

ARTICLE VI
Planned Unit Development District (PUD)
[Added 6-12-2006 by Ord. No. 2006-02]

§ 425-36. Statement of intent.

- A. Planned unit development districts are intended to provide for variety and flexibility in design necessary to implement the varied goals of the Town. Through a planned unit development district approach, the provisions of this article are intended to accomplish the purposes of zoning and other applicable regulations to the same extent as regulations of conventional districts.
- B. It is intended that planned unit development districts be established along major corridors and in growth areas. Applicants' planned unit development master plans should demonstrate a unified development with an interconnected system of internal roads, sidewalks, and paths, as well as management of access points along existing roads in order to maximize safety and the efficiency of existing roads. Pavement widths of internal and external roads shall minimize paving requirements while accommodating projected traffic generated from the district. Planned unit developments allow for a higher density of development for a more efficient use of the designated growth areas and for more effective preservation of the open areas of the Town. Other benefits of a planned unit development include less infrastructure costs, more efficient provision of public safety services, less environmental impact and, through the provision of affordable housing, the achievement of significant economic and social integration.

§ 425-37. Character of development.

- A. "Planned unit development" means a development generally in a designated growth area that utilizes a master plan to identify mixed uses with development standards specific to the proposed use. The goal of a planned unit development district is to encourage a development form and character that is different from conventional suburban development by providing the following characteristics:
- (1) Pedestrian orientation;
 - (2) Neighborhood-friendly streets and paths;
 - (3) Interconnected streets and transportation networks;
 - (4) Parks and open space as amenities;
 - (5) Neighborhood centers;
 - (6) Buildings and spaces of appropriate scale;
 - (7) Relegated parking;

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- (8) Mixture of uses and use types;
- (9) Mixture of housing types and affordability;

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- (10) Environmentally sensitive design; and
- (11) Clear boundaries with any surrounding rural areas.

- B. An application is not necessarily required to possess every characteristic of the planned unit development district as delineated in Subsection A in order to be approved. The size of the proposed district, its integration with surrounding districts, or other similar factors may prevent the application from possessing every characteristic.

§ 425-38. Permitted uses generally.

In a planned unit development district, all uses permitted by right in the residential limited use are permitted by right. ~~and e~~ Commercial districts (Light Commercial and General Commercial) and multi-family units are permitted by conditional use permit only and at the discretion of the Town Council. ~~may be permitted. Additional uses specifically enumerated in the applicant's final master plan may be permitted by right at the discretion of the Town Council. Specific uses may also be excluded.~~

§ 425-39. Permitted uses with conditional use permit.

One or more uses permitted by conditional use permit in any zoning districts may be permitted in the planned unit development district, if documented in the applicant's master plan, and upon issuance of a conditional use permit by the Town Council. Uses allowed by right in other districts may require a conditional use permit if specifically enumerated in the applicant's final master plan.

§ 425-40. Mixture of uses.

A variety of housing types and nonresidential uses is strongly encouraged. The mixture of uses may be obtained with different uses in different buildings or a mixture of uses within the same building.

§ 425-41. Minimum area for planned unit development.

- A. Minimum area required for the establishment of a planned unit development district shall be 10 acres.
- B. Additional area may be added to an established planned unit development district if it adjoins and forms a logical addition to the approved development. The procedure for the addition of land to the planned unit development district shall be the same as if an original application was filed, and all requirements shall apply except the minimum lot area requirement as set forth above.

§ 425-42. Open space.

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Open space promotes attractive and unique developments that are also environmentally conscious. §
For the purposes of this section, the term "open space" shall not include roads and sidewalks.
Planned unit developments shall include the following:

A. Not less than 30% of total acreage shall be open space, whether dedicated to public use or retained privately.

B. If 50% or more of the total acreage is open space, then a thirty-percent increase in density

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shall be permitted. If 75% or more of the total acreage is open space, then a fifty-percent increase in density shall be permitted.

C. A minimum usable area of 5,000 square feet every 10 acres shall be provided for active or passive recreational activities.

D. Open space shall be dedicated in a logical relationship to the site and in accordance with any guidance from the Town's Comprehensive Plan regarding significant open space.

E. Improvements shall be configured to accommodate permitted, accessory and conditional uses in an orderly relationship with one another, with the greatest amount of open area and with the least disturbance to natural features.

§ 425-43. Densities.

A. The gross and net residential densities shall be shown on the applicant's approved final master plan by area and for the development as a whole in dwelling units per acre and shall be binding upon its approval. The overall gross density so approved shall be determined by the Town Council with reference to the Town's Comprehensive Plan but shall not exceed 15 dwelling units per acre, unless the density is increased with the provisions of § 425-42B.

B. Nonresidential density should be expressed in terms of total square footage by area and for the development as a whole. There is no maximum square footage for nonresidential uses, but the proposed uses should be in proportion to the overall intent and functionality of the planned district concept.

§ 425-44. Setback regulations.

A. Within the planned unit development district, minimum setback ranges shall be specifically established during the review and approval of the concept plan. Specific setbacks may be approved administratively in the site plan process if they are in conformance with the established ranges or a rezoning will be required. The following guidelines shall be used in establishing the building spacing and setbacks:

(1) Areas between buildings used as service yards, storage of trash, or for other utility purposes should be designed so as to be compatible with adjoining buildings;

(2) Building spacing and design shall incorporate privacy for outdoor activity areas (patios, decks, etc.) associated with individual dwelling units whenever feasible; and

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(3) Yards located at the perimeter of the planned unit development district shall conform to the setback requirements of the adjoining district or to the setback requirements of the planned district, whichever is greater.

B. In no case shall setbacks interfere with public safety issues such as sight lines and utilities, including other public infrastructure such as sidewalks, open space, etc.

§ 425-45. Height of buildings.

A. In the planned unit development district, the height regulations shall be:

- (1) Single-family residences: 40 feet (maximum).
 - (2) Banks, office buildings and hotels: 60 feet (maximum).
 - (3) Apartments, shopping centers, and other permitted buildings: 60 feet (maximum).
- B. Conditional use permits are required for structures exceeding the maximums listed in this section.
- C. These limitations shall not apply to church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials.
- D. All accessory buildings shall generally be less than the main building in height.

§ 425-46. Parking.

Within the planned unit development district, the applicant shall establish parking regulations for consideration by the Town Council. The proposed regulations should be based on a parking needs study or equivalent data. Such regulations shall reflect the intent of the Town's Comprehensive Plan to decrease impervious cover by reducing parking requirements, considering alternative transportation modes and using pervious surfaces for spillover parking areas. Shared parking areas, especially with nonresidential uses, are encouraged.

§ 425-47. Utilities.

All new utility lines, electric, telephone, cable television lines, etc., shall be placed underground.

§ 425-48. Waivers and modifications.

Where sections of this chapter or the Subdivision Ordinance¹ are deemed to be in conflict with the goals of the applicant's final master plan, the rezoning application shall be considered a waiver or modification to these sections if specified in the applicant's final master plan. Otherwise, the applicant must provide a clear explanation as to why certain regulations are in conflict with the applicant's final master plan, demonstrate that the public's health, safety and welfare will not be compromised, and request the specific waivers or modifications to be considered by the Town Council after a public hearing.

§ 425-49. Application for rezoning.

- A. The applicant shall file an application for rezoning with the Town Manager, Town of Mineral. The application shall consist of three primary sections: a narrative, an existing conditions map and a master plan.
- (1) Narrative.

¹. Editor's Note: See Ch. 380, Subdivision of Land.

- (a) A general statement of objectives to be achieved by the planned district, including a description of the character of the proposed development and the market for which the development is oriented.

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- (b) A list of all adjacent property owners.
 - (c) Site development standards, including but not limited to density, setbacks, maximum heights, and lot coverage.
 - (d) Utilities requirement and implementation plan.
 - (e) Phased implementation plan.
 - (f) Comprehensive sign plan.
 - (g) Statements pertaining to any architectural and community design guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, etc.
- (2) Existing conditions map.
- (a) Topography, including steep slopes (greater than 15%).
 - (b) Water features.
 - (c) Roadways.
 - (d) Structures.
 - (e) Tree lines.
 - (f) Major utilities.
 - (g) Significant environmental features.
 - (h) Existing and proposed ownership of the site along with all adjacent property owners.
- (3) Master plan. The preliminary master plan shall be of sufficient clarity and scale to accurately identify the location, nature, and character of the proposed planned unit development district. At a minimum, the preliminary master plan shall include the following:
- (a) Proposed layout of the planned unit development district, including the general location of uses, types of uses, and density range of uses;
 - (b) Methods of access from existing state-maintained roads to proposed areas of development;
 - (c) General road alignments;
 - (d) General alignments of sidewalks and bicycle and pedestrian facilities;

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- (e) A general water layout plan indicating the intended size and location of primary lines and the general location of fire hydrants (e.g., one ever two blocks, etc.);
- (f) A general sanitary sewer layout indicating the size and location of primary lines and the location of pump stations; and

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- (g) A general plan showing the location and acreage of the active and passive recreation spaces, parks and other public open areas.
- B. Additionally, an environmental impact study by a disinterested party and a traffic study by the Virginia Department of Transportation are required to be submitted as part of the application package.
 - C. The Town Attorney shall review any property owner's or other association's charter and regulations prior to final site plan approval.
 - D. The Planning Commission shall review the applicant's preliminary master plan for the proposed planned unit development district, consider it at a scheduled public hearing, and forward its recommendation along with the preliminary master plan to the Town Council for consideration. The Town Council shall hold a public hearing thereon, pursuant to public notice as required by Virginia Code § 15.2-2204, after which the Town Council may make appropriate changes or corrections in the ordinance or proposed amendment. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by Virginia Code § 15.2-2204. Such ordinances shall be enacted in the same manner as other zoning ordinances. The plan approved by the Town Council shall constitute the final master plan for the planned unit development district.
 - E. Once the Town Council has approved the final master plan, all accepted conditions and elements of the plan shall constitute proffers, enforceable by the Zoning Administrator.
 - F. The plan shall be in substantial conformance with the approved final master plan. The Zoning Administrator shall approve or disapprove a final site development plan within 60 days from the receipt of such plan. Such final site development plan may include one or more sections of the overall planned unit development district and shall meet all applicable federal, state, county and Town regulations and shall contain specific details of information required generally in the preliminary plan.