

ARTICLE 14. PLANNED UNIT DEVELOPMENT (PUD)

Section 14-1: Minimum Size (revised 10-12-06)

Eight (8) acres of net buildable area within the City corporate limits, on one or more contiguous parcels.

Twenty-five (25) acres of net buildable area in the ETJ, on one or more parcels (this may include parcels on both sides of a street).

Section 14-2: Maximum Overall Density

Six (6) dwelling units per acre.

Section 14-3: Open Space Requirement

Fifteen (15) percent of the total PUD area shall be maintained as open space. Street rights-of-way, parking lots, building areas (as defined), and yards held in individual ownership shall not constitute any part of the required open space; however, building areas for recreational facilities may be computed as open space. At least 92% of all approved open space shall be commonly owned by a homeowners' or property owners' association. Eight percent (8%) of the open space area may be privately-owned open space. Any open space land use not included under approval of the PUD Land Use Plan must be reviewed by the Planning Board and approved by the City of Southport Board of Aldermen prior to its development. Areas to be used as open space must be protected through a deed restriction and noted on the final plat.

Section 14-4: Streets

A dense network of narrow streets with reduced curb radii may be fundamental to sound PUD design. This network serves to both slow and disperse vehicular traffic and provide a pedestrian friendly atmosphere. Such alternate guidelines are encouraged when the overall design ensures that non-vehicular travel is to be afforded every practical accommodation that does not adversely affect safety considerations. The overall function, comfort, and safety of a multi-purpose or "shared" street are more important than its vehicular efficiency alone.

PUDs should have a high proportion of interconnected streets, sidewalks, and paths. Streets and rights-of-ways are shared between vehicles (moving and parked), bicycles, and pedestrians. A dense network of PUD streets should function in an interdependent manner, providing continuous routes that enhance non-vehicular

travel. Most PUD streets should be designed to minimize through traffic by the design of the street and the location of land uses. Streets are designed to only be as wide as needed to accommodate the usual vehicular mix for that street while providing adequate access for moving vans, garbage trucks, fire engines, and school buses (see Appendix I).

Section 14-5: Residential Development (revised 5-10-07)

The applicable area, yard, and height requirements as contained in Article 11 of this Ordinance shall be adhered to. All multi-family developments shall adhere to the applicable development regulations contained herein.

Section 14-6: Commercial Development

The proposed development should have a mixture of residential and non-residential land uses, with up to 10% of the developed area consisting of non-residential uses. Most non-residential uses should be located within a community core area and not on the periphery of the PUD. Within the core area, a minimum of 15% of floor area must be devoted to commercial uses oriented towards PUD residents. Elementary schools are an important community element. Public structures, such as schools, churches and civic buildings, and public open spaces, such as squares, parks, playgrounds, and greenways should be integrated into the neighborhood pattern.

Section 14-7: Industrial Development

Industrial development shall not be allowed within the PUD zone.

Section 14-8: 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 Aldermen 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 Aldermen 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 city's comprehensive Land Use Plan.
 - (2) Zoning Map Designation. Following Board of Aldermen 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 City of Southport. No permits for development shall be issued

within any area designated as “PUD” unless the provisions as set forth herein are complied with. If an application for approval of a land use plan as prescribed in 14-8(c) is not filed with the Planning Board within twelve (12) months of such amendment, the Board of Aldermen shall reserve the right to rezone the property to the original zoning classification.

- (B) Application for Land Use Plan. (Revised 6-12-08) An application for Land Use Plan approval to develop a planned unit development shall only be considered when the property is zoned planned unit development district (PUD).
- (1) Criteria. In addition to other considerations, the following may be utilized by the Planning Board in evaluation of a Planned Unit Development Land Use Plan.
- (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;
 - (c) That the proposed planned unit development will not adversely affect traffic patterns and flow in adjacent areas;
 - (d) That the proposed Land Use Plan is consistent with the City of Southport Comprehensive Plan.
- (2) The Planning Board shall be required to advertise in accordance with N.C.G.S. 160A-364 and conduct a public hearing prior to approval of a PUD Land Use Plan.
- (C) Site Plan. All applications for approval of a planned unit development shall be accompanied by a site plan prepared by a registered engineer or surveyor, submitted in accordance with the City of Southport Subdivision Regulations for preliminary plats and which shall include but not be limited to the following:
- (1) The numbers and types of residential dwelling units including density, set backs and the delineation of nonresidential areas;
 - (2) Designation/delineation of applicable zoning district designations; i.e. R-10, BD, etc.
 - (3) Planned primary and secondary traffic circulation patterns showing proposed and existing rights-of-ways and easements;
 - (4) Common open space and recreation areas to be developed or preserved in accordance with this section. Peripheral boundary

setback shall be indicated;

- (5) Plans for water, sanitary sewer, storm sewer, natural gas, and electric utilities;
- (6) The delineation of areas to be constructed in sections, showing acreage;
- (7) Soil maps prepared according to the United States cooperative soil survey standards as published in the Brunswick County Soil Survey;
- (8) Boundary survey of the tract showing courses and distances and total acreage, including zoning, land use, and lot lines of all contiguous property;
- (9) Existing vegetation;
- (10) Flood hazard areas including base flood elevation;
- (11) Topographic contours at a maximum of two-foot intervals showing existing grades;
- (12) Site data including vicinity sketch, north arrow, engineering scale ratio, title of development, date of plan, name and address of owner/developer and person or firm preparing the plan;
- (13) Any other information as may be required by the Planning Board.
- (14) Copies of or statements addressing the following:
 - (a) Drafts of or statements addressing any declarations of covenants, conditions, or restrictions which create a homeowners' association for the perpetual ownership and maintenance of all common open space and other areas including, but not limited to, recreation areas, private streets, parking areas, landscaping, and the like. A private facilities maintenance analysis to determine actual costs of maintenance of such common facilities may be required by the Planning Board in order to assess the feasibility of such private maintenance;
 - (b) Drafts of or statements addressing any proposed declarations to be recorded pursuant to the North Carolina Condominium Act (G.S. Chapter 47C);
 - (c) The names and current mailing addresses of all property owners who own property within one hundred (100) feet of

the proposed development including tax map designation and parcel numbers as listed upon the tax records of Brunswick County at the time of submission of the conditional use permit application; and

- (d) The deed book and page number(s) showing fee simple title of all property within the planned unit development as listed in the Brunswick County Register of Deeds.
- (D) Preliminary Plat - Site Plan Requirements. After approval of the land use plan as set forth herein, the developer shall submit the following according to the approved schedule of development:
- (1) All information required by and in accordance with the City of Southport Subdivision Ordinance for preliminary plats;
- (E) Final Plat Requirements. After approval of the preliminary plat as set forth herein, the developer shall submit the following according to the approved schedule of development:
- (1) All information required and in accordance with the City of Southport Subdivision Ordinance for submission of the final plats;
 - (2) The following additional information shall be required:
 - (a) Maintenance agreements concerning all common areas, private streets, and utilities; and
 - (b) All information as required and in accordance with G.S. Chapter 47C, North Carolina Condominium Act.

Section 14-9: Homeowners' Association

- (A) No final plat shall be approved until all required legal instruments have been reviewed and approved by the city attorney as to legal form and effect.
- (B) If common open space is deeded to a homeowners' association, the owner or developer shall file a declaration of covenants, conditions, and restrictions that will govern such association. The provisions of such declaration of covenants, conditions, and restrictions shall include, but not be limited to, the following:
 - (1) The homeowners' association must be set up before any property is sold in the development;
 - (2) Membership must be mandatory and automatic when property is purchased in the development;

- (3) The open space requirement must be permanent, not just for a period of years;
- (4) The association must be responsible for liability insurance, local taxes, and maintenance of recreational and other common facilities including private streets;
- (5) Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property;
- (6) The association must be able to adjust the assessment to meet changed needs;
- (7) Covenants for maintenance assessments shall run with the land;
- (8) Provision insuring that control of such association will gradually be vested in the homeowner's association; and
- (9) All lands so conveyed shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common facilities.

Section 14-10: Amendment to Land Use Plan

- (A) Minor Changes. Amendment to the approved PUD Land Use Plan that in the opinion of the Administrator does not substantially change the concept of the planned unit development as approved may be allowed. Such minor changes may include but not be limited to small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity. The developer shall request such amendment in writing, clearly setting forth the reasons for such changes. If approved, the Land Use Plan shall be so amended prior to submission of any preliminary plat-site plan application involving or affecting such amendment. Appeal from the decision of the Administrator may be taken to the Board of Adjustment.
- (B) Major Changes. Amendments to the approved Land Use Plan that in the opinion of the Administrator do in fact involve substantial changes and deviations from the concept of the planned unit development as approved shall require review pursuant to Section 14-8. Such major changes shall include, but not be limited to, increased density, land use, location of use, open space, recreation space, condition(s) of planning and zoning commission approval and street pattern. Appeal from the decision of the Administrator may be taken to the Board of Adjustment.

- (C) Authority. Minor changes may be approved administratively by the Administrator. Major changes shall require planning and zoning commission approval.
- (D) Variances. The City of Southport Board of Adjustment shall not be authorized to grant or approve any variance from the minimum requirements as set forth in this section or condition as approved by the Planning Board.