

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-15-04

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 12th day of July 2004:

Present:	Vote:
Mark E. Hill	Aye
D. M. Sparks	Aye
James H. Burrell	Aye
Stran I. Trout	Aye
W. R. Davis, Jr.	Aye

Motion was made by Mr. Trout, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE TO AMEND SECTION 98-701 ET. SEQ.
OF CHAPTER 98, ZONING, NEW KENT COUNTY CODE
RELATING TO PLANNED UNIT DEVELOPMENT
REQUIREMENTS**

WHEREAS, the New Kent County Comprehensive Plan, Vision 2020 articulates a preference for the use of a planning approach to all future development in the County; and

WHEREAS, the current provisions for Planned Unit Developments restrict and restrain the very flexibility that is the keystone of the planned development approach; and

WHEREAS, the current provisions force distinctions and regulatory differences that bear no relationship to the quality of development or its compatibility with development patterns in the County; and

WHEREAS, the County through the Board of Supervisors has encouraged the use of planned development using its legislative and deliberative authority to consider planned development proposals on their merits; and

WHEREAS, the Board of Supervisors finds that amendment of the Planned Unit Development provisions in the Zoning Ordinance would be in the best interest of the citizens of New Kent County and advance the public health, safety and general welfare while contributing substantially to advancing good planning and zoning practice; and

WHEREAS, the New Kent County Board of Supervisors have conducted a duly advertised public hearing and carefully considered the public input;

NOW THEREFORE BE IT ORDAINED this, the 12th day of July 2004, by the New Kent County Board of Supervisors that Section 98-701 et. Seq. of Chapter 98, Zoning, New Kent County Code be, and it is hereby, approved:

ARTICLE XVIII. PLANNED UNIT DEVELOPMENTS

Sec. 98-701. Specific conditions for all planned unit developments; ~~general information.~~

(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. 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, places of employment, and amusement

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 at least equivalent to 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 at least an equivalent degree. 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* for particular planned unit development districts shall apply in such planned unit development districts.

(e) Applications for planned unit development districts shall be submitted as for other zoning map amendments ~~and/or for conditional use permits~~. 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, all of the following shall be required:

- (1) An archeological and historic site survey.
- (2) A traffic impact study.
- (3) A storm water management plan.
- (4) A waste stream impact study.
- (5) An environmental impact study.

- (6) A wetlands identification study and protection plan to include the Chesapeake Bay Management Area.
- (7) An economic impact assessment.
- (8) A school impact assessment.
- (9) A utilities requirement and implementation plan.
- (10) The phasing schedule which ~~described~~ *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~~ *community development* 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.*
- (11) 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~~ *community development* where topographic considerations warrant *or to facilitate showing the project on a single sheet.*
- (12) Floodplain limits which shall be established by current soil survey, U.S. Army Corps of Engineers survey, and/or engineering methods.
- (13) Connection to existing and proposed state department of transportation constructed and to comprehensive plan proposed thoroughfares when necessary.
- (14) 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.

(15) 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 ~~district or conditional use permit~~ 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 (e)(15)a or b of this section.

(16) Paved state-maintained roads will be provided for in the site and all interior roads dedicated for purpose of vehicular access will be built to standards for state-maintained paved roads.

(17) Applications must be submitted on the form provided by the Zoning Administrator 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 station sites, streets, commuter parking areas, and other sites for necessary public facilities or services are proffered, provisions must 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, junior middle and senior high schools shall be dedicated *jointly to the County and the School Board*. [See 15.2-2265, Code of Virginia]

(g) ~~Upon creation~~ *Subsequent to approval* of the planned unit development district, *all* preliminary and final subdivision and site plans shall be submitted to the director of ~~planning~~ *community development unless the approval ordinance shall stipulate otherwise*. The submission of these plans must conform with *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) ~~On applications for planned unit developments districts, the board of supervisors shall proceed in general as for other rezoning applications but shall give~~ *with special consideration to the following matters and shall allow changes in original applications as indicated below 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 community development 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 therefor. Response by applicants shall also be included in the record.

(k) At such time as ~~further~~ *the pre-application* conferences appear unnecessary *and the application is deemed complete*, or at any time on request of the applicant, the staff shall proceed to prepare its recommendations to the planning commission and board of supervisors. The date of the board's determination to proceed, or of the applicant's request for preparation of recommendations, 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 ~~district~~ proposed in terms of:

- i. ~~relation~~ *conformity* to the comprehensive plan;
- ii. physical characteristics of the land; and
- iii. ~~its~~ *relationship* to surrounding areas.

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

(3) Adequacy of evidence on unified control and suitability of any proposed agreements, contracts, 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 ~~districts~~, 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) If the application is approved with modifications, the board of supervisors shall, in its amending action, approve the application plan, in whole or in part, or may indicate required changes, and such approval and requirements shall be binding in determinations concerning final development plans. The development shall be in accord with site development plans meeting the requirements of this chapter as specifically supplemented or modified by the board of supervisors in the particular case. Modifications in the application plan or other application materials required by the board's approval shall be submitted by the applicant to the director of planning prior to submission of the final site development plans. Revised application plans shall be submitted within 60 days of the board's approval or such approval shall be deemed null and void. 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 article XXII of this chapter, site plans, and all subdivision plats shall comply with chapter 90 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 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 grading permit shall be issued in such district ~~prior to~~ *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) In the case of any planned unit development district established at the time of the adoption of this chapter, or thereafter by action of the board of supervisors without an application, as to which no application has been submitted in accordance with this section of this chapter or the analogous provisions, no site plan or subdivision plat shall be approved unless and until such application, including all transportation analysis plans and other plans, maps, studies and reports required by this chapter shall have been submitted and approved in accordance with this section. The minimum size of any planned unit development shall be twenty-five (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 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 twenty-five percent (25%) of the total land area devoted to landscaped open space provided, however that the board of supervisors may approve less for planned developments with no residential component or where the open*

space provided is of exceptional quality (e.g. waterfront). In planned unit developments with residential components, no less than seven and one-half percent (7.5%) 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, 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 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.

~~Sec. 98-702. Residential planned unit developments.~~

~~(a) Residential planned unit development districts may hereafter be established in accordance with the provisions set forth generally for planned unit development districts in sections 98-701 and articles IX and X of this chapter, and with densities and in locations in accordance with the comprehensive plan.~~

~~(b) The residential planned unit development is intended to encourage sensitivity toward the natural characteristics of the site and toward impact on the surrounding area in land development. More specifically, the residential planned unit development is intended to promote economical and efficient land use, an improved level of amenities, appropriate and~~

harmonious physical development, and creative design consistent with the best interest of the county and the area in which it is located.

~~(c) — To these ends, the residential planned unit development provides for flexibility and variety of development for residential purposes and uses ancillary thereto. Open space may serve such varied uses as recreation, protection of areas sensitive to development, buffering between dissimilar uses and preservation of agricultural activity.~~

~~(d) — A residential planned unit development approach is recommended for developments of any density.~~

~~(e) — The following uses shall be permitted subject to the requirements and limitations of this chapter:~~

~~(1) — Detached single-family dwellings.~~

~~(2) — Semidetached 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) — Parks, playgrounds, golf courses, community centers and noncommercial recreational and cultural facilities such as tennis courts, swimming pools, game rooms, libraries, etc.~~

~~(5) — Electric, gas, oil and communication facilities, excluding multilegged tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations, and appurtenances owned and operated by the county, its designee, or an approved private operator. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with chapter 38 of this Code and this part, and all other applicable law.~~

~~(6) — Public uses and buildings such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies; public water and sewer transmission, main or~~

~~trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the county or its designee.~~

~~(7) Temporary construction uses.~~

~~(8) Accessory uses and structures including home occupations and storage buildings.~~

~~(9) Homes for developmentally disabled persons.~~

~~(f) The following uses shall be permitted only by conditional use permit, provided that no separate application shall be required for any such use as shall be included in the original residential planned unit development rezoning petition:~~

~~(1) Day care, child care or nursery facility.~~

~~(2) Fire and rescue squad stations.~~

~~(3) Rest home, nursing home, convalescent home, orphanage or similar institution.~~

~~(4) Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; microwave and radio wave transmission and relay towers, substations and appurtenances.~~

~~(5) Amusement parks, except sports complexes.~~

~~(6) Parking structures located wholly or partly above grade.~~

~~(g) The gross and net residential densities permitted in any residential planned unit development 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 35 dwelling units per acre.~~

~~(h) Minimum area required for the establishment of a residential planned unit development district shall be 300 acres.~~

~~(i) Additional area may be added to an established residential planned unit development 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 as set forth above.~~

~~(j) — Not less than 25 percent of the area of any residential planned unit development shall be in open space, except as expressly provided in this article.~~

~~Sec. 98-703. Mixed commercial planned unit development.~~

~~(a) — Mixed commercial planned unit development districts are hereby created and may hereafter be established by amendment of the zoning map to permit development of large scale commercial areas with a broad range of commercial uses under a unified planned approach. It is intended that mixed commercial planned unit development districts be established on major highways in the urban area and communities in the comprehensive plan. In recognition that such large scale development may substantially reduce the functional integrity and safety of public roads if permitted with unplanned access, it is intended that multiple access to existing public roads be discouraged and that development and access be oriented toward an internal road system having carefully planned intersections with existing public roads.~~

~~(b) — The following uses shall be permitted in any mixed commercial planned unit development district, subject to the requirements and limitations of these regulations:~~

~~(1) — Uses permitted shall include commercial and service establishments permitted by right in the B-1, business general, and B-2, business limited, districts. Outdoor storage, sales or display shall be permitted only when enclosed by appropriate visual screening.~~

~~(2) — Electric, gas, oil and communication facilities excluding multilegged tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations, and appurtenances owned and operated by the county, its designee, or an approved private operator.~~

~~(3) — Public uses and buildings such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies, public water and sewer transmission, main or~~

~~trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the county or its designee.~~

~~(4) Temporary construction uses.~~

~~(c) Uses permitted by conditional use permit shall include uses permitted by conditional use permit in the B-1, business general, and B-2, business-limited, districts.~~

~~(d) Minimum area required for the establishment of a mixed commercial-planned unit development district shall be 30 acres.~~

~~(e) Additional area may be added to an established mixed commercial planned unit development 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 was filed and all requirements shall apply except the minimum acreage requirement as set forth above.~~

~~(f) Vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Pavement widths and strengths of both internal and external roads shall be adequate to accommodate projected traffic generated from the district.~~

~~(g) Primary access shall be provided from roads of adequate available capacity to accommodate projected traffic. Vehicular access from minor streets through residential neighborhoods shall be generally discouraged, and where permitted, shall be primarily for the convenience of residential areas served directly by such roads and not for general public access. Direct access by individual uses to existing public roads shall be discouraged. Uses shall be served by an internal road system to the maximum extent possible. 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 mixed commercial-planned unit development district.~~

~~(h) To encourage visual cohesiveness and a park-like atmosphere, and to protect adjoining residential districts, uses and structures and parking areas shall be oriented toward internal travelways and away from adjoining residential districts.~~

~~(i) Buildings shall be arranged in a fashion to encourage pedestrian access of customers and minimize internal automotive movement. Facilities and access routes for deliveries, service and maintenance shall~~

~~be separated, where practical, from customer access routes and parking areas.~~

~~(j) In addition to requirements contained in this section, the requirements of section 98-701 and articles XIII, XIV and XXII of this chapter, shall apply to all mixed commercial planned unit development districts. In additions to materials required by articles XIII, XIV and XXII of this chapter, a transportation analysis plan shall be submitted with the application for mixed commercial planned unit development designation. Such plan shall show projected automobile and truck traffic generation; internal and access point turning movement, percentage estimate of traffic distribution to and from the site on external roads, and proposed improvements to the existing transportation network.~~

~~Sec. 98-704. Industrial park planned unit development.~~

~~(a) Industrial park planned unit development districts are hereby created and may hereafter be established to permit a variety of industrial uses, together with certain uses ancillary thereto, which are compatible with and do not detract either from each other or from surrounding districts. It is intended that industrial park planned unit development districts may be established in areas in conformity with the comprehensive plan and having all of the following characteristics:~~

~~(1) Areas served by water and sewer facilities, if such facilities are reasonably available;~~

~~(2) Areas served by major highway, rail or air service, or secondary road improved to standards approved by the county and state; and~~

~~(3) Areas having clearly demonstrated suitability for intended uses with regard to physical characteristics and relationship to surrounding development.~~

~~(b) In the establishment of any industrial park planned unit development district, the board of supervisors shall designate the category of uses which shall be permitted in each parcel, or its part, which is the subject of the application for such amendment.~~

~~(c) The following uses shall be permitted in any area designated as category I on the approved application plan:~~

~~(1) — Uses permitted shall include uses permitted by right in the M-1, warehousing and limited industrial district.~~

~~(2) — Uses permitted by conditional use permit shall include uses permitted by conditional use permit in the M-1, warehousing and light industrial district; provided, however, that no separate application shall be required for any use included on the approved application plan.~~

~~(d) — The following uses shall be permitted in any area designated as category II on the approved application plan:~~

~~(1) — Uses permitted shall include uses permitted by right in the M-1, warehousing and light industrial district, and in the M-2, heavy industrial district.~~

~~(2) — Uses permitted by conditional use permit shall include uses permitted by conditional use permit in the M-1, warehousing and light industrial district, and in the M-2, heavy industrial district; provided, however, that no separate application shall be required for any use included on the approved application plan.~~

~~(e) — Minimum area required for the establishment of an industrial park planned unit development shall be 30 acres.~~

~~Sec. 98-705. Village planned unit development.~~

~~(a) — Village planned unit development districts may hereafter be established by amendment to the zoning map in accordance with the provisions set forth generally for planned unit development districts in section 98-701 and articles VIII, IX and X of this chapter with densities and uses in locations in accordance with recommendations of the comprehensive plan. Village planned unit development districts may be appropriate where the establishment of a new village or the nucleus of a future community exists and where the village planned unit development would not preclude achievement of the county's objectives for the urban area, communities and villages.~~

~~(b) — 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 is limited to a scale appropriate to the support of the residential uses within the village planned unit development, provided that additional~~

~~commercial and industrial activity may be permitted upon a finding that the area in which the village planned unit development is to be located is not adequately served by such use.~~

~~(c) — 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.~~

~~(d) — Notwithstanding the requirements and provisions of section 98-701, planned unit 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 chapter, such districts shall be considered to have been established as village planned unit development districts under this chapter and shall be so designated on the zoning map.~~

~~(e) — Within areas approved as residential on the application plan, permitted uses, subject to the requirements and limitations of this chapter, shall be as follows:~~

~~(1) — Detached single-family dwellings.~~

~~(2) — Semidetached 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) — Parks, playgrounds, golf courses, community centers and noncommercial recreational and cultural facilities such as tennis courts, swimming pools, game rooms, libraries, etc.~~

~~(5) — Electric, gas, oil and communication facilities, excluding multi-legged tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the county, its designee, or an approved private operator. Except as otherwise expressly~~

~~provided, central water supplies and central sewerage systems in conformance with chapter 38 and this part, and all other applicable law:~~

~~(6) — Public uses and buildings such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies; public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and operated by the county or its designee.~~

~~(7) — Accessory uses and structures including home occupation, and storage buildings.~~

~~(8) — Homes for developmentally disabled persons.~~

~~(f) — The following uses shall be permitted only by conditional use permit, provided that no separate application shall be required for any such use included in the original village planned unit development rezoning petition:~~

~~(1) — Day care, child care or nursery facility.~~

~~(2) — Fire and rescue squad stations.~~

~~(3) — Rest home, nursing home, convalescent home, orphanage or similar institution.~~

~~(4) — Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers, microwave and radio-wave transmission and relay towers, substations and appurtenances.~~

~~(5) — Amusement parks except sports complexes.~~

~~(6) — Parking structures located wholly or partly above grade.~~

~~(7) — Mobile home subdivisions/parks.~~

~~(g) — Within areas approved as commercial/service on the application plan, uses permitted shall be as follows:~~

~~(1) — Uses permitted in article XIII of this chapter, B-1, business general.~~

~~(2) — Uses permitted in article XIV of this chapter, B-2, business limited.~~

~~(h) — Within areas approved for mixed commercial on the application plan, uses permitted shall be as follows: uses permitted in mixed commercial planned unit developments.~~

~~(i) — The following uses shall be permitted only by conditional use permit, provided that no separate application shall be required for any such use included in the original planned unit development rezoning petition:~~

~~(1) — Uses permitted by conditional use permit in article XIII, of this chapter, B-1, business-general.~~

~~(2) — Uses permitted by conditional use permit in article XIV, of this chapter, B-2, business limited.~~

~~(3) — Uses permitted by conditional use permit in mixed commercial planned unit development.~~

~~(j) — In approval of areas as industrial on the application plan, the board of supervisors shall designate the category of uses as provided in industrial park planned unit developments, for each subarea of industrial on the application plan. Thereafter, except as otherwise expressly provided in this section, uses permitted shall be established in accordance with section 98-704, provided that no separate application shall be required for any such use permitted by conditional use permit included in the original village planned unit development petition.~~

~~(k) — Minimum area required for the establishment of a village planned unit development district shall be 300 acres.~~

~~(l) — Additional area may be added to an established village planned unit development 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 set forth above.~~

~~(m) — The gross and net residential densities permitted in any village planned unit development district shall be shown on the approved application plan therefore, which shall be binding upon its approval.~~

~~(n) — 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 35 dwelling units per acre.~~

~~(o) — Not less than 25 percent of the residential area of any village planned unit development shall be in open space.~~

~~(p) — Unless otherwise provided at the time of the establishment of a village planned unit development district, structures may be erected to a height of 60 feet, provided that any structure exceeding 35 feet in height shall be set back from any street right-of-way or residential or agricultural district, in addition to minimum yard requirements, a distance of not less than one foot for each one foot of height in excess of 35 feet. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities are excluded from the height limitation contained herein. Parapet walls are permitted up to four feet above the limited height of the structure on which the walls rest; the setback requirement shall apply to parapet walls.~~

~~(q) — Structures to be located on the outer perimeter of a village planned unit development district shall conform to the setback and yard regulation of the adjoining district.~~

~~(r) — Within the village planned unit development district, the board of supervisors shall establish minimum setback and yard requirements at time of establishment of such district.~~

~~(s) — Commercial/service areas are intended to be of a scale, character and location appropriate to provide convenience services primarily for the residents of the village planned unit development district. To this end, where practical, commercial/service areas shall be internally oriented and separated from dissimilar areas surrounding the planned unit development 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.~~

~~(t) — Commercial/service areas shall comply to the requirements of articles XIII and XIV of this chapter, business districts, generally, provided that any requirement of articles XIII and XIV of this chapter shall be subject to modification, variation or waiver as provided in section 98-701, planned unit development districts generally. For such areas as may be located on the perimeter of a planned unit development district, the board~~

~~of supervisors shall be particularly mindful of the intent to protect the character of adjoining development.~~

~~(u) — The total gross floor area of uses permitted in commercial/service areas shall not exceed 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 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 5,000 square feet.~~

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

~~**Sec. 98-706. Equestrian and entertainment planned unit development.**~~

~~(a) — Equestrian and entertainment planned unit development districts are hereby created and may hereafter be established by amendment of the zoning map to permit development of large-scale horse racing facilities and show facilities under a unified planned approach.~~

~~(b) — It is intended that equestrian and entertainment planned unit development districts be established on major highways in the county.~~

~~(c) — In recognition that such a large scale development may substantially reduce the functional integrity and safety of public roads if permitted with unplanned access, it is intended that multiple access to existing public roads be discouraged and that development and access be oriented towards an internal roads system having carefully planned intersections with existing public roads.~~

~~(d) — It is intended that these regulations provide flexibility in development by providing for a mix of residential uses with nonresidential uses, alternative forms of housing and, in appropriate cases, increases in gross residential densities over that provided in conventional districts.~~

~~(e) — The following uses shall be permitted in any equestrian and entertainment planned unit development district subject to the requirements and limitations of these regulations:~~

~~(1) — Commercial and service establishments permitted by right in article XIII of this chapter, B1, business general, and article XIV of this chapter, B 2, business limited, districts. Outdoor storage, sales or displays shall be permitted only when enclosed by appropriate visual screening.~~

~~(2) — Uses permitted by right in article VI of this chapter, A-1, agricultural districts.~~

~~(3) — Horse tracks.~~

~~(4) — Semidetached and detached, single family dwellings such as duplexes, triplexes, quadruplexes, 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 requirements for detached, single family dwellings except for side yards at the common wall.~~

~~(5) — Multiple family dwellings.~~

~~(6) — Single family dwellings.~~

~~(7) — Parks, playgrounds, golf courses, community centers and recreational and cultural facilities such as tennis courts, polo fields, swimming pools, game rooms, libraries, museums, etc.~~

~~(8) — Electric, gas, oil and communication facilities, excluding multi-use tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewage collection lines, pumping stations and appurtenances owned and operated by the county, its designee, or an approved private operator. Except as otherwise expressly provided, central water supplies and central sewage systems in conformance with chapter 38 and part II of this Code and all other applicable law.~~

~~(9) — Public uses such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies; public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the county or its designee.~~

~~(10) — Fire and rescue squad stations.~~

~~(11) — Temporary construction uses.~~

~~(12) — Equestrian sales and show pavilions.~~

~~(f) — The following uses shall be permitted only by conditional use permit, provided that no separate application shall be required for any such use included in the original planned unit development rezoning petition:~~

~~(1) — Uses permitted by conditional use permit in article XIII of this chapter, B-1, business general.~~

~~(2) — Uses permitted by conditional use permit in article XIV of this chapter, B-2, business limited.~~

~~(3) — Uses permitted by conditional use permit in article VI of this chapter, A-1, agricultural.~~

~~(4) — Campgrounds.~~

~~(5) — Entertainment uses whether indoors or outdoors conducted under a permit issued under chapter 6 such as:~~

~~a. — Special exhibitions and shows of equipment, articles for sale or display; and educational programming;~~

~~b. — Circuses, concerts, musical events, light and firework displays, and carnivals;~~

~~c. — Parties and family events, weddings, reunions, conferences, and conventions;~~

~~d. — Animal shows, animal fairs, animal contests of skill, and polo matches; and~~

~~e. — Athletic events.~~

~~(g) — Minimum area required for the establishment of an equestrian planned unit development shall be 300 acres. Additional area may be added to an established equestrian planned unit development 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 was filed and all requirements shall apply except the minimum acreage requirement as set forth above.~~

~~(h) — Vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Pavement widths and strengths of both internal and external roads shall be adequate to accommodate projected traffic generated from the district. Primary access shall be provided from roads of adequate available capacity to accommodate projected traffic.~~

~~(i) — Vehicular access from minor streets through residential neighborhoods shall be generally discouraged and, where permitted, shall be primarily for the convenience of residential areas served directly by such roads and not for general public access. Direct access by individual uses to existing public roads shall be discouraged. Uses shall be served by an internal roads system to the maximum extent possible. 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 equestrian-planned unit development district.~~

~~(j) — A transportation analysis plan shall be submitted with application for equestrian planned unit development designation. Such plan shall show projected automobile and truck traffic generation, internal and access point turning movement, percentage estimate of traffic distribution to and from the site on external roads, and proposed improvement to the existing transportation network.~~

~~(k) — To encourage visual cohesiveness and a park-like atmosphere, and to protect adjoining residential district uses, structures and parking areas shall be oriented towards internal travelways and away from adjoining residential districts. Buildings shall be arranged in a fashion to encourage pedestrian access of patrons and minimize internal automotive movement. Facilities and access routes for deliveries, service, and maintenance shall be separated, where practical, from patron access routes and parking areas.~~

~~(l) — The gross and net residential densities permitted in any equestrian planned unit development district shall be shown on the approved application plan therefore, 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 not, in any event, exceed 35 dwelling units per acre.~~

~~(m) — Unless otherwise provided at the time of establishment of an equestrian-planned unit development district, structures may be erected to a height of 100 feet, provided that any structure exceeding 35 feet in height shall be set back from any street right-of-way or residential or~~

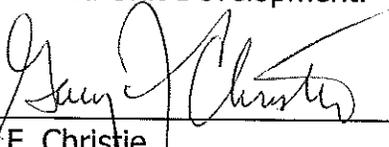
~~agricultural districts, in addition to minimum yard requirements, a distance of not less than one foot for each one foot of height in excess of 35 feet. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, other accessory facilities are excluded from the height limitation contained in this subsection. Parapet walls are permitted up to four feet above the limited height of the structure on which the wall rests; the setback requirement shall herein apply to parapet walls.~~

~~(n) Structures to be located on the outer perimeter of an equestrian planned unit development district shall conform to the setback and yard regulations of the adjoining district. Within the equestrian planned unit development district, the board of supervisors shall establish a minimum setback and yard requirement at the time of establishment of such district.~~

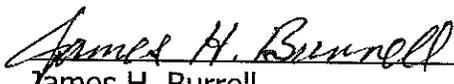
~~(o) In addition to requirements contained in this section, the requirements of section 98-701 and articles VI, XIII and XIV of this chapter shall apply to all equestrian planned unit development districts.~~

Secs. 98-7072--98-740. Reserved.

BE IT FURTHER ORDAINED that all previously approved Planned Unit Developments be vested in their approvals and may continue their development as approved using the provisions of the Zoning Ordinance in effect when approved or, with the approval of the Board of Supervisors, the provisions adopted herein. Nothing herein shall be interpreted as granting to any existing Planned Unit Development any additional uses or any reduction in development standards from that approved and applicable on the date of adoption, except and unless an amendment is processed in the manner stipulated for amendments to the Planned Unit Development.



Gary F. Christie
County Administrator



James H. Burrell
Chairman