

## **Sec. 4-6.613 Planned Unit Development Mixed Use (PUD-MXU)**

- (a) **Definition:** A Planned Unit Development Mixed Use project shall consist of a mix of two (2) or more of the following land use components identified in Subsection (e) as retail-residential, retail-other, or residential-other. The uses shall be grouped into a visually compatible and functional land use arrangement where the location and orientation of buildings and different types of uses are appropriately related to the internal and external circulation system including both vehicular and pedestrian ways and to a system of open spaces.
- (b) **Development Plans Required:** Before an area shall be designated on the official zoning map as a (PUD-MXU) district a General Development Plan for the mixed use development shall be approved by the Chatham County Commission at the time the property is zoned to a PUD-MXU zoning classification. Following approval of the General Development Plan, and prior to any clearing or site development work, a Specific Development Plan shall be approved by the MPC.

The General Development Plan shall also meet the requirements of Section 4-6.6 Planned Unit Development Regulations, Subsection 4-6.65(b). The Specific Development Plan shall comply with the requirements of Section 4-6.6 Planned Unit Development Regulations, Subsection 4-6.65(c).

- (c) **Plan Approval:** The Planning Commission shall submit to the Chatham County Commission its recommendation on the proposed General Development Plan along with a recommendation for approval or denial to rezone the property to a PUD-MXU zoning classification.

Following approval by the Chatham County Commission to rezone the property to a PUD-MXU zoning classification and approval of the General Development Plan, all subsequent development plans shall be consistent with the General Development Plan as approved by the Chatham County Commission. Any development not supported or shown on the approved plan shall be petitioned under the provisions of Section 11 of the Chatham County Zoning Regulations and shall be approved under the provisions of Section 11. Provided, however, the MPC may approve a reduction in the percentage of the development utilized for retail provided such amendment does not significantly alter the approved General Development Plan.

- (d) **Development Standards:**
- (1) The location and arrangement of all uses shall be in accordance with the approved Specific Development Plan.
  - (2) **Limit on Retail Uses.** Retail uses shall occupy not more than seventy-five (75) percent of the net land area of the development.
  - (3) **Residential Density.** The net dwelling unit density per acre for any residential area proposed on the General Development Plan shall be established at the time the property is rezoned to a PUD-MXU

classification. Where no residential development is proposed, no residential density shall be shown. The density to be established shall be recommended to the Chatham County Commission by the MPC.

When an approved General Development Plan includes residential uses, the approved dwelling unit density shall be placed on the official zoning map along with the PUD-MXU district designation at the time the property is rezoned (i.e. PUD-MXU-10; PUD-MXU-8).

(4) Access.

- a. A traffic analysis study shall be provided by the applicant as part of the General Development Plan. The Planning Commission shall not approve the General Development Plan if it finds that the total peak hour trips that would be generated by the proposed mixed use development will adversely impact the traffic capacity (V/C ratio) of the streets which provide primary access to the proposed mixed use development. However, the developer may negotiate an agreement for construction and installation of traffic improvements necessary to preserve and maintain acceptable traffic capacity as determined by the County Engineer for the primary access streets. Vehicular trip generation rates shall be obtained by utilizing the most current data and procedures established by the Institute of Transportation Engineers.
- b. PUD-MXU developments shall have direct access to and from arterial and/or collector streets. Individual uses within mixed use developments shall not have exclusive direct access to an abutting public street, but shall have access via common curb cuts and drives.
- c. Provision shall be made for the separation of truck service from general vehicular traffic as well as separation of vehicular traffic from pedestrian traffic, to the extent that it is practical.

(5) Parking and Loading Areas.

Off-street parking spaces shall meet the requirements of Section 6, "Off-Street Parking and Service Requirements."

- (6) Buffers and Screening. All buffer areas shall be designed and constructed as approved by the Planning Commission. A minimum of a fifty (50) foot wide natural or landscaped buffer shall be provided adjacent to every exterior property line excluding portions abutting a street right-of-way. Provided, however, where like-kind or similar type development adjoins, the required buffer may be waived by the Planning Commission.
- (7) Open Space. Not less than thirty (30) percent of the land area of the development (excluding streets, drives, parking areas, and required perimeter buffer area) shall be in natural or landscaped open space as

approved by the Planning Commission and shall be shown on the approved Specific Development Plan. Within residential areas of the development, not less than forty (40) percent shall be in common natural or landscaped open space. A minimum of 135 square feet of developed recreational space shall be provided for each dwelling unit, provided that a minimum of 6,000 square feet of functional recreation space is provided.

(8) Storage. Storage of all products, goods, and materials shall be within an enclosed building.

(9) Setbacks.

a. The minimum development setback requirements along abutting streets shall be as follows:

1. Arterial - Fifty (50) feet from the right-of-way

2. Collector - Thirty (30) feet from the right-of-way

3. Minor - Thirty (30) feet from the right-of-way

4. Frontage Road - Fifteen (15) feet from the right-of-way

b. Setbacks along interior streets shall be as approved on the General Development Plan.

c. Parking lots shall be separated from the street right-of-way by landscaped open space areas based on the above setbacks.

(10) Spacing of Buildings.

The minimum spacing between multi-family buildings shall be not less than twenty (20) feet. Provided, however, where the front of a building faces the rear of a building the space between the front and rear of such buildings shall be not less than fifty (50) feet.

Buildings for non-residential uses shall be located not less than seventy-five (75) feet from the property line of a residential use and not less than fifty (50) feet from internal access roads and parking areas located within a residential area.

(11) Residential Standards.

Residential uses shall comply with the development standards as set forth for the PUD-M zoning district.

(12) Preservation of Common Areas. The developer or a property owner's association established by the developer, by recorded deeds, plats, covenants and restrictions running with the land, shall preserve and

maintain for the owners, occupants, and tenants land set aside for open space, parks or recreational use, and common off-street parking, unless such responsibility is legally assumed by the County.

(e) Permitted Uses:

Uses allowed within a PUD-MXU district shall consist of a combination of the following listed uses, provided that the provisions of Section (d)(2) shall be met.

(1) Residential uses:

- a. Multi-family dwellings including townhouses, flats, apartments, or condominiums.
- b. Single family attached or semi-attached row houses.
- c. Single family detached and semi-detached dwellings with each dwelling unit located on a separate lot.
- D. Two-family dwellings.

(2) Retail uses:

- a. Indoor amusement and recreation. Movie theater, tennis, bowling, billiards, video and mechanical amusement games.
- b. Retail sales and service. Food stores, drug stores, package stores, clothing stores, home furnishings and hardware, specialty shops, craft shops, photography studios, art studios, antique shops, gift and floral shops, bookstores, and office supplies and equipment. Provided no single such use shall exceed 12,000 square feet.
- c. Eating and drinking establishments. Sit-down restaurants (including accessory use drive-thru), with or without alcoholic beverages.
- d. Personal service shops. Beauty and barber shops, laundry and dry cleaning pick-up, and shoe repair.
- e. Business service centers. Copying, packaging and mailing services.

(3) Other uses:

- a. Lodging facilities. Hotels/motels.
- b. Cultural facilities. Art galleries; museums; legitimate theatres; libraries; churches; schools, public and private (K-12); teaching of music, voice, and dance; and child care facilities.

*[Sec. 4-6.613(e)(3)b. amended July 26, 2013 (Z-130523-00038-1)]*

- c. Offices of health services/practitioners. Hospitals, physical fitness and health service clinics, physicians, surgeons, dentists and dental surgeons, osteopathic physicians, chiropractors and other licensed practitioners similar to those listed, laboratories providing professional requirements for dentists, physicians, and environmental assessments, and veterinarian clinics (provided that no outdoor pens shall be established).
- d. General office uses. Administrative, sales representatives, legal service, engineering and architectural, accountants, auditing, bookkeeping, finance, real estate, and insurance.

(4) Signs:

- 1. a. Directory sign.
- 2. b. Principal use sign (facia). Such signs shall be permitted in accordance with the B-N district standards. Freestanding principal use signs shall be prohibited.

Sec. 4-6.614 Variances.

Variances from the regulations set forth for Planned Unit Development zoning districts may be authorized by the MPC provided that:

- a. The plan proposed by an applicant, while not strictly in accord with the PUD regulations, meets public purposes and provides and maintains the amenities intended fore the Planned Unit Development.
- b. In the particular circumstances of the case, strict application of all regulations is not necessary for the accomplishment of public purposes or the provisions of public protection.
- c. Such variances may be ranted by the Planning Commission at the time of the Preliminary Plat approval.

Sec. 4-6.7 Reserved.