

# ARTICLE 13

## PLANNED UNIT DEVELOPMENTS

### SECTION 13.1 DEFINITION AND PURPOSE

#### **13.1.1 Definition**

- 13.1.101 A Planned Unit Development (PUD) is a unique zoning district that allows coordinated development on larger sites provided the conditions and standards established for the particular site are met.
- 13.1.102 As such, development within a PUD shall occur in accordance with unique conditions and standards established during the rezoning process that may vary from those contained within other sections of this Ordinance.
- 13.1.103 Such conditions and standards shall be applicable only to the specific parcel(s) of land that comprises that PUD, and shall run with the land regardless of ownership.

#### **13.1.2 Purpose**

The purpose of the PUD is to accommodate large-scale, master planned, mixed-use developments that cannot be accomplished through conventional zoning districts. It provides the ability to depart from conventional standards as a means of encouraging innovation, creativity and a higher level of development quality by allowing for the following:

- 13.1.201 creativity and innovation in the design that leads to more appropriate relationships between land uses and site features,
- 13.1.202 the establishment of a coordinated land plan and consistent treatment of common design elements,
- 13.1.203 a mixture of compatible uses,
- 13.1.204 clustering of development thereby increasing the amount of open space preserved,
- 13.1.205 a network of open space that serves a variety of recreational and environmental purposes and that is designed and located with respect to existing significant natural features and environmentally sensitive areas,
- 13.1.206 to encourage the preservation and improvement of the maximum amount of wetland as possible in accordance with the Moore County Land Use Plan,
- 13.1.207 the thoughtful integration of public or semi-public spaces and amenities to promote community gatherings and activities,
- 13.1.208 connectivity within the development to promote convenient vehicular and non-motorized access and optimal circulation,

- 13.1.209 efficient provision and use of public services and utilities,
- 13.1.210 flexibility to respond to market conditions over longer projected development periods due to the scale of such developments, and
- 13.1.211 if residential is a proposed land use, a variety of lot sizes and dwelling types to expand the spectrum of housing choices for households varying in type, size and age.

## SECTION 13.2 TYPES OF PLANNED UNIT DEVELOPMENTS

### **13.2.1 Planned Unit Development – Hamlet (PUD-H)**

Planned Unit Development–Hamlet (PUD-H) is intended for mixed-use development in close proximity to existing municipalities where such development would complement these more urban areas and have better access to available infrastructure. A PUD-H shall meet the following requirements:

- 13.2.101 Minimum area required: twenty-five (25) contiguous acres. Parcels of land separated only by a public easement or right-of-way (road, utility) shall be considered contiguous.
- 13.2.102 The site abuts or has access to a major thoroughfare.

### **13.2.2 Planned Unit Development – Rural (PUD-R)**

Planned Unit Development–Rural (PUD-R) is intended for the more rural areas of the County. While a mixture of uses is permitted, development is less intense than development in a PUD-H due to distance from existing municipalities and available infrastructure. A PUD-R shall meet the following requirements:

- 13.2.201 Minimum area required: fifty (50) contiguous acres. Parcels of land separated only by a public easement or right-of-way (road, utility) shall be considered contiguous.

## SECTION 13.3 APPLICATION SUBMITTAL

### **13.3.1 Planned Unit Development Application**

An application for a Planned Unit Development must include all the information contained in **§3.11** (Conditional Zoning) of this Ordinance as well as the information contained in this section.

### **13.3.2 Documentation of Utilities**

The availability of public utilities is a significant factor in the development process. Developments having access to both public water and sewer service will achieve greater density than properties that have access to either water or sewer only. If a property does not have access to either public water or sewer the maximum density could be significantly lower. The

following documentation submitted with the application will ensure the development proposed can be supported by the utilities either existing or proposed.

- 13.3.201 Documentation of preliminary approval of water and sewer service in accordance with Moore County Public Utilities policies.
- 13.3.202 Calculations demonstrating the estimated water and sewer capacity required to service the proposed project.

### **13.3.3 Traffic Impact Analysis**

A traffic impact study performed and prepared by a qualified transportation or traffic engineer or planner. The requirement to prepare a full traffic impact analysis may be waived by the Administrator only if all of the following conditions are met:

- 13.3.301 Daily trip generation is less than 5,000 trips; and
- 13.3.302 The applicant submits a written request for a Traffic Impact Analysis waiver with appropriate supporting documentation; and
- 13.3.303 The County Manager concurs with the request.

### **13.3.4 Existing Conditions Map**

An Existing Conditions Map(s) displaying existing site conditions (existing natural, man-made and legal features) must meet the required Drawing Standards as listed in **§13.3.10** (Drawing Standards) and shall include the following:

- 13.3.401 Existing natural features:
  - A general description and location of prevalent tree canopy and vegetation.
  - Orchards or other agricultural groves by common or scientific name.
  - Soil types
  - Streams, ponds, drainage ditches, swamps, 100-year floodplains, and general location of wetlands.
  - Contour lines with contour intervals no greater than two feet as determined by a licensed engineer or land surveyor.
  - If present, any unique land formations and significant natural features (i.e., endangered and threatened plants and animals, waterfalls, rock outcroppings, etc.).
- 13.3.402 Existing man-made features:
  - Roads (public and private) and parking areas.
  - Existing drainage swales/ditches
  - Storm water facilities or drainage structures.
  - Utility lines and other facilities, including water, sewer/septic, electric power, light poles, telephone, and gas.
  - Buildings and other structures, including any designated historical structures.

13.3.403 Existing legal features:

- Zoning of the property, including zoning district lines where applicable.
- Boundaries of the parcel(s) that comprise the site to be developed (with bearings and distances noted on the boundaries that are also the exterior boundaries of the site),
- Boundaries of adjacent properties.
- Nearby corporate limits of County(s), County boundaries, and ETJ boundaries.
- Street and other rights-of-ways.
- Utility and other easements.
- Deed book and page reference noted on each parcel within the site.
- Zoning, use, pin number, Land Record Key (LRK) number, and ownership of all adjacent tracts.

**Note:** Acceptable sources of data include, but are not limited to, readily available data, such as Land Cover data (source: CGIA), Gap Analysis data (source: CGIA), National Wetlands Inventory (NWI), Natural Heritage Inventory (NHI) (source: CGIA), aerial photography, ortho, USGS maps, Moore County GIS data, etc.

### 13.3.5 Land Development Plan

A Land Development Plan that consists of a drawing or series of drawings that is intended to demonstrate the proposed mix of land uses within the property, general locations of such land uses and the overall transportation circulation pattern within the property. The Land Development Plan must meet the required Drawing Standards as described in **§13.3.10** (Drawing Standards) and must include:

- 13.3.501 A general vicinity map indicating the location of the property in relation to its surroundings.
- 13.3.502 The total number of acres of the site.
- 13.3.503 The proposed net developable acres of the site.
- 13.3.504 The proposed use categories (i.e., residential, commercial, etc.) with proposed maximum number of dwelling units or gross floor area of non-residential uses indicated for each use category.
- 13.3.505 The maximum gross density (Dwelling Units per Acre) for the development.
- 13.3.506 If sub-areas are delineated, the general boundaries of each sub-area and the proposed uses within each.
- 13.3.507 The proposed transportation circulation pattern including general points of ingress/egress for the development from existing roads and the general location of proposed Arterial and Collector streets within the site.
- 13.3.508 The general location of any proposed amenities.

- 13.3.509 Location and width of buffers at project edge.
- 13.3.510 The general location(s) of required open space and any additional open space to be provided. (see §13.8 (Open Space Requirements) for description of open space)
- 13.3.511 The general location of proposed water and wastewater system connections.
- 13.3.512 The general location of proposed primary storm water management facilities.

### **13.3.6 Conceptual Plan**

A Conceptual Plan that is an illustrative drawing, or series of drawings, that depicts the general design concept, character and intent for the development of the entire property. The ultimate arrangement of uses, the exact alignment and configuration of streets, thoroughfares, points of access and parking areas, and the precise location, height and mass of buildings to be constructed need not be finally determined in a Conceptual Plan, which may be only schematic in nature. (Note: The PUD requires the submittal of a detailed Preliminary Plan, as defined in §13.4 (Preliminary Plat Approval) below, which shall control the development of the site.) The Conceptual Plan submittals must graphically include:

- 13.3.601 The general arrangement of all proposed commercial, civic, institutional, industrial, office and/or retail uses.
- 13.3.602 The general arrangement of all proposed residential uses.
- 13.3.603 The general location and type of any proposed amenities, including recreational and pedestrian circulation facilities.
- 13.3.604 The proposed transportation/circulation patterns including general points of ingress/egress for the development from existing roads and the general location and identification of proposed Local, Sub-Collector, Collector and Arterial streets within the development.
- 13.3.605 The general location of proposed primary project signs.
- 13.3.606 The general location of proposed open space.
- 13.3.607 The proposed project edge treatment(s), screening requirements and general landscape treatments.
- 13.3.608 The general location of primary proposed storm water management facilities (indicating approximate location of primary detention ponds, other facilities and best management practices to be employed).
- 13.3.609 The incorporation of any known historic structures or significant natural site features (i.e. rock outcroppings, waterfalls, etc.).
- 13.3.610 The general location of any other proposed major structures or facilities.

### **13.3.7 Development Conditions**

Development Conditions – A set of conditions that will apply to development within the property that is identified in the Application for Rezoning. The following shall be included:

- 13.3.701 Development program that is a brief statement of the nature and intent of the proposed development, the proposed land use categories and the permitted uses within each category. This program shall specify the maximum number of dwelling units and/or gross floor area of non-residential uses for each proposed use category for the entire development and any proposed conversion schedule.
- 13.3.702 Development standards - Dimensional standards for each use or use category, as appropriate:
  - Minimum lot sizes (area).
  - Minimum lot width(s).
  - Minimum building setback(s) and yard(s).
  - Maximum impervious lot coverage.
  - Maximum building/structure height(s).
- 13.3.703 Graphic illustrations that depict the above standards, such as typical lot layouts, shall be included, if differing from standards specified within this Article.
- 13.3.704 Statement(s) regarding the treatment of known natural and man made features identified on the existing conditions map §13.3.5 (Land Development Plan)
- 13.3.705 Statement(s) regarding any public facilities, housing or infrastructure improvements to be made as part of the development.
- 13.3.706 Statement regarding the timing of development.
- 13.3.707 Statement regarding gated portions of the development, if any portion of the development is intended to be gated.
- 13.3.708 Any other proposed design conditions that differ from the standards set forth in this Article.

### **13.3.8 Completeness Determination**

Within fifteen business days of receipt, the application shall be reviewed by the Zoning Administrator for completeness. The Planning Staff shall review the application for compliance with the appropriate sections of the Ordinance and it shall be considered officially filed only after it is examined by the Staff and found to be in compliance with this Ordinance.

### **13.3.9 Progress Reports**

The developer will be required to provide the Planning Department with annual reports outlining progress to date along with circumstances that may result in delays.

### **13.3.10 Drawing Standards**

All drawings submitted as part of the PUD application must meet the following minimum standards:

- 13.3.1001 Shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible.
- 13.3.1002 Shall be prepared by a Professional Engineer currently licensed and registered in the State of North Carolina by the NC Board of Examiners for Engineers and Surveyors, or by a Landscape Architect currently licensed and registered by the North Carolina Board of Landscape Architects.
- 13.3.1003 Shall include a title, contained within a title block giving the name(s) of the applicant(s), date, graphic scale, and the person or firm preparing the plan, a north arrow and a legend if necessary.
- 13.3.1004 The applicant shall provide an appropriate and reasonable number of copies (not to exceed 20) that the Planning Director deems necessary to expedite the review process and to provide necessary permanent records.

## **SECTION 13.4 PRELIMINARY PLAT APPROVAL**

### **13.4.1 Preliminary Plat Required**

- 13.4.101 Prior to the approval of any clearing, construction permits or plats within the PUD, the applicant must submit a Preliminary Plat prepared by a licensed surveyor to the Zoning Administrator for review and approval.
- 13.4.102 If development is phased, the submittal of a Preliminary Plat for each phase is required.
- 13.4.103 The Preliminary Plat must be in accordance with the approved Development Conditions and Land Development Plan attached to the approved zoning application.
- 13.4.104 Each Preliminary Plat shall include sufficient information allowing the Zoning Administrator to properly evaluate such plan for compliance with the specific PUD.

### **13.4.2 Preliminary Plan Requirements**

The Preliminary Plan submittal shall include the following:

- 13.4.201 If development is phased, a summary table indicating the overall status of:
  - The allocation of approved residential units or floor area of non-residential uses.
  - The allocation of required open space (acres) within each phase.
  - Projected commencement and completion date for subject phase.

- 13.4.202 A graphic depiction of the proposed phase which must meet the required Drawing Standards and shall include:
- A title, giving the names of the developers, the date, the scale of the plan, and the person or firm preparing the plan.
  - Topography of the site, at contour intervals no greater than 10 (ten) feet
  - Location and proposed use of all buildings, other than single-family units.
  - Lot layout.
  - Street network with street types specified, driveways, other traffic circulation areas and parking areas with spaces.
  - Points of ingress/egress for existing roads.
  - Service areas, off-street loading facilities, service drives
  - Primary project sign locations and sizes, which may be further detailed in a sign plan accompanying the submittal.
  - The location of storm water management facilities.
  - The location of water and wastewater systems, particularly proposed fire hydrant locations and system connections to existing facilities.
  - Open space areas (type and configuration) and access, if provided.
  - The location and type of amenities including recreational and pedestrian circulation facilities.
  - Landscaping, screening (fences, walls, vegetation) and buffer details indicating location and, if applicable, composition and height.
  - Lighting plan, where applicable.
  - The location of and plans for any historic structures or significant natural features.
  - The location of any other proposed major structures or facilities.
- 13.4.203 A written explanation of any minor design modifications from the approved Land Development Plan, if applicable.
- 13.4.204 Certifications from the appropriate agencies that the proposed utility systems are or will be adequate to handle the proposed development.
- 13.4.205 A draft of the Articles of Incorporation for the Property Owners' Association (POA) and/or other legal documentation demonstrating the establishment/identification of the entity responsible for control and maintenance of required common areas and facilities.
- 13.4.206 A statement regarding sedimentation/erosion control. (Sedimentation and Erosion Control Plan shall be submitted to the Land Quality Section, Department of Environment and Natural Resources and shall be part of the set of construction drawings prepared in accordance with the approved Preliminary Plan.)

### **13.4.3 Preliminary Plan Approval**

- 13.4.301 Within fifteen business days, the Planning Director shall determine if the Preliminary Plan is in overall compliance with the approved PUD.
- 13.4.302 Should the Planning Director determine that the Preliminary Plan submittal is not in compliance with the approved PUD, the Planning Director shall deny the Preliminary Plan submittal.
- 13.4.303 If denied, the applicant may revise and resubmit such Preliminary Plan or may elect to have the submittal forwarded to the Planning Board for consideration.

## **SECTION 13.5 AMENDMENTS, ADDITIONS AND EXPIRATION OF PUD**

### **13.5.1 Expiration of the Approved PUD**

- 13.5.101 Once the PUD is approved by the Board of Commissioners, the Land Development Plan and Development Conditions attached thereto, shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved Land Development Plan and Development Conditions.
- 13.5.102 The approval of the PUD District zoning shall be null and void unless a Preliminary Plan for at least the initial phase has been submitted for review and approval within three (3) years after the date of approval of the PUD application and, if not submitted within such time frame, the zoning for the property shall revert back to its previous zoning classification. Such time period will not be extended with transfer of ownership.
- 13.5.103 Upon written request, one extension of time may be granted by the Board of Commissioners for a period not to exceed one year for good cause shown.
- 13.5.104 No request for an extension shall be considered unless a written request is submitted to the Planning Director no later than 45 calendar days prior to the date the PUD is to expire.
- 13.5.105 The extension shall be deemed granted until the Board of Commissioners has acted upon the request for extension.
- 13.5.106 Failure to submit a written request for an extension within the time limits established by this Section shall render the approved PUD Land Development Plan null and void upon the expiration of the three-year term.

### **13.5.2 Minor Amendments to the Approved PUD**

Following approval of the PUD by the Board of Commissioners, the Zoning Administrator may approve the following minor amendments to the PUD:

- 13.5.201 Changes which result in a decrease in density (residential or non-residential)

- 13.5.202 Changes that result in increased density in overall PUD which are equal to or less than 10% (of the approved density amount as specified in the Development Conditions.)
- 13.5.203 Decrease in the amount of open space identified in the Land Development Plan if it is less than or equal to a ten percent (10%) change provided the minimum open space requirement is satisfied with the remaining open space and such open space meets all other requirements for open space regarding composition, contiguity, etc..
- 13.5.204 Change in dimensional standards set forth in the Development Conditions that result in a decrease in minimum standards or increase in maximum standards that is less than or equal to a ten percent (10%) change (i.e. an increase in building height and/or a decrease in required setbacks or yards).
- 13.5.205 Change in land use from multi- family to single- family or a change from any other use to open space/passive recreation.
- 13.5.206 Changes in major infrastructure features (i.e. roads, access, sewer, water, storm drainage) of the area which are clearly beneficial to the occupants of the PUD. In cases where infrastructure changes are not deemed to be clearly beneficial to property owners, the Planning Director may refer amendments to the Planning Board for review and approval.
- 13.5.207 Deviations arising from limited technical considerations which could not reasonably be anticipated during the approval process.
- 13.5.208 Any other change which has no material effect on the character of the approved Land Development Plan, as determined by the Planning Director, such as:
  - Driveway relocations.
  - Facility design modifications for amenities.
  - Substitutions of landscaping materials within the same genus, so long as the substituted material is not of a type that is specifically prohibited per the Ordinance or approved PUD landscape standards.
  - Modifications to uses in accordance with an approved Conversion Schedule supplied by the developer as part of the Development Conditions.

### **13.5.3 Major Amendments to the Approved PUD**

The Board of Commissioners approval is required for any change that cannot be approved by the Zoning Administrator, including the following:

- 13.5.301 Changes in major infrastructure features referred to the Planning Board by the Zoning Administrator.
- 13.5.302 Changes that result in increased density in overall PUD greater than ten percent (10%) (of the approved amount as specified in the Development Conditions.)

- 13.5.303 Decrease in the amount of open space identified in the Land Development Plan if exceeds a ten (10%) percent change.
- 13.5.304 Change in dimensional standards set forth in the Development Conditions that result in a decrease in minimum standards or increase in maximum standards that exceeds a ten percent (10%) change (i.e. an increase in building height and/or a decrease in required setbacks or yards).
- 13.5.305 Significant changes in land use or addition of land uses, other than allowable changes specified in a Conversion Schedule that was approved during the initial PUD approval
- 13.5.306 An increase or decrease in project area other than survey or other base data corrections.
- 13.5.307 Change to proposed treatment of project edge.
- 13.5.308 Addition or reduction of driveways or access points, especially those which negatively affect connectivity.

#### **13.5.4 Addition to the Approved PUD**

Additional land area may be added to an existing PUD if the new area is adjacent to the original PUD and forms a logical addition to it. The procedure for rezoning an addition to PUD shall be the same as if an original application were filed.

### **SECTION 13.6 PHASED DEVELOPMENTS**

#### **13.6.1 Phased Development Requirements**

- 13.6.101 Planned Unit Developments may be developed in phases. However, as initial phases are developed, the developer shall impose restrictive covenants on the additional portion of the tract in the Planned Unit Development. This will ensure that approved plans are completed.
- 13.6.102 When developed in phases, a maximum of fifty percent (50%) of the building permits outlined in the Preliminary Plan will be issued prior to completion of all infrastructure improvements.
- 13.6.103 Should the developer wish to secure the remaining building permits prior to installation of all improvements, the developer may obtain a performance bond equal to 1.5 times the entire cost of installing all required improvements.
- 13.6.104 The bond shall be payable to Moore County and the duration shall be until such time as the improvements are accepted by the Board of Commissioners.
- 13.6.105 The developer may deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with Moore County or in escrow with a financial institution designated as an official depository of Moore County.

- 13.6.106 The use of any instrument other than cash shall be subject to the approval of the Board of Commissioners and shall equal 1.5 times the entire cost of installing all required improvements.
- 13.6.107 If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Board of Commissioners an agreement between the financial institution and himself guaranteeing the following:
- That said escrow account shall be held in trust until released by the Board of Commissioners and may not be used or pledged by the developer in any other manner during the term of the escrow; and,
  - That in the case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification by the Board of Commissioners and submission by the Board to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately pay to Moore County the funds estimated to complete the improvements up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County. If any funds are not spent in completing the improvements, the County shall retain, as a service charge, ten percent (10%) of the cost of completing those improvements and return the balance to the developer.

## SECTION 13.7 GENERAL DEVELOPMENT STANDARDS

### 13.7.1 Permitted Uses

- 13.7.101 A PUD district may contain any combination of uses (permitted and conditional) listed in the Table of Uses.
- 13.7.102 All proposed uses listed in the approved zoning application are permitted uses subject to the conditions established through the rezoning process in connection with the specific application.
- 13.7.103 The type and location of any and all uses within the PUD district must be demonstrated to be appropriate for the project area and surrounding area.
- 13.7.104 Permitted uses are to be specific for that planned unit development, and must be approved by the Moore County Board of Commissioners.

### 13.7.2 Dimensional Requirements

The dimensional standards for all development within the PUD shall be specified in the development conditions. However, such dimensional standards shall adhere to the minimum and maximum dimensions requirements set forth in the tables below:

Dimensional Table						
Development Types	Lot Area (min. ft.)	Lot Width (min. ft.)	Front Yard (min. ft.)	Side Yard (min. ft.)	Rear Yard (min. ft.)	Height (max.)
<b>Residential Uses and Structures</b>						
Small (Detached) less than 2000 square feet	4,000	40	5	5	10 <sup>1</sup>	40
Large (Detached) 2000 square feet or larger	7,200	90	5	10	10 <sup>1</sup>	40
Townhouse/ Attached	1,100/unit	14/unit	0/5 <sup>2</sup>	0/5 <sup>3</sup>	10 <sup>1</sup>	45 <sup>4</sup>
Multifamily	1,100/unit	15/unit <sup>5</sup>	0/5 <sup>2</sup>	0/5 <sup>3</sup>	10 <sup>1</sup>	60 <sup>4</sup>
<b>Commercial Uses and Structures</b>						
Mixed Use/Single Use	5,000	20	0/5 <sup>2</sup>	0/5 <sup>3</sup>	10 <sup>1</sup>	60 <sup>4</sup>
<b>Civic/Public Uses and Structures</b>						
All structures	5,000	30	0/5 <sup>2</sup>	0/5 <sup>3</sup>	10 <sup>1</sup>	60 <sup>4</sup>
<b>Industrial Uses and Structures</b>						
All structures	20,000	100	15	20	30	60 <sup>4</sup>

<sup>1</sup> The required rear yard depth shall be reduced to five feet when abutting an alley or dedicated open space. Appurtenances shall be allowed to extend into required rear yard as provided in the Appurtenances below.

<sup>2</sup> Buildings may provide a front yard of zero (building drawn up to sidewalk), otherwise, the minimum yard depth shall be five feet to provide adequate space for landscaping, a courtyard, or other amenity area. Appurtenances shall be allowed to extend into required front yard as provided in the Appurtenances below.

<sup>3</sup> A side yard of five feet must be used when the adjoining property is occupied by a detached residential unit. In all other situations, a side yard of zero may be used. Appurtenances shall be allowed to extend into required side yard as provided in the Appurtenances below.

<sup>4</sup> Height may be above the maximum height indicated, provided all portions of the structure exceeding the height limit indicated shall be stepped back an additional 1 foot from the adjoining property line for each additional foot in excess, the increased height does not negatively affect surrounding properties and it is approved by the Moore County Director of Public Safety. In all areas within one thousand feet of any aircraft landing field, a structure exceeding thirty-five (35) feet in height shall be permitted only upon a finding by the Board of Adjustment after a public hearing that it does not constitute a menace to safety. Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structures and necessary mechanical appurtenances may be erected to any height, unless otherwise regulated.

<sup>5</sup> In order provide increased design flexibility for multifamily projects, the lot width requirement shall only apply to the first five units. The minimum lot width required for a multifamily project with more than five units is seventy (75) feet.

<sup>6</sup>Appurtenances. A step, stoop, open porch, balcony, awnings or other appurtenance may extend up to five (5) feet into the front setback, provided such features do not impede pedestrian circulation or extend more than twenty-five percent (25%) into the setback.

### 13.7.3 Lot Access

- 13.7.301 Access to lots must be provided by an interior street constructed as part of the development
- 13.7.302 No lot shall have direct access to an existing state maintained road.

### 13.7.4 Setbacks

- 13.7.401 PUDs shall, at a minimum, meet setback and landscape requirements of the Highway Corridor Overlay District in which they are located.
- 13.7.402 **Transitional Setbacks.** Along collector and arterial roadways, which have the potential to be expanded in the future to accommodate additional capacity based on increased traffic volumes and which are identified on adopted NCDOT and/or county-wide transportation improvement plans as future widening projects, a transitional setback shall be established. The setback is measured from the future right-of-way instead of the existing right-of-way.

### 13.7.5 Parking and Loading

Parking areas shall have a paved surface and all parking areas and traffic lanes shall be clearly marked. The standards for parking and loading set forth in §8.3 (Parking and Loading) shall apply to all development within the PUD, with the following exceptions:

- 13.7.501 On-street parking shall be allowed provided that the road width will accommodate same. On-street parking may consist of parallel, perpendicular, angled or any combination of these types of parking spaces. If provided, on-street parking may be used to reduce the on-site parking requirement by up to fifty percent (50%).

### 13.7.6 Streets

All streets shall conform to the standards contained in §17.3, except as provided below:

- 13.7.601 The street system may include private roads, provided that all streets are designed and constructed in accordance with NCDOT minimum construction standards for subdivision roads and Moore County Public Safety road design standards.
- 13.7.602 Street network shall accommodate the network reflected in the adopted NCDOT Comprehensive Transportation Plan and other similar adopted plans.
- 13.7.603 The street system shall form a logical hierarchy with streets of lower classification connecting to streets of higher classification.
- 13.7.604 Private, dead-end roads may be terminated in a cul-de-sac or "T" turnaround. Where a "T" turnaround is used as the terminus for a private road, the dimensions (e.g., turning radius) of the "T" shall be sufficient to allow emergency service and trash collection vehicles adequate room to turn around.
- 13.7.605 Number of access points. A minimum of two (2) access points into the development are required or as per NCDOT regulations. If the development abuts

one (1) state-maintained road, providing two (2) or more access points along such road will be subject to NCDOT's review and approval. If the development abuts more than one state-maintained road, at least one (1) access point on each road shall be required, subject to NCDOT's review and approval.

#### **13.7.7 Pedestrian Circulation**

- 13.7.701 The pedestrian circulation system shall be designed to assure that pedestrians can walk safely and easily throughout the development.
- 13.7.702 The system shall link open space within the development as well as with existing or potential open space on adjoining parcels where such connections are prohibited.
- 13.7.703 All sidewalks along streets shall connect with off-road trails where such connections are practical.
- 13.7.704 Pedestrian trails and other pathways that will provide public access for educational or recreational purposes may be located in open space areas that count toward the minimum open space requirement provided they are located and/or constructed so as to have no adverse impacts on Primary, Secondary, and Tertiary Conservation Areas.

#### **13.7.8 Signs**

- 13.7.801 Signs within the development shall adhere to the standards set forth in §8.4 (Signs) or as part of the zoning application or an amendment thereto.
- 13.7.802 The applicant may submit a unified sign plan that establishes more specific design standards (size, height, color, materials, illumination) and sign locations for the project to ensure a coordinated theme across the PUD District.
- 13.7.803 Such unified sign plan may be submitted after the approval of the zoning application and may be approved by the Zoning Administrator as an alternate to individual sign permits.

#### **13.7.9 Stormwater Control**

- 13.7.901 Storm water management shall meet or exceed the State's minimum requirements for storm water management.
- 13.7.902 A common master storm water management plan may be developed for the project as a whole and may employ best management practices. This neither prohibits the development of the PUD District in phases nor the phased implementation of the storm water management system.

#### **13.7.10 Utility Lines**

- 13.7.1001 All new utilities associated with the proposed development shall be underground unless just cause requires otherwise.

## SECTION 13.8 OPEN SPACE REQUIREMENTS

### 13.8.1 Minimum Open Space Required

- 13.8.101 Where a developer elects to seek approval of a PUD-H as specified herein, at least twenty percent (20%) of the total land area in the PUD-H must be set aside as dedicated open space
- 13.8.102 Where a developer elects to seek approval of a PUD-R as specified herein, at least thirty percent (30%) of the total land area in the PUD-R must be set aside as dedicated open space

### 13.8.2 Types of Open Space

Open Space shall be comprised of one or more of three types of land: Primary Conservation Areas, Secondary Conservation Areas, and Tertiary Conservation Areas.

- 13.8.201 **Primary Conservation Areas.** Sensitive environmental features and/or significant cultural resources considered unbuildable in a legal or practical sense shall be delineated first in identifying areas to satisfy the minimum open space requirement.
- *Wetlands*, including, but not limited to, streams, creeks, ponds, reservoirs, storm water management facilities for watershed protection purposes, and adjoining land areas as currently defined by the U.S. Army Corps of Engineers Field Manual.
  - *Floodplains*, defined as Special Flood Hazard Areas as determined by the Federal Emergency Management Agency (FEMA) or modeled by a Professional Engineer (PE) or County-designated flood of record contours.
  - *Vegetative buffers*, which screen the view of development and preserve the character of rural public roads. Any vegetative buffer provided may be used to satisfy the open space requirement, provided the minimum width of such buffer is not less than twenty five (25) feet and such buffers are not within a platted, privately-owned lot or publicly owned right-of-way.
- 13.8.202 **Secondary Conservation Areas.** Important natural or cultural features that may comprise the required open space provided all of the primary conservation areas within the site have been delineated and counted toward the open space requirement.
- *Woodlands*, including forest land for the planting and production of trees and timber, where management practices such as selective timber harvesting and wildlife enhancement are employed. Such woodlands may consist of hardwood, pine, and/or mixed pine-hardwood forests identified as part of a site analysis conducted by a registered engineer, land surveyor, landscape architect, architect using aerial photographs and/or satellite imagery, a required Environmental Assessment or Environmental Impact Statement

and/or an independent site study conducted by a trained botanist and/or forester.

- **Farmland**, especially prime agricultural land as identified by the U.S.D.A. Soil Conservation Service and which is in active use for the production of crops and/or raising of livestock. Farmland can be leased for operation purposes only. The lease shall be subject to the approval of the POA and any transfer or assignment of the lease shall be further subject to the approval of the POA. Lease agreements so entered upon shall be recorded with the County within thirty (30) days of their execution. *This would be possible with larger tracts of land for crops and tillable land.* Agricultural land must be at least twenty (20) contiguous acres and contain at least twenty percent (25%) prime farmland soils or other soils of statewide importance.
- **Land used for horticulture, silviculture or pasture uses.**
- **Steep slopes**, defined as those greater than twenty-five percent (25%), identified as part of a site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner and calculated using topographic maps from a Moore County data survey or from the U.S. Geological Survey
- **Natural areas, particularly those containing unique plants and wildlife habitats and corridors** identified as part of a Natural Heritage Inventory (NHI), a required Environmental Assessment or Environmental Impact Statement; and/or an independent site study conducted by a trained botanist and/or biologist. An existing conservation easement provided such conservation easement has been dedicated prior to application for approval of a PUD. The land subject to the easement may be counted toward satisfying the respective open space requirement provided it is a portion of and in the same ownership as the tract to be subdivided, and all other provisions of this section are met.
- **Historic and archaeological sites** listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic landmark, designated as a local historic district, and/or identified as having a high potential for archaeological remains as part of a required Environmental Assessment or environmental Impact Statement and/or an independent site study conducted by a trained architectural historian or archaeologist. Where a historic or archaeological site is to be set aside as separate lot, and preserved and/or restored as part of the open space area, the entire area within the lot may be counted toward meeting the minimum open space requirement.

13.8.203 **Tertiary Conservation Areas.** Important natural or cultural features that may comprise the required open space provided the entire primary and secondary conservation areas within the site have been delineated and counted toward the open space requirement.

- **Public and/or private recreation areas and facilities**, including Active recreation areas, such as public recreation areas, (including district and community parks), and private recreation facilities (including golf courses, playing fields, playgrounds, swimming pools, and courts for tennis, basketball, volleyball, and similar sports), whether public or private.
- **Passive recreation areas**, such as pedestrian, bicycle, and equestrian trails, picnic areas, community commons or greens, and similar kinds of areas, whether public or private. Land in this category receives full credit toward meeting the minimum open space requirement.

### 13.8.3 Delineation of Open Space

13.8.301 All potential conservation areas shall be identified using a Site Analysis Map, which shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible, by a Professional Engineer currently licensed and registered in the State of North Carolina by the NC Board of Examiners for Engineers and Surveyors, or by a Landscape Architect currently licensed and registered by the North Carolina Board of Landscape Architects.

Acceptable sources of data include, but are not limited to, readily available data, such as Land Cover data (source: CGIA), Gap Analysis data (source: CGIA), National Wetlands Inventory (NWI), Natural Heritage Inventory (NHI) (source: CGIA), aerial photography, orthography, USGS maps, etc.



13.8.302 In satisfying the open space requirement, the Primary Conservation Areas, as described in §13.8.201 above, shall be delineated first.

13.8.303 If the minimum open space requirement cannot be satisfied with primary conservation areas, then Secondary Conservation Areas shall be delineated.

13.8.304 If the minimum open space requirement cannot be satisfied with primary and secondary conservation areas, then Tertiary Conservation Areas shall be delineated.

13.8.305 Where the site is equal to or greater than fifty acres, not more than eighty percent (80%) of the land used to meet the minimum open space requirement shall consist of Primary Conservation Area.

13.8.306 The remaining twenty percent (20%) must be fulfilled by Secondary Conservation Area and/or Tertiary Conservation Area.

13.8.307 Additional Open Space that exceeds the minimum requirement may be comprised of any type of Conservation Area.

### 13.8.4 Configuration or Design of Open Space

13.8.401 The minimum width for any required open space shall be fifty (50) feet.

13.8.402 At least sixty percent (60%) of the required open space shall be contiguous. For the purposes of this section, contiguous shall include any open space bisected by a residential street, provided that a pedestrian crosswalk is constructed to provide access to the open space on both sides of the street.

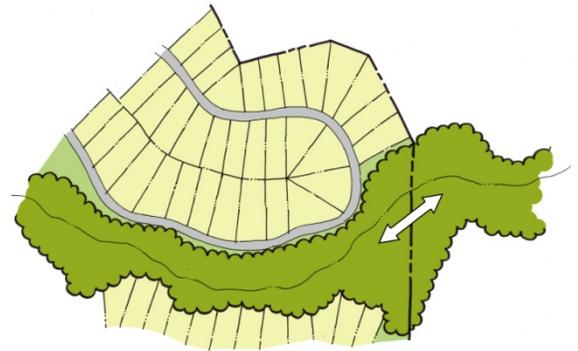
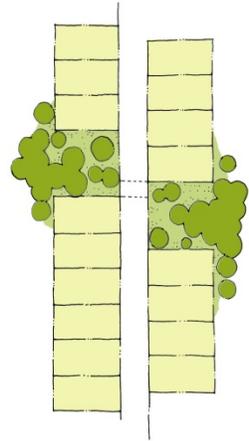
13.8.403 The right-of-way area is not included in the calculation of minimum open space required.

13.8.404 The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

13.8.405 The open space shall be directly accessible to the largest practicable number of lots within the subdivision.

13.8.406 Non-adjoining lots shall be provided with safe, convenient access to the open space (i.e. mid-block connections in logical locations).

13.8.407 No lot within the subdivision shall be further than a ¼ mile from the required open space, measured in a straight line without regard for street, sidewalk or trail connections to the open space.



### 13.8.5 Permitted Uses of Open Space

If open space is not intended to be maintained in its natural state, uses of open space may include the following:

13.8.501 Pedestrian or multipurpose trails;

13.8.502 Passive recreation areas, including pocket parks;

13.8.503 Active recreation areas, such as ball fields and playgrounds, provided that impervious area is limited to no more than ten percent (10%) of the total open space (active recreation areas in excess of this impervious area limit shall be located outside of the protected open space);

13.8.504 Golf courses (excluding clubhouse areas and maintenance facilities),

13.8.505 Above-ground utility rights-of-way, provided the area does not exceed fifty percent (50%) of the required open space;

- 13.8.506 Water bodies, such as lakes and ponds, and floodways provided the total surface area does not exceed fifty percent (50%) of the required open space;
- 13.8.507 Agriculture, horticulture, silviculture or pasture uses;
- 13.8.508 Landscaped storm water management facilities;
- 13.8.509 Easements for drainage, access, and underground utility lines.

### **13.8.6 Ownership of Open Space**

- 13.8.601 No portion of the open space within a PUD (residential or non-residential) shall be part of an individual building lot unless a conservation easement is established in accordance with **§13.8.602**.
- 13.8.602 Open space may be owned and/or administered by any of the following methods, either individually or in combination.
  - Fee simple dedication to Moore County, another unit of local government, the State of North Carolina or a private non-profit land conservancy.
  - Dedication of conservation easements to Moore County, another unit of local government, the State of North Carolina or a private non-profit land conservancy. Such easements may apply to a single property owned by a homeowners association and/or to all or portions of individual lots owned by one or more property owners.
  - Ownership by a property owners association where specific development restrictions and maintenance requirements are included as part of its bylaws and restrictive covenants.
  - A private landowner may retain ownership of the open space, provided a conservation easement established for that express purpose is recorded in the public records of Moore County prior to the approval of a plat or issuance of a building permit for a vertical structure on the property. The responsibility for maintaining the open space and any facilities shall be borne by the private land owner.
- 13.8.603 All open space shall be permanently restricted from further subdivision.
- 13.8.604 Where conservation easements have been dedicated prior to application for approval of a PUD, the land subject to the easement may be counted toward satisfying the respective open space requirement provided it is a portion of and in the same ownership as the tract to be subdivided, and all other provisions of this section are met.

### **13.8.7 Public Access to Open Space**

- 13.8.701 Public access to open space preserved shall be provided only if such open space is to be dedicated to and therefore owned and maintained by Moore County, another unit of local government, the State of North Carolina or other public entity.

### **13.8.8 Maintenance of Open Space**

- 13.8.801 Natural features shall be maintained in their natural condition, but may be modified to improve their appearance, functioning, or overall condition, as recommended by qualified professionals in the particular area being modified.
- 13.8.802 Permitted modifications may include:
- Reforestation;
  - Forest management;
  - Pasture or cropland management;
  - Buffer area landscaping;
  - Stream bank protection;
  - Wetlands management;
  - Understory clearing;
  - Select clearing of meadows; and/or
  - Creation of wildlife habitat
- 13.8.803 Unless accepted for dedication or otherwise agreed to by Moore County, another unit of local government, the State of North Carolina or a private non-profit land conservancy, the cost and responsibility of maintaining open space and any facilities located thereon shall be borne by the property owner and/or property owners association.

### **13.8.9 Disturbance of Open Space**

Disturbance or construction activity may occur inside the open space when construction is done in such a way as to protect significant resources with approval of the Planning Director for the following limited purposes:

- 13.8.901 Emergency public safety activities when such activities cannot reasonably be restricted to areas outside the open space or other nearby developed areas. Measures shall be required to mitigate the impact of the disturbed area;
- 13.8.902 Engineered storm water controls, including but not limited to retention and detention basins, when they are designed to look like natural areas, provided the total area of water surface does not comprise more than fifty percent (50%) of the required open space.
- 13.8.903 Construction of a trail, pedestrian walkway, or road that will provide access between two (2) or more areas of the subdivision to be developed;
- 13.8.904 The removal of noxious species, such as kudzu or poison ivy, for general maintenance of the area.

