AMENITY LOCATION
- 5' CONCRETE SIDEWALK
- 10' GREENWAY TRAIL
- GREENWAY EASEMENT
- 10' MULTI-USE PATH
- PEDESTRIAN CROSSING PERMITTED
- CROSSWALKS
- VEHICULAR ACCESS POINTS
- DOT APPROVED MEDIAN CUTS



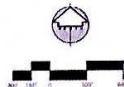
Case #09-REZ-10
 Amberly PDD Amendment
 Town of Cary Approval: December 10, 2009
 Official Copy Certified by: Debra Grannan
 Signed: *Debra Grannan*
 Date: 4/15/2010

AMBERLY P.D.D.

AMENDED VEHICULAR & PEDESTRIAN CIRCULATION PLAN

APPROVED: DECEMBER 10, 2009

SCALE: 1"=300'



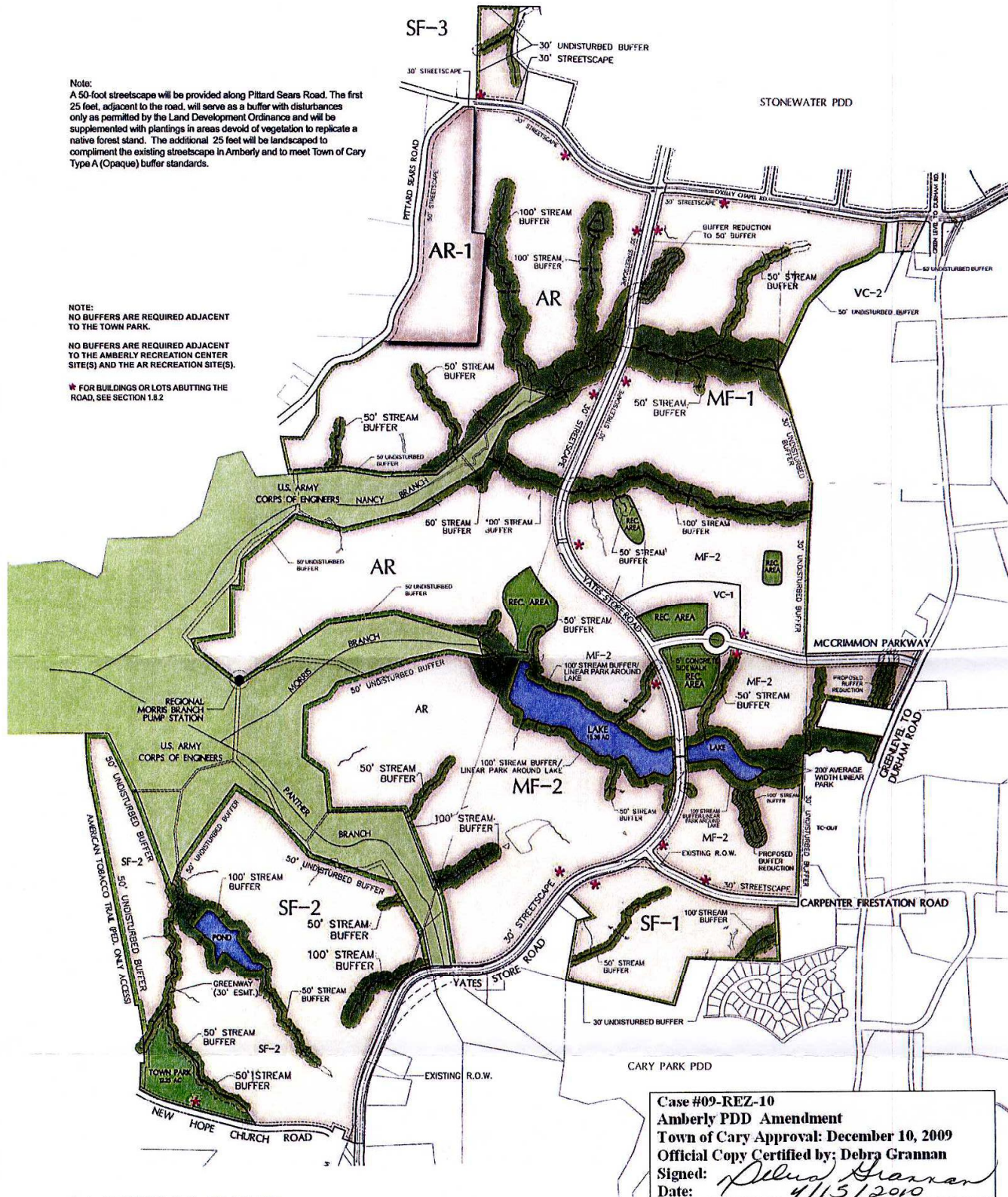
MP-2

Note:
A 50-foot streetscape will be provided along Pittard Sears Road. The first 25 feet, adjacent to the road, will serve as a buffer with disturbances only as permitted by the Land Development Ordinance and will be supplemented with plantings in areas devoid of vegetation to replicate a native forest stand. The additional 25 feet will be landscaped to compliment the existing streetscape in Amberly and to meet Town of Cary Type A (Opaque) buffer standards.

NOTE:
NO BUFFERS ARE REQUIRED ADJACENT TO THE TOWN PARK.

NO BUFFERS ARE REQUIRED ADJACENT TO THE AMBERLY RECREATION CENTER SITE(S) AND THE AR RECREATION SITE(S).

* FOR BUILDINGS OR LOTS ABUTTING THE ROAD, SEE SECTION 1.8.2



Case #09-REZ-10
Amberly PDD Amendment
Town of Cary Approval: December 10, 2009
Official Copy Certified by: Debra Grannan
Signed: *Debra Grannan*
Date: 4/13/2010

AMBERLY P.D.D.
AMENDED OPEN SPACE, STREETScape
& BUFFER PLAN
APPROVED: DECEMBER 10, 2009

SCALE: 1"=300'



MP-3

CHAPTER 1: AMBERLY PLANNED DEVELOPMENT DISTRICT

Cary Land Development Ordinance (LDO) Supplement

Prepared for the Town of Cary, North Carolina

PDD Amendment

May 28, 2009

Approved December 10, 2009

Owner:

Marquis Home & Company

Prepared by:

**Jerry Turner & Associates
Landscape Architecture, Land Planning
Environmental Design**

Case #09-REZ-10

Amberly PDD Amendment

Town of Cary Approval: December 10, 2009

Official Copy Certified by: Debra Grannan

Signed:

Date:

Debra Grannan
4.16.10

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MP-3 OPEN SPACE, STREETSCAPE AND BUFFER PLAN MAP

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1.1 PURPOSE

Amberly PDD is an approved master planned community that combines a mixture of land uses within an environment providing open space in excess of what is required by the Town of Cary for PDD approval. This amendment adds an additional 36.606 acres into the PDD. The property is located within Chatham County and will have to be annexed into the Town of Cary. The use for the property is residential and will be included in the PDD as age restricted. With this amendment, the 30-foot undisturbed buffer along our boundary with Amberly is being deleted since the properties will be developing together with the same product type.

This amendment maintains Cary's desire to locate higher density residential development in close proximity to employment centers, thus reducing the amount of travel time to work and reducing the impact to the surrounding road network. Amberly is within one mile of the region's major employment core, the Research Triangle Park. The mix of uses reflects Amberly's proximity to the Research Triangle Park. Future road improvements in the vicinity of Amberly will enable the area to accommodate the development planned for Amberly.

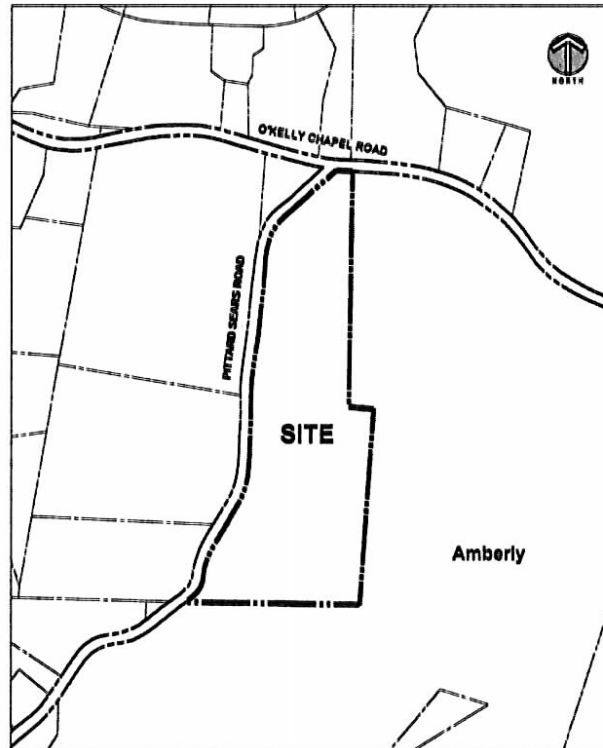
Amberly's residential component will accommodate all ages. A large percentage of the residential units in Amberly will be age-restricted. There continues to be a demand for an active adult community in Cary and the Triangle. This type of development has no impact on public schools and less impact on the Town's infrastructure. The age-restricted housing being proposed in Amberly reflects the need for this type of housing in Cary and the Triangle. North Carolina is one of the choice destinations for retirement. The developers of Amberly believe that there is a real need for an active adult community in Cary. Active adult communities need the following criteria to be successful, and Amberly will contain all of them:

- Access to significant employment cores;
- Access to major highways or other transportation routes;
- Quality of surrounding land and natural resources;
- Presence of medical facilities;
- Presence of historic charm or local character;
- Presence of social and cultural outlets;
- Proximity to shopping facilities;
- Proximity to colleges and universities.

The same criteria that make Amberly an excellent location for an active adult community also make it an excellent location for non-retirees. The planned amenities within Amberly represent a destination type of development. These amenities include a lake, a project recreation site with several pools, a town park and numerous recreational facilities, including passive open space located within the individual parcels. Amberly's open space is in excess of what is required by the Town of Cary for PDD approval. Amberly will be a premier development providing its residents a place to work, live and play.

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1.2 APPLICABILITY



Vicinity Map

This zoning district shall apply to the geographic land area shown on the following map as submitted for an amendment May 28, 2009.

1.3 GENERAL DEVELOPMENT INTENT

1.3.1 Land Uses

The original master plan provided for a maximum of 5,000 dwelling units. With this amendment, the total is 5,155. The new breakdown is as follows: 480 single-family units, 2,370 multi-family residential units, 1,505 age restricted units, and a maximum of 800 units within the Town Center parcel. The PDD provides for 280,000 square feet of commercial development and 135,000 square feet of office development. This amendment adds an additional 155 age-restricted units. The housing is intended and operated for occupancy by persons 55 years of age or older; and at least 80% of the units are occupied by at least one person 55 or older.

1.3.2 Vehicular and Pedestrian Circulation

Sidewalks are planned for both sides of all roads, except cul-de-sacs and where the multi-use corridor is located. A 10-foot multi-use path is planned along the eastern side of Yates Store Road from a point at Panther Branch to the lake, along the

western side of Yates Store Road to New Hope Church Road, and along the north side of New Hope Church Road to the end of the Town Park. A 10-foot greenway is planned to go around the lake, down the county line between AR and MF-2 to Yates Store Road, which ties into the multi-use path. A 10-foot greenway is planned from the eastern edge of the lake to Green Level to Durham Road. A greenway is also planned along Nancy Branch from Yates Store Road to the eastern property boundary of Amberly. A greenway easement is being provided from McCrimmon Parkway north along the eastern property boundary of Amberly to O'Kelly Chapel Road. The easement can be located within the 30-foot buffer. Map MP-2 reflects the specific location of the multi-use path, greenway and greenway easement. There will be private greenway connections within Amberly in addition to the public greenways, sidewalks and the multi-use path to make Amberly a very walkable community.

1.3.3 Buffers, Open Space and Recreational Facilities

There are approximately 279.18 acres of open space, including a 12.25-acre Town Park, a 12.34-acre Amberly Recreation site(s), a 6-acre AR Recreation site(s) and a 15.36-acre lake. Only 162 acres is required for the approval of Amberly PDD.

1.3.4 Utilities

1.3.4.i Wastewater Service

In consideration of the Town of Cary's recent agreement with Durham County, Town of Cary municipal wastewater service to Amberly will be provided by constructing the Morris Branch Regional Wastewater Pumping Station to discharge to the existing Kitt Creek Pumping Station for ultimate discharge and treatment at Durham County's Triangle Waste Water Treat Plant (WWTP). Over sizing of the proposed outfall sewer throughout the development will be eligible for over sizing reimbursements as outlined in the Town of Cary Policy Statement 96. All wastewater systems shall be constructed according to the Town of Cary Standards.

1.3.4.ii Water Service

Town of Cary municipal water service to the Amberly development will be provided by extension along Yates Store Road of a 16-inch and 12-inch water transmission line from an existing 16-inch water main at the intersection of Carpenter Fire Station Rd. and Durham to Green Level Road. A 16-inch water main will be extended within the development northerly along the proposed Yates Store Road extension. A second water line connection is proposed by extending a water line along Yates Store Road to the water line at Cary Park. Over sizing of the proposed water distribution system throughout the development will be eligible for over sizing reimbursements as outlined in the Town of Cary Policy Statement 96. All water systems shall be constructed according to the Town of Cary Standards.

Amberly will commit to the contingency for a water line connection to NC 55 to the north of Amberly in the event that the development to the north does not happen. (Development anticipated to proceed to the north includes Village at the Park PDD

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and Stonewater PDD). Amberly will commit to limiting the number of residential CO's to 40% until there is a northern water line connection. (This connection has already been made.)

1.3.4.iii Private Utility Service

Other utility service provided throughout the Amberly development such as telephone, power, cable-tv, and natural gas service shall be placed underground typically within the street system right-of-way(s) between the back-of-curb and the right-of-way boundary. Transformer and pedestal locations for the respective utilities will be placed so as not to impede pedestrian circulation or safety.

1.3.5 Storm Water Management

1.3.5.i Storm water Management Components

1. Watershed Protection Rules (Jordan Lake Watersheds)
2. Sediment & Erosion Control Program – Town of Cary.
3. Flood Damage Prevention Ordinance.
4. Nitrogen Control: August 21, 2000, Cary submitted a Stormwater Management Plan for Nitrogen Control to the State of North Carolina's Division of Water Quality. Cary has passed an interim Stream Buffer ordinance requiring 100-foot Riparian Buffers on all perennial and intermittent streams in Cary Town limits and ETJ. In doing so, Cary's Town leaders decided to give water quality and water supply twice the protection by requiring 100-foot buffers instead of the minimum 50-foot required by the Neuse River Rules. In addition, Cary put its rules into effect immediately and made them Town wide, not just for development in the Neuse Basin.

1.3.5.ii Summary of Storm water Plan

1. Minimize cul-de-Sacs – Cul-de-Sacs increase impervious areas, resulting in greater amount of runoff and nitrogen export.
2. Provide Storm water Treatment – Inclusion of BMP's to attenuate runoff and reduce suspended solid and pollutant loading in streams.
3. More Community Open Space – Conservation of open spaces, riparian buffers, multi-use paths/linear parks, landscape buffers and recreational space.
4. Flexible Sidewalk Standards – Where approved, limit sidewalks to one side of the road to decrease impervious area.
5. Vegetative Buffers along intermittent and perennial streams.

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6. Enhanced Native Vegetation – Wherever practical, manage community open space, street rights-of-way, parking lot islands, and other landscaped areas to promote natural vegetation.
7. Direct residential rooftop runoff to pervious areas such as yards, open channels, and/or vegetated areas instead of to roadways or storm water conveyance systems.

1.3.5.iii Allowable Best Management Practices

The following Best Management Practices may be utilized for nitrogen reduction:

1. Wet detention ponds.
2. Constructed Wetlands.
3. Open Channel Practices.
4. Riparian Buffers*.
5. Sand Filters.
6. Bioretention.
7. Proprietary BMPs.
8. Others, as approved by the Town of Cary.

*NOTE: While riparian buffers do provide nitrogen reduction, their nitrogen reduction ability is accounted for establishing a target limit of 6.0 lbs/acre/year for the PDD as whole, and therefore are not counted in nitrogen reduction calculations.

Lake Amberly: Lake Amberly was designed and constructed as a BMP device for the Amberly PDD. Lake Amberly is proposed to be used as a BMP device for the MF-2 Pod and has been approved by DEHR-DWQ for use as a BMP.

1.3.5.iv Riparian Buffers

Per NCDENR 15A NCAC 2B.0200, High Density development will have 100-foot Watershed Protection Buffers along USGS perennial streams (solid blue lines) for Class IV Watersheds. Per Town of Cary "Storm water Management for Nitrogen Control", USGS streams (solid and dashed blue lines) will have 100-foot riparian buffers and other surface waters as shown on the Wake County Soil Survey shall have a 50-foot wide riparian buffer on each side.

No Land-disturbing activity shall take place within stream buffers, except for those facilities allowed, such as greenway trails and specifically permitted crossings.

Stream buffers shall be shown on all site plans and subdivision plans.

All principal buildings and structures and all accessory buildings and structures shall be set back from the stream buffer as required.

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Stream buffers and wetland areas were delineated by S&EC, Inc. and mapped by Kenneth Close, Inc., "WETLAND DELINEATION MAP FOR AMBERLY PDD", DATED 7/28/01, REVISED 1/18/02. The delineation map has been approved by the US Army Corps of Engineers and includes riparian buffers confirmed by the Town of Cary.

Utility Locations within Buffer Areas: Sanitary Sewer lines located in Zone 3 of the Town of Cary's riparian buffer and the other 50-feet of the Class IV Watershed Protection buffer zone will meet the requirements for allowable use in Zone 3 of the Town of Cary's LDO and North Carolina 15A NCAC 2B.0216 as needed when a hardship due to topography exist. All locations within the outer 50-feet of the State Class IV Watershed Protection buffers and Zone 3 will require Town of Cary approval at the time of site plan.

Best Management Practices (BMP's) will be kept out of riparian buffers with the exception of constructed wetlands. Constructed wetlands can be placed in riparian buffers to within 15 ft. of the top of the bank. Projects need to be planned and constructed to maximize BMP function ability without impacts to riparian buffers.

BMP Locations within Buffer Areas: BMP's located in Zone 3 of the Town of Cary's riparian buffer and the other 50-feet of the Class IV Watershed Protection buffer zone will meet the requirements for allowable use in Zone 3 of the Town of Cary's LDO and North Carolina 15A NCAC 2B.0216 as necessary to reduce impacts caused by the relationship of existing topography. BMP's have been shown within Zone 3 and the outer 50-feet of the watershed protection buffer to prevent the number of devices needed being significantly increased. Larger numbers of smaller BMP's tend to increase problems associated with maintenance and effectiveness of BMP's to operate as intended. Where multiple BMP's can be replaced by a single BMP located in Zone 3 and the outer 50-feet of the watershed protection buffer (by locating at the lowest elevation adjacent to the development as opposed to up-slope) this will benefit the operation and maintenance of the BMP's. All locations within the outer 50-feet of the State Class IV Watershed Protection buffers and Zone 3 will require Town of Cary approval at the time of site plan.

1.3.5.v Buffer Reduction Mitigation

Land Banking is provided to mitigate proposed buffer reductions as follows:

Infrastructure Improvements: The location of the land banking is proposed for ephemeral streams located within the linear park/multi-use path/open space. A ratio of 2.24:1 buffer mitigation is for the areas that are shown Amberly Infrastructure – Proposed Land Banking LB-1 plan (see attachments).

POD development: Additional riparian buffers impacts will be mitigated under the current riparian buffer land banking rates.

- 1:1 for restoration of a degraded buffer
- 3:1 for preservation of an existing buffer

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- 10:1 for preservation of open space

1.3.5.vi Nitrogen Export Standards

All site plans within the PDD area must comply with additional environmental regulations including the Lake Jordan Watershed Protection Ordinance and the Town of Cary "Stormwater Management Program for Nitrogen Control".

Because this development is in the Cape Fear River Basin and outside the Neuse River Basin, the Developer will reduce Nitrogen Export to the Levels required to the maximum extent practicable. Reference Amberly PDD – Total Nitrogen Export Calculations Table (POD Nitrogen Export Schedule) for individual Pod Structural BMP requirements.

The Nitrogen Export shall be limited to the POD Nitrogen Export Schedule or to an export limit that may be determined based on completion of the NW Study Area Stormwater Analysis; whichever allows a higher export limit.

1.3.6 Phasing

There is an existing Phasing Schedule within the approved 2004 Amberly PDD Document. It is included below.

The phasing schedule for the additional property is as follows: AR-1: This project is proposed to develop in accordance with the following schedule: 5-year build-out and is subject to market conditions.

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RESIDENTIAL BUILD-OUT (CO)		
YEAR	ADD (DU.)	NET (DU.)
1 2004	500	500
2 2005	500	1,000
3 2006	600	1,600
4 2007	600	2,200
5 2008	700	2,900
6 2009	700	3,600
7 2010	700	4,400
8 2011	600	5,000
COMMERCIAL BUILD-OUT		
YEAR	ADD (SF)	NET (SF)
1 2004	0	0
2 2005	150,000	150,000
3 2006	130,000	280,000
4 2007	0	280,000
5 2008	0	280,000
6 2009	0	280,000
7 2010	0	280,000
8 2011	0	280,000
OFFICE BUILD-OUT		
YEAR	ADD(SF)	NET(SF)
1 2004	0	0
2 2005	50,000	50,000
3 2006	85,000	135,000
4 2007	0	135,000
5 2008	0	135,000
6 2009	0	135,000

1.4 SUBDISTRICTS CREATED AND DEFINED

Due to the desired types of future development in various portions of Amberly PDD, differing land uses, building standards, parking requirements, open space requirements, and other related development standards are spelled out in this district.

In order to present the full range zoning and development requirements for each different area, this zoning district is divided into subdistricts as follows:

Subdistrict	Acres	Max. Number of Residential Units or Nonresidential Square Footage
SF	242.26	480
MF	367.62	2,370
AR	335.68	1,350
Town Center	75.79	800

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Subdistrict	Acres	Max. Number of Residential Units or Nonresidential Square Footage
		125,000 office 240,000 comm.
VC-1	3.0	30,000 comm. 10,000 office
VC-2	1.66	10,000 comm.
AR Rec Area	6.0	
Town Park	12.25	
Amberly Rec Center	12.34	
Major Road R.O.W.	24.00	
TOTAL	1,080.60	5,000 415,000 sq. ft.

AR-1

Subdistrict	Acres	Max. No. of Units
AR-1	36.606	155

1.5 ALLOWED USES

Principal uses allowed in each subdistrict are detailed in the Use Table contained in this Section. Accessory or ancillary uses normally associated with such primary uses are allowed in conjunction with the principal use. The Use-Specific Standards for each permitted and special use in Amberly are those standards and requirements that are found in the PDD document. The standards and requirements found in the approved Amberly PDD document take precedence over the standards found in the LDO.

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TABLE OF AMBERLY PLANNED DEVELOPMENT DISTRICT USES P = Permitted Use; S = Special Use (in accordance with Section 3.8 of the Cary Land Development Ordinance); A=Accessory Use											
Use Category	Use Type	SF (all SF parcels)	MF (all MF parcels)	AR/	Town Center	VC-1	VC-2	AR-Rec. Area	Amb. Rec. Center	AR-1	Use-Specific Standards
RESIDENTIAL USES											
Group Living	Life care community		P	P	P						Refer to PDD Document
	Nursing home			P	P						Refer to PDD Document
Household Living	Accessory dwelling	P	P	P							Refer to PDD Document
	Boarding house										Refer to PDD Document
	Detached dwelling	P	P	P	P					P	Refer to PDD Document
	Duplex dwelling		P	P	P					P	Refer to PDD Document
	Multi-family dwelling		P	P	P						Refer to PDD Document
	Multi-family dwelling, mid-rise		P	P	P						Refer to PDD Document
	Patio dwelling	P	P	P	P					P	Refer to PDD Document

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TABLE OF AMBERLY PLANNED DEVELOPMENT DISTRICT USES
P = Permitted Use; S = Special Use (in accordance with Section 3.8 of the Cary Land Development Ordinance);
A=Accessory Use

Use Category	Use Type	SF (all SF parcels)	MF (all MF parcels)	AR/	Town Center	VC-1	VC-2	AR-Rec. Area	Amb. Rec. Center	AR-1	Use-Specific Standards
	Residential use in commercial building				P	P					Refer to PDD Document
	Residential use in mixed use building				P	P					Refer to PDD Document
	Semi-detached/attached dwelling	P	P	P	P					P	Refer to PDD Document
	<u>Tandem dwelling unit</u>	P	P	P	P						Refer to PDD Document
	Townhouse		P	P	P					P	Refer to PDD Document
	Home Occupations	P	P	P	P	P				P	Refer to PDD Document
ACCESSORY USES	Accessory dwelling unit, utility dwelling unit, satellite dish, swimming pool, hot tub, or spa	P	P	P	P	P	P			P	Refer to PDD Document
PUBLIC / INSTITUTIONAL USES											
Cultural Facilities	Library	S	S	S	P	P	P				Refer to PDD Document

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TABLE OF AMBERLY PLANNED DEVELOPMENT DISTRICT USES P = Permitted Use; S = Special Use (in accordance with Section 3.8 of the Cary Land Development Ordinance); A=Accessory Use											
Use Category	Use Type	SF (all SF parcels)	MF (all MF parcels)	AR/	Town Center	VC-1	VC-2	AR-Rec. Area	Amb. Rec. Center	AR-1	Use-Specific Standards
	Museum	S	S	S	P	P	P				Refer to PDD Document
Day Care	Child day care center	S	S	S	P	P	P				Refer to PDD Document
	Day care home, large	S	S	S	P						Refer to PDD Document
	Day care home, small	P	P	P	P						Refer to PDD Document
Government Services	All	S	S	S	P	P	P				Refer to PDD Document
Clinic	Clinic, Doctor				P	P	P				Refer to PDD Document
Library	All	S	S	P	P	P	P				Refer to PDD Document
Museum	All	S	S	S	P	P	P				Refer to PDD Document
Park and Open Space	Athletic field, public	P	P	P	P	P	P	P	P		Refer to PDD Document
	Community garden	P	P	P	P	P	P	P	P		Refer to PDD Document


Town of Cary Land Development Ordinance Supplement
 Approved PDD Amendment Amberly 12/10/09
 12/16/10

TABLE OF AMBERLY PLANNED DEVELOPMENT DISTRICT USES
P = Permitted Use; S = Special Use (in accordance with Section 3.8 of the Cary Land Development Ordinance);
A=Accessory Use

Use Category	Use Type	SF (all SF parcels)	MF (all MF parcels)	AR/	Town Center	VC-1	VC-2	AR-Rec. Area	Amb. Rec. Center	AR-1	Use-Specific Standards
	Outdoor amphitheater, public				P			P	P		Refer to PDD Document
	Park, public	P	P	P	P	P	P	P	P	P	Refer to PDD Document
	Neighborhood recreation center, public	P	P		P	P	P	P	P	P	Refer to PDD Document
Public Safety Station	All	P	P	P	P	P	P				Refer to PDD Document
Religious Assembly	All	P	P	P	P	P	P				Refer to PDD Document
School	College				P	P					Refer to PDD Document
	School	P	P	P	P	P	P				Refer to PDD Document
Utility	Public utility facility, major	P	P	P	P	P	P				Refer to PDD Document
	Transportation facility	P	P	P	P	P	P				Refer to PDD Document
	Public utility substation, minor	P	P	P	P	P	P				Refer to PDD Document
COMMERCIAL USES											

TABLE OF AMBERLY PLANNED DEVELOPMENT DISTRICT USES											
P = Permitted Use; S = Special Use (in accordance with Section 3.8 of the Cary Land Development Ordinance); A=Accessory Use											
Use Category	Use Type	SF (all SF parcels)	MF (all MF parcels)	AR/	Town Center	VC-1	VC-2	AR-Rec. Area	Amb. Rec. Center	AR-1	Use-Specific Standards
Animal Service	Kennel, indoor only				P	P	P				Refer to PDD Document
	Veterinary hospital/office, with indoor kennels				P	P	P				Refer to PDD Document
Assembly	Club, lodge, or hall			P	P	P	P			P	Refer to PDD Document
Financial Institution	Bank, with drive-through service				P	P	P				Refer to PDD Document
	Bank, without drive-through service				P	P	P				Refer to PDD Document
Food and Beverage Service	Nightclub/bar, without outdoor operation				P	P	P				Refer to PDD Document
	Nightclub/bar, with outdoor operation				P	P	P				Refer to PDD Document
	Restaurant, without outdoor operation				P	P	P				Refer to PDD Document
	Restaurant, with outdoor operation				P	P	P				Refer to PDD Document
Office	Office, business or professional				P	P	P				Refer to PDD Document

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TABLE OF AMBERLY PLANNED DEVELOPMENT DISTRICT USES
P = Permitted Use; S = Special Use (in accordance with Section 3.8 of the Cary Land Development Ordinance);
A=Accessory Use

Use Category	Use Type	SF (all SF parcels)	MF (all MF parcels)	AR/	Town Center	VC-1	VC-2	AR-Rec. Area	Amb. Rec. Center	AR-1			Use-Specific Standards
	Office, flex-space				P	P	P						Refer to PDD Document
	Radio or TV broadcasting studio				P	P	P						Refer to PDD Document
Public accommodation	Guest house				P	P	P						Refer to PDD Document
	Hotel or motel				P								Refer to PDD Document
Recreation and Entertainment, Indoor	Amusement establishment				P								Refer to PDD Document
	Neighborhood recreation center, private (indoor)	P	P	P	P	P	P	P	P	P			Refer to PDD Document
	Pool or billiard hall				P	P	P						Refer to PDD Document
	Theater, large				P								Refer to PDD Document
	Theater, small				P	P	P						Refer to PDD Document
Recreation and Entertainment, Outdoor	Athletic field, private	P	P	P				P	P	P			Refer to PDD Document

TABLE OF AMBERLY PLANNED DEVELOPMENT DISTRICT USES P = Permitted Use; S = Special Use (in accordance with Section 3.8 of the Cary Land Development Ordinance); A=Accessory Use											
Use Category	Use Type	SF (all SF parcels)	MF (all MF parcels)	AR/	Town Center	VC-1	VC-2	AR-Rec. Area	Amb. Rec. Center	AR-1	Use-Specific Standards
	General outdoor recreation, commercial				P	P	P	P	P		Refer to PDD Document
	Neighborhood recreation center, private (outdoor)	P	P	P	P	P	P	P	P	P	Refer to PDD Document
	Outdoor amphitheater, commercial				P	P		P	P		Refer to PDD Document
	Water park								P		Refer to PDD Document
Retail Sales and Service	Convenience store				P	P	P				Refer to PDD Document
	Farm market				P	P	P	P	P		Refer to PDD Document
	Funeral home				P	P	P				Refer to PDD Document
	Postal center, private				P	P	P				Refer to PDD Document
	Personal service establishment				P	P	P				Refer to PDD Document
	Retail store				P	P	P				Refer to PDD Document
	Trade school				P						Refer to PDD Document

Town of Cary Land Development Ordinance Supplement
 Approved PDD Amendment Amberly 12/10/09 *[Signature]* 4/16/10

TABLE OF AMBERLY PLANNED DEVELOPMENT DISTRICT USES P = Permitted Use; S = Special Use (in accordance with Section 3.8 of the Cary Land Development Ordinance); A=Accessory Use											
Use Category	Use Type	SF (all SF parcels)	MF (all MF parcels)	AR/	Town Center	VC-1	VC-2	AR-Rec. Area	Amb. Rec. Center	AR-1	Use-Specific Standards
											Refer to PDD Document
Vehicle and Equipment	Car wash				P	P	P				Refer to PDD Document
	Parking lot				P	P	P				Refer to PDD Document
	Parking structure				P	P					Refer to PDD Document
	Vehicle filling station				P	P	P				Refer to PDD Document
Telecommunications Facilities	Antenna co-location on existing tower	P	P	P	P	P	P			P	Refer to PDD Document
	Concealed (stealth) antennae and towers	S	S	S	S	S	S			S	Refer to PDD Document
	Other building-mounted antennae and towers	S	S	S	P	P	P			S	Refer to PDD Document
	Other freestanding towers	S	S	S	P	P	P			S	Refer to PDD Document
Warehouse and Freight Movement	Mini-storage				P						Refer to PDD Document

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1.6 STANDARDS FOR NEW DEVELOPMENT

1.6.1 Compliance with Development Plan Procedures Required

All new development shall be subject to development plan review in accordance with Section 3.10 of the Cary Land Development Ordinance, except as otherwise stated in this PDD document.

1.6.2 General Development Requirements

As applicable, the following general requirements shall govern development within Amberly:

(A) Measurement of Acreage, Density, and Units

Acreage may vary due to variations in parcel configuration. Therefore, densities may vary from the numbers shown on the Master Land Use Plan. In no case, however, shall the number of unit's increase above the number approved for each parcel.

(B) Reduction of Building Setbacks

All building setbacks may be reduced a maximum of 10% by Town of Cary staff.

(C) Interior Buffers or Building Setbacks

Within all nonresidential parcels (Town Center, VC-1, VC-2, Amberly Recreation parcel, and the AR Recreation parcel), there shall be no interior buffers or building setbacks. In all residential parcels, when building setbacks are less than five (5) feet from a side yard line a maintenance easement of up to five (5) feet shall be provided on the adjacent property to facilitate building maintenance. Garages and accessory buildings within rear yards have no setbacks. Up to five (5)-foot maintenance easement from adjacent owners will be provided where setback is less than three (3) feet. All building setbacks shall be as specified in this PDD document and shall not be subject to any or all code changes.

(D) Open Space Configuration and Dimensions

The exact configuration and dimension of open space areas shall be determined at time of subdivision or site plan approval. No additional recreational space or open space above and beyond what is specified in this PDD document shall be required of any parcel.

(E) Recreational and Open Space Requirements

No additional recreational space or open space above and beyond what is specified in this PDD Document shall be required of any parcel.

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- (F) **Buffers and Streetscapes**
All types of buffers and streetscapes shall be as specified on the Open Space, Streetscape and Buffer Plan Map and within this PDD Document and shall not be subject to any or all code changes.
- (G) **Town Center Standards**
Traditional urban design components such as street trees, benches, pedestrian plazas, a village green and transit stops will be incorporated into the design of the Town Center. The Town Center will comply with the Town of Cary Design Guidelines.
- (H) **Sidewalks**
There will be sidewalks on both sides of all streets except for cul-de-sacs and where the multi-use corridor is located.
- (I) **Multi-Use Path and Greenway**
All multi-use paths and greenways in Amberly will be asphalt and will be built to Town of Cary standards. In order to ensure that the plantings within the streetscape do not interfere with the asphalt multi-use path, trees will not be planted any closer than 5' to the edge of the path or any closer than 6' to back of curb of the drive or roadway. The multi-use path will be located within a 40.5-foot multi-use corridor, which includes the 30-foot streetscape and the 10½ feet in right-of-way. Off road, the pedestrian path is a greenway and will be located within a minimum 20-foot easement when built by the developer. The width of the greenway easement that is planned from McCrmon Parkway north along the eastern property boundary of Amberly to O'Kelly Chapel Road is 30 feet. The specific location of the greenway and the greenway easement will be determined at time of site plan approval. With each recordation of a plat in Amberly, construction of the multi-use path or greenway located within the plat will be completed when 50% of the units have a CO.
- (J) **Street Layout**
The proposed street layout may vary due to topography and building configurations. However, the general layout will remain the same.
- (K) **Alternate Street Designs**
The developer reserves the option to implement alternate street designs from Town of Cary standards that may include, but not be limited to one-way circulation, reduced right-of-way and street widths and alleyways. Alternatives must be reviewed and approved by the Town of Cary staff.
- (L) **Access Points**
Access points are identified on the Major Vehicular & Pedestrian Circulation Plan. Exact location of these access points shall be determined at subdivision or site plan submittal.

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(M) Geotechnical Studies

Where necessary, due to development limitations for the soils in the Amberly area, geotechnical investigations and street section designs will be submitted at the time of final site plan or subdivision submittal, whichever comes first for an individual parcel. All proposed Town maintained streets within Amberly PDD shall require geotechnical soil investigation.

(N) Recreation Facility(ies)

The Recreation Center parcel(s) (approximately 12.34 acres) is planned to serve those residents of Amberly who do not have a recreation amenity within their individual development. The following amenities may be planned for this parcel: Olympic pool, waterworks area, basketball courts (hard athletic fields), and volleyball court. The exact configuration of the Amberly Recreation Center parcel(s) will be determined at the time of site plan submittal. The buildings within the Amberly recreation area would be architecturally compatible with the VC-1 parcel.

There is a recreation area planned for the age-restricted housing component of Amberly. Within this parcel, there will be a community building to serve the residents. Also included will be a swimming pool and other activities geared to seniors. There is also the potential for an executive golf course to meander throughout the age-restricted parcels. There are no buffers adjacent to this parcel. The recreational area within the age-restricted housing component of Amberly may be spread out among the AR parcels as long as the total acreage (6 acres) is maintained.

In addition to the Amberly Recreation Center facilities and the AR Recreation Center facilities, there will be additional facilities for residents to use. These facilities include both active and passive amenities such as multi-use paths, greenways, tot lots, gazebos and village greens. The Plan includes a greenway around the lake, multi-use paths, and pedestrian crossings for the linear park (Nancy Branch Corridor) separating MF-1 and the Town Center parcel and the 100-foot stream buffer between MF-1 and MF-2.

(O) Pedestrian Crossings

There will be marked pedestrian crossings within Amberly. Refer to the Conceptual Plan for the location of the crossings. Where there are islands, a place for pedestrians to wait while crossing will be provided.

(P) Street Connectivity

Connectivity requirements are not applicable where parcels are adjacent to U. S. Army Corps of Engineer property and/or stream buffers creating barriers to street crossings (AR parcels and SF-2) and in the AR parcels. In cases where this constraint does not apply, connectivity requirements will be met.

(Q) Public Greenways/Multi-Use Path

The developer will construct public greenways and the multi-use path as per the PDD document. Along Nancy Branch a greenway easement has been

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provided. Pedestrian connections will not be provided to the Corps property. Connections to the Corps property should be strictly prohibited.

Amberly PDD is responsible for the following multi-use path and greenway construction:

A 10-foot multi-use path along the eastern side of Yates Store Road to the lake, along the western side of Yates Store Road from a point at Panther Branch to New Hope Church Road, and along the north side of New Hope Church Road to the end of the Town Park. A 10-foot greenway around the lake, down the county line between AR and MF-2 to Yates Store Road, tying into the multi-use path. A 10-foot greenway from the eastern edge of the lake to Green Level to Durham Road. A 10-foot greenway along the north side of Nancy Branch from Yates Store Road to the eastern property boundary of Amberly. A 30-foot greenway easement from McCrmon Parkway north along the eastern property boundary of Amberly to O'Kelly Chapel Road. Map MP-2 reflects the specific location of the multi-use path, greenway and greenway easement.

(R) Private Greenways and Pedestrian Connections

Private pedestrian connections will be made to the Town of Cary greenway system. Specific locations will be determined at the time of subdivision or site plan approval.

- Town Center along Nancy Branch-2 connections
- MF-1 along Nancy Branch-1 connection that will cross creek
- MF-2 along north side of lake- 1 connection on each side of Yates Store Road
- MF-2 along south side of lake- 1 connection on each side of Yates Store Road
- MF-2 south of lake to county line trail-1 connection
- AR to county line trail-1 connection

Pedestrian connections are planned between MR-1 and the Town Center parcel across the Nancy Branch Linear Park. There is also a connection planned between MR-2 and MR-1 across the 100-foot stream buffer. The proposed crossings will have no impact on the streams.

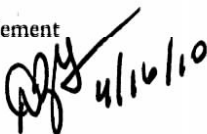
(S) Golf Carts

Golf carts are permitted on streets and roads throughout the AR parcels in Amberly provided the requirements of Section 12-233 in the Town's Code of Ordinances are met:

(T) Requirements Adjacent to US Army Corps of Engineers Property

There is a 50-foot undisturbed buffer adjacent to the Corps property with a required 25-foot setback off the undisturbed buffer.

Single-family parcels adjacent to Corps property will adhere to the following standards:

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- 50-foot undisturbed buffer (utilities and pump station would be permitted)
- 25-foot building setback adjacent to undisturbed buffer
- Within 200-feet of Corps property, uses would be limited to residential single-family detached, patio and cluster housing (up to 3 units per acre. Additional uses allowed would be golf course and other low intensity recreational facilities, utilities, pump station, greenways and stormwater management facilities.

Multi-family parcels adjacent to Corps property will adhere to the following standards:

- 50-foot undisturbed buffer (utilities and pump station would be permitted)
- 25-foot building setback adjacent to undisturbed buffer
- Within 200-feet of Corps property, uses would be limited to residential single-family detached, patio and cluster housing (up to 3 units per acre). Additional uses allowed would be golf course and other low intensity recreational facilities, utilities, pump station, greenways and stormwater management facilities. No buildings over 3 stories will be allowed with 300 feet of Corps property.

AR development parcels adjacent to Corps property will adhere to the following standards:

- 50-foot undisturbed buffer (utilities and pump station would be permitted)
- 25-foot building setback adjacent to undisturbed buffer
- Within 200-feet of Corps property, uses would be limited to residential single-family detached, patio and cluster housing (up to 3 units per acre). Additional uses allowed would be golf course and other low intensity recreational facilities, utilities, pump station, greenways and stormwater management facilities. No buildings over 3 stories will be allowed with 300 feet of Corps property.

(U) Road Sections

Road sections within Amberly PDD will be as identified in the Developer's Agreement and will be eligible for reimbursements as outlined in the Town of Cary policy statement for roads.

(V) Encroachment Agreement

Private utility services shall obtain a Town of Cary or NC DOT encroachment agreement prior to installation in the right-of-way.

(W) Height Requirements

Maximum height in Town Center is 5 stories, maximum height in multi-family and AR parcel is 4 stories, and maximum height in two (2) village commercial parcels is 3 stories. Maximum height in AR-1 is 2 stories.

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(X) **Multi-Family Densities**

Individual development pods within the multi-family parcels will vary in density up to the maximum permitted. However, in no case will the total number of units exceed the maximum shown for the parcel. With the submittal of each development plan for the multi-family pods, a chart will be provided showing the number of units proposed and approved to ensure compliance with the maximum number of units permitted. Development within MF-2 south of the lake and west of Amberly Drive will not exceed 10 dwelling units per acre.

(Y) **School APF**

Upon issuance of a building permit for each residential dwelling unit within Amberly, Amberly or its designee will pay the Town the following amount based on the size of the dwelling:

- One bedroom - \$500 per dwelling
- Two bedroom - \$1,000 per dwelling
- Three bedroom - \$2,000 per dwelling
- Four bedroom - \$3,000 per dwelling
- Over four bedrooms- \$1,000 per bedroom

With respect to dwelling units constructed within the portion of Amberly located in Chatham County, the amount payable to the Town of Cary shall be reduced by any schools fee paid to Chatham County or any other governmental entity.

Exempt from this requirement is congregate care facilities, assisted living facilities, nursing homes, rest homes and any other dwellings

1.7 SPECIFIC DEVELOPMENT STANDARDS

The following development standards shall apply to all uses within each subdistrict of the Amberly Planned Development District:

Subdistrict	MAXIMUM NUMBER OF DWELLING UNITS/SF	MINIMUM LOT SIZE (SQUARE FEET)	Minimum Front Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Minimum Side Yard Setback (feet)	Maximum Residential Density (Dwelling Units/Acre)	Maximum Building Height (feet)
SF-1 (single-family detached, cluster homes, patio homes, zero lot line homes)	120 units	0	18' w/parking in front, 8' w/out parking	15'	6' aggregate with no minimum Corner side yard 8'	2.43	N/A

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Subdistrict	MAXIMUM NUMBER OF DWELLING UNITS/SF	MINIMUM LOT SIZE (SQUARE FEET)	Minimum Front Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Minimum Side Yard Setback (feet)	Maximum Residential Density (Dwelling Units/Acre)	Maximum Building Height (feet)
SF-2 (single-family detached, cluster homes, patio homes, zero lot line homes)	342 units	0	18' w/parking in front, 8' w/out parking	15'	6' aggregate with no minimum Corner side yard 8'	2.01	N/A
SF-3 (single-family detached, cluster homes, patio homes, zero lot line homes)	18 units	0	18' w/parking in front, 8' w/out parking	15'	6' aggregate with no minimum Corner side yard 8'	1.86	N/A
MF-1 (cluster homes, patio homes, zero lot line homes, townhomes, condominiums, apartments)	650 units	0	18' w/parking in front, 8' w/out parking*	8'; With alleys (to garage): 5' if 2-car garage and 18' if one-car garage; 16' between attached multi-family buildings*	6' aggregate with no minimum Corner side yard 8'*	20 (MAX)*	4 stories
MF-2 (cluster homes, patio homes, zero lot line homes, townhomes, condominiums, apartments)	1720 units	0	18' w/parking in front, 8' w/out parking*	8'; With alleys (to garage): 5' if 2-car garage and 18' if one-car garage; 16' between attached multi-family buildings*	6' aggregate with no minimum Corner side yard 8'*	16 (MAX)*	4 stories
AR (single-family detached, cluster, patio, zero lot line, townhomes, condominiums, apartments)	1375 units	0	18' w/parking in front, 8' w/out parking*	8'; With alleys (to garage): 5' if 2-car garage and 18' if one-car garage; 16' between attached multi-family buildings*	6' aggregate with no minimum Corner side yard 8'*	25 (MAX)*	4 stories
Town Center (commercial, office, and residential:	800 units 240,000 SF (comm.) 125,000 SF	0	Same as above for residential*/0 for nonresidential	8'; With alleys (to garage): 5' if 2-car garage	6' aggregate with no minimum Corner side	N/A	5 stories

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Subdistrict	MAXIMUM NUMBER OF DWELLING UNITS/SF	MINIMUM LOT SIZE (SQUARE FEET)	Minimum Front Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Minimum Side Yard Setback (feet)	Maximum Residential Density (Dwelling Units/Acre)	Maximum Building Height (feet)
cluster homes, patio homes, zero lot line homes, townhomes, condominiums, apartments)	(office)			and 18' if one-car garage; 16' between attached multi-family buildings* /0 for nonres.	yard 8'* /0 for nonresidential		
VC-1 (commercial and office)	30,000 SF (comm.) 10,000 SF (office)	0	0	0	0		3 stories
VC-2 (commercial and office)	10,000 SF (included within 500,000 SF)	0	0	0	0		3 stories
AR-1	155	0	18' w/parking in front, 8' w/out parking*	8'; With alleys (to garage): 5' if 2-car garage and 18' if one-car garage; 16' between attached multi-family buildings*	3' minimum Corner side yard 8'*	4.23	2 stories

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Subdistrict	MAXIMUM NUMBER OF DWELLING UNITS/SF	MINIMUM LOT SIZE (SQUARE FEET)	Minimum Front Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Minimum Side Yard Setback (feet)	Maximum Residential Density (Dwelling Units/Acre)	Maximum Building Height (feet)
<p>*Individual development pods within parcels will vary in density up to the maximum permitted. However, in no case will the total number of units exceed the maximum shown for the parcel.</p> <p>* For MF and AR developments, decks may encroach into any setback or building separation.</p> <p>*The proposed 5' rear yard garage setback for lots with rear-alley access will be allowed only if alternate parking locations are provided.</p> <p>*no building encroachments are permitted into side yard setbacks."</p>							

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1.8 OPEN SPACE, BUFFERS AND STREETSCAPES

1.8.1 Open Space

Open space provided within the PDD is 279.18 acres (see breakdown on plan). Only 162 acres is required for the approval of Amberly PDD.

1.8.2 Streetscapes

Streetscape is an area located along a street to provide special plantings, community identity or other landscape treatments. The provision of streetscapes along public right-of-ways is not intended to totally obscure development. The purpose is to provide a transition area, establish an image for the development and reinforce the character of the project.

There will be a 30-foot streetscape along Yates Store Road, O'Kelly Chapel Road, McCrimmon Parkway, Carpenter Fire Station Road and New Hope Church Road when buildings back up to these roads. Illustration A depicts what this would look like. Existing vegetation within the 30-foot streetscape will not be removed except where needed for road construction and site grading of adjacent tracts. The streetscape will be re-vegetated when the streetscape is void of natural vegetation or when clearing and/or grading for roadway improvements encroach more than 33% into the required thirty-foot (30) streetscape yard. Utilizing plant material or an earthen berm or a combination of the two, the 30-foot streetscape will be opaque.

There will be no 30-foot streetscape along Yates Store Road, O'Kelly Chapel Road, McCrimmon Parkway, Carpenter Fire Station Road and New Hope Church Road when buildings front these roads. However, the following street tree plantings will apply:

- Foundation plantings
- 1 4" shade tree per 60'
- 1 2" understory or flowering tree for every 2 units

Illustration B depicts this example.

For parcel AR-1, a 50-foot streetscape is planned adjacent to Pittard Sears Road. The first 25 feet, adjacent to the road, will serve as a buffer with disturbances only as permitted by the Land Development Ordinance and will be supplemented with plantings in areas devoid of vegetation to replicate a native forest stand. The additional 25 feet will be landscaped to compliment the existing streetscape in Amberly and to meet Town of Cary Type A (Opaque) buffer standards. A 30-foot streetscape is planned for the small section of O'Kelly Chapel Road being added. The current approved landscape treatment for O'Kelly Chapel Road will apply.

No changes are proposed for the existing approved streetscapes within Amberly.

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1.8.3 Stream Buffers

Stream buffers within Amberly shall be undisturbed land areas reserved adjacent to streams to protect water quality. No grading is allowed within the stream buffer except for street crossings, pedestrian paths, utilities, stormwater devices and where permitted within the Town's Watershed Protection Ordinance. Lotting is not permitted in stream buffers. Within certain Town of Cary stream buffers, there will be an Open Space Conservation Easement. The specific stream buffers will be identified at time of site plan approval.

1.8.4 Undisturbed Buffers

Undisturbed buffers are excluded from the development parcel and will be maintained by the appropriate owners association. These areas will remain undisturbed except as required for the construction of streets, pathways, utilities and water quality devices. Disturbed areas shall be re-vegetated according to Town of Cary C buffer requirements. Lotting is not permitted in undisturbed buffers. In order to promote healthy vegetation within undisturbed buffers, underbrush and trees (less than 5" caliper in diameter for larger trees and less than 2" caliper for understory trees) may be trimmed or removed.

Tree surveys in undisturbed buffers will not be required provided tree protection measures are in place prior to land disturbance.

1.9 MAPS AND EXHIBITS

- MP-1 Master Land Use Plan Map**
- MP-2 Major Vehicular & Pedestrian Circulation Plan Map**
- MP-3 Open Space, Streetscape and Buffer Plan Map**

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