

ARTICLE 6 - PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

6.1 Intent

The purpose of a Planned Unit Development (PUD) is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities, and Town services; to preserve the natural, environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and to mitigate the problems which may be presented by specific site conditions. It is required that a Planned Unit Development will offer one (1) or more of the following advantages:

- (1)** Implement the guiding principles and land use policies of the Land Use Plan; specifically reflect the policies of the Land Use Plan specific to the neighborhood in which the PUD is to be located; and the Town Future Land Use Map;
- (2)** Buffer land uses proposed for the PUD so as to minimize any adverse impact that new development may have on surrounding properties; additionally provide buffers and transitions of density within the PUD itself to distinguish between different land use areas;
- (3)** Enhance the appearance of neighborhoods by conserving areas of natural beauty and natural green spaces;
- (4)** Counteract urban monotony and congestion on streets;
- (5)** Promote architecture that is compatible with the surroundings;
- (6)** Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area; and
- (7)** Provide a public benefit that would not occur without deviation from the General Use Districts (Article 4) standards of this Zoning Ordinance.

The following sections of this Article 6 will elaborate fully the regulations and permitting of a PUD. Briefly, the intent of a PUD is for a floating zone district with boundaries submitted by the applicant. Upon approval by the Town the PUD becomes a PUD District (Section 6.7) which is a plan, a legal text ordinance document specifying the regulations, and a map serving as a visual representation. The general permitting process is to obtain Town approvals for a preliminary plan (Section 6.7) and then a final plan (Section 6.8). Upon PUD District approval by the Town Council the area will be shown on the Town zoning map and identified as a PUD District.

6.2 General Regulations

(1) Permitted Uses and Development Standards

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- (A) The permitted uses and development standards in a PUD, are subject to the discretion and review of the Planning Board, and approval by the Town Council.
- (B) The permitted uses and development standards shall be determined: in consideration of the Land Use Plan and Future Land Use Map; the existing zoning district (Article 4) designation of the area being rezoned to a PUD; the land uses contiguous to the area being rezoned to a PUD (Appendix 1); and the general development standards of this Ordinance.

(2) Qualifying Standards

- (A) The area designated in the PUD map must be a tract of land under single ownership or control. Single control of property under multiple ownership may be accomplished by submitting written documentation that:
 - 1. States that all property owners agree to the common development of their properties and to be subject to the PUD District and final plan;
 - 2. Designates one primary applicant who shall serve as the primary contact between the owners and the Town; and
 - 3. Certifies, with signatures by all property owners including representatives of all commonly held properties, agreement to single control of their property.
- (B) The minimum gross area required for a PUD is ten (10) acres. The minimum gross area may be waived by the Planning Board if it is demonstrated that granting such waiver is consistent with the district intent as specified in Section 6.1.
- (C) A PUD may be established in any zoning district (Article 4) except for the Conservation and Recreation (CR) zoning district.

6.3 General Standards

- (1) Any qualifying parcel may be rezoned to a PUD District after compliance with this Article, Planning Board review, and Town Council approval.
- (2) Dimensional Requirements (Section 4.3) and General District Requirements (Article 8) shall apply to a PUD unless alternate standards are deemed appropriate by the Planning Board and Town Council. Any lessening of the required standards of the Zoning Ordinance shall be directly linked to the intent of PUD (Section 6.1), as determined by the Planning Board and Town Council.
- (3) The concept plan shall show the general location of parcel lines, proposed land use areas including open space, existing and proposed roads, and existing significant natural areas including wetlands, water bodies, and floodplains. The proposed acreage and residential density or commercial square footage, where applicable, of proposed land use areas shall be indicated on the concept plan.

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- (4) The PUD District shall indicate the land uses, development requirements, and other applicable governing specifications.

If the PUD District is silent on a particular land use, development requirement, or other specification, then the standards and pertinent regulations of the zoning district presented in Article 4 and General District Requirements in Article 8 shall apply.

The PUD may set land use, development requirements, or other specifications which the Zoning Ordinance is otherwise silent, however the following shall be addressed:

- (A) General Use Zoning Districts (Article 4);
 - (B) General District Requirements (Article 8); and
 - (C) Additional Development Standards for Individual Uses (Article 9).
- (5) The preliminary plan shall show the conceptual location of existing conditions and all proposed land uses, improvements, and amenities.

6.4 Origination of Proposals

Any property owner may propose a PUD in accordance with these procedures. A parcel proposed for a PUD is not required to be under single ownership; however, if not under single ownership, the multiple owners must all consent to the development of their individual properties (Section 6.2(2)(A)).

Any transfer of land within the PUD resulting in any change in ownership of any property within the development after an application has been filed shall not alter the applicability of the Zoning Ordinance.

A preliminary plan (Section 6.7) approved hereunder shall be binding upon the petitioner, their successors and assigns and shall limit and control the issuance and validity of all zoning permits.

6.5 Rules of Procedure

All language of this Article 6 is subject to the Planning Board rules of procedure, where not described otherwise herein. All applications that involve subdivision of a parcel shall also be subject to the subdivision procedures established by the Town Subdivision Ordinance.

6.6 Limitation of Revisions to the Zoning Ordinance

- (1) Changes to the Zoning Ordinance that directly affect public health, safety, and development standards shall apply to any PUD even if such changes are adopted during the PUD build-out.

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- (2) A PUD that is at least ninety-five percent (95%) built-out, may be subject to being rezoned into an appropriate general use zoning district (Article 4) or special use district (Article 5) if the Town Council deems this necessary.

6.7 Approval Process – PUD District and Preliminary Plan

(1) Purpose and Intent - PUD District and Preliminary Plan

(A) PUD District

The purpose and intent of the PUD District (6.2(1)(B)) is to answer the following:

1. Designate a parcel or parcels of real property;
2. Specify use or a range of uses permitted;
3. Specify development requirements;
4. Specify the plan documentation and supporting documentation that may be required; and
5. Specify any applicable limitations.

(B) Preliminary Plan

The purpose of a preliminary plan is to delineate the location of basic elements such as land uses, vehicular and pedestrian traffic routes, drainage, perimeter buffer yards, and other site planning elements.

(2) Prerequisites - PUD District and Preliminary Plan

(A) Pre-Submittal Meeting

Prior to submitting a PUD application, the petitioner shall meet with the planning staff to review the: zoning classification of the site; regulatory ordinances and materials; procedures; concept plan; and proposed use and development of the property.

The planning staff shall aid and advise the petitioner in preparing the application and supportive documents as necessary.

(B) Technical Review Committee

After the required pre-submittal meeting, and after the planning staff has received an application that is sufficiently complete, the Technical Review Committee will review and comment.

(C) Neighborhood Meeting

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The petitioner shall conduct a neighborhood meeting prior to filing a petition to rezone a site to a Planned Unit Development. Notice of the neighborhood meeting shall be made to any known neighborhood association, community group, religious institution, or other civic organization operating within a one-half (½) mile radius of the boundaries of the proposed PUD. Such notice shall be made to the organizations and the planning staff at least seven (7) days in advance of the meeting. Planning staff may require additional neighborhood meetings if significant changes are made to a PUD proposal after the initial neighborhood meeting occurs.

(3) Applicability - PUD District and Preliminary Plan

The approval process (Section 6.7) applies to a new PUD (6.2(1)(B)), and or an amendment (Section 6.7(10)) that would affect the PUD or general layout of any element of the preliminary plan.

(4) Application - PUD District and Preliminary Plan

An application for a PUD shall not be considered complete until all information and documentation required by this Section 6.7(4) has been submitted and all meetings required by Section 6.7(2) have been completed. An application shall include, but not be limited to the following documents:

(A) Application Form

An application form as provided by the Town planning staff including the required application fee as shown on the adopted fee schedule.

(B) PUD District

A narrative document that provides the following information:

1. Project Description
 - a. The project name;
 - b. An estimate of the total estimated residential population and commercial square footage;
 - c. Description of Character: A written description explaining the character of the PUD. The description shall include a statement describing how the proposed project achieves: appropriate policies of the Land Use Plan; the Future Land Use Map; the PUD intent (Section 6.1); and proposed project design and harmony with natural features on site and adjacent properties.
 - d. Ownership: A statement of present and proposed ownership of all land within the project including open

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space. Where applicable an Owners Association shall be addressed (See Subdivision Ordinance, Section 3.5).

- e. Development Schedule: A schedule of the project building phases, including area, density, use, public facilities, and open space. Each phase shall be described and mapped.
2. Proposed Uses and Development Standards
 - a. A list of zoning districts and land uses (Article 4) or; a specific list of uses for each land use component area.
 - b. Any deviation from the additional development standards (Article 9) in each land use component.
 3. Proposed Design Standards: Any deviations or additions to the design standards of General District Requirements (Article 8).
 4. Any other information requested by the planning staff, Zoning Administrator, Planning Board, or Town Council.

(C) Preliminary Plan

A drawing of the PUD shall be prepared and show enough detail to indicate the character of the proposed development. Twelve (12) paper copies and one digital copy (in PDF format) shall be submitted, drawn at a scale of not less than one inch to four-hundred feet (1":400'). The plan shall include:

1. Map data including the name of development, north arrow, scale, date of preparation, and name of preparer.
2. A location map that shows the PUD in relation to the larger planning area.
3. Existing Conditions:
 - a. A current topographic survey including two-foot (2') contours and a location map.
 - b. Existing conditions on adjoining land: land use, topography, use and location of buildings, railroads, and utilities; name of any adjoining subdivision plat.
 - c. Existing streets on and adjacent to the tract, including street name, right-of-way width, pavement width, and pedestrian and bicycle facilities.
 - d. Existing utilities on the tract.

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- e. Any land on the tract within the regulated floodplain, including a delineation of floodway and floodway fringe.
 - f. Streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated on officially adopted plans or other relevant documents of the Town of Navassa, Brunswick County, Wilmington MPO, Town of Leland, and NCDOT.
- 4. Boundary lines and acreage of each proposed land use component.
 - 5. Conceptual location of roads, buildings, structures, and parking areas.
 - 6. Location, acreage, use and description of open space areas, including clear indication whether such open space areas are intended to be offered for dedication to the public.
 - 7. Project phase lines, if applicable.
 - 8. Other conditions on the tract, including water courses, wetlands, wooded areas, isolated trees six (6) inches in diameter, surface features, steep and excessive slopes, existing structures and other significant features.

(D) Supportive Information.

- 1. Infrastructure Plan: Preliminary concepts and feasibility reports for roads, utilities, storm water management and pedestrian and bicycle ways.
- 2. Traffic Analysis: If requested by the planning staff or the Planning Board, a study of the impact caused by the PUD and any measures proposed to accommodate that impact.
- 3. Environmental Plan: Documentation of the location of significant natural areas and provisions for their protection, where applicable.
- 4. Architectural Character: Narrative, renderings, representative photographs, or other materials that illustrate the proposed architectural character within the PUD. Such material shall clearly depict the massing, scale and architectural detail of the proposed development.
- 5. Additional Information: Other additional information may be required by the planning staff to evaluate the application. The planning staff shall inform the applicant of any additional documents or data requirements after the pre-application conference.

(5) Planning Staff Review and Action - PUD District and Preliminary Plan

The planning staff shall review the PUD District and preliminary plan and forward the results to the Planning Board for consideration with the planning staff report and other documents as may be pertinent.

(6) Planning Board Review and Action - PUD District and Preliminary Plan

(A) Decision

The Planning Board shall review the information forwarded by the planning staff and any other relevant information. At a regularly scheduled meeting the Planning Board shall allow the applicant to present the development proposal and shall:

Forward the petition to the Town Council with:

- a. A favorable recommendation;
- b. A favorable recommendation and conditions, commitments, and/or changes to the PUD District and preliminary plan;
- c. A negative recommendation; or
- d. No recommendation; or
- e. Continue the petition to a definite future meeting date.

(B) Changes by Planning Board

If the petitioner agrees in writing to proposed acceptable changes the Planning Board may vote favorably to recommend the PUD District and preliminary plan.

If the petitioner is unable to respond to proposed changes prior to the vote, then such motion and vote shall be in the alternative:

1. Either for favorable recommendation, contingent upon the petitioner's acceptance of the changes in writing within ten (10) days of the Planning Board's approval; or
2. In the alternative, if the petitioner fails to accept the changes in writing within said specified time, the Planning Board's motion and vote shall be to continue the application to the next Planning Board meeting.

The Planning Board shall permit the petitioner to comment upon changes to the PUD District and or preliminary plan; after a motion to approve with changes is made but prior to the vote; and the Planning Board may amend its motion accordingly.

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(C) Revisions

Following Planning Board approval, the petitioner shall submit a revised copy of the PUD District and preliminary plan that addresses the comments, concerns, and conditions of approval of the Planning Board.

(7) Town Council Review and Action - PUD District and Preliminary Plan

(A) Action

The Town Council shall vote on the PUD District and preliminary plan after the Planning Board certifies the proposal. The Town Council may adopt or reject the proposal, may also impose reasonable conditions, such as condition the issuance of a certificate of zoning compliance on bonds or certain guarantees, and allow or require the owner of real property to make written commitments. Adoption of the proposal is a zoning map amendment and is subject to the amendment provisions of Section 16.7.

(B) Effect of Approval

1. When a PUD District and preliminary plan have been approved by the Town Council, the PUD shall become legally effective and the location shall be shown on the zoning map. The zoning map shall be amended to designate the site as a PUD zoning district.
2. Upon such amendment of the zoning map, the use and development of the site shall be governed by the PUD District and preliminary plan, subject to approval of a final plan.
3. No permit of any kind shall be issued until the final plan has been approved.

(8) Review Considerations - PUD District and Preliminary Plan

The Planning Board and Town Council shall consider the following items with a PUD District and preliminary plan. However, the following item list is not prioritized. Each item shall be considered individually as it applies to the PUD.

- (A)** The extent to which the proposed preliminary plan meets the requirements, standards, and stated purpose of this Article 6.
- (B)** The extent to which the proposed preliminary plan departs from the Zoning Ordinance provisions otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons why such departures are or are not deemed to be in the public interest.

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- (C) The extent to which the PUD meets the purposes of this Zoning Ordinance, the Land Use Plan, Future Land Use Map and any other adopted planning objectives of the Town.
 - (D) The physical design of the PUD and the extent to which it:
 - 1. Makes adequate provision for public services;
 - 2. Provides adequate control over vehicular traffic;
 - 3. Provides for and protects designated common open space; and
 - 4. Furthers the amenities of light and air, recreation and visual enjoyment.
 - (E) The relationship and compatibility of the proposed preliminary plan to the adjacent properties and neighborhood. Whether the preliminary plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.
 - (F) The desirability of the proposed preliminary plan to the Town's physical development, tax base and economic well-being.
 - (G) The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.
 - (H) The proposal preserves significant ecological, natural, historical and architectural resources.
 - (I) The proposal will not be injurious to the public health, safety, and general welfare.
 - (J) The proposal is an effective and unified treatment of the development possibilities on the site.
- (9) Duration - PUD District and Preliminary Plan**

(A) Abandonment

The preliminary plan shall be considered abandoned if, two (2) years after the approval by the Town Council, no final plan (Section 6.8) approval has been granted for any section of the PUD. In such cases, the Planning Board shall determine if the preliminary plan should be extended for a period up to a maximum of one-hundred eighty (180) days. If no extension is sought for the PUD, and the two (2) year period since Town Council approval has elapsed, the Planning Board may initiate a proposal to rezone the area designated as a PUD to an appropriate zoning district. Any such rezoning must follow the process provided in Section 16.7.

(B) Review

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If, ten (10) years after the approval of the preliminary plan by the Town Council, final plan approval has been granted for one or more sections of the PUD, but sections of the PUD remain without an approved final plan (Section 6.8), the Planning Board may on its own initiative make a recommendation to the Town Council, to rezone those portions of the PUD that do not have an approved final plan to an appropriate general use zoning district (Article 4).

(10) Changes or Amendments - PUD District and Preliminary Plan

(A) PUD District

An amendment to the PUD District shall follow the procedure for creating a new PUD District pursuant to this Section 6.7.

(B) Preliminary Plan

A preliminary plan is a conceptual and general rendering of a proposed development conforming to the PUD District. A final plan (Section 6.8(9)) may deviate from the approved preliminary plan in some respects without necessitating an amendment to the preliminary plan.

However, any deviation from an approved preliminary plan that alters the concept or intent of the PUD shall be subject to the procedure for approval of a new preliminary plan (Section 6.7). The Planning Board may require that an application for preliminary plan amendment encompass the entire PUD.

Deviations that require a preliminary plan amendment include, but are not limited to, the following:

1. Changes in the location, proportion or allocation of uses, or changes to the types of uses allowed;
2. Increases in residential density;
3. More than a ten percent (10%) change to the proportion of housing types;
4. Substantial increase in the cube of a building;
5. More than a one percent (1%) reduction of proposed open space;
6. Changes in functional uses of open space, where such change constitutes an intensification of open space usage;
7. Substantial change in the ratio of off-street parking spaces to use;
8. Substantial changes in standards, continuity, or general location of roads, utilities, or storm water management features; or

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9. Substantive changes in the covenants, conditions and restrictions, or other governing agreements, that affect any matter regulated by this Zoning Ordinance.

6.8 Approval Process – Final Plan

(1) Final Plan Purpose and Intent

The purpose of the final plan is to finalize how the Planned Unit Development will occur. The final plan shall show the exact location of each building and improvement to be constructed and a designation of the specific internal use or range of uses for the building(s). The Town Council may at the time of its approval of a PUD District and preliminary plan (Section 6.7(7)), delegate the review of final plan to the Planning Board.

(2) Final Plan Prerequisites

The final plan shall conform to the approved PUD District and preliminary plan.

(3) Final Plan Applicability

(A) Effect of Approval

No construction, excavation, or clearing shall be commenced nor shall a permit of any kind be issued for any purpose within a PUD District except in accordance with the approved final plan.

- (B) No permit of any kind shall be issued until the final plan has been approved and signed by the Zoning Administrator.

(4) Final Plan Application

(A) Application Deadline

The final plan application shall be submitted to the planning staff no later than fourteen (14) days prior to the Planning Board meeting at which it is wished to be reviewed.

(B) Supportive Documentation

The final plan application shall include, but not be limited to the following:

1. An accurate map exhibit of the entire phase for which approval is being requested.
2. Additional information as may have been required by the preliminary plan approval.
3. An accurate map exhibit of each separate un-subdivided use area, including open space.

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4. If land in the PUD is to be subdivided, a Preliminary Plat meeting the requirements of the Town Subdivision Ordinance and the PUD Article 6 shall be submitted.

If specific development standards on an approved PUD District and or preliminary plan conflict with the design standards required by the Subdivision Ordinance, the standards in the Preliminary Plat shall take precedence. No final plan that requires the subdivision of land shall be approved until a corresponding Preliminary Plat is approved.

5. Precise location of all buildings to be constructed, and a designation of the specific use or range of uses for each building. Precise locations need not be shown for single-family residential buildings on individual lots, but plans shall show setback and other bulk constraints.
6. Design and precise location of all streets, drives and parking areas, including construction details, center line elevations, pavement type, curbs, gutters, and culverts.
7. Location of all utility lines and easements.
8. A final, detailed landscape plan, including size and species, installation specifications, identification of vegetation to be preserved and the measures to accomplish preservation, and conservation easements where required.
9. Tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre, type of unit, bedroom breakdown, and limits on occupancy.
10. Projected construction schedule.
11. Agreements and covenants which govern the use, maintenance, and continued protection of the PUD and common spaces, shared facilities, and private roads.
12. Additional Information as may be required by the planning staff or Technical Review Committee to evaluate the final plan.

(5) Final Plan - Planning Staff Review

The planning staff shall submit a written review of the PUD final plan to the Planning Board no less than seven (7) days prior to the Planning Board meeting at which it is to be reviewed.

(6) Final Plan - Planning Board Review

(A) Decision

1. Planning Board Approval

The Planning Board shall review a final plan that has been delegated to it by the Town Council pursuant to Section 6.8(1). The Planning Board may permit or require the petitioner to make a written commitment, and may also impose reasonable conditions of approval.

2. Final Plan Minor Deviations from Preliminary Plan

If the Planning Board finds the final plan proposes minor deviations from the approved preliminary plan that:

- a. do not require an amendment (Section 6.7(10));
- b. do not change the concept or intent of the development;
- c. it may review and approve the final plan without public notice or a public hearing.

The Planning Board decision is subject to appeal under Section 6.8(6)(A)4 as shown below.

3. Final Plan Determination that Amendment is Required

If the Planning Board determines that the final plan proposes changes that deviate substantially from the PUD District, and preliminary plan; an amendment will be required (Section 6.7(10)).

If the petitioner disagrees with the Planning Board's determination, he/she may request that the Town Council review the final plan and determine whether an amendment is required.

The petitioner request must submit in writing to the planning staff not later than fourteen (14) days after the Planning Board's determination is made.

The Town Council procedure upon such review shall be the same as for an appeal pursuant to Section 6.8(6)(A)4 below.

If the Town Council determines that no amendment is required, the Town Council shall review and act upon the final plan. In this case, the Town Council decision shall be final and appealable to the Brunswick County Superior Court.

If the Town Council determines that an amendment is required (Section 6.7(10)) the Town Council shall direct the Planning Board to review the PUD amendment, pursuant to the procedures for approval of a new PUD District and or preliminary plan.

4. Final Plan Appeal to Town Council of Planning Board Decision

Interested parties affected by the decision of the Planning Board upon review of a final plan may within fourteen (14) days of such decision request that the Town Council review the Planning Board decision. Such request shall be in writing and shall specify the grounds of the appeal. A public hearing shall be required, at which the Town Council may affirm, reverse, or modify the Planning Board decision.

(B) Final Plan Revisions

Following Planning Board approval, the petitioner shall submit revised copies of the final plan that address the comments and concerns of the Planning Board.

(7) Final Plan Town Council Review and Action

(A) Review

At a regularly scheduled or special called public meeting, the Town Council shall review:

1. The written statement and supportive material submitted by the petitioner;
2. The proposed PUD District;
3. The preliminary plan;
4. The final plan;
5. Any commitments or conditions of approval attendant to prior approvals;
6. Any applicable section of the Zoning and Subdivision Ordinances;
7. Any written comments submitted by the planning staff and/or Planning Board; and
8. Additional information as may be required by the Town Council to evaluate the application.

(B) Revisions

Following Town Council approval, the petitioner shall submit to the planning staff revised copies of the final plan that address the comments and concerns of the Town Council.

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- (C) All development shall be in conformity with the approved final plan. Any material deviation from the final plan is subject to appropriate enforcement action.

(8) Final Plan Duration

(A) Abandonment

The final plan shall be considered abandoned if no Zoning Permit(s) have been obtained within three (3) years after final plan approval has been granted, or if permit(s) have been obtained but are no longer valid per the terms of this Zoning Ordinance.

(B) Extension

An extension, not to exceed twelve (12) months, may be granted by the Planning Board for good cause shown. The Planning Board may grant one (1), twelve (12) month extension.

(9) Final Plan Changes

(A) Minor Changes

The Zoning Administrator may approve minor changes to an approved final plan, if the changes do not change the concept or intent of the development, without a public hearing or public notice. Such decisions shall be subject to appeal to the Planning Board. This shall include the following:

1. Minor changes in the location and siting of buildings and structures;
2. Changes in height of less than one (1) story, but not over eight (8) feet in any case;
3. Minor changes to an approved landscape plan that do not alter the general concept or screening effectiveness of the landscaping;
4. Minor changes to the internal street system and off-street parking areas; and
5. Changes in the exact type of use in any particular location within the development, as long as the type of use is allowed by the approved PUD District and preliminary plan.

(B) Major Changes

Major changes requiring a new final plan shall be subject to Planning Board review and an amendment (Section 6.7(10)) include the following:

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1. Changes in lot arrangement, or addition of buildable lots which change approved density of the development;
2. Changes in site design requirements, such as location or design of required landscaping, signage, building heights or footprints, setbacks, encroachment into areas slated for preservation, or other such development or design standards in the PUD;
3. Changes in access to the development site, where such change amounts to an intensification of traffic patterns on roadways;
4. Any reduction in aesthetic treatment.

6.9 Phased Development

With regard to a PUD phased development the following shall apply:

- (1) Phased development shall be allowed if the entire project receives approval.
- (2) All open space, including active recreation areas, for the entire project must be recorded and/or provided for in the owner's association with the development of the first phase.
- (3) No phase or section of an approved PUD shall be revised, enlarged or amended without first resubmitting that phase or section to the Planning Board and the Town Council, provided that changes to individual uses shall be permitted subject to Section 6.3.
- (4) Phased development is allowed only if the membership of the owners association includes the entire project.
- (5) No subsequent phases may be commenced until all physical improvements of the previous phase including streets, sidewalks, utilities, electrical service, recreation areas and the like have been installed or a performance guarantee is submitted for their installation, pursuant to the Town Subdivision Ordinance.

6.10 Design Standards

The following design standards for a PUD shall apply:

(1) Density Standards

The maximum average residential density of a PUD shall be five (5) dwelling units per gross residential acre.

(2) Land Use Mix

The PUD should be designed to be compact with a variety of building types to accommodate a mixture of land uses and to conserve open land. The mixture of uses should generally be consistent with the adopted Land Use Plan; however, the arrangement of uses may vary from their locations on the adopted Future

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Land Use map. The land use mixture of PUDs in Area 1 and Area 2 on the adopted Future Land Use map shall adhere to the adopted buildout land use mixture percentages for each respective area as opposed to the general land use mixtures found in the table below. Ranges of land use mixtures allowed in a PUD outside of Area 1 and Area 2 are based on gross acreage and shown in the following table:

Table 6-1. Planned Unit Development (PUD) Land Use Mix.

Residential	0-80%
Single-Family Development:	
Low Density (up to 2.9 units/acre)	0-30%
Medium Density (up to 4.4 units/acre)	0-30%
High Density (up to 7.3 units/acre)	-20%
Multiple-Family Development (up to 10.8 units/acre)	-10%
Neighborhood Commercial & Office	-20%
Institutional	-10%
Open Space/Recreation	0-30%

(3) Maximum Building Height

The maximum building height for residential, commercial, office, and institutional structures shall be thirty-five (35) feet, except that the Town Council may approve an additional foot of height for each additional foot of front, side, and rear setback up to a maximum of fifty (50) feet.

(4) Building Setback and Separation

Buildings located on the periphery of the PUD shall be setback a minimum of twenty (20) feet from the PUD boundary. All buildings shall be setback at least ten (10) feet from all pedestrian and bicycle paths and fifty (50) feet along major thoroughfares. No building shall encroach upon the right-of-way of a proposed thoroughfare as designated by the Town, the Wilmington Metropolitan Planning Organization, or the NC Department of Transportation. In no case shall any part of a detached single-family dwelling unit be located closer than ten (10) feet to any part of any other detached single-family dwelling and in no case shall any part of a multiple-family dwelling unit be closer than twenty (20) feet to any part of another dwelling unit or non-residential building.

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(5) Open Space Standards

All common areas and open space required by this design Section 6.10 shall be deeded to an owners association and the developer; or the owner shall file with the Zoning Administrator and record with the Brunswick County Register of Deeds a declaration of covenants and restrictions as well as regulations and bylaws that will govern the open space. Provisions shall include but not be limited to the following:

- (A)** The association shall be established before the homes, buildings or uses are sold.
- (B)** Membership shall be mandatory for each buyer and all successive buyers, unless another arrangement is approved by the Town Council which adequately protects the interests of the Town and the owners.
- (C)** The association shall be responsible for the liability insurance, local taxes and maintenance of recreation and other facilities.
- (D)** Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the Town Council which adequately protects the interests of the Town and the owners.
- (E)** An owner of each dwelling unit or each homeowner or other building owner shall have voting rights in the association.
- (F)** Uses of common property including parks and recreation facilities shall be appropriately limited.
- (G)** The following information shall also be provided:
 - 1. The name of the association;
 - 2. The manner in which directors of the association are to be selected;
 - 3. The post office address of the initial registered office;
 - 4. The name of the city and county in which the registered office is located;
 - 5. The number of directors constituting the initial board of directors; and
 - 6. A contact list including name, address and phone number of all directors and officers of the association shall be submitted to the Town annually.

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(6) Streets

All streets, except alleys, within the PUD shall follow a pattern of intersecting streets that provide alternative routes. All streets, alleys, and sidewalks shall connect to existing and projected streets outside the PUD. A block face shall not have a length greater than four-hundred (400) feet without an alley, sidewalk, or bikeway providing through-access to another street or alley. Cul-de-sacs are allowed only where interconnection would result in an adverse environmental impact. Street pavement widths within the PUD may be less than that required by the Town Subdivision Ordinance if such streets are determined by the Town Council to be adequate to provide public services such as garbage collection and fire protection.

(7) Transitional Use Areas

With regard to PUD transitional use areas the following shall apply:

- (A)** In order to insure compatibility with adjoining land uses and districts, a transitional use area, fifty (50) feet in depth, shall be established along with exterior property lines of any PUD.
- (B)** Where the exterior property lines of a PUD are adjacent to residential uses, only residential uses may be permitted within the transitional use area.
- (C)** Where the exterior property lines of a PUD are adjacent to non-residential uses, the transitional use area shall contain a buffer yard consistent with Section 13.2.