

## **ARTICLE 29**

### **PLANNED UNIT DEVELOPMENT RESIDENTIAL (PUD-R) DISTRICT**

#### **Statement of Intent**

The planned unit development district (PUD) is established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential and other selected secondary uses. This district is intended to be applied to lands that have diverse development potential but also may be subject to environmental constraints. PUDs are intended to provide flexibility in the development of large tracts of land through the waiver of certain lot, setback, and use restrictions. PUDs should provide for increased amenities, safety and conveniences, reduced public and private costs, and other public and private benefits. The PUD development plan shall not supplement or replace the requirements of the subdivision ordinance.

#### **29-1 Approval of PUD**

Approval of a PUD by the Town Council is a zoning map amendment, and shall be processed in accordance with the requirements of Article 19 of this Ordinance.

#### **29-2 Land Use Development Plan**

The PUD Land Use Development Plan (the Development Plan) approved by the Town Council shall govern development of the PUD. All uses established in accordance with the Development Plan shall be by-right. Modifications to housing type, density, permitted uses, or general location of any elements, or other aspects of the Development Plan, where the change is not clearly in keeping with the concept of the Development Plan as approved by the Town Council shall require an amendment to the PUD Development Plan. Such an amendment to a Development Plan approved by the Town Council shall be in the manner of zoning map amendment. Minor modifications which clearly are in keeping with the concept of the Development Plan as approved by the Town Council may be approved by the Zoning Administrator.

### **29-3 Permitted Uses**

Within a PUD Zoning District, a building and/or land shall be used only for the uses allowed in the R-2A and R-4 Zoning Districts. Other uses may be permitted if specifically approved as part of the Development Plan, provided that the areas and structures occupied shall be so located and designed as to protect the character of the surrounding property.

### **29-4 Minimum Development Size**

The minimum development size for a PUD shall be fifteen (15) acres.

### **29-5 Residential Density Requirements.**

Residential uses and density for the various areas within the PUD shall be as specified on the Development Plan provided that the overall density of all residential units shall not exceed eight dwelling units per gross acre.

### **29-6 Commercial Density**

Commercial uses and density for the various areas within the PUD shall be as specified on the Development Plan provided that the overall density of all commercial uses shall not exceed fifty (50) square feet per residential dwelling unit.

### **29-7 Development Schedule**

1. In addition to the requirements found in Article 19, an application for a PUD shall be accompanied by a development schedule indicating the approximate date when construction of the project can be expected to begin, which date shall be no later than one year from the effective date of the approval of the PUD, the anticipated rate of development, and completion date. The development schedule, if approved by the Town Council, shall become a part of the Development Plan and shall be adhered to by the owner of the property covered by the PUD and his successors in interest. The Town shall require the posting of a bond to guarantee reimbursement to the Town for court costs and attorney's fees of any civil action brought to enforce any provisions of a PUD.
2. Periodically, the Zoning Administrator shall compare the actual development in the various Planned Developments with the approved development schedules. If, in the opinion of the Zoning Administrator, the owner or owners are failing or have failed to meet the approved schedule, the department may recommend that the Planning Commission initiate proceedings to revoke the approval of the development plan. Upon the recommendation of the Planning Commission, and for good cause shown by the

property owner, the Planning Commission may also extend the limits imposed by the development schedule.

### **29-8 Open Space and Recreation Areas Required**

Except for public sites, open space shall only be used in its natural state or for recreational related uses. No structure shall be erected for maintenance or recreational purposes. The combination of open space and public sites provided shall be a minimum of fifteen (15) percent of the gross acreage of the tract of land, and shall not include lakes, floodways, or other bodies of water.

### **29-9 Maintenance of Required Open Space and Recreation Areas**

Open space and recreational areas used to meet the requirements of 29-8 shall be maintained by and be the sole responsibility of the developer or owner of the development until such time as the developer or owner conveys such areas to a homeowner's association consisting of all of the landowners in the PUD. Common areas shall then be maintained by, and be the sole responsibility of such association. Restrictive covenants shall be recorded prohibiting the use of the subject land for any purpose other than recreation or open space. Such covenants shall run with the land and be in full force and effect for a period of at least fifty (50) years. These covenants shall become part of the deed to each lot or parcel within the development. Such covenants shall be approved by the Town Attorney and recorded before the first building permit in the project is issued. Notwithstanding the above, upon the concurrence and acceptance by the Town Council such open space or recreational areas may be dedicated to the Town as a public park or recreational facility.

### **29-10 Setback Requirements**

Setbacks shall be established and governed by the approved Development Plan, however only one setback may be reduced to zero on any one lot.

### **29-11 Minimum Lot Size Requirements**

The minimum lot size for all uses, excepting single family attached dwellings, shall be five thousand (5,000) square feet.

### **29-12 Additional Requirements Including But Not Limited To**

- a. **Chesapeake Bay Act:** refer to Article 22 of this Ordinance.
- b. **Flood Plain:** refer to Article 21 of this Ordinance.

- c. **Landscaping:** refer to Article 24 of this Ordinance.
- d.

**Off-Street Parking:**  
refer to Article 13 of  
this Ordinance.

- e. **Signs:** refer to Article 12 of this Ordinance.
- f. **Site Plan Requirements:** refer to Article 14 of this Ordinance.
- 7. **Zoning Map Amendment:** refer to Article 19 of this Ordinance.
- 8. **Subdivision Requirements:** refer to Appendix A of this Ordinance.