

ARTICLE 15. PLANNED UNIT DEVELOPMENTS (PUD)

Section 15-1. Purpose of a PUD

The purpose of the Planned Unit Development is to encourage the development of desirable living environments which meet the needs of the residents who live in them. Establishment of a PUD requires rezoning to the PUD zoning classification. Certain development privileges, through diversified land development standards in exchange for pre-planning and innovative design considerations, provide flexibility in utilizing new development concepts that are intended to:

- (A) Encourage creative development that preserves natural and scenic features.
- (B) Provide for abundant and accessible open and recreational space.
- (C) Promote the efficient use of land resulting in infrastructure networks that maximize the allocation of fiscal and natural resources.

Section 15-2. Application

Planned Unit Developments (PUD) are permissible in the PUD Zoning Districts where Planned Unit Development zoning has been established by the Town of Calabash Board of Commissioners and are covered by the standards contained herein.

Section 15-3. Procedure

- (A) Application for Zoning Map Amendment. A petition for a zoning map amendment to establish a planned unit development district (PUD) shall be submitted to the Planning Board and Board of Commissioners and administered in accordance with the provisions of the Zoning Ordinance for amendments as defined by Article 4 of this Ordinance.
 - (1) Criteria. In addition to other considerations, the following may be utilized by the Planning Board and Board of Commissioners in evaluation of a rezoning petition to establish a planned unit development zoning district:
 - (a) That the total development can create a needed residential environment;
 - (b) That existing or proposed utility and other public services are adequate for the anticipated population densities; and
 - (c) That the planned unit development is in general conformity with the Town's comprehensive Land Use Plan.
 - (2) Zoning Map Designation. Following Board of Commissioners approval of a rezoning petition to establish a planned unit development district (PUD), the property for which approval was granted by the Ordinance shall be labeled "PUD" on the official zoning map of the Town of Calabash. No permits for development shall be issued within any area designated as "PUD" unless the provisions as set forth herein are complied with.
- (B) Application for Conditional Use Permit. An application for a conditional use permit to develop a specific planned unit development shall only be considered when the property is

zoned planned unit development district (PUD). Application shall be submitted in accordance with Article 12 and signed by all property owners.

- (1) Criteria. In addition to other considerations, the following may be utilized by the Planning Board in evaluation of a conditional use permit pursuant to NC General Statutes 160A-338(a):
 - (a) That the proposed population densities, land uses, and other special characteristics of development can exist in harmony with adjacent areas;
 - (b) That the adjacent areas can be developed in compatibility with the proposed planned unit development; and
 - (c) That the proposed planned unit development will not adversely affect traffic patterns and flow in adjacent areas.
- (2) The approved site plan must specify applicable areas of zoning and specific uses.

Section 15-4. Elements of a PUD

- (A) Minimum Size. A Planned Unit Development zoning district shall be located on a site(s) containing at least 10 (ten) contiguous acres.
- (B) Phases of Development. The PUD may be developed in phases or sections in accordance with the phasing schedule submitted as part of the approved plan.
- (C) Filing Fee. A filing fee subject to the adopted fee schedule shall accompany each Conditional Use Permit Application for a Planned Unit Development. Each phase or section of a PUD will be subject to the PUD approval process described herein.

Section 15-5. Design Standards

Planned Unit Developments shall be in conformance with the Town of Calabash Zoning and Subdivision Ordinances except for the following development standards:

- (A) Density. The maximum density of a Planned Unit Development shall be ten (10) dwelling units per acre of net buildable area.

Minimum assured recreation/open space shall be a percentage of the gross site area integrated throughout the PUD and accessible to the housing units. Assured recreation/open space shall not include marsh, Carolina Bays, areas of environmental concern (as described by the NC Coastal Resources Commission), pocosins, 404 wetlands or swamps. In some instances, use of wetlands as open space may be presented for consideration by the Planning & Zoning Board. PUDs are allowed a 75% credit toward the applicable open space requirement for commercial recreational areas such as golf courses. Dedicated open space within a PUD for a boat ramp with parking (open to the general public) will be allowed a 110% open space credit. Dedicated public parks with parking (open to the general public) will be allowed a 110% open space credit.

Open space acreage applied to streams and ponds outside golf course design shall be in direct proportion to the percentage dedicated for public access. Assured Recreation/Open Space shall meet the following minimum requirements:

Open space is 25(twenty-five)% of net buildable area or a proportional fraction of this for lower densities (e.g., a density of 8 would result in a minimum open space requirement of $8/10 * 25\% = 24\%$). Minimum open space shall be 15%. At least 12% of the required open space shall be recreational space.

- (1) Wetlands. Ecologically sensitive lands as follows: Carolina Bays, areas of environmental concern (as described by the NC Coastal Resources Commission), pocosins 404 wetlands, areas of environmental concern (AEC's) and swamps are to be preserved whenever possible for the public interest. Full density credit is to be applied as long as such areas are dedicated as perpetual conservation easements.
- (2) Setbacks. Minimum setbacks from property lines and distances between structures shall be as follows: Front, 15 feet; any periphery property line, 30 feet. The minimum distance between internal structures shall be as required by NC State Building Code.
- (3) Commercial Use Within Planned Unit Developments. Commercial use within a PUD is permitted as long as there are at least 20 acres or more of land. The developer may designate an area not greater than 10 (ten) percent of the total acreage for commercial use, excluding golf courses and marinas which may be developed upon completion of 50% of the residential portion of the project. (Water areas, though they may be used as boat slips, shall not be used and will not be counted for purposes of meeting open space or commercial use requirements.) Commercial use within a PUD shall be designed and located to serve primarily the residents of the PUD. Such commercial use shall, at minimum, have one internal access to the commercial development portion of the PUD and shall not negatively effect or inconvenience residents adjacent to (or in the area of) but not residing within the PUD. High traffic or other commercial uses which do not meet the requirements of this ordinance will not be approved.
- (4) Stormwater Management. Planned Unit Developments shall provide stormwater drainage systems in accordance with the State of North Carolina water quality and sedimentation and erosion control requirements. Planned Unit Developments shall in all cases adhere to the Town of Calabash Flood Damage Prevention Ordinance (Article 19).
- (5) Improvement Guarantees. In lieu of requiring the completion, installation and dedication of all improvements (i.e., streets, water and if applicable, sewer) prior to final plat approval, financial assurance in an amount equal to 125% for the installation of the required improvements shall be provided, with the exception of electric utilities. Financial assurance guarantees described in the Town of Calabash Subdivision Ordinance may be used to guarantee the installation of said improvements.
- (6) Utilities. Provision of utility services shall be underground. Adequate easements and rights-of-way for ingress and egress for maintenance shall be provided.
 - (a) Water and Sewer. Provision of water and sewer to each housing unit and nonresidential structure within a PUD shall be in accordance with all code requirements and the provision and adequacy of all plans for the

extension of such services shall be reviewed and approved as to adequacy by a competent North Carolina licensed engineer. The expense for such review and comment to be paid for by the PUD project development organization.

- (b) Electrical, Telephone and Cable. Electrical, telephone and cable shall be underground. A written statement by the utility company authorized to provide electrical service to the PUD, stating their commitment to install electric utilities, may be accepted in lieu of financial assurance guarantees.
- (B) Street & Internal Traffic. Creative design of traffic circulation routes is encouraged. A base characteristic of a residential PUD within the planning jurisdiction of the Town of Calabash is that the internal circulation routes or streets to preserve tree and landscape features. Slower paced traffic movements, restrictions for extremely low speed limits must be consistent with the Town regulations for the subdivision ordinance.

PUD projects are encouraged to enhance the quantity of pedestrian and bicycle friendly activity and to improve the quality of the pedestrian and bicycle experience. Planned Unit Developments must adhere to the Town of Calabash Subdivision Ordinance requirements for street drainage and paving. All roads must be built to a minimum of the NC Department of Transportation requirements for streets. The minimum right-of-way shall be 35 feet.

Where the development is bound by two or more NC DOT on-system roads, multiple accesses are required. In gated communities, Siren activated gate systems are required for all unattended gates.

Adequately constructed and maintained bike and/or hiking trails can be counted toward the open space requirement. Bicycle lanes and multi-use pathways that extend the minimum right-of-way width must be designed in accordance with the *North Carolina Bicycle Facilities Planning and Design Guidelines Manual*.

- (C) Buffer. A distinct 15' buffer that separates and partially obstructs the view between land-use designations (e.g., as between single-family and commercial or between single-family and multi-family) is required within the PUD. The periphery property line buffer will provide a vegetative screen and will be a minimum of 20 feet and may be included in the periphery property line setback.

Section 15-6. Pre-Application Conference

A pre-application conference between the applicant and the Administrator (or his/her designee) shall occur as the initial step in the PUD approval process. The primary purpose of this conference is to provide assistance and guidance to the applicant for the swift and least interruptible review of the proposed PUD. This conference will provide a mutual exchange of basic information that is needed to facilitate and clarify the PUD approval process. Any effort to secure this conference is the sole responsibility of the applicant.

Section 15-7. Concept Plan

A conceptual land use plan review will be conducted by the Planning & Zoning Board after initial review by the Town of Calabash Administrator to establish proposed land uses and density.

- (A) Once the Administrator completes preliminary review of the proposed Conceptual Land Use Plan submitted by the applicant, the owner/applicant will then be required to present ten copies of the Conceptual Land Use Plan to the Town of Calabash for review by the Administrator and the Planning & Zoning Board. Any costs incurred by the use of subject matter experts and professionals (such as engineers) in this review who are not directly employed by the Town of Calabash will be charged to the applicant.
- (B) Conceptual Land Use Plans must include (at a minimum), major thoroughfares, acreage and development type (i.e., residential, commercial, open space) of each phase, vicinity map, density, Flood Zone(s) and proximity of nearest water and/or sewer main.
- (C) Recommendations and findings listed during the concept stage are preliminary only, subject to modification as a result of information provided during the Conceptual Land Use Plan application approval process for all or each phase(s) of development.

Section 15-8. Master Plan Conditional Use Permit Approval

- (A) Once the pre-application conference is complete, the applicant will prepare a preliminary Master Plan (Master Plan) of the entire Planned Unit Development. The Master Plan will consist of both a preliminary site plan and a preliminary Utilities plan and in some instances may be submitted with the Conceptual Land Use Plan.
- (B) The applicant will complete and submit to the Town of Calabash Administrator the Master Plan compliance sheet along with the Conditional Use Permit Application and Filing Fee for PUD review.
- (C) The preliminary Master Plan will consist of and be labeled, at a minimum:
 - (1) major thoroughfares,
 - (2) cross-section of proposed road type(s),
 - (3) recreational space, golf courses, natural or man-made lakes,
 - (4) setbacks, residential areas (single family, multi-family, townhouses, etc.),
 - (5) vicinity map, drainage and topography, approximate delineation of wetlands (404 jurisdictional wetlands) by Corps of Engineers or certified designee,
 - (6) land dedication for public facilities (i.e., public safety facilities, schools, EMS) and acreage (if applicable),
 - (7) environmentally sensitive areas,
 - (8) north arrow,
 - (9) adjacent land owners, and commercial area.

Other relevant information such as the total number of acres within the planned unit development, and the total number of residential and commercial units (broken down into various phases and acreage) based on net buildable area should be included. A proposed timetable of each development phase should also be included.

- (D) The Master Plan shall be accompanied with a preliminary utilities plan which consists of size and location of water and/or sewer lines, fire hydrants, utility easements and rights-of-way, drainage and topography, location and/or type of solid waste disposal containers and

shall be approved by the appropriate designated official appointed by the Town of Calabash.

- (E) A mechanism or instrument guaranteeing adequate maintenance and continued operation of all assured open space (including golf courses) and other private service facilities, shall be submitted as part of the Master Plan requirement and then properly recorded upon Board of Commissioners approval of the Master Plan. Assured open space, and other facilities may be dedicated for public purpose or maintenance. However, NCDOT on-system roads within the PUD are excluded from this provision.
- (F) Once the Administrator completes preliminary review of the Master Plan, the owner/applicant will then be required to present the Master Plan Conditional Use Permit application as required in Article 12 to the Town of Calabash Planning & Zoning Board for review and recommendation to the Board of Commissioners. (Professional fees necessary for review personnel will be charged to the applicant.)
- (G) The Administrator will notify the applicant in writing when they will appear on the Planning & Zoning Board agenda for Master Plan action.

Section 15-9. Site Specific Plan Approval

- (A) The Planned Unit Development may be completed in phases and all phases must be consistent with the ordinance requirements for landscaping, signage, and parking. If phased, it is the responsibility of the applicant or owner to present a Site Specific Plan(s), in accordance with the approved Master Plan, of each phase prior to development of the phase to the Administrator for approval. Site Specific Plan streets, utilities, and drainage will be reviewed by appropriately designated professional personnel. The cost for such review and recommendation will be the responsibility of the applicant. Approval of the Site Specific Plan will be by the Town of Calabash Board of Commissioners. Such approval will be based upon the recommendation of the Town of Calabash Planning & Zoning Board. The approved Site Specific Plan shall conform to the approved Master Plan according item "G" above. If changes are proposed in the Site Specific Plan, said changes shall be reviewed and may be approved according to the process previously discussed under the section on Master Plan Approval. A complete re-review and analysis of the proposed Master Plan may be required upon receipt of a request for change(s). The applicant/agent will be presented with a PUD compliance sheet to assist with the completing of the Site Specific Plan in a more accurate and efficient manner. The Site Specific Plans are in more detail and must contain or provide evidence of the following information:
 - (1) North point, full right-of-way of all abutting and intersecting streets, including curbs, and center line. Scale, date, and legal description of the proposed site;
 - (2) Location, dimensions, and type of any proposed streets, traffic ways, driveways, sidewalks, pedestrian and bike trails, curb cuts, entrances, exits, outdoor lighting systems, storm drainage, sanitary sewer and all other utilities and services;
 - (3) Location, dimensions and use of existing and proposed structures and parking areas;
 - (4) Location and dimensions of proposed boundaries, setback lines, and easements, open space and recreational areas;
 - (5) Landscaping, irrigation and sedimentation control plans;

- (6) Site data breakdowns in square footage (with corresponding percentages) for building coverage, paved areas, green areas, flood hazard areas, lake areas, commercial structures and the gross site area;
- (7) Specific identification of the size, number, and type of proposed units and offices, commercial or industrial usage, total acreage, total units and total density per acre;
- (8) Type and/or location of trash containers;
- (9) Elevations of building types, proposed walls, fences and bridges;
- (10) Evidence of all Federal and State approvals including approved wetlands delineation (404 jurisdictional wetlands);
- (11) Construction plans showing proposed location and size of streets, sidewalks, traffic ways, sanitary sewers, water mains, culverts, retention ponds, drainage structures and other utilities. These plans shall include the existing location and size of the nearest street(s), sidewalk(s), sanitary sewer main(s), water main(s), drainage culvert(s) in which this site specific plan will be tied to. These plans shall be approved by the Planning & Zoning Board, and shall be based, as necessary, on the advice of appropriate experts and professionals. Costs for professional services will be the responsibility of the applicant. Utilities will be installed with the review and agreement of service providers and consistent with all requirements found in the sub-division ordinance.
- (12) If the proposed Planned Unit Development is to be completed in one initial phase, the applicant/owner may submit a Master Plan that contains all of the above mentioned elements of the Site Specific Plan.
- (13) Each phase of a multi-phase PUD shall be developed in acreage in accordance with Master Plan approval and shall not be subdivided and sold for development purposes.
- (14) Once the Site Specific Plan has received recommendation by the Planning & Zoning Board, and all of the required elements for a Site Specific Plan are met, the applicant will submit ten copies of the site specific plan to the Board of Commissioners for final action.
- (15) Land dedicated for public purposes and accepted by the municipality or the County for the construction of public facilities (i.e., public parks, boat ramps, public safety facilities, etc.) must be shown on the Site Specific Plan.
- (16) Once the Site Specific Plan(s) have been received, reviewed and approved by appropriate municipal officials, and the applicant has met all of the required elements of the Site Specific Plan, zoning ordinance, and density requirements, the Administrator shall issue a final approval of the Site Specific Plan so that the applicant or owner may begin the process of having the proposed site plan recorded.
- (17) Following all necessary local approvals of the proposed project, a survey on reproducible medium with the appropriate PUD details shall be created by the applicant and submitted to the Town Clerk for approval. Upon approval by the Town Clerk the plat shall be recorded with the Brunswick County Register of Deeds.
- (18) Financial Assurance Guarantees for each phase are to be approved and accepted prior to recordation of each phase.
- (19) All proposed property owners association agreements, restrictive easements, and maintenance agreements for common areas must be submitted to the Town of Calabash as a part of plan approval.
- (20) If any modifications are made to the Site Specific Plan, the Administrator will require the applicant to follow the specific conditions specified in Section "Amendments to Master Plan and Site Specific Plan."

- (21) The applicant or owner must complete these steps each time a new phase of a PUD is to be developed.

Section 15-10. Amendments to Concept Plan, Master Plan & Site Specific Plan(s)

Any and all amendments to the Concept Plan, Master Plan and/or Site Specific Plan(s) for the PUD shall be subject to the following review procedures:

- (A) The Planning & Zoning Board shall review and make a recommendation to the Board of Commissioners for action on the following:
 - (1) Changes which result in an increase in assigned density for a specific parcel, either residential or non-residential.
 - (2) Any changes in land use designation.
 - (3) Change in major infrastructure features (i.e., roads/access, sewer, water, storm drainage) of the Master Plan area which are clearly beneficial to the occupants of the Master Plan area. The applicant requesting such change shall notify the property owners association that would be affected by the change of the request and ask that all comments be directed to the Town of Calabash. Proof of such notification shall be provided to the Town of Calabash. If the proposed changes affect the construction of infrastructure systems (roadways, water, sewer and/or stormwater infrastructure or other infrastructure), the Town of Calabash may require a re-review of the Master Plan. If the Town of Calabash Administrator determines that the change does not have the support of the affected property owners association, or may not be in the best interest of the Town or future residents or occupants of the PUD the request for changes may be referred to the Board of Commissioners for review.
 - (4) Applicants for Conditional Use Permit Amendments to approved Master Plans shall submit all information as required for the initial request. The local point of contact for such a request shall be the Administrator. Once an amendment to a Master Plan is approved by the Planning & Zoning Board, the applicant shall provide to the Board of Commissioners an amended copy of the Master Plan for the official record. All conditional use permits must be approved in accordance with Article 12.