

**ARTICLE XXII. PLANNED UNIT DEVELOPMENTS**

Sec. 106-561. Specific conditions for planned unit developments.

- (a) Planned unit development districts are intended to provide for variety and flexibility in design necessary to implement the varied goals and objectives of the county as set forth in the comprehensive plan and future land use map. Through a planned unit development approach, these special regulations are intended to accomplish the purposes of zoning and other applicable regulations to the same extent as regulations of conventional districts. In addition, planned unit development regulations are intended to promote: economical and efficient land use through unified development; improved levels of amenities; appropriate and harmonious physical development; creative design; and a better environment than generally realized through conventional district regulations. In view of the substantial public advantages of planned unit developments, these regulations are intended to encourage the planned unit development approach in areas appropriate in terms of location and character.
- (b) Planned unit development districts shall be developed to provide for the comfort and convenience of residents; to facilitate protection of the character of surrounding neighborhoods; and to lessen traffic impact through a reasonably short travel time between origins and destinations of persons living, working or visiting in such developments. Housing, commercial and service facilities, office and light industrial facilities, places of employment, and parks shall be related either by physical proximity or by adequate street networks so as to promote these objectives.
- (c) The following provisions shall apply generally to the establishment and regulation of all planned unit developments districts. Where conflicts occur between the special provisions herein and general zoning, subdivision or other regulations or requirements, these special regulations shall apply in planned unit development districts unless the board of supervisors shall find, in the particular case that:
- (1) Provisions in this article do not serve public purposes to a degree exceeding such general zoning, subdivision or other regulations or requirements; or
  - (2) Actions, designs or solutions proposed by the applicant, although not literally in accord with these special or general regulations, satisfy public purposes to a degree exceeding the county’s general regulations. It is specifically provided, however, that where floor area and similar ratios have been established by these regulations, the board shall not act in a particular case to alter such ratios.
- (d) Except as provided in subsection (c) of this section, procedures and requirements as set forth in this section and standards adopted by ordinance in approving a particular planned unit development shall apply in such planned unit development.
- (e) Applications for planned unit development districts shall be submitted as for other zoning map amendments. Material submitted with the application shall include all plans, maps, studies and reports which may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records. More specifically, a Planned Unit Development Application Report including the following elements shall be required:
- (1) An archeological and historic site literature and map survey.
  - (2) A traffic impact analysis.
  - (3) A conceptual storm water management plan.
  - (4) A solid waste stream impact assessment.
  - (5) An environmental impact assessment and resource quality protection plan, pursuant to Section 106-235, including the wetlands delineation, and environmental site assessment required for Chesapeake / Atlantic Preservation Areas.
  - (6) An economic impact assessment.
  - (7) A school impact assessment.
  - (8) A parks and recreation impact assessment.

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- (9) A public safety impact assessment.
- (10) A NASA area impact assessment. For proposed planned unit developments located within, or within 500 feet of, the NASA Wallops Airport Accident Potential Zones or Rocket Launch Range Hazard Zones identified in the Comprehensive Plan, the public safety impact assessment shall include an analysis of safety issues and recommendations to mitigate impacts. Issues shall include population density, building height, noise, radio frequency, lighting, electromagnetic interference, and stormwater management pond / waterfowl conflicts. The NASA area impact statement shall be submitted by Accomack County to NASA for review and comments.
- (11) A utilities requirement and implementation plan.
- (12) The phasing schedule which defines when, within the development of the planned unit development, the proffered or required school sites, library sites, recreation and green space areas, major streets, commuter parking lots, and similar amenities or community facilities will be dedicated or reserved. The phasing schedule shall include the timing of providing all improvements as proffered. The phasing schedule shall also consider the need for future amendments, due to the trend of development in the planned unit development and the county. The director of planning and the director of public works may jointly approve minor revisions to the phasing schedule where it can be shown to be in the best interest of the planned unit development and the county. All other revisions to the phasing schedule may only be approved by an amendment of the planned development.
- (13) Existing topography accurately shown with a maximum of five-foot contour intervals at a scale of not less than 100 feet to the inch. Other interval and/or scale may be required or permitted by the director of planning where topographic considerations warrant or to facilitate showing the project on a single sheet.
- (14) Floodplain limits and flood zones, which shall be established by current FEMA maps, soil survey, U.S. Army Corps of Engineers survey, and/or engineering methods.
- (15) Connection to existing and proposed state department of transportation constructed roads and to comprehensive plan proposed roads when necessary.
- (16) A minimum of two data references for elevations to be used on plans and profiles and correlated, where practical, to U.S. Geological Survey or Global Positioning System horizontal and vertical data.
- (17) A report identifying all property owners within the proposed district and giving evidence of unified control of its entire area. The report shall state agreement of all present property owners to:
  - a. Proceed with the proposed development according to regulations existing when the map amendment creating the planned unit development is approved, with such modifications as are set by the board of supervisors and agreed to by the applicant at the time of amendment.
  - b. Provide bonds, dedications, guarantees, agreements, contracts, and deed restrictions acceptable to the board of supervisors for completion of such development according to approved plans, and for continuing operation and maintenance of such areas, facilities and functions as are not to be provided, operated or maintained at general public expense; and such dedications, contributions or guarantees as are required for provision of needed public facilities or services; and
  - c. Bind their successors in title to any commitments made in subsections a. or b. above.
- (18) All roads dedicated for the purpose of vehicular access will be built to standards for state-maintained paved roads.
- (19) Applications must be submitted on the form provided by the director of planning together with the requisite review fees. In addition to the stipulated fees, the applicant shall be required to reimburse the county for the costs of outside consultants that may be required to assist in the review of the application. The applicant shall remit such reimbursement within 15 days of receiving an invoice from the county; failure to do so shall cause review of the application to cease and have it returned to the applicant as incomplete.
- (f) If recreation areas, green space areas, library sites, fire and rescue station sites, streets, commuter parking areas, and other sites for necessary public facilities or services are proffered, provisions should

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also be proffered for maintenance of such public facilities by an association unless the county has accepted responsibility for the construction and or maintenance of such facilities. Sites proffered for elementary, middle and high schools shall be dedicated to the county.

(g) Subsequent to approval of the planned unit development, all preliminary and final subdivision and site plans shall be submitted to the director of planning unless the approval ordinance shall stipulate otherwise. The submission of these plans must conform to the phasing schedule. These plans shall be reviewed and approved in accordance with applicable state statutes and ordinances of the county. Any required dedications, reservations or required improvements shall be made in accordance with the phasing schedule, and must be provided with the approval of final subdivision or site plans.

(h) Applications for planned unit developments shall proceed in general as for other rezoning applications with special consideration to those aspects of the proposed planned unit development that provide for a clearly superior form of development and demonstrate a unity and cohesiveness of design.

(i) Applicants are required to meet with the planning staff and other qualified officials to review the application plan and original proposal prior to submittal. The purpose of such pre-application conference shall be to assist in bringing the application and material submitted therewith as nearly as possible into conformity with the regulations of this article and/or other regulations applying in the case, and/or to define specific variations from application of regulations which would otherwise apply which seem justified in view of equivalent service of public purposes of such regulations. Where the director of planning determines that outside consultants or other resources are required to assist or complete the county's review of the development proposed by the application, he or she shall obtain the required services in the most expeditious manner and the applicant shall promptly reimburse the county for all costs associated with such outside review services. These reimbursements shall be in addition to the application review fee paid at the time of application. Applications for planned unit developments shall incorporate a statement to this effect and applicants shall acknowledge and agree as a part of executing the application.

(j) In the course of such pre-application conferences, any recommendations for changes shall be recorded in writing, and shall become part of the record in the case. All such recommendations shall be supported by stated reasons for the proposed changes. Applicants shall indicate, in writing, their agreement to such recommendations, or their disagreement and their reasons therefore. Response by applicants shall also be included in the record.

(k) When the application is deemed complete by the Director of Planning, the staff shall proceed to prepare its recommendations to the planning commission and board of supervisors. The date of the Director of Planning's determination to proceed shall be deemed the formal date of submission of the application. Specifically, recommendations to the planning commission and the board of supervisors shall include findings as to:

(1) The suitability of the tract for the general type of planned unit development proposed in terms of:

- a. Conformity to the comprehensive plan and future land use map;
- b. Physical characteristics of the land;
- c. Relationship to adjacent land uses and surrounding areas;
- d. The supply of zoned land for the proposed uses;
- e. Public facility capacity;
- f. Environmental impact mitigation;
- g. Proffered conditions;
- h. Overall pattern of planned future development;
- i. Density; and
- j. Land use mix.

(2) Relationship to major roads, utilities, public facilities and services.

(3) Adequacy of evidence on unified control and suitability of any proposed agreements, contracts,

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deed restrictions, sureties, dedications, contributions, guarantees or other instruments, or the need for such instruments or for amendments in those proposed; and

(4) Specific modifications in planned unit developments or general regulations as applied to the particular case, based on determination that such modifications are necessary or justified by demonstration that the public purposes of planned unit development or general regulations as applied would be satisfied to at least an equivalent degree by such modifications.

(l) On applications for planned unit developments, the planning commission and board of supervisors shall proceed in general as provided for other map amendments. The planning commission may recommend and board of supervisors may approve the application in accordance with planned unit development and general regulations, may include specific modifications of planned unit development or general regulations, or may deny the application.

(m) Approval of planned developments shall be by ordinance and shall contain all the specific requirements and modifications of general zoning provisions that are to apply to the planned development. In cases of conflict between general zoning provisions and specific provisions contained in the planned unit development approval ordinance, the specific provisions of the planned unit development approval ordinance shall apply.

(n) Unless modification is permitted by the board of supervisors' action, all site plans shall comply with Section 106-226 of this chapter and all subdivision plats shall comply with chapter 78 of this Code. Not less than ten percent of the land area or one acre, whichever is greater, shall be shown on any final plan or plat.

(o) Approval of site plans and subdivision plats shall be based on: compliance with site plan or subdivision regulations applying at the time the land was designated as a planned unit development district; or at the option of the applicant, compliance with such regulations currently in effect; provided that the board of supervisors shall find that application of current regulations would satisfy the public purpose to at least an equivalent degree in the particular case.

(p) Variations in site plans and subdivision plats from approved application plans may be permitted by the board of supervisors upon a finding by the planning commission that such variations are generally in keeping with the spirit and concept of the approved application plans; in accordance with the comprehensive plan; and in accordance with regulations currently in effect. Changes other than permitted in this section shall be made only by rezoning application.

(q) After planned unit development designation, no building permit including special footings and foundation permits and no land disturbing permit shall be issued in such district until such time as approval of site plans or subdivision plats for the development of the area in which such permits would apply has been granted.

(r) The minimum size of any planned unit development shall be 25 acres of contiguous land area, provided however, that the board of supervisors by majority vote may accept a planned unit development application of smaller size for good cause shown. Additions to existing planned unit developments shall have no minimum size requirement and shall be processed as an amendment to the planned unit development.

(s) The preponderance of uses within any planned unit development shall be in accord with the uses envisioned by the comprehensive plan for the general area in which the planned unit development is proposed and shall bear reasonable relationship to the density and activity levels reasonably inferred from the comprehensive plan designations. Usual and typical accessory uses to the principal uses shall be permitted.

(t) Uses, densities, heights, bulk, yards, setbacks, buffers, parking, signage, landscaping, fencing, and other development features and requirements shall be specified in the ordinance approving the planned unit development and those specifications shall form the zoning requirements for the planned unit development. Subsequent changes to these requirements shall be approved in the same manner as the original application. Architectural and design criteria may be stipulated as a part of the approval

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ordinance. Development criteria not stipulated in the approval ordinance shall be accomplished in accord with the relevant provisions of subdivision, zoning and other provisions of the county code.

(u) Planned unit developments shall have no less than 25 percent of the total land area devoted to landscaped open space provided, however, that the board of supervisors may waive this minimum for planned developments with no residential component or where the open space provided is of exceptional quality (e.g. waterfront). Landscaped open space includes natural areas, trails, parks, playing fields, tennis courts and basketball courts within parks, town squares, plazas, and dedicated landscaped common areas outside of the building setbacks required by equivalent zoning districts. Tidal wetlands, velocity flood zones, street landscaping, parking lot landscaping, stormwater ditches, and above ground sewage disposal facilities shall not be credited as required open space. Non-tidal wetlands, slopes greater than 25 percent, and resource protection area 100-foot buffer, may be credited as up to 50 percent of required open space. The area of stormwater management ponds with a minimum 2:1 length/width ratio and 4:1 banked slopes may be credited as up to 50 percent of the required open space. Fifty percent of the area of sub-surface sewage disposal drainfields available for year-round recreational use may be credited as required open space. In planned unit developments with residential components, no less than 7.5 percent of the total area in residential use shall be set aside for active and passive recreation and the development of recreational facilities serving the planned unit development.

(v) Access and circulation within planned unit developments shall be designed to provide safe accommodation of all users of the transportation network including pedestrians and bicyclists. Sidewalks, crosswalks, bicycle lanes and multi-use trails shall be provided where appropriate. Intersections of the internal road system and existing public roads shall be permitted to the extent necessary to provide reasonable access and service to uses contained within the planned unit development and shall be developed using the principles of access management. In planned developments with mixed uses, the circulation system shall be designed to give priority to internal walking and bicycling trips.

(w) Planned unit developments shall be served by public water and sewer, however the ordinance approving the development may provide for public utilities to be phased or for certain specified portions of the development to be served by private utilities. All utilities within a planned unit development shall be placed underground except for necessary above-ground appurtenances.

(x) Unless otherwise stipulated by the ordinance approving a planned unit development, all structures to be located on the outer perimeter of a planned unit development shall conform to the setback and yard regulations of the adjoining district.