

**ARTICLE 29**  
**Planned Unit Development-Residential (PUD-R) District**

**29-1 Statement of Intent**

The intent of Planned Unit Developments (PUD) is to encourage innovative, creative, and efficient land use planning and physical design on large, unified sites. The Planned Unit Development Residential (PUD-R) is primarily intended for residential development with usable and suitably located recreation facilities and other public common facilities for the entire community. The PUD-R district is intended to:

1. Achieve a high quality of development while protecting environmentally sensitive areas;
2. Provide a well-integrated mix of various residential dwelling types and recreational uses to achieve a walkable, connected neighborhood;
3. Provide Workforce Housing opportunities for residents;
4. Allow more efficient use of land through a coordinated networks of streets, utilities, pedestrian connections, and multimodal pathways both within the development and to adjacent development;
5. Encourage the provision of accessible and useable open space and recreational amenities within the development;
6. Promote development forms and patterns that respect the character of established surrounding neighborhoods and other land uses; and
7. Promote development patterns that complement the site's natural and man-made features, such as rivers, lakes, wetlands, floodplains, trees, and historic and cultural resources.

**29-2 Additional Requirements**

In addition to the provided standards and requirements in this article, additional standards may apply, including but not limited to:

1. Sign regulations in accordance with Article 12 of this Zoning Ordinance.
2. Off-street parking regulations in accordance with Article 13 of this Zoning Ordinance.
3. Site plan requirements in accordance with Article 14 of this Zoning Ordinance.
4. Floodplain regulations in accordance with Article 21 of this Zoning Ordinance.
5. Chesapeake Bay Act regulations in accordance with Article 22 of this Zoning Ordinance.
6. Landscaping regulations in accordance with Article 24 of this Zoning Ordinance.
7. Subdivision requirements in accordance with Appendix B of the Town of Colonial Beach Code of Ordinances.

**29-3 Application and Approval**

1. PUDs shall be established by amendment to the Zoning Map, in accordance with Article 19, *Zoning Map (Rezoning) and Text Amendment*, of this Ordinance.
  - a. Before filing the application, applicant(s) shall meet with the Zoning Administrator for a pre-application meeting to discuss the proposed PUD-R development and review applicable requirements and approval procedures with the Town. The applicant(s) shall provide a concept sketch of the proposed PUD-R development for review and discussion during a pre-application meeting.
2. No development within a PUD – including, but not limited to clearing, grading, excavating, road building, site preparation, or structural improvements – shall occur prior to approval of a General Development Plan by the Town Council.
3. All development and subsequent operation within a PUD shall be undertaken in accordance with the provisions of the approved PUD-R Application and General Development Plan.
  - a. Major modifications to the PUD-R Development Plan – including changes to housing types, densities, permitted uses, architectural elevations, or general location of any elements, or other aspects of the PUD-R Development Plan – where the change is not in keeping with the concept of the approved PUD-R Development Plan shall require an amendment to the PUD-R Development Plan in accordance with Article 19, *Zoning Map (Rezoning) and Text Amendment*, of this Ordinance.
  - b. Minor modifications to the PUD-R Development Plan, which clearly are in substantial conformity with the approved PUD-R Development Plan, may be approved by the Zoning Administrator. Substantial conformity shall mean that conformity which leaves a reasonable margin for adjustment due to final engineering data, but conforms to the general nature of the development, the specific uses, the general layout depicted by the plans, profiles, elevations, and other demonstrative materials presented by the applicant.
4. No transfer, sale, or conveyance of any individual lot or interest shall be permitted prior to Final Plat approval, in accordance with Appendix B, *Subdivision Requirements*, of the Town of Colonial Beach Code of Ordinances.
5. A proposed development may vary from the guidelines outlined in this Article, except for uses subject to approval of a rezoning (Article 19) or Conditional Use Permit (Article 16) in accordance with this Ordinance or approval. Any waiver from the standards and guidelines shall be specifically acknowledged by means of a proffer or conditions and approved by Town Council as part of the application. A request for waiver must:
  - a. Clearly outline the requested waiver(s) and
  - b. Justify the need or benefit to the public and community should the waiver be granted.

#### **29-4 Application Requirements**

The PUD-R Application included as part of the application process shall consist of the following:

1. **Materials required for a Map Amendment (Rezoning).**
  - a. **General Development Plan**, in accordance with Article 19, *Zoning Map (Rezoning) and Text Amendments*, of this Ordinance.

- b. **Certified Plat(s)**, in accordance with Article 19, Section 19-3 of this Ordinance.
  - c. **Statement of Intent**, in accordance with Article 19, *Zoning Map (Rezoning) and Text Amendments*, of this Ordinance.
  - d. **Statement of Purpose and Justification**, in accordance with Article 19, *Zoning Map (Rezoning) and Text Amendments*, of this Ordinance.
2. **Traffic Study.** A traffic study that shows the projections for trip generation, traffic volume, and levels of service on site and on the adjacent road system including multimodal provisions for safely accommodating all road uses, such as pedestrians, vehicles, bicycles, and golf carts.
  3. **Fiscal Impact Analysis.** A fiscal impact analysis that shows the proposed development's projected impact on the Town's budget, costs, and revenues.
  4. **Architectural Elevations.** Architectural renderings in color of all structures and a list of the color and type of exterior finishes proposed.
  5. **Assessment of Environmental Impact.** An assessment identifying any areas within the proposed development that have scenic assets, cultural or archaeological resources, or other natural features deserving of protection and preservation, and identifying how protection, maintenance, and/or mitigation of impact of such scenic assets, cultural or archaeological resources, and natural features will be accomplished. Such statement shall be in addition to, and not exclusive of, applicable standards of Article 19, Article 21, and Article 22 of this Ordinance.
  6. **Assessment of Municipal Services Impacts.** An analysis of the impact on municipal services, including, but not limited to, emergency services, utilities, law enforcement, education, and infrastructure.
  7. **Additional Studies, As May Be Required.** Additional studies prepared at the applicant's expense, as identified during the pre-application meeting or as identified during the review of the application to appropriately evaluate the proposal.
  8. **Voluntary Proffers.** Any voluntary proffers, if offered by the applicant, to mitigate the impacts of the development in accordance with Article 19, *Zoning Map (Rezoning) and Text Amendments*, of this Ordinance. Such proffers shall comply with the Code of Virginia and be reasonably related both in nature and extent to the impact of the proposed development.
  9. **Development Schedule** in accordance with Section 29-5 below.

#### 29-5 Development Schedule

1. In addition to the requirements found above, an application for a PUD shall be accompanied by a development schedule indicating:
  - a. 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; and
  - b. The anticipated rate of development, and completion date.
  - c. Phasing and completion schedule for improvements proposed as part of the development.
2. The development schedule, if approved by the Town Council, shall become a part of the PUD-R Application, and shall be adhered to by the developer.

3. Periodically, the Zoning Administrator shall compare the actual development of the PUD-R to the approved development schedules. If, in the opinion of the Zoning Administrator, the developer(s) is failing or have failed to meet the approved schedule, the Zoning Administrator may recommend that the Planning Commission initiate proceedings to revoke the approval of the PUD-R Application.
4. Upon the recommendation of the Planning Commission, and for good cause shown by the property owner, the Planning Commission may extend the limits imposed by the development schedule.

## 29-6 Permitted Uses

Within a PUD-R district, a building and/or land shall be used only for the uses provided below, as defined in Article 20 of this Ordinance:

1. Uses permitted by-right:
  - a. Accessory Structures
  - b. Duplex
  - c. Dwelling, Multiple-Family
  - d. Dwelling, Single-Family Detached
  - e. Dwelling, Single-Family Attached
  - f. Family Day Homes
  - g. Government Facilities
  - h. Group Homes
  - i. Home Occupation, minor
  - j. Convenience Store
  - k. Outdoor Recreational Areas
  - l. Boat Piers, Private
  - m. Public Facilities
  - n. Community Facilities
  - o. Schools
  - p. Temporary family healthcare structure, in accordance with Va. Code § 15.2-2292.1.
  - q. Live/Work Units
2. Uses permitted with approval of a Conditional Use Permit:
  - a. Assisted Living Residences/Facilities
  - b. Bed and Breakfasts
  - c. Churches/Houses of Worship
  - d. Civic, Social, or Fraternal Facilities
  - e. Fitness Centers/Gyms
  - f. Home Occupations, major
  - g. Medical Clinics
  - h. Offices
  - i. Tourist Homes

- j. Day Care Centers
- k. Family Day Homes
- l. Nursing Homes

**29-7 District Regulations**

Standard	All PUD-R Districts	
<b>Minimum Development Size</b>	10 acres	
<b>Maximum Residential Density</b>	<p style="text-align: center;">Single-Family Detached Dwelling: 6 units / acre            Duplex or Single-Family Attached Dwelling: 10 dwelling units / acre            Multiple-Family Dwelling: 25 dwelling units /acre</p> <p style="text-align: center;">Maximum residential density for each housing type shall be calculated based on the total area within the PUD allotted to each housing type, excluding commercial and undevelopable land areas.</p>	
<b>Minimum Lot Size</b>	To be determined during approval	
<b>Maximum Commercial Area</b>	20% of total gross area of development	
<b>Minimum Open Space</b>	20% of total gross area of development	
<b>Minimum Setbacks for Structures</b>	<p>Minimum setback ranges shall be specifically established during the review and approval of the PUD-R Application. The following guidelines shall be used in establishing the building spacing and setbacks:</p> <ol style="list-style-type: none"> <li>1. Areas between buildings used as service yards, storage of trash, or other utility purposes should be designed so as to be compatible with adjoining buildings;</li> <li>2. Building spacing and design shall incorporate privacy for outdoor activity areas associated with individual dwelling units whenever feasible; and</li> <li>3. Yards located at the perimeter of the PUD-R district shall conform to the setback requirements of the adjoining district, or to the setback requirements of the planned district, whichever is greater.</li> <li>4. The minimum distance between single-family detached dwelling units shall be 10 ft.</li> </ol>	
<b>Minimum Setbacks for Development Boundaries</b>		
<i>All Road Rights-of Way</i>	50 ft.	<i>Note: Setbacks for development boundaries shall have landscaping in accordance with Article 24, Landscaping Provisions, of this Ordinance.</i>
<i>Abutting Districts</i>	25 ft.	

Standard	All PUD-R Districts
<b>Maximum Structure Height</b>	
<i>Principal Residential Structures</i>	35 ft.
<i>Principal Non-residential or Multi-family Structures</i>	45 ft.
<i>Accessory Structures</i>	No taller than 50% of the principal structure

### 29-8 Character of Development

1. PUDs should encourage development form and character that is aesthetically pleasing and is different from conventional suburban development. Quality design standards shall include the following:
  - a. Quality architectural design and materials;
  - b. Pedestrian orientation;
  - c. Neighborhood friendly streets and paths;
  - d. Interconnected streets and transportation networks;
  - e. Parks and open space amenities;
  - f. Neighborhood centers;
  - g. Appropriately scaled buildings and spaces;
  - h. Designated parking;
  - i. Mixture of housing types and affordability; and
  - j. Environmentally sensitive design.
2. Design, generally:
  - a. Site design and the architecture throughout the development shall demonstrate conformance with the *Colonial Beach Design Guidelines*.
  - b. The PUD-R shall employ an overall cohesive character with design elements including, but not limited to, materials, balconies, terraces, articulation of doors and windows, sculptural or textual relief of facades, architectural ornamentation, varied roof lines, or other appurtenances, such as lighting fixtures and landscaping. Compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.
  - c. Fencing shall be of a consistent design throughout the district. Acceptable fence materials, styles, and height shall be established as part of the application. Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited.
  - d. Refuse storage shall meet the following requirements:

- i. Refuse storage for non-residential or multiple-family uses shall be either internal or located in a side or rear yard and no closer than 100 feet from any residential use, excepting multiple-family units or residential units located within mixed use structures.
  - ii. All waste receptacles shall be fully enclosed with tightly fitting lids.
  - iii. Waste receptacles that are visible from the public right of way shall be screened either with an opaque fence or adequate landscaping in accordance with Article 14 of this ordinance.
- e. Reduction of impervious surfaces through the use of interlocking pavers or other permeable materials is strongly encouraged.
- f. Outdoor lighting shall not exceed 0.5 foot-candle at any property line and such lights shall be shielded to reflect the light down. The light source (bulb) shall be shielded so as not to be visible from adjoining property lines or public rights-of-way. Light standards or poles shall not exceed 15-feet in height. All lighting throughout the development shall demonstrate conformance with the Colonial Beach Design Guidelines.

### 3. Transportation:

- a. The PUD-R shall provide a comprehensive and coordinated multimodal network for vehicles, pedestrians, bicycles, and golf carts.
- b. Multimodal transportation facilities shall be provided within the development, as well as logically connected or aligned to the networks of abutting development(s).
- c. Road improvements shall be designed and provided to accommodate projected traffic generation of the development.
- d. Bicycle and golf cart parking shall be provided for multiple-family and non-residential uses.
- e. Off-street parking associated with non-residential uses shall be located either within an enclosed courtyard or to the side or rear of the principal structure and not readily visible from the street-right-of-way.
- f. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance and shall be well-lighted.

### 4. Residential Uses:

- a. Residential uses and density for the various areas within the PUD shall be as specified on the General Development Plan.
- b. Each PUD-R shall contain at least two types of residential uses. See Section 29-7 for maximum density regulations.
- c. No more than 60 percent of the total number of residential units shall be of the same category (i.e., single-family attached or detached, duplexes, townhouses).
- d. The intermixing of different housing types throughout the proposed PUD is encouraged.
- e. Not more than eight (8) townhouse units shall be continuously connected. Not more than three (3) abutting townhouses may have the same or essentially the same architectural facades and treatment of facing materials. Variations may be achieved

by material textures or sculptural effects. In addition, a variation in setbacks of not less than two (2) feet for each three (3) units shall be required.

- f. Multiple-family dwellings shall be designed with special attention to the compatibility of adjacent land uses, topography, existing vegetation, building height, orientation, and other similar factors. Facades of adjacent buildings shall be substantially differentiated with variations achieved by material textures or sculptural effects. A separate entrance to a public street shall be provided for each thirty (30) dwelling units.
- g. Multiple-family residential uses are permitted to be vertically integrated with non-residential uses within buildings, with residential uses on the upper floor(s) of a building and non-residential uses on the ground floor. Non-residential uses:
  - a. Non-residential uses shall be designed to maintain and protect the residential character of the PUD-R and adjacent residential neighborhoods.
  - b. Commercial uses shall be located within a cohesive area and may contain such uses as listed in Section 29-6 of this Article.
  - c. Non-residential uses shall be conducted within a completely enclosed building with no outside display unless specifically approved through a conditional use permit.
  - d. Screening shall be provided for all ground-level and roof-mounted mechanical and electrical equipment, loading and service areas, and waste receptacles.

6. Accessory structures:

- a. Accessory structures shall be located only in a rear yard and shall be setback a minimum of three feet from all property lines.

7. Open space, tree canopy, and recreation:

- a. For the purposes of this article, open space shall be defined as land area set aside for recreation, landscaping, or natural preservation, and not used for private residences or business activities. Open space shall not include lakes, floodways, or other bodies of water.
- b. No more than 5% of the required open space may be land area containing major utilities.
- c. A minimum tree canopy or cover, at 20 years, shall be preserved or planted in accordance with the following:
  - i. At least 10 percent of the total acreage of land dedicated to commercial or business use.
  - ii. At least 20 percent of the total acreage of land dedicated to residential use.
  - iii. Dedicated school sites, playing fields, and other non-wooded recreation areas, and other facilities and uses of a similar nature shall be exempt from tree canopy requirements.
- d. Appropriate active and passive recreational uses shall be provided to serve the development.
- e. Active recreation areas shall be provided in all developments totaling more than 30 units in proportion to the rate of development at the rate of 500 square feet of

developed recreation areas per unit for the first 200 units and all thereafter at a rate of 250 square feet of developed recreation area per each additional unit.

- f. Open space improvements that are included in the proposed project shall be integrated in the General Development Plan, including the size of parks, plazas, or squares and amenities within parks, plazas, or squares such as bicycle facilities, walkways, paths, trails, benches, ponds, sculptured elements and art, or fountains. Elements designed to accommodate this requirement shall be by specific proffer or condition with associated maintenance agreements and, to the extent possible, public access.

### **29-9 Control and Maintenance of Common Areas**

1. Reasonable guarantees shall be provided to ensure that required common area and other commonly owned portions of the development will always remain available and be reasonably maintained. A property owners' association shall be established, operated, and managed in accordance with all applicable federal, state, and local laws, including, but not limited to, Va. Code § 55.1-1800 et seq., the Virginia Property Owners' Association Act.
2. Private streets and alleys, where approved as part of a PUD-R application, shall be owned, controlled, and maintained by a property owners' association (POA) or similar association or owned by individual property owners with control and maintenance by a POA or other association. The Town shall be granted emergency ingress and egress to alleys but shall have no maintenance or ownership responsibilities.
3. Except when dedicated for public use as provided in 29-9(4) below, open space and recreational areas used to meet the requirements of this Article 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 property owners' association (POA) or other organization consisting of all landowners in the PUD-R. Establishment of an POA of residential property owners within the PUD-R shall occur prior to the approval of any final plat. Such association must conform to, and provide in the documents establishing the association, for all of the following:
  - a. Membership in the organization shall be mandatory for all residential property owners, present or future, within the PUD-R and said organization shall not discriminate in its members or shareholders.
  - b. The organization shall manage, maintain, and administer all common open space, recreational areas and facilities, and improvements.
  - c. The documents establishing such organization and responsibilities are subject to review and approval by the Town Attorney.
4. In accordance with Va. Code § 15.2-2298, the developer or owner of the development may voluntarily provide reasonable conditions for the public dedication of real property to the Town, provided that:
  - a. The rezoning itself gives rise to the need for the condition, and

- b. The purpose of the dedication is tied to a provision of the adopted Capital Improvements Plan.
- c. The proffered conditions provide for the disposition of the property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.