

Article 9 –Planned Unit Developments

ARTICLE 9 – PUD’s - PLANNED UNIT DEVELOPMENTS

Section 9.01 General Provisions

The purpose of the planned unit development 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 and/or housing types; to facilitate the adequate and economic provision of streets, utilities and services; to preserve critical natural environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features; and to mitigate the problems which may be presented by specific site conditions. A PUD is a unique development and does not follow the requirements contained in other Articles of this Ordinance.

Section 9.02 Requirements for Planned Unit Development

A Planned Unit Development is an area under single ownership or control to be developed in conformance with an approved development plan, consisting of:

1. A map showing the development area and all proposed improvements to the development area
2. A descriptive narrative which sets forth the uses and the development standards to be met.
3. Exhibits setting forth any aspects of the development plan not fully described in the map and descriptive narrative. The map, exhibits, and descriptive narrative constitute the development plan and must fully describe the various uses and standards proposed.
 - A. The area designated in the Planned Unit Development map must be a tract of land at least two (2) acres in size.
 - B. The Planned Unit Development map shall show the location of all improvements.
 - C. The Planned Unit Development must comply with all required improvements, construction standards, and all other engineering standards and any other pertinent regulations adopted and enforced by Berkeley County.
 - D. Designation and Conveyance or Ownership of Permanent Open Space.

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1. Definition

Permanent open space shall be categorized as one of two types:

- a. Improved Open Space is defined as parks, playgrounds, swimming pools, ball fields, plazas, landscaped green spaces, and other areas that are created or modified by man. At least thirty (30) percent of the total permanent open space in any given Planned Unit Development shall be of the Improved Open Space type.
- b. Natural Open Space is defined as areas of natural vegetation, water bodies, or other landforms that are to be left undisturbed. Creation of a graded and surfaced walking trail through areas of Natural Open Space shall constitute disturbance of the area in the amount of the length of the walking trail multiplied by its width. Neither definition of open space shall include schools, community centers or other similar areas in public ownership.

2. Designation

Within all Planned Unit Developments, a minimum of ten (10) percent of the proposed Planned Unit Development area shall be designated as permanent open space. No plan for a single-family or multi-family residential Planned Unit Development shall be approved unless such plan provides for permanent landscaped or natural open space.

3. Proximity

Permanent open space shall be allocated to the property in proportion to the uses assigned to the Planned Unit Development and shall be located within reasonable proximity (within one-quarter of a mile) to those uses. Provided, however, the permanent open space need not be located in proximity to the use in the case of preservation of existing features.

4. Proportion

If the Plan provides for the Planned Unit Development to be constructed in stages, open space must be provided for each stage of the Planned Unit Development in proportion to that stage.

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5. Conveyance

Permanent open space shall be conveyed in or owned by one of the following forms:

- a. To a public corporation; or
- b. To a nonprofit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Unit Development or, where appropriate and where approved by the Berkeley County Planning Commission, adjoining property owners, or both.

All conveyances hereunder shall be structures to insure that the grantee has the obligation and the right to affect maintenance and improvement of the common open space; and that such duty of maintenance and improvement is enforced by the owners and tenants of the Planned Unit Development and, where applicable, by adjoining property owners; or

- c. To owners other than those specified in Subsections a. and b. above, and subject to restrictive covenants describing and guaranteeing the open space and its maintenance and improvement, running with the land for the benefit of residents of the Planned Unit Development or adjoining property owners, or both; or
- d. Included in single-family residential lots under the individual control of lot owners.

F. Uses permitted in a Planned Unit Development may be any compatible residential, commercial, agricultural, or public use or combination of uses. However, the Planning Commission reserves the right to require that a PUD consist of only residential uses when circumstances warrant. Examples of such circumstances may include, but are not limited to: significant infrastructure constraints that could cause practical difficulties in supporting nonresidential uses, the character and land use pattern of surrounding neighborhoods, and possible deleterious changes in traffic circulation patterns in the immediate area. A developer may also initiate a request to limit his or her PUD to residential uses.

4. For purposes of determining overall project size, two or more parcels of land owned by the applicant that are wholly or partially separated by a public street or

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other right-of-way may be considered contiguous and thus may be counted in fulfilling the minimum acreage requirement, provided that the use and development of the property is incorporated into, and is an integral part of the project plans; and provided that there is no other property not owned by the applicant separating the parcels in question. Where there is uncertainty in determining a parcel's qualification to be included in the PUD, the Planning Commission shall resolve the issue and make a determination as to the project boundaries, after considering the advice of the Planning Director and the request by the applicant.