

Planned Development Zoning Districts

1) Purpose and Intent

The Planned Development (PD) districts also known as conditional zoning districts per section 160D of North Carolina Legislation are established to allow development under unified control to occur utilizing more flexible standards and procedures than would otherwise result from a strict application of general district and development standards. Planned development districts are intended to encourage innovative land planning and site design concepts that will produce a high quality, unified project that will not negatively impact adjacent land. More specifically, the intent of the PD districts is to:

- a) Promote quality design and reduce or diminish the inflexibility of design that sometimes results from strict application of zoning and development standards designed primarily for individual lots.
- b) Allow greater freedom in selecting the means of providing access, open space, and design amenities.
- c) Allow greater freedom in providing a well-integrated mix of residential and non-residential uses in the same development, including a mix of housing types, lot sizes, and densities.
- d) Provide for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs, promoting responsible growth and higher property values.
- e) Enhance pedestrian orientation and make greater accommodations for alternative forms of transportation such as walking, bicycling, and transit; and
- f) Promote environmentally sensitive development that respects community character, respects and takes advantage of a site's natural and man-made features, such as trees, wetlands, slopes in excess of 25 percent, special flood hazard area, and historic resources.

2) General Provisions

- a) **Classification of Planned Development District:** Parcels shall be classified as a planned development zoning district only in accordance with the procedures and requirements set forth in this section.
- b) **Application requirements** Except as provided herein, all applications to establish Planned Development Districts shall adhere to the regulations and procedures prescribed in this subsection in addition to the standard general use district rezoning process.
- c) **Public Input Meeting** Prior to scheduling a public hearing for Planned Development Districts the applicant must conduct at least one public input meeting and file a report of the results with the Administrator.
 - i) The report for the public hearing will include a summary of the public input meeting.
 - ii) The applicant shall mail a notice for the public input meeting(s) to the owners of all properties located within 1000 feet of the perimeter of the project bounds and the Planning Director not less than ten (10) days prior to the scheduled meeting. The notice shall be published in a newspaper with a general circulation to actual paid subscribers located in Columbus County not more than twenty (20) days and not less than ten (10) days prior to the scheduled meeting.
 - iii) The notice shall include the time, date, and location of the meeting as well as a description of the proposal.
 - iv) The applicant's report of the meeting(s) shall include:
 - 1) A copy of the letter announcing the meeting
 - 2) A list of adjoining property owners contacted
 - 3) An attendance roster
 - 4) A summary of the issues discussed
 - 5) The results of the meeting including changes to the project's proposal, if any.
- d) **Type of Development Review Process:** The development review process for proposed Planned Development Districts shall be the process specified in this ordinance for conditional zoning, as authorized under the North Carolina General Statutes. If a proposed PD is approved, the resulting zoning district shall be a conditional district. Property may be placed in a conditional district only in response to a petition by all owners of the property to be included.

e) **Site-Specific Conditions:** A Defining Feature of conditional zoning is the inclusion of site-specific conditions as part of any approval granted. Specific conditions may be proposed by the petitioner or Columbus County or its agencies, but only those conditions approved by Columbus County and consented to by the petitioner in writing may be incorporated into the zoning regulations. Conditions and site-specific standards established in a conditional district shall be limited to those that address the conformance of the development and use of the site to Columbus County ordinances, plans adopted pursuant to N.C.G.S. 160D-501 such as the comprehensive land use plan, and/or the impacts reasonably expected to be generated by the development or use of the site.

f) **Organization of Planned Development District Regulations** Article 10, Section 3, Standards Applied to All Planned Development Districts, sets out general standards applicable to all planned development districts.

g) **Conditions to Approval of Application**

- 1) In approving a petition for the reclassification of property to a PD zoning district, the Administrator or the Planning Board may recommend, and the Board of County Commissioners' request that the applicant add reasonable and appropriate conditions to the approval of the petition. If the applicant and the BOCC do not both explicitly accept these conditions, then the BOCC shall deny the conditional rezoning request.
- 2) Any such conditions should relate to the relationship of the proposed use(s) and design to the impact on County services and capital plans adopted, surrounding properties and population, proposed support or accessory facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of or access to open space, and other matters that the participants in the public input meeting, staff, Planning Board and County Commission find appropriate, or that the petitioner may propose. Such conditions to approval of the petition may include, but are not necessarily limited to, right-of-way dedication to the state, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.
- 3) The petitioner shall consider and respond to any such conditions after the Planning Board meeting at least three (3) days prior to the staff report for the County Commission being published. If the applicant does not agree with the Planning Board or staff's recommendations of additional conditions, the applicant shall provide written evidence or opinion to support their objection.
- 4) If for any reason any condition for approval is found to be illegal or invalid or if the applicant or subsequent owner should fail to accept or fulfill any condition following approval, the approval of any site plan or preliminary plat for the district and the conditional rezoning shall be null and void and of no effect and proceedings shall be instituted by the Administrator to rezone the property to a context-appropriate general use district zoning classification. The Administrator will use appropriate judgement when recommending which properties (developed, undeveloped, vacant, half-built, existing non-conformities, etc.) be reassigned to which general use zoning districts. The rezoning may result in the Review Procedures creation of nonconformities, which shall be the responsibility of the property owner to rectify at such time as required by Article 10, Nonconformities.

h) **Effect of Approval**

- 1) Once a conditional rezoning is approved, the development and use of the property shall be governed by the established standards for the district, the approved sketch plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the

zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.

- 2) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the district designation "PD" and a unique, consecutive numerical identifier. The unique identifier number will reference the approved ordinance and sketch plan that established the zoning district.
- 3) Since each PD district represents a newly created zoning district, the approved sketch plan and district standards and conditions shall be maintained as an adopted appendix to this Ordinance.
- 4) The approved sketch plan may substitute for an approved master development plan if it is explicitly reviewed and approved as such during the petition for the PD district.
- 5) No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan or preliminary plat (as appropriate) for the district.
- 6) Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of this Chapter and shall be subject to the same remedies and penalties as any such violation.
- 7) Review of Planned Development districts. a) It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than three (3) years after the date of approval of the petition, the Administrator shall examine the progress made toward developing the property in accordance with the approved conditional zoning district and any standards, uses, requirements, or conditions attached to the approval. b) If the Administrator determines that progress has not been made in accordance with the approved petition and conditions, the Administrator shall begin proceedings to rezone the property(ies) to its previous zoning classification or to another district(s), as appropriate. c) The Administrator shall continue to monitor conditional zoning districts in this manner at least every 2 years, until they are determined to be substantially built out (90% or more of units, square feet, or land built out)

3. Standards Applied to All Planned Development Districts

Before approving a PD zoning district, the Planning Board shall review and pass a recommendation on to the Columbus County Board of Commissioners who shall determine that the application, as well as the master plan map, the statement of intent and development standards document all comply with the following standards, unless expressly stated otherwise. The procedure for approval by the Planning Department and Board of Commissioners shall be the same as any other zoning adoption.

a) **Planned Development Master Plan Map** A conceptual master plan shall be included with the application and shall be a part of the planned development approval. It shall:

- 1) Identify the general location and acreage of individual development areas by land use(s) and/or development density or intensity;
- 2) Depict the general configuration and relationship of the principal elements of the proposed development;
- 3) Identify the general location, amount and type (active or passive) of open space;
- 4) Identify the general configuration of the on-site transportation network, including public and private vehicular, transit, and pedestrian facilities and how they will connect with existing and planned transportation networks;

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- 5) Conceptually identify the general location of on-site potable water, sanitary sewer, and stormwater management facilities and how they will connect to adjacent systems;
 - 6) Identify the general location of any other on-site public facilities serving the development, such as schools, police or fire protection, EMS, and solid waste management;
 - 7) Identify the general sequence or phases in which development of the district is proposed to occur.

b) Statement of Intent and Development Standards The statement of intent and development standards document shall incorporate by reference or include, but not be limited to:

- 1) A written statement of intent for the development, including a description of planning objectives and overall vision for the development at build-out;
- 2) A statement describing how the proposed development is in accordance with or complements the County's existing Comprehensive Land Use Plan;
- 3) A listing of all permitted uses;
- 4) Residential and non-residential dimensional standards, which include at a minimum, lot area, lot width, setbacks, building height, and setbacks from adjoining residential development or residential zoning districts;
- 5) For the entire PD district and each development area, the acreage, types, and mix of land uses, number of residential units (by use type), non-residential acreage (by use type), residential development density, and non-residential intensity standards as measured by total square feet per acre based on a floor to area ratio;
- 6) The master plan map and specific development standards related to its approval, including any standards related to the form and design of development shown on the master plan map;
- 7) Provisions addressing how transportation, potable water, sanitary sewer, stormwater management and other infrastructure will be provided to accommodate the proposed development;
- 8) Summary of traffic generation and adjacent traffic facilities capacity. Staff may request a Transportation Impact Analysis (TIA) if traffic conditions warrant;
- 9) A phasing narrative, including how residential and non-residential development will be timed, how infrastructure, transportation improvements, and open space will be timed, and how the development will be coordinated with any planned County capital improvements.
- 10) A statement regarding responsible parties for maintenance of private or public roads, amenities, open space, and common areas.

c. Allowable Uses

- 1) Every planned development district shall establish permitted uses by use category and use type as appropriate. The proposed uses shall be listed in table form along with their anticipated density and project area. Uses shall be clearly defined within this section.
- 2) Proposed uses shall be consistent with the County's adopted policy guidance, the purpose of the particular type of PD district, and are subject to any additional requirements set forth in Section 3 for the particular type of PD district.

d. Mandatory Use Mix Unless exempted by the Board of Adjustment, a PD district shall include at least one-use type from 2 or more of the following four use classifications or at least 2 different Residential use types:

- i. Residential uses;

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- ii. Institutional uses;
 - iii. Commercial uses; and
 - iv. Industrial uses.

e. Development Standards

1) General

- i. Unless indicated otherwise, all development in a PD district shall comply with the development standards of Columbus County.
- ii. Except where otherwise indicated, nothing shall limit the ability of a planned development to modify the development standards of Columbus County, provided the planned development master plan map and statement of intent and standards document demonstrates how and why the proposed modification is needed.

2) PD Open Space. Generally: PDs shall include dedicated acreage for open space in accordance with the formula established in subsection (1), below. Open space may include a combination of common and recreational (active or passive) elements as indicated in subsection (2) below, so long as a minimum of twenty-five (25) percent of the recreational elements provided are made up of active features. The use of specific elements shall be at the discretion of the developer. Open space shall be provided in a manner that is sensitive to the design and anticipated use of the proposed development and should be designed to provide maximum benefit to the inhabitants of the development through its central location, when possible.

i. **Open space calculation formulas.** To calculate the required open space involves the use of two (2) formulas, the formula for the Recreational open space and the formula for the Common open space. The results obtained from the two (2) formulas are then added together to determine the total required open space:

a. Recreational PD open space: At a minimum, the amount of Recreational open space within a POD shall be calculated according to the following formula:

$$A1 = D \times 2.45 \times 0.01$$

Where:

A1= the required upland open space area;

D = the number of dwelling units in the PD; Average household density = 2.45 persons;

and the Number of acres required per person = 0.01 acres per person.

b. Common PD open space:

$$A1 = D \times 2.45 \times 0.01 / 2$$

Where:

A1 = the required common open space area;

D = Number of dwelling units in a PD;

Average household density = 2.45 persons;

And the number of acres required per person = 0.01 acres per person

3) Acceptable common and recreational open space features.

Common open space uses include, but are not limited to:

- a. Natural open water bodies and/or bodies of at least two (2) acres in size capable of supporting aquatic life (generally with a depth of at least four and one-half (4½) feet that can serve for recreational uses.
- b. Natural areas of undisturbed vegetation with maintenance limited to removal of litter, dead trees, plant material and brush.
- c. Areas of cultural significance such as locally or nationally listed historic and archeological sites (including structures, graveyards, and cemeteries).
- d. A developer proposing to use lakes or stormwater ponds to meet the common space requirements must provide certification to the County Engineer that such lake or stormwater pond has been designated to be perpetually filled and capable of supporting aquatic life (generally a minimum perpetual water depth of four and one-half (4½) feet from the bottom storage or outlet elevation is required).

Recreational open space uses include, but are not limited to:

- e. Parks playgrounds, tot-lots, picnic areas, basketball courts, tennis courts, swimming pools, and similar uses.
- f. Greenways, greenbelts, squares, and village greens.
- g. Bicycle paths, bridle paths, footpaths, and sidewalks provided such paths are improved with a surface suitable for the intended use with 1.5 times the improved width crediting as open space. Lands appropriate facilities that provide access to beaches, rivers, and waterways
- h. Land burdened with easement may be used provided that the easements do not interfere with the use of the land for open space and recreational purposes and if future development does occur, then alternate open space is provided.

4) **Maximum Allowable Density** Dwelling units within a PD district may be concentrated or evenly distributed throughout the development, provided the maximum allowable density for the development as a whole is not exceeded.

5) **Maximum Building Height** The maximum building height for all buildings in a PD district shall be specified on the planned development master plan map or the statement of intent and development standards document.

6) **Final Plat Approval** No final plat for a phase of a planned development shall be approved unless:

- 1) All open space and common elements and public improvements included in previous phases have been conveyed, completed, or subject to a valid financial guarantee;

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- 2) There is no violation of the PD master plan map or any provision or condition of the PD district in any previous phase; and
 - 3) When a development contains common areas, owners' association documents have been prepared and reviewed, and are ready for recordation, or have been recorded, with the Register of Deeds in Columbus County.

4. Amendments to Approved Planned Development Master Plan Map or the Statement of Intent and Development Standards

Amendments or modifications to a planned development master plan map or to the statement of intent and development standards shall be considered in accordance with the standards in Article 10, Section 3, Planned Development.

- a. *Amendments:* Amendments to existing PUDs are classified into two categories Minor and Major as defined below.
- b. *Minor Amendments:* Minor amendments to existing PUD's include:
 - i. No change to overall density
 - ii. Reconfiguration of internal layout without modifications to perimeter buffers, access points, or open spaces.
 - iii. Reassignment of roadway cross sections within the PUD with cross sections previously approved within the PUD.

Minor amendments may be approved by staff after review by all applicable departments. Staff may elevate a minor amendment to a major amendment if they believe it does not comply with the conditions outlined above.

- c. *Major Amendments:* Major amendments include any items which do not qualify as minor amendments. Major amendments must be reviewed by staff and presented to the planning board for recommendation and board of adjustment for approval.

Amendments shall include a clear and concise summary of the items proposed to be amended, as well as a full copy of the PUD text included the proposed amended sections. Any items affecting site plan or other previously approved exhibits within the PUD shall include updated exhibits.

APPROVED
Columbus County Board
of Commissioners

on 08/15/2022

Taylor Williams
Clerk to Board