3-5.2 PUD - PLANNED UNIT DEVELOPMENT DISTRICT

Adopted by Town Council: November 10, 2009

3-5.2.1 Legislative Intent

It is the intent of this Article is to encourage innovations in residential and nonresidential development so that the growing demands of Warrenton may be met by greater variety in type, design and layout of buildings and housing types and to achieve the purposes set out in Title 15.2-2283 of the Code of Virginia, the Town's Comprehensive Plan, and the following specific purposes of:

3-5.2.1.1 Residential Planned Unit Development (R-PUD)

1. Providing increased flexibility in the laws governing the development of those areas in Warrenton which are now substantially open land and encouraging such development in directions that will recognize both the changes in design and technology in the building industry and the new demands in the housing market;
2. Ensuring that the uniform regulations appropriate to previously developed residential neighborhoods do not operate to discourage efficient and imaginative development of said substantially open areas consistent with the reasonable enjoyment of neighboring properties;
3. Encouraging the more efficient allocation and maintenance by private initiative of Common Open Space ancillary to new residential areas;
4. Encouraging the more efficient use of those public facilities required in connection with new residential development;
5. Encouraging the creation of human-scaled development with pedestrian-friendly streets, in a traditional neighborhood pattern;
6. Encouraging compatible infill development; and
7. Encouraging the development of affordable housing for local residents.

3-5.2.1.2 Commercial or Industrial Planned Unit Development

1. Increasing economic opportunities through planned communities that include light industrial and/or commercial business parks with on-site residential development conducive to implementing the Goals and Objectives of the Comprehensive Plan.
2. Developing gateway communities to maintain and convey a sense of the Town's unique character by utilizing mixed-use development compatible with Warrenton's historic environment.
3. Discouraging stereotypical "strip development" and encouraging creative urban design though zoning and subdivision regulations that incorporate flexible design standards, incentives and bonuses. Therefore, the PUD process shall permit a freer placement of buildings within the project area than the conventional subdivision system. In consideration of the unified development concept, the total project parcel shall be the unit of regulation and density shall be calculated on a project-wide basis to permit the clustering of buildings to create open space and preserve natural site features.
4. Maintaining and encouraging efficient land use patterns that integrate residential, commercial, public and employment in planned neighborhoods.
5. Targeting and recruiting new private sector employers in specific commercial and industrial uses to maintain and enhance a balanced tax base through the expansion of employment opportunities that complement and support Main Street.
6. Promoting professional offices and their contributions to a balanced mix of employment opportunities.
7. Balancing multi-modal transportation needs including motor vehicles, bicycles and pedestrians.

8. Reducing vehicular traffic by locating employment and housing within one development.

3-5.2.2 Applicability

The PUD Overlay District is hereby established as an overlay district, as shown on the Town's Official Zoning Map. All regulations of the applicable underlying regular base zoning district shall apply to each parcel within the overlay district, except as modified by the provisions of the overlay district and any proffers or other limitations associated with the approval of a specific overlay district application by the Town. Hereinafter, the term PUD shall refer to residential and business planned unit developments; residential planned unit developments may be referenced as R-PUD and business developments may be further characterized as C-PUD (those PUDs with an underlying commercial zoning designation) or I-PUD (those PUDs with an underlying industrial base zoning district).

3-5.2.3 General Planning Considerations

3-5.2.3.1 Residential Planned Unit Development (R-PUD)

In considering an application for a Residential Planned Unit Development (R-PUD) with a primary residential component, the Town Council may request information which will aid in determining that:

1. The population density of the R-PUD is consistent with the recommended population density embodied in the Comprehensive Plan and zoning for that area.
2. The incorporation of the development with existing land use and the proposed land uses adjacent to the site has been attempted.
3. The conditions and availability of adjacent streets to efficiently and safely afford movement of the volume of vehicles to be generated by development have been met.
4. Additional community facilities made necessary by the proposed development will be provided in accord with the Town's plans and policies.
5. Additional public services made necessary by the proposed development will be provided or funds reserved for them in accord with the Town's plans and policies.
6. The adequacy of utility services is sufficient for the proposed uses.
7. The amount and relationship of the various types of dwellings proposed by the development are documented.
8. The ratio of dwelling units to be owner occupied and rental is documented.
9. The amount, location, and proposed use of permanent open space achieved by the development are illustrated.
10. The preservation of trees, groves, watercourses, scenic points, historic spots, and other community assets and landmarks will be incorporated.
11. Streets and sidewalks that are safe and convenient for pedestrian activity are provided within the development and connected to existing or proposed networks adjoining the development.

3-5.2.3.2 Commercial and Industrial Planned Unit Developments (C-PUD/I-PUD)

In considering an application for a Commercial or Industrial Planned Unit Development (C-PUD or I-PUD) with a primary commercial and/or industrial component, the Town Council may request information which will aid in determining that:

1. The pattern of development within the respective PUD is consistent with the features of the Town's traditional design and development patterns and expands the opportunity for a Live-work environment as identified in the Warrenton Comprehensive Plan.
2. Existing and proposed land uses adjacent to the site have been considered.

3. The PUD is established in an area adjacent to an arterial highway and is served by a road network of minor arterial highways or higher as designated in the Warrenton Comprehensive Plan to efficiently and safely afford movement of the volume of vehicles generated by the development.
4. Additional community facilities made necessary by the proposed development will be provided in accord with the Town's plans and policies.
5. Additional public services made necessary by the proposed development will be provided or funds will be reserved in accordance with the Town's plans and policies.
6. The adequacy of utility services is sufficient for the proposed uses.
7. The amount and relationship of the various types of industrial, commercial, and residential uses proposed by the development are documented.
8. The amount, location, and proposed uses of permanent open space achieved by the development are illustrated.
9. The preservation of trees, groves, watercourses, scenic points, historic spots, and other community assets and landmarks will be incorporated.
10. Development is designed to promote quality lifestyles by encouraging pedestrian movement and reducing automobile movement. Therefore, connections shall be provided from the development to any adjacent existing and/or proposed sidewalks or trails.

3-5.2.4 Standards and Criteria for Planned Unit Developments

This Article is formulated according to the principle that the PUD is an innovative departure from the traditional concept of zoning. In providing guidance for a PUD, the following standards and criteria are outlined in order to present respective minimum and maximum regulations.

3-5.2.4.1 General Criteria

Uses within the R-PUD shall emphasize residential uses permitted in the underlying base zoning district. Uses within the C-PUD and I-PUD shall emphasize commercial or industrial uses, depending upon the underlying base zoning district and subject to the development standards set forth in the chart below:

PUD Development Standards:			
Category	**R-PUD Underlying base residential zoning district**	**C-PUD Underlying base commercial zoning district**	**I-PUD Underlying base industrial zoning district**
Minimum total land area required.	25A	25A	25A
Maximum Density (FAR)	0.40	0.50	0.60

Land Use Mix *			
Industrial	Maximum 15% (limited to Office only)	Maximum 35%	Minimum 50%
Commercial	Maximum 35%	Minimum 50%	Maximum 35%
Residential	Minimum 50%	Maximum 15%	Maximum 15%
Mixed Use Residential		Minimum 5% Maximum 15%	Minimum 5% Maximum 15%
Open Space	Min. 25%	Min. 25%	Min. 25%
Open Space Bonus - Healthy Lifestyle, Amenities and/or Civic Greens	25%	15%	15%
Open Space for Stand-alone Multi-Family ** (included in min.)	500 Sq Ft/unit; min. 10,000 Sq Ft Area	500 Sq Ft/unit; min. 10,000 Sq Ft Area	500 Sq Ft/unit; min. 10,000 Sq Ft Area
Height **			
Residential, except multifamily	35	NA	NA
Multi-Family Residential	55	45	45
Mixed Use	55	55	45
All Other Uses	35	45	45

* Land Use Mix is based on the total amount of FAR within the each PUD (e.g.: no more than 35% of the allowable uses in the C-PUD may be industrial).

** Heights are further subject to criteria set forth in § 3-5.2.8, however, height limits for mixed use buildings with residential uses may be increased up to 65 feet with Town Council approval; multifamily buildings are subject to a Special Use Permit in the C-PUD and I-PUD.

3-5.2.4.2 Other Criteria for Residential Planned Unit Developments

1. The applications and provisions of this Article shall be applied only to an area of not less than twenty-five (25) adjacent and/or contiguous acres within any R district.
2. The Plan shall include maps and narrative text that describe the location of and relationships between all residential and commercial development, public facilities, roadways, open space and recreation areas, and other proposed major facilities.
3. The Plan shall provide for at least two dwelling types.
4. A Mixed Use Residential bonus system is offered to encourage private sector development of affordable dwelling units (ADU), in accord with Article 9, Section 9-3.
5. Not more than fifty (50) percent of the total number of dwelling units shall be provided in multi-family units.

6. No building designed or intended to be used, in part or in whole, for commercial purposes shall be constructed prior to the completion of not less than twenty (20) percent of the dwelling units proposed in the Plan. The Council shall further have the authority to waive or modify the criteria established in this section, if, in the opinion of the Council it shall determine that the grant of such waiver or modification (i) shall advance the legislative intent and general planning considerations underlying the Planned Unit Development District and this Ordinance, (ii) shall be in general conformity with the adopted Comprehensive Plan, and (iii) shall not create an adverse effect on adjacent land uses.
7. Residential and open space uses shall be incorporated into each phase or stage of development in the manner prescribed by the Plan. Applicable recreational facilities shall be completed prior to construction of the next phase.
8. Town Council reserves the right to disapprove any sub area (net) densities that are in excess of that which would otherwise be allowed for the same dwelling type under this Ordinance.
9. The applicant shall designate geographic sections and identify the number and type of dwellings of the entire parcel to be developed as a Planned Unit Development.
10. The unique nature of a proposal for Planned Unit Development may require that the specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be subject to modification from the specifications established in the provisions of the Town of Warrenton Public Facilities Manual. The Council may therefore waive or modify the specifications otherwise applicable for a particular public facility where the Council finds that such specifications are not required in the interest of the residents of the Planned Unit Development and that the modifications of such specifications are not inconsistent with the interests of the Town. Proposed specifications and standards that are contrary to those required under the prevailing Town regulatory codes shall be termed acceptable upon approval by the Zoning Administrator.

3-5.2.4.3 Other Criteria for Commercial and Industrial Planned Unit Developments

1. The applications and provisions of this Article shall be applied only to an area equal to or greater than twenty-five (25) adjacent and/or contiguous acres within an Industrial or Commercial District.
2. A Master Plan shall be required to guide the development. This Plan shall include (i) a general development plan incorporating land bays and land uses as set forth in the Development Standards (§ 3-5.2.4.1) and Use Regulations (§ 3-5.2.6) and (ii) a narrative text that describes phasing, the location of and relationships between all development types, public facilities, roadways, open space and recreation areas, and other proposed major facilities. The Plan shall provide for integrated development of all of the proposed uses and the coordination of infrastructure as a cohesive entity, rather than separate components or independent cells of land use.
3. Residential development within the I-PUD shall be limited to mixed commercial and/or industrial uses with dwellings having ten (10) or more dwelling units that may be designed as mixed-use developments.
4. Phasing. No dwelling units designed or intended to be used solely for residential purposes shall be constructed prior to the completion of not less than thirty five (35) percent of commercial and/or industrial uses, except mixed-use buildings constructed with a residential component shall not be subject to this threshold requirement.
5. The Town Council shall have the authority to modify (making the criteria more, less or equally restrictive) or waive the criteria established herein for Commercial or Industrial Planned Unit Development, if in the opinion of Town Council it shall determine that such modification or waiver:
    a. Shall advance the legislative intent and general planning considerations underlying the PUD and this Ordinance,

b. Shall be in general conformity with the adopted Comprehensive Plan, and
c. Shall not create an adverse effect on adjacent land uses.

6. Roadways. The unique nature of a proposal for the PUD may require that the specifications for the width and surfacing of streets and rights-of-way; use of alleys; easements for public utilities; curbs, gutters, and sidewalks; street lights; public parks and playgrounds; school grounds; storm water drainage; water supply and distribution; sanitary sewers and sewage collection; shall be subject to modification from the specifications established in the provisions of the Town of Warrenton Public Facilities Manual. The Council may waive or modify the specifications otherwise applicable for a particular public facility as noted above, where the Council finds that such specifications are not required in the interest of the occupants of the PUD and that the modifications of such specifications are not inconsistent with the interests of the Town.
7. Multilevel Parking Facilities shall be allowed as a by-right use within the Commercial and Industrial Planned Unit Development for a maximum of three stories above grade. Multilevel parking facilities should be encouraged as a means of centralizing parking and reducing overall impervious surfaces within the PUD area. The Town recognizes the need for a centralized parking area that may be considered part of the common ownership of the project area. Multilevel Parking Facilities may also exist as an accessory structure to a primary use, either above or below grade. The square footage of the multilevel parking facility shall be excluded from the overall Floor Area Ratio for the project.

3-5.2.5 Use Regulations - Residential Planned Unit Developments (R-PUD)

A building may be erected, altered, or used, and a lot or premises may be used or occupied, for any of the following purposes, and no other, in addition to those permitted by right within the underlying zoning district.

3-5.2.5.1 Uses Permitted by Right:

Residential Uses

1. Accessory buildings and uses customarily incidental to permitted uses
2. Apartment Building
3. Foster homes
4. Group Homes of eight or less serving physically handicapped, mentally ill, mentally retarded, or other developmentally disabled persons
5. Home occupations
6. Senior/Disability Housing
7. Single-family detached dwelling units
8. Townhouse
9. Two, Three-, and Four-Family dwelling units

Commercial Uses

1. Banks without drive-thru facilities
2. Community Buildings
3. Church
4. Dental Offices
5. Family Care Facilities
6. Live/work dwellings
7. Medical Offices
8. Mixed-use residential/commercial/industrial-office units
9. Off-street parking for permitted uses subject to Article

10. Pet Grooming
11. Personal Service Establishments
12. Professional and Business Offices
13. Restaurants without drive-thru facilities.
14. Retail Shops
15. Senior Citizens Centers

Industrial Uses

1. Professional and Business Offices

3-5.2.5.2 Uses Permitted by Special Use Permit

The following uses may be permitted upon authorization of the Town Council subject to Article 11, in addition to those permitted by Special Use Permit within the underlying zoning district:

Residential

1. Active recreation and recreational facilities
2. Affordable Dwelling Units (ADU), within areas designated for multifamily development, at bonus densities of up to twenty (20) dwelling units per net acre
3. Assisted living/care facilities
4. Family care homes
5. Group homes of more than eight serving physically handicapped, mentally ill, mentally retarded, or other developmentally disabled persons
6. Home Business [see revised definition]

Commercial Uses

1. Banks with Drive-through Facilities
2. Health and Fitness Facilities
3. Institutions, Education and Philanthropic, including Museums, Art Galleries and Libraries.
4. Restaurants with Drive-through Facilities
5. Swim and Tennis Club
6. Traditional Neighborhood Developments as provided for in Section 3-5.2.10

Industrial Uses

1. None in the R-PUD

3-5.2.6 Use Regulations – Commercial and Industrial Planned Unit Developments

A building may be erected, altered, or used, and a lot or premises may be used or occupied, for any of the following purposes, and no other.

3-5.2.6.1. C-PUD Uses Permitted by Right

The following principal uses shall be permitted subject to approval of the Master Development Plan and subject to the use limitations set forth below in Sections 3-5.4.5.3 and 3-5.4.6:

Residential Uses

1. Home Occupations

2. Mixed Use Residential dwellings (apartments located above ground floor retail and/or offices)

Commercial Uses

Any of the following uses provided that no one-business establishment exceeds 50,000 square feet of gross floor area on the lot or on the tract, unless covered by an approved Master Plan as approved by the Town Council.

1. Accessory Buildings and uses customarily incidental to permitted uses
2. Active and Passive Recreation and Recreation Facilities
3. Banks and other financial institutions without drive-thru facilities
4. Community buildings
5. Convenience Stores
6. Dentist Offices
7. Family Care Facilities
8. Health and Fitness Facilities
9. Hotels and motels
10. Laundromat
11. Medical and Dental Clinics
12. Medical Offices
13. Mixed Use Commercial (retail/office)
14. Off-street parking for permitted uses subject to Article 7
15. Offices –business/industrial/professional
16. Parking Garage/Facilities (See Article 12 for Definition)
17. Parks and playgrounds
18. Personal Services
19. Professional and Business Offices
20. Restaurant without drive-thru facilities
21. Retail Sales, including stores and shops
22. Senior Centers
23. Shopping Centers
24. Studios
25. Theater

Industrial Uses

1. Conference Center
2. Contractor Offices
3. Flex Offices
4. Medical Laboratories
5. Taxi-cab Stands
6. Trade Schools
7. Warehouses

3-5.2.6.2 C-PUD Uses Permitted by Special Use Permit

The following uses may be permitted subject to approval of the Master Development plan and authorization of the Town Council subject to Article 11 and to those limitations set forth below in Sections 3-5.4.5.3 and 3-5.4.6:

Residential Uses

1. Dwelling Units for Elderly or Handicapped, within areas designated for multifamily development, at bonus densities of up to twenty (20) dwelling units per net acre within the permitted FAR.

2. Apartment Buildings, maximum 10%, but subject to the maximum of 15% for all residential use of the site as prescribed in Section 3-5.2.4.1.
3. Assisted living/care facilities

Commercial Uses

1. Any use listed as permitted by right in Section 3-5.2.6.2 that exceeds 50,000 square feet of gross floor area and was not included in a Master Plan for the development as approved by Town Council.
2. Banks with drive-thru facilities.
3. Restaurant with Drive-thru facilities.

Industrial Uses

1. Contractor Office with Outdoor Storage
2. Lawn and Garden Retail/Equipment with Outdoor Storage

3-5.2.6.4. I-PUD Uses Permitted by Right

The following principal uses shall be permitted subject to approval of the Master Development Plan and subject to the use limitations set forth below in Sections 3-5.4.5.3 and 3-5.4.6:

Residential Uses

1. Mixed Use Residential (apartments located above ground floor retail and/or offices)
2. Playgrounds and recreation areas

Commercial Uses

Any of the following uses provided that no one-business establishment exceeds 50,000 square feet of gross floor area on the lot or on the tract, unless covered by an approved Master Plan as approved by the Town Council.

1. Active and Passive Recreation and Recreation Facilities
2. Banks and other financial institutions
3. Clinics (medical and dental)
4. Family Care Facilities
5. Health and Fitness Facilities
6. Hotels and motels
7. Medical Offices and Laboratories
8. Mixed Use Retail/Commercial
9. Personal Service Stores
10. Retail Stores
11. Restaurant without drive-thru facilities
12. Studios
13. Theater

Industrial Uses

1. Accessory Buildings and uses customarily incidental to permitted uses
2. Banks and savings and loan offices
2. Broadcast Studios
3. Business and office supply establishments
4. Cabinet, upholstery and furniture repair shops

5. Cafeterias, snack bars or other employee related commercial facilities up to 15% of building area
6. Conference Centers
7. Employment Service or Agency
8. Flex industrial
9. Health and fitness facilities
10. Institutional buildings
11. Light manufacturing uses, which can confine all aspect of the production and or manufacturing of product to the interior of the building and do not create danger to health and safety of the surrounding areas.
12. Medical Laboratories
13. Mixed Use Industrial (retail/office/industrial)
14. Off-street parking for permitted uses subject to Article 7
15. Offices –business/industrial/professional
16. Parking Garage/Facilities (See Article 12 for Definition)
17. Parks
18. Plumbing and electrical supply, retail only
19. Rental Service Establishments, without outdoor storage
20. Restaurant
21. Security service office or station
22. Trade Schools
23. Warehouses restricted to outer areas of PUD
24. Wholesale establishment

3-5.2.6.5 I-PUD Uses Permitted by Special Use Permit

The following uses may be permitted subject to approval of the Master Development plan and authorization of the Town Council subject to Article 11 and to those limitations set forth below in Sections 3-5.4.5.3 and 3-5.4.6:

Residential Uses

1. Dwelling Units for Elderly or Handicapped, within areas designated for multifamily development, at bonus densities of up to twenty (20) dwelling units per net acre within the permitted FAR.
2. Apartment Buildings, maximum 10%, but subject to the maximum of 15% for all residential use of the site as prescribed in Section 3-5.2.4.1.
3. Assisted Care/living facilities

Commercial Uses

1. Any use listed as permitted by right in Section 3-5.2.6.2 that exceeds 50,000 square feet of gross floor area and was not included in a Master Plan for the development as approved by Town Council.
2. Banks with Drive-thru facilities
3. Restaurants with Drive-thru facilities

Industrial Uses

1. Farm Equipment Sales/service/repair shop
2. Outdoor storage of any kind.
3. Nurseries and greenhouses
4. Warehouses or distribution center
5. Wholesale sales and services incidental to permitted manufacturing facility

3-5.2.7 Density/Intensity and Area Regulations

3-5.2.7.1 Maximum density for Residential Planned Unit Developments

The maximum density/intensity computed over the entire R-PUD shall not exceed that specified in the Comprehensive Plan. Such computation may exclude from the land area only those streets, which are to be constructed as a part of the R-PUD. In addition, the maximum density/intensity computed over the entire R-PUD shall not exceed that permitted for the zoning district or districts in force in the R-PUD area at the time of the R-PUD application. Density intensity bonuses may be awarded in accordance with district schedules as a part of the design approval for the R-PUD, but not to exceed overall densities specified by the Comprehensive Plan.

3-5.2.7.2 Minimum Lot Sizes and Setbacks for Residential Planned Unit Developments

Notwithstanding the following minimum lot sizes and setbacks, overall gross densities on the site shall not exceed those provided for in Section 3-5.2.7.1.

3-5.2.7.3 Table of Bulk Development Requirements for Residential PUD (R-PUD)

Maximum building area is based on an assigned Floor Area Ratio as defined in Article 12 of this ordinance. The overall Floor Area Ratio for the R-PUD shall not exceed **0.40**. A typical breakdown of separate uses is provided here for illustrative purposes only for use on separate parcel within the PUD.

Use	Minimum Lot Size[1]	Minimum Lot Width[2]	Front[3]	Side	Rear
Single-Family	6,000	55	25	10	20
Multifamily Residential	12,500	80	20	15	20
Townhouses	2,000 sq. ft. per unit	20 for interior 30 for end units	20	20[4]	25
Multifamily with ADU	10,000	80	20	15	35
Mixed-use C/R only	6000	55	0	0	20
Commercial Uses	6,000	55	40	10	20
Industrial	6,000	55	40	15	20

[1] expressed in square feet
[2] as measured at the front setback
[3] as measured from the interior street right-of-way or service drive; peripheral setbacks are based on the adjacent highway – 40 feet for 50 foot or less right-of-way and 60 feet for greater than 50 foot right-of-way.

3-5.2.7.4 Table of Bulk Development Requirements for Commercial PUD (C-PUD)

Maximum building area is based on an assigned Floor Area Ratio as defined in Article 12 of this ordinance. The overall Floor Area Ratio for the C-PUD shall not exceed **0.50**. A typical breakdown of separate uses is provided here for illustrative purposes only for use on separate parcel within the PUD.

Use	Minimum Lot Size[1]	Minimum Lot Width[2]	Front[3]	Side	Rear
Multifamily Residential *	12,500	80	20	15	20
Multifamily - Elderly *	10,000	80	20	15	25
Mixed Use Residential	2,000 sq. ft. per unit	20 Ft Interior, 30 ft Exterior	0	0	0
Commercial	6000	80	20	10	20
Industrial	6000	80	20	15	20

* Requires Special Use Permit

3-5.2.7.5 Table of Bulk Development Requirements for Industrial PUD (I-PUD)

Maximum building area is based on an assigned Floor Area Ratio as defined in Article 12 of this ordinance. The overall Floor Area Ratio for the I-PUD shall not exceed **0.60**. A typical breakdown of separate uses is provided here for illustrative purposes only for use on separate parcel within the PUD.

Use	Minimum Lot Size[1]	Minimum Lot Width[2]	Front[3]	Side	Rear
Multifamily Residential *	12,500	80	20	15	20
Multifamily – Elderly *	10,000	80	20	15	25
Mixed Use Residential	2,000 sq. ft. per unit	20 Ft Interior, 30 ft Exterior	0	0	0
Commercial	6000	80	20	10	20
Industrial	6000	80	20	15	20

* Requires Special Use Permit

3-5.2.8 Height Regulations

3-5.2.8.1 Residential Planned Unit Developments (R-PUD)

Buildings may be erected up to thirty-five (35) feet in height, measured from mean finished grade, except that:

1. The height limit for residential dwellings and non-residential uses may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height above thirty-five (35) feet.
2. The height limit for mixed-use building with residential units may be increased up to sixty-five (65) feet and up to seven (7) stories provided each side yard is fifty (50) feet plus one (1) foot or more of side yard for each additional foot of building height above thirty-five (35) feet.

3-5.2.8.2 Commercial or Industrial Planned Unit Developments (C-PUD/I-PUD)

Buildings and garage structures may be erected up to forty-five (45) feet in height, measured from mean finished grade, except that:

1. The height limit for office and mixed uses may be increased up to sixty-five (65) feet and up to five (5) stories by Special Use Permit approved by the Town Council.
2. The height limit for mixed-use buildings with residential components may be increased to five stories up to a maximum height of sixth-five (65) feet in the area immediately abutting the Central Plaza or within two hundred (200) feet surrounding the perimeter of the Plaza.
3. No buildings or structures shall be allowed over 45 feet in height along the periphery of the site or within one hundred fifty (150) feet of the site boundary.

3-5.2.9 Special Provision for Accessory Structures in Planned Unit Developments

3-5.2.9.1 Accessory Structures

3-5.2.9.1.1 **Residential accessory buildings** shall not be located closer than five (5) feet to any rear or side property line or within ten (10) feet of the main structure. Provision must be made for disposal of roof water onto the subject property or to the nearest storm sewer.

3-5.2.9.1.2 **Commercial accessory buildings** over fifteen (15) feet in height must be at least ten (10) feet from any side or rear lot line.

3-5.2.9.1.3 **Industrial accessory buildings** over fifteen (15) feet in height shall have a twenty (20) foot setback from any side or rear lot line.

3-5.2.9.2 Open fire escapes of noncombustible material may project into side or rear yards by not more than four (4) feet and be no closer to any property line than five (5) feet.

3-5.2.9.3 Encroachments into yards shall conform with Article 2, Section 2-18, unless otherwise specifically designated herein or as part of a proffered condition.

3-5.2.10 Open Space Considerations

3-5.2.10.1 General

In determining the amount and location of required permanent open space, the Town Council may request that the applicant:

1. Differentiate between open space and the Common Open Spaces and require a reasonable amount of prepared active recreation facilities to be incorporated into the open space plan;

2. Encourage protection of steep slope areas in excess of twenty-five percent (25%) in accordance with the requirements for Special Use Permit in Section 9-17 of the Warrenton Zoning Ordinance;
3. Identify any commercial recreational land use anticipated which land use shall not be part of the required minimum amount of open space;
4. Identify any community or institutional recreational facility deemed appropriate by the Town Council and made necessary by the magnitude and density of the Planned Unit Development, which use shall be included in the minimum acreage for open space, provided that such use shall not exceed fifty (50) percent of the minimum area required to be in Common Open Space; and
5. Document and make the appropriate assurances for the ownership and maintenance of the Common Open Space, which assures its continuation and conservation as outlined in Article 9, General Provisions for Open Space.

3-5.2.10.2 Healthy Lifestyle Amenity Reduction

The 25% Open Space requirement in the C-PUD and I-PUD can be reduced if open space areas incorporate healthy lifestyle amenities into the open space design. Healthy Lifestyle Amenities include, but are not limited to, such features as walking trails, sport courts, playgrounds and recreation areas and other applicable active recreation facilities.

3-5.2.10.3 Residential Planned Use Developments (R-PUD)

A minimum of twenty-five percent (25%) of the site shall be set aside as open space exclusive of street right-of-way. A minimum of one half of this open space shall be Common Open Space. Common Open Space refers to open space within the boundaries of the planned unit development designed and set aside for use-by all residents of the planned unit development or by residents of a designated portion of the development, and not dedicated as public lands. The location of the Common Open Space shall be planned as a contiguous area located for maximum benefit of the residents, preserving, and where possible, enhancing natural features. At least fifty (50) percent of such required open space shall be located in a central place within the development or near the main entrance to the development and framed by two-story or three-story buildings so as to create a human-scale development as defined in this ordinance. Healthy Lifestyle Amenities shall be incorporated into the open space plan.

3-5.2.10.4 Commercial and Industrial Planned Unit Developments

A minimum of twenty percent (25%) of the total site area shall be set aside as open space exclusive of street right-of-way, subject to the following provisions:

1. A minimum of one half of this open space shall be Common Open Space for the use of residents and occupants, located within the boundaries of the planned development.
2. A minimum of 20,000 square feet of the Common Open Space shall be provided in a Central Plaza planned and situated to provide maximum benefit to the public, occupants and residents. The developer shall be encouraged to preserve and enhance natural features, where possible, and to include such public amenities as fountains, public art, places for public gathering, plantings and benches.
3. The Central Plaza shall be situated so that at least one side adjoins a road. Buildings adjoining the plaza area shall be a minimum height of two (2) stories.
4. Design guidelines for the areas surrounding the Central Plaza shall be required at the time of concept plan approval. Such design elements may include mixed-use buildings surrounding the plaza with a consistent/cohesive design theme or character; buildings with classical proportions or signature style consistent with the Central Plaza or the promenade; and shall include sidewalks that are a minimum of five (5) feet in width and streetscape that includes plantings and street

furniture. The streetscape shall provide features such as benches, lamp posts, kiosks and transit shelters, where appropriate.

5. The Central Plaza and remaining open space shall be constructed and improved at an equivalent or greater rate than the construction of any residential structures.
6. A reduction of the required open space to minimum 15% is allowed through the implementation of healthy lifestyle initiatives throughout the PUD development. See Section 3-5.2.4.1 PUD Development Standards Chart.