

PLANNED UNIT DEVELOPMENT DISTRICT PUD

§ 154.060 STATEMENT OF INTENT

(A) The Planned Unit Development (PUD) District is intended to allow flexibility for land, held in single ownership or under unified control, to be planned and developed as a whole, either in a single phase or series of development phases.

(B) A PUD District requires a mixture of residential uses and building types based upon a carefully considered plan for the development of the whole area that provides for a variety of compatible residential uses and densities; incorporates necessary community facilities, roadways, sidewalks, pathways, and other improvements; sets aside common open space and/or recreational areas; protects environmental features and historic resources; and is compatible with and avoids adverse impacts on the surrounding neighborhoods and community.

(C) PUD Districts are considered and approved only upon application by the landowner for a rezoning to the PUD designation and require a minimum of twenty (20) contiguous acres, whether as a single parcel or multiple parcels, in single ownership or under unified control.

§ 154.061 USE REGULATIONS.

(A) Development in a PUD District is allowed only according to the following uses and use regulations.

(B) All permitted uses allowed in the R-2 Residential District.

(C) Conditional uses allowed in the R-2 Residential District as permitted by the Irvington Planning Commission and Town Council per § 154.017 of this Zoning Ordinance.

(D) Townhouses.

(E) Open space and recreation.

§ 154.062 AREA REGULATIONS.

(A) Minimum area – the minimum area of a PUD shall be twenty (20) contiguous acres, whether as a single parcel or multiple parcels, in single ownership or under unified control. Any expansion of a PUD once approved shall be no less than ten (10) acres in size and is individually subject to all requirements and approvals of this Zoning Ordinance.

(B) Common open and/or recreational space - There shall be a minimum of 30% of the overall site acreage set aside for common open space and/or recreational use. Common open and/or recreational space shall not include proposed streets, alleyways, parking areas, driveways, or sites reserved for public buildings or religious assembly. Waterways, wetlands, undevelopable floodways, stormwater retention ponds, primary septic drainfields, and/or undeveloped forested land shall comprise no more than 50% of the common open/recreational space. Common

open/recreational space shall be conserved by an easement or other legally binding instrument intended to secure the space's use in perpetuity.

(C) Maintenance of common open and/or recreational space and facilities – The developer of the PUD shall establish a nonprofit association, corporation, trust, or foundation made up of all individuals or corporations that own property within the PUD to own, manage, and maintain the common open and/or recreational space and facilities. The charter and bylaws of said organization shall allow for the collection of monthly or annual assessments from its members or otherwise raise and escrow funds for the purpose of maintaining, improving, and adequately insuring against liability and loss of, or damage to the common open and/or recreational space and facilities.

(D) Functional relationship – The preliminary plan of development shall be designed so as to put in place an appropriate and beneficial relationship between the various functional areas of the project including those set aside for residential, open space, and recreational uses and with adjoining properties. Only uses that protect the health, safety, and welfare of the PUD community, the adjoining properties, and the Town of Irvington shall be allowed.

(E) Residential Densities – Residential densities are calculated based on the acreage dedicated to residential use. The following maximum residential densities shall be adhered to, provided the areas required for common open and/or recreational space, individual and/or common sewage disposal systems, and private and common stormwater management systems are established as a required by (B), (C), and (H) above, except where it shall be required that density on lots adjoining existing development be compatible with and complementary to the density of the adjoining lots:

Use	Maximum Number of Dwelling Units per Acre
Single-family	5
Townhouses	20

(F) Utility easements – The developer shall establish utility easements for all public and private utilities including any easements required for the installation of any common sewage disposal system.

(G) Sewage disposal systems – The developer shall construct individual and/or common sewage disposal system(s) in keeping with best management practices and Lancaster County and Commonwealth of Virginia requirements and establish the appropriate easements as required. The required area(s) for individual and/or common sewage disposal systems shall be approved by the health official as a component of the rezoning process. The upkeep and maintenance of common sewage disposal system(s) shall be the responsibility of the nonprofit association, corporation, trust, or foundation created for the purpose of holding and operating the development's common facilities.

(H) Stormwater management – The developer shall construct a stormwater management system in keeping with best management practices and establish the appropriate easements as

required. The upkeep and maintenance of any common stormwater management structures shall be the responsibility of the nonprofit association, corporation, trust, or foundation created for the purpose of holding and operating the development’s common facilities.

(I) Floodplain areas – Areas determined to be in a floodway by the Federal Emergency Management Agency shall not be platted for residential use, but can be used for individual and common open space and/or recreational use, subject to the 50% provision in (B) above.

(J) Chesapeake Bay Preservation Areas – Development of a PUD is subject to the provisions of the Chesapeake Bay Preservation Act per § 154.145 – §154.158 of this Zoning Ordinance.

§ 154.063 DEVELOPMENT & DESIGN STANDARDS.

(A) Lot size, setbacks and spacing requirements – Lot size, setbacks, and spacing shall be specifically established during the review and approval of the preliminary plan of development. The following guidelines shall be used in establishing lot size, setbacks, and spacing.

(B) Lot size and building setbacks, spacing, orientation, and configuration for lots adjoining existing development shall be compatible with and complementary to the lot size of adjoining lots and the building setbacks, spacing, orientation, and configuration of existing structures situated on them.

(C) Building spacing and configuration shall provide privacy within each residential unit.

(D) Building spacing and configuration shall provide privacy for outdoor activity areas (patios, decks, etc.) associated with individual residential units.

(E) Areas between buildings or units used for storage of materials, collection of trash, or other utilitarian purposes shall be screened from public view and designed so as to be compatible with adjoining residential uses.

(F) Lot areas and setbacks – the following minimum lot areas and setbacks as measured from the lot line shall be adhered to except where a residential unit fronts on a common square or plaza, where the front setback may be zero (0), provided the areas required for common open and/or recreational space, individual and/or common sewage disposal systems, and private and common stormwater management systems are established as a required by 154.062 (B) (C) and (H):

Use	Minimum Lot Area in Square Feet	Minimum Yard Setbacks in Linear Feet		
		Front	Side	Rear
Single-family	8,000	20	10	15
Townhouses (also see G below)	1,500	20	0	15

(G) Townhouse units shall have no more than four units in an unbroken façade line with a minimum setback between each set of four units of ten (10) feet and a side setback of ten (10) feet when adjoining a roadway, sidewalk, or pathway.

(H) Lot coverage and lot frontage – Lot coverage and lot frontage shall be specifically established during the review and approval of the preliminary plan of development. The following standards shall be used in establishing lot coverage and lot frontage:

(1) Lot coverage and lot frontage on lots adjoining existing development shall be compatible with and complementary to the lot coverage and lot frontage of the adjoining lots.

(2) Lot coverage shall not exceed 50% for single-family dwelling units and 65% for townhomes provided the areas required for common open and/or recreational space, individual and/or common sewage disposal systems, and private and common stormwater management systems are established as a required by 154.062 (B) (C) and (H).

(3) All lots shall front on a public street, on a public or common square or plaza with rear pedestrian and vehicular access, or on common open/recreational space with rear pedestrian and vehicular access.

(4) The minimum lot width for townhouses shall be twenty (20) feet.

(I) Height regulation – The height of buildings and structures shall be specifically established during the review and approval of the preliminary plan of development, but are limited to thirty-five (35) feet and up to two (2) stories. Building height is defined as the vertical distance from mean grade level to the highest point of a flat roof; to the deck line or parapets of a mansard roof; or to the mean height level between the eaves and the ridge of a gable, hip, shed, or gambrel roof.

(J) Architectural standards – A variety of architectural features and building materials should be utilized to provide the development with unique character, while maintaining compatibility with adjoining architecture and the architecture and character of the Town of Irvington as an historic rural village. Architectural renderings of representative residential and support structures shall be submitted as a part of the preliminary plan of development and shall include the architectural features of the structures, the building materials to be utilized, and an articulation of the façade elevations as seen from intended public or common rights-of-way.

(K) Landscaping and fencing – A PUD shall include landscaping appropriate to the uses and lot layouts within the development and that complements the scale of the structures within the development and on adjoining property. Care should be taken to create an environmentally friendly and sustainable landscape. Fencing to the front of any residential structure shall not be more than four (4) feet tall and shall be decorative in nature and not fully opaque or constructed as privacy fencing. The upkeep and maintenance of landscaping on common open and/or recreational space shall be the responsibility of the nonprofit association, corporation, trust, or foundation created for the purpose of holding and operating the development's common facilities. A

landscape plan shall be specifically established during the review and approval of the preliminary plan of development.

(L) Loading and storage areas – Loading areas and areas used for storage of materials, collection of trash, or other utilitarian purposes shall be screened from public view and shall not be to the front of any residential structure.

(M) Pedestrian and other alternative transportation facilities – Sidewalks and walking and biking paths shall be incorporated into a PUD wherever feasible with connections to existing or planned sidewalk and pathway facilities on adjoining property. A pedestrian and bicycle plan shall be specifically established during the review and approval of the preliminary plan of development. Golf cart paths can be included in the preliminary plan of development as a complement to or instead of biking paths.

(N) Streets – The street network within the PUD shall be specifically established during the review and approval of the preliminary plan of development. Streets shall be built in accordance with VDOT standards as indicated by the submission of needed roadway designs and other data and information as required to gain preliminary approval by the Virginia Department of Transportation (VDOT) including a traffic impact statement if requested by VDOT or the Planning Commission. In reviewing the preliminary plan of development, the Planning Commission may recommend, and the Town Council may approve, an exception allowing for one or more private streets within the proposed development to be owned, managed, and maintained by the nonprofit association, corporation, trust, or foundation created for the purpose of holding and operating the development's common facilities.

(O) Alleyways – Alleyways are permitted, but not required. Where planned, they shall be a minimum of twenty (20) feet wide and shall be specifically established during the review and approval of the preliminary plan of development.

(P) Off-Street Parking – The off-street parking requirements for a PUD shall be in keeping with § 154.020 of this Zoning Ordinance. In reviewing the preliminary plan of development, the Planning Commission may recommend, and the Town Council may approve an exception allowing for street parking where streets are sufficiently wide or a combination of street parking and off-street parking in lieu of complete off-street parking where the combination of planned street parking and off-street parking adequately meet the residential parking needs, either wholly or for particular functional area(s) of the project. A parking plan shall be specifically established during the review and approval of the preliminary plan of development.

(Q) Signage – Signage constructed as part of a PUD shall comply with the requirements for signs in force through this Zoning Ordinance at the time application is made for PUD approval. Post construction, signage in a PUD shall comply with the requirements for signs in this Zoning Ordinance as they may be amended from time to time.

§ 154.064 APPLICATION & APPROVAL PROCESS.

(A) The creation of a PUD District constitutes an amendment to the official Town of Irvington Zoning Map and shall be administered as a rezoning. Due to the nature and size of a PUD, a more detailed process and submission is necessary to provide the information needed by the Planning Commission and Town Council to make an informed decision as to whether the overall project is in keeping with the intent of this article and whether the detailed plans for the project satisfy the requirements of this article, the goals and objectives of the Comprehensive Plan, and the purposes of zoning as set forth in the Code of Virginia.

(B) Pre-application conference – Prior to submitting a formal application, the applicant, Zoning Administrator, and one (1) to two (2) Planning Commission members shall meet to discuss the intent of the proposed project and the requirements of this article. Two (2) weeks prior to this conference, the applicant shall submit initial material and information about the proposed project so that participants will be sufficiently familiar with it prior to the conference and can give needed feedback to the landowner and developer, if different from the current landowner.

(C) Application – Applicants shall submit eight (8) copies of a rezoning application and a preliminary plan of development to the Zoning Administrator for distribution and review by the Planning Commission.

(D) Preliminary plan of development – The preliminary plan of development shall be of sufficient detail and scale to clearly and accurately identify the location, character, and scope of all components of the proposed project. At a minimum, the preliminary plan of development shall include:

(1) A general statement of the planning objectives to be achieved through the proposed project including a description of the character of the proposed development, the existing and proposed ownership of the site, the target market(s) for which the development is oriented, and its place and role within the historic rural village of Irvington.

(2) A legal description and plat showing the site boundaries and location of any existing structures, streets, lot lines, easements, historic resources, and natural features and further indicating the owner(s) of each parcel proposed for the development and all adjoining parcels.

(3) A detailed site plan and preliminary plat of subdivision indicating the planned new lot configuration; the locations, size, number, and use for all planned residential and support structures; the locations of all streets, alleyways, and parking areas; the easements required for all utilities and private and/or common infrastructure including the location of specific associated structures; and the location of the common open/recreational space, including locations, size, and use of any improvements or structures intended for active recreation.

(4) Architectural renderings of representative residential and support structures that clearly show their size and scale and include the architectural features of the structures, the building materials to be utilized, and an articulation of the façade elevations as seen from intended public or common rights-of-way.

(5) A landscape plan.

(6) A pedestrian, bicycle, and golf cart plan.

(7) Roadway designs for both public and private streets and sidewalks and other data and information as required to gain preliminary approval by the Virginia Department of Transportation including a traffic impact statement if requested by VDOT or the Planning Commission.

(8) A parking plan.

(9) Preliminary approval by the health official of the areas set aside for the septic drainfields associated with any individual and/or common sewage disposal systems.

(10) A stormwater management plan.

(11) The intended means by which a nonprofit association, corporation, trust, or foundation shall be established to own, manage, and maintain the common open and/or recreational space and facilities.

(12) A schedule for development including any phasing of construction.

(E) Planning Commission review and recommendation – The applicant shall appear before the Planning Commission at the meeting where the rezoning application and preliminary plan of development are under consideration to present the rezoning application and discuss any changes to the preliminary plan of development requested by the Commission. A public hearing shall also be conducted in conjunction with this meeting or subsequent to this meeting. The Planning Commission may recommend to the Town Council:

(1) Approval as presented;

(2) Approval as revised by the applicant per the direction of the Planning Commission; or

(3) Disapproval.

(F) Town Council review and recommendation – The applicant shall appear before the Town Council at the meeting where the rezoning application and preliminary plan of development are under consideration to present the rezoning application and the preliminary plan of development, as it may be revised by Planning Commission recommendation. A public hearing shall also be conducted in conjunction with this meeting or subsequent to this meeting. Approval by the town Council of the rezoning application and preliminary plan of development shall constitute acceptance of the proposed development's objectives, concepts, plans, and provisions. As approved, the preliminary plan of development shall constitute the final plan of development, promulgate an official amendment to the zoning map, and serve as the authorization for the Zoning Administrator to make the necessary revisions to the official Town of Irvington Zoning Map.

(G) Revisions to final plan of development – All revisions to the final plan of development shall be brought to the Planning Commission for review and approval. Minor revisions shall be reviewed and approved by the Planning Commission. Major revisions shall be reviewed and recommended to the Town Council for approval, approval as revised, or disapproval. Major revisions include:

- (1) Any change in the number of residential units.
- (2) Any reduction in the percentage of land devoted to common open/recreational use.
- (3) Any increase in the amount of land devoted to roadways or parking.
- (4) Any other substantial change in the mix of land uses.
- (5) Substantial changes in the mix of residential dwelling unit types.
- (6) Substantial increases in the density of the overall development or any particular functional area.
- (7) Substantial changes to the size and scale of residential and support structures, the architectural features of the structures, the building materials to be utilized, and the façade elevations as put forward in the final plan of development.

(H) Other approvals needed – Approval of the final plan of development does not constitute a zoning permit or building permit. These permits will need to be secured as construction progresses from the Town of Irvington and Lancaster County, respectively.

§ 154.065 TIME LIMITS.

(A) Beginning development – If development has not commenced within five (5) years of approval of the final plan of development and its associated site plan and plat of subdivision, the approval expires, the associated rezoning to a PUD District is null and void, and the affected parcel(s) revert to the underlying zoning district designation, except where any portion of the property has been subdivided, recorded, and conveyed to third parties, said approval related to the conveyed portions(s) remaining valid for an indefinite period of time unless and until any portion is subject to a vacation action.

(B) Extension(s) to the commencement of development – The applicant may request in writing to the Town Council an extension of the start of development and the Council may grant one or more extensions for additional periods of time based on a determination that the request is reasonable, taking into consideration the size and phasing of the approved PUD and any physical or economic conditions that may have delayed the commencement of development.

(C) Beginning of construction – Construction should begin as closely as possible to the date shown in the schedule for development in the approved final plan of development. Note: a PUD

is subject, in toto or in phases, to § 153.122 (B) (6) of the Subdivision Ordinance which establishes that Council approval of a plat of subdivision is null and void if construction has not commenced within six (6) months of approval of a final plat of subdivision and/or the acquisition of building permits and § 154.004 of this Zoning Ordinance which establishes in the definition of a zoning permit that such permits are invalid after two (2) years if construction has not commenced.

(D) Completion of construction – Once construction commences, it shall proceed and be completed in accordance with the schedule for development included in the approved final plan of development. Failure to complete construction in accordance with the schedule for development included in the approved final plan of development may result in a reconsideration of the approvals associated with the remaining development/construction activities.

(E) Extension(s) to the construction schedule – If the pace of construction varies substantially from the schedule for development and/or work is suspended or discontinued for six (6) months, the applicant shall request in writing to the Town Council an extension of the schedule for development in increments of up to six (6) months, not to exceed two (2) extensions and a cumulative time period of twelve (12) months. Failure to request an extension may result in a reconsideration of the approvals associated with the remaining development/construction activities.

§ 154.066 EROSION & SEDIMENT CONTROL

(A) No person, firm, or corporation, during construction of a residential dwelling, commercial structure, other building, or any other structure, or during any grading or excavation, shall permit erosion or runoff of sediment, mud, dirt, or other debris into creeks, streams, or on streets, roads, or adjoining property.

(B) Grading and seeding or other preventive measures or control thereof shall be taken to prevent any such erosion or runoff as determined by the Administrator and in accordance with the Lancaster County Erosion and Sediment Control Ordinance.