

CHAPTER 25. ZONING

DIVISION G. MIXED USE DISTRICTS

Article XLI. Planned Unit Development (PUD) Districts

- § 25-411. Purpose.
 - § 25-412. Use regulations.
 - § 25-413. Density, area and minimum standards.
 - § 25-414. Open space, community facilities, utilities and access.
 - § 25-415. Master plan.
 - § 25-416. Review, approval and amendment of master plan.
 - § 25-417. Site plan required.
 - § 25-418. Management, ownership and termination.
 - § 25-419. Yard and setback requirements
- §§ 25-420 - 25-434 reserved.

Article XLI. Planned Unit Development (PUD) Districts.

§ 25-411. Purpose.

A. "Planned Unit Development Districts" are intended to provide areas or developments where conventional zoning may be inappropriate. Project planning is performed for the entire development rather than on an individual lot basis.

B. The planned unit development is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwelling, density, lot coverage and open space from that required in any one residential district permitted in this chapter.

C. The purpose of this article is to establish procedures and standards for planned unit developments where conventional zoning may be inappropriate, in order that one or more of the following objectives may be attained:

1. Flexibility in design to take the greatest advantage of natural land, trees, historical and other features.
2. Accumulation of large areas of usable open space for recreation, preservation of natural amenities, and provision of community facilities.
3. Creation of a variety of residential and compatible neighborhood arrangements that give the home occupant greater choice in selecting types of environment and living units.
4. Clustering of one residential type for better use of land and open space, as long as the resultant density does not exceed the density typically allowed in similar conventional districts.
5. Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the county.
6. Efficient use of land which may result in reduction in development and maintenance costs of street and utility systems.
7. Establishment of criteria for the inclusion of compatible associated uses to compliment the residential areas within the planned unit development.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-412. Use regulations.

A. Primary residential uses. Single-family, duplex, townhouse and multi-family residential dwelling units and apartments in detached, semi-detached, attached and multi-storied structures shall be permitted uses. No planned unit development shall be allowed which does not incorporate a variety of dwelling types.

B. Secondary nonresidential uses. Nonresidential uses of a religious, public or semi-public, cultural, recreational or commercial character shall be permitted uses. Such nonresidential uses shall be compatible with the primary residential use.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-413. Density, area and minimum standards.

A. Gross density. The gross density within a planned unit development shall be computed by dividing the total number of proposed dwelling units within the development by the gross development area. The maximum gross density shall not exceed six dwelling units per acre.

B. Minimum size. A planned unit development shall contain a minimum of sixty (60) contiguous acres of land.

C. Minimum development standards. Minimum lot size, maximum lot coverage, street width, setbacks, height and distance between buildings shall in general meet health, safety and welfare requirements and be in harmony with good planning practices.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-414. Open space, community facilities, utilities and access.

A. Common open space and community facilities.

1. The total usable open space within a planned unit development shall be at least twenty percent of the gross acreage of the planned unit development.

2. The following shall not be counted as usable open space: (a) land that slopes greater than twenty-five percent (25%); and (b) streets, parking areas or other asphaltic or paved areas, except for pedestrian and bicycle paths, swimming pools, tennis courts, and other similar recreational facilities.

3. No more than twenty-five percent of the required percentage of usable open space shall be in the form of water surfaces or wetlands.

4. Recreation areas and facilities, such as playgrounds, tennis courts, basketball courts, swimming pools and community buildings should be provided which will meet the anticipated needs of the clientele the planned unit development is designed to serve. Provision of separate adult and juvenile recreation areas is encouraged.

5. No parcel designated for recreational use shall contain less than five thousand square feet.

B. Utilities, services and easements. Structures within the planned unit development shall be connected to county water and sewer lines and all utility lines shall be placed underground except for major electrical transmission lines. Adequate provisions to take care of on and off site drainage shall be provided. Adequate provisions for utility and drainage easements shall be provided.

C. Access and circulation. A circulation system shall be so designed so as to provide for safe and convenient access to dwelling units, open space, community facilities, and other non-residential areas in the planned unit development. Principal vehicular access points shall be designed to permit smooth traffic flow and minimum hazards to vehicular, bicycle or pedestrian traffic. The internal circulation system shall be adequate for vehicular, bicycle and pedestrian movement and should discourage through traffic. Adequate access and circulation for emergency and service vehicles shall be provided.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-415. Master plan.

A. Submission of master plan required. Prior to the approval of any building or other development permit in a Planned Unit Development District, the owner or owners shall submit for review by the planning commission and for approval by the board of supervisors a master plan for the land within the external boundary of contiguous tracts that are wholly or partly owned by the same person, firm or corporation.

B. Presubmission studies and conferences. Prior to the formal submission of a master plan, the applicant or his representative shall hold a conference with the Director of the Community Development Department concerning the proposed master plan and submit unofficial preliminary studies of the concept of the proposed development for tentative review, comments and recommendations.

C. Submission. After preapplication review as set forth in paragraph B above has been completed, the applicant may submit a master plan. An official master plan shall be submitted to the planning commission only after the completion of the tentative review of the unofficial preliminary studies. The Director of the Community Development Department shall only accept the plan if the applicant has provided all the information as set forth in paragraph D below.

D. Contents of proposed master plan. The following shall be the required information to be included in a proposed master plan:

1. A proposed land use plan showing the use of each lot or tract within the development.

2. A proposed circulation plan showing circulation patterns of vehicular, pedestrian or other traffic and designating each street as either public or private.

3. A plan showing community facilities and usable open space.

4. A plat as required for preliminary plat approval by Chapter 21 of this Code.

5. A plan showing existing and proposed utility and drainage facilities.

6. A proposed buildings and landscape plan including the existing and proposed structures, the existing trees with a caliper of eight inches or greater, proposed trees and landscaping, trees to be removed, topography with contour intervals of five feet or less, and other significant natural features.

7. Statistical or technical data as necessary to evaluate the total development including but not limited to the following:

a. Amount of land proposed to be used for public or semipublic uses such as churches, schools, etc.

b. Amount of land proposed to be set aside for usable open space and recreational use.

c. Amount of land proposed to be set aside for streets.

d. Amount of land in the floodplain, land constituting wetlands, land with over twenty-five percent (25%) slope, and other unusable land within the project boundary.

e. Extent and nature of projected traffic.

f. Proposed number of parking spaces for motor vehicles and recreational vehicles and the number of parking spaces per unit.

g. Gross density of the planned unit development to be computed by dividing the total number of proposed dwelling units within the development by the gross development area.

8. Association, nonprofit corporation or other documents intended to provide for maintenance of all common open space, properties and facilities.

9. The name, professional title and address of the planner, urban designer, architect or engineer who prepared the proposed master plan.

E. Procedure for staged development of planned unit development. Nothing in this article shall prevent a developer from developing a planned unit development in stages or sections; provided, that the following conditions are met; and provided further, that any stage or section development is part of an overall approved master plan:

1. The proposed stages or sections shall be delineated on the master plan.

2. All project data as required in paragraph D for the project as a whole shall be given for each such section so established.

3. When any section of a planned unit development is developed it shall be in substantial compliance with the master plan as approved or amended.

4. At every stage of development, the requirements of § 25-414 of this chapter shall be satisfied.

(Ord. 11/28/01; eff. 1/1/02; Ord. 11/21/06, eff. 1/1/07)

§ 25-416. Review, approval and amendment of master plan.

A. Preliminary review. No such master plan shall be scheduled for review by the planning commission unless it shall have first been referred to, and approvals have been received by, the following:

1. The Director of the Community Development Department who shall advise the planning commission and the board of supervisors whether the design concept of the plan is in conformity with the requirements of this article, and if the proposed land use, circulation and community facilities plan is in harmony with all applicable elements of the county's Comprehensive Plan; and if the development in general is based on logical and sound principles of community planning and design.

2. The Augusta County Service Authority, or its designee, who shall advise the planning commission and the board of supervisors whether the proposed water and sewer facilities and related utilities are in conformity with the relevant sections of the county code and rules, policies and regulations of the Authority.

3. The County Attorney, or his designee, who shall advise the planning commission and the board of supervisors whether the association or nonprofit corporation documents are in harmony with the relevant sections of the state and county codes.

4. The Resident Engineer of the Virginia Department of Transportation, or his designee, who shall advise the planning commission and the board of supervisors concerning the impact of the plan on surrounding public streets and traffic patterns.

5. The Augusta County Chief of Fire-Rescue.

6. Any other public officials or agencies the Director of the Community Development Department may deem appropriate.

B. Action by planning commission. No such master plan shall be approved by the board of supervisors until it shall have been submitted to the planning commission for review and recommendation. The planning commission shall review the total master plan, after a public hearing, in relation to the purposes outlined in this article.

C. Action by board of supervisors. After the board of supervisors has received the recommendation required in paragraph B above and after a public hearing, the board shall either approve or disapprove the proposed master plan. The board may hold a joint public hearing with the planning commission. After approval of the master plan, no building or structure shall be erected or building permit issued nor any lots sold from any such plat nor any final plat recorded except in conformity with the approved master plan. The area of an approved planned unit development shall be noted on the zoning map until such time as such approval may be revoked.

D. Amendment procedures. The owner or his representative, of an approved planned unit development may apply for an amendment of the master plan in concept or in minor details:

1. In case of a change of concept, the applicant shall have review by the planning commission and board of supervisors and shall follow the same procedures as authorized in paragraphs A through C. Changes of land use, land area, open space area, type of community facilities, type of housing, method of management of common land and facilities and overall design layout and increases in density shall be considered to be changes of concept. Changes in concept shall be permitted upon approval by the board of supervisors.

2. In case of a change of minor details or decrease in density, the Director of the Community Development Department may approve these changes, upon being presented with a written request along with necessary graphic and statistical information. Changes of location and design of structures, streets, parking, community facilities, landscaping, open spaces and utilities shall be considered to be changes of minor detail.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-417. Site plan required.

Prior to the issuance of any building or placement permit, and after a master plan has been approved as required by this article, a site plan for anything other than a single-family dwelling including duplexes and townhouses, shall be submitted to and approved by the Director of the Community Development Department pursuant to the requirements of this chapter.

(Ord. 11/28/01; eff. 1/1/02; Ord. 11/21/06, eff. 1/1/07)

§ 25-418. Management, ownership and termination.

A. Management of common open space, property and facilities.

1. All common open space, properties and facilities shall be preserved for their intended purpose as expressed in the approved plan. The developer shall provide for the establishment of an association or nonprofit corporation of all individuals or corporations owning property within the planned unit development to insure the maintenance of all common open space, properties and facilities.

2. All privately owned common open space shall continue to conform to its intended use and remain as expressed in the master plan through the inclusion in all deeds of appropriate restrictions to insure that the common open space is permanently preserved according to the master plan. The deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

3. All common open space as well as public and recreational facilities shall be specifically included in the development schedule and be constructed and fully improved by the developer at a proportionately equivalent or greater rate than the construction of residential structures.

4. The nonprofit corporation or association established to own and maintain common open space properties and facilities shall conform to the following requirements, and the developer shall submit association or incorporation documents to the County Attorney for his review to determine compliance with the following:

a. The developer must establish the association or nonprofit corporation prior to the final approval, recording and sale of any lot.

b. Membership in the association or nonprofit corporation shall be mandatory for owners of single family dwelling units and all residents of multifamily dwelling units within the planned unit development and the association or corporation shall not discriminate in the qualification of its members or shareholders on any unlawful basis.

c. The association or corporation documents shall set forth the purposes of the permanent organization under which common ownership is to be established, including its purposes; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property including necessary bonds or other security when required by the county; and the method of assessing the individual property for its share of the cost of administering and maintaining such common property.

d. The association or corporation documents shall set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

B. Ownership of development. All property in a planned unit development shall remain under the ownership of the developer or group of developers, and shall not be leased or sold, until arrangements are made which insure participation by the properties leased or sold in the retention and maintenance of common open space and community facilities in accordance with paragraph A. A certificate of compliance, indicating that such arrangements have been made, shall be issued by the Director of the Community Development Department prior to the sale or lease of the property by the developer.

C. Termination of a planned unit development. If the board of supervisors should determine, after public hearing that the present or future owner of a planned unit development designated area has not followed the approved master plan, the remaining undeveloped property may be rezoned in accordance with the provisions of this chapter.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-419. Yard and setback requirements.

In Planned Unit Development Districts, all lots are subject to the following yard and setback requirements:

A. A principal building or structure shall not be erected, altered, located, reconstructed or enlarged nearer to a perimeter boundary of the Planned Unit Development District than twenty-five feet (25').

B. Accessory buildings or other accessory structures shall be subject to the following requirements:

1. Accessory buildings and structures not exceeding fifteen feet (15') in height and with a total aggregate area of no more than seven hundred square feet (700 sq. ft.) may be erected in side and rear yards or behind the principal structure in areas designated for single residential dwellings.

2. An accessory building or other accessory structure which has a total aggregate area of more than seven hundred square feet (700 sq. ft.) or is more than fifteen feet (15') high shall not be erected, altered, located, reconstructed or enlarged unless the accessory building or other accessory structure and its location and dimensions are specifically identified in the approved master plan.

(Ord. 03/28/07, eff. 1/1/07)

Sections 25-420 through 25-434 reserved.