

**ARTICLE 1000  
PLANNED UNIT DEVELOPMENT**

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**1000.01 PURPOSE**

It is the intent of the Planned Unit Development (PUD) District to provide for greater flexibility and thereby encourage more creative design of residential and commercial developments than generally is possible under conventional zoning 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 in 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.

**1000.02 PERMITTED USES**

Uses permitted in a Planned Unit Development may be any use that is found in the Zoning Ordinance in any district, subject to the approval of the Planning Commission and County Commission.

**1000.03 ESTABLISHMENT OF PUD DISTRICT**

The County Commissioners may establish a Planned Unit Development (PUD) District on its own initiative, on the recommendations of the Planning Commission or on the application of a property owner. The procedure for this zone change shall be as established in *Article 2000, Amendments and Hearing Procedures*.

**1000.04 STANDARDS FOR REVIEW**

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

- A. General conformance with the Zoning Ordinance, with the exception of requested waivers or variances: The plan must demonstrate that proposed uses conform to those permitted in the district, that the plan conforms to the minimum development standards, that the open spaces to be provided meet the minimum requirements of the district, 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 that 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 standard of this Ordinance and if applicable, the Subdivision Regulations.
- 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 based on the development schedule shall be determined and adequate measures taken so there is not a negative effect.

**1000.05 MINIMUM SITE AREA FOR A PLANNED UNIT DEVELOPMENT**

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

**1000.06 DEVELOPMENT STANDARDS**

A. Property Development Standards

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

<b>Planned Unit Development (PUD) District</b>	
Minimum Lot Area	▪ None
Minimum Lot Width at Building Setback Line	▪ None
Maximum Lot Coverage	▪ 50% Impervious Surface Coverage for entire PUD
Maximum Height	▪ 45 feet for principal structures. ▪ 15 feet for accessory structures
Minimum Front Yard Setback	▪ 20 Feet Recommended
Minimum Side Yard Setback	▪ 5 Feet Principal Use Recommended ▪ 5 Feet Accessory Use Recommended
Minimum Rear Yard Setback	▪ 20 Feet Principal Use Recommended ▪ 5 Feet Accessory Use Recommended

B. Minimum Off-Street Parking and Loading Standards

Article 1200 shall regulate minimum off-street parking and loading standards.

C. Drainage and Storm Sewer Requirements

Article 1500 shall regulate Drainage and Storm Sewers.

D. Landscaping and Screening Requirements

Article 1300 shall regulate landscaping and screening requirements.

E. Signage

Article 1400 shall regulate signage.

F. Substantial Expansion

Substantial expansion of an existing building or structure may trigger the site plan review process as established in Section 1150.02

**1000.07 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 right-of-ways 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 space 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 the final development plan, prior to issuance of a zoning certificate or approval of a record plat.

C. Lots to Have Access to Common Open Space

Every property developed under the PUD approach shall be designed to easily access common open space or similar areas. Open space areas shall be accessible to all users 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.

**1000.08 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 2100.08 in this Ordinance.

**1000.09 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 1000.13. 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 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.*

**1000.10 REZONING & DEVELOPMENT PLAN APPLICATION REQUIREMENTS**

An application for approval of a PUD, which requires a request to rezone, must be accompanied by a comprehensive development plan which clearly outlines the development plans for the property in both a narrative and visual perspective which follows the development plan review process.

### 1000.11 DEVELOPMENT PLAN REVIEW PROCESS

The following procedure and review process shall be used in establishing a PUD. The Planning Commission shall hold a public hearing before recommending the PUD to the County Commissioners, and the County Commissioners shall hold a public hearing before adopting the specific PUD. If initiated by the County Commissioners, the County Commissioners shall request the Planning Commission to draft recommended boundaries and regulations to submit to the County Commissioners.

#### A. Submittal Requirements.

An application for a PUD designation commenced by a property owner shall be filed with the Planning Commission by the owner or owners or authorized agent of all property included in the development. The application shall be accompanied by the following:

1. Rezoning Application
2. Rezoning Fee
3. A narrative and a general site plan of the nature, location and objectives of the proposed development.
4. 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.
5. The boundaries of the project including a metes and bounds description of the parcel, tax map and parcel number, and the acreage therein.
6. An area map showing adjacent property owners, existing land uses and zoning within 250 feet of the subject PUD.
7. List of owners of property immediately adjacent extending 250' therefrom or directly opposite thereto extending 250' from the road frontage of such opposite property owner as shown on the tax records.
8. Number of stamped No. 10 envelopes equal to the number of owners of property immediately adjacent extending 250' from the road frontage of such opposite property owner.
9. Location, building footprint, type of all proposed and existing principal and accessory structures.
10. Descriptive data concerning the existing and proposed sewer, water, and storm drainage facilities within the project, indicating their size, location, availability and source.
11. Location and dimensions of roads, pedestrian walkways, parking spaces, landscaped areas, open space, buffer yard, screening, and yard setbacks.
12. 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.
13. Architectural sketches at an appropriate scale showing building elevations (front and side) and proposed use.

14. 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.
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. School Impact Study, if determined necessary by the Planning Commission of the Putnam County Board of Education.
18. Utilities Report which demonstrates the availability of all necessary utility services, including water service and sanitary facilities.
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. Storm Water Management and Drainage Report which demonstrates that the plan shall be in accordance with *Article 1500 Drainage and Storm Sewers* of the Zoning 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.
21. 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.
22. Statement listing and explaining any specific waivers or variances from the provisions of this ordinance which are necessary.
23. 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.

B. Notice of Public Hearing

The Planning Commission will give an opportunity to any interested persons to examine or comment upon the development plan. The procedure is outlined in Section 2000.03 in this ordinance.

C. Planning Commission Action

The following action shall be taken by the Planning Commission on the development plan within forty-five (45) days of receipt of the requirements in Section 1000.13(A) in this ordinance:

1. After the Planning Commission has reviewed the development plan and the requirements in Section 1000.13(A) in this ordinance; any recommendations or requirements by the county engineer, other agencies or departments; and testimony and exhibits submitted at the public hearing, the Planning Commission shall render a written recommendation to the County Commission on the development plan and the appropriateness of the area to be zoned PUD. The Planning Commission recommendation to the County Commission is advisory only. The recommendation shall be submitted to the County Commission in writing and shall include the reasons for the decision. The County Commission shall make the final decision on the development plan and the rezoning request.
2. At a minimum, the Planning Commission shall consider the following in making their recommendation:
  - a. Whether the plan is consistent with the adopted comprehensive plan;
  - b. Whether the plan is consistent with the intent and purpose of this Article;
  - c. 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.
  - d. Whether the overall development shall be adequately serviced by present or planned utilities, roadways, and other public services; and
  - e. 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 1000.01 Purpose* in this ordinance.

D. County Commissioners Action

Upon receipt of the Planning Commission's written recommendation, the County Commissioners shall, in conformity with the provisions of this Article and the West Virginia Code, hold a public hearing and adopt, amend or deny the development plan and the amendment of the zoning map to provide for the PUD. Legislation adopting a PUD shall include such criteria, limitations, maps and guidelines as the County Commissioners deem appropriate for the guidance of the developer and the Planning Commission

**1000.12 FINAL DEVELOPMENT PLAN APPROVAL PROCEDURE**

After adoption of the approved development plan by the County Commissioners and the appropriate PUD zoning, final approval of uses and layout must be obtained from the Planning Commission. The following procedure shall regulate this process:

A. Applicants Submittal Requirements

For final approval, the owner shall submit a final development plan or development plat to the Planning Commission. This final development plan or plat shall include all elements of the development plan approved by the County Commission; shall meet the requirements of *Article 1150, Site Plan Review* in the *Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County* and *Appendix C Major Subdivision Plat Checklist* in the *Putnam County Subdivision Regulations*, if the property is subject to division; and the following requirements.

1. The area to be developed and the area to be devoted to open space with accurate acreage for each use.
2. Final grading plans, indicating cubic footage of cuts and fills.

3. The interior roadway system, indicating existing and proposed rights-of-way and easements and cross sections of new or improved streets.
2. 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.
3. Descriptions as to the type of buildings, square footages and use.
4. The proposed open space system and areas to be in common ownership, if any.
5. A detailed landscaping plan for all areas, indicating all existing and proposed vegetation by species, size and caliper; dimensions and materials, irrigation, and special lighting fixtures.
6. Roadway, parking, and pedestrian lighting plans with lighting fixture types, heights and designs.
7. Sign Permit Application
8. Sign Plan providing, the location, size, height, material, lighting method (if any), message, and design layout of all proposed signage.
9. The phasing plan for development, if any, as identified in the development plan.
10. Any modification of the general plan data presented and approved for the PUD applications may be required by the Planning Commission.

B. Planning Commission Submittal Requirements.

Where the PUD zoning has been adopted by the County Commissioners as a result of a Planning Commission initiative, the final plan submission shall include all elements of the PUD application as may be required by the Planning Commission.

C. Planning Commission Action

The following action shall be taken by the Planning Commission on the Final Development Plan:

1. The Planning Commission shall review the final development plan and approve, modify and approve, or disapprove the application for final approval and transmit notice thereof to the applicant within forty-five (45) days of receipt of the complete final development plan requirements.

The Planning Commission shall give the final approval ~~only~~ upon finding that all elements of the development plan approved by the County Commission have been met and all applicable requirements of this ordinance; the Putnam County Subdivision Regulations, if applicable; and the requirements in 1000.13(A) have been met.

2. The approval of the Planning Commission shall be documented and entered into the plan for the area and become a permanent part of the Planning Officer’s records.
3. The final development plan shall be submitted to the Planning Commission for the entire area shown on the approved development plan for the PUD.
4. A final as-built development plan shall be submitted and reviewed prior to the issuance of a certificate of compliance.
5. Building and construction permits and certificates of compliance shall be conditioned upon adherence to the final development plan including landscaping, design considerations, and the construction of necessary public improvements. A certificate of

compliance may be issued for completion of a phase of the final development plan in adherence to the construction phasing program or development schedule for the project.

6. Construction must commence in accordance with the approved final development plan within twelve (12) months from approval of the final development plan. If construction has not begun within the twelve (12) month period, the PUD is voided and the zoning reverts back to the previous zoning classification 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.

**D. Modifications to Approved Plan**

Minor changes to an approved final development plan may be approved by the Planning Officer if such changes are consistent with the purpose and general character of the development plan. The Planning Officer shall determine whether or not the minor changes fall within his/her responsibility to approve the changes. Other modifications, including extension or revision of the staged development schedule, shall require the approval of the Planning Commission. The Planning Commission shall determine whether or not the minor modifications fall within their responsibility.

Substantive changes in the development plan shall be resubmitted through the “PUD” process and require the approval of the County Commissioners. The Planning Commission shall forward to the Board any changes requiring their approval. Any changes to an approved plan, other than those the Planning Officer is authorized to approve, shall require that the notification be sent to adjacent residents in the manner approved by law.

**E. Revocation**

In the event of a failure to comply with the approved plan or any condition of approval, including, but not limited to, failure to comply with the staged development schedule, the Planning Officer may, after notice, rescind, and revoke such plan approval. Violation of the final approval of the final development plan for a “PUD” shall constitute violation of the Zoning Ordinance.

**1000.13 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 final plan and stage 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 PD 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 affects 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.

- B. Major changes, modifications, or amendments to an approved plan shall require a new application.
- C. Approval of a PUD shall be null and void if construction work is not begun within one year from the date of approval, or in the event such work is suspended or abandoned at any time after the work is commenced for a period of 90 days.
- D. The approval of a PUD may be revoked by a majority vote of the County Commission, following a special public hearing and a finding that any of the provisions of this ordinance have been or are being violated. The Commission may reinstate approval of the project when it is satisfied that the provisions of this ordinance will be complied with. If approval of the project is permanently revoked, a request to resume the project shall be treated as a new application.

