Section 6.6 Planned Unit Development (PUD) District

6.6.1 Establishment of District

6.6.1.1 District Established.

The Planned Unit Development (PUD) District is hereby established as a conditional zoning district pursuant to N.C.G.S. Chapter 160D and the Pinehurst Development Ordinance.

6.6.1.2 Purpose of Establishment.

The PUD District provides a regulatory framework for master-planned developments that may include a mix of residential, commercial, civic, and institutional uses. The district encourages flexibility from conventional zoning standards while ensuring compatibility with surrounding development and conformance with the Village's adopted plans.

6.6.1.3 Permitted Location.

A PUD may be established within any zoning district, provided the property is rezoned to PUD through the procedures for zoning map amendments.

6.6.1.4 Governing Documents.

The PUD District is governed by:
a. This Ordinance.
b. The Council-approved Planned Unit Development Master Plan (PUDMP).
c. All conditions imposed by Council as part of the rezoning approval.

6.6.2 Purpose and Intent

6.6.2.1 General Purpose.

The PUD District is intended to:
a. Encourage the development of comprehensively planned communities that integrate multiple uses and housing types.
b. Allow design flexibility to preserve open space, protect natural resources, and provide amenities.
c. Promote pedestrian-friendly, connected, and compact development.
d. Balance growth with infrastructure capacity and public services.
e. Provide predictability through an adopted PUDMP.

6.6.2.2 Design Intent.

PUDs shall be designed to achieve:
a. Integration of open space and community gathering areas.
b. Compatibility in scale, design, and buffering with adjacent uses.
c. A connected street and trail network that supports multimodal transportation.
d. High-quality architecture and site design.
e. Logical transitions between residential and nonresidential areas.

6.6.2.3 PUD Subtypes.
a. **PUD-R (Residential):** Predominantly residential with the option of neighborhood-serving nonresidential uses.
b. **PUD-MU (Mixed-Use):** Integrated residential, commercial, and civic uses in a walkable format.
c. **PUD-C (Commercial/Employment):** Master-planned nonresidential campuses or centers with coordinated circulation and design.

6.6.3 Applicability

6.6.3.1 PUD Master Plan Required.
All PUDs must include a Council-approved PUDMP, which serves as the regulatory framework for subsequent approvals.

6.6.3.2 Effect of PUDMP.
The approved PUDMP shall:
a. Function as the zoning standards for the PUD.
b. Control permitted uses, dimensional standards, open space, phasing, and infrastructure obligations.
c. Supersede conflicting provisions of this Ordinance unless otherwise stated.
d. Run with the land unless lawfully amended.

6.6.3.3 Applicability to Existing PUDs.
Previously approved PRDs or PUDs shall retain their standards and conditions. Amendments or expansions shall comply with this Ordinance unless otherwise specified.

6.6.4 Application Requirements

Applications for PUD rezoning and PUDMP approval shall include the following, each item clearly labeled and described in sufficient detail to support staff and Council review:

a. **Ownership and Control:** Provide evidence of unified ownership or control of the tract, or binding agreements among multiple property owners to ensure coordinated development and maintenance.

b. **Existing Conditions Map:** Include topography, vegetation, wetlands, floodplains, existing structures, roads, and utilities. Show surrounding zoning, land uses, and any known environmental constraints.

c. **Boundary Survey:** Provide a current boundary survey including metes and bounds, gross acreage, and parcel identification numbers.

d. **General Layout Plan:** Depict the proposed arrangement of land uses, including residential, commercial, civic, and open space areas. Identify internal street hierarchy, pedestrian/bike connections, buffers, and key amenities.

e. **Housing and Use Mix Plan:** Identify total dwelling units by type, total nonresidential floor area, and the percentage mix of uses. Demonstrate how residential and nonresidential components relate spatially and functionally.

f. **Dimensional Standards:** Specify minimum and maximum lot sizes, building setbacks, heights, coverage, floor area ratios, and parking requirements for each land use area.

g. **Open Space and Environmental Protection Plans:** Show required open space areas, parks, trails, and natural resource protection zones. Identify preservation measures for tree stands, wetlands, steep slopes, and stormwater features.

h. **Utilities and Infrastructure Plans:** Provide conceptual layouts of water, sewer, stormwater, and other utilities. Identify any proposed off-site extensions or improvements and describe phasing of infrastructure delivery.

i. **Traffic Impact Analysis and Multimodal Plan:** Analyze anticipated traffic impacts and propose mitigation measures. Identify vehicular access points, internal circulation, and multimodal connectivity including sidewalks, bike lanes, and trails.

j. **Phasing Schedule:** Provide an anticipated development schedule outlining the timing of infrastructure, open space, amenities, and individual development phases.

k. **Architectural Design and Site Guidelines:** Include conceptual architectural elevations, materials, roof forms, signage styles, and landscaping treatments. Demonstrate consistency with PUD intent and adjacent development.

l. **HOA/POA Documents and Maintenance Responsibilities:** Submit draft covenants describing the perpetual maintenance of open space, stormwater facilities, buffers, and amenities, along with enforcement provisions.

m. **Stormwater Management Plan:** Provide a conceptual stormwater plan identifying proposed stormwater control measures (SCMs), general drainage patterns, discharge points, and how water quality and peak flow standards will be met. Include anticipated SCM locations and types, downstream impact considerations, and proposed long-term maintenance responsibilities.

n. **Project Narrative:** Include a written description of the proposed development, its purpose, design objectives, and explanation of how it meets the intent of the PUD District and the Comprehensive Plan.

6.6.5 Alternative Design Standards

6.6.5.1 Purpose.
To allow flexibility in site design, lot configuration, and dimensional standards in order to achieve superior neighborhood and site design, preservation of natural features, and provision of open space and amenities.

6.6.5.2 Permitted Deviations.
As part of a PUDMP, an applicant may request deviations from otherwise applicable standards of this Ordinance, including but not limited to:

a. Lot size and width.
b. Setback and yard requirements.
c. Block length and street cross-sections.
d. Parking and loading standards.
e. Landscaping and buffer configurations.
f. Open space totals.
g. Building size

6.6.5.3 Prohibited Deviations.
No PUD may modify:

a. Permitted use classifications.
b. Procedural or administrative requirements.
c. Health, safety, or environmental regulations mandated by state or federal law.

6.6.5.4 Approval Criteria.
Any requested deviation must be supported by a narrative explanation demonstrating:

a. That the deviation is necessary to achieve the purposes of the PUD.
b. That the deviation will not materially increase adverse impacts on adjacent properties.
c. That the overall design represents a higher-quality development than would otherwise be achieved.

6.6.5.5 Effect.
Approved deviations shall be incorporated into the adopted PUDMP and shall control development within the PUD.

6.6.6 Approval Process

6.6.6.1 Pre-Application Conference.
Prior to filing, the applicant shall meet with the Planning and Inspections Department to review the concept, identify applicable standards, and discuss the rezoning/PUDMP process.

6.6.6.2 Neighborhood Meeting.
The applicant shall hold a neighborhood information meeting early in the process as

outlined in Appendix G of the PDO and provide a written summary of comments. An additional neighborhood meeting shall be required after the Technical Review Committee has completed its final review.

6.6.6.3 Application Submittal.
The applicant shall submit a completed rezoning application with the required PUDMP and all supporting documents listed in Section 6.6.4.

6.6.6.4 Staff Review.
Planning staff shall review the application for completeness and compliance with this Ordinance within two weeks of submission. Technical comments shall be coordinated with relevant departments and agencies.

6.6.6.5 Technical Review Committee (if applicable).
The application may be reviewed by the Technical Review Committee for detailed feedback on infrastructure, utilities, stormwater, traffic, and emergency services.

6.6.6.6 Planning and Zoning Board Hearing.
The Planning and Zoning Board shall conduct a public hearing and provide a recommendation to Council on the PUD rezoning and PUDMP.

6.6.6.7 Village Council Hearing.
a. Council shall conduct a legislative public hearing on the rezoning and PUDMP.
b. Council shall consider the Planning and Zoning Board recommendation, staff analysis, and public comments.
c. Council may approve, deny, or approve with conditions.

6.6.6.8 Findings Required.
To approve a PUD, Council must find that the proposal:

a. Is consistent with the Comprehensive Plan.
b. Provides adequate public facilities and infrastructure.
c. Demonstrates compatibility with adjacent development.
d. Provides community benefits such as open space, amenities, or superior design.

6.6.6.9 Adoption of PUDMP.
Upon approval, the PUDMP becomes part of the conditional rezoning and governs all subsequent development.

6.6.6.10 Post-Approval.

a. Approved conditions and PUDMP standards shall be recorded with the rezoning.
b. Subdivision plats and site plans shall be consistent with the adopted PUDMP.
c. No permits shall be issued until required infrastructure and improvements are bonded or constructed in accordance with the approved phasing plan.

6.6.7 Modifications to Approved PUDs

6.6.7.1 General.

Once approved, a PUD and its associated PUDMP shall control all development within the district. Modifications may be permitted to ensure flexibility in response to site conditions, evolving market needs, or technical requirements, provided the overall integrity of the PUD is maintained. Modifications are classified as minor (administrative approval by the Planning Director) or major (requiring Village Council approval).

6.6.7.2 Minor Modifications (Administrative).

The Planning Director may approve modifications that:

a. Do not materially alter the character of the development as approved.
b. Do not reduce the amount of required open space or amenities.
c. Do not increase the overall density, number of dwelling units, or building height.
d. Do not alter permitted use categories.

Examples of Minor Modifications include:

1. Relocation of internal streets or driveways that maintain general connectivity.
2. Adjustments to the configuration of parking areas.
3. Relocation or redesign of open space or amenities with equivalent area and function.
4. Substitution of plant materials or buffer yard design changes consistent with standards.
5. Adjustments to utility or stormwater layouts.
6. Changes to building footprints, elevations, or materials consistent with design guidelines.
7. Less than a 10% increase in total floor area.
8. Shifts in phasing boundaries that do not delay delivery of amenities or utilities to developed areas.

6.6.7.3 Major Modifications (Council Approval).

Any modification not meeting the criteria for a minor modification shall be considered a major modification and must follow the same procedure as the original approval in Section 6.6.6.

Examples of Major Modifications include:

1. Increases in density or number of dwelling units.
2. Increases in maximum building height.
3. Reductions in open space or recreation areas.
4. Elimination or relocation of major streets or access points.
5. Introduction of new non-residential uses or increase in non-residential square footage.

6. Reduction of compatibility buffers or perimeter setbacks.
7. Revisions to phasing that delay delivery of required amenities or utilities.
8. More than a 10% increase in total floor area.
9. Changes to conditions imposed by Council.

6.6.7.4 Process.

a. Minor modifications shall be reviewed and approved administratively by the Planning Director with a written determination maintained in the project record.
b. Major modifications shall require submission of a revised PUDMP and approval by Village Council following public hearing.
c. Appeals of the Planning Director's determination may be filed with Board of Adjustment within thirty (30) days.

6.6.7.5 Effect of Modification.
Approved modifications shall be incorporated into the official PUDMP and recorded with the rezoning. No site plan, subdivision plat, or building permit may be issued inconsistent with the modified PUDMP.

6.6.8 Development Standards

6.6.8.1 Minimum Tract Size:

- PUD-R: 30 acres.
- PUD-MU: 5 acres.
- PUD-C: 5 acres.

6.6.8.2 Density and Intensity: The density shall be established by the Village Council in consideration of the Comprehensive Plan, surrounding land uses and the existence of adequate private and public facilities. The density authorized for PUD-R shall not exceed five units per acre.

6.6.8.3 Use Mix:

- PUD-R: Primarily residential uses.
- PUD-MU: At least two distinct use categories (e.g., residential and commercial).
- PUD-C: Minimum of two coordinated commercial or institutional uses with unified circulation and design.
- **6.6.8.4 Building Height:** PUD-R: 35 foot maximum.
- PUD-MU: 50 foot maximum.
- PUD-C: 50 foot maximum.

6.6.8.5 Open Space:

a. Required Open Space

1. **PUD-R:** Minimum 25% of the gross site shall be open space.
2. **PUD-MU:** Minimum 15% of the gross site shall be open space.
3. **PUD-C:** Minimum 15% of the gross site shall be open space.

b. Qualifying Areas

Open space must be usable, functional, and accessible to residents, employees, or the public. Areas listed in Section 14.4.1(B) do not count toward open space, including private yards, streets, driveways, parking, septic or stormwater facilities, and signage areas. In addition to these items listed in 14.4.1(B), wetlands, flood hazard areas, and slopes over 20% are not considered usable and do not count towards the minimum open space of the gross site.

Active Features	Passive Features	Not Open Space
Lawn Games and Concrete Gaming Tables	Walking Trails	Private yards
Hard Courts (Tennis, Pickleball, etc.)	Boardwalks	Streets and driveways
Playgrounds	Gardens	Parking areas
Swimming Pools and/or Splash Pads	Greens	Septic or stormwater facilities
Athletic Fields (Baseball, Soccer, etc.)	Picnic Areas	Signage areas
Clubhouses, Pavilions, Amenity Centers, Gazebos, Shade Structures	Lakes and Ponds	Wetlands
Exercise Facilities	Benches and Seating Areas	Flood hazard areas
Plazas	Natural Areas	Slopes over 20%

c. Design and Allocation

1. Open space shall include a mix of natural preservation, active recreation, and passive areas.
2. Open spaces must not be restricted by payment to third-parties (except HOA/community associations).
3. Open spaces shall be accessible and ADA-compliant, located to serve all parts of the development, and connected to nearby trails or greenways where feasible.

6.6.8.6. Perimeter setback required. A minimum 25-foot setback along the entire development perimeter is required, except where single-family residential lots abut similar single-family development in which case the setbacks must match a R-20 district (i.e. 40 foot front, 25 foot rear, 15 foot side). The setback from any street bordering the PUD tract is 35 feet unless a greater setback is required by this PDO.

6.6.8.7 Buffers: Minimum 50-ft buffer adjacent to residential or preserved open space. Class three elsewhere. Enhanced transitions required between use types.

6.6.8.8 Connectivity: Connected street and trail network; at least two access points for sites over 50 acres; sidewalks or trails on one side of all internal streets.

6.6.8.9 Parking and Access: Parking per Chapter 11 PDO standards unless modified. Encourage shared parking and rear-lot configurations in mixed-use areas.

6.6.8.10 Signage: Limited to signs compliant with Chapter 17 of the PDO unless a comprehensive sign plan is permitted by Council

6.6.8.11 Phasing: Each phase must include proportional infrastructure and amenities before subsequent phases advance. Including:

a. Each phase shall provide its proportionate share of required open space and improvements.
b. Covenants shall guarantee that future phases provide the balance.
c. No more than 50% of COs in a phase may be issued until amenities are completed or guaranteed.

6.6.8.12 Ownership and Maintenance:
All required open space, recreation areas, buffers, and community amenities within a PUD shall be owned and maintained by an HOA/POA, a condominium/cooperative association, or a developer/management entity. The Village may accept dedication of specific facilities if they serve a broader public purpose but is not obligated to do so.