

Article 8. PLANNED UNIT DEVELOPMENT (PUD)

Section 8-1: Minimum Size

Twenty-five (25) acres.

Section 8-2: Maximum Overall Density

Six (6) dwelling units per acre.

Section 8-3: 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 ninety-two (92) percent of all approved open space shall be commonly owned by a homeowners' or property owners' association. Eight (8) percent 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 Town of Ayden Board of Commissioners 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 8-4: Residential Development

The applicable area, yard, and height requirements as contained in Article 5 of this Ordinance shall be adhered to. The applicable yard setback requirements for single-family structures shall be based upon the square footage of the lot. All multi-family developments shall adhere to the applicable development regulations contained herein.

Section 8-5: Industrial Development

Industrial development shall not be allowed within the PUD zone.

Section 8-6: 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 19 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) the total development can create a needed residential That 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 Ayden. No permits for development shall be issued within any area designated as "PUD" unless the provisions as set forth herein are complied with. If a conditional use permit application is not filed with the Planning Board within twelve (12) months of such amendment, the Board of Commissioners shall reserve the right to rezone the property to the original zoning classification.

(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 the Town of Ayden Subdivision Regulations.

(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 NCGS 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.

(C) *Site Plan.* All applications for approval of a planned unit development conditional use permit shall be accompanied by a Land Use Plan prepared by a registered engineer or surveyor, submitted in accordance with the Town of Ayden 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 and the delineation of nonresidential areas;

- (2) Planned primary and secondary traffic circulation patterns showing proposed and existing rights-of-ways and easements;
- (3) Common open space and recreation areas to be developed or preserved in accordance with this section. Peripheral boundary setback shall be indicated;
- (4) Plans for water, sanitary sewer, storm sewer, natural gas, and electric utilities;
- (5) The delineation of areas to be constructed in sections, showing acreage;
- (6) Soil maps prepared according to the United States cooperative soil survey standards as published in the Pitt County Soil Survey;
- (7) Boundary survey of the tract showing courses and distances and total acreage, including zoning, land use, and lot lines of all contiguous property;
- (8) Existing vegetation;
- (9) Flood hazard areas including base flood elevation;
- (10) Topographic contours at a maximum of two-foot intervals showing existing grades;
- (11) 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;
- (12) Any other information as may be required by the Planning Board.
- (13) 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 (NCGS 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 Pitt 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 Pitt County Register of Deeds.

(D) *Preliminary Plat - Site Plan Requirements.* After approval of the conditional use permit 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 Town of Ayden Subdivision Regulations 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 Town of Ayden Subdivision Regulations 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 NCGS Chapter 47C, North Carolina Condominium Act.

Section 8-7: Homeowners' Association

(A) No final plat shall be approved until all required legal instruments have been reviewed and approved by the Town 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 8-8: Amendment to Site Plan Conditional Use Permit

- (A) *Minor Changes.* Amendment to the approved Land Use Plan that in the opinion of the Administrator do 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.
- (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 12-17. 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 approval and street pattern.
- (C) *Authority.* Minor changes may be approved administratively by the Administrator. Major changes shall require approval by the Town Board of Commissioners.

(D) *Variances*. The Town of Ayden 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 Board of Commissioners.