

**ARTICLE 800**  
**PLANNED UNIT DEVELOPMENT**

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**800.00 PLANNED UNIT DEVELOPMENT**

**800.01 PURPOSE**

It is the intent of the Planned Unit Development (PUD) to provide for greater flexibility and thereby encourage more creative design of residential and commercial developments than generally is possible under conventional regulations. Ideally, this flexibility results in a development that is better planned, that contains more amenities, and ultimately a development that is more desirable to live or do business in than one produced in accordance with typical regulations. Furthermore, the PUD regulations are intended to promote a more economical and efficient use of the land, while providing for a harmonious variety of housing choices, convenient commercial services, a higher level of urban amenities, and the preservation of open space.

**800.02 STANDARDS FOR REVIEW**

The Planning Commission shall review any filed plans for a PUD according to the following standards:

- A. General conformance with the Subdivision Regulations, with the exception of requested waivers or variances: The plan must demonstrate that the proposed subdivision conforms to the minimum development standards, that the open spaces to be provided meet the minimum requirements, that off-street parking and loading facilities meet the requirements of this ordinance, and that the plan complies with all other general or special requirements of this ordinance.
- B. Traffic: The West Virginia Division of Highways Access Permit process and the access management plan for Putnam County, shall be used to determine the provisions for the safe and convenient traffic flow onto highway accesses.
- C. Sanitary facilities: The sanitary services and facilities plan shall be reviewed by, and a report received from, the provider and/or the West Virginia State Department of Health prior to action by the Planning Commission.
- D. Utilities: The plan must demonstrate the availability of necessary utility services.
- E. Off-site impact: The plan must demonstrate that light, heat, glare, or any other use or activity on the subject property shall not deleteriously affect nor discourage orderly development of adjacent properties.
- F. General conformance with this ordinance and drainage considerations: The plan must demonstrate that the streets conform with the provisions of this ordinance. The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site; from probability of flooding, erosion, subsidence or slipping of the soil; or other dangers, annoyances, or inconveniences. The condition of the soil, ground water level, topography, and drainage plans shall be appropriate to both kind and pattern of intended use.
- G. Site planning: The site shall be planned to provide for good functional relationships between land uses, buildings, parking areas, and recreation areas. In addition, the site shall be planned to take

advantage of open space and views in such a way as to enhance the development.

- H. Fire protection: The plan must make adequate provision for, or demonstrate the availability of, necessary fire protection. The plan shall be reviewed by, and a report received from, the Fire Chief of the area prior to action by the Planning Commission.
- I. Drainage: The drainage provisions for the PUD must meet the standards of this ordinance.
- J. Conformance with Flood Zone provisions: All PUD’s and owners, developers or operators of PUD’s must comply with the applicable Flood Zone requirements.
- K. School Impact Study: The impact of the proposed PUD on the school system shall be determined and adequate measures taken so there is not a negative effect.

**800.03 MINIMUM SITE AREA FOR A PLANNED UNIT DEVELOPMENT**

The minimum site area for a PUD shall be five (5) acres.

**800.04 DEVELOPMENT STANDARDS**

- A. Property Development Standards

The following development standards shall apply to properties located within the PUD.

<b>Planned Unit Development (PUD)</b>	
Minimum Lot Area	▪ None
Minimum Lot Width at Building Setback Line	▪ None
Maximum Lot Coverage	▪ 50% Impervious Surface Coverage for entire PUD
Minimum Front Yard Setback	▪ 20 Feet Recommended
Minimum Side Yard Setback	▪ 5 Feet Recommended
Minimum Rear Yard Setback	▪ 20 Feet Recommended

- B. Minimum Off-Street Parking and Loading Standards

Table II Minimum Design Standards General Provisions Residential Developments and Table III Minimum Design Standards General Provision Non-Residential Developments shall regulate off-street parking and loading standards.

- C. Drainage and Storm Sewer Requirements

Article 300 shall regulate Drainage and Storm Sewers.

- D. Landscaping and Screening Requirements

Section 900.09 Fencing and Buffering shall regulate landscaping and screening requirements.

- E. Signage

Section 100.09 Identification of Subdivision shall regulate signage.

**800.05 OPEN SPACE REQUIREMENTS**

No less than twenty (20) percent of the land developed in any PUD shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be used as required in subsection (A) of this section. All required open space shall be readily accessible and usable by occupants within the approved development. Parking areas shall not be included as common open space.

A. Disposition of Common Open Space

The required amount of common open space land reserved under a PUD shall be held in corporate ownership by owners or a Maintenance Association of the project area for the use of each owner who buys property within the development or, under exceptional circumstances, to be dedicated to the County, following consent and approval by the County, and retained as common open space for public parks, recreation, and related uses. All land dedicated to the County must meet the requirements of the Planning Commissioners as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space unless such land or rights-of-way is usable as a trail or other similar purposes and approved by the Planning Commissioners. A Maintenance Association (MA) shall be established and in place prior to the development of any land within a PUD with the open space(s) under their control being denoted on the record plat and identified as “common area and non-buildable” other than for MA approved uses.

B. Maintenance of Open Space

A Maintenance Association shall be responsible for maintenance of open space and other required amenities within the proposed PUD. A Maintenance Association shall be established, and the Bylaws and Articles of Incorporation shall be recorded at the time of approval of a final plat.

C. Lots to Have Access to Common Open Space

Every lot approved within a PUD shall be designed to easily access common open space or similar areas. Open space areas shall be accessible to all property owners and shall be conveniently located in relation to dwelling units. Open space areas shall have minimum dimensions which are usable for the functions intended and which will permit proper maintenance. The Planning Commission may require that natural amenities, such as but not limited to ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitats, ponds, streams, and marshes, be preserved as part of the open space system.

#### **800.06 WAIVERS AND VARIANCES**

The Planning Commission may grant waivers or variances where necessary to fulfill the intent of this article upon demonstration that such waivers or variances meet the requirements of Section 1400.13 Waivers and Variances in this Ordinance.

#### **800.07 CONCEPTUAL REVIEW SUBMITTAL**

An applicant considering a PUD is encouraged to submit information to the Planning Commission for a conceptual review prior to officially filing for approval of the development plan as described in Section 800.09. While a conceptual review submittal is not mandatory, it affords the applicant the opportunity to get initial feedback on the Planning Commission’s view of the applicant’s proposal and alternatives the Planning Commission may want considered prior to filing for a formal PUD approval. Submittal requirements for a conceptual review shall include:

- A. A conceptual site plan, to scale, depicting:
1. Access from public streets and internal site circulation.
  2. General building placement.
  3. Parking areas (indicating the number of spaces).
  4. Locations of proposed common open space, landscaped and buffered areas.
  5. Existing site topography.
  6. Major drainage areas and existing wooded areas.

7. Other projected amenities.
- B. Typical building elevation(s) depicting the size and general character of the proposed building(s).
- C. Submittal letter describing the proposed project including:
  1. Existing site land use.
  2. Proposed land use.
  3. Other descriptive data to help explain the project.
- D. The Planning Commission shall review the conceptual plan and accompanying documentation and may request such review and comments from other offices as may be deemed appropriate. The Planning Commission shall respond to the applicant with observations and recommendations for the applicant's consideration. *These comments are not binding on either party but are intended to serve as a guide for future site planning and development consideration.*

#### **800.08 DEVELOPMENT PLAN APPLICATION REQUIREMENTS**

An application for approval of a PUD must be accompanied by both a narrative and visual perspective which follows the development plan review process.

#### **800.09 DEVELOPMENT PLAN AND MAJOR SUBDIVISION PLAT REVIEW PROCESS**

The following procedure and review process shall be used in approving a PUD.

##### **A. Submittal Requirements.**

The applicant shall file an application for a PUD. The application shall be accompanied by the following:

1. A narrative of the nature, location, and objectives of the proposed development.
2. The areas of the project to be used for each land use including residential (number of units, size, and density), commercial, office, industrial, or other activities indicating the total square footage of each use.
3. The boundaries of the project including a metes and bounds description of the parcel, tax map and parcel number, and the acreage therein.
4. An area map showing adjacent property owners and existing land uses within 100 feet of the subject PUD.
5. Existing contours at ten (10) feet intervals or less, accompanied by the proposed grading plans.
6. Location, building footprint, type of all proposed and existing principal and accessory structures.
7. Site plans, floor plans, elevations, and cross sections for all buildings. Additional exterior detail drawings, materials specifications and paint colors will be required if deemed essential to the realization of the intent or scope of the PUD plan.
8. Location and dimensions of roads, pedestrian walkways, parking spaces, landscaped areas, open space, buffer yard, screening, and yard setbacks.
9. Location and dimensions of common spaces, community facilities, including recreational and other non-building areas designed within the project, indicating areas to be in common ownership.

10. Architectural sketches at an appropriate scale showing building elevations (front and side) and proposed use.
  11. A tabulation of:
    - a) Total area of the premises; and
    - b) Area of land per dwelling unit; and
    - c) Area of land devoted to open space; and
    - d) Floor area of service, commercial, and office facilities;
    - e) Number of proposed parking spaces;
    - f) Number of dwelling units by type; and
    - g) Height of all structures.
  12. Sign plan
  13. Landscaping plan and proposed buffers and screening.
  14. Lighting plan.
  15. Market and feasibility studies for the proposed principal uses and an indication of the expected service areas.
  16. Traffic Impact Study approved by the WV Division of Highways, if determined necessary by the Planning Commission or the WV Division of Highways.
  17. Traffic Impact Study approved by the WV Division of Highways, if determined necessary by the Planning Commission or the WV Division of Highways.
  18. School Impact Study, if determined necessary by the Planning Commission or the Putnam County Board of Education.
  19. Off-Site Impact Report which demonstrates that light, heat, glare, or any other use or activity on the subject property shall not deleteriously affect nor discourage orderly development of adjacent properties.
  20. Fire Protection Report which demonstrates the availability of necessary fire protection. The plan shall be reviewed by, and a report received from, the Fire Chief of the area prior to action by the Planning Commission.
  21. A document describing the proposed construction phasing program or development schedule for the project for all dwelling units, commercial or office structures, industrial, recreational and other common facilities, landscaping, and other open space improvements.
  22. All requirements in *Appendix C Major Subdivision Plat Checklist* in this ordinance.
  23. Application for waivers or variances from the provisions of this ordinance.
- B. Notice of Public Hearing.

The Planning Commission will give an opportunity to any interested persons to examine or comment upon the development plan and major subdivision plat. The procedure is outlined in Section 100.04(III)(2) in this ordinance.

- C. Development Plan and Major Subdivision Plat Approval.

After the Planning Commission has reviewed the development plan, the major subdivision plat, any County recommendations or requirements, testimony, and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Planning Commission shall approve, conditionally approve, or disapprove the development plan and the major subdivision plat

within forty-five (45) days after the date of closing the Planning Commission public hearing. At a minimum, the Planning Commission shall consider the following in making their decision:

- a. Whether the plan is consistent with the intent and purpose of this Article;
- b. The relationship, beneficial or adverse, of the proposed development to the adjacent properties and to the neighborhood in which it is proposed to be established;
- c. Whether the overall development shall be adequately serviced by present or planned utilities, roadways, and other public services; and
- d. Whether the development plan is designed to serve the area, preserve unique topographic, historical, special environmental or other unique features, and/or meet the purpose of a PUD as set forth in *Section 800.01 Purpose* in this ordinance.

One copy of the development plan and major subdivision plat shall be returned to the developer with the date of approval, conditional approval, or disapproval. If the Planning Commission denies the application, then the Planning Commission shall notify the applicant in writing of the reasons for the denial. The applicant may request, one time, a reconsideration of the decision of the Planning Commission, which request for reconsideration must be in writing and received by the Planning Commission no later than ten days after the decision of the Planning Commission is received by the applicant. The applicant's request for reconsideration shall address the Planning Commission's reasons for denying the application.

#### **800.10 ADHERENCE TO APPROVED PLAN: MODIFICATIONS**

- A. The applicant and his successors in interest shall be bound by the plans and conditions prescribed for approval. The approved development plan, major subdivision plat, and construction phasing program or development schedule shall control the issuance of all building permits and shall restrict the nature, location, and design of all uses.

Minor changes in an approved plan, including minor scheduling changes, may be approved by the Planning Officer if such changes are consistent with the purposes and general character of the PUD development plan and if such changes do not:

1. Increase substantially the ratio of dwelling units to the total area of the premises; or
2. Reduce substantially open spaces between buildings or setbacks from lot lines; or
3. Increase external effects on adjacent properties; or
4. Reduce off-street parking or loading spaces; or
5. Change substantially any provisions for essential services; or
6. Violate any applicable minimum requirements of this ordinance.

The Planning Officer shall determine whether the minor changes fall within his responsibility to approve the changes.

- B. Other modifications, including extension or revision of the construction phasing program or development schedule for the project shall require the approval of the Planning Commission.
- C. Major changes, modifications, or amendments to an approved development plan shall be resubmitted through the PUD process, requiring a new application and approval of the Planning Commission.

- D. Any changes to an approved development plan, other than those the Planning Officer is authorized to approve, shall require that notification be sent to adjacent residents in the manner prescribed in Section 100.04(III)(2) in this ordinance.
- E. Construction must commence in accordance with the approved development plan within twelve (12) months from approval of the plan. If construction has not begun within the twelve (12) month period, the PUD is voided unless good cause can be shown by the applicant and an extension of not more than twelve (12) months is granted by the Planning Commission.

#### **800.11 REVOCATION**

The approval of a PUD may be revoked by the Planning Commission, following a public hearing and a finding that any of the provisions of this ordinance have been or are being violated. The Planning Commission may reinstate approval of the project when it is satisfied of compliance with this ordinance. If approval of the project is permanently revoked, a request to resume the project shall be treated as a new application. Violation of the approval of the development plan for a PUD shall constitute violation of this ordinance.

