



**The Role of “Planned Unit Developments”
in South Carolina’s Coastal Zone:
Synthesis Report**



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Synthesis Report***

Prepared by the South Carolina Dept. of Health and Environmental Control,
Office of Ocean and Coastal Resource Management

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Executive Summary

This report assesses the role of “Planned Unit Developments” (PUDs) in the coastal zone of South Carolina, and examines how SCDHEC-OCRM can further the goals of South Carolina’s Coastal Zone Management Program in the planning of large-scale residential and mixed-use developments. It includes a comprehensive analysis of all PUD ordinances in South Carolina’s 8 coastal counties and 49 coastal cities and towns to determine how PUDs are addressed and implemented and what variations exist among the jurisdictions. Research was also conducted to identify how other states’ coastal management programs are involved in land use planning, specifically regarding incentive and education programs that have been created to encourage development with minimal impact on valuable coastal resources, both natural and cultural. The synthesis of this information has resulted in a series of recommendations for consideration by SCDHEC-OCRM.

Introduction

A number of coastal jurisdictions have adopted provisions for “planned unit developments” (PUDs) in their zoning ordinances. PUDs are authorized, with minimum site standards, under the zoning ordinances of local governments. PUDs allow developers to deviate from standard zoning and development regulations on large properties in exchange for site-specific open space conservation, mixed land uses, and other design innovations and improvements. Each PUD has unique land uses, densities, open space, and development standards that are described in a site-specific master plan, which must be reviewed and approved by the local government. The final site design is the product of case-by-case negotiations between the developers and local planning authorities (Beatley, 2002). The town or city council makes the ultimate decision regarding approval or rejection of the development; this usually results in a more politically oriented process than is the case for traditional subdivision developments.

In hopes of better reflecting community land use goals, PUDs offer a comprehensive approach to the design of large developments, as opposed to the “cookie-cutter” or lot-by-lot approach found in general zoning and development standards (Beatley, 2002; Dover, 1996). In comparison, a traditional by-right development would typically have

uniform, large-lot single family homes, rather than offering the mix of lot sizes, land uses, and innovative site designs that a PUD could produce (Dover, 1996). Potential civic and environmental advantages for the community include increased diversity with respect to age, economic status, and race as a result of encouraging a mix of housing type; more shared open space and subsequent environmental protection including a reduction in impervious surface and the creation of ecological corridors through clustering of lots; and enhanced storm hazard reduction through the incorporation of features such as protective land and vegetation buffers and the provision of on-site storm shelters (Dover, 1996; Mandelker, et al, 2001; Beatley, 2002). Developers may also benefit from reduced costs and higher property values based on the amenities that are afforded.

While PUDs can be an excellent tool for managing the development of large tracts of land, there can also be drawbacks to their use. For example, inexperienced municipalities may be misled by presentations of plans or may simply be eager to build up the tax base and haphazardly approve development (Dover, 1996). Developers sometimes criticize the PUD approval process because of its length and complexity, the lack of expertise of local officials who must approve the PUDs, and community opposition during the planning process (Mandelker, et al, 2001). Another criticism is that PUDs can create elitist, “walled” subdivisions or private enclaves that may have negative social ramifications (Dover, 1996). Additionally, the consistency of environmental practices across PUDs is unknown.

Overview of PUDs in the SC Coastal Zone

PUDs have become an important scale and process of development in remaining rural areas of the United States coastal zone. In South Carolina, much of the remaining undeveloped land exists as large, privately owned tracts, typically former plantation holdings or timberlands (e.g. Beaufort County, 2006). Due to their size, such tracts of land are commonly developed as PUDs.

There are 8 coastal counties in South Carolina, and 49 incorporated cities and towns within these counties. The 8 counties, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, and Jasper, all have provisions for PUDs in their zoning ordinances. Of the 49 localities, 33 have provisions for PUDs, 13 do not permit PUDs, and no information was available from the remaining 3 municipalities.

PUD ordinance

Beaufort (Beaufort)
Bluffton (Beaufort)
Hilton Head (Beaufort)
Port Royal (Beaufort)
Yemassee (Beaufort)
Bonneau (Berkeley)
Charleston (Berkeley, Charleston)
Goose Creek (Berkeley, Charleston)
Hanahan (Berkeley)
Jamestown (follows Berkeley County's)
N. Charleston (Berkeley, Charleston, and Dorchester)
St. Stephen (Berkeley)
Awendaw (Charleston)
Hollywood (Charleston)
Isle of Palms (Charleston)
Kiawah (Charleston)
Lincolnton (Charleston)
McClellanville (Charleston)
Meggett (follows Charleston County's)
Mt. Pleasant (Charleston)
Ravenel (Charleston)
Rockville (Charleston)
Seabrook Island (Charleston)
Edisto Beach (Colleton)
Ridgeville (Dorchester)
Georgetown (Georgetown)
Atlantic Beach (Horry)
Conway (Horry)
Loris (Horry)
Myrtle Beach (Horry)
N. Myrtle Beach (Horry)
Surfside Beach (Horry)
Hardeeville (Jasper)

No PUD ordinance

Pawleys Island (Georgetown)
Summerville (Berkeley, Charleston and Dorchester)
Folly Beach (Charleston)
Moncks Corner (Berkeley)
Sullivan's Island (Charleston)
Cottageville (Colleton)
Smoaks (Colleton)
Williams (Colleton)
Harleyville (Dorchester)
Reevesville (Dorchester)
St. George (Dorchester)
Aynor (Horry)
Briarcliffe Acres (Horry)

Unknown

Lodge (Colleton)
Walterboro (Colleton)
Andrews (Georgetown)

Table 1. Listing of PUD ordinances by jurisdiction.

Goals of PUDs

The most common goals for the use of PUDs, as stated in the ordinances of these 57 coastal jurisdictions and in order of popularity, are as follows:

Flexibility

Protection and preservation of natural resources and scenic features

Mixed types of housing, uses, and densities

Open space

Innovative land planning and site design

High quality development

Efficiency (regarding the provision of streets and utilities and the use of the land)

Compatibility (of uses within, adjacent uses, and with infrastructure)

Consistency with long-range plans or comprehensive plan goals

Comprehensive, unified site design

PUD Establishment Criteria

Across jurisdictions, minimum acreage requirements for establishing PUDs varied from as small as one acre to as much as fifty acres. Some ordinances specified different minimums for different projects; for example, the minimum acreage for a residential or industrial PUD in the City of Georgetown is 5 acres, while it is 3 acres for any other type of use. Jasper County's minimum acreage requirement was 50 acres, unless the PUD is a single-family or multi-family cluster development, in which case minimum acreage is 5 or 10 acres, respectively. Beaufort County required no minimum acreage for infill and redevelopment projects. A few jurisdictions did not specify a minimum acreage for PUDs. Some jurisdictions had additional requirements for parcel, such as full sewer service or a minimum distance between two opposite boundaries of the site, ranging from 100 to 450 feet, depending on jurisdiction. North Myrtle Beach stated that the latter requirement may be reduced by 25% for better design on oceanfront property. Some also required that the parcel have existing access to at least one arterial street with a set minimum street frontage.

PUD Approval Process

The PUD approval process was similar across all jurisdictions. Parcels were formally zoned as PUDs through an amendment to the zoning ordinance and map. Some municipalities suggested or even required a “pre-application conference” to allow the zoning administrator and any other related officials to review preliminary planning documents. Next, conceptual planning documents were to be submitted to planning staff for review; the planning staff would then prepare a report and recommendations for the planning commission. Public notices were required, and at least one public hearing was typically held before the planning commission. The planning commission would then consider the proposed PUD and make a recommendation to the town/city or county council. At least one public hearing would usually be held with the council, which had the ultimate authority on whether to approve, approve with conditions, or deny the proposed PUD. Upon approval, final versions of planning documents, including master and development plans, would be submitted to planning staff.

Some variations in the PUD approval process did exist among the jurisdictions. It is important to note that some municipalities did not specify an application and approval process for PUDs. Other ordinances were more detailed and had additional requirements. For example, additional studies and documents might be requested, including, but not limited to: an Environmental Impact Statement; hurricane evacuation and other emergency preparedness plans; historical preservation, shoreline erosion, and public access plans; demonstration of community linkages, and public education activities. Planning documents might also be subject to review by a local “Development Review Team.” In some jurisdictions, comments from planning staff and the planning commission were to be forwarded directly to the resident councilperson for which the PUD is proposed. Additionally, some municipalities imposed deadlines, performance bonds and impact fees, and/or voting requirements.

Municipalities and counties used varying terminologies in reference to PUD planning documents, and often required different plan elements (see Table 2). The most common sequence of planning documentation began with a preliminary or “conceptual

development plan,” which often included a sketch or plot plan and narrative. A “final development plan” would follow, and often included final versions of the same elements. Some municipalities required environmental and utilities plans and other intermediate planning steps.

Jurisdictional boundaries/location
Adjacent land uses (Identification of and compatibility with)
Goals of development
Justification for PUD zoning
Deviations from underlying zoning
Proposed uses
Total acreage and acreage of each use
Densities
Layout of lots and uses
Square footage of nonresidential uses
Build-out schedule/phasing
Circulation (vehicular, pedestrian, and bicycle)
Analysis of impact on traffic and infrastructure and mitigation plans
Development standards
Natural resources survey (waterways, wetlands, trees, marshes, other geographic features)
Floodplain information
Drainage/watercourses
Percentage open space
Provision of utilities
Ownership and maintenance of infrastructure, open space, and amenities
Identification and protection of cultural resources
Existing access and public rights-of-way
Accessibility
Municipal/community facilities and/or lands for public use
Recreation and amenities
Stormwater mitigation
Property owners/homeowners association

Table 2. Common elements of preliminary planning documents that may be addressed in narratives, drawings, and/or maps.

Open Space Policies

Generally, PUD ordinances typically require between 15% and 25% of a project site to be kept as “open space.” Open space was typically intended for recreational use by residents and property owners of the PUD. However, the City of Beaufort’s ordinance stated that open space can either be for residents or be dedicated to the public. Open space could be defined as land, water, or a combination of both; however, some jurisdictions placed restrictions on the amount of water and wetlands that could be included in open space calculations. For example, in Edisto, no more than half of the open space could be water; and in Conway and Loris, no more than 25% could be water. Wetlands greater than a specified size could not be included as open space according to some ordinances; in fact, in Conway and Loris, no wetlands were allowed to be included in open space calculations. On the other hand, in Kiawah Island, natural spaces, such as wetlands, could be included so long as they were preserved intact and included a recreational component such as trails. Mt. Pleasant had a provision that small wetlands could be linked with highlands to create contiguous open space.

Some jurisdictions defined specific uses for open space. Charleston County allowed uses include farming, forestry, and passive and limited active recreation. Kiawah Island allowed uses including unimproved land, landscaped areas, improved recreation areas, recreational buildings, structures accessory to recreational uses, and freshwater wetlands. North Myrtle Beach did not allow golf courses to be a permitted use of open space. There are additional stipulations for open space in some ordinances. Mt. Pleasant stated that open space must be protected in perpetuity. In Charleston County and Kiawah Island, if the PUD’s density is higher than base zoning, open space must act to preserve any significant resources. In Surfside Beach, if the PUD is greater than 2 acres, a minimum of 10,000 square feet of the open space must be a park. Finally, Horry County provided a formula for calculating open space within a PUD: Dwelling Units x 2.3 x 0.1 (where 2.3 is the average household density and 0.1 is the acreage required per person).

Other Policies of Interest

Other special requirements of PUDs that were described in the ordinances of some jurisdictions included:

- Screening and buffers along the periphery and between dissimilar uses; some mandated a fence around the development
- Performance bonds
- Mixed uses
- Pedestrian and bicycle paths; alternative transportation
- Maximum building heights
- Public access
- Discouragement of cul-de-sacs
- Mandated underground utilities
- Density cannot exceed a certain limit, as specified in ordinance or base zoning
- Density determined by plan
- Protection of any natural resources deemed significant by local authorities

Unique ordinances

Several jurisdictions had tiered ordinances for PUDs based either on size or purpose of the development. For example, Hilton Head permitted two types of PUDs: If the parcel is greater than 250 acres, it would be rezoned to PD-1 (PD Mixed Use District). If the parcel is 250 acres or less, it would be rezoned to PD-2 (PD Overlay District). Master plans approved as PD-1 did not expire; plans for PD-2 expired based on regulations for site-specific or phased development plans specified in the land management ordinance. Hilton Head also allowed for noncontiguous tracts of land to be included in the same PUD, so long as they were owned by the same legal entity, to achieve flexibility and better use of infrastructure; link amenities including open space, pathways, and parking; provide solutions to drainage, parking, redevelopment, or shoreline erosion; promote land use goals; and provide protection for historic, cultural, or natural resources; and in the Airport Hazard Overlay District (established in order to insure against safety hazards, noise and obstruction problems associated with aircraft utilizing the Hilton Head Island Airport). Horry County also permitted two types of PUDs based on size: Major (several uses, varying density and intensity, phased development, and large tracts over 5 acres) and Minor (between 2 and 5 acres, to regulate uses on a site to prevent adverse impact on adjacent properties, provide extra buffers and screening, and limit uses).

Goose Creek permitted 2 types of PUDs based on the purpose of the development: PD and PD-MH. PD-MH allowed the development of mobile home communities as a desirable, environmentally pleasing alternative to traditional SF detached housing, with no more than 8 units per acre. Five percent of the parcel must be reserved and improved as common recreation space; public or community water and/or sewerage must be used; and utilities must be underground. Colleton County also permitted two types based on purpose: Type A was of similar use and intensity as the underlying zoning, in any district, with no rezoning required, and was reviewed and approved by the planning commission for final approval; Type B had mixed use and intensity regardless of underlying zoning and rezoning was required.

Mount Pleasant permitted multiple types of PUDs based on purpose. A proposed project had to qualify as a Traditional Neighborhood Development (TND), Conservation Design Development (CDD), Commercial Village Project, or economic development project to be considered for PUD zoning. The ordinance further defined PD-TND and PD-CDD as follows: PD-TND was meant to address the land use and community development objectives of the comprehensive plan and reflect design of the late 19th and early 20th centuries. Requirements included: 200 feet between two opposite boundaries; access to minor or major arterial roadway; location within the urban growth boundary; 10 to 150 acres; not zoned urban conservation; hierarchy of streets in interconnected block pattern; neighborhood centers and linkages to future neighborhoods; plantings on both sides of streets; a minimum of 10% of project area as squares and parks (wetlands greater than 1 acre not counted); architectural design criteria; commercial uses no more than 10% of area; maximum density of 3 dwelling units per acre for low density, 6.5 for medium density, and 8.6 for high density. PD-CDD was meant to maintain low-density rural character, preserve and protect natural resources and sensitive areas, promote agriculture, and balance the urban environment. Requirements included location in an Urban or Rural Conservation area; clustering to allow land for recreation, common open space, and preservation of environmentally sensitive areas; no minimum lot size; preservation of sites with historic, archeological or cultural value; pedestrian circulation system;

contiguous open space with some public access; minimum of 25% open space in an urban conservation district, minimum of 50% open space in a rural conservation district, protected in perpetuity including highland and wetlands linking small wetlands with highland into contiguous open space; no wetland over 1 acre usable as open space; 50% highland in golf course usable as open space; protection of trees with 8-in. DBH; forest management; scenic views unblocked; roadway and stormwater standards must adhere to environmentally and aesthetically sensitive BMPs and development standards; undisturbed buffers around wetlands and wildlife areas; selective clearing of buffers along existing roadways and shoreline, additional landscaping, irrigation, and pedestrian trails; all native plant species; 50-foot buffers along waterfront, marsh, minor arterials and collector streets; 100-foot buffers along major arterials; rural conservation district maximum density of 1 dwelling unit per acre; and urban conservation district maximum density of 2.25 dwelling units per acre.

Use of Development Agreements

In some cases, “development agreements” accompany the establishment of PUDs. Development agreements are a tool that can provide for more predictable and orderly growth by allowing developers to “lock in” to existing, local land use and environmental regulations while providing local governments with a development timeline to better plan for necessary capital facilities. In some cases, development agreements may have weakened environmental practices over time relative to contemporary standards, but this likely depends on the specific results of the case-by-case negotiations and the wording of the agreements.

Assessment of Undeveloped Tracts in Coastal South Carolina

Parcel data from 6 of the 8 coastal counties were used to assess the potential buildout of large tracts in the form of PUDs using a Geographic Information System (data from Colleton and Jasper Counties were not available). Municipal boundary data were used to exclude those incorporated areas that do not permit PUDs, including Pawleys Island, Summerville, Folly Beach, Moncks Corner, Sullivan’s Island, Cottageville, Smoaks, Williams, Harleyville, Reevesville, St. George, Aynor, and Briarcliffe Acres. While some

jurisdictions permit parcels as small as 1 acre to be developed as PUDs, “large tracts” were defined as greater than 50 acres for this GIS analysis. Potential sources of error included the following: no information was obtainable regarding PUD ordinances for Lodge, Walterboro, and Andrews; some of the parcels included wetland acreage; and the Georgetown County data may be outdated. **Most importantly, parcels already preserved under conservation easements or public ownership were not excluded.**

Overall, there were 7,679 undeveloped parcels greater than or equal to 50 acres in the coastal counties used in this analysis. Total acreage of these parcels was about 2,247,201 acres. The parcels ranged from 50 to almost 176,300 acres in size. The mean parcels size was 293 acres. Berkeley County had the most available undeveloped land at 621,975 acres. Beaufort County had the least available undeveloped land at 145,489 acres.

Summary of PUD Analysis

Based on these findings, it is clear that:

- 1) Most of South Carolina’s coastal jurisdictions allow for or promote the use of Planned Unit Developments;
- 2) PUDs represent an important scale and process of development in the remaining undeveloped areas of the coastal counties.
- 3) PUD requirements, plan contents, and final site designs vary significantly across coastal jurisdictions and local ordinances, and often do not adequately reflect the goals of the state coastal zone management program.
- 4) PUDs allow for innovative site designs through case-by-case negotiations between developers and local officials, and may represent an opportunity for increased involvement of SCDHEC-OCRM in coastal planning.

Current Role of States in Development Planning

SCDHEC-OCRM implements the South Carolina Coastal Zone Management Plan to manage wetland alterations, stormwater and land disturbance activities; certify all federal and state permits and direct federal actions in the coastal counties, and regulate all alterations of tidally influenced critical area lands, waters and beaches. The program seeks to preserve sensitive natural, historic and cultural resources through regulatory oversight and guidance, and provide technical expertise to resolve complex coastal management issues. A key program objective is to encourage low impact and alternative development to preserve water quality and environmental integrity. OCRM's Coastal Planning Division interacts with local governments and stakeholders through Special Area Management Planning (SAMPs), Low Impact Development (LID) workshops, the South Carolina Nonpoint Education for Municipal Officials (SCNEMO), hurricane preparedness and response activities, septic planning and maintenance, community assistance grants, and publications such as reports, technical documents, and presentations (SCDHEC-OCRM, 2006).

Like SCDHEC-OCRM, Georgia's Coastal Resources Division has permitting authority and provides technical assistance to local governments, property owners, developers and the public through BMPs, technical guidance on planning and design, and information on habitat and endangered species. It holds forums for local governments, developers, and citizens to discuss resource issues and permit requirements. The program promotes smart development and addresses natural resource issues with local governments. It also provides funding for local programs that further the mission of the program through the Coastal Incentive Grant Program. Finally, the program's outreach and education efforts include "The Coastal Ark" and "Green Growth Guidelines". "The Coastal Ark" is a mobile training and education facility equipped with tools to assist local planners and decision makers. "Green Growth Guidelines" is a guide for designing Georgia's coastal landscape, intended for use by the development community, engineers and land planners, local governments, natural resource managers, conservation advocates, and citizens. This guide details techniques such as site fingerprinting, LID, alternative stormwater and bank stabilization techniques, and designing with landform. It also demonstrates the economic,

social, and environmental benefits of conservation developments and uses a model site in Georgia as an example. (GACRD, 2006) The Georgia Coastal Management Program, the Georgia Department of Community Affairs, and the City of St. Mary's, Georgia, have also partnered with the National Oceanic and Atmospheric Administration Coastal Services Center (NOAA CSC) to develop a tool that illustrates different residential development scenarios for coastal areas to help them analyze, visualize, and make decisions about growth and development along the coast. This tool compares environmental, social, and economic indicators for conventional, conservation, and new urbanist designs and is intended to aid anyone interested in applying similar development design components in their communities. (NOAA CSC, 2006)

The Massachusetts Office of Coastal Zone Management has no permitting authority but provides extensive policy and technical assistance to promote smart development. For example, the Coastal Smart Growth program provides technical assistance, including direct information and advice, publications, model bylaws and regulations, presentations, and workshops for integrating Smart Growth and LID to communities, developers, related businesses, and environmental groups. The program promotes "Green Neighborhoods - Open Space Residential Design" to achieve conservation, community character, mixed and affordable housing, economic incentives for developers, and LID in new subdivisions. The program also provides financial assistance through a number of grants to support Coastal Smart Growth, such as Smart Growth Technical Assistance Grants and the Coastal Nonpoint Source Grant Program. The office has developed a "Smart Growth Toolkit", a website and CD of new methods to guide and promote sustainable and environmentally sound development and growth. The toolkit has images, graphics, maps, diagrams, slideshows, by-laws, and workshops. Most importantly, the toolkit presents numerous case studies that demonstrate the successes of the state coastal zone managers' efforts (Massachusetts CZM, 2006).

Recommendations

Based on this assessment of PUD ordinances in the coastal zone of South Carolina, the following preliminary recommendations have been developed to better achieve coastal planning goals of SCDHEC-OCRM:

1. Investigate potential roles that OCRM could play in large-scale PUD application and approval processes. If no opportunities exist for involvement in case-by-case negotiations, OCRM could provide advice on baseline standards for PUD ordinances. Presently, baseline standards and requirements for PUDs are inconsistent or lacking within local ordinances (e.g. standards for open space, stormwater practices, public access, buffers and setbacks, etc). These standards might be further tailored for parcels adjacent to OCRM Critical Areas.
2. Encourage and increase involvement in regional planning efforts, as PUDs result in a unique regional growth pattern (lack of interconnectivity among large coastal tracts, limited access to the shoreline, lack of economic diversity) that may have cumulative environmental and cultural impacts.
3. Monitor regional planning efforts in southern and northern Beaufort County, especially regarding the development of uniform baseline standards for PUDs. Southern Beaufort County offers critical experience with PUDs, since over 90% of its available land is already approved or developed as PUDs.
4. Continue to provide and increase educational opportunities for local officials and development professionals. Excellent examples of development guidelines are available from Georgia's and Massachusetts' coastal management programs, and elsewhere.

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