

ALBEMARLE COUNTY CODE

CHAPTER 18

ZONING

SECTION 20

PLANNED UNIT DEVELOPMENT - PUD

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20.1 INTENT, WHERE PERMITTED

PUD districts may hereafter be established by amendment to the zoning map in accordance with the provisions set forth generally for planned development districts in sections 8 and 33 and with densities and uses in locations in accordance with recommendations of the comprehensive plan. As described by the comprehensive plan, PUD districts are intended to serve as neighborhoods or mini-neighborhoods within designated communities and the urban area. Additionally, PUD districts may be appropriate where the establishment of a "new village" or the nucleus of a future community exists and where the PUD development would not preclude achievement of the county's objectives for the urban area, communities and villages.

In order to encourage the community function, appropriate commercial and industrial uses are provided in addition to a variety of residential uses. It is intended that commercial and industrial development be limited to a scale appropriate to the support of the residential uses within the PUD; provided that additional commercial and industrial activity may be permitted upon a finding that the area in which the PUD is to be located is not adequately served by such use.

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It is intended that these regulations provide flexibility in residential development by providing for a mix of residential uses with appropriate nonresidential uses, alternative forms of housing, flexibility in internal relationships of design elements and, in appropriate cases, increases in gross residential densities over that provided in conventional districts.

(§ 20.1, 12-10-80; Ord. 12-18(7), 12-5-12, effective 4-1-13)

State law reference – Va. Code §§ 15.2-2280, 15.2-2286.

20.2 APPLICATION

Notwithstanding the requirements and provisions of section 8, planned development districts, generally, where certain planned community districts have been established and have been developed or received final site development plan approval prior to the adoption of this ordinance, such districts shall be considered to have been established as PUD districts under this ordinance and shall be so designated on the zoning map.

(§ 20.2, 12-10-80; Ord. 12-18(7), 12-5-12, effective 4-1-13)

State law reference – Va. Code §§ 15.2-2280, 15.2-2286.

20.3 PERMITTED USES - RESIDENTIAL

Within areas approved as residential on the application plan, permitted uses shall be as follows:

20.3.1 BY RIGHT

The following uses shall be permitted by right in the PUD district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Semi-detached and attached single-family dwellings such as duplexes, triplexes, quadraplexes, townhouses, atrium houses and patio houses provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.
3. Multiple-family dwellings.
4. (Repealed 9-2-81)
5. Parks, playgrounds, community centers and noncommercial recreational and cultural facilities such as tennis courts, swimming pools, game rooms, libraries and the like.
6. Water, sewer, energy and communications distribution facilities.
7. Public uses (reference 5.1.12).
8. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
9. Accessory uses and structures including home occupation, Class A (reference 5.2) and storage buildings.
10. Group homes (reference 5.1.07).
11. Stormwater management facilities shown on an approved final site plan or subdivision plat.

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12. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

13. Family day homes (reference 5.1.56). (Added 9-11-13)

(§ 20-20.3.1, 12-10-80; 9-2-81; 11-1-89; 5-12-93; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 13-18(2), 4-3-13; Ord. 13-18(5), 9-11-13)

20.3.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the PUD district, subject to the applicable requirements of this chapter and provided that no separate application shall be required for any such use included in the original PUD rezoning petition:

1. Day care, child care or nursery facility (reference 5.1.06).
2. Fire, ambulance and rescue squad stations (reference 5.1.09).
3. Rest home, nursing home, convalescent home, orphanage or similar institution (reference 5.1.13).
4. Energy and communications transmission facilities (reference 5.1.12).
5. Home occupation, Class B (reference 5.2).
6. Churches.
7. Stand alone parking and parking structures (reference 4.12, 5.1.41).
8. Tier III personal wireless service facilities (reference 5.1.40).
9. Farmers' markets.

(§ 20-20.3.2, 12-10-80; 9-2-81; 11-7-84; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13)

20.4 PERMITTED USES - COMMERCIAL/SERVICE

Within areas approved as commercial/service on the application plan, uses permitted shall be as follows:

20.4.1 BY RIGHT

1. Uses permitted by right in section 22.0, commercial, C-1.
2. Uses permitted by right in section 23.0, commercial office, CO.

20.4.2 BY SPECIAL USE PERMIT

The following uses shall be permitted only by special use permit, provided that no separate application shall be required for any such use included in the original PUD rezoning petition:

1. Uses permitted by special use permit in section 22.0, commercial, C-1.
2. Uses permitted by special use permit in section 23.0, commercial office, CO.
3. Stand alone parking and parking structures (reference 4.12, 5.1.41). (Added 2-5-03)

20.5 PERMITTED USES - SHOPPING CENTER

Within areas approved for shopping center on the application plan, uses permitted shall be as follows:

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20.5.1 BY RIGHT

Uses permitted by right in section 25.0, planned development - shopping centers, PD-SC.

20.5.2 BY SPECIAL USE PERMIT

The following uses shall be permitted only by special use permit, provided that no separate application shall be required for any such use included in the original PUD rezoning petition:

1. Uses permitted by special use permit in section 25.0, planned development - shopping centers, PD-SC.
2. Stand alone parking and parking structures (reference 4.12, 5.1.41). (Added 2-5-03)

20.6 PERMITTED USES - INDUSTRIAL

In approval of areas as industrial on the application plan, the board of supervisors shall designate the category of uses as provided in section 29.0, planned development - industrial park, PD- IP for each subarea of industrial on the application plan. Thereafter, except as otherwise expressly provided herein, uses permitted shall be established in accordance with section 29.0, provided that no separate application shall be required for any such use permitted by special use permit included in the original PUD rezoning petition.

20.7 MINIMUM AREA REQUIRED FOR ESTABLISHMENT OF DISTRICT

- 20.7.1 Minimum area required for the establishment of a PUD district shall be one hundred (100) acres.
- 20.7.2 Additional area may be added to an established PUD district if it adjoins and forms a logical addition to the approved development. The procedure for an addition shall be the same as if an original application were filed, and all requirements shall apply except the minimum acreage requirement of section 20.7.1.

20.8 REGULATIONS GOVERNING RESIDENTIAL AREAS

20.8.1 RESIDENTIAL DENSITY

The gross and net residential densities permitted in any PUD district shall be shown on the approved application plan therefor, which shall be binding upon its approval.

The overall gross density so approved shall be determined by the board of supervisors with reference to the comprehensive plan, but shall, in no event, exceed thirty-five (35) dwelling units per acre. In addition, the bonus and cluster provisions of this ordinance shall be inapplicable to any PUD except as herein otherwise expressly provided.

20.8.2 MINIMUM AREA REQUIREMENTS FOR OPEN SPACE

Not less than twenty-five (25) percent of the residential area of any PUD shall be in open space.

20.8.3 RECREATIONAL AREA REQUIREMENTS

See section 4.16 for recreation requirements. (Amended 3-5-86)

20.8.4 HEIGHT REGULATIONS

Except as otherwise provided in section 4.10, structures may be erected to a height not to exceed sixty-five (65) feet. The minimum setback requirements for any structure exceeding forty (40) feet or three (3) stories, whichever is less, in height shall be as provided in section 4.19.

(§ 20-20.8.4, 12-10-80; 9-9-92; Ord. 15-18(4), 6-3-15)

20.8.5 BUILDING SEPARATION

The minimum building separation shall be as provided in section 4.19.

(§ 20-20.8.5, 12-10-80; 1-1-83; Ord. 15-18(4), 6-3-15)

20.8.6 SETBACK AND YARD REGULATIONS

The minimum and maximum yards, including those for garages, shall be as provided in section 4.19.

(§ 20-20.8.6, 12-10-80; Ord. 15-18(4), 6-3-15)

20.9 REGULATIONS GOVERNING COMMERCIAL/SERVICE AREAS

20.9.1 INTENT, GENERALLY

Commercial/service areas are intended to be of a scale, character and location appropriate to provide convenience services primarily for the residents of the PUD district. To this end, where practical, commercial/service areas shall be internally oriented and separated from dissimilar areas surrounding the PUD district. External vehicular access shall be discouraged and internal pedestrian access shall be encouraged. Total commercial/service area shall be based on dwellings served. Individual establishments shall be limited in size to avoid the impression of general commercial development.

20.9.2 Commercial/service areas shall comply to the requirements of section 21.0, commercial districts, generally, provided that any requirement of section 21.0 shall be subject to modification, variation or waiver as provided in section 8.0, planned development districts, generally. For such areas as may be located on the perimeter of a PUD district, the commission shall be particularly mindful of the intent to protect the character of adjoining development.

20.9.3 The total gross floor area of uses permitted in commercial/ service areas shall not exceed twenty (20) square feet per dwelling unit approved on the application plan. Outdoor display service or sales areas shall be included in gross floor area calculations. For gasoline service stations, each fuel pump shall count as two hundred (200) square feet of gross floor area and all service bays shall be included in gross floor area calculations. No individual commercial establishment shall have a gross floor area in excess of five thousand (5,000) square feet.

20.9.4 Building permits for commercial/service uses shall not be issued prior to issuance of building permits for eighty (80) percent of the dwelling units approved on the application plan.

20.10 REGULATIONS GOVERNING SHOPPING CENTER AREAS

20.10.1 INTENT, GENERALLY

Shopping center areas shall be permitted only upon a finding that:

- a. The scale of the PUD development is adequate to support such use;
- b. The area in which the PUD development is located is not adequately served by such use. More specifically, no shopping center area shall be permitted which does not satisfy the requirements of section 25.1.

20.10.2 Shopping center areas shall comply with the requirements of section 25.0, planned development - shopping centers, provided that any requirement of section 25.0 shall be subject to modification, variation or waiver as provided in section 8.0, planned development districts, generally. For such areas as may be located on the perimeter of a PUD district, the commission shall be particularly mindful of the intent to protect the character of adjoining development.

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20.10.3 Building permits for shopping center uses shall not be issued prior to issuance of building permits for eighty (80) percent of the dwelling units approved on the application plan.

20.11 REGULATIONS GOVERNING INDUSTRIAL AREAS

20.11.1 INTENT, GENERALLY

Industrial areas are intended to provide convenient employment for residents of the PUD district, and where deemed appropriate, for residents of surrounding areas based upon the availability of labor in such areas. To this end, acreage devoted to industrial use shall be proportional to the population served. Additional acreage for industrial usage may be reserved for future development to serve the overall industrial needs of Albemarle County as recommended by the comprehensive plan.

20.11.2 Industrial areas shall comply with the requirements of section 26.0, industrial districts, generally, and section 29.0, planned development - industrial park, except as hereinafter expressly provided. Any requirement of sections 26.0 and 29.0 shall be subject to modification, variation or waiver as provided in section 8.0, planned development districts, generally. For such areas as may be located on the perimeter of a PUD district, the commission shall be particularly mindful of the intent to protect the character of adjoining development.

20.11.3 Generally, industrial acreage shall not exceed one (1) acre per one hundred (100) dwelling units within the PUD district, provided that the board of supervisors may increase such acreage: (1) in order to provide for future industrial development; and/or (2) upon a finding that the industrial uses proposed will provide employment to residents outside the PUD development.

20.11.4 Building permits for industrial uses shall not be issued prior to issuance of eighty (80) percent of the dwelling units approved on the application plan.

20.11.5 Sections 29.3 and 29.4 shall not apply to industrial areas within a PUD district, provided that the total number of industrial uses shall not exceed the total number of acres within the industrial area.

20.12 MINIMUM OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS

Off-street parking and loading space requirements shall be in accordance with section 4.12.

20.13 SIGN REGULATIONS

Sign regulations shall be as prescribed in section 4.15.