

DARE COUNTY

North Carolina. Coastal Zone Mgmt Program

PLANNED UNIT DEVELOPMENT ORDINANCE

DARE COUNTY

COASTAL ZONE
INFORMATION CENTER

1983

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Dare County
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Planned Unit Development

A. Purpose

The Planned Unit Development is an approach to the development of land within the county which allows for deviation from strict adherence to some of the area and bulk requirements of the zoning ordinance and/or certain provisions of this chapter in order to:

1. Preserve and take advantage of the natural and scenic features of the land to be developed and to avoid or mitigate any damage to environmentally sensitive areas.
2. Encourage more efficient use of land, streets, utilities, and governmental services.
3. Preserve open space for the benefit of residents of the proposed development as well as the community as a whole.
4. Achieve compatible land use relationships with surrounding areas.
5. Permit greater variety in the type, design, and siting of buildings and in order to improve the character and quality of new development and encourage development that is in harmony with its natural environment.

B. Planned Unit Development Review Procedure

1. A planned unit development application shall be reviewed in accordance with the subdivision plat approval provisions of this chapter.
2. The development of the Planned Unit Development may take place in phases provided that as part of the initial submission, a development schedule is approved which describes:

- a. A schedule for the submission of all of the phases;
- b. The parcels on which each phase is to be constructed and the date of each phase.
- c. The number of units to be built in each phase, and
- d. A schedule for the construction of improvements, various amenities, public services and facilities, for the provision of open space and other similar aspects of the development.

The approval of such a submission shall not be construed as approval of any subsequent submission prior to review and approval of the same as provided herein.

Each phase of a phased Planned Unit Development shall be planned to relate to existing and/or planned services and facilities so that each phase is self-sufficient and not dependent on later phases and so that failure to proceed with the subsequent stages will not have any adverse impact on the completed phases of the Planned Unit Development, its surroundings, or the community in general. Each stage shall also be planned so as to ensure that open space and any other amenities will be provided along with the proposed residential construction at each phase of construction.

No phase shall be approved that will take more than five years to complete from time of approval.

3. If an applicant does not begin or substantially complete the Planned Unit Development, or a stage of a Phased Planned Unit Development, in the sequence and within the time imposed by the approved development schedule, the approval of the Planned Unit Development shall be void. The Board shall consider testimony by the applicant and may reinstate the approval and amend the development schedule if it

finds that the development schedule was not met because of circumstances beyond the control of the developer and if it is satisfied that an amended schedule can be met by the developer and would serve the best interests of the county.

4. Except as provided herein, no application for a Planned Unit Development shall be approved unless the application and the accompanying plats comply with all the general requirements of this chapter and with the requirements for the zone district or districts in which the area and structures included in the application are located.

C. General Requirements

1. All of the land proposed for a Planned Unit Development must be in single ownership; if not, the application must be filed jointly by all of the owners of all of the land included in the proposal.
2. In order to ensure compatibility among the various buildings, structures and land uses in a Planned Unit Development, the Planning Board must as a condition of their approval find that the total development and, if phased, each of its phases, can exist as an integrated whole and may, in cases where conflicts or problems may result, require design elements or other modifications in addition to or in lieu of those standards normally applicable.
3. The development must include open space for the mutual benefit of the entire tract; be designed to provide variety and diversity so that maximum long-range benefit may be gained and the unique features of the site preserved and enhanced; and be in harmony with its surrounding neighborhood.
4. The Planned Unit Development shall not automatically be permitted the maximum density allowed in the zone district in which the

Planned Unit Development is located or if unzoned allowed in this chapter. The Applicant shall be required to support the proposal with a rationale and justification for the density proposed considering such factors as the suitability of the land for development in terms of natural features and constraints; the availability of various services and facilities (public and/or private) especially water supply and waste water treatment in the long term; the impact on public and private roads; and the relationship of the development to the goals and policies of the Land Use Plan.

D. Permitted Variations

A Planned Unit Development may deviate from the requirements of the zoning ordinance and/or this chapter in accordance with this chapter and subject to its restrictions. Such variations may be permitted singly or in combination provided that all are clearly indicated on the Final Plat.

1. Clustering Buildings and the Provision of Common Open Space.

Clustering of buildings and units through variation of the size of the lot, the minimum front yard set back, minimum side yard set back, minimum rear yard set back, and minimum lot width required for each dwelling unit is encouraged provided that the density of the overall project shall not exceed the density permitted by the zoning ordinance in the area in which the Planned Unit Development is to be located or if in an unzoned area the density allowed in the subdivision ordinance. In determining the density of a Planned Unit Development, public and private rights of way, public trust lands and areas of environmental concern shall not be included.

Common open space must:

- a. Be used, and be suitable, for scenic, conservation or preservation of environmentally sensitive areas, or recreation purposes, and
- b. Be accessible and available to all occupants of dwelling units in the Planned Unit Development, and
- c. A proportionate, undivided interest in all common open space be deeded in perpetuity to each lot or unit owner within the Planned Unit Development which deeds shall contain restrictions against future residential, commercial, and industrial development of common space areas, and
- d. A homeowners or other association must be established with the legal and fiscal ability and authority to perpetually maintain the open space for the benefit of the residents of the Planned Unit Development.

Buildings may not be arranged so that any structure is inaccessible to emergency vehicles.

2. Height.

The maximum height of buildings and structures may be varied in relation to the following characteristics of the proposed building or structure and site:

- a. Geographic location;
- b. Fire safety;
- c. The probable effect on surrounding terrain;
- d. Adverse visual effect on adjacent sites or other areas in the immediate vicinity;
- e. Potential problems for adjacent sites caused by shadows, loss of circulation, or loss of view;

- f. Effect on the general area with respect to the creation of extreme contrast in building height, or interruption of vistas or obstruction of open space;
 - g. Uses within the building or structure.
3. Zone district variations shall not be permitted from the use requirements of the zone district in which the Planned Unit Development is located nor from any applicable general requirements of the zoning ordinance.

4. Off-Street Parking Spaces.

The number of off-street parking spaces in each Planned Unit Development shall meet the requirements of the zoning ordinance or if in an unzoned area 2.5 spaces per dwelling unit, except that, on review, the number of off-street parking spaces may be increased or decreased by the Planning Board after consideration of the following factors:

- a. The number of cars expected to be owned by future occupants of dwellings in the Planned Unit Development.
- b. The parking needs of any non-residential uses, if any.
- c. The varying time periods of use, whenever joint use of common parking is proposed.
- d. The number of boats, recreational vehicles, off-road vehicles, travel trailers and the like which will have to be accommodated.

E. Site Plan Review

In order to preserve the visual character of the County and to protect the public health, safety, and general welfare by preventing the erection of structures which do not properly relate to their sites or adjacent

uses; to prevent the indiscriminate clearing of property, excessive grading, and the destruction of trees and shrubbery; to protect ground water supplies, coastal wetlands, estuaries and other environmentally sensitive areas, a site plan shall be submitted with the preliminary plat. In carrying out the purpose of this section with respect to the design and location of the buildings, approval shall be considered in accordance with the following objectives:

1. Reducing the adverse visual impacts of structures which, because of size, scale, or location, are out of harmony with the built and/or natural environments in which they are to be constructed.
2. Minimizing disturbances to the natural terrain and existing vegetation; enhancing drainage; reducing soil erosion; and otherwise maximizing compatibility with the natural environment and with policies and regulations of this ordinance and the Land Use Plan.

F. Landscaping Plan

A landscaping plan indicating the treatment of exterior spaces shall be submitted as a part of the preliminary plat. The design objective of the plan must be clear and be supported by a written statement. The plan must provide an ample quantity and variety of plant species which are native or regarded as suitable for this climate. The Planning Board may require the applicant, as a condition of approval of the Planned Unit Development to provide a guarantee to cover the cost of installation and maintenance of the landscaping improvements to insure the installation of all landscaping shown and the continued maintenance and replacement of the same for a period of three (3) years after installation. In choosing the species of trees (and other vegetation) and their siting, the effect on neighboring property shall be considered.

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