

Article VI. PLANNED UNIT DEVELOPMENT

Sec. 54-530. Intent of a Planned Unit Development District.

The intent of the planned unit development district is to provide for larger scaled development and cluster of residential dwelling units through design innovation to provide for a neighborhood with a variety of housing types and densities which may include: neighborhood shopping facilities, parks and playgrounds. This regulation is to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to facilitate preservation of open space. Compliance with regulations of this section in no way excuses the developer from applicable portions of chapter 54 of the town’s zoning code.

Sec. 54-531. Uses permitted.

A planned unit development may be overlaid in all districts when rezoned PUD as outlined in this chapter. In a planned unit development, structures to be erected or land to be used shall be for two or more of the following use types:

- (1) Single-family dwellings;
- (2) Two-family dwellings;
- (3) Multifamily dwellings, including apartment houses and townhouses;
- (4) Parks, playgrounds, and community centers;
- (5) Commercial uses with supporting open space;
- (6) Compatible facilities to provide a harmonious environment and unitary design.

Sec. 54-532. Uses permitted by approval.

The development authorized within a residential planned unit development district is regulated by the extensive plan proposed by the developer and conventional zoning lot restrictions are waived in favor of the detailed site plan and dedication of common space.

Sec. 54-533. Minimum land area.

A planned unit development shall include at least 5 or more acres of contiguous land.

Sec. 54-534. Density requirements.

Within a planned unit development, the following maximum density requirements shall be adhered to. Less density may be required.

Use	Dwelling units per acre	Stories
Single-family dwellings	5	3
Two-family dwellings	8	3
Multifamily dwellings	10	3
Commercial	--	3

The least height and density buildings shall be arranged around the boundaries of the development. Each development shall provide reasonable visual and acoustical privacy for each dwelling unit. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, and for screening of objectionable views or uses and reduction of noise.

Sec. 54-535. Minimum yard setbacks and lot areas.

Setbacks for lots adjoining the perimeter boundary line of a planned unit development shall meet the setbacks of the zone classification that it adjoins. Minimum lot areas for all lots and setbacks for lots not along the perimeter boundary line shall meet the following minimum yard setbacks and lot areas. Natural screening and buffering shall be required between adjoining properties, existing developments and the planned unit development with the exception of commercial areas.

Minimum lot area Minimum yard setbacks

Use per dwelling unit (sq. ft.)		Front	Side	Rear
Single-family dwellings	8,000	20'	10'	15'
Two-family dwellings	5,000	20'	10'	15'
Multifamily dwellings	4,300	20'	10'	15'
Apartments & townhouses	4,300	20'	10'	15'
Commercial and nonresidential	4,300	20'	20'	20'

Screening and buffering of ten feet shall be required between commercial uses and residential uses within the development. Additional setbacks may be imposed between commercial and residential uses. Lot design, arrangement and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and provide convenient and safe access.

Sec. 54-536. Common open space.

(a) Minimum space. Common open space shall be a minimum of 40 percent of the total area of the planned unit development and shall be exclusive of buildings, streets, roads, parking areas, walks, patios, and similar improvements, but inclusive of swimming pools, trails and other active and passive recreational areas. The zoning administrator may determine if all or part of stream areas, floodplains, and bodies of water may be included as open space.

(b) Maintenance of open space. The developer of the planned unit development shall establish a nonprofit association, corporation, trust or foundation of all individuals or corporations within a planned unit development to ensure the maintenance of open space. The organization shall manage all open space, recreational and cultural facilities, shall provide for the maintenance, administration and operation of the land and improvements, and shall secure adequate liability insurance on the land and other common areas.

Sec. 54-537. Commercial and nonresidential uses.

All commercial and nonresidential uses shall be primarily a support function to the primary residential use of the planned unit development and intended to serve the residents of such development. Commercial and nonresidential uses shall comply with requirements set forth in **Sec. 54-534** (density requirements) and **Sec. 54-535** (minimum yard setbacks and lot area).

Sec. 54-538. Parking requirements.

(a) Off-street parking shall be provided at a minimum of two spaces per dwelling unit and shall be located in convenient locations.

(b) Parking for nonresidential purposes shall be provided appropriately to the type of use.

(c) No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping.

(d) All parking areas shall be graded and drained to dispose of all surface water without erosion or flooding.

(e) Additional parking spaces may be provided along the street providing there is adequate roadway to allow vehicles to pass.

Sec. 54-539. Street and pedestrian circulation system requirements.

(a) Streets. Streets within a planned unit development must be public in accordance with the Virginia Department of Transportation standards. Streets within a planned unit development shall have a minimum right-of-way of 40 feet in width. A plan for the maintenance of streets within a planned unit development shall be provided (due to time prior to inclusion into VDOT secondary street system). Lighting shall be provided on all streets in the development.

(b) Pedestrian circulation system. Provisions shall be made for sidewalks and pedestrian walkways on at least one side of all streets which will enable residents, visitors or patrons to walk safely and conveniently between various functional areas of the project and adjacent circulation systems.

Sec. 54-540. Utilities.

- (a) All dwelling units, commercial uses, and any other use requiring the utilization of water and sewer shall be connected to an approved public water and sewerage system. Fire hydrants shall be provided throughout the development in such locations to provide adequate fire protection.
- (b) When possible, all utilities shall be underground.
- (c) Easements shall be provided for water, sewer, gas, telephone, power and other utilities throughout the development.
- (d) Installation of public water and sewer facilities shall be in compliance with Town of Kilmarnock.

Sec. 54-541. Other site design requirements.

- (a) Functional relationship. The site development plan shall be designed for convenient relationship between the various functional areas of the project such as residential, recreational, commercial and adjoining properties.
- (b) Floodplain areas. All areas in a development that are within a floodplain, as determined by the Federal Emergency Management Association, shall be indicated on the site plan. Areas determined to be in a floodway shall not be platted for residential occupancy nor for such other uses as may increase the danger of health, life or property, or aggravate erosion or flood hazard. Such areas may be used as open space in accordance with subsection of this article.
- (c) Landscaping and screening. Landscaping, fencing and screening related to the uses within the development and as a means of integrating the proposed development into its surroundings or provide a buffer between potentially conflicting uses, shall be required. A planting plan showing proposed trees and shrubbery plantings shall also be required.
- (d) Erosion and sedimentation. An erosion and sedimentation control plan shall be filed with the erosion and sedimentation control administrator and all erosion and sedimentation regulations shall be adhered to. A preliminary erosion and sedimentation plan or a statement of temporary and permanent erosion and sedimentation control measures to be taken shall be submitted with the application. No development can occur within the planned unit development until compliance with erosion and sedimentation controls are met.
- (e) Signs. The size, location, design and nature of signs, if any, and the intensity and direction of lighting for signs shall be detailed in the application.
- (f) Chesapeake Bay Preservation Overlay. Must comply with overlay district as outlined in Chapter 54. Article V.

Sec. 54-542. Data to accompany application.

Within the planned unit district, there shall be submitted a tentative, overall development plan which shall include the following:

- (1) Scale-accurate proposed development plan mapping of the project to include:
 - a. Land uses including residential types, commercial types, recreation and any other proposed uses.
 - b. Street system.
 - c. Parking areas and parking space delineation.
 - d. Plat showing subdivision lot lines.
 - e. Utility right-of-way or easements including, but not limit to, water, sewer, gas, power, telephone, and cable.
 - f. Drainage plan, including contours.
 - g. Location of buildings, structures and improvements including setbacks.
 - h. Property lines of common property.
 - i. Pedestrian circulation system.
 - j. Landscaping plan.
 - k. Treatment of the project perimeter such as screening or buffering.
 - l. Relationships and tie-ins to adjacent property.
- (2) Supporting documentation to include the following minimum data:
 - a. A legal description of the project boundaries.
 - b. A statement of existing and proposed property owners.
 - c. Names and addresses of all adjacent property owners and the uses on the adjoining properties and their zone classification.
 - d. A statement of project development objectives and character to be achieved.
 - e. An approximate development schedule including dates of proposed beginning and completion of construction and staging plan.
 - f. A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial areas, etc.

- g. Quantitative data including the number and types of dwelling units and commercial units, parcel or lot sizes, gross and net residential densities, total amount and percentage of open space, residential, commercial, recreational, and compatible facility use type(s).
- h. Proposed building types including architectural style, height, and floor area.
- i. Preliminary approvals from the Virginia Department of Transportation (for public streets),. When requested by the planning commission or the Town Council, a traffic impact statement, prepared by the resident engineer of the Virginia Department of Transportation, showing the effects of traffic generated by the planned unit development on surrounding roads shall be provided.
- j. Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of property to be held in common ownership. This shall include, but not be limited to, open space maintenance agreements and road maintenance agreements.
- k. A temporary erosion and sedimentation control plan or a statement of proposed temporary and permanent erosion and sedimentation control measures to be taken.
- l. A statement from the superintendent of schools regarding the impact of the project on the school system.
- m. Approval of plans by the Town of Kilmarnock Field Supervisor

(3) Processing fee. At the time of filing the preliminary plan, the applicant shall deposit \$300 with the zoning administrator.

Sec. 54-543. Development plan application and procedure.

A planned unit development constitutes an amendment to the zoning maps and shall be handled in the same manner as other rezoning. However, a more detailed step-by-step review process is necessary to ensure the adequacy of the proposed development in light of the standards and policies set forth by this chapter.

- (a) Pre-application conference. Prior to submitting a formal application, the applicant and town staff shall meet to discuss the requirements of this article. The applicant shall submit information on the scope and nature of the proposal to allow staff to become familiar with the project in advance of this meeting.
- (b) Application. Applications meeting the foregoing requirements shall be filed with the zoning administrator. Six copies of the original application and supporting data shall be filed with the zoning administrator. The zoning administrator shall forward the application and supporting data to the planning commission for review and recommendation.
- (c) Appearance by the developer. The Planning Commission and the Town Council shall require the developer to appear to discuss the planned development.

Sec. 54-544. Planning Commission review and recommendation of preliminary plans.

- (a) As part of the review process, the planning commission shall hold a public hearing.
- (b) The planning commission shall consider the general plan for the community; the location, arrangement and size of lots, parks and other reservations of open space; the location of streets; the location and arrangement of parking spaces; the location, arrangement and height of buildings; the location, arrangement and design of neighborhood business areas and accessory parking spaces; the gross densities proposed for the development, with due regard to the type and character of adjoining neighborhoods and the particular suitability of the proposed uses. The planning commission shall be permitted to attach such conditions as it may deem necessary to secure compliance with the purposes set forth in this article.
- (c) The planning commission shall make a recommendation to the Town Council within 100 days following the presentation of the application to the planning commission. The recommendation shall be one of the following:
 - (1) Recommend approval of the plan as presented;
 - (2) Recommend approval of the plan as revised by concurrence of the planning commission and the developer; or
 - (3) Recommend disapproval.

Sec. 54-545. Town Council review and decision of preliminary plans.

- (a) The Town Council shall hold a public hearing after receiving a recommendation from the planning commission.
- (b) The Town Council will disapprove or approve the preliminary development plan, or approve the preliminary development plan with modifications.
- (c) If the preliminary development plan is approved by the Town Council, as recommended by the planning commission, the zoning map and comprehensive plan shall be amended to show the residential planned unit

development. If the preliminary plan is approved with modifications, then the zoning map shall not be amended until the applicant has filed with the zoning administrator written consent to the plan as modified.

Sec. 54-546. Status of approval.

No building permits shall be issued for the development until the final development plan has been received and approved.

Sec. 54-547. Final approval.

The final development plan shall be in substantial compliance with the preliminary development plan approved by the Town Council. Within 90 days following the approval of the preliminary development plan, the applicant shall file with the zoning administrator three copies of the final development plan for final disposition by the planning commission. Approval of the final development plan shall be noted in writing by the zoning administrator on the face of the final development plan and a copy returned to the applicant for recording. The clerk of the court will record the final development plan in the manner provided for recording plats or subdivisions.

Sec. 54-548. Subdivision plats.

Subdivision plats shall comply with the plat requirements of chapter 38 and applicable portions of this chapter.

Sec. 54-549. Amendments to final development plan.

Minor changes in the location, siting and height of buildings and structures may be authorized by the planning commission without additional public hearings, if the changes are required by an engineer or other circumstances not foreseen at the time the final plan was approved. No such changes may cause any of the following:

- (a) A change in the use or character of the development.
- (b) An increase in overall coverage of structures.
- (c) An increase in the intensity of the use.
- (d) An increase in the problems of traffic circulation and public utilities.
- (e) A reduction in approved open space, landscaping or buffering.
- (f) A reduction of off-street parking.
- (g) A reduction in required pavement widths.
- (h) An increase in density of the development.
- (i) Any other change that the zoning administrator finds is a major divergence from the approved final plan.

Sec. 54-550. Time limit for beginning construction.

If the use, operation, or beginning of construction of the development authorized by the planned unit development permit has not commenced within 12 months after approval by the Town Council, or if the work so authorized by the planned unit development is suspended or discontinued for a period of six months, the permit shall become null and void. Upon showing good cause, the applicant may request in writing to the Town Council, an extension of in increments of six months.

Sec. 54-551. Time limit for completion of construction.

Construction shall proceed only in accordance with the plans and specifications approved in the final development plan. The construction of the development shall not exceed the final development plan schedule unless the applicant, upon showing good cause, is granted a one-time extension by the Town Council.

Sec. 54-552. Control following approval of final development plan.

The zoning administrator shall periodically inspect the site and review all building permits issued for the development to ensure that the development schedule is generally complied with. The provision and construction of all of the common open space and public and recreational facilities shown on the final development plan must proceed at the same time rate as the construction of dwelling units. If the zoning administrator finds that the

development schedule has not been followed, no permits, except for common space, public and recreational facilities, shall be issued until the developer complies with the development schedule.

Sec. 54-553. Withdrawal of application.

- (a) Any application for a planned unit development may be withdrawn prior to any recommendation of the planning commission or the decision of the Town Council at the written request of the applicant.
- (b) If any planned unit development application is withdrawn at the request of the applicant prior to the planning commission's recommendation or the Town Council decision on the application, the town can not consider a planned unit development request with respect to all or part of the same property within two months of the withdrawal of the application.
- (c) If any planned unit development application is denied by the Town Council, the town can not consider a planned unit development request with respect to all or part of the same property within **6** months of the Town Council decision.